

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF KISUMU
HANSARD

TUESDAY 23RD JUNE 2015

(SPEAKER'S PROCESSION)

(PRAYERS)

[MOTION]

- 1. Adoption of Special House Business Calendar*
- 2. Quarterly Report By Finance and General Purposes Committee*
- 3. Formation of Adhoc Committee to Investigate Into and Report on Matters Affecting The Boda-Boda Industry Within Kisumu County.*

[COMMUNICATION FROM THE CHAIR]

Madam Speaker (Hon. Pamela Omino): Hon. Members, there is information I would like to communicate to you and it reads as follows:

The letter is addressed to the Hon. Speaker, County Assembly of Kisumu through the Clerk of County Assembly.

Dear Sir/Madam

Re: Invitation to a one day workshop for sensitization workforce on citizen participation methodology and a field visit on 26th June 2015. Concern Worldwide Kenya a non - profit organization with a global presence in 26 Counties with a focus world based poor population resulting poverty with a view of bringing positive and sustainable change in their lives. In order to achieve this, Concern worldwide Kenya through partnership with Kisumu Medical Education Trust, a local NGO have been working to empower communities in Kisumu County. Concern and MET appreciates that Community development cannot be done in isolation. It is equally important to build the capacity of the people of the County Assembly to engage its citizen in a meaningful way. Through a European union funded project, Concern and MET received a grant having involved Governors through inclusive and systematic citizen participation to work with County Assembly structures and communities in Kisumu to create a common understanding on the Constitutional requirement for citizen participation, establish citizen forum based on the position of the County Government Act, drawing from experiences of concern and

other actors and guide the County on consultation with communities for longer terms on development and understanding.

In March 2015, Concern Kenya and County Government of Kisumu joined a launch project in Kisumu. The two organizations are therefore inviting you for a one day sensitization workshop from 8a.m to enable sharing of effectiveness of community conversation as a citizen participation methodology and how best the assembly can give its best in conducting participation forums.

Confirm your attendance

Thank you.

Yours faithfully

David Ongeru

Assistant Program Manager.

[NOTICES OF MOTION]

Madam Speaker (Hon. Pamela Omino): Leader of Majority

Leader of Majority (Hon. James Omolo): Thank you Madam Speaker. I rise to give a notice of motion on the adoption of special house business calendar.

Madam Speaker (Hon. Pamela Omino): Any other notice of motion?

Hon. James Were: Thank you Madam Speaker. I want to give a notice of motion on quarterly report by Finance and General Purposes Committee.

Madam Speaker (Hon. Pamela Omino): Any other notices of motion? Yes Hon. Maurice

Hon. Maurice Aloo: Thank you Madam Speaker. I would also want to give a notice of motion on the formation of Adhoc Committee to investigate into and report on matters affecting the Boda-boda industry within Kisumu County Government. Thank you.

[COMMENCEMENT OF BUSINESS]

[ADOPTION OF SPECIAL HOUSE BUSINESS CALENDAR]

Madam Speaker (Hon. Pamela Omino): Yes, Leader of Majority.

Leader of Majority (Hon. James Omolo): Thank you Madam Speaker. I rise to move a motion of a special house business from Wednesday 24th June 2015.

I therefore request the Minority Leader to second.

Minority Leader (Hon. Joshua Auko): Thank you Madam Speaker, I rise to second the adoption of Special Business calendar effective from 24th June – 29th June 2015.

Madam Speaker (Hon. Pamela Omino): The Special Business Calendar effective 24th June – 29th June 2015 has been moved by the Majority Leader and Seconded by the Minority Leader. I therefore propose a question for further debate.

Hon. Aslam Khan: Thank you very much Madam Speaker. Before the special business calendar is adopted by the house, I would like to have some few views regarding the same. As health committee, it is indicated that on 24th June we will be having two bills concerning the Kisumu County Trade Market in the morning hours and in the afternoon, trade funds bill. On Thursday we will be having the same. The question would be, would it be appropriate if we are added time again on Friday so that atleast we can finalize them before the week ends so that on Monday when we start, we start from a fresh chapter? My worry was when the leader of majority said the one for Friday be changed to No. 3.

Leader of Majority (Hon. James Omolo): Whatever you have, it is not affected because we wanted Friday to remain as it is.

Hon. Elijah Omondi: Thank you Madam Speaker. I want to make a correction with the permission of the Majority Leader. On Monday, 9.00 a.m. that is Kisumu County Appropriation Bill 2014 1st and 2nd reading. We should change 1st to 2nd and 2nd to 3rd reading. In the afternoon again we have 3rd reading, Madam Speaker, is it a continuation?

Leader of Majority (Hon. James Omolo): The 1st reading was an error. We only have 2nd and 3rd. In the afternoon, we might not finish 3rd reading in the morning so it is a continuation. Thank you.

Hon. Joseph Osano: Thank you Madam Speaker. I rise to support the special house business calendar but there are few things I would like to ask the mover. If you look at the calendar, let's take for example Kisumu County Trade Licensing Bill which is from 9.00 am- 12.30 pm, Kisumu County Trade and Market Bill same time. Madam Speaker, how sure are we that these bills are going to take that time. It could be more or less because we are dealing with a very crucial document which needs time to deliberate upon. I do not think we can give a bill timeframe Madam Speaker, and I am lost in that.

Leader of Majority (Hon. James Omolo): Thank you Madam Speaker. I think it is within our prerogative to finish the bill and if time is not enough we can always extend until we finish. Thank you Madam Speaker.

