

# COUNTY GOVERNMENT OF KITUI



## THE COUNTY ASSEMBLY

### THIRD ASSEMBLY- SECOND SESSION (2023)

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#### COMMITTEE ON LABOUR AND SOCIAL WELFARE

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**RESPONSE TO STATEMENT REQUEST BY HON. BONIFACE M. KATUMBI ON THE FIRE OUTBREAK INCIDENCE AT KALUNDU MARKET ON 16<sup>TH</sup> APRIL, 2023.**

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**The Clerk's Chambers,  
County Assembly of Kitui,  
Assembly Buildings,  
Kitui, Kenya**

**JUNE, 2023**

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## **ABBREVIATIONS**

<b>CECM</b>	County Executive Committee Member
<b>D.C. I</b>	Director of Criminal Investigations
<b>E.R.C</b>	Emergency Response Center
<b>H.E</b>	His Excellency
<b>MCA</b>	Member of County Assembly

## **1.0 PREFACE**

### **1.1 Introduction**

**Mr. Speaker Sir,**

As you are aware, Hon. Boniface M. Katumbi-M.C.A for Kyangwithya East Ward requested for a statement from the Chairperson committee on Labour and Social Welfare, on the fire outbreak incidence which occurred at Kalundu Market on 16<sup>th</sup> April 2023, pursuant to the provisions of Standing Order 41 (2c).

The committee on Labour and Social Welfare deliberated on the issues raised in the statement and prepared this brief report on its consideration of the same pursuant to the provisions of Standing Order 41 2C (C).

### **1.2 Mandate of the Committee**

**Mr. Speaker Sir,**

1. The Committee on Labour and Social Welfare is established under Standing Order 190(5) and is mandated to:
  - i. Investigate, inquire into and report on all matters relating to the mandate, management, activities, administration, operation and estimates of the assigned department;
  - ii. Study programs and policy objectives of departments and the effectiveness of the implementation;
  - iii. Study and review all county legislation referred to it;
  - iv. Study, assess and analyse the relative success of departments as measured by the results obtained as compared with their stated objectives;
  - v. Investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
  - vi. To vet and report on all appointments where the constitution or any law requires the County Assembly to approve, except those under Standing Order 185(Committee on Appointments); and
  - vii. *Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.***

The Second Schedule of the Standing Orders stipulates that the Committee is mandated to oversight all matters relating to Labour trade union relations, employment, man power or human resource planning and social welfare.

### **1.3 Committee Membership.**

The Committee was constituted by the House on 23<sup>rd</sup> November, 2022 and comprises of the following Members:

1. Hon. Joseph Kasungi Kavula	Chairperson
2. Hon Charity Kathathi Musyoka	Vice Chairperson
3. Hon. Frida M. Mutinda	Member
4. Hon. Nzavu Mwanzia	"
5. Hon. Mary P. Ndumbu	"
6. Hon. Antony M. Musyoka	"
7. Hon. Zacchaeus I. Syengo	"
8. Hon. Jacinta Mwoni	"
9. Hon. Elizabeth N. Peter	"
10.Hon. Nzungi Ngwele	"
11.Hon. Jeremiah M. Mutua	"

### **1.4 Committee Secretariat**

The Committee is served by Onesmus M. Mbwang'a- Second Clerk Assistant.

### **Mr. Speaker Sir,**

On behalf of the Committee on Labour and Social Welfare, and pursuant to the provisions of Standing Order 41 (2C) (C), it is my pleasant duty and pleasure to present this report of the Committee on response to the statement.

