

**COUNTY GOVERNMENT OF BUNGOMA
COUNTY ASSEMBLY OF BUNGOMA**

COUNTY ASSEMBLY DEBATES

THE DAILY HANSARD

THURSDAY, 25TH SEPTEMBER, 2025

Afternoon Sitting

3rd County Assembly

4th Session

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COUNTY ASSEMBLY OF BUNGOMA

THE DAILY HANSARD

THURSDAY, 25TH SEPTEMBER, 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

Honourable members, I am pleased to welcome students and teachers from Marobo Girls Secondary School, located in Luuya/Bwake Ward, Kabuchai Sub-county.

The purpose of this important visit is to enable the learners to gain practical insights into the workings and structures of the County Government.

The visiting delegation comprises 66 students and 6 teachers.

Let the students be upstanding for recognition by the House, please.

(Students stood up)

Members, let us applaud our students.

(Applause)

Kindly resume your seats.

(Students resume their seats)

The students are accompanied by 6 teachers.

1. Ms. Mabonga Jane-the Principal
2. Mr. Juma Emmanuel
3. Mr. Barasa Harun,
4. Mr. Wafula Jael,
5. Ms. Wanyonyi Eunice,
6. Ms. Waswa Metrine.

(Teachers stood up)

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Honourable members, let us also applaud our teachers.

(Applause)

Kindly resume your seats.

(Teachers resume their seats)

Members, at the statement hour, I will allow Members to make comments and encourage the learners.

QUESTIONS AND STATEMENTS

STATEMENT ON THE ON THE MANAGEMENT OF SIBUMBA, KIKAI AND MENU COFFEE FACTORIES IN NAMWELA WARD

Mr. Temporary Speaker: Hon. Wafula Waiti, Chair - Agriculture, Fisheries,

Hon. Wafula Waiti: Thank you, Honourable Speaker. I rise to respond on the statement raised on this floor by Hon. Charles Nangulu...

Mr. Temporary Speaker: Just a minute Hon. Waiti, we confirm whether the owner of the statement is in the House before you proceed. You have to go on HANSARD. Just a moment Hon. Waiti, who are standing in for Hon. Charles Nangulu. You can use the dispatch Hon. Sudi because you must go on HANSARD.

Hon. Isaiah Sudi: Thank you, Honourable Speaker. I hold brief for him. So the owner of the statement is here.

Mr. Temporary Speaker: Hon. Waiti, you can now proceed.

Hon. Wafula Waiti: Thank you, Honourable Speaker. Actually he had called me and informed me whom he had requested but I have seen a different person. Nevertheless, I have no powers to object. On behalf of the Committee on Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development, allow me to give a report on the statement raised by Hon. Charles Nangulu on the management of Sibumba, Kikai and Menu Coffee Factories in Namwela Ward.

I hereby submit a progress report, pursuant to the provisions of Standing Order 54(d) of the County Assembly of Bungoma Standing Orders, on the statement sought by Hon. Charles Nangulu in relation to the new management of Sibumba, Kikai and Menu Coffee Factories in Namwela Ward.

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The Committee on Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development requested for response on the statement sought and invited the Department to a consultative meeting vide letter reference CAB/CC/SECTION/2 VOL.3 of 34 dated 8th August, 2025. The Department appeared before the Committee on 11th September, 2025 to respond on the issues raised in the statement.

However, the Department did not conclusively respond to the questions raised.

I hereby request for 14 days to enable the committee to conclude on the matter with the Department and report back to this House.

Mr. Temporary Speaker: Honourable members, before I give my direction, Hon. Sudi.

Hon. Isaiah Sudi: Honourable Speaker, on behalf of the Honourable Member for Namwela, Charles Nangulu the instructions that he gave me and what the Chair of Agriculture has just read before us, I want to request as much as I agree that we grant them 14 days but if you get the Department and you say that they didn't give a satisfactory answer, I don't know where now they are going to get the answer. So, I'm agreeing, but now the Chair should go a notch higher and be in charge of his committee so that we get a response. Because, you remember, Chair had sought 14 days. Now he's requesting for another 14 days.

And yet, the people of Sibumba and the other cooperatives, but I request the Chair of Agriculture to be on top of this issue, so that it is resolved once and for all. This problem affects even other coffee factories, not Sibumba alone. Other members who come from regions that produce coffee have similar problems and this could be an eye-opener. So I have agreed as the owner of the Statement. Before you do your ruling, I'm in agreement.

(Laughter)

Temporary Speaker: Thank you, Hon. Isaiah Sudi Busolo, for your concerns. We have our Majority Leader online.

Hon. Joseph Juma: Thank you, Speaker. As much as the owner of the Statement is agreeing, but it seems that actually our chairs' are also doing a disservice to us. After requesting for 14 or 21 days, then we come up with a progressive report. Yet our people are waiting for services. So I'm just urging the chairs, through our schedules kindly plan well so that at least we get sufficient answers.

This issue of postponing reports is really demeaning this House. So, as the owners are accepting but personally I'm not accepting.

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Temporary Speaker: Thank you, Majority Leader. Hon. Waliaula, what is it? I'm just appreciating the Majority Leader for the directions. Let me give you the microphone.

Hon. Aggrey Mulongo: Mr. Speaker, thank you so much for giving me this chance. I just want to echo what Majority Leader has said. You know, I can't just mention chairs when the main guy, the main Honourable Member as a leader of a majority, has not talked about it.

Truly Chairs, be serious in your work because this is something that after we were given, before we went for recess and right now, how can you come with a progressive report? It's just bad manners that the Department is not working.

