

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

Official Report

THIRD ASSEMBLY – FOURTH SESSION

Wednesday, 21st May, 2025

House met in the Main Chamber at 9:00 a.m.

(The Temporary Speaker (Hon. Seth Okumu) in the Chair)

PRAYERS

The Temporary Speaker (Hon. Okumu, MCA, East Seme): Clerk, can you take us through the order of the day.

The Temporary Speaker (Hon. Okumu, MCA, East Seme): Next order!!

COMMUNICATION FROM CHAIR

RULING ON THE RECINDING OF THE HOUSE RESOLUTION MADE ON 14TH MAY, 2025 ON THE MATTER OF DEPARTMENTAL COMMITTEE REPORT ON THE PROPOSED SUB-LEASE OF LAND TO MED ADITUS FOR ESTABLISHMENT OF PHARMACEUTICAL PROCESSING PLANT AND SUPPORT FOR ITS DESIGNATION AS A SPECIAL ECONOMIC ZONE ON THE AMBIGUITY OF PARCEL OF LAND

The Temporary Speaker (Hon. Okumu): Thank you Honourable members. This is the communication from the Office of the Speaker on approval of motion to Resign the Resolution of House made on 14th May 2025; referral is made to the House Business Committee for scheduling. Honorable members, Pursuant to the provision of Standing Orders No. 47 on the procedure of revisiting questions previously resolved by this Honorable House, I wish to communicate as follows.

Honourable Members, by a formal request submitted by the Honourable Ratib Boitone, MCA, Nyalenda “A” and Chairperson of the Departmental Committee on Lands, Physical Planning, Housing and Urban Development. The Office of the Speaker was petitioned to permit the introduction of a motion to Resign the Resolution of the House made on 14th May 2025, wherein the Assembly declined to adopt the Departmental Committee report on the Proposed Sublease of Land to Med Aditus for Establishment of Pharmaceutical Processing Plant and support for its designation as a Special Economic Zone.

Honourable Members, upon careful review of the Hansard, the Departmental Committee report and supporting documentation from the County Executive, it became evident that the earlier decision of the House was influenced by material and factual ambiguities, misidentifications and documentary misinterpretations, particularly in relation to the correct description and legal status of the subject parcel of land. This undermined the ability of the House to exercise its legislative and oversight mandate fully and fairly.

Honourable members, the correct documentation now confirms that the land intended for sublease is a 10-acre portion of Kibos 654-45, Grant No. 123-371, registered as LR No Miwani-Miwani-12-2 previously indicated in the motion.

Honourable members, the clarified facts are substantiated in;

1. The concession agreement between the County Government and Med Aditus.
2. The Governor's request to Special Economic Zone authority dated 17th February 2023
3. The survey report forwarded by the County Executive Committee Member for Lands, Physical Planning, Housing and Urban development via letter dated 14th December 2024 to the land surveyor.

Honourable Members, given the significant public interest, socio-economic benefit and constitutional relevance of the project, particularly under Article 21 (b), prudent use of public resource, Article 227, Procurement and Public Asset Management, and Article 174, Objects of Devolution, this office was satisfied that the rescission request meets the exceptional thresholds contemplated under Standing Orders 47(2) (a).

Accordingly, and in the interest of fairness, transparency, and procedural justice, I have granted leave for the Motion to rescind the decision of the House arrived at on 14th May, 2025. The decision will enable the Assembly to reconsider the matter first, based on correct, clarified, and comprehensive information.

In light of this, I hereby refer the approved Motion to the House Business Committee for purposes of prioritization and scheduling for debate in plenary, at the earliest legislative opportunity, taking into account the urgency of the matter and its implications for development, planning, public-private partnership facilitation, and county investment strategy.

Honourable Members, the Assembly must uphold its constitutional duty to act on the basis of truth, good faith, and informed deliberation. Where a prior decision was reached in error, the House is not only empowered but obligated to correct it. Therefore, I communicate. Thank you.

The Temporary Speaker (Hon. Okumu, MCA, East Seme): Next order!!

