

COUNTY GOVERNMENT OF BUNGOMA
COUNTY ASSEMBLY OF BUNGOMA
COUNTY ASSEMBLY DEBATES
THE DAILY HANSARD
TUESDAY, 14TH JULY, 2026
Afternoon Sitting

3rd County Assembly

5th Session

Version 00

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COUNTY ASSEMBLY OF BUNGOMA
THE DAILY HANSARD
TUESDAY, 14TH JULY, 2026

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

(Mr. Deputy Speaker [Hon. Stephen Wamalwa] in the Chair)

PRAYER

COMMUNICATION FROM THE CHAIR

There is a communication to make; Honorable members, we are privileged to have a visiting delegation. This is a delegation from a school in our neighboring County of Busia and the school is called Nambale Urban Secondary School. The delegation comprises of 50 students and 4 teachers. Students are on a tour and I will ask them to be upstanding.

(Students stood up)

We can applaud them Honourable Members!

(Applause)

You can get seated!

They are accompanied by four teachers;

1. Mr. Geoffrey Masinde
2. Ms. Damaris Nandwa
3. Mr. Leonard Musungu
4. Ms. Sheilla Soteri

We can applaud them Honourable Members.

(Applause)

Teachers you can get seated!

Honourable Members, the purpose of the visit is to understand the functions of County Governments and County Assembly. At the statement hour Members will be given some time to make short remarks and words of encouragement to the students. You are welcome. Thank you. Next item!

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PAPERS

REPORT OF THE HOUSE BUSINESS COMMITTEE ON THE AFFAIRS OF THE COUNTY ASSEMBLY FROM 10TH FEBRUARY - 25TH JUNE, 2026

Mr. Deputy Speaker: Leader of Majority, Hon. Joseph Nyongesa Juma

Hon. Joseph Nyongesa: Thank you Mr. Speaker. I rise to table the report of the House Business committee on the Affairs of the County Assembly from 10th February to 25th June 2026.

Mr. Deputy Speaker: Thank you Hon. Joseph Nyongesa Juma, our Leader of Majority. Honourable Members, this report having been tabled now becomes the property of the House. Next item!

REPORT OF THE COMMITTEE ON DELEGATED COUNTY LEGISLATION ON THE POST-LEGISLATIVE SCRUTINY OF THE BUNGOMA COUNTY CLIMATE CHANGE FUND ACT OF 2022

Mr. Deputy Speaker: Hon. George Tendet Ngomat!

Hon. George Tendet (Chairperson Delegated): Thank you Hon. Speaker. I stand to table a report of the committee on Delegated County Legislation on Post Legislative Scrutiny of the Bungoma County Climate Change Fund Act 2022. I table

Mr. Deputy Speaker: Very well Honourable Members. A report by the Committee on Delegated County Legislation on Post legislative scrutiny of the Bungoma County Climate Change Fund Act 2022 having been tabled now becomes the property of the Assembly.

REPORT OF THE SECTORIAL COMMITTEE ON GENDER, CULTURE AND SOCIAL WELFARE ON THE FINANCIAL STATEMENTS AND REPORTS FOR THE PERIOD ENDED 31ST DECEMBER, 2025

Mr. Deputy Speaker: Hon. Florence Theresa Juma!

Hon. Florence Juma: Thank you Hon. Speaker. I rise to table a report of the Sectoral Committee on Gender, Culture and Social Welfare on Financial Statements and Reports for the period ended 31st December 2025. I table

Mr. Deputy Speaker: Thank you so much Hon. Florence Theresa Juma, specially elected Member. Honorable Members, this report of the Sectoral Committee on Gender, Culture and Social Welfare on Financial Statements and reports for the
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period ended 31st December 2025 having been tabled now becomes the property of the House.

NOTICES OF MOTION

THAT THIS HOUSE ADOPTS THE REPORT OF THE HOUSE BUSINESS COMMITTEE ON THE AFFAIRS OF THE COUNTY ASSEMBLY FROM 10TH FEBRUARY - 25TH JUNE, 2026

Hon. Joseph Nyongesa (Leader of Majority): Thank you Mr. Speaker. I rise to give a notice that this House adopts the report of the House Business Committee on the Affairs of the County Assembly from 10th February -25th June 2026.

Mr. Deputy Speaker: Thank you Honourable Members. The notice of motion having been issued, I now direct that the same be circulated to Honourable Members for their own scrutiny and in depth consumption. This will form part of business to be considered by this House after ratification by the House Business Committee.

THAT THIS HOUSE ADOPTS THE REPORT OF THE COMMITTEE ON DELEGATED COUNTY LEGISLATION ON POST LEGISLATIVE SCRUTINY OF BUNGOMA COUNTY CLIMATE CHANGE FUND ACT OF 2022

Mr. Deputy Speaker: Hon. George Tendet Ngomat!

Hon. George Tendet (Chairperson, Delegated): Thank you Hon. Speaker. I stand again to issue a notice of motion that this House adopts the report of the Committee on Delegated County Legislation on Post Legislative Scrutiny of the Bungoma County Climate Change Fund Act 2022.

Mr. Deputy Speaker: Thank you Hon. Ngomat George Tendet. Honourable Members, the same report having been issued as a notice of motion, I direct that it be circulated to Honourable Members so that they peruse, digest and it will form part of business that will be considered by the House after ratification by the House Business Committee.

THAT THIS HOUSE ADOPTS THE REPORT OF THE SECTORIAL COMMITTEE ON GENDER, CULTURE AND SOCIAL WELFARE ON THE FINANCIAL STATEMENTS AND REPORTS FOR THE PERIOD ENDED 31ST DECEMBER, 2025

Mr. Deputy Speaker: Yes, Hon. Theresa

Hon. Florence Juma: Thank you Hon. Speaker. I rise to give a notice of motion that this House adopts the report of the Sectoral Committee on Gender, Culture and Social

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Welfare on Financial Statements and reports for the period ended 31st December 2025.

Mr. Deputy Speaker: Very well. Honourable Members, a notice of motion of the same having been issued, I again direct that the same be circulated to Honourable Members so that they peruse and it will form part of Business to be considered by the House after House Business Committee ratifies the same.

QUESTIONS AND STATEMENTS

STATEMENT PURSUANT TO STANDING ORDER 47 (2) (A)

Mr. Deputy Speaker: Yes, Hon. Jack Psero Maruga Member for Chesikaki, proceed!

Hon. Jacob Psero: Mr. Speaker Sir, allow me to table the tentative weekly program of the Business of the County Assembly pursuant to Standing Order 42.

THE WEEK COMMENCING TUESDAY 14TH- THURSDAY 16TH JULY, 2026

Tuesday, 14th July, 2024 at 2.30 p.m.

