

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

SECOND ASSEMBLY – FOURTH SESSION

Thursday, 24th September, 2020

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

(The Temporary Speaker (Hon. Seth Okumu) in the Chair)

PRAYERS

The Temporary Speaker (Hon. Okumu): Thank you Honourable Members, I want to request that pursuant to the provisions of Standing Order No. 32 (2) that, the Sergeant-At-Arms rings the quorum bell for five minutes.

(Quorum bell rung for five minutes)

The Temporary Speaker (Hon. Okumu): Honourable Leader of Majority, could you please approach the Chair. I want to request that pursuant to the provisions of Standing Order No. 32 (2) that the Sergeant-at-Arms to again ring the quorum bell for five minutes.

(Quorum bell rung for five minutes)

The Temporary Speaker (Hon. Okumu): Leader of Majority could you please confirm if we have quorum.

(House resumes after attaining the requisite quorum)

Leader of Majority (Hon. Onyango): Mr. Speaker, given the number that is here in the House and the number that I can see who are online, I believe that we have quorum.

The Temporary Speaker (Hon. Okumu): Thank you. Mr. Clerk take us through the Order Paper of the day.

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

COMMUNICATION FROM THE CHAIR

The Temporary Speaker (Hon. Okumu): Thank you Honourable Members and welcome to today's session. We have a Bill to dispense off and I believe you are ready to work on the Bill so that we deliver it to the people of this County. I want to inform those of us on Zoom that the meeting ID 9929674027 is and the password is 7fg3t0. Those access codes are found on our page. Kindly share with the Members. Thank you.

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

STATEMENTS

The Temporary Speaker (Hon. Okumu): What is it Hon. Leader of Majority?

Leader of Majority (Hon. Onyango): Thank you Mr. Speaker. I want to issue a Statement in my capacity as the MCA for Miwani Ward. I know ordinarily, I am supposed to...

The Temporary Speaker (Hon. Okumu): Order!! Hon. Leader of Majority. You don't deliver Statement in your capacity as MCA, you use our Standing Order which allows you to give any kind of Statement. So, under what Standing Order are you giving the Statement?

Leader of Majority (Hon. Onyango): Thank you Mr. Speaker. I rise under Standing Order 41 (2)(c) and (d).

The Temporary Speaker (Hon. Okumu): Hon. Leader of Majority, are sure of the Standing Order?

Leader of Majority (Hon. Onyango): Mr. Speaker, allow me to start. Probably you will indulge me as we move on because I always believe in your guidance. May I continue?

The Temporary Speaker (Hon. Okumu): Only if you want to do it as the Leader of Majority.

Leader of Majority (Hon. Onyango): Most obliged Mr. Speaker.

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

Leader of Majority (Hon. Onyango): First of all, I want to say that it is imperative that as Members of this Assembly and indeed as general citizenry of Kisumu County, we have seen a general spike in the number of COVID-19 cases in this County. Just yesterday, Kisumu recorded the highest number after Nairobi and it will be important that we be cautious to the health

protocols because we have not seen any sign that this pandemic is flattening. I would wish to urge my fellow colleagues that we continue to exercise extreme caution. Let us not relax while imagining that life has gone back to normal.

Mr. Speaker, it would be important that not until such a time that experts shall have told us that now the curve is flattening, it is prudent that we continue to exercise caution. I would want to urge the entire leadership of this House that please, continue walking with us and at the height of this pandemic, the Assembly needs to organize for testing. I want to believe that should happen so that at any given time, we know that the Assembly is running without any kind of inhibition that may be occasioned by this kind of pandemic. Thank you, Mr. Speaker.

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

Hon. Agolla: Thank you Mr. Speaker. Pursuant to Standing Order No. 41 (2) (d), allow me to give a Statement as the Chair of Implementation Committee in the County Assembly of Kisumu. I want to advise and talk to my fellow elected Members of the County Assembly that, as we speak the Executive....

The Temporary Speaker (Hon. Okumu): Serjeant-at-Arms, could you please assist the Hon. Member with his microphone...

Hon. Agolla: Mr. Speaker, I believe that microphone is okay and I believe that somebody's microphone has not been switched off... I believe that the microphone used by the Leader of Majority is on and it has not been switched off.

Mr. Speaker, I want to call upon Hon. Members especially the elected ones that, as we speak, various Departments of the Executive are burning the midnight oil to ensure that that Bills of Quantities on the Status of Projects to be completed is on. I would like to urge Hon. Members to work closely with various line Departments as they are aware that department's funds were appropriated to for example; the Education Department, the team has traversed the County to check on the topography and on the projects earmarked for completion. The Department of Water, Environment and Natural Resources is conducting Geological Surveys. Without cordial working relationship, we will not be able to hit the targets of early completions of projects for this financial year. So, I to want to urge Hon. Members to work closely with line Departments to ensure that all projects are completed on time. Otherwise, thank you and God Bless.

The Temporary Speaker (Hon. Okumu): Thank you Hon. Member. As the Chairperson of Implementation Committee, I believe that Hon. Members have heard your communications and taken into considerations your concerns.

The Temporary Speaker (Hon. Okumu): Hon. Members we are still in the Statements segment.

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

MOTION**COMMITTEE REPORT FROM THE WATER, ENVIROMENT AND NATURAL RESOURCES ON THE KISUMU COUNTY CLIMATE CHAGE BILL, 2020****(BY HON. SAMSON AMESO)****(CHAIRPERSON, WATER, ENVIROMENT AND NATURAL RESOURCES COMMITTEE)****The Temporary Speaker (Hon. Okumu):** Yes, Hon. Samson Ameso.

