

MURANGA COUNTY ASSEMBLY

THE HANSARD

Thursday, July 16, 2015

The House met at 2:38 p.m.

(Second Chair Hon. Catherine Mugo in the Chair)

PRAYERS

STATEMENTS

CONFIRMATION OF FORMER STAFF OF DEFUNCT LOCAL AUTHORITIES AND HARMONIZATION OF THEIR SALARIES

Hon. Anderson Muchemi: Thank you Madam Speaker, I would wish to notify the Assembly that we received the response but it was not comprehensive and we had requested the acting chairperson of the County Public Service Board Madam Nancy to come today, but she is in South Africa. We do not have a substantial answer for this. We are requesting Hon. Kimani Machiri and the House to give us seven more days, once the chairperson is back we shall answer the question.

Second Chair: Thank you, Hon. Machiri is not in; the Liaison committee meeting is still on-going. With the leave of the Speaker we may have to revisit that statement

(Hon. Isaac Kamote rose on a point of order)

QUORUM

Hon. Isaac Kamote: Madam Speaker, there is no quorum in the House

(No Quorum)

(Quorum Bell rang)

(Several hon. members walked in)

(Quorum Attained)

MOTIONS

ADOPTION OF REPORT OF THE DELEGATED COUNTY LEGISLATION COMMITTEE ON THE REVIEW OF THE ALCOHOLIC DRINKS CONTROL (LICENCING) REGULATIONS

Hon. Isaac Kamote: Thank you, I beg to move the following motion; -

That, this Assembly adopts the report of the Delegated County Legislation committee on the review of the Alcoholic Drinks Control (Licencing) Regulations laid on the table of the Assembly on July 15, 2015.

Madam Speaker, the committee acknowledges the glaring menace of the negative impact of alcohol in Murang'a county, and particularly the adverse effects of the manufacture, distribution and consumption of illicit liquor. Murang'a county continues to lose most productive members of the society through premature alcohol related deaths and other complications, thus hampering the envisioned growth and boost of our county's economy.

The committee held sittings between May 22 and May 28, 2014, to discuss the draft licensing regulations, which had heavily borrowed from the subsidiary legislation, popularly known as the 'Mututho regulations' of the National Alcoholic Drinks Control Act of 2010. The committee recommended domestication of the licensing regulations to be adopted as the subsidiary legislation of the Murang'a County Alcoholic Drinks Control Bill of 2013.

The regulations were then adopted in the Assembly on 3rd June, 2014, and transmitted to the office of the Governor for assent. The committee's report on the analysis of the

regulations was also submitted to the Governor's office alongside the regulations, with a copy to the CEC Member for Youth, Culture and Social Services for gazette. The report highlighted major recommendations on how to bring sanity in Murang'a county to mitigate the challenge of alcoholism and particularly consumption of illicit liquor.

In the committee's consultative meetings in the year 2014, it was proposed that license fees for general retail alcoholic drink license (off-license), should be increased as a severe deterrent measure for wines and spirits.

Second Chair: Hon. Kamote, are you reading through a document? Please highlight on what you want to bring forth

Hon. Isaac Kamote: Thank you Madam Speaker, as we all know, we have lost a number of our able and future leaders of this county through illicit liquor. This committee congratulates the President of the Republic of Kenya for the measures he took to curtail the consumption of illicit liquor. We have adopted the regulations for alcohol control in our county. I urge this House to pass this motion. Most of the bars do not have licenses; the county government has not been issuing licenses to the operators since we do not have guidelines. I request Hon. Njogu to second the motion

Hon. Joseph Ndung'u: I stand to second the motion. We know the way our country has been involved in fighting illicit brews and without the regulations we may not be able to do the work effectively. Our committee did a lot of work in coming up with the regulations to ensure that we fight against illicit brews and be able to license the traders who have complied with the Act that we passed. The committee first passed the regulations and they were rejected by the Kenya Law Reform. Later, they were given guidelines on how to go about it. After that, our Assembly lawyer assisted us in the committee and currently we have good regulations approved by the Kenya Law Reform and they have been gazetted.

