

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

Official Report

SECOND ASSEMBLY – FIFTH SESSION

Tuesday, 04th 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): Madam Clerk, 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 session. I believe you had a good weekend. I want to request that you adhere to the Covid-19 protocols. Ensure that you properly put on your masks to cover both your nose and mouth. We must be cautious. Welcome.

The Speaker (Hon. Oraro): Next order!

PAPER LAID

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

Leader of Majority (Hon. Onyango): Thank you Mr. Speaker Sir. Pursuant to the provision of the County Assembly Standing Order No. 221, I wish to lay today Tuesday 04th May, 2021, the Proposed Kisumu County Executive and the Kisumu County Assembly Budget Estimates for the FY 2021/2022. Thank you.

The Speaker (Hon. Oraro): I confirm the receipt of the Proposed Kisumu County Executive and the Kisumu County Assembly Budget Estimates for the FY 2021/2022 and I want to make the following communication.

Hon. Members, pursuant to the provisions of Section 129 (2) and (3) of the PMF Act 2012 read together with Standing Order No. 222 (1) of the Kisumu County Assembly Standing Orders, I wish to inform the House that, the County Executive Committee Member (CECM) for Finance and Economic Planning, Mr. George Okong'o vide a letter that is with me here Ref: KCA/FYN/CASSA/MLY/VOL 3/58 dated 30th April, 2021, accordingly submitted to the County Assembly the Proposed Budget Estimates of the County Executive. Similarly, the Clerk of the Assembly has also submitted the Proposed Budget Estimates of the County Assembly for the FY 2021/2022.

Consequently, Honourable Members, the Leader of Majority has just laid the Papers of the two Proposed Budgets which contains that for the County Executive and the County Assembly and I want to commit these Papers to Budget and Appropriation Committee in accordance with our Standing Order No. 222 (2). Please, allow me to give guidance on how this process is going to be undertaken by the Assembly.

Cognizant to the fact that the Proposed Estimates will be the last political budget that will be fully implemented by the Executive and oversighted by the County Assembly. The known date of election is August 2022. So, conscious to that fact, it is my humble plea to the Members to spare time out of their busy schedule to provide representation and oversight which is a function of the Members of the County Assembly to examining and scrutinizing, reviewing and ensuring equitable distribution of resources for the common good of the county residents.

Honourable Members, the decision of this House regarding the Proposed Budget Estimates will be heavily guided by the recommendations from the Sectoral Committees and the Budget and Appropriations Committee. It is my expectation that the recommendations from the Sectoral Committees and Budget and Appropriations Committee will be informed by the previous House resolution made while approving the following documents, the Kisumu County Budget Review Outlook Paper for FY 2021/2022 and made certain resolutions and recommendations.

Two, the Kisumu County Annual Development FY 2021/2022. We also have the County Fiscal Strategy Paper 2021/2022 and lastly resolution agreed upon in the Pre-budget Conference between the Executive, the County Assembly and the Stakeholders on 15th March, 2021 at the Grand Royal

Swiss. There were resolutions that were made and I believe they will form part of the budget making for the FY 2021/2022.

I therefore want to give the following directions;

1. That all the Sectoral Committees to start focusing their business in examining and scrutinizing and reviewing line departmental budget, sector priorities and the Proposed Estimates. The sectoral committees should meet with their respective CECM to exhaustively deliberate on their proposed departmental budget before making their submissions and recommendations to the County Assembly Budget and Appropriations Committee for consideration.
2. That, the County Budget and Appropriations Committee to review and examine the County Budget Estimates and seek the views of the County Assembly Service Board before making recommendations to the House.
3. That, the House Business Committee to allocate adequate time for the Budget and Appropriations Committee while scheduling committee meetings for consideration of the two Estimates that is Estimates for the Executive and the Assembly. I believe that the House Business Committee shall be sharing tentative programmes on how we shall consider the Budget Estimates. As the Chair of the said committee, we met and agreed that on the date we received the Budget Estimates, from 5th -10th May, 2021, the Sectoral Committees shall be scrutinizing, reviewing and examining the departmental Budgets Estimates and I believe the House Business Committee Clerk shall be sharing the proposed sittings. We will not allow any committee sitting unless it so necessary.

Hon. Members, the Select Committee of Budget and Appropriations has provided us with a Tentative Time Table for the Proposed Budget for FY 2021/2022 which will be carried out as follows;

Date	Activity	Responsible Person/s
30/04/2021	Submission of the Draft Budget Estimates for the County Executive and the County Assembly for the FY 2021/2022	CECM, Finance and Economic Planning Clerk of the Assembly
04/05/2021	Laying of the proposed Budget Estimates in the House and committal to the Sectoral Committees for Scrutiny	Speaker Leader of Majority
05/05/2021 to 10/05/2021	The sectoral Committees scrutinizing, reviewing and examining the Departmental Budget Estimates	Committee Chairpersons Committee Members

		Secretariat
11/05/2021 to 13/05/2021	Sectoral Committees Meeting the respective CECMS	Committee Chairpersons Committee Members Secretariat
17/05/2021 & 18/05/2021 (Morning)	Submission of Sectoral Committee Reports on the proposed Budget Estimates to the CBAC	Chairpersons of the Sectoral Committees and the Secretariat
20/05/2021	CBAC to conduct Public Participation on the Proposed Budget Estimates and all Members to participate	CBAC Technical Staff Secretariat
20/05/2021 to 24/05/2021	The CBAC to meet the CECM for Finance and Economic Planning and the Directorate of Budget Estimates and the County Assembly Service Board to deliberate their finding/observations on the Budget Estimates	Chairperson CBAC CBAC Speaker CASB CECM F&E Budget Directorate Technical Staff Secretariat
25/05/2021	The CECM for Finance and Economic Planning to submit and appear before the CBAC to highlight the Revenue Raising Measures that will support the Budget Estimates in accordance to Section 132 (2) of the PFM Act, 2012 and standing orders No.	CECM F&E CBAC Technical Staff

	223(1) and also submit a legislative proposal on the Draft Kisumu County Appropriations Bill, 2021. (all members are required to attend this session)	Secretariat
26/05/2021 to 31/05/2021	County Budget Appropriations Committee Report Writing on the Proposed Budget Estimates FY 2021/2022	CBAC Technical Staff Secretariat
2/06/2021	Giving Notice of Motion on the CBAC report on the Proposed Budget Estimates for the FY 2021/2022	Chairperson of the Budget Committee
3/06/2021	Presentation and approval of the CBAC Report on the Proposed Budget Estimates for County Government for the FY 2021/2022	Speaker CBAC Chairperson MCAs Technical Staff
7/06/2021	The Assembly Communicates to the Executive the resolutions of the House on the Budget Estimate for FY 2021/2022 to the	Clerk of the Assembly
10/06/2021	Laying and First Reading of the Kisumu County Appropriations Bill, 2021 in the floor of House	Speaker MCAs CBAC
11/06/2021 to 14/06/2021	The CBAC to scrutinize the Appropriations Bill, 2021 to ensure it incorporates the resolutions of the Assembly on the Budget Estimates	CBAC Technical Staff Secretariat

15/06/2021	Presentation of the CBAC report on the Appropriations Bill, 2021 2 nd and 3 rd reading of the Appropriations Bill, 2021 Approval of the Kisumu County Appropriation Bill, 2021	Speaker MCAs CBAC
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Hon. Member, I want to request that once you get the schedule for the Sectoral Committees, please spare you time and thoroughly peruse through the Estimates and present your views to the County Budget and Appropriations Committee.

