COUNTY GOVERNMENT OF KISUMU

COUNTY ASSEMBLY OF KISUMU

THE HANSARD

Official Report

THIRD ASSEMBLY – SECOND SESSION

Tuesday 3rd October, 2023

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

(The Deputy Speaker (Hon. Nereah Okombo) in the Chair)

PRAYER

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Honourable Members, I want to request that pursuant to the provisions of Standing Order No. 32 (2) of the Kisumu County Assembly Standing Orders that the Serjeant-at-Arms rings the quorum bell for the first five minutes.

(Quorum bell rung for five minutes)

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Honourable Whip, kindly confirm if the House has attained the quorum.

The Deputy Whip (Hon. Obonyo, MCA, South West Kisumu Ward): Thank you Madam Speaker. There is quorum.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Mr. Clerk, please take us through the Order Paper of today.

The Deputy Speaker (Hon. Okombo): Next order!!

MOTION

ADOPTION OF THE REPORT BY AGRICULTURE, LIVESTOCK, FISHERIES AND IRRIGATION COMMITTEE ON THE MATTER OF FISH KILLS IN CAGES ALONG DUNGA BEACH

BY

HON. EUNICE ALANDOH, NOMINATED MEMBER.

(CHAIRPERSON, AGRICULTURE, LIVESTOCK, FISHERIES AND IRRIGATION COMMITTEE)

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Yes, Hon Billy, the Deputy Chair, Committee on Agriculture, Livestock Development, Fisheries and Irrigation.

Hon. Bill (MCA, Kobura Ward): Thank you Madam Speaker. I wish to move the motion on behalf of my Chair Hon. Alando.

The Temporary Speaker (Hon. Oginga, Nominated Member): Please proceed Honourable Member.

Hon. Bill (MCA, Kobura Ward): Thank you once again. Mr. Speaker Sir and Hon. Members, Pursuant to Standing Order no. 41 (2), Hon. James Were during the assembly sitting on Tuesday, 4th July, 2023, sought for a statement regarding mysterious Fish Kills in cages along Dunga Beach in Lake Victoria (see annex 1). The statement was accordingly committed to the Sectoral Committee on Agriculture, Fisheries, Livestock Development and Irrigation pursuant to its mandate as enshrined in County Assembly S.O No. 193 (5) to investigate, probe, inquire and report back the Findings and Recommendations to the House within a period of two weeks.
My Committee in gratifying this noble task, has adopted this report which I now present before this Hon. House for determination.

2. QUESTIONS SOUGNT FOR IN THE STATEMENT
1. Plans/interventions in terms of remedying on the loss by providing fingerlings, fish feeds or any compensation towards the same?

2. What measures is the Department putting in place to address any future occurrence on the same?

3. RECOMMENDATIONS

Mr. Speaker and Hon. Members, with regards to the Committee observations and findings contained herein, we present the following recommendations for consideration;

a. On Plans/interventions in terms of remedying on the loss by providing fingerlings, fish feeds or any compensation towards the same?

The Committee Recommends;

1. THAT, the Kshs. 2,000,000 set aside in the current budget for cage farmers in Dunga, priority be given to the affected farmers by providing a stimulus program such as fingerlings and fish feeds.

2. THAT, the Department to strengthen and expedite their engagements with Partners/stakeholders like Victory Farms, Equity Bank among others to find a way of providing a support to the affected farmers.

b. What measures is the Department putting in place to address any future occurrence on the same?

3. The Department to continuously provide targeted technical services to Fish Cage Farmers in Dunga and the entire County.

4. The Department to implement the Multi Agency Team recommendations on Fish Kills in Lake Victoria which include; Purchase of Water quality monitoring kit and act as an early warning sign for remedial measure and Establishment of cold chain facilities and marketing strategies at strategic beaches.

5. The Directorate to train more Fish Quality Assurance Officers to enable them handle quality assurance issues in case of Massive Fish Deaths.

6. The National Government to complete the Process of legislation on Aquaculture to enable easy regulation of Cage Culture activities.

