REPUBLIC OF KENYA

Mca Chebule Samuel
Mergot Ward

BOMET COUNTY ASSEMBLY

REPORT OF THE JOINT COMMITTEE ON URBAN PLANNING LAND AND HOUSING AND THE COMMITTEE ON ENERGY ENVIRONMENT WATER AND NATURAL RESOURCES ON THE BOMET COUNTY DISASTER AND EMERGENCY MANAGEMENT BILL, 2014

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18TH JUNE, 2014

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Table of Contents

BOMET COUNTY ASSEMBLY 1
EXECUTIVE SUMMARY 4
MANDATE OF THE COMMITTEE 5
COMMITTEE MEMBERSHIP 6
APPRECIATION 8
OBSERVATIONS FROM MEMBERS OF THE PUBLIC AND THE RESPONSE GIVEN BY THE COMMITTEE 10
PROPOSED AMENDEMENTS ON THE BOMET COUNTY DISASTER AND EMERGENCY MANAGEMENT BILL, 2014 14
ANNEXTURE 1 15
ANNEXTURE II 20

PREFACE

Mr. Speaker Sir,

On behalf of the joint Committee on Urban Planning Land and Housing and the committee on Energy Environment Water and Natural Resources and pursuant to the provisions of the Standing Orders 181 (3), it is my pleasant privilege and pleasure to present to this Honourable House the report of the joint Committee on Urban Planning Land and Housing and the Committee on Energy Environment Water and Natural Resources findings after public participation on the Bomet County Disaster and Emergency Management Bill, 2014

EXECUTIVE SUMMARY

The object of the Bill is to establish the structures for the management of disasters and emergencies by promoting cooperation amongst agencies with a role in disaster management, and enhancing their capacities to maintain the provision of essential services, during times of disaster and emergency.

The Bill establishes the Disaster Management structure which shall be administered by the Officer Administering the Fund. The Bill also establishes the County Disaster Management Plan which shall be approved by the County Disaster Council or may delegate the powers for approval to the Disaster Advisory Committee for implementation. The Bill also outlines the powers and roles of the council or the committee as the case may be and what the plan consist off.

The Bill also establishes the response agency and community planning which have been listed in the schedule in the Act. It outlines how each response agency shall prepare a response agency plan during times of disaster and emergency. The Bill requires that institutions to develop a disaster management plan which shall be reviewed and endorsed by Disaster Advisory Committee before being submitted for approval by the County Disaster Council.

A disaster can only be declared by the chair of the County Disaster Council who is also the Governor Which would then activate with immediate effect the disaster response provisions of the County Disaster Management Plan in the occurrence of any disaster and also outlines responsibility for coordinating recovery activities in the aftermath of any disaster or emergency. Nothing in this law shall affect the power of the Head of State to make declarations of emergency as per the Constitution of Kenya or any other relevant national law in the occurrence of any disaster or emergency.

MANDATE OF THE COMMITTEE

The committee derives its mandate from Standing Order in the Second Schedule. The objects of the Bill are cross cutting almost amongst all the departments in the County Government hence the need to commit it in a joint committee. The Bill touches on the several issues including; land, natural resources, environment, requires planning et al. of which all lies within the mandate of the committee.

COMMITTEE MEMBERSHIP

The joint committee on Urban Planning Land and Housing and the committee on Energy Water Environment and Natural Resources as currently constituted comprises of the following Honourable Members:

1.	Hon. Beatrice Chebomui	Chairperson Urban Planning
2.	Hon. Samwel Bor	Chairperson Environment
3.	Hon. Josphine Rotich	Vice Chair Urban Planning
4.	Hon. Hellen Chepkirui	Vice Chair Environment
5.	Hon. Robert Serbai	Member Urban Planning
6.	Hon. Robert Metet	Member Urban Planning
7.	Hon. Leonard Kirui	Member Urban Planning
8.	Hon. David Rotich	Member Urban Planning
9.	Hon. Evaline Chepkemoi	Member Urban Planning
10.	Hon. Philip Korir	Member Urban Planning
11.	Hon. Aurelia Chepkirui	Member Urban Planning
12.	Hon. Sammy Chelule	Member Environment
13.	Hon. Nancy Chepkirui	Member Environment
14.	Hon. Stephen Changmorik	Member Environment
15.	Hon. Cecilia Towett	Member Environment
16.	Hon. Leah Kirui	Member Environment
17.	Hon. Robert Bett	Member Environment

Mr, Speaker Sir,

Allow me to thank the entire membership of this committee for its hard work and commitment which made the public participation exercise a success.

