

REPUBLIC OF KENYA



COUNTY ASSEMBLY OF SIAYA.

THIRD ASSEMBLY - SECOND SESSION

COMMITTEE ON LANDS, PHYSICAL PLANNING SURVEYING AND HOUSING.

**REPORT ON THE CONFERMENT OF SEGA, YALA, UKWALA AND USENGE
URBAN AREAS TO TOWN STATUS.**

MARCH 2023

PREFACE

Hon. Speaker

Mandates of the committee

The Sectorial Committee on Lands, Physical Planning, Surveying and Housing is established pursuant to provisions of Standing Order No. 200 (5) and is mandated 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 program and policy objectives of departments and the effectiveness of the
- c) implementation.
- d) Study and review all 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 enquire into all matters relating to the assigned departments as they may deem necessary and as may be referred to them by the House;
- g) Vet and report on all appointments where the Constitution or any law requires the House to approve, except those under Standing Order 195(committee on Appointments); and
- h) Make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.

Additionally, pursuant to the Second Schedule of the Standing Order, the committee oversees the departments of; Lands, Physical Planning, Surveying and Housing and is mandated to deliberate on; -

all matters related to Lands, Housing, Settlement, County Planning and development including statistics, Land Survey, mapping, boundaries and fencing, electricity and gas reticulation.

Membership of the Committee

Hon. Speaker,

The Committee as currently constituted by this House comprises of the following Honorable Members;

1. Hon. James Otare **-CHAIRPERSON**
2. Hon. John Apodo **-VICE CHAIRPERSON**
3. Hon. Andericus Odongo -Member
4. Hon. Eng. Bismark Olango -Member
5. Hon. Alice Odhiambo -Member
6. Hon. Felix Okumu -Member
7. Hon. Sylas Madingu -Member
8. Hon. David Ragen -Member
9. Hon. Gordon Onguuru -Member

ACKNOWLEDGEMENT

The Committee is grateful to the offices of the Hon. Speaker and the County Assembly Clerk for support received as it discharged its mandate. The Committee is also grateful to the CECM in charge of Lands Department together with his technical officers who provided the necessary information needed by the Committee during the analysis and compilation of its report.

It is therefore my pleasant duty and privilege, on behalf of the Committee on Lands, Physical Planning, Surveying and Housing and as required by Standing Order 200(5) (g) as read together with the Second Schedule of the Standing Order, to present to this House, the Committees' report containing its recommendations on the proposed Towns for consideration and approval.

SIGNED..........DATE.....25/3/2023.....

HON.JAMES OTARE-MCA, CHAIRPERSON

COMMITTEE ON LANDS, PHYSICAL PLANNING, SURVEYING AND HOUSING

BACKGROUND

Pursuant to provisions of Section 8 (2) of the Urban Areas and Cities Act, 2011, the office of the Governor Vide Kenya Gazette notice Vol.CXXIV-No.151 published on 5th August 2022 appointed an Ad Hoc Committee to confer urban area status for eligible urban areas for conferment of urban areas status as either Municipalities or Towns in accordance with the Urban Areas and Cities Act,2011 and the Urban Areas and Cities (Amendment) Act, 2019.

The Ad Hoc Committee was constituted of professionals drawn from the diverse professional bodies, key stakeholder institutions and representatives from the County Government of Siaya.

Consequently, the Ad Hoc Committee commenced its work on 16th November 2022 and has dutifully undertaken its mandate which resulted in the evaluation of eleven proposed urban areas which had delineated urban area boundaries. The eleven areas were the following; Sega, Sigomere, Usenge, Bondo, Nyadorera, Ukwala, Yala ,Akala, Ndori, Madiany and Ugunja.

Upon consideration of the parameters for conferment of urban areas as Towns as enumerated under section 10 (2) of the Urban Areas and Cities Act,2011, the Ad Hoc Committee recommended the four (4) of the proposed areas be granted town status as follows:

No.	Proposed Urban Area	Urban Area Status
1.	Usenge	Town
2.	Yala	Town
3.	Ukwala	Town
4.	Sega	Town

The following proposed areas did not qualify, Sigomere, Madiany, Akala, Ndori and Nyadorera did not meet the eligibility criteria for grant of town status. This was due to population shortfalls for areas captured within delineated urban area boundary as estimated by the 2019 Kenya Housing and Population Census Report.

