REPUBLIC OF KENYA

COUNTY ASSEMBLY OF LAIKIPIA

THE HANSARD

Thursday, 9th November, 2023

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

[The Deputy Speaker (Hon. Anthony Theuri) in the Chair]

PRAYERS

STATEMENT

NOTICE PAPER

Hon. Joseph Gitahi: Thank you Mr. Speaker. It is notified that the House Business Committee has approved the following tentative business to appear in the order paper for Tuesday (Afternoon) November 14th, 2023

A. **NOTICES OF MOTIONS** - Motion urging the County Government to speed up the demarcation of Kandutura plots by Hon. Parleto Lekopien.

B. **NOTICES OF MOTIONS** - Motion urging the County Government to set aside funds for the rehabilitation of roads that will be damaged by the El-Nino rains by Hon. Daniel Mugweru.

C. **MOTION** - Report by the Finance and County Planning Committee on the Annual Development Plan for the year 2024/2025.

It is notified that the House Business Committee has approved the following tentative business to appear in the order paper for Wednesday (Morning) November 15th, 2023.

A. **RESPONSE STATEMENT** - Response Statement No. 004/2023 to the Chairperson Agriculture, Environment and Natural Resources Committee (Hon. Joseph Gitahi) raised by the Member representing Olmoran Ward (Hon. George Karuiru) on 21st September, 2023 pertaining to a stalled warehouse in Sipili.

B. **MOTION** - Motion urging the County Government to speed up the demarcation of Kandutura plots by Hon. Parleto Lekopien

It is notified that the House Business Committee has approved the following tentative business to appear in the order paper for Wednesday (Afternoon) November 15th, 2023

A. **RESPONSE STATEMENT** - Response Statement No. 005/2023 to the Chairperson Labour, Social Welfare and Community Services Committee (Hon. Irene Wacuka) raised by the Member representing Sosian Ward (Hon. Sammy Lekopien) on 21st September, 2023 pertaining to the acting Chief Officer Department of Agriculture.

B. **MOTION**- Motion urging the County Government to set aside funds for the rehabilitation of roads that will be damaged by the El-Nino rains by Hon. Daniel Mugweru.

It is notified that the House Business Committee has approved the following tentative business to appear in the Order paper for Thursday (Afternoon) November 16th, 2023.

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A. RESPONSE STATEMENT- Response Statement No. 003/2023 to the Chairperson Finance and County Planning Committee (Hon. Stephen Ndiritu) raised by the member representing Sosian Ward (Hon. Parleto Lekopien) on 19th September, 2023 pertaining to land issued to Sportsman Arms Hotel in Rumuruti.

Mr. Speaker, those are the businesses which have been passed by the House Business Committee. Thank you.

MOTION

TRADE COMMITTEE OVERSIGHT REPORT ON VISIT TO MARKET & STALLS IN LAIKIPIA COUNTY

Hon. Catherine Kibue: Thank you, Mr. Speaker. I beg to move the following motion;

THAT this Assembly adopts the report on oversight visits to various markets and stalls in Laikipia by the Trade, Tourism and Cooperatives Committee dated 31st October, 2023.

Preface

This report is as a result of oversight visit on various markets and kiosk stalls in Laikipia. The Committee embarked on oversight visit between 28th -30th September, 2023.The purpose of the oversight visit was to check the market infrastructural development across the county with the aim of improving business environment and promote enterprise development. The report will highlight the mandate of the committee, the observations and recommendations given by the committee.

Establishment of the Trade, Tourism and Cooperatives Committee

The Sectoral Committee on Trade, Tourism and Cooperatives Committee was constituted by the House on 26th October, 2022 during the First Session of the Third Assembly in Laikipia County. The Committee is established pursuant to Standing Order 191 and the functions shall be to:

1. Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
2. Study the programme and policy objectives of departments and effectiveness of the implementation;
3. Study and review all County legislation referred to it;
4. Study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
5. Investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the Assembly;
6. To vet and report on all appointments where the Constitution or any law requires the Assembly to approve, except those under Standing Order 184(Committee on Appointment); and
7. Make reports and recommendations to the Assembly as often as possible, including recommendation of proposed legislation.

