

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 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 shouts order! Order!)

Who is that? Honourable Nyamai, that's out of order. You stand up if you want to say something if you are on a point of order but you don't shout 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.

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 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.

The Speaker: Right, I am told this Bill the one we are dealing with, the debate was interrupted at the end of time and now those who still want to say something on this Bill, it's your time before we go to the committee of the whole house. Anybody who wants to contribute to the Bill?

(Hon Munuve rises)

Honourable Munuve

Hon Munuve: 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 remains standing prompting the Speaker to intervene)

Honourable Munuve you can't you know 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 rises)

Honourable Nganga

Hon Nganga: 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...

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

(Hon Ngwele rises)

Yes honourable Ngwele

Hon Ngwele: Mr Speaker I beg confirmation of the Chair to plead with honourable Munuve because I know he spent quite a lot of time last evening and this morning preparing to...

The Speaker: Sorry, say again.

Hon Ngwele: I want to seek the kindness of the Chair for honourable Munuve because I know he has spent considerable amount of time last evening and this morning preparing some notes that he wants to contribute to this Assembly...

The Speaker: Order! Honourable Ngwele.

(Laughter)

Honourable Ngwele, it is not me who is refusing, it is the standing orders and therefore we can't change standing orders 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 clause by clause. Therefore the house now moves to the committee of the whole house.

(The Members rise in their places but the Clerk walks to the Speaker's podium and reminds him that he has skipped a step)

Ok, we were jumping 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!

(Silence)

As many as are of the contrary opinion say Nay!

The Members: Nay!

The Speaker: Next, Clerk.

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

(The Members rise in their places and the Mace is placed in the lower bracket as the Speaker leaves the Chair to pave way for the committee of the Whole House to be chaired by hon Kinuva).

The Chairman (Hon. Kinuva): Honourable members, as you are aware, we are in the committee of the whole house and we are here 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 honourable members, at this stage rules are relaxed. You can be able to relax of course not to use vulgar language because we are in the Assembly, but you can relaxed and you can be able speak in a relaxed mood, thank you.

I now welcome the Chair Hon Mulongo to execute the business of the day please.

Hon Mulongo: Thank you Chairman, I wish to refer the Assembly on page 329 of the report, where by 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 committee of the whole County Assembly stage.

The Chairman: Yes thank you Mr Chairman, Clerk

The Clerk: Clauses without amendments, Clause 3

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

The Chairman: Mr Chairman because these are clause 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 rises)

Honourable Ngwele, what is it? Honourable Ngwele.

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

The Chairman: Ok honourable Ngwele we have confirmed that one.

Hon Ngwele: Ok thank you.

The Chairman: Chairman, 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 per clause I want to put the question for that clause 3. I now put the question that clause 3 as printed, be part of the bill. Any member with anything to contribute for that Clause? I now propose the question, sorry, I have made a confusion sorry as the Chair sorry 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. Any person with a contribution to 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 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: Clause 9

The Chairman: Chairman

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 to 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;

- (i) the clause be amended by replacing “**environmental**” with “**Charcoal Management**” to read-There is established the “County Charcoal Management Committee “
- (ii) 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 rises)

Order! Honourable Ngwele, what is it?

Hon Ngwele: yeah, Chairman I wish to seek the guidance of the Chair of the committee on Environment on these change 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 the establishment of charcoal management committee mean that we will be having a charcoal management committee and somewhere else a separate environmental committee because I know very soon, we will be reaching in this assembly a sand Bill with the may be structures also for of that Bill. Are we going to have also a sand management committee? What exactly did the committee consider by wanting to replace the environmental committee with the charcoal management committee? And will 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: Honourable Mulongo yes you can clarify that.

Hon Mulongo: Chairman thank you for the honourable member for Ngomeni Mr Ngwele for his concern. I want to bring the attention to this house that the reason why we thought it wise to change from the environment management to charcoal management, we felt that after intense research that we actually need a law which deals specifically with the issues of charcoal. Bearing in mind that environment is too broad and we may not have some strict rules to govern the issue of charcoal production and also sell of charcoal and production within that broader environment and environment is too broad and I think that's why after researching we thought it wise to deal with the charcoal only.

