COUNTY GOVERNMENT OF KISUMU

COUNTY ASSEMBLY OF KISUMU

THE HANSARD

Official Report

THIRD ASSEMBLY – SECOND SESSION

Wednesday 15th November, 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): Madam Clerk, take us through the Order Paper of the day.

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

PAPERS LAID

WATER, ENVIRONMENT, NATURAL RESOURCES AND CLIMATE CHANGE COMMITTEE REPORT ON KISUMU COUNTY WATER BILL, 2023 (KISUMU COUNTY BILL NO. 6).

BY

HON. SAMUEL DEDE, MCA, NORTH KISUMU WARD

(CHAIRPERSON, WATER, ENVIRONMENT, NATURAL RESOURCES AND CLIMATE CHANGE COMMITTEE)

REPORT FROM THE JOINT COMMITTEES OF ADMINISTRATION OF LAW, CONSTITUTIONAL AFFAIRS, GOOD GOVERNANCE AND SECURITY AND TOURISM, INDUSTRY AND MARKETING ON INVESTIGATION OF FIRE INCIDENT AT AHERO MARKET

BY

HON. ALICE WAJEWA, NOMIONATED MEMBER.

(CO-CHAIRPERSON)

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

Hon. Dede (MCA, North Kisumu Ward): Thank you Madam Speaker. Pursuant to the provision of Orders No. 182 (6) of the Kisumu County Standing Orders, I wish to table today Wednesday 15th November, 2023, a report of the Water, Environment, Natural Resources and Climate Change Committee on Kisumu County Water Bill of 2023 (Kisumu County Bill No. 6). Thank you.

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

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Honourable Members, I confirm the receipt of a report of the Water, Environment, Natural Resources and Climate Change Committee on Kisumu County Water Bill, 2023 (Kisumu County Bill No. 6). I therefore commit this report to the House Business Committee for scheduling for debate.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Hon. Wajewa Alice.

Hon. Wajewa (Nominated Member): Thank you madam Speaker. Pursuant to the provision of Orders No. 182 (6) of the Kisumu County Standing Orders, I wish to table today Wednesday 15th November, 2023, a report of a report by the Joint Committees of Administration of Law, Justice, Constitutional Affairs, Good Governance and Security and Trade, Tourism, Industry and Marketing on an investigation on Fire Incident at Ahero Market. Thank you.

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

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Honourable Members, I confirm the receipt of a report of a joint Committees of Administration of Law, Justice, Constitutional affairs, Good Governance and Security and Trade, Tourism, Industry and Marketing on an investigation on Fire Incident at Ahero Market. I therefore commit this report to the House Business Committee for scheduling for debate.

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

NOTICES OF MOTION

WATER, ENVIRONMENT, NATURAL RESOURCES AND CLIMATE CHANGE COMMITTEE REPORT ON KISUMU COUNTY WATER BILL NO.6 OF 2023
BY
HON. SAMUEL DEDE

(CHAIRPERSON, WATER, ENVIRONMENT, NATURAL RESOURCES AND CLIMATE CHANGE COMMITTEE)

REPORT BY THE JOINT COMMITTEES OF ADMINISTRATION OF LAW, JUSTICE, CONSTITUTIONAL AFFAIRS, GOOD GOVERNANCE AND SECURITY AND TRADE, TOURISM, INDUSTRY AND MARKETING ON AN INVESTIGATION OF FIRE INCIDENT IN AHERO MARKET

BY

HON. ALICE WAJEWA, NOMINATED MEMBER

(CO-CHAIR, JOINT COMMITTEE OF ADMINISTRATION OF LAW, JUSTICE, CONSTITUTIONAL AFFAIRS, GOOD GOVERNANCE AND SECURITY AND TRADE, TOURISM, INDUSTRY AND MARKETING.

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

Hon. Dede (MCA, North Kisumu Ward): Thank you Madam Speaker. Pursuant to the provision of Orders No. 45 (1) of the Kisumu County Standing Orders, I wish to give a Notice of Motion that this House Adopts a Report of the Water, Environment, Natural Resources and Climate Change Committee on Kisumu County Water Bill No.6 of 2023. Thank you.

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

Hon. Wajewa (Nominated Member): Thank you Madam Speaker. Pursuant to the provision of Orders No. 45 (1) of the Kisumu County Standing Orders, I wish to give a Notice of Motion that this House Adopts a Report of the a joint Committees of Administration of Law, Justice, Constitutional affairs, Good Governance and Security and Trade, Tourism, Industry and Marketing on an investigation of Fire Incident at Ahero Market. Thank you.

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

MOTION

SECOND READING OF THE KISUMU COUNTY EARLY CHILDHOOD DEVELOPMENT AND EDUCATION BILL, 2023 (KISUMU COUNTY BILL NO. 3)
BY
HON. SETH OKUMU, MCA, EAST SEME WARD

(CHAIRPERSON, STANDING COMMITTEE OF EDUCATION, TECHNICAL TRAINING, INNOVATION AND SOCIAL SERVICES)

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Hon. Okumu the member representing East Seme Ward.

Hon. Okumu (Chairperson, Education Committee, MCA, East Seme Ward): Thank you Madam Speaker. May I request the Clerk to read the Kisumu County Early Childhood Development and Education Bill, 2023 (Kisumu County Bill No. 3) for the second time?

