

Kitui County Assembly

THE HANSARD

First County Assembly- Second Session

Thursday 9th October, 2014

The County Assembly met at 2:45 p.m.

(The Speaker {Hon. Mbiti Ndemwa} entered the Chamber at quarter to three O'clock accompanied by the Mace)

PRAYERS

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

(The Mace is placed on the Table)

The Speaker (Hon. Mbiti Ndemwa): 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: 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, papers.

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-Member of the House Business Committee.

The Speaker: Honourable Ngava.

Hon. Johnray Ngava: Thank you Mr Speaker, as a member of the County business committee I would like to read That; Pursuant to the Provisions of the Interim County Assembly Standing Order No. 41(2) (a), I beg to lay on the table, a statement to inform the County Assembly of the business coming before the House next week:

(A) SCHEDULE OF COMMITTEES' SITTINGS FOR THE WEEK COMMENCING ON 13TH OCTOBER, 2014 AND ENDING ON 17TH OCTOBER, 2014

TIME	ROOM	TUESDAY 14 TH OCTOBER, 2014	WEDNESDAY 15 TH OCTOBER, 2014	THURSDAY 16 TH OCTOBER, 2014
9.00am-11.00am	1	House Business Committee	Plenary	House Business Committee
	2	Budget and Appropriations Committee		Agriculture, Water and Irrigation

	3	Environment, Energy, Mining, Natural Resources and Tourism Committee		Budget and Appropriation Comm
	4	Implementation and Delegated Legislation Committee		Basic Education, Skills and D Committee
	Board Room	Trade, Industry, ICT and Co-operatives Committee		Trade, Industry, ICT and Co Committee
11.30am-12.45pm	1	Culture, Youth, Sports and Social Services Committee		Administration and Co-ord County Affairs Committee
	2	Administration And Co-ordination of County Affairs Committee		Selection Committee
	3	Agriculture, Water and Irrigation Committee		Lands, Infrastructure and Development Committee
	4	Finance and Planning Committee		Finance and Planning Committee
	Board Room	Lands, Infrastructure and Urban Development Committee		Basic Education, Training Development Committee
	Minority Leader's Office	Public Investments and Accounts Committee		Procedure and Rules Committee (Office) Public Investments and Accounts (Minority Leader's Office)
2.30pm-5.00pm	Chamber	Plenary	Plenary	Plenary

(B) PLENARY

1. Tuesday 14th October, 2014: 2.30 P.M

Report on: Guidelines on two (2) programmes:-

- a. Community Level Infrastructural Development Programme.
- b. Pro-Poor programme (Chair- Administration and Co-ordination of County Affairs Committee)

2. Wednesday 15th October, 2014: 9.00 A.M

Status reports on:-

- i. The Kitui County Villages Bill, 2014 (Assembly Bill No. 2, 2014) (Chairperson - Administration and Co-ordination of County Affairs Committee)
- ii. The Kitui County Finance Bill, 2014/2015 (Chair, Budget and Appropriations Committee)
- iii. The Kitui County Integrated Development Plan 2013-2017 (Chair, Finance and Planning Committee)

3. Wednesday 15th October, 2014: AT 2.30P.M

Status reports on:

- i. The Kitui County Annual Development Plan, 2014
- ii. Memorandum on the Kitui County Business Licensing Bill, 2014 (Assembly Bill No. 10, 2014)(Chair - Trade, Industry, ICT and Co-operatives Committee)
- iii. Memorandum on The Kitui County Health Facilities Management Committee Bill, 2014 (Assembly Bill No. 6, 2014) (Chair - Health and Sanitation Committee)

4. Thursday 16th October, 2014: AT 2.30 P.M

- i. Statement (By a Member of the County Assembly Business Committee)
- ii. The Kitui County Abattoirs Bill, 2014 (Assembly Bill No. 8, 2014) (Chair - Agriculture, Water and Irrigation Committee)
 - a. Laying of Paper
 - b. Notice of motion

Note: This programme is also available in the Kitui County Assembly website www.kituicountyassembly.org/

Hon. Johnray Ngava: Mr. Speaker Sir I would like to lay the paper (on the Table).

(Hon Ngava matches to the podium and lays the Paper on the Table)

(Silence prevails for a while)

The Deputy speaker: well done.Thank you.

(Hon. Peter Kilonzo stood in his place)

The Deputy Speaker: What is it honourable Kilonzo, the Member for Athi. You want to say something? You are so smart honoorable Kilonzo, what do you have to say?

Hon. Peter Kilonzo (The Member for Athi ward): Thank you Mr. Speaker.

The Deputy Speaker: Or you wanted me to recognize you?

Hon. Peter Kilonzo: It's not really that Mr. Speaker but I have a concern on the schedule of business for the House next week. It was well presented by hon Johnray Ngava but Mr. Speaker it still beats my logic that we are still relying on paper work yet we have a website that has been cited by hon Ngava where such reports can be uploaded for the members to access online. Mr Speaker the House Business Committee should become IT savvy. I am not saying the Paper shouldn't be laid for we are not going to do away with laying of the Papers but in future Mr. speaker, let's just have a single print out

for reading to the members and another copy uploaded in the website where the rest of us can be referring using our laptops. Thank you Mr. Speaker.

(Hon. Kasinga stood up in his place)

The Deputy Speaker: Is it on the same note hon Kasinga?

Hon. Kasinga (The Member for Mumoni ward): Thank you Mr Speaker Sir. I just want to point out something. Hon Ngava has referred to the Agriculture, Water and Irrigation Committee as Agriculture, Water and Sanitation Committee, That correction should be noted lest we come here on Thursday (when debate on the Abattoirs Bill is scheduled) and there will be no body to present anything to do with Sanitation.

The Deputy Speaker: On that matter, was it a point of clarification or information? Well, it's good honourable members that you get more concerned with the Business of the House and the correction made by hon Kasinga is a good example. On what honourable Kilonzo said, you put it well but I have ruled on this matter severally that it is the right of the members to have the schedules of Business for the Assembly communicated through any means, there should be no limitation. Even if it is in the website, it is the right of the other members to have it in hardcopies. Thus the Chair will not be persuaded by your concern but has taken note of that. The Chair cannot interfere with the rights of the other honourable members. The things we are calling websites (digital platforms) and analogue are for us all hence let's bear with each other and respect the rights of the other members. For hon Kasinga, your concern was well put and I once again ask the members to take the work of committees seriously including that of the Whole House. I am not pre-empting what you are going to say or to do during the next order but let all the Business of the House be taken seriously so that we can move forward. On the concern raised by honourable Kilonzo (regarding uploading of assembly reports in the website) let's not assume it, let's have it, let's discuss it openly for the good of the Assembly and the County. Thus let's take our business seriously. Am not saying we don't take it seriously but let's be a bit more serious. I know you are honourable members and you know what I am trying to say. I am sure honourable Ngoima is aware of what I am saying. On that note honourable members, next order.

