

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

SECOND ASSEMBLY – FOURTH SESSION

Thursday, 15th October, 2020

House met in the Main Chamber at 02:30 p.m.

(The Temporary Speaker (Hon. Caren Muga) in the Chair)

PRAYERS

The Temporary Speaker (Hon. Muga): Good afternoon Honourable Members? Honourable Members, allow me to request Hon. Obonyo Jenifer if we have the quorum.

Hon. Obonyo: Thank you Madam Speaker. I can confirm that we have quorum in the House because we have Members contributing via Zoom. Thank you.

The Temporary Speaker (Hon. Muga): Thank you. Mr. Clerk, please take us through the Order of the day.

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

PAPER LAID

ECD, ADULT EDUCATION AND VOCATIONAL TRAINING COMMITTEE REPORT ON
THE DISBURSEMENT OF SCHOLARSHIPS AND BURSARIES FUND FOR THE FY
2018/2019 AND FY 2019/2020

BY

HON. DAVID ARAO

CHAIRPERSON, ECD, ADULT EDUCATION AND VOCATIONAL TRAINING
COMMITTEE

The Temporary Speaker (Hon. Muga): Proceed Hon. Judith Ogaga.

Hon. Ogaga: Thank you Madam Speaker. On behalf of the Chair Education Committee allow me to lay this Paper.

The Temporary Speaker (Hon. Muga): Proceed Honourable Member.

Hon. Ogaga: Pursuant to the provision of Standing Order No. 182 (6), I wish to lay today Thursday, 15th October, 2020, ECD, Adult Education and Vocational Training Committee Report on the Disbursement of Scholarships and Bursaries Funds for the FY 2018/2019 and FY 2019/2020. Thank you.

The Temporary Speaker (Hon. Muga): Thank you Hon. Ogaga. Honourable Members, I confirm the receipt of the ECD, Adult Education and Vocational Training Committee report on the Disbursement of Scholarships and Bursaries Funds for the FY 2018/2019 and FY 2019/2020. I do direct the House Business Committee to slot it for discussions on the Floor. Thank you.

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

NOTICE OF MOTION

ECD, ADULT EDUCATION AND VOCATIONAL TRAINING COMMITTEE REPORT ON
THE DISBURSEMENT OF SCHOLARSHIPS AND BURSARIES FUND FOR THE FY
2018/2019 AND FY 2019/2020

BY

HON. DAVID ARAO

CHAIRPERSON, ECD, ADULT EDUCATION AND VOCATIONAL TRAINING
COMMITTEE

The Temporary Speaker (Hon. Muga): Yes Hon. Ogaga.

Hon. Ogaga: Thank you Madam Speaker. Pursuant to the provision of the County Assembly Standing Order No. 45, I wish to give a Notice of Motion of the ECD, Adult Education and Vocational Training Committee Report on the Disbursement of Scholarships and Bursaries Funds for the FY 2018/2019 and FY 2019/2020. I do this on behalf of Hon. Pst. David Arao.

The Temporary Speaker (Hon. Muga): Thank you. Next order!

STATEMENTS

The Temporary Speaker (Hon. Muga): Yes, Leader of Majority.

The Leader of Majority (Hon. Onyango): Thank you Madam Speaker. I rise under the provision of Standing Order No. 41 (2) (d). Over the last couple of weeks, the attendance in this Assembly has been dismal. That worries me because it infringes on the seamless operationalization of business in the House but what really worried me is, today some Members did express to me issues that I thought is a little worrying that there is a possibility of spike of COVID-19. There is a lot of worries among Members and I am not very sure if that could be contributing factor to the inability of most Members to attend House Sessions because that could create some case. My pleadings could be that, we take some precautions so that safety of Members is guaranteed at any given time.

Two weeks ago, there was a suspected case of COVID-19 at the Public Service Board and it forced them to close for two weeks. There was a similar case in Uasin Gishu County Assembly and it forced them to close. If there is that worry among the Members then probably it would be necessary that we move with speed so that precautionary measures are put in place to avoid unnecessary anxiety. That is my concern because it can affect the businesses that we have in the House. Madam Speaker, kindly allow Members to ventilate on this matter thank you.

The Temporary Speaker (Hon. Muga): Thank you for raising such an important Statement in the House. Let us have a Member seconding the Statement.

The Temporary Speaker (Hon. Muga): Yes Hon. Erick Agolla.

Hon. Agolla: Thank you very much. I stand to second. I want to fully agree with the concern expressed by the Leader of Majority. In addition, I want to thank you for according Members the opportunity to ventilate on the subject at hand. Madam Speaker, matters of health are essentially important.

Madam Speaker, I want to disagree with the assertion that Members absent have chosen to do so because of fears of COVID-19. If it is so, then measures should be taken. In that regard, I want to take this opportunity to applaud Members present for being brave enough to withstand the prevailing circumstances.

Madam Speaker, this Assembly can only continue to discharge its mandate when Members are available. However, in the absence of Members, the House must be adjourned through the provisions of Standing Orders, until such a time when Members will be available. I want to say is that the Welfare Committee and the general management of this County Assembly should ensure that safety measures are put in place. For example, fumigation should be done in this Chambers prior to commencement of every session.

