



OFFICIAL HANSARD REPORT

COUNTY ASSEMBLY OF BOMET

THIRD COUNTY ASSEMBLY

ASSEMBLY DEBATES

Vol. 2 NO. 39

DAILY HANSARD

*The Assembly met at the Main Assembly Chamber,
Dr. Joyce Laboso Centre at 2:30 p. m
Third County Assembly- First Session
Wednesday, 22nd February, 2023
(The Assembly met at 2:30 p. m in the
County Assembly Mini Chamber at County Assembly Buildings)
[Hon. Speaker (Hon. C. Korir) in the Chair]*

PRAYER

PETITIONS

NON –PAYMENT OF GRATUITY TO THE COUNTY ASSEMBLY WARD STAFF OF THE SECOND ASSEMBLY

Hon. P. Langat (Merigi Ward, IDEPENDENT): Hon. Speaker, I beg to give the first report of the Committee on County Petitions on Petition No. 2 of 2022 on non-payment of gratuity to the Ward staff of the Second Assembly.

Hon. Speaker, the Committee's mandate is derived from the provisions of the Standing Order No. 200 (3) which provides that the Committee shall consider and report on all public petitions presented to the Assembly.

In considering the Petition, the specific prayer of the petitioners of the County Assembly was to implore on the County Assembly to expeditiously and amicably resolve the matter and approve gratuity forward staff who diligently and dutifully discharged their services in the ward offices. They requested to be treated like the previous employees who served in the First Assembly.

Hon. Speaker, the approaches that were taken by the Committee in considering the petition include;

The Committee observed that it would be important to verify the facts alleged in the petition. The Committee therefore resolved to conduct an inquiry on the issues raised in the petition. In this regard the Committee received the petition on 18th October, 2022 after being Tabled and committed to the Committee and further met the petitioners on 22nd November, 2022.

Thereafter, the Committee invited the County Assembly Clerk on 24th November, 2022 to shed more light on the issues raised and assist the Committee to prepare a comprehensive report.

The Committee's observations include;

1. Indeed, the ward staff who served during the Second Assembly were not paid gratuity.
2. Their letters of appointment were silent on the issue of gratuity but reference was made to the Bomet County Assembly Ward Offices Regulations, 2017 as governing regulations.
3. The total salaries payable to the ward staff in every ward was Kshs. 57, 000.
4. The Regulation No. 19(1) of the Bomet County Assembly Ward Offices Regulations, 2017 provided that a Member shall initiate recruitment of all the ward office staff and determine their terms of employment and salary scale in consultation with the board.
5. That further Regulation No. 19(3) of the Bomet County Assembly Ward Offices Regulations, 2017 provided that notwithstanding the provisions of sub-section (1), the staff recruited shall not be paid house allowance, overtime allowance or any *honoraria* and shall not be entitled to any gratuity at the end of the contract period.
6. That the said employees were contributing the National Social Security Fund.
7. That the said ward staff did not formerly engage the County Assembly Service Board on the issue of gratuity.

Hon. Speaker, this is the recommendation made by the Committee;

That the Committee having investigated the matter in accordance with its mandate under the Standing Order No. 200 (3) recommend as follows;

That on the prayer for payment of gratuity, the former ward staff of the Second Assembly, the Committee recommends that the Bomet County Assembly Service Board is not obligated to pay any gratuity to the said staff based on the provisions of Regulation 19(3) of the Bomet County Assembly Ward Offices Regulations, 2017 which provides that the said employees are entitled to any gratuity at the end of their contract period.

Thank you.

(The Member laid the Report of the Petition)

Hon. Speaker (Hon. C. Korir): Hon. Member, I must congratulate that you did a good job. I now give the Members to give their comments on that petition. We shall allow only 10 minutes.

Leader of Majority (Hon. P. Kirui, Ndanai/Abosi Ward UDA): Hon. Speaker, I thank the Committee for their report. The report has clearly indicated that the terms of engagement were clear. I therefore support because it was well researched.