Papers

1. Report of the House Business committee on the Affairs of the County Assembly from 10th February -25th June 2026
2. Report of the Committee on Delegated County legislative on Post Legislative Scrutiny of The Bungoma County Climate Change Fund Act 2022.
3. Report of the Sectorial Committee on Gender, Culture and Social Welfare on Financial Statements and Reports of the period ended 31st December, 2025

Notice of Motion

1. That this House adopts the report of the House Business Committee on the Affairs of the County Assembly from 10th February - 25th June, 2026
2. That this House adopts the report of the committee on Delegated County Legislation on the Post Legislative Scrutiny of the Bungoma County Climate Change Fund Act 2022
3. That this House adopts a report of the sectorial committee on Gender, Culture Social Welfare and Financial Statements and Reports for the period ended 31st December, 2025

Questions and Statements

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A Member of the House Business Committee Pursuant to provisions of Standing Order 47 (2) (a). A statement informing the County Assembly of the weekly Business coming before the House from Tuesday 14th -Thursday 16th July, 2026

Motion

A report of the sectorial committee on Lands, Urban, Physical Planning and Housing on the enquiry into the status of the Land Parcel Number North Malakisi/ East Sasur /482 one acre purchased for Kapchekui ECDE center in Chesikaki ward.

Wednesday, 15th July, 2026 at 9.30 a.m.

Papers

1. Report of the sectorial committee on Finance and Economic Planning on the Financial Statements and Reports for the period ended 31st December, 2025
2. A report of the sectorial committee on Finance and Economic Planning on the Consideration of the Tariffs and Pricing policy 2026.
3. A report of the sectorial committee on Lands, Urban, Physical Planning and Housing on the Financial Statements for the period ended December 2025 for the department of Lands, Urban, Physical Planning, Housing and Municipalities

Notice of Motion

That this House adopts the report of the sectorial committee on Finance and Economic Planning on Financial Statements and reports for the period ended 31st December 2025

2. That this House adopts the report of the sectorial committee on Finance and Economic Planning on the consideration of Tariffs and Pricing Policy 2026
3. That this House adopts the report of the sectorial committee on Lands, Urban, Physical Planning and Housing on the Financial Statements for the period ended December 2025 for the department of Lands, Urban, Physical Planning, Housing and Municipalities.

Motion

A report of the Sectoral Committee on Health Services on Status of equipment in Bungoma County Referral Hospital (BCRH).

Wednesday, 15th July, 2026 at 2.30 p.m.

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Papers

- 1.The report of the sectorial committee on Educational and Vocational Training on the Half Year Financial Statements and reports for Financial Year 2026 in respect to the department of Education and Vocational Training.
2. A report of the sectorial committee on Health Services on the Half Year expenditure report for the period ended 31st December, 2025.

Notices of Motion

1. That this House adopts the report of the sectorial committee on Education and Vocational Training on the Half Year Financial Statements and Report for FY 2025/2026 in respect to the department of Education and Vocational Training.
2. That this House adopts the report of the sectorial committee on Health Services on the Half Year Expenditure Report for the period ended 31st December 2025.

Motion

Report of the House Business committee on the Affairs of the County Assembly from 10th February- 25th June 2026

Thursday, 16th July, 2026 at 2.30 p.m.

Papers

Report of the sectorial committee on Youth Affairs and Sports on Talent Development and Nurturing in Bungoma County

Notice of motion

That this House adopts a report of the sectorial committee on Youth affairs and Sports on Talent Development and Nurturing in Bungoma County

Questions and statements

That a member of the House Business committee pursuant to the provisions of the Standing Order 47(2) (a), a statement informing the County Assembly of the weekly Business coming before the House from Tuesday 21st -Thursday 23rd July, 2026

Motion

A report of the committee on Powers and Privileges on Technical Capacity Building on Conflict of Interest Act 2025 and Other Integrity Frameworks. I rest my case.

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Mr. Deputy Speaker: Thank you Hon. Maruga Jacob Psero for presenting this weekly program which is tentative and Honorable members this informs that we prepare accordingly so that we are aware of what is coming and plan to attend so that we transact business in this House.

At this level,

(Loud Consultation)

Order Members!

At this level, I would like to now allow a few Members to make short remarks and words of encouragement to the students from Busia. This school is called Nambale Urban so that we encourage them. We start off with Hon. Eric Wekesa, member for Kabuchai Chwele! A moment, yes, proceed.

Hon. Eric Wekesa: Thank you Hon. Speaker. We are always delighted when you are there because of a few reasons. Straight to why I stand here. After a short recess it is very delightful to see a bright faces of our students and teachers having come all the way from Busia to come and learn from the most notable county assembly in western region.

Out of the five they have chosen us, not by accident though I don't want to speak for them but they also did their research and they discovered this is the most diligent organized County Assembly in the region. I welcome them with two hands and I want to urge the students that all of us were students at one point. We learned from those who are ahead of us, we dreamt and we are here.

Apart from learning what is in the syllabus, admire to be like these well-dressed ladies and gentlemen because when you see ladies who are here are sharp. Men who are here are leading professionals because Hon. Speaker is not an easy thing to be an MCA. You have convinced doctors, you have convinced teachers like themselves, you have convinced business people and they are here.

So as they come from this House let them go out learning and admiring but above everything to keep discipline because you cannot achieve anything if you are not disciplined and just avoid what teachers tell you to avoid. Above all go to church and love God. As they go back I wish them well. Thank you.

(Applause)

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Mr. Deputy Speaker: Thank you the Hon. Eric Wekesa member for Kabuchai/Chwele. We have the Hon. Jackson, Member for Kimaeti.

Hon. Jack Wambulwa: Thank you, Hon. Speaker. May I take this opportunity to welcome the students and teachers of Nambale Urban School. This is one of the biggest schools within Nambale Constituency that I stand here I am proud to have participated in the upcoming of Nambale Urban School while I was a member of Buhai North /Walatsi Ward.

This is a school that is mainly having students from Iteso community from Nambale ward and I want to agree with what Hon. Eric has said that for them to have decided to come to Bungoma they must have really done enough research.

Bungoma County Assembly, students as you see it is one of the best assemblies within Kenya that having been taken around you can see the kind of facilities that this assembly has and in this House as we are seated whoever that is chairing the session is the Speaker of the County Assembly. Ahead of him are the clerks in uniform. From the side I am talking from this is the Government side and then the other side partly on our left that is the Minority side and we work as a team.

All I want to urge you students that politics has no boundaries. Why do I say so? That today I am here as a proud representative of Kimaeti Ward having been brought up from Buhai North /Walatsi Ward which is in Nambale Constituency.

It was not easy had I not worked well for the people of Nambale maybe those of Kimaeti would have not known me and here I am today addressing you that all you need is discipline make sure that you are close to your teachers. Always remember to do homework that you are given by your teachers and one time you might find yourself in this House of Commons.

This is a House that is full of professionals. We have Doctors, we have Lawyers, we have Engineers and Teachers are actually majority including the Accountants, CPAs are in this House. That Bungoma County Assembly is one of the Assemblies that have sharp minds in this country.

