COUNTY GOVERNMENT OF KISUMU

COUNTY ASSEMBLY OF KISUMU

THE HANSARD

SECOND ASSEMBLY – SIXTH SESSION

Tuesday, 01st March, 2022

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

(The Temporary Speaker (Hon. Seth Okumu) in the Chair)

PRAYERS

The Temporary Speaker (Hon. Okumu): Good afternoon Honourable Members. I want to request that pursuant to the provisions of county Assembly Standing Order No. 32 (2) that the Serjeant-at-Arms rings the quorum bell for five minutes.

(Quorum bell rung for five minutes)

The Temporary Speaker (Hon. Okumu): Hon. Chief Whip, could you please confirm if we have the quorum.

The Chief Whip (Hon. Misachi)**:** Thank you Mr. Speaker, we the have quorum. Thank you.

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

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

COMMUNICATION FROM THE CHAIR

The Temporary Speaker (Hon. Okumu): Honourable Members, in the Public Gallery is Mr. Griffin's Abuoro from the University of Nairobi, School of Law. He is visiting the House so that

he can witness the House Proceedings for study and future ambitions. Honourable Members, one of us Hon. Samson Ameso has requested me to also inform the House that he will have an activity in his home in North Seme Ward that started at 10:00 a.m. He is unveiling his 2022 plans for his constituents. Finally, Honourable Members, in our page, a schedule has been shared for the Azimio Rallies and you are requested to read and plan your activities towards the same. Especially for the ones that will happen on the 10th to 12th of March, 2022. Thank you.

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

MOTION

PLANNING, INDUSTRIALIZATION AND ICT COMMITTEE REPORT ON THEIR WORKSHOP IN NAIROBI TO INTERROGATE THE KISUMU CITY LOCAL, PHYSICAL AND LANDS USE DEVELOPMENT PLAN

BY

HON. GEORGE OLWAL, MCA, KOLWA CENTRAL WARD.

(CHAIRPERSON, PLANNING, INDUSTRIALIZATION AND ICT COMMITTEE)

The Temporary Speaker (Hon. Okumu): What is it Hon. George Ogutu?

Hon. Ogutu: Honourable Speaker, you are aware that we are working closely with the Chairperson. We had a chance to interact with the UN Habitat in Nairobi and after thorough consultation. We have a progress report that was to be circulated to the Members. We want to ask for more time after which we shall table a Comprehensive Report.

Mr. Speaker, again, I seek the indulgence of this House and pursuant to the provision of Standing Orders No. 49, I would like to request for the withdrawal of this report. Please allow me and call upon Hon. George Olwal to second.

Hon. Miruka: Point of information Mr. Speaker.

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

Hon. Miruka: The Hon. Ogutu.

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

Hon. Ogutu: Mr. Speaker, I am open to any information.

The Temporary Speaker (Hon. Okumu): Proceed Hon. Miruka.

Hon. Miruka: (*On a point of information*) Thank you Mr. Speaker, I have received some mixed messages from the Hon. Ogutu who is standing in for the Chair of Planning, industrialization and

ICT, Hon. Olwal and he has said that they just wanted to give a progress report but he is now withdrawing. However, we have the reports already both in soft and hard copy which indicates that it is indeed the full report. Should this be interpreted as him denouncing what they had prepared for the House or what is he insinuating?

The Temporary Speaker (Hon. Okumu): Hon. Miruka, what was your information? My understanding is that you have the progress report of the said House Committee in both soft and hard copy so what is the point?

Hon. Miruka: My information is that, Hon. Ogutu who is standing in for the Chair of the Planning Committee had talked of a progress report but, what we are seeing is a report on the same item that they wanted to present today and yet they want to withdraw the progress report.

The Temporary Speaker (Hon. Okumu): Honourable Members, before I conclude on this matter, what is it Hon. Leader of Majority?

Leader of Majority (Hon. Onyango): Thank you Mr. Speaker. Mr. Speaker, I want to concur with Hon. Miruka that you need to give guidance because the Hon. George Ogutu hasn't given us any cogent reason for withdrawing the report. In any case, this report is quite conclusive as it has observations and even conclusion, which makes this report more of a complete report rather than a progress report. If there is a concrete reason for the withdrawal then he should tell us, otherwise we shall be taking the business of this House quite casually, thank you.

Hon. Olwal: A point of information Mr. Speaker

The Temporary Speaker (Hon. Okumu): What is your point of information to?

Hon. Olwal: Mr. Speaker, the House.

The Temporary Speaker (Hon. Okumu): Proceed but make it short so that we give time for Hon. Ogutu to conclude his submission.