Madam Speaker, we appropriated some funds to take care of COVID-19 situation. I can remember we were given a packet of masks to take to our Wards. These were only able to take care of our staff. Sometimes, we are in situations where Members do not have masks. I ask that for the safety of Members, the Serjeant-at-Arms should be given enough masks for circulation in the House. This House should be well fumigated and taken care of so that we work in a safe environment.

Madam Speaker, when I leave this place, I interact with over 40,000 people in my Ward who stand the risk of being infected. Therefore, my participation in this House should not endanger the life of anyone. I want to reiterate that, something should be done. However, I do not agree that it is the reason some Members are missing. Members should be present and deliberate on issues affecting them. This is why I agree with the sentiments of the Leader of Majority.

Madam Speaker, in the entire country, or elsewhere, it seems there is some laxity in matters precautionary against COVID-19. You find that people have dropped their guards and are not wearing masks in public spaces. That said and done, safety measures should be adhered to here as we interact with those whom we represent. Madam Speaker, we recently had sanitizer booths which are no longer functioning yet were bought with tax payers' money. What then is the reason for buying them if they are not working? The microphones, chairs, and tables should be properly sanitized. In fact, we should even have foot baths for dipping our feet.

Madam Speaker, it was communicated to you that strangers, as they are referred to in our Standing Orders, should not be allowed. People are coming in and out haphazardly. I remember that non-members should not enter unless authorized. It is like we are exposing the lives of Members to COVID-19. This is a very important discussion that Members should deliberate upon and come up with a resolution which then should be implemented as a resolution of the House.

Madam Speaker, this concern should be taken seriously and after resolution has been passed, implementation should follow. As Chair of Implementation, I want to emphasize that resolution passed in the House is implemented to the letter. Thank you.

The Temporary Speaker (Hon. Muga): Thank you Hon. Agolla. Hon. Ojuok

Hon. Ojuok: Thank you Madam Speaker. I want to emphasize that the concern is genuine. It has actually come to my mind that the level of absence I am seeing in committees could be attributed to this. Today, we discussed a very important issue on Education regarding Scholarships and Bursaries which is a concern for many. However, the attendance was very low. This was even worse with the Committee on Implementation. The leadership needs to do something to inspire confidence in the Members to attend.

In addition, I want to say that COVID-19 is real and can lead to great loss if positivity rate escalates. I can imagine that if it gets to me and my entire family is infected, I do not know what

I may be able to do. There is however some level of laxity. I was in Nairobi the other day and the police would remind people to wear masks. Again, when I was on my way to Maragoli, I was the only one in a mask and when I enquired, it was like they are not sure of the real existence of this pandemic.

Our behaviour as Kenyans will force the government to impose measures earlier lifted. With a lockdown in place, economy suffers a great deal. In terms of re-opening of schools, I would suggest that Class Eight, Form Four- and Final-year students be allowed to go for exams. I am however aware that the government is taking extreme caution. Unfortunately, there is a lot of pressure from Kenyans who are uncomfortable of staying with their own children at home oblivious of the risks posed by the pandemic.

Madam Speaker, I believe that it may force the Governor to speak boldly on this as Kisumu is registering more positive cases. On the issue of funerals, it is sad to note that we are back to the normal way of operating. As people pay less attention to measures, they will cry out loud to the government to offer them assistance. The Assembly and entire County leadership should enforce stricter measures to curb the spread of this pandemic in the County.

Madam Speaker, I would wish to inform this House that we are not yet out of the wood with regards to COVID-19, yet we have relaxed all the rules. For instance, the number of people allowed to attend funerals is no longer obeyed. Let us all join us in the fight against COVID-19. We can have reusable masks and if possible, we have conduct tests to probably inspire confidence in Members.

The Temporary Speaker (Hon. Muga): Yes Hon. George Ogutu, I want to request that we go by the Standing Orders because the Statement Hour is almost over. Please take the shortest time possible.

Hon. Ogutu: Thank you very much Madam Speaker. I will heed to that request and be brief. I find it sad that Kisumu County appears at position two in the map based on COVID-19 infections after Nairobi County as Mombasa County follows at position three. The Governor of Kisumu County, Prof. Anyang' Nyong'o recently urged us to avoid attending funerals or gatherings involving several people in order to prevent the spread. We are a reflection of our leaders and Kenyans have resorted to carelessness when it comes to keeping up with the prevention measures against COVID-19 because, we see our leaders not taking the issue seriously as well. My heart and concerns go specifically to Kisumu County and we should find a way of cautioning people. This statement was brought by the Leader of Majority, and being that he sits with the Governor severally, he can take the initiative to help come up with a collective way of cautioning our people of this County.

The Temporary Speaker (Hon. Muga): Excuse me Hon. Ogotu; I think this one was announced by the President of this Country and he specified a limited number of attendees on the same. Isn't it so Hon. Leader of Majority?

Leader of Majority (Hon. Onyango): That's right.

The Temporary Speaker (Hon. Muga): Okay Hon. Ogotu I believe that is clarified that it was the President but not the Governor who authorized just a limited number to attend funerals.

Hon. Ogotu: Madam Speaker, it might be a little oversight on your part but the Governor of Kisumu also reiterated the same. He was concerned with the people of this County to take precaution.

The Temporary Speaker (Hon. Muga): What is it Hon. Kenneth Onyango?

