

Kitui County Assembly

THE HANSARD

First County Assembly – Second Session

Tuesday 8th October, 2014

The County Assembly met at 10:04AM

(The Speaker {**Hon. George Ndotto**} entered the Chamber at 4 Minutes past Ten O'clock accompanied by the Mace)

PRAYERS

(The Speaker recites the prayer and proceeds to the Chair)

(The Mace is placed on the Table)

The Speaker (Hon. George Ndotto): Next Order

The County Assembly Clerk (Mr Mutambuki): Order No. 1, Administration of Oath.

The Speaker: Next Order

The County Assembly Clerk: Order No. 2, Communication from the Chair.

The Speaker: Yes, honourable Members, you might have noticed that I was not here the whole of last week; I was away on duty in the United States America together with honourable Kilonzo, honourable Kisee and honourable Mbivi. We came back on Sunday evening and in due course we will be giving you a full report on what we were doing, what we saw and what we feel is useful...

(Hon Nyamai interrupts by shouting order!, Order!)

The Speaker Who is that? Honourable Nyamai, that's out of order. You stand up if you want to say something. That is if you are on a point of order but you don't shout when seated. So we will be giving you our brief in the course of time to tell you what we did and what we think should be done.

The Speaker Next order.

The County Assembly Clerk: Order No. 3, Messages.

The Speaker: Next order.

The County Assembly Clerk: Order No. 4, Petitions.

The Speaker: Next Order

The County Assembly Clerk: Order No. 5,

The Speaker: Next order.

The County Assembly Clerk: Order No.6, Notices of Motions.

The Speaker: Next order.

The County Assembly Clerk: Order No.7, Statements.

The Speaker: Next order.

The County Assembly Clerk: Order No.8, Motions and Bills-Motion on approval of the committee's report on consideration of the **Kitui County Charcoal Bill, 2014 (Assembly Bill No. 5, 2014)**, Resumption of debate interrupted on 7TH October, 2014 - afternoon Session, thank you.

The Speaker: Right, I am told the debate on the charcoal Bill which we are dealing with was interrupted the other time and now those who still want to say something about it, it's your time before we go to the committee of the Whole House. Anybody who wants to contribute to the Bill?

(Hon Munuve stood up in his place)

The Speaker Honourable Munuve

Hon Munuve (The Member for Kanziku ward): Thank you Mr Speaker Sir, I also once again want to support this Motion...

The Speaker: And when you say once again meaning you had already contributed.

Hon Munuve: No I had not aah, I have changed my...

The Speaker: Order! Order! Order! Honourable Munuve have you already contributed to this Bill?

Hon Munuve: Not yet

The Speaker: You have?

Hon Munuve: Silence

The Speaker: Mr Clerk, did honourable Munuve contribute to this Bill?

The County Assembly Clerk: Mr Clerk, I believe he did.

The Speaker: Anybody who wants to say something on the Bill?

(Hon Munuve remained standing in his place)

The Speaker: Honourable Munuve, can't you remember the Standing Orders; you are an authority on Standing Orders. You can't talk twice on a Bill unless you are speaking on an amended Bill.

(Hon Nganga stood up in his place)

The Speaker: Honourable Nganga

Hon Nganga (Nominated and the leader of the Minority: Mr Speaker Sir, I am rising to seek guidance from you. Yesterday I contributed on this Bill unwillingly because the Speaker pointed at me saying I rise and contribute; now I want to contribute willingly. What happens Mr Speaker?

(Laughter)

The Speaker: Order! Sit-down honourable Nganga, Order! Anybody who wants to contribute on the Bill? I think it appear as if you have already exhausted the debate on it.

(Hon Ngwele stood up in his place)

The Speaker: Yes honourable Ngwele

Hon Ngwele (The Member for Ngomeni ward): Mr Speaker I beg the Chair on behalf of honourable Munuve because I know he spent quite a lot of time last evening and this morning preparing to...

The Speaker: Sorry, say it again.

Hon Ngwele: I seek the kindness of the Chair to allow honourable Munuve because I know he spent considerable time last evening and this morning preparing some notes which he wants to contribute in the House...

The Speaker: Order honourable Ngwele!

(Laughter)

The Speaker: Honourable Ngwele, it's not me who is refusing, it's the Standing Orders which we can't change here. I think it is in the best interest of the House that we should now move to the committee of the Whole House, so that you can go (examine the Bill) Clause by Clause. Therefore the House now moves to the Committee of the Whole House.

(The Members rise in their places as the Speaker prepares to leave the Chair)

(The Clerk consulted the Speaker)

The Speaker: Okay, we had jumped a stage. I am sorry, lets sit-down. Honourable members, I will now put the question which is that Pursuant to the Provisions of the Interim Standing Order No. 130 (2), this House Approves the Report of the Committee on Environment, Energy, Mining, Natural Resources and Tourism on consideration of the Kitui County Charcoal Bill, 2014 (Assembly Bill No. 5, 2014).

As many as are of that opinion say Ayes!

The Members: Ayes!

As many as are of the contrary opinion say Nay!

(Silence)

The Speaker: Next, Clerk.

The County Assembly Clerk: Order No.9- Committee of the Whole County Assembly.

(Now, the Members rise in their places and the Mace lowered as the Speaker leaves the Chair to pave way for the committee of the Whole House chaired by honourable Kinuva).

The Chairman (Hon Kinuva-The Member for Miambani ward): Honourable members, as you are aware, we are now in the committee of the Whole House to consider an Act of the Kitui County Assembly to regulate and manage the production, use, and trade of charcoal and.... sorry. We are here to consider the Kitui County Charcoal Bill, Assembly Bill No. 5, 2014 and as you are aware, members, the rules are normally relaxed at this stage. You can speak in a relaxed mood but don't use vulgar language because we are in the House.

I now welcome the Chair-Committee on Environment, Energy, Mining, Natural resources and tourism hon Mulongo to start executing the business regarding the charcoal Bill.

Hon Mulongo (The Member for Mui ward):: Thank you Chairman, I wish to refer the Assembly to page 329 of the report, whereby notice is given that the chairperson committee on Environment, Energy, Mining, Natural resources and tourism intends to move for adoption by the House the following clauses to the

Kitui County Charcoal Bill, 2014 (Assembly Bill No. 5, 2014) at the stage of the Committee of the Whole County Assembly.

The Chairman: Yes thank you Mr Chairman, Clerk

The Clerk: Clauses without amendments, Clause 3

Hon Mulongo: I want to move that clause 3 as printed, be part of the Bill.

The Chairman: Mr Chairman because these are clauses without amendments, I would propose that if you can read all of them up to the last one, and then now we can be able to propose the ...

(Hon Ngwele stood up in his place)

The Chairman: What is it honourable Ngwele?

Hon Ngwele: Thank you Chair, we might want to do what you have asked the Chair to do for the sake of time, but really in terms of procedures, it is best to go clause by clause because in case I want propose...

The Chairman: Okay, honourable Ngwele we have confirmed that one.

