REPUBLIC OF KENYA

COUNTY ASSEMBLY OF LAIKIPIA

THE HANSARD

Tuesday, 6th April, 2021

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

[Deputy Speaker (Hon. Daniel Nyausi) in the Chair]

PRAYERS

QUORUM CALL

Deputy Speaker: Serjeant-At-Arms you can ring the bell for 10 minutes.

(The Quorum bell was rung for 10 minutes)

Hon. Stephen Nderitu: Hon. Speaker, when I look at the House I think we have a quorum and we should continue with our business.

Deputy Speaker: Hon. Nderitu, you came in late and before you came, I had asked the Serjeant-at-Arms to ring the bell for 10 minutes. Those 10 minutes are not over yet. Until they are over, then I will confirm for quorum.

(Quorum confirmed)

COMMUNICATION FROM THE CHAIR

RESUMPTION OF THE HOUSE FROM RECESS

Deputy Speaker: Hon. Members, I wish to welcome you back to the House after the short recess. It has been a rough one for some of us. I am sure most of us didn't manage to meet the people because of COVID. There are guidelines that we are all expected to adhere to so that they help us and our people, but all the same I wish you a fruitful time.

COVID-19 JAB

I am aware that some of our Members are yet to get the vaccine jab that is ongoing. As a House, we are trying to organize whether we can be able to get from the Health facility or we book for the vaccines so that at least Members will be going to get that jab because it is available. Hon. Members, I encourage those who have not taken the Jab to do so. Thank you.

PETITION

WAIVER OF PERMIT/LICENCES FOR LAIKIPIA BAR OWNERS ASSOCIATION

Deputy Speaker: We have a petition by the members of the Laikipia Bar Owners Association concerning waiver of single business permit/liquor licenses in favour of its members for the Year 2020/2021. The petition is to the County Assembly. We the undersigned

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citizens of the Republic of Kenya, and residents of Laikipia County draw the attention to the County Assembly of Laikipia to the following;

Aware of rights to represent a petition to a public authority as stipulated by Act 37 of the Constitution of Kenya;

1.1 That we are a registered organisation representing 600 business proprietors of legal trading classified as bar and restaurants, wines and spirits, hotels and general retails, night clubs, *Nyama choma* zones, distributors and wholesaler licenses to sell liquor products within the jurisdiction of the County Government of Laikipia.

1.2 That we have been paying single business permits and liquor licenses fees and charges faithfully to the County Government of Laikipia.

Considering that the businesses had suffered closure due to containment measures by the National Government to curb the COVID- 19 pandemic.

2.1 That despite the fact that the pandemic affected many businesses, ours were hit hard due to the restrictions issued by the state department of Health in line with the COVID-19 containment measures with which we continue to comply.

2.2 That even after the slight relaxation of the containment measures, most of our business entities continue to reel under the adverse effects and experiencing post pandemic trauma with most struggling to sustain operations.

2.3 That the stability of this industry contributes a lot to the economic growth of our county noting that the industry is operating below 25%.

Concerned that we are required to pay licenses for the year 2021 and,

3.1 That we remain closed for the better part of the year 2020

3.2 That the majority of our members did not operate in the year 2020 and they will not be able to pay 2021 licenses and therefore no alternative than to opt out of business.

3.3 That the deadline for renewal is 31st March, 2021

3.4 That some of the County Governments have considered similar requests and offered a reprieve to their stakeholder's/business operators especially in this industry.

Further concerned that we have made individuals and collective efforts to have this matter addressed by the relevant authorities all of which have failed to give a satisfactory response.

Noting that none of this issues raised in this petition is pending in any court of law, Constitution or any other legal body

Wherefore, your humble petitioners pray that the County Assembly of Laikipia

1. Recommend and approve waiver for the payment of single business permit and liquor licenses fee in favour of our members for the year 2020/2021.

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2. That the House recommends and approves that any fee paid by our few members for the year 2020/2021 be carried forward to cover the future period when the Covid-19 containment measures will be fully lifted.

That is the petition that we have received and it is committed to the Finance and County Planning Committee. I can see the Chairperson is present and please take the shortest time possible so that this petition does not become irrelevant because we are praying hard that this pandemic will be over. Please take a step and ensure that it is addressed in time. Thank you.

