

Wednesday 29th March, 2023 COUNTY ASSEMBLY OF SIAYA DEBATES

REPUBLIC OF KENYA

COUNTY ASSEMBLY OF SIAYA

THE HANSARD

Third Assembly - Second Session

Wednesday 29th March, 2023

The House met at the County Assembly Chamber at 2.30 p.m.

[The Deputy Speaker (Hon. Odongo) in the Chair]

PRAYERS

NOTICES OF MOTIONS

URBAN AREAS TO TOWN STATUS

SPATIAL PLAN

ANALYSIS OF THE PHYSICAL AND LAND USE DEVELOPMENT PLANS

Hon. Otare: Thank you, Hon. Deputy Speaker, Sir. I wish to give Notice of Motion for the following:

THAT this House adopts the reports of Committee on Lands, Physical Planning, Surveying and Housing on Conferment of Segwa, Yala, Ukwala and Usenge urban areas to town status as laid on the Table of the House today Wednesday 29th, 2023.

THAT this House adopts the reports of Committee on Lands, Physical Planning, Surveying and Housing on Siaya urban areas to town status for 2023 – 2033 laid on the Table of the House today, Wednesday, 29th 2023.

THAT this House adopts the reports of Committee on Lands, Physical Planning, Surveying and Housing on the analysis of the physical and land use development plans for Oele beach, Uwaria and Bar Kanyango rural center laid on the Table of the House today, Wednesday 29th, 2023. Thank you.

The Deputy Speaker: We are going to deal with 3 Motions this afternoon as laid on the Floor in the morning Session and I would request Members to concentrate on the Motions that are before us since we know their importance.

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MOTION**CONFERMENT OF SEGA, YALA, UKWALA AND USENGE URBAN AREAS TO TOWN STATUS**

Hon. Otare: Thank you, Hon. Deputy Speaker, Sir. I wish to Move a Motion:

THAT this House adopts the reports of Committee on Lands, Physical Planning, Surveying and Housing on Conferment of Sega, Yala, Ukwala and Usenge urban areas to town status as laid on the Table of the House today Wednesday 29th, 2023.

If you allow me and I believe every Member has the Report, I shall not bore them by repeating what they already know. I will go directly to the Report that we got from the public.

The issue of elevating the 3 towns to urban town centers was done by an Ad hoc Committee and was constituted by the Hon. Governor and this is the Report. I would just request Members to go to page 8 of 16 where we have Yala.

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, 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 streetlights 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 Nyamnina and Marenyo, which can be utilized for expansion. The land use plan has also proposed areas, which can be reserved for public use.

USENGE URBAN AREA**Population**

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

Wednesday 29th March, 2023 COUNTY ASSEMBLY OF SIAYA DEBATES

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, 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:

Wednesday 29th March, 2023 COUNTY ASSEMBLY OF SIAYA DEBATES

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
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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:

The 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 centres	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.h
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 10,000people. 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 have the capacity to deliver the services stipulated under the First Schedule of the Urban Areas and Cities Act, 2011.

Wednesday 29th March, 2023 COUNTY ASSEMBLY OF SIAYA DEBATES

7. Ukwala, Yala, Segga 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 Segga Urban area for conferment to town status.
4. That space for Trailer parking in Segga 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, Segga 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 Segga, the whole of Kagonya Sub-location be fully incorporated into the Proposed Segga 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.

I call upon Hon. Booker to second.

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Wednesday 29th March, 2023 COUNTY ASSEMBLY OF SIAYA DEBATES

Hon. Booker: Thank you, Hon. Deputy Speaker, Sir. I second but being a Member of Rarieda sub County how I wished that next time we are doing the same you also consider Rarieda because we feel as people of Rarieda that everything being given we are left out hence sidelined by this *Nyalore* Government.

Everything being distributed it's like Rarieda hasn't been considered therefore we request the Government that when next time towns are being upgraded please consider Rarieda because we are also voters in this County and we voted for you even though you are sidelining us and remember we are also children of God like you.

Hon. Deputy Speaker: I think your concerns have been noted by the Clerk and will be taken into considerations.

(Question proposed and agreed to)

Hon. Otare: Thank you, Hon. Deputy Speaker Sir. I want to apologize for the confusion in typing and I just request the Members to bear with us given that the clerks had a lot to do yesterday and the report was quite involving, maybe they were tired so they could not do it appropriately, but it is just a minor arrangement. I would like to move a Motion:

THAT this House adopts a report on Siaya Draft Spatial Plan for 2023-2033 as laid on the Table of the House. I hope that every Member has the document of the Spatial Plan. I think this document we had discussed it before, and that is the reason I shall not bore you with it.

I will just add an observation. Due to the fact that we have gone through it, and we have consulted the public and the Members, we wish now to move it so that it can be a document for the Siaya County Government.

Hon. Speaker, there were some observations. There was also memoranda from Nature Kenya and Yala Ecosystem site support, and the Committee went through them, and put them into consideration.

