

**REPUBLIC OF KENYA**  
**KISUMU COUNTY ASSEMBLY**  
**HANSARD**

**Tuesday, 14<sup>th</sup> July, 2015.**

**Afternoon Session**

**Time: 02:30 pm**

*(Prayers by Madam. Speaker, Hon. Pamela Omino)*

***Motion:***

- 1. The Kisumu County Public Participation Bill,2014 (1<sup>st</sup> Reading)***
- 2. The status of Sanitation in Kisumu County (Hon. Farida Ahmed)***
- 3. Report from Ad hoc Committee on Demolition of Kiosks in Awasi Bus Park.***
- 4. Management of County Vehicles. ( Hon. James Were)***

**Madam Speaker** (Hon. Pamela Omino): Order Hon. Members, may I call upon the Clerk to take us through the Order paper of the day.

Order Paper No. 54, First Assembly, third session of Tuesday, 14<sup>th</sup>July, 2015 at 02:30 p.m.

**COMMUNICATION FROM THE CHAIR.**

**Madam Speaker** (Hon. Pamela Omino): Hon. Member's good afternoon.

**Hon. Members:** Good Afternoon to you.

**Madam Speaker** (Hon. Pamela Omino): Hon. Members, I have two issues to communicate to you.

1. Following the resolution of the House on 27<sup>th</sup> May, 2015 with regards of the position of the Clerk, which was communicated to the Transition Authority, I have received information of secondment of the new Clerk who is Mr. Philip Otiende Adundo to the Kisumu County Assembly. His appointment is of immediate effect. I have therefore communicated to the registrar of the High Court to conduct his swearing in immediately, he reported this morning and he was received by my office.
2. There is an advertisement which appeared in the Nation Newspapers yesterday, I don't know whether they are represented here today, it reads "that the Kisumu County Assembly owes Jamii Telkom Amount of Kshs.5m" That was a very big lie , I therefore ask them to correct this immediately and apologise. This information was untrue because as per information received from Jamii Telkom the amount we owe them is Kshs. 400,017 but not Kshs.5M. as was indicated yesterday in the Nation News Papers.

## NOTICES OF MOTION.

**Leader of Majority** (Hon. Malin Akinyi): Thank you Madam Speaker, I wish to give a notice of Motion on Kisumu Public Participation Bill 2015, 1<sup>st</sup> Reading.

**Hon. Farida Ahmed:** Thank you Madam Speaker, I rise to give a notice of Motion on the status of sanitation in Kisumu County.

**Hon. Charles Aguko:** Thank you Madam Speaker, I rise to give a notice of Motion on report of the Ad hoc Committee.

**Hon. Maurice Aloo:** Thank you Madam Speaker, on behalf of Hon. Were, I wish to give a notice of Motion on Management of Kisumu County Vehicles.

## COMMENCEMENT OF BUSINESS.

**Motion:** Kisumu County Public Participation Bill 2015 1<sup>st</sup> Reading.

**Leader of Majority** (Hon. Malin Akinyi): I rise to move a Motion on the Kisumu County Public Participation Bill 2015 1<sup>st</sup> reading to be read for the first time and I want to request the Minority Leader to second.

**Hon. Joshua Auko:** Madam Speaker, I rise to second that the Kisumu County Public Participation Bill be read for the first time.

## THE KISUMU COUNTY PUBLIC PARTICIPATION BILL BE READ FOR THE FIRST TIME.

### A Bill for

### AN ACT of the Kisumu County Assembly to give effect

To paragraph 14 of part 2 of the Fourth Schedule of the Constitution; to establish modalities and platform for public participation in the Governance of the County and for connected purposes.

**Madam Speaker (Hon. Pamela Omino):** The Kisumu County Public Participation Bill 2015 has been read for the first time, I therefore commit it to the Committee of Justice and Legal Affairs.

## MOTION ON SANITATION STATUS ON KISUMU COUNTY.

**Hon. Farida Ahmed:** Aware that sanitation is a constitutional right in Kenya whose responsibility rest on county governments. Universal access to improve sanitation yields maximum health, social and economic benefits.

Further aware that Ministry of health developed a Community Led Total Sanitation (CLTS) Road map that was to guide the implementation of CLTS as well as speed up its implementation by all the actors and implementers, both at national and county level. The key principles adopted for the formulation of this roadmap were informed by the fact that the success of any behavioural change in sanitation and hygiene program is only possible when there is a complete absence of

Open Defecation (OD) from the entire community. Hence achieving the ODF status in all our villages is key objective to be attained. Anything short of an ODF village is not considered as achievement albeit the number of toilets constructed may be high. The definition of a ODF village is therefore a village where: All homes are free of open defecation : everyone in household uses latrine, infants excreta is disposed off in the pit latrine, there are no flies coming in and out of the pit (presence of tight cover), use of Ash after latrine use, streets are free of open defecation, Drains are free of open defecation, fields are free of open defecation and hands are free of open defecation, i.e. everyone regular practices hand washing with soap or ash at critical times.

In Kisumu County, 31.3% use unimproved latrines, 30% improved latrines, 25.9% shared latrines, while **12.9 still** defecate in the open. The sanitation of Kisumu County is dismal.

The uptake of CLTS which is meant to spur rapid gains in sanitation is not encouraging. Kisumu County has a total of 1,490 villages out of which only 483 have been triggered with only 354 progressing on to achieve an ODF status. The sub county performance indicates that Nyakach with a total of 425 villages only managed to triggered 133 villages and only 126 have obtained ODF status, Muhoroni with 222 villages triggered 2 and only 2 have obtained ODF, Kisumu east with total villages 257, triggered 7, only 2 have obtained ODF, Kisumu West with a total villages 257, triggered 7, only have obtained ODF, Seme with a total of 242 have triggered 139 and only 55 have obtained ODF. It is only in Nyando Sub-County with a total of 149 villages that triggered all their villages and went ahead and obtained ODF status and thus earning it the second sub-county to become ODF in Kenya after Nambale in Busia County .Madam Speaker, in the county sanitation benchmarking by the Ministry of Health in conjunction with the water and sanitation program, Kisumu county is ranked number 10 out of 47.

