

# SIAYA COUNTY ASSEMBLY

## OFFICIAL REPORT

**First County Assembly- Second Session**

**Thursday, 21st August, 2014**

The House met at the County Assembly Chambers at 2.30 pm

*[Deputy Speaker (Hon. Adera) in the Chair]*

PRAYERS

PAPERS LAID

**Hon. Deputy Speaker:** Hon. Peter Muhulah and Vice Chairperson of the Ad-hoc Committee on Health.

Yes Hon. Abayo. Has he delegated to you the responsibility?

**Hon. Abayo:** Yes, Mr. Deputy Speaker.

**Hon. Deputy Speaker:** Ok. You can proceed.

**Hon. Abayo:** Mr. Deputy Speaker, I wish to lay before this House;-  
A Report from the Ad-hoc Committee on Health Service Delivery in Siaya County.

*(Hon. Abayo laid the document on the Table)*

**Hon. Deputy Speaker:** Is there any other Paper to be laid before this House?

**Hon. Awuor:** Thank you, Mr. Deputy Speaker---

**Hon. Deputy Speaker:** Ok. Hon. K'awuor

**Hon. Awuor:** Mr. Deputy Speaker, allow me to lay the following Paper:-  
The Report of the Committee on Governance and Administration as concerns a Statement request by Hon. Apiyo Apiyo before this House.

**Hon. Deputy Speaker:** Proceed.

*(Hon. Awuor laid the document on the Table)*

**Hon. Deputy Speaker:** Hon. Agoko.

**Hon. Agoko:** Mr. Deputy Speaker, allow me to Table the following Paper:-  
The Report of the Committee on Agriculture, Livestock and Fisheries on Response to a Statement request by Hon. Peter Ombee on Sugarcane Outgrowing in South Gem and Cess Monies from Mumias Sugar Company.

*(Hon. Agoko laid the document on the Table)*

**Hon. Deputy Speaker:** Hon. Mathews Onduru, are you ready with your report?

**Hon. Onduru:** Mr. Deputy Speaker, you remember I reported to this House that I would be busy working with the Ad-hoc Committee and I delegated this responsibility to my

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vice Chair, Hon. Were who I think is ready to inform this House whether the report is ready for Tabling or not.

**Hon. Deputy Speaker:** Hon. Were.

**Hon. Were:** Mr. Deputy Speaker, Sir, I would wish to inform this House that the Sectoral Committee on Health is finalizing the report and with your permission, it will be ready next week.

**Hon. Deputy Speaker:** I'm giving you up to, Tuesday, at 2:30 p.m.

**Hon. Were:** Thank you.

**Hon. Deputy Speaker:** Next Order!

### NOTICES OF MOTION

**Hon. Awuor:** Thank you, Mr. Deputy Speaker. I rise to give a notice of Motion:- That this House Adopts the Report of the Committee on Governance and Administration on a Statement request by Hon. Apiyo Apiyo as concerns the Principal of Public Participation in this County. Thank you.

Mr. Deputy Speaker, I want to propose Hon. Osuri to second.

**Hon. Deputy Speaker:** Just a moment before I give you a chance Hon. Osuri. I'm just going through the writings. I wish you could change the wordings so that it reflects: -

That This House Adopts the Report of the Committee on Governance and Administration on the Implementation of the Principal of Public Participation by the County Government of Siaya.

We can proceed with the same.

**Hon. Osuri:** Thank you, Mr. Deputy Speaker. I rise to second the Motion.

*(Hon. Agoko stood in his place)*

**Hon. Deputy Speaker:** Hon. Agoko, you were on your feet.

**Hon. Agoko:** Thank you, Mr. Deputy Speaker Sir, I rise to give a notice of Motion: - That this House Adopts the Report of the Committee on Agriculture, Livestock and Fisheries on response to a Statement request by Hon. Peter Ombee on Sugarcane Outgrowing in South Gem and Cess Monies from Mumias Sugar Company.

I would like to call upon, Hon. Willis Okoth, to second the Motion.

**Hon. Deputy Speaker:** Hon. Who?

**Hon. Agoko:** Hon. Willis Ochieng Okoth

**Hon. Deputy Speaker:** Hon. Willis

**Hon. Ochieng:** I second.

**Hon. Deputy Speaker:** Next. Hon. Mathews Onduru. Or Hon. Ayima Were, are you the one handling this?

**Hon. Were:** Mr. Deputy Speaker, you have already granted us permission to Table our report next week.

**Hon. Deputy Speaker:** Ok. Thank you. Next Order!

**STATEMENTS**

**Hon. Okuku:** Thank you, Mr. Deputy Speaker, Sir for giving me this opportunity to seek a Statement in this Hon. House.

Mr. Deputy Speaker Sir; Aware that the health function was devolved; the National Government approved the recruitment of 12,000 health workers all over the Country. This means that every County was to recruit a total of 134 health workers in the financial year 2013/14.

Mr. Deputy Speaker, Sir, can the County Government of Siaya inform this House of the following:-

1. Have they recruited health workers as resolved by the Cabinet vide their letter Ref: MOH/ABN/1/1/93 VOLII (44) dated 16/6/14?
2. If they have recruited, what was the criterion used Mr. Deputy Speaker?
3. If they have not recruited, how have they spent the monies meant to address human resource gaps in the County?
4. Which health facilities in the County of Siaya were upgraded to Level 4 and 5?

Thank you, Mr. Deputy Speaker.

**Hon. Deputy Speaker:** Thank you, I will direct that the same be handled by the Health Committee. The Chair, Hon. Onduru is here. Hon. Onduru, can we give you the first week of our Sittings after recess?

**Hon. Onduru:** Yes

**Hon. Deputy Speaker:** That will be on 23rd of September. Chairman, take note of that. Next!

**Hon. Otieno:** Thank you, Mr. Deputy Speaker. Allow me to share with the hon. House, the tentative business of the Assembly for the week as resolved by the Assembly Business Committee in its meeting held on 21st August, 2014.

1. Friday, 22nd August, 2014. Public Meetings by:-
  - a) Committee on Delegated Legislation on Siaya County Public Appointments Bill, 2014
  - b) Committee on Finance, Budget and Appropriations on Siaya County Revenue Administration Bill, 2014
  - c) Committee on Trade, Industry and Cooperative Development on Siaya County Trade License, Bill 2014.
    1. Tuesday, 26th August, 2014. Afternoon Sitting:-
      - a) Hon. Speaker's Ruling on the position of the Minority Leader.
      - b) Tabling of Siaya County Public Appointments Bill, 2014, for the second reading
      - c) Response by, Chairman, Committee on Governance and Administration on Statement requested by Hon. Mathews Onduru on decentralization on the devolved functions as provided for in article 48 (1) of the County Government Act 2012.

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- d) Response by, Leader of Majority Party on the Statement requested by Hon. Elisha Okuku on reshuffle of CEC in charge of Trade, Industry and Cooperative Development and the CEC in charge of Public Works, Roads, Transport and Infrastructure

2. Wednesday, 27th August, 2014. Morning Sitting:-

- a) Statement request by, Hon. Peter Ombee on disconnection of electricity at Akala market, South Gem.  
 b) Tabling of Siaya County Revenue Administration Bill, 2014, for second reading.  
 c) Response by, Chairperson for Education, Youth Affairs, Gender and Social services Committee on Statement request by Hon. Willis Ochieng on monies allocated to sports activities in the year 2013/14 budget estimates.  
 d) Report of the Committee of Trade, Industry, and Cooperative Development on Statement request by Hon. Jared Abayo, MCA West Gem on the boundary of Ng'iya market

3. Wednesday, 27th August, 2014. Afternoon Sitting:-

- a) Tabling of Siaya County Trade Licensing Bill, 2014, for the second reading  
 b) Motion by Hon. Margaret Oketch on disability mainstreaming  
 c) Tabling and Adoption of The Report of the Ad-hoc Committee on Health matters.  
 d) Motion by the Hon. Walter Okello, on submission of performance management plan by the County Government as stipulated in the County Government Act 2012

4. Thursday, 28th August, 2014. Afternoon session:-

- 1) Committee of the Whole House:-  
 a) Siaya County Public Appointments Bill, 2014  
 b) Siaya County Revenue Administration Bill, 2014  
 c) Siaya County Trade License Bill, 2014  
 2) Tabling and Adoption of The Report of the Ad-hoc Committee on Casual employees.