Hon. Stephen Ndiritu: Bwana Spika, nilikuwa nafikiria kabla upatiane hilo ombi kwa kamati ni vizuri tuchangie kama Waheshimiwa ili wakati kamati itaketi kuiangalia hilo jambo wawe na maoni yetu. Sisi pia tunawakilisha wananchi katika Laikipia na inafaa maoni yetu yaweze kusikizwa.

Deputy Speaker: Hon. Ndiritu I am not getting you clearly because if you had such an idea, you could have brought that petition to this House. Somebody has already moved forward to bring it. I also agree with you that Members can give their input and add some weight to it. It is the committee that should do that and not the whole House. If there is any Member who wishes to put his or her voice toward the same petition, it is open but the committee will take the lead. Members, welcome.

Hon. Stephen Ndiritu: Asante, Bwana Spika. Nikisema hivyo nilikuwa nataka pia…

(Technical hitch)

Deputy Speaker: It is working, Hon. Stephen.

Hon. Stephen Ndiritu: Thank you, Mr. Speaker. Before I contribute on this I would first like to correct your earlier statement that I was late. I was not late but within the time. There are some Members who came after me and I am worried because they can be listed as absent. That one should be looked at very carefully because when I entered through that door it was just three minutes after the time.

Bwana Spika, jambo ambalo ningetaka kuongeza katika hilo ombi ni ya kwamba wakati hawa…

Deputy Speaker: Sorry, Hon. Stephen. You can proceed. It is not intentionally intended for you…

Hon. Stephen Ndiritu: Asante, Bwana Spika. Nilikuwa nafikiria inafanywa kimakusudi, kwa sababu ni lazima tuongee ukweli na lazima tuweze kuungana na wale ambao wameleta hilo Ombi. Katika hiyo sekta, nafikiri walio na mabaa wamelaliwa sana na hii shida ya Korona kwa sababu ya amri ya kutotoka nje. Amri ya kutotoka nje inapoanza saa mbili au saa nne na mabaa yanafunguliwa saa kumi na moja, kisheria, inamaanisha kwamba wanaofanya biashara hiyo hawana riziki, na wengi wao wamefutwa kazi.

Mimi ningeonelea kwamba wakati Kamati inaangalia hilo Ombi, iweze kuliangalia kwa makini. Mimi ni shahidi wa watu wanaokaa katika wadi yangu waliokuwa wanafanya biashara ya kuuza pombe iliyo halali na ninajua hao watu wanateseka. Wale walio na hizo biashara

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wameadhirika pakubwa sana. Sisi kama Wabunge tuko na jukumu la kulinda wale wafanyibiashara ambao wako katika Laikipia.

Ningetaka pia wanapoangalia hilo, waangalie zaidi ya hilo ombi na waangalie ni biashara zingine gani ambazo zimeadhirika. Mimi ninajua kuna biashara nyingine ambayo imeadhirika na ni ya wauzaji wa *mitumba.* Korona ilipoingia tu wale wafanyibiashara wa *mitumba* waliadhirika pakubwa kwa sababu *mitumba* ilizuiwa kuingia nchini na hata kuuzwa. Wajumbe wote walio hapa pamoja na watu wa Laikipia waliona Gavana wa Laikipia akizunguka katika mitaa yote kusema kwamba *mitumba* lazima ifungwe, na wale wananchi wakatii.

Mimi naona kuwa ni jambo mwafaka Kamati inapoangalia hili Ombi iangalie pia mambo ya wafanyi biashara wa *mitumba* kwa sababu pia hao wanachangia sana katika ushuru wa Laikipia. Mimi ninaelewa wanayoyapitia kwa sababu pia wameandika barua kwa ofisi yangu wakiomba kwamba zile leseni ambazo walipaswa kulipa ipunguzwe iwe angalau nusu ili waweze kufanya biashara.

Mimi ninajua tuko na shida, lakini hata hivyo, kuna zile biashara ambazo zimeadhirika kuliko zingine. Kwa hivyo mimi naona hilo ni jambo nzuri na litatia moyo wale wanaofanya biashara kwa sababu wataona kuwa kweli serikali inawajali. Leo unaweza kuwa huna pesa bali kesho upate. Mimi naonelea kwamba watakapoangalia hilo ombi, waliangalie na kulipitisha kwa sababu linafaa hususan wakati huu wa 2019/20 ambao nafikiri ndio wanaongea kuhusu. Hayo ndiyo maoni yangu na naona kwamba ni muhimu, asante.

