

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

Official Report

SECOND ASSEMBLY – FIFTH SESSION

Thursday, 18th March, 2021

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): Hon. Members, welcome to this afternoon session. Mr. Clerk, please take us through the Order Paper of the day.

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

STATEMENTS

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

Leader of Majority (Hon. Onyango): Thank you Madam Speaker. I rise while citing the provisions of Standing Order No. 41 (2) (d) that accords me the leverage to give Statements that pertains to the activities that are currently on going.

Madam Speaker, we are all aware that there is Public Participation going on in most of our Wards which involves three Bills. I would like to plead with Hon. Members to liaise with their Ward Managers so that the public may be made aware of such noble activities are going on. If attendance for those three critical Bills is not adequate, then that may subvert the very intentions for which Public Participations is supposed to be undertaken.

Madam Speaker, as we move forward because I am aware that we are going to have quite a number of Public Hearings, I would wish to urge Hon. Members to be earnestly involved in those activities because that forms part and parcel of our roles as a House. Thank you.

The Temporary Speaker (Hon. Muga): Thank you Leader of Majority. I believe that all Hon. Members have taken note of that.

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

Leader of Minority (Hon. Oiko): Thank you Madam Speaker. On the statement raised by the Leader of Majority, I would like to inform the House that, in my Ward this activity was conducted perfectly because the attendance was virtuous and I managed to convince the public to pass the three Bills.

Madam Speaker, pursuant to the County Assembly of Kisumu Standing Orders No. 41 (2) (d), I wish to request for a Statement from the Chairperson...

The Temporary Speaker (Hon. Muga): Order!! Order!! Leader of Minority, I can see that you are reading a Statement citing the provisions of Standing Orders No. 41. I don't have a copy of the Statement in my possession, has it been certified by the Office of the Speaker?

Leader of Minority (Hon. Oiko): Madam Speaker, yes. It was received.

The Temporary Speaker (Hon. Muga): Can I have a copy of that Statement.

(Leader of Minority hands over the Statement to Madam Speaker)

(Madam Speaker verifies the Statement to ascertain its approval)

The Temporary Speaker (Hon. Muga): Leader of Minority, I cannot see any proof that shows that the Statement has been approved by the Hon. Speaker by him appending his signature. So, I am sorry you cannot continue if the Speaker has not appended his signature on the Statement.

Leader of Minority (Hon. Oiko): Madam Speaker, it is as if you were schooled and you were given instructions to stop me from seeking this Statement.

The Temporary Speaker (Hon. Muga): Order!! Leader of Minority...

Leader of Minority (Hon. Oiko): Madam Speaker, it has become a practice in this House that we take Statements to the Office of the Speaker and it is received by his secretary....

The Temporary Speaker (Hon. Muga): Order!! Leader of Minority please don't approach my table because that is the duty of the Serjeant-at-Arms or the Clerks. Leader of Minority, what you have given me which is in my possession is a Statement that is not signed. Clerk, please can you approve this Statement.

Leader of Minority (Hon. Oiko): Madam Speaker, what I wanted to raise...

The Temporary Speaker (Hon. Muga): Order!! Leader of Minority, you are Out of Order, please leave it to the Leader of Majority to advice.

(Madam Speaker consults with the Clerks)

The Temporary Speaker (Hon. Muga): Clerk, please handover the Statement to the Leader of Majority so that the House is made aware of what is going on.

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

Leader of Majority (Hon. Onyango): Madam Speaker, please allow me to plead with my brother the Leader of Minority Hon. Oiko Pete. Leader of Minority, even if you are on the right, it is prudent that in the House, we maintain decorum and especially for a senior Member of the House that is supposed to be giving guidance. So, please I would plead with you that please ensure that your Statement is properly received before the House and you seek for a Statement probably next week. Those are my pleadings through the Chair, if you don't mind. So, that, altercations is not witnessed in the House. Thank you.

Leader of Minority (Hon. Oiko): Thank you Leader of Majority, I also obliged but, there is a rubber stamp indicating received.

Leader of Majority (Hon. Onyango): Leader of Minority, we are not supposed to be exchanging the way we are doing because any communication that we make in the House should be through the Chair. That notwithstanding, this is a problem that may have emanated from the Office of the Speaker. I don't want to be a judge here but, I just want to plead with you that we don't show that we don't have decorum. Thank you.

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

The Temporary Speaker (Hon. Muga): Hon. Samo, what is it?

Hon. Samo: Thank you Madam Speaker. I have known you to be lenient to Hon. Members. If the Statement is not in bad light, you can use your discretion and this is just a request because I am not saying that you have erred in your ruling. Please just advice the Leader of Minority that if the Statement is not frivolous and we are still in the Statement segment, use your leniency to accord him the opportunity to present his statement. Equally, he has to give you an opportunity to go through it. If it is your verdict and advice, you find it right, then, you can accord him the opportunity to seek that statement.

Madam Speaker, the provisions of Standing Order No. 1, allows you do so while seated in that Chair...

The Temporary Speaker (Hon. Muga): Order!! Order!! Hon. Samo. Unless it is a Personal Statement.

Hon. Samo: Madam Speaker, I just seek for your indulgence. Even if it is being sought under Orders No. 41 which requires the Chairperson or whoever and he intends to raise it but did not come into the House at the stipulated time, it is upon your discretion because I have always witnessed judges in court, they look at a matter...

The Temporary Speaker (Hon. Muga): Order!! Order!! Hon. Samo, I want to request you not to mislead the House because we undertook induction together. The main issue here is procedures. If the Statement has not followed the right procedures then, it can be deferred to a later date. Are you aware of that?

Hon. Samo: Madam Speaker, that is correct. I have not insinuated that you have made any mistake. Please listen to the point that I am trying to put across. You have not erred in your ruling...

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

Hon. Samo: Madam Speaker, what I was trying to say is that, if you look at the way Hon. Speaker of the National Assembly, Muturi does when a matter has been brought before him, it is within his discretion that he interprets the matter and if it is not frivolous for example on matters such as Impeachment of any County Executive Committee Members or nay matter that is of Topical Concern, he allows it to be presented or discussed...

The Temporary Speaker (Hon. Muga): Order!! I am sorry. I am not going to permit procedures to be flouted.

The Temporary Speaker (Hon. Muga): Hon. Ngeta, what is it?

The Temporary Speaker (Hon. Muga): Clerk please approach my chair.

(Madam Speaker consults with the Clerks)

Hon. Ngeta: On a Point of Order. Thank you Madam Speaker. I want you to get my point. Please lend me your ear. Madam Speaker, can you please elucidate which procedures you wanted the Leader of Minority to follow.

The Temporary Speaker (Hon. Muga): Order!! Order!! Hon. Ngeta, I had made a ruling on that matter so it is not up for debate...

Hon. Ngeta: Madam Speaker, but the Leader of Minority has done due diligence...

The Temporary Speaker (Hon. Muga): Hon. Member, I am repeating, I had made a ruling on that matter...

Hon. Ngeta: Madam Speaker, the Leader of Minority took the Statement to the Office of the Speaker, it was received...

The Temporary Speaker (Hon. Muga): Sorry, I had made a ruling on that and the Leader of Majority equally ascertained that the Speaker had not appended his signature on the Statement.

Hon. Ngeta: Madam Speaker, unless you are trying to deny us our Constitutional right in this House. Please do not sabotage our mandate because the Leader of Minority has done due diligence because the Statement was taken to the Office of the Speaker, it was received. So, what else do you want us to do?

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

Deputy Majority Whip (Hon. Obonyo): Thank you Madam Speaker. The Member who has just resumed his seat is misleading the House and to make matters worse he is not properly dressed. Thank you.

The Temporary Speaker (Hon. Muga): Thank you. We are still under Statement Hour.

The Temporary Speaker (Hon. Muga): Hon. Okiri.

Hon. Okiri: Thank you Madam Speaker. Two weeks ago, my Committee was accorded the mandate where a Bill was tabled before this House committed to my Committee to conduct Public Participation which is currently taking place in various Wards. According to the Speaker's Ruling, the Committee was scheduled to bring a report to this House on the Bill within two weeks which is today from the time the Bills were committed to the Standing Committee of Finance.

