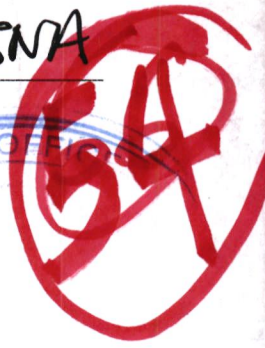
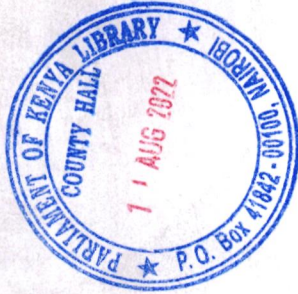


Approved for tabling
20/12/16 SNA

REPUBLIC OF KENYA



NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT – FOURTH SESSION – 2016

THE DEPARTMENTAL COMMITTEE ON LANDS

REPORT ON THE PETITION BY NGIIRI MARKET SQUATTERS IN MUTITU
LOCATION, MBEERE NORTH CONSTITUENCY ON CEDING OF PART OF TANA
AND ATHI RIVER DEVELOPMENT AUTHORITY (TARDA) LAND TO NGIIRI
MARKET SQUATTERS

DIRECTORATE OF COMMITTEE SERVICES
CLERK'S CHAMBERS,
PARLIAMENT BUILDINGS,
NAIROBI

DECEMBER, 2016



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CHAIRMAN'S FOREWORD

On Tuesday 8th March, 2016 the Hon. Charles Njagagua Muriuki, M.P, tabled a Petition before the House pursuant to Article 119 (1) of the Constitution of Kenya 2010 and Standing Order 219; on behalf of residents of resident of Ngiiri Market Squatters in Mutitu Location Mbeere North Constituency in Embu County.

The Committee having seized the matter in question and pursuant to the provisions of Standing Order No. 216 (a) resolved to conduct an inquiry into the circumstances in question. The Committee commenced the inquiry on 19th May, 2016 and set out a procedure for the consideration of the inquiry and agreed to report to the House within 60 days. However due to the nature of the inquiry and the work involved in solving the problem at hand and therefore answering the questions put by the petitioners, the Committee took a longer time in coming up with the solutions.

The Committee appreciates the assistance provided by the Office of the Speaker and the Clerk of the National Assembly that enabled it to discharge its functions in considering the petition. On behalf of the Committee, and pursuant to Standing Order, 227 it is my duty to table on the Floor of the House the Report of the Committee on the petition.

EXECUTIVE SUMMARY

The Committee in considering the petition conducted an inquiry in order to determine the pertinent issues. It held meetings with the member for Mbeere North Constituency, Hon. Charles Njagagua Muriuki, MP, and the County Commissioner, Embu County.

In addition, Prof. Kaimenyi Cabinet Secretary of Lands, Housing and Physical Planning accompanied by Ms. El Maawy Mariamu, Principal Secretary, Mr. Paul Ndung'u, Ag. Assistant Director of Survey appeared before the Committee and gave evidence. Prof. Mohammed Swazuri Chairman, National Land Commission accompanied by the Commission Chief Executive Officer, Tom Aziz also briefed the committee and also presented a written submission.

The Committee further received representations from the residents and squatters of Ngiiri Market. The Committee undertook a fact finding visit to Ngiiri Market on 19th May 2016, in order to assess the situation on the ground and collect views of the residents. This enabled the Committee to receive representation from members and squatters from the Land in dispute.

This report provides answers to the prayers sought by petitioner with a view to establishing the circumstances under which the size of the said land keeps varying and also ascertain the actual size of the land being ceded to Ngiiri Market, Kiambere Complex School and Ngiiri Primary School by Tana and Athi River Development Authority (TARDA). The report also provides findings/observation and recommendations which if implemented would help resolve the matter.

MANDATE OF THE COMMITTEE

The Departmental Committee No. L on Lands is established pursuant to the provisions of Standing Order No. 216 (1) and (5) with the following terms of reference:-

- a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations, and estimates of the assigned ministries and departments;
- b) Study the Programme and policy objectives of Ministries and Departments and effectiveness of the implementation;
- c) Study and review all legislation referred to it;
- d) Study, assess and analyze the relative success of the Ministries and Departments as measured by the results obtained as compared with their stated objectives;
- e) Investigate and inquire into all matters relating to the assigned Ministries and Departments as they may deem necessary, and as they may be referred to them by the House;
- f) Vet and report on all appointments where the Constitution or any Law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments);
- g) Make reports and recommendations to the House as often as possible, including recommendations on proposed legislation.

The Committee is mandated to Consider the following subjects:-

- a) Land Policy,
- b) Physical Planning,
- c) Land Transactions,
- d) Survey and Mapping,
- e) Land Adjudication,
- f) Settlement,
- g) Land registration,
- h) Land Valuation,
- i) Administration of Private, community and Public Land,
- j) Land Information and Management System.

Oversight

In executing its Mandate, The Committee oversees the following Government Departments, Namely:-

- a) The Ministry of Lands and Physical Planning
- b) The National Lands Commission

Committee Composition

The Departmental Committee on Lands was constituted in 2013 and its membership is as follows:

Chairperson	The Hon. Alex Mwiru, M.P.
Vice Chairperson	The Hon. Moses Ole Sakuda, M.P.
	The Hon. MutavaMusyimi, M.P.
	The Hon. John Kihagi, M.P.
	The Hon. Francis W. Nderitu, M.P.
	The Hon. KiprutoMoi, M.P.
	The Hon. Hellen Chepkwony, M.P.
	The Hon. Sarah Korere, M.P.
	The Hon. Benson Mbai, M.P.
	The Hon. Suleiman Dori, M.P.
	The Hon. George Oner, M.P.
	The Hon. Mathew L. Lempurkel, M.P.
	The Hon. Shakila Abdallah, M.P.
	The Hon. Dr. Paul Otuoma, M.P.
	The Hon. Thomas Mwadeghu, M.P.
	The Hon. Joseph Magwanga, M.P.
	The Hon. Ali ShariffAthman, M.P.
	The Hon. Francis Njenga, M.P.
	The Hon. HezronAwitiBollo, M.P.
	The Hon. BenardBett, M.P.
	The Hon. Esther Murugi, M.P.
	The Hon. Omar Mwinyi, M.P.
	The Hon. OnesmusNgunjiri, M.P.
	The Hon. Julius Ndegwa, M.P.
	The Hon. Patrick Kingola, M.P.
	The Hon. KaniniKega, M.P.
	The Hon. EusilahNgeny, M.P.
	The Hon. Lawrence Aburi, M.P.

Secretariat

Clerk Assistant I	Mr. James Ginono
Clerk Assistant III	Ms. Joshua Ondari
Clerk Assistant III	Mr. Emmanuel Muyodi

List of Recommendations

- a) **As per the first prayer:** “ *Investigate the circumstances under which the size of the said land keeps varying with a view to ascertain the actual size of the land being ceded to Ngiiri Market, Kiambere Complex School and Ngiiri Primary School by Tana and Athi river Development Authority (TARDA),*”

The Committee recommends that:

1. As per the year 2000 agreement, Tana and Athi River Development Authority should cede part of their land to the residents of Ngiiri market to be used for public utilities and expansion of their trading centre as follows:-
 - a) 80 acres to Kiambere Complex
 - b) 15 acres to Health facility
 - c) 15 acres to animal market
 - d) 130 acres to Ngiiri Market and other related amenities;
 - e) 50 acres Ngiiri Primary School; and
 - f) 10 acres to the Police Station

- b) **As per the second prayer:**“*Liases with relevant state agencies to stop all land transactions in respect of the Tana and Athi River Development Authority (TARDA) Mbeere North Constituency until certainty of the land promised to the residents of Ngiiri Market and public facilities is safeguarded and transferred to genuine beneficiaries,*”

The Committee recommends that:

2. The prayer is declined
- c) **As per the third prayer:**“*Makes any other order and/or direction it may deem fit in addressing the plight of the Ngiiri Market Squatters.*”

The Committee recommends that:

3. Ministry of Lands and Physical Planning in conjunction with National Land Commission and Embu County should initiate the process of annexation of parcels of lands referred to in recommendation one (1) above and prepare Part Development Plan (PDP) for the market including a detailed plan for the market with a view of settling residents of Ngiiri within two months from the date of this report.

