

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

Official Report

THIRD ASSEMBLY – SECOND SESSION

Thursday, 30th November, 2023

House met in the Main Chamber at 02:30 p.m.

(The Speaker (Hon. Elisha Jack Oraro) in the Chair)

PRAYERS

The Speaker (Hon. Oraro): Honourable Members, I want to refer us to the provisions of Kisumu County Assembly Standing Orders No. 32 (2) which stipulates that;

“(2)If there is not a quorum present when the Chair is taken at the time appointed for a meeting of the County Assembly, immediately after the saying of the Prayer, the Speaker shall order the bell to be rung for five minutes, and if no quorum is present at the expiration of the five minutes, the Speaker may direct that the bell be rung for a further five minutes and if there is still no quorum present, the Speaker shall adjourn the County Assembly forthwith to the next sitting.

Honourable Members, I therefore direct the Serjeant-at-Arms to ring the quorum bell for the first five minutes. When the quorum bell is being rung, no Member is allowed to move out of the House except the Whips who is required to whip Members. I can see the Deputy Whip in the House, kindly undertake your responsibility and whip Honourable Members. Thank you.

(Quorum bell rung for the first five minutes)

The Speaker (Hon. Oraro): The Deputy Whip, please confirm if we have quorum.

Deputy Whip (Hon. Obonyo, MCA, South West Kisumu Ward): Thank you Mr. Speaker, we have quorum.

The Speaker (Hon. Oraro): Mr. Clerk, kindly take us through the order of the day?

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

COMMUNICATION FROM THE CHAIR

The Speaker (Hon. Oraro): Honourable Members, I have one Communication to make. As you are all aware and in line with the Gazette Notice 16118 dated 07th November, 2023, the Fifth State of the Country Address by H.E. the Governor of Kisumu County Professor Peter Anyang' Nyongó will take place tomorrow Friday, 01st December, 2023 at Tom Mboya Labour College from 02:00 p.m. Apart from the guests invited by H.E. the Governor and in line with our open door policy, we shall have to host a delegation of fifty participants drawn from all the Seven Sub-counties to witness this occasion.

Honourable Members, the Sub-county Administrators and the Ward Administrators have been tasked to get in touch with you the Honourable Members to identify and select participants from each Ward and Sub-county totaling to fifty per Sub-county for this occasion. The delegates are required to be seated by 01:30 p.m. so that the session can commence at 02:00 p.m. Honourable Members are advised to get in touch with the Ward Administrators on the same to expedite the process of identifying and nominating these delegates from the Sub-counties and the Wards.

Honourable Members, I equally wish to notify this House that apart from the Fifth State of the Country Address by H.E. the Governor of Kisumu County Professor Peter Anyang' Nyongó, the Governor shall also Launch the Third Kisumu County Integrated Development Plan (CIDP III) FY 2024/2027 at the Tom Mboya Labour College immediately after the plenary session. In other words, once the plenary is complete, we shall have the engagement of launching of the KCIDP (III) by H.E. the Governor of Kisumu County Professor Peter Anyang' Nyongó.

I likewise want to communicate to all the Honourable Members that, lunch shall be provided at the Tom Mboya Labour College from 12:00 noon. So, you are advised to come to the venue early and for those who will be in town, lunch will be provided at the Tom Mboya Labour College. So, make preparations so that by 01:30 p.m. we are all seated.

However, there shall be a consultative meeting between the Governor and the Leadership of the County Assembly that includes the following; the Honourable Speaker, Deputy Speaker, Leader of Majority, the Chief Whip and their Deputies at a place that I shall communicate. So, please avail yourselves early enough probably by 12:00 noon for that meeting and I shall communicate the venue as soon as appropriate.

Now, the programme for tomorrow is as follows;

Honourable Members, it is my assumption that by 01:00 p.m. everybody will have taken lunch so that by 01:30 p.m. the Governor is expected to have arrived at the Tom Mboya Labour College together with the Honourable Speaker. Their seating will solely rely with the Assembly official and the Protocol office and it is my belief that the Department of Serjeant-at-Arms is knowledgeable of the same.

Honourable Members, between 01:30 and 01:50 p.m. the Governor will inspect the Guard of Honour which will thereafter be followed with entertainment and a photo session.

