

GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

SECOND ASSEMBLY-THIRD SESSION

NBI CA. PLC. 2019 / (048)

18th June, 2019

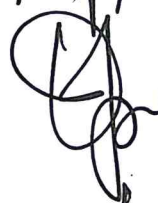
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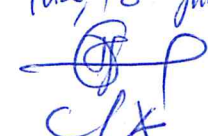
Pursuant to Standing Order 191 (6) I beg to lay the following Paper on the Table of the Assembly, today Tuesday 18th June, 2019.

THE REPORT OF THE NAIROBI CITY COUNTY ASSEMBLY SECTORAL COMMITTEE ON PLANNING AND HOUSING ON THE PETITION BY RESIDENTS OF KARIOBANGI SOUTH WARD, KCC VILLAGE FORMALIZATION PROJECT ON COMMERCIAL PLOTS NUMBER C61 AND C66.

(Chairperson, Sectoral Committee on Planning and Housing)

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

Approved

18/06/2019

Paper laid by
Hon. Daniel Njoroge
on Tue, 18th June, 2019

18/06/19

CA - Andre/Kariobangi
write to DeHonser
formalizing Report
and County Executive
Clerk
18/6/19

NAIROBI CITY COUNTY



*Paper laid by
Hon. Daniel Ngunjiri
CA
18/06/19*

**NAIROBI CITY COUNTY ASSEMBLY
SECOND ASSEMBLY – THIRD SESSION
REPORT OF THE SECTORAL
COMMITTEE ON PLANNING AND HOUSING**

ON

***THE PETITION BY RESIDENTS OF KARIOBANGI SOUTH WARD, KCC
VILLAGE FORMALIZATION PROJECT ON COMMERCIAL PLOTS NUMBER
C61 AND C66.***

**Clerks Chambers
Nairobi City County Assembly
City Hall Buildings
Nairobi**

JUNE 2019

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1.0 PREFACE

The Sectoral Committee on Planning and Housing is established under Standing Order 203, and its mandate amongst others, as outlined under Standing Order 203 (6) 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 the following Members:-

1. Hon. Anthony Karanja, MCA- Chairperson
2. Hon. Husni Mohamed Alawi, MCA-Vice Chairperson
3. Hon. Abdi Ibrahim Hassan, MCA
4. Hon. Elias Otieno Okumu, MCA
5. Hon. Paul Kados, MCA
6. Hon. Alvin Olando Palapala, MCA
7. Hon. Geoffrey Ng'ang'a, MCA

8. Hon. Daniel Ngengi, MCA
9. Hon. Waithera Chege, MCA
10. Hon. Joseph Wambugu, MCA
11. Hon. Ruth Ndumi, MCA
12. Hon. Naftali Owuor Ogola, MCA
13. Hon. Carolyn Mayunzu, MCA
14. Hon. John Kyalo Mulyungi, MCA
15. Hon. Redson Otieno Onyango, MCA
16. Hon. Mark Ndungu, MCA
17. Hon. Geoffrey Majiwa, MCA
18. Hon. Patricia Musyimi, MCA
19. Hon. Leah Supuko, MCA

The Committee exercises oversight role on the work and administration of the Nairobi City County Government Lands, Urban Renewal & Housing sector.

In accordance with the Third Schedule of the Standing Orders, the Planning and Housing Sectoral Committee is mandated to cover subject areas relating to:-

- (i) County planning and development;
- (ii) Statistics, land survey and mapping;
- (iii) Boundaries and fencing; and
- (iv) Housing and outdoor advertisement.

Mr. Speaker Sir,

Pursuant to Standing Order No. 208, Hon. Benson Mwangi Petitioned the County Assembly on behalf of Mr. Silas Jackson Njeru and Mrs. Florence Gatavi Njeru, both residents of Kariobangi South Ward, KCC Village seeking the Assembly to intervene on the repossession of their KCC Village commercial plots no.C61 and C66 by the County Government of Nairobi. Pursuant to Standing Order 215,

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 intervenes and ensures that:-

The County Executive takes the initiative of compensating them on the repossessed plots and developments they had established therein or relocate them to plots of similar value upon the developments being valued by an appointed quantity surveyor/valuer.

Mr. Speaker Sir,

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(Mr. Silas Jackson Njeru and Mrs. Florence Gatavi Njeru) and
- ii.) The County Chief Officer for **Lands**.