Hon. Mutahi Muritu: Asante sana, Mheshimiwa Spika. Inaonekana kuna misukosuko mingi sana lakini ni ya kawaida tu, ni mvua. Mimi nina maoni tofauti. Tusichanganye hizi biashara mara mbili. Tuko na sekta tofauti kabisa. Tuko na wafanyibiashara wanaouza masoko, tuko na akina mama wanaouza mboga, tuko na maduka, na kadhalika. Lakini hili swala la wenye vilabu, ninaamini vilabu ni starehe, moja kwa moja. Sio hoteli, hivi ni vilabu vinavyouza pombe.

Mwenyekiti wa Kamati ya Fedha ataungana nami. Pia aliyezungumza mbele yangu ni mwanachama wa Kamati ya Wafanyakazi ambayo hutoa leseni kwa hao wenye vilabu. Kama kuna kitu kinachotuletea mapato katika Kaunti yetu, ni upande huo wa starehe. Tukiangalia jinsi uchumi wetu unavyoendelea, sio maendeleo wala nini, nyinyi wote ni mashahidi kuwa tumekwama. Tukiendelea hivi tuseme tuwaondolee hao kulipa kodi ilhali hizo pombe bado zinauzwa, hata baada ya kuwekewa masaa bado watu wanajifungia huko ndani na kuendelea kulewa.

Pengine wengi ni walevi pia kwa hivyo lazima watete. Mimi si mlevi na sinywi pombe lakini kwa hili, mimi naomba. Nimekuwa nikisimamia sana msamaha wa madeni.

Ukiangalia vizuri sana na ukifanyia kazi kabisa na kwa makini zaidi. Utaona ni kitu ambayo hakistahili katika kaunti ama nchi inaoendelea. Ukiangalia kilabu moja katika Laikipia inatoa elfu tisini. Ebu fikiria leo tuchukue zaidi vilabu zile zote ambayo tunakusudia. Ningeomba pia wewe ufanye utafiti. Hakuna kitu ingine isipokua ardhi na maduka, hii ndio inatuletea kodi kubwa sana kwenye kaunti.

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Tuko karibu kufunga mwaka. Sasa hivi tunapoongea tunalalamikia bajeti yetu kutokidhi mahitaji yake. Tangu tupitishe bajeti ya mwaka huu, hakuna maendeleo imepatikana. Ukifanya utafiti zaidi kwa sababu mimi niko kwenye kamati ya bajeti ni kutofikisha malengo tuliyojiwekea. Sasa hivi tukisema tuwasamehe hao wanaouza starehe na unajua huko kwenye kilabu kuna biashara mingi sana zinazoendelea huko. Tuangalie tu.

Na mimi kamati ya fedha wanifanyie hii kazi. Tusithubutu hata dakika moja kuweza kutoa hii. Vilabu zimefungwa, zinaruhusiwa kuuzwa mchana hadi saa nne usiku. Kama ni wafanyabiashara za mitumba, nakubaliana nayo moja kwa moja na kama biashara zingine ambazo siyo za kawaida zile tu za wajazilia mali wadogo wadogo. Lakini kwa hizi vilabu, haki ya mungu mimi nitakua kwa hapa tu. Na kama mnaona katika kaunti yetu hakuna maendeleo inaendelea katika kila wodi, tena tutoe hii. Tujitayarishe tu hata hakuna haja ya kuja kwa hili Bunge kwa sababu maendeleo iko wapi?

Basi mimi nitakuja kupiga kelele ati nilitumwa na watu wa Tigithi kuja kuwakilisha hapa niwaletee maendeleo; maendeleo yenyewe haipatikani. Kwa sababu bajeti enyewe kulingana na uwezo yetu haikidhi. Mimi ni ushauri wangu kwamba hao walioleta ombi kwanza hio isikubaliwe na wachukuliwe hatua na waitishwe pesa mara moja kwa sababu hii ni starehe. Hakuna mtu anaenda kulewa na hana pesa na tena pombe haipewi mtoto. Pombe sio nguo ya mitumba, itauziwa mtoto apewe chakula, hii ni starehe na mambo ingine hatuwezi sema kwenye Bunge. Kwa hivyo naishauri kamati ikatae hio na tuweze kuchukua hatua iwezekanavyo. Kwanza hizo vilabu zote zikusanywe fedha.