INTRODUCTION

In line with the provisions of section 8(2) of the Urban Areas and Cities Act 2011, an Ad Hoc Committee was constituted and commenced its work on 16th November 2022. The Ad Hoc Committee was mandated to undertake the following tasks:

- a) Evaluate the areas with delineated urban area boundaries against the criteria set out in Section 10(2) of the Urban Areas and Cities Act, 2011
- b) Prepare a report recommending conferment of urban areas status for each eligible area for tabling before H.E the Governor, Siaya County for consideration.

Section 10 (1) of the Urban Areas and Cities Act provides that a County Governor may, in consultation with the Ad Hoc Committee constituted under Section 8 (2), confer the status of town on area that meets the criteria.

Section 10 (2) provides for the Criteria for eligibility as follows:

- a) A population of at least 10,000 residents according to the final gazette results of the latest population census carried out by an institution authorized under any written law.
- b) Demonstrable economic, functional and financial viability;
- c) The existence of an Integrated development plan in accordance with the Act;
- d) The capacity to effectively and efficiently deliver essential services to its residents as provided in the First Schedule; and
- e) Sufficient space for expansion

The County Governor constitutes an ad hoc committee to consider the recommendation and advise as appropriate. An Ad Hoc Committee shall comprise of relevant professionals in good standing nominated by the following institutions taking account of regional, ethnic and gender diversity and representation of persons with disability-

- a) The Institution of Surveyors of Kenya
- b) The Kenya Institute of Planners
- c) The Architectural Association of Kenya
- d) The Law Society of Kenya
- e) An association of urban areas and cities
- f) The Institute of Certified Public Accountants of Kenya

LEGAL FRAMEWORK

Constitution of Kenya,2010

Article 176 (2) requires County Governments to decentralize their functions and provision of Services to an extent that is efficient and practicable. This is further outlined under Article 184 of the Constitution which requires development of National legislation to regulate governance and management of urban areas and cities as well as their respective classification.

The County Government Act,2012

Section 48 of the Act requires County Governments to decentralize their functions to urban areas and Cities pursuant to the Urban Areas and Cities Act.

Section 49 of the Act prescribes the structures and functions of the urban areas and cities as outlined in the Urban Areas and Cities Act.

Urban Areas and Cities Act,2011

Section 10 (1) provides that the County Governor, may in consultation with the Committee constituted under Section 8 (2) of the Act, confer the status of a town on area that meets the criteria set out under Section10 (2).

It also prescribed the criteria for their establishment as well as the principles of Governance and participation of residents.

The County Governor constitutes an ad hoc committee to consider the recommendation and advise as appropriate.

The Act further provides for the establishment of town committees and Town Administrators and the qualifications to be a town administrator or a member of Town Committees.

Urban Areas and Cities (Amendment) Act,2019

The Urban Areas and Cities Act was amended in 2019 and reduced the population threshold to 10,000 persons alongside the ability to provide services for an area to qualify to be a Town.

YALA URBAN AREA

Population

Yala Urban area is composed of the following areas which fall within its delineated urban area boundary:

Area	% of the Area covered	Estimated population of the Area within the delineated boundary
Nyamninia	100	7,567
Anyiko	100	4,435
Jina	100	5,450
Bar Sauri	100	5412
Marenyo	58.4	5,079
TOTAL		27,943

As per the 2019 Kenya Population and Housing Census Report, the population of Yala Urban Area is 27,943. In that regard, Yala satisfies the requirement for an estimated population of 10,000 which is required for grant of Town status.

Integrated Development Plan

The Ad Hoc Committee established that Yala Urban area has a local land use plan which provides a lay out for different land uses within the area and guides development control.

Economic, Functional and Financial Viability

It was established that Yala has a wide array of economic activities which provide an avenue for functional and financial viability through revenue collection. The County Government of Siaya currently collects rates from the following revenue streams among others: market levies, single business permits, survey fees. land rates and Liquor licensing fees.

