

THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

4TH SESSION

NBI CA. PLC. 2016 / (043)

5th July, 2016

PAPER LAID

Pursuant to Standing Order 180 (6) I beg to lay the following Paper on the Table of the Assembly, today Tuesday 5th July, 2016.

THE REPORT OF THE SECTORAL COMMITTEE ON PLANNING AND HOUSING ON THE PETITION BY RESIDENTS OF GITHURAI WARD ON THE GRABBING OF THE PUBLIC SOCIAL HALL, FOOTBALL PITCH AND LAND MEANT FOR A DISPENSARY

(Chairperson, Sectoral Committee on Planning and Housing)

Copies to:
The Speaker
The Clerk
Hansard Editor
Hansard Reporters
The Press

Approved
Speaker
[Signature]
5/7/16



The first part of the document
 discusses the importance of
 maintaining accurate records
 for all transactions. This
 includes recording the date,
 amount, and purpose of each
 entry. It is essential to
 review these records
 regularly to ensure
 that all information is
 up-to-date and correct.

CLERK
NAIROBI CITY
COUNTY ASSEMBLY
P. O. Box 45844-00100
NAIROBI

NAIROBI CITY COUNTY



NAIROBI CITY COUNTY ASSEMBLY
FIRST ASSEMBLY - FOURTH SESSION

REPORT OF THE SECTORAL
COMMITTEE ON PLANNING AND HOUSING

ON

**THE PETITION BY RESIDENTS OF GITHURAI WARD ON THE GRABBING OF
THE PUBLIC SOCIAL HALL, FOOTBALL PITCH AND LAND MEANT FOR A
DISPENSARY.**

Clerks Chambers
Nairobi City County Assembly
City Hall Buildings
Nairobi

JUNE 2016

*Paper listed by Hon.
Ochar on Tue
5/11/2016.
Morty
Plan 43
5/11/16*

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1.0 PREFACE

The Sectoral Committee on Planning and Housing is established under Standing Order 191, and its mandate amongst others, as outlined under Standing Order 191 (5) is 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) study the programme and policy objectives of departments and the effectiveness of the implementation;*
- c) study and review all county legislation referred to it;*
- d) study, assess and analyse the relative success of the departments as measured by the results obtained as compared with its stated objectives;*
- e) 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;*
- f) vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 185(Committee on Appointments); and*
- g) make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.*

Committee Membership

The Committee comprises of the following Members:-

- 1. Hon. Jairo Atenya Asitiba, MCA (Chairman)**
- 2. Hon. Maxwell Ochieng Ochar, MCA (Vice Chairman)**
3. Hon. Mike Obonyo Guoro, MCA
4. Hon. Alvin Olanda Palapala, MCA
5. Hon. Nelson Masiga, MCA
6. Hon. Elias Otieno Okumu, MCA
7. Hon. Stephen Kambi, MCA
8. Hon. Magdalene Mbogori, MCA

9. Hon. James Kinuthia, MCA
10. Hon. Daniel Mari Mbugua, MCA
11. Hon. Njuguna Mwangi, MCA
12. Hon. Joyce Bocha, MCA
13. Hon. Caroline Muga, MCA
14. Hon. Rachael Kamweru, MCA
15. Hon. Leah Mumo Mate, MCA
16. Hon. Paul Kiguathi Kados, MCA
17. Hon. Abdi I. Hassan, MCA

The Committee exercise oversight role on the work and administration of the **Lands and Urban Planning** and **Urban Renewal and Housing** Sectors.

In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to consider all matters relating to: - ***“County Planning and Development, including statistics, land survey and mapping, fencing and housing”***

Mr. Speaker Sir,

Pursuant to Standing Order No. 195, Hon. Amos Mbuthia petitioned the County Assembly on behalf residents of Githurai seeking the Assembly to intervene on the alleged grabbing of a public social hall, football pitch and land meant for a dispensary. Pursuant to Standing Order 202, the petition was committed to the Sectoral Committee on Planning and Housing to inquire into the issues raised and report to the Assembly.

The petitioners' prayers were that the County Assembly does the following:-

1. *Inquire into the matter with a view to finding a solution to the illegal possession of the said public land and property through faulty allocations to unscrupulous individuals; and*

2. *Urges the County Government of Nairobi to urgently address the problem by establishing whether the land and property in question belong to the County Government of Nairobi and thus the public or private individuals who have illegally laid claim on the ownership of the said land and property.*

Mr. Speaker Sir,

Due to unavoidable circumstances, the Committee was unable to complete its consideration of the petition within 60 calendar days as provided for by Standing Order 202(2). In order to ascertain issues raised in the petition, the Committee resolved to meet all parties mentioned in the petition before making appropriate recommendations. The Committee identified the following as interested parties to the petition;

- i.) The Petitioners(Residents of Githurai Ward)
- ii.) Members of Githurai PEFA Church; and
- iii.) The County Executive (**Lands and Urban Planning Sector**).

The Committee met all parties and received written submissions from the Executive. The Committee also held a site visit to the allegedly grabbed parcels of land and the social hall as part of the fact finding mission. This report contains the Committee's findings, observations and recommendations on the petition.

Mr. Speaker Sir,

While considering the petition, the Committee sought to address the following:

- a) The current status of ownership of the parcels of land and the social hall;
- b) Who are the rightful owners of the said land and the property and whether they were illegally allocated to the current owners; and
- c) Whether there are any remedial measures arising from the forgoing.

Mr. Speaker Sir,

I wish to sincerely thank Members of the Committee for their hard work and patience while inquiring into the matter. The Committee also wishes to sincerely

thank the Offices of the Speaker, the Clerk of the County Assembly and the secretariat for their support.

Mr. Speaker Sir,

It is my honour and pleasure on behalf of the Committee to present this Report of the Committee on Planning and Housing on the Petition by residents of Githurai Ward on the grabbing of the public social hall, football pitch and land meant for a dispensary with recommendations for remedial action.

Thank You.

SIGNED 

**Hon Jairo Atenya Asitiba, MCA
(CHAIRPERSON)**

DATE..... 22/06/2016

2.0 INTRODUCTION

- 2.01. Pursuant to Standing Order No. 195, Hon. Amos Mbuthia petitioned the County Assembly on 17th June, 2014 on behalf of Githurai ward residents, seeking the Assembly to intervene on the alleged grabbing of a public social hall, football pitch and land meant for a dispensary. Pursuant to Standing Order 202, the petition was committed to the sectoral committee on Planning and Housing to inquire into the issues raised and report to the Assembly.
- 2.02. In the petition, the petitioners argued that Githurai football pitch, Githurai social hall and the land meant for construction of a dispensary had been grabbed. In particular, the petitioners averred that Githurai PEFA Church had illegally possessed the social hall and had been irregularly issued a lease certificate by the then land registrar, a Mr. P.M. Nga'ng'a.
- 2.03. The petitioners further argued that the action to grab the land had denied area residents the much required public amenities and also denied the youth the chance to develop their talents. In addition, the petitioners stated that efforts by the residents to seek the repossession of the properties for public use have been non-fruitful and on one occasion four young persons were short-by the police during a demonstration against the grabbing of the land.
- 2.04. In their prayers, the petitioners requested the County Assembly to intervene into the matter and establish that the properties belong to the County Government of Nairobi City and as such, they be put to their original intended use for the benefit of the Community.
- 2.05. Pursuant to Standing Order 202(2), the Committee was expected to consider the petition within sixty calendar days and respond to the petitioners by way of a report addressed to the petitioners. However, due to unavoidable circumstances such as hostilities of some of the residents which disrupted the gathering of information regarding the land, the Committee could not consider the petition within the statutory timelines.
- 2.06. As part of the fact-finding, the Committee met the stakeholders it identified as key to the petition who provided oral and written submissions. The Committee also conducted a site visit to the properties on the disputed land

on Monday, 25th August, 2014 to ascertain the state of affairs. However, the Committee couldn't conclusively conduct the site visit due to the hostility of the residents and disagreements among local leaders and the local administration.

3.0 COMMITTEE FINDINGS

1. Submissions by the Petitioners

The Committee met the petitioners on **Tuesday, 14th August, 2014**. During the meeting, the petitioners stated as follows:

- i.) That public properties meant to serve the local residents which include; Githurai football pitch, Githurai social hall and the land meant for construction of a dispensary had been grabbed by private individuals depriving the residents the opportunity to utilize the resources.
- ii.) That a former area Member of Parliament organized a fundraiser (Harambee) where funds raised were used for the construction of the Social Hall. The social hall was to serve as a nursery school and also to be used by the area residents for other social activities. However, years later the PEFA Church under mysterious circumstances moved in and occupied the hall. Upon further inquiry, the residents discovered that the church had been issued a lease certificate by the then lands registrar, a Mr. P.M. Nga'ng'a.
- iii.) That unknown persons in conjunction with the Githurai Primary School Head teacher begun to relocate the school playing ground to the nearby river banks. The original playing ground was thereafter fenced and subdivided into pieces measuring 50ft by 50ft. Residents protested the action and Administration Police Officers were deployed to the site to disperse the demonstrators, unfortunately, a youth was shot dead during the protests. However, the process was halted and since then the playing ground has never been subdivided again.
- iv.) That the local Catholic Church, the PEFA Church and the area Chief were allegedly the prime stakeholders in the school pitch grabbing.

