

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

Official Report

THIRD ASSEMBLY – THIRD SESSION

Wednesday 04th September, 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): Honourable Members, it is my belief that we have quorum and we can proceed. Clerk, can you take us through the order of the day?

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

PETITION

The Speaker (Hon. Oraro): Honourable Members, first one to Standing Order No. 215, (2) (b), I want to report that the County Assembly is in receipt of Petition No. 2 of 2024 by one Mr. Godfrey Otieno Oburu on behalf of the Kisumu County Universal Health Coverage UHC interns of 2020-2021.

And it says that, it draws attention of the County Assembly to the following, that in April 2020, Kisumu County recruited 63 interns as UHC Healthcare Workers on a one-year internship program to bridge the gap of employment, help in implementation, and boost efforts on the achievement of universal health. After interview, Kisumu County Public Service Board issued them with the Internship Appointment Letters for the year 2020-2021. They were issued personal numbers that is IPPD Numbers, and registered in the Government Human Resource

System, known as GHRIS, and given NHIF Comprehensive Cover for civil servants, which they still enjoy to date.

THAT, they were posted to various levels of health facilities by the Kisumu County Human Resource at a crucial time when COVID-19 pandemic was at its peak, where they dedicatedly served the citizens as frontline healthcare workers, and risked their lives as some of them contracted COVID-19 infection. They were paid stipends by the Ministry of Health, as determined by the Public Service Commission, and that they were released from service a year later, despite the issuance of personal numbers, leaving shortage that remains uncovered to date in the various health facilities they worked in. That, it is unfair and noteworthy that they were issued with personal numbers, which made them hopeful that the County Government of Kisumu will consider them for absorption into Contract or Permanent and Pensionable Terms whenever there was need.

THAT, they are unable to get any other employment in public service since they have personal numbers under the Ministry of Health. That in 2020, at the peak of COVID-19 pandemic, the Ministry of Health employed about 9,000 Health Workers, U.H.C. contract for three years, and deployed them to different health facilities. That these workers had their contract end in May 2023, and already have their contracts renewed for another three years, which has left the U.H.C. in terms of 2020-2021 feeling discriminated, ignored, and forgotten.

THAT, they are disturbed and demotivated by these developments as their counterparts on three years are being considered for renewal of contracts, yet they worked under the same condition, issued with personal numbers at the same time. They had high expectation that they would be absorbed on Permanent and Pensionable Terms, or considered for further engagement of three years' terms with SRC term. On attempts to have the matter addressed in other relevant revenues, the petitioner claims that their efforts to negotiate employment with the County Public Service Board have been unsuccessful.

THAT, the Public Service Board responded by stating that they do not have the authority to determine their employment status, and advised them to reapply for any advertised health vacancies. However, even after reapplying, they have not been considered or shortlisted, despite their tireless work as frontline healthcare workers during the COVID-19 pandemic. On the statement on whether the matter herein referred to spending before any court of law, the petitioner has not indicated whether the matter in respect of which the petition is drawn are pending or not pending before any court of law.

And these are the prayers. The petitioner prays THAT, one, health is a devolved function in the ministry, and they request that the County Assembly to allocate a budget for the employment of 63 Universal Health Coverage Interns Program.

THAT, they were left orphans in Kisumu County after working from April 2020 to June 2021 during the COVID-19. Number two, the County Public Service Board of Kisumu to consider for employment of all 63 health care workers who worked under the Universal Health Coverage Internship Program in Kisumu County from April 2020 to June 2021, issued with personal numbers.

And three, THAT, the County Assembly of Kisumu to stop further recruitment of health care workers by Kisumu Public Service Board until this experienced and skilled workforce of UHC interns who are recruited to help fight COVID-19 pandemic have been absorbed.

Honorable Members, in respect of Standing Order No. 216 of our Standing Orders, I want to allow comments, observations, or clarifications from any member in relation to the petition that has been reported before I recommend the action. So I'll open it for comments, maybe if there is not more than four.

(Silence)

Honorable Members, silence means no comment. And I want to draw ourselves to the provisions of Standing Order on Petitions. And we have normally confused the comments that is given. The comments will come when we present the petition. And once we commit it, either the Petition will be dealt with at the committee level, or if there is a matter that requires a document of assembly, it will be brought to the House. So, I want to recommend action by committing this petition to the Select Committee on Labor and Social Welfare Services Committee for further consideration as per the procedures established in the Petition to the County Assembly's Procedure Act 2020, the Standing Orders, and any other relevant law.

The timeline is that first, to the provision of Standing Order No. 217 (2), the relevant House Committee has 60 days to respond to the petitioner by way of a report and to lay the same on the floor of this House. Thank you Honourable Members, I guide.

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

PAPERS LAID

CLEANLINESS AND STORM WATER MANAGEMENT AT AHERO AND SONDU
MARKETS

HON. SAMUEL DEDE, MCA, NORTH KISUMU

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

CONSTRUCTION OF ONGOI BRIDGE ALONG CHEMELIL- ODUWO -MUHORONI
ROAD

BY

HON. REUBEN RAKWACH, MCA, EAST KOLWA

(CHAIRPERSON, INFRASTRUCTURE, ENERGY AND PUBLIC WORKS COMMITTEE)

The Speaker (Hon. Oraro): Hon. Dede.

Hon. Dede (MCA, North Kisumu Ward): Thank you Mr. Speaker. Pursuant to provision of Orders No. 182 (6), of the Kisumu County Assembly Standing Orders, I wish to table today, Wednesday, 04th September 2024, the Report by the Standing Committee on Water, Environment, Natural Resources and Climate Change on the Cleanliness and Storm Water Management at Ahero and Sondu Markets. Thank you.

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

The Speaker (Hon. Oraro): Honorable Members, the Standing Committee on Water, Environment, Natural Resources and Climate Change report on the Cleanliness and Storm Water Management at Ahero and Sondu Markets is properly laid before the House, and I direct the House Business Committee to consider it for scheduling for debate.

The Speaker (Hon. Oraro): Hon. Reuben Rakwach.

Hon. Rakwach (MCA, Kolwa East): Thank you Mr. Speaker. Pursuant to provision of Orders No. 182 (6), of the Kisumu County Assembly Standing Orders, I wish to table today, Wednesday, 04th September 2024, the report by the Standing Committee on Infrastructure, Energy and Public Works Con the Matter of Ongoi Bridge along Chemelil- Oduwo -Muhoroni Road in Chemelil Tamu Ward. Thank you.

(Hon. Rakwach lays the reports before the House for consideration)

The Speaker (Hon Oraro): Honourable Members, the Standing Committee on Infrastructure, Energy and Public Works report on the Matter of Construction of Ongoi Bridge along Chemelil- Oduwo Muhoroni Road in Chemelil Tamu Ward is properly laid before the House. I direct that the House Business Committee consider it for purposes of scheduling it for debate.

The Speaker (Hon Oraro): Next order!!

NOTICES OF MOTION

The Speaker (Hon Oraro): Hon Dede.

Hon Dede (MCA, North Kisumu): Thank you Mr. Speaker. That pursuant to the provision of Orders 45 (1) of the Kisumu County Assembly Standing Orders, this House adopts the Report by the Standing Committee on Water, Environment, Natural Resources and Climate Change, on the Cleanliness and Storm Water Management at Ahero and Sondu Market. Thank you.

The Speaker (Hon Oraro): Hon Rakwach.

Hon Rakwach (MCA, Kolwa East): Thank you Mr. Speaker, Sir. Mr. Speaker, Sir, I rise to give a Notice of Motion that pursuant to the provisions of Orders No 45 (1) of the Kisumu County Assembly Standing Orders, this House adopts the Report by the Standing Committee on Infrastructure, Energy and Public Works on the Matter of Construction of Ongoi Bridge along Chemelil- Oduwo Muhoroni Road in Chemelil-Tamu Ward. Thank you.

The Speaker (Hon Oraro): Next order!!

