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THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

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THE HANSARD

Wednesday, 14th August 2024

The House met at 9.30 a.m.

[The Temporary Speaker (Hon. (Dr) Rachael Nyamai) in the Chair]

PRAYERS

QUORUM

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, there is no quorum. I order that the Quorum Bell be rung for 10 minutes.

(The Quorum Bell was rung)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Order, Hon. Members. I have confirmed that we are properly constituted. We have quorum. We can now proceed with the business of the day.

PETITION

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): We have a Petition by Hon. Phyllis Bartoo.
Proceed.

COMPENSATION OF RESIDENTS OF CROWN LAND
(LR 883/2) IN MOIBEN CONSTITUENCY

Hon. Phyllis Bartoo (Moiben, UDA): Hon. Temporary Speaker, I rise to present a Petition regarding compensation of residents of Crown Land, LR 883/2 (Sergoit Holding ground) in Moiben Constituency.

I, the undersigned, on behalf of the residents of Crown Land (LR 883/2) of Moiben Constituency, draw the attention of the House to the following:

THAT, Crown Land (LR 883/2), commonly referred to as Sergoit Holding ground in Moiben Constituency, Uasin Gishu County, totalling 1,500 acres was inhabited by several clans of Sergoit Community who used it for grazing, water catchment and cultural activities before the land was acquired by the colonial government.

THAT, the Sergoit Community surrendered the parcel of land to allow for establishment of public amenities such as schools, colleges, police stations and tree nurseries, among other utilities, against a Government's commitment to compensate them.

THAT, while some families received compensation by being given other parcels of land, many others were left out as the land intended for the compensation was fraudulently acquired by individuals who continue to occupy it up to-date.

THAT, in 1992, during the initial land allocation to beneficiaries as compensation, some individuals and entities were allegedly allocated parcels of land irregularly by the then provincial administration.

THAT, following complaints against the compensation process by the residents, a taskforce was formed in 2016 to investigate and address the anomalies which subsequently led to three splinter groups due to internal disagreements.

THAT, one of the groups sub-divided the land, drew a new map (Sergoit-Karuna Block 5) which overlapped with the 1992 allocations thus causing boundary disputes among the residents.

THAT, the Sergoit Community and un-compensated land owners formed a committee that actively pursued the matter with the support of the County Commissioner, who placed a caveat on any transactions on Crown Land until the issues were resolved.

THAT, out of the 1,500 acres, only 900 acres is occupied by genuine beneficiaries who are also facing displacement after the 2016 sub-division map. About 450 acres were allegedly acquired and inhabited illegally by private developers while the rest of the 150 acres is a water catchment area.

THAT, the matters presented in this Petition are not pending before any tribunal, court of law or any legal body.

Therefore, your humble Petitioners pray that the National Assembly, through the Public Petitions Committee:

1. Engages the Ministry of Lands and Physical Planning, Public Works, Housing and Urban Development and the relevant authorities with a view to investigating the alleged irregular land acquisition, illegal compensation process and other malpractices for Crown Land (LR 883/2) in Moiben Constituency, Uasin Gishu County.
2. Recommends due compensation to all members of Sergoit Community who surrendered their parcels of land for public utilities.
3. Makes any other recommendation or action it deems fit in addressing the plight of the Petitioners.

And your Petitioners will forever pray.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you, Hon. Bartoo. The Petition is referred to the Public Petitions Committee. Do you want to make a comment, Hon. (Dr) Pukose? You may proceed.

Hon. (Dr) Robert Pukose (Endebess, UDA): Thank you, Hon. Temporary Speaker. I support the Petition by Hon. Bartoo on the re-settlement of the Sergoit people. The issue of the former provincial administration taking money from individuals and allocating land is not just in Sergoit. It is something that has happened in areas where we have had issues of settlement. I brought a Petition on behalf of the people of Chepchoina in my constituency but to date, it has not been addressed. In Chepchoina, we have people who have occupied other peoples' land and have allotment letters. The Select Committee on Public Petitions needs to consolidate the two petitions and respond to both issues. We have this problem not just in Chepchoina and Sergoit, but all over in other places. We also have serious conmen who are engaged in fraudulent acquisition of peoples' lands. The Select Committee on Public Petitions should be able to consolidate and look at some of these Petitions, which are raising matters of historical land injustices. The Constitution provides that Parliament has the power to summon anybody. Former provincial administrators

should not escape from being summoned to appear before the Committee and shed light on these matters. If possible, they should be held accountable for the roles they played in these matters.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Ferdinand Wanyonyi.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Hon. Temporary Speaker, I take this opportunity to support the Petition. As it has been mentioned by Hon. (Prof.) Bartoo, we have a similar problem in Trans Nzoia County. It is becoming more critical now given that some of the people who acquired land illegally are bossing around. Therefore, this Petition is quite timely. I request whoever will handle it to involve the Petitioner and people from Trans Nzoia, so that they can provide adequate information. There are people who own large parcels of land today. They walked in and acquired them. This case is very critical.

I thank the Petitioner for coming out. When she will be called upon to give evidence, let her involve us as well so that we can give some more information that is very critical, so that these matters can be sorted out once and for all.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Sunkuli.

Hon. Julius Sunkuli (Kilgoris, KANU): Hon. Temporary Speaker, I also support the Petition by Hon. (Prof.) Bartoo. The Sergoit area that she has described is problematic. I am speaking on this matter because many people in Kilgoris have a deep interest in the land in Uasin Gishu County, since that is where they were evicted from. Many of our constituents remained in Uasin Gishu County. When this Petition is being considered, it is good to do a comprehensive job. During the inquiry, the Committee should consider the issue of Nyalil Bay Farm, which is not far from Sergoit. Our people were given rights on the land, even by the courts, but they cannot get it because the Government cannot implement court decisions.

This Petition is very important. We will look into it. As Hon. (Dr) Pukose has said, this might reveal some serious historical injustices. This was our land, and our people must also get a good share of it.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): The last Member to contribute to this Petition will be Hon. Owen Baya.

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker, I stand here to support the good Prof. Bartoo on this land matter. There is something that is very fundamental. We must cure these problems so that the petitions that we bring to this House become useful to the people we represent.

The Constitution of Kenya, 2010 established the National Lands Commission (NLC) to look into historical land injustices, review grants and handle all the issues about parcels of land that have trouble. This country has moved away from the Ndung'u Commission and many other land commissions that could not cure all those problems because they did not have the force of the law. The NLC has been created to help communities to solve those problems. However, as we may be aware, the power to review grants, as contained in the statute that established the NLC, expired. But the law in the Constitution has not expired.

As at now, there is a constriction on the implementation of the Constitution because of a statute that was passed in this House. It will be very difficult for the people of Moiben to get justice on those land issues, if the NLC does not get its power back. Even if we give the Public Petitions Committee the mandate to investigate and do whatever pertains to the powers that they have, there is something that will be missing – that is, the statutory authority of the NLC to solve those problems. At the end of the day, the Ministry of Lands, Housing and Urban Development will play

ping-pong and nothing will happen. It is, therefore, very important that we stand up, as a House, and re-enact the law to ensure that NLC continues to have the necessary powers, so that it can help to solve the many land issues that we have in this country.

Hon. Temporary Speaker, there has been some kind of lacuna and cooling of feet within the Ministry. Probably, they are not interested in giving back those powers to the NLC. Therefore, I request this House to ensure that the powers envisaged in the Constitution are given back to the NLC so that they can review grants. The NLC should be enabled to listen to historical land injustice cases and liberate this country from the yoke of land issues.

I thank you, Hon. Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, I see a lot of interest in this Petition. So that we do not turn it into a debate, I will refer this matter to the Public Petitions Committee as per Standing Order 208A.

PAPERS

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Deputy Leader of Majority Party.

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker, I beg to lay the following Paper on the Table:

Reports of the Auditor-General and financial statements of the National Government Constituencies Development Fund (NG-CDF) for the year ended 30th June 2023, and the certificates therein in respect of the following constituencies:

- | | |
|-----------------------|------------------------|
| (a) Alego Usonga; | (z) Teso North; |
| (b) Ugenya; | (aa) Makeni; |
| (c) Balambala; | (bb) Kajiado North; |
| (d) Garissa Township; | (cc) Kibwezi East; |
| (e) Dadaab; | (dd) Shinyalu; |
| (f) Kitutu Masaba; | (ee) Mumias West; |
| (g) Kipkelion East; | (ff) Nambale; |
| (h) Bomet East; | (gg) Kimilili; |
| (i) Uriri; | (hh) Sirisia; |
| (j) Ainamoi; | (ii) Ainabkoi; |
| (k) Isiolo North; | (jj) Nakuru Town East; |
| (l) Laikipia North; | (kk) Kisauni; |
| (m) Laikipia West; | (ll) Kinango; |
| (n) Kesses; | (mm) Mvita; |
| (o) Keiyo North; | (nn) Othaya; |
| (p) Kapseret; | (oo) Nyeri Town; |
| (q) Nandi Hills; | (pp) Matuga; |
| (r) Soy; | (qq) Changamwe; |
| (s) Marakwet East; | (rr) Nyali; |
| (t) Mumias East; | (ss) Voi; |
| (u) Kanduyi; | (tt) Gichugu; |
| (v) Ikolomani; | (uu) Likoni; |
| (w) Teso South; | (vv) Kangema; |
| (x) Matayos; | (ww) Mwea; |
| (y) Likuyani; | (xx) Khwisero; |

(yy) Navakholo; and

(zz) Butere.

I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Dawood, you may proceed.

Hon. Rahim Dawood (North Imenti, Independent): Hon. Temporary Speaker, I beg to lay the following Papers on the Table:

Reports of the Special Funds Accounts Committee on its consideration of the following:

1. Ninth Report on the financial statements for the Kenya National Highways Authority (KeNHA) Road Maintenance Levy Fund; the Kenya Rural Roads Authority (KeRRA) Road Maintenance Levy Fund; the Kenya Urban Roads Authority (KURA) Road Maintenance Levy Fund; and the Kenya Wildlife Services (KWS) Road Maintenance Levy Fund for Financial Years 2020/2021 and 2021/2022.
2. The Tenth Report on the financial statements for the Prison Industries Revolving Fund and Prison Farm Revolving Fund for Financial Years 2020/2021 and 2021/2022.
3. The Eleventh Report on the financial statements for the Tourism Fund and Tourism Promotion Fund for Financial Years 2020/2021 and 2021/2022.
4. The Twelfth Report on the financial statements for the Agricultural Information Resource Centre Revolving Fund for the Financial Years 2020/2021 and 2021/2022.
5. The Thirteenth Report on the financial statements for the Agricultural Food Authority Car Loan and Mortgage Scheme Fund, Veterinary Services Development Fund and Government Press Fund for the Financial Years 2020/2021 and 2021/2022.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you, Hon. Dawood. Next is the Vice-Chairperson of the Public Accounts Committee.

Please, proceed.

Hon. Tindi Mwale (Butere, ODM): Hon. Temporary Speaker, I beg to lay the following Paper on the Table:

Report of the Public Accounts Committee on Procurement of External Audit Services for the Office of the Auditor-General for Financial Years 2022/2023, 2023/2024 and 2024/2025.

Thank you very much.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Next is a Member of the Select Committee on Appointments, who is also the Leader of the Minority Party.

Hon. Junet Mohamed (Suna East, ODM): Hon. Speaker, I beg to lay the following Paper on the Table:

Third Report of the Committee on Appointments on vetting of persons for appointment as Cabinet Secretary for the East African Community Affairs and Regional Development, and the Attorney-General of the Republic of Kenya.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you, Leader of Minority Party.

Next Order.

NOTICES OF MOTIONS**APPROVAL OF NOMINEES FOR APPOINTMENT AS
CABINET SECRETARY AND ATTORNEY-GENERAL**

Hon. Junet Mohamed (Suna East, ODM): Hon. Temporary Speaker, I beg to give notice of the following Motion:

THAT, taking into consideration the findings of the Committee on Appointments in its Third Report on the vetting of the nominees for appointment as Cabinet Secretary for the East African Community Affairs and Regional Development, and Attorney-General of the Republic of Kenya, laid on the Table of the House on Wednesday, 14th August 2024; and pursuant to the provisions of Articles 152 (2) and 156 (2) of the Constitution and Sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, 2011), this House approves the appointment of the following persons—

1. Ms Beatrice Asukul Moe as the Cabinet Secretary for East African Community Affairs and Regional Development; and,
2. Ms. Dorcas Agik Odhong Oduor, SC, OGW as the Attorney-General of the Republic of Kenya.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much. Next is the Vice-Chairperson of the Public Accounts Committee.

**APPOINTMENT OF M/S PKF (KENYA) LLP TO PROVIDE EXTERNAL
AUDIT SERVICES TO OFFICE OF AUDITOR-GENERAL**

Hon. Tindi Mwale (Butere, ODM): Hon. Temporary Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Public Accounts Committee on the Procurement of External Audit Services for the Office of the Auditor-General for Financial Years 2022/2023, 2023/2024 and 2024/2025, laid on the Table of the House on Wednesday, 14th August 2024 and, pursuant to the provisions of Article 226 (4) of the Constitution and Section 43 of the Public Audit Act, 2015, appoints M/s PKF (Kenya) LLP for purposes of providing external audit services to the Office of the Auditor General (OAG) with respect to –

1. the Accounts of the Office of the Auditor-General for the period 2022/2023, 2023/2024 and 2024/2025; and,
2. the Financial Statements for the Staff Mortgage and Car Loan Scheme of the Office of the Auditor-General for Financial Years 2022/2023, 2023/2024 and 2024/2025.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. Next is the Vice-Chairperson of the Special Funds Accounts Committee.