Madam Speaker (Hon. Pamela Omino): Hon. Osano are you satisfied?

Hon. Joseph Osano: I am not satisfied. Why am I saying this? If a report is brought and it has to be deliberated upon, how sure are you that it is going to take what time? That is what I am taking about. It is high time we be realistic.

Madam Speaker (Hon. Pamela Omino): Permission granted to Hon. Elijah

Hon. Elijah Omondi: Madam Speaker, I do not know what is wrong with Hon. Osano today. These are just provisions they are not the final. We are only providing for them and time will tell what to be done on that day. I am requesting my senate colleague to understand.

(Laughter)

Hon. Gabriel Ochieng: Madam Speaker, I want to concur with my colleague Hon. Osano on this. We are talking of extension of time and today we want to adopt a special day on Monday which has to be gazetted according to our standing order. What if the business is extended to a day that has already been gazetted? That is a point Hon. Osano is trying to bring.

Madam Speaker (Hon. Pamela Omino): Permission granted to Hon. Ongow

Hon. Samuel Ongow: Thank you Mr. Speaker. I do not see anything wrong with this calendar because it is not extending time to another day, it is within the same day. Therefore if there is business on 24th, we know our normal time is upto 6:30 pm and if we do not finish within that time then we can extend. The Clerk had already arranged for the special days which is Monday and Friday unless you want to see the gazzettment. Thank you.

Madam Speaker (Hon. Pamela Omino): Hon. Osano are you satisfied?

Hon. Joseph Osano: I am not. Madam Speaker.

Hon. Isaya Onyango (Chief Whip): Madam Speaker, our standing order does not allow for anybody to contribute more than once and we cannot allow Hon. Osano to take the whole day wanting to contribute. If you are in a point of order you should do it once.

Hon. Joseph Osano: Madam Speaker, it is high time we say what is going to help this County. We are talking of bills here and how sure are you that we will finish discussing a bill when it is given a time frame?

(Members consulting)

Madam Speaker (Hon. Pamela Omino): Order Hon. Member. Hon. Osano can you please speak through the chair.

Hon. Joseph Osano: But I am talking through you. This house has been turned into a market

(Members are inaudible)

Hon. Charles Aguko: Madam Speaker, is it in order for a Hon. Member to say this house has been turned to a market for eggs?

(Laughter)

Leader of Majority (Hon. James Omolo): Hon. Members, these bills are very crucial for our budget and we must finish them and I want Hon. Joseph Osano to be sure of what he is saying because what option does he want to add for the time we have allocated for these bills so that before the deadline of the budget we shall have finished all the bills. Thank you.

Hon. Samuel Ongow: Thank you Madam Speaker. I think the member only wanted to make the debate a bit lively otherwise he is out of order because a member cannot preempt the duration of the debate of a bill which has not even been brought on the floor this is against our standing order. He has always been busy with his personal business but the bills we are talking about are subject to debate from Public not only that particular day, the committee would be bringing their reports from what they have discussed with Members of the Public so you can follow the discussions from the Committees which is on now. But it is because he is busy elsewhere and we do not want to embarrass him.

(Laughter)

Hon. Aggrey Ogosi: Thank you Madam Speaker, I rise to support the adoption of the special house business calendar but there are two issues,

1. The office of the Clerk need to supply the Hon. Members with these particular documents. These bills went through first reading and it is incumbent of Speaker's Office to ensure that documents are supplied to Hon. Members which has not been done. We are talking about 12 bills, we need time to read and understand them, so you need to direct the office of the clerk by today to ensure all members have copies of these documents.
2. It is true that we are out of time that we must do things the way we are doing them but it is said that we lacked experience because we behaved this way last year and we got away with it because we were new and we had not marked the budget processes and budget cycle and what was needed to be done. We also behaved similarly in the previous year and we are behaving again the same in our third budget Madam Speaker. We are going to allow but we need to send a very serious message to the Executive because this is not a problem of our own. It is a

problem that has been brought to us by the Executive. I do not understand what prevented the Executive from bringing these bills within the required time but for the sake of Kisumu County we are bound to work in this crash program and I know come next year we shall still behave the same because the Executive will not change and we allow them to do what they wish. Thank you.

Hon. Samuel Ongow: Thank you Madam Speaker. There is an amendment I wanted to make here. We also allow the first reading of the Kisumu County Investment and Banking Bill first reading tomorrow between 9. a.m. – 12.30 p.m. and the 2nd and 3rd reading on Monday morning session between 9 am and 12.30 pm. I want to ask Hon. Khan to second.

Hon. Aslam Khan: Thank you Madam Speaker. I want to second the amendment made by Hon. Ongow that Kisumu County Investment and Banking Bill be read for the first time between 9 am – 12.30 Pm and the 2nd and 3rd reading be done on Monday Morning session from 9.00 am – 12.30 p.m. Thank you.

Madam Speaker (Hon. Pamela Omino): I want to put a question that the amendment made by Hon. Ongow that Kisumu County Investment and Banking Bill be read for the first time between 9 am – 12.30 Pm and the 2nd and 3rd reading be done on Monday Morning session from 9.00 a.m. – 12.30 p.m.

[Question put and agreed upon].

Madam Speaker (Hon. Pamela Omino): Let us proceed.

