



REPUBLIC OF KENYA

COUNTY ASSEMBLY OF BUNGOMA

FIRST ASSEMBLY, THIRD SESSION

**LANDS, URBAN DEVELOPMENT AND PHYSICAL PLANNING COMMITTEE'S
REPORT**

ON

**LANDS, URBAN DEVELOPMENT AND PHYSICAL PLANNING SECTOR PLAN 2013-
2022**

SEPTEMBER, 2015

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PREFACE

The Committee on Lands, Urban Planning and Physical Planning is one of the Sectoral Committees of the County Assembly established under Standing Order 191(1), and draws its mandated under Standing Order 191(5) to;

- a. Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;*
- b. Study the programme and policy objectives of departments and the effectiveness of the implementation;*
- c. Study and review all county legislation referred to it;*
- d. Study, access and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;*
- e. 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;*
- f. To vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 185 (Committee on Appointments) ; and*
- g. Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.*

The Standing Orders also empowers the Committee to make its own selection of the subjects regarding the policy, management and administration among others in the sector falling under its jurisdiction.

The Committee membership as currently constituted comprises of the following;

1. Hon. Christopher Mulati.....Chairperson
2. Hon. David Fwaro.....Vice Chairperson
3. Hon. Henry Majimbo.....Member
4. Hon. Jane Chebet.....Member
5. Hon. Ben Namaswa.....Member
6. Hon. Jack Kawa.....Member
7. Hon. Enock Ndiema.....Member
8. Hon. Moses Opicho.....Member
9. Hon. Bethwell Mwambu.....Member
10. Hon. Gerishom Namasake.....Member
11. Hon. Carolyn Wachu.....Member
12. Hon. Sammy Chemwey.....Member
13. Hon. Beatrice Wekesa.....Member
14. Hon. Rose Watima.....Member
15. Hon. Reginalda Wanyonyi.....Member
16. Hon. Edith Shitandi.....Member
17. Hon. Justus Kibaba.....Member

Mr. Speaker Sir,

The Bungoma County Lands, Urban Development and Physical Planning Sector Plan 2013–2022 was tabled on 29th July, 2015 and stood committed to Lands, Urban Development and Physical Planning Committee.

The Committee retreated from 11th -13th September 2015 to examine and consider the Sector Plan 2013–2022.

Mr. Speaker Sir,

Section 126(2) of the Public Finance Management Act (PFMA), 2012 states that:-

The County Executive Committee Member responsible for planning shall prepare the development plan in accordance with the format prescribed by regulations.

Section 104(1) of the County Governments Act (CGA), states that;-

A county government shall plan for the County and no public funds shall be appropriated outside a planning framework developed by the county executive committee and approved by the County Assembly.

Section 107(1) of the County Governments Act provides for types and purposes of plans to guide, harmonize, and facilitate development within the County.

Section (109) (1) of the County Governments Act 2012 provides that-County department shall develop a ten year County Sectoral plan as component parts of the County Integrated Development Plan.

(2) The County sectoral plans shall be—

- a) programme based;*
- b) the basis for budgeting and performance management; and*
- c) reviewed every five years by the county executive and approved by the county assembly, but updated annually.*

ACKNOWLEDGEMENT

Mr. Speaker Sir,

The Committee wishes to acknowledge the Offices of the Speaker and the Clerk as well as the staff of the County Assembly for the support and assistance to the Committee as it executed its mandate of reviewing the Sector Plan.

The Committee also appreciates the members for committing themselves in preparing this report.

Mr. Speaker Sir,

It is therefore, my pleasant duty and privilege, on behalf of the Committee on Lands, Urban Development and Physical Planning to table this Report and recommend it to the House for adoption.

SIGNED..... DATE.....

HON. CHRISTOPHER MULATI (MCA)

Chairperson Lands, Urban Development and Physical Planning Committee

EXAMINATION OF BUNGOMA COUNTY LANDS, URBAN DEVELOPMENT AND PHYSICAL PLANNING SECTOR PLAN 2013 – 2022

Mr. Speaker Sir,

I now wish to expound on the Committee’s examination of Bungoma County Lands, Urban Development and Physical Planning Sector Plan 2013 – 2022.