The County Assembly Clerk: Order No. 8, Committee of the Whole House-Resumption of business interrupted on the 8th of October, 2014 during the afternoon session.

(The members rise in their places and the Mace placed in the lower bracket as the Deputy Speaker leaves the Chair to pave way for the committee of the Whole House chaired by hon. Stephen Kithuka-a member of the Speaker's panel)

The Chairman (hon Kithuka-the Member for Mutonguni ward): Honourable Members, I wish to welcome you to the Committee of the Whole House and again I urge you that we be a bit patient with the business at hand. And if you look at it, it isn't much, if we are serious we will dispose it off in a few minutes. We resume from where we stopped yesterday and I think we were at Clause No. 3 because I had not put the question yet. So Chairman (Trade, Industry, ICT and Cooperative Committee hon Ngoima), carry on. Clerk

The Deputy County Assembly Clerk (Lucy Waema): Clause 3

Hon. Daniel Ngoima: Thank you Chairman. I am much privileged to resume from wherever we stopped. Eeh that is Clause 3 as printed be part of the Bill.

The Chairman: Honourable members I will propose the question that clause 3 as printed, be part of the Bill. I will put the question which is **THAT**, clause 3 as printed, be part of the Bill.

Will as many as are of that opinion say Ayes.

Members: Ayes

Will as many as are of the contrary opinion say Nay

(Silence)

Chairman: The Ayes have it. Clerk.

The Deputy Clerk: Clause 5.

Hon. Daniel Ngoima: THAT, Clause 5 as printed be part of the Bill.

The Chairman: Honourable members I will propose the question that clause 5 as printed be part of the Bill. I will put the question which is **THAT**, clause 5 as printed be part of the bill.

Will as many as are of that opinion say Ayes

Members: Ayes

Will as many as are of the contrary opinion say Nay

(Silence)

The Chairman: The Ayes have it. Clerk.

The Clerk: Clause 9.

Hon. Daniel Ngoima: THAT, Clause 9 as printed be part of the Bill.

The Chairman: Honourable members I will propose the question that clause 9 as printed be part of the bill. I will put the question which is **THAT**, clause 9 as printed be part of the Bill.

Will as many as are of that opinion say Ayes

Members: Ayes

Will as many as are of the contrary opinion say Nay

(Silence)

The Chairman: The Ayes have it. Clerk.

The Clerk: Clause 11.

Hon. Daniel Ngoima: THAT, Clause 11 as printed be part of the Bill.

The Chairman: Honourable members I will propose the question that Clause 11 as printed be part of the Bill. I put the question which is **THAT**, clause 11 as printed be part of the Bill.

Will as many as are of that opinion say Ayes

Members: Ayes

Will as many as are of the contrary opinion say Nay

(Silence)

Chairman: The Ayes have it. Clerk.

The Clerk: Clause 13

Hon. Daniel Ngoima: THAT, clause 13 as printed be part of the Bill.

The Chairman: Honourable members I will propose the question that clause 13 as printed be part of the bill. I put the question which is **THAT**, clause 15 as printed be part of the Bill.

Will as many as are of that opinion say Ayes

Members: Ayes

Will as many as are of the contrary opinion say Nay

(Silence)

The Chairman: The Ayes have it. Clerk.

The Clerk: Clause 15

Hon. Daniel Ngoima: THAT, clause 15 as printed be part of the Bill.

The Chairman: Honourable members I will propose the question that clause 15 as printed be part of the Bill. I put the question which is that Clause 15 as printed be part of the Bill

Will as many as are of that opinion say Ayes

Members: Ayes

Will as many as are of the contrary opinion say Nay

(Silence)

The Chairman: The Ayes have it. Clerk.

The Clerk: Clauses with amendments. Part II, Clause 4.

Hon. Daniel Ngoima: THAT, amend Clause 4(2) by rephrasing the paragraph to read the County Public Service Board shall appoint the director on such terms and conditions of service as it may determine. The appointment of the director under this section shall be through a competitive process.

The Chairman: Honourable members I will propose the question that Clause 4 be amended as proposed. I put the question which is that Clause 4 be amended as proposed.

Will as many as are of that opinion say Ayes

Members: Ayes

Will 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 Clause 4 as amended be part of the Bill.

Will as many as are of that opinion say Ayes

Members: Ayes

Will as many as are of the contrary opinion say Nay

(Silence)

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

The Clerk: Clause 6.

Hon. Daniel Ngoima: THAT,

- i. Amend by deleting the word “facilitate” and replacing thereof with the words advice through the County Executive Committee Member for Finance of funds acquisition and planning for the purpose of trade development and promotion, including discussion and negotiation with donors;

(Hon Ngoima keeps mum for a while)

The Chairman: Continue Chairman

- ii. amend (M) by inserting the words National Government, Foreign Government, County Government in between the words “the” and “government”.

The Chairman: Honourable members I will propose the question that clause 6 (f) and (m) be amended as proposed. I now put the question which is that clause 6 (f) and (m) be amended as proposed.

Will as many as are of that opinion say Ayes

Members: Ayes

Will 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 clause 6 (f) and (m) as amended be part of the Bill.

Will as many as are of that opinion say Ayes

Members: Ayes

Will as many as are of the contrary opinion say Nay

(Silence)

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

The Clerk: Clause 7.

Hon. Daniel Ngoima: THAT,

- i. Amend Clause 7(a) by inserting the words “or she”

The Chairman: 7....7 (b)....

Hon. Daniel Ngoima: In my.....

(Hon Ngoima consulted the Chairman and the Deputy Clerk on the typing error)

The Chairman: Sorry, we were....

(Silence prevails for a while again as consultation to resolve the anomaly continue)

The Chairman: Sorry members, just a slight.....the chairman was using the report while we are using the order paper that’s why there is a mix up.

Hon. Daniel Ngoima: Sorry, i beg your pardon for that. Clause 7. THAT;

- (i) Amend Clause 7(b) by replacing thereof the word “fair” with the word Market.
(ii) Amend by renumbering the paragraph numbered “4” to 2.

The Chairman: Honourable members I will propose the question that clause 7 be amended as proposed. I put the question which is that clause 7 be amended as proposed.

Will as many as are of that opinion say Ayes

Members: Ayes

Will as many as are of the contrary opinion say Nay

(Silence)

The Chairman: The Ayes have it. I will put the question which is that clause 7 as amended be part of the Bill.