Hon. Nereah Okombo: Thank you Madam Speaker, I also want to concur with the debate going on but my only request is that the Kisumu County Disability Bill should also be scheduled for Monday 27th afternoon from 2.30 p.m. The urgency is that it is also in the same budget and we want the bill to be passed so that our disabled can also start enjoying in the new budget.

Madam Speaker (Hon. Pamela Omino): Hon. Ochele, can you share with us the information you have?

Hon. Moses Ochele: Madam Speaker, may I gladly inform my colleague Hon. Nereah that before that bill she is talking about, we have two bills touching persons living with disability. One was a private Member's Bill called disability bill. That bill has no element of the budget in anyway so it does not attract any urgency. Before this house, there is also another bill which is Kisumu County Women, Persons Living with Disability. This is a bill that my informed person should have thought to be urgently passed in this house because it has a direct bearing to the budget we are referring to. Thank you.

Madam Speaker (Hon. Pamela Omino): Hon. Nereah, are you well informed?

Hon. Nereah Okombo: I appreciate even though some of us will always have something to say even if they have nothing to talk about. I was saying that the disability bill and the Kisumu County Women, Youth and Persons Living with disability bill 2013 should go together. The other bill informs what should happen in the other bill and that is why I was saying the two need to go together and that is why there is urgency of passing the disability bill. I want to request Hon. Agwanda to second.

Hon. Samuel Ongow: Madam Speaker, this bill is very direct and I do not understand why Hon. Nereah would want Hon. Agwanda to second it. Remember Hon. Agwanda was even the mover of the bill we are referring to. This bill is talking about funds to the youth, women, people living with disability e.t.c but the way Hon. Nereah is talking, it is like she has not even read the bill itself. Madam Speaker can you allow Hon. Nereah to read the two bills so that she stops confusing the house? Thank you Madam Speaker.

Hon. Caroline Agwanda: Thank you Madam Speaker. I will reserve my secondment to this bill to wait for another time.

(Applause)

Hon. Samuel Ombogo: Thank you Madam Speaker, going by the mood of the house, I beg for the mover to reply.

Madam Speaker (Hon. Pamela Omino): The mover can you reply?

Majority Leader (Hon. James Omolo): Thank you Madam Speaker. I want to thank Hon. Members for participating towards this motion so that this house moves. As a house we have a mandate to legislate and some of these things are very crucial for our budget process for this financial year. I think it is in order for us to move. Thank you.

Madam Speaker (Hon. Pamela Omino): Thank you Hon. Members. The adoption of Special Business Calendar had been moved by the Majority Leader and seconded by the Minority Leader. The special business calendar is from 24th June – 29th June 2015 and I now put a question that it be adopted.

[Question put and agreed to]

The special business calendar from 24th June – 29th June 2015 has been adopted by this house.

[QUARTERLY REPORT BY FINANCE AND GENERAL PURPOSES COMMITTEE]

Hon. James Were: Thank you Madam Speaker. I rise to move a motion on quarterly report by Finance and general purposes committee.

Madam Speaker (Hon. Pamela Omino): Order Hon. Member, I don't have a copy of that report you are reading.

Hon. James Were: Madam Speaker, the report is currently being distributed to members. This report was even posted on the Assembly Website long time ago and members had time to read this report long time ago.

Hon. Osumba Olum: Madam Speaker, the chair for finance is saying he had posted report to the website and he is aware some of us do not have access to the web, can he provide us with hard copies?

Hon. Aslam Khan: Madam Speaker, rather than what Hon. Olum as just said, Hon. Were is aware that we do not have connections to the web, how are we then to access the information that is there? I think he is misleading the house. We need enough time so that we can go through his report. Thank you.

Madam Speaker (Hon. Pamela Omino): Hon. Were can you proceed.

Hon. James Were: Thank you Madam Speaker. The report is from the Committee of Finance

(Interruption by Hon. Okiri)

Hon. Paul Okiri: Madam Speaker, what the Chair of Finance is reading is different from the report I am holding and he is just going a heading reading it. You can even confirm Madam Speaker.

Hon. Samuel Ongow: Madam Speaker, this is a committee chaired by a member whom I respect so much (referring to Hon. James Oyugi Were). I look at the membership of this committee and it contains members whom we really respect. With a lot of respect to this committee and I have just heard of a member saying taking our work seriously. A finance report was given by the Executive and if it was to be analyzed and this is the analysis we want to go through then, it is unfortunate. There are different problems which is affecting this house which I do not want to talk about, I will request my colleague to withdraw because giving excuse that the report is in the website is not right. This report talks of many different items which we do not even know. I would wish that we give them time to bring this report at a later date when they are ready.

Madam Speaker (Hon. Pamela Omino): Why don't we give him time to read his report then we can react later?

(Resistance from members)

Hon. Gabriel Ochieng: The Committee might be wrong or may not be having a good report but the procedure in the house is that you give the chair to move the motion and

be seconded. Orders and information will come later. You have allowed members to discuss the report without going into it and starts opening Pandora in the box. Why don't we go procedurally first?

Madam Speaker (Hon. Pamela Omino): Hon. Were, can you proceed? Hon. Members allow him to finish, I will give you time to deliberate.

Hon. James Oyugi Were: (Continues with the report)

Since Members did not access the report from the Website and their reactions right now, I want to take this opportunity to withdraw the report to allow for them to go through the report and I want to call upon Hon. Gabriel to second.

Hon. Gabriel Ochieng: Thank you Madam Speaker. The procedure is to read the report then it is seconded before it is withdrawn. Members cannot force the mover to withdraw when it is not appropriate but now that it is done, I do second the withdrawal of the report. Thank you.

