

COUNTY GOVERNMENT OF BUNGOMA

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

THE DAILY HANSARD

TUESDAY, 17TH FEBRUARY, 2026

Afternoon Sitting

3rd County Assembly

5th Session

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COUNTY ASSEMBLY OF BUNGOMA

THE DAILY HANSARD

TUESDAY, 17TH FEBRUARY, 2026

The House met at the County Assembly Chamber at 2:30 p.m.

(Mr. Speaker [Hon. Emmanuel Situma] in the Chair)

COMMUNICATION FROM CHAIR

Mr. Speaker: Honorable members, I have the following communication to make,

This communication is from the County Assemblies Forum CAF). It's addressed to the Hon. Speaker Emmanuel Situma, the Speaker of Bungoma County Assembly to make the invitation on behalf of CAF to the members for attending the AGM.

Dear Hon. Speaker,

Invitation to the County Assemblies Forum Annual General Assembly Meeting (AGM)

Reference is made to the notice of the CAF Annual General Assembly meeting of 28th January, 2026, issued pursuant to article 8 of the CAF constitution notifying all County Assemblies of the Annual General Meeting scheduled to take place on 18th- 21st February, 2026.

In this regard, your County Assembly is hereby invited to the CAF AGM to be held at the Kenyatta International Convention Centre (KICC) Nairobi City from 18th -21st February 2026. Please note the Wednesday 18th February 2026 shall be dedicated to registration and the official AGM opening ceremony shall commence on Thursday 19th February, 2026.

Attached is the detailed program for your further reference.

The AGM is the forum principal statutory meeting and we will deliberate on key governance policy and institutional matters affecting County Assemblies and advancement of the devolution.

Kindly note that this will necessitate members to travel to Nairobi on 17th February, 2026 and return to the respective Assemblies by 22nd February, 2026.

CAF appreciates your support and participation in advancing the objective of the forum and looks forward to your presence at the AGM. That means members we will be travelling from tomorrow and after holding a leadership meeting this lunch break, we will be able to avail some transport.

We will have the van carrying the House leadership and the other mini-bus carrying members and I

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know some members like Hon. Luseneka and Otsiula will be in Nairobi at night today, so I cannot compel them to be in that bus.

What is not yet confirmed is that the Chief Guest will be the President on Thursday. We have that communication from the Leadership of CAF and if they are saying we be there at 8:00 a.m. kindly do not come at 9.30 the way you come around here. You will end up watching things on the screen at the Parliament side far away from the venue.

I will be doing the communication on our wall that the time for his arrival will be such a time so that members register tomorrow.

We have dispatched some members to go there and pick the tags for members. We will be asking that you pick your tag before you enter the venue.. You can be there up to Monday evening hours and come for next week's session but for your facilitation, we have only worked out on five days. You know things changed Hon. Chair PAIC.

Let us proceed!

PAPERS

The following Papers we laid by the Leader of Majority Hon. Joseph Nyongesa

1. The County Revenue Fund Statements for Financial Year 2025/2026 for the period ended December 2025
2. Receiver of Revenue Statements for FY 2025/2026 for the period ended December, 2025.
3. Equalization Fund statements for FY 2025/2026 for the period ended December, 2025.
4. Bungoma County Executive Financial Statements for FY 2024/2025 for the period ended December, 2025.
5. The Annual Report of the County Public Service Board for the Year 2025
6. The Financial Statements for second Kenya Devolution Support Program for Financial Year 2025/2026
7. The Bungoma County Disaster and Emergency Management Fund Quarterly report and Financial Statements for the period ended December 31st 2025.
8. 8. The Bungoma County Trade Development loan fund Quarterly Financial Statements for the period ended 31st December, 2025
9. The Bungoma County Climate Change Fund Quarterly Financial Statements for the period ended 31st December, 2025.

Mr. Speaker: Honorable members, allow me make the following committals of the papers as read out by the table clerks and tabled by the Leader of Majority!

Paper laid under 1, 2, 3, are committed to the committee of Finance and Economic Planning for processing purposes.

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Item under 4, Bungoma County Executive Financial Statements for FY 2024/2025 for the period ended 31st December, 2025, I will urge that every sector committee extracts its sector report interrogates and reports back to the House accordingly.

v) The Annual Report of the County Public Service Board for the Year 2025. I commit the same to the committee of Labor Relations for processing and reporting back to the House accordingly.

vi) The Financial Statements for second Kenya Devolution Support Program for Financial Year 2025/2026. I commit the same to the committee of Public Administration and ICT for processing and reporting back to the House accordingly.

vii) The Bungoma County Disaster and Emergency Management Fund Quarterly Report and Financial Statements for the period ended December 31st 2025 is committed to the committee on Finance and Economic Planning for processing and reporting back to the House accordingly.

Vii) The Bungoma County Trade Development Loan Fund Quarterly Financial Statements for the period ended 31st December 2025 is committed to the committee of Trade, Energy and Industrialization for processing and reporting back to the House accordingly

viii)The Bungoma County Climate Change Fund Quarterly Financial Statements for the period ended 31st December 2025 Quarterly Financial Statements for the period ending 31st December, 2025 is committed to the committee of Tourism, Environment, Water and Natural resources for processing and reporting back to the House accordingly.

Next item,

**REPORT OF THE PUBLIC ACCOUNTS AND INVESTMENTS COMMITTEE ON THE
REPORTS OF THE AUDITOR GENERAL ON THE BUNGOMA COUNTY LEVEL 4
HEALTH FACILITIES FOR FY 2021/2022, 2022/2023 AND 2023/2024**

Mr. Speaker: Chair PAIC, proceed!

Hon. Everton Nganga: Thank you Mr. Speaker. I rise to table a report by Public Accounts and Investment committee. A report of the Auditor General on the Bungoma County Level 4 health facilities for the Financial Year 2021/2022, 2022/2023, 2023/2024.

(Report laid on the table by Hon. Everton Nganga)

Mr. Speaker: Honorable members, the report by the PAIC Committee on the Auditor General on the Bungoma County Level 4 Health Facilities for the Financial Year 2021/2022, 2022/2023, 2023/2024 is hereby tabled, the same becomes the property of the House accordingly.