I want to plead with the teachers that as you bring the students of history all the way from Nambale, please be close to them and make sure that they achieve whatever they are after.

Most importantly, I want to wish you success in your upcoming exams so that you may pass and in the future represent us here. On your way back I am very sure if you have been going back via Mayoni then you won't pass through Kimaeti but if you are

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to pass through Kimaeti, Mianga, Mungatsi then to Nambale you will have passed through my two wards that I have represented.

Otherwise I want to wish you well and tell you feel at home at any time. We are the people of *Mulembe* and we will always be willing to have you back with the other team teachers so that we work together as the western region leaders. Thank you. Hon. Speaker.

(Applause)

Mr. Deputy Speaker: Thank you. That is the Hon. Jackson, Member for Kimaeti. The Hon. Rugut Angeline Chelagat, specially elected Member.

Hon. Angeline Rugut: Thank you Hon. Speaker for according me the chance to also welcome these students to this Honorable House. We have learned that they come from our neighboring county and it's a prudent idea that they chose to visit Bungoma County Assembly together with their teachers. It was a wise decision that you thought you should be around here so that you observe what normally happens in this Honorable House.

I have listened to the speaker who just addressed the team and I am sure the students have learned something that it's possible to crisscross this country and work in any part of this nation. It doesn't mean that when you are if you are born in Busia you remain there. So whenever you are in school have a focus to even work within the other parts of this nation and even outside this particular country.

I just want to advise you students that as a student always remain a student. Never ever imagine that you can be so many things at the same time. We have the political atmosphere that is going on in our country. When we have those rallies or meetings as a student avoid those particular places because you have a future to protect and prepare for. So never be excited by the excitement that normally happens there.

There's something that has been happening in our school. As a student always think as an individual never think as a group. You have a personal decision you have your aspirations and ambitions. I am sure when your parents were taking you to those schools they told you to aspire for higher things. So always have that in mind before you join any group and do anything that is not good or that is truant, think of your parents. Think of your future. Think of the person that you want to be. I am sure you have a career and you should always prepare for that career.

When you wake up in the morning as you pray to your God always put that career in the forefront. Always pray so that God will always lead you towards that career and

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you start living that career. If you want to be a teacher for example always live and let's see what is expected of a teacher in you. You cannot be a teacher and you are throwing stones to other people. So live your career.

I also want to encourage you respect your parents. Don't do anything that will break the hearts of your parents. They are working hard for you. You have guardians. They are working hard for you. They are sacrificing all of us including us come from ordinary homes and therefore as they sacrifice, their sacrifice will only be meaningful if you respect them and you make use of whatever they are sacrificing for you. We do not have excess money so whatever they pay in form of school fees the provisions make sure they see the worth of that by being obedient.

I have seen there are girls and boys here be your sister's keeper, be your brother's keeper. When you see your friend doing something that is not good advice that friend of yours. You can advise them directly through your peer counselors or even advise them through your teachers so that all of us succeed in this life.

Feel welcome to this County Assembly and I know you have learned something when you go back to school , let your friends know what you have seen, what you have observed, what you have heard . It will help them.

Preach peace when you are out there. Preach peace to other people so that we have a peaceful community. God bless you and have a good evening. Thank you.

(Applause)

Mr. Deputy Speaker: Very well the Hon. Rugut Angeline Chelagat for your wonderful remarks. We now have the Hon. Peter Caleb Wanjala, Member for Bukembe East

Hon. Caleb Wanjala: Thank you Hon. Speaker. I would also wish to add my voice of encouragement to students and teachers from Nambale. Just like my colleagues have said, we go to school to get knowledge but if you have knowledge and your character and the behaviours are not good still you will find it rough outside here. You see, recently I was watching on social media a school where teachers and the students, they were storm-throwing fighting each other.

I want to speak to the students. What you do at school right now is likely to reflect in your future life. If you respect your teachers right now, these teachers and they speak well of you, good of you, they will open your future doors of success. So students, some of these Honourable Members you see here, they were raised in a difficult life.

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During our time we had what we call corporal punishment where we were being caned when you are late and that discipline helped us to be whom we are today.

So please take discipline seriously, listen to what your teachers are advising you because the realities of life has no mercy. Today your parents can give you pocket money, they can encourage you but a time will come where you will be on your own and what you have learned is what will help you. I would wish to encourage you from the book of Proverbs 1: 7, which says that *‘the fear of the Lord is the beginning of all knowledge, wisdom and understanding’* but Proverb 12 says, *whoever hates correction is stupid and is counted like an animal but if you accept correction, you will be successful.*

So be encouraged students, we wish you all the best in your exam and the teachers, I want to applaud you also for raising these great men and women. All of us, we are here as a product of teachers and even in this House; we have teachers who are here. Even the Speaker sitted here, he is a teacher by profession and Hon. Rugut and many, many others even Hon. Chemion.

So we want to applaud you for the good work you are doing. Thank you and I wish you all the best. Nambale holds a special space in my heart because that is where my mother-in-law comes. Thank you.

Mr. Deputy Speaker: Thank you so much, Honorable Members. I think that is the last Member to make remarks concerning the visiting delegation.

I take this opportunity, therefore, on behalf of the County Assembly, on behalf of all the other Honourable Members who have not been able to give their short remarks in the words of encouragement to wish the students all the best for the grade 10 to keep on learning through the ropes as they acquaint themselves with the Senior School life. for the Form 4s and Form 3s, being the last cohort, the Form 3s we pray that God helps you so that you finish in style your 844 system, and for the Form 4s we wish you all the best in your forthcoming exams. May God bless you as you travel back. Thank you

(Applause)

MOTION

REPORT OF THE SECTOR COMMITTEE ON LANDS, URBAN FISCAL PLANNING AND HOUSING ON THE INQUIRY INTO THE STATUS OF LAND PARCEL NUMBER NORTH MALAKISI/ EAST SASURI/ 482

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Mr. Deputy Speaker: Very well, the Hon. Waiti Wafula Member for Naitiri? Kabuyefwe and Chair, Agriculture.

Hon. Waiti Wafula (Mover): Thank you, Hon. Speaker, for granting me this chance to present our report on Lands Committee to this Honorable House. A report on the inquiry into the status of land parcel number North Malakisi/ East Sasuri/ 482, one acre purchased for Kapchekui ECDE Center in Chesikaki Ward.

Hon. Speaker, page one is the content and telling what is in the report...

(Loud Consultations)

Mr. Deputy Speaker: Very well, the Hon. Waiti as it is tradition and culture of this House we need the Members of the committee to be present to form a quorum for the report to be moved.

(Applause)

Hon. Wafula Waiti: Thank you, Hon. Speaker for that guidance. Some of the Members were discharged of their duties and I think in this House I have now seven Members.

Mr. Deputy Speaker: The Members of Lands, kindly be upstanding, Lands Committee. You can proceed you have the quorum.

(Applause)

Hon. Wafula Waiti: Thank you, Hon. Speaker.