Hon Ngwele: Okay, thank you.

The Chairman: Chairman (hon Mulongo), read clause after clause and then..., yes please.

Hon Mulongo: I wish to move that clause 3 as printed, be part of the Bill.

The Chairman: Clerk

The Clerk: Clause 4

Hon Mulongo: That clause 4 as printed be part of the Bill.

The Chairman: Sorry members, because we are moving clause by clause I want to put the question for clause 3. I now put the question that clause 3 as printed, be part of the Bill. Any contribution on that Clause? I now propose the question..., sorry; I have made confusion for that. I want to start by proposing the question that clause 3 as printed, be part of the Bill. And if there is no contribution on that clause, I now put the question that clause 3 as printed, be part of the bill.

As many as are of that opinion say Ayes!

The Members: Ayes!

As many as are of the contrary opinion say Nay!

(Silence)

The Chairman: I think the Ayes have it. Next, Clerk.

The Clerk: Clause 4

Hon Mulongo: That clause 4 as printed be part of the bill.

The Chairman: Honourable members I propose the question that clause 4 as printed, be part of the Bill. Is there any one who wants to contribute on that clause? I now put the question that clause 4 as printed, be part of the Bill.

As many as are of that opinion say Ayes!

The Majority: Ayes!

As many as are of the contrary opinion say Nay!

The Minority: Nay!

The Chairman: I think the Ayes have it. Next, Clerk.

The Clerk: Clause 9

The Chairman: Chairman (hon Mulongo)

Hon Mulongo: I want to move that clause 9 as printed, be part of the Bill.

The Chairman: Honourable members I propose the question that clause 9 as printed, be part of the Bill. Any contribution on that clause 9? Honourable members I now put the question that clause 9 as printed, be part of the Bill.

As many as are of that opinion say Ayes!

The Members: Ayes!

As many as are of the contrary opinion say Nay!

(Silence)

The Chairman: The Ayes have it. Next, Clerk.

The Clerk: Clause 10

Hon Mulongo: I wish to move that clause 10 as printed, be part of the Bill.

The Chairman: Ok honourable members, I propose the question that clause 10 as printed, be part of the Bill. Any contribution? Honourable members I put the question that clause 10 as printed, be part of the Bill.

As many as are of that opinion say Ayes!

The Members: Ayes!

As many as are of the contrary opinion say Nay!

(Silence)

The Chairman: The Ayes have it. Next, Clerk.

The Clerk: Clauses with amendments. Part II Administration, clause 5.

The Chairman: Chairman

Hon Mulongo: I want to move that;

- the clause be amended by replacing “**environmental**” with “**Charcoal Management**” to read-There is established the “County Charcoal Management Committee “
- the margin note be amended to read “**Establishment of the County Charcoal Management Committee**”.

The Chairman: Honourable members I propose the question that the clause be amended by replacing “environmental” with “Charcoal Management” to read-There is established the “County Charcoal Management Committee, that is part I of clause 5 and part II that the margin note be amended to read “Establishment of the County Charcoal Management Committee”.

(Hon Ngwele stood up in his place again)

The Chairman: Order! What is it honourable Ngwele?

Hon Ngwele: Yeah, Chairman I wish to seek the guidance of the Chair of the Committee on Environment on these changes because whereas it might look as a very simple replacement of words-environmental with charcoal-really it might have a far reaching implications in terms of the administration of the rules that we are developing here to manage the charcoal sector. Does establishment of a charcoal management committee mean that we will be having a charcoal management committee and again a separate environmental committee because I know very soon, we will be having in this Assembly a sand Bill with may be structures similar to that of the charcoal Bill. Are we also going to have a sand management committee? What exactly did the committee consider by wanting to replace Environmental Committee with the charcoal management committee? And shall we not end up having very many cumbersome administrative structures that will lead to all the rules that we are developing here either not being implemented efficiently or collapsing all together. If the chair or members of the committee can really help us to understand that change, it will really help us to do a lot of good, thank you.

The Chairman: Yes, honourable Mulongo, you can clarify that.

Hon Mulongo: Thank you Chairman for the concern of the honourable member for Ngomeni Mr Ngwele.I want to inform this House of the reason why we thought it wise to effect an amendment by replacing “environmental” with “Charcoal Management”. After researching and bearing in mind that

environment is too broad, we felt that we actually needed a law specifically dealing with the issues of charcoal only. We may not have some strict rules to govern the issue of charcoal production and selling within that broader perspective and that's why after reasoning together we thought it wise to deal with the charcoal only while bearing in mind that we also need to pass more laws on other issues concerning environment. So this Bill is more detailed to dealing with charcoal than the environment, thank you Mr Chairman.

(Hon Mbiti stood up in his place)

The Chairman: Yes honourable Member for Ngutani ward.

Hon Mbiti (The Member for Ngutani ward): Thank you honourable Chair, as my Chairman has said the environment committee which I happen to be a member realised that the Bill was broad and as the Committee we understood the menace facing the charcoal industry and you remember Mr Chair that we had a Motion here... Mr Chair, I beg for your protection from the honourable members here because I am trying to contribute and they seem as if they are...

The Chairman: Order! Order! Honourable members, I did not mean that by saying the rules are relaxed, continue the honourable member for Ngutani.

Hon Mbiti: Thank you the honourable Chair for protecting me because what I am saying is very important because I understand that tackling this Bill has delayed and we want to finish with it today.

Yeah, I was saying that the Committee was informed that the problem we have in the charcoal industry should be dealt with firmly. And we thought that if we handle it together with environment, it would be very wide and that it was the duty of both the national government and the County Governments. So we thought it's prudent that we effect an amendment for the draft to read "charcoal management Bill" so that we can tackle the menace effectively. We were informed that there will be another broader dealing with the environment. Hence because the charcoal business was affecting our environment and our people, we thought that we should move first and enact this legislation so that we can regulate charcoal production and trade on their own and then we deal with other issues which honourable Ngwele and other members are raising, thank you Mr Chair.

The Chairman: Any other honourable member who wants to say something about that issue? Ok, I now put the question which is that clause 5 be amended as proposed.

As many as are of that opinion say Ayes!

The Members: Ayes!

As many as are of the contrary opinion say Nay!

(Silence)

The Chairman: The Ayes have it. Ok honourable members, I now put the question which is that clause 5 as amended be part of the Bill.

As many as are of that opinion say Ayes!

The Members: Ayes!

As many as are of the contrary opinion say Nay!

(Silence)

The Chairman: I think the Ayes have it. Next, Clerk.

The Clerk: Clauses 6.

The Chairman: Chairman

Hon Mulongo: I wish to move clause 6 and Chairman if you may allow me I will go from roman (i) up to roman (xi) for the purposes of time. I wish to move that;

- i. the clause be amended by replacing “environmental” with “Charcoal Management”
- ii. the margin note be amended to read as “Composition of the County Charcoal Management Committee”.
- iii. paragraph (a) be amended by replacing the word “environmental” before the last word in the paragraph with “Charcoal Management”

(Hon Ngwele rises on a point of order)

The Chairman: Yes honourable Ngwele, what’s your point of order?

