

**COUNTY GOVERNMENT OF BUNGOMA**

**COUNTY ASSEMBLY OF BUNGOMA**

**COUNTY ASSEMBLY DEBATES**

**THE DAILY HANSARD**

**THURSDAY 20<sup>TH</sup> APRIL, 2023**

**Afternoon Sitting**

## COUNTY ASSEMBLY OF BUNGOMA

### HANSARD OFFICIAL REPORT

THURSDAY 20<sup>TH</sup> APRIL, 2023

The house met at 2:30p.m.

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

#### PRAYER

#### COMMUNICATION FROM THE CHAIR

**Mr. Speaker:** Honourable Members, I have two communication to make; the first one is at our Order Paper as per Standing Order No.184 ( 3) 2); I wish to remove item number 8(1) The report on Selection Committee which is not ready.

Secondly, we have the last batch of class 8 candidates' pupils from Moi DEB primary, who have equally come to learn from the County Assembly of Bungoma, this is the last batch of 148 pupils.

May all pupils be upstanding?

Be seated please.

*(Applause)*

They are accompanied by the following teachers;

1. Mr. Nyongesa Humphrey
2. Mr. Callistus Muhevi
3. Mr. Hassan Masinde
4. Madam Sara Nambuye
5. Evelyn Atea

Kindly be seated

Lastly, Honourable members; when we have Speaker's procession coming in and we are praying, kindly Honourable members keep away your gadgets, I can't be praying and you are very busy on your phones. Are we together Members? You look at Standing Order No. 120; I will send you out for six good days. So going forward on the members, if we are offering prayers or procession is going on, kindly be stand up, it's not meant for me but it is the respect is for the house, the symbol of authority.

*(Applause)*

So be very careful, don't be the first victim of Standing Orders No.120 and 121. Let us proceed.

## PAPER

### REPORT BY THE COMMITTEE ON IMPLEMENTATION ON THE STATUS OF THE IMPLEMENTATION OF ADOPTED PUBLIC ACCOUNTS COMMITTEE REPORT ON THE AUDITOR GENERAL'S REPORT FOR FINANCIAL YEAR ENDING 30<sup>TH</sup> JUNE 2020

**Mr. Speaker:** Chair or Vice Chair Committee on implementation or the kindly Honourable Maureen Katila

**Hon. Maureen Katila:** Thank you, Honourable Speaker. I'm on my feet to table the report by the Committee on Implementation on the status report of the implementation of adopted Public Accounts Committee report on the Auditor General's report for financial year ending 30<sup>th</sup> June 2020.

**Mr. Speaker:** Honourable Maureen, when you table you doesn't go with it again, it's no longer yours but it has become the property of the House.

Honourable members, a report by the Committee on implementation on the status report or the implementations in relation to the Public Accounts Committee report on the Auditor General's report for financial year ending 30<sup>th</sup> June, 2020, is hereby tabled before the House. It now becomes the property of the house accordingly.

## NOTICE OF MOTION

### REPORT ON THE IMPLEMENTATION STATUS OF ADOPTED PUBLIC ACCOUNTS COMMITTEE REPORT ON THE AUDITOR GENERAL'S REPORT FOR FINANCIAL YEAR ENDING 30<sup>TH</sup> JUNE, 2020

**Hon. Maureen Katila:** Honourable Speaker, I hereby give a notice of motion that this house adopts the report by the Committee on Implementation on the status report on the implementation of adopted Public Accounts Committee report on the Auditor General Report for financial year ending 30<sup>th</sup> June 2020.

**Mr. Speaker:** Thank you, Honourable Maureen. Honourable Members, a notice has been duly issued by the Committee on Implementation of the status of the report or the implementation of adopted Public Accounts Committee reports on the Auditor General's report for financial year ending 30<sup>th</sup> of June 2020. I direct the table clerks to share this report with Honourable members on their gadgets, it will from business on our Order Paper in the course of the week accordingly

## STATEMENTS

### BUSINESS OF THE WEEK COMMENCING TUESDAY 25<sup>TH</sup> TO THURSDAY 27<sup>TH</sup> OF APRIL, 2023

**Mr. Speaker:** I am waiting for a member of HBC. It is okay Hon. Joseph, proceed please.

**Hon. Joseph Nyongesa (Leader of Majority):** Thank you, Mr. Speaker. The weekly programme of the business of the County Assembly pursuant to a Standing Order No. 42 week commencing Tuesday 25<sup>th</sup> to Thursday the 27<sup>th</sup> of April 2023.

**Tuesday 25<sup>th</sup> April, 2023 2:30 p.m.**

**Statements**

- i. The response from the County Executive Committee Member for Agriculture, Livestock, Fisheries and Cooperative development to statement sought by Hon. Alfred Mukhanya in respect to environmental and health menace being experienced by the residents of Ndivisi Ward Living close to Makemo Dam.
- ii. The response from the County the Executive Committee Member for Tourism Environment, Water and Natural Resources to statements sought by Hon. Anthony Luseneka in relation to extension of NZOWASCO Water pipeline from Makotelo to Namirembe.
- iii. The response from the County the Executive Committee Member for Education and Vocational Training to a statement sought by Hon. Kennedy Wanyama on the status of Muyayi Vocational Training Centre.
- iv. The response from the County the Executive Committee Member for Health and Sanitation to a statement in respect to the status of the construction of Misangwa dispensary and Makutano Health Centre in Soysambu/ Mitua ward.

**Bills**

The Bungoma County Revenue Administration and Management Amendment Bill County Assembly Bill No. 1 of 2023 - first reading

**Wednesday 26<sup>th</sup> April ,2023 at 9:30 a.m.**

**Papers**

Report by the committee on Delegated County Legislation on familiarization on processing of stationery instruments which would be table by the Chairperson, Committee on Delegated County Legislation

**Notices of motion**

Report by the committee on Delegated County Legislation on familiarization on processing of stationery instruments which would be table by the Chairperson, Committee on Delegated County Legislation

**Statements**

Statement sought by Hon. Hentry Nyongesa from the Chairperson, Sectoral committee on Agriculture, Livestock, Fisheries and Cooperatives Development in relation to the status on the operationalization of Agriculture CESS in Bungoma County.

**Motions**

Report by the Sectoral Committee on Trade, Energy and Industrialization on the status of trade loans in Bungoma County which will be read by the chairperson of that committee.

## **Bills**

- i. Bungoma County Public Markets Amendment Bill, County Assembly Bill No.2 of 2023-first reading
- ii. Bungoma Cooperative Societies Bill, County Assembly Bill No. 3 of 2023-first reading

**Wednesday 26<sup>th</sup> April 2023 2:30 p.m.**

## **Motions**

Report by the Committee on Public Accounts and Investment on the reports of Auditor General from the Bungoma County Executive on the Disaster and Emergency Fund 2021

## **Bills**

1. Bungoma county Weights and Measures Bills, County Assembly Bill No. 4 of 2023-First reading
2. Bungoma County Outdoor Advertising and Signature Control Bill, County Assembly Bill No.5 of 2023-first reading

**Thursday 27<sup>th</sup> April 2023 2:30 p.m.**

## **Statements**

Pursuant to the provision Standing Order No. 47 2 A A statement informing the County Assembly of the weekly business coming from House from Tuesday 2nd to Thursday 4th May 2023

## **Motion**

Report by the Committee on Implementation on the status report on the implementation of adopted report by Public Accounts Committee report on the Auditor General's report for financial year ending 30<sup>th</sup> June, 2020

## **Bills**

1. Bungoma County Inspectorate Compliance and Enforcement Bill, County Assembly Bill No. 6 of 2023-First reading
2. Bungoma County Public Entertainment and Amenities Bill, County Assembly Bill No. 7 of 2023- first reading

That will be the order of next week.

**Mr. Speaker:** Honourable Members that is the proposed weekly program of the Order Paper for next week starting on 25<sup>th</sup> April 2023 to 27<sup>th</sup> April 2023.

Looking at the Order Paper this is the time, we allow Honourable members to ventilate about visitors in public gallery, I will start with Host MCA for Township Ward Honorable Jeremiah Kuloba.

**ENCOURAGING MESSAGES TO PUPILS FROM MOI DEB PRIMARY SCHOOL**

**Hon. Jeremiah Kuloba:** Thank you, Mr. Speaker for giving me this chance to welcome the students of Moi DEB Primary school who happen to be in my Ward. Maybe some of the students don't know me. I am your area representative my name is Jeremiah Kuloba Maybe your parents know me.

Learn and tell others the good things you have seen in this House but the bad ones leave them here. It is better to get one discipline student other than getting a hundred undisciplined students who pass exams and they are unwanted in a society. If you are disciplined, you pass the exams and you will be accepted in the society. Future Leaders will come from you, if you have behaved well.

