

COUNTY ASSEMBLY OF NAKURU**THE HANSARD****Wednesday, 16TH November, 2016***Assembly Building**The House met at 2.45pm**[The Temporary Speaker (Hon. Jostine Kihumba) in the Chair]***PRAYERS****LACK OF QUORUM***(Quorum Bell was rang)***COMMUNICATION FROM THE CHAIR**

KEEPING TIME

The Temporary Speaker (Hon. Jostine Kihumba): Honourable Members, this is not good because you well know that the afternoon session is supposed to start at 2.30pm yet most of you are coming at 3.00pm. This is not good Members so next time you are late we are going to adjourn. The Sargent-At-Arms has rang the bell for more than 20 minutes which is very wrong.

PAPER

NAKURU COUNTY URBAN AGRICULTURE AND PROMOTION BILL

Hon. Joseph Waithaka: Thank you Madam Temporary Speaker, I beg to lay a Paper of the Nakuru County Urban Agriculture and Promotion Bill that has been done by the Committee on Agriculture and is ready be laid before the House; I beg to lay it Madam Temporary Speaker.

MOTION

NAKURU COUNTY URBAN AGRICULTURE AND PROMOTION BILL

(SECOND READING)

Hon. Joseph Waithaka: Thank you Madam Temporary Speaker, I beg to move a Motion;-

THAT the Nakuru County Urban Agriculture and Promotion Bill 2015, be now read for a second time.

Madam Temporary Speaker, this Bill aims at regulating agricultural activities in all our Counties. And I want to say that for a long time the urban areas in this County have been experiencing a lot of nuisance from the agricultural activities that have been taking place.

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Madam Temporary Speaker, we have had rampant grazing of animals in our centres and towns from the pastoralist communities with disregard to the law.

Madam Temporary Speaker, we have had bee keeping activities in our County and this has been causing problems in the neighborhoods.

Madam Temporary Speaker, we also have a lot of pets; dogs and cats being reared in our centres and towns with total disregard of the neighborhood and this Bill is aimed at regulating these activities to avoid causing any health hazard to the environment and avoid causing nuisance to residents of these towns and centres.

I beg to move that the House adopts the amendments and the Bill as it is so that we can have a law for posterity that is going to guide agricultural activities within our towns. Madam Temporary Speaker, I beg to move.

The Temporary Speaker (Hon. Jostine Kihumba): Can we get a proposer and a seconder? Yes honourable Beatrice.

Hon. Beatrice Wambugu: Thank you Madam Temporary Speaker, before it is seconded, I would like to get some clarification from the Chairperson Agriculture on the Bill that is ahead of us because this Bill is for Nairobi and was for 6th March 2015. So we need to get a clarification whether it is for Nairobi or Nakuru County.

The Temporary Speaker (Hon. Jostine Kihumba): Yes Chairman Agriculture you may clarify that.

Hon. Joseph Waithaka: Thank you Madam Temporary Speaker, I have been very categorical that I am tabling the Nakuru County Urban Agriculture and Promotion and Regulation Bill. I am not tabling a Bill for Nairobi County Madam Temporary Speaker.

Madam Temporary Speaker, this is the date for gazettment; I would wish maybe to clarify to the honourable Member that it is important to note that a Bill cannot be tabled without a date and it is not gazetted in Nakuru, it is gazetted in Nairobi.

The Temporary Speaker (Hon. Jostine Kihumba): Thank you honourable Waithaka for that clarification. Yes honourable Paul.

Hon. Paul Mwangi: Thank you Madam Temporary Speaker, I rise to second.

The Temporary Speaker (Hon. Jostine Kihumba): Yes honourable Hillary.

Hon. Hillary Korir: Thank you Madam Temporary Speaker, I rise to support and I want to say that this Bill will be very beneficial to our people and I want to assure this Assembly that ...

The Temporary Speaker (Hon. Jostine Kihumba): Honourable Korir you are out of order. I have not opened for debate. We did not get a proposer, we just got a seconder. Okay, now we are open for debate.

