

MURANG'A COUNTY ASSEMBLY

THE HANSARD

25th February 2016 Sitting

The House met at 2:39p.m.

(Second Chair Hon. Catherine Mugo in the Chair)

PRAYERS

BILLS

MURANG'A COUNTY TRADE LICENSING BILL NUMBER 3 OF 2016

(Second Chair Hon. Catherine Mugo left the Chamber)

(Mace was reduced)

(Committee of the Whole House)

(First Chair Hon. Bernard Kariuki chairing)

First Chair: We are in the Committee of the Whole for purposes of consideration of the Murang'a County Trade Licensing Bill number 3 of 2016 which is in your files and we are going to start off with Clause number 3

CLAUSE 3

(Question on Clause 3 proposed)

(Question on Clause 3 put and agreed to)

CLAUSE 4

CLAUSE 5

(Question on Clause 5 proposed)

Hon Isaac Kamote: I propose that Clause 5 be amended by inserting the Clause 1 immediately after sub-clause (h) with the words the chief licensing officer on withdrawal or cancellation of a license

(Question on Amendment to Clause 5 proposed)

(Question on amendment to Clause 5 Put and agreed to)

(Question on Clause 5 as amended put and agreed to)

CLAUSE 6

(Question on Clause 6 proposed)

(Question on Clause 6 put and agreed to)

CLAUSE 7

(Question on Clause 7 proposed)

(Question on Clause 7 put and agreed to)

CLAUSE 8

(Question on Clause 8 proposed)

(Question on Clause 8 put and agreed to)

CLAUSE 9

(Question on Clause 9 proposed)

(Question on Clause 9 put and agreed to)

*CLAUSE 10**(Question on Clause 10 proposed)*

Hon Isaac Kamote: I propose that Clause 10 (3) be amended

a) By deleting the word 'five' after the word 'of' and inserting thereof the word 'one

b) by deleting the word 'fifteen' after the word 'and' and insert thereof the word 'five' in order to read,' in the case of an individual a fine of Kshs. 1000 and Kshs. 5000 for any subsequent similar offense within the same year'

*(Question on amendment to Clause 10 proposed)**(Question on amendment to Clause 10 proposed)**(Question on Clause 10 as amended put and agreed to)**CLAUSE 11**(Question on Clause 11 proposed)**(Question on Clause 11 put and agreed to)**CLAUSE 12**(Question on Clause 12 proposed)*

Hon Isaac Kamote: I propose that Clause 12 (2) of The Bill be amended by deleting the word ' and' replacing thereof with the words 'of 10%the value of the Trade License' in order to read 'an application described under subsection 1 which is made after 31st of March shall be subjected to a 10% of the value of the trade license penalty'

*(Question on amendment to Clause 12 proposed)**(Question on amendment to Clause 12 proposed)**(Question on Clause 12 as amended put and agreed to)**CLAUSE 13**(Question on Clause 13 proposed)**(Question on Clause 13 put and agreed to)**CLAUSE 14**(Question on Clause 14 proposed)**(Question on Clause 14 put and agreed to)**CLAUSE 15**(Question on Clause 15 proposed)**(Question on Clause 15 put and agreed to)**CLAUSE 16**(Question on Clause 16 proposed)**(Question on Clause 16 put and agreed to)**CLAUSE 17**(Question on Clause 17 proposed)**(Question on Clause 17 put and agreed to)*

*CLAUSE 18**(Question on Clause 18 proposed)*

Hon Isaac Kamote: I propose that Clause 18 (1) of the Bill be amended by inserting the following words 'and further after a written recommendation by the licensing unit' immediately after the word 'act' in order to read 'The Chief licensing Officer may withdraw or cancel a license issued under this Act where the licensee fails to comply with the requirements of this Act and further after a written recommendation by the licensing unit'