Madam Speaker, with all factors constant, today our technical teams are in various Wards in Seme Sub-county conducting Public Hearings on the said Bill. It is in this regards that, the Standing Committee of Finance is not able to bring a report in this House as a result of the changing variables because the technical teams are still on the ground conducting Public Hearings. I therefore, request that I be accorded an additional two weeks to bring a report to this House after compilation of all the reports from the Public Forums. Thank you.

The Temporary Speaker (Hon. Muga): Thank you for that. I hope the Clerks are taking notes. I want to appreciate the senior Member because he is aware of the procedures required. Again, I am happy to say that you are on the right track as that matter was not in the Order Paper.

The Temporary Speaker (Hon. Muga): Hon. Olwal.

Hon. Olwal: Thank you Madam Speaker. My issues is equally correlated to that of Hon. Okiri's case. Two bills were equally committed to my Committee and since Public Hearing on the Bills is still on we are requesting that you accord my Committee two weeks to work on the Bills and report back to this House.

Again, a Statement was committed to my committee. This was a Statement that was sought by Hon. Pamela Odhiambo on the issue of Burials. Since this is an emotive issue, we request that we have public engagements and invite other key stakeholders. So, the Committee requests that it be accorded more time on the same. Thank you.

The Temporary Speaker (Hon. Muga): You are lucky because it was not in the Order Paper of today. I believe the Clerks have taken note of that. Thank you.

The Temporary Speaker (Hon. Muga): Hon. Ogutu.

Hon. Ogutu: Thank you Madam Speaker Sir. Pursuant to the provisions of County Assembly Standing Orders No. 41 (2) (d), I wish to seek for a statement from the Chairperson, Committee on Liaison.

Madam Speaker Sir, aware that pursuant to the provisions of Standing Orders No. 194 (2)...

Leader of Majority (Hon. Onyango): On a Point of Order. Thank you Madam Speaker. I am confused because I am not able to comprehend how the Hon. Member is able to say Madam Speaker Sir. I mean, I am confused...

(Laughter)

Hon. Ogutu: Thank you for the correction Leader of Majority. Madam Speaker we are all aware that the Leader of Majority in his former days used to be a teacher of English. I believe that it is in order for him to correct me and I take it lightly.

Madam Speaker, aware that the provisions of Standing Orders No. 192 (2) of the County Assembly of Kisumu Standing Orders, the Liaison Committee is mandated to...

The Temporary Speaker (Hon. Muga): Order!! Order!! Hon. Member. The statement that you are referring to, is it for the Chairperson, Liaison Committee? Is it a Personal Statement?

Hon. Ogutu: Madam Speaker, this is for the Chairperson, Liaison Committee and it is not a Personal Statement.

The Temporary Speaker (Hon. Muga): Has the Speaker appended his signature of approval?

Hon. Ogutu: Madam Speaker, it has been signed.

The Temporary Speaker (Hon. Muga): Can I please get a copy?

Hon. Ogutu: Madam Speaker, I believe that after finishing with this I will hand it over to you.

(The Serjeant-at-Arms hands over the Statement to the Speaker)

The Temporary Speaker (Hon. Muga): Hon. Ogutu, I am very sorry. Leader of Majority, I want you to confirm that this Statement was received in the Speaker's Office, but the Speaker has not appended his signature. It can be received by the secretaries, but the Hon., Speaker has to verify it whether it has attained the requisite threshold and append his signature to it that is when it is certified. I am sorry you are out of order.

Hon. Ogutu: Madam Speaker, you have given my statement to the Leader of Majority for verification and I don't believe that he is the Hon. Speaker.

The Temporary Speaker (Hon. Muga): Hon. Member, I handed over the Statement to the Leader of Majority to verify if the Hon. Speaker has appended his signature.

Hon. Ogutu: Madam Speaker, does the Leader of Majority have the authority to attest what has been taken to the Hon. Speaker. Is that the way we should run this Assembly? I don't believe that is right.

The Temporary Speaker (Hon. Muga): Order!! Hon. Members, can you assist me, then whom should I give it to?

Hon. Ogutu: Madam Speaker, you should have verified it. Then when you see that is correct you give it the nod.

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

Hon. Okiri: On A Point of Order. Thank you Madam Speaker. It is so absurd for a Member to seek for a Statement. The same Statement has been received in the Office of the Speaker. If it is stamped, it is just like a letter head which authenticates that the said document originated from a given place. So, if the Statement was received by the Speaker's Office...

The Temporary Speaker (Hon. Muga): Order!! Order!! Members. Leader of Majority, I have to bring this to your attention that, the Statement that Hon Ogutu is trying to sneak in this House is the same statement that was being sought by the Leader of Minority that I had made a ruling on.

Hon. Ogutu: Madam Speaker, this Statement that I am seeking is different from which the Leader of Minority was seeking.

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

Leader of Majority (Hon. Onyango): Madam Speaker, I believe that we need to get the business of this House seriously. I mean this kind of behaviour with due respect is really unacceptable. However much you like or dislike her ruling, once the Speaker has made a ruling on an issue, then let it end. I mean the world is not coming to an end just because the Statement has not been read. In any case, if you were to strictly follow the provisions of the Standing Orders, then the Statement must be approved by the Speaker. I mean that is the bottom-line.

The Temporary Speaker (Hon. Muga): Thank you for that Leader of Majority.

(Hon. Madam Speaker rises on her feet)

The Temporary Speaker (Hon. Muga): Order!! Order Hon. Members, can you not see that I am on my feet. Very soon I am going to name Hon. Members of this House. If they want to know that this is a serious seat, soon I am going to name Hon. Members in the House. Please let us take matters of this House seriously.

Hon. Ogutu: Point of information!

The Temporary Speaker (Hon. Muga): Declined.

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

MOTION

CONTINUATION OF INTERRUPTED BUSINESS

REPORT OF THE AD HOC COMMITTEE ON TASKFORCE CONSTITUTED BY THE
GOVERNOR TO INVESTIGATING ILLEGAL AND IRREGULAR ACQUISITION OF
PUBLIC LAND

PRESENTED BY

HON. BEATRICE ODONGO.

AD HOC COMMITTEE.

The Temporary Speaker (Hon. Muga): Hon. Odongo.

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

Hon. Ogutu: Point of Information.

The Temporary Speaker (Hon. Muga): Denied.

The Temporary Speaker (Hon. Muga): I can see the Leader of Majority on his feet. Please continue.

Leader of Majority (Hon. Onyango): Thank you Madam Speaker, I would indulge you so that the Chair is not seen as gagging Hon. Members. Please give them the latitude to express whatever it is that they would want to say.

The Temporary Speaker (Hon. Muga): Leader of Majority, what I want to put before this House is that, if it is the issue of Statements which was brought in this House unprocedurally which was not signed by the Hon. Speaker, then I am sorry I had made a ruling on that matter.

The Temporary Speaker (Hon. Muga): Hon. Ngeta, if it is another issue please proceed.

Hon. Ngeta: Thank you Madam Speaker. As I had stated earlier, we are not supposed to be denied our Constitutional right to debate in the House. I want you to lend me your ears so that you get my point clearly. There is something that has been happening in this House for the last two weeks. The exit from the lounge to the main Chambers is slippery and my beloved sister Hon. Ollows, my brother Hon. Rodgers, Hon. Ogendo almost lost their legs while trying to descend the ramp. Hon. Ogendo almost lost his right hip bone and elbow, Hon. Ollows almost lost her right side of her bumps. So, we need to take this matter seriously to enable us save our Members from future injuries. Thank you.

The Temporary Speaker (Hon. Muga): Thank you. I hope the Chairperson, Welfare Committee has taken note of that.

The Temporary Speaker (Hon. Muga): Hon. Members, we are in the next order.

Leader of Majority (Hon. Onyango): Madam Speaker, yesterday the Chairperson of the Ad hoc Committee on the Land Taskforce did present the report of the Ad hoc Committee...

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

Hon. Ogutu: Madam Speaker, point of information. This is quite different from the Statement that I had earlier.

The Temporary Speaker (Hon. Muga): The Leader of Majority seems to be on his feet. Please proceed.

Hon. Ogutu: Madam Speaker, I believe that the point that I want to raise is for the welfare of this House.

The Temporary Speaker (Hon. Muga): It is denied. Hon. Ogutu, we are in Commencement of Business. Please allow me use my powers.

(Laughter)

The Leader of Majority (Hon. Onyango): Thank you Madam Speaker. Yesterday, the Chairperson of the Ad-Hoc committee...

Hon. Ogutu: Madam Speaker, we are trying to help this House...

