

SIAYA COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly - Third Session

Wednesday, 4th March, 2015

The House met at the County Assembly Chambers at 9.10 a.m.

[The Temporary Speaker (Hon. Muhulah) in the Chair]

PRAYERS

The Temporary Speaker (Hon. Muhulah): Do we have enough quorum, Madam Clerk?

(The Clerk-at-the Table confirmed the lack of quorum)

The Temporary Speaker (Hon. Muhulah): Serjeant-at-Arms, can you ring the bell for a few minutes.

(The Quorum Bell was rung)

(Several Hon. Members walked into the House)

(Quorum confirmed)

The Temporary Speaker (Hon. Muhulah): We can now proceed!

PAPERS

Hon. Agoko: Thank you, Mr. Temporary Speaker, Sir. I wish to put it to the attention of this House that we had laid the Paper in December and today we just want to discuss the Motion.

The Temporary Speaker: Hon. Chair, is that the Mumias report?

Hon. Agoko: Yes, the report for Mumias.

The Temporary Speaker (Hon. Muhulah): Thank you. Hon. Chair for lands!

Hon. Otare: Thank you, Mr. Temporary Speaker. The report was laid here last year, 23rd October and there were some amendments that the House wanted the Committee to follow up on. It's ready for discussion

The Temporary Speaker (Hon. Muhulah): Thank you. Next Order!

NOTICES OF MOTION

ADOPTION OF THE REPORT OF THE COMMITTEE ON AGRICULTURE, LIVESTOCK AND FISHERIES ON THEIR VISIT TO MUMIAS SUGAR COMPANY

Hon. Agoko: Thank you, Mr. Temporary Speaker. I wish to move a notice of Motion that this House adopts the report of the ---

(Hon. Hilda Achieng's cellphone rang)

The Temporary Speaker (Hon. Muhulah): Hon. Chair, would you resume your seat please! Hon. Members, I want to bring to your attention that at any given moment you come to this House, please ensure that your phones are on silent mode. Next time the Chair will not hesitate to give a warning, the Chair will throw Members out of the Session because it's a disturbance and interruption to the proceedings. Carry on, Hon. Chair, Agriculture!

Hon. Agoko: Thank you, Mr. Temporary Speaker, Sir. I wish to give notice of the following Motion:-

THAT this House adopts the report of the Committee on Agriculture, Livestock and Fisheries on their visit to Mumias Sugar Company

The Temporary Speaker (Hon. Muhulah): Hon. Chair, Lands!

ADOPTION OF THE REPORT ON THE LAND DISPUTE ON KADENGE PLOT 899 AND MBOLORI MARKET IN CENTRAL ALEGO WARD

Hon. Otare: Thank you, Mr. Temporary Speaker, I wish to give notice of the following Motion:-

THAT this House adopts the report of the Committee on Lands, Physical Planning, Surveying and Housing on the land dispute on Kadenge Plot 899 and Mbolori Market in Central Alego Ward.

The Temporary Speaker (Hon. Muhulah): Next Order!

MOTION

ADOPTION OF THE REPORT OF THE COMMITTEE ON AGRICULTURE, LIVESTOCK AND FISHERIES ON THEIR VISIT TO MUMIAS SUGAR COMPANY

Hon. Agoko: Thank you, Mr. Temporary Speaker Sir, I wish to move the following Motion: -

THAT this House adopts the report of the Committee on Agriculture, Livestock and Fisheries on their visit to Mumias Sugar Company on 3rd October, 2014.

Mr. Temporary Speaker, this report had been discussed in this House and the House had some reservations, but I believe it has now been done to the expectations of the House. I would wish that we grow through it though we may not go word by word.

First of all, I wish to thank the members of the Committee for their dedication and commitment. I would request that we go to page 3.

In reaction to the Statement brought to the House by Hon. Peter Ombee, Member of South Gem Ward on 5th of August, 2014, notifying the House on the complaints of farmers in South Gem that Mumias Sugar Company had contracted them, facilitated in ploughing, harrowing, furrowing, supply of seed cane and fertilizer for planting, they did not make any follow up to supply ammonia fertilizer for top dressing. He also wished to know how much monies had been paid by Mumias Sugar Company in terms of cess so that it can be ploughed back to the sugar cane growing areas. The Statement was referred to this Committee to investigate and report back to the Assembly.

The Committee did farm visits and consultative meetings with sugar cane farmers in South Gem Ward and extended its visits to Sidindi, Sigomre, E. Gem, N. Gem, E. Ugenya, Yala Township and N. Ugenya Wards which are also engaged in sugarcane 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 with farmers
- 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 Company

FINDINGS.

1. Communication

The communication between farmers and the firm, i.e. Mumias Sugar Company, is not very efficient, leading to unresolved issues. Some of the grey areas include:-

- i. Contract agreement presented to farmers already signed without the farmers consent and knowledge.
- ii. Limited sensitization and education on economics of sugar cane farming.
- iii. 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.
- iv. The company stopped supplying farmers with fertilizer without giving them notice.
- v. There seem to be a biased treatment between private and contracted farmers.

vi. 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;

- i. Poor land preparation.
- ii. Delayed supply of seed cane i.e. after ploughing seed cane is delivered when the land is already overgrown with weeds.
- iii. Low tonnage due to poor varieties provided by the company while the farmers prefer a variety called C149
- iv. The cost of gapping sugar cane farms is borne by the farmers.
- v. Herbicides are not given to farmers.
- vi. Farmers are not trained.

3. Infrastructure Development

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

- i. Poor maintenance of roads used by cane tractors in sugar cane growing areas.
- ii. Linao Bridge was left incomplete yet Kshs. 20,000,000 was released by Kenya Sugar board for construction of the same.

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;

- i. Poor harvesting, i.e. the height of cutting the cane is too high.
- ii. Areas that are not fully grown are left unharvested. The harvesters tend to rush to areas that are well grown.
- iii. Delay in collection of cane after cutting, leading to reduction of tonnage.
- iv. Weighbridge not in strategic places. Farmers are just informed of their canes tonnage but they don't witness the weighing.
- v. Inaccurate reading from the weigh bridge.
- vi. Loss of cane due to theft and poor packaging while on transit

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 complaints 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 by contracted farmers, yet non contracted farmers are paid within two weeks of delivery.
- After all the deductions, most farmers end up with losses---

The Temporary Speaker (Hon. Muhulah): Sorry for interruption, Chair for Agriculture. Could you ensure that microphones that are in front of you are off. Put them on only when you are standing to speak. Continue, Hon. Chair!