I also bear and understand with him that we also need to pass more laws on other issues concerning environment. So this one is more detailed to deal with charcoal than environment, thank you Mr Chairman.

(Hon Ndemwa Mbiti member for Ngutani ward rises)

The Chairman: Yes honourable Member for Ngutani ward.

Hon Mbiti: Thank you honourable Chair, as my chairman has said the committee on environment which I happen to be a member was informed that the way the Bill was brought to this house, it was so broad and we as the committee we understood that the menace we had in the charcoal industry and you remember Mr Chair that we had a motion here... Mr Chair, I beg your protection from honourable members here because I am trying to contribute and they seem as if they are...

The Chairman: Order! Order honourable members, that I not want it means by relaxed rules, continue honourable member for Ngutani.

Hon Mbiti: Thank you honourable Chair for protecting me because what I am saying is very important because I understand that this Bill has been having a lot of delays and we want to finish with it today honourable Chair.

Yeah, I was saying that the committee was informed that the problem and the menace we have in the charcoal industry should be dealt with firmly. And we thought that if we deal with environment, it is very wide. It is the duty of the national government and County Governments. So we thought its prudent that we change this ending to charcoal management Bill so that we can cater for that kind of menace. And we noted that we were informed that there will be a more broad Bill which will be touching on environment and because this charcoal business is affecting our environment and our people, we thought that we should move first and enact this legislation so that we can protect the charcoal alone 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? 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) upto 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”.

(Hon Ngwele member for Ngomeni 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 environment is so keen to cut corners. Really you know we are making laws and we can’t cut corners. 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 badge 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 to the same honourable members?

(Hon Ngwele rises)

Honourable Ngwele

Hon Ngwele: Thank you very much chairman, again I wish to seek from the chairman, he has proposed that we amend paragraph (i) and include under roman (i) three community representatives. I have looked at this Bill, I does not have a mechanism for identifying those three community representatives.

The other members who constituted the charcoal management committee representatives of County or National Government departments had the very clear designation of the people who occupy those positions but when we have three community representatives 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 anchor those three community representatives to recognised community or civil society organisations such as the charcoal producer proportionation committee that are anticipated elsewhere in that Bill? I just wish or request that the chair or any member of this committee helps us to understand how we would arrived at three community representatives 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 we as the committee even as we went round to collect views from the community on charcoal Bill, we got some proposal that there are some members of the community who wish to be represented in this Bill, who wish to be represented in the business and management of this business of charcoal.

As the committee we felt it wise that to leave these three vacancies open so that those members of the community who have interests in this business can get chance to elect since we know that our Country is run democratically we did not want to anchor an individual organizations or members to appear as if we have imposed them to be part of this committee.

We allowed also members who have interest like the charcoal producer groups and also other interested parties on the business of charcoal and the protection of the environment to elect their own leaders freely and present them to be part of that management committee Mr Chairman, thank you.

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

Hon Ngwele: Mr Chair, the question is not about the presentation, actually if you asked me even three community representatives is too few, We need more. But the question that I want chair of the committee to address itself to is the mechanism of getting those people in. because really we have a County of 1.2 million people. How do you choose it is honourable Mativo and not honourable Jemimah who sits in that committee? We don't want to leave an opening for pretenders, you know people pretend that they represent they community to come and sit in that committee. May be business interest the same people we are trying to lock out of the over exploitation of charcoal, we leave those ones open for them to come and get into that committee.

So chair, it is about the mechanism. Really if the chair can restrict himself to mechanism of getting those people in.

The Chairman: Chair, lets here also this honourable member who is also a committee member, honourable Titus Mbiti.

Hon Mbiti: Thank you honourable Chair, I want to refer honourable Nzungi Ngwele to part III of the original Bill which is community participation. And the community is informed that it should be active through this Bill. In that part, it should organise itself let's say all commercial or charcoal producer are required to organise themselves and form charcoal production associations.