**REPORT OF THE SECTORAL COMMITTEE ON YOUTH AFFAIRS AND SPORTS ON
FINANCIAL STATEMENTS FOR THE PERIOD ENDED 30TH JUNE, 2025**

Mr. Speaker: Chair Hon. Violet, proceed!

Hon. Violet Makhanu: Thank you, Hon. Speaker. I am on my feet on behalf of the Committee on Youth Affairs and Sports to table a Quarterly Report on Financial Statements for the period ended 30th

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June, 2025.

(Report laid on the table by Hon. Violet Makhanu)

Mr. Speaker: Honorable members, the report of the sector Committee on Youth Affairs and Sports on the Financial Statements for the period ending 30th June, 2025 is hereby tabled by the committee and the same becomes the property of the House accordingly.

NOTICES OF MOTION

REPORT OF THE PUBLIC ACCOUNTS AND INVESTMENTS COMMITTEE ON THE REPORTS OF THE AUDITOR GENERAL ON THE BUNGOMA COUNTY LEVEL 4 HEALTH FACILITIES FOR FY 2021/2022, 2022/2023 AND 2023/2024

Mr. Speaker: Hon. Nganga, proceed.

Hon. Everton Nganga: Thank you Hon. Speaker. I rise to give a notice of motion that this House adopts a report of the Public Accounts and Investment committee on the reports of the Auditor General on Bungoma County Level Four Health Facilities for FY 2021/2022, 2022/2023 AND 2023/2024.

Mr. Speaker: Honorable members, a notice of motion has been duly issued by the Chair of the committee on PAIC, I urge the table clerks to circulate the said report to Honorable members. The same will be forming business on our Order Paper in the course of next week while the House resumes from its short break.

REPORT OF THE SECTORAL COMMITTEE ON YOUTH AFFAIRS AND SPORTS ON FINANCIAL STATEMENTS FOR THE PERIOD ENDED 30TH JUNE, 2025

Mr. Speaker: Hon. Violet, proceed.

Hon. Violet Makhanu: Thank you, Hon. Speaker. I stand to move a notice of motion

Mr. Speaker: You issue a notice, you will move from this side please.

Hon. Violet Makhanu: I am issuing a notice of motion on behalf of the Committee on Youths and Sports for the report and Financial statements for the year ended 30th June 2025. Thank you.

Mr. Speaker: Thank you, Hon. Violet. Honorable members, a notice of motion has been duly issued by the sector committee that the House adopts the report of the sector committee on Youth Affairs and Sports on Financial Statements for the period ending 30th June 2025.

I urge the table clerks to share the said report to the Honorable members, the same will be coming up as a motion on our Order Paper once the same is scheduled by HBC on the Order Paper accordingly.

QUESTIONS AND STATEMENTS

STATEMENT ON THE STATUS OF NDALU MATERNITY WING CONSTRUCTION PROJECT

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Mr. Speaker: Yes, Hon. Chikati Timothy.

Hon. Tim Chikati: Thank you, Honorable Speaker. I rise to issue a statement on the status of Ndalu Maternity Wing Construction Project

Pursuant to the provisions of Standing Order 49 of Bungoma County Assembly Standing Orders, I hereby seek for answers from the County Executive Committee Member Health and Sanitation. This is in relation to the status of construction of Ndalu Maternity Wing in Ndalu /Tabani ward which has resulted to the Ndalu/Tabani ward residents and others using the facility to face challenges in accessing quality maternity health services.

Related to this growing concern among the constituents in the aforementioned Ward regarding the transparency, progress and accountability surrounding the project;

Let the CECM enquire and provide answers to the following;

1. Details of procurement process undertaken towards construction of Ndalu maternity including timelines and whether it was done as per the Public Procurement and Disposal Act
2. Provide the copy of reference of the tender advertisement and whether it was published and the platforms on which it was advertised.
3. Summary of the tender evaluation report including the number of all bidders, there scores and criteria used for evaluation.
4. The Professional opinion provided by the responsible officers recommending the award of the tenders required under procurement laws.
5. The total amount allocated for the project as per the approved budget for relevant Financial Years.
6. The current status of the project including the percentage of physical completion of the latest site assessment
7. The total amount paid to the contractor to date and the payment schedule followed.

Mr. Speaker: Hon. George Makari!

Hon. George Makari: Thank you, Hon. Speaker. I request for 21days to come up with the response.

Mr. Speaker: Yes Hon. Chikati, the Chair is requesting for 21 days and I will accordingly grant him those 21 days giving us up to 10th of March, 2026.

Hon. Timothy Chikati: That is fine Honorable Speaker.

Mr. Speaker: Thank you, we proceed.

MOTION

REPORT OF THE SECTORIAL COMMITTEE ON AGRICULTURE, LIVESTOCK, FISHERIES, IRRIGATION AND CO-OPERATIVES DEVELOPMENT ON THE CONSIDERATION OF THE BUNGOMA COUNTY FOOD SAFETY CO-ORDINATION BILL 2025

Mr. Speaker: Hon. Waiti Wafula, Proceed!

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Hon. Wafula Waiti: Thank you, Hon. Speaker. I stand here on behalf of the Committee on Agriculture to read a report on the Bungoma County Food Safety Co-ordination Bill 2025 for the House to note.

Mr. Speaker: Yes, Hon. Waiti! Before you proceed, I have to clear one thing. As we seat here, there is no committee which is out with my permission. Can you confirm you membership Hon. Waiti.

Hon. Wafula Waiti: Can my members stand up! I have overwhelming quorum

Mr. Speaker: Hon. Waiti, you are out of order! It's me to confirm, not you.

Hon. Wafula Waiti: I will never let this House down as a Chair

(Applause)

Mr. Speaker: The quorum is in order. It is not overflowing but it is on order. Proceed!

Hon. Wafula Waiti: Thank you, Honorable Speaker.

PREFACE

Pursuant to the provisions of Standing Order No. 139 of the County Assembly of Bungoma Standing Orders, the Bungoma County Food Safety

Mr. Speaker: Members, this report is for noting, it's not for approval because it's a report that will take us to the committee of the Whole House that will allow members to make amendments. Proceed!

Hon. Wafula Waiti: Pursuant to the provisions of Standing Order 139 of the County Assembly of Bungoma Standing Orders, the Bungoma County Food Safety Co-ordination, 2025 was read a first time on Tuesday 29th April, 2025. After the First Reading, the Bill was committed to the Committee on Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development for consideration and reporting to the House pursuant to the provision of Standing Order 141(1) of the County Assembly of Bungoma Standing Orders.