Hon. Chris Mark: Thank you, Mr. Speaker. I raise to give my opinion because I know the proper debate has not come for it. I would like to support the statement of my previous colleague Hon. Mutahi. You know this is leisure. In fact, I am like him, I do not drink and entertain alcohol. Like he said that it is not a must you take alcohol, it's not like food.

If you brought a waiver from people in the market, I really would understand because people must eat and feed. This is leisure. In fact, at times if alcohol is given at a cheap price freely. It will actually make our people sleep and drink too much and there is no development. I always believe alcohol should be more expensive to be paid three times as it is. I do not support this waiver.

We have other sectors which we can look at critically which are a necessity. Alcohol also brings other bad vices. If you go where people are drinking alcohol, there are things like drugs being sneaked in, there are things like prostitution. All these bad vices. You see that is not something that someone must drink or eat to live. If it was water, it is something else. This is not the type of water we are talking about. So I don't support this at all.

I know I am in none of the committees and am just giving my opinion. We start giving waivers to things like alcohol and water views. It means now everybody will be coming for waivers. Even the people who are running casinos, they will come and tell you. You know we are not in the casino business and people are not betting a lot.

I know people here who drink are almost zero. Hon. Members in Laikipia do not drink, that is the good thing. They really relate but what they are paying also counts from the small

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traders there. The people who are selling Sukuma wiki and people doing transport business. Those are the areas we should look at for waivers.

Like the transport business is really affected. They are being told if your car was carrying a capacity of fourteen you cannot, you must limit it. But this is alcohol. In fact, if you speak the truth there are some Clubs which are operating, I don't know even know the name of any single club, if I knew I would use it as an example. I rest my case there Mr. Speaker.

Hon. Daniel Mugweru: Thank you, Mr. Speaker. I want to register my contribution and opinion because the real debate has not come, Mr. Speaker. To start with the petition is specifically from members of Bar Owners Association and the petition is about the waiver of their single business permit/liquor license.

So it's not about any other business but specifically this business and so I believe the committee will go direct to the petition and not any other thing beyond this one Mr. Speaker. This one will lead this county to open a very bad door for us all. I don't know why they feel they have been so much affected, yet the law is very clear they are supposed to open at five and close at eleven.

Mr. Speaker, they are only losing one hour and I am so sure I'll find people drunk and they come from those bars. However, without saying maybe they take at day time, one hour cannot affect them in that big way.

Today we have the water licenses, I wish we are talking about waving the water licenses for the self-help water projects. People are so much affected, the way Hon. Nderitu has just said. For example, the transport sector has been affected in a very big way Mr. Speaker. Essential services have been affected, business on essential services too.

Today when there is lockdown in Nairobi, you expect so many essential services in Laikipia will fail. So we should look things in that direction, I think though I am not sure whether we collect revenue or not, beer is not an essential service to us.

Whether we have beer or not we are comfortable, in fact we are working day after the other to preach to people to stop taking it. Therefore, Mr. Speaker we are working very hard to collect revenue from them, on the other hand we are losing lives through the same alcohol.

I really wonder and this is selfish interest; if we open this door the following day we will get another petition from the water users association, those people who have water intakes and all that. The following day we will hear the county will also be locked, no revenue will be collected Mr. Speaker.

Everybody is affected, not only the bar owners. We are also affected, ourselves in this House Mr. Speaker. We are witnesses to this, but we are not saying we won't pay tax because we are affected. Everybody in this town is affected, all sectors are affected. How do we single out one sector and it's the only sector that destroys our people, and believes they are affected?

Mr. Speaker, my opinion to the committee is ignoring this one; they even don't have time even to sit for it. It will be a waste of time of time for them. Anyway it is their prerogative

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to sit, listen to them and go to this petition but at least we have given what we expect from them. Thank you.

Deputy Speaker: Hon. Matunge then Hon. Jacob.

Hon. Peter Matunge: Thank you, Mr. Speaker. As I was seated and listening I was about to change my mind. I know that this is a petition and it is a constitutional right of the people of Kenya including the people of Laikipia. This one including the Laikipia Bar Owners Association, the key word here is the people who own that business. That business is generating income to many Laikipians through employment and the services they are giving to the people of Laikipia.

Mr. Speaker, it is their constitutional right to request this House to listen to them and hear what they are saying. The Bar Owners Association are not the people who are drinking beer but these Hon. Members. They are making money and employing people…

Deputy Speaker: What is it Hon. Chris?

