



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT - SECOND SESSION

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THE SENATE

STANDING COMMITTEE ON AGRICULTURE, LIVESTOCK AND  
FISHERIES

REPORT ON THE MUNG BEANS BILL (SENATE BILLS NO. 13 OF 2022)

| PAPERS LAID        |                |
|--------------------|----------------|
| DATE               | 30/3/2023      |
| TABLED BY          | Sen. Wamatinga |
| COMMITTEE          | Agriculture    |
| CLERK AT THE TABLE | W. A. Oduro    |

Rt. Hon. Speaker  
You may approve  
for tabling.  
30/03/23

Clerk's Chambers,  
Parliament Buildings,  
NAIROBI.

CDS

March, 2023

Forwarded & recommended  
for Approval for Tabling  
30/03/2023

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The Committee also works closely with the Council of Governors (CoG), and the County Assemblies Forum (CAF) and non-state actors including among others-

- a. Kenya Private Sector Alliance (KEPSA);
- b. Agricultural Council of Kenya (AgCK)
- c. Food and Agriculture Organization (FAO);
- d. Kenya National Farmers' Federation (KENAFF);
- e. Centre for Agriculture and Bioscience International (CABI); and
- f. Agricultural Industry Forum (AIF).

## **MEMBERSHIP OF THE COMMITTEE**

The Committee is comprised of –

- |                                     |   |                         |
|-------------------------------------|---|-------------------------|
| 1. Sen. James Kamau Murango, MP     | - | <b>Chairperson</b>      |
| 2. Sen. Alexander Munyi Mundigi, MP | - | <b>Vice-Chairperson</b> |
| 3. Sen. Moses Otieno Kajwang', MP   |   |                         |
| 4. Sen. Enoch Kiio Wambua, CBS, MP  |   |                         |
| 5. Sen. Daniel Kitonga Maanzo, MP   |   |                         |
| 6. Sen. Beth Kalunda Syengo, MP     |   |                         |
| 7. Sen. Wahome Wamatinga, MP        |   |                         |
| 8. Sen. Allan Kiprotich Chesang, MP |   |                         |
| 9. Sen. David Wafula Wakoli, MP     |   |                         |

## CHAIRPERSONS FOREWORD

**Mr. Speaker Sir,**

The Mung Beans Bill (Senate Bills No. 13 of 2022) seeks to provide for the development, regulation and promotion of the mung beans sector.

**Mr. Speaker Sir,**

The Mung Beans Bill (Senate Bills No. 13 of 2022) was published on 30<sup>th</sup> December, 2022. and read a First Time in the Senate on Wednesday, 15<sup>th</sup> February, 2023 and thereafter the Bill stood committed to the Standing Committee on Agriculture, Livestock and Fisheries for consideration.

In compliance the provisions of Article 118 of the Constitution and Standing Order 145 (5) of the Senate Standing Orders, the Committee proceeded to undertake public participation on the Bill. In this regard, the Committee published an advertisement in the Daily Nation and Standard newspapers on Tuesday, 21<sup>st</sup> February, 2023 inviting members of the public to submit written memoranda to the Committee on the Bill. Additionally, the Committee sent invitations to key stakeholders inviting them to submit their comments on the Bill.

In total, the Committee received written submissions from seven (7) stakeholders, including the Ministry of Agriculture and Livestock Development, The Council of Governors, the Agriculture and Food Authority (AFA), Tseikuru farmers and stakeholders, Ngomeni farmers and stakeholders, Mutomo farmers and stakeholders and Kiusyani farmers and stakeholders.

**Mr. Speaker Sir,**

The Committee thereafter proceeded to consider extensively the provisions of the Bill and the submissions received thereon. Based on its deliberations, the Committee has made various observations which are set out at Chapter Three of this Report. Notably, the final recommendation by the Committee is that the Senate proceeds to consider and pass the Mung Beans Bill, 2022 (Senate Bill No. 13 of 2022).

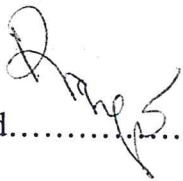
**Mr. Speaker Sir,**

May I take this opportunity to commend the Members of the Committee for their devotion and commitment to duty, which made the consideration of the Bill successful.

I also wish to thank the Offices of the Speaker and the Clerk of the Senate for the support extended to the Committee in undertaking this important assignment. Lastly, I wish to thank the stakeholders who appeared before the Committee to present their comments on the Bill.

**Mr. Speaker Sir,**

It is now my pleasant duty, pursuant to standing order 148 (1), to present the Report of the Standing Committee on Agriculture, Livestock and Fisheries on the The Mung Beans Bill (Senate Bills No. 13 of 2022).

Signed.....

Date.....