Hon. Members, in other words, I have officially committed the Proposed Kisumu County Budget Estimates FY 2021/2022 to all the Sectoral Committees. Further, I direct that the Office of the Clerk coordinates the process of how copies of this document can reach those Sectoral Committees. Thank you.

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

STATEMENTS

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

Hon. Miruka: Thank you Mr. Speaker. Pursuant to the provisions of the County Assembly standing orders No. 41 (2) (d) I wish to give a Progress Report on a statement sought on 06th April, 2021 by Hon. Johnson Guya.

Mr. Speaker, I want to report before this House that we as a Committee engaged with the County Public Service Board including the Department of Water, Environment and Natural Resources. We convened as a Committee to deliberate on the matter raised and we are going to sit again and prepare a report to be brought to this House hopefully on Tuesday, 11 May, 2021.

Secondly, while citing the same Standing Orders, I again wish to give a Progress Report on a Statement sought by Hon. Olima on the issue of Village Administrators. As a Committee we communicated to the relevant department. Mr. Speaker, I would like to inform this House that today we are in receipt of their response and we will meet as a Committee, deliberate and cause a report and table it here in the plenary next week on the same date as initially mentioned. Thank you.

The Speaker (Hon. Oraro): The Clerk, can you please approach the Chair.

(The Speaker consulting the Clerk)

The Speaker (Hon. Oraro): Hon. Members, it is still Statement time.

(Silence)

The Speaker (Hon. Oraro): If there are no more Statements to be raised then, next order!!

MOTION

PLANNING, INDUSTRIALIZATION AND ICT COMMITTEE REPORT ON ITS
CONSIDERATION OF THE KISUMU COUNTY LAKEFRONT DEVELOPMENT
CORPORATION BILL, 2021

BY

HON. GEORGE OLWAL

CHAIRPERSON, STANDING COMMITTEE OF PLANNING, INDUSTRIALIZATION AND
ICT

The Speaker (Hon. Oraro): Hon. Olwal, Chairperson, Standing Committee of planning, Industrialization and ICT.

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

Hon. Ogutu: Thank you Mr. Speaker. With the permission of the Chair, I will present this report on behalf of Hon. Olwal.

The Speaker (Hon. Oraro): Hon. Olwal, if that is okay with you because I can see him seated in the House.

Hon. Olwal: Yes, consent granted.

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

Hon. Ogutu: Thank you Mr. Speaker for giving this opportunity to present this report before this House.

THE CHAIRPERSON'S FOREWORD

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.

Thereafter, the committee proceeded for report writing retreat which provided the committee an opportunity to consider the submissions from the officers from the line departments, the public, the stakeholders and to further draft, consider and approve the report.

The committee is grateful to the offices of the Hon. Speaker and the Clerk of the County Assembly for the logistical and technical support accorded to it during consideration of the bill. Finally, I wish to express my appreciation to the Honorable Members of the committee who made useful contributions towards the preparation and production of this report.

On behalf of the Sectoral Committee on Planning, Industrialization and ICT and pursuant to the provisions of the Kisumu County Assembly Standing Orders, Order No. 123 (4), it is my pleasant privilege and honor to present to this House the report of the Committee on its consideration of the Kisumu County Lakefront Development Corporation Bill, 2021,

ESTABLISHMENT AND MANDATE OF THE COMMITTEE

Mr. Speaker and Hon. Members. The Committee on Planning, Industrialization and ICT is established under the Kisumu County Assembly Standing Orders; Order no 193 of the second schedule, and is mandated pursuant to Standing Order no. 193 (5) (c) and (g) to;

Study and review all County legislations referred to it, make reports and recommendations to the County Assembly as often as possible, including recommendations on proposed legislation, among other responsibilities.

COMMITTEE MEMBERSHIP

Mr. Speaker and Hon. Members. The Committee on Planning, Industrialization and ICT as currently constituted comprises the following Hon. 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

COMMITTEE SECRETARIAT

The Committee is resourced with the following technical staff, representing the office of the Clerk;

1. Mr. Ouko Boaz	Lead Clerk
2. Mr. Austine Ochieng'	Clerk Assistant
3. Mr. Bill Otieno	Legal Counsel
4. Mr. Patrick Okoyo	Hansard Reporter
5. Mr. Kennedy Okise	Sergeant at Arms

LEGAL FRAMEWORK

Mr. Speaker and Hon. Members. Under Kenya's Public Finance law, county governments have the legal power to undertake commercial activities alongside their service provision mandate. A county government can set aside part of its surplus revenue funds to establish county corporation(s). This is not very different from the power of the national government to establish state corporations.

The primary law on formation of county government corporations is the Public Finance Management Act (Cap. 412C) (the "PFM Act).

Under section 182(1) of the PFM Act, “a county corporation may be established or dissolved.” However, and this is very important, a county corporation can only be established “with the prior approval of the County Executive Committee, which may be given only after taking into account any recommendations of the County Treasury regarding the financial implications of establishing or dissolving the county corporation.” The prior approval requirement is intended to ensure transparency and prevent wastage of public funds on unfeasible business ventures.

Pursuant to sections 182(2) and 205 of the PFM Act, the Public Finance Management (County Government) Regulations, 2015 (the “Regulations”) have been published in the Kenya Gazette to prescribe “the criteria to be used in establishing or dissolving county corporations...” Under the Regulations, formation of county corporations must comply with the following economic and legal principles:

1. There must be a role for a county government entity to fill a gap left by the market forces through (a) social inclusion, where the county government entity addresses social inequity by redistributing resources in ways that improve opportunity and support for individuals, families and communities, allowing them to participate in the economy and society consistent with the county government's social inclusion agenda; or (b) correction of market failure, where the county government entity's activity shall address market failures by improving social and economic welfare through improved resource allocation, where the benefits of county government intervention outweigh its cost;
2. Activities promoted by the county corporation must have clear and consistent objectives and be effective in achieving their county objectives and represent value for money for the expenditure of taxpayer funds;
3. A county government owned enterprise must operate on commercial principles and with a defined commercial income stream that substantially supports the associated commercial activities;
4. Where activities involving tax expenditures demonstrate that public expenditure is less effective in achieving the county government objective but can effectively be undertaken on a commercial basis; and
5. There is no overlap or duplication of functions when establishing a county corporation within the county government.
6. Additionally, the establishment of County Corporation must be approved by the County Executive Committee and the County Treasury must recommend on the financial implication of

establishing the county corporation. Investment of county government funds on county corporation(s) must be justified by a business case study by the County Treasury, which must show a clear revenue stream of the business venture.