Madam Speaker (Hon. Pamela Omino): A report from the Finance and General Purposes on quarterly report has been withdrawn by the mover and seconded by Hon. Gabriel Ochieng who is also the vice chair of finance and I now put a question.

[Question put and agreed to]

**[FORMATION OF ADHOC COMMITTEE TO INVESTIGATE INTO AND REPORT ON
MATTERS AFFECTING THE BODA BODA INDUSTRY WITHIN KISUMU COUNTY
GOVERNMENT]**

Hon. Maurice Aloo: Thank you Madam Speaker, I stand to read a motion on report of matters affecting the boda-boda industry within Kisumu County Government. This is in light of the direction which was given by your chair last week when we brought a motion before this house that we form Adhoc committee within one week Madam Speaker and bring a report within 30 days. In light of the prevailing circumstances in Trade, Commerce and Industrialization, it is necessary that pursuant to the Constitution of Kenya article 185(2), 196(b), The County Government Act 2012, 9 a-f together with the County Assembly Interim Standing Order No. 43(1-4) that matters of urgency in select committee to investigate and report back to house on matters affecting the boda-boda industry in County Government of Kisumu. Madam Speaker, within the same day and in furtherance of the authority in this house, I have subsequent consultation amongst the Hon. Members a lean committee comprising of members drawn from various relevant committees were proposed to the exercise as follows:

1. Hon. Paul Odhiambo Okiri - Health
2. Hon. James Okoth Dianga - Labour

3. Hon. James Were - Finance
4. Hon. Jackton Onunga - Planning
5. Hon. John Osumba Olum - Transport.

You will also note that the following Hon. Members and officers were unanimously and authorized to sit in this committee as mandatory participants in this committee

1. Hon. Isaya Omwango – Chief Whip
2. Hon. Maurice Aloo - Sponsor of the motion
3. Hon. Elijah Omondi – Presiding Speaker
4. Hon. Petronila Omondi – Children, Culture
5. Mr. Nicholas Okola – Committee Clerk

The Committee will be guided by the following terms of reference:

1. Investigate, inquire and report all matters inhibiting the smooth operations of the boda-boda/motorcycle industry
2. To propose/institute frameworks of the industry and any other existing structures
3. To study and review any exiting County policies, by-laws, legislations in relation to this industry
4. Propose financial framework i.e establishment of SACCOs for the industry
5. Study, assess and analyze the impact of the industry to the County economy
6. Provide legislation that would ensure the industry runs smoothly i.e registration of members, routing and security issues.
7. Prepare a report and recommendation to the County Assembly for ratification and adoption.

Finally, I beg to lay this paper containing the names of the proposed people to carry out this noble exercise as stipulated by the Constitution and report back to this house within a period of time as was stipulated within your powers as to maintain faith madam speaker. Thank you.

May I call upon Hon. Agwanda to second.

Hon. Caroline Agwanda: Thank you Madam Speaker, I want to second a motion on Adhoc committee to investigate and to report on matters affecting the boda-boda industry in Kisumu County.

Madam Speaker (Hon. Pamela Omino): A motion has been tabled on the formation of Adhoc Committee to investigate into a report on matters affecting boda-boda industry in Kisumu County Government, seconded by Hon. Agwanda and I want to propose a question that it be discussed. Hon. Nereah!

Hon. Nereah Okombo: Thank you Madam Speaker. I want to oppose this report. The report is biased and there is no responsiveness and the list is also biased. You cannot have a list without a single lady against 9 Madam Speaker. The mover is talking of a possibility of forming a boda-boda cooperative and there are only two committee mandated for this which is the select committee and the justice and legal affairs which is not even represented here. I therefore want to ask the house to null the list and take it back for a possible one because this one is very biased. (Applause)

Hon. Aggrey Ogesi: Thank you Madam Speaker. I rise to oppose this report. (Applause) We were told to form a committee but this one only contains the list of Chairmen from other committees. This is a culture that must be stopped because we cannot have the same people who have been doing nothing in their committees to take part in this Adhoc Committee. (Laughter)

Madam Speaker (Hon. Pamela Omino): Hon. Ogesi use a parliamentary language, can you apologize and withdraw?

Hon. Aggrey Ogesi: Madam Speaker, no one has protested my language. Allow me to proceed Madam Speaker.

(Members are inaudible)

Hon. Jacktone Onunga: Hon. Ogesi is misleading the house that only chairmen are in the list but I am only an ordinary person in planning and I am in this list.

Madam Speaker (Hon. Pamela Omino): Can you proceed Hon. Ogesi.

Hon. Aggrey Ogesi: Thank you Madam Speaker. I was saying that I oppose the report and it has to go back to the sender. I remember when we discussed this particular issue and we did not say as a guideline that members sitting in this committee must be chairmen. If anything, the chairs are busy with their committees but I have seen they have also secured this committee and they think they are going to secure money also in this committee. There are rules that must be followed. The one third gender rule must prevail. In a committee of ten, four must be women Madam Speaker. In this case we are only having one and I am surprised that Hon. Agwanda seconded this motion when there is no single disability in the list.

(Laughter)

Hon. Pamela Odhiambo: Thank you Madam Speaker. I stand to oppose this report. Hon. Elijah was the speaker the day we were discussing this and he said that third gender rule must be obeyed. He also said that Committee Members to elect one member who is not a chair of the committee. Madam Speaker, Hon. Jacktone Onunga is the Chair of

Tourism and I think he fits to be in this Committee because the tuk-tuk are all coming from Nyalenda B. I am supporting that Hon. Onunga should be left in the list.