Hon. N. Kibet (Kapletundo Ward, UDA): Hon. Speaker, I am a Committee Member. In their letters of appointment, there was nowhere that it was indicated that they were supposed to pay a gratuity. The allocated amount of Kshs. 57, 000 was utilized in totality.

However, in future, their letters of appointment should expressly indicate that they are not entitled to any gratuity to avoid any such petitions.

QUESTIONS AND STATEMENTS

THE STATUS OF THE VOCATIONAL TRAINING CENTRES IN THE COUNTY

Hon. S. Changmorik (Longisa Ward, UDA): Hon. Speaker, pursuant to the Standing Order No. 49 (2) (1), I wish to seek a question from the Chairperson of the Committee on Education, Youth and Sports on the status of the Vocational Training Centres in the county. In his response, the Chairperson should indicate the following:

1. The total number of vocation training colleges in the county, the number of instructors and the principals running them.
2. The number of students each vocation training college have.
3. The courses offered in these institutions.
4. How often are elections of Board of Managements members held and when was the last of such elections done.
5. Who are the signatories for the accounts of these centres?

Thank you.

(The Member laid the Question)

Hon. Speaker (Hon. Cosmas Korir): I direct that the Committee on Education, Youth and Sports to look in to the question and report in the next 14 days.

THE TOTAL NUMBER OF COUNTY CASUAL WORKERS

IN THE COUNTY GOVERNMENT OF BOMET

Hon. D. Kirui (Ndaraweta Ward, UDA): Hon. Speaker, pursuant to the Standing Order No. 49(2), I wish to seek a question from the Chairperson of the Committee on Labour and Public Service on the number of casual workers working in the County Government of Bomet.

Hon. Speaker (Hon. Cosmas Korir): Kindly Table the question.

(The Member laid the Question)

Hon. Speaker (Hon. Cosmas Korir): I direct that the Committee on Labour and Public Service to sit and report in the next 14 days.

Hon. D. Kirui (Ndaraweta Ward UDA): Hon. Speaker, I am requesting it to be in the next seven days.

Hon. Speaker (Hon. Cosmas Korir): I thought you were asking for the number of the casual labourers.

Hon. D. Kirui (Ndaraweta Ward, UDA): Hon. Speaker, yes.

Hon. Speaker (Hon. Cosmas Korir): Then, it can be tomorrow. Do you want it tomorrow?

Hon. D. Kirui (Ndaraweta Ward, UDA): Hon. Speaker, if it possible, yes.

Hon. Speaker (Hon. Cosmas Korir): Anyway, as soon as possible but not later than next week on Wednesday.

COUNTY ASSEMBLY ICT POLICY

Hon. M. Manyei (Nominated MCA, UDA): Hon. Speaker, pursuant to the Standing Order No. 49(2), I wish to seek a question from the Chairperson of the Committee on e-Government and Innovation on whether the County Assembly has a policy on ICT and the measures the County Assembly have put in place to embrace the digitization of systems in the County Assembly.

Hon. Speaker (Hon. Cosmas Korir): The Chairperson on e-Governance and Innovation can easily obtain the answer by tomorrow afternoon.

Hon. D. Kirui (Ndaraweta Ward, UDA): Hon. Speaker, yes and most obliged.

Hon. Speaker (Hon. Cosmas Korir): Hon. Mutai.

WATER SHORTAGE IN KIPRERES, SIGOR AND CHEBUNYO WARDS

Hon. P. Mutai (Sigor Ward, UDA) Hon. Speaker, pursuant to the Standing Order No. 49(2), I wish to seek a question from the Chairperson of the Committee on Energy, Environment, Water and Natural Resources concerning Mara and Amalo Rivers which serve the residents of Kiprerres, Sigor and Chebunyo Wards within our county. Currently, the residents of the said wards are facing water shortages due to the drying up of the said rivers. The said situation has arisen due to diversion of water upstream for irrigation in large farms including Lelala and Borini Farms in Narok County. In the reply, the Chairperson should state;

1. Whether the County Executive Committee Member for Energy, Environment, Water and Natural Resources is aware that the rivers are completely dry while the residents are suffering.
2. Whether the large farms undertaking irrigation upstream met all the legal requirements before they were allowed to utilize water from the said river.
3. Whether there are any measures that the county government have put in place in collaboration with the Nakuru, Kericho and Narok counties to ensure equitable and sustainable utilization of shared natural resources.
4. The steps that have been taken by the county government of Bomet to address the issue of water shortage together with the Narok County Government.

