

REPUBLIC OF KENYA



COUNTY GOVERNMENT OF KITUI

THE COUNTY ASSEMBLY

THIRD ASSEMBLY- THIRD SESSION

**SECTORAL COMMITTEE ON ADMINISTRATION AND COORDINATION
OF COUNTY AFFAIRS REPORT ON THE KITUI COUNTY ALCOHOLIC
DRINKS CONTROL (AMENDMENT) BILL, 2024 (COUNTY ASSEMBLY BILL
NO. 3 OF 2024)**

**The Clerk's Chamber
County Assembly of Kitui,
Assembly Buildings,
Kitui, Kenya**

July, 2024

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ABBREVIATIONS

S.O	Standing Orders.
M.C.A	Member of County Assembly.
Hon.	Honourable.
Ag Clerk	Acting Clerk of Assembly.
C/A	County Assembly..
OCPD	Officer Commanding Police Division.
CECM	County Executive Committee Member.

LIST OF ANNEXURES

1. Minutes of Committee sitting on the consideration of the Bill.
2. Adoption schedule.
3. News paper advert.
4. Public participation Reports.

CHAIRPERSON'S FOREWORD


The Kitui County Alcoholic Drinks Control (Amendment) Bill, 2024 underwent First Reading on 2nd July, 2024. Thereafter, the Bill was committed to the Committee on Administration and Coordination of County Affairs to review and report to the House pursuant to S.O 120 (4).

Consequently, pursuant to Article 196(1)(b) of the Constitution and Standing Order 120 (3), the Committee through the Office of the Clerk issued an advertisement in the Daily Nation and Star Newspaper on 3rd July, 2024. This announcement invited the public to participate in public participation forums scheduled for 9th to 12th July, 2024, at eight designated centers within the County. The advertisement also urged the public and stakeholders to submit any memoranda on the Bill via written statements to the office of the Clerk of Assembly on or before 12th July, 2024.

Thereafter the Committee retreated to Pride inn Flamingo Hotel in Mombasa from 14th to 20th July, 2024 to consider the submissions of the members of the public and deliberate on the provisions of the Bill.

May I take this opportunity to commend Members of the Committee for their devotion and commitment to duty in consideration of the Bill and express gratitude to the Offices of the Speaker and that of the Clerk of the County Assembly for providing technical and logistical support.

On behalf of the Sectoral Committee on Administration and Coordination of County Affairs and pursuant to the Provisions of Standing Orders 120(4) it is my pleasant pleasure and duty to present to the House a Report of the Committee on the Kitui County Alcoholic Drinks Control (Amendment) Bill, 2024 (C/A Bill No. 3 of 2024).

Signed..........^{24th} this day of July.....2024

HON. PETER KITONYO MWANZA, M.C.A

**Chairperson, Committee on Administration and Coordination of County
Affairs.**

CHAPTER ONE

1.1 Committee's Mandate

1. The Committee on Administration and Coordination of County Affairs is established under Standing Order no 190 of the Kitui County Standing Orders. Its mandate as provided for in S.O 190(5) is to inter alia
 - i. Investigate, inquire into and report on all matters relating to the mandate, management, activities, administration, operation and estimates of the assigned departments;
 - ii. Study programmes and policy objectives of departments and the effectiveness of the Implementation;
 - iii. Study and review all County Legislation referred to it;*
 - iv. Study, assess and analyse the relative success of departments as measured by the results obtained as compared with their stated objectives
 - v. Investigate and inquire all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
 - vi. To vet and report on all appointments where the constitution or any law requires the County Assembly to approve, except those under Standing Order 185 (Committee on Appointments) and;
 - vii. Make reports and recommendations to the County Assembly as often as possible, including recommendations of proposed legislation.
2. The committee is mandated to consider the following subjects;
 1. County governance
 2. Animal control and welfare eg facilities for accommodation of animal, care and burial of animals and licensing of dogs.
 3. Administration eg Boundaries and fencing