Will as many as are of that opinion say Ayes

Members: *Ayes*

Will as many as are of the contrary opinion say Nay

(Silence)

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

The Clerk: Clause 8.

Hon. Daniel Ngoima: THAT, amend by “renumbering” the repeated sub Clause 2 to 3 and delete the words “fifty thousand shillings” and replace thereof with “twenty thousand Kenya shillings”.

The Chairman: Honourable members I will propose the question that Clause 8 be amended as proposed.

(Hon. Mbiti stood up in his place)

Hon. Mbiti (The Member for Nguutani ward): Yeah, honourable Chair, thank you for the opportunity. My concern is drawn to the amendment of reducing the proposed fine from 50,000 to 20,000.

Mr Chair, here we are dealing with law making as envisaged in the original draft which if I may read it; “a person who commits offense under this section is liable on a conviction to a fine not exceeding 50,000 shillings or a term of imprisonment not exceeding six months”.

I have no problem with the duration but with the proposal for reduction of the fine. Here, we are not dealing with the business of selling eggs but with a serious issue. If I am a *sonko* (wealthy person) from this area, if I may say so and you start telling me to pay a fine of only 20,000 shillings or even less, I can mess up and run over the people all over. So we should make laws to deter (offenders) and (by doing so) its not that we are intending to fight or torment those people.

What I want is the proposed fine (of 50,000 shillings) to remain as recommended in the draft. In fact I want the committee’s Chairman to inform us why they jumped from 50,000 shillings to 20,000 shillings and my view on maintaining the 50,000 shillings fine is not a must, it can even be 2 shillings. The draft is only saying it should not exceed, so am a bit concerned

The Chairman: Honourable Peter Kilonzo the Vice-chair (of the Trade, Industry, ICT and Cooperatives Committee).

Hon. Kilonzo (The Member for Athi ward): Thank you, Mr Chair Sir, the honourable member for Ngutani has put his statement well that penalties or fines are there to scare and deter people from breaking the law. I know he wants to know why we moved from 50,000 shillings to 20,000 shillings. We were not just depending on the (contents) of the yellow paper (the original draft) alone, we collected views from the Members of the public during the public participation which took place in Mutomo, Kitui and Mwingi. Now the fact that the people of Mwingi wanted it to be 100,000 shillings, the two other areas proposed 20,000 shillings and 30,000 shillings respectively hence we agreed on an average of 20,000 shillings. So we did not depend on the yellow paper alone. We also considered the input of the public during the public participation exercise, something which should drive the law making. So Mr Chair I think let the member for Ngutani be well informed that we relied on other sources of information as well which counters the information he has presented to the House, thank you.

The Chairman: Very well replied, Titus would you wish for another comment from George (hon Kililiku)?

Hon. George Kililiku (The Member for Yatta/Kwa Vonza ward): Mr Chairman I want to add on to what the Vice Chairman has said. Mr Chairman we are not making laws for the rich only. If I take my ward as an example, the number of rich people there is very minimal. We can say the rich are two or three people but the laws we are making will cover everybody, so we should not assume that we are making these laws for the rich only but also for the poor. The laws will cover both the rich and the poor, thank you.

The Chairman: Thank you George, honourable Titus the members of that committee want to convince you fully, allow honourable Wambua and then honourable Mbandi.

Hon. Nzuki Wambua (The Member for Kanyangi ward): Thank you Chairman, to echo what my colleagues have said, we are now enjoying the fruits of devolution through the lowest structures of governance (County governments) through which can make laws to protect the poorest of the poor. Thus we are making laws to cater for both the rich and the poor. We should bear in mind that we are dealing with people at the grassroot who live below poverty line. So Mr Chairman Let the member of Ngutani know that if the people in his ward are *sonkos*, the ones I lead are poor, thank you.

The Chairman: Honourable Mbandi.

Hon. Mbandi: Thank you Mr Chairman Sir, I want to concur with the other members who are supporting 20,000 shillings to be the maximum fine as was suggested by members of the public and I want the member for Ngutani to realize that we have very few *sonkos* in Kitui and we are thinking of the orderly person...

(Hon Kasinga stood on a point of order)

The Chairman: What is your point of order honourable Kasinga?

Hon. Kasinga: Mr Chairman Sir, the word *sonko* has repeatedly been used in this House, is it in order for honourable Mbandi to follow in the footsteps of honourable Ndemwa and use a word which I believe does not have a place in this House, I seek your indulgence Mr. Chairman.

The Chairman: Honourable members, I think the name *sonko* may be is a colloquial... I don't know but... kindly, honourable Kilonzo.

Hon. Kilonzo: Thank you Mr. Chairman Sir, to me it is even in order because we are in the committee of the Whole House. We are not having a formal sitting, thus we can explain ourselves the way we want to so long as the members understand Mr. Chair.

(Hon Mbivi, Kasinga stood up in their places)

The Chairman: We will have hon Mbivi and hon Kasinga react then.....okay let's listen to hon Ndemwa who is on a point of order.

Hon. Ndemwa: Hon Chair I am concerned; is it in order for members to take hon Mbandi for granted, because she is being disturbed while on the floor yet she has not exhausted what she was saying. There is a hon. member who rose on a point of order hence we want to know whether she is being protected or not.

The Chairman: I have heard you, I will protect you. Honourable members the concern by hon Kasinga is a genuine one but the word *sonko* sounds foreign and he wanted to know whether it is in order for us to continue using it, I agree we are in a relaxed mood but still we are in the Committee of the Whole Assembly which is an extension of the plenary. Honourable members kindly let us use parliamentary language when we contribute, honourable Mbandi continue.

Hon. Mbandi: Thank you Mr Chair I withdraw the word *sonko* but I want to say that we have very few rich people in this county. We are making laws for the youth who maybe are going to benefit from *uwezo* funds which they will be required to repay, we are also considering women who are also going to get little money from the *uwezo* fund and we want to encourage them, we want to uplift them. So when we think of the very rich people in this county, I think we are misled Mr. Chairman and as many of the members have said, we are making laws for everybody including the rich and for the poor...

(Hon Mbiti stood up in his place)

Hon.Mbandi: Can I finish?

The Chairman: Hon Titus what is your big concern that.....

Hon Mbiti: Thank you hon. Chair, mine is a point of information and concern. What we are dealing with here is not poverty. We are dealing with confidential information, let the members read part of this Bill; It's about fining people who divulge confidential information. Confidential information is protected under the laws of this land and all over the world

It doesn't mean the poor should go round divulging government information, so the members should read that part of the Bill to get informed so as to respond accordingly.