The Committee met all parties and received written submissions from the Executive. 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;
- 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 dedication 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 Kariobangi South Ward, KCC Village formalization project on commercial plots number C61 and C66 with recommendations for remedial action.

Thank You.

SIGNED



Hon Anthony Karanja, MCA
(CHAIRPERSON)

DATE.....

18/6/2019

2.0 INTRODUCTION

Pursuant to Standing Order No. 208, Hon. Benson Mwangi Petitioned the County Assembly on 2nd May 2019 on behalf of Mr. Silas Jackson Njeru and Mrs. Florence Gatavi Njeru, both residents of Kariobangi South Ward, KCC Village seeking the Assembly to intervene on the repossession of their KCC Village commercial plots no.C61 and C66 by the County. Pursuant to Standing Order 215, the Petition was committed to the Sectoral Committee on Planning and Housing to inquire into the issues raised and report to the Assembly.

In the Petition, the Petitioners stated that;-

- i) On 7th January 2002, the then City Council of Nairobi vide allotment letters Ref. No CPD 5805 and Ref No.CPD5813, allocated them commercial Plots No.C61 in Kariobangi South KCC Village formalization project.
- ii) The allotment letters were an offer subject to acceptance with the period specified on the face and payment of standard premium and ground rent.
- iii) Having made all the prerequisite payments, the Petitioners proceeded to apply for beacon certificates which were then issued clearly demarcating the plots.
- iv) They submitted all the development plans which were approved in accordance with the Physical Planning Act and the City Council of Nairobi Building code. Having satisfied all the requirements for building approval, they then constructed a commercial building that was permanent and a semi-permanent one on the said plot.
- v) On 22nd March 2018, the County Government of Nairobi repossessed the plots no. C61 and C66 and as a result their four storey building was demolished. In the process they incurred losses of damaged machinery and other assets all valued at Ksh. 60,000,000.
- vi) The demolition of their properties on 22nd March 2018 was done without following any due process and without notice as required by

law. According to the County, it was done to pave way for the development of a fire station.

vii) To their knowledge and information, from the time they were allocated the land to the date of demolition, the approved area development plan did not have an establishment of a fire station.

viii) The change on the part development plan was done without their consultation or consent.

ix) Efforts to have the matter addressed by the relevant institutions have borne no fruit.

x) The matters in respect of which the Petition is raised are not pending in any court of law or constitutional body.

2.1 In their prayers, the Petitioners requested the County Assembly to intervene into the matter and ensure that they are compensated by relocating them to plots of similar value and the loss of buildings and properties be indemnified.

2.2 As part of the fact-finding, the Committee met the Chief Officer-Lands. The Chief Officer, identified as key to the Petition, provided oral and written submissions.

3.0 COMMITTEE FINDINGS

Submissions by the Petitioners

The Committee met the Petitioners on **Wednesday, 22nd May, 2019 and Tuesday 4th June, 2019**. During the meetings, the Petitioners stated as follows:

- i) That plot No C61 in kariobangi South KCC village formalization project was allocated to Mrs. Florence Gatavi Njeru on 7th January 2002 whereas plot No. C66 was allocated to Mr. Silas Jackson Njeru on the same date.
- ii) That they followed all the Council requirements in terms of making the relevant fees for the parcels of land i.e land rates, building approvals etc.
- iii) That they have paid all the rates upto 2017.

- iv) That through the then City Council's approval, they had put up a permanent four storey building on Plot no. C61 and established a hardware and a carwash business.
- v) That through their efforts, they made it possible for electricity to be connected in the area.
- vi) That the demolition of the four storey building and properties all valued at Ksh 60,000,000 was done without any notice being extended to them by the County Government. They also lost vital documents in that process.
- The Petitioners further tabled documentary and photo evidence to support their claims of the existence of the said buildings and the demolition that took place in March 2018.
- In their supporting documents amongst others they provided the following:-
 - (i) Allotment letters dated 7th January 2002 signed by Town Clerk, Mr. Godfrey Mate;
 - (ii) Ground rent payment instructions slips;
 - (iii) Beacon certificates signed by Chief Land Surveyor;
 - (iv) City Council receipts for beacon certificates;
 - (v) Payment for annual land rates for 2002-2005;
 - (vi) Payments for stand premium;
 - (vii) Plan submission for boundary wall;
 - (viii) Bill for Building plans approval fees;
 - (ix) Survey fees receipts; and
 - (x) Ground rent receipts for 2006 and 2007;