The committee carried out public participation in the five Sub Counties namely; Chepalungu, Sotik, Konoin, Bomet Central and Bomet East whereby members of the public gave their insights.

In carrying out its mandate, the committee was guided by the existing procedures and modalities of operations of the County Assembly derived from the Constitution of Kenya 2010, Acts of Parliament, County Assembly Standing Orders, conventions, common practices and rulings and directives of the chair.

APPRECIATION

The Committee would like to thank the members of the public for their valuable insights, critique and recommendations.

Finally Mr. Speaker Sir, the Committee wishes to record its appreciation for the exemplary services rendered by officers from Office of the Clerk of the County Assembly and The Legal Department Indeed, their commitment and devotion to duty have made the work of the Committee and production of this report timely and successful.

Mr. Speaker Sir,

On behalf of the Committee, I now wish to table the report and urge the House to adopt it and the recommendations therein.

HON. BEATRICE CHEBOMUI

SIGNED .....

CHAIR, URBAN PLANNING LAND AND HOUSING

DATE 18-06-2014 .....

HON. SAMWEL BOR

SIGNED .....

CHAIR, ENERGY, WATER, ENVIRONMENT AND NATURAL RESOURCES

DATE 18/6/2014 .....

We Members of the Committee on Urban Planning Land and Housing and the Committee on Energy Water Environment and Natural Resources do hereby affix our signatures to this report to affirm the correctness of the contents and support for the report:-

1. The Hon. Beatrice Chebomui
2. The Hon. Samwel Bor
3. The Hon. Josphine Rotich
4. The Hon. Hellen Chepkirui
5. The Hon. Robert Serbai
6. The Hon. Robert Metet
7. The Hon. Leonard Kirui
8. The Hon. David Rotich
9. The Hon. Evaline Chepkemoi
10. The Hon. Philip Korir
11. The Hon. Aurelia Chepkirui
12. The Hon.Sammy Chelule
13. The Hon.Nancy Chepkirui
14. The Hon. Stephen Changmorik
15. The Hon. Cecilia Towett
16. The Hon. Leah Kirui chepkoch
17. The Hon. Robert Bett

OBSERVATIONS FROM MEMBERS OF THE PUBLIC AND THE RESPONSE GIVEN BY THE COMMITTEE

1. NGOs, FBOs and CBOs in operating in Bomet County should be included as among the Disaster and emergencies response agencies. The Committee confirmed that the comment given is captured in Clause 9 section 3(iv) and Clause 12 of the Bill.

2. A counseling Unit and /or Centre should be established to deal with victims of disaster and emergencies. The Committee confirmed that this recommendation is in Clause 4 (a).

3. That the categories and classification of disasters should be clear on the limits for example a case of dog bites, how can such cases be responded to? The Committee referred the situation raised that it falls under Clause 2 (b)of the Bill because dog bites which culminate in human death, threat or danger to human life or health amounts to disaster.

4.Compensation Policy in the event of a disaster occurring for example fire destroying a house, forest or any other property. The public wanted to have a clear policy on how one will be compensated. The Committee confirmed that issue of compensation lies squarely as a personal responsibility and individuals are encouraged to insure their property with reputable insurance firms/Companies.

5. During recue when disaster strikes some people will take the opportunity to loot for personal gains how and where does the Bill address such cases? The Committee pointed out that, Under Clause 5(l) the County Commandant of Police is among the County Disaster Council and the Kenya Police Service is among the response agencies hence they will provide security to human and property during rescue amid disaster. The powers of security officers in terms of protecting property threatened during the emergency events and this is in Clause 21(c) of the Bill. Other relevant provisions to ensure safety of property during emergency rescue are in Clause 22 of the Bill.