Hon. Ameso: Thank you Hon. Speaker and Hon. Members. The Report on the Kisumu County Climate Change Bill, 2020. I believe that every Hon. Member has a copy of this Report, we have furnished this House with a soft copy of the report in our WhattsApp communication Platform

Mr. Speaker and Hon. Members, the Committee on Water, Environment and Natural Resources on 15th June, 2020 received a letter *Ref. CGK/CECM/WCCE&NR/005/VOL.1 (053)* from the CEC Member for Water, Climate Change, Environment and Natural Resources; Mr. Salmon Orimba inviting the Committee for pre-publication scrutiny of the Kisumu County Climate Change Draft Bill -2020 and fast-track the process of publishing the Bill and subjecting it for public participation.

Consequently, the Committee conducted a series of six (6) meetings with the Department of Environment, Climate Change and Natural Resources in conjunction with the sponsors of the Bill for purpose of publishing.

The Bill was published on 17th August, 2020 and in accordance with standing Order No. 122 of the Kisumu County Assembly Standing Orders read for the first time on 18th August, 2020.

According to Standing Order No. 123 (3) of the Kisumu County Assembly Standing Orders, the Hon. Speaker committed the Bill to the Committee on Water, Environment and Natural Resources for processing and causing a report to the House.

Establishment and Mandate of the Committee.

Mr. Speaker and Hon. Members, the Sectoral Committee on Water, Environment and Natural Resources is established under Standing Order No. 193 of the Kisumu County Assembly Standing Orders, whose mandates, pursuant to the Standing Order No. 193 (Second Schedule) is as follows;

To investigate, inquire into, and report on all matters relating to the provision of clean water for Domestic use; implementation of specific national government policies on natural resources and

environmental conservation, including soil and water conservation and forestry and control of air pollution, noise pollution, other public nuisances and outdoor advertising.

The Subject matter of the Sectoral Committee on Water, Environment and Natural Resources are as stated in the Second Schedule of the Kisumu County Assembly Standing Orders No. 193 and are as follows: Environmental Conservation, noise pollution, provision of clean water for domestic use, water conservation and implementation of specific national government policies.

Composition.

The committee as currently constituted comprises the following Honourable Members:

NAME	POSITION
1. Hon. Samson Ameso	- Chairperson
2. Hon. Kennedy Ooko	- Vice Chairperson
3. Hon. Seth Okumu	- Member
4. Hon. Seth Kanga	- Member
5. Hon. David Arao	- Member
6. Hon. Joachim Oketch	- Member
7. Hon. Roy Samo	- Member
8. Hon. Steve Owiti	- Member
9. Hon. Gard Olima	- Member
10. Hon. Olga Aoko	- Member
11. Hon. Caren Muga	- Member
12. Hon. Maurice Ngeta	- Member
13. Hon. Philemon Ojuok	- Member
14. Hon. Johnson Guya	- Member
15. Hon. John Atieno	- Member

Committee Secretariat.

1. Peter Anditi - Senior Clerk Assistant
2. Harman Moses - Committee Clerk
3. Angelyne Obonyo - Clerk Assistant
4. Patrick Okoyo - Hansard
5. Dominic Muinde - Legal Counsel
6. Rose Baraza - Serjeant-at-arm

ACKNOWLEDGEMENTS.

Mr. Speaker and Hon. Members, I would like to express my special thanks of gratitude to all Members of the Committee on Water, Environment and Natural Resources for their valuable contributions during this public participation exercise that ensured the success of the exercise.

I also wish to extend my sincere gratitude to the Members of the County Assembly, the County Executive Directorate of Climate Change, the Members of the Public and the following organizations for their enormous support to this Bill and the public participation.

1. Christian Aid Organization
2. ADA Consortium
3. UK aid
4. Life skill promoters (LISP)

I therefore humbly submit this Report for consideration by the House on behalf of the Committee on Water, Environment and Natural Resources.

BACKGROUND INFORMATION

Mr. Speaker and Honourable Members, the purpose of the Kisumu County Climate Change Bill, 2020 is to provide for a regulatory framework for enhanced response to climate change, to provide for mechanisms and measures to achieve low carbon climate development; financial mechanism for implementation of climate change adaptation activities and connected purposes.

This Bill has been necessitated by the need for Kisumu County Kisumu to take effective and timely action to meet its obligations under the Conventions and Protocol by facilitating the establishment of a mechanism to finance climate change programmes and projects in the County through-

- a) Mainstreaming of climate change in different sectors;
- b) Initiating and coordinating financing of climate change adaptation and mitigation projects at the community level; enhancing climate finance mechanisms;
- c) Facilitating community-initiated climate change adaptation and mitigation projects;
- d) Coordinating collection and dissemination of climate change information to the public to create awareness and preparedness;
- e) Seeking and receiving grants from the National change policy and legislative framework
- f) Implementing any relevant obligations of the State under international agreements related to climate change;
- g) Strengthening the Climate Change Department and provide it with adequate mandate and authority to enable it coordinate, supervise, regulate and manage all activities to climate change,

- h) Requiring lead agencies including government, departments, and agencies, private sector, and individual citizens to undertake their own respective roles in climate change response measures;
- i) Providing for procedural and administrative matters.

A Bill after the First Reading in the House, and pursuant to the provisions of Article 196 of the Constitution of Kenya read together with clause 87 of the County Government Act, 2012 and the County Assembly Standing Orders No. 123, it is the mandate of the respective Committee to undertake Public Participation so that the views and input of the public are taken into account when preparing the report to be tabled in the House as required by relevant legal provisions.

Public participation is both a key promise and provision of the Constitution of Kenya. It is instilled in the national values and principles of governance stipulated in article 10.

The provisions of Article 174 (c) of the Constitution of Kenyan 2010, provides that one object of devolution is: “to give powers of self-governance to the people and enhance their participation in the exercise of the powers of the State and in making decisions affecting them”. The Constitution assigns the responsibility to ensure, facilitate and build capacity of the public to participate in the governance to the county government through function 14 (Schedule 4 Part 2). As such, county governments are required to:

- a) Create mechanisms of engagement by ensuring and coordinating the participation of communities and locations in governance; and
- b) Build capacity by assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers.

