

COUNTY GOVERNMENT OF BUNGOMA

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

THE DAILY HANSARD

WEDNESDAY, 25TH OCTOBER, 2023

Morning Sitting

Third County Assembly

Second Session

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COUNTY ASSEMBLY OF BUNGOMA
THE HANSARD- OFFICIAL REPORT
WEDNESDAY, 25TH OCTOBER, 2023

The House met at the County Assembly Chamber at 9:30 a.m.

(The Deputy Speaker [Hon. Stephen Wamalwa] in the Chair)

PRAYER

PAPERS

1. REPORT BY SECTORAL COMMITTEE ON GENDER, CULTURE AND SOCIAL WELFARE

Hon. Eunice Kirui: Thank you Hon. Speaker. I stand to table a report of the Committee on Gender, Culture and Social Welfare on the assessment of application of laws guiding the implementation of programs by the department of Gender and Culture.

Mr. Deputy Speaker: Thank you Hon. Eunice Kirui. Honourable Members, the report by the Committee having been laid before this House; is now the property of the Assembly of Bungoma.

1. Report by Sectoral Committee on Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development

Hon. Wafula Waiti (*Chairperson, Committee on Agriculture Livestock, Fisheries, Irrigation and Cooperative Development*): Thank you Mr. Speaker. I rise to lay on the table of the County Assembly a report by the Committee on Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development on the status and impact of dams, irrigation schemes and water pans in the county.

Mr. Deputy Speaker: Honourable Members, the report by the Committee having been laid is now the property of the County Assembly.

MOTION

1. REPORT BY SECTORAL COMMITTEE ON TOURISM, ENVIRONMENT, WATER AND NATURAL RESOURCES

Mr. Deputy Speaker: Hon. Opwora, take your seat. The Clerks- at- the-Table are also exhibiting the signs of ageing. They have skipped something and they are now moving on well after realizing. We go to the Notices of Motion; Order No. 6.

NOTICES OF MOTION

1. NOTICE OF MOTION BY THE SECTORAL COMMITTEE ON GENDER, CULTURE AND SOCIAL WELFARE

Hon. Eunice Kirui: Thank you Hon. Speaker: I rise to issue a notice that this House adopts a report by the Sectoral Committee on Gender, Culture and Social Welfare on the assessment of application of laws guiding the implementation of programs by the department of Gender and Culture.

Mr. Deputy Speaker: Honourable Members, a notice of motion having been issued, I therefore direct that the same should be circulated to all Honourable Members for their perusal and consumption; and it will form part of Business that shall be considered by this House.

2. NOTICE OF MOTION BY SECTORAL COMMITTEE ON AGRICULTURE, LIVESTOCK, FISHERIES AND COOPERATIVE DEVELOPMENT

Hon. Wafula Waiti (*Chairperson, Committee on Agriculture Livestock, Fisheries, Irrigation and Cooperative Development*): Thank you Mr. Speaker. I rise to issue a notice of motion that this House adopts a report by the Sectoral Committee on Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development on the status and impact of dams, irrigation schemes and water pans in the county.

Mr. Deputy Speaker: Honourable Members, a notice of motion by the said Committee having been issued, I therefore direct again that it be circulated to the Members of this Assembly for their consumption; and it will form part of Business that shall be considered by the House. Next item?

MOTION

1. REPORT BY SECTORAL COMMITTEE ON TOURISM, ENVIRONMENT, WATER AND NATURAL RESOURCES

Hon. Opwora (*Chairperson, Committee on Tourism, Environment, Water and Natural Resources*): Thank you Mr. Speaker. I rise to move a motion on the report of the Sectoral Committee on Tourism, Environment, Water and Natural Resources on the status of garbage collection and management in the County.

CHAPTER ONE

PREFACE

Mr. Speaker Sir,

The Committee of Tourism, Environment, Water and Natural Resources pursuant to The County Assembly of Bungoma Standing Orders; Second Schedule, embarked on the inquiry into the status of garbage collection and management in the County. This was necessitated by the fact that there were concerns from the locals around different markets across the county, an outcry of the community living close to the Muanda dumpsite; a concern and proposals from the public to have each sub county have its own dumpsite among others. The Committee, therefore, set out to establish the status of garbage collection in the County.

In the course of its inquiry, the Committee held meetings with the CECM Tourism, Environment, Water and Natural Resources and various officers from the Department. The Committee conducted fact finding visits to several markets across the county and finalized the entire process with a visit to the Muanda dumpsite.

In addition, the Committee sought for oral submissions from the dumpsite management, the neighboring community and the workers at the facility. The Committee wrote to the CECM requesting for his appearance and alongside; to deliver a copy of the contract between the County Government and the garbage collection service provider.

The inquiry was guided by;

1. Conducting a physical inspection of sampled out markets
2. Inspect and ascertain activities at the dumpsite

3. To recommend on the strategies to keep the environment clean and the waste management at the Muanda dumpsite
4. To report on specific recommendations on the way forward on garbage collection.

On behalf of the members of the Tourism, Water, Environment and Natural resources committee, it is my pleasure and duty to present to this Honorable House the report for adoption.

COMMITTEE MANDATE

The Sectoral Committee on Tourism, Water, Environment and Natural resources is constituted pursuant to the provisions of Standing Order No. 217(1) of the County Assembly of Bungoma Standing Orders and executes its mandate in accordance with Standing order 217(5)

COMMITTEE MEMBERSHIP

Currently, the Committee comprises of the following members;

Name		Designation
1. Hon. Edwin	Opwora	Chairperson
2. Hon. Joseph	Nyongesa	Member
3. Hon. James	Mukhongo	Member
4. Hon. Meshack	Simiyu	Member
5. Hon. Antony	Lusenaka	Member
6. Hon. Isaiah	Busolo	Member
7. Hon. Dorcas	Ndasaba	Member
8. Hon. Benard	Kikechi	Member
9. Hon. Orize	Kundu	Member
10. Hon. George	Tendet	Member
11. Hon Benjamin	Otsiula	Member

12. Hon. Allan	Nyongesa	Member
13. Hon. Florence	Juma	Member
14. Hon. Alice	Kibaba	Member

METHODOLOGY

The Committee sought to carry out a fact-finding exercise on garbage collection and dumpsite management within the County. This report comprises of information obtained from interviews with the executives and locals at the site that we visited. Equally, the committee took photos of the dumpsite that depicts the real status on the site and made recommendations accordingly.

ACKNOWLEDGEMENT

The Committee on Tourism, Environment, Water and Natural Resources wishes to thank the office of the Speaker and the Clerk of the County Assembly for the support in executing its mandate. I appreciate Members of the Committee for their great input throughout the fact-finding exercise and during the compilation of this report. I thank the secretariat for their input and valuable contributions during the entire exercise.

Mr. Speaker Sir, on behalf of the Committee, it is my pleasant duty and privilege, to present the Committee's report on the status of garbage collection and management of Muanda dumpsite for adoption.

CHAPTER TWO

Legal Framework

The Constitution of Kenya 2010

The Constitution of Kenya 2010, Chapter five; Land and Environment, Part 2 on Environment and Natural Resources, Article 69 and 70

Obligations in respect of the environment

69. (1) The State shall—

(a) Ensure sustainable exploitation, utilization, management and conservation of the environment and natural resources, and ensure the equitable sharing of the accruing benefits;

(b) Work to achieve and maintain a tree cover of at least ten per cent of the land area of Kenya;

(c) Protect and enhance intellectual property in, and indigenous knowledge of, biodiversity and the genetic resources of the communities;

(d) Encourage public participation in the management, protection and conservation of the environment;

(e) Protect genetic resources and biological diversity;

(f) Establish systems of environmental impact assessment, environmental audit and monitoring of the environment;

(g) Eliminate processes and activities that are likely to endanger the environment; and

(h) Utilize the environment and natural resources for the benefit of the people of Kenya.

(2) Every person has a duty to cooperate with State organs and other persons to protect and conserve the environment and ensure ecologically sustainable development and use of natural resources.

Enforcement of environmental rights.

70. (1) If a person alleges that a right to a clean and healthy environment recognized and protected under Article 42 has been, is being or is likely to be, denied, violated, infringed or

threatened, the person may apply to a court for redress in addition to any other legal remedies that are available in respect to the same matter.

(2) On application under clause (1), the court may make any order, or give any directions, it considers appropriate—

(a) To prevent, stop or discontinue any act or omission that is harmful to the environment;

(b) To compel any public officer to take measures to prevent or discontinue any act or omission that is harmful to the environment; or

(c) To provide compensation for any victim of a violation of the right to a clean and healthy environment.

(3) For the purposes of this Article, an applicant does not have to demonstrate that any person has incurred loss or suffered injury

2. Waste management Act, 2006.

PART II SOLID WASTE

Part II of this Act gives the General provisions that give guidelines for the regulations and management of solid waste. Under this section the Act provides for the following;

1. Responsibility of Waste generator
2. Segregation of waste by Generator
3. Cleaner production methods
4. License for transportation of waste
5. Mode of transportation of waste

6. Transportation of waste by licensed transporting wasted
7. License for disposal facility
8. Transitional provision for disposal facilities
9. Waste treatment by operator at disposal sites
10. Validity of license and renewals
11. Requirement for Environmental Audit
12. Re-use and recycling plants.

COMMITTEE FINDINGS

Mr. Speaker,

Unsustainable patterns of production and consumption have resulted in a considerable increase in both the quantity and variety of waste. The typical waste management scenario in most of Bungoma County includes but not limited to poor onsite storage, lack of onsite separation facilities, poor formal waste transport systems, lack of formal waste transfer stations, poor formal recycling practices and plants, and lack of appropriate waste disposal sites; thereby encouraging the practice of crude dumping and open burning of waste.

This poses serious risks to public health and the environment because these wastes produce offensive smells (effluvia), release dioxins when burnt, act as rodent and insect breeding sites and portray a poor aesthetic picture of the environment. In many urban areas, open drains are usually blocked by heaps of refuse, occasioning waste water overflows onto the adjacent areas.