(Question proposed)

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Hon. Hillary Korir: Thank you Madam Temporary Speaker, being a Member of this Committee, I want to affirm to this House that the same Bill has been subjected to views of various stakeholders in this County and with us is the amended version as per the mover of the Bill and also as per the people who gave their observations. So I support this and will also urge fellow Members that this Bill is very important.

We realize that within our towns or cities, there is an emerging trend of people keeping animal and pets within their compounds and without sufficient regulations, and in case of a disease outbreak from these animals it would not be easy for the Director of Veterinary Services to ascertain a budget if such diseases need to be controlled.

On the other hand Madam Temporary Speaker, I think at the end of the day this County will be in a position to collect revenue out of these people who keep pets within their homes. Thank you, I support.

The Temporary Speaker (Hon. Jostine Kihumba): Thank you honourable Korir, honourable Chebichii.

Hon. Irene Chebichii: Thank you Madam Temporary Speaker, I rise to support. And as we are all aware the Bill was tabled some time back during the first reading and all the Members were given copies of this Bill.

Madam Temporary Speaker, as you are aware yesterday we had the Committee of the Whole House where we deliberated on the Bill that honourable Janetex tabled before this House and many Members came up with amendments and I believe this is the right time for Members to do the same on this Bill.

Madam Temporary Speaker, you are aware that some time back we had serious issues with food security in our County and this Bill will assist to create employment as it sensitizes people on how to venture into farming. The Bill is actually bringing a legal framework on how we will do agriculture in our County and when you go through it you will realize that there are a lot of good things in this Bill.

Madam Temporary Speaker, just to highlight on a few types of urban Agricultural activities that are well highlighted in this Bill is the issue of keeping of livestock. Of late we had some issues with the livestock that have been roaming within town and it is well indicated in the Bill.

There is the issue of poultry farming that most of the farmers have been doing, there is the issue of keeping companion animals and pets in the Bill which are of great importance in our County.

The issue of keeping bees that we are practicing where I come from. There is also an issue of cultivating of lands that most of the farmers who normally practice. I also want to let you know Madam Temporary Speaker that this Bill is very friendly to our environment. Hon. Beatrice being the Chairperson I am sure she has gone through the Bill and seen that we are going to protect the environment by passing this Bill.

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I want to urge Members to go through the Bill very well and forward the amendments that you feel should be added to this Bill before we proceed as a committee.

Hon. Joseph Muigai: Thank you Madam Temporary Speaker, I acknowledge the good work done by this Committee and I want to point out clause 18 which talks about interfering with the riverbanks and the likes. I would suggest that the Committee looks for the Law that governs farming activities along the river bank so as it also serves as a guide in the County Government when it is giving authority to farm along river banks because as at now there exists no such a Law. Secondly I also want to point out at clause 22 which talks about poultry farming, if you look at the number of heads that they have suggested, I believe this is a small scale farmer who does that and I would suggest that we raise this threshold to 60 so that at least if it is layers this farmer can proudly say that he or she is getting two crates of eggs per day. And you see if it is breeding layers one cannot get eggs within the first to three weeks. It takes time and for that reason I suggest we put it to 60 so that this person does not have to go looking for authority to keep the 60. Otherwise the Bill is good and environmental friendly and I support it but with those amendments that I have suggested. Thank you.

Hon. Catherine Waweru: Madam Temporary Speaker, I rise to give reservations to this Bill and in doing so I also want to site clause 22 of this Bill that says any person may keep 30 or less head of poultry within the County without seeking permission from the County Government.

I am a daughter of an urban area family and speaking from experience and what I have seen since I was growing up. And what I still experience is that having 30 heads of poultry you only need two chicken with 15 eggs each and once they hatch you will have exceeded the 30, and most of the people who have chicken just for domestic use you will find that, *wanalalishia mayai* .

The Temporary Speaker (Hon. Jostine Kihumba): Hon. Catherine you will have to stick to one language. Yes I want to use English it is the English word that disappeared but thank you Hon. Teacher Florence has reminded me that it is to incubate the eggs.

My proposal is that if we really want to encourage urban farming and according to the world Health Organization it is one thing that we really needed to be doing and not discouraging. I believe that to be able to encourage our urban farmers to increase their chicken I want to suggest that the applicable number is 200 heads, because outside if you are living in a plot of 50 by 100 I think more than 200 is what you should be paying a license for. Because I know this County Government there is no way they will give you license or authority for free. So what we are basically passing when we say you have 30 we are saying go and charge our people when they keep chicken.