Mr. Deputy Speaker: Order! Hon. Kikechi. Order! They are well. They are well. Hon. Kikechi, we have to transact business today. Order! Members. I am using Standing Order No.1 Hon. Kikechi, be advised and Hon. Chetekei as well. These are Members from Tongaren. Let's proceed.

Hon. Wafula Waiti: Thank you, Hon. Speaker. I now move to chapter one, on executive summary.

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Land remains one of the most valuable public assets held by County Governments and forms an important component of public investment, service delivery, infrastructure development, and long-term socio-economic planning. The acquisition, registration, transfer, and management of land are governed by various laws and procedures intended to protect public resources, safeguard ownership rights, and prevent disputes that may expose public institutions to financial losses.

The committee noticed that strict adherence to legal requirements during land acquisition processes, including verification of ownership, official land searches, consent from relevant authorities, proper documentation, driver registration, and insurance of title documents is critical in protecting current assets and maintaining an accurate inventory of public land.

Failure to comply with these procedures often results in ownership disputes, litigation, loss of public funds, and challenges in safeguarding public investments. The inquiry into land parcel number North Malakisi/ East Sasuri / 482 was necessitated by the need to establish clarity regarding ownership of the parcel occupied by the Kapchekui ECDE Center and to investigate disputes that have arisen regarding the land despite the County Government having purchased one acre of land for public use in 2015.

The inquiry further sought to determine whether the County Government's interests were adequately protected during the acquisition process and to identify appropriate legal and administrative interventions necessary to safeguard public interests.

The committee was ordered to establish the status of one acre parcel acquired by the County Government for the Kapchekui ECDE Center from the current parcel number, parcel known as North Malakisi /East Sasuri/ 482, as a result of a statement raised on land designated for the Kapchekui ECDE Center in the Chesikaki ward.

FISCAL AND LEGAL FRAMEWORK

Pursuant to the provisions of Article 185(3) of the Constitution of Kenya 2010, the committee is mandated to exercise oversight over the County Executive Committee and any other County Executive organs.

Guiding principles

According to the provisions of Article 227(1) of the constitution, when a state organ or any other public entity contracts for goods or services, it shall do so in accordance with a system that is fair, equitable, transparent, competitive and cost-effective.

Further, to the above, Article 201(a) of the constitution provides that, there shall be openness and accountability, including public participation in financial matters.

Obligations of Accounting Officers

Section 149(1) of the Public Finance Management Act 2012, stipulates that, “An accounting officer is accountable to the County Assembly for ensuring that, the

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resources of the entity for which the officer is designated are used in a way that is lawful and authorised, effective, efficient, economical and transparent.”

Direct Personal Liability

Article 226(5) of the Constitution provides that, “If the holder of a public office, including a political office, directs or approves the use of public funds contrary to law or instructions, the person is liable for any loss arising from that use and shall make good the loss, whether the person remains the holder of the office or not”.

Section 156 of the Public Finance Management Act, 2012 provides that;

- (1) if an accounting officer reasonably believes that a public officer employed by a county government entity has engaged in improper conduct in relation to the resources of the entity, the accounting officer shall-
 - (a) take appropriate measures to discipline the public officer in accordance with regulations; and
 - (b) Refer the matter to be dealt with in terms of the statutory and other conditions of employment applicable to that public officer.
- (2) if the County Executive Committee Member for finance reasonably believes that an accounting officer has engaged in improper conduct within the meaning of sub- section (4), the County Executive Committee Member for finance shall _
 - (a) take appropriate measures to address the matter in accordance with laid down procedures ; or
 - (b) Refer the matter to be dealt with in terms of the statutory and other conditions of employment applicable to that public officer.
- (3) the measures referred to in sub – section (2) (a) include the County Executive Committee Member for finance revoking the designation as accounting officer
- (4) For the purposes of this section, a public officer or accounting officer engages in improper conduct if the officer –
 - (a) contravenes or fails to comply with this act or any regulations in force;
 - (b) undermines any financial management procedures or controls;
 - (c) makes or permits an expenditure that is unlawful or has not been properly authorised by the entity concerned; or

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(d) fails without reasonable cause to pay eligible and approved bills promptly in circumstances where funds are provided for

(5) Disciplinary measures under this section may not be taken against a public officer or accounting officer under sub section (1) (a) or (2) (a) unless the officer has been given an opportunity to be heard in relation to the alleged improper conduct concerned.

MANDATE OF THE COMMITTEE

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

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

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TERMS OF REFERENCE

The objectives of the inquiry were:

1. To establish the circumstances under which the County Government acquired the one-acre parcel for Kapchekui ECDE Centre.
2. To determine the current ownership status of the land occupied by the ECDE Centre.
3. To establish whether legal and administrative procedures governing acquisition of public land were followed.
4. To assess the impact of Environment and Land Court Case No. 89 of 2015 on the County Government's interest.
5. To identify risks facing the County Government regarding the land and public funds invested therein.
6. To establish progressive, lawful and sustainable options for protecting the County Government's interest.
7. To recommend legal, administrative and policy interventions necessary to safeguard County assets and public investments.
8. To propose measures for strengthening future County land acquisition processes and protecting the County land inventory.

MEMBERSHIP TO THE COMMITTEE

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

- | | | |
|----|---------------------|------------------|
| 1. | Hon. Johnston Ipara | Chairperson |
| 2. | Hon. Orize Kundu | Vice/Chairperson |
| 3. | Hon. Joan Kirong' | Member |
| 4. | Hon. Aggrey Mulongo | Member |
| 5. | Hon. Wafula Waiti | Member |
| 6. | Hon. George Makari | Member |

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7.	Hon. Eunice	Kirui	Member
8.	Hon. Mildred	Barasa	Member
9.	Hon. Edwin	Opwora	Member
10.	Hon. Hon. Jeremiah	Kuloba	Member
11.	Hon. Linda	Kharakha	Member
12.	Hon. Polycarp	Kimeta	Member
13.	Hon. Cornelius	Makhanu	Member
14.	Hon. Mourine Katila		Member

ACKNOWLEDGEMENT

I take this opportunity to thank the Office of the Speaker and the Clerk of the County Assembly for the logistical support accorded to the Committee as it executed its mandate. My gratitude also goes to all members of the Committee for dedicating their time to inquire into the status of land parcel NO. N. MALAKISI/E. SASURI/482 (one acre) purchased for Kapchepkui ECDE Centre.

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

Thank you.

Signed by Hon. Johnstone Ipara, MCA Tongaren Ward Chairperson Committee on Lands, Urban, Physical Planning and Housing.

CHAPTER TWO

BACKGROUND OF THE LAND IN DISPUTE

In the process of inquiry, the committee engaged the executive, the registrar of lands and equally conducted a physical site visit to the land in dispute and collaborated the following facts:

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The establishment of Kapchepkui Early Childhood Development and Education (ECDE) Centre was initiated by the County Government of Bungoma in response to the educational needs of residents within Kapchepkui area. The project was conceived following concerns raised by members of the local community regarding the lack of a nearby early childhood learning institution. Children of school-going age were reportedly required to travel considerable distances through steep and difficult terrain to access existing educational facilities, including Chemondi Primary, thereby exposing them to safety risks and limiting access to early childhood education.