(The Member laid the Question)

Hon. W. Kiprotich rose on a point of order.

Hon. W. Kiprotich (Chepchas Ward, UDA): Hon Speaker under the Standing Order No. 49, I appreciate the fact that Members are asking questions to committees. I do not know if this Assembly is aware that the National Assembly and The Senate are currently amending their Standing Orders to allow Cabinet Secretaries to answer to the questions in the floor of the House. It is brought out by the fact that if for example Hon. S. Changmorik has asked the question on Health and Sanitation and he gets the answers he will not be answering verbatim but based on reported information. Before the amendment of the Constitution 2010, Parliament had their members of parliament who were ministers as well answer questions at the Floor of the House. I believe Bomet County can become the first Assembly to have the CECs answer directly to the County Assembly of Bomet.

Kindly make some consideration on it.

Hon. Speaker (Hon. C. Korir): Hon. Kiprotich, thank you for that input. First I give direction on what Hon. Member from Sigor Ward has asked. The committee on Water, Sanitation and Natural Resources to come up with a report on the question asked within 14 days. Let us stick to the timelines given because some questions need answers urgently. I am aware that there are some changes going on in the Parliament and Senate. They are yet to come up with a firm decision on that. I am aware Hon. member that there are changes which are going on they had to come up with a firm decision on that because the law which was promulgated in 2010 actually had separated functions and allowed that the committee chairs to be the ones answering all the questions or pertaining a given docket, department or ministry. Therefore, the Powers and Privileges Committee to meet and consider whether we need to do that. I will seek guidance on that in the next session.

Hon. D. Busienei (Chemagel, Ward, UDA): Hon. Speaker, the mandate of this sectoral committee is derived from Standing Order number two. There was a question that was asked by honourable Charles Langat on the 13th of October 2022.

The Committee on Lands, Housing and Urban Planning, deliberated and investigated the issues that were raised and came up with the following report. In the question, the Honourable Member inquired about the status of waste disposal in all factories, educational institutions, hospitals residential buildings, and government offices. They also wanted to know if these facilities comply with National Environmental Management Authority rules and regulations; if not, the steps that the department is planning to undertake so that they comply. You also wanted to understand if the department has qualified personnel, who in conjunction with member would ensure compliance.

Hon. Speaker, the Honourable member also inquired whether the disseminated phases of waste disposal in this state of facilities finally being well if the department has received any complaints from members of the public concerning the status with disposal, or any of the stated facilities. The committee requested for comprehensive report from the County Executive Committee Member in charge of Lands, Housing and Urban Planning on the issues raised. Additionally, the committee together with the Chief Officer of the Urban Planning concluded a site visit to Kapkwen Market, treatment plant and the upper Mara informal settlement areas to ascertain how waste disposal is managed. The committee made its observation and recommendation that that will channel the department for implementation.

In response received, the County Devolved Governance (CDG) submitted Mr. Speaker that solid waste disposed at their gate consists of household waste, construction and demolition debris. Senate subnet sanitization residue arose from street this garbage is generated mainly from residential commercial complexes, factories and institutions. With raising up an asset pricing urbanization and change in less than food habits. The amount of solid waste has been rapidly increasing and its composition changes due to diverse nature of its origin.

