

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Tuesday, 30th November, 2021

The House met at 2.51 p.m.

[The Temporary Deputy Speaker (Hon. (Mrs.) Nzioka) in the Chair]

PRAYERS

PAPER LAID

CONSIDERATION OF THE REPORT ON MACHAKOS
COUNTY SENIOR CITIZENS BILL, 2020

Hon. (Ms.) B. Nzioki: Hon. Speaker, I wish to lay the following Paper on the floor of the House today, Tuesday, 30th November, 2021; the report of the Culture and Tourism Committee on the consideration of the Machakos County Senior Citizens Bill 2020. Thank you, Madam Speaker.

Hon. Temporary Deputy Speaker: Thank you, Madam Betty.

BILL

Second Reading

THE MACHAKOS ABATTOIRS BILL, 2020
(MACHAKOS COUNTY BILLS NO. 7)

Hon. Temporary Deputy Speaker: Hon. Members, under this Order we have one business by Hon. Moses Mitaa, chairperson Agriculture committee.

Hon. Mitaa: Thank you, Hon. Speaker. Hon. Speaker, pursuant to Standing Order 121(1), I wish to move the motion that the Machakos County Abattoirs Bill, 2020 (Machakos County Bills No. 7) be now read a second time. I wish to call upon Hon. Constance Mbula to second my motion. Thank you, Hon. Speaker.

Hon. Temporary Deputy Speaker: Continue Hon. Constance Mbula.

Hon. (Ms.) C. Nzioki: Thank you, Hon. Speaker. I support.

Hon. Temporary Deputy Speaker: Thank you, Hon. Mbula. Now Hon. Mitaa, you can give the highlights of the Bill and I propose instead of going through the whole motion you can highlight on the mandate of the committee, membership, overview, public participation, number of memorandum received and the committee recommendations.

Hon. Mitaa: Thank you, Hon. Speaker, for your guidance. Through your guidance, I wish to state the mandate of the committee. The Committee on Agriculture is established pursuant to the Second Schedule of the Machakos County Assembly Standing Orders with specific mandate to deal

with all matters related to agriculture, including crop and animal husbandry, livestock sale yards, county abattoirs, plant and animal disease control, irrigation, fisheries, cooperative societies and veterinary services (excluding regulation of the profession).

Hon. Speaker, under committee membership the Committee as currently constituted comprises of the following:

1. Hon. Moses Mitaa - Chairperson
2. Hon. Michael Mutiso - Vice chairperson
3. Hon. Bernadette Musyoka - Member
4. Hon. Geoffrey Kamulu “
5. Hon. Joshua Muli “
6. Hon. Constance Mbula “
7. Hon. Antony Mulu “
8. Hon. Nicholas Mutuku “
9. Hon. Paul Nyanzi “
10. Hon. Rozina Kanini “
11. Hon. Tariq Mulatya “
12. Hon. Mark Muendo “
13. Hon. Ikusya Kaloki “

The Machakos County Abattoirs Bill, 2020

Overview of the Bill

Analysis of the Bill per clauses

The principal object of this Bill is to provide for the regulation of the establishment, operations and abattoir activities in Machakos County. The Bill requires that abattoirs be registered and licensed in accordance with the Bill. It establishes the institutional framework and provides for the abattoir specifications and construction, meat inspection, sanitary facilities and hygiene practices and related matters.

PART I

Clauses 1 to 2 of the Bill contain the preliminary provisions, the short title and the interpretation of terms. “Abattoir” is described to mean a place used as a slaughter house in which animals are slaughtered for human consumption and includes any place connected thereto in which animals are kept awaiting slaughter;

PART II

Clauses 3 to 5 of the Bill provides for the appointment of officers, functions of the County Director of Veterinary Services and duties of meat inspectors. The County Public Service Board is mandated to appoint such officers as may be necessary for the provision of abattoir services.

PART III

Clauses 6 to 8 of the Bill provides for the abattoir specifications and construction. The Bill further requires that abattoirs have adequate dust proof access ways connecting it with public roads and be completely separated from any other buildings used for industrial, commercial, agricultural, residential or other purposes.

PART IV

Clauses 9 to 17 of the Bill provides for the requirements for grant of a license to operate an abattoir. This part also provides for other licensing provisions such as application for a license, notice of application in the Gazette, issue of license, revocation or suspension of license and notice of closure for remedy of defaults.

PART V

Clauses 18 to 26 of the Bill provides for animal slaughter and meat inspection and includes animals to be slaughtered in licensed abattoir, inspection of animals, inspection of carcass or meat, marking and labeling of meat, destruction of meat amongst others.