In response to these concerns, the then Member of County Assembly (MCA) for the area, Hon. Ben Kipkut, formally wrote to the Ward Development Committee requesting consideration and prioritization of the establishment of an ECDE Centre within the locality. Following consultations and approval through the relevant County Government structures, the acquisition of land for the project was initiated through the County Empowerment Fund (CEF).

The County Government of Bungoma identified a one-acre parcel of land suitable for the establishment of the ECDE Centre. During the acquisition process, Mr. Benjamin Ngeywo Chepkoyi presented himself as the owner and occupier of the land and participated in negotiations relating to the proposed purchase. The inquiry subsequently established that Mr. Benjamin Ngeywo Chepkoyi had allegedly acquired the said portion of land between 1995 and 1996 from the widow of the late Cheworei Sichei (mama Fatuma) and the agreement was facilitated by Mr. Wandiemma Sichei Kiptang'uny as the eldest son.

The widow (mama Fatuma), reportedly sought to dispose of the portion on behalf of her household. Notwithstanding the circumstances surrounding the transaction, Benjamin Ngeywo Chepkoyi did not complete the legal conveyancing process required to transfer and register the purchased portion in his own name. Consequently, the one-acre portion remained part of the larger Parcel No. N. MALAKISI/E. SASURI/482.

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However, available land records indicate that at the time of the alleged sale to Benjamin Ngeyo Chepkoyi, ownership of the larger parcel had not yet been formally registered in the name of Wandiemba Sichei Kiptang'uny. Records show that Title No. N. MALAKISI/E. SASURI/482 measuring approximately ninety-six (96) acres was registered in the name of Wandiemba Sichei Kiptang'uny on 12th July 1999. This chronology raises questions regarding the legal capacity under which the alleged sale to Benjamin Ngeyo Chepkoyi was conducted and whether the transaction conferred any legally recognizable proprietary interest upon him.

When the County Government initiated the purchase process in 2015, the entire parcel measuring approximately ninety-six (96) acres remained registered in the name of Wandiemba Sichei Kiptang'uny. As a result, the sale agreement dated 18th December 2015 was executed by Wandiemba Sichei Kiptang'uny in his capacity as the registered proprietor of the land, while Benjamin Ngeyo Chepkoyi signed as a witness to the transaction. The County Government of Bungoma thereafter proceeded with the acquisition and subsequently established Kapchepkui ECDE Centre on the land for the benefit of the local community.

Further scrutiny of the matter revealed that at the time of the County Government's acquisition, there was an ongoing dispute concerning ownership and distribution of the larger Sichei family land. Specifically, Environment and Land Court Case No. 89 of 2015 had been instituted to determine the subdivision and allocation of Parcel No. N. MALAKISI/E. SASURI/482 among members of the Sichei family. The existence of the suit demonstrates that ownership interests affecting the larger parcel were under active judicial consideration when the County Government entered into the purchase transaction.

On 28th November 2016, the court delivered its judgment and ordered subdivision of the land among beneficiaries of the Sichei family. The court allocated the land as follows:

No.	Beneficiary	Acreage
1	Wandiemba Sichei	28.28

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2	Meshack Sichei	19.75
3	Zephania Sichei	19.75
4	Cheworei Sichei	21
5	Francis Sichei	19.75
6	Stephen Sichei	19.75

Notably, the judgment only addressed distribution among members of the Sichei family and neither recognized, preserved, nor made provision for the one-acre portion that had previously been acquired by the County Government for public use and other beneficiaries. There is no evidence that the County Government was joined as a party to the proceedings or that its interest in the land was brought to the attention of the court during the hearing and determination of the matter.

Following implementation of the court judgment, the portion occupied by Kapchepkui ECDE Centre fell within the twenty-one (21) acres allocated to the household of the late Cheworei Sichei. Subsequently, Mr. Peter Cheworei, a son of the late Cheworei Sichei, processed ownership documents and was issued with Title No. N. MALAKISI/E. SASURI/2041 on 1st November 2017 (recent search 28th May, 2026). By virtue of registration, he became the recognized legal proprietor of the parcel under dispute according to Kenyan land law.

The issuance of a separate title to Peter Cheworei created a conflict between the County Government's occupation and development of the land for public educational purposes and the proprietary rights arising from registration of the title in favor of Peter Cheworei. The dispute has since escalated following demands by Peter Cheworei that the County Government vacates the land currently occupied by Kapchepkui ECDE Centre.

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CHAPTER THREE

COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

COMMITTEE OBSERVATIONS

The committee observed the following:

1. The County Government acquired the land for a legitimate public purpose, namely the establishment of Kapchepkui ECDE Centre.
2. Benjamin Ngeywo Chepkoyi allegedly purchased the land from Cheworei's family facilitated by Mr. Wandima Sichei Kiptang'uny in his capacity as the eldest son in 1995–1996 who became the registered proprietor of Parcel, raising questions regarding the validity of the initial transaction.
3. Benjamin Ngeywo Chepkoyi did not complete the transfer and registration process for the portion he allegedly purchased.
4. The County Government purchased the land from Benjamin Ngeywo Chepkoyi facilitated by Wandima Sichei Kiptang'uny, who was the registered proprietor at the time of the transaction in 2015.
5. The county Government did not carry out due diligence before purchase of the said land.
6. There exist two sets of commitment for land sale agreement; one belonging to Mr. Benjamin Chepkoyi Ngeywo and the other by Mr. Wandima Sichei Kiptang'uny both expressing willingness to sale one acre of land (located at Chesikaki Ward, land number 482) to Kapchepkui ECDE Centre.
7. At the time of acquisition, Environment and Land Court Case No. 89 of 2015 concerning subdivision of the parent parcel was pending.
8. The County Government did not secure registration of its interest nor lodge any caution or restriction against the parent title after the purchase which exposed a public investment to ownership disputes and possible loss.
9. The court-ordered subdivision did not recognize the County Government's nor other buyer's interest in the land.
10. Consequently, on the 18th October, 2017, the register for land comprised in title No.N.MALAKISI/E.SASURI/482 was closed and new entries were made paving way for the following new numbers;

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(a) Land parcel No.N.MALAKISI/E.SASURI/2041 (4.48 ha, title deed issued in the name of Francis Sichei)

(b) Land parcel No.N.MALAKISI/E.SASURI/2041 (8.33 ha, title issued in the name of Peter Cheworei)

(c) Land parcel No.N.MALAKISI/E.SASURI/2042 (9 acres, title issued in the in the name of Francis Sichei)

(d) Land parcel No.N.MALAKISI/E.SASURI/2043 (10.26 ha, in the name of Wandima Sichei-restricted)

(f) Land parcel No.N.MALAKISI/E.SASURI/2044 (7.93 ha in the name of Wandima Sichei-title yet to be issued)

(g) Land parcel No.N.MALAKISI/E.SASURI/2045 (7.84 ha in the name of Wandima Sichei-title yet to be issued)

(h) Land parcel No.N.MALAKISI/E.SASURI/2046 (7.96 ha in the name of Wandima Sichei-title yet to be issued).