(Second Reading of the Kisumu County Early Childhood Development and Education Bill, 2023 by the Clerk)

THE KISUMU COUNTY EARLY CHOLDHOOD DEVELOPMENT AND EDUCATION BILL, 2023

A Bill for

AN ACT of the Kisumu County of Kisumu to provide a framework for the establishment of systems for the administration of childcare services and early years education within the County. Madam Speaker and Honourable Member the Bill now stand read for the Third Time

Madam Speaker and Honourable Member the Kisumu County Early Childhood Development and Education Bill, 2023 now stand read for the Second Time

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

Hon. Okumu (Chairperson, Education Committee, MCA, East Seme Ward): Thank you Madam Speaker. Now that the Kisumu County Early Childhood Development and Education Bill, 2023 has been read for the second time. I request that the House be converted to the Committee of the Whole House.

(House converts to the Committee of the Whole House)

(Hon. James Omollo in the chair, Committee of the Whole House)

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): Honourable Members, we are in the Committee of the Whole House. The Chairperson of the Education Committee will take us through the amendments on the Bill. Yes Hon. Okumu.

Hon. Okumu (Chairperson, Education Committee, MCA, East Seme Ward): Thank you Chair and the Honourable Members. Before this House is the Kisumu County Early Childhood Development and Education Bill, 2023 that we had just brought a report and we requested for some amendments in the Clauses of the Bill including that is by introduction of new clauses into the Bill. I therefore request that we go clause by clause as was in the report and then we shall be discuss these proposed clauses.

Chair and Honourable Members, the first amendment that we are requesting to do is on Clause 8. That is on page 6 and in Clause 8 (2) (c), we are questing to do is deleting the phrase; *through their association to the County Government* immediately after the word levies. That is Clause 8 (2) (c), Clause 3 (c), pay levies through their association to County Government. Therefore, we want to delete it so that the bill be amended by deleted the phrase through the association to the county government.

Clause 8. You are in Clause 3 Hon Deputy Majority Leader. Clause 8, page 6; Clause 8 (3) (c) be amended by deleting the phrase through their association to the county government immediately after the word, levies. So it will read, pay levies to the county government. It is Clause 3 (c). Thank you Hon Members for that notification.

It will therefore read, a person intending to offer childcare services but does not meet all requirements for registration as set out in Section 6 (3) shall be issued with provisional registration valid for 12 months. Then 3 reads, notwithstanding section 9 (1) such persons shall be required to pay levies to the county government. Thank you Chair and I want to request Hon Adega to second.

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): Yes, Hon Adega

Hon Adega (MCA, Kajulu Ward): Thank you Chair. I second the amendments.

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): Thank you. Now that the Clause 8 (3) (c) has been amended, I now allow Members to debate on it before we put a question. Thank you. Do you have something to say Hon Boitone?

Hon Boitone (MCA, Nyalenda "A" Ward); Thank you Chair. It is self-explanatory. If amended the way it is, then it will give those intending to offer child healthcare services direct connection to the county government, not necessarily that they have to form associations and do payments through such associations. In that regard, I believe this will open up and make work easier for persons intending to offer child healthcare services. Thank you.

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): Thank you Hon Member. Is there any other Member who would wish to contribute on the same amendment? If there is none, we can proceed and put a question.

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): Next.

Hon. Okumu (Chairperson, Education Committee, MCA, East Seme Ward): Thank you Chair, the next amendment we want to do is on Clause 11, Part I, and in that amendment, we want to delete "nor acquire" and replacing thereof with the phrase, "or use", immediately before the phrase, "additional premises". And now it will read as follows;

"The management committee shall not change the location of the centre or use additional premises for the purposes of running the childcare facility unless it has applied to and obtained the approval of the County CECEC".

Hon Chair, I want to request Hon K'omudho to second the amendment. Thank you.

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): Hon K'Omudho

Hon K'Omudho (MCA, Muhoroni-Koru Ward): Thank you very much Hon Chair. I wish to second the amendment. Thank you.

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): Thank you. Honourable Members, now that Clause 11 has been amended as proposed and second, I wish to state that it is now open for debate. Thank you. If there is no any further debate, Honourable Members, I can proceed and put a question. Hon Chair, please take us through how it should be. I believe that The Deputy Leader of Majority, Hon. Owade did not get it very well. You can read it again.

Hon. Okumu (Chairperson, Education Committee, MCA, East Seme Ward): Mr. Chair that is not the procedure of debate. We are at the debating stage and you debate whatever you heard. So, Mr. Chair that is the procedure of the House.

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): Thank you.

The Deputy Leader of Majority (Hon Owade, MCA, South East Nyakach Ward): Hon Chair, we are here to understand what we are doing so that we do it correctly.

Hon Ngeta (MCA, Awasi Onjiko Ward); Mr. Chair, the Deputy Leader of Majority, I am on my feet. Where you do not understand well, be patient so that you are guided. Thereafter, you can catch up. Hon Chair, the committee Chair is right. As a Member of this House, if there is anything that you do not understand, just ask so that you are guided. On this particular amendment, I want to request the Hon Chair of Education to make it clear whether the amendment uses the auxiliary "shall" or" may". This is for purposes of clarity and I want to ask my senior brother to switch off his microphone so that we can be audible. Thank you.

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): Hon Chair, any response?