6. Disaster prevention and preparedness measures in water catchment, water pans, streams, rivers and riparian zones. For example where a cemetery and waste dump site is located near Chepkulo River in Siongiroi Ward. The community is forewarning that a looming disaster of cholera outbreak and polluted water could occur. How will the Bill addressed such issues. Such environmental crimes are provided for in the Environmental Management and Coordination Act

1999 gives sections which prohibit dumping waste near water bodies. The public needs proper sensitization and civic education on such environmental matters.

7. That gender balance should be considered in the Bill especially the inclusion of women in the County Disaster Council. The Committee reiterated that both genders are represented in the composition of the Disaster Management structure under Clause 5 (n) of the Bill.

8. Faulty electrical cables and power line transmission for energy consumption in schools should be addressed as a way of preventing electric fire outbreak and lightning strikes. For example there is a primary school in Siongiroi where electricity power lines passes directly above the roof of a school building. Does the Bill provide for rules and regulations over such things? The Committee clarified that it is the responsibility of the KPLC and the County Department of energy to ensure that rules and regulations governing the distribution of electricity in learning institutions are followed and where such regulations are flouted legal measures will be taken to prevent disasters from occurring.

9. A case of maize *(Lethal necrosis)* disease which destroyed several hectares of maize from 2008 to date has caused losses to farming and created shortage of maize for food .How will the Bill classify such cases. The Committee confirmed that the issue was captured and falls under Clause 2(a) IV because the disease has affected maize plants in large scale.

10. This Bill should also take into consideration the establishment of Disaster response Centres at Sub-county level. This was captured in the Bill Clause 9 (3) (iv) where there will be operational arrangements on roles, responsibilities of Sub-county, Ward or Village Committees.

11. How will the Disaster Management Structure consisting of County Disaster Council, County Advisory Committee and County Disaster Management office established under the Bill coordinate and work together during emergencies. Emergency response requires instant action to save life yet the structure is large and requires coordination and procedures. Under Clause 19(1) whereby the Chairperson of the Disaster Advisory Council would issue a declaration of disaster which would activate with immediate effect the disaster response provided in the Disaster Management Plan.

12. Trainings and awareness on disaster preparedness and response should also be factored in the plan. The Committee responded that there will be a Directorate which shall be responsible for

funding education, training and capacity building on disasters in the County and this is captured in Clause 26 (2) (c) of the Bill.

13. Involve the local communities in disaster mitigation measures so as to ensure the institution network in the village. This was captured in the Bill Clause 9 (3) (iv) and 5 (a, b and c)

14. The use of road diversion during road construction should be clear since these are ways of preventing disasters like accidents. The same applies to proper road safety signs which should be developed and local people imparted skills on use of road signs like zebra crossings, pedestrian foot path etc. The Committee identified that the County Department of Transport and Infrastructure is among the Response agencies in the schedule and they will be required to have disaster preparedness and response plan

15. Areas prone to disasters in the County should be identified, mapped and classified as ways of averting impending disasters. The Committee referred to Clause 6 (e) whereby all sectors of the community are made aware of the possible threats arising from disasters and emergencies and the need to be prepared to respond to such threats to protect human life and health and the environment.

16. The plantation of Eucalyptus trees near water catchments has destroyed water supply and contributed to drying up of rivers. Is this not a classic example of environmental and ecological disaster? How will the Bill address such concerns? The Committee having referred to Clause 2 (1, (a) part (v), because these alien trees has proven to be a threat to the supply of water or the quality of water. Hence the Committee, beyond doubt considered that the introduction of Eucalyptus in aquatic habitats is disastrous both to human and other animal life depending on water.

17. Waste water treatment plant should be constructed in designated areas to minimize waste scattering and littering in residential areas. These are measures sustainable preparedness in averting disasters like cholera, typhoid and diaohorea.

