

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

Official Report

THIRD ASSEMBLY – THIRD SESSION

Tuesday 19th March, 2024

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

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

PRAYER

The Speaker (Hon. Oraro): Clerk, take us through the Order Paper of today.

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

COMMUNICATION FROM THE CHAIR

The Speaker (Hon. Oraro): Honourable Members, I have the following communications to make. First, this is in line with schedule prepared by the Budget and Appropriations Committee in regards to the stakeholder engagement, Sectoral Committees meeting with their departmental counterparts in the County Executive that is scheduled to take place from tomorrow 20th and 21st March, 2024.

Honourable Members, after deliberations and consultations with the House Business Committee and the Clerk based on the exigency of the activities that are available, we have agreed that the activities that were planned for Thursday 21st March, 2024 shall proceed as planned. However, the activities that were planned for Wednesday 20th March, 2024 have been moved to Tuesday, 02nd April, 2024. The venues and time remain the same. On the same note, there was a Gazette

Notice on Public Participation that is starting on Friday 22nd March, 2024 and ending on Tuesday 26th March, 2024, these activities will proceed as planned.

Honourable Members, we have also managed to secure a tailor made training for Honourable Member of County Assembly of Kisumu scheduled to commence from Monday, 25th to Friday, 29th March, 2024 with the Center for Parliamentary Studies and Training (CPST) that will take place in Nairobi County. We would like you to engage your Ward Managers, especially the elected leaders for the upcoming public participation. I have liaised with the Clerk to facilitate the staff as they plan to meet the members of the public. I am happy that the Budget and Appropriations Committee ensured that the document went ahead of the planned date of exercise. Please remind your Ward Managers to represent you in those particular functions because the training that is planned from 25th to 29th March, 2024 is mandatory but you can choose not to attend.

Honourable member, for those who will choose to attend, it is important that you report to Nairobi on Sunday, 24th March, 2024 so that you start on time. It is going to be rigorous training because we will have to condense quite a number of modules within that period. I would really want to you attend. Otherwise, welcome to this session. The Leader of Majority will keep you posted or updated on other programmes as we proceed. Thank you.

The Speaker (Hon. Oraro): Next order!

STATEMENT

The Speaker (Hon. Oraro): Honourable Leader of Majority.

Leader of Majority (Hon. Ooko, MCA, Ahero Ward): Thank you Mr. Speaker. Pursuant to Standing Order No. 42 (2) (c), which mandates me in my capacity as the County Assembly Leader of the Majority to present and lay on the table of this House a Statement informing the Assembly on the business coming on the Floor of the House on the following week.

Honourable Speaker, this is therefore to bring to the attention of the Honorable Members and the County Assembly that for the week commencing Wednesday 20th March to Tuesday 2nd April, 2024, the House Business Committee in its last sitting approved the following businesses to appear in Order Paper as follows;

PAPERS TO BE LAID

The Chairperson, Standing Committee of Labour and Social Welfare Services, Hon. Zachary Okoyo will table a report on the Benchmarking Exercise with the sister committee of Migori County Assembly.

The Chairperson, Standing Committee of Trade, Tourism, Marketing and Industry, Hon. Alice Wajewa will table a report on the Benchmarking Exercise with its sister committee of Kisii County Assembly.

NOTICES OF MOTION;

The Chairperson, Standing Committee of Labour and Social Welfare Services, Hon. Zachary Okoyo will give the following Notice of Motion: That pursuant to Orders No. 182 (6) of Kisumu Standing Orders, this House adopts of the Labour and Social Welfare Services Committee report on the Benchmarking Exercise with their counterparts of Migori County Assembly.

The Chairperson, Standing Committee of Trade, Tourism, Marketing and Industry, Hon. Alice Wajewa will give the following Notice of Motion: That pursuant to Orders No. 182(6) of Kisumu Standing Orders, this House adopts a report of Trade, Tourism, Marketing and Industry Committee on the Benchmarking Exercise with their counterparts, Kisii County Assembly.

SUBSTANTIVE BUSINESS FOR THE DAY

The Chairperson, Select Committee of Budget and Appropriations, Hon. Joachim Oketch will Move Second Reading the Kisumu County Supplementary Appropriations Bill, 2024 (Kisumu County Bill No. 1 of 2024).

Secondly, Third Reading of the Kisumu County Supplementary Appropriations Bill, 2024 (Kisumu County Bill No. 1 of 2024).

