

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

SECOND ASSEMBLY – FIFTH SESSION

Tuesday, 10th August, 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): Good afternoon Honourable Members? Madam 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 back from the long recess. I hope everybody is okay because as at today, I had not received any information on any Member being unwell but I want to say sorry to the Members who were bereaved in one way or the other during the long recess. We thank God that we are here. I want to request that we give our time to the various businesses that we have.

Hon. Members, I am aware that a number of bills have been brought to the Assembly and we need to work on them. Again, I am aware that there are also pending works by different House Committees. Before I bring you to speed on our pending works, I want bring to your attention that Covid-19 is still with us and the Ministry of Health Protocols should still be adhered to. That is to

ensure that you wear your mask to cover both our nose and mouth. Wash your hands or sanitize as appropriate. Ensure that you sanitize the portable microphones before and after use.

We shall be having the House leadership to agree on the way forward in relation to Covid-19 pandemic and the works we have in the Assembly.

Hon. Members, I also want to bring to your attention that we lost two members of our staff. That is the Deputy Clerk, Mr. Nelco Sagwe and the Senior Human Resource Manager, Mr. Lazarus Obara who were all laid to rest last month. Because it had not been officially reported in this House, I want to request that we all stand up for a minute of silence for our two departed staff.

(The Members on their feet for one minute silence for the departed staff)

The Speaker (Hon. Oraro): You may be seated. May their soul rest in peace. Second communication that I have is that, the National Parliament has announced a public hearing on the Constitution of Kenya Amendment Bill, in Kakamega, Uasin Gishu and Kisumu Counties. In Kisumu County, the public hearing will take place in the New Nyanza Regional Headquarters on Saturday 14th August, 2021. The amendment is in regards to the appointment of Cabinet Minister at the National level and the CEC Members at the County level. Anybody with any concern can visit the National Assembly website on the said notice or possibly attend the public participation.

My third communication is that, we agreed to look for partners. I am happy that a number of partners have come forward. Just to mention a few the USAID, UNICEF in the development of various Bills. Today, I held a meeting with UNICEF representative in Kisumu and the head of UNICEF Kenya shall be visiting the Assembly either this month or next month. We shall have a consultative meeting tomorrow in my office with the following people;

1. The Leader of Majority
2. The Liaison Chairperson
3. The Chief Whip
4. The Minority Leader
5. The Health Committee Chairperson.

Purpose to attend. The meeting will be basically on the planning of the visit by the guest.

Hon. members, I also want to bring to your attention that there are pending works by different House Committees. Let me go through the list very first.

#	ITEM	NATURE OF THE ITEM	DATE REQUESTED/ISSUED	TIME FRAME	DUE DATE	STATUS

1.	Budget and Appropriations Committee report on the Kisumu County covid-19 Socio-Economic Reengineering and Recovery Strategy (By Hon. Steve Owiti - Chairperson).	Report.	1/12/2020	1 month	6/01/2021	Overdue
2021						
#	ITEM	NATURE OF THE ITEM	DATE REQUESTED/ ISSUED	TIME FRAME	DUE DATE	STATUS
1.	Joint Committee on Administration of Law, Justice, Constitutional Affairs, Good Governance and Security, and the committee on Labour and Social Welfare Committee report on the statement raised by Hon. Gard Olima regarding the judgment case No. 373 of 2018 at the Employment and Labour relations court at Kisumu (By Hon. Seth Okumu – Lead Chairperson).	Report Statement	17/02/2021	2 weeks	3/03/2021	Long overdue
4.	Implementation Committee report on the statement raised by	Statement	24/02/2021	3 weeks	24/03/2021	Overdue

	Hon. Johnson Guya regarding the County Government of Kisumu Implementation Status Report for FY 2019/2020 and 2020/2021 (By Hon. Erick Agola - Chairperson).					
5.	Budget and Appropriations committee report on the Kisumu County Debt Management Strategy Paper 2021 - 2024 (By Hon. Steve Owiti - Chairperson).	Report	2/03/2021	21 days	23/03/2021	Overdue
8.	Planning Industrialization and ICT Committee report on the statement raised by Hon. Pamela Odhiambo on the burial notice by the city manager (By Hon. George Olwal - Chairperson).	Statement	4/03/2021	2 weeks	18/03/2021	Overdue.
6.	Committee of the Whole House report on the statement raised by Hon. Pamela Odhiambo concerning the County machine based program (By Hon. Seth Kanga - Chairperson).	Statement	17/03/2021	2 weeks	21/04/2021	Overdue