11. It was also observed that at the time of the closure of the old register for land parcel No.N.MALAKISI/E.SASURI/482 and the creation of the new numbers, the said original title deed had not been and was never surrendered for cancellation.

12. The land occupied by Kapchepkui ECDE Centre was subsequently registered as Title No. N. MALAKISI/E. SASURI/2041 in the name of Peter Cheworei, who is now asserting ownership rights over the property.

COMMITTEE RECOMMENDATIONS

The committee therefore recommends as follows;

1. **THAT** the County Attorney should urgently review the acquisition documents and advise on the County Government's legal position regarding the land with a view of exploring alternative dispute resolution mechanism and where that
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fails, the county Government should move to the appropriate forum and seek to be enjoined in the proceedings relating to Kakamega High Court Land and Environment Case No. 89 of 2015, or in the alternative, it should seek to have the orders issued by the Court on 28th November, 2016. Quashed or set aside as the land disputes tribunal that allegedly presided over the matter had no powers in law to deliberate on issues concerning occupation of land or title to land.

2. **THAT** the Department responsible for lands should conduct an audit of all County Government facilities occupying land without registered ownership documents and prioritize regularization.
3. **THAT** all future land acquisitions should be preceded by comprehensive legal due diligence, including confirmation of ownership, pending court cases, and immediate registration of the County Government's interest after purchase.
4. **THAT** the County Government should establish a mandatory land acquisition framework requiring:
 - Official searches before purchase;
 - Verification of ownership documents;
 - Legal clearance by the County Attorney;
 - Land Control Board approvals;
 - Immediate transfer and registration upon payment;
 - Survey and demarcation before acquisition; and
 - Maintenance of a central digital register of all County land assets.

CONCLUSION

The Committee concludes that the County Government acquired the one-acre parcel of land for Kapchepkui ECDE Centre for a legitimate public purpose. However, failure to undertake adequate due diligence and complete the legal transfer process resulted in the County Government's interest remaining imperfected for a period of over ten years from the date of execution of the sale agreement.

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Hon. Wafula Waiti: Honourable Speaker, there is an adoption schedule showing Members of the committee appending their signatures on the report and the remaining are the annexures attached to this report for verification and perusal of Members of this House that supports the report.

At this point allow me now call upon Hon. Makhanu Cornelius to second the report. Thank you.

(Applause)

Mr. Deputy Speaker: Thank you so much the Hon. Waiti for the eloquent moving of the report. Yes the Hon. Cornelius Makhanu member for Khalaba.

Hon. Cornelius Makhanu: I forgot my card Honourable Speaker, thank you for this opportunity to second this report. First, I would like to appreciate the mover of this report Hon. Waiti for having moved it ably.

I would also like to thank the entire committee of Lands for the good job they did. Members of this committee visited the site where we have a dispute in Chesikaki ward, Kapchekui village. From the report as a County we are on the verge of losing this Land and it is not just land, this is land that has already been developed and if we are not careful we may disorient the students or pupils who are in the bracket of ECDE because from that site where this ECDE is the next school is Kilometers away and this was because of the officers who were that time, who did not do a proper search. From the recommendations we have insisted of doing due diligence, doing a search before we acquire land and as you know, we have so many County lands that do not have ownership documents because of the omission or commission of the department of lands, we also as a County we need also to allocate enough money to this department so that they can process ownership documents.

When you go through this report, this Peter Cheworei from the report when we went on the ground the money emanating from that sale of land, he was the beneficiary. He was a student by that time and from the information we got he is an employee of this County so he looked at that, he got that loop hole because we didn't follow the due process with acquiring this land.

I just urge members to go through the recommendations at least as a County we cannot lose this land otherwise I second the report thank you.

Mr. Deputy Speaker: Very well, Hon. Cornelius Makhanu Member for Khalaba. Honourable Members, allow me now propose the same for debate;

(Motion proposed)

Hon. Francis Chemion: Thank you Honourable Speaker, I will be brief. First I want to commend the committee and I further make positive remarks to the committee secretariat. I've

looked at the report and the team that came up with that report being led by the committee members came up with a very good report that report was well written.

My contribution would be in form of questions, first one is, was there need for an E.C.D.E centre piece of land in that area? The answer is yes, were there valid reasons for establishing an E.C.D.E centre in Chepkui? The answer is yes. Was there intent to sell that parcel of land to the County Government of Bungoma? The answer is yes there were two intents from two individuals. Was the agreement entered into between the County Government and the seller? The answer is yes it was entered.

Was there negligence on the part of County Government in terms of registering their interests in the case that was ongoing? The answer is yes, the County Government was negligent. Was there value for money? Yes if the project will not be interfered with, but if we will lose that parcel of land including the development then there will be loss of value for money.

This is a lesson to all of us and I would wish to recommend also that we may be forced in the near future, when we provide money for the purchase of land, it would be of good use of the same money to provide money for the processing of the title. So that you deal with it at that local level you don't depend on the department headquarters but for the parcels of land that have been purchased.

We will need to sit down as a county and agree how much is required to process the titles of those Parcels of land so that we do away once and for all. So that we avoid these issues that are now cropping up. You know it may be in Chesikaki Ward; it may start from there and eventually rotate across the County. Because these are human beings that learn. We can do this, this can be done, and you can repossess the County Government parcel of land, even if you have been given money.

Hon. Speaker, it will be also bad for the owner the one that registered his name as the owner of that parcel of land and the report and the seconders ably told us that he is the beneficiary of the monies that were used to purchase the parcel of land. Here today he is the one who would want that the County Government is moved out of that parcel of land. That is not good.

In fact, he should not be happy that he is dispossessing the County Government Parcel of land and yet that is the parcel of land that maybe educated him or gave him whatever he has right now. That would be a very bad thing to do and it will not over well with him. Let him just surrender, give the parcel of land to the county, process the land for the County, Process the title for the County since he is a great beneficiary. Honourable Speaker, I support the report.

Mr. Deputy Speaker: Thank you, the Honourable Francis Masai Chemion, for your remarks. We now have the Honourable Member for Chesikaki, The Honourable Jacob Psero Marugaa then we shall have Hon. Aggrey Mulongo Waliaula in that order.

Hon. Jacob psero: Thank you Mr. Speaker this opportunity to say one or two issues about this parcel of land for Kapchepkui in Chesikaki ward. In the first place, I wish to thank Hon. Waiti Wafula for going through the report eloquently and at the same time thank Hon. Cornelious for seconding it.

