COUNTY GOVERNMENT OF KISUMU

COUNTY ASSEMBLY OF KISUMU

THE HANSARD

Official Report

THIRD ASSEMBLY – FIFTH SESSION

Wednesday, 04th November, 2026

House met in the Main Chamber at 02:30 p.m.

[The Speaker (Hon. Oraro) in the Chair]

PRAYER

The Speaker (Hon. Oraro): Honourable Members, I direct that the Serjeant-at-Arms, kindly rings the Quorum Bell for five minutes. I request Honorable Emily, kindly whip the Members who are out.

(Quorum Bell rung for the first five minutes)

The Speaker (Hon. Oraro): Cleark, kindly take us through the Order of the day.

The Speaker (Hon. Oraro): Next Order!!

MOTION

BILL

CONTINUATION OF 2ND READING OF THE KISUMU COUNTY MARKET BILL, 2026

(COUNTY ASSEMBLY BILL NO. 5 OF 2026)

BY

HONOURABLE ALICE WAJEWA, NOMINATED MEMBER

[CHAIRPERSON, TRADE, TOURISM, INDUSTRY AND MARKETING]

The Speaker (Hon. Oraro): Honourable Members, you are aware that this was an interrupted business that was took place on the 29th of September, 2026 at 2.30 p.m. The House already moved to the Committee of the Whole House. So, I will not put a question, but we will directly proceed to the Committee of the Whole House and proceed from where we left. So, Honourable Emily, you will take charge of this process. .

And I am seeing the Honourable Mickey, who is the Sponsor of the Bill and the Chairperson of the Departmental Committee on Trade, Tourism, Industry and Marketing present in the House. So, Honourable Emily, take the Chair.

(The House Reverts to Committee of the Whole House)

(Hon. Emily Oginga chairs the Committee of the Whole House)

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Honourable members, I would like to request the Chairperson of this House Committee responsible for this Bill , or the Sponsor of the to please approach the Chair.

(Hon. Mickey consulting the Chairperson of the Committee of the Whole House)

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Honourable Members, welcome to the Second Reading of the Kisumu County Markets Bill, 2026. I would like to request Honourable Mickey to propose the method of amendment.

Hon. Mickey (Nominated Member): Thank you, Madam Chairperson. I would like to propose that we go the guillotine way. And I would like to ask Honourable Alandoh to second.

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Yes, Honorable Alandoh.

Hon. Alandoh (Nominated Member): Thank you, Madam Speaker. I rise to second the proposal.

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Honourable Members, it has been proposed by the Sponsor of the Bill, that is Honourable Mickey, that we go the guillotine way and seconded by Honourable Alandoh. So, I will suggest we go the guillotine way.

So Honourable Mickey, can you please bring us up to speed, up to the Clause that we were to amend?

Hon. Mickey (Nominated Member): Thank you, Honourable Speaker. We had already started on the amendments and we had done three amendments. We were supposed to go to the third amendment, which is Clause 4. So, we shall continue from there.

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Yes, Honourable Mickey, go ahead. Go ahead and propose the amendment.

Hon. Mickey (Nominated Member): Thank you, Madam Speaker. So, amendment No. 3, Clause 4, Establishment of Markets, Part II the amendments are as follows;

THAT, CLAUSE 4 of the Bill be amended:

(a) in Sub-Clause (1), by deleting the words "by approval of the County Executive Committee and the County Assembly", and substituting therefore the words, "in accordance with the County Integrated Development Plan and the Annual Budget Estimates approved by the County Assembly".
(b) in Sub-Clause 3(c), by inserting the words "at both the market from this project affected persons, are to be relocated and the market to which they are to be relocated, and through radio, or such channels as a reasonable, accessible to the affected community", immediately after the word "circulation".
(c) by inserting the following new Paragraph immediately after Paragraph C of Sub-Clause 3, in quotes,
"(c)(a)", "provide an express written assurance to project affected persons of the County Government's commitment to their smooth and fair resettlement".

Amendment No. 4, Clause 9, County Markets Coordination Committee.

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Honourable Micky, we are going Clause by Clause. So…

(The Clerk-At-The Table Guides the Chairperson)

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Okay, continue.

Hon. Mickey (Nominated Member): Thank you, Madam Speaker. I shall continue to: Amendment No.4. Clause 9, County Markets Coordination Committee, Part III which the House Committee proposed the following amendments to be considered;

THAT, CLAUSE 9 of the Bill be amended:

(a) by inserting the following new Paragraph immediately after Paragraph E of Sub-Clause 2—

"(C)(a) A Chairperson of a Market Management Committee nominated by the Chairpersons of Market Management Committees from amongst themselves"; and

(b) by inserting the following new Sub-Clause immediately after Sub-Clause 2—

"(3) not more than two-thirds (2/3) of the members of the committee appointed or nominated "under Sub-Clause 2" shall be of the same gender".

Amendment No. 5, Clause 12, 13, and 14, Nomination of Representatives.

THAT, CLAUSE 12, 13, and 14 of the Bill be amended by inserting at the beginning of each Clause the words "without prejudice to the composition of the Markets Management Committee under Clause 21".

Amendment No. 6, Clause 15, Cessation of Membership, County Markets Coordination Committee.

THAT, CLAUSE 15 of the Bill amended in Paragraph E by inserting the words "after according the member noticed in writing of the intended removal, an opportunity to respond, and written reasons for the decisions" immediately after the word "CECM".

Amendment No 7, Clause 17, Remuneration.

THAT, CLAUSE 17 of the Bill be amended by inserting the words "and Markets Management Committee and Sector Leaders recognised under this Act" immediately after the words "Market Coordination Committee".

