REPUBLIC OF KENYA

COUNTY ASSEMBLY OF LAIKIPIA

THE HANSARD

Thursday, 29th April, 2021

The House met at the Assembly Chambers at 2.30 p.m.

[The Speaker (Hon. Patrick Waigwa) in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR

REMINDER OF AMAYA TRIANGLE MEETING

Speaker: Hon. Members, I am informed that we have a meeting organized by the AMAYA Triangle. For more information, you can see the Chairperson for Water and Natural Resources, Hon. Simon Kanyutu. It will be tomorrow most likely after the Governor's meeting that the Members have been invited to and then we can have an hour or two with the AMAYA team.

STATEMENTS

TENTATIVE HOUSE BUSINESSES

Hon. Daniel Nyausi: Thank you, Hon. Speaker. I would like to notify that the HBC has approved the following tentative business to appear in the Order paper for Tuesday (Afternoon) May, 4th 2021.

A. **PAPERS**- Report by the Public Accounts and Investments Committee on a Report of the Auditor-General on the financial statements of County Executive of Laikipia for the year ended 30th June, 2016 laid on 7th November, 2017.

B. **PAPERS**- Report by the Public Accounts and Investments Committee on a report of the Auditor General on the financial statements of Laikipia County Executive for the year ended 30th June 2017 laid on 27th February, 2019.

C. **NOTICE OF MOTION**- Report by the Public Accounts and Investments Committee on a Report of the Auditor-General on the financial statements of County Executive of Laikipia for the year ended 30th June, 2016 laid on 7th November, 2017.

D. **NOTICE OF MOTION**- Report by the Public Accounts and Investments Committee on a report of the Auditor General on the financial statements of Laikipia County Executive for the year ended 30th June 2017 laid on 27th February, 2019.

E. **RESPONSES TO STATEMENTS** - Response Statement No. 018/2020 to the Chairperson Finance and County Planning (Hon. Mary Samken, MCA) pertaining

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to grabbed public land in Maili Saba area, Thiru trading centre raised by Hon. Simon Kanyutu on 17th June, 2020.

F. RESPONSES TO STATEMENTS- Responses Statement No. 001/2021 to the Chairperson Health Services Committee (Hon. Veronica Ikunyua, MCA) pertaining to Construction of Kiandege dispensary raised by Hon. Joseph Kiguru on 9th March, 2021.

It is notified that the House Business Committee has approved the following tentative business to appear in the Order paper for Wednesday (Morning) May 5, 2021

A. MOTION- Report by the Public Accounts and Investments Committee on a Report of the Auditor-General on the financial statements of county executive of Laikipia for the year ended 30 June, 2016 laid on 7th November, 2017.

It is notified that the House Business Committee has approved the following tentative business to appear in the Order paper for Wednesday (Afternoon) May 5, 2021

A. MOTION- Report by the Public Accounts and Investments Committee on a report of the Auditor General on the financial statements of Laikipia County Executive for the year ended 30th June 2017 laid on 27th February, 2019.

It is notified that the House Business Committee has approved the following tentative business to appear in the Order paper for Thursday (Afternoon) May 6, 2021

A. BILL-The Laikipia County Disaster Management Bill, 2019(Committee of the whole house)

B. BILL-The Laikipia County Disaster Management Bill, 2019(Third Reading)

I would like to assure the Chairpersons of various committees here and their members that we had a change of committee membership or chairpersons. The Assembly will accord the necessary support to ensure that businesses will not be interfered with because of those changes. So then the Office of the Clerk and that of the Speaker will ensure smooth transition to ensure that business will come into this House as planned.

MOTION

PUBLIC PARTICIPATION REPORT ON THE YOUTH SERVICE BILL, 2020

Hon. Patricia Muthoni through Hon. Chris Mark: Thank you, Mr. Speaker, Sir. I beg to move the following motion;

THAT this Assembly adopts the Labour, Social Welfare and Community Services Committee, Public Participation report on the Laikipia County Youth Service Bill, 2020 dated 9th March, 2021.