Hon Ngwele: Chairman, I don’t know why the Chairman for the Committee on Environment is keen on using shortcuts. Really, you know we are making laws and we can’t use shortcuts. We have to go clause by clause, because supposing as I said earlier somebody has an opposition to one of those clauses, it becomes cumbersome to isolate it from the rest the way he wants to group them. Really we have to go by procedure.

The Chairman: Ok honourable Ngwele I think we are only in one clause, which is clause 6. We are just within a clause, that is only clause 6 please, chairman.

Hon Mulongo: Thank you Chair for protecting me. I think *mheshimiwa* should note that we are only in clause 6, only that it has romans (i) up to (xi) so I was in roman three that;

- iii) Paragraph (a) be amended by replacing the word “environmental” before the last word in the paragraph with “Charcoal Management”
- iv) Amend by deleting paragraph (c) and substituting thereof with the following : (c) Representative of the County Revenue Department
- (v) amend by deleting paragraph (d) and substituting thereof with the following: (d) The Director General of National Environmental Management Authority appointed under the National Environmental Management Act, 1999 or his or her designated representative who shall be an environmental officer based in the county.
- (vi) amend by deleting paragraph (e) and substituting thereof with the following : (e) Representative of the County Commissioner
- (vii) amend by deleting paragraph (f) and substituting thereof with the following : (f) An officer from the Ministry of Energy and Petroleum
- (viii) amend by deleting paragraph (g) and substituting thereof with the following : (g) Representative of Civil society organizations
- (ix) amend by deleting paragraph (h) and substituting thereof with the following: (h) The Kenya Forest Service County officer or County Ecosystem Conservator, appointed under the Forestry Act, 2005 or his or her designated representative
- (x) amend by deleting paragraph (i) and substituting thereof with the following : (i) Three community representatives
- (xi) amend by introducing paragraph (j) to read as follows: (j) A representative of the Private Sector

The Chairman: Thank you Chairman, honourable members I propose the question which is that clause 6 with romans (i) up to (xi) be amended as proposed. Any contribution on the same honourable members?

(Hon Ngwele stood up in his place)

The Chairman: Honourable Ngwele

Hon Ngwele: Thank you Chairman. I again seek explanation from the chair-Committee on Environment; he has proposed that we amend paragraph (i) and include under roman (i) three community representatives. I have looked at this Bill and it does not have a mechanism for identifying the three community representatives.

There is clear designation for representatives from the departments of the County or National Government departments who will constitute membership to the Charcoal Management Committee but that are not the case for the community representatives. We cannot have just three anonymous community representatives, Mr Chairman in a county of 1.2 million people? How do we identify three community representatives?

Would it not have been better to source the three community representatives to recognised community or civil society organisations such as the Charcoal Producer Associations which are anticipated elsewhere in the Bill? I just wish or request that the Chair or any member of the Environment Committee help us to understand how the three community representatives will be identified as contained in that clause, thank you.

The Chairman: Chairman, can you respond please.

Hon Mulongo: Yeah, thank you Mr Chairman, I want to respond to the concerns of that member that as the Committee, even as we went round to collect the views of the community on the charcoal Bill, we got some proposal that there were some members of the community who wished to be represented in the proposed forum as provided in this Bill. They wished to be represented in the management of the charcoal business.

As a Committee we felt it wise to leave the three vacancies open so that the members of the community interested in the charcoal business could get a chance to elect people of their choice since we know that our Country is run democratically. We didn't want to propose any individual organizations or persons as that would have appeared as if we were imposing them on the people.

We had to allow the parties interested in the charcoal business like the Charcoal Producer Groups and protection of the environment to elect their own leaders freely and present them to be part of that management committee. Thank you Mr Chairman.

The Chairman: It seems honourable Ngwele is not contended. Yes, what is it the honourable member For Ngomeni?

Hon Ngwele: Mr Chair, the question is not about the presentation, actually if you ask me; even the three community representatives proposed are too few, we need more. But the question that I want the chair of the committee to address himself to is the mechanism of picking the three representatives from the 1.2 million people of the County. How do you choose say honourable Mativo and not honourable Jemimah to be among the three community representatives? We don't want to leave an opening for pretenders, you know some people can pretend that they represent the community and gain membership to the Health Management Committee. May be the business is interesting to the same people we are trying to lock out over the exploitation of charcoal; we leave those ones open for them to come and get into that committee.

So Chair, the issue is the mechanism of selecting the three community representatives which the Chairman of the Environment Committee should have restricted himself to.

The Chairman: Chair, lets here from another member of the Environment Committee the honourable Titus Mbiti.

Hon Mbiti: Thank you honourable Chair, I want to refer honourable Nzungi Ngwele to part III of the original Bill which touches on community participation and informs the community that it should be active through this

Bill. In that part of the Bill, charcoal producers are required to organise themselves and form Charcoal Production Associations and pick their business representatives whom they endorse to represent them at such forums. So part 111 of the Bill informs how the committee came up with the proposal for having members of the charcoal producer associations to organise themselves and elect their representatives, thank you Mr Chair.

The Chairman: Is it okay honourable Nzungi Ngwele?

Hon Ngwele: It's not Okay

The Chairman: It isn't okay Chairman? You want to add something on the same?

Hon Mulongo: Thank you Chairman, I want to add something to the contribution by that member. In the hierarchy of the charcoal associations groups which are supposed to be formed under this Bill, we know we will have associations from grassroots up to the County level. These associations will have their representatives both regionally and some areas we will have some representatives of the charcoal associations from an area like Mutomo, an area like Mwingi, an area like Kitui and the other areas where the charcoal associations will be formed.

(Hon Mbiti rises on a point of order)

The Chairman: What is your point of order the honourable member for Ngutani?

Hon Mbiti: Honourable Chair, is it in order for the honourable member for Ngomeni to ask for clarification and start moving around when the Chair is trying to explain? Is he undermining our Chair, honourable Chair? I beg to be guided.

The Chairman: Ok, the honourable member for Ngutani, I said this is the committee for the Whole House where the members can just move and consult because the situation is different from the formal sittings.

Hon Mbiti: The rules are relaxed, so I can even reply when the Chair has ruled. It is a pity honourable Chair when my honourable Chairman (for the Environment Committee) is struggling to respond to the honourable Ngwele's question and then he moves around the House. In fact honourable chair, the member was even out of that line, so he was out of the Chamber, I am wondering whom are we trying to explain to...

The Chairman: That is true

Hon Mbiti: That means that hon Chair...

The Chairman: That is true; the honourable member's point is noted. The honourable member for Ngomeni, you cannot move and consult people on the public gallery while we are still in the Committee of the Whole House. You are out of order, so sit down, sit-down please. This is a matter of this House. You

want to say something; okay honourable member for Endau/Malalani, as you say something, the Chairman was on the floor you are going to finish.