The Leader of Majority (Hon. Onyango): Can you let me finish Hon. Ogutu...

Hon. Ogutu: You are not the one I am addressing but the Madam Speaker..

The Temporary Speaker (Hon. Muga): I have said it is denied so Leader of Majority kindly proceed

The Leader of Majority (Hon. Onyango): Thank you for protecting me Madam Speaker. This Report from the Committee on the Land Taskforce was brought here by the Chairperson of the said taskforce, the Hon. Beatrice Odongo but the report was deferred up to where I was supposed to second it. That is what we would wish to do at this point in time.

Madam Speaker, the Taskforce Report was quite elaborate on what has bedeviled the issue of public land in this county for a while. Just to give you a perspective, which is found in the Executive summary on page 10 of the report; Kisumu County drive for economic growth comes with a significant demand for land with claimed tenures. This growth is grounded on a development plan that is focused on providing jobs for its youthful residents, excellent socio-economic opportunities in partnership with the investment community that ensures sustainable returns.

Madam Speaker, it is on this basis that the taskforce was formed by his Excellency the Governor, Prof. Peter Nyong'o so that the litany of issues that have always tormented the land allocation in this county could be dealt with. I want to refer members to the findings by the Ad-hoc Committee, and that it is very important because it stresses point at which this disharmony and irregular land distribution began. According to their findings, one of the contributors of the widespread abuse of illegal and irregular land distribution, was the arbitrary power of the presidential directives, which alienated urban land unilaterally with total disregard of the existing laws. Consequently, there are various commissions of land that have made direct grants on government land overtime. This has been done without authority or any law backing them. Currently, there are several public lands in this country with private and illegal ownership.

Madam Speaker, the taskforce recommended very specific issues such as; repossession of lands that were illegally or irregularly acquired, and I want to say that the process is on-going and that's the reason for the Regularization of Public Land in this County. This is a step that will help solve the problem of land regularization. It was also established that, there were lands that had been illegally acquired and overtime sold to different owners until the original allottees are no longer owners of those pieces of land. I want to say that the county government has embarked on a very vigorous campaign through relevant legal entities such as the EACC and the National Land Commission to look into the genesis of this irregular land allocation with the view of reclaiming the land.

Madam Speaker, if the county doesn't have land, it cannot attract investments and that is why it is imperative that if there is anybody in this county that owns an irregularly acquired land, then that land must be repossessed. We are seeing how Kenya Railways is reclaiming chunks of their land that were illegally acquired and I believe that the Department of Lands should emulate that so that we don't buy land at the expense of illegal private owners of public lands.

Madam Speaker, other than the land, there are several institutional properties that belong to this county, which were illegally acquired. This Ad hoc Committee has recommended that the property of this county must be reclaimed, hence the existence of Registration of Property in order for the county to have records that will aid in the reclamation of the lands and property. I am quite pleased with the work done by the Ad-hoc Committee as well as their recommendations and plead with the House to support the report on the recommendations contained herein. If they can be implemented then the ills that have been done in the past can be corrected. Without much ado I wish to second and support the report, thank you.

The Temporary Speaker (Hon. Muga): Thank you Leader of Majority. The report was brought in the House yesterday by the Ad-hoc Committee Chairperson, Hon. Beatrice Odongo and now seconded by the Leader of Majority, Hon. Onyango who was a member of the committee. I therefore propose that the report is open for deliberation.

The Temporary Speaker (Hon. Muga): Yes, Hon. George Olwal.

Hon. Olwal: Thank you Madam Speaker, I rise to support this report majorly as I was part of this Ad-hoc Committee and that we did thorough research which culminated into a good report. I want to urge members to look deeper into it and adopt the report with or without amendments. Kisumu County, and specifically Kisumu city has experienced tendencies of land grabbing relating to a laissez faire system whereby anyone can do whatever they please at whichever time. The kind of impunity that we realized especially when we got into government would in the near future drive this city and county to uncertainty.

We therefore need to stand strong for the public spaces that we have. This report is also in line with the Bill we have before us on Land Regularization which protects public lands and give way for utility services such as water and sewerage services. Most of the time when we get out to do our projects on roads, there are a lot of encroachment into the road reserves because people have grabbed public spaces. We as the government must stand against such cartels for the interest of the residents of this county. I urge that next time, when handling such an issue, you should also liaise with the Committee on Planning, Industrialization and ICT or other relevant Sectoral Committees as stipulated in our Standing Orders. Thank you.

The temporary Speaker (Hon. Muga): Yes, Hon. Roy Samo.

Hon. Samo: Thank you once again Madam Speaker. I want to commend the Chairperson of this Ad-hoc Committee for making conclusion on a matter that has been a thorny issue for various government entities. This was a matter that was dealt with during the time of the Municipal Councils, which was later looked into by the former Governor's regime when he appointed a taskforce for the same. Consequently, the current Governor also commissioned three taskforces as aforementioned here and I want to commend him for wanting to be done with this issue of land regularization henceforth.

Madam Speaker, I am aware that some pieces of land were acquired through presidential decree while others through the former defunct Municipal Authorities. Madam Speaker, Mamboleo as well as Alang'o areas were greatly affected because large chunks were given out yet some haven't been put to use to date. I want to support this report because of the clarity of the recommendations especially that; the CECM for Lands, Housing, Physical Planning and Urban Development to merge these three reports so that we can deal with one argument. My reason is because the committee that was led by Chairperson, Councilor Weda, did a comprehensive work but was compromised by politics when some of these pieces of land were mentioned such as the 'Kachok dumpsite area, which the Governor was helping us to reclaim. If we can merge these reports and as County Assembly call these people, we can get important information to deal with as a county.

Secondly, I applaud recommendation number 2; that the department, led by the CECM for Lands, Housing, Physical Planning and Urban Development, involve the Department of Lands to scrutinize the document tabled to validate the ownership indicated in the document. We have seen the ones indicated on pages 55, 56 etc. Madam Speaker, I want to request that as we make decisions on this matter the recommendations number 12 and 13 would read that the lands that were taken from the people should be returned to the real owners. This is because the 'Kaburini area in Mamboleo was given to the government only but as we speak now, it has been reduced to a real estate area by private owners thus not benefitting the common mwanainchi. Can we reclaim these lands? The same applies to Kanyakwar area among others I haven't mentioned. Otherwise, I want to support this report with the recommendations as clearly put with an inclusion of land being given back to the people.

The Temporary Speaker (Hon. Muga): Yes, Hon. Pete Oiko, Leader of Minority.

Leader of Minority (Hon. Oiko): Thank you Madam Speaker, I am learning that there are three reports that should be merged into one yet we are having one. I wish that, this should have been done so that we have a clear picture of what the three reports would give Kisumu County to enable us move forward.

Madam Speaker, I can see the illegally acquired public land and legally acquired public land. What would therefore constitute a legally or an illegally acquired land? We are getting the picture that the former defunct Municipal Councils had the power to allocate land. So, at what level did the land become illegally acquired? Some of our folks have acquired these lands and have done magnificent development on them. For instance, when I was growing up, we used to use the Social Center as a place where we could come and sing. Consequently, the place where Naselica Hotel is as well as that on which Khetias Supermarket are built, were grounds that we use to play on.

Madam Speaker, If these parcels of land were legally acquired, do they have the documents that would put the county government off from reclaiming them? There was need for development and the World Bank advised the Kenyan government to dispose of some of its facilities as I can remember there was a time where there was a spree on acquiring buildings in Milimani as advised

by the World Bank, that the government should leave ownership and maintenance of facilities and that they should be taken up by private owners. If that was a good policy then, why is there an issue now? However, if it was a bad policy then why did the government embrace it? This is going to be quite unfortunate for some people who had earlier acquired these lands and developed when they are now expected to give the lands away. There was a time when people were rushing to acquire these pieces of land through a private company; for instance, the Railways Corporation lands around Kachok area which have flats that were constructed by private owners. No one thought that it would come to this issue of regularization and on that note, we should look at some of the policies that have come about overtime.

Nevertheless, it is quite unfortunate that the public land that was initially there in Kisumu County is no longer possessed by the county government and without land, the county government cannot invest. We therefore need to sit down and work through ways of amicably solving this matter, otherwise I support the report, thank you.

The temporary Speaker (Hon. Muga): Yes, Hon. Beatrice Pamela.

