

**REPUBLIC OF KENYA**  
**MURANG'A COUNTY ASSEMBLY**  
**THE HANSARD**

Thursday, 27<sup>th</sup> February 2020

The House met at 2:32p.m.

*[The Temporary Speaker (Hon. Ruoho Wangechi) in the Chair]*

**PRAYER**

**STATEMENT**

APPROVED ASSEMBLY'S BUSINESS FROM WEEK COMMENCING MARCH 3,  
2020 TO MARCH 5, 2020

**Hon. Wangari Kigo:** Thank you Mr. Speaker, on behalf of House Business and Rules Committee I wish to notify that pursuant to Standing Order 46 (2) (a) the Speaker has approved the following Statement on Thursday March 27, 2020. Approved business of the Assembly from week commencing Tuesday March 3, 2020 to Thursday March 5, 2020.

On Tuesday morning we will have three Petitions, I may not go through all of them but I wish to mention we will have three Petitions from Kandara Farmers Society, another one Petition by Murang'a town *wazee* (elderly people) on recreational land. Another one will be a Report on public Petition on environmental risk posed by Montezuma funeral home located along Thika road.

On Tuesday afternoon we will have Petitions: status of pending Petitions, we will also have a Paper the Murang'a County Fiscal Strategy Paper (CFSP). We will also have a response to Statement on illegal occupancy on Ngurwe-ini market in Gaichanjiru Ward. We will also have adoption of a Report on a study tour to Kenya National Federation of Farmers. On Wednesday in the afternoon we will have Petitions that is status of pending Petitions. On Thursday we will have Petitions that is status of pending Petitions. It looks like a repetition. Thank you.

**Temporary Speaker (Hon. Ruoho Wangechi):** Thank you next order!

**MOTION**

ADOPTION OF REPORT OF LAND, HOUSING AND PHYSICAL PLANNING COMMITTEE ON  
THE STATUS OF PUBLIC LANDS IN MURANG'A COUNTY

**Hon. Gerald Wambugu;** Thank you Mr. Speaker, I beg to move the following Motion;- That, this Assembly adopts the Report by the Land, Housing and Physical Planning Committee on the status of public lands in Murang'a County that was laid on the Table of the Assembly on 25<sup>th</sup> February 2020.

Chapter Five of the Constitution of Kenya defines public land as land occupied by state organs, government forests, game reserves and national parks, specially protected areas, roads and road reserves. The National Land Commission (NLC) is tasked with the main function of managing public land on behalf of National and County Governments. The NLC Act reinforces this function and tasks the commission with ensuring that public land and land under the management of designated County and state agencies are sustainably managed for their intended purpose and for posterity.

In our traditional Agikuyu and Akamba set-ups, there was a territory which served the interests of the Community in its corporate status. In this category were found lands such as common pathways, watering points, grazing fields, recreational areas or grounds, meeting venues, ancestral and cultural grounds, and many others.

No individual or group could be allocated rights of access to such public lands other than for purposes for which they had been set aside and recognized. The community's needs could not yield to private interests.

Legally, the presence of public land in Murang'a dates back to the legal demarcation of Forest Reserve areas in 1909 that declared the former buffer zone in Nyandarua ranges as public Land.

Honourable Speaker, the 1948 Fort Hall Law Panel that comprised of chiefs, councillors, and court presidents in the then Murang'a District declared public land as irredeemable. This meant that the demarcated land for public use could not revert back to private use to either individuals or clans who had original claims to the land.

The Land Consolidation of the late 1950s under the Swynerton plan ensured that more public land was set up for schools, cattle dips, watering points and shopping centres expansion. Land unfit or agricultural areas like sloppy areas and riparian lands were also demarcated as government land.

The demarcated public land got a strong legal standing with the enactment of the Native Lands Registration Ordinance of 1959 that created a clear separation of private and public land. Much of this alienated land is what we refer to as public land in Murang'a County.