Thank you, Mr. Deputy Speaker.

**Hon. Deputy Speaker:** Thank you, Majority Leader.

Next Order!

**THE SIAYA COUNTY RATING BILL, 2014  
 (COUNTY ASSEMBLY BILL NO. 7 OF 2014)  
 FIRST READING**

(A Bill for an ACT of the County Assembly of Siaya to provide for the imposition of rates on land and buildings in the whole County and for connected purposes.)

**Hon. Deputy Speaker:** Next Order!

**THE SIAYA COUNTY PUBLIC PARTICIPATION BILL 2014  
 (COUNTY ASSEMBLY BILL NO. 10 OF 2014)  
 FIRST READING**

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(A Bill for AN ACT of the County Assembly of Siaya to give effect to paragraph 14 of part 2 of the Fourth Schedule of the Constitution to establish modalities and platform for public participation in the governance of the County and for connected purposes.)

**Hon. Deputy Speaker:** Next Order!

**MOTION**

**Hon. Awuor:** Thank you, Mr. Deputy Speaker. On behalf of the Committee on Public Administration and Governance, I have the pleasure and honour to present the Committee's Report on Hon. Apiyo Apiyo's Statement on the Principle of Public Participation in the County Government of Siaya.

Allow me, Mr. Deputy Speaker, to take this time to thank all the Members of the said Committee for their contributions when we engaged the County Executive Committee (C.E.C) Member in charge of Public Administration and Governance on the subject matter.

**MEMBERSHIP OF THE COMMITTEE**

HON. JOSEPH AWOUR	CHAIRMAN
HON. JOSHUA OSURI	VICE CHAIRMAN
HON. PETER MUHULAH	MEMBER
HON. JAMES MUNDA	MEMBER
HON. KESIA SIWA	MEMBER
HON. NICHOLAS ANEME	MEMBER
HON. ANASTASIA AUGO	MEMBER
HON. MARY AJWANG	MEMBER
HON. FRED OUDA	MEMBER
HON. SELLAH OKWAKO	MEMBER
HON. ANJELINE ODHIAMBO	MEMBER

**INTRODUCTION.**

Mr. Deputy Speaker ,Sir, immediately the Statement of Hon. Apiyo Apiyo was committed to the Committee, the Members met and resolved to write and invite the CEC in charge of Public Administration and Governance to come and share with them what the Executive was doing as far as the Statement was concerned.

Mr. Deputy Speaker, the CEC responded positively by sending his Chief Officer, Mr. Amos Okello who represented him in all the meetings we had.

Mr. Deputy Speaker, the C.O. tabled before Members the schedule of public participation during the preparation of the budget and the CIDP.

**MANDATE OF THE COMMITTEE**

The Committee on Public Administration and Governance is one of the Sectorial Committee established under Standing Order no. 191 of the Standing Orders of the County Assembly of Siaya. Its mandate is to investigate, enquire and report back to the Assembly all matters relating to the sector as they may be necessary and as they may be referred to the Committee by the Assembly. The Committee is required to report back to the Assembly on their findings and recommendations therein.

**MEETINGS**

Immediately the Statement was committed to the Committee on Public Administration and Governance, Members met on 28th July, 2014 and resolved to write to the CEC in-charge of public Administration and Governance as he was best placed to respond to the Hon. Member's Statement.

A letter was done to him dated 30th July, 2014 for him to report back to the Committee by 6th August, 2014.

On 4th August, 2014 a reminder letter was done to the CEC inviting him to attend a meeting on 7th August, 2014. He sent his Chief Officer who represented him in the meeting, but requested for more time to respond to the Statement.

On 11th August, 2014 another letter was written to the CEC inviting him to attend a meeting held in Bondo on 14th August, 2014. He was represented by the C.O. who tabled before the Members, a response report to the Statement and a draft copy of the policy on public participation.

**ISSUES TO BE ADDRESSED**

Mr. Deputy Speaker, the Members were to base their enquiries on part VIII and X of the County Government Act, 2012, section 87, 91, 92 and 100;

**SECTION 87: PRINCIPLES OF CITIZEN PARTICIPATION IN THE COUNTY.**

Citizen participation in the County Government shall be based on the following;

- a. Timely access to information, data, documents and other information relevant or related to policy formulation and implementation;
- b. Reasonable access to the process of formulating and implementing policies, laws, and regulations, including the approval of development proposals, projects and budgets, the granting of permits and the establishment of specific performance standards;
- c. Protection and promotion of the interest and rights of minorities, marginalized groups and communities and their access to relevant information;
- d. Legal standing to interested or affected persons, and where pertinent, communities, to appeal from or, review decisions, or redress grievances, with particular emphasis on persons and traditionally marginalized communities including women, the youth, and disadvantaged communities;
- e. Reasonable balance in the roles and obligations of the County Government and non-state actors in decision making process to promote shared responsibility and partnership, and to provide complementary authority and oversight;
- f. Promotion of public private partnerships, such as joint Committees, technical teams, and citizen commissions, to encourage direct dialogue and concerted action on sustainable development;

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g. Recognition and promotion of reciprocal roles of non-state actors' participation and Governmental facilitation and oversight.

**SECTION 91: ESTABLISHMENT OF MODALITIES AND PLATFORMS FOR CITIZEN PARTICIPATION.**

The County Government shall facilitate the establishment of structures, for citizen participation including the following;

- a) Information communication technology based platforms
- b) Town hall meetings
- c) Budget preparation and validation FORA
- d) Notice boards; announcing jobs, appointments, procurements, awards and other important announcements of public interest
- e) Development projects sites
- f) Avenues for the participation of people' representatives including but not limited to members of the National Assembly and Senate
- g) Establishment of citizen FORA at County and decentralized units

**SECTION 92: SUBMISSION OF ANNUAL REPORTS TO THE ASSEMBLY BY H. E. THE GOVERNOR**

The Governor shall submit an annual report to the County Assembly on citizen participation in the affairs of the County Government.

**SECTION 100: DESIGN AND IMPLEMENTATION OF CIVIC EDUCATION**

- a) Each County shall implement an appropriate civic education programme and establish a civic education unit in that regard
- b) There shall be established a National design and frame work of civic education to determine the contents of the curriculum for civic education taking into account the provisions of Article 33 of the Constitution of Kenya, 2010, which states that;
  1. Every person has the right to freedom of expression, which includes;
    - Freedom to seek, receive or impart information or ideas
    - Freedom of artistic creativity
    - Academic freedom and freedom of scientific research
  2. The right of freedom of expression does not extend to;
    - I. Propaganda for war
    - II. Incitement to violence
    - III. Hate speech
    - IV. Advocacy of hatred that:-
      - Constitutes ethnic incitement, vilification of others or incitement to cause harm
      - Is based on any ground of discrimination specified.
  3. In the exercise of the right to freedom of expression, every person shall respect the rights and reputation of others.
- c) The National and County Governments shall facilitate the implementation of civic education programmes under (b) above.

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d) The design and implementation of County civic education programmes shall involve the participation of registered non-state actors as may by regulations specified.

**FINDINGS:**

That the County Government was aware of part VIII of the County Government Act, 2012 on the principles of public participation.