LEGAL FRAMEWORK UNDERPINNING PUBLIC PARTICIPATION.

Mr. Speaker and Hon. Members, Public participation is a principle that has been given prominence in the Constitution of Kenya, 2010. Article 10 (2) provides that public participation is a national value and a principle of governance. Similarly, Article 174 of the Constitution gives the powers of self- governance to the people and enhances participation of the people in the exercise of the powers of the state and in making decisions affecting them. The principle of

public participation holds that those who are affected by a decision have a right to be involved in the decision-making process

The following Articles further buttress the right to public participation: Article 181 (1); 196 (1); and 232 (1) among others. National legislation giving effect to public participation at the County governance include the County Government Act, 2012; Public Finance Management Act, 2012; and, Urban Areas and Cities Act, 2011.

TERMS OF REFERENCE

Mr. Speaker and Hon. Members, following the committal of the Bill to the committee on Water, Environment and Natural Resources in accordance with Standing Orders No. 123 (3), the public Participation exercise on the Kisumu County Climate Change Bill, 2020 was initiated by the County Assembly. Thereafter, an advertisement was placed in the Local Dailies and Radio Stations informing the Public of the intended exercise that was carried out on 10th September 2020 and 11th September 2020 in all Wards within Kisumu County (see Annex 2). This

Article 118 of the Kenya's Constitution, 2010, states that parliament shall;

- (a) Conduct its business in an open manner, and its sittings and those of its committees shall be open to the public and,
- (b) Facilitate public participation and involvement in legislative and other business of parliament and its committees.

The provisions of clause 87 of the County Government Act, 2012 also compels the County Assembly to involve stakeholders in decision that involve them and their input taken into account.

The Act has gone further to put measures that shall help the citizens to participate more effectively in the process.

PUBLIC PARTICIPATION HEARING

Mr. Speaker and Hon. Members, the Sectoral Committee on Water, Environment, Climate Change and Natural Resources in tandem with its mandate as stipulated in Standing Orders No. 193 read together with Standing Orders No. 123 undertook Public Participation on the Kisumu

County Climate Change Bill, 2020 across the County. The object of this exercise was to enable the public have a feel of the Bill and also gather stakeholders view and ensure that their sentiments are incorporated in the final drafting of the Bill.

In attendance at the Public Hearing were:

1. Climate Change Team (County Executive Department)
2. Christian Aid Organization
3. ADA Consortium
4. UK aid
5. Life skill promoters (LISP)

The Objective of Public Participation:

- Informing stakeholders and gaining their views, concerns and values while taking account of their inputs in decision making.
- Obtaining local knowledge and the increasing public confidence and enhancing and improving transparency and accountability in decision-making at the end result is reducing conflict during the implementation of the bill.

MODALITIES AND RULES OF ENGAGEMENT

Mr. Speaker and Hon. Members, the exercise commenced on 10th September, 2020 and completed on 11th September, 2020. Be informed that the public participation exercise was conducted at the Ward level for proper representation as had been resolved by the Committee (See Annex iii for schedule of Activity). The public was furnished with a copy of the Kisumu County Climate Change Bill, 2020 which was the source document for reference upon accessing the venue and in the Assembly's Website.

The rules of engagement were set by the Member of County Assembly representing the respective wards agreed upon by members of the public.

OBSERVATIONS AND FINDINGS

Mr. Speaker and Honorable Members, pursuant to Article 10 (2) of the Constitution of Kenya which provides for public participation as a national value and a principle of governance, the Committee created a work schedule in accordance with the advertisement placed in the Local dailies that defined the time and venue for the public participation exercise.

The Committee in its analysis on the public opinion gathered during the exercise made the following observations:

General Observations

Mr. Speaker and Honorable Members, members of the public made the following major observations

- i. THAT there is need for prior access of any document for public participation to allow the public have an earlier perusal and retention of the documents subject to public participation.
- ii. THAT there is need for ease of access of information by creating resource centers within the Wards
- iii. THAT the County Government should exercise equity in representation of the people in projects at the ward level and that individuals nominated to oversee such projects should be deserving citizens who have the interest of the people at heart.
- iv. THAT most concerns submitted by the Public to the County Assembly are mostly neglected and thus there is a general outcry from the members of the public to the Assembly and relevant institutions to take into account the proposals of the public and follow-up of their implementation.

FINDINGS ON THE BILL.

Mr. Speaker and Honourable Members, take note that the Members of the Assembly and the technical staff took members of the public through the Kisumu County Climate Change Bill, 2020 and noted the following findings as submitted by the Members of the Public on the Bill:

- i. THAT in Clause 8 and 13 (the composition of the County Climate Change Council and the County Climate Change Committee) should be merged to form one committee to ensure that the funds allocated for the implementation of the Climate change adaptation activities are efficiently utilized.
- ii. THAT Clause 19 (g) under the frequency of meetings by the Ward Planning Committee should be amended to a meeting after every two months and NOT once in every quarter.
- iii. THAT in Clause 36 on mitigation in industries, a public participation exercise should be done before any new technology is introduced to reduce the increase in Greenhouse gas emissions.
- iv. THAT in Clause 7 (1) under Reports, the annual report on climate change to the County Executive Committee Member of the relevant department, should be presented or shared with the public to sanction opinions and amendments from the previous public deliberations.
- v. THAT in Clause 19(b) (iv), the composition of Ward Climate Change Planning Committee (WCCPC) should be increased to accommodate more Sub County Agriculture Officers.

- vi. THAT Clause 19 (b) on the Composition of Ward Climate Change Planning Committee should include a religious representative.
- vii. THAT Clause 8, on the Composition of County Climate Change Council should include a representative from Kisumu Meteorological Department as the representative will help in advising the Department on strategic matters relating to climate change.
- viii. THAT in Clause 8, a representative of Persons with Disability (PWDs) to be included in the County Climate Change Council.
- ix. That in Clause 25, there should be a well laid procedure on land acquisition so that there are no divergent opinion posing future legal challenges concerning land ownership and control.