4. Liquor licensing
5. Control of drug abuse and pornography

1.2 Oversight

3. In executing its mandate, the Committee oversees the following County government ministries and departments namely;

1. Ministry of Public Service Management and Administration of County Affairs,
2. Office of the Governor.

1.3 Composition of the Committee

4. The Committee comprises of the following members: -

- | | |
|----------------------------------|------------------|
| 1. Hon. Peter Kitonyo Mwanza | Chairperson |
| 2. Hon. Dominic Isumail Mwamisi | Vice Chairperson |
| 3. Hon. Christopher Nzilu Nzioka | Member |
| 4. Hon. Alex Mutambu Nganga | ” |
| 5. Hon. Dr. Erastus Mbuno | ” |
| 6. Hon. Waziri Bakari Baraka | ” |
| 7. Hon. Sammy Munyithya | ” |
| 8. Hon. Kalamba Musau | ” |
| 9. Hon. Rose Kasyoka Kathoka | ” |
| 10. Hon. Deborah Katungwa Mutuku | ” |
| 11. Hon. Jacinta Mary Mwoni | ” |

1.4 Committee Secretariate

- | | |
|----------------------|------------------|
| 1. David Manzi- | Clerk Assistant |
| 2. Immaculate Ndanu- | Clerk Assistant |
| 3. Winfred Musyoki- | Clerk Assistant |
| 4. Douglas Mutua- | Hansard Reporter |

CHAPTER TWO

2.1 OVERVIEW OF THE KITUI COUNTY ALCOHOLIC DRINKS CONTROL (AMENDMENT) BILL, 2024 (C/A BILL NO. 3 OF 2024)

5. The Kitui County Alcoholic Drinks Control (Amendment) Bill, 2024 was published in the Kenya Gazette vide Kenya Gazette Supplement No. 4 of 2024 on 27th June, 2024 as a Bill to make provisions to facilitate full implementation of the Kitui County Alcoholic Drinks Control Act, 2014 hereinafter referred to as the principal Act.
6. The Kitui County Alcoholic Drinks Control (Amendment) Bill, 2024 sponsored by Hon. Peter Kitonyo Mwanza, Chairperson, Committee on Administration and Coordination of County Affairs was referred to the Committee on Administration and Coordination of County Affairs for public participation after the First Reading on 2nd July, 2024.
7. The Bill intends to amend-
 - a) Section 2 of the principal Act by deleting the definition of the word “Fund” as established in Section 6 of the Kitui County Alcoholic Drinks Control Act, 2014 so as to avoid additional expenditure on public funds.
 - b) Section 2 of the principal Act by redefining the terminology “Authorised Officer” to mean officers within the meaning of Section 51 noting that in the principal Act it was erroneously quoted as Section 50 which prescribes something different.
 - c) Section 2 of the principal Act by redefining the word “Enforcement Committee” to mean the Sub-County Alcoholic Drinks Control Committee so as to ensure that County services are closer to the people but not centralized.

- d) Section 4 of the principal Act by inserting a new Section 4A immediately after Section 4 so as to provide for the membership of the County Alcoholic Drinks Control Committee.
- e) Section 6 of the principal Act by deleting it in its entirety so as to avoid an unnecessary expenditure on public funds.
- f) Section 8 of the principal Act by deleting Subsection 4(c) in its entirety and substituting it therefor with a new Subsection 4(C) so as to give the Public Health Officers, Physical Planning Officers and the Sub-County Head of Enforcement full membership in the Sub-County Alcoholic Drinks Control Committee. In the principal Act, the Public Health Officers and the Physical Planning Officers were ex officio members.
- g) Section 8 of the principal Act by deleting Subsection 4(d) in its entirety and substituting with a new Subsection 4(D) so as to reduce the number of resident members to be appointed by the Executive Member from four to two and as well introduce a qualification cutline for appointment to atleast a diploma certificate.
- h) Section 14 of the principal Act by deleting the word “ in another County” and replacing it with the word “elsewhere” so as to allow investors outside the country to invest in Kitui.
- i) Section 15 of the principal Act by deleting the word “twenty one” appearing in subsection 3(d) and replacing it with the word “eighteen” so as to align with the Constitution which caps the age of majority at eighteen years.
- j) Section 16 of the principal Act by deleting Subsection 1(c) so as to avoid discrimination of non residents to operate Alcoholic business in Kitui.