Further profiling indicated that Kisumu county also loses Kshs.740M each year due to poor sanitation (Economic of sanitation in Kenya). This includes losses due to access time premature death, health costs and productivity. This cost does not include some costs that could be significant such as water pollution.

Madam Speaker, one of the major causes of poor sanitation is poor toilet coverage and sewerages system especially in the informal settlements. These informal settlements harbour a big chunk of our population and many homes there do not have toilets, prompting most of the people living there to embrace open defecation which is serious health hazard.

Honourable members the county sanitation program needs to be improved and current 30% needs to be reviewed upwards to 60%. If this happen then it means interventions need to be put in place such as community awareness programs, we need to work on improving toilets coverage and sewerage systems. We need also to come up with legislation on sanitation for the county. This requires proper budgetary allocation to be effected. Currently, if you look at what has been factored in the budget it is only Kshs.6922000 whose use is also not clear as it indicates that it is for of goods and services. The allocation for sanitation needs to be looked into and clearly spelt out on what areas it will address . There should also be allocation for formulation of legislation

on sanitation for our county. I now request this honourable house to deliberate these issues and come up with further recommendations that will pave way for clear and healthy Kisumu County.

**Hon. Moses Ochele:** Thank you Madam Speaker, today I came to this Assembly feeling low and the Messages you have just read may they be done the way you have just read them, I rise to second the Motion on the Status of the Kisumu County, we are struggling to save coins to build something that can be felt by the residents but not struggling Madam Speaker, to spend money on treatment on diseases that we can easily prevent, on the open defecations, in tropical Africa the major enemy of our former colony was all about poor sanitation, and it is sanitation that takes better percentage based on open defecations .

It is sad to note that WHO has come up with statistics that Kisumu as a County waists around Kshs.7,000,040 annually, I was trying to imagine if all that money collected and diverted to major projects that can generate income and change the lives of people. Going with our implementation rates of our projects in our budget F/R 2014/2015 the total cost of the projects which were propose is Kshs.1.5b. if this money can be spent properly. In our sub-county I can just imagine what we can achieve with that money.

Wasting Kshs.7,000,040 annually is bad but if it can be divided to each ward it can be good. I want to give an example; in Nyando when I was young, Nyando Sub-County used to be on Headlines as Cholera prone Zone, the causes of the cholera are quite open and everybody knows them and its controls. Madam Speaker, it took the efforts of the Government and NGOs to go round to educate and this process was not only done in Nyando but all over Kenya, unfortunately, I don't want Nyando people to brag, Nyando People listened to the words of the educators and acted promptly. Madam Speaker, to attain the ODF status doesn't only mean to have toilets in every House Hold; you can have toilets in every house but not achieving ODF still, in many cases the mothers once they had handled their children that is after the call of nature they would throw them anyhow/carelessly and by throwing them outside you are at a risk just like that person who doesn't have toilet.

Madam Speaker, certain areas in this County can try to achieve this ODF status but still the environment is not free from the effects of other sub-counties, for example however much Nyando has attained because we have been informed that Nyando has got 149 village units, out of these villages inspected and all of them have attained ODF status , going by the place of Nyando you will realize that if Muhoroni is not well taken care of, if they don't attain ODF status then the effects of bad sanitation will split over to Nyando because water used in Nyando is majorly coming from Muhoroni and lower parts of southern Kericho .

I want to thank the mover of this motion for having realized that it is high time we educated ourselves, it is high time we spread this information to our people, so Nyando be proud of safety because our neighbours are not and I don't want to blame the leadership for example in Muhoroni being sugar belt area and the cane caters normally don't use the toilets because there are no toilets in the farms.

It is a common knowledge that flies have got no home and they can parch on anything and it can fly to any house hold even in the house hold of the H.E. Governor that means the flies have got no respect to any status.

It is upon everybody that we help in spreading this crusade of ODF so that everybody be free from this menace, it is through this House because this motion only gives us guidelines. Let us come with ideas on how best we can improve it and what input can be done to ensure that we attain 100% ODF, I am appealing to this House that, this is one of the very rare motions and it sounds a little beat technical. Few people can understand the technicality within it but put the technicality aside, think with the very man in the village through that I know you have a responsibility and duty to do. In many cases some of the issues related to sanitations have been handled by the NGOs and most of these NGOs are winding up and leaving soon, my worry is who will be left with the responsibilities of sanitations in ensuring that our people are educated in this if most of these NGOs wind up? This task will be left to the County Government, so if the County Government does not prepare us in time then we will be spending more than Kshs. 7M in treating sanitation related diseases e.g. Diarrhoea, Dysentery, typhoid and Cholera and if you go to most of our Hospitals to day, you will realized that apart from malarial drugs the next drugs that should be that covers these categories of diseases.

I therefore ask the Hon. Members of this Assembly to come up with plans and advice the County Government on areas and ways of controlling this menace, Thank you very much and I beg to second.

**Madam. Speaker** (Hon. Pamela Omino): Thank you very much a motion on status of sanitation in Kisumu County has been moved and seconded and I propose a question for further debate.

**Hon. Salome Lughafa:** Thank you Madam Speaker, I rise to support this Motion on status on sanitation of Kisumu County. I want to congratulate Hon. Faridah for bringing such important motion like this, we as the legislatures in this House discussing this motion, I think it should start here at the Assembly precinct and I stand to say that it is very unfortunate that we are operating on a very dirty compound, Hon. Faridah as the vice chair for health, I think she has taken her opportunity to walk all over the Kisumu County to see the rate of ODF.

**Hon. Caroline Owen:** Point of clarification.

**Madam. Speaker** (Hon. Pamela Omino): Granted.

**Hon. Caroline Owen:** I just want clarification from the Hon. Member to clarify whether we have problem on sanitation on this compound.

**Madam. Speaker** (Hon. Pamela Omino): Hon. Salome can you clarify that.

**Hon. Salome Lungafa:** Unless Hon. Owen is not using the toilets in this compound and even right inside the Assembly you can easily smell the odours from the toilets, so I don't think I am wrong to say that sanitation should start right in the Assembly precinct; we should make a budgetary allocation for cleaning of our sewer system because now we have a very big

population in Kisumu County which cannot be managed by the sewer system done long time ago. I think this Motion is very important and I stand to support it.