The Chairperson, Standing Committee on Lands, Housing, Physical Planning and Urban Development, Hon. Boitone Ratib intends to Move a Motion on Adoption of report on Status of Operations of Municipalities in Kisumu County.

PAPERS TO BE LAID

On Wednesday 20th March, 2024 at 2:30 p.m.,

The County Assembly Leader of Majority Hon. Kennedy Ooko will table the following reports:

1. Report of the Auditor General on Kisumu County Alcoholic Drink Control Fund for the year ended 30th June, 2021
2. Report of the Auditor General on Kisumu County Alcoholic Drink Control Fund for the year ended 30th June, 2022

3. Report of the Auditor General on Kisumu County Alcoholic Drink Control Fund for the year ended 30th June, 2022

SUBSTANTIVE BUSINESS FOR THE DAY, THAT IS TOMORROW AT 2:30 P.M.,

The Chairperson, Select Committee on Liaison Hon. Nereah Okombo intends to Move a Motion on adoption of the Report on Consideration of Half yearly Progress Reports of various House Committees for the period ended 31st December, 2023

The County Assembly Leader of Majority Hon. Kennedy Ooko will Move a Motion on Adoption of Motion of Adjournment of County Assembly until Tuesday 02nd April, 2024.

On Tuesday 2nd April, 2024 at 2:30 p.m.,

SUBSTANTIVE BUSINESS FOR THE DAY

The Chairperson, Standing Committee of Education Technical Training, Innovation and Social Services, Hon. Seth Okumu will Move a Motion on Adoption of the Kisumu County Vocational Education and Training Policy. Thank you.

The Speaker (Hon Oraro): Yes, Hon Benny Oiko Pete

Hon Oiko (MCA, Kabonyo/Kanyagwal ward): Mr. Speaker, I wanted to find out from the Chair of the Speaker of Assembly that a Statement was read in this House in October, 2023 by Hon. Pete Oiko and this Statement included a number of matters that were to be handled by the departments. Mr. Speaker, to date, it has not been responded to.

The Speaker (Hon Oraro): When was the Statement sought and committed to which House Committee is that?

Hon Oiko (MCA, Kabonyo/Kanyagwal ward): Mr. Speaker, this was a Statement as per Standing Orders No. 41 (2) (a) and it was addressed to the Whole House.

The Speaker (Hon Oraro): Thank you Hon Benny. I promise to follow up and give you feedback in the next Sitting.

Hon Oiko (MCA, Kabonyo Kanyagwal ward): Much obliged.

The Speaker (Hon Oraro): Next order!!

MOTION

ADOPTION OF THE REPORT OF THE LANDS, HOUSING, PHYSICAL PLANNING AND URBAN DEVELOPMENT COMMITTEE ON THE REPRESENTATION OF THE COUNTY IN THE LANDS CONTROL BOARD

The Speaker (Hon Oraro): Hon Boitone.

Hon Boitone (MCA, Nyalenda A Ward): Thank you Mr. Speaker. Pursuant to the provisions of Standing Orders No. 41(2) (b) of the County Assembly Standing Orders, the MCA for Kajulu Ward, Hon. Ben Adega raised a Statement in this House on 18th May, 2023, regarding the representation of Kisumu County in the Land Control Boards.

In accordance with Article 185 of the Constitution of Kenya, 2010, Section 8 of the County Government's Act, 2012 read together with the County Assembly of Kisumu Standing Orders No. 193, the Hon. Speaker instructed the Sectoral Committee on Lands, Physical Planning, Housing and Urban Development to make an inquiry, investigate and cause a report on the following in regard to this matter;

- i. What is the representation of the County in the County Land Control Boards at County and Sub-County level. Further, what role does the representation play
- ii. How has the Board been realizing its devolved functions?
- iii. Whether the County has been receiving any revenue related to Land and or development control.