RECOMMENDATIONS

Mr. Speaker and Hon. Members, following the proposals from the members of the Public on the Bill, the Committee recommends the following changes to be effected on the Bill.

Clause 19 (b) Ward Climate Change Planning Committee

The following amendments shall be affected on the Clause;

- i. THAT Clause 19 (b) (i) shall be amended to read “*Chairperson elected by members of the Committee.*” the words “*ratified by the Planning Committee*” shall be expunged.
- ii. THAT Clause 19 (b) (iv) (v) shall be amended to expunge sub-county Agriculture Officer and Sub-County Environment/Water/Climate Change Officer and replace with ward Agriculture Officer and Ward Climate Change Officer.
- iii. THAT Clause 19 (b) (iii) shall be amended to expunge Village Council Administrators as alternate Secretary and replace with the Ward Administrator as the ONLY secretary.
- iv. THAT Clause 19 (b) (VI) shall be amended to include the Member of County Assembly as a member of the Committee and NOT his/her representative.
- v. THAT in Clause 19 (viii) shall be amended to expunge the Woman Representative and replaced with a representative of the marginalized Gender in accordance with the two-thirds gender rule.
- vi. THAT Clause 19 (b) (xi) shall be amended to include a representative of the National Government from the Department of Interior instead of Chief or Assistant Chief.
- vii. THAT Clause 19 shall be amended to include a Clause 19 (h) for the Removal of a member from the Ward Climate Change Planning Committee.
- viii. THAT Clause 19 shall be amended to include a Clause 19 (i) for the Removal of the Chairperson of the Ward Climate Change Planning Committee.
- ix. THAT Clause 19 (c) (v) shall be amended to read “*A resident of the given Ward Members nominated from the Community under this section 19(b) (vii – ix) shall be subjected to public vetting facilitated by the Ward Administrator.*”

Changes in numbering and arrangement of Clauses.

Mr. Speaker and Hon. Members, the Committee recommends that the following changes shall affect arrangement of Clauses and numbering.

- i. THAT Clause 18 shall read the “*Establishment of the Ward Climate Change Planning Committee.*”
- ii. THAT where there is Clause 19 (a) shall be amended to read clause 18 (b) which shall affect the numbering within the whole clause.
- iii. THAT where there is Clause 19 (g) under the frequency of meetings shall be amended to Clause 19 (a) which shall affect the numbering under Clause 19 under Period of meetings.

General Recommendations

Mr. Speaker and Hon. Members, take notice the Committee in its facilitation of the Public Participation noted some challenges subject to the activity and therefore recommends the following as mechanisms of improving any public participation in future. We thus recommend:

- x. THAT there is need for prior access of any document for public participation to allow the public have an earlier perusal and retention of the documents subject to public participation.
- xi. THAT there is need for ease of access of information by creating resource centers within the Wards.
- xii. THAT most concerns submitted by the Public to the County Assembly are mostly neglected and thus there is a general outcry from the members of the public to the Assembly and relevant institutions to take into account the proposals of the public and follow-up their implementation. We urge this Hon. House that it should take as a core mandate to listen to the needs of the people and represent them accordingly.

CONCLUSION

It is therefore my honor and privilege, on behalf of the Committee on Water, Environment and Natural Resources to table this report before this Honorable House for consideration.

Mr. Speaker, I would wish to call Hon. Carren Muga who is equally a Member of this Committee to second this report?

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

Hon. Muga :(Bows)

The Temporary Speaker (Hon. Okumu): Thank you Hon. Members. A Report on the Kisumu County Climate Change Bill, 2020 from the Standing Committee of Water, Environment and Natural Resources has been moved as a Motion by Hon. Ameso, Chairperson, Water,

Environment and Natural Resources Committee and seconded by Hon. Muga. I propose that we open this report for further debate?

The Temporary Speaker (Hon. Okumu): Yes, Hon. Agolla.

Hon. Agolla: Thank you Mr. Speaker. I rise in support this report. Mr. Speaker, during the committee sessions, I participated as an “*Amicus Curiae*”(friend of the Committee) even though I am not a Member of this House Committee. This is because of passion that I had with matters environment. I want to applaud the Secretariat of this Committee for this well documented report. I equally want to appreciate the Office of the Clerk and that of the Speaker for permitting this Assembly to have a Legal Counsel who has been of help to this County on matters of Bills and Regulations that we pass in this House.

Mr. Speaker and Hon. Members, if you read the provisions of Article 176 (2) of the Constitution of Kenya 2010, which touches on Decentralization, I want to urge this House that once this Report is adopted and the Kisumu County Climate Change Bill, 2020 is passed and assented to by the Governor and becomes an Act of this County of Kisumu, I want to urge the Executive to ensure that the implementation of this Act is adhered to the letter. This is because, as we pass this Bill, the report on the Bill takes into consideration the issues of Decentralization and the consideration of the Village Council, Village Administrators, and Village Climate Participation which will be under the purview of the Climate Changes Committees.

Mr. Speaker, I want to implore this House, to kindly adopt this Committee Report because, I don't see any problem with this report. Mr. Speaker, as you are aware that as a County and other Counties in this Republic of Kenya, the only challenges encountered is financial crisis and this kind of Bill when passed and enacted by this House and it becomes an Act, it will open doors for Investors and Development Partners to assist this County to develop.

Mr. Speaker, I represent a ward which covers part of Lake Victoria and fishing activities are affected by Climate Change. I have been crying foul every now and again as a result of the challenges our fishermen encounter. If we have this Act in place that will regulate environmental issues and the environment at large, then we will help the future generation. Mr. Speaker, when I was a young person, I used to visit the beach because that is where I come from and water in the lake those days was clean. Mr. Speaker, as we speak, if you manage to visit one of these beaches along Lake Victoria, especially the Gulfs, the waters there are now polluted. The main source of drinking water in this County and its environs comes from the lake and the rivers. If we protect these water bodies, we will be counted as true leaders who have the future of their constituents at heart. This is the only Bill that this House needs to pass and enact because, it is timely and in fact it should have been passed as early as yesterday.