To start working and ensure our county is not affected by the illicit brews, I will request members to support the motion.

(Question Proposed)

Hon. Caroline Njoroge: I rise to support the motion and I am glad that the committee has done its work and my committee did its work on the Act. I am glad that the bar owners are now happy that they will be licensed. After the President gave his directive, we may not wholly blame the business people because as a county government it was our role to ensure we have done all the regulations and we have implemented what this House has passed.

We are all aware that the Murang'a County Alcoholic Drinks Regulations Act was passed. Since 2013, we worked on the Bill that became a law in December 2014. Madam Speaker we took the laws to these business people and read them, they have been anxiously waiting for this county government to implement what the Assembly has done. Sometimes we blame ourselves because we took long to do this, but I am a glad, as we speak, the legislations are now gazetted and we will go a step further to license those people that are able to do this business.

We also need revenue for our county, we need run our country, do roads and it is out of the revenue that these people will give. I support and appreciate the committee of Delegated County Legislation on the report and every member who has participated in ensuring we get this law. They also need to look deeper because there are other things that need to be legislated from that Act that we passed as the County Assembly.

I hope the committee will sit and look into the issues so that when we will be pursuing implementation, it will be guided by the legislations done. I wish that whatever is passed in this House is what will be implemented out there and even the administration will understand

what we have passed as an Assembly so that when these sub- county committees sit and license, they are able to know what to look at. They also need to check, because we changed the licensing, the time of operations, amounts payable especially in Murang'a where we have had challenges with our wines and spirits.

Madam Speaker, we looked at them carefully and we were able to regulate them by giving them minimal time to operate from 3p.m. to 9 p.m. In the past they used to operate the whole day and you could see our youth going to the wines and spirits shops and getting the liquor in small quantities. I know they are now going to operate on wholesale which is good and people are taking it well.

When we went for public participation, people were great that we are able to regulate and ensure we have a working county so that people can have their drinks later after work. I support

Hon. Danson Mburu: I rise to support this motion. As we are talking; there is no bar in Murang'a county that has a valid license, there has been confusion all the way. Now that the regulations are out, and this is what the committee has been waiting for so as to take steps in licensing bars, I urge the House to support this motion.

We have been having wines and spirit shops all over the county. They have done a lot of damage because they are the ones that have been selling the second generation beer. If in the regulations we do not allow the wines and spirit to operate in the county, this is one step in getting rid of second generation beer.

Many bars had been built in the rural areas instead of trading centers. In the regulations, we have said that there will be no bars that will be opened in the rural areas because they are a nuisance to the public and school children. When the regulations are adopted and the committee gets the mandate to inspect bars, they will do so within the law and we hope the work will be done properly to end the confusion about licenses.

As I have said, all the bars in the county do not have valid licenses. When the committee visit the bars they inspect them and approve those that should have licenses, I think the committee should also know the time of giving out licenses so that we do not have situations where licenses are expiring at different times. Like now we are in July, if licenses are given in October or August and we are used to getting licenses in January, we should have a definite time for giving licenses and their expiry dates. I support the motion.

Hon. Peter Kariuki: Thank you Madam Speaker, I support this motion because the second generation liquor has caused disability to many people, some of them have lost their eyesight and some have had motorcycle accidents after taking these beer and ended up disabled. I appreciate recommendation number 4 which states that they will be reviewing the licenses from time to time so that they can get those people who are manufacturing without being allowed to do so by the county government. I support the motion.

Hon. James Njoroge: I rise to support this motion, this is the best that we have done so far. Last week we went all over the sub-counties pouring illicit brew but the Members of Parliament directly blamed the county government. When they were asked why they do not have the licenses, they stated that it is the county government that should be doing so. I am happy that the process of application has kicked off all over the county so that each and every person doing this business will be doing it legally, with a valid license and operate by selling the right alcohol not the second generation. I support.