LEGAL FRAMEWORK ON THE LAND CONTROL BOARDS

Hon. Speaker, the Land Control Boards are operating under the Land Control Act CAP 302. Section 5(1) of the Land Control Act CAP 302 provides for establishment of land control boards and categorically states that; *the Minister shall, by notice in the Gazette, establish a land control board for every land control area or, where it is divided into divisions, for each division.*

Second Schedule of the Land Control Act CAP 302 provides as follows on the composition of the Land Control Board;

A land control board shall consist of—

(a) the District Commissioner of the district in which the land control area or division is situated, or a District Officer deputed by him in writing, who shall be chairman. Hon Speaker, in the current dispensation, this is the Deputy County Commissioner

(b) not more than two other public officers;

(c) two persons nominated by the county council having jurisdiction within the area of jurisdiction of the board; and

(d) not less than three and not more than seven persons resident within the area of jurisdiction of the board, all appointed by the Minister:

Provided that—

(i) not less than eight and not more than twelve persons shall be appointed as members of the board; and

(ii) more than one-half of the members of the board shall be owners or occupiers of agricultural land within the area of jurisdiction.

Hon. Speaker, the Land Control Boards oversee activities such as subdivision, fragmentation, transfer and amalgamation, which can have profound implications for the local populace

Pursuant to Section 6 of the Land Control Act CAP 302, the Land Control Boards main function is to control land dealings in Agricultural Land. The following are the transactions involving Agricultural Land dealings within the mandate of the boards;

Transactions affecting agricultural land

(1) Each of the following transactions that is to say—

(a) the sale, transfer, lease, mortgage, exchange, partition or other disposal of or dealing with any agricultural land which is situated within a land control area;

(b) the division of any such agricultural land into two or more parcels to be held under separate titles, other than the division of an area of less than twenty acres into plots in an area to which the Development and Use of Land (Planning) Regulations, 1961 (L.N. 516/1961) for the time being apply;

(c) the issue, sale, transfer, mortgage or any other disposal of or dealing with any share in a private company or co-operative society which for the time being owns agricultural land situated within a land control area, is void for all purposes unless the land control board for the land control area or division in which the land is situated has given its consent in respect of that transaction in accordance with this Act.

(2) For the avoidance of doubt it is declared that the declaration of a trust of agricultural land situated within a land control area is a dealing in that land for the purposes of subsection (1).

(3) This section does not apply to—

(a) the transmission of land by virtue of the will or intestacy of a deceased person, unless that transmission would result in the division of the land into two or more parcels to be held under separate titles; or

(b) a transaction to which the Government or the Settlement Fund Trustees or (in respect of Trust land) a county council is a party. [Act No. 13 of 1980, Sch., Act No. 22 of 1987, Sch., Act No. 13 of 1988, Sch.]

COMMITTEE INVESTIGATIONS

Hon. Speaker, in a Committee meeting held to deliberate on this matter, the committee resolved to seek for information from the County Executive Committee member for Lands, Physical Planning, Housing and Urban Development.

Consequently, a letter of REF; CAK/CGK/CS/LPPHUD/01 dated 23rd May 2023, requesting the County Executive Committee member for Lands, Physical Planning, Housing and Urban Development to respond to the issues raised in the statement on a date not later than 31st May, 2023 was delivered to the department through the County Secretary. (See Annex 2)

Hon. Speaker, the department failed to respond within this timeline. Consequently, the Committee in another meeting resolved to do a reminder to the County Executive Committee member to respond to the issues raised in the statement. A letter of REF; CAK/LANDSHPP/01 dated 1st August, 2023 was delivered to the department, through the County Secretary, in this regard (See Annex 3)

Hon. Speaker, once again, the department failed to respond to the issues raised within the timeline indicated in the letter.

Subsequently, the committee resolved in a meeting to invite the County Executive Committee member for Lands, Physical Planning, Housing and Urban Development to attend a committee meeting to respond verbally to the issues raised in the statement on 9th November, 2023. (See Annex 4- Invitation letter.) The County Executive Committee member for Lands, Physical Planning, Housing and Urban Development appeared before the Committee as per the invite and presented before the committee, a written response on the issues raised in the statement. (Annex 5)

Response by the County Executive Committee member on the issues raised;

Hon. Speaker, the County Executive Committee member for Lands, Physical Planning, Housing and Urban Development, in his written response to the issues raised highlighted the following;

1. That through a letter of REF; CGK/LHPPUD/ADM/VOL2/175, dated 18th April, 2023, the department communicated to the Land Administrator Officer, Ardhi House, the names of individuals nominated by the County Government of Kisumu for inclusion in the respective Land Control Boards in the County. The following names were submitted for each sub-county;
 - a) Nyando; Toffer Otieno Omondi and Lawrence Omondi Obat
 - b) Kisumu Central; Bala Judith Aluoch and Jane Akoth Rambanya
 - c) Muhoroni; Martina Rita Arina and James Obera Wamba
 - d) Kisumu East; Jackline Akinyi Obiero and Olwal Omondi George
 - e) Nyakach; Fredrick Onyango Misigo and Michael Ouma Okumu
 - f) Kadibo; Fidel Oyugi Auma and Mary Celestine Odhiambo
 - g) Kisumu West; Fridah Lydia Adhiambo and David Okeyo
 - h) Seme; Andrew Odhiambo Ombewa and Leonard Otita Odongo