I want to give a justification why the number should be raised to 200, because if I have 5 chicken and they have laid eggs and now they want to incubate and you know there is a season they all incubate, and if each one of them hatches all the 15 eggs I will have exceeded the 30 mark and that will therefore be subjecting our people to unnecessary charges. I am a farmer in a small place and I know a farmer can do 200 very well without nuisance, and I believe that 200 chicken cannot be a threat to the environment and when we are discussing this Bill I want to urge the Hon. Members, it is good if you come from an area where there are large farms and people can get food, for the people in the slums to get food they need those chicken, and eggs which is their source of protein

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and all the laws that are made should be made to improve the lively hood of our people and not to hinder them. Therefore I pray that the Chairman for agriculture and his Members will consider that because it is really important that we increase the number. Let us remember that a Nation that does not have self-sustainability on food or any County Government that has people that cannot feed themselves will start asking for food donations.

I do not need the answers today, I can see someone wants to answer me already but it can be discussed and let them discuss that. Thank you.

(Applause)

The Temporary Speaker (Hon. Jostine Kihumba): Today I can see Members are so excited. Okay let us get information from Hon. Chebichii.

Hon. Irene Chebichii: Thank you Madam Temporary Speaker, for giving me this opportunity to give information as the Vice Chair, Agriculture Committee. Madam Temporary Speaker Hon. Catherine Waweru is a Member of Agriculture Committee. We went through the Bill together as the Agriculture Committee and I think each and every Hon. Member has a copy of the report of the Nakuru County Urban Promotion and Regulation Bill that we came up with as Members and someone now has not gone through what we deliberated on and the report we came up with.

We all agreed that we should create a subsection after clause 23 so as to allow application for keeping more poultry to be made to the Director of Veterinary services. So we allowed the number of heads of poultry to be increased from 30 to 200, I think the Clerk of the Committee happened to have forgotten but we had slotted 200 poultry.

When we passed the Bill in the Committee, I think Hon. Catherine had gone out to pick a call or for a short call

(Laughter)

That is just a clarification. Members before you contribute go through the report. Thank you so much.

The Temporary Speaker (Hon. Jostine Kihumba): Yes Hon. Margret then we go to Hon. Steve.

Hon. Margret Kiiru: Thank you Madam Temporary Speaker, for giving me this opportunity to contribute, my concern is I am a Member of this Committee and from what I am made to understand is that this is a private Members Bill, meaning that the supporters and promoters of the Bill were not able to interrogate the draft proposals but we were able to come up with a Bill. However, I am concerned that we are discussing about the Urban Agriculture Promotion and Regulation Bill. According to Standing Order Article 1 we say that we debate and legislate on matters while looking into National legislation. However, Madam Temporary Speaker, as the county government we are yet to effect the Urban and Cities Act. So at this point, we do not have the urban centres that have been categorized. In the interpretation of this Bill, we are saying that the urban centers or rather we are talking about urban agriculture which means; farming within or outside the boundaries of the county. So I do not know whether it is in Kilifi County or it is in

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Baringo. I do not know how far this Bill should be administered. Urban farmer means a person who practices farming within or immediately beyond the boundaries of the county government. So this has been occasioned by the fact that we have never been able to categorize the urban centers. Now that we have not reflected the same at this point. I am not sure if the Bill is properly before the House without the urban centers being categorized properly. Number two, I can see you are talking about municipal area. In the same regard allow me to contribute because...

The Temporary Speaker (Hon Justine Kihumba): Order Hon Margaret, Hon Waithaka has a point of information

Hon Joseph Waithaka: (On Point of Information) Madam, Speaker, I wonder what the Hon Member is talking about when she quotes the Urban and Cities Act which is already in place. Here we are talking about the urban agriculture in the context of the urban areas as prescribed in the Act.

