

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

Official Report

SECOND ASSEMBLY – FIFTH SESSION

Thursday, 06th May, 2021

House met in the Main Chamber at 2:30 p.m.

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

PRAYERS

The Speaker (Hon. Oraro): Mr. Clerk, please take us through the Order Paper of the day.

The Speaker (Hon. Oraro): Next order!!

COMMUNICATION FROM THE CHAIR

The Speaker (Hon. Oraro): Honourable Members, welcome to this afternoon session. I have to bring to your attention of the communication from the Kisumu County Covid Committee. There is a report that Covid 19 strain that is currently causing mayhem in India was detected in Kisumu. It is a severe strain and I want to urge Members that let us adhere to the Ministry of Health Protocols. Ensure that you properly put on your masks to cover both your nose and mouth. If you are using the portable microphone, ensure that it is sanitized before and after use.

Honourable Members, you also need to communicate the same to the electorates. It is our responsibility to educate the public. The message is that, this is a very serious strain unlike what we have witnessed before. You have also seen the rising numbers of the infections and the

mortality rate in India. We pray that such catastrophes will not happen to us more so to the fact that the people that were infected with that strain were detected in Kisumu. The committee has also said that they are in control. They are equally undertaking Contact Tracing to the people who were in contact with the infected persons. The public is requested to be vigilant and be cautious.

The second communication is that, I did commit the Proposed Kisumu County Budget Estimates FY 2021/2022 to all Sectoral Committees which includes the Budget and Appropriations Committee. I want to request that the Proposed Kisumu County Budget Estimates be looked into seriously. Already the program has been shared with the Sectoral Committees and once you are through, please communicate to the Budget and Appropriations Committee after engaging the CEC Members.

Finally, I am aware that the General Oversight Committee sat on the issues of Bursaries and Scholarships. It is quite unfortunate that only two Wards sent their grievances to the Clerk. That is Ombeyi and Kaloleni Shaurimoyo Wards. So, I want to assume that there are no discrepancies on what came from the Ward and what was sent. Let us be serious and submit our reports. Otherwise, again, welcome to the plenary.

The Speaker (Hon. Oraro): Next order!

PAPER LAID

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

Hon. Olwal: Thank you Mr. Speaker. Pursuant to the provision of the County Assembly Standing Order No. 182 (6), I wish to lay today Thursday 06th May, 2021, the Planning, Industrialization and ICT Committee report on the consideration on Kisumu County Regularization of Land Ownership and Development Bill, 2021. Thank you.

The Speaker (Hon. Oraro): Honourable Members, I conform the receipt of the Planning, Industrialization and ICT Committee Public Participation Report on the consideration on Kisumu County Regularization of Land Ownership and Development Bill, 2021. I direct this report to be considered by the House Business Committee for scheduling for debate.

The Speaker (Hon. Oraro): Next order!

NOTICE OF MOTION

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

Hon. Olwal: Thank you Mr. Speaker. Pursuant to the provision of the County Assembly Standing Order No. 45, I wish to give a Notice of Motion for the Planning, Industrialization and ICT Committee Report on the consideration of the Kisumu County Regularization of Land Ownership and Development Bill, 2021. Thank you.

The Speaker (Hon. Oraro): Next order!

STATEMENT

The Speaker (Hon. Oraro): Yes, Hon. Benny Oiko Pete.

Hon. Oiko: Thank you Mr. Speaker. I am rising under Standing Order No. 41 (2) (b), to give a Progress Report on the Pending Bills that was raised by Hon. Maurice Ngeta on 03rd December, 2020. The Chair formed an Ad Hoc Committee and we have written several letters to Executive to appear before the committee but they haven't adhered to it. We directed the secretariat to write another letter requesting them to appear before the committee and bring the documents. We intend to do summons if they fail to comply. The Committee is therefore requesting that it be given a month to handle this matter with the Finance Department in an amicable way. Thank you.

The Speaker (Hon. Oraro): Hon. Oiko, we have had the Progress of the Ad Hoc Committee but you look like you are putting a request under Standing Order No. 42. We cannot put a question on Statement. I have just noticed that the same appears under motions. Why don't we discuss this procedurally under motions as it appears? I hope you stand guided.

Leader of Minority (Hon. Oiko): Mr. Speaker, just allow it to appear under Statement considering that we have not received any document from the Executive.

The Speaker (Hon. Oraro): Hon. Paul Okiri, do you want to help the Honourable Member?

Hon. Okiri: Thank you Mr. Speaker. We have consulted and agreed to come up with the motion at appropriate time. Thank you.

The Speaker (Hon. Oraro): I am just trying to be lenient with you and putting a question will not help you. Bring this as a motion and we shall agree to give you more time.

Leader of Minority (Hon. Oiko): Much Obligated Mr. Speaker.

The Speaker (Hon. Oraro): It is Statement time. Next order!

MOTION

CONTINUATION OF SUSPENDED BUSINESS

SECOND READING OF THE KISUMU COUNTY LAKEFRONT DEVELOPMENT CORPORATION BILL, 2021

BY

HON. GEORGE OLWAL

CHAIRPERSON, PLANNING, INDUSTRIALIZATION AND ICT COMMITTEE

The Speaker (Hon. Oraro): Honourable Members, the Chair has briefed me that as per the Standing Order No. 124, this Bill was read for the 2nd time and Members deliberated and what was remaining was the Chair of the Committee of the Whole House to report back to the House on the deliberations on the Proposed Kisumu county Lakefront Development Corporations Bill, 2021. Members resolved that the House be adjourned and the business becomes the first one today.

The Speaker (Hon. Oraro): Hon. Joachim Oketch.

Chairperson, Committee of the Whole House (Hon. Oketch): Thank you Mr. Speaker. It is true that we did have the deliberation of the Whole House and it was indeed very lengthy. Allow me therefore to report on the deliberations we had in the Committee of the Whole House.

Pursuant to Standing Order No. 124 of the Kisumu County Assembly Standing Orders, the Committee of the Whole House convened on 05th May, 2021 at 1400hrs and resolved that the following shall be part of the Bill during the 2nd Reading Amendments to the Kisumu County Lakefront Development Corporation Bill, 2021:

PART I – PRELIMINARY

Clause 2

- a. That the interpretation of the term ‘member institutions’ shall be as follows;

“Member Institutions” means the County Government of Kisumu (CGK), Lake Basin Development Authority (LBDA), Kenya National Chambers of Commerce and Industry (KNNCI) Kisumu Chapter, Kenya Railways Corporation (KRC), Kenya Ports Authority (KPA), and the Beach Management Unit.

Nyanza Club Trustees is therefore expunged from Member Institutions.

- b. That the interpretation of the term ‘Lakefront’ shall be as follows;

“Lakefront” means the area or land one hundred meters “100 meters” from the lake.

The term “edge of the lake” is expunged and replaced with “one hundred meters” (100m) from the lake.