Hon Kinyala: Yeah, thank you Chairman. I am still on what honourable Ngwele was asking. I want to say that what the Bill is lacking when it talks of community representatives is to specify at what level the community representatives will operate; is it at the Village or ward level? So there is something which is missing and I want to seek the indulgence of the Chair for us to know on the same. And I think that's what honourable Ngwele was actually asking.

The Chairman: Okay, the honourable member for Endau/Malalani, you have been having this report and in addition the original Bill was supplied to you many months ago but you didn't bring forth those amendments. The Chairman (Environment Committee), can you say what you wanted to say because I want to put this matter before this House, please.

Hon Mulongo: Thank you Chairman, I actually was kind of elaborating on the issue of the three community representatives and I was up to the level of, now from the charcoal association, we know they will have to elect their leadership from grassroots level up to the top; that is the County level. It will be upon those Charcoal Association Groups to select their own representatives to the Charcoal Management Committees. So they will be represented from the grassroots level up to the County level by appointing three representatives, one per each level in accordance with the structure and recommendations contained in the Bill which also gives the charcoal associations a way of dealing with the issue. Mr Chairman The charcoal associations will be guided by their constitution on how they will be appointing the three representatives to the charcoal management committee.

(Hon Ngwele stood up in his place yet again)

The Chairman: Honourable Nzungi Ngwele, you have been on a point for some time and I think as the Chair, it's now time that I ask the House how they feel about this clause. I now put the question which is that clause 6 romans (i) up to (xi) be amended as proposed.

As many as are of that opinion say Ayes!

Majority of the Members: Ayes!

As many as are of the contrary opinion say Nay!

Some Members: Nay!

The Chairman: I now put the question, which is that clause 6 with romans (i) up to (xi) as amended be part of the Bill.

As many as are of that opinion say Ayes!

Majority of the Members: Ayes!

*As many as are of the contrary opinion say
Nay!*

Some Members: Nay!

The Chairman: I think the Ayes have it. Next Clerk.

The Clerk: Clauses 7.

The Chairman: Chairman

Hon Mulongo: I wish to move that clause 7 with romans (i) up to (v), that;

- i. the clause be amended by deleting the word “environment” that appears after the word “county” and before the word “committee” and substitute thereof with “Charcoal Management”
- ii. paragraph (b) be amended by inserting “and charcoal transporter associations” after the word “associations”
- iii. Paragraph (d) be deleted and substituted thereof with the following:
(d) Review of Charcoal Producer Associations restoration plans
- (iv) amend by introducing Paragraph (e) to read as follows;(e) Approve charcoal producers associations charcoal brands and packaging. All charcoal shall be branded using traceable codes and packaged in bags.
- (v) amend by introducing Paragraph (f) to read as follows;(f) Monitoring of tree planting events by the charcoal producer associations.

The Chairman: honourable members, I now propose the question that clause 7 with romans (i) up to (v) be amended as proposed. Any contribution on the same?

(Hon Ngwele stood up in his place again)

The Chairman: Honourable Nzungi Ngwele

Hon Ngwele: Thank you chair, I just wish to draw the attention of the chair and the house to the proposed amendments roman (iv), introducing a paragraph that reads; approve charcoal producers associations charcoal brands and packaging. All charcoal shall be branded using traceable codes and packaged in bags.

Mr Chairman, really I don't know how you can brand charcoal. Really burnt wood, how do you brand it? I know we are living in the error of technology but burnt wood, how do you do it using traceable codes. I think really what the committee intended to state there was to say that all charcoal shall be packed in bags and the bags shall be branded using traceable codes. Its bags that you can brand, you cannot brand pieces of charcoal really.

Although the committee is taking the spirit of opposing everything that we are trying to ask them to improve on really, but if we sit as an Assembly and

approve something that reads recklessly like that, really I don't know where we shall end up.

The Chairman: Yes, respond the honourable member for Ngutani.

Hon Mbiti: Yes honourable Chair...

The Chairman: Honourable members, I don't know the committee member for environment you need to minimize your contribution so that we don't leave the debate to two members only. Okay go on honourable Mbiti.

Hon Mbiti: Honourable Chair, we are able members of the Environment Committee and we have the good will of the members to contribute as they wish. I agree with honourable Ngwele and our spirit was to make the charcoal business look professional and the Chair, you will agree with me that we have discussed this thing for long. I think the problem here is just a matter of grammar and so forth which will be rectified. So I agree with him honourable chair. We agree its grammatical error for you can't brand charcoal, but the bags should be branded. So it is matter of correcting what we have written here, thank you Chair.

(Hon Mulongo stood up in his place)

The Chairman: Chairman, yes.

Hon Mulongo: I think the honourable member for Ngomeni has put it right on what we intended to do. Actually, as a committee we have done a lot of reading of this report. We have also consulted widely and I think it's important for the members when reading the amended clauses to match the same with what the original Bill says so as to understand the proposed amendments better. Otherwise if we read the amendments only without referring to the original Bill, we may not get exactly what we wanted to say. But if you read the original and the amended part, it will bring some sense in it, thank you Chairman.

(Hon Kithuka stood up in his place)

The Chairman: The honourable member for Mutonguni.

Hon Kithuka (The Member for Mutonguni ward): Mr Chairman, I find the language used in this part "of approved charcoal producers association, charcoal brands and packaging, all charcoal shall be branded using traceable codes and packaged packs", I find nothing wrong with that Mr Chairman. To say that this charcoal shall be packaged in bags itself is explanatory enough Mr Chairman. It is the bag, where the charcoal is packaged that will be branded. When you look at items like cement Mr Chairman, you will realise they are also branded. They are packaged in paper bags and these bags that are branded Mr Chairman not the same as the soil that is branded. I find nothing wrong with this amendment.

The Chairman: Honourable members I now put the question which is that clause 7 with romans (i) up to (v) be amended as proposed.

As many as are of that opinion say Ayes!

The Members: Ayes!

As many as are of the contrary opinion say Nay!

The Members: *Nay!*

The Chairman: I think the Ayes have it, honourable members, I now put the question which is that clause 7 with romans (i) up to (v) as amended be part of the Bill.

As many as are of that opinion say Ayes!

The Members: Ayes!

As many as are of the contrary opinion say Nay!

The Members: *Nay!*

The Chairman: I think the Ayes have it, next Clerk.

The Clerk: Clauses 8.

The Chairman: Chairman

Hon Mulongo: I wish to move that clause 8 with romans (i) up to (ii), that;

- the margin note of clause 8 be amended by replacing “environmental” with “Charcoal Management” so that the margin note reads as follows; Powers of the county charcoal management committee.
- Clause 8 to be amended by adding a new paragraph (d) to read as follows- (d) Any person who is aggrieved by any decision of the County Charcoal Management Committee may within thirty days of communication to him of such decision, appeal to the National Environment Tribunal established under the Environmental Management and Coordination Act, 1999.