**Hon. Caroline Ogot:** Thank you Madam Speaker, I stand to support this Motion brought by Hon. Faridah, the sanitation is quite wide and to continue from where Hon. Salome left however enclose our toilets are, they should be of standard, we only have one hole at our Toilets so if five of us are oppressed then it will force to do our things outside there and that amounts to open defecation, going to the toilet is a luxurious thing, it is relief and enjoy full moment for any one of us, when you go to the toilet you relax and I am imagining a situation where I have to go to the bush and looking in a situation where we have women in the market. I don't know what we will do without the toilets apart from defecating openly that means I have to do it quick and fast that way I don't get the relief anymore.

As we celebrate the world toilet day, which will be in November 19<sup>th</sup> and it is done yearly, we will be fine after the figures mentioned shall have improve to probably a better if not worse in statistics, in slums and flood prone areas where most people do their things openly and we have the boreholes and that means during rainy seasons when rainy water flows, it carries "stuffs" across the boreholes, so you can imagine what happens with water, people will be drinking and cooking with this water because that is what they have, so you can imagine they are using water that is mixed with "shits" so I don't think it will be good and this again is tantamount to the spread of diseases.

Toilets are known to add live expectance with 20years, so anytime you walk to a wash room that your life expectance is added with 20years, I don't think we as the legislatures would like a situation where our voters lives expectance reduces and that means we are losing out, so it would be better to have this facilities put in place.

In schools we have boys and girls, I have heard it that some of our schools do not have separate toilets for boys and girls and they share, so this could also lead to high rate of rape, the mad men and I said this to mean the men that cannot differentiate whether this is daughter, sister or a child who when risen they can jump on anything, in a situation where we have family sharing the same facilities then the risk of being rapped is high.

The sanitation especially the proper one even to us here in Assembly is a right and must be observed, therefore I stand to support this motion.

**Hon. Willis Ogunyoye:** Thank you Madam Speaker, I stand to support this motion on status of sanitation of Kisumu County.

**Hon. Paul Okiri:** Point of information.

**Madam. Speaker** (Hon. Pamela Omino): Granted.

**Hon. Paul Okiri:** When this Motion was brought to this House we expected to hear from other Hon. Members but it is so happening that only Hon. Members from the Health Committee are the same people contributing on it Madam Speaker.

**Hon. Moses Ochele:** Point of information.

**Madam. Speaker** (Hon. Pamela Omino): Granted.

**Hon. Moses Ochele:** This motion was brought here by Hon. Faridah. It was not a motion sponsored by the Committee further the seconder of this motion is not a member of the health committee .

**Hon. Willis Oguny:** Madam Speaker, I was on the point of supporting this motion, it is a very important motion that requires a lot of input from Hon. Members and I want to thank the mover of this motion. In our markets, there is bad sanitation and at least toilets should be built in our markets, several markets are yet to be closed because of poor sanitation and in these markets are where we do get our revenues, also we should ensure that in every ward there must be a public toilet, as I was growing up by then the chief used to walk around to check if there are toilets in every house hold, Madam Speaker, I am requesting let us allocate funds for construction of toilets in our public schools, most of the primary schools have got only one per each which is being shared by both boys and girls. Finally Madam Speaker, health has been devolved; money paid for the use of toilets should be reduced.

**Hon. Aggrey Ogesi:** Thank you Madam Speaker, I also rise to support this important motion on sanitation in the Kisumu County. It is true if people are allowed to defecate openly we are allowing a number of diseases in our County therefore it is important that we eradicate open defecations in Kisumu County.

Madam Speaker, in the report that Hon. Faridah has heavily borrowed from to come up with this motion, it was indicated that it is not only the availability of the toilets but it is also the community sensitizations, it is important for us to look at the report and see how Nyando Sub-County achieved its status, it is because they did a lot of community sensitization and I want to agree with what Hon. Salome was saying that in certain cases after our toilets have been used they are left in deplorable manner and in this Assembly if the bushes were around then I could use them, it is important what Hon. Salome Lungafa was talking about , that it is not only building the toilets but keeping clean the ones we have such that when you walk inside them you are encouraged to use them.

The other thing that was captured in that report is that Nyando sub-County used school children to sensitized people by doing a lot of songs and poems on open defecation Madam Speaker, they were also using women groups, in that report it was agreed that Nyando Sub-County to do sensitization to neighbouring sub-county, it was so interesting because in that report it was indicated that remaining sub-Counties were to achieve their ODF by 2016 and we are few months away from 2016, may be things have changed and Seme Sub-County could be leading by now. In Nyando, children formed a vigilant group against those that defecate openly through all these, they achieved that status , so this is one techniques that we can use even in other sub-counties so that we achieve this ODF status. I support this report and I believe this will help to get rid of diseases like cholera and typhoid and I beg to support, thank you.

**Hon. Lydia Ndege:** I rise to support this motion and mine is to give out one point in regards to sanitation in Kisumu County and any place where people are gathered there is waste accumulations, so if we have poor planning that means we will have open, burst sewer system

and low flow of water and that means that we cannot have proper sanitation, if we have proper planning of the city then we will have proper sanitation otherwise even if we discuss this without proper planning we will not get anywhere.

**Hon. Joseph Osano:** Madam Speaker, if you look at what Hon. Faridah has just read to us and when this project started back in 2007, it was dubbed “wash hands poa” and it was initiated by caretaker and Great Lakes University and they were using schools to sensitize people, Madam Speaker, if you go to Nyando what this organizations did was to go to schools, sensitizing people and they even built toilets under the concept of caretaker, the main reason of doing this was to sensitize “wanainchi” and it was done in Nyando, Suba and in Rachounyo. The reason being these areas were in worst state.

The main reason why I am supporting this Madam Speaker, In Kisumu County you will find toilets which are being manned by Kisumu County employees and this generates income, let them built new models so that we can collect revenue on them, let us come up with new models that can accommodate even people living with disability . Let us empower groups e.g. Women groups, we built for them toilets so that we can collect revenues on those built toilets, I want to thank the Hon. Member for bringing this motion, though the Chairperson for health didn’t know what we are discussing.