Clause 3

- a. That the provision of Clause 3 (c) shall be amended as follows;

“(3) (c) Mobilize for funds for the development and maintenance of the Lakefront facilities”.

The term “obilise” is hereby expunged and substituted with the term “Mobilize”.

- b. That the provision of Clause 3 (d) shall be amended as follow;

“(3) (d) approve land allocation (s) and development plans at the Lakefront in consultation with the National Lands Commission”.

So the phrase in consultation with the National land Commission has been introduced at the last part which is 3 (c)

Mr. Speaker, on part two of the Bill which is Establishment, we did state our amendment at Clause 8. The amendments shall be caused first on the numbering of the subclauses and clause 8 shall have a subclause to provide as follows: first of all, Mr. Speaker, we did amend the numbering because if you look at clause 8, we initially had a, b, c in that order. Therefore, we did add “1”, to read part one of clause 8, so a new numbering was introduced.

Mr. Speaker, let me read 1 (b) first which was an insertion that “appointment to the Board shall be in accordance with the two thirds gender rule”. Initially, clause 8 had a to c so we did add “part b” which I repeat, “appointment to the Board shall be in accordance with the two thirds gender rule”. Again, there was part b of clause 8 which was equally added and reads “appointment of the Board shall have at least one member representing People Living with Disability (PLWD)”.

On clause 8 (3) (b) there was qualifications on appointment which initially read:

“holds a bachelor’s degree from a recognized university”. The word “relevant”, was added so that it reads;

“one who possesses a relevant degree from a recognized university”. The word relevant was initially missing in the Bill and Members did resolve that it be included.

Mr. Speaker, we did amendments on Clause 11 (3) (a) with regards to degree and it reads; “possesses a relevant degree from a recognized university”. The initial statement was that possesses a degree from a recognized university. The word “relevant” was therefore inserted so that whoever is appointed must have not just a degree but one that is relevant to that particular position.

Mr. Speaker, part 14 (1) shall be amended as follows; This is one part where we did have lengthy discussion on Clause 14: Protection from personal liability. Mr. Speaker, the paragraph did have some amendments, that is, clause 14 (1), so the term” matter” or “thing” has been expunged and substituted with the term “act or conduct”.

Clause 14 therefore shall provide, that is 14 (1); “no act or conduct done by a member of the Board or by any officer, member of staff or agent of the Corporation”, I mean, if the act or conduct is done bonafide for executing the functions powers or duties of the Corporation under this Act. Neither the member, officer, employee or agent or any other person acting on their directions personally liable to any action, claim, demand whatsoever.

Mr. Speaker, if Members are keen, they will realize that the word “no matter” or “thing” has been expunged and substituted with “act” or “conduct”. On the second line, equally, the statement if the “matter or thing” has been substituted and the remaining statement stands as it is in the Bill.

Mr. Speaker, we moved straight to Schedules, that is, the First Schedule of Kisumu Lakefront Development Corporation Agreement that is on page 11 of the Bill on page 5 of the Report. Kisumu Lakefront Development Corporation Agreement shall be amended to read as follows: “that the mutual covenant of the agreements shall bind the following member institutions”.

Mr. Speaker, remember, initially we had discussed and agreed to substitute “Nyanza Club Trustee” with the [Beach Management Units”. Therefore, along the Bill whenever we have “Nyanza Club Trustees” then we substituted it with “Beach Management Units”. That mutual covenant of agreements shall bind the following member institutions that is, “County Government of Kisumu, Lake Basin Development Authority, Kenya National Chamber of Commerce and Industry, Kisumu Chapter, Kenya Railways Corporation, Kenya Ports Authority and the Beach Management Units”.

Therefore, “Nyanza Club Trustees” is expunged and substituted with “Beach Management Units”. The purpose of the Special Purpose Vehicle (SPV) having been considered a purpose “q” is hereby introduced as follows: if you look at the numbering, we did introduce “q” after “p” to read as follows;

“provided that the channel for compensation of privately owned property that are along the lakefront spaces where cases of compulsory acquisition may arise”.

Mr. Speaker, I believe that those are the amendments that we did have. There is one that is not appearing on the Report but I believe that we did have amendments on Memorandum of Objects and Reasons, the last line, the Bill is written to having been sponsored by the “Chairperson, Hon. Paul Okiri, Finance Trade and Enterprise Development” which is incorrect. The name “Hon. Paul Okiri” should be substituted with that of “Hon. George Olwal, Chairperson, Committee on Planning, ICT and Industrialization”.

Mr. Speaker, after a long and lengthy deliberation, those were the proposed amendments from the Committee of the Whole House. Thank you very much Mr. Speaker. I therefore call upon Hon. Olwal to second.

The Speaker (Hon. Oraro): Hon. Olwal

Hon. Olwal: seconded

The Speaker (Hon. Oraro): Honourable Members, we have received a Report from the Committee of the Whole House presented by the Chair of the Whole House and seconded by Hon. Olwal. I want to put a question.

(Question put and agreed to)

The Speaker (Hon. Oraro): Hon. Members, the Report from the Committee of the Whole House now forms part of the Bill.

The Speaker (Hon. Oraro): Next Order!

THIRD READING OF THE KISUMU COUNTY LAKEFRONT DEVELOPMENT BILL, 2021

BY

HON. GEORGE OLWAL

CHAIPERSON, COMMITTEE ON PLANNING, INDUSTRIALIZATION AND ICT

The Speaker (Hon. Oraro): Hon. Olwal

Hon. Olwal: Thank you Mr. Speaker, I request for third Reading of Kisumu County Lakefront Development Corporation Bill, 2021

The Speaker (Hon. Oraro): Yes Mr. Clerk

(Kisumu County Lakefront Development Corporation Bill being read for the third time by Clerk-at-the-Table)

The Speaker (Hon. Oraro): Honourable Members, the Kisumu County Lakefront Development Corporation Bill, 2021 was introduced in this House, read for the first time then committed to the Committee on Planning, Industrialization and ICT which carried out public participation. A report was brought to the House, debated and adopted.

The Bill went through the 2nd Reading after approval by adoption of the Report from the public participation. It was thereafter taken to the Committee of the Whole House where amendments were carried out, adopted and today the Clerk has just read the Bill for the 3rd Time.

As per our Standing Orders, when the 3rd Reading of a Bill has been done, it is an opportunity for Members to deliberate, if any, on further amendments to the Bill. In that case, I want to propose a question that the Kisumu County Lakefront Development Corporation Bill, 2021 having been read for the 3rd time is open for debate.

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

Leader of Majority (Hon. Onyango): Thank you Mr. Speaker. Article 20, there is communication to the parties. I propose that we remove “Nyanza Club Trustees” and we replace it with” Beach Management Unit”. Unfortunately, I do not know if there contacts are there...

The Speaker (Hon. Oraro): Honourable Majority, which clause are you referring to?

Leader of Majority (Hon. Onyango): I am saying Clause 20, communication to the parties.

The Speaker (Hon. Oraro): Proceed.