Hon. Caroline Owen: Thank you Madam Speaker, if it is a matter of all the Tuk-Tuk staying in Nyalenda B then I think the Hon. Member for Nyalenda B is already in the committee and that is irrelevant. As I sit here, I am truly disappointed because this house has become a house of a majority party so even as we talk, there is no minority part represented in that committee.

Hon. Joseph Osano: Thank you Madam Speaker, I just want to inform Hon. Member who talked about tuk-tuk. Here we are talking about boda-boda not tuk-tuk unless I do not know the meaning of tuk-tuk.

(Loud murmuring)

Hon. Pamela Odhiambo: Thank you Madam Speaker, it was a slip of the tongue, I meant Nyalenda A. Hon. Osano, you are concerned about the tuk-tuk, it is categorized under boda-boda. I am telling you this because I know. We have been having issues of tuk-tuk even at the police and even with the bills we have, it is categorized under boda-boda. What I would suggest is to add the gender rule in this committee and move on and we need to elect the gender now. Thank you.

Hon. Aslam Khan: Madam Speaker, I stand to oppose this report by saying that they want to prosecute by-laws and legislation guiding the industry and it could be crucial if the legal and justice committee either the chair or anybody in the committee with the gender background is incorporated in the same and I would like to further enlighten the house by saying that the tuk-tuk is a 3 cycle motorized that need to be driven by the person who has the driving license. You cannot drive or ride a tuk-tuk without a license but for a boda-boda you can do without a license which makes it different. We cannot come here and discuss things which are not relevant but on the other hand, I would request that if the same committee can be given to those who have better understanding to protect these people because it is a very strong issue in this County and Kenya at large unless otherwise we might not succeed. Thank you Madam Speaker.

Hon. Benta Ndeda: Thank you Madam Speaker. I am requesting that the motion be sent back to sender so that the committee represent everyone and another thing Madam Speaker, I am so much disturbed because when I look at my colleague Hon. Caroline Owen who was so much concerned about the boda-boda issue, you can all remember her motion here in the Assembly, if I don't see her name here then it means this motion must be taken back for correction. She had already seen problems sitting boda-boda industry and she should be given the opportunity to be in that committee.

Madam Speaker (Hon. Pamela Omino): A point of information given to Hon. Moses Ochele

Hon. Moses Ochele: Thank you Madam Speaker. May I inform Hon. Ndeda that the motion that has led us to this kind of report was not sponsored by Hon. Caroline Owen. It was sponsored by Hon. Onyango Aloo. The motion that is purported was not even moved by Hon. Owen she only supported the motion therefore bringing Hon. Owen in the picture is misleading the house.

Hon. Benta Ndeda: I did not say that Hon. Caroline Owen sponsored the motion on the Boda-Boda issue but I was just trying to explain that she had already shown interest on the boda-boda issue and contributed a lot to the motion that was brought in the house. Thank you Madam Speaker.

Hon. Chief Whip (Hon. Isaya Onyango): Thank you Madam Speaker. What I want to say is that Hon. Members should be serious while debating issues in this Assembly. The motion which was brought by Hon. Aloo was a very important motion and it was a motion which was touching the lives of our people. We discussed this motion and members contributed according to what they wanted discussed then and when it came to form the committee, the members agreed that they were going to put them according to committees. I did not choose myself to be in this committee but members saw it wise to nominate me to be in the committee but what I want to say is this, as we are trying to contribute towards motions, let us be seen as serious. The way members are now talking is as if they want to kill the good motion that was been brought by Hon. Onyango Aloo. The best alternative is to find ways of how we can reframe what is not good so that we continue deliberating. I suggest that it be directed to the committee of the whole house. People are dying outside here because of “piki-piki” and tuk-tuk issue.

Hon. Gabriel Ochieng: Thank you Madam Speaker. I rise to support this report with amendment. When we talk about changing the whole report it is not logical. It is only the composition of the committee which require amendment. The amendment with your direction may be after my contribution is that let us propose the names that we want to form the Adhoc Committee. We can choose or elect members from various committees who are committed and will not drug the committee behind and I would like to request chair of liaison committee to second.

Hon. John Kadede: Thank you Madam Speaker. I think the chair of trade has mislead this house. It was clear that one third rule must be observed. Madam Speaker, this is a very useful committee and I will second what Hon. Gabriel has said that let us not rub this report but let us amend the membership, let us propose the names here and adopt it. Thank you.

Madam Speaker (Hon. Pamela Omino): Let us hear what the chair for implementation is saying.

Hon. Samuel Ongow: Madam Speaker, it is only that at times we forget things in our memory. I can see, if you are talking about the procedures of the debate, then we are totally out of what had been proposed and seconded. The proposer of the amendment is supposed to seek authority from the mover of the motion first. If you look at our Hansard of previous dates on the same motion which was adopted by this house, there are specific committees which were given the mandate to do. What is it that now you want to choose from the plenary? We have proposals which are not consistent.

Hon. Moses Ochele: Thank you Madam Speaker. I want to reject the proposed amendment. This house cannot be taken back and forth. We cannot say things and change them all the time. The house unanimously agreed that the committees sit down and elect one of their representative and that is what should be confirmed if it was done, if not the report must be sent back so that a right thing is done. If a member now proposes that it should be done through the plenary, what are you now going to do with the Hansard report? The same member proposed Hon. Isaya to be included in the committee and said the rest of the members will be chosen by their respective committees. Madam Speaker, I think we should proceed.