(Loud consultations)

Chair, be serious and represent authority on the same and we are not only talking about Agriculture, it's cutting across all the sector committees.

Temporary Speaker: Thank you, Hon. Waliaula. Allow me to give directions and we move because I believe you are accordingly guided.

Hon. Wafula Waiti: Honourable Speaker, we were allocated time by yourself. But at the time we had allocated the Department to appear before us, the owner of me in person, because he was away in Nairobi and requested that we give him time.

So it is the owner of the statement who requested that we postpone. And it is also a minute, it is also embarrassing to me as the Chair of the committee, that a member of the committee who was right in that meeting can come here and pretend not to be aware of what we resolved as a committee.

Temporary Speaker: I think if you look at your own response, you are saying that the answers were unsatisfactory from the Department. That means you engaged your Department.

I want to agree with the concerns raised by the Majority Leader, Hon. Isaiah Sudi Busolo and Hon. Aggrey Waliaula that give this matter the seriousness that it deserves, so that we get a comprehensive report.

Why can't you allow us to move forward?

Hon. Isaiah Sudi: Honourable Speaker, when a Chair for Agriculture stands here and says that a member of a committee, I mean, if you are a teacher and your children are also in that

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school you remain a teacher. So I want the Chair to know that they do not call you father, they call you teacher.

(Laughter)

So being a member of the Agriculture Committee, doesn't stop me from representing a colleague who is not a member of Agriculture.

Temporary Speaker: Hon. Sudi, your concerns are sustained and the Chair of Agriculture is well guided. Hon. Waiti because your application is agreed with the reservations, I will give you up to the 9th of October, 2025. Kindly furnish the House with an appropriate response to put the issue to rest.

Next item

ENCOURAGEMENT MESSAGES TO STUDENTS AND TEACHERS OF MAROBO GIRLS' SECONDARY SCHOOL

As per my earlier communication, we shall allocate time to give Honourable members an opportunity to pass a word of encouragement to our teachers and students.

This is the Marobo Girls' Secondary School from Luuya Bwake Ward. We have the Honourable member for that particular ward, Hon. Edwin Opwora who is also our Chair Tourism, Environment, Natural Resources, Water and Climate Change. I think I will give you an opportunity.

Hon. Edwin Opwora: Thank you, Mr. Speaker for giving me the opportunity to welcome students from Marobo Girls'. This is a school in my ward and it's under the sponsorship of Friends Church. It's of great delight actually to see them here and the teachers. I just want to take this opportunity to welcome them here in the County Assembly of Bungoma.

This is a people's House. It is an assembly where decisions are made, where budgets are passed and where leaders are held accountable. As per what we have just witnessed here, my Chair of Agriculture was being held accountable. So students of Marobo Girls', I just want to assure you by virtue of you being here, you are not only learning about leadership but you are also learning about governance, how rules are made and how services are given to the people of Bungoma County.

I also want to thank the teachers who thought it was wise to bring these students here. As a nation, the students are feeling first-hand experience. How laws are made and what we go through.

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I know majority of them actually were benefiting from the bursary scheme that this Honourable House was passing in Bungoma County. Unfortunately, the bursary was stopped, which has made we MCA's be of less usefulness to the students. I know it is still my plea that the Government will find it fit to adequately support MCAs by virtue that we are the closest to the people, so that we can have that allocation of bursaries given back to us and be able to support our students.

I want to encourage our students that you are in Marobo girls for a season and a reason. The season is only four years and the reason is academics, so continue with your good discipline.

They are very smart girls; I have visited their school and also planted a tree there.

I want also to thank the teachers for the job they are doing. By virtue that we have not had indiscipline cases in that school, it shows good relations between the teachers and the students. So I just want to encourage the teachers to continue imparting knowledge to our girls and as you prepare them to be your future leaders. As you can see in this Honorable House we have ladies who are also Honorable members and this gives you an opportunity to dream that one day you are going to sit in this Honorable House and ensure that you pass laws and be of service to the people.

I will encourage the Honorable members to also give their words of wisdom and encouragement.

Temporary Speaker: Thank you Hon. Edwin Opwora. We have Hon. Angeline Rugut who is a seasoned member of Education and Vocational Training Committee.

Hon. Angeline Rugut: Thank you, Mr. Speaker Sir for giving me an opportunity to welcome the students and teachers from Marobo girls' school to this Honorable House.

May I take this opportunity to encourage the students just as the earlier Speaker has said, lets always be disciplined, be of good character, put God first in everything that you do, take pieces of advice from your teachers seriously and that way you will be able to succeed in life.

I just want to remind them that as a girl, the community depends on you unlike previously where all focus was given to the boy child; it is the girl child that propels the family forward. There is this statement in one of the books by Margaret Ogolla that states 'a home without daughters is like a river without a source'. So you could be a stream but if you remain focused you will actually reach your destination. Always remain focused, do your work as expected, put in much effort in what you are doing. A girl should always be smart in everything, you should be a lady. I know you have careers that you aim to pursue in future, start living those careers. If you want to be a teacher, nurse, doctor or an engineer and you focus on that, God will surely make sure you achieve it.

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For the teachers, I want to appreciate that you actually took time out of your comfort zone to accompany these girls, this way you are being role models. I was amazed to learn that the Principal accompanied you to this Honorable House. You should not take that for granted; that is a sacrifice that clearly indicates that she has your interest at heart. You should appreciate that.

I want to wish you well. I am sure as you go back, there are those who have remained in school, make sure that you share with them the knowledge that you have learnt here because you are enriched if you are in a position to share knowledge. Share everything that you learnt in this Honorable place. Keep on visiting here whenever you have a chance to come around. Thank you so much, may God bless you.

