

KISUMU COUNTY GOVERNMENT



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

SECOND ASSEMBLY – SECOND SESSION

Thursday, 11th October, 2018

House met in the Main Chamber at 02:35 p.m.

(The Temporary Speaker (Hon. Eric Agolla) in the Chair)

PRAYERS

The Temporary Speaker (Hon. Agolla): Order Hon. Members! Welcome to the afternoon session. Please can the Clerk take us through the Order Paper of the afternoon?

The Temporary Speaker (Hon. Agolla): Next order!

PAPER LAID

The Temporary Speaker (Hon. Agolla): Hon. Oraro Member for North Kisumu and Chairperson, Committee of Administration of Law, Justice, Constitutional Affairs and Good Governance and Security.

Hon. Oraro: Thank you Mr. Speaker. I wish to lay before this House today, 11th October, 2018 the following report as a paper; Report from the Committee of Administration of Law, Justice, Constitutional Affairs and Good Governance and Security on the Kisumu County Office of the Attorney Bill, 2018, thank you.

(The Chairperson tables the Report)

The Temporary Speaker (Hon. Agolla): Fair enough, Hon. Eng. Oraro.

Next order!

STATEMENTS

The Temporary Speaker (Hon. Agolla): Hon. Miruka!

Hon. Oraro: On appoint of Order. Thank you Mr. Speaker, I can see that we don't have the requisite quorum to transact business in the House.

The Temporary Speaker (Hon. Agolla): Hon. Members; I can see that the Hon. Whip is not present in the House. I want to plead with Hon. Misachi to confirm to the House if at all we have quorum or not?

Hon. Misachi: Thank you Mr. Speaker, there is no quorum.

The Temporary Speaker (Hon. Agolla): I instruct the Office of the Serjeant-At-Arms to ring the Quorum Bell for five minutes. Be reminded that by the time the Quorum Bell is rung no member is allowed to leave the House.

(Quorum Bell rung for Five Minutes)

(Resumption of Session after five minutes)

The Temporary Speaker (Hon. Agolla): Order Hon. Members! It has been directed and it is in our Standing Orders that when the Quorum Bell is being rung, no Member is allowed to walk out. I can see two Hon. Members have decided to disobey the rules of the House, Hon. Nancy Owiti, Nominated and Hon. Seth Okumu, MCA, East Seme. May I request the Whip to whip Members to enter into the House so that we confirm if at all we have the required numbers?

The Temporary Speaker (Hon. Agolla): Hon. Senior Member, can you please confirm if we have the required numbers?

Hon. Misachi: Thank you Mr. Speaker, we have the numbers and we can proceed.

The Temporary Speaker (Hon. Agolla): Very well, we were on the Statement segment and before we give any other Member an opportunity, the Chair directs that the Chairperson of Water, Environment and Natural Resources deliver a report on the Statement that was sought by Hon. Guya. So, before we give a chance to any other Member, let us give the Chairperson of Water, Environment and Natural Resources to respond?

The Temporary Speaker (Hon. Agolla): Any designee of the Committee? Hon. Oraro, you have the floor.

Hon. Oraro: Thank you Mr. Speaker. I am a Member of the Committee of Water, Environment and Natural Resources and I can recall that a statement was sought by Hon. Guya of which in the previous sitting, the Chair did give a Report and there was a request that Members deliberate on the Report. Mr. Speaker, I saw my Chair in the House sometimes back, but with your indulgence you allow Members discuss, but going by the Standing Orders, if any statement is sought in this House, then, it becomes the property of the House. If the Chair or his designee is giving a feedback, it is supposed to be for the Whole House and not to the person who sought that statement.

Mr. Speaker, I rise to stand to say that the report that was given by the Chair, we have not discussed it as a Committee and we need to do that as a Committee before we can contribute to it because if we can talk of 86% non-revenue Water in the whole of Nyando...

The Temporary Speaker (Hon. Agolla): Hon. Oraro, what is your prayer?

Hon. Oraro: Mr. Speaker, I believe that you gave us time so that we make our presentations on the Report that was given by the Chair of Water last week and I am giving my confirmation as a Member of the Committee that the report was laid, but we have not discussed it. Therefore, it will be your ruling that we discuss it in the plenary. Unless you want to rule that it be taken back to the Committee, discussed first, before it is brought in this House.

The Temporary Speaker (Hon. Agolla): Hon. Oraro, you are affirming that the report did not emanate from the Committee?

Hon. Oraro: Mr. Speaker, yes.

(The Speaker having consultations with the Clerks)

The Temporary Speaker (Hon. Agolla): Hon. Members, after further consultations. It is prudent that before any report is brought into the House, it has to pass through the Committee and owned by the Committee Members first. The Committee must scrutinize, peruse and approve it before it is taken to the plenary. So, I hereby direct that the Report be taken back to the Committee and we are giving you seven days until Thursday, 18th October, 2018 and come up with a report that is from the Committee.