I have always desired from 2013 to be a member of Assembly of this County Assembly but for all these years, I never had a chance to stay in this House. So you are lucky to have gotten a chance to visit this Assembly at this age so that you may emulate, you may learn something and what you learn here, they propel you maybe to seek for this seat in future. Otherwise, I wish you a good stay a good learning when you are in this compound.

*(Applause)*

**Hon. Steve Kaiser:** Asante sana Bwana Spika kwa kunipa fursa hii ili nipate kuwakaribisha wanafunzi kutoka Moi *primary*. Ningependa kuwapa Walimu neno la heko kwa kufanikisha siku hii ya leo. Langu ni kusema tu kwamba walimu kwenyu ni mwito, hata kama mmeandikiwa lakini ni mwito. Wazazi wanawategemea nyinyi kwa ajili ya wanafunzi hawa na ningependa kwamba hio wito ambayo Mungu ameweka ndani yenu mlee hawa watoto katika njia iliyo ya Mungu na muwaelekeze katika njia ambayo inafaa.

Kwa wanafunzi ningependa tu kusema kwamba mtie bidii katika masomo yenu muhakikishe kwamba mmesoma na mmepita mtihani kwa maana nyinyi ndo viongozi wa kesho na viongongozi wa kesho hawatachukuliwa kama hawajapita mtihani wakienda katika shule ya *secondary* wapite mtihani na waende katika Chuo Kikuu.

Kwa hivyo kama Kaunti ya Bungoma nataka tu niseme kila la heri kwa mtihani ambao unakuja na mnapoenda nyumbani kwa likizo naomba mpate kushirikiana na wazazi wenu na msiungane na yale makundi mabaya.

**Mr. Speaker:** Thank you, Hon. Kaiser. Hon. Metrine Nangalama.

**Hon. Metrine Nangalama:** Thank you, Mr. Speaker Sir, for giving me this opportunity so that I can tell our pupils some few words. First of all, I would like to welcome them here.

Secondly, I would like to appreciate the teachers who had such a good idea for accompanying you to this Assembly.

Thirdly, I would like to encourage our pupils that respect your parents, respect our living God, and respect is one thing that will make you to be successful. As you can see us, we respect ourselves, we worked hard and that's why we are here, so I urge the students of Moi DEB Primary to go and work harder.

I think you have been taken around here and you have been told about the seating arrangement. I know sometimes in your exams, you might be asked to say something about the seating arrangement, how the Speaker enters the chamber and something like that. I know you are going to be taught. Without forgetting, I will also have to appreciate my dear sister attachee lady have seen her there...

**Mr. Speaker:** Hon. Nangalama

**Hon. Metrine Nangalama:** Thank you, Mr. Speaker for that correction. I just want to welcome her once more, to feel free in this Assembly

**Mr. Speaker:** So that means others are not welcomed? That is the implication.

**Hon. Metrine Nangalama:** I started by welcoming them Mr. Speaker.

**Mr. Speaker:** Proceed

**Hon. Metrine Nangalama:** Thank you, Mr. Speaker. It is a good opportunity maybe when you are given to write a composition or *insha* on your own. You have what to write because there is a time when I was at school, they will only tell you that can you write a composition on your own or with your own title, but today, it has been made easier for you.

Lastly, I want to appreciate Hon. Jeremiah Kuloba, he is a jovial and hardworking man. As you go back home, continue praying for him, so that next time it is easier for him to come back.

For those few remarks, I just want to wish you well in your forthcoming exam. May God be with you as you go back home.

**Mr. Speaker:** Thank you, Hon. Metrine. Honourable Members, it's good to read this a Speaker's rule on the conduct with the Honourable members. Honourable members are required to enter the Assembly chambers when appropriately dressed in contemporary business/office attire. This is not meant for anybody but for your consumption as you go back home. Hon. Sudi,

**Hon. Isaiah Sudi:** Honourable Speaker, some of these learners are from my ward, because my Ward and Hon. Makari's Ward are neighbours. I want to inform pupils that you are the last class eight class and you don't have another class eight because we have a new system of education. So it is upon you pupils to work hard because you don't have another class eight may be to repeat in case you don't perform well. I am saying this because I was in the first KCPE class in 1985 and those who did the last CPE...

**Mr. Speaker:** Come again?

**Hon. Isaiah Sudi:** The first KCPE and those who did the last case CPE had challenges.

**Mr. Speaker:** That was 1985?

**Hon. Isaiah Sudi:** Yes, get it right, it is 85. Some of you had not gone to class. It looks like yesterday but it was long ago. So I advise the students that as the last class eight, they have their own challenges because the system is being phased out. If you don't struggle and be part of it then you will be left and be stranded because you will not match with CBC.

Some of us are ageing. I did KCPE in 1985 and I'm almost 55 years old, so you must work hard to come and replace me but you must show capability that you are able to lead people the way your teachers have led you.

We have 100% transition to form one, so as Bungoma people, we shall be very happy if all of you go to form one next year. I don't see why as a student in Moi DEB cannot make it when somebody in a rural school like the one near my door Muanda RC makes it. You see you have more advantage because you have enough teachers unlike rural schools. Also some of you have able parents who support you every day unlike your counter parts in the rural areas. So kindly work hard and be disciplined so that you join Kamusinga High School, but without discipline you will be sent away. I was once a victim and I do not want you to be a victim.

**Mr. Speaker:** Hon. Sudi! What are you insinuating?

**Hon. Isaiah Sudi:** I do not want to repeat it because you know it...

**Mr. Speaker:** Proceed!

**Hon. Isaiah Sudi:** It hurts to be indisciplined and be sent out of a very good school. You struggle to get another school that does not match the previous school. I want to urge our students to behave well, respect your teachers, parents and your colleagues. When we had a motion here on Gender Based Violence, the victims are ourselves. I see your school is mixed; we have girls and boys, so you must maintain discipline and respect each other so that we have a good society.

I wish you well as you prepare for the end of the term exams and also have the best holiday as you assist your parents at home.



**Mr. Speaker:** Thank you, Hon. Sudi. Hon. Linda,

**Hon. Linda Kharakha:** Mr. Speaker, thank you for this opportunity though my friend here Hon. Polycarp has coerced me to speak as a lady in the House.

**Mr. Speaker:** Hon. Linda, if you are coerced then you are not...

**Hon. Linda Kharakha:** No, but out of my own volition...

**Mr. Speaker:** No, when you say coerced that means that was not proper, you were forced so if you do not want to speak on your own, then I will give it to somebody else.

**Hon. Linda Kharakha:** I am speaking on my own.

**Mr. Speaker:** Thank you proceed!

**Hon. Linda Kharakha:** Young girls and boys who have visited us today, your future is bright in front of you and this is the opportunity for you to make it. If you want to be a teacher, doctor, it's an opportunity and you do it right now, you get it right now. There is no other time. You are candidates, you have an opportunity to revise your books properly, identify yourself with good company, always consult your teachers and be in good books with them. The star shines as early as now.

When I was in High school at your age, I visited Eldoret High court and admired the judge who was seating in front just like the Speaker is and I told myself that I want to be like her. I am sure you are wondering why here seated, I am a lawyer by profession and made it at that point that I want to be in this profession. So it is just an encouragement to you that whatever you want you put it to heart. I remember my dad was against it so much that that is not what you should choose. You should be a teacher like your mother and not a lawyer. I said no, this is the way to go and I have sat down, unless you do not have school fees but now that you are in school, your parents have paid for it. You have to stand and say what you want.

Another thing, I want to bring to your attention is LGBTQ. In schools, it is where pupils are poisoned. At home your mum and dad are telling you this is the right thing, now when you come in school someone is telling you being with your fellow lady is the way to go. Our society and African culture does not allow that. We do not believe in women marrying women, men marrying men, so do not be confused when you step out to high school; it's where its rampant that is where you get it wrong. You have to be careful with the company you keep. You keep the right company, you get it right. You are in bad company; you make it a wrong start. I just want to wish you all the success as you prepare for your exams and the future is bright.

**Mr. Speaker:** Thank you. I will have Hon. Polycarp! Once you request to speak, it remains here so you speak!

**Hon. Polycarp Wandabusi:** Thank you, Mr. Speaker Sir. I was just reacting on Hon. Linda's issue but let me take this chance to thank the teachers for making this organisation for the

students to be here. I would like to encourage the students that it's only through education that you can be able to be a person whom you want to be in your life. If you want to succeed in business, if you want to be a professional, you must undertake education and for you to undertake education, you must be consistent, disciplined and know what you want and have an agenda of success. I want to advise these students because they come from town.