2. In his verbal explanation, the County Executive Committee member reiterated that despite forwarding the above names for representation in the Land Board, the National Government gazetted several names which were not in the list of nominees that had been forwarded. This is illustrated below;
 - a) Nyando; only Toffer Otieno Omondi was listed, Lawrence Omondi Obat was not listed
 - b) Kisumu Central; All the nominees were shortlisted
 - c) Muhoroni; All the nominees were not shortlisted
 - d) Kisumu East; All the nominees were not shortlisted
 - e) Nyakach; Only Fredrick Onyango Misigo was shortlisted
 - f) Kadibo
 - g) Kisumu West; Only Fridah Lydia Adhiambo listed
 - h) All nominees were missing.
3. The County Executive Committee member further explained that as a department, they have consequently appealed to the Cabinet Secretary for Lands, to adopt their list that they had forwarded. (See the appeal in the response, annex 5)
4. As at the time of committee deliberations, the Cabinet secretary was yet to respond on the appeal by the department

COMMITTEE OBSERVATIONS

Hon. Speaker, the Committee made the following observations;

- i. That, through a letter of REF; CGK/LHPPUD/ADM/VOL2/175, dated 18th April, 2023, the department communicated to the Land Administrator Officer, Ardhi House, the names of individuals nominated by the County Government of Kisumu for inclusion in the respective Land Control Boards. Two people in each sub-county were nominated for the representation in the Land Control Board. A total of 16 names were forwarded. However, out of the 16 names that were forwarded, only 5 names were taken into consideration.
- ii. That, through a gazette notice dated 16th May, 2023, the national Government gazetted names of nominees to represent the County in the Land Control Board (See gazette notice in Annex 5).
- iii. That, through a letter dated 17th June 2023, the department requested the cabinet secretary for Lands, Public Works, Housing and Urban Development to consider revising the list as per the Land Control Board member nominee list that had been forwarded
- iv. That, the County Executive Committee member was reluctant on responding to the issues raised in the statement by Hon. Ben Adegga

COMMITTEE RECOMMENDATIONS

Mr. Speaker and Hon. Members, the Committee recommends to this House to resolve as follows;

- i. That, the County Executive Committee member for Lands, Physical Planning, Housing and Urban Development follow up on the communication made to the County Secretary for Lands, Public Works, Housing and Urban Development on the issue of representation of the County in the Land Control Board and a report on the status of the same be submitted to this Assembly in a period of 90days upon adoption of this report
- ii. That, the County Executive Committee member for Lands, Physical Planning, Housing and Urban Development hereby provides this House with a report detailing the efficacy of the current Land Control Boards in fulfilling their devolved functions, particularly in accordance with Section 5 of the Land Control Act CAP 302 concerning agricultural land dealings. This report be submitted within 90 days upon adoption of this motion.
- iii. That, the County Executive Committee member for Lands, Physical Planning, Housing and Urban Development present to this House, within 90 days following the adoption of this report, a comprehensive assessment detailing the revenue generation efforts, if any, by the Land Control Boards for the County
- iv. That, going forward, it is imperative that the County Executive Committee member for Lands, Physical Planning, Housing, and Urban Development ensures prompt responses to all correspondence to facilitate the Committee in fulfilling its mandate effectively.

CONCLUSION

Hon. Speaker, I hereby request this House to adopt this report on the representation of the County in the Land Control Boards. May I call upon Hon K’Omudho to second. Thank you

The Speaker (Hon Oraro): Hon K’Omudho.

Hon K’Omudho (MCA, Muhoroni Koru Ward): Many thanks Hon. Speaker and the Honourable Members. I rise second the report as presented by the Chair, Standing Committee of Lands, Physical Planning, Housing and Urban Development. You will notice that a lot of lapses have been spelt out in the report, hence, the Land Control Board typically relates to matters community, on daily basis. The observations of the same are indeed quite consequential in the process of our daily lives and the mismanagement of the representation at the County levels is a big mess. As a result, I agree with the observations and recommendations made by this House Committee and second the report by the Chair. It is indeed a good report that should be adopted by the House. Many thanks Hon. Madam Speaker, and Hon. Members.