*(Question on amendment to Clause 18 proposed)**(Question on amendment to Clause 18 proposed)**(Question on Clause 18 as amended put and agreed) to**CLAUSE 19**(Question on Clause 19 proposed)**(Question on Clause 19 put and agreed to)**CLAUSE 20**(Question on Clause 20 proposed)**(Question on Clause 20 put and agreed to)**CLAUSE 21**(Question on Clause 21 proposed)*

Hon Duncan Njuguna: I am for a different proposal Mr. Chairman, since there is no amendment on the following clauses, why don't you consolidate them all together. Thank you

Chairperson (Hon Bernard Kariuki): I do not know the feelings of the mover of the motion, maybe there are issues that he may want to expound on, that is why every clause is on its own. I do not know the feelings of the mover and his seconder, I can see them consulting

Hon Isaac Kamote: Mr. Chairman, we think it is good if we go through them one by one

Chairperson (Hon. Bernard Kariuki): Hon. Members, the mover has agreed that he may not have additional input on clauses, and, therefore, we can go part by part pursuant to standing order 129 which provides that the clerk shall call severally each part of the Bill. We cannot therefore evade the parts of the Bill. We are now in the part three of the Bill on clause 22.

*CLAUSES 22 TO 30**(Question that Clauses 22 to 30, be part of the Bill proposed)**Since there is no debate, I will put the question.**(Question that Clauses 22 to 30, be part of the Bill put and agreed to)**CLAUSES 31 TO 36**(Question that Clauses 31 to 36, be part of the Bill proposed)**(Question that Clauses 31 to 36, be part of the Bill put and agreed to)**CLAUSES 37 TO 38**(Question that Clauses 37 to 38 of the Bill, be part of the Bill proposed)*

I am going to put the question since there is no debate. What is it Hon. Member?

Hon. Peter Kariuki: I want to comment on the issues of part five--- sorry---

Chairperson (Hon. Bernard Kariuki): which part?

Hon. Peter Kariuki: 31 on principle enforcement.

Chairperson (Hon. Bernard Kariuki): That is already done. Hon. Members, you can only amend or debate on a clause that has not been discussed. That one has already been adopted.

(Question that Clauses 37 to 38 be, part of the Bill put and agreed to)

(CLAUSE 2 agreed to)

(CLAUSE 1 agreed to)

(LONG TITLE agreed to)

Hon. Isaac Kamote: Hon. Chairman, I beg to move that, the committee reports to the Assembly its consideration of the Murang'a County Trade Licensing Bill No. 3 of 2015 and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[The Temporary Speaker (Hon. Catherine Mugo) in the Chair]

CONSIDERATION OF REPORT OF COMMITTEE OF THE WHOLE HOUSE

Hon. Bernard Kariuki: Hon. Speaker, I beg to report that the Committee of the Whole Assembly has considered the Murang'a County Trade Licensing Bill, No 3 of 2015 and its approval thereof with amendments.

Madam Speaker, the Committee of the Whole has looked at the Bill. The purpose of this Bill is to provide for the implementation of Section 7 of the Constitution. That is in the Fourth Schedule and it is about the functions of the County Government.

While looking at this Bill, the Committee of the Whole House has tried to evaluate it, in terms of establishing an environment that is conducive for business so that the Bill does not strain our entrepreneurs.

The amendments that have been proposed by the Mover of the Bill were generally to align the Bill to general provisions of the Constitution, in terms of fairness, equity, and such issues. Therefore, the Bill was dealt with thoroughly by the Committee of the Whole House.

Thank you Madam Speaker.

Hon. Isaac Kamote: Madam Speaker, I beg to move that the Assembly agrees with the said report by the Committee of the Whole House. I request Hon. Kago to second the Bill.

Hon. Kago Njoroge: Thank you Madam Speaker, I second that the Assembly agrees with the Committee of the Whole House on the said report.

It is important for the Members to remember that we went for the public participation as provided for by the Constitution and some of the amendments are what we gathered from the public. Since the Whole Committee has agreed with us, I second the motion.

Thank you Madam Speaker.

Second Chair: Thank you.

(Question proposed)

You can comment on the amendments.