If you go through that part, you will find that if you are active, honourable Ndemwa is not active in charcoal production, so I will not find them to go there, even if I go there I will not be recognised. So these people should organise themselves into organisations or associations and so forth. So those people who are active should organise themselves and find their representatives because they are in the business.

So if honourable Kinuva is not a member of that business, he will not go there. So the committee was informed through part so that how we came up with the proposal for having those members to elect themselves and organise themselves, thank you Mr Chair.

The Chairman: Is it ok to you honourable Nzungi Ngwele?

Hon Ngwele: it's not Ok

The Chairman: It is not ok, chairman do you want to add something on the same?

Hon Mulongo: Thank you Chairman, I think I want to add on to what that member has contributed. 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 member for Ngutani rises on a point of order)

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

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

The Chairman: Ok, honourable member for Ngutani, I said this is the committee for the whole house. Honourable members can just move and consult because this a committee of the whole house which is different from the floor of the Assembly.

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 is struggling to clear the air for the honourable member for Ngomeni, then he moves from the house. In fact honourable chair, the member was even out of that line, so he was out the chamber, I am wondering whom are we trying to explain to...

The Chairman: That is true

Hon Mbiti: That means that honourable chair...

The Chairman: That is true, Honourable member point noted.

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, ok honourable member for Endau/Malalani, as you say something, 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 and I still want to ask the chair, in fact what the Bill is lacking Mr Chairman, is that it's a little bit dark and again when they talk of community representatives, I have gone through the original Bill but they are not being specifically, and I expect the committee to be specific at what level. Is it at the Village level, is it at the Ward level or it is at what particular level? So there is something which is missing Mr Chair and I wanted the indulgence of the chair to let us know. And I think that's what honourable Ngwele was actually asking at what level.

The Chairman: Ok honourable member for Endau/Malalani, this is a report that you have been having. This Bill was supplied to you many months ago. You have been having that Bill and we have a report on the same which is in your files. You didn't bring that amendments into this house. Chairman, can you say wanted to say because I want to put this matter to this house please.

Hon Mulongo: Thank you Chairman, actually I was kind of elaborating on the issue of these three representatives from the community 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 the County level.

It's upon this charcoal association groups to have their own representatives given to these charcoal management committees to be part of that charcoal management committee. So they will be represented from the grassroots level up to the County level and give three representatives according to their structure. They cannot just go down the structure have a law which also gives now the charcoal associations a way of dealing with their issues. It would be under their constitution, now the charcoal associations to show how they will bring up the three representatives Mr Chairman Sir.

(Hon Ngwele rises)

The Chairman: Honourable Nzungi Ngwele, you have been on this 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!

The Members: Ayes!

As many as are of the contrary opinion say Nay!

The 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!

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 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 to the same?

(Hon Ngwele Member for Ngomeni rises)

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 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 it using traceable codes. I think really what the committee intended 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 are ending to.

The Chairman: Yes, respond 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 put your participation down so that you don't leave it to only 2 members, ok go on honourable Mbiti.

Hon Mbiti: Honourable Chair, we are able members of that 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 this 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 writing and so forth and we wish that it will be rectified. So I agree with him honourable chair. We agree its grammatical error, you can't brand charcoal at you have this tree you brand it, but the bags should be branded. So it is matter of correcting what we have written here, thank you Chair.

(Hon Mulongo rises)

The Chairman: Chairman, yes.

Hon Mulongo: I think the honourable member for Ngomeni has put it that we intended to. Actually as a committee we have done a lot of reading and reading of this report. We have also consulted widely and I think it's important for us when we are reading the amended clauses and may be articles to attach them the original Bill so that we may see the meaning of that amendments. Otherwise if we read the amendments only without now 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.

The Chairman: Honourable member for Mutonguni.

Hon Kithuka: 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 something 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 amendments.