Submissions by the Chief Officer, Lands

The **Chief Officer, Lands** submitted written submissions to the Committee vide letters **Ref. LANDS/0016604/RM/znr** dated **21st May, 2019** and **Ref.LANDS/0016646/GC/znr** dated **3rd June, 2019**. The **Chief Officer** stated as follows:

- i) That in the year 2002, Silas Jackson Njeru and his wife, Florence Gatavi Njeru were allocated plots no. C61 and C66 by the defunct City Council of Nairobi.
- ii) That plot no. C61 and C66 were supposed to be within KCC Village along Kangundo road, Nairobi.
- iii) Unfortunately, plot C61 and C66 were located on land that had been earmarked for development of a horticultural produce wholesale market.
- iv) In the year 2010, the City Council of Nairobi nullified the allocation of all the plots falling within the market site and discontinued payment of plot dues for the same.
- v) The Petitioner's structures were removed to pave way for the construction of the Kangundo road fire station which sits on part of the market land. The construction of the fire station has since started and is nearing completion.
- vi) Regarding the request for compensation to the Petitioners, it is noteworthy that there are over 300 allottees whose plots were nullified in the year 2010 to pave way for the market project. The nullification was based on a council resolution. Revisiting the same would be weighty and therefore necessitates decision to be made by the CECM for the Sector.

During the meeting of Tuesday 4th June, 2019, The Chief Officer Lands gave the following oral submissions in regard to the matter at hand;-

- (i) That he agrees allocations were rightfully done to the Petitioners. On matters compensation he has no capacity to make a sole decision, however his office is under obligation to follow directives issued in regard to the issue. He further agreed that compensation is key to any person whose property has been interfered with and as a result losses incurred.
- (ii) The allocations were nullified through a 2009 Town Planning Committee meeting. He tabled the minutes.

4.0 COMMITTEE'S OBSERVATIONS

After making an analysis of the submissions made by the Petitioners and respondents, the Committee observed as follows;

- i.) That the Petitioners were legitimately allocated land by the defunct City Council in 2002;
- ii.) That the Petitioners abided by all rules and regulations pertaining to land allocation in the City Council then by paying all the required rates and fees;
- iii.) That the Petitioners had indeed incurred heavy losses through the demolition and eviction that was done without notice or engagement of due process. This is in violation of the rights of the Petitioners and therefore their case is valid.
- iv.) That the Chief Officer Lands, did not provide supporting evidence to prove that the land in question was indeed earmarked for establishment of a market.
- v.) That the minutes provided by the Chief Officer supporting the nullification of the plots were those of The General Purposes Committee and not Town Planning Committee as he had alleged in his oral submissions.
- vi.) The General Purposes Committee minutes have glaring discrepancies. Both the forwarding memo and the minutes have different dates. The memo dated 18th March, 2009 speaks of a meeting held on Thursday 4th February, 2010 whereas the actual minutes are dated 14th May 2003 and are unsigned. The fonts used also differ and as such, The Committee therefore could not rely on the minutes as in its opinion they do not appear to be authentic.
- vii.) That the last page of the purported 'nullification' minutes is just but a presentation by the Director of City Planning for a Horticultural Wholesale Market along Kangundo road on LR 209/14311 for approval. It does not have any resolutions but a recommendation that 'the proposal by the Director of City Planning be approved'. The outcome of the meeting is uncertain and therefore the Committee emphasizes that the minutes are not reliable.

viii.) Through the Chairperson, the Committee was informed that despite the land being earmarked for development of a market, the areas to be demolished were picked selectively thus affecting the rights and fundamental freedoms of the Petitioners stipulated in Section 27 of the Constitution.

ix.) That provisions of Section 107 of the Land Act 2012 providing for procedures for compulsory acquisition of interests in land were not adhered to by the County Government when it moved in to repossess land and demolish properties of the Petitioners. Further section 111(1) of the Lands Act 2012 states that;-

(1) If land is acquired compulsorily under this Act, just compensation shall be paid promptly in full to all persons whose interests in the land have been determined.