**SEN. JAMES KAMAU MURANGO, MP,**




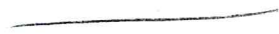

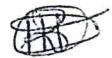



**CHAIRPERSON,**

**STANDING COMMITTEE ON AGRICULTURE, LIVESTOCK AND FISHERIES**

## ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON AGRICULTURE, LIVESTOCK AND FISHERIES

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**We, the undersigned Members of the Senate Standing Committee on Agriculture, Livestock, and Fisheries, do hereby append our signatures to adopt this Report –**

|    | Name                              | Designation      | Signature   |
|----|-----------------------------------|------------------|---|
| 1. | Sen. James Kamau Murango, MP      | Chairperson      |    |
| 2. | Sen. Alexander Munyi Mundigi, MP  | Vice-Chairperson |    |
| 3. | Sen. Moses Otieno Kajwang', MP    | Member           |    |
| 4. | Sen. Enoch Kiio Wambua, CBS, MP   | Member           |    |
| 5. | Sen. Daniel Kitonga Maanzo, MP    | Member           |  |
| 6. | Sen. Beth Kalunda Syengo, MP      | Member           |  |
| 7. | Sen. Wahome Wamatinga, MP         | Member           |  |
| 8. | Sen. Allan Kiprotich Chesang', MP | Member           |  |
| 9. | Sen. David Wafula Wakoli, MP      | Member           |  |



## CHAPTER ONE

### 1.1. Background

The Mung Beans Bill (Senate Bills No. 13 of 2022) was published on 30<sup>th</sup> December, 2022 and read a First Time in the Senate on Wednesday, 15<sup>th</sup> February, 2023 and thereafter the Bill stood committed to the Standing Committee on Agriculture, Livestock and Fisheries for consideration. The Bill published is attached to this Report as *Appendix 2*.

The Bill proposes to provide for the development, regulation and promotion of the mung beans sector in Kenya. It also provides for assistance to Mung Beans farmers in gaining modern farming techniques and general modernization of the mung bean industry for cost control and improved productivity.

The mung beans Bill will not only streamline the production of the crop, but will also elevate the mung beans growing areas in the semi-arid regions of lower Eastern area to have a recognized cash crop that will go a long way in increasing the economic status of the region as well as increased livelihoods of the farmers in the area.

The Bill will also provide a framework for the implementation of effective marketing strategies for Mung Bean in Kenya and the International markets which is currently not happening. Since the mung bean has not been scheduled in the Crops, Act 2013, the Bill will sufficiently provide for the development, regulation and promotion of the crop.

Mung bean has the potential to perform better than maize, which is considered the predominant crop in Kenya despite most farmers struggling to grow it in semi-arid and agro-ecological zones. The mung beans not only require minimal rainfall but also have high nutritional values which help in weight control, lowering blood pressure and cholesterol, minimizing the risks of heart disease, fighting cancer and boosting immunity.

The mung beans sector has largely taken a subsistence approach and its operations have not been streamlined. This Bill will adequately cover this gap and provide a structured approach to this sector. Furthermore, the Bill seeks to register the mung beans farmers and compile a formal database that will allow both the National and County Governments have current and relevant data when making any decisions that would affect the players in this sector.

County Governments have current and relevant data when making any decisions that would affect the players in this sector.

The mung bean farmers have faced challenges in the sector mainly relating to lack of modernization and mechanization, which has made the sector not operate at its optimal level. Lack of proper irrigation tools have further made it difficult to farm. Further, lack of mechanical tools such as tractors to substitute manual labor hinders productivity due to fatigue. The Bill caters for the inclusion of dams and irrigation services through the facilitation and introduction of modern mung bean farming techniques and modernization.

The farmers have also faced the huge challenge of post-harvest losses of mung bean produce. Post-harvest losses are highly variable, but losses can be over 90%. By facilitating modern farming techniques and modernization, this Bill will cover this crucial aspect.

## **1.2. Overview of the Bill**

**Clause 4** of the Bill provides for the duties of the Authority, who in this case is the Agriculture and Food Authority established under section 3 of the Agriculture and Food Authority Act. The functions of the Authority in this case include: Establish measures to improve the overall production of mung beans in the country; establish, coordinate and monitor the implementation of national standards and policies; provide technical assistance and capacity building to county governments ;develop, adapt and disseminate new technologies for enhancing efficiency and productivity in the mung bean industry and develop a framework to increase accessibility of affordable agricultural inputs by growers;

**Clause 5** of the Bill established the duties of the County Executive Committee Members whose functions include: -Quality and quantity production of mung beans within the county; provide agricultural extension services to the growers in the respective county; enforce regulations and standards on quality control of inputs and production of mung beans at the county level; and market mung beans produced in the respective county both locally and at the international level.

**Clause 6** of the Bill provides that the prioritization of mung beans and mung bean products in the Government Feeding Programme, as well as the role to be played by the Cabinet Secretary and the County Executive Committee Member responsible for the feeding program. The National and county governments shall, where they implement feeding programmes within schools or other institutions or areas falling within their respective



mandate. In implementing a feeding programme under subsection, the cabinet secretary or County Executive Committee member responsible for the feeding program shall ensure the minimum standards on production, quality and safety of mung beans by growers are maintained;

**Clause 7** of the Bill provides for the Mung Bean Policy. It states that within six months of the commencement of this Act, the Cabinet Secretary shall develop and adopt a comprehensive National Mung Bean Policy to promote growth and development of the mung bean industry in Kenya. It also provides on how the County governments shall incorporate the Mung Bean Policy in the respective County Integrated Development Plan and agriculture industry policies.