COMMITTEE MEETINGS

The committee held meetings with officers from the line departments within the precincts of the County Assembly and proceeded to collect views of the public and stakeholders in all the thirty five (35) Wards of Kisumu County.

Mr. Speaker and Hon. Members

In pursuit of these findings, the committee invited Officers from the relevant line departments to appear before it on different dates to explain the objectives of the bill and how it would transform the lives of the residents:-

1. Dr. Edward Ouko - Ag. Chairperson Lakefront Development Corporation.
2. Mr. Abala Wanga - Ag. City Manager
3. Mr. George Okong'o - County Executive Committee member, Finance and Economic Planning
4. Mr. Idris N. Omondi - County Attorney

The following explanation from the Officers confirmed the necessity of the bill and how its implementation will improve the lakefront and attract investors hence leading to job creation and revenue enhancement to the County of Kisumu

- a) That the Kisumu County Lakefront Development Corporation is a Special Purpose Vehicle to develop and manage economic and social activities of the Lakefront. It will be semi-autonomous government institution with the government owning 90% of its shares.
- b) Members of the Institution will comprise the County Government of Kisumu, Lake Basin Development Authority, the Kenya National Chambers of commerce and Industry, Kenya Railways Corporation, Kenya Ports Authority and Nyanza Club Trustees.
- c) The UN HABITAT recommended sometimes back that the activities around the Lake should be organized on legal context, and to ensure that Kisumu faces the Lake. By so doing, it will facilitate the identification of institutions that are willing to fund projects

around the Lake and at the same time allow access to funding from private sectors and donors.

- d) The coverage will stretch to about 40 Kilometers around the Lake and any activity to be undertaken will be based on consultation and mutual understanding with the current stakeholders.
- e) The Crematorium will be retained with a lot of decoration and the process of identifying an alternative burial site for the minority will begin in earnest. Golfers and Dunga Swamp to be improved.
- f) That the lakefront activities will provide more than 3000 jobs to the residents of Kisumu County.
- g) People will benchmark in Kisumu the same way people travel to Cape Town, Entebbe, Zanzibar and Mombasa for holidays. The more we receive national and local tourists, the more revenue will be realized.

PUBLIC PARTICIPATION IN THE THIRTY FIVE WARDS OF THE COUNTY

Mr. Speaker and Hon. Members

Public participation exercise was conducted in the thirty five wards within Kisumu County as gazetted in the Nation and Kenya Times dated 2nd and 3rd March 2021 respectively. Members of staff were distributed in each of the wards as scheduled and highlights of the outcome from the public in various wards were as follows:-

1. NYALENDA 'A'

The team reported that:-

They reached the venue of the meeting (Kowino Market) on 9th March 2021, at 9.30 am to conduct public participation.

The Ward Manager informed the team that they did not have information about the exercise. However, he requested for more time to consult and make the necessary arrangements.

Upon consultations, a big number of participants had gathered at the venue at 11.15 am.

The team introduced the Kisumu County Lakefront Development Corporation Bill, 2021, that is before the County Assembly of Kisumu for discussions by outlining the processes that the bill had gone through up to the current stage.

The team elaborated the necessity of the bill as spelt out in the Memorandum of objects and reasons as to why it was important to get their views for consideration during committee report making stage.

The team informed the residents that the exercise is being conducted in all the thirty five wards and therefore it was important to get the views of the residents of Nyalenda 'A' which would then form part of the committee report.

Reactions from the residents

- i. The residents demanded for more time to read and understand the objectives of the bill, claiming that it was the first moment they were setting their eyes on it, not even their views were collected during the drafting stage.
- ii. That the issue of land is very emotive and therefore they could not be ambushed to make an informed decision on behalf of the greater Nyalenda A population.
- iii. Despite all attempts by the staff of the Assembly to have the bill read, the residents were not ready to listen and demanded that the Assembly team should leave the venue and give them time to internalize the objective of the bill and later present a memorandum to the County Assembly.

2. NYALENDA 'B' WARD

The team arrived in Nyalenda B on 9th March 2021 at 10.20am to conduct the public participation exercise. However, after a brief consultation with the village Administration, they were informed that the office of the Member of the County Assembly was not aware of the exercise.

Upon consultation with the area MCA, the residents were invited through making phone calls and at 12.00 Noon, a good number gathered at Nyalenda Health Centre Hall and the exercise started by a word of prayer from a member of the public.

The team introduced the bill and explained its objectives and the need to have it enacted.

The Residents of Nyalenda B Ward had the following view on the Kisumu County Lakefront Development Corporation Bill, 2021

- i. The County Government had not shared relevant information in form of legal notices, gazette notices and other legal and administrative /policy documents informing the Public

on which specific areas are informal settlements and which specific zones are marked as lakefronts.

3. EAST KANO WAWIDHI WARD

The residents of East Kano Wawidhi supported the Kisumu County Lakefront Development Corporation Bill, 2021 with the following comments;

- i. The qualifications of the Chairmanship of the boards be lowered to diploma level
- ii. They lamented on the fact that the notice for the event came just a few hours before the actual event.

4. MUHORONI KORU WARD

The residents of Muhoroni Koru ward supported the Kisumu County Lakefront Development Corporation Bill, 2021 but cited the following;

- i. Limited time given to them to go through the bill. They promised to re-read the bill and send a memorandum to the County Assembly incase anything arise.
- ii. They demanded that next time there is public participation; the Assembly team should accompany themselves with transport reimbursements for the participants.

5. RAILWAY WARD

The residents of Railways ward suggested that the Lakefront Development Corporation Bill, 2021 be looked into properly before it can be enacted into law. They added that Experts should be consulted on the bill. They promised to send a memorandum on the same but launched a few complains

- i. That the notification for public participation came on the same day that the event was taking place. This was too late for them.
- ii. The copies should have been distributed earlier before the actual day

6. WEST KISUMU WARD

The residents of West Kisumu Ward had the following views on The Lakefront Development Corporation Bill, 2021

- i. They suggested the establishment of fishponds to help in case of Lake Blockage.
- ii. They also suggested to the County to take initiatives to ensure that the lake is not choked.