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;

- (i) 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.
- (ii) 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 to that clause please 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

(vii) 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;

- (i) Renumber the Clause to Clause 13 1)
- (ii) paragraph (a) be amended to read - All police officers working in the County pursuant to their duties under the National Police Service Act, 2011;
- (iii) 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
- (iv) 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;
- (v) the words in paragraph (e) be deleted and substituted thereof with - Officers of the county revenue department
- (vi) the words in paragraph (f) be deleted and substituted thereof with - County village, ward and sub county administrators
- (vii) 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;
- (viii) introduce paragraph (h) to read - Any other persons as the County Charcoal Management Committee may deem necessary for carrying out enforcement of this Act.
- (ix) 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. Any contribution to this?

(Hon Ngwele member for Ngomeni rises)

Yes honourable Nzungi Ngwele

Hon Ngwele: Chair, I think the issue of enforcement has been one of the most difficult parts in dealing with charcoal production and trade in this County and I believe it's the same in other parts of the Country. In this part the committee made a very important omission. I don't know whether it was deliberate and may the chair of the committee can tell us that it was deliberate, omitting officers of the Ministry of Interior and Coordination of National Government, what we used to call previously the Provincial administration.

I know they have been named a lot of time negatively in getting involved in funny businesses in charcoal sector, but we know also that it is that department at the local level that can actually command the compliance and adds success of the police officers.

Yes we have the sub county administrator, ward and Village administrators as they are named here in the Bill, but we are not yet at point where the ward administrator at Ngomeni can ask administration police officer to accompany him or her on patrol over charcoal production area. So chair if the committee could elaborate to us whether the omission of the officers of the ministry of interior and coordination of national government here was deliberate or not and what they really contemplated by omitting them? Thank you.

The Chairman: Chairman you want to say something?

Hon Mulongo: Thank you for the concern of Mheshimiwa Ngwele. Actually as the committee it was not deliberate but after researching a lot we realised that the role which is played by the officers if you may me allow the junior officers that is to say the chiefs , the assistant Chiefs is more or less the same. The role which will be carried by now under the new constitution the ward and the Village administrators and also the proposed headmen in every Village. Since we know that Chiefs and Assistant Chiefs they don't have guards, they don't have handcuffed to handcuff anybody. They only us their wisdom to talk to the people and tell them the consequences of burning charcoal and those kind of things. We replace them with our bearing in mind that the issue of charcoal and environment was devolved to the County we replace them with our officer. The officers whom we can squarely answer and they can be answerable to the authority of the County Government.

It was not by mistake, it was well thought and well researched to have our officers down play the role they are supposed to play, thank you.

(Hon Kithuka member for Mutonguni ward rises)

The Chairman: Yes honourable member for Mutonguni

Hon Kithuka: 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 provincial administration Mr Chairman, out of my little experience I have a Ward administrator and a Sub County Administrator. Out of my little experience that I have had, Mr Chairman it will not do us any justice to try to throw these fellows away as we a trying. A village administrator employed by the County Government and the ward administrator employed by the County Government Mr Chairman, has no crown so to speak as the Chiefs and the Assistant Chiefs. People that we represent down there, have a great respect for that crown. This crown that is worn by those fellows of 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: Thank you Mr Chairman for giving me this opportunity to contribute. It is true the provincial administration they have a great role to play but honourable members you should also remember we are under new dispensation and actually they are supposed to be deployed. So there is no way, we are making laws I want to tell you that and we cannot put a title in the law while we are very aware in the new dispensation, they are not supposed to be there.

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, the clause which is part (viii) of 12 may be subject to abuse because it's so open that any other persons 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 have 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 across that....

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. Any contributions?

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. Any contributions?

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. 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;

(i) the clause be renumbered as clause 19

Honourable members I now propose the question which is that clause 18 be renumbered as clause 19. 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;

- (ii) paragraph 2 (a) be amended by deleting the word “forest” and replacing thereof with “charcoal”
- (iii) paragraph 2 (d) be amended by deleting the word “forest produce” and replacing thereof with “trees for charcoal production”
- (iv) 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. 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-

