

COUNTY GOVERNMENT OF BUNGOMA

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

THE DAILY HANSARD

WEDNESDAY, 3RD APRIL, 2024

Morning Sitting

COUNTY ASSEMBLY OF BUNGOMA

THE DAILY HANSARD

WEDNESDAY, 3RD APRIL, 2024

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

(Temporary Speaker [Hon. Benjamin Otsiula] in the Chair)

PRAYER

COMMUNICATION FROM THE CHAIR

Temporary Speaker (*Benjamin Otsiula*): Members, I have the following communication to make from the office of the Speaker;

MADARAKA DAY LUNCHEON

We are in receipt of a letter dated 27th March, 2024 from the CECM - Public Service Management Administration and ICT addressed through the Clerk of the County Assembly of Bungoma

Re; Guest List for Madaraka Day Luncheon

The above refers.

After the Madaraka day celebrations of 1st June, 2024 at Masinde Muliro Stadium Kanduyi, there shall be a luncheon at our newly constructed state lodge. It is a requirement by the Government reception office that all invited guests shall undergo a vetting process at their offices.

Consequently, each guest will be issued with an invitation card to facilitate admission to the venue of the luncheon.

The names of persons to be invited are limited and we thus request your office to forward or assist with the following;

1. Names of all Members of The County Assembly
2. Each Honourable Member to forward three names as guests of his or her choice.
3. Names of all departmental heads of staff members of the County Assembly

The information required shall carry the following;

- a) The name to correspond with that on the Identity Card
- b) The Identity Card number
- c) The title that is Member of County Assembly, teacher etc.
- d) The telephone contacts.

We shall appreciate receiving the requested information in soft copy by 3rd of April 2024 for onward transmission to the Government reception office. Kindly Hon. Members please be informed.

PAPERS

REPORT BY THE BUDGET AND APPROPRIATIONS COMMITTEE ON THE BUNGOMA COUNTY MEDIUM TERM DEBT MANAGEMENT STRATEGY PAPER FOR THE PERIOD ENDED FY 2024/2025, 2026/2027

Temporary Speaker: Yes Hon. Bishop Caleb Wanjala, on behalf of the Chairperson, Budget and Appropriations Committee.

Hon. Caleb Wanjala: Thank you, Mr. Speaker. I stand to give a report by the Budget and Appropriations Committee on the Bungoma County Medium Term Debt Management Strategy Paper for the FY 2024/2025 to 2026/2027. I table.

(Hon. Caleb Wanjala laid the paper on the floor)

Temporary Chair: Thank you, Hon. Caleb Wanjala.

Honourable members, a report by the Budget and Appropriations Committee on the Bungoma County Medium Term Debt Management Strategy Paper for FY 2024/2025, 2026/2027 having been laid on the table of this Honourable House becomes a property of the House and shall form part of our business in our subsequent sessions.

REPORTS FROM THE AUDITOR GENERAL

1. Report of the Auditor General on Receiver of Revenue for the year ended 30th June, 2023 County Government of Bungoma.
2. Report of the Auditor General on Bungoma County Education support Scheme for the year ended 30th June, 2023
3. Report of the Auditor General on Bungoma County Trade Development Loans Fund for the Year ended 30th June, 2023
4. Report of the Auditor General on Bungoma County Youth and Women Empowerment Fund for the year ended 30th June, 2023

Temporary Chair: Yes, Majority Leader, Hon. Joseph Nyongesa!

Hon. Joseph Nyongesa: Thank you, Mr. Speaker. Allow me table the following papers;

1. Report of the Auditor General on Receiver of Revenue for the year ended 30th June, 2023 County Government of Bungoma.
2. Report of the Auditor General on Bungoma County Education Support Scheme for the year ended 30th June, 2023.
3. Report of the Auditor General on Bungoma County Trade Development Loans Fund for the Year ended 30th June, 2023.

4. Report of the Auditor General on Bungoma County Youth and Women Empowerment Fund for the year ended 30th June, 2023.

(Hon. Joseph Nyongesa laid the papers on the floor)

Temporary Speaker: Thank you, Hon. Joseph Nyongesa. Hon. Members, the reports having been laid on the table of the House, I therefore commit it to the Committee of Public Accounts and Investments for processing. They shall as well form part of our business in our future sessions.

NOTICE OF MOTION

NOTICE OF MOTION THAT THIS HOUSE ADOPTS THE REPORT BY THE BUDGET AND APPROPRIATIONS COMMITTEE ON THE BUNGOMA COUNTY MEDIUM TERM DEBT MANAGEMENT STRATEGY PAPER FOR THE FY 2024/2025, 2026/2027

Temporary Speaker: Yes Hon. Caleb Wanjala, on behalf of the Chairperson, Budget and Appropriations committee.

Hon. Caleb Wanjala: Thank you, Mr. Speaker Sir. I rise to give a notice of motion that this House adopts the report by the Budget and Appropriations Committee on the Bungoma County Medium Term Debt Management Strategy Paper for the period FY 2024/2025-2026/2027.

Temporary Speaker: Thank you, Hon. Caleb Wanjala. Hon. Members, a notice of motion having been issued that this House adopts the report by the Budget and Appropriations Committee on the Bungoma County Medium Term Debt Management Strategy Paper for the period for FY 2024/2025-2026/2027, I hereby direct the table clerks to ensure that the same is circulated to Honourable members to prepare because it shall form part of our business in our subsequent sessions.

MOTION

REPORT BY THE SECTORAL COMMITTEE ON AGRICULTURE, LIVESTOCK, FISHERIES, IRRIGATION AND CO-OPERATIVE DEVELOPMENT ON THE BUNGOMA COUNTY GOVERNMENT FOURTH QUARTER FINANCIAL STATEMENTS FOR THE PERIOD ENDED 30TH JUNE, 2023

(RESUMPTION OF DEBATE)

Temporary Speaker: Yes, this is resumption of debate. The Chairperson sectoral Committee on Agriculture, Livestock, Fisheries, Irrigation and Co-operatives Development, Hon. Wafula Waiti!

Hon. Wafula Waiti: Thank you, Mr. Speaker. I rise to read a withdrawal of motion under Standing Order 70.

The report on the Bungoma County Government Fourth Quarter Financial Statements for the period ended 30th June, 2023 with respect to the department of Agriculture, Livestock, Fisheries, Irrigation and Co-operative Development was tabled on 14th February, 2024 and a motion moved on Tuesday 20th February, 2024 in the afternoon sitting.

The debate on the motion was differed and the House resolved that the committee produces a comprehensive report on issues raised by Honourable members and report back to this Honourable House.