Hon. Agoko: Transport charges have remained the same despite shorter routes established by the company.

- Use of cess not clear. The use of cess has not been well clarified.

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 and 3rd October, 2014, where broad discussions were held with the management.

The following broad areas were covered:-

i. Sugarcane 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 Mumias Sugar Company, 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 are ongoing with a view to revising the contract format. It is expected that in the review process, Kenya Sugar Growers Association will hold consultations with the farmers in the whole Country and consult with 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 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. 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. For example, the company could provide machinery and trucks, while the County Government provides fuel for running the operations or vice versa.

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.

v. 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. 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.

vi. 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 operations of the company. The company had all its security details on surveillance but it was impossible to have the culprits brought to book. Some of the importers repackaged their sugar into Mumias Sugar bags

vii. 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 sugarcane growing areas. However, the management conceded that the company was facing serious financial constraints.

viii. Payment for delivered cane

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.

ix. 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. Mr. Temporary Speaker, the problem we had in South Gem, one, is that farmers do not understand the content of the contract. Two, is that the farmers were not sensitized to know their obligations and those of the company and this led to the issues that were raised here.
2. The County should work on modalities of sugarcane production and processing within the County. It would be ideal and profitable for farmers if a sugarcane processing plant is established in Siaya County. That will reduce the cost of transport and other operational costs.
3. The National and County Government should work on modalities of reducing the cost of sugar production to compete in the COMESA markets. Mr. Temporary Speaker, Sir, you realize that Kenyan sugar producers spend twice or more what is spent by other sugarcane growing and processing companies outside Kenya. So you find that the sugar processed in Kenya cannot compete and that is why our farmers are suffering. So we recommend that measures be put in place to ensure that sugarcane production costs are reduced to be competitive.
4. A farmer's sacco should be formed to negotiate for better terms in farm inputs supply and marketings of their cane. Farmers or farmers representatives must be allowed to be present at the weighing bridges when their canes are being weighed. Mr. Temporary Speaker, we found that farmers are never allowed to be present when their canes are being weighed at Mumias Sugar weigh bridges and we feel it is very necessary that farmers or their representatives be allowed to be present at the weigh bridges.
5. 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. Mr. Temporary Speaker, Sir, Mumias Sugar Company and other sugar processing companies release their monies to cess committees. In this regard, after the promulgation of the

constitution, Siaya County Government has not established a cess committee that previously comprised of councilors and farmers representatives. Mr. Temporary Speaker, Sir, we recommend that Members of County Assembly who come from sugarcane growing areas and farmers representatives be brought together to form a cess committee so that we can be receiving the monies from the company to undertake a project.

6. Enhance supply chain of farm inputs e.g. subsidize seed cane, fertilizer etc., and ensure their timely delivery within the County. Mr. Temporary Speaker, the delivery of these inputs including seed cane has not been very efficient and farmers have serious problems and challenges when the fields are prepared and seed cane is delivered probably two or three months after the fields have been prepared. You find that by then the farms are bushy and this increases the cost of production because the farmers have to redo the farms again.
7. The County Government of Siaya should set up a sugarcane research station to ensure our farmers grow varieties with high potential yields. Mr. Temporary Speaker, in some parts of this world, there are varieties of sugarcane that mature within nine months, and here in Kenya, and particularly in Siaya County, we grow sugarcane that matures between 18 to 26 months So it will be good enough for us to have a research station here so that proper research is done to have varieties that can mature within that period of time.
8. Soil sampling should be done before setting up cane fields and other crops to establish the soil Ph. and soil nutritive requirements. Mr. Temporary Speaker, soil sampling and testing is hardly done around and farmers do not know their soil Ph. and nutritive requirements, thus leading to people doing things that are not professional and end up making serious losses because they don't know.
9. The Ministry of Agriculture extension officers should partner with the company field officers to give appropriate technical advice to sugarcane farmers for increased production and profitability. Mr. Temporary Speaker, it is unfortunate that the Ministry of Agriculture personnel never bother to advice sugarcane farmers because all the sugarcane fields are deemed to be owned or are properties of Mumias Sugar Company. Mr. Temporary Speaker, every crop falls within the agriculture department and they should be reminded to be advising and assisting even the sugarcane farmers.

At that end, Mr. Temporary Speaker, Sir, I call upon the Hon. Members of this House to adopt the report and I call upon Hon. Onduru who is seated beside me here to second.

Onduru: Mr. Temporary Speaker, Sir, I second.

(Question proposed)

Hon. Minami: Thank you, Mr. Temporary Speaker, for giving me the opportunity to say something on this report. First of all I want to thank the Committee and the Members who went to Mumias Sugar and brought us this report.

Mr. Temporary Speaker, we have seen Mumias Sugar Company getting into our areas, contracting farmers to do cane farming and some of those contracts are not very helpful to our people. I have seen a farmer in my Ward being contracted; he gives out 10 acres of land and will start enjoying the benefits of his land from the sugar miller after 3 harvests, Mr. Temporary Speaker. So I would have wished that the Committee advises the company to make sure that the farmer gets a percentage from the first harvest. As it stands now, majority of our farmers who are contracted by these companies will not benefit in the long run if necessary measures are not put in place to make sure that they are protected.

So my request would be to make sure that in future, before this company comes in any engagement with our farmers, we have agricultural officers within our County, we have an agricultural CEC and a Chief Officer who have been employed by the County Government, we want them to have an agreement with any other company, not only Mumias, which puts very clearly how long and how much in terms of percentages from production that any contracted farmer is going to benefit, Mr. Temporary Speaker.

Mr. Temporary Speaker, with those very many remarks, I support the report. Thank you.

The Temporary Speaker (Hon. Muhulah): Hon. Were!

Hon. Were: Thank you, Mr. Temporary Speaker, Sir. I have looked at the report presented in this Assembly by the Committee on Agriculture and it is a bit strange that they met farmers in my backyard without really involving me. I even don't know the venue.