Mr. Speaker, Sir, on behalf of the Chair who is not around and had to handle a matter of medical nature, I would like to move this report of the public participation. Mr. Speaker, at the time of the constitution of this committee, it was headed by the then Chair Hon. George Karuiru as you can see there.

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- Hon. George Karuiru -Chairperson
- Hon. Christopher Mark -Vice Chairperson.
- Hon. Joseph Suge -Member.
- Hon. Irene Wachuka -Member.
- Hon. Stephen Ndiritu -Member.

Now the committee has gone undergone changes where;

- Hon. Patricia Muthoni - Chairperson
- Hon Christopher Mark - Vice Chair person
- Hon Joseph Suge - Member
- Hon Irene Wachuka - Member
- Hon. Robert Maina - Member

Mr. Speaker, I wish to extend my gratitude to the Members of this committee for their dedication and commitment to their work. The committee extends its appreciation to the Office of the Speaker and the Clerk of the County assembly for their support that has enabled the committee to participate in this duty and steer it on the path to accomplish its mandate.

Mr. Speaker Sir, memoranda were received by the committee from various stakeholders and the public on the said bill. However, some of the following areas are highlighted and the possible proposed amendments. The Bill seeks to enforce Article 55 of the Constitution of Kenya, 2010 that affirms that the State shall take measures, including affirmative action programmes, to ensure that the youth:-

(a) Access relevant education and training

(b) Have opportunities to associate, be represented and participate in political, social, economic and other spheres of life

(c) Access employment; and

(d) Are protected from harmful cultural practices and exploitation.

Thus the enactment of the proposed Bill will make certain that the fundamental rights and freedom of the youth.

Section 7, the functions are;

- To add another function- Instilling a culture of patriotism, responsibility and self-discipline to self and the service of Laikipia County
- The training of Youth to serve the County has the connotation that the youth workforce will entirely depend on the county government, hence creating

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dependency. It should be rephrased to read as; the training of Youth to serve the County and to be self-reliant.

These are some of the proposals that came about during some of the memorandums that were proposed by the public. On issues of recruitments part two;

a) The director shall ensure regional balance within the wards, ethnic balance and gender equality in line with the existing policies and regulations.

b) The recruitment does not take into account marginalized people such as street families and young people abled differently that are critical in the development process.

These are some of the views that the county youth affairs, to add that there shall be a County Youth Advisor appointed by the Governor, who shall not be a member of the County Public Service and shall have a tenure of three (3) years renewable people felt that we should ease the burden of the tax payers there. On no. 7, some one proposed that the term of office be changed for a period of three years renewable once. No. 8, people felt that the duties should be specified.

No. 10, On sit in, revolt or defiance is a violation of Constitution of Kenya, 2010 Article 37 that states that; '*Every person has the right, peacefully and unarmed, to assemble, to demonstrate, to picket, and to present petitions to public. Also it violates Article 47 and Article 49 of the Constitution of Kenya, 2010 that states that if a right or fundamental freedom of a person has been or is likely to be adversely affected by administrative action, the person has the right to be given written reasons for the action'.*

Section 12, to change;

1. The Service shall prepare quarterly reports to be submitted through the Executive Committee Member to the Executive Committee.

2. The County Executive Member of Administration, County Executive Committee Member of Finance or the Governor may request an ADHOC report.

3. The Bill should clearly define the age of the youth, for example ages 18-35 years.

4. The Bill should consider a more punitive measure on the misuse of data. Reference should be made to the Data Protection Bill.

On page 9, Establishment of the Interdepartmental Youth Committee which shall be responsible for:

a) Advising the Board on such multi-disciplinary and inter-sectoral policy and legislative measures.

They go ahead and say the establishment of the Laikipia Youth Service shall be;

a) A body corporate with perpetual succession and seal.

b) Capable of suing and being sued in its corporate name.

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c) Taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property

d) Borrowing money or making investments.

