



COUNTY ASSEMBLY OF BUNGOMA OFFICE OF THE CLERK

THIRD ASSEMBLY

SECOND SESSION

**REPORT OF THE COMMITTEE ON JUSTICE, COHESION AND
LEGAL AFFAIRS ON THE PETITION BY EMONYO YEFWE
INTERNATIONAL ON MARKET CONSTRUCTION FOR
MOBILE TRADERS AT DINAH FLYOVER WEBUYE.**

Clerks Chambers
County Assembly Buildings
P.O BOX 1886 - 50200

NOVEMBER, 2023

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CHAPTER ONE

1.0. INTRODUCTION

1.1. BACKGROUND

Mr. Speaker Sir,

On behalf of the members of the Committee on Justice, Cohesion & Legal Affairs, I hereby present to this House; the Committee's report on the Petition by Emonyo Yefwe International on market construction for mobile traders at Dinah fly over which was tabled on 12th September 2023 and committed to Committee on Justice, Cohesion & Legal Affairs for processing and reporting back to the house.

1.2. COMMITTEE MEMBERSHIP

Mr. Speaker Sir, the Committee on Justice, Cohesion & Legal Affairs as currently constituted comprises the following Members;

1. Hon. Jacob Psero	Chairperson
2. Hon. Everlyne Anyango	Vice chair person
3. Hon. Jeremiah Kuloba	Member
4. Hon. Edwin Opwora	Member
5. Hon. Sheila Sifuma	Member
6. Hon. Idd Owongo	Member
7. Hon. Timothy Chikati	Member
8. Hon. Everlyne Mutiembu	Member
9. Hon. George Makari	Member
10. Hon. Francis Chemion	Member
11. Hon. Linda Kharakha	Member

1.3. THE MANDATE OF THE COMMITTEE

Mr. Speaker Sir, the mandate of the Committee is outlined in Standing Order 213& 225(1)(2) as follows:

- a) Carry out matters of Constitutional affairs, administration of Law and Justice, including ethics, integrity, elections and human rights; and all petitions save for Petitions under Standing Order 78(5);
- b) Monitor and promote measures relating to policy and program initiatives in pursuit of Peace and County cohesion.
- c) Investigate, inquire into and report on all matters relating to inter-community cohesion in the County.
- d) Monitor and promote measures designed to enhance the equalization of opportunities and improvement in the quality of life and status of all persons, including persons who are marginalized on the basis of gender, age, disability, health status, ethnic, racial, cultural or religious background or affiliation or any other such ground.
- e) Investigate, inquire into and report on all matters relating to discrimination or marginalization of persons referred to under sub-paragraph(d);
- f) Make proposals to County Assembly including Legislative proposals for the protection, equalization of opportunities and promotion of the welfare of the groups referred to under sub paragraph (d) and
- g) Examine the activities and administration of all County Departments and statutory bodies in so far as they relate to the rights and welfare of the persons referred to under subparagraph (d)

Standing Order 225

(1) Every Petition presented or reported pursuant to this part, shall stand committed to Justice, Cohesion and Legal Affairs Committee

(2) Whenever a Petition is committed to Justice, Cohesion and Legal Affairs Committee, it shall in not more than sixty Calendar days from the time of reading the prayer, respond to the petitioner by way of a report addressed to the petitioner or petitioners and laid on the Table of the House and no debate on or in relation to the report shall be allowed, but the speaker may, in exceptional circumstances, allow comments or observations in relation to the petitions for not more than twenty minutes.

Mr. Speaker Sir, Pursuant to the provisions of Standing Order No. 225, the Committee on and Justice, Cohesion & Legal Affairs Committee discussed and examined the petition and hereby present the report with recommendations to this House for deliberation and approval.

1.4 ACKNOWLEDGEMENT

Mr. Speaker Sir, may I take this opportunity to thank the offices of the Speaker and Clerk of the County Assembly for their logistical support that made this exercise a success.

I also appreciate the Honourable Members and secretariat of the Committee for their commitment and dedication to process the petition by Emonyo Yefwe International on market construction for mobile traders at Dinah fly over.

Further, I thank the petitioner and the respondents invited by the committee for providing crucial information that enriched this report.

Mr. Speaker Sir, it is therefore my privilege, on behalf of the Committee on Justice, Cohesion & Legal Affairs to present the report to the County Assembly for debate and adoption.

Signed.....  Date..... 27/11/2023

HON.JACOB PSERO MARUGAA

MCA CHESIKAKI

CHAIRPERSON JUSTICE , COHESION AND LEGAL AFFAIRS

CHAPTER TWO

2.0 LEGAL BASIS FOR PETITIONS TO COUNTY ASSEMBLY

Mr Speaker Sir,

The following are legal basis of Petitions to County Assembly

i. The Constitution of Kenya 2010

Article 37 outlines that every person has the right, peaceably and unarmed, to assemble, to demonstrate, to picket, and to present petitions to public authorities.

ii. The County Government Act No. 17 of 2012

Right to Petition to County Assembly

Section 15(1) states that a person has a right to petition a County Assembly to consider any matter within its authority, including enacting, amending or repealing any of its legislation.