Hon. Olwal: (*On a point of information*): Thank you Mr. Speaker. First my apologies for being late as I was having some engagements with the Director of Planning and Land on the same. I am actually perturbed by the move by Hon. Ogutu in wanting to withdraw the report because the report that we have here we had given its presentation and based on our observations and findings which is clearly captured. Mr. Speaker, I would like to urge the House to ignore Hon. Ogutu's stunt to withdraw the report so that the House gets to make their views on it. Aware that we have organized for public participation regarding this document which is scheduled to be conducted on Friday, 04th March, 2022 in the Assembly Precincts…

The Temporary Speaker (Hon. Okumu): Thank you Hon. Olwal.

(Hon. Ogutu on his feet.)

The Temporary Speaker (Hon. Okumu): Order!! Hon Ogutu! There are several Hon. Members on their feet who are on points of information and I want to give guidance. So, can you please resume your seat?

(Hon. Ogutu consulting loudly)

The Temporary Speaker (Hon. Okumu): Order!! Order!! Honourable Members. Please allow me to start by responding to Hon. Ogutu's remarks. Hon. Member, a progress report cannot be adopted in this House because it is not a complete one. It is just informing us that the Committee that was responsible or tasked to work on it has yet to conclude. By telling the House to adopt this progress report, it therefore means that you had concluded this it. Once we adopt the recommendations of a progress report that are implementable, then it should be a full report. However, progress report is requesting the House to give the House Committee more time so that they complete it.

This is to the Hon. Leader of Majority, you have a report which has got recommendation. It is now the prerogative of the House Committee to decide whether their report is worth bringing before the House or not. That was also the submission of the Hon. Member. I am getting a mixed reactions from both the Chairperson of this House Committee and the Hon. Member whom he allowed to present the report to the House. What is even more perplexing is that, the Chairperson wants us to read the report which he has refused to read and the Hon. Member whom he assigned to come and read the report on behalf of this mentioned House Committee says that it is incomplete and should be allocated more time so that they finish it.

Hon. Members, before I make my final ruling, I want to give Hon. Ogutu a chance to give his submission.

Hon. Ogutu: Thank you Hon. Speaker. I believe that I respect my Chairperson Hon. Olwal so much. We are all aware the content of this report and its effect. It is one that when it is being presented each and every Hon. Member should be present in the House while it is being discussed. This is because it is going to affect each and every Hon. Member of this House. I do not want to say much because members especially the City MCAs should be present when this report is being presented. But I say that I am withdrawing it, I have seen how the House is at the moment.

It is also important to give these Hon. Members a chance because this particular report is going to have a massive effect on their areas of jurisdiction Mr. Speaker.

Hon. Ogaga: Point of information Mr. Speaker.

The Temporary Speaker (Hon. Okumu): Hon. Members allow Hon. Ogutu to finish first then I will give you chance to speak.

(Loud consultations.)

Hon. Ogutu: Mr. Speaker, that is why I am saying that 'yes the report is complete' the way Hon. Rashid has said and they even said that they have it on their phones and are able to read it. However, I also believe that it is important when the entire City MCAs plus every member of this House are present. Mr. Speaker, I thought it wise as a member who will also be affected…

(Hon. Leader of Majority consulting loudly).

The Temporary Speaker (Hon. Okumu): Order!! Order!! Hon. Leader of Majority!

The Temporary Speaker (Hon. Okumu): Hon. Ogutu, please conclude.

Hon. Ogutu: Mr. Speaker, which is the reason why I felt it was not right to present this report in this Hon. Assembly. If you allow me as I said that this is a House of procedure and because my Chairman has a different view, Mr. Speaker allow me to call Hon. Misachi who is also a member of this honorable committee to second If you allow me and that is my submission .

The Temporary Speaker (Hon. Okumu): Thank you Hon. Member. Before I allow the member to second, I can see you chair is really struggling, I believe that there is information he wants to give the House.

Hon. Olwal: Thank you Mr. Speaker, as you can read the heading on the report, the report is on Joint Workshop with the UN-HABITAT to Interrogate the Kisumu City Local Physical and Land Use Development Plan. Mr. Speaker, Hon. Ogutu is erroneously referring to adoption on House Committee stand on Kisumu City Local Physical and Land use Development Plan but here, we have a report on a Joint Workshop not a report on Local Physical and Land use Plan that's the correction I want him to make.

The Temporary Speaker (Hon. Okumu): Hon. Chair, why didn't you get time to come and read us the report, why were you delegating?