Leader of Majority (Hon. Onyango): So, I propose that we expunge “Nyanza Club Trustees P. O. Box 29 Kisumu Kenya” and we substitute it with “Beach Management Unit” and I ask the Chair...

The Speaker (Hon. Oraro): Honourable Majority, before you ask the Chair, if I heard right the Report from the Committee of the Whole House, I heard the Chair say that “Nyanza Club Trustees” to be replaced with “Beach Management Unit”. Liaison Chair, was that the report?

Hon. Joachim: Yes.

Leader of Majority (Hon. Onyango): If that is so then, I oblige.

The Speaker (Hon. Oraro): Yes, Liaison Chair. Hon. Seth, the Liaison Chair is on his feet.

Hon. Joachim: Hon. Seth, you risk being thrown out. Mr. Speaker, I have just realized that there is an amendment which I do not recall reading. If you go to Clause 20, page 10 on Regulation, the Lakefront Corporation Development may make regulations for carrying into effect the provisions of the agreement. I believe that the word “agreement” was substituted with” act” so that it reads as follows; “Lakefront Corporation Development may regulations for carrying into effect the provisions of the act”. I call upon the Chair

The Speaker (Hon. Oraro): Honourable Members, can you please consult in low tones.

The Speaker (Hon. Oraro): Proceed Honourable Chair.

Hon. Joachim: Mr. Speaker, I request the Honourable Whip to second?

The Speaker (Hon. Oraro): Honourable Whip.

Chief Whip (Hon. Misachi): Thank you Mr. Speaker. I second the amendments.

The Speaker (Hon. Oraro): Honourable Members, during the third reading after I proposed question for debate, the Honourable Liaison Chair has proposed an amendment to Clause 20 that the word “agreement” after the words provisions of the be deleted and substituted by the word “act” to read as follows; “the Kisumu Lakefront Corporation Development may make regulations for carrying into effect the provisions of the act”. I want to propose a question that the amendment be debated.

(Silence)

It looks like there is no debate. So, I will put a question?

(Question put and agreed to)

The proposed amendment becomes part of the Bill. Honourable Members, it looks like there are no further amendments on the Bill and as per our Standing Orders I want to put a question.

Leader of Majority (Hon. Onyango): Mr. Speaker, kindly give us more time. There is an amendment which is very important.

The Speaker (Hon. Oraro): Honourable Members, but there was silence.

Leader of Majority (Hon. Onyango): Mr. Speaker, we were consulting.

The Speaker (Hon. Oraro): What is it Hon. Olwal?

Hon. Olwal: Mr. Speaker, I have an amendment. Mr. Speaker, we have taken care of BMUs which will take care of fisheries department but looking at the composition of member institutions...

The Speaker (Hon. Oraro): Hon. Olwal, it's important to refer us to where you are reading.

Hon. Olwal: Mr. Speaker, we are under Part 1 on the Preliminary especially in the interpretation of "member institutions". I thought it was necessary that we also have some members from the community to represent us in the Board. I would therefore suggest that we also have two members of the community. I do not know how well to put it.

The Speaker (Hon. Oraro): Honourable Members, it looks like the Chair has no amendment because the Standing Orders is very clear on how amendments are done.

Hon. Olwal: We add after Beach Management Units "two members from local community".

The Speaker (Hon. Oraro): Honourable Chair, it looks like you do not have an amendment.

Hon. Olwal: I have an amendment on Part 1 under Interpretation which is Clause 2 and it reads "member institutions means County Government of Kisumu, Lake Basin Development Authority (KBDA), Kenya National Chamber of Commerce and Industry, Kisumu Chapter, Kenya Railways Corporation, Kenya Ports Authority and the Beach Management Units (BMU). I therefore propose that we insert "two members".

The Speaker (Hon. Oraro): Hon. Okumu.

Hon. Okumu: On a point of order. Mr. Speaker, for clarity I believe that what we are defining is "member institutions". I don't understand how the Chair is suggesting that "two members of the community" are institutions in his amendments.

The Speaker (Hon. Oraro): Thank you Hon. Okumu. I was also wondering the same because when we talk of member institutions then, again we talk of two members of the community. Anyway, it is his proposal.

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

The Leader of Majority (Hon. Onyango): Mr. Speaker, it seems like the Hon. Member is playing politics with this Bill because the purpose for which the Beach Management Unit was added was to care of communities as it is an organized group. However, he now wants to stuff more people that are quite amorphous because we are talking about institutions. I want to agree with Hon. Seth Okumu that; if he is so interested in taking care of his people, then the Beach Management Units (BMU) has that covered, thank you.

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

Hon. Agolla: Thank you Mr. Speaker, just on the same note, I don't see the need for including any other member of the community because even the BMU members are from the community. We have consulted with the chair and beg to withdraw that amendment on the same, thank you.

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

Hon. Okiri: Thank you Mr. Speaker, for us to read from the same page, it is quite prudent for the chair to know that; Beach Management is normally done by the locals and the locals are already included in the bill, thank you.

The Speaker (Hon. Oraro): Thank you, however, Hon. Eric Agolla has just confirmed that they have decided to withdraw that amendment after consulting with the chair.

The Speaker (Hon. Oraro): Yes, Hon. Okumu.

Hon. Okumu: Thank you Mr. Speaker, I want to propose further amendments on the interpretation under Clause 2 that is the definition of "Lakefront". The honorable members agreed that it should be limited to "100 meters from the edge of the Lake...

The Speaker (Hon. Oraro): Hon. Seth Okumu, I am looking at Clause 2..

Hon. Okumu: It's on the interpretation Mr. Speaker. Clause 2; in this Act unless otherwise required, Lakefront means...

The Speaker (Hon. Oraro): On the preliminaries?

Hon. Okumu: Yes, Mr. Speaker.

The Speaker (Hon. Oraro): Okay proceed.

Hon. Okumu: Thank you. So, under the definitions; from the amendments therefore, “Lakefront” should mean “the area or land 100 meters from the edge of the Lake”. If you take this bill for development then developing 100 meters limits the development that we can do along the Lake because in some cases, the 100 meters fall in the riparian section. I want to request that we amend the 100 meters so that the definition of Lakefront reads; “the area or land adjacent to the Lake”, so that it gives room for the areas of development on areas where the riparian land covers.

(Laughter)

Mr. Speaker, I believe that they should allow me to first propose and get a member to second before they can interject.

The Speaker (Hon. Oraro): Hon. Seth I do not know what’s happening because I am seeing several members are up.

The Speaker (Hon. Oraro): Yes, Hon. Atieno.

Hon. Atieno: Thank you Mr. Speaker, I think that the...

The Speaker (Hon. Oraro): Why have you stood Hon. Atieno?

Hon. Atieno: The amendment is really...

The Speaker (Hon. Oraro): No. You are out of order! I thought you were on some point of order or information because I have not opened this amendment up for debate.

The Speaker (Hon. Oraro): Hon. Roy Samo, what point are you rising on?