Mr. Speaker Sir,

The document runs from 2013- 2022 hence providing a road map plan to be achieved by the sector by 2022.

Foreword and Preface of the sector’s plan complies with the guidelines required in the preparation of the sector plan document.

The committee noted that there is no **Vision and Mission** for the Lands Sector with regard to the mandate of the sector and the goals as set out in the County Integrated Development Plan (CIDP).

The Executive summary is well done by including the summaries of the content of each chapter. The main purpose is to summarize the contents of all the chapters in one place. After reading the executive summary, a reader should understand the overall aims of the plan and the projects proposed in the individual chapters without having to read every part of it in full.

CHAPTER ONE: OVERVIEW OF THE LANDS SECTOR PLAN.

Mr. Speaker sir,

This Chapter comprises of page 1 to 7 of the Sector Plan which analyses planning in the county and how it links to the National Development Blue Print and Kenya Vision 2030.

It also sets out the mandate of the sector and directorates including highlights on some Semi-Autonomous Government Agencies (SAGAs) that the sector interacts with in its operations.

Committee Observation

1. The committee observed that housing as a devolved function has been moved from the sector of Lands, Urban Development and Physical Planning to the department of Housing and Sanitation hence should not be in this Sector Plan.

2. The committee also observed that the Sector lacks the Mission and Vision as clearly set out in the County Integrated Development Plan (CIDP.)
3. Other Sector Roles and Mandate in the department of lands are missing as set out in the CIDP; for example;
 - i. -Establishment of a land bank and,
 - Automation of land registries.
4. Mandate of the survey department is properly done within the CIDP.
5. On mandate of the Physical Planning department the committee proposed that the Executive Order No. 1 should be expunged from the Sector Plan because it lacks a legal backing.
6. Directorates in the sector are properly done except the committee proposed deletion of the words under **1.4** ‘political leadership’ and replace with the words ‘stakeholders.’

CHAPTER TWO: SITUATION ANALYSIS.

Mr. Speaker sir,

This chapter comprises of pages 6 to 14 of the Sector Plan which has been properly done in line with the guidelines provided in the strategic plan (2013-2017).

Committee Observations

1. The committee proposes that the purported survey guidelines that are being prepared should be expedited and subsequently forwarded to the County Assembly for deliberation and consideration. **(Page 9)**
2. The **SWOT** analysis for the lands sector is well done except on weaknesses where the committee noted that the Sector Plan should have mentioned something in regard to the inadequate staff both qualified, technical and support staff and measures put in place to address the situation. **(Page 10)**
3. Leveraging on Sector Strategies is in order, that is page **12, 2.3.1** but (e) should be deleted because housing falls outside the lands sector. **(Page 12)**
4. On page 13, **2.4**, that **principle 2** should be deleted as housing has since been moved from the sector of lands.

CHAPTER THREE: CHALLENGES AND EMERGING ISSUES IN THE LANDS SECTOR.

Mr. Speaker sir,

This chapter comprises of page 15 to 20 highlighting the challenges and emerging issues in the sector. The sector also proposes strategies both short and long term required for sustainability and other cross-cutting issues in the lands sector.

Committee Observations

1. On sector capacity (**3.1.5, page 16**) the inadequacy of manpower to offer effective services to the residents of the county should have been introduced as one of the weaknesses of the department under the (**SWOT**) analysis.
2. The sector has highlighted culture, ignorance and poverty as some of the challenges but the committee notes that strategies to counter these challenges have not been captured in the Sector Plan.
3. It was observed that there are no performance contracts for officers working in the sector as one way of enhancing service delivery.
4. Under emerging issues, the committee observed the need to enumerate the achievements for the FYs, 2013-2014, 2014-2015 and 2015-16 and what they pushed forward in respect of the emerging issues in the sector.

CHAPTER 4: PROGRAMMES AND PROJECTS FOR THE 2013-2017.

Mr. Speaker sir,

This chapter runs from page 21 to 25 detailing out the programmes and projects to be implemented under the sector during the plan period.