Leader of Majority (Hon. Onyango): I am sorry to interrupt my good friend Madam Speaker. My concern was basically on the people of Kisumu, and especially the safety of Members of this Assembly. I believe that if we start talking about the county then that would be in a different forum because we may not be able to make a decision of certain issues concerning COVID-19 that affect the entire county but we can make a decision of COVID-19 that affect us as the Assembly. We usually interact with a lot of people and the concerns that Members were raising was about a possible spike within the Assembly, that we would probably address and if other issues may emerge then we can talk about them later.

The Temporary Speaker (Hon. Muga): Thank you. Hon. Ogotu could you kindly proceed?

Hon. Ogotu: Thank you Madam Speaker, I believe that we are lying to each other which should not be the case because, we know that we are 35 elected honorable Members representing Kisumu County. In precision, these 35 Members make Kisumu County and if we are only concerned with the welfare of the honorable Members then, that would be a great deception on our part.

The Temporary Speaker (Hon. Muga): Excuse me Hon. Ogotu, when you talk about only 35 elected Members you are excluding the other 13 nominated Members. Where do you place them? Do not be discriminative in the House.

Hon. Ogotu: Madam Speaker, you must have misunderstood my explanation because I meant 35 wards which represent Kisumu County leaving out the nominated Members. The nominated members are within our ward and I am sure you are aware of that.

The Temporary Speaker (Hon. Muga): You have two minutes left please wind up.

Hon. Ogotu: Madam Speaker, If my good friend the Leader of majority is talking about only the welfare of our Hon. Members yet we have thousands of others that we represent then we are

really deceiving ourselves. Madam Speaker, if it is a matter of cautioning Kisumu County, let us do so in totality rather than in segments, and with those few remarks I beg to sit down, thank you.

The Temporary Speaker (Hon. Muga): Thank you, yes Hon. Judith Ogaga.

Hon. Ogaga: Thank you Madam Speaker. So much has been said and I am kind of getting mixed up on his statement, but the point I picked was on attendance in the Assembly, which I want to talk about briefly. As much as we are talking about Members attending funerals, what about the attendance of sessions and committee meetings by Members, which has been a great challenge? I don't know whether it is due to the safety of the Members that makes it so and if that's the case then, I will urge the leadership of the Assembly to put in place measures so that we can attend online through the zoom platform like others always do. Otherwise I feel that Members should also be coming physically because it seems like there is an attitude or culture that has since been planted and prompts a continuity of the same.

The Temporary Speaker (Hon. Muga): Hon. Judith Ogaga, how many Members were you expecting today?

Hon. Ogaga: Madam Speaker, I have talked about attendance of both plenary and committee sittings.

The Temporary Speaker (Hon. Muga): How many were you expecting in the House? How many are you seeing, and how many are live in Zoom? Because I fail to understand what you mean by poor attendance as I can see a bigger number in the House as well as in Zoom.

Hon. Ogaga: Madam Speaker, today there is quorum as confirmed by the Chief Whip.

The Temporary Speaker (Hon. Muga): Thank you.

Hon. Ogaga: So, I was just referring to a general view of attendance overtime. For instance in the morning, Hon. Philemon Ojuok had mentioned the same because we had an ECD Committee meeting today but it took a while for us to get quorum.

The Temporary Speaker (Hon. Muga): Did you finally get a quorum for the meeting? Because failure to have a quorum means no meeting hence no signing of Members for payment of the intended sitting

Hon. Ogaga: Madam Speaker, we actually did but after wasting half an hour waiting for Members.

The Temporary Speaker (Hon. Muga): Thank you for that confirmation.

Hon. Ogaga: We should therefore change our attitude and review the reason why we are here. If you look at the Senate and the National Assembly, work is running smoothly hence we are obliged to emulate that.

The Temporary Speaker (Hon. Muga): What is it Hon. Philemon Ojuok?

Hon. Ojuok: Madam Speaker I believe that I mentioned this and I want to give a clarification on the same. We are misbehaving greatly and...

The Temporary Speaker (Hon. Muga): Excuse me Hon. Ojuok what point are you standing on?

Hon. Ojuok: I am standing on neither and just clarifying my statement that she refers.

The Temporary Speaker (Hon. Muga): Did she ask you to clarify?

Hon. Ojuok: No. It is because you were having difficulty understanding the same.

The Temporary Speaker (Hon. Muga): Okay continue.

Hon. Ojuok: Madam Speaker, what I wanted to say was that, we are misbehaving with issues that should be taken serious and I am even contemplating going to the public because of this. The attendance of committee meetings is very poor and I will not coil to tell it out.

The Temporary Speaker (Hon. Muga): You are out of order please can you sit down! Thank you very much Hon. Ojuok for being obedient. I don't want to make a ruling on this matter yet so can we continue with the Next Order unless the Majority Leader has something to say.

Leader of Majority (Hon. Onyango): Thank you Madam Speaker. If my Statement was as serious as the way Members have alluded then, you should make a ruling so that we can help the situation. Last week, we did suggest bringing mass testing of staff as was done the other time so that we can be sure. This disease is nobody's friend. If a resolution is made then we can petition the leadership to ensure this is done to erase the fears that some people might have. I believe that, we are going for the short recess end of next week, I believe that it is on 30th to be precise. During that recess period, we need to be sure of our health status so that as we go out to mingle with our electorates, we don't endanger their lives. You remember what happened in the United States when the President had a very big meeting and so many people ended up being infected. We want to avoid such scenario.

