

# SIAYA COUNTY ASSEMBLY

## OFFICIAL REPORT

### First County Assembly- Third Session

**Tuesday, 3<sup>rd</sup> March, 2015**

The House met at the County Assembly Chambers at 2.30 pm

*[The Speaker (Hon. Okode) in the Chair]*

#### PRAYERS

#### PAPERS

**Hon. Gare:** Thank you, Mr. Speaker. On behalf of the Leader of Majority, allow me to lay these two documents on the Table of the House:-

1. Siaya County Fiscal Strategy Paper
2. Debt Management Strategy Paper

*(Hon. Gare laid the documents on the Table)*

**Hon. Speaker:** You have laid it on behalf of the Majority Leader. I wanted to issue a strong warning to the Executive which I think the Majority Leader as the representative of the Executive should tell them. The law provides for timelines. In the Public Finance Management Act, it is clearly stipulated when is the deadline upon which the Executive should submit the Fiscal Strategy Paper to this Assembly. The law talks of not later than 28<sup>th</sup>. Today is not 28<sup>th</sup> and they have just submitted it! However, I will just accept it because it will have serious consequences should we not debate or discuss this Paper. In future, we are not going to treat this lightly. We therefore commit it to the Committee on Budget, Finance and Appropriations.

Same to the Debt Management Strategy Paper. I am aware that the Committee has a lot, the Committee is also supposed to look at the supplementary budget and I just wish to direct the Committee to really expedite its in-tray to ensure that we dispense of this business as soon as possible.

There were supposed to be two reports from the Committee on Agriculture, may I find out, had they been laid before? Mr. Chairman, had you laid the two reports?

**Hon. Agoko:** Its one report today, the other is one is tomorrow

**Hon. Speaker:** Next Order!

**NOTICES OF MOTION**

*(Hon. Agoko and Hon. Muhulah stood up in their places)*

**Hon. Speaker:** Two hon. Members are on their feet, I don't know why. Honorable, take your seat first, I want to find out what the hon. Chairman has. Yes, hon. Chairman.

**Hon. Agoko:** I wanted to lay the Paper---

**Hon. Speaker:** Which Paper? I thought you had laid this report!

**Hon. Agoko:** No! No!

**Hon. Speaker:** Then we will not debate it today!

**Hon. Agoko:** We shall!

**Hon. Speaker:** How? We can't lay a report today, expect Members to go through it today, and expect it to be debated today! I thought all along that you had laid this report in the previous Session?

**Hon. Agoko:** Well, my memory cannot serve me right on that, probably your records could be right.

**Hon. Speaker:** Let me find out from the Clerk whether the report had been laid before.

*(The Hon. Speaker consulted with Clerk-at-the-Table)*

Hon. Members, the practice of Parliament is that we always want to have reports laid, copies given to Members so that they have time to go through the reports, then we allocate time to debate those reports. Chairman, are you still convinced they had not been laid?

**Hon. Agoko:** Mr. Speaker, we had laid it last year. That's the report I am getting, and we are to discuss it today

**Hon. Speaker:** Any objection or Member saying it had not been laid? There being no objection, I want to believe it had been procedurally laid. Just wait; let's see what hon. Muhulah has.

**Hon. Muhulah:** Thank you, Mr. Speaker. I wish to give a notice of Motion that this House discuss----

**Hon. Speaker:** You were giving a Motion?

**Hon. Muhulah:** Notice of Motion

**Hon. Speaker:** Then allow me to first give hon. Agoko because the discussion I had with him is on whether the report had been laid, and in the Order Paper, his Motion is No. 8 while yours is Motion No. 9. Yes, hon. Agoko!

**Hon. Agoko:** Mr. Speaker, Sir, I wish to give a notice of Motion:-

THAT this House adopts the report of the Committee on Agriculture, Livestock and Fisheries on Beacon's meeting at Great Lakes Hotel Kisumu laid on the Table of the House last year.

**Hon. Speaker:** Thank you. Yes, hon. Muhulah

**Hon. Muhulah:** Mr. Speaker, thank you. As I said, I want to give a notice of Motion for this House to discuss and resolve on disaster management and preparedness for Siaya County.

Thank you.

**Hon. Speaker:** Thank you. Next Order!

### STATEMENTS

**Hon. Agoko:** Mr. Speaker, I want to bring to the attention of this House that I sought a Statement or a report from a Committee of this Assembly regarding the staff of the defunct Ukwala Town Council who have not been paid their salaries despite a court award. I was requesting this House to give guidance and ensure that the staff are paid. Mr. Speaker, to date, these staff have not yet been paid and I would therefore seek to get a report on the same.

Aware that this may cause attachment of County Government's property, Mr. Speaker, it would be an embarrassment if the auctioneers begin with the Speaker's vehicle when it's parked somewhere in Kisumu town because they will be looking for any property of the County Government. Mr. Speaker, we need to expedite this.

**Hon. Speaker:** I pray they start with the Governor's vehicle

*(Laughter)*

To which Committee was this Statement committed?

**Hon. Agoko:** It was Finance and Budget, Mr. Speaker, Sir.

**Hon. Speaker:** Chairman, Finance and Budget, what is the fate of that question?

**Hon. Odinga:** Mr. Speaker, Sir, I am not aware of that.

**Hon. Speaker:** It will be a serious matter if we discover that it was given to a Committee and the Committee denies. Hon. vice Chairman, do you have information on whether you got that request?

**Hon. Muhulah:** Mr. Speaker, I was the one actually to disregard the assumption of the hon. Member because I don't think anybody in the Finance Committee heard about the same. So, I would say that I am not aware and probably all my fellow Committee Members are not aware.

**Hon. Speaker:** I direct that;-

1. The Office of the Clerk to ensure that we have a very clear tracking system of Questions, Bills, Motions etc. so that every Session we are aware who asked what question and which Committee it was committed to, so that we are able also to track when the reports need to come back. It is very clear in our Standing Orders, the period within which we should be answering some of these things when they've been committed to Committees.

2. I therefore want to direct that, hon. Agoko, without feeling fatigued, if you could put your question afresh to this Committee, we commit it to it tomorrow so that they give us the report by next week.

**Hon. Agoko:** Mr. Speaker, I am sorry I don't have a written copy of the same. But Mr. Speaker, Sir; staff of the defunct Ukwala Town Council were wrongly dismissed and at some point they went to court. The court reinstated them and the court ordered for their salaries to be paid back. Mr. Speaker, the court order they have was shared in this Assembly and the matter was extensively discussed and I remember hon. Sela Okwako even requesting that we include names of other Members who were not included then. I would just request, Mr. Speaker, that I get a copy of the same so that I Table it tomorrow.

**Hon. Speaker:** May I request that that question be extracted from the HANSARD and given to the relevant Committee to look at it.

I further advise that as the Committee is looking at that matter, they also need to liaise with the Ad-hoc Committee that was looking at a Petition that was brought to this House regarding issues of casual employees. This matter of casuals was not concluded. And on that note, I further direct that the Ad-hoc Committee has until Thursday next week to give us their findings on the same. The people out there are waiting for answers and had hopes in this Assembly.

Please, Clerks take note. Members of that Ad-hoc Committee, take serious note.

Yes, hon. Chairman, Health.

**Hon. Onduru:** Mr. Speaker, Sir, I would like to request for a Statement on the state of drought:-

**AWARE THAT** there is an acute drought in Madiany Division of Rarieda Sub-County affecting all the Wards in that Sub-County i.e. North Uyoma, South Uyoma and West Uyoma, and all water pans have dried up including grass and fodder,

**CONCERNED THAT** that the drought has caused livestock to die due to lack of water and pasture, I wish to seek a Statement from the County Executive if they have assessed the situation in the Sub-County and ascertained the magnitude of the drought.

Secondly, what emergency response has the County Government undertaken to save the affected community and to assist in the re-stocking programme?

**Hon. Speaker:** That is water and drought. We give it to the Committee on Water and Environment? Hon. Chairman, you think it falls under your Committee? So, kindly all Members and all Committees, when Statements are sought, some of them are so urgent that we cannot afford to have the luxury of taking more than two weeks before we dispense of these Statements.