MUANDA DUMPSITE

Mr. Speaker sir,

Muanda dumpsite is located in Muanda area of South Bukusu Ward in Bumula Sub County. The land under which the site sits was purchased by the Department of Land on behalf of the Department of Environment. It measures approximately 3.5 acres. The site was identified to serve as the dumping site for all solid wastes in Bungoma County. The department has

contracted a private firm to collect all solid waste and dump it in this facility. The supervisory and management of the dumpsite is performed by the Department of Environment where its officers have been assigned to perform this task on a daily basis.

Under the contractual agreement, the waste collection firm is supposed to dump all waste inside the dugout done by the Department. The firm is also supposed to ensure that there is fumigation of not only the site but also the neighboring homesteads to keep away odor, flies, pests, and control the spread of any kind of disease that might arise as a result of the dumpsite.

WASTE DISPOSAL SITE ACTIVITIES

There are several activities that happen at the dumpsite upon receipt of solid waste at the dumpsite.

a) Aeration of the garbage

The waste from different markets around the County, upon reaching the dumpsite, is aerated and sun-dried to get rid of the moisture content, remove the bad odour and make the waste easy to sort by the workers at the facility.

b) Fumigation of the garbage and the neighborhood.

Fumigation is done to get rid of flies and control the pasted that might cause spread of diseases not only to the workers but also to the neighboring community. This is also done to control the growth of fungi which poses a great risk to the workers.

The facility uses DIVINO® registered under the trademark of a company of the ADAM GROUP to fumigate the waste. The facility also makes use of cow urine and dung filtrate to fumigate the waste. Additionally, they fumigate the surrounding homes to a radius of one Kilometer from the dumpsite. This is done with an aim to control the spread of diseases such as Cholera and Typhoid.

Sorting of the garbage

The garbage is then sorted according to material, recyclability and any other particular process required. Generally, the waste includes; paper, glass, plastic, wood compost, hazardous waste, scrap metal, residual waste and others. Organic waste in most cases is often collected and sorted for example fruits peelings, tomatoes, vegetables among others for composting. This process is very important as it makes the next processes of managing solid waste. However, recycling and other forms of waste management is not done at this facility.

Mr. Speaker,

Below are some of the few photos showing the status of Muanda dumpsite.



Figure 1: A road network leading to the Muanda dumpsite that is in a dilapidated condition



Figure 2: Photo showing huge heaps of garbage and a bull dozer doing some works on the dumpsite



Figure 3: Photo showing committee members heading to the dumpsite.



Figure 4: Committee members inspecting the dumpsite, an excavator working at the facility.



Figure 5: An employee fumigating the dumpsite



Figure 6: Employees sorting garbage on the dumpsite



Figure 7: The chairperson of the committee Hon. Edwin Opwora having a discussion with the managers of Muanda dumpsite.

MARKETS COVERED BY THE CONTRACTOR

Mr. Speaker,

According to the Contract signed between the County Government and the contractor, the following is a table summary of the markets covered in solid waste management.

Kanduyi	Webuye East&West	Kabuchai	Kimilili	Mt.Elgon	Bumula	Tongaren	Sirisia
Bungoma	Webuye	Chwele	Kimilili	Kapsokwon y	Miyanga	Mbakalo	Lwakhakha
Mayanja	Misikhu	Nalondo	Kamukuyw a	Kapkateny	Kimaeti	Brigadier	Malakisi
Kanduyi	Lugulu	Kuywa	Chesamisi	Cheptais	Kabula	Ndal	Sirisia
Bukembe	Bokoli	Khachong e	Nasusi	Kaptama	Mayanja- Kibuke	Naitiri	Namwela
Dorofu	Matisi			Namorio	Bumula	Makunga	Lwandanyi
Nandolia/N zoia	Ndivisi			Kipsigon	Mateka	Tongaren	
Kibabii	Lukusi					Soysambu	
Sikata							
Mechimeru							
Sang'alo							

CHAPTER THREE

OBSERVATIONS AND RECOMMENDATIONS

COMMITTEE OBSERVATIONS

Mr. Speaker,

The Committee made the following observation in regard to the garbage collection and management of the dumpsite:

1. Evalbe Building and Construction Company limited was the contracted company mandated to collect garbage across the county on behalf of the County Government of Bungoma.
2. The current contract of garbage collection was an extension of the contract that runs from October, 2022 to 30th September, 2023.
3. The contract signed with the County Government of Bungoma was of contract sum of Kshs222, 014,225.84 Payable monthly at a sum of Kshs20, 183,111.44.
4. There is an incomplete perimeter wall around the fence to demarcate the land. Additionally, the facility was not gated.
5. There were officers performing their daily duties of garbage sorting and some fumigation work on the dumpsite and nearby homesteads; which is expected to be done frequently, yet it is only done occasionally, according to the people living near the dumpsite .
6. The road network leading to Muanda dumpsite was in a dilapidated state.
7. There is no clean water for the residents living around the dumpsite leading to frequent outbreaks of diseases such as cholera and typhoid.
8. The County Government of Bungoma has not legislation on matters of waste management hence the national solid waste management strategic plan 2015 is used as a guideline for implementation of waste.
9. There was a stalled construction of a weighbridge at the entrance to the dumpsite.

10. There was a concern in terms of numbers of workers at the facility as three of them had resigned.
11. The workers were not on any medical insurance scheme even after being promised by their employer.
12. Part of the community was hostile towards the fumigators and was against the employees working in their homes. This posed a great risk in the spread of diseases to these homesteads.

COMMITTEE RECOMMENDATIONS

The Committee made the following recommendations

1. **That**, the County Government of Bungoma should ensure regular fumigation is done at the dumpsite and within the neighborhood to control pests and diseases.
2. **That**, the County Government of Bungoma should allocate sufficient funds for the completion of the perimeter wall and mount a gate on the piece of land. It should also enhance the security personnel to minimize illegal activities at the dumpsite
3. **That**, the County Government of Bungoma should establish a buffer zone around the dumpsite by planting trees and grass around the dumpsite to reduce the effects of air and water pollution.
4. **That**, the County Executive Committee member for Tourism, Environment, Water and Natural resources should provide water for the residents living around the dumpsite by drilling a borehole to supply water to those homes.
5. **That**, the County Executive Committee member for Health and Sanitation should establish and equip a dispensary in Muanda village to counter emergencies and potential outbreaks of diseases.
6. **That**, the County Executive Committee member for Roads and Infrastructure should improve the road network leading to the dumpsite.
7. **That**, the County Government of Bungoma should develop necessary legislation on the Garbage collection and management of dumpsites across the county.
8. **That**, the department should fast-track the construction and operationalization of the weighbridge to promote accountability of the garbage collected from the markets and delivered at the facility.

9. **That**, there should be a recycling chamber at the facility to take care of the recyclable waste. Additionally, the County Government should also procure an incinerator to burn unrecyclable waste.
10. That the department should implement the House resolution during the Second Assembly on decentralization of dumpsites across all the sub counties.

Mr. Speaker, the adoption schedule is signed by all Honourable Members as at that time of doing this report. I now wish to call Hon. Suds Busolo to second this motion.

Hon. Sudi Busolo: Thank you Hon. Speaker. First of all let me thank my chairperson for Tourism for reading our report. Looking at what the report has observed and recommended, you will see that waste collection and management is an issue in this County. As leaders therefore, we must stand up to be counted because how can the waste of the entire county which fourth in terms of population in the country have a dumpsite of 3.5 acres? We produce a lot of waste and where we dump it is a small place. In fact it is not even 3.5 acres because part of the land is for the railway line.

I would like to request this House that we consider the resolution that was passed by the House that we expedite the introduction of other dumpsites especially within our created municipalities like Kimilili, Webuye and Chwele so that we reduce pressure on the dumpsite that is associated with me.

Hon. Speaker, if you go to England and even cities like New York, they have dumpsites which are well managed. If well managed, it is a good thing because it creates employment. The dumpsite that we have in Bungoma is worse than the one in Dandora in Nairobi County. My people must also enjoy devolution. How do you bring devolution and you decide to dump waste at the door steps of my people? All of us go to church every Sunday, I see you running and praising God; should we do that as men and women of God? That the people of Mwanda suffer consequences which are not theirs! When you look at the county budget, nobody thought of after eating and doing all these activities, how do we dispose off our waste?

The report has made some recommendations and I promise to make a follow Mr. Speaker. That if the motion that we passed in the last session is not followed keenly by my own government, I promise and this should be on record; that I will tell my people to come up and be counted. We make it impossible that every ward, every sub-county must retain its waste. Otherwise, I second the report.

(Applause)

(Question proposed)

Hon. George Makari: Thank you Mr. Speaker. I want to laud the Committee led by my friend Hon. Opwora for a good and well researched report. As I support, I wish to remember in the last Assembly Hon. Sudi Busolo brought here a motion that each sub county to have its own dumpsite. I don't know if that motion was put aside and the Committee on Implementation led by my good friend Hon. Mulongo followed up or the Hon. Mulongo is in bed with the Executive? I think he must improve on his oversight role as the Committee on Implementation because we passed a motion that each sub county must have a dumpsite. I don't know how far that motion is or it is gathering dust on the shelves somewhere.

In fact in the last Assembly I remember one time the Hon. Sudi closed the dumpsite. How he re-opened it Hon. Speaker, is also a matter for discussion because I don't know the agreement he reached before he re-opened it. However, I share in his concerns because that dumpsite is on the border of South Bukusu and Musikoma and all the smell that comes from that dumpsite goes all the way to my people. I live like 500 meters from the dumpsite and the smell emanating from Hon. Sudi's place finds its way up to where I reside. I wish to share in his concerns that this issue must be looked into carefully and critically...

Mr. Deputy Speaker: Hon. Makari, hold on because Hon. Sudi has something.

Hon. Sudi Busolo *(On a point of order)*: My brother Hon. George is causality and he is referring to it as "my place". How can the smell come from my place? I wish he could demonstrate so that we see how it emanates from my place to his home.

Mr. Deputy Speaker: Hon. Sudi, he has well said that he is your neighbour. That the problem is near the border and from where he sits, he knows that it is your place which we cannot dispute.

Hon. Sudi Busolo: Mr. Speaker, using the word "my place" means that it is my home; which is a bit far from where the dumpsite is located.

Mr. Deputy Speaker: Thank you the Hon. Sudi. Hon. Makari, the Hon. Sudi had denied that actually it is not his place.

