



COUNTY ASSEMBLY OF BUNGOMA

OFFICE OF THE CLERK

BUNGOMA COUNTY

**COMMITTEE ON LANDS, URBAN, PHYSICAL
PLANNING, AND HOUSING**

A REPORT

ON

**IMPLEMENTATION OF HOUSE RESOLUTIONS FOR THE
FINANCIAL YEAR 2022/2023**

Clerks Chambers
County Assembly Buildings
PO BOX 1886,
BUNGOMA, KENYA.

MAY, 2025

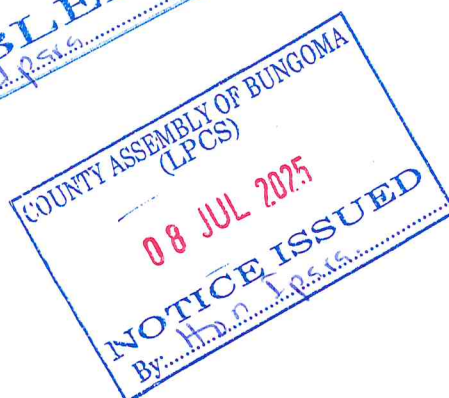


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CHAPTER ONE

1.0 Executive Summary

Hon. Speaker,

Pursuant to Standing Order No. 205(2) of the County Assembly of Bungoma Standing Orders, the relevant County Executive Committee Member under whose portfolio the implementation of the resolution falls, is mandated to provide a report, within sixty days of a resolution of the House or adoption of a report of a Select Committee, to the relevant Committee of the County Assembly in accordance with Article 183 (3) of the Constitution.

Mr. Speaker, since the advent of the third Assembly, the County Assembly has enacted several pieces of legislation, given policy guidelines and directions through committee reports for effective functioning of the executive. These documents, after they had been adopted by this honorable house, were communicated as House resolutions to relevant departments. However, no implementation reports have ever been submitted despite various attempts by the Assembly committees.

It is upon this premise that the county Assembly through the Liaison committee required all sector committees to request for implementation status of the House resolutions for financial year 2022/2023. The reports were to clearly outline actions undertaken, progress achieved, challenges encountered, and timelines for full implementation of both the resolutions and recommendations contained in the adopted reports, as well as the provisions of the enacted county legislatures relevant to the department. Written submissions were brought through the office of the clerk to facilitate interrogation and reporting by the respective committees.

Further, Committees would use this exercise to enhance oversight by making further recommendations on the account of the responses or lack of it by the respective departments through the implementation committee as provided for in County Assembly of Bungoma Standing order No. 212.

Following this directive, the Committee on Lands, Urban Physical Planning and Housing requested for and interrogated four reports for the financial year under review and hereby presents its report for implementation of its recommendations for FY 2022/2023.

It is my pleasant duty to present the committee report to this honorable House, in respect to the department of Lands, Urban Physical Planning, Housing and Municipalities.

1.2 Guiding Constitutional and statutory principles

Mr. Speaker Sir,

The provisions of article 183(3) constitution of Kenya 2010 states that;

The county executive committee shall provide the county assembly with full and regular reports on matters relating to the county.

In line with the oversight mandate granted to the County Assembly under Article 185(3) of the constitution of Kenya, 2010, section 8(1)(b) of the County Governments Act, 2012 and the County Assembly Standing Orders, the County Assembly requested for implementation status reports of the House resolutions for sector committees for financial year 2022/2023.

The committee also carried out this exercise focusing on the provisions of the County Assembly of Bungoma Standing Orders no. 205(1) and (2) on county Assembly resolutions thus;

(1) The Clerk shall, within seven days of a resolution of the House or adoption of a report of a Select Committee, convey the resolution and where applicable, a copy of the report, to the relevant County Executive Committee Member, independent Commission or holder of a Statutory Body under whose portfolio the implementation of the resolution falls.

(2) Within sixty days of a resolution of the House or adoption of a report of a Select Committee, the relevant County Executive Committee Member under whose portfolio the implementation of the resolution falls, shall provide a report to the relevant Committee of the County Assembly in accordance with Article 183 (3) of the Constitution.

