

# **COUNTY GOVERNMENT OF BUNGOMA**

## **COUNTY ASSEMBLY OF BUNGOMA**

### **COUNTY ASSEMBLY DEBATES**

#### **THE DAILY HANSARD**

**THURSDAY, 12<sup>TH</sup> JUNE, 2025**

**Afternoon Sitting**

**3<sup>rd</sup> County Assembly**

**4<sup>th</sup> Session**

**1**

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# COUNTY ASSEMBLY OF BUNGOMA

## THE DAILY HANSARD

**THURSDAY, 12<sup>TH</sup> JUNE, 2025**

The House met at the County Assembly Chamber at 2:30 p.m.

(Temporary Speaker [Hon. Benjamin Otsiula] in the Chair)

### **PRAYER**

### **COMMUNICATION FROM THE CHAIR**

Honorable Members, I have the following communication to make;

I want to recognize and welcome our visitors in the Public gallery comprising of 56 Form four students and 3 teachers from St. Francis Girls High School Makemo from Ndivisi Ward in Webuye East Sub-County. The learners have come to learn the following; Law making process, Roles of the County Assemblies, Roles of Members of County Assembly, Roles of the County Executives, Budget making process, Sources of County government revenue, Departments in the County Government and live experience County Assembly Proceedings.

I call upon the students to be upstanding for recognition by this Honorable House. Kindly be upstanding. Honorable Members, let us applaud our students.

*(Applause)*

Kindly take your seats. The students have also been accompanied by the following teachers: One is Esther Bosire, please be upstanding. Mrs. Janet Ndiema, Mrs. Rose Oyalo. Members let us applaud our teachers. Please resume your seats. Members at the statement time, you will be allowed to make your comments and encourage our learners and our teachers. Let us proceed..

### **PAPERS**

#### **REPORT OF THE SECTORAL COMMITTEE ON YOUTH AFFAIRS AND SPORTS ON 1<sup>ST</sup> AND 2<sup>ND</sup> QUARTER FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31<sup>ST</sup> DECEMBER, 2024**

**Temporary Speaker:** Chairperson, Sectoral Committee on Youth Affairs and Sports. Hon. Catherine Kituyi, proceed.

**Hon. Catherine Kituyi:** Thank you, Mr. Speaker Sir. I rise to table a report on the half year on the Committee on Youth Affairs and Sports on the financial statements for the financial year 2024/2025 for the period ended 31<sup>st</sup> December, 2024. I table.

*(Papers laid by Hon. Catherine Kituyi)*

**Temporary Speaker:** Thank you, Hon. Catherine Kituyi. Members, a report on the Sectoral Committee on Youth Affairs and Sports on the 1<sup>st</sup> and 2<sup>nd</sup> quarter Financial statements for the period ended 31<sup>st</sup> December, 2024 having been laid on the table of the House, it becomes the property of the House and shall form part of our business in our subsequent sittings.

Next!

## NOTICES OF MOTION

### **REPORT OF THE SECTORAL COMMITTEE ON YOUTH AFFAIRS AND SPORTS ON 1<sup>ST</sup> AND 2<sup>ND</sup> QUARTER FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31<sup>ST</sup> DECEMBER, 2024**

**Temporary Speaker:** Yes, Hon. Catherine Kituyi...

**Hon. Catherine Kituyi:** Thank you, Mr. Speaker Sir. I rise to give a notice of motion that this House adopts the report on the Sectoral Committee on Youth Affairs and Sports on the 1<sup>st</sup> and 2<sup>nd</sup> quarter financial statements for the period ended 31<sup>st</sup> December, 2024.

*(Notice issued by Hon. Catherine Kituyi)*

**Temporary Speaker:** Thank you, Hon. Catherine Kituyi. Honorable Members, a notice of motion having been issued that this House adopts the report of the Sectoral Committee on Youth Affairs and Sports on 1<sup>st</sup> and 2<sup>nd</sup> quarter Financial statements for the period ended 31<sup>st</sup> December, 2024, I hereby direct the table clerks to circulate the same so that Members can prepare accordingly.

## STATEMENTS

### **APPRECIATING STUDENTS AND TEACHERS OF ST. FRANCIS GIRLS HIGH SCHOOL MAKEMO**

**Temporary Speaker:** Hon. Ipara, kindly hold your horse. Members before Hon. Okasida, a Member of the House Business Committee proceeds, I think this is the appropriate time that we allow members to give words of encouragement and contributions to our students from St. Francis Girls High School, Makemo, so Hon. Okasida, please be patient.

The first person to go will be the area MCA that is Hon.Mukhanya, MCA Ndivisi Ward. You have the opportunity to welcome your girls.

**Hon.Alfred Mukhanya:** Thank you, Mr. Speaker. I stand as the area MCA, Ndivisi Ward to welcome a school called St. Francis Makemo Secondary. I want to welcome them to Bungoma County Assembly. I know you have come to learn many things about the County Assembly and other devolved institutions. These students are accompanied by the teachers and two other staff.

This Bungoma County Assembly is an institution that represents the voters of Bungoma County. I want to thank teachers for your support and guidance to students in all fields that they need to learn so that at the end of the four years, they also perform and succeed in their lives.

Makemo is a few kilometers away from my home. It is a school that I also went to when I was in Primary, and thereafter I joined a school outside Bungoma. So these students as you see them, they are doing well because I remember last year Makemo was one of the top schools in the County.

I only encourage them to perform much better this year so that you put our school in the national map. As members of this Assembly, we have various professionals serving people in this County.

Lastly, I encourage you to work hard for a better future. I will wish you all the best in the forthcoming exams.

**Temporary Speaker:** Thank you, Hon. Alfred Mukhanya, Member for Ndivisi Ward for your encouraging remarks to our students. Hon. Francis Chemion, proceed.

**Hon. Francis Chemion:** Thank you, Hon. Speaker. First I want to take this golden opportunity to thank the school for making a deliberate effort to come to this County Assembly. This is a place that laws that govern this County are made. This is a legislature of the County, so we make laws, we represent the interests of the people in this House and we oversight the County Government - the Executive wing.

The County Government is made up of two wings; we have the Legislative wing which is the County Assembly and the Executive wing led by the Governor on the other side. Our main role is to ensure what is supposed to be done by the Executive because they are the implementers as per the law.

We also come up with laws that come from the people of Bungoma if they have any aspiration over something, we can turn it into a law through this Honorable House which knows is implemented by the Executive.

I am sure the teachers decided to bring the students to this Honorable House because they understand the importance of field work which this tour to this House is part of.Through

fieldwork, a student or any other person who participates in it will learn practically what they are taught in classrooms. They are observing where you are seated Honorable Speaker, where the table clerks seat, how the County Assembly is arranged and they have learned through our secretariat the different coalitions that we have in this County Assembly. They have also learnt the sitting arrangement in this County Assembly.

I want to thank and congratulate the teachers for organizing this tour. We are very happy that teachers are the only people who are in the same profession with Jesus Christ and I know they are not paid very well but they will be paid in heaven. That is what we were told while teaching. That you teach and most of the other payments that you do not get on earth will be rewarded in heaven.