- v.) That the matter was brought before relevant authorities but no action was taken. For instance, during the defunct City Council, the matter was not resolved with certain officials frustrating their efforts to revert the properties back to the public. In addition, the matter was brought before the Ndungu Land Commission whose report has never been made public.
- vi.) That the Committee should intervene and ensure that the parcels of land and the social hall reverts to the County Government of Nairobi City and that it be used for the original intended purpose for the benefit of the local residents.

2. Submissions by the Chief Officer, Lands

The **Chief Officer, Lands** submitted written submissions to the Committee vide letters **Ref. SGD/LS/0014664/JNG/znr** dated **6th August, 2015** and **Ref.LS/01/25/PW/mk** dated **28th January, 2016**. The **Chief Officer** stated as follows:

- i) That the size of the land adjoining Githurai Primary School and owned by the Githurai Pentecostal Evangelistic of Africa (registered trustees) is 0.25 ha as per the official search.
- ii) That officers from the lands department were unable to conduct a survey to determine whether PEFA Church has encroached on Githurai Primary School. This was due to the hostilities of the residents who insisted that the parcel of land No.534 owned by the church should revert to the school.
- iii) That if the demand by the residents regarding the reverting of Land LR No. 534 to the school is to be fulfilled, it will require the cancellation of the title held by the Church. The cancellation would have to be facilitated by Githunguri Tingaga Company who were the original owners of the land.
- iv) That Githurai Catholic church, Holy Mary Mother of God occupies Nairobi Block 119/547, measuring 0.4778 ha and has a lease document registered under Archdiocese of Nairobi Kenya Trustees.

3. Meeting with the leadership of Githurai P.E.F.A. Church

The Committee met the leadership of Githurai PEFA Church on **Tuesday, 26th August, 2014** to seek their views on how the church acquired the land. During the meeting, the leaders stated as follows:

- i.) That the church bought the land from Githurai Tinganga Company when the said company was being liquidated/dissolved. The directors of the Company had resolved through a board meeting to dispose the company's assets to interested parties.
- ii.) That P.E.F.A Church's board of Trustees who are the custodians of all church documents have the legal documents as proof of substantive ownership of the contested land.
- iii.) That since the church bought the said land, the defunct City Council of Nairobi and now the Nairobi City County Government has never come forth to claim that the church has grabbed the said public land.
- iv.) That when they were buying the land from Githurai Tinganga Company, the land they were allocated contained the social hall.

4. Meeting with the leadership of Githurai Catholic church

The Committee met the leadership of Githurai Catholic church on Wednesday, 20th August, 2014 to seek their views on how the church acquired the land. Present were; Father Joseph Otieno the Githurai Parish Priest, Mr. Mwangi Bosco former Githurai Ward Councilor and Mr. Kimani Mwangi a resident of Githurai Ward. During the meeting, the leaders informed the Committee that the Church Management (Archdiocese of Nairobi Kenya Trustees) are the custodian of all the official ownership documents of the land on which the church sits.

5. Committee's site visit findings

The Committee held a site visit to the land under dispute on 25th August, 2014. However, the Committee couldn't conclusively conduct the site visit due to the hostility of the residents and disagreements among local leaders and the local administration i.e. the area chief, the area MCA, the present leaders of Githurai Tinganga Company and area residents who had assembled at the site.

4.0 COMMITTEE'S OBSERVATIONS

After making an analysis of the submissions made by all the stakeholders and from the site visit, the Committee observed as follows;

- i.) That the original owners of the land under dispute were Githurai Tinganga Company. The Company when faced with liquidation challenges resolved to dispose of the land. The land was subdivided and sold to various parties while a section of the land was surrendered to the Community which established Githurai Primary school and a social hall. This was in conformity with the rule that requires surrender to the Community 10% of the land being subdivided for disposal/sale by a property owner. The parties who may have bought a section of the land include; Githurai PEFA Church and Githurai Catholic Church.
- ii.) That a Social Hall was built on the land meant for the Community through funds raised by the local residents. However, the same social hall is also claimed by Githurai PEFA Church having bought a section of the land on which the hall is built.
- iii.) That there have been attempts to grab land meant for Githurai Primary School especially the playing ground. Although the residents protested where a youth was killed, the threat to grab the land is still real.

5.0 RECOMMENDATIONS

In view of the above, the Committee makes the following recommendations;

1. That the County Government in collaboration with other national agencies should within **ninety (90) days** determine the exact size of the original land owned by Githurai Tingaga Company and determine the size of the land allocated to the Community(Githurai Primary School), Githurai PEFA Church and Githurai Catholic Church. The plots should then be clearly demarcated and each party issued with official ownership documents(Title deed)
2. That in the event land meant for the Community and Githurai Primary School is found to have been grabbed, the County Government should institute the process of reverting it to the Community and the school.

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ANNEX I: Minutes

ANNEX II: Copies of Papers laid by various witnesses

MINUTES OF THE 82ND SITTING OF NAIROBI CITY COUNTY ASSEMBLY PLANNING AND HOUSING COMMITTEE MEETING HELD ON THURSDAY, 14TH AUGUST, 2014 AT 10.00 A.M. AT CHARTER HALL.

PRESENT:

- | | | |
|---------------------------------|---|--------------------------------|
| 1. Hon. Nelson Masiga, MCA | - | Chairing |
| 2. Hon. Jairo Atenya, MCA | - | Chair - Planning and Housing |
| 3. Hon. Maxwell Ochar , MCA | - | D/Chair - Planning and Housing |
| 4. Hon. Mike Obonyo, MCA | | |
| 5. Hon. Alvin Olando, MCA | | |
| 6. Hon. Elias Otieno, MCA | | |
| 7. Hon. David Njoroge, MCA | | |
| 8. Hon. James Kinuthia, MCA | | |
| 9. Hon. Daniel Mari Mbugua, MCA | | |
| 10. Hon. Joyce Bocha, MCA | | |
| 11. Hon. Caroline Muga, MCA | | |
| 12. Hon. Rachel Kamweru, MCA | | |
| 13. Hon. Leah Mumo, MCA | | |

INATTENDANCE

Mr. Asman John – Clerk Assistant II

WITNESSES (PETITIONERS)

- 1 Hon. Amos Mbutia, MCA
- 2 Hon. Jackson Ngare, MCA
- 3 Mr. Fredrick Ochieng - Githurai Youth Group

MIN.346/NCA/PPHL/AUGUST/2014 - PRELIMINARIES

The meeting began with a word of prayer from Hon. Nelson Masiga. He then took Members through the agenda, which was adopted as proposed by Hon. Alvin Olando and seconded by Hon. James Kinuthia as follows:-

AGENDA

1. Preliminaries
2. Adoption of the agenda

3. *Meeting with petitioners to consider a petition by residents of Githurai ward on the grabbing of the public social hall, football pitch and land meant for a dispensary*
4. *Any Other Business*
5. *Adjournment*

The Chairperson then welcomed Members present and the petitioners to the meeting. He informed that the objective of the meeting was for the Committee to seek clarifications regarding a petition presented by Hon. Amos Mbutia on behalf of Githurai residents regarding the grabbing of the public social hall, football pitch and land meant for a dispensary.

MIN.346/NCA/PPHL/AUGUST/2014 – MEETING WITH PETITIONERS

The petitioners informed the Committee as follows:

- That public properties meant to serve the local residents which include; Githurai football pitch, Githurai social hall and the land meant for construction of a dispensary had been grabbed by private individuals depriving the residents the opportunity to utilize the resources.
- That a former area Member of Parliament organized a fundraiser (Harambee) where funds raised were used for the construction of the Social Hall. The social hall was to serve as a nursery school and also to be used by the area residents for other social activities. However, years later the PEFA Church under mysterious circumstances moved in and occupied the hall. Upon further inquiry, the residents discovered that the church had been issued a lease certificate by the then lands registrar, a Mr. P.M. Nga'ng'a.
- That unknown persons in conjunction with the Githurai Primary School Head teacher begun to relocate the school playing ground to the nearby river banks. The original playing ground was thereafter fenced and subdivided into pieces measuring 50ft by 50ft. Residents protested the action and Administration Police Officers were deployed to the site to disperse the demonstrators, unfortunately, a youth was shot dead during the protests. However, the process was halted and since then the playing ground has never been subdivided again.

- That the local Catholic Church, the PEFA Church and the area Chief were allegedly the prime stakeholders in the school pitch grabbing.
- That the matter was brought before relevant authorities but no action was taken. For instance, during the defunct City Council, the matter was not resolved with certain officials frustrating their efforts to revert the properties back to the public. In addition, the matter was brought before the Ndungu Land Commission whose report has never been made public.
- That the Committee should intervene and ensure that the parcels of land and the social hall reverts to the County Government of Nairobi City and that it be used for the original intended purpose for the benefit of the local residents.

After the presentation, the Committee resolved as follows:

- i) The Chief's office on the field should first be relocated to its designated locality and the field secured,
- ii) A sign board indicating the field belongs to the Nairobi City County be erected on the field;
- iii) The following be invited to the Committee to provide further clarifications on various dates;
 - a.) Mr. Murage, the former Githurai Primary School head teacher,
 - b.) The County Executive Committee Member for Lands, Planning and Housing,
 - c.) Githurai Tinganga Company,
 - d.) The area Chief, the Catholic Church and the PEFA Churches.