It also highlights flagship projects as per the CIDP and component projects/programmes of major initiatives.

Committee Observations

1. The committee observed that it is a cut and paste document which is not giving detailed information. That there are no clear goals in what they have written.

2. That since the Sector Plan has come in the middle of the term of the current administration, the CECM for lands should have given an overview of what they set out from 2013, what they have already done and what they intend to do.
3. There is no information on the budgetary allocations and implementation status of projects/programmes especially for the last two FYs. I.e. those that have already been done and progress on those that are underway.

CHAPTER 5: POLICY AND LEGAL FRAMEWORK.

Mr. Speaker sir,

This chapter comprises of page 26 to 29 which gives a summary of the policy and legal framework under which the sector operate. This includes measures to be put in place to establish and strengthen various policy, oversight, regulatory, implementation and reporting institutions.

Committee Observations.

1. The committees observed that there are no policies and legislations for the sector and further no such policies or legislations have been forwarded to the County Assembly for consideration.
2. That the lands sector is operating without a Sector Plan or guidelines and that the CECM member has not informed the committee on the deliverables in this sector for the last two Financial Years.

CHAPTER 6: IMPLEMENTING FRAMEWORK OF THE SECTOR PLAN.

Mr. Speaker sir,

This chapter comprises of page 30 to 39 which presents the requisite structures for the successful implementation of this sector plan. The chapter concludes with monitoring and evaluation framework to be used during the plan period.

Committee Observations.

1. The committee observed that the implementation matrix is vague. It also lacks substance, only dwelling on what is to be done instead of what they planned, what they have already done and what they are doing as a sector.

2. That figures provided in the implementation matrix cannot be justified since there is no explanation for various amounts given in the said implementation matrix.

GENERAL OBSERVATIONS.

Mr. Speaker,

After analyzing the Sector Plan, the Committee made 3 general observations as follows;

1. That the Sector Plan does not have substance as a result of lack of detailed information in terms of a 10 year sector projection, 5 year sector plan and yearly programmes/ projects as a basis of any given sector plan.
2. That there is no updated implementation status of the projects/programmes already done and those underway since the Sector Plan has come mid-term of the current administration.
3. That the document is not properly done as provided for under Section 107 (1) (b), 108 and 109 (1) of the County Governments Act 2012.

RECOMMENDATIONS.

Mr. Speaker sir,

Based on the above observations, the committee recommends as follows;

1. That the Sector Plan should be returned to the sender to factor in the concerns of the Committee.
2. That a properly done Sector Plan to be forwarded to the Assembly for consideration. It must comprise of the following;
 - A 10 year sector projection.
 - Medium sector plan.
 - Updated/revised yearly programmes especially for the last two Financial Years.
3. That the executive should provide an update on implementation status of the projects already done and those underway for the sector of Lands, Urban Development and Physical Planning.

CONCLUSION.

Mr. Speaker,

The committee urges this House not to approve the Sector Plan for the Department of Lands, Urban Development and Physical Planning until the above recommendations are adhered to.

Members of the Lands, Urban Development and Physical Planning Committee hereby append signatures adopting this report.

NO	NAME	DESIGNATION	SIGN
	Hon. Christopher Mulati	Chairperson	
2.	Hon. David Fwaro	Vice Chairperson	
3.	Hon. Jack Kawa	Member	
4.	Hon. Enock Chemorion	Member	
5.	Hon. Moses Opicho	Member	
6.	Hon. Bethwell Mwambu	Member	
7.	Hon. Gerishom Namasake	Member	
8.	Hon. Henry Majimbo	Member	
9.	Hon. Jane Chebet	Member	
10.	Hon. Ben Namaswa	Member	
11.	Hon. Caroline Wachu	Member	
12.	Hon. Sammy Naibei Chemwey	Member	
13.	Hon. Beatrice Wekesa	Member	
14.	Hon. Rose Watimah	Member	
15.	Hon. Reginalda Wanyonyi	Member	
16.	Hon. Edith Shitandi	Member	
17.	Hon. Jane Cheperenger	Member	

ANNEXTURE.

1. DRAFT COPY OF THE SECTOR PLAN.