The Chairman: Honourable members, I wish to propose the question which is that clause 8 with romans (i) and (ii) be amended as proposed. Any contribution on that clause honourable members? There seems to be no contribution and now I put the question which is that clause 8 with romans (i) and (ii) be amended as proposed.

As many as are of that opinion say Ayes!

The Members: Ayes!

As many as are of the contrary opinion say Nay!

The Members: *Nay!*

The Chairman: I think the Ayes have it. Honourable members I now put the question which is that clause 8 with romans (i) and (ii) as amended be part of the Bill.

As many as are of that opinion say Ayes!

The Members: Ayes!

As many as are of the contrary opinion say Nay!

The Members: *Nay!*

The Chairman: I think the Ayes have it, next Clerk.

The Clerk: Part III, Community participation, clause 11.

The Chairman: Chairman

Hon Mulongo: Thank you chairman, I wish to move that clause 11 with romans (i) up to (viii), that;

- i. the clause be amended by deleting paragraph (f) and substituting thereof with the following: (f) Carry out an environmental impact assessment for each charcoal producing area and further carry out area zoning for charcoal production.
- ii. the clause be amended by deleting paragraph (g) and substituting thereof with the following: (g) Give information relating to land ownership
- iii. the clause be amended by deleting paragraph (h) and substituting thereof with the following: (h) Give a record of the present activities on the land
- iv. the clause be amended by deleting paragraph (i) and substituting thereof with the following: (i) Provide a list of intended technology to be used in charcoal production
- v. the clause be amended by deleting paragraph (j) and substituting thereof with the following: (j) Provide information on the quantity of charcoal they produce
- vi. the clause be amended by deleting all the words in “paragraph k” and substituting thereof with the following - Provide information of charcoal collection points in their area of application.
- vii. the clause be amended by deleting all the words in paragraph (l) and substituting thereof with the following - Label, brand and package their charcoal and any other value addition strategies
- viii. amend by introducing new paragraph (m) as follows - Forward the application to the chairperson of the County Charcoal Management committee for review.

The Chairman: Honourable members I propose the question which is that clause 11 be amended as proposed. Any contribution to that clause please? There

seems to be no contribution on the same, so honourable members I put the question which is that clause 11 be amended as proposed.

As many as are of that opinion say Ayes!

The Members: Ayes!

As many as are of the contrary opinion say Nay!

(Silence)

The Chairman: I think the Ayes have it. Honourable members, I now put the question which is that clause 11 as amended be part of the Bill.

As many as are of that opinion say Ayes!

The Members: Ayes!

As many as are of the contrary opinion say Nay!

The Members: *Nay!*

The Chairman: I think the Ayes have it, next Clerk.

The Clerk: Part IV, enforcement clause 12.

The Chairman: Chairman

Hon Mulongo: thank you chairman, I wish to move that clause 12 with romans (i) up to (ix), that;

- Renumber the Clause to Clause 13 1)
- paragraph (a) be amended to read - All police officers working in the County pursuant to their duties under the National Police Service Act, 2011;
- paragraph (b) be amended to read - All officers of the Kenya Forestry Service working in the County pursuant to their duties under the Forest Act, 2005
- paragraph (c) be amended to read - All officers of the Kenya Wildlife Service working in the County pursuant to their duties under the Wildlife Conservation and Management Act, 2013;
- the words in paragraph (e) be deleted and substituted thereof with - Officers of the county revenue department
- the words in paragraph (f) be deleted and substituted thereof with - County village, ward and sub county administrators
- the words in paragraph (g) be deleted and substituted thereof with - Authorized community policing members; Persons

authorized to be community policing members pursuant to the National Police Service Act, 2011;

- introduce paragraph (h) to read - Any other persons as the County Charcoal Management Committee may deem necessary for carrying out enforcement of this Act.
- sub-clause (2) be introduced to read – There shall be a forum established between the national government and the county government of Kitui in order to promote cooperation and consultation in the execution of the charcoal regulation and management in the county.

The Chairman: Honourable members, I now propose the question which is that clause 12 with romans (i) up to (ix) be amended as proposed. Is there any contribution on this?

(Yet again, hon Ngwele stood up in his place)

The Chairman: Yes honourable Nzungi Ngwele

Hon Ngwele: Chair, I think the issue of enforcement has been one of the most difficult in dealing with charcoal production and trade in this County and I believe it's the same in other parts of the Country. On this area the committee made a very serious omission. I don't know whether it was deliberate and may be the Chair of the committee can tell us that. Ignoring the role of the officers of the Ministry of Interior and Coordination of the National Government, what we used to call previously the Provincial administration. I know they have been mentioned negatively many times for involving themselves in funny charcoal businesses, but we also know that they operate at the local level and can supplement security agents in enforcing regulations.

Yes, we have the sub county administrator, ward and Village administrators as they are named in the Bill, but we have not yet reached at a point where for example the ward administrator for Ngomeni can ask an administration police officer to accompany him or her on a patrol over the charcoal business in the area. So, I want the Committee to explain to us whether the failure to consider the officials of the ministry of interior and coordination of national government was deliberate or not and what they really thought by ignoring them? Thank you.

The Chairman: Chairman you want to say something?

Hon Mulongo: Thank you for the concern of *Mheshimiwa* Ngwele. Actually, the omission was not deliberate on the part of the committee but after examining the matter we realised that the role played by the officers like the chiefs and their assistants is more or less the same as the role prescribed by the new constitution for the Ward and the Village administrators and also the headmen in every Village. We know Chiefs and Assistant Chiefs don't have

armed guards nor handcuffs, they only use their wisdom to talk to the people and tell them the consequences of burning charcoal and that kind of thing. We replaced them with the officers under the structure of the County Government because we had in mind that the issue of charcoal and environment had been devolved to the Counties hence the need to replace them with the officers under the County Government whom were squarely answerable to the authority of the County Government. It was not by mistake by omitting them; it was well thought out, thank you.

(Hon Kithuka stood up in his place)

The Chairman: Yes, the honourable member for Mutonguni

Hon Kithuka (The Member for Mutonguni ward): Thank you Mr Chairman, I really want to support what honourable Ngwele is trying to say. As much as we want to do away with the Provincial Administration, it will not do us any justice to throw away these fellows as we are trying to do. Out of my experience, I have a Ward and Sub County Administrators employed by the County Government but they have no powers as compared to the chiefs and assistants chiefs. The people we represent have a great respect for the crown worn by the provincial administrators under the ministry of Interior and coordination of National Government.

Mr Chairman my only urge is that these Provincial Administrators be encompassed in part (viii) where it says any other persons as the County Charcoal Management Committee may deem necessary. If they could be put in there, then Mr Chairman, our performance will be well captured, thank you.

(Hon Munuve member for Kanziku ward rises)

The Chairman: Yes honourable member for Kanziku.