Hon. Okumu (Chairperson, Education Committee, MCA, East Seme Ward): Mr. Chair, I want to honour what the Deputy Leader of Majority has said and re-read the amendment in Clause 11 part I of the bill.

Mr. Chair, in our submission, we have said that we want to delete the phrase, "nor acquire". That is the only thing we are deleting and replacing that phrase with, "or use". The reason we are doing this, Honourable Members, is that, if you do not accept private facilities to acquire land, for example, for expansion, just because they have not asked you if you have permission from the County CEC Member, then it will infringe on their rights. We do not have any rights to deny people the opportunity to acquire property for the purposes of expansion. For example, if you have an ECDE Centre or Childcare Facility, you are allowed to acquire land then plan for future expansion. What we are trying to hinder from this Clause is, yes you can acquire that land, you can build a house on that land with intentions of doing an ECDE or Childcare facility, but before you start using it as a childcare facility or an ECDE, you must seek approval. That is the reason we have deleted the word, "acquire" and replaced it with, "use". Our intention is to regulate the use of facilities as ECDE Centres or Childcare facility without approval.

Hon. Chair, it will now read as follows and I repeat,

"The management committee shall not change the location of the centre or use additional premises for the purposes of running the childcare facility unless it has applied to and obtained the approval of the county CECEC". Thank you.

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): Hon Members, I think it is now very clear. Yes Hon Adega

Hon Adega (MCA, Kajulu Ward): Thank you.

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): You are out of order.

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): Yes Hon Omuya.

Hon Omuya (MCA, North Seme Ward): Thank you Chair. I agree with the amendment. However, I have some concern. Suppose there is a calamity like heavy rains that may blow off the roof a building, how do we help such a situation? I have a proposal. As much as we are amending this bill, we also need to insert what will protect these institutions in times of calamities. Thank you.

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): Thank you. Yes Hon Nyaoke.

Hon Nyaoke (MCA, North Nyakach Ward): Thank you Chair. I support the amendment as has been substantiated by the Chair, it is very important. I know my colleague has asked what happens in case of any eventuality, but then the same amendment goes with a rider that such kinds of approvals can still come from the CECEC. In case of a need to use extra facility, then we need to seek an approval for use of an alternate facility. I believe that it is very okay. I support. Thank you.

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): Thank you Hon Nyaoke.

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward Next!! If there is none, I can proceed and put a question.

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): Thank you.

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): Yes, Hon Okumu.

Hon Okumu (Chairperson, Education Committee, MCA, East Seme Ward): Thank you Hon Chair. Chair, we are proposing that after Clause 6, we are going to introduce a new Clause. That Clause will change the numbering of the whole Bill. After Clause 6, we are going to introduce a

new clause with the sub heading, "Establishment of Childcare Management Committee". It will have Clause 7 (1) which will read as follows,

"There shall be established in each and every public childcare facility a childcare management committee".

Mr. Chair, this is a new clause which was not in the bill. The bill did not propose this so we are proposing a new clause that creates Management Committee for Childcare Facilities. So, in this new clause, it will now read clause 7.

Hon. Okumu (Chairperson, Education Committee, MCA, East Seme Ward): In this new Clause, it will now read; Clause 7. Once that happens then Clause 7 in the Bill will be Clause 8 and that will go on to the last Clause of the Bill. So, I will proceed, and read for you what we proposed in this new Clause.

Establishment of Childcare management committee

Clause 7(1): There shall be established in every public childcare facility, a childcare management committee

Clause 7(2): the management committee shall be capable of

a) *Taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property.*
b) *Receiving donation and grants*
c) *Doing or performing all other things or acts for the proper performance of its functions under this Act or any other function as may be directed by CECM for Education.*

Clause 7 (3): in the performance of its functions under paragraph (a) and (b) of part 2 above, the management committee shall first seek approval of the CECM.

After Clause 7, we will have a new Clause 8, and it will read;

"Without prejudice of the generality of section 7 of this Act, a public childcare facility, established inside an ECDE center, shall be managed by an ECDE board of management established in accordance with section 29 of the Early Childhood Education Act, 2021.

Mr. Chair, please allow me to expound on that. Before we proceed because I want us to finish with those new Clauses at once. That, we shall be having childcare facilities that are standalone, and then, we shall have others that are operating or are built within ECDE centers. So, instead of forming another committee to manage one that is existing in an ECDE facility, we are allowing the Board of Management of ECDEs to manage the Childcare facilities that is run together with an ECDE. That is what Clause 8 is talking about.

Honourable Members, in Clause 9, we are talking about the composition of the management committee, and this is the committee of a childcare facility. It will read that;

The management committee of a childcare facility will be composed of;

a) One person elected by the parents to represent the parents of the children within the facility
b) The center manager, who shall be the secretary,
c) Two persons with experience in matters of childcare, nutrition, social services, nominated by the CECM
d) One person living with disability to represent children with disabilities
e) In the case of sponsored childcare facility, one person nominated by the sponsor who shall be an ex-officio member.