Amendment No. 8, Clause 21, Market Management Committee.

THAT, CLAUSE 21 of the Bill be amended in Sub-Clause 2(I), by deleting the words "an *ex-officio*" and substituting therefore the word *ex- officio* by inserting the —

(b) by inserting the following new Sub-Clause immediately after Sub-Clause 2(a);

"not more than two-thirds (2/3) of the elected and nominated members of the markets management committee "under the Sub-Clause 2" shall be of the same gender and";

(c)by inserting the following new Sub-Clause;

"2(b) the Chairperson, Vice Chair and Treasurer of a Markets Management Committee shall be elected by secret ballot supervised by an officer designated by the director and the number of representatives elected "under Sub-Clause 2(e)" from each product association or section of the market shall be proportionate to the population of traders in that section".

Amendment 9, Clause 24, Appointment.

THAT, CLAUSE 24 of the Bill be amended by inserting the following Sub-Clause.

"(2), the Director shall within ninety (90) days of the commencement of this Act develop and issue a standard electoral guideline for election held under this Part and shall avail a copy of the guidelines to every market".

Amendment No. 10, Clause 27, Cessation of Membership, Markets Management Committee.

THAT, CLAUSE 27 of the Bill be amended—

(a) in Paragraph (d), by inserting the words "and sentenced to a term of imprisonment of six months, or without the option of a fine" immediately after the word "offence".
(b) in Paragraph (e), by inserting the words "after according the member notice in writing of the intended removal, an opportunity to respond on written reasons for the decision" immediately after the word "Directorate".
(c) in Paragraph (f), by deleting the words "dies" and substituting there for the words "become deceased".

Amendment No. 11, Clause 29, Market Manager.

THAT, CLAUSE 29 of the Bill be amended by inserting the following new Sub-Clause immediately after Sub-Clause 2—

"(3), the Market Manager shall be deputised by a person seconded by the respective Market Management Committee, who shall exercise the function of the Market Manager during the latter's absence".

Amendment No. 12, Clause 31, Principles Guiding the Allocation of Stores.

The Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Honorable Mickey.

Hon. Mickey (Nominated Member): Yes.

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Yeah, when you are going the guillotine way, we do amendments Part by Part. So, when you come to the end of a Part, you take a pause. Then, I propose a question and we move on to the next Part. So, I would like us to…Yeah, since you have already gone beyond Part III, I can see you are getting into Part IV.

So, I would like you to identify your seconder to second the amendment on Part III before we move on to Part IV.

Hon. Mickey (Nominated Member): Thank you, Madam Speaker. I would like to call Honourable Alice Wajewa to second.

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Honorable Wajewa.

Hon. Wajewa (Nominated Member): Thank you, Madam Speaker. I second.

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Honourable Members, the proposed amendments on Part III of the Kisumu County Markets Bill, 2026 has been proposed and seconded, and I would therefore like to propose a question. And I propose that these amendments are now open for debate.

(Silence)

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Honourable Members, I assume that silence means contentment. And therefore, the amendment on Part III of the Kisumu County Markets Bill has been proposed, and I therefore put a question.

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Honourable Members, and therefore, the amendment on Part III will form Part of the Kisumu County Markets Bill 2026.

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Honourable Mickey, next amendment on Part IV?

Hon. Mickey (Nominated Member): Thank you, Madam Speaker. I shall continue on Amendment No. 11, which is Clause 29, Market Manager. THAT, CLAUSE 29 of the Bill...

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Honourable Mickey, we are amending Part IV, that is Clause 31. You had already gone beyond Clause 29.

Hon. Mickey (Nominated Member): Thank you, Madam Speaker. So, Amendment No. 12, which is Clause 31, Principles of Guiding the Allocation of Stalls. Part IV the House Committee proposed amendments as follows;

THAT, CLAUSE 31 of the Bill be amended;

(a) by inserting the following new paragraph immediately after Paragraph (b)—
"(b)(a), the operational management of a market stall be distinct from the oversight role of traders exercised through the Market Management Committee".

(b) by inserting the following new Paragraph.
"(b)(b), common open spaces within a market shall not be allocated to, occupied by, or otherwise captured by any individual trader or groups of traders".

(c) in Paragraph (g), by inserting the words "or an officer designated by either board for that purpose immediately after municipal boards; and by inserting the following new Paragraph

"(k), a trader shall not be removed from a responsibility assigned to that trader under this section without first being accorded notice in writing, an opportunity to respond, and written reasons for the decision".

Amendment No. 13, Clause 32, Grounds for Allocation of Market Stalls.

THAT, CLAUSE 32 of the Bill be amended in

(a) Sub-Clause 4 by deleting the word "seven" and substituting therefore the word "ten". Deleting the words "renewable ones" and substituting there for the words "continues renewable" and deleting the words "after which the stalls shall revert to the County Government and be re-balloted"; and

(b) by deleting Sub-Clause 5 and substituting therefore the following new Sub-Clause

"(5). Where a trader becomes deceased or incapacitated before the expiry of the lease period, the market space allocated to that trader shall pass to the next of kin nominated by the trader at the time of application for allocation upon production to the Market Manager of a grant of representation or such other proof of entitlement as may be prescribed in regulations under this Act".

Amendment No. 14, Clause 34, Balloting Process.

THAT, CLAUSE 34 of the Bill be amended by inserting the following new Sub-Clause

"(5). Where a market project is funded by the County Government, the allocation of market space shall be conducted through a balloting process that is equally transparent and participatory as prescribed under this Section for nationally or Partner funded projects".