7. OMBEYI WARD

The residents of Ombeyi Ward had the following views on The Lakefront Development Corporation Bill, 2021

- i. Regularization of stakeholders powers should be equal
- ii. Committee of clearing and forwarding should be formed

8. MASOGO NYANGOMA WARD

The residents of Masogo/Nyang'oma ward had the following to say on the Lakefront Development Corporation Bill, 2021;

- i. That there was no public participation by the Executive during the drafting period, It therefore implies that any public participation done by the County Assembly is null and void
- ii. The documents were not submitted to them in time for scrutiny

9. KOLWA EAST WARD

The residents of Kolwa East Ward had no compelling issues on the Lakefront Development Corporation Bill, 2021.

10. WEST NYAKACH WARD

The people of West Nyakach Ward abstained from commenting or airing their views on the Lakefront Development Corporation Bill, 2021 citing the following reasons;

- i. That there was no public participation conducted by the Executive when the bill was being drafted

- ii. Copies of the bill ought to have been sent earlier to the residents to allow proper internalization.

11. SOUTH WEST NYAKACH WARD

- i. The residents of South West Nyakach Ward had the following concern on the Kisumu County Lakefront Development Corporation Bill, 2021;
- ii. They wanted to understand how the bill will benefit the wards that are not surrounded by the lake but have rivers flowing into the lake such as River Sondu Miriu.

12. NORTH SEME WARD

- i. The residents of North Seme Ward supported the Kisumu County Lakefront Development Corporation Bill, 2021 and stressed that upon enactment into law, strict measures should be taken to curb unauthorized developments around the lake
- ii. The residents stressed on the need to compensate the victims owning land around the lakefront.
- iii. The residents also lamented on the late arrival of the bill.

13. CENTRAL SEME WARD

The residents of Central Seme Ward supported the Lakefront Development Corporation Bill, 2021 but lamented on the fact that the bill should have been sent to them earlier so that they read and understand the contents before the date of presentation.

14. MIWANI WARD

The residents of Miwani Ward supported the Kisumu County Lakefront Development Corporation Bill, 2021.

15. KISUMU NORTH WARD

The citizens of Kisumu North Ward resolved as follows:

- i. That the Kisumu Lakefront Development Corporation Bill, 2021 be adopted with an amendment.
- ii. That in the Membership of the Corporation, the Nyanza Golf Club be removed since the Nyanza Golf Club is a private entity.

16. MARKET MILIMANI WARD

The Kisumu County Lakefront Development Corporation Bill, 2021 was introduced to members of the public who had converged at the venue. The public unanimously requested to be given more time to go through the bills before they could give their submissions.

17. KALOLENI SHAURI MOYO WARD

The residents of Kaloleni Shaurimoyo Ward abstained from discussing the Kisumu County Lakefront Development Corporation Bill, 2021.

18. AWASI ONJIKO WARD

The residents of Awasi Onjiko Ward did not turn up for the Public Participation exercise.

19. AHERO WARD

The residents of Ahero Ward did not turn up for public participation exercise.

20. CHEMELIL TAMU WARD

The residents requested for more time to look into the Kisumu County Lakefront Development Corporation Bill, 2021 and promised to submit a memorandum to the County Assembly.

21. MIGOSI WARD

The residents of Migosi Ward had the following concerns on the Kisumu County Lakefront Development Corporation Bill, 2021;

- i. What informed the distribution of share capital
- ii. Inclusivity in the board
- iii. The bill should come clear on who the business community is
- iv. How the people who have been using the facilities around the lake would be compensated

22. NORTH WEST KISUMU WARD

The residents of North West Kisumu Ward informed the technical team upon their arrival that they had no information on the planned event and added that it would be impossible to notify members of the public to attend within that time. Public Participation therefore did not take place in North West Kisumu Ward.

23. NORTH NYAKACH WARD

The residents of North Nyakach Ward had the following to submit on the Kisumu County Lakefront Development Corporation Bill, 2021;

- i. They acknowledged the fact that the bill would not have much influence on them, but made it clear that the bill had good intention and therefore should be passed.

24. KOBURA WARD

The residents of Kobura Ward stated that public participation on the Kisumu County Lakefront Development Corporation Bill, 2021 was not done at the initial drafting stage by the Executive.

- i. They suggested that the exact coverage of the lakefront should be put clear in the bill.
- ii. They faulted the composition of Members of the Board and demanded for proper inclusivity.

25. KABONYO KANYAGWAL WARD

The residents of Kabonyo Kanyagwal Ward had the following to submit on the Kisumu County Lakefront Development Corporation Bill, 2021:-

- i. They supported the bill but stressed on the late notice given to them to attend the public participation exercise
- ii. They requested the Assembly team to accompany themselves with fare reimbursements next time there is public participation.

26. SOUTH WEST KISUMU WARD

The residents of South West Kisumu had the following concerns on the Kisumu County Lakefront Development Corporation Bill, 2021,

- i. That they should be accorded more time to go through the Bill before it could move to the next level. In their opinion, the notice and time given was inadequate.
- ii. The area MCA wrapped up the discussion with an insightful talk on the benefits of the bill if passed into law and members of the public stated their satisfaction despite requesting for more time.

27. KONDELE WARD

- i. The residents abstained from discussing the Kisumu County Lakefront Development Corporation Bill, 2021, citing late notice for the public participation.

28. KAJULU WARD

The residents of Kajulu Ward did not turn up for the public participation exercise.

29. EAST SEME WARD

The residents of East Seme Ward did not turn up for public participation exercise.

30. WEST SEME WARD

The residents of West Seme Ward did not turn up for public participation.

31. SOUTH EAST NYAKACH WARD

- i. The residents wanted to know how the Kisumu County Lakefront and Development Corporation bill would benefit the people not covered by the lakefront.
- ii. The people lamented on the limited time given to analyze the bill and requested that next time, copies should be forwarded before the actual event.

32. CENTRAL NYAKACH WARD

The residents of Central Nyakach Ward had the following to submit on the Kisumu County Lakefront Development Corporation Bill, 2021

- i. The public should be sensitized on the bill
- ii. 90% of the shares should go to the public
- iii. There should have been public participation by the Executive when the bills were being drafted
- iv. There should be demarcation of land along the lakefront areas

33. CENTRAL KISUMU WARD

The residents of Central Kisumu Ward had the following to submit on the Kisumu County Lakefront Development Corporation Bill, 2021

- i. The County Government should consider those living around the lake since some are living in ancestral land and if displaced they will not have any alternative.
- ii. Initiatives to be taken by the County Government for the lake not to be choked.

34. MANYATTA 'B' WARD

- i. The residents of Manyatta B Ward abstained from any discussion on the bill.