Hon. Guya: On appoint of Order. Thank you Mr. Speaker, in as much as I respect your ruling...

The Temporary Speaker (Hon. Agolla): Hon. Guya; you rose on a point of order, please cite those orders?

Hon. Guya: Mr. Speaker, on Statements.

The Temporary Speaker (Hon. Agolla): Which Orders is that on Statements?

Hon. Guya: Mr. Speaker, 41 (2) (b).

The Temporary Speaker (Hon. Agolla): Are you in a phishing expedition?

Hon. Guya: No, I have confirmed.

The Temporary Speaker (Hon. Agolla): If it is 41 (2) (b) then; I want to rule you out of order because the Chair had ruled that the report be brought into the House at a later date.

Hon. Guya: Mr. Speaker, just before you rule me out of order; I wanted to give an advice?

The Temporary Speaker (Hon. Agolla): Then you should have not stood on appoint of Order but on a ppoint of Information if you want to inform the House.

The Temporary Speaker (Hon. Agolla): Please proceed.

Hon. Guya: Thank you Mr. Speaker, when this Statement was sought, it was committed to the Committee for Water, Environment and Natural Resources. When this report was being brought back to this Assembly early this week, the chair insinuated that this was a report of the Committee. I don't think it was a personal report from the Chair of the Committee, but a report from the whole committee. We want to assume in this House that it was discussed and agreed by the Committee before being brought to this House.

Mr. Speaker, looking at the report, and what we have seen in that report, I would kindly request that taking back the same statement to the same Committee that brought the same report, it be referred to the PIC/PAC Committee so that it be investigated thoroughly. Thank you.

The Temporary Speaker (Hon. Agolla): Hon. Member, that is unprocedural. This goes to all Committee Chairs, we must adhere to the rules of the House. Any report from wherever must be deliberated upon by the Committee and it becomes a Report of the committee that is owned by the Committee before it is tabled in the House. If at all there is any challenges or errors, it be addressed by the Chair and Members before being taken to the House. So, this is a lesson to all Chairs.

The Temporary Speaker (Hon. Agolla): Next!

Hon. Ojwang': Thank you Mr. Speaker, I rise to seek a statement under Standing Order No. 42 (2) (c) from the Chairperson, Kisumu County Assembly Service Board.

Aware, that the First Assembly commenced its tenure in March, 2013. Hon. Members in the First Assembly were eligible upon completion of their tenure to benefit from Gratuity deducted from their salaries and invested in LAPFUND.

I would like to be informed that since the expiry of the First Assembly in August, 2017, if Members of the First Assembly are owed any unpaid dues. This has been necessitated by outcries from Members of the First Assembly who it is believed that their dues have not been fully settled. Thank you.

The Temporary Speaker (Hon. Agolla): Very well. I want to direct this Statement to the Committee of Welfare and Equal Opportunities to act on it and report back to the House within a fortnight.

The Temporary Speaker (Hon. Agolla): Next!

Hon. Kanga: On appoint of Order. Thank you Mr. Speaker, the statement being sought by the Hon. Member for Nyalenda “A” is touching on the welfare of staffs who served in the First Assembly. The Hon. Member is seeking that statement from the Chairperson of the Service Board. Mr. Speaker, the Committee of Welfare and Equal Opportunities is literally dealing with welfare of current Hon. Members serving in the Second Assembly.

Mr. Speaker, the question being sought is touching on the welfare of staffs who served in the First Assembly including their Gratuity. By you directing that statement to the Welfare Committee is doing serious injustice to this Hon. House and that matter should be addressed directly by the County Assembly Service Board whom the Speaker has the opportunity of tackling it and we also have our two Members representing us in that Board. Mr. Speaker, by so directing that question to the Committee of Welfare and Equal Opportunities is doing serious injustice to this House.

Mr. Speaker, it is always in order to consult the Hon. Members before you give directions, because what you are doing is a dictatorial tendency. Even in the High Court before Judges give directives, they usually consult widely and lawyer who have prosecuted earlier cases, but in your case it is a matter of giving directives/rulings without consulting, even taking time to consult the Hon. Member who presented the statement. Mr. Speaker, you have the tendency of gagging the House and you know that in this House we are paid to talk legislation...

The Temporary Speaker (Hon. Agolla): Hon. Member for Market Milimani, was your point of Order meant to accuse the Chair or prosecute your case?

Hon. Kanga: Mr. Speaker, in my view that matter should be committed directly to the County Assembly Service Board...because they are the ones to avail appropriate responses.