The reason I am so concerned about this is because yesterday, I was very sick and I was with many Members. So I was worried if I had the disease and was imagining the number of Members I would have infected. Thank you.

The Temporary Speaker (Hon. Muga): Thank you. I could not make my ruling before getting it clear from the Leader of Majority on what he has heard from the Members. It is true that

COVID-19 is a threat in our lives. I want to thank the Leader of Majority for bringing up the Statement before the House. I want to refer this matter to the Office of the Clerk to ensure the Leadership and the Board can make sure Members are protected through provision of masks, mass testing and proper sanitization of this Assembly. Thank you very much.

The Temporary Speaker (Hon. Muga): Next Order!

MOTION

PLANNING, INDUSTRIALIZATION AND ICT COMMITTEE REPORT ON LAND OWNERSHIP

BY

CHAIRPERSON, HON. GEORGE OLWAL

The Temporary Speaker (Hon. Muga): Thank you. I believe the Leader of Majority will not walk out because he has brought his Statement in the House. He will have to be with the Members here. Yes, Hon. George Ogutu.

Hon. Ogutu: Thank you Madam Speaker for giving me this chance once again. This report was to be presented by the Chair Hon. George Olwal but he is out on official duty. So I will step in.

Mr. Speaker and Hon. Members, pursuant to the provisions of Standing Order No. 41(2)(b) of the County Assembly Standing Order, Hon. Pamela Odhiambo raised a statement (See Annex 1) in the House on 3rd September, 2020 in regards to drainage challenges at Wells Oil Petrol Station, Toyota Kenya Limited and land ownership dispute at Carwash, all in Manyatta B.

In accordance with Article 185 of the constitution of Kenya, Section 8 of the County Government's Act, 2012 read together with the County Assembly of Kisumu Standing Order No. 193, the Hon. Speaker instructed the committee on Planning, Industrialization and ICT to make an inquiry, investigate and cause a report on;

- a) Drainage at Wells Petrol Station
- b) Drainage near Toyota Kenya
- c) Land ownership issue at Car Wash Bay

In a committee meeting held to deliberate on this, the committee resolved to write a letter to the department of Lands, Housing, Physical Planning and Urban Development through the office of the County Secretary, Kisumu County Government to provide facts on the same.

Consequently the Committee Clerk wrote a letter (See Annex 2) dated 8th September 2020 to the department of Lands, Physical Planning and Urban Development to submit the required information on a date not later than Tuesday 16th September 2020.

Establishment and Mandate of the Committee

Mr. Speaker and Hon. Members, the Sectoral Committee on Planning, Industrialization and ICT is established under Standing Order No. 193 of the Kisumu County Assembly Standing Orders, whose mandate, pursuant to the Standing Orders No. 193 (5) (a) (Second Schedule) is as follows;

To investigate, inquire into, and report on all matters relating to the mandate, management activities, administration, operations and estimates of the assigned department.

Composition

Mr. Speaker and Hon. Members, the committee on Planning, Industrialization and ICT as currently constituted comprises of the following Members:-

- | | | |
|--------------------------|---|------------------|
| 1. Hon. George Olwal | - | Chairperson |
| 2. Hon. Nancy Owiti | - | Vice Chairperson |
| 3. Hon. George Ogutu | - | Member |
| 4. Hon. Aslam Khan | - | Member |
| 5. Hon. Pamela Odhiambo | - | Member |
| 6. Hon. George Abaja | - | Member |
| 7. Hon. Joseph Olale | - | Member |
| 8. Hon. Jennipher Obonyo | - | Member |
| 9. Hon. Gard Olima | - | Member |
| 10. Hon. Habil Nyasuna | - | Member |
| 11. Hon. Olga Aoko | - | Member |
| 12. Hon. Priscah Misachi | - | Member |
| 13. Hon. Johnson Guya | - | Member |
| 14. Hon. Kennedy Ageng'o | - | Member |
| 15. Hon. Victor Rodgers | - | Member |

Secretariat

- | | | |
|------------------------|---|------------------|
| 1. Mr. Boaz Ouko | - | Committee clerk |
| 2. Mr. Austine Ochieng | - | Clerk Assistant |
| 3. Mr. Patrick Okoyo | - | Hansard |
| 4. Mr. Bill Omondi | - | Legal Counsel |
| 4. Mr. Kennedy Okise | - | Sergeant-at-Arms |

ACKNOWLEDGEMENTS

Mr. Speaker Sir and Hon. Members, it is my privilege and pleasure on behalf of the Committee to convey my gratitude to all Members of the Committee for their valuable input throughout its proceedings. The Committee equally extends thanks to Members of the Committee on Planning,

Industrialization and ICT for taking their valuable time out of their busy schedule to participate robustly during this time of investigation on this matter.

The Committee also appreciates invaluable support from the offices of the Speaker and Clerk of the County Assembly for providing conducive atmosphere to prepare this report. To our Clerks and the technical staff who tirelessly worked through to make this exercise a success, I applaud you.

It is now my humble desire and wish to hereby submit this report to the House for consideration on behalf of the Committee on Planning, Industrialization and ICT.

COMMITTEE FINDINGS

Mr. Speaker and Hon. Members, the Committee, after requesting the department of Lands, Housing, Physical Planning and Urban Development to respond to the statement, received a response (See Annex 3) on the same. The committee established the following from the response;

Drainage challenges at Wells Oil – Nyamasaria.

