

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

SECOND ASSEMBLY – FOURTH SESSION

Wednesday, 18th March, 2020

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

(The Speaker (Hon. Elisha Jack Oraro) in the Chair)

PRAYERS

Hon. Speaker (Hon. Oraro): Mr. Clerk, kindly take us through the business of the day?

ADMINISTRATION OF OATHS

Hon. Speaker (Hon. Oraro): Hon. Beatrice Pamela Ochieng' to come forward and take oath of office for the position of Vice-Chairperson, Committee on Administration of Law, Justice and Constitutional Affairs and Good Governance and Security.

I, Hon. Beatrice Pamela Ochieng', having been appointed as the Vice-Chairperson of Committee on Administration of Law, Justice and Constitutional Affairs and Good Governance and Security of the Kisumu County Assembly do swear, that I shall truly and diligently serve the people and the Republic of Kenya in the office of Vice-Chairperson of Committee on Administration of Law, Justice and Constitutional Affairs and Good Governance and Security of County Assembly of Kisumu; That I shall respect, uphold, preserve, protect and defend the Constitution of the Republic of Kenya; and I shall do right to all manner of persons in accordance with the Constitution of Kenya and the laws and conventions of the parliament without fear or favor, affection or ill health.

SO HELP ME GOD!

(Hon Beatrice Pamela appends her signature to the Oath documents)

Hon. Speaker (Hon. Oraro):Hon. Gard Olima to come forward and take oath of office for the position of Vice-Chairperson, Committee on County Delegated Legislation.

I, Hon. Gard Olima, having been appointed as the Vice-Chairperson of Committee on Delegated County Legislation of the Kisumu County Assembly do swear, that I shall truly and diligently serve the people and the Republic of Kenya in the office of Vice-Chairperson of Vice-Chairperson of Committee on Delegated County Legislation of County Assembly of Kisumu; That I shall respect, uphold, preserve, protect and defend the Constitution of the Republic of Kenya; and I shall do right to all manner of persons in accordance with the Constitution of Kenya and the laws and conventions of the parliament without fear or favor, affection or ill health.

SO HELP ME GOD!

(Hon Olima appends his signature to the Oath documents)

Hon. Speaker (Hon. Oraro):Hon. Judith Ogaga, to come forward and take oath of office for the position of Vice-Chairperson, Committee on ECD and Vocational Training.

I, Hon. Judith Ogaga, having been appointed as the Vice-Chairperson of Committee on ECD and Vocational Training of the Kisumu County Assembly do swear, that I shall truly and diligently serve the people and the Republic of Kenya in the office of Vice-Chairperson of Vice-Chairperson of Committee on ECD and Vocational Training of County Assembly of Kisumu; That I shall respect, uphold, preserve, protect and defend the Constitution of the Republic of Kenya; and I shall do right to all manner of persons in accordance with the Constitution of Kenya and the laws and conventions of the parliament without fear or favor, affection or ill health.

SO HELP ME GOD!

(Hon Ogaga appends her signature to the Oath documents)

Hon. Speaker (Hon. Oraro):Hon. Sally Okudo, to come forward and take oath of office for the position of Vice-Chairperson, Committee on Implementation.

I, Hon. Sally Okudo, having been appointed as the Vice-Chairperson of Committee on Implementation of the Kisumu County Assembly do swear, that I shall truly and diligently serve the people and the Republic of Kenya in the office of Vice-Chairperson of Committee on Implementation of County Assembly of Kisumu; That I shall respect, uphold, preserve, protect and defend the Constitution of the Republic of Kenya; and I shall do right to all manner of persons in accordance with the Constitution of Kenya and the laws and conventions of the parliament without fear or favor, affection or ill health.

SO HELP ME GOD!

(Hon Okudo appends her signature to the Oath documents)

Hon. Speaker (Hon. Oraro): Hon. Julius Genga, to come forward and take oath of office for the position of Vice-Chairperson, Committee on County PIC/PAC.

I, Hon. Judith Ogaga, having been appointed as the Vice-Chairperson of Committee on County PIC/PAC of the Kisumu County Assembly do swear, that I shall truly and diligently serve the people and the Republic of Kenya in the office of Vice-Chairperson of Committee on County PIC/PAC of County Assembly of Kisumu; That I shall respect, uphold, preserve, protect and defend the Constitution of the Republic of Kenya; and I shall do right to all manner of persons in accordance with the Constitution of Kenya and the laws and conventions of the parliament without fear or favor, affection or ill health.

SO HELP ME GOD!