1.0 INTRODUCTION

The Petitioners wished to draw to the attention of the House on the following, that:-

- 1.0.1 Mbeere North Constituency hosts vast land belonging to Tana and Athi River Development Authority (TARDA), part of which is occupied by Ngiiri Market;
- 1.0.2 The land has been the main pillar of economic mainstay of the residents of Ngiiri Market and its environs;
- 1.0.3 In early 2000, the management of TARDA undertook to cede part of the land to public utilities in Mbeere North Constituency as follows:-
 - a) Approximately 160 acres to Kiambere Complex School, comprising Primary and Secondary Schools;
 - b) Approximately 50 acres to Ngiiri Primary School; and
 - c) Unspecified acres for public use on leasehold terms to inhabitants of Ngiiri Market.
- 1.0.4 In mid-2015, and in a surprise turn of events the TARDA managing director made a public pronouncement that the institution could only cede about 20 acres for the public Ngiiri Market and remained silent regarding the over 160 acres promised to Kiambere Complex School and Ngiiri Primary School;
- 1.0.5 Considering that Ngiiri Market has been experiencing a huge influx of traders overtime, with its current population estimated at 1000 residents, the proposed allocation of 20 acres to Ngiiri Market is insufficient and may not accommodate the number of traders and public utilities like a police station and the chiefs office;
- 1.0.6 The residents are concerned that the uncertainty created by TARDA could create a loophole for selfish individuals to take advantage of the situation and irregularly allocate the land to themselves through unscrupulous and underhand dealings;
- 1.0.7 If the uncertainties are not addressed, residents of Ngiiri Market and its environs risk losing the land known to them as home, including the section meant for establishment of public utilities; and
- 1.0.8 The matter in respect of which this Petition is raised is not pending before any Court of Law or Constitutional body.

1.1 The petitioners prayed that the House:

- 1.1.1 Investigates the circumstances under which the size of the said land keeps varying with a view to ascertain the actual size of the land being ceded to Ngiiri Market, Kiambere Complex School and Ngiiri Primary School by Tana and Athi River Development Authority (TARDA);
- 1.1.2 Liaises with relevant state agencies to stop all land transactions in respect of the Tana and Athi River Development Authority (TARDA) Mbeere North Constituency until certainty of the land promised to the residents of Ngiiri Market and public facilities is safeguarded and transferred to genuine beneficiaries; and
- 1.1.3 Makes any other order and /or direction it may deem fit in addressing the plight of the Ngiiri Market Squatters.

2.0 EVIDENCE

The Committee received submissions from the Hon. Charles NjagaguaMuriuki, MP, Ministry of Lands and Physical Planning, National Land Commission, County Commissioner Embu County and the residents of Ngiiri Market

2.1 Evidence from Hon. Charles NjagaguaMuriuki, MP

He informed the Committee as follows, that:-

2.1.1 Mbeere North Constituency hosts vast land belonging to Tana and Athi River Development Authority (TARDA) part of which is occupied by Ngiiri Market;

2.1.2 The land has for long been the main pillar of economic main stay of the residents of Ngiiri markets and its environ;

2.1.3 The management of TARDA undertook to cede part of the land to public utilities in Mbeere North Constituency as follows:-

a) Kiambere Complex School 160 acres

b) Ngiiri Primary School 50 acres; and

c) Unspecified acreage for public use on leasehold terms to inhabitants of Ngiiri Market.

2.1.4 The residents of Ngiiri market had a meeting with the Managing Director of TARDA, the Director agreed that the institution will only cede 20 acres for the public Ngiiri Market and remained silent regarding the over 160 acres promised to Kiambere Complex School and Ngiiri Primary School;

2.1.5 There was another meeting between the Chairman, Director of TARDA and they agreed to cede 45 acres for the public Ngiiri Market but they declined to give any documents to that effect;

2.1.6 He further said that the Embu Governor had a meeting with the Managing Director of TARDA without involving the residents of Ngiiri market. In that meeting the managing director TARDA agreed that the institution will cede 81 acres for the residents of Ngiiri Market. As a result of that meeting, later in the night unknown people visited the area and put beacons;

2.1.7 The residents are concerned by the uncertainty created by TARDA could create a loophole for selfish individuals to take advantage of the situation and irregularly allocate land to themselves through unscrupulous and underhand dealings;

2.1.8 He requested the Committee to intervene and ensure that the TARDA cedes 1,500 acres to the residents of Ngiiri market to be used for public utilities and expansion of their trading centre as follows:-

- | | |
|------------------------------------|-------------|
| i) Expansion of Ngiiri Market | - 300 acres |
| ii) Cemetery | - 50 acres |
| iii) Stadium | -50 acres |
| iv) Tertiary and Technical Schools | -100 acres |
| v) Ngiiri Primary School | -50 acres |

- | | |
|------------------------|------------|
| vi) Light industries | -300 acres |
| vii) University | -300 acres |
| viii) Human Settlement | -500 acres |

2.1.9 He further requested that the above noted land should not be transferred to County government of Embu rather; it shall be transferred directly to the residents of Ngiiri Market.

2.2 Evidence from the Ministry of Lands and Physical Planning

Prof. Kaimenyi Cabinet Secretary of Lands, Housing and Physical Planning accompanied by Ms. El MaawyMariamu, Principal Secretary, Mr. Paul Ndung'u, Ag. Assistant Director of Survey appeared before the Committee and gave evidence as follows, that:-

- 2.2.1 Ngiiri Market falls within land that is currently owned by the Tana River Development Authority (TARDA) and there are squatters in Ngiiri market in Mutitu Location, Mbeere Constituency. In order to address their concerns, the Ministry of Land and Physical Planning through the National Land Commission, the County Government of Embu and the TARDA management have initiated the process of alienating this land to enable issuance of titles to beneficiaries in the affected area;
- 2.2.2 The County Government of Embu had already sought the consent of TARDA management to facilitate the process and the Ministry was awaiting their response following negotiation between the National Land Commission, the County Government of Embu and TARDA. The letter of Consent of Approval of the agreements is awaited in order to commence on the titling process;
- 2.2.3 Once the TARDA management responds as requested in the joint meeting stated, survey and preparation of the area PDP will be undertaken and the exact acreage allocated to each institution will be established and known;
- 2.2.4 The Ministry through the National Land Commission has prioritised issuance of titles to public institutions throughout the country. These are not an exception, since they will be considered alongside others that are being processed; and
- 2.2.5 The National Land Commission has already held joint discussions with the affected parties and once, these matters are finalised, the Ministry will readily issue title deeds to Ngiiri market, Kiambere Complex School and Ngiiri Primary School.

2.3 Evidence from National Land Commission

The National Land Commission submitted a write up and evidence similar to those above provided by the Cabinet Secretary for Lands and Physical Planning.

2.4 Evidence from the County Commissioner –Embu County

The County Commissioner Ms. Esther Maina appeared before the Committee and informed the Committee as follows:-

- 2.4.1 There are a lot of land dispute in Ngiiri location where the area residents have been living as squatters for the last 35 years;
- 2.4.2 The residents of Ngiiri location are constantly reminded that they are living on land owned by Tana and Athi River Development Authority (TARDA) and they are threatened

with evictions; and

- 2.4.3 The residents are unable to do any meaningful development since they do not have ownership documents to the land they are occupying.

2.5 Evidence from Kiambere School

Prof. John Mwaruve, Board of Management Chairman, Kiambere School Complex informed the Committee as follows, that:-

- 2.5.1 The School was started through a presidential directive in 1988 to the effect that a school to serve the then three Districts of Embu, Machakos and Kitui be established by converting the dam construction buildings to a school until funds were available to put up proper school infrastructure;
- 2.5.2 TARDA was to give out the buildings and the land while Kenya Power and Lighting Company (KPLC) was later to finance future constructions. Thereafter, the school was launched as a complex consisting of primary, secondary and a tertiary institution and was officially opened on 24th June, 1992. The school continues to occupy the inherited buildings which it has regularly refurbished and has constructed eleven additional classrooms, two dormitories, six offices and a bus park;
- 2.5.3 The first Committee that was tasked with the responsibility of starting the school comprised officers from Provincial Administration, TARDA, KPLC and Ministry of Education Science and Technology and records available indicate that the Committee had proposed that 60 hectares be reserved for the school. The school currently has about five hundred pupils and students, twenty five teachers and nineteen members of non-teaching staff and it's expected to grow into three streams and later separate into three entities;
- 2.5.4 Kenya Power and Lighting Company (KPLC) went ahead and contracted K&K ARCHIPLANS, Architects and town planners to do the school master plan and architectural designs. The projections did not come to fruition due to differences of parties on the issues of sponsorship and re-alignment of companies. However, this was going on as the school continued enrolling more students in both sections;
- 2.5.5 The greatest challenge the school is facing is the embellishment of playing grounds due to the terrain and the rocky nature of the area. The fenced off area therefore cannot accommodate sport fields and the school has been given the status of an Extra County School. To enable the school to live to the expected standards, there is need to separate the boys and girls in the section to minimize indiscipline and safeguard the girl child. It is also imperative that primary section be independent from the said institutions hence the need for more land ; and
- 2.5.6 The Presidential directive of 2015 requiring all schools acquire title deeds for the land they occupied to the request to TARDA for the allocation of the 60 hectares indicated on the site plan and TARDA responded but allocated the school 55 acres.