Temporary Speaker: Thank you, Hon. Angeline Rugut for your positive remarks.

(Applause)

Hon. Benard Kikechi, member for Mbakalo!

Hon. Benard Kikechi: Thank you, Hon. Speaker for also giving me this opportunity to contribute. First of all, I also take this opportunity to welcome the teaching fraternity led by the Principal and the students of Marobo girls to this Honorable House.

Sometimes back people used to think that Honorable members are not people who are learned and I want to confirm to our students and teachers sitting in the gallery that this is an Honorable House of professionals. They should know that in this Assembly even the Speaker who has been on the floor Hon. Angeline Rugut is a trained teacher.

We have lawyers in this Honorable House even our Speaker today Hon. Otsiula is a renowned legal mind. We also have engineers here. So our girls put in more effort in school as you learn, just know that the sky is the limit. Work hard if you ever aspire to succeed. If you want to be a MCA like Hon. Opwora then you have to put enough effort in your education. If you aspire to be an engineer, pilot whichever dream you think about, the key is just to succeed in your exam.

As a member of this Honorable House representing Mbakalo ward, my final word to you is that kindly keep pushing, believe in yourself and your abilities. You are capable of achieving great things. Don't be afraid to take risks and try new things.

I wish you all the best in your studies. The teachers kindly continue guiding these young girls well and I wish all of you well.

Temporary Speaker: Thank you, Hon. Benard Kikechi for your submissions. I think they are very well guided. Hon. Isaiah Sudi Busolo!

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Hon. Isaiah Sudi: Thank you, Hon. Speaker for giving me this chance also to give a message of encouragement to our girls of Marobo girls. I assume it is a local school in Luuya/Bwake. Most parents of these girls reside in Luuya/Bwake and I want to tell them that they are well represented by non-other than Hon. Opwora. Some of these young girls will have Identity Cards and they should not make a mistake, their future is in Opwora who is equally young like them.

I want to encourage them that when they go back, let them tell their parents that our MCA is very vibrant in the House. He is my Chair in Tourism committee; he has done a lot of things. We shared a school, Friends School Kamusinga, he came years after I had left and I want to encourage the young girls that the name of the school does not matter. When we were in Kamusinga, there are those who failed, who did not merit for direct entry to the university, so girls your school and teachers as equals to those ones in Bungoma High, Kibabii and even Alliance and take their instructions positively and you will excel, because they are equally trained in our universities.

There is no university that is better than the other. I am a father of many girls and that is why I have stood to say something. Kindly, do not allow your future to be interrupted by those who prey on young girls, because when you go to a supermarket in future, you can decide on what you want because you have money in your pocket, a job that is building you. The Honorable members you are seeing in this House, all our sisters who are here have gone to school like the famous Ndasaba Dorcas, she is here. Your teachers know how she represented this country in volleyball. So even those ones with talents don't shy away from your talent, be allowed also to exercise your talent, but most importantly be disciplined because as a young girl, any slight mistake completely destroys your future.

Risks exist but do not engage in those that can destroy your future. You have a whole life to live young girls. Respect your teachers and parents at home. Do not ignore your mothers because you are in form four or form three and some of them have never been to school. They also have an advice to give you. So when you go back to school, read hard and excel.

Otherwise, I wish you journey mercies.

(Applause)

Temporary Speaker: Thank you, Hon. Isaiah Sudi. That is the Deputy Majority whip for your advice to our girls and teachers. I think that is wisdom enough. What I can say is that our teachers, your duty is very noble. We appreciate you and on many occasions we celebrate you because teachers have produced people. The people who are sitting in this House have all passed through the hands of teachers.

Therefore, thank you so much for your duty. Continue serving very well. For our students, as per Hon. Bernard Kikechi, the sky is the limit but remember discipline precedes success. Therefore remain disciplined and work very hard. I also wish you very well.

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Next,

MOTION

REPORT OF THE COMMITTEE ON DELEGATED COUNTY LEGISLATION ON THE POST LEGISLATIVE SCRUTINY OF THE BUNGOMA COUNTY PARKING MANAGEMENT ACT 2017

Temporary Speaker: Chair of the Committee, Hon. Wafula Waiti, proceed and move the report!

Hon. Timothy Chikati, just a moment I will give you the microphone!

Hon. Timothy Chikati: We have a Quorum hitch Mr. Speaker!

Temporary Speaker: Which quorum, Hon. Timothy Chikati?

Hon. Timothy Chikati: For Delegated Committee.

Temporary Speaker: Members of Committee on Delegated County Legislation!

(Laughter)

Hon. Timothy Chikati: 9 +1

(Laughter)

Temporary Speaker: The quorum is overflowing Honorable members

(Applause)

Hon. Wafula Waiti, you can proceed and read the report!

Hon. Wafula Waiti: Thank you, Hon. Speaker. On behalf of the Committee on Delegated County Legislation, allow me present a report on the Post Legislative Scrutiny of The Bungoma County Parking Management Act 2017.

Chapter one

In line with its legislative role as provided for under the Constitution and the law, the County Assembly of Bungoma has enacted various legislations since its inception. The committee undertook the scrutiny of the Bungoma County Parking management Act, 2017 passed by the County Assembly and made its observations and recommendations thereafter.

Overview of the Act

THE BUNGOMA COUNTY PARKING MANAGEMENT ACT, 2017

The Bungoma County Parking Management Act of 2017 was enacted to regulate parking within Bungoma County. The Act outlines the framework for the management of parking spaces, including provisions for the designation of parking areas, issuance of parking permits, enforcement of parking regulations, and penalties for non-compliance. It aims to streamline parking operations, reduce congestion, and enhance revenue collection for the County.