**ADOPTION OF NINTH REPORT ON FINANCIAL STATEMENTS FOR VARIOUS
FUNDS FOR FINANCIAL YEARS 2020/2021 AND 2021/2022**

Hon. Rahim Dawood (North Imenti, Independent): Hon. Temporary Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Ninth Report of the Special Funds Accounts Committee on its consideration of the Report of the Auditor-General on the Financial Statements for the Kenya National Highways Authority Road Maintenance Levy Fund, Kenya Rural Roads Authority Road Maintenance Levy Fund, Kenya Urban Roads Authority Road Maintenance Levy Fund, and Kenya Wildlife Services Road Maintenance Levy Fund for the Financial Years 2020/2021 and 2021/2022, laid on the Table of the House on Wednesday, 14th August 2024 (Morning Session).

ADOPTION OF 10TH REPORT ON FINANCIAL STATEMENTS FOR PRISON
INDUSTRIES REVOLVING FUND AND PRISON FARM REVOLVING FUND

Hon. Rahim Dawood (North Imenti, Independent): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Tenth Report of the Special Funds Accounts Committee on its consideration of the Report of the Auditor-General on the Financial Statements for the Prison Industries Revolving Fund and the Prison Farm Revolving Fund for Financial Years 2020/2021 and 2021/2022, laid on the Table of the House on Wednesday, 14th August 2024.

ADOPTION OF 11TH REPORT ON FINANCIAL STATEMENTS
FOR TOURISM FUND AND TOURISM PROMOTION FUND

Hon. Rahim Dawood (North Imenti, Independent): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Eleventh Report of the Special Funds Accounts Committee on its consideration of the Report of the Auditor-General on the Financial Statements for the Tourism Fund and the Tourism Promotion Fund for the Financial Years 2020/2021 and 2021/2022, laid on the Table of the House on Wednesday, 14th August 2024.

ADOPTION OF 12TH REPORT ON FINANCIAL STATEMENTS FOR AGRICULTURAL
INFORMATION RESOURCE CENTRE REVOLVING FUND

Hon. Rahim Dawood (North Imenti, Independent): Hon. Temporary Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Twelfth Report of the Special Funds Accounts Committee on its consideration of the Report of the Auditor-General on the Financial Statements for the Agricultural Information Resource Centre Revolving Fund for the Financial Years 2020/2021 and 2021/2022, laid on the Table of the House on Wednesday, 14th August 2024 (Morning Session).

ADOPTION OF 13TH REPORT ON FINANCIAL STATEMENTS FOR AGRICULTURAL
FOOD AUTHORITY CAR LOAN AND MORTGAGE SCHEME FUND, VETERINARY
SERVICES DEVELOPMENT FUND AND GOVERNMENT PRESS FUND

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Hon. Rahim Dawood (North Imenti, Independent): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Thirteenth Report of the Special Funds Accounts Committee on its consideration of the Report of the Auditor-General on the Financial Statements for the Agricultural Food Authority Car Loan and Mortgage Scheme Fund, Veterinary Services Development Fund and Government Press Fund for FY 2020/2021 and 2021/2022, laid on the Table of the House on Wednesday, 14th August 2024 (Morning Session).

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. Hon. Members, I would like us to re-organise the business so that we proceed with Orders 8, 9 and 10 and return to Order 7 later on.

Deputy Leader of Majority Party, please, approach the Chair.

PROCEDURAL MOTION

EXEMPTION OF SPECIFIED BUSINESS FROM STANDING ORDER 40 (3)

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker I beg to move the following Procedural Motion:

THAT, this House resolves to exempt the business appearing as Order Numbers 11 and 12 (ii) in today's Order Paper from the provisions of Standing Order 40 (3), being a Wednesday Morning, a day allocated for business not sponsored by the Majority or the Minority Party or business sponsored by a Committee.

Given that we have moved an important Motion today that needs discussion, we need to re-arrange our business. Although it is a Wednesday morning, we may allow that Government or committee business comes in the middle.

I beg to move that we adopt this Procedural Motion and request Hon. (Dr) Pukose to second.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. (Dr) Pukose, you may proceed to second the Motion.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Speaker, I second the Procedural Motion so that we can dispense other businesses. I ask for the indulgence of Members to allow the Procedural Motion to allow us to dispense with the other businesses without anticipating that we will be proceeding to recess.

I beg to second.

(Question put and agreed to)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Next Order.

MOTION

CONSIDERATION OF REPORT ON THE COTTON INDUSTRY DEVELOPMENT BILL

(Moved by Hon. Mary Emaase on 7.8.2024 – Morning Sitting)

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(Debate concluded on 7.8.2024– Morning Sitting)

(Question put and agreed to)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Next Order.

MOTION

POLICY FOR PROVISION OF MENTAL HEALTH SERVICES IN ALL HEALTHCARE FACILITIES

THAT, aware that Article 43(1)(a) of the Constitution provides that every person has the right to the highest attainable standard of health, including the right to health care services; further aware that mental health is a key determinant of overall health and socio-economic development; recognising that the Constitution assigns to the national Government the responsibility of matters of health policy; concerned that according to the World Health Organization (WHO), mental and neurological disorders are common and about ten (10) percent of the global population suffer from at least one mental health disorder at any given time; concerned that psychiatric units are only available in a few facilities in the country and patients requiring psychiatric services have limited or no access to those facilities; acknowledging that access to healthcare facilities would lead to improved overall health, increased economic productivity, social equity and improved quality of life for all; now therefore, this House urges the national Government, through the Ministry of Health, to collaborate with county governments to develop a policy integrating mental healthcare services in all healthcare facilities in the country.

(Moved by Hon. Mishi Mboko on 31.7.2024 – Morning Sitting)

(Debate concluded on 7.8.2024– Morning Sitting)

(Question put and agreed to)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, under the next Order, opportunity goes to Hon. Mishi Mboko. You may proceed, Member for Likoni.

QUESTIONS AND STATEMENTS

REQUESTS FOR STATEMENTS

STATUS ON OPERATIONALISATION OF LIWATONI FISHERIES COMPLEX

Hon. Mishi Mboko (Likoni, ODM): Thank you, Hon. Temporary Speaker.

Pursuant to provisions of Standing Order 44(2)(c), I rise to request for a statement from the Chairperson of the Departmental Committee on Blue Economy and Irrigation regarding the status

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on operationalisation of the Liwatoni Fishery Complex. The Liwatoni Fishery Complex, located in Mombasa County, was initially launched in 2018 and subsequently gazetted as the first fishing port in the country. That landmark project aimed to provide a centralised facility for storage and processing of fish while also serving as a catalyst for harnessing the country's vast potential in the blue economy sector.

The project has faced numerous challenges that have resulted in significant delays to its completion. However, the construction works for the project were recently resumed in 2023 with a renewed forecast and two-phase implementation plan. The first phase, originally scheduled for completion by December 2023, involved finalising essential construction works to enable utilisation by key stakeholders.

The second phase aimed to engage key stakeholder firms with deep-sea fishing capabilities and sophisticated equipment to utilise the facility.

It is, therefore, a crucial project for creating job opportunities, among other benefits to the people. It is against this backdrop that I request for a statement from the Chairperson of the Departmental Committee on Blue Economy and Irrigation on the following:

1. The status of progress of construction works and the estimated completion date and timeline for operationalisation.
2. An overview of key stakeholders, including the level and nature of engagement conducted to align the engagement with the broader strategic plan of the Minister for Mining, Blue Economy and Maritime Affairs.
3. The steps taken by the Ministry to address regulatory and compliance issues, including any challenges encountered.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you, Member for Likoni. Chairman, I can see you are in the House.

Hon. Kangogo Bowen (Marakwet East, UDA): Thank you, Hon. Chair. Madam Chair, the Liwatoni Fish Port is a very strategic facility for this country, especially the coastal people. It has many challenges. I want to promise the Member for Likoni that I will bring an answer in two weeks.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, Chairman. Two weeks for your answer, Hon. Mishi Mboko.

Next is Hon. Machua Waithaka, Member for Kiambu.

STATUS OF KIRIGITI STADIUM

Hon. John Waithaka (Kiambu, UDA): Thank you, Madam Temporary Speaker. Pursuant to the provisions of Standing Order 44(2)(c), I wish to request for a statement from the Chairperson of the Departmental Committee on Sports and Culture, regarding the current status of Kirigiti Stadium.

Kirigiti Stadium is a crucial sports infrastructure project for the country. It is designated to host international events and provide a state-of-the-art facility for athletes and youth. The construction of the 16,000-seat capacity stadium began in November 2020, with the Government committing to upgrade it to international standards that would fit to host local and international matches and events.

However, it is deeply concerning that despite being declared 90 per cent complete a year ago, the project remains unfinished and non-operational. The prolonged delays have significantly impacted the development of the sports in the region. Currently, the stadium is only being used as

a venue for national holiday celebrations by the County Government, thus falling short of its intended purpose.

It is against this background that I request for a statement from the Chairperson of the Departmental Committee on Sports and Culture on the following:

1. A report on the current status of construction of Kirigiti Stadium, including the specific timelines indicating when it will be completed and open to the public.
2. The total amount budgeted for full completion of the stadium versus how much has been spent against the works undertaken so far.
3. Reasons for the delay in the completion of the stadium and the steps that the Government is taking to ensure its full operationalisation.

[The Temporary Speaker (Hon. (Dr) Rachael Nyamai) left the Chair]

[The Temporary Speaker (Hon. David Ochieng') took the Chair]

Hon. Temporary Speaker, I would like to add that the eastern side of the stadium is currently being used as a construction site by the contractor who is still on site. Unfortunately, the area residents have also started using it as a dumping site. Additionally, the drainage around the stadium is in a pathetic state. The residents around the stadium have been complaining about the drainage as and when it rains. The water drains back to the residents' homes. These issues are negatively impacting the environment around Kirigiti Stadium and need to be addressed.

Thank you very much.

The Temporary Speaker (Hon. David Ochieng'): Thank you, Chair of the Departmental Committee on Sports and Culture. Any Member of that Committee? Hon. Deputy Leader of the Majority Party, this chance goes to you.

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker, I will inform the Chairperson.

The Temporary Speaker (Hon. David Ochieng'): Next Order.

BILL

Second Reading

THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS BILL (Senate Bill No.19 of 2024)

(Moved by Hon. Ndindi Nyoro on 13.8.2024)

(Resumption of debate interrupted on 13.8.2024)

The Temporary Speaker (Hon. David Ochieng'): Hon. Members, the debate on this Bill is ongoing and I need to know from the Members who have put their cards here whether they want to contribute to this. Hon. Raso, do you want to contribute to this? You have four minutes.

Hon. Ali Raso (Saku, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity. I rise to support this Bill from the Senate. I have also reviewed the Report by the Budget and Appropriations Committee and it is evident that the austerity measures resulting from

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the standing down of the Finance Bill 2024 have led to a significant budget deficit, causing the county allocation to decrease from Ksh61.9 billion to Ksh46.6 billion. This is a big hole. The additional allocations to our counties come from development partners in areas such as water, health, urban development and sanitation, and all the different facets addressing basic human necessities. Subsequently, the Government also provides matching funds.

Although these funds are allocated to the counties, the National Assembly or the Senate does not have a clear purview on how they are utilised and overseen. Is it directly from the ministry or from the department or institution that gives the money? Who oversees these funds because they are not part of the mainstream allocations to the counties? Going forward, as the National Assembly, we must protect the national coffers and ensure that funding to the counties is timely and efficient. However, these funds must be efficiently utilised. Although the Senate oversees the counties, the people who live in those counties live in constituencies. Those are our people and this must be of concern to us. Article 95(1) talks of matters of concern to the people.

One of the recommendations by the Committee is to decline the transfer of museum functions from the national Government to the counties. One of the difficulties we are facing is the shortage of skilled personnel in our counties. Many technical tasks remain undone despite the allocation of funds. For instance, museums require curators, researchers and scientists with various levels of expertise. If we transfer this function to the counties solely due to funding issues, we may end up harming an important resource. Museums are major tourist attractions worldwide. I fully support the Committee's recommendations on this matter.

Additionally, we have the issue of county aggregation and industrial parks. Vision 2030 aims for Kenya to become a middle-income country. While we may not be able to establish all of them at once, having industrial parks in the counties is crucial. However, the allocation of Ksh105 million to different counties suggests that we are gradually providing those counties with an advantage. If we establish an industrial park this financial year, we can move on to the next county in the following financial year. Without sufficient funding for those industrial parks, they may become incomplete and non-functional. The counties may not have adequate funds for those projects.

Finally, there is the matter of community health promoters. Those individuals represent the first line of community health workers, focusing on preventive rather than curative care. These are some of the initiatives that we have adopted from other jurisdictions or countries. A good example is Cuba, where the community health promoters have a clear view of the common ailments in the communities. It is then dealt with at the first line through improving water and health checks. If an individual ends up going for curative care, then the first line will have failed. It has been seen that Cuba's health system is very well organised. It is among the best in the world. So, for that reason, we must look at the financial allocation to the community health promoters. Most probably, with the chipping of the allocation to this particular area, we may have to downsize many youngsters who are working in this area. It is something that we must remain seized of so that communities are not disadvantaged to a great extent.

With those many remarks, Hon. Temporary Speaker, I beg to support.

The Temporary Speaker (Hon. David Ochieng'): Thank you. Hon. (Dr) Pukose.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Speaker. I beg to move that the Mover be now called upon to reply. I can see we have a Committee of the whole House on the same. I will make my contributions during that time.

The Temporary Speaker (Hon. David Ochieng'): Hon. Members, I think it is reasonable for the House to consider the request. I will, therefore, put the Question.