(Hon Genga appends his signature in the Oath documents)

The Speaker (Hon. Oraro): Next is Hon. Roy Samo.

Hon. Samo: I, Hon. Roy Samo, having been appointed as the Vice-Chairperson Water, Environment and Natural Resources Committee of the Kisumu County Assembly do swear, that I shall truly and diligently serve the people and the Republic of Kenya in the office of the Vice-Chairperson Water, Environment and Natural Resources Committee of County Assembly of Kisumu; That I shall respect, uphold, preserve, protect and defend the Constitution of the Republic of Kenya; and I shall do right to all manner of persons in accordance with the Constitution of Kenya and the laws and conventions of the parliament without fear or favor, affection or ill health.

SO HELP ME GOD

The Speaker (Hon. Oraro): Next is Hon. Caleb Omoro. Hon. Caleb Omoro. Next. Proceed Hon. Manuche if the Member is not there.

Hon. Manuche: I, Hon. Jane Juma Manuche, having been appointed as the Vice-Chairperson Ward Development Fund Committee of the Kisumu County Assembly do swear, that I shall truly and diligently serve the people and the Republic of Kenya in the office of the Vice-Chairperson Ward Development Fund Committee of County Assembly of Kisumu; That I shall respect, uphold, preserve, protect and defend the Constitution of the Republic of Kenya; and I shall do right to all manner of persons in accordance with the Constitution of Kenya and the laws and conventions of the parliament without fear or favor, affection or ill health.

SO HELP ME GOD

The Speaker (Hon. Oraro): Next order Mr. Clerk.

COMMUNICATION FROM THE CHAIR

The Speaker (Hon. Oraro): Honourable Members, I believe that you have just witnessed the Administration of Oaths of various Vice- Chairpersons who had not taken their oaths. I want to believe that. what we have done today is very important for both the welfare of the Members and productivity because we have seen cases where when the Chairperson is not there then the committee cannot run.

We shall have an opportunity where when the Chairperson is not there then the Vice Chairperson can take charge and when both are not there then a Member appointed by the committee should lead to enable the committee run as appropriate. I would still wish to insist that we have to take our committee responsibilities very seriously for the productivity of the Assembly. What is it Hon. Roy Samo?

Hon. Samo: Thank you Mr. Speaker, I just want to inform you that a Member who was supposed to take oath is a bit incapacitated. I just want to indulge to reconsider doing that another day. Thank you.

The Speaker (Hon. Oraro): Thank you. That is noted. Next order.

STATEMENTS

The Speaker (Hon. Oraro): Yes Hon. Okiri.

Hon. Okiri: Thank you Mr. Speaker. I am on a Personal Statement. Today at around two when I was driving to the Assembly and I made my way to where I normal sit. The Honourable Member for Ahero Ward told me to go and sit with the Government and not the opposition. Mr. Speaker, I want to make it clear that am not in the opposition, I am in ODM, the ruling party in Kisumu County. With due respect, instruct the Member to resume his seat so that I occupy mine. Thank you.

The Speaker (Hon. Oraro): Yes Hon. Agolla.

Hon. Agolla: Thank you Mr. Speaker. From the records of the House, I believe I am still a Member of ODM. Is it in order for Hon. Okiri to say that Members sitting on your left are in opposition?

The Speaker (Hon. Oraro): Hon. Agolla, you question is valid but I heard Hon. Ooko being mentioned.

The Speaker (Hon. Oraro): Yes Hon. Victor.

Hon. Victor Rodgers: Thank you Mr. Speaker. Is it in order for Hon. Okiri to allege that he has a specific seat in this House?

The Speaker (Hon. Oraro): I want to rule you out of order because, it has been a practice that Members are identified by where they sit. It even makes it easier for the Chair to recognize Members from where they sit. Allow me to give Hon. Ooko an opportunity to say something because he has been mentioned.

Hon. Ooko: Thank you Mr. Speaker. I can't remember when I told Hon. Okiri to go and sit in the Government side because as you can see his seat is empty.

The Speaker (Hon. Oraro): Hon. Okiri, I direct that you resume your seat.

The Speaker (Hon. Oraro): Yes Hon. Ngeta.

Hon. Ngeta: Thank you Mr. Speaker for giving me this opportunity. Pursuant to the County Assembly Standing Order No. 41 (2) (b) and 193. I wish to request for a statement from the Chairperson Select Committee of Health, Housing and Sanitation in regarding the importation of Fish from China. The Chair should inquire, investigate and report on; the mitigation measures to curb the fish from coming China.