I have looked at the Committee recommendations and one common thing here is, 'should, should'. Very common! 'Should, should, should'.

(Laughter)

It portrays---

Hon. Awino: Point of order, Mr. Temporary Speaker, Sir!

Hon. Were: Allow me to talk, Zilpa!

(Laughter)

The Temporary Speaker (Hon. Muhulah): Hon. Were, Hon. Zilpa is on her feet. What is the point of order?

Hon. Awino: Thank you, Mr. Temporary Speaker. Is it right for the Hon. Member to keep repeating the word 'should'? We are not in a language class! Let him look at the content.

The Temporary Speaker (Hon. Muhulah): Hon. Zilpa, 'should' is a language, and please allow the Member to say the reason why he doesn't feel 'should' should be there. Hon. Were, continue!

(Laughter)

Hon. Were: I couldn't understand why they are in love with---

The Temporary Speaker (Hon. Muhulah): Hon. Were, continue with the discussion that we are in!

Hon. Were: Okay. Okay. Fine!

(Laughter)

You know, it is a helpless situation and one thing that should have come out very clearly is for the County Government to work on a policy formulation that would cater for the farmers interests, fair trade practices, inter county trade and how farmers should be able to relate with other companies that are making forays into this County to do business with our farmers. This should have been the starting point! Policy formulation that would give a road map. But when somebody is like, 'should, should'.

(Laughter)

I don't understand why they are in love with the word 'should'. That is my contribution. Thank you, Mr. Temporary Speaker.

(Laughter)

(Loud consultations)

The Temporary Speaker (Hon. Muhulah): Hon. Aneme! Order Members!

(Loud consultations)

Hon. Aneme: Thank you, Mr. Temporary Speaker. I arise to support this Motion and this report.

(Loud consultations)

The Temporary Speaker (Hon. Muhulah): Order Members! Order! Continue, Hon. Aneme

Hon. Aneme: Today, this Paper seems to be well researched, it looks good than the others. What I wanted to remind my colleagues is that sugarcane is one of the cash crops that Siaya should benefit from, but with the way we have been handling the sugar industry in Siaya, it is not very strong. So with this kind of a good report, I am going to urge our Agriculture Committee to take the initiative of making sure that sugar industry programmes are put in place in Siaya so that we can also make the money that the other colleagues from the neighborhood are getting.

I am in agreement with the recommendations. If you turn to page 7, from number 4, there are good recommendations, but I believe if the Committee does not put the initiative of following up, this will remain just a paper. So I would urge our colleagues to make sure that they follow

these recommendations and make sure that they are working because there is no time frame in all these recommendations. They are just there but we do not know when they will be effected. The Siaya County Government came into being in the year 2013, today is 2015 and when we have such recommendations and we don't have the time frame, I don't know whether they will be done by the next government.

So my colleagues, I want to urge you to go and make sure that these recommendations are implemented, they are put in place and the time frame is there. Research should also be done, do not only confine yourselves to the neighbourhood of Mumias, sugarcane industry can even be extended down to the South of River Yala. So the Committee should do research on designated places where sugarcane industry can also be extended to.

So with those few remarks, you are going to --- and next time I hope your report will be good like this one. Thank you very much.

Hon. Awuor: Thank you, Mr. Temporary Speaker. I am on my feet to support this report. First and foremost allow me to thank the Committee through the Chair for the good work they have done. Mr. Temporary Speaker, I want to say that if a report is before this House and I see something which is not included, I can just contribute and add that we should have added this and that.

Mr. Temporary Speaker, there are things that I have seen here in the report and specifically that part of recommendations which states that a cess committee should be formed to follow up the monies owned by the sugar companies and it is a recommendation to the effect that the Members of the County Assembly coming from those areas where this activity is being done should form part of the membership of this committee. Mr. Temporary Speaker, I do understand that our roles from 2013 changed, if you were a councilor then, you are now a Hon. Member of the County Assembly and I wanted your indulgence to really know whether MCAs can form part and parcel of the committee that deals with cess.

Secondly, there's a recommendation about soil sampling. Mr. Temporary Speaker, I want to agree with the Committee that sampling should be done to know the varieties that we really need to grow in these areas. So I want to support this and I want to say that we need to look at it broadly and I think the time frame should also be put in place, Mr. Temporary Speaker.

I wanted just to say those few remarks for now, Mr. Temporary Speaker, but I think the recommendations are good and I don't want to replace the word 'should' with 'must'. Recommendations are put in the best language; you can't force recommendations, Mr. Temporary Speaker. I want to differ with my colleague. Thank you, Mr. Temporary Speaker.

Hon. Munda: Thank you, Mr. Temporary Speaker, for giving me this chance to contribute to this important report. First, I would say it is a good report and the Committee on Agriculture, I must thank you for doing this job greatly. I only have some few concerns which they noted. Like in page 3 (i); contract agreement presented to farmers were already signed without the farmers consent and knowledge. That is noted and the farmer should be told when they should ---.

The other one is that the company stopped supplying farmers with fertilizer without giving notice. This is important, they should be given notice.

The other one is about the biased treatment between private and contracted farmers. There should be no biasness in this programme.

On the recommendations, Mr. Temporary Speaker, they are good and I would take great emphasis on No. 9. It is written that the Ministry of Agriculture extension officers should partner with the company field officers to give appropriate technical advice. It is important that it should be done that way. Thank you, so much Mr. Temporary Speaker.

Hon. Madialo: Thank you, Mr. Temporary Speaker. May I support the report and, Mr. Temporary Speaker, add that perhaps the Chairman should pass this to the CEC of Agriculture so that it aids in the formulation of an agricultural policy more so touching on the areas where sugarcane is a cash crop.

But, Mr. Temporary Speaker, this good report perhaps may have been supported by certain recommendations that should not be there. I start with recommendation No. 3; the National and County Government should work on modalities to reduce the cost of sugar to compete in the COMESA market. Mr. Temporary Speaker, COMESA means, Common Market for Eastern and Southern Africa, and there is no way the County Government of Siaya can be able to deal with South Africa, Namibia, Zambia and Tanzania. That might have been an unnecessary recommendation.