- k) Section 17 of the principal Act by inserting a new Section 17A immediately after Section 17 so as to allow a person dissatisfied with the decision of the Sub-County Alcoholic Drinks Control Committee the right of appeal to the County Alcoholic Drinks Control Committee within twenty one days.
 - l) Section 68 of the principal Act by inserting a new Section 68A immediately after Section 68 so as to allow the Executive Member to give a notice in the Gazette prescribing the fees payable for alcoholic license under the principal Act.
 - m) The Fifth Schedule to the principal Act by repealing it so as to avoid the rigidity of the fixed licensing fees prescribed in the fifth schedule and rather allow the licensing fees to be prescribed in the Finance Bill in every financial year.
8. The Bill does not limit rights and fundamental freedoms in the Bill of rights and does not delegate the legislative powers.
9. The enactment of this Bill does not occasion additional expenditure on public funds.

2.2 PUBLIC PARTICIPATION

2.2.1 Legal frame work on public participation.

10. Article 196(1)(b) of the Constitution provides that:

“A county assembly shall facilitate public participation and involvement in the legislative and other business of the assembly and its committees.”

11. The County Assembly of Kitui Standing Order 120(3) stipulates that:

“The sectoral committee to which a Bill is committed shall facilitate public participation and shall take into account the views and recommendations of the public when the committee makes its report to the County Assembly.”

12. Pursuant to the aforesaid provisions of the law, the Committee on Administration and Coordination of County Affairs through the Office of the Clerk issued an advertisement in the Daily Nation and Star Newspapers on 3rd July, 2024. This announcement invited the public to participate in public participation forums scheduled for 9th to 12th July, 2024, at eight designated centers within the County. The advertisement also urged the public and stakeholders to submit any memoranda on the Bill via written statements to the Office of the Clerk of Assembly on or before 12th July, 2024.

2.2.2 Memoranda Received on the Bill.

13. As at the close of business on 12th July, 2024 the Office of the Clerk had not received any memoranda on the Bill from the stakeholders.

2.2.3 Submissions from the members of the public.

14. Public participation on the Bill was conducted in the following designated areas in each Sub-County where members of the public submitted as follows:

2.2.3.1 Mwingi Central Sub-County at Nguni Market Shed, Nguni Ward.

15. Members of the public from Mwingi Central Sub-County proposed the following:

- i. That, licenses fee be determined by the Sub-County Committee which is to be established but not the CECM for Administration & Coordination of County Affairs.
- ii. That, the membership to the Sub-County Committees and the County Committee to be composed of well-educated people who can generate good policies for the County. Further they lauded the Committee on Administration and Coordination of County Affairs for coming up with

these amendments, citing that they were favorable to the alcoholic business.

- iii. Members sought to know the role of the police in alcoholic drinks business since the Bill seek to remove the OCPD or her representative from the Sub-County Alcoholic Drinks Control Committee.
- iv. That, in future members of the public be given more time to go through the document.

2.2.3.2 Committee Observations.

16. The Committee observed the following;

- i. That, the license fees should be determined by the CECM, Finance through the Finance Bill as provided by the Public Finance Management Act, 2015 and that is the reason as to why this committee is proposing to repeal the Fifth Schedule to the principal Act.
- ii. That, it is important for the Sub-County and County Alcoholic Drinks Control Committees to be composed of educated people who can come up with good policies to address the issues of liquor business.
- iii. The Committee concurred with the amendment of section 8 and 12 of the principal Act that, it was important for OCPD or her representative to be removed from the Sub-County Alcoholic Drinks Control Committee since the police service is independent and also due to the principal of separation of powers.

2.2.3.3 Kitui Central Sub-County at Miambani Social Hall, Miambani Ward

17. Members of public from Kitui Central Sub-County submitted the following:

- i. That, there should be a formation of Ward Alcoholic Drinks Control Committee at the Ward level in addition to the County and Sub- County Committees to enable traders access services with ease at the ward level.
- ii. That, the Fifth Schedule be retained to guide on the fees to be applied for various liquor licenses until a new Finance Bill is enacted.
- iii. That, the police officers involved in law enforcement need to be in official uniform for easy identification by the traders to avoid harassment by other parties that may want to take advantage of the new system. Further, they added that the law enforcers need to be considerate and professional while undertaking their duties to avoid harassing the traders.
- iv. That, future public forums be conducted in vernacular language and possibly the Bill document be translated into the local dialect for effective communication and ease of understanding by the locals.
- v. That, the Bill incorporates regulations of all other drugs including 'Khat'(muguka) that are traded in the County.
- vi. That, the Bill should also address the issue of disposal of the empty alcohol bottles which have become a menace in the surroundings.