Standing Order 212(4); Committee on Implementation states thus;

(4) The Committee shall scrutinize the resolutions of the House (including adopted Committee reports), Petitions and the undertakings given by the County Executive Committee and examine—

- a) *whether or not such decisions and undertakings have been implemented and where implemented, the extent to which they have been implemented; whether such implementation has taken place within the minimum time necessary; and*
- b) *whether or not legislation passed by the House has been operationalized and where operationalized, the extent to which such operationalization has taken place within the minimum time necessary.*

(5) The Committee may propose to the House, sanctions against any Member of the County Executive Committee who fails to report to the relevant Select Committee on implementation status without justifiable reasons.

1.3 Mandate of the committee

Mr. Speaker Sir,

The sectoral Committee on Lands, Urban, Physical Planning and Housing is constituted pursuant to the provisions of Standing Order No. 217 of the Bungoma County Assembly Standing Orders and executes its mandate in accordance with Standing Order No.217(5) which provides that, the functions of a sectoral committee shall be to:-

- a. Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations, coordination, control and monitoring of budget;
- b. Consider quarterly reports of the assigned departments and report to the House within twenty-one (21) sitting days upon being laid;
- c. Study the programme and policy objectives of departments and the effectiveness of the implementation;
- d. Study and review all county legislation referred to it;
- e. Study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- f. Investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
- g. To vet and report on all appointments where the constitution or any law requires the County Assembly to approve, except those under Standing order 208(Committee on Appointments); and
- h. Make reports and recommendations to the County Assembly as often as possible, including recommendations of proposed legislation.

1.4 The membership of the committee

Mr. Speaker Sir,

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

1.	Hon. Francis	Chemion	Chairperson
2.	Hon. Johnston	Ipara	Vice/Chairperson
3.	Hon. Ali	Machani	Member
4.	Hon. James	Barasa	Member
5.	Hon. Aggrey	Mulongo	Member
6.	Hon. Sudi	Busolo	Member
7.	Hon. Hentry	Nyongesa	Member
8.	Hon. Eunice	Kirui	Member
9.	Hon. Edwin	Opwora	Member
10.	Hon. Wafula	Waiti	Member
11.	Hon. Metrine	Nangalama	Member
12.	Hon. George	Makari	Member
13.	Hon. Cornelius	Makhanu	Member
14.	Hon. Mildred	Barasa	Member
15.	Hon. Plycarp	Kimeta	Member

1.5 Acknowledgement

Mr. Speaker Sir.

I take this opportunity to thank the Office of the Speaker and the Clerk of the County Assembly for the logistical support accorded to the Committee as it executed its mandate. My gratitude also goes to all members of the Committee for dedicating their time to interrogate the report on the implementation of the resolutions of the House for the FY 2022/2023.

Mr. Speaker Sir. It is therefore my pleasant duty and privilege, on behalf of the Sectoral Committee on Lands, Urban, physical Planning and Housing, to table this report to the Assembly for consideration and adoption.

Thank you.

Sign.....Date.....

HON. FRANCIS CHEMION, MCA, KAPTAMA WARD
CHAIRPERSON, COMMITTEE ON LANDS, URBAN, PHYSICAL PLANNING AND
HOUSING

CHAPTER TWO

2.0 Analysis of the committee Reports for FY 2022/2023

Mr. Speaker Sir,

During liaison committee meeting, it was resolved that housing resolutions for FY 2022 and 2023 be considered in terms of adherence to the provisions of the law on house resolutions and how far the relevant departments have implemented the recommendations contained in committee reports adopted by the house and forwarded to the department. The following four reports and one legislation with respective recommendations were considered by the committee for interrogation;

1. Report on the Assessment of Implementation status of Kimilili and Bungoma Municipalities since inception
2. Report on the implementation status of spatial plans, land registry and GIS laboratory in the County
3. Report on the Bungoma County Government nine months financial statements FY 2022/23 with respect to the Department of Lands, Urban, Physical Planning and Housing
4. Report on the House Inventory report by the Department of Lands, Urban Physical Planning and Housing.
5. The Municipality of Bungoma and Kimilili Charters