MIN.349/NCA/PPHL/AUGUST/2014 – ADJOURNMENT

The Committee having dispensed with the business of the day and the time being 12.30pm, the Chairperson adjourned the meeting to Monday 18th June, 2016.

CONFIRMED AS TRUE RECORDS OF THE PROCEEDINGS

SIGNATURE 

(Chairperson)

DATE..... 18/08/2014

100





MINUTES OF THE 85TH SITTING OF NAIROBI CITY COUNTY ASSEMBLY PLANNING AND HOUSING COMMITTEE MEETING HELD ON WEDNESDAY, 20TH AUGUST, 2014 AT 11.30 A.M. AT CHARTER HALL.

PRESENT:

1. Hon. Jairo Atinya Asitiba, MCA – Chair
2. Hon. Maxwell Ochar , MCA, D/Chair
3. Hon. Mike Obonyo, MCA
4. Hon. Alvin Olando, MCA
5. Hon. Elias Otieno, MCA
6. Hon. Stephen Kambi, MCA
7. Hon. David Njoroge, MCA
8. Hon. James Kinuthia, MCA
9. Hon. Joyce Bocha, MCA
10. Hon. Caroline Muga, MCA
11. Hon. Hon. Leah Mumo, MCA
12. Hon. Abdi Ibrahim, MCA

INATTENDANCE

Mr. Asman John – Clerk Assistant II

WITNESSES

- 1 Fr. Joseph Otieno –Priest, Githurai Parish
- 2 Mr. Mwangi Bosco –Former Githurai Ward Councilor
- 3 Mr. Kimani Mwangi – Resident, Githurai Ward

MIN.359/NCA/PPHL/AUGUST/2014 - PRELIMINARIES

— The meeting began with a word of prayer from the Chairperson. He then took Members through the agenda, which was adopted as proposed by Hon. Mike Obonyo and seconded by Hon. Hon. Leah Mumo as follows:-

AGENDA

1. Preliminaries
2. Adoption of the agenda
3. Meeting with Githurai Catholic Church leadership to consider a petition by residents of Githurai ward on the grabbing of the public social hall, football pitch and land meant for a dispensary
4. Any Other Business
5. Adjournment

— The Chairperson then welcomed Members present and the witnesses to the meeting. He informed that the objective of the meeting was for the Committee to seek clarifications from the Catholic Church leadership on a petition presented by Hon. Amos Mbutia on behalf of Githurai residents regarding the grabbing of the public social hall, football pitch and land meant for a dispensary.

MIN.360/NCA/PPHL/AUGUST/2014 – MEETING WITH THE GITHURAI PARISH LEADERSHIP

— The Chairperson inquired on how the Githurai parish came to acquire the land and whether they have any documents as proof of legitimate owners of the contested land where the parish currently sits on.

— Father Otieno informed that the Church Management (Archdiocese of Nairobi Kenya Trustees) are the custodian of all the official ownership documents of the land on which the church sits.

— It was resolved that the Father liaises with his seniors and provide supporting documents with respect to the ownership of the Church's land.

— The Committee further resolved to visit the Githurai Parish on Monday, 26th August, 2014 at 11.00 a.m. where it shall be meeting the Father to provide it with the information the Committee had requested him to gather.

MIN.361/NCA/PPHL/AUGUST/2014 – ADJOURNMENT

The Committee having dispensed with the business of the day and the time being 12.40pm, the Chairperson adjourned the meeting to Thursday 21st August, 2014

CONFIRMED AS TRUE RECORDS OF THE PROCEEDINGS

SIGNATURE 
(Chairperson)

DATE..... 26/08/2014

MINUTES OF THE 44TH SITTING OF THE NAIROBI COUNTY ASSEMBLY PLANNING AND HOUSING COMMITTEE HELD ON TUESDAY, 22ND JUNE, 2016 AT 11:30 A.M. AT CHARTER HALL.

PRESENT:

1. Hon. Jairo Atenya Asitiba (Chairman)
2. Hon. Joyce Bocha, MCA
3. Hon. Nelson Masiga, MCA
4. Hon. Daniel Mari Mbugua, MCA
5. Hon. Mike Obonyo Guoro, MCA
6. Hon. Leah Mumo Mate, MCA
7. Hon. Njuguna Mwangi, MCA
8. Hon. Alvin Olando Palapala, MCA
9. Hon. Paul Kiguathi Kados, MCA
10. Hon. James Kinuthia, MCA

ABSENT:

1. Hon. Maxwell Ochieng Ochar, MCA (Vice Chairman)
2. Hon. Magdalene Mbogori, MCA
3. Hon. Caroline Muga, MCA
4. Hon. Hassan Abdi, MCA
5. Hon. Elias Otieno Okumu, MCA
6. Hon. Stephen Kambi, MCA
7. Hon. Rachael Kamweru, MCA

INATTENDANCE

1. Mr. Shadrack Makokha - Clerk Assistant II
2. Mr. Erick Njoga - Clerk Assistant II

MIN.124/CP&H/22/JUNE/2016 - PRELIMINARIES

The meeting began with a word of prayer from the Chairperson. He then took Members through the agenda, which was adopted as proposed by Hon. Mike Obonyo Guoro and seconded by Hon. Joyce Bocha as follows:-

AGENDA

1. Preliminaries
2. Confirmation of Minutes
3. Matters arising
4. Adoption of Committee reports
 - Site visit to Hamza
 - Petition by Githurai residents
 - Petition by Kenya County Government Workers Union

5. *Any Other Business*

6. *Adjournment*

MIN. 125/CP&H /22/JUNE/2016 - CONFIRMATION OF MINUTES

— Minutes of the 42nd Sitting

The Minutes were read by Hon. Alvin Palapala.

The Minutes were then confirmed as the true records of the sitting after being proposed by Hon. Paul Kiguathi Kados, and seconded by Hon. Joyce Bocha.

— Minutes of the 43rd Sitting

The Minutes were read by Hon. Alvin Palapala. The Minutes were confirmed as the true records of the sitting after being proposed by Hon. Mike Obonyo Guoro and seconded by Hon. Daniel Mari Mbugua.

MIN. 126/ CP&H/JUNE /2016 - ADOPTION OF COMMITTEE REPORTS

The Clerk Assistant tabled the following draft reports for adoption:-

i) Report on the petition by residents of Githurai ward on the grabbing of the public social hall, football pitch and land meant for dispensary

— *The report was thereafter adopted as proposed by Hon. Daniel Mari Mbugua and seconded by Hon. Paul Kados*

ii) Report on the petition by Kenya County Government Workers on alleged grabbing of land in the County.

— *The report was thereafter adopted as proposed by Hon. Alvin Palapala and seconded by Hon. Mike Obonyo*

iii) Report on the site visit to Maringo/Hamza Ward to ascertain the status of land LR. No. 209/4401/R

— *The report was thereafter adopted as proposed by Hon. Jairo Atenya and seconded by Hon. Joyce Bocha.*

iv) Report on the Nairobi Integrated Development Master Plan (NIUPLAN)

— *The report was thereafter adopted as proposed by Hon. Njuguna Mwangi and seconded by Hon. Paul Kiguathi Kados.*

Members thereafter appended their signatures to the reports to signify the adoption.

MIN. 127/ CP&H/JUNE /2016 - ADJOURNMENT

— The Committee having dispensed with the business of the day and the time being 12.30pm, the Chairperson adjourned the meeting to Wednesday 29th June, 2016.

SIGNATURE

[Handwritten Signature]

(Chairperson)

DATE.....

28/06/2016



PUBLIC PETITION

BY RESIDENTS OF GITHURAI WARD ON THE GRABBING OF THE PUBLIC SOCIAL HALL, FOOTBALL PITCH AND LAND MEANT FOR A DISPENSARY

WE, THE UNDERSIGNED citizens of Kenya who are residents of Kahawa Ward,

DRAW the attention of the Nairobi City County Assembly to the following;

THAT aware that public social amenities such as playgrounds, dispensaries and social halls play a crucial role in a community's socio-economic, political and holistic existence and development;

THAT WHEREAS the Githurai football pitch, social hall and the land meant for constructing a dispensary carry socio-economic benefits for the people of the greater Kahawa area, but such benefits risk not being realized thanks to land grabbing and illegal possession of the said public amenities and property by unscrupulous individuals;

THAT WHEREAS the amenities have created employment for locals and bolstered the local economy, through providing an avenue for young people for the exposition of talent and skills such as football, karate, netball amongst other activities, which stand at risk should the illegal possession be allowed to continue;

THAT WHEREAS the football pitch and the social hall have been illegally possessed by the Githurai PEFA Church and that documents in our possession show the lease Certificate was irregularly issued by the then land Registrar, a Mr. P. M. Ng'ang'a;

AND WHEREAS efforts to have the matter addressed sufficiently have seen no progress, despite the shooting of four young people during a peaceful demonstration by the aggrieved local community in 2002;

Amos N. Njiru
Jack W. W.