Honourable Members, at exactly 02:00 p.m. there shall be procession to the plenary and there after H.E. the Governor of Kisumu County Professor Peter Anyang' Nyongó will deliver the Fifth State of the County Address.

Honourable Members, from 04:10 to 04:45 p.m. there shall be the Lunch of the Third Generation County Integrated Development Plan FY 2024/2027. Subsequently, we shall have short entertainment and introductory remarks by the County Executive Committee Member for Finance and Economic Planning and e-Government Mr. George Okong'o, then we shall have the County Assembly followed by the Deputy Governor, the Governor then the official launch of the programme.

Honourable Member, I similarly want to present to you that, I have received a request from a number of Members of this House that if possible, tomorrow we don our Corporate Shirts. I don't know how we will handle this but I believe that we will remain behind after this session to agree on the modalities. But, I confirm that I have received quite a number of requests that tomorrow we don our corporate shirts the one that I can see Hon. Rakwach wearing. Hon. Rakwach please be on your feet.

(Hon. Reuben Rakwach rises on his feet)

Yes, we don than one for tomorrows session. Otherwise, I want to request Members that, this is going to be the Fifth State of the County Address. When the State of the County Address is delivered, the Governor gives a review of what his government achieved in the last one year. Again, he gives his plans for the next one year. So, I want to request the Honourable Members to please be attentive. The rule is that the address is delivered in silence and you have to listen keenly on what the Governor is presenting, then, thereafter we shall have three consecutive seating to deliberate the address by the Governor. So, this may be your opportunity to inform the House as to whether you are satisfied with what the Governor has presented or give your contrary opinion and at the same time give suggestions. We shall plan for a retreat between the County Executive and the County Assembly on a feedback and this will come after the Hansard report will have been done and sent to the Office of the Governor that has our feedback on the Fifth State of the County Address for the three consecutive sittings that will follow the address.

Honourable Member, I want to wish you well and request that we be at the venue on time. Please convey this information to the Members who are not present here today that by 12:00 noon they should be at the Tom Mboya Labour College where they will take their lunch and by 01:30 p.m. and they should be seated so that the session commences at exactly 02:00 p.m. Thank you.

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

PAPER LAID

REPORT OF THE AUDITOR GENERAL ON KOMBEWA HOSPITAL FOR THE YEAR
ENDED 30TH JUNE, 2022

BY

HON. KENNEDY OOKO, MCA, AHERO WARD

(LEADER OF MAJORITY)

The Speaker (Hon. Oraro): Yes Hon. James Omollo, do you want to lay a paper?

Hon. Omollo (MCA, West Nyakach Ward): Yes!! Mr. Speaker.

The Speaker (Hon. Oraro): Please proceed.

Hon. Omollo (MCA, West Nyakach Ward): Thank you Mr. Speaker. Pursuant to the provisions of Section 32 of the PFM Act, 2012, I wish to table today Thursday, 30th November, 2023 a Report of the Auditor General on Kombewa Hospital for the year ended 30th June, 2022. Thank you.

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

The Speaker (Hon. Oraro): Honourable Members, I confirm receipt of a report of the Auditor General on Kombewa Hospital for the year ended 30th June, 2022 as laid by Hon. James Omollo and I commit this report to the Select Committee of PIC/PAC for consideration as per the provisions of our Standing Orders. Thank you.

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

NOTICE OF MOTION

The Speaker (Hon. Oraro): Yes Hon. Henrietta Bodo.

Hon. Bodo (Nominated Member): Thank you Mr. Speaker. I arise here to present a motion...

The Speaker (Hon. Oraro): Order!! Hon. Bodo, I thought that you had a Notice of Motion to present? Please just hold your horses you will have your time when the time for that business comes.

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

MOTION

ADOPTION OF REPORT OF THE STANDING COMMITTEE OF LANDS, HOUSING,
PHYSICAL PLANNING AND URBAN DEVELOPMENT ON A BENCHMARKING
EXERCISE WITH BUNGOMA COUNTY ASSEMBLY

BY

HON. RATIB BOITONE, MCA, NYALENDA “A” WARD

(CHAIRPERSON, STANDING COMMITTEE OF LANDS, HOUSING, PHYSICAL
PLANNING AND URBAN DEVELOPMENT)

The Speaker (Hon. Oraro): Yes Hon. Ratib Boitone..