The Temporary Speaker (Hon. Agolla): After that you need to rest your case, because you are entitled to your opinion and you should not accuse the Chair, please resume your sit...

Hon. Kanga: Mr. Speaker, I am entitled to speak here because I was elected to talk legislation, talk, oversight and talk representation and you should not give me directions that I rest my case because I am paid with taxpayer's money to talk in this House, thank you.

The Temporary Speaker (Hon. Agolla): Point taken. What is it Hon. Atieno, Member for Kobura?

Hon. Atieno': Thank you Mr. Speaker, I want to inform my colleague and able Hon. Member that the Speaker is very right by referring that issue to the Welfare Committee. This is because we are all aware that in the minds of the Members of this House we don't have representatives in the Assembly Service Board. According to us, we had already removed those that purported to be our representatives there and we gave an okay for new Members, thank you.

The Temporary Speaker (Hon. Agolla): Hon. Atieno, you are completely out of order because what you are insinuating is not formal.

Hon. Member for Market Milimani we all have the rights to prosecute our cases or to air your views as a member of who is elected by a big number of voters, but, from the statement...

Deputy Leader of Majority (Hon. Odhiambo): On appoint of Order. Mr. Speaker, my concern is to add to what Hon. Ogendo has talked about, these Hon. Members are not being taken care of...

Temporary Speaker (Hon. Erick Agolla): You are out of order Honourable Member. The Standing Order does not allow contributions on the statements.

Hon. Pamela Odhiambo: Mr. Speaker I just want to add on what Hon. Ogendo has said. I want it to go on Hansard that the money being requested for is in circular. We would also want to see the document itself that gave the Honourable Members gratuity on allowances because I don't want us to go through the same when we shall have gone home. Thank you.

Temporary Speaker (Hon. Erick Agolla): Very well. I want to stand by my position that this report be sought from the committee on Welfare and Equal Opportunity because from what I can read, it touches on the former Honourable Members. The welfare of staffs who are public servants but this statement is basically touching on the Members. This committee is also mandated to look into other issues that also touches on staffs. This report therefore is committed to the Welfare and Equal Opportunities Committee. They should report back to this House within a period of two weeks.

I also want to add that the challenges that the Members and the staff are facing is being handled with a different committee. That is the Labour Relations Committee. It is my prayer that issues addressed by Hon. Pamela Odhiambo be looked into too. Yes Hon. Rashid Miruka.

Hon. Miruka: Thank you Mr. Speaker. I rise to give a statement on Disaster Management in Kisumu County. Yesterday night at the foot hill of North Nyakach around Katito Market at around 10 a.m. fire broke and consumed properties worth millions of shillings. This is not the first time that the fire has erupted in Katito market. A lot of properties have been lost and this has greatly interfered with the earnings of my constituents and the County revenue at large.

Mr. Speaker, while applauding the City for its expensiveness in releasing the firefighting engine, even though it come one and half hours later, the little that was salvaged is commendable but I have to make this appeal. The county is vast and has seven sub counties. I request that the county makes more changes and purchase more firefighting engines and immediately allocate one to every sub county. On that ground, I would request that the county government releases one firefighting engine to Katito Market which is the central point of Nyakach sub county.

We had early witnessed that kind of catastrophe at Olembo Boys High School and Sigoti Secondary Schools in many occasions. The early that is done the better. Thank you.

Temporary Speaker (Hon. Erick Agolla): Very well. Honourable Members, this report stands committed to the Leader of Majority in the House and also to report back to the House within two weeks. Yes Hon. Seth Kanga.

Hon. Kanga: Thank you Mr. Speaker. Am rising to give statement based on Standing Order No. 41 (2) (d). You are aware that some roads were to be done by KRB. You realize that in some Wards, the contractors have decided to abandon their responsibilities. I want to inform all the 35 elected members in their respective Wards to submit the status of KRB roads to the committee clerk so that we may be able to interrogate the CEC for Roads and Public Works when he will appear before us in the coming week. Kindly forward the status of such roads to the committee clerk. Thank you.

Temporary Speaker (Hon. Erick Agolla): Yes Hon. Pamela Odhiambo.

Hon. Pamela Odhiambo: Thank you Mr. Speaker. I want to inform the House that some roads were being done and the work was stopped. We need to incorporate that too in our status report. I therefore want to request the Chair to allow do the same?

Temporary Speaker (Hon. Erick Agolla): Yes Hon. Kanga.

Hon. Kanga: Thank you Mr. Speaker. The matter raised by the Deputy Leader of Majority is in order. That is why in our respective roles on oversight we know the roads that were proposed by the people in respective Wards. It is therefore in order if we can get those reports.

Temporary Speaker (Hon. Erick Agolla): Chair be specific. Which reports do you want? Is it for the KRB roads because the Deputy Leader of Majority is talking of some other roads?