I know you have the facilities that give you a very convenient learning environment but for people like us who schooled in rural areas, we had to work extra hard during our time when we used to go to class one, we went to school without shoes or anything but made serious efforts to be who we are now.

I want to encourage you and tell you that it is only through hard work and being respectful to your parents and to the teachers, that is the only guideline that will put you to straightness of excelling in education. Take your studies very carefully and with a lot of vigour knowing that it's only through Education that you can gain what you want in life.

Lastly, I would like to appreciate Hon. Jeremiah Kuloba who is your representative. This is a gentleman who is doing wonders. He is working extremely hard and I urge you to emulate him and other members and learn to believe that through God, success is your portion.

*(Applause)*

**Hon. George Makari:** Thank you, Honourable Speaker. As I said yesterday, when the second batch of the students came, I can see Hon. Jeremiah Kuloba laughing but should I repeat or continue but I should be able to repeat because Moi DEB Primary as I said, was known as Common Wealth Primary School and is among the first schools in Bungoma County. Majority of these pupils come from my ward. They just come to learn in Moi Primary but most of them reside in Musikoma as I said yesterday. So I need to be applauded for that because this is my school.

*(Applause)*

I was encouraged by what Honourable Vice chair for Education said. There are two professions that you must be able to note; one profession is medicine, another one is teaching. If you are not called in that profession and your motivation is money, you cannot manage. One time I tried to teach my child at home, I would have been charged for assault because I clobbered the boy until he was bleeding because I expected that boy to know what I was teaching him yet he is a young boy who does not know. It was me who was supposed to teach him but my thinking was he should be able to know because I know.

We should also be able to applaud the teachers for moulding very small children who have no knowledge into people that have knowledge. Teaching and medicine is a calling, so we must be able to applaud the teachers that are here with us today from Moi Primary School that you are doing a great job. This school is the leading school in this County coupled together with Bungoma DEB. They are schools that are performing very well and they cannot perform very

well if the teaching staffs are not doing a splendid job and as my colleagues said, for the candidates, they must be disciplined.

When we talk about discipline, our Honourable majority leader was advising me here I do not know if you saw him. He told me very indisciplined people are leaders and I was telling him that I was very indisciplined one time in school and I am a leader here so maybe that was a good reference but then we do not advise you children to be indisciplined. Wherever you are, you must be disciplined. You cannot ride on our luck that we were indisciplined and we are here. Do not go that direction; just be disciplined. Study well, receive guidance and advice from your teachers and parents. Every one that has gone far is somebody who was disciplined.

I heard Hon. Jeremiah is doing something for them tomorrow as they close. I hope Hon. Jeremiah you are okay and you will do it.

I got surprised when Hon. Linda Kharakha said that Hon. Mukhanya was advising her not to go for a certain profession but now that they are seated here both of them, maybe he can tell us why he was advising Linda not to go ...

*(Applause)*

...in this profession. *Unajua* politics is not a calling...

**Mr. Speaker:** Even being a bishop like you!

**Hon. George Makari:** No, a bishop is a calling.

**Mr. Speaker:** Hon. Makari, you know you are on HANSARD, only medicine and teachers are having a calling. Any other one like of being a bishop...

**Hon. George Makari:** That is earthly but spiritually bishops are called. Medicine and teaching are earthly callings but spiritual calling like my bishop Honourable majority leader, that is a spiritual.

**Mr. Speaker:** And yourself!

**Hon. George Makari:** Yes and myself. That is a spiritual calling. I support and welcome the students and teachers from Moi Primary School, you feel welcome at any given time and we are here for you.

**Mr. Speaker:** Thank you, Hon. Makari. Hon. Meshack Simiyu Museveni!

**Hon. Meshack Simiyu:** Asante Mheshimiwa Spika kunipa nafasi pia niongee na watoto wetu wa shule ya Moi DEB. Ninawaomba hawa wanafunzi kwa heshima kuu wakirudi nyumbani wasome kwa bidii kwa sababu hapo mbele watu wamesoma na kama hujasoma kesho yake utakutana na mwenzako mwenye mlikuwa mnasoma naye, yeye ni profesa, ama wakili kama Mheshimiwa Kharakha au Pastor kama Mheshimiwa George.

Ninataka kwanza nishukuru walimu wa Moi DEB *Primary* kwa sababu wanafanya kazi nzuri. Wakati matokeo ya mtihani unatoka, kwanza ninaangalia Moi DEB imefanya namna gani?

Someni kwa nguvu ili maisha yenu ya kesho iwe nzuri. Mimi nimechaguliwa mara sita na niko na miaka thelathini nikiwa kwa hii bunge, kwa hivyo ninataka nyinyi kesho mrudi muwe kama mimi. Naomba niwachie hapo.

*(Applause)*

**Mr. Speaker:** Thank you, Hon. Meshack. I will have Hon. Joseph Nyongesa

**Hon. Joseph Nyongesa:** Asante bwana Spika kwa kunipa fursa hii nami pia niseme jambo kwa shule ya msingi ya mseto ya Moi DEB. Pia nataka nishukuru haswa walimu walikuwa na fikra ya kwamba walete wanafunzi katika Bunge hili ili wajionee na kusoma yale ambayo pengine huwa wanaskia wakiwa kule nje. Nasema heko kwa walimu wetu na hiyo inatupa sisi fursa kama viongozi kujua ya kwamba malezi mnayopatia wanafunzi ni mema.

Nataka pia kuwatia moyo wanafunzi wetu kwamba hata wengine kama sisi pia tulipitia shule, kwa hivyo mkiutumia wakati huu vyema mavuno mtakayoyapata itakuwa kwa manufaa kwenu. Mimi nawapa tu moyo ya kwamba heshima vile wanasema ni kitu kinachofaa na unajua kuna swala ambalo pengine tulikuwa nanon'gonezea Mheshimiwa George hapa nikiwambia tangu nianze kuishi, nimeona vitu vingi hata kama si mzee sana lakini pia miaka imesonga lakini tumeangalia vitu vingi haswa ambayo pengine huwa walimu wetu huwa wanafikiria kwa nini huyu mtoto akawa msumbufu.

Unajua kuna utofauti ya usumbufu na kuwa mtukutu. Kuna wengine husumbua ni kwa ajili ya kile kitu ambacho kiko ndani mwao, kwa sababu wanaashiria kuyatenda yaliyo makuu kule mbeleni hasa saa zingine huchukulia ya kwamba hawa ni watukutu; hawa ni wasumbufu tu. Pengine uongozi uko ndani mwao unawasumbua. Najaribu kuwaambia walimu wetu ya kwamba mnapowaelewa mtawatunza na kuwalinda vyema ili kesho pia wawe watu bora katika dunia hii kwa sababu wengi wetu tumepitia hapo na tunajua ni wakati mgumu. Lakini sisi kama viongozi tunawapa heko na tutaendelea pia kuwaunga kwa lolote lile haswa katika mambo ya masomo.

Pia nataka nishukuru wale wazazi ambao walijitoa na wakatoka kupiga kura wakampatia mwenzetu Mheshimiwa, wajua tumezoea makabichi lakini sio lake lakini hilo ndilo...

**Mr. Speaker:** Hon. Joseph Nyongesa, that name is not known to us in this House.

**Hon. Joseph Nyongesa:** Asante Bwana Spika.

**Mr. Speaker:** It is known maybe out there, but in this House he is called Hon. Jeremiah Kuloba.

**Hon. Joseph Nyongesa:** Tunajua Bwana Spika ni Mheshimiwa Jeremiah, lakini sasa unajua Mheshimiwa kuna jina la utani ambalo watu wamelizoea na usipolitaja hata ukimwangalia

mwenyewe ana furaha, ni kwa ajili unapoliguza naye pia anaona kumbe anatambulika. Hata hawa wanafunzi wanalijua zaidi kuliko sisi lakini pole kwa hilo.

Tunawatakia kila la heri na endelea kuleta wengine ili nao wapate kujifunza. Kwa hayo machache Mungu wa amani aendeele kuwabariki.

**Mr. Speaker:** Thank you, Hon. Joseph Nyongesa. Hon. Edwin Opwora,

**Hon. Edwin Opwora:** Thank you Mr. Speaker for giving me this opportunity to talk to our pupils from Moi DEB. I also want to concur with my colleagues and first of all congratulate the teachers who brought these pupils here at least to learn. This is a real life scenario and it is an encouragement to them that in future, if they have been doing debating in school then they might also in future be in a real situation where they are debating issues about life and policies.

There is one Malcolm X who says; Education is a passport to the future, for tomorrow belongs to those who prepare for it today. These pupils are preparing for their KCPE exams and if I may use this building as an example, this building is standing because it has a very strong foundation. KCPE examination is a foundation for your Education. The marks you are going to get will enable you to join a better secondary school. As I always say, you are in school for a season and a reason so use your time well to get good marks.