Hon. Beatrice Pamela: Thank you Madam Speaker, I rise to support the report and I want to say that over the past years, there have been a tendency of people grabbing public land yet they knew it wasn't theirs. The issue of somebody not knowing when it becomes law for a presidential decree to become law, doesn't arise because Kenya has had a Constitution since 1963. Consequently, in support of that, KICC was gifted to KANU but when President Mwai Kibaki came to power, the government reclaimed it. So, the fact that the former president had gifted it to a party did not make it legal. Madam Speaker, this impunity is revealed in one of the example that had been raised by my fellow Hon. Member, Hon. Oiko Pete. Whereby people have moved to an estate and acquired land within that estate and put up structures; disregarding that fact that that piece of property belongs to Kenya Railways Corporation.

Madam Speaker, sometimes I tend to wonder that if that companies would decide to fence off their land, how they would even claim ownership of those pieces of property. Because where will they get access? The Kenya Railways Corporation would just decide to come, put a perimeter wall and say that this is our property.

Madam Speaker, the issue of people distributing parcels of land amongst themselves because they were in power, is illegal. It was, still and will always be illegal. The goodness of the county and the county people precedes the self-interest of few individuals who are in power during a particular period of time.

Therefore Madam Speaker, we need to do what is right for the people of Kisumu County and for the people of Kenya. And we also need to do what is contained in the Law. So, Madam Speaker, as I support this report, I want to reiterate that all parastatal land be returned to the government. Thank you.

The Temporary Speaker (Hon. Muga): Hon. George Ogutu.

Hon. Ogutu: Thank you Madam Speaker, let me highlight some few areas. First of all, we know that we are a new dispensation. Currently, we are in a different world and before then, we are aware that the president had powers to allocate any land. That one was there.

Secondly, we had what we called the former Defunct Municipal Councils, which had their responsibility. The first responsibility was that the land within municipality belonged to them and they were the people who were supposed to at least talk about those pieces of land and allocate them.

If at all the municipal did their work the way they were supposed to do it during those days, unless I am persuaded, but it was all legal.

Hon. Beatrice Pamela: Point of information Madam Speaker

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

Hon. Beatrice Pamela: Madam Speaker, I want to inform the House that the Hon. Member who is on the floor is misleading the House. That is because the former Defunct Municipal Councils or even the County Government cannot have their own Laws that are outside the Constitution. So, anything that is done outside the Constitution and laid down Laws; is illegal, so, just because some institution does it, does not make it legal.

Hon. Ogutu: I thank you...

Hon. Samo: Madam Speaker. Point of information, if you allow me. The Hon...

The Temporary Speaker (Hon. Muga): She was on a point of information.

Hon. Samo: Thank you, if you allow me. The Hon. Beatrice Pamela is not aware that we have over forty legislation about land. And before the Constitution of Kenya 2010 came into existence, those entities were allowed by Laws to give out land. The municipality to be precise since by then I was serving as a Councillor, they had got the power to do so, through the allotment and also even the president by then.

Hon. Olwal: Point of information.

The Temporary Speaker (Hon. Muga): Whom do you want to inform Hon. Olwal?

Hon. Olwal: I want to inform the House.

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

Hon. Olwal Thank you Madam Speaker. In as much as the government is perpetual in nature. Criminal activity is an individual responsibility of the officers. And in as much as they were; remember this report is dealing with Irregular Allotment of Public Land. So, if there were criminal cases of irregular allotment of land, then that is what the report is dealing with. We are not dealing with the lands that were regularly allotted. Therefore, be informed that we are dealing with irregularity. Yes thank you.

Hon. Ogutu: Thank you my Chairperson of Planning Committee. I know the issue of land is in your heart because that is where you belong to. Mine is very simple. Just as I said clearly, in fact, I have gone through this particular report; I was looking for where public land has been cited that this was a public land which was grabbed. Unless I am challenged and told so, I can change my mind.

It is very simple, what I was saying is that right now we are dealing with legislation within our county. We had our Councilors where Hon. Samo served. The Councilors had municipal lands belonged to them and they also had the right to allocate them.

Madam Speaker, if you go through this report, you will find out that the allocated ones are the ones being mentioned as illegal allocation.

(Laughter)

That is the exact thing they are saying. Because, if at all, Moi Stadium and Kenyatta Sports Ground could have been grabbed, then you could have at least convinced me that others are public land. But, at the same time, our people...

The Temporary Speaker (Hon. Muga): Order!! Hon. George Ogutu, are you trying to say that Hon. Samo was there when they were allocating these pieces of land?

Hon. Ogutu: Unless you are not getting me right, Madam Speaker. I said that he served as a Councillor whereby all lands within that particular municipality belong to them. In fact, they were dishing them out.

What I am saying is that; yes we are now investigating these land issues in Kisumu County which is very rampant. Those who benefited from these particular pieces of land are our own people and right now they have developed on those parcels lands.

Madam Speaker, I believe that the only thing that we can do is to find a way of legalizing these pieces of land so that we give them to these people of ours since they have invested on them. People are talking about storey buildings as has been said by my able friend Hon. Samo. If at all my grandfather was given this particular piece of land, and he has developed a storey building on it, and that building is to be brought down now, I believe that we are not fair to our people. You

know the level of economy of our people is not substantial; our people are not rich Madam Speaker...once somebody has struggled...

Hon. Olwal: Point of information.

The Temporary Speaker (Hon. Muga): Whom do you want to inform?

Hon. Olwal: I want to inform Hon. Ogutu.

The Temporary Speaker (Hon. Muga): Hon. Ogutu, do you want to be informed?

Hon. Ogutu: I do not want to be informed. Madam speaker, the poverty level within our County is really wanting. And if at all, somebody has struggled to put up a storey building I don't believe that it is fair for that particular building to be brought down. Let us look for ways and means...

Hon. Olwal: Point of information.

The Temporary Speaker (Hon. Muga): Whom do you want to inform?

Hon. Olwal: I want to inform the House.

The Temporary Speaker (Hon. Muga): Okay, proceed.

Hon. Olwal: Thank you Madam Speaker, I do not want to be anticipatory on the Bills are going to be brought into this House. But, the one that we have on Regularization of Land Development will tackle the issue that he is talking about, especially on the development of public land.

The Bill in itself is a kind of moratorium that gives those people who have unauthorized development a chance to talk to the county government, like the kind of arrangement he is talking about, thank you.

Hon. Ogutu: Thank you, Madam Speaker; I think my chair is misleading this House. Madam Speaker, what is under discussion here is what will result to what he is talking about. We are aware that very big buildings have been demolished in this particular town. And if at all we pass this report, we will give the authority a blank cheque to go and demolish those structures. Madam Speaker, I am against this and I cannot support it. Thank you.

The Temporary Speaker (Hon. Muga): Hon. Jacktone Ogendo, Deputy Leader of Majority, please.

Deputy Leader of Majority (Hon. Ogendo): Thank you Madam Speaker and I rise to support the report that was brought before this House by the Ad Hoc Committee chaired by able lady who is a nominated MCA, Hon. Beatrice Odongo.

Madam Speaker, I want to say that land is the most powerful resource that a county can have. That is because, availability of land attracts very important thing for the economy. Through land's availability, we can attract investors who can come and establish a company which in turn offer employment opportunity to our people.

Madam Speaker, just like Hon. Olwal mentioned, there are serious encroachment into public land within our county. Personally, I have witnessed our county and within my ward (Nyalenda "A") because someone had encroached on road reserve. It is so painful that a road that existed since my childhood and now that I am a representative of the people, our county went as far as purchasing an alternative land for a road to exist. Another reason, is that we have been experiencing heavy downfall, it is not the only reason for repossessing the public land.

Madam Speaker, when Mother Nature decided to reclaim its initial position, most of the people staying along the lake front really suffered. It is also for their security purposes because they had invested a lot; constructed hotels and residential houses and the aftermath of Mother Nature decided to reclaim its initial position, all the lives of the people and the properties went down. Some people died while others got misplaced.

Madam Speaker, this one needs to be taken into consideration considering the fact that the plan which our County Government has, to change this city; to face the lake and also to improve the lakefront. All these will be realized if we adopt the resolutions of this committee and ensure they are implemented

Madam Speaker, on the recommendation, I strongly support the Computerization of the Land Register. This will assist us to monitor and get to know all the properties. Like currently in my ward, I am also planning to in as much as I know from various wards. Hon. Members are planning to Purchase Lands, maybe for ECDs, hospitals, etc. all these needs to be computerized so that at a click of a button, we are aware of all the registered lands under this county. That one will enable us avoid encroachment issues.