### **PART III – REGULATORY PROVISION**

**Clause 8** deals with the requirements for registration by mung beans growers. Every grower shall register with the relevant County Executive Committee member. Each County Executive Committee member shall maintain a register of all mung bean growers registered in the respective county under subsection. It also states that a county government may enact county legislation setting out the criteria for the registration of a grower within the respective county.

**Clause 9** deals with the requirement for licensing of marketers, processors and large-scale traders. A person shall not market, process or carry out large scale trading in mung beans or mung beans products unless the person has obtained a license from the relevant County Government. A person who contravenes the provisions of subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding one million shillings or to imprisonment for a term not exceeding two years or to both.

**Clause 10** deals with the County Licensing Committee. Each county executive committee member shall, for the effective performance of section (9), establish a County Licensing Committee. A County Licensing Committee shall consist of a chairperson; one person representing growers of mung beans in the respective county; and three public officers in the department responsible for agriculture with relevant experience in matters relating to agriculture.

**Clause 11- 12** deals with the qualification and terms of appointment. A person shall be qualified for appointment as a member of the county licensing committee under section 10(2)(a) and (b), if that person: holds a degree from a university recognized in Kenya; has

at least five years' experience in the agricultural sector; and meets the requirements of Chapter Six of the Constitution. A person appointed under section 10 (2) (a) and (b) shall serve for a term of three years' renewable for a one further term.

**Clause 13** deals with the application for a License. A person who intends to market, process or carry out large scale trading in mung beans or mung beans products shall make an application for a license to the county licensing committee in the form prescribed by the county executive committee member. The county licensing committee shall notify an applicant of the decision on an application for a license within twenty-one days. A county government may enact county legislation setting out the criteria for the issuance of a license within the respective county.

**Clause 14.** Deals with the instances on the refusal to issue a licence. A county licencing committee may refuse to issue a licence under this Act where the applicant has submitted false or misleading information in the application; the application does not comply with the provisions of this Act; or the application does not comply with the requirements of a relevant county legislation.

**Clause 15.** Deals with the cancellation of a licence. A county licensing committee may cancel a licence issued under this Act where the holder of such a licence is in breach of the provisions of this Act or any other relevant national or county legislation. It also sets out the provisions to be met before a county licencing committee cancels a licence issued under this Act and the grounds for extension of timelines for compliance. A county government may further enact county legislation, not inconsistent with this Act, prescribing further grounds for, and the process of, cancellation of a licence issued under this Act.

**Clause 16** deals with the Appeal process. A person who is aggrieved by the decision of a county licensing committee under this Act may, within thirty days of being notified of the decision, appeal to the county executive committee member. An appeal to the County Executive Committee member shall be in such form as may be prescribe in the county legislation

**Clause 17** deals with Annual renewal of licenses. A licence issued under this Act is renewable annually.

**Clause 18** deals with dissemination of market information. The Authority shall carry out market research and disseminate such information to growers and buyers.



- that The County Executive Committee member shall have powers to cancel a license following advice from the Licensing committee.
9. In the Appeals to the County Executive Committee Member, proposal is to amend to provide for appeals to the County Executive Committee through the County Secretary. The justification is to align to our recommendation that the CECM be assigned the licensing role thus the appeal should be to the County Executive Committee chaired by the Governor.
  10. Whereas the Crops Act only requires processors and exporters to be licensed, the Mung Bean requires Marketers to be licensed thus reducing the ease of doing business for the Mung value chain for this category of actors in the domestic market.
  11. The Bill provides that clause 23 shall not apply to the production and development and regulation of Mung Beans. It is the Government position that the legislation of Acts of Parliament for individual crops will open an avalanche of demand for many standalone Legislations requiring their own special institutional structures/ arrangements and frustrating to effectiveness of the regulations through disjointed and overlaps in mandates.
  12. It is advised that the crop be Scheduled as provided for under Part II development of scheduled crops and regulations be developed to operationalize the development and regulation of mung value chain.

#### **2.2.4. Submissions from Tseikuru farmers and stakeholders**

In relation to responsibilities of the National and County Governments, the Tseikuru farmers and stakeholders recommend the following aspects to be incorporated in the Bill:- Provision of farm inputs; provision of standardized storage facilities; protect farmers from middle men; farmers to receive advisory on early planting; provision of extension officers; spray farms to control pests and diseases; establish research institutes closer to the farmers; offer value addition services; undertake irrigation to supplement the unreliable rains; the government to collaborate with non-governmental organization and other stakeholders in the industry; timely provision of seeds; to upgrade the road infrastructure in the region to enable the farmers to easily access the market.