35. KOLWA CENTRAL WARD

The residents of Kolwa Central Ward had the following to submit on the Kisumu County Lakefront Development Corporation Bill, 2021

THAT, Section 8 (b) is ambiguous; on whether the composition of the Non-Executive Board of Directors of SPV shall consist of six or seven members. The Bill stipulates four (4) nominated by

the County Government of Kisumu and three (3) nominated by the shareholders – bringing the total to seven (7) as opposed to six (6) indicated in the Bill.

(ii) The public recommended that the ambiguity in Part II of the Bill be rectified.

(iii) That regional distribution should be considered in the composition of Board members.

COMMITTEE FINDINGS AND OBSERVATIONS.

1. The committee noted that the lakefront space was not specified creating a lacuna on how much space it intends to cover. The extent of penetration from the lakeshore towards the dry land must therefore be determined and clearly indicated in the bill.
2. The Bill under the interpretation part defined the term “member institutions” and further included Nyanza club trustees as one of the member institutions. The committee noted that Nyanza Club trustees is a private entity and therefore including it in a Bill meant for posterity was not practical and a scenario such as the entity being sold to a different owner would leave the law in a precarious situation.
3. Part II section 8(3), the committee noted that under qualification for appointment, the degree should be relevant to objects and spirit of the lakefront development corporation, giving it a blank cheque would warrant degrees whose expertise are of no value to the institution.
4. Section 8 (b), is ambiguous; on whether the composition of the Non-Executive Board of Directors of SPV shall consist of six or seven members. The Bill stipulates four (4) nominated by the County Government of Kisumu and three (3) nominated by the shareholders – bringing the total to seven (7) as opposed to six (6) indicated in the Bill.
5. The committee also noted that the Bill did not provide channels that the Corporation was going to implore when handling privately owned properties that are along the lakefront if cases of compulsory acquisition arose.
6. Under the objectives of the Bill, section 3 (d) gives the Lakefront Development Corporation the power to approve land allocation and development plans at the lakefront. The Committee found this contrary to the Constitution of Kenya 2010 Article 67 (2) (a) and National Land Act, Section 5 (a) which gives this mandate to the National Land Commission.

7. The committee noted that some of the abbreviations that were used in the bill were not defined.

COMMITTEE RECCOMENDATIONS

1. Parts I, Section 2, under interpretation of “member institutions,” amend the bill by deleting ‘Nyanza Club Trustees’ and inserting Afri- City Kenya, Beach Management Unit , County Executive Committee Member for Environment and Kenya Fisheries.
2. Part I, Section 2, under interpretation, ‘lakefront’ means the area or land at the edge of the lake’.... proceed by providing ‘how much space it intend to cover from the edge of the lake’.
3. Part I, Section 3, under the objects of the bill; reads ‘the objects of the Kisumu County Lakefront Development shall be carried out in consultation with the County Government of Kisumu, the City Board’, amend the bill by adding, and the National Land Commission.
4. Part II, Section 8 (b), under Establishment of the Kisumu Lakefront Development Corporation; The Bill stipulates ‘four (4) nominated by the County Government of Kisumu and three (3) nominated by the shareholders’ – bringing the total to Seven (7); amend the figures by deleting Six (6) and inserting Seven (7)
5. Part II, Section 8(1), under, Establishment of the Kisumu County Lakefront Development Corporation; Introduce Section 8 (1) (d) to read; “The appointment to the Board shall observe the one third gender rule.”
6. Part II Section 8 (3) (b), under Establishment of the Kisumu Lakefront Development Corporation; reads; holds a bachelor’s degree from a recognized university... add ‘relevant to the objects and spirit of the Lakefront Development Corporation’.
7. Part II, Section 14, (1), under protection from personal liability; amend the bill by deleting the phrase ‘No matter or thing done’ and inserting “Any act or conduct.”
8. Under the First Schedule, Kisumu Lakefront Development Corporation Agreement, introduce (q) to read ... ‘provide the channels for compensation to privately owned properties that are along the lakefront space if cases of compulsory acquisition arose.
9. The committee also recommends that use of abbreviations that were not defined at the interpretation section be avoided and the words be written in full.
10. Part III section 20, the committee recommends that the word “agreement” be replaced with “Act” since regulations emanate from Acts created by both National and County Government and not agreements.

11. Under the objectives of the Bill, section 3 (d) gives the lakefront Development the power to approve land allocation and development plans at the lakefront. The Committee found this contrary to the Constitution of Kenya 2010 Article 67 (2) (a) and National Land Act, Section 5 (a) which gives this mandate to the National Land Commission. The committee therefore recommends that this can only be done through consultation with the National Land Commission.
12. Lastly, the committee recommends that this Honourable House consider adopting this report that will see the Kisumu County Lakefront Development Corporation Bill 2021, be read for the second time with the above amendments.

CONCLUSION

Mr. Speaker and Hon. Members. Alive to the fact that Kisumu City is adjacent to the second largest lake in the world, there is need to take advantage of its strategic position to revamp and diversify her commercial and industrial benefits through prudent waterfront planning.

This will regenerate and revitalize economic activities while maintaining order along the lakefront, making Kisumu City a tourist destination, attracting foreign and local investors. Thank you Mr. Speaker. May I call upon Hon. Nancy Owiti who is the Vice-chairperson of the Planning and ICT Committee to second?

Hon. Nancy Owiti: Thank you Mr. Speaker, I rise to second this report.

The Speaker (Hon. Oraro): Hon. Members, now that the Standing Committee of Planning, Industrialization and ICT has moved the Public Participation Report on the Proposed Kisumu County Lakefront Development Corporation Bill, 2021. This has been moved by Hon. George Ogutu and seconded by Hon. Nancy Owiti. As per our Standing Orders, I want to propose a question:

THAT, the Standing Committee of Planning, Industrialization and ICT Public Participation report on the Proposed Kisumu county Lakefront Development Corporation Bill, 2021 in now open for debate?

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

Hon. Arao: Thank you Mr. Speaker. I have read through the report as presented by the Committee of Planning and ICT as was read by Hon. Ogutu and I am in concurrence with this report. Mr. Speaker, this report is giving us the true picture of what transpired on the ground. Actually, it reflects the candid position of the public who attended this Public Participation forum and those who did not attend which leaves me with a lot of anxiety because I realized that some of the Electoral Wards abstained from the process, while others never attended the forums in totality.

Therefore, quite a number of wards notably, Kaloleni/Shaurimoyo, Ahero, Awasi/Onjiko, Kondele, Kajulu, East and West Seme Wards and the rest.

Mr. Speaker, some of these electoral wards did not attend the Public Participation. Therefore, their views are not contained in this Committee Report. I applaud the Chair for such a honest report.