The issue under contention was surrounding utilisation of the Kshs 32,000,000 allocated for the crop insurance cover program in the year 2022/2023 FY.

The following were to be addressed;

1. A disclosure of the beneficiaries of the program in each ward.
2. Provision of an elaborate breakdown of funds allocated and paid to the insurance company.

The committee has considered the issues raised by Honourable members and has taken the view that the matters are weighty and affects the core of the report.

The committee therefore seeks the leave of the Honourable Speaker under Standing Order 70 of the County Assembly Standing Orders to withdraw the motion and give time for the committee to make comprehensive adjustments to the report.

Temporary Speaker: Thank you, Hon. Wafula Waiti. That is the Chairperson, Agriculture committee. Honourable members! Yes, Leader of Minority!

Hon. Antony Lusenaka: Thank you, Hon. Speaker. I want to appreciate the efforts being made by the Chair of Agriculture and as he seeks for more time, he has not specified. Is it one week, two weeks, one year or five years? He should be specific that within a certain timeframe, they will have concluded the investigations and he will be ready to bring the report on the floor of the House.

Otherwise if we leave it open, maybe he is waiting for 2027 before he brings the report here. Let's work with timelines.

Temporary Speaker: Well Hon. Lusenaka has raised an issue. However, I was just about to give my directions on the same. Hon. Members, a motion has been preferred under Standing Order 70 by the Chair, Committee on Agriculture, Livestock, Fisheries, Irrigation and Co-operative Development. I believe it is in the interest of this House that a report be furnished which shall be comprehensive and if at all whatever they are seeking to do as per this report they need to make comprehensive adjustments to the report.

It is only fair that we give the committee ample time and therefore I will give directions that the same be referred to the House Business Committee for further directions and re-adjustment and re-allocation for future consideration on the order of business for that particular purpose.

(Applause)

Therefore, I believe the Agriculture committee you have time to ensure that you furnish this House with an appropriate report. Let us proceed accordingly!

(Loud Consultation)

REPORT BY THE SECTORAL COMMITTEE ON TRADE, ENERGY AND INDUSTRIALISATION ON STATUS OF MARKETS IN BUNGOMA COUNTY

Temporary Speaker: Yes Hon. Wafula Waiti, you have the honour of moving the report on behalf of the committee!

Hon. Wafula Waiti: Thank you, Mr. Speaker. I rise to read a report by Trade, Energy and Industrialisation committee on the Status of Markets in Bungoma County.

Page 4 of the report that is Chapter one states the mandate of the committee in accordance with Standing Order 179 and 217 (5) of our Standing Orders. I beg to skip that...

Temporary Speaker: Yes.

Hon. Wafula Waiti: So that I start reading from committee Membership.

Temporary Speaker: Proceed!

Committee Membership

The following is the committee membership as currently constituted;

- | | |
|---------------------------|------------------|
| 1. Hon. Johnston O Ipara | Chairperson |
| 2. Hon. John K Wanyama | Vice chairperson |
| 3. Hon. Meshack Simiyu | Member |
| 4. Hon. Wafula Waiti | Member |
| 5. Hon. Kimeta Polycarp | Member |
| 6. Hon. Bernard Kikechi | Member |
| 7. Hon. Timothy Chikati | Member |
| 8. Hon. Alfred Mukhanya | Member |
| 9. Hon. Metrine Nangalama | Member |
| 10. Hon. Alice Kibaba | Member |
| 11. Hon. Brigid Katasi | Member |
| 12. Hon. Angeline Rugut | Member |
| 13. Hon. Sheila Sifuma | Member |
| 14. Hon. Linda Kharakha | Member |

Acknowledgement

The Committee is grateful to your office and that of the Clerk of the County Assembly for the tireless effort towards making this undertaking a success through facilitation and other Logistics offered as the Committee discharged its mandate.

In addition, the Committee is greatly indebted to the committee members for their overwhelming participation in the entire process. It is as a result of their commitment and dedication to duty that the work of the Committee and production of this report came to completion. The significant role played by the Secretariat for their steadfastness in the compilation and accomplishment of this report cannot be overlooked.

I wish to confirm that the recommendations of the Committee in this report were unanimous. It is now my pleasant duty and privilege, on behalf of the members of the Trade, Energy & Industrialization Committee, to present to this House the Committee's report on the Status of Markets in Bungoma for debate and adoption.

Signed by Hon, Johnston Okasida Ipara Committee on Trade, Energy and Industrialisation

Background Information

The Fourth Schedule of the Constitution of Kenya mandates the County Governments with among other functions, trade development and regulation of markets, trade licenses, fair trading practices, local tourism and cooperative societies. In Bungoma County, Trade and Enterprise development is domiciled in the Department of Trade, Energy and Industrialization.

A review of the department's planning documents indicates programs to ensure fair trade practices and consumer protection. The review also indicates the departmental development services which were provision of business trading spaces, sensitization of traders and organization of trade fairs as well as access to trade loans as part of the programs to enhance trade and enterprise development. With regard to market infrastructure development and management; programs were planned to construct modern stalls, market sheds and open-air market sheds. Additionally, for institutional market framework, it was intended that market development and management committees shall be established and trained. Further, a database for wholesale and retail traders is established for budgeting purposes. The department's budget implementation reports as reported indicated that some of the planned activities had not been implemented due to inadequate budget provisions.

Arising from public participation fora and memoranda submitted, there were concerns on the poor state of some of the markets and lack of amenities despite consistent revenue collection. The committee on Trade, Energy and Industrialization in execution of its mandate resolved to carry out an assessment to establish the status public markets in Bungoma and recommend probable ways for improvement to enhance revenue collection.

Terms of Reference

The assessment was guided by the following Terms of Reference:

- a) To ascertain the availability of amenities in the public markets;
- b) To find out the administration channels of the markets;
- c) Confirm whether revenue collected is ploughed back for development of markets; and
- d) Ascertain laws governing the administration of the markets and their implementation.

Analysis of existing Laws

The Bungoma County Public Markets Act, 2019

The Act provides for the regulation of trade and business in the public markets and for various fees and charges. Section 5 of the Act stipulates that:

“(1)All public markets shall be under the control of the County Government which shall appoint a market master and such other persons as may be necessary for effective control and supervision of the markets.

(2)The market master shall be competitively recruited by the Board.

Section 6(2) of the Act gives leeway for the traders in a public market to form a committee for purposes of advocating for the welfare.”

Gaps highlighted in the Act

1. Functions and composition of the market management committee are not provided;
2. The roles and responsibilities of the market master/ administrator are not spelled out, thus giving opportunities for abuse of the office;
3. There is a missing link between the Department of Trade and the operations of the public markets in terms of communication of laws and compliance and enforcement as per the Act;
4. The law does not provide for the inter-linkages between the public and private sectors.