Pursuant to the Provisions of article 196(1)(b) of the Constitution of Kenya, 2010 and Standing Order 140(2) of the County Assembly of Bungoma Standing Orders, the Committee through an advertisement placed in the *Standard* Newspaper on Monday 21st July, 2025 invited members of the public to submit memoranda on the Bill. In addition, the public was invited to participate in public hearings on the Bill held at the County Assembly on 28th July, 2025.

The Committee received public views in the form of written memoranda and oral submissions, which were subsequently analyzed and considered, as detailed in Chapter Four of this report.

The Bungoma County Food Safety Co-ordination Bill, 2025 seeks to provide for the coordination of institutions in the control of food safety, make provision for the establishment of the Food Safety Coordinating Committee, establishment of the County laboratory and for connected purposes.

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Honorable Speaker, allow me refer members to Standing Order 217(1) of the County Assembly on mandate of the Committee.

COMMITTEE MEMBERSHIP

The Committee on Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development as currently constituted comprises the following Members:

- | | |
|---------------------------|----------------|
| 1. Hon. Wafula Waiti | Chairperson |
| 2. Hon. Idd Owongo | V. Chairperson |
| 3. Hon. Meshack Simiyu | Member |
| 4. Hon. Busolo Sudi | Member |
| 5. Hon. Everlyne Mutiembu | Member |
| 6. Hon. Allan Nyongesa | Member |
| 7. Hon. Simotwo Franklin | Member |
| 8. Hon. Jerusa Aleu | Member |
| 9. Hon. Edwin Opwora | Member |
| 10. Hon. Benard Kikechi | Member |
| 11. Hon. George Tendet | Member |
| 12. Hon. Alfred Mukhanya | Member |
| 13. Hon. Caleb Wanjala | Member |
| 14. Hon. Martin Chemorion | Member |
| 15. Hon. Alice Kibaba | Member |

ACKNOWLEDGEMENT

The Committee is grateful to the Offices of the Speaker and the Clerk of the County Assembly for the logistical and technical support accorded to it during its sittings.

The Committee further wishes to thank all stakeholders who submitted memoranda on the Bill.

Finally, I wish to express my appreciation to the Members of the committee and the secretariat who made useful contributions towards the consideration of the Bill and production of this report.

Report signed by Me Hon. Wafula Waiti Chairperson, Committee on Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development

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OVERVIEW OF THE BILL

The Bill seeks to provide for the Co-ordination of institutions in the control of food; establish the Bungoma County Food Safety coordinating Committee; and Establish the County Food Safety Laboratory.

The Bill has Twenty Three Clauses divided into Six Parts and Three schedules.

SUMMARY OF CLAUSES

PART I(Clause 1-5) provides for the preliminary provisions which include short title and commencement, interpretation of terms, objects and purpose of the Act, Application and Guiding Principles.

PART II (Clause 6-10) establishes the Bungoma County Food Safety Coordinating Committee, the composition of the committee, the qualifications for membership to the committee and most importantly the functions and powers of the said committees. The committee may appoint Technical Sub Committees and delegate functions as it deems necessary.

PART III (clause 11) The Bill appreciates that Food Business Operators are among the key stakeholders when it comes to food handling matters. This Part elaborately highlights the responsibilities given to the Food Business Operators as provided for by various legislation to ensure that food safety is achieved along the entire value chain.

PART IV (12-15) establishes the County Food Safety Laboratory whose functions are to provide analytical services to enforcement regulatory agencies; and any other analytical services that may arise; and verify the safety, quality and efficacy of an article which is produced, manufactured or imported. The chief officer shall deploy the laboratory head and sufficient qualified, trained and experienced staff to handle the laboratory.

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PART V (Clause 16-19) provides for the financial provisions and states the sources of funding, accounts and audits, annual estimates and reports. The funds of the committee shall consist of; moneys appropriated by county assembly through line departments; any grants, gifts, donations or other endowments; such funds as may vest in or accrue to the committee in the performance of its functions under this Act or any other written law and such monies as may be payable to committee.

PART VI (20-23) provides for general provisions including offences and penalties, appeals and confers powers to the CECM by statutory instrument make regulations on recommendation of the committee and in consultation with other relevant public institutions.

SCHEDULES

The First Schedule of this Act provides for a total of twenty (20) existing laws related to matters Food Safety. The Bungoma County Food Safety Coordination Committee established in the Act will be guided by the said laws in carrying out their responsibilities. The Second Schedule provides for the conduct of business and affairs of the committee (Tenure of office and vacancy, appointments of the chairperson and vice chairperson and proceedings of committee).

The Third Schedule provides for Representatives of Institutions and organizations, competent authorities and representatives of County departments for matters Agriculture, Trade, Environment, Water, Health and Public Administration.

OBJECTS AND PURPOSE OF THE ACT

The object of this Act is to:

- a) Provide for the coordination of institutions in the control of food;
- b) Establish the Bungoma County Food Safety Coordinating Committee; and
- c) Establish the County Food Safety Laboratory

BACKGROUND ON THE BUNGOMA COUNTY FOOD SAFETY CO-ORDINATION BILL, 2025

Safe food is a basic human right and a key determinant of human health, food security and sustainable development. Food safety is therefore central to public health, improved livelihoods through trade facilitation and sustainable development. Access to safe food is a fundamental right as provided for under Article 43, read together with Article 46 of the Constitution of Kenya, 2010.

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Ensuring food safety requires protecting the food supply from all forms of hazards that may arise at every stage of food production, processing and distribution.

In Bungoma County, food safety systems face several challenges, including inadequate coordination and enforcement of existing food laws and regulations, weak traceability within food chains, insufficient monitoring and surveillance systems, emerging and re-emerging food safety risks, limited technical knowledge and skills and inadequate financing for food safety activities.

By its nature, food safety is a shared responsibility among all stakeholders. To achieve an integrated food safety and control management system, this Bill seeks to enhance coordination among institutions responsible for food safety control. It provides for the establishment of a Food Safety Coordinating Committee, the creation of a County Food Safety Laboratory and related measures.