#### **2.2.5. Submissions from Ngomeni farmers and stakeholders**

In relation to responsibilities of the National and County Governments, the Ngomeni farmers and stakeholders recommend the following aspects to be incorporated in the Bill:- Offer capacity building to farmers on new farming technologies; market Mung beans both locally and internationally; establish factories in the county to process Mung beans, rename the Bill to Ndengu Bill; provision of ready markets for farmers; classify Mung beans as a

cash crop, conduct research on best varieties that are suitable for growing in the arid region and disseminate this information to farmers; establish Cereal Boards in the county and provision of storage facilities to eliminate middlemen;

#### **2.2.6. Submissions from Mutomo farmers and stakeholders:**

In relation to responsibilities of the National and County Governments, the Mutomo farmers and stakeholders recommend the following aspects to be incorporated in the Bill:- Mung bean is the only cash crop grown in the semi-arid regions of lower Eastern and therefore the National and county Governments should extend both financial and technological assistance to mung bean farmers, in the same breath as other cash crops like tea, coffee and sugar; source for ready market to reduce post-harvest losses; control Birds invasion; ensure that farmers benefit from Mung beans, currently the grower get the least returns compared to other players in the value chain; offer trainings on modern marketing techniques; hire and deploy adequate extension services officers: at least one officer per ward; facilitate extension Service offices with suitable means of transport to enable them reach the farmers in good time; and build dams to supplement the low rainfall in the arid region.

#### **2.2.7 Submissions from Kiusyani farmers and stakeholders:**

In relation to responsibilities of the National and County Governments, the Kiusyani farmers and stakeholders recommend the following aspects to be incorporated in the Bill:- Formation of farmers' cooperative society to enable farmers access affordable credit; timely Provision of quality seeds; provision of subsidized seeds and fertilizers; designate collection centers to collect mung beans after harvesting; provision of storage facilities, register farmers for proper planning; and establish Cereal Board in every ward.

#### **2.2.8 Agriculture and Food Authority (AFA)**

Scheduled food crops are effectively regulated, developed and promoted by the Authority according to the AFA Act, 2013, The Crops Acts, 2013 and the Crops (Food Crops) Regulations, 2019 and as per the functions of the Authority. Food crops are broadly classified as cereals, legumes and roots and tubers. Mung Beans fall under the category of legumes.

The regulatory gap in the Mung Beans emanates from the fact the crop has not been scheduled in the Crops Acts, 2013. AFA had initiated the process of declaration of green grams as scheduled crop. The Authority has submitted a justification for scheduling of the crop by the Cabinet Secretary.



Once Mung Beans is Gazetted as a scheduled crop, it will be sufficiently regulated, developed and promoted under the AFA Act, 2013, Crops Act, 2013 and the Crops (Food Crops) Regulations under the already existing Food Crops Directorate without a requirement of a separate Authority dedicated to the crop alone. The various provisions in the Bill are already catered for within the already existing legal framework for regulating the crops sector in Kenya.

## 2.2.9. Amendments and Justifications on the Bill

A summary of the proposed amendments to the Bill and their justifications were provided as follows:

| No. | Clause  | Stakeholder   | Proposal  | Rationale | Committee Observations/ Comments and determination  |
|-----|---|---|---|-----------|---|
| 1.  | Statement of the Objects and Reasons of the Bill. | Ministry of Agriculture and livestock Development (MOALD) | <p>The provisions of the Crops Act are broader and detailed in so far as crops are concerned. The Act provide for-</p> <ul style="list-style-type: none"> <li>• Regulation and promotion;</li> <li>• Production, processing; marketing and distribution</li> <li>• Limit overlaps in regulation;</li> <li>• Marketing and exports of crops;</li> <li>• Promote Competitiveness in the crops subsector and to develop diversified crop products and market outlets; and</li> </ul> |           | <p><b>Section 5 the Crops Act provides that the Act will apply to scheduled crops specified in the schedule</b></p> <p><b>Mung bean is not among the scheduled crop and therefore the Crops Act does not apply to it.</b></p> |

|    |                                |  |   |   |   |
|----|--------------------------------|--|---|---|---|
|    |                                |  | <ul style="list-style-type: none"> <li>Attract and promote private investments in crops agriculture.</li> </ul>   |   |   |
|    |                                |  | <b>Reject</b>   |   |   |
| 2. | <b>Clause - Interpretation</b> | <b>Council of County Governors (COG)</b> | <p><b>Amend by introducing the following new definitions:</b></p> <p><b>“County Director”</b> means a County Director responsible for matters relating to agriculture;</p> <p><b>“County Secretary”</b> means a county secretary appointed under section 44 of the County Governments Act, 2012;</p> <p><b>“County Executive Committee”</b> means a county executive committee established in accordance with Article 179(2) of the Constitution.</p> | <p>To align to our proposed amendments hereafter which seeks to streamline the licensing processes at the county level</p> <p><b>Reject</b></p> | <b>Reject</b>   |
| 3  | <b>Objects of the Act</b>      | <b>MOALD</b>                             | The provisions have been adequately provided for under the crops Act as explained under item no 1.  | <p>Mung beans are not part of the scheduled crops in the Crops Act.</p> <p><b>Reject</b></p>  | <p><b>Section 5 the Crops Act provides that the Act will apply to scheduled crops specified in the schedule</b></p> <p><b>Mung bean is not among the scheduled crop and therefore the Crops Act does not apply to it.</b></p> |
| 4. | <b>Application</b>             | <b>MOALD</b>                             | Section 5 of the Crops Act- The Act shall apply to all scheduled crops specified in the First Schedule  | Provisions for Scheduling additional specific crops for purposes of promotion and development and regulation                                    | <b>The Crops Act does not apply to Mung Beans. The Mung Beans Bill provides for</b>   |