Section 15(2) further states that each County Assembly shall prescribe a procedure for exercising the right under subsection (1).

iii. Petition to County Assemblies (Procedure) Act No. 15 of 2020

Consideration of a petition

Section 5(1) states that the Clerk shall, if satisfied that the petition meets the requirements specified under this Act, forward the petition to the Speaker for reporting in the County Assembly.

Section 5(2) further states that a petition that is reported in a County Assembly under this Act shall be considered in accordance with the Standing Orders of the County Assembly.

iv. The Bungoma County Assembly Standing Orders

Section 223(1) states that a Petition to the County Assembly shall be

- (a) Submitted to the Clerk by the Petitioner and reported to the House by the Speaker or
- (b) Presented by a member on behalf of the Petitioner, with consent of the Speaker.

Section 225 (1) continues by stating that every Petition presented or reported pursuant to this part, shall stand committed to Justice, Cohesion and Legal Affairs Committee.

EXECUTIVE SUMMARY

Petition by Emony Yefwe International on market construction for mobile traders at Dinah fly over was tabled on the floor of the House on 12th September 2023 by the Speaker and Committed to Committee on Justice Cohesion and Legal Affairs for processing pursuant to the provisions of the Bungoma County Assembly Standing Order number 213(a) as read together with Standing Order number 225(1). The petitioners were invited and appeared before the Committees on 2nd October 2023 presenting both oral and documentary evidence. The respondents to the Petition were invited and appeared before the Committee on 16th October, 2023 .While writing the report the Committee considered both parties evidence in coming up with the observations and recommendations.

CHAPTER THREE

3.1 Verbatim Submitted Petition

We, the undersigned, are officials of **Emony Yoefwe international** a civil society dealing with policy advocacy on climate change and monitoring Implementation of Agenda 2030. Member civil society engagement mechanism for UHC 20230 and human rights defender and members of Dinah business community.

DRAW the attention of the County Assembly of the failure by the county government of Bungoma to urgently acquire land towards market construction at Dinah junction, Webuye.

That, The Kenya Transport Sector support project which funded the construction of the Webuye Interchange closed on December 13, 2019.

That, before the project closure Bungoma County Government committed to the funders of having identified a suitable plot close to the Webuye Interchange for the development of appropriate market stalls (closed+ open shops).

Whereas, the project management had informed the affected community to an understanding, that a market shall be built at a cost of Kshs 50million

That, the market construction was to transition and relocation of the mobile traders at the Webuye interchange area

That, the land was anticipated to be available by end of September, 2019, and KENHA was to provide the funds, design, construct the market within 4 months, after the land had been made available.

That, the Bungoma County Government informed the project management to have fully paid for the land and processing of the land title deed finalized on March 4, 2020 next to the Interchange.

That, design of the market had been expected to commence on March 16, 2020 and was to take approximately one month to complete.

That, Small and medium level businesses have been the driving force behind Dinah economy and yet, their interests and support was not taken into the account during the design stage and actual construction of the Webuye Interchange.

That, there was total lack of effective and inclusive engagement, leaving the Dinah community in darkness after the project closure

That, there was clear evidence from the disclosure meeting for the RAP Implementation Audit report by Panafcom Ltd. At Minata hotel, on 25/2/2020, that concerns of this group had never been captured and addressed by both Panafcom and KeNHA staffs.

Therefore, it is our considered opinion that, it is now 2023, and the construction which was to be completed in 2020, nothing has been done so far.

However, since the completion for allocation of stalls to beneficiaries was to be done within four months after closure of the project we felt it necessary to draw your attention on the matter, almost four years later.

That, rights of vendors, traders and entire community was violated, without psychologically and mentally being prepared, through awareness raising actions.

That, in 2018 we did request the inspection Panel of the World Bank to inspect the project after making several observations and raised the concerns.

That, the concerns related to the impact from the construction of the Webuye interchange, about impact on the environment, community health and safety, livelihoods and labour conditions, as well as a lack of consultation and raised concerns

That, the concerns related to the impact from the construction of the Webuye interchange, about impact on the environment, community health and safety, livelihoods and labour conditions, as well as a lack of consultation and information disclosure.

That, the Inspection Panel intervention led to a fresh Resettlement Action Plan (RAP) audit, expanded to include identification of mobile traders who were active in the area by the cut-off date, and small business owners who were not appropriately compensated for business disruption due to adverse impact on their livelihoods.