Mr. Speaker, I have equally realised that, the Committee findings and observations, speaks about the Lakefront Spaces which is not specific which ideally creates a lacuna on how much space will be required to actualize this dream. This makes this report on that component vague and opaque. It means that we are not in the light on how much portion of land will be required to actualize this project. Mr. Speaker, a change is as good as a rest and I am eager that in this report, the Committee has indicated in page seventeen of this report, number eight. Mr. Speaker, I have noted with a lot of reservations and keenness, I believe it is in page eighteen, number eight. I applaud the Committee for this, that under Schedule One, Kisumu Lakefront Development Corporation Agreement introduce (q) to read as follows;

“Provide the channels and avenues for compensation to privately owned properties that are along the lakefront space if cases of compulsory acquisitions arises”

Mr. Speaker, the major point to be underlined in this context is that, those who own land within the Lakefront Space will be accorded the opportunity for compensation. This is the major part of this report. Mr. Speaker, our people will go up in arms and will not accept that these changes will occur and affect some of these people. Maybe, other will be relocated, and that is the only parcel of land that they have along the lake and they are sure that they will end up losing because they have no alternative place to relocate to. Mr. Speaker, if this Bill takes care of their interest that if you parcel of land is going to be acquired, then, you are given that assurance that the government will compensate you and in the end you will have a place that you will call home.

To conclude. I just want to correct the mover of this motion. Mr. Speaker, when Hon. Ogutu was presenting this report, there is a statement that he read in page eleven, number eight where he mentioned Masogo/Nyang’oma Ward now under void. Mr. Speaker, there is no phrase as under void in the Queens language. It is null and void. Otherwise I support. Thank you.

The Speaker (Hon. Oraro): Hon. Members, I want to give audience to the wards that abstained as was conspicuously mentioned in the Report. This is Manyatta “B”, Kajulu, Kondele, East and West Seme and the others which I have not mentioned. So, let me start with Hon. Pamela Odhiambo because in the report it is indicated that they abstained, so, let us give her an opportunity to present her side of the case.

Hon. Pamela Odhiambo: Thank you Mr. Speaker, I want to support the report by the Standing Committee on the Public Participation that was held in regard to this Proposed Kisumu County lakefront Development Corporation Bill 2021. I am pleased to hear that they have captured all that was raised by the public. We have several wards most of which claimed that they haven’t seen this

bill. It is stated in the Constitution that before a bill is brought to this Assembly, it has to be taken to the people to give their input through public participation...

The Speaker (Hon. Oraro): Hon. Pamela Odhiambo, please let me correct you before you continue so that other Hon. Members are also guided on the same. The Assembly doesn't receive Bills but Legislative Proposals and it only becomes a bill after scrutiny and ensure that it meets the required threshold.

Hon. Pamela Odhiambo: Yes, Mr. Speaker, however, the Executive did not get to most wards for the public participation before they brought the Legislative Proposal to the Assembly because several wards claim they did not see the Executive in their wards. It is not that I am opposing the Bill but, I am just concerned about them not enlightening the people about this Bill. We have politicians who are going around peddling false information. I have been confronted several times by my constituents on the issue of the Bill, claiming that their parcels of land will be taken away from them. I didn't know how to explain to them. Otherwise, I have informed them that the report from the public participation will be brought and read in the House to give the true picture of what really is intended.

Mr. Speaker, the people of Namthoe were worried about the wetlands because that's their only source of food hence they were worried that this place might be going away. On page 8 part (e), it states that the crematorium will be retained with a lot of demarcation and the process of identifying an alternative burial site for the minority will begin in earnest and Dunga Swamp to be improved.

Hon. Atieno: A point of information Mr. Speaker

The Speaker (Hon. Oraro): Who do you want to inform?

Hon. Atieno: I want to inform Hon. Pamela Odhiambo as well as the House.

The Speaker (Hon. Oraro): Proceed.

Hon. Atieno: (*On a point of information*) when the report was being read, there were some wards that promised that they were going to send Memoranda because they were not ready and hadn't read the report. It came out clearly that Manyatta "B" Ward never participated in this process and therefore it makes me wonder why the area MCA for Manyatta "B" is alluding to the contrary opinion. I believe that the Hon. Member is misleading the House.

The Speaker (Hon. Oraro): Yes, Hon. Pamela Odhiambo.

Hon. Pamela Odhiambo: Mr. Speaker, public participation was done but people weren't there probably because they were chased away from the event.

Hon. Olwal: A point of information Mr. Speaker

The Speaker (Hon. Oraro): Who do you want to inform?

Hon. Olwal: Mr. Speaker, I want to inform the House.

The Speaker (Hon. Oraro): Permission granted.

Hon. Olwal: (*On a point of information*) I believe that some of us MCA tend to run from our responsibilities because we were aware of a public participation which was advertised and it was their responsibility as the area representatives to mobilize constituents for this important function. We should take public participation seriously and detach from populist politics especially by chasing away members and staff from venues of public participation. Everyone has a right to be heard, whether positive or negative so that all is captured by the Assembly's staff.

The Speaker (Hon. Oraro): Thank you very much, I had made some guidance that; the Assembly's work is to legislate and therefore the only thing you can receive from the public or the Executive is a proposal then it is your responsibility to enact it. I also want to agree with Hon. Olwal that a report is a report whether the public agrees with it or not.

(*Feet thumping*)

Hon. Pamela Odhiambo, you can conclude so that other Members can equally get a chance to contribute.

Hon. Pamela Odhiambo: Thank you Mr. Speaker, I earlier started by stating that, I concur with the report because it captured exactly those things that were a concern of people on the ground. I was therefore building my case by citing that there are some politicians who are not telling our people the correct information about the intended events of public participation. I believe that this must have been the main reason why my people abstained from the discussion.

Hon. Atieno: A point of information Mr. Speaker

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

Hon. Atieno: (*A point of information*) Mr. Speaker, there is something that is lacking in Hon. Pamela Odhiambo's submissions. The Hon. Member earlier claimed that her people were chased away from participating but now she is alleging that they were tainted with false information thereby making them not engage in the discussion. So, she is either misleading the House or just out of order.

The Speaker (Hon. Oraro): Yes, Hon. Pamela Odhiambo

Hon. Pamela Odhiambo: Mr. Speaker, I thought I was the only person in this House that often speaks simple English. It is clearly written here that; 'the residents abstained from any discussion of the Bill'. Hon. Atieno, kindly let me speak on behalf of my people so that someday my people

will say that, despite the Lake not passing through my ward, our area MCA, Hon. Pamela discussed the bill on the Lakefront Development, which is beneficial to the people of this county. Nevertheless, I support the report and was only concerned that it was not captured in the report that the Executive did not undertake vast public participation.