Kenya's food safety control system adopts a multi-sectoral approach and is anchored in various statutes implemented by different government ministries, departments and regulatory agencies. However, the current coordination mechanisms among these institutions are inadequate, leading to inefficiencies at both national and County levels. These gaps have contributed to recurring food safety hazards, rejection of food consignments by importing countries and other adverse outcomes.

The Bill therefore provides for the coordination of institutions in the control of food safety and proposes the establishment of a Food Safety Coordinating Committee with functions that include; Coordinating the regulation of cross-border trade, production, manufacturing, labeling, storage, promotion, transportation, advertisement, packaging, sale, distribution and disposal of articles and materials, coordinating food safety activities and responses among all stakeholders and enforcement agencies, promoting a unified scientific approach to food control, coordinating consumer protection in relation to food safety, and strengthening food inspection across all stages of the food chain to enhance compliance among other roles as outlined in the Bill.

Additionally, the Bill provides for the establishment of a County Food Safety Laboratory to verify the safety, quality and efficacy of food articles that are produced, manufactured or imported within the County.

LEGAL FRAMEWORK

Article 185 of the Constitution of Kenya, 2010 states that;

1. The Legislative Authority of a County is vested in and executed by its County Assembly

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2. A County Assembly may make any laws that are necessary for or incidental to, the effective performance of the functions and exercise of the powers of the County Government under the Fourth Schedule.
3. A County Assembly, while respecting the principles of separation of powers, may exercise oversight over the County Executive Committee and any other County Executive Organs.
4. A County Assembly may receive and approve plans and policies for: The management and exploitation of the counties resources; and the development and management of its infrastructure and institutions.

PUBLIC PARTICIPATION IN CONSIDERATION OF THE BILL

Article 196(1) (b) of the Constitution of Kenya, 2010 provides that a County Assembly shall facilitate public participation and involvement of the public in the legislative and other business of the assembly and its committees.

Standing Order 140(2) of the County Assembly of Bungoma Standing Orders provides that the Committee to which a Bill is committed to shall facilitate public participation on the Bill through inviting submission of Memoranda, holding public hearings, consulting relevant stakeholders in the sector and consulting experts on technical subjects.

Standing Order 140(3) of the County Assembly of Bungoma Standing Orders further provided that the committee shall take into account the views and recommendations from the public in its report to the House.

Pursuant to the provisions of article 196(1) (b) of the Constitution of Kenya, 2010 and Standing Order 140(2) the committee through an advertisement in the Standard newspaper of Monday 21st July, 2025 invited the public to submit memoranda on the Bungoma County Food Safety Co-ordination Bill, 2025 and invited the Public for a stakeholders forum in the County Assembly Precincts on 28th July, 2025. (Annexed advert)

SUBMISSIONS BY STAKEHOLDERS

The Committee received Submissions from the following stakeholders;

- CSRG KENYA
- The Institute of Certified Public Accountants of Kenya(ICPAK)
- Bungoma Civil Society Forum(REDO KENYA, BUNGOMA CSO FORUM,AGEFA,MWALIE HEALTH CBO)
- Bungoma Civil Society Organizations (Voice of Bungoma CSO's, BIBA, CAFOD)
- Kenya Workers Rights and Harmonization

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- REDO Kenya Champions
- Development Education Services for Community Empowerment(DESECE)

The Committee Considered the stakeholder’s submissions on the Bungoma County Food Safety Co-ordination Bill, 2025 as outlined below;

Organization	Clause	Submission/ Proposed Amendment	Justification	Committees Observation/ Resolution
CSRG KENYA	Title	Add food safety immediately after the word for to read an act of the County Assembly of Bungoma to provide for food safety, the coordination of institutions in the Control of food safety	The act is about food safety	The committee resolved to leave the Title as it appears in the Bill
	Clause 16(Sources of Funding)	Add that the funds of the Committee shall be managed subject to the PFM Act	To ensure strict adherence to PFMA	The committee considered the view and affirmed that all public funds are managed pursuant to PFMA and other laws.
	Clause 23	Add civil society organisations immediately after the word “relevant”	CSOs are critical stakeholders	The Committee did not adopt the proposal, noting that Civil Society Organizations (CSOs) are key stakeholders and play an important role in providing input during public participation,

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				particularly when the County Government is developing legislations to effectively implement the provisions of the Act.
Bungoma Civil Society Forum(RE DO KENYA, BUNGOMA CSO FORUM,A GEFA,MWALIE HEALTH CBO)	7	Include one CSO representative focused on food/public health, policy advocacy and system strengthening	To ensure CSOs representation	The Committee Rejected the proposal and resolved that it is well stated and provided for in clause 8(5) of the Bill.
	20	Add timelines on the determination of appeals	To provide for the timelines in consideration of appeals	The committee adopted the proposal by inserting a new clause 20(5) “the appeals committee shall hear and determine the appeals within 30 days”
	First Schedule	Update Relevant laws; Public Health Act, 2017 to Public Health Act(Cap.242)	The law is outdated	The committee did not adopt the proposal as the more recent revised comprehensive legislation (Public Health Act) enacted in 2017 while the Public Health Act Cap 242 was enacted

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				in 1921. The 2017 Act is the updated legal framework for overall Health management in Kenya.
Bungoma Civil Society Organisations (Voice of Bungoma CSO's, BIBA, CAFOD)	1 preliminary	Arrangement of parts is contradictory and not orderly the Bill has six parts and not 11 as stipulated in the Objects of Memorandum	To correct numbering	The committee adopted the proposal
	7	Leave one slot for farmer representative and one to CSO representative	Civil Society Organisations are critical for food safety in the County	The Committee considered the proposal and upon careful consideration resolved that representation of the CSO and other non-governmental organisations is well be stated in clause 8(5) of the Bill. The committee therefore amended clause 7; 7(2)(l) one person representing farmers 7(2)(m) three farmers representing, women, youth and persons with disabilities

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REDO Kenya Champions	7	Disability representation mentioned but without roles or operational support	Define roles of disability representative	The committee rejected the proposal with grounds that Disability representative is a member of the County Food safety co-ordination committee and the functions of the committee are well stated in clause 9(1) of the Bill.
	16	Require external audit of non-appropriated funds and align with PFM Act through quarterly disclosures	To adhere to PFMA	The committee considered the view and affirmed that all public funds are managed pursuant to PFMA and other laws.
	Clause 20	Specify timelines for Ad hoc committee decisions	Ad hoc committee framework lacks timelines and transparency benchmarks	The committee adopted the proposal by inserting a new clause 20(5) “the appeals committee shall hear and determine the appeals within 30 days
Development Education Services for Community Empowerment(DESECE)	7	Ensure inclusivity by involving stakeholders like food producers, consumer groups and health agencies. Consider technical experts.		The committee adopted the proposal by amending clause 7 as follows; 7(2)(h) One representative from Food Processor