Therefore, may the Committee ensure that we have this report as soon as next week because I don't think it calls for a lot of visits.

Next Order!

## MOTION

**Hon. Agoko:** Thank you, Mr. Speaker. I wish to request this House to adopt the report of the Committee on Agriculture, Livestock and Fisheries on Beacon's meeting at Great Lakes Hotel. Mr. Speaker, we may not go through the report word by word, but I wish that we understand some of the very pertinent issues. I would wish to go straight to page 3.

### INTRODUCTION

Building Eastern Africa Community Network (BEACON) is a network of church organizations and non-governmental organization working for holistic development of communities in Kenya and the East Africa region. BEACON aspires for a just, peaceful, sustainable and God fearing society. The organization exists to empower church organizations and non-governmental organizations to engage in public policy in the themes of economic justice, good governance and natural resources management.

In Kenya, BEACON is implementing a project on food and livelihood in six Counties i.e. Uasin Gishu, Trans Nzoia, Migori, Kisumu, Kakamega and Siaya. Its approaches include; awareness raising, networking, promoting of best practices in food production, policy engagement, research and networking. From its policy work, BEACON came to know that there are new laws namely the Agricultural Fisheries and Food Authority Act, 2013 (AFFA Act) and Crops Act, 2013 that will shape the governance structure of agriculture sector in a way that will strongly infringe the freedom of a peasant farmer in crop farming and to favor large scale farmers. The Acts came into action this year and are already being implemented.

Mr. Speaker, this was a follow up meeting on the first meeting that we had at Royal City Hotel, Kisumu that all the Members of this House attended.

Mr. Speaker, I would wish that we get to the **AFFA ACT, 2013**

AFFA ACT (Agricultural Fisheries and Food Authority Act) is an act of parliament that provides for consolidation for all the laws and regulations and promotion of agriculture.

In that Act, "agriculture" means cultivation of land and the use of land (whether. or not covered by water) for any purpose of husbandry, aquaculture and food production and includes:- Cultivation of crops and horticultural practice within the meaning of the Crops Act.

1. Breeding of aquatic animals and plants in the Kenya fishery waters and sea ranching and fish farming
2. Fish harvesting within the meaning of the Fisheries Act.
3. The use of land, meadow land ('meadow land' is an 'area or section of land used for the cultivation of grass for hay), market gardens or nursery grounds.
4. The use of land for agroforestry, when that use is ancillary to the use of land for other agricultural purposes.
5. Transgenic and microbial formulations for use and application in agricultural systems.

**Functions of the AFFA**

The Authority shall, in consultation with the county governments, perform the following functions:-

1. Administer the Crops Act, and the Fisheries Act in accordance with the provisions of these Acts.
2. Collect and collate data, maintain a database on agricultural and aquatic products excluding livestock products, documents and monitor agriculture through registration of players as provided for in the Crops Act and the Fisheries Act.
3. Be responsible for determining the research priorities in agriculture and aquaculture and to advise generally on research thereof.
4. Advise the national government and the county governments on agricultural and aquatic levies for purposes of planning, enhancing harmony and equity in the sector.
5. Carry out such other functions as may be assigned to it by this Act, the Crops Act, the Fisheries Act and any written law while respecting the roles of the two levels.

**CROPS ACT, 2013**

The Crops Act 2013 is an act of parliament that entails to consolidate and repeal various statutes relating to crops and to provide for the growth and development of agricultural crops and for the connected purposes

**Guiding principles**

The National Government and County Governments shall be guided by the following principles in the management and administration of land:-

- 1 Has a communal function and land ownership as a social responsibility.
- 2 Land owners and lessees of agricultural land, being stewards, have the obligation to cultivate the lands they own or lease and make the land economically productive on a sustainable and environmentally friendly manner.

**Application of the Act**

‘Scheduled crops’

Mr. Speaker, as far as this Act is concerned, scheduled crops means any of the crops listed under the First Schedule and such other crops that the Cabinet Secretary, on the advice of the Authority, may declare to be scheduled crops.

Mr. Speaker, Sir, this Act puts the power in the hands of Cabinet Secretary for agriculture to declare that certain crops be categorized under ‘scheduled crops’.

The scheduled crops are; sugarcane, tea, coffee, grass, irish potatoes, cotton, sunflower, soya beans, beans, barley, finger millet, maize, pearl millet, rice, sorghum, wheat etc.

To deal with the above mentioned scheduled crops, ‘deal’ meaning collecting, buying, storing, transporting and selling for use, one has to be licensed. But in the case of food crops it excludes any non-commercial activity.

Mr. Speaker, this Act may not be very clear. That is why we need to bring it to the attention of this House because when you say non-commercial activities, you need to register,

then it means most of the residents of Siaya County fall under this bracket because at one time or another, a farmer may decide to probably sell a basket of *sukuma wiki* or some maize and this Act outlaws sale, meaning any sale that is not categorized as it does not define from what quantity and there goes on the Act.

**Role of National and County Governments in development of crops.**

1. The Authority (AFFA), on behalf of the national government, shall be responsible for licensing and charging of levies and breeder royalties on all scheduled crops.
2. In order to achieve the objects and purposes of this Act, it is the duty of the national and county governments to provide an enabling environment for the development of crop sector.
3. The county governments will implement the national government policies to the extent that the policies relate to the county and in particular shall be responsible for;
  - (i) development of crops grown within the county;
  - (ii) plant disease control;
  - (iii) markets;
  - (iv) cooperative societies within the county;
  - (v) soil and water conservation.

**Registration Requirements for Scheduled Crops**

1. Each small holder farmer shall be required to register with cooperative society, out grower institution etc.
2. The Authority shall maintain a register of all entities registering smallholder growers and shall enter in the register:-
  - The full names of the scheduled crop factory.
  - The date of submission of annual returns.
  - The particulars of numbers of registered growers, area planted with scheduled crop or variations of these particulars and any other particulars the Authority may deem necessary

**Registration of dealers**

1. Every dealer in a scheduled crop shall register with the Authority.
2. A person shall not deal in a scheduled crop unless the person is registered in accordance with this Act.
3. The Cabinet Secretary shall, in consultation with the relevant county executive committee member responsible for agriculture, prescribe regulations providing for the procedure for registration of dealer
4. A person who contravenes this law commits an offence and shall on conviction be liable to imprisonment for a term not exceeding three years or to a fine not exceeding five million shillings or to both.

**Taxation of scheduled crops**

1. According to Article 209 of the Constitution, only the national government may impose in relation to a scheduled crop – income tax, VAT, customs duties on import of agricultural and aquatic products and excise duty.
2. A county government may pursuant to the Fourth schedule of the Constitution impose fees for development of agricultural crops within the county, development and regulation of scheduled crop markets within the county; issuances of trade licenses to any person trading on scheduled crops within the county and issuance of licenses for cooperative societies within the county.
3. The fees imposed by a county government shall not in any way prejudice national policies, economic activities across county boundaries or national mobility of goods, services, capital or labour.

**Manufacturing license**

Mr. Speaker, Sir, to deal with those crops that we have enlisted, one must have a license, and going by what is here, it outlaws even the cottage industries that we have around. Even soya beans is listed here as a scheduled crop and many of our farmers here these days are grinding soya beans and you find a lot of soya beans on the shelves of super markets. Even people who use ground nuts to have some butter and all that will not be there. Even the cottage processing of milk is outlawed in this Act, meaning only large scale manufactures may be given time to operate

Mr. Speaker, because most of us will read this, I would just like to get to the **Committee's observations:-**

1. The Acts will adversely affect our people in such a manner that farmers may decide not cultivate scheduled crops for the fear of being arrested and incriminated.
2. So many people are not aware of the two Acts. Mr. Speaker, probably even Members of this Assembly may not be aware that the Crops Act is already enforced and they could be taken to jail if they are storing some five or ten bags of maize that they harvested from their farms. And even if you carry some one bag of maize that you could be taking to hon. Agoko to use when he has a funeral or meeting friends, that vessel may be impounded if you are found transporting scheduled crops without license. The Act says that you'll forfeit it to the government. If it is a vehicle, if it is a vessel or even a *punda*, Mr. Speaker, it will be forfeited to the government and including the crop itself.