(The Hon. Speaker vacates the Chair)

(The Deputy Speaker in the Chair)

The Deputy Speaker (Hon. Okombo, MCA, Manyatta “B” Ward): Honourable Members, a motion on the Adoption of a Report on the Representation of the County in the Lands Control Board has been moved and seconded appropriately. I therefore want to propose a question of debate that the motion be open for discussion.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta “B” Ward): Yes, Hon. Benson Adegga.

Hon. Adegga (MCA, Kajulu Ward): Thank you, Madam Speaker for giving me this opportunity to contribute to the matter, and especially because I am the one who brought this matter before this House. I really want to appreciate this House Committee for the thorough work that they did on the report. However, they took time to compile this report but I thank them for the good recommendations they have made. Let the Committee on Implementation do their job because these are serious issues. I believe that, you are all aware that the Kisumu County Supplementary Budget Estimates FY 2023/2024 is on, and there are some issues on Own Source Revenue Collection that also touches on Land. Otherwise, I support the report, and thank you.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta “B” Ward): Hon. Joachim Oketch.

Hon. Oketch (MCA, Kondele Ward): Thank you, Madam Speaker. It is my belief that this was a carefully thought submission beginning from Hon. Adegga who raised the issue and the fact that the issue of Representation of the County in the Lands Board has been an oversight, and as you can see, the main mandate of this Board is to look at the transactions and deals of Agricultural Lands, which has been a very thorny issue.

Madam Speaker, it is coming to our attention that several names have been forwarded but the implementation in terms of the consideration of these names has never come to fruition. That is 100%. Some names are taken whereas others are left in term of Sub-County representation

Madam Speaker, it is therefore my considered opinion that the County Government of Kisumu should take this matter seriously, and if you look at careless manner and the reluctant nature of the County Executive Committee Member in-charge of Lands, Physical Planning, Housing and Urban Development, it portrays that they are not taking keen interest in these issues. Madam Speaker, you are aware of the issue of Land and the emotive nature of Land issues in this County. You can see that the President has gone on an infrastructural development spree with regards to Construction of Affordable Housing, and they are taking parcels of Land left and right. So, even if representation of Kisumu County alone is not in this Lands Board, it is my belief that this is a very serious a matter. Taking into consideration House Committee recommendations especially number 2; that they submit a report within 90 days should be followed.

Madam Speaker, you have witnessed that this Lands Board sits, and that Kisumu County has not been performing very well when it comes to collection of Own Source Revenue. This is a place where the County can get a lot of revenue, Madam Speaker. The same County Executive Committee Member in-charge of Lands, Physical Planning, Housing and Urban Development who has been blaming the County for theft, and fattening the chicken while making the cow very thin, but expecting to take milk tea and the like, is the same County Executive Committee Member who is reluctant in an area where we are able to get a lot of revenue. So, I want to agree

with this House Committee's recommendations, and I believe that the County Executive Committee Member should be taken to task and be invited to appear before the relevant House Committee on Implementation in order for us to inquire where he has reached with regards to implementation of this report. Otherwise, I want to support the committee on this, thank you Madam Speaker.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Honourable Members, in order of seniority, I wanted to consider Hon. Pete Oiko but it seems like he has given that opportunity to Hon. Nyaoke. Yes Mheshimiwa.

Hon. Nyaoke (MCA, North-Nyakach Ward): Thank you, my senior Hon. Oiko Pete, and thank you Madam Speaker for giving me this chance.

Madam Speaker, I want to commend the House Committee that worked on this report but because there is still some leeway to seek for further explanation from the County Executive Committee Member concerned with this, I need to add just one thing. If you look at page 10 of this report, my brother Hon. Joachim also alluded to that fact that, something went wrong there. This was that, whereas the names of the members of the Board were submitted for inclusion. Madam Speaker, we are again being informed in this report and I believe this one is said verbally, he did not write it down that; even some names were gazette, the names that did not appear in the list which was submitted. As we wait for further explanations within those ninety days, I would wish that the Chairperson and the entire House Committee to ensure that the point is properly explained. That when the list was submitted from Kisumu County, then you find that some other names were gazetted from elsewhere apart from the ones which were submitted. So, this is something which is of great concern that we need a proper clarification on. That is because we might be submitting names that have been verified from the County and we expect and also believe that the people that we are forwarding their names are going to be of good use to places that they are going to be deployed at the Land Control Board. For instance, we submitted two names from Nyakach Sub County and only one person was shortlisted. The reason why the second person was not shortlisted is not explained properly. Maybe, because, the Chairperson did explain that those explanations were verbal that maybe they were not captured. As it is, actually it is very important that we know the reason as to why one person was dropped and if a replacement was made from elsewhere but not recommended from Kisumu County.