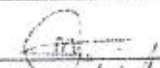

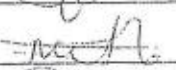
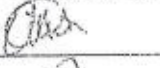


























NOW THEREFORE your humble petitioners **PRAY** that;

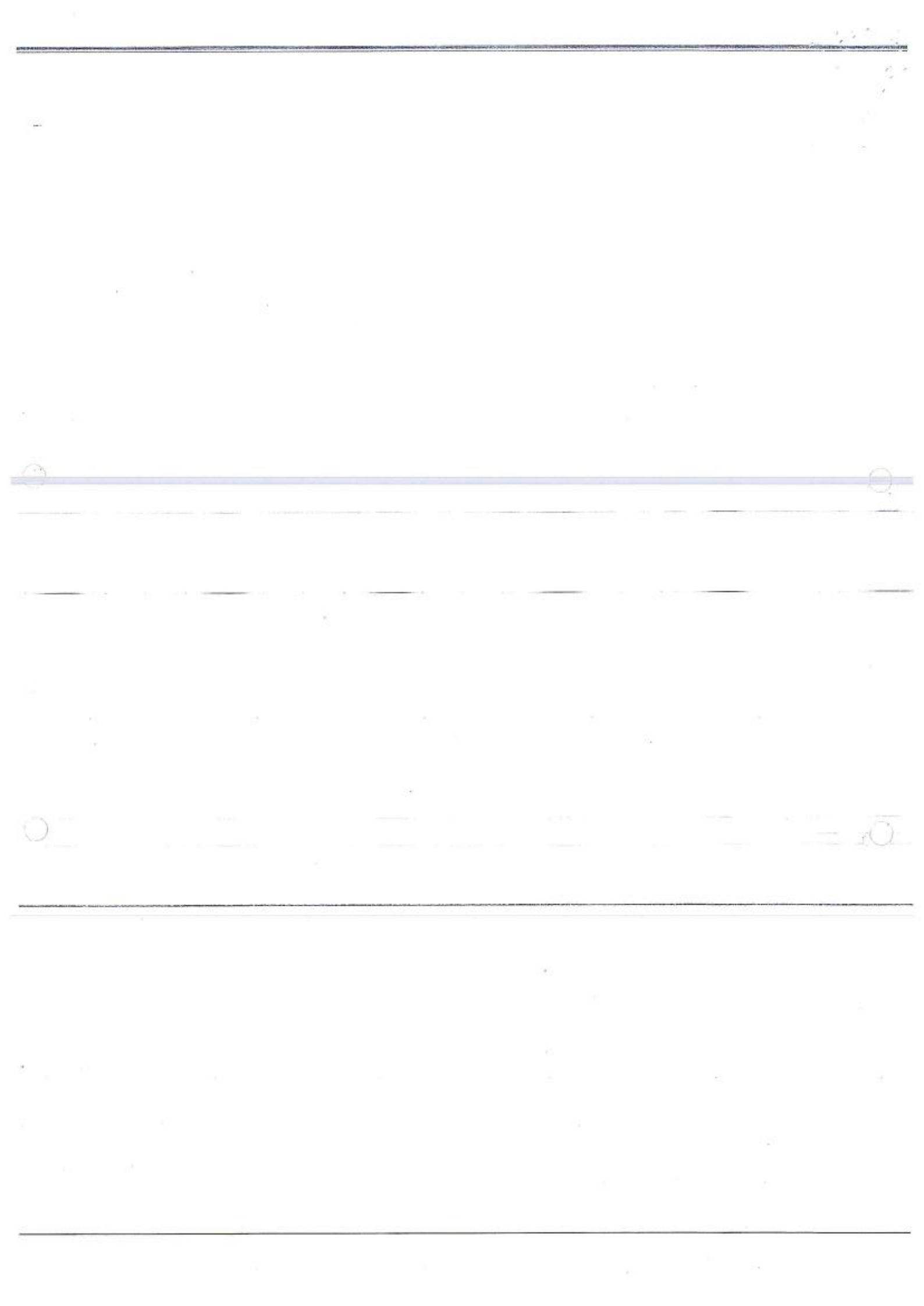
- i) The Nairobi City County Assembly looks into the matter with a view to finding a solution to the illegal possession of the said public land and property through faulty allocations to unscrupulous individuals; and
- ii) That the Nairobi City County Assembly intervenes in the matter with a view to ensuring that the County Government of Nairobi urgently addresses the problem by establishing whether the land and property in question belong to the County Government of Nairobi and thus the ~~Public or the private individuals who have illegally laid claim on the~~ ownership of the said land and property.

And your **PETITIONERS** will ever pray

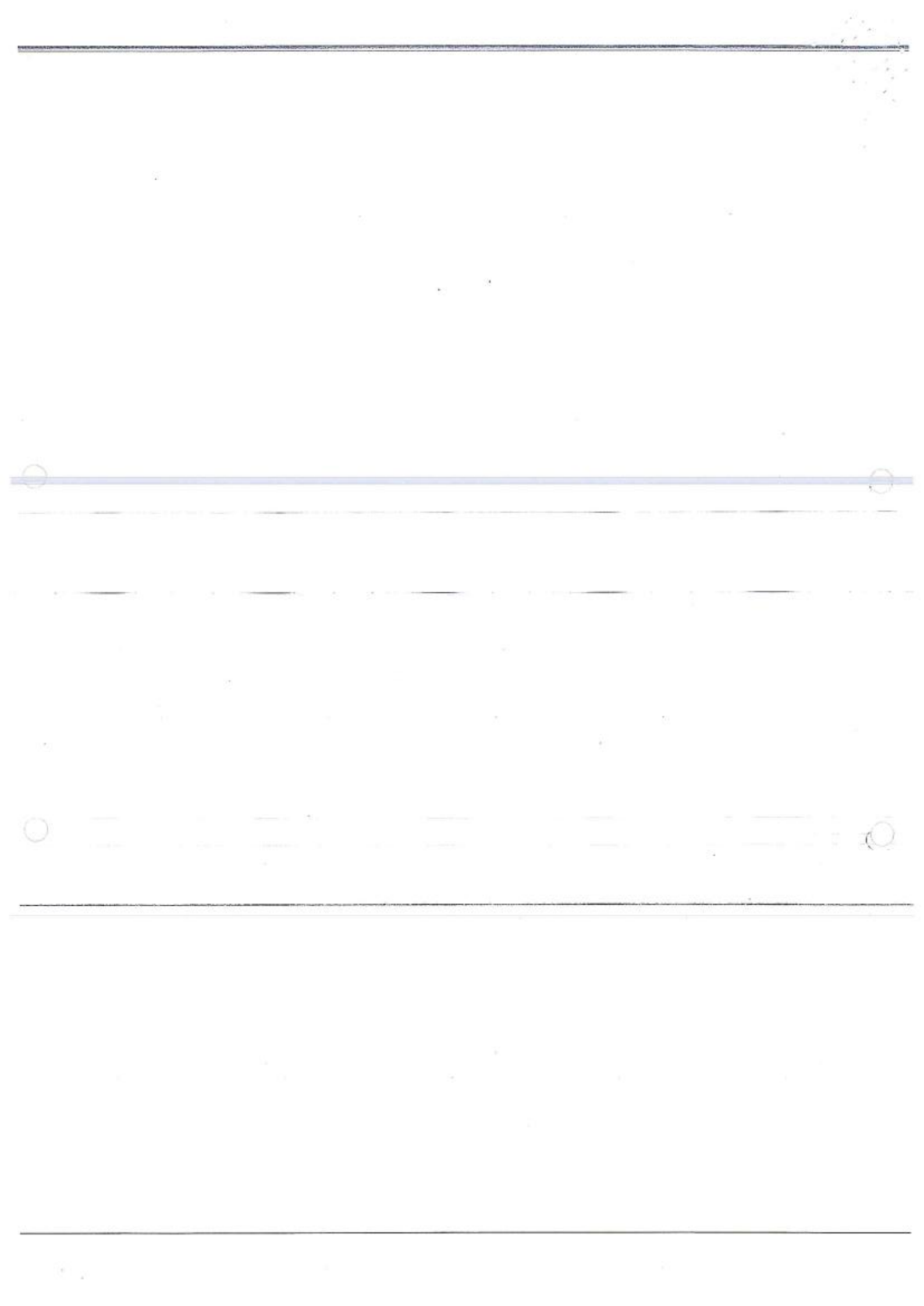
GITHURU COMMUNITY GROUPS PETITION AGAINST LAND GRABBING!