Two, the department to impose ban on the import until the pandemic is over. Due to the global pandemic, I want the Health Committee Chair to respond to the issues I have raised in the Statement. Thank you.

The Speaker (Hon. Oraro): Hon. Chair Health Committee.

Hon. Jagongo: Thank you Mr. Speaker. I think that question should be directed to the Committee of Agriculture, Livestock and Fisheries. We don't deal with importation of fish as the Health Committee.

The Speaker (Hon. Oraro): Hon. Steve Owiti.

Hon. Owiti: Mr. Speaker, Sir, I think Hon. Maurice Ngeta is right to seek clarification from the committee of Health with regards to the importation of fish. In relation to corona virus pandemic which has now hit our country and other parts of the world, I think the Chair should not ignore that question because we are not addressing the issue of the importation of fish, but its relation to the corona pandemic as put by Hon. Ngeta.

Is it right for our County to allow fish importers to import fish from China which is the country that first reported the outbreak of corona virus? Mr. Speaker, I think it is in order that the Chair of Health takes this matter and report to the House. Thank you.

The Speaker (Hon. Oraro): Honourable Members, going by the Presidential directive and today's Governor's Press Statement on the different bans that have been put on the County, I am persuaded to think that it ought to have been a Motion rather than a Statement. This is because when you are referring to a situation in which you are looking for a ban to be imposed on an item due to the pandemic, then it ought to have been a Motion that requires urgent attention. However, I want to give time Members who would contribute on this before we make a ruling. Hon. George Olwal.

Hon. Olwal: Thank you Mr. Speaker. First, we do not have anything like a Select committee on Health. Secondly, Mr. Speaker, I think we lack jurisdiction to discuss this because foreign trade is not a devolved function. It is a function of the National Assembly. I think you may write a petition we take to the Senate. I am addressing the House and not any other person. Thank you.

The Speaker (Hon. Oraro): Yes, whom do you want to inform Hon. Paul?

Hon. Okiri: On a point of information. Mr. Speaker, I want to inform the House, the said Member from Kolwa Central is a frequent visitor to China and something of this magnitude should not be taken lightly as if nothing is happening. He should have respected the House and isolated himself for the time being. Mr. Speaker, if you check his documents, you will establish that he recently travelled from China.

Mr. Speakers, I think some matters should not be taken lightly. Thank you.

The Speaker (Hon. Oraro): Hon. George Olwal, is it true that you recently travelled from China? We need to take precautions if that is true.

Hon. Olwal: Mr. Speaker, I would love that you invoke Standing Orders No. 89 so that the Honourable Member can substantiate and take responsibility for his statement. He should prove his claims because I am aware that we have only 14 days to quarantine ourselves. I left China in 1st of January 2020.

Mr. Speaker, I have made my point. If you check 4th Schedule of our Constitution, you will notice that foreign trade is not within our mandate as a County. therefore, let us do things within our mandate and leave the rest to the National Assembly unless there was a transfer of functions that took place and I am not aware.

The Speaker (Hon. Oraro): Thank you. I think I will not direct Hon. Okiri to substantiate because you have confirmed that you were in China but I want to protect you because when the issue of corona virus was first raised and the fourteen day period required for self-quarantine allows me to protect you and say that you are the rights to be in the Assembly. Hon. Philemon, is it on the same issue? Pass the microphone to Hon. Philemon

Hon. Ojuok: Hon. Speaker, if you get the time right, it is COVID-19. This disease broke out in China in December 2019. Hon. Olwal left China in January. This is a new disease and people are still learning more about it. It is said that it stays in the air for some time. Who knows! maybe the virus can hibernate? There is need for Hon. Olwal to check himself so that we are certain of his condition.

The Speaker (Hon. Oraro): Honourable Members, Hon. Olwal has admitted that he was in China in January 2020 and today is 18th of March 2020. It is almost three months since Hon. Olwal arrived from China. I therefore believe that it is not in order for us to crucify Hon. Olwal on the same. Hon. Ken Ooko

Hon. Ooko: Thank you. Mr. Speaker, when we talk of COVID-19 then it means December 2019 when corona virus was first reported in China. Mr. Speaker, Hon. Gard Olima and I have been very close with Hon. Olwal. I have been unwell of late. Mr. Speaker, today, Hon. Gard went to Agha Khan hospital. I think something should be done in this regard.

(Laughter)

Let us not take this thing lightly.

The Speaker (Hon. Oraro): Honourable Members, we are all aware of what we need to do regarding COVID-19. When you suspect that you have symptoms, then you need to quarantine yourself. In addition, the issue of hygiene such as handwashing, social distance among others are things that should be taken seriously. This is a serious matter that should not be taken lightly. In fact, today we had a press conference where the Governor spelt out measures that are going to be taken in the County Government of Kisumu in a bid to stem the spread of corona virus.