**Temporary Speaker:** Can they change? I know Hon. Christine is...

**Hon. Francis Chemion:** You are doing a noble job. This is the only profession that is termed as noble because we don't go there as teachers, we go there to help the community and everybody to acquire knowledge and skills. Your Member of County Assembly Hon. Mukhanya is one of the strongest Members in this House; he normally articulates issues affecting the people of Ndivisi every day.

At residents of Ndivisi Ward, those people who come from that area are always articulated here through this very strong Hon. Mukhanya, who participates actively in all motions, debates and highlights all the issues that affect the people of Ndivisi.

My final word to students is that do the right thing at the right time, and the Bible says "there is time for everything under the sun". There is time to do each and every activity, so do what you want to do. Do the right thing at the right time at the right place, so that you avoid application of the law of compensation and you know what it says. If you do not do the right thing now, circumstances will force you in the near future to do them and at that time you will not even have the energy to do what you are supposed to do because you will have become very old.

Otherwise, we are happy that you are here and we welcome you to come back any time to enjoy the privileges of the County Assembly of Bungoma.

**Temporary Speaker:** Thank you, Hon. Francis Chemion. Hon. Kuloba Jeremiah, proceed.

**Hon. Jeremiah Kuloba:** Asante Bwana Spika kwa kunipa nafasi hii ili nichangie jambo moja ama mawili kwa mambo ya hawa wanafunzi. Nimeamua nitumie Lugha ya Kiswahili kwa sababu nyinyi ni wanafunzi wa Historia na ninajua Historia inaambatana na Lugha ya Kiswahili. Cha mbele ningependa muwe wanafunzi wenye nidhamu ambayo inaanza kutoka nyumbani hadi shuleni kwa walimu na hata kwa jamii zile zinawazunguka.

La pili, tusome kwa bidii kwa sababu nyinyi ndio viongozi wa kesho na jamii inawategemea. Mkifaulu masomoni mtakuwa watu wa maana siku zijazo.

La tatu, nawaomba mng'ang'anie nafasi finyu za kazi zilizo katika nchi hii na hiyo itawezekana ikiwa mmefaulu katika masomo yenu. Kama mtangulizi wangu alivyosema kwamba hili chumba hili lina majukumu matatu; utungaji wa sharia, uwakilishi na udadisi wa utenda kazi wa serikali ya Kaunti.

Kwa hivyo, mimi natarajia kuwa ikiwa mtfaulu kwa masomo baadhi yenu mtakuja mchukue hizi nafasi ambazo ziko hapa kwa sababu nyinyi ndio viongozi wa kesho. Nawatachia wakati mwanana mnapokuwa hapa.

*(Applause)*

**Temporary Speaker:** Thank you, Hon. Jeremiah Kuloba. I want to allow Hon. Violet Namaemba to use the dispatch.

**Hon. Violet Makhanu:** Thank you, Hon. Speaker for catching my eye. I am using the dispatch because I misplaced my card.

**Temporary Speaker:** Well understood.

**Hon. Violet Makhanu:** And I appreciate you for giving me this time to say something to the students of Friends School Makemo. I am the MCA for Mihuu Ward for those students who do not know me. I want to take this time to welcome the students and the teachers to this Assembly. I appreciate teachers who organized this tour.

**Temporary Speaker:** Hon. Violet, it is Saint Francis Girls High School Makemo. Not friend's school.

**Hon. Violet Makhanu:** St. Francis Girls.

**Temporary Speaker:** Yes.

**Hon. Violet Makhanu:** Thank you Mr. Speaker for correcting me. I want to appreciate the teachers who organized the tour to this place and I know as our students leave this place, they will not go the same way they came, but they will have learnt something from this particular session.

To the students, this is where we come as Honorable MCAs; we do our legislation, representation and oversight the County Government of Bungoma to ensure that things go the right way.

I want the teachers and the families of Makemo for voting in Hon. Mukhanya. He is a good committed member of the County Assembly representing his good people of Ndivisi.

So, you have a very able MCA that needs your support so that he is able to also deliver on his mandate as the MCA for Ndivisi Ward. As you go back home, tell your parents who voted for him that we appreciate them so much and assure them that they have a very able MCA in the name of Hon. Mukhanya Wekesa.

I want to let you know that as MCA's, this time round we do not have bursaries but when I used to have bursaries, I have students from my ward who are in this particular school and they used to benefit from the bursary of Mihuu ward. Unfortunately, we do not have the bursary this time round and most of us are so annoyed because we were denied that opportunity to give out the bursaries. All the bursaries were taken to CDF and I want to let you know that as you go back to your parents, tell them to apply CDF bursaries because it is your money and you need to benefit from that. Try to apply the CDF bursaries because that is where you can benefit because MCAs do not have a bursary at the moment.

For the girls, I want to let you know that in this House, we have ladies like you who passed through what you are going through and here we are representing our people.

I want to encourage you that please work hard in everything you do so that you make your parents, leaders and teachers proud.

To teachers, we feel the hard work that you do to ours students to ensure that they are well upstairs. You do a lot of work that some of us might not be in position to do but that is just a favor from God and teachers do a lot. I appreciate the good work you are doing to our girls to ensure that they are somewhere in their near future.

Girls you are the future leaders who will come after us. As you leave this Assembly, we know you are there preparing to come and take over from some of us. So, it's just upon you to choose to work hard or mess up your life by not doing the right thing in school. As you go home also respect your parents and assist them where necessary and get committed to your academic life.

Otherwise, I do not know whether these are form fours but I want to wish you well and success in your academics and the exam that is ahead of you.

**Temporary Speaker:** Thank you Hon. Violet Makhanu for that insight. Hon. Bernard Kikechi, kindly proceed.

**Hon. Bernard Kikechi:** Thank you, Hon. Speaker for giving me this chance to also contribute to the matter at hand. First of all, St. Francis Makemo or Magemo.

**Temporary Speaker:** St. Francis Girls High School, Makemo.

**Hon. Bernard Kikechi:** That is a school in Ndivisi Ward and my ward which is Mbakalo neighbors Ndivisi Ward so I am encouraging our girls from Makemo that as the previous speakers have said, education is the key and longtime ago, they used to say that when you go to

the County Assembly, most of the MCAs, they used to think that we are not schooled but I would like to inform our young girls in the gallery that this House as it is, it is full of professionals. We have trained teachers, accountants, managers, engineers, lawyers like our Hon. Speaker, surveyors like my neighbor Hon. Wafula Waiti MCA for Naitiri/ Kabuyefwe so...

**Temporary Speaker:** Order Hon. Hentry Nyongesa, you are out of order!

**Hon. Bernard Kikechi:** Hon. Speaker, kindly give guidance.

**Temporary Speaker:** Hon. Kikechi, I have already ruled the Honorable member out of order.

**Hon. Bernard Kikechi:** Thank you, Hon. Speaker. Mine here is just brief. It is just to encourage our girls to work extremely hard in school. As I speak here, I am the Hon. Member for Mbakalo Ward and I just went to a very simple school that is Chesamisi Boys High School, from there I proceeded to the University of Nairobi and I am here as Honorable member for Mbakalo Ward.

So my girls, put in effort, work hard and if you ever aspire to be a politician the way we are here, you have the key in your hands. You have to read. Do not be deceived, maybe you come from a rich family; maybe your father is very rich and has so many cars, please, those cars belong to your parents; you have to work for your own..

