COUNTY GOVERNMENT OF KISUMU

COUNTY ASSEMBLY OF KISUMU

THE HANSARD

Official Report

THIRD ASSEMBLY – SECOND SESSION

Wednesday 11th October, 2023

House met in the Main Chamber at 9:00 a.m.

[The Temporary Speaker (Hon. Carren Ajwang) in the Chair]

PRAYER

The Temporary Speaker (Hon. Ajwang', MCA, Kaloleni-Shaurimoyo Ward): Honourable Members, pursuant to our Standing Orders No. 32, I request the sergeant-at-rams to ring the quorum bell for five minutes.

(The Quorum Bell was rung)

The Temporary Speaker (Hon. Ajwang', MCA, Kaloleni-Shaurimoyo Ward): Leader of Majority's rep Hon. Adega, could you confirm if we have attained quorum.

Hon. Adega (MCA, Kajulu ward): (*In place of the Leader of Majority*) Thank you, Madam Speaker, we have quorum in the House.

The Temporary Speaker (Hon. Ajwang', MCA, Kaloleni-Shaurimoyo Ward): Madam Clerk could you take us through the order of the day.

The Temporary Speaker (Hon. Ajwang', MCA, Kaloleni-Shaurimoyo Ward): Yes, Hon. Joachim Oketch of Kondele Barracks.

PAPERS LAID

Hon. Oketch (MCA, Kondele ward): I think you should repeat that so that Hon. Oiko hears it clearly. I know where he is going to report it.

Madam Speaker, pursuant to the provisions of Standing Orders No. 217(2) of the Kisumu County Assembly Standing Orders, I wish to lay a paper on the table of this House, today 11th October, 2023 a report by committee on Budget and Appropriations on the consideration of the Kisumu County Finance Bill, 2023.

The Temporary Speaker (Hon. Ajwang', MCA, Kaloleni-Shaurimoyo Ward): Hon. Members, I confirm receipt of a report by committee on Budget and Appropriations on the consideration of the Kisumu County Finance Bill, 2023. Bill no. 8 of 2023. I therefore commit it to the committee on House Business to schedule it for debate, thank you. Yes, Hon. Adega of Kajulu ward.

Hon. Adega (MCA, Kajulu ward): Thank you, Madam Speaker, I would like to table a report on behalf of the Leader of Majority. Pursuant to the provisions of article 1185 of the Constitution of Kenya, 2010, I wish to table today Wednesday 11th October, 2023, the Kisumu County Public Participation policy, 2023 Madam Speaker.

The Temporary Speaker (Hon. Ajwang', MCA, Kaloleni-Shaurimoyo Ward): Hon. Members, I confirm receipt of a report by Department of Public service, County administration and participatory development policy as tabled by the Leader of Majority. And now, I therefore commit this policy to the Committee of Administration of Law, Justice, Good Governance, and Constitutional Affairs and Security for consideration. The committee has twenty-one days to bring back their report before the House.

The Temporary Speaker (Hon. Ajwang', MCA, Kaloleni-Shaurimoyo Ward): Next Order!

NOTICES OF MOTION

The Temporary Speaker (Hon. Ajwang', MCA, Kaloleni-Shaurimoyo Ward): Yes, Honourable Joachim Oketch.

Hon. Oketch (MCA, Kondele Ward): Tank you Madam Speaker. Pursuant to the provision of the Standing Order No. 45 (1) of the Kisumu County Assembly, I wish to give a Notice of Motion that this House adopts a report by the Budget and Appropriations Committee on the consideration of the Kisumu County Finance Bill 2023. Thank you.

The Temporary Speaker (Hon. Ajwang' -Kaloleni Shaurimoyo Ward): Next Order!

STATEMENTS

The Temporary Speaker (Hon. Ajwang', MCA, Kaloleni Shaurimoyo Ward): Honourable Members, it is Statement Hour.

The Temporary Speaker (Hon. Ajwang' -Kaloleni Shaurimoyo Ward): Yes, Honourable Oiko Bennie Pete of Kabonyo Kanyagwal Ward.

Hon. Oiko (MCA, Kabonyo Kanyagwal Ward): Madam Speaker, pursuant to the County Assembly Standing Orders No. 41(2) (a), I wish to make the following statements.

Aware that the Ministry of Environment Climate Change and Forestry through the Kenya Metrological Department on 30th July, 2023 issued a comprehensive of an expected occurrence of El-nino Phenomenon and its impact of rainfall in the Country's climate during the October to December 2023 Season.