(Question, that the Mover be now called upon to reply, put and agreed to)

Mover, this is your chance to reply.

Hon. Mary Emaase (Teso South, UDA): Thank you, Hon. Temporary Speaker. I rise to reply to the County Governments Additional Allocations Bill, (Senate Bill, No.19 of 2024). At the outset, I want to thank all the Members who have contributed to this Bill. It is a very important Bill that seeks to give additional conditional allocations to our counties to enhance the provision of very basic and important services to our people.

This Bill originated in the Senate. We know that the Senate prosecuted it based on the approved estimates at that time. As a result of several variations that have happened and that gave birth to the Supplementary Budget Estimates I, it is, therefore, important that this House aligns the County Additional Allocations Bill to the Supplementary Estimates I. As a result of that, therefore, we know that some changes have been occasioned. The case in point is the allocation to county aggregation and industrial parks, where there is a reduction of Ksh1.6 billion. We had to drop a number of counties that were on-boarded so that we can complete the ongoing 18 counties.

I know Members have spoken to the community health promoters. When we come to that allocation, we also note that there is a slight reduction from the Ksh3.2 billion that had been approved to Ksh2.5 billion in the supplementary estimates, registering a decrease of Ksh651 million. That is also a very important allocation. I want to believe that county governments will have to be innovative and find a way to fill the gaps so that none of the community promoters are dropped from the payroll.

Having said this, I just want to mention that some of the funds that are being allocated to counties as additional conditional grants are from the development partners as loans and grants. Some of that money is from the national Government's share of revenue. Therefore, I want to call upon our county governments. I know that some of the money that we have received from the development partners in the form of loans and grants will be going as grants for healthcare services. We know the challenges in our hospitals. Some hospitals still lack very basic equipment. Therefore, I want to plead with the county governments to ensure that there is efficiency and accountability in the utilisation of the money from DANIDA so that Kenyans can feel and see value for the money.

There will be allocations towards agricultural value chains, devolution support and money towards urban support for informal settlements, among others. County governments and all the oversight institutions need to make sure there is proper monitoring and evaluation to ensure that there is success in the implementation of that money. There is even money that is supposed to go towards urban support in terms of even tarmacking our roads and our towns within the counties. Let that money be put into proper use by providing basic services and helping Kenyans.

Hon. Temporary Speaker, with those few remarks, I beg to reply.

(Question put and agreed to)

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

The Temporary Speaker (Hon. David Ochieng'): Thank you. Next Order.

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COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[The Temporary Speaker (Hon. David Ochieng') left the Chair]

IN THE COMMITTEE

[The Temporary Chairlady (Hon. (Dr) Rachael Nyamai) in the Chair]

**THE COTTON INDUSTRY DEVELOPMENT BILL
(Senate Bill No.5 of 2023)**

(Resumption of consideration interrupted on 7.8.2024 – Morning Sitting)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Members, let us settle down so that we can begin business. We are in the Committee of the whole House. We will proceed with the Cotton Industry Development Bill (Senate Bill No.5 of 2023) from Clause 49.

Clause 49

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Chairman, Hon. Mutunga, I can see you are in the House.

Hon. (Dr) John K. Mutunga (Tigania West, UDA): I beg to move:

THAT, Clause 49 of the Bill be amended by deleting the word “*Gossypium aap*” appearing and substituting therefor the words “*Gossypium ssp*”.

This is basically to correct a typographical error.

Hon. Temporary Chairlady, the proposal from the Committee is to correct the spelling of the word *gossypium ssp* which has been written as *gossypium app* instead of *ssp*. That is the only correction. It is just a typographical error.

(Question of amendment proposed)

*(Question, that the words to be left out
be left, put and agreed to)*

*(Question, that the words to be inserted in
place thereof be inserted, put and agreed to)*

(Clause 49 as amended agreed to)

(Clauses 50, 51, 52, 53 and 54 agreed to)

Clause 55

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Chairman.

Hon. (Dr) John K. Mutunga (Tigania West, UDA): I beg to move:

THAT, Clause 55 of the Bill be amended by deleting the word “Authority” appearing immediately after the words “made by the” and substituting therefor the word “Board”.

Hon. Temporary Chairlady, Clause 55 has a wrongful reference of the Authority instead of the Board. We substitute the word “Authority” with the word “Board”. That is the Committee’s recommendation.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Any interest on this? Please go to intervention. There being no interest, I will put the Question.

*(Question, that the word to be left out
be left, put and agreed to)*

*(Question, that the word to be inserted in
place thereof be inserted, put and agreed to)*

(Clause 55 as amended agreed to)

(Clause 56 agreed to)

New Part VA

THAT, the Bill be amended by inserting the following new Part immediately after Part V—

PART VA - ESTABLISHMENT OF THE COTTON ARBITRATION TRIBUNAL

Establishment of the
Cotton Arbitration
Tribunal.

43A. (1) There is established a tribunal to be known as the Cotton Arbitration Tribunal.

(2) The Tribunal shall consist of—

- (a) a chairperson appointed by the Chief Justice who shall be a person qualified to be appointed as a judge of the High Court; and;
- (b) four other members, being persons with expert knowledge of the matters likely to come before the Tribunal and who are not persons with a direct material interest in the cotton industry, all of whom shall be appointed by the Chief Justice in consultation with the Attorney-General and the Council of County Governors.

(3) The chairperson and members of the Tribunal shall serve on a part-time basis.

(4) The members of the Tribunal appointed under subsection (2) shall hold office for a period of three years,

on such terms and conditions as shall be specified in the instrument of appointment and shall be eligible for re-appointment for one further term of three years.

(5) A person shall not be qualified to be appointed as a member of the Tribunal if that person is a public servant or takes an active part in the activities of a political party.

(6) A person shall not qualify for appointment under this section unless the person meets the requirements of Chapter Six of the Constitution.

(7) The provisions set out in the Third Schedule shall have effect with respect to the meetings and procedure of the Tribunal.

(8) Except as provided in the Third Schedule, the Tribunal shall regulate its own procedure as to the conduct of meetings.

Jurisdiction of the Tribunal.

43B. The Tribunal shall hear and determine disputes between the cotton industry players on any matter relating to the cotton industry.

Determination of disputes.

43C. (1) The Tribunal shall determine any dispute before it expeditiously, but in any case, shall determine a dispute within a period of three months from the date the dispute is lodged.

(2) An appeal shall lie from the decision of the Tribunal to the High Court on points of law and facts and on points of law only to the Court of Appeal.

(3) A decision of the Tribunal shall be enforced in the same manner as a decision of a Magistrates Court.

Cap. 80.
Cap. 21.

(4) The Tribunal shall apply the rules of evidence and procedure under the Evidence Act and the Civil Procedure Act, with the necessary modifications, while ensuring that its proceedings do not give undue regard to procedural technicalities.

Powers of the Tribunal.

43D. The Tribunal shall have the powers of the High Court—

- (a) to administer oaths to the parties and witnesses to the proceedings;
- (b) to summon witnesses and to require the production of documents;
- (c) to order the payment of costs; and,
- (d) to order that the provisions of the law relating to commissions of inquiry in Kenya with respect to—
 - (i) the protection of the members of the Tribunal from suit;
 - (ii) the form of summons to witnesses;
 - (iii) to giving or fabricating of false evidence;
 - (iv) the duty and indemnity of witnesses, and the penalty for contumacy, insult or interruption of proceedings; and,

- (v) the appearance of advocates; shall with any necessary adaptations or modifications, apply to the members of, the witnesses before, and the proceedings before, the tribunal in like manner as they apply to commissions of inquiry.

Removal of members of the Tribunal. **43E.** A member of the Tribunal may be removed from office if the member—

- (a) becomes an undischarged bankrupt;
- (b) is convicted of a criminal offence and sentenced to imprisonment for a period exceeding six months without the option of a fine;
- (c) is incapacitated from performing the duties of the office by reason of prolonged physical or mental illness;
- (d) violates the Constitution; or,
- (e) is otherwise unable or unfit to discharge the functions of the office.

Vacancy. **43F.** Where the office of a member of the Tribunal becomes vacant, whether by death or otherwise, the Chief Justice shall appoint another person to be a member of the Tribunal and such member shall serve for his or her full term.

Secretary of the Tribunal. **43G.** The Chief Justice shall appoint a secretary and such other staff of the Tribunal necessary for the proper functioning of the tribunal.

Remuneration of members and staff of the Tribunal. **43H.** (1) The remuneration of the staff of the Tribunal and the expenses of the Tribunal shall be paid out of money allocated by the National Assembly.

(2) The chairperson and members of the Tribunal shall be paid such allowances and be reimbursed such expenses as shall be determined by the Board on the advice of the Salaries and Remuneration Commission.

(The new clause was read a First Time)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Mover, Hon. Mutuse. Is Hon. Mutuse in the House to move the Second Reading? This is a new clause.

(Hon. Mwengi Mutuse walked into the Chamber)

Hon. Mutuse, make your way in. You may proceed to move the Second Reading of Clause 43.

Hon. Mwengi Mutuse (Kibwezi West, MCCP): Thank you, Hon. Temporary Chairlady. I be to move:

THAT, Clause 39 be now read a Second Time.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): It is Clause 43, which is a new clause.

Hon. Mwengi Mutuse (Kibwezi West, MCCC): I beg to move:
THAT New Clause 43 be now read a Second Time.

(Question, that the new clause be read a Second Time, proposed)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Any interest in this, Hon. Chairman. Hon. Mutuse, I will give you time to tell the House what Clause 43 is all about. Hon. Mutuse.

(Hon. Mwengi Mutuse and Hon. (Dr) John K. Mutunga consulted with the Clerks-at-the-Table)

Hon. Mwengi Mutuse (Kibwezi West, MCCC): Hon. Temporary Chairlady, the New Clause 43A was intended to establish the Cotton Arbitration Tribunal to sort out disputes that may arise within the cotton sector. However, after consultations with the Chairman of the Departmental Committee on Agriculture and Livestock, we have agreed to drop it because there is a new move to consolidate all the tribunals and bring them under one law, which is currently pending before Parliament. For that reason, I am persuaded to drop my proposed amendment.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you very much. Hon. Mutuse, I would like to know whether you are dropping the whole New Part VA, that is from 43A to 43H.

Hon. Mwengi Mutuse (Kibwezi West, MCCC): Yes, I am dropping the entire 43A to H that speaks to the matter of the Cotton Arbitration Tribunal

(Proposed amendment by Hon. Mwengi Mutuse to New Part VA withdrawn)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Dawood.

Hon. Rahim Dawood (North Imenti, Independent): Hon. Mutuse should confirm whether he is also dropping the New Schedule, the provisions of meetings and procedure for the Tribunal. If Clause 43A to H is not there, then the New Schedule should be dropped as well.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): We will get there, Hon. Dawood.

First Schedule

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Chairman.

Hon. (Dr) John K. Mutunga (Tigania West, UDA): Thank you, Hon. Temporary Chairlady. I beg to move:

THAT, the First Schedule to the Bill be amended—

(a) in paragraph 1 (1)—

- (i) by deleting the word “ten” appearing immediately after the word “least” and substituting therefor the word “four”;
- (ii) by deleting the word “two” appearing immediately after the word “than” and substituting therefor the word “four”

(b) in sub-paragraph (2), by deleting the words “and such places” appearing immediately before the word “as” and substituting therefor the words “at the headquarters or elsewhere in Kenya”

(c) in paragraph (5) by deleting the word “subsection” wherever it occurs and substituting therefor the word “sub-paragraph”

The Committee proposes to amend the First Schedule by reducing the number of meetings for the board to four instead of ten, as it is stated in the Bill. It also provides that four months shall not elapse before a meeting takes place, instead of two months indicated in the Bill. Lastly, the board meetings are restricted within the country. It also seeks to amend the penalty, which appears to be very high.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Any interest on this?

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(First Schedule as amended agreed to)

(Second Schedule agreed to)

New Schedule

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Mutuse, you may proceed.

Hon. Mwengi Mutuse (Kibwezi West, MCCC): Thank you, Hon. Temporary Chairlady. Sorry. My mind was engaged in something different. From Hon. Dawood's comment earlier, you realise that the Third Schedule speaks to the amendment we are proposing under the New Clause 43A; and therefore, without that Clause, it would be hanging. I propose that it also be dropped.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Mutuse. I think we can now go back to the question that Hon. Dawood raised. Are you dropping this one as well?

Hon. Mwengi Mutuse (Kibwezi West, MCCC): We are dropping it, Hon. Temporary Chairlady.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you very much.

(Proposed amendment by Hon. Mwengi Mutuse on New Schedule dropped)

Clause 2

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Chairman, proceed.

Hon. (Dr) John K. Mutunga (Tigania West, UDA): Thank you, Hon. Temporary Chairlady, I beg to move:

THAT Clause 2 of the Bill be amended—

(a) by inserting the following new definitions in their proper alphabetical sequence—

“collection centre” means centres designated by county governments to serve as buying stations for cotton;

“cotton plant” means *Gossypium SSP* and its varieties;

“ginning” means the process of removing cotton seed from the cotton balls;

“processing” means the process of value addition to cotton, cotton seed or cotton by-products and includes cleaning, grading, spinning, weaving or knitting; and,

“spinning” means the process of producing yarns from extracted cotton fibre;

(b) by deleting the definition of “Cotton industry” and substituting therefor the following new definition—

“Cotton industry” includes growers, ginners, spinners, cotton value addition industries and marketers.

We are proposing some definitions because some words used in the Bill have not been defined. Marketers have played a pivotal role in the industry and it is, therefore, important to include the definition for the same. I propose adopting the Committee's recommendations on the definitions captured in the Order Paper.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you.