That section 91 stipulates the modalities and platforms for citizen participation as;  
Information communication technology based platform;

- Town hall meetings
- Budget preparation and validation FORA
- Notice boards
- Development projects sites
- Avenue for participation of people's representatives
- Establishment of people's FORA at the County and its decentralized units

That section 92 provides for the submission of annual reports on citizen participation in the affairs of the County Government by the Governor.

That part X of the County Government Act provides for the principle of civic education, the purpose and objectives.

**WHAT HAS BEEN DONE**

The department of Public Administration and Governance was in the initial stages of developing a Policy Paper on public participation.

1.0 contents of the policy;

1.1 introduction

1.2 legal context

1.3 current status of public participation in the Siaya county

1.4 challenges

1.5 definition

2.0 policy framework

2.1 purpose

2.2 scope and application

2.3 principles

2.4 policy standards

2.4.1 public participation the gold standard

2.4.2 public participation the silver standard –consulting the public and selected

groups

2.4.3 public participation the bronze standard – information sharing

3.0 policy interventions

3.1 techniques and methods for the implementation of the policy standards (the set of three norms and standards)

3.2 when initiating a project at a specific community

3.3 from policy to legislation

That they were in the process of developing a Bill on public participation to be submitted to the House for debate by end of September, 2014 (however the same has been

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done by the Committee on delegated legislation and legal affairs, which is before the Assembly).

That they involved the public during the preparation of the County Government budget and the County Integrated Development Plan (CIDP).

A three day County stakeholder's forum for CIDP preparation was held prior to the commencement of public forums in the six Sub-Counties as follows;

Sub County	Date	Venue
Gem	18/9/2013	ACK Hall Sawagongo
Rarieda	17/9/2013	Aram
Bondo	17/9/2013	CDF hall
Alego Usonga	18/9/2013	Siaya ATC
Ugunja	16/9/2013	Savana Grassland
Ugenya	16/9/2013	Bykey Hotel

Mr. Deputy Speaker, the above Sub-County consultative forums were advertised in the local daily newspapers four days before the commencement of the forums.

That they were in the process of developing a comprehensive information communication technology policy which will enable the use of ICT platform for public participation (website: [www.siaya.go.ke](http://www.siaya.go.ke)), but it has not been opened to the public. The draft of the policy was ready and will soon be subjected to public scrutiny for their input.

That they have constituted a monitoring and evaluation team that will review projects undertaken by the County Government in the last financial year 2013/2014.

Their mandate will include interviews with the public with regards to the suitability and sustainability of the projects.

That the County Assembly has always done public advertisement through;

- Daily Newspapers
- Local Vernacular Radio Stations
- Public Notices on Notice Boards in respective administration Centers
- Through the County Assembly Website ([Www.SiayacountyAssembly.Or.Ke](http://Www.SiayacountyAssembly.Or.Ke)). This has been found to be useful in also getting the feedback in terms of memoranda.

Mr. Deputy Speaker, the most immediate public participation will be done on August 22nd, 2014 where the County Assembly Committees on Delegated Legislation and Legal Affairs, Trade, Energy and Labour and Finance, Budget and Vision 2030, will go out to take the public through the following Bills;

- a. Siaya County Public Appointment Bill, 2014
- b. Siaya County Revenue Administration Bill, 2014
- c. Siaya County Trade License Bill, 2014

### **RECOMMENDATIONS**

1. The Committee commended the work of the office of Public Administration and Governance since the officer incharge just assumed office recently and within that period of time they have done a framework and as far as the Committee is concerned, what they have done is okay. It was however recommended that they should work with speed to come up

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with more Bills which will see that the department and others, who run the County, do so effectively and efficiently. Mr. Deputy Speaker, the Public Administration and Governance is the arm of all departments in the Executive and is charged with the responsibility of generating Bills to be brought before this Assembly. So, the challenge and our recommendation is for that department to coordinate all the issues and come up with Bills for this House to pass.

2. The Members noted that the concerns of Hon. Christopher Apiyo Apiyo has been addressed by the Bill on Public Participation, 2014, by the Committee on Delegated Legislation and Legal Affairs and hence, the Executive were to liaise with the Committee to speed up with the draft policy on public participation for it to be operationalized together with the Bill.

3. That the Executive to be compelled to submit annual reports on public participation to the Assembly, especially the one for the financial year 2013/2014.

Mr. Deputy Speaker, I ask the House to adopt this report because of the issues we have put forward.

Mr. Deputy Speaker, I rest my case.

**Hon. Deputy Speaker:** Thank you. Is Hon. Apiyo Apiyo around? He is the one who sought the Statement from the department. He is not around!

*(Question proposed)*

**Hon. Muhulah:** Thank you, Mr. Deputy Speaker. I stand to support the report which has just been read by the Hon. Chair for Governance and Administration Committee. Mr. Deputy Speaker, in view of the fact that Hon. Apiyo did sought clarification from this House, it has given the task ---

**Hon. Andiego:** Point of order, Mr. Deputy Speaker!

**Hon. Deputy Speaker:** Yes, Hon. Andiego, what is your point of order?

**Hon. Andiego:** Mr. Deputy Speaker. Is it in order for us to discuss a report which has not been seconded?

**Hon. Deputy Speaker:** I thought somebody seconded the report? It was moved and seconded. Proceed, Hon. Muhulah.

**Hon. Muhulah:** Mr. Deputy Speaker, it is in the afternoon, so it's very possible that a Hon. Member can possibly doze in the House.

*(Laughter)*

Mr. Deputy Speaker, it is coming out very clearly that amongst the 47 Counties, Siaya comes out very much distinctive as one County that has actually embraced public participation. If you recall clearly, in the year 2013/14 budgetary process, we went out, engaged the public and sought their views before we brought the finance budgetary applications to this House for ratification.

Mr. Deputy Speaker, we do accept and agree the concerns of the Hon. Member because actually the Constitution requires that people must confirm what they want to be done to them through the House.

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Mr. Deputy Speaker, it's again very much evident that the County Assembly of Siaya has again envisaged the same thing by improving the practice that even upto tomorrow, 22nd, we are supposed to go out and engage the public. However, again we must accept that it should not only be within the areas of the County Assembly, but we must also extend the same to the Executive. They must know that the public has that power of again deciding and petitioning the Counties to conform to the Constitution to allow them to participate in any decision that is supposed to be made.

I want to thank the Committee on Public Administration and Governance, for explicitly coming out very clearly and giving the references. Again, the House, through your office, Mr. Deputy Speaker, we must embrace this by also trying to make use of the recently established network through the internet and the public should be able to get and know what we actually do in this House.

The same way again, for the purpose of the public through your office, I can appeal that the Members should be made to understand how the tablets are functioning so that they can also engage the public who are within their Wards.

Mr. Deputy Speaker, I stand to support the report.

*(Applause)*

**Hon. Deputy Speaker:** Thank you. Hon. Ayima Were.

**Hon. Were:** Thank you, Mr. Speaker. I wanted to say as we adopt this report; we should be alive to the fact that the legal department is asleep. At most when one talks of advertisements, it's a bit strange because it is a public relations exercise. Most of the adverts and engagements have been uncoordinated. The outreach is a failure.

*(Applause)*

I wanted to say this, I have looked at this Paper and the intention is good, but the timelines set for gestation and breath of life is not there. It's quite demonstrable when you look at our budget for 2014/15; there is nothing that has been set aside for public participation. We are realizing that the principle of public participation is just on paper and somebody may be taking this Assembly for granted. We want to see the results.

I have heard a colleague talk of budget and finance. Public participation is not limited to merely going out and meeting a group when the Assembly has to execute its mandate during the budget and finance meetings! I wanted to say this, tomorrow, 22<sup>nd</sup>, we had a meeting here and there was that arrangement that we have to congregate in various venues, but there is no arrangement to mobilize the public to participate fully in these initiatives. Somebody is taking this Assembly for granted.

*(Applause)*

We are a serious group that was brought in this Assembly to do representation, to oversight the Executive and we have to reaffirm that position, that we are not asleep. That we are not idling, that we have to talk, that we have to be on the ground, that we have to be seen and results have to be visible.