Hon. Samo: Mr. Speaker, I want to inform Hon. Okumu.

The Speaker (Hon. Oraro): Hon. Seth Okumu, do you want to be informed?

Hon. Okumu: No, Mr. Speaker.

Hon. Samo: Mr. Speaker, please let me inform the House.

The Speaker (Hon. Oraro): Please proceed Hon. Samo.

Hon. Samo: *(On a point of information):* On matters of law, when an Act is passed it becomes a law. So, if we leave it vague as such, it means that we are going to involve counties such as Bomet, Kericho and the like because they are all adjacent to the lake. That land could go as far as Kajulu, Ombeyi etc., because they are all part and parcel of this County and are all adjacent to the Lake. I feel that we should just include the “100 meters” so that we don’t attach other areas on the same.

The Speaker (Hon. Oraro): Hon. Roy Samo, your information is coming quite early but I am sure you will have time to debate upon it.

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

Hon. Agolla: Mr. Speaker, when a Honorable Member makes any reference to the Lake, then I get really concerned because I have vast experience on Lake Development. When I heard my neighbour, Hon. Okumu trying to mislead this House by giving a misleading proposal of the amendment. Mr. Speaker, we cannot just give a blank cheque. We have marked road reserves on the highways and no one can do anything on the reserves because the law identifies them as reserved areas. So, if we leave the lakefront reserve is 15 kilometers then, where are we going to develop or live? Do you want to displace me because I live adjacent to the Lake?

The Speaker (Hon. Oraro): Hon. Agolla, I thought you were standing on a point of order. So, I will rule you out of order because I have not opened this matter for debate. Hon. Seth Okumu can you conclude your submission?

Hon. Okumu: Thank you Mr. Speaker, the 100 Meters that the Honorable Members are limiting to, will not be adequate for the Lakefront Development. I want to clarify that this is not a lakefront reserve but an area that we are allowing for any development to occur along the Lake.

The Speaker (Hon. Oraro): Hon. Eric Agolla just allow Hon. Seth Okumu to conclude, you will have your time.

Hon. Agolla: A point of order Mr. Speaker.

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

Hon. Agolla: Standing Order No. 89 touches on Statement of Facts. If Hon. Seth Okumu knows what the members do not, then he should explain to us.

The Speaker (Hon. Oraro): Hon. Eric Agolla, I believe that is what he was trying to explain. So, once he is through and gets the proposal seconded then, we shall have it for debate. We know how amendments are proposed and later a question is posed on whether or not members agree with it. Can you continue Hon. Okumu?

Hon. Okumu: Thank you Mr. Speaker, I don't know why Honorable Members do not know how to move motions on amendments. If you look at what the Act says; that this is a Special Purpose Vehicle to develop and manage economic and social activities of the lakefront. Mr. Speaker, we cannot limit the managing of social and economic activities to 100 meters from the Lake. Other areas have mountains on the 100-meter sections hence no development can be done on them like some areas on Hon. Agolla's Ward. We cannot agree on the distance from the Lake, and that members also misinterpret this Lakefront Development and thing that it is a lakefront reserve. Therefore, I call upon Hon. Leader of Majority, who is the government leader to second my proposal, thank you.

The Speaker (Hon. Oraro): Yes, Hon. Leader of majority

The leader of Majority (Hon. Onyango): Mr. Speaker, Hon. Roy comes from where my mum comes from, and I know that the inhabitants of that area have been displaced by people from other areas. I am not certain about which people he's speaking for authoritatively. There was an amendment brought yesterday on Clause "Q", by the Chair.

The Speaker (Hon. Oraro): Hon. Leader of majority, how do we have Clause "Q" on the bill?

The Leader of Majority (Hon. Onyango): Just a moment Mr. Speaker, the amendment was on Clause "12. (q)" which reads; "provide the channel for the compensation of the privately owned properties that are along the Lakefront space where cases of compulsory acquisition may arise".

Mer. Speaker, that actually shields anyone who owns property along the Lake from any compulsory acquisition, and that is why I want to agree with the amendment. That amendment really elicited a lot of debate yesterday and through the chair's wisdom, he brought clause "(q)" to shield anyone from forceful acquisition of land and property and be offered compensation.

(Loud consultations)

The Speaker (Hon. Oraro): Honorable Members, the Leader of Majority is seconding the amendment proposed by Hon. Seth Okumu so give him time.

The Leader of Majority (Hon. Onyango): Mr. Speaker, I would wish to ask my uncle Hon. Roy Samo to look at this thing at 100 years from today. I want to persuade you and Hon. Agolla to be a little pragmatic on this. Otherwise, I second the proposal, thank you.

(Laughter)

The Speaker (Hon. Oraro): Honorable Members, the Hon. Okumu has proposed an amendment under preliminaries, on the definition of "Lakefront", and his amendment is that; the words "100 meters from the Lake" be deleted so that it remains as "the land adjacent to the Lake".

This proposed amendment has been seconded by our Leader of Majority, Hon. Kenneth Onyango, and as per our Standing orders I want to propose that the amendment be open for debate.

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

Hon. Okiri: Thank you Mr. Speaker, I rise to oppose the amendment. We are here to protect our electorates and one of the ways to do so is to see them live decently. Secondly, is to ensure that they are not displaced to various areas without consent. I want you Hon. Seth Okumu to represent Seme Ward here and it's important for you. If we leave things in such an unstructured way then, the government can take land adjacent to the lake, as far as Luang'ni, Wathorego and even Nyabondo goes, because we do not have a demarcation on where these people need to reach. Mr. Speaker, they will leave Osiri, taking my Daraja-mbili, Sinyolo up to Maragoli hills because that's

where my border ends. So, my people won't have a place to go because the development agenda doesn't indicate the exact limit of the distance they ought to cover.

Mr. Speaker, these people will be rendered homeless when compensation fails and it will be said that the Members of the Second Assembly passed this bill that displaced them. The Leader of Majority is taking about a millennium to come but he has not factored in mind the aspect of population increases each day. We are pushing our people to the end as we take the Lake heading to the Northern or Southern side. As at now, we are at 50 million people, but in 100 years, where will our people go to? If you go to developed countries like China, it will be possible with the kind of houses they are building for their citizens unlike in Kenya where we are still underdeveloped. If this chance is given to an unknown area, then it won't auger well. Otherwise. I oppose. Thank you.

The Speaker (Hon. Oraro): Yes, Hon. Priscah Misachi.

The Chief Whip (Hon. Misachi): Thank you Mr. Speaker. I want to oppose the amendment with the following reasons. The demarcation of riparian area is known to be 100 meters. Any other land adjacent to 100 meters is somebody's land. If a corporation or a government institution wants to do anything on it, there must be compensation. We have given a provision for compensation of a private land – that is after 100 meters. If we water down this Bill then we are going to do a disservice to our people. Thank you.

The Speaker (Hon. Oraro): Hon. Eric Agola.