Honourable Members, on Clause 10 which is also a new Clause, talks about the functions of the management committee. It reads;

The functions of the management committee shall be to;

a) Identify the needs of childcare services within their local communities and develop viable strategies for meeting these needs.
b) Mobilize the parents and local communities to initiate and sustain the facility and support childcare programs.
c) Manage childcare programs in the center in ensuring the provision of quality childcare services
d) Identify local resources necessary to equip the childcare facility and identify sources for and undertake fundraising activities to raise funds for the facility
e) Ensure the provision of adequate equipment and facilities within the childcare facility, that such equipment and facilities are well maintained
f) Carry out advocacy in relation to the needs and rights of the child in relation to the childcare
g) Carry out such other functions as may be necessary for the implementation of this Act within the childcare facility.

Honourable Members, Thank you. Those are new Clauses that we are requesting to have for the amendment of the proposed Bill, and I want to request Hon. Adega to second, thank you.

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): Hon. Adega.

Hon. Adega (MCA, Kajulu Ward): Thank you Chair, I seconded the first Clause, then the Second Clause was seconded by Hon. K'Omudho, but that time you denied me a chance to contribute but this one I second Mr. Chair.

(*Laughter*)

Hon. Okumu (Chairperson, Education Committee, MCA, East Seme Ward): Mr. Chair, when the Member is seconding, the Member is equally allowed to contribute.

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): Honourable Members, there is a proposal that we have additional Clauses that is Clause 7, 8, 9 and 10. I now honourably give it to you for a debate, thank you.

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): Yes, Hon. Ngeta.

Hon. Ngeta (MCA, Awasi-Onjiko Ward): Thank you Chair, I rise to second the inclusion of the new Clauses as it will enable the County department to have a Management Committee. We are all aware that each and every institution that is running must have a management committee. In these Clauses 7 up to 10, will help us to have an Act that will guide the management committee and how they should operate the childcare facility. Otherwise, I support and thank you very much.

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): Thank you, Hon. Ngeta.

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): Next Member?

(*Silence*)

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): Honourable Members, we can now proceed to the question if no one has any objection or contribution to the new Clauses. I now put a question that we have additional Clauses 7, 8, 9, and 10, to be part of this Bill.

(*Question put and agreed to*)

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): Honourable Members, we now have the insertion of Clauses 7, 8, 9, and 10 as part of the Bill. So, we proceed the, Chair.

Hon. Okumu (Chairperson, Education Committee, MCA, East Seme Ward): Thank you. Mr. Chair, in Clause 30 of the Bill, this House Committee had proposed that we amend it by deleting the words "management committees" for every ECD center and Childcare facility respectively.

Honourable Members, I want to take everyone who has the Bill, to go to Clause 30 of the Bill. It is on page 15 and proceeds to page 16. So, we are talking about Clause 30, and we are proposing

that we delete "and management committee" for every ECD and childcare facility respectively and replace it with "Board of Management". It will now read as follows;

Clause 30;

"There shall be a Board of management established in accordance with section 29 of the Early Childhood Education Act, 2021".

Honourable Members, the reason as top why we are bringing this is because there is a parent Act, which is a National Act, and it prescribes who should be managing Childcare facilities and ECDE Centers. Here, the Bill proposed management committees but the Act requires a Board of Management. It is the Board of Management that is responsible for the Management of ECDE Centers and Childcare facilities. I want to request Hon. Ken Ouko to second.

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): Yes, Hon. Ouko.

Hon. Ouko (MCA, West Kisumu ward): Thank you Chair, I second that we go according to the Constitution of Kenya, 2010. It is important that whenever we are making any regulation or any law down here, Constitution of Kenya, 2010 is explaining something clearly, as it is now, it is quite important that we comply, thank you.

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): Thank you, I think the amendment has been seconded by Hon. Ken. Now allow me to allow debate on it so that we can put a question thereafter, thank you. It is now open.

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): Yes, Deputy Leader of Majority.

Deputy Leader of Majority (Hon. Lumumba, MCA, South East Nyakach Ward): Yes, Chair, I just have a suggestion that in the sub-heading of Clause 30, it is "Establishment of Board of Management and Management Committee". In the amendment, we are doing away with "Management Committee". Why is it then can we not put it as "Establishment of Board of Management" and do away with "Management Committee".

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): Thank you, yes Chair.

Hon. Okumu (Chairperson, Education Committee, MCA, East Seme Ward): Hon. Chair, I had explained that the management of Early Childhood Education Centers and Childcare facilities is provided for in the Early Childhood Education Act, 2021, which is a national Act. So, we have lifted what is required by that Act, into the Kisumu County Early Childhood Education Bill, 2023, so that it reads;

"There shall be a Board of management established in accordance with section 29 of the Early Childhood Education Act, 2021".

It is that section that establishes the Board of Management for ECD Centers and Childcare facilities. Chair, I therefore believe that, this is the concern of the Honourable Member that I wanted to clarify, thank you.

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): Honourable Members, the Member is amending even the Sub-heading, which you did not do, so, let it be clear. The Member is deleting the words "and Management Committee" on the sub-heading.

Hon. Okumu (Chairperson, Education Committee, MCA, East Seme Ward): Thank you Chair, we can do that amendment too. If I understand it from your submission is that, now it is no longer "Management Committee" but "Establishment of Board of Management".

So, Honourable Members, I will go again to agree with that amendment that; the sub-heading of Clause 30, will now read as;

Establishment of Board of management

Clause 30(1) There shall be a Board of management established in accordance with section 29 of the Early Childhood Education Act, 2021.

Thank you Chair.

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): Thank you, the amendment is still open for debate.