RECOMMENDATIONS

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

1. That in accordance with Section 111 of the Land Act 2012 and based on the principles of fair administrative action contained in Article 47 of the Constitution, The County Government institutes the process of compensating the Petitioners for the loss of their lands Plot C61 and C66 and any development demolished therein.
2. That the CECM for Lands, Urban Planning, Urban Housing & Renewal, urgently formulates Policies and procedures on Allotment and Revocation of County Public land to eliminate instances of subjective discretion by officers in the sector and to provide uniformity when dealing with such matters. The said Policies to be tabled before the Committee within six months of adoption of this report.

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ANNEX I: Minutes

ANNEX II: Copies of supporting documents for Plot C61, C66 and pictorial evidence

MINUTES OF THE 3RD SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY
COMMITTEE ON PLANNING AND HOUSING ON A PETITION BY RESIDENTS OF
KARIOBANGI SOUTH WARD, KCC VILLAGE FORMALIZATION PROJECT ON
COMMERCIAL PLOTS NUMBER C31,C34,C61 AND C66 RESIDENTS HELD ON
TUESDAY 11TH JUNE 2019 AT 11.30 AM AT THE COMMITTEE ROOM 05 CITY HALL
BUILDINGS

PRESENT

1. Hon. Anthony Karanja, MCA - Chairperson
2. Hon. Ruth Ndumi, MCA
3. Hon. Leah Supuko, MCA
4. Hon. Geoffrey Ng'ang'a, MCA
5. Hon. Redson Otieno, MCA
6. Hon. John Kyalo, MCA
7. Hon. Alvin Olando Palapala, MCA
8. Hon. Daniel Ngengi, MCA
9. Hon. Carolyn Mayunzu, MCA
10. Hon. Paul Kados, MCA
11. Hon. Waithera Chege, MCA
12. Hon. Naftali Ogola, MCA

ABSENT

1. Hon. Husni Muhammed Alawi, MCA- vice Chairperson
2. Hon. Geophrey Majiwa, MCA
3. Hon. Elias Otieno Okumu, MCA
4. Hon. Patricia Mutheu, MCA
5. Hon. Mark Ndung'u, MCA
6. Hon. Abdi Ibrahim Hassan, MCA
7. Hon. Joseph Wambugu, MCA

COMMITTEE SECRETARIAT

1. Mr. Joshua Mbila - Clerk Assistant
2. Ms. Flora Savai-Intern

AGENDA

1. Preliminaries (Prayers & adoption of the Agenda)

2. Consideration and adoption of Report on Petitions-On the Matter of repossession by the County of plot Nos. C61, C66, C34 and C38 in Kariobangi South Ward.

3. A.O.B

4. Adjournment

MIN 010/P&H-MAY 2019 – PRELIMINARIES

- Quorum was realized at 11:36 am. The Chair opened with a word of prayer.
- The agenda was read by the Chair. It was proposed by Hon. Carolyn Mayunzu, and seconded by Hon. Geoffrey Ng'ang'a thereby being adopted.

MIN 011/P&H-MAY 2019 –CONSIDERATION AND ADOPTION OF REPORT ON PETITION-ON THE MATTER OF REPOSSESSION BY THE COUNTY OF PLOT NOS. C61, C66, C34 AND C38 IN KARIOBANGI SOUTH WARD.

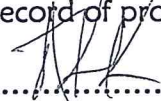
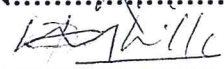
- The Committee Clerk tabled the draft report on the Petition in the Matter of repossession by the County of plot Nos. C61, C66, C34 and C38 in Kariobangi South Ward.
- The Chair took Members through the report. After considering submissions, observations and recommendation in the report, the Chair called for the adoption of the report.
- The report was adopted with the Proposer being Hon. Carolyn Mayunzu and Secunder Hon. Ruth Ndumi.
- Having been adopted as per provisions of S.O 215(2), the report was now ready for tabling before the House.

MIN 012/P&H-MAY 2019 –ADJOURNMENT

There being no other business, the Chairperson adjourned the meeting at 12.11 noon.

The next meeting was scheduled for Wednesday, 12th June 2019 at 11.30 am at the Assembly Committee room 5.