Committee's Mandate

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Under Standing Order No. 191 (5), (e) This committee is permitted to investigate, inquire into, and report all matters relating to its mandate, functions of the County Government, in regard to trade, tourism and entrepreneur development. The mandate of the Trade, Tourism and Cooperatives Committee shall be as follows: -

1. Trade development and regulation including the markets;
2. Trade licenses;
3. Fair trading practices; and
4. Local tourism and cooperatives societies.

Committee Membership

The Committee was constituted by the House on 26th October, 2022 comprising of the following Members: -

1. Hon. Catherine Kibue - Chairperson
2. Hon. Moile Eunice Salaten - Vice Chairperson
3. Hon. Antony Theuri Wambui - Member
4. Hon. Simon Kanyutu - Member
5. Hon. Stephen Ndiritu - Member

Oversight Visits

1. Umande Ward

Maili Nane Stalls

The stalls are located at Maili Nane centre in Umande Ward. During the oversight visit, all the stalls were locked. The Committee was informed that the County Government allocated the kiosks to the traders who were there previously before the current ones were constructed. Some elderly traders who own the stalls do not use them. The kiosks are like personal properties. The County Government charges only the opened kiosks Kshs. 50 on Thursdays during the market day.

Some traders open the stalls in the evening for a few hours due to lack of electricity. Among the 14 street lights in the centre, only 4 were functioning. The committee was notified that some people steal the street light batteries and also dismantle the cables at night.

2. Maili Nane Market.

The Committee was informed that the market is cleaned every Wednesday by employees of the county government but does not function because it lacks stands and electricity. The traders prefer using the empty space outside to sell their goods on market days.

3. Tigithi Ward

Lamuria stalls

The County Government constructed 21 stalls at Lamuria Centre and allocated them to traders. People were allocated small pieces of land and constructed 32 stalls. Most of them are usually locked. The committee was informed that some of these stalls had been rented out by the owners while others had remained closed for a while.

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The traders were not doing very well in business and claimed that the County Government needs to construct windows behind their stalls to attract more customers who use the main road. The stalls face a stage which does not have even a single vehicle. Allow me to move to page 10 because each and every Member has this copy.

4. Ngobit Ward

MAKUTANO STALLS

The Committee observed that the County Government constructed 21 stalls and they are functional. The traders were also allocated some small pieces of land to construct their own stalls in the market and the completed ones are operational.

5. Mukogodo West Ward

DOLDOL MARKET

Doldol market was constructed by the County Government and is not operational as it lacks water and electricity. The market does not have water harvesting facilities. The existing tank cannot hold water because it is leaking.

DOLDOL STALLS

The stalls were allocated to traders after construction but they are not operational. Some have been vandalized while others have been turned into dumping sites.

Committee Observations

The Committee observed that:

- The government used public funds to build the stalls but do not benefit the community nor the County Government as a revenue stream.
- After the traders were allocated the stalls, some leased them.
- The toilets within the market areas require renovation in order to prevent the spread of diseases that come from the stagnant water.
- The traders at Maili Nane in Umande pay licenses but business is low since customers find it hard to get to their shops. There was a lot of soil erosion due to the water on the incomplete roads. The smart towns initiative did more harm than good to the roads.
- The water tank at Maili Nane was leaking and a tap next to it needed to be repaired so that the traders can use them. The gutters in the market shade were not functional, therefore the tank was empty. The traders get clean water from a distance.
- The committee was notified that in Lamuria, the County Government had given the traders a three months' notice to create space for ventilation in their stalls.
- Lamuria market was not operational and lacked the basic necessities such as water and electricity.
- There is no fair trading among traders at Makutano market. The wholesalers sell their goods on retail basis on market days and this affects the businesses in the stalls.