7.	Agriculture, Livestock and Fisheries committee report on the consultative forum with sub-county Agricultural Officers in Each Sub-County and assessment of the distribution of COVID-19 Farm inputs to farmers by the department of Agriculture, Livestock, Fisheries and Irrigation (By Hon. Vitalis Otura - Chairperson).	Report	December - February, 2020			Overdue
8.	Tourism, Wildlife and Heritage committee report on the tourism projects within the County, case of Nyakach, Seme and Kisumu West (By Hon. Habil Nyasuna - Chairperson).	Report	December - February, 2020			Overdue
9.	Children, Culture, Arts, Sports and Community Services Committee report on the projects undertaken by the department of Tourism, Culture and Sports for the FY 2019/2019 AND 2019/2020 (By Hon. Maurice Ngeta - Chairperson).	Report	December - February, 2020			Overdue

10.	PIC/PAC Committee report on the consideration of Auditor general's report on the financial statements of the County Executive of Kisumu for the FY 2017/2018 (By Hon. Maureen Otiang' - Chairperson).	Report	December - February, 2020			Overdue
11.	Selection Committee report on the benchmarking exercise with the sister Committee of Homa Bay County Assembly (By Hon. Kenneth Onyango - Chairperson).	Report	13/04/2021	2 weeks	27/04/2021	Due for submission
12.	Labour and Social Welfare Committee's response on the statement raised by Hon. Gard Olima on regarding the appointment of Village Administrators and recruitment of Liaison Officers by the Kisumu County Public Service Board (By Hon. Rashid Miruka - Chairperson).	Statement	20/04/2021	2 weeks	4/05/2021	Due for submission
13.	Planning Industrialization and ICT Committee response on the statement raised by	Statement	28/04/2021	2 weeks	12/05/2021	Due for submission

	Hon. Philemon Ojuok regarding the award of contract for establishment of container kiosks at the backstreet and along Ojino Okew Street of the Kisumu City.					
14.	PIC/PAC committee follow up report on the particulars of the report by the committee on Public Works, Roads and Transport on the Kisumu County KRB and CRF roads projects inspected for the FY 2019/2020.	Report	28/04/2021	2 weeks	12/05/2021	Due for submission
16.	Delegated County Legislation Committee report on the benchmarking exercise with the sister Committee of Homabay County Assembly.	Report	25/05/2021	2 weeks	8/05/2021	Due for submission

Honourable Members, you can see that there is a lot of pending work. I therefore don't understand why the reports could not be brought forthwith for discussions. We shall discuss the same as we meet as Leadership of the House.

Honourable Members, my last communication is with regards to the dressing code. We did agree last time that we could allow the African prints after thorough consultations to what happens in the National Assembly and the Senate. There is evidence that this provision has been misused. After consultations we agreed to maintain the official dressing code for the Members until that time that we shall agree on what official cloth is or an African attire is. Therefore, let us maintain the official dressing code. The Serjeant -at- Arm will not be allowing in the Chambers any Member who is not dressed officially.

Honourable Members, those are my communications. Let us respect each other and above all let us work together as a team. Thank you.

The Speaker (Hon. Oraro): Next order!

PAPERS LAID.

LIAISON COMMITTEE REPORT ON THE APPORTIONMENT OF THE COMMITTEE
ANNUAL OPERATIONS BUDGET FY 2021/2022.

BY

HON. JOACHIM OKETCH

CHAIRPERSON, LIAISON COMMITTEE

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

Hon. Okumu: Thank you Mr. Speaker. Pursuant to the provisions of the Kisumu County Assembly Standing Order No. 182 (6), I wish to lay today Tuesday 10th August, 2021, Liaison Committee Report on the Apportionment of the Committee Annual Operations Budget in accordance with the provisions of the Kisumu County Assembly Standing Order No. 194 (2) (b) on behalf Hon. Joachim Oketch. Thank you.

(Hon. Okumu lays the report before the House for consideration)

The Speaker (Hon. Oraro): Honourable Members, I confirm receipt of the Liaison Committee Report on the Apportionment of the Committee Annual Operations Budget in accordance with the provisions of the Kisumu County Assembly Standing Order No. 194 (2) (b) as presented by Hon. Seth Okumu on behalf of Hon. Joachim Oketch. I want to direct that the House Business Committee to schedule this report for discussions on the Floor.