**Hon. Members:** Aaaaai! Aaaih!

**Hon. Agoko:** That is, Mr. Speaker, we have attached copies of the Acts. All of us have a copy; you can go through it and am only saying that many of us including farmers and other stake holders may not be aware of the two Acts

3. The Acts were passed in a rush and were not adequately debated and put to public participation. Mr. Speaker, this was in January, 2013 when were in an election mood and many of our parliamentarians were not around as people were busy campaigning.

4. The Acts tend to promote foreign seed companies at the expense of local seed companies.

#### **COMMITTEE'S RECOMMENDATIONS TO THE HOUSE**

1. Contentious Sections of the Acts should be amended. For example, PART 1, Section 2 which deals with the definition of a dealer. Mr. Speaker, the definition of a dealer as a per this Act is even transporting, it's even storing it and many other things that probably go with it
2. There is a serious need to create awareness to farmers and stakeholders on the two Acts.
3. Siaya County Assembly should engage the general County Assemblies Forum to petition the National Parliament and Senate to review and amend the contentious issues in the two Acts.

Mr. Speaker, at some point we had Chairmen of Committees of Agriculture from the six Counties that are listed here having a meeting with the Cabinet Secretary Mr. Felix Koskei to discuss the same. But Mr. Speaker, he put the fire back to us. He told us, 'ladies and gentlemen, you are blessed to be close to Members of Parliament from your respective areas, kindly go back and talk to them so that they amend this'.

Mr. Speaker, at some point we had a meeting with the Members of the National Assembly and we were discussing possibilities of amending this. But Mr. Speaker, Members of the National Assembly from our County alone may not push to have this thing amended and the Committee is humbly appealing to the entire Assembly that we engage the County Assemblies Forum to engage with the National Assembly and the Senate to have these Acts amended.

Mr. Speaker, I would end my presentation by calling on hon. Onduru to second  
Thank you.

**Hon. Onduru:** Mr. Speaker, I second.

*(Question proposed)*

**Hon. Okello:** Thank you, Mr. Speaker. I need to start by thanking the Agriculture Committee for this report. However, Mr. Speaker, I want to raise a concern that, looking at this report, as weighty and as detailed as it is, the Chairman in his own words and as indicated in the report, the Beacon held a conference for the Agriculture Committee from 23<sup>rd</sup> to 25<sup>th</sup> October, upon which they were comprehensively taken through the issues that were raised here for three days-the whole of 23<sup>rd</sup>, the whole of 24<sup>th</sup> and the whole of 25<sup>th</sup> in the conducive environment of Royal City and Mr. Speaker, that is why the Chairman is very well adapted to the issues. Mr. Speaker, the Chairman has taken the last 15 or so minutes to ably take us through the same.

Mr. Speaker, my submission is that the time that we are exposed to this report is not adequate for us to be able to debate it objectively, especially given that reading from their recommendations, the first recommendation is that some sections of the Acts should be amended i.e. Part I, Part II, Part III and Part IV. Mr. Speaker, it is my submission that for Members to be able to adequately debate and come to reasonable conclusions on whether to adopt or not adopt

the recommendations of the Committee, the whole Assembly, courtesy of the Agriculture Committee should be taken through these, probably for a day or half a day.

I know the Agriculture Committee is made up of resourceful people led by the Chairman and other fellow Members. Mr. Speaker, it is possible for the Agriculture Committee to request for a day to informally engage Members with this report so that by the time we come to those matters with legal implications, we are in the know.

So, it's my submission that the debate on this report be put on hold until the Agriculture Committee sufficiently engages the Membership of this House so that we can interrogate the implications of altering those Acts because Members here represent people, they know the situation in their Wards and they know best what repercussions the same will have on their people.

So, Mr. Speaker, I want to conclude by proposing that the debate on this report be put on hold until such a time that the Agriculture Committee shall have sufficiently engaged the House to rubberstamp its report.

**Hon. Speaker:** Hon. Walter, please take your seat. If you have other grounds for which the report should be delayed, we will consider. But on involving the Assembly, I am aware that I permitted the Chair of that Committee to invite Members of this Assembly to a meeting in Kisumu where they were to be sensitized on these issues; it was not only the Agriculture Committee. Mr. Chairman, can you clarify that, whether or not the Membership had been taken through this.

**Hon. Agoko:** Mr. Speaker, the Membership had been taken through this but it was in bits and probably we didn't get a grasp of the entire thing. But because this is something that really impacts on lives, Mr. Speaker, I would humbly appeal that we do the same as hon. Okello has requested because Members really need to go through this. Re-doing it is not a crime Mr. Speaker. It was done, but re-doing it for a second time is not a crime, we can re-do it.

**Hon. Speaker:** May I warn Members and Committees that when you come to this House with reports, you needed to have mobilized. You don't come to this Assembly half prepared then we adjourn for another Session. We will end up adjourning for all reports! That is not acceptable!

Hon. Chairman, you moved a Motion stating an intention that we debate your report. So, you needed to have been prepared! Right? So, when you say that we now adjourn to look at this report afresh when we have not even started debating it, what are we saying? I don't know whether the hon. Chairman still maintains that position.

**Hon. Agoko:** Mr. Speaker, Sir, really, I didn't mean that we don't debate the report today, but I am only saying that after the debate, taking them for a second session of discussion for them to internalize the Act, Mr. Speaker, is not a crime, but as of now, we need to debate the report.

**Hon. Speaker:** This report had been laid before this House and it was laid last Session. We have no reason whatsoever to say we do not have adequate time. Unless we are telling the media out there and the people in the Public Gallery that we take these things for granted, we take them home and we do not read them!

**Hon. Agoko:** Mr. Speaker, I would just wish to notify your Chair that it is not the first time we are sharing copies of the AFFA Act and the Crops Act with Members. We have done it earlier and we are doing it the second time, although ----

**Hon. Speaker:** And your report, had it also been shared? Because, you are not laying the Acts, you are laying the report. Had you laid the report? You said you had laid the report. It looks like you had not laid the report. So, this whole House has been taken for a mockery that a report had been laid when it had not been laid. And the Chair himself said that he had laid the report! Hon. Okello, will you move your Motion if we can adjourn this report to a future date.

**Hon. Okello:** Thank you, Mr. Speaker. In view of the critical issues that are pertained in the report laid before this House today, I wish to move that the debate of the same report be adjourned until such a time that the Committee of Agriculture will engage the entire Membership on the contents of the same. Mr. Speaker, I wish to call upon hon. Abayo Jared to second.

**Hon. Abayo:** Thank you, Mr. Speaker. I rise to second that Motion with the following reasons. As it has come to be, the Committee has highlighted contentious areas in this particular Act. I also want to agree with you that we were taken through this particular Act and these issues were discussed extensively. We may have had gaps between that time this was presented to us and today. Now we have the copy of the Act, we will be linking this to critically analyze the areas raised.

Mr. Speaker, there are 3 recommendations that I sat and looked at. One, we are talking about an Act that has not originated from this House. Mr. Speaker, we are talking about a national legislation that we really need to digest its position as regards this Assembly. The areas that concern the County have been raised. There is a proposal to involve the forum, Mr. Speaker, and that we will need some time to see the best way to engage the forum that brings together all the 47 Counties. That even if it we are to do a petition, Mr. Speaker, we will be making a reference with the forum and asking, either they put up a task force to look at this, that a petition is raised for all the Counties. So, we obviously need some time. Not much time, Mr. Speaker, a week will do if we are a serious House, then we get back to critically look at this, we interrogate possibilities and how these proposals can actually be---. So I second, Mr. Speaker.

**Hon. Speaker:** Hon. Chairman, when do you want this report debated?

**Hon. Agoko:** Mr. Speaker, I would request you give us two weeks because I need to mobilize. We need to consult further and we need to get resource persons to also take us through these laws.

**Hon. Speaker:** If there is no objection, I am just going to put the question that the debate on the report of the Committee on Agriculture, Livestock and Fisheries on Beacon's Meeting at Great Lakes Hotel, Kisumu, be deferred for debate within two weeks.