Chairman: Honourable Mbandi that is the concern of that honourable member may be.....

Hon Mbandi: Thank you Chair, I seek your guidance as far as confidential information is concerned because this Bill is public property;, we took it for public participation, so when we say it is confidential Mr. Chairman, I dont know what your talking about...

Chairman: Honourable member just wind up with your contribution.

Hon. Mbandi: I was just saying that we should consider everybody; all citizens of this County and we also know that whatever we are going to make as law it is going to be public, people can buy the same and read, so there is nothing confidential Mr Chairman, thank you.

The Chairman: Thank you, Eeeh, I think hon Kanza has gotten into another business she doesnt want to contribute. I want to put the question now.

(Hon Kilonzo stood up in his place)

The Chairman: Yes.

Hon Kilonzo: It is a concern that when we talk about confidential matters, public...and secrets, I dont know, may be if I can seek your guidance or clarification from the hon. member for Nguutani, can he tell this House the penalty which is supposed to protect, whatever he is calling confidential, so that, may be he can move an amendment which can be supported or defeated in this House. Instead of just pushing him down, let him tell us how we can protect the confidential information

The Chairman: Hon. Peter, hon Titus had suggested that we retain (maximum of the fine at) 50,000 shillings and he already had told you. Hon. Members, if you allow me I will put the question, then if you dont agree with what hon. Titus is saying, offcourse you shoot it down and propose an amendement on it.

Hon. Members, I want to put the question which is that Clause 8 be amended as proposed.

Will as many as are of that opinion say Ayes

Majority of the Members: *Ayes*

Will 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: Clause 10

Hon. Daniel Ngoima: THAT; amend.....

The Chairman: Sorry Mr Chairman, before you can....just stand there

Chairman: Hon. Members, I will put the question which is that clause 8 as amended be part of the Bill.

Will as many as are of that opinion say Ayes

Members: *Ayes*

Will as many as are of the contrary opinion say Nay

(Silence)

The Chairman: The Ayes have it. I am sorry, continue, Chairman, I am sorry.

Hon. Daniel Ngoima: Clause 10 (2); THAT, amend by deleting all the words appearing after the word investigated in the third line of the sub clause.

The Chairman: Honourable members I will propose the question that clause 10 (2) be amended as proposed. I will put the question which is that clause 10 (2) be amended as proposed.

Will as many as are of that opinion say Ayes

Members: Ayes

Will 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 clause 10(2) as amended be part of the Bill.

Will as many as are of that opinion say Ayes

Members: Ayes

Will as many as are of the contrary opinion say Nay

(Silence)

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

The Clerk: Clause 12.

Hon. Daniel Ngoima: Clause 12; THAT, amend by rephrasing the paragraph to read the division shall have the following powers.

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

Will as many as are of that opinion say Ayes

Members: Ayes

Will 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 12 as amended be part of the Bill.

Will as many as are of that opinion say Ayes

Members: Ayes

Will as many as are of the contrary opinion say Nay

(Silence)

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

Clerk: Part III, Clause 14(3).

Hon. Daniel Ngoima: Clause 14(3); THAT amend by deleting “one hundred thousand shillings” and replacing thereof with “fifty thousand Kenya shillings”.

Chairman: Honourable members I propose the question that clause 14 (3) be amended as proposed. I will put the question which is that clause 14 (3) be amended as proposed.

Will as many as are of that opinion say Ayes

Members: Ayes

Will 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 (3) as amended be part of the Bill.

Will as many as are of that opinion say Ayes

Members: Ayes

Will as many as are of the contrary opinion say Nay

(Silence)

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

The Clerk: Clause 15

Hon. Daniel Ngoima: Clause 15; THAT amend by renumbering the paragraph immediately after clause 15(4) to read clause 16.

The Chairman: Honourable members I propose the question that clause 15 be amended as proposed. I will put the question which is that clause 15 be amended as proposed.

Will as many as are of that opinion say Ayes

Members: Ayes

Will 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 clause 15 as amended be part of the Bill.

Will as many as are of that opinion say Ayes

Members: Ayes

Will as many as are of the contrary opinion say Nay

(Silence)

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

The Clerk: Clause 16

Hon. Daniel Ngoima: Clause 16; THAT, amend clause 16 to read 17.

The Chairman: Honourable members I propose the question that Clause 16 be amended as proposed. I put the question which is that Clause 16 be amended as proposed.

Will as many as are of that opinion say Ayes

Members: Ayes

Will 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.

Will as many as are of that opinion say Ayes

Members: Ayes

Will as many as are of the contrary opinion say Nay

(Silence)

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

Clerk: Clause 17

Hon. Daniel Ngoima: THAT, amend clause 17 to read 18.

Chairman: Honourable members I propose the question that clause 17 be amended as proposed. I will put the question which is that clause 17 be amended as proposed.

Will as many as are of that opinion say Ayes

Members: Ayes

Will 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.

Will as many as are of that opinion say Ayes

Members: Ayes

Will as many as are of the contrary opinion say Nay

(Silence)

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

The Clerk: Clause 18

Hon. Daniel Ngoima: THAT, amend clause 18 to read 19.

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

Will as many as are of that opinion say Ayes

Members: Ayes

Will 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 clause 18 as amended be part of the Bill.

Will as many as are of that opinion say Ayes

Members: Ayes

Will as many as are of the contrary opinion say Nay

(Silence)

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

The Clerk: Clause 19

Hon. Daniel Ngoima: THAT,

(i) Amend clause 19 to read 20.

(ii) Amend by deleting the words **or otherwise** in line two.

The Chairman: Honourable members I propose the question that clause 19 be amended as proposed. I put the question which is that clause 19 be amended as proposed.

Will as many as are of that opinion say Ayes

Members: Ayes

Will as many as are of the contrary opinion say Nay

(Silence)

Chairman: The Ayes have it. I now put the question which is that clause 19 as amended be part of the Bill.

Will as many as are of that opinion say Ayes

Members: Ayes

Will as many as are of the contrary opinion say Nay

(Silence)

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

The Clerk: Clause 20

Hon. Daniel Ngoima: THAT, amend clause 20 to read 21.

The Chairman: Honourable members I propose the question that clause 20 be amended as proposed. I put the question which is that clause 20 be amended as proposed.

Will as many as are of that opinion say Ayes

Members: Ayes

Will 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 clause 20 as amended be part of the Bill.

Will as many as are of that opinion say Ayes

Members: Ayes

Will as many as are of the contrary opinion say Nay

(Silence)

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

The Clerk: Clause 21

Hon. Daniel Ngoima: THAT,

(i) amend clause 21 to read 22.