11/11

1	MICHAEL KIBANDA	31551174	
2	FREDRICK OJHANGE Ombaka	A224007	
3	Richard Kimani	H1530466	
4	Nennis Muthiyegom	2450888	
5	KLIMATI OTHMAN	24943536	
6	Ikemier Akhambao	27943903	
7	BEN NHEI	22584550	
8	MOSES IBUKU	20247292	
9	Abeni Ogutu	22281054	
10	Charles OTHMAN OTHMAN	A1649237	
11	MARTIN MUTELI	30212827	
12	VICKY OMBATI	3152963	
13	Fredrick Muthiga	Student	
14	Peter MWANGI	Student	
15	Ericah Igudi	Student	
16	Nelson Lwanga	Student	
17	PAUL OCU	STUDENT	
18	STEPHEN KAMAU	STUDENT	
19	AND OJHANG	STUDENT	
20	DEAN KAMAU	STUDENT	
21	DANIEL MUMMANA	A120232	
22	OLIVER KIBOYO	27378697	
23	MARTIN KINTAI	STUDENT	
24	KENETHI	MWANGI	
25	WILSON WANJIKI	STUDENT	
26	SIMON KAMAU	STUDENT	
27	JOSHUA Mwangi	29/10451	
28	SIMEON NJOROGE	Student	
29	Ben Lwanga	Student	
30	Stanley Ombani	student	
31	Lynne Patrick	Student	
32	Timothy Mwangi	Student	



33	Amos Mendi	Student	
34	STEPHEN OLSOR	21191309	
35	WILSON M MUNGAI	26387768	
36	KEVIN NJUGUNA	Student	
37	JACKSON OWINO	22751974	
38	Peter Kimani	Student	
39	Subira Njoroge	Student	
40	Caleb Makau	Student	
41	A. Mwangi	1906359	
42	LICASIO IRECI	8601701	
43	Patrick	2822370	
44	Wanjiku	16060800	
45	Paul (Jim)	30387560	
46	Nancy Gitau	21051641	
47	EVANS ODENTO	29384651	
48	BRIAN KASEMBELI	25762633	
49	David Korundi	28446059	
50	Esther Wanjiku	Student	
51	Moses Kinyua	26821960	
52	JOE ARAU	2396237	
53	ARON NJOROGE	24960437	
54	AFINEO MURI	23977167	
55	JOSE APHEHO	2299257	
56	Moses Wanjiku	24163081	
57	Kaluarah Kahwai	30354417	
58			

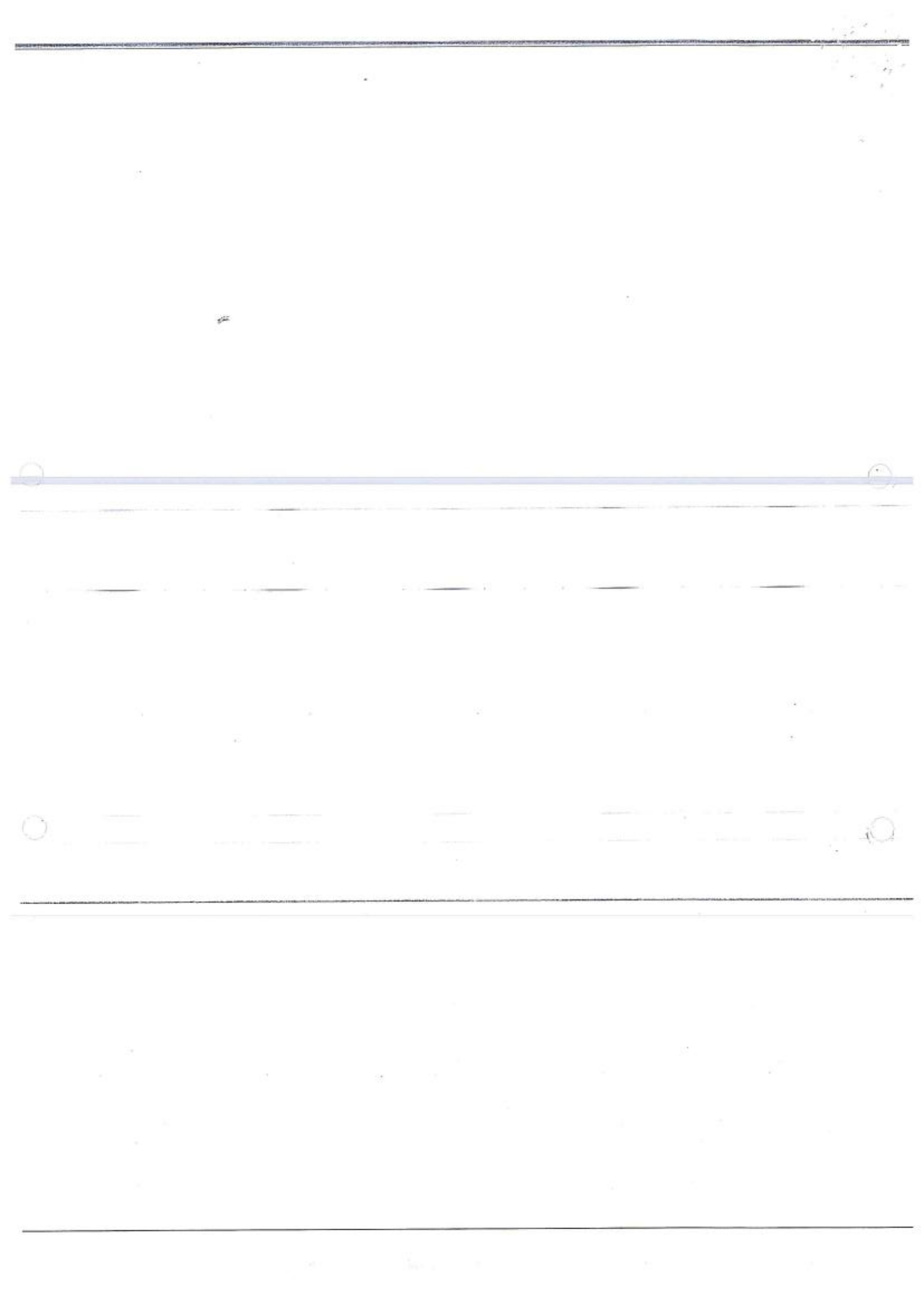


GITHURAI COMMUNITY GROUNDS

PETITION AGAINST LAND GRABBING

























Page 3

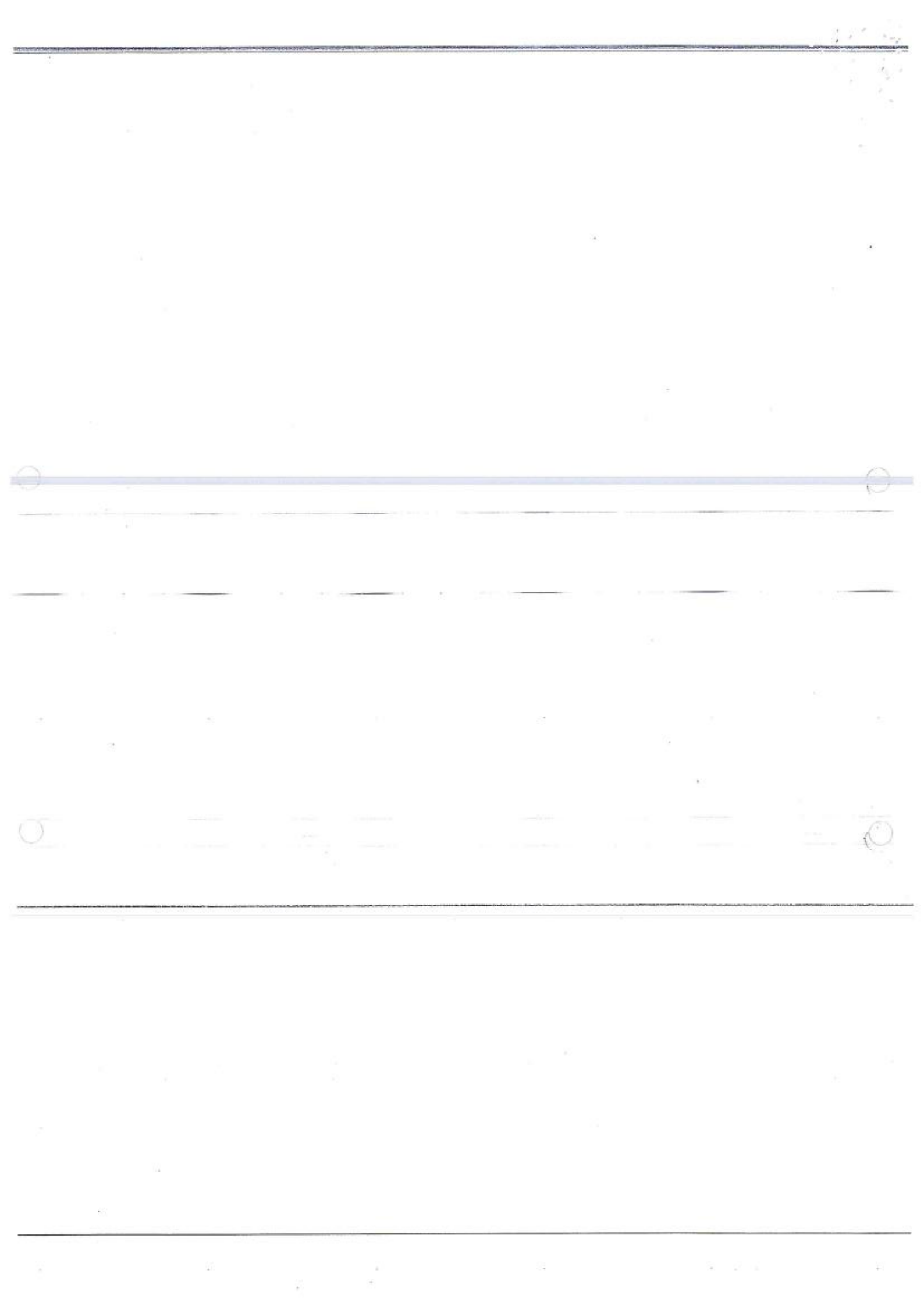
NO.	NAME	SIGNATURE
1	Phillip Otieno	
2	Bro John Muriuki	
3	PETER CHEGE	
4	DANIEL ZAKAYO	
5	BELANUM BULUMA	
6	STEPHEN KAMAU	
7	KENYON MADANJI	
8	DANIEL KALINJA	
9	ELIJAH KARANJA	
10	FRANCO KAHATA	
11	DIANON MUALIMO	
12	PAUL MUALIMO	
13	DERW ADUMA	
14	GABRIEL OBUJA	
15	JACOB AMONY	
16	PETER CHEGE	
17	FRANCIS MWANGI	
18	VINCENT WAIGANJO	
19	PHILIP OCHIENG	
20	VINCENT ASIKA	
21	DAN SUCHI	
22	NORATI AMUIABI	
23	Jane Wanjiku Irungu	Jane Wanjiku
24	Jane Wanjiku Mwendu	Mwendu