2.2.3.4 Committee Observations.

18. The Committee observed the following:

- i. That, there is a substantive motion passed by the house on the regulation of "Khat" (muguka) and therefore there is no need of addressing the matter.
- ii. That, there is need for the Ministry of Environment, Energy and Mineral Investments Development to come up with a legislation to address the issues of disposal of used alcohol bottles.

- iii. That, there is no need to establish alcoholic committees at the ward level since we have Sub-County Committees which are entitled to undertake the same role.
- iv. That, the members of public gave so many issues in addition to those which are addressed by the proposed amendment Bill but which also affects the alcoholic business in general. However, the committee is barred under the Kitui County Assembly Standing Order 125(5) to consider any matter that is not part of the Bill or intends to affect the subject matter of the Bill.
- v. That, there is need for County enforcement officers to be in official uniforms while discharging their mandate for ease identification.

2.2.3.5 Kitui Rural Sub-County at Kanyangi Market Shed, Kanyangi Ward.

19. Members of public from Kitui Rural Sub-County submitted the following:

- i. That, the hours of operation for bars/clubs which is 5:00 p.m. to 11:00 p.m. were not enough to generate any meaningful income from the business hence affects the operation of the business negatively.
- ii. That, the selection process for the Alcoholic Drinks Control Committee be done fairly and with transparency and priority be given to women and youth as envisaged by the amendments.
- iii. That, the County government to consider merging of licenses so as to avoid frequent harassment by the revenue collectors and enforcement officers.
- iv. That, they opposed the amendment of section 15(3)(d) of the Principal Act, citing that alcoholic business is very complicated to be handled by young people. And therefore, they proposed the age limit to remain at 21 years.

2.2.3.6 Committee Observations

20. The Committee observed the following:

- i. That the Ministry of Finance and Economic Planning should evaluate the feasibility of consolidating various statutory licenses into a single license, to ease the financial burden on traders and simplify regulatory compliance.
- ii. That retaining the age limit of twenty one under section 15(2)(d), of the Principle Act, contravenes the Constitutional age majority which is capped at eighteen years.
- iii. That, the members of public gave so many issues in addition to those which are addressed by the Amendment Bill but which also affects the alcoholic business in general. However, the committee is barred under the Kitui County Assembly Standing Order 125(5) to consider any matter that is not part of the Bill or intends to affect the subject matter of the Bill.

2.2.3.7 Kitui East Sub-County at Endau Market Shed, Endau Malalani Ward

21. Members of public from Kitui East Sub-County submitted the following:

- i. That, a single license business be used in place of the various statutory licenses that include among others liquor license, public health license and the annual business permit. This would reduce the cost burden on the traders.
- ii. That, there should be a total ban on the traditional liquor and advocated that only licensed beer should be allowed since the former gave unhealthy competition to the bonafide and legalized alcohol traders who pay taxes for their businesses.

- iii. That, the Committees (Sub-County or County Committees) may not effectively enforce law and order in the liquor joints which has previously been the preserve of the police officers.
- iv. That, they foresaw a conflict in execution of this role between the police officers and the Sub-County Alcoholic Drinks Control Committee .
- v. That, the County Alcoholic Drinks Control Committee specifically their composition which includes a public health officer, a physical planning officer and the Sub-County head of enforcement might result to a potential conflict from these officers rather than cooperating with the traders.

2.2.3.8 Committee Observations.

22. The Committee observed the following:

- i. That, the Ministry of Finance and Economic Planning should consider merging all the alcoholic business licenses as proposed by the members of public to address the issues of harassment by people who purport to be revenue officers.
- ii. That, traditional liquor is not legalized in kenya and therefore not an ideal matter for discussion.
- iii. That, there is need to establish a robust monitoring and evaluation framework to assess the implementation of the principal Act and the proposed amendments thereto, and regularly engage the public in order to get feedback on the challenges and opportunities for refinement on the principal Act and the proposed amendments.
- iv. That, there is a need for this Ministry to organize training programs for the County and Sub-County Alcoholic Drinks Control Committee Members, enforcement officers, and the alcoholic traders to enhance

their understanding of this amendments and the principal Act to foster a culture of compliance and cooperation.

- v. That, the members of public gave so many issues in addition to those which are addressed by the Amendment Bill but which also affects the alcoholic business in general. However, the committee is barred under the Kitui County Assembly Standing Order 125(5) to consider any matter that is not part of the Bill or intends to affect the subject matter of the Bill.