Hon Munuve (The Member for Kanziku ward): Thank you Mr Chairman for giving me this opportunity to contribute. It is true the Provincial Administration have a great role to play (in controlling the charcoal business) but honourable members you should also remember that we are under new dispensation and actually they are supposed to be deployed. So there is no way, while we are making laws we can involve titles that are not supposed to be there courtesy of the new dispensation. So we are also aware if you read the roles of Village administrators actually they will replace the work of all the Chiefs and Assistant Chiefs. So that crown will be replaced by the Village administrators, thank you Chairman.

The Chairman: Honourable member for Endau/ Malalani you seem to be having something to say.

Hon Kinyala: Thank you. Clause part (viii) of 12 may be subject to abuse because it's so open that any other person in the County Charcoal Management Committee may deem necessary for carrying out enforcement of this Act. So I still believe the County Charcoal Management Committee still has the upper hand in choosing who is supposed to enforce it.

So I don't see any problem in not having the Chiefs mentioned here, the Assistant Chiefs and all that. I just wanted to put that across....

The Chairman: As you stand honourable member, can you read for me roman (ix) what does it say?

Hon Kinyala: There shall be a forum established between the national government and the county government of Kitui in order to promote cooperation and consultation in the execution of the charcoal regulation and management in the county. So it is also strengthening roman (viii), thank you Chair.

The Chairman: Honourable members I now put the question which is that clause 12 be amended as proposed.

As many as are of that opinion say Ayes!

The Members: Ayes!

As many as are of the contrary opinion say Nay!

The Members: Nay!

The Chairman: I think the Ayes have it. Honourable members, I now put the question which is that clause 12 as amended be part of the Bill.

As many as are of that opinion say Ayes!

The Members: Ayes!

As many as are of the contrary opinion say Nay!

(Silence)

The Chairman: The Ayes have it, next Clerk.

The Clerk: Clause 13.

The Chairman: Chairman

Hon Mulongo: Honourable members, I wish to move that clause 13, be renumbered as clause 14.

The Chairman: Honourable members, I propose the question that the clause be renumbered as clause 14. I now put the question which is that the clause be renumbered as clause 14.

As many as are of that opinion say Ayes!

The Members: Ayes!

As many as are of the contrary opinion say Nay!

(Silence)

The Chairman: The Ayes have it. I now put the question which is that the clause renumbered as clause 14, be part of the Bill.

As many as are of that opinion say Ayes!

The Members: Ayes!

As many as are of the contrary opinion say Nay!

(Silence)

The Chairman: The Ayes have it. Next Clerk.

The Clerk: Clause 14.

The Chairman: Chairman

Hon Mulongo: Thank you Chair, through your wisdom, I wish kindly to request that since clause 14, 15, 16, 17 and 18 are only going to be renumbered, I read all of them then I kindly persuade the committee of the whole house...

The Chairman: No, Chairman you have to go clause by clause, that's how it should be done. We cannot deviate from that.

Hon Mulongo: Ok, thank you Chair, I wish to propose that clause 14 be renumbered as clause 15.

The Chairman: Honourable members I propose the question which is that clause 14 be renumbered as clause 15. Is there any contributions?

(Silence)

The Chairman: Honourable members, I now put the question which is that clause 14 be renumbered as clause 15.

As many as are of that opinion say Ayes!

The Members: Ayes!

As many as are of the contrary opinion say Nay!

(Silence)

The Chairman: The Ayes have it. Honourable members, I now put the question which is that clause 14 as amended be part of the Bill.

As many as are of that opinion say Ayes!

The Members: Ayes!

As many as are of the contrary opinion say Nay!

(Silence)

The Chairman: The Ayes have it Next Clerk.

The Clerk: Clause 15.

The Chairman: Chairman

Hon Mulongo: That the clause be renumbered clause as 16.

The Chairman: Honourable members I propose the question which is that clause 15 be renumbered as clause 16. Is there any contribution? Honourable members I now put the question which is that clause 15 be renumbered as clause 16.

As many as are of that opinion say Ayes!

The Members: Ayes!

As many as are of the contrary opinion say Nay!

(Silence)

The Chairman: The Ayes have it. Honourable members I now put the question which is that clause 15 as amended be part of the Bill.

As many as are of that opinion say Ayes!

The Members: Ayes!

As many as are of the contrary opinion say Nay!

(Silence)

The Chairman: The Ayes have it, Next Clerk.

The Clerk: Clause 16.

The Chairman: Chairman

Hon Mulongo: That the clause be renumbered as clause 17.

The Chairman: Honourable members I propose the question which is that clause 16 be renumbered as clause 17. Is there any contributions? Honourable members I now put the question which is that clause 16 be renumbered as clause 17.

As many as are of that opinion say Ayes!

The Members: Ayes!

As many as are of the contrary opinion say Nay!

(Silence)

The Chairman: The Ayes have it. Honourable members I now put the question which is that clause 16 as amended be part of the Bill.

As many as are of that opinion say Ayes!

The Members: Ayes!

As many as are of the contrary opinion say Nay!

(Silence)

The Chairman: The Ayes have it, Next Clerk.

The Clerk: Part V Miscellaneous Clause 17.

The Chairman: Chairman

Hon Mulongo: That the clause be renumbered as clause 18.

The Chairman: Honourable members I propose the question which is that clause 17 be renumbered as clause 18. I now put the question which is that clause 17 be amended as proposed.

As many as are of that opinion say Ayes!

The Members: Ayes!

As many as are of the contrary opinion say Nay!

(Silence)

The Chairman: The Ayes have it. Honourable members I now put the question which is that clause 17 as amended be part of the Bill.

As many as are of that opinion say Ayes!

The Members: Ayes!

*As many as are of the contrary opinion say
Nay!*

(Silence)

The Chairman: The Ayes have it, Next Clerk.

The Clerk: Clause 18.

The Chairman: Chairman

Hon Mulongo: Clause 18 roman (i) that;

- the clause be renumbered as clause 19

Honourable members I now propose the question which is that clause 18 be renumbered as clause 19. Is there any contribution members?

I now put the question which is that clause 18, there seems to be something you have left

Hon Mulongo: yes

The Chairman: yeah, before we go to propose the question please.

Hon Mulongo: yeah, the clause 18 has romans (i,ii,iii and iv). Now we move to;

- paragraph 2 (a) be amended by deleting the word “forest” and replacing thereof with “charcoal”
- paragraph 2 (d) be amended by deleting the word “forest produce” and replacing thereof with “trees for charcoal production”
- paragraph 2 (f) be amended by adding the words “Promotion of the use of appropriate modern charcoal production technology in charcoal production and” at the beginning of the paragraph

The Chairman: : Honourable members I propose the question which is that clause 18 be amended as proposed. Is there any contribution members?

I now put the question which is that clause 18 be amended as proposed.

As many as are of that opinion say Ayes!

The Members: Ayes!

*As many as are of the contrary opinion say
Nay!*

(Silence)

The Chairman: The Ayes have it. Honourable members I now put the question which is that clause 18 as amended be part of the Bill.

As many as are of that opinion say Ayes!

The Members: Ayes!

As many as are of the contrary opinion say Nay!

(Silence)

The Chairman: The Ayes have it, Next Clerk.

