

COUNTY GOVERNMENT OF BUNGOMA
COUNTY ASSEMBLY OF BUNGOMA
COUNTY ASSEMBLY DEBATES

THE DAILY HANSARD

WEDNESDAY, 11TH MARCH, 2026

Afternoon Sitting

3rd County Assembly

5th Session

Version 00

Revision 00

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COUNTY ASSEMBLY OF BUNGOMA

THE DAILY HANSARD

WEDNESDAY, 11TH MARCH, 2026

The House met at the County Assembly Chamber at 9:30 a.m.

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

PRAYER

PAPERS

REPORT OF THE BUDGET AND APPROPRIATIONS COMMITTEE ON THE TRAINING AT THE CENTRE OF
PARLIAMENTARY STUDIES AND TRAINING

Hon. Benjamin Otsiula: Thank you Honourable Speaker, I wish to lay on the table of this Honourable House a report by the Budget and Appropriations Committee on the committee training at the Centre of Parliamentary Studies and Training.

(Paper laid by Hon. Benjamin Otsiula)

Deputy Speaker: Thank you Honourable Members this report on the committee training on the Centre of Parliamentary Studies and Training by the Budget and Appropriations Committee having been tabled becomes the property of the House. Next.

NOTICES OF MOTION

THAT, THIS HOUSE NOTES THE REPORT OF BUDGET AND APPROPRIATIONS COMMITTEE ON
TRAINING AT THE CENTRE OF PARLIAMENTARY STUDIES AND TRAINING

Deputy Speaker: Yes the Hon. Benjamin Jeremiah Otsiula Member for Khasoko.

Version 00

Revision 00

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Hon. Benjamin Otsiula: Thank you Honourable Speaker, I rise to issue a notice of motion that this House notes the report of the Budget and Appropriations Committee on the training at the Centre of Parliamentary Studies and Training.

Deputy Speaker: Thank you Hon. Benjamin Jeremiah Otsiula, Members a notice of motion having been issued I direct that the same report should be circulated to all Honourable Members so that they can have an in depth look at the same and it will form part of the business to be transacted by this House after validation by the House Business Committee for noting purposes by this House. Thank you. Next item.

MOTION

REPORT ON THE SECTORAL COMMITTEE OF LANDS, URBAN, PHYSICAL PLANNING AND HOUSING
ON THE TASKFORCE REPORT ON THE LAND INVENTORY IN BUNGOMA COUNTY 2019

Deputy Speaker: Chairperson, Lands the Hon. Ipara Okasida Johnstone Member for Tongaren Kiminini ward.

Hon. Johnstone Ipara (Chairperson, Lands): Thank you Honourable Speaker before we are interrupted because of our quorum, I want to confirm that we have more than what is required. Kindly Honourable members be upstanding. Kindly.

Deputy Speaker: That's nice, let's applaud them Honourable Members.

(Applause)

Thank you Lands Committee for your seriousness and you keep it here till the end please.

Hon. Johnstone Ipara: Thank you Honourable Speaker, this is a report on Lands, Urban, Physical Planning and Housing on the taskforce report on Bungoma County Land Inventory 2019.

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CHAPTER ONE

Preamble

The Committee on Lands, Urban, Physical Planning, and Housing is pleased to present to this Honourable Assembly its report on the consideration of the Taskforce Report on Bungoma County Land Inventory, 2019 which was tabled before the House on **4th March, 2025** and committed to the Committee for review and reporting back to the House.

The key mandate of the Taskforce was to establish, take inventory and update the County Government of Bungoma on the status of the County public land. In the context of the taskforce report, the phrase “Public Land” was used to mean all that land in which, given its nature, and strategic location, the public retains an interest.

The Committee’s deliberations were guided by the Constitution of Kenya (2010), the Land Act (2012), the Land Registration Act (2012), the County Governments Act (2012), and other relevant laws and policies governing land administration and management in Kenya in the consideration of the taskforce report and preparation of this report.

The Mandate of the Committee

The Lands, Urban, Physical Planning and Housing committee was established on the 26th October 2022 in accordance with Standing Order No.179. The mandate of the Committee is derived from Standing Order 217 (5) of the County Assembly of Bungoma Standing Orders, 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 and estimates of the assigned departments;
- (b) Consider quarterly reports of the assigned departments and report to the house within Twenty-one sitting days upon being laid
- (c) Study the programmes and policy objectives of the departments and the effectiveness of the implementation;
- (d) Study and review all county legislation referred to it;
- (e) Study, access 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;

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- (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 recommendation of proposed legislation

Committee Membership

The membership of the Committee as currently constituted comprises of the following members;

- | | |
|----------------------------|------------------|
| 1. Hon. Johnston Ipara | Chairperson |
| 2. Hon. Orize Kundu | Vice Chairperson |
| 3. Hon. Edwin Opwora | Member |
| 4. Hon. Joan Kirong | Member |
| 5. Hon. Polycarp Kimeta | Member |
| 6. Hon. Aggrey Mulongo | Member |
| 7. Hon. George Makari | Member |
| 8. Hon. Metrine Wilson | Member |
| 9. Hon. Jeremiah Kuloba | Member |
| 10. Hon. Mildred Barasa | Member |
| 11. Hon. Wafula Waiti | Member |
| 12. Hon. Linda Kharakha | Member |
| 13. Hon. Eunice Yeko Kirui | Member |
| 14. Hon. Cornelius Makhanu | Member |
| 15. Hon. Metrine Nangalama | Member |

1.4 Scope of the committee

The committee worked within the boundaries of the findings and recommendations of the taskforce report.

Methodology

To develop this report with its findings, the committee employed various methods including:

- 1) Review of the taskforce report
- 2) Gathered feedback from elected ward representatives (MCAs)
- 3) Desktop research
- 4) Consultative meeting with the mother department of Lands, Urban Physical Planning and Housing to shed light on the delays of forwarding the report and plans for implementation.

Version 00

Revision 00

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The committee made reference to the following relevant laws in the course of its working:

- I. The constitution of Kenya 2010
- II. County Governments Act, 2012
- III. The Physical and Land Use Planning Act No. 13 of 2019
- IV. The Land Laws (Amendment) Act, 2023

Acknowledgement

Special thanks to the Offices of the Honourable Speaker and the Clerk of the County Assembly for their unwavering support throughout the preparation of this report.