(Question of the amendment proposed)

(Question, that the words to be inserted be inserted, put and agreed to)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 2 as amended agreed to)

Long Title

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Chairman, proceed.

Hon. (Dr) John K. Mutunga (Tigania West, UDA): Thank you, Hon. Temporary Chairlady, I beg to move:

THAT the Bill be amended by deleting the long title and substituting therefor the following new long title—

"AN ACT of Parliament to provide for the regulation, production, value addition, marketing and distribution of cotton in Kenya and its products; establish the Cotton Industry Development Board, provide a framework for cotton farming; ensure value addition to cotton and its related products; and for connected purposes."

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The Long Title, as captured in the Bill, misses the function of regulation. The Committee proposes that the function of regulation be integrated into the title as per the amendment in the Order Paper.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you.

(Question of the amendment proposed)

*(Question, that the words to be left out
be left out, put and agreed to)*

*(Question, that the words to be inserted in
place thereof be inserted, put and agreed to)*

(Long Title as amended agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Mover.

Hon. Mary Emaase (Teso South, UDA): Thank you, Hon Temporary Chairlady. I beg to move that the Committee do report its consideration of the Cotton Industry Development Bill (Senate Bill No.5 of 2023), and its approval thereof with amendments.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you, Hon. Members.

(Question proposed)

(Question put and agreed to)

*(The Temporary Chairlady (Hon. (Dr) Rachael Nyamai) consulted
with the Clerks-at-the-Table)*

Hon. Members, we have another Bill to consider.

THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS BILL
(Senate Bill No.19 of 2024)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Members, we are now considering the County Governments Additional Allocation Bill, (Senate Bill No.19 of 2024)

(Clauses 3 and 4 agreed to)

Senate Amendment to Clause 5

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Vice Chairperson.

Hon. Mary Emaase (Teso North, UDA): Hon. Temporary Chairperson, I beg to move:

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THAT, Clause 5 of the Bill be amended—

(a) in sub-clause (1) by—

(i) deleting the words “Column F” appearing in the opening statement and substituting therefor the words “Column D”;

(ii) deleting paragraph (a);

(iii) deleting the words “Column C” appearing in paragraph (b) and substituting therefor the words “Column B”;

(iv) deleting the words “Column D” appearing in paragraph (c) and substituting therefor the words “Column C”;

(v) deleting paragraph (d);

(b) by deleting sub-clause (2); and,

(c) by deleting sub-clause (3).

Hon. Temporary Chairlady, the import of this amendment is to substitute the columns because in the original approved estimates columns, the totals were in Column F, but now we are bringing them to Column D because some columns are being deleted.

Column A was on conditional allocations for the construction of county headquarters, as set in column B. Since that is no longer there, that column is being deleted.

(iii) is on county aggregation to ensure completion of the ongoing projects.

(iv) is on Community Health Promoters. Again, this is to rearrange columns, remove those that have been deleted, and replace them with new columns.

(iv) is the transfer to museum service. That has also gone.

(b) is about the Road Maintenance Levy Fund (RMLF), and it is because that allocation is no longer there and so, it goes.

(c) was explained in the debate, that those funds cannot be transferred because there is no established framework right now to allow for the transfer of money from the Consolidated Fund.

Those are the amendments. Thank you, Hon. Temporary Chairlady.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Vice-Chairperson.

(Question of the amendment proposed)

If you are interested in this, please hit the intervention button. Hon. Rahim Dawood, Member for North Imenti.

Hon. Rahim Dawood (North Imenti, Independent): Thank you, Hon. Temporary Chairlady. I join the Committee to support the proposed changes. Although, I would have appreciated if they could look at the Community Health Promoters where they have made a reduction of over Ksh700 million. Whatever has been allocated is for only 86,000 Community Health Promoters instead of 107,000. However, the good thing is that they have removed the RMLF, which was about Ksh10.5 billion, because that was what the constituencies normally do. The counties did not need that money.

Hon. Temporary Chairlady, I support.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you for your contribution, Hon. Dawood. Hon. Members, I do not see any other interest in this and so, I will now proceed to put the Question.

(Question, that the words to be left)

out be left out, put and agreed to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

(Senate Amendment to Clause 5 as amended agreed to)

(Senate Amendments to Clauses 6, 7, and 8 agreed to)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Vice Chairperson, you have an amendment on this. You are supposed to move. You may approach the Table.

First Schedule

Hon. Mary Emaase (Teso South, UDA): Hon. Temporary Chairlady, beg to I move:
THAT, the Bill be amended by deleting the First Schedule and replacing therefor, with the following New Schedule-

FIRST SCHEDULE

Conditional Additional Allocations to County Governments from National Government's Share of Revenue in FY 2024/25 (Kenya Shillings)					
		FY 2023/24	FY 2024/25		
SN	COUNTY	Total Conditional Additional Allocations	County Aggregation and Industrial Parks (CAIP) Programme	Community Health Promoters (CHPs) Project	Total Conditional Additional Allocations
		Column A	Column B	Column C	Column D
1.	Baringo	92,926,764		50,970,203	50,970,203
2.	Bomet	132,634,641		59,165,694	59,165,694
3.	Bungoma	492,962,800	105,555,556	85,789,059	191,344,614
4.	Busia	376,591,665	105,555,556	53,031,058	158,586,613
5.	Elgeyo/Marakwet	64,400,155		29,714,646	29,714,646
6.	Embu	363,131,838	105,555,556	48,166,483	153,722,038
7.	Garissa	264,807,925	105,555,556	59,525,146	165,080,701
8.	Homa Bay	415,917,803	105,555,556	70,787,955	176,343,511
9.	Isiolo	64,333,234		17,277,629	17,277,629
10.	Kajiado	41,355,485		39,994,955	39,994,955
11.	Kakamega	294,386,469		101,844,553	101,844,553
12.	Kericho	140,552,947		36,496,295	36,496,295
13.	Kiambu	409,665,074	105,555,556	75,628,567	181,184,122
14.	Kilifi	138,924,099		92,738,452	92,738,452
15.	Kirinyaga	367,510,449	105,555,556	29,283,304	134,838,860
16.	Kisii	186,645,942		70,452,467	70,452,467

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Conditional Additional Allocations to County Governments from National Government's Share of Revenue in FY 2024/25 (Kenya Shillings)					
		FY 2023/24	FY 2024/25		
SN	COUNTY	Total Conditional Additional Allocations	County Aggregation and Industrial Parks (CAIP) Programme	Community Health Promoters (CHPs) Project	Total Conditional Additional Allocations
		Column A	Column B	Column C	Column D
17.	Kisumu	130,537,637		71,842,346	71,842,346
18.	Kitui	179,499,580		59,189,658	59,189,658
19.	Kwale	90,011,220		41,648,431	41,648,431
20.	Laikipia	76,547,852		20,153,240	20,153,240
21.	Lamu	62,515,370		11,598,297	11,598,297
22.	Machakos	445,350,986	105,555,556	66,498,502	172,054,058
23.	Makueni	173,836,213		90,821,378	90,821,378
24.	Mandera	13,777,962		14,809,396	14,809,396
25.	Marsabit	2,389,320		47,998,739	47,998,739
26.	Meru	488,329,627	105,555,556	89,048,085	194,603,640
27.	Migori	394,621,807	105,555,556	70,596,248	176,151,803
28.	Mombasa	262,131,098	105,555,556	57,200,694	162,756,249
29.	Murang'a	452,896,800	105,555,556	36,783,856	142,339,412
30.	Nairobi	14,721,991		178,934,889	178,934,889
31.	Nakuru	484,883,209	105,555,556	79,390,825	184,946,380
32.	Nandi	378,705,606	105,555,556	77,210,153	182,765,708
33.	Narok	139,655,079		39,779,284	39,779,284
34.	Nyamira	342,563,428	105,555,556	35,441,904	140,997,460
35.	Nyandarua	242,624,039		33,237,269	33,237,269
36.	Nyeri	156,487,648		59,309,475	59,309,475
37.	Samburu	12,431,664		36,855,746	36,855,746
38.	Siaya	423,929,548	105,555,556	50,970,203	156,525,759
39.	Taita Taveta	50,418,729		32,805,928	32,805,928
40.	Tana River	136,049,566		23,076,778	23,076,778
41.	Tharaka Nithi	174,459,830		30,313,732	30,313,732
42.	Trans Nzoia	366,941,692	105,555,556	53,678,070	159,233,626
43.	Turkana	12,815,035		59,309,475	59,309,475
44.	Uasin Gishu	379,487,557	105,555,556	49,508,434	155,063,990
45.	Vihiga	97,662,444		34,651,111	34,651,111
46.	Wajir	11,656,907		48,573,861	48,573,861
47.	West Pokot	72,161,965		61,897,525	61,897,525
	GRAND TOTAL	10,116,848,690	1,900,000,000	2,584,000,000	4,484,000,000

The Temporary Chairlady (Hon. Rachael Nyamai): Thank you, Hon. Members.

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(Question of the amendment proposed)

Hon. Wilberforce Oundo, Member for Funyula.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Chairlady, as we amend the First Schedule, could the Vice-Chairperson explain to us the status of implementing County Aggregation Industrial Parks (CAIPs)? I can see that in quite a number of counties, there is a standard amount of about Ksh105 million and yet, there were some budgetary allocations in the last financial year.

With this in order, we will know the implementation status because there are about ten or so. So, as we continue sinking money into that white elephant, it does not make it even whiter than it currently is. The Vice-Chairperson can explain to us. I can see Busia, Uasin Gishu, and several of them. But when you go to the ground, as we always say, things are different—*Mambo ni tofauti*.

Hon. Mary Emaase (Teso South, UDA): Hon. Temporary Chairlady, if you look at the First Schedule, there is an indication in the figures given for the amounts that each county is going to benefit. To inform the Member, Busia County is getting Ksh105 million. Previously, it had received Ksh62.5 million. Percentage of completion...

(Hon. (Dr) Ojiambo Oundo consulted loudly)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Order, Oundo. You have asked the Vice-Chairperson a very important question. I want you to be attentive to her. I do not want to say what you were doing when she was speaking. So, please, be attentive to the Vice-Chairperson.

Hon. Mary Emaase (Teso South, UDA): I was informing the Member by giving him an example of his County of Busia. It has an allocation of Ksh105 million. Previously, it received Ksh62.5 million. The level of progress on the County Aggregation and Industrial Parks (CAIP) Programme is at 25 per cent. We can also get progress reports for the rest of the other counties, but I will only give figures now. There is an allocation of Ksh105 million for all the 18 counties. This is because we decided to complete the ongoing programmes before on-boarding new ones. But we had on-boarded an additional 12 counties in the approved Budget Estimates.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you, Hon. Emaase. Hon. Charles Nguna Ngusya.

Hon. Charles Nguna (Mwingi West, WDM): Thank you, Hon. Temporary Chairlady. I can confirm that the programme is going on in Kitui County. I want to inquire from the Vice-Chairlady of the Budget and Appropriations Committee on whether the money she reported is already in the Supplementary Budget we passed.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Mwalyo, Member for Masinga.

Hon. Joshua Mwalyo (Masinga, Independent): Hon. Temporary Chairlady, I am also concerned about the CAIP Programme because the level of construction is wanting. I know of a county that has sunk a whopping Ksh150 million on the perimeter wall only. They have not even started the construction of the main building, which has a lot of details. I am privy to its design. The real work will be done inside, especially on the cooling systems with 20 cold rooms per CAIP on all the five godowns. If you sink Ksh150 million on the perimeter wall only, what will you be left with to do the major construction and equipment supply?

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Vice-Chairlady, take the notes. I want to give a chance to Hon. John Kiragu, Member for Limuru.

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(Technical hitch)

It looks like that microphone is not working.

Hon. Rahim Dawood (North Imenti, Independent): Hon. Temporary Chairlady, my microphone is on. Can I contribute?

(Laughter)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): No! The chance still belongs to Hon. John Kiragu. We will find a microphone for him. We got it.

Hon. (Eng.) John Kiragu (Limuru, UDA): Thank you, Hon. Temporary Chairlady. My colleagues have already mentioned what I wanted to point out. However, my major concern in CAIP is their completion. Once they are completed, we should ensure that they will not be idle. We should have an action plan to make sure they are used. One of the biggest problems we may have is that, sometimes, we are not transparent about how we engage the public. We know that some markets in the country have been completed, but are not used. I support that Programme, but pray that as we do those projects, we will have a parallel programme to ensure that they will be used in the intended way when they are completed.

Thank you, Hon. Temporary Chairlady.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you. Hon. Dawood.

Hon. Rahim Dawood (North Imenti, Independent): Thank you, Hon. Temporary Chairlady. Hon. Oundo said that he had heard about that CAIP Programme, but had not seen the actual projects. I welcome him to Meru County to see the Programme that was launched by His Excellency the President. It is working very well. But the Budget and Appropriations Committee should introduce such programmes in constituencies in the future. Currently, the programmes are established in counties. For example, it is in one constituency in Meru County. We should have them in each and every constituency so as to improve the agriculture sector.

Thank you, Hon. Temporary Chairlady.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Chairman of the Departmental Committee on Agriculture and Livestock.

Hon. (Dr) John K. Mutunga (Tigania West, UDA): Thank you, Hon. Temporary Chairlady. Having CAIP is a great idea. But we need to pause and ask ourselves how many analytical studies we have done to know what we shall aggregate, for what period of the year, and for what purpose. We might be spending money to create white elephants across the country. What should precede any investment is quantitative analysis of what we will aggregate. We need to look at the supply chain management to see where we shall accrue that product, how it shall be conveyed to the aggregation centres, and the kind of conditions we have to establish them. This is because some of the products will need cold storage facilities. I do not know the number of cold storage facilities we will install.