PART VI

Clauses 27 to 38) of the Bill provides for sanitary facilities and hygiene practices..

PART VII

Clauses 39 to 43 of the Bill provides for general provisions. This part contains disposal of condemned carcasses and parts, transportation of meat, protection of personal liability, general offences and penalty and the power of the County Executive Committee Member to make regulations. This Bill delegates legislative powers to the Executive Committee member but it does not limit fundamental rights and freedoms.

4.3 Public Participation

Hon. Speaker, Standing Order 120(3) provides 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 House. Guided by Article 174(c) of the Constitution which provides one of the objects of devolution to give powers of self-governance to the people and enhance the participation of the people in the exercise of the powers of the State and in making decisions affecting them, further Article 196(1)(b) provides that County Assembly shall facilitate public participation and involvement in the legislative and other business of the assembly and its Committees.

Hon. Speaker, the principle of public participation holds that those who are affected by a decision have a right to be involved in the decision-making process. It seeks and facilitates for involvement of those potentially affected by or interested in a decision. The County Assembly placed an advertisement for public participation in the local Daily in August 2021. (Annexure attached)

5.0 COMMITTEE OBSERVATIONS FROM PUBLIC PARTICIPATION

Hon. Speaker, Standing Order 120(3) provides that the Sectoral Committee to which a Bill is committed shall facilitate public participation and shall consider the views and recommendations of the public when the Committee makes its report to the House. From the views of the public from the 40 wards as attached, the committee was able to pick the following key areas:

5.1 Analysis of views on the Bill from public participation

- i. The bill should ensure that there is no encroachment around the slaughter houses. It should indicate the size of each category of slaughter house. Also slaughter houses should not be located at market centers.
- ii. Lower the charges of slaughter of animals to consider citizens from the rural areas. Slaughter slab for rural areas should be reviewed as follows:
 - a. Ksh. 50 for goats.
 - b. Ksh. 10 for chicken.
 - c. Ksh. 100 for cattle.
 - d. Ksh. 150 for pigs.
- iii. Provision of extension services for slaughter service to *wananchi*. The Bill should have clauses that provide for the citizens who live far away from the slaughter homes. This will factor the issues of transport cost from the slaughter houses to their homes.

- iv. To include the hours of operations for slaughter houses from 6.30 a.m. to 5.00 p. m. This was not captured in the Bill. This aid in preventing sell of un-inspected meat slaughtered at night.
- v. To have a set standard on size of land allowable to put up an abattoir. Members of the public proposed half of an acre which will allow enough space for holding animal awaiting slaughter and also disposal of waste.
- vi. To increase the penalty for selling un-inspected carcass as follows:
 - a. Cow Ksh. 100,000.
 - b. Goat or sheep Ksh. 50,000.
- vii. County Government should provide CCTV installation in major slaughter houses to monitor livestock slaughtering and curb corruption.
- viii. The Bill to capture accountability of the meat inspector in case of any fault during meat inspection. The veterinary officer should leave a report showing that the meet is safe for consumption.
- ix. The county government should map out construction of public abattoir considering proximity and need of the public as the private ones are relatively expensive.
- x. Introduce a clause providing for a collection center for the hides and skins- after which the County Government will direct them to factories. The registration of hides and skin premises license to be charged Ksh. 200. Also consider increasing the price of skins at the rural areas which is way too low.
- xi. That the duties and responsibilities of a veterinary officer be expanded to provide for impromptu visits to meat selling outlets or butcheries.
- xii. The County to frequently organize training programs for workers and inspectors in order to improve awareness of the risks, injury and diseases in slaughter houses.

5.2 Memoranda from the Chief Officer Department of Agriculture and food security

Hon. Speaker, the Assembly wrote to the Chief Officer via the letter REF: MKSCA/ADM/BILL/ABTS/VOL.1/4 dated 31st May, 2021 requesting for memoranda from the Department and the following were the submissions:

PART I – PRELIMINARY

“Inspector” means any veterinary officer or veterinary paraprofessional duly authorized in writing by the Director to carry out inspections under this Act;

PART II – ADMINISTRATION

(2) The Director may, in writing, assign any veterinary officer or veterinary paraprofessional to carry out any function under this Act in any area within the County.

Insert part (4) and (5) of Clause 4 as follows:

(4) The Director shall categorize all local slaughterhouses based on the criteria set out in the Second Schedule into the following categories—

- (a) Category A for large slaughterhouses;
- (b) Category B for medium slaughterhouses; and
- (c) Category C for slaughter slabs.

(5) Official number for each slaughterhouse. The Director shall assign an official number to each slaughterhouse which shall be used to identify all carcasses and meat slaughtered in that slaughterhouse.