As your MCAs, especially Hon. Mukhanya who is your area MCA, he is a very good man. I know he has a very good heart for all of you and as his colleagues, we always support each other to realize that education standards in our respective wards is being taken a notch higher.

Mine is just to wish you well. As you go back to school, work hard, work for your future and I wish you God's blessings.

**Temporary Speaker:** Thank you, Hon. Bernard Kikechi. Hon. Wafula Waiti, member for Naitiri Kabuyefwe!

**Hon. Wafula Waiti:** Thank you, Mr. Speaker. I want to congratulate first of all the teachers from St. Francis Makemo Girls for enabling our young girls to come and learn few issues in this Honorable House. I do not have much to say because I have seen most of my colleagues have echoed my sentiments but I want to take this time to just encourage our girls that they have to work hard. Their time in school is known. When they joined that school, there agreement was four years and just encourage them that if they do not work hard now, they may suffer in future. They are in a stage that all of us passed through and I am a father of daughters. Majority of my children are daughters, so when I see a girl child, I see my daughters and many of us...

**Temporary Speaker:** Members, consult in low tones. I do not want to point out your names. Hon. Waiti, Proceed.

**Hon. Wafula Waiti:** Hon. Speaker, many of us have house girls in our homes and at times we pity them because most of them wake up very early working throughout the day and they may end up sleeping very late. That symbolizes how they were in their early ages. So if don't encourage them to work very hard, they might find themselves in that scenario.

My teacher in late 70s was telling me that if you sleep now, you will never sleep in future because most of the time likes most young men...

**Temporary Speaker:** What do you mean when you say; if you sleep now you will never sleep in future?

**Hon. Wafula Waiti:** Hon. Speaker, if you gave me time I can elaborate that.

**Temporary Speaker:** You have time Hon. Waiti.

**Hon. Wafula Waiti:** Hon. Speaker, you know in most cases like a young boy if he does not take it serious in class, he may end up getting a job of being a watchman and if you are a watchman you do not sleep because the watchmen do their work at night when the bosses are enjoying their sleep. When those ones who slept in class...

**Temporary Speaker:** Hon. Waiti that is discriminatory. You are discriminating against other employees.

**Hon. Wafula Waiti:** Hon. Speaker, I have never seen a watch man being given a blanket instead of a *rungu*. If you are a watchman, you have to be outside throughout the night. So we have to encourage and tell our girls as it is so that when they go back to class, they study with a lot of seriousness.

These girls from St. Francis Makemo Girls suffer most because in most cases a good percentage use the Misikhu Brigadier Road which has become a song on the floor of this House. When you see them seated here even they are thinking very hard how they will go back home and that is why...

**Temporary Speaker:** What is your point of information Hon. Chikati?

**Hon. Timothy Chikati:** Hon. Speaker, I think the member on the floor of the House is misleading the students and the House. We cannot all be professionals. Everybody has their way of earning and even the soldiers or the security guards he is talking about, that is their category. If we were all professionals, who could be taking care of us? Somebody has to earn a living while they are...

**Temporary Speaker:** Hon. Chikati, is a security officer not a professional according to you?

**Hon. Timothy Chikati:** He is a professional but we cannot downplay them. We cannot all be teachers. If we need house girls, I am not saying they will be house girls but we need house girls.

Even Hon. Speaker you have one in your House, so if all of them get learned, who is going to work for us?

*(Applause)*

**Mr. Temporary Speaker:** Hon. Chikati, are you insulating that all our girls should not get educated? Because you are saying if all of them ...

**Hon. Timothy Chikati:** Hon. Speaker, I happened to school in United States of America and house managers are professionals and is also a calling to be a house girl and in foreign countries they even earn more than some of us who are seated here.

**Mr. Temporary Speaker:** Your point of information is not sustained. So Hon. Waiti, proceed.

**Hon. Wafula Waiti:** Thank you, Hon. Speaker for that protection. Even Hon. Chikati himself during the time of selection of courses, he never chose to be an MCA and today he is here as an MCA. And each one of us here during the time which we were selecting for courses or whatever there is no way we can allow our girl seated here to choose to be house girls.

*(Applause)*

So we have to encourage our daughters to follow the right channel so that they end up leading the best life and assist their parents. As a parent, we have to tell them that they must work hard, be discipline, respect their teachers and they must follow the instructions. They must adhere to the rules and regulations of the school for the betterment of their future.

Otherwise, I want to congratulate teachers for enabling them to be in this Honourable House to learn more in terms of proceedings of this House.

*(Applause)*

**Mr. Temporary Speaker:** Thank you, Hon. Waiti. We have Hon. Metrine Nangalama specially elected member of the Assembly.

**Hon. Metrine Nangalama:** Thank you, Mr. Speaker Sir, for giving me this chance at least to say a word of encouragement to our good girls. First, let me take this juncture to appreciate our teachers from St Francis Makemo Girls for coming up with this initiative of bringing these girls of ours in this Assembly. Our girls from Makemo, my name is Hon. Metrine Nangalama. I come from Mihuu Ward in Webuye East near Lukusi market. I also happen to school at Lutacho Secondary school, which is a day school and at the same time a mixed school, where the father to our Speaker happened to be my Principal.

St Francis Makemo, is one of the most improved schools in Webuye East. Actually it has really improved. The previous principal Madam Joan Kikechi who was the sister to Hon. Bernard Kikechi, I think the Honorable member forgot to mention that, she also happened to be my

Biology teacher at Lutacho Secondary school before she was transferred to Makemo. So I will only encourage our girls that respect yourself, your God, parents, teachers and you will go far.

You ladies you are very lucky because you have got good teachers who thought of taking you here, at least you have learnt one or two things. At the same time, you are in a boarding school where you don't face a lot of problems the way some of us went through tarmacking, like waking up very early in the morning to go to school and going back home in the evening for four years, but you can see we are here. So if you work hard and believe in yourself then you will also reach here.

I also want to appreciate teachers from Makemo because we have been working closely with your Hon. Mukhanya who is a polite, cool, honesty, jovial and a man of few words and he will always that in future Makemo Girls to be the giant of Bungoma County.

I know you have been taught how we normally perform our duties here, we are in the opposition side and that one is the Government side. I think you have been already taught about it but let me not labor into many stories, for that few remarks May God bless St. Francis Makemo, God bless Bungoma.

*(Applause)*

**Temporary Speaker:** Thank you, Hon. Metrine. I think you are a very proud member of the opposition; you have brought it out very clearly. Members remember we still have much ahead of us to cover and therefore the last two contributors; Hon. Opwora, I give you one and a half minutes then Hon. Christine on behalf of the Committee I give her a maximum of two minutes. So Hon. Opwora, proceed.

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

**Temporary Speaker:** Strictly you have one and a half minutes.

**Hon. Opwora Edwin:** You have already eaten into my seconds.

*(Laughter)*

I also want to contribute to encouraging our students from Makemo. You know when they mention Makemo my mother comes from that side, these are our young sisters and daughters, and I just want to take his opportunity to also thank the teachers who brought them here at least to a new environment where they are learning a lot.