Service delivery as per the First Schedule

The following services are offered in Yala in line with the First schedule of the Act:

Services	Remarks
Street lighting	There are street lights along the major roads and the highway.
Cemeteries and Crematoria	There are 2 cemeteries in Yala; one is public for general use while the other is Islam.
Library Services	There is a Yala resource centre which can be used as a library and for indoor sports.

NB: (For more, please refer to the Ad Hoc Committee report on the Proposed Yala Urban Area)

Space for Expansion

The Ad Hoc Committee established that there are several large parcels of land in Yala including Nyamninia and Marenyo which can be utilized for expansion. The land use plan has also proposed areas which can be reserved for public use.

SEGA URBAN AREA

Population

Sega Urban area is composed of the following areas which fall within its delineated urban area boundary:

Area	% of the Area covered	Estimated population of the Area within the delineated boundary
Kagonya	43.67	3,781
Sega	100	8,805
TOTAL		12,586

As per the 2019 Kenya Population and Housing Census Report, the population of Sega Urban Area is 12,586. In that regard, Sega satisfies the requirement for an estimated population of 10,000 which is required for grant of Town status.

Integrated Development Plan

The Ad Hoc Committee established that Sega Urban area has a local land use plan which provides a lay out for different land uses within the area and guides development control.

Economic, Functional and Financial Viability

It was established that Sega has a wide array of economic activities which provide an avenue for functional and financial viability through revenue collection. The County Government of Siaya currently collects rates from the following revenue streams among others: market levies, single business permits, survey fees. land rates and Liquor licensing fees.

Service delivery as per the First Schedule

The following services are offered in Sega in line with the First schedule of the Act:

Services	Remarks
Street lighting	There is street lighting along major roads and streets
Cemeteries and Crematoria	There is a cemetery in Sega
Health facilities	There are several health facilities within the area; Sega Mission Hospital, Obwogore Hospital, Sega Cottage Hospital among others.

NB: (For more, please refer to the Ad Hoc Committee report on the proposed Sega Urban Area)

Space for Expansion

The Ad Hoc Committee established that there are several large parcels of land in the peripheries of Sega which can be utilized for expansion including land adjacent to the Sega Airstrip.

USENGE URBAN AREA

Population

Usenge Urban area is composed of the following areas which fall within its delineated urban area boundary:

Area	% of the Area covered	Estimated population of the Area within the delineated boundary
Got Agulu	100	6,445
Usenge	100	18,462
Usigu	100	6,210
Got Ramogi	100	3,965
TOTAL		35,082

As per the 2019 Kenya Population and Housing Census Report, the population of Usenge Urban Area is 35,082. In that regard, Usenge satisfies the requirement for an estimated population of 10,000 which is required for grant of Town status under the Urban Areas and Cities Act.

Integrated Development Plan

The Ad Hoc Committee established that Usenge Urban area has a local land use plan which provides a lay out for different land uses within the area and guides development control.

Economic, Functional and Financial Viability

It was established that Usenge has a wide array of economic activities which provide an avenue for functional and financial viability through revenue collection. The County Government of Siaya currently collects rates from the following revenue streams among others: market levies, single business permits, survey fees, land rates and Liquor licensing fees.

Service delivery as per the First Schedule

The following services are offered in Usenge in line with the First schedule of the Urban Areas and Cities Act:

Services	Remarks
Street lighting	There is street lighting along major roads and streets
Cemeteries and Crematoria	There is a proposed space for cemetery in the local land use plan.
Health facilities	There are several health facilities within the area; Got Agulu Sub County Hospital, Usigu Health Centre, Usenge Dispensary and Nyenye Mission Dispensary.
Sports and cultural centres	The area has two sports facilities; Nyangera Stadium and Komenya sports ground. There is also Got Ramogi Cultural Centre and Tourism Site.

NB: (For more, please refer to the Ad Hoc Committee report on the Proposed Usenge Urban Area)

Space for Expansion

The Ad Hoc Committee established that there are several large parcels of land in the peripheries of Usenge urban area which can be utilized for expansion. The local land use plan has also proposed areas which can be reserved for public use.