Mr. Speaker, without much ado, I want to call upon Hon. Members to support this motion and adopt it. Thank you.

The Temporary Speaker (Hon. Okumu): Yes, Leader of Minority.

Leader of Minority (Hon. Oiko): Thank you Mr. Speaker. The Kisumu County Climate Change Bill, 2020 will be of a lot of importance to the people of Kisumu. This is because it will attract Donor Funding and it will enable the County Government of Kisumu to have specific allocation for Climate Change issues in its Budgetary Allocation. It will make it easy for us to anticipate the problems that are brought about by Climate Change when they rear their ugly head, because there will be an allocation for that kitty in the Budget. We are all aware of the pollution of the environment which is the air as a result of emissions from the factories which are as a result of the gases. When this happens and we have a clear Act in place, the County shall find a way of mitigating this.

Mr. Speaker, another issue is when the floods become an issue, or when the rains become too much like the way it was this year, the Government will have in place specific allocation and initiate the necessary measures to cushion its residents. We are equally aware when the drought is ravaging, all this will call upon the Government to streamline measures to help its people during the drought so that our people don't suffer unnecessarily. The other merits that comes with this Bill becomes an Act, we shall have the Committees at the Ward levels and with the kind of human resource that will constitute the Committees, it is my hope that proper measures will be put in place and our people will be assisted by taking correct measures and action.

Mr. Speaker, I plead with our Members that, we pass this Bill in a record time so that the people of Kisumu County can benefit from the donor funds and the specific allocation in the County budget towards Climate change, thank you.

The Temporary Speaker (Hon. Okumu): Yes Hon. Ngeta.

Hon. Ngeta: Thank you Mr. Speaker, I want to echo my voice towards the debate by first commending the Committee for Water, Environment and Natural resources on their report on Climate Change. As a Member of the committee I am impressed by the work and the commitment of our Chairperson as well as the Members of the committee. In addition, I want to thank the Executive for coming up with this Climate Change Bill and also taking part in the awareness of the same through Public Participation. This kind of Bill will attract non-Governmental Organizations (NGOs) so that we can do a lot in our areas, wards and the County at large. It shows entirely the commitment and seriousness of the County Government and the Assembly alike. We are up to task to pass this Bill so that we start reaping from the benefits of it altogether, otherwise thank you.

The Temporary Speaker (Hon. Okumu): Yes Hon. Aslam Khan.

Hon. Khan: Thank you very much Hon. Speaker, I rise to support this report fully and will also associate myself with it. There is no life without the environment and water. I also want to thank the committee members as well as the secretariat for doing such a wonderful job in making sure

that we will have some structures and a Bill which will be enacted to ensure that we move in the right direction. Consequently, the interest that was shown during the public participation and involvement of numerous stakeholders especially environmentalists and the NGOs is a clear manifestation of the importance of the environment at our level. Mr. Speaker, there was a rise of the lake's water level recently due to change in climate. It is clear that we are currently trying to envisage this to ensure it is safe and with this report there is no doubt that it will go a long way in mitigating some of these catastrophes.

There has been a lot of deforestation menace within our County and I believe that this report will culminate into the Bill, which will hopefully be passed. In turn, it will go a long way so that we have legalities to tame such problems as deforestation. Involving the common *mwanainchi* at the village level is also a manifestation of devolution. My only concern is that if there would be a place in future where there is inadequate representation either from the youth, it should be amended so that a slot is given to such. Nevertheless, I can see it has been amended for marginalized gender rather than minorities.

Mr. Speaker, it is important to note that Members of County Assembly will also be members of these committees as well as representatives of the people. Their mandate is to ensure that they adhere to representation, which is one of the core duties besides the oversight and legislative role. The people's wishes and views must be considered in carrying out their role of representation. Finally, I recall when I was young; I used to go to 'Dunga' at one of my very good friend's place Hon. Olale, as my late father was accustomed to the area. During this time we used to fetch drinking water directly from the Lake Victoria, thus indicates clearly how the environment has been destroyed overtime. What went wrong? And where did the rain start beating us? This is why the enactment of this Bill and especially the adoption of this report will go a long way to ensure that our people are properly covered and are safe in the future.

The Temporary Speaker (Hon. Okumu): Yes Hon. Kenneth Onyango, and the Leader of Majority.

The Leader of Majority (Hon. Onyango): Thank you Mr. Speaker, allow me to add my voice to the ones that have contributed and especially those in support of this Bill. I want to say that this committee did a splendid job in coming up with this report and I can see that they keenly interrogated this Bill to come up with great findings and amendments. This Bill needs to be enacted soonest because, if you look around areas in this County, or even other parts of Africa, the issues of climate change have long been mainstreamed in our daily lives as communities.

Mr. Speaker, I remember once when I visited the Bamboo forest in 'Kwale', in Mombasa County, I was told that the forest is used as a carbon sink. Fellow Members, carbon sink is the absorption of carbon based gases in the atmosphere by plants. Therefore there is a lot of international donor funding coming in for the same to help developed economies to absorb the carbon based gases that are emitted by their industries. It would be important for us to

mainstream matters of climate change in the different facets of our communities so that people at the grassroots' level can understand what we need to deal with when we talk about climate change.