2.2.3.9 Mwingi West Sub-County at Nguutani Market Shed, Nguutani Ward.

23. Members of public from Mwingi West Sub-County held their public participation on 11th July, 2024 and submitted the following:

- i. That, the governor should not be the one to appoint the Chairperson of the sub-County committee neither should this person be the Sub-County administrator. This chair should be a proposal from the bar owners' association, a person who understands issues faced by the people engaging in Alcohol business.
- ii. That, there are no clear guidelines on enforcement. There are so many parties playing the enforcement role leading to extortion. The Bill should put clear measures to protect the investors from extortion.
- iii. That, the Bill should put measures to ensure fairness in licensing fees. Business owners operating in urban areas should not be charged the same license fees as those operating from rural areas.
- iv. That, the Bill should include proper measures to curb the sale of alcohol to people under the age of 18 years. Most business owners ignore this since their focus is on sales and profits.

- v. That, there are so many cases of discrimination by the enforcement agencies whereby they collaborate with some bar owners and allow them to operate outside the stipulated operating hours. The Bill should seek to address the issue of discrimination to ensure a fair playing ground for all the investors. The Bill should further seek to put proper measures to address excessive intake of alcohol that leads to addiction. There should also be proper measures to rehabilitate alcohol addicts.

2.2.3.10 Committee Observations.

24. The Committee observed the following:

- i. That, there is need for the enforcement officers to ensure that Section 15 of the Act is adhered to the latter.
- ii. That, the proposal by the public to categorize liquor licenses fees in terms of the locality of the business in order to eradicate unfairness in licensing fee was a good idea. However, this subject matter is well addressed in the proposed amendments under clause 23 of the Bill which seeks to amend the Fifth Schedule to the principal Act by repealing it, so as to have the licensing fees prescribed in the Finance Act.
- iii. That, the members of public gave so many issues in addition to those which are addressed by the Amendment Bill but which also affects the alcoholic drinks business in general. However, the committee is barred under the Kitui County Assembly Standing Order 125(5) to consider any matter that is not part of the Bill or intends to affect the subject matter of the Bill.

2.2.3.11 Kitui South Sub-County at Mutha Market Shed, Mutha Ward

25. Members of the public who attended the public participation exercise for Kitui South Sub-County at Mutha Market Shed on Wednesday 10th July, 2024 made the following submissions on the proposed Kitui County Alcoholic Drinks Control (Amendment) Bill, 2024:

- i. That, there should be inclusion of the traditional brews in the proposed Amendment Bill even as they called for banning of illicit brews like the one christened “Mukasa” which is popular in the area.
- ii. That, reducing the age limit of those who can own bar or run business from 21 to 18 years was not good since it might affect the youth negatively. They proposed the age limit for both consumption and sale of alcohol to be raised to at least 24 years. The clergy sought to know whether the proposed amendments will address the perennial menace of illicit brews especially in the remote areas of the County.
- iii. That, how does the changes in the law especially through the creation of the County and Sub-County Alcoholic Drinks Control Committees will help in fighting corruption and ensure controls in the liquor sector.
- iv. That, the traditional beer was better off than the illicit brews like “mukasa” which is hazardous and a health risk to the consumers. They called for proper controls to sieve sub-standard liquor from the market.
- v. That, even as the County Government focuses on sale of liquor in bars, much is needed to be addressed on illicit brews being produced and sold in illegal drinking dens in the villages.

2.2.3.12 Committee Observations.

26. The Committee observed the following:

- i. That, the members of public gave so many issues in addition to those which are addressed by the Amendment Bill but which also affects the alcoholic business in general. However, the committee is barred under the Kitui County Assembly Standing Order 125(5) to consider any matter that is not part of the Bill or intends to affect the subject matter of the Bill.
- ii. That, traditional or local brew is not legalized in Kenya and therefore the committee cannot engage itself into such discussion.
- iii. That, the Bill seeks to remove OCPD or her representative from the Alcoholic Drinks Control Committees, so that the County government can fully engage on enforcement of the control of alcoholic drinks. However, the committee can collaborate with the National Police Service in their operations.
- iv. That retaining the age limit of twenty-one under Section 15(2)(d), of the Principal Act, contravenes the Constitutional age majority which is capped at eighteen years.