Mr. Speaker, the management of solid waste encompasses the catering of solid waste and recycled materials and transportation of these materials to dumping site, which is currently located in Bomet. The approximate time it takes to degenerate such leader is between one week and even two such organic waste come from residential buildings, market places don't end up and send us to toxic waste. These include medical waste from local pharmacies, hospital paints, chemicals, bile acid as waste such as spray, spray, spray cans, and fertilizer waste majorly eliminated from agricultural practices in local farms, these kinds of this kind of waste take a period of between one to 20 years to regenerate.

This kind of wastewater come from small industries that are found within permit count that is triggered via mobile washing cars factories, a quarter of one mill us and many other small industries within the count at the third one recycled waste, this category of waste may include papers, class, metals, plastic livestock hosts and holes from appetizers etc. These types of waste can also be told to take between one to several years to biodegrade. Depending on the type of waste and its source, such kind of this waste are considered very harmful and post great risk and to the public, is not well taken care of the disposal or, in an environmentally sound manner.

Another one is solid waste, institutions like schools, one schools there have been several requests from learning institution to have their waste picture of the institution.

Most waste from schools are in form of paper, food remnants, old paintings, old clothes, worn out shoes, and utensils. Several requests have come from the high school to make us develop high school just but mentioned a few. The department relies on one cabbage chipper, which has been programmed to collect cabbage once a week from every sub county. With the next five days, this challenge has made the Department not to adequately assist the school's institution to manage their waste. Another place is hospitals.

The waste generated from hospitals include worn out beddings and lots of food remains Although most hospital disposal syringes using incinerator in work and other kinds of waste are left for department to transport to the generated dumping site. Many requests are received from Kaplong Mission Hospital. Many requests received from a couple of mission hospitals, because of the limited number of trucks and sometimes delay in fewer limb of trucks.

The department has not been picking the worst consistently industries. Some of the factories which require the services of transporting their waste includes KCC and Kipsigis Highlands tea factory in Kimulot ward of Konoin. KCC waste is mostly in the form of milk packets and milk declared not fit for consumption. The leather waste is poured to an incinerator within 30 degrees Celsius while the department does what that's what the packet keeps it is hailed as de facto the waste include on a bronze helmet, the picking, basket and composts. Another area Mr. Speaker is residential areas within permit County. Most waste generated is organic waste. Although a lot of polythene packs boxes, and other household refuse are rampant, for lack of awareness. Reciprocals linchpins, most tenants dispose of their waste by heaping it on the roadside.

These kinds of garbage are especially implemented by garbage on daily basis. Most residential areas are not accessible because the size of rolls are not standard. Therefore, no tractor or tipper can access. This this is common in property development on freehold lands.

The challenges faced by bad men in managing the solid waste. There is no dumping site in the entire county. The department relies on a temporary cabbage holding year within the CDG that is one challenge another challenge inadequate waste trucks. This has hindered the routine transport of cabbage to the disseminated side.

The mitigation measures include to identify and develop and develop at least one dumping site in every sub County. This will reduce the cost of transportation dumping site is near. At the same time, more cabbage can be collected in a day. The identified dumping site should be hoarded develop the sanitary landfill, where the waste should be routinely compacted.

Chamber of Commerce and Kenya Forest Services before to ensure compliance by waste generators. And there are minutes attached here Mr. Speaker committee's recommendation. The

committee having made this observation and considered submission from the CDC recommends the following one, there should be more budgetary allocation for solid waste management in the county to the department should identify and develop at least one dumping site. Every sub county three public sensitization program on solid waste management rolled out in the entire county to alert the public on how best they should individually be responsible in terms of managing their solid waste for compel all institutions and property owners in today's presidential areas to construct with receptor code where the coverage will be routinely picked up by the department. And finally, to encourage solid waste management for effective service delivered. Up to there, we have completed our side, Mr. Speaker thank you.

Hon. Speaker (Hon. C. Korir): So I therefore give the members 10 minutes to ventilate on this matter.