2.6 Evidence from Residents of Ngiiri Market

Residents of Ngiiri Market among others; Mr. Franklin Njagi, Mr. Desderius Njuki, Co-coordinator Ngiiri Elders, Mr. Lawrence Gai and Ms. Reginah Maua, women representative appeared before the Committee and informed the Committee as follows, that:-

- 2.6.1 In 1983 during the construction of Kiambere dam beacons were put in place to demarcate Ngiiri trading centre. However in 1992, the residents of Ngiiri trading centre got eviction orders from the District Officer Siakago district, informing them to move from Ngiiri trading centre but they presented their grievances to the then Embu District Commissioner, who allowed them to continue staying in the land they are occupying;
- 2.6.2 In 1996, Mbeere district was separated from Embu. Thereafter the new Mbeere District Commissioner in the company of the then Managing Director TARDA visited Ngiiri trading centre and issued eviction notice after which the residents went to court and a ruling was made in their favour and which required them to be compensated first;
- 2.6.3 TARDA had agreed to cede 80 acres for the expansion of Ngiiri market but later declined to give any documents to that effect. The management of TARDA was planning to move Ngiiri primary school near Ngiiri market. Despite the objection of the residents the management went ahead and put beacons with plans to demolish the school;

2.7 Evidence from Tana and Athi River Development Authority

Hon. Abdul Bahari, the Chairman Tana & Athi Development Authority informed the Committee as follows: - that,

- 2.7.1 Kiambere multipurpose dam was built between 1983 and 1988 and covers an area of 5,250sq km the water mass excluded;
- 2.7.2 During the construction provisional sites were made to cater for the basic needs for the staff and other casual laborers; provisional sites included market area (Ngiiri), Medical Centre and a school complex, housing estate and a police station;
- 2.7.3 After the commissioning of Kiambere Multipurpose dam in 1988 some of the casual laborers continued to live and built their lives in Ngiiri Market Site. Over the years the population increased from 1200 households in 1988 to nearly 6000;
- 2.7.4 In 2003 the then area Member of Parliament, the current Speaker of the National Assembly, Hon. Justin Muturi, MP held a meeting with TARDA management. In the meeting he raised issues regarding settlement of the residents of Ngiiri market as per the presidential directive and as a result of that meeting TARDA board agreed to cede part of its land as follows:-

a) Ngiiri Market	23.82 acres
b) Ngiiri Primary	none
c) Kiambere School Complex	43 acres
d) Kiambere Health facility	1 acre
e) Police Station	20 acres

- 2.7.5 After the approval the TARDA management wrote to the Embu County Council requesting them to provide Part Development Plan so that the area could officially be ceded by TARDA but the Council did not respond;
- 2.7.6 On 12th January, 2016 in a meeting attended by Embu County Governor, TARDA management and Ngiiri residents the issue regarding the earlier promise by TARDA to

cede of the land was raised and as a result TARDA management agreed again to cede part of the land as follows:-

- a) Ngiiri Market 81.3 acres
- b) Ngiiri Primary 20 acres
- c) Kiambere School Complex 55 acres
- d) Kiambere Health facility 6 acres
- e) Police Station 20 acres

2.7.7 The Dam is a strategic restoration area and the Management of TARDA and other stakeholders have setup strategic plans on how to conserve the area along the buffer zone;

2.7.8 With help TARDA management youths in the area have formed sand harvesting groups with a view of controlling sand harvesting and as a result conserving the ecosystem; and

2.7.9 The proximity of Ngiiri Market to Kiambere Power Station and the main earth dam is a security risk and due to this TARDA management requested that the market be relocated 10km away from the project.

3.0 FINDINGS

The Committee made the following observations from evidence adduced in meetings and the field visit, that:-

- a) The Committee noted that there is sufficient evidence that Tana and Athi River Development Authority (TARDA) had agreed to cede part of their land to Kiambere Complex School, comprising Primary and Secondary schools, Ngiiri Primary School and inhabitants of Ngiiri Market;
- b) The Committee observed the presence of public institutions in the area; and
- c) The Committee also noted the sentiments by TARDA on the security of the dam due to the proximity of Ngiiri market to Kiambere Power Station. However, the Committee also observed that the residents have requested for the establishment of a police station in the area to secure the residents and the dam.

4.0 RECOMMENDATIONS

4.1 As per the first prayer: “ *Investigate the circumstances under which the size of the said land keeps varying with a view to ascertain the actual size of the land being ceded to Ngiiri Market, Kiambere Complex School and Ngiiri Primary School by Tana and Athi river Development Authority (TARDA),*”

The Committee recommends that:

4.1.1 As per the year 2000 agreement, Tana and Athi River Development Authority should cede part of their land to the residents of Ngiiri market to be used for public utilities and expansion of their trading centre as follows:-

- a. 80 acres to Kiambere Complex
- b. 15 acres to Health facility
- c. 15 acres to animal market

- d. 130 acres to Ngiiri Market and other related amenities;
- e. 50 acres Ngiiri Primary School; and
- f. 10 acres to the Police Station

4.2 **As per the second prayer:** *“Liases with relevant state agencies to stop all land transactions in respect of the Tana and Athi River Development Authority (TARDA) Mbeere North Constituency until certainty of the land promised to the residents of Ngiiri Market and public facilities is safeguarded and transferred to genuine beneficiaries.”*

The Committee recommends that:

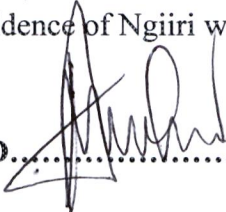
4.2.1 The prayer is declined

4.3 **As per the third prayer:** *“Makes any other order and/or direction it may deem fit in addressing the plight of the Ngiiri Market Squatters.”*

The Committee recommends that:

4.3.1 Ministry of Lands and Physical Planning in conjunction with National Land Commission and Embu County should initiate the process of annexation of parcels of lands referred to in recommendation (4.1.1) above and prepare Part Development Plan (PDP) for the market including a detailed plan for the market with a view of settling residence of Ngiiri within two months.

SIGNED.....



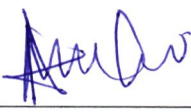



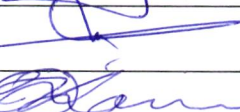
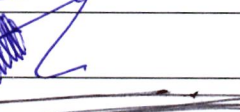
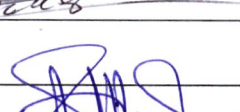
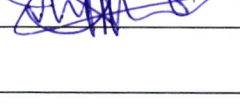
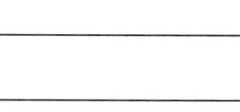
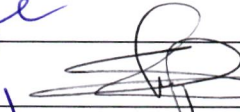
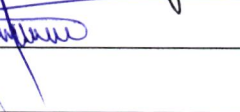
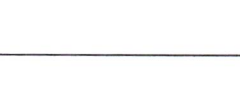

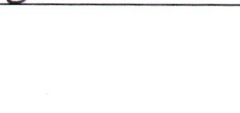


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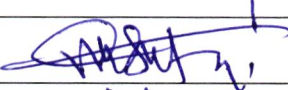
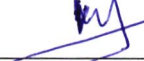
20th Dec 2014

THE HON. ALEX M. MWIRU, MP
CHAIRPERSON - DEPARTMENTAL COMMITTEE ON LANDS

DEPARTMENTAL COMMITTEE (K) ON LANDS RETREAT HELD ON SATURDAY 10TH DECEMBER 2016 IN 4TH AT SUN AND SAND RESORT HOTEL, MOMBASA AT 2.00 AM

ADOPTION OF THE PETITION REPORT BY NGIIRI MARKET SQUATTERS IN MUTITU LOCATION, MBEERE NORTH CONSTITUENCY ON CEDING OF PART OF TANA AND ATHI RIVER DEVELOPMENT AUTHORITY LAND TO NGIIRI SQUATTERS

NAME	SIGNATURE
1. The Hon. Alex Mwiru M.P. Chairperson	
2. The Hon. Moses Ole Sakuda M.P. - Vice - Chairperson	
3. The Hon. John Kihagi M.P.	
4. The Hon. Bernard Bett M.P.	
5. The Hon. Hellen Chepkwony M.P.	
6. The Hon. Benson Mbai M.P.	
7. The Hon. Hezron Awiti Bollo M.P.	
8. The Hon. Onesmus Ngunjiri M.P.	
9. The Hon. George Oner M.P.	
10. The Hon. Thomas Mwadeghu M.P.	
11. The Hon. Joseph Oyugi Magwanga M.P.	
12. The Hon. A. Shariff M.P.	
13. The Hon. Francis Njenga Kigo M.P.	
14. The Hon. Shakila Abdallah M.P.	
15. The Hon. Mutava Musyimi M.P.	
16. The Hon. Kanini Kega M.P.	
17. The Hon. Suleiman Dori M.P.	
18. The Hon. Mathew L. Lempurkel M.P.	
19. The Hon. Dr. Paul Otuoma M.P.	
20. The Hon. Patrick Makau M.P.	
21. The Hon. Sarah Korere M.P.	
22. The Hon. Julius Ndegwa M.P.	
23. The Hon. Francis W. Nderitu M.P.	