- I. That Wells oil sits on land parcel no. Ksm/Manyatta ‘B’/243 along Kisumu – Nairobi road.
- II. That the neighboring land parcel No. Kisumu/Manyatta ‘B’/64, which is the neighboring land parcel has also been acquired by the same company for their business expansion.
- III. That Wells Oil company has re-done sections of the drainage channel on the acquired piece of land; this is still inadequate as the locals are still raising complains of constant flood havoc during heavy down pour.
- IV. That the company has paved off the frontage part of the main highway, thus cutting off the drainage channels on the road side.
- V. That several other drainage channels in the area are also blocked resulting into flood menace during showers of rain.

Blockage of drainage channel by Toyota Kenya Limited in Manyatta B.

- I. That Toyota Kenya has done a perimeter wall fence on their property near Nyamasaria interchange.
- II. That the said perimeter wall has culverts installed to redirect flood waters into Nyamasaria and Auji rivers. The culverts are small in size and are inadequate.
- III. That the flood menace in the area is as a result of River Auji breaking its banks, discharging its waters into the areas near Toyota Kenya’s site.

- IV. That there is an incomplete drainage channel along Kasawino road that creates blockage to the flood water.

Whether The Parcel of Land at Carwash bay, Manyatta Junction near Baraka Petrol station is privately owned.

- I. That the said carwash bay is located at Manyatta junction, near Baraka Petrol station.
- II. That the carwash is used by the local youths to get their income.
- III. That the carwash is separated from the nearby private land by an existing drainage channel done by the contractors who were doing the Kondele – Nyamasaria By-pass.

COMMITTEE SITE VISIT

Mr. Speaker and Hon. Members, the committee did not stop there with its investigations because it was necessary that they delve into the matter with a view of finding a lasting solution to the menace. On 6th October 2020, the committee invited (See Annex 4) the Managers of both companies to attend a committee meeting held on 13th October 2020 at Shiloah building to deliberate on this matter amicably and after the meeting, the committee proceeded for a site visit to ascertain the facts.

Submission from the Manager Wells Petrol Station

The Manager for Wells Petrol Station had the following to submit verbally over the drainage challenge at Wells Petrol Station;

He agreed that there is a drainage challenge around where the company he is managing is located. He informed the committee that the company itself is always hit very hard with the effects of the blocked drainage and it was therefore their wish as a company to have that matter solved once and for all. He informed the committee further that the company had been approached by the members of the public over the same matter and they responded to the public by informing them of their master plan to have the matter solved.

Mr. Speaker and Hon. Members, during the site visit the committee noted that the company did a lot of dumping in the way of drainage without any Authority from the County Government of Kisumu or the National, Environmental Management Authority, hence contravening the Physical and Land Use Planning Act 2019, section 56 and 57 (1)

The Officer also agreed to share with the committee the company's approved plan (See Annex 5).

Submissions from the Branch Manager Toyota Kenya

The branch Manager for Toyota Company Limited in his submission, appreciated the fact that the company itself is a victim of the drainage challenge in the area in question. He acknowledged that the problem has been there for sometime but could not be brought to an end in a day. In his submission, the officer agreed to ensure that the recommendations of the committee in regards to

the drainage challenge at Toyota Kenya Limited are implemented and that the menace is brought to an end.

Committee Findings

At Wells Petrol Station, the committee observed the following;

- i. That some sections of the drainage channel on the acquired piece of land have been re-done but this is inadequate as was stated by residents of the area that the committee interacted with during the visit.
- ii. That the drainage in the frontage part of the main highway is blocked
- iii. That there are other blocked drainage channels blocked resulting into flooding whenever it rains

Toyota Kenya Limited

- i. That Toyota Kenya Limited has done a perimeter wall fence on their property
- ii. That the culverts installed around the perimeter wall to redirect flood waters into Nyamasaria and Auji rivers are too small compared to the water flow during heavy rains.
- iii. That the flooding problem is as a result of River Auji breaking its banks, discharging its waters into the areas near the site
- iv. That there is an incomplete drainage channel along Kasawino road that creates blockage to the flood water.

RECOMMENDATIONS

Mr. Speaker and Hon. Members, the following are the committee recommendations;

- I. That a section of the paved off area at Wells oil to be demolished to ensure continuity of the road side drainage channel.
- II. That during opening up of roads, a lateral drainage be created at the access road besides Wells Oil.
- III. That a survey report be done to open up the road reserve between Wells petrol Station wall and the neighboring land owners
- IV. That river Auji and Nyamasaria to be desilted to the required depth to contain over flow during heavy down pour.
- V. That incomplete drainage channels along Kasawino road to be opened to enable for free passage of flood water.
- VI. That a survey report be done to clear the ownership issue of the parcel of Land at Carwash bay, Manyatta Junction near Baraka Petrol Station.

CONCLUSION

It is therefore my honor and privilege, on behalf of the committee on Planning, Industrialization and ICT to request this Honorable House to consider this report for approval for the benefit of the residents of Manyatta B and Kisumu County at large.

I would like to call Hon. Obonyo to second.

The Temporary Speaker (Hon. Muga): Hon. Jennipher Obonyo.

Deputy Whip (Hon. Obonyo): Thank you Madam Speaker. I am a Member of the Committee; I was present at the site visits. That is why I wish to second the report. Thank you.