2.3.2 The Kenya Markets Development and Management guide

The Kenya markets development and management guide is a national government guideline which addresses general and critical aspects of planning, design and management of markets. The guide provides for spatial, socio-economic, environmental, and financial and risk analysis in the development or redevelopment of markets. The guide also gives the specifications and minimum standards for market design, space allocation and infrastructure facilities and outlines all the management functions and structures to ensure efficient performance, economic productivity and sustainability of markets. In a nutshell, the guide provides harmonized standards that will guide the development and management of markets in Kenya.

Comparative Analysis of other jurisdictions

a) Uasin Gishu County Trade and Markets Act

The County Government of Uasin Gishu in the Trade and Markets Act 2021 makes provisions for a Directorate of Trade whose functions and responsibilities in trade and development are well defined. It gives power to an authorized officer to assess trade activities and collect information on matters trade. The Act further provides for mechanisms for inter-linkages between the public and private sectors through establishment of a county public private forum. As a trade development and investment strategy, the Act provides mechanisms for establishment of business parks.

With regard to markets, the Act provides for establishment and controls for public markets which include designated places for markets, power to impose charges, market days, street hawkers, car boot sales, buskers and the responsibility of traders to ensure that order is maintained at all times.

The Act further provides for management of markets thereby establishing a market administrator and market management committees. It spells out the functions of the market management committee and the circumstances when the committee can be removed. The Act articulates that the department should prescribe guidelines to ensure that an appropriate percentage of revenue collected in every market is ploughed back to the respective market to be used for market improvement, provision of amenities and administrative costs including allowances for the committee members in all the markets in the county.

b) Isiolo County Trade and Markets Act

The Act establishes the Directorate of Trade and the positions of Director and Deputy Director and other officers. It outlines the functions and powers of the directorate and gives powers to an authorized officer to undertake inspection and collect information on matters trade. It further establishes divisions of the directorate and empowers it to collect revenue among other functions.

The Act provides for trade and development promotion and establishment of business parks for trade investment. Additionally, it creates a county public-private stakeholder consultative forum to among other issues provide a platform to mobilize the private sector to participate in county development programs.

On matters public markets, the Act provides for the establishment and control of public markets and offers guidelines on the appointed places for public and private markets, market days and hours. It further establishes the position of the market administrator market management committees and their functions. The Act mandates both the county government and the occupier of a stall to ensure maintenance and cleanliness of public markets.

The Act further establishes a Biashara Fund which is meant to provide affordable and accessible credit to the market traders, meet the costs of market improvements and renovations, finance the provision of amenities and sanitation facilities within the markets and provide financial resources for day-to-day management of public markets.

The Act provides for the conduct of various traders-regular, street hawker, car boot sales and buskers. It further gives guidelines on order and permitted behaviors in the markets, prohibited goods and the duty to maintain and provide information. Owing to the unique sale of meat in the region, the Act provides for sale of meat only in licensed premises and prohibits sale of meat not slaughtered on a slaughterhouse or which has not been examined.

In order to promote fair trading practices and consumer protection, the Act discourages unfair trading practices which include withholding goods with the intention to unduly create shortage of supply in the market, sale of goods by way of deception, advertisement of goods in a deceptive manner and dealing with any goods and services in a manner that contravenes any county or national legislation. It further provides for mechanisms to lodge complains to the market management committee against unfair trade practices.

From the foregoing, it is paramount that market management committees play an integral part in coordination of activities in the markets and revenue collection for the county. The County Government of Bungoma can borrow practicable ideas from the National Government guide and the highlighted county governments for effective management of markets within the county.

Status of specific markets

This chapter contains status of the thirteen sampled markets across the County.

1. Kamukuywa Market

The market management committee was in place and operational. It plays an active role in administration of the market through allocation of trading spaces to the traders, dispute resolution, promotion of revenue collection and ensuring the general welfare of traders. Due to the ballooning trader population, the available trading spaces were not adequate hence a rise in traders selling products by the road side.

Revenue collection was done through automated systems and remitted to the County Treasury. Further, the collected revenue was ploughed back to the market through provision of services, such as garbage collection, security services; construction of toilets and lighting of the market.

The market management committee works in consultation with Public Health Officers. It was noted that the available two door toilets were not enough for the huge market population. The market had a drilled borehole that produces muddy water which had blocked the water pipes rendering the toilet amenities unusable.

The market faced challenges such as water shortages, no provision of toilets for persons with disabilities, lack of motivation by the market committee due to lack of appreciation and

conducive offices, inadequate trading spaces and lack of training and sensitization of the leaders.

Bukembe Market

On Bukembe Market, there was a management committee constituted and operational. The committee held regular meetings but no facilitation is provided. The market management committee acknowledged receipt of services in terms of security, cleanliness and garbage collection.

Allocation of space to traders was open and transparent; the management measures the stall according to the figures agreed on one stall per trader. Disputes arising from the allocation of space were rare since each trader knew and identified with the allocated space.

The market experienced shortage of amenities such as toilets; water, security and welfare were inadequate. Garbage is collected once per week, though there is need for improvement. Traders in Bukembe market had encroached the road posing a risk. This was attributed to the limited trading spaces available in the constructed market. Additionally, there was insecurity hence rising cases of loss of properties by the traders.

Misikhu Market

.As at the time of the assessment, the term of the market management committee had expired. However, as part of their mandate, the management committee presided over space allocation to traders and dispute resolution among other functions. Due to the rising number of traders, the available trading spaces were inadequate hence some traders had been forced to use the available space along the road side.

Part of the revenue collected was ploughed back to the market through provision of garbage collection, security services, construction of toilets, and lighting of the market.

Additionally, the market toilets were in deplorable state because of poor maintenance and lack of water. The market environs were unclean and garbage was rarely collected hence posing a health hazard to the community.

Among the notable challenges were traders' refusal to pay revenue due to lack of amenities, lack of offices for the management committee, management committee not recognized by traders and cited corruption among revenue collectors.

2. Ekitale Market

Ekitale Market did not have a designated structure for market operations hence there were no specified stalls allocated to traders. Traders were selling goods in front of shops, verandas and along the road.

A market management committee was in place and operational. Among the challenges cited were lack of an established market place and accompanying amenities. The market also had a challenge in garbage collection.

3. Dorofu Market

The market did not have a market management committee in place to champion grievances of the traders so as to promote welfare. It experienced challenges such as poor drainage and poor state of the auction ring leading to difficulties in revenue collection from the traders.