Mr. Temporary Speaker, recommendation No. 7; the County Government of Siaya should set up a sugarcane research station to ensure our farmers grow varieties. Mr. Temporary Speaker, when we adopt this report, we expect the Executive to implement it as much as possible, and when we provide that a research station be set up where sugar as a controlled group is concerned, then perhaps we over burden the minds of the Executive because we all know that the quality of sugar in Kenya is controlled by the Kenya Sugar Research Institute and that is exclusively a national government function. Infact it would be illegal for the county government to purport to set up a sugar research station because even the national government itself must pass through the Kenya Sugar Research Institute.

Mr. Temporary Speaker, the rest of the recommendations are beautiful and if implemented, they would further add value addition on our lands especially land usage.

Lastly, Mr. Temporary Speaker, when we talk about sugarcane as a cash crop, the Committee has dealt with it perfectly. But when we talk about Mumias Sugar and then tie these very good findings to Mumias Sugar, then there will be a problem there, Mr. Temporary Speaker. For one, Mumias Sugar is not a government institution; Mumias Sugar is a profit making company that is listed in the stock market. So we can't bind it with our resolutions.

Secondly, Mumias Sugar as an operation, is about 20% or 10% Siaya, the rest is Kakamega County. And so when we get resolutions that say that these are directed at Mumias Sugar Company, you see, even if was a government institution, we would have to work in consonance with the County of Kakamega. So, Mr. Temporary Speaker, my view would be that

these recommendations and the findings of the Agriculture Committee are so good that they should not dilute them with the recommendations that are not implementable. So that what we take to our CEC or cabinet should be things that concern us exclusively as Siaya and ask them to implement them as policies of Siaya. But when we perhaps go outside those precincts, then an excuse might come from the other side and they may be right, they may say you talked about Mumias Sugar Company and it is a private institution and there was nothing we could say.

Mr. Temporary Speaker, I want to rest my submissions by stating this; the contracting of farmers from the experience that many of us must have, most of the time these farmers out of desperation, sometimes I think it is out of ignorance, you find somebody plants sugarcane that two years down the line, he is selling the crop without harvesting it. And sometimes they sign contracts that they have not read. Sometimes contracts are written in English but it is common knowledge that the majority of land owners in the rural setup might not be so at home with the English language. Mr. Temporary Speaker, it is good that the Committee is saying that we set up a policy where we shall be giving guidance to our farmers or land owners to seek advice before they append their signatures to the contracts. Perhaps it might be important that we say, before the department of lands registers these contracts, they should see the farmer and establish that that farmer knows what he signed. Those things are not reinforceable if you don't register them in the Ministry of Lands, without of course forgetting the fact that if the owner of the land says he wants to rent it out for Kshs. 2 per year and he says that is what he wants, you can do nothing about it.

Mr. Temporary Speaker, I support the report.

Hon. Asewe: Thank you, Mr. Temporary Speaker, for giving me this opportunity to add my voice to what has been said. Mr. Temporary Speaker, first I would say that I support the report.

Mr. Temporary Speaker, Siaya is lacking so many things in the agricultural sector and those people who have engaged themselves in sugarcane growing need to be given the necessary support. Though Mumias is not within Siaya as it has been mentioned, but whatever they are giving to our farmers, I think will raise the income in Siaya County.

Mr. Temporary Speaker, there is this Ministry of Agriculture in Siaya; I don't know why they are sleeping on their jobs. I don't even see why other bodies should come up! Even if it is technical advice, the Ministry should be there to give the technical advice to the farmers. If it is a policy, it should come up with that one, present it to the right place so that it can be passed and then the farmers will benefit from it. We need to engage the Ministry so that they participate fully, not sitting in an office like the secretaries.

I have seen that our Committee on Agriculture is really willing to support the farmers by engaging the sugarcane growers with that technical part in Mumias. You even see the access roads that they are talking about. If the government can follow up properly, there is a way they can be engaged in construction of some of the roads. These roads will also help our people to access their farms.

So, such opportunities should be exploited and we should not just read the report, discuss it and leave it here. Mr. Temporary Speaker, there is a tendency in this House and even on the other arm of the Siaya County Government that when a report like this is tabled, we go through it and maybe make recommendations and then it is dumped like that without any further action. This one should stop and the necessary Committee should follow up to make sure that the report is implemented the right way.

Thank you.

The Temporary Speaker (Hon. Muhulah): Hon. Ombee

Hon. Ombee: Thank you, Mr. Temporary Speaker, Sir. I rise to support the report. The Statement was brought to the House by Hon. Peter Ombee, here I am.

(Laughter)

This is a wonderful report and I thank the Committee for the good work they have done. My complaints have been considered and the recommendations are very good. Mr. Temporary Speaker, Sir, recommendation number one states that; before contracting farmers, there should be proper communication/sensitization between farmers and the company so that farmers understand the obligations of each party. The contract should be signed at least 1-2 months before commencement of the activities. Mr. Temporary Speaker, Sir, let this recommendation be implemented.

Thank you, I will stop there.

(Applause)

The Temporary Speaker (Hon. Muhulah): Hon. Elisha

Hon. Okuku: Thank you, Mr. Temporary Speaker, Sir, for giving me an opportunity to add my voice to this report. First and foremost, I want to appreciate what the Committee on Agriculture has done.

Mr. Temporary Speaker, Sir, it is very difficult definitely to say that the Committee should follow up the report. After preparation of the report and adoption, the report now becomes the property of the County Government of Siaya. So it's upon the County Government-

The Temporary Speaker (Hon. Muhulah): Hon. Elisha, discuss only about this report, there is a Committee on Implementation in this House which is supposed to be following this. Continue Hon. Elisha.

Hon. Okuku: That is where I was going, Mr. Temporary Speaker.

The Temporary Speaker (Hon. Muhulah): Continue Elisha!