Speaker (Hon. Pamela Omino): I want to ask the mover of the motion, an amendment has been asked by your colleague and seconded. Are you comfortable with that amendment?

(Members are not in agreement with the statement of the speaker)

Chief Whip (Hon. Isaya Onyango): A point of order?

Madam Speaker (Hon. Pamela Omino): Granted to Chief Whip.

Chief Whip (Hon. Isaya Onyango): Thank you Madam Speaker. Is it proper to go on asking the opinion of the mover when we have discovered that what was done was illegal?

Hon. Maurice Aloo: Thank you Madam Speaker. I want to say this about this important motion Madam Speaker and I want Members to be very sober. This is a very important motion that cannot just be rubbished like that because an individual's name is not appearing here Madam Speaker. Those who were privy to this motion had already said and I knew they were going to shut down this motion. We realized that matters before this house be treated in a manner it benefits the public.

Hon. Caroline Owen: Madam Speaker, the mover is replying.

Hon. Maurice Aloo: I am not replying, I am giving clarification. I contacted individual chairs of the committees to bring names to constitute the Adhoc committee. It was not my responsibility to go and find whether they met or not. They are here, they can be asked if I didn't consult them. The gender rule is not part of this and it is a decision that you should make and any other information that you may feel is important to this committee.

Hon. Maurice Ondiek: Thank you Madam Speaker. I am standing here to oppose this report. Tuk-tuk and boda-boda is all over the county up to Muhoroni Sub County. At the same time minority is also represented in this house and by the time Hon. Elijah was talking, the ruling was not clear as to whether it was only the majority to be presented in this Adhoc committee. Let the report be taken back to the mover to correct. Thank you

Hon. Joshua Auko: Madam Speaker, if something is wrong, it is wrong. Madam Speaker, the way the list is put here is wrong. Two third gender rule is not observed, minority is not observed, everything is wrong and therefore I do not expect my brother Aloo to bring something which is a blander and the list should be transformed and go back. Thank you.

Hon. Caroline Ogot: Thank you Madam Speaker. This list when it was brought in the house, it touched many hearts. The group that this report was meant to cater for is valid and the people who forwarded the names as the Chairmen did not consider the gender rule and nobody understands a woman better than a woman so there must be more women here. Remember I kept on asking the mover about the constitution of this because I knew. I wanted to nominate from the Committee of Health whom I know would really spend time on representing us but I did not get the answer. I respect all the chairmen but, are they going to be up to the task? Do they have the time? Can we change this list so that this actual committee picks up? Thank you Madam Speaker.

Madam Speaker (Hon. Pamela Omino): Hon. James Diang'a!!

Hon. James Diang'a: Thank you very much Madam Speaker and my fellow colleagues. This is a very important matter and as legislatures we need to think big on how we are going to help the boda-boda industry. There are some people whom I feel would be important if they were included in this list of Adhoc committee. Chairs are not to be here for sure! And I mean it so let us select the new team having gender in mind. Thank you.

Leader of Majority (Hon. James Omolo): Madam Speaker, Adhoc Committee has a reputation in terms of members who are going to sit in that committee and as you have seen, the mover was limited to membership of 9 as you have seen. I would propose that

we drop some chairmen and replace with women members so that we meet the threshold of 3rd gender rule.

This Adhoc Committee is very important and boda-boda industry is also important as well in the County that we cannot shy away from. Let us take this head on. When the mover was receiving the names, he could have consulted with the chairmen first. Thank you.

Hon. Caroline Owen: Madam Speaker, I want to say that what Hon. Members are debating here is not the motion that was discussed last week, but was the formation of the Adhoc Committee. The motion was very good and members were all in agreement that it should be supported. During the discussion of the motion, I remember the mover of the motion sited that boda-boda people have been used and even the time when he was attacked, boda-boda people were used. And during the motion the issue of security as far as boda-boda is concerned came out very prominently and as the Committee which has been shown here, I have not seen any concern for the Security. We all know the rules that guide this house and the formation of committees and we know the ratio. If we have a house that has majority and minority, we know that cannot be represented by one particular party that is one of the legality of the formation of this committee. As much as we talk about the gender rule, we should also consider that the formation of committee include the minority, in which case, a third must be minority Speaker (Hon. Pamela Omino): Information from Majority Leader.

Leader of Majority (Hon. James Omolo): I want to inform the Hon. Member that we consider the percentage not the third ruling.

Hon. Pamela Omino: Madam Speaker, considering the contribution we make in this house, we are good as that percentage he is talking about and I would request that they consider that because it is very clear. You cannot form a committee and consider it legal when it does not contain the interest of all the parties in the house. Madam Speaker, it is therefore left for the decision of this house to consider whatever the percentage should be put for the minority party but I want to stress that during the discussion of the motion it was very clear that the boda-boda industry should be talked about, branding them so that uniform belonging to boda-boda on Ahero route, or Muhoroni or where is different so that if they are used to doing anything then it will be known and they should also have their serial numbers so that they can be identified each time something happens. I would like the Leader of Minority to second.