Hon. Kanga: Thank you. We want a comprehensive report from Wards on roads that were marked for KRB and any other road for the last financial year.

Temporary Speaker (Hon. Erick Agolla): Yes Hon. Atieno Member for Kubura.

Hon. Atieno: Thank you Mr. Speaker. Am confused when the Chair is giving such information. Our roles are only three. Oversight, legislation and representation. It is the responsibility of the Executive to furnish us with the reports.

Temporary Speaker (Hon. Erick Agolla): What is it Hon. Oraro?

Hon. Oraro: Thank you Mr. Speaker. Am still on statements but more or less on what Hon. Atieno Otieno has said. Sometimes back in May, I did bring a statement in this House requesting for the status of roads in Kisumu North Ward whether named or unnamed, all the contracts that are going on and their conditions. Some two sittings ago, the Chair of roads did confirm that he had liaised with the department and that the CEC for roads had a funeral.

I can see the Chair for Roads is available and it is a coincidence that he is citing the same statements again. With your indulgence I would request that you give him time to respond to that statement.

Temporary Speaker (Hon. Erick Agolla): Okay. I want to give direction to that effect. Hon. John Atieno is absolutely very right. Our role is oversight. Honourable Chair you cannot purport to request the Honourable Members to bring the status of all the roads. It is the responsibility of the CEC, the Chief Officer and the engineers to give a comprehensive report on all the roads in the county.

To the Chair, kindly before you ask the Members to give a report on their roads, do the same to the CEC. They need to come up with the status report per Ward so that Members can be able to peruse. That is when they shall do the oversight role. I beg to advice.

Hon. Kanga: Thank you Mr. Speaker for your guidance. The reason why I was bringing the matter to the Members because it is in our representative and oversight role and that I have received several complaints from the Members that certain roads have never been done and the money was paid to the contractors.

Not all the Members have got the privilege to sit in my committee and I think it will be good if they surrender a report to the committee so that we engage the CEC properly when we meet next week.

On the matter raised by Hon. Elisha Jack, I want to report that we were to address this matter within two weeks but unfortunately the CEC wrote a letter to us that he was not around though he has confirmed to us that he will be there next week. We shall be able to adequately respond to that when we meet him. Thank you.

Temporary Speaker (Hon. Erick Agolla): I want to put that matter to rest. What is it Hon. Philemon Ojuok?

Hon. Ojuok: Thank you Mr. Speaker. This is just a concern to the Chairperson Roads and Public Works. I want to applaud them for finding it prudent to invite CEC to shed light on certain issues pertaining to our roads. It is my request that CEC should also tell the committee on the allocations that were made to KRB roads for this financial year. The criteria that was used in coming up with such allocations should also be made clear. Thank you.

Temporary Speaker (Hon. Erick Agolla): Honourable Member for Railways. The floor is yours.

Hon. Arao: Thank you Mr. Speaker. I want to concur with what the Roads Chair said that the Members should forward to the committee the status of various roads in their Wards because there are cases where money was paid to the contractors and there was no work done. Indeed we have numerous issues we need to share with the CEC for Roads but we need something that can trigger the discussions and that is the report that members shall generate from the condition and status of the roads in the Wards.

Mr. Speaker, you recently directed that the Chair for Finance should be in a position to inform the House on how the project management committees should be paid. This issue is a thorn in the flesh. Currently; I have got problems in my Ward particularly on the payments that were to go to PMCs. I am being accused of squandering the money meant for this group and that is not the truth.

I have stood so many times on this matter and I will not relent until we get the truth. Let us be told of who is supposed to pay this money. Whether it is the County Government or the contractors.

Temporary Speaker (Hon. Erick Agolla): Yes Hon. Seth Kanga.

Hon. Kanga: Thank you Mr. Speaker. I was still relaying matters relating to activities of my committee. I want to request that we find time as Members to engage the CEC when he comes so that so that we address this issues once and for all. Thank you.

Temporary Speaker (Hon. Erick Agolla): Thank you. Honourable Chair; you need to note the following: Remind the CEC to avail the status report of all the Roads in Kisumu County. How are they handling the PMCs and at what stage are they supposed to be paid? To the Honourable Members you can also engage the Chair in case you have something burning. You can also attend the meeting when the CEC comes on Tuesday. I hope we have exploitatively dispensed with this matter. Yes Hon. Pamela.

Hon. Pamela Odhiambo: Thank you Mr. Speaker. I would wish to direct my statement to the Chairperson Ward Development Committee. We were told to go on the ground and select the team...

Temporary Speaker (Hon. Erick Agolla): Order Hon. Pamela. I have a copy of all the statements raised on the floor. May I have your copy? Do you have a written copy because that is in line with our Standing Order.