STATEMENTS

COMPREHENSIVE STATEMENT FROM THE CHAIRPERSON OF THE COMMITTEE ON WATER, ENVIRONMENT AND NATURAL RESOURCES REGARDING THE STATUS OF THE TENDER PROCESS FOR THE FLOCCA PROJECTS INVOLVING KABONYO - KANYAGWAL, KOLWA EAST AND KOLWA CENTRAL WARDS, AS ADVERTISED WITH THE CLOSING TENDER DATE OF 5TH JULY, 2024.

The Speaker (Hon Oraro): Hon Members, it is Statements Hour. Hon Rakwach.

Hon Rakwach (MCA, Kolwa East): Thank you Hon Speaker. I rise pursuant to the provisions of Kisumu County Assembly Standing Orders No 41 (2) to seek for a comprehensive Statement from the Chairperson of the Committee on Water, Environment and Natural Resources regarding the Status of the Tender Process for the FLOCCA Projects involving Kabonyo-Kanyagwal, Kolwa East and Kolwa Central Wards, as advertised with the closing tender date of 5th July, 2024.

Honourable Speaker, I wish to inform this House that the public has raised concerns about the delay in the commencement of works and there is limited information available from the Department of Water, Environment and natural Resources and Climate Change regarding when the project will commence. In light of these concerns, I request that the Chairperson tables before this House the following issues.

1. When the work will start, indicating a clear timeline on when the contractor is expected to be on the ground to commence work on the tendered Kabonyo Kanyagwal, Kolwa East and Kolwa Central projects. The reason why I talk about Kabonyo/Kanyagwal, Kolwa East and Kolwa Central is because they were advertised as one tender. So the contractor who will do it, will do all the three projects.
2. The second issue is on duration. I seek to know the duration of the procurement process. That is, to clarify the standard duration that the procurement process should take to conclude after the tender closing date of 5th Jul, 2024, including any relevant timelines that have been observed or are still pending.
3. The third issue, Hon Speaker, is the release of the Tender Opening Report. I need this House Committee to provide information on the status of the Tender Opening Report, including whether it has been prepared and released in accordance with the procurement regulations.
4. The fourth issue, Hon Speaker, is the release of the Tender Evaluation Report. Indicate whether the Tender Evaluation Report has been completed and if so, when it will be made available to the public. If it has not been completed, provide the reasons for the delay.
5. Release of the Letter of Notification of Award. Confirm whether the letter of notification of award has been issued to the successful bidder and if not, explain the reasons for any delay in its issuance.
6. Release of the Contract Agreement Documents. Provide information on when the Contract Agreement Document outlining the Contract Commencement and Expiry Dates will be released. If it has already been released, share the relevant details regarding its content.
7. Reasons for Non-award of the Contract. If the contract has not yet been awarded, the Chairperson should provide detailed reasons for this delay, including any challenges faced during the procurement process that have contributed to the current situation.
8. The Status of Other Projects Advertised along this one. Provide an update on the status of other projects, if any, that were advertised together with this project and include information on whether those other projects have commenced and any related challenges encountered, if any.

These concerns are critical to ensure accountability and to provide a clear understanding of the Tendering and Procurement Processes concerning this project and others of a similar nature. This will further provide clarity and assurance to the public regarding the progress and transparency of the tendering process for this critical water infrastructure project.

Hon Speaker, this is a matter of great concern. There was a time I attended a funeral in one of the areas which is meant to benefit from this project. We were with the Majority Whip and in the funeral I had a hard time to explain issues surrounding these projects, because they felt like maybe the money had been squandered. We know when the FLOCCA funds were disbursed to

the County Government of Kisumu. It has taken several months since advertisement was done, the tender closing date was 5th July. That is, 60 days today and still there is no information as to whether this work will start and even if the contract has been awarded. Hon Speaker, these people, these are our electorates and they hail from Kisumu County.

These are people who have been driven away from their homes by the floods. We just experienced the floods from the month of April, May and even part of June. These are people who were robbed of their crops from their farms by the flood waters. These are people, some of whom are still living in the churches because they have no homes. Their houses fell down. Hon Speaker, during that time, even getting humanitarian support was a problem because I applied and I did not get it, Hon Speaker.

Therefore, Hon Speaker, if the money is there and just resting somewhere, I request that the processes be expedited so that these people can benefit from this FLOCCA project. Thank you Hon Speaker.

The Speaker (Hon Oraro): I have seen it is addressed to the Honourable Chair of Water, Environment and Natural Resources Committee. Hon Samuel Dede, I saw you in the House. Do you have a response?

Hon Dede (MCA, North Kisumu): Thank you, Mr. Speaker. Many requests have been made concerning the FLOCCA projects. We need time to at least go and do the interrogation. My request to you, Mr. Speaker, is that being that the FLOCCA projects are now taking too much time to implement and if the committee is given time to go and undertake a fact finding, it will take much time.

Therefore, my request is that if possible, Mr. Speaker, let it be taken to the Committee on General Oversight so that all Members can interrogate the matter and move with speed, let us say a week, to address the matter as it cut across all the Wards in Kisumu County. Thank you, Mr. Speaker.

The Speaker (Hon Oraro): Honourable Members, the question or the statement was addressed to the Standing Committee on Water, Environment and Natural Resources. The chair is suggesting otherwise. Maybe it is important that I give maybe two or three comments in relation to the statement if there is something to be added or subtracted, and again in relation to what the chair has proposed.

The Speaker (Hon Oraro): Yes, Hon James Omollo.

Hon Omollo (MCA, West Nyakach): Thank you Mr. Speaker. I also concur with the Chairperson, Standing Committee on Water, because all our Wards are affected. None of the FLOCCA projects which have been awarded is going on, and most of us are very concerned. Therefore, let this matter be committed to the Committee on General Oversight, all of us will have our voice because we don't all belong to the Water and Environment Committee. That would make sense.

Mr. Speaker, a lot is really not right with the FLOCCA projects. When inquiring the other side, you find out that even those who are awarded, some people went to the intervention of the procurement body to re-do the tendering because somehow there was a mess in the tendering. So, we need them to come and iron things out all this to us so that we know.

Like, for example, the project in my Ward which cut across through three Wards, Central Nyakach, West Nyakach, and North Nyakach, was taken to the arbitrary body of the procurement body. So, we need to know what is going on. If we just sit down and relax, some of these projects will not see the light of day. It is my belief that if this matter is given to the overall General Oversight will be doing interrogation; all of us will be on board. Thank you, Mr. Speaker. I support.

The Speaker (Hon Oraro): Hon Oiko Pete

Hon Oiko (MCA, Kabonyo/Kanyagwal): Mr. Speaker, the FLOCCA projects and the FLOCCA fund is like gold when it comes to the field of procurement because it is money that is ring-fenced. The contractors will do their work and the payment must be made. And, since the Members are suspicious of what is happening at the department, what the Chairperson has suggested should be the way to go.

We take this matter to the Committee on General Oversight, and then we summon the department. And as we summon the department, there is also this thing that we should not lose sight of. In this County, in this government, procurement for the department is done to the limit of Kshs. 3,000,000 (three million shillings). Anything above that is done at the Finance Department. Therefore, from the story I'm hearing here, the Finance Department should be in the picture when we are inviting the Water Department. We also invite the Finance Department because we are going to find that most of the procurement for this project is done at the central procurement.

These are the realities that we must face. Because, if the procurement was done, people have appealed to the procurement oversight authority, then that means there's something amiss on the ground. As such, let us take this matter to the department and we include the Finance department.

This is because truly speaking; there are some messes in the department. We do face the department. But in the good analysis, you find that the mess comes from the Finance Department, which people fear talking about in this House. So, I suggest that the Finance department is included in this matter. Thank you. And I suggest that the finance department be included. I ask the Hon Gard to support.

Hon. Olima (MCA, South West Nyakach): Thank you, Mr. Speaker allow me to second the proposal by Hon. Benny Pete Oiko, that we include the Department of Finance in the interrogation and inquiry about the FLLOCA implementation projects. Mr. Speaker, as you are aware that the Central Procurement of this County has made a lot of delays in the implementation of projects across the Wards and therefore as we look at the FLLOCA against other departments as well for this matter I support that we include the Central Procurement which is domiciled in the Department of Finance so that we get the way forward on the FLLOCA projects. Thank you.