Insert new clause 9 as follows:

(9) Emergency slaughter

1. An inspecting officer shall inspect an animal and declare fit for human consumption before the animal is slaughtered at a slaughterhouse.

2. A person shall not, except in an emergency situation, slaughter an animal in a slaughterhouse which has not been inspected by an inspecting officer.

PART IV – LICENSING OF ABATTOIRS AND SLAUGHTERHOUSES

Edit part (2) of Clause 10 as follows:

The application for a license shall be endorsed by a (*insert*) sub-county veterinary officer or officer in charge who shall forward two copies to the Director for approval.

Edit part (4) of Clause 10 as follows:

An application under this section shall be accompanied by a fee that the director, after consultation with the county executive, may prescribe. (*Insert*) The fee shall be based on the category of slaughterhouse intended to be constructed (As prescribed in the Finance Bill)

Edit clause 11(2)(a) as follows:

Specify the name and other particulars of the person or class of persons to whom the license is to be granted, (*insert*) and the location and the category of the slaughterhouse. Have standard template for application and renewal of Licenses and slaughter house categories and fee charged as follows:

THE MEAT CONTROL (LOCAL SLAUGHTERHOUSE) (LICENSING) REGULATIONS:

APPLICATION FOR OR RENEWAL OF A SLAUGHTERHOUSE LICENCE
FIRST SCHEDULE—*continued*

Name of applicant

(Owner of slaughterhouse or Firm or Company)

Previous License number and date of issue *(if renewal)*

Approved Category of the Slaughterhouse

Business postal address of applicant

.....

Date

Signature of applicant

- Delete whichever is not applicable

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The slaughterhouse to which this application relates fulfills all the requirements of the Meat Control (Local Slaughterhouse) Regulations, 2010 and I hereby recommend the applicant to be issued with a license.

Date

.....
Inspecting Officer

<i>Slaughterhouse Category</i>	<i>Fees in KSh.</i>
Category A (Large slaughterhouse)	6000
Category B (Medium slaughterhouse)	4000
Category C (Slaughter slab)	1000

THIRD SCHEDULE

THE MEAT CONTROL (LOCAL SLAUGHTERHOUSES) (LICENSING)
REGULATIONS 2021

Licence No. Slaughterhouse Category

Issued to

(Name and address of owner of slaughterhouse, firm or Company)

Licence expires on the 31st December 20.....

Date

.....
Inspecting Officer

Fees Paid: KSh Official receipt Number

Date

6.0 COMMITTEE RECOMMENDATIONS

Hon. Speaker, in regard to the amendments to the Bill and putting into consideration the views of the public and the memoranda received, the Committee makes the following recommendations:

1. PART II ADMINISTRATION

Under Clause 4 insert part (4) and (5) as follows:

(4) The Director shall categorize all local slaughterhouses based on the criteria set out in the Second Schedule into the following categories—

- a) Category A for large slaughterhouses;
- b) Category B for medium slaughterhouses; and
- c) Category C for slaughter slabs.

Justification

This will ensure that slaughter houses are operated as per need and population of the area, for example urban and rural.

(5) Official number for each slaughterhouse

The Director shall assign an official number to each slaughterhouse which shall be used to identify all carcasses and meat slaughtered in that slaughterhouse

Justification

Inspection of animals to be done diligently by county veterinary officers to ensure people do not eat contaminated meat hence therefore with this number the county will be able to trace where an animal was slaughtered in case of complaints.

2. PART III – ABATTOIRS SPECIFICATIONS AND CONSTRUCTION

Add in Clause 10 apart (d) that factors the issue of ensuring that there is no encroachment around the slaughterhouses by specifying the location and size of the abattoir.

Justification

Abattoirs should be constructed outside market centers to ensure that there is enough space for holding animals before slaughter and also to avoid air pollution due to the bad odor from the slaughterhouses.

3. PART IV – LICENSING OF ABATTOIRS AND SLAUGHTERHOUSES

Edit part (4) of Clause 10 as follows:

(4) An application under this section shall be accompanied by a fee that the director, after consultation with the county executive, may prescribe. (*insert*) The fee shall be based on the category of slaughterhouse intended to be constructed (As prescribed in the Finance Bill)

Justification

This will ensure that in areas where animals to be slaughtered are few they will only need to register a slaughter slab unlike in places where there are many animals to be slaughtered the slaughterhouse ought to be larger or of higher category.

Edit clause 11(2)(a) as follows:

Specify the name and other particulars of the person or class of persons to whom the license is to be granted, (*insert*) and the location and the category of the slaughterhouse.