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A year and half, we have not seen anything on the Table from the Executive. I don't know whether 3 years later something will be there. Because, one year and half is already talking loud that somebody is not working. Somebody has to account for all these.

Thank you, Mr. Speaker Sir.

**Hon. Deputy Speaker:** Thank you, Hon. Ayima Were. The variation of your tongue varies up and down. Sometimes---on a light note. I thought that you had forgotten the Queen's English, but later on, in the course of the line, you caught up with it.

*(Laughter)*

Yes, Hon. Ndonji

**Hon. Ndonji:** Thank you. Mr. Deputy Speaker, Sir. I might commend part of what the Committee has done. But, I also have some concerns. Some have been raised by, Hon. Were and I also want to stress on them.

Mr. Deputy Speaker, Sir, when Hon. Apiyo Apiyo asked for a Statement on public participation, he never meant only public participation on the budget process and the Bills. There are so many other things in which there is supposed to be public participation. Mr. Deputy Speaker, Sir as you are aware, the Public Service Board should also be participating in public participation, but the scope in which they have been doing it has been hindering some people from getting information of even the positions that are within the County, Mr. Deputy Speaker, because it is being said that they advertise through newspapers. Looking at the area in which we leave, we as Representatives of Siaya County, how many people access newspapers? So, when they say they do it through newspapers, the truth is that a very big majority of people from Siaya County might not come across of such advertisements. Mr. Deputy Speaker, Sir when it comes to advertisements for tenders and probably pre-qualifications, they are always done simply through newspapers, local dailies. Which means that, a very big number of people who are in the rural areas, don't get access to these information, and I think that is part of public participation.

Mr. Deputy Speaker, Sir, if we are really serious about public participation, we are not supposed to be saying only the good things that have been done. Probably, we can chest thump that the Budget Committee moved to all the Wards that CIDP moved to all the Sub Counties. How many people participated and how many people were informed that CIDP was coming to their Sub Counties? You will find that it is a very low number of people who turned out there and a bigger percentage are not even informed that such a thing is happening. Right now, Mr. Deputy Speaker, Sir, it is being said that tomorrow, we are moving around the County. My question is; how many people are informed that the Assembly is going to move around the County to have their input on the Bills that we are bringing to the Assembly? It means the way this information is passed to the public is quite skewed.

For that reason, I might want to partly support it. But I want to say that the commendation that they are giving the relevant authorities is not supposed to be there. I support it only because it is a report and it has been brought, but I don't support the way things have been happening in the past, Mr. Deputy Speaker, Sir.

Thank you.

**Hon. Deputy Speaker:** Of course, nobody had brought here a Motion on the way things are happening. The Motion that is before the House is a report from a committee of this Assembly. So, Hon. Ndonji, it is within your right to support the Motion and leave alone what which has not been brought before the Assembly.

Hon. Abayo, I want you to take note that a Bill has been Tabled, called; The SIAYA COUNTY PUBLIC PARTICIPATION BILL, 2014. Please, take note of that and also to make it clear; the Bills that had been presented, they have gone through the 1st reading. It is always automatic that if the Speaker does not direct, that they will always go to the various committees.

So, the two Bills that came for the 1st reading. The 1st was, SIAYA COUNTY PUBLIC PARTICIPATION BILL, which shall go to the Legal Affairs Committee. THE SIAYA COUNTY RATING BILL shall go to the Trade Committee.

Even if the Speaker does not mention that, is always automatic.

Hon. Abayo, you can proceed please.

**Hon. Abayo:** Thank you, Mr. Deputy Speaker. I rise to oppose this Motion. Mr. Deputy Speaker, my reasons; going through this report, Mr. Deputy Speaker, a report needs to be as substantive as possible, with as many facts for those of us who are not part of this team to really understand the situation. But, Mr. Deputy Speaker, starting with meetings that were held as regard this particular report. On page 3, meetings were held both in Siaya and Bondo—no dates are here---but the names are not mentioned, Mr. Deputy Speaker.

But, let me get to substance, Mr. Deputy Speaker. Much of what is in this report are like promises. Things that are yet to come. Nothing tangible. That they are in the process of developing a Bill on Public Participation. Mr. Deputy Speaker, I am wondering whether there is a draft of that Bill. And I also wonder whether the committee did share with whoever was giving this information that there was already a Bill in progress, developed under the initiative of the Assembly and Mr. Deputy Speaker, as you have stated, there is a gazetted copy today.

Mr. Deputy Speaker, moving forward, we are told of stakeholders' forums and the dates are given and the forums were in preparation of a CIDP. Mr. Deputy Speaker, I bet whether anybody has ever seen a final copy of this CIDP. The activity was done, but seemingly upto to date it has never been concluded.

**Hon. Muhulah:** Point of order, Mr. Deputy Speaker!

**Hon. Abayo:** I am just wondering

**Hon. Muhulah:** Point of order, Mr. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Muhulah.

**Hon. Muhulah:** Mr. Deputy Speaker, is it very right for a Member to say that a CIDP has not been seen? The issue that we are talking about here is Public Participation, which did happen. Whether the CIDP has come to this House or not, that is immaterial.

**Hon. Deputy Speaker:** Hon. Muhulah, you are out of order.  
Hon. Abayo, proceed.

**Hon. Abayo:** Thank you, Mr. Deputy Speaker. Thank you, because you have been able to help when there are people who want to derail the clear course. The essence of public participation is that the people are involved and at the end of the day, they have a product. I

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am just informing this House that the final copy of that particular document may not be there, and if it is there, is the public aware of any copy? This copy may not be existing anywhere. Not even in the website! And as a hon. Member of this House, representing West Gem, I have never seen a copy because my people didn't participate in this document.

**Hon. Odinga:** Point of order!

**Hon. Deputy Speaker:** Hon. Odinga.

**Hon. Odinga:** Thank you, Mr. Deputy Speaker Sir. As much as you are protecting the speaker on the Floor, Mr. Deputy Speaker, Sir, you notice that the hon. Member has now diverted from the main points. Instead of addressing the issue of public participation and the report, he is now talking about CIDP. You need to guide him because if you don't, at end of the day we will be discussing budget 2013/2014. Thank you.

**Hon. Deputy Speaker:** Hon. House, the concept of public participation is very wide.

*(Applause)*

When you talk of public participation, you look at the things that the public should know. And that includes the budget, CIDP, market centers that we'll be visiting, health centers that the committees have been visiting. So Hon. Odinga, the Member is within the topic. Let him talk about public participation in line with anything that the public needs to know and participate in. And for that reason---

**Hon. Odinga:** Mr. Deputy Speaker, Sir, I think the same way. I think you have put it very clearly that public participation is not only the budget items. We know CIDP is a plan, a budget is a plan. You remember, Mr. Deputy Speaker Sir, the 1st speaker who-- Mr. Speaker please protect me----

*(Laughter)*

**Hon. Deputy Speaker:** Proceed! We want to get your point of order

**Hon. Odinga:** Mr. Deputy Speaker, what I am trying to say is that, you need to give guidance the way you have given. They don't need to concentrate on just one item. Public participation is not only the budget item. We need to tell the people what are the other things they need to participate on. Hon. Ndonji said here, even in terms of advertisements, even in terms of the reports that we are doing, even in terms of what we are discussing here as an Assembly, how do people participate in whatever we do.

**Hon. Deputy Speaker:** Hon. Odinga, that should come under your contributions. Let him just contribute then you will also contribute and convince the House. You cannot masquerade with a point of order, while you want to contribute.

*(Laughter)*

**Hon. Abayo:** Thank you, Mr. Deputy Speaker. You will agree with me that there are hon. Members that you surely need to guide in the House. Many of us need guidance Mr. Deputy Speaker. Honestly speaking, since I got on my feet I have not mentioned anything about budget. I wonder where I talked about a budget that a point of order has been raised. I take so seriously matters public participation as is entrenched in the Constitution. It is a serious business that this Assembly needs to take serious.