If you drive across the country, you will find certain CAIPs idle. The communities have not been adequately advised or apprised on them. It is important for this House to exercise caution when investing money not only to have infrastructure out there, but also to look at how we can combine infrastructure with its functionality.

Thank you, Hon. Temporary Chairlady.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): You have made your point, Hon. Chairman. The Vice-Chairlady can comment, and then we put the Question.

Hon. Mary Emaase (Teso South, UDA): Thank you, Hon. Temporary Chairlady. Concerning whether that money has been provided for, I can assure the Member that a total of Ksh1.9 billion was allocated in the First Supplementary Budget. The allocation includes Ksh105 million for each county.

There is also a concern among members about the oversight of the progress of the projects and whether they are on-going in those counties. I can speak about my county because it is at 25 per cent. I have just responded to Hon. Nguna that, as the Budget and Appropriations Committee, we shall visit those projects in every county under our implementation and review process. This is our mandate as an oversight Committee in this House. I said that monitoring and evaluation is very critical. All the institutions that are mandated to oversee the projects must play a role in ensuring their successful implementation.

On the issue of preparedness, it is also a concern that we even raised in the Committee. Some Members have said that some CAIPs have been built in very remote areas. However, this is a good thing so that we can have development in those areas. Such programmes will open up access to water, electricity and roads. So, it is up to the National Government and the county governments to ensure that we provide accessibility to those aggregation centres. They should also ensure that the members of the public are informed or engaged so that they can begin to participate. This will ensure that they know what needs to be aggregated and establish the value chain.

Thank you, Hon. Temporary Chairlady.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you very much. Hon. Members, this is the Committee of the whole House. I discourage debate. Hon. Emaase has commented on the matters that you have raised. I will now proceed to put the Question.

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(First Schedule as amended agreed to)

Second Schedule

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Mover. Hon. Emaase, approach the Table.

(Hon. Mary Emaase consulted with the Clerks-at-the-Table)

Hon. Mary Emaase (Teso South, UDA): Hon. Temporary Chairlady, I beg to move: THAT, the Bill be amended by deleting the Second Schedule.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): On a point of order, Hon. Temporary Chairlady.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): What is your point of clarification? It is a deletion. There is nothing to clarify, Hon. Oundo.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Chairlady. I totally agree that there is nothing to clarify. For those of us who are aware of the legislative-making process, could the Hon. Vice-Chairlady tell Kenyans what is being deleted?

They will be interested in knowing what the Second Schedule is and why it is being deleted. For posterity reasons, when you go outside, they ask: "*Hii kitu inaitwa* Second Schedule *ndio nini hii?*" Can she tell us what it contains? In half a second, she should be done.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Vice-Chairlady.

Hon. Mary Emaase (Teso South, UDA): Thank you. What is being deleted in the Second Schedule is the original allocation that had been proposed to go to the counties that were to benefit from the earlier allocations before the variations. It is so that we can adopt the amended figures in the new Schedule.

Thank you.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Members, as you may be aware, this is due to the dropping of the Finance Bill, 2024.

Let us proceed.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Second Schedule deleted)

Third Schedule

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Vice-chairlady. It is a deletion also.

Hon. Mary Emaase (Teso South, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, the Bill be amended by deleting the Third Schedule.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you, Hon. Emaase.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Third Schedule deleted)

(Fourth Schedule agreed to)

(Clause 2 agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): I call upon the Mover to move the Reporting. Hon. Mary Emaase.

Hon. Mary Emaase (Teso South, UDA): Hon. Temporary Chairlady, I beg to move that the House reports its consideration of the County Governments Additional Allocations Bill, (Senate Bill No. 19 of 2024), and its approval thereof with amendments.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you, Hon. Vice-Chairlady.

(Question proposed)

(Question put and agreed to)

(The House resumed)

IN THE HOUSE

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

The Temporary Speaker (Hon. Peter Kaluma): We will start with the Cotton Industry Development Bill (Senate Bill No. 5 of 2023). Hon. Vice-Chairlady.

MOTIONS

CONSIDERATION OF REPORT ON THE COTTON INDUSTRY DEVELOPMENT BILL

The Temporary Speaker (Hon. Peter Kaluma): Hon. Temporary Chairlady.

Hon. (Dr) Rachael Nyamai (Kitui South, JP): Thank you, Hon. Temporary Speaker.

I beg to report that the Committee of the whole House has considered the Cotton Industry Development Bill (Senate Bill No. 5 of 2023) and approved the same with amendments.

The Temporary Speaker (Hon. Peter Kaluma): Thank you. The Mover to move agreement with the Report.

Hon. Mary Emaase (Teso South, UDA): Hon. Temporary Speaker. I beg to move that the House do agree with the Committee in the said Report. I also request Hon. Dawood to second.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Dawood.

Hon. Rahim Dawood (North Imenti, Independent): Hon. Temporary Speaker. I second.

(Question proposed)

(Hon. (Dr) Ojiambo Oundo spoke off the record)

The Temporary Speaker (Hon. Peter Kaluma): Hon. Oundo, do you want to contribute? Give Hon. Oundo the microphone.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Speaker, I must take this opportunity to laud the Senate for bringing the Bill to this House. We hope that the Senate will concur with the amendments we have made so that we can expeditiously complete this process.

It has been a long period since the days of the Cotton Lint and Marketing Board when cotton collapsed.

As Hon. Members from Busia, we have done our very best to revive cotton growing. Only Busia has a public-funded ginnery, and the second is being funded in Pavi, Kwale.

It is now time for the county governments, in conjunction with the National Government, to invest heavily in cotton growing so that we can expand and make sure that textiles and apparel become the key earners of dollars through export.

In conclusion, we also need to examine how we manage the cotton co-operatives and the rest. We will address this matter as we prepare the National Co-operative Bill, which will address quite a number of issues.

Finally, we call upon those in charge of apparel and textiles to expand their minds and levels of thinking. Cotton is just one of the raw materials in the entire value chain of apparel and textiles. We need to look for alternative sources of raw materials so that our industry can become a composite one, to enable us deepen and ensure that we create more jobs in that sector.

With those few remarks, I thank my colleague, Hon. Mary Emaase, for adopting and moving it here. I can take her to Luanda and buy her a cup of tea over the weekend. Thank you.

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon. Wilberforce Oundo. Hon. Members, for the convenience of the House, I will defer putting of the question to the Cotton Industry Development Bill, (Senate Bill No. 5 of 2023), to the future or when it will next be scheduled by the House Business Committee, possibly in the afternoon or tomorrow.

(Putting of the Question deferred)

Let us move on to the County Governments Additional Allocations Bill. Could we have the Chairperson on the County Government's Additional Allocations Bill, (Senate Bill No. 19 of 2024) to report to the House.

CONSIDERATION OF REPORT ON THE COUNTY GOVERNMENTS
ADDITIONAL ALLOCATIONS BILL

Hon. (Dr) Rachael Nyamai (Kitui South, JP): Hon. Temporary Speaker, I beg to report that the Committee of the whole House has considered the County Governments Additional Allocation Bill (Senate Bill No. 19 of 2024), and approved the same with amendments. Thank you.

The Temporary Speaker (Hon. Peter Kaluma): Mover to move for agreement with the report.

Hon. Mary Emaase (Teso South, UDA): Hon. Temporary Speaker, I beg to move that the House agrees with the Committee in the said report and request Hon. Naomi Waqo to second.

The Temporary Speaker (Hon. Peter Kaluma): The Deputy Majority Whip.

Hon. Naomi Waqo (Marsabit County UDA): I second.

(Question proposed)

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The Temporary Speaker (Hon. Peter Kaluma): Does Hon. Elsie Muhanda want to speak to this? There are very many requests. Are the Members seeking to speak to this or to the next order?

Hon. Members, for the convenience of the House, putting of the question on the matter of the County Government's Additional Allocations Bill, Senate Bill No. 19 of 2024, stands deferred to the future or when it will next be scheduled by the House Business Committee for consideration by the House.

(Putting of the Question deferred)

Next Order.

MOTION

POLICY AND FUNDING FOR SUGARCANE FARMING IN THE COUNTRY

THAT, aware that, commercial sugarcane production in Kenya was introduced in the early years of independence with an aim of eliminating dependence on sugar importation and contributing to economic transformation in the sugar belt and the country at large through agriculture; acknowledging that, at its pinnacle, the sugar industry significantly contributed to the country's National Gross Domestic Product (GDP) and became one of the largest employers which supported livelihoods of many Kenyans both directly and indirectly; concerned that, over the last 25 years, sugarcane farming particularly in Western Kenya has been declining significantly, thereby dipping sugar production from over 600,000 metric tonnes per year in the 1990s to less than 300,000 metric tonnes in recent years; noting that, the decline in sugarcane farming has forced local millers to operate far below their milling capacities and pushed the country to over-rely on net importation of sugar, which negatively impacts on the balance of trade; noting that, the decline in sugar production is attributable to factors such as mismanagement, interference and unfair competition from cheap imported sugar; further concerned that, state-owned sugar millers like Mumias Sugar Company and Nzoia Sugar Company ceased milling while owing farmers hundreds of millions of shillings; appreciating that, the Government has been putting in place strategies, policies and regulations to define roles of millers and major players and stakeholders in the sugar industry in a bid to revamp the sector; concerned that, the acute shortage of sugarcane resulting from mass abandonment of sugarcane farming continues to roll back initiatives for reviving sugar milling; recognising that, further investment in revamping sugar companies before reviving sugarcane farming would occasion loss of the invested public funds instead of yielding success; now therefore, this House resolves that, the National Government, through the Ministry of Agriculture and Livestock Development, reviews the sugar development policies to provide that every investor-miller sets aside definite funds for development of sugarcane farming, incentivizing farmers to embrace sugarcane growing and to enhance cane production in each of the respective zones.

(Moved by Hon. Peter Nabolindo on 7.8.2024 – Morning Sitting)

(Resumption of debate interrupted on 7.8.2024 – Morning Sitting)

The Temporary Speaker (Hon. Peter Kaluma): The Mover was Hon. Nabolindo. You had a number of minutes to go and, therefore, you will continue moving. Give Hon. Oscar Nabolindo the microphone.

Hon. Peter Nabolindo (Matungu ODM): Thank you. As you have rightly put, on Wednesday last week, I was moving this Motion but time caught up with us and you informed me that I will have 25 minutes to continue moving the Motion. I will, however, not utilise the entire 25 minutes because my colleagues are here and have expressed interest in the Motion. Therefore, I will give them a little more time.

The purpose of this Motion is to make sure that the farmer is well taken care of, so that he or she can produce sugarcane the way it is supposed to be. There have been efforts to revive the sugarcane industry over a long period of time. Many stakeholders have been involved; including the Government, farmers, leaders, politicians, businessmen and everybody else who is interested in the sugarcane industry.

The problem is that we have always missed the point. We have always targeted the millers and forgotten the farmer. Without the farmer being empowered, the sugarcane industry will always struggle to stand on its feet. That is because the only engine that can drive the revival of the sugarcane industry is provision of adequate and quality raw materials. That can only be provided by the farmers. The little land that was set aside as the nucleus estate cannot sustain the millers for even a week. The big percentage of raw materials that are taken to the milling factories come from the farmer. The farmer has, however, always been neglected.

Initially, when the sugarcane industry was starting in Kenya in the 1970s, there was a clear way in which farmers were empowered to produce sugarcane.

First, there was elaborate research done on the land, the seed cane and on the acreage that the farmer had, and that could be available for farming. Before the factories could be taken care of, the farmer was the first.

I very well remember and it is in history that... I will give an example from the Mumias zone where I come from. At that time, after the registration of farmers and establishing the acreage that the farmer is able to utilise, the then Booker Company provided the farmer with inputs like tractors so that the land could be ploughed. After ploughing the land, it could then be harrowed and the farmer provided with quality seed cane. After the provision of those inputs, the farmer would then be provided with fertiliser to do the planting of the seed cane. That enabled the farmer to start the process of sugarcane production. And that process did not stop there. After six to eight months, the farmer was provided with fertiliser for top-dressing. There was extension services provided by the company or the miller at that time, to educate the farmer on how to take care of his or her crop. Unfortunately, right now, such services are not there. The farmers have been left alone and are not able to know what to do. We now have a new generation of farmers. They are not the old ones that we used to know. The new generation of farmers are not given any information on how to cultivate the sugarcane. That lack of financial support to the farmer is the major reason why the sugarcane industry is not picking at all.

This Motion, therefore, is intended to make sure that the Government of Kenya and the investors in the sugarcane milling factories put aside a special fund that will enable the farmer to get the necessary inputs to produce sugarcane that they dearly want.

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Last week after I had started moving this Motion, I received a lot of feedback from the sugarcane farmers. About 80 per cent were positive, but the 20 per cent were questioning why leaders from Western Province are always talking about sugarcane farming. Why can we not do something else? That is what they asked me. My response was that we cannot give up! We cannot do anything else. Sugarcane farming is what we know. Sugarcane farming is what the people of western region, Mumias, Bungoma, Kisumu, Busia and other areas know. That is what we know. There is a saying in our community that if a child finds a mushroom in the field, he or she will always go back to that spot in the hope that one day, he or she will pick another one.

The sugarcane industry was the backbone of the economy for the people of western Kenya. That is our economy. We did everything from sugarcane farming and, thus, the nostalgic memories about that. Most of us are here because of the sugarcane industry. I schooled because my grandmother and grandfather were able to pay my school fees through sugarcane farming. That is not possible now as there is a big problem. Most farmers have uprooted their sugarcane. This has happened since there is no profits from its farming. We, the leaders, are going to fight for the welfare of the farmers. We have established factories in place. If someone is suggesting that we should stop sugarcane farming and do something else, what are we going to do with those factories like Mumias, Nzoia, Miwani and Sony? If we stop sugarcane farming, where do we take all those facilities? What do we do with them? We are going to look for ways and means to ensure that sugarcane farming is profitable to those who used to profit from it.