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

Leader of Majority (Hon. Onyango): Thank you Mr. Speaker. Pursuant to the provisions of the Public Finance Management Act 2012, I wish to lay today Tuesday 10th August, 2021, The County Government of Kisumu Quarterly Report and Financial Statement for Quarter Ended 30th June, 2021. Thank you.

(The Leader of Majority lays before the House the paper for consideration)

The Speaker (Hon. Oraro): Honorable Members, I confirm receipt of the Financial Report for the Fourth Quarter for the FY 2020/2021; the Quarter ending 30th June 2021, and do commit this report to the Committee of Finance, Co-operative and Enterprise Development . I am being reminded that the last three quarters are still with the Finance Committee and I didn't capture it in my list of

pending reports. Guided by Hon. Paul Okiri, the Committee of Finance should interrogate the report and report back to the House within 21 days from this date, alongside other reports. Thank you.

The Speaker (Hon. Oraro): Next Order!

NOTICES OF MOTION

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

Hon. Okumu: Thank you Mr. Speaker, pursuant to the provisions of Kisumu County Assembly Standing Orders No. 182 (6), I wish to give a Notice of Motion for the Liaison Committee Report on the Apportionment of the Committee's Annual Operations Budget for FY 2021/2022 in accordance with the provisions of Standing orders No. 194 (2)(b) of the County Assembly Standing Orders on behalf of Hon. Joachim Oketch, Chairperson, thank you.

The Speaker (Hon. Oraro): Next Order!

STATEMENTS

The Speaker (Hon. Oraro): It is statement time!!

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

The leader of Majority (Hon. Onyango): Thank you Mr. Speaker, allow me to welcome the Hon. Members from the Long Recess and to also emphasize with the Assembly for the untimely loss of two of our Senior Staffs (Mr. Nelco Sagwe, the Assembly's Deputy Clerk and Mr. Lazarus Obara, the Senior Human Resource Manager), who passed on during this period of recess.

Mr. Speaker, it was unfortunate and uncalled for that during the burial of one the senior staff, political fracas led to a youth losing his life in your presence. I believe that this was a barbaric act that should be condemned in all manner of condemnation. Nevertheless, Mr. Speaker, we sat today as the House Business Committee and as you have rightly observed, we have so many activities lined up during this session and they will require Members to put their acts together so that they are dealt with. One includes the Governor's Memorandum on the Lakefront Development, which is coming up for debate.

Mr. Speaker, we have the report on the Appointment of the Village Council Members, which I believe that the Standing Committee of Administration of Law, Justice and Constitutional Affairs is dealing with. We also have Regulations of Kisumu Land Ownership Bill, 2021. Coming up also is the Facility Improvement Fund Bill (FIF), which is quite critical for the smooth running of our hospitals. I believe that when that comes, the relevant committees involved shall deal with them expeditiously so that we can give our health facilities an opportunity to retain funds that they've collected. In addition, we have the Environmental Health and Sanitation Bill, 2021.

Mr. Speaker, today I have just laid the Quarterly Report for the Financial Year ending 30th June 2021. In March this year we laid another Quarterly Report but until today, that relevant House Committee hasn't brought any documents to the Assembly concerning those reports, and yet the documents are quite critical and require to be dealt with in a very timely manner. It's quite unfortunate that if we can be committing such critical documents to House Committees yet no report is brought back. In our today's meeting we observed that it would be reasonable that the critical House Committees as the Finance, Co-operative and Enterprises Development and the Investigative Committee of PIC/PAC should have some professional seconded to them to give them some professional input. This would be so because incapacitation could arise due to the inability to scrutinize those financial reports. We also have the Auditor's Report that was committed to the PIC/PAC Committee in January but that report has not been brought back to the House to date. It was those concerns that made us head towards that direction. Mr. Speaker, you also observed that there was the Debt Management Strategy that was also committed to the Select Committee of Budget and Appropriations but the report hasn't come forth yet it is quite critical for the budget making process.

Remember, we also passed the Kisumu County Fiscal Strategy Paper (KCFSP). The Budget Estimates will be brought into this House, and yet that document should inform the Budget Making Process. Mr. Speaker, these are acts of lethargy that should not be allowed and when the leadership convenes a meeting, we need to have a very clear way forward on how to handle these issues to focus the purpose of this Assembly to its core mandate, thank you.

The Speaker (Hon. Oraro): Next Order!