Hon. George Makari: In other words, he is confirming that the smell is near me than him. Therefore, when I mobilize people to close it, he should not interfere. Hon. Speaker, I wish he could have borrowed a leaf from Hon. Joseph Nyongesa representing Tuuti/Marakaru. One time he closed the dumpsite in Kibabii and it was moved to Sudi's place and he accepted. Therefore, I expect Hon. Sudi not to complain. Hon.

Nyongesa closed the dumpsite; he mobilized the residents to close it in Kibabii at that time. In fact, one time he was given a name in this House as "dumpsite". Actually, he did well and Hon. Sudi should compare notes with Hon. Nyongesa to get clear direction.

On recommendation No.5 that the CECM Health to establish and equip a dispensary in Muanda Village to counter emergencies and outbreak of disease. My good friend the Hon. Sudi can confirm that there is there is a health facility at Muanda. I don't know if the Committee did some research before coming up with this recommendation. The much I know that about 100 metres from the dumpsite, there is a health facility which is doing well. It can only be compared with Kabula Health Centre in terms of work load and patients. I think on this recommendation, the Committee did not do a background check; because if Hon. Sudi is a member of the Committee, he could have pointed out that there is a health facility near the dumpsite. He is my friend and I support the report; although I encourage him to learn from the Hon. Nyongesa about how to close down a dumpsite. I thank you Hon. Speaker.

Mr. Deputy Speaker: Hon. Makari, you want the dumpsite to be closed and so that what happens next. Hon. Okasida?

Hon. Johnston Ipara: Thank Hon. Speaker. Let me begin by thanking the chairperson for presenting a valuable report to this House. I am shocked when Hon. Makari in the House is inciting Hon. Sudi to go and close the dumpsite. Just because Hon. Nyongesa closed the one in Kibabii, then what will happen? Where will people dump? Then the air will be more polluted than it is; and so it will cause more harm to our people. You never even reminded him of the importance of waste collection and good waste management principles.

Mr. Deputy Speaker: Hon. Okasida, you know I cannot blame you. You know you are also in that bracket of aging team so the signs are catching up are with you because I did remind him that that was very harsh. I used a soft language. Maybe your background demanded that I use some words which I may not use. Proceed, Hon. Okasida.

Hon. Johnston Ipara: Thank you Hon. Speaker. You see age is also catching up with me. This is a very important report that we should not play around with.

When we do not manage waste, we are mismanaging life; then we shall not have people that will be able to work and grow the economy of this County and the economy of this county.

I want to agree with the observations and the recommendations of the Committee of Tourism, Environment and Natural Resources. More so, we need a clean environment.

A clean environment like the one we are sited in right now and the one that after this session, we go out there and stand within. The environment is clean, conducive and attractive. We also need a clean environment so that we reduce health risks and hazards; because today if you walked to Sudi's people and place; though he is refusing that is not his place, I wish to

confirm it is his place because it is where he was elected and he is the person answerable to the people of that place.

Health is very important, so we must make sure that we assist this Committee; and the Committee on Implementation should come up and stand on their two feet and ensure that the report earlier passed by this Assembly is implemented to the latter.

Secondly, the observations and recommendations made in this report should be followed one by one and the Committee on Implementation must ensure that actually it is seen to be alive.

When we talk about clean environment, we are saying it will make the surrounding not to be polluted; and today if you walked there or even if you have had an opportunity to pass near Dandora where the dumpsite is, you can see the effects. People are suffering incurable illnesses which are costly to manage. So we better manage the waste other than managing the illness that most of us are not able to manage.

When you talk about clean environment, it leaves the society healthy and healthy people look like Hon. Opwora himself, Sudi and Makari who looks like a weightlifter nowadays.

When we have a clean environment, it will reduce breathing problems and today if you went to a health facility that is just next to where the dumping site is, the recorded history of illness is breathing problems; and if action is not taken soon, then we are the people who will be judged by history of this County.

If we collect and manage this waste early, it will also control the cost because actually imagine of the cost of collecting waste that has accumulated and is not managed and has spread to a wider area. It is costly to the County and hazardous to the people who live around there. I wish to join those who are agitating that we must have dumping sites in every Sub County and this should be done like yesterday.

When we are saying proper management principles, you know one of them will benefit us in this way; It will create job opportunities because the young men and women will take an advantage to put the waste in re-use, recycle, to recover it or even it will reduce; and reduction in this case you can convert it to use it as fertilizer or a bi-product and if that is done, we create employment; and our people will celebrate.

I wish to say this; let the Committee in their recommendations make sure that the County reduces, adapts re-use, and encourages recycle and recovery. I wholly support this report.

Mr. Deputy Speaker: Thank you so much Hon. Ipara. Honourable Members, I am very impressed in your passion this morning and I wish to pray that we remain like this to the end of the day. I am observing a very wonderful situation this morning; so let us carry on like that.

Let's have Hon. Alice Kibaba Nanyama!

Hon. Alice Kibaba: Thank you Mr. Speaker Sir. Let me also congratulate the mover of the report Hon. Opwora. Waste management is a key contributor in climate change mitigation

and management of pollution of the environment. In view of this, it is important for the County to ensure proper collection and disposal of waste including management. From the observation, the management of Muanda dumpsite needs to be improved for safety of locals by putting up a perimeter wall and recycling of waste to create employment for locals and management of pollution. I support the report.

(Applause)

Mr. Deputy Speaker: Thank you Hon. Alice Nanyama Kibaba for your contribution. Now we have Hon. Kuloba Jeremiah, Member for Township. Proceed!

Hon. Jeremiah Kuloba: Thank you Mr. Speaker for giving me this chance. First, I wish to thank the Committee for coming up with this report and to add on that, the same Committee through the relevant department should come up with rules and tougher regulations that should be followed up so that we have an enforcement team; that we have sanity in this town. I am the most affected. Right now, if you move around town, I had a collection centre for solid waste and as we speak, the point has been closed. The area that was being used has been marked now for construction of kiosks; and so there is no place to dump garbage. As we speak, garbage is everywhere on the road.

We should borrow and benchmark. The same Committee should move out, bench mark from other towns like Kisumu and Nakuru. I went to Makueni, I saw it was clean. Our team should move very fast, get a full report from these other towns so that we do proper work.

My only concern is about the capacity of this garbage handling companies.

A company that is given such a contract should have a recycling mechanism so that the waste is separated, put in different places; and it can be used in a different manner. It is garbage but it is also money and wealth. A collection area should be set up. We should have continuous cleaning of the town so that after a few hours the town is cleaned, garbage that is dumped somewhere is collected and taken to the dumpsite. The same garbage, instead of people dumping it where it is supposed to, they end up dumping it in the sewer line and the sewer line is blocked.

Let us come up with strict regulations; and this thing I think comes up because people are not given value for their money. Dustbins are not issued to the people. We should have dustbins; because all these traders that are in town pay for dustbins and the dustbins are not distributed to them. So you will end up getting that the solid waste from these other households is put in bags and dumped in the sewer line and on the roads. Otherwise, I support the report.

(Applause)

Mr. Deputy Speaker: Thank you Hon. Jeremiah for your passionate contribution. On the line, we have Hon. Peter Caleb Wanjala followed by Hon. Simotwo, Florence and Joseph Juma in that order. Let us proceed, Hon. Caleb Wanjala, are you really available? Proceed!

Hon. Caleb Wanjala: Thank you Mr. Speaker for giving me an opportunity to also contribute over the same. The issue concerning waste management is an issue that needs a lot of support because it affects all of us. I know Honourable Members have really contributed towards this issue but from my side, I think there has to be proper sensitisation to help our people on how they can manage waste. You realise that every family produces waste daily so if we can come up with a program on how we can sensitise and teach our family units on how they can manage waste, this will help a lot.

When you go to a Country like Rwanda, they have a very good policy whereby if you throw a toothpick while walking in the streets you will be arrested; but in our country, you realise that most of the people who are littering are people who are learned and well off. It is because they have not been well sensitised and well brought up on how well they can manage waste. If you go to the USA and China, a lot of things are coming out of the waste materials and they have a place where they can even classify those materials that are hazardous and with chemicals. They can separate them from other materials and use them for other things like making fertiliser.

Mr. Deputy Speaker: Hon Hentry, you are out of order. You are using a mic that does not belong to you. I am seeing Hon. Sudi not you!

Hon. Caleb Wanjala: Thank you Mr. Speaker for...

Mr. Deputy Speaker: Order Member! I have not given you permission.

Hon. Caleb Wanjala: Thank you Mr. Speaker. I think Hon. Hentry wanted just to distract me from what I was...

Mr. Deputy Speaker: Order Member!

Hon. Caleb Wanjala: But on this issue of waste management personally, I am also affected because there are some trucks that have been sneaking waste materials to Nzoia Sugar factory nuclear and even the exhausters have been secretly coming there. We are also affected over the same so we need to have proper policies just like Hon. Jeremiah said on how we can manage our waste.

If you looked at our town here you realise that we do not have those tanks that collect waste and dustbins. In fact, there is one place where they put those waste materials. You find that those street boys have taken that place as their own place and besides that they are even harassing people who pass around there. It something that we cannot sit down and do nothing about. I support this report and I know with proper policy guidance, this will help us to manage waste in this County. Otherwise, I support.

Mr. Deputy Speaker: Thank you so much Hon. Peter Caleb. Honorable Members, before I bring in the Leader of Majority for the preference and structures of leadership followed by the Deputy Leader of majority who are also on the line, I will request you passionately that please, let us look for our cards; it is something that is affecting even the agencies that come around.

When you are around, and you do not have a card it actually adversely affects you. So I want to request those of you who do not have cards to make arrangements so that you can have them with you. That is just a request. I will bring the Leader of Majority, the Deputy leader of majority then I will have something from Hon. Hentry who will use the dispatch. Leader of Majority!

Hon. Joseph Nyongesa: Thank you Mr. Speaker. First, I want to appreciate the Committee where I am also a member and appreciate my Chairperson and also the members who are contributing over this report. It is actually a critical issue in our Country; and not only in Bungoma County.

The greatest issue that makes me to stand up is that observation number eight. You know as a County, for us to manage this, we should just have legislation over it because currently we are using the guidelines from the National Government whereby we have some laxity and flexibility for some officers to implement.