However I am also concerned with the contributions of Hon. Waiti and you know I read books, there is a quote by Nelson Mandela that says "Do not judge me by my success, judge me by how many times, I fail down and got up again". I believe some of the professions people are in is not necessarily due to the academic background but maybe due lack of employment in our country

that's why you will find someone with a degree is now doing a job of a watchman but that doesn't mean that is the last profession that they will remain forever.

The people who are currently watchmen, they still have hope, they can go back to school if they have no academic papers. It is not late; they can still get education and have better jobs.

In that book Long Walk to Freedom by Nelson Mandela there is a quote that says "Education is the engine that changes the world" that it is only through education that a child of a miner can also become the head of a mine, that a child of a peasant farmer can be a doctor". So let us not look at the profession of our parents.

I want to encourage these children, these girls that do not look at where you come from; look at where you are going. There is hope, use the opportunity that you have now to better yourself and live a better life.

Lastly, I just want to encourage them that by virtue of being ladies, if they want to attract quality then they should also stay in quality because whatever you attract is what you are. So please do not entertain these small talks but aim higher and be Honourable members of the society.

**Temporary Speaker:** Thank you, Hon. Edwin Opwora. Hon. Christine Mukhongo, proceed.

**Hon. Christine Mukhongo:** Thank you Mr. Speaker for giving me this chance also to contribute to the encouraging of our girls from St. Francis Makemo Girls who are here with us. I am *Mheshimiwa* Christine Mukhongo, MCA Kimilili Ward and on behalf of Education Committee and on behalf of the Chair, Education Committee Hon .Benjamin Otsiula, I just want to appreciate your coming into this House. You are here to learn and I know you been taken around by our staff and you have learnt much and we also take this opportunity to appreciate the administration of St. Francis Makemo and the teaching fraternity for planning this visit so that you be here to learn about Bungoma County Assembly which is a replica of National Assembly, the one we have in Nairobi where our area MPs attend and so whatever you learn here, may be a question comes, may be touching on National Assembly, this is a replica of National Assembly, you can match the two. As a committee of Education in Bungoma County, our mandate is actually based on VTCs and ECDs and a few years back, we have been also supporting our students from high schools. We have been assisting the parents to pay your school fees through bursaries, where Madam Violet and Mukhanya have been giving you that support.

Even from Kimilili, I have students from Makemo Girls, we have been assisting and we are fighting that this comes back so that we can reach out to our students to be in school.

Being in Makemo is not a walkover; you have a mandate to protect your name. I now after Form 4, you will be telling people that you went through St. Francis Makemo girls and maybe things did not go well on your path. So I encourage you to work smart so that in future, when you will

be telling people, that you went through St. Francis Makemo, people will see the fruits and also you uplift the name of the school.

I also want to appreciate the area MCA for the good work he is doing in supporting the girls at Makemo girls, Mheshimiwa keep reaching on these girls. I think that is the biggest school in your Ward and by with your support, Makemo Girls is going to be the best school in Webuye East in terms of performance.

Otherwise, I want to take this opportunity to wish you well on behalf of the Education Committee and department which is chaired by Waziri Agnes Wachie. I finish by saying do your best and your life and future will shine forever.

**Temporary Speaker:** Thank you, Hon. Christine Mukhongo on behalf of the Committee on Education and Vocational Training. For our teachers, we say thank you for coming. For our students, as you have been told, discipline precedes success and the sky is only the limit. We wish you the best as you prepare for your exams.

To our teachers, continue the good work of nurturing our young ones because your duty is noble to the society.

Honorable members, let us now proceed with the Order of Business.

## **BUSINESS OF THE COUNTY ASSEMBLY FOR THE WEEK COMMENCING TUESDAY 17<sup>TH</sup> TO THURSDAY 19<sup>TH</sup> JUNE, 2025**

**Temporary Speaker:** The Hon. Ipara, do you want to use the dispatch? Proceed!

**Hon. Johnston Ipara:** Hon. Speaker, allow me just say the three words to the angels from St. Francis High School Makemo. Believe in yourself; respect yourself as you do to others. Education is the power that everybody else is searching across the world including our country. So as you go back, ensure that your dream should not be interfered with, instead dream up to the horizon.

Honourable Speaker, this is a tentative weekly program of the business of the County Assembly, for the week commencing Tuesday 17<sup>th</sup> - Thursday 19<sup>th</sup> June, 2025.

### **Tuesday 17<sup>th</sup> June, 2025 AT 2:30 p.m.**

#### **Papers**

Report by the sectoral Committee on Roads Transport Infrastructure and Public Works on implementation of House resolutions in the 2022/2023.

#### **Notices of Motion**

That this House adopts the report of the sectorial Committee of Roads, Transport, Infrastructure and Public Works on implementation of House resolutions in the year 2022/2023.

## **Questions and Statements**

Questions seeking a response from CEC Education and Vocational Training.

### **Motion**

Report by the sectoral Committee on Trade, Energy and Industrialization on 1<sup>st</sup> and 2<sup>nd</sup> quarter financial statement for the period ended 31<sup>st</sup> December, 2024.

**Wednesday 18<sup>th</sup> June, 2025 at 9:30 a.m.**

### **Papers**

Report of the sectoral Committee on Gender, Culture and Social Welfare on implementation of House resolution in the year 2022/2023.

### **Notices of Motion**

That this House adopts the report on Sectoral Committee on Gender, Culture and Social Welfare on implementation of House resolutions in the year 2022/2023.

### **Question and Statement**

Question by the Member from Khalaba Ward Hon. Cornelius Makhanu, MCA to get a response from the CECM department of Education and Vocational Training.

### **Motion**

A report on the sectoral Committee on Public Administration and ICT on 1<sup>st</sup> and 2<sup>nd</sup> quarter financial statement for the period ended 31<sup>st</sup> December, 2024.

**Wednesday 18<sup>th</sup> June, at 2: 30 p.m.**

### **Papers**

A report of the sectoral Committee on Tourism, Environment, Water and Natural Resources on implementation of House resolution in the year 2022/2023. It will be done by the chairperson sector Committee on Tourism.

### **Notices of Motion**

That this House adopts the report of the sectoral Committee of Tourism, Environment, Water and Natural Resources on implementation of House resolutions in the year 2022/2023.

**Motion**

Report on the sectoral Committee on Health Services on 1<sup>st</sup> and 2<sup>nd</sup> quarter financial statements for the period ended 31<sup>st</sup> December, 2024.

**Thursday, 19<sup>th</sup> June, 2025, at 2:30 p.m.**

**Papers**

Report of the sectoral Committee on Trade, Energy and Industrialization on implementation of House resolution in the year 2022/2023

**Notices of Motion**

Report by the sectoral Committee on Trade, Energy and Industrialization on the implementation of House resolutions in the year 2022/2023 financial year.

**Question and Statement**

A statement by a Member of the House Business Committee pursuant to provisions to Standing Order NO.47 2 (a) will issue you a tentative program for the week to follow.

**Motion**

A report on the sectoral Committee on Labour Relation, Member Service and Facilities on 1<sup>st</sup> and 2nd quarter financial statements for the period ended 31<sup>st</sup> December, 2024.

That is a tentative program for next week. I do submit.