2.1 Interrogation of the implementation status of the house resolutions

On 12th May, 2023, the committee held a consultative meeting with the department of lands, urban physical planning, housing and municipalities to interrogate the implementation status of the committee recommendations of the four reports. The department submitted as follows:

Submission on implementation of Article 183(3) of the constitution

Article 183 (3) of the Constitution provides that the county executive committee shall provide the county assembly with full and regular reports on matters relating to the county.

The standing order no. 205 (2) of the standing orders of County Assembly of Bungoma states that;

Within sixty days of a resolution of the House or adoption of a report of a Select Committee, the relevant County Executive Committee Member under whose portfolio the implementation of the resolution falls, shall provide a report to the relevant Committee of the County Assembly in accordance with Article 183 (3) of the Constitution.

The County Executive Committee Member for Lands, Urban Physical Planning, Housing and Municipalities submitted to the committee that he has always received all the reports from the committee and shared with the officers in the department but did not provide evidence of having forwarded the reports to the assembly.

The committee therefore observes that the CECM failed to adhere to the provisions of the law as stated above on submission of implementation reports to the Assembly.

Submission on implementation of house resolutions for the year under review;

Mr. Speaker Sir, the committee went further to interrogate the implementation of the house resolutions on its recommendations as contained in the four reports and below is the response from the department on the four reports;

1. Report on the Assessment of Implementation status of Kimilili and Bungoma Municipalities since inception

HOUSE RESOLUTION No. 1

THAT the county Government should transfer all the functions to Municipalities as provided for in the Urban Areas and Cities act, 2011 and Article 187(2) of the Constitution to enable the two Municipalities to deliver on their mandate and to offer services to the people. The County Executive Committee Member of Lands, Urban Physical Planning and Housing in consultation with relevant departments within the County to fast-track legislation and delegate functions to Municipalities which should be forwarded to the County Assembly for approval.

Departmental response

The two municipalities have charters which were approved in 2018. They are performing some delegated functions such infrastructural development and maintenance, building plans approval, and building control. They also have their own budgets and implement C.E.F, KUSP I and KUSPII World bank programs.

Further, municipalities are henceforth held accountable for use of resources by the office of Auditor General.

Committee observation

The two municipalities have charters approved in 2018 which were availed to the committee. However, the department did not avail proof of actual transfer of functions to them by the mother department. Therefore, the department should develop specific procedures for transfer of functions and share the same with the committee 90 days from the adoption of this report.

HOUSE RESOLUTION No. 2

THAT all the required personnel by the two municipality Boards should be seconded from various departments in the County Government by the CECM Lands, Urban Physical Planning and housing in consultation with the County Service Board and a report submitted to the Assembly Committee within 90 days after the adoption of this report.

Departmental Response

Currently, the two municipalities have a manager each and own staff deployed.

Committee observation

The staff deployed to the municipalities are not enough. If all functions are transferred, Kimilili municipality will require 80 personnel while Bungoma municipality will require a maximum of 568 staff.

HOUSE RESOLUTION No. 3

THAT the department of Lands, Urban Physical Planning and Housing should prioritize and fill the vacant positions in the Bungoma and Kimilili boards to make the board fully constituted and functional per the requirement of section 14 of the Urban Areas and Cities Act. 2011.

Departmental Response

Municipalities have fully constituted boards, vetted and approved by the Assembly

Committee observation

The two boards are fully constituted but they lack operational budgets. This has hindered board members to effectively carry out their constitutional mandate. The department should consider budgeting for municipality boards in the subsequent financial years.

HOUSE RESOLUTION No. 4

THAT the Municipality management in consultation with the department of Lands, Urban Physical Planning and Housing should fast-track the development of policy, legal and institutional framework for the efficient carrying out of the functions and delivery of the services per section 36 of the Urban Areas Act, 2011.