(ii) amend by inserting the word herself immediately after the word “himself” in the fifth line.

The Chairman: Honourable members I propose the question that clause 21 be amended as proposed. I put the question which is that clause 21 be amended as proposed.

Will as many as are of that opinion say Ayes

Members: Ayes

Will 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 clause 21 as amended be part of the Bill.

Will as many as are of that opinion say Ayes

Members: Ayes

Will as many as are of the contrary opinion say Nay

(Silence)

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

The Clerk: Clause 22

Hon. Daniel Ngoima: Clause 22, THAT amend clause 22 to read 23.

The Chairman: Honourable members I propose the question that clause 22 be amended as proposed. I put the question which is that clause 22 be amended as proposed.

Will as many as are of that opinion say Ayes

Members: Ayes

Will 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 clause 22 as amended be part of the Bill.

Will as many as are of that opinion say Ayes

Members: Ayes

Will as many as are of the contrary opinion say Nay

(Silence)

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

The Clerk: Clause 23

Hon. Daniel Ngoima: Clause 23, THAT amend clause 23 to read 24.

The Chairman: Honourable members I propose the question that clause 23 be amended as proposed. I put the question which is that clause 23 be amended as proposed.

Will as many as are of that opinion say Ayes

Members: Ayes

Will as many as are of the contrary opinion say Nay

(Silence)

The Chairman: The Ayes have it. I put the question which is that clause 23 as amended be part of the Bill.

Will as many as are of that opinion say Ayes

Members: Ayes

Will as many as are of the contrary opinion say Nay

(Silence)

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

The Clerk: Clause 24

Hon. Daniel Ngoima: Clause 24 THAT amend clause 24 to read 25.

The Chairman: Honourable members I propose the question that clause 24 be amended as proposed. I put the question which is that clause 24 be amended as proposed.

Will as many as are of that opinion say Ayes

Members: Ayes

Will 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 clause 24 as amended be part of the Bill.

Will as many as are of that opinion say Ayes

Members: Ayes

Will as many as are of the contrary opinion say Nay

(Silence)

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

The Clerk: Clause 25

Hon. Daniel Ngoima: THAT, amend clause 25 to read 26.

The Chairman: Honourable members I propose the question that clause 25 be amended as proposed. I put the question that clause 25 be amended as proposed.

Will as many as are of that opinion say Ayes

Members: Ayes

Will as many as are of the contrary opinion say Nay

(Silence)

The Chairman: The Ayes have it. I put the question which is that clause 25 as amended be part of the Bill.

Will as many as are of that opinion say Ayes

Members: Ayes

Will as many as are of the contrary opinion say Nay

(Silence)

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

The Clerk: Clause 26

Hon. Daniel Ngoima: Clause 26, THAT, amend clause 26 to read 27.

The Chairman: Honourable members I propose the question that clause 26 be amended as proposed. I will put the question which is that clause 26 be amended as proposed.

Will as many as are of that opinion say Ayes

Members: Ayes

Will as many as are of the contrary opinion say Nay

(Silence)

The Chairman: The Ayes have it. I will now put the question which is that clause 26 as amended be part of the Bill.

Will as many as are of that opinion say Ayes

Members: Ayes

Will as many as are of the contrary opinion say Nay

(Silence)

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

The Clerk: Clause 27

Hon. Daniel Ngoima: THAT,

(i) Amend clause 27 to read 28.

(ii) Amend by inserting sub clause 1 immediately after clause numbered "28".

(Hon Ngoima pauses)

The Chairman: Continue Chairman

Hon. Daniel Ngoima: okay, thank you

(iii) Amend sub clause 2 by deleting the words "one hundred thousand shillings" and replace thereof with fifty thousand Kenya shillings and further insert the words or both immediately after the word "months".

The Chairman: Honourable members I will propose the question that clause 27 roman (i), roman (ii) and sub-clause 2 be amended as proposed.

(Hon. Mbiti stood up in his place)

Hon. Mbiti Ndemwa: Well, honourable Chair, thank you. My concern is drawn to the amendment on 50,000 shillings. I have no issues with the others but part 2 where they are saying “one hundred thousand to fifty thousand shillings. When you refer to the original Bill, the penalty is a must and there is no option. What I was pushing earlier has been overtaken by this recommendation. While contributing to my proposal earlier, some honourable members told me to consider the fact that Kitui County is made up of both the rich and the poor. Now, the committee is trying to torment the poor still by reducing the fine from 100,000 shillings to 50,000. While dealing with the previous proposal we were seeking to put ceiling of the fine meaning an offender can be fined 1 shilling to 20,000 shillings but for this recommendation there is no option but to part with 100,000 shillings, if for example, you are found selling meat in unlicensed premise. That is what the amendment is all about. The members argued that we should consider the poor people. I therefore need an explanation from the Chair or a member of committee because we should make laws to suit all calibres of people. I need explanation because this proposal is ver harsh.

(Hon Kasinga stood up in his place)

The Chairman: Thank you honourable Mbiti. Hon Titus Kasinga you are a member of the committee or you want to contribute?

Hon. Titus Kasinga: I want to contribute.

The Chairman: Okay. Welcome.

Hon. Titus Kasinga: Thank you hon Chairman, I am concerned with such a proposal in this Bill and I am afraid this Assembly may enact laws which may come into conflict. I am concerned because this Bill is talking about penalties on meat trade. We also have the Abattoirs Bill which has sections on penalties but unfortunately I don't have a copy here to refer to but the penalties somehow rhyme with what it is recommended in this Bill (Markets and Farm Produce Trade Bill). I really don't know how we are going to proceed because if we pass it as it is, we will be forced to review similar penalties on meat trade in the Abattoirs Bill. It's just a concern I am trying to raise for the house to consider it. I am sure how to proceed, but the Abattoirs Bill has those issues as well.

The Chairman: Thank you honourable member for your concern although.....