The Speaker (Hon. Oraro): Lastly, Hon. Nyaoke.

Hon. Nyaoke (MCA, North Nyakach): Thank you, Mr. Speaker. Mr. Speaker I am actually an interested party because one of the FLLOCA projects is indeed scheduled to be done in my Ward. Mr. Speaker, I want to first thank Hon. Reuben for bringing this Statement because it is the best way that we are going to unravel the delays that occur particularly on projects that are deemed to be of some good substantial amount.

Mr. Speaker, the song on this FLLOCA projects started early last year and we waited for quite a long time. There was a time that we were properly informed that the tenders were floated. At some point, we heard they have been disqualified, they are going back, they are tendering and re-tendering. Mr. Speaker all this can just be a way of not having these projects done. I therefore equally support the sentiments of Hon. Oiko Pete that let us have the two departments enjoined together, that is the Departments of Finance and that of Water, Environment and Natural Resources so that as we go to discuss about this issue Mr. Speaker, we will be left with no any other option of waiting. Let us hear and get all the facts straight from these two departments in the Floor of this House. Thank you, Mr. Speaker. I beg to stop it there. Thank you.

The Speaker (Hon. Oraro): I had given a few Members, Hon. Ochele, is it a burning issue?

Hon. Ochele (MCA, East Kano/Wawidhi): Yes Mr. Speaker.

The Speaker (Hon. Oraro): Okay proceed.

Hon. Ochele (MCA, East Kano/Wawidhi): Mr. Speaker, I beg not to differ so much from my colleagues because there's a lot of mystery in this FLLOCA projects. This is because looking at

the current Budget for the FY 2024-2025 I am shocked to find same projects which were in the Budget of FY 2023/2024 being repeated. I do not know whether they have been voided or they are to be done twice. So, this mystery can only be solved when all Members of this House are present and that is the General Oversight Committee and both the Department of Finance and that of Water, Environment and Natural Resources avails records and information to help these Members understand the process. Thank you.

The Speaker (Hon. Oraro): Honourable Members, I have listened to the sentiments or the comments by the Members regarding the Statement raised by Hon. Ruben Rakwach. This was on a Statement on a Matter of Tendering Process in the Water Projects at Kabonyo-Kanyagwal, Kolwa-East and Kolwa Central. I direct that this matter be committed to the Select Committee of General Oversight as proposed by the Members who have presented their case.

Honourable Members, I have not had any contrary opinion but I want to say that the matter lies squarely in the Department of Water. We know that there are other linked departments so, I want to direct that the communication be done to the Department of Water to the County Executive Committee Member, that is the County Executive Committee Member in charge of Water, Environment and Natural Resources and Climate Change through the County Secretary asking them to be accompanied by other relevant stakeholders on the same. Let them to appear with the answers in person on Thursday and next week during the General Oversight Committee meeting. Thursday next week shall be, I want to be specific with the date that shall be 12th of September 2024 at 11 a.m. here in the Debating Chambers. The clerk to take note that that is a matter of urgency and the communication should go immediately. It is Statement time.

(Silence)

The Speaker (Hon. Oraro): Next order.

MOTION

REPORT ON THE DEPLORABLE STATUS OF MAMBOLEO MARKET IN KAJULU WARD.

BY

HON. RATIB BOITON, MCA, NYALENDA “A”

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

(Motion moved by Hon. James Omollo on behalf of the Chairperson)

The Speaker (Hon. Oraro): Honourable Members, I have received a formal letter from the Hon. Chairperson of Lands, Housing, Physical Planning and Urban Development Committee, Hon. Boitone that Honorable James Omollo will be responsible to move today's motion.

Hon. Omollo (MCA, West Nyakach): Thank you, Mr. Speaker. I rise to move a motion on Adoption of the report on the Deplorable Status of Mamboleo Market in Kajulu Ward.

Mr. Speaker and Hon. Members, pursuant to the provisions of Standing Orders No. 41(2) (b) of the County Assembly Standing Orders, the MCA for Kajulu Ward, Hon. Ben Adeg a raised a Statement in this House on 2nd April, 2024, regarding the deplorable status of Mamboleo market in Kajulu Ward. (See Annex 1- Statement)

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;

1. Whether the Mamboleo Market has a plan and status of implementation of such a plan.
2. When will the Flood light be repaired to enhance security within the Market.
3. Who is with the liability of the management of the market.

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;

- i. Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments
- ii. Study the programme and policy objectives of departments and the effectiveness of the implementation
- iii. Study and review all County legislation referred to it
- iv. Study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives
- v. 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
- vi. 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)

- vii. Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

Composition

Mr. Speaker and Hon. Members, 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. Moses Ochele - Member
6. Hon. Zackaria Okoyo - Member
7. Hon. Joachim Oketch - Member

Secretariat

1. Austine Ochieng - Clerk Assistant
2. Vallery Achieng - Hansard Reporter
3. Faith Judith - Sergeant-at-Arms

Acknowledgements

Hon. Speaker, it is my privilege and pleasure on behalf of the Committee to express appreciation to all committee members for their invaluable contributions during the comprehensive investigation and inquiry on this matter.

The Committee extends sincere thanks to the offices of the Speaker and Clerk of the County Assembly for fostering a conducive environment that facilitated the preparation of this report. Special commendation is reserved for our dedicated technical staff, whose unwavering efforts have been instrumental in ensuring the success of this endeavor.

It is now my earnest desire and privilege to formally present this report to the House for consideration on behalf of the Committee on Lands, Physical Planning, Housing, and Urban Development

Committee Investigations

Hon. Speaker, in a Committee meeting held to deliberate on this matter, the committee resolved to seek for information from the City Manager.

Consequently, a letter of REF; CAK/CGK/CITYMAN/04/24/ dated 26th April 2024, requesting the City Manager to respond to the issues raised in the statement on a date not later than 6th May, 2024 was delivered to the City Manager. (See Annex 2)

RESPONSE BY THE CITY MANAGER ON THE MATTER

Hon. Speaker, the City Manager responded to this matter as follows;

1. Whether the Mamboleo Market has a plan and status of implementation of such a plan.

Response: There is no available design plans for the market however, it is proposed to be considered under special funded projects. Design master plan will therefore be done and market construction to commence afterwards.

2. When will the Flood light be repaired to enhance security within the Market.

Response: An assessment has been done and the damages are as follows; The eight halogen fitting were faulty, the three (3) contractors were not working in order, the digital timer switch was not working in order, the double pole cut-out were missing, both armored four (4) core and wiring 6mm cables were missing and the control box had been vandalized.

The city is working on a framework of its maintenance. However, it should be noted that the current financial year has no provision for maintenance of the Flood lights at Mamboleo market but a budget has been provided in the next financial year for sustainable maintenance.

3. Who has liability of the management of the market.

Response: All markets are under the local management committees supported by the city management.

Committee Site Visit

Hon. Speaker, having deliberated on the response by the City Manager, the committee, in another meeting resolved to carry out physical verifications on the market. The following were established from the site visit;

- a) Non-Functional Floodlights: The local residents and the market management committee reported to the committee that the floodlights had not been operational for some time, leading to safety concerns.
- b) Market Capacity Issues: The market has a capacity to accommodate only 20 traders, which represents a very small percentage of the total number of traders in the area. Due to this limited capacity, most traders have resorted to selling their products outside the market using makeshift stalls
- c) Makeshift Stalls: Some of these makeshift stalls have been erected along the water supply lines, causing obstructions. The traders' reliance on these informal setups highlights the inadequacy of the market's infrastructure.
- d) Water Supply and Sanitation Problems: The disruption of the water supply has rendered the market's toilets unusable. The only available pit latrine is in a dire state, further complicating sanitation efforts. The presence of makeshift stalls along the water supply lines exacerbates the situation.

- e) Waste Management Challenges: There is a significant lack of garbage and waste collection services at the market, leading to poor waste disposal practices. This contributes to an unsanitary environment, which is detrimental to both the traders and the consumers.
- f) Security Concerns: Members of the community, who interacted with the committee, lamented that the absence of functional floodlights has negatively impacted the safety and security of the market area, especially during early morning and evening hours.