Hon. Okuku: Mr. Temporary Speaker, as my colleagues have said, the implementation of some reports which have been adopted have not seen the light of day. The Committee on Implementation should be urged and pushed so that they do a proper follow up on reports that have been passed in this Assembly. Mr. Temporary Speaker, it's definitely difficult to push

Mumias Sugar as a company, but I would rather urge the County Government of Siaya to take the first initiative of sensitizing and argue on behalf of the people it represents, negotiate on their behalf, confront the County Government of Kakamega and the Mumias Sugar Company so that our people can be compensated. If you look at the report, you find that there are wrong doings that have been done and it's upon this County Government to take them up so that those people who were contracted and are now crying can have their day and can laugh. As it was said by Hon. Madialo, Mumias Sugar Company is not a government that can be pushed, it's a private company listed in the stock exchange market. If the County Government of Siaya cannot take the lead to act and argue on behalf of its people, it will be in vain. As an Assembly we can only adopt but the person who can take the lead is the CEC for Agriculture. I want to urge the CEC to be proactive and follow up with Mumias Sugar Company so that people can be compensated for the contract they signed earlier.

Mr. Temporary Speaker, another thing that I wanted to address is the issue of signing contracts with our people. You find that the contracts are addressed in English and people rush to sign them without properly understanding the meaning of what they are signing. That is what has also brought us a problem along the Yala Swamp with the so called Dominion Farms. People rush to sign what they don't understand and at the end of the day they cry. I think proper sensitization is needed. We should come up with a policy that before any investor hits the ground running; our people should be properly sensitized, they should understand what they are signing.

Mr. Temporary Speaker, this report shows the cry of our people and it should be an eye opener in dealing with future investors. I want to rest my case by congratulating this Committee and say that the County Government of Siaya should take the lead.

Thank you.

(Several Hon. Members stood up in their places)

The Temporary Speaker (Hon. Muhulah): Resume your seats! Resume your seat Hon. Augo! Hon. Members, knowing that we still have another Motion; I would wish that we agree to minimize the discussion then we invite the Mover of the next Motion to come in. In that case, I will only allow a few Hon. Members to make their contributions.

Hon. Augo, please now take the Floor.

Hon. Augo: Thank you, Mr. Temporary Speaker, and am sorry I'm not a member of the Agriculture Committee. I just want to thank you for giving me this opportunity, but I'm very sorry that today you are very biased.

The Temporary Speaker (Hon. Muhulah): Hon. Augo, the Speaker allowed each and everybody to talk. Can you withdraw the word biased!

(Laughter)

Hon. Augo: I withdraw! But----

(Laughter)

Mr. Temporary Speaker, today the Chair is not seeing ladies, but I have withdrawn. Thank you very much; I want to congratulate the Committee on Agriculture for doing this research. Mr. Temporary Speaker, I insisted on contributing on this report because where I was born, my father has been a sugarcane farmer and my area has the biggest population of cane growing farmers in Siaya. I know Hon. Agoko will agree with me that it's true. I was in my area last Saturday and I found out that some of the farmers have already cleared their farms and said they are not going to plant sugarcane anymore. Mr. Temporary Speaker, my real brother had a 3acre piece of land with sugarcane, when the Mumias Sugar Company came to harvest the sugarcane, he didn't even get a single cent. It is very painful! Because this is our cash crop in Siaya, the County Government should go and talk to our people, tell them the profits they can get and what can make them earn something in sugarcane. As at now, their hearts are out of sugarcane.

The recommendations here are so good, but if we don't go back to our people, this matter of sugarcane will be a forgotten thing in Siaya County. Some of them even decided to burn everything in their *shambas*! They don't want anything to do with sugarcane! It's true; you can go and investigate, Hon. Members.

Mr. Temporary Speaker, my recommendation is that we go the South Nyanza way. They decided to have their local factories. They even manufacture *sukari ngurus* and sell them. You'll find the *sukari ngurus* in the Asian shops in Kisumu. Even our people here in Bondo go up to South Nyanza to get them. It can also help us instead of sitting and waiting for the Mumias people. Mr. Temporary Speaker, Mumias is a dying horse! They have no money! If we can depend on Mumias, then we have to have an option.

Thank you and I support.

(Hon. Ogutu stood up in her place)

The Temporary Speaker (Hon. Muhulah): Hon. Rosemary, is it so much burning that we cannot discard this issue?

Hon. Ogutu: Just a word.

Hon. Temporary Speaker (Hon. Muhulah): A word or a contribution?

Hon. Ogutu: A contribution can be in the form of a word

The Temporary Speaker (Hon. Muhulah): Ok

Hon. Ogutu: Thank you, Mr. Temporary Speaker, Sir. I take this opportunity to thank my fellow colleagues at the Agriculture Committee and I also take this opportunity to thank Members. I am the one who brought this Motion last time and it was rejected here in totality. But this time round I think it has come with a lot of senses. The Agriculture Committee did not only go out to Mumias to come back with bags of sugar. It has really come out very clearly that we went there to do research---

The Temporary Speaker (Hon. Muhulah): Hon. Rosemary, are you reprimanding Members or you are giving yourself congratulations?

Hon. Ogutu: Those were just remarks which were made, but it has come out in the report that we did some work.

The Temporary Speaker (Hon. Muhulah): Ok. Go on!

Hon. Ogutu: Thank you. I also want to urge Members to encourage farmers to continue growing sugarcane even as we work on the policy formulation. Thank you, Mr. Temporary Speaker.

(Question put and agreed to)

MOTION

ADOPTION OF THE REPORT ON THE LAND DISPUTE ON KADENGE PLOT 899 AND MBOLORI MARKET IN CENTRAL ALEGO WARD

Hon. Otare: Thank you, Mr. Temporary Speaker, Sir. I wish to put a Motion that this House adopts the report of the Committee of Lands, Physical planning, Surveying and Housing on land dispute on Kadenge plot 899 and Mbolori Market in Central Alego Ward.

Mr. Temporary Speaker, Sir, this report was initially laid in this House on 23rd October, 2014 and there were some amendments that the House wanted the Committee to follow up on. We had two reports and I just wish to inform this Hon. House that the report on plot 899 is still not ready because there are some documents that we are still following.

Mr. Temporary Speaker, Sir, this issue was brought to this House by Hon. Oriaro of Central Alego Ward and to our advantage; he is also a member of this Committee. I will just go direct to the introduction because initially we had brought this report to this House and it forced us to go back to the public to bring another report.