Amendment No. 15, Clause 36, Re-allocation of Market Space.

THAT, CLAUSE 36 of the Bill be amended by inserting the words, "after consultation with the relevant sector leaders and upon according the affected trader notice in writing an opportunity to respond and written reasons for the decision" immediately after the words "Municipal Board were applicable".

Amendment No. 16, Clause 38, Waste Management, Operating Times.

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Honourable Mickey, you are supposed to call the mover we finish with Part IV.

Hon. Mickey (Nominated Member): Madam Speaker, I would like to call upon Honourable Kennedy Ajwang to second.

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Yes, Honourable Kennedy Ajwang'.

Hon. Ajwang' (Nominated Member): Thank you, Madam Chairperson. I rise to second.

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Honourable Members, and therefore the proposed amendments on Part IV of the Kisumu County Markets Bill, 2026 has been proposed and it is time for me to propose a question. And I therefore propose that these amendments are now open for debate.

(Silence)

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Honourable Members, it is my assumption that silence means contentment and therefore I will put a question.

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Honourable Members, and therefore, the amendments on Part IV of the Kisumu County Markets Bill, 2026 forms part of the Bill as amended.

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): We will move on to Part V. Yes, Honourable Mickey.

Hon. Mickey (Nominated Member): Thank you, Madam Speaker. Amendment No. 16, Clause 38, Waste Management, Operating Times. Which is Part V, the following amendments were proposed by this House Committee;

THAT, CLAUSE 38 of the Bill be amended by inserting the following new Sub-Clause—

"(9) For the avoidance of doubt the operating hours of a market determined under Clause 37 shall not be varied by a Market Management Committee whose role under this Section is limited to the day-to-day enforcement of the operating hours so determined".

Amendment No. 17, Clause 41, Functions of the Department of Enforcement on Security.

THAT, CLAUSE 41 of the Bill amended in Paragraph (a) by inserting the words "adopting a preventive approach in liaison with National and County Security Apparatus" immediately after the words "including"

Amendment No. 18, Clause 42, Dispute Resolution Committee.

THAT, CLAUSE 42 of the Bill be amended…

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Part V.

Hon. Mickey (Nominated Member): Madam Speaker, from…

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Honourable Mickey, Part V ends at Clause 41.

Hon. Mickey (Nominated Member): Thank you Madam Chairperson, I would like to ask the Honourable Odari to second.

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Yes, Honourable Odari.

Hon. Odari (MCA, Chemelil Tamu): Thank you, Madam Speaker. I rise to second.

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Honourable Members, therefore the amendments on Part V of the Kisumu County Markets Bill 2026 has been proposed and it is time for me to propose a question, and I propose that these amendments are now open for debate.

(Silence)

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Honourable Members, I assume that silence means contentment. And I therefore put a question.

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Honourable Members, and therefore, the amendments on Part V of the Kisumu County Markets Bill, 2026 form part of the Bill as amended.

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Honourable Mickey, let us move on to Part VI of the Bill.

Hon. Mickey (Nominated Member): Thank you, Madam Speaker. Amendment No. 18 Clause 42, Dispute Resolution Committee. This House Committee proposed the following amendments to be considered by this Honourable House;

THAT, CLAUSE 42 of the Bill be amended by inserting the following new Sub-Clause immediately after Sub-Clause 2

"2(a) where the County Government is a party to a dispute before the committee, an independent member or a member of co-opted with the agreement of both parties shall sit on the committee for purposes of determining that dispute"; and—

(b) by inserting the following new Sub-Clause;

"2(b) a dispute between traders arising under this Act shall, in the first instance, be referred to the Sector Leaders, and therefore, if unresolved, to the Market Management Committee, before it is referred to the committee established under this Section".

Amendment No. 19, Clause 43, Alternative Dispute Resolution,

THAT, CLAUSE 43 of the Bill be amended, in Sub-Clause 2, by inserting the words "without prejudice, to the party's right to access a competent court or tribunal" immediately after the word, "mechanisms"

And, Madam Speaker, I would like to call upon the Honourable Ajumbo to second.

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Honorable Mildred.

Hon. Ajumbo (Central Seme): Madam Chairperson, I second.

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Honourable Members, and therefore, the amendment on Part VI of the Kisumu County Markets Bill 2026 has been proposed, and it is time for me to propose a question. I propose that these amendments are now open for debate.

(Silence)

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Honourable Members, and now that the amendment has been proposed and seconded, it is time for me to put a question.

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Honourable Members, and therefore, the amendments on Part VI of the Kisumu County Markets Bill, 2026 be amended as proposed.

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Honourable Mickey, we move to Part VII.

Hon. Mickey (Nominated Member): Madam Chairperson, may I approach the chair?

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Please do so.

(Honourable Mickey consult the Chairperson of the Committee of the Whole House)

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Honourable Mickey, you may now proceed.

Hon. Mickey (Nominated Member): Madam Chairperson, we are moving to amendment No. 23, Clause 48, Offences and Penalties, Part VIII. Madam Chairperson, this House Committee proposed the following amendments;

THAT, CLAUSE 48 of the Bill be amended—

(a) *in Sub-Clause (2) by deleting the words "Kenya Shillings Fifty Thousand (Ksh. 50,000)" and substituting, therefore, the words Ksh. 5,000 for a first offence without prejudice to prosecution, before a competent court for a repeat, or serious offence, and the fine payable shall be categorized according to the class of market and the nature of the market space involved, as may be prescribed in regulations".*

(b) in Sub-Clause 3(c), by deleting the words "or any other administrative deemed necessary", and substituting, therefore, the words "revocation of the offender's allocation of the market space and such other administrative action, as may be specified in regulations made under this Act"; and—
by inserting the following new Sub-Clause,
"(4) No actions shall be taken against a person under Subsection 3 unless that person has first been accorded notice in writing and an opportunity to respond and in written reasons for the decision".