Chief Whip (Hon. Isaya Onyango): Madam Speaker, this thing of amending the motion by everyone is not in order. According to our standing order, there is only partisan on what we are doing. Madam Speaker, let us seek direction that will help this motion. The bone of contention here is about gender balance. The number according to the

standing order is 9, the only thing is how do we achieve the gender rule? This motion came from the Committee and what we should do is to ask the mover to ask the Committee Chairmen that we want to have gender in this committee, let them go and correct it and bring back the list. As for me, I am ready to leave.

Madam Speaker (Hon. Pamela Omino): Order Hon. Members, Order. I want you to look at this list keenly. I know the gender rule was not taken care of and even the minority party. Kindly find a way forward.

Hon. Samuel Ongow: Look at the motion before us. I do not even know what we are amending because the motion of the formation of the Adhoc Committee was discussed in the previous session not today. Today it was only tabling the names so what are we amending? It was tabled, discussed and resolved. We dispensed of the motion so I do not know whether we are amending the names or what because the motion is not there. The other thing is that I support there was no gender balance but we cannot be a house again which did not adhere to their own rules. What are the rules about the formation of committees? If you want to do what is right, then we must also not ignore our own rules I therefore feel all these should be put together and if we can agree all of us, then probably we can easily get the way forward and of course you should also consider that you are dealing with Adhoc committee. If not careful you could be talking about certain compositions which will bring even a standing committee which if not looked well may serve the purpose of another committee. Personally my way forward would be to look for a relevant standing committee and incorporate the mover to that Committee. Thank you.

Madam Speaker (Hon. Pamela Omino): Hon. Members, it was agreed in this Hon. House that for example, Health Committee was supposed to bring one member and it was proposed the other committees to bring their representatives too.

Hon. Paul Okiri: Thank you Madam Speaker, I stand here as an elected member of west Kisumu ward and there is one thing I would like to clarify, in this house there are some little talks that you see one is demeaning the other or so. Going through election and winning is not an easy task. I heard a nominated member Caroline Ogot mentioned something but I am not amused. I agree with some members looking for a way of how we can harmonize the third gender rule. Madam Speaker, we cannot crucify Hon. Aloo for this because he did not know the other committees would just bring the chairmen. He could not say that it is in Health that I need a woman and so on. In Health Committee we are only four male but my committee is ready to sacrifice for a female Hon. Member this Committee. I propose Hon. Salome Lungafa to take over.

Hon. Aslam Khan: Madam Speaker is it in order for the Chair of Health to appoint somebody without the committee sitting down to choose whom they want to be in the committee? This is an illegality.

Hon. Elijah Omondi: When this matter came to the house, I was the only person who opposed, I foresaw all these confusion and today Hon. Ongow has spoken very clearly. I said we have a standing committee for transport. The method of formation of Adhoc committee was agreed on before the plenary and it had to go through the committees.

Madam Speaker (Hon. Pamela Omino): Permission granted to Hon. Agwanda

Hon. Caroline Agwanda: Is it in order for Hon. Elijah to mislead the house by saying he opposed when he was the one presiding the session on that day.

Hon. Elijah Omondi: Madam Speaker, Hon. Caroline Agwanda was in U.S when this happened.

(Laughters)

Madam Speaker, you were the presiding then you left, that is when I later presided. When I took the chair I gave my contributions. I would request the mover that we consult outside shortly so that we get the way forward.

Hon. Pamela Odhiambo: Thank you Madam Speaker, my way forward is that we are all here and after the session we can meet shortly and elect the members to be in the committee then the mover will bring it back to the house.

Hon. Samuel Ongow: Madam Speaker, It is so interesting, if the plenary had given time to do this election and Hon. Pamela is saying that we can go out and do it, is there any way we can go out and turn ourselves into a committee and come direct to the plenary?

Madam Speaker (Hon. Pamela Omino): Hon. Members, I know you are either going to adopt this report or reject it and if you are going to adopt it, it would be with amendment.

Hon. Pamela Odhiambo: I was not suggesting that we go out and elect these members and come back to the house, I was saying that we be given another chance and sit and elect as a committee and I would call upon the mover to withdraw and bring it back later.

Hon. Maurice Ondiek: Thank you Madam Speaker. Standing Order No. 1 allows the mover to go and make amendments and bring it back to the house just as Hon. Elijah had said. Thank you.

Hon. Osumba Olum: Thank you Madam Speaker, I want to inform the house concerning this motion. I said here before that the matter we are discussing of boda-boda is not a joke but I can see member's interest is what they can earn from the committee. The mover said we are going to teach them in different ways and even how they can generate income to improve their standard and I know some of you will run away from it because it is not going to be easy so let us be sober and tackle this issue amicably.

Hon. Petronilla Omondi: Mr. Speaker, it is very unfortunate for Kisumu County Assembly to move away from the object of discussion and they are now embarking on something which is not appropriate. Madam Speaker, I will concur with one speaker who spoke here earlier, I will say that the only way to get sanity to this, the truth is even if we have our own orders, the constitution is clear and even in the house, we have more than ten women. If we cannot find a method to meet the third gender rule then accept that we have men because we are confident in them to do this job. Now that we have failed, and I am not afraid to say that we have failed in meeting the third gender rule and that is the bone of contention. Let us get the basics until we grow up to the level where we shall accept and appreciate some of these things. In this Assembly we have a standing committee which is in charge of transport. This standing committee has not failed in organizing the transport in this County therefore my suggestion is this, instead of having this bone of contention,