So, the members of the Lands Committee went back to the public on 20th Feb, 2015 to establish the dispute at Mbolori Market. Mr. Temporary Speaker, Sir, when the members went to the place, we met stakeholders totaling 108 and this also included the complainant of this plot. If we look at the previous report, when we went to Mbolori market we found only 60 stakeholders and when we went back the total raised to 108. This shows how concerned the public is with this report.

Community Contribution/observation

1. There has been a market in the disputed land parcel 1027/Kochieng B, as evidence; there was a foundation for an old posho mill in the market.
2. The land was contributed by the community around that place and demarcation was done in 1945.
3. The land in question has been in the high court in Kisumu since 2007.

4. The complainant, Mr. Phanuel Otieno who was also present in the meeting said that the County Council of Siaya and the advocate have not been attending the court session and he was shown the portion of the land by his late father.

5. The traders requested the County Government to take up the matter so that the market can continue as before.

Committee Members Reaction

The Committee members who were present observed that there has been a market in the disputed land and the rights of the community should be protected. Mr. Temporary Speaker, Sir--

Hon. Omwende: Point of order, Mr. Temporary Speaker, Sir!

The Temporary Speaker (Hon. Muhulah): Yes, Hon. Omwende, what is your point of order?

Hon. Omwende: I wanted to know if it is in order for this House to discuss something that is already in court.

The Temporary Speaker (Hon. Muhulah): Hon. Omwende, we are not discussing the issues that are being handled in court, we are establishing whether that land belongs to Siaya County Council, in this case Siaya County Government. We are not discussing any dispute. Hon. Member, please continue.

Hon. Otare: Thank you, Mr. Temporary Speaker, Sir. I was just saying that if the Lands Committee did not go to the area, we wouldn't have known that this matter is in court. So, I'm just bringing the report to tell the House that this matter is before court.

The land parcel No. 1027/Kochieng B is duly registered in the names of the County Council of Siaya reserved for Mbolori Market (as attached P.D.P).

From the community contribution, there is need for the county surveyor to survey the land to determine the boundary.

Resolutions

The Committee unanimously resolved that the County Government to follow up the matter at the High Court in Kisumu and the County Land Management Board Members to visit the area for alternative disputes solution as the board is now fully constituted.

Mr. Temporary Speaker, Sir, I will just call upon this Hon. House that this time round let them adopt this report because we have done our best.

(Laughter)

I will request, Hon. Ombee, to second.

(Laughter)

Hon. Ombee: Mr. Temporary Speaker, Sir, I rise to second.

(Question proposed)

Hon. Andiego: Thank you, Mr. Temporary Speaker. I rise to support this report. I'm a member of the Lands Committee and I attended this visit to Mbolori. Mr. Temporary Speaker, we met the residents of the area and it's true that the land was given by the community. It was a public land that was meant for development. Mr. Temporary Speaker, you know in Kenya, land grabbers sometimes if you look at them, it's as if they are being haunted. It's so sad that somebody just feels he is rich enough and can encroach land meant for public development and take it away. Such like behaviors needs to be stopped! We should come to the rescue of our people.

It is a very small land and we found that somebody has just developed a house on that land. It is said that the matter is in court, but now that we have the County Lands Management Board, they need to visit that area because they are mandated to look after public lands so that they can also identify the problems that are there. The person who has taken that land says it belongs to his grandfather who is not there. And the old ones that now belong to the public were given by other people. It was my grandfather's land and he gave it out to a school, he gave it out to the church or for development in the area. So, a grandson who was not yet born when the land was given cannot just come to say that this is his land. The residents also have some agreement that the land belongs to them.

So I'm requesting this House that we support this report so that the County Lands Management Board can also go and do their research so that we have a comprehensive report from both sides. Thank you. I rest my case by so supporting the report.

The Temporary Speaker (Hon. Muhulah): Hon. Willis.

Hon. Ochieng: Thank you very much, Mr. Temporary Speaker. I'm on my feet to support the report. As a member of the Lands Committee I also attended the meeting that was at Mbolori. When we were indulging the people in that meeting and by the way they were talking, it was clear that the parcel of land No. 1027/Kochieng B was duly registered in the name of the County Council of Siaya and even the old men who were there by the time those lands were being demarcated also conceded that the land parcel No. 1027 was allocated for the market.

We are kindly urging the County Government to do a follow up because the case is at the court and the evidence is clear. The County Government can reclaim that land and it should be developed. Otherwise, I rest my case. Thank you.

The Temporary Speaker (Hon. Muhulah): Hon. Maurey

Hon. Asewe: Thank you, Mr. Temporary Speaker. Let me also add my voice to what other Members have said. First I would like to offer my support to the report. Mr. Temporary Speaker, we have seen from the report that this case has been in court since 2007 and up to this time the outcome has not been delivered.

Long ago, there was a tendency by the national government that land belonging to the government or the former local authorities could be taken by individuals and construction is going on those parcels of land without intervention from the right authorities. Mr. Temporary Speaker, I think it is very wrong that we see somebody constructing a house or putting up an

investment in a land belonging to the government and nobody is taking action. We wait until when the house or investment is complete then that's when we now start raising issues and going to court. Mr. Temporary Speaker, you saw along the main highways when big houses were brought down and the government was spending a lot of money on demolition. It will not be good for the county government that is in place right now to wait for such activities go on and then later on pursue the case of bringing down those structures.

I will urge this Committee to go deeper and find out why the advocate has not been going to court to have this issue resolved. Otherwise if this report is left hanging, somebody will again come with another case and it will once again be discussed in this House. I think it will be very much right for us to go deep and find out why the advocate has not been going to court so that this matter can be resolved and the land be used correctly. I would like to rest my case. Thank you.

The Temporary Speaker (Hon. Muhulah): Hon. K'awuor.

Hon. Awuor: Thank you, Mr. Temporary Speaker, Sir. I stand to support this report. I'm also a member of this Committee and allow me to just confirm that we went and whatever my colleagues have said is true. Mr. Temporary Speaker, now that we have a fully-fledged County Lands Management Board, I think we should move with speed and handle this issue because there are so many land grabbers out there. I want to take this opportunity to urge the County Government in collaboration with the County Lands Management Board to map out all the public lands which by the constitution, the County Government of Siaya took over immediately the County Government was born.