18. Installed fire extinguishers in all learning institutions and train everyone on how to use it. This is captured in clause 13 where all schools and tertiary institutions shall be required to prepare response agency plans according to the requirements imposed by the Disaster Advisory Council.

19. Learning institutions should employ guides and aids who will assist school children while crossing the roads especially in very busy and road crossings. .These are aimed at reducing injuries and unnecessary deaths .This is captured in clause 13 where all schools and tertiary institutions shall be required to prepare response agency plans according to the requirements imposed by the Disaster Advisory Council.

PROPOSED AMENDEMENTS ON THE BOMET COUNTY DISASTER AND EMERGENCY MANAGEMENT BILL, 2014

1. That clause 2 (1) (a) (iii) be amended by deleting the word "**ship**" and substitute therefore with the word "**water vessel".**
2. That clause 5(1) (o) be amended by removing the words " **the disabled**" and substitute therefore with the words "**persons with disabilities"**
3. That clause 7 Sub Clause (1), (2), (4) and (5)be renumbered as (1),(2), (3) and (4) respectively.
4. That clause 9 (1) be amended by deleting the word "prepared" and that the word "by" be inserted after the word approved and that the words " the County Assembly" be inserted after the word "by" (as amended)
5. That clause 9 (2) be amended by deleting the word " approving" and replace it by inserting the word " authorizing" and delete the word "approve" after the word "to" and replace it with the word " authorize"
6. That the County Government Department responsible for Energy and Natural resources be listed as one of the response agencies in the Schedule.

Mr. Speaker Sir,

Allow me conclude by urging this Honourable House to adopt the committee's report and its recommendations thereof.

ANNEXTURE 1

Minutes of Joint Committee on Energy, Environment, Natural Resources, Urban Planning, Land and Housing Committee for public participation on The County Disaster and Emergency Management Bill, 2014 from 10th to 13th June 2014.

MEMBERS PRESENT

1. Hon.Beatrice Chebomui.....Chairperson.
2. Hon.Samwel Bor.....Chairperson
3. Hon. Hellen Chepkirui.....Vice Chairperson
4. Hon.Josphine Rotich..... Vice Chairperson.
5. Hon. Leonard Kirui.....Member
6. Hon. David Rotich.....Member
7. Hon. Robert Bett.....Member
8. Hon. Robert Serbai.....Member
9. Hon.Evaline Chepkemoi.....Member
10. Hon. Stephen Changmorik.....Member
11. Hon. Leah Kirui.....Member
12. Hon. Sammy Chelule.....Member
13. Hon. Cecilia Towett.....Member
14. Hon. Robert Metet.....Member
15. Hon. Philip Korir.....Member.
16. Hon.Nancy Chepkirui.....Member

Absent

1. Hon. Aurelia Chepkirui.....Member.

Agenda

1. Preliminaries

2. Collecting views and comments from the from the public

3. A.O.B

Min 91/6/2014 Preliminaries

Hon. Chebomui welcomed the members and introduced them to the public. She thanked the public for attending the forum so as to give their views, critiques and comments with regard to the Bill. She then invited Hon. Stephen Changmorik who took the members of the public through the Bill. The members of the public were then given time to give their views, comments and clarifications.

Min92/6/2014: Comments from the Public.

These are the findings collected from the public during public participation, however, the Committee clarified some views given by the public and considered those to be incorporated into the Bill.

1. NGOs, FBOs and CBOs operating in Bomet County should be included among the Disaster and emergencies response agencies. The Committee responded that the comment given is captured in Clause 9 section 3(iv) and Clause 12 of the Bill.

2. A counseling Unit and /or Centre should be established to deal with victims of disaster and emergencies. The Committee confirmed that this recommendation is in Clause 4 (a).

3. That the categories and classification of disasters should be clear on the limits for example a case of dog bites, how can such cases be responded to? The Committee referred the situation raised that it falls under Clause 2 (b)of the Bill because dog bites which culminate in human death, threat or danger to human life or health amounts to disaster.