2.2.3.13 Kitui West Sub-County at Mutonguni Social Hall, Mutonguni Ward

27. Members of the public who attended the public participation exercise for Kitui West Sub-county at Mutonguni Social Hall on Thursday 11th July, 2024 made the following submissions on the proposed Kitui County Alcoholic Drinks Control (Amendment) Bill, 2024:

- i. That, the alcoholic drinks business faces unwarranted harassment by unscrupulous government officers. They opined that the County government should step in and ensure entrepreneurs in the sale of alcoholic drinks business are protected from such officers.

- ii. That, there is a need to follow the law to the latter in ensuring proper location and sanitation of bars as well as control measures.
- iii. That, the Kitui County Alcoholic Drinks Control Committee be composed of people who are versed with the liquor trade in a bid to address challenges facing the trade.
- iv. That, Section 4A (g) and (h) be amended by deletion of phrases “appointed by the Executive Member”.
- v. That, the representative of the special interest groups should be people who have interest in the liquor business.
- vi. That, the minimum distance of 300 metres provided for location of bars from schools and church houses if adhered to most businesses in many urban set ups will be shut down thus affecting revenue collection in the county and also loss of jobs.
- vii. That, the bar owners have been carelessly disposing heaps of empty liquor bottles and containers in water streams and rivers which posed observed was posing a huge health danger to residents. They called for inclusion of a Clause on waste disposal by bar owners in a bid to conserve the environment.
- viii. That, the cultural decency should be highly regarded by bar owners while doing branding such that they don't use words, names or graphics which are depicting moral indecency in any way.
- ix. That, the national government officials have been sidelined in the proposed changes to the county liquor law. Who questioned the readiness of the county government to single-handedly deliver in ensuring controls without involving the national government. They further submitted that national government agencies and officials were

critical in identifying the second-generation alcoholic drinks as well as identifying the minors (those under the 18 years bracket).

- x. That, there should be inclusion of a dress code for bartenders and waitresses to promote decency in the society.
- xi. That, there is unnecessary interference of liquor businesses by national government officials' such as chiefs and their assistants especially in the village and there is need for measures through legislation to bar such officers from interfering with those businesses. It was further, emphasized that there is need of adhering to separation of power when it comes to handling matters bestowed to the county governments.

2.2.3.14 Committee Observations.

28. The Committee observed the following:

- i. That, the members of public gave so many issues in addition to those which are addressed by the Amendment Bill but which also affects the alcoholic business in general. However, the Committee is barred under the Kitui County Assembly Standing Order 125(5) to consider any matter that is not part of the Bill or intends to affect the subject matter of the Bill.
- ii. That, the Bill seeks to remove OCPD or her representative from the Alcoholic Drinks Control Committee so that the County government can fully engage on enforcement of the control of alcoholic drinks. However, the Sub-County Alcoholic Drinks Committee can collaborate with the National Police Service in their errands.

2.2.3.15 Mwingi North Sub-County at Tseikuru Resource Centre, Tseikuru Ward

29. The members of the public were taken through the Kitui County Alcoholic Drinks Control (Amendment) Bill, 2024 and were fully in support of it without any reservations.

2.2.3.16 Committee Observations.

30. The Committee observed that members of public in Mwingi North Sub-County were unanimously in support of the proposed amendments on the Kitui County Alcoholic Drinks Control Act, 2014 without any reservations.

CHAPTER THREE

COMMITTEE'S OBSERVATIONS AND RECOMMENDATIONS

3.1 COMMITTEE'S OBSERVATIONS.

31. During the public participation, members noted that most of the submissions by the public were addressing amendments not captured in the Bill and inclusion of the same into the current Bill would offend the provisions of Standing Order 125(5) by unreasonably and unduly expanding the subject of the Bill.

32. As at the close of business on 12th July, 2024 the Office of the Clerk had not received any written statement of memoranda on the Bill from the stakeholders.

33. Since the passing of the principal Act, 2014 the CECM has never come up with regulations to ensure full implementation of the principal Act.

34. As relating to the Bill, the Committee observed that;

- i. The Bill intends to make provisions that will facilitate the full implementation of the Kitui County Alcoholic Drinks Control Act, 2014.
- ii. The Bill as drafted does not provide for the involvement of the County Assembly in the oversight of the control of alcoholic drinks by the County Executive.
- iii. The Bill establishes the key position of a Non-Executive Chairperson being the chairperson of the County Alcoholic Drinks Control Committee but does not provide for the qualifications for one to be suitable for appointment to that position.