I wish to also express my sincere gratitude to all Members of the Committee for their invaluable contributions throughout the process of preparing this report.

The Committee also extends its appreciation to the County Executive Department of Lands, Urban, Physical Planning, Housing and Municipality for providing documented and oral evidence that was fundamental in the preparation of this report.

We further acknowledge the cooperation and support of National Land office for equally supporting this process.

It is, therefore, my privilege to table this report for consideration and adoption by this Honorable House.

Signed by Hon. Johnstone Ipara – MCA Naitiri/Tongaren ward, Chairperson - Lands, Urban, Physical Planning and Housing Committee.

CHAPTER ONE

Background and Legal Framework

Background

Bungoma County is home to an estimated 1.7 million people and sits on an area of 2,069 km². It borders three Counties: Kakamega on the South, Trans Nzoia on the North and Busia on the West and it also benefits from two shared (gazetted) border points with Uganda through Lwakhakha and Chepkube.

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Since inception of the County Governments, concerns have been raised regarding irregular allocations, encroachments, and the general lack of updated records relating to land formerly held by defunct local authorities and also land bought by the County Government. These issues have continued to hinder effective land administration, planning and delivery of essential public services.

In recognition of the concerns and the critical role that public land plays in facilitating social, economic, and infrastructural development, in 2019, His Excellency the Governor pursuant to the provisions of Section 30(2)(L) of the County Governments Act, 2012, appointed a 11 member taskforce. The taskforce was necessitated by the following concerns:

- I. It had been established that most County public land and investments were benefiting individuals instead of the community;
- II. Most of the County public land including land meant for dams, markets, cattle dips, water springs, cooperative societies, play grounds, polytechnics and home craft centers among others had been encroached on by private individuals.

The taskforce was to inquire into the matter and make appropriate recommendations within sixty (60) days from the date of appointment but with justifiable reasons it could be extended for such other period as it may be considered necessary. The Team submitted that it took (109) days to undertake the said exercise.

Remuneration of the members of the taskforce

The remuneration for members of the Taskforce, secretariat and support staff was to be as per applicable salaries and remuneration commission's guidelines contained in the relevant government circulars.

Composition of the taskforce committee

The taskforce committee was composed of:

NAME	DESIGNATION
1. Hon. Lawrence Sifuna	Chairperson (now Deceased)
2. Linet Chemos Chemtai	Vice Chairperson
3 Henry Bramwel Wakwabubi	Secretary

Version 00

Revision 00

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4. George Nyeli Khasabuli	Member
5. Krysantus Dabani Wosianju	Member
6. Jonathan Lusaka	Member
7. Alfred Simiyu Wangila	Member
8. Josephine Lusweti	Member
9. Ednah Olekete	Member
10. Ruth Nekesa	Member
11. Wycliffe Wamalwa	Member

Terms of Reference (TORs) of the taskforce

The Taskforce was guided by the following Terms of Reference:

1. Review previous reports relating to public land management.
2. Identify and determine the current status of all County Government land parcels.
3. Verify lease certificates and allotment letters issued by defunct local authorities.
4. Examine allocations made by the National Land Commission (NLC).
5. Categorize parcels according to use and propose remedial actions where irregularities were found.

The taskforce focused on the following classes of land while under taking duties of land inventory;

1. Markets/Towns/Urban centres
2. Co-operative societies
3. Playground /Stadia
4. Recreational parks
5. Cattle dips
6. Cattle salt licks (Bilongo)
7. Bulls camps
8. Water springs/Water points
9. Administrative centres /chiefs' offices
10. ECDEs/Schools
11. Shrines/Sacred places
12. Social amenities
13. Churches/Mosques

Version 00

Revision 00

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14. Factories/Industries etc.
15. Health facilities

Commitment to the committee

The CECM Lands, Physical Planning, Urban Areas and Municipalities forwarded the 2019 taskforce report to the County Assembly and it was tabled on 4th March, 2025 during the 2:00pm sitting.

Consequently, the said report was committed to the Sectoral Committee on Land, Urban, Physical Planning and Housing for processing and reporting back to the House.

Legal Framework

The management, allocation and protection of public land in Kenya is governed by a comprehensive legal and institutional framework established under the Constitution and various statutes. This framework provides the basis for the County Government's role in the administration of public land and guides on land dispute resolution. This section also highlights the definition of land as per the Kenyan constitution.

Constitutional provisions on Land

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.

The Constitution of Kenya, 2010, chapter five, Article 61(2) classifies or defines land in Kenya as-

- (a) public;
- (b) community; or
- (c) private.

Definition of terms:

a. Public land

Article 62(1) of the Constitution defines public land as-

(a) Land lawfully held, used or occupied by any state organ, except any such land that is occupied by the state organ as lessee under a private lease;

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(b) Land in respect of which no individual or community ownership can be established by any legal process;

(c) Land in respect of which no heir can be identified by any legal process.

b. Community land

Article 63 of the Constitution defines community land as-

(a) Land which is vested in and is held by communities identified on the basis of ethnicity, culture or similar community interests.

(b) Community land is also defined as land that is lawfully held, managed or used by specific communities as community forests, grazing areas or shrines.

(c) Community land is further defined as ancestral land or lands traditionally occupied by hunter-gatherer communities or land lawfully held as trust land by the County governments.

c. Private land

Article 64 of the Constitution defines private land as-

(a) Registered land held by any person under any freehold tenure or land held by any person under leasehold tenure or any other land declared private land under an Act of Parliament.

d. Freehold land ownership

In Kenya, freehold land ownership grants a property owner absolute and perpetual control over land, including the right to use, develop, sell, or lease it without any time limit or external restrictions.

It is defined as a property that is “free from hold”. This means there are no holding charges, and once bought, the purchase price covers everything, and the property is entirely transferred to the new owner.

e. Leasehold land ownership

A leasehold property refers to a situation where land is sold to an individual with ongoing dues, either yearly or through a lease lasting a specific number of years for example, 99 to 100 years.