I would request that all of us sensitize our community members. Take time and go through the press statement. I will not allow that we discuss such matter again. Hon. Okiri, I have brought to an end that discussion. Yes, Hon. Pamela

Hon. Pamela Odhiambo: Thank you Mr. Speaker. I am concerned about the traders and the fresh goods brought to the market today.

The Speaker (Hon. Oraro): Hon. Pamela Odhiambo, we want to dispense off with the Statement by Hon. Ngeta. If you have a Statement to make, kindly allow us to first deal with this then I will give you time to present your Statement.

Hon. Pamela Odhiambo: I am on the Statement raised by Hon. Ngeta

The Speaker (Hon. Oraro): Proceed.

Hon. Pamela Odhiambo: I am concerned about traders at the market. Their goods arrived in the market, and, I was there. If these markets are closed then people are going to suffer. I would urge

the County Government to look for an alternative and provide traders with masks and sanitizers. Closing the markets will mean that people will have nothing to eat. I am sure that markets will not be jammed as people will be getting in and going out almost immediately.

I support the Statement raised by Hon. Ngeta. I also support what the Governor said. However, I will not support the closure of markets in Kisumu County. Mr. Speaker, recently the stalls were moved and the people have already found an alternative. If we are not very careful, people may die and we will be blamed. I support. Let us understand what women and men go through. In our respective houses, we ensure that our dependents access basic goods. That was my concern Mr. Speaker.

The Speaker (Hon. Oraro): Thank you Honourable Members. Members, let us take our time to read and re-read statement by the Governor on the proposed measures. What the Governor presented was a proposal to close markets at different dates especially during market days. For the Jubilee market, the idea was to close it tomorrow-probably- and thorough cleaning done and then give a plan on how the people will access the market for purchases or sales.

The Press Statement talked of closing markets during market days given human traffic on such days. This restriction does not extend to non -market days. Therefore, let us not confuse the statement and mix facts.

Finally, I want to combine the Statement of Hon. Ngeta with a letter that I received from the committee of Health and signed by its Chairperson Hon. Jagongo on surveillance team by the County Government of Kisumu as regards COVID -19. The request is that the committee is seeking authority to be part of the surveillance team of the County Government of Kisumu. I want to direct that together with the Statement of Hon. Ngeta, the committee to develop the plan and the schedule, present to my office for consideration in terms of financial implications and logistics so that we make appropriate approval for you to proceed and join surveillance team. This is for the Health committee. It is Statement hour. Next Order!

INDEFINITE ADJOURNMENT

BY

HON. KENETH ONYANGO

LEADER OF MAJORITY

The Speaker (Hon. Oraro): Honourable Leader of Majority

Leader of Majority: Thank you Mr. Speaker, Sir. Mr. Speaker, as Members may be aware, the President of the Republic of Kenya did give an Executive Order that institutions that are in this

country are closed so that the Government may have time to assess the spread of the COVID-19 pandemic. Since then Mr. Speaker, all schools have closed and this includes Universities; the National Assembly has since closed Mr. Speaker and most of the County Assemblies.

The National Assembly has since closed and most of the County Assemblies. Mr. Speaker this pandemic is something that is worrying the entire world and this step that is being taken in Kenya has also been replicated in other parts of the world because the world must be very conscious to this strange disease. Mr. Speaker it is for that reason that I would like to urge this House to suspend its business for two weeks. The order paper has been indicated Indefinite Suspension of the House but, there was an advisory opinion from CAF that did state that the Assemblies can close for two weeks. If within that period the situation is still fluid then we can still go on and adjourn further. We are aware that this House was officially supposed to go on recess on the 10th of April 2020. Mr. Speaker 2 weeks from now means that we shall resume our sittings on 7th just to assess how the Government is dealing with this matter. I want to retaliate that if the situation shall still be fluid then we shall have no alternative other than to extend the suspension of this House.

Mr. Speaker, I know that this House has got some certain critical businesses that need to be transacted and there would be some skeleton businesses that will go on for example the issue of the budget because the budget making process is on. Even though we have been advised to stay away from our workplace, we feel that it is prudent that certain activities go on though in a much scaled down way. During this time, I would want to urge Members that we stay away from crowded places because it is very easy to interact with strangers in such crowded places and that is why the Governor has recommended measures that are aimed at containing this pandemic and one of them is the closure of areas that are ordinarily crowded by our people. This should not be viewed as a punishment but just as a precaution so that we can avoid contracting this virus.