Madam Speaker, this has to also happen to our markets. We are losing our markets because of encroachment into the public land. As I go through the third part of the recommendation; that the Introduction of Corporate Responsibility for National and International Companies, involved in Irregular Land Acquisition through Mandatory Title Deed Search back to the instant for the fast registration and strong check balance on corporate lands acquisition.

Madam Speaker, this one is important because as we are seeing the Kenya Railways Corporation reclaiming lands in this county, you can see that the company is possessing nearly two-thirds of land in this county, leaving us with a third. As a county, in our own county, the national government possesses all that. This matter needs to be reconsidered because the Kenya Railways has acquired the entire town hence we cannot expand this town. That is because, wherever you go, it is a Kenya Railway Corporation's land.

Madam Speaker, back in Nyalenda “A” ward. We also have a prison’s land. Now after people have lived there having born their children plus their extended families in those places and have developed them, it is now when the prison authorities is coming back to claim these parcels of land. So, this one can help us to repossess the land and give it back to the people like Hon. Samo had said. Because these parcels of land had been lying idle and it was given freely by the people. In as much as claiming it and giving it back to the County Government, please let the County as well do that and give it back to the people. With those few remarks, I stand to support and I also want to stress on this.

There is an office of Land Registration devolved within the county. Madam Speaker, these are the cartels who have dished out public land to private individuals. There is need for a robust check-up of the employee of that institution of Lands Department. So that if; there is need for them to be sacked, they should be sacked and if there is need to do a reshuffling so as to have those ones who can protect the county land. There is much need to check into those offices and ensure that we have the people who have the interest of the people of the Kisumu County at heart in safeguarding the lands that belongs to the county, thank you Madam Speaker.

Hon. Samo: Point of information Madam Speaker.

The Temporary Speaker (Hon. Muga): Whom do you want to inform?

Hon. Samo: The House. The point that Hon. Ogendo is raising is very funny, if you allow me?

The Temporary Speaker (Hon. Muga): Is it not overtaken by event?

Hon. Samo: Not overtaken by event. This is a different chapter. Madam Speaker, there is a very serious issue that our Governor is trying to solve but I want us to give it a lot of impetus as an Assembly. In Maseno area, there is Maseno town and then the Maseno rural part.

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

(Hon. Samo consulting loudly)

The Temporary Speaker (Hon. Muga): No! The Leader of Majority is on his feet. You have to resume your sit.

The Leader of Majority (Hon. Onyango): Madam Speaker, I believe that the Hon. Member wants to debate for the second time.

(Hon. Samo consulting loudly)

The Temporary Speaker (Hon. Muga): Thank you. Actually Hon. Roy Samo, I am seeing you going as far as bringing the Maseno town issue in, of which it was not a matter to be discussed in

this House today. So, I do not know why you are coming up by saying that you want to inform the House?

Hon. Samo: It is information that I wanted to give and go by what we are discussing. You know we are discussing about the land that has been grabbed in the entire county. It is not about Kajulu Ward...

The Temporary Speaker (Hon. Muga): Continue.

Hon. Samo: Thank you. I want to inform the Leader of Majority that, you do not have the monopoly of wisdom in this House, so next time, be careful. Quite a number of people have taken title to sell County Government's land. And it is causing a confusion in that...

The Temporary Speaker (Hon. Muga): And had you participated in this, had you given your views before?

Hon. Samo: I gave my views into the report...

The Temporary Speaker (Hon. Muga): Did you touch on this one which you are now trying to bring into the House?

Hon. Samo: Yes Madam Speaker, and that is why our Governor...

The Temporary Speaker (Hon. Muga): Then if you had touched, there...

Hon. Samo: No, but it is not captured. If you look at the report,

The Temporary Speaker (Hon. Muga): I am sorry Hon. Samo. If you were given permission to give out your views and you had done so, then, you can leave it for another day. I am humbly requesting that you do that.

Hon. Samo: I obliged but Madam Speaker but, as information for the House since it has not been captured; I am just kindly requesting you that when we are doing our final discussion, then that should be able to be captured.

The Temporary Speaker (Hon. Muga): Then, I give you one minute.

Hon. Samo: Thank you. So, I was saying that, as we rush on this matter which is very pertinent to us, I would wish to raise it if Hon. Jagongo would have been around. In Maseno, private titles have been used to grab public land. As we finalize with the resolutions, let this one also be captured. We can then be able to be given back to the people as said by Hon. Ogendo, thank you.

The Temporary Speaker (Hon. Muga): Hon. Florence Olang'o.

Hon. Olang'o: Going by the mood of the House, may we call the mover to reply.

The Temporary Speaker (Hon. Muga): The mover can you please reply?

The Leader of Majority (Hon. Onyango): Thank you so much. Before I appreciate the very valuable contributions of most of the Hon. Members. Please allow me to inform the hon. Ogotu, that there is something called the doctrine of *ab initio* I do not know whether he read it or not. In simple terms, that doctrine means that...

(Hon. Gard consulting loudly)

The Leader of Majority (Hon. Onyango): Can you continue please?

The Leader of Majority (Hon. Onyango): That principle ...

Hon. Olima: Point of order Madam Speaker.

The Temporary Speaker (Hon. Muga): No!! Not at this moment. It is time to reply.

The Leader of Majority (Hon. Onyango): States that an illegal title cannot transfer...

(Hon. Olima consulting loudly)

Madam Speaker, when we were meeting the taskforce, they told us that most of these people, who acquired land illegally, cannot transfer them. Therefore, when you go to the National Land Office, the Green Card is still held with the original owners of the land. So, it has been very difficult to transfer those illegally acquired land. That is why this is true that indeed, this exist.

When we look at the old Laws that governed land before the enactment of the new Constitution, there were a lot of structural weaknesses within these Laws. Madam Speaker, you find that these people who acquired these land illegally, we call them cartels. I do not if Hon. Olima can talk about these cartels.

(Loud consultations)

The Temporary Speaker (Hon. Muga): Hon. Olima, please give him time to finish.

Hon. Olima: Madam Speaker, the Leader of Majority is not properly dressed in this House, unless you want to undermine the dignity of this House.

(Hon. Olima consulting loudly)

Hon. Olima: Madam Speaker, the Leader of Majority cannot continue talking in this House improperly dressed. We are not going to allow you to dishonour this House. This is a respectable House and we must respect it. If he cannot respect this House, then nobody will.

The Temporary Speaker (Hon. Muga): Noted.

(Hon. Olima consulting loudly)

Hon. Olima: Even the orders you are giving us we will not honour them if he is not properly dressed.

The Temporary Speaker (Hon. Muga): Thank you for the information.

(Hon. Olima consulting loudly)

The Leader of Majority, can you continue please.

(Hon. Olima consulting loudly)

Hon. Olima: Can the Leader of Majority dress up, before we continue?

(Applause)

We are not going to allow this House to be dishonored by somebody else at the capacity of his title, coming here in his village attires to address this House.

(Hon. Olima consulting loudly)

The Temporary Speaker (Hon. Muga): Thank you very much Hon. Olima and I just want to request the mover to reply, not the Leader of Majority.

(Hon. Olima consulting loudly)

The Temporary Speaker (Hon. Muga): to the Leader of Majority, since I am always blind and I do not know whether you are properly dressed.

(Applause)

Can I request the Deputy Majority Whip (Hon. Jennifer Obonyo) to check if you are properly dressed?

(Loud consultations)

Deputy Majority Whip (Hon. Obonyo): Madam Speaker, the Leader of Majority is not properly dressed. Thank you.

(Applause)

The Temporary Speaker (Hon. Muga): The Leader of Majority please, can you walk out and dress well then you come

(Laughter)

(Murmurs)

The Temporary Speaker (Hon. Muga): Hon. Okiri kindly approach the Chair!

(Loud Consultations)

The Temporary Speaker (Hon. Muga): Madam Whip, I can see the Leader of Majority is back in the House. Can you prove if he is well dressed?

Deputy Majority Whip (Hon. Obonyo): Thank you Madam Speaker. He is now well dressed.