The Temporary Speaker (Hon. Muga): Thank you. The report has been presented before the House by Hon. George Ogutu on behalf of the Chair Hon. George Olwal, seconded by Hon. Jennipher Obonyo, who is a member of the Committee. I now wish to open it for debate.

The Temporary Speaker (Hon. Muga): Yes, Hon. Eric Agolla.

Hon. Agolla: Thank you Madam Speaker. I wish to support this report. It is true that this city needs proper planning. My only worry is in page 4 of the report where the names of Members of the committee have been listed and the Secretariat. I am unable to see if the committee engaged City Engineer because, when it comes to a situation where a committee recommends a culvert then the services of experts like the City Engineer is required. So, I wish to urge the committee that in future, in the events of such recommendations, you need to seek technical person who should accompany you during this tour. The committee has done a good work and I want to commend them for being one of the most serious committees. I also wish to thank Governor Prof Peter Anyang' Nyong'o for having prioritized the Spatial Plan of Kisumu City. One of the days I was privileged to visit the City of Kigali in Rwanda. The city is well planned, with good drainage system and having a spatial plan – how things should be built.

In the reporter, the investor – Toyota Kenya have built perimeter wall without considering ordinary residents who don't have the ability to erect a perimeter wall that can...

The Temporary Speaker (Hon. Muga): What is it Hon. Judith Ogaga?

Hon. Ogaga: Thank you. Sometimes back, it was confirmed that our Spatial Plan for the County of Kisumu had issues and was at the EACC. Hon. Agolla says we now have one. I would want him to make that confirmation.

The Temporary Speaker (Hon. Muga): What do you say Leader of Majority?

Leader of Majority (Hon. Onyango): Madam Speaker, I am not very sure about that assertion that our Spatial Plan has got issues and is with the EACC. This is something that was just

finished recently and is awaiting its launch. So, I am not sure what the Hon. Member is saying unless there is substantive evidence to prove her allegations. Thank you.

The Temporary Speaker (Hon. Muga): Thank you. Hon. Judith Ogaga, can you substantiate please?

Hon. Ogaga: Thank you Madam Speaker. Yes, I can confirm that I recently followed it up with the CEC Member in charge and he said that we didn't have one...

The Temporary Speaker (Hon. Muga): Do you have any written document to prove the allegations?

Hon. Ogaga: Madam Speaker, as at that time I had. That is why I rose to ask a question whether Hon. Agolla was sure the spatial plan is there. I just want to be informed of the status because a few months ago it was not there.

The Temporary Speaker (Hon. Muga): Thank you. Can you continue Hon. Eric Agolla.

Hon. Agolla: Madam Speaker, if you check properly in the Hansard, you will find that I said I thank the Governor of Kisumu for prioritizing the spatial plan of Kisumu. I didn't say that we have the spatial plan. The spatial plan must be adopted by this Hon. House. I represent a city ward and I am disturbed that Hon. Ogaga who is also a city MCA is not aware that we as city MCAs are participating in the designing of the spatial plan. In fact, that one could have come from Hon. Leader of Majority who resides in the rural but not from her.

The Leader of Majority (Hon. Onyango): Madam Speaker!

The Temporary Speaker (Hon. Muga): Yes, Hon. Leader of Majority.

The Leader of Majority (Hon. Onyango): Madam Speaker, I believe that what the Hon. Member has said is a bit derogatory.

The Temporary Speaker (Hon. Muga): Of course.

The Leader of Majority (Hon. Onyango): Because,

The Temporary Speaker (Hon. Muga): Yes,

The Leader of Majority (Hon. Onyango): Madam Speaker and Hon. Members, you know you can be a Hon. Member from the city and there is very little grey matter between the ears. On the other hand, you can be residing in rural areas and with plenty of grey matters. So, it depends on the contents that an individual have, not necessarily where he/ she comes from.

In any case Madam Speaker, when this matter came up, I remember that the Committee did say that there is a Master Plan for the County Drainage System. That one cannot come without spatial planning unless we do not understand what it is all about, thank you.

The Temporary Speaker (Hon. Muga): Hon. Agolla, can you continue?

Hon. Agolla: Thank you Madam Speaker. I am glad that Hon. Leader of Majority and I are both reading from the same script except for Hon. Judith Ogaga who is not aware. However, I do not understand the reason as to why she is not as active as a member representative of a city ward (Kisumu Central). We did a Public Participation and if I can remember well, the Committee of Planning, Industrialization and ICT and the city MCA'S were invited in Siala Resort and taken through the spatial plan. In that meeting, there were; Governor, consultants from Nairobi and Sweden who were working on the said partial plan. Once this County comes up with a spatial plan; we will not be able to discuss such issue since every developer will have to adhere to the spatial plan. That is what I was building up.

Back to my main point; I just want to support and also plead with Hon. Members to adopt this report and once the report is adopted, since it's a very complex report, we therefore recommend its implementation which is affecting the locals and yet it is also not budgeted for. Therefore, I am requesting this Hon. House to pass it.

More emphasis should also be placed on the implementing agency which is the City Engineer, whom I had earlier proposed, to be included in the team so that in the future, they can figure out how we can properly utilize even the emergency fund since we do not have a budget for that.

Madam Speaker, if we wait for the budget for rerouting these drainages, our people will be affected. The rainfall pattern for this County and the African Continent at large has changed. Without much ado, I want to support the adoption of this report. It is well balanced work and I would urge other Committees to follow suit on what this particular Committee has done, thank you and God bless you.