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				<p>Organization</p> <p>7(2)(i) One representative from Consumer Organization</p> <p>7(2)(j) One representative from Agro-dealers noted that the proposal is well stated in the Bill in clause 7</p> <p>Technical experts are considered under clause 10(1)</p>
The Institute of Certified Public Accountants of Kenya(ICP AK)	Clause 7	Reduce membership to a manageable number(15) while ensuring Sectoral representation through sub-committees	Composition of the County Food Safety Coordination committee is large(25 members)	The committee resolved to adopt the proposal by amending clause 7 and reducing the membership to 15
	11	Amend clause 11 to provide that responsibilities of food business operators shall be exercised in alignment with applicable national legislation and standards	The responsibilities overlap with provisions already governed under national laws such as Public Health Act(Cap. 242)	The committee did not adopt the proposal and resolved that it is well stated in the Bill.
	Clause 20	Insert maximum period of 30 days for the Ad hoc committee to hear and resolve	To clearly define timelines for determination of appeals	The committee adopted the proposal by inserting a new clause 20(5) “the

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		appeals		appeals committee shall hear and determine the appeals within 30 days
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COMMITTEE OBSERVATIONS

The committee made the following observations;

1. The Bill provides for the co-ordination of institutions in the Control of food safety
2. The Bill establishes the food safety co-coordinating committee with functions including; coordinating the regulation of cross-border trade, production, manufacturing, labelling, storage, promotion, transportation, advertisement, packaging, sale, distribution and disposal of articles and materials and Coordinating consumer protection in relation to food safety.
3. The Bill establishes the food safety laboratory which shall be essential in providing analytical services to enforcement regulatory agencies; and any other analytical services that may arise; and verifying the safety, quality and efficacy of an article which is produced, manufactured or imported.

COMMITTEE RECOMMENDATIONS

The Committee having considered the Bungoma County Food Safety Co-ordination Bill, 2025 recommends that the House Approves the Bill with amendments as proposed below;

CLAUSES

CLAUSE 7

That clause Sub-clause 7(2) of the Bill be amended by deleting sub-clauses “7(2) (d), (e) and (f)” entirely and replace with the following new clauses and re-number onwards.

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So as to read

- “(a)the Chief Officer in-charge of Agriculture*
- (b)the Chief Officer in-charge of Livestock*
- (c)the Chief Officer in-charge of Public Health*
- (d) the Chief officer in-charge of trade*
- (e)the Chief officer in-charge of Environment*
- (f)the Chief officer in-charge of Water*
- (g)the Chief officer in-charge of Public Administration*
- (h)One representative from Food Processor Organization*
- (i) One representative from Consumer Organization*
- (j) One representative from Agro-dealers*
- (k) One representative from National Government Administration*
- (l) one person representing farmers*
- (m) three farmers representing women, youth and persons with disabilities’’*

Justification: To have membership reduced to 15 as proposed by the public.

CLAUSE 8

That clause 8 of the Bill be amended as follows;

In sub-clause 8(1), delete the phrase “4(2)(e) and (f)” appearing immediately after the word “section” and substitute with phrase “7(2)(h),(i),(j) and (k)”

So as to read

“The members prescribed in section 7(2)(h),(i),(j) and (k) must be technical staff in the respective institution, organization or competent authority”

Justification: To correct wrong citation.

In sub- Clause 8(2) delete the phrase “4(2)(g),(h) and (i)” appearing immediately after the word “section” and substitute with phrase “7(2) (l) and (m)”

So as to read

“The members prescribed in section 7(2) (l) and (m) shall meet the following criteria”

Justification: To correct wrong citation.

In Sub-clause 8(5) insert the words “Competent Authorities” immediately after the word “Department”

So as to read

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“The Committee may, for purposes of this Act, co-opt another person from a Government Department, Competent Authorities, the private sector or non-governmental organization as a member.”

Justification: To incorporate competent authorities as entities that may co-opted in the committee formed in Clause 7.

CLAUSE 9

That clause 9 of the Bill be amended as follows:

In Sub-clause 9(h) delete the words *“monitoring and evaluation on”* appearing before the word *“food”* and therefor substituting with the words *“Monitor and evaluate”*

So as to read

“Monitor and evaluate food safety activities in the County”

Justification: To correct grammatical error

In Sub-clause 9(i) insert the word *“Member”* immediately after the word *“Committee”*

So as to read

“develop annual report on foods safety status in the County and submit to the County Executive Committee Member”

Justification: annual reports should be submitted to the County Executive Committee Member for onward submission to the County Executive Committee.

CLAUSE 11

That Sub-clause 11(k) of the Bill be amended by deleting the word *“retained”* appearing immediately after the words *“recall and”* and replace with the word *“retain”*

So as to read

“Appropriately keep records of food production, processing, storage, distribution, food quality, laboratory test results, cleaning and sanitation, pest control and product recall and retain the records for a period of two years or the shelf-life of the product, whichever is more”

Justification: To correct typographical error.

That Sub-clause 11(s) of the Bill be amended by deleting the word *“light”* appearing immediately before the word *“well-ventilated”* and replace with the word *“lit”*

So as to read

“keep the premises clean, adequately lit, well-ventilated with sufficient free space for movement”

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Justification: To correct grammatical error.