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- The traders at Doldol sell their wares in an open-air market instead of the already constructed market and stalls on Friday during the market day.

Committee Recommendations

- That there is need for the County Government to connect water from Kalalu Dam to the market to ease the long journey the traders make in search of water.
- The markets and stalls require renovation on the cracks, doors and leakage points. The budget that is allocated for the market infrastructural development to be utilized in order to improve market areas and promote enterprise development.
- The County Government to murram the smart town roads in Maili Nane before the El-Nino or the short rains.
- The open-air market at Maili Nane area needs to be murramed and raised to avoid pools of water. This will create more space for the traders.
- There is need for the committee to engage with the County Executive to ensure that stall roads around Maili Nane are completed or murramed to avoid water paddles on them during the rainy season.

Thank you, Mr. Speaker. Without taking much time, because each and every Member has this report, I want to call my senior Member from Marmanet to second this report. Thank you.

Hon. Simon Kanyutu: Thank you, Mr. Speaker. First, I commend Hon. Kawira… Sorry, Catherine Nyokabi. It is unfortunate because my mind is just on what the Senate was doing to Kawira, so now I have admired the way that she has presented the report. That is why I have in mind Hon. Kawira, the iron lady. I am sure that we have an iron lady in this Assembly. I stand to second this report.

As per the committee observations, it is properly stated that the government uses public funds to build stalls and markets that do not benefit the community. That is our work as an oversight body. We need to look into that. After the traders were allocated the stalls, some sublet them. This is a stalemate that is really hurting each and every corner in this county.

I have an experience even in my ward and I had to intervene. As we speak, there are some people who had been allocated. They cannot even talk with me because I decided that those who are ready to work in the stalls have to engage and work in these stalls. As we moved all over with the committee, the same incidences that I observed in my area are also in other areas.

Mr. Speaker, the committee also observed that the toilets within the market area require renovation in order to prevent the spread of diseases. Some of the toilets that we have in our markets, even when we were doing the visits you could not use them because they are in a pathetic state.

Traders at Maili Nane in Umande pay licenses but business is low since customers find it hard to get to their shops. There is a lot of soil erosion due to the water on the incomplete roads. The only concern is that the town had been earmarked as one of the smart towns. I do not know how we will go about it because now our government at the moment is not thinking about smart towns, but because it had been earmarked and the work had already started, as an Assembly we need to push for the work to be completed.

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Mr. Speaker, we really concentrated on Maili Nane because it is just next to this town. The water tank at Maili Nane was leaking and needed to be repaired so that traders can use it. Even the gutters were not functional, therefore the tank was empty. Imagine having a tank and the gutters are not functional, so work cannot be done. It is really unfortunate, and because we serve our people, we need to see to it the work is properly run.

That's why the committee had a few recommendations. That, there is need for the County Government to connect water for Kalalu Dam to the market, to ease the long journey that traders make in search of water. Kalalu Dam is just a few meters away from the centre. The market stalls require renovation on the cracks, doors and leakage points. The budget allocated for the market infrastructure development to be utilized in order to improve market areas and boost enterprise development.

Mr. Speaker, the County Government should murram the smart town roads in Maili Nane before El Nino and the short rains. Unfortunately, as I speak now El-Nino is already with us. I do not know whether we have to get some emergency funds to assist these people because the roads were a bit deep. As we speak right now, we already have dams in that town. We have to find ways of assisting the traders within that town.

The open-air market at Maili Nane area needs to be murramed and raised to avoid pools of water. This will create more space for the traders. That is already happening. There is need for the committee to engage with the County Executive to ensure that the roads around Maili Nane are completed or murramed to avoid water paddles on the roads during the rainy season. Those are the recommendations by the committee. There is need for the County Government to encourage and sensitize the traders at Doldol to use the market stalls well.

Mr. Speaker, it is unfortunate when we visited Doldol to see that the market has been abandoned. They utilise it for other activities. There are some used facilities that we found on the site that have been converted rather than them being used as markets. They have converted the stalls as hiding places and people get there to enjoy.