24. The Hon. Eusilah Ngeny M.P.	
25. The Hon. Kipruto Moi M.P.	
26. The Hon. Esther Murugi M.P.	
27. The Hon. Omar Mwinyi M.P.	
28. The Hon. Charles Nyamai M.P.	

MINUTES OF THE 85TH SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON FRIDAY 9TH DECEMBER 2016, SUN AND SUND BEACH HOTEL, MOMBASA AT 10.00 AM

PRESENT:

- 1) The Hon. Alex Mwiru, M.P. - Chairperson
- 2) The Hon. Moses Ole Sakuda, M.P. - Vice Chairperson
- 3) The Hon. Omar Mwinyi, M.P.
- 4) The Hon. Onesmus Ngunjiri, M.P.
- 5) The Hon. John Kihagi, M.P.
- 6) The Hon. Hezron Awiti Bollo, M.P.
- 7) The Hon. Benson Mbai, M.P.
- 8) The Hon. Julius Ndegwa, M.P.
- 9) The Hon. Mathew L. Lempurkel, M.P.
- 10) The Hon. A. Shariff, M.P.
- 11) The Hon. Kanini Kega, M.P.
- 12) The Hon. George Oner, M.P.
- 13) The Hon. Charles Nyamai, M.P.

ABSENT WITH APOLOGIES:

- 1) The Hon. Esther Murugi, M.P.
- 2) The Hon. Shakila Abdallah, M.P.
- 3) The Hon. Hellen Chepkwony, M.P.
- 4) The Hon. Thomas Mwadeghu, M.P.
- 5) The Hon. Mutava Musyimi, M.P.
- 6) The Hon. Eusilah Ngeny, M.P.
- 7) The Hon. Sarah Korere, M.P.
- 8) The Hon. Dr. Paul Otuoma, M.P.
- 9) The Hon. Francis Njenga Kigo, M.P.
- 10) The Hon. Patrick Makau, M.P.
- 11) The Hon. Suleiman Dori, M.P.
- 12) The Hon. Francis W. Nderitu, M.P.
- 13) The Hon. Bernard Bett, M.P.
- 14) The Hon. Joseph Oyugi Magwanga, M.P.
- 15) The Hon. Kipruto Moi, M.P.

IN ATTENDANCE:

KENYA NATIONAL ASSEMBLY

- | | |
|---------------------------|--|
| 1. Mr. James Ginono | Clerk Assistant I |
| 2. Mr. Sheriffsam Mwendwa | Deputy Director Litigation & Compliance Services |
| 3. Mr. Joshua Ondari | Clerk Assistant III |
| 4. Mr. Emmanuel Muyodi | Clerk Assistant III |
| 5. Mr. Jonathan Lemurt | Fiscal Analyst |

The chairman called the meeting to order at 10.15 p.m. with a word of prayer.

MINUTE NO. DCL/LN/2016/352 CONSIDERATION AND ADOPTION OF REPORT ON
THE PETITION BY NGIIRI MARKET
SQUATTERS IN MUTITU LOCATION,
MBEERE NORTH CONSTITUENCY ON
CEDING OF PART OF TANA AND ATHI RIVER
DEVELOPMENT AUTHORITY (TARDA) LAND
TO NGIIRI MARKET SQUATTERS

The Committee made the following observations from evidence adduced in meetings and the field visit, that:-

- a) The Committee noted that there is sufficient evidence that Tana and Athi River Development Authority (TARDA) had agreed to cede part of their land to Kiambere Complex School, comprising Primary and Secondary schools, Ngiiri Primary School and inhabitants of Ngiiri Market;
- b) The Committee observed presence of public institutions in the area; and
- c) The Committee also noted the sentiments by TARDA on the security of the dam due to proximity of Ngiiri market to Kiambere Power Station. However, the Committee also observed that the residents have requested for the establishment of a police station in the area to secure the residents and the dam.

RECOMMENDATIONS

1. **As per the first prayer:** *“ Investigate the circumstances under which the size of the said land keeps varying with a view to ascertain the actual size of the land being ceded to Ngiiri Market, Kiambere Complex School and Ngiiri Primary School by Tana and Athi river Development Authority (TARDA), ”*

The Committee recommends that:

As per the year 2000 agreement, Tana and Athi River Development Authority should cede part of their land to the residents of Ngiiri market to be used for public utilities and expansion of their trading centre as follows:-

- a. 80 acres to Kiambere Complex
- b. 15 acres to Health facility
- c. 15 acres to animal market
- d. 130 acres to Ngiiri Market and other related amenities;
- e. 50 acres Ngiiri Primary School; and
- f. 10 acres to the Police Station

2. **As per the second prayer:** *“Liases with relevant state agencies to stop all land transactions in respect of the Tana and Athi River Development Authority (TARDA) Mbeere North Constituency until certainty of the land promised to the residents of Ngiiri Market and public facilities is safeguarded and transferred to genuine beneficiaries,”*

The Committee recommends that:
The prayer is declined

3. **As per the third prayer:** *“Makes any other order and/or direction it may deem fit in addressing the plight of the Ngiiri Market Squatters.”*

The Committee recommends that:

Ministry of Lands and Physical Planning in conjunction with National Land Commission and Embu County should initiate the process of annexation of parcels of lands referred to in recommendation (4.1.1) above and prepare Part Development Plan (PDP) for the market including a detailed plan for the market with a view of settling residence of Ngiiri within two months.

The report was adopted after having been proposed by Hon. Onesmus Ngunjiri, MP and seconded by Hon. Benson Mbai, MP.

MINUTE NO. DCL/LN/2016/353

ADJOURNMENT

There being no any other business, and the time being 12:05 pm the Chairman adjourned the meeting.

SIGNED.....



(CHAIRPERSON)

DATE.....

20th Dec 2016

MINUTES OF THE 68TH SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON TUESDAY 16TH AUGUST, 2016, IN THE BOARDROOM OF FOURTH FLOOR PROTECTION HOUSE PARLIAMENT BUILDINGS AT 12.00 PM

PRESENT:

1. The Hon. Moses Ole Sakuda, M.P. **Vice Chairperson**
2. The Hon. Alex Mwiru, M.P. **Chairperson**
3. The Hon. Esther Murugi, M.P.
4. The Hon. John Kihagi, M.P.
5. The Hon. KiprutoMoi, M.P.
6. The Hon. Julius Ndegwa, M.P.
7. The Hon. Omar Mwinyi, M.P.
8. The Hon. Suleiman Dori, M.P.
9. The Hon. Dr. Paul Otuoma, M.P.

ABSENT WITH APOLOGIES:

1. The Hon. Sarah Korere, M.P.
2. The Hon. OnesmusNgunjiri, M.P.
3. The Hon. Thomas Mwadeghu, M.P.
4. The Hon. Francis NjengaKigo, M.P.
5. The Hon. Bernard Bett, M.P.
6. The Hon. Benson Mbai, M.P.
7. The Hon. Patrick Makau, M.P.
8. The Hon. MutavaMusyimi, M.P.
9. The Hon. Shakila Abdallah, M.P.
10. The Hon. Joseph OyugiMagwanga, M.P
11. The Hon. MpuruAburi, M.P.
12. The Hon. AthmanShariff, M.P
13. The Hon. KaniniKega, M.P.
14. The Hon. Francis W. Nderitu, M.P
15. The Hon. Hellen Chepkwony, M.P.
16. The Hon. HezronAwitiBollo, M.P.
17. The Hon. EusilahNgeny, M.P.
18. The Hon. George Oner, M.P.
19. The Hon. Mathew L. Lempurkel, M.P

IN ATTENDANCE:

KENYA NATIONAL ASSEMBLY

The Hon. Charles MuriukiNjagagua, MP

KENYA NATIONAL ASSEMBLY

1. Mr. Joshua Ondari Clerk Assistant III
2. Mr. Emmanuel Muyodi Clerk Assistant III
3. Mr. Yakub Ahmed Media Officer
4. Ms. Fatuma Abdi Audio Officer

TANA & ATHI DEVELOPMENT AUTHORITY

1. Hon. Abdul Bahari Chairman
2. Mr. Steven Githaka Managing Director
3. Mr. Morrison Nyaga Technical Officer
4. Ms. Sylvia Ndegwa Ag. Legal Services Manager

MINUTE NO. DCL/LN/2016/276

PRELIMINARIES

The chairman called the meeting to order at 10.30 a.m. with a word of prayer from the Hon. Paul Otuoma, MP.