Hon. Agolla: Thank you Mr. Speaker. I also rise to oppose the proposed amendment. We cannot give a blank cheque to the institution. I participated during public participation and this was part of the concerns of members of the public.

Mr. Speaker, if the amendment is adopted, then we are going to do away with the Impala Park, the Kisumu International Airport, among others. So we must be practical. The purpose of having this authority is to control how investments are done along the lake – be it public or private investment – but not to develop, restrict or destroy the properties of our people. The Bill should remain as we passed it yesterday during our second reading. Thank you.

The Speaker (Hon. Oraro): Hon. Atieno.

Hon. Atieno: Thank you Mr. Speaker. I arise to oppose this amendment. We are lawmakers and we don't make laws in a vacuum. We must ensure that these laws are progressive and they will be sustainable in the next 50 years. These governments come and go. We must ensure the laws we pass in this House will protect our people, no matter the government in power.

When we make laws that do not have specificity in terms of their application, then we are making our people to be vulnerable.

This House must be alive to the fact that you cannot demarcate 100 metres from the lake because that is riparian land. Another 100 meters from the area will be 200 metres which is outrageous.

This amendment is malicious and it is sad that the Hon. Leader of Majority has seconded. It is common knowledge that he is not part of us because he comes from the highland and Hon. Seth Okumu who has come up with this amendment is known to be influenced by some powers with ulterior motives, the land cartels.

If we adopt this amendment, then the cartels are going to grab all the land within Kisumu City and its environs. We must oppose this amendment so that the cartels are ashamed. Thank you Mr. Speaker.

The Speaker (Hon. Oraro): What is it Hon. Seth Okumu?

Hon. Okumu: Thank you Mr. Speaker. I have been adversely mentioned several times by Hon. Atieno before he sat down – that I am part of the cartels that are interested in land. I want him to withdraw and apologize because what this Corporation is going to do is to manage investments along the lake – it is not going to take people’s land. If by proposing an amendment to this Bill you are called a cartel, then there is no need to come to this House because I have reasons why I proposed the amendment and I believe I am going to be given time to reply. So I want Hon. Atieno to withdraw. Thank you.

The Speaker (Hon. Oraro): Hon. Atieno.

Hon. Atieno: Thank you Mr. Speaker. Hon. Seth is a member representing East Seme Ward. I did not say he is a cartel. I know the issue of land is always emotive and normally, people who are behind them are called cartels. I don’t know if he is one of them. If he is then I will apologize and withdraw.

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

Leader of Minority (Hon. Oiko): Thank you Mr. Speaker. In Kenya, Kisumu County included, all land has been demarcated. The “100 metres” from the road is not coming from the lake, it not coming from nowhere. It is coming from the records of Kenyan government when demarcation was done in this country. When you want to interfere with the “100 metres” from the lake coming into the community, you give the picture that you want to eat into the community land. Are you going to do fresh demarcation? What message are you trying to send to the community – that a corporation is being formed that will interfere with the boundaries of their land? Land being an emotive issue, let us pass this Bill without interfering with the existing legal provisions. Let us stick to the “100 metres” as was proposed in the 2nd Reading so that we look a sensible House.

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

Hon. Samo: Thank you Mr. Speaker, I stand to oppose the amendment. I don't want to belabor much on this point but just to add something on what my colleagues have said. Whenever a law is being made, it is not made in isolation – it must be in concurrence with the existing laws. There is “100 metres” that is a buffer zone which is within the jurisdiction of the government. Let us not interfere with this existing provision by adding our own. Thank you.

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

Hon. Olwal: Thank you so much Mr. Speaker. As the Chair of the Standing Committee on Planning and Industrialization and having the institutional memory on this Bill, the UN-Habitat advised that we redevelop our lakefront and the main intention according to their document is the entire Railway area extended to the Cemetery bordering Nyanza Club. We had several deliberations as a House Committee and invited several guests- one of them is the City Manager who is seen to have sponsored the Bill to the Assembly. He was contented with the “100 metres”. I don't know where the “200 metres” is now coming from.

Secondly, we can't give a blank cheque to the corporation. We also need to protect our people. If we give a blank cheque, then one can misuse that Clause. Remember “100 metres” by “40 km” is too much land. It is “100 metres” from the lake but it stretches “40 km” and you can't say that is a small piece of land. Thank you.

The Speaker (Hon. Oraro): Hon. Okumu, you can now reply.

Hon. Okumu: Thank you Mr. Speaker. I want to thank members who have given their submissions on this proposed amendment. As much as a good number do not approve of this proposed amendment, I still want to request that we cannot form a development corporation to help us develop and manage economic and social activities of the lakefront and limit them only to 100 metres from the lake.

Mr. Speaker and Hon. Members, this is a Special Purpose Vehicle that will guide all the developments along the lake. If you want to build a school along the lake, it is the Lakefront Development Corporation to advise them on how to put up such structures? Where do you put a septic tank? It will be the role of this corporation to do all these.

Mr. Speaker and Hon. Members, we cannot limit this only to “100 metres” otherwise we are creating a corporation for people who will be earning money but no work for them to do. If you look at “100 metres from the lake”, there is nothing for them to now, but in case it is there, it so little that it is not worth coming here to legislate on.

Mr. Speaker and Hon. Members, I implore you that we change this so that we give these people room to guide development that is facing the lake. The corporation does not want land. The objectives are very clear. Thank you Mr. Speaker.

The Speaker (Hon. Oraro): Hon. Members, you have debated the amendment proposed by Hon. Seth Okumu and now I want to put a question on adoption of the proposed amendment to part (1) on the Kisumu County Lakefront Corporation Bill, 2021, especially on the definition – that the word “Lakefront to mean any land adjacent to the lake”; that “100 metres” be deleted so that it reads; “Lakefront means an area of land adjacent to the lake”.

(Question put and negatived)

The Speaker (Hon. Oraro): Hon. Members, it seems there is no further amendment and I want to put a question on the adoption of this Bill with the amendments therein.

(Question put and agreed to)

The Speaker (Hon. Oraro): The Kisumu Lake Front Development Corporation Bill 2021 has been adopted with amendments therein today Thursday, 06th of May, 2021 at 1600hrs. Consequently, I direct that the Hansard Report and the Vellum be prepared for onward submission to the Governor for ascent.

The Speaker (Hon. Oraro): Next order!

MOTION

AD HOC COMMITTEE ON PENDING BILLS PROGRESS REPORT ON THE PENDING
PAYMENT ON CONTRACTORS AND SERVICE PROVIDERS

BY LEADER OF MINORITY, HON. PETE OIKO,
CHAIRPERSON, AD HOC COMMITTEE.

The Speaker (Hon. Oraro): Hon. Pete Oiko, Leader of Minority.