PAPERS LAID

REPORT OF THE AUDITOR GENERAL ON OJOLA LEVEL 4 HOSPITAL, COUNTY GOVERNMENT OF KISUMU, FOR THE YEAR ENDED 30TH JUNE, 2024

KISUMU COUNTY EXECUTIVE QUARTERLY FINANCIAL STATEMENT FOR THE PERIOD ENDED 31ST MARCH, 2025

KISUMU COUNTY REVENUE FUND QUARTERLY FINANCIAL STATEMENT FOR THE PERIOD ENDED 31ST MARCH, 2025

(Reports laid by Hon. Benson Adega on behalf of the Leader of Majority)

The Temporary Speaker (Hon Okumu, East Seme): Yes, Honourable Adega.

Hon Adega (MCA, Kajulu): Thank you Mr. Speaker. I have instructions to stand in for the Leader of Majority Honourable Ouko, to lay some Papers on his behalf.

The Temporary Speaker (Hon. Okumu, MCA, East Seme): Honourable member, you have just said that you have instructions to stand in for the Leader of Majority, Hon Ouko. Honourable member, the Leader of Majority of this House is not Honourable Ouko but Honourable Ooko. Please stand guided.

The Temporary Speaker (Hon. Okumu, MCA, East Seme): Please proceed, Honourable Member.

Hon Adega (MCA, Kajulu): Thank you Mr. Speaker. Sorry, that was a slip of the tongue. Mr. Speaker, pursuant to the provisions of Article 229 (7) of the Constitution of Kenya, 2010, I wish to table today, 21st May, 2025, a report of the Auditor General on Ojola Level 4 Hospital, County Government of Kisumu, for the year ended 30th June, 2024. Thank you.

Secondly, Mr. Speaker, pursuant to the provisions of Section 166 (4) (a) of the Public Finance Management Act, 2020, I wish to table today, Wednesday 21st, May 2025, Kisumu County

Executive Quarterly Financial Statement for the period ended 31st March, 2025 and Kisumu County Revenue Fund Quarterly Financial Statement for the period ended 31st March, 2025. Thank you, Mr. Speaker.

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

The Temporary Speaker (Hon Okumu, MCA, East Seme): Thank you. Honourable Members, I wish to acknowledge receipt of the Auditor General's Report on Ojola Level 4 Hospital and I want to direct that this report be committed to the Select Committee on Public Investment and Accounts for processing and a report be brought in this House in 21 days.

Honourable members, I have similarly received the Kisumu County Executive Quarterly Financial Statements for the period ended 31st March, 2025 and Kisumu County Revenue Fund Quarterly Financial Statements for the period ended 31st March, 2025. I direct that these two reports be committed to the Departmental Committee on Finance and ICT and a report be brought before this House in 21 days.

The Temporary Speaker (Hon Okumu, MCA, East Seme): Next order!!

NOTICE OF MOTION

The Temporary Speaker (Hon Okumu, MCA, East Seme): Yes, Honourable Boitone

Hon Boitone (Nyalenda "A"): Thank you Mr. Speaker. Honourable Speaker, in line with the communication you made, I rise to give a Notice of Motion that pursuant to the provision of Orders No.45 (1) read together with Standing Orders No. 47 (2) (a) of the Kisumu County Assembly Standing Orders, this House Rescinds its Decision on the report of the Departmental Committee on Lands, Physical Planning, Housing, and Urban Development on the Proposed Sublease of Land to Med Aditus for Establishing a Pharmaceutical Plant in Kisumu and its support for its conversion to a Special Economic Zone. Thank you.

The Temporary Speaker (Hon Okumu, MCA, East Seme): Next order!!

STATEMENTS

The Temporary Speaker (Hon Okumu, MCA, East Seme): What is it, Honourable Adegga?

Hon. Adegga (MCA, Kajulu): Thank you Mr. Speaker. I still have instruction to stand in for the Leader of Majority to give a Statement.

The Temporary Speaker (Hon Okumu, MCA, East Seme): Please proceed.

Hon. Adega (MCA, Kajulu): Thank you, Mr. Speaker. I arise pursuant to Order No. 41(2)(c) of the Kisumu County assembly Standing Orders, which mandates me as the County Assembly Leader of Majority to present and lay on the table of the County Assembly, a statement informing the County Assembly of the businesses coming before the House on the following week.