That, the audit identified 52 mobile traders and 13 small businesses that had been excluded in the original RAP and were to be compensated for disruption of businesses

That the small businesses got compensated with cash, while the 52 mobile traders, were to benefit after construction of the market

That, these failures constituted human rights violations and did not help achieve the projects objective to increase efficiency of road transport along the Northern Corridor.

That, the delay to construct the market goes against the spirit of the pledge to “leave no one behind” relates closely to three important dimensions of the 2030 Agenda; poverty, inclusiveness and inequality.

That the Bungoma CECM for Lands, urban/physical planning, housing and Municipalities, has issued a notice to demolish temporary structures within Webuye town.

That the action will adversely affect the mobile traders at Dinah Junction, who operate on the road side and are supposed to relocate once the market facility, is available.

Therefore, we demand for the market facility to be constructed as fast as possible.

We demand for the concerned department to show us the public participation records done in 2019 for the budgeting for land purchase at Dinah Interchange and show up the construction of the market, as we prepare to relocate.

We request for the County Assembly to investigate the delay in construction of the market, come to the rescue of the mobile traders at Dinah junction and ensure the process is peaceful as the project funders gave out money for construction of the market close to the Webuye interchange, which has not been done up to today.

Thus, your Petitioners pray.

3.2 PETITIONERS SUBMISSIONS

The petitioners were invited and appeared before the Committee on 2nd October 2023

The petitioners informed the committee that they had made efforts to have the matter addressed by His Excellency the Governor in form of a letter dated 9th October 2018 and a reminder dated 4th October 2021. The petitioner also stated that they had not received any response to that effect and that is why they resorted to the Assembly via the petition.

In compliance to Standing Order No. 220(g) the petitioner indicated to the committee that the matter was not pending before any court of law or other constitutional or legal body

The petitioner requested the Committee to investigate if there was **an allocation for the purchase of land for the market at Dinah, Matulo ward** in the financial year 2018/2019 and 2019/2020 budgets.

They also asked the concerned departments to **avail records of public participation** by the Dinah Community of the same.

They added that the interchange was on Webuye-Kitale road, yet the construction is on Webuye-Bungoma road and wondered why the design was changed.

Dinah junction is vibrant and requires a modern market, so the County should get land within the required proximity.

They further stated that the contractor failed to provide roadside facilities at Dinah during design stage as implemented in Misikhu, Kamukuywa, Sikhendu and Kiminini.

3.3 RESPONSE FROM CECM-LANDS, URBAN/PHYSICAL PLANNING, HOUSING & MUNICIPALITIES

The CECM and Chief Officer Lands, Urban, Physical Planning, Housing and Municipalities appeared before the Committee on 16th October, 2023

They informed the committee as follows:

On the agreement between KeNHA and County Government regarding purchase of land close to Dinah Flyover for construction of a market

The Respondent replied that there was no written agreement to the department's knowledge apart from minutes of the several meetings the parties held (County government being represented by CECM Trade)

Status of budget allocation for construction of Dinah Market in Webuye

The CECM added that there was no any budgetary allocation for the construction of Dinah Market in Webuye as markets are under the department of Trade. However, they had information that KeNHA had a budget for the same under the Community Social Responsibility (CSR).

Copy of the title deed for the land

The respondent informed the Committee that there is no land at the Dinah junction set aside for the market.

The CECM further stated that:

1. There was no land available at the Dinah junction which KeNHA could utilize to settle the traders, but the department of Trade in consultation with Ward

leadership handed land next to Catholic Church Webuye to KeNHA and the market has been constructed awaiting hand over to the County.

2. The department of lands, urban/physical planning, housing & municipalities facilitated the process of acquiring land for the construction of public toilet by department of Health at the Dinah junction, which has been done by KeNHA. The Public toilet facility is currently in operation under the overall management of the department of Health.
3. There is no budget that has been set aside for acquisition of land at Dinah junction.
4. There is a market being constructed by KeNHA near Catholic Church, which is 500 metres from Dinah Junction.
5. The county government provided land for construction of toilets and street lighting at Dinah junction.

3.4 FACT FINDING REPORT

After receiving views of the petitioner, CECM and Chief Officer, the committee saw it fit to ascertain facts on the ground. The committee organized and carried out fact finding mission on 23rd October, 2023 at Dinah Junction and Market constructed near Catholic Church.

The committee found out that:

- The public toilet, water kiosk and street lighting had been implemented contrary to what was stated by the petitioner.
- Many traders still operate around the flyover.
- On inquiry of the availability of land around Dinah Junction, it was clear that there is no land nearby for market construction..

- KeNHA has constructed a market near Catholic Church Webuye and it is almost complete as it was only awaiting water and electricity supply.
- It was found that the market occupied the land that had been acquired by Ward Leadership under Ward Based Projects.
- The market will serve the residents of Webuye including those at Dinah Junction.