MOTION

REPORT FROM THE STANDING COMMITTEE OF PLANNING, INDUSTRIALIZATION, AND ICT ON ITS CONSIDERATION OF THE MEMORANDUM BY THE GOVERNOR ON THE KISUMU COUNTY LAKEFRONT DEVELOPMENT AND CORPORATION BILL, 2021.

PRESENT BY;

HON. GEORGE OLWAL, CHAIRPERSON.

The Speaker (Hon. Oraro): Honorable members, I want to refer ourselves to Standing Order No. 137 (2), which is on assenting to bills, and reads; *"The Governor shall within 14 days after receipt of a bill, assent to or refer the bill back to the County Assembly with a memorandum outlining reasons for the referral;*

(iii) and if the Governor refers the bill to the County Assembly, the County Assembly may, following appropriate procedures under paragraph;

(v), amend the bill taking into account the issues raised by the Governor or pass the bill with or without amendments or if the County Assembly amends the bill taking into consideration the issues raised by the Governor, the Speaker shall within 14 days submit the bill to the Governor for assent. Part V says that, if the County Assembly passes the bill a second time with or without amendment which don't accommodate the Governor's concerns by a vote supported by two-thirds of MCA's, the Speaker shall within 7 days re-submit the bill to the Governor who shall within 7 days assent to the bill.

Hon. Members, this is a Memorandum that was referred back to the County Assembly and I was making reference to that particular Standing Order so that it is clear on what happens when there is such a Memorandum on a Bill. The County Assembly can chose to adopt the issues raised by the Governor taking into consideration the issues raised by the Governor or adopt the concerns with the amendments or pass the bill without taking into considerations the issues raised by the Governor, but in that case there is supposed to be a vote of 2/3rd of the Members. So, Hon. Olwal, the floor is yours.

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

Hon. Ogutu: Thank you Mr. Speaker. Mr. Speaker as usual, my Chairperson has not been feeling well for sometimes.

(Laughters)

The Speaker (Hon. Oraro): Order!! Hon. George Ogutu. Are you stating that as usual your Chairman is always sick?

Hon. Ogutu: Yes Mr. Speaker.

(Laughters)

Hon. Ogutu: Mr. Speaker, my Chairperson has been sick and this similarly extends to today. So, I will move the report on his behalf if you allow me?

The Speaker (Hon. Oraro): Hon. Ogutu, are you a Member of this Committee?

Hon. Ogutu: Yes, I am Mr. Speaker.

The Speaker (Hon. Oraro): Is there any objection from the House Committee?

The Speaker (Hon. Oraro): If there is none then, please proceed.

Hon. Ogutu: Thank you Mr. Speaker for granting me the consent to present this report.

Mr. Speaker and Hon. Members, PURSUANT to the provision of Article 185 (1) and (2) of the Constitution of Kenya 2010, the County Executive submitted the Kisumu County Lakefront

Development Corporation Bill, 2021, to be introduced in the County Assembly for consideration. The Kisumu County Lakefront Development Corporation Bill, 2021, Kisumu County Bills No. 3, was read a first time on Thursday, 25th February 2021.

Upon being read for a first time, the bill was committed to the Planning, Industrialization and ICT Committee to facilitate public participation, in accordance with the provisions of the Kisumu County Assembly Standing Orders, Order No. 123 (1), (2) and (3). The County Assembly placed an advertisement in the local dailies on Tuesday, 2nd March 2021 and Wednesday, 3rd March 2021, respectively, informing the public of the intended exercise that was to be conducted as from 9th March, 2021 to 19th March, 2021 in all the thirty five wards of Kisumu County.

The Standing Committee after consideration of both public and stakeholders' views presented a report to the House with the proposed amendments on the bill. The report was debated on and subsequently adopted with the recommendations.

The bill was then read for the second and third time, after which it was presented to the office of the Governor for assent.

Mr. Speaker and Hon. Members, Pursuant to Standing order no. 137(2) (b), a memorandum on refusal to assent to the Bill from H.E the Governor was delivered to the office of the Clerk of the County Assembly. The memorandum was subsequently tabled in this Honorable House and the Hon. Speaker directed the sectoral committee of Planning, Industrialization and ICT to deliberate on it and cause a report on the same in a span of two weeks.

Establishment and Mandate of the Committee

Mr. Speaker and Hon. Members, the Committee on Planning, Industrialization and ICT derives its mandates from County Assembly Standing Orders No. 193 (5) (a) Second Schedule. The mandates include the following:

- a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments
- b) study the programme 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 analyze 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.