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

Hon. Agolla: Thank you Mr. Speaker, I stand to support this report. 70% of the area I represent faces the Lake Victoria hence this bill will certainly have a major impact and effect on my electorates. It is also in the same line that made me engage fully in the public participation not only as an MCA but also as a resident of South-West Kisumu ward, who after serving in this Assembly, will be affected either positively or negatively by this Bill. Mr. Speaker, the only area that I am happy to applaud the House Committee for addressing these areas. Once this Bill becomes an Act and the offices established and this institution begins operation, the most affected people will be fishermen – the Beach Management Units. I am happy to note that the House Committee considered the BMU leadership in the Board.

Mr. Speaker, as we adopt the report, we must take care of farmers. There are some, who are directly benefitting from the lake through horticultural farming and other agricultural practices along the lake of Kisumu City. The fisher folk community must also be taken care of because there some registered under BMUs like Achuodho, Ogal Beach, Paga Beach, Rota Beach among others that will be affected in the process. We must ensure that all fish landing sites are protected and fishermen as well.

Mr. Speaker, we are aware that there are some investors who are already doing what we intend to do in the beaches, like Camp David. We must also take care of the interests of such investors. As we will be inviting new investors to come and invest in the lakefront, we must also consider the already existing investors doing business in the lake.

Mr. Speaker, I am happy to note that the House Committee captured the issue of Riparian Land. This is because along the lake, we have people who have built homes or have established private and public investments. We must have a clear policy guideline on how to handle the issue of riparian land to avoid conflicts and loss of property.

Mr. Speaker, I wish to thank the House Committee for doing a good job and I appeal to members to adopt this report because it is this Bill on the Lakefront Development that will open up this city, create employment and generate wealth to this great county of Kisumu. Thank you.

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

Hon. Guya: Thank you Mr. Speaker. I am a member of this House Committee and I want to take this opportunity to thank the Chair and the entire community for job well done. I wish to support

the report. This House Committee has captured in the report the concerns of wananchi in all the wards as expressed during public participation.

Mr. Speaker, I want to request that in future, when we receive legislative proposals from the County Executive, there is need to accompany them with proof that they did public participation or not. That was the main concern in most of the wards during public participation- that where did this Bill originate from?

Mr. Speaker, I also want to request that in future when we plan public participations, we need to circulate these documents early enough so that we distribute to residents where we are going to conduct the public participation. This will give them the opportunity to go through them so that when they come for public participation, they come when they are well informed.

Mr. Speaker, Lakefront is a good thing and it is high time we changed Kisumu to face the lake. It is very bad that despite the fact that we are a city next to the lake, he have turned our back to the lake. Once we can turn the town to face the lake, we will be assured of getting more tourists and more revenue. Even here in Kisumu, most of us prefer going to Mombasa. Why? Because of the ocean.

Mr. Speaker, any good project must also have its consequences. Some time back, we had the project of Sondu Miriu. Given that it was a government project, we could not resist – we had to surrender our lands to the government to ensure the project succeeded. Today, not just the residents of Nyakach, but everybody across the county and country is enjoying the benefits of Sondu Miriu -we have electricity everywhere, there are reduced power outages, there is water within the community, they even dished out Scholarships to the community and opportunities for internships.

Mr. Speaker, once we want to change the town to face the lake, consequences must be there. I know people are worried about their land. All land belongs to the government. We only hold them in trust. In the report, it is indicated that even if the government will be taking those lands, there must be compensation – not just taking those lands for free.

Mr. Speaker, I happy about the report. There was provision that the composition should also include Nyanza Club trustees. As a House Committee, when we sat down, we realized that Nyanza Club is not a public entity. We decided as a House Committee that, we don't need to include it – we should only include state corporations that are available, the county government and the representatives of the stakeholders like the BMUs. The Beach Management Units will also nominate representatives to sit in the boards.

Mr. Speaker, I want to humbly request that, how I wish that this project could run across the whole County. All the way from West Seme through Kisumu town to Sango Rota in West Nyakach; so, that we all benefit from it. For us in Nyakach, we are ready to have this project to reach Sango Rota because I am sure it will bring a lot of immeasurable benefits to us as residents. That is; it will create a lot of employment, open up the County and open up business opportunities all around

the lake region. That is why I humbly request as a member coming from Nyakach that if this project could extend to our place to enable us benefit from it.

Otherwise, as a member of this House Committee, we did our best and we have also proposed amendments and just as my other colleagues have said, I also want to urge them to help us support this report so that we do the amendments in that Bill, thank you Mr. Speaker.

The Speaker (Hon. Oraro): Let me give chance to Hon. Atieno. Meanwhile, I have noticed you; Hon. Philemon and Hon. Vitalis.

Hon. Atieno: Thank you so much Mr. Speaker sir. I rise to support this report. Indeed it is a report that its time has reached. It is known worldwide that towns or cities adjacent to the lake normally face the lake. In contrary, it is only Kisumu City whose planners decided that it gives it back to the lake. Mr. Speaker, I do not know whether it is a mere allegation that whenever somebody is next to the lake and he/ she stares at it for fifteen minutes, then his/her lifespan increases by ten years.

Maybe that is the reason we have been experiencing pre-mature deaths where people do not reach the prime age of 80 because we have turned our back from the lake. Having said that, I have some little reservations due to some ambiguities on the report.

For instance, when you go to page point (d); ‘the coverage will stretch to about 40 kilometers around the lake...’

Around the lake from where to where? With these climatic changes that we are experiencing nowadays where there is up surge backflow of lake water to the adjacent mainland. The report does not indicate how much land shall be required to implement this project from the mainland towards this Lake Front Development Corporation. For instance, in my ward, the lake water has pushed people as far as a kilometer from the shore of the lake.

Mr. Speaker, I believe that, those are specialties that needed to be included in the proposal so that our people know that if they are going to be affected, what is the criteria which really demarcate the lake front area that, it is really a good thing. This is because sometimes I imagine; when I will be driving all the way from Sunset beach, around my ward (Kobura), just around the lake as I watch the beauty of the lake.

(Applause)

I believe that, this will be the perfect opportunity. Otherwise; I do not have much to say but fully support the visionaries of this legislative proposal. They really have the interest of Kisumu County at heart. Thank you.

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

Hon. Otura: Thank you Mr. Speaker. I rise to support the report on the public participation on the Proposed Kisumu County Lakefront Development Corporation Bill. Mr. Speaker, what impresses me most is that during the public participation, on the legal framework on the creation of this Lake Front Development Corporation.

Mr. Speaker, what guides the day to day activities of our people is the Law and the legal framework as cited here that was made clear to our people during public participation.