It was noted that there was agreement between the Ward leaders for the market to be built near Catholic Church which is located at Maraka Ward and the Water Kiosk, Public toilet and street lights be installed at Dinah Junction which is in Matulo Ward

3.5 RESPONSE FROM THE CECM TRADE, ENERGY AND INDUSTRIALIZATION

The committee requested for documents from the department of Trade, Energy and Industrialization on issues regarding the petition the response was as follows;

- 1) On the agreement between KenHA and the County Government regarding purchase of land close to Dinah fly over for construction of market they responded by saying there was no agreement between KenHA and County Government as no land was purchased close to Dinah flyover for construction of a market.
- 2) On the status of budget allocation for the construction of Dinah Market in Webuye, the departments response was they did not have budget allocation for construction of a market close top Dinah flyover in Webuye, However, the department of Health and Sanitation acquired land adjacent to Dinah interchange round-about plot No. Ndivisi/Khalumuli 3818(0.06Ha) at cost of

Kshs. 600,000, the land holds ablution block and a water kiosk. The construction of the two facilities was done by KenHA.

- 3) On the name of the contractor, the department stated that the projects were done by KenHA who brought the contractor on board
- 4) On the issue of bill of quantities (BQs) and minutes of the meetings, their response was that BQs and minutes were done and kept by KenHA. Trade department does not have copies
- 5) On the matter of Compensation of small businesses and mobile traders, the response was that KenHA wanted to construct a modern market shed close to Dinah interchange flyover as compensation for small traders/mama mboga due to disturbance /displacement caused by the construction of the interchange but they could not find enough space/land. KenHA only managed to construct the Ablution block and water kiosk on small parcel availed by the department of Public Health.
- 6) On the status of water kiosk, public toilets and street lights at the Dinah flyover. The response was that the water kiosk is being managed by mama mboga women group operating their small trade at the interchange.

Public toilets-The public toilets are being managed by matatu administrator SACCO operating their Matatu business at the interchange.

Street lights-the installed street lights along interchange in Webuye were done by KeNHA and were later handed over to the Department of Trade, Energy and Industrialization for maintenance and payment of electricity bills. The installed lights are 1 high mast and 3 8m grid street lights interconnected to the 3KPLC meter box mounted on the ground.

3.6 RESPONSE FROM KeNHA ENGINEER KAKAMEGA

Markets are constructed by KenHA as part of CSR at a period specified in the agreement most prefer land to be availed by the government, after the period has lapsed and no land is made available the money is taken back to the fund also all the projects accounts are audited.

CHAPTER FOUR

COMMITTEE GENERAL OBSERVATIONS AND RECOMMENDATIONS

4.1 GENERAL OBSERVATIONS

Mr. Speaker Sir, the committee observed as follows:

1. County Government through Ward leadership provided land where KeNHA constructed the market near Catholic Church in Webuye.
2. The Department of Health and Sanitation acquired land adjacent to Dinah interchange round-about for construction of public toilet and water kiosk.
3. The Public toilet block at Dinah Junction was constructed as part of Community Social Responsibility package, is operational and serving the public.
4. The Street lights were installed and operationalized at Dinah junction.
5. Many traders are still carrying out their businesses at Dinah Junction.
6. KeNHA carried out Public Participation on the construction of the new Market and compensated valid traders.

4.2 GENERAL RECOMMENDATIONS

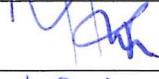
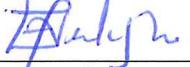
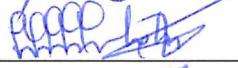
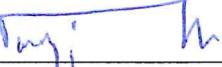
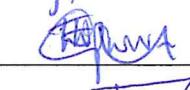
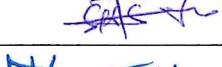
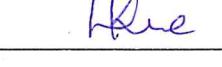
1. The Catholic market completion and operationalization should be expedited.
2. There should be thorough vetting of Dinah Junction traders to identify genuine ones.
3. The department of Trade, Energy and Industrialization should give priority to Dinah junction traders in allocation of stalls at the new market near Catholic Church Webuye.

PETITIONER'S PRAYERS

Based on the Committee Observations and Recommendations the Petition is hereby dismissed.

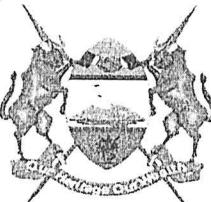
ADOPTION SCHEDULE

We the undersigned members of the Committee on Justice, Cohesion and Legal Affairs do append our signatures adopting this report with the contents therein.