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): Yes, Hon. Wajewa

Hon. Wajewa (Nominated MCA): Thank you, Chair, it is my belief that now it is in order because as it was earlier, it came out as repletion. It was as if the "Board of Management" and "Management Committee" were two different Committees and it was sounding kind of vague. But now, I support the amendment because it is now clear. Thank you.

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): Thank you. Anybody else? If there is no further amendment, I now want to put a question that, clause 30 be amended as had been proposed by the Chair?

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): Honourable Member, therefore clause 30 stands amended.

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): Honourable Member, we proceed to the next amendment.

(Hon. Okumu relives Hon. Omollo as Chair, CWH)

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): Yes Chair, ECD.

Hon. Okumu (Chair, ECD Committee, MCA, East Seme Ward): Honourable Members, we are proposing amendment to clause 49. In the Committee's proposal we proposed that the whole *clause be deleted as was proposed and insert a new clause. The new clause will read as follows;*

49. (1) The CEC Member shall make regulations generally for the better carrying out of the provisions of this Act.

(2) The CEC Member shall, prescribe minimum operation standards relating to public Early Childhood Education Centres and Childcare Facilities within ninety (90) days of enactment of this Act.

(3) Without prejudice to the generality of subsection (1), the CEC Member shall —

(a) prescribe minimum standards relating to the following matters—

(i) premises and facilities;

(iii) practices in relation to children's learning and development;

(iv) staffing and parental or caregiver participation;

(v) health and safety;

(vii) communication and consultation with parents;

(viii) the operation or administration of early childhood education services in a manner that ensures the health, comfort, care, education, and safety of children attending licensed early childhood services;

(b) provide for the grant, duration, expiry, renewal, suspension, transfer, reclassification, and cancellation of registration certificates of one or more specified kinds for service providers for each kind of early childhood and childcare services;

(d) prescribe the conditions subject to which such registration certificates may be granted, renewed or transferred and the fees payable in respect of the grant, renewal, and transfer of such certificates;

(e) prescribe conditions governing, or that may be imposed in respect of, registered education centres and the duties of their service providers;

(f) prescribe the records to be kept by education centres in respect of children attending registered centres; and

(g) prescribe fees required to be paid under this Act.

(h) prescribe standards for the management of Mobile Childcare Facilities.

(4) Regulations made under subsection (2) may prescribe different standards and other requirements—

(a) for early childhood services of different types or descriptions; and

(b) in respect of different kinds of registrations.

(5) the authority of the CEC Member to make regulations shall be limited to bringing into effect the provisions of this Act and the fulfillment of the objectives specified under subsection (1); and the principles and standards set out under the Interpretation and General Provisions Act, (Cap. 2) and the Statutory Instruments Act, (No. 23 of 2013) in relation to subsidiary legislation shall apply to regulations made under this Act.

Honourable Members, we are deleting clause 49 to accord the Delegated Legislative powers to the County Executive Committee Members. The reasons as to why we are doing that is because, it is the role of this House to make laws. Honourable Members, generally, it is a practice that regulations are formulated by the County Executive Committee Members especially in County Governments. When the CEC Members do this, we want to ensure that they do this within the framework of the law and that is what we have provided for in the proposals for the new clause that we are introducing in clause 49. I want to ask the Hon. Benson Ambuti Adega to second.

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): Yes Hon. Adega.

Hon. Adega (MCA, Kajulu Ward): Thank you Mr. Chair, I second the amendment as proposed by the Chair ECD Committee.

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): Honourable Members, now that clause 49 has been proposed for amendments and substituted with new clauses 49 (1), (2), (3), (4) and (5) and seconded by Hon. Adega. I now want to open it up for debate.

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): Yes Deputy Leader of Majority.

The Deputy Leader of Majority (Hon. Lumumba, MCA, South East Nyakach Ward): Thank you Mr. Chair. As much as I am in agreement with the proposed amendments, it is my opinion that we need to be a little bit more serious with how we propose these amendments.

Mr. Chair, amendments proposed on clause 49 is a whole amendment. It would be good practice that before we come to this House, these proposed amendments are both printed and circulated to Member to give them time to internalize and ventilate so that we are able to defend. Mr. Chair, if I ask anybody here in this House if the amendment that my brother Hon. Okumu has just read maybe two or three will concur that they are verse or knowledgeable with these amendments, and that is what I can recall. Mr. Chair, if I had that print out of proposed amendments then, I will be able to debate or defend them effectively. Mr. Chair, I am not opposed to these amendments, but, I would wish that it be a practice that, we have these amendments documented and circulated to Honourable Members on time. Thank you.

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): Thank you Deputy Leader of Majority. I believe that we move forward with the debate.

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): Yes Hon. Wajewa.