GITHURAI COMMUNITY GROUNDS

PETITION AGAINST LAND GRABBING






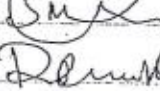
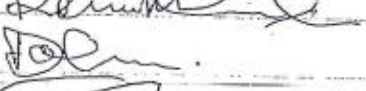


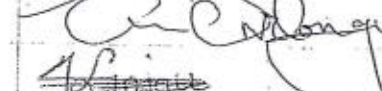
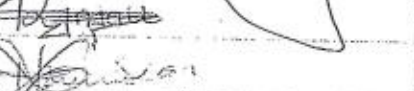



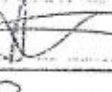

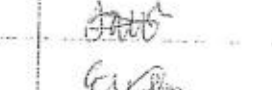
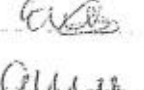

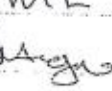
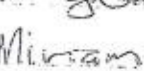



NO.	NAME	SIGNATURE
1	Chol Jubai	
	Micaper Bith	
	Phok Seng	
	Tong Akur	
	Charles Morybute	
	Micaper Kuok	
	Chol Mialud	
	Morybute Mialud	
	Moryjob Mialud	
	Kuachy Mijar	
	Mialud Juang	
	Achul Mibhar	
	Anguel Kuok	
	Akum Bith	
	Rok Mianjel	
	Ako Nari	
	Piok Kieu	
	Mianjel	
	Seng Chol	
	Anok Chol	
	Jua	
	Mabul	
	BOT	
	Chol Mianjel	

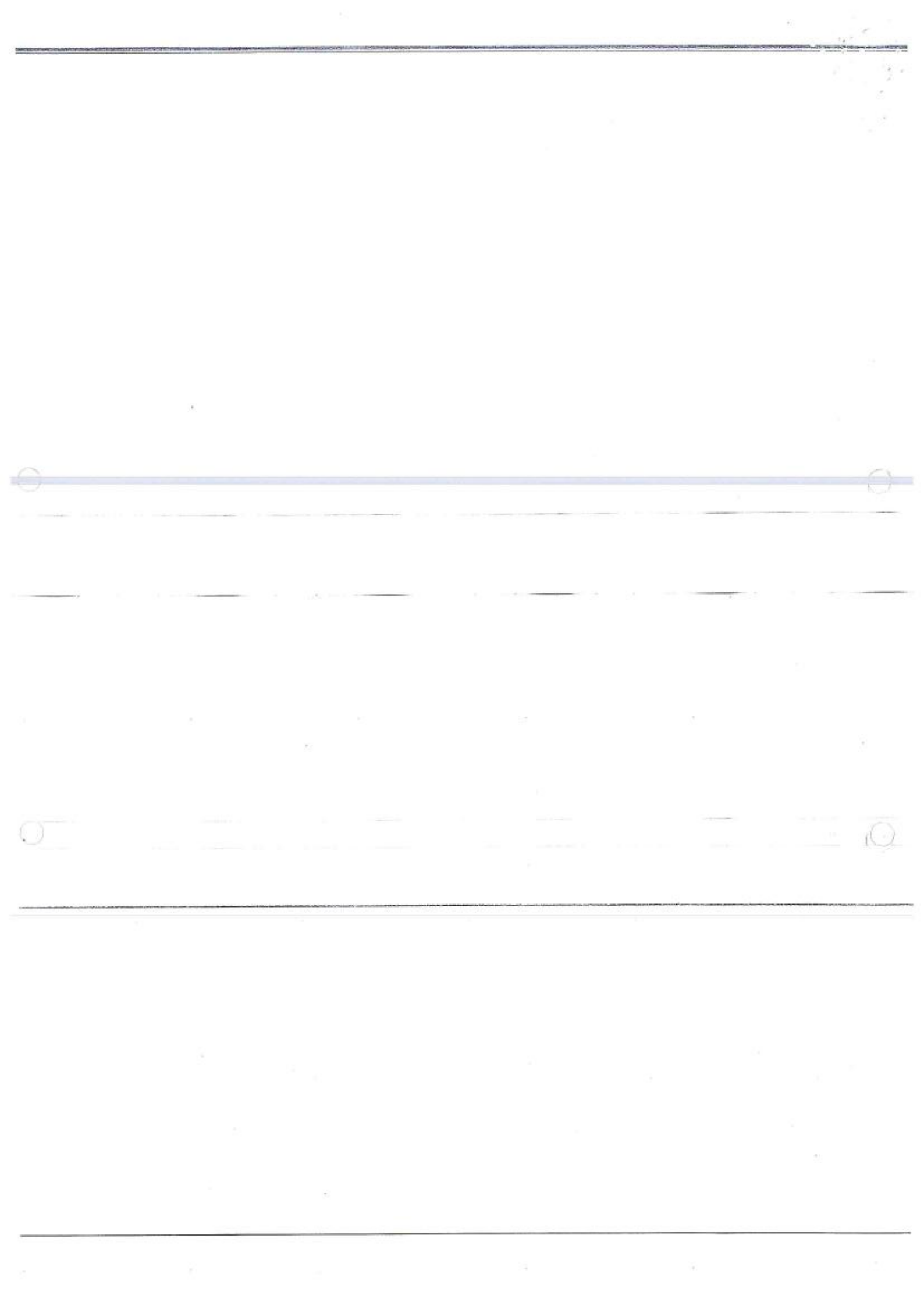


GITHURAI COMMUNITY GROUNDS

PETITION AGAINST LAND GRABBING

NO. 1000000000


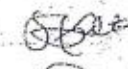
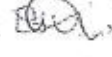

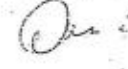

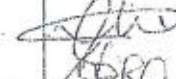
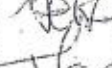

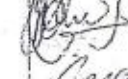


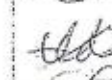




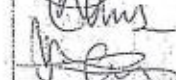

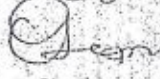
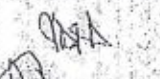




NO.	NAME	SIGNATURE
①	DUNCAN ODONGO	
②	FESTUS MITIAU	
③	JAMES THURI	
④	KEVIN KARETHI	
⑤	SIMON KURIA	
⑥	JOEL KIHIGO	
⑦	RAPHAEL MONGARE	
⑧	DAAN ODHIAMBO	
⑨	GIDEON NDUNGU	
⑩	BEN NGEI	
⑪	CHARLES OGONDO	
⑫	GEORGE NJAU	
13	HIZAH NISELI	
14	MOHAMED OMAR MUSA	
15	HASSAN ABDI	
⑬	NJERI MWANGI	
17	ANGELA WATHERERO	
18	BETTY WAMBU/ RICHARD	
19	ESTHER W KIRURI	
20	EMMAH W KIRUBI	
21	GLADYS W KIRUBI	
22	Agripino Mungona Kitwaka	
23	Roz Ndiguwa	
24	Miriam Wangiku Karanja	



GITHURAI COMMUNITY GROUNDS

PETITION AGAINST LAND GRABBING

1

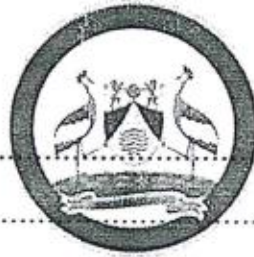
O.	NAME	SIGNATURE
	PHLOMENA WANGARE (COACH)	
	Samuel Kinyakwi	
	Susana Wangu	
9	MARY Wangu	
	REUBEN CHEGE	
	Peter Kimani	
	Zachary Mwirari	
	Anthony Kuma	
	Joseph Kamau	
	Collins Oiyango	
	GEORGE Mwangi	
	MICHAEL OTIENO	
	IMOLA KAMAU	
	TOMASINO	
0	STEPHANO KARIUKIYO	
	Peter Kamau	
	Moses Okemo	
	Josiah Omondi (COACH)	
	Anthony Yusuf	
	Joseph Iyungu	
	Moses Oduma	
	Isaac Othman	
	Morris Ochieng	
	Johnson Mwangi	
	JESSE Mwangi (COACH)	

{ Site visit }

NAIROBI CITY COUNTY

TABLE OF CONTENTS

Telephone: 020 344194
 Web: www.nairobi.go.ke



City Hall,
 P. O. Box 30075-00100,



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APPENDIX 11

On whether there is encroachment by the Pentecostal Evangelistic Fellowship of Africa (PEFA) on Githurai Primary School, our survey team, accompanied by the Member of County Assembly (Hon.MCA), Ward Administrator, School Head Teacher, an Education Officer and the School Committee Chairman visited the site on 17TH September, 2015 to establish whether there is encroachment, however no measurements were taken since its the wish of the area residents and school committee is for the whole of parcel No.534 owned by the church to revert to the school. This would entail the cancellation of the title held by the church; the cancellation would have to be facilitated by Githurai Tinganga Company who were the original owners of the land.