Committee Observations

The Committee made the following observations;

- a) That the floodlights at Mamboleo Market in Kajulu ward have not been operational for some time, leading to safety concerns.
- b) That the market has a capacity to accommodate only 20 traders, which represents a very small percentage of the total number of traders in the area. Due to this limited capacity, most traders have resorted to selling their products outside the market using makeshift stalls
- c) That some of these makeshift stalls have been erected along the water supply lines, causing obstructions
- d) The disruption of the water supply has rendered the market's toilets unusable. The only available pit latrine is in a dire state, further complicating sanitation efforts.
- e) There is a significant lack of garbage and waste collection services at the market, leading to poor waste disposal practices. This contributes to an unsanitary environment, which is detrimental to both the traders and the consumers.
- f) The current financial year's budget has provisions for the repair and maintenance of the flood lights.
- g) Members of the community, who interacted with the committee, lamented that the absence of functional floodlights has negatively impacted the safety and security of the market area, especially during early morning and evening hours.

Committee Recommendations

Mr. Speaker and Hon. Members, the Committee recommend as follows;

- a) That the City Manager immediately expedites the repair and maintenance of the floodlights at Mamboleo Market as per the provisions in the current financial year's budget. This will enhance safety and security.
- b) That the City Management considers expanding the Mamboleo market's infrastructure to accommodate more traders. This will reduce the need for makeshift stalls outside the market and improve overall market organization.
- c) That the City Management organize and support the relocation of makeshift stalls away from water supply lines/Implement zoning regulations within the market area to prevent obstructions and ensure access to essential services.

- d) That the City Management prioritizes the restoration of the water supply to ensure the functionality of the market's sanitation facilities, including toilets. Additionally, consider upgrading the existing pit latrine to meet the hygiene standards required for a public market.
- e) That the City Management introduce waste disposal bins at strategic points within the market and initiate community awareness programs on proper waste disposal practices.
- f) That in future, the City Management must engage with the local community and traders regularly to monitor the effectiveness of the implemented measures.

Conclusion

Hon. Speaker, I hereby request this House to adopt this report on the deplorable status of Mamboleo Market. I beg to call upon Hon. Seth Kanga to second. Thank you.

The Speaker (Hon. Oraro): Honorable Seth Kanga.

Chief Whip (Hon. Kanga, MCA, Market Milimani): Thank you, Mr. Speaker. Mr. Speaker, I rise to second the report as read by the Hon. James Omollo who is holding brief for our Chairperson. Mr. Speaker, if unfortunately, Hon. Adegga, the Member of Kajulu Ward who sought the Statement, is absent in this House so that...

(Hon. Dede rises on a Point of Order)

Hon. Dede (MCA, Kisumu North): Point of Order Mr. Speaker.

The Speaker (Hon. Oraro): What is the Point of Order?

Hon. Dede (MCA, Kisumu North): Thank you, Mr. Speaker. The Honorable Member standing on the floor to second the report did not even append his signature to the report the Member is now supporting. So, we do not know why the Member did not append his signature yet he is now supporting the report.

The Speaker (Hon. Oraro): Thank you. Hon. James Omollo.

Hon. Omollo (MCA, West Nyakach): Mr. Speaker, Members of this House Committee who have appended their signatures to this report are as follows; Hon. Ratib Chairman, Hon. James Omollo, Hon. Seth Kanga, Hon. George Abaja, Hon. Zachary Okoyo, the Hon. Joachim did not append his signature to this report, Honorable Moses Ochele has appended. So, we only have Honorable Joachim who did not append his signature to this report. Thank you.

The Speaker (Hon. Oraro): Hon. James Omollo, the report I have, it is true Hon. Adegga, and Hon. Seth Kanga did not append their signatures to this report?

Hon. Omollo (MCA, West Nyakach): Thank you. Let me request Honourable...

The Speaker (Hon. Oraro): Hon. Omollo, unless you are having a different report from what you furnished me with.

Hon. Omollo (MCA, West Nyakach): Mr. Speaker, I have the original report. Maybe the report you were furnished could have been dispatched before this one. This is the recent one.

The Speaker (Hon. Oraro): Honourable Member, this implies that you have given me a wrong document.

Hon. Omollo (MCA, West Nyakach): No, they are the same.

The Speaker (Hon. Oraro): Hon. Member, they cannot be the same on this one.

Hon. Omollo (MCA, West Nyakach): Mr. Speaker, they are the same. I just request your indulgence to ask for Hon. Moses Ochele to second.

The Speaker (Hon. Oraro): Hon. James Omollo, you are insisting that the Chairperson has the same document as yours while they are different. Unless I have a different report from other Members and I pick one Member at random. Hon. Gard, what is your report showing?

(Laughter)

He has no report. What is the report showing Honorable Ngeta?

Hon. Ngeta (MCA, Awasi-Onjiko): Mr. Speaker, even the soft copy we have, Hon. Seth Kanga has not appended his signature. So, what Hon. James could do is to just withdraw from asking Hon. Whip to second and get another Member who has appended his signature to second the report, Mr. Speaker.

Hon. Omollo (MCA, West Nyakach): Yes, Mr. Speaker, I just did that. I called Hon. Ochele to second. He is also a member of this House Committee. Yes, I withdraw and apologize and I request your indulgence to allow Honorable Ochele to second. Thank you.

The Speaker (Hon. Oraro): Honourable Ochele.

Hon. Ochele (MCA, East Kano/Wawidhi): Thank you, Mr. Speaker. From the sitting Chairperson of this House Committee, I believe that seconding a motion goes with seniority. So, it is my belief that they did not consider much whether the Chief Whip attended the meeting or not. But since the Member is here and he is senior, I believe that the Member wanted to accord him that privilege. Mr. Speaker, may I now rise to second the report.

Mr. Speaker, what we call Mamboleo Market, in its formation, it does not look like a market. Mr. Speaker, that is a place which is like a jungle. It is not planned. People have constructed

houses on sewer lines. Water lines are running through the buildings. The market is not properly laid out. Mr. Speaker, there's a structure there they call an Open Air Market, which is like three meters by six meters. Traders abandoned it and now they are in open air. Mr. Speaker, what is really worrying is that we do not know whether that market squarely lies on the hands of the City or should be treated as a departmental market. Because there was a time the City appeared before this House Committee and they denounced several markets. They said they are concerned about only four. And the four do not include Mamboleo Market. So, I do not know.

Mr. Speaker, when we asked for a response in this matter, they said Mamboleo is part of their market. So, I do not know how we will come to know the actual managers of this market. Mr. Speaker, if what I saw in Mamboleo Market is what is around most of these markets, then I believe that whether it is the City or the Department of Trade, they have a lot of work to do. And the Department of Planning should also take advantage of this and reorganize most of our markets so that they appear as modern and organized as they should be. Mr. Speaker, the disorganization in Mamboleo Market extends even to outside the city. Go to Ahero, no proper planning. Go to Katito, go to Awasi. Go to all these newly created municipalities, Mr. Speaker. So, I believe that as a Government, we need just to wake up, do the right thing, so that we appear as organized as we should be. Thank you, Mr. Speaker. I second.

The Speaker (Hon. Oraro): Honourable Members, now that the Committee on Lands, Physical Planning, Housing and Urban Development presented a report on the Status of Mamboleo Market in Kajulu Ward, seconded, I want to now propose a question and I propose that the report is open for debate.

The Speaker (Hon. Oraro): Yes, Hon. Adegga, and I believe now the Hon. Seth Kanga is allowed to debate.

Hon. Adegga (MCA, Kajulu): Thank you, Mr. Speaker, for giving me this opportunity to contribute on the matter and also to confirm to the Majority Whip that I am in this House in full. And if you can ask the Deputy Speaker...

The Speaker (Hon. Oraro): Hon. Adegga, the Hon. Whip was right. You know, you should not keep on changing your seats. Even me, I knew you were not in the House.

Hon. Adegga (MCA, Kajulu): Mr. Speaker...