(Hon Kilonzo stood up in his place)

The Chairman: Okay honourable Kilonzo. I will react later

Hon Kilonzo: Thank you Chair. When we were going through sections on fines and penalties in the other Bills, we encountered a similar case like the one the hon. member for Mumoni has mentioned. It is not only about the penalty (on meat trade in the Market and Farm Produce Trade Bill said to pose potential conflict with a similar proposal in the Abattoirs Bill) but it is to do with all the penalties (suggested in various Bills). **If the executive does not come up with a better way of crafting the penalties in the different Bills in a non-conflicting manner, we will have more than 2,000 of them contravening each other.**

Thus the executive should come up with a common list of all the proposed penalties for referencing when the Bills are being drafted to avert problems. Now, let me come to what the honourable member for Nguutani (hon Titus Mbiti) was talking about. The issue of meat, Mr Chair and I want to give a scenari on ofmy place, where a butcher exposed his...went to the market and he bought some goats to be butchered the following day, unfortunately there passed a mad dog which went on beating those goats and the following day he bucthered the attacked killed goats without inspection, Mr Chair do see the kind of havoc the member for Nguutani wants to put us into in the names of sonkos in the names of all the people, we are dealing with matters of life when we are talking of meat we

are not feeding dogs we are feeding people of kitui county. Health is supreme, it is very critical. Even the penalty should have rushed from 100,000 shillings to 200,000 shillings, when your son and I want to request the honourable member for Nguutani to have some sense, if his son is fed on meat beaten by a mad dog, can he put himself into such a situation. kindly, the issue offines lets approach them with a lot of soberness. The other time we were talking about information this time we are talking about meat to be fed humans not dogs or cats Mr Chair, thank you.

The Chairman: Thank you the honourable Vice Chair for (trade, industry, ict and cooperatives committee). Yes, it is a big concern from honourable Kasinga about the fines but you see we cannot really anticipate to what is coming in the Abattoirs Bill , because if we allow that we shall be out of order. We will deal with the matter before the house at the moment and the other issues will be dwelt with as they come. That would be my advice and since we have contributed I now want to put the question which is that clause 27 be amended as proposed.

Will as many as are of that opinion say Ayes

Members: Ayes

Will 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 clause 27 as amended be part of the Bill.

Will as many as are of that opinion say Ayes

Members: Ayes

Will as many as are of the contrary opinion say Nay

(Silence)

Chairman: The Ayes have it. Next, Clerk.

Clerk: Clause 28

Hon. Daniel Ngoima: THAT, amend clause 28 to read 29.

Chairman: Honourable members I propose the question that clause 28 be amended as proposed. I now put the question that clause 28 be amended as proposed.

Will as many as are of that opinion say Ayes

Members: Ayes

Will 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 clause 28 as amended be part of the Bill.

Will as many as are of that opinion say Ayes

Members: Ayes

Will as many as are of the contrary opinion say Nay

(Silence)

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

The Clerk: Clause 29

Hon. Daniel Ngoima: THAT, amend clause 29 to read 30.

The Chairman: Honourable members I propose the question that clause 29 be amended as proposed. I put the question which is that clause 29 be amended as proposed.

Will as many as are of that opinion say Ayes

Members: Ayes

Will as many as are of the contrary opinion say Nay

(Silence)

The Chairman: The Ayes have it. I now put the question that clause 29 as amended be part of the Bill.

Will as many as are of that opinion say Ayes

Members: Ayes

Will as many as are of the contrary opinion say Nay

(Silence)

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

The Clerk: Clause 30

Hon. Daniel Ngoima: THAT,

I. Amend clause 30 to read 31.

II. Amend the renumbered sub clause 3 by deleting the words “one hundred thousand shillings” and replacing thereof with the words “ten thousand Kenya shillings”.

The Chairman: Honourable members I propose the question that clause 30 roman (i) and roman (ii) be amended as proposed. I now put the question which is that clause 30 be amended as proposed.

Will as many as are of that opinion say Ayes

Members: Ayes

Will 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 clause 30 as amended be part of the Bill.

Will as many as are of that opinion say Ayes

Members: Ayes

Will as many as are of the contrary opinion say Nay

(Silence)

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

The Clerk: Clause 31

Hon. Daniel Ngoima: THAT,

- (i) Amend clause 31 to read 32.
- (ii) And the now renumbered clause 32 to read section 31...eeh...I beg your pardon

(Silence prevails for a while)

Hon. Daniel Ngoima: Sorry members, I repeat, THAT,

- (i) amend clause 31 to read 32 and the now renumbered clause 32 to read then section 31 does not apply to the following
- (ii) amend by renumbering 31 (1) to read 32(a) and delete the words "section 31 does not apply to"
- (iii) amend by renumbering 31(2) to read 32 (b) and delete the words "section 31 shall not apply to"
- (iv) amend by renumbering 31(3) to read 32(c) and delete the words "section 31 does not apply to"
- (v) amend by renumbering 31(4) to read 32(d) and delete the words "section 31 does not apply to"
- (vi) amend by renumbering 31(5) to read 32(e) and delete the words "section 31 does not apply to"

The Chairman: Honourable members I propose the question that clause 31 romans 1, ii, iii, iv, v and vi be amended as proposed. I now put the question which is that clause 31 romans 1, ii, iii, iv, v and vi be amended as proposed.

Will as many as are of that opinion say Ayes

Members: Ayes

Will 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 clause 31 as amended be part of the Bill.

Will as many as are of that opinion say Ayes

Members: Ayes

Will as many as are of the contrary opinion say Nay

(Silence)

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

The Clerk: Clause 32

Hon. Daniel Ngoima: THAT,

- (i) Amend clause 32 to read 33.
- (ii) amend the renumbered clause in sub clause 5 by deleting the word "tribunal" in the third line and replacing thereof with the words review panel or committee established within the directorate.

The Chairman: Honourable members I propose the question that clause 32 be amended as proposed. I now put the question which is that clause 32 be amended as proposed.

Will as many as are of that opinion say Ayes

Members: Ayes

Will 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 clause 32 as amended be part of the Bill.

Will as many as are of that opinion say Ayes

Members: Ayes

Will as many as are of the contrary opinion say Nay

(Silence)

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

The Clerk: Clause 33

Hon. Daniel Ngoima: THAT, amend clause 33 to read 34.

The Chairman: Honourable members I propose the question that clause 33 be amended as proposed. I put the question which is that clause 33 be amended as proposed.

Will as many as are of that opinion say Ayes

Members: Ayes

Will as many as are of the contrary opinion say Nay

(Silence)

Chairman: The Ayes have it. I now put the question which is that clause 33 as amended be part of the Bill.

Will as many as are of that opinion say Ayes

Members: Ayes

Will as many as are of the contrary opinion say Nay

(Silence)

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

The Clerk: Clause 34

Hon. Daniel Ngoima: THAT,

(i) amend clause 34 to read 35.

(ii) 34(1) THAT, amend the renumbered sub clause by deleting the word “several ”and replacing thereof with the word all and further by inserting the words “or farm market produce” appearing in between the words “meat” and “may”.

(iii) 34(2) (b) THAT, amend by deleting the words “licensing authority” and replacing thereof with the word directorate in the last line.

(iv) 34(3) THAT, amend by deleting the words “licensing authority” and replacing thereof with the word directorate.