CLAUSE 16

That Sub-clause 16(d) of the Bill be amended by inserting the word “*the*” immediately before word “*Committee*”

So as to read

“such monies as may be payable to the Committee”

Justification: To correct grammatical error

CLAUSE 18

That clause 18 of the Bill be amended by Merging Sub-clause “18(a)” with Clause 18 introductory phrase and renumber clause “18(b)” as “18(a)” onwards

So as to read

“The Committee shall, within a period of three months after the end of each financial year, submit to the County Executive Committee Member, an annual report in respect of that year containing-

(a) a statement of the expenditure of the Committee during that year;

(b) the Committee’s performance indicators and any other related information;

(c) a report on the operations of the Committee during that year; and

(d) such any other information as the County Executive Committee Member may request”

Justification: correct sentence syntax

CLAUSE 20

That Sub-clause 20 of the Bill be amended as follows;

That part “IX” on miscellaneous provisions be amended by deleting the phrase “IX” and replacing it with the phrase “VI”

Justification: To correct wrong numbering

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In Sub Clause 20(1) delete the phrase “3(1)” appearing immediately after the word “Section” and replace it with the phrase “ 6 (1)”

So as to read

“A person aggrieved by a decision made by the committee established under section 6(1) of this Act shall appeal to the County Executive Committee Member”

Justification: To correct wrong citation

Inserting a new Sub-clause “20(5)” and renumber Sub-clause “20(5)” as “20(6)”.

So as to read

“(5) the appeals committee shall hear and determine the appeals within 30 days

(6)A person aggrieved by a decision made by the Appeals committee may within thirty days of the decision appeal to the Court”

Justification: To provide for the timelines in consideration of appeals

CLAUSE 23

That clause 23 of the Bill be amended by deleting the words “on recommendation of the committee, and in consultation with other relevant public institution, by statutory instrument” appearing immediately after the word “may”

So as to read

“The County Executive Committee Member may, make regulations for the better carrying out of the provisions of this Act”

Justification: consultation of stakeholders is an obvious process in making any statutory instrument.

SCHEDULES

SECOND SCHEDULE

That the Second schedule to the Bill be amended as follows;

In Sub-Clause 1(1) delete the word “3(1) appearing immediately after the word Section and substitute with the word 6(1)”

So as to read

“The members of the Committee referred to in Section 6(1) shall, subject to the provisions of this Schedule, hold office for a period of three years on terms and conditions as may be specified in the instrument of appointment, but shall be eligible for re-appointment for one further term”

Justification: To correct wrong citation

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That part “2(1)” and 2(2)” of the Bill amended by deleting it entirely and substituting therefor with the following new clauses to read;

“2(1) the chairperson of the committee shall be the chief officer in-charge of Agriculture.

2(2) The vice-chairperson of the committee shall be elected amongst members

2(3) the secretary to the committee shall be the chief officer in-charge of public Health

2(4) The persons under sub-paragraph (1) and (2) shall not be of the same gender”

Justification: to provide the leadership of the Committee

THIRD SCHEDULE

That the third schedule to the Bill be amended by deleting it entirely.

Justification: The County Department Representatives and the institutions and organizations have already been provided for in Clause 7 of the Bill.

CLAUSE 2: INTERPRETATION

That clause 2 of the Bill be amended as follows;

In the definition of “*Laboratory*” delete the phrase “41” appearing immediately after the word “*section*” and therefor replace with the phrase “*clause 12*”

So as to read

“Laboratory” means the County Food Laboratory established under section 12”

Justification: To correct wrong citation.

In the definition of the word “*Public analyst*” delete the phrase “44” appearing immediately after the word “*section*” and replace therefor with the phrase “*clause 15(1)*”

So as to read

“Public analyst” means a person appointed as a public analyst under clause 15(1)”

Justification: To correct wrong citation.

In the definition for the word “*Relevant laws*” delete the word “*in the manner*” appearing before the word “*prescribe*” and replace with the word “*as*” and further delete the word “*prescribe*” and replace with the word “*prescribed*”

So as to read

“Relevant laws” means food safety-related legislation as prescribed in the First Schedule”

Justification: there is no specific manner/ way when prescribing relevant laws and to correct grammatical errors.

Inserting the words “*Chief Officer*” means chief officer responsible for matters relating to food safety;”

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Justification: Chief Officer had not been defined.

ARRANGEMENT OF CLAUSES

That the arrangement of Clauses be amended by renumbering Part “VI” as Part “IV” onwards

Justification: To correct a numbering error in the sequence of parts

We are now looking at the adoption schedule. Members appended their signatures to confirm the ownership of the report and we have the annexures attached to this committee.

At this point allow me to call upon Hon. Cheseto Martin Chemorion to second this report for members to note. Thank you.

Mr. Speaker: Thank you Hon. Wafula Waiti, Hon. Martin you have the honour of seconding this report accordingly.

Hon. Martin Cheseto: Thank you, Honourable Speaker for giving me this chance. I want to appreciate our Chair Hon. Waiti for moving the motion articulately and ensuring that every item was read loud and clear. As a county, we have to have an organized system whereby we have to ensure that the food that is ingested or eaten by our people meets the required standards of being edible, free from foreign substances and diseases.

I believe that the bill that has been proposed for noting is going to create an orderly way of managing the food chain system that is given to us and we have to ensure that it's fit for human consumption. It's actually going to ensure that the public health of our people is guaranteed, the food that is given to the markets are traceable and ensure that it meets the standards that can be consumed by human beings.

At the same time, even the animal food, that is, especially that we as MCAs, we are coming up with auction rings. The animals that are sold there are actually free from diseases and the disease surveillance is actually up to standard. Even the food vendors within our markets and streets, they are going to have an organized way of doing business that guarantees the safety of our people. I second.

(Applause)

Mr. Speaker: Thank you, Hon. Martin Cheseto for seconding this Bill for noting.

(Question proposed)

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Honourable members, the beauty above this Bill is that it is going to go to the Committee of the Whole House. So we'll have a say over the same at that stage. Since it's for noting, we cannot take a vote over the same. We will go to the next item in our Order Paper accordingly.

**ADJOURNMENT OF THE HOUSE TO FACILITATE ATTENDANCE OF THE
COUNTY ASSEMBLIES FORUM ANNUAL GENERAL MEETING**

Mr. Speaker: Hon. Stephen Wamalwa, Deputy Speaker, proceed.

Hon. Stephen Wamalwa: Thank you, Honourable Speaker. I'm on my feet on behalf of the Leader of Majority to move the motion of adjournment of the House to facilitate attendance at the County Assembly Forum Annual General Meeting.

Pursuant to Standing Order 31(4); this House notes the forthcoming County Assemblies Forum (CAF) Annual General Meeting to be convened at the Kenyatta International Convention Centre, K.I.C.C, Nairobi on Thursday 19th and Friday, 20th February 2026, beginning 8:00 a.m.