Confirmed as true record of proceedings

CHAIRPERSON..........DATE 23/05/19
SECRETARY..........DATE 12/06/2019

MINUTES OF THE 2ND SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY
COMMITTEE ON PLANNING AND HOUSING ON A PETITION BY RESIDENTS OF
KARIOBANGI SOUTH WARD, KCC VILLAGE FORMALIZATION PROJECT ON
COMMERCIAL PLOTS NUMBER C31,C34,C61 AND C66 RESIDENTS HELD ON
TUESDAY 4TH JUNE 2019 AT 11.30 AM AT THE COMMITTEE ROOM 05 CITY HALL
BUILDINGS

PRESENT

1. Hon. Anthony Karanja, MCA - Chairperson
2. Hon. Ruth Ndumi, MCA
3. Hon. Leah Supuko, MCA
4. Hon. Elias Otieno Okumu, MCA
5. Hon. Patricia Mutheu, MCA
6. Hon. Mark Ndung'u, MCA
7. Hon. Geoffrey Ng'ang'a, MCA
8. Hon. Redson Otieno, MCA
9. Hon. John Kyalo, MCA

ABSENT

1. Hon. Husni Muhammed Alawi, MCA- vice Chairperson
2. Hon. Geophrey Majiwa, MCA
3. Hon. Alvin Olando Palapala, MCA
4. Hon. Abdi Ibrahim Hassan, MCA
5. Hon. Daniel Ngengi, MCA
6. Hon. Carolyn Mayunzu, MCA
7. Hon. Paul Kados, MCA
8. Hon. Joseph Wambugu, MCA
9. Hon. Waithera Chege, MCA
10. Hon. Naftali Ogola, MCA

IN ATTENDANCE

1. Mr. S.G. Mwangi-Chief Officer, Lands
2. Mr. Cheruiyot-Ag. County Director Survey
3. Mr. Silas Jackson Njeru-Petitioner and resident of KCC Village
4. Mrs. Florence Gatavi Njeru-Petitioner and resident of KCC Village
5. Mr. Evanson Njuguna Kangata-Petitioner and resident of KCC Village
6. Hon. Benson Mwangi(MCA)-Member Petitioning on behalf

COMMITTEE SECRETARIAT

1. Mr. Joshua Mbila - Clerk Assistant
2. Ms. Flora Savai-Intern

AGENDA

1. Preliminaries (Prayers & adoption of the Agenda)

2. Hearing on the Petition matters of:-

- i. Mr. Silas Njeru regarding repossession by the County of plot Nos. C61 and C66 in Kariobangi South.
- ii. Mr. Evanson Njuguna regarding repossession by the County of plot Nos. C34 and C38 in Kariobangi South.

3. A.O.B

4. Adjournment

MIN 006/P&H-MAY 2019 – PRELIMINARIES

- Quorum was realized at 11:58 am. The Chair opened with a word of prayer.
- The agenda was read by the Chair. It was proposed by Hon. Ruth Ndumi, and seconded by Hon. Redson Otieno thereby being adopted.
- A round of introduction ensued thereafter.

MIN 007/P&H-MAY 2019 – HEARING ON THE PETITION OF MR. SILAS NJERU REGARDING REPOSSESSION BY THE COUNTY OF PLOT NOS. C61 AND C66 IN KARIOBANGI SOUTH.

Submissions from the Chief Officer Lands

- The Chief Officer-lands tabled a written submission in regard to the Petition at hand which Members went through.
- In the submissions the Chief Officer responded as follows on **Plots. No.C61 and C66;-**
 - i) That in the year 2002, Silas Jackson Njeru and his wife, Florence Gatavi Njeru were allocated plots no. C61 and C66 by the defunct City Council of Nairobi.
 - ii) That plot no. C61 and C66 were supposed to be within KCC Village along Kangundo road, Nairobi.
 - iii) Unfortunately, plot C61 and C66 were located on land that had been earmarked for development of a horticultural produce wholesale market.
 - iv) In the year 2010, the City Council of Nairobi nullified the allocation of all the plots falling within the market site and discontinued payment of plot dues for the same.
 - v) The Petitioner's structures were removed to pave way for the construction of the Kangundo road fire station which sits on part of the market land. The construction of the fire station has since started and is nearing completion.
 - vi) Regarding the request for compensation to the Petitioners, it is noteworthy that there are over 300 allottees whose plots were nullified in the year 2010 to pave way for the market project. The nullification was based on a council resolution. Revisiting the same would be weighty and therefore necessitates decision to be made by the CECM for the Sector.
 - vii) That he agrees allocations were rightfully done to the Petitioners. On matters compensation he has no capacity to make a sole decision, however his office is