Establishment of the Committee on Delegated County Legislation

The Committee on Delegated County Legislation is established pursuant to the County Assembly Standing Order No. 214 and is mandated to consider statutory instruments submitted to the County Assembly. Standing Order 214 states as follows:

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- 1) There shall be a select Committee to be known as the Committee on Delegated County Legislation.

The Committee shall comprise of a chairperson and not more than ten other members

Allow me refer members to page 4 and Standing Order 214 (3) that talks about the mandate of the committee so that I move to page 5 on committee membership.

Temporary Speaker: Kindly, proceed!

Hon. Wafula Waiti: The Committee as currently constituted comprises of:

1. Hon. George Kwemoi	Tendet	Chairperson
2. Hon. Ndasaba	Dorcas	Member
3. Hon. Job	Mukoyandali	Member
4. Hon. Godfrey	Wanyama	Member
5. Hon. Martin	Chemorion	Member
6. Hon. Wafula	Waiti	Member
7. Hon. Alfred	Mukhanya	Member
8. Hon. Metrine	Wilson	Member
9. Hon. Angeline	Rugut	Member
10. Hon. Aggrey	Bosire	Member
11. Hon. Alice	Kibaba	Member

Acknowledgement

The Committee is alive to the immense support accorded to it by the Members of the County Assembly through their concerns and contributions. This cannot be over looked. On behalf of the Committee Members, I wish to extend our sincere appreciation for the invaluable support accorded to the Committee by your Office and that of the Clerk in ensuring the Committee discharged its mandate.

I would also like to sincerely thank the Hon. Members of the Committee on Delegated County Legislation for the commitment exhibited during the analysis of the Bungoma County Parking management Act, 2017 passed by the County Assembly and compiling of this report. Finally, it is now my pleasure, on behalf of the Committee to present this report in accordance with Standing Order number 202(7).

The report is signed by the chair of the committee who is none other than Hon. Tendet George on 30th May 2025.

Legislative framework

Both plenary and committee sessions are the avenues where Members of the County Assembly can project their voices. Overtime, County Assembly committees have emerged as a creative way for County Assemblies to perform their basic functions. This is because they serve as focal points for legislation, oversight and representation.

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Legislative authority

Temporary Speaker: Hon. Wafula Waiti, you are moving a report about legislative authority, it is about the County Assembly oversight role that is within the grasp and understanding of these Honorable Members and the House.

Kindly, proceed.

THE BUNGOMA COUNTY PARKING MANAGEMENT ACT, 2017

INTRODUCTION

The Bungoma County Parking Management Act, 2017, was enacted to regulate parking services within Bungoma County. The Act provides a legal framework for managing parking spaces, collecting fees, enforcing parking rules, and ensuring an orderly urban transport system. It aims to enhance revenue collection while reducing congestion in urban areas.

LEGISLATIVE SUMMARY OF THE BUNGOMA COUNTY PARKING MANAGEMENT ACT, 2017

The Bungoma County Parking Management Act, 2017, was enacted with the primary objective of regulating and streamlining parking within Bungoma County. This Act establishes a legal framework for the management, operation, and control of both public and private parking spaces in the county, aiming to address the growing challenges associated with urban mobility, traffic congestion, and unregulated parking.

The Act empowers the County Government of Bungoma to designate specific areas as parking zones and to develop relevant infrastructure for such use. It provides for the classification of parking areas, including street parking, off-street parking, loading zones, and parking spaces for persons with disabilities.

The legislation outlines the procedures for obtaining parking permits and paying parking fees. It mandates that all vehicle owners using designated parking zones comply with payment requirements, as determined by the county government. The Act further introduces mechanisms for the issuance of parking receipts and permits, and prescribes penalties for non-compliance, such as fines and vehicle impoundment.

Furthermore, the legislation takes into account environmental and safety concerns, advocating for orderly parking practices that do not obstruct emergency exits, pedestrian walkways, or access to buildings. It also supports inclusive parking arrangements, reserving spaces for persons with disabilities.

Overall, the Bungoma County Parking Management Act, 2017, serves as a strategic legislative tool to enhance orderliness in urban centers, improve traffic flow, and generate revenue for the county through regulated parking operations. It reflects the county government's commitment to urban planning and sustainable development.

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COMMITTEE OBSERVATION

1. THAT, Section 2 of the Act interprets the word “County Executive Committee Member” to mean the County Executive Committee Member for the time being responsible for matters related to parking. Further, Section 4 of the Act mandates the County Executive Committee Member responsible for physical planning by notice in the gazette to designate parking places within the County.
2. THAT, Section 10 of the Act requires a person parking the vehicle at a designated parking place to pay to the revenue collector designated parking fees or at the designated parking fees payment point and the person should be issued with a parking ticket in the prescribed form. Failure to comply with this provision may result in penalties or clamping.
3. In addition, the County Executive Committee Member is mandated to designate parking fees payment points within the County.
4. THAT, Section 15 of the Act provides for multiple parking. A parking permit should only be used for a vehicle whose registration number appears on the parking permit thus reducing fraud and revenue leakage.
5. THAT, Section 29 of the Act requires a person operating a taxi/ cab or bodaboda to belong to a recognized association hence supporting regulation, safety and accountability among the regulators.
6. THAT, Section 30 of the Act provides for the establishment of taxi parking zones and makes it an offence to park a vehicle which is not a taxi in an area designated as a taxi zone hence ensuring order.
7. THAT, the County Government shall not be responsible for any damage or loss which may occur during the clamping of a vehicle as stipulated under section 33 of the Act. This provision protects the County Government from legal claims however, unprofessional clamping may lead to vehicle damage, provoking public outcry.
8. THAT, Section 35 of the Act allows the County Executive Committee Member to exempt any vehicle or class of vehicles from payment of parking fees or other charges under the Act. This allows flexibility for exceptions, however, without clear guidelines, this discretion may be abused.
9. THAT, the Committee notes that although the Act references a schedule for fees and charges under Section 36 of the Act, no such schedule is attached. This creates a legal and administrative vacuum where fees may be charged without a lawful basis, undermining transparency and the rule of law.
10. THAT, although Section 37 of the Act empowers the County Executive Committee Member to make Regulations for effective implementation of the objective of the Act, no such regulations have been made to date.