There was no formal way for space allocation to traders since there was no established markets space. Many traders were in open market where there was no stall for shelter which negatively impacts on trading activities especially during rain seasons. In the market there were heaps of uncollected garbage threatening the health of traders. Additionally, there was inadequate supply of water and the public toilets and latrines in the market were in bad condition.

4. Kanduyi Market

There was an operational market management committee in place. Part of their roles was to allocate trading space to traders, an exercise which was reportedly transparent and fair. The committee held frequent meetings, but without any form of facilitation.

The available public toilets were well maintained although inadequate for the huge population within the market. The market experienced poor sanitation caused by shortage of water supply and poor drainage. Additionally, the numbers of trading spaces were inadequate leading to crowding and encroachment of the road reserves.

5. Kimilili Market

Kimilili Market had an operational market management committee in place. Revenue was collected both electronically and manually. Some of the traders, especially vegetable vendors

had challenges with the electronic payment due to lack of digital phones and lack of knowledge on the transaction process. The county government provided security, cleaning and garbage collection services.

The market management committee allocated trading spaces in an open and transparent manner as agreed through resolutions. This helped in reduce disputes as each trader owns his/her own space. Despite an ultra-modern market being in place, trading spaces are still inadequate forcing traders to sell commodities along the road or in any other available spaces.

The county government had constructed toilets and provided water and security although the amenities were inadequate for the entire trader population. Garbage is collected thrice a week, although more effort required to be made.

6. Chwele Market

Chwele Market is the second largest open-air market in Kenya. The current trader population has surpassed the capacity of the constructed market hence most of the traders sell commodities along the roadside.

The market management committee was duly constituted and operational and held planning meetings for the administration of the market. The market administrator's office was in a poor state and did not have adequate space to host officials in case of meetings. As a result, the committee held its meetings outside the office often at their own costs.

Despite the market being one of the highest sources of revenue for the county, it lagged behind on development especially on the market infrastructure. The market stalls were allotted by the management; however, they were inadequate for the vast population of traders.

For the purpose of working in a conducive environment, the market management Committee works closely with Department of Environment to ensure that garbage is collected frequently. However, water supply was erratic and the available public toilets were inadequate for the trader population.

Chwele market had emerging challenges of insecurity as only four security officers were contracted to guard the market, poor drainage system, invasion by street children,

middlemen/brokers who exploit farmers without paying revenue and poor working environment for market administrator.

7. Cheptais Market

Management of Cheptais market is done by a registered CBO. At the time of the visit, only the chairperson was actively involved in management of the market. There was no criterion used to allocate space to traders as there was no designated place for a market.

The market does not have public toilets and water supply. Under the Community Empowerment Fund (CEF) construction of a public toilet was initiated on a piece of land that has on-going controversies rendering the project dysfunctional. In addition, no mechanisms had been put in place by the county government for garbage collection and disposal.

8. Webuye Market

Webuye Market management committee is constituted and operational. The committee among other duties; allocates trading spaces to traders, solves disputes among traders, promotes revenue collection and ensures general smooth operations of activities within the market. The county government provides security, cleaning and garbage collection services to the market.

The market does not have electricity, adequate toilets and water. Incidences of poor security were cited coupled with the high number of transits trailers on the road sides. Due to inadequate spaces in the market, there was a rising tendency of road encroachment by traders. Additionally, there is no designated cattle ring hence a lot of commotion during market days.

The market management proposed that the county government should get extra land to expand the market, construct a modern toilet, ensure installation of electricity, drill water and put safety measures on security in the market.

9. Myanga Market

The market management committee was in place and operational. The market administrator is appointed by the department of Trade, Energy and Industrialization and is the secretary to the committee. Elections are held to appoint new management after a period of 3 years and are presided over by over by the appointed officer from the department.

The committee undertakes several roles among them: dispute resolution, provide linkage to County department of Trade Energy and Industrialization, ensures service provision to traders such as water, sanitation, security, electricity, garbage collection, makes recommendation for waiver of market fees and any other recommendations, ensures compliance to environmental regulations & policies and regularly reviews guidelines and recommends to relevant authority for consideration.

Part of the revenue collected was ploughed back to the market through provision of services such as; garbage collection, provision of security services, construction of toilets, markets lights and daily cleaning of the market.

Some of the challenges faced by the market are lack of power due to non-payment, lack of water leading to non-use of the constructed toilets, utilization of casual staff in revenue collection and inadequate trading spaces for the all traders especially on market days.

10. Sirisia Market

The market management committee for Sirisia market was constituted through elections by traders under the supervision of an appointee of the Department of Trade, Energy and Industrialization. At the time of the visit, the committee was not working cordially due to internal conflicts. Political interference was cited as the major hindrance to fair elections and management of the market.

The market did not have an established structure for use by traders; hence traders utilized available spaces by the roadside to sell merchandise. Revenue was collected through both cash and cashless methods. The market receives cleaning services, garbage collection and security services from the county government though in small scale.

The market faces water challenges and does not have adequate toilet facilities. There were reported cases of insecurity at the market. Additionally, the market does not have a physical plan hence non-availability of parking space and an auction ring for sale of cattle. As a result, there is apparent encroachment of the road reserves by traders.

11. Bungoma Market (Chebkube, Mwibale & Moi Primary)

Bungoma market comprises both the established & constructed market with stalls and the open-air markets along the Bungoma-Mumias road commonly known as Chepkube and

outside Moi DEB Primary School. The market management committee was established and operational. The market had a large trader population compared to the established markets hence heavy encroachment of road reserves and other available spaces. Furthermore, the management committee faces a lot of resistance from traders during allocation of stalls and trading spaces.

Provision of services such as water, toilets and security services were limited to the established market since it's easy to coordinate. Public toilets were available within the market but were currently not in use due to lack of water. The available water points were however insufficient for the trader population. There were reported cases of insecurity in the open-air market due to congestion and haphazard establishment of structures.

The market lacks specific garbage collection points. Further, due to lack of power, there have been reported insecurity cases and loss of property by traders.

Analysis of data collected

Bungoma County has a total of over One hundred and forty one (141) markets. This report focused on thirteen (13) markets which were randomly sampled. Further, the assessment focused on availability of amenities such as water, latrines, and market management committees. Additionally, challenges affecting the operation of markets were also highlighted.

Availability of Amenities

Availability of adequate amenities in the market places makes the lives of traders easy and positively contributes to economic development. The figure below elaborates the status of markets as far as availability of amenities is concerned.