Hon. Wajewa (Nominated Member): Thank you Mr. Chair. I equally want to concur with sentiments made by the Deputy Leader of Majority. Mr. Chair, before such amendments are brought to the House, it is prudent that it is printed and circulated early enough to Honourable Members. This is because as we speak, the amendments that are being read out, I have even lost track of some of them and I am not aware how I can be in agreement with something that I am not able to follow. So, in fact these amendments should be printed out then, we first go through them so that when we debate and agree on them, we are aware what we debate on. This is because; this is a whole clause on Delegated Legislation where there is deletion and new insertions are being made. Mr. Chair, I don't know as to whether I have it in my phone but, I have lost track and I have just heard of these amendments from the Chair. So, I don't know what to do but, Chair, I implore you that I see this before I agree and approve…

Hon. Okumu (Chair, ECD Committee, MCA, East Seme Ward): On a Point of Order!! Mr. Chair and Honourable Members, I wish sometimes we are aware that we are on Hansard. This is

because; these are Members who are present in this House when we were approving the Committee Report on the Kisumu County Early Childhood Development and Education Bill, 2023. Mr. Chair, whatever changes that we are making in this Bill right now, is what was read in the report. This reports and I well recall that the Speaker mention that this report was sent to each and every Member through their WhatsApp page and every Member has a copy of this report. Maybe, you have not gone through this report because you just said "ayes" but truthfully, you did not read this report. So, I want to inform you that the proposed amendments are word by word the way it is captured in the report. So, we are lifting what you had passed in the morning session in the report and now factoring or amending that in the Bill. I believe that is what we are doing here. So, standing and stating that we need to print another report, and the Honourable Members approved this report by saying "ayes" when the question was put for adoption, then that beats logic. Mr. Chair, I wish you offer guidance to fellow Honourable Members. I believe that, we are almost one and half years since we were sworn-in in this Assembly. Thank you.

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): Thank you Chair, Education Committee. Chair, I believe that you are right. This report was presented in this House this morning and every amendment that has been proposed emanated from the report and this could not be done at the reporting level but this could only be made possible during the Second Reading of the Bill. Please let us proceed with the debate.

The Deputy Leader of Majority (Hon. Lumumba, MCA, South East Nyakach Ward): Thank Mr. Chair, it know that it is in this House that there are some of the Honourable Members who cannot access certain information through their phones. One being Hon. Oiko Pete and I myself and we had agreed that some of this reports are produced in hardcopies…

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): Deputy Leader of Majority, are you not a Member of this House Committee?

The Deputy Leader of Majority (Hon. Lumumba, MCA, South East Nyakach Ward): Thank Mr. Chair, I am not a Member of this House Committee, you stand to be guided.

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): Yes Hon. Nyaoke.

Hon. Nyaoke (MCA, North Nyakach Ward): Thank you Mr. Chair. I have a divergent opinion on this matter, but, I am in support of this Bill and the procedures in this House is the same because we have been here in this House which I believe is almost one year and we have been receiving these reports and motions a minute to time and we are used to that and I am comfortable with that. Please, let my fellow colleagues equally catch up with the normal procedures of the House.

Mr. Chair, the Chair of this House Committee has presented to us the amendments and what I would like to urge my fellow colleagues is when the Chair is moving the amendments, you should be noting down where you feel you have a problem with and if you feel that you don't have a problem with any area that is being moved, proceed and keep on listening the way I was doing. So, I keenly listened to the presentation made by the Chair and so far I don't have any problem with what has been presented by the Chair, Education Committee. Mr. Chair, what I realized is that, the amendments being moved/proposed are now very specific to what is supposed to be done and to be amended in the Bill. I therefore support the proposed amendments that clause 49 be amended as proposed. Thank you.

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): Thank you Hon. Nyaoke.

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): Next!!

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): Yes Hon. K'omudho.

Hon. K'omudho (MCA, Koru Ward): Thanks you so much Mr. Chair. Many, many thanks to my fellow colleagues as well. The amendments proposed are very clear as proposed by the Chair, Education Committee and they are very clearly spelt out. Just in case it escaped your attention previous time that it was brought and it is my believe that as a House Committee we are very explicit and I support the amendments. Thank you.

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): Thank you. Hon. K'omudho.

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): Next Member!!

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): Honourable Members, if there are no further amendments, I can now put a question on clause 49 (1), (2), (3), (4) and (5) for adoption?

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): Honourable Members, clause 49 (1), (2), (3), (4) and (5) as amended becomes part of the Bill.

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): Yes Chair, Education Committee Hon. Seth Okumu.

Hon. Okumu (Chair, Education Committee, MCA, East Seme Ward): Thank you Mr. Chair and Honourable Members. You recall that we proposed introduction of four new clauses. That was clauses 7, 8, 9 and 10 respectively. This was to be done immediately after clause 6. Mr. Chair, once that is done and is introduced, then that alters the numbering of the clauses that is contained in the Bill. Honourable Members, now I want to propose that these amendments be factored in the Bill as follows; THAT, the numbering of the clauses be changed as follows;

i. THAT, clauses 7 becomes clause 11;
ii. THAT, clause 8 becomes clause 12;
iii. THAT, clause 9 becomes clause 13;
iv. THAT, clause 10 becomes clause 14;
v. THAT, clause 11 becomes clause 15;
vi. THAT, clause 12 becomes clause 16;
vii. THAT, clause 13 becomes clause 17;
viii. THAT, clause 14 becomes clause 18;
ix. THAT, clause 15 becomes clause 19;
x. THAT, clause 16 becomes clause 20;
xi. THAT, clause 17 becomes clause 21;
xii. THAT, clause 18 becomes clause 22;
xiii. THAT, clause 19 becomes clause 23;
xiv. THAT, clause 20 becomes clause 24;
xv. THAT, clause 21 becomes clause 25;
xvi. THAT, clause 22 becomes clause 26;
xvii. THAT, clause 23 becomes clause 27;
xviii. THAT, clause 24 becomes clause 28;
xix. THAT, clause 25 becomes clause 29;
xx. THAT, clause 26 becomes clause 30;
xxi. THAT, clause 27 becomes clause 31;
xxii. THAT, clause 28 becomes clause 32;
xxiii. THAT, clause 29 becomes clause 33;
xxiv. THAT, clause 30 becomes clause 34;
xxv. THAT, clause 31 becomes clause 35;
xxvi. THAT, clause 32 becomes clause 36;
xxvii. THAT, clause 33 becomes clause 37;
xxviii. THAT, clause 34 becomes clause 38;
xxix. THAT, clause 35 becomes clause 39;
xxx. THAT, clause 36 becomes clause 40;
xxxi. THAT, clause 37 becomes clause 41;