Composition

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

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

Secretariat

- | | | |
|------------------------|---|------------------------|
| 1. Mr. Boaz Ouko | - | Senior Clerk Assistant |
| 2. Mr. Austine Ochieng | - | Committee Clerk |
| 3. Mr. Patrick Okoyo | - | Hansard Reporter |
| 4. Mr. Bill Omondi | - | Legal Advisor |
| 4. Mr. Kennedy Okise | - | Serjeant-at-Arms |

Acknowledgements

Mr. Speaker Sir and Hon. Members, it is my privilege and pleasure on behalf of the Committee to convey my gratitude to all Members of the Committee for their valuable input throughout its proceedings. The Committee equally extends appreciation to Members of the Committee on Planning, Industrialization and ICT for taking their valuable time out of their busy schedules to participate robustly even during this hard times brought by the pandemic.

The Committee also appreciates invaluable support from the offices of the Speaker and Clerk of the County Assembly for providing conducive atmosphere to prepare this report. To our Clerks and the technical staff who tirelessly worked through to ensure the committee deliberations continue with strict observance of the MOH protocols, I applaud you.

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

Memorandum on the refusal to assent to the Kisumu County Lakefront Development Corporation bill, 2021.

Mr. Speaker and Hon. Members, the Memorandum outlined the following; CLAUSE 2

- a) An amendment to clause 2 of the Bill to remove Nyanza Club Trustees from the definition of member institutions
- b) An amendment of the First Schedule of the Bill to remove Nyanza Club Trustees as party bound by the mutual covenants of the Kisumu Lakefront Development Corporation Agreement; and
- c) The removal of Nyanza Club Trustees and replacing it with the Beach Management Unit whenever it appears in the Bill

Mr. Speaker and Hon. Members, according to H.E the Governor via the memorandum, the above amendments defeat the entire purpose of the creation of the Kisumu County Lakefront and Development Corporation. The corporation was created to develop Kisumu City as an East African Cosmopolitan Port City by engaging the County Government of Kisumu, national government departments, state corporations and the private sector which are directly linked to the main objective. The role of the private sector was recognized right from the inception of the Kisumu County Lakefront Development Corporation as a special purpose vehicle through Gazette Notice Nos 683 and 684 whose shareholders are as follows;

- a) The County Government of Kisumu
- b) The Kenya Ports Authority
- c) Kenya Railways Corporation
- d) Kenya Maritime Authority
- e) Kenya National Chamber of Commerce
- f) Kenya Fisheries Service and
- g) The Nyanza Club Trustees

The Governor has gone ahead to reiterate that the removal of the Nyanza Club Trustees as a member of the Corporation would be contrary to the gazette notice that created the corporation. This creates a rather awkward situation where Nyanza Club Trustees is a shareholder of the Corporation but is not a member institution under the Bill.

In addition, the exclusion of the Nyanza Club Trustees would undermine the fact that Nyanza Club Trustees have been instrumental in the conceptualization of the corporation and even contributed

towards its vision and identification of investment targets. By way of example, the Governor highlighted that the Nyanza Club Trustees conceptualized and pledged support towards the development of an 18-hole golf course on the shores of Lake Victoria where it has property. Further, Nyanza Club has attributed support to the launch of the Corporation's umbilical projects- the promenade in that they have already acquired the necessary approvals and EIA from NEMA thereby saving time and costs.

The Governor concluded by mentioning that it would be an imprudent use of public resources to exclude Nyanza Club Trustees and compel the Corporation to expend resources to acquire land when land is readily available.

Committee Findings

Mr. Speaker and Hon. Members, the Standing Committee held a few sittings to deliberate on this matter and came up with the following findings;

- a) Nyanza Club Trustees is a private entity which is directly linked to the objective of the creation of the Lakefront Development Corporation.
- b) As indicated by H.E the Governor, the role of the private sector was recognized right from the inception of the Kisumu County Lakefront and Development Corporation Bill, 2021.
- c) The removal of the Nyanza Club Trustees as a member will be contrary to the Gazette notices that created the corporation.
- d) Nyanza Club Trustees has been instrumental in the conceptualization of the corporation and even contributed towards its vision and identification of investment targets.
- e) Excluding Nyanza Club Trustees would compel the corporation to acquire land. It would therefore be a waste of Public resources to spend on resources that can be secured by including the owners in the membership of the corporation.