Leader of Minority (Hon. Oiko): Thank you Mr. Speaker. My earlier statement stands expunged from the record. Mr. Speaker sir on 3rd December 2020, a statement was raised by Hon. Otieno Ngeta on the issue of Pending Bills in Kisumu County. Consequently, the Hon. Speaker constituted an Ad hoc Committee to look into the matter. The said Ad hoc Committee has made some progress on 25th March, this year. They wrote to the Finance Department to provide them with some records that would help them to get into the roots of the matter. The Finance Department were asked to appear before the Select Committee on 08th April which they neither did nor did they send the documents that were required.

Mr. Speaker, a second letter was written to the Department of finance on 25th April asking them again to appear on 29th April before the Select Committee. Similarly, they declined to appear as well as they did not send the document.

Mr. Speaker sir, the Select Committee has sat again and have asked the secretariat to write the third letter to the Finance Department to provide us with the necessary document to enable us carry out our duties. Mr. Speaker sir, considering the foregoing, we have not been able to conclude the matter and we are foreseeing a situation where, when they do not respond to our third letter, we shall go to the summon level.

Mr. Speaker, since the time we had been given as caution has elapsed, the Select Committee is asking for more time. Now that the House is busy with the Budget Estimates, we are coming to the end of the financial year; considering how weighty the matter is, the Select Committee is asking if they can be given the next thirty days to enable them also squeeze in their meetings so that they would be able to present the report by mid-June, Mr. Speaker sir.

The Speaker (Hon. Oraro): Hon. Pete, who is seconding your request from the members of the committee?

Leader of Minority (Hon. Oiko): Hon. Seth Okumu.

(Hon. Okumu bows)

The Speaker (Hon. Oraro): Hon. Members, the Leader of Minority who is the Chairperson of the Ad Hoc Committee that was looking into the matter of Pending Bills has presented this statement and he is requesting for thirty days. However, before I propose a question, I want to say that Hon. Pete, from the information that I have is that, it has been difficult that even the members of the Ad Hoc Committee have not been honouring seatings of that committee. On the same note, I did direct that the Budget for the FY20221/2022 be committed to all the Sectorial Committees. One of the item that I mentioned was that any other resolution that was in the House including the CBROP, the Fiscal Strategy Paper alongside other papers.

In the budget, there is the issue of Opening Balance, which is basically meant for Pending Bills for particular year. So, I do not know whether it is in order that we are asking for thirty days and I had given a very tight programme on the Budget Estimates to allow us pass the budget by Tuesday, 15th latest on Tuesday, 22nd of June, 2021.

Hon. Members, today is Thursday, 6th May, 2021 and if you are asking for more time, I do not know how it is going to be incooperated in the Calendar of the Budget Estimates that we are discussing. Anyway, as per our Standing Order, I want to propose a question that the request by Hon. Pete be opened for debate.

The Speaker (Hon. Oraro): Yes, Senior Member, Hon. Paul Okiri

Hon. Okiri: Thank you very much M. Speaker. Ad Hoc Committee has got timelines and it cannot run for more than a given period. It has a specific timelines that it should have be concluded the task given to it.

It is so unfortunate that the Ad hoc Committee has tried to reach the County Executive but the response is slow. I will agree that a good report must correspond to a good correspondence from the other wing of the government. Mr. Speaker, for this Select Committee to get a good response, the committee must get good correspondence from the other side.

I conclude by saying that this House will be setting a dangerous precedent in the sense that we are in the Budget Making Process. When you are talking about the Pending Bills, these are some of documents in the Budget Estimates that will be required while interrogating the Estimates.

Mr. Speaker, in your ruling, whether one month will allow the budget circle to run up by 30th June or it will not allow, this House will actually depend a lot on your ruling, for this budget to be successful, thank you.

The Speaker (Hon. Oraro): Hon. Ojuok.

Hon. Ojuok: Thank you very much Mr. Speaker Sir. I want to say that I oppose the thirty days. I also want to say that Pending Bills are integral part of the budget making process. In fact, it is one of the key items in that particular budget. I am wondering why a government that is already presenting a budget could be having problems giving out documents. I believe that they are the ones who came up with those items. That means that they have perused some of the records that they have and the information is already available. Unless they are telling us that they are doing guess work with the budget.

Hon. Speaker, you know that these are some of the obstacles that even delayed the budgets. Although some people were saying other things that we do know that Pending Bills is one of the things that delayed the approval of the Estimates because of late submission of the same.

In your yesterday's communication, one of the things was for us to talk about the Pre-budget Conference as some of the agreement. You know that one of the things that was mentioned there is actually the Pending Bills.

Mr. Speaker, if it were for me as a member for Central Nyakach Ward, I tell you that, I would not allow any budget in this House this time round without the issue of Pending Bills resolved. Not just getting resolved that somebody is giving us, pending bills must be brought into this House, itemized so that we know those Pending Bills really exist or they are ghosts.

Mr. Speaker, I can remember the last budget when it was being presented here, we really struggled. It reached a point where the itemized Pending Bills that were being brought, were not matching the valid Pending Bills that was captured in the Proposed Budget Estimates. It took the understanding and compassion of this House to allow the budgeting process to continue. We have done that from first year, second year, third year, fourth year and we are still continuing with that. Then, we say that we are doing our oversight role. I really plead with this House, if there is a ghost and why we are in this hole, it is that Pending Bills' issue.

Mr. Speaker, as at the moment, you can clearly see that the Ad Hoc Committee is admitting to us that somebody literally refused to respond to some of the queries being asked. They are requesting that we just add them more days? I believe one of the things that are also allowed here is that if someone is unable to do a particular task assigned to him, the next thing to be done is to get him/her out of that office. Then handover the office to another person who would be able to do that job. I really oppose. Thank you.

The Speaker (Hon. Oraro): Hon. Vitalis Otura.

Hon. Otura: Thank you Mr. Speaker, I believe it is now evident that there are games being played about the pending bills' issue. I strongly oppose the extension of thirty days. Going by the budget circle that we are undergoing now, it is the right time that this House stamps its authority on the issues of Pending Bills.

Mr. Speaker, in our Pre-budget Conference, if you can remember, we had a way forward. We are yet to come to terms with those way forward simply because of this Pending Bills. That we need to forfeit any development project only for the sake of clearing or paying the pending bills. What are we going to pay? Is it also in order that it should be an elusive exercise that is neither here nor there?

Mr. Speaker, as a county, we need to come clear. If it is the CEC, then that one must be very clear to us. Who is playing this game? And why is this report is not being furnished the Ad hoc Committee?

Mr. Speaker, in the morning we had a report from a department and everything was vague. About the Pending Bills; it is in another department and nothing is forthcoming. Is it that we are working or not working? If we are not, what then is our work? When shall this Assembly stamp its authority to get the details that we so need? As an oversight body, what is our work? How long does it take one to generate the very simple thing a report on Pending Bills?

Mr. Speaker, as I oppose this, I also believe that this is the right time that this House stamps its authority and compel the Department to release that report in the next one week. In addition, the Pending Bills report must be part of what we are going to do in the Proposed Budget Estimates for the financial year 2021/2022 and Appropriations. Without that I do not believe that we are going to concur with this team.