The Speaker (Hon. Oraro): There is a reason why you should sit there.

Hon. Adegga (MCA, Kajulu): There is a reason why I sit there, yes, Mr. Speaker. And remember, I had some duties in the morning. I was called to sit on this side to represent the Majority. Even the Whip was not in the House in the morning. So, I still continued sitting on this side, Mr. Speaker.

Mr. Speaker, I thank this House Committee for the task well attended to, and I want to confirm to this House that immediately when the Committee left Mamboleo Market, the floodlights were repaired. But right now, within three weeks now, the lights are not working, Mr. Speaker, Mamboleo is under the City Management and it is just like a jungle, the way my colleague has just said. Mamboleo was left out in any program by the city and even by the Department of Trade, Mr. Speaker. I have really tried, even in the last budget, I removed the garbage with one lorry carrying almost 25 tonnes, and I removed the garbage there with 20 lorries, each carrying 25 tonnes, Mr. Speaker. I thank the Committee for having handled this matter with sobriety.

Hon. Adeg (MCA, Kajulu): Let the department... the City take serious action in the markets. They collect revenue but they do not bring back the revenue which they have already collected for the community. Thank you Mr. Speaker, I support the job well done. Thank you.

The Speaker (Hon. Oraro): Hon. Tom Nyaoke.

Hon. Nyaoke (MCA, North Nyakach): Thank you Mr. Speaker. I want to stand to support this Motion. Mr. Speaker, to be sincere, I have never gone to this market, Mamboleo Market, but just from reading the report that has been tabled here by this House Committee, it portrays a vivid picture and I can see from my eyes how that market looks like. Mr. Speaker, you look at their visit to the site and what they saw there, Mr. Speaker. If we want to save the situation in this market, we have no option but to support this Motion, looking at the recommendations that they have given.

Mr. Speaker, the recommendations this House Committee has provided conforms to the observations they indeed made according to the way they visited this market. Being a market in the City, Mr. Speaker, I believe that a lot of emphasis should be done so that our traders there can get good conducive working environment because that is also where we expect to get our Own Source Revenues. Mr. Speaker. I therefore beg that the same thing be done to this market like we initially recommended on other market because some of it the way I can see a lot of our markets are still in this state that is being depicted here and I want to call upon the same House Committee to try to look at other markets so that we bring all the markets to standards that they are able to also generate income and in the same time helping our traders get what they want and they want the help of the buyers also to buy what they want. Thank you, Mr. Speaker. I beg to support.

The Speaker (Hon. Oraro): Hon Oiko Pete.

Hon. Oiko (MCA, Kabonyo/Kanyagwal): Mr. Speaker, this Statement on Mamboleo Market was raised on 2nd April this year. Earlier on, I think another Statement had also been raised on the Slaughter House at Mamboleo.

The Speaker (Hon. Oraro): Hon. Oiko, you are not audible.

Hon. Oiko (MCA, Kabonyo/Kanyagwal): Mr. Speaker, I am saying...

The Speaker (Hon. Oraro): Hon. Oiko, please remove the specs so that the sound goes to the microphone.

Hon. Oiko (MCA, Kabonyo/Kanyagwal): The problem is when I want to refer to the paper without them, I become blind. That is the problem. So, earlier on...

The Speaker (Hon. Oraro): You can put them on in the right place, not in the mouth. You can put the spectacles somewhere that they don't interfere with your speech.

Hon. Oiko (MCA, Kabonyo Kanyagwal): Mr. Speaker, I did not want to put it there but that was how it went. (*Laughs*) But, I will manage it, Mr. Speaker. Earlier on, another Statement had been brought here on Mamboleo Slaughter House. This gives us the deplorable picture of Mamboleo. And this applies to many of our markets as it has been echoed by Hon. Ochele. Mr. Speaker, we should not just talk, we should be specific when we are handling such matters. We must put the Government to task to inform this House which markets is under the City, which ones are under the Department of Trade. So that when a matter like this comes, we are specific, we do not fumble, we do not beat about the bush. This is because Mamboleo is in Kajulu, a ward within the City.

Mr. Speaker, if the condition in the market is deplorable, what picture are we giving to our people? And there are traders there who are being taxed. We must ensure that the trading conditions in these markets are good, are healthy to our people. We should not just beat about the bush. When I go through this report, there is at one level they are saying there is some allocation within this Financial Year, which reflects the last Financial Year. Hon. Adegwa is also echoing here that as soon as the Committee left, the lights were working and now the lights are dead.

This is common practice and that is what is happening in most of our markets. The floodlights do not work. The reports are taken; it takes months before they are repaired. And we have a tendency now where our traders, our mothers, trade up to saa mbili saa tatu in the night. And another horrible thing, Mr. Speaker, in a marketplace where our mamas are trading, when the sanitation situation is not proper and it is deplorable, that shows how unhygienic the place is and the contagious diseases would easily be caught by our people. Why do we have to wait up to that level? And there is the Government who should take those measures to help our people.

So, I plead that we must identify, which is, the Committee of Trade, to take the government to task to identify the markets with the ones which are under the City and the ones which are under

the Department of Trade. So that when a matter comes up here, we do not fumble. We know the department we should address. Otherwise, we shall be taken to be mere talkers.

In addition Mr. Speaker, this matter of Mamboleo, which is a market in a world within the City, which has formed part of the City, that means most of the population in this City live in Mamboleo. Because that is where, like most of these people who stay in town, in the evening, people go to the directions of Mamboleo, where people have built rental houses, where people rent houses and if the market is dirty, it gives a bad picture of the Government. So let us be specific on the markets that should be under the management of the City. And then we ask the City, because there is the allocation for Operations and Maintenance. Mr. Speaker, when we find our markets in a pathetic situation, we shall now be forced to go down and find out, what was the allocation for the Operations and Maintenance? What is it doing in the department? So that we help our people. I believe that this is the right way to go, Mr. Speaker. I so contribute.

The Speaker (Hon. Oraro): Hon. Gard Olima.

Hon. Olima (MCA, South West Nyakach): Thank you Mr. Speaker. Having gone through the report, I want to stand to oppose and urge Members that we oppose this Motion. This is because, looking at the report, this is a Committee of Lands, Physical Planning, Housing, and Urban Development. Mr. Speaker, having read the Report fully, there is nowhere the Committee is informing this House that they met the department. The relevant line department of the County Executive side that the Committee falls under was not contacted in any way.

Mr. Speaker, this House Committee did conduct their site visits as they did to Mamboleo. I do not know whether they went to the...what is the name of the club in Mamboleo? The other club in Mamboleo. I do not know. I do not know how to say the name. Mr. Speaker, if you look at what they did, they only went and wrote a letter to the City requesting for some clarification, which I think the city did well with the responses. Mr. Speaker, if you allow me, there was a letter from the Clerk to the City that was responded to on 13th? On 2nd of May. Mr. Speaker, if you look at that annexure on that report, where you see the Mamboleo Market as a plan and status of implementation of such a plan. The response is very clear that there is no available design plans for the market.

Mr. Speaker, that one tells you specifically that that market is not known by this city. Therefore, this House Committee would have done is go to the Department of Lands, requested whether the market is even sits on public land. We might be talking here on a private land and that is why maybe the city does not even have a plan for it. So, it was this House Committee to come here and inform us, this is a public land, this is a parcel number and therefore we need to plan for it. They want to plan for it but they we even do not know whether this facility sits on a public or a private land.

Mr. Speaker, if you go to the second question where they asked the issue of the floodlight. The city now confirmed that they can do the floodlight and they know the reason why it is not working. But if you look at the last one, who has the liability of the management of the market? The response from the city was, all markets are under Local Management Committees. So, what are they informing us? And then they give recommendations to the city. When the city has said they do not even have a plan for that market that is number one. Two, the market is under local Committee. So, did this House Committee even meet the Local Committee of the market? From the report, they did not meet the Local Market Committee. They went and walked in the shops, saw the stalls, came back and wrote a Report.