**Mr. Deputy Speaker:** Thank you, Hon. Johnston Okasida for that zeal, passion and energy. Members, that is the tentative weekly program of the week commencing 17<sup>th</sup> to 19<sup>th</sup> June, 2025. Next,

**MOTION****REPORT BY THE SECTORAL COMMITTEE ON ROADS TRANSPORT  
INFRASTRUCTURE AND PUBLIC WORKS ON STATUS OF THE  
IMPLEMENTATION OF THE BUNGOMA COUNTY TRANSPORT ACT 2025**

**Mr. Deputy Speaker:** Yes Chair - Sectoral Committee on Roads Transport Infrastructure and Public Works. Hon. Johnston Ipara on behalf of the Chair.

**Hon. Johnston Ipara:** Honourable Speaker, on behalf of the Chair, I have a privilege to move a report on the status of implementation on the Bungoma County Transport Act 2015 by the Committee on Roads, Transport, Infrastructure and Public Works.

**Mr. Deputy Speaker:** We must confirm the quorum,

**Hon. Johnston Ipara:** Honourable Speaker which Standing Order is he raising up?

**Mr. Deputy Speaker:** Hon. Johnston Ipara, hold your horses. Hon. Waiti Wafula what is your point of order?

**Hon. Waiti Wafula (On a Point of Order):** Thank you, Honourable Speaker. The Committee on Roads has to confirm the quorum of their Members before they present the motion to this Honourable House.

**Mr. Deputy Speaker:** Let me guide the House. Honourable Members, on matters of the quorum, this has been a resolution of the House, they are eight, the quorum is sufficient. Hon. Nganga Everton is protesting and has just realized that he is a Member of the committee. I don't know why he was extremely worried.

**Hon. Nganga Everton:** Thank you, Honourable Speaker. You know Hon. Wafula Waiti stood up, he mentioned point of order, so I was requesting him to mention the Standing Order and it is just a norm you must mention it from the Standing order and the rules must be respected.

**Mr. Deputy Speaker:** Members, let us have order in the House. Hon. Wafula Waiti, resume your seat. Members this was a resolution of the Liaison Committee and Hon. Wafula Waiti is a Member of the Liaison Committee, and he is therefore bound by the decisions of that Committee.

And pursuant to Standing Order No. 1 on the discretion of the Speaker, I think he pronounced himself very well here and it's now our norm that before a motion is moved, we must confirm that the relevant Committee has the numbers and we said they must have seven plus one. Therefore I think Members you are well guided.

Hon. Johnston Ipara, please proceed to save on time.

**Hon. Johnston Ipara:** Thank you, Hon. Speaker. May be just an appeal to Hon. Wafula Waiti that in future you must be hawk eyed; you must monitor what is happening around.

I move so fast to page 2 .

### **Preamble**

In exercising our oversight mandate under Article 185(3) of the Constitution, the County Assembly Committee on Roads, Transport, Infrastructure and Public Works is tasked with the

responsibility to monitor the implementation of legislation to ensure it achieves the intended effects, and, where necessary, reviewing and proposing amendments to the legislation.

Article 183 of the Constitution of Kenya 2010, obligates the County Executive Committee to implement county legislation or national legislation within the county to the extent required, and to perform any other functions conferred upon it by the Constitution, County or national legislation. Further, a County Executive Committee may prepare proposed legislation for consideration by the County Assembly.

The Bungoma County Transport Act No. 5 of 2015 was assented to on 1<sup>st</sup> July, 2015 and had its commencement date set at 10<sup>th</sup> July, 2015. The Act has had an approximate existence of 10 years. The Key objective of the Act was to provide a harmonized and efficient legal and regulatory framework for the development and regulation of County Transport Matters.

The Act includes provisions for public safety and security, environmental protection and resource conservation in transport sector activities as well as management of transport-related activities within Bungoma County.

It covers various aspects of transport including traffic, parking, street lighting, public road transport and light railways, ensuring a holistic approach to transport management and is well-organized into different parts; each addressing specific areas such as administration, passenger duties, parking, light railways, and miscellaneous provisions.

### **Committee Membership**

The Committee on Roads, Transport, Infrastructure and Public Works as currently constituted comprises the following Members:

1. Hon. Franklin Simotwo	Chairperson
2. Hon. Polycarp Kimeta	Vice Chairperson
3. Hon. Stephen Kaiser	Member
4. Hon. Jerusa Aleu	Member
5. Hon. Meshack Simiyu	Member
6. Hon. Hentry Nyongesa	Member
7. Hon. Johnston Ipara	Member
8. Hon. Everton Nganga	Member
9. Hon. Godfrey Mukhwana	Member
10. Hon. Job Mukoyandali	Member
11. Hon. Ali Machani	Member
12. Hon. Charles Nangulu	Member
13. Hon. Everlyne Mutiembu	Member
14. Hon. Idd Owongo	Member
15. Hon. Violet Makhanu	Member

## **Terms of Reference**

In preparation of this report, the Committee was guided by;

1. The status report as submitted by the County Executive Committee Member;
2. Highlights extracted from the Transport Act by the Legal Department;
3. The insights from the consultative meeting with the Department;
4. The Committee also made reference to records of evidence adduced, documents received from the Department and the various legislation that guided the understanding of the implementation of this Act;
5. Comparative analysis with other national and sub national entities having similar law

Details from these parameters formed the basis of observations and recommendations as outlined in the report.

## **Methodology**

The Committee, while executing its oversight functions; and as purposed under its annual work plan for the year 2024/25, resolved under minute MIN.RPW.8/10/04/2025 to interrogate the implementation status of the Bungoma County Transport Act, 2015; to take stock of the achievements during the application of this law and probe probable bottlenecks that ought to be addressed through introduction of subsidiary legislation and any other frameworks for better service delivery in the County Department.

Through the office of the Clerk of the County Assembly, the Committee vide correspondence to the CECM for Roads, Transport, Infrastructure and Public Works referenced CAB/CC/SECT/9VOL. IV (44) requested for a status report to guide its undertakings on this matter.

The information was received on 15<sup>th</sup> April, 2025 and was guided by the following:

1. Key achievements since enactment of the Act;
2. Action taken towards its implementation; including introduction of any subsidiary legislation, policy frameworks, or administrative measures;
3. Challenges encountered during implementation of the Act;
4. Recommendations highlighting areas that require further improvement to ensure the full and effective operationalization of the Act.

Subsequent to a review of the information provided, the Committee held a consultative meeting with the CECM; who appeared before it alongside the Chief Officer and other technical officers on April 17<sup>th</sup>, 2025 and was able to provide additional insights on the status of implementation of the Act.

## **Acknowledgement**

On behalf of the Honorable Members of the Sectoral Committee on Roads, Transport, Infrastructure and Public Works I wish to convey my gratitude to all Members of the Committee for their invaluable input throughout the proceedings, up to the conclusion of this report.

The Committee is equally grateful to the County Executive Department for availing the requested information in good time, appearing in person to clarify on issues that the Committee was uncertain about; contents which have been relied upon in the production of this report.

The Committee further appreciates the offices of the Honorable Speaker and Clerk of the County Assembly for the support received as it prepared this report.

It is therefore my privilege to table this report for consideration and adoption by this Honorable House.