The collapse of the sugar industry in the western region led to numerous problems that, at times, we cannot speak about. The families that depended on those activities dived directly into abject poverty. They have never been able to rise from it. Most families have now resorted to selling that land because that is the only thing they have. That land can no longer be productive. If they want to educate their children, they partition the land and sell it year after year. Eventually, families do not have the land anymore. The little that is there can be utilised. We cannot bank on the tracts of land that used to be there, as they are no longer there.

Due to the increased population too, families have divided the land. Therefore, the Government needs to put an elaborate framework in place to ensure that we have enough land for sugarcane production. That can only happen if we engage the communities that used to farm. Let us do it positively to try and make land that is supposed to be used for sugarcane farming is available. We also need to set up a research centre on sugarcane farming, production, marketing and anything that concerns it.

We have such institutions in place, but their findings do not get to the farmers. The farmers are still in a cocoon. He does not understand what he is supposed to do next. It is very difficult for us to expect the farmer to produce sugarcane the way they used to and yet, there is no funding of any sort. Right now, all the sugarcane farmers are not empowered at all. They are poor. Where do they get the capital to even buy fertiliser, prepare land, harvest and transport the cane to the factories? Those are very expensive activities that when we leave them to the farmers, we are technically telling them to stop farming. If we do not support the farmers, we are condemning them to poverty for life.

The purpose of this Motion is to finally look at the farmers. In the equation of sugarcane industry revival, where are the farmers? That is the question that has been disturbing the minds of very many leaders in the western region. We need to put a framework in place so that we can look at the farmers with a critical eye and with the intent of empowering them to produce good quality sugarcane that will enable the millers to stand.

Lastly, even as we struggle to revive the sugarcane industry, if we do not look at issues that lead to poor management by the millers, we shall not succeed. The policies of the Government are also not helping farmers. For example, according to me, the Common Market for Eastern and Southern Africa (COMESA) Protocol is responsible for bringing down the sugarcane industry. Once we allow cheap imports to come into the country and compete with our high-quality sugar, then the market forces will overwhelm our sugarcane industry.

Hon. Temporary Speaker, I will stop at that. Since my colleagues are here, I will request my *bakoki*, (my age mate with regards to circumcision), the Member of Parliament for Kabuchai, Hon. Kalasinga Majimbo, to second. Thank you.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Kalasinga, second.

Hon. Majimbo Kalasinga (Kabuchai, FORD-K): Thank you, Hon. Temporary Speaker. This Motion by the Hon. *Bakoki*. *Bakoki* is a western term. It means that you were circumcised in the same year. Indeed, you know very well that Hon. Nabulindo and I were elected on the same date in a by-election. That is where it emanates from.

The Motion by Hon. Nabulindo puts the farmer...

The Temporary Speaker (Hon. Peter Kaluma): What did you say happened to you with the Mover in the same year?

Hon. Majimbo Kalasinga (Kabuchai, FORD-K): Hon. Temporary Speaker, the reference he has put is onomatopoeia. It puts us together in the same circles of when we were elected and circumcised. The word *bakoki* is a sweet term used for a person you love most.

The Motion that Hon. Nabulindo has put across to this Assembly puts a farmer as a central midfielder in the sugar industry. We cannot, as a nation, put serious emphasis on the millers alone. You know very well that a river that forgets its source will die soon. The source of all the sugar industries in Kenya is the farmers. They are the ones who prepares the stabilisation of the millers. Millers have nucleus estates, but the percentage of the cane that is produced there is around 7-10 per cent. That does not run a factory. In fact, much of the emphasis, as we talk today, is in terms of hybridisation of the cane.

The cane was researched in the 1980s. We need to lay much emphasis on early maturity and high-pole content. Pole content is sucrose content. We must have a cane with high succulency in terms of juice production so that a smaller scale farm can produce cane with high productivity. This will only come if we invest much in the research for the sake of farmers. We need to do much of that genetic hybridisation to bring in better breeds that can mature fast. If you look at a country like Malaysia, they have a cane that matures within seven months. This will increase the output of a small farm, capture maximisation of the miller and increase the farmer's profit. The rate of harvest will be higher in a year.

If we still live with the old breed that takes 24 months to mature, we are frustrating the farmer with this move. The people from western Kenya, and I know you happen to come from the same region, Hon. Temporary Speaker, have the best fertility in terms of production. We are producing every day. The population is increasing and, therefore, the land is reducing. We need to see how we can maximise the small farms that we have and produce more.

I thank Hon. Nabulindo for bringing this Motion. In terms of tillage, when we were growing up, you could not plant the cane if you had not ploughed twice. Now, the planting process, because it is left to the farmer alone, with less money and support, is not as scientific as is required.

We have something called seed treatment. In planting cane, seed treatment means that, first, some chemicals must be used before you plant it. It must be cut to a certain size; not more than 40 centimetres, treated well and placed in the soil. Currently, we are planting without those

conditions because the farmer is left alone. If this Motion is passed, I believe the farmer will be given the midfielder role in that game. A midfielder in a way that he will supply the best cane to the miller and himself now having some profit to run again.

Infrastructure is very key. Some of the farms and farmers are in the swampy areas. Farmers who plant cane in swampy areas are disadvantaged when the right harvesting time comes. For example, if you have planted cane in a swampy area and harvesting takes 18 months, and then you arrive at a date when it is raining, the cane will not be harvested until the dry spell. Let us have better infrastructure even in swampy areas so that it can become very easy. That way, when the cane matures, the farmers can benefit from it. It is also giving people who come from cane-planting regions nightmares. It is funny you are realising now that, instead of even millers upping the game in terms of the price of cane, they are reducing it. We are not going to agree, when the price of fertiliser is skyrocketing and fuel is increasing because tillage of land is done by tractors, you get a miller reducing the price. We are not going to think about that. If we do that, then a farmer will be frustrated, run out of play and then we shall start importing sugar into this country. We are not sure of the safety of the sugar that comes in. The sugar that is produced by us goes through a law called GRAS, which means Generally Regarded as Safe in terms of quality because we know our millers. On sugar that come into this country from other countries, we cannot assure our Kenyans about cancer-causing issues.

To be honest, let us support our farmers. Hon. Nabalindo has done his best to come up with the Motion. Without much ado, because we are friends who should also debate this, I, as the Member of Parliament for Kabuchai, a region that is rich in sugarcane production, with due respect and honour, I second this Motion.

Thank you.

The Temporary Speaker (Hon. Peter Kaluma): Thank you.

(Several Members stood along the gangways)

May the Members who are standing take their seats because this is a bit long.

(Question proposed)

Hon. Geoffrey Odanga.

Hon. Geoffrey Odanga (Matayos, ODM): Thank you, Hon. Temporary Speaker. I support this Motion as moved by Hon. Nabalindo. As he has already noted, sugarcane farming was the mainstay of many regions in the country, not only in the western region, but also in Nyanza and the Coast, which once had the Ramisi Sugar Factory. People were employed in those factories and farmers got a lot of income. They were able to meet their daily requirements like school fees, food and so on. That is not a crop that we should wish away. The sugar sector collapsed because the governments of the day were not keen. They were corrupt and greedy! They wanted to import sugar and sell at the expense of the sugar produced by our farmers.

This Motion is about policy. The unfortunate thing is that in this country - and this has been said here very many times - we develop very good policies but, at the end of the day, they end up gathering dust in the shelves. From last week, I have noted that there are very many Motions in this House that are discussing policy. I think we need to shift and make those policies work. There is a Bill before this House, the Cotton Bill, which addresses quite a number of issues that will help the farmers. Hon. Nabalindo is saying that we need to develop a policy for sugarcane development.

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There is an agriculture policy, but I think it could be very critical that we develop a sugarcane development policy separately, so that we can address and help both farmers and millers. We want to create a balance where millers can make profit out of their milling and farmers also can make profit out of their farming. Many farmers use many acres of their land to plant that crop, meaning that they are left with very little for food production. A policy needs to be developed to ensure that farmers reap the maximum so that they can meet their food requirements.

Hon. Temporary Speaker, one of them is taking up the new varieties of sugarcane. There are several new varieties. Last week, I was talking to Dr. Omondi, the head of KARLO Kisumu, and he was telling me that sugarcane can be grown in many parts of this country. If research is done, there are various and different varieties of sugarcane that can be grown in different parts of the country. There are areas where sugarcane can be grown and harvested at 8 months. There are varieties that have already been developed and, in some areas, they can take 10 months. He told me that in areas like Busia, there is a variety that can take up to 13 to 14 months to harvest. Therefore, we need to invest heavily in research. It is important to develop the policy so that research is given a lot of prominence in this whole business.

We must ensure that imports are limited. This is addressed in the Bill that is before the House. Import of sugarcane and sugar itself needs to be limited to the deficit. Currently, because the millers carry the day, we have seen situations where the farmers' sugarcane around the millers in Kenya, for instance, are left over-growing and over-maturing in the farms, and the millers go for sugarcane from the neighbouring countries. This leaves farmers with their sugarcane that goes for even 30 months before it is harvested. This becomes a big problem. The same applies for imports.

It was in the 12th Parliament that we heard of the importation of contaminated sugar. This is done by traders who do not care about the Kenyan people. The Bill provides that we need to have a policy on all sugarcane and sugar that is imported to ensure that we only import when we have a deficit. That deficit has to be determined before any imports are done.

On the issue of zoning, in one of my master's degrees, I researched about sugarcane farming and management in Nzoia and Mumias. One thing that came out clearly is that we need to have a policy on the issue of zoning. This is because there are areas like Trans Mara where a lot of sugarcane is on the farm, but the miller there do not want the other millers from outside to come and take that sugarcane. This is despite the fact that the millers from outside have the ability to crush, while that particular miller cannot. Therefore, we need a serious policy to address such issues going forward.

Hon. Temporary Speaker, the sensitisation of the Kenyan people, particularly the farmers, is very important. They really need to be informed of the new varieties of sugarcane. Quite a number of farmers do not know about them. They need to be sensitised and supported. To get that support, a policy needs to be developed. Previously, the farmers who were unable to raise funds to finance their farming were supported by the millers, and then the amount of money given would be deducted when the harvest is done.

Hon. Temporary Speaker, a lot needs to be done, especially in the area of research. At the moment, all research institutions have been lumped up together and I think that is a heavy task for KARLO alone. We need to have a sugarcane research foundation, coffee research and institutions for other crops like it was previously, so that seriousness is put into research. We also need to budget for it in this House so that we can allocate enough funding. If we do not do that, we will be taking this country to the dogs.

With those remarks, I support.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Wilberforce Oundo, Member for Funyula.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Thank you, Hon. Temporary Speaker. Through you, we probably need to request the Parliamentary Service Commission to repair microphones so that I do not have to keep on shifting and, nowadays, you have told us to go digital by using the gadgets. I hope you will be kind and gracious enough to pass over the message.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Oundo, the message is noted by the Speaker and the Parliamentary Service Commission is watching the proceedings Action will be taken.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Thank you. Allow me to sincerely thank my colleague, Hon. Nabalindo, for bringing this Motion to the House at this particular time. It is a timely Motion. The history of sugarcane farming in this country is a very sad one. It is, indeed, a very sad history that a country of the stature of Kenya should never have allowed to happen. I remember the late President Daniel Toroitich Arap Moi used to quip that: ‘*Siasa mbaya, maisha mbaya*’. The politics of sugarcane, sugar merchants and sugar trade have crippled sugarcane farming in this country. We were here in the morning talking about the County Aggregation and Industrial Park (CAIP) under the County Government Additional Allocation Funds Bill.

One of the key things that we raised, and Dr. Mutunga clearly prosecuted it is that, unless we focus on production of raw materials, all the edifices, structures and industrial parks we are putting up will become white elephant projects. This is because we forget the people who generate the raw material. We cannot talk about the end product if we do not invest in the production of raw materials. In every election cycle, sugarcane farmers are the pawns in all election campaigns. It is even reported that quite a number of politicians have never wanted sugarcane millers to be operational, especially the publicly funded ones. That is because in every single election cycle, there is an avenue to raise funds for campaigns.

We keep on ignoring the farmer; we keep on forgetting the farmer. That is why the plea by Hon. Nabalindo, in the Motion, should move the powers that be to ensure that we concentrate on the farmer. What do we do with the farmer? He has lamented that farmers are abandoning sugarcane farming, but any rational person will not continue investing his time, efforts and money where the returns are negative! None! Even a mad man in the village will never agree to stay in a market centre where he cannot get a source of livelihood. He will move to the next one. So, it is all about rationality.

In land economies, we have the principle of the highest and best use, where any landowner will only commit that particular land where he is going to get the highest returns. Sugarcane, over time and because of mismanagement of sugar milling factories, no longer offers the highest and best returns for even half an acre of land in Mumias. Why plant, wait for 24 months, supply and, again, wait for 36 months to be paid? How do you eat? How do you pay your medical cover? How do you pay your school fees? How do you entertain yourself? How do you feed your family? How do you increase your household, if you have no source of income because you have tied your investment in sugarcane that is not likely to earn you anything in the nearest future? Has there been any incentives accorded to farmers? The answer is zero. We came here last year and moved a Motion to allow the national Treasury to pay sugar factories some money. Where did that money go to? It was used to write off pending taxes. Who benefited? The sugar millers. The farmer was ignored.