**Hon. Caroline Owen:** I want to congratulate the sponsor of this motion because there are a lot of information that some of us are seeing for the first time, I have been to all these sub-counties in Kisumu and I saw sign boards “No open defecation in this area” and I was wondering what it was all about, now I can understand what it was about.

I want to say I as a resident of Kisumu West Sub-County I don’t think it was done in my sub-county (sensitization) because I have never seen any sign board, having lived in kisumu west sub-county for better quarter of a century I am yet to know whether there is still open defecation there and if at all it is there then it should be addressed very fast because we know the dangers of open defecation, in Kisumu west there are no many toilets and sometimes I wonder why there is bad smell from toilets when you pass near schools in Kisumu west sub-county, so it means that these schools do not have proper defecation about what ODF is about.

The Health department must take it very seriously to come out to sensitize people, you cannot compare one community with another where the other one is informed and the other one is not informed, I want to ask the Chairman for health to take this matter to health committee and health department so that we begin a serious sensitization to our people, in some places latrines are dug in places where the water table is very high and this is why it is important that our people can to know where the latrines can be dug, I want to support this motion and encourage the health committee together with the health department to come up with a program of sensitizations and this is something that could have been done long time ago, thank you Madam Speaker for giving me opportunity to support this motion.

**Hon. Fanuel Aim:** Madam Speaker, I stand to support this motion looking at the mood of the House and I think most of the Hon. Members have contributed on this motion, I beg the mover to reply .

**Hon. Joshua Auko:** A Country where there is no proper sanitation that means anybody can easily get diseases, I want this House to come up with proper legislation to make sure laws are put in place such that if somebody goes against laws establish by this county then they can be penalized .

Madam Speaker, at this juncture if you go to market places especially in rural areas there is serious sanitation problems, we should come up with laws compelling public health officers to perform their duties seriously.

**Hon. Maurice Aloo:** Madam Speaker, I also rise to support this motion and I want to say that it is a motion that has come at the right time and being a Hon. Member coming from Nyando, during our early days we were seriously affected by the bad sanitation. This is because of perennial floods, flood wastes transported from rift valley to Nyando and that really affected us in terms of sanitation, sanitation is condition related to health especially availability of clean water and how we dispose of our wastes , so we had a serious problem, what the leaders by then did Mr. Speaker they came sensitizing them to construct pit latrines and the responses were good because we even didn't have bushes to go Madam Speaker and that is why most of the affected areas are bushy areas and they include Seme and Kisumu west Sub-Counties.

**Hon. John Kadede:** Point of order.

**Madam Speaker** (Hon. Pamela Omino): I want to inform the Hon. Member that in Seme Sub-County there is a lot of improvement, so let him stick to the motion.

**Hon. Maurice Aloo:** Madam Speaker, my argument is based on what was read by the mover of the motion, the bushy areas are much affected and in Kano there were no bushes so they didn't have place to go to and that is why our leaders came in very fast to build us latrines and they did it with a lot of passion and even people were being arrested, if you did not have a pit latrine, the affected areas should be marked out and come up with the ways of sensitizing members of the affected areas and where possible as a county we should allocate funds for digging pit latrines especially in markets and any other public places, and we should also allocate funds for disposal of waste and if possible let us come up with draft bill of sanitation to help us address this issue , thank you Madam Speaker.

**Hon. Elijah Omondi:** The best doctor is clean environment, the health facilities are overcrowded because of diseases caused by poor sanitation, it is therefore in health budget it should be more of preventing than treating Madam Speaker, and I can see the people of Nyando are proud of this because all of the health resources have been taken to Nyando. The first Luo Medical Officer Prof. Ogada was from Nyando (interruption)

**Hon. Moses Ochele:** Point of information.

**Madam Speaker** (Hon. Pamela Omino): Granted.

**Hon. Moses Ochele:** I think the contributor is completely out of order and he is lacking information, when he is saying that Prof. Ogada came from Nyando then that tells you that he is talking on appoint of not knowing, Prof. Ogada was raised, died and buried in Muhoroni sub-

County, he is talking of resources being taken to Nyando, since this county was born it was tasked with the mandate of passing the budget is this Assembly, I think that budget for health for Nyando has not hyped.

**Madam Speaker** (Hon. Pamela Omino): Hon. Elijah are you well informed?

**Hon. Elijah Omondi:** Madam Speaker, he is informing me of what I know, but Madam Speaker, the resources should not be allocated to one side but it should be rotational, even the positions should be rotated including the Governorship Madam Speaker, because some areas are neglected, so that the resources can be evenly distributed Madam Speaker.

**Hon. Petronilla Auma:** Thank you Madam Speaker, I rise to support this important motion and I want to congratulate Madam Faridah for having brought this to the House.

**Chief Whip** (Hon. Isaya Onyango): Point of information.

**Madam Speaker** (Hon. Pamela Omino): Granted.

**Chief Whip** (Hon. Isaya Onyango): Madam Speaker, I heard Hon. Faridah reading her motion but there are seasons in Nyando where there are a lot of floods, so what happens during this flood season?

**Madam Speaker** (Hon. Pamela Omino): That one will be answered when she will be replying.

**Hon. Petronilla Auma:** Madam Speaker, it is so unfortunate that we are discussing a very important motion but some people are not paying attention and the statistics which were read before us are those statistics that take various account to the number of villages and how they have achieved the ODF status, now I rise to support this motion and I praise Hon. Faridah for having brought this into the House so that we can turn the motion to be our projects and I hope through this House we are going to do this especially when we realize that through sanitation and hygiene this are the only areas that drive the socioeconomic developments and contributes to a cleaner environment which we all would like to be in, like what was done in Nyando it would be very sad if the statistics would read differently by now, so what I would say is, if this House would come out with some recommendations that will make this ODF attainable in all other Sub-Counties, and people should understand that once you have built an House the next thing is to build a toilet that is in every home stead, market places and any public places. If we can do that then Madam Speaker we will be getting somewhere, I am looking forward to see this motion to bring some life concept in Kisumu County and I rest my case and support this motion, Thank you Madam Speaker.