- (a) List of all members and their addresses;
- (b) Prepare their constitution and rules;
- (c) Register as an association with the registrar of societies and compliance to all statutory requirements;
- (d) List operational areas of the group and their scope of work;
- (e) List the group's record of activities relating to charcoal transportation;
- (f) Provide information on the quantity of charcoal they transport;
- (g) Provide information of charcoal collection points in their area of application;
- (h) Provide a description of the intended means of transportation for the charcoal;
- (i) 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 members, do we have any member who want to make some contribution on the same please? 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:-

(i) "Protected tree" be amended by adding the words "or this Act" after "2005" and before "to"

(ii) "Forest Area" by adding the words "or under the forest Act 2005" immediately after the word Act

(iii) "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"

(iv) "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:-

(i) "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

- (ii) “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
- (iii) “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
- (i) “Threatened species” means any species of trees including those species of trees which are vulnerable to endangerment in the near future
- (ii) “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
- (iii) “Charcoal management committee” - mean a committee established under this Act
- (iv) “Farm forestry” means the practice of managing trees on farms whether singly, in rows, lines, boundaries, or in woodlots or private forests
- (v) “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
- (vi) “Gazette” - means a County gazette or Kenya gazette
- (vii) “Kitui County Public Service Board” means the County Public Service Board established under section 57 of the County Governments Act, 2012
- (viii) “Provisional forest” - means any forest which has been declared a provisional forest under section 26 of the Forest Act, 2005
- (ix) “Regulations” - means regulations made under this Act
- (x) “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
- (xi) “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. 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. Any contribution honourable members?

(Hon Munuve member for Kanziku rises)

Yes honourable member for Kanziku.

Hon Munuve: Thank you chairman, my observation is there is 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 it will read Kitui County Charcoal Charcoal management Bill. That is my observation, thank you Mr Chairman.

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 goes walks to the Clerks desk for consultation.)

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 amendments on the amendments on clause 2 by deleting the word charcoal and remaining with the management which is supposed to be after the word County and before the word Bill. I ask honourable Katumbi to second me.

(Hon Katumbi rises and bows)

The Chairman: Yes, honourable Katumbi, thank you.

(The Chairman consults with the Clerk and calls hon Munuve to the podium for more consultations)

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)

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.)

Ok honourable members, I now propose the question which is that the citation clause as amended on the amendment clause be amended as proposed. 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 consult with the Clerk for a moment)

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 Mace is restored to the upper bracket and the Members rise in their places as the Speaker re-enters 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 calls the Clerk to the podium)

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 do 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. Honourable Mulongo would you like to say something as a way of thanking your colleagues for the good things they have done.

Hon Mulongo: Thank you Mr Speaker Sir, *(chuckles)* I think honourable member has misplaced some of my materials which were within my files but nevertheless, I want to take this opportunity Mr Speaker Sir, to thank members of this honourable house. This is another time this honourable house has shown his maturity by passing this Bill into Law. It's a Bill which has been much been awaited by the members of the public.

We know the much this Bill will help us as legislators and also the members of the Community to regulate the use and also help in conserving our environment and forests which previously has we have witnessed a bit of destruction through illegal activities which has been going on due to lack of proper methods of regulations on how these forest products should have been done.

I also take this opportunity to thank my committee for giving me as the chair enough and humble time and also for their wisdom in their inputs on the report which has emanated into this Bill.

I also wish to thank members of the Executive, for their continued advice on how the proposals we had as the committee and the proposals we collected from the Community could be merged and aligned to become a law which can be practicable.

I also want to thank the office of the legal officer in the Kitui County Assembly most notably, Gladys Kanyaa for her continued support on the legal advice to the committee on the said Bill.

Finally I want to thank the leadership of this house for giving us humble time and also giving us an opportunity to go to an area where we could deliberate freely and come up with a good report.

Thank you for everybody who has participated in this Bill, we now think the Executive will not hesitate, will hurriedly carry out and implement the said proposals in the Bill for the benefit of the entire Kitui County people. 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 Bill

The Speaker: Trade- market and farm produce 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 2.30pm so please I want you all to be here so that we do that because we want to finish it. After this one I want to see my deputy Speaker and members of the Speakers panel immediately after this one.

(Members rise in their places)

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

The County Assembly rose at 12:01 PM.