Hon. W. Kiprotich (Chepchas Ward, UDA): Thank you very much honorable Speaker. And I want to take this opportunity to congratulate the Committee on Lands Housing and Urban Planning led by honorable Busienei was true to his word, which he mentioned this morning that he was going to answer this question this afternoon it has come to pass. Checking that the seeker of the question is not in the presence of the house. But that notwithstanding the answers have been given. I want to believe if he really wanted to be around he would have talked to your office, whether the statement will be answered or not. But the fact remains that when a question is asked and an answer is sought it is not for the benefit of one individual but for the benefit of every member and the members of the Public whom we lead. Checking on what Hon. Busienei has answered, it is good although in my own view, it is somehow farfetched. A shallow response was given.

Hon. Speaker, if waste management is not well taken care of then we are waiting for a menace here. I do not know if the Committee was able to visit the places mentioned. I believe that if they visited, they would not have mentioned Kipsigis Highlands Factory to be in Kimulot Ward. It is not in Kimulot Ward yet he has read it in his report. That is why I say that the answer is shallow. That brings us to what I said earlier about having the real people answering the questions in the flow of the Assembly.

Hon. Speaker (Hon. C. Korir): Hon. Changmorik

Hon. S. Changmorik (Longisa Ward, UDA): Hon. Speaker, thank you. I thank the Chairperson, Hon. Busienei for the response. Hon. Speaker, it looks like Hon. Busienei was lecturing us on the meaning of waste and all those methods of waste disposal but not giving the answer to this House. We need a response on the management of waste.

Hon. Speaker, I rise because there is a crisis. As we speak right now, we have a crisis in Longisa Referral Hospital. The town is complaining because there is no sewage system in Longisa Hospital and even the land that was proposed for that has been grabbed. The Chairperson is yet find out what has gone wrong in the Hospital.

We do not have proper physical planning in this county. Most of the town, almost three quarters of this town, is agricultural land and there is no way we can go and manage somebody's plot which is agricultural land. We need the Chairperson to give us answers on ways of changing this and making a proper planning for this.

Hon. Speaker, through your Chair, let the Chairperson go back and do proper research. Those answers are not satisfactory and they are not answers to this House. They are just lecturing us on the meaning of that as if we are going to do an exam next week. Thank you, Hon. Speaker.

Hon. B. Langat (Kembu Ward, UDA): Hon. Speaker, thank you. In defending my Chairperson, I would like to confirm to the Longisa Ward Member of County Assembly on what he has purported that we are lecturing the Assembly. On the report the Chairperson has raised on the question which was raised by Hon. Charles Langat from Boito Ward. We made a number of site visits. We tried and visited various sites including Longisa County Referral Hospital where we have a dump site on the left side of Longisa Town where Hon. Changmorik represents and knows well that there is an issue on the land where the waste is supposed to be disposed. These are a number of challenges we are facing as a department.

On the side of waste management here in Bomet town, we use the CDG currently. One problem that the department has is on budgetary allocation. Only Ksh. 10 million has been allocated to the department for waste management. The budget is not enough to manage solid waste in this town. Hon. Speaker, I request this Assembly that as part of giving solution, let us allocate more money to waste management to solve the problem we are experiencing in Bomet town. Otherwise, we will be coming back to the same problem again.

Thank you, Hon. Speaker.

Hon. Speaker (Hon. C. Korir): Hon. Samoei

Hon. J. Samoei (Nyangores Ward, UDA): Hon. Speaker, thank you. I am the vice-chairperson in the Committee of Lands, Housing and Urban Planning and the county is planning to acquire land in every sub-county for a dumpsite. That is one of the solution we intend to do in the near future. Thank you. 4081643

Hon. Speaker (Hon. C. Korir): Hon. Member, both of you are talking as if you are from the Executive that you are going to do it. Is it you or the department that is going to do it?

Hon. J. Samoei (Nyangores Ward, UDA): Hon. Speaker, it is the department but that is the report that the Chief Officer gave us.

Hon. Speaker (Hon. C. Korir): Hon. Member, put it correctly that he said that they are working on it. You have said that you are working on it. You are a Member and there is a department that deals with that. Or what is the position? Are you the ones doing it as a Committee?