The Clerk: New Clauses, clause 12.

The Chairman: Chairman

Hon Mulongo: I wish to move that introduce new clause 12 as follows;

12 (1) All persons desirous of engaging in the business of transporting Charcoal within Kitui County shall organize themselves in a transporters association.

12 (2) the association under sub-section (1) shall be registered under the Societies Act.

12 (3) the formation of charcoal transporters association shall entail the following-

- List of all members and their addresses;
- Prepare their constitution and rules;
- Register as an association with the registrar of societies and compliance to all statutory requirements;
- List operational areas of the group and their scope of work;
- List the group's record of activities relating to charcoal transportation;
- Provide information on the quantity of charcoal they transport;
- Provide information of charcoal collection points in their area of application;
- Provide a description of the intended means of transportation for the charcoal;
- Forward the application to the chairperson of the county charcoal management committee for review.

12 (4)A charcoal transporters association that meets all the requirements stipulated under sections 7(b) and 12(3) may be issued with a transportation permit.

The Chairman: Honourable members as you can be able to see, this is a new clause and because it is a new clause that would mean, it has to go for second reading, so I give the chairman enough time, so that he can be able to move us to that stage of reading it a second time. Chairman please.

Hon Mulongo: Thank you Chair, I now move that clause 12 be now read a second time.

The Chairman: Honourable members I propose the question which is that clause 12 be read a second time. I now put the question which is that clause 12 be read a second time.

As many as are of that opinion say Ayes!

The Members: Ayes!

As many as are of the contrary opinion say Nay!

(Silence)

The Chairman: The Ayes have it. On that new clause honourable member, do we have any member who wants to make some contribution on the same please? Is there any contribution honourable members?

Honourable members, I now put the question which is that the new clause 12 be part of the Bill.

As many as are of that opinion say Ayes!

The Members: Ayes!

As many as are of the contrary opinion say Nay!

(Silence)

The Chairman: The Ayes have it, Next Clerk.

The Clerk: Interpretation.

The Chairman: Chairman

Hon Mulongo: That; amend by editing the interpretation as follows:-

- “Protected tree” be amended by adding the words “or this Act” after “2005” and before “to”
- “Forest Area” by adding the words “or under the forest Act 2005” immediately after the word Act
- “Forest officer” delete all the words in paragraph and replace thereof with- “Includes the professional, technical and disciplined cadre of the Kenya Forest Service, and County government, and also means an employee of the Kenya Forest Service or Kitui County Public Service Board to whom inspection or enforcement duties have been assigned”

- “License” be amended by adding “or regulations made under this Act” immediately after the word “Act”

THAT, amend by adding the following to the interpretation Clause:-

- “Producers” - means a person(s) who engages in commercial charcoal production either on his or her land or land where consent has been granted by the land owner
- “Charcoal producer association” - means an association of charcoal producer groups registered under the Societies Act, Chapter 108 and licensed by under this Act to engage in charcoal production in a specified area
- “Endangered species” - means a population of tree species which is facing a high risk of extinction because it is either few in numbers, or threatened by changing environmental or predation parameters
- “Threatened species” means any species of trees including those species of trees which are vulnerable to endangerment in the near future
- “Commercial use”- means any use of forest products or forest land, other than direct use for personal purposes or infrastructure development and it includes uses involving Trade or any other deposition of Forest Products or Forest Land for direct or indirect financial benefit
- “Charcoal management committee” - mean a committee established under this Act
- “Farm forestry” means the practice of managing trees on farms whether singly, in rows, lines, boundaries, or in woodlots or private forests
- “Forest”- means a unit of ecosystem in the form of lands comprising biological resources, dominated by trees in their natural forms and environment, which cannot be separated from each other
- “Gazette” - means a County gazette or Kenya gazette
- “Kitui County Public Service Board” means the County Public Service Board established under section 57 of the County Governments Act, 2012
- “Provisional forest” - means any forest which has been declared a provisional forest under section 26 of the Forest Act, 2005
- “Regulations” - means regulations made under this Act
- “Sustainable management” in relation to a forest means management of the forest so as to permit any such use of it as constitutes sustainable use

- “Enforcement team” means any persons who collectively have the responsibility of enforcing the provisions of this Act.

The Chairman: I now propose the question which is that Interpretation clause be amended as proposed. Is there anybody with any contribution in the same?

Honourable members, I now put the question which is that Interpretation clause be amended as proposed.

As many as are of that opinion say Ayes!

The Members: Ayes!

As many as are of the contrary opinion say Nay!

(Silence)

The Chairman: The Ayes have it. Honourable members, I now put the question which is that Interpretation clause as amended be part of the Bill.

As many as are of that opinion say Ayes!

The Members: Ayes!

As many as are of the contrary opinion say Nay!

(Silence)

The Chairman: The Ayes have it, Next Clerk.

The Clerk: Long title.

The Chairman: Chairman

Hon Mulongo: I should move that the long title be amended to read - An Act of The Kitui County Assembly to regulate and manage the production, use and trade of charcoal and for the connected purposes in Kitui County.

Clause 2....

The Chairman: No, you can't go to that clause because we have to put the question first. We want to make it part of the Bill, so I propose the question which is that the long title be amended as proposed. Any honourable member who wants to make a contribution of the same?

I put the question which is that the long title be amended as proposed.

As many as are of that opinion say Ayes!

The Members: Ayes!

As many as are of the contrary opinion say Nay!

(Silence)

The Chairman: The Ayes have it, Next Clerk. Oh no sorry, I was leaving one more last step. I now put the question which is that the long title as amended be the title to the Bill.

As many as are of that opinion say Ayes!

The Members: Ayes!

As many as are of the contrary opinion say Nay!

(Silence)

The Chairman: The Ayes have it, Next Clerk.

The Clerk: Clause 2.

The Chairman: Chairman

Hon Mulongo: I wish to move that the citation clause be amended by adding the words “Charcoal Management” after the word “County” and before the word “Bill”.

The Chairman: Honourable members, I propose the question which is that Clause 2 be amended as proposed. Is there any contribution honourable members?

(Hon Munuve stood up in his place again)

The Chairman: Yes the honourable member for Kanziku.

Hon Munuve: Thank you Chairman, my observation is that there is a repetition for charcoal there. My amendment is we are supposed to add only management since the Bill is Kitui County Charcoal Bill. So if we amend by adding charcoal management it will read Kitui County Charcoal Charcoal management Bill. That is my observation, thank you.

The Chairman: Chairman, you want to say something?

Hon Mulongo: I think I wish to consult for a while before I comment about that.

The Chairman: Yes, that one is allowed in the committee of the Whole House.

(Hon Mulongo walks to the podium for consultation with the Clerk)

The Chairman: Chairman you can go on please.

Hon Mulongo: Honourable members through the chair, I want to concur with honourable Munuve who is also a member of the committee and through the chair, invite him to move an amendment to that amendment so that we delete the word charcoal to remain with the management, thank you Chairman.