Mr. Speaker, the Trade and Tourism Committee reported and I believe this committee really worked. With the iron lady and that is why I was confusing her with H.E Kawira, she really pushed us to ensure that we do not just make a report but we visit those sites. I admire her working capability. She is capable and she can work for our county. She pushed us because as you can see on my part, I am still ageing and she made me burn the mid-night oil.

I admire the way she is working. We will work together as a team to ensure that the Executive allows the members of the public to access what has been earmarked for them for their benefit. I wholly support this report, I second and I am sure all other Honourable Members will support this report and whatever work that needs to be done by the Executive will be done effectively. Mr. Speaker, I second.

(Question proposed)

Deputy Speaker: Hon. Members, the floor is open for debate. I will start with Hon. Joseph Macharia, Member for Githiga.

Hon. Joseph Gitahi: Thank you, Hon. Speaker. I am happy that I requested I be given as the first person before other senior members have issues to state. Hon. Speaker, I want to first state that I am very much appreciative of the Committee on Trade. I ask the whole House to adopt the report that have been presented. Hon. Speaker, some things are open and glaring.

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Upon the completion of all these projects that are notable in Laikipia County and mostly in government contracts and jobs Hon. Speaker, we lack development communication. Upon the completion of these projects, we need to have a stakeholder's sensitization meeting so that the public can own up these projects. The Chairperson of the committee started the observations by saying that the County Government of Laikipia spent a lot of money on projects.

She has mentioned about Doldol Market that is not functional as we are speaking and Lamuria Market is not working at the moment. Hon. Speaker, this is wastage of public funds. Hon. Speaker, I am living in a generation that dearly needs these facilities. The special groups of youth that I represent would want these markets to work so that they are able to sell their products and develop themselves social-economically.

That is why I am saying that in future when we develop these projects, let us go an extra mile in involving the community so that these communities own these projects. If they were owned, we will not be having issues of shortage of facilities. These people would have already raised their voices to the government but it seems these people did not own up to these projects. Hon. Speaker, I am afraid that if we go at this pace, we will have a lot of projects that are done that are not accepted by the people.

I will give an instance of Githiga Ward where we have two toilets. We have one at the former slaughterhouse where they are trying to put up the bus park. Then we have another toilet close to the MCA's office where we have the ordinary market that comes on Fridays and other days. Hon. Speaker, the two facilities are not being used. They are already closed and this is the nature of doing business that we want to discourage this government.

Please, when we are doing these projects, let us also ensure that all stakeholders are able to converge so that people own these projects and they are able to go forward. Hon. Speaker, there is the issue of maintenance. As you heard, there are issues of roads connecting people to the markets. There are issues of facilities connecting people to the markets especially the Kalalu Market where we need these people to be connected to the closest dam and water to be pumped from the closest dam to the market so that these people are not straining.

Hon. Speaker, I have said this many times without a number that the revenue we are using to construct these projects, we are getting it through sweat and blood. If you listen to the current citizen, he is suffering so much to ensure that they have taxes to this government. It is very unfortunate that when we develop these projects sometimes, we leave out clauses that will be important to make these facilities to be utilised to the maximum.

Hon. Speaker, as much as I urge Hon. Members to support the entire report, I would also ask that in future we depart from the current position. Hon. Speaker, we are told that mediocrity is doing the same thing twice and expecting different results. We would want to urge all development stakeholders to ensure that we do not get here again. All the projects that we are doing, we merge them with the people so that people can own them up. People can take pride with them and we will champion the improvement of these facilities.

Having said that Hon. Speaker, I am appreciative for the opportunity. I would also want to thank the committee for the good work they have done. I have looked at the report and it has images of these market stalls that we are talking about. We are not talking about things hypothetically. We are talking about things that we can see with our own eyes. We urge the good Chair to continue with the good work and the good constitution of the committee to continue with their good work. I urge all the Members to support the adoption of the report. Thank you, Hon. Speaker.