We said we will pay the farmers because they were fourth and fifth in priority. I am sure Hon. Nabalindo will tell us whether those in the Mumias Sugar Belt, even himself, were paid. I

have seen Hon. Jared Okello here. I have not seen Members from the Awendo Sugar Belt. Were farmers paid their outstanding dues? Probably not. So, they dispirit the farmer to proceed with sugarcane farming. Do we even have farmers in our financial institutions? We used to have Agricultural Finance Cooperation (AFC). Do they still fund farmers and give them farm equipment, farm inputs, and assist them in land preparation? The answer is no. I have been a valuer. One of the many valuations I did concerned foreclosure of farmers who took loans to invest in agriculture, but it failed because of poor management at the tail-end. Adverse weather conditions are also a contributing factor.

This country must walk the talk. We are very good in political platitudes. We are very good when we are given microphones to speak. We keep on promising what we cannot do and ignore the people who make us what we are. We used to have the Kenya Sugar Industry Research Foundation, (KSREF) that was headquartered in Kibos. When the Agriculture and Food Authority (AFA) Act came into effect, all of them were collapsed. So, they abandoned research institutions that would have given us early maturing sugarcane varieties with high sucrose content. Yet, we have a full-fledged Ministry of Agriculture at the national level. We have 47 county governments that have a huge budget for agricultural extension officers. Yet, all that money only goes to pay personal emoluments. There is nothing that goes to develop and support the farmers. It is time we re-looked at these things in a completely different way. I hope our experts from Orange Democratic Movement (ODM) who have gone to assist where others were unable to work will, at least, inject some vibrance and use a new approach. We ask the appointing ‘power-that-be’ that the agriculture docket should be given to people who understand those things.

It is shameful that cartels and sugar barons, who are known, will never allow the sugarcane subsector to expand. We hope that the Sugar Development Bill that we have just passed...

Since we have made amendments here, we will have to go for mediation with our counterparts in the Senate. I implore the Senate that they need to go beyond pettiness and allow us to process the Sugar Bill into an Act of parliament as soon as it is practically possible. We have spoken a lot about sugarcane farming. The governors in sugar belt areas have had endless conferences in high-cost hotels, but ignoring the farmers who suffers the most.

Where I come from, there is a sugar factory that is domiciled in Hon. Odanga's Constituency that has leased a whole chunk of land along the swamps to basically grow sugarcane. They have leased and so, that means that the small-scale farmer is no longer given consideration. The model is changing to leasing of parcels of land and amalgamation....

The Temporary Speaker (Hon. Peter Kaluma): Your time is up, but I will give you one minute to support the technology you mentioned. Hon. Members, I am warning you that the lights you are used to are not working.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): I was not alerted. So, in that score, I support. May I expand by saying that we also bond county governments to invest in sugarcane production.

With those very many remarks, I support the Motion.

The Temporary Speaker (Hon. Peter Kaluma): We will have Hon. Abdul Rahim Dawood to be followed by Hon. Adan Keynan because of rank.

Hon. Rahim Dawood (North Imenti, Independent): Thank you, Hon. Temporary Speaker. First, I congratulate Hon. Nabolindo for bringing this Motion. It is not that I do sugarcane farming in my constituency or my county but, as Hon. Odanga has just mentioned, there are varieties which can be done in any part of the country.

There is a fallacy that we are amongst the top producers of sugarcane but, the top producers of sugar cane are Brazil at 38 per cent, India at 22 or 23 per cent, and then us. We started sugarcane

farming in early 1922 when Kibos Sugar Company and Miwani Sugar companies were established by the Government. Thereafter, the Government established Chemelil Sugar Company in 1968, Mumias Sugar Company in 1973, South Nyanza Sugar Company in 1979, Muhoroni Sugar Company in 1966, Nzoia Sugar Company in 1978, Kibos Sugar Company in 2007, Trans Mara Sugar Company in 2011, Sukari Industries Limited in 2012, and others which have since come on board. The issue is not the factories which are there. It is about the farmers because they can produce sugarcane. Currently, the average is 74 tonnes per hectare but in some places, you can get up to 200 tonnes per hectare. The cost per acre for producing sugarcane is between Ksh210,000 to Ksh280,000 with profits of about Ksh70,000 to Ksh130,000. The Mover of the Motion and my colleagues have said it takes about a year or more to harvest the sugarcane. If the farmers expect Ksh70,000 or Ksh100,000 after a year of hard work, what are they left with all year round? If that money does not come in, where do they stand? They become destitutes. We need to put in place better measures on how farmers will be paid.

Last year, Hon. Emmanuel Wangwe brought the Sugar Development Bill which Hon. Oundo has talked about. It was very progressive, but it has still not been put into place. Once it is implemented, I hope our sugarcane farmers will get what they deserve. We need to do away with the sugar barons who affect us. They do not want our sugarcane farmers to grow or the factories to work. When I was a member of the Departmental Committee on Finance and National Planning, I remember bailing out Mumias Sugar Company twice or thrice with Ksh500 million to pay off the farmers. Unfortunately, that money was not given to the farmers. This makes people to lose faith. The other day, I was reading in the press that the farmers are complaining because the price of sugarcane has gone down. Once this happens, how do you expect the farmers to re-plant the sugarcane?

The same thing happened to us in the mountain region where we had coffee. Our coffee was black gold in the 1970s and 1980s. Then, the prices went down and our farmers lost. We have never recovered the coffee boom of the 1970s and 1980s. There is somebody somewhere who is messing up. If it is due to devolved agriculture, we need to put the governors on the block, so that we know what they are doing about sugarcane farming and all the other agricultural products. If we do not take hold of it, we will become a country that is dependent on sugarcane imports and yet, we can produce sugarcane. The Ministry of Agriculture and Livestock Development should limit the sugarcane that we import and have quotas so that we can produce our sugar. At the end of the day, we will kill our sugar industry which is not only in western Kenya, but also in South Nyanza and Coast. I encourage our mountain farmers to also look at ways to grow sugarcane. If one day the western and Nyanza regions refuse to give us sugar, I do not know where we will source it from.

I acknowledge what Hon. Nabulindo has done, but he needs to go further. Policy and funding are not enough. We need to see how we will encourage and give the right funds to our farmers. This not only applies to sugar, but also tea, coffee, pyrethrum, cotton, and other crops. Agriculture is the backbone of this country and our Gross Domestic Product (GDP). We need to work our way out.

With those few remarks, I support Hon. Nabulindo's Motion. However, we need to go further and pay not only our sugarcane farmers, but also all our farmers. Day-in, day-out, we hear of waivers in the sugarcane industry. We also need them in the tea and coffee industries. One region gets waivers while others do not get them.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Next is the Member for Eldas, Hon. Adan Keynan.

Hon. Adan Keynan (Eldas, JP): Thank you, Hon. Temporary Speaker. The paradox in our country is that we have reached a stage where leaders who are entrusted with the leadership of this country, have reduced their role to just lamentations. I have looked at this Motion, which is good for a member of parliament who is seeking to be a populist. However, practically speaking, this is not the route. I appreciate what Hon. Nabolindo has done but, the era of bringing Motions along just to lament on the Floor of the House is gone. It does not add any value. What the sugarcane farmers require is the passage of the Sugar Bill.

Over the years, we have reduced our role as Members of Parliament simply because we fear confronting the cartels. The problem afflicting the sugarcane farmers, just like the other productive sectors, are the cartels. They are not interested in expanding our GDP or economic growth. They are not interested in reducing our trade deficit or foreign exchange results. They are only interested in filling their pockets. Whose role is it to diminish their roles? It is the role of the leadership here through legislations and putting pressure on those who are tasked with the executive mandate.

I do not foresee a time when we will not need sugar and Kenya will not be part of the global village. We must reflect on this. This country was once a promising nation in the 1960s when we got our Independence. We are at the mercy of cartels today. We have been reduced to an importing nation. We have seen many Members of Parliament bringing Motions here to lament about their sectors. I always give an example of Kenya Meat Commission (KMC). Once upon a time, it was a giant meat processing facility in the entire East African region. However, it is a shell today. The very institutions that we have invested in Botswana and other countries are the ones that are now leading in beef export. KMC is struggling. Year-in, year-out, we are asked to allocate funds to bring it up. The same applies to sugarcane.

The other day, I saw a news print that the external debts of millers were waived. I thought that would have given us a new platform to bring up some of those millers. We need to ask ourselves one question. How come the private millers are doing well, but the Government millers do not function? It is simply because of the cartels who do not want that sector to flourish.

To my colleagues from the Western and Nyanza regions, it is time we put our foot down and say we can no longer lament. We will give you all the support because where I come from, sugar is a necessity. In my community, we say it is better you die when you are taking a sweet thing than.... Sugar is so critical in our lifestyle. What is our role? How can we minimise the role of those cartels? They will be there. Most of the rich people in this country, including politicians, have made their money through sugar deals. In fact, one of the most lucrative certificates to land on is the duty-free sugar importation facility. You know about it since they are in your villages, Nairobi and all over.

Therefore, Hon. Nabolindo, friends, cohorts and colleagues, I empathise with those poor farmers. We are only giving them lip services. What they require is not lip service but practical solutions that are tailor-made to uplift them from abject poverty, which is not a mean achievement.

Kenya has been a member of Common Market of East and Southern Africa (COMESA) over the years. I have had the privilege of visiting Zambia, which hosts the headquarters of COMESA. When you go to Egypt and Brazil, you will be surprised to learn that the current security challenges in Sudan notwithstanding, was a leading exporter of sugar. If you go to our neighbour Uganda and do further investigations, you will find out that some things are done in such a way

that countries that have promising sugar farmers do not reach the level of reducing their sugar imports.

Hon. Temporary Speaker, therefore, we should not ask for somebody from western Kenya to be the Cabinet Secretary for Agriculture and Livestock Development. Since Independence, there have been many senior individuals from western region who have been cabinet secretaries for Agriculture and Livestock Development. It has, however, not added any value but individual gain.

My contribution on this particular sector is for us to find a solution. First of all, let us pass that Bill. I know there is a bit of jurisdiction conflict between the Senate and the National Assembly. However, when an issue touches on the lives of Kenyans, politics should be put aside. We do not have any jurisdiction conflict with the Senate. Our work is to legislate. If anything, we should be complementing each other. We need to pass the Bill as a matter of urgency. If there are administrative issues between the two Houses, it should be sorted out as a matter of urgency. Once that Bill is passed, as I am sure His Excellency the President will assent to it. We need to go back to the drawing board and ask ourselves how we can bring back the folded giant sugar milling institutions like Mumias Sugar Company. Once that is done, the role of the sugarpreneurs will have been reduced.

Hon. Temporary Speaker, you are a lawyer, and you know that we have over-legislated over the years. We do not even need some of these legislations. We only need a proper policy pronouncement at the level of the Cabinet Secretary and those who are in charge of that particular sector. Once that is done, we will save our farmers. I am a camel herder. The only source of export for my camels is either through Djibouti, Ethiopia or Somalia. What has happened to the camel market here is simply because particular cartels do not want it to flourish just like they killed Kenya Meat Commission (KMC) and Mumias Sugar Company. They do not want any sector to grow and that is their business. However, that is not our business as the elected people of Kenya. Our business is to represent our people in every aspect. We have failed miserably as Members of Parliament.

It is high time we interrogate issues instead of just being used as a conveyor belt. We pass many things, but what is the end result? This country was once a promising nation that was almost at the age of joining the league of developing nations. Today, we have introduced a struggling nation. The only news that comes out of this country is bad. Is that in our interest during our time as the leaders who have been entrusted with the leadership of this country pursuant to Article 1 of the Constitution? It is high time Members of Parliament went back to the drawing board. Every sector in this country is on the path to failure. Whose responsibility is it? It is our responsibility because to be an elected Member of Parliament and a representative of the people is the most sought-after job. It is also the most lucrative by extension. It is high time we put aside our privileges and said, whatever we have been doing has not been adding value to the well-being of the people of Kenya. We want to start with the sugar cartels.

I want to volunteer and join you in reducing their influence and eradicating their presence to make sure that the sugar cane farmers are freed from those cartels. Show us since we are still struggling. It has been 60 years since Independence but, I am still struggling to have the first kilometre of tarmac road in my constituency. At times, I see things like Affirmative Action and I wonder. You need to empathise with us. We have been around. We got our Independence in August 2010, when the 2010 Constitution was promulgated. I am not joking because that is the truth.

I want to tell my friend, the Mover of this Motion that we have heard you. The message is loud and clear and it has been there since Independent. But this is not what we require. Let us

canvass and cajole our friends in the Senate to deal with the issues before we pass that Bill and confront those people. However, I thank you for the initiative, and I am sure the farmers in your constituency will hear you.

My parting short is that we need to create...

(Hon. Adan Keynan spoke off the record)

The Temporary Speaker (Hon. Peter Kaluma): You have less than 45 seconds.

Hon. Adan Keynan (Eldas, JP): Thank you, Hon. Temporary Speaker. I want to appeal to my friends from the sugarcane belt that, if you want to have followers like Hon. Odinga, kindly, resolve that we will deal with those cartels so that you can stay in Parliament and your people can also appreciate your contribution.

I support the Motion.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Jared Okello.

Hon. Jared Okello (Nyando, ODM): I thank you very much, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Keynan Adan, you got additional 45 seconds because of the name you mentioned.

(Laughter)

Hon. Jared Okello (Nyando, ODM): It comes with an incentive. Hon. Temporary Speaker, besides coming from the sugar belt, I also belong to the Departmental Committee on Agriculture and Livestock. The challenges that abound within the sugar sector cannot properly be gainsaid. It is important to note that during the last regime, a task force was formed by the former President, Uhuru Kenyatta, which was co-chaired by Hon. Ambetsa Oparanya and the then Cabinet Secretary in charge of Agriculture, Hon. Peter Munya. In the Task force was the Kisumu Governor (Prof.) Peter Anyang' Nyong'o, amongst a host of many others.