4.Compensation Policy in the event of a disaster occurring for example fire destroying a house, forest or any other property. The public wanted to have a clear policy on how one can be compensated.

5. During rescue when disaster strikes some people will take the opportunity to loot for personal gains how and where does the Bill address such cases? The Committee pointed out that, Under Clause 5(l) the County Commandant of Police is among the County Disaster Council and the Kenya Police Service is among the response agencies hence they will provide security to human and property during rescue amid disaster. The powers of security officers in terms of protecting property threatened during the emergency events and this is in Clause 21(c) of the Bill. Other relevant provisions to ensure safety of property during emergency rescue are in Clause 22 of the Bill.

6. Disaster prevention and preparedness measures in water catchment areas, water pans, streams, rivers and riparian zones. For example, in Siongiroi Ward a cemetery and waste solid disposal are located very close to Chepkulo River. The community is forewarning that a looming disaster of cholera and polluted water could occur. How does the Bill address such issues?

7. That gender balance should be considered in the Bill especially the inclusion of women in the County Disaster Council. The Committee reiterated that both genders are represented in the composition of the Disaster Management structure under Clause 5 (n) of the Bill.

8. Faulty electrical cables and power line transmission for energy consumption in schools should be addressed as a way of preventing electric fire outbreak and lightning strikes. For example there is a primary school in Siongiroi where electricity power lines passes directly above the roof of a school building. Does the Bill provide for rules and regulations over such things?

9. A case of maize *(Lethal necrosis)* disease which destroyed several hectares of maize from 2008 to date has caused losses to farming and created shortage of maize for food .How will the Bill classify such cases.

10. This Bill should also take into consideration the establishment of Disaster response Centres at Sub-county level. This was captured in the Bill Clause 9 (3) (iv) where there will be operational arrangements on roles, responsibilities of Sub-county, Ward or Village Committees.

11. How will the Disaster Management Structure consisting of County Disaster Council, County Advisory Committee and County Disaster Management office established under the Bill coordinate and work together during emergencies. Emergency response requires instant action to save life yet the structure is large and requires coordination and procedures.

12. Trainings and awareness on disaster preparedness and response should also be factored in the plan.

13. Involve the local communities in disaster mitigation measures so as to ensure the institution network in the village. This was captured in the Bill Clause 9 (3) (iv) and 5 (a, b and c)

14. The use of road diversion during road construction should be clear since these are ways of preventing emergencies like accidents. The same applies to proper road safety signs which should be developed and local people imparted skills on use of road signs like zebra crossings, pedestrian foot path etc.

15. Areas prone to disasters in the County should be identified, mapped and classified as ways of averting impending disasters.

16. The plantation of Eucalyptus trees near water catchments has destroyed water supply and contributed to drying up of rivers. Is this not a classic example of environmental and ecological disaster? How will the Bill address such concerns? The Committee having referred to Clause 2 (1, (a) part (v), because these alien trees has proven to be a threat to the supply of water or the quality of water. Hence the Committee, beyond doubt considered that the introduction of Eucalyptus in aquatic habitats is disastrous both to human and other animal life depending on water.

17. Waste water treatment plant should be constructed in designated areas to minimize waste scattering and littering in residential areas. These are measures sustainable in averting disasters like cholera, typhoid and diaohorea.

18. Installed fire extinguishers in all learning institutions and train people on how to use it in case of emergencies arising.

19. Introduce guide and aid who will assist school children while crossing the roads especially in very busy and road crossings. These are aimed at reducing injuries and unnecessary deaths.

Min 93/6/2014

There being no other business the meeting ended with a word of prayer from Hon. Hellen Chepkirui.

CONFIRMATION

Committee Chairperson

1. Hon. Beatrice Chebomui (Urban Planning, Land and Housing Committee)

Signature.....Date.....18-06-2014

2. Hon.Samwel Bor (Energy, Environment, Water and Natural Resources Committee)

Committee Secretary 18/6/2014

1. Veronica Waweru (Urban Planning, Land and Housing Committee)

Signature.....Date.....18/06/2014

2. Dickson Cheruiyot (Energy, Environment, Water and Natural Resources Committee)

Signature.....Date.....