Justification

This will assist the County Government in establishing the location of a slaughterhouse that has been registered with the County, the size as per laid out categories in the Bill, and if it complies with the requirements of slaughterhouses.

Standard Templates

Have Standard Templates for the application of licenses, renewal, and fees charged for each category of the abattoir. (Annexure)

Justification

This will enable the county to control the forgery of documents pertaining licensing of the Abattoirs and also the fee will be standard to seal off loopholes for corruption.

PART V – ANIMAL SLAUGHTER AND MEAT INSPECTION

Categories of animals for slaughter

Have a clause that declares the type of animals that are to be slaughtered in the abattoirs.

Justification

This will curb the illegal slaughter of animals that are not classified as sources of meat for human consumption.

Hours of Slaughter

To include the hours of operations for slaughterhouses i.e from 6.30 am to 5.00 p m.

Justification

This was not captured in the bill. This will aid in the prevention of sell of un-inspected meat slaughtered at night.

Inspection of meat

That the duties and responsibilities of a veterinary officer be expanded to provide for impromptu visits to meat selling outlets or butcheries.

Justification

Inspection of animals to be done diligently by county veterinary officers to ensure people do not eat contaminated meat

Slaughter charges

Slaughter slab for rural areas should be reviewed as follows:

- Ksh. 50 for goats
- Ksh. 10 for chicken
- Ksh. 100 for cattle
- Ksh. 150 for pigs

7.0 CONCLUSION

Hon. Speaker, Slaughterhouses, Abattoirs, Slaughter slabs, and meat processing plants are important components in the livestock industry in Kenya. The Machakos County Abattoirs Bill, 2020 seeks to provide for the establishment of Abattoirs, slaughterhouses, and other meat processing establishments and for the registration and licensing to regulate the sale of meat that is fit for human consumption. The enactment of this Bill will go a long way in ensuring the safety of meat consumed by our people.

The Committee is grateful to the office of the speaker and the Clerk for logistical and technical support according to it during its consideration of the Bill. I wish also to express my appreciation to the Hon. Members of the Committee who made useful contributions towards the preparation and production of this report.

On behalf of the select committee on Agriculture, it is my pleasant privilege and honor to present to this House the report of the Committee on its consideration of Machakos County Abattoirs Bill, 2020 for discussion and adoption.

Thank you, Hon. Speaker.

Hon. Temporary Deputy Speaker: Thank you, Hon. Mitaa.

(Question proposed)

Hon. (Ms.) Mutunga: Ninashukuru. Bi. Spika, kwa kunipa nafasi hii kuchangia mswada ulioletwa na mwenyekiti wa kamati ya kilimo. Lakini pia nimepata nafasi hii ya kukupa hongera za kipekee kwa ajili ya kukaribia kiti leo chak kuwa mwana Spika na nakuahidi 2022 ukigombea nitakupa kura yangu ya uspika.

(Applause)

Bi Spika, nashukuru pia kwa kuwa mara kwa mara huwa napewa kibali cha kujiunga na kamati ya kilimo, kwa hivo nashukuru kwa ajili ya mswada huu, naenda moja kwa moja kwenye uchunguzi wa kamati ya kilimo kwenye ukurasa wa nane.

Bi. Spika, naongea kuhusu namba mbili mahali kulioko na bei ya kuchinja kuku, mbuzi, ngamia, halikadhalika nguruwe. Bi Spika, mimi ni mfugaji wa nguruwe ndani ya taifa la Kenya na hata nje ya taifa. Huwa mara kwa mara tunapata shida wachinjaji kupata uchinjaji wa nguruwe ndani ya vichinjio na huwa mara nyingi tunasafirisha hadi Nairobi mahali huwa tunalipa Ksh. 500. Kwa hivyo naunga huu mswada mkono kwa ajili hapo wakulima wa nguruwe tumepona.

Lakini pia kwa ukurasa huohuo naenda kwenye namba nne wanaongea kuhusu masaa ya uchinjaji; pia naunga huu mswada mkono kwa ajili huwa mara kwa mara niliwahi kuenda soko moja ya Mutituni tukasikia kuna nyama zinakuwa ni bei chini kuliko masaa mengine. Kwa hivo ina maana huwa kuna zile sijaelewa vizuri kwanini zinaenda chini, kwa hivo labda huwa ni kwasababu

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havina huangalizi wa udhabiti wa daktari anayehusika na mifugo. Kwa hivyo pia nimefurahia kwa ajili yao na kila sababu ya kuunga huu mswada mkono.