**Leader of Majority (Hon. Malin Akinyi):** Thank you Madam Speaker, I also want to support this motion and appreciate Hon. Farida for bringing this motion on what is happening in Kisumu County given that I am coming from Nyando, I want to say that putting up latrine in Nyando is very expensive.

I don't know when this research was done and when this report was done because I can remember having a meeting last Sunday near certain market in Nyando and the major thing that came out was that they don't have toilets and those were traders who use nearby bushes, even though we have the information on constructing toilets in Nyando, some of us still don't have proper toilets and you are all aware that between month of April to June, we are heavily affected by floods which sweeps almost all of our toilets unless those who are having permanent structures which I doubt if there are any.

When we will be doing documentation on these let that one be documented in Nyando, cost of construction is very expensive because you must do your toilet, you must do it from the ground that is when it can last from two to three years, thank you Madam Speaker.

**Madam Speaker (Hon. Pamela Omino):** Hon. Lydia Adhiambo.

**Hon. Lydia Adhiambo:** Thank you Madam Speaker, I rise to be very brief and I want to support the motion before us on sanitation and I want to say that just stroll along the street, go towards bus park and you will be surprised how pathetic some of those areas are. I want to say that, today we were fortunate to go to Institutions and I believe there will be a report and it is a public institution, a County institution and it is very busy, no water and I believe it eradicate almost all if not institutions that are managed by the County and that one tells us that there is a problem. It is either somebody is sleeping on job or something has not been done right or is not prioritizing the important aspects of Institution pertaining to our Institutions.

I want to say that where there is clean environment, clean water, there is good health and the events of all health issues we have talked here, I was even trying to wonder when other Counties were affected by cholera, by then it had not reached Kisumu or even if it reached I am not aware but I am wondering. I wanted to say we look at this issue critically and ensure that our county employs whichever means to ensure that we have clean environment, a good sanitation in the County.

On space allocation, I talk to the traders in most of the markets that we have in Kisumu County and they are always complaining that the County Government of Kisumu takes revenue from them but there is no toilet that can be used and I think that is very unfair and as a House we should come up with measures that we are going to ensure that before any revenue is collected

from the traders, they must have clean environment, clean toilets and clean space where they operate.

I was sharing with my colleagues about the fish market which is in a very bad state and I think the Speaker should allow whatever the committee that is going to deal with this to go for a fact finding mission and I believe when they will go out, they will see for themselves the kind of situation our County is in, I beg to support.

**Madam Speaker (Hon. Pamela Omino):** Hon. Pamela Odhiambo.

**Hon. Pamela Odhiambo:** Thank you Madam Speaker. I stand to support this motion and because people have talked, I only want to say two things. Madam Speaker, when you go to our markets the garbage is everywhere. If these people can get some containers where they can put these litters, then I think we can really be happy about it. In that fish market, those women are collecting waste and then in the evening, people come and pay their own money, they give these boys to go and throw for them but when they go to where the containers are, the containers are between the shops, those people will not allow them to pour the wastage of fish to those containers, so I want to urge this House, the committee of environment to talk to the City Manager to make sure that the fish market has its own container and these containers should be collected every day, we don't need any container that will carry wastage for a week, we would just say we want these containers after the garbage have been collected and they are taken to a dumpsite.

Madam Speaker, I don't know if we have a dumpsite at the moment, I want to say that there are some members who went to Germany, they had a proposal and I want to say that we bring those proposals to the House so that we can have that dumpsite in our County.

**Hon. Arwa Osano:** Point of Clarification

**Madam Speaker (Hon. Pamela Omino):** Granted.

**Hon. Arwa Osano:** I think we are Hon. Members in this House, and we should not just debate like street boys. I wanted to inform the Speaker who have just walked away that we should stick to the motion that has been brought to the House. It is a very important motion brought by one of

us and somebody just rises up and start talking of garbage and also dumpsite, it is high time we know what we are doing Madam Speaker.

**Leader of Majority (Hon. Malin Akinyi):** I just want to inform the Speaker who has just walked out that as Kobura ward we don't want that dumpsite, thank you.

**Madam Speaker (Hon. Pamela Omino)** Hon. Joseph Otiende.

**Hon. Joseph Otiende:** Thank you Madam Speaker, Madam Speaker this is a very important motion and when we are discussing we need to handle it with care. When we were talking about sanitation in Kisumu County, there are so many market places within Kisumu County where the County get a lot of revenue and yet most of them don't have toilets Madam Speaker, this will bring a lot of diseases like cholera and Madam Speaker, the best way to deal with it is that we should go back to our respective wards so that we can talk to our chief because we want to know the status of all homes within Kisumu County Madam Speaker.

When we go back to our respective wards, let us sit down and find the solutions and we take them back to this Assembly. In Kisumu County there are many homes that do not have toilets Madam Speaker and when the time of outbreak of cholera comes, it will bring a lot of issues Madam Speaker and it will be very difficult and right now Madam Speaker when we talk about sanitation it is something that we should not play with because it brings many deaths, yet, there are other people who are staying in interior places and they don't get information. What I want to urge Hon. Members in this Assembly is that let us go to our respective wards and we talk to our people and even the Chief and then we will know the number of homes which don't have the toilets then we will see what to do to them at the end of the findings, thank you very much Madam Speaker.

**Madam Speaker (Hon. Pamela Omino)** Hon. James Diang'a

**Hon. James Diang'a:** Thank you Madam Speaker, I want to thank Hon. Farida for bringing us this important motion for us to debate as a House. First, I want to say that this issue is affecting all of us as a County at large because the pollution of environment is alarming and we have failed as leaders to address this issue. There are big markets like Kibuye, and I know there is allocation that has been put aside so that the environment be clean. There are markets in rural places like Awasi, Bar Korowa, Nyangandi, Korowe etc people are suffering so much in those

places. I want to support the sentiments of Leader of Majority when she said that in those sides of Kano making a latrine is a major problem there.

We will not put a lot of money because the type of soil we have is not favourable, that is why you find most people in areas of Kano will only wait to go to help themselves at night. We have to establish how to help such kind of people.