Hon. J. Samoei (Nyangores Ward, UDA): Hon. Speaker, they wanted us to support them when it comes to budgetary allocation.

Hon. Speaker (Hon. C. Korir): Alright. I heard what Hon. Changmorik has mentioned and what Hon. W. Kiprotich has said. What they have said technically, is that the response given is generic. From the Question that is given, Hon. Chairperson, so that you answer, it says that the Member wanted to know that these facilities comply with National Environment Management Authority rules. I do not know whether you have answered that in your Committee Recommendations.

Hon. D. Busienei (Chemagel Ward, UDA): Hon. Speaker, first we sat with the Committee and before I even answer that, it is not for Hon. Chang'morik to insinuate that I am lecturing. This is an Honourable House where a report is derived from the department. I am not a lecturer, Hon. Speaker. I have never been one and I do not intend to be a lecturer. I am an Honourable Member. In the report, as I said, there are places we visited and it is in the report. The report was too long and I do not know if Hon. Changmorik was ready to listen for another one hour if I added another report. We were trying to compress. I don't know where factories are situated in this county. I was also wondering because I received part of the report from the department but as far as I know, these issues need budgetary allocation.

You will agree with me, Mr. Speaker that this Committee is a serious Committee. In the morning session, Mr. Speaker, there was a Motion in the order paper that was supposed to be moved by Hon. Changmorik but he never showed up. Hon. Changmorik will agree with me that I'm really trying and I cannot escape the way he did in the morning. He was not here. We waited until we adjourned.

Hon. Speaker, we are going to sit down and visit these other areas. There are other areas like the Tenwek mission hospital that we can pay a visit to because this is a serious matter. My Committee will sit again and come up with more recommendations within 14 days from now since we are here for the public. I'm really serious about this issue. Thank you, Mr. Speaker,

Hon. Speaker (Hon. C. Korir): Hon. Chair, are you requesting for more time?

Hon. D. Busienei (Chemagel Ward, UDA): Yes, Mr. Speaker, there was a request by Hon. Kiprotych that there are some areas which we need to visit. I agree. There are some areas like factories, KCC factory for example and hospitals like Tenwek and Longisa Hospitals.

There are other areas that Hon. Changmorik raised but I don't think they are within the mandate and the question that was raised like grabbing of land. That should have been done by him because he is the Hon. Member representing that area. He should then give Notice to this Assembly and then it be addressed. Thank you, Mr. Speaker.

Hon. Speaker (Hon. C. Korir): Hon. Peter Langat

Hon. P. Langat (Merigi Ward, Independent): Thank you, Mr. Speaker. I rise as a Member of the Committee on Budget. Point of correction to Hon. Benard Langat. We allocated money for waste and disposal which is under the Urban Planning department.

I would also like to ask about the number of incinerators in this county of high temperatures of about 500 degrees centigrade to help us get rid of waste that requires or that needs that temperature. Thank you.

Hon. Speaker (Hon. C. Korir): Any other Member who wants to speak?

Hon. D. Busienei (Chemagel Ward, UDA): I would like to agree with the Hon. A member who has just contributed. Among the things that we saw in our Committee is that we need incinerators because you cannot transport some waste like papers and paper bags all the way from Mogogosiek to Bomet. Instead, the incinerator will do the needful by burning all of those waste. It is also mandatory that every hospital has an incinerator to burn needles and all the pharmaceutical waste. Mr. Speaker, I'm yet to see the budget that was allocated to this department so that we pressurize our department to utilize that amount. Of importance is the budget for transport in every sub-county. We need at least five lorries. If that budget allows the purchase of five lorries, the better because this issue is really becoming an emergency. We cannot stay with all these hazardous products around our county. Thank you, Mr. Speaker.