Allow me say this because we have not gotten the right person in that department over this issue. Every product that we normally touch or use ends up to be a waste product; and so it is a critical issue that needs a lot of attention. As Hon. George said, in 2015/16 I was almost nicknamed Tuuti dumpsite but it was a menace and we thank God that at least you know some of the factors that were in my place; the space was too small. Those are the factors that made me say; let us look for somewhere else and I thank the Chairperson by then who was Hon. Peter Cherui. He also assisted me look for a spacious site and by then we got Hon. Fwaro who was willing and accepted.

The only issue is that, if at all as a department and this House can mean what we say to ensure if we can allocate space of around four acres; we can manage because the issue of segregation. We need space so that we see where each section of garbage belongs to. It forced us in 2016 to have a benchmark in Rwanda and when we came up with that report, there was nobody to listen to it.

Currently, the Department is headed by the CECM whom we know but I have not seen the passion. If at all we can try our best and ensure through the Committee and if Hon. Opwora went there personally, at least things could change. The issue of the perimeter wall helps a lot but the issue of fumigation, if done on a monthly basis, it has no impact. Fumigation should be done on a daily basis and through this House; we can also give direction and ensure that the people of Muanda are at least having fresh air.

There is also a need of planting some trees near that dumpsite because it will also purify the bad odour that is almost everywhere. But the critical issue is that, let us just come up with a bill, we legislate, have guidelines so that in future as members are saying, it will turn up to be an employment opportunity for our youths and young people who are around there. What we saw in Rwanda, people are very much welcoming and what is happening in Kenya is quite different; so my only request is that let us just have legislation over it and ensure that the people of Muanda are also getting what is due to them. The issue of having dumpsites in

every sub county is not so easy, but the greatest thing is that we improve on our management. It will help. Otherwise, I support.

(Applause)

Mr. Deputy Speaker: Thank you so much our Leader of Majority Hon. Joseph Juma Nyongesa. I will have the Deputy Leader of Majority using the dispatch. Thereafter Hon. Hentry will be using the dispatch; but I go back to the line where we had Hon. Franklin Simotwo followed by Hon. Chikati in that order. Deputy Leader of Majority, you can use the dispatch, I am not seeing you!

Hon. Joan Kiron'g: Thank you Mr. Speaker for giving me this chance to contribute on this motion. First of all let me applaud the Committee for coming up with this report.

I will join my colleagues who have said that there is a time Hon. Sudi brought a motion in this House and we came up with some resolutions; and let me go back to where some Honourable Members have said... let us take the Committee for benchmarking. You have heard from the Leader of Majority; there is time they went up to Rwanda for benchmarking and came up with very good resolutions; that they have centralised their dumpsite and build a perimeter wall, do recycling, fumigation and all sort of treatment. But when it reaches here, I will blame the County Government for not implementing what we have discussed in this Honourable House.

If you see Muanda dumpsite, we are told that they have not completed the perimeter wall and I do not know what is wrong with not completing that perimeter wall. I think the Government itself is careless when it comes to the management of this waste and I do not support this issue of saying let us take this waste to every sub county; because it will create harm. If it happens that this waste is going to be scattered across the County, then it will be very harmful to our people. So, it is better to centralise this waste and treat it from a central place. When we say that we want to implement...

Mr. Deputy Speaker: Hon. Joan, Deputy Leader, there is a point of information from Hon. Nganga. What is the information Hon. Nganga?

Hon. Everton Nganga: Thank you Mr. Speaker. You know the Honourable Member who has been on the stage has mentioned that if they decentralise the dumpsites, it will bring more harm to different places. Does it mean that where that dumpsite is located it does not cause harm? People are also staying there, so, I beg that she withdraws that statement.

Mr. Deputy Speaker: Well guided Hon. Deputy Leader of majority.

Hon. Joan Kiron'g: Mr. Speaker, I think Hon. Nganga did not get me well. I said let us improve the management because if it happens that our people will be crying like the way people of Muanda are crying, how will the....

Mr. Deputy Speaker: Yes, Hon. Sudi, I will only give you because of your concerns. Otherwise, you were a seconder. That you give others to...

Hon. Isaiah Sudi (*On a point of information*): This is just information.

Mr. Deputy Speaker: Very well...

Hon. Isaiah Sudi: As other colleagues have contributed, this is an issue that is key to all of us. If a leader can stand and say that it will cause harm, does it mean that people of South Bukusu are not worthy of being in Bungoma? Choice of words! Because you see, all of us have toilets in our homes. I want to see any member here who does not have a toilet and tell me that he/she doesn't have! But they are all well managed! So this is an issue that must be addressed by leaders. When you say that it will cause harm and let us just improve the one that is in South Bukusu and you keep on generating waste... surely my leader! We are also human beings. Am I not a person like you? So that I go back and tell my people that we are not people, let us leave Bungoma for the owners.

Mr. Deputy Speaker: Thank you Hon. Sudi. That was very passionate. Hon. Deputy Leader of Majority, you can reframe that statement. It does not go well because if we say that then we will be creating a lot of tension especially where the dumpsite is now.

Hon. Joan Kiron'g: Mr. Speaker, if you are not going to improve on management before you implement...

Mr. Deputy Speaker: Hon. Deputy Leader, kindly, you know that statement does not go down well with Honourable Members, which is true. Just withdraw that part of the statement that it is harmful then you proceed and improve on all those other issues kindly; So that we can be on the same page...

Hon. Joan Kiron'g: Mr. Speaker, what I mean is this, let us improve on management of dumpsites before we implement in every Sub County. Without management, all people will be crying the way the people of Muanda are crying

Mr. Deputy Speaker: Proceed Deputy Leader!

Hon. Joan Kiron'g: I know what Hon. Sudi is feeling but *Mheshimiwa*, let us get substantive resolutions. I know it will take time when it comes to implementation of this dumpsite at every sub county; and we need to be very keen when we reach there. I know that if we are not going to be keen, then we are going to pollute the entire County and...

(Laughter)

Mr. Deputy Speaker: Sum up, Hon. Deputy Leader, kindly sum up!

Hon. Joan Kiron'g: You know Mr. Speaker you can find a way of treating this waste. If we are not going to implement this recycling, sorting of waste and even fumigating, then we are going to cry for the rest of our lives. So, we need to do something on this and we expand that dumpsite. We put some money in that dumpsite for expansion and so I was waiting for some positive report from Hon. Sudi and now he is still crying... I support the motion.

(Applause)

Mr. Deputy Speaker: Thank you so much Hon. Deputy Leader of Majority, Hon. Joan Kiron'g. Honourable members, let us have the concern as observed from where I sit. Hon. Hentry Nyongesa then we shall go to Simotwo who is not... Then Hon. Florence Juma in that order. The line is here, Hon. Nyongesa, proceed!

Hon. Hentry Nyongesa: Thank you Hon. Speaker for according me this chance to say something about what has been put on the floor of the House by the Committee on Tourism and Environment.

One, I want to thank the Committee for that elaborate report. This is not something we are to laugh at but as you know, waste management is a bigger issue globally; but now when we narrow down... when I was hearing the Chair of the Committee under the recommendations, they were only rotating on fumigation as one of the measures. You see as they have said, this is something that is touching on human and waste management.

We have industrial waste and household waste. Under Industrial waste, even pollution from smoke and even just smoking is also a waste and so many things biologically and medically. We have bio-medical waste where you go to the hospital and that is taking care of the wastes in the hospitals. Arising from that, we want the Committee to dig further on how we are supposed to manage this because if we can talk about fumigation, we are looking at prevention but it is not working properly.

We are supposed to buy polythene paper because managing polythene paper is something that is very serious. You cannot manage the polythene papers because once you dispose it, it cannot rot and those are some of the things the Committee must look at and put there serious measures; that once somebody is found with polythene paper within Bungoma County, we must have very serious penalties and fines as its contemplated in the National law. The County Government must also act up when such issue arise.

I have been walking with Hon. Wanyama who is not around today, but I want to use his example. When you go with Hon. Wanyama to a hotel you can even admire walking with him when out for lunch. Every time because he makes sure that he consumes everything including what remains on his fingers.

Mr. Deputy Speaker: Hon. Hentry, what are you trying to insinuate? You want to mean that he even consumes the plates!

Hon. Hentry Nyongesa: I am saying that everything on the plate is consumed. The only thing that remains is that which cannot be chewed.

You walk around even in homes within the municipality in Bungoma or even just in our homes; but I am specifically about township. You find that most of the areas where we have dumped this waste you is mostly food remnants and you start wondering why people should cook a lot of food and they are unable to consume such that it ends up to where Hon. Sudi is complaining. That people at Muanda are only sniffing food that is consumed in town and the remains are taken to Muanda. Why do people cook a lot of food and at the end of the day you

find it being dumped by the road side? Those are some of the measures that should be dealt with seriously and especially the hotels.

Mr. Deputy Speaker: Hon. Hentry, you only mentioned that Hon. Wanyama consumes very well. What about yourself? May be you are also another problem.

Hon. Hentry Nyongesa: That is why I am saying we have to put stringent measures that when we are cooking food we do not consume the same food; that half or a quarter of it remains and we take it to Muanda. Those are some of the issues we are addressing. All said and done, we have this thing called... when we went for induction on that matter, the trainer told us that we have almost 7 “Rs” where we have to refuse to do such activities, find a way of recycling that material, have ways of reducing that material and a way of reprocessing the material and such like things..

Mr. Deputy Speaker: Proceed Honourable; you are at number 4, the 7 “Rs”

Hon. Hentry Nyongesa: Mr. Speaker, I am doing induction and if the Leader of Majority will organise for an induction somewhere, I will do it; but I am only mentioning some.

Mr. Deputy Speaker: Very well.

Hon. Hentry Nyongesa: Mr. Speaker, it is a serious thing that we are supposed to look at waste management. That is why I agree with some members that the Committee on Tourism must be given enough money and even allowed to do some benchmarking. They can even go to China where Hon. Bishop was mentioning and Rwanda; but we have serious countries that can even tell us on how we can go about recycling to reduce this, but let me finish...

Mr. Deputy Speaker: Before you finish Honourable, you have made a statement which is not known in this House. Your brother Bishop is not here.