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

The Leader of Majority (Hon. Kenneth Onyango): Thank you Madam Speaker. It is very unfortunate that those who are high on those things carried the day. I was trying to tell my good friend about the illegal acquired land. I want to agree with most of the Hon. Members that if you go to the Mamboleo area there were pieces of land that were illegally acquired. Some of the pieces of land were acquired by the Defunct Local Authorities back then. Some Members talked about three reports. If you look at the Executive Summary then, you will then find that there was that seamless transition from one committee to the other.

Hon. Ogutu: Point of Order!!

The Temporary Speaker (Hon. Muga): Hon. Ogutu can you allow the mover to reply!

Hon. Ogutu: Madam Speaker this is not the mover of the motion but a seconder to that effect. The mover was Hon. Beatrice Odongo.

The Leader of Majority (Hon. Onyango): Madam Speaker, this is now getting out of control. Madam Speaker that is now very frivolous and we cannot allow this committee to be hijacked.

(Loud consultations)

Hon. Ogutu: Madam Speaker this is a House of procedure.

The Temporary Speaker (Hon. Muga): Hon. Ogutu, just for your information, if in any case the mover is sick, does it mean that things cannot move on in this House?

(Loud consultations)

Hon. Olima: Madam Speaker I believe that you should be very clear in the position of the mover of this motion before the Leader of Majority can continue. This is a committee of 5 people and they cannot tell us that they are so busy that they cannot transact anything in this House. This is a matter that touches the lives of many people. We want the Chairperson who moved the motion to

reply. If she is not around then, we can reschedule this motion for another date when she is there to defend all she has written in this report. We are not going to run this House as a Kamukunji of Miwani Ward or Muhoroni Sub-County.

Hon. Agolla: Point of Order Madam Speaker.

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

Hon. Agolla: Madam Speaker, you must stamp your authority to control this House. You cannot allow Hon. Olima to keep on standing and gagging the debate without stating any Standing Orders. Hon. Leader of Majority is also a Member of the committee. Any Member of the committee can reply.

(Loud consultations)

The Temporary Speaker (Hon. Muga): Hon. Olima kindly respect this House. If in any case any Hon. Member has an issue to raise, you have to stand and I give you time to speak. As I had stated earlier, I will review everything you are doing as gross misconduct. I know you have powers as men over women who are nominated. By the time I was allowing the Leader of Majority to reply I was aware that he is a Member of the Committee since the mover of the motion is not around. She might be committed somewhere or she may be sick. The House must move on. I can invoke my powers under Standing Orders No. 1. Proceed Leader of Majority.

(Loud consultations)

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

Hon. Pamela Odhiambo: Madam Speaker when you were earlier speaking you said that male Hon. Members are very powerful and I stand to say that women are very powerful than men. Madam Speaker you must withdraw that statement.

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

Deputy Majority Whip (Hon. Obonyo): I would like to tell my fellow Hon. Members that if there is something that is going on then, we need to know. Yesterday we were here and we saw when the report from the Budget Committee was being presented; Hon. Khan moved the motion and thereafter the Chairperson of the committee, Hon. Steve Owiti replied. Why are you now denying the Leader of Majority to reply to this report? Thank you.

The Temporary Speaker (Hon. Muga): I want to refer you to Standing Orders No. 51; manner of debating in a motion. I would like to say that the Leader of Majority had started replying and therefore I want to put a question on the adoption of the report from the recovery of illegal, irregular and multiple allocation of public land in Kisumu by Ad Hoc committee for adoption by the Hon. Members.

(Question put and agreed to)

The Temporary Speaker (Hon. Muga): Therefore Hon. Members the report from the Recovery of illegal, Irregular and Multiple Allocation of Public Land in Kisumu by Ad Hoc Committee is hereby adopted today 18th March 2021 at 4.09 p.m. Thank you.

I direct that the Hansard report be prepared and forwarded to the relevant Departments for the implementation of recommendations adopted and contained therein.

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

MOTION

JOINT COMMITTEES OF CHILDREN, CULTURE, ART SPORTS AND TOURISM,
WILDLIFE AND HERITAGE REPORT ON THE VETTING OF NOMINEE MR. GEORGE
OWINO OGOL FOR THE POSITION OF CHIEF OFFICER FOR TOURISM AND SPORTS.

PRESENTED BY

HON. HABIL NYASUNA,

JOINT COMMITTEE CHAIRPERSON.

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

Hon. Nyasuna: Thank you Madam Speaker.

INTRODUCTION

PURSUANT to section 6 (1) of the Public Appointments (County Assembly Approval) Act, 2017 His Excellency the Governor Prof. Peter Anyang' Nyong'o notified the County Assembly about his nominee for the position of Chief Officer for Tourism, Culture, Arts and Sports vide a letter Ref. CGK/CS/ADM/20/VOL.IV/13 dated 18th January 2021 and signed by the County Secretary. (Annexure I)

Consequently, pursuant to the provision of Section 7(1) of the Public Appointments (County Assembly Approval) Act, 2017, the Speaker reported the receipt of the notification to the County Assembly upon which the notification was committed to the joint Committees on Tourism, Wildlife and Heritage and Children, Culture and Community services. The notification was laid as a paper before the House on 9th February 2021 where the Speaker, in accordance with Standing Order No. 193 (5) (f) of the Kisumu County Assembly Standing Orders instructed the joint Committee to vet and consider the suitability of the nominee for appointment.

In accordance with section 9 of the Public Appointments (County Assemblies Approval) Act, 2017 the Joint Committee is required to table its Report detailing findings and recommendations to the House within a period of fourteen (14) days thereof.

Mandate of the Committees.

Mr. Speaker Sir. The Kisumu County Assembly Sectoral Committees on Tourism, Wildlife and Heritage and Children, Culture and Community Services were constituted pursuant to the provisions of Standing Order No. 193. The Committees execute their mandates in accordance with the provisions of Standing Order 193. (5) Of the second schedule of Kisumu County Assembly Standing Orders to:

- a) Investigate, inquire and report on all matters relating to the mandate, management, activities administration operation and estimates of the assigned department;
- b) Study the programmed and policy objectives of departments and the effectiveness of the implementation.
- c) Study and review all county legislation referred to it;
- d) Study, assess and analyse the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- e) Investigate and inquire into all matters relating to the assigned departments as they may deem necessary and as may be referred to them by the County Assembly.
- f) To vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 187 (*Committee on Appointments*).
- g. Make reports and recommendations to the county assembly as often as possible, including recommendation of proposed legislation. In executing its mandate, the Committee oversees the Department of Tourism, Culture, Arts and Sports.

MEMBERSHIP OF THE COMMITTEE

Mr. Speaker Sir,

The committee on Tourism, Wildlife and Heritage is currently constituted as follows:-

- | | | |
|--------------------------|---|------------------|
| 1. Hon. Habil Nyasuna | - | Chairperson |
| 2. Hon. Florence Olango | - | Vice Chairperson |
| 3. Hon. Vincent Jagongo | - | Member |
| 4. Hon. Jenipher Obonyo | - | Member |
| 5. Hon. George Abaja | - | Member |
| 6. Hon. Linnet Muga | - | Member |
| 7. Hon. George Ogutu | - | Member |
| 8. Hon. Consolata Ollows | - | Member |
| 9. Hon. Gard Olima | - | Member |
| 10. Hon. Maurice Ngeta | - | Member |

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- | | | |
|-------------------------|---|--------|
| 11. Hon. Caleb Omoro | - | Member |
| 12. Hon. Seth Kanga | - | Member |
| 13. Hon. Jane Manuche | - | Member |
| 14. Hon. Victor Rodgers | - | Member |
| 15. Hon. Caren Oguok | - | Member |

Secretariat

- | | | |
|--------------------|---|--------------------|
| 1. Benard Abuodha | - | Committee Clerk |
| 2. Maximilla Awuor | - | Secretariat |
| 3. Dominic Muinde | - | Legal |
| 4. Fanuel Okode | - | Hansard |
| 5. Abraham Odegi | - | Serjeant- at- Arms |

Committee on Children, Culture and Community Services committee members

- | | | |
|----------------------------|---|------------------|
| 1. Hon. Maurice Ngeta | - | Chairperson |
| 2. Hon. Olga Aoko | - | Vice Chairperson |
| 3. Hon. Linet Muga | - | Member |
| 4. Hon. Florence Olang'o | - | Member |
| 5. Hon. Jacktone Ojwang | - | Member |
| 6. Hon. Beatrice Pamela | - | Member |
| 7. Hon. Consolata Ollows | - | Member |
| 8. Hon. Samuel Dede | - | Member |
| 9. Hon. Inviolata Adhiambo | - | Member |
| 10. Hon. Pamela Odhiambo | - | Member |
| 11. Hon. Jane Manuche | - | Member |
| 12. Hon. Julius Genga | - | Member |
| 13. Hon. Rashid Miruka | - | Member |
| 14. Hon. Jenipher Obonyo | - | Member |
| 15. Hon. Carren Oguok | - | Member |

SECRETARIAT

- | | | |
|---------------------|---|------------------------|
| 1. Annabelle Wabuge | - | Senior Clerk Assistant |
| 2. Allan Otieno | - | Clerk Assistant. |
| 3. Jesca Otieno | - | Hansard |
| 4. Rose Baraza | - | Sargent-at-Arms |

ACKNOWLEDGEMENT

Mr. Speaker Sir. The Committees made several findings during the vetting exercise. These findings guided the Committees in making their final recommendation. The Committees' recommendation was also solely based on the evidence and information from the proceedings of the Committees during the vetting exercise.