**SIGNED:** \_\_\_\_\_



**DATE:** \_\_\_\_\_

21/06/2023

**HON. JOSEPH KASUNGI KAVULA**

**CHAIRPERSON, COMMITTEE ON LABOUR AND SOCIAL WELFARE**

## **2.0 BACKGROUND**

**Mr. Speaker Sir,**

During the afternoon Sitting on 17th May, 2023, Hon. Boniface M. Katumbi-M.C.A for Kyangwithya East Ward requested for a Statement response from the Chairperson, committee on Labour and Social Welfare on the fire incidence which broke out at Kalundu Market on the 16<sup>th</sup> April 2023 . *(Copy attached as Annexure 2)*

In his statement request, the Honourable Member raised concerns that on 16<sup>th</sup> April, 2023 at around mid-day fire broke out at Kalundu Market near Beach Bar and restaurant which lasted for over six hours. Further the honourable member informed the house that efforts to conduct the County Department for fire-fighting were unsuccessful.

The Honourable member asserted that property of unknown value was destroyed by fire leading to losses to the affected trader(s). further the Honourable member informed the house that similar fire outbreaks had occurred in the past while the County fire-fighting department portrayed inefficiency and ineffectiveness in response to these incidences just like it was witnessed on 16<sup>th</sup> April, 2023.

In his statement request, the Honourable member raised the following issues which required the committee to enquire into:

1. The cause of the fire outbreak and the losses caused as a result thereof;
2. The circumstances behind the continued inefficient response by the department of fire fighting in the county and where possible recommend corrective measures;
3. Whether the County Emergency Fund could consider compensation to traders who incur losses occasioned by acts of negligence by firefighting department of the county.

**Mr. Speaker Sir,**

Upon receipt of the statement request, the committee on Labour and Social Welfare through the office of the Clerk wrote a letter to the Chief Officer for Performance Contracting, Disaster and Emergency Services through the Ag. County Secretary forwarding the statement request and notifying her of the issues raised in the Statement.

Pursuant to the provisions of Standing Order No. 41 2C(B) the Committee invited the Chief Officer for Performance Contracting, Disaster and Emergency Services to appear before the Committee on 16<sup>th</sup> June, 2023 in order to respond to the issues raised in the Statement. *(Copy attached as Annexure 3)*

**Mr. Speaker,**

The Chief Officer attend the meeting as per the committee's invitation and responded accordingly to the issues contained in the Statement request.

**Mr. Speaker Sir,**

As you are aware, Standing Order 41 (2C) (A) and (B) provides that;

*Whenever a member requests for a statement, the Speaker shall direct the relevant Committee under whose mandate the Statement falls, to invite the County Executive Committee Member or the Chief Officer under whose purview the matters raised in the Statement fall, to a meeting of the committee to deliberate on the Statement. The Member who requested for the Statement shall be invited to the Committee meeting whenever the County Executive Committee Member or the Chief Officer is to appear to respond to the Statement.*

Based on the above provisions, the committee on Labour and Social Welfare invited Hon. Boniface M. Katumbi to her meeting on 16<sup>th</sup> June, 2023 at Summer Springs Hotel in order to discuss the issues raised in the statement. *(Copy attached as annex 4)*

## **2.1 RESPONSES BY THE CHIEF OFFICER FOR PERFORMANCE CONTRACTING, DISASTER AND EMERGENCY SERVICES (MS FRANCISCA KANZA KYUI)**

### **QUERY ONE**

**Inquire into the cause of the fire outbreak and the losses caused as a result thereof.**

It is worth noting that the incidence was reported at Kitui police station on 17<sup>th</sup> April, 2023 by the owner of the affected business. According to the police report, the fire started at a wine and spirit shop adjacent to the reporter's business premises which was a malimali shop.

It is important to note that investigations by Directorate of Criminal Investigations (DCI) Kitui, are ongoing to unearth the true cause of the fire.

As indicated in the incidence report, the losses incurred are approximated at Kshs. 9M (nine million).

### **QUERY TWO**

**The circumstance behind the continued inefficient response by the county fire fighting department and where possible recommend corrective measure;**

Currently, the department of firefighting is domiciled under Kitui Municipality, taking into cognizance that the department of Performance Contracting, Disaster and Emergency Services is a new department that was created by H.E the Governor and therefore the function has not been fully transferred. However, the department works in collaboration with Kitui Municipality since most of the emergency cases are reported to the department.