ACKNOWLEDGEMENT

Mr. Speaker Sir and Hon. Members, on behalf of the Agriculture, Fisheries, Livestock Development and Irrigation Committee members, I wish to extend my gratitude to your office and the Clerk's office for providing us with a conducive environment which has enabled us to achieve our objective within the limited timeframe.

I am also appreciative to my members who despite their busy schedule sacrificed their time and generously participated in this exercise to its conclusive end.

I equally, comment the line Department for their full cooperation on this process by promptly submitting the responses as requested by the Committee.

Lastly, I applaud my technical team for showing commitment throughout, planning and coordinating activities, drafting and compiling this report

Hon. Speaker Sir and Members, now it is my pleasant duty and honor, to table this response report on the questions sought for by the Hon. James Were regarding the Fish Kills in cages along Dunga Beach and recommend it to the House for adoption.

LEGAL FRAMEWORK UNDERPINNING COMMITTEE ACTIVITIES

Mandate of the Committee

The Agriculture, Fisheries, Livestock Development and Irrigation Committee derives its mandate from Article 185 of the Constitution of Kenya 2010, read together with Standing Order No. 193 of the Kisumu County Assembly Standing Orders.
Standing Order Number 193 (Second Schedule) of the County Assembly of Kisumu stipulates as follows.
That the Committee shall inquire into, investigate and report on;
All matters relating to agriculture, including crop and animal husbandry, livestock sale yards, County abattoirs, plant and animal disease control, veterinary services (excluding regulation of the profession) and fisheries; animal control and welfare, including licensing of dogs and facilities for their accommodation, care and burial of animals.

Provision of County Assembly Standing Order No. 193(5)

1. The functions of Sectoral committees shall be;
    a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operation and estimates of the assigned departments;
    b) Study the programme and policy objectives of departments and policy objectives of departments and the effectiveness of the implementation;
    c) Study and review all the County legislation referred to it;
    d) Study, access and analyze the relative success of the departments as measures 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 all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order No. 187 (Committee on Appointments).
    g) Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

COMMITTEE MEMBERSHIP

Mr. Speaker and Hon. Members,

The composition of Agriculture, Fisheries, Livestock Development and Irrigation Committee as currently constituted comprises; -

MEMBERS PRESENT:

1. Hon. Eunice Alando - Chairperson
2. Hon. Bill Oliver - Vice Chairperson
3. Hon. Samuel Dede - Member
4. Hon. Pamela Oyoo - Member
5. Hon. Vincent Jagongo - Member
6. Hon. Maurice Ngeta - Member
7. Hon. Nereah Okombo - Member

Secretariat

1. Peter Anditi - Committee Clerk
2. Omollo Isaac - Clerk Assistant
3. Zablon Otiende - Senior Hansard Reporter/Secretariat
4. Wycliffe Owade - Research Officer
5. Kennedy Okise - Serjeant-at-Arms

COMMITTEE MEETINGS

Mr. Speaker sir and Hon Members, the Committee held a total of four meetings to deliberate on the statement, prepare terms of references, communicate with the Department, analyze and scrutinize and get just justifications to the responses and cause adoption this report.

TERMS OF REFERENCE FOR AFL COMMITTEE;

I. Inquire on the possible Causes of the Fish Kills in Cages along Dunga Beach.

II. Get a profile of the losses incurred by affected farmers as a result of the Fish Kills.

III. Get details of plans or interventions in terms of remedying on the loss by providing fingerlings, fish feeds or any compensation.

IV. Measures being put in place by National and County Government to address any future occurrences.

FORWARDING CONCERNS TO THE DEPARTMENT AND SUBMISSION OF RESPONSES

Mr. Speaker Sir and Hon. Members, following the Committal of the statement, the Committee through its resolution directed the Clerk of the Assembly to make written communication on the concerns sought for on the statement to the Line Department. The letter was referenced: CAK/ALFC/CG/VOL.8/2023 dated Tuesday, 8th August, 2023 (see annex ii).