*(Question put and agreed to)*

*(Report deferred)*

However, hon. Members, let me just make a statement that let this be the last. When we lay reports in good time, we need to go through them and when we come here, we debate. Because, there are members of the public out there who have gone through our Order Paper on the internet and they are prepared specifically to listen to our contributions on these matters. If somebody left Nairobi today or yesterday to come to the Public Gallery to listen to our contributions, then we now say that we have not had enough time to look at it--to put facts straight, it's that the law, the Constitution and the Standing Orders allow anybody to petition an Assembly or Parliament, Senate on a matter that affects them. So, even as Siaya County Assembly, any member of the public can petition. So, you don't need belabor how we are going to mobilize other people to do this because when they get a petition, they will also summon us

Next Order!

### **MOTION**

**Hon. Speaker:** Yes, hon. Muhulah!

**Hon. Muhulah:** Mr. Speaker, thank you once again this afternoon. I wish to move a Motion for this House to discuss the Siaya County Management and Disaster preparedness.

**Hon. Speaker:** You had given a notice, now you can move it and ask someone to second it.

**Hon. Muhulah:** Mr. Speaker, I now move a Motion that the House discuss and resolve on the Siaya County Disaster Management and Preparedness and I will ask hon. Ouda to second.

**Hon. Ouda:** Thank you, Mr. Speaker Sir; I rise to second the Motion.

**Hon. Speaker:** I wish the Speaker had the powers to ask you to say something.

*(Laughter)*

OK. Allow me then to propose the question, had you moved it?

**Hon. Muhulah:** I had moved it.

**Hon. Speaker:** You had not read the Motion.

**Hon. Muhulah:** Thank you, Mr. Speaker for that reminder. Mr. Speaker, the Motion is on the Siaya County Management and Disaster preparedness.

**AWARE THAT** dozens of families in the County have been marooned by drought, floods and fires;

**CONCERNED THAT** these menaces has led to immense negative impact on the economy which inter alia include loss of life and injuries, widespread destruction of property, crops and infrastructure such as roads, hence curtailing the movement of people and goods from one place to another;

**DEEPLY CONCERNED THAT** flooding has led to the destruction of crops, displacement of people and outbreak of waterborne diseases in Ukwala, West Ugenya, East Ugenya, West Alego, and Usonga, while drought has led to premature drying up of crops, drying up of water pans, leading to deaths of animals and outbreak of waterborne diseases as well, Mr. Speaker, as also confirmed by hon. Onduru on situations in Uyoma, in some parts of the County especially in the and East and West Uyoma and while fire recently almost devastated a hostel at Jaramogi Oginga Odinga University of Science and Technology and previously affected Maranda, Ambira and Nyamira High Schools;

**FURTHER AWARE THAT** currently, drought is widespread in West and East Uyoma and that the wet seasons are just about to begin while fire disasters are an unpredictable reality;

**DEEPLY CONCERNED** Mr. Speaker, that such disasters have left irreparable and negative socio-economic impact which include but are not limited to displacement of people leading to the emergence of internally displaced persons (IDPS), disruption of educational programmes and other economic activities owing to the destruction and/or closure of educational, health and other institutions;

**DEEPLY CONCERNED THAT** the people living in the affected regions may be denied the enjoyment of their social, economic and political rights as guaranteed to them under the Bill of Rights as enshrined in Chapter Four of the Constitution of Kenya;

This Assembly **URGES** the County Government to speedily establish a County Disaster Preparedness and Management Authority to handle issues of such magnitude and mitigate their effects, and County Resettlement Fund for compensations and rehabilitation of all the infrastructure destroyed and resettle all internally displaced persons.

Thank you, Mr. Speaker.

**Hon. Speaker:** Hon. Members, allow me to propose the question which is that---

*(Hon. Adera stood up in his place)*

Yes, Hon. K'adera!

**Hon. Adera:** Mr. Speaker, I am standing on a point of order. I have been looking at this this Motion Mr. Speaker, and it appears quite ambiguous because it is touching on 3 different areas; drought, flood, fire, and I wish the Mover of this Motion could have narrowed it. Mr. Speaker, Standing Order No. 45, part (3) states that, the Speaker shall not admit a Motion which is too long. Having looked at this Motion, it's too long and I even fail to understand it. I don't know whether the Mover wants to address drought or whether he wants to address the issue of fire or floods. I pray that it be taken back to the Mover to re-look at it, perhaps, take it back to the Clerk for re-drafting, so that we can have a shorter and clear Motion to deal with. Thank you, Mr. Speaker.

**Hon. Speaker:** It's a question on a point of order. Let the Speaker provide the direction. Hon. Members, as it has been put by the Deputy Speaker, part (3) says, if the Speaker is of the opinion that any proposed Motion:-

- a) Is one which infringes, or the debate on which is likely to infringe, any of these Standing Orders;
- b) is contrary to the Constitution or an Act of Parliament or of the County Assembly, without expressly proposing appropriate amendment to the Constitution or the Act of Parliament or County Assembly;
- c) if it is too long;
- According to the Speaker, this is not too long.

*(Applause)*

And too long is objective. I think Members of Rules and Procedures Committee can in future consider defining what too long means, whether it is 4 pages or seven pages. Therefore, hon. Muhulah, you will proceed.

**Hon. Muhulah:** Thank you, Mr. Speaker. I think sometimes clarification is ----I don't know what too long is Mr. Speaker---

**Hon. Speaker:** Hon. Muhulah, proceed!

*(Laughter)*

**Hon. Muhulah:** Thank you, Mr. Speaker. Maybe I want to start by defining what disaster is, Mr. Speaker. Disaster means, flood, disaster means fire, disaster means drought, disaster means anything that infringes in the rights, caused unexpectedly. Mr. Speaker, what has prompted me to bring the Motion of disaster to this House, is that for many times, Mr. Speaker, it has always happened in Siaya County and the Siaya County Government has actually failed to recognize and notice that these are things that have been affecting us Mr. Speaker.

Mr. Speaker, I want to cite one very serious issue that affects the lower River Nzoia in terms of flooding Mr. Speaker. And I want to remind the hon. Member who was worried about the length of this Motion that I am also talking for his people.

*[The Speaker (Hon. Okode) left the Chair]*

*[The Deputy Speaker (Hon. Adera) took the Chair]*

*(Laughter)*

Mr. Speaker, as I have said here, the flooding affects---

*(Laughter)*

Now that you are the Chair, Mr. Deputy Speaker, I believe you understand that am also---

(Laughter)

It is very evident, Mr. Deputy Speaker, that flooding in the lower River Nzoia has affected many people who come from those regions. We have seen mothers giving birth prematurely, we have seen children dying because of pneumonia, we have seen families going hungry, and we have seen Mr. Deputy Speaker, families losing their crops.

If we talk about the fire issues, again I want to cite a reference which also comes from your neighbors Mr. Deputy Speaker. Recently, Ambira High School was razed down because in the entire Siaya County Government, we have a fire engine that costed a lot of money but it is not being used today. Mr. Deputy Speaker, some of the things they say have been hindering the performance of that engine is that:-

1. No any driver can drive it,
2. They allege that the engine cannot be able to run that system.

All these things are things that can be put in place and that fire engine can be used.

Mr. Deputy Speaker, the recent most disaster that affected us was the Jaramogi Oginga Odinga which was almost razed down. Mr. Deputy Speaker, the proximity of Jaramogi Oginga Odinga and where the fire engine is stationed is more or less a walking distance. That one again calls for preparedness Mr. Deputy Speaker.

Just a few minutes ago, the hon. Member from Uyoma, did raise a Statement here Mr. Deputy Speaker. He wanted to know the position of Siaya County Government in relation to the drought and the loss of animals in Uyoma. Again on that one, the County Government of Siaya should come out very clearly and tell us how best this thing can be addressed. It is with this reason that I urge this House that the Siaya County Government should come up with a County Disaster Preparedness Management Authority as well as County Settlement Fund, to be able to compensate the loss of these noble citizens of the Siaya County Mr. Deputy Speaker.