This is a document that will also help this County to get some donor funding because we have elevated Bondo and Ugunja Sub-counties to Municipality status, but the condition from the World Bank was that they would not give Siaya monies before this document is passed. That is why we wanted to make sure that when passing it, we have to go through it, because it is a document that concerns the boundaries and the headquarters of every ward.

If you allow me I will just move to the Committee findings, on page 12 of 13.

The Plan was going to guide the development in the County for the next 10 years, and after 10 years' amendments can be done to it, and a new one can be put in place.

The plan is GS, Geographical Information system based plan. It will be reviewed after every 5 years and will cover all the critical areas in Siaya County.

The plan had stakeholder consultation, the committee actually confirmed that the Members of the public participated fully on the same. There was only an issue about the Ward

Wednesday 29th March, 2023 COUNTY ASSEMBLY OF SIAYA DEBATES

headquarters and this was through the Public Participation in consultation with the MCAs, and then we gave the MCAs what the publics were proposing to be headquarters of the wards and I think that is why we are saying this document should be passed with amendments.

Having gone through the document, these are the recommendations of the Committee, having considered the draft Spatial Plan, the memorandum from the two organizations, and the submissions from other key stakeholders, the Committee recommends that;

The draft Siaya County Spatial Plan 2023-2033, be approved with amendments especially on the Ward headquarters as attached, and I think Members, the attached document was given yesterday and we are still asking that any person that did not identify their headquarters concerning the area, time is still there and that attachment will be tabled to the Speaker at the appropriate time. I would request Hon. Rose Rabinya to second.

(Hon. Rabinya seconded)

(Question proposed)

Hon. Deputy Speaker: Hon Members, the Floor is now open for deliberations. Yes, Hon. Masidis.

Hon. Masidis: Thank you, Mr. Speaker, Sir. Allow me to appreciate the work that has been done by the Committee. While I agree with the recommendations, how I wish that this document was shared with us earlier that we would have had enough time to familiarize ourselves with the content and also consult with other stakeholders as it is of great importance especially on the area where we come from.

The Yala swamp has been mentioned, there has been petitions already from 2 stakeholders. It is a document that I wish we would have been given more time to read and then take an informed decision. Thank you.

Hon. Deputy Speaker: Thank you Hon. Masidis. Next Order

MOTION

REPORT OF THE COMMITTEE OF LANDS ON ANALYSIS OF THE PHYSICAL AND LAND USE DEVELOPMENT PLANS.

Hon. Otare: Thank you Hon. Speaker. I would still wish to move a Motion:

THAT this House adopts the report of the Committee of Lands, Physical Planning Survey and Housing on the analysis of the Physical and Land Use Development Plans for Oele Beach, Waria and Bar Kanyango Rural Centre.

Allow me to move to the documents that the Members have. This is an issue that was brought here in the Assembly by the previous Government but we had to take time because it

Wednesday 29th March, 2023 COUNTY ASSEMBLY OF SIAYA DEBATES

had some issues. If the members will allow us just to move to page 9 of 12, where we have Oele Beach, and this is located in Bondo Constituency, North of Yimbo, Usigu division.

Hon. Masidis: Point of Order, Mr. Speaker. We don't have that document before us here.

Hon. Deputy Speaker: Serjeant – at- Arms, kindly furnish the Members with the Report for the Oele Beach. Hon. Otare you can proceed.

Hon. Otare: Thank you, Mr. Speaker. Sorry, Hon. Masidis. When we went for Public Participation, we found that the growth in Oele Beach was so rapid, and that is why the public needed the development plans in that area.

There were no many issues in Oele, there was no amendment according to the plan brought by Executive, there were some issues that were observed in the Oele beach by the Committee, like water supply, adequate land for facilities, and encroachment without access roads. We are trying to have a plan for it so that the public can have access roads.

We also went to Bar Kanyango local center which is the main local center for Bar Kanyango sub location which is in Central Yimbo location, Yimbo East Ward in Bondo Sub County.

Here we had some amendments and if you go to page 11 of 12 you can see the amendments that were done by the Committee. After the Public Participation, the Committee in consultation with the area MCA and the public of Yimbo East Ward and the CEC lands made the following amendments:

The plan be amended to provide room for additional toilets in the market, the plan be amended to provide site for trees and parking areas.

Justification of the amendment; the additional facilities will serve a bigger population. When we went there the population was growing so fast and thus the amendment.

Waria Centre. Waria Market Centre is located along Kisian Bondo Usenge road, of Usigu center. It is located on the shores of Lake Victoria; the market is on public land is managed by the County Government if Siaya. Those with plots have been issued with lease deeds for the plot owners.

The contents of the plan are the same, also we have some amendments in the Waria center. The main one is the elimination of all plots, provision of recreation area for 15metres along the lake shore, provision of fish market, provision of riparian reserve for 30 meters.