Amendment No. 24, Clause 49, Public Participation.

THAT, CLAUSE 49 of the Bill amended by inserting the following new Sub-Clause—

"(2) Following the amendment of this Act, and thereafter following any material amendment to it or to regulations made under it, the County Executive Committee Member (CECM) shall publish a summary of the public views reviewed and how they were considered".

Amendment No. 25, Clause 51, Repeal and Savings.

THAT, CLAUSE 51 of the Bill be amended;

"(a) by correcting the number of the Clause and its Subsections to read as a single Clause 51 with Subsections 1, 2, and 3 in place of duplicated numbering appearing in the Bill as published"; and—

"(b) by inserting the following new Subsection;

"(4) Notwithstanding the repeal after Subsection 1, a trader holding a lawful allocation and market space under a law repealed by this Act shall continue to hold that allocation until it is reviewed or renewed in accordance with this Act".

Madam Chair, I would like to ask the Honourable Wajewa to second.

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Honorable Wajewa.

Hon. Wajewa (Nominated Member): Madam Chairperson, I second.

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Honourable Members, and now that the amendment on Part VIII of the Kisumu County Market Bill has been proposed and seconded, I would like to propose that these amendments be now open for debate.

(Silence)

The Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Honourable Members, and therefore, silence…

(Hon. Kennedy Ajwang interjects)

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Yes, Honourable Kennedy Ajwang'.

Hon. Ajwang' (Nominated Member): Thank you, Madam Chairperson. In Clause 48, we had agreed that we do not do amendment. We will retain the word "from zero to Kenya Shillings Fifty Thousand (Ksh. 50,000)". "Not exceeding zero to Kenya Shillings Fifty Thousand (Ksh. 50,000)". So therefore, I would like to call the Honourable Wajewa to second.

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Honourable Kennedy Ajwang', before you call on Honourable Eunice to second, can you please propose the right amendment? Can you please propose it in the right way, on how you want it to be amended?

(Hon. Ajwang' crosses the Floor to consult Hon. Wajewa)

Hon. Ajwang' (Nominated Member): Thank you, Madam Chair. Under Clause 48, it is therefore stated as follows;

THAT, by deleting the word Ksh. 50,000 and replacing it with 0 to Ksh. 50, therefore, we do not delete the word 50. We retain the word 50. 0 to 50, not exceeding 50. 0 to 50, not exceeding 50.

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): The Honourable Ajwang' does it mean it is 0 to 50,000 shillings, 0 to 50,000 shillings for a first offence? Because I can see there is a Part for a first offence, and there is a Part for repeat or serious offence.

Hon. Ajwang' (Nominated Member): Madam Chairperson, for clarity, a first offence.

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): A first offence?

Hon. Ajwang' (Nominated Member): Yes.

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Or for the whole...Yes, Honourable Mickey, I can see you on your feet. Would you wish to elaborate more?

Hon. Mickey (Nominated Member): Thank you Madam Chairperson, I would just like to say something. We had agreed that we are not deleting that Section. We were trying to figure out if we are supposed to put them in different Clauses. Then, we agreed it is already well expressed because it is 0 to 50, which means not exceeding Ksh. 50,000 shillings.

So then, even if it is Ksh. 5,000 or it is Ksh. 2,000, it was supposed to be a determination by the Judge, whether it is Ksh. 2,000 or Ksh, 3,000. So, we had agreed that we leave it to be not exceeding Ksh. 50,000 shillings, as it were in the first instance.

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): So, Honourable Mickey, are you proposing a new amendment? Because what you are proposing is different from what Honourable Kennedy Ajwang' has proposed. Please clarify further…

Hon. Mickey (Nominated Member): Madam Speaker, I was just explaining the proposal that the Honourable Kennedy is proposing. It is just an explanation on what was agreed upon.

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Can you both approach the Chair.

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Actually, from the proposal, I would like to have it made clear whether it refers to a first offender or a repeat offender. Because we have two figures that determine the type of offence.

Hon. Mickey (Nominated Member): Madam Chairperson, may I approach?

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Yes, please. And Honorable Kennedy Ajwang' also, please approach the Chair.

(Honourable Mickey and Hon. Ajwang' consult the Chairperson of the Committee of the Whole House)

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Honourable Kennedy Ajwang', can you please make your proposal.

Hon. Ajwang' (Nominated Member): Thank you, Madam Chairperson. In Clause 48, we had agreed that we retain it the way it was brought in the Bill. We do not change it. So, allow me to call Honourable Alice Alandoh to second.

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Honourable Alice Alandoh?

Hon. Ajwang' (Nominated Member): Honourable Eunice Alandoh, to second.

The Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Honourable Eunice Alandoh.

Hon. Alandoh (Nominated Member): Thank you, Madam Chairperson. I rise to second the amendment that has been proposed by *Mweshimiwa* Ajwang', that the penalty should be from zero to Kenya Shillings Fifty Thousand, not exceeding Kenya Shillings Fifty Thousand, depending on the judgments and also the weight of the offence made. Thank you.

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Honourable Members, there is a proposed amendment on Clause 48, Sub-Clause 2 by Honourable Kennedy Ajwang', THAT the Clause be retained as it was originally in the Bill. And it has been seconded by Honourable Eunice Alandoh. And therefore, it is time for me to propose a question. And I propose that this amendment be open for debate.