Mr. Deputy Speaker, this is a serious matter that when we are discussing it, we are supposed to be able to dispose of this Motion, to get resolutions before the long rains start and possibly another drought or another fire coming and possibly will even raze the County Assembly.

Mr. Deputy Speaker, I wish to urge the House to deliberate on this issue sensibly and get a resolution that will be given to the Executive to come up with a solution. Thank you, Mr. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Andiego!

**Hon. Andiego:** Thank you, Mr. Deputy Speaker; I rise to support this Motion. Indeed we really need a Disaster Management Team, because Mr. Deputy Speaker, it is not only narrowed to what has been addressed by the Mover, but there are so many things that have been left out. I also come from the Lake, in the Island where we have very many disasters that befall our people. In many occasions, you hear of people dying in the Lake because of the wind that at times blows them or a boat capsizing around the Lake and there is nothing that our Government

is doing as concerns this Mr. Deputy Speaker. Recently, I had three cases in my Ward where a strong wind came and blew two houses of widows. Mr. Deputy Speaker, the widows had nothing. That wind blew the house. Everything! Even the chicke! The other day it was a 'stima' that came and the whole house of a peasant farmer was burnt down with everything, including 10 sacks of maize which were there, something he had worked for the whole year and was ---

**Hon. Odinga:** Point of order, Mr. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Odinga, what is the point of order?

**Hon. Odinga:** Mr. Deputy Speaker, Sir, I think there is a trend in terms of language that we are using, and if not checked, then we will end up speaking sheng in this House. When the Member says 'the other day *stima* came', what is *stima*, Mr. Deputy Speaker?

(Laughter)

**Hon. Deputy Speaker:** Hon. Odinga, you know, when you make a full statement in one language or if you have been communicating in one language, then you make another statement in a different language, then that one can be termed as mixing two languages. But if you just use one word, that cannot be a mixture of two languages. So, hon. Andiego proceed.

**Hon. Andiego:** Thank you, Mr. Deputy Speaker, for defending me. I meant electricity. So, Mr. Deputy Speaker, I am in full support of this, I believe that when we put in place a Disaster Control Management Team, all these problems that face us will be solved. Mr. Deputy Speaker, it has been a trend, right now we are expecting rains, we really want it to rain as soon as yesterday and immediately the rains come, Mr. Deputy Speaker, it will come with a lot of disaster. Our roads will be blown away; our crops will be blown away, so many things will happen. As much as rain is good, it comes with problems and if we have a team that controls these, it will be of good use. Mr. Deputy Speaker, where I come from, at the moment, we don't even have water in our ponds, but with the rains, the water that is wasted can be controlled and even make small lakes around. We can use those lakes in irrigation to help us get some food; we can also use these in so many ways. So, Mr. Deputy Speaker, we need to think as a County. We should not just wait for rains to come and bring problems to us. I support this Motion, Mr. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Osuri!

**Hon. Osuri:** Thank you, Mr. Deputy Speaker, Sir. I rise to support this Motion since it is a Motion that affects all of us in the 30 Wards of Siaya County and there will be no time when we don't have these disasters, whether during drought or during the rains. So, Mr. Deputy Speaker, I feel that this Motion has come at the right time so that we engage our County Government, particularly the Executive and the Assembly to look at them and prepare to encounter some of these problems like has been mentioned here.

Mr. Deputy Speaker, as a Member of South East Alego Ward, which is the largest Ward, I have encountered these problems and has even deferred particularly in the community. Like

one of our County Schools, Ng'iya Girls High School, their main source of water is Urewe dam, where the level of water has gone down. Right now, the water that comes from that dam is not sufficient to meet the demands of the population in that school. The same local community, both in South East Alego and North Alego where my counterpart hon. Ombiyo is has created a sort of a problem that has been deferred and we are really engaging to get a solution. However, the problem is drought, which is disaster.

So, Mr. Deputy Speaker, Sir, just as the Mover of the Motion has said, I feel we should establish a County Disaster Preparedness and Management Authority to handle some of these issues, and I add that on the same note, we should also establish a Committee from the Assembly that should be handling the disaster management so that they move together with that team from the Executive.

Hon. Deputy Speaker, Sir, you can see and I want to congratulate, though hon. Jacob Kaimenyi has refused to rank our schools, but Maranda, I heard from the street how they were celebrating. They have had a water problem and I wish that if a good source of clean water is taken to Maranda, the school will continue leading. The same to Ambira, Ng'iya and many of our local schools. Mr. Deputy Speaker, Sir, I support by saying, let us establish the management from the County Government and let us also have a specific Committee from our Assembly dealing with this matter. Thank you.

**Hon. Deputy Speaker:** Hon. Ouda!

**Hon. Ouda:** Thank you, Mr. Deputy Speaker, Sir. I think it is sheer concern; sheer knowledge to know that it is long overdue to have a County Management Board. I will not use the word authority because authority, according to that word, then it becomes the function of the National Government and probably turning that thing into a parastatal. So, I want to agree with hon. Osuri that it is extremely important to establish a Committee in this House that will be dealing with management because some of our schools are not doing better because we cannot even manage disasters in these schools. Why I say schools is because I have heard hon. Osuri talk of Maranda and I want to add Nyamira Girls which has also performed well and they are actually celebrating.

Mr. Deputy Speaker, I will not be wrong to say, option number one, we must have a Disaster Management Board, option two, Disaster Management Board, option three, Disaster Management Board. Thank you.

*(Several hon. Members stood up in their places)*

**Hon. Deputy Speaker:** Hon. Rosemary!

**Hon. Ogutu:** Thank you, Mr. Speaker, Sir. I just want to add my voice in supporting this Motion by saying that it's long overdue for us to put in place strong measures regarding disaster preparedness. I just want to say that it is important to put in place a Disaster Management Committee, and if possible we can merge or form a joint one with the Executive.

At the moment there is drought, rains will come and sweep away houses. Some hon. colleagues do rush to the Executive, I don't know who they approach, but because there is no Committee, you just run may be to the Governor or to the Deputy Governor for assistance. But for those ones who will not manage to reach the Governor's office, they will be left hanging with no help accorded to them. Therefore, I strongly support the formation of this committee, and as we form the committee for drought, and floods, we should also think of fire. As we can see this, I don't know how to call it, is it 'mzima moto' or what? It has been here for a long time; since we came here last year it has been standing here, but if there was a Disaster Management Committee, they could have queried the people concerned on why this thing is standing here. For example, if the Assembly starts burning now, will that thing help us? Mr. Deputy Speaker, Sir, I don't think we will be helped. Therefore, we need to form this committee for it will put everything in order and ensure that things are in place to ensure disaster management. Thank you, Mr. Deputy Speaker

*(Several hon. Members stood up in their places)*

**Hon. Deputy Speaker:** Hon. Maurey! Hon. Members, we still have other Motions and I wish we would limit our contributions. We have other Motions please, and I can see there are so many Members who would wish to contribute.

**Hon. Asewe:** Thank you, Mr. Deputy Speaker, for giving me this opportunity to add to what Members have contributed concerning this Motion. Mr. Deputy Speaker, let me support the Motion. There is need to train members of our County, there should be a management team to assist when there is fire breakout or any other disaster that may come in. Mr. Deputy Speaker, if it is possible, this one should be done even at the Sub-Counties because if we only establish one in Siaya alone, it may be difficult to reach all parts of the County. Mr. Deputy Speaker, something like fire, it takes a very short time to destroy whatever is in front of it, if it is a house or any other facility that may catch fire. So, it is necessary that we get a management team within the locality ---so that the situation can be contained.

Mr. Deputy Speaker, I was in Maranda when the school caught fire, it was pathetic and if you could see how the belongings of the children were being burnt by fire, you would really sympathize with the situation. Fire fighting machine from Kisumu cannot help in Siaya because the distance is too long given the number of road barriers that are there. It is really necessary that we put one within each Sub-County to assist. Mr. Deputy Speaker, the fire fighting machine that we are talking about, so many reasons have been given, and if we could be having a team, we would directly petition the team to find out exactly what is happening. The other time we were told the machine is okay, it is only the driver that is not there. That the machine has some instructions in Chinese language that cannot be understood by our drivers, this one came and went.