N.O	NAME	DESIGNATION	SIGNATURE
1.	Hon. Jacob Psero	Chair person	
2.	Hon. Everlyne Anyango	Vice chair person	
3.	Hon. George Makari	Member	
4.	Hon. Francis Chemion	Member	
5.	Hon. Everlyne Mutiembu	Member	
6.	Hon. Jeremiah Kuloba	Member	
7.	Hon. Timothy Chikati	Member	
8.	Hon. Edwin Opwora	Member	
9.	Hon. Sheila Sifuma	Member	
10.	Hon. Idd Owongo	Member	
11.	Hon. Linda Kharakha	Member	

① *DCI*
T.P.A
6/9/23

Copy for scheduling
Copy for 6/9/23



Justice
Legal C.Off

RECORDS SECTION
COUNTY ASSEMBLY OF BUNGOMA

06 SEP 2023

RECORDS SECTION
COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY OF BUNGOMA

Telephone: 055-2030854/055-2030309

Email: bungomacountyassembly@gmail.com / info@bungomaassembly.go.ke

P.O. BOX 1886-50200
BUNGOMA, Kenya

OUR REF: BCA/LEG/9 VOL.III (109)

INTERNAL MEMO

TO : THE CLERK
FROM : THE LEGAL DEPARTMENT
DATE : 6TH SEPTEMBER, 2023

**SUBJECT: LEGAL OPINION ON THE PUBLIC PETITION BY
EMONYO YEFWE INTERNATIONAL ON MARKET
CONSTRUCTION FOR MOBILE TRADERS AT DINAH FLYOVER**

The above matter refers:-

The petition was first duly received on 31st March, 2023. The said petition did not meet the threshold as per the County Assembly Standing Order No. 220

An opinion of Reference; CA/LEG/9 VOL.III (106) was made which advised the petitioners to comply with the mentioned Standing Order.

An addendum was received on 4th September, 2023 and which clarified the issues not addressed earlier.

We have scrutinized the petition and the addendum and our opinion is that the petition complies with the constitution of Kenya, 2010, the relevant enabling legislation and the County Assembly of Bungoma Standing Orders.

Therefore, the petition should be processed by the House.

Yours sincerely,



EVANS MANGARA

FOR PRINCIPAL LEGAL COUNSEL

COUNTY ASSEMBLY OF BUNGOMA.



EMONYO YEFWE INTERNATIONAL

"Putting Climate Change on the Agenda of Policy Makers & Business"

THE BUNGOMA COUNTY ASSEMBLY PUBLIC PETITION

31/3/2023

COUNTY ASSEMBLY OF BUNGOMA

31 MAR 2023

BY EMONYO YEFWE INTERNATIONAL ON REF: MARKET CONSTRUCTION FOR MOBILE TRADERS AT DINAH JUNCTION, WEBUYE

Kenya Transport Sector Support Project (P124109) and its Additional Financing (P146630)

We, the undersigned, are official of **Emonyo Yefwe International** a civil society dealing with policy advocacy on climate change ,and monitoring Implementation of Agenda 2030. Member civil society engagement Mechanism for UHC2030. And human rights defender. And Members of Dinah business community .

DRAW the attention of the county assembly of the failure by the county government of Bungoma to urgently acquire land towards market construction at Dinah Junction, Webuye.

That, The Kenya Transport Sector Support Project which funded the construction of the Webuye Interchange closed on December 13, 2019.

That, before the project closure Bungoma County Government committed to the funders of having identified a suitable plot close to the Webuye Interchange for the development of appropriate market stalls (closed + open shops).

Whereas, the project management had informed the affected community to an understanding, that a market shall be built at a cost of Kshs.50million.

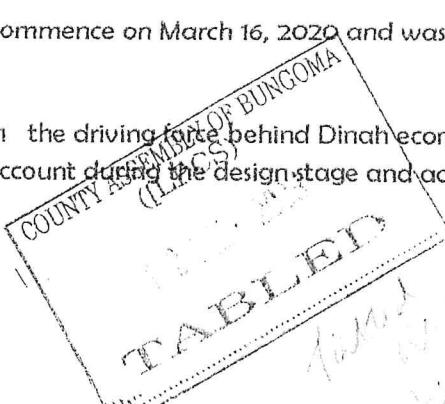
That, the market construction was to transition and relocation of the mobile traders at the Webuye interchange area.

That, the land was anticipated to be available by end of September, 2019, and KeNHA was to provide the funds, design, construct the market within 4 months, after the land had been made available.

That, The Bungoma County Government informed the project management to have fully paid for the land and processing of the land title deed finalized on March 4, 2020, next to the Interchange.

That, design of the market had been expected to commence on March 16, 2020 and was to take approximately one month to complete.

That, Small and medium level businesses have been the driving force behind Dinah economy and yet, their interests and support was not taken into account during the design stage and actual construction of the Webuye Interchange.