MINUTE NO. DCL/LN/2016/277

MEETING WITH THE MANAGING DIRECTOR TANA & ATHI DEVELOPMENT AUTHORITY REGARDING PETITION BY HON. CHARLES MURIUKI NJAGAGUA, MP ON CEDING OF PART OF ITS LAND TO THE KIAMBERE COMPLEX SCHOOL, NGIIRI PRIMARY COMPLEX SCHOOL & NGIIRI MARKET

Hon. Abdul Bahari, the Chairman Tana & Athi Development Authority tabled information as annexed in the Minutes.

He further informed the Committee as follows: - that,

- a) The Kiambere multipurpose dam was built between 1983 and 1988;
- b) On Mbeere North acreage there is 5,250 acres not including the water mass;
- c) During the construction provisional sites were made to cater for the basic needs for the staff and other casual contractor;
- d) The provisional sites included market area (Ngiiri), Medical Centre and a school complex comprising of primary and secondary schools for both girls and boys, housing estate and a police station;
- e) After the commissioning of Kiambere Multipurpose dam in 1988 some of the casual labourers continued to live and built their lives in Ngiiri Market Site;
- f) Over the years the population increased from one thousand two hundred households in 1988 to nearly six thousand at the moment;

g) In 2003 the then area Member of Parliament and the current Speaker of the National Assembly the Hon. Justin Muturi, MP held a meeting with the Chairman and the Managing Director of TARDA and raised issues regarding settlement of the residents of Ngiiri market as per the presidential directive. As a result of that meeting TARDA board agreed to cede part of its land as follows:-

- i) Ngiiri Market 23.82 acres
- ii) Ngiiri Primary none
- iii) Kiambere School Complex 43 acres
- iv) Kiambere Health facility 1 acre
- v) Police Station 20 acres

h) After the approval the managing director wrote to the County Council to provide Part Development Plan so that the area can officially be released by TARDA. However, the Council did not reply;

i) In 12th January, 2016 the Embu governor brought up the issue and the meeting was convened and the residents raised concern that due to increase in population, TARDA needed to increase the acreage of the land they had agreed to cede. As a result TARDA agreed to cede part of the land as follows: -

- i) Ngiiri Market 81.3 acres
- ii) Ngiiri Primary 20 acres
- iii) Kiambere School Complex 55 acres
- iv) Kiambere Health facility 6 acre
- v) Police Station 20 acres

j) The Dam is strategic restoration and the Management of TARDA and other stakeholders i.e. Red Cross has come up with strategic plans on how conserve the area along the buffer zone. The management has an arrangement with Red Cross to plant 5 million trees around the buffer zone of the whole dam;

k) The management has also agreed to grant 2,000 hectare and 1,00 hectares to an investor who wants to engage in livestock and solar development respectively;

l) The management has organized youths in the area to form a sand harvesting group with a view of controlling sand harvesting and as a result conserving ecosystem;

m) The revenue collected through sand harvesting is channeled to TARDA; and

n) The proximity of Ngiiri Market and Kiambere Power Station and the main earth dam is a security risk. TARDA requests that the market be shifted 10km from the project.

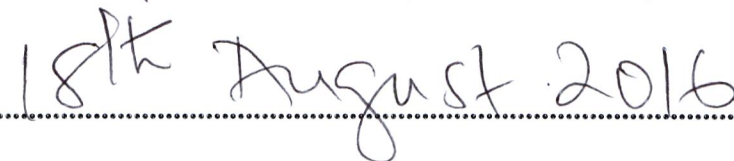
Way forward

The Chairman of TARDA requested the area Member of Parliament Hon. Charles Muriuki Njagagua to present formally a proposal to TARDA Board on the additional size of the land he requires TARDA to cede. The chairman further informed the Committee that the Board will be sitting in the next two weeks and one of the agenda will be to consider the proposal.

MINUTE NO. DCL/LN/2016/278 ADJOURNMENT

There being no any other business, and the time being 2:00 pm the meeting was adjourned.

SIGNED.....
(CHAIRPERSON)

DATE.....

MINUTES OF THE 44TH SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON FRIDAY 19TH MAY, 2016 EMBU COUNTY AT 2.00 PM

PRESENT:

1. The Hon. Alex Mwiru, M.P. - Chairperson
2. The Hon. Moses Ole Sakuda, M.P. – Vice Chairperson
3. The Hon. John Kihagi, M.P.
4. The Hon. Francis W. Nderitu, M.P
5. The Hon. Bernard Bett, M.P.
6. The Hon. Joseph Oyugi Magwanga, M.P.
7. The Hon. Hellen Chepkwony, M.P.
8. The Hon. Francis Njenga Kigo, M.P.
9. The Hon. Benson Mbai, M.P.
10. The Hon. Kanini Kega, M.P.
11. The Hon. George Oner, M.P.
12. The Hon. Patrick Makau, M.P.
13. The Hon. Sarah Korere, M.P.
14. The Hon. Dr. Paul Otuoma, M.P.
15. The Hon. Omar Mwinyi, M.P

ABSENT WITH APOLOGIES:

1. The Hon. Kipruto Moi, M.P.
2. The Hon. Mpuru Aburi, M.P.
3. The Hon. Hezron Awiti Bollo, M.P
4. The Hon. A. Shariff, M.P.
5. The Hon. Julius Ndegwa, M.P.
6. The Hon. Thomas Mwadeghu, M.P.
7. The Hon. Onesmus Ngunjiri, M.P.
8. The Hon. Shakila Abdallah, M.P.
9. The Hon. Suleiman Dori, M.P.
10. The Hon. Esther Murugi, M.P.
11. The Hon. Mutava Musyimi, M.P.
12. The Hon. Mathew L. Lempurkel, M.P
13. The Hon. Eusilah Ngeny, M.P.

IN ATTENDANCE:

KENYA NATIONAL ASSEMBLY

1. Mr. James Ginono Clerk Assistant I
2. Mr. Joshua Ondari Clerk Assistant III
3. Mr. Emmanuel Muyodi Clerk Assistant III
4. Mr. Noah Too Researcher Officer I
5. Ms. Rehema Chepkurui Audio Officer

GOVERNMENT OFFICIALS

- | | |
|--------------------------|----------------------------|
| 1. Mr. Samuel N. Nyaga | Senior Chief 1 |
| 2. Mr. Christopher Siele | Deputy County Commissioner |

RESIDENTS OF NGIIRI MARKET

- | | | |
|------------------------|-------------------------------|-------------------------|
| 1. Prof. John Mwaruvie | Chairman, Board of Management | Kiambere School Complex |
| 2. Mr. Desderius Njuki | Co-ordinator | Ngiiri Elders |
| 3. Mr. Franklin Njagi | Resident | Ngiiri Market |
| 4. Mr. Reginah Maua | Women Representative | |

MINUTE NO. DCL/LN/2016/171

PRELIMINARIES

The Chairman called the meeting to order at 2.10 p.m. with a word of prayer.