Consequently, the Department responded by submitting a detailed and comprehensive written response vide a letter Ref: CDF/KSM/ADM/10/VOL.II/197 dated 23rd August, 2023 which was received by Clerk on Monday, 28th August, 2023 (see annex iii).

10. BACKGROUND INFROMATION

Mr. Speaker Sir and Hon. Members, Fish Kill is an annual phenomenon that usually occurs on Lake Victoria and is associated with weather patterns. In 2020 Lake Victoria as well as the Riparian regions experienced severe weather patterns where mass Fish Kills were reported on the Kenyan side around late January and February, 2020. Changes in weather conditions triggers mixing of the Lake, an event that could lead to fish kills due to low dissolved oxygen levels in the water.

In May, 2021 there were cases of mysterious deaths of Nile perch in Lake Victoria, after investigations it was concluded that this was an annual phenomenon that usually occurs on Lake Victoria and is associated with weather patterns that causes mixing of the Lake at different spots causing anoxia (low dissolved oxygen below critical levels).

In 2022, reports from Fishermen at different points in Kisumu East, Kisumu West, and Seme Sub-Counties of fish kills, bad smell and bad smell were received. Fishermen and Cage Fish Farmers were greatly affected. For instance cage Fish Farmers in Othany, Kaloka, Asat and Ogal beach Seme-County, the loss was estimated at One Billion Kenyan Shillings.

Due to this mysterious happenings, the CS for mining, Blue Economy & Maritime Affairs on Wednesday 23rd November, 2023 formed a Multi-Agency Team (MAT) tasked to look into issues of Fish Kills and report the Findings and Recommendations to the CS within 14 days from 23rd November, 2022 i.e. by 6th December, 2022 which further confirmed that low oxygen levels is the main cause of fish kills in cages or in the wild.

COMMITTEE OBSERVATIONS AND FINDINGS

Mr. Speaker and Hon. Members, the Committee noted the following after conducting inquiry and investigation into this matter;

1. That, the Phenomenon that lead to Fish Kills on Cages along Dunga Beach is called (ANOXIA-low dissolved oxygen below critical level) and happened in the month of April, 2023.

2. That a total loss incurred from the misfortune is totaling to Kshs. 15M.

3. That a total of 22 farmers were affected with a total of 60 Cages with average size of the Cages at 5M*5M* and 4M depth each having a capacity of 5000 fish.

4. That, the Fish Kills in Dunga occurred after finalization of an inventory by the Multi Agency Team lead by PS. Blue Economy and Fisheries therefore Dunga farmers did not benefit from the stimulus package offered jointly the National Government and County Government since farmers considered were based on the MAT report.

5. That there were engagements with stakeholders like Victory Farms, Equity Bank among other stakeholders to find a way of providing a stimulus program for Dunga Farmers.

6. That in the FY 2023/2024, the Department has set aside a Budget of Kshs. 2,000,000 for cage farmers in Dunga and farmers who lost will be given first priority.

CONCLUSION

Mr. Speaker and Hon. Members, I would like to implore this House to deliberate and consider adopting this report and further ensure that resolutions passed herein are communicated to the Department and promptly implemented. I, therefore, Move the Motion and call upon Dede to second. Thank you.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Yes, Hon Dede.

(Hon Dede bows)

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Honourable Members, a Motion on the Report on a matter sought in the House by Hon James Were, MCA Nyalenda "B" Ward on the Fish Kills in Cages along the Dunga Beach, has been moved by the Deputy Chair of the Standing Committee of Agriculture, Livestock Development, Fisheries and Irrigation Committee Hon Billy, seconded by Hon Dede. I now want to propose that the Report be open for discussion.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Yes, Hon Henrietta

Hon Bodo (Nominated Member): Thank you Madam Speaker. I rise to support the motion. Fish framing is an economic activity that a majority of people are engaged in. When we incur such losses, we need to ask ourselves several questions. A billion is not pocket change. This House Committee has given us a road map on what we needs to be done as a County or as Lake Region Economic bloc (LREB).