Mr. Speaker, if this is what we are going to go by, then we are going to mislead this County. And this assembly is going to joy ride the big thing that we need to do for our constituents. Mr. Speaker, we are not even told whether those people at Mamboleo are giving money as revenue to the County. I think that was also part of what this House Committee should have informed this House. That if you are going to plan and give them a better sanitation, a better market, is they remitting revenues to the County? That is not captured in this Report.

Mr. Speaker, if you look at the stalls they are talking about, the makeshift stalls, which are erected because there is no design, there is no plan, for the market. And therefore, who did they tell that they should remove the stalls? Because the recommendation is, they remove the makeshift stalls. If you remove them, and the Local Committee allowed them to make the makeshift stalls, now recommend the city. The city is informing us that they do not have a plan for that market.

Mr. Speaker, it is my belief that, first things first, let this House Committee meets the relevant line department that is Lands Department. Two, they will have met the Trade Executives, members in this County. So when they bring a report here and recommend that we support the report on the recommendation of what they want to do, because this is going to entail funds. We need money to do these things. What this House Committee is informing us is that there was some allocations; there is some money, special funds to be done in the last Financial Year. This report we are talking about was for last Financial Year. The Financial Year ended in June. Was that money spent in Mamboleo? No, because today we are in another Financial Year. So this Report is overtaken by events.

Mr. Speaker, I wish we would drop this report, let this House Committee go back and do a good job, so that when we come here to debate these issues, we give a recommendation that when we take to the people of Mamboleo in Kajulu Ward, then they know the Assembly has acted in the best interest of everybody, the County, the traders and even those who are doing the revenue.

The area MCA has just talked about taking 20 tons Lorries. I just want to inform them that 20 ton is a 40-foot container. So if you had 20 of 40-foot containers, how much did they spend to remove the waste? And is that his job? Should every one of us here go and start removing waste from their Ward's markets? Because if you can do to 40-foot container, 20 of them, even at a cost of the...

Hon. Adega (MCA, Kajulu): Point of order, Mr. Speaker.

The Speaker (Hon. Oraro): What is the point of order Hon. Adega?

Hon. Adega (MCA, Kajulu): Mr. Speaker, I said here very well, in the last financial year, I did not use my cash. It was in the budget.

The Speaker (Hon. Oraro): What is the point of order?

Hon. Adega (MCA, Kajulu): Mr. Speaker, I informed my colleague that I did not use my money to remove the garbage.

The Speaker (Hon. Oraro): Hon. Adega you are out of order. You stood on a Point of Order, but it is not coming out clear. Hon. Gard.

Hon. Olima (MCA, South West Nyakach): Thank you, Mr. Speaker. As I conclude, I just want to inform this House that from what we are getting from that market, because a relative concern to almost all the markets in this County, let us get the facts right. We cannot start budgeting for the market here, where we do not know whether this facility sits on public or private land. The city has said they do not have a plan for it. Can we start from the basics? So that when we do all these things, we get a comprehensive report that can be implemented. Whatever we have here cannot be implemented. It is hearsay. We should reject this report and give this House Committee another time to do a better report. Thank you, Mr. Speaker, I oppose.

(Hon. Ochele rises on a Point of Order)

The Speaker (Hon. Oraro): Whom do you want to inform, Hon. Ochele. What is the information?

Hon. Ochele (MCA, East Kano Wawidhi): Mr. Speaker, I want just to inform the House that the committee was tasked through a statement raised by Hon. Adega, which was specific or rather a specific items to be tackled and that is what this House Committee did.

The Speaker (Hon. Oraro): Honorable Abed?

Hon. Abeid (Nominated Member): Thank you Mr. Speaker. Mine is to acknowledge the effort of Hon. Adegga for bringing the issue of the market to this House. Whether it was done procedurally or not, I want to acknowledge the fact that most markets in this county are in a pathetic state.

So, opening the door to be able to discuss them, I think it is worthy of applause to Hon. Adegga. With that said, the city management, they need to pull up their socks, because we cannot have a market where when there is an event or there is an oversight body in that market, then things look like they are running. But, the moment the body leaves, things go back to their default settings and we witnessed that in Kaloleni - Shaurimoyo Ward, where on Friday, we had security lights. But as soon as the president left, we went back to being in the dark.

That is an indicator that there is the possibility of things working the way they were meant to work, but somebody somewhere has decided to do otherwise. So, with that said, I believe that there is room for improvement in the report, and I support the report. Thank you, Mr. Speaker.

The Speaker (Hon. Oraro): Honorable Dede.

Hon. Dede (MCA, Kisumu North): Thank you, Mr. Speaker. I also rise to air my sentiments concerning the motion on the Floor. Foremost, the report is well done, even though there's a mismatch in the report, being that we do not know where to place the report. We find that the issue of floodlights is found under the Department of Roads and Infrastructure. If you go to the issue of markets, it is domiciled in the Department of Trade

Mr. Speaker, there was a petition from Kibuye Market. When we engaged the department, we were informed by the department that the City took control over the four markets. That is the Jubilee Market, Otonglo, and Kibuye Markets and also the Uhuru Market. They took control of these markets which are run by the City and when it comes to now the maintenance of the Kibuye Market, they are now coming in. Mamboleo Market is a market within a city ward, being that Mamboleo is in one of the city wards. So there is a mismatch.

Mr. Speaker, if these this market fall in the ambits of the Department of Infrastructure and Roads, the maintenance of the floodlight would have been taken to that department. So if you were told that the floodlight has been repaired and they are functional, yet there was no budget for them, you don't know where it was. Being that perhaps it was in the road department, there would have been a budget under the Operations and Maintenance to cater for the issue of floodlights within these markets.

Mr. Speaker, during engagements with the City Management they informed us that, they still intend to go back to the other market, where there is time for something to be squandered. So, Mr. Speaker, my sentiment is that today this House Committee has brought us a report and we

don't know how to grade Mamboleo market. Is it in city markets? Is it under the Department of Roads and Infrastructure? Is it in Department of Trade?

So, let this House Committee be given more time work on this reports by including issues raised and bring us back, so that we are informed whether these markets fall in the ambits of Trade or Roads let it be brought specifically to those area, so that we can tackle it with fund in the Operations and Maintenance within the department they are domiciled in. Otherwise, I oppose the report, Mr. Speaker. Thank you.

(Hon. Ochele rises on a Point of Order)

The Speaker (Hon. Oraro): What is the point of order? Hon. Ochele can you use the microphone.

Hon. Ochele (MCA, East Kano Wawidhi): Mr. Speaker, I thought some of us who come from the bush are a little bit privileged to know or understand the role of the City. Mr. Speaker, when we talk of the City as an entity, the city tackles everything, be it roads, be it floodlights, be it water, be it sewerage. Mr. Speaker, when a sentiment, a report comes from the City, it is a report which encompasses all that is envisaged and a mark for the City to do. Therefore, Mr. Speaker, I find my colleague, Honorable Dede, completely out of order, trying to fix all departments that are going to be in charge of a market. How can a market be a responsibility of the Roads Department, Mr. Speaker? I find him completely less informed and out of order.

The Speaker (Hon. Oraro): Honourable Dede.

Hon. Dede (MCA, Kisumu North): Thank you, Mr. Speaker. I'm still not well informed by my colleague by saying that the markets falls under which department? If we talk of Infrastructure, Public works, and where does the floodlight fall, Mr. Speaker? We find that floodlights fall under the Department of Infrastructure and Road and I have stated that differentiating these departments from the City is what we want to be informed about. This is because the infrastructure sub-sector is under the department of Roads. So I'm still not satisfied with what my colleague has said, Mr. Speaker. Thank you.

The Speaker (Hon. Oraro): Honourable Dede, I don't know if you got it right, but the Member is asking that if you are doing a market and you want to put water, you want to put lights, do you bring up the differencing departments?

That you go to the roads department to come and put light, you go to water department to come and put water, you go to... Is it the case? I think that's what I heard he was trying to ask.

Hon. Dede (MCA, Kisumu North): Mr. Speaker, the Member has informed me that, can you kindly shed more light on this matter so that I get it clearly, Mr. Speaker?