Mr. Speaker, I want to leave it at that and request that the Chief Whip second that we suspend the sittings of this House so that we resume on 7th of April 2020.

The Speaker (Hon. Oraro): Hon. Leader of Majority before you give the Chief Whip I want you to be clear because in your motion, you are talking about Indefinite Suspension but in your presentation you are very clear that the House be suspended until 7th of April 2020.

The Leader of Majority (Hon. Kenneth Onyango): Mr. Speaker, I have said that when we had the House Business Committee, we did agree that we suspend for 2 weeks. This must have been a misprint and that is why I said that contrary to what is written on the Order Paper, I proposed that we suspend for 2 weeks. This time which we shall be able to monitor how the situation unfolds. Thank you.

The Speaker (Hon. Oraro): Yes Chief Whip.

The Chief Whip (Hon. Misachi): Thank you Leader of Majority for asking me to second that important motion having learnt that there are some suspected cases in Kisumu County regarding the corona virus. The Government has seen it fit that we suspend public gathering and we would like to replicate the same. So I would like to support that we go for recess and we resume on 7th April 2020. Thank you.

The Speaker (Hon. Oraro): Thank you Hon. Members. The motion proposing the Suspension of the House until 7th April 2020 has been moved by the Leader of Majority and seconded by the Chief Whip. I therefore want to propose a question that the motion is opened for debate. Yes Hon. Khan.

Hon. Khan: Thank you Mr. Speaker. It would be very much in order that we suspend the House for two weeks because of the current situation in the Country. As you can see and we are receiving information which is actually out in the media and even mosques and churches have been closed because it is a serious matter and we don't want to sit here causing more problems and havoc. I am even scared today to learn that Hon. Olwal was in China. These are kind of things that we should take into question. Thank you.

The Speaker (Hon. Oraro): Yes Hon. Olwal.

Hon. Olwal: Thank you Mr. Speaker. I want to support the motion just like I said in the morning that this matter should not be handled with a lot of jokes. As the senior Member has said that I was in China. By the time I was leaving China I had seen the Chinese wearing masks. So there is a lot of conspiracy and hidden information on the Corona Virus that we are not aware of. Mr. Speaker in the capital city of Philippines when they heard of Corona Virus they just ran away from the city leaving it a ghost city. A country like China is a super power economically and it has better health care and the way they responded better to the Corona Pandemic and it is what has made them to fight this disease.

Mr. Speaker, we as a country with lesser health systems need to take precautions so that this virus does not spread and as I said in the morning that self-isolation is very important and we should stay at home to avoid public places especially now that we have confirmed that the virus is spread through contact. It is very important that this House do adjourn until there is an improvement in this situation. I know that in this there are also some other economic factors especially what Hon. Pamela was talking about the Markets being closed and you know that Kisumu is a trading town. It is important that we as a House take the first initiative to adjourn this House until the situation improves. Thank you.

The Speaker (Hon. Oraro): Yes Hon. Obonyo.

Hon. Obonyo: Thank you Mr. Speaker. I request you to call the mover to reply.

The Speaker (Hon. Oraro): Yes Leader of Majority.

The Leader of Majority (Hon. Kenneth Onyango): I really want to thank the Hon. Members that have given their contributions. Mr. Speaker I want to retaliate what Hon. Olwal has said that let us look at life first before other considerations come in. We know that most of our people depend on businesses but there would be no business to do if people start dying. So it would be very important to take precautions. I believe that is something that must be done. With those few remarks, I propose that you put the matter to question. Thank you.

The Speaker (Hon. Oraro): Thank you Hon. Members for the discussion. I want to refer ourselves to standing orders No. 26 (3) which states that;

‘On a day when the County Assembly is scheduled to adjourn to a day other than the next normal sitting day in accordance with the County Assembly calendar, the Leader of the Majority Party or the Leader of the Minority Party or another Member of the County Assembly Business Committee shall move a Motion of adjournment which shall be debated for not more than three hours after which the County Assembly shall adjourn without question put.’

ADJOURNMENT

The Speaker (Hon. Oraro): With that standing orders, I want to say that the House is suspended until 7th April 2020 at 2.30 p.m.

(House rose at 3.40 p.m.)

Addendum

Zablon Otiende – Head of Department

Edward Odanga – Hansard Reporter

Fanuel Okode – Hansard Reporter

Patrick Okoyo – Hansard Reporter

Jacklyne Otieno – Hansard Reporter

Denis Onyango – Hansard Reporter