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Mr. Deputy Speaker, we believe that even during those stakeholders meetings that the hon. Members in this committee were able to sit, there was no memorandum from the public. Because, this could have been part of their finding, that for sure there is evidence that people participated and we saw the memorandum of the Bill.

I do appreciate the use of ICT and the website has been mentioned that would be able to create a window for public participation. I want to commend this. It is very clear and you can see it states that the same site is under construction. It means as at now, in terms of the use of ICT and opening a window for Siaya as a County to interact with its people within Kenya and beyond, that has not been made to date.

Mr. Deputy Speaker, there is also within the report that a draft of the policy was ready and will soon be subjected to public scrutiny. I would really have appreciated if there was a copy of this policy as a show of seriousness that surely; there is a policy that is going to be. You can see promises that there would be constituted; a monitoring and evaluation team that will go down to see what has been done as they talk to the people. Yes, the team may have been there, but is there any evidence that the team is in place? What are the terms of reference of this particular team?

Let me conclude, Mr. Deputy Speaker. Let us get to the recommendations. What is it that this House wants to carry as we adopt this report? What is the substance in the recommendation? This is not a recommendation, it is a commendation! Look at the second part that would be quite substantial; 'It was however recommended that they should work with speed to come up with more Bills'. Initially, it was Public Participation Bill, but the committee is recommending that they come up with more Bills on what?

Mr. Deputy Speaker, this particular recommendation is talking about the efficiency of a department, not how we enhance public participation in this County. I am obliged to feel and it is my considered opinion that that recommendation has no bearing with the substance of this report. It is not the department; it is how we as a County working through departments can efficiently enhance public participation.

Mr. Deputy Speaker, I oppose this particular Motion.

**Hon. Deputy Speaker:** Thank you, any further contributions? Hon. Elisha, you look like you want to contribute something?

**Hon. Okuku:** Yes!

**Hon. Deputy Speaker:** I know how to read your face.

**Hon. Okuku:** Thank you, Mr. Deputy Speaker, Sir. It seems as if you are clever enough to read my mind.

**Hon. Deputy Speaker:** I've mastered your different faces

**Hon. Okuku:** Yes! Allow me to arise to condemn and oppose this shoddy work. The work is very shoddy and it is below the average of the Assembly of Siaya. This hon. House is very standardized and if somebody brings something which is below average, Hon. Members should reject this thing and send them back to go and bring something which is substantive to the level of this Assembly.

*(Laughter)*

We have gone to the highest possible levels and if we can adopt and say that this report is okay, then Mr. Deputy Speaker, we don't know where we are going and such like reports can throw us back to early 60s if this House can adopt it.

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*(Laughter)*

Mr. Deputy Speaker, look at the report itself, look at the introduction side. Second paragraph, “The CEC responded positively and sent his Chief Officer to represent him in all the meetings we had with him”. This is a statement showing how things have been shoddily done.

Then the CEC in charge instead of coming and meeting the committee, he feels so superior and experienced not to meet this committee and he sent his Chief Officer. Somebody whom when you go to recommendations, the same Chair and the same committee says that, ‘he sent someone who has not stayed there even for one month.’ Someone who cannot even have the bearing of what has happened in one year and half. Therefore, he underrated the committee Mr. Deputy Speaker.

If the Chair comes and says that this report should be adopted, I as Elisha, even if I am alone I will reject it and say it is below standard, Mr. Deputy, Speaker Sir.

Therefore, I oppose this! I will oppose it! And I stand to oppose it!

Thank you.

**Hon. Deputy Speaker:** Thank you, Hon. Elisha. The fact that the CEC delegated the duty to the Chief Officer does not mean that it is a lesser job for him. Because the CEC is the CEO of that department and even in future, if we meet any CEC sending the Chief Officer, we should not feel that he has undermined the committee. In fact, Chief Officers do much work than the CECs. That one I need to put a correction. Hon. Andiego!

**Hon. Andiego:** Thank you, Mr. Deputy Speaker, Sir. Let me first and foremost thank the committee because they have done something. We have something that we can now discuss, it is a job done. So I thank them for having---

**Hon. Deputy Speaker:** Hon. Andiego, we don’t just thank Members simply because they Tabled a document. We must look at the substance; otherwise we would be accepting any piece of paper and discussing them simply because they have been Tabled. I am not criticizing the document we have; I am only correcting his statement that at least we have something to discuss on. We must also consider the content and the substance of that something. Proceed please!

**Hon. Andiego:** Thank you, Mr. Deputy Speaker. I am saying so because, seemingly the committee did not have enough time to give us a comprehensive report and therefore I would request that if you allow, we give them back the report so that they go and do much investigations.

Mr. Deputy Speaker, as you sit there, I know you also campaigned. And while campaigning, you had to reach all corners of your Ward. You had to go and reach the public in all corners. You moved even into the houses that were very much interior. These are the public that we talk about. When you talk about public participation we mean that our people, everybody in our County should know what is happening in the County. When somebody comes and says he advertised and then they came and sat in the Sub County CDF hall, I doubt. Like where I come from, I doubt whether somebody from Oyamo Island will come to the CDF hall to know what is happening there.

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I would request that since we are in a devolved Government, even public participation should be devolved to Sub Location levels where our people can come and read exactly what is happening in our County. There are people, who are very much clever, but these people cannot even afford a meal in a day, they live below a dollar. These people cannot move from where they are to Bondo to listen to what is being discussed here. I am requesting, Mr. Deputy Speaker, that it be taken to where people are, maybe the Sub Locations so that our people can participate.

Mr. Deputy Speaker, as politicians, we like publicity. Even when a musician is coming to play in Bondo, you will find posters and everything being done very well. Why can't we also do this to our people so that they know exactly what is happening? Let people know that on such a date, the committee of whatever it is will be listening to their views pertaining a certain issue of our County so that those who can avail themselves come and whatever has been discussed can also be aired, so that those who could not afford coming there can also listen through the radios.

So, I am begging and requesting that the public participation that we are talking about should be real public participation. Not just done for the sake of it. People sit, they take drinks. They take their allowances and then they call it public participation!

Thank you, Mr. Deputy Speaker.

**Hon. Deputy Speaker:** Thank you. I think we need to put it to a rest. Hon. Odinga, last time you were on your feet on a point of order. I will give you the chance to contribute. Let him be the last contributor, because we need to go to the next Motion.

**Hon. Odinga:** Thank you, Mr. Deputy Speaker Sir. I was hearing a voice coming from this end, so I thought maybe we have another Speaker.

*(Laughter)*

I think Members have exhausted discussion on this matter, but I also want to put some few observations. As I was looking at this report which is in front of me, some of them have signed and some of them have not signed. On the issue of public participation, I think this is a very important thing not only at the County level, but even at the National level. When I look at this report and I look at their mandate, there was an element of investigation. So, I don't know what the scope of investigation was. I don't know whether it was in order for the committee to go investigate and on which areas.

Issues to be investigated in page 3 or 7. Now, if these things are in the County Government Act, and it is in black and white, if there is creation of the Committee, they will tell you what? Are they to investigate that we have this one in the Act or are they to investigate whether there has been public participation since the County Government came into place? So, Mr. Deputy Speaker, Sir, I do not understand that area. Maybe I am the one remaining behind. I do not get how they are going to engage, how they are to report, what was the scope of their duty during investigation. It is not coming out clearly. That's why even Hon. Abayo was saying that when it comes to recommendations, they are not able to make any. How do you say that I have investigated this and the findings are ABCD?