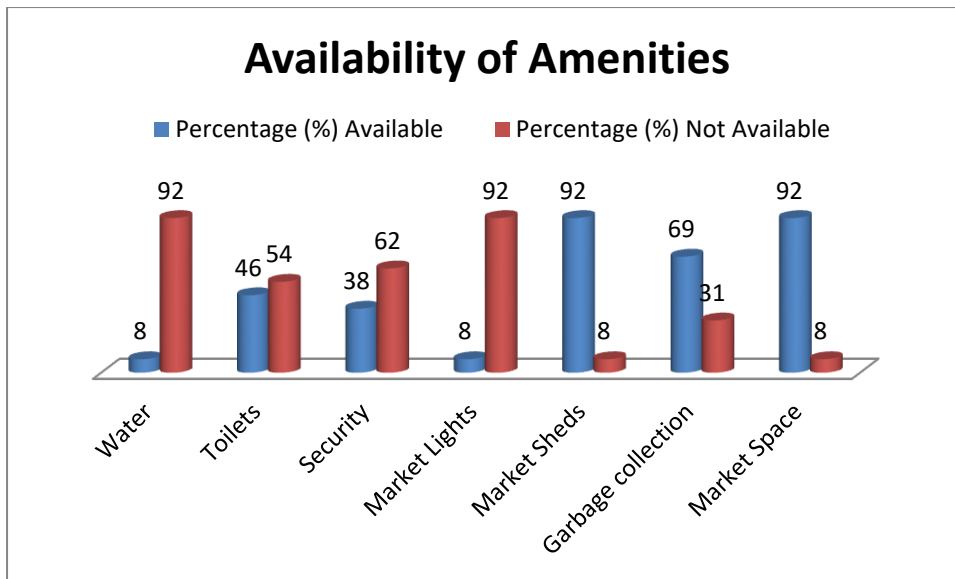


Figure 1: Bar Chart presentation of availability of amenities

1. Availability of water

From table 1, 8% of the markets visited indicated availability of water while 92% did not have a constant water supply. It was noted that the water provided could not meet the needs of the trader population in most of the markets. 46% of the markets had access to toilets while 54% did not. Out of the 46% with toilets, some of them were not in use due to lack of water and poor management.

2. Security

As far as security of markets is concerned, 38% were provided with security services by the County Government while 62% were not. Despite the provision of the service, most of the markets experienced rising incidences of insecurity and loss of property owing to the reduced height of the market perimeter walls and resurgence of street children.

3. Market lights

The County government had made strides in lighting markets and streets since inception of the street lighting program. However, from the assessment, 8% of the markets were lit while 92% had no access to market lights. Incidences of insecurity were low in markets that were well light. Consequently, in markets that were well lit, traders extended their time of working unlike in markets that were in total darkness. Lack of lights was attributed to vandalism, inadequate repair and maintenance and power outages especially for electric lights.

4. Availability of market sheds and space

On availability of market sheds and space, 92% of the markets had established and constructed market spaces while 8% did not. However, due to the ever-ballooning number of traders, the available market spaces in all the markets were inadequate for the trader population. As a result, traders set up businesses on the road sides.

5. Garbage Collection

On garbage collection, 69% of the markets had access to garbage collection services while 31% did not. Most of the markets visited were fairly clean an indication that the markets were cleaned and garbage collected. However, the management committees decried the infrequency of collection of the garbage as it was undertaken once or twice a week in most markets. The markets that did not access the services had improvised other means of garbage collection like burning which were not sustainable.

The other variables analysed were proofs of existing market management committees, availability of a constructed market, and knowledge of governing laws and proof of market management meetings as shown in the figure below.

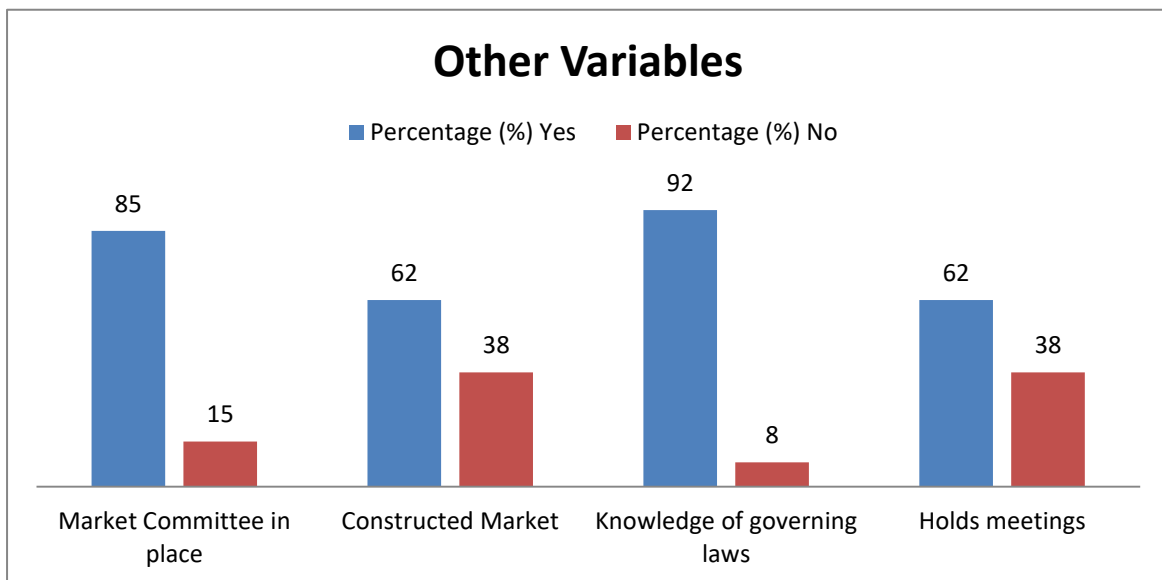


Figure 2: Other variable assessed

6. Market Management committees

Market management committees are essential in the effective running of a market. Figure 2 indicate that 85% of the markets sampled had established and operational market committees

while 15% did not. Lack of management committees was attributed to expiry of the term of the previous committee and in some instances lack of cohesion among the members. All the market committees cited operational challenges due to lack of favourable office spaces and appreciation (through payment of allowances or stipends) for the roles performed by the committees.

Further, most of the markets were managed by market committees elected from among the traders. Elections of management committees after a period three (3) years and are presided over by the Ward Administrators and appointed officers from the department of Trade, Energy and Industrialization. The Market Master/Administrator, who is the secretary to the committee, is appointed by the Department. As at the time of the fact finding, most of the markets had established and operational management committees although with variant operational challenges.

7. Committee management Meetings

62% of the market committees indicated that they held market management committee meetings while 38% did not hold meetings. Those that held meetings cited logistical challenges among them; lack of appropriate venues and demand by the committee members for welfare and provision of meals.