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Hon. Salim Edung: Nashukuru Bwana Spika kwa kunipatia hii nafasi. Kwanza napongeza Mwenyekiti wa Kamati ya Biashara pamoja na kamati yake kwa sababu wameleta ripoti ambayo iko mashinani katika Bunge hili. Nikiangalia Wadi ya Segera, maduka mengine yamewekwa kwa barabara na sio kwa soko. Hadi saa hii zimefungwa na hakuna kazi ambayo inafanyika hapo.

Nikijaribu kupiga darubini sana, nakuta Kaunti ya Laikipia inapoteza pesa nyingi kwa kutengeneza hayo maduka ambazo hazina kazi kwa sasa. Zingine unakuta vile ambavyo vilijengwa hawakuzingatia mifereji ya maji na tenki. Maji inayotokana na El-Nino inamwagika chini. Vyoo vingine havifanyi kazi kwa sababu kama hakuna milango, zimeng'olewa na zingine zikaharibiwa.

Unakuta wakati wa soko pale Ngareng'iro , wanabiashara wanaenda shule ya chekechea iliyo karibu ya Ngareng'iro kutumia vyoo ilhali vyoo vya soko viko. Sisi tumeangalia na hizi pesa za Kaunti zinatumika kwa njia ambayo haistahili. Hii kamati ilizunguka kila mahali. Wameleta ripoti na wamejua ya kwamba pesa za kaunti ziko lakini watendakazi ndio hawako. Katika Serikali ya Utawala, wakiambiwa kuna vyoo ambavyo vimeharibika na zinastahili kutengezwa, hawalichukui kwa ufasaha.

Sisi kama Waheshimiwa, katika wadi zetu tunaangalia miradi yote katika kila wadi. Sisi ndio tunafanya uangalizi. Napongeza Mwenyekiti wa Kamati ya Biashara kwa kazi ambayo amefanya pamoja na kamati. Ikifika usiku, hizi maduka zinatumika kama *lodging*. Hatukuwa tunajenga *lodging* katika wadi zetu. Hayo maduka yakiwa hivyo, watu watafanya uhalifu na kulala pale...

Deputy Speaker: Mheshimiwa Salim, kwa ufasaha ningeomba utueleze zinatumika kama *lodging* namna gani, ni nani ananufaika na kama kuna kodi ambayo Kaunti inapata.

Hon. Salim Edung: Ninasema hivyo kwa sababu hizo duka zikiwa katika huo mtaa, mtu akikosa mahali pa kulala, hata kama ni mpita njia ataangalia hapo ambapo kuna nafasi ambayo anaweza kulala na kuenda zake...

Deputy Speaker: Hon. Gitahi, I can see that your mic is on.

Hon. Joseph Gitahi: Hon. Speaker, you came to the intervention and I wanted to understand whether he meant lodgings that have immoral connotations. I just wanted to understand whether they are those ones.

Hon. Salim Edung: Nashukuru Bwana Spika. Naamanisha maduka ambayo yako pale…

Deputy Speaker: What is it Hon. Kanyutu?

Hon. Simon Kanyutu: Mr. Speaker, I am a member of that committee and what the Hon. Member is stating is very true. When we visited Doldol we found the stalls being used for other activities. Whatever he is attesting here is true because they are being used as lodgings. Imagine finding used condoms in those facilities, it is very true and he has spoken the truth. It is only that I was diverting from what we saw when we visited.

Hon. Salim Edung: Bwana Spika, nashukuru kwa sababu katika hili Bunge huwa tunasema kile kitu ambacho tunaona huko mashinani. Ukiangalia, labda hizo vioski zikiwa wazi hivyo zinaweza kuchangia hata wezi kuja kukaa pale na kufanya uhalifu. Kwa hivyo, inamaanisha ya kwamba zile vioski zinatumika kwa njia moja au nyengine.