The Temporary Speaker (Hon. Muga): Thank you. To the Leader of Majority, I believe that you would have given them time to scrutinize this so that you come up not unless they are satisfied with what they were discussing. But, it is okay. Can you just continue?

The Leader of Majority (Hon. Kenneth Onyango): Thank you Madam Speaker. We are almost asking the mover to reply but until then, the Committee has done a fairly good job and this is what we encourage other Committees to do. However, they have tried to be a little bit dictatorial. It is only that they are blurred since they have used the black and white method. Probably, they could have enriched this by posting it so that the pictorial of it become clearer.

Other than that, I believe that the issues of drainages have been talked about here severally. Madam Speaker, it is absurd that sometime the cities are mostly affected by the floods more than

the rural areas. Sometimes when city MCAs have bragging rights, I do wonder what this is all about. Some of the places like where my good friend Hon. Manuche comes from, is heavily affected by seasonal floods.

If we put that one a side, I think there are short and long term solutions for this flood menace. The long term solutions are contained in the master plan that is being developed.

In addition, if Hon. Members are keen enough, they will see that nowadays the County Government is trying to improve the pavements and with that, there are drainage systems which are being laid together with it. I am imagining that the Hon. Members have been keen enough to see what is going on and that it is part of the wider scheme of finding a lasting solution to this drainage problem.

Indeed, what Hon. Agolla has said is true. He said that, if you go to the capital city such as Kigali, they have such a wonderful spatial plan for the entire city. They also have a phased approach of implementation so that it is so systematic and orderly in that city. We are also trying to see that happen here in Kisumu so to believe.

Initially, when all these begun, the naysayers dismissed it since they did not believe that some of these things can be achieved here. But, planning is the cornerstone of any development. Before the take off stage is reached, there must be proper planning for that to happen. That is precisely what the County Government has been doing and we have started to see the effect of the good planning.

Madam Speaker, things like dredging Rivers Auji and Nyamasariado do not have to wait for that master plan because these are short term solutions to this flooding menace. Probably, when the time comes when the master plan will be implemented, then we shall find a permanent solution. If you go to places like Kigali, all the waters are collected into some sort of an artificial lake or rather a dam where these waters are being used for agricultural purposes hence feed the population of the city. Maybe that is the kind of vision that we need to have for this city first before we can think about other problems. Madam Speaker, floods should not ravages our city year in year out and there is nothing we can do about it.

Madam Speaker, I want to appreciate the Committee for doing a good job. As Hon. Agolla said, we would be expecting that whenever Committees are given work, they should put all their efforts and attention to do that work so that, when a report is brought to the floor of the House, it is not defeated, so that the Leader of Majority is to be blamed for colluding with other people for that particular report to be defeated. It is the contents of the report that we are talking about here. If it has contents like this one, why should we have a problem with it? We want to encourage Committees to do thorough work and that is the extent of the assembly's work. I support this and I also appeal to the Hon. Members to do the same.

Madam Speaker, I want to also appeal to the Chairperson of Implementation Committee, but of course there may be lack of adequate funds, but some of the recommendations here can be implemented like that one of dredging of those rivers that leads to flooding in this area yearly. Even the demolishing of the pavements which in turn also leads to the occurrence of those floods.

These are things that can be done when we work together with the investors in that area so that, the investment that is supposed to bring happiness to the people do not end up bringing problems.

Once again Madam Speaker, I support the report and I want to plead with my colleagues to support this report so that it is adopted, thank you.

The Temporary Speaker (Hon. Muga): Yes, Hon. Philemon.

Hon. Philemon: Thank you Madam Speaker, I want to give my support to the report. I believe that it is widely covered. One of the omissions that I would like to focus on is that, when our committees go out, they need experts because that is a grey area that somebody may use to oppose some of the reports. It is a practice that we have seen in other areas whereby when experts are not involved, and then they tend to dismiss certain things.

Madam Speaker, I am happy and also want to report that while we were in Nairobi, there were so many people including the MCAs whom were very happy with the developments in Kisumu City plus the level of cleanliness that is there. Even us when we go round making such kind of things, it makes us happy.

Madam Speaker, I just want to urge that with that good plan that they have, but, they should also extend onto the other issue of dilapidated buildings which I have been having a problem with. You find them there and it is like nobody is living in them and very little can be done. They make a mockery of the good work that has been done. The much work that the planners have done, they should also extend such services to those other areas. I am now challenging the Planning, Industrialization and ICT Committee that more works needs to be done. We promise that we will bring statements in the House to be able to put them on toes in order to deliver on the same. It is so unfortunate that last time, some of their work had to be taken over. However, I can now see that they have been able to improve and I believe that the Ad Hoc Committee will not be able to seize some of the matters that they had to deal with. Thank you very much

The Temporary Speaker (Hon. Muga): Thank you, Hon. Ogaga

The Temporary Speaker (Hon. Caren Muga): Hon. Ogaga, what do you mean? Can you come up again because I fail to understand if you had contributed and calling the mover to reply? That is not how it should be. You know the House procedure

Hon. Ogaga: Madam Speaker, may I call the mover to reply.

The Temporary Speaker (Hon. Muga): So the first statement needs to be expunged, is it so?