- under obligation to follow directives issued in regard to the issue. He further agreed that compensation is key to any person whose property has been interfered with and as a result losses incurred.
- viii) The allocations were nullified through a 2009 Town Planning Committee meeting. He tabled the minutes.
- In the submissions the Chief Officer responded as follows on **Plots. No.C34 and C38;-**
- (i) That in the year 2002, Mr. Evanson Njuguna was allocated plots no. C34 and C38 by the defunct City Council of Nairobi.
 - (ii) That plot no. C34 and C38 were supposed to be within KCC Village along Kangundo road, Nairobi.
 - (iii) Unfortunately, plot C34 and C38 were located on land that had been earmarked for development of a horticultural produce wholesale market.
 - (iv) In the year 2010, the City Council of Nairobi nullified the allocation of all the plots falling within the market site and discontinued payment of plot dues for the same.
 - (v) Illegal structures within the market have been removed .The construction of the market has since started and is nearing completion.
 - (vi) The Petitioner's structures have been left standing because the ownership of the plots is a subject of an ongoing Civil Suit No.6182 of 2008.Nonetheless, the surrounding ground has been excavated for development of market ancillary services i.e parking and roads.
 - (vii) The request for compensation to the Petitioner, it is noteworthy that there are over 300 allottees whose plots were nullified in the year 2010 to pave way for the market project. The nullification was based on a council resolution. Revisiting the same would be weighty and therefore necessitates decision to be made by the CECM for the Sector.
 - (viii) That he agrees allocations were rightfully done to the Petitioner. On matters compensation he has no capacity to make a sole decision, however his office is under obligation to follow directives issued in regard to the issue. He further agreed that compensation is key to any person whose property has been interfered with and as a result losses incurred.
 - (ix) The allocations were nullified through a 2009 Town Planning Committee meeting.

MIN 008/P&H-MAY 2019 –MEMBER'S SUBMISSIONS

- The Committee noted that the County Government erred in evicting the plot owners since they were allocated the said lands in accordance with all the guidelines of the defunct City Council. It further infringed on their rights and went against a court order barring them from interfering with the Petitioners when they evicted them.
- The Chair added that the Petitioners were innocently allocated the land by the defunct City Council and therefore the County Government should take the full responsibility of compensating them.
- It was further alleged that the land in question (KCC Village) was earmarked for development of a market when the County Government realized that the

land where they initially intended to have the market had already been subdivided and allocated to individuals. In this regard the County should consider compensating the innocent Petitioners.

MIN 009/P&H-MAY 2019 -ADJOURNMENT

There being no other business, the Chairperson adjourned the meeting at 1.45 pm.

The next meeting was scheduled for Tuesday, 11th June 2019 at 11.30 am at the Assembly Committee room 2.

Confirmed as true record of proceedings

CHAIRPERSON..........DATE 23/05/19.....

SECRETARY..........DATE 5/06/2019.....

MINUTES OF THE MEETING OF THE NAIROBI CITY COUNTY ASSEMBLY
COMMITTEE ON PLANNING AND HOUSING ON A PETITION BY RESIDENTS OF
KARIOBANGI SOUTH WARD, KCC VILLAGE FORMALIZATION PROJECT ON
COMMERCIAL PLOTS NUMBER C31,C34,C61 AND C66 RESIDENTS HELD ON
WEDNESDAY 22ND MAY 2019 AT 11.30 AM AT THE COMMITTEE ROOM 05 CITY
HALL BUILDINGS

PRESENT

1. Hon. Anthony Karanja, MCA - Chairperson
2. Hon. Ruth Ndumi, MCA
3. Hon. Leah Supuko, MCA
4. Hon. Elias Otieno Okumu, MCA
5. Hon. Patricia Mutheu, MCA
6. Hon. Mark Ndung'u, MCA
7. Hon. Geoffrey Ng'ang'a, MCA
8. Hon. Redson Otieno, MCA
9. Hon. John Kyalo, MCA

ABSENT

1. Hon. Husni Muhammed Alawi, MCA- vice Chairperson
2. Hon. Daniel Ngengi, MCA
3. Hon. Alvin Olando Palapala, MCA
4. Hon. Abdi Ibrahim Hassan, MCA
5. Hon. Geophrey Majiwa, MCA
6. Hon. Carolyn Mayunzu, MCA
7. Hon. Paul Kados, MCA
8. Hon. Joseph Wambugu, MCA
9. Hon. Waithera Chege, MCA
10. Hon. Naftali Ogola, MCA