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11. THAT, the Bungoma County Transport Act 2015 and the Bungoma County Parking Management Act 2017 both have provisions on parking. This can result in a potential conflict in the application of these laws.

COMMITTEE GENERAL OBSERVATION

- a. The Statutory Instruments Act, 2013 provides for the making, scrutiny, publication and operation of statutory instruments and for matters connected therewith. In particular, section 11 of the Act outlines the laying of Statutory Instruments before parliament whereby the regulation making authority is required within 7 sitting days after publication of a Statutory Instrument to submit it to the clerk for tabling before the County Assembly. Based on the records of the House, no subsidiary legislations pursuant to the Act scrutinised have been submitted to the House for consideration.
- b. The County governments are required to enact or operationalize required legislations to underpin revenue raising measures. The practise by the National government offers guidance on how County governments should deal with revenue legislations. At the National level, the Finance Act does not impose taxes, fees and charges. The Finance Act merely alters the amount or rate of a tax or fee by amending a section in the principal law that dictates the rate. This approach is consistent with accepted revenue raising practices whereby sector specific legislations impose taxes, fees and charges hence providing for easier financial regulation of each sector. Thus, the County government is required to develop principle revenue legislations to anchor its taxes, fees and charges. This is in line with Article 210(1) of the Constitution and section 132 of the Public Finance Management Act 2012. From the foregoing, the fees and charges are not anchored in the Bungoma County Parking Management Act, 2017, neither is there a subsidiary legislation on the same pursuant to the Act, cognisant of the fact that this is a revenue raising legislation.
- c. The Act does not explicitly provide for digital payment options, which could streamline revenue collection and minimize corruption.
- d. The committee notes that the House passed a resolution on 6th November 2024, adopting the committee's recommendation concerning the measures to be implemented by the department to regulate non-motorized vehicles and taxis/cabs. This recommendation was outlined in the committee's report on the status of four Acts passed by the County Assembly, which was tabled on 24th July 2024 and adopted on 6th November 2024 (see general recommendation

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number 1). The recommendation aligns with Section 47 of the Bungoma County Transport Act, 2015. Further, this recommendation gives effect to the provisions of sections 29 and 30 of the Bungoma County Parking Management Act, 2017.

COMMITTEE RECOMMENDATIONS

To enhance the effectiveness of the Act, the committee recommends the following:

1. THAT the Committee on Roads, Transport, Infrastructure and Public Works, in exercise of the powers conferred to it under Article 185 of the Constitution and standing order 217 (5)(d) to consider:

a) A legislative review of the Bungoma County Transport Act, 2015 and the Bungoma County Parking Management Act 2017 with a view to harmonize the overlapping provisions.

b) Amending the Act:

i. Under section 2 on the interpretation of the word “County Executive Committee Member” by deleting the word “parking” appearing immediately after the preposition “to” and substituting therefor the words “Roads, Transport, Infrastructure and Public Works”.

Justification

The department of Roads, Transport, Infrastructure and public works has the overarching mandate for all transport related matters including parking. The amendment thus places the responsibility of implementation of the Act on the County Executive Committee Member responsible for matters Roads and Transport.

ii. Under section 4-

- By inserting the words “Roads, Transport, Infrastructure and Public Works in consultation with the Boards of Municipalities” immediately after the preposition “for”.

- By deleting the words “physical planning” appearing immediately after the preposition “for”

Justification

The amendment imposes a duty of co-operation and consultation between the department of Roads and Public Works and the Boards of Municipalities with regard to designation of parking spaces.

iii. Deleting section 33 of the Act

Justification

The provision can be subject to abuse

2. THAT the committee on Roads, Transport, Infrastructure and Public Works, in exercise of its oversight mandate pursuant to Article 185(3) of the Constitution should inquire from the concerned department on the implementation status of the Act. For instance:

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a) Whether parking places and parking fees payment points are designated in compliance with sections 4 and 10 of the Act respectively.

Temporary Speaker : Honourable Members, consult in low tones, you are distracting the mover of the motion.

Hon. Wafula Waiti: b) whether county parking yards exist as contemplated under section 11 of the Act.

c) Circumstances under which some vehicles are exempted from the payment of parking fees or other charges under the Act pursuant to section 35 of the Act.

3. THAT the department of Roads, Transport, Infrastructure and Public Works should provide for fees and charges either in the parent Act or subsidiary legislation subject to public participation and consideration and approval by the County Assembly. This will inform the amendment of this legislation in the Finance Act where necessary, forming the basis for revenue raising measures.

4. THAT, the County Executive Committee Member for Roads, Transport, Infrastructure and Public Works should make the prescribed form for the parking ticket as stipulated under section 10 of the Act and any other form to be prescribed under the Act and submit it to the County Assembly for consideration as a subsidiary legislation.