EMONYO YEFWE INTERNATIONAL

"Putting Climate Change on the Agenda of Policy Makers & Business"

PUBLIC PETITION

BY EMONYO YEFWE INTERNATIONAL ON REF: MARKET CONSTRUCTION FOR MOBILE TRADERS AT DINAH- FLYOVER.

That, there was total lack of effective and inclusive engagement, leaving the Dinah community in darkness after the project closure.

That, there was clear evidence from the disclosure meeting for the RAP Implementation Audit report by Panafcom Ltd. at Minata hotel, on 25/2/2020, that concerns of this group had never been captured and addressed by both Panafcom and KeNHA staffs.

Therefore, It is our considered opinion that ,it is now 2023, and the construction which was to be completed in 2020, nothing has been done so far .

However, since the completion for allocation of stalls to beneficiaries, was to be done within four months after closure of the project we felt it necessary to draw your attention on the matter, almost fours later.

That, rights of vendors, traders and entire community was violated , without psychologically and mentally being prepared, through awareness raising actions.

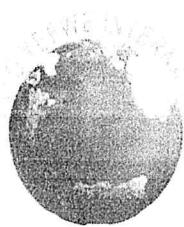
That,In 2018 we did request the Inspection Panel of the world Bank to inspect the project after making several observations and raised the concerns.

That,the concerns related to the impact from the construction of the Webuye interchange, about impact on the environment, community health and safety, livelihoods and labor conditions, as well as a lack of consultation and information disclosure.

That,the Inspection Panel intervention led to a fresh Resettlement Action Plan (RAP) audit , expanded to include identification of mobile traders who were active in the area by the cutoff date, and small business owners who were not appropriately compensated for business disruption due to adverse impact on their livelihoods.

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That, these failures constituted human rights violations and did not help achieve the Project's objective to increase efficiency of road transport along the Northern Corridor.

That, the delay to construct the market goes against the spirit of the pledge to 'leave no one behind', relates closely to three important dimensions of the 2030 Agenda: poverty, inclusiveness and inequality.

That, the facility was to build the resilience of the poor and vulnerable; access to employment; and expanding infrastructure with a focus on affordable and equitable access for all.

That, the Bungoma CECM For lands, urban/ physical planning, housing and Municipalities, has issued a notice to demolish temporary structures within Webuye town.

That, the action will adversely affect the mobile traders at Dinah Junction, who operate on the road side and are supposed to relocate once the market facility is available ..

Therefore, we demand for the market facility to be constructed as fast as possible.

We demand for the concerned department to show us the public participation records done in 2019 for the budgeting for land purchase at Dinah Interchange and show us the acquired land as communicated to the project management team .

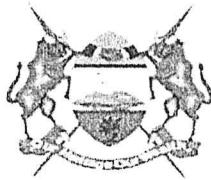
We demand for protection from harassment as we wait for speeding up the construction of the market, as we prepare to relocate.

We request for the assembly to investigate the delay in construction of the market, come to the rescue of the mobile traders at Dinah Junction, and ensure the process is peaceful , as the project funders gave out the money for construction of the market close to the Webuye interchange, which has not been done up to today.

Thus, your Petitioner's Prays,

- 1.ROSLEYNE NAMBUYE WANJALA-- 0710431833 *R. Nambuye*
2. SUSY NASIPWONDI - 0710840457 *S. Nasipwondi*
3. LUKE KAPCHANGA— 0733998526 *L. Kapchanga*
4. BRIAN MUKHONGO -- 0708476341 *B. Mukhongo*





COUNTY ASSEMBLY OF BUNGOMA

OFFICE OF THE CLERK

Telephone: 0202651905/0208000663
Email: info@bungomaassembly.go.ke
Web: www.bungomaassembly.go.ke

P.O. BOX 1886-50200,
BUNGOMA, Kenya

OUR REF: BCA/LEG/9 VOL.III (106)

10th August, 2023

The Petitioner,
Emonyo Yefwe International
P.O BOX 1127-50205
BUNGOMA
Phone: 0733998526/0710431833

Attention: Mr. Luke Kapchanga

Dear Sir/Madam

RE: PETITION ON MARKET CONSTRUCTION FOR MOBILE TRADERS AT DINAH FLYOVER

The above subject matter refers.

Our legal team has reviewed the petition and noted that it does not disclose whether:

- a) Any efforts have been made to have the matter addressed by relevant body pursuant to the provisions of Standing Order 220(f) of the County Assembly of Bungoma Standing Orders.
- b) This matter is pending before any court of competent jurisdiction as stipulated in standing Order 220(g) of the County Assembly of Bungoma Standing Orders.

You are therefore, requested to comply with the provisions of Standing Order 220(f) & (g) and re-submit the petition for processing.