When I was growing up, the weather patterns were rather predictable as it was obvious that the long rains would come between the months of April and June, whereas the short rains would start in September or October. However, it is now difficult to tell these patterns hence bring much confusion to our farmers. It would therefore be imperative that these issues that have been brought about by changes in climate are taken to the doorstep of our people so that they can appreciate how the changes in climate have taken place overtime. This will help them to mitigate the effects of such climate change. Without belaboring so much on the issue, I want to say that the Committee has done a good job, except that if you look at Clause 19 (b) (4), the committee recommends that this Clause should be amended to include a representative of the National Government from the Department of Interior Coordination instead of Chiefs or Assistant Chiefs. It should not bring ambiguity. When we say a representative from the national government from the Department of Interior, at the ward level, whom are we referring to? It becomes ambiguous and at the end of the day we might not know whom to include in this committee. I therefore want to propose that the initial intent of the Bill should be maintained. If you look at most of the committee...

The Temporary Speaker (Hon. Okumu): Order!! Hon. Member, If I hear you well, it is like you are proposing an amendment to the report and if you are doing so then, you must find somebody to second your amendment and then we adopt your amendment before you proceed. Otherwise they will just remain statements that you are making in the House.

The Leader of Majority (Hon. Onyango): Mr. Speaker, I am still making general observations on the report but when we go for the second reading then we shall deal with the specific amendments that have been proposed.

The Temporary Speaker (Hon. Okumu): Order!! Hon. Member. I am guiding you. Whatever we pass in this report is what will form what will amend the Bill. So if you don't make amendment to this report then if we adopt this report, whatever is in the report is what will be used in amending the Bill. If you are supporting the report but you feel there is a part that we need to amend, then propose the amendment, then, find somebody to second it and then we allow Members to debate on it for a few minutes then we adopt that change. But if we are just saying them then they will just remain statements.

The Leader of Majority (Hon. Onyango): Mr. Speaker, I stand guided. I would wish that we look at page 10 Clause 6 (VI): *That Clause 19 (b) (9) shall be amended to include a representative of the national government from the Department of Interior.* I believe that, this brings ambiguity, and I therefore I wish to propose that initial Clause of the Bill be left – that is Clause 19 (b) (9). I call upon the Minority Leader to second?

The Leader of Minority (Hon. Oiko): Thank you Mr. Speaker. The Leader of Majority is right to do the amendment because when we talk of the Department of Interior at the grass root level, then the officers we are referring to are the Chiefs and the Assistant Chiefs. So let us be specific that it is either the Chiefs or the Assistant Chiefs who will be in the committee. I support.

The Temporary Speaker (Hon. Okumu): Thank you Hon. Members. The Hon. Leader of Majority is proposing an amendment to the report of the committee. Having moved the motion of amendment and having been seconded by the Hon. Minority Leader, I want to open it up for debate but I want to limit it to only 10 minutes.

The Temporary Speaker (Hon. Okumu): Yes Hon. Aslam Khan.

Hon. Khan: Mr. Speaker, I have also noted this closely. It talks about including a representative of the National Government. Who is this representative of the national government at the grass root level? It must be the Chiefs and the Assistant Chiefs. For those purposes, I support the amendment by the Leader of Majority.

The Temporary Speaker (Hon. Okumu): Thank you Hon. Khan. Yes, Hon. Samson Ameso.

Hon. Ameso: Thank you Hon. Speaker. In want to agree with the amendment by Hon. Leader of Majority, but the reason we arrived at that as a committee is that we realized that some of our wards have got more than one Chief, a good example is my ward which has two Chiefs. That is why as a committee we resolved that, if we leave it as a representative of the Interior Department then they can choose a representative. When we just leave it as the Chief, then a Ward like North Nyakach which has three Chiefs will have a problem. But we leave it to the Members to decide. Thank you.

The Temporary Speaker (Hon. Okumu): Thank you. Any Member who has any contribution to add?

(Silence)

The Temporary Speaker (Hon. Okumu): Then Members, I'll put the question.

(Question put and agreed to)

The Temporary Speaker (Hon. Okumu): A representative of the National Government; Chiefs or Assistant Chiefs or Ex-Officials. Yes Hon. Leader of Majority proceed with your submission.

The Leader of Majority (Hon. Onyango): Thank you Mr. Speaker. Generally I believe that the Bill is okay except that...

The Temporary Speaker (Hon. Okumu): Hon. Leader of Majority, I want to guide you again. We are talking about the report on the Bill.

The Leader of Majority (Hon. Onyango): Mr. Speaker you know the confusion that I have is that I have got two...

The Temporary Speaker (Hon. Okumu): Can you take the Bill and put it somewhere then you focus on the report.

The Leader of Majority (Hon. Onyango): Mr. Speaker it would have been helpful... Mr. Speaker, Mr. Speaker...

The Temporary Speaker (Hon. Okumu): Proceed Hon. Member.

The Leader of Majority (Hon. Onyango): If you look at clause (19) (b) (ii) in the report...

The Temporary Speaker (Hon. Okumu): Proceed Hon. Member, I am listening.

The Leader of Majority (Hon. Onyango): Mr. Speaker, Page 9, Clause (19) (b) (ii), THAT clause (9) (b) (4) and (5) shall be amended to expunge Sub-county Agricultural Officer and Sub-county Environment Officer and replace with Ward Agricultural Officer and Ward Climate Change Officer. I will not have a problem with this unless it is confirmed that in our wards, we have officers with a designation of Ward Climate Change Officers because Mr. Speaker...

The Temporary Speaker (Hon. Okumu): Hon. Member we are making a law for posterity not for existence. Offices can be created, so, the Law is made for posterity. I know of wards that do not have Ward Administrators to date. They have two Ward Administrators serving the same ward. That does not mean that we cannot create the law because they do not have Ward Administrators. Proceed with your submission, I just wanted to guide you Hon. Member.

The Leader of Majority (Hon. Onyango): It is understandable Mr. Speaker but, you know if you look at the structure of the County Government at the ward level, you will find that there are certain officers whose titles are designated. Therefore, I want to believe that immediately we pass this Bill, the Governor will assent to it and then it will be operationalized. But, it will face bottlenecks if at all there are certain cadres of officers that are not existing on the ground, whose positions have not been created Mr. Speaker. That may be a problem. Therefore ...