Departmental Response

Bungoma municipality has progressively prepared and reviewed various policies, legal frameworks, plans and budgets to enhance its functioning and effective service delivery.

Committee observation

The department provided strategic plans and other documents to support this position. However, the committee notes that the strategic plans expired by December, 2024 and need there is need for review.

2. Report on the implementation status of spatial plans, land registry and GIS laboratory in the County

HOUSE RESOLUTION No. 1

THAT the department should come up with a 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 90 days from the adoption of this report.

Departmental Response

The department is in the process of coming up with a GIS policy guidelines. Currently, the department is using the Counsel of Governor's adopted guidelines.

Committee observation

The department has not developed its own GIS guidelines, the guidelines by the counsel of governors were not availed to the committee. The department therefore has not developed its own GIS guidelines. This should be done within 90 days of the adoption of this report and be submitted for approval.

HOUSE RESOLUTION No. 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.

Departmental Response

The department indicated that one Geometric officer has so far been employed.

Committee observation

No evidence was availed to the committee to substantiate the employment of the GIS officer. The committee notes that the GIS equipment has not been installed for lack of office space and enough GIS experts. The department should ensure more staff are sought before purchasing the GIS software.

HOUSE RESOLUTION No. 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.

Departmental Response

The department has drawn a sketch plan for the GIS laboratory in preparation for rollout.

Committee observation

The department did not avail the sketch plan to the committee. The department has not secured space to install the GIS hardware. The committee recommends that the department moves with speed to secure space and install the GIS equipment before embarking on purchasing the software. Progress report should be shared with the committee 30 day of the adoption of this report.

HOUSE RESOLUTION NO. 4

THAT there is 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.

Departmental Response

One officer has been trained in the latest regional training on GIS and remote sensing. Money will be allocated in the 2025/2026 budget to set up a GIS lab. There after, the department will do a need analysis of staff in need of training.

Committee observation

The department has had zero budgets for this activity in the past financial years. The training of one officer co-occurred with the recent regional training on GIS and remote sensing.

The department did not disclose the actual amount projected for the programme. Its therefore recommendaed that the department prioritize training of its officers on GIS and progress report should be submitted to the committee before the commencement of the next financial year.

HOUSE RESOLUTION NO. 5

THAT there is need to carry out land clinics to create awareness on matters related to Land acquisition and use.

Departmental Response

This programme is yet to take off; plans are underway for sub-county clinics which will start in Bumula sub-County.

Committee observation

The department did not provide workplan for the clinics. There are also only two building inspectors in the county who cant carry out this programme across the county.

The committee recommends that more building inspectors and other officers be brought on board for effective running of the land clinics.

HOUSE RESOLUTION NO. 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.

Departmental Response

The department indents to formulate a policy in next financial year 2025/26.

Committee observations

The recommendation was not implemented. The department should implement this recommendation and share progress with the committee 90 days from the adoption of this report.

HOUSE RESOLUTION NO. 7

THAT the department needs an additional allocation of Ksh. 80,000,000 to fully operationalize the GIS laboratory which includes construction of the office block for the laboratory.

Departmental Response

Departmental allocations for the activity has always been removed in subsequent supplementary budgets.

Committee observations

The department did not avail previous budget proposals for the amount in question. The committee recommends that the amount be put in FY 2025/2026 budget with supportive domentation and explanations for consideration.

3. Report on the Bungoma County Government nine months financial statements FY 2022/23 with respect to the Department of Lands, Urban, Physical Planning and Housing

HOUSE RESOLUTION NO. 1

THAT the County Treasury should indicate how much each department receives as exchequer to execute its programmes in both recurrent and development in the subsequent reporting on financial statements.

Departmental response

The department indicated that this is the responsibility of the county treasury.

Committee observation

It was the responsibility of the department to reach out to the sister department on the matter. The department did not make any effort to implore the county treasury to do so. The committee recommends that a follow-up be done by the CECM lands and report progress to the committee 7 days after the adoption of this report.