Honourable Speaker, this is therefore to bring to the attention of Members and the County Assembly that for the week commencing Wednesday 21st May 2025 to Tuesday 27th May 2025, the Select Committee on Assembly House Business at its last meeting approved the following tentative businesses to appear in the Order papers as follows;

Wednesday 21st May 2025 at 0:900 hours

PAPERS LAID

The Leader of Majority Honourable Kennedy Ooko will table the following papers.

1. Kisumu County Executive Quarterly Financial Statement for the period ended 31st March 2025.
2. Kisumu County Revenue Fund Quarterly Financial Statements for the period ended 31st March 2025.
3. Report of the Auditor General on Ojola Level 4 Hospital for the year ended 30th June 2024.

NOTICES OF MOTIONS

The MCA for Nyalenda “A” Ward and the Chairperson of the Departmental Committee on Lands, Physical Planning, Housing and Urban Development will give a notice for the adoption of motion seeking to Rescind the decision of the House on the Report of Departmental Committee on Lands, Physical Planning, Housing and Urban Development on the Proposed Sub-lease of Land to *Med Aditus* for Establishing a Pharmaceutical Manufacturing Plant in Kisumu and support for the conversion to the Special Economic Zone.

STATEMENT

The MCA for Railways World Honourable Samuel Onyango will seek for a statement to the Chairperson, Departmental Committee on Sports, Culture, Gender and Youth Affairs regarding the Status of Kanyakwar Cultural Centre in Railways Ward.

SUBSTANTIVE BUSINESS

1. The Chairperson of the Joint Committee of Finance and ICT and Agriculture, Fisheries, Livestock Development and Irrigation Hon. Caren Odhiambo will move the Third reading of Kisumu County Cess Bill 2024.

Wednesday, 21st May 2025 at 02:30 p.m.

SUBSTANTIVE BUSINESS

The MCA for Nyalenda “A” Honourable Ratib Boitone, the Chairperson, Departmental Committee on Lands, Physical Planning, Housing and Urban Development will move a motion for the adoption of the motion seeking to Rescind the decision of the House on the report of Departmental Committee on Lands, Physical Planning, Housing and Urban Development on the Proposed Sub-lease of Land to *Med Aditus* for the establishing Pharmaceutical Manufacturing Plant in Kisumu and support for its conversion to a Special Economic Zone.

Thursday, 22nd May 2025 at 02:30 p.m.

Honourable Ratib Boitone, Chairperson, Departmental Committee on Lands, Physical Planning, Housing and Urban Development will table the committee report on the Proposed Sub-lease of land to *Med Aditus* for establishing a Pharmaceutical Manufacturing Plant in Kisumu and support for its conversion to a Special Economic Zone.

NOTICE OF MOTION

Honourable Ratib Boitone, Chairperson, Departmental Committee on Lands, Physical Planning, Housing and Urban Development will give a notice for the adoption of the committee report on the Proposed Sub-lease of land to *Med Aditus* for the establishing Pharmaceutical Manufacturing Plant in Kisumu and support for its conversion to a Special Economic Zone.

SUBSTANTIVE BUSINESS

Honourable Ratib Boitone, Chairperson, Departmental Committee on Lands, Physical Planning, Housing and Urban Development will move a motion for the adoption of the committee report on the Proposed Sub-lease of land to *Med Aditus* for the establishing Pharmaceutical Manufacturing Plant in Kisumu and support for its conversion to a Special Economic Zone.

Tuesday, 27th May, 2025 at 02:30 p.m.

STATEMENTS

The Leader of Majority will issue a Statement pursuant to Order No. 41(2)(c) of the Standing Orders on the business coming before the County Assembly for the week commencing on Wednesday 28th May.

SUBSTANTIVE BUSINESS

Honourable James Omollo, the Chairperson, Select Committee on implementation, will move a motion for the adoption of the committee report on the Implementation Status of House Resolution on the report of the Select Committee on Public Investments and Accounts on its consideration of the Auditor General report on a Financial Statement of Lumumba level 4 hospital for the year ended 30th June. Thank you, Mr. Speaker.