Mr. Speaker Sir. Special appreciation goes to Hon. Speaker Kisumu County Assembly, his officers and Members of the County Assembly of the joint Committees on Tourism, Wildlife and Heritage and Children Culture and Community services together with the staff who participated in the whole process of Vetting.

Mr. Speaker Sir. On behalf of the joint Sectoral Committees on Tourism, Wildlife and Heritage and Children, Culture and Community services, pursuant to the provisions of the County Assembly Standing Orders no. 163 (c) and 182; it is my pleasant pleasure and privilege to present to this Honourable House the Report on the vetting of Mr. George Owino Ogol, nominee for appointment to the position of Chief Officer, Tourism, Arts and Sports.

BACKGROUND

Establishment of the Office of Chief Officer, Tourism, Culture Arts and Sports and nomination

Section 45 of the County Government Act, 2012 provides that; The Governor shall;

1. Nominate qualified and experienced County Chief Officers from among persons competitively sourced and recommended by the County Public Service Board; and
2. With the approval of the County Assembly, appoint County Chief Officers.

Functions of the Chief Officer Tourism, culture Arts and Sports.

- A County Chief Officer shall be responsible to the respective County Executive Committee Member for the administration of a County department as provided under section 46 of the County Government Act, 2012.
- The County Chief Officers shall be authorized officer in respect of exercise of delegated power.

Issues for consideration in conducting the Approval hearing

In conducting the Approval hearing, the Committee was guided by Article 73 (2) (a) (b) (c) and (e) of the Constitution, and the provisions of Section 7 of the Public Appointments (County Assembly Approval) Act, 2017.

Message from H.E. the Governor

Mr. Speaker, Sir. Pursuant to Standing Order 40 (1) the Speaker of the Kisumu County Assembly conveyed a message to the Assembly from H.E. the Governor that Mr. George Owino Ogol had been nominated to serve in the position of Chief Officer, Tourism, Culture, Arts and Sports. Standing Order No. 45 (1) (a) confers upon the Governor the power to nominate, and subject to approval by the County Assembly, appoint County Chief Officers. The name of the nominee and his curriculum vitae was thereafter forwarded to the Joint Sectoral Committees on Tourism, Wildlife and Heritage and Children, Culture and Community Services to conduct approval hearings.

Clearance requirements

On 11th February 2021, the Clerk of the Kisumu County Assembly wrote to the nominee informing him to furnish the committee with clearance of the following on or before Tuesday 16th February 2021;

- National Police Service (certificate of Good Conduct)
- Certificates from Kenya Revenue Authority (KRA),
- Higher Education Loans Board (HELB)
- Credit Reference Bureau
- Ethics and Anti-Corruption Commission

Notification to the public

On 11th February, 2021, the Committee, through the Clerk, placed notifications in the local dailies, specifically Daily Nation and The Star News Paper, informing the general public of the intention of the County Assembly to conduct an approval hearing, as provided for by Article 179 (2) (b) of the Constitution, Section 45,87 of the County government Act , 2012 and Section 6 of the Public Appointments (County Assembly Approval) Act, 2017 , which allow public participation in Committee proceedings. The Clerk of the County Assembly gave provision for the submission of memoranda to his office, on the suitability or otherwise of the nominee, by Thursday, 18th February 2021, at 2.00 pm.

Committee meetings

The Committee commenced the vetting process on Thursday 18th February 2021. A total of two sittings were held. The Committee's first business was to formulate questions on the vetting in line with the Public Appointments (County Assembly Approval) Act, 2017, and examine Memoranda so far received. (Annexure II)

Submission of Memoranda

By close of business on Thursday 18th February 2021, the Committee had not received any memoranda from the public challenging the suitability of the nominee.

Clearance letters

Further, the Committee received clearance Certificates from the Kenya Revenue Authority, indicating that the nominee was tax compliant, and the Higher Education Loans Board, stating that the nominee was not a beneficiary of HELB. The nominee also presented before the Committee his Certificate of Good Conduct indicating that he had no criminal records. The nominee further presented self-declaration form from the Ethics and Anti-corruption Commission as required by the law. (Annexure III)

The Vetting Process

On Friday 19th February, the Joint Committee held a session with the nominee to the post of Chief Officer, Tourism, Culture, Arts and Sports. In conducting the vetting exercise, the Committee was guided by, among other documents, the Constitution and the Public Appointments (County Assembly Approval) Act, 2017 and the County Assembly of Kisumu Standing Orders.

VETTING OF MR. GEORGE OWINO OGOL FOR THE POSITION OF CHIEF OFFICER, TOURISM, CULTURE, ARTS AND SPORTS.

The Sectoral Joint Sectoral Committee on Tourism, Wildlife and Heritage and Children, Culture and Community Services examined the nominee following the guidelines provided for in the Public Appointments (County Assembly Approval) Act, 2017. The Committee also followed the following criteria in vetting the nominee: - (Annexure IV)

- (i) Academic qualifications
- (ii) Employment record and work experience
- (iii) Professional association
- (iv) Public office, political activities and affiliations
- (v) Potential conflict of interest
- (vi) Suitability to the position
- (vii) Tax compliance
- (viii) Integrity

Personal Background.

Mr. George Owino Ogol appeared before the Committee on Friday 19th February 2021 and informed the Members that he was born in Kisumu County, Kisumu West Subcounty, on 18th March 1972.

Educational Background.

- Currently undertaking his PHD in Finance, Jomo Kenyatta College of Agriculture and Technology.
- Holds Masters Degree in Business Administration, University of Nairobi.
- Holds Bachelors degree in B.Com (Marketing), University of Nairobi.
- Sat for his K.C.S.E in 1991, Ndigwa High School.

Work Experience

- From April 2008 to April 2018, worked at Equity Bank Limited as Senior Business Growth and development Manager, Bondo and Kisumu.
- December 2006 to April 2008, worked at Equity Bank Limited as Business Relationship Manager, Head Office.
- June 2003 to Dec 2006, Worked at Family Bank Limited as Marketing, Research and Product Development Officer, Head Office.
- June 1993 to September 1998, worked at Barclays Bank Limited as a Clerk and Section head, Homa Bay.

SCORESHEET

The candidate was subjected to a set of questions to establish his suitability for the proposed appointment in accordance with the following score sheet and scored an average of 80%.

SCORE AREA	Max. score	P1	P2	P3	P4	P5	P6	P7	P8	P9	P10	P11	TOTAL
Work experience a. Years of experience b. Demonstrable achievements c. Past pro bono, voluntary engagements	25	20	20	20	23	20	20	20	21	20	22		206
Education/Training(academic and professional qualifications) a. Formal academic qualifications from recognized institution b. Affiliation to professional bodies c. Meet requirements of leadership and integrity(chapter 6)	25	20	20	14	21	20	20	20	20	20	20		195

Interest in and knowledge relating to the specific position	15	10	12	13	12	10	10	9	12	10	8		107
a. Understanding functions of the department													
b. Understanding the budget cycle													
c. Articulation of the responsibilities, principles and policies of the department													
Communication skills	10	10	9	6	8	10	8	10	8	9	10		88
a. Capacity to express self													
b. Clarity of speech													
c. General attitude and personality													
d. Interpersonal skills													
e. Self confidence													
Presentation	10	10	6	9	8	8	8	10	7	10	10		86
a. Neatness of resume													
b. Promptness													
c. Appearance emotional control													
d. Knowledge of the subject													
Decision making and problem solving	15	15	12	12	10	10	10	11	10	13	12		115
a. Challenges facing county governments													
b. Suggested solutions to the challenges facing county governments													
c. Understanding the current national political situation													

d. General understanding of Kisumu county													
TOTAL	100	85	79	74	82	78	76	80	79	81	82		800

Mandatory requirements according to section 35 (3) of the Kisumu County Government act 2012 of the Chief Officer.