5. THAT, the County Executive Committee Member for Roads, Transport, Infrastructure and Public Works to make Regulations: For instance;

- I. Prescribing the conditions for the use of parking spaces.
- II. On designated parking yards.
- III. On automation of parking fees collection and management.

6. THAT, The committee reiterates that the department should implement the committee's recommendation on the report tabled on 24th July 2024 and adopted by the House on 6th November 2024 on the status of the four Acts passed by the County Assembly regarding the measures to be put in place by the department of Roads, Transport, Infrastructure and Public Works to regulate non-motorized vehicles and taxis/cabs. (See the committee's general recommendation no.1).

Honourable Speaker on page 18 states on annexures attached, adoption Schedule Honourable Speaker, was signed by the Members of the committee and Honourable Speaker, I come to the conclusion of the report presented to this Honourable House and now is my pleasure....

Temporary Speaker: You don't know your Members?

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Hon. Wafula Waiti: Honourable Speaker, I am looking around so that I may pick on the right Member, I call upon Hon. Job Mukoyandali to second the report.

Temporary Speaker: Thank you Hon. Wafula Waiti for demonstrating energy, passion and zeal in moving this motion. Hon. Job Mukoyandali Member for West Bukusu the honor is on you to second the report.

Hon. Job Mukoyandali: Thank you, Honourable Speaker. First of all, let me laud Hon. Wafula Waiti with his young age for having been able to move a report that fast.

Secondly, I am on my feet to second this particular report which is very important. For the longest time, there have been laws that were put in place, especially when we are talking about this Parking Act of 2017. It is a law that has been existing on paper and it is something that could have helped this County move forward. This report acknowledges the diligence in scrutinizing the Parking Management Act and it emphasizes on the post-legislative scrutiny, which is very vital in ensuring that these laws do not just exist on paper, but are put into practice to help this County move forward.

When you look at this report, it actually stresses on some key issues that emanate as a result of the issues of parking. One, when you look at it, it stresses on the absence of schedules which undermines the legality and transparency in revenue collection. Honourable Speaker, when you look around town, you will find that for the longest time, we have not had very clear places where parking has been put. If this report is considered by this House, it's going to regularize everything and we are going to have specific places for parking within this town of ours.

There is also need to harmonize conflicting provisions within the Transport Act 2015. We had the Transport Act of 2015 and we have the Transport Act of 2017 and we have not had harmonization of the two Acts. There were some important issues which were in the Act of 2015 and when we come to this Act of 2017, some issues have been left out. If the House adopts this report, it will bring harmonization of the Acts.

As a committee, we have been able to look at the two Acts and identified gaps which adoption of the report will fill. For instance the dual carriage way which is not captured. Initially, the town was very dirty; we did not have a proper road network but currently, places have been created for parking. This report is capturing all the gaps so that we give proper direction on how collection of revenue can be done and that is why we are talking about automation of revenue collection. When you look at what has been happening, somebody sees you coming to park, hides in the shops, waits for you to park, you go to do your business, you come back, you get your car has been clamped. If we pass this report, such issues will be totally avoided and people will have harmonious coexistence in the town.

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The report has come out very clear about areas where you can pay and areas where you can get the revenue officers and areas where you can be able to pay, so that the issues of clamping of the vehicles and collectors collecting money from innocent car owners around the town comes to an end.

Lastly, we are looking at the value of this report to the public, where now proper regulation will reduce traffic congestion within the town and there will be some fairness in parking and also fairness in parking charges and what have you. If I can give an example, two weeks ago, somebody comes and parks their car properly but their car is being clamped and they are telling that person to pay Kshs.2, 000 shillings. If we pass this report, that one will not happen again.

Citizens of this County need clarity on the fee payment procedures, which can only come through a proper subsidiary legislation.. When you look at this report, it is a very short but it is offering a solution to that, it is telling us that we will have some designated areas where you will get these revenue collection officers, where you can just go there and you pay the money and avoid so many issues.

Otherwise, it is a very good report and if adopted, it is going to help this county in terms of parking. When you go to town you will not just park anywhere, you will be told that taxis are supposed to park here, lorries are supposed to park here, and small car owners who you see are moving around the town are supposed to park here. What has been happening in town especially when you look at the supermarkets and not just the supermarkets, but also the wholesalers, somebody will come with a very big truck, blocks the road in form of they are offloading. This particular Act will stipulate where these people are supposed to be offloading their items from and it will decongest the town and create harmony in town. I second, Honourable Speaker and urge this House that we adopt this report.

Temporary Speaker: Thank you, Hon. Job. I think the seconding has been very expansive and comprehensive.

(Motion proposed)

Hon. Bernard Kikechi: Thank you, Honourable Speaker. First of all, I would like to appreciate the Committee on Delegated County Legislation led Hon. George Ngomat for having prepared this very good report. I would like to thank the mover and the seconder, for having presented the report eloquently and very well to this Honourable House.

I want to be very clear that I support this report; it is a good one and it is long overdue. The observations and the recommendations are well done and I support but something that caught my eye is seeing in one of the Committee observations that there was a report which was passed on the floor of this House that was on 24th of July, 2024 and it was adopted on 6th of

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November, 2024 and the issue that that report was touching on is very critical. This issue of regulating non-motorized vehicles, especially the taxis, the cabs, the tuk-tuks in town.

When you walk around Bungoma town, we are having challenges with this kind of vehicles. However, I wish that they will be regulated so that they can be given designated areas of operation.