The only firefighting truck in Kitui county is domiciled at Kitui Municipality. The truck was taken to the dealer in Nairobi for major repairs and replacement of the water pump in the month of February, 2023. Since then, it has not been collected because the parts were not locally available



and therefore, they had to import from China. The truck is now fully serviced and parts have been replaced and awaiting to be collected immediately the payments are done.

In this regard, due to the lack of an operational firefighting truck within the county, the County Government of Kitui has not been able to respond to any fire incident.

### **Recommendations;**

To ensure quick and effective response to fire incidences within the county, I therefore recommend the following: -

- a. The only firefighting engine domiciled in Kitui Municipality is an old truck that cannot serve the entire county. I therefore recommend for purchase of a new firefighting truck to be domiciled under the department of Performance Contracting, Disaster and Emergency Services and especially at the emergency response centre that we are going to establish in the next financial year.

Our plan is to acquire at least three (3) firefighting trucks; one at the county headquarter, another one at Mutomo and the third one to be at Mwingi town. This will ensure efficient and effective response to fire incidences.

- b. Transfer of firefighting functions from Kitui Municipality to the department of Performance Contracting, Disaster and Emergency Services.

Transfer of the firefighting functions to the department will ensure well-coordinated approach to the matters of disaster and emergencies. The officers dealing with emergencies will be sufficiently trained to handle emergencies and any gap will be sealed to ensure that all matters of emergencies are attended to without failure.

- c. Establishment of an Emergency Response Centre (ERC) with a call center operational 24/7.

Establishment of an ERC will ensure that officers dealing with emergencies are centralized for ease of coordination and on duty and ready for call 24/7.

The center will also be equipped with all equipment necessary for emergency response such as firefighting truck, operational vehicle such as rapid fire engines, extrication machines, rope rescue tools and evacuation equipment.

d. Recruitment and training of personnel to deal with disasters and emergency cases.

The department will ensure that personnel dealing with emergencies are well trained on matters of emergencies.

### **QUERY THREE**

**Inquire into whether the County Emergency Fund could consider compensation to traders who incur losses occasioned by acts of negligence by county fire fighting department.**

In the 2022/2023 FY, the Emergency Fund was allocated Kshs. 22M but due to lack of a legal framework to guide on the expenditure of the fund, this money was reallocated to other programmes in supplementary II budget. The little amount that was left in the fund was used in addressing a few emergency issues that were approved by the cabinet.

Currently, the County Government of Kitui has not developed regulations to guide utilization of Emergency Fund and therefore the County Government cannot compensate those traders who incurred losses during the fire incidence at Kalundu.

However, the department of Performance Contracting, Disaster and Emergency Services will fast track development of these regulations to give proper guidelines on the utilization of emergency funds.

### **3.0 COMMITTEE'S RECOMMENDATIONS**

**Mr. Speaker Sir,**

The committee having noted the issues raised in the statement and the responses from the Chief Officer, resolved that the statement was satisfactorily dispensed with and further recommends as follows;

1. In order to have a well-coordinated and effective responses to the emergencies, all functions disaster and emergency services should be transferred to the newly created department for Performance Contracting, Disaster and Emergency Services which is domiciled in the office of the Deputy Governor.
2. The County Emergency Fund should be operationalized through regulations so as to give clear guidelines on utilization of such funds to the relevant emergency cases.
3. As a matter of urgency, the County Assembly should consider appropriating funds for purchase of new three fire-fighting engines to be stationed in Kitui, Mwingi and Mutomo towns.
4. The County Department for Performance Contracting, Disaster and Emergency Services should carryout basic awareness sensitization to business owners on the need of insuring their business premises so as to get compensated in the event of tragedies such as fire outbreaks.
5. The County Department for Performance Contracting, Disaster and Emergency Services should develop a policy framework to enhance business owners install fire-fighting equipment at their premises so as to address such cases the soonest they occur.