Mr. Temporary Speaker, I think that is when we are going to get things right. I tell you, land grabbers are out there and they have encroached quite a number of places. In my area, there is a piece of land which was registered in the name of County Council of Siaya and someone has grabbed it yet we had proposed to have a youth polytechnic there. Mr. Temporary Speaker, I want to request that the Executive and the County Lands Board Management Board should move with speed to map out and consolidate a very good report that covers all the public utility lands in Siaya County so that we have a databank for the same. I rest my case.

The Temporary Speaker (Hon. Muhulah): Yes, Hon. Ouda!

Hon. Ouda: Thank you, Mr. Temporary Speaker, Sir. I rise to support this report. I am also a member of this Committee except that the typist made a mistake by not writing my name as Hon. Fred Ouda but instead replaced it with an unknown person by the name Hon. Stephen Odongo.

(Laughter)

I was in that meeting, Mr. Temporary Speaker---

The Temporary Speaker (Hon. Muhulah): Just take your seat, Hon. Ouda. Hon. Chair of Lands, would you clarify to this House who Hon. Stephen Odongo is.

Hon. Otare: Mr. Temporary Speaker, Sir, that was just a typing error. He is the secretary.

The Temporary Speaker (Hon. Muhulah): It's ok. Hon. Ouda.

Hon. Ouda: So, Mr. Temporary Speaker, Sir, I rise to support this report. I think it's one of the well done and smart reports and I want to say that the rights of the people of Siaya must be protected at all costs. One of the rights is the right to own land. This is a public utility land that must be repossessed. I want to say that after this report is adopted, because I know it's going to be adopted by the Hon. Members, somebody somewhere should swing into action and ensure the land is repossessed for the good use of the people around Mbolori market.

Otherwise I support it and guess that any other report will be as lean and neatly done as this one and anytime with my name on it incase I'm in that Committee. Thank you, Mr. Temporary Speaker, Sir

The Temporary Speaker (Hon. Muhulah): Hon. Madialo.

Hon. Madialo: Thank you, Mr. Temporary Speaker. I wish to support the report. The report is good in so far as the resolution is that the County Government and the County Lands Management Board members should visit the area for alternative disputes solution.

Mr. Temporary Speaker, may I add this; the land in question was up to 1990 in the name of an individual, on the second month in 1990, the land was subdivided and it created 1027 and 1028. And then, perhaps there is something that is not added here; the person you are saying has a posho mill on the land remained with 2.8acres. The County Government of Siaya, then the County of Council of Siaya, was given 0.7acres and the records say, 0.7acres was reserved for Mbolori market with a 5meters wide road running in the middle. Those are the facts.

So the problem we are having here is this; is this portion on 1028 or 1027? Because the land was once one parcel. And so, counting the 5meters wide road from either side of the market, where is the boundary between 1028 and 1027? Mr. Temporary Speaker, what I'm trying to add is this; I don't want to contradict my colleagues, but the gentleman on that land does not own the land. The land was once his father's; it once belonged to an individual who donated 0.7acres to the Council from his own land----

Hon. Ombee: Point of information, Mr. Temporary Speaker, Sir!

The Temporary Speaker (Hon. Muhulah): Yes, Hon. Ombee.

Hon. Ombee: Mr. Temporary Speaker, Sir, the complainant, Mr. Phaniel Otieno reported that the County Council of Siaya and the advocate have not been attending the court session and he was shown the portion of the land by his late father. Who is the advocate for the defunct county council of Siaya? By the time we were there, someone said the advocate for the county council was Hon. Madialo. It is that Hon. Madialo was the county council's advocate at that time?

Hon. Madialo: Mr. Temporary Speaker, thank you for the introduction of that. I didn't want to say that a report was brought without due investigations; because if you were told there

is a court case, you need to go to the case number, then after you have gotten the case number, you ask what the verdict was. And the verdict was that; take a surveyor there to establish the boundary between 1028 and 1027.

The Temporary Speaker (Hon. Muhulah): Hon. Madialo, are you saying that the case is over?

Hon. Madialo: It is over!

The Temporary Speaker (Hon. Muhulah): It's over?

Hon. Madialo: Yes!

The Temporary Speaker (Hon. Muhulah): Continue

Hon. Madialo: You don't go to court just because there is case, when it is over you don't go. So, Mr. Temporary Speaker, what I'm saying is this; I have given a history and if you go to the records, and I know the Committee didn't call up the file because they would have found out in the file that a recommendation came from the advocate of the county council then that the man should be called and a surveyor be taken there. There is a recommendation in the reports of the County Government on cases that are existing, but in this case, please, now that we have a Land Management Board, if you go to open it, you will find an advice that; please ask the board, it is written to the County Secretary, ask this Board to engage forthwith and establish the boundary between 1028 and 1027.

Mr. Temporary Speaker, this Committee was wise in this aspect; as Phaniel was saying, his grandfather was there, that means he is a citizen of Siaya and their native land was next to Mbolori Market, and the best way to deal with such a person even if you win a case against him, Mr. Temporary Speaker, is that you engage him in a manner that befits dealing with a citizen. The resolution to that cannot be take policemen or a few thugs and move him out. That cannot be the solution. The solution is in what the Chairman has read; go with surveyors and get an alternative dispute resolution mechanism, taking into account, Mr. Temporary Speaker, that only about 5% of the land was donated to the county council.

Mr. Temporary Speaker, I rest my submissions by saying; at the end of it, whether the Committee went to the court file or not, whether they went to our records, and I can see from what they are saying that they did not. Because had they gone, they would have known that 1027 is a product of a sub-division and that it was not 1945, they would have known that it was in 1990's. But the end result of it is that the recommendation they are giving is the best way to deal with that problem. Mr. Temporary Speaker, I support the report.

The Temporary Speaker (Hon. Muhulah): Yes, Hon. Odinga. Hon. Omwende, I'll get back to you

Hon. Odinga: Thank you, Mr. Temporary Speaker, Sir. Only that I have risen so many times---

The Temporary Speaker (Hon. Muhulah): Hon. Odinga, concentrate on the Motion.