With regard constructed markets, 62% of the markets visited had a constructed and established market with market stalls for use by traders. 38% did not have designated markets. However due to ballooning businesses in most markets, the available spaces were inadequate for the trader population hence encroachment to road sides and reserves.

8. Laws governing market operations

92% of the committees were aware of the existence of by-laws and guidelines for management of markets while 8% were not aware.

General Findings

It was noted that most of the markets were fairly clean due to the cleaning and garbage collection services offered by the county government.

49% of the sampled markets lacked crucial amenities such as water and toilets. Additionally, Efforts have been made by the County Government both through Community Empowerment

Fund (CEF) and the mainstream budget to construct toilets and provide water. However, inconsistent water supply and management challenges have resulted in most of the toilets not being put to use. Consequently, some of the traders were hesitant in remission of revenue since they felt the services provided were not proportionate to the revenue collected.

Recommendations

The committee further proposed recommendations as follows.

1. **THAT**, the department of trade should formulate a regulation to enforce the existing Bungoma County Public Markets Act.
2. **THAT**, the department should ensure every market has all the necessary amenities to create a conducive trading environment.
3. **THAT**, the department of Trade should formulate clear guidelines on market management to solve the existing crisis.
4. **THAT**, there should uniformity in management of the markets across the County.
5. There is a decline in revenue collection from most markets indicating either noncompliance or systemic inefficiencies.

THAT, department should find a suitable place to resettle the evicted traders

There is adoption schedule which shows that all the 15 members appended their signatures as shown on the table and that marks the end of the report. I therefore wish to call upon...I want all members of the committee to be alert.

(Loud consultations)

Mr. Temporary Speaker: You have the benefit of ensuring whether they are alert or not Hon. Wafula Waiti.

Hon. Wafula Waiti: Yes. Thank you, Hon. Speaker. You know they have all signed the adoption schedule. I call upon Hon. Ken Wanyama to second the motion.

(Applause)

Mr. Temporary Speaker: Thank you, Hon. Wafula Waiti for the energy, the vigour and the zeal in moving the motion. Hon. Kennedy Wanyama, please proceed and second the motion.

Hon. Ken Wanyama: Thank you, Mr. Speaker. I rise to second a motion on the status of markets in Bungoma County. First and foremost, I want to thank the mover of the motion Hon. Waiti Wafula Waiti Member for Naitiri -Kabuyefwe for having moved the motion very eloquently and in record time.

Kenya is largely an agricultural economy and agriculture alone contributes about 33 per cent of the Gross Domestic Product. Moving closer home, Bungoma County is largely agricultural and we don't have any industries that we can boost of and so this percentage contributes to the Gross Domestic Products goes as high as 40 per cent and so as a county, we need to be intentional in the way we treat our markets.

I would love to say that one day we have some of our markets which run on 24hours. One of the things that the county can do to ensure that this markets operate around the clock is to ensure that there is enough security in our markets

The second issue is on sanitation facilities. The county needs to ensure that there is running water, that we have enough toilet facilities in these markets. Thirdly, is the issue of infrastructure developments in our markets. When you move across our county, you realise that most traders actually operate on the road side so there is need for the county government to allocate resources so that we can construct modern stalls for our traders.

Lastly, is the issue of garbage collection. The nature of work in our markets is that a lot of garbage is generated and unless we have very good plans on how to deal with this garbage, then our traders will be forced to work in not very friendly environment. With those few remarks I wish to second the motion.

Mr. Temporary Speaker: Thank you Hon. Kennedy Wanyama for your secondment remarks. Therefore Honourable members, a report by the Sectoral Committee on Trade, Energy and Industrialisation on status of markets in Bungoma County having been duly moved and seconded, I now wish to propose a question that this House adopts the report by the Sectoral Committee of Trade, Energy and Industrialisation on status of market in Bungoma County laid on the table of the House on 28th February 2024. I propose.

(Question put and agreed to)

I have Hon. Bernard Kikechi online.

Hon. Bernard Kikechi: Thank you Hon. Speaker for giving me this chance to contribute towards the motion that has just been read on the floor of the House. First of all, I would like to applaud my colleague here the Hon. Wafula Waiti for having eloquently read the report and also having been seconded well by Hon. Ken Wanyama who is the Vice Chair.

Looking at the report, it is clear on the issue of our markets which needs to be addressed. Basic amenities such as clean water, sanitation facilities and adequate trading places have been clearly highlighted in the report. The report has also highlighted the decline in revenue collection from most of our markets and as you understands that revenue collection is key. It is a cornerstone for the entire development of this county. We have issues on our markets which we depend on revenue collection and this report has correctly highlighted those shortcomings on our markets which need to be clearly addressed. Therefore, the recommendations put forward are key and necessary and they should be implemented in total.

That's why I stand here to request my fellow Honorable Members who are present here to support this report so that we can bring sanity and proper working conditions on our markets.

Hon. Everton Nganga: Thank you, Hon. Speaker, for giving me a chance to contribute to this report that has been moved eloquently by Hon. Wafula Waiti who is the member of the Trade, Energy and Industrial Committee. Hon. Speaker, this is a very nice report because the information they have come up with reflects the true picture of our markets in Bungoma County.

One of the reasons for revenue decline in our county, which has a negative impact on development, the issues that have been mentioned i.e. lack of toilets in those markets, lack of water, lack of security lights, is actually something that affects revenue collection. You cannot force somebody to pay or to give out revenue to the revenue collectors when you have not provided such services. In accounting, we have revenue collection senders and cost senders. Revenue collection senders in this scenario, is the County Government Finance department. In most cases, you discover that all the revenues collected are always channelled to that department and at the end, you discover that department does not redistribute back the monies to the cost senders.

Cost senders are those senders that normally provide services to other senders. They don't distribute these monies to departments like water to provide water to those trading centers. They don't redistribute those monies to departments like Trade Energy and industrialization to provide lighting on those markets. They don't distribute those monies to departments like Lands so that they can prepare those auction rings on our markets. Therefore, there is connection between the finance department and the other department. They collect money which is never distributed back to those departments.

Then how will a department like, Trade, Energy and Industrialization provide secure lights on our markets? They don't redistribute those monies to water departments for provision of clean water. So there is that disconnect which should be addressed.

When you move to Kakamega for instance, Harambee market at Bulimbo, there are good market stores that have been constructed. That's a nearby market where our government can go for benchmarking.

You always pass through a market called Mulwanda with properly constructed stores that have enough security lights. There is also steady supply of water that is used by the traders.

When such facilities are provided, it will improve our revenue collection in Bungoma County. Therefore, lack of communication between the revenue collection department and service providing departments is a problem that is supposed to be dealt with in order to enhance revenue collection. It's a nice report that we need to support.