Hon. Hentry Nyongesa: My brother here has eaten well. Honorable Member for Bukembe East, Hon. Caleb! That is the name and sometimes because he is my brother in Jesus and we are used to be in brethren.

(Laughter)

We have some areas which we have to look at seriously. A part from Muanda which changed recently because when I was here, it was called Lumoro dumpsite, but it changed recently and I am hearing it is Muanda. I think Muanda covers a very big area, but the area is called Lumoro. I wish to look at the areas where we have a lot of vegetation which the Committee is referring to and in this case, I am referring to Sugarcane. We have Nzoia Nucleus which has almost 50,000 acres. How I wish that this County, because we are the trustee of that land, that in the middle of the Sugarcane which has enough oxygen to be generated by the vegetation around, that at least the four acres is hived off.

Hon. Leader of Majority was mentioning that it can be accommodated within the 50,000 acres so that nobody...there is no living being in the nucleus area; there is only vegetation. How I wish that we look at such areas and we hive off like 10 acres and put there a good

perimeter wall so that this odour that is coming from the dumpsite remains within the vegetation that has enough oxygen and the smell can be....

(Loud Consultation)

Mr. Speaker, if you can allow me, and we are saying that we want to have the waste management away from the human beings; as I am talking, you can look at the House. Look at Hon. Psero who is a senior Lecturer and has done a lot of studies on this. Let us look at the areas that have enough catchment in terms of vegetation like the Hon. Deputy Leader of Majority said. You may realise that where Hon. Simotwo comes from, we have thousands of forest land and nobody stays there. Why is it that we transport the waste from Kapsokwony where we have a forest nearby with 50 acres and then they take it to Muanda? It is a serious thing.

(Applause)

That we must bite the bullet and look at this thing as it is so that as the leader was...

Mr. Deputy Speaker: Are you done Hon. Hentry Nyongesa, I can see you are giving Hon...

Hon. Hentry Nyongesa: I am respecting seniors.

Mr. Deputy Speaker: Summarise please.

Hon. Hentry Nyongesa: Mr. Speaker, I am summarising by saying that the budget we did in this House was looking to at least divide this waste; that the nine sub counties must have land for the waste management. So if waste is coming from Mt. Elgon, it remains in Mt. Elgon, if it is coming from Tongaren, it remains there; so that Bumula also enjoys the small waste that it has from its people

(Applause)

Mr. Deputy Speaker: We have on the line Hon. Florence followed by Chikati in that order.

Hon. Florence Juma: Thank you Hon. Speaker for also giving me an opportunity to speak a word or two. I would begin by first thanking the Committee on Environment.

Mr. Deputy Speaker: Order members! Kindly let us listen to the Member on the floor of the House. I know Hon. Hentry has generated a lot of radical proposals. You are excited but let us listen to Hon. Florence please. Proceed!

Hon. Florence Juma: Thank you Hon. Speaker. Like I was saying, I would first and foremost begin by appreciating the Committee on Environment, Water and Natural Resources led by the able Chair Hon. Edwin Opwora on the report that has just been read on the floor.

On dumpsite management, it does not matter how many dumpsites we will have in the County, as long as we do not have proper management, the sorry state will still be the same. Let us begin by first and foremost making sure that we manage our dumpsites. We already

have Muanda as a dumpsite. How do we manage that? How do we make sure that the garbage that has been piling there for years has been taken care of and there are organisations that are willing to partner? When I was privileged to attend the climate change summit in Nairobi recently...

(Loud consultations)

Mr. Deputy Speaker: Order Member, let her proceed!

Hon. Florence Juma: What I am simply saying is management of the garbage that is already there can be done to make sure that that garbage is no longer a menace to the people of Muanda.

You know it is already there and there are people or organisations that can partner to make sure that there is a solution to that dumpsite.

(Loud Consultation)

I am not disputing the fact that it can be taken to other sub counties...

Mr. Deputy Speaker: Order members! Kindly allow Hon. Florence to...

(Loud Consultation)

Order members! The Member for South Bukusu who is also Deputy Whip, be orderly! I know your concerns, but they cannot be solved when you shout. Very well! What is the point of information Hon. Machani!

Hon. Ali Machani *(On a point of information)*: Thank you Hon. Speaker. When Honourable Members are seated here, we must demonstrate and portray the image of this Assembly. I am very much worried that when one of our colleagues is contributing; the senior most in terms of hierarchy is raising alarm in a higher tone. He is even interrupting the member who is contributing. When we are here, let us understand each other. If one of us is contributing, as a House...

(Loud consultations)

Mr. Deputy Speaker: Order members, Hon. Sudi please!

Hon. Ali Machani: ...As a House and you know the Speaker when you are sited there you always give time to members to contribute. I don't see why the senior most is portraying such an image.

Mr. Deputy Speaker: Order Member! Hon. Sudi!

Hon. Ali Machani: You can even throw him out Hon. Speaker. He is not above the law.

(Loud consultations)

Mr. Deputy Speaker: Hon. Sudi, kindly, be orderly. Resume your seat! Honourable Members in this House, you do not have to shout so that your concerns can be heard.

Remember you can even be silent and it does not mean that your concerns are not being heard. So I want to ask, all of us are Honourable, let us be Honourable enough and we realise that Hon. Sudi is aggrieved; but when he shouts or interjects, it does not solve.

Hon. Sudi, I just want to ask you, you are a leader in this House and you have to lead by example here. Every other member who is not in leadership should look up to you for order in this House. I want to ask that Hon. Sudi is orderly so that we can proceed.

Let us give Hon. Florence to proceed.

Hon. Florence Juma: Thank you Hon. Speaker. Maybe, just to take you Honourable Members back, I was once a Member of this Committee on Water, Environment and Natural resources and some of these issues we are speaking, is not because we want to make anybody... Those are issues that when I was there, I was able to see some of those issues and these are issues that we are raising hoping that solutions can be found for.

Dumpsite management can also be as a source of revenue, if properly managed; I feel for the people of Muanda because this one is greatly affecting them because even the water that they drink is actually you know, contaminated; because of the waste and everything that is thrown at the dumpsite. To the county government; because it has been noted that there is no legislation, to the Committee on Tourism, Water and Natural Resources; even as you talk about your budgets or when you put monies in place, please try to push the county governments so that they can also allocate funds towards the same.

There is also the issue of garbage collection in homes. We are only talking about the garbage collection that is collected from markets; what about that garbage that is just left within homes. You will find landlords who have tenants who just drop garbage along the road, it is all over! Maybe think about a mechanism for proper waste management with these landlords; just to make sure that even their garbage is properly collected. To the home owners who have their farms or who have their own compost pits, we can just educate them that when they collect the waste, they follow proper measures of recycling them.

A lot has been said over the same with other Honourable Members and I wouldn't want to repeat. Thank you I second.

(Applause)

Mr. Deputy Speaker: Thank you very much as we usher in the next contributor. Honourable Members, I wish to draw you to the attention of the Standing Order No. 120 and always when in the plenary, let us avoid provoking so that we invoke this Standing Order No. 120; because we don't want to go that direction. So I wish to urge you; unfortunately some members are out but I want to urge each one of us to observe the decorum while addressing each other or contributing on the Floor of the House. Let us be Honourable enough. Let us proceed. The next contributor is the Hon. Chikati

Hon. Timothy Chikati: Thank you Mr. Speaker, Sir. First of all, I don't agree with the Honourable Member Hentry on the issue of eating and finishing everything on the plate, some of us have dogs. The second thing, I have gone through the recommendations, almost 11 of them, but I haven't seen where the Committee has captured healthcare centres and the hospitals and the dispensaries that don't have the incinerators to manage their waste.

So I wish they could have captured that as one of the recommendation and maybe through the Department of Health, they can collaborate and work together to ensure for example, my healthcare centre called Ndaluh Health Centre, it doesn't have an incinerator and I just wonder how they dispose of the needles and all the other materials.

Mr. Deputy Speaker: Thank you Hon. Chikati Chetekei for your contribution. Next we have Hon. Mating' Catherine Kitui.

Hon. Catherine Kitui: Thank you Mr. Speaker. Sir, I want to first of all thank the Committee plus the Chair who moved the motion. Talking about waste management or proper waste management; when I was growing up, at one point I was a member of NEMA and by then they were advocating for proper waste management. For example, when you have dug a hole to dump waste, once you dump the waste, you put soil on top of it and then a grader compacts it; so that it does not smell. Then they are also treated but that has never been followed up. There is no proper implementation of whatever laws that are set.

Now that we have to embrace the new technologies of proper waste management, it is important that we put for example, incinerators in our dumping places so that we prevent air pollution from harmful gases that come out of that; and to also have a sorting and recycling plant established for proper solid waste management. Also embrace the re-use, reduce, and recycle to reduce the dumping of the waste because wherever it is, whether it is in every sub County, as long as we don't do proper waste management, it will still be a menace.

Even if it is in one place and we implement whatever has been put in place, the proper policies, proper waste management, for example; we Reduce Re-use and Recycle. Reduce the amount of waste that is being dumped, we re-use the materials that have been used and then also recycle by creating raw materials of byproducts out of that; we can have different factories built in that place where there is a dumpsite and then also create jobs.

For example in a place like Muanda, if we are doing proper waste management, then we can have different factories built there. Then we say that the people around are the ones to get the jobs. Everyone will want a dump site to be in their ward; but because there is no proper waste management, no one wants that. The solution is let us embrace proper waste management in our in our dumpsites.

Mr. Deputy Speaker: Thank you so much The Hon. Mating’; because of leadership, the Chief Whip is on the line. The Hon. Meshack Simiyu Wekesa Museveni will be followed by the Hon. Cornelius and then the Hon. Chemion.

Hon. Meshack Simiyu: Asanti Mheshimiwa Spika kwa kunipa nafasi. Langu ni kushukuru *Chair* (mwenyekiti) kwa kazi nzuri, vile alivyosoma. Naomba ya kwamba ukienda Muanda wakati mmoja mnaeza ona Mheshimiwa Sudi saa zingine ako juu na shida ni *County Governement* (serikali ya kaunti) ya Bungoma. Unapoenda Muanda, kitu cha kwanza ni barabara. Tuliweka pesa wakati tulienda kufanya bajeti na mpaka sasa, hata wewe ukitumwa Muanda, huwezi enda na gari lako. Shida ya kwanza ni barabara, ya pili hata sasa tukitoka hapa kama *committees* (kamati) na tuende huko, sidhani kama utaingia hapo ndani. Kitu cha kwanza watakuambia tumeenda huko na magari na tumekuja kukulia na tuende. Hata kutoka ni shida .