Lakini pia tukiendelea pointi inayofuatilia kwa ajili ya kuweka vyombo vya dola kuhusu maeneo ya uchinjaji kwa wachinjaji wakubwa pia ni vizuri kwa ajili ya ufisadi. Huwa mara kwa mara nakemea ufisadi na huwa nasema taifa au jamii inayohusikana na ufisadi huwa ni jamii duni. Kwa hivyo hiyo itasaidia kaunti ya machakos kuendelea mbele kwa kuhusikana pia na sheria inayotengenezwa na kamati ya ufugaji. Nashukuru kwa nafasi ulinipa Bi. Spika. Asante.

Hon. Temporary Deputy Speaker: Thank you, Hon. Agatha. Hon. Betty.

Hon. (Ms.) B. Nzioki: Thank you, Hon. Speaker and let me take this opportunity and congratulate you for that position that you are sitting. It is a good indication that maybe God will uplift you in one way or the other so I am really proud of you. Madam Speaker, I take this opportunity to congratulate our Chair Agriculture together with the committee for this great job that they are doing. Madam Speaker, following the recommendation from the or rather the committee observations from the public participation that was done within our County, Madam Speaker, it shows clearly that with this Bill if we are going to pass it as an Assembly and as our role to pass the Bills, now it means that it is up to the Executive to take up the matter and put the Bill into practice.

Madam Speaker, according to the analysis of the views of the Bill from the public participation, I just want to go to point No. 3 that says 'provision of the extension services for the slaughter service to wananchi, the Bill should have clauses that provides for the citizens who live far away from the slaughter house. This will factor the issue of transport cost from the slaughter houses to their homes.'

Madam speaker, this is making a lot of sense. If we can take the services near to wananchi and by doing it, Madam Speaker it will reduce the cost even when they are giving us the cost or else selling their meat or wherever they normally take them to wananchi.

The other thing Madam Speaker is that the County government should provide CCTV installation in major slaughter houses to monitor livestock slaughtering and curb corruption. Madam Speaker, corruption, not even in our County but within our Country, is a thorn in the flesh but if the County Government of Machakos will follow the observation and the recommendation that the committee has given, I know that it shall be well for the farmers, it shall be well for the people of Machakos County and all as a county we will have a high standard of slaughters within our County. So, again I want to say thank you. Thank you, Madam Speaker.

Hon. Temporary Deputy Speaker: Thank you, Hon. Betty. At this point, because I have seen you have exhausted may I call the mover of the motion to reply.

Hon Mitaa: Thank you, Hon. Speaker. I wish to thank my colleagues for the support they have given us as a committee since the onset of this assignment. Hon. Speaker, it has been a long journey but very successful one. Hon. Speaker, I want to appreciate them because when it was time for doing public participation which we did at ward level Hon. Speaker, they gave us the support as a committee which we were really in need of. I also want to thank the residents of Machakos for support and their initiative and input towards this Bill which once passed by this House it will become law.

Hon. Speaker, we had some key factors which necessitated creation of this Bill. Meat is consumed by families and there is need for hygiene and when we went round earlier as committee on Agriculture we realized that most of our abattoirs they were not in good state to have meat prepared in the facilities and upon negotiations with the committee, we agreed that we better come up with a law which will now tighten the operations of our abattoirs.

Hon. Speaker, again we have a regulated abattoirs and we found it good to have all abattoirs within Machakos County registered and controlled because as you have been hearing in the news,

there are a lot of cases of cattle being stolen at night and slaughtered in some of these unregistered abattoirs. So Hon. Speaker, that will also increase on the side of security. Hon. Speaker, again you find that on the charges it is not well-set and we felt it good for our County to also check on the revenue.

We thought it would be good if we come up with a bill which would now regulate on how much charges should be done upon slaughtering of the animals and so we have categorized them in separate ways and we believe upon implementation of this law, things will change in terms of abattoirs in our County. Hon. Speaker, I want to thank the office of the clerk also for the guidance they have given us as a committee. Thank you Hon. Speaker.

Hon. Temporary Deputy Speaker: Thank you, Hon. Mitaa.

(Question put and agreed to)

(The Bill was read a Second Time and committed to a Committee of the whole House tomorrow)

(Applause)

Hon. Members, remember the business we had today is a very sensitive one and we know agriculture in our County and as a country as a whole is very sensitive. Hon. Members, remember this is a Bill and I know very well we will be having the Committee of the Whole House so it is my prayer that you will all attend and bring your input to make the bill succeed. Thank you very much for the commitment you have showed and may God bless you.

ADJOURNMENT

Hon. Temporary Deputy Speaker: Hon. Members the house now stands adjourned to Wednesday, the 1st December, 2021 at 10.00 a.m. May God bless you, thank you Hon. Members.

The House rose at 3.30 p.m.