Hon. Pamela Odhiambo: Allow me to read it and then forward to you the same copy.

Temporary Speaker (Hon. Erick Agolla): That is unprocedural Hon. Pamela. I will give a chance next time. Kindly prepare a copy and forward it to the Office of the Speaker or the Clerk to approve it.

Hon. Pamela Odhiambo: Do I need to write a letter before I give a personal statement.

Temporary Speaker (Hon. Erick Agolla): Then that is not a personal statement because you wanted your statement to go to the Chairperson Ward Development Committee.

Hon. Pamela Odhiambo: Mr. Speaker, I have got a personal statement.

Temporary Speaker (Hon. Erick Agolla): Then you can proceed. What is Hon. Oraro?

Hon. Oraro: Mr. Speaker, Standing Order No. 41 and 42 are about statement hour and I can look at the wall clock and we have taken a lot of time on the statements and the Standing Order provides for an hour.

Temporary Speaker (Hon. Erick Agolla): Thank you Honourable Member. You know the Speaker is always blind unless I am informed. We shall stop at that point. Next Order Mr. Clerk.

MOTION

SUPPLY OF HORTICULTURAL PRODUCTS TO SUPERMARKETS

BY

HON. RASHID MIRUKA

(MCA-NORTH NYAKACH WARD)

Temporary Speaker (Hon. Erick Agolla): The floor is yours Hon. Miruka.

Hon. Rashid Miruka: Thank you Mr. Speaker. Aware that Fourth Schedule Part 2 (7) (c) of the Constitution of Kenya 2010 talks about Trade Development and Regulation including fair

trading practices. The supermarket traders have not been giving our county fair trade practices as enshrined in our Constitution. The citizens of this county are only consumers of the supermarkets and yet we have enough agricultural products that can be supplied to all the supermarkets to empower our people economically. These include milk, mango, pineapple, orange, pawpaw, poultry etc.

This motion urges the Honourable Members of this House to compel the Department of Trade and Industry to come up with the regulations that will enable all the supermarkets to source 80% of the agricultural products locally. I hereby call Hon. John Atieno to second the motion.

Temporary Speaker (Hon. Erick Agolla): Honourable Member for Kobura.

Hon. Atieno: Thank you Mr. Speaker. I stand to support this noble motion brought by Honourable Member for North Nyakach. Mr. Speaker most of the produce that are in the shelves of these supermarkets comes from other places to Kisumu County. Some are brought from Kiambu, Kilifi and other areas.

The only impediment is that they cannot get market so I would request that this Hon. House make sure that 80 or 70% make sure that the produce that are sold in our stores or any leading supermarkets are sourced locally because if we do this, most of our youth will get employments. If you go to the supermarkets, you will find those working there are not locals. Some come from neighbouring counties. This is a very important motion which has never found itself in this house.

Hon. Arao: I want to contribute on this motion brought by Hon. Rashid Miruka who is also my personal friend but with some amendments. My ward is within the city and sometimes back there was post election violence and later on you realize most of the people who invest and put across shops are not our people. They come from outside including the Indians. I want to tell you for sure that today if the Indians close their doors you will realize we do not have anything going on in our streets. I want to concentrate on agricultural matters. If you look at onions, vegetables, tomatoes etc, these are not being grown by our people Mr. Speaker. These goods come outside Kisumu County and that one I can tell you for a fact. What do we do for our people and how do you expect somebody without a proper land to start doing farming? How do we empower our people? The moment we hand over this motion and pass it the way it is, I am telling you there won't be proper supply to the supermarkets. There is a common loose saying that goes that Luo will depend on those who are supplying because they will go and buy. We want to change the perception and the culture and norm of our people that we can actually plant and supply to the local market but before we do that we must do something as leaders. We must ask ourselves questions. I have heard Hon. Atieno also supporting this motion. He is the chair of Agriculture. How much did you allocate for Agriculture to go to our wards, to empower our people to do proper farming so that we can say they can supply to our supermarkets? Therefore, I support but with some amendments.

Hon. Olale: On appoint of information, I would want to inform this house that Kisumu is a cosmopolitan city. Let us not peg this to a particular tribe. Once somebody has an identity card, he belongs to Kisumu. That is what I wanted to inform the house. Thank you.

Hon. Philemon: I want to support this motion brought by Hon. Rashid but with amendment. I want to agree with Hon. Arao that we would want to go to that direction but we must make deliberate policy to ensure that we bring our people to the level which they are able to compete and supply. One side deliberate step that I would echo from Professor is one cooling plant of buying cows and taking to Muhoroni. We want that to cut across all the wards. If we can make such deliberate step, I believe at a certain point our people will be at a level at which they will be able to compete. The last time Kiambu Agriculture Committee came here, I was a friend of that committee and we were able to deliberate with them on a number of issues. If you listened to them you would realize they are involved in a number of activities which we are not able to do. I would like to urge this Hon. House and the Leadership to be able to support our Agricultural Committee possibly to do bench marking to those areas like Nyeri County Assembly so that we can adopt those good practices and bring them back here. Truth be told, our people at the moment cannot be able to supply. I support but with amendments on ways in which we can make our Agriculture productive and our people to be competitive.