The Temporary Speaker (Hon. Okumu): What is your point of order Hon. Caren Linnet Muga? Hon. Member you would have decided before being on your feet.

Hon. Caren: Thank you Mr. Speaker.

The Temporary Speaker (Hon. Okumu): Were you on a point of information or on a point of order?

Hon. Caren: I want to inform the Hon. Member on the floor that when we talk of devolved Government, even job creation is involved. That is why if we are making a Bill, we need to look far by saying that in case there is a position created, then there is room for job creation too. In this case he is seeing that we do not have the position he is talking about, even right now we are creating Village Administrators which we were not having before. I want to inform him that the Bill is for posterity just as he had said before. He needs to know that some of these positions can be created, thank you so much.

The Temporary Speaker (Hon. Okumu): Thank you Hon. Member. Please Leader of Majority.

The Leader of Majority (Hon. Kenneth): Mr. Speaker I only wished that a law as serious as this should not have any lacuna and ambiguity at all. Therefore we cannot have a Bill based on anticipation of certain posts being created. There should be no lacuna when we are creating a Bill of this magnitude. We must ensure that at the end of the day, it is air tight and we are good to go with this Bill.

However, if there are bottlenecks that are going to drag the implementation of this Bill, and we all understand the urgency of this Bill since there is a lot of donor money that needs to be ploughed in. We would not wish that we create a Bill while knowing the bottlenecks that it is likely to face during its implementation. That is why I am saying that we need to be sure of the existence of these positions. I do not have any problem because we are good to go. But, if there are positions that have not been created, then there is a problem. That is my humble submission, thank you.

The Temporary Speaker (Hon. Okumu): Thank you Hon. Members. I had guided you that we make Bills for posterity not for existing offices. Just like we are doing a Bill in the same way offices can be created. We do not have a Bill today, we will have tomorrow. We do not have an office today; we can have an office tomorrow. I believe that it should run in the minds of all Hon. Members. Do not make a Bill that suits you now but the one that will run as long as the devolved system of government exists. Yes, Hon. Pete what is your point of order?

The Leader of Minority (Hon. Oiko): Mr. Speaker...

The Temporary Speaker (Hon. Okumu): What is your point of order?

The Leader of Minority (Hon. Oiko): Responsibility of Statement of Facts, Standing Order No. 89.

The Temporary Speaker (Hon. Okumu): Statement of Facts?

The Leader of Minority (Hon. Oiko): Yes, Statements of Facts.

The Temporary Speaker (Hon. Okumu): Proceed Hon. Member

The Leader of Minority (Hon. Oiko):Mr. Speaker, I am pleading with this House...

The Temporary Speaker (Hon. Okumu): Leader of Minority, who has given a false statement that you want him or her to clarify?

The Leader of Minority (Hon. Oiko):I am pleading with the House that the issue being raised by the Leader of Majority should not be treated lightly. This House has no power to establish offices. We can also not imagine an office that has not been created. You cannot give a responsibility to an office that does not exist. You only do that to an office that exists. So...

(Murmurs)

The Temporary Speaker (Hon. Okumu): Hon. Members, can you please allow him to finish since he is on a point of order. Allow him to finish first then; we rule on his Point of Order, after that you can raise your Point of Order or Point of Information. I believe that is the procedure. Allow the Leader of Minority to conclude his Point of Order then, we rule on it hence move to the next. ProceedHon. Leader of Minority.

The Leader of Minority (Hon. Oiko):Mr.Speaker: it is a known fact that the position that we have in the County Government of Kisumu is the one for Sub-county Agricultural Officer and Sub-county Environment Officer. Those are the only offices that exist. The one at the ward level do not exist. We cannot imagine of non-existence thing to exist. That one is on Page 9. When we go up on the same page...

The Temporary Speaker (Hon. Okumu): Hon. Leader of Minority, do not use a Point of Order to make your contribution on the matter at hand. Not unless you did not read the Point of Order properly.

The Point of Order which you stood on needs statement responsibility on Statements of Facts. So, you assumed that somebody said a statement that you further clarification on because you believe that it is false or they withdraw and apologize. Is that what you are seeking from an Honourable Member in this House?

The Leader of Minority (Hon. Oiko):Mr. Speaker, I just wanted the House to know that what the Leader of Majority was explaining is of substance that needs not to be ignored.

The Temporary Speaker (Hon. Okumu): Thank you Hon. Leader of Minority. I believe that, your submissions are accepted. But, that one would have come while you are contributing to the report not on Standing Order No. 89.

The Temporary Speaker (Hon. Okumu): What is it Hon. Aslam?

Hon. Aslam: You said I am on a Point of Order and I want to be on a Point of Information.

The Temporary Speaker (Hon. Okumu): Hon. Member, whom do you want to inform?

Hon. Aslam:Mr. Speaker, I want to further inform the House on the same issue. Maybe it might be of help to also assist untangle the issue that is before the House.

The Temporary Speaker (Hon. Okumu): Proceed and summarize Hon. Member.

The Temporary Speaker (Hon. Okumu): Thank you hon. Member. What was your point of information Hon. Caren? You did want to inform the House on the same? I believe that the House is informed, so, we will proceed. Any member who want to debate?

(Murmurs)

The Temporary Speaker (Hon. Okumu): Order!! Hon. Member.

The Temporary Speaker (Hon. Seth Okumu): Thank you Hon. Khan. What was your point of information Hon. Muga? I think the House is informed on the same do we will proceed. Order Hon. Khan!

Hon. Khan: Thank you I will try my best Mr. Speaker. Let us not purport to preempt a lacuna when it does not exist. The question before us is, what are the presentations in this committee? That includes why I said maybe you which we don't have at the moment and we have to relook at it and that is why when we are bringing the Bill after the report is that we want to create a Climate Change Act so that it can empower the officers who will be employed then for posterity.