Mr. Deputy Speaker, Sir, I think whatever we wanted this Committee to come up with are the structures. What are the legal frameworks that the County Government of Siaya can engage with the public so that they are aware what is happening in Siaya and they actively

participate in even development of a Bill? So, I thought that maybe when they are making recommendations, they should come up with a draft or something like a structure -that these are the channels through which the public can be allowed to participate in the activities being carried out by the County Government of Siaya.

However, Mr. Deputy Speaker, Sir, we need not to demonize our colleagues, because coming with a report is not an easy task. Some of us were not trained on report writing and that is why in most cases we need to have the secretariats to do the donkey job in report writing. So that when it comes here, the only areas we can talk of is; go make it more comprehensive, outline clearly what is your mandate and then make clear recommendations that can be adopted by this House. Thank you, Mr. Deputy Speaker, Sir.

**Hon. Deputy Speaker:** Yes, Hon Willis, is it burning that we must get it?

**Hon. Ochieng:** Yes, Mr. Deputy Speaker, Sir!

**Hon. Deputy Speaker:** Ok, let me give you two minutes.

**Hon. Okoth:** Thank you very much, Mr. Deputy Speaker. First, I would like to thank the Governance Committee for having brought us a report. I want to tell Hon. Members that we sent this Committee to go and find out whether the Executive is doing something on public participation and as per the report Mr. Deputy Speaker, it is clearly indicated here that the Executive has been doing nothing concerning public participation. This House should find away on how to engage the Executive on how to put more effort on public participation Mr. Deputy Speaker. In their report, they have indicated that the County Assembly of Siaya has always done public advertisements through daily newspapers, local vernacular radio stations, public notice boards, through the County Assembly website. I think you can see they are trying to recommend that the Assembly of Siaya has been engaging the public more than the Executive.

The Executive has been doing so minimal in public participation. Something important that I also want to commend is that the most immediate planned public participation is from August 22<sup>nd</sup> and these are very crucial Bills like, the Siaya County Public Appointments Bill, Siaya County Revenue Allocation Bill and the County trade license Bill where we have the traders who are even down in the village. These hearings have been planned at the Sub Counties where our villagers can't travel to these areas to air their views.

We should do something on public participation, but not crucify this Committee for not having done much because this is what they got from the Executive that is sleeping on its job. Otherwise, I thank this Committee and we should come up with good recommendations on how to enhance public participation within this County Mr. Deputy Speaker. Thank you.

**Hon. Deputy Speaker:** Hon. Nguire. Then we'll put it to a vote

**Hon. Nguire:** Mr. Deputy Speaker, thank you. I am a very strong believer in good work and I like appreciating people when they have done good work. I appreciate the work done by this Committee in putting down this report. However, as we read through the report, we can see that this is actually not public participation, but public relations. If we are going to gather and inform people then we don't find them, will we be doing it for a show? We need to make sure that each time we have work like this to be done; our people are aware, informed and ready. This belief that only a few people are enlightened enough to come and discuss issues is all misplaced. We have people who may not be here in Bondo or even

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manage to come at the Chief's place, may not listen to the radio or even read the papers, but if you get them and properly inform them and they air their views, then public participation would have been done and not public relations.

So, it is a very good report. I see down here it is said that this department has only been there for one month. I wonder what the hurry is, what are our timelines, where is the deadline? I only heard about this today. People are being smoked from other trips and businesses because they have to attend to public participation. They have to go and tell people about the Bills and licenses. Very good matters to be informed about, but it's not planned properly. Only yesterday, people were gearing to go to Nairobi to attend to important matters, and this morning we are told we cannot go because there are more important matters to attend to. Is this something to be told in the morning and you are required to go the next morning? Or am I the one who has been left out? I think we need to plan our work well so that when the job is done, the result is clear, we be commended for doing a good job or told off when it is shoddy. But if---

*(Hon. Abayo stood up in his place)*

**Hon. Abayo:** Point of order Mr. Deputy Speaker!

**Hon. Deputy Speaker:** What is your point of order Hon. Abayo?

**Hon. Abayo:** Mr. Deputy Speaker, Sir, is it in order for a Hon. Member to mislead the House. The issue of public participation for tomorrow was on the papers last week. It's something that specified that the three Bills will be out and the dates were given. It was not today's case Mr. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Ngunjiri, the issue that the Member has raised is true. The matter was advertised in the local dailies. So, it's not a matter that somebody woke up in the morning and informed Members that there will be public participation. So, you need to avoid that.

**Hon. Ngunjiri:** My point exactly, Mr. Deputy Speaker! If it was so, then how are we planning our calendar? Why are we being told today we are doing this and what we were initially supposed to do is cancelled because a new agenda has appeared as if it is an emergency? This is my point---

**Hon. Deputy Speaker:** Hon. Ngunjiri, any reasonable human being must be flexible in the mind. Even you in your home, you normally make some adjustments in your timetable or daily activities. So, it's not abnormal for this Assembly to change an item because the issue was necessitated by the trip to Nairobi which is not being planned by this Assembly anyway. That is above us because all County Assemblies are meeting in Nairobi. We had to adjust so as to be in line with other Counties. Proceed with other things, avoid the issue of planning.

**Hon. Ngunjiri:** Mr. Deputy Speaker, for fear of being seen as not listening to my Speaker-

*(Laughter)*

---and insubordination--

**Hon. Deputy Speaker:** There is no coercion, no intimidation, there's no need for fearing anything. Just proceed, be free to air your views.

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**Hon. Ngure:** Thank you, Mr. Deputy Speaker for allowing to me to continue along the lines that are perfect by your ruling. I still urge that when planning such things, let's not be quick to accept other matters and shelve some. Otherwise, this is a good report, my fear is just about the timelines, the deadlines and whether we will have enough people to talk to. Unless we have a proper timetable, not because we are forced to put aside some of our plans, but because of giving the public a clear picture of what is to be done so that they can participate in a manner that reflects good work. That I stand by Mr. Deputy Speaker and thank you for giving me this chance.

**Hon. Deputy Speaker:** Hon. Aneme

**Hon. Aneme:** Thank you, Mr. Speaker. I am a Member of this Committee and I appended a signature on this report. Sometimes, when you are alone, you may think you're the cleverest, but when you share your idea with colleagues, definitely you must get something to put into it which will change the whole document. Listening to what our colleagues have said about this document, and seeing the mood of the House and the way they have mutilated the whole Paper, I want to request you to call upon the Chair so that we end up this thing and give us some time to go back---

*(Applause)*

Because, when our colleagues were talking, even me who has signed this, it is as if I wanted to challenge my Chairman, but it's because there are some two meetings which I didn't attend. We have even consulted each other here; so, let us not belabor much about this thing----

**Hon. Deputy Speaker:** Hon. Aneme, you know my fear is that I saw you walk out with your best friend Hon. Elisha--

*(Laughter)*

It was my fear that you were going to take his position. I hope Hon. Okuku being a good debater of this House has not coerced you in any way.

*(Laughter)*

**Hon. Aneme:** He reminded that this Paper is going to be discussed. That is why I came back.

**Hon. Deputy Speaker:** Hon. Members, I think we have gone on well with debate and I now need to call the Mover to reply. Just in summary, please one or two minutes.

**Hon. Awuor:** Thank you, Mr. Deputy Speaker. First and foremost, I want to thank all those who have spoken before me concerning this report. I listened very carefully and Mr. Deputy Speaker, allow me to draw to the attention of the House that the one who requested for a Statement from the Government of Siaya did not specify where the issues of public participation ends. I want to remind the House before we take a vote that this House is an arm of the County Government of Siaya. That's why the recommendations that we have come up with touches on the issues that will be addressed tomorrow. That is, the public participation of the Bills that have been published and was before this Committee. Mr. Deputy Speaker,

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Sir, I have heard my friends and Members of my Committee urging me to withdraw this statement and---

*(Applause)*

I request Mr. Deputy Speaker, that we are given back the document and be given time so---

*(Applause)*

that we may work on it together with that Statement which was made by Hon. Onduru concerning the decentralization units of this County. So, I request through your Chair, that we are given time and possibly by 28<sup>th</sup> so that we bring all of them and if not in a hurry. Then we give full and detailed reports after recess. Thank you.