In addition to that Mr. Speaker, I want to appreciate the support I was given by the Department when I raised this issue. I think I was invited to the Department and they gave me various answers which I think I was not satisfied and that culminated to the visit of the Committee to the said ECDE centre. I want to thank the Chair in particular, Hon. Ipara and in a special way Hon. Apiyo who had initiated to move to that particular place. We have been told the place is steep; they were able to climb hills and mountains and were able to reach this particular school.

Mr. Speaker Sir, I want to mention that this school or centre called Kapchepkui is just a neighbour to me at home and in between this particular school, on the upper side is a forest, Mount Elgon forest on the eastern side is a big river called River Malakisi and then on the Southern side up to the western side we have River Kiptaywa. So this school is just somewhere in between some rivers and the forest and that gives us a difficult time to enable young kids school going age, to go to the neighbouring schools like Kimundi, Kaptaboi and Kimama. So it is a big problem. Like when it rains heavily, parents have a difficulty in crossing their kids across to go to those particular schools.

That is why this school was established and was serving the young ones very well and I think the community constructed a temporary shelter for this particular kids. When I came in now as the MCA, to do the construction of a permanent classroom, that is when I realized that these particular piece of land was not in the name of the County Government, but it was in somebody's name. I want to appreciate what the committee has done including the observation and the recommendation.

I am still asking Mr. Speaker, that actually to purchase land and we leave it for over ten years without a title deed. It creates problems just like this one here. That reminds me of another Motion that I raised Mr. Speaker, which I was asking, demanding to know the number of pieces of land that was purchased by the County Government in Bungoma County and those which had title deeds and those without.

Mr. Speaker, up to today I have not heard the answers to that particular motion. I don't know why it was sidelined or shelved; up to today, it is somewhere, and I don't know what will happen next.

Otherwise, regarding this case of Kapchepkui, I have not liked the way the committee came in to interrogate various persons, but I have not heard what the committee resolved to do. In particular, regarding the owner of the land; the lady who sold it on behalf of her sons' school fees, including for Peter Cheworei; what were her comments? What is she saying? Does she accept that she received the money or not? And if she received the money, what is her intention? Is she ready now to give us another piece of land, or what happens? Because a lot of money was

spent by the county government, to the tune of Ksh. 425,000, during that time; that is a lot of money.

Also, this Peter Cheworei, who is now the new owner, is the one who used the money from the sale of this land to go to school. What is his reaction as far as this issue is concerned?

Finally, as a county and as this House, what is our position going forward on the cases of the various pieces of land that we have? Otherwise, I am worried as a representative of that area, because we are likely to lose this particular piece of land if we do not take serious action.

By now, we have said the County Attorney should take charge, but without money allocated for that work, it might not be easy. The community is looking to me, and they are wondering why I am not proceeding with the construction of the school. They are aware the county government owns the land, but these other logistics are not known to the community, and they are genuinely bitter.

Mr. Speaker, Sir, let us learn a lesson from this kind of issue so that in future we do not repeat the same mistake. Still, I would like to ask the department to go further to ensure that we find ways for this school to be built. Otherwise, thank you, Mr. Speaker.

Mr. Deputy Speaker: Thank you Hon. Maruga, for your submissions. Because of House seniority, let us have the Majority Leader come in, and then we shall have the Minority Whip follow in that order.

Hon. Joseph Nyongesa: Thank you, Speaker. First, I also want to appreciate the committee members for what they did, at least in trying to salvage the situation. Mr. Speaker, I have also listened to Hon. Maruga, and I sympathize with him regarding what he is going through, but we are fortunate that the mover of the motion is a Surveyor and knows the procedures for how the government should acquire land.

Mr. Speaker, as much as we may be shaking our heads, if the county government of Bungoma was the one responsible for the loss, then we should at least go back to the drawing board, because surveyors are keen when it comes to the purchase of land. Since the Department of Lands, which I believe was also part of it, understands the procedures, one should also verify to whom the ownership belongs.

So, on such matters, when the committee was conducting its investigations in order to produce the report, I have only seen that the land belongs to that family, and nowhere has the committee told us that when this was done, the land actually belonged to so-and-so, and from there, this is what we did as a county government. Mr. Speaker, all the blame goes to the Department of Lands; they did it intentionally and unprofessionally, thereby putting us in this predicament of now having to follow up.

Mr. Speaker, as a matter of fact, as Hon. Chemion said, this is where, even as politicians, we could say, "*wacha tuachie Mungu*" [let us leave it to God]. Otherwise, the Chair who took us through this report should tell us the procedure they used in drawing up the agreement. Mr.

Speaker, unless we see the search showing that it was done beforehand, ensuring that the county government was entering into an agreement with the sellers appropriately. Otherwise, in future, let us follow the right procedure to protect the county. Thank you, Speaker.

Mr. Speaker: Thank you so much, Hon. Leader of the Majority, Hon. Joseph Nyongesa, for your remarks. Hon. Aggrey Mulongo, Member for Kibingei and Minority Whip.

Hon. Aggrey Mulongo: Thank you, Mr. Speaker, for giving me the chance to contribute to this motion. Mr. Speaker, I take this opportunity to congratulate the owner of the statement, first of all. You came up with a very, very good statement, and it should be an eye-opener for Hon. Members here. Congratulations to the mover of the motion today, Hon. Wafula Waiti; that was professional work. Mr. Speaker, he guided us on this matter, that there is a criminal element.

An agreement, even if it is a verbal agreement, is still an agreement, and there is an agreement that they made, Mr. Speaker. That land belongs to the County Government of Bungoma, even if it has taken all this long, because since the agreement is there, Mr. Speaker, it belongs to the County Government of Bungoma. Whoever bought that land, and I understand that whoever bought it is now an employee of this county, should be arrested, because he knew what he was doing. Mr. Speaker, he knew what he was doing, because if it was sold, then what happened to the money it was sold for? Did he use it to go to school? Then what, Mr. Speaker?

People of Chesikaki, the Hon. Member Psero, that man should be in jail. There is no compromise there, because he knew the law. The agreement is there; we saw the agreement. You know, Mr. Speaker, what does the law say? He will come and answer that, because we have a professional here, and I have dealt with land matters in one way or another.

Mr. Speaker, one piece of land was sold in 1968, and today, when we are making subdivisions for people to get their title deeds, in fact, I was just signing them this morning before I came to the Assembly. Mr. Speaker, it is the law that since the first buyer was the first one on that land, a second buyer will lose out, because the first buyer was there; the agreement was there, Mr. Speaker.

If the County Government was the one that bought first, then it must belong to the County Government. I don't know whether I have gone wrong or not, but according to my understanding, the land belongs to the County Government of Bungoma. When was the title deed taken, and when was the agreement made? Mr. Speaker, I stop there. That guy should be in jail.

Mr. Speaker: Thank you so much. Hon. Jeremiah Kuloba, Member for Township.