CHARLES W. WAFULA
CLERK OF THE COUNTY ASSEMBLY
P.O. BOX 1886-50200
BUNGOMA, KENYA

Charles W. Wafula
Clerk of the County Assembly
COUNTY GOVERNMENT OF BUNGOMA

c.c:- Hon. Speaker
County Assembly of Bungoma



EMONYO YEFWE INTERNATIONAL

"Putting Climate Change on the Agenda of Policy Makers & Business"

*(A) DCL
6/8/23
Sudan 4/1/23*
W/ O HAC 11/11/2023 Webuye Kenya. Email: emonyoyefweinternational.com

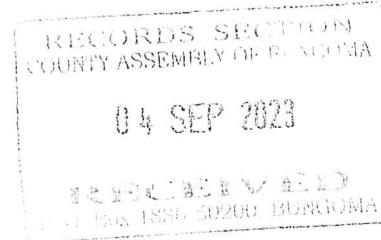
THE BUNGOMA COUNTY ASSEMBLY

PUBLIC PETITION

BY EMONYO YEFWE INTERNATIONAL ON

REF: MARKET CONSTRUCTION FOR MOBILE TRADERS AT WEBUYE DINAH- FLYOVER

Kenya Transport Sector Support Project (P124109) and its Additional Financing (P146630)



That we did receive a response from the Clerk county Assembly , which carried findings of the legal team on 16/8/2023, to our petition filed at the county assembly on 3/4/ 2023.

That the response was questioning if earlier efforts had been made to have the matter addressed by the relevant authorities, pursuant to the provisions of Standing Order (220f) of the Bungoma County Assembly.

We affirm that we did present a letter to the Governor Bungoma County on 14/9/2021, requesting for the Market Construction for mobile traders at Dinah-Webuye.

That we did deliver a reminder to the Governor Bungoma County government on 7/10/2021.

That there was no response to the letter and reminder from the Governor of Bungoma county government on the subject matter.

That on 17/11/2021 we did write to the police requesting for a permit to hold a peaceful demonstration over the same, in order to raise the concern to the wider public, this was equally denied.

That on 22/2/2022, we wrote to the Board of Governors of the World Bank, about the Abandoned Mobile Traders at the Webuye Interchange.

It is our humble appeal that the above response justifies meeting the provisions of Standing Order(220f).

And the matter is not before any court of law.

We do kindly request for the petition process to proceed on account of the Petition as presented, and the Addendum.



EMONYO YEFWE INTERNATIONAL

"Putting Climate Change on the Agenda of Policy Makers & Business"

P.O Box 1127 - 50205, Webuye, Bungoma County, Kenya, East Africa

THE BUNGOMA COUNTY ASSEMBLY

PUBLIC PETITION

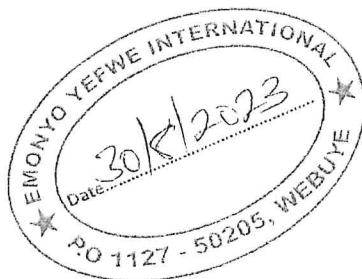
Thus, your Petitioners Prays,

Roselyne Nambuye- 0710431833

R. Nambuye

Luke Kapchanga. 0733998526

L. Kapchanga
Director



W/10
P/C
16/10/23

COUNTY GOVERNMENT OF BUNGOMA



RECORDS SECTION
COUNTY ASSEMBLY OF BUNGOMA

16 OCT 2023

RECEIVED
P.O. Box 1886-50200, BUNGOMA

**OFFICE OF THE COUNTY EXECUTIVE COMMITTEE MEMBER
DEPARTMENT OF LANDS, URBAN/PHYSICAL PLANNING, HOUSING &
MUNICIPALITIES**

Telephone: 0725 393 939
Cell: +254-725 641 713
E-mail: lands@bungoma.go.ke

County Executive Office
Opposite the Governor's Office
P.O. Box 437-50200
BUNGOMA

Our Ref: CG/BGM/LUP&H/CA/VOL.1/37

Date: 12th October, 2023

Clerk of the County Assembly
County Assembly of Bungoma
P.O. Box 1886-00100
BUNGOMA

Through

County Secretary and Head of Public Service
County Government of Bungoma

**RE: CONSULTATIVE MEETING ON THE STATUS OF LAND FOR CONSTRUCTION OF
MARKET AT DINAH FLYOVER-WEBUYE**

The above matter refers.

We write in response to your letter of reference No. BCA/CC/SECT/8 VOL.II (112) dated 2nd October, 2023 and we respond as follows: -

1. The agreement between KeNHA and County Government regarding purchase of land close to Dinah Flyover for construction of a market

Response: - There was no written agreement to our knowledge apart from minutes of the several meetings between the two parties (county government being represented by CECM Trade)

2. Status of budget allocation for construction of Dinah Market in Webuye

Response: -

a) As a department, we had not budgeted for the construction of Dinah Market in Webuye. Markets are under the department of Trade. However, we had information the KeNHA had a budget for the same under the CSR.