**Hon. Deputy Speaker:** Thank you, Hon. K'awuor. His request is in line with the Standing Orders. A Member can recall his/her Motion at any stage. Therefore, I grant him the opportunity so that the Committee can relook at the Report and come up with another on 27<sup>th</sup> August, because on 28<sup>th</sup>, we have a lot of Bills and Motions. So, the report should be tabled and debated on 27<sup>th</sup> August.

**Hon. Awuor:** Most obliged, Mr. Deputy Speaker!

**Hon. Deputy Speaker:** Next Order!

### MOTION

**Hon. Agoko:** --That this House adopts the Report of the Committee on Agriculture, Livestock and Fisheries on response to Statement request by Hon. Ombee.

And on behalf of the Committee, I have the pleasure to present the Report on the same. Mr. Deputy Speaker, Sir, being that Members have the Report; I would not really read it word by word. So, I request that because of time, I would go straight to page----

Hon. Ombee requested to know the contract and engagement between Mumias Sugar Company as a miller and the farmers in South Gem Ward and the status of sugar cane and sugar cane cess payments by Mumias Sugar to Siaya County Government.

Mr. Deputy Speaker, Sir, in the implementation of the task of finding out the issues surrounding sugar cane development in the County, the Committee tackled it in two ways;

1. Farm visits and consultations with sugar cane farmers.
2. Visit to Mumias Sugar Company.

Mr. Deputy Speaker, Sir, the Committee did farm visits and consultative meetings with sugar cane farmers in Ugunja, Ugenya and Gem sub Counties and extended its visits to South Gem, Sidindi, Sigomre, East. Gem, North. Gem, East Ugenya, Yala Township and North Ugenya wards which are also engaged in sugar cane farming under contract with Mumias Sugar Company within the County for information gathering and analysis.

The key approaches during the survey were;

- i. Farm visits.
- ii. Public meetings.
- iii. Direct consultation with farmers.
- iv. Direct consultation with local agricultural extension personnel at Sub County and ward level.
- v. Consultation with area representatives of Mumias Sugar.

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**FINDINGS.**

## 1. Communication:

The communication between farmers and the firm is not very efficient leading to unresolved issues. Some of the grey areas include:

- Contract agreement presented to farmers already signed without farmers consent or knowledge. In South Gem, many farmers had their contracts presented to them when they had already been signed.
- Limited sensitization and education on economics of sugar cane farming.
- Detailed explanation on the role of the farmers and the company in the contract. The company does not explicitly explain to farmers what they are supposed to do and what the company is to provide. The farmers do not know and understand the content of the contract. Mr. Deputy Speaker, Sir, in this regard, we realized that farmers, more specifically in South Gem, expected Mumias Sugar Company even to do weeding of their cane and in the contract, that is not stipulated.
- The company stopped supplying farmers with fertilizer without giving them notice. Previously, the Company used to supply fertilizer on credit, but as of now, the Company is not doing that and the farmers are not aware.
- There seem to be a biased treatment between private and contracted farmers.
- Poor harvesting where cane is cut at knee high.

## 2. Cane Development/Agronomy:

Commercial sugar cane farming in some parts of Gem Sub County is a new venture hence farmers are not very familiar with various agronomic practices. However, farmers in the other Sub Counties that have been in the trade still require their skills to be further enhanced. Some of the challenges faced include;

- Poor land preparation.
- Delayed supply of seed cane i.e. after ploughing, seed cane is delivered when the land is already overgrown with weeds.
- Low tonnage due to poor varieties provided by the company while the farmers prefer C149.
- The cost of gapping sugar cane farms is borne by the farmers.
- Herbicides are not given to farmers.
- Farmers are not trained on general cane development and all agronomical aspects to ensure profitability in business.

## 3. Infrastructure Development:

Some of the major issues in infrastructure development and maintenance were;

- Poor maintenance of roads in sugar cane growing areas as the roads used by the heavy tractors have been damaged.
- Linao bridge in East Ugenya was left incomplete and farmers claim and we confirmed this with Mumias Sugar personnel that Kshs. 20,000,000 had been paid to a contractor and this bridge has not been completed to date. I'm sorry to say this, but the farmers in their opinion had a feeling that their Ward Representative might have colluded with the contractor to eat this money. It is a very serious concern Mr. Deputy Speaker, Sir.

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- Corruption on road repairs by the engineers. According to the farmers, records in the company show that most of their roads have been done by the company contractors.

4. Cane Harvesting and Transportation:

Farmers complained that they have made loses arising from cane harvesting and transportation related challenges. Some of the bottle necks cited by the farmers are;

- Poor harvesting i.e. the height of cutting the cane is too high.
- Areas that are not fully grown are left un-harvested.
- Delay in collection of cane after cutting, leading to reduction of tonnage.
- Weighbridge not in strategic places. Farmers are just informed of their canes tonnage, but they don't witness the weighing. Mr. Deputy Speaker, Sir, Mumias Sugar Company has only one central weighbridge and the farmers have a feeling that there should be mobile weighbridges. It sounds draconian when farmers' canes are collected from their fields and they are not allowed to accompany or have their representatives go and witness the weighing. They said that a big tonnage when weighed somewhere is 30 tones but, when these guys do their weighing, it's recorded as 3 tones.
- Un-trusted reading from the weighbridge since the readings are done in the absence of the farmers. Private cane delivered to the factory with vehicles with low tonnage end up with high tonnage than those of Mumias which have higher tonnage capacity but end up with low readings.

Mr. Deputy Speaker, Sir, there is a lot of discrimination whereby non-contracted farmers or people who deliver cane to Mumias Sugar who are non-contracted are allowed to witness weighing of their cane while contracted farmers are not allowed to do so.

- Variation of the tonnage recorded to the chain actors on the same delivery.
- Loss of cane due to theft and poor packaging while on transit. Mr. Deputy Speaker, Sir, the farmers are not even allowed to accompany their cane when being delivered to the company. And along the way, the transporters either do this intentionally by selling their canes along the way or they're just careless, thus resulting to a lot of spillage which lead to losses since the cane will weigh less when weighed at the factory.

5. Financial and Economic Issues:

Farmers take sugar cane farming with very high esteem being the only large scale commercial farming activity in the County. It is envisaged that, engagement in sugar cane farming will improve the households' livelihoods; however, the converse is true in some instances. Some of the complains raised by farmers that lead to diminishing their returns were;

- Interest charged in transportation is too high.
- Delayed payment of up to 8 months after delivery.
- After all the deductions, most farmers end up with a DR (loss).
- Transport has remained the same despite shorter routes being opened up.
- Use of cess not clear.
- Non- contracted farmers are paid within two weeks.
- Cess had not been paid for years.

Following findings from the field visits, the Committee found it necessary to hold consultative meetings with Mumias Sugar Company management. Hence, the Committee

made visits to the company on 18th August, 2014, where broad discussions were held with the management.