Committee Recommendations. Mr. Speaker and Hon. Members, following the above findings, the committee recommends the following;

- a) That the Nyanza Club Trustees be included in the membership of the Kisumu County Lakefront Development Corporation.
- b) That Clause 2 of the Bill under member institutions be rephrased to include Nyanza Club Trustees as a member institution instead of the Beach Management Unit
- c) That Nyanza Club Trustees be reinstated as a party bound by the mutual covenants of the Kisumu County Lakefront Development Corporation Agreements, under the First Schedule of the Bill.
- d) That the Beach Management Unit be replaced with Nyanza Club Trustees whenever it appears in the Bill.

Conclusion

Mr. Speaker and Hon. Members, the Lakefront Development Corporation was created with good intentions. The Corporation is expected to improve utilities and infrastructure, increase access to the lake, clean environmentally contaminated sites to a level suitable for a mix of uses among others.

To achieve all these, resources must be pooled together from different entities. The inclusion of the Nyanza Club Trustees which comes with a vast of them including the readily available land along the lake should not be disputed.

Thank you Mr. Speaker and Hon. Members. May I call Hon. Ken Ageng'o to second?

Hon. Ageng'o: I second.

The Speaker (Hon. Oraro): Hon. Members, now that the report has been read by Hon. George Ogutu and seconded by Hon. Ken Ageng'o, as per our Standing Orders I want to propose a question that the report is open for debate.

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

The Leader of Majority (Hon. Onyango): Thank you Mr. Speaker. I want to thank Hon. Ogutu for standing in for the Chairperson who he said that of late he is ever sick. I hope he will be prayed for so that the sickness can go away.

This Memorandum by the Governor is fairly a very straightforward matter. I want to thank the Standing Committee because they have identified the issues that were raised by the Governor as very legitimate issues.

Mr. Speaker, indeed there is a Gazette Notice that quoted the Lakefront Development Corporation and that Gazette Notice was enforced before the Bill came to the Assembly. It therefore means that, if we change the members to the Corporation then, it will invalidate the Gazette Notice.

We also know that this Lakefront Development Corporation is a Special Purpose Vehicle (SPV) for purposes of mobilizing funds so that the lakefront may be opened up for development. Therefore the entities that have been put here are by and large private sector entities that have the wherewithal to mobilize funds that can be used to develop the lakefront.

Mr. Speaker, when you walk around the City of Kisumu, you can see what the partnership between the Private Sector and the County Government of Kisumu can do to stir development. You have seen how the private sector has been involved in the aesthetics of our roundabouts. They are doing that as part of their Corporate Social Responsibility (CSR). I believe that if they can be properly mobilized in the lakefront development then, the City of Kisumu will fly with the eagles.

Mr. Speaker, I want to urge Hon. Members to agree with the findings of the Standing Committee that indeed the removal of Nyanza Club trustees and replacing it with Beach Management Units (BMU) was not a very good idea. And so I support.

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

Hon. Atieno: Thank you Mr. Speaker. The corporation needs to be inclusive. Of course Nyanza Club Trustees are one of the stakeholders in this Lakefront Development Corporation. It is however worth noting that, it is not only Nyanza Club Trustees that are owners of properties within proximity to the lakeshores. We also have Simba Club with huge chunks of land and properties just by the lakeside. We also have Kisumu Beach Resort with massive land. So, it defeats logic why these other entities have not been included in this Bill and yet Nyanza Club has been included unless there is an interest. This begs the questions; who are these trustees of Nyanza Club that this House should find it very important to be included in this corporation?

It was a wise decision of this House to include the Beach Management Units which are representing our people across our wards. Nyanza Club Trustees are only having a property within a section of the lakefront.

Mr. Speaker, it was incumbent upon this House when we were deliberating on this issue that how long this beach front was going to run. Mr. Speaker, was it be occupied on a ten kilometer stretch from the City? Mr. Speaker, where was it going to terminate. I believe that those are some of the considerations that this House delved into and found it wise to exclude Nyanza Club Trustees and instead incorporate the Beach Management Unit in this because it covers areas across our wards which are along our shorelines of our lake.

Mr. Speaker, if this House wants to be partisan, if this House is neutral, then I believe that we need to stand with the wisdom of this House presented in this discourse. If we now want to incorporate the Nyanza Club Trustees whom we don't know who they are that, I believe that we are going to exclude other key stakeholders which ought to have been encompassed. So, if we have to include the Nyanza Club Trustees, then we also have to consider to include the Simba Club....