Lease hold offers limited control and it is mostly common in commercial properties.

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Methods of acquisition of title to land:

In Kenya, methods of land acquisition of title to land include:

- a. Allocation
- b. Land adjudication process
- c. Compulsory acquisition
- d. Prescription
- e. Settlement programs
- f. Transmissions
- g. Transfers
- h. Long term leases exceeding twenty-one years created out of private land or any other manner prescribed in an Act of parliament.

Land Disputes and Resolution

This section provides for provisions of handling land disputes within the context of the Kenyan law.

The Environment and Land Court is a superior court established by Article 162(2) of the Constitution of Kenya which provides as follows;

162. (1) the superior courts are the Supreme Court, the Court of Appeal, the High Court and the courts referred to in clause (2).

(2) Parliament shall establish courts with the status of the High Court to hear and determine disputes relating to—

(b) The environment and the use and occupation of, and title to, land.

(3) Parliament shall determine the jurisdiction and functions of the courts contemplated in clause (2).

The Environment and Land Court Act no.19 of 2011 (ELCA) gives effect to Article 162(2) of the Constitution and the court was established to hear and determine disputes relating to the environment and the use and occupation of, and title to land.

The Environment and Land court

Version 00

Revision 00

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The court exercises jurisdiction throughout Kenya. It has original and appellate jurisdiction to hear and determine all disputes in accordance with Article 162(2)(b) of the Constitution and with the provisions of the Act or any other written law relating to environment and land.

The court has exclusive powers to deal with disputes relating to land administration and management. It is also empowered to hear cases relating to public, private and community land and contracts, choses in action or other instruments granting any enforceable interests in land. The court further exercises supervisory jurisdiction over the subordinate courts, local tribunals, persons or authorities in accordance with Article 165(6) of the Constitution.

Section 13 of the Environment and land Court Act provides;

13. Jurisdiction of the Court

(1)The Court shall have original and appellate jurisdiction to hear and determine all disputes in accordance with Article 162(2)(b) of the Constitution and with the provisions of this Act or any other law applicable in Kenya relating to environment and land.

(2)In exercise of its jurisdiction under Article 162(2)(b) of the Constitution, the Court shall have power to hear and determine disputes—

(a)relating to environmental planning and protection, climate issues, land use planning, title, tenure, boundaries, rates, rents, valuations, mining, minerals and other natural resources;

(b) Relating to compulsory acquisition of land;

(c) Relating to land administration and management;

(d)relating to public, private and community land and contracts, choses in action or other instruments granting any enforceable interests in land; and

(e) Any other dispute relating to environment and land.

(3) Nothing in this Act shall preclude the Court from hearing and determining applications for redress of a denial, violation or infringement of, or threat to, rights or fundamental freedom relating to a clean and healthy environment under Articles 42, 69 and 70 of the Constitution.

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(4) In addition to the matters referred to in subsections (1) and (2), the Court shall exercise appellate jurisdiction over the decisions of subordinate courts or local tribunals in respect of matters falling within the jurisdiction of the Court.

(5) In exercise of its jurisdiction under this Act, the Court shall have power to make any order and grant any relief as the Court deems fit and just, including—

(a) interim or permanent preservation orders including injunctions;

(b) Prerogative orders;

(c) Award of damages;

(d) Compensation;

(e) Specific performance;

(f) Restitution;

(g) Declaration; or

(h) Costs.

CHAPTER THREE

Findings of the Taskforce Committee

The Taskforce committee submitted in their report to have classified the county into 45 wards as the unit of data collection and made physical visits to the parcels of land to acquire data. The taskforce team also invited members of the public to public participation. Data verification was done through interviews and by use of handheld GPS to pick features of land mentioned during the interview.

Summary of the parcels of land per Ward

(Table I)

Sub County	Ward	Number of parcels of land
Kanduyi	East Sang'alo	39
	Bukembe East	31
	Bukembe West	52

Version 00

Revision 00

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	West Sang'alo	38
	Tuuti-Marakaru	36
	Musikoma	32
	Khalaba	23
	Township	35
Bumula	Siboti	36
	Kimaeti	43
	West Bukusu	37
	Khasoko	48
	Bumula	53
	South Bukusu	70
	Kabula	32
Kabuchai	Mukuyuni	58
	Chwele Kabuchai	73
	Luuya/Bwake	81
	West Nalondo	48
Kimilili	Kamukuywa	19
	Kimilili	35
	Kibingei	12
	Maeni	20
Sirisia	Lwandanyi	99
	South Kulisiru	104
	Namwela	75
Webuye West	Sitikho	30
	Matulo	38
	Misikhu	73
	Bokoli	42
Webuye East	Ndivisi	47
	Mihuu	73
	Maraka	21
Tongaren	Ndalua/Tabani	52
	Mitua/Soysambu	29
	Kiminini/Tongaren	37
	Naitiri/Kabuyefwe	61
	Mbakalo	34
	Milima	36
Mt. Elgon	Kaptama	21
	Elgon	21
	Chepyuk	35

Version 00

Revision 00

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	Cheptais	53
	Chesikaki	43
	Kapkateny	37
TOTAL PARCELS OF LAND		2012

Issues with the land in the taskforce report:

- a. Land not being put into the intended purpose
- b. Encroachment of public land
- c. Blockage of roads
- d. Land grabbing
- e. Irregular conversion of private land to public land
- f. Undeveloped public land

Summary of the encroached parcels of land as categorized

TABLE II

LAND PARCEL	ACREAGE	%
Dams	1187.75	33.117
Markets	394.5	10.99
Cattle dips	127.5	3.55
Bull camps	41.5	0.0116
Cooperative Societies	242.25	0.626
Play grounds/public play fields	415.12	11.57
Health centres	96	2.68
Schools	55	1.5
Springs/Wells	266.9	7.4
Polytechnics	9	0.25
Hills	727.0	20.27
Administrative Centres	24.1	0.67
TOTAL ACREAGE OF LAND ENCROACHED ON/AFFECTED	3586.62	100%

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Committee stakeholder's engagement