MINUTE NO. DCL/LN/2016/172

SUBMISSIONS FROM THE RESIDENTS OF NGIIRI MARKET

Prof. John Mwaruvie, Board of Management Chairman, Kiambere School Complex informed the Committee that;

1. The School was started through a presidential directive when the former President His Excellency Daniel Arap Moi was commissioning Kiambere Dam in 1988;
2. He directed that a school to serve the then three Districts of Embu, Machakos and Kitui be established by converting the dam construction buildings to a school until funds were availed to put up proper school infrastructure;
3. TARDA was to give out the buildings and the land while Kenya Power and Lighting Company (KPLC) was later to finance future constructions;
4. The school was started as a complex consisting of primary, secondary and a tertiary institution and was officially opened by the then President His Excellency Daniel Arap Moi on 24th June, 1992;
5. The first Committee that was tasked with the responsibility of starting the school comprised of officers from Provincial Administration, TARDA, KPLC and Ministry of Education Science and Technology and records available indicate that the Committee had proposed that 60 hectares was to be reserved for the school;
6. Kenya Power and Lighting Company (KPLC) went ahead and constructed K&K ARCHIPLANS, Architects and town planners to do the school master plan and architectural designs. The projections did not come to fruition due to differences of parties on the issues of sponsorship and re-alignment of companies. However, this was going on as the school continued enrolling more students in both sections;
7. The school continue to occupy the inherited buildings which it has regularly refurbished and has constructed eleven additional classrooms, two dormitories, six offices and a bus park;
8. The school has about five hundred pupils and students, twenty five teachers and nineteen members of non-teaching staff. They expect the school to grow soon to three streams and later separate into three entities;
9. The greatest challenge the school is facing is the embellishment of playing grounds due to the terrain and the rocky nature of the area. The fenced off area therefore cannot accommodate fields;

10. The school has been given the status of an Extra County School and therefore to live to the expected standards there is need to separate the boys and girls in the section to minimize indiscipline and safeguard the girl child;
11. It is also imperative that primary section be made independent. Each of the said institutions will require basic land requirement; and
12. In 2015 the President gave directive that all schools require title deeds for the land they occupy. The Board of Management wrote to TARDA requesting for the allocation of the 60 hectares indicated on the site plan and TARDA responded but allocated the school 55 acres.

Mr. Franklin Njagi, Mr. Desderius Njuki, Co-ordinator Ngiiri Elders, Mr. Lawrence Gai and Ms. Reginah Maua, women representative informed the Committee that;

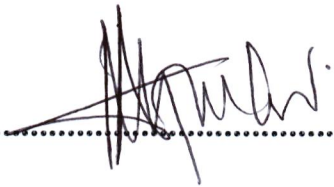
1. In 1983 during the construction of Kiambere dam beacons were put in place to demarcate Ngiiri trading centre;
2. In 1992 the residents of Ngiiri trading centre got evictions orders from the District officer Sykago district, informing them to evict from Ngiiri trading centre;
3. They presented their grievances to the then Embu District Commissioner, who told them to continue staying in the land they are occupying;
4. In 1996 Mbeere district was separated From Embu, thereafter the new Mbeere District Commissioner in the company of the then Managing Director TARDA visited Ngiiri trading centre and issued eviction notice;
5. Afterward they went to court and a ruling was made that they should be no eviction and if any the residents should be compensated first;
6. TARDA had agreed to cede 80 acres for the expansion of Ngiiri market but they refused to give any documents to that effect;
7. The management of TARDA is planning to move Ngiiri primary school near Ngiiri market but the residents objected however the management went ahead and put beacons with plans to demolish the school;

MINUTE NO. DCL/LN/2016/173

ADJOURNMENT & DATE OF THE NEXT SITTING

There being no any other business, and the time being 5.45 pm, the meeting was adjourned.

SIGNED.....



(CHAIRPERSON)

DATE.....

24th May 2016.

MINUTES OF THE 43RD SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON FRIDAY 19TH MAY, 2016 COUNTY COMMISSIONERS OFFICE EMBU COUNTY AT 10.00 AM

PRESENT:

1. The Hon. Alex Mwiru, M.P. - Chairperson
2. The Hon. Moses Ole Sakuda, M.P. - Vice Chairperson
3. The Hon. John Kihagi, M.P.
4. The Hon. Francis W. Nderitu, M.P.
5. The Hon. Bernard Bett, M.P.
6. The Hon. Joseph Oyugi Magwanga, M.P.
7. The Hon. Hellen Chepkwony, M.P.
8. The Hon. Francis Njenga Kigo, M.P.
9. The Hon. Benson Mbai, M.P.
10. The Hon. Kanini Kega, M.P.
11. The Hon. George Oner, M.P.
12. The Hon. Patrick Makau, M.P.
13. The Hon. Sarah Korere, M.P.
14. The Hon. Dr. Paul Otuoma, M.P.
15. The Hon. Omar Mwinyi, M.P.

ABSENT WITH APOLOGIES:

1. The Hon. Kipruto Moi, M.P.
2. The Hon. Mpuru Aburi, M.P.
3. The Hon. Hezron Awiti Bollo, M.P.
4. The Hon. A. Shariff, M.P.
5. The Hon. Julius Ndegwa, M.P.
6. The Hon. Thomas Mwadeghu, M.P.
7. The Hon. Onesmus Ngunjiri, M.P.
8. The Hon. Shakila Abdallah, M.P.
9. The Hon. Suleiman Dori, M.P.
10. The Hon. Esther Murugi, M.P.
11. The Hon. Mutava Musyimi, M.P.
12. The Hon. Mathew L. Lempurkel, M.P.
13. The Hon. Eusilah Ngeny, M.P.

IN ATTENDANCE:

KENYA NATIONAL ASSEMBLY

1. Mr. James Ginono Clerk Assistant I
2. Mr. Joshua Ondari Clerk Assistant III
3. Mr. Emmanuel Muyodi Clerk Assistant III

- | | |
|-------------------------|----------------------|
| 4. Mr. Noah Too | Researcher Officer I |
| 5. Ms. Rehema Chepkurui | Audio Officer |

GOVERNMENT OFFICIALS

Ms. Ester Maina County Commissioner Embu County

MINUTE NO. DCL/LN/2016/168 PRELIMINARIES

The Chairman called the meeting to order at 10.05 a.m. with a word of prayer.

**MINUTE NO. DCL/LN/2016/169 SUBMISSIONS FROM COUNTY COMMISSIONER EMBU
COUNTY AND THE AREA MEMBER OF PARLIAMENT**

Ms. Ester Maina, County Commissioner Embu County informed the Committee as follows, that:-

1. There are a lot of land disputes issues in Ngiiri location;
2. The area residents have been living as squatters for the last 35 years;
3. The residents of Ngiiri location are constantly reminded that they are living on the land owned by Tana and Athi River Development Authority (TARDA) and they are threatened with evictions; and
4. The residents are unable to do any meaningful development since they don't have ownership documents to the land they are occupying.

The Hon. Charles Njagagua Muriuki, MP informed the Committee as follows, that:-

1. Mbeere North Constituency hosts vast land belonging to Tana and Athi River Development Authority (TARDA) part of which is occupied by Ngiiri Market;
2. The land has for long been the main pillar of economic main stay of the residents of Ngiiri markets and its environ;
3. The management of TARDA undertook to cede part of the land to public utilities in Mbeere North Constituency as follows:-
 - a. Kiambere Complex School 160 acres
 - b. Ngiiri Primary School 50 acres; and
 - c. Unspecified acreage for public use on leasehold terms to inhabitants of Ngiiri Market.
4. He and the residents of Ngiiri market had a meeting with the Managing Director of TARDA, the Director agreed that the institution will only cede 20 acres for the public Ngiiri Market and remained silent regarding the over 160 acres promised to Kiambere Complex School and Ngiiri Primary School;
5. There was another meeting between the Chairman, Director of TARDA and him and they agreed to cede 45 acres for the public Ngiiri Market but they refused to give any documents to that effect;
6. He further said that the Embu Governor had a meeting with the Managing Director of TARDA without neither involving him nor the residents of Ngiiri market. In that meeting the managing director TARDA agreed that the institution will cede 81 acres for the residents of

Ngiiri Market. As a result of that meeting, later in the night unknown people visited the area and put beacons;

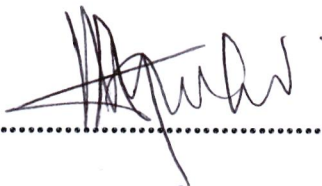
7. The residents are concerned by the uncertainty created by TARDA could create a loophole for selfish individuals to take advantage of the situation and irregularly allocate land to themselves through unscrupulous and underhand dealings.
8. He requested the Committee to intervene and ensure that the TARDA cedes 1,500 acres to the residents of Ngiiri market to be used for public utilities and expansion of their trading centre as follows:-
 - a. Expansion of Ngiiri Market – 300 acres
 - b. Cemetery - 50 acres
 - c. Stadium -50 acres
 - d. Tertiary and Technical Schools – 100 acres
 - e. Ngiiri Primary School -50 acres
 - f. Light industries -300 acres
 - g. University -300 acres
 - h. Human Settlement -500 acres
9. He further said that the above said land they have requested from TARDS should not be transferred to County government of Embu but should be transferred directly to the residents of Ngiiri Market.

MINUTE NO. DCL/LN/2016/170

ADJOURNMENT & DATE OF THE NEXT SITTING

There being no any other business, and the time being 12.25 pm, the meeting was adjourned.

SIGNED.....