The Speaker (Hon. Oraro): Leader of Majority, what is your Point of Order?

Leader of Majority (Hon. Onyango): On a Point of Order. Mr. Speaker, I want to inform the Hon. Member that at this stage when the Memorandum is already with us, we cannot bring issues that are not captured by the Memorandum. So, that when you start talking about including Simba Club Trustees, those were issues that were initially considered by the House when they were adopting this Bill. Mr. Speaker, we need to confine ourselves with the specific issues that have been flagged by the Governor. Thank you.

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

Hon. Atieno: Thank you Mr. Speaker Sir. I don't believe that this is cast on stone. Correspondently, even the Gazette Notice that is being alluded here, we can make a lot of them because we can gazette similarly ungazette them. So, this is not something that is cast on stone. We need top fair to all the stakeholders in Kisumu. Mr. Speaker, if we as a House decide to choose to include Nyanza Club Trustees, then let us also consider to incorporate other stakeholders that operate within our lakeshores so that that sense of inclusivity can be domiciled and nobody feels that they are excluded in the process. Thank you.

The Speaker (Hon. Oraro): Pamela Odhiambo.

Hon. Pamela Odhiambo: Thank you Mr. Speaker. Foremost, I would like to bring to your attention that I am a Member of the Standing Committee of Planning, Industrialization and ICT. Mr. Speaker, maybe this report was discussed when I was not in the House but I read through the Governor's Memorandum.

Mr. Speaker, we resolved in this House that in this Bill we incorporate the Beach Management Units. We had not had an audience with the BMUs and I believe that they are not even aware what they are coming in to do because nobody has talked to them.

Mr. Speaker, even before the Governor's Memorandum was brought to this House, we had thought it wise that we consider the Nyanza Club Trustees because they are the key stakeholders. As we are all aware that the Governor of this great County of Kisumu can never bring to this House something that is not going to assist our people. Mr. Speaker, I want to support that in this Bill, we incorporate the Nyanza Club Trustees as entreated by the Governor of this great County. I support. Thank you.

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

Chief Whip (Hon. Misachi): Thank you Mr. Speaker. I believe that before we adopt this Memorandum, we must discuss it with the stakeholders. I know because I come from the City Ward that these BMUs are not a permanent body. They have their memorandums and they keep on amending them and I was informed that we go with request of the Governor that we consider incorporating the Nyanza Club Trustees and the inclusion on these trustees is in order. Thank you. I believe that I am the last Hon. Member to contribute and I would like to call the mover to reply?

(Laughters)

The Speaker (Hon. Oraro): Senior Member, I want to rule you out of order. You have contributed and therefore you cannot call the mover to reply.

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

The Speaker (Hon. Oraro): Hon. Muga, I have noticed you.

Hon. Otura: Thank you Mr. Speaker. I arise in concurrence of this report and I have the following to put across.

Mr. Speaker, the Governor's Memorandum is unequivocal and spot-on to the facts as to why he referred it back to the County Assembly. This report was exhaustively debated in this House and we must also agree to the fact that, a Committee undertakes its work and subjected to further scrutiny. This was done by the Legal Department of the Governor and they found out that there were changes which was clear. Therefore, this caused the prompting of the Memorandum.

Mr. Speaker, when this Bill was brought to this House, it was described as a Special Purpose Vehicle (SPV) to further help improve on our lakefront and thus the name coined as the Lakefront Development Corporation was created. Mr. Speaker, I have keenly gone through these issues and to my understanding as to why we as a House could not incorporate other private entities which we may consider key stakeholders, to consider be comprised in this Bill. Mr. Speaker, we have the Kibos Sugar Company, the Simba Club and other entities. Mr. Speaker, the interest was in the Lakefront Development. The County Government of Kisumu was the first stakeholder because of one very obvious fact that it is the mother and the father and the owners of the properties within the County.

Mr. Speaker, if you look at other entities which were also included, it is clear that they have interest in the Lakefront Development. Even though they are private entities, but they have a reason and that is the reason as to why they fall in the category of Special Purpose Vehicle (SPVs). Mr. Speaker, if you talk of the Kenya Ports Authority (KPA), the Kenya Railways Corporation (KRC), the Kenya Maritimes Authority (KMA), and the Kenya National Chambers of Commerce (KNCC) are interested parties because of the nature of businesses these corporations are going to undertake. Which is the development of the lakefront. Mr. Speaker, without forgetting the Kenya Fisheries Service (KFS).