Madam Speaker, as Lake Region Economic Block to see to it that what happened doesn't happen again and what measures have been put place. To me as a Member of this County Assembly, I feel that they are correct and we just need to implement them. I want to thank the Standing Committee on Agriculture, Livestock and Fisheries as you know that agriculture is our backbone of this county. We need to do that so that we make agriculture a real backbone to our economy. Thank you, Madam Speaker.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Yes Hon. Ratib Boitone.

Hon. Boitone (MCA Nyalenda "A" Ward): Thank you, Madam Speaker, I am torn between supporting or not supporting this motion. However, let me give my stand Madam Speaker. This is a good report but where my problem comes in is the duration that this report has taken. We all understand that this report was tabled by Hon. James Were of Nyalenda "B", on 4th of July, 2023, and today we are in October. That is exactly three months down the line. Why do we bring statements in this House? Sometimes we bring statements in this House in order to curb a situation in order to help a given people who are affected by that problem at that particular time. Madam Speaker, if a report would last for three months and this long with a House Committee….

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Hon. Dede, what is your problem? Why are you on your feet?

Hon. Dede (MCA, North Kisumu Ward): Thank you, Madam Speaker…

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): No, I haven't given you chance to contribute. What is your problem? Why are you standing?

Hon. Dede (MCA, North Kisumu Ward): Madam Speaker, I arise on Point of information.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Whom do you want to inform?

Hon. Dede (MCA, North Kisumu ward): The Honourable Member on the floor.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Hon. Boitone, do you want to be informed?

Hon. Boitone (MCA Nyalenda A Ward): No, Madam Speaker.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Hon. Dede, please resume your seat.

Hon. Dede (MCA, North Kisumu Ward): Madam Speaker, then, I would like to inform the House.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): The Honourable Member doesn't need to be informed.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Hon. Boitone continue.

Hon. Dede (MCA, North Kisumu Ward): Madam Speaker, I would like to inform the House.

The Deputy Speaker (Hon. Okombo MCA, Manyatta B Ward): Hon. Dede, please resume your seat.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Yes, Hon. Boitone.

Hon. Boitone (MCA Nyalenda "A" Ward): Thank you, Madam Speaker, I like the way you put some decorum in this House. Madam Speaker, that was my point, three months down the line the report is still with the House Committee. At the same time, it will take another one month or so, for the recommendations to be implemented by the County Executive. Are we actually doing justice to the society? Madam Speaker, this is a concern that needs to be addressed. I can recall very well that they were given a period of around twenty-one days to report back to this Honourable House. Yet here we are talking of about three months down the line. That is my concern Madam Speaker.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Honourable Members, the concern that has been raised by Honourable Boitone is very valid and Hon. Chairpersons of the various House Committees and the Deputy standing in for the Chairpersons, you remember that it has been a concern that the Reports and Statement requested for have to be reported back to the House within the required timelines. For that matter therefore, I want to ask the Chairperson for the Implementation Committee to ensure that the resolutions of this House are implemented to the letter. Honourable Kizito, you were on your foot. Do you want to say something?

(Hon. Kizito contributes off the microphone).

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Thank you, she was just stretching.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Yes Honourable Dede.

Hon. Dede (MCA, Kisumu North Ward): Thank you, Mr. Speaker, for according me the opportunity to air my sentiments concerning the report that has just been read. It is procedural to defend a report whereby I am part of the membership. It happened that the Statement which was raised in this House by Honourable James Were needed us to see the way forward and he wants Hon. Members to assist on the issue of fish deaths in Dunga Beach Region. We have seen that there awas a budgetary allocation which members from Nyalenda "A" Ward requested, an amount to the tune of Kshs 2 Million. This might help them curb such kind of incidences.

Madam Speaker and Honourable Members, you will realize that the money which was allocated in the budget will assist the members' moreso the affected ones at that particular time, so that the affected people will be compensated. Now, I am urging Honourable Members that not only the people from Nyalenda "A" Ward where they do fish farming, we also request Members who represents areas that are adjacent to the lake to remember and consider factoring this amount while doing their budget allocation, they should at least allocate something as an emergency fund for fish farming.