The Chairman: Yes honourable member for Kanziku, honourable Munuve.

Hon Munuve: Thank you chair, I want to move an amendment on amendment on Clause 2 by deleting the word charcoal and remaining with the word management which is supposed to be after the word County and before the word Bill. I ask honourable Katumbi to second me.

(Hon Katumbi seconds the amendment by rising and bowing)

The Chairman: Yes, honourable Katumbi, thank you.

(Hon Mulongo moves to the podium for consultation with the Clerk and beckons hon Munuve for the talks)

The Chairman: Honourable members we were just consulting on that amendment moved by honourable Munuve. Honourable Munuve, you can go on please.

Hon Munuve: Thank you chair, I want to put amendment on amended clause 2 by deleting the word charcoal before management, thank you and I ask honourable Katumbi now to second me again.

(Hon Katumbi rises and bows again)

The Chairman: Ok thank you, thank you honourable Katumbi. Honourable Munuve lay it on the table please.

(Hon Munuve lays the paper on the table.)

The Chairman: Ok honourable members, I now propose the question which is that the citation clause as amended on the amendment clause be amended as proposed. Is there any contribution on the same?

Honourable members, I now propose the question which is that clause 2 be amended as proposed.

As many as are of that opinion say Ayes!

The Members: Ayes!

As many as are of the contrary opinion say Nay!

(Silence)

The Chairman: The Ayes have it. Honourable members, I now put the question which is that clause 2 as amended be part of the Bill.

As many as are of that opinion say Ayes!

The Members: Ayes!

As many as are of the contrary opinion say Nay!

(Silence)

The Chairman: The Ayes have it, Chairman.

Hon Mulongo: Thank you chair, I now wish to propose that the committee do...

The Chairman: Chairman just a moment please.

(The Chairman and the Clerk consult for a moment)

The Chairman: Chairman you can proceed before the Speaker comes, please.

Hon Mulongo: Thank you chair, I now wish to move that the committee do report it's consideration of the Kitui County charcoal Bill, 2014 (Assembly Bill No. 5, 2014) and its approval thereof with amendments.

The Chairman: Ok honourable members, I now want to put the question which is that the committee do report it's consideration of the Kitui County charcoal Bill, 2014 (Assembly Bill No. 5, 2014) and its approval thereof with amendments.

As many as are of that opinion say Ayes!

The Members: Ayes!

As many as are of the contrary opinion say Nay!

(Silence)

The Chairman: The Ayes have it, Chairman.

(The Members rise in their places and the Mace is placed back in the upper bracket as the Speaker returns to the Chamber)

The Speaker: Order No.10

The County Assembly Deputy Clerk: Report of the committees to the plenary.

The Chairman (Hon Kinuva): Honourable Speaker Sir, I wish to report that the Committee of the Whole County Assembly has considered the Kitui County Charcoal Bill, 2014 (Assembly Bill No. 5, 2014) and approved the same with amendments.

The Speaker: Next order

The County Assembly Deputy Clerk: Order No.11-Motion~(Chairperson Committee on Environment, Energy, Mining, Natural Resources and Tourism)

Hon Mulongo: Honourable Speaker Sir, I wish to move that the House do agree with the Committee in the said report. Thank you Sir.

The Speaker: Honourable members, I wish to propose that the House do agree with the Committee in the said report.

Honourable members, I wish to put the question that the house does agree with the committee in the said report.

As many as are of that opinion say Ayes!

The Members: Ayes!

As many as are of the contrary opinion say Nay!

(Silence)

The Speaker: The Ayes have it, next order.

The County Assembly Deputy Clerk: Order No.12-Motion-Motion on the Kitui County Charcoal Bill, 2014 (Assembly Bill no. 5, 2014) third reading (Chairperson Committee on Environment, Energy, Mining, Natural Resources and Tourism)

Hon Mulongo: Thank you Mr Speaker Sir. Hon Speaker sir, I beg to move that The Kitui County Charcoal Bill, 2014 (Assembly Bill No. 5, 2014), be **now** read a Third Time.

The Speaker: Honourable members I wish to propose that The Kitui County Charcoal Bill, 2014 (Assembly Bill No. 5, 2014), be **now** read a Third Time.

Honourable members, I wish to put the question that The Kitui County Charcoal Bill, 2014 (Assembly Bill No. 5, 2014), be **now** read a Third Time.

As many as are of that opinion say Ayes!

The Members: Ayes!

As many as are of the contrary opinion say Nay!

(Silence)

The Speaker: The Ayes have it.

The County Assembly Deputy Clerk: Third Reading: The Kitui County Charcoal Bill, 2014, A Bill for An Act of The Kitui County Assembly to regulate and manage the production, use and trade of charcoal and for the connected purposes in the Kitui County.

The Speaker: Now the Bill is law, it's an Act of parliament (the Assembly). Honourable Mulongo would you like to say something as a way of thanking your colleagues for the good work they have done.

Hon Mulongo: Thank you Mr Speaker Sir.....

(Light moment as hon Mulongo searches for a written note in vain)

Hon Mulongo: I think the honourable member has misplaced some materials which were in my file but nevertheless, I want to take this opportunity Mr Speaker Sir, to thank the members of this honourable House. This is another time this honourable House has shown his maturity by passing this Bill into Law which was much awaited by members of the public.

We know the much this Bill will help us as legislators and also the Community in regulating the use and also help in conserving our environment and forests which have previously witnessed a lot of destruction through illegal activities, a trend that has been going on due to lack of proper regulation and control methods on exploitation of the forest products.

I also take this opportunity to thank members of the committee for giving me enough support as the Chairman and also for their wise input on compilation of the final report which has culminated into the passage of the Bill.

I also wish to thank members of the Executive for their advice on how the proposals by the committee and those from collected from the Community could be merged and aligned to become a practice law.

I also thank our legal officer Gladys Kanyaa for her guidance and legal advice during examination of the Bill and writing of the report on the Bill.

Finally, I want to thank the leadership of this House for giving us humble time and an opportunity to go for a retreat in an area where we deliberated freely and come up with the good report.

I say thanks to everybody who participated in processing of this Bill. We hope the Executive will not hesitate to implement the recommendations on the draft for the benefit of the people of Kitui County. Thank you Mr Speaker Sir.

The Speaker: Very well done, thank you very much. Now I think this afternoon we will be dealing with....., which Bill?....Ngoima....is it Ngoima's Bill? Which one is that?

Hon Ngoima: Trade- Market and Farm Produce Trade Bill

The Speaker: Trade- Market and Farm Produce Trade Bill, you are ready for it, are you?

Hon Ngoima: Yes Mr Speaker Sir, we are ready.

The Speaker: Thank you, we will start at 2.30 PM. So, please I want you all to be here so that we work on it and finish with the matter. After this, I immediately want to see the Deputy Speaker and members of the Speaker's panel.

(Members rise in their places)

The Speaker: The House now still stands adjourned until this afternoon at 2:30pm

The County Assembly rose at 12:01 PM.