The Speaker (Hon. Oraro): I am very happy that Honourable Moses, I am seeing you are seated next to Honorable Dede. I want you to kindly inform the Member the differentiating factors. You can consult in low tones as I give Honorable Seth Kanga to make his contribution.

Hon. Ochele (MCA, East Kano Wawidhi): I oblige, Mr. Speaker. I want to induct my junior on matters of the city, even though I don't come from the city.

The Chief Whip (Hon. Kanga, MCA, Market/Milimani): Thank you Mr. Speaker. I rise to support the recommendations of this House Committee as per the prayers of Honourable Adeg, who sought a statement on the said issues. Mr. Speaker, before I make my remarks, I want to remind the House that all the government departments, as per county governments, do complement each other. Mr. Speaker, you will find that there are donor-funded projects which are done by the County Government of Kisumu and the City Management do perform those functions on behalf of the city, like the donor-funded projects, which are road-oriented in nature which are done by the City management but are run by the county government. Why don't you ask that why are the donor-funded projects being done in Manyatta not done by the roads department, yet they are being done by the city? It's based on appropriation.

So, when we seek statements in this House, we do seek them based on appropriation. And Honourable Adeg was to the point because there are funds which were appropriated to the City for the purposes of maintaining of floodlights. And if you look at the budget of the city, you will find such appropriations.

So, when you are talking about the markets, there are funds which are appropriated to the City for the planning and enhancing the market situations in the city. So Honourable Adeg asked very valid and pertinent questions. Mr. Speaker, if you go by the observations, each observation is addressed by a recommendation, as highlighted by Honourable James Omollo on behalf of the Chairman. Mr. Speaker, if you look at the situation at Mamboleo Market, it was designed to accommodate 20 traders and this House Committee has recommended that the makeshift stalls which are erected in this market be removed so that it is planned to accommodate more traders.

Mr. Speaker, if you look at the issue of water pipes, this House Committee has recommended that there are traders who have constructed their stalls on top of water pipes, resulting in breakages and wastages.

Mr. Speaker, this House Committee has recommended that the stalls be removed on top of water pipes so that they be constructed in appropriate areas. Mr. Speaker, finally, this House Committee also observed, because Honourable Adeg talked about Waste Disposal as the

Member of the County Assembly representing that area, going by his observations, because I know Honourable Adegwa is always in Mamboleo because he is also a trader in that Market. So I really concur with his sentiments, because he is a trader there too, in spite of being a member of the county assembly, he is a trader in that market.

So, Mr. Speaker, the issue of garbage, I don't believe there are illicit liquor traders in Mamboleo Market. If so, Honourable Adegwa will inform us about that. Mr. Speaker, the issue of Garbage Collection is not about Mamboleo Market alone. Garbage collection is a problem in our city, in our county, even in the small markets. You will find that there are no designed places for garbage collection. Mr. Speaker, if we engage the members of the community to regularly monitor how they do garbage collection by providing them with disposal bins in those markets. And this one will go by the financial year, whether we allocated money for the placement of disposal bins in those markets. Mr. Speaker, that is also captured in the initial statements, whereby the Chairperson said that it will depend on the current financial year, whether money was appropriated towards this. Now that relies on the Select Committee on Implementation to follow deeper and to ensure that these recommendations are implemented.

Mr. Speaker, with those few remarks, I support the recommendations of the committee. Thank you, Mr. Speaker.

The Speaker (Hon. Oraro): Honorable Kelvin Oraro.

Hon. Oraro Kelvin (MCA, Kolwa Central): Mr. Speaker, I also rise to contribute and say something on this good Motion that has been brought forward by the Standing Committee of Planning and Urban Development under the request of the able MCA for Kajulu Ward, considering Mamboleo markets.

Mr. Speaker, I believe that this report was trying to dig up some of the issues from Mamboleo market alone, but we also see the entire management of the city or even other departments, according to how they carry out the activities. Mr. Speaker, I am very sorry to say in this House that the city management or the city, I believe the city is Market Milimani, and by extension, maybe Kondele and maybe Kaloleni/Shaurimoyo. Those are the areas that are well known to be the boundary of the city. In actuality fact, if you follow up and look at the boundary of the city, we are supposed to have 14 wards within the city. But, Mr. Abala Wanga and the City Management Team concentrate so much in area of Market/Milimani, around CBD, Kaloleni/Shaurimoyo, part of Railways Ward, and Kondele and that's why a place like Mamboleo, Nyamasaria, Chiga and if you go to Nyahera, you'll get people complaining.

(The Chief Whip rises on a Point of Order)

The Chief Whip (Hon. Kanga, MCA, Market/Milimani): Point of order, Mr. Speaker.

The Speaker (Hon. Oraro): What is the point of order?

The Chief Whip (Hon. Kanga, MCA, Market/Milimani): Mr. Speaker, I am citing Point of Order while making reference to the provision of Orders No. 89 on Statement of Facts.

Mr. Speaker, it is deeply inappropriate for my colleague, Honourable Oraro, to imply that the city is limited to Market/Milimani and Kondele Wards, when in fact the County Government of Kisumu has allocated substantial funds to his own ward. Specifically, the county has set aside 79 million Kenyan shillings through the city for the Construction of the Molem Bus Park.

Furthermore, Mr. Speaker, an additional 20 million Kenyan shillings has been allocated for the Construction of a Modern Market in his ward. Recently, the county also rehabilitated a market, with Honourable Oraro himself contributing to the effort. In light of this, Mr. Speaker, is it fair for Honourable Kelvin to claim that the city only encompasses Market/Milimani and Kondele Wards, when significant resources have been directed to his own ward? Thank you, Mr. Speaker.

Hon. Oraro Kelvin (MCA, Kolwa Central): Mr. Speaker, I see the Whip doing an excellent job of defending the government, as is his responsibility. However, I would like him to understand, in good faith, that many markets are already benefiting from the city's services. For instance, Jubilee Market is thriving thanks to the city's support, and Kibuye Market is also reaping the benefits of these services.

Recently, Dr. Oron appealed to William Ruto to recognize Kondele as a natural market. However, if you examine the markets outside the Kisumu Central area, particularly those on the periphery of the CBD, there is very little activity taking place. This is why I raised the issue. For instance, if you visit markets like Nyamasaria, which the Chief Whip mentioned, you'll hear traders expressing concerns about the irregularity and lack of consistent business activity. This is a matter of real concern to me, and it's the reason I pointed out that the City Manager seems to be focusing much of his attention on Kisumu Central, especially the CBD market.

Mr. Speaker, Market Milimani, like the CBD, serves as the core of the County Government of Kisumu, encompassing the city and its surrounding areas, such as Kaloleni and Railways. However, when you look at other wards, like Otonglo, Nyahera, Kiboswa, and Kisian, it becomes clear that the city's impact is not being felt, despite these areas being part of the city. Therefore, with Honourable Adegga presenting this motion, it highlights the need for the City Manager and the newly formed City Management Committee to expand their focus and recognize that much more needs to be done in these areas.

Mr. Speaker, planning should always be proactive. The relevant authorities should be able to justify to this House Committee why specific amounts are allocated and explain why certain markets may not have been included in the program, possibly due to funding constraints. However, the current budgeting approach seems reactive, driven by MCAs pushing for projects rather than following a clear, strategic plan, which suggests a lack of proper planning. They don't even seem to recognize that Mamboleo is part of the city.

Mr. Speaker, therefore, I believe this House Committee needs to sit down with the City Manager to obtain a comprehensive report on the status of all markets within the city, including clarifying their ownership. For example, if you visit Mamboleo and see the 20 market stalls or discuss Ong'wano, which was allocated to traders by Abala Wanga but is now being reclaimed, it becomes clear that there is no reliable structure in place to manage these markets effectively.

Mr. Speaker, as I support this report, the city MCAs, along with the Planning Committee, should go above and beyond in their efforts. The reason I raised concerns about the city's operations is because, as Honourable Dede rightly pointed out, the city seems to act as though it is separate from other departments. In reality, the city should function as if it were independent, given that it has the capacity to handle a wide range of activities that other departments manage. The city has its own Roads Committee, and it can address infrastructure, health, energy, and other essential services.