Madam Speaker (Hon. Pamela Omino): Point of information by Hon. Ogosi

Hon. Aggrey Ogosi: Thank you Madam Speaker. This house made a ruling. Remember this matter is not appearing this hon. House for the first time. Madam Speaker, you cannot come up with totally new things and give the committee of transport the mandate to go and look on this matter of boda-boda transport. We are picking from where we left because a ruling had been made and a report is before us. We are discussing the recommendation of the report. My suggestion is this, we are dealing with two things, one, is gender rule which is a fact, my suggestion is that we look for two more women and we are done Madam Speaker. There are obvious causalities in this list i.e. Hon. Elijah Omondi. Hon. Elijah Omondi was a speaker during this formation of the Committee and I do not see why his name should appear here, it is going to lower his status as a speaker. The people living with disabilities should also be represented. I have already talked to Hon. James Oyugi Were and he has accepted that as Committee of Finance, he doesn't need to be there so the chance is left for persons living with disability. I therefore leave one slot for other members also to suggest. Thank you Madam Speaker.

Chief Whip (Hon Isaya Onyango): Thank you Madam Speaker, Hon. Ogosi has said to issues that are going to help us move forward. He has mentioned those who would give way to gender as Hon. Elijah Omondi and Hon. James Were and I can see them nodding meaning they have accepted. Madam Speaker, I will also withdraw and I think we have now done it. Thank you.

Hon. Caroline Owen: Madam Speaker, I was just perplexed because Hon. Petronila was on the floor when Hon. Ogosi stood up on a point of information and seemingly she has been denied a chance to conclude.

Madam Speaker (Hon. Pamela Omino): I will give her chance.

Hon. Caroline Owen: Thank you.

Hon. Petronila Omondi: Thank you Madam Speaker. As I was talking, I do hope so that you have also witnessed when the microphone left my hand. With that kind of decision which we do not understand, and somebody is saying it is now over. What is over? Is that the way to achieve what we want? Mine was, I feel and I believe that Assembly has failed in forming the Adhoc Committee and my suggestion is that we look at what we are addressing. Remember when we are talking about boda-boda industry, we are talking about transport and I do believe that even if we cannot even appreciate such a matter, the standing committee which is the transport committee can man the situation. Thank you.

Hon. Osumba Olum: Thank you Madam Speaker. I want to say that since Hon. Isaya is leaving, I am also leaving because I know why. Who ever wanted the position, take it!

Chief Whip (Hon Isaya Onyango): Madam Speaker, as I said earlier, this Adhoc Committee must have 9 members and at the same time members, we have seen sense according to resolutions last week that we must have gender rule. I myself did not come in as a chairman, I came of reason that members wanted me to be there but because of a stalemate, I am giving my chance to another person so that we move forward.

Madam Speaker (Hon. Pamela Omino): Hon. Members, third gender rule was not taken care of and disability was also not taken care of and even minority party. I want the mover to take care of the list by replacing Members who have withdrawn themselves from the list and consider the requirements. Thank you.

Hon. James Diang'a: I have also stepped down for my vice chair.

Hon. Pamela Odhiambo: Thank you Madam Speaker, I wanted to day that the third gender rule has already been taken care of. What I am afraid of now is when we are doing this, some members are taking us the other way round. We have Hon. Diang'a who has left for Hon. Jane Omolo. Hon. Paul Okiri has left for Hon. Lungafa and Hon.

Were has also decided to give chance to Hon. Ogosi. The other members should now remain.

Hon. Samuel Ongow: You cannot do it that way. Those who have dropped their names from the list must just go back to the committee and remove their names from there not at this level Madam Speaker.

Madam Speaker (Hon. Pamela Omino): Can any of you call the mover to reply?

Hon. Aslam Khan: Going by the mood of the house, may I call the mover to reply?

Hon. Maurice Aloo: Thank you Madam Speaker. It is very clear that members know the intension of the motion that was brought before this house last week. From there, the house mandated me as a mover to bring a list before this house on the formation of committee. I went ahead and consulted with the various committee chairmen and it is now coming clear that they did not consult at their committee level and that is a bone of contention. It has also come out clearly that members should desist from being selfish and I have taken your instructions very well and I request that even though Hon. Isaya and other members have opted to move out of the list, there were members who were proposed to be automatic members of this committee regardless of committee representatives. These members were

1. Hon. Isaya Onyango
2. Hon. Petronila Omondi
3. Hon. Maurice Aloo
4. Clerk – Nicholas Okola

How I wish they are maintained in this committee. I want to thank members for their noble contributions and I want to thank a few members for opting out but still they have to go back to their committees and bring a list of their members who will enable me to form Adhoc Committee if possible next week. Let the chairmen submit the list in writing. Another issue that came out strongly and was not among the consideration was Security Committee. I want to request the chair of security to be there. Otherwise thank you for deliberation and I want to say the task ahead of us is very enormous. Just this morning we read that 9 boda-boda operators raped a woman in Kitengela and those are the issues we want to address Madam Speaker. Thank you.

Madam Speaker (Hon. Pamela Omino): Thank you very much Hon. Member. The motion was moved before this house on formation of Adhoc committee on matters affecting boda-boda industry within Kisumu County Government and it was seconded. I want to put a question that report be taken back to the committee for correction.

[Question put and agreed to]

Adjournment

Madam Speaker (Hon. Pamela Omino): There being no other business, this house stands adjourned until Wednesday, 24th June, 2015 at 9.00 a.m.

(All Arise)

(Speaker's Procession)

(House stands adjourned at 5:47 p.m)