Hon. Aggrey Mulongo: Thank you, Mr. Speaker, Sir, for giving me this chance at least to support this motion. This is an important report which we must support as a House to improve revenue collection in this county.

Before revenue goes to the Finance department or anywhere, such revenue must come from the traders who are on the markets. Mr. Speaker, I take this opportunity to thank the committee for coming up with this important report.

Revenue collection for this year has dropped because of the reasons that have been put forth by the committee in this report. When you go to all these markets, traders don't have enough space to carry out their businesses.

I have looked around and I don't see the Liaison Officer in this House hence the government side in this House must listen keenly to the contributions by Honourable Members and inform the executive to implement the recommendations of this report.

This report has talked about the need for regulations and from this side, even if we talk even a hundred times, if the government side does not take up the recommendations, we will just be making noise. Mr. Speaker, looking at water which is life and it is lack on most of our markers for instance Kamukuywa, Chwele and other places...

Temporary Speaker: Hon. Jack Kawa, what is your point of information?

Hon. Jack Kawa: (*On a point of information*) Mr. Speaker, I want to inform my brother who is on the stage, that he is misleading this House when he points fingers at the government side. When a report is tabled and moved on the floor of the House, it is the duty of Implementation Committee to take up the matter and ensure the recommendations are implemented.

Temporary Speaker: Hon. Jack Zakayo Kawa, the Hon. Member for Kibingei is duly informed, being the Chairperson of that particular committee. Hon. Aggrey Mulongo, proceed with your submissions.

Hon. Aggrey Mulongo: Thank you, Mr. Speaker. I'm well informed, but he's informing a wrong person. I'm here as a Member for Kibingei Ward, and not as a Chairperson of Implementation Committee. So, whatever he's informing me, it's null and void. Thank you, Mr. Speaker. I'm talking about the report the Member was out and he doesn't know where we are.

Temporary Speaker: Hon. Aggrey Mulongo, withdraw that last line of submission.

Hon. Aggrey Mulongo: I withdraw, Mr. Speaker. I was saying if Kamukuya market is lacking water, lacking toilets then how are we going to collect revenue in such markets. When you go to Misikhu, there is lack of space forcing traders to operate along the busy road exposing themselves to danger of accidents. The same scenario is experienced at Bukembe market.

Any time. Bukembe, the same.

I support the report and when the recommendations will come to my desk, now as the Chairperson - Implementation Committee, we will do our part and ensure they ...

So I just want to support this report fully, and let us at least embark on it. If time will come, if it will come now to my desk, I will act upon it. Thank you, Mr. Speaker.

Hon. Jeremiah Kuloba: Asante Ndugu Spika kwa kunipa nafasi hii. Kwanza ndugu Spika hii ripoti nzuri na inazungumzia kamati za usimamizi wa soko zetu. Nilitarajia ije na mapendekezo kwamba kamati za usimamizi wa soko zipewe nguvu na uwezo zaidi haswa swala tata ambalo lilisababisha kamati hii kufanya upekuzi ni kuhusu fedha ambazo zinasanywa kwenye hizi soko na pili ni utuoaje wa huduma.

Ndugu Spika kuhusu ukusanyaji wa fedha kutoka kwa wafanyibiashara tuna kikundi ambacho kimeajiriwa na serikali na hakija fanya kazi jinsi inavyotakiwa. Nilitarajia kuwa kamati iseme kuwa kamati inayosimamia soko iwe ikiambatana na watoza ushuru ili tusiwe na utovu wa nidhamu katika ukusanyaji wa ushuru. Maswala yote yanazunguka katika ushuru; tukizungumzia kuhusu nafasi za wafanyibiashara kufanyia kazi tunataka ushuru. Tukizungumzia juu ya stima tunataka ushuru, tukizungumzia kuhusu usalama, tunaka ushuru.

Pia nilitarajia kuwa ili hizi soko zijumuuike ama kuwajibika vizuri katika utozaji ushuru itolewe asilimia fulani kusema kuwa ikiwa hii ni soko ya Cheptais asilimia kumi ya fedha ambazo zinasanywa katika soko hilo zinarudishwa katika hiyo soko kutengeneza soko na choo bila kusahau barabara. Tungekuja na mapendekezo kama haya na kuwa na watu katika kila soko ambao wanawajibika wakijua kwamba kiwango fulani cha pesa zinasanywa zitarudi kutuletea huduma.

La mwisho Ndugu Spika sijaona suluhu itolewa; tunataka suluhu itolewe; janzo cha hizi shida zote ni nini? Kwa mfano kama soko kubwa la Bungoma lina maji lakini maji hayapo. Lina stima laniki stima haipo. Lina nafais ya watu kufanyia biashara lakini watu wanatoka katika nafasi zao wanaenda kuuzia barabara. Nilitarajia kamati hii ituambie shida ipo na suluhisho lake inakuwa nini. Kuna watu wanaitwa Enforcement Officers ambao hawajafanya kazi yao jinsi tunavyotarajia wafanye. Hawa pamoja na wasimamizi wa soko wemekuwa watoza ushuru wadogo na hao ndio wanatembea kando na kuchukuwa hongo. Wanajua kuna sehemu fulani ambayo watatumwa na mkubwa kama msimamizi wa soko wao ndio wataenda wakuchukue hizo fedha na kugawana na mkubwa. Nilitarajia kuwa kamati hii itatupa pendekezo ituambie usimamizi huu tukiutoa kwa hawa watu wa magwanda ya kijani kibiji (Enforcement Officers) na tuzipe nguvu kamati za kusimamia soko tutaongeza ukusanyaji wa ushuru.

Kuna mengine ambapo tutatembelea kamati hii inayo husika na biashara ili kujadiliana nao zaidi na tuwaeleze mapendekezo kwamba tukifanya hivi ushuru utaongezeka. La mhimu hata tufanye nini tusipo malizana na huyu mnyama anaitwa ufisadi hakuna mahali tutaenda. Kumaliza ufisadi lazima hao wanaosimamia soko tuwape uwezo wa kusanya hizo fedha

wakisimamiwa na yule ambaye atakuwa ameletwa na serikali. Asante Ndugu Spika kwa kunipa nafasi.

Hon. Alice Kibaba: Thank you, Mr. Speaker Sir for giving me this chance. As a member of the Trade Committee, I wholeheartedly support this report. The call of uniformity in the management of markets across the county is a step towards creating a standardized and fair trading environment. Additionally, addressing the issue of resettlement for evicted traders shows our commitment to inclusive and sustainable development. And by implementing these recommendations, we have the opportunity to transform our markets into thriving centres of commerce that are safe, clean and conducive to the growth of our economy.