Hon. Olwal: Mr. Speaker, as I had mentioned earlier, I was late and even informed you and right now the Director of Lands is here with me and tomorrow we are starting Public Participation as you know the document is voluminous and I had to take time to go through the report because tomorrow we are starting a public participation on the same.

Hon. Ogaga: Point of information.

The Temporary Speaker (Hon. Okumu): What is it Hon. Ogaga?

The Temporary Speaker (Hon. Okumu): Order!! Hon. Member allow Hon. Ogaga to also submit.

Hon. Ogaga: *(On a Point Of Information):* Thank you Mr. Speaker. I need to inform the House as a whole that whatever picture we are seeing here is like a power struggle between a Chairperson of a House Committee and the Vice-chair of the same House Committee. Mr. Speaker, it is such

embarrassment and should not be seen as it is being displayed on the floor. This means that Members of this House Committee does not work together as a team and if the chair and vice don't work in harmony and maybe even this report was cooked from elsewhere because they are not reading from the same page.

Mr. Speaker, I would like to urge the members that in future, let us work together in harmony and respect authority like when the Chairperson got in, the Vice chairperson should have allowed the Chairperson to read the report but, from the look of things, you see that the Chairperson has more information and even more authority over this report unlike the Vice chairperson. They are therefore misleading the House and should be sent away to go and agree on what they should present in the House. Thank you Mr. Speaker.

The Temporary Speaker (Hon. Okumu): Order!! Hon. Member.

The Temporary Speaker (Hon. Okumu): What was it Hon. Majority Leader that you wanted to submit to the House?

Leader of Majority (Hon. Onyango): Thank you Mr. Speaker, there is a very serious development am seeing coming up, because it seems like this is not like the whole content of the original report. Mr. Speaker, if you look at the recommendation, it says that "the House Committee having interrogated the First Volume of Kisumu City Local Physical and Land use Development Plan would want to recommend that this House consider adopting this recommendation as a report on the First Volume" I don't know if that is procedural Mr. Speaker because the document that was committed to the committee was one document and now we want to adopt it in pieces. Is that procedural? We would wish to get guidance.

The Temporary Speaker (Hon. Okumu): Thank you Hon. Member. I have listen to the submission of everyone in the House with regards to the Motion that was supposed to be presented today and I want to agree with Hon. Ogaga that what's manifesting from the Standing Committee of Planning and Industrialization and ICT should not happen again in any other House Committees. I remember when we started, I was asking why the Hon. Ogutu was reading the report and the Chairperson was here, the Chairperson kept quiet and Hon. Ogutu gave the impression that he was allowed to read the report then which we allowed him to read. In that manner he requested to withdraw from that report.

Secondly, if you look at the conclusion of the report after all those things, they are concluding that they be given 14 days when the committee will thereafter avail a Comprehensive Report to the House. So, this means that this is not a comprehensive report. Whatever they are fighting to read before the House is not a comprehensive report which should be brought within 14 days. For that reason, Hon. Olwal stated and he agreed that whatever report is being read in the House is a progress report which the Hon. Members might not have the opportunity to debate on it because

you are just telling the House that the committee is working but you have not yet concluded and you are requesting to be given more time.

On that note, I will not allow Hon. Misachi to second the motion by Hon. Ogutu.

The Temporary Speaker (Hon. Okumu): What is it Hon. Misachi?

Chief Whip (Hon. Misachi): Mr. Speaker, this report is long overdue and it should have been presented to the House. I have seen this report and would like to say that it is a conclusion of what we have been discussing. Therefore, I would wish to second the report that has been brought to the House.

The Temporary Speaker (Hon. Okumu): Thank you Hon. Members. This is my ruling on this report; that the Chairperson and the Vice Chairperson of Planning… Order!! Hon. Olwal!

(Loud consultations)

The Temporary Speaker (Hon. Okumu): That the Chairperson and the Vice Chairperson of Planning will have not more than 7 days to bring a Comprehensive Report before this House. That any report from the Standing Committee of Planning, Industrialization and ICT let the option of reading the report from any Members other than the Chair or the Vice Chairperson form part of the report to show us whoever is going to read the report. This is stated in the Standing Orders that the report can only be read by the Chairperson, the Vice Chairperson or a Member chosen by the committee Members on their behalf and that we can only know from the report.

Hon. Members, the impression that the Chairperson is creating in this House is an embarrassment that we cannot allow whereby he is stating that the Standing Committee did not agree on who was supposed to read the report.

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

ADJOURNMENT

The Temporary Speaker (Hon. Okumu): There being no any other business the House stands adjourned to 2nd March 2022 at 9.00 a.m.

(House rose at 3.15 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

Jesca Otieno – Hansard Reporter

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