(CHAIRPERSON)

DATE.....

24th May 2016





15

Approved
SNA
7/03/16

ELEVENTH PARLIAMENT- (FOURTH SESSION)

THE NATIONAL ASSEMBLY

PUBLIC PETITION

BY NGIIRI MARKET SQUATTERS
IN MUTITU LOCATION, MBEERE NORTH CONSTITUENCY
ON CEDING OF PART OF TANA AND ATHI RIVER DEVELOPMENT
AUTHORITY (TARDA) LAND TO NGIIRI MARKET SQUATTERS

the UNDERSIGNED, on behalf of concerned squatters of Ngiiri Market in Mutitu Location in Mbeere North Constituency in Embu County;

DRAW the attention of the House to the following:

1. THAT, Mbeere North Constituency hosts vast land belonging to Tana and Athi Rivers Development Authority (TARDA), part of which is occupied by Ngiiri market;
2. THAT, the land has for long been the main pillar of economic mainstay of the residents of Ngiiri market and its environs;
3. THAT, in early year 2000, the management of TARDA undertook to cede part of the land to public utilities in Mbeere North Constituency as follows: approximately 160 acres to Kiambere Complex School, comprising of primary and secondary schools; approximately 50 acres to Ngiiri Primary School; and an unspecified acreage for public use on leasehold terms to inhabitants of Ngiiri Market;
4. THAT, in mid 2015, and in a surprise turn of events, the TARDA Managing Director made a public pronouncement that the institution would only cede about 20 acres for the public Ngiiri market and remained silent regarding the over 160 acres promised to Kiambere Complex School and Ngiiri Primary School;
5. THAT, considering that Ngiiri market has been experiencing a huge influx of traders over time, with its current population estimated at over 1,000 residents, the proposed allocation of 20 acres to Ngiiri Market is insufficient and may not accommodate the number of traders and public utilities like a Police Station and the Chief's Office;
6. THAT, the residents are concerned that the uncertainty created by TARDA could create a loophole for selfish individuals to take advantage of the situation and irregularly allocate the land to themselves through unscrupulous and underhand dealings;

PUBLIC PETITION
BY NGIIRI MARKET SQUATTERS IN MUTITU LOCATION, MBEERE
NORTH CONSTITUENCY ON CEDING OF PART OF TANA AND AT
RIVER DEVELOPMENT AUTHORITY (TARDA) LAND TO
NGIIRI MARKET SQUATTERS

and is
that

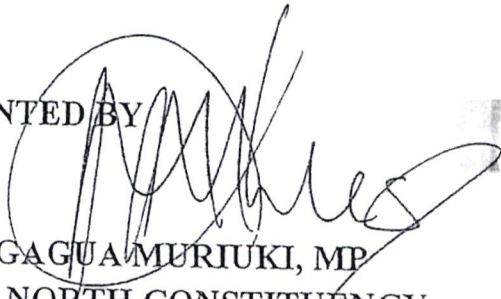
7. THAT, if the uncertainties are not addressed, residents of Ngiiri market and its environs losing the land known to them as home, including the section meant for establishment public utilities;
8. THAT, the matter in respect of which this Petition is raised is not pending before any Court of law or constitutional body;

THEREFORE, your humble Petitioners pray that, the National Assembly, through the Departmental Committee on Lands:

1. As a matter of urgency investigates the circumstances under which the size of the said land keeps varying, with a view to ascertaining the actual size of land being ceded to Ngiiri market, Kiambere Complex School and Ngiiri Primary school by TARDA;
2. Liases with relevant state agencies to stop all land transactions in respect of the TARDA land in Mbeere North Constituency until the certainty of the acreage of land promised to the residents of Ngiiri Market and public facilities is safeguarded and transferred to genuine beneficiaries; and
3. Makes any other Order and/or direction that it may deem fit in addressing the plight of the Ngiiri Market Squatters.

And your PETITIONERS will forever pray.

PRESENTED BY


HON. CHARLES NJAGAGUA MURIUKI, MP
MEMBER FOR MBEERE NORTH CONSTITUENCY

DATE: 07/03/2016

728
1

232

(2) Caroline
Pls deal

FA
04/5



MINISTRY OF LANDS, HOUSING & URBAN DEVELOPMENT

Telegrams: "MINILANDS", Nairobi
Telephone: Nairobi 2718050
When replying please quote

ARDHI HOUSE
1st NGONG AVENUE
P.O. Box 30450-00100
NAIROBI, KENYA

April 29, 2016

MOLHUD/ADM/1

Clerk of the National Assembly
Parliament Buildings
NAIROBI

DD/Mutua
3/5/16

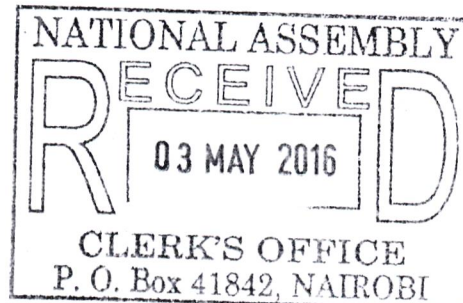
Attn: Florence Atenyo-Abonyo

MEETING WITH DEPARTMENTAL COMMITTEE ON LANDS

This is in reference to your letters KNA/CORR/2016 of 24th March 2016 and Ref. KNA/DCL/CORR/2016 (33) dated 12th April, 2016 on the above subject matter.

Attached please find the responses to the above.


PETER. K. KAHUHO
FOR: PRINCIPAL SECRETARY



According to the records at Isiolo County Council, this land is private. The Isiolo County Government has also established the documents held by the sand loaders are not genuine. The group has expanded its territory by holding more plots in Mwangaza and thus causing terror by even attacking any officers from the County Government who attempt to intervene. We propose the matter be addressed by the relevant state organs as a security issue.

PETITION NO. 2

- (a) What the Ministry is doing to address the presence of squatters in Ngiiri Market in Mutitu Location, Mbeere Constituency.

Hon. Chairman I wish to respond as follows:-

Ngiiri Market falls within land that is currently owned by the Tana River Development Authority (TARDA)

I am aware that there are squatters in Ngiiri market in Mutitu Location, Mbeere Constituency. In order to address their concerns, the Ministry of Land, Housing & Urban development through the National Land Commission, the County Government of Embu and the TARDA management have initiated the process of alienating this land to enable issuance of titles to beneficiaries in the affected area. Already the County Government of Embu has sought the consent of TARDA management to facilitate this process. Their response is awaited.

Following negotiation between the National Land Commission, the County Government of Embu and TARDA, the letter of Consent of Approval of the agreements is awaited in order to commence on the titling process.

- (b) Why the acreage of the land ceded to Ngiiri Market, Kiambeere Complex School, and Ngiiri Primary school by TARDA keeps on varying.

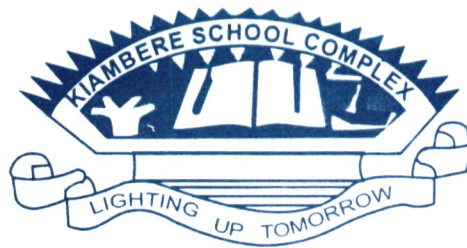
Answer

As reported in (a) above, once the TARDA, management responds as requested in the joint meeting stated, survey and preparation of the are PDP will be undertaken and right acreage allocated to each institution will established and known.

- (c) Plans by the Ministry to issue title deeds to Ngiiri market, Kiambeere Complex school and Ngiiri primary school;

Answer

The Ministry of Land, Housing and Urban Development, through the National Land Commission has prioritised issuance of titles to public institution throughout the country. These are not an exception, since they will be considered alongside others that are being processed. As already indicated, the National Land Commission has already held joint discussions with the affected parties and once, these matters are finalised, the Ministry will readily issue title deeds to Ngiiri market, Kiambere Complex School and Ngiiri Primary School.



KIAMBERE SCHOOL COMPLEX

P.O. Box 954 Embu

Our Ref:.....

Date:.....

Your Ref:.....

MEMORANDUM

TO: THE CHAIRMAN
PARLIAMENTARY COMMITTEE ON LANDS AND URBAN DEVELOPMENT

CC: The Managing Director – TARDA

The MP,
Mbeere North Constituency

FROM: The Chairman
Board of Management
Kiambere School Complex

DATE: 19TH MAY, 2016

SUBJECT: SCHOOL LAND AND INFRACTURE REPORT

INTRODUCTION/HISTORICAL BACKGROUND

The School was started through a presidential directive when the former President His Excellency Daniel T. Arap Moi was commissioning Kiambere dam in **1988**. He directed that a School to serve the then **3** Districts of Embu, Machakos and Kitui be established by converting the dam construction buildings to a School until funds were availed to put up proper School infrastructure. TARDA was to give out the buildings and the Land while KPLC was later to finance future constructions. The School was started as a complex consisting of Primary, Secondary and a Tertiary institution and was officially opened by the President on **24th June, 1992**.