(Silence)

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Honourable Members, and therefore, the amendment as proposed by Honourable Kennedy Ajwang' has been proposed and seconded. Therefore, it is time for me to put a question.

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Honourable Members, therefore, we retain Clause 48, Sub-Clause 2, as it was originally in the Kisumu County Markets Bill 2026. The Floor is still open for debate on Part VIII of the Bill. So, I will still open it up for any more amendments or debates.

(Silence)

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Okay. I will assume silence means contentment. And therefore, it is time for me to put a question.

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Honourable Members, therefore, the amendment as proposed forms part of the Bill.

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Honourable Members, it is my belief that we have come to the end of the amendments of the Kisumu County Markets Bill 2026. And therefore, I would like to request Honourable Mickey...

Hon. Mickey (Nominated Member): Madam Speaker, have just noticed that the Amendment I was speaking about initially, the one from 44 to 46, is in Part VII, which is amendment No. 20. So, I shall continue. And it is the last one.

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Honourable Member, which amendment?

Hon. Mickey (Nominated Member): Madam Chairperson, there is amendment that was stated here, Part VII, from Clause 44 to 46, the one that had come to…

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Honourable Mickey, we have new Clause. Okay. Please continue.

Hon. Mickey (Nominated Member): So, amendment No. 20, Clause 44, Market Fund, Declaration of Markets as County Government Entities.

THAT, CLAUSE 44 of the Bill be deleted and substituted with the following new Clause;

Declaration of Markets as County Government entities—

1. Upon the commencement of this Act and with the approval of the County Executive Committee and the County Assembly, which approval shall be deemed granted by the passing of this Act, the County Executive Committee Member (CECM) of Finance shall, pursuant to Section 5 of the Public Finance Management Act 2012, by Order published in the *Kenyan Gazette*, declare each market classified under Section 5 of this Act to be a County Government Entity for the purposes of the Public Finance Management Act 2012.
2. A market declared to be a County Government entity "under Subsection (1)" shall be subject to the provisions of the Public Finance Management Act 2012 and any regulations made there under applicable to County Government entities, including in respect of banking arrangements, budgeting, accounting, and audit.
3. The County Executive Committee Member for Finance shall within 30 days of the declaration under Subsection 1 publish and avail to the County Assembly a list of the markets so declared and shall similarly publish and notify the County Assembly of any variation to that list, including any declaration that a market has under Section 5(4) of the Public Finance Management Act 2012 ceased to be a County Government entity.

Amendment No. 21, Clause 45 Revenue Collection Retention and Application of Market Revenue. THAT CLAUSE 45 of the Bill be deleted and substituted with the following new Clause—

Retention and Application of Market Revenue 45(1);

All revenue collected from a market shall be paid into the County Revenue Fund in accordance with Article 207 of the Constitution and Section 109(1) of the Public Finance Act 2012. Notwithstanding Subsection 1 and Pass 1 to Section 109(2)(b) of the Public Finance Management Act 2012, a market declared to be a County Government entity under Clause 44 may retain, for the purpose of defraying its operational maintenance and improvement expenses, an amount not exceeding 10% of the revenue collected by the market in a Financial Year.

"(3) An amount retained under Subsection 2 shall be reflected as appropriation in aid in the annual budget estimates of the County Government and be subjected to appropriation by the County Assembly in accordance with the Public Finance Management Act 2012—

(b) Be applied by the market management in accordance with annual work plan approved by the Market Management Committee and the county treasurer.

(c) Be accounted for, audited and reported upon in accordance with the Public Finance Act 2012 and any regulations made thereunder.

(d)The County Executive Committee Member of Finance may, by regulations made under this Act and approved by the County Assembly, review the percentage specified in Subsection 2 and prescribe the manner of administration, banking and reporting of amounts retained under this Section.

"(5) For the avoidance of doubt, this Section supersedes and replaces the Market Fund and the reinforced appropriation in aid formula appearing in the Bill as published, and any reference in this Act to the market fund shall, unless the context otherwise requires, be construed as a reference to the amount retained under Subsection 2.

Amendment No. 22, Clause 46, Market Management and Financing

Part VII

THAT, CLAUSE 46 of the Bill be amended—

(a) In Sub-Clause 2, by deleting Paragraph (a) and substituting, therefore, the following new Paragraph (a);
"The market shall, in consultation with the Market Management Committee, ensure that all utility charges, including water, electricity and sanitation services, are duly paid to maintain hygiene standards"; and

(b) By deleting Sub-Clause 3 and 4, the subject matter thereof is being provided for in Clause 45.

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Honourable Members, Part VII of the Bill has been proposed and seconded and therefore it is time for me to propose a question, and I propose that amendments are open for debate.

(Silence)

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Honourable Members, it is my assumption that silence means contentment and therefore I will put a question.

(Question put and agreed to)

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Honourable Members, and the amendments on Part VII of the Kisumu County Markets Bill, 2026 be as proposed. I would like to request Honourable Mickey to approach the Chair.

(The Chairperson consults Honourable Mickey)

Chairperson, Committee of the Whole House (Hon. Oginga, Nominated Member): Honourable Members, thank you for your time. I would like to give Honourable Mickey the opportunity to close.

Hon. Mickey (Nominated Member): Thank you, Madam Speaker and Members. I would like to request the proceeding to go back to Plenary.

(The House reverts to plenary)

(The Speaker Honourable Oraro Chairs the Plenary)

The Speaker (Hon. Oraro): Yes, Honourable Emily, Please report back on your deliberations in the Committee of the Whole House.