S. G. MWANGI (K)
COUNTY CHIEF OFFICER - LANDS

C.c Executive Committee Member, Lands and Urban Planning
 " County Secretary

"The City of choice to invest, work and live in"

C.A - Planning
 Take response before the committee
 - Let committee inquire whether pcc is instituted
 - copy of minutes of site visit held on 17 Sept, 2015 for the resolution
 - What happens to the process now that Tinganga is no more in operation?
 1/2/2016
 Mwangi

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NAIROBI CITY COUNTY

Telephone: 020 344194
Web: www.nairobi.go.ke



*Refer back on the
Chair Labour
Committee on P
Nanyoike 27
Tue 23/6/2016.
Mwangi
P/C A/E
23/6/16*

SURVEY & GEOINFORMATICS DEPARTMENT
NAIROBI CITY COUNTY ASSEMBLY

Our Ref: **SGD/LS/0014664/ING/znr**
FIRST ASSEMBLY – FOURTH SESSION

6th August, 2015

Clerk of the Nairobi City County Assembly
P.O. Box 45844-00100
NAIROBI

RE: REQUEST FOR RESPONSE TO STATEMENT FOR GITHURAI PRIMARY SCHOOL

Reference is made to your letter to the **COMMITTEE ON LABOUR AND SOCIAL WELFARE (87)** dated 21st July, 2015 regarding clarification on issues observed in the petition by Githurai Residents. Further to letter ref. no. SGD/LS/0014642/PW/znr dated 2nd July, 2015 to your office, we hereby give our response as follows:-

The size of the land adjoining Githurai Primary School owned by the Githurai Pentecostal Evangelistic Fellowship of Africa (PEFA) is 0.578 ha as per the official map provided.

ANNUAL REPORT FOR THE FY 2014/2015

On whether or not there is encroachment by the Pentecostal Evangelistic Fellowship of Africa (PEFA) on Githurai Primary School, it hasn't been possible to undertake the survey owing to prevailing hostilities. We have written a correspondence ref. no. SGD/LS/0014660/PMK/znr dated 5th August, 2015 to the sub county administration, the sub county commissioner and the area chief to provide security for us to undertake the survey exercise.

On the state of ownership of the land currently occupied by the Githurai Catholic Church; Githurai Catholic Church, Holy Mary Mother of God occupies Nairobi Block 119/547, measuring 0.4778 ha and has a lease document registered under Archdiocese of Nairobi Kenya Trustees. (See attached lease document).

Clerk of the
County Assembly,
City Hall Buildings,
P.O. Box 45844-00100
NAIROBI

JUNE, 2016

S.G. MWANGI – LS (K)
CHIEF OFFICER – LANDS

Cc **CECM – Lands Housing & Urban Planning**
County Secretary

*Approved
Lands speaker
[Signature]
23/6/16*

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MEMORANDUM OF REGISTRATION OF TRANSFER OF LAND

Date of Document: 19.6.2009

Transferor: GOVT OF KENYA

Transferee: PENTECOSTAL EVANGELISTIC FELLOWSHIP OF
AFRICA (REG. TRUSTEES)

Address of Transferee - P.O. Box: 1161 RUMAKA

Original No: LR. NO. 119/534

Area: 0.25 HAP

Locality: N/A

Consideration - Kshs: —

Term: 99YRS 1.12.94

Annual Rent - Kshs: P-C

Due From:

Date of Presentation: 19.6.2009

For: Registrar of Titles

CHIEF VALUER

S. No	
V. Roll	
R.	
No.	
Pr.	

26/08/14

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REPUBLIC OF KENYA

THE REGISTERED LAND ACT
(Chapter 300)

CLERK
NAIROBI CITY
COUNTY ASSEMBLY
P. O. Box 45844-00100
NAIROBI

Certificate of Lease

TITLE No. NAIROBI/BLOCK 119/547 APPROXIMATE AREA 0.4778 Hc

LESSOR GOVERNMENT OF KENYA

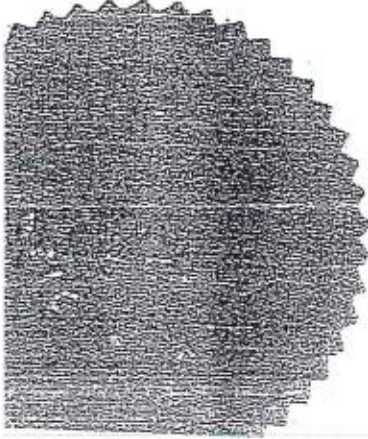
RENT PEPPERCORN (IF DEMANDED)

TERM 99 YEARS FROM 1.12.1993

This is to certify that ARCHDIOCESE OF NAIROBI KENYA
REGISTERED TRUSTEES OF P. O. BOX 31185 NAIROBI.*****

is (are) now registered as the proprietor(s) of the leasehold interest above referred to, subject to the agreements and other matters contained in the registered lease, to the entries in the register relating to the lease and to such of the overriding interests set out in section 30 of the Registered Land Act as may for the time being subsist and affect the land comprised in the lease.

GIVEN under my hand and the seal of the



NAIROBI District Registry
this 8th day of APRIL, 2008



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PART C—ENCUMBRANCES SECTION

DATE	NATURE OF ENCUMBRANCE	FURTHER PARTICULARS	SIGNATURE OF REGISTRAR
9-10	LEASE TO SATADCOM LIMITED FOR A TERM OF NINE	(i) YEARS ELEVEN (ii) MONTHS FROM	
		9-6-2005 AMOUNT RENT RGH 240,000	
		(REVISABLE)	[Signature]

— Land Registrar

21 11/2005

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REPUBLIC OF KENYA

THE REGISTERED LAND ACT
(Chapter 300)

Certificate of Lease

GPK (L)

10/10/10

THE UNIVERSITY OF CHICAGO

10

10



NAIROBI CITY COUNTY

Telephone: 020 344194
Web: www.nairobi.go.ke



City Hall,
P. O. Box 30075-00100,
Nairobi,
KENYA.

SURVEY & GEOINFORMATICS DEPARTMENT

Our Ref: **SGD/LS/0014642/PW/znr**



24th July, 2015

Clerk of the Nairobi City County Assembly
P.O. Box 45844-00100
NAIROBI

RE: REQUEST FOR RESPONSE TO STATEMENT - GITHURAI PRIMARY SCHOOL

Reference is made to your letter ref. no. NCA/SC.PH/2015/ (87) dated 21st July, 2015 regarding clarification on issues observed in the petition by Githurai Residents.

The size of the land adjoining Githurai Primary School owned by the Githurai Pentecostal Evangelistic Fellowship of Africa (REG. TRUSTEES) is 0.25ha as per the official search.

We are in the process of getting the other information that you have requested, some of which will be from the Ministry of Lands.

We hereby kindly request the County Assembly to give us 14 days from today to respond to the other issues raised.

S.G. MWANGI - LS (K)
CHIEF OFFICER - LANDS

*P/C.A (c)
Advise the
Committee
Project*

*C.A - Planning
Take before the
Committee.*

*Atti
P/C.A
27/7/15*

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MEMORANDUM OF REGISTRATION OF TRANSFER OF LAND

Date of Document: 19.6.2009

Transferor: GOVT OF KENYA

Transferee: PENTECOSTAL EVANGELISTIC FELLOWSHIP OF
AFRICA (REG. TRUSTEES)

Address of Transferee - P.O. Box: 1161 RUMARA

Original No: LR. NO. 119/534

Area: 0.25 HAP

Locality: NMB

Consideration - Kshs: -

Term: 99YRS 1.12.94

Annual Rent - Kshs: P-C

Due From: -

Date of Presentation: 19.6.2009

For: Registrar of Titles

CHIEF VALUER

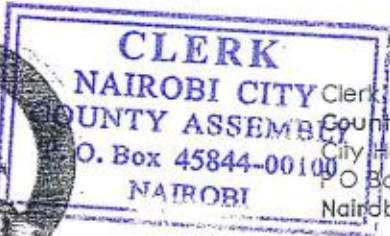
S. No
V Roll
R.
No
.....