The Speaker (Hon. Oraro): What is it Hon. James Omollo.

Hon. Omollo (MCA, West Nyakach Ward): Thank you Mr. Speaker. I am the Vice-chair of this House Committee and unfortunately the Chair is not around and he delegated me to move this motion. Thank you.

The Speaker (Hon. Oraro): Please proceed.

Hon. Omollo (MCA, West Nyakach Ward): Thank you Mr. Speaker. I rise to move a report on the adoption of report from the Standing Committee of lands, Housing, Physical Planning and Urban Development on the Benchmarking Exercise with their counterpart House Committee of Bungoma County Assembly.

Hon. Members. PURSUANT to the provisions of the Kisumu County Assembly Standing Orders No. 193 read together with Standing Orders No. 194(2)(c) which mandates the House Committees to prepare programmes and activities to be undertaken in each Fiscal Year, the Sectoral committee on Lands, Physical Planning, Housing and Urban Development prepared its Annual Work Plan for the FY 2023/2024 detailing errands to be transacted which amongst them, was the approved Benchmarking Exercise to Bungoma County Assembly with its sister Committee.

Following the approval by the Liaison Committee, the Speaker of the Kisumu County Assembly authorized the Committee to carry out the benchmarking to enable the two committees share experiences and challenges.

The Benchmarking exercise commenced on 12th October, 2023 and came to an end on 17th October, 2023.

The Committee was given a much welcome in the County Assembly of Bungoma by both the Speaker and the Clerk of the Assembly.

ESTABLISHMENT AND MANDATE OF THE COMMITTEE

Mr. Speaker and Hon. Members, the Sectoral Committee on Lands, Physical Planning, Housing and Urban Development is established under Standing Order No. 193 of the Kisumu County Assembly Standing Orders, whose mandate, pursuant to the Standing Orders No. 193 (5) is as follows;

- a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments
- b) study the programme and policy objectives of departments and the effectiveness of the implementation
- c) study and review all County legislation referred to it
- d) study, assess and analyze the relative success of the departments as measured 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 on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 187 (Committee on Appointments)
- g) Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

COMPOSITION

Hon. Speaker, the Committee on Lands, Physical Planning, Housing and Urban Development as currently constituted comprises of the following Members: -

- | | | |
|-----------------------|---|------------------|
| 1. Hon. Boitone Ratib | - | Chairperson |
| 2. Hon. James Omollo | - | Vice Chairperson |

3. Hon. Seth Ochieng - Member
4. Hon. George Abaja - Member
5. Hon. Zackaria Okoyo - Member
6. Hon. Moses Ochele - Member
7. Hon. Vitalis K'Omudho - Member

Secretariat

1. Peter Anditi - Principal Clerk Assistant
2. Austine Ochieng - Clerk Assistant
3. Edward Odanga - Hansard Reporter
4. Faith Judith - Sergeant-at-Arms

ACKNOWLEDGEMENTS

Hon. Speaker, it is my privilege and pleasure on behalf of the Committee to convey my gratitude to all Members of the Committee for their valuable input throughout the benchmarking period

The Committee also appreciates invaluable support from the offices of the Speaker and Clerk of the County Assembly for approving and facilitating members to undertake the travel. To our Clerks and the technical staff who tirelessly worked through to make this exercise a success, I applaud you.

We appreciate the Clerk and the Speaker of the County Assembly of Bungoma for giving us a warm welcome.

We also appreciate the sister Committee particularly for their resolution to invite the County Executive Committee member and Chief Officer, Lands, Physical Planning, Housing and Urban Development to attend the joint meetings.

It is now my humble desire and wishes to hereby submit this report to the House for consideration on behalf of the Committee on Lands, Physical Planning, Housing and Urban Development.

Terms of Reference for the benchmarking exercise.

Hon. Speaker, the Committee prioritized the following areas for benchmarking exercise with the sister committee of Bungoma County Assembly;

Physical Planning; the Committee wanted to learn/share experience on;

- i. The strides that Bungoma has made in physical planning, with a focus on sustainable urbanization and infrastructure development.