**Madam Speaker (Hon. Pamela Omino):** Caroline Ogot.

**Hon. Caroline Ogot:** Thank you Madam Speaker, since we have exhausted this motion, I want to ask the mover to reply.

**Madam Speaker (Hon. Pamela Omino):** Hon. Farida.

**Hon. Farida Salim:** Thank you Madam Speaker, I want to sincerely thank my colleagues for having contributed positively to this motion which seriously affects the lives of our people and it is my sincere hope that a way will be found so that moving forward we avail the means to address these status of sanitation.

Madam Speaker, the reason why I brought this motion to the House is because the issues of sanitation have been handled by NGO's and it is worrying these NGO's have been closing shops and that is why it was important for us to discuss and we look for ways and means to ensure improvements in the County, otherwise our people will die in big numbers.

Madam Speaker, it is true that our neighbouring County like Migori, Homabay and Nakuru have been hit by cholera outbreak and it is true Kisumu is sitting on a high borne, any time you are going to hear cases of cholera outbreak in our County and so the questions is, what is our state of preparedness should it happen? Or do we wait for it to happen so that we start looking for solutions? I want to agree with Hon. Elijah Omondi who said that we should be focusing more on preventing rather than curatives services.

Madam Speaker, there was a time I wanted to share with the House, there was a time two dreads were very high rated, I don't know whether you can remember, the reason if you go deeper why typhoid was high because people were defecating along the river bank during the elections and whenever it rains all that garbage used to go into the lake as raw as it was, and again there were flies coming from that waste moving into the sea that we were consuming. That was why Hon.

Ochele said it clearly that flies do not know and they will not discriminate anywhere on your food whether you are a VIP or not and that is why you cannot sit at your comfort zone and say me I am okay, what about your neighbour, what about the other people living surrounding you because at the end of the day it affects all of us.

Madam Speaker, a lot of work needs to be done and I totally agree with my colleagues a lot of sensitization because much of these issues we have discussed like open defecation much of it has got to do with our behaviours, and for example if we look at Nyando, the practical part is that what took place in Nyando is that Hon. Ogesi mentioned it clearly, they were certain mechanisms that were impressed including a shaming the person who will be found defecating openly and so all the entire community own the all process and together they will be able to manage the positive change, so it really points out at our behaviour, how we positively focus to bring that change.

Madam Speaker, from the statistics I have made in this motion, the worst performed is Muhoroni Sub County and Kisumu East which includes Kisumu east, Kisumu Central. Madam Speaker, I want to bring to your attention that even in this city, there are houses without toilets within the city and that one can show the seriousness of the matter, and this clearly shows that if we cannot come up with a policy to ensure all the homes, all the markets, all the landlords who are putting up homes must ensure they put up toilets, then it means that figure of 740,000,000 million will go above.

Madam Speaker, I want to say that currently, I don't think if we have County policy on sanitation, if we do not have then I want to bring to the attention of the House that there is a National policy on sanitation which we as a County can domesticate to put our County, we can take the legislation that will come on that particular policy. It is important we must have it if we truly want to improve on sanitation. A time has come for us to enforce the law to come up with a policy and ensure that out of the policy we generate along which has to be enforced so that at least people will have to know that we are taking the matter very seriously.

Madam Speaker if you look at the Budget and if you hear what the Majority has said, the construction of toilets is very expensive and if you look at budget line in this particular financial year, 6.9 million is a drop in the ocean so I want to urge this House to ensure that we all push for a clear budget line for sanitation in all our forthcoming budgets so that the matter is pushed on in

the budget. We cannot improve sanitation without resources Madam Speaker; we must ensure that we allocate resources for this particular post.

Lastly Madam Speaker, I want to say behavioural change in this course is a must, and I want to urge my colleagues that we all have a role to play because it is collective responsibility as the representatives of the people, we must educate our people and to sensitive them on the dangers. We are sitting on a time bomb and will not spare anyone if we do not take it seriously.

I want to urge all of us that let us be the change that we want to see, may God bless all of you, thank you Madam Speaker.

**Madam Speaker: (Hon. Pamela Omino)** Thank you very much Hon. Farida, a motion on the status of Kisumu County has been tabled and seconded by Hon. Ochele and before I put a question, I want to commit this to committee of Health, chair of health I want to give you two weeks to report back on this matter. I want you to even engage technical officers for further advice on this, and I put a question on the adoption of this motion;

*(Question put and agreed to)*

The motion on the sanitation of Kisumu County has been adopted by this Hon. House and committed to health committee for further action.

**Motion No 10: Report from Ad hoc Committee on the Demolition of Kiosks at Awasi Bus Park.**

**Madam Speaker: (Hon. Pamela Omino):** Chair of Planning.

**Hon. Charles Aguko:** Thank you Madam Speaker, I rise to read a report on Ad hoc committee which was formed to investigate the demolition of kiosk at Awasi Bus Park

Following the resolution of the House on the 7<sup>th</sup>/7/2015 on the Special Motion brought By Hon. Fanuel Aim of Onjiko Awasi Ward; the Speaker resolved that an Ad hoc Committee be formed to investigate the demolition of Kiosks at Awasi Bus Park. The Committee was given up to Tuesday 14<sup>th</sup>/07/2015 in the Afternoon to bring a comprehensive report on their findings.

The following members were selected to form the Ad hoc Committee;

## **Membership of the Committee.**

- 1) Hon. Charles Aguko -Chairman Planning.
- 2) Hon. Joshua Auko -Chairman Security.
- 3) Hon. Nereah Okombo -Chairman Justice and Legal affair.
- 4) Hon. Maurice Aloo -Chairman Trade.
- 5) Hon. Petronila Omondi - Chair Children, Youth, & Culture community services.
- 6) Hon. James Omollo -Committee Member.
- 7) Hon. Caroline P. Owen -Committee Member.
- 8) Hon. Susan Omollo - Committee Member.

### **In Attendance.**

Mr. Dennis Odhiambo - Committee Clerk.

Mr. Hesbon Odhiambo - Sergeant – At –Arm.