The Temporary Speaker (Hon Okumu, MCA, East Seme): Honourable members, we are still on Statements

The Speaker (Hon. Oraro): Yes, Honourable Sammy Onyango.

Hon. Onyango (MCA, Railways): Thank you Mr. Speaker, pursuant to the provisions of Orders No.41 (2), (b) of the Kisumu County Assembly Standing Orders, I rise to seek the statement from the Chairperson, Departmental Committee on Sports, Culture Gender and Youth Affairs on the Status of Renovation of Kanyakwar Cultural Center in Railways Ward.

Mr. Speaker, Kanyakwar Cultural Centre is one of the development project included in the Kisumu County Budget for the financial year 2024/2025 with has an location of Kshs 10 million. The project was awarded to a contractor through as well as published procurement process and construction works at the sites are currently underway.

However, in the light of growing concern raised by the members of the community regarding the process and quality of implementation and recognition of the fundamental need for transparency accountability and present use of public resources in all development projects I respectfully request the Chairperson to provide response to the following specific enquiries:

1. The current implementation status of the projects and how does this progress compare to the value and scope of work as outlined in the approved bill of quantities (BQ).

2. Reason for exclusion of the office of the Ward Administrator and the local community from the various stages of the projects implementation despite their critical role in representing and safeguarding the interests of the people.
3. To investigate the valuation of the project cost in order to determine whether the allocation funds align with the actual scope of works prevailing market rates and applicable standards as outlined in the approved Bill of Quantities (BQs) and other relevant projects document. Thank you Mr. Speaker

The Temporary Speaker (Hon. Okumu, MCA, East Seme): Honourable members, a statement has been raised by Honourable Sammy Onyango with regards to the Status of Kanyakwar Cultural Center. Where is the Chairperson of this House Committee, the Vice-chairperson or any Member of that House Committee who wants to comment on the statement?

The Temporary Speaker (Hon. Okumu, MCA, East Seme): Yes, the Honourable Benson Adega.

Hon. Adega (MCA, Kajulu): Thank you Mr. Speaker, I want to request that you give this House Committee two weeks to investigate and come back with the report, thank you.

The Temporary Speaker (Hon. Okumu (MCA, East Seme): I direct that, the Statement be committed to the Departmental Committee on Sports, Gender Culture and that report be brought back in the next 14 days.

The Temporary Speaker (Hon. Okumu (MCA, East Seme): Next order!!

MOTION

THIRD READING OF THE KISUMU CESS BILL, 2024

(KISUMU COUNTY BILL NO. 4]

BY

HON CARREN AJWANG, MCA, KELOLENI/SHAURIMOYO

(CHAIRPERSON, JOINT DEPARTMENTAL COMMITTEES OF FINANCE AND ICT AND AGRICULTURE, FISHERIES, LIVESTOCK DEVELOPMENT AND IRRIGATION)

The Temporary Speaker (Hon. Okumu (MCA, East Seme): Yes, the Honourable Caren, the Joint Committee Chairperson,

Hon. Caren (MCA, Kaloleni/Shaurimoyo): Thank you Honourable Speaker. Mr. Speaker may I request that the Kisumu County Cess Bill, 2024 be read for the Third time thank you.

The Temporary Speaker (Hon. Okumu (MCA, East Seme): Yes Mr. Clark.

THE KISUMU COUNTY CESS BILL, 2024

A Bill for

AN ACT of the County Assembly of Kisumu to give effect to Section 161 of the Public Finance Management Act, 2012 to provide for the imposition of Cess on agricultural produce within the County and for connected purposes

MEMORANDUM OF OBJECTS AND REASONS

The principal objective of the Kisumu County Agricultural Produce Cess Bill, 2024 is to impose a cess on agricultural produce within Kisumu County. This cess is intended to fund critical infrastructure, services, and Development projects in crop-growing areas, thereby enhancing agricultural productivity and supporting sustainable economic growth within the county. The Act also establishes a framework for the collection, Management and efficient utilization of cess revenue through transparent processes that benefit agricultural producers and the local economy. Since the absence of a dedicated cess management mechanism has Affected the funding and development of infrastructure and essential services in agricultural areas, this Act seeks to address issues such as:

- (a) Inadequate infrastructure supporting agricultural production and transportation;
- (b) Lack of funding for research, technological innovation, and pest management;
- (C) limited support for market access and competitiveness of local produce;
- (d) Inefficient cess collection and administration.