As part of stakeholder engagement, the committee engaged the department of lands, Urban, Physical Planning, Housing and Municipalities, the National Land office and the Honourable Members both elected and specially elected. The feedback on the findings of the Taskforce regarding the pieces of land within Honourable Members' respective Wards was overwhelming and insightful to the committee and among others, the committee observed as follows:

- 1) That some parcels of land are alleged to have been misclassified in Wards opposed to the Wards they are in. For instance; Tongaren cattle dip, Tongaren Cooperative society and Lukhuna market which are in Tongaren Ward have been listed as parcels of land in Naitiri/Kabuyefwe Ward. Similar issue relate to Luhya/Bwake Ward where most parcels of land listed are actually in Khalaba Ward and in Soysambu Mitua where Makutano health centre has been named as Soysambu health centre.
- 2) There are issues raised concerning private land listed as public land in various Wards which might attract litigation if the report is implemented and also cause an unfair treatment to the citizens claiming ownership like KMTC Bungoma land, Bungoma Coffee Cooperative Union E/BUKUSU/S/KANDUYI/1042 in Township Ward,
- 3) Some parcels of land have either low or high acreage contrary to what is on the ground.
- 4) Some parcels of land proposed for different projects by the defunct County Council were left out by the taskforce team and are currently encroached, left idle or are unprotected. Examples include parcels of Land in Siboti Ward, Township Ward among others.

Taskforce recommendations:

1. Set up the implementation and recovery team on land to help recover parcels of land/plots affected.
2. All Riparian lands specifically rivers, streams, and wetlands should be protected and prohibited from carrying out farming near them.
3. All undeveloped plots to be repossessed and re-allocated to potential developers to enable county government generate revenue.
4. All Eucalyptus trees planted on wetlands should be uprooted to help in water conservations.
5. Physical planning be done in all markets and urban centres to help limit cases of encroachment and grabbing.
6. Re-demarcate, protect by fencing all county dams and guard to limit future encroachment and grabbing.

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7. The county government to use the current available plots in urban and market centres in all wards for any development before resorting to purchasing new parcels of land.

Committee findings on the taskforce report

- i. That with a tenure of sixty days, the members of the Taskforce appended their signatures on the final report on the 19th August, 2019 and it was not until 4th March, 2025 that the report was forwarded to the County Assembly for processing.
- ii. There was no evidence of extension of the taskforce term in office because;
 - a. The minutes of the deliberations on the term of the Taskforce and the resolutions to have the term extended were not annexed to the Taskforce report for verification by the committee.
 - b. There was no evidence of communication by the Taskforce addressed to the appointing authority on the impending expiry of its term nor communication extending the term.
- iii. The taskforce team visited and documented County Public land information for all the 45 Wards in 9 Sub-Counties.
- iv. The Taskforce team made remarks on the status on all the public land documented after analysis.
- v. The Taskforce through a summary cutting across all the 45 wards and the 9 sub counties, prepared a detailed list of all the encroachers, the areas where such lands are situated, the acreage involved, the identities of all the beneficiaries, the current status of the encroached/grabbed parcels of land detailing whether the land is undeveloped, partially developed or fully developed.
- vi. The committee found out that out of 2,012 parcels of public land identified, in the report, about 428 had no registered parcel numbers. And 312 had no confirmed acreage at the time of coming up with the report.
- vii. Several parcels listed were not supported by survey maps, deed plans/ownership files.
- viii. A total of 3586.62 acres of public land are encroached upon, spread across dumps markets, schools, play grounds and admin centers.
- ix. The Taskforce team finalized its report on 19th August, 2019, but the report was submitted to the County Assembly on 4th March, 2025 for processing and no documented evidence of term extension was provided to the committee.

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CHAPTER FOUR

COMMITTEE OBSERVATIONS

1. The Taskforce through a summary cutting across all the 45 Wards and the 9 Sub-Counties, prepared a detailed list of the public land, status of the land detailing whether the land is undeveloped, partially developed or fully developed.
2. The committee noted that at the end of the exercise, the Taskforce recommended the measures that should be taken both legal and administrative to recover such illegally encroached land to restore them to their proper title or intended purpose. The Taskforce did not however, recommend alternative measures to the County government in the event that recovery or restoration is not possible.
3. The Taskforce, based on its findings, did not also recommend short-term, mid-term and long-term legal and administrative measures necessary to prevent future encroachment activities on public land.
4. There were a total of 428 parcels without plot numbers and 312 parcels without acreage exposing the county to asset mismanagement and potential legal disputes.
5. The absence of fencing, signage, or beacons has left most parcels vulnerable to encroachment, subdivision and informal occupation.

COMMITTEE RECCOMENDATIONS

From the observations the committee made the following recommendations;

1. **THAT**, the County Executive Committee Member on Lands, Urban, Physical Planning and Housing should in consultation with the committee, fast track the implementation of the 2019 Taskforce report by constituting an implementation committee as recommended by the Taskforce report. The list of implementation team should be shared with the committee immediately it is constituted. Hon Speaker, what is omitted when it is constituted is within 3 months. The word you add after the end is 'within three months'
2. **THAT**, upon being constituted, the implementation committee should exercise due diligence, verifications and strictly observe the law relating to land disputes in the course of their work to avoid unnecessary litigations.
3. **THAT**, the County Executive Member Lands, Urban, Physical Planning and Housing should submit a progress report to the County Assembly within 60 days of adoption of the report in accordance to Standing Order 205.
4. **THAT**, the County department should immediately undertake a Comprehensive verification and survey exercise of all public land, prioritizing the 428 parcels without plot numbers and 312 parcels without known acreage and land indicated as public but not

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captured by the Taskforce team. The survey outcomes should be incorporated into a Public Land Register.

5. **THAT**, all verified parcels should be processed for survey, deed plan preparation, and title registration under the County Government's name. A progress report should be shared with the committee 6 months after adoption of this report.
6. **THAT**, the County department of Lands should allocate funds in the next fiscal year for surveying and beaconing of all public land in the County.
7. **THAT**, the department on Lands, Urban, Physical, Planning, Housing and Municipalities should develop a GIS-based Land Information Management System (LIMS) integrated with the National Land Information System (NLIS) for real-time access and updates of all pieces of land.