Therefore, I support this motion and I do wish that we be keen to look at the result of that after the ninety days because the issue of land has been said even before and several times to be very thorny and emotive. This is something which is serious on our lives and it is something which is very controversial that if we fail to handle it from the very beginning then we are likely to lose a lot, thank you Madam Speaker and I beg to support.

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

Hon. Oiko (MCA, Kabonyo/Kanyagwal Ward): Thank you Madam Speaker, a Statement was raised in this House that is; the Composition of the Land Control Board. In the composition, the County Government was supposed to submit names and there are complains that the County Government submitted names and they were sixteen of them, only five people were considered and the other eleven were not considered. That is the main information we are getting on number one because there is a Gazette Notice attached here.

Madam Speaker, if Hon. Members could be keen enough on this notice, to find out, who are these Africans whose names are here. For instance, when I look at Kisumu East Sub-county, I am impressed that Director, Robert Otuge is here as a member of the board. Hon. Olum Osumba is here as a member of the board. Ms. Agnes Nyagol who also served as a Councillor is also here as a member of the board. However, when you look at the list which was presented by the County Government, their names were not included here. Yet, these people are our locals. Where did their names come from? That is what we would now ask. The names of the locals are found in the Kenyan Gazette and these are people who would serve the people of Kisumu County on matters of land.

Madam Speaker, secondly, the devolved functions of the County Government on land matters which is consent to subdivide, to transfer the allocation of land; those are their functions. These are functions that would be done by the Land Control Board. So, once our people have been included in that board, we know that these functions would be performed to the satisfactory level as per the locals unless one has other issues to raise. Madam Speaker, what is not coming out clear is number three. The Own Source Revenue which is supposed to be collected by the Department of Lands is not mentioned in the whole report. In addition, this is where the department ought to have informed this House when it comes to the subdivision of land, what revenue does the County Government expect? When it comes to transfer of land, what revenue is paid to the County Government? In the whole transaction on land matters, how much would the County Government of Kisumu collect? That is what is missing in this report.

Since this County Executive Committee Member appeared before the House Committee, the committee should have remembered to take him to task to explain the revenue that the County Government is expected to collect in the whole transaction. Madam Speaker, since that one is omitted in the report, unless the matter will be raised later on, we shall go by the report the way it is. Madam Speaker, why i want to state that the report is a good is because one, if some names are missing, which is not explained. Why some names from the list presented by the county government are there and others are not there? Did they seek any explanation from the Department of Lands, Ministry of Lands in Nairobi? This has also not been explained, whether they sought any explanation. Madam Speaker, as per what we know, in every Sub-county, there is a Lands Control Board by the Kenya Gazette duly constituted that means; the people of Kisumu County are well served. I beg to submit Madam Speaker.

The Chief Whip (Hon. Kanga, MCA, Market/Milimani Ward): Rises on a Point of information.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta “B” Ward): Majority Whip, do you want to inform the House or the speaker who has left the Floor.

The Chief Whip (Hon. Kanga, MCA, Market/Milimani Ward): Madam Speaker, I want to inform the House and I want to equally inform Hon. Oiko Pete.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta “B” Ward): Granted.

Chief Whip (Hon. Kanga, MCA, Market/Milimani Ward): Thank you Madam Speaker. If you look at the Lands Control Act as earlier expounded to us by Hon. Boitone who is the Chairman, the Act provides for the county government to nominate persons to that committee and the national government too through the Deputy County Commissioner to nominate persons to that Lands Committee. So, I believe that the three persons whom their names do not appear the county government report, that is Hon. Otuge, Hon. Sumbu and Hon. Agnes were nominated by the National Government through the Deputy Commissioner. Thank you.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta “B” Ward): Thank you. Just a minute Honorable Member. Honourable Members, other than the explanation given by the Honorable Chief Whip, I am equally aware that the Kisumu East Lands Board of which I was a member prior to my election as the MCA, was constituted three years behind scheduled and the board members then weren't given an extension of term and I believe that this informs the retainment of the members that are still serving in the board. Thank you.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta “B” Ward): Yes, Hon. Kennedy Ouko.