Report signed by Hon. Franklin Simotwo,

Chairperson, Sectoral Committee on Roads, Transport, Infrastructure and Public Works

## **Overview of the Bungoma County (Transport Act, 2015**

The Bungoma County Transport Act No. 5 of 2015 was assented to on 1<sup>st</sup> July, 2015 and had its commencement date set at 10th July, 2015. The Act has had an approximate existence of 10 years.

Section 5 of the Act establishes the Directorate of Transport in the Department of Roads headed by a Director appointed by the County Public Service Board through a competitive recruitment process. The Directorate is charged with several functions listed under Section 8 of the Act including but not limited to;

- a) Coordinate and ensure the implementation of an efficient and sustainable transport system in the County;
- b) Coordinate and assist in the balance development of transport facilities and services in the county.
- c) Undertake studies and analysis of transport problems relating to any aspect of the transport sector in the County;
- d) Implement collaborative linkages with national government institutions and transport departments of neighboring counties to ensure a coordinated implementation and master planning of the transport sector.

- e) Prepare plans, specifications, designs and estimates for the construction of county roads, parking facilities, bridges and related infrastructure.
- f) Operate and maintain county roads, parking facilities, bridges and related infrastructure.
- g) Promote safety in all forms of county public transport including the transportation of hazardous material.

Upon inquiring from the Department it was clear that there was no such Directorate established as required. The Department cited lack of the requisite staff establishment to form the Directorate.

Important to note is that the implementation of the Act is primarily dependent on the existence of the Directorate of transport. The Directorate, apart from executing the functions under **Section 8**, is responsible as follows;

1. **Section 44** mandates the Directorate to develop a Transport Plan for the County which under **subsection 2** thereof shall be based on the national master plan of the transport sector, relevant national government policies and legislation.
2. **Section 25** of the Act places the responsibility of maintaining street lights on the Directorate of Transport
3. **Section 45** of the Act requires the Directorate to prepare an annual report; publish the same in the gazette and send copies of the report to the CECM and the County Assembly.
4. **Section 24** of the Act mandates the County Government to install street lights within the County with special attention to;
  - a) Major traffic routes
  - b) High crime urban areas
  - c) Town centers
  - d) Pedestrian crossings
  - e) Pedestrian subways
  - f) Bus stops
  - g) Market places
  - h) Flyovers
  - i) Narrow bridges
  - j) Tunnels
  - k) Institutions
5. **Section 24** and as read together with Section 25 of the Act are intertwined with regard to street lighting. The Department stated that street lighting is a role executed by the Department of Trade, Energy and Industrialization.
6. **Section 38(1)** of the Act requires the CECM to designate an area as the Central Business District (CBD) in towns and urban areas within Bungoma County. The Department in its

response places this responsibility to the municipality boards established under the Urban Areas and Cities Act no. 13 of 2011.

It is important to note that the **subsection (2)** of **Section 38** has been repeated and the second (2) should be (3) and (3) should be (4)

**Section 47** mandates the CECM to make regulations necessary for the better carrying out of the provisions of the Act and as listed thereunder.

To date there are no regulations developed to properly operationalize the Act.

## **Comparative Analysis with Related Transport Laws**

The Bungoma County Transport Act of 2015 serves as the legislative framework for managing transportation within Bungoma County. When compared to transport laws from other Kenyan counties and the national framework, several similarities and distinctions emerge:

### **1. The Nairobi City County Transport Act, 2020**

**Scope and Objectives:** The Nairobi Act focuses on regulating public road transport, traffic management, and parking within the city. It emphasizes the integration of various transport modes and the establishment of a Mobility Enforcement Unit to address traffic challenges.

**Comparison with the Bungoma County Transport Act:** Both Acts aim to streamline transport operations within their jurisdictions. However, Nairobi's legislation places a significant emphasis on managing high urban traffic congestion and integrating multiple transport modes, reflecting the city's metropolitan nature. In contrast, the Bungoma Act may prioritize rural transport issues and infrastructure development pertinent to its context.

### **2. The Kirinyaga County Transport and Parking Act, 2023**

**Scope and Objectives:** This Act addresses the provision of matatu terminals, parking spaces, footways, and roads to enhance public transport efficiency in Kirinyaga. It also establishes a Directorate responsible for county transport and a Transport Planning Advisory Committee.

#### **Comparison with the Bungoma County Transport Act:**

Both Acts establish institutional frameworks for transport management. Kirinyaga's Transport Act specifically focuses on urban transport facilities and the creation of dedicated bodies for transport planning and enforcement, which may offer insights for Bungoma in enhancing its transport governance structures.

The establishment of dedicated transport bodies at the county level, as seen in Kirinyaga, can enhance the implementation and enforcement of transport policies. Bungoma might consider similar structures to improve its transport management

### **3. National Frameworks**

**a) The National Transport and Safety Authority (NTSA) Act, 2012:** The NTSA Act establishes the NTSA to oversee road transport and safety across Kenya. It grants the authority to license operators, set safety standards, and regulate public service vehicles.

**b) The National Integrated Transport Policy:** This policy aims to create coordinated and efficient transport system nationwide, addressing issues like infrastructure development, safety, and environmental sustainability.

**Comparison with the Bungoma County Transport Act:** While the Bungoma County Transport Act operates at the county level, aligning its provisions with national policies and regulations ensures consistency and compliance with broader transport objectives. The county can influence national frameworks for funding, technical support, and policy guidance.

Aligning County legislation with national transport policies ensures coherence, facilitates resource mobilization, and promotes standardized practices across counties.

In conclusion, while the Bungoma County Transport Act of 2015 lays the foundation for managing transport within the county, examining and integrating best practices from other counties and aligning with national frameworks can enhance its effectiveness and responsiveness to emerging transport challenges.

### **Implementation Status of the Bungoma County Transport Act, 2015**

In response to the Committee's concerns regarding the status of the Act's implementation across four thematic areas, the Department submitted the following:

#### **Key Achievements since Enactment of the Transport Act**

The Department stated the achievements under this Act to include:

##### **a) Parking Bays and Public Transport Stages**

1. Demarcation and Management of Parking Bays in urban centers including Bungoma Town, Webuye, and Kimilili had helped organize vehicular flow and reduce congestion.

2. Construction and rehabilitation of bus parks and PSV stages, including the expansion of Bungoma main bus park and the introduction of designated boda boda zones that have improved order and safety.
3. Zoning of public transport termini for matatus, tuk-tuks, and motorcycles has been enforced with visible signage and lane markings

**b) Revenue Collection from Transport Services**

Enhanced automated and manual revenue collection from:

1. Parking fees
2. Bus Park user charges
3. Boda boda registration permits
4. Offloading>Loading levies in market centers
5. Establishment of revenue booths and ward-based collection teams; contributing to growth in Own Source Revenue
6. Introduction of digital payment platforms to improve transparency and reduce leakages

**c) County Transport Network Development**

1. Implementation of ward-based roads maintenance program has led to the rehabilitation of over 300 km of roads annually in recent years.
2. Upgrading of priority rural and urban roads to bitumen standard (e.g., Misikhu–Brigadier and Salmond–River- Khalaba roads, Mama Fanta and Mwireri Roads in Bungoma town which enhanced parking and improved road network in town).
3. Adoption of framework contracting for road works that has increased efficiency and accelerated maintenance cycles.