Hon. Chris Mark: You know that Hon. Matunge is inputting an improper motive by saying that it is these Hon. Members who are drinking. We know that Hon. Mutahi does not drink alcohol and I myself have never come close to alcohol. So you should be very specific or rather withdraw that statement. Hon. Members are not the ones who are drinking this and making money.

Deputy Speaker: Hon. Chris, whether you are drinking or not, the fact is that today you are representing some people who take alcohol and all of us are representing them. So nobody should feel as if they are not represented. I may also be taking it or not but at least I know that I am representing them. I must be very clear that if this petition will not go through is not because the Members of this House do not drink but because it does not make sense. So let that be very clear.

Hon. Peter Matunge: Thank you very much Mr. Speaker for protecting me because the reference was for the public but not factually meaning that Hon. Chris is taking beer but just because he represents those who take beer and those do not take beer. So what I was just saying is that these people called the Laikipia Bar Owners Association are not the ones who take beer and the wines but they are the investors and the owners of all these hotels including the *nyama chomas.*

These people employ quite a number of Laikipians and the youth. So my opinion is that we need not rubbish them because it is their constitutional right. The committee must listen to them and why they are saying that they need waivers. The county needs to generate revenue but we don't have to kill businesses in the essence of making revenue because when you kill businesses you will not be able to generate that revenue. The purpose of the government is to create a conducive environment for the business to thrive and for the economy to grow.

So my advice is for the committee to listen to what they are saying and I know that the next petition that is going to come here is from the Hon. Member for Thingithu concerning the issues of *Mutumba* and even the other people will continue bringing their petitions here. We

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know that issues of COVID-19 have affected our economy and we must support our people. Other countries are supporting their economy so that they can be able to survive. These people are saying that they cannot be able to survive as during normal situations. So if you are charging Kshs.100, 000, can you waive half of it or give 70%.

So my advice to the committee is to listen to what these people are saying because they are Laikipians and have done their constitutional right and asked us as the representatives of the people to listen to them on behalf of many other Laikipians. Thank you.

Hon. Jacob Endom: Asante, Bwana Spika. Kwangu nafikiri nitatoa maoni ndogo kwa sababu hata kuwasikiza ni kitu cha maana. Hawa watu wako na haki ya kuleta ombi lao katika Bunge na kwa sababu pia wanajua ya kwamba ombi lao litasikizwa, ndio maana walileta hili ombi. Ni vizuri tuelewe ya kwamba sisi kama viongozi kuna vitu vingine ambavyo tunapenda kutetea lakini haisaidii. Mambo kama ya pombe huwa ni starehe ya mtu binafsi na wenye wameleta hilo ombi katika hili Bunge huwa wanatengeneza pesa na kwa hivyo sioni maana ya malalamishi mengi ambayo wameleta katika hili Bunge.

Mimi nikiingia kwa pombe naweza hata kutumia elfu tano au niende nyumbani bila na watoto huko wamelala njaa na kwa hivyo hicho ni kitu ambacho kinafaa kiangaliwe sana. Hakuna wakati watasema ya kwamba kila siku hawajapata pesa kwa sababu asilimia 95% wanapeleka pesa kwa pombe. Kwa hivyo ninaomba kamati ambayo inaenda kuangalia waangalie kwa makini kwa sababu ni haki yao lakini wakati ambapo itakuja kujadiliwa hapa itachacha zaidi. Kwa hivyo ninaomba wenye wanaangalia watupilie hicho kitu kwa sababu starehe nyingi, kifo na magonjwa ni huko. Naomba kamati waangalie kwa umakini. Asanteni.

Deputy Speaker: So Hon. Members, if there is no other Member who wishes to give their views, one, please let us encourage the citizens to raise petitions bearing in mind that petitioning is the only way that people outside this House will pass their message. So let us always encourage them to at least raise such. This one of today probably may not go as they wish although it is not my prayer but at least those citizens have expressed themselves.

So today let us go outside there and encourage the people who are sick during this period as they request that we waive those bills. Let us encourage our citizens to express themselves in form of petitions because at least we will be able to represent them fully. The committee take care of this petition and once more ensure that you beat the time line. Thank you.

ADJOURNMENT

Deputy Speaker: This House now stands adjourned until tomorrow Wednesday, 7th April, 2021 at 9.00 a.m.

The House rose at 3.12 p.m.

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