First of all, be humble, God fearing, respectful to your teachers and take your Education seriously. You are laying a foundation for your future because it is only through this KCPE marks that will enable you get a better school and that will lead you to a good university.

I am an Engineer by profession but I am also a politician now. But you can do whatever profession, if you want to be a doctor, teacher, take everything that you do seriously. If you are a sweeper sweep it to the best. If you are a doctor, do the best to save lives. If you are a teacher, teach them to your best, so that you can leave a mark in this life.

Otherwise, I want to take this opportunity to wish them success in their exams and when they go for holiday, please help your parents that is where blessings come from and avoid social media.

Hon. Linda talked about LGBT issues. These things are coming through social media. Please avoid them at all angles, concentrate on your Education and the future is bright for you.

**Mr. Speaker:** Thank you, Hon. Opwora. I will have Hon. Waiti Wafula.

**Hon. Wafula Waiti:** Asante Bwana Spika. Niruhusu nijifunze Kiswahili leo. Nataka nishukuru Mheshimiwa Jeremiah Kuloba ambaye ni mwakilishi wa eneo la mjini. Nashukuru walimu wa shule ya Moi DEB kwa kuwezesha wanafunzi wetu kufika katika hili jumba maalum. Nimechochewa na wahubiri wetu wawili katika jumba hili akiwemo kiongozi wa walio wengi na mwakilishi wa eneo la Musikoma.

Sisi kama wazazi wakati mwingine tunakosea watoto wetu na nataka ieleweke leo hawa walimu wanakaa na watoto wetu muda mrefu kuliko sisi wazazi. Kwa mfano; ukichukua siku kama ya leo watoto walitoka nyumbani asubuhi saa kumi na mbili na watakaa na walimu mpaka saa kumi na mbili ndio waachiliwe waende nyumbani. Wakifika nyumbani watakaa na wazazi karibu masaa mawili na wanalale, kesho wameamka hivo hivo. Kwa hivyo watoto wamezoea mazingira fulani. Wakati wa mtihani unapofika, hawa wanafunzi wamezoea kula *githeri* wakati wa mchana wanarudi darasa wanasoma.

Nyumbani kuna wengine kama mimi wakati nilikuwa kama hawa vijana ukitoka nyumbani bora unawe uso umeenda shule hata kupata uji ni shida. Sasa nilizoea hiyo hali lakini wakati wa mtihani ukifika utaona mama amejikakamua amepata mayai anakupikia, kwa sababu unaenda kufanya mtihani. Chakula ambacho hujazoea ukienda kusoma inafanya watoto wanaanguka mtihani, kwa hivyo ninaomba walimu wakati wa mtihani ukifika mwaambie wazazi wasilete vyakula vigeni wakati watoto wanapokaribia mtihani. Asante. Kiswahili ni ngumu.

**Mr. Speaker:** Thank you, Hon. Waiti. Hon. Alice,

**Hon. Alice Kibaba:** Thank you, Mr. Speaker for giving me this chance to talk to our pupils and teachers of Moi DEB primary. The first headmaster of Commonwealth school by then was the late George Sitati who came from Tuuti/Marakaru Ward, so let us applaud the Leader of Majority Hon. Joseph Juma Nyongesa.

*(Applause)*

Moi Primary was named after the second President of the Republic of Kenya.

**Mr. Speaker:** Order Members for those who are consulting loudly. If you want to know 120 (C) interrupting proceedings or consulting in a distortive manner, three days out of the House sitting.

**Hon. Alice Kibaba:** Thank you Mr. Speaker for defending me. The second President of the Republic of Kenya was Daniel Arap Toroitich Moi and this man loved Music. Every time he could pass by a school, he could stop and dance and give some money to the pupils and I'm sure this name Moi was not the founder of the School, but I think the day he came to Namachanja by then it was a chief's office and there was a *Harambee*, I remember very well because by that time I was working with Telkom Kenya Bungoma. He stood and the pupils of Moi really danced. They stirred up his spirit and Moi gave them a lot of money and said this School must be called Moi. So the pupils and the teachers of Moi every time a politician enters your school, please sing and dance for him for you will stir up his spirit especially Hon. Jeremiah.

Lastly, remember to play and love games. It is said work without play makes Tom a dull boy.

**Hon. George Kwemoi:** Ahsante sana kwa kunipa fursa hii nichangie kuhusu wageni wetu ambao wametoka shule ya Msingi ya Moi DEB. Mimi mwaka wa 1975 nilisoma shule ya msingi ya Bungoma DEB na shule ya Moi tulikuwa tunabishana nao. Sisi tulikuwa

tukiwashinda kwa michezo, lakini kwa mitihani walikuwa wanatushinda sana. Nami nafikiri kwamba bado wanaendelea kufanya hivyo.

Ningependa kushukuru walimu ambao wanafanya kazi nzuri sana. Watu wote Kenya hii wangukuwa wanafanya kazi kama Walimu, Kenya yetu ingekuwa juu sana. Nasema hivyo kwa sababu hakuna afisi Kenya hii ambayo wanafungua saa kumi na moja, lakini ukienda kwa shule zetu nyingi utapata kwamba wanaanza kufunza saa kumi ama sa kumi na moja na utapata kwamba tena wale ambao wanaamka asubuhi kuenda kufanya kazi kama walimu ndio wanapatiwa tena mshahara mdogo sana.

Mimi nasema hivyo kwa sababu nimekuwa mwalimu kwa miaka 35 lakini nikipiga hesabu yangu vizuri, mshahara ambao napata hapa, nafikiria itatoshana na mshahara ambayo nimefanya miaka 35 lakini itachukua tu miaka miwili na itakuwa imetoshana. Naambia walimu kwamba fanya kazi kwa bidii. Nchi hii haiwezi kuwalipa kulingana na kazi yenu, ni mungu tu ndiye atawashishia. Nimekuwa nikisema kila wakati kwamba mishahara ya walimu haitoshi lakini kile ambacho mimi najua ni kwamba watoto wa walimu hawa ambao mnawaona, hakuna mtoto ambaye hataenda chuo kikuu. Wengi wa watu ambao ni wakubwa Kenya hii ni watoto wa walimu. Nafikiri hiyo ndio njia ambayo Mungu anawalipa kwa kazi ngumu ambayo wanafanya.

Ni mwaka jana tu ambapo mimi nilistaafu baada ya kufanya kazi kwa muda huo, na ukienda kwangu hakuna kitu ambacho nimefanya kubwa ijapokuwa nimefundisha watoto wangu na kujenga nyumba kisha ikaishia hapo.

Nataka niwaambie walimu walio hapa kwamba ninyi Mungu atawabariki sana na atawabariki kupitia watoto wenu na wataendelea sana.

Wanafunzi wakati mnafanya mitihani, soma swali mara mbili au tatu kabla hujajibu. Na kabla ujibu, fikiria jibu kabla hujaandika kwa kuwa ukikimbilia hiyo, itakuchanganya. Jaribu sana kufikiria jibu ndipo uandike. Na jaribu kuondoa majibu ambayo unaona sio sahihi, Utaniruhusu bwana Spika niseme ' *use elimination method* ' kutoa yale mabaya na utabaki na mbili kisha urudi tena kwa swali na utaona kwamba itakuwa kazi rahisi.

Wanafunzi mjihadhari sana na marafiki wabaya. Achana na mambo ya pombe, kuvuta bangi na kuna nyingine inaitwa kubeli, shisha na kadhalika. Lazima uchague rafiki wako mzuri kwa sababu rafiki yule ambaye unatembea naye anaweza kushawishi ufanye maneno ambayo hustahili kufanya. Chagua rafiki wako mzuri ambaye pia anapenda masomo. Nawatakia kila la heri kwa mtihani wenu ambao utakuja mwaka. Ahsanteni sana Mungu awabariki.

**Mr. Speaker:** Thank you, Honorable Members. On behalf of this House and the Speaker, I wish the candidates all the best in their forthcoming examination. Before we go to the next item, I'm forced to make this communication before we proceed.

#### COMMUNICATION FROM THE CHAIR

This Communication has come in when we are in session. This is from the County Executive Committee Member from the Ministry of Finance and Economic Planning to the Clerk County Assembly of Bungoma,

## **INVITATION TO REVENUE ENHANCEMENT STAKEHOLDER'S CONSULTATIVE MEETING**

The above matter refers to. I kindly invite the elected Members of the County Assembly for the above meeting scheduled for Monday 20<sup>th</sup> April 2023 at the County Assembly Kamukunji hall from 9:00 a.m.

