

COUNTY GOVERNMENT OF TAITA TAVETA



COUNTY ASSEMBLY OF TAITA TAVETA

THIRD ASSEMBLY – FIRST SESSION

ORDER PAPER

TUESDAY, NOVEMBER 15<sup>TH</sup>, 2022 AT 2:30 P.M

ORDER OF BUSINESS

**PRAYERS**

1. Administration of Oath;
2. Communication from the Chair;
3. Messages;
4. Petitions;
5. Papers;
6. Notices of Motion;
7. Statements; (*As listed in the appendix*)

**8. MOTION: INVENTORY OF ALL PUBLIC LAND, REGISTERED AND UNREGISTERED COMMUNITY LAND AND PROPERTIES IN TAITA TAVETA COUNTY (HON. JOSEPH MWALEGHA, MCA, MWATATE WARD, CHAIRPERSON, LANDS & HUMAN-WILDLIFE CONFLICT RESOLUTION COMMITTEE)**

**AWARE THAT**, Article 62(1) of the Constitution of Kenya, 2010 defines public land and (2) provides that public land shall vest in and be held by a County Government in trust for the people resident in the County and shall be administered on their behalf by the National Land Commission; and Article 63

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\*Denotes Orders of the Day

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(1) provides that Community land shall vest in and be held by Communities identified on the basis of ethnicity, culture or similar community of interest; (3) any Community land shall be held in trust by county governments on behalf of the communities for which it is held and (4) Community land shall not be disposed of or otherwise used except in terms of legislation specifying the nature and extent of the rights of members of each community individually and collectively.

**FURTHER AWARE THAT**, poor land management practices witnessed in the County have resulted in situations whereby parcels of both public and community land have been lost to individuals and private entities. Allocation of these parcels of lands has often been done fraudulently and irregularly with little oversight consequently resulting to land being developed in ways that are inconsistent with the required public purposes and interests. This implies that in future, absence of public land will compel the Government to purchase land which will be time consuming and expensive.

**NOTING THAT**, Datuzens in the County are being forced by private developers to vacate from their community land which they have lived in since time immemorial a case in point being Msambweni residents in Voi being forced to vacate from their Community Land No. 1956/506, CR No. 23979 by Sparkle Properties Limited. Other community lands with disputes between locals and private developers include; Mkamenyi, Machungwani farm, Singila/Majengo, Diaspora University Land between Ndara B and areas of Mtomwagodi, Manga amongst many others.

**FURTHER NOTING THAT**, during the previous regime many statements had been sought on the Floor of this House regarding community land, the status of ownership, change of use and whether the County Government has lost any land to private entities and individuals, but most were never responded to and those responded provided little and insufficient information related to matters of community land in the County.

**COGNIZANT THAT**, the County Assembly on 25<sup>th</sup> February, 2020 approved a report by the Committee on Lands, Housing and Human-Wildlife Conflict Resolution Committee on the civic education forums on Community Land Act, 2016 and Community Land Regulations, 2017 in which it was resolved that the CECM for Lands, Housing, Mining and Energy presents a comprehensive program on engagement of Communities in registration of

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Community land rights and preparation of an inventory of community lands in the County, which was not implemented.

**NOW THEREFORE**, this Third Assembly **RESOLVES THAT**, the County Government submits to the County Assembly an inventory of all public land, registered and unregistered community land held in trust by the County Government of Taita Taveta.

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**APPENDIX**

**STATEMENTS**

1. RESPONSE TO STATEMENT SOUGHT BY HON. DUNCAN WANGAMA ON COMPENSATION OF CASUAL WORKERS WHOSE SERVICES WERE TERMINATED ON 31<sup>ST</sup> DECEMBER, 2019

NOTICE

LIMITATION OF DEBATE

The House resolved on Tuesday, October 11<sup>th</sup>, 2022 as follows-

Limitation of Debate on Motion

**THAT**, NOTWITHSTANDING the provisions of Standing Order 96(4), this House orders that, for purposes of this THIRD COUNTY ASSEMBLY OF TAITA TAVETA, FIRST SESSION, 2022 each speech in a debate on any **Motion**, including a Special motion be limited as follows:- A maximum of **twenty (20) minutes** for the Mover and **ten (10) minutes** for each other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of **fifteen (15) minutes** each, and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that Order.