3. A copy of the title deed for the land

Response: -

a) There is no land at the Dinah junction set aside for the market.

For committee noting

1. There was no land available at the Dinah Junction which KeNHA could utilize to set up traders as a result the department of Trade moved with speed handed over 1 acre of land to the Catholic Church Webuye to KeNHA and the market is fully constructed awaiting KeNHA to hand over to County. This was done in consultation with the Ward leadership as the land had been purchased under CEF Program.
2. As a department, we facilitated the process of acquiring land for the public toilet by department of Health at the Dinah junction and the facility constructed by KeNHA. We believe the facility is currently in operation under the overall management of the department of Health.

Thank you for your continued co-operation.



12/08/2023

for

Arch. Douglas Sasita Wekesa

CECM- LANDS, URBAN/PHYSICAL PLANNING, HOUSING & MUNICIPALITIES

Copy: H.E. Governor – Bungoma County
County Secretary and Head of Public Service – Bungoma County
Hon. Speaker – County Assembly of Bungoma

REPUBLIC OF KENYA



RECORDS SECTION
COUNTY ASSEMBLY OF BUNGOMA

20 NOV 2023

RECEIVED
1886-50200, BUNGOMA

COUNTY GOVERNMENT OF BUNGOMA
MINISTRY OF TRADE, ENERGY AND INDUSTRIALIZATION
Office of the County Executive Committee Member

Telephone: 055-30343

Email: tradeenergyindustry@gmail.com

Trade Office
Next to County Assembly
P.O. Box 275-50200
BUNGOMA

Our Ref No. CG/BGM/DTEI/CA/14/VOL. II(14)

DATE: 17th November, 2023

● The Clerk of the County Assembly, ✓
Bungoma County Assembly,
P.O. Box 1886 – 50200,
BUNGOMA.

**RE: REQUEST FOR DOCUMENTS ON THE PETITION BY EMONYO YEFWE INTERNATIONAL ON
MARKET CONSTRUCTION FOR MOBILE TRADERS AT DINAH FLY OVER WEBUYE.**

This is in reference to your letter Ref: BCA/CC/STD/12 (4) dated 7th November, 2023.

I wish to provide the information as follows in regard to the petition by Emonyo Yefwe International on market construction for mobile traders at Dinah Fly-Over Webuye;

1. The agreement between KeNHA and County Government regarding purchase of Land close to Dinah flyover for construction of market

There was no agreement between KeNHA and County Government as no land was purchased close to Dinah flyover for construction of a market.

2. Status of budget allocation for the construction of Dinah Market in Webuye

The department did not have budget allocation for construction of a market close to Dinah flyover in Webuye. However, the Department of Health and Sanitation acquired land adjacent to Dinah interchange round-about plot No. Ndivisi/Khalumuli 3818 (0.06 Ha) at cost of Kshs. 600,000. The land holds ablution block and a water Kiosk. Construction of the two facilities were done by KeNHA.

3. Name of the contractor

The projects were carried out by KeNHA who brought the contractor on board

4. A copy of the bill of quantities (BQs) and minutes of the meetings

BQs and Minutes were done and kept by KeNHA. Trade department does not have copies

5. Compensation of small businesses and mobile traders

The KeNHA had wanted to construct a modern market shed close to Dinah interchange flyover as compensation for small traders/mama mboga due to disturbance/displacement caused by the construction of the interchange but they could not find enough space/land. KeNHA only managed to construct the Ablution block and water kiosk on small parcel availed by the department of Public Health

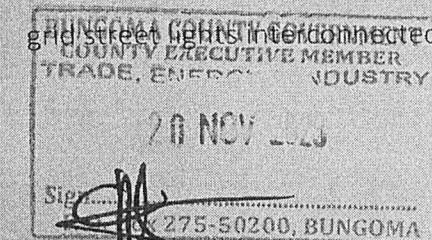
6. Status of the water Kiosk, public toilets and street lights at the Dinah flyover

Water kiosk –The water kiosk is being managed by mama mboga women group operating their small trade at the interchange.

Public toilets –The public toilets are being managed by Matatu Administrator SACCO operating their Matatu business at the interchange.

Street lights – The installed street lights along interchange in Webuye were done by KENHA and were later handed over to the Department of Trade, Energy and Industrialization for maintenance and payment of electricity bills. The installed lights are 1 high mast and 30 8m

grid street lights interconnected to the 3 KPLC meter box mounted on the ground.



CAROLYNE K. MAKALI

CECM - TRADE, ENERGY AND INDUSTRIALIZATION

cc. - The Hon. Speaker,
County Assembly of Bungoma

- The Chair,
Trade, Energy and Industrialization Committee
County Assembly of Bungoma