Hon. Jeremiah Kuloba: Asante Bwana Spika kwa kunipa fursa hii kuchangia mswada kuhusu kipande cha shamba hili. Naishukuru kamati ambayo ilishughulikia jambo hili kamati ikaenda mpaka mahali penye shamba lile lipo na ikaangalia ikaona ukweli kuwa kipande hicho cha shamba kinachozungumziwa kipo. Kulingana na mimi Bwana Spika huu ni kama ujambazi, unyang'anyi ambao familia hiyo inataka kutumia kwa kuzunguka mtu mwingine isemekane ndiye mwenye shamba kando na lile shamba ambalo ulikuwa umeonyeshwa kuwa ni lako.

Bwana Spika kulingana na sehemu ambayo shamba hili lipo mambo ya sitakabadhi za mashamba yamekuja juzi juzi na mnapo zungumzia kutafuta katika afisi ya ardhi kujua kama shamba ni la mtu ama siyo la mtu ambapo katika kimombo wanatumia neno *search*. Wakati ule miaka kumi iliyopita huo mlima mpaka saa hizi vile tunazungumza watu wachache wanasitakabadhi za mashamba...

Mr. Speaker: Yes Hon. Leader of Majority.

Hon. Joseph Nyongesa: Thank you, Speaker, just to inform the House that, actually, this is a House of rules and procedures. Mr. Speaker, in our own minds, we may know that the land actually belongs to the County Government because we have an agreement, but procedurally, on the acquisition of land, Mr. Speaker, we should also advise on what could be the right procedure.

If you never followed the procedure, then count yourself out; we won't. Mr. Speaker, even courts scrutinize those agreements, listen to people, and at the end of it, they make a decision, so let them just make a decision, because we are sympathizing. We know that it was an agreement; let us ensure that we are aware of the procedure on how to acquire land. Thank you, Mr. Speaker.

Mr. Speaker: Thank you. Yes Hon. Jeremiah Kuloba

Hon. Jeremiah Kuloba: Asante bwana Spika, kwa upande mwingine naeza kubaliana na maoni ambayo kiongozo wa wengi anazungumzia lakini kiongozi wa wengi ajue kuwa mandhari yenye yeye anatoka na mandhari ya mlima ni mahali pawili tofauti. Yale maagano ambayo yalitumiwa wakkati ule, kule kwetu tumekuwa tunanunua mashamba kwa kuelewana, sio kwenda katika afisi ya mashamba kwenda kutafuta *search*, ama kuangalia kama huyo ndiye mwenye shamba. Ule ununuzi ulifanyika miaka kumi na mambo mengi ambayo wewe unayajua tumeanza sasa kuyatekeleza kulingana na sheria lakini yale maapatano yaliyofanywa kutumia ile karatasi wakati ule na mama muuzaji akaweka kidole ama muuzaji akaweka kidole hiyo karatasi lazima itumike kurudisha hilo shamba.

Bwana Spika kama vile nimesema, kiongozi wa wengi amesema sehemu ambayo ina mji ambapo watu wanauziana vipande vidogo vidogo na kule wanaenda kufanya yale yanayohitajika, lakini pia angalie mlimani wakati kwanza wanakwambia kuwa shamba hilo liko kati ya mito miwili na liko kwenye msitu, kwa hivyo hiyo wakati hata tunapozungumzia ju ya stakabathi zingine hatuwezi kuelewa, lakini stakabathi ambayo tunataka tuone ni ile stakabathi yenye wale waliopana hilo shamba na sheria ifuatwe hilo shamba lirudishiwe hio shule na ijengwe hapo ili wanafunzi wetu wasiumie. asante Bwana Speaker na naunga ripoti hio mkono asante.

Mr. Speaker: Asante sana Mheshimiwa Jeremiah Kuloba kwa hivyo tunamhitaji mheshimiwa Waiti Wafula aweze kurejelea na kuweza kurudisha majibu kwa wale waheshimiwa ambao wameweza kutoa hoja zao kwenye mjadala huu.

Hon. Waite Wafula (Mover to reply): Thank you Honourable Speaker. First I want to appreciate my colleagues who have contributed on the report and at least put weight. Honourable

Speaker I will not say much, but I will just take the way Honorable Jeremiah Mulongo said in our committee I did advice, professionally and I said like Honorable Majority leader said, the county government stands to lose this piece of land if the department is not going to be careful and run with speed. The only remedy Honourable Speaker here is that the structure or rather the building is on that piece of land as we speak today in the name of a classroom. As we speak the pupils, the young ones are using that structure as a class. That is the only remedy.

Honourable Speaker in this report we have one person by the name Benjamin Ngeiyo Chebkoye. Benjamin Ngeyo was the first buyer on that plot. Now when he realized the problems he may encounter and on hearing that the county government was looking for a parcel of land to buy, he quickly sold the same piece of land to the county government. I want to inform this House that this very person is occupying land in that same broader parcel 6482; so he just moved from here to somewhere else on the same parcel. Which means he ran away from a person who benefited used the same money from Ngeyo Benjamin to go to school. On completion he returned and assumed the same parcel chasing away the school for interfering with that use of that land. The problem is that the County Government did not move with speed to acquire ownership through the necessary processes as read out.

I want to bring to the attention of these Members that when you look at those agreements the person who was supposed to be the seller signed as a witness and the one who could have witnessed signed as the seller. That is now where the problem arose; this one thought that now that as the rightful seller has not signed as the seller then they can chase away those people and get the land from the rightful person who signed as the seller. So that is where the problem is. When we looked at it we realized now that our former colleague of this Honourable House on public participation that he carried he followed the procedure and wrote a letter.

When you look at this report, background report you will get that the former Honourable Member of that Ward together with the local members of that community when realizing that a school was needed in that area he followed the right procedures wrote a letter to the committee on CEF which allowed them to go ahead and look for funds to purchase the land in that area which was purchased and the construction followed.

The need for school in that area was established, the only problem was the process used. In land matters we have to have the change of user as a process from agricultural land to education which was not done and many other many things. That is why as a committee looking at our first recommendation in this report we recommend that the County Attorney must move with speed to do this things right.

Either to enjoin the County Government into the case of 2015 or can file a case to cancel the earlier subdivisions, because locate the 1 acre owned by the County Government in all the subdivided 8 parcels. If the subdivisions are cancelled then the County Government will now emerge as one of the beneficiaries in the East Sasuri 482 land.

Otherwise I would want to urge my colleagues that now that the committee has recommended and a good number of Members have commented to the report let us approve this report and this report can assist now the County Government to make a follow up and finalize acquisition and ownership of this plot. Thank you.

Mr. Deputy Speaker: Thank you Hon. Waiti, for your replies. Honorable members allow me now put a question;

(Question put and agreed to)

(Applause)

I urge the Clerks-At-The-Table to ensure it's transmitted to the various offices for action to be taken.

ADJOURNMENT

Honourable Members that being our last item on the Order Paper, we adjourn and resume tomorrow Wednesday at 9:30 a.m.

The House rose at 4:18 p.m.