Hon. Speaker, annexures are extracts of the Land Taskforce Report of the 45 wards, stakeholder's views which are indicated and on the next page is the adoption schedule that is signed by all Members for the Lands Committee. At this juncture, with your permission, I want to call upon our very active member Hon. George Makari to second the report, kindly.

Mr. Deputy Speaker: Very well, thank you so much Hon. Ipapa Okasida Johnston for moving the report. Hon. Wasike Makari!

Hon. George Makari: Thank you so much, Mr. Speaker. I wish to commend the mover of the motion, my able Chair. The thoroughness of this report reflects the diligence of the Chair, and as I second, I believe he deserves applause for the excellent work done.

(Applause)

There are two Members in this House for whom I have great respect: Hon. Johnstone Ipapa and Hon. Museveni, who is not present. This is not to imply that I do not respect others. By way of brief background, when I was in high school in Kakamega, we would listen to the radio and hear announcements mentioning Bungoma County Chairman Hon. Meshack Museveni, and the Provincial Police Commander for Rift Valley, Johnstone Ipapa. At that time, I never imagined I would one day work alongside such distinguished individuals. This demonstrates their experience and resilience, and we pay tribute to them.

As I second the report, it is evident that it contains valuable information. For instance, in Musikoma Ward, I have learned through this report that there are 32 parcels of public land,

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Revision 00

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which I was previously unaware of. At one point, I attempted to identify land for constructing a ward office but could not find any. This report has clearly outlined the existence of these parcels.

The report is timely, and Members across the County will find similar revelations. For example, Malakisi/Kulisiru has 109 parcels, while Sirisia has 99 parcels of public land.

Regarding the taskforce on land, I note with regret that its Chair, the late Lawrence Sifuna, a former Member of Parliament, has since passed on. He was a resident of my ward. I recall that the Speaker, the Majority Leader, and Hon. Khaoya attended his burial. During that event, an individual attempted to disrupt the proceedings.

(Loud consultations)

Mr. Deputy Speaker: Hon. Makari, proceed. Order, Hon. Leader!

Hon. George Makari: I am guided, Hon. Speaker. That individual is known for such conduct. Thank you for your intervention.

Mr. Deputy Speaker: Order, Members!

Hon. George Makari: Thank you, Hon. Speaker. He understands that he cannot interrupt a Member while seconding.

Mr. Deputy Speaker: Hon. Makari, proceed with seconding.

Hon. George Makari: Thank you, Hon. Speaker. As I continue, the report indicates that many parcels of land have not been utilized for their intended purposes. There are cases of encroachment and irregular allocation. For instance, in Township Ward, there is a facility known as Chewai, which is actually public land designated as a library. However, it has been occupied by a private individual since around 2010 without action being taken.

The taskforce recommended the formation of an implementation team to address these issues, including rectifying irregularities. The County Executive Committee Member was tasked with establishing this implementation team within 60 days of adoption of the report.

As I conclude and allow other Members to contribute, I second the report and urge the House to adopt it. We have Members well-versed in land matters, including Hon. Sudi Busolo and Hon. Wafula Waiti. Hon. Tony Barasa has also indicated interest, though his academic background is in Business Administration. I second and urge Members to support the report.

(Applause)

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Revision 00

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Mr. Deputy Speaker: Thank you, Hon. Wasike Makari, Member for Musikoma, for seconding the report.

(Question proposed)

We have Members online in the following order: Hon. Chetekei, Hon. Busolo, Hon. Khaoya and Hon. Vitalis. However, I will begin with the leadership of the House. I invite the Leader of Majority, followed by the Leader of Minority.

Hon. Joseph Nyongesa: Thank you, Mr. Speaker. I also wish to commend the Committee under the leadership of Hon. Ipara and the seconder for their work. I will be brief.

It is unfortunate that the members of the taskforce have not been paid. As a House, we should pronounce ourselves on this matter to alleviate the challenges they are facing.

A key issue I have noted is the lack of professional representation in the taskforce. The composition largely included former councilors, yet land matters require technical expertise. I appreciate that the Committee acknowledged gaps such as unidentified parcels lacking title deeds or plot numbers. This may present challenges during implementation, even though the report recommends an implementation team.

As we adopt this report, we should ensure that future taskforces include professionals and are adequately funded. It is unacceptable for individuals to serve for several years without remuneration.

Additionally, I have observed that in areas such as Tuuti/Marakaru, some parcels lack proper identification, which could lead to disputes. The implementation team should ensure accuracy in verification. I commend the committee and support the report. Thank you.

(Applause)

Mr. Deputy Speaker: Thank you, Leader of Majority. I now call upon the Leader of Minority, Hon. Vitalis Sifuna.

Hon. Vitalis Wangila: Thank you, Mr. Speaker. I also commend the Chair of the Lands Committee, Hon. Ipara, and the seconder.

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Revision 00

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Although delayed, the report is important. I note concerns regarding riparian land, which should extend approximately 30 metres from rivers and streams. However, there are instances where such land has been allocated and title deeds issued. This raises serious concerns.

The report does not clearly provide timelines for repossessing encroached public land. In my ward, for instance, there are 32 parcels, and it has not been easy to identify them previously. There are also cases where individuals have claimed ownership of land previously designated for public use, including land set aside for tree planting. Some of these matters are currently in court.

I recommend that clear timelines be established for the recovery of public land. Thank you. I support the report.

Mr. Deputy Speaker: Do you second or support?

Hon. Vitalis Nyongesa: Thank you, Mr. Speaker. I support the report.

Mr. Deputy Speaker: Thank you, Hon. Vitalis Wangila Sifuna, Leader of Minority and Member for Kabula. Honourable Members, after Hon. Isaiah Sudi, we shall proceed to Hon. Chetekei.

Hon. Isaiah Sudi: Thank you, Hon. Speaker. The document before us is significant as it affects the entire County. All 45 wards are impacted. From my understanding of land matters, the report is well-prepared and recommends the establishment of an implementation committee within 60 days, which will guide the recovery process.