UKWALA URBAN AREA

Population

Ukwala Urban area is composed of the following areas which fall within its delineated urban area boundary:

Area	% of the Area covered	Estimated population of the Area within the delineated boundary
Doho East	100	4,341
Doho West	41.41	776
Yenga	26.06	1,710
Simur	100	3,014
Simur East	58.50	1,239
Simur Kondiek	100	2,861
Siranga	10.04	401
Karadolo East	22.36	703
TOTAL		15,045

Integrated Development Plan

The Ad Hoc Committee established that Ukwala Urban area has a local land use plan which provides a lay out for different land uses within the area and guides development control.

Economic, Functional and Financial Viability

It was established that Ukwala urban area has a wide array of economic activities which provide an avenue for functional and financial viability through revenue collection. The

County Government of Siaya currently collects rates from the following revenue streams among others: market levies, single business permit, survey fees, hospital and morgue fees.

Service Delivery as per the First Schedule

Ukwala urban area has the capacity to deliver the following services in line with the First Schedule:

following services are offered in Ukwala in line with the First schedule of the Act:

Services	Remarks
Street lighting	There is street lighting along major roads and the highway.
Cemeteries and Crematoria	There is a proposal in the local land use plan for a cemetery.
Health facilities	There are several health facilities within the area; Ukwala Sub County Hospital, Matibabu Foundation Hospital, Osure Dispensary and Lwero Dispensary.
Sports and cultural centers	There is a stadium at Awendo.

NB: (For more, please refer to the Ad Hoc Committee report on the proposed Ukwala Urban Area)

Space for Expansion

The Ad Hoc Committee established that there are several large parcels of land in the peripheries of Ukwala urban area which can be utilized for expansion. The local land use plan has also proposed areas which can be reserved for public use.

COMMITTEE OBSERVATIONS AND FINDINGS

1. Ukwala has attained the population threshold required under the Urban Areas and Cities Act which is a minimum of 10,000 people. Ukwala has a total population of 15,045 persons.
2. Sega has attained the population threshold required under the Urban Areas and Cities Act which is a minimum of 10,000 people. Sega has a total population of 12,586 persons.
3. Yala has attained the population threshold required under the Urban Areas and Cities Act which is a minimum of 10,000 people. Yala has a total population of 27,943 persons
4. Usenge has attained the population threshold required under the Urban Areas and Cities Act which is a minimum of 10,000 people. Usenge has a total population of 35,082.
5. During the Committee's interaction with the Department on Lands, it was reported that Ukwala has a problem with space for expansion. The County Government of Siaya can acquire some parcels of land for public use.
6. Ukwala, Sega ,Yala and Usenge has the capacity to deliver the services stipulated under the First Schedule of the Urban Areas and Cities Act,2011.
7. Ukwala, Yala , Sega and Usenge are qualified to be confirmed into town status in line with the requirements under Section 10 of the Urban Areas and Cities Act.
8. If Karadolo East Sub-Location is removed from the proposed Ukwala Urban Area, the population of Ukwala would still be more than the required threshold of 10,000 persons.

GENERAL COMMITTEE RECOMMENDATIONS

The committee recommends as follows:

1. That Karadolo East having a population of 703 be removed from Ukwala Urban area during confirmation to town status.
2. That the total population for Ukwala be now 14,342 and not 15,045 as earlier presented by the Ad Hoc Committee.
3. That the whole of Kagonya Sub-Location be part of Sega Urban area for conferment to town status.
4. That space for Traylor parking in Sega be acquired and provision be made in the budget in the next financial year.
5. That Nyawara and Nyandiwa Sub-Locations be fully part of Yala Urban Area during conferment of town status.

FINAL COMMITTEE RECOMMENDATIONS

The committee recommends:

- I. That Usenge Urban Area be approved as was presented to the Assembly by H.E the Governor.
- II. That Yala, Sega and Ukwala be approved with amendments as follows:
 - a. That in Yala, Nyawara and Nyandiwa Sub-Locations be fully incorporated into the proposed Yala Town.
 - b. That in Sega, the whole of Kagonya Sub-location be fully incorporated into the Proposed Sega Town.
 - c. That in Ukwala, Karadolo East Sub-Location be removed from the proposed Ukwala Town.
- III. The following areas; Ndori, Aboke and Madiany be considered for conferment for Town status after stakeholder engagement.