Ninaomba kwa heshima kuu ya kwamba leo hii *Chair wa Tourism* (mwenyekiti wa kamati ya Utalii) ameleta mswada kwa Bunge. Ninaomba wakipeleka huko chini, wacha wafanye kitu hata kimoja kama kurekebisha barabara; na ukitaka kuenda huko, hata aliyepewa kazi hutamuona; lakini ukiambia mwenye kazi ya kwamba tunataka kuenda huko, utamkuta na watu wa ku *spray* (kunyunyuzia) wanafanya kazi na mnapotoka, kazi haifanyiki hata mwaka mzima. Nimekuomba Spika kwa sababu uko kwenye kiti, tukimaliza haya, wacha tufanye mambo ya Muanda hata atleast mwenzangu ataona wamefanya kazi nzuri. Watu wake wanaumia. Mbwa wamebeba wametupa huko lakini kufunika ni ngumu. Mimi nilienda na mwenyekiti wa Kamati, shida ilikua kutoka. Kwa hivyo hatutaki kufanya tu kazi, kuongea hapa na tunamaliza na kunyamaza na tumepeleka. Lazima tuifatilie na tuone huko wamefanya kazi gani.

(Applause)

Mr. Deputy Speaker: Thank you, our Majority Chief Whip Hon. Meshack Simiyu Museveni. With that Honourable Members and because of time and other businesses ahead of us, Hon. Cornelius has something burning. Let us give him a minute, kindly.

Hon. Cornelius Makhanu: Thank you Mr Speaker. As we focus on waste management, let us also first of all focus at the source. When you look at our county, we do not have designated collection centres. Most of the wastes are just thrown anyhow. Always in the evenings or at night there are those who come with that garbage throwing on the roads and even in the rivers. You know my Ward runs along the river and I have seen that. Once this garbage is thrown on the roads as it is raining now, rain water carries all this garbage into the rivers. When these rivers recede and you walk along the riverbanks, you will see a lot of waste. The government banned these plastic bags but when you walk along those riverbanks, you will see a lot of plastic bags.

So as we focus on managing this waste, we need to have designated areas and even maybe some drums where people can dump their waste. Otherwise we have been killing even marine life. When I was young, we used even to fish in these rivers with a fishing line and the hooks. Now there are no fish in our rivers because we are choking and we are killing marine life. So we should focus very much at the source. We now have dustbins in our town. When you get out of these precincts, at the gate you will see dustbins; there are three and in different colours. Some are marked as organic another one as recyclable.

We do not have awareness for our people to know. Those dustbins are marked and indicated but does our public know that this one is organic, do our public know organic waste? We need to have a lot of awareness and the Chair is here. Chair, I want you to listen to me. Let us have proper awareness for our public so that those dustbins that we have been given and are erected everywhere, so that our public knows exactly what waste you throw in which dustbin. Our people lack that. So as you make your recommendations, please let us manage this waste at the source and let the public be aware on what to do. Otherwise, I thank you for giving me this opportunity.

Mr. Deputy Speaker: Thank you Hon. Makhanu Cornelius. Let me call upon the Chair, the mover, to respond accordingly. You can just use your mic; Hon. Edwin Wekesa Opwora-Member for Luuya/ Bwake

Hon. Edwin Opwora: Thank you Mr. Speaker and I just want to thank...

Mr. Deputy Speaker: The Hon. Khaoya! You have just arrived and we are noting your presence by making noise! Be orderly!

Hon. Edwin Opwora: Mr. Speaker, I need your protection.

Mr. Deputy Speaker: You are protected from the Hon. Khaoya

Hon. Edwin Opwora: From two Honourable Members here on this important motion or kindly allow me to move them, Mr. Speaker.

Mr. Deputy Speaker: Your wish is granted. Which means the Hon. Tony is dangerous. Order members! proceed.

Hon. Edwin Opwora: Mr. Speaker, as you realise this has been a very emotive and touching report by virtue of the submission from all the members and I just want to thank them first of all for their contributions. I know there is a saying that we have to save the earth by re-using and recycling waste and they say that waste isn't waste until we waste. So, I want to agree with all the members and the most important thing that I realised is that we need to begin by ourselves; we need to begin from our homes before we release this litter, because that is where the problem is. We need to... I agree with Hon. Makhanu and all the other

members including Hon. Florence on the bit of the management and awareness to all members of public.

I have had an opportunity of living in Rwanda and there is self-discipline amongst the people; which is lacking here in our county. Another major thing is the regulations. As a County, we don't have any regulations to actually manage the waste and to help our people or people responsible to manage other people in terms of regulations and laws; that will govern and guide the way we dump our litter. So I wish that this Honourable House and the Department will ensure that we have the proper regulations so that our people are guided on how and where to dump the litter.

The bit of decentralisation of the garbage dumping sites; I just want to thank Hon. Sudi for all the patience he has had and I know that this Honourable House will fast track on the budget allocation, so that we get land in all the sub counties... because you can imagine litter coming all the way from Soysambu to South Bukusu or the way Hon. Nyongesa is alluding that we put it at Nzoia sugar. I do not agree with that by virtue that the state of our roads is not okay. So if a truck is coming all the way from Soysambu, the state of the roads in Tongaren is very terrible. We will have only half of the litter by the time it reaches the dumpsite. So I want to urge that this Honourable House pushes, so that we have each sub county getting their dumpsite.

(Applause)

We are going to ensure that our people get employed in various sub counties and through these dumpsites we are also encouraging the recycling companies to venture into the waste management and ensure that all the litter that is disposed of is actually recycled.

Mr. Speaker I don't want to take much time, but I just wish to assure the House that as a Committee, we are going to ensure that these recommendations are adhered to; we are going to push the Executive to our level best so that we ensure that Bungoma County is a clean and safe environment for our people.

(Applause)

Mr. Deputy Speaker: Thank you the Hon. Wekesa Opwora. Now Honourable Members, the motion having been... order members! It is time now to put the question.

(Question put and agreed to)

The ayes have it

The report is adopted. The Clerks- at- the- table will ensure that dissemination of the same is done to the relevant authorities for action to follow. Thank you so much. We move to the next item.

BILL

THE BUNGOMA COUNTY OUTDOOR ADVERTISING AND SIGNAGE CONTROL AND REGULATION BILL, 2023

Mr. Deputy Speaker: The Chairperson, the Hon. Maasai Chemion

Hon. Francis Chemion(*Chairperson, Committee on Lands*): Thank you Hon. Speaker. Pursuant to Standing Order No. 141 (1), I move a motion that the Bungoma County Outdoor Advertising and Signage Control and Regulation Bill, 2023, now be read a second time and I call upon Hon. Mukhongo to second.

Mr. Deputy Speaker: The Hon. Barasa Mukhongo James Member for Kabuchai /Chwele?

Hon. James Mukhongo: Thank you Hon. Speaker, I stand to second that the Bill be read a second time

Mr. Deputy Speaker: Honourable Members, I now put the question
(*Question put and agreed to*)

A Bill for an act of the County Assembly of Bungoma to provide for the regulation of outdoor advertisement and signage within Bungoma County and for connected purposes (*Second reading*)

Mr. Deputy Speaker: Honourable Members as per the Standing Order. A Bill having been read a second time, it now stands committed to the Committee of the Whole House. so shall we rise.

COMMITTEE OF THE WHOLE HOUSE (Order for Committee read)

[The Deputy Speaker (Hon. Stephen Wafula) left the Chair]

IN THE COMMITTEE

[The Temporary Chairlady (Hon. Christine Mukhongo) in the Chair]

The Temporary Chairlady: Be sited Honourable Members. Welcome to the Committee of the Whole House for consideration of the Bungoma County Outdoor Advertisement and Signage Control and Regulation Bill, 2023. I now call upon the Clerk- at- the- Table to read the part of the Bill in the sequence specified in Standing Order No.144.

Clause 3 Application of responsibility for complying with the Act
(Question proposed)

(Question put and agreed to)

(Clause 3 agreed to)

Clause 4 functions of the department

Hon. Francis Chemion: Thank you Chair of the Committee of the Whole House. I propose an amendment in Clause 4. That Clause 4 (1) of the Bill be amended by deleting the letter “B” immediately after the word visual, so as to read 4 (1) ensure protection of the environment from potential adverse impact from visual lights. I now call upon Hon. Wafula Waiti to second the amendment.

Hon. Wafula Waiti: Thank you Chair I rise to second the amendment.

(Question of the amendment proposed)

(Question, that the word to be left out be left out, put and agreed to)

(Clause 4 as amended agreed to)

Clause 5 Approval of advertising signs

Clause 6 Consideration of applications

Clause 7, Withdrawal and amendment of approvals

Clause 8 General requirements for advertising signs

(Clause 5, 6, 7 and agreed to)

Clause 9 Power cables and conduit signs

Hon. Francis Chemion: Thank you Chair. I propose that there is an amendment on Clause 9 (2). By deleting the word "2" appearing immediately after the word "presented", so as to read "2 no advertising sign may be connected to electricity supply without the prior written permission of the electricity supply authority concerned and such permission shall on request by an authorised official be presented by the owner of the advertising sign concerned". I now call upon Hon. Jeremiah to second the amendment of clause 9

Hon. Jeremiah Kuloba: I second the amendment.

(Question of the amendment proposed)

(Question, that the word to be left out be left out, put and agreed to)

(Clause 9 agreed to)

Clause 10 Exempt advertising signs and advertisements

Clause 11 Prohibited signs,

Clause 12 Signs suspended under verandas and canopies

Clause 13 Scene signs on verandas or canopies over public streets.

Clause 14 Projecting signs

Clause 15 Pylon signs for on premises advertising

Clause 16 Advertising signs placed flat on buildings and on bridges.

(Question proposed)

(Clause 10, 11, 12, 13, 14, 15 and 16 agreed to)

Clause 17 signs relating to the development of properties.