- ii. Key features of this approach which include Master Planning, Zoning and Land Use, Green and Sustainable Cities, Infrastructure Development and Community Participation in Bungoma County
- iii. Does Bungoma County have a spatial plan

1. Housing;

- a) Affordable Housing within Bungoma
- b) What is the performance of Housing in regards to revenue
- c) Integrated Housing Projects if any
- d) Innovative Financing and Slum upgrading if any.
- e) What are the challenges faced in implementing the Housing projects

2. Urban Development;

- a) Areas such as the Digital Infrastructure,
- b) Sustainable Transport and Tourism Development,
- c) Greening of town/sustainable beautification of urban centers,
- d) Whether the Bungoma has conferred municipalities
- e) Do the conferred municipalities have boards and are they autonomous/semi-autonomous?

3. Land Management;

- a) The Land Use Planning
- b) Whether Bungoma has undergone through significant land tenure reforms, including land titling and registration to provide security for land tenure
- c) Land Dispute Resolution and Land Information Systems in Bungoma County
- d) Does the County have a valuation roll?

INTRODUCTION

BACKGROUND OF BUNGOMA COUNTY ASSEMBLY

Hon. Speaker, like most County Assemblies, Bungoma County Assembly occupies offices that were previously owned by Bungoma County Council

Bungoma County Assembly comprises of the Speaker who is an ex officio member, Forty -Five elected members representing Forty-Five Wards and Seventeen nominated members who represent special interest groups, Pursuant to Article 177 of the Constitution of Kenya, 2010 on membership of the County Assembly.

Out of the Forty-Five elected members of the County Assembly, FORD Kenya has the majority while ODM party has the lowest number with 1 member of County Assembly.

There are 9 sub- Counties in Bungoma County namely; Bumula, Kanduyi, Sirisia, Kabuchai, Kimilili, Tongaren, Webuye West, Webuye East and Mt Elgon.

Bungoma County Assembly has built an expansive six- storey building accommodating the leadership (Speaker, Majority Leader, Whips, and Minority leader), Clerk of the Assembly, Members of the County Assembly Service Board and All Staff of the County Assembly.

There is also the Gym and Catering service within the building.

They are also in process of constructing modern chambers, earmarked to start in the current financial year 2023/2024.

Composition of Committees in Bungoma County Assembly

Bungoma County Assembly has Sectoral and Standing committees with the sectoral committees constituted of 15 members and the standing committees constituted of by 11 members.

Physical Planning

Hon. Speaker, Bungoma County has made notable strides in regards to physical planning of the County;

Bungoma County Spatial Plan

Hon. Speaker, the Fourth Schedule of the Constitution of Kenya, 2010 confers the role of County Planning to the County Governments. In addition, Section 103 and 110 of the County Governments Act, 2012 requires each County Government to prepare a ten-year county GIS based database system Spatial Plan which is a framework for organizing and distributing local populations and activities in a manner that achieves both national and county development objectives.

In addition, the spatial plan should aim to coordinate the implementation of sectoral projects and programs, especially to reduce the wastage of scarce resources and avoid the duplication of efforts.

Bungoma County Spatial Plan was prepared through consultancy services with a few challenges like lack of prioritization in law encountered in the process of preparation.

In addition to the County Spatial Plan, Bungoma County has also managed to prepare the following in regards to physical planning;

- a) Physical Plan for Bungoma town
- b) 7 local physical plans – Still in progress
- c) 3 plans for 3 municipalities (Bungoma, Kimilili and Cherele)

Housing

Hon. Speaker, the Committee noted the following in regards to Housing project in Bungoma County;

- a) That Bungoma County has set aside 32ha for the Affordable Housing project. However, a discussion on compensation for the land is still ongoing between the National and County Government
- b) There are houses from the national government and municipals. However, there is no value for money out of them due to the lower rates of rents being paid. To increase rent, there has to be public participation. There is also a tussle/conflict of interest between the National and County Government on who owns the Houses
- c) That there are two major slums in Bungoma County ie Mjini area which falls on public land and Matope which is found in a private land
- d) There is an ongoing Slum upgrading by KISIP 2 in Bungoma County. The project is construction of roads and infrastructure in the 2 slums
- e) That as for Innovative financing, the Bungoma County Government has allowed locals to make bricks in the 32ha land set aside for affordable Housing projects with the hope of being given consideration when the project finally kick-start.
- f) That Bungoma County has developed a Housing Policy with the objective of facilitating the provisions of adequate shelter and a healthy living environment at an affordable cost to all socio-economical groups in Bungoma County in order to foster sustainable human settlements
- g) In terms of revenue, Bungoma County collected an amount of Kshs. 8,740,100 from House rent during the previous financial year 2022/2023

Lands

The most notable achievement is that Bungoma County has prepared valuation rolls for sections although the approval by the County Assembly is yet to be done. Preparation of Bungoma County Valuation roll is ongoing.