The Committee arrived at Awasi bus Park at about 2. 00 p.m. to conduct a fact finding mission, Tension was so high since there were two rival groups that were exchanging word to each other, one group was of the opinion that the demolition continues to allow the project to be initiated and the other group was of the opinion that the demolition be stopped for further discussion hence the committee faced a lot of challenge in carrying out its Mandate, the following were the findings;

### **COMMITTEE FINDINGS**

- The Committee found out that some of the Structure at the bus park had already been brought down, some of them had completely been burnt down, but a few structures were still standing.
- Most of the trader and the people we encountered within the Market were of the opinion that the remaining structure be brought down to pave way for the construction of the Multi Million project, but there were few people that were opposed to the eviction and demolition of the structures.
- Tarmacking around the Awasi market is ongoing.
- The committee found out that the matter is in Court and there was a Court Order issued to the County Government to stop any further demolition (See Annex 1)

- The committee was able to find Notices that were circulated through the media and given to the traders which informed them on the intended project and they were remained to remove/ demolish/ vacate the said portion before Tuesday 9<sup>th</sup> June 2015. See Annex 3 and 4.

### **COMMITTEE RESOLUTION.**

After further deliberation with the traders the committee resolved the following;

1. After a lengthy discussion with the traders the committee resolved that the construction of the project proceed since the two Structures that the Court restrained from being demolished were situated at the farthest end of the Plot and so the construction can start from the opposite end as they wait for the court ruling on the two structures Mentioned above.
2. Due to the reception that the committee got at Awasi, it was a resolved that next time any committee is going to investigate such a sensitive matter; an armed Police must escort the Hon. Members for any eventuality.

*(End of report)*

**Hon. Charles Aguko:** I want to welcome Hon. Maurice Aloo to second this report.

**Madam Speaker (Hon. Pamela Omino):** Hon. Maurice Aloo.

**Hon. Maurice Aloo:** Madam Speaker, I stand to second this report as presented by Ad hoc Committee to investigate demolition of Kiosks at Awasi Bus Park on 15<sup>th</sup> July, 2015 be discussed by this House, thank you Madam Speaker.

**Madam Speaker (Hon. Pamela Omino):** A report on Ad hoc Committee has been tabled before this House by the Chair of Planning and seconded by Hon. Maurice Aloo, and I propose further debate.

**Minority Leader (Hon. Joshua Auko):** Point of order Madam Speaker.

**Madam Speaker (Hon. Pamela Omino):** Granted.

**Minority Leader (Hon. Joshua Auko):** Madam Speaker, I wonder if it is in order for this Honorable House to debate a matter that is before the court.

**Madam Speaker (Hon. Pamela Omino):** I have proposed a question and I want to hear from you Members, Hon. Lydia.

**Hon. Lydia Odhiambo:** Thank you Madam Speaker, I want to thank the Chair of Planning and his able team that went for a fact finding mission to establish what the situation was, and it is in order that we appreciate them because their work was to bring a report. That report is before us today and it is not in order to discuss a matter that is in the court, we wait for the court verdict and see the necessary steps to take, thank you.

**Madam Speaker (Hon. Pamela Omino):** Hon. Osano.

**Hon. Arwa Osano:** Thank you Madam Speaker, I don't want to debate on this matter but what this House did, the team went and here we are with the report, before we debate on the report the first thing we should do is the resolution of the Committee, If you go to the resolutions Madam Speaker, the committee resolved that the construction of the project proceed since the two Structures that the Court restrained from being demolished were situated at the furthest end of the Plot and so the construction can start from the opposite end as they wait for the court ruling on the two structures mentioned above.

Madam Speaker, these are two structures that the court refrain from ongoing according to my understanding they have a court order which we cannot refrain but the structure, I don't think it will be right for us not to do anything there but the work must commence.

Madam Speaker, Hon. Members have said that there is a court order here, we are not going to discuss the content, let us do what we can to an extend where we can and this excluded place we don't touch it until that day when the court will rule that this building be brought down Madam Speaker I rest my case, thank you.

**Madam Speaker (Hon. Pamela Omino):** Hon. Elijah Omondi.

**Hon. Elijah Omondi:** Thank you Madam Speaker, actually this matter is before the court and therefore it is not right to discuss it and we don't want to rephrase the court in its judgment Madam Speaker. Not all of us will support this report some will oppose, so Madam Speaker I want to support the matter that we are the law makers and we have to obey the jurisdiction of the court and therefore it is very prudent to obey court orders. Let us go beyond the purpose of this report, let us not interfere with the court matters, thank you.

**Madam Speaker (Hon. Pamela Omino):** Hon. Gabriel Ochieng.

**Hon. Gabriel Ochieng:** Thank you Madam Speaker, I am for this report, for this projects to continue, but Madam Speaker, I want to bring the issue of court orders. If you look at our

Standing Orders No. 95, it will guide you properly, before even you read you know we have different types of interpretation of court contempt and this has really put us aside in the other opinion of the contempt of court Madam Speaker.

This is a matter that has been taken to court, we know as Assembly we need to have legal advisor so that we can be advised on what the subject of the law says, Madam Speaker the report is here guiding us, we have to obey court orders, whether you are going to source for a legal person to come and interpret this so that we can continue with the projects, but in my opinion I support what Hon. Elijah has said this matter is before the court unless it is explained well then we need to execute the report thank you.

**Madam Speaker (Hon. Pamela Omino):**

**Hon. Aggrey Ogosi:** Thank you Madam Speaker, I rise to support this report. Last time this matter came before the house, I said and I repeat now that it is not the work of Hon. Members to investigate. Investigations is meant for various committees, Madam Speaker, this is what this committee has done before this House and how do we know the matter is before the court if we didn't send this Ad hoc Committee out. That day I said we were asking for two months and the best thing to do is what we did Madam Speaker, however given what the Committee has presented before the House today, it is important that we steer head on this matter because it was a matter that is before the court, Madam Speaker if we do that if we go ahead and discuss the matter it will be against the law. I support the report but the matter is before the court, therefore we should not discuss it, thank you Madam Speaker.