Hon. Ouko (MCA, West Kisumu Ward): Thank your Madam Speaker. Foremost, I would like to thank the chair for giving us an educative and informative report concerning the statement from Hon. Adegga. I would also like to thank Hon. Adegga for bringing this.

Madam Speaker, as a representative of the people and who is serving the County Government of Kisumu, we may not sometimes understand the roles, mandates and probably the composition of the committee in the Lands Board. I thank the committee because now they have highlighted very clear the composition and I can be in a position to explain that to my people what it entails in terms of the composition and the mandate.

Madam Speaker, I was equally surprised because of one thing, if the county government is allowed to appoint members to the Lands Board, and these people, when it comes to the composition they don't appear and they are not gazetted or probably gazette but not appearing in the committee. This is quite unfortunate for the citizens of Kisumu County because by extension

they represent the interest of the country government and that is where we are also represented. So, the moment we fail as the county government to be represented in this Lands Boards, it is quite unfortunate. It is upon the Department concerned to talk to the chair of the Lands Board and get the correct information so that we can see as the Assembly how to help this. Because it is our mandate and interest to see that the county government is represented in such entities.

Again, it is also important that when we invite the County Executive Committee Member for Lands, Physical Planning, Housing and Urban Development we put him to task because there must be a correspondence between the board and the county government and he is the one concern. He should also explain what action he took to justify that he was serving the interest of the people in Kisumu County and by extension the government.

I support the report and I wish that our county proceed well in whatever we are doing. Thank you.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta “B” Ward): Honourable Members, I have seen the honorable Kennedy on his feet.

Hon. Kennedy Ajwang (Nominated MCA): Thank you Madam Speaker, I wish to call the mover to reply.

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

Hon. Boitone (MCA, Nyalenda “A” Ward): Thank you Madam Speaker. I want to first thank Honourable Members for giving out their keen observations on this report. It came out very clear that the 16 names that were nominated by the Department Lands, Physical Planning, Housing and Urban Development and forwarded to the ministry, only five names were considered. I believe that as a House Committee we gave our recommendations that a communication between the two that is the CECM, Lands, Physical Planning, Housing and Urban Development and the Cabinet Secretary for Lands to finalize on the 11 nominees that were left out in the process.

Madam Speaker and Honourable Members, I similarly want to thank the Honourable Members who actually outlined the reluctance of the County Executive Committee Member to respond to our invitations. We are not taking this lightly and I believe that moving forward, following the recommendation the County Executive Committee Member concerned would act appropriately when called upon by this House Committee.

Madam Speaker and Honourable Members, the issue of Own Source Revenue did not come out very clearly when the County Executive Committee Member was called upon and it is my belief that you heard Hon. Joachim mentioning that the County Executive Committee Member has been complaining about the budgetary allocation to the Department of lands and not telling us

what his department is realizing in terms of our Own Source Revenue. This must also be followed to the latter.

Madam Speaker and Honourable Members, I want to thank the Chief Whip who has actually stated that the County Government through the Department of Lands, Physical Planning and Urban Development was given a slot to nominate two persons per Sub-county. The other board members are being nominated by the Deputy County Commissioner. The other names that he was talking about may have come from the Administrators.

Madam Speaker and Honourable Members, I also want to thank Hon. Nyaoke, Hon. Joachim and let it be known that upon adoption of this report the document now becomes a document of the Assembly and not of the House Committee. In that regard, I believe that after the lapse of 90 days that is given in the recommendations the Select Committee on Implementation will take charge and ensure that the recommendations are followed to the latter. Thank you.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta “B” Ward): Honourable Members, a motion on the Adoption of the Report on the Representation of the County in the Land Boards has been 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, the Report on the Representation of the County in the Land Boards is hereby adopted today 19th March, 2024 at 15:30 hours. I direct that the report together with the Hansard report be prepared and forwarded to the department for necessary action. 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 Wednesday, 20th March, 2024 at 9.00 a.m.

(House rose at 03.31 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>Jacklyne Otieno</i>	-	<i>Hansard Reporter</i>
<i>Valery Achieng'</i>	-	<i>Hansard Reporter</i>