Hon. Mary Waithira: I rise to support the report and state that its recommendations have spelt well unlike how it looked from the other report. This is the time that we should be calling for the sub- county alcoholic regulations committee to move with speed so that we start looking at the execution of licensing regulations and make sure what is in the Act that

we passed the other day, The Murang'a County Alcoholic Drinks Regulation Act 2013, starts working.

We support the President's call to finish the second generation brew. It is during this time that the sub-county committees will look into the wines and spirits shops and make sure they are totally closed. There are still some which are opening now and then. You can see our people are still being spotted drunk although they are hiding. Let us have these committees working so that we can put heavy penalties, in case there is one who is opening and closing against what our Act says.

Madam Speaker recommendation number five that I so much want to support where we are to start a forensic laboratory so that as a county we can be able to continuously test the liquor that is coming to our county.

From the recent comment of the leaders it has it that Murang'a has the highest percentage where the illicit or this second generation alcohol is being taken, and more to the number of people who are taking this. Some of these are being brought to the county as it looks like Murang'a, Kirinyaga and others have become a dumping site for those who are coming up with this liquor, but the moment we have a forensic laboratory where we do not need to go all the way to Nairobi, we will be fast-tracking this and the ones who are coming with the liquor will know that Murang'a county is a no-go zone as far as prohibited liquor is concerned. Then we will make sure that our people do not drink something that will harm their bodies. And again if at all we come across one, then the heavy penalties that we are going to prescribe will bring revenue to our county.

So if we go by recommendation number five I know there will come a time in Murang'a county where you will not be able to get this kind of liquor because they know they penalty they can face.

To conclude Madam Speaker, I also want to support recommendation number seven where we are saying the sub-county committee should also uphold high levels of integrity because that is the only time that we shall be able to fight this and make sure that our Act is going as it is spelt, because if they move out and they get the people who will make sure we realize the Act and then there are issues to do with graft and corruption it means this committee will not be for the best of Murang'a county.

The issue to do with integrity must be put into consideration so that we make sure that we are working to realize whatever is spelt in the Alcoholic Drink Control Act and with that I highly support the report and wish that all of us concerned will be able to go by the recommendations so that at least we try to help a generation which we always say when we will not be there they will be there to take the posts and we see the continuity of the government and even for good mothers and fathers for tomorrow, I support.

Hon. John Gitau: Thank you Madam Speaker, I wish to also congratulate this committee, these are good regulations and I am sure this will bring an end to the menace of our people being killed by first and second generation alcohol because all alcohol needs to be regulated.

If you look at the economy of Kenya, we have a problem generally related to alcohol. Alcohol whether good or bad is actually consuming a lot of money and time for both the young and old people. Madam Speaker if for example you look at how the youth are spending their time and money you will be surprised that more than half of their earnings are going to alcohol.

And as we sit here to discuss these recommendations we also need to call upon our counterparts in the National Assembly to seriously legislate on alcohol generally, because what is ailing Kenya is the generation that should be assisting our county to achieve those levels of development by way of investing and saving, they are involved so much in alcohol

and this is because alcohol is readily available and is everywhere. This availability and affordability of alcohol is actually hurting our economy. It is upon the National Assembly to legislate how to make alcohol unavailable and also unaffordable. Let alcohol be taken by those people who are rich.

If you look at the issues of packaging the alcohol, if we continue packing the alcohol into small quantities this is also problem. Availability will also be there, but if it is packing, let them pack in big quantities so that they become expensive and therefore we are able to regulate its consumption.

Out of the regulations, there is only one thing I think the committee has omitted, they have not looked at the people who have been victims of the alcohol because we have them and some are even dying. Others are very bright people who have been turned into cabbages by the alcohol. I think it would have been good that a measure should be put in place to assist the victims by way of putting up a rehabilitation centre, because as we talk we have a lot of people in Murang'a county who are suffering because of withdrawal from alcohol.

I was surprised when we went round, we found a young man who was in Mang'u high school and we were told that he scored an A- minus. That boy was admitted to the University of Nairobi to do Law and after one year or two the boy started engaging in alcohol and substance abuse. We found this boy peeling potatoes in a hotel in Kenol and when you are given that story you could not help shedding the tears.

