

Thursday, 26<sup>th</sup> July, 2018 COUNTY ASSEMBLY OF SIAYA DEBATES

## REPUBLIC OF KENYA

### SIAYA COUNTY ASSEMBLY

#### THE HANSARD

**Second County Assembly - Second Session**

**Thursday, 26th July, 2018**

The House met at the County Assembly Chamber at 2.30 p.m.

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

#### PRAYER

#### COMMUNICATION FROM THE CHAIR

##### KENYA DEVOLUTION SUPPORT PROGRAMME

**The Temporary (Hon. Opanga):** Hon. Members, I wish to bring it to your attention that we shall be having a meeting for the Kenya Devolution Support Programme which will be starting on Monday but we are reporting Sunday evening and then we will check out on Tuesday morning.

At the same time on that day we will have another meeting that we will start with in the morning, meeting the First lady of Siaya County on the issue of ECDs. There is a programme that she will be taking us through on then after which it's when we will start Kenya Devolution Support Programme. The meeting will be at the Vic hotel in Kisumu which is situated at Mega City on your way along Nairobi road.

#### STATEMENT

##### PROPOSED CONSTRUCTION OF GENERAL HOSPITAL WARD AT NYAGUDA DISPENSARY

**Hon. Abigail:** Thank you, Mr. Temporary Speaker, Sir; I rise to give a response to the Statement concerning proposed construction of general hospital ward at Nyaguda dispensary in South Sakwa Ward.

The Health department acknowledges receipt of your letter dated 3<sup>rd</sup> July, 2018 with Ref No. SC/CORR/C.EXEC/16 VOL.XI-71 together with all the accompanying attachments with regard to the above referred matter. The health department wishes to respond as follows;

Q1; Explain why the department of health in their report dated 29<sup>th</sup> January, 2018 Ref. No. SYA/CHD/ASSEMBLY/VOL. II (201), on pending projects submitted to the Assembly Committee on implementation, reported that the said project is 75% done while the reality spot check of the project shows that it has not even been started.

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Response; the health department has noted the anomaly in the said report and wish to apologize over the same. The department also wishes to state that there was no intention to give wrong information to the honorable House.

The true position of the said project is that it was awarded on 29/06/2016 vide award notification No. CGS/HEALTH/2015-16 (attached) to ABBA Construction Company Ltd.

The contractor, however, failed to take up the tender (attached letter) because of inadequate budget allocation. The department of works has estimated that a general hospital ward should be allocated at least Kshs.6,574,961.02 (Attached schedule). The contractor therefore never reported on the site and the project failed to commence.

Q2; explain why the department of health, in their report dated 29<sup>th</sup> January 2018, has reported to have spent a whopping Kshs. 1,500,000 on the said project and the project is yet to commence.

Response; the health department noted the anomaly in the report, the true position is that the contractor to the said project failed to report to the site hence there was no work done. No payment has been made in regard to the said project.

The project had budget allocation of Kshs. 2,000,000 in fy 2015/2016 which has not been spent (attached budget extract as per Dec 2017 Supplementary).

The Funds have rolled over to the budget of fy 2018/19.

Explain why the construction of the said project has delayed since fy 2015/16 when it was budgeted for to date. Response; the award of then development projects in the FY 2015/16 generally delayed because the County Government of Siaya decided that the projects from the previous financial years should be completed before more tenders were awarded.

The said project was awarded on 29/6/2016 but the contractor failed to report to the site. The contract has since been terminated (attached letter) and a new contract will be awarded in the FY 2018/19. It is however notable that the said project will require additional funding for its full implementation.

Q4; give concrete budgetary estimates for the projects and the utilizations of the said funds (if any) meant for the project over the Financial Years.

Response; the project was allocated Kshs. 2,000,000 in the FY 2015/16 and the funds have not been utilized over the financial years.

The project has not had any additional budgetary allocation over the funds have not been utilized over the financial years.

Q5; give detailed payment details of the beneficiary accounts to which the said Kshs. 1,500,000 and any other monies (if any) spent on the imaginary works on the project was made and evidences of the same.

The Health department noted there was anomaly in the report that was submitted. The said project failed to commence and no monies have been spent on it.

The budget allocation to the project of Kshs. 2,000,000 has been rolled over to the fy 2018/19, signed by Dr. Omondi the acting chief officer.