I am happy that the committee had already observed that and made a report which was passed by this House but we have a challenge with implementation. However, I wish that such a good report should be implemented by the department, because from that time up to now, still such a report of importance with very good recommendations has not been implemented. I will ask the committee on Implementation to follow up so that such good observation and recommendations are acted upon. Otherwise, this is a very good report and I support it.

Hon. Everlyne Anyango: Thank you very much Honourable Speaker for this opportunity. I want to start by acknowledging and applauding the leader and the mover of the motion for having moved this motion eloquently.

I also applaud the committee for the good work that they have done for this County. Honourable Speaker, as my predecessor has just said, the town of Bungoma is in a total mess. There are no specific areas for parking or even the pedestrians walking, which has created confusion that even realizing revenue from these vehicles is a problem.

There are very many trucks that offload from very secret places that our revenue officers sometimes are not aware. It has taken this county a long time to even make town roads passable, why? That some road works are done today and tomorrow trucks are on the same road and they depreciate very fast because the layers on the roads were not meant for those trucks, but the trucks forced themselves to park on the same roads.

I also pray and urge the House that we do serious follow-up so that all the recommendations of this committee are implemented by the Executive. Were it that all the recommendations in this House are implemented within the specified time as stipulated in most of the reports that are read on the floor of this House, this town would be better and the revenue collection in this town would be higher than what we are realizing right now. I applaud the committee.

Hon. Tony Barasa: Thank you, Honourable Speaker for giving me this opportunity. First, I want to thank the mover of the motion who has done it very well and also to thank the seconder of the motion.

I want to draw your attention to the Committee's observation number nine, that although Section 37 of the Act requires the County Executive Committee Member to make regulation

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for effective implementation of the objective of the Act, no such regulation has been made to date. We must underline the word; no such regulation has been made to date.

I also want to draw your attention on Number 10 which states that the Bungoma County Transport Act 2015 and the Bungoma County Parking Management Act of 2017 both have prohibition on parking and this can result in potential conflict in the application of these laws. So what is the remedy for this? I am saying that although the Committee has done a good job, the recommendations according to me are just flat. They are not treating the committee observation as flagged out under number 9 and 10, because if they saw this, they could have also recommended that the CECM, who is in charge of providing regulation so that he can sort out this mess once and for all. They must be given a timeline of coming up with regulations to this House.

I am also seeing Recommendation No.4; where they are saying that the County Executive Member for Roads, Transport, Infrastructure and Public Works should make the prescribed form of the parking ticket as stated under section 10 of the Act and any other form prescribed under the Act and submit it to the County Assembly for consideration as a subsidiary legislation. It is a perfect recommendation, but it's very flat. What is the timeline? What are we giving them? It is an open Cheque, we should at least tie it, is it 30 days? Is it 60 or 90 days? It is a good recommendation.

Honourable Speaker, another recommendation we are seeing is that the County Executive Committee Member for Roads, Transport, Infrastructure and Public Works to make regulations for instance prescribing the conditions for the use of parking spaces, on designated parking yards and automation of parking fees collection and management.

Now they have told the CECM to bring those regulations but what is the timeline? We adopt the report the way it is. We feel you can even give us the regulation after one year. Will that have sorted the issue? So I am saying the report is good but the recommendation as it is I was proposing that if we had some amendments so that we tag them with the timeline. Thank you, I support with the amendment.

Mr. Temporary Speaker: Thank you, Hon. Tony Barasa

Hon. Tony Barasa: Hon. Speaker, you will see all the recommendations are very nice but it doesn't have the timeline. So I want to suggest that we have some amendments on the recommendation so that we can give a timeline. If you can guide and propose for the amendments, so that we can give the timelines as to when the CECM can give us the whatever.

Mr. Temporary Speaker: Hon. Tony Barasa, what is your point of information? Hon. Job,

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Hon. Job Mukoyandali: Hon. Speaker, when you look at the recommendation number six already we have a report in place which was passed on this floor and in that report, when you look at it and what Hon. Tony is talking about in part four, we already gave them 90 days so this one is just an enhanced report which we already gave the timelines...

Mr. Temporary Speaker: Hon. Job, you seconded the report and the only person who has a right to reply is the mover of the motion. You can pass the information that you through the mover of the motion but members what we are dealing with at this particular time is whether we consider the amendments before we move back to the main motion. So Hon. Tony Barasa I want to give you an opportunity to call...

(Loud consultations)

Hon. Tony, I am giving you an opportunity but I want you to look at Standing Order number 67(1)

Hon. Tony Barasa: Which says...?

Mr. Temporary Speaker: You have your Standing Orders. You have your own copy.

(Laughter)

Hon. Tony Barasa: Hon. Speaker, I am sorry mine is in the office.

Mr. Temporary Speaker: Members, remember we are dealing with legislation and you cannot purport just to amend legislation orally but I want you to look at that Standing Order to guide the House.

Hon. Tony Barasa: Mr. Speaker, Standing Order 67(1). Amendments to be in writing. *The proposer of an amendment to a Motion shall before moving it, hand the proposed amendments in writing, signed by the proposer, to the Clerk and approved by the Speaker at least two hours before the order is read and circulated.*

I am guided and hope you heard my views and that the majority will have their way.

Mr. Temporary Speaker: Hon. Tony, I want to guide you. Nothing stops you from calling your seconder. If the House passes a motion that the report shall be passed with amendments you know what to do now thereafter.

Hon. Tony Barasa: I will call Hon. Sudi to second the motion with amendments,

Mr. Temporary Speaker: Hon. Isaiah Sudi. You have not requested Hon. Sudi...