You see the boy is there peeling potatoes instead of being in court representing other people; he was there peeling potatoes just because of alcohol and substance abuse. I think we need think about those people and maybe the committee can relook at that issue.

In Kamahuha we already have land available where we can put a rehabilitation centre and we are more than willing to donate that land, thank you Madam Speaker.

Hon. Boniface Njihia: Thank you Hon. Speaker, first of all I would like to thank the committee on delegated legislation for coming up with these kind of regulations and I would also like to commend our President for initiating this fire and as leaders of this county we are supposed to make sure that this fire has not been put off because if we allow to stop this fire then the young generation will go back to drugs and illicit brew they were using.

There is one thing I would like to comment in this Assembly, that the fight is not for only one committee but for several committees. In the committee of health we are making sure that we cater for the people who are addicted to drugs or alcohol. The county hospital is looking for them so that they can rehabilitate them and right now we are doing that at Ihura stadium where we are identifying all the people affected by alcohol so that we can start training them on other issues and offering medical attention so that they can be like any other normal person and live normal lives.

We should continue with the same spirit so that we can rebuke this element in our county. I know if we sleep, our young generation will be lost as they were before the President started the war on illicit brew.

I want to say that most of the people in this county go to illicit brew because of lack of employment. I would like to make sure that this county has started some jobs that can be done by the young people so that they can start working and may be spend a lot of time working instead of being idle and I know idle mind is the devil's workshop, so those workshops will be there if we do not engage them in productive activities. Thank you Madam Speaker.

Second Chair: Hon. Chief Whip.

Hon. Martin Mwangi: Asante sana Mheshimiwa Spika, pia mimi nimesimama kuunga mkono mjadala huu. Kila mmoja tumeona madhara yanayoletwa na pombe na hasa pombe hii

ambayo tunaiita pombe haramu ambayo imekuwa na madhara ya kimwili na kifamilia na imefanya mambo mengi kusambaratika katika jamii zetu.

Mheshimiwa Spika pia ningepongeza kamati hii kwasababu ripoti yake inapendekeza kuwe na sheria ambazo zitafanya kuwe na mahali pa kupimia ni pombe gani ambayo inafaa kutumiwa na binadamu.

Tunajua ya kwamba hizi pombe hata zile halali sasa kumekuwa na hatari kwa kuwa kuna wengine ambao ni wakora wa kibiashara na wanachukua chupa na kuweka pombe haramu kwa chupa ya pombe ambayo imekubalika. Kwa hivyo bila mahali pa kupima na kudhibitisha kilicho ndani ya chupa kinakubalika na ni sawa, wananchi wengi watakuwa kwenye hatari kubwa kwa kutumiwa pombe ambayo wanafikiria ni halali ilhali kilicho ndani ya chupa sio ile pombe.

Kwa hivyo kamati imefanya kazi nzuri na ni kazi yetu kuunga mkono ili furaha ya kila mmoja wetu najua ni kuona tukiwa na jamii ambazo ziko na afya nzuri, tukiwa na vijana ambao wanajitegemea na wanajifanyia kazi kwa mikono yao na tukiwa na nchi ambayo wananchi wengi wako na akili timamu ili tuweze kujenga nchi yetu Kenya na Kaunti yetu ya Murang'a.

Kama kuna jambo linafaa liangaliwe vizuri sana ni hili jambo la unywaji wa pombe kwa sababu tukiweza kushinda hivi vita hata hali ya usalama itakuwa sawa. Kwa hivyo nimeunga mkono.

Hon. John Kiarie: Thank you Madam Speaker, I would like to add my voice to this good motion in supporting the committee for the good work that they have done and also support the recommendations which have been brought up especially on putting up a forensic laboratory and also number seven; the people entrusted to make sure that the law is followed.

I would also like to state that the war against illicit brew is war that cuts across all counties; it is not just about Murang'a county but in all the counties.