The Temporary Speaker (Hon. Agola): Hon. Members, if you want to propose an amendment you must stand and propose then call a seconder than I propose it for debate. What you are saying is not considered as an amendment.

Hon. Oraro: On appoint of information, you cannot amend a motion when you are already on a debate. It can only be done prior to the commencement of debate.

The Temporary Speaker (Hon. Agola): Which standing order are you referring us to?

Hon. Oraro: It is on the way of debate, I think the entire standing order No. 53. Just give me two minutes, I am getting it for you. Thank you, I have found it Standing Order No. 46, amendment of notice of motion (reading standing order No. 46) If you move to 52 on amendments of motion (Reading standing order No. 52)

The Temporary Speaker (Hon. Agola): Hon. Member; I can see you are contradicting yourself.

Hon. Oraro: Just give me time I want to tell you why you can only move that amendment prior to the debate.

Hon. Kanga: On appoint of order, if you read standing order No. 46, the discretion of amending the motion is given to the motion mover because it can alter the principle in which the motion was moved therefore you cannot move a motion without the indulgence of a motion mover because you can alter or amend the motion and it can materially alter the principle of the motion

on which the notice was given. The motion mover is the one to say if it is amended or not. Here is a case where a member is proposing the amendment of a motion without the indulgence of the mover.

The Temporary Speaker (Hon. Agola): Hon. Members, if I read standing order No. 46 keenly, I will direct that our amendments are overtaken by events and we need to continue with the motion.

Hon. Kanga: I rise to support this motion by Hon. Rashid. The basis of this motion is based on Agriculture and agricultural products. In agriculture, I believe it includes livestock and as you are aware, it is a devolved function of the County. Trade License in which these supermarkets operate is done by the County Government. The question as to whether these supermarkets meet the standard requirements is done by the county authorities. You are aware of the modern way of agriculture and we have been preaching of agribusiness where there is use of modern technology in farming to enhance production and it is driven and given more priority. There are some products to be imported but some are locally available. How are we going to enhance our products when we know Kisumu is a trading city. Some products like meat products should not be imported because in this region we have one of the biggest slaughter house where our meat can be supplied to these markets. Indigenous vegetables are sufficiently available within our locality including fish. The local industries have been killed because the first county government did not make emphasis on how to protect and encourage the local economy by providing markets to their locals. If the motion does not fulfill the emphasis of buying local productions, at least we will have to start from somewhere until we realize our dream. I would urge this house to put up mechanisms or roadmap that if we do not succeed by next year, we still have a long time measure and give priority to the locals. Thank you.

Hon. Ogutu: Thank you for this opportunity to add my voice in this motion. I would support it reluctantly because from the mover of the motion, he said fair trade practices. This gives us another question, what is fair and when do we apply it? Is it locally or our county alone or do we extend it to the other counties. The spirit of this motion is fair but we are still not yet there. If we remember vividly well in 2017 during election violence, we said no elections. Our county became a standstill because there was no food and the Governor appealed for food from other counties. I believe some hon. Members have also said the same thing. Let us find ways of promoting these good practices and also give our farmers knowledge of modern agriculture. Whatever we are producing now is not even enough in our own villages. I am a farmer myself but I cannot even produce what can take me throughout the year. If I cannot produce enough for myself, what will I supply to the market? My friend had a good dream but we are not yet there.

The Temporary Speaker (Hon. Agola): Hon. Ogutu, I want it to come clear from you. Are you in support of motion or not?

Hon. Ogutu: I am opposing the motion.

Hon. Otura: Thank you Mr. Speaker. I support this motion with amendment under Standing Order No. 52. I would wish that I move an amendment to make the motion look better. I propose this motion should read ‘priority to local supply of Agricultural Products within Kisumu County.’

Hon. Okumu: On appoint of order, I am rising on standing order no. 53(1) I heard you said earlier that amendments are overtaken by events and if they are not 53(1) says (Reading standing order no. 53(1)) if otherwise part (2)says (Reading 53(2)). Hon. Member for Ombeyi is out of order.

The Temporary Speaker (Hon. Agola): Hon. Member for Ombeyi, Hon. Otura, you are completely out of order and the chair had ruled on that. You can only second or oppose the motion.