(Question put and agreed to)

Hon. Isaac Kamote: Madam Speaker, the Committee of Trade is happy that the House has adopted the amendments and the Executive should now take up the matter. Thank you Madam Speaker.

Second Chair: Thank you.

MURANG'A COUNTY TRADE LICENSING BILL NUMBER 3 OF 2016- THIRD
READING

Hon. Charles Kirigwi: Thank you Madam Speaker, I beg to move that the Murang'a County Trade Licencing Bill No.3, 2015 be now read a third time.

Hon. Kago Njoroge: Madam Speaker, I hereby second that the Murang'a County Trade Licencing Bill No. 3, 2015, be now read a third time---

Hon. Duncan Njuguna: On a point of order Madam Speaker---

Second Chair: Yes Hon. Duncan.

Hon. Duncan Njuguna: Is it in order for the Hon. Member of Kangari and the Hon. Member for Kigumo to continue consulting loudly thereby interrupting the business? That is why Hon. Kamote was confused and talked of the Executive instead of concentrating on the third reading.

Second Chair: The Members should consult quietly or softly. They are out of order.

Hon. Kago Njoroge: Madam Speaker, this is one of the Bills that are of help to our business community because you will remember that we have been using the by- laws of the defunct councils and some of them have been harsh to our traders.

You know that we had around seven defunct councils, which were merged to create Murang'a County and each of them had different by-laws which were being enforced. I remember one member who complained that boda boda operators are being charged Kshs. 1,700 whereas those in another ward are being charged Kshs. 1,500.

Madam Speaker, this Bill will bring equity when it comes to charging and enforcing. We therefore feel that it is a privilege to our members of public, especially the traders within Murang'a County. We hope that they are going to embrace this and co-operate.

We also urge the County Executive to enact this as soon as possible because it will also help us cover the loopholes through which our county has been losing money.

When we come to revenue collection, we feel that the members of our business community will never be harassed with laws which they are not aware of because during the time when the by-laws of the county were being made, nobody could go to them and ask them or request them to participate. But Madam Speaker this time round they have participated and they know what is happening. When they open our website they know what is going on.

We have also appreciated the memorandums which they have sent to us as the committee which we have put into considerations in the amendments we have done. Without much ado I hereby second that this bill be read a third time.

(Question proposed)

Hon. James Kagoni: I thank you Madam Speaker, I rise to support the bill that is on the table.

I see here benefits from this Bill, when you read the memorandum of this Bill you realise that one of the reasons why we have not been able to come up with a Finance bill. In fact in this county we have bill relying on the Finance bill that we enacted in year 2013/2014

is because a lot of input for Finance bill is supposed to come from the Bill that we have just passed.

Therefore, going forward Madam Speaker, we will be able to come up with a very comprehensive Finance Bill because much of the information we require to update, delete, amend which part of information is contained in the Finance Bill will now be coming from what has been established by this Bill, which is a licensing unit and that is very crucial.

I remember sometime back we were even taken to court as a county because many residents were raising issues to do with the Finance bill and they were saying that we did not involve the public much and many things kept changing. How much we were charging the lorries last year because of many economic factors we might realise that we need to change it.

With a licensing unit that has been established by this Bill we are able to update or listen to the residents and change some of those things. And therefore we are able to come up with a very comprehensive Finance bill for every budget cycle.

Benefit number two is that from this particular Bill we are now able to get an opportunity for young people to be employed because the licensing unit that has been established by this Bill requires some people to be sitting there, it also requires chief licensing officer to be sitting there. That is crucial because it is an employment opportunity for young people in the county and we have a number of them in the county who have done economics and others finance and they are still looking for jobs. These are opportunities that are coming in that regard.

Number three is that many of our members seated here will tell you that any time young men have been harassed here and there because they are being asked for licenses and perhaps others are claiming they paid this much and now they are asked to pay this other. Sometimes you wonder where you send them to. Now this Bill establishes an office that will be dealing with all those matters.