Hon. Odinga: It's like next time I will stand on the table, Mr. Temporary Speaker, Sir. *Bwana* Chairman, this time you've brought a report, it is brief and to the point. What I wanted to say, Hon. Temporary Speaker, Sir, is that I hope that this Committee in their work plan they are putting into account that not only Mbolori as a market or a public utility place could be having this problem, we have quite a number of markets or public utilities that have been grabbed by different people within the County Government of Siaya. The fact that most of them were in the defunct local authorities doesn't stop the Committee and the Management Board from establishing where they are and also whether they still belong to this County.

Mr. Temporary Speaker, Sir, I want to say that what has really impressed me with their resolution is that they are saying that the County Government should follow up on the matter. We are being told that the matter before court was concluded and as at now it's upon the Land Management Board to make a follow up and maybe come up with an alternative dispute resolution mechanism. I want to believe that the word 'alternative' means that we don't want to squeeze this guy and get him back to court. Something that could injure his right. So I want to believe that the alternative dispute resolution could be one that would be acceptable to both the County Government and the interested party.

So, Mr. Temporary Speaker, Sir, I support and I want to say that this is really a nice report. Chair, this is a good work, even though am not a member of this Committee, but it's a nice report, straight to the point and can be easily understood. Thank you, I support.

Hon. Omwende: Thank you, Mr. Temporary Speaker. First may I take this opportunity to thank the Committee on Lands, though I'm not supporting or rejecting. I'm not convinced with *Mheshimiwa* of Usonga. I will not mince my words when I say that this matter is in court. I think it has not been resolved completely. On that note, I would kindly request the Mover of this report to withdraw until this matter is put to rest. That was my request---

The Temporary Speaker (Hon. Muhulah): Order! Hon. Omwende! Order! The Hon. Member for Usonga has admitted that he was an advocate taking that matter in court. He is the same person reporting to this House that the matter has been resolved and that the recommendation according to him concurs with the recommendation the Lands Committee has proposed. Hon. Omwende, have you seen the file of these deliberations from the court?

Hon. Omwende: Mr. Temporary Speaker, we cannot just believe like that---

The Temporary Speaker (Hon. Muhulah): Omwende, I have asked you a very simple question, have you seen the court file on this deliberations?

Hon. Omwende: I am yet to see it, Mr. Temporary Speaker.

The Temporary Speaker (Hon. Muhulah): Then with what authority, Hon. Omwende, can you speak and say that the matter is still in court if the Hon. Member who handled the case has said the matter had been resolved?

(Hon. Asewe raised up his hand)

Hon. Omwende: On that ground---

The Temporary Speaker (Hon. Muhulah): Hon. Omwende, you are out of order! You are out of order! Continue, Hon. Asewe! Mr. Temporary Speaker,

An Hon. Member: Mr. Temporary Speaker, is too harsh!

Hon. Asewe: Mr. Temporary Speaker, I wanted to rise on a point of information. Mr. Temporary Speaker, the purpose of sending the Committee out was for it to get the right information so that this House can know the exact position. Mr. Temporary Speaker, we are blessed that we have the advocate who was handling the matter and he has given us the position on the matter, why should we waste time again on something that has been discussed in court and the advocate is here giving us the information? Mr. Temporary Speaker, I think the Member is out of order!

(Laughter)

(Hon. Odinga stood up in his place)

The Temporary Speaker (Hon. Muhulah): What is it, Hon. Odinga?

(Laughter)

Hon. Odinga: Mr. Temporary Speaker, I think---

The Temporary Speaker (Hon. Muhulah): Hon. Odinga, can you laugh first then you pick that microphone!

(Laughter)

Hon. Odinga: Mr. Temporary Speaker, I think there is something which is happening and I want to bring to your attention that some Members are making contributions while hiding behind the Standing Orders. Somebody is rising on a point of order saying that he wants to seek information and then he is making a contribution right before you, Mr. Temporary Speaker! And you are not reacting!

(Hon. Adida stood up in her place)

The Temporary Speaker (Hon. Muhulah): Point noted, Hon. Odinga. Hon. Lorna.

Hon. Adida: Thank you, Mr. Temporary Speaker. Allow me to also join my fellow colleagues in commending the good work that the Committee on Lands has done. My observation is just that I can be sure to say that they've just started and there's only little that they have done because there are a lot of land issues, Mr. Temporary Speaker. There are a lot of issues on land grabbing. A point in case is like here in Bondo, you find the land has been grabbed to a point that you cannot even get a portion even to put up a toilet.

So the Committee on Lands, there are so many issues that you will have to deal with. A case like the Bondo jua kali artisans, you find that it is a land that is always under dispute.

Whenever these people try to concentrate on their issues, you find that there are always threats and I think this one is soon coming as a Statement so that the Committee on Lands can move with speed and check what is really happening.

I commend you for the good work and I encourage you, more so the department of lands dealing with physical planning. There are issues especially in Bondo, we are almost losing direction. A place like in Bondo town, everybody is out everywhere! So I think these are issues that we will sit down to tackle with the department of lands so that we can bring sanity. Thank you.

The Temporary Speaker (Hon. Muhulah): Hon. Members, we appreciate your debate on that one and the Chair directs the Lands Committee to liaise with the CEC of Lands and Physical Planning and the Siaya County Land Management Board to give this Hon. House the total audit of all the public lands. The second one will be all the public lands that have been grabbed. Please liaise with the relevant authority and give us that report very soon. I don't know how long it can take you to finish it. How long would you need for that exercise?

Hon. Otare: Thank you, Mr. Temporary Speaker. We have a work plan and last Monday we were in Ugunja. We are moving---

The Temporary Speaker (Hon. Muhulah): Have you started the exercise?

Hon. Otare: The exercise has started.

The Temporary Speaker (Hon. Muhulah): Ok. Then No. 2; ensure that the surveyors are taken to this land in question and a clear report brought to this House. A survey is done and of course the debated ownership is confirmed because I have a map in front of me that is a bit relevant to what the Hon. Member for Usonga said.

(Question put and agreed to)

ADJOURNMENT

The Temporary Speaker (Hon. Muhulah): Hon. Members, it is 9 minutes to 11 a.m on Wednesday morning and we have exhausted our business. There being no other business, the House stands adjourned until 2.30 p.m. in the afternoon. Thank you.

The House rose at 10.51am.