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**Hon. Odhiambo:** Thank you, Mr. Temporary Speaker, Sir; the response which has been given here is from the Executive and I think it should be clear in this House; you are given a duty to do some follow up it is very necessary for the Committee of any department to go and do their research and maybe use the technics of their own to such research and bring back to the House.

According to the response I am getting here it seems that the Statement I raised in this House was just the same way it was forwarded to the department of health because when I visited Mr. Omondi in his office in fact he is not even aware of such a project in my Ward and he was also saying he is just a newcomer like me.

What he was responding to; they are just trying to twist this thing so that they can be safe on their side. I don't think a whole County government can do a Report to the Assembly; they are saying these are anomalies. They are things which people are not supposed to open; I may be satisfied because they are saying the response is still there but according to me the health Committee could have gone deep and maybe do some investigation before they expose such a Statement in the department.

Otherwise whatever they have given here I will only get convinced because the money is still there but such people should get thorough punishment so that next time they shouldn't be in a position to make or twist something which is not in order. Thank you and I hope that all that I have said will be taken note of and the thorough research has been done before such Statements are taken to the Executive.

**The Temporary Speaker** (Hon. Opanga): Hon. Edwin, I think you were seeking a clarification from the Executive and now that they have responded if you feel that the response is not satisfactory now there is when the Committee picks it up and does its investigation and even does the site visit because they cannot do before the Executive and then you tell them whether you are satisfied.

As the Committee of the House I think this is the general practice; we first get their response and if you feel you that it's not satisfactory from there is when the Committee picks up the matter, they summon the people in charge and from there you as a person who is interested you are able also to give your views and give the remarks that you feel on the ground this is what is there. Yes, what is it, Hon. Shirley?

**Hon. Oyuago:** Thank you, Mr. Temporary Speaker, Sir. I just wanted to make some clarifications on the statement that has been made by the Hon. Member, Edwin Odhiambo. It seems the Hon. Member is failing on his duty as a representative who was elected to represent a Ward. He should be confirming to this House whether the project appear in the supplementary budget and in the budget of FY 2018/2019 as it has been indicated by the Executive.

He should be standing here and telling us that the Committee on Health is failing. We are aware that the project does not exist in South Sakwa and that is why we requested the Executive to provide us with clarification why the project is not commenced.

They have already given a statement response to what happened and it is the responsibility of Hon. Edwin to confirm to this House if the statement response given by the Executive, whether the project appeared in the supplementary budget as representative of the Ward.

**Hon. Temporary Speaker:** Yes, Hon. Edwin.

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**Hon. Odhiambo:** Thank you, Mr. Temporary Speaker, Sir. I don't think we are here to exchange words with another Committee, but what I wanted to make clear is .....

**Hon. Temporary Speaker:** Hon. Edwin, first, are you satisfied with the response? Let us start from there and if you are not, we have the chair for Health here, let us not engage other Members. If you are not satisfied as the chair I give a ruling on the same.

**Hon. Odhiambo:** Okay, I said earlier that I am satisfied with the response because they are indicating that the money is there, it has not been squandered. But you know there are some penalties these people should be subjected to because they have failed to do their duty.

By that time I was not there but I did some research and that is why I found that the project is not on the ground while on the report they said it's done. This is an honorable House whereby you cannot give a wrong report; furthermore it is a report of 2016/2017. And that is why am insisting that they should also be doing their own investigations before presenting anything.

**Hon. Temporary Speaker:** Hon. Edwin, you have finished your submission. What is it, Hon. Abigail?

**Hon. Abigail:** I just wanted to rise on a point of Order and tell Hon. Edwin that we are not police officers. When you demand for a statement we get it from the Executive and give it to you. So it is up to you as the owner of the statement to clarify to this House that whatever we put on our plan to ensure that whatever your concerns are, they are valid. Thank you.

**Hon. Temporary Speaker:** Hon. Chief Abudi.

**Hon. Aringo:** Thank you, Mr. Temporary Speaker, Sir. I just want to contribute to this report even though the Hon. Member is satisfied with the report. I want to say that for the Chief Officer to say as it is indicated here that there was no intention to give wrong information to this House.

I want to categorically refute that, this was not an oversight but it was done purposefully. If the contractor has not been paid any money, how did they arrive at the figure of Kshs. 1.1 million which was allegedly paid to the contractor?

This figure could not just pop out by itself, instead someone sat down and wrote the report and indicated that the contractor was paid Kshs. 1.1 million. And again, it is surprising that the CEO indicated that the work done was quantified to be 76% complete. How did they arrive at this if it was not intentional? But I want to say that this was intentionally done and to mislead this House. Thank you.