**d) Transport Safety Enhancements**

1. Design and construction of speed calming measures (e.g., bumps, rumble strips) in high-risk school and market zones.
2. Installation of reflective signage and warning posts in accident-prone areas.
3. Initiation of public safety awareness campaigns in partnership with boda boda associations and NTSA/KENHA.

**e) Street Lighting and Visibility**

1. Installation of solar and grid-based street lights along main roads, public stages, and pedestrian crossings enhanced night-time transport safety and reduced insecurity.
2. Street lighting coverage expanded significantly in trading centers, contributing to extended operational hours for transporters and businesses.

**f) Stakeholder Engagement and Regulation**

1. Formalization of boda boda and PSV operator associations, improving self-regulation and enabling structured dialogue with the county.

2. Regular stakeholder forums held with SACCOS, transport unions, traffic police, traders, and residents on route rationalization and infrastructure needs.
3. Sensitization programs rolled out on compliance with transport laws and passenger safety.

**g) Administrative and Legal Action**

1. Enforcement teams deployed to ensure compliance with stage allocations, fee payments, and anti-congestion rules.

**h) Non-Motorized Transport (NMT) Considerations**

The Act acknowledged the need for walkways and cycling lanes and several road designs integrated pedestrian walkways in urban areas such as Bungoma Town and Webuye.

**Action Taken Towards the Acts' Implementation;**

The Department submitted that inadequate budgetary allocation towards policy development activities has affected key departmental planned activities including;

1. Development of the County Transport Policy
2. Review of the County Transport Act to align it with the national transport legislation
3. Development of the County Transport Regulations
4. Establishment of the County Transport Directorate in Liaison with the County Public Service Board
5. Establishment and gazettlement of the Ward Transport Committees

**Challenges Encountered During Implementation of the Act**

The following were highlighted as the major challenges;

**a) Lack of regulations to implement the Act**

The Act was developed without follow up Regulations to facilitate and enable its implementation

**b) Inconsistent Provisions relating to Overlapping/National Government Mandate**

Some provisions of the Act are inconsistent with National Legislation largely the NTSA Act, 2012 and the Traffic Act, for example, the provision for issuance of operator's license for public road vehicles which is a function for the NTSA

Identification and naming of County roads is still being done by the Kenya Roads Board since the function has not been devolved.

**c) Inadequate Funding and Delayed Disbursement**

Persistent delays in exchequer releases have hampered project implementation timelines.

The County Transport Fund has not been operationalized, making the Department reliant on development vote allocations.

**d) Poor Enforcement Capacity**

Limited personnel and logistical support to enforce transport regulations (e.g. boda boda stage discipline, illegal parking, overloading). Weak implementation of traffic safety measures and signage maintenance.

**e) Technical and Machinery Constraints**

Shortage of county-owned road maintenance machinery leads to outsourcing, which increases costs and delays responsiveness during emergencies.

**f) Institutional Coordination Gaps**

Management of bus parks challenge with the advent of Municipalities. Municipalities are expected to manage Bus parks within their jurisdiction.

Coordination between the county and national agencies (e.g. KeNHA, NTSA, and KURA) is not well institutionalized.

**g) Public Transport Regulation Weaknesses.**

PSV SACCOS and boda boda associations remain poorly structured; some operate without formal registration or compliance checks.

**Recommendations highlighting Areas that require further Improvement.**

To facilitate effective management of the Transport Sector in the County, the Department recommends that an immediate review of the Bungoma County Transport Act, 2015. That it was orderly and prudent to develop the Bungoma County Transport Policy first in order to highlight the areas requiring legislation. The Policy would inform the focus areas of provision in the Act. That County Transport Regulations should also be developed detailing the implementation framework of key provisions in the Act. The Department proposed to prepare the three documents subsequently in close concurrence.

**Highlights of the proposed review process are as follows;**

a) Strengthening the County Transport Fund Provisions; by amending the Act to guarantee minimum annual budgetary allocation to the Transport Fund (e.g. at least 5% of development

expenditure). Additional measures would include the introduction of ring-fenced revenue sources, such as parking fees, fines, and permits, to finance transport services.

b) Enforcement and Compliance Mechanisms through the introduction of clear provisions for transport enforcement units, including staffing, powers of inspection and penalty frameworks.

c) Integration with County Urban Planning Policies by making it a requirement that transport planning to be embedded in Urban Integrated Development Plans (UIDPs) and require road project Environmental Impact Assessment compliance; as well as coordination with the Physical Planning and Housing Department to avoid isolated road projects without proper drainage or alignment.

d) Provision for Modern Transport Services which would be consequent to the action to update the Act to provide for: Digital transport services regulation, Non-Motorized Transport Infrastructure Mandate as a legal requirement in road design and Promotion of sustainable transport solutions.

e) Boda Boda Regulation Framework which shall include provisions for boda boda safety zones, reflective jackets, helmets, and penalties for non-compliance.

f) Formation of Ward Transport Committees which would strengthen participatory planning, project oversight, and prioritization.

In their conclusion, the Department underscored the attainments of the County Government of Bungoma upon operationalization of the Transport Act through infrastructure investments and enhanced public engagement. The achievements, according to the submissions have contributed to better mobility, safer roads, increased local revenue and more organized transport operations.

There was however an urgent need to undertake a comprehensive review of the Bungoma County Transport Act, 2015 to align to other recent policies and respond to emerging challenges such as urban congestion, non-motorized mobility, enforcement gaps, and financing limitations.

The Department outlined its intentions to initiate a structured legal and policy review process with extensive stakeholder consultations, technical support, and alignment with national transport strategies (e.g. Vision 2030, Kenya Transport Master Plan and National e-Mobility Policy).

## **Committee's Observations and Recommendations**

### **Committee's Observations**

From the foregoing, the Committee made the following observations;

1. The Bungoma County Transport Act, 2015 has errors both typographical and structural including the arrangement of sections, as is the case cited for **Section 38**.
2. There exists no Directorate of Transport as stipulated in the Bungoma County Transport Act, 2015.
3. There is an overlap of functions between the Department's role as stipulated in the Bungoma County Transport Act, 2015 and the municipality boards as established under the Urban Areas and Cities Act.
4. There is an overlap of functions between the Department's role as stipulated in the Bungoma Transport Act, 2015 and the Department of Trade Energy and Industrialization with regard to street lighting.
5. There is lack of coordination between the Department and the municipality boards especially on the designation of the CBD and restriction of heavy commercial vehicles accessing the CBD.
6. There is a lack of regulations to properly operationalize the Act as envisaged under Section 47 of the Transport Act. The Act allows the relevant County Executive Committee Member to formulate Regulations for the better carrying into effect the provisions of this Act. However, there are no Regulations pursuant to the Act that have been submitted to the House for scrutiny and consideration.
7. The Department has cited increased revenue collection as a key achievement resulting from the operationalization of the Act. Under the tenth and eleventh schedules of the Finance Act, 2024, the Department of Roads has projected a revenue target of Kshs.149, 795,088.