By copy of this letter, the Chief Officer, Public Service Management and Administration to invite the Sub- County and the Ward Administrators while the Chief Officer, Finance to invite the Sub- County and the Ward Revenue Officers for the same meeting.

He is looking forward to an interactive and fruitful session.

Signed CPA Chrispinus Barasa, CECM - Finance and Economic Planning.

That means our scheduled meeting for pre-vetting for CECM and Chief Officers has now been interrupted from tomorrow at 11:00 a.m.

Another development is that the Muslim's holiday is tomorrow. We were anticipating it to be on Monday, but it is now official that it is tomorrow. So our pre-vetting exercise has been taken to Monday at 11:00 a.m.

The pre-vetting exercise will involve Members of the six Committees that have Chief Officers to be vetted and the Committee on Appointment chaired by me.

**Hon. Cornelius Makhanu:** I don't know if I heard you properly. You said Monday 20<sup>th</sup> instead of 24<sup>th</sup>.

**Mr. Speaker:** I said Monday 24<sup>th</sup> April. Maybe the age is catching up with you. It is 24<sup>th</sup> April; it is good to seek clarification. We proceed.

## **MOTION**

**REPORT BY THE SECTORIAL COMMITTEE ON LANDS, URBAN, PHYSICAL PLANNING AND HOUSING ON THE IMPLEMENTATION STATUS OF SPATIAL PLANS, LAND REGISTRY AND GIS LABORATORY IN THE COUNTY**



**Hon. Johnston Ipara Okasida:** Mr. Speaker, before I proceed, I have noted three` things from the day when Moi DEB Primary School started coming here.

One, I have noted that Hon. Nyongesa, the majority leader, fears your eyes under Standing Order No.120. The second one is that there is a scramble for Moi DEB Primary School. I have noted seven Honorable Members, each one of them struggling and scrambling to identify themselves with this School, which shows that Moi DEB is one of the best Primary Schools we have in the County.

*(Applause)*

With your permission, allow me to say this to the fraternity of Moi Primary. Don't let what you cannot do interfere with what you can do.

I stand to move a Motion on the report by the Committee on Lands, Urban, Physical Planning and Housing and Municipalities on the Implementation status of Spatial Plan, Land Registry and GIS Laboratory in the County.

### **Preface**

In the FY 2018/2019, the department of Lands, Urban, Physical Planning, Housing and Municipalities implemented the Geographical Information System(GIS) at a cost of Kshs. 17, 983, 952 for the installation of various equipment which comprises 5 tripod stands, 1 printer, 5 laptops, 2 hard disks, 2 desktop computers, 5 Uninterrupted Power Supply(UPS), 3 non ammonia printers, 3 in 1 plotter, 2 ammonia blue printers, 3 Geographical Positioning System(GPS), batteries, and a projector.

After the County Assembly approved the delineation of Bungoma and Kimilili Municipalities as well as Webuye and Chwele as Urban Areas in 2021, the County department initiated the process of having these boundaries in a Geographical Information System (GIS) data base and to demarcate it to acceptable Survey standards with a view to developing maps that can aid in documentation/registration of the land and boundaries in the County. The County Assembly approved the county Spatial plan in 2021. It was prepared at a cost of Kshs. 45, 000,000.

It is upon this background that the committee decided to assess the status of the Land Registry, Geographical Information System Laboratory and the Spatial Plans in the county.

### **EXECUTIVE SUMMARY**

Spatial planning is a key instrument for establishing long-term, sustainable frameworks for social, territorial and economic development both within and between countries. Its primary role is to enhance the integration between sectors such as housing, transport, energy and industry, and to improve national and local systems of urban and rural development, also taking into account environmental considerations.

The Spatial Plan is a ten-year GIS-based depiction of a county's socio-economic development vision and program, including the distribution of people and activities, within the context of efficient, productive and sustainable use of land and other County spaces. It is reviewed and updated every five years in order to inform the new CIDP. It aims to create a more rational territorial organization of land uses and the linkages between them, to balance demands for development with the need to protect the environment and to achieve social and economic objectives.

Further to note is that Spatial planning also aims to:

- a) Promote territorial cohesion through a more balanced social and economic development of regions, and improved competitiveness;
- b) Encourage development generated by urban functions and improve the relationship between the town and countryside;
- c) Promote more balanced accessibility;
- d) Develop access to information and knowledge;
- e) Reduce environmental damage;
- f) Enhance and protect natural resources and natural heritage;
- g) Enhance cultural heritage as a factor for development;
- h) Develop energy resources while maintaining safety;
- i) Encourage high-quality, sustainable tourism;
- j) Limit the impact of natural disasters.

### **Geographical Information System (GIS) and Spatial Plans in urban planning**

Spatial planning must operate in conjunction with land registration, since it involves measures that create new subdivisions of the land and new patterns of land use. Failure to identify existing patterns and rights of ownership frequently leads to delays or even failure in development programmes, especially in urban areas. There must be legally defined procedures for the compulsory acquisition and reallocation of land rights, as well as appeals mechanisms that will ensure public confidence that the security of their titles can be upheld.

GIS in urban planning enables spatial analysis and modelling, which can contribute to a variety of important urban planning tasks. These tasks include site selection, land suitability analysis, land use and transport modelling, the identification of planning action areas, and impact assessments.

### **COMMITTEE MEMBERSHIP**

The current composition of the Committee on Lands, Urban, physical Planning, Housing and Municipalities is as follows:

- |    |                      |                  |
|----|----------------------|------------------|
| 1. | Hon. Francis Chemion | Chairperson      |
| 2. | Hon. Linda Kharakha  | Vice/Chairperson |
| 3. | Hon. Ali Machani     | Member           |
| 4. | Hon. James Barasa    | Member           |

5.	Hon. Vitalis	Wangila	Member
6.	Hon. Sudi	Busolo	Member
7.	Hon. Henry	Nyongesa	Member
8.	Hon. Eunice	Kirui	Member
9.	Hon. Edwin	Opwora	Member
10.	Hon. Wafula	Waiti	Member
11.	Hon. Mildred	Barasa	Member
12.	Hon. Everlyne	Anyango	Member
13.	Hon. Cornelius	Makhanu	Member
14.	Hon. Timothy	Chikati	Member
15.	Hon. Johnston	Ipara	Member

## **ACKNOWLEDGMENT**

The Committee extends its appreciation to the Offices of the Speaker and the Clerk of the County Assembly for the support accorded to it in the execution of its mandate and the opportunity accorded to the Members to undertake the fact finding and the report writing thereafter.

I also wish to extend my uttermost gratitude to the Members of the Committee who dedicated their time out of their busy schedule to ensure that the objectives of this exercise were achieved.

More so, the secretariat of the committee is commented for the timely procedural advice accorded to the Honorable Members during the exercise.

It is therefore my pleasant duty and privilege, on behalf of the committee on Lands, Urban, Physical Planning, Housing and Municipalities to table this report for consideration and subsequent adoption by this Honorable House.

The report is signed by Honorable Francis Masai Chairperson Committee on Lands, Urban, Physical Planning and Housing

## **POLICY DOCUMENTS**

The committee was guided by the following policy documents in writing this report:

Sessional Paper No. 3 of 2009 on National Land Policy; stipulates the principles and values that govern regulation of land use and empower all planning authorities to regulate the use of land in public interest.

National Urban Development Policy, 2016; This aims to create sustainable urban development in the country by strengthening governance, planning, urban investment and delivery of social and physical infrastructure.

Sessional Paper No. 1 of 2017 on National Land Use Policy; The Policy provides legal, administrative, institutional and technological framework for optimal utilization and

productivity of land related resources in a sustainable and desirable manner at national, county and community levels.

## **THE CONSTITUTION OF KENYA**

The committee was further informed on matters law by Chapter Five of the Constitution which is on Land & Environment:

Article 60 which stipulate that land shall be held, used and managed in an equitable, efficient, productive and sustainable manner. The Fourth Schedule on Distribution of Functions between National and the county governments.

Article 66 which grant powers to the State to regulate the use of any land or any interest in or rights over any land, in the interest of defence, public safety, public order, public morality, public health, or land use planning.

Section 21 of Part I the Fourth Schedule which touches on General principles of planning and the coordination of planning by counties

Section 8 of Part II of the Fourth Schedule that talks about planning and development

## **INSTITUTIONAL FRAMEWORK**

Land Act 2012 The Act Provides for administration of land and land based resources. The Act has provided for management of land based approved physical & land use development; Sec. 8, 18(3), 20(1), 34(1)(b), 134(6)

Land Registration Act, 2012. The Act provides for revision, consolidation and rationalization of registration of titles to land. The Act provides for indication of the use of land in the Land Register – Sec. 8&9 read with Reg. 9 of General Regulations.