HOUSE RESOLUTION NO. 2

THAT the department should be submitting its quarterly/annual work plans and detailed budget implementation report together with the financial statements for easy comparison and oversight purposes.

Departmental Response

Not implemented.

Committee observation

The department has not implementated the recommendation and did not give any reason for failure. The committee recommends that the department adheres to this recommendation.

HOUSE RESOLUTION NO. 3

THAT the department should ensure compliance of Regulation 93(5 and 6 of PFM Regulation, 2015 on surrendering imprest and also enhance imprest management system. A holder of a temporary imprest shall account or surrender the imprest within seven working days after returning to duty station.

Departmental Response

Efforts are being made to ensure all officers surrender their imprests and only senior officers are given imprests.

Committee observation

There are cases of unssurrendered imprests still appearing in the department. The committee recommends that the CECM should ensure compliance and file a report with the committee 30 days after the adoption of this report.

HOUSE RESOLUTION NO. 5

THAT the departments should prioritize pending bills, since it is provided for in law that pending bills **MUST** be given first charge. Section 94 (i) of the (PFM) Act, 2012 states that failure to make any payments by the public entity may be an indicator of material breach of measures established under law. To ensure pending bills are paid in time, Article 225 of the Constitution and section 96 of the PFM Act give the treasury powers to stop transfer of funds to the concerned public entity.

Departmental Response

The department has reduced a number in pending bills and efforts are being made to pay the remaining pending bills.

Committee observation

the department has pending bills despite the provision of law that pending bills should be given first charge. The housing directorate has a pending bill of kshs. 935,000, Kimilili Municipality has kshs. 42,271,809 while Bungoma Municipality has 91 million in pending bills.

HOUSE RESOLUTION NO. 6

THAT the department and the two Municipalities must report their expenditures separately for easy oversight and for better monitoring and evaluation of their planned programmes.

Departmental Response

The two entities have separate vote heads and now report separately. They recently appeared before the senate.

Committee observation

The committee observes that though the two municipalities report separately on financial statements and reports, functions are not transferred to them. Most of municipality roles are still spread across departments in the county.

The committee therefore recommends that the department should release all the functions to enable municipalities run effectively and efficiently. Evidence of this should be shared with the committee 90 days after the adoption of this report.

4. Report on the House Inventory report by the Department of Lands, Urban Physical Planning and Housing.

HOUSE RESOLUTION NO. 1

THAT, The department should move with speed in implementing the housing policy to address the current challenges facing the housing sector in Bungoma County. This will help to guide and prioritize the government's efforts towards improving the housing situations in the county.

Departmental Response

The department has developed a housing bill to address the issue raised.

Committee observation

The department did not give evidence to show that a draft bill was in place. The department should share the draft housing bill for pre-publication scrutiny two weeks from the adoption of this report.

HOUSE RESOLUTION NO. 2

THAT, the County Government should enhance public-private partnerships with the private sector to increase access to affordable housing in the County. This is where the private sector provides funding and expertise, while the government provides land and regulatory support.

Departmental response

The department has so far partnered with the national government where 15 acres of land has been given for affordable Housing in Musikoma. Currently, the project is at 35% complete.

Committee observation

The department has not shared with the committee the memorandum of understanding on the said land entered with the national government. The department should therefore disclose the MOU for transparency and accountability.

HOUSE RESOLUTION NO. 3

There should be an increase of budget allocation towards housing to provide adequate funding for maintenance and development of housing infrastructure in the county.

Departmental Response

The department has requested for a budget increment although allocation has been minimal.

Committee observation

The department should hasten in formulating the housing bill which should include a component on housing funding to resolve the impulse on housing.

HOUSE RESOLUTION NO. 4

THAT, the county government should prioritize the improvement of house conditions in order to increase house rent.

Departmental Response

The department has always requested for additional funds for renovations yet limited funds are available.

Committee observation

The committee holds that the directorate of housing has been undefunded and the department should take deliberate action to increase funding to the directorate which happens to be a source of revenue for the county.

HOUSE RESOLUTION NO. 5

The County directorate of Housing should access AIA(Appropriation in Aid) to help in enforcing rent collection policies, to conduct regular assessments and repairs of housing conditions and ensure safe and healthy living environment.