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Hon. Isaiah Sudi: Hon. Speaker, this is very important motion and despite the fact that we had passed other reports over the same, now that the regulations has not been done, this report will guide us that we tighten by putting time line and maybe through your guidance as a House because this is not the only regulation that has not been done. We can have a session we put timeline and invite the departments concerned and share with them why the regulations have not been done.

(Applause)

So I second and request that through your direction we adjourn the motion and allow amendments so that the debate can come in our next sittings after amendments.

Mr. Temporary Speaker: Thank you, Hon. Sudi. Honourable Members, pursuant to the provisions of Standing Order No. 67(1) a motion having been moved and duly seconded, I now wish to propose that this House adopts the report of the Sectoral Committee on Delegated County Legislation in the Post-Legislative Scrutiny of the Bungoma County Parking Management Act 2017 laid on the table of the House on Wednesday, 9 July, 2025 with amendments. I propose.

Honourable Members, a motion having been moved and duly seconded and debate having ensued thereafter, I now wish to put a question, that this House adopts the report of the Sectoral Committee on Delegated County Legislation on the Post-Legislative Scrutiny of the Bungoma County Parking Management Act 2017 laid on the table of the House on Wednesday, 9 July, 2025.

(Question put and agreed to)

The ayes have it.

(Applause)

Members now we go back to the main motion and whoever was moving the amendment you know what to do. The Standing Order is there to guide you. Members if you don't move the motion will proceed.

(Loud Consultations)

Hon. Allan,

Hon. Allan Nyongesa: Honorable Speaker, the mover and the seconder of that motion requested for adjournment and now that we have passed this motion, the House should remain adjourned on this motion till the amendments are here.

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Mr. Temporary Speaker: Members, let me guide the House. The motion moves to the effect that the report be approved with amendments and that is the motion that we have been dealing with. I am waiting for the amendments. So it is you now to move the House.

(Loud Consultations)

Hon. Tony Barasa: Honorable Speaker, arising from your communication, I wish to ask that we adjourn the motion but not the House so that we make the amendments. I am guided. I call *Mheshimiwa* Kikechi to second.

Hon. Benard Kikechi: Honorable Speaker, as requested by the Honourable Member for Lwandanyi. I second.

(Applause)

Mr. Temporary Speaker: Thank you, Hon. Benard Kikechi.

(Loud consultations)

Members, I think at that juncture it is clear that you have unanimously resolved to adjourn the motion.

(Applause)

And therefore, we are going... Honourable Members we...

(Loud consultations)

Members since next week the House will be adjourning because of the interrogations. If you look at all our business today, I think the House Business Committee will allocate time when this motion will come up but Hon. Tony Khaoya you need to have filed your amendments two hours before the resumption of the debate on this particular motion. Kindly comply with those directions.

MOTION

ALTERATION OF HOUSE CALENDAR 2025

Mr. Temporary Speaker: Yes. The leader of majority, Hon. Joseph Nyongesa.

Hon. Joseph Nyongesa: Thank you, Speaker. We are still consulting because we also had some input in that motion but now that we have moved to motion number nine, let's also

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move. Alteration of House Calendar 2025 that pursuant to the provision of the Standing Order No. 31(4) this House resolves to alter its calendar regular sessions for the year 2025 so as to adjourn today, Thursday, 25th of September, 2025 and resume its regular sittings on Thursday, 2nd of October, 2025.

Noting that this alteration is necessary in order to provide sufficient time for the Sectoral committees of the County Assembly to interrogate the financial statements and reports submitted to the Assembly by the County Assembly by the Executive. An exercise scheduled to take place from Monday, 29th of September, 2025 to Wednesday, 5th of October, 2025.

Hon. Speaker, allow me to call upon the Chief Whip, Hon. Mulongo to second.

Mr. Temporary Speaker: Thank you, Hon. Joseph Nyongesa. The Minority Whip, Hon. Aggrey Mulongo, proceed.

Hon. Aggrey Mulongo: Thank you, Mr. Speaker, Sir, for giving me this chance to second the motion. I stand here to second the motion because of what is ahead of us. By next week we are going to have those interrogations and therefore we need time. I second this motion of adjournment.

Mr. Temporary Speaker: Thank you, Hon. Aggrey Mulongo. Honourable Members remember it is a procedural motion. Therefore, I will proceed to propose the motion for debate.

(Question proposed)

Hon. Ali Machani,

Hon. Ali Machani: Thank you, Hon. Speaker for allowing me to say something about it. It is in order and within the provision of our Standing Orders that the Speaker in consultation with the Leader of Majority and Minority can alter the calendar if there is business that should be handled within that time frame. So I stand to support that we move on because this is a serious activity we need to handle next week.

Mr. Temporary Speaker: Thank you, Honourable Ali Machani for your brief and precise submission.

I now wish to put a question that pursuant to the provisions of Standing Order No. 31(4), this House resolves to alter its calendar regular sessions for the year 2025 so as to adjourn today, Thursday, 25th September, 2025 and to resume its regular sittings on Thursday, 2nd October 2025, noting that this alteration is necessary in order to provide sufficient time for the

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Sectoral committees of the County Assembly to interrogate the financial statements and reports submitted to the Assembly by the County Executive.

This is an exercise scheduled to take place from Monday, 29th September, 2025 to Wednesday, 1 October, 2025.

(Question put and agreed to)

The Ayes have it.

(Applause)

ADJOURNMENT

Thank you, Honourable members for sitting through the entire afternoon session. That has been the last item on the Order Paper. We adjourn the House accordingly.

The House rose 4:08 p.m.

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