Hon. Temporary Speaker, the main idea was to carry out an introspection around the challenges within the sugar sector. One of the fruits that has since been born by the Task force is the Sugar Bill, which has passed both this House and the Senate. At the moment, the mediation team is yet to be formed to thrash out the discordance that emerged from the process. It is true that the sugar sector, even though it is as white as gold, has continued to go through headwinds.

It is disturbing that whereas, the Government-owned sugar companies are experiencing many problems, there continues to be mushrooming private sugar mills. Interestingly, those private sugar companies are performing very well, while the Government-owned sugar companies are performing dismally. Therefore, there must be a problem with the management. As a Departmental Committee on Agriculture and Livestock, we have carried out a series of visitations within the sugar companies with a view to collect facts that surround the challenges that they experience.

Under a fortnight ago, I accompanied the Principal Secretary in charge of Agriculture, (Dr) Kiprono Rono to a fact-finding mission visit to Chemelil and Muhoroni Sugar companies. We noted that the machines are dilapidated. Just as he said, when those machines were set up, no substantial maintenance has been done. The spillages of sugarcane juice that creates immense losses to the companies will always be there. It is high time we invested heavily in overhauling those machines so that we can be proactive to the plight of the farmers and be responsive to the needs of the market. The machines that we have are quite rickety in nature. Our country can start to reap the benefits of sugarcane if new machines are made available.

Some of those companies actually struggle to break even. A classic example is sugar companies that the Government owns. It is a fact that some employees have not been paid for 59 months. I have said 59 months! You have farmers whose arrears have gone up to Ksh1.2 billion. I am happy that, a month ago, the Government cleared all outstanding arrears that have been accruing and owed to farmers. The last batch of that payment was Ksh354 million that was paid to our farmers under three weeks ago. That is a good step in the right direction.

The question is: What happens to monies owed to farmers? It is much money. Companies that continue operating have not paid employees who have plugged into them for the last 60 months. What happens to the sale of sugar? There is a problem somewhere.

We also know that crooked Governments make sugar and oil the lowest hanging fruits during campaigning seasons for making cheap money. That is why they constantly come up with duty-free sugar. As they import the sugar that attracts no taxes, they sell it for the same prevailing market price and make ginormous profits out of it. Again, that kind of action kills our sugar sector here at home. We are so happy to propagate the benefits of sugar industries across our borders when our own are dying here. That is a travesty that needs to be properly tackled.

I hope that the Speaker of Senate, together with the Speaker of the National Assembly, will move with speed to concoct a mediation team to thrash out those issues within a very short period, so that we can attain an Act to look into the sugar sector in general. Sugarcane farming is a labour-intensive exercise. People take their sugarcane to factories, but wait for payment forever. It is not right. That is why many people started uprooting sugarcane from their farms because it attracts no benefits to those farmers at all.

Now, a lot has been spoken to on the arrears accruing to employees. An absurdity is that many employees have retired from those sugar industries. They were given residential estates within sugar companies. Now, they cannot exit. They have no money to go home with. Some have started falling ill. Lifestyle illnesses creep in as people age. We have a sick populace. We have people who cannot take their children to school. The people cannot even afford a meal. The same still occupy houses of those companies. It is a tragedy of our time.

I have seen many efforts that are directed towards coffee and tea. A lot of money goes into those sectors each time we come up with budget lines. Is it what we heard during Moi's time - *siasa mbaya, maisha mbaya*? Our areas, where sugarcane farming has been the centre stage, have continued to be neglected. With a broad-based something, I hope even the sugar sector will be paid a lot of attention and credence. At the end of the day, just like coffee and tea farmers, we will also enjoy the benefits that come from the Government.

With those remarks, I thank you for giving me the opportunity.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Caroli Omondi to follow Hon. Jayne Kihara. Why do some Members believe Hon. Jayne Kihara can only talk about coffee, tea and fish from Lake Naivasha?

(Laughter)

Hon. Jayne Kihara (Naivasha, UDA): In fact, we do not have coffee and tea in Naivasha. We only have cabbages and onions.

At the outset, much as I grew up in a region where we do not have sugar or sugarcane, I support this Motion. Any serious Government that is thinking of raising the economy of this country through farming has to address sugarcane farming. I grew up in a place where we did not have sugar or rather sugarcane. It was grown in small scale. Wherever it grew, I always thought it

was for squeezing the juice to make *muratina*. There was a manual squeezing facility where young boys used to go to and push that rod to get a few coins when they produce the juice. Yes, I knew sugar. However, I did not know where it came from. All I knew all along was that it was for making *muratina*.

I came to know about sugar factories in my last job. I was working for a company that sold fertiliser. That is the time I knew there were so many sugar-milling facilities. Examples are the South Nyanza Sugar Company (Sony), the Nzoia Sugar Company, the Mumias Sugar Company, the Kibos Sugar Company and the Chemelil Sugar Company. All those were my customers. That is the time I realised that, that thing is real and that there is sugar. I only saw sugar in my sugar dish. I did not care where it came from.

I visited Hon. Beatrice Wambilianga's place during our campaign trails. We passed through the Nzoia Sugar Company. I saw a big non-operational facility. Just dead! You would then imagine the kind of jobs that were lost there. We really want to create jobs and yet, we are exporting our jobs out there, by importing sugar that is controlled by sugar barons. They do not address the deficit. It is actually killing the industry. The policy we need is what *Mheshimiwa* has said here. Sugar importation has to be controlled, only to address deficits. Producers of sugar are the only ones who can tell genuine deficits. Those factories or millers know where the deficit is. We should allow them to import. We have seen the corruption of imported sugar repackaged in Mumias bags.

What is eating that industry and country? It is corruption! If you want to be rich like Hon. Keynan has said, you go to look for a way to import sugar. That is why we deny our farmers their income and the jobs for our youth. Joblessness is real and we cannot kill our farming industries pretending that farming is the backbone of our economy. We should be working towards exporting sugar. That is the only time we can make sense in matters sugar. I do not have much to say because we know the selfish sugar barons and they get licenses from the Government. So, is the Government really interested in fighting corruption if we do not want to address it through revamping the farming of coffee and other crops?

Otherwise, we have to work and support this Motion and be real in all farming matters, not just on fertiliser that yes, we have given those fertilisers and grown such and such crops, but what happens after that? Instead of sending our children outside the country, we can keep them here as long as farming makes sense.

I support.

The Temporary Speaker (Hon. Peter Kaluma): Member for Suba South, Hon. Caroli.

Hon. Caroli Omondi (Suba South, ODM): Thank you very much, Hon. Temporary Speaker. I will try and be brief because I have two of my sisters here that also want to contribute.

First, let me begin by telling a story. When sugar was first introduced in this country, it was at the City Stadium and Africans would be called on a Saturday and forced to take sugar because we did not know what sugar was. That is how it was introduced. They would be put on a queue, given free sugar and caged to take it. That was in the 1920s. After that, the first sugar mill in this country, which was Miwani, was actually started by Indian immigrants, Jamal and Mr. Indocha.

What the record shows all over the world is that sugar mills that are state-owned do not work. I was in Cuba last year, and the sugar industry there has collapsed. In Kenya, all the private mills are profitable while all the public mills are in distress. It is because of politicians and people who have been in this House. We are the same people who have destroyed the sugar industry in this country as politicians. I have been a director in all the public sugar mills when I was a State Counsel and so, I have seen the evolution.

When Miwani was privately owned, it made money. When the Government acquired it, it stopped making money. So was Mumias. If you look at the history, we have no business as the Government of Kenya being in the sugar sector. Even this Motion and why I agree with it, we do not need to encourage the Government to incentivise farmers. If the private sector was running the mills through extension services and credit facilities, we would have enough raw materials for our mills. What we need to do is to divest completely as a Government from the sugar industries in the Republic of Kenya and hand them over to the private sector. There are two ways of doing that, and it is not rocket science.

One, we need strategic investors with the capital and the know-how to run the sugar mills. Then, we need to isolate part of the shareholding and float them through the Nairobi Stock Exchange through what is called an Initial Public Offering so that members of the public can own shares in those sugar mills. Thirdly, we need to organise the out-growers into investment groups so that they too can be shareholders in those sugar mills. We are very sensitive about the so-called nucleus estates. To me, it is lack of understanding of how business works. The land should not withhold the privatisation of the sugar mills. It is very simple. We need to separate the mill from the out-grower nucleus. The out-grower nucleus can continue belonging to the county governments and then leased to the sugar mills on a long-term basis, but the sugar mills should be 100 per cent privatised and given out to investors so that they can be modernised.

We have no business having multiple sugar mills in very un-economic areas. If you go to Brazil, sugar mills that are privately owned have their own railway stations. Even here in South Africa, if you go to KwaZulu-Natal, mills have their own railway lines that transport sugar. They organise the farmers and do their own research. The Government should only restrict itself to doing sugar research and regulating how the market works. But we have no business as a Government being in the sugar mills. Today, the proposed privatisation has stalled in court because of politicians. Some politicians in western Kenya have organised themselves and incited some farmers to go to court to stop the privatisation so that they can continue stealing.

We once went with the former Prime Minister to Nzoia Sugar Company Limited and gave 150 tractors to outgrowers of the company. Within months, they were all vandalised. I challenge any one of you to go to any sugar mill and outgrowers. You will see equipment that has been vandalised by politicians. It is the same politicians who are in the outgrower organisations. We need to get rid of politicians. And the only way to do this is by privatising the mills so that farmers and investors can run their mills. We have no business being there.

Hon. Temporary Speaker, let me conclude, so that I can give my colleagues time to contribute. Let us not be holden to traditional ways of thinking how business is conducted. As a Government, we cannot continue selling meat and eggs and having parastatals that do things that the private sector can do better. It is time we let the sugar industry go to the private hands so that it becomes profitable.

When privatising, we should not give them to the current millers. When we are privatising Miwani Sugar Company Limited and Chemelil Sugar Company Limited, we cannot allow Kibos Sugar and Allied Industries to own them. When privatising Nzoia Sugar Mills, we cannot allow Butali Sugar Mills Ltd to own them. Also, when privatising the lower mills in Trans Mara or in Mumias, we should not allow the established private mills to own them as we will be creating monopolies and duopolies. We cannot do that. We must allow other players to come into the sector with experience of the mills and you will see a very vibrant sector.

With those few remarks, I beg to support the Motion.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Ruth Odinga came after Hon. Joyce Bensuda. Hon. Bensuda came after Beatrice Kemei, but I like the name Ruth Odinga. I want Ruth Odinga to speak because she is a farmer.

Hon. Ruth Odinga (Kisumu County, ODM): Thank you, Hon. Temporary Speaker. I am very honoured. Hon. Bensuda, I am sure you know that in order of seniority, I have been allowed by the Temporary Speaker to speak before you.

I start off by stating that I am very radical. I believe that the sugar sector should be privatised. I am a farmer who comes from the sugar-belt area. At the moment, my farms are not doing any commercial sugarcane farming. There are very many cartels. I want to tell you without fear that when you look at the sugar sector, most of the time, cartels operate within the Government sectors. And those Government sectors are the ones that own the sugarcane. For example, there is a time that the Kenya Sugar Board (KSB) gave mills like Mumias Sugar Company a license to import sugar. They would import it and package it as Mumias Sugar and sell it. This tells you that there was no way the local farmers who were dependent on Mumias Sugar Company Limited would take their sugarcane to be milled there.

Secondly, apart from the sugar itself, so many people depend on the by-products of sugarcane like molasses. Kenya had two factories that were distilling ethanol, Spectre International and Agro-Chemical and Food Company Limited (ACFC). As we speak, those two factories do not produce enough ethanol and they used to be the only factories that produced ethanol in the whole of East Africa. Due to lack of molasses, which is a by-product of sugarcane, they are not able to operate. Spectre International was employing more than 500 people, but it is now closed down. Agro Chemicals & Food Company Limited is under-producing because they do not have the sugarcane. Apart from that, the private mills that are there have decided to now open their own ethanol factories within the sugarcane zones, denying those other companies the molasses, that is the by-product that they need.

Secondly, I also believe that those mills should be privatised because those small and middle scale farmers are not able to take their sugarcane to the factories. And because of that, they are now selling their pieces of land. A person with 500 acres of land has now sold to seven other people and they are all taking the sugarcane to the factory. If you want to privatise those mills, you must consolidate the people to sell the land so that the private company that is coming is able to buy it and produce. Otherwise, that will not be possible with those small holding farmers. I also want to sell my farm because I have nothing to do with it. I might not probably get somebody to sell 500 acres of land to but, maybe, 100 acres to five different people. Once we do that, we are moving further from consolidating and selling to the private sector. Privatisation is the best way because of the cartels in the Government. As I speak, the privately-owned sugar mills like Kibos Sugar and Allied Industries Limited and Butali Sugar Mills, are the ones that are taking all the sugarcane within Muhoroni and our nucleus farms. So, there is no way our factories can compete with the private sugar millers.

The Temporary Speaker (Hon. Peter Kaluma): Order, Hon. Ruth Odinga. You will have six minutes when this Motion comes back to the House. You will be the first to speak when it is mentioned. Hon. Beatrice Kemei, Hon. Bensouda and all Members listening to you know why I made the right decision to skip the line to recognise you before them.

ADJOURNMENT

The Temporary Speaker (Hon. Peter Kaluma): Hon. Members, the time being 1.03 p.m., this House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 1.03 p.m.

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