Hon. Otura: With the spirit of the motion I will second it but it should come out very clearly. The spirit here is not to bar any trader from any county to bring in its agricultural products but priority to be given to the locals. What the Hon. Member is expecting is for this hon. House to give way to the locals so that their products can be given priority to the local supermarkets and even road markets. We cannot bar any trader from across the border. We had our grass root project and in almost every ward, there was supply of water pumps to improve agricultural products, and if that is so, where will our people sell if priority is given to farmers from outside the county? We are vulnerable, we cannot even afford for ourselves but should we remain there?

Hon. Muga: Thank you very much. Hon. Otura, it is true that the County Government gave out some farms for Horticulture but that is not enough for us to start competing with other Counties or other farmers who started earlier enough.

Hon. Otura: Thank you, Hon. Muga. Be informed that in my speech here I encourage a cross border trade. I have said it very clearly that we don’t want to bar any farmer from across the border to bring in their agricultural products. Therefore I stand to maintain that I am in order to move the motion as I am doing...

The Temporary Speaker (Hon. Agola): What is it Hon. Guya?

Hon. Guya: Hon. Otura has just said that he is moving a motion when a motion had been moved by Hon. Miruka and you had given ruling that there is no motion for amendment.

The Temporary Speaker (Hon. Agola): Hon. Otura, which motion are you moving?

Hon. Otura: I think that the motion mover is well known and if that was a slip of the tongue then I apologize and withdraw. I am talking on a motion that had been moved by Hon. Miruka. I believe that the spirit of this motion when we were empowering the youths by providing them with water pumps, there were some elements of production and the question which is directed to

me whenever I am on the ground is concerning market. We are saying that we should do this Horticultural production but we are not asking ourselves to where we will sell. The first customer is always me, if I produce anything, I become the first customer. Should we remain the way we are and encourage that we produce so that we cannot sell. Thank you.

The Temporary Speaker (Hon. Agola): Yes Hon. Miruka.

Hon. Miruka: With your indulgence Mr. Speaker sir, I would wish to refer you to standing order no. 49 to withdraw this motion in that the Hon. Members are in my support and they wanted some amendments.

The Temporary Speaker (Hon. Agola): What is it Hon. Kanga?

Hon. Kanga: Mr. Speaker, I think that there is a clear guideline on conducting the withdrawal of a motion. With due permission and direction, is it in order for a motion which has been debated and contributed with several facts supporting and when it is near conclusion then the mover withdraws the motion. This is a House of procedure and rules; I don't think that is in order for Hon. Miruka whom I respect to withdraw this motion at the 11th hour. Thank you.

The Temporary Speaker (Hon. Agola): Yes Hon. Misachi.

Hon. Misachi: Mr. Speaker, through your chair and the office of the Clerk, this is due to lack of researchers on our motions. A legislator cannot research on a motion to bring to the floor of the House which will be meaningful unless this Assembly will be duty bound to employ researchers and to attach them to committees. It is lack of experience and commitment on the side of the Assembly management to empower us so that whatever we bring in this House should be discussed and when it goes to the Hansard it becomes a record of the second Assembly which will be there to be referred to at any later date. I want to task you to discuss with the relevant Authorities of this Assembly to see through so that we can get three researchers so that Members can be helped. Even the National Assembly has researchers and that is why I don't blame that withdrawal even if it comes many times. It is the right thing because we are not empowered. Thank you.

The Temporary Speaker (Hon. Agola): Yes Hon. Oraro.

Hon. Oraro: I think that the Member who has just talked misled Hon. Miruka and I know that he is always very good in misleading people. Standing order no. 49 is very clear on motion withdrawn and they are saying that it can be moved again which states that;

'(1) A notice of Motion may be withdrawn by the Member who gave the notice, but notice of the same Motion may be given again either by the same or by any other Member.'

There is a very big difference between a notice of motion and a motion.

The Temporary Speaker (Hon. Agola): Yes Hon. Ojuok.

Hon. Ojuok: Before I took the initiative to save this motion because I believe that the spirit was very good and we are interested with the quality of motions that we bring to this House and not the quantity. I decided to consult with the Member on his feet and he told me that he was okay that he can withdraw the motion. If you can remember he just misled the House a few minutes ago and you just had to correct. So he is the one with a record of misleading the House.

The Temporary Speaker (Hon. Agola): Hon. Members, I now want to give direction so that this matter comes to a rest. We have sighted and quoted a number of standing orders and I want to agree with the concerns of the Hon. Members and especially with Hon. Misachi that something must be done so that we are active and proactive. In this case I am afraid that I am unable to see where to rest the issue of withdrawing this motion. So this motion must continue to the end for it to be adopted or not adopted then the mover of the motion can bring back another motion which touches on the concerns of everybody. So I allow Members to continue and dispense on this motion. What is it Hon. Kanga? And your point of order will not touch on where I have just ruled on.