Recently, Mr. Deputy Speaker, were told that there was a problem with the engine and it was fixed and it is now working. It was even filled with water, but it is not working, it is not

doing anything! Today, Mr. Deputy Speaker, we engaged the part of the Executive concerned with the machine. We were told that it is only the pump side that is not working; otherwise the whole machine is now okay. For how long will this go on? We need to plan prior, disasters come without any notice. This case is serious and we need to form the disaster management team to assist us. Otherwise, thank you, Mr. Deputy Speaker.

**Hon. Owii:** Just a reminder, Mr. Deputy Speaker.

**Hon. Deputy Speaker:** You want to remind me? Hon. Owii, I know you want to contribute. I am told this is the last Motion, so Members you are free.

**Hon. Owii:** That's all I wanted to remind you about

**Hon. Deputy Speaker:** Ok. You will contribute. Hon. Awuor!

**Hon. Awuor:** Mr. Deputy Speaker, I want to thank you. First, may I take this opportunity to thank hon. Peter Muhulah for this noble idea of bringing this Motion before this House. Mr. Deputy Speaker, a lot of issues have been raised in terms of disaster preparedness of this County. I can remember very well, sometime last week, one Member who is our Whip, made a Statement before this House that the University of Bondo which is now Jaramogi Oginga Odinga University got burnt and no immediate action was taken. Maranda got burnt sometime back; same applied to Nyamira Girls School. So, I think this is a noble idea Mr. Deputy Speaker, that I am on my feet to support and say that it was only short of mentioning other Wards. I can say that the drought that has persisted this time, Mr. Deputy Speaker, has affected even Yala Township Ward which I represent, though it is not here in this paper. I want to say that this idea of forming an authority to manage disaster preparedness of the County is timely and prompt.

Mr. Deputy Speaker, I stood on a point of information because I wanted to know whether a Member was right to make some changes when on the Floor without proposing a seconder. I seek your indulgence, Mr. Deputy Speaker, because one Member stated while contributing that this Statement that has come from hon. Muhulah should have been, the County Assembly seeking the County Executive to have a management board while the Statement was very clear that this is a management authority that he seeks, he needs our support to put to the Executive to form one. I don't know whether he was right, but to me whether board or management, Mr. Deputy Speaker, I want to support this and I want to really propose that when it is going to be made, I know we have not reached there, I don't want to cross the bridge before we reach it, but I believe disaster funds that at times we put in the office of the Governor, I think it should be the board that should manage the funds. Mr. Deputy Speaker, I want to urge my colleagues to support this Motion. Thank you.

**Hon. Deputy Speaker:** Hon. Nguire!

**Hon. Nguire:** Thank you, Mr. Deputy Speaker. I want to support this Motion and thank hon. Muhulah for bringing it. Mr. Deputy Speaker, drought, flood and fire are disasters and they affect us more or less on equal measures. When we have drought, the rivers dry, our animals die, our crops fail and we also don't have enough for use as human beings. The same when we have floods; people suffer driving through the bad roads, we even drown in the floods and still our

crops fail because of floods. But, Mr. Deputy Speaker, the one issue that stands out very much is fire disaster; this is where we have a lot of destruction. You know when you have floods you can avoid to go there and drown, maybe you can also run away from drought, but fire that razes our schools down leaves us with a lot of destruction. It destroys our school buildings, destroys school properties, and they even kill our children in those schools, sometimes even the teachers. Fire that destroys our business buildings will destroy property, will even kill the people who work there, people will lose their lives, and commodities will go.

We are always quick to run to a school to console the people who have suffered fire outbreaks and yet what we should do more is prepare to stop these fires when they come. When we see fire fighting machine lying here, not utilized, it reminds me of, even in Nairobi, when each time a fire fighter drove to a fire disaster point, within minutes, it ran out of water and all that was to be saved went down in that fire. So, what we should do as this Assembly is to make sure that measures are in place, make sure that when disasters befall us, we have proper and working machines. People are saying that this machine has not been in operation because the manual perhaps is in Chinese. That can be translated! Any other thing that cannot make this machine run should be corrected, and in my view, we need more than one fire fighter in Bondo, we need more than one fire fighter in Siaya, because in some cases, we have these disasters coming simultaneously and if we are not prepared enough, we can still have one part of our County destroyed while we have another part being saved.

So, it is very important that we don't run to a school to donate blankets and food stuff just because fire has razed down a dormitory. We should have proper mechanism for saving a situation when fire erupts and when there is drought. We should know what to do when people are starving, because in most cases you hear food being distributed in starving areas, but I don't think the whole of Siaya will be covered when you try to save a situation of drought. You hear animals are dying; it may not be covered when you are trying to save that particular situation. So, there should be proper mechanism put in place so that we have enough water for our animals when there's drought. We should have means of drainage and irrigation so that we are not swept by floods like in areas such as Budalangi and Kano Ahero.

So, we really need to work hard and put measures that work and not always run to rescue a situation because fire has broken down, because now there is drought or floods. They will always be there. Please let us work on curtailing these situations rather than saving them when they come. Thank you, Mr. Deputy Speaker, and I thank Hon. Muhulah very much for bringing this Motion.

**Hon. Deputy Speaker:** Hon. K'owii.

**Hon. Owii:** Thank you, Mr. Deputy Speaker. I may make a mistake of repeating, but this is because I have the opportunity of talking late. One thing that I want to establish is that the Motion that is before the House is noble and timely. In fact, this is one Motion that should have come in year one when we came here. By now we would have had an opportunity of establishing a Disaster Management Committee at the County level.

As it has been said by my colleagues, we have to put measures against the disasters that are repeating year in year out. Like the issue about drought in Uyoma, the whole of Uyoma, not just West and East or West and North Uyoma, even the Southern part of Uyoma is seriously experiencing drought at this time. The truth of the matter is that it is behaving like an annual event. And if we know that in the months of December, January, February until March we will have drought in Uyoma, what are we putting in place avoid this? And that is why we don't necessarily need to start by forming that particular committee. We as a House of Representatives, what are we doing about that? How are we going to prepare ourselves to see how best we can stop this kind of droughts? Droughts are experienced simply because there is no water around. If at all we can avail water to our people, if we can have like 8 drums in Uyoma, that I think will be enough. Or 4 or 5 would be enough to actually see us through because our animals that are said to be dying now walk up to 15- 16kms just to go and look for water. I believe that we have the capacity to see how we can put quite a number of measures in our budget to see ways of averting this kind of situations.

The floods in West Alego and parts of Usonga are like an annual event, it will happen, this is obvious. What are we doing about it? Must we just wait until we form a committee? It will be too late! We should be putting reasonable funds for this particular purpose, just to prepare ourselves and even get ready with things that can make us actually store that kind of thing that displaces our people.

And lastly, I want to say that in a big County like Siaya, if you have only one firefighting engine, and this one which is even broken, I think that is too much of a shame to us. Why don't we put--- the other day we didn't even have ambulance, we sat as an Assembly and said that we need to have ambulances. We sat as a Committee and made a proposal for the same. Now Siaya is having ambulances. Why can't we say that we need to have firefighting engines in each and every Sub-County? We have the capacity to do that because today it is Maranda--like the day when it was at Jaramogi Oginga Odinga University, I went there and to my surprise as I was leaving, I left this engine here, I thought some other ones had already come. When we were there we were told a firefighting engine was coming from Kisumu. What a distance! If it comes and reaches the spot where we have the problem, that one alone would mean the whole building like that big building which caught fire would go down and what a big loss.

The essence of devolution is that things be made closer to the people. We cannot afford to have this one engine here to go and assist fighting fire in East Ugenya. I wish my colleague was around, how? Maybe in Yala, the new teachers training college is on fire, would we wait? So, I just want to propose that let it go in record that we need to have more firefighting engines, close to 6 in each and every Sub-County in Siaya County.

Lastly, I also want to request that in our financial year 2015/16 budget, let us put reasonable money for disaster preparedness. That one would easily assist the victims of the same.

Thank you, Mr. Deputy Speaker, Sir.