Madam Speaker and Honourable Members, I have heard one of the Honourable Members lamenting about the period which a report should take. True, the report has taken too long than expected but, it is not the duty of the committee to instruct the House Business Committee in order to tackle the issue. You will note that that after the deliberations of the committee by Hon. Members when they attend the committee meetings, they then bring back the findings and then get slotted, at an opportunity like today. Madam Speaker, not only that it has taken much time, because there were other activities which were taking place simultaneously. For instance, in a span of fourteen days that some Members have raised, we were out on official duties. One of them was the CASA Games, Public Participations and Staff and Members Bonding whereby we adjourned the Assembly for sometimes. That is why the report has been brought late, not that the committee Members were inactive. That is my recommendation.

Once again, I am urging the Members representing people residing along the lake to allocate funds with the objective to address such kind of emergency. Even though the fish kill is a phenomenon that we cannot predict or when it is likely to happen, but we should have some funds for emergency when it strikes, that is my submission, thank you Madam Speaker.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Thank you Honourable Dede.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Yes, Honourable Deputy Whip.

The Deputy Whip (Hon. Obonyo, MCA, South West Kisumu Ward): Thank you Madam Speaker. May I call the mover to reply?

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Honorable Members. The mover has been called to reply. Do we have a member who still wants to voice his sentiment?

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Yes Hon. Nyaoke.

Hon. Nyaoke (MCA, North Nyakach Ward): Thank you Madam Speaker. The motion which has just been moved before us is something that we had been looking forward to and we did give the

responsibility to the committee to look at the matter, which was in question and I want to take this opportunity to thank the committee for the work they did.

Madam Speaker, if you look at the observations that has been outlined which led to some of the causes of the disaster, there are a lot of research that has been done and I find it almost all of them pointing to the same direction. I would also request the committee to make a serious follow up on this issue, so that it is taken up with the relevant authorities. These kinds of thing should not be given a chance to happen again because now as we can see, most of our fish farmers incurred very big losses that may not be recovered at some point, but if such kind of disasters are taken into consideration by putting experts and the relevant authorities in notice and then such kind of calamity shall be able to be averted in future. Thank you.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Honourable Members, are there any further contributions? If not then I would like to call the mover to reply since he had already been called to reply. Yes Hon. Bill.

Hon. Bill (MCA, Kobura Ward): Thank you Madam Speaker. I want to thank the Members for the good debate. Madam Speaker, from the committee report, you will realize that when we went to the ground where these farmers were affected; it came as a multi-agency report because they were not included in that report but what happened to them also happened in other areas like Seme Sub-County. I want to thank Members for supporting this motion because you realize we come from a region where fish is a very important commodity in the market. Thank you.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Honourable Members, a motion on the report on a matter sought in the House by Hon. Were on the Fish Kills in Cages along Dunga Beach was moved, seconded and debated upon, I therefore want to put a question on the adoption of the same/

(Question put and agreed to)

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Honourable Members, this report therefore stands adopted today 03rd October, 2023 at 1513 hours.

Honourable Members, I want to direct that this report together with the Hansard report be prepared for onward submission to the relevant department for action. Further, I also direct that the Chairperson of Implementation Committee to follow up and ensure that the resolutions made in this House are adhered to and implemented as the House has passed. Thank you.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Next Order!!

ADJOURNMENT

The Deputy Speaker (Hon. Nereah Akoth Okombo, MCA, Manyatta B): Honourable Members, there being no any other business to transact, the House stands adjourned to Wednesday, 04th October, 2023 at 9.00 a.m.

(House rose at 03.15 p.m.)

Addendum

The Hansard Team

Zablon Otiende – Senior Hansard Reporter (Ag. Editor)

Edward Odanga – Hansard Reporter

Fanuel Okode – Hansard Reporter

Patrick Okoyo – Hansard Reporter

Jacklyne Otieno – Hansard Reporter

Jesca Otieno – Hansard Reporter

Vallery Achieng' – Hansard Reporter