The Chairman: Honourable members I propose the question that clause 34 romans i, ii, iii and vi, be amended as proposed. I now put the question which is that clause 34 be amended as proposed.

Will as many as are of that opinion say Ayes

Members: Ayes

Will 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 clause 34 romans i, ii, iii and vi, as amended be part of the Bill.

Will as many as are of that opinion say Ayes

Members: Ayes

Will as many as are of the contrary opinion say Nay

(Silence)

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

The Clerk: Clause 35

Hon. Daniel Ngoima: THAT,

(i) amend clause 35 to read 36.

(ii) 35(a) THAT, amend by deleting the words "report the fact to the director" and further delete the words under the provisions of the county public health law.

(iii) 35(c) THAT, amend by deleting the word showing appearing in the third line.

The Chairman: Honourable members I propose the question that clause 35 romans i, ii and iii be amended as proposed. I now put the question which is that clause 35 romans i, ii and iii be amended as proposed.

Will as many as are of that opinion say Ayes

Members: Ayes

Will 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 clause 35 romans i, ii and iii as amended be part of the Bill.

Will as many as are of that opinion say Ayes

Members: Ayes

Will as many as are of the contrary opinion say Nay

(Silence)

Chairman: The Ayes have it. Next, Clerk.

Clerk: Clause 36

Hon. Daniel Ngoima: THAT,

(i) amend clause 36 to read 37.

(ii) 36(d) THAT, amend by correcting the word "office" appearing in between "any" and "in" in the first line to read officer.

(iii) 36(e) THAT amend by inserting the words “that causes” immediately after the word manner in the last line

The Chairman: Honourable members I propose the question that clause 36 roman i, ii and iii be amended as proposed. I now put the question which is that clause 36 be amended as proposed.

Will as many as are of that opinion say Ayes

Members: Ayes

Will as many as are of a different opinion say Nay

(Silence)

The Chairman: The Ayes have it. I now put the question which is that clause 36 roman i, ii and iii as amended be part of the Bill.

Will as many as are of that opinion say Ayes

Members: Ayes

Will as many as are of the contrary opinion say Nay

(Silence)

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

The Clerk: Clause 37

Hon. Daniel Ngoima: THAT, amend clause 37 to read 38.

The Chairman: Honourable members I propose the question that clause 37 be amended as proposed. I now put the question which is that clause 37 be amended as proposed.

Will as many as are of that opinion say Ayes

Members: Ayes

Will 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 clause 37 as amended be part of the Bill.

Will as many as are of that opinion say Ayes

Members: Ayes

Will as many as are of the contrary opinion say Nay

(Silence)

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

The Clerk: Clause 38

Hon. Daniel Ngoima: THAT,

(i) amend clause 38 to read 39.

(ii) THAT, amend by introducing sub clause 1 and 2 and rephrase the same to read as follows:\

(iii) 38(1) All penalties imposed by this Act are recoverable in a summary manner.

(iv) 38(2) Any person who contravenes any provision of this act commits an offence and is liable upon conviction to a fine not exceeding ten thousand Kenya shillings

The Chairman: Honourable members I propose the question that clause 38 romans i, ii, iii and vi be amended as proposed. I now put the question which is that clause 38 romans i, ii, iii and vi be amended as proposed.

Will as many as are of that opinion say Ayes

Members: Ayes

Will 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 clause 38 romans i, ii, iii and vi as amended be part of the Bill.

Will as many as are of that opinion say Ayes

Members: Ayes

Will as many as are of the contrary opinion say Nay

(Silence)

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

The Clerk: Clause 40

Hon. Daniel Ngoima: THAT, amend by deleting sub clause k in its entirety and renumbering sub clause "l" to read k.

Clause 2-that amend clause 2 by inserting thefollowing....

The Chairman: Order! Order! Mr Chairman, lets dispose clause 40 first. Honourable members, I will propose the question that clause 40 be amended as proposed. I now put the question which is that clause 40 be amended as proposed.

Will as many as are of that opinion say Ayes

Members: Ayes

Will 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 40 as amended be part of the Bill.

Will as many as are of that opinion say Ayes

Members: Ayes

Will as many as are of the contrary opinion say Nay

(Silence)

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

The Clerk: Interpretation, clause 2.

Hon. Daniel Ngoima: THAT, amend clause 2 by inserting the following words immediately after the word Act “unless the context otherwise provides and further by defining the following terminologies as follows:-

Appropriate form-Means a form that is filled and approved by the county executive to enable a person carry on business.

“Buskers”-means a person who sells his/her ware within a close range of another business premises in accordance with this Act.

“Directorate” means the county directorate of trade and markets established in section 3.

“Hawker”-means any person who sells good that can easily be transported.

“Public market”-means a market established under this Act.

“Prohibited goods”-means goods which their transfer, sale or consumption is illegal according to this Act.

“Prescribed goods”-means goods which are listed under the regulations to be sold in such area.

“Prescribed areas”-means area set aside for certain types of trade.

“Street hawker”-means any person who carries out any commercial activity from any street other than an open air market irrespective of the means by which such activity is carried out.

The Chairman: Honourable members I propose the question that clause 2 on interpretation be amended as proposed. I will put the question which is that clause 2 on interpretation be amended as proposed.

Will as many as are of that opinion say Ayes

Members: Ayes

Will 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 clause 2 on interpretation as amended be part of the Bill.

Will as many as are of that opinion say Ayes

Members: Ayes

Will as many as are of the contrary opinion say Nay

(Silence)

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

The Clerk: Long title

Hon. Daniel Ngoima: THAT, amend the long title by inserting the word Kitui in between the words “and” and “county” appearing in the first line.

The Chairman: Honourable members I propose the question the long title be amended as proposed. I will put the question which is that the long title be amended as proposed.

Will as many as are of that opinion say Ayes

Members: Ayes

Will as many as are of the contrary opinion say Nay

(Silence)

The Chairman: The Ayes have it. Now I put the question which is that the long title as amended be the long title to the Bill.

Will as many as are of that opinion say Ayes

Members: Ayes

Will as many as are of the contrary opinion say Nay

(Silence)

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

The Clerk: clause 1. Short title and commencement

Hon. Daniel Ngoima: THAT, amend the short title by rephrasing it to read the Kitui County Markets and Farm Produce Trade Act 2014 and shall come into operation upon gazette in the county or Kenya gazette or on such date as the County Executive Committee Member for Trade, ICT and Cooperatives may appoint.’’

The Chairman: Honourable members I propose the question the Short title and commencement be amended as proposed. I now put the question which is that the Short title and commencement be amended as proposed.

Will as many as are of that opinion say Ayes

Members: Ayes

Will 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 Short title and commencement as amended be the Short title and commencement to the Bill.