Hon. Members, let us all work together to ensure that traders and citizens have access to well-managed and equipped markets. I support the report. Thank you, Mr. Speaker.

Temporary Speaker: Thank you, Hon. Alice Kibaba, for your contribution to the motion. Let us now have Hon. Chemion, then the mover of the motion should prepare to reply.

Hon. Francis Chemion: Thank you, Hon. Speaker. As I begin to comment on this report, Hon. Speaker, the senior member of this House, Hon. Mukhongo, has asked that the majority side should be in the House to take the report to the Executive.

But the senior member knows that after we have passed, after we go through with the report, it will be taken to the Executive...

Temporary Speaker: What is your point of information, Hon. Aggrey Mlungo?

Hon. Aggrey Mulongo: We are after the report. We are not after each other's names mentioned.

Secondly, I did not mention anybody. He mentioning Mukhongo; I am not Mukhongo. I am Mulongo, Mr. Speaker. So he is addressing a wrong person.

Hon. Francis Chemion: Hon. Speaker, why has he stood up? Because I mentioned Mukhongo, why did you stand up? If I mentioned Mukhongo who sits on this other side, why did you stand up on a point of order? I think age is catching up with our Hon. Member, Mr. Speaker.

Temporary Speaker: Hon. Masai Chemion, I think Hon. Mulongo confused between Mulongo and Mukhongo and felt the pressing urge to rise and try to inform you. But you can as well proceed with your submission.

Hon. Francis Chemion: I was saying Mr. Speaker, that this report, after it is adopted by the House, it will be taken to the Executive for implementation which will take some time. According to the Standing Orders that within 60 days after we have adopted this report, the Implementation Committee has to swing in action to ensure that it is implemented.

I want to look at the correlation of very many issues in this report. Look at the correlation of the Department of Tourism vis-à-vis the Department of Trade in terms of the markets. Look

at the correlation between the Department of Lands, which owns everything, vis-à-vis the markets that we are talking about, then also the correlation between the markets and the Finance Department. If we can correlate all the departments with these markets, we can bring a solution to the problems that have been mentioned by the report. We normally talk about the dumping site. That has been thrown in the flesh of one of the Honourable Members.

The dumping site has issues. If you go there, it has issues. And you know, for the markets to be clean, we must have a dumping site which everybody is happy with. So if the dumping site, people can refuse the garbage that is collected in our markets, then we will have a big problem in our markets. Honourable Speaker, the cleaners in our markets, the numbers are not enough. If you go to markets, most of these markets that have been mentioned, the people who are charged with the cleaning, ensuring that the markets are clean, are very few. Because of them being few, maybe they are overworked by maybe the department or the contractor that gives them that work. So we must think of even improving the amount allocated for that department so that they are able to employ more cleaners in our markets to create a conducive working environment for the business community. Otherwise, you pay your revenue, but the environment is not conducive.

There is dirt, there is litter everywhere, and yet we expect the county government to collect revenue from these traders. The main reason, Honourable Speaker, of having markets is not to collect revenue. That is not the main reason. To me, the main reason is to create employment to the people of the county, so that they will have self-employment. The employment opportunities that the county government cannot directly offer then people can get them through trade and business.

So we must ensure that we provide a conducive environment to this business community. For us even to... Honourable Speaker, for us to attract investors from other parts of this country, and even all over the world, we must provide a very clean environment in the marketplaces. Even our hotels, the catering area, we must ensure that the hotels that we have are to the standard so that we attract very many people to stay within our county.

And eventually, we will have a trickle effect of having revenue. But our main objective should be to empower our people so that they can have something to do. And also to get some profit to do other things.

This county will be built by the people of Bungoma. We may have others also coming in as investors, but the majority should be the people of Bungoma building their own county. But they can't do that if, one, the markets do not have facilities like latrines.

You come to my ward in Kaptama Market, we have no public toilet. So most of the time, traders ask me, well, you want revenue, and yet there is nowhere we can help ourselves. So we don't have latrines, we don't have clean water, we don't have good roads within that area, because they are correlated. Even agriculture is directly related with the market that we are talking about. Because agriculture provides crops that are sold in those markets. Agriculture provides livestock that are sold in our markets, etc. We must ensure that, as we look at the correlation of these departments, we must provide funding, strategic funding, to those

departments that will support business in our county. This is a very good report. If we could be having such reports all the time, and they are implemented, this county will go very far.

Temporary Speaker: Let me now call upon the mover of the motion, Hon. Wafula Waiti to reply.

Hon Wafula Waiti (Mover to reply): Thank you, Mr. Speaker. First of all, may I take this opportunity and appreciate, first of all, my colleague in the committee, Hon. Ken, for seconding the motion in a very wonderful manner that opened up the debate for members in this House. Equally, Mr. Speaker, allow me to congratulate my colleagues who contributed towards this report.

Looking at the contribution, all members are in support, for the support of this report. How I wish that in the future, when any report is tabled concerning Trade Committee on matters of finance, they contribute in the same manner they have done today, so that when we allocate enough funds, when we look at the collection of revenue as per the recommendations of this committee and comments of this House through Hon. Nganga, we urge that revenue collected a certain percentage should be ploughed back to the market committees so that they individually provide services to the traders.

There was a concern by the House through Hon. Mulongo that the leadership from the Majority side is not present to take feedback to the executive. I want to draw to your attention that as we are deliberating in this House, this House is automated and the information transmitted, therefore, with or without the presence of the Leader of Majority, the information will be processed and will reach the executive without the help of the leadership.

I want to single out that it is the singular duty of the Implementation Committee to make sure that the recommendations in this report are implemented within the stipulated time as rightly indicated by Hon. Chemion. We have done our part and the Implementation Committee should take over and make a follow up Mr. Speaker...

Temporary Speaker: That is subject to the report being adopted on the floor of the House. Therefore, you rephrase and say that should the report go through, you will now leave everything to the Implementation Committee.

Hon Wafula Waiti: Well guided Mr. Speaker. Otherwise, looking at the comments from the Members as a committee, we are well guided. I now take this opportunity to request this House to adopt this report to assist this county move forward.

(Applause)

Temporary Speaker: Thank you Hon. Wafula Waiti for moving the motion and as well offering the appropriate reply.

(Question put and agreed to)

The ayes have it.

(Applause)

The report is adopted together with its recommendations.

ADJOURNMENT

Hon. Members, that being the last item on the Order Paper, we shall adjourn our sitting and reconvene at 2:30 p.m. today Wednesday 3rd April, 2024.

(The House rose at 11:18 p.m.)