

21 JUL 2025

COUNTY GOVERNMENT OF BUNGOMA

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COUNTY ASSEMBLY OF BUNGOMA
OFFICE OF THE CLERK

THIRD ASSEMBLY
FOURTH SESSION

COMMITTEE ON LANDS, URBAN, PHYSICAL PLANNING AND HOUSING

RESPONSE TO THE STATEMENT RAISED BY HON. JEREMIAH KULOBU IN
RELATION TO ILLEGAL/IRREGULAR CONSTRUCTION OF BUILDING ALONG
KITINDA ROAD OPPOSITE HUDUMA CENTRE WITHIN TOWNSHIP WARD

Clerk's Chambers
County Assembly Buildings
P.O BOX 1886 - 50200
BUNGOMA, KENYA

JULY, 2025

Honorable Speaker,

The County Assembly of Bungoma Standing Order No. 54 (b) provides that the Chairperson of a Committee shall submit a report to the House on Questions replied to by the relevant CECM.

Honorable Speaker

On Wednesday 25th June, 2025 at 2:30 p.m., Hon. Jeremiah Kuloba requested, through a statement to the Chairperson Committee on lands, urban, physical planning and Housing for a response in relation to the general procedure of approvals and also state of the buildings currently under construction along Kitinda Road, opposite Huduma Centre within Bungoma Township.

In the response, the Chairperson was supposed to elaborate on the following;

1. Whose mandate is it to approve architectural buildings within the county and what role does the county director of physical planning play in the process?
2. Whether the building approval process of building currently under construction along Kitinda Road, huduma centre within Bungoma township was followed before commencement of construction.
3. Disclose the plot number and identify the owner(s)
4. The amount paid as fees.
5. Any other relevant documents relating to the subject matter.

Honorable Speaker,

The Hon. Speaker directed under Standing Order No. 52 (a) that the Committee on lands, physical planning and housing liaises with the respective County Department and provides a response to the Honorable Member during the plenary session for Wednesday 9th July, 2025 at 2:30 p.m.

The Committee, during its sitting held on 30th June, 2025, deliberated on the statement under consideration and resolved to seek for formal responses from the County Executive

Committee Member (CECM) for Lands, Urban, Physical Planning and Municipalities through the Office of the Clerk vide letters referenced CAB/CC/SECT/8 VOL.IV (38).

Honorable Speaker,

The Consultative meeting was to be held on Monday, 7th July, 2025 at 2:00 p.m. but the CECM was away on official duty. The committee in following the provisions of Standing Order No. 54 provided a progress report to this honorable house and sought more time to engage with the CECM. Consequently, the committee held a consultative meeting with the CECM in the presence of the statement owner on 10th July, 2025 a response was provided as follows:

1. **Whose mandate is it to approve architectural building within the county and what role does the county director of physical planning play in the process?**

PLUPA section 57(1) grants powers to the County Executive Committee Member to approve development applications. These powers are not limited to building plans only ,but also to change of users ,extensions of users, subdivisions, amalgamations, lease renewals and extensions, as per the definition of development in the Act.

SECTION 20 of PLUPA outlines roles of County Director of Physical and Land Use Planning As relates to development approval process, they include;

- a) Formulating county physical and land use planning policies, guidelines and standards;
- b) Preparation of local physical and land use development plans;
- c) Recommending to the county government the establishment of planning units as may be necessary;
- d) Communicating decisions of the county government on development applications;
- e) Issuance of development permission and other development control instruments with the approval of county executive committee member;

Status: satisfactory

2. Whether the building approval process of buildings currently under construction along Kitinda Road Huduma Centre within Bungoma Township was followed before commencement of the construction.

The said road should be **Mukavo Road**. Many of the building have followed due process of approval. One development still under constructions though, had initially not followed due process of approval. An enforcement notice was issued to the developer, **Jared Nyikuli**. The developer complied and amended proposal which was approval as per annexed.

3. Disclose the plot number and identity of the owner(s)

Mukavo road has one active construction site. The plot is registered as **Bungoma Municipality /790 to John Nandasaba Masoli** as per official search. Part of it is however leased to the current developer.

4. The amount paid as fees.

The developer application fees levied were provided and upon scrutiny, the owner of the statement was satisfied.

5. Any other relevant documents relating to the subject matter.

Copies of referenced documents were provided and upon perusal, the owner was satisfied.

Honorable Speaker,

From the deliberations the Committee made the following observations:

1. The Member who sought the statement expressed satisfaction with the responses provided.
2. The land under consideration is part of the lands mentioned in the taskforce report on Bungoma County Government land inventory currently under committee investigation.

I submit

Sign..........Date.....17/7/2025.....

HON. FRANCIS CHEMION–MCA, KAPTAMA WARD

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