These and others which I cannot read all of them because the Members have the copies and are well details, are some of the things that the public felt that should be included in the committee

Maybe just to read the people who contributed in the memorandum;

1. Self-help groups which they did not specify the name.
2. Kenya National Chamber of commerce which was submitted to the Clerk and reached the committee (Laikipia Chapter of Commerce) from Marlin Ndegwa who is the chair, KNCCI Laikipia Chapter.
3. Laikipia CSOs namely DSW Kenya, KWAHO, IYAFP, Nanyuki Skaters Club, Likii Massive Youth Group and Slippers dance crew.

These are some of the few and the references we as committee made were on the Nandi Bill, Meru Bill and these other counties. Activista also gave their memorandum to the Youth Service Bill and the Office of the First Lady Laikipia County.

Mr. Speaker, Sir, on the committee's recommendations; the Labour, Social Welfare and Community Services Committee recommends that;

1. The Bill proceeds to second reading.
2. Members of the House to consider the views of the public at the Committee of the Whole House.
3. The House adopts the Labour, Social Welfare and Community Services Public Participation report on the Laikipia County Youth Service Bill, 2020.

I urge Hon. Members to support this Bill. What the public has said and given us views can always be checked upon in the Committee of the Whole House. With this and other remarks I come to and call upon Hon. Catherine Nyokabi to second. Thank you, Mr. Speaker.

Hon. Catherine Kibue: Thank you, Mr. Speaker, Sir. I second this report on the views of the public on the Laikipia County Youth Services Bill. Mr. Speaker, Sir, on page 6 number 7 the public indicated the need of a director to be clear which is a great concern. Secondly, number 13 the public concern the bill to clearly indicate age bracket for youth being referred in this Bill. With those few remarks I second and call upon my colleagues to support this bill. Thank you.

(Question proposed)

Hon. Daniel Nyausi: Thank you, Hon. Speaker for giving me this chance to air out my views regarding to this bill. I would like to congratulate the committee for coming up with this bill. It is a well thought Bill and I support it. I also ask Hon. Members to support it for many

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reason. One, in this youth Bill, the youth are special categorised people. Today we might be having youth members in this House but next time we are not sure. It is not a must for some youth to be sent to this House.

So Hon. Speaker, in order for a youth to be safe whether it is raining or shining, it is for them to have a bill that whether they have got a voice in the House or not, their affairs are already provided for. Hon. Speaker, It is not only for the youth but all these special groups. We need to think and come up with policies that will guide and direct them because at times they will not have representatives here because governments can decide not to hear them because as much as it is the power of wanjiku to bring a government, at times we don't force them. So the best thing is to have laws written by them and not a matter of following them.

So I support this Bill and I know that there will be some room for improvement if need be. I am sure that we are going to get the best to ensure that our youth have got the best Bill. Today I am of the youth and tomorrow or some years to come I will not be a youth but I would still want to wish the best for the youth and to ensure that they will get full support from the government of the day. Thank you, I wholly support and urge the Hon. Members to support. Thank you.

Hon. Joseph Kiguru: Thank you, Mr. Speaker, Sir. I also rise in support of this report from the committee on Labour, Social Welfare and Community Services public participation report. The reason why I rise to support is that we need to support our youth and we need to have mechanism to deal with the problems that affect our young people. As the Deputy Speaker has stated, as leadership we must walk the talk. So I don't want to add much because Hon. Chris went ahead and presented very clearly about the report. I just want to say that I support 100% whole heartedly. Thank you.

Speaker: Hon. Members, if there are no more contributions, I think we can conclude at that as you know that this is a public participation report and cannot at this stage change the views of the people. Therefore, this is just for information and so we cannot vote on it because we cannot say that we disapprove or otherwise. Therefore we conclude at that.

ADJOURNMENT

Speaker: This House now stands adjourned until next week Tuesday, 5th May, 2021 at 2.30 p.m.

The House rose at 2.53 p.m.

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