26/08/14



NAIROBI CITY COUNTY ASSEMBLY

Telegraphic Address
Telephone: 020 221 0391/2, 020 2216151
Mobile: 0700 330 846/7, 0731 808 078
Email: clerk@nrbcountyassembly.go.ke
Web: www.nrbccountyassembly.go.ke



Clerk's Chambers
County Assembly
City Hall Buildings
P.O. Box 45844-00100
Nairobi, Kenya

① *Kanyoke*
deal + report

OFFICE OF THE CLERK

NCA/SC.PHC/2015/ (87)

21st July, 2015. *AA*
22/7

Chief Officer, Lands
Nairobi City County
City Hall Buildings
NAIROBI.

② *Jorinta.*
Please deal
As/Asp.
24/7/15.

RE: REMINDER ON SUBMISSION OF CLARIFICATION ON ISSUES OBSERVED IN THE PETITION BY GITHURAI RESIDENTS.

Reference is made to our letter dated 3rd July, 2015 Ref: NCA/SC.PHC/2015/ (84) requesting you to furnish the Sectoral Committee on Planning and Housing with clarification on the underlisted items:

- i. The exact size and extent of the land adjoining Githurai Primary School owned by the Githurai Pentecostal Evangelistic Fellowship of Africa (PEFA) and whether there has been any encroachment by the church on land belonging to Githurai Primary school; and
- ii. The state of ownership of the land currently occupied by the Githurai Catholic Church.

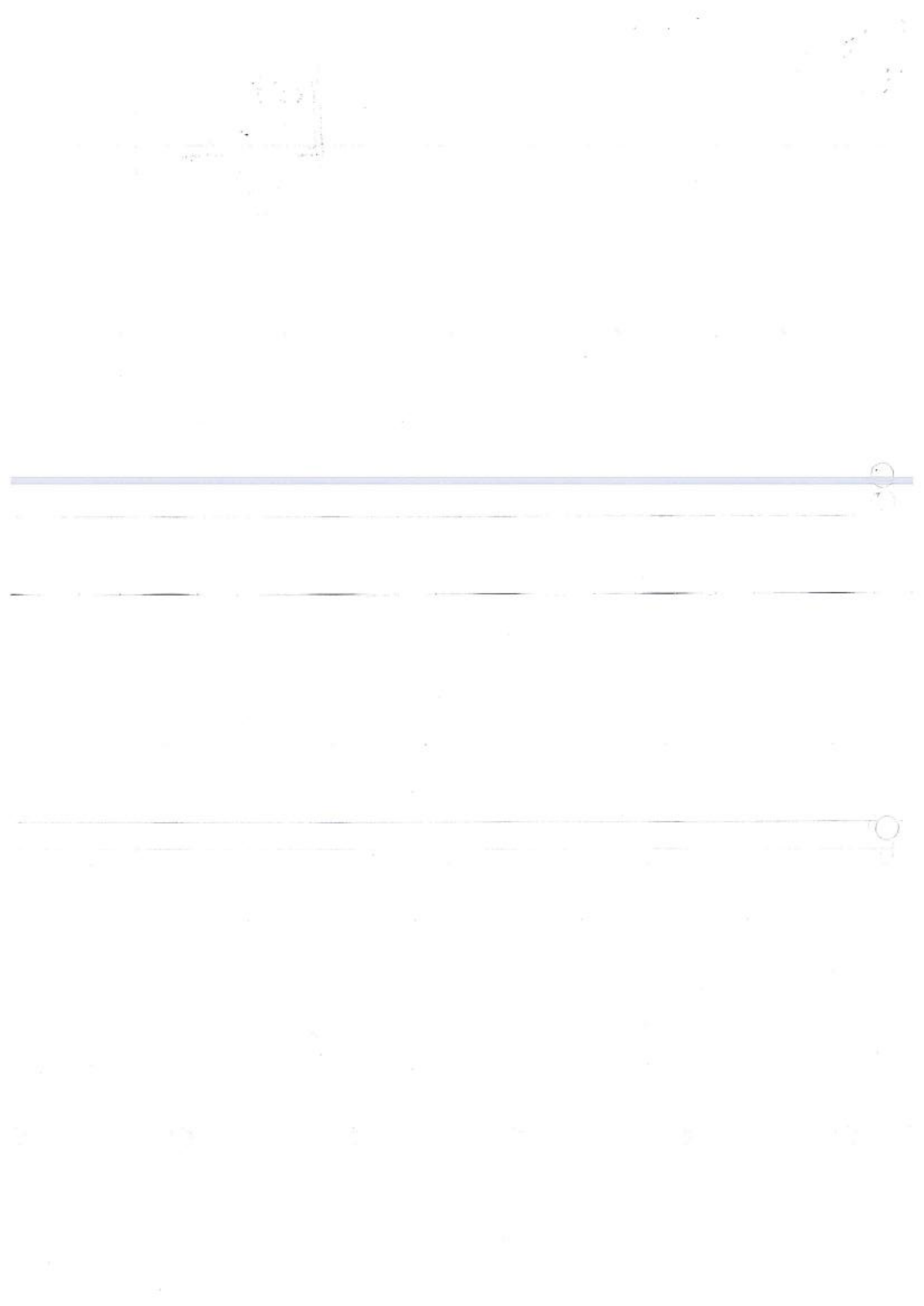
This is a reminder that the information is urgently required by the Committee in order to conclude its report on the Petition.

This is therefore to request you to avail the said information to the Committee on or before Thursday, 23rd July, 2015.

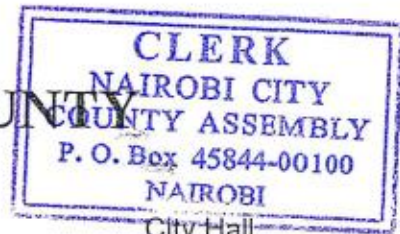
JACOB NGWELE
CLERK, NAIROBI COUNTY ASSEMBLY.

CC: (i) Mr. Tom P. Odongo
County Executive Committee Member for Lands, Planning and Housing
Nairobi City County
City Hall Buildings
NAIROBI.





NAIROBI CITY COUNTY



Telephone: 020 344194
Web: www.nairobi.go.ke



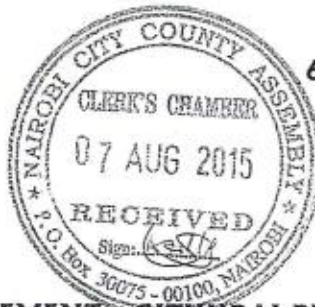
City Hall,
P. O. Box 30075-00100,
Nairobi,
KENYA.

SURVEY & GEOINFORMATICS DEPARTMENT

Our Ref: **SGD/LS/0014664/JNG/znr**

6th August, 2015

Clerk of the Nairobi City County Assembly
P.O. Box 45844-00100
NAIROBI



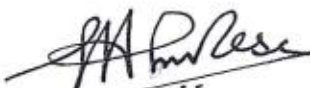
RE: REQUEST FOR RESPONSE TO STATEMENT - GITHURAI PRIMARY SCHOOL

Reference is made to your letter ref. no. NCA/SC.PH/2015/ (87) dated 21st July, 2015 regarding clarification on issues observed in the petition by Githurai Residents. Further to letter ref. no. SGD/LS/0014642/PW/znr dated 24th July, 2015 to your office, we hereby give our response as follows:-

The size of the land adjoining Githurai Primary School owned by the Githurai Pentecostal Evangelistic Fellowship of Africa (REG. TRUSTEES) is 0.25ha as per the official search provided.

On whether or not there is encroachment by the Pentecostal Evangelistic Fellowship of Africa (PEFA) on Githurai Primary School, it hasn't been possible to undertake the survey owing to prevailing hostilities. We have written a correspondence ref. no. SGD/LS/0014660/PMK/znr dated 5th August, 2015 to the sub county administration, the sub county commissioner and the area chief to provide security for us to undertake the survey exercise.

On the state of ownership of the land currently occupied by the Githurai Catholic Church; Githurai Catholic Church, Holy Mary Mother of God occupies Nairobi Block 119/547, measuring 0.4778 ha and has a lease document registered under Archdiocese of Nairobi Kenya Trustees. (See attached lease document).


S.G. MWANGI – LS (K)
CHIEF OFFICER – LANDS

*P/C.A (c)
Advise the
Committee
10/8/15*



MEMORANDUM OF REGISTRATION OF TRANSFER OF LAND

Date of Document: 19.6.2009

Transferor: GOVT OF KENYA

Transferee: PENTECOSTAL EVANGELISTIC FELLOWSHIP OF
~~AFRICA (REG. TRUSTEES)~~

Address of Transferee - P.O. Box: 1161 RUMARA

Original No: LR. NO. 119/534

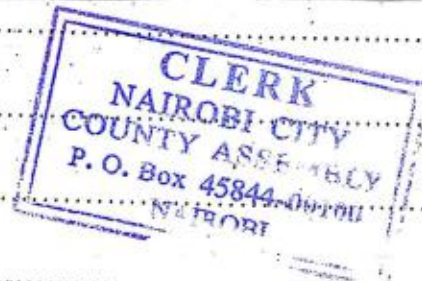
Area: 0.25 HAE

Locality: N/G

Consideration - Kshs: -

Term: 99YRS 1.12.94

Annual Rent - Kshs: P-C



Due From: -

Date of Presentation: 19.6.2009

For: Registrar of Titles

CHIEF VALUER

S. No
V Roll
S.
No
.....

26/08/14

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