For some of us who live near the border, for example, Murang'a county and Kiambu county we should have inter-county legislation so what we are doing in Murang'a county we can share with what is being done in Kiambu county and other counties because we have a scenario whereby if you come along Thika River on the Murang'a side and the administrators go to fight illicit brew along the rivers they say that beer is not being brewed on Murang'a side it is being brewed on Kiambu side.

But you realize those who take this beer do not know boundaries; they do not know whether it is in Murang'a, Kiambu or Kirinyaga. So it will be important while we fight it here we also have an inter-county committee or legislation so that all the neighbouring counties can have one common fight. So that we do not have tight ends on this side and have loose ends on the other side because the only way that we can win this war is to fight from point A all the way to point Z so that we are able to eradicate this menace. Thank you Madam Speaker.

Second Chair: Hon. Bernard

Hon. Bernard Kariuki: Thank you Madam Speaker, I want to take this opportunity to support this very important motion because it is the one that is going to give life to the Alcoholic Drinks Control Act because without these regulations the Act may not be very vibrant in terms of implementation. I am very happy because the CEC was able to publish these regulations and she did that in consultation with the Assembly committee on subsidiary legislation and the regulations are now in line with parent Act and that is why the Kenya Law Reform Commission was able to approve them and therefore I wish to congratulate the committee and thank the Assembly members because of their input towards the regulations.

The Member for Kamahuha has raised a very pertinent issue on rehabilitation and that is catered for in parent Act. It is now the duty for CEC for Health together with Directorate of

alcohol control to take up that matter and make sure that the money that we have budgeted for, around 46 million is not only used to create awareness but is also used to establish rehabilitation because it is very true that the people have lost lives in Kiambu because of withdrawal syndromes.

Member for Ithiru was telling me that he has a case in the ward where a person lost life because of withdrawal so it is very true Madam Speaker because this is one of most affected counties by alcohol issues, we need rehabilitation programs and I urge the CEC for Health to wake up and start doing work that will make sure that she is seen that she is doing something for this county and be available for Murang'a county government.

I urge the members to support these regulations; I know there should be other regulations coming for example, when we talk of enforcement regulations so that the officers, the sub-county committees that we have established can be given the required legal mandate to go and enforce this Act to various businesses across the county.

So we urge the CEC for health to be able to understand this Act and if she is not capable she can ask us to do an amendment so that the Act is moved from her docket

(Applause)

And be placed in another docket to a person who can be able to implement the Act to the letter. I support and ask the members to support, thank you.

Second Chair: Hon. Kimani.

Hon. Joseph Kimani: Thank you Madam Speaker, first is to congratulate the committee for coming up with these regulations and I must say I am the happiest man today because the county has been losing a lot of money especially on licensing and I am sure now we are going to improve our cash flow.

The recommendation given here by the committee are very vital and I must say that the most important thing in these regulations is for the sub-committee boards as the report has said whereby they have to maintain the dignity especially when making inspections and also when monitoring these regulations so that they are adhered to by people concerned.

I feel that this county is also behind on regulations on the Finance bill whereby we are also losing a lot of money and on this point on alcoholic drinks I call upon all stakeholders to join together so that we make sure these second generation illicit brews are no longer in service in our county.

Also, is also very important as we have said, that the county should take initiative to have a forensic laboratory and make further steps of making sure that all the alcohol entering Murang'a are the right ones, properly licensed and the controlled ones. I therefore support the motion.

Second Chair: The mover to respond.

Hon. Isaac Kamote: Madam Speaker I would like first of all to say congratulations to all the members who have supported this motion and all those who have not said anything, I know they were supporting it at heart.

As I had said earlier, Murang'a has been losing our able men; Murang'a had become a testing ground and dumping site for the illicit or second generation liquor and with these recommendations I know now this will be a thing of the past.

As the chairman for finance has said we have been losing a lot of finances because all those who could have improved this county have been lost. The chairman had assured member for Kamahuha that we will be dealing with rehabilitation centres and all those who have been wasted will come back. Once again I say thank you for supporting the motion.

(Question Put and Agreed To)
(Applause)

ADJOURNMENT

Second Chair: This Assembly is adjourned to Tuesday next week.

The House rose at 3:32 p.m.