The following broad areas were covered;

i.      Sugar cane establishment and husbandry:

During its farm visits, the Committee established that supply of seed cane and other farming materials came late, and some farmers diverted fertilizer to other farming activities thus large fields of cane were unhealthy due to lack of fertilizer leading to low yields. In its consultations with MSC, it emerged that Siaya County delivered 10%- 20% of the cane processed by the company. Secondly, the current cane yield per hectare of land in the County is less than the minimum economical yield of 80 tonnes per hectare. Other factors that underpin low profitability of cane growing in the county are; weeding, low land holding under sugarcane per household, coupled with the long distance to the factory. The Committee was advised to encourage farmers to address the challenges expounded above. The sugarcane farmers were also to be encouraged to source seed cane from within the county to avert high transportation costs.

ii.     Sugar cane production contracts:

Farmers brought to the Committee's attention that the contracts were too complicated to be understood, and were signed 4 – 6 months after growing cane. The management of Mumias Sugar Company acknowledged that the current agreement format was complicated for farmers to understand and did not take into account the changes that have taken place in the sugar industry over the years. Therefore, consultations with key stakeholders, like the Kenya Sugar Growers Association (KSGA) are ongoing with a view of revising the contract format. It is expected that in the review process, KSGA will hold consultations with the farmers in the whole country and consult them on the proposed changes.

iii.    Provision of farm inputs for sugar cane production:

Subsidized fertilizer is the major input posing challenge between farmers and Mumias Sugar Company. The company noted that it did not have direct access to the subsidized fertilizer since it was being handled by the National Cereals and Produce Board (NCPB) with regulations on the quantities to be procured. Secondly, the NCPB only stocks various types of fertilizer some of which may not be ideal to sugarcane growing. The situation is aggravated by some of the NCPB stores being located in areas far away from sugarcane farmers. In recognition of the above challenges, the company is in process of procuring fertilizer for cane development directly from manufacturers without going through NCPB.

iv.     Communication between the company and cane growers in Siaya County:

Farmers brought to the Committee's attention that some contracts were brought to them already signed. Also, there was a miscommunication on supply of fertilizer with some farmers not being aware when it was supplied. The management concurred that there is need to improve interactions in terms of partnership. The company has already engaged very positively with other counties that do cane farming. A memorandum of understanding should be put in place between Mumias Sugar Company and County Government of Siaya. The company is working to improve its communication with farmers, in view of the fact that zonal leaders were not reaching farmers in time. Farmers had complained about breakdown in communication, however the company has undertaken to improve its communication with the farmers including direct communication through bulk SMS.

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The company proposed to be holding quarterly meetings between the County Government and Mumias Sugar Company management to review its memorandum of understanding on a working relationship, cooperation and any other issues that may come up.

v.        Infrastructure; construction and maintenance:

The company maintains roads in cane farming areas only. However, the management noted that there was a fund for maintenance of infrastructure in sugarcane areas which the County Government could benefit from upon application. Since the County Government may not be having clear information on the operations of the fund, the County Assembly requested the management of Mumias Sugar Company to furnish the County with procedures of application and any other information that could help the County benefit from the fund. Meanwhile, the company advised that the maintenance of roads could be undertaken under partnership between the County Government and the Company depending on areas of strength for each partner. Example, the company could provide machinery and trucks, while the County Government provides fuel for running the operations.

On the construction of Linao Bridge in East Ugenya that has stalled; the company agreed to have the construction re-launched and work done to completion.

vi.        Cane harvesting, transportation and weighing:

The company intends to give 30% of the transportation contracts to local entrepreneurs. This would minimize the effects of cartels that exist in the transportation of sugarcane. Consequently, the company advised that the County Government could engage in transportation of sugarcane from their counties at modest rates and improve income to farmers. It was discouraging to learn that the current range of prices for transporting cane stood at between Kshs. 900 to 1000/= per tonne, though calculation show that the same quantity could still be transported at Kshs. 600 per tonne. The management promised to investigate reports of malpractices at the weighing bridge and poor harvesting methods and appropriate remedial measures to be put in place and allow farmers to be present during weighing and intensify its supervision.

In order to put up a weighing bridge in an area, the company requires a minimum of 6,000 Hectares of cane; hence, the county will qualify for a weighing bridge when the region meets the threshold.

vii.       Importation of cheap sugar:

The company was facing serious challenges due to flooding of the Kenyan market with cheap imported sugar by cartels. This had seriously affected the market price and the operation of the company. The company had all its security details on surveillance but it was impossible to have the culprits brought to book.

viii.      Payment of Cess to the County:

The company conceded that it owes Siaya County cess monies for about three years and it was working on modalities to clear the amount. Previously the monies were used to undertake projects identified by cess committee in sugar cane growing areas. However, the management conceded that the company was facing serious financial constraints.

ix.        Payment for delivered cane:

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Farmers had complained they had not been paid for cane supplied since December 2013 and there was a disparity in payment of contracted and non-contracted farmers who were paid on delivery. Previously, the company was 7 months in arrears for payment of delivered cane. However, the company received assistance from the County Government of Kakamega and has been able to settle farmers' payments up to the month of July, 2014.

x. Corporate Social Responsibility:

The company runs Corporate Social Responsibility activities through its subsidiary, Mumias Foundation. The County can benefit from the wide range of programmes like Utamu Halisi football tournaments, supply of medicine to community dispensaries, construction of classrooms and toilets and dairy cows to sugar cane farmers offered by the implementing agent.

**COMMITTEE'S RECOMMENDATIONS TO THE HOUSE**

1. Before contracting farmers there should be a proper communication/sensitization between farmers and the company so that farmers understand the obligations of each party. The contracts should be signed at least 1 – 2 months before commencement of the activities.
2. The county should work on modalities of starting up its own sugar processing factory.
3. The Government should enhance vigilance on imported sugar and stun action be taken on the culprits.
4. The national Government be petitioned to come up with policies that safeguard local sugar production.
5. A farmer's Sacco should be formed to negotiate for better terms in farm inputs supply and marketing of their cane .Farmers or farmers representatives must be allowed to be present at the weighing bridge when their canes are being weighed.
6. Cess committee should be formed to make a follow up on the monies owed by the company and help identify projects to be undertaken in sugar planting zones.
7. Explore if the County Government of Siaya can lease its tractors to Mumias Sugar Company for use during off seasons.
8. The County Government of Siaya and Mumias Sugar Company should come up with a memorandum of understanding on partnership and a working relationship.
9. Enhance supply chain of farm inputs e.g subsidize seed cane, fertilizer etc. and ensure their timely delivery within the County.
10. The County Government of Siaya should set up a sugar research station to ensure our farmers grow varieties with high potential yields like those obtained in countries like Mauritius, Brazil which grow canes that mature within nine months..
11. Soil sampling should be done before setting up cane fields and other crops to establish the soil Ph. and soil nutritive requirements.
12. The Ministry of Agriculture extension officers should partner with the company field officers to give appropriate technical advice to sugar cane farmers for increased production and profitability.
13. Entrepreneurs in the County should be advised to seek contracts with Mumias Sugar Company to enable the company achieve the 30% supplies from the locals as in the constitution.
14. The County Assembly and the Executive should come up with legislation that devolves agriculture up to the village level.

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Mr. Deputy Speaker, Sir, I rest my case. It had been seconded.

**Hon. Deputy Speaker:** It was seconded when you were tabling it. So, you are now moving a Motion for debate, therefore, you need to be seconded.

**Hon. Agoko:** Mr. Deputy Speaker, I would still call on Hon. Willis Okoth to second.

**Hon. Ochieng:** Seconded, Mr. Deputy Speaker.

**Hon. Deputy Speaker:** Thank you. It's open for debate. In the absence of any contributions, I will put the question.

*(Question put and agreed to)*

*(Applause)*

**Hon. Deputy Speaker:** Next Order!

### MOTION

**Hon. Otieno:** Mr. Deputy Speaker, reading the mood of the House and having completed the business in today's Order Paper, I am seeing the House is in the mood of adjournment. I am now calling on Hon. Mary .C. Ajwang' to second.

**Hon. Ajwang':** Thank you, Mr. Deputy Speaker. I stand on my feet to second because I'm also seeing how people are tired and the way you are seeing them, they are just waiting to go.

### ADJOURNMENT

**Hon. Deputy Speaker:** Hon. Ajwang, I think you have not read the mood of the House correctly. From my reading, I can see that Members are very active and waiting for any other item to come. I can see they are ready to be here until late in the night. But, having completed matters that were listed for today, we're forced to adjourn until Tuesday next week at 2.30 p.m.

The House rose at 4.33 P.m.