## **CONCLUSION**

**Mr. Speaker Sir,**

In conclusion, the committee is concerned about the way fire outbreaks have never been responded to by the County Department of fire-fighting. The current inefficiency and ineffectiveness has led to huge losses on property while the executive has shown very little efforts in putting corrective measures to address this state of affairs. The Committee will do what is in her capacity to ensure that sufficient funds are allocated towards improving the county's preparedness in relation to disasters and emergencies. The Committee shall remain steadfast in providing proper oversight in all matters under her mandate as provided under Standing Order No. 190(5) and the Second Schedule.

## ANNEXTURE 1

### ADOPTION PAGE

We the members of the Committee on Labour and Social Welfare hereby append our signatures as proof of the authenticity, accuracy and correctness of the report on the Consideration of the Responses to the Statement Request by Hon. Boniface M. Katumbi M.C.A for Kyangwithya East Ward on the fire outbreak incidence which occurred at Kalundu Market on 16<sup>th</sup> April, 2023

NAME	DESIGNATION	SIGNATURE
1. Hon. Joseph Kasungi Kavula	Chairperson	
2. Hon Charity Kathathi Musyoka	Vice Chairperson	
3. Hon. Frida M. Mutinda	Member	
4. Hon. Nzavu Mwanzia	Member	
5. Hon. Mary P. Ndumbu	Member	
6. Hon. Antony M. Musyoka	Member	
7. Hon. Zacchaeus I. Syengo	Member	
8. Hon. Jacinta Mwoni	Member	
9. Hon. Elizabeth N. Peter	Member	
10.Hon. Nzungi Ngwele	Member	
11.Hon. Jeremiah M. Mutua	Member	

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**STATEMENT REQUEST ON THE FIRE OUTBREAK AT KALUNDU MARKET ON THE 16<sup>TH</sup> APRIL, 2023.**

**Mr. Speaker Sir,**

Pursuant to the provision of Standing Order No 41 (1) (c), I would like to request for a statement from the chairperson committee on Labour and Social Welfare concerning the fire outbreak incidence which occurred at Kalundu Market (near Beach bar and restaurant) on 16<sup>th</sup> April, 2023;

**Aware** That the Committee on Labour and Social <sup>welfare</sup> is mandated to oversight the department of Disaster and Emergency Services under the office of the Deputy Governor whose major role is to ensure a sound response system to emergencies and disasters not limited to fire outbreaks among others;

**Further aware** that the department of fire-fighting acquired a fire brigade which should be used in the event of such occurrences on a 24 hour basis by sufficient staff assigned to operate the equipment;

**Concerned that** on the 16<sup>th</sup> April, 2023 at Kalundu Market, near Kitui Beach Bar area a fire broke out at around mid-day which lasted over six hours hence causing huge losses of unknown value;

**Cognizant that** the business premises affected by the fire outbreak is located in Kitui town CBD while efforts to conduct the firefighting department to put off the fire were futile since the firefighting engine was purportedly said to be in Nairobi for routine servicing;

**Further Cognizant that,** in the past similar incidences occurred with no efforts to rescue buildings among them the then Tourist Hotel (which housed the county human resource department) and the then County Treasury Buildings which were all razed down on varied dates;

**THAT** the Committee carries out an enquiry and report back to this house within 21 days to unearth the facts on the following issues:

*Speaker*  
*You may approve.*  
*Ch. Photos 2023*

*Chair*  
*Approved.*  
*[Signature]*  
*17/5/2023*

1. Inquire into the cause of the fire outbreak and the losses caused as a result thereof;
2. The circumstances behind the continued inefficient response by the department of fire fighting in the county and where possible recommend corrective measures;
3. Inquire into whether the County Emergency Fund could consider compensation to traders who incur losses occasioned by acts of negligence by fire fighting department of the county.