The Leader of Majority (Hon. Kenneth Onyango): Mr. Speaker, I had not finished the amendments.

The Temporary Speaker (Hon. Okumu): Order!! Hon. Leader of Majority. You had already finished your submissions and even said thank you. You will not take us back do to contribute once again. You will not contribute twice Hon. Leader of Majority. I want to give the opportunity to other Members to also contribute.

The Leader of Majority (Hon. Kenneth Onyango): But Mr. Speaker we are dealing with a Bill and there are amendments that I want to propose.

The Temporary Speaker (Hon. Seth Okumu): Hon. Leader of Majority, we are not dealing with a Bill. Resume your seat Hon. Leader of Majority. You know very well that you cannot contribute twice to a Bill since that will open a Pandora's Box in the House for other Members and people will want to contribute over and over. If you knew that you wanted to contribute for long then, you would have continued with you submissions. I believe that up to that point I would like to give another Hon. Member who would want to contribute to the report that has been presented by the Chairperson of Water, Environment and Natural Resources committee. Yes Hon. Obonyo.

Deputy Whip (Hon. Obonyo): Thank you Mr. Speaker, I wish to call the mover to reply.

The Temporary Speaker (Hon. Seth Okumu): Proceed Hon. Ameso. Hon. Leader of Majority, kindly allow Hon. Ameso to reply.

Hon. Ameso: Thank you Mr. Speaker. You know when the Leader of Majority speaks, he speaks as a Member of the Party and I should give him my unwavering attention. Otherwise I want to thank you and the Hon. Members for their contribution on the report.

Mr. Speaker and Hon. Members, this report of the Bill will really open so many doors even to our donors. When we talk about good environment then we have to adopt the report because the report addresses the issues on the Bill which touches the issues of our environment and I want to plead with members for those who have contributed to this report that the Bill that we are discussing in this report is the most wonderful and it will help restore our environment. Just like Hon. Leader of Minority said, that when it comes to rainy seasons he has always be a worried man and this Bill that is here with us will address most of his concerns. I would like to appreciate him for supporting the report of the Bill.

Mr. Speaker the Hon. Member touched on Clause 19 on page 10, bullet (vi) of the report that reads; that the representative of National Government as recommended by the report should come from the Department of Interior. Mr. Speaker the reason as to why we felt as a committee to put a representative from the State Department of Interior is because you will find one ward with more than two locations but I will agree with the Members as the Leader of Majority have suggested that we go as per what was there in the initial Bill. We also need to be categorical because the Bill stipulates that either Chiefs or Assistant Chiefs. We should be specific if we go the way the Bill states.

Mr. Speaker looking at the Ward Climate Change Committees; the reason as to why the committee felt that it is right that we use the Ward Officers is because this is a Ward Committee. We were of the opinion that other than having the Sub-county Officer in the ward, we amend it to be a Ward Officer on both Agricultural Ward Officer and Ward Climate Change Officer as it is in the report.

Otherwise, I would like to thank the Hon. Members for their time and supporting this report. I also want to believe that we will adopt the report so that we can give our residents of Kisumu the better environment that they deserve. Thank you.

The Temporary Speaker (Hon. Seth Okumu): Thank you Hon. Members. A report on the Kisumu County Climate Change Bill, 2020 from the Sectoral Committee of Water, Environment and Natural Resources has been moved as a motion by the Chairperson, Hon. Ameso, seconded by Hon. Leader of Minority (Hon. Oiko), debated upon by Hon. Members and amendments proposed. I therefore want to put a question on the adoption of the same with amendments therein?

(Question put and agreed to)

The Temporary Speaker (Hon. Okumu): Hon. Members the report on the Kisumu County Climate Change Bill, 2020 from the Sectoral Committee of Water, Environment and Natural Resources is hereby adopted today Thursday, 24th September 2020 at 1622 hours.

Hon. Members, this report will inform the changes that we are going to make on the proposed Bill and I want to request the table Clerks that, the Hansard Report to this report be produced so that by the time we are making the changes on the 2nd Reading of the Kisumu County Climate Change Bill, 2020 then, we will be having all the proposed amendments ready for inclusion into the Bill.

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

MOTION

2ND READING OF THE KISUMU COUNTY CLIMATE CHANGE BILL, 2020

(BY HON. SAMSON AMESO, CHAIRPERSON)

The Temporary Speaker (Hon. Okumu): Yes Hon. Ameso.

Hon. Ameso: Thank you Mr. Speaker. I wish to request the clerk to take members through the 2nd Reading of the Kisumu County Climate Change Bill, 2020.

The Temporary Speaker (Hon. Okumu): Yes Mr. Clerk.

Thank you Mr. Speaker, The Kisumu County Climate Change Bill, 2020. A Bill for an ACT of the County Assembly of Kisumu to provide for a regulatory framework for enhanced response to climate change to provide mechanism and measures to achieve low carbon, climate development, financial mechanism for implementation of climate change adaption activities and connected purposes is now read for the 2nd time.

The Temporary Speaker (Hon. Seth Okumu): Thank you. Hon. Members pursuant to the provisions of our Standing Orders No. 120 which states that;

'1) except with the leave of the County Assembly, not more than one stage of a Bill may be taken at any one sitting.

(2) Paragraph (1) shall not apply to or in respect of an Appropriations Bill or a County Revenue Fund Bill.'

Hon. Members, the Bill that we are having today is neither Appropriations Bill nor a County Revenue Fund Bill and that renders the provisions of Standing Order No. 9 and 10 that are will not be able to be dispensed off with today.

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

ADJOURNMENT

The Temporary Speaker (Hon. Okumu): There being no any other business to transact, the House stands adjourned to Tuesday 29th September 2020 at 2.30 p.m.

(House rose at 4.45 p.m.)

Addendum

Hansard Team

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