There are inconsistencies noted, such as parcels recorded under incorrect locations and others lacking acreage or identification numbers. Public land often lacks specific numbering, especially where land was set aside for public utilities during subdivision. Experts, including surveyors, will be required to verify such details.

Land matters are sensitive, and the committee could not provide definitive timelines for repossession without proper verification processes. The House must allocate resources to facilitate this process.

The report also recommends the use of a Geographic Information System (GIS) to document public land. Although funds have been allocated for GIS in previous budgets, they have often been reallocated. This House should prioritize GIS implementation, as it would enable accurate mapping and identification of public land.

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Revision 00

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The composition of the taskforce, which included former leaders, was appropriate as they had knowledge of the original allocation of public land. However, changes over time have led to loss of such information.

As earlier mentioned, facilities such as Chewai, which is a public library, remain occupied without change of user. This highlights the need for proper enforcement. You may continue developing land whose designated use is a library, but no matter how long it takes, you will eventually be removed because the user has not changed. You can only succeed in taking over government land if you change its user. You cannot take a forest and continue building in it while it is still designated as a forest. Even if you cultivate it, unless the government changes the user, your actions amount to nothing, because the records will clearly show that it was a forest and has not been officially converted to agriculture.

So the intended purpose, as stated, remains. That is why we as leaders have been able to identify those parcels, because in most cases the user has not been changed. That is exactly what happened with the stadium, when people were being removed, there was resistance, but the land is still designated as a stadium. You cannot build on a stadium and then claim it is private land. If it were private, the user would have been changed.

Therefore, Hon. Speaker, I urge this House that we are not late. Let us pass this report so that the relevant authorities can establish mechanisms to recover these parcels and restore them to their intended purposes; the reason they were designated as public land, so that the public can benefit from them. Even in my ward, I have about 70 parcels. I have seen places where there used to be roads, but now those roads no longer exist, or if they do, they are extremely narrow. Attempts to reopen them face resistance because the person who encroached on them is long deceased. Those who succeeded them assume that is how things were, yet it was not the case.

So, Speaker, I urge this House that as we prepare the main budget, we must allocate funds for the implementation of this report. Experts should return to the ground, identify parcels without numbers, and those that have been encroached upon, and restore them to their rightful status for repossession. I am aware that litigation will arise, but litigation is normal. If you go to court knowing that the land is a public utility, supported by records from the Lands Office, the evidence will speak for itself and such cases will fail. People may go to court because they have invested in illegally acquired parcels, but that is not our fault. I support the report and rest my case.

(Applause)

Mr. Deputy Speaker: Thank you, Hon. Sudi Busolo, Deputy Whip of the Majority Coalition and Member for South Bukusu. Hon. Chetekei Chikati, Member for Ndalul Tabani.

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Revision 00

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Hon. Timothy Chikati: Thank you, Speaker. Allow me to thank the mover of the motion, the seconder, and all Members who have contributed to this important report affecting all 45 wards of our county. Much of what I intended to say has already been addressed by the Minority Leader, Hon. Vitalis, particularly on the need for proper timelines; say 30 to 90 days after adoption; so that the process of notifying those who have encroached on public land can begin.

In the meantime, public land should be marked with beacons so that those occupying it are aware that it belongs to the county government.

Secondly, in the Department of Lands, and with the Chair present, we see elected leaders allocating funds to purchase land for dispensaries, health centres, and other projects, yet public land exists that is idle or encroached upon. Some occupants are not even paying rent, while this House continues allocating funds to acquire new land.

It is like having a wife and then marrying another when you are already unable to support the first. I wish the committee had recommended that instead of allocating funds to purchase land, such funds be redirected to other projects while existing public land is utilized. I rest my case.

Mr. Deputy Speaker: Thank you, Hon. Chikati. On the line, we have the following Honourable Members: Hon. Eric Wekesa, Hon. Tony Khaoya, Hon. Cheseto, Hon. Lumbwani, and Hon. Kuloba, in that order. Hon. Eric Wekesa, followed by Hon. Tony.

Hon. Eric Wekesa: Thank you, Mr. Speaker, for the opportunity to contribute to this important matter. I also thank the previous speaker for his example, though we may not fully understand his motivation for using it.

This motion comes at a critical time. Just last week, I experienced a humiliating incident involving what I believed was public land. In my ward, we lack an auction ring in Chwele. The temporary site currently used has been flooded and turned into a swamp, with livestock getting stuck. One even died.

In trying to resolve the issue, I contacted the CECM for Lands, who accompanied me to inspect a site. I was shocked when we discovered that the land I believed to be public was actually private. Even the CECM was surprised. We had already directed traders to use it temporarily and publicly declared it an auction ring, with the MP present.

The next day, a tractor began ploughing the land. When we inquired, I was served with a court order personally as an MCA, barring us from accessing the land. There was significant drama thereafter. This situation highlights serious issues in our county regarding public land management.

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Revision 00

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Another case involved a proposed sewer treatment plant in an area previously used as a dam. When I questioned this, I was told the land appeared unused. This shows a lack of proper records and planning.

This report is therefore very important. I support it and recommend clear timelines. The implementation team should address gaps and expedite repossession of public land. In my ward, people are constructing permanent structures on public land, and we do not know how to remove them.

We are ready to face resistance if necessary, because protecting public land for future generations is essential. I support the report.

Mr. Deputy Speaker: Thank you, Hon. Eric Wekesa, Member for Kabuchai-Chwele. Now Hon. Tony Barasa, Member for Lwandani.

Hon. Tony Barasa: Thank you, Honourable Speaker. I commend the committee for its work. If implemented, this report will address issues such as dump sites. Currently, waste management is concentrated in one ward, but with proper land use, it can be decentralized to sub-county levels since we have underutilized land.

Allow me to refer to pages 6 and 17. On page 6, at the end, it indicates “Naitiri-Tongaren Ward” signed by the Chair. However, page 17 refers only to Tongaren Ward. We do not have a ward called Naitiri-Tongaren. This must be corrected for accuracy and record purposes.

On recommendation number 1, it states that the implementation team should report to the committee. However, once this report is adopted, it becomes a House resolution. Therefore, the implementation team should report to the House through the committee, not directly to the committee, to avoid conflicts of interest.