### **Committee's Recommendations**

The Committee therefore recommends THAT;

1. The Department of Roads and public Works should within 60 days upon adoption of this report, liaise with the Department of Trade, Energy and Industrialization, office of the County Attorney and the municipality boards to clearly delineate functions and propose areas of amendment to the Act for proper operationalization of the same. A report should be filed with the County Assembly sector Committee for consideration.
2. The Department should hasten the introduction of requisite regulations and the proposed policy in the F/Y 2025/26 and submit them to the County Assembly for consideration before its implementation to operationalize key areas of the Act. A pre-publication scrutiny of this legislative instrument with the sector committee should be concluded prior to its submission to the County Assembly for further processes.
3. The Department should liaise with the County Public Service Board and ensure the establishment of the Directorate of Transport is concluded within the F/Y 2025/26. The operationalization of this Directorate is a precursor for operationalization of most provisions in the Act, including but not limited to revenue generation.

4. The Department should liaise with the municipality boards and ensure that the process of designation of CBDs and restriction of heavy commercial vehicles access is actualized as envisaged in the Act.
5. The Department should align its revenue targets with the devolved structure of revenue collection. The introduction of the Transport Directorate would ensure safety of the general public and dedicate energy to enhance revenue collection.
6. The County Executive Committee Member for Roads, Transport, Infrastructure and Public Works should ensure full compliance with the provisions of Section 45 of the Act by submitting a comprehensive annual report to the County Assembly for consideration.
7. The CECM, Roads, Transport, Infrastructure and Public Works in liaison with the office of the County Attorney should, before the lapse of the year, introduce additional legislation and provide strategic policy direction to strengthen service delivery across all directorates within the Department.

The adoption schedule is signed by all the members of the committee and the rest are attachments from the Act that was enacted 10 years ago for purposes of reference.

At this juncture Honourable Speaker, allow me to call upon Hon. Franklin Simotwo, the Chairperson of the committee to second the motion.

**Temporary Speaker:** Thank you, Hon. Johnston Okasida for moving the report very eloquently. Hon. Frankline Simotwo, you have the honor of seconding the motion.

**Hon. Franklin Simotwo:** Thank you, Mr. Speaker for giving me this opportunity. First, I wish to appreciate the mover of the motion who has read the report eloquently.

This is an Act which has been there since 2015 and when you look at it, it has never been implemented and the reason is that the Act had so many gaps.

As you read the report, clearly, it brings your attention to issues which were supposed to be resolved. One of them, there were some irregularities in the Act which through the wisdom of the committee need to be resolved so that we can be able to implement this Act. Without this act, so many issues within the towns and within the municipalities would not be implemented. For instance, the issues of parking, lighting and revenue collection, which we must streamline so that we have a systematic way of getting our revenue.

The committee has given 60 days to the Department of Roads and Public Works from the adoption of this report. If this House adopts this report and the department implements it, we will be in a better position to streamline our transport system.

The department should hasten the introduction of requisite regulations as proposed by the policy 2025/26 and submit to the County Assembly.

It is important that the issues you have heard from the report the introduction of the Director of Transport, with my opinion and other committee members, if we cannot be able to have a directorate that means we will again go back to 2015 because it will be very difficult for it to be implemented.

This County is growing even to a city where we need to have a system on issues of transport and this Act is very important. If we cannot take it as a serious matter, you will realize that within the town, we will be having a lot of mess year in year out as other towns grow to a city.

I urge this House to adapt this report to the fullest, so that we can be able to come out of some of the serious problems that we have within the transport sector.

We have also recommended on the issue of realigning issues of lighting, which initially the 2015 Act was putting at the Roads department and it entirely lies in the department of Trade. When you read this report, it is well elaborated that it's a guiding Act which will shape issues of transport system within this town and also Bungoma as a whole.

I want to end there and urge this House to adapt this report as it is so that we can be able to deal with the issues of transport to the fullest.

**Temporary Speaker:** Thank you, Hon. Franklin Simotwo, Chair of the Committee for your seconding remarks.

*(Question proposed)*

**Hon. Sheila Sifuma:** Thank you, Mr. Speaker for this opportunity to contribute to the motion on the floor. I think before I begin, I just want also to welcome the students from Makemo to the House. I am a beautiful Tachoni girl and I know the gallery is full of beautiful girls from our land and I just want to welcome you to the Assembly.

This Assembly is a House for everyone, so as you go back to school, make sure you work hard so that you also get yourself here and even in other better places...

**Temporary speaker:** So you presume that all the girls in St. Francis are Tachonis?

**Hon. Sheila Sifuma:** Or they have Tachoni friends. So go and pass my greetings to all your Tachoni friends from Makemo.

Thank you, Mr. Speaker. Back to motion, I think we need, maybe a consideration by the Committee on Roads to introduce a personal accountability clause to the Act or maybe during the regulation stage. This would be important because public officers need to take personal responsibility whenever they mess projects. Many projects are stalled or some have been approved as complete and paid, yet a shoddy job was done.

On the accountability angle, we also need to check and blacklist contractors who have been non-performing. If a contractor has non-performed in more than three projects, that contractor need to be blacklisted.

I think it's very high time people take accountability. It is not that you just go do a road shoddily, you get paid then disappear, and yet a road cannot even last one rainy season. So I think maybe moving forward, the Roads Department can consider that and as a county, we can just have our own regulation where if a contractor underperforms, they actually get blacklisted. We can have a limitation; maybe if they have three or four cases, they can be blacklisted forever. I think that's what I want to contribute.

**Temporary speaker:** Thank you, Hon. Sheila Sifuma for your contributions. Honourable members, let me call upon the mover of the motion to reply.

Yes, proceed Hon. Ipara.

**Hon. Johnston Ipara:** Honourable Speaker, I was waiting for you to finish the consultation because I saw them and they were serious. The reason why we did this recommend for review, amendment and approval for the new Act was as prayed by Hon. Sheila. If you looked around the Act, there's no regulation that will make us hold respective officers accountable for their omission and commission and that is why we are bound to benefit from the new Act when the right provisions are put and the sections that are misplaced corrected. One, it will provide a legal framework for transport management across the County. Two, it will also enhance Urban Planning and Traffic control within the County. Currently if you walk across the County from Musikoma to Kanduyi it's not there. Three, it will also support Infrastructural development as clearly put by Hon. Sheila, that if you walked across, you will find that shoddy work has been done but this Act will call upon those who were involved to do standard work that is clearly spelt in the contracts that are given. Four, it will also improve Public Transport Services across the County against as it is today.

More importantly, because when we talk about improved Road network across the County; we should be talking about Revenue; it will also promote revenue collections across the County.

Right now if you walked across the town, you will never see booths where Matatu's or PSV operators pay their money. We depend on manual collection from them and at that we lose a lot of money. The other thing that we are bound to gain with the amendment of this Act is, it will support Environmental protection.

Lastly, it will strengthen enforcement. Right now if you walked in this County, you will not see enforcers anywhere but if we have those designated points for enforcement then it will assist and that is why I want at this level to urge Honourable members to approve the adoption of this report so that we put things in order.

**Temporary Speaker:** Thank you, Hon. Okasida for your reply. Allow me now put a question to the members.

*(Question put and agreed to)*

Now the recommendations therein are therefore directed to the relevant department to ensure compliance within the stipulated period as per the recommendations.

## **ADJOURNMENT**

Members that was the last Item on the Order Paper for today and we adjourn the House until the 17<sup>th</sup> of June, 2025 in our 2:30 p.m. session.

*The House rose at 4:33 p.m.*