Mr. Speaker, in the future, this House should consider treating the city as part of a Sector Working Group (Department), functioning like a department or sector that deserves greater attention. This would allow for better oversight and ensure that various initiatives are properly followed through. If we continue to handle it as we are now, we risk seeing interference in many of the city's activities.

Mr. Speaker, when you look at the House Committee in relation to other departments within the county government, it becomes clear that more structure is needed. Therefore, Honourable Dede, I support your view. Although this report mainly focuses on Mamboleo, we hope that Mamboleo will be revitalized, with a modern market established outside the city centre. As for Nyamasaria, we are pleased with the progress so far and look forward to even more development, as Nyamasaria plays an important role in attracting growth to the city.

Mamboleo serves as a gateway to the city, and if it can be developed to be a modern market, it would create an additional entry point. Such improvements would not only enhance the city's image but also boost confidence in its management. Thank you, Mr. Speaker. I fully support the report.

The Speaker (Hon. Oraro): Honourable Oiko Pete, you had already contributed to this motion.

Hon. Oiko (MCA, Kabonyo/Kanyagwal): Mr. Speaker, yes I had contributed, but, Mr. Speaker, the Whip is very keen on defending the government.

The Speaker (Hon. Oraro): Then why are you on your feet, Honourable Oiko Pete?

Hon. Oiko (MCA, Kabonyo/Kanyagwal): Mr. Speaker, I wanted to respond on a matter raised by the Chief Whip.

The Speaker (Hon. Oraro): Honourable Oiko Pete but you are not the mover of the motion. The mover of the motion will respond.

Hon. Oiko (MCA, Kabonyo/Kanyagwal): Mr. Speaker, I also want to respond on an issue raised here, which is of public interest.

The Speaker (Hon. Oraro): Honourable Oiko Pete that is not the rule of debate. We have Members who have not debated. If there is a matter that you want to add, you can whisper to your neighbour.

Hon. Oiko (MCA, Kabonyo/Kanyagwal): Some of the Members has not talked. Mr. Speaker, the Whip is looking at me. He is very keen to hear what I want to say.

The Speaker (Hon. Oraro): Honourable Oiko Pete, just whisper to him. He will be able to bring those matters up.

Hon. Oiko (MCA, Kabonyo/Kanyagwal): Mr. Speaker, Hon. Kanga is very eager to hear it.

The Speaker (Hon. Oraro): Honourable Oiko Pete, the Chief Whip did not raise anything that touches on you. Just one minute. Honourable Oiko, you can rise on a Point of Order or something. Whisper to your neighbour.

Hon. Oiko (MCA, Kabonyo/Kanyagwal): The Member has not contributed. Just on a Point of Order, Mr. Speaker, sir.

The Speaker (Hon. Oraro): Honourable Oiko Pete, now, what is a Point of Order?

Hon. Oiko (MCA, Kabonyo/Kanyagwal): Mr. Speaker, the Chief Whip was defending the government, that the government is doing some good projects in Kolwa Central, and the Whip mentioned the 37 million for building a market. Mr. Speaker, things are seen on the ground. The Molem bus stop, stores were built. The public were happy that it was going to start to work.

People spent huge money to invest there. Those stores have been removed silently and now everything is silent.

Mr. Speaker, the 37 million which the Chief Whip has just mentioned was allocated in the Supplementary Estimates is also silent. No work is going on there. What is on the ground is that that place is owned by Kenya National Highway Authority, not the County Government of Kisumu. So, as much as he defends the government, be accurate. The public will blame you later on, because people spent their resources, and nothing is going on the ground.

The Speaker (Hon. Oraro): Chief Whip, just a minute. Honourable Oiko Pete, you know, you are a point of order, you are debating. So I do not know what to put to task to Honourable Seth Kanga to respond to. But anyway, did you get anything you want to respond to, Honourable Seth Kanga?

The Chief Whip (Hon. Kanga, MCA, Market/Milimani): My friend, the skilled debater Honourable Oiko Pete, doesn't fully grasp the dynamics of the city, as he represents Kabonyo-Kanyagwal, which falls outside the city's jurisdiction. However, I understand his concerns.

Mr. Speaker, the Member is worried about the Molem Bus Park, and Honourable Kelvin Oraro is aware that the traders who occupied Molem Bus Park did so without any formal plan. I also understand that you invested a significant amount of money in Molem Bus Park through intermediaries, and that's the source of your concern. I suggest that you reach out to those intermediaries to recover your money. Rest assured, Hon. Pete, the county government is functioning well. We are actively developing markets, including in areas like Otonglo.

That's the government's position, Hon. Pete. We are planning to establish markets in Nyamasaria, Otonglo, Mamboleo, and even Kiboswa. Thank you, Mr. Speaker.

The Speaker (Hon. Oraro): Yes Honourable Onditi.

Hon. Onditi (MCA, Ombeyi): Thank you, Mr. Speaker. Mr. Speaker, judging from the mood of the House, I wish to call the mover to reply.

The Speaker (Hon. Oraro): The mover, Honourable James Omollo.

Hon. Omollo (MCA, West Nyakach): Thank you Mr. Speaker. I want to express my gratitude to my colleagues for the engaging debate. It's crucial to recognize that the City department, which oversees 14 wards, has the mandate to handle various responsibilities typically managed by other county departments, such as roads, water, sewer lines, and market lighting. These functions fall squarely within their jurisdiction.

The department has designated heads for these projects. I also want to thank the members for their contributions to the debate and extend my appreciation to my brother, Honourable Olima, for his opposition. While it is his role to challenge, I believe that the Member should sometimes gauge the mood of the House when deciding what to oppose.

Mr. Speaker, it would be prudent for the city to expedite the development of this market, as the current conditions are deplorable. As highlighted in the debate, there is a consensus on the urgent need to address the situation at Mamboleo Market. The existing facilities fall far short of what is required. The space that was constructed sometimes back is inadequate and serves only a small fraction of the traders. In fact, nearly 99% of the traders are not utilizing the market due to its limited capacity. It is based on these recommendation that we beseech that the city to move with haste and do the planning and other things.

Mr. Speaker, regarding the land issue, it appears that the Honourable Member for Kajulu Ward did not include this in his requests. So, this is the reason as to why as a House Committee we did not address it. The assumption was that there were no problems with the land where Mamboleo Market is situated. This assumption led us to believe that the land was not a concern.

However, if there are any issues with the land, we will need to involve the Lands Department to verify whether the land is indeed owned by the County Government of Kisumu. Our current assumption is that the land belongs to the county and that it is designated as our gazetted market. All our gazetted markets are situated on land owned by the county; none are located on private land. Therefore, it is reasonable for us to proceed with the assumption that the land in question is county-owned.

Mr. Speaker, I want to thank Honourable Kanga for clarifying the issues observed within the city. It is evident, as highlighted during our induction in Mombasa that certain functions are now specifically assigned to the city. Our budget lines also reflect this, showing that some projects previously handled by various departments are now managed independently by the city. The city no longer needs to rely on other departments, such as roads or infrastructure, because it has established directorates within its own department to handle these tasks effectively. So at this point, I beg to reply.

The Speaker (Hon. Oraro): Honourable Members, now that report by the Committee of Lands, Physical Planning, Housing and Urban Development on the Deplorable Status of Mamboleo Market in Kajulu Ward have been presented, debated, it is time that I put a question on the adoption of the same.

(Question put and agreed to)

The Speaker (Hon. Oraro): Honourable Members, the Standing Committee on Lands, Physical Planning, Housing and Urban Development report on the Deplorable Status of Mamboleo Market in Kajulu Ward has been adopted today, the Wednesday, 04th of September, 2024 at 1616 hours. I direct that the recommendation of the report be communicated alongside the extract of the Hansard to the relevant Department for Action.

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

ADJOURNMENT

The Speaker (Hon. Oraro): Honourable Members, there being no other business to transact, this House stands adjourned until tomorrow, Thursday, the 05th of September, 2024 at 02.30 p.m.

(House rose at 4.17 p.m.)

Addendum

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