|    |  |                                   |   |   |  |
|----|--|-----------------------------------|---|---|--|
|    |  |                                   |   | <p>exist and may be invoked to include Mung Beans</p> <p><b>Reject</b></p>  | <p>regulation, development and marketing of Mung Beans and further assigns roles to the Authority in regards to the development and regulation on Mung Beans.</p>  |
| 5. | Part II- Responsibilities of the National and County Governments | MOALD                             | <p>The Mung Beans Bill Provides for-</p> <p>Clause 3-Duties of the Authority</p> <p>Clause 4- Duties of County Executive Committee Member.</p>  | <p>The Crops Act, Section 6 provides for application of the role of National and County Government in Development of Crops.</p> <p><b>The Spirit of the Act</b></p> <p>The Role of the Authority and Role of the County Government in relation to</p> <ol style="list-style-type: none"> <li>Development of crops grown within the County;</li> <li>Plant diseases control; and</li> <li>Markets.</li> </ol> <p>Is well provided for in the Crops Act.</p> <p><b>Reject</b></p> | <p>Section 5 the Crops Act provides that the Act will apply to scheduled crops specified in the schedule</p> <p>Mung bean is not among the scheduled crop and therefore it is not subject to the provision of the Crops Act.</p> |
| 6. | Part II- Responsibilities of the National and County Governments | Tseikuru farmers and stakeholders | <p>The following aspects to be incorporated in the Bill-</p> <ul style="list-style-type: none"> <li>provision of farm inputs;</li> <li>provision of standardized storage facilities;</li> <li>protect farmers from middle men;</li> <li>farmers to receive advisory on early planting;</li> <li>provision of extension officers;</li> </ul> | <p>k- post harvesting management</p> <p>3 f- marketing 4i</p> <p>5b Extension Services</p> <p>5b<br/>5p control of diseases and noxious weed</p> <p>5e- establish linkages on research / extension services</p>   | <p>The proposals are well provided for in the Bill.</p>  |



|    |   |  |   |   |   |
|----|---|--|---|---|---|
|    |   |  | <ul style="list-style-type: none"> <li>to spray farms to control pests and diseases;</li> <li>to establish Research Institutes closer to the farmers;</li> <li>to offer value addition services;</li> <li>to undertake irrigation to supplement the unreliable rains;</li> <li>the government to collaborate with non-governmental organization and other stakeholders in the industry;</li> <li>timely provision of seeds;</li> <li>to upgrade the road infrastructure in the region to enable the farmers to easily access the market.</li> </ul> | <p>➤ not covered</p> <p>➤ not covered</p> <p>5 i avail farm inputs</p> <p>5g infrastructure</p>   |   |
| 7. | <b>Part II- Responsibilities of the National and County Governments</b> | <b>Ngomeni Farmers and Stake Holders</b> | <p><b>The following aspects to be incorporated in the Bill-</b></p> <ul style="list-style-type: none"> <li>to offer capacity building to farmers on new farming technologies;</li> <li>to market Mung beans both locally and internationally;</li> <li>to establish factories in the county to process Mung beans</li> <li>rename the Bill to Ndengu Bill;</li> <li>provision of ready markets for farmers;</li> </ul>  | <p>5c- capacity Building</p> <p>5i, d, e, f, g,</p> <p>5K POST HARVESTING MANAGEMENT</p> <p>Extension services, 4e research, Clause 18</p> <p>Post-harvest management</p> | <b>The proposals are well provided for in the Bill.</b> |

|   |  |                                 |   |  |  |
|---|--|---------------------------------|---|--|--|
|   |  |                                 | <ul style="list-style-type: none"> <li>• to classify Mung beans as a cash crop</li> <li>• to conduct research on best varieties that are suitable for growing in the arid region and disseminate this information to farmers;</li> <li>• to establish Cereal Boards in the county;</li> <li>• provision of storage facilities to eliminate middlemen;</li> </ul>  |  |  |
| 8 | Part II- Responsibilities of the National and County Governments | Mutomo Farmers and stakeholders | <p>The following aspects should be incorporated in the Bill-</p> <ul style="list-style-type: none"> <li>• mung bean is the only cash crop grown in the semi-arid regions of lower Eastern and therefore the National and county Governments should extend both financial and technological assistance to mung being farmers, in the same breath as other cash crops like tea, coffee and sugar;</li> <li>• source for ready market to reduce post-harvest losses;</li> <li>• control Birds invasion;</li> </ul> | <p>5k initiative financing schemes for growers, 5 q affordable Credit</p> <p>When most of the issues</p> | The proposals are well provided for in the Bill. |