Justification for the amendment has been stated there below;

The Beach is small and cannot accommodate numerous commercial activities. Promotion of recreation and tourism along the beach, promotion of fish Business by having the fish market and the riparian reserve was omitted in the plan. After going through the Public Participation and what the Members and the public were saying, these were the recommendations of the Committee:

Having examined all that were discussed in the draft plan for Bar kanyango, Waria center and Oele beach, the Committee wishes to make the following recommendations:

That the plan for Bar Kanyango and Waria rural Centre from the lands, physical planning surveying and Housing department be approved with amendment. That the plan for Oele beach

be approved as was presented before the Committee from the Executive. I would wish to request Hon. Otiato to second.

Hon. Deputy Speaker: Yes Hon. Otiato

Hon. Otiato: Thank you Mr. Speaker. I rise to second the Report. It is true that those particular areas, Oele Beach and Waria beach have tremendous growth but poorly organized. With the passage of this, then it is going to give us a god step forward.

This is in order to ensure that as we develop it, the right kind of facilities are put on the right positions, this is the way forward, applying even to Bar Kanyango market. I would just ask that after this we get to know what is needed of us to really get to implement the next phase. I second.

(Question proposed)

Hon. Oguta: Thank you, Mr. Deputy Speaker. I am on my feet to support this Motion but I am just wondering because we normally do our good work here by passing this Spatial Plan. Even my area, the plans have been passed here in the Assembly but we normally don't do a follow up.

What efforts are we making as an Assembly to make sure that whatever we have done here is implemented by the administration? Thank you.

Hon. Masidis: Thank you, Mr. Deputy Speaker. I want to add my voice on the point raised by Hon. Dasani that the Executive needs to go round and identify areas that need to be upgraded from centers to towns and from towns to municipalities. The Executive needs to do an exhaustive work in our area so that we all feel that we are represented.

They should bring to us a Budget that we can sell to the people. Where I come from there are several beaches, I don't know if I am supposed to bring them to the committee or it's the Executive work to go and do their survey and assessment around and bring to us proposals. Thank you.

Hon. Otare: Thank you, Mr. Deputy Speaker. I am very much grateful this afternoon having presented almost 3 documents to the Members and if I look at the mood of the Members, it's like the documents have been passed.

I just have a concern from Hon. Dasani, where he said about Rarieda Constituency, and if you look at the report, we had proposed Ndori and Madiany to be elevated to town status. This is a recommendation we are taking to the Executive and we hope that they are going to act so that we can get report from Rarieda Constituency so that it can be elevated.

If you look at what we said about the stakeholder engagement, you know very well what happens to Rarieda concerning the capital Centre/town Centre, Members who are here are going to do that so that we can have an easy time.

The issue of boundaries and development plans, the one done in Oele and Barkanyago, were proposals that were brought by Hon. Otiato. Hon. Member, in case you have anything

Wednesday 29th March, 2023 COUNTY ASSEMBLY OF SIAYA DEBATES

concerning your Ward, you have the time to bring the proposal then we engage the Executive so that Siaya County Can move.

Lastly, once a town has been elevated like Segwa and Usenge, they are going to have the Committees in these areas. And those committees that are going to be appointed by the Governor are part of, how our people can be engaged and once you have been engaged as a Committee you can also draw some allowances like the municipalities.

Other towns should be created so that we can move at the same time. In Alego Usonga, we are leaving Ngiya because if you look at the population in Ngiya, it can be elevated to a town Centre. We are proposing that in Yala, in the next Financial Year, once we have taken Nyandiwa and Nyawara, then Nyawara should be a municipality.

In West Ugenya, we realized that the population and the Centre that was in West Ugenya, should be elevated to a town Centre. After this report, I think other towns will be elevated and once a town has been elevated the donor funding also goes to the town centers and the municipalities.

I am a very proud man, I am making Siaya to be a proud town. After this meeting, we are going to Ugunja for the elevation of Ugunja municipality then on Thursday in Bondo. Committees have been advertised and we want people to apply and come here for vetting. Those who apply should be people who can bring investors, meaning they should be active.

The people of Siaya are very lucky, Siaya has been included for the funding and they are only 8 counties and Siaya is among them. Kiambu County is given almost Kshs. 1.8billion and Siaya used to be given only Kshs. 23million because we had not passed the Spatial Plan. I thank the Members, if you have time, let us move to Ugunja. Thank you.

(Question put and agreed to)

MOTION

ADJOURNMENT

The Deputy Speaker: Hon. Members, as you are aware, we will be having some political activities in the entire County, we are supposed to be moving on a short Recess. There being no other Business, will we be upstanding for adjournment!

(Hon. Members on their feet)

The Deputy Speaker: Hon. Members, there being no other Business, the House stands adjourned until 11th April, 2023 at 2.30 p.m. in the Chamber.

Wednesday 29th March, 2023 COUNTY ASSEMBLY OF SIAYA DEBATES

The House rose at 4.04 p.m.