Will as many as are of that opinion say Ayes

Members: Ayes

Will as many as are of the contrary opinion say Nay

(Silence)

The Chairman: The Ayes have it. Mr Chair....

Hon. Daniel Ngoima: Mr Chairman, I wish to move THAT, the committee do report it's consideration of the Kitui County Markets and Farm Produce Trade Bill, 2014 (Assembly Bill No. 9, 2014) and its approval thereof with amendments.

The Chairman: Honourable members I will propose the question THAT, the committee do report it's consideration of the Kitui County Markets and Farm Produce Trade Bill, 2014 (Assembly Bill No. 9, 2014) and its approval thereof with amendments. I will then put the question which is THAT, the committee do report it's consideration of the Kitui County Markets and Farm Produce Trade Bill, 2014 (Assembly Bill No. 9, 2014) and its approval thereof with amendments.

Will as many as are of that opinion say Ayes

Members: Ayes

Will as many as are of the contrary opinion say Nay

(Silence)

The Chairman: The Ayes have it.

(The Chairman leaves the podium as the Speaker returns to the Chamber. The Members rise in their places and the Mace lifted back to the upper bracket as the Speaker resumes the Chair)

The Speaker: Next Order.

The Clerk: Order No.10, report of the committees to the plenary

The Chairman: Hon. Speaker sir, I wish to report, **THAT**, the committee of the whole county assembly has considered the Kitui County Markets and Farm Produce Trade Bill, 2014. (Assembly Bill No. 9, 2014) and approved the same **with** amendments. Thank you sir.

The Speaker: Next Order.

The Clerk: Order number 11, MOTION - (Chairperson Committee on Trade, Industry, ICT and Cooperatives)

The Speaker: Honourable Ngoima

Hon. Daniel Ngoima: Hon. Speaker Sir, I wish to move, **THAT**, the House do agree with the committee in the said report.

The Speaker: I will now propose the question which is that the House does agree with the committee in the said report. I will now put the question which is that the House does agree with the committee in the said report.

As many as are of that opinion say Ayes

Members: Ayes

As many as are of the contrary opinion say nay

(Silence)

The Speaker: I think the Ayes have it.

The Speaker: Next order.

The Clerk: Order number 12, Motion on the Kitui county Markets and Farm Produce Trade Bill, 2014 (Assembly Bill No.9, 2014). *(Chairperson Committee on Trade, Industry, ICT and Cooperatives)*

Hon. Daniel Ngoima: Hon. Speaker sir, I beg to move, That, The Kitui County Markets and Farm Produce Trade Bill, 2014 (Assembly Bill No.9, 2014) be now read a third time.

The Speaker: Honourable Members I will now propose the question which is That, The Kitui County Markets and Farm Produce Trade Bill, 2014 (Assembly Bill No.9, 2014) be now read a third time. I will now put the question which is That, The Kitui County Markets and Farm Produce Trade Bill, 2014 (Assembly Bill No.9, 2014) be now read a third time.

As many as are of that opinion say Ayes

Members: Ayes

As many as are of the contrary opinion say nay

(Silence)

The Speaker: The Ayes have it.

The Clerk: Third reading; The Kitui County trade, industry, ICT and cooperatives; a Bill for; an act of the county assembly to provide for; the regulation of trade and other business activities; the establishment of the directorate of trade; the establishment and management of markets; and for related purposes.

The Speaker: Honourable Ngoima, do you have something to say?

Hon. Daniel Ngoima: Thank you Mr Speaker Sir. I am standing here to thank members of the County Assembly for supporting this Bill which has sailed through the House and is now waiting for assent by the Governor.

As I stated yesterday, this Bill will create order, harmony and normalcy on operations of our markets. It has been waited for long because every time there is a problem in our markets, enforcement agents blame lack of law for the same. I won't forget to thank members of the Trade, Industry, ICT and Cooperatives Committee who did a lot of work correcting many grammatical mistakes in the original draft; They did a commendable job and I commend them for that. I cannot also forget to thank the other members of the Assembly who were of great help in making this law. The legal office also assisted us much and we appreciate the role of the officer in charge.

I also won't forget the offices of the Speaker and the Clerk for working hard to make the Bill a reality.

Members; we have done what brought us here; to put structures in place for the business men and ladies who brought us here for them to achieve their dream of doing business without any pressure.

We have also done a lot to the county government because the executive will now be collecting levies with ease as a result of this law. With those few remarks, Mr. Speaker, I say thank you to everybody who participated in that work.

The Deputy Speaker: Well thank you so much honourable members and particularly the committee which did a good job. I know it has been hard but we are pleased that we have done with the Bill. It is now upon the relevant offices-that of the Speaker and the Clerk to move very first in taking Bill to the next step. Thus honourable members I thank you for the cooperation and commitment in coming up with yet another law. We have done our part and are looking forward for the Bill to undergo the other necessary stages and I am sure honourable members that you are ready for whatever outcome after the document is taken back to the executive.

(Hon Kasinga stood up in his place)

The Deputy Speaker: You want to say something honourable Kasinga?

Hon. Titus Kasinga: Thank you Mr. Speaker sir, I appreciate the Trade committee for the good work they did but that is not what I actually rose to contribute on. I just wanted to alert the member for Tseikuru hon Kauthi and the House that we have the statement which he requested. Mr. Speaker, I wish to request that when things are being done, we try as much to consult...

The Deputy Speaker: Order hon Kasinga!, I thought we are dealing the Markets and Farm Produce Trade Bill? But I understand we are honourable members and all members should be given a chance to speak. Today is hon Kasinga while tomorrow will be hon Jemimah Mbiti. Thus, we give him two or three minutes to say something and then.... So hon Kasinga I was not cutting you short, you can finish what you were saying unless you were done with it.

Hon. Titus Kasinga: Thank you Mr. Speaker sir, and sorry for that interruption. I just wanted to say that the statement which hon Kauthi requested for is ready and I want to...

The Speaker: Order, Order Kasinga; that one is another debate. Let's stick to one issue. On that one (about the statement) just forget about it

Hon. Titus Kasinga: I was driving at something not the statement.

The Deputy Speaker: No honourable Kasinga, you cannot dictate to the Chair what is not in the Order Paper. That is not the business for today but tomorrow or another day. So I will request.....

(Hon Ngwele stood up in his place)

The Deputy Speaker: Order hon Ngwele, I will request the House to be upstanding so that we can adjourn.

(Members rise in their places.)

The Deputy Speaker: The House now stands adjourned until Tuesday 21stOctober 2014, at 2:30 PM.

The County Assembly rose at 4:20 PM