Mr. Speaker, there is a misleading team that is driving the County crazy that we cannot be seen to be doing any work. Every other time, we become logical and reasonable and say; now let us move on as a team and work together. We shall rectify; what is it that we have been rectifying? When shall this be rectified?

Mr. Speaker, I oppose the idea of giving an extension of thirty days for one to make a report on the Pending Bills. I vehemently oppose. Thank you.

The Speaker (Hon. Oraro): Hon. Beatrice Pamela.

Hon. Beatrice Pamela: Thank you Mr. Speaker. I do not believe that there is anything new being brought to this House concerning the issue of Pending Bills. It has been there and it has been clear that the County Executive is not giving any proof. Let this House know what is on the Pending Bills, who is owed what, which companies they want to pay. Every year this House has always passed a budget to pay Pending Bills. I remember two years ago we passed a budget of Kshs 300 million, we do not know what was paid. When the House tries to find out, no answer came from the County Executive. Mr. Speaker, last financial year it was the same story. I do not believe that giving the Select Committee any more time is going to get us the answers we need.

It is high time the House as a whole should decide on a way forward. Extending time is like buying time with the hope that our term end without solving this issue, I oppose. Thank you.

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

Hon. Samo: Thank you Mr. Speaker. I would agree with Hon. Pete that we need some extension but I am not a member of this Ad hoc Committee. However, I would be at a loss to explain the extension of thirty days. It would be a lot of time. I wish to request that with your leniency the Select Committee may be given a further one or two weeks. The reason why I am saying that is that the Hon. Members have spoken about that.

Mr. Speaker, if you look at the Proposed Budget Estimates that we are going to pass for the financial year 2021/2022, huge chunk of money is pegged on Pending Bills. I believe it is at the tune of about Kshs 1.4 billion shillings.

Mr. Speaker, if we would have known how the pending bills matters and the companies that are going to be paid especially at a time like this that we are about to pass another budget, it would have been easy for us to know why we should invest that money on paying the pending bills. Otherwise, as I speak today, I am much aware that the contractors are really in need of the money. That is okay, but, before then, we have approved a lot of monies that have been there in other financial years even this one which is coming to an end. Mr. Speaker, I would agree with the Hon. Pete that that be given more time so that this matter is brought to a close.

Again, if the County Executive is informing us that they cannot provide these answers, we can go back to the Constitution of Kenya 2010. The Constitution of Kenya states that, any time that an Assembly or its committees sit, they have the powers of the high court. Now, if you talk about the High Court outside and the High Court inside, there would be no difference. That is because, the Constitution of Kenya bestows us with the powers of the High Court.

Mr. Speaker, today, I spent a lot of time in the law court, because a number of my constituents, were arrested on some very flimsy issues. So, I went to see how we can help them. However, there is something that came into my attention that they really respect the courts. Even a Magistrates

Court. Remember, this is not a magistrate court but a High Court with the powers. So, if somebody at the County Executive tells you that they cannot provide the answer that there is nothing that we can do, we have the power as an Assembly bestowed by the Constitution.

Let the Select Committee bring us the information in a weeks' time and that is when we are going to pass the budget and we will be aware of how much we can approve. Otherwise, we may say that the Kshs 1.4 billion shillings or thereabout in this proposed budget should be expunged. Thank you Mr. Speaker.

The Speaker (Hon. Oraro): Hon. Atieno.

Hon. Atieno: Thank you so much Hon. Speaker. On the issue of Pending bill, we need to rise up as a House and discuss it and find solution. It is only in Kisumu County that we do not have Roll over Projects. We are being told that at the expiry of 30th of June then Projects meant for the financial year also expire. This is only unique to Kisumu County. What is so unique about this Pending Bills and 30th of June? I believe that there is something quite sinister, quite abnormal to this issue of pending bills. I believe it is a man-made artificial, cosmetic pending bills that we have been dealing with for the past years.

Mr. Speaker, we need to first of all decide whether it is true that Roll-over Project cannot be done by Kisumu Government. That is because, even if we pay Kshs 1. 4 billion or Kshs 1.5 billion this year, yet this issue is not solved, then we will continue having Pending Bills.

Mr. Speaker, another issue is that, we need to come into the reality of the budget. Do we make accurate budget or just a cosmetic one? That we just imagine of the much we are going to collect yet we know very well that our collection cannot hit Kshs 1 billion mark. Why is the county budgeting with Kshs 1.4 billion or 1.2 billion every year which I believe is not realistic?

Mr. Speaker, if those issues cannot be addressed, then we are living in dreamland. We need to come out as a House to deal with these issues. I believe that is why the County Executive do not want to bring these things to the Assembly in good time. My suggestion would be that, let the Budget that is on the floor of the House be delayed until such a time that the County Executive shall heed the call of this House to furnish this House with a detailed list of where and which wards are this Bills emanating from. Let us not rush when the issue of Pending Bills has not been addressed. Thank you.

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

The Chief Whip (Hon. Misachi): Thank you Mr. Speaker. I am a member of this Select Committee which is asking for extension of time but I want to say that when it comes to pending Bills. I would suggest that a letter comes from the Clerk of the Assembly and not from the committee Clerk that the House has suspended discussion on Proposed Budget Estimates FY 2021/2022 until such a

time that the County executive will have furnished this House with a detailed and comprehensive Report of Pending Bills. I therefore call upon Hon. Pete to second.

The Speaker (Hon. Oraro): What is it Hon. Seth Okumu?

Hon. Okumu: Mr. Speaker, I need your guidance. The Leader of Minority has brought a motion that his committee has not finished work and they require extension of 30 days. I thought that our discussion should be based on either extending it or when they want the Select Committee to bring the report or what we should do with the Ad Hoc committee report that they have as at now.

The Speaker (Hon. Oraro): Thank you Hon. Okumu. I opened this matter so that Hon. Members can discuss it because they are just trying to stress the importance of the report itself that the report from the Ad Hoc Committee would have been important and would have been part of the Proposed Budget Estimates that we envisage to approve. I want to guide the Chief Whip that the debate is on whether we extend the 30 days that has been request by Hon. Pete or not. I will give guidance on the way forward as per what I have seen us debate on.

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

The Chief Whip (Hon. Misachi): Thank you Mr. Speaker. I am very much aware that we are discussing Pending Bills but my suggestion to the committee is that the Clerk to the Assembly to write a letter; and that the extension of the committee for a week or so. That letter will compel the County Executive to bring the report on Pending Bills.

The Speaker (Hon. Oraro): Hon. Ogutu.

Hon. Ogutu: Thank you Mr. Speaker. I would like to add my voice on the report brought by the Leader of Minority...

The Speaker (Hon. Oraro): Hon. Members, before we proceed, I did communicate here that yes it is true that we get leeway the way we dress in the House. Based on traditions and precedence we agreed that we can allow African attires for Members to attend the House and I did communicate that we should not abuse the same.