Hon. Speaker (Hon. C. Korir): Thank you to the Committee, for what they have done. You have an extra seven days to further look into the matter and come up with a conclusive answer. From my observation of this question, you answered the question partly because one of the questions was whether the institutions asked earlier, meet the rules or regulations by National Environmental Management Authority (NEMA). There is no statement on that.

The other one is that he wanted to understand whether the department has qualified personnel to undertake the issues of waste disposal. The answer you have given Hon. Chair does not contain

that report. So kindly in the next seven days, furnish this Assembly with a better report on that. Otherwise, you've done a good job. Thank you very much.

MOTION

Hon. S. Changmorik (Longisa Ward, UDA): Thank you, Hon. Speaker. I beg to move the Motion; THAT, Pursuant to Standing Order No. 201 (5) (e), this County Assembly adopts the report on the Committee on Health and Sanitation following the inquiry into alleged construction of the fuel station at Longisa County Referral Hospital.

Hon. Speaker, the Committee has completed the report which was sought by Hon. Member from Kembu Ward and because we went for a long holiday, the report delayed and I'm very sorry Hon. Speaker for the same.

The Committee on Health and Sanitation is established pursuant to Standing Order 201 (5) which defines its functions as being... I think Honourable Members have the report on their gadgets and I want to go straight to the main points of the Committee's report. I will not read the whole report. The Membership of this Committee consist of: Hon. Stephen Changmorik, who is the Chair, Hon. Catherine, who is the Vice-Chair, Hon. Rosaline Cheptoo, Hon. Kibet Ngetich, Hon. Peter Mutai, Hon. Richard Ruttoh and Hon. Leonard Rotich, who are members of the Committee.

We as the members of this Committee on Health and Sanitation do append our signature against our names in this report to affirm the correctness of the content and support for the report. All the members support the report.

Hon. Speaker, on 16th November 2022. Hon. Benard Langat tabled a question seeking clarification concerning the construction of a petrol station within Longisa County Referral Hospital. The question was then committed to the County Assembly committee on Health and Sanitation to deliberate on and report to the house within 14 days.

Hon. Speaker after the 14 days I sought the more time from Assembly to add more days because it was a very sensitive issue and it needed a lot of research to be done. The question raised by Hon. Benard concerning the alleged construction of a fuel station within Longisa Hospital; on behalf of the committee on Health and Sanitation I would like to take this opportunity to reply the question raised by Hon. Langat MCA Kembu Ward concerning the alleged construction of a petrol station within Longisa referral hospital and especially where the member wanted to know;

1. Whether it is permissible to construct a petrol station within a health facility in Kenya. Whether the public participation was conducted before the commencing of the project.
2. Whether the board of management of the hospital management approved the said construction.

3. The approved procedure used to award the tender to the contractor.
4. The company name of the contract awarded to the tender whether the said tender was in budget approved in the assembly.
5. The availability of the physical plan of the hospital.
6. The total amount that has been spent to date in the said construction.

During the meeting on 17th November, 2022 the committee examined the issues and raised and solved to write a letter to the CEC on health and sanitation to respond to them. The committee also conduct the fact finding visit to Longisa hospital where they found out that the said project was in progress. Hon. Speaker, the CEC responded on 23rd November, 2022. The committee further scrutinized the response during its meeting on 24th November 2022 because the committee was not satisfied with the report and the invited the CEC. Let me go to the committee findings; According to NEMA Gazette notice 31 act of 1999 amendment of the second schedule categorized all the development projects required to undertake environmental impact assessment report into three categories;

1. Low risk
2. Medium risk.
3. High risk projects.

NEMA notes that these project is classified under medium risk projects category indicating 2 9 under hydrocarbon projects. The Longisa Referral Hospital hence by the law is supposed to undertake the environmental impact assessment before commencing with the proposed fuel station project. However, the committee noted that the environmental impact assessment was not conducted until 25 10, 2022 which was way after the project commenced.

The Committee findings.