Further cognizant that they forecasted high amount of rainfall will have imminent effects on the areas prone to floods in the Country. This heavy and long rainy season can have multi-faceted effect on various sectors of the society, the economy and the environment.

In this regard therefore, I request this Honourable House to invite the following departments to appear the Committee on General Oversight to give highlights, updates on the status of their preparedness, interventions to take advantage of the rains and minimize the potential risk that the rains may cause.

a) The Department of Public Service, County Administration and Participatory Development, office of the Governor: (Disaster Risk and Management- plans for desiltation of local Rivers and renovation of existing evacuation centers).
b) Agriculture, Fisheries, Livestock Development and Irrigation: (to give highlights County Preparedness in terms of food security and sustainability, marketing. Production of early maturing crops and offering technical support and advice to farmers on best practices during the period).
c) Infrastructure, Energy and Public Works: opening block drainages repair and improvement of access roads and bridges.
d) Medical Services, Public Health and Sanitation: to outline their preparedness to strengthen public health issues especially the management of water borne diseases.
e) Water, Environment, Natural Resources and Climate Change: dredging, desiltation and the opening of rivers, canals and other waterways.

Thank you Madam Speaker, the statement is so presented.

The Temporary Speaker (Hon. Ajwang', MCA, Kaloleni-Shaurimoyo Ward): Thank you Honourable Oiko. Honourable Members, I want to remind you that this Statement was raised on

06th September, 2023 and there was interruption and I was not able to put a question and no one think that this statement has been raised again. It is today that we are bringing it to a conclusion. Honourable Members there are laid down procedures of getting information from the County Executive which deals with request for responses. In this case, I will not authorize the request for invitation. However, I want to direct that the Office of the Clerk communicates to the aforementioned departments to provide information as stated in the statement and a report back to this House within 14 (fourteen) days.

Hon. Omollo (MCA, West Nyakach Ward): Point of Order Madam Speaker!!

The Temporary Speaker (Hon. Ajwang', MCA, Kaloleni Shaurimoyo Ward): Yes Hon. Omollo Member representing West Nyakach Ward.

Hon. Omollo (MCA, West Nyakach Ward): Thank you Madam Speaker, I just want to inquire as to which House Committee will bring back the report because you have not committed it to any House Committees.

The Temporary Speaker (Hon. Ajwang', MCA, Kaloleni-Shaurimoyo Ward): Honourable Member, according to the Statement raised by Hon. Oiko, there are House Committees listed in the Statement and it is my considered opinion that the Committee of General Oversight that should bring the report back to the House.

Hon. Omollo (MCA, West Nyakach Ward): Madam Speaker, please allow me to intervene. You see that like the Committee of General Oversight which is constituted with the membership of the Whole House. So, who will bring this report and that is the question? It is my considered opinion that you commit this matter to a specific House Committee which will handle the statement after it has been handled by the Committee of General Oversight. Thank you.

The Temporary Speaker (Hon. Ajwang', MCA, Kaloleni-Shaurimoyo Ward): Honourable Members, for those Members who are not aware, I want to inform this House that, there is a House Committee known as the General Oversight so that will bring the report before this Honourable House within the timelines I have indicated.

The Temporary Speaker (Hon. Ajwang', MCA, Kaloleni-Shaurimoyo Ward): Hon. James Omollo, are you satisfied with that response?

Hon. Omollo (MCA, West Nyakach Ward): Madam Speaker, I am not satisfied. You see the Committee of General Oversight, does not have a chair who can bring a report because once a report has been committed, it has to be brought this House by a respective Chairperson or Vice-Chairperson of a House Committee. Madam Speaker, it is the reason I was proposing that, amongst the list House Committee just choose one randomly which will be tasked to bring the consolidated report from the General Oversight Committee. Madam Speaker, the Committee on general oversight will handle the nitty-gritty of the report and it will make their submissions through a House Committee…

The Temporary Speaker (Hon. Ajwang', MCA, Kaloleni-Shaurimoyo Ward): Hon. Omollo, the Committee of General Oversight is constituted with Members of this House and now I am the Chair. So, the report will have to be brought to this House by the Committee on General Oversight and it will not be brought for discussion. From the Statement raised, there is a list of line departments that Hon. Oiko wanted tasked with this report which are as follows;

1. Department of Public Service, County Administration and Participatory Development, office of the Governor.
2. Agriculture, Fisheries, Livestock Development and Irrigation.
3. Infrastructure, Energy and Public Works.
4. Medical Services, Public Health and Sanitation; and;
5. Water, Environment, Natural Resources and Climate Change.

Honourable Member, it is my belief that you stand guided.