Hon. Members, I have seen Members coming with shirts which are not of traditional nature; shirts without coats. I did give chance on that material day and I said that let us not abuse that provision. If you want to come on a traditional wear then come in an African traditional wear just like it happens in the National Assembly and the Senate. I will allow that for today but, in the next sitting the Orderlies will not allow any Member in who is not dressed properly.

The Speaker (Hon. Oraro): What is it Hon. Otura?

Hon. Otura: Mr. Speaker I just want to inform the House that all the Commonwealth practice do have the standard life cycle of their practice. We also have our traditions in our Assembly. I had

once been sent away for not wearing a coat or for not putting on a tie. Mr. Speaker I don't disagree with you but it has been our practice. I don't see the sense in pardoning those who are abusing the rules of the House.

The Speaker (Hon. Oraro): Hon. Otura, I have addressed myself on that matter and I have directed that in the subsequent plenary the Orderlies should not allow any Member who is not dressed properly to come in. If you do so then, we will allow you to go and dress properly.

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

Hon. Ogutu: Thank you Mr. Speaker. I wanted to contribute on the proposed extension of time to enable the presentation of the report of this Ad hoc Committee. I believe that if a Select Committee has not done its work to its conclusion then, they have that privilege to ask for more time. At the same time I believe if that if the Chairperson of the Select Committee who is none other than Hon. Oiko whom I respect because he is somebody who is down to earth. Those who are in the Select Committee can also fail the Chairperson because sometimes they do not attend the committee meetings. I raised a very important matter in this House during our time with the Department of Education. Mr. Speaker going forward we have to know how to choose the Members of these Select Committees because there are some people who do not care whether they are in those particular House Committees.

Mr. Speaker, I can recall that, we were given a Select Committee sometimes back which was led by Hon. Beatrice Pamela. We were given a short period of time and we could not cover all the places that we as a Select Committee had projected to cover. Mr. Speaker, I believe that we dedicated our time to do it the way you directed. I would like to agree that the Select Committee should be given some time but it is also sad that when forming these Ad Hoc Committees then, they are the same faces who are always being proposed to be members of these Select Committees. These people are overworked and I would like to appeal to you to give those people who can work and deliver. On that note, I would like to concur with Hon. Pete that let the Select Committee be given one more week so that they can at least conclude and bring the report to this House.

Mr. Speaker, when we are talking about Pending Bills it opens memory in this House. Some of the Hon. Members suffered because of pending bills and to some, their careers were trampled upon because of pending bills. I believe that, if we can work together the way we were working 2 years ago, then, the County Executive cannot say that they will not honour our pleas. We have opened some gaps to the County Executive and that is the reason why they can do things at will. Thank you.

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

Hon. Ngeta: Thank you Mr. Speaker. It is so painful that it is in the public domain that the Members of the Assembly have been compromised to sabotage this process. I am saying so because I myself and Hon. Pete had a lot of issues in this. I am seeker of this report. I would like

to request you that you give the Select Committee at least 2 weeks and not one month to conclude with this matter.

Mr. Speaker, we have written numerous letters to the Executive and they have not responded. The Members of the public are feeling that we have been compromised yet that is not the case. There was a time we felt that the secretariat was being compromised. We are going to fail in our era if we don't impose our mandate. I am appealing to you and I am requesting you to give the Committee guidance as our leader who we respect so much and as the leadership you are, please take up this matter. Some of the contractors have been auctioned. Let us do something that can be remembered so that our people can have faith in us. Thank you.

The Speaker (Hon. Oraro): Hon. Members I want to give direction on this matter. I want to do so because I did constitute the Ad Hoc Committee. Before I do so, I wanted to inform Hon. Ogutu that the Ad Hoc Committee is not the same face. I want to use his own words that there is an Ad Hoc committee that I formed where he was a Member Chaired by Hon. Beatrice Pamela and they did their work within the timelines that I gave. So, I want to say that they are not the same Members and that one can be confirmed by the fact that they are not the same Members of the Select Committee neither is Hon. Beatrice Pamela a Member of the said committee.

Hon. Members, on the same note, we have discussed before that when a House Committee is given work to do, whether the result is positive or negative. You just need to bring the report with recommendations on what needs to be done. I have got information that most Members of the Ad hoc Committee have not been attending their meetings. It may be two or three Members attending regularly save for the day when the contractors were here as witnesses. That is the date when all Members attended the committee meeting. It therefore becomes difficult to know the actual transactions in the Ad hoc Committee.

Hon. Members, I want to refer myself to Standing Orders No. 1 on matters which are not provided for directly in the Standing Orders and the Speaker is allowed to provide direction. It has happened in other Assemblies and Senate that the Speaker has always formed Ad hoc Committees and given timelines as Term of Reference. In this case we are faced with a situation where we already have the Proposed Budget Estimates for the FY 2021/2022 which has to incorporate issues of Pending Bills. From the discussion of Members, that is the basis through which we were discussing and trying to find the list, cost and names of all matters relating to pending bills. So, with that and taking into direction that all Sectoral Committees to look at the Proposed Budget Estimates conclusively including what we earlier resolved and what they have presented.

Hon. Members, I want to direct that the Ad hoc Committee is hereby disbanded and the matters of Pending Bills be looked into as the Sectoral Committees who will be looking into the Sector Estimates. One thing you will require is that, as the Sector or Department, is the pending bills in those departments and the list, cost and the firms that need to be taken care of in the current

proposal for FY 2021/2022. Such reports will be consolidated by the Budget and Appropriation Committee. Thank you.

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

Hon. Samo: Mr. Speaker with due respect you have to consult your notes when you are coming up with a Select Committee and when you are disbanding them. I do not have express Standing Orders but I don't believe that the law allows you to create and disband a committee.

The Speaker (Hon. Oraro): Hon. Samo, I have given my direction based on Standing Orders No. 1 and the precedence of what has happened.

Hon. Samo: Standing Orders No. 1 is on matters which are not expressively provided for but in this case a creation of a Select Committee is either through a motion or through the Standing Orders that we have. When we have a motion it creates an Ad hoc Committee which means it should be adopted by the House. When you stand to disband a Select Committee then you need the authority of the House to do the same.

The Speaker (Hon. Oraro): Hon. Samo, I have based my direction on the discussion by Hon. Members and on the foregoing development that is in relations to the proposed Kisumu county Budget Estimates for FY 2021/2022. The same intention of getting the Pending Bills was to address the issues of the Proposed Budget FY 2021/ 2022. In other words, I have directed that the Sectoral Committees to consider the Pending Bills by the Departments and it will be consolidated by the Budget and Appropriations Committee. If you have a contrary opinion maybe you can bring it in the next plenary the way it should be brought.

The Speaker (Hon. Oraro): Next Order!

ADJOURNMENT

The Speaker (Hon. Oraro): There being no any other business to transact, the House stands adjourned to Tuesday 11th May 2021 at 2.30 p.m.

(House rose at 4.45 p.m.)

Addendum

Hansard Team

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