The Temporary Speaker (Hon Justine Kihumba): You may proceed Hon Margret

Hon Margaret Kiiru: It is true the Act is in place but it is supposed to be effected by County government; and this is how they are supposed to categorize the urban centers depending on the population indexes. You cannot talk about an urban center which you do not know about. You must tell us how this Bill is going to be effected in the urban center. If you are talking about municipalities; we had former municipalities but now we have not created any new such administrative units. Are we then saying that the County government is talking about something which I am not sure of; if not so then I wonder if this Bill is properly before the House. Thank **you**.

The Temporary Speaker (Hon Justine Kihumba): Yes Hon Waithaka

Hon Joseph Waithaka: (On point of Information) Madam Temporary Speaker. There comes an occasion and I would wish to bring to the floor of the House for your guidance; that a honourable member of a committee can disown a report that he or she was a party to. Madam Temporary Speaker, I wonder whether someone can disown a report that she consented to and signed. This is a report that has been tabled by the chair of the committee and Hon Margret consented and signed the report. So she is denouncing a report on the floor of the House. Can you guide us whether there is a law providing for a withdrawal of one's signature?

The Temporary Speaker (Hon Justine Kihumba): One minute Hon Kiiru; you are out of order! As I can see here you had signed the report and actually before you said anything contrary to the report, you should have consulted the chair. Therefore you are out of order.

The Temporary Speaker (Hon Justine Kihumba): Hon Steve you may continue

Hon Stephen Kihara: I am not surprised that someone signs a report and then goes ahead to contribute against it. That tells that maybe she signed for the purpose of drawing the allowance and not the content

(Applause)

Madam Temporary Speaker protect me from the wrath of Hon Margret Kiiru

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The Temporary Speaker (Hon Justine Kihumba): Order Hon Margaret

Hon Stephen Kihara: Thank you Madam Temporary Speaker. It is very important for us to remember that what we are doing here, we are doing so for posterity and this will outlive our ages. We are here today but tomorrow someone else will take over our positions. However, what we document today will be there for posterity. I want to congratulate the Chair Committee on Agriculture for this piece of legislation. I also want to move an amendment in Clause 21 sub section 2. That we add another subsection (C) that in giving the permission, the County Government shall in addition to any other consideration take cognizant of un complied provision of Public Health Act Cap 242. I also want to add that it must also consider the provisions of the Finance Act that shall be there in existence. Simply because you realize the Finance Act guides us on how much fees are supposed to be levied in doing farming within the county's or urban centers as cited in this Bill. I want to also remind my colleague Hon Ngugi Muigai that the Act that he mentioned on River banks and the wetlands is called Environmental and Management Coordination Act of 2009. So whatever he wanted specification to that effect, this should be the correct legislation to quote.

The other fact that we must consider in regard to this legislation, we must also reconsider the Physical Planning Act Cap 286 that does give the various types of zoning within our municipalities. If we want urban agriculture, we have restricted areas, for instance we have the CBD which is usually zoned as prime commercial area. We have the residential areas which is zoned high or low density populated areas, we have industrial areas as outlined by the Physical Planning Act. It is important for us as we deliberate on this Bill and probably I also need some guidance; when we want to promote our people for the purpose of making sure we have food security and a source of income for the urban poor because the urban rich will not buy a chunk of this. We need to promote their welfare.

I need some guidance in regard to whether it is prohibitive to do urban agriculture in CBD or areas adjacent for instance in our town in Nakuru, we have the environs surrounding areas whether we are allowed by this Bill to do urban agriculture and if allowed what limitations do we have, in my own thinking we need to have a provision that in certain areas fees proposed for CBD are usually high to make sure that we are prohibiting urban agriculture. Is it the same with this legislation and that is something we need to reconsider? I think we need to support and I am sure because the chair of that committee will guide us as we progress.

(Applause)

The Temporary Speaker (Hon Justine Kihumba): Thank you very much Hon Steven. Anyone else with more contributions. Well I would like to urge the Members that anyone with any proposed amendments to the Bill to forward the same to the Committee in writing for consideration before the Committee of the Whole House is convened. Is that clear to all Members?

(Question proposed on the Nakuru County Urban Agricultural Promotion and Regulation Bill 2015 to be read a Second Time)

(Question put and agreed to)

(The Bill was accordingly read a Second Time)

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(The House rose at 3.30 pm)