Departmental Response

The department wrote a request to the cabinet but has not received any response yet.
Co mmittee observation

The housing bill drafted by the department should address this matter of access to AIA.

HOUSE RESOLUTION NO. 6

THAT, the department of lands, Urban, Physical Planning and Housing should expedite in conducting monthly inspections and maintenance of housing units which can help ensure that they are safe and habitable for residents.

Departmental Response

The department on normal basis carries out monthly inspections. However, with minimal finances.

Committee observation

The did not provide proof of the monthly inspections it carries out in maintenance of housing units in the county. The committee reiterates that the department submits an inspection report for the last financial year 90 days from the adoption of this report.

HOUSE RESOLUTION NO. 7

THAT, the department of lands should share with the committee the guiding policy being used in allowing the demolition and conversion of County Houses by other departments to uses other than what they were constructed for.

Departmental Response

Physical and Land use planning Act No. 13 of 2019 allows for change of land use or provides for change of land use.

Committee observation

The committee states that this is no reason enough to warrant demolition and change of use of government houses. The department must develop a guideline to safeguard county government houses. Progress report on the guidelines should be shared with the committee 90 days after the adoption of this report.

5. Departmental implementation of Kimilili and Bungoma Municipality Charters

Departmental Response

The department is waiting for funds to review the Charters

Committee observation

The committee observes that review of the charters is long over due since the national government reviewed the Urban Areas and Cities Act in 2019. The two municipalities should move with speed to review their charters and share progress report with the committee within 90 days from the adoption of this report.

CHAPTER THREE

3.0 COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

3.1 COMMITTEE OBSERVATIONS

1. The CECM failed to submit implementation reports to the Assembly and the committee in particular as prescribed by article 183(3) of the Constitution read together with Standing order no. 2025 (2) of the county Assembly of Bungoma Standing Orders.
2. The efforts by the committee to compel the department to transfer functions to the two Municipalities is faced with a multifaced challenges including lack of specific procedure for transfer of functions.
3. The two boards of the municipalities lack funds for operations. This has made it difficult for the boards to effectively carry out their functions.
4. The department has budgeted funds for construction of a GIS lab in the coming financial year. A need analysis of the staff and staff training should be prioritized.
5. The two municipalities need to do due diligence to review their charters in view of the amended Urban Areas and Cities Act, 2019.

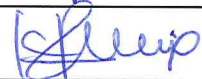
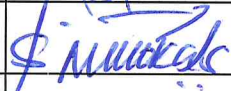
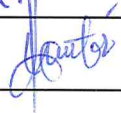
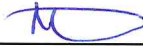
4.2 COMMITTEE RECOMMENDATIONS

The committee therefore recommends that the County Executive Committee Member for lands, urban physical planning, housing and municipalities should adhere to the house resolutions and the timelines recommended by the committee in this report.

In case of any failure, the committee will forward the matter to Assembly Implementation committee as stipulated in the County Assembly of Bungoma Standing Order no. 212(5).

ADOPTION SCHEDULE

We, the members of Lands, Urban, Physical Planning and Housing committee hereby append our signatures adopting this report with its recommendations.

No	Name	Designation	Signature
1.	Hon. Francis Chemion	Chairperson	
2.	Hon. Johnston Ipara	Vice/Chairperson	
3.	Hon. Ali Machani	Member	
4.	Hon. James Barasa	Member	
5.	Hon. Eunice Kirui	Member	
6.	Hon. Sudi Busolo	Member	
7.	Hon. Hentry Nyongesa	Member	
8.	Hon. Mildred Barasa	Member	
9.	Hon. Edwin Opwora	Member	
10.	Hon. Wafula Waiti	Member	
11.	Hon. Aggrey Mulongo	Member	
12.	Hon. George Makari	Member	
13.	Hon. Cornelius Makhanu	Member	
14.	Hon. Metrine Nangalama	Member	
15.	Hon. Polycap Kimeta	Member	