Mr. Speaker, it is out of a Regulation that Kisumu County got the power to propose this bit of legislation and as cited here, Section 182 (2) and Section 205 of the Public Finance and Management Act (PFM), where the Regulation of 2015 gave the mandate to a county. If you read further, Part I, there is a role of the County Government to bridge a gap if there is any. In this case, the economic gap, the sense came out by establishing a corporation which in my belief is important, and thus is the creation of this proposal.

Mr. Speaker, I concur with the findings of this House Committee that, it is true that they were very honest and they also gave out reports from each and every ward. Mr. Speaker, this Committee did a very good job which has never happened in this House whereby report from each and every ward is clearly explained in a report. I also like the way my people did it and as per their concern, it is commendable. It is just as simple as regularization of stakeholders' powers in the Bill. When they talked about clearing and forwarding, I questioned why they ask about that. The good interpretation of what this Bill meant never came out very clearly. So, they thought this is a company just like those ones in Mombasa beaches where they do the clearing and forwarding. But since we also have a port, they were very right because we will be having clearing and forwarding for all the ships at ports for the imports.

Mr. Speaker, it is also important to note that this House Committee went ahead and gave out some very good findings while they were there on the ground. As they are listed, these findings made them have some recommendations which are on the amendment of the Sections and the parts of the proposed Bill that they saw fit to be amended. What else should we say is wrong about the report? Because, already there are proposals on the amendment and they have listed several of them. Mr. Speaker, I support this report, because this section alone where they have recommended amendments where necessary now convinces me whom I also believe convince everyone to support this report and add more if there is any during the Second and Third Reading of the Bill. Thank you Mr. Speaker and I support the report.

The Speaker (Hon. Oraro): Hon. Philemon. To Hon. Olale, I have notice you.

Hon. Philemon: Thank you very much Mr. Speaker. I just want to support the report and also congratulate the committee for getting deep into the report and this one vindicates me. The last time this House Committee brought a report which I believe is composed of very competent individuals who have today been shown by even going ahead to make recommendations.

Mr. Speaker, I just want to repeat on some of the sentiments that a number of members have echoed. That we must stop the issue of the big man mentality as we implement the lake front issue. So that the people who frequent farming along the lake is taken care of. I want also to applaud the House Committee for taking into consideration the issue of Golf Coast Trustees. We should not focus on that big man mentality. Even as we adopt the report, we should make it very specific especially on the areas that it covers. This is because, if you listen to the people very well, an equal development of the lake front, they wanted to be sure in a way that almost all the areas stood a chance to be developed as we implement this and you know this is something that also draws a lot of money from the public. Therefore, it is only good that each and every part of the Lake front stands a chance of getting developed.

Mr. Speaker, we must be very specific on the issue of compensation so that we can be able to stop those officers that when you make these kind of laws they look at an opportunity of distracting lives and extorting money from people that will be removed. So, every other person is desperate and we must be able to put measures that as we implement this particular Bill, there is absolutely no chance for somebody to exploit those legal loopholes to be able to distract live and extort money from our people. It is good that Kisumu City need to face the lake but, I want to retariate here that good ideas must have very good implementation. So, the implementation process of doing this must never miss the point of the goodness. Thank you.

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

Hon. Olale: Thank you Mr. Speaker. I want to fully associate myself with this report because I am a Member of this House committee. I want to thank the House Committee's technical team for doing a good work. My ward is in Dunga which I believe is going to be the first ward that the Lakefront is going to be implemented. There is a lot of concern within the community of Dunga about the Lake front. Mr. Speaker, I am so happy to have seen that the Beach Management Unit where I come from which includes the locals, is also associated in the incorporated of the Bill. I want to say that the integration that has been done from the high end into the low end into the Bill is very healthy for development in Dunga.

Mr. Speaker, I want to thank the House Committee Members for talking about compensation and the modalities of how the community is going to be compensated in any case land is affected. Mr. Speaker the community in Dunga were wondering if the land was going to be taken for free but the House Committee has indicated and said that the land are going to be compensated and this is what the community in Dunga wanted to hear about whether it will have a negative of positive affect on them. There will be the community facing the lake and at the same time there might be a ring road passing around the lake. This is also going to help the back flow of the lake to the community. Secondly we will be able to see the crocodile when we face the lake. I support. Thank you.

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

Hon. Beatrice Pamela: Thank you Mr. Speaker, judging by the mood of the House I would like to call the mover to reply.

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

Hon. Ogutu: Thank you Mr. Speaker. I want to appreciate Hon. Members very much for the robust debate on this report. I believe that 90% of Hon. Members who have contributed towards this report have supported it. There are some comments which have been made and they should be taken seriously.

Mr. Speaker, There is this issue of where this particular thing will end. We have received communication from the Hon. Members that indeed this Corporation will commence from West Seme to the last beach in Kisumu County which some Hon. Members have proposed to be Koguta Beach in Nyakach Sub-county. If this particular arrangement can come from West Seme to Koguta beach then, I believe it will cover the County Government of Kisumu. There is also fear about the BMU Members; which I believe that I and Hon Agolla who represents constituents that come from along the lake.

Mr. Speaker, from the report of this House Committee, I believe that they stated clearly that the Beach Members should be included and I believe that the spirit was that these are people who are doing their businesses along the lake and that is why their concern was about the Beach Management Units.

Mr. Speaker, there is also this element of farming along the lake. We are all aware that any County which does not indulge seriously in Agriculture is not a County. I believe that from the onset, this concern will be looked into because even if we have a beautiful beach and we don't have food then I believe that, it is not right.

Mr. Speaker, I believe that it came out clearly from the House Committee that there is one element of honesty in this particular Committee Report. I believe that this was a report that the House Committee came out clearly as to whether the ward members opposed the report or they accepted it. From the discussions of Hon. Members, I believe that the Hon. Members accepted the report from the Standing Committee of Planning, Industrialization and ICT. If we can always debate the way we have debated today then, our things will just go smoothly. Thank you.

The Speaker (Hon. Oraro): Hon. Members now that the Sectoral Committee of Planning, Industrialization and ICT have presented their Public Participation Report on the Kisumu County Lake Front Development Corporation Bill, 2021 which was presented by Hon. Ogutu on behalf of the Chairperson, Hon. Olwal, seconded by Hon. Nancy Owiti and debated by Hon. Members, I therefore want to put a question on the adoption of the same with the amendments therein.

(Question put and agreed to)

The Speaker (Hon. Oraro): The Sectoral Committee of Planning, Industrialization and ICT Public Participation Report on the Kisumu County Lakefront Development Corporation Bill, 2021 has been adopted with the amendments therein today Tuesday, 4th May 2021 at 1633 hours.

Further, I direct that the report be completed and the Bill be presented for 2nd reading upon approval by the House Business 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 5th May 2021 at 2.30 p.m.

(House rose at 4.38 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>