ANNEXTURE II

MINUTES OF JOINT COMMITTEE OF ENERGY,WATER,ENVIRONMENT, NATURAL RESOURCES ,URBAN PLANNING, LANDS AND HOUSING FOR A REPORT ON THE COUNTY DISASTER AND EMERGENCY MANAGEMENT BILL, 2014 HELD IN KISUMU HOTEL ON 15TH JUNE 2014.

MEMBERS PRESENT

1. Hon. Beatrice Chebomui.....Chairperson
2. Hon. Samwel Bor.....Chairperson.
3. Hon,Josphine Rotich.....Vice Chairperson
4. Hon,Hellen Chepkirui.....Vice Chairperson
5. Hon. Leonard Kirui.....Member
6. Hon. David Rotich.....Member
7. Hon. Robert Bett.....Member
8. Hon. Robert Serbai.....Member
9. Hon.Evaline Chepkemoi.....Member
10. Hon. Stephen Changmorik.....Member
11. Hon. Sammy Chelule.....Member
12. Hon. Leah Kirui.....Member
13. Hon. Nancy Chepkirui.....Member

Absent

1. Hon Cecilia Towett.....Member
2. Hon. Aurelia Chepkirui.....Member
3. Hon. Robert Metet.....Member
4. Hon. Philip Korir.....Member

In Attendance

1. Oscar Sang.....Director Legal &Committee Services.
2. Veronica Waweru.....Secretary

3. Dickson Cheruiyot.....Secretary.

Agenda

1. Preliminaries

2. Report Writing: *Summary of Committee's Proposed amendments to the Bill.*

3. A.O.B

Min 97/6/2014 Preliminaries

The Vice Chairperson of Environment Committee called the meeting to order and requested Honourable David Rotich to say opening prayers.She then introduced the agenda of the day two.

Min 97/6/2014: Summary of Committee Proposed amendments to the Bill.

The following amendments were made and considered by the Committee:

1. **THAT** "a water vessel" be used instead of **a ship** under Clause 2 (a) (iii).

2. **THAT** the County Commissioner should be the **Vice chairperson** of the County Disaster Council in Clause 5(1) (k).This is because disaster management is a shared role between the National and County Government.

3. Under clause 5(1) (o) the use of the term **disabled** be amended to read, **persons with disabilities**. The use of the adjective "persons with disabilities are a friendly and appropriate terminology as opposed to the use of the term "disabled"

4. **THAT** Clause 7 sub clauses 1,2,4,5 should be amended to have four sub clauses as 1,2,3,4 in that order.

5. **THAT** Clause 15 on approval of County Disaster Management plans must be submitted for approval by the County Assembly.

6. **THAT** on the schedule, the County department of Energy and Natural Resources be inserted in no.1 as among the response agencies.

Min 98/6/2014 A.O.B

The joint committee was informed by the Hon. Speaker that the report will be tabled on Tuesday,17 Day of June,2014 therefore the Committee had to work extra hard to ensure the report is ready by that date.

The Committee felt that there is need to organize for a training on Laws, regulations and legal matters concerning environmental management,forestry,water,Urban planning, Lands and Housing so as to empower the two Committees on Legislative roles.

Min 99/6/2014Adjournment

There being no other business the meeting ended with a word of prayer from honourable Hellen Chepkirui.

CONFIRMATION

Committee Chairperson(s)

1. Hon. Beatrice Chebomui (Urban Planning, Land and Housing Committee)

Signature.....Date.....18-06-2014

2. Hon.Samwel Bor (Energy, Environment, Water and Natural Resources Committee)

18/6/2014

Committee Secretary(s)

1. Veronica Waweru (Urban Planning, Land and Housing Committee)

Signature.....Date.....18/06/2014

2. Dickson Cheruiyot (Energy, Environment, Water and Natural Resources Committee)

Signature.....Date.....18/6/14

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