Candidate	Citizen of Kenya	is a holder of at least a first degree from a university recognized in Kenya;	satisfies the requirements of Chapter Six of the Constitution	Has knowledge, Experience and a distinguished career of NOT less than 5 years in the field relevant to the Portfolio of the Department to which the Person is being Appointed.	Meets the Requirements of Chapter Six of the Constitution of Kenya.	Remarks Responsive/ Non-Responsive
Mr. George Owino Ogol	✓	✓	✓	✓	✓	Responsive

Suitability of the Nominees for the Appointment to the position

Position	Nominee	% Score	Remarks
Chief Officer	Mr. George Owino Ogol	80	Responsive/Suitable

COMMITTEE FINDINGS

After conducting the vetting exercise, the Committee made the following observations and findings: -

1. Mr. George Owino Ogol has the requisite qualifications and experience in management acquired from various institutions.
2. He meets the requirements of Chapter Six of the Constitution of Kenya.
3. The candidate's educational background and work experience has prepared him for task ahead through interactions with various people and holding various positions.
4. He has a clear understanding of how the job relates with the overall County's aspirations and goals as per the 10 point agenda of the Governor.
5. He understands the functions, responsibilities and the statutory powers, vested in the office of the Chief Officer.
6. He understands the directorates within the department.

RECOMMENDATION OF THE COMMITTEE

After the vetting process, the Committee made the following recommendation:- That; having considered the suitability, capacity and integrity of the nominee, and pursuant to Article 45 (1) (a) of the County Government Act, 2012 and Section 8 (2) of the Schedule to the Public Appointments (County Assembly Approval) Act, 2017, the Committee recommends that the County Assembly approves the nomination and subsequent appointment of Mr. George Owino Ogol to the post of Chief Officer, Tourism, Culture, Arts and Sports.

CONCLUSION

Mr. Speaker Sir. It is therefore my honor and privilege, on behalf of the Joint sectoral Committees on Tourism, Wildlife and Heritage and Children, Culture and Community Services to table this report before this Honorable House for consideration.

Madam Speaker, I therefore wish to call upon Hon. Ngeta to second.

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

Hon. Ngeta: Thank you Madam Speaker. I rise to second the approval of Mr. George Owino Ogol the proposed nominee to the position of Chief Officer Tourism, Wildlife, Culture and Heritage.

Madam Speaker, this is a department that has for the last three years running without a Substantive Chief Officer. As we are all aware that the Chief Officers are Accounting Officers in the underlined

department. I would like to urge the Hon. Members before the House to approve the nominee so that we can have a running department.

The Temporary Speaker (Hon. Muga): Thank you. Hon. Members a report from the Joint committee of Children, Culture, Arts, Sports and Tourism, Wildlife and Heritage on the vetting of Mr. George Owino Ogol the nominee to the position of Chief Officer for Tourism and Sports has been moved by Hon. Nyasuna and seconded by Hon. Ngeta, I therefore want to propose a question for debate.

The Temporary Speaker (Hon. Muga): Hon. Khan.

Hon. Khan: Madam Speaker. I rise to support this report. The nominee to the appointment of the position Chief Officer Tourism, Arts and Sports. Madam Speaker it is a coincidence that the said nominee was born on 18th March 1972 and the date today is 18th March 2021 when his appointment is being discussed in this House. Madam Speaker as I have read the report and understood it; I am seeing that he is qualified and experienced which will go a long way to inspire the County into the Tourism sector. As it has been said, this department has been lagging behind and we need to bring it up as we know we are going to host the Afri Cities. We were also looking at ways and means of improving the Tourism Sector so that we can also get share of the income from the same. I support. Thank you.

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

Hon. Olwal: Thank you Madam Speaker, I rise to support this report and I don't know whether it is by design, omission or commission that the committee did not include my name to thank me for my input as an *amicus curie* (friend of the Committee) of that committee.

Madam Speaker, I believe that, for the first time in the entire vetting process we have gotten an excellent for this position and I believe that, in terms of requisite qualifications, integrity and when we were going through the CV you can see that it displays a lot of experience, work ethics that this County will needs especially in the line of job description that the candidate has been appointed to. Therefore, I would urge my fellow Hon. Members that we support this report to enable the County work diligently with this nominee. Thank you.

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

Hon. Agolla: Madam Speaker, allow me to also add my voice on the same. I happen to know nominee and that is not conflict of interest. The nominee is a Member of this County of Kisumu and he hails from South West Kisumu that I represent. The nominee has served me when he was a banker as a Branch Manager in Kisumu and I want to commend the committee that the report indicates exactly how I understand and I know the nominee.

Madam Speaker yesterday the department that the nominee is expected to serve as the Chief Officer had a function in my ward. They were conducting a boat racing and I was accompanied by Hon. Miruka. The department is lacking a technocrat who can lead it to a greater heights. Madam Speaker if I refer to the CV of the nominee, then I would say that he is over qualified to serve as the Chief Officer at the Department. I also want to concur with the ranking and the scored that he was given. Our Standing Orders is very clear that once a nominee has attained 50% then he automatically qualifies.

The nominee Mr. George Owino Ogol attained 80% out of the possible 100%. This is positive and he proves that he is suitable to serve as the Chief Officer in the department. Madam Speaker I also want to say that, when we look at the clearance letters; the nominee was cleared by all the relevant authorities. Without much ado, allow me to appeal and to request our Hon. Members to kindly adopt this report from the committee so that we hand over the task to the Governor to appoint our brother and a son of this County. Thank you.

The Temporary Speaker (Hon. Muga): Hon. Okudo.

Hon. Okudo: Thank you Madam Speaker. Judging by the mood of the House I would like to call the mover to reply.

The Temporary Speaker (Hon. Muga): The mover can you please reply.

Hon. Olima: Madam Speaker you cannot call the mover to reply when I am on my feet. I would like to request that I contribute to this motion.

Hon. Olwal: I believe that Hon. Olima is taking this House for granted.

The Temporary Speaker (Hon. Muga): I am not going to allow that because Hon. Okudo has called the mover to reply.

Hon. Olima: I believe that when Hon. Okudo stood even Hon. Pamela was up and you don't know what Hon. Pamela wanted to say.

The Temporary Speaker (Hon. Muga): Hon. Olima if you have any intention in this House... if there were 6 members who stood and wanted to contribute then I would give the chance. I want to tell you that it is overtaken by events.

(Loud Consultations)

The Temporary Speaker (Hon. Muga): Hon. Nyasuna can you reply!

(Loud Consultations)

The Temporary Speaker (Hon. Muga): I want to request the Hon. Members to read Standing Orders No. 105...

(Loud Consultations)

The Temporary Speaker (Hon. Muga): I want to refer Members to Standing Orders No. 51 and I making my ruling thereby putting a question on the adoption of the report from the Joint Committee on the approval of the nominee Mr. George Owino Ogol to the position of Chief Officer Tourism, Wildlife, Culture and Heritage.

(Question put and agreed to)

The Temporary Speaker (Hon. Muga): The report on the approval of the nominee Mr. George Owino Ogol to be appointed to the position of Chief Officer Tourism, Wildlife, Culture and Heritage is hereby adopted today 18th March 2021.

Hon. Members, I direct that the Hansard Report on the same be prepared and forwarded to the Office of the Governor for implementation. Further, I direct that Chairperson of Implementation Committee to ensure that these resolutions are implemented with immediate effect. Thank you.

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 Tuesday 25th March 2021 at 2.30 p.m.

(House rose at 4.39 p.m.)

Addendum

Hansard Team

Zablon Otiende - Senior Hansard Reporter (In-charge)

Edward Odanga - Reporter

Fanuel Okode - Reporter

Patrick Okoyo - Reporter

Jesca Otieno - Reporter

Dennis Onyango - Reporter

Jacklyne Otieno - Reporter