xxxii. THAT, clause 38 becomes clause 42;
xxxiii. THAT, clause 39 becomes clause 43;
xxxiv. THAT, clause 40 becomes clause 44;
xxxv. THAT, clause 41 becomes clause 45;
xxxvi. THAT, clause 42 becomes clause 46;
xxxvii. THAT, clause 43 becomes clause 47;
xxxviii. THAT, clause 44 becomes clause 48;
xxxix. THAT, clause 45 becomes clause 49;
xl. THAT, clause 46 becomes clause 50;
xli. THAT, clause 47 becomes clause 51;
xlii. THAT, clause 48 becomes clause 52, and ;
xliii. THAT, clause 49 becomes clause 53;

Mr. Chair, I now request Hon. Benson Ambuti Adega to second.

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): Yes Hon. Adega.

Hon. Adega Benson Ambuti (MCA, Kajulu): Thank you Chair, I second the changes of the numbering.

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): Thank you and I want to propose that section for debate. It seems there is no issue on that part of the Bill and I therefore want to put a question on numbering being amended as per the Chairperson's proposal.

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): The amendment now forms part of the Bill.

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): Yes Hon. Okumu.

Hon. Okumu (Chairperson, Education Committee, MCA, East Seme): Thank you Chair and Honourable Members, those were the changes that the committee had requested to form part of the Bill. Mr. Chair, you can open it up for other Members if they have any other amendments in the Bill different from what the committee had proposed.

Chairperson, Committee of the Whole House (Hon. Omollo, MCA, West Nyakach Ward): Thank you. I therefore want to propose a question that the Bill is open for any other further amendments from the floor of the House.

Hon. Okumu (Chairperson, Education Committee, MCA, East Seme): Thank you Chair. If there is no any other amendment, I would like to request that the House revert to plenary. Thank you.

(House reverting to plenary)

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B' Ward): Thank you Honourable Members, we are now in the plenary. I want to call upon the Chairperson, Committee of the Whole House to give us the report on the deliberations they had during that stage.

Hon. Omollo (MCA, West Nyakach Ward): Thank you Madam Speaker, during the Committee of the Whole House, we had various amendments which took place and I wish to report them as such;

THAT, Clause 8 (2) (c) be amended by deleting the phrase "through their Association to the County Government" immediately after the word "levies".

THAT, Clause 11 (1) be amended by deleting the phrase "nor acquire" and replacing therefor the phrase "or use" immediately before the phrase "additional premises".

THAT, Part II under Childcare Facilities be amended by introducing the following new Clauses immediately after Clause 6 as follows: this will now change the numbering that new clauses were introduced to read;

Establishment of a Childcare Management Committee.

7. (1) There shall be established in every Public Childcare Facility, a Childcare Management Committee.

(2) The Management Committee shall be capable of:

a) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;

b) receiving donations and grants;

c) Doing or performing all other things or acts for the proper performance of its functions under this Act or any other function as may be directed by the CEC Member for Education.

3). In the performance of its functions under paragraphs (a) and (b) of subsection (2), the Management Committee shall first seek the approval of the CEC Member.

8. Without prejudice to the generality of Section 7 of this Act, a Public Childcare Facility established inside an ECDE Centre shall be managed by an ECDE Board of Management established in accordance with Section 29 of the Early Childhood Education Act, 2021.

Composition of the Management Committee

9. The Management Committee shall be composed of:

a) one person elected by the parents to represent parents of the children within the facility;

b) the Centre Manager who shall be the Secretary;

c) two persons with experience in matters of childcare, nutrition and social services nominated by the CEC Member and;

d) one person living with disability to represent children with disabilities; and

e) In the case of a sponsored childcare facility, one person nominated by the sponsor who shall be an *ex-officio* Member.

Functions of the Management Committee.

10. (1) The functions of the Management Committee shall be to:

a) identify the needs of childcare services within their local communities and develop viable strategies for meeting these needs;

b) mobilize the parents and local communities to initiate and sustain the facility and support childcare programmes;

c) manage childcare programmes in the centre in ensuring the provision of quality childcare services;

d) identify local resources necessary to equip the childcare facilities and identify sources for, and undertake fundraising activities to raise funds for the facility;

e) ensure the provision of adequate equipment and facilities within the childcare facility that such equipment and facilities are well maintained;

f) carry out advocacy in relation to the needs and the rights of the child in relation to childcare; and

g) carry out such other functions as may be necessary for the implementation of this Act within the childcare care facility.