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Mimi ninasema ya kwamba hii Kamati ya Biashara ilifanya kazi iliyofurahisha wananchi katika mashinani. Walienda kufuatilia mahali pesa za Kaunti zinafaa kuwekwa kwa utaratibu na kwa njia mwafaka ili kila mtu ajue ya kwamba hizo vioski zinafanya kazi. Bwana Spika, hizo vioski zikikosa kufanya kazi, hiyo ni njia moja ya kupoteza ushuru katika Kaunti yetu. Ninaunga huu mjadala mkono. Asante.

Hon. Daniel Mugweru: Thank you, Hon. Speaker. I also rise in support of the adoption of this report from the Trade Committee. Before I make my contribution in supporting the same, I don't know whether I am the only one or everybody who is uncomfortable with this light because it is too much and it is affecting my eyes. Hon. Kanyutu, the young man is saying that he will not be using a mirror since he can see his reflection in Hon. Karuiru. Hon. Speaker, it is also important that as much as we are improving the services of this House, then we do not improve at the point of destroying our eyes.

Mr. Speaker, having said that, I have got a feeling that the young man, Hon. Kanyutu from Marmanet who said that they found used commodities in those kiosks, when you find used commodities in a room, you do not claim that place to be a lodging but maybe they are using it as a dust bin. Maybe they used it somewhere else but they dumped it there. I am feeling that used commodities cannot determine that a place is a lodging but a dustbin.

Hon. Speaker, I really want to commend the committee because it is very clear that the government, we are having is a government that needs to be pushed to do things. For things to happen there must be a push from the Assembly. So, it is the time we wake up and start pushing the government to implement the agendas that ought to be implemented at the right time.

When the committee went to Kalalu Shopping Centre because that is the place I know most, after giving the recommendations, as at now in that smart town the murram has been dumped and so the committee really helped us in pushing them to perform. Otherwise, if the committee did not go, probably they could have done nothing. Therefore, these things that we do here really help us in one way or the other. So, it is a call for all the Members in this House to start pushing the government to accomplish what they are supposed to do.

Hon. Speaker, one of the recommendations is that the department to work on getting the water from the dam to the market. For that one, deep in my heart, I differ with that because there are boreholes that are in that town and probably clean water is what we want in the market and not dirty water from the dam. It would be easier to extend water from boreholes than getting water from a dam.

I am saying this to add on the recommendations of the committee. We have a responsibility to add on more recommendations. Therefore, the recommendation I would like to be added before the report is taken to the Chief Officer, it is that they extend clean water from the borehole to the market and not from the dam to the market.

Hon. Speaker, when they started acting on the market, the department gave out a contract to level the open-air market and the contractor who was given to do that work really did a shoddy work and therefore the Committee on Implementation should go check. It is unfortunate when the overseer is an MCA who oversaw shoddy work being done in that market. So as the recommendations are forward, we should also add another recommendation and say that the work which the department did in that market needs to be improved because they did not do it to the standard.

On the same market of Kalalu, there is a challenge that is there and we need to include the recommendation that time and again the department should insist in exhausting the ablution

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block that is there which gets filled up and at least every month it needs an exhauster. So those are some of the things which we need to work on to make our work efficient as the government works for our people. I support and really call upon the committee to add on the few recommendations that we have raised in this House.

Deputy Speaker: I wish to call upon the mover to make a reply.

Hon. Catherine Kibue: Thank you, Mr. Speaker. First, I want to thank all the Hon. Members who have supported this motion. Secondly, it is to thank the Members for their concern which they have raised in this House that this committee to visit all the wards. We have raised it in this House that this committee should visit all the wards. We have done as per their request as well as per our committee's mandate.

I also want to encourage the Hon. Members to continue raising their issues that are in their wards and as the Trade Committee, we are ready to listen and also work. Thank you and I wish to call upon the Hon. Members to continue supporting this motion.

(Question put and agreed to)

ADJOURNMENT

Deputy Speaker: The sittings of this House now stand adjourned until next week Tuesday, 14th November, 2023 at 2.30 p.m.

The House rose at 3.12 p.m.

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