1. The CEC did not table any minutes or any written communication from the office of the governor supporting the construction of the fuel storage tank. Hon speaker they changed the name to the storage tank not fuel petrol station. The bill of quantities submitted are for the fuel filling station not the fuel storage tank. Therefore, the bill for a fuel storage tank should be done and submitted. There was no bill of quantities for the storage tanks but they showed us for the fuel station.
2. The committee also noted that the submitted report from the environmental impact assessment was not signed by the respondent and that the signature for the report is a copy paste. There is no certificate from the NEMA and there a need to submit the environmental assessment report dated September 2022 signed by Raymond Ngeno for verification.

3. The committee also noted that the Environmental impact assessment was not done before the project commenced contrarily to the Gazette notice number 31 of environmental management and coordination Act of 1999 amendment of the second schedule. The MOU between the hospital and the alleged friend which the name was not mentioned is said to be funding the project. The CEC alluded that he is not aware of the alleged friend but said the friend is only known by the governor. The friend to the hospital donor to the fuel storage tank only. The other associate cost, escalation, installation and fitting and certification cost will be borne by the hospital since it was not the work plan for the hospital submitted on 19september 2022.

RECOMMENDATIONS

1. The project is not a priority as there are other urgent needs that the hospital should consider funding first before embarking on such projects since the resources are scarce

2. The hospital did not allow the right procedure in installing the fuel storage tank and required the hospital to acquire the certificate from various government bodies and comply as follows; proposed budget estimates should be in thought of supplementary budgets which would be soon tabled in the county assembly if there would be further expenditure on the project.

Energy and petroleum regulation authority should be involved. National environmental management authority [NEMA] , a letter from Kenya Bureau of Standards (KBS) as prove of the consumptive assessment of the facility against applicable Kenyan standards to comply with the physical planning acts 2019. A valid registration certificate of a facility as a workplace from the directorate of occupational safety and health service. A valid calibration certificate for petroleum storage tank as a facility. A summary emergency response plan proves of training of employees in a safety handling of petrol station from the National Industry Training Authority (NITA) approved.

Hon. Speaker, the hospital management board should be set within the next three months. As at now, there is no hospital management board. The executive should comply with the relevant procurement procedures since they did not adhere to the processes.

Finally, the report contains the reality of what we found in the facility.

Hon. O. Koskei (Nominated Member, UDA): Hon. Speaker, I rise to Second.

(Question of the Motion proposed)

Hon. B. Langat (Kembu Ward, UDA): Hon. Speaker, I am grateful for the report from the Chairperson. I was the seeker of the Statement and Longisa County Referral Hospital is one of the facilities that assist us in Bomet County.

I am satisfied with the statement. If there will be any further concerns, we can get answers from the Chairperson.

Hon. D. Busienei (Chemagel Ward, UDA): Hon. Speaker, I laud the Committee for their work although they have taken long time. I wanted to know if there is any other hospital in this country that has ever stored petrol within a hospital. I have not seen in this report.

In America and Turkey among other countries, petrol stations are designated in specific areas. This is because the commodity is highly inflammable. Therefore, it will be dangerous if a petrol station explodes within a hospital.

However, I laud the Committee's recommendations. It reflects what the residents of Bomet would propose. I know the executive will take this matter seriously. Thank you.

(Question of the Motion put and agreed to)

Speaker (Hon. C. Korir): Hon. Speaker, is the Committee on Agriculture, Fisheries and Livestock ready with answers of their statement? Any Member?

Hon. L. Rotich (Chesoan Ward, UDA): Hon. Speaker, as indicated in the morning, the report is ready. We shall notify the Chair when it is ready for Tabling. Thank you.

Speaker (Hon. C. Korir): Okay.

Hon. B. Langat (Kembu Ward, UDA): Hon. Speaker, there was a question raised three months ago and it was directed to the Committee on Labour and Public Service. I wish to know its status.

ADJOURNMENT

Speaker (Hon. C. Korir): Hon. Members, there being no other business, this Assembly stands adjourned to Thursday 23 at 2. 30 p.m.

The Assembly rose at 4.00 p.m.