Recommendations 3 to 7 focus on funding. This report requires a clear work plan, which will inform budget allocations. Funds are needed for verification, surveying, beaconing, and maintaining land registries.

As a House, we must support the committee and the department with adequate budgetary allocation this financial year.

In my ward, we have a large tract of land of 99 acres yet some of it has been grabbed. Schools have been built on public land, such as in Wamono. Kapkara Dam, which should be larger, has been reduced significantly. We must reclaim this land. With those remarks, I support the report. Thank you.

Version 00

Revision 00

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Mr. Deputy Speaker: Thank you, Hon. Barasa. Online, we now have Hon. Cheseto Martin, followed by Hon. Job Mukoyandali and lastly Hon. Kuloba. Proceed, Hon. Member.

Hon. Martin Cheseto: Thank you, Hon. Speaker. First, I appreciate the mover of the motion. This report is long overdue. I also commend the former task force chair, though posthumously, for the extensive work done in identifying public land, with both accurate and inaccurate findings.

For example, in Cheptais, I was unaware of five acres of market land within the town, yet it cannot be located physically. We have struggled to secure land for market construction, despite support from the President. I appreciate the committee for helping us acquire land currently under development, though that is separate from this parcel.

There is also land at the Kenya-Uganda border in Chepkube, about three acres, which the task force incorrectly attributed to Hon. Kapondi as having been grabbed. That is not true—the land is idle and available. This needs correction.

Mr. Deputy Speaker: What is your point of information, Hon. Chikati?

Hon. Timothy Chikati: *(On a point of information)* Honourable Speaker, why is he defending his Member of Parliament? If the MP did not grab the land, he should come and state so himself. These cases exist, just like in Nakuru where government land has been grabbed. There is no need for this Member to defend another.

Mr. Deputy Speaker: Thank you, Hon. Chikati. Hon. Cheseto, be guided, you are not here to defend any individual. If the report contains such findings, it is based on facts gathered on the ground.

Hon. Martin Cheseto: Thank you, Hon. Speaker. My concern is that this report may expose the County government to litigation due to misleading information. The land in question is idle and has not been used.

Mr. Deputy Speaker: What if the task force had documentation indicating otherwise, even if the land appears idle?

Hon. Martin Cheseto: Thank you, Hon. Speaker. I was simply raising a concern.

Mr. Deputy Speaker: Do not raise concerns without full awareness.

(Loud consultations)

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Revision 00

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Hon. Martin Cheseto: I am aware, but I agree that the implementation team should verify such information.

Mr. Deputy Speaker: Be guided, the land may appear idle, but documentation may indicate otherwise.

Hon. Sudi Busolo: Mr. Speaker that is why the committee recommended forming an implementation committee to verify all such information before repossession and correct any errors.

Mr. Deputy Speaker: Thank you, Hon. Sudi. Hon. Cheseto, kindly summarize and proceed with caution.

Hon. Martin Cheseto: Thank you, Hon. Speaker. I note that the report does not clearly provide for an appeals process for those mentioned. This should be considered, as affected individuals may seek recourse.

I also reviewed recommendations 2, 3, 4, and 5 regarding verification and surveying. I suggest consolidating these into one, as they address similar issues. Survey outcomes should then be incorporated into a public registry.

Verified parcels should also be surveyed. No, we are addressing the same issue, and it should have been merged into a single recommendation so that it becomes one. Thank you, Mr. Speaker, for allowing me to raise those issues.

Mr. Deputy Speaker: Thank you, Hon. Cheseto. Let us now have Hon. Job Mukoyandali, Member for West Bukusu.

Hon. Job Mukoyandali: Thank you, Mr. Speaker. Hon. Cheseto ought to have moved a motion on what he was saying, Honourable Speaker, that was my point of order, but it has been overtaken.

Honourable Speaker, first, let me state that I support the report and its recommendations. However, I have two issues to raise. One, when you look at these parcels of land, they were either purchased by the County or allocated for specific purposes.

Over time, the intended use of some of these parcels has been overtaken by events. Therefore, Honourable Speaker, we should also consider obtaining title deeds for this land, since most of it lacks proper documentation. We should also ensure public participation so that the use of the land aligns with the current wishes of the people.

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Revision 00

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Secondly, Honourable Speaker, in my Ward, during the previous regime, thirteen acres of land were acquired but remain idle. Recently, we attempted to initiate a project there, we even wanted to plant maize for ECD children, but we encountered resistance.

Some government officials, and I want to be specific, a CECM in this county called Sasita, has been going to the ground to incite people, yet he is not even responsible for lands. He was not the CEC for lands at the time we conducted public participation. As we move forward, let officials who are not directly concerned with a particular project step aside and allow the process to proceed so that we can reclaim this land and utilize it for the benefit of the County.

As I conclude, Honourable Speaker, it is important to note that when you go to the ground, in many cases we do not even know where this land is. Let officers move Ward by Ward, as part of the implementation committee, and inform the public. They should issue notices so that people are aware that the land they occupy may not belong to them before any evictions are carried out. I submit, Honourable Speaker.

Mr. Deputy Speaker: Thank you, Hon. Job Mukoyandali, Member for West Bukusu. We now have Hon. Jeremiah Kuloba, Township.

Hon. Jeremiah Kuloba: Thank you, Mr. Speaker. The report has come at the right time, though it was delayed, and we believe it can address some of the irregularities that existed. Honourable Speaker, the report focuses only on parcels of land, yet even roads have been encroached upon.

Honourable Speaker, the chaos witnessed in Nairobi, where floods are causing deaths, is partly due to encroachment on roads and lack of proper drainage. This report can help resolve such issues by ensuring roads are widened, encroachers are removed, and drainage systems are established.

I wish to thank the committee for their good work in preparing this report, although not all roads and parcels of land were captured. For instance, in my Ward, Township Ward, a piece of land formerly known as the College of Knitting and Spinning, located just behind here, was not mentioned, yet it has been grabbed by Adatia, who now resides there.

Private land should not be included, because in the report I saw a piece of land belonging to an individual, yet the committee recommends returning it to the owner, which is not government land.