|    |   |  |   |   |  |
|----|---|--|---|---|--|
|    |   |  | <ul style="list-style-type: none"> <li>ensure that farmers benefit from Mung beans, currently the grower get the least returns compared to other players in the value chain;</li> <li>to offer trainings on modern marketing techniques;</li> </ul> <p>deploy adequate extension officers: at least one per ward;</p> <p>the extension Service offices</p> <p>table means of Transport to them reach the farmers in ne; and</p> <p>dams to supplement the fall in the arid region.</p>    | are provided for, inputs, markets, credit, insurance, storage facilities etc farmers will benefit |  |
| 9. | <b>Part II- Responsibilities of the National and County Governments</b> | <b>Kiusyani Farmers and Stakeholders</b> | <p>The following aspects should be incorporated in the Bill-</p> <ul style="list-style-type: none"> <li>formation of farmers' cooperative society to enable farmers access affordable credit;</li> <li>timely Provision of quality seeds;</li> <li>provision of subsidised seeds and fertilizers;</li> <li>to designate collection centers to collect mung beans after harvesting;</li> <li>provision of storage facilities</li> <li>register farmers for proper planning; and</li> </ul> | <p>5i farm inputs</p> <p>5i</p> <p>Post-harvest management</p> <p>Clause 8</p>                    | The proposals are well provided for in the Bill. |

|     |                            |       |  |  |   |
|-----|----------------------------|-------|--|--|---|
|     |                            |       | <ul style="list-style-type: none"> <li>establish Cereal Board in every ward.</li> </ul>  |  |   |
| 10. | Clause 5                   | MOA   | Prioritization of mung beans and mung beans products in government feeding programs.   | <p>Prioritization of mung beans products in government feeding programs require promotion and other policy and legal instruments in realm of food security and nutrition programs and not legal and regulatory instruments.</p> <p><b>Reject</b></p>                             | Clause 7(1) of the Bill provides that within six months of the commencement of the Act, the Cabinet Secretary shall develop and adopt a comprehensive National Mung Bean Policy to promote growth and development of the mung bean industry in Kenya. |
| 11. | Clause 6                   | MOALD | <p>Development of mung bean policy</p> <p>This policy is not specifically provided for in the Crops Act.</p>   | <p>Ideally policy should inform development of statutes. It is Government policy that not each crop should have a policy, else there will be too many policies. A Strategy for promotion and development of Mung Bean may be prioritized and developed.</p> <p><b>Reject</b></p> | Clause 7(1) of the Bill provides that within six months of the commencement of the Act, the Cabinet Secretary shall develop and adopt a comprehensive National Mung Bean Policy to promote growth and development of the mung bean industry in Kenya. |
| 12. | Clause 7: Mung Bean Policy | COG   | 7. (1) Within six months of the commencement of this Act, the Cabinet Secretary shall develop and adopt a comprehensive National Mung Bean Policy to promote growth and development of the mung bean industry in Kenya.; | <p>Amend to include consultation with the Council of County Governors. Under the Fourth Schedule to the Constitution Agriculture is a devolved function.</p>   | The Committee approved the proposal to allow consultations.   |



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| 13. | Clause 9(1):<br>Requirement<br>for licensing of<br>marketers,<br>processors and<br>large scale<br>trader | COG | 9. (1) A person shall not market, process or carry out large scale trading in mung beans or mung beans products unless the person has obtained a licence from the relevant county government.  | To replace the words county Government with County Executive Committee Member. To provide clarity on who is to issue the licence        | Clause 10 gives specific responsibilities to the County Executive Committee member to setup a Licencing Committee which shall be responsible for issuance of licences. Further Clause 16 provides that in case of refusal to be issued with a licence, appeals to be made to the County Executive Committee Member. |
| 14. | Clause 10 (2)<br>And (3):<br>County<br>Licensing<br>Committee  | COG | 10(2) A county licensing committee shall consist of the—<br><br>(a) a chairperson;<br><br>(b) one person representing growers of mung beans in the respective county; and<br><br>(c) three public officers in the department responsible for agriculture with relevant experience in matters relating to agriculture.<br><br>(3) The chairperson and member under subsection (2) (a) and (b) shall be competitively recruited by the county public service board and appointed by the county executive committee member. | Amend to-<br>a) Have County Director as the Chair<br><br>b) Under paragraph (c) to include experience in the area of trade and finance. | The Committee approved amendments to specify on the qualifications of officers under 10(2) (c)  |