Signed  Date 10/5/23

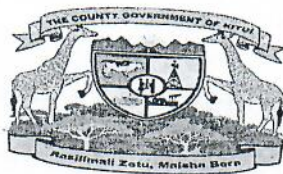
**Hon. Boniface Maundu Katumbi - MCA**

MCA KYANGWITHTYA EAST WARD



COUNTY ASSEMBLY OF KITUI 12 JUN 2023

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Kitui, Kenya.

OFFICE OF THE CLERK

When replying please quote;  
**OUR REF:** CAK/9/10/VOL. VI (10)

12<sup>th</sup> June, 2023

The Chief Officer,  
Department of performance Contracting, Disaster and Emergency Services,  
County Government of Kitui,

**Thro'**  
Ag. County Secretary  
Kitui County Government,  
P.O. Box 33-90200,  
**KITUI.**

**RE: STATEMENT REQUEST ON THE FIRE OUTBREAK INCIDENCE AT KALUNDU MARKET ON THE 16<sup>TH</sup> APRIL, 2023.**

The above subject matter refers;  
During the afternoon Sitting of Wednesday, 17<sup>th</sup> May 2023, Honourable Boniface Maundu Katumbi M.C.A for Kyangwithya East Ward requested for response to a Statement pursuant to the provisions of Standing Order No. 41 (2)(C) on the fire outbreak incidence which occurred at Kalundu Market (near Beach bar and restaurant) on 16<sup>th</sup> April, 2023.

The key issues raised in the Statement include: -

1. Inquire into the cause of the fire outbreak and the losses caused as a result thereof;
2. The circumstances behind the continued inefficient response by the county fire fighting department and where possible recommend corrective measures;
3. Inquire into whether the County Emergency Fund could consider compensation to traders who incur losses occasioned by acts of negligence by county fire fighting department.

You are hereby invited to attend a Committee meeting on 16<sup>th</sup> June, 2023 at Summer Springs Hotel in Mwingi at 9:00 a.m. to respond to the issues highlighted above.

Attached kindly find a copy of the Statement for your reference.

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**L. WAEMA**  
**FOR THE CLERK OF ASSEMBLY**  
**COUNTY ASSEMBLY OF KITUI.**

C.O.A to note in file

ANNEX IV

COUNTY ASSEMBLY OF KITUI

15

TEL: (044)22914  
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kituiassembly@gmail.com Website:  
www.kituicountyassembly.org/



Clerk's Office,  
Kitui County  
Assembly,  
P.O.Box 694-90200,  
Kitui, Kenya.

OFFICE OF THE CLERK

When replying please quote;  
**OUR REF: CAK/9/10/VOL. VI (15)**

14<sup>th</sup> June, 2023

**HON. BONIFACE M. KATUMBI**  
**M.C.A -KYANGWITHYA EAST WARD**

Dear sir,

**RE: INVITATION TO ATTEND MEETING FOR THE COMMITTEE ON LABOUR AND SOCIAL WELFARE ON 16<sup>TH</sup> JUNE, 2023 IN MWINGI SUMMER SPRINGS HOTEL**

The above subject matter refers;

The committee on Labour and Social Welfare will retreat in Mwingi Summer Springs Hotel or 15<sup>th</sup> -17<sup>th</sup> June, 2023 to respond to your Statement request on the fire outbreak incidence a Kalundu Market on 16<sup>th</sup> April, 2023.

The committee has invited the Chief Officer for County Department of Performance Contracting, Disaster and Emergency Services to respond to issues raised in the Statement request.

Pursuant to the provisions of Standing Orders No. 41 (2C) (B) you are hereby invited to attend the said meeting on 16<sup>th</sup> June, 2023 at 9:00 a.m. to discuss the issues raised in the Statement with the Chief Officer.

**JOSPHAT K. KWANDA**  
**FOR; THE CLERK OF ASSEMBLY**  
**COUNTY ASSEMBLY OF KITUI.**