Hon. Kanga: Mr. Speaker you have ruled on this matter accordingly but I want to put the record very straight on earlier contribution by Hon. Ojuok. A motion which has followed the right procedure and come to the floor of this House is correct hence making it have quality. Hon. Ojuok has to withdraw that statement that he said that the motion lacks quality.

The Temporary Speaker (Hon. Agola): Hon. Ojuok, you have heard the sentiments so can you withdraw that statement!

Hon. Ojuok: Mr. Speaker, I would like to say that it is misrepresentation of facts. I said that we are not interested in the quantity but we are interested in the quality. That is why we feel that the motion is very important and we would want to have it passed but I knew that there were some slight technicality and Hon. Misachi has alluded to that fact that it is lack of personnel that can get us in that kind of situation.

The Temporary Speaker (Hon. Agola): Yes Hon. Misachi.

Hon. Misachi: Mr. Speaker, I think that your ruling is backed by standing order no. 56 which talks about Motion in possession of the County Assembly and it states that;

‘After the question has been proposed on a Motion, the Motion shall be deemed to be in the possession of the County Assembly, and such Motion shall not be withdrawn without the leave of the County Assembly.’

The Temporary Speaker (Hon. Agola): Hon. Member, if you are now on your feet, kindly contribute and call the mover to reply so that we can dispense on the motion. Yes Hon. Oraro.

Hon. Oraro: I rise to support this motion but before I give my contribution I was mentioned and I would like to clear my name. It is true I said that a Member of this Assembly misled the mover of this motion and I was surprised when the Minority Leader stood up. I don't know why he thought it was him. So I am just trying to clear my name that I did advise him that a notice can be withdrawn but never did I say that a motion can be withdrawn.

If you look at the prayers of the mover of the motion, it is that we compel a particular department to come up with policies which are very wide and they don't necessarily mean that we are only going to look at the market itself but even the source. It is true that as Kisumu County if we were to look at one particular area we might not be able to sustain the demand. That is why the mover is putting it very clear that we come up with policy. The main thing that we should look into is how we can encourage our farmers to start farming for the benefit of the Agri-business. The second question is that after you have done your farming, where will you sell it? And even to date; there are two things that control the market which are the demand and the supply that will determine the price rate. Mr. Speaker, if there is market, many people will find themselves wanting to do farming and one way is that when we talk to the supermarkets and all other bars of goods and services from agricultural sectors, we want you to give priority to our local producers. When there is market, demand will come. And when there is demand, people will start farming. There is no way you will tell us that we start forcing people to start farming while they don't know where they are going to take their goods. If you can see what happened in Rift Valley, people planted maize and there was no market.

I want to say that this motion is proper and is of good quality and is of good intention for the residents of Kisumu County and therefore I give it my support. Thank you.

The Temporary Speaker (Hon. Agola): Yes Hon. Olang'o.

Hon. Olang'o: I want to call upon the mover to reply.

The Temporary Speaker (Hon. Agola): Yes Hon. Miruka.

Hon. Miruka: May I take this opportunity to appreciate all the Members who have contributed on the good motion that was brought before the House. I want to remind the Hon. Members that the motion was not brought to force anybody to be a farmer but my prayer was just requesting regulations and policies that if we put, we would be able to ascertain that agricultural produce are delivered to our supermarkets and our people may be empowered economically.

As it has been always that agriculture is the backbone of our county's economy, if you look at the big chunk of land in Nyakach, Muhoroni and Nyando, they are agriculturally viable, that means that we have space. If we enact good policies, we will be able to acquire good produce.

As a County we recently distributed livestock to our farmers and quelling is on the way, where will we have market if this is underused. I want to tell you that if you go to Rift Valley, you will find that money is running around their communities and their areas remain very viable. While in Kisumu County we talk of lack of employment, lack of flow of money and many other things because we cannot believe that the millage that we have in our land can give us what we want and we can be economically empowered.

Finally, I want to request the Chair that you commit it to the relevant committee that will ascertain that we create a conducive environment with good policies that will make us have space and techniques that would make sure that this is done and our community is able to bring their commodities in the many supermarkets within Kisumu County.

The Temporary Speaker (Hon. Agola): Hon. Members, I hereby put a question on the motion that had been brought to the House, moved, seconded and debated upon.

(Question put and agreed to)

The Temporary Speaker (Hon. Agola): I therefore want to commit this motion to the committee on Agriculture, Livestock and Fisheries together with the committee on Trade, Industry and Development to report back to this House within 2 weeks.

Next order!

ADJOURNMENT

The Temporary Speaker (Hon. Agola): There being no any other business to transact, this House stands adjourned to Tuesday 16th October 2018 at 2.30 p.m.

(House rose at 4.30 p.m.)