Hon. Oginga (Nominated Member): Honourable Speaker, I would like to take this opportunity to report back on the seating of the Second Reading of the Kisumu County Markets Bill, 2026. I would like to make a report on the Second Reading of the Kisumu County Markets Bill, 2026.

Mr. Speaker, during the sitting in the Committee of the Whole House for the Second Reading, the Members proposed that we go the guillotine way on the amendments and therefore we adopted that. And therefore, I will go into the amendments on, Parts of the Bill, Clause by Clause.

Mr. Speaker, the first amendment was on Clause 1. Clause 1 was on the short title, which states;

THAT, Clause 1 of the Bill be amended by inserting the expression I immediately before the words, "This Act may be cited as the Kisumu County Markets Act, 2026", and by inserting the expression "(2), immediately before the words, "this Act shall come into force upon gazettement in the *Kenya Gazette"*.

Mr. Speaker, in the same Part, on Clause 2, there is an amendment on the interpretation that states;

THAT, CLAUSE 2 of the Bill be amended—

(a) by deleting the definition of the word "Lease" appearing for the second time herein.
(b) by deleting the definition of the words "Marketplace, Market Infrastructure, Market Management and User.

And in the same Clause;

(c) by inserting the following new definition in its proper alphabetical sequence. That is, "Market Space" means any stall, shop, kiosk, open space, cubicle or other designated area within a market allocated to a trader for the purposes of trade.

And in the same Clause;

(d) by deleting the expression "Market Stall" wherever it appears in Part IV of the Bill, including in the heading to that Part, and substituting, therefore, in each case, the expression "Market Space'.

Mr. Speaker, on the same Part II, Clause 4, there was an amendment on Clause 4, on the Establishment of Markets. And in that Clause, it was proposed;

THAT, it be amended in—

(a) that in Sub-Clause 1, by deleting the words, "by approval of the County Executive Committee of the County Assembly", and substituting, therefore, the words "in accordance with the County Integrated Development Plan and the Annual Development and the Annual Budget Estimate approved by the County Assembly".

And in;

(b) of the same Clause 4, in Sub-Clause 3, Part C, by inserting…sorry, in Clause 4, in the same Clause 4, that in Sub-Clause 3(c), by inserting the words "at both the market from which project-affected persons are to be relocated and the markets to which they are to be relocated, and through radio or such channels as are reasonably accessible to the affected community", immediately after the word "circulation", and;

(c) by inserting the following new paragraph immediately after Paragraph (c) of Sub-Clause 3—

"and provide an express written assurance to project-affected persons of the County Government's commitment to their smooth and fair resettlement".

Mr. Speaker, in the same Part III, there was an amendment on Clause 9, which is the County Markets Coordination Committee, and it was proposed;

THAT, CLAUSE 9 of the Bill be amended—

(a) by inserting the following new Paragraph immediately after Paragraph (e) of Sub-Clause 2, that is,

"a person of a Market Management Committee nominated by the Chairperson of Market Management Committees from amongst themselves"; and

(b) by inserting the following new Sub-Clause immediately after Sub-Clause 2, that is,

"not more than two-thirds of the members of the committee appointed or nominated under Sub-Clause 2 shall be of the same gender". That is Sub-Clause 3.

Mr. Speaker, there was an amendment on Clause 12, 13 and 14, that is, Nomination of Representatives, and it was proposed;

THAT, CLAUSE 12, 13, and 14 of the Bill be amended by inserting the beginning of each Clause, the words, "Without prejudice to the composition of the Market Management Committee under Clause 21".

Mr. Speaker, there was an amendment on Clause 15, which is the Cessation of Membership, County Markets Coordination Committee, and it was proposed that under this Clause,

THAT, CLAUSE 15 of the Bill be amended in Paragraph (e) by inserting the words, "after, according to the members notice in writing of the intended removal, an opportunity to respond and written reasons for the decisions", immediately after the word CCM.

Under Clause 17, that is, Remuneration, there was an amendment.

THAT, CLAUSE 17 of the Bill be amended by inserting the words, "and Market Management Committees and Sector Leaders recognised under this Act", immediately after the words, "Market Coordination Committee".

Mr. Speaker, another proposal was on Clause 21, Market Management Committee. And it was proposed,

THAT, CLAUSE 21 of the Bill be amended

(a) in Sub-Clause 21 by deleting the word, "an ex-officio", and substituting, therefore, the word "ex-officio"—

(b) by inserting the following new Sub-Clause immediately after Sub-Clause 2, that is
"2(a) Not more than two-thirds of the elected and nominated members of a Market Management Committee under Sub-Clause 2 shall be of the same gender"; and—

*(c) o*f the same Sub-Clause 2, it was proposed that amendments be done by inserting the following new Sub-Clause, that is Sub-Clause;
"2(b) That the Chairperson, Vice Chairperson and Treasurer of a Market Management Committee shall be elected by secret ballot, supervised by an officer designated by the director and the number of representatives elected under Sub-Clause 2(e) from each product, association or section of the market shall be proportionate to the population of traders in that section".

Mr. Speaker, there was an amendment on Clause 4, that is Appointment, and it was proposed

THAT, this Clause in the Bill be amended by inserting the following Sub-Clause, that is

"2 Sub-Clause 2, that the Director shall within 90 days of the commencement of this Act develop and issue standard electoral guidelines for elections held under this part and shall avail a copy of the guidelines to every market".

Mr. Speaker, on Clause 27, which is Cessation of Membership, Market Management Committee, it was proposed

THAT, this Clause be amended;

(a) in Paragraph (d) by inserting the words "and sentence to a term of imprisonment of six months or more without the option of a fine" immediately after the word "offence".