IN ATTENDANCE

1. Mr. Silas Jackson Njeru-Petitioner and resident of KCC Village
2. Mrs. Florence Gatavi Njeru-Petitioner and resident of KCC Village
3. Mr. Evanson Njuguna Kangata-Petitioner and resident of KCC Village
4. Hon. Benson Mwangi(MCA)-Member Petitioning on behalf

COMMITTEE SECRETARIAT

1. Mr. Joshua Mbila - Clerk Assistant
2. Ms. Flora Savai-Intern

AGENDA

1. Preliminaries (Prayers & adoption of the Agenda)

2. Hearing on the Petition matters of:-

- i. Mr. Silas Njeru regarding repossession by the County of plot Nos. C61 and C66 in Kariobangi South.
- ii. Mr. Evanson Njuguna regarding repossession by the County of plot Nos. C34 and C38 in Kariobangi South.

3. A.O.B

4. Adjournment

MIN 001/P&H-MAY 2019 – PRELIMINARIES

- Quorum was realized at 11:08 am. The Chair opened with a word of prayer.
- The agenda was read by the Chair. It was proposed by Hon. Geoffrey Ng'ang'a, and seconded by Hon. Leah Supuko thereby being adopted.
- The Chair opened an introduction phase between the Members and the Petitioners.

MIN 002/P&H-MAY 2019 – HEARING ON THE PETITION OF MR. SILAS NJERU REGARDING REPOSSESSION BY THE COUNTY OF PLOT NOS. C61 AND C66 IN KARIOBANGI SOUTH.

- Mr Silas Njeru and his wife Mrs. Florence Gatavi Njeru being the Petitioners and owners of plots no. C61 and C66 in KCC Village formalization project, were accorded the opportunity to take the Committee through their complaint.

Submissions from the Petitioners

- (i) Plot No C61 and C66 were allocated to Mrs. Florence Gatavi Njeru and Mr. Silas Jackson Njeru on 7th January 2002 respectively by the defunct City Council.
- (ii) On 22nd March, 2018, the County Government moved in to repossess the plots for development of a fire station in the area.
- (iii) The Petitioners are not against the development of the fire station but are seeking for justice through compensation of the loss of their plots and property/ buildings therein.
- (iv) They had complied with all the requirements of the City Council then by paying all rates and fees for the plots until the date of eviction. They have paid upto 2017.
- (v) The Petitioners had already established a hardware and a car wash business on the said plots. They had also constructed a 3 storey building which was demolished by the County without notice. They lost property, machines and vital documents during the demolition. Before and after demolition photos were tabled as evidence.

- (vii) They engineered the supply of electricity in the area.
- (viii) Their prayer is for the County Government to compensate them a sum of Ksh 66m being the equivalent of the plots and the losses that occurred to them.

MIN 003 P&H-MAY 2019 – HEARING ON THE PETITION OF MR. EVANSON NJUGUNA KANGATA REGARDING REPOSSESSION BY THE COUNTY OF PLOT NOS. C34 AND C38 IN KARIOBANGI SOUTH.

Submissions from the Petitioner

- (i) He was allocated plots C34 and C38 by the defunct City Council where he has built his residential house. Later on, the County revisited with a proposal that it was to construct a market in the area and his plots would be affected. The construction of the market is nearing completion.
- (ii) Excavations have been done around his house leaving it standing alone.
- (iii) Some County officials visited his site and informed him that the place where his house stood had been earmarked for the construction of a weighbridge and a turning point for trucks visiting the market.

Submissions from the area MCA

- (i) The area MCA informed the Committee that in the initial plans, the Market and Fire station had been purposed to be housed in a different area which was silently subdivided and occupied by individuals in a scheme well known to the County Government.
- (ii) When the time came now to roll out the project, the County had no option but to look for soft targets to hit and this is how the two Petitioners found themselves in the eviction fix.

MIN 004/P&H-MAY 2019 –A.O.B

There was no A.O.B

MIN 005/P&H-MAY 2019 –ADJOURNMENT

There being no other business, the Chairperson adjourned the meeting at 12.46 noon.

The next meeting was scheduled for Tuesday, 4th June 2019 at 11.30 am at the Assembly Committee room 5.

Confirmed as true record of proceedings

CHAIRPERSON.....DATE 23/05/19

SECRETARY.....DATE 23/05/2019.