The key issue is implementation, Mr. Speaker. Without timelines, this report may remain unimplemented like many others. Immediate action is needed to ensure everything is put in order.

Version 00

Revision 00

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Honourable Speaker, if we recover grabbed land, we can undertake development projects. For example, in my Ward, I had a garbage recycling project that failed because there was no land available. The donor withdrew funding. Similarly, land that was once a cemetery and intended for a library was taken over and lost.

Therefore, the focus should be on implementation and clear timelines. Otherwise, thank you, Mr. Speaker, I support.

Mr. Deputy Speaker: Thank you, Hon. Kuloba, Member for Township. Lastly, let us hear from Hon. Ali Machani Mutoka, Member for Maraka, after which the mover will respond.

Hon. Ali Machani: Thank you, Honourable Speaker. First, I support the report and commend the committee for identifying areas that the Executive may not have fully addressed through the task force.

Honourable Speaker, land matters are very sensitive, and I appreciate your moderation of this House, allowing Members to contribute without interruptions.

I agree with your guidance that land issues require continuous consultation. The implementation team will be critical. One of our key objectives is revenue generation, and the concept of a land bank is essential. A land bank will enable the County government to know its land assets and attract investors to develop projects that generate revenue.

Honourable Speaker, since devolution, we have acquired additional land beyond what we inherited from defunct local authorities. However, if such land is not protected, it risks being lost.

In my area, Nangili Market was not captured in the report, yet it is a key trading centre. I am working to develop it further, including operationalizing a dispensary.

There is also a ten-acre piece of land used for agricultural shows that was not included. It lies near the border of Sitikho and Maraka. I urge the chair and the team to ensure such land is captured.

Additionally, there should be room for Members to identify and submit omitted parcels so that the report is strengthened. This report will guide the County in identifying all its land assets and presenting a comprehensive inventory to attract investors. Thank you, Honourable Speaker.

Mr. Deputy Speaker: Thank you, Hon. Ali Machani, Member for Maraka. Now, Hon. Johnston Ipara Okasida, if present or Hon. Frankline Simotwo, Member for Chepyuk.

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Hon. Frankline Simotwo: Thank you, Speaker. Allow me to appreciate Hon. Johnstone Ipara and the Whip for granting me this opportunity.

This is a serious issue. In Chepyuk, land is synonymous with life. I commend the task force for their work because we are directly affected. Projects in Chepyuk can cost lives if not handled carefully.

There is a large portion of government land in Chepyuk designated for markets, cattle dips, and ECD centres. However, the County government handles these matters casually. There are no beacons marking the land, and documentation is lacking.

To date, Chepyuk is only now receiving title deeds. The Department of Lands has not been proactive in securing documentation. We must learn from past mistakes and protect public land.

Currently, most market lands in Chepyuk belong to the County government, yet none are properly marked. Encroachment continues, and soon there may be no public land left.

Where will we build markets, auction rings, and ECD centres in growing towns? There is no proper planning.

As we implement this report, we must also plan for the future to prevent further loss of land. More detailed information is still needed, as land matters are complex. The implementation team must verify ownership accurately.

In Chepyuk, many government lands are idle, grabbed, or undocumented. This is the time to correct these issues. Thank you, Mr. Speaker.

Mr. Deputy Speaker: Thank you, Hon. Frankline Simotwo. Now let us hear the mover, Hon. Johnston Ipara Okasida, Member for Tongaren/Kiminini.

Hon. Johnston Okasida: (*Mover to reply*) Thank you, Honourable Speaker. I appreciate all Honourable Members for supporting this report, recognizing that land, in the African context, represents life. I thank Hon. George Makari for seconding the motion and for his well-chosen words.

Regarding Hon. Joseph Nyongesa's concern about unpaid members, the House will recall that when this issue was previously raised, there was no budget. Following intervention by House leadership, funds were allocated, but challenges prevented payment.

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Revision 00

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We recommend allocating a proper budget to compensate members and fund the implementation committee. This is timely as we consider the CFSP.

On omitted land parcels, the implementation committee will identify all County land, whether listed or not, ensuring accurate documentation and preventing enforcement errors.

On wetlands, as raised by Hon. Vitalis Wangila, their protection is essential for sustainability.

Hon. Isaiah Sudi emphasized due diligence, which will be ensured through proper budgeting and land identification.

Hon. Timothy Chikati raised concerns about encroachment. Those identified will be notified, given a chance to respond, and appropriate action will follow after due process.

We have also outlined legal structures for dispute resolution, ensuring access to courts for both the County and affected individuals.

Hon. Eric Wekesa highlighted the importance of verifying land ownership at the registry before taking action.

Hon. Tonny Barasa noted a typographical error, and I request its correction, removing “Naitiri” and retaining “Tongaren.”

The committee will work closely with the Assembly, and all reports will pass through the Clerk.

Budget allocation remains critical, and we urge the Budget Committee to provide funds before the CFSP is finalized.

Hon. Martin Cheseto noted the delay; indeed, the report is overdue, having been initiated in 2019.

The implementation committee should be appointed within 60 days to verify claims, correct errors, and enforce rightful ownership.

Hon. Job Mukoyandali raised concerns about missing land and external interference. All omitted land will be included, and idle land should be put to productive use to prevent encroachment.

Hon. Jeremiah Kuloba, the committee focused on land inventory, not roads.

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Hon. Ali Machani, we appreciate your experience and request your support in identifying land assets, including Nangili.

Hon. Frankline Simotwo, your concerns are noted, land issues will be addressed, and public rights safeguarded.

Honourable Speaker, this report is long overdue and will correct historical injustices. I urge Members to adopt and fully implement it. I submit.

Mr. Deputy Speaker: Thank you, Hon. Johnston Ipara Okasida. Honourable Members, I now put the question;

(Question put and agreed to)

The report and its recommendations is hereby adopted. The Clerks-At-the-Table are directed to correct the typographical error, Tongaren/Kiminini, not Naitiri/Tongaren.

ADJOURNMENT

Honourable Members, that being the last item on the Order Paper, the House stands adjourned until 2:30 p.m. today.

The House rose at 11.27 a.m.

Version 00

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