Hon. Francis Chemion: Thank you Chair. I move an amendment that clause 17 (1) be amended by deleting 11 appearing after the word section and replacing it with 10. So as to read 17 (1) "an advertising sign exempted in terms of section 10 sub section 2 and relating to the development of a property and the disposal of property may be displayed provided the following requirements are complied with"

I now call upon Hon. Cornelius Makhanu to second.

Hon. Cornelius Makhanu: Thank you Chair, I rise to second the amendment of Clause 17 (1)

(Question of the amendment proposed)

((Question put and agreed to)

(Clause 17 agreed to)

Clause 18 requirements for Sky signs

Hon. Francis Chemion: Thank you Chair, I move that clause 18 (1) be amended by deleting “10” appearing immediately after the word section and replacing it with “11”. So as to read “18 (1) Notwithstanding section 11 (T), a sky sign may be erected on a building where the main use is residential; as long as the sign has no visual impact on the occupants of the building itself or another building in the immediate area, which is used for residential purposes”

I now call upon Hon. Opwora to second the amendment.

Hon. Edwin Opwora: Honourable Chair, I second.

(Question of the amendment proposed)

((Question put and agreed to)

(Clause 18 agreed to)

Clause 19 screens for Sky signs.

Hon. Francis Chemion: Thank you Chair. I move that Clause 19 (1) and 19 (1) (d) be amended by deleting “14” and 14 subsection 5 respectively, appearing after the word section and replacing the same with “18” and 18, sub section 5 in that order. So as to read “19(1), “every screen for a sky sign contemplated in Section 18 shall comply with the following requirements (d). No vertical dimension of any screen may exceed one and a half times the vertical dimension of a sky sign specified in Section 18 subsequent 5”

I now call upon Hon. Hentry Nyongesa to second the amendment.

Hon. Hentry Nyongesa: Thank you Hon. Chair, I second amendment as read by the Chair.

(Question of the amendment proposed)

(Question put and agreed to)

(Clause 19 agreed to)

Clause 20 Signs on residential buildings, dwelling houses and dwelling units.

Clause 21 Sunblind advertisement

(Clause 20 and 21 agreed to)

Clause 22 advertisements on banners, flags and similar objects

Hon. Francis Chemion: Thank you Chair. I move that clause 22 subsection 2 be amended by deleting "4" appearing after the word section and replacing it with "5" so as to read "To every person to whom approval has been granted under section 5(2); in respect of an advertisement contemplated in subsection 1, but not exempted under Section 9(2) shall comply with and ensure that the following requirements are complied with"
I now call upon Hon. Eunice Kirui to second.

Hon. Eunice Kirui: Thank you, Hon. Chair. I second amendment.

(Question of the amendment proposed)

(Question put and agreed to)

(Clause 22 agreed to)

Clause 23 advertisements on blimps

(Clause 23 agreed to)

Clause 24 painted advertisements

Hon. Francis Chemion: Thank you Chair. I move that clause 24 (B) be amended by deleting "10" appearing after the word "section" and replacing it with "11" so as to read "24 (B) "A third party advertisement may be painted directly onto any service subject to Section 11 (5).

I now call upon Hon. Wafula Waiti to second the amendment.

Hon. Wafula Waiti: Thank you Chair, I rise to second the amendment.

(Question of the amendment proposed)

(Question put and agreed to)

(Clause 24 agreed to)

Clause 25 advertising signs relating to selling and letting of property

Hon. Francis Chemion: Thank you Chair. I move that clause 25 (F) be amended by deleting the word "of" appearing immediately after the word period. So as to read" F. a single sign not exceeding six metres square in extend per property on a vacant nonresidential property on which the words "for sale" are too late and the name, address and telephone number of the owner or his or her state agent are displayed or the word "sold" and the name address and telephone number of the state agent concerned may be displayed for a period not exceeding 90 days."

I now call upon Hon. Anyango to second.

Hon. Everlyne Anyango: Thank you Chair, I rise to second the amendment.

(Question of the amendment proposed)

(Question put and agreed to)

(Clause 25 agreed to)

Clause 26 other temporary advertising sites,

Clause 27 advertisements on construction sites

(Clause 26 and 27 agreed to)

Clause 28: Transit advertising

(Question proposed)

Hon. Francis Chemion: Thank you Chairperson, I move that clause 28 be amended as follows;

28(4) be amended by deleting the word 'in' appearing after the word impounded and deleting 'to' appearing after the word 'subsection' and replacing with 23 so as to read;

28(4) Any transit advertising sign impounded pursuant to subsection 3 shall be kept by the department for a period of two days from the date of impoundment and an authorized official shall in writing notify the owner of such fine of the impoundment if the address of the owner can be ascertained.

28(5) be amended by deleting 'to' appearing before the word 'may' and replacing it with 3 and by deleting 5 appearing before the word 'subject' and replacing it with 4 so as to read; 28(5) An owner of a transit advertising sign impounded pursuant to subsection 3 may claim such a sign within a period specified in subsection 4 subject to payment of a prescribed fee.

28(6) be amended by deleting 3 appearing before the word 'destroy' and replacing it with '5' so as to read; 28(6) The department may if an advertising sign is not claimed by its owner within the period of 30 days referred to in subsection 5 destroy or otherwise dispose off the advertising sign concerned.

28(7) Be amended by deleting the word four appearing after the word sub section and replacing it with 'five' so as to read; 28(7) The department may recover the prescribed fee from the owner who has not claimed his or her advertising sign in terms of subsection 5.

I now call Hon. Sudi to second the amendments

Hon. Sudi Busolo: Honourable chairperson I second the amendment

(Question proposed for Clause 28 to be amended)

(Question put that Clause 28 be amended as proposed and agreed to)

(Question proposed that Clause 28 as amended be part of the Bill)

(Question put that Clause 28 as amended be part of the Bill and agreed)

Clause 29: Approval of posters

(Question proposed)

Hon. Francis Chemion: Thank you Chair I move, that Clause 29 be amended in sub-clause 11 by deleting '1' appearing after the word subsection and replacing it with '10' so as to read:

29(11) The County Government may recover the prescribed fee contemplated under subsection (10) of any owner who does not claim his or her poster as contemplated in that subsection.

I call upon Hon. Ipara Okasida to second the amendment.

Hon. Johnston Ipara: Hon. Chairperson, I rise to second the amendment

(Question proposed for Clause 29 to be amended)

(Question put that Clause 29 be amended as proposed and agreed to)

(Question proposed that Clause 29 as amended be part of the Bill)

(Question put that Clause 29 as amended be part of the Bill and agreed)

Clause 30: Posters relating to election or voter registration

(Question proposed)

Hon. Francis Chemion: Thank you Chair, I move that Clause 30 of the Bill be amended: 30(1) in sub-clause 2 by deleting (28) appearing after the word section and replacing it with 29 so as to read

30(i)(2) The provisions of section 29(6)(a,b,c,3,f and g) read with necessary changes shall apply in respect of any poster contemplated in this section provided that such a poster need not be placed in a frame.

In sub clause 3, the Bill be amended by deleting '28' appearing after the word section and replacing it with '29' so as to read

30(i)(3) The provisions of section 29(8) read with the necessary changes shall apply in respect of posters not complying with the provisions of this section.

I call upon Hon. Mukhongo to second the amendment

Hon. James Mukhongo: Chair I second the amendment as proposed by the Chairperson

(Question proposed for Clause 30 to be amended)

(Question put that Clause 30 be amended as proposed and agreed to)

(Question proposed that Clause 30 as amended be part of the Bill)

(Question put that Clause 30 as amended be part of the Bill and agreed)

Clause 31: Maintenance of signs

(Question proposed)

Hon. Francis Chemion: Thank you Chairperson, I move that Clause 31(6) be amended by deleting '1' after the word subsection and replacing it with '5' so as to read:

If a notice served in terms of subsection 5 is not complied with, the Department may by notice in writing require the owner of the advertising holding at his/her own cost to display a community message specified by the department until that owner displays an advertisement on the holding concerned.

I call upon Hon. Opwora to second

Hon. Edwin Opwora: Thank you Chairperson, I rise to second.

(Question proposed for Clause 31 to be amended)

(Question put that Clause 31 be amended as proposed and agreed to)

(Question proposed that Clause 31 as amended be part of the Bill)

(Question put that Clause 31 as amended be part of the Bill and agreed)

Clause 32: Cost of removal and storage

Clause 33: Documentation

Clause 34: Public Participation process

(Question proposed that Clause 32, 33, 34 be part of the Bill put and agreed to)

Clause 35: Consideration of application

Question proposed

Hon. Francis Chemion: Thank you Chairperson. I move that Clause 35(1) be amended by deleting '33' appearing after the word section and replacing it with '34' so as to read; 'If any written comments, representations or objections have been received in respect of an application of any interested party contemplated in section 34, the department shall consider all such comments, representations and objections before taking a decision on the application.

I now call upon Hon. Wafula Waiti to second

Hon. Wafula Waiti: Thank you Chairperson. I rise to second the amendments.

(Question proposed for Clause 35 to be amended)

(Question put that Clause 35 be amended as proposed and agreed to)

(Question proposed that Clause 35 as amended be part of the Bill)

(Question put that Clause 35 as amended be part of the Bill)

Clause 36: Termination of approvals of signs

(Question proposed)

Hon. Francis Chemion: Thank you Chairperson. I now move that Clause 36(3) be amended as follows;

That the word 'section' appearing before the word '3' be replaced with the word 'subsection' and '3' appearing after the word 'section' be deleted so as to read; 'If the owner of an advertising sign fails to submit an application in terms of subsection 3 within 60 days after being notified in terms of the date of an agreement in terms of sub section (i) or of a notification in terms of subsection (ii) the advertising sign concerned shall be considered erected or displayed without such approval.

I now call upon Hon. Mukhongo James to second

Hon. James Mukhongo: Thank you Chairperson. I second the amendments as proposed by the Chair.

(Question proposed for Clause 36 to be amended)

(Question put that Clause 36 be amended as proposed and agreed to)

(Question proposed that Clause 36 as amended be part of the Bill)

(Question put that Clause 36 as amended be part of the Bill)

Clause 37: Service of notices

(Question proposed)

Hon. Francis Chemion: Thank you Chairperson, I move that sub-clause (c) be amended by deleting it in its entirety and replacing it with the following 'by running a copy of the notice through the electronic media or through a newspaper of nationwide circulation' so as to read: 'By running a copy of the notice through the electronic media through a newspaper of nationwide circulation.'