Regulation 43 further provides that a scheme of amalgamation (combination) or subdivision shall be accompanied by an approval of development application by the relevant County Government and a copy of registered Mutation Form, certification of the Mutation Form maybe by various professionals including Licensed Physical Planner.

County Governments Act, 2012; The Act provides for Administration of County Governments. It specifically provides for county governments' powers, functions and responsibilities to deliver services. Part 11 of the Act provides for planning and development in the county. Section 110 provides for preparation of County Spatial Plans

Urban Areas and Cities (Amendment) Act, 2011(Revised 2019); The Act provides for classification, governance and management of urban areas and cities.

Section 20(1) (d) of the Act provides for enforcement of land use, subdivision or zoning by the Boards in line with the spatial and master plans for the city or municipality as may be delegated by the county government

Survey Act, Cap 299 (currently under review); The Act provides for surveys, geographical names and the licensing of land surveyors. The Survey Department supports Physical and Land Use Planning Act (PLUPA) at the implementation stage by preparation of survey plans. The practice of surveys in the case of approval plans for public requires the authentication of the Part Development Plans (PDP) by the Director of Physical Planning

The Physical and Land Use Planning Act No. 13 of 2019 (PLUPA); this is the principal law on physical and land use planning and defines the function, procedure, matters, tools and the institutions in charge of physical and land use development.

Environmental Management and Coordination Act, 1999 (Revised in 2015) It provides for establishment legal and institutional framework for management of the environment. The Act provides for preparation of Environmental Impact Assessment Reports, which are complementary tools in the approval of P&LU Developments

The Land Value (Amendment) Act, 2019; The Act amended the Land Act, the Land Registration Act and the Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act to provide for the assessment of land value index in respect of compulsory acquisition of land;

## **METHODOLOGY**

In the execution of its mandate, the committee on Lands, Urban, Physical Planning, Housing and Municipalities wrote to the executive department on Lands for a status report on the spatial plan, GIS laboratory and the land registry in the County. The aim was to assess the viability and value for money.

The committee also paid a visit to the department on a fact-finding mission over the GIS laboratory and the land registry in the County.

## **STATUS OF GIS LABORATORY, SPATIAL PLANS AND LANDS REGISTRY IN THE COUNTY**

### **GEOGRAPHICAL INFORMATION SYSTEM (GIS)**

The geographical information system is also called land development information system. It is a system that analyses and displays geographically referenced information by using data that is attached to a unique location. It is an information system capable of integrating, storing, editing, analysing, sharing, and displaying geographically referenced information. GIS technology is becoming an essential tool in combining various maps and remote sensing information to generate various models, which are used in real time environment.

GIS enables the user to input, manage, manipulate, analyse, and display geographically referenced data using a computerized system. To perform various operations with GIS, the components of GIS such as **software, hardware, data, people** and **methods** are essential.

## **Departmental submissions on the status of GIS laboratory in the County**

**Mr. Speaker Sir**, the department submitted that the GIS was implemented in FY 2018/2019 at a cost of Kshs. 17, 983, 952 for the installation of various equipment which comprises 5 tripod stands, 1 printer, 5 laptops, 2 hard disks, 2 desktop computers, 5 Uninterrupted Power Supply (UPS), 3 non ammonia printers, 3 in 1 plotter, 2 ammonia blue printer, 3 Geographical Positioning Systems (GPS), batteries and a projector.

That the department has an allocation of Kshs. 3, 000,000 in this financial year 2022/23 to do networking of the Laboratory, though an operational GIS Laboratory requires a budget of Kshs. 80 million.

The department further submitted that the GIS Laboratory is partly equipped, with some equipment running, while others need GIS experts and digitization in order to be operational. Further, that the actualization of the GIS Laboratory is being done in 4 phases;

### **PHASE 1: Collection of data.**

The very first stage of actualizing the establishment of a GIS Laboratory is data collection. Data is the most important component of a GIS. Spatial data can be in the form of a map/remotely-sensed data such as satellite imagery and aerial photography. These data forms must be properly geo-referenced (latitude/longitude). Tabular data can be in the form attribute data that is in some way related to spatial data.

### **PHASE 2: Configuration of the System**

This phase involves the networking of data. The networking involves GIS software. GIS software provides the functions and tools needed to store, analyse, and display geographic information.

#### **Key GIS software components include;**

- (a) Database management system (DBMS)
- (b) Tools for the input and manipulation of geographic information
- (c) Tools that support geographic query, analysis, and visualization
- (d) A graphical user interface (GUI) for easy access to tools.

### **PHASE 3: Decentralization of the system**

The GIS system that is being established in the County will be domiciled in the lands department, however, the system is meant to benefit all ministries in the County. All development projects are done on land and therefore this phase will seek to give administrative rights to other departments to feed in information regarding their development projects ranging from; the nature of the project, contractor awarded the tender, timelines for the project, the number of people likely to be affected or benefit from the project among others. The information will be verified by the lands department through the available

machinery and software since the mappers have an inbuilt satellite system. This phase will only be actualized when phase 2 is completed.

#### **PHASE 4: Dissemination of information**

This is the last phase of GIS establishment. In this phase, the information is made available to any owner of land in Bungoma County. The system access will be limited to residents of Bungoma who own parcels of land since parcel number will be required for one to log in the system.

GIS technology is of limited value without the users who manage the system and to develop plans for applying it. GIS users range from technical specialists (who design and maintain the system) to those who use it to help them do their everyday work.

#### **Committee findings upon site visit**

When the committee visited the County Survey offices where the GIS laboratory is located, it was found that:

1. The implementation of the GIS laboratory is highly dependent on the establishment of the land registry which is currently being done manually.
2. The survey equipment was delivered and is in the office. They had 6 mobile mappers out of 9 required and 4 receivers out of the required 9.
3. Most of the equipment bought is packed due to lack of assembling space. But some of the equipment is in use by officers to set up the laboratory and they include laptops and desktop computers.
4. The department lacks enough staff with technical know-how to collect and handle data for geo-referencing.
5. The lands office is housed in a very congested office space exposing the document to a high risk of loss and theft.
6. The office lacks cabling and networking system to enable setting up of the GIS laboratory.
7. The software acquired has never been upgraded although they are supposed to be upgraded annually.

### **ESTABLISHMENT OF LAND REGISTRY IN BUNGOMA COUNTY**

#### **Departmental submissions**

The department submitted that there is only one Central Land Registry in the county located within the County Commissioner's Government Offices. That until 2018, the Bungoma County Registry Index Maps, Preliminary Index Diagrams, mutation forms and Index Cards were in custody of the Western Region Survey Office at Kakamega in Kakamega County.

The Bungoma County Survey office wrote to the national director of surveys requesting to have these records transferred to their jurisdiction. This initiative was to ease the cost of land transactions and to reduce land related conflicts in the County.

Since documents relating to land are highly sensitive, the department had to meet the necessary requirements to qualify to be able to have a land registry in Bungoma among them being;

- i. Establishment of a room suitable for chatting, Stencilling and checking of maps
- ii. Establishment of a room for installation of a Dyeline Printing machine and a plan printer
- iii. A rocked-up room suitable for the storage of mutation forms and a room for storage of Primary Index Diagrams and Registry Index Maps
- iv. A1 vertical map cabinets

In 2018, Bungoma County was given a green light to establish a Land registry office. This marked a very important step in the development of GIS. Today, all data on land in Bungoma County is under the custody of Bungoma Land Registry.

The establishment of the Land Registry in Bungoma came with advantages including but not limited to:

- Reducing the cost of transactions of land
- Relieving the citizens of Bungoma from travelling to Kakamega to solve matters associated with land.
- Quick solving of land disputes hence reduction in land related conflicts.

To be able to digitalize the data and do necessary referencing for the data to be useful, the department of Lands has acquired vital tools that have helped them to capture real time data and is in the process of updating the data in the system. Among the equipment bought to facilitate the process include:

- i. GPS Real Time Kinematic GNSS (global navigation satellite system)
- ii. 6 Mobile mappers
- iii. 4 T20 MGIS receivers (master of geographic information system)
- iv. 5 hard disks

The most important steps being taken include:

1. Registration/adjudication of land register: the department in the process of land registration is focused on boundaries and parcel numbers. This will help the department in identifying the registered owners of land and also help in identifying public land.
2. Geo-referencing: this is a type of coordinate transformation that binds digital vector database that represents geographic space to a spatial reference system hence locating digital data in the real world. It is the placement of attributes to parcel numbers through scanned data.



### **Committee observations upon site visit**

1. The maps that were acquired from Kakamega have not been scanned to enable geo-referencing.
2. The department is yet to acquire data in all the 9 sub counties to enable it embark on marking on specific attributes.