**Hon. Deputy Speaker:** Hon. Abayo.

**Hon. Abayo:** Thank you, Mr. Deputy Speaker. I would not want to really belabor to raise the challenges that go with this Motion; they have been all raised and well-articulated. Let it go in record, the issue of fire is a serious issue and the latest was in my Ward. A dormitory got burnt in Nyagondo Secondary School and everything in that house got burnt. So, we are really addressing a serious issue. Mr. Deputy Speaker, I don't know, but this really needs to be coordinated, because hon. Gare was here with a Statement on fires and what needs to be done and he asked the Executive to do something. Hon. Onduru today was on his feet talking about issues of drought. Those were Statements, and today we have a Motion. That just states how serious the issue is. I do not know, but I believe that we are preempting discussion on the two Statements when they will come to this House. But this is quite unique that we are talking about an authority.

Mr. Deputy Speaker, it is true that we need to put more resources and that we have a structured way to manage issues of disasters in this County. Mr. Deputy Speaker, an authority is a long term thing. Set it up, put it in place and design how it works. I am not sure whether we want to call it an authority, a board, an agency or a committee, but one thing; the speed of this Motion is that we set up an institution or we have a clear structure that when disasters happen, we know what to do. We are committing an institution that can look at issues to do with disaster. If I was sure it is a committee or an agency, I would have proposed an amendment, but I want to leave that window that we choose the right word that we definitely need an institution that will run its own secretariat, that would be able to map all the hazards that have been mentioned and potentials of perennial disasters. You get to Usonga, it's known. That institution that will coordinate issues to do with emergency response, that institution that will set regulations on how things are operated, that institution that will see on how we do training and carry out awareness on these issues.

Mr. Deputy Speaker, we can't talk about disasters until we have a structured way of involving the media because these will be the guys that will move this particular issue very fast. I want to support that we have such an institution. Whatever we call it; we leave it for some further consideration.

Mr. Deputy Speaker I am aware, let me not speculate but it happens that as these issues come up, I was also trying to have a discussion with some members of this County-- Say this facility is now ready for use, the issue is who would raise it and I believe that what we need on the two Statements that have been raised, we will be talking about what would be our management strategy.

Strategy one would be that we have more funding to this particular area. In our 2014/15 budget there is a provision of Kshs. 10million to buy a machine. Hopefully, as it has been mentioned by my other colleagues that we need more, if this is going to operate then we need another one and we must think of---. At Kshs.10million, Mr. Deputy Speaker, we will not buy a machine bigger than this one, it would be less. If we are talking about the big machines we hear of coming from Kisumu, we need about Kshs. 30million. Therefore, moving forward, Mr.

Deputy Speaker, we are setting a budget cycle, we need to focus and see not just this machine because this only handles fire, what of other aspects? That is why we need an institution that will come up with a clear strategy, a bigger picture on how we manage issues of disaster in this County.

I therefore support, Mr. Deputy Speaker. This is one area we need to focus on and as an institution; it's not going to happen today. As we put up the institution, set the structures, commit the funds to have it operate, what are we doing in the interim? And this is hopefully what we were seeking from the two Statements; that there is what we can do immediately. Mr. Deputy Speaker, thank you.

**Hon. Deputy Speaker:** Hon. Aneme.

**Hon. Aneme:** Thank you, Mr. Deputy Speaker. Let me talk lastly.

*(Laughter)*

**Hon. Deputy Speaker:** Hon. Aneme, why do you want to talk lastly? You can sit down, you will talk lastly.

*(Laughter)*

We give it to Hon. Munda.

**Hon. Aneme:** Thank you, Sir.

**Hon. Deputy Speaker:** Perhaps there is something special you want to---

**Hon. Aneme:** So, Mr. Deputy Speaker, what I wanted to say---

**Hon. Deputy Speaker:** So, you don't want to talk lastly again?

**Hon. Aneme:** If there is somebody last, let me be the second last.

*(Laughter)*

**Hon. Deputy Speaker:** Ok. Proceed!

**Hon. Aneme:** First I want to support this Motion and I want this House to remind the Executive that it is embarrassing the County government. I can remember last year, 2013/14 budget, we in the Committee of Finance allocated some funds for emergencies and when you look at this Motion, almost 80% of the problems cited here are emergencies. I have never heard how the Executive spent the money we allocated for emergencies. Our institutions get burnt almost every quarterly but we are not seeing the hands of the Executive in them, apart from the donors. For example, we had Akoko here, the whole dormitory which has a capacity of 150 students got burnt and not even a single cent was from the Executive! So, I think it's a high time we should compel the Executive to identify and see how they can tackle these situations whenever they arise.

Secondly, there is now need that some funds should be allocated, and in fact am of the opinion that a committee should be set to be reminding them because they usually forget. Whenever there is a disaster they should be pushed to see what is happening because it seems they don't know. And again, it's not bad for us to insist that we want to know how the money we allocated for the financial year 2013/14 was utilized because we have never heard of these people handling these situations.

When I come to the drought, a drought is a disaster and as my colleague hon. K'owii has said, this is a yearly thing. Every year we know there will be drought in Uyoma, Rarieda, the Southern part of River Yala, and even in Ugenya there is nowhere where there is no drought. Go to other places, even past River Yala here there is drought. And there is no plan from the Executive to come up with a flagship project that can handle that situation. So, it is a time that these people should be compelled to come up with a flagship project to handle the drought disaster so that we talk of what we are doing, not just talking and allocating monies that sometimes you don't know where they go to.

Lastly, Mr. Deputy Speaker, there is a lot of laxity particularly when it comes to this machine. This machine came here before the Siaya County Government was born, and it was a donation from Japan. It has been laying here simply because the former Bondo County Council did not have the money to train a driver to operate it. Just train a driver to drive it! And there is a boy here who influenced those people to bring this machine here, that boy is languishing here in Bondo. After going there and persuading those people to hand over the machine to the Government, now the boy is pushed aside. The machine is lying here; there is no money for his training or for any other person to be trained to run this machine even if they didn't want the boy. He comes from South Sakwa, he's called Mr. Ochieng. And again, when this thing was handed over to the government with the allocation of something close to Ksh. 20million for disaster management, they could not think of just making the machine operational! In fact, there's a big laxity! It's an abuse of the offices! So, I think there is need, if it has to come from our source, better we move with speed to compel these people to act. That is what I wanted to add, Mr. Deputy Speaker, Sir. Thank you

*(Hon. Augo and hon. Munda stood up at their places)*

**Hon. Deputy Speaker:** Ok, proceed. Hon. Munda, I will give you the next chance.

**Hon. Augo:** Thank you, Mr. Deputy Speaker. Am sorry Hon. Munda, but that's how it is.

*(Laughter)*

Mr. Deputy Speaker, first of all, I just want to thank the hon. Member for bringing this Motion. It is a shame for the County Government. Seeing this vehicle which was donated to Siaya County people, laying here is a shame! It was for the Town Council of Bondo.

**Hon. Deputy Speaker:** Are you aware that you are part of the Government?

**Hon. Augo:** I am, but it is a shame for us, Mr. Deputy Speaker. I think because it was a donation, that's why we don't care about it. But if at all we would have spent a lot of money to buy it, it would have been working. It is a shame! Recently when the University of Bondo was burning, I just want to thank our friend, the Director of ----. In fact he is the person who first gave us an emergency tank of water to secure the place before the firefighters from Kisumu arrived. Mr. Deputy Speaker, as Members have said, let us have a committee; let us have a plan for this fire disaster. We in Bondo we have really felt it. Our schools, colleges have been on fire and it is a pity and very painful seeing this machine laying here. I don't know, is it because it was for Bondo? If it would have been in Siaya then I think something would have been done.

Mr. Deputy Speaker, something has to be done to this machine. This machine was not only brought to Siaya County, it was also donated in Murang'a. Why couldn't they contact the Murang'a people and ask them more about it? This is the same machine which was taken to Murang'a and the other one was brought to Bondo. Why couldn't they go and inquire and know how the machine is being used there? Now it is already 3 years down the line! This is shameful! Am saying that now our County Government has to do something to this machine. If the donor can find the machine laying there and we are spending a lot of money because of fire, it will be very shameful. Thank you. Mr. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Munda.