Honorable Speaker, in drafting this Report our Committee categorized public land into the following categories;

- 1) Land under public Institutions occupancy
- 2) Alienated land under legal instruments
- 3) Unutilized public land
- 4) Leased out and allotted land

Honorable Speaker, the Committee made the following observations;

1. The County Government is yet to establish an assets register for all the immovable assets in the County
2. The County does not have a legal framework for management of land leases to ensure optimization of land as a factor of production
3. The encroachment of pathways by border occupants through planting of trees and hedges that occupy the demarcated roads is rampant across the county.
4. The streams lands and watering points (*iriuko*) established in the 1969 first land demarcation programme have been illegally occupied across many villages in the County.

Mr. Speaker, it is in light of these observations that we make the following recommendations:-

1. That, the County Government formulates a policy to ensure protection of public land, collaborate with public institutions to assist in protection of public land and to sensitize the public on the need for protecting public land.
2. That, the County Executive Committee Member (CECM) in charge of Lands, Housing and Physical Planning establishes an assets register for all the public lands in Murang'a County and the developments thereof. The register should include land sizes, location and other applicable geo-data.

3. That, the County Secretary in collaboration with the CECM in-charge of Lands, Housing and Physical Planning and the CECM in charge of Finance leases out unutilized public land through an open competitive bidding process. The income from the leases should be deposited in the County Revenue Fund (CRF) account to fund development budget and offset of pending County bills.
4. That, the CECM in charge of Lands formulates a Leasing Policy and present it to the County Executive Committee for approval. The policy should include:-
  - a. The lease years
  - b. The pre-requisites for lease application and a provision for advertisement on two local dailies with countrywide circulation to make the bidding as competitive as possible;
  - c. Provision for lesser reacquisition in cases where the lessee does not utilize the leased land within one year or fails to pay the established lease amounts; and,
  - d. Requirement for existing lease certificates and allotment letters holders to utilize their lands within an year after issuance of a gazette notice.
5. That, the CECM in charge of Lands and Physical Planning establishes a 'statement of utilization' as part of the lease contract to ensure that the lessees declare how they will utilize the acquired land to benefit economic enterprises within the County.
6. That, the CECM in charge of Lands and Physical Planning formulates a reacquisition plan for all the grabbed public Land in the County.
7. That, the County Government engages the County Assembly for the formulation of a Murang'a Land Leases Management Bill to streamline utilization of County land.
8. That the County Executive Committee Member in charge of Lands, Housing and Physical planning engages public institutions in the County to assist in acquisition of land titles for the lands that they occupy. Honourable Speaker, we are seeking to protect public land in the County and ensure maximum utilization for public good. I urge members of this House to join us in this noble duty and support this Motion.

I call upon Honourable Nyoko a Member of this Committee to second this Motion

**Hon. Sospeter Nyoko:** Thank you Honourable Speaker, I stand to second this Motion on adoption of the Lands Committee Report on Public Lands within Murang'a County.

Honourable Speaker, in the recent past, irregular acquisition of land belonging to schools, State and County Agencies, parastatals, hospitals and County institutions has re-emerged as a threat to public land. In our capacity as leaders we should pursue measures to safeguard the public lands within and beyond our jurisdictions. This will include; one, surveying the land to establish actual acreage both in the maps and on the ground. Two, putting up beacons, boundary fences and signposts to mark and demarcate public land, three, Ensuring effective land planning in public institutions to ensure utilization of the periphery spaces. Number four, physical development, including cultivation and tree planting to deter potential grabbers.

I urge the Members of this honourable House to support this Motion that will enable us pursue the measures of protecting public land. I stand second this Motion. Thank you.

*(Question Proposed)*

**Temporary Speaker (Hon. Ruoho Wangechi):** There being no comment, I now put the question

*(Question put and agreed to)*

**ADJOURNMENT**

**Temporary Speaker (Hon. Ruoho Wangechi):** Honourable Members this House stands adjourned until Tuesday March 3, 2020. Thank you

*The House rose at 2:55p.m.*