### **THE TECHNICAL STAFF TRAINED TO WORK IN THE GIS OFFICE**

The department submitted that there are no trained GIS officers to work in the GIS laboratory. That currently, the office relies on surveyors and cartographers who are helping in operationalizing GIS and GIS related issues.

The lack of technical staff to work in the GIS and in general survey office, dictates the need to have:

1. Three GIS officers for data digitization and manipulation.
2. Seven surveyors in addition to the existing three to have one per Sub-County for prompt and accurate data collection.
3. Four data clerks for data cleaning and data entry.
4. Two IT officers as GIS System operators.
5. Expansion of office space- by Renovation of the existing Survey office or Building a New office block to accommodate Surveying activities and GIS laboratory.

### **COMMITTEE GENERAL OBSERVATIONS**

The committee makes the following general observations:

1. The land registry is operational in Bungoma with all data concerning land in Bungoma County officially being managed by the County.
2. The current County GIS laboratory was initiated in the financial year 2018/19.
3. The department has an allocation of Kshs. 3,000,000 this financial year 2022/23 to do networking of the Laboratory yet a fully operational GIS Laboratory requires a budget of at least Kshs. 80,000,000.
4. The ministry has made efforts to purchase equipment to support the establishment of GIS laboratory.
5. The ministry purchased equipment but it cannot put it to full use due to lack of experts and office space.
6. The department does not have any trained staff to handle the GIS laboratory even though it is making steps towards establishment of the GIS laboratory.
7. Lack of a fully functional GIS laboratory places the County at a risk of losing or encroachment on public land. It also becomes difficult for the County Executive and legislative body to track land developments in the County. This might lead to inequitable distribution of County resources and implementation of priority projects.

8. There is poor land use and misplaced priorities on land and land development due to non-implementation of the approved County Spatial plan occasioned by the low budgetary allocation to the department.
9. There is lack of knowledge from members of the public on matters related to land issues.

## COMMITTEE RECOMMENDATIONS

1. **THAT** the department should come up with Geographical Information System (GIS) policy guidelines highlighting priority areas in the establishment of the GIS laboratory and the same should be shared with the relevant committee within 30 days upon adoption of this report.
2. **THAT** the department should factor employment of staff in the subsequent budget, (FY 2023/2024 budget) to help it effectively carry out its mandate as far as the land registry and the GIS laboratory is concerned.
3. **THAT** the department should prioritize the construction of a GIS laboratory or secure space to house the GIS equipment in its possession to help fast track its installation. These considerations should be shared with the committee within 90 days from the adoption of this report.
4. **THAT** there is an urgent need to capacity build the current staff to manage the GIS system and equipment to avoid manual techniques being used to handle the geographical data which has high risk of data loss, delay in decision making, and costly data generation done on need basis.
5. **THAT** there is need to carry out land clinics to create awareness on matters related to land acquisition and use.
6. **THAT** the department should come up with policy guidelines on implementation of the approved County Spatial plan that will enable budget appropriation and allocation.
7. **THAT** the department needs an additional allocation of Kshs. 80,000,000 to fully operationalize the GIS laboratory which includes construction of the office block for the laboratory.

Attached is the adoption schedule signed by all the members of the committee. I call upon Hon. Linda to second.

**Hon. Linda Kharakha (Vice Chair, Lands):** Thank you, Mr. Speaker for this opportunity. I want to thank Hon. Okasida for stepping in and reading the report eloquently.

The issue of GIS lab has been a song since 2018 and from the report that has been read, you realize that we have had issues that have slowed the functionality of the GIS lab despite the fact that there are equipment lying somewhere.

I will go direct to why the GIS is not fully functional. This House is mandated to approve and also adjust the budget and we have had proposals of the same, but the GIS has been under-budgeted. A case study of Vihiga, they spend around 100 million to ensure that their GIS

laboratory is up and functioning, coming home here in Bungoma we allocated only 30million for that purpose. My wish is that this House ensures that GIS lab is functional.

GIS lab is something that has been there even before devolution. If we would have had the GIS lab running then issues that honourable members are complaining about inequality in the distribution of projects and accessibility to services would be a song of the past. We now have an opportunity to make it a reality; I request that all departments see to it that there is at least Kshs 80 million to jumpstart it. It looks like in the next financial year, we will not have it up and running but unfortunately some equipment which were expensively acquired are lying somewhere unutilized.

There are a few experts in the market, who can be on GIS and data collection. You realize that it is costly to hire such professionals because they are few. I think our County do not have any and if there are any, then they are unskilled. As I speak now, we have a person purporting to have knowledge in it but I think he is not up to the task.

**Mr. Speaker:** Are you alleging he is a quack?

**Hon. Linda Kharakha:** No, I am not saying he is a quack. I am saying we need experts to have the GIS function properly. For instance; anyone is a cook but we need a chef to be able to make proper meals. I am alleging that they are doing the work but they still need to hire experts.

The office space currently is quite small as the report outlines. When we visited the office; we had to go in shifts like 3 people. I imagined how the personnel can work in such a condition. It is also a risk to our documents because the space is squeezed, that means the equipment are at risk of getting scratched by the time we start the running of the project with the GIS.

Initially matters registration of land and titles, you had to go all the way to Kakamega and now that Kakamega has given us a green light to go ahead and do part of the services related to land registry, if we have been given the mandate then why are we still holding and under-budgeting for the GIS lab.

From the report, we have been told there are already equipment to collect data; cameras and all sought of equipment. If we have a digitalized way of collecting data, when you collect data digitally it means it will never be lost but where we are, we are still half way. We are partly digitalized and that is why we risk losing data, which means even our grandchildren will be able to refer back and see what happened during our time. But currently data is collected here. I come and talk of a project I did five years and when you go there some of the projects do not exist.

With digitalization, we will hold data for many years to come, which will also inform implementation of projects. I wish for a time when honourable members will not come here and say a certain constituency or a certain ward is being favoured than another constituency. I say this because I feel sad for Tongaren and Mt. Elgon. They have been left out in most

matters of development. Their roads are impassable and this is the only cure through data collection.

Through data collection, we are able to track projects done. If a project was in Tuuti/Marakaru next time we have the project in Tongaren or in Mt. Elgon or in Luhya/Bwake but as long as our interest will be of self, some members of this county will feel left out and that is why we are having it difficult to convince part of the county to vote for us, but if we had equitable distribution of projects across the county using data we will cure a lot. If Hon. Waiti will insist that he wants to have a Milk cooler in his ward, we will go back to data and refer, and say last financial year we installed a cooler in your area and this is the reason why we are not installing another one and we need to give opportunity to another ward. But it will be a song sang until GIS lab is up and functional.

With collection of data, we are able also to plan the town and municipalities. You realize that you wake up and decide to put up a hospital in place A. With data we are able to put up projects in a more informed way.

For instance schools; you realize there are some constituencies you walk 10 kilometres to get to a school but if we had digital data helping us through GIS, we would be able to be informed that in Maeni Ward, we need a school between the 10 kilometres so that students don't walk along to get education.

I feel sad that there is a road in Tongaren that has stalled for years, where we politic about it every time it is an election year. With special planning, some of these projects will be dispensed with.

With this, we will go way far and Bungoma will be a good town like others that we have seen growing. I don't understand why implemented the GIS lab; it bits logic and I still do not understand.

On matters boundaries, I will talk of Tuuti/Marakaru and Ndivisi Wards for instance. They require demarcation but how are we going to be informed of how we divide the boundaries if we don't have data. With satellite, we are able to tell that if I divide in this area, I will have equally divided the wards instead of having demarcation of boundaries basing on politics or where I want to be for political interests.

If any person of interest wants to find out about something, he/she will walk to the GIS lab located at the Lands Ministry currently and be able to access data on anything. For instance if it is a contract awarded, you will be able to tell how long does the contract last, who has been allocated the contract, how much was given and the status. Is it complete or not complete?

We have had cases where ministers are called to launch projects that are incomplete not knowing that the project is on-going. We have had cases where projects are reported as complete but when you go to the ground, there is no project. For instance the Committee on

Education, you will be told that a vocational centre or a nursery school has been put up only to find that the school is on the lintel level.

Data does not lie; if we invested in GIS lap even on your desk, you will be able to tell that a certain school is incomplete and a school is supposed to be put up in a certain area without having manipulation.

I was sitting here yesterday when we were discussing about the road that needed to be done but it was not under the mandate of the County. If we had the GIS lab in place, no one will sit and decide that this road has to be put up using County funds, money that is supposed to do other projects. We lose a lot of data because it is difficult to track projects and status of the same.

