

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

Official Report

THIRD ASSEMBLY – THIRD SESSION

Wednesday, 12th June, 2024

House met in the Main Chamber at 09:00 a.m.

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

PRAYERS

The Speaker (Hon. Oraro): Honourable Members, I am properly advised. I want to refer to Part 7 of Standing Order of the Kisumu County Assembly and to be specific the provisions of Standing Order No. 32 (2) and I so direct that the Serjeant-at-Arms rings the quorum bell for the first five minutes. When the bell is being rung, no Member shall leave the Chamber except the Whip who may go out to whip the Members.

(Quorum bell rung for the first five minutes)

The Speaker (Hon. Oraro): Honourable Members, I am not able to spot the Whip but I can see the seat of the Leader of Majority is occupied. May you please confirm if we have quorum.

Hon. Okoyo (MCA, Central Kisumu): Thank you Mr. Speaker. We still don't have quorum.

The Speaker (Hon. Oraro): Honourable Members, I still refer you to the provisions of Kisumu County Assembly Standing Order No. 32 (2) and I read;

“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 saying 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 the bell be rung for further five minutes and if there is still no quorum present, the Speaker shall adjourn the County Assembly forthwith to the next sitting.

When the bell is being rung, no Member shall leave the Chamber except the Whip who may go out to whip the Members.

(Quorum bell rung for the first five minutes)

The Speaker (Hon. Oraro): Honourable Whip kindly confirm if we have quorum.

Hon. Okoyo (MCA, Central Kisumu): Thank you Mr. Speaker. We now have quorum.

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

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

PETITION

The Speaker (Hon. Oraro): Honourable Members, I want to report to the County Assembly the following petition; that Pursuant to Standing Order No. 215(2) (b), may I report to the Assembly that we are receipt of petition 1 of 2024 by a Mr. Steven Otieno Opiyo on behalf of residence of Kisumu County. The petitioner draws to the attention of the County Assembly to the matter of alleged violation and infringement of fundamental rights and freedoms of the residence of Kisumu County under Articles 28, 32, 39, 42, 43 and 60 (a) of the Constitution of Kenya, 2010 and inaccessibility of Lake Victoria at Dunga Beach area in Kisumu.

On attempts to have the matter addressed in other relevant avenues, the petitioner has not indicated whether there have been any attempts to have the matter addressed through other relevant bodies or authorities. However, I have to bring to the attention of the House that there has been some attempt at the National level especially during the flood period to make some rearrangements on the riparian sections in Kenya.

On the Statement on whether the matter herein refer to is pending to any court of Law. The petitioner and the County Assembly affirms that the matter in respect of which the petition is drawn is not pending in any court of law.

The petitioner prays that this be dealt with immediately in the view of urgency of the matter and that the House resolve to invoke their mandate and duty for declaration that the fundamental constitutional rights of Kisumu County residents to; human dignity, movement, clean and healthy environment, right to freedom of conscience, religion, thought, beliefs and opinion, socio-economic rights and equitable access to the lake as enshrined under articles 28, 39, 42, 43, and 68 of the Constitution of Kenya 2010 have been flagrantly infringed or violated by the owners of the said hotels by constructing the aforesaid hotels at Dunga Beach in Lake Victoria.

THAT, this House proceeds to debate and urgently enact a Bill to ensure promotion, respect and protection of rights of residents of Kisumu in regards to access and use of Lake Victoria.

THAT, the Speaker or the House to issue and order of the *MANDABUS compelling the encroachers, owners of the said Hotels building and structures to demolish the said buildings and structures immediately and that the House do issue a permanent injunctions to restrain the owners of the hotels, their employees, servants, agents or the person acting on authority from violating or infringing on the Constitutional rights of the Kisumu County residence vies a vies the petitioners here in to human dignity, freedom of conscience religion thoughts believes and opinions, movements, clean and healthy environment, socio-economic rights and equitable access to the Lake. Victoria underscored under the said articles that is 28,32,39,42 and 60 (a).

Honourable Members, in respect to our Standing Orders No. 216, I want to allow comments, observations or clarification from any Member in relation to the reported petition, if there is any before I make the recommendation on action thereof.

(Silence)

The Speaker (Hon. Oraro): Honourable Members, silent means there is no one who want to give or make a comment on the same and I therefore commit this petition to the Sectoral Committee on Administration of Law, Justice, Constitutional Affairs, Good Governance and Security for further considerations as per the procedures established in the petition to County Assemblies' Procedure Act, 2020, the Standing Orders and any other relevant law. Pursuant to the provisions of Standing Orders no. 217 (2), the committee has 60 days to respond to the petitioner by way of a report and lay the same on the table of this House. Thank you.

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

ADJOURNMENT

The Speaker (Hon. Oraro): Honourable Members, there being no any other business to transact, this House stands adjourned until today Wednesday, 12th June, 2024 at 02.30 p.m.

(House rose at 09.19 a.m.)

Addendum

Hansard Team

<i>Zablon Otiende</i>	-	<i>Senior Hansard Reporter (Acting Editor)</i>
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