- iv. The Bill does not also provide for instances where a vacancy may arise in the composition of the County Alcoholic Drinks Control Committee and the Sub-County Alcoholic Drinks Control Committee.
- v. The Bill as drafted contains numerous typographical and syntax errors such as numbering Sub Sections where there is no such subsequent number.

3.2 COMMITTEE'S RECOMMENDATIONS.

35. The Committee having considered the Bill Clause by Clause proposes **THAT;**

1. The House approves the Committee's report and that the Bill proceeds for the Second Reading.
2. The CECM should come up with regulations to ensure full implementation of the Principal Act.
3. The numerical, typographical and syntax errors appearing in the Bill be corrected in line with the provisions of Standing Order 135 (2) which allows for correction of formal errors or oversights.
4. The House approves the following amendments at the Committee of the whole County Assembly; -

A. Clauses without amendments

THAT, Clause, 1,4,5,6,8,9,10,11,12,13,14,15,16,17,18,19,20,22,23 as printed be adopted as part of the Bill.

B. Clauses with Amendments

CLAUSE 2

THAT, Clause 2 of the Bill be amended—

In Subclause (b)

- i. By deleting the word “pharse” and replacing with the word “phrase”.
- ii. By deleting the word “enforcent” and replacing with the word “enforcement”

Justification;

The word “phrase” and “enforcement” were erroneously misspelled as “pharse” and “enforcent” respectively.

CLAUSE 3

THAT, Clause 3 of the Bill be amended as follows;

Proposed New Section 4A as follows:

- i. Subsection (1)(g) by inserting the word “by” between the word “appointed” and the words “the Executive Member” and further by inserting the words “for a term of three years and shall be eligible for reappointment for one further term” immediately after the word “Member” and before the semicolon.
- ii. Subsection (1)(h) by inserting the words “ for a term of three years and shall be eligible for reappointment for one further term” immediately after the word “Member” and before the semicolon.
- iii. By inserting a new Subsection 2 immediately after Subsection 1 as follows;

(2) A person shall be eligible for appointment as the Chairperson of the Committee if that person;

- i Possesses a University degree in a relevant field from a University recognized in Kenya;
- ii. Has knowledge and experience of at least five (5) years in a relevant field;
- iii. Meets the requirements of Chapter 6 of the Constitution.
- iv. By deleting Subsection 7 in its entirety and replacing therefor with the following;

(7) A vacancy in the positions under Subsection (1) (a) (g) and (h) may arise where a member;

- i. Is adjudged bankrupt;
 - ii. Resigns in writing to the appointing authority;
 - iii. Is convicted of a crime and sentenced to imprisonment;
 - iv. Is unable to perform the functions of the office by reason of infirmity or prolonged illness;
 - v. Is of unsound mind;
 - vi. Dies; or
 - vii. Is absent from at least 5 consecutive meetings without any justifiable reason or without prior permission from the appointing authority.
- v. By renumbering the Subsection to conform to the legislative drafting guidelines.

Justification;

This amendment further seeks to introduce the criteria to be met for one to be qualified for appointment as the Chairperson of the County Alcoholic Drinks Control Committee.

This amendment also introduces the instances where a vacancy may arise in the Committee and introduces an exit Clause.

vi. By inserting the following new Subsection immediately after Subsection 10 as follows;

11. The reports under Subsection 10 shall be submitted to the County Assembly within twenty eight (28) days upon submission to the Executive Member.

vii. By renumbering the Subsections to conform with the legislative drafting guidelines.

Justification:

By this new provision ensures that the County Assembly, it ensures that the County Assembly is updated on the Committee's workings in exercise of its oversight role under Article 185(3) of the Constitution.

CLAUSE 7

THAT, Clause 7 of the Bill be amended;

a) By inserting a new Subclause 3 as follows;

(3) A vacancy in the positions under Subclause (2) (D) may arise where a member;

- i. Is adjudged bankrupt;
- ii. Resigns in writing to the appointing authority;
- iii. Is convicted of a crime and sentenced to imprisonment
- iv. Is unable to perform the functions of the office by reason of infirmity or prolonged illness;

- v. Is of unsound mind;
- vi. Dies;
- vii. Is absent from at least four (4) consecutive meetings without any justifiable reason or without prior permission from the appointing authority.