**Hon. Temporary Speaker:** Okay, thank you.  
Hon. Otiato!

**Hon. Otiato:** Thank you, Mr. Temporary Speaker, Sir. I think there are a few issues here; when we say a status report indicating job done we are actually not even supposed to be castigating the Hon. Member for having brought this question and up to now where we are.....

**Hon. Temporary Speaker:** Hon. Adallah!

**Hon. Adallah:** Thank you, Mr. Temporary Speaker Sir. I have got lots of respect to my colleagues when they are making their submissions on the Floor of the House because that's essentially why we are here but we must also be alive to the fact that before the Hon. Otiato talks, he should do research.

**Hon. Temporary Speaker:** What is it, Hon. Abudi?

**Hon. Aringo:** On a point of Order! Mr. Temporary Speaker Sir, the Hon. Member, I don't know but maybe my eyes are failing me. But from here I can see that he is not properly dressed.

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**Hon. Temporary Speaker:** Hon. Otiato, before you make your submission please go and dress properly, and any Hon. Member who wants to contribute while on the floor dress properly. Hon. Members I think this issue of Nyagonda dispensary and we have seen that a whole department giving us a false report.

That is the first mistake and I think that there is a Committee that will handle these and give satisfactory answers to this as part of Edwin's case. Because they may also have projects that maybe have been done and the status he is telling us is 75% or 100% but the reality on the ground you find is 10%. So as the Committee on Implementation I think they need also to do that through the report that was given and also help the House in areas that need to be done. I think we are clear on that.

Yes, Hon. Otiato! What is it?

**Hon. Otiato:** Thank you, Mr. Temporary Speaker Sir. I was just making a statement on this as the chair of Legal and Justice Committee and I think when we are dealing with matters corruption, integrity and even failing to follow the administrative functions.....

**Hon. Temporary Speaker:** Hon. Shirly, what it is?

**Hon. Oyuago:** Mr. Temporary Speaker Sir, I think you have already made a ruling on this matter so I wonder what the Member is contributing on because you have made a ruling on the statement. So you better sit down and wait for another stage.

**Hon. Temporary Speaker:** Hon. Otiato, we realize that this came under the status report to the Implementation Committee, so what I have said as the chair of today that the Committee needs to go through the report in liaison with other Sectoral Committees and then we see how best you can help each other, that is the rule.

**Hon. Otiato:** I think we only have one Speaker, and you had given me an opportunity to speak so for a Hon. Member to stop me from the discussion unless you tell me to sit down I think I won't sit.

**Hon. Temporary Speaker:** Okay, Hon. Otiato, take a seat.  
Oh! We had two statements so there is another statement from Hon. Willis.

**Hon. Ochieng:** Thank you, Mr. Temporary Speaker, Sir. I want to give a response of statement request by Hon. Felix Okumu on the proposed West Gangu irrigation project in West Alego Ward. The Hon. Member brought a statement requesting for a response on;

1. The outcome of feasibility study undertaken on the project site.
2. The need for carrying out an environmental impact assessment on the proposed project.
3. The involvement of all relevant stake holders to ensure that the project is all inclusive.
4. The need to priorities the project in the Siaya County budget estimates.

County Executive response on that statement is as follows;

In a correspondence dated 12<sup>th</sup> May, 2018 the CO for Agriculture, Irrigation, Food, Livestock and Tourism responded as follows;

1. The 42 farmers operating a 100 Ha piece of land at Pap Gangu in West Alego Ward proposed to have a rice irrigation scheme on the land.
2. A pre-feasibility study has been done by the County Government on the said proposed project with an objective of determining the ability of the proposed project.
3. That the pre-feasibility study proved that the proposed project is viable; however, there is need for a full feasibility study as per best practice in irrigation.
4. The full feasibility study is expected to report on technical, engineering and economic aspect of the project for the purposes of implementation.

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5. On the need for an Environmental Impact Assessment, it's reported that the scope of the project, 100 acres, makes it mandatory for an EIA. This must be done by consultants registered and fully authorized by NEMA, other inferences developed by NEMA.

The response has also highlighted the importance of stakeholder's engagement in the project. It is reported that a total of 42 farmers participated in the feasibility study and that all other stakeholders would be mapped during the next phase of the project. It is however not clear whether there were any other stakeholders involved in the feasibility study apart from the 42 farmers and the technical users.