The first committee that was charged with the responsibility of starting the School comprised of officers from Provincial administration, TARDA, KPLC and MoEST. Records available indicate that this Committee proposed that 60 hectares be reserved for the School. KPLC went ahead and contracted K & K ARCHIPLANS, Architects and Town Planners to do the School Master Plan and architectural designs. These projections did not come to fruition due to differences of parties on issues of sponsorship and re-alignment of companies. However, this was going on as the School continued enrolling more students in both sections.

CURRENT STATUS

The School continues to occupy the inherited buildings which it has regularly refurbished and has constructed 11 additional classrooms, 2 dormitories, 6 offices and a bus park. The School has about 500 pupils and students, 25 teachers and 19 members of non-teaching staff. It is envisaged that the School will soon grow to the 3 full streams and later separate into three entities. The greatest challenge the School faces is the establishment of playing grounds due to the terrain and the rocky nature of the area. The fenced off area therefore cannot accommodate fields. The School continues to utilize the old sewer system which will later require upgrading and these require more land.

FUTURE EXPANSION

The School has been given the status of an Extra County School and therefore to live to the expected standards there is need to separate the boys and girls in the secondary section to minimize indiscipline and safeguard the girl child. It is also imperative that the Primary section be made independent. This vision requires provision for more space. Each of these institutions will require basic school land requirements. It is also important to think of their self sustainability in terms of income generating projects.


REQUESTS

1. Last year the President gave a directive that all Schools acquire title deeds for the Land they occupy. The Board of Management wrote to TARDA asking for the allocation of the 60 hectares indicated on the site plan. TARDA have responded and allocated the School 55 acres.
2. When surveying they curved out the compound with teachers houses. Therefore the teachers are not in the School Compound as required by Law.
3. The Primary School, Girls School, Boys School and a tertiary institution will require the original 150 acres.

SIGNED:



PROF. JOHN MWARUVIE (BOM CHAIRMAN)



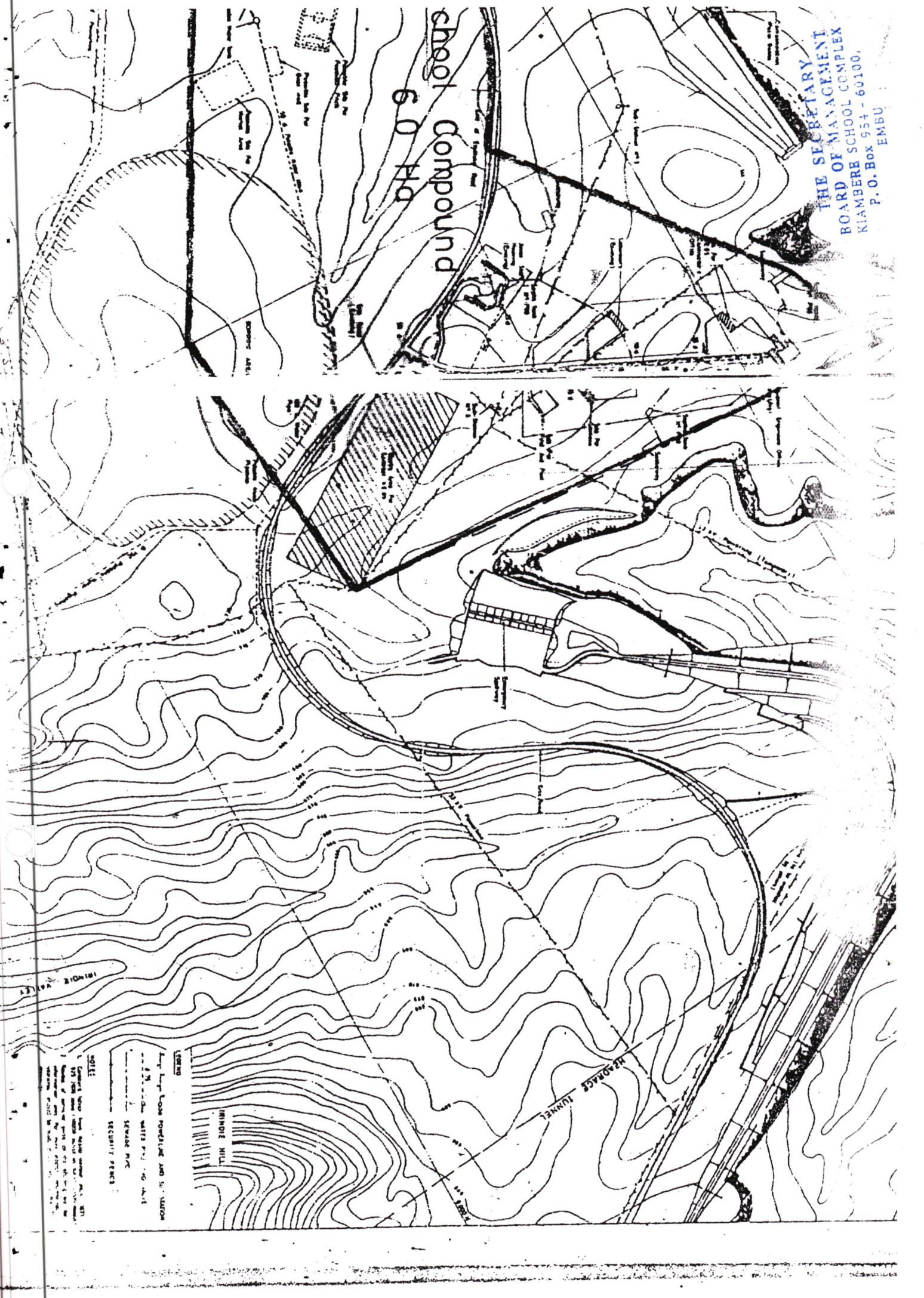
JOHN N. RUNJI (PRINCIPAL
(KIAMBERE SCHOOL COMPLEX)



MR. ESBON MUCHIRI (PTA CHAIRMAN)

19/5/16

THE SECRETARY
BOARD OF MANAGEMENT
KIAMBERE SCHOOL COMPLEX
P. O. Box 954 - 60100,
EMBU



School Compound
60 Rd

THE SECRETARY
BOARD OF MANAGEMENT
KIAMBERE SCHOOL COMPLEX
P. O. Box 954 - 60100,
EMBU

LEGEND

- Large Loop Road and S. Station
- Small Loop Road with 10' or 12' S. Station
- Sewage Pit
- Security Fence

NOTE

1. Contour lines are shown at 10' intervals. The map is not to scale. The map is a plan view and does not show the actual terrain. The map is a plan view and does not show the actual terrain. The map is a plan view and does not show the actual terrain.



KCT/T/P/9

20th June, 1988

B R I E F

H. E. The President recommended that a school should be started at Kiambere on the site then occupied by the contractors of the Kiambere Dam. Consequently, meetings were held involving officers from Ministry of Education, TARDA, Administration Officers in Embu, Kitui and Machakos etc. They, therefore, came up with the following recommendations:

- a) Ksh. 4 million be provided as initial capital to facilitate the construction of the campus.
- b) Building of 5 staff houses.
- c) Conversion and renovation of the existing infrastructures into Dorms, classrooms, Library and offices.
- d) Pupils be drawn from Kiambere catchment area, i.e. Kitui, Machakos and Embu.
- e) The school should be a complex one i.e. have a Boarding primary and Secondary.
- f) The primary sector should be for both Boys and Girls whilst the Secondary sector should be for Girls only.
- g) The school should be a three stream, from primary to Secondary when it attains maturity.

The school was scheduled to open its doors early this year, but due to lack of funds, very little has been accomplished. We have, however, managed to do the following:-

- a) The school has now a Headmaster and 4 teachers - w from Embu and 2 from Kitui.
- b) We have conducted interviews for the primary school pupils.
- c) TARDA has been requested to be the Sponsor through the Ministry of Education, of which they have kindly agreed.
- d) TARDA has agreed, in principle, to level the grounds for sports and games.

If funds could be made available in time, I am sure we would have had 5 pupils in school in third term (3rd Term) This is so because the student, have been interviewed and are anxiously waiting for their invitation letters.

(KIRARA J.)

HEADMASTER

THE SECRETARY
BOARD OF MANAGEMENT
KIAMBERE SCHOOL COMPLEX
P. O. Box 954 - 60100,
EMBU