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| 15  | Clause 11.<br>Qualification<br>for<br>appointment | COG | A person shall be<br>qualified for<br><br>appointment as a<br>member of the county<br>licensing committee<br>under section 10(2)(a)<br>and (b), if that person—  | Amend to require all the<br>members of the<br>committee to have a<br>minimum qualification of<br>a degree and 5 years'<br>experience.   | The Committee<br>approved the<br>amendment to<br>provide for<br>requirement to<br>have a degree in<br>the area of trade<br>and finance. |
| 16  | Clause 13<br>Application for<br>a licence         | COG | 13. (1) A person who<br>intends to market,<br>process or carry out<br>large scale trading in<br>mung beans or mung<br>beans products shall<br>make an application for<br>a licence to the county<br>licensing<br>committee in the Form<br>prescribed by the county<br>executive committee<br>member. | Amend by introducing<br>new sub-section -<br><br>(2) The county licensing<br>committee shall consider<br>the application and<br>recommend successful<br>applications to the County<br>Executive Committee<br>Member for licensing.<br><b>Justification</b><br><br>To align to the provisions<br>of Article 179 of the<br>Constitution which<br>bestows upon<br>county executive<br>committee with the<br>executive authority of the<br>county | Amend to<br>specify the<br>CECM who is<br>responsible for<br>appointing<br>members of the<br>committee as the<br>CECM for<br>trade.     |
| 17  | Clause 14.<br>Refusal to issue<br>a licence       | COG | 14. A county licensing<br>committee may refuse to<br>issue a license under this<br>Act where   | A county<br>licensing<br>committee may<br>refuse to<br>recommend for<br>issuance a<br>license under this Act<br>where—<br><br><b>Justification</b><br>To align to our proposal<br>under clause 13 of the<br>Bill.   | The provision is<br>well provided for,<br>the CECM may<br>delegate<br>administrative<br>duties.   |
| 18. | Cancellation<br>of a licence                      | COG | The Bill provides that a<br>Licensing committee<br>shall have powers to<br>cancel a license Appeals<br>to the County Executive<br>Committee Member   | Amend to provide that the<br>county Executive<br>Committee member shall<br>have powers to cancel a<br>license following advice<br>from the Licensing<br>committee.<br><br>Amend to provide for<br>appeals to the County<br>executive Committee<br>through the County<br>Secretary.  | The provision is<br>well provided<br>for, the CECM<br>may delegate<br>administrative<br>duties.   |

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|     |  |       |  | <b>Justification</b><br>To align to our recommendation that the CECM be assigned the licensing role thus the appeal should be to the County Executive Committee chaired by the Governor.  |  |
|     |  |       |  | <b>Reject</b>   |  |
| 19. | Clause 8 to 18<br>Regulatory provisions                      | MOA   |  | All matters relation to Part III of the Bill are anchored well in Part III AND IV of the Crops Act under Section 13 to 22.<br>In addition, whereas the Crops Act ONLY requires processors and exporters to be licensed, the Mung Bean requires Marketers to be Licensed thus reducing the ease of doing business for the Mung value chain for this category of actors in the domestic market.   | Section 5 the Crops Act provides that the Act will apply to scheduled crops specified in the schedule<br><br>Mung bean is not among the scheduled crop and therefore the Crops Act does not apply to Mung Beans. |
|     |  |       |  | <b>Reject</b>   |  |
| 21  | Clause 23 -<br>Exclusion from application of No. 16 of 2013. | MOALD | The Bill provides that clause 23 shall not apply to the production and development and regulation of Mung Beans. | It is the Government position that the legislation of Acts of Parliament for individual crops will open an avalanche of Demand for many standalone legislations requiring their own special institutional structures/ arrangements and frustrating to effectiveness of the regulations through disjointed and overlaps in mandates.<br>It is advised that the crop be Scheduled as provided for under Part II development of scheduled crops and regulations be developed to operationalize the development and regulation of mung value chain. | Section 5 the Crops Act provides that the Act will apply to scheduled crops specified in the schedule<br><br>Mung bean is not among the scheduled crop and therefore the Crops Act does not apply to it.         |
|     |  |       |  | <b>Reject</b>   |  |