(b) that in Paragraph (e), by inserting the words "after according the member notice in writing of the intended removal an opportunity to respond and written reasons for the decision immediately after the word direct rate"; and—

(c) that in Paragraph (f), by deleting the word "dies" and substituting therefore the words "become deceased".

Mr. Speaker, there is an amendment in Clause 29, that is the Market Manager, and it was proposed THAT, CLAUSE 29 be amended by inserting the following new Sub-Clause immediately after Sub-Clause 2. That is,

"Sub-Clause 3 The market manager shall be deputised by a person seconded by the respective Market Management Committee, who shall exercise the function of the market manager during the latter's absence".

In Clause 31, that is the Principles Guiding the Allocation of Stalls, it was proposed

THAT, CLAUSE 31 of the Bill be amended by inserting the following new Paragraph immediately after Paragraph (b),

"That is the operational management of a market shall be distinct from the oversight role of traders exercised through the Market Management Committee".

(b) by inserting the following new paragraph, that is

"(b) common open spaces within a market shall be allocated to, occupied by, or otherwise captured by, any individual trader or group of traders".

(c) that in Paragraph (g), by inserting the words, "or an officer designated by either board for that purpose immediately after municipal boards", and

(d) by inserting the following new Paragraph,

"(k), a trader shall not be removed from a responsibility assigned to that trader under this Section without first being accorded notice in writing, an opportunity to respond and written reasons for the decision".

Mr. Speaker, there was an amendment in Clause 32, that is grounds of allocation of Market Stalls, and it was proposed

THAT, in this Clause 32, the Bill be amended,

(a) that in sub-Clause 4, by deleting the word "seven" and substituting therefore the word "ten", deleting the words "renewable ones" and substituting therefore the words "continuous renewable", and deleting the words "after which the stall shall revert to the County Government and be re-balloted"; and—

(b) by deleting Sub-Clause 5 and substituting therefore the following new Sub-Clause, that is
"5 Where a trader becomes deceased or incapacitated before the expiry of the lease period, the market space allocated to that trader shall pass to the next of kin nominated by the trader at the time of application for allocation upon production to the Market Manager of—
a grant of representation or such other proof of entitlement as may be prescribed in regulations made under this Act".

Mr. Speaker, there was an amendment in Clause 34, that is the Balloting Process, and in

THAT, Clause, it was proposed that the Bill be amended by inserting the following new Sub-Clause, that is

"5 Where a market project is funded by the County Government, the allocation of market space shall be conducted through a balloting process that is equally transparent and participatory as that prescribed under this Section for nationally or Partner funded projects".

Clause 36 had an amendment and it was proposed

THAT, this Clause be amended by inserting the words, "after consultation with the relevant sector leaders and upon according the affected trader notice in writing, an opportunity to respond and written reasons for the decision" immediately after the words "Municipal Board were applicable".

In Clause 38, that is Waste Management, Operating Times, in this Clause it was proposed

THAT, amendment be made by inserting the following new Sub-Clause, that is

"Sub-Clause 9, for the Avoidance of Doubt

The operating hours of a market determined "under Clause 37" shall not be varied by a Market Management Committee, whose role under this Section is limited to the day-to-day enforcement of the operating hours so determined".

Mr. Speaker, there was an amendment on Clause 41, which is the Function of the Department of Enforcement on Security, and in

THAT, Clause it was proposed that it be amended in Paragraph (a) by inserting the words, "adopting a preventive approach in liaison with the National and County Security Apparatus" immediately after the word "including".

In Clause 42, that is dispute resolution committee, it was also proposed THAT in this Clause the Bill be amended

(a) by inserting the following new sub-Clause immediately after
"Sub-Clause 2
That is sub-Clause 2(a), where the County Government is a party to a dispute before the Committee an independent member or a member co-opted with the agreement of both parties shall sit on the Committee for purposes of determining that dispute"; and

(b) by inserting the following new Sub-Clause, that is
"2(b) That a dispute between traders arising under this Act shall in the first instance be referred to the Sector Leaders, and therefore, if unresolved, to the Market Management Committee before it is referred to the committee established under this Section".

Mr. Speaker, there was an amendment in Clause 43, that is Alternative Dispute Resolution, and in THAT, Clause it was proposed that amendment be made in Sub-Clause 2 by inserting the

words, "without prejudice to that party's right to access a competent court or tribunal" immediately after the word "mechanism".

Mr. Speaker, on Clause 48, there was an amendment that was proposed THAT in Sub-Clause 2, by deleting the words "50,000" and substituting therefore the words "5,000 shillings for a first offence without prejudice to prosecution before competent court for a repeat or serious offence, and the fine payable shall be categorized according to the class of market and the nature of the market space involved as may be prescribed in regulations".

But Mr. Speaker, the amendment proposed was actually reverted back to the original Clause that was in the original Bill as it is, and it was voted and therefore it was retained as it was in the original Bill.

Another proposal that was proposed is in the same Clause 48 (1) is on Part C… Sorry, is on Part (b) which was proposed that in Sub-Clause 3(c), by deleting the words "or any other administrative action deemed necessary" and substituting therefore the words "revocation of the offender's allocation of market space or such other administrative action as may be specified in regulations made under this Act".

And (c) by inserting the following new sub-Clause that is

"Sub-Clause 4 That no action shall be taken against a person "under Subsection 3" unless the person has first been accorded notice in writing an opportunity to respond and written reasons for the decision".

Mr. Speaker, in there was an amendment in Clause 49 which is public Participation and it was proposed THAT in Clause 49 the Bill be amended by inserting the following new sub-Clause that is sub-Clause 2 following the enactment of this Act and therefore following any material amendment to it or to regulations made under it the county executive committee member shall publish a summary of the public views reviewed and how they were considered.