- THAT, Clause 30 of the Bill be amended by deleting the words "and Management Committee for every ECDE Centre and Childcare Facility respectively' immediately after the words 'Board of Management' and replacing therefor with the words 'established in accordance with Section 29 of the Early Childhood Education Act, 2021.

Clause 30 is therefore proposed to provide as follows:

30. There shall be a Board of Management established in accordance with Section 29 of the Early Childhood Education Act, 2021.

- THAT, Clause 49 under Delegated Legislation be amended by deleting the entire proviso and replacing therefor with the following new Clauses:

49. (1) The CEC Member shall make regulations generally for the better carrying out of the provisions of this Act.

(2) The CEC Member shall, prescribe minimum operation standards relating to public Early Childhood Education Centres and Childcare Facilities within ninety (90) days of enactment of this Act.

(3) Without prejudice to the generality of subsection (1), the CEC Member shall —

(a) prescribe minimum standards relating to the following matters—

(i) premises and facilities;

(iii) practices in relation to children's learning and development;

(iv) staffing and parental or caregiver participation;

(v) health and safety;

(vii) communication and consultation with parents;

(viii) the operation or administration of early childhood education services in a manner that ensures the health, comfort, care, education, and safety of children attending licensed early childhood services;

(c) provide for the grant, duration, expiry, renewal, suspension, transfer, reclassification, and cancellation of registration certificates of one or more specified kinds for service providers for each kind of early childhood and childcare services;

(d) prescribe the conditions subject to which such registration certificates may be granted, renewed or transferred and the fees payable in respect of the grant, renewal, and transfer of such certificates;

(e) prescribe conditions governing, or that may be imposed in respect of, registered education centres and the duties of their service providers;

(f) prescribe the records to be kept by education centres in respect of children attending registered centres; and

(g) prescribe fees required to be paid under this Act.

(h) prescribe standards for the management of Mobile Childcare Facilities.

(4) Regulations made under subsection (2) may prescribe different standards and other requirements—

(a) for early childhood services of different types or descriptions; and

(b) in respect of different kinds of registrations.

(5) the authority of the CEC Member to make regulations shall be limited to bringing into effect the provisions of this Act and the fulfillment of the objectives specified under subsection (1); and the principles and standards set out under the Interpretation and General Provisions Act, (Cap. 2)

and the Statutory Instruments Act, (No. 23 of 2013) in relation to subsidiary legislation shall apply to regulations made under this Act.

Madam Speaker there was also an amendment on the numbering of the Bill starting from clause 7 which was converted to clause 11, clause 8 to clause 12, clause 9 to clause 13, clause 10 to clause 14, clause 11 to clause 15, clause 12 to clause 16, clause 13 to clause 17, clause 14 to clause 18, clause 15 to clause 19, clause 16 to clause 20, clause 17 to clause 21, clause 18 to clause 22, clause 19 to clause 23, clause 20 to clause 24, clause 21 to clause 25, clause 22 to clause 26, clause 23 to clause 27, clause 24 to clause 28, clause 25 to clause 29, clause 26 to clause 30, clause 27 to clause 31, clause 28 to clause 32, clause 29 to clause 33, clause 30 to clause 34, clause 31 to clause 35, clause 32 to clause 36, clause 33 to clause 37, clause 34 to clause 38, clause 35 to clause 39, clause 36 to clause 40, clause 37 to clause 41, clause 38 to clause 42, clause 39 to clause 43, clause 40 to clause 44, clause 41 to clause 45, clause 42 to clause 46, clause 43 to clause 47, clause 44 to clause 48, clause 45 to clause 49, clause 46 to clause 50, clause 47 to clause 51, clause 48 to clause 52 and clause 49 to clause 53. Thank you.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Honourable Members, the Chairperson of the Committee of the Whole House has just reported back to the House on the deliberations that took place towards the amendment of the Kisumu County Early Childhood Development Education Bill, 2023, I therefore want to put a question on the adoption of the report from the committee of the whole House.

(Question put and agreed to)

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Honourable Members, the report from the Committee of the Whole House now forms part of the Bill. Honourable Members, the Bill was first introduced to this House by way of 1st reading, it was committed to the Standing Committee of Education, Technical Training, Innovation and Social Services that subjected it to public participation, and a report was tabled and adopted by the House. Honourable Members, the Bill having been read for the second time, I want to direct that the Select Committee of House Business considers scheduling the KISUMU COUNTY EARLY CHILDHOOD DEVELOPMENT AND EDUCATION BILL, 2023 (KISUMU COUNTY BILL NO. 3) for 3rd reading and that the office of the clerk makes the necessary arrangement for the 3rd reading as appropriate. Thank you.

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

ADJOURNMENT

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Honourable Members, there being no any other business to transact, the House stands adjourned to Thursday, 16th November, 2023 at 2.30 p.m.

(House rose at 04.05 p.m.)

Addendum

Hansard Team

Zablon Otiende	-	*Senior Hansard Reporter (In-charge)*
Edward Odanga	-	*Hansard Reporter*
Fanuel Okode	-	*Hansard Reporter*
Patrick Okoyo	-	*Hansard Reporter*
Jesca Otieno	-	*Hansard Reporter*
Dennis Onyango	-	*Hansard Reporter*
Jacklyne Otieno	-	*Hansard Reporter*
Valery Achieng'	-	*Hansard Reporter*