It also reported that the Community was sensitized on the pre-feasibility study, on the need to prioritize the projects in the County Government of Siaya Budget Estimates. Review of the Statement response; having studied the response of the Executive, on the proposed projects, and the feasibility study reports, the Committee noted the following:

That the need for full feasibility study on the proposed projects must be underscored to inform appropriate project planning purposes. We undertook:

1. Soil testing and Topography Proper environment assessment, suitability of the proposed farming activity with regards to soil and other existing factors. Water supply and demand, infrastructural works and among other project needs.
2. The aspect of budgeting of the project must be facilitated and less at the farmers' sensitization stage. It is noted that the project was not budgeted for in the current budget estimates for Financial Year 2018/2019.

The Project budgeted could be handled as a Ward based project and prioritized by stakeholders and the Ward level. However in the opinion of the Committee, the magnitude of the projects which is 100 acres can effectively be classified and be properly handled as an exhibiting project

The budget process must be initiated by the agriculture department as part of the next financial year Budget estimates or be considered for possible departmental re allocation of funds if any, during the fourth coming supplementary estimates. The area MCA is encouraged to fast track this process.

3. On stakeholder engagement, the process of stakeholders mapping and engagement was not comprehensive at the pre-feasibility stage. The Committee advises that proper and comprehensive stakeholders mapping be done and all relevant stakeholders be involved at all stages of the project to avoid opposition and lack of community good will and project ownership for successful implementation.

**Conclusion:** From the foregoing discussion, the Committee concludes that the County Executive response on the subject statement request is satisfactory and comprehensive with regards to the objectives of the statement.

The area MCA is therefore encouraged to fast track the recommendations herein for the actualization of the proposed project.

**Recommendations**

1. The department of agriculture to immediately draw a proper project needs and work plan to facilitate the budgeting needs and process for the project

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2. The full feasibility study to be budgeted for and carried out under the guidance of the department of agriculture.

3. The project should be budgeted for in the Financial Year 2019/2020 budget estimates. Alternatively, the department of Agriculture can consider the possibility of initiating part implementation of the project needs through re- allocation of funds if any in the fourth coming Supplementary Budgeting. Thank you.

**The Temporary Speaker** (Hon. Opanga): Yes, Hon. Felix Okumu?

**Hon. Okumu:** Thank you, Mr. Speaker Sir. The Chairman of Committee of Agriculture has read it, and the whole subject is true, except that what I can add to the document, is that the feasibility study already has been done, and the environmental study also is there in place. So I can request the Committee Chair plus the clerk to do something further for its wellbeing.

**The Temporary Speaker** (Hon. Opanga): So are you satisfied?

**Hon. Okumu:** Yes

**The Temporary Speaker** (Hon. Opanga): It's okay. Yes, Hon. Omwende.

**Hon. Omwende:** Thank you, Mr. Speaker. I remember sometime back in this Assembly; I raised a Statement of which a timeline was given to that Committee to process that. Up to now! No response.

So it means there are many Statement requests that are yet to be processed in this Assembly. So it is my kind request to the Committee of Agriculture to remember there is a Statement, it was given a timeframe so that they can go back and give the Statement to this Assembly. Kindly Mr. Speaker, add your voice to this.

**The Temporary Speaker** (Hon. Opanga): Yes, Chair of Agriculture. I don't know if you are aware of the Statement or how far?

**Hon. Wandera:** Thank you, Mr. Speaker. I think we brought here a progressive report, and I think we are still doing some investigation, and I want just to tell the Hon. Member that we are still on course.

We are still communicating to the management of Mumias Sugar Company, everybody here has some knowledge on what is happening with the management of Mumias Sugar Company and they promised us that after they will have structured everything, they will give us immediate feedback, and we will bring that report to this House.

**The Temporary Speaker** (Hon. Opanga): Is there a timeline that you can give to the Honorable Member so that you set the record straight?

**Hon. Wandera:** Now, Mr. Speaker, there is a problem with the management of Mumias Sugar Company, which we can't actually come in and rectify immediately.

**The Temporary Speaker** (Hon. Opanga): The department of Agriculture ought to have done a reminder to them, so that we see the seriousness of it. Next Order!

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**MOTION**

ADJOURNMENT

**The Temporary Speaker** (Hon. Opanga): Members, would you be upstanding for adjournment?

There being no other Business, this House adjourns until Tuesday, 31<sup>st</sup> next Week 2018 at 2.30 p.m. in the Chamber.

The House rose at 3.42 p.m.