The Valuation roll is prepared Pursuant to Valuation for Rating Act Cap 266.

The Valuation Roll for Kisumu County was recently tabled in the House and the Public inspection, Pursuant to the Valuation for Rating Act Cap 266, Section 9(2) is ongoing.

Urban Development

Hon. Speaker, the provisions of Section 9(1) of the Urban Areas and Cities Act 2011 bestows the County Assembly with powers of making resolutions on the conferment status of municipalities. The resolution provides that the conferment status of a municipality on a town meets the criteria set out in Sub Section 3 of this Act hence leading to grant of charter on the municipality.

Bungoma County Assembly has approved two operational municipalities i.e. Bungoma and Kimilili with functioning boards, Chwele and Webuye are waiting for charter.

The boundaries are already gazette.

They are also in the process of establishing smart cities at Isuma.

Challenges faced by the Bungoma department of Lands, Housing Physical Planning and Urban Development

Challenges on Land Titling:

Land Clinic Efforts: Although the County has made efforts to create awareness on the importance of having land titles through initiatives like land clinics, there are persistent challenges in achieving widespread titling. Land clinics typically involve outreach programs, workshops, and information sessions to educate the public on the significance of obtaining land titles. The success of these efforts has been hindered by factors such as limited resources, low participation, or lack of understanding among the community members.

Public Perception and Awareness: Despite the awareness initiatives, there are challenges in changing the mindset and perception of the public regarding the importance of land titling. Addressing misconceptions and building trust in the titling process is crucial for encouraging more individuals to register their land.....

Hon. Oraro (MCA, Central Kolwa Ward): Point of order!!

The Temporary Speaker (Hon. Oginga, Nominated Member): What is it Hon. Oraro?

Hon. Oraro (MCA, Central Kolwa Ward): Thank you Madam Speaker, I want to bring to your attention that the Member is presenting a very good report but there is no quorum in the House. Thank you.

The Temporary Speaker (Hon. Oginga, Nominated Member): The Deputy Whip, can you please confirm if we have quorum in the House.

Deputy Whip (Hon. Obonyo, South West Kisumu Ward): Thank you Madam Speaker; there is no quorum in the House.

The Temporary Speaker (Hon. Oginga, Nominated Member): Honourable Members, based on that, I want to make reference to Kisumu County Assembly No. 32 (2) so that we have the quorum bell rung for ten minutes.

(Quorum bell rung for ten minutes)

The Temporary Speaker (Hon. Oginga, Nominated Member): The Deputy Whip, can you please confirm if we have quorum in the House.

Deputy Whip (Hon. Obonyo, South West Kisumu Ward): Thank you Madam Speaker, I have confirmed that there is still no quorum in the House.

The Temporary Speaker (Hon. Oginga, Nominated Member): Honourable Members, while I make reference to the provisions of Kisumu County Assembly Standing Orders No. 32 (2) which states that;

“(2)If there is not a quorum present when the Chair is taken at the time appointed for a meeting of the County Assembly, immediately after the saying of the Prayer, the Speaker shall order the bell to be rung for five minutes, and if no quorum is present at the expiration of the five minutes, the Speaker may direct that the bell be rung for a further five minutes and if there is still no quorum present, the Speaker shall adjourn the County Assembly forthwith to the next sitting.

The Temporary Speaker (Hon. Oginga, Nominated Member): Honourable Members, I therefore direct that this House stands adjourned until tomorrow Friday, 01st December, 2023 at 02:00 p.m. for a Special Sitting at the Tom Mboya Labour College. Thank you.

(House rose at 03:23 p.m.)

Addendum

Hansard Team

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