**Hon. Munda:** Thank you, Mr. Deputy Speaker, for allowing me now to talk. May I first take the opportunity to thank Hon. Muhulah for bringing up this Motion. It is timely and I wish it would have been brought earlier. In Siaya, we have many problems of disasters and I think what hon. Muhulah brought here about County disaster preparedness and management authority is fully timely and I think we should embrace it. Even when I talk of the area I represent, there is a time around the end of the year when the Governor visited us at Aram. Immediately he left, a heavy rain came and the area was flooded because there is no water drainage and a lot of things were destroyed there. Many businessmen lost a lot of goods there and if we had this kind of arrangement it could have saved a lot of people there and elsewhere in the County of Siaya. And that is why it is good to support it and see to it that all these things that are brought about by drought, fire, flooding and the rest of it are looked into in good time so that our people will not lose a lot.

**Hon. Deputy Speaker:** Hon. Zilpa.

**Hon. Awino:** Thank you, Mr. Deputy Speaker. I want to say that I support this Motion and agree that there should be a body in place to manage disasters. When we're still waiting for that, as a County we need also to put in place some simple precautions to take care of these disasters. Right now it is very dry everywhere and I think the water has all evaporated. As you go to Siaya, there is a shallow water pad somewhere which has very dirty water because people were drawing that water. Now it has dried. I don't know what they are doing but that water has dried and its dry everywhere and I think it is almost bringing conflicts between communities and

especially communities and schools. If you have a boarding school that gets its water from a dam and the water is getting finished, then the community will rise against the school. Now, something can be done about some of these things. Take for example, Ng'iya Girls High School and the community around there, they are fighting over a dam and this dam has not been de-silted for many years. Suppose they did the de-silting, it would contain more water and although it is very dry, the water could still be there and there would be no quarrel.

Mr. Deputy Speaker, I had the opportunity to go to somewhere called Yatta. It is a favorite destination for those who want to learn something to do with irrigation and farming. Yatta is extremely dry. In fact, when we were going to Yatta, I asked the people who were taking us there, 'now, where are you taking us? It looks as if you are taking us nowhere!' This is because it looked as if we were going to- I don't know where. And even while we were there, it was like a wilderness where you don't see people. It was extremely dry but I tell you the people of Yatta are doing very well. Through their suffering over many years of lacking water, they had to have their own solution to their own problems. So, in Yatta families or groups come together and dig these water pads. You can have a home where there is a water pad or a group of people have water pads. It doesn't rain for long in Yatta, it takes just about 3 weeks and that's all, the season is over, no more water. But the irony is that they are producing a lot of food. The livestock there are not like these ones we are crying about, they don't die like they die in Uyoma and other parts of Siaya County. Their animals are very healthy because they plan for that drought. For us, we know that drought is coming and we sit here and do nothing about it. Those people are planning, Ukambani used to be known for hunger, these days you don't hear them asking for relief food. It's because they are taking care of their own selves and you go there and marvel at what people can really do when they are organized.

We went to Israel. Israel is very dry but there is a lot of food. They were doing irrigation because they had planned for it. Waste water is recycled and used for irrigation and other purposes and they export their produce to other Countries in the World. Here we are crying. Last season, Uyoma had a good bumper harvest in Siaya County; I wonder where all the stocks of maize were taken. Those are the things that should have been gathered and kept in readiness for this dry season so that our animals don't die. We prepare for them! An issue was mentioned here of winds blowing roofs, I'm just wondering, when winds are blowing roofs, it means that we don't have trees and it is our responsibility to ensure that we do tree planting. The same Israel, I saw that every tree had a drip, and they have very tall trees because they are irrigated. Every tree has a drip so that they don't dry. They are taking care of their trees. Here, instead of taking care of our trees, we cut them to make charcoal and burn bricks. As I come to Bondo, when I cross river Yala, I always look at all those big--- there, and I say that if I was the CEC of Environment, Water and Irrigation, I would force everybody to put water gutters so that we do rain water harvesting. All these houses don't have tanks. There should be water tanks, there should be gutters so that when it rains, that water is collected and stored.

We have already been told that we are the Government, and you know there is nothing you can go and touch and say this is the Government. The Government is you and I. Now, as we think of what to do, let us ensure that as that is going on, we put into place simple solutions to our problems so that we don't cry year in year out. Even next year, we will be crying because the County Government is not going to do something out of the ordinary so that all of a sudden, there is water everywhere, there are no fires burning here and there. We have to look for solutions to our problems and if this firefighting engine cannot work, even the donor can be talked to and told that although you gave us this machine, it is not working. It can be traded in and we get another one! So that if there is a fire breakout, then we don't have to suffer the way we suffered recently when this thing was here and there was nothing we could do.

So, Mr. Deputy Speaker, I support the idea of having a body that will be incharge disasters, but let us start from a small background to make it a reality like it is a reality in Israel. The Israelites have fought nature to make it possible for them to live, and they are so concerned about what is around them. They don't even pollute their lakes as we do here. Their fish are alive, there's plenty of water. In Israel you can shower ten times because there's water every minute, here we are crying and it's a shame that our people have to drink some very dirty water. I always cry when I see that water and I cry when I see *boda boda* people washing their motorbikes in the rivers and polluting. That is also a disaster of its own. Water is polluted, we drink it and we die of cancer. Thank you very much, Mr. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Odinga.

**Hon. Odinga:** Thank you, Mr. Deputy Speaker, Sir. I think all has been said by my colleagues in support of this Motion. What I need to tell my colleagues is that in terms of resources, it is a requirement that every County Government in locating terms of emergency funds, a percentage of the total revenue--- Mr. Deputy Speaker, Sir, I don't want to repeat what my colleagues have said, but I want to propose that you call upon the Mover of the Motion to reply because I can also see in the Order Paper there is a request for a Statement on the same, and it's like next time we won't have much to discuss over that matter. So, I request that the Mover be called upon to reply. I request hon. Abayo to second.

**Hon. Deputy Speaker:** Hon. Odinga, that is not in order! It's unprocedural! You are a senior Member of this Assembly. Hon. Omwende, can you proceed!

**Hon. Odinga:** Why is it not in order, Mr. Deputy Speaker, Sir?

**Hon. Deputy Speaker:** You cannot cut the Speaker short; you know it's the Speaker who has got eyes that can capture the whole House. The House is still in the mood of debating and we cannot deny them that right. Hon. Omwende, proceed.

**Hon. Omwende:** Mr. Deputy Speaker, first, I support this Motion, I just wanted to request just to call the Mover to reply.

*(Laughter)*

**Hon. Deputy Speaker:** Ok. Now that there is no other Member who is yearning to make any further contribution, I wish to call upon the Mover of the Motion to reply and I hope you will be as short as possible, and not too long.

*(Laughter)*

**Hon. Muhulah:** You have just said that you don't deny people the right to talk!

*(Laughter)*

**Hon. Deputy Speaker:** Of course the right to talk does not mean talking the whole day; it must be limited to some extent. Proceed, Sir!

**Hon. Muhulah:** Thank you. Mr. Deputy Speaker, I wish to thank hon. Members for debating on that Motion exquisitely. The substance of that Motion is that the County Government of Siaya needs to establish at least an institution that will be looking at these disasters. The measures that can be taken as fast as possible are like having firefighting engines in the County. If possible, we would propose to have one in each and every Sub-County and then we either minimize these calamities or possibly discard the element of disasters in Siaya County. I wish that this House moves very fast because some of these tragedies possibly will occur as soon as the rains start. I thank the House, thank you.

*(Question put and agreed to)*

### ADJOURNMENT

**Hon. Owii:** Thank you, Mr. Deputy Speaker, Sir. We have exhausted the business of the day and we have no more to discuss, I therefore wish to move a Motion that this House adjourns until tomorrow at 9 am in the morning. I want to request hon. Angul to second.

**Hon. Angul:** Thank you, Mr. Deputy Speaker, I stand to second.

*(Question put and agreed to)*

The House rose at 4.45 p.m.