Mr. Speaker, the Nyanza Club Trustees as is illustrated here is owning land within the lakefront but, we intend to develop. Mr. Speaker, it is because of this that the Governor is seeing the sense of having not excluded in the Bill the parties herein.

Mr. Speaker, Members in this House are aware of that land in question. There is the Nyanza Golf Club when you are headed to the airport. When we talk of Lakefront Development; this was debated in the House and Hon. Members made so many funny remarks on what is the area to be covered by the Lakefront. I myself did say that 40 kilometers covering up to Ombeyi. After getting the sense and being aware of what the purpose for this and considering the Hon. Members to support this report because the Nyanza Club Trustee are stakeholders depending on what they do and where they carry out their activities. I want to support this report and I only wanted to instill to this House the understanding into my fellow Hon. Members for the purpose of fronting for the development that we aspire to see in Kisumu County. Thank you.

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

Hon. Muga: Thank you Mr. Speaker may I call the mover to reply.

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

Hon. Ogutu: Thank you Mr. Speaker. I wish to take this opportunity to congratulate those who supported this Bill. We are all aware that we are remaining with few months that is about one year to the election and I want to call upon the Hon. Members to support the Governor in whatever he is doing so that he can achieve what he promised the people of Kisumu County. It is very clear that the memorandum which was sent back to the Assembly by the Governor was very clear on what the Governor wanted the Assembly to do which is explicitly enumerated in this memorandum.

Hon. Atieno raised a few issues that I want to clearly respond to. Nyanza Club was from the onset and I believe it is clear from the Memorandum of the Governor that Nyanza club was gazetted as one of the entity on this particular corporation. Hon. Atieno has clearly stated that a Gazette Notice can also be discussed. I believe that it is time for us to give the Government opportunity to actualize what they promised the people of Kisumu. Let us support this memorandum so that when we are going back to election then the Governor will stand and say that he did this and that. If we start delaying this then I believe that it will be very difficult for the Governor to solicit for votes so that he can come back for the second term.

On the kilometer which Hon. Atieno mentioned? I believe that it is not the first time that we are discussing this particular Bill. We have discussed this Bill and the issues to do with kilometer came out clearly on how much we want to cover in the Lakefront. I believe that it is premature for the Hon. Member to bring this point back again. In fact we were discussing the Governor's Memorandum that was referred to the Assembly so that we pass that memorandum and the recommendations highlighted by the Standing Committee of Planning, Industrialization and ICT. Mr. Speaker I implore and beseech Hon. Members to pass this memorandum and let us give the Governor easy time to do the work he was elected to do so that when we are going to the elections in 2022 we will stand up and say that we achieved this and that. Thank you.

The Speaker (Hon. Oraro): Hon. Members, now that the Report on the Memorandum by the Governor on the Kisumu County Lakefront Development Corporation Bill 2021 has been presented by Hon. Ogutu on behalf of Hon. Olwal Chairperson of the Standing Committee of Planning, Industrialization, and ICT seconded by Hon. Ageng'o and debated by Hon. Members. I therefore want to put a question on the adoption of the same.

(Question put and agree to)

The Speaker (Hon. Oraro): The report on the Memorandum by the Governor on the Kisumu County Lakefront Development Corporation Bill 2021 has been adopted without amendments

today Tuesday, 10th August 2021 at 1552 hours. Therefore the memorandum forms part of the Bill. I therefore direct that we proceed as per our Standing Orders which means going to the 2nd reading of the Bill so that we adopt it appropriately. Thank you.

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

(The Clerk at the table consulting with the Hon. Speaker)

The Speaker (Hon. Oraro): Hon. Members I am being advised accordingly that in order to allow it to appear in the paper, we will do amendments to the Order Paper so that we have the 2nd reading and the 3rd reading of the Bill having adopted the report from the Standing Committee.

The Speaker (Hon. Oraro): Next Order!

ADJOURNMENT

The Speaker (Hon. Oraro): There being no any other business to transact, the House stands adjourned to 11th August 2021 at 9.00 a.m.

(House rose at 3.57 p.m.)

Addendum

The Hansard Team

Zablon Otiende – Senior Hansard Reporter

Edward Odanga – Hansard Reporter

Fanuel Okode – Hansard Reporter

Patrick Okoyo – Hansard Reporter

Jacklyne Otieno – Hansard Reporter

Denis Onyango – Hansard Reporter

Jesca Otieno – Hansard Reporter