By establishing a Kisumu County Cess Fund and mandating oversight by a dedicated Cess Management Committee, this Act seeks to mitigate these challenges and promote the sustainable development of Kisumu's agricultural sector.

This act seeks to address issues such as, A, inadequate infrastructure supporting agricultural production and transportation, B, lack of funding for research, technological innovation and pest management, C, limited support for market access and competitiveness of local produce, D, inefficient size collection and administration. By establishing a Kisumu County Cess fund and mandating oversight by a dedicated Cess management committee, this act seeks to mitigate these challenges and promote the sustainable development of Kisumu's agricultural sector. Part 1, that is clause 1 to 2, contains preliminary provisions including the short title and interpretation clauses for the act.

Part 2, clauses 3 to 8, outlines the procedures for the administration and management of Cess, including the power of the county executive committee member for finance to impose Cess on specified agricultural produce and ensure its collections through processing plans. This part provides for the timely remittance of Cess and includes penalties for noncompliance to encourage responsible management. Part 3, that is clause 9 to 10, establishes the Kisumu County Cess fund, managed by the CEC member for finance and economic planning.

This fund will consist of Cess collections, donor funds and other approved sources, ensuring sufficient resources are available for reinvestment in agricultural infrastructure and services. Part 4, clauses 11 to 13, includes miscellaneous provisions such as offences related to interference with the Cess administration, indemnity from personal liability for officials acting in good faith, and the delegation of powers to the CEC member to create regulations supporting the act. Part 5, that is clause 14, addresses transitional provisions to ensure a smooth implementation process.

Statement on the delegation of legislative powers and the limitation of fundamental rights and freedoms.

This act delegates legislative powers to the CEC member for finance and economic planning and the CEC member for agriculture to make regulations necessary for the effective implementation of its provisions. The act does not limit any fundamental rights and freedoms.

Statement that the bill is a money bill within the meaning of article 114 of the Constitution.

The bill is not a money bill. However, the enactment of this bill will result in additional expenditure of public funds which will be appropriated by the county assembly for the purposes of implementing its provision.

Dated the 28th of October, 2024, by Hon. Regina Kizito, member of the County Assembly.

Thank you, Mr. Speaker and Hon. Member, and the bill is now hereby read for the third time.
Thank you.

The Temporary Speaker (Hon. Okumu, MCA, East Seme): Thank you Honourable members. Now that the Kisumu County Cess Bill, 2024 (Kisumu County Bill No. 4 of 2024) has been read for the third time, and there are no further amendments, I want to put a question on the adoption of the Kisumu County Cess Bill, 2024, with respect to the amendments as proposed in the report.

(Question put and agreed to)

The Temporary Speaker (Hon. Okumu, MCA, East Seme): Honourable members, the Kisumu County Cess Bill, 2024 (Kisumu County Bill No. 4 of 2024) with the proposed amendment in the report, has been approved today, Wednesday, 21st May, 2025 at 09:31 hours.

Consequently, I direct that the Vellum for this Bill, together with the amendments, be taken to the Governor for assent. Thank you, Hon. Members.

The Temporary Speaker (Hon. Okumu, MCA, East Seme): Next order!!

ADJOURNMENT

The Temporary Speaker (Hon. Okumu (MCA, East Seme): Honourable members, there being no other business to transact, the House stands adjourned until Wednesday, 21st May at 02.30 p.m.

(House rose at 09.32 a.m.)

Addendum

The Hansard Team

Zablon Otiende – Assistant Director, Hansard Services

Hansard Reporters

Fanuel Okode - Chief Hansard Reporter

Edward Odanga - Senior Hansard Reporter

Patrick Okoyo - Senior Hansard Reporter

Jackline Otieno - Senior Hansard Reporter

Jesca Otieno - Senior Hansard Reporter

Vallery Achieng' - Senior Hansard Reporter

Emanuel Omondi – Intern

Stella Ogada – Intern

Melissa Hellen – Intern