We need to sensitize members and stakeholders on the importance of having the GIS lab. I want to sensitize members seated here that this is our project. I say so because in the next elections, you will require data to know how many people are in your ward, registered voters, and the distance of your polling station to another. With this you can easily access without the hustle of going to the IEBC office. If we had it in most wards, I'm sure we will have an informed mind when going for a campaign. I urge our members in different committees that let us have more money allocated to the GIS lab, so that it is up and running to help us in the next election.

Data does not lie; people come to you and lie that they will vote for you but you will be able to tell from the data. Hon. Bosire can agree, he has done that so well to the ruling party now. That he was able to give correct data and able to get it right in an election.

*(Applause)*

I urge that we allocate funds towards the GIS functionality in every department, so that you are able to hire expertise in this area. If we are not able to hire expertize now then it means where we are, we will have a lab without expertise. I want to give an example where there is a hospital without doctors in place. You come to seek for medication in a hospital but there are no members of staff.

In budget allocation, if we give proper allocation to the Lands Department towards the GIS lab functionality, we will be able to get it right to hire staff and to put up an office for the same.

When we talk of distribution of teachers versus school population, we will be able to get it right. I realized that the school that visited us today had over 100 plus pupils...

**Mr. Speaker:** For record purposes, class eight only has 502 pupils.

**Hon. Linda Kharakha:** 502 pupils is such a big number. You realize that every stream has about 6 teachers. With this, the school heads and even the Ministry of Education within

Bungoma County can have an informed mind when giving transfers to teachers in regard to population of students to reduce the ration to accommodate their needs.

I will speak about Mukumu Girls; the issue basically has been the population verses the available resources. You realize that the students are many and there are a few toilets, dormitories and support staff that help students in terms of hygiene and general welfare.

I wish that this House moves with speed and sees this as a good area for the Governor to leave a legacy and for this House to be on record that during our 5 years that we were able to put a GIS lab that is functional...

**Mr. Speaker:** Avoid repeating please.

**Hon. Linda Kharakha:** Thank you, Mr. Speaker. Lastly, spatial planning policy guidelines; this is the only way to go because without guidelines, we have misplaced priorities. I second the motion.

*(Applause)*

*(Question Proposed)*

**Hon. Kennedy Wanyama:** Thank you, Mr. Speaker for giving me an opportunity. As I rise to support this motion, I wish to share a few issues on GIS technology. The issue of urban planning dates back to the 19<sup>th</sup> Century when we had breakout of diseases due to congested and dirty cities. Therefore, city planners sat down and realized that when you separate residential areas from industrial areas, you end up improving human health. This is the time that urban planning came into place and since then, city planners have been separating industrial areas from residential areas. Urban planning is a multi-faceted process that involves infrastructure, utility networks and distribution networks. Managing so many variables can be challenging unless you use a modern system and the only way to be able to go around it is by use of the modern GIS technology.

As I conclude, I want to encourage the executive that they invest in operationalizing the GIS laboratory for efficiency. Secondly, the executive also needs to hire technical staff that will then be able to manage this laboratory.

**Hon. Sheila Sifuma:** Thank you, Mr. Speaker. I want to add my voice to GIS conversation by the Committee on Lands and Urban Planning. According to County Government Act, 2012, it indicates that all counties should have a Geospatial Information System. I think we are 10 years behind schedule but it is never too late to start.

I want to start on a point of urging the House to be on the forefront to support this particular initiative. I will move and say counties like Vihiga have done extremely well. Even the

current Governor Otichillo when he was the MP for Emuhaya, he was the best ranking MP for 5 years because of the use of Geospatial Information Systems. This was the case because he used this system in the distribution of CDF in his constituency to be able to know which areas are needier than other areas.

The Geospatial Information System is not only for the lands ministry, but it cuts across all ministries. For example in agriculture, once you map out and know the number of farmers that are in a particular ward, so that by the time you want to distribute fertilizer, you are not held in a tough situation of where to start and finish, because as an Honorable member, you know how many farmers you have in a particular area. Geospatial Information System is Google map, if I can refer to that, it even shows you the tree cover, the vegetation, the roads and you can know exactly where the farmer is and therefore, they cannot lie to you that they come from your ward. Agriculture sector will be a big beneficiary of this system.

It will also be easy for you to locate the number of businesses that you have in your ward and the county in general. Therefore, loss of revenue will be minimal. Actually, GIS will help us increase revenue collection as a county because, there is no person that will be able to evade paying taxes and the County government will surpass its target in revenue collection.

In roads, for example, a particular ward might have 20 kilometre coverage of road, yet the population is high and another area has like 5 kilometre of road coverage; when you use the maps, you can be able to see the road network and know how to budget.

In matters of CIDP, the geo-plans will help us know the areas you prioritize for development. For example; in my Ward, I know most people need electricity more than they need roads, because most businesses close early due to lack of electricity and once electricity is in those areas, they can be able to do businesses for long hours.

As I finalize, GIS will also create jobs for the young people. For GIS to be operational, you have to collect data which informs the system. It is young people that will collect data from all the wards across this county; therefore, it is a job creation mechanism. To manage the data collected, another set of people will be employed, so it is a good job creation tool for the county.

There was a budget for the computers and the laptops. I have not heard a budget for the software unless it is included in the 8 million because only 3 million cannot be enough for a GIS to be up and running. If you can clarify on the budget of the software or have you incorporated any budget for the software, because the software is the most important component for the whole system. I support the report.

*(Applause)*

**Hon. Wafula Waiti:** Thank you Mr. Speaker for allowing me this evening to contribute on this motion. I'm a member of that committee and as you are aware I'm a senior Surveyor in

this county having worked for the last 28 years together with my colleague Hon. Sudi who is also a surveyor and both of us are in this committee.

I rise to support the motion by urging that we need to employ qualified staff to work in this department. For example the 3 surveyors that have been mentioned by the committee are just seconded from the National Government. We don't have our own staff and as a County, we need to reinforce and employ qualified staff.

This system will clearly show the boundaries on the click of a button. But as we stand today, we have many examples that encroach from one place to another. An example in Tongaren Constituency. I don't know who encroached because his ward encroached to Ndalú and even Ndalú encroached to Tongaren whereby Kiminini Sub-Location which...

**Mr. Speaker:** Are you saying we are all encroachers in this House?

**Hon. Wafula Waiti:** I want to put the record clear that if we have this system in place, we shall avoid such anomalies. We have difficulties where we have the national functions like Jamhuri Days, Mashujaa Days where we are invited as political leaders by every Sub-County, where Tongaren will be invited in Ndalú and Ndalú representative will be invited in Tongaren because they have shares.

You come to my Ward, Naitiri and Kabuyefwe are in two different divisions, therefore, I will choose where to go. When this system is put in place, it will clearly show where the boundaries are. By having the GIS lab in place, we shall attract investors, as they will have all the information depending on what they intend to do in our County. All the information will be hosted on this system and it will help investors make informed investment decisions.

The GIS will all increase revenue collection in the County because of the smart system when put in place. I support this motion and urge my colleagues without delay that we approve this motion so that the system is put in place.

*(Applause)*

**Mr. Speaker:** Thank you, Hon. Wafula Waiti. Honorable members, allow me now call Hon. Okasida to respond to the motion.

**Hon. Johnstone Ipara:** Thank you, Honorable Speaker. One thing that humbles me is the knowledge and information Honorable members have on the GIS lab. This informs me of the need that is there on the implementation of the GIS lab in the County. As referred by Hon. Linda, Waiti who is a long experienced Surveyor together with Hon. Sudi who was moving from one point to another with wealthy knowledge in survey, it shows that this particular item if purchased and implemented fully, will bring equality, ensure that there is equitable distribution of the scarce resources and will aid in the development and tracking of those development projects.



It will also bring in efficiency and effectiveness; it will save on time factor. When we talk about time factor, we are also talking about the money that we are able to accumulate in terms of savings and we can transfer that to other use.

Last but not least, on revenue collection; all of us are ever talking about the scarcity of revenue and if we have this system, it will at a click of second and you will be able to know how many people turned to Tongaren market, Kamukuywa market, Kimilili market and how many were in Chwele and what revenue was collected. Therefore, it will also assist in prevention of diversion of the scarce resources.

I want to thank all the Honorable members for speaking positively and identifying themselves with the recommendations of this committee. I want to plead with the members that wholly and all of us we approve the adoption of this report.

*(Applause)*

*(Question for adoption of the motion on the report by the Lands, Urban and Physical Planning Committee put and agreed to)*

*(Applause)*

**Mr. Speaker:** The report is adopted by the House for onward forwarding to the relevant department for implementation purposes.

Members, looking at our item 8 on our Order Paper under Motions; that was the last motion; therefore, the House stands adjourned to next week on Tuesday 25<sup>th</sup> April 2023 at 2:30 p.m.

*(House Adjourns)*