Hon. Ogaga: Madam Speaker it is the same thing, I only said I wasn't sure whether the Majority Leader meant the Chairpersons of PIC/PAC or Implementation Committees but my main reason is that I am standing to call the mover to reply.

The Temporary Speaker (Hon. Muga): What is it Hon. Agolla?

Hon. Agolla: Madam Speaker Hon. Ogaga should not mislead the House and we must adhere to the rules of the House. After the Leader of Majority had spoken and raising any point of order that was echoed by the Leader of Majority is completely overtaken by events because Hon. Philemon had contributed. If the Leader of Majority was not clear the only thing he should have done is to get clarity on what was said. Otherwise, another Member should stand and call the mover to reply because she has contributed.

The Temporary Speaker (Hon. Muga): That is what I wanted her to say if her first statement be expunged.

Hon. Ogaga: I oblige Madam Speaker and call the mover to reply.

The Temporary Speaker (Hon. Muga): I want to request Members that we all know the procedure in this House and we should not make it a playing ground. Hon. Ogaga, can it come from you that you first statement be expunged then you continue with what you are putting before the House!

Hon. Ogaga: Thank you Madam Speaker I request that we expunge the first statement I made and I call upon the mover to reply.

The Temporary Speaker (Hon. Muga): Yes mover of the motion.

Hon. Ogutu: Thank you Madam Speaker. First of all I would like to thank the Hon. Members who contributed to this important motion because these particular incidences affect our people within Kisumu which some people nowadays call 'Europe'.

Madam Speaker, I would like to go direct to the concerns of the Hon. Members. I want to report to this House that on the issue of experts; we brought to this Assembly our first report which the Committee engaged experts whom are sourced from the County Government. They were the first people to respond to this particular request. In fact, I can confirm to them that the first one I read to this particular House, it was an expert point of view because they went and visited the site. Since we received and expert's advice, we wanted to go and see for ourselves as a committee. We didn't carry them with us because we had their report already and that particular report informed why we summoned both the manager of Wells and Toyota Kenya.

If it is a matter of expert, Madam Speaker I can say that one was taken care of. Madam Speaker I believe that, we have to help our County and we need to help both the investors and the National Government. When we went to the site, some of the problems are not caused by the investors but are caused by our County Governments. I can say that there was a channel which was dug by the County Government and left unfinished. This particular channel is causing havoc to the people of this particular area and we are saying that the County Government also has to do its work.

Madam Speaker, we went to Toyota Kenya; there is a section which has been cut off by a big pipe for raw sewerage which you have to take permission from KIWASCO in order to at least do something there. If you don't take permission, the County Government cannot touch it. I believe that we are one Government and therefore, we can talk to one another. We can talk to one another and at least amend that particular area which is an area that is really finishing the people living there. Since the raw sewerage which is being taken to that treatment plant passes through that particular area then, you cannot touch it whether you are a County Government official or not unless the people from KIWASCO give you permission.

Madam Speaker, onto the Wells Oil Limited. I can report to you that Wells Oil has acquired the land around there and they don't have any problem. We told them that the surveyor will go there and see if at all they have encroached on other pieces of land. Madam Speaker, they agreed and said that they are ready to extend on the other land because the two pieces of land are theirs. We are going to agree with the resolutions of this House, so that, the surveyors can go there but I can also report back that it is not that way; even the residents who raised that particular statement will be a victim because when we visited that road, I can report to you that majority of the people around there have encroached on road reserve. They should also be prepared when the time comes so that they can also be cut from both sides and not the investor alone.

Madam Speaker, I believe that if this report is adopted, then, the surveyor will be relieved so that they can at least explain to us whether the Wells Oil Limited has encroached and I believe the Implementation Committee should take up the matter. Thank you.

The Temporary Speaker (Hon. Muga): Thank you. Hon. Members, a report from the Committee of Planning, Industrialization and ICT on the Drainage Challenges at Wells Oil, Toyota Kenya and Land Ownership Dispute at Carwash and in Manyatta 'B' has been read by Hon. Ogutu on behalf of Hon. Olwal, Chairperson, seconded by Hon. Obonyo and debated upon. I therefore want to put a question on the adoption of the same?

(Question put and agreed to)

The Temporary Speaker (Hon. Muga): Hon. Members the report from the Committee of Planning, Industrialization and ICT on the Drainage Challenges at Wells Oil, Toyota Kenya and Land Ownership dispute at Carwash and in Manyatta 'B' is hereby adopted today Thursday 15th October 2020 4.07 p.m. I therefore direct that the Clerk of the County Assembly of Kisumu

needs to write a letter to the Department of Planning for Implementation and the City Manager on the same.

The Temporary Speaker (Hon. Muga): Next Order!

ADJOURNMENT

The Temporary Speaker (Hon. Muga): There being no any other business to transact, the House stands adjourned to Wednesday 21st October 2020 at 2.30 p.m.

(House rose at 4.11 p.m.)

Addendum

Hansard Reporters

<i>Zablon Otiende</i>	-	<i>Reporter - In-charge</i>
<i>Patrick Okoyo</i>	-	<i>Reporter</i>
<i>Edward Odanga</i>	-	<i>Reporter</i>
<i>Dennis Ogolla</i>	-	<i>Reporter</i>
<i>Fanuel Okode</i>	-	<i>Reporter</i>
<i>Jacklyne Otieno</i>	-	<i>Reporter</i>
<i>Jesca Otieno</i>	-	<i>Reporter</i>