Hon. Omollo (MCA, West Nyakach Ward): Thank you Madam Speaker. I am now guided and this is because once the report is read we will be able to thoroughly debate that report. Some of us are affected and we need that report brought here so that we can debate it. So, if the Chair sees it fit that you will bring it, then, we will have the Committee of the Whole House debate it. Thank you.

The Temporary Speaker (Hon. Ajwang', MCA, Kaloleni-Shaurimoyo Ward): Hon. Kennedy Ouko, Member representing West Kisumu Ward.

Hon. Ouko (MCA, West Kisumu Ward): Thank you Madam Speaker I have a Statement to seek.

The Temporary Speaker (Hon. Ajwang', MCA, Kaloleni-Shaurimoyo Ward): Please proceed.

Hon. Ouko (MCA, West Kisumu Ward): Thank you Madam Speaker, I wish to give a statement. I rise pursuant to the provisions of Standing Orders No. 41 (2) (b) to request for a statement from the Chairperson of the committee on Water, Environment and Natural Resources on the matter of pollution of River Magada in Sungu Kawango – Newa Sub – Location.

Hon. Speaker, I wish to inform this Hon. House that there is active gold mining activity going in in Sungu Kawango along river Magada. It is also in the public notice that mercury waste are being discharged into the river from mining area thus endangering the public using the river and the fauna in the river.

Hon. Speaker, I therefore wish to seek a statement from the Chairperson of the committee on Water, Environment and Natural Resources to provide a response on the following matters;

a) Whether the gold mining activity is legal pursuant to the Provisions of the Mining Act of Kenya.
b) Whether there is an environmental impact assessment report of the mining activity; and

c) Whether a remedy is in place to protect the public from dangerous mercury waste now being discharged into the river.

The Temporary Speaker (Hon. Ajwang', MCA, Kaloleni-Shaurimoyo Ward): Chairperson of Water, do you have any response regarding the statement issued?

Hon. Dede (MCA, Kisumu North): Thank you Madam Speaker for at least giving me time to respond to the statement. Given that the Honorable Member has raised the issue of gold mining in Kisumu West Sub-County, we have noticed that this activity has not been widely reported. However, considering the Honorable Member's representation of the area, it is likely that they possess substantial knowledge about it.

In light of this, the committee believes that it would be beneficial to allocate time for an impact assessment. We propose visiting the mining site along River Magada within the next two weeks to gather more information. This visit will enable us to compile a comprehensive report for presentation to the House. Thank you.

The Temporary Speaker (Hon. Ajwang', MCA, Kaloleni-Shaurimoyo Ward): Hon. Members I therefore want to commit this statement to the committee on Water, Environment and Natural Resources to bring a report back to the House within 14 days.
Yes Hon. Dede.

Hon. Dede (MCA, Kisumu North Ward): I wish to give a statement pursuant to the provisions of Standing Orders no. 42.

The Temporary Speaker (Hon. Odhiambo Carren Ajwang MCA, Kaloleni Shaurimoyo): You are out of order Hon. Dede.

Hon. Dede (MCA, Kisumu North Ward): Not ready Hon. Speaker. The Standing Orders allows me to give a statement through Standing Orders No. 42 that does not have to pass through the Clerk.

The Temporary Speaker (Hon. Ajwang', MCA, Kaloleni-Shaurimoyo Ward): So are you rising on a personal statement?

Hon. Dede (MCA, Kisumu North Ward): Yes Hon. Speaker.

The Temporary Speaker (Hon. Ajwang', MCA, Kaloleni-Shaurimoyo Ward): Proceed.

Hon. Dede (MCA, Kisumu North): Being that we adjourned last week for public participation I would like to state that the public participation was successful and members attended well.

Secondly…

The Temporary Speaker (Hon. Ajwang', MCA, Kaloleni-Shaurimoyo Ward): Yes Hon. James.

Hon. Omollo (MCA, West Nyakach Ward): Madam Speaker that is not a personal Statement but under Water committee.

The Temporary Speaker (Hon. Odhiambo Carren Ajwang MCA, Kaloleni Shaurimoyo): Hon. Dede, you are out of order.

The Temporary Speaker (Hon. Ajwang', MCA, Kaloleni-Shaurimoyo Ward): Next Order!!

ADJOURNMENT

The Temporary Speaker (Hon. Ajwang', MCA, Kaloleni-Shaurimoyo Ward): Honourable Members, there being no any other business, the House stands adjourned to 11th October, 2023 at 2.30 p.m.

(House rose at 09.31 a.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

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