**Madam Speaker (Hon. Pamela Omino):** Hon. Farida.

**Hon. Farida Salim:** Thank you Madam Speaker, I also rise to say that as much as I support the report and as much as I support the voice of majority which have come out clearly in the committee findings, that most of the traders and the people encountered within the market were of opinion that the remaining structure be brought down to pave way for construction. It means the majority of the people support the project but like the way my colleagues have said, a matter that is in court cannot be discussed here, so Madam Speaker, I preserve my comment, thank you.

**Madam Speaker (Hon. Pamela Omino):** Hon. Aim, call the mover to reply.

**Hon. Fannuel Aim:** Thank you Madam Speaker, I want to thank the chair and the Member who went out to see what is happening there. Madam Speaker, it is true that the matter that is in the

court cannot be discussed and at the same time we must remember the timeline because it is a project that we were given time and this time is almost over Madam Speaker, I want to believe when a Member brings a motion under Standing Order No. 49. I believe it is urgent, it was not supposed to be a court matter, it was something to be discussed urgently, this is a development project I cannot afford to lose Madam Speaker, I rest my case.

**Madam Speaker (Hon. Pamela Omino):** Aggrey Ogosi.

**Hon. Aggrey Ogosi:** Madam Speaker as Assembly we don't need to be served with a court order for us to discuss it or not discuss it, the law is very clear if a matter is before the court and being handled by a judge then we could have been refrained from discussing the matter and we are part of that and this is what I was asking Honorable Elijah to explain. Since Assembly plays very important role therefore if we are to go ahead and discuss the matter, we don't know boundaries, we don't know which member could be stopped but we refrain from discussing this matter because it is in the court otherwise we would jeopardize the court process, thank you.

**Hon. Charles Aguko:** Thank you Madam Speaker, I led this people to Awasi and our mission was to fact find and that is when we saw this court order. Members and the public were not served this message was at the market and the members of the public were demanding and some structures were demolished and burnt and there were two structures remaining on the ground, so the parties concerned went to court to stop the demolition of the structures that is what I learnt from there.

**Madam Speaker (Hon. Pamela Omino):** Honorable Members, this report was brought before the House by the area member representing that place. The matter was discussed and the Ad hoc committee was formed, they went down by the planning committee and they have come out with their findings. Now if you look at the court order it was talking about protecting the two structures that are on the ground.

The court order has not stopped any construction and I want to inform you that it is true the matter is before the court of law and therefore we are not allowed to discuss it, and I want to say that the report that was tabled by the chair, I want us to adopt it as a House and I want to put a question on it.

**Hon. Kelvin Oraro:** Madam Speaker, you are out of order we cannot adopt a report that we have not discussed, you could have called the mover to withdraw it.

**Hon. Aggrey Ogesi:** I think we are taking the event too far, we must adopt the report then it becomes the document of this House and under that law the law does not allow us to discuss it Madam Speaker, we cannot if you look at our standing orders. Let us adopt and discuss it because at the end of the day what will you say about this committee? They have brought a report with recommendations, so we adopt the report as the document of this house, thank you.

**Arwa Osano:** Allow me to inform the house, here we are with the report and if you look at the recommendations of the committee and even the court order which is making us not to discuss, there is a timeline Madam Speaker, I don't see the reason for the mover to withdraw because by adopting we are even adopting the court order.

**Hon. Salome Lungafa:** I think what Hon. Osano is saying is true we are arguing outside the report and how can we adopt something that we have not discussed? Thank you.

**Madam Speaker (Hon. Pamela Omino):** The mover of the report what are you saying?

**Hon. Charles Aguko:** Thank you Madam Speaker, I am going to reply and withdraw the report so that we give it some breathing space for court issues.

**Madam Speaker (Hon. Pamela Omino):** Who is seconding your withdrawal?

**Hon. Petronila Ochieng:** Thank you Madam Speaker, I rise to second the chair of planning that he withdraws his report and then it becomes a document of the committee then it is kept in record at a committee level and therefore it will be available at any given time, thank you.

**Madam Speaker (Hon. Pamela Omino):** A withdrawal from Ad hoc committee by Hon. Charles Aguko and seconded from Hon. Petronila has been moved. I now put a question.

*(Question put and agreed to)*

The Ad hoc Committee has been officially withdrawn from this House.

#### **Motion No. 11: MANAGEMENT OF COUNTY VEHICLES.**

**Hon. Maurice Aloo:** Thank you Madam Speaker, on behalf of Hon. Were, I want to read a motion on management of County vehicles.

**Hon. Aggrey Ogesi:** Point of order.

**Madam Speaker (Hon. Pamela Omino):** Granted.

**Hon. Aggrey Ogozi:** Thank Mr. Speaker, I rise on a Standing Order Number 32 that we lack quorum, the business we ought to transact is a very serious business and we are required to have quorum, thank you.

**Madam Speaker (Hon. Pamela Omino):** Any Whip in the House, Majority Leader can you confirm that we don't have quorum in the House.

**Majority Leader (Hon. Malin Akinyi):** Mr. Speaker it is true we don't have quorum in the House.

**Madam Speaker (Hon. Pamela Omino):** I want to call upon the Sergeant At Arms to ring the quorum bell for five minutes.

*(Quorum bell being rung for five minutes)*

**Madam Speaker (Hon. Pamela Omino):** Order Members, has ringing of the bell improve the quorum?

**Hon. Maurice Aloo:** Mr. Speaker, we still don't have quorum in the House, therefore the chair has got nothing but to abide by the provisions of the Standing Orders whereby I want to withdraw the motion until tomorrow 9:30 a.m.

**Madam Speaker (Hon. Pamela Omino):** Who is seconding?

**Hon. Petronila Achieng:** I stand to second that motion be withdrawn for tomorrow 9:30 am

**Madam Speaker (Hon. Pamela Omino):** A motion on management of County vehicles has been withdrawn by the mover and seconded by Hon. Petronila due to lack of quorum, I put a question,

*(Question put and agreed)*

The Management of County vehicles has been officially withdrawn.

### **Adjournment**

**Madam Speaker (Hon. Pamela Omino):** Hon. Members there being no any other business, this House stands adjourned 9:30am in the morning.

*(All Arise)*

*(Speaker's Procession)*

*(House Adjourned at 12:00 Noon.)*