Mr. Speaker, again there was an amendment on Clause 51 that is Repeal and Savings and in this Clause it was proposed THAT amendment be made

(a) by correcting the numbering of the Clause and its Subsections to read as a single Clause 51 with Subsections 1, 2 and 3 in place of the duplicated numbering appearing in the Bill as published; and—
(b) by inserting the following new Subsection that is
"Sub-Clause 4 Which indicates that notwithstanding the repeal "under Subsection 1" a trader holding a lawful allocation of market space under a law repealed by this Act shall continue to hold that allocation until it is reviewed or renewed in accordance with this Act".

Mr. Speaker sorry… there was an amendment on Clause 44. It was proposed that this Clause be deleted and substituted with the following new Clause that was proposed. And the new Clause states THAT is the Declaration of Markets as County Government entities and therefore in Clause 44 Sub-Clause 1 states that

"upon the commencement of this Act and with the approval of the County Executive Committee and the County Assembly which approval shall be deemed granted by the passing of this Act the County Executive Committee Member for Finance shall pass on to Section 5 of the Public Finance Management Act 2012 by order published in the Kenya Gazette declare each market classified "under Section 5" of this Act to be a County Government entity for the purposes of the Public Finance Management Act 2012"; and—

"in Sub-Clause 2 of the same proposed Clause states THAT

"*a market declared to be a County Government entity under Subsection 1 shall be subject to the provision of the Public Finance Management Act 2012 and any regulations made there under applicable to County Government entities including in respect of banking arrangements budgeting, accounting";* and audit—

And in Sub-Clause 3 of the same Clause 44 it was proposed THAT

the County Executive Committee Member for Finance shall within 30 days of a declaration under Subsection 1 publish and avail to the County Assembly a list of all the markets so declared and shall similarly publish and notify the County Assembly of any variation to that list including any declaration that a market has "under Section 5(4)" of the Public Finance Management Act 2012 and cease to be a County Government entity".

Mr. Speaker there was a further amendment on Clause 45 which is Revenue Collection Retention and Application of Market Revenue and in THAT CLAUSE 45 of the Bill it was proposed that this Clause be deleted and substituted with the following new Clause which states in

"Clause 45, Sub-Clause 1 that all revenue collected from a market shall be paid into the County Revenue Fund in accordance with Article 207 of the Constitution and Section 109 of the Public Finance Management Act 2012 and in Sub-Clause 2 notwithstanding Subsection 1 and pass on to Section 109(2)(b) of the Public Finance Management Act 2012. A market declared to be a County Government entity under Clause 44 may retain for the purpose of defraying its operational maintenance and improvement expenses an amount not exceeding 10% of the revenue collected by the market in a financial year."

And in Sub-Clause 3 of the same Clause 45 that an amount retained under Subsection 2 shall;

(a) be reflected as a proportion in aid in Annual Budget estimate of the County Government and be subjected to appropriation by the County Assembly in accordance with the Public Finance Management Act 2012; and—
(b) be applied by the Market Manager in accordance with an annual work plan approved by the Market Management Committee and the County Treasury; and—
(c) be accounted for, audited and reported upon in accordance with the Public Finance Management Act 2012 and any regulations made there under.

In the same new Clause 45 it was proposed on Sub-Clause 4 THAT the County Executive Committee Member for Finance may by regulations made under this Act and approved by the County Assembly review the percentage specified in Subsection 2 and prescribe the manner of administration banking and reporting of amounts retained under this section and Sub-Clause 5 states that

"for the avoidance of doubt, this section supersedes and replaces the market fund and the ring fence appropriation in aid formula appearing in the Bill as published and any reference in this Act to the market fund shall unless the context otherwise requires be construed as a reference to the amount retained under Subsection 2".

And finally, Mr. Speaker, there was an amendment on Clause 46, that is the Market Management and Financing and it was proposed

THAT, Clause 46 of the Bill be amended in Sub-Clause 2 by deleting Paragraph (a) and substituting therefore the following new Paragraph that is

(a) The market manager shall in consultation with the Market Management Committee ensure that all utility charges including Water, Electricity and Sanitation Services are duly paid to maintain hygiene standards"; and—
(b) by deleting Sub-Clause 3 and 4 the subject matter therefore being provided in Clause 45.

Mr. Speaker so far those are the amendments that were proposed and adopted by the Committee of the Whole House, and I would therefore like to call upon Honourable Mickey to second.

The Speaker (Hon. Oraro): Honorable Mickey.

Hon. Mickey (Nominated Member): Thank you, Mr. Speaker I second.

The Speaker (Hon. Oraro): Honourable Members, the decision of the Committee of the Whole House and as per our Standing Order I will not propose a question, I will go straight to put a question.

(Question put and agreed to)

The Speaker (Hon. Oraro): Honourable Members, I rule that the Report of the Whole House Committee forms Part of the Bill.

The Speaker (Hon. Oraro): Next Order!!

ADJOURNMENT

The Speaker (Hon. Oraro): Honourable Members, please be upstanding. There being no any other business to transact, this House stands adjourned until Thursday, 05th of November, 2026 at 02:30 p. m.

(The House rose at 03:17 p.m.)

Addendum

The Hansard Team

Zablon Otiende – Assistant Director, Hansard Services

Patrick Okoyo – Chief Hansard Reporter

Jesca Otieno – Chief Hansard Reporter

Fanuel Okode – Chief Hansard Reporter

Jacklyne Otieno – Senior Hansard Reporter

Vallery Achieng – Senior Hansard Reporter

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