Justification;

This amendment also introduces the instances where a vacancy may arise in the Committee and introduces an exit clause.

- b) By renumbering the Subclauses to conform with the legislative drafting guidelines.

CLAUSE 21

THAT, Clause 21 of the Bill be amended in Subclause 1 by deleting the word “by” appearing between the word “deleting” and “paragraph”



HON. PETER KITONYO MWANZA, M.C.A
CHAIRPERSON, COMMITTEE ON ADMINISTRATION AND
COORDINATION OF COUNTY AFFAIRS

ADOPTION MINUTES.

MINUTES OF THE COMMITTEE ON ADMINISTRATION AND COORDINATION OF COUNTY AFFAIRS MEETING HELD AT PRIDEINN FLAMINGO HOTEL MOMBASA ON 19TH JULY, 2024.

MEMBERS PRESENT

1. Hon. Peter Kitonyo Mwanza	Chairperson
2. Hon. Dominic Mwamisi	Vice Chairperson
3. Hon. Christopher Nzioka	Member
4. Hon. Alex Nganga	..
5. Hon. Dr Erastus Mbuno	..
6. Hon. Rose Kasyoka	..
7. Hon. Deborah Mutuku	..
8. Hon. Kalamba Musau	..
9. Hon. Waziri Bakari	..
10. Hon. Sammy Musili Munyithya	..
11. Hon. Jacinta Mwoni	..

IN ATTENDANCE

1. Immaculate Ndanu - Clerk Assistant (Taking Minutes)
2. Winnie Musyoki - Clerk Assistant
3. David Manzi - Clerk Assistant
4. Douglas Mutua - Hansard Reporter

AGENDA

- 1) Prayer
- 2) Communication from the chair
5. Adoption of the Committee's report on the Kitui County Alcoholic Drinks Control (Amendment) Bill, 2024.

MIN. (ACCA) 077/2024: PRAYER

The meeting started at 2.20 PM with a prayer said by the Chairperson.

MIN. (ACCA) 078 /2024: COMMUNICATION FROM THE CHAIR

The Chairperson thanked the Members for the efforts shown so far and the commitment to deliver on their mandate. He commended them for the perseverance displayed in working throughout the week to ensure that they meet deadline given to compile this report.


He further called upon the members to adopt the report on the Kitui County Alcoholic Drinks Control (Amendment) Bill, 2024 and forwarding of the same.

MIN. (ACCA) 079 /2024: REPORT ON THE KITUI COUNTY ALCOHOLIC DRINKS CONTROL (AMENDMENT) BILL, 2024.

Having deliberated upon the completion of the report on the Kitui County Alcoholic Drinks Control (Amendment) Bill, 2024, the committee approved the recommendations and adopted the report which will be tabled to the House for consideration.

The proceedings were concluded with the Members affixing their signatures to affirm, approve, and confirm the accuracy, validity, and authenticity of the Report.

There being no other business, the meeting ended at 4.35 P.M.


IMMACULATE NDANU
FOR: CLERK OF ASSEMBLY
COUNTY ASSEMBLY OF KITUI

CONFIRMED. 

HON. PETER KITONYO MWANZA
CHAIRPERSON, COMMITTEE ON ADMINISTRATION AND
COORDINATION OF COUNTY AFFAIRS
COUNTY ASSEMBLY OF KITUI

ADOPTION OF THE REPORT

We the members of the Committee on Administration and Coordination of County Affairs do hereby affix our signatures to authenticate and adopt the report on the Kitui County Alcoholic Drinks Control (Amendment) Bill, 2024

S/NO	NAME	DESIGNATION	SIGNATURE
1.	Hon. Peter Kitonyo Mwanza	Chairperson	
2.	Hon. Dominic Isumail Mwamisi	V/Chairperson	
3.	Hon. Christopher Nzilu Nzioka	Member	
4.	Hon. Alex Mutambu Nganga	"	
5.	Hon. Dr. Erastus Mbuno	"	
6.	Hon. Waziri Bakari Baraka	"	
7.	Hon. Kalamba Musau	"	
8.	Hon. Rose Kasyoka Kathoka	"	
9.	Hon. Deborah Katungwa Mutuku	"	
10.	Hon. Sammy Munyithya	"	
11.	Hon. Jacinta Mwoni	"	

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