So things will become very easy like Hon. Member from Mugoiri was saying you are able to come with a document that is in tandem with every other regulations, every other charge, every other fee that you are supposed to pay. And in case of any complaint or any other matter that needs to be listened to there is that office that is supposed to do so.

Therefore, Madam Speaker this Bill is a Bill that is long awaited, it is a Bill that we needed to have in year 2013/2014 to be able to have Finance bill subsequently. However we appreciate that we are not late, we want to appreciate the committee of Trade specifically the chairman for what we have been able to do under his leadership and I fully support this Bill. I thank you Madam Chair.

Hon. Bernard Kariuki: Thank you Madam Speaker, I wish to take this opportunity to support the Bill and congratulate the sponsor of the Bill.

It is very encouraging for this Bill because it seems to implement part of our functions under schedule four and I think we have a duty as an Assembly to make sure before the expiry of this Assembly we enact at least half of the laws required to implement schedule four functions.

This is credible and I support this Bill. My only concern was on section six on the provisions for the chief licensing officer. I think after enactment of this Bill it will be important for the committee or the mover to consider amending that section to provide that the officer be vetted by the Assembly; I feel that position is the same position as a chief officer. That requires vetting by the Assembly so that we get the right person.

Madam Speaker section 31 on enforcement of this Act is very important. When we met in Nyeri, when we had the President, one of the issues that arose is that the licensing regime of the county governments is not favourable to business.

I would request that the implementation of the Act, if it is approved, enforcement must be within the confines of the Constitution and should be able to promote business environment so that we are not seen as debt collectors.

I also want to appreciate section 37, I would request the chairman for Trade to follow up with the CEC, so not unless the CEC makes regulations to implement the Act it could gather dust in the shelves.

Therefore Madam Speaker this is a very important Bill to structuralize licensing regime in the county which is very important. And I think this is the way to go I support.

Hon. Peter Kariuki: Thank you Madam Speaker, I want to congratulate the committee of Trade for what they have done.

Mine is not too much but what I would request they have not talked about people with disabilities in business and there are people who have business and some of the people are not able to pay the licenses. They would have talked a bit on disability issue in terms of business. Thank you Madam Speaker.

Hon. Peter Mweri: Thank you Madam Speaker, I rise to support the Bill but before I support I would like to make an observation that this room is too hot, I think the office will do something.

This Bill has come at the right time, the last two years we have been in the office and this is the third year. We have been having problems with enacting the Finance bill and this will help a lot because it will give a guideline as to how Finance bill will look like.

I am motivated by clause 30 about reporting. The Bill has given a lee way after one calendar year, there will be an evaluation on the Bill so that if there are gaps they can be catered for.

I have also noted that as the hon. members have said, there has been a lot of public participation. Even before the other Bills are implemented, the public is consulted and it is good that they are aware about it. And it will be very easy even on implementing the Bill.

It has given the standard on how the license should be and this is a point plus to the sponsor of the bill. Otherwise Madam Speaker I stand to support.

Second Chair: Hon. Kirigwi

Hon. Charles Kirigwi: Thank you Madam Speaker, mine is to really thank the members who have contributed in the reading the Bill for the third time.

And I am very optimistic this time because we walked this road with executive that the county CEO who is the Governor will for once sign a Bill that is emanating from this Assembly. I understand that it is only the Appropriation Bill that has been signed, we look forward for first implementation once it is signed.

About the issue raised by Hon. Wanyoike, about vetting the chief licensing officer, we looked at that deeply in the committee and we found that we do not want to micro-manage the executive and we do not want this Assembly to go so low to vetting people even on calibre of directors.

We thought that because we have a substantive chief officer for Trade, in fact three chief officers and we thought that we give the County Public Service Board that lee way to do its work so there is no need of vetting chief licensing officer.

So I ask members to support the motion that the Bill be read a third time so that we can have a law called Murang'a County Licensing Act 2015. Thank you.

(Question put and agreed to)

ADJOURNMENT

Second Chair: Thank you Hon. Members, the House is adjourned to Tuesday next week.

The House rose at 3:20p.m.