Further notes that the CAF AGM is the recognized platform through which County Assemblies collectively deliberate on governance, priorities, strength and legislative practice and advance the cause of devolution. Acknowledges the strategic importance of this engagement in enabling members to represent the interests of this County assembly, share experiences with peers from across the country and adopt resolutions that will guide institutional growth and accountability in the years ahead. Recognizes that members require sufficient time to travel to Nairobi and prepare for effective participation in the said meeting.

Now, therefore, this House resolves Pursuant to Standing Order 31(4) to adjourn its sittings today Tuesday 17th, February, 2026 to facilitate members' travel and attendance at the CAF Annual General Meeting and to resume on Tuesday the 24th day, February, 2026 at 2:30 p.m.

I now call upon the Hon. Aggrey Mulongo to second.

Mr. Speaker: Hon. Aggrey Mulongo, you have the honour of seconding this motion accordingly.

Hon. Aggrey Mulongo: Thank you, Mr. Speaker Sir for giving me this chance to second the motion. I stand to second this motion because it's according to the County Assembly's Forum that our calendar, we do it annually and therefore I take this chance to thank the leadership of this House, being chaired by our Speaker for giving us a Bus and a Van to take us to Nairobi.

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The motion that has just passed let us be very keen. This is a House of Rules but we are not very keen...

Mr. Speaker: I'm not aware which motion has passed. Can you come again which one?

Hon. Aggrey Mulongo: The report of the Agriculture Committee, I'm sorry

(Loud consultations)

Mr. Speaker: I was very clear. That motion was for noting. Number two, when you kept quiet, I knew you had a chance to contribute on the same during the Committee of the Whole House.

Hon. Aggrey Mulongo: Thank you.

Mr. Speaker: So why are people clapping? Maybe because of age?

Hon. Aggrey Mulongo: I stand to be corrected because of my age and because of me seconding the report, let me second and sit down.

(Applause)

Mr. Speaker: Thank you, Honourable Mulongo for seconding this motion.

Honourable members, allow me just to be able to look at the last part of the motion and be able to propose a motion for debate. Honourable members, a motion has been moved and been seconded.

(Question proposed)

Yes Hon. Antony Lusenaka. I had made fun of you before you came in that people like using communal transport. You are not in that group. You and Hon. Job and your counterpart you know him that you travel as three parties. Proceed.

Hon. Antony Lusenaka: Thank you, Honourable Speaker. In fact, I booked my flight for tomorrow at 2:00 p.m. from Kisumu. So I don't use communal transport until further notice. I'm here to also support the adjournment motion but before that I want to put some facts here before the House. I remember in June, when this House was approving the annual budget, which was read by our able deputy speaker, Hon. Stephen Wamalwa, I remember the passion he had when moving this motion. And the icing on the cake when the seconder came, Hon. Francis Masaai

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Chemion. The zeal, the velour, the vigor he had when seconding that motion, I saw that we are nearing Singapore.

We knew everything was going to change. It gave us hopes that this county was going to move forward in terms of development but as we talk, this day I know members are very sad. Maybe they can't show but we are very disappointed as members of this County Assembly.

Our projects are stuck and we are in February. When we passed the budget in June, every elected member hoped that by the end of September, the projects would have been advertised and by December, some of them would have been completed and payments may have been done. But as we speak, we are in the dark. We have tried to move from one department to another. There is no clear information.

Mr. Speaker: Hon. Lusenaka, you have the motion to second. Finish that part then you can come back and we can discuss it because now you have not set the parameters of your operation but you seconded it.

Hon. Antony Lusenaka: I will seek for a seconder when I conclude because as we speak, in our wards there is nothing going on. My request was if this House can agree with me, that we give this Executive at least seven days, so that when we come back from Nairobi they all appear here and give us the status of our projects.

(Applause)

Otherwise, the way things are moving, we will all carry the cross. We will all be blamed whether in government, whether in majority or minority. We will all carry the cross. So, it is a collective responsibility. I want to quote what our able Governor said last week; *that leadership is a collective responsibility*. You can't pinpoint that one person is not doing his job.

As a House, we have failed but we still have some room for improvement. So I just want to request that if we work as a team, we can at least correct what is left but if we continue operating this way, I don't think in 2027 anyone will be spared. We are only planning within one and a half years. So, it is upon us to either sink or at least survive.

I want to request Hon. Eric Wekesa to second that come next week, let all the CECs, the Chief Officers, the Directors, give us a status report on our projects and when they are supposed to begin or be implemented before the end of financial year. Thank you.

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Mr. Speaker: Hon. Lusenaka that is very un-procedural. Even without asking, you could have come under Standing Order number 36 of County Importance and lay the basis. Now the way it is, I can't now be able to proceed. Number one, even if it is County Importance, the Speaker MUST be notified and be given what you want to raise so that I allow you people have a sitting and be able to resolve that they all appear here.

Now even the Speaker has nothing to base on so we will not be able to have it.

Hon. Antony Lusenaka: I'm well guided.

Mr. Speaker: I would ask that you seek the support of these people. They could prepare for you quickly bring it, I know when I say 20 members, it will all be 45 standing. You support it. But the way it is now, it can't go on because you are supporting a motion that was already here. The one for adjournment. Not the one for inviting them.

Hon. Antony Lusenaka: I'm well guided.

Mr. Speaker: So, you can get Momos right away prepare one, we start with you and you resume.

Hon. Antony Lusenaka: I think as we continue maybe deliberating, they have ears, they have heard.

Mr. Speaker: You are the owner of the motion. So, you are going to give them the skeleton, they put there flesh for you.

Hon. Antony Lusenaka: Thank you, I'm well guided.

Mr. Speaker: So, on this motion, you haven't said anything about it. He is supporting his motion of calling, the motion for adjournment.

Hon. Nga'nga. No, sorry, it's Hon. Milliah.

Hon. Milliah Masungu: Thank you, Honourable Speaker.

Sorry to have identified me as Nga'nga, but I'm Hon. Milliah and thank you for noting very fast.

Mr. Speaker: Next week I will separate you so that I don't make those confusions Proceed.