That sub Clause (h) be amended by deleting the words '16' and 'managing' appearing after the word 'at least' and 'the ' respectively and substituting therefore the words '18' and 'manager' in that order so as to read;

37(h) If the person is a partnership firm or voluntary association by serving a copy of a notice on a person who at the time of service is apparently in charge of the premises and apparently at least 18 years of age at a place of business of such partnership firm or association or if such partnership firm or association has no place of business by serving a copy of notice on a partner, the owner of the firm or the chairman or the secretary, or manager or other controlling body of such association as the case may be.

I now call upon Hon. Eunice to second the amendment.

Hon. Eunice Kirui: Thank you Hon. Chairperson, I rise to second the amendments.

(Question proposed for Clause 37 to be amended)

(Question put that Clause 37 be amended as proposed and agreed to)

(Question proposed that Clause 37 as amended be part of the Bill)

(Question put that Clause 37 as amended be part of the Bill and agreed to)

Clause 38: Inspections

(Question proposed)

(Question put and agreed to)

Clause 39: Appeal

(Question proposed)

Hon. Francis Chemion: Thank you Chairperson. I move that Clause 39 be amended by deleting the word 'department' in its entirety and replace with 'the County Executive Committee member' so as to read:

39(i) A person whose rights are affected by a decision by an authorized official in terms of or for the purpose of this Act may appeal against that decision to the county Executive Committee Member by launching a written notice of an appeal specifying the grounds of appeal within 21 days of the date of which he/ she was notified of that decision.

ii) The County Executive Committee Members shall commence consideration of the appeal and take a decision thereof within a reasonable time

iii) The County Executive Committee Member shall forthwith after a decision has been made in terms of subsection (ii) notify the appellant thereof in writing

iv) An applicant contemplated in subsection (i) may on being notified of a decision in terms of sub-section (ii) apply in writing for the reasons for the decision and the County Executive Committee Member shall furnish written reasons to the applicant.

I now call upon Hon. Anyango to second.

Hon. Everlyn Anyango: Thank you Hon. Chairperson, I rise to second the amendments.

(Question proposed that clause 39 be amended as proposed)

(Question put that Clause 39 be amended as proposed)

(Question proposed that Clause 39 as amended be part of the Bill)

(Question put that Clause 39 as amended be part of the Bill)

Clause 40: Offences and penalties

Clause 41: Regulations

(Question proposed that Clause 40 and 41 be part of the Bill)

(Question put that Clause 40 and 41 be part of the Bill and agreed to)

New Clause

Hon. Francis Chemion: I rise to move that the new Clause be read for the second time. I call upon Hon. Mukhongo to second

Hon. James Mukhongo: I stand to second that the new Clauses be read a second time

(Question proposed)

(Question put and agreed to)

New Clause: Objects and purposes of the Act, *Second Reading*

(Question proposed)

Hon. Francis Chemion: Thank you Chairperson. I move that the Bill be amended by inserting a new clause immediately after Clause 2 and renumbering Clause 3 as 4 onwards so as to read;

Clause 3: Objects and the purpose of the Act

The object and purpose of the Bill is:

- a) To regulate outdoor advertising and signage control and in particular to provide for regularization of applications and approvals on advertising signs in the County.
- b) Provide for requirements, exemptions and prohibitions for advertising signs.
- c) make provisions for specific advertising signs for example signs suspended under verandahs or canopies of a public street, project sites, pylon signs for an own premise advertising etc.

I now call upon Hon. Makhanu to second the amendment.

Hon. Cornelius Makhanu: Thank you Chairperson. I stand to second the amendment.

(Question proposed that the new Clause be amended as proposed)

(Question put that the new Clause be amended as proposed and agreed to)

(Question proposed that the new Clause as amended be part of the Bill)

(Question Put that the new Clause be part of the Bill and agreed to)

Schedule: Charges for advertising and signage

Clause 2: Interpretation

Long title: An Act of the County Assembly of Bungoma to provide for the regulation of outdoor advertisement and signage within Bungoma County and for connected purposes

(Question proposed that the schedule, Clause 2, Long Title be part of the Bill)

(Question put and agreed to)

Clause 1: Short title: The Bungoma County Outdoor Advertising and Signage control and regulation Bill 2023

(Question proposed)

Hon. Francis Chemion: Thank you Chairperson. I move that the short title be amended by deleting the words 'and regulations' immediately after the word control so as to read; 'The Bungoma County Outdoor Advertising and Signage Control Bill 2023'.

I call upon Hon. Ipara to second the amendment

Hon. Johnston Okasida: Honourable Chairperson, I rise to second the amendment on the short title as proposed.

(Question proposed for Clause 1 to be amended as proposed)

(Question put that Clause 1 be amended as proposed and agreed to)

(Question proposed that Clause 1 as amended be part of the Bill)

(Question put that Clause 1 as amended be part of the Bill and agreed to)

Temporary Chairperson: All parts of the Bill have been read, I now call upon the Chairperson, Committee on Lands.

Hon. Francis Chemion (Chairperson, Committee on Lands): Hon. Chairperson, pursuant to Standing Order No. 145(16), I beg to move that the Committee do report to the House its consideration of Bungoma County Outdoor Advertising and Signage Control and Regulation Bill, 2023. I call upon Hon. Mukhongo to second.

Hon. James Mukhongo: Hon. Chairperson, I stand to second that the Committee of the Whole House reports as moved by the Chairperson.

(Question proposed)

(Question put and agreed to)

Temporary Chairperson: Thank you Honourable Members for your participation in this Committee of the Whole House.

HOUSE RESUMES

[The Deputy Speaker (Hon. Stephen Wafula) in the Chair]

Mr. Deputy Speaker: Thank you Honourable Members, I call upon the Chairperson of the Committee of the Whole House.

Hon. Christine Mukhongo (Temporary Chairperson, Committee of the Whole House): Honourable Speaker, thank you for giving me this time to report back on the considerations of the Committee of the Whole House under Standing Order No. 147; Report of the Committee of the Whole House.

Mr. Speaker Sir, the Committee of the Whole House considered the Bungoma County Outdoor Advertising and Signage Control and Regulation Bill, 2023 as follows;

Clause 3: Application of and the responsibility of complying with the Act was approved without amendments

Clause 4: Functions of the department was approved with amendments

Clause 5: Approval of advertising signs was approved without amendments

- Clause 6: Consideration of Applications was approved without amendments
- Clause 7: Withdrawal and amendments of approvals was approved without amendments
- Clause 8: General requirements for advertising signs was approved without amendments
- Clause 9: Power cables and conduit signs was approved with amendments
- Clause 10: Exempt advertising signs and advertisements was approved without amendments
- Clause 11: Prohibited signs; was approved without amendments
- Clause 12: Signs suspended under verandahs and canopies was approved without amendments
- Clause 13: Signs on verandah and canopies over public streets was approved without amendments
- Clause 14: Projecting signs was approved without amendments
- Clause 15: Pylon signs for on-premises advertising was approved without amendments
- Clause 16: Advertising signs placed flat on buildings and on bridges was approved without amendments
- Clause 17: Signs relating to the development of properties was approved with amendments
- Clause 18: Requirements for sky signs was approved with amendments
- Clause 19: Screens for sky signs was approved with amendments
- Clause 20: Signs on residential buildings, dwelling houses, dwelling units was approved without amendments
- Clause 21: Sun-blind advertisement was approved without amendments
- Clause 22: Advertisements on banners, flags, similar objects was approved with amendments
- Clause 23: Advertisements on blimps was approved without amendments
- Clause 24: Painted advertisements was approved with amendments
- Clause 25: Advertising signs relating to selling and letting off property was approved with amendments.
- Clause 26: Other temporary advertising signs was approved without amendments
- Clause 27: Advertisement on construction sites was approved without amendments
- Clause 28: Transit advertising was approved with amendments
- Clause 29: Approval of posters was approved with amendments
- Clause 30: Poster relating to election or voter registration was approved with amendments

Clause 31: Maintenance of signs was approved with amendments

Clause 32: Cost of removal and storage was approved without amendments

Clause 33: Documentation was approved without amendments

Clause 34: Public Participation process was approved without amendments

Clause 35: Consideration of application was approved with amendments

Clause 36: Termination of approvals of signs was approved with amendments

Clause 37: Service of notices was approved with amendments

Clause 38: Inspections was approved without amendments

Clause 39: Appeal was approved with amendments

Clause 40: Offences and penalties was approved without amendments

Clause 41: Regulations was approved without amendments

New Clause: One new clause was introduced immediately after Clause 2 on Objects and purposes of the Act

Schedule: Charges for outdoor advertisement and signage was approved without amendments

Clause 2: Interpretation was approved without amendments

Long title: An Act of the County Assembly of Bungoma to provide for the regulation of outdoor advertisement and signage within Bungoma County and for connected purposes was approved without amendments

Clause 1: Short Title: The Bungoma County Outdoor advertising and signage control and regulations Bill 2023 was approved with amendments.

Thank you Speaker; that is the report of the Committee of the whole House

(Applause)

Mr. Deputy Speaker: Thank you Chairperson, Committee of the Whole House. Now Honourable Members, I propose the question that the House does agree with the Committee in the said report.

I now call upon the mover of the Bill Hon. Masai to move the same

Hon. Francis Chemion (*Chairperson, Committee on Lands*): Thank you Speaker; pursuant to Standing Order No. 148(1), I beg to move that the House does agree with the Committee in the said report. I request Hon. Mukhongo to second

Hon. James Mukhongo: Hon. Speaker, I stand to second that the House does agree with the Committee as moved by the Hon. Chairperson

Mr. Deputy Speaker: Well Honourable Members, I now propose the question that the House does agree with the Committee in the said report

(Question proposed)

(Question put and agreed to)

Now having agreed with the report of the Whole House, that marks the second reading and I now direct that the same be read a third time in the subsequent sitting. Thank you so much.

ADJOURNMENT

That was the last item on the Order Paper this Wednesday the 25th day of October, 2023 at 9:30 a.m. We shall adjourn and resume the next sitting today at 2:30 p.m.

(House Adjourns)