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| 22 | GENERAL<br>COMMENTS | Agriculture<br>and Food<br>Authority<br><br>(AFA) | <p>Agriculture and Food Authority is a State Corporation in the Ministry of Agriculture and Livestock Development established through AFA Act, 2013. The mandate of the Authority is to regulate, develop and promote the crops sector in Kenya for food security and economic development.</p> <p>The Authority comprises seven Directorates namely;</p> <ol style="list-style-type: none"> <li>1. Food Crops Directorate</li> <li>2. Horticultural Crops Directorate</li> <li>3. Coffee Directorate</li> <li>4. Sugar Directorate</li> <li>5. Nuts and Oil Crops Directorate</li> <li>6. Fibre Crops Directorate</li> <li>7. Miraa, Pyrethrum and Other Industrial Crops Directorate</li> </ol> <p><b>The Functions of the authority are-</b></p> <ol style="list-style-type: none"> <li>1. Administer the Crops Act No.16 of 2013 in accordance with the provisions of these Acts;</li> <li>2. Promote best practices in, and regulate, the production, processing, marketing, grading, storage, collection, transportation and warehousing of agricultural products as may be provided for under the Crops Act;</li> <li>3. Collect and collate data, maintain a database on agricultural and aquatic products excluding livestock products, documents and monitor agriculture through registration of players as provided for in the Crops Act;</li> </ol> <p>Be responsible for determining the research priorities in agriculture and to advise generally on research thereof;</p> <p>Advise the national government and the county governments on agricultural levies for purposes of planning, enhancing harmony and equity in the sector; and</p> <p>Carry out such other functions as may be assigned to it by this Act, the Crops Act, and any written law while respecting the roles of the two levels of governments</p> <p><b>The crops Act:</b></p> <p><b>REGULATION OF SCHEDULED FOOD CROPS:</b></p> <p>Food crops are broadly classified as cereals, legumes and roots and tubers. <b>Mung Beans fall under the category of legumes. Scheduled food crops are effectively regulated, developed and promoted by the Authority according to the AFA Act, 2013, The Crops Acts, 2013 and the Crops (Food Crops) Regulations, 2019 and as per the functions of the Authority.</b></p> | <p><b>Section 5 the Crops Act provides that the Act will apply to scheduled crops specified in the schedule</b></p> <p><b>Mung bean is not among the scheduled crop and therefore the Crops Act does not apply to it.</b></p> |
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|  |  |  | <p>The regulatory gap in the Mung Beans emanates from the fact the crop has not been scheduled in the Crops Acts, 2013. AFA had initiated the process of declaration of green grams as scheduled crop. The Authority has submitted a justification for scheduling of the crop by the Cabinet Secretary in Charge of Agriculture in exercising the powers conferred under Section 7 (2) of the Crops Act, 2013.</p> <p><b>CONCLUSION</b></p> <p>Once Mung Beans is Gazetted as a scheduled crop, it will be sufficiently regulated, developed and promoted under the AFA Act, 2013, Crops Act, 2013 and the Crops (Food Crops) Regulations under the already existing Food Crops Directorate without a requirement of a separate Authority dedicated to the crop alone. The various provisions in the Bill are already catered for within the already existing legal framework for regulating the crops sector in Kenya.</p> <p>Scheduling of the crop will also ensure that adequate resources are allocated for research, development, promotion.</p> <p><b>Reject</b></p> |  |
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## CHAPTER THREE

### 3.1. COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

#### 3.1.1. COMMITTEE OBSERVATIONS

The committee observed that:

1. The Ministry of Agriculture, Livestock and fisheries and the Agriculture and Food Authority are of the opinion that the Bill is not necessary because the contents of the Bill are well provided for under the crops Act. The committee however disagrees with this position because Section 5 the Crops Act provides that the Act will only apply to the scheduled crops that are specified in the schedule. Mung bean is unfortunately not among the scheduled crops and therefore it's not within the purview of the Crops Act;
2. The recommendation on the inclusion of dams and irrigation services is already well catered for in the Bill. The Bill promotes the facilitation and introduction of modern mung bean farming techniques and modernization of mung bean industry.
3. The proposal to have the name of the Bill changed from "Mung Bean Bill" to "Ndengu Bill" was rejected because our jurisdictional drafting style does not allow the use of Swahili language when naming Bills.
4. The concerns that provisions for the mung bean have been adequately catered for under the Crops Act are not applicable in the case of the mung bean. This is because mung bean is not a scheduled crop under the Act.
5. The Committee observed that in the development of the Mung Bean Policy, the proposal to include consultations with the Council of Governors since Agriculture is a devolved function, will go a long way in firming up the entrenchment of this policy within the counties.
6. The Committee also took note of the recommendation to have all the members of the proposed licencing Committee and not just the Chairman to have a minimum qualification of a degree and 5 years' work experience. The degree qualification and the experience needs to be specified to reflect the relevant sector.
7. Finally, the Committee observed that the Bill does not have a clause on the importation of mung beans. There are no documented guidelines on directing the importation of mung beans and this gap may lead to exploitation by importers who may employ unfair trade practices at the detriment of the local farmers who the Bill seeks to protect.



### 3.1.2. COMMITTEE RECOMMENDATIONS

The Committee recommends the following: -

1. **That**, Clause 7 of the Bill be amended to provide for consultation between the Cabinet Secretary and the Council of Governors when developing Mung Bean Policy;
2. **That**, Clause 10(2)(c) be amended to require that the public officers appointed under paragraph (c) must have experience in finance and trade;
3. **That**, Clause 11(a) be amended to specify the minimum qualifications of the Chairperson and the farmers representative, by providing that they must possess a degree in the areas of agriculture, finance or trade;
4. **That**, Clause 13 be amended to clarify that members of the licencing committee shall be appointed by the Cabinet Secretary responsible for matters relating to trade;
5. **That**, the Bill be amended to regulate the importation of Mung Beans in Kenya; and
6. **That**, the House approves the Bill together with the proposed amendments.

## LIST OF APPENDICES

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| Appendix 1 | Minutes of the Standing Committee on Agriculture, Livestock and Fisheries   |
| Appendix 2 | The Mung Beans Bill, 2022 (Senate Bills No. 13 of 2022)   |
| Appendix 3 | Advertisement published in the <i>Daily Nation</i> and <i>Standard</i> newspapers on Tuesday, 21 <sup>st</sup> February, 2023 |
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| Appendix 5 | Copies of stakeholder submissions on the Bill   |