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Hon. Milliah Masungu: I rise to support the motion on adjournment purposely to go for the County Assembly Forum meeting in Nairobi. This is a forum that has Honourable Members share the plight that we go through both the positive and negative processes we go through as assemblies. But again as we go, we also have to know what we are going to present there as an assembly. We might go there, yes, join others in whatever we are going to share but again, back at home, the way others have said, we should not forget that we are elected Members and we have to deliver at home.

So as we go, as we support this motion of adjournment we have also to know that back at home there is something going on the ground.

Lastly, we are thankful for the adjournment we are going to Nairobi but we are even wondering on how we will travel because we are empty in our pockets. Maybe as the chair moves, the Honourable Leader who has moved, plus yourself and the leadership, you would have organized for something for Members to travel with. Remember, we have to book houses for some have been calling *B&Bs* in Nairobi where we might, you know, you understand these things.

Mr. Speaker: I don't.

Hon. Milliah Masungu: So, kindly, look around to see that Members are comfortable as they travel. Thank you. I support the motion.

Mr. Speaker: Thank you, Hon. Sudi. I don't want to hear what Hon. Ali Machani is saying but let's proceed. Hon. Sudi.

Hon. Isaiah Sudi: Honourable Speaker, Honourable Member Milliah has said what I wanted to say. My concern was how are we going to live in the city rather than imagining, thinking about development at home. You see Speaker, I've been an MCA now for almost nine years.

If I keep on crying about projects and for the last nine years I've been in the Ward, what I've done, I've done. I want first-time MCA's to cry because after nine years you say for this one year even if I don't do development, I'll be elected because I've performed. I've worked well. So, for like *Mheshimiwa* Kikechi, Kikechi can wonder, because he's supposed to defend his seat but for us who have been here long enough, let us not keep on saying projects, projects.

I'm going to Nairobi to enjoy...

(Laughter)

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I don't want to call problems of my walk to Nairobi. I don't want to walk with my problems.

I support adjournment to go to Nairobi and enjoy with other colleague MCAs but not to go on thinking about my projects in the ward. That one, I will think about it when I'm in Bungoma.

I cannot carry a Bungoma problem to Nairobi! I support adjournment to go and enjoy, to go and merry with other MCAs so that when I come back I'll be energetic enough now to call the Executive and talk about my projects. I support adjournment,

Mr. Speaker: Hon. Eric.

Hon. Eric Wekesa: Thank you, Honourable Speaker for this opportunity. I rise to second the motion to adjourn.

Mr. Speaker: You support it, please.

Hon. Eric Wekesa: Support the motion to adjourn and express my happiness of getting fun nowadays in the House as opposed to the first time I came because I just came and we adjourned. So I didn't know the sweetness of these seniors. Like Honourable Speaker, you see a senior misleading us that we should not do projects. We just go and enjoy. Some of us might be the shortest-serving MCAs in the history of this County.

I also want to take this opportunity to thank the leadership of the House, you included, for facilitating, it's called enabling, not facilitating, my induction. There are a few things that were there before I was inducted. I think I've even shaved my beard. Those who have been seeing me. Hon. Kikechi, can you see me?

Mr. Speaker: Hon. Eric, proceed please.

Hon. Eric Wekesa: Now, he was commenting about so many things and I think going forward, we're going to learn more in-house. I also want to take this single opportunity to thank the minority side which is my side for giving me some few responsibilities that is delegated from that side or donated from that side for me to execute my duties as an MCA. Thank you so much. I second.

Mr. Speaker: Yes, Honourable Speaker. Allow me now to invite the mover to respond. I'm informed that we will be having a brief meeting about a... Yes, Honorable Deputy Speaker.

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Hon. Stephen Nyongesa: Thank you, Honourable Speaker. I'm happy that the Honourable Members and the entire House agree that we actually have to attend this very important meeting, the Annual General Meeting in Nairobi so that we can look at issues that actually affect the leadership of MCAs in this country. As we go to Nairobi, I believe, because CAF is the only body that can act on behalf of MCAs.

I believe that where you sit as our speaker and other speakers, other 47, 46 speakers, including yourself, 47, that as CAF, led by yourselves and other chapters of this organization, should work with speed, so that the organization is facilitated for recognition through legal registration. So that as we go to assemble as MCAs, we feel that we are recognized by this country, by the laws that govern this country where we are, we know that this is the only body that speaks on behalf of Honourable Members, Honourable MCAs.

It is the only voice that can actually try to defend the position of an MCA in Kenya. An MCA position which is so vulnerable. When people wake up in the morning, they are at the doors of the MCA's. When someone passes on, immediately they stop breathing they call the MCA. When even a woman gets pregnant, after nine months when it's going to deliver, they now remember that there's an MCA, they call the MCA as if we participated in that. So an MCA position is a difficult position and I pray that we need this organization, CAF, to be legally recognized to stand up and fight for the interests and rights of an elected member called Member of County Assembly.

Otherwise with the issues of facilitation, I know that that is being handled administratively and I know that all of us shall be in Nairobi, participate in this very important Annual General Meeting and I pray that Honourable Members, as you travel to Nairobi, I want to take this opportunity to wish you safe travel to Nairobi and safe travel back here, so that now we can start transacting and acting on behalf of the people of Bungoma for what they elected for us here in this Assembly. Thank you.

Mr. Speaker: Thank you, Deputy Speaker, and we move the motion.

Honourable Members, allow me now at this stage to put a question to the motion as moved and seconded. Honourable Members, a motion has been moved, and it has been seconded and better being ensued, this House resolves, pursuant to the Standing Order No.31-4, to adjourn its sitting today Tuesday, 17 February 2026, to facilitate Members travel and attend the CAF Annual General Meeting and to resume on Tuesday, 24 February, 2026 at 2.30 p.m.

(Question put and agreed to)

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Then equally, Members, this is for notification. I know there are Members not mentioned in suit, but Members, we always have the registration gadget. You all know that registration.

You will be sent from today in the evening hours, that link, you register for the function. Tomorrow morning at around 10:00 a.m. again a link on our plenary wall you register. You are present until Saturday evening when you finish the registration.

If you don't register, today you will do it from here but from tomorrow if you are not near the K.I.C.C it won't be able to pick up.

(Laughter)

ADJOURNMENT

Members, I am duly informed that that was the last item on our Order Paper. So we adjourn now and resume our sittings on 24 February, 2026, 2.30 p.m. session. So we adjourn accordingly.

The House rose at 4:03 p.m.

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