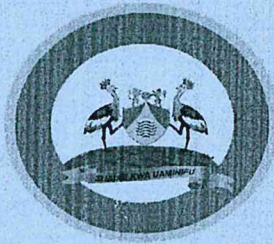


NCCA/TJ/NTC/2023(14)

GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

THIRD ASSEMBLY  
(SECOND SESSION)

6<sup>th</sup> July 2023

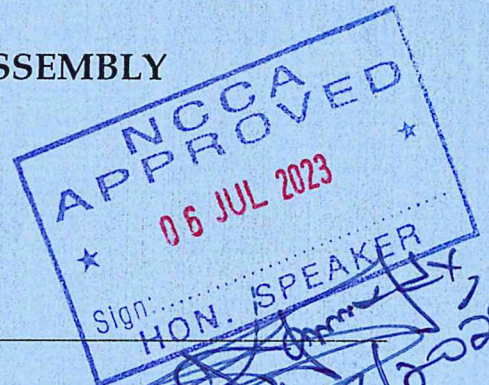
PAPERS LAID

**Subject: Adoption of report**

Pursuant to Standing Order 196, I beg to lay the following paper on the Table of this Assembly today, Thursday 6<sup>th</sup> July, 2023

— THE REPORT OF THE SECTORAL COMMITTEE ON LANDS, PLANNING AND HOUSING ON THE PETITION BY DAM ESTATE RESIDENTS ON LAND GRABBING BY HELICOPTER CHURCH IN LANG'ATA SUB-COUNTY

*(Chairperson, Sectoral Committee on Lands, Planning and Housing)*



*Paper laid on  
6th July 2023  
Wills SEA*





NAIROBI CITY COUNTY



**NAIROBI CITY COUNTY ASSEMBLY  
THIRD ASSEMBLY - SECOND SESSION**

**REPORT OF THE SECTORAL  
COMMITTEE ON PLANNING AND HOUSING  
ON  
THE PETITION BY DAM ESTATE RESIDENTS ON LAND GRABBING BY  
HELICOPTER CHURCH IN LANG'ATA, SUB COUNTY.**

**CLERKS CHAMBERS  
NAIROBI CITY COUNTY ASSEMBLY  
CITY HALL BUILDINGS  
NAIROBI**

**JULY 2023**





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ANNEX I: Committee Minutes

ANNEX II: Copy of the Petition





## 1.0 PREFACE

### 1.1. Establishment and Mandate of the Committee

01. The Sectoral Committee on Planning and Housing is established pursuant to Standing Order 209, and its mandate amongst others, as outlined under Standing Order 209 (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.*

02. The Committee exercises oversight role on the work and administration of the Built Environment and Urban Planning. 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.





## **1.2. Committee Membership**

03. The Committee comprises the following Members:-

1. **Hon. Alvin Palapala, MCA** - **Chairperson**
  2. **Hon. Collins Ogenga, MCA** - **Vice Chairperson**
  3. Hon. Peter Imwatok, MCA
  4. Hon. Anthony Kiragu, MCA
  5. Hon. Paul Kados, MCA
  6. Hon. Waithera Chege, MCA
  7. Hon. Geoffrey Majiwa, MCA
  8. Hon. Fuad Hussein, MCA
  9. Hon. Hashim Kamau, MCA
  10. Hon. Paul Ndungu, MCA
  11. Hon. Nasra Nanda, MCA
  12. Hon. Hannah Wanjiru Muriuki, MCA
  13. Hon. Nyantika Ricardo, MCA
  14. Hon. Lily Akoth Kidenda, MCA
  15. Hon. Jane Wanjiru, MCA
  16. Hon. Nicholas Juma, MCA
  17. Hon. Peter Maina, MCA
  18. Hon. Clement Kamaru, MCA
  19. Hon. Francis Kimondo, MCA
  20. Hon. Patrick Macharia, MCA
  21. Hon. Tricer Jeptoo, MCA
  22. Hon. Martin Wairobi, MCA
- 

## **1.3. Presentation and Committal of the Petition**

**Hon. Speaker,**

04. Pursuant to Standing Order No. 219, the Hon. Speaker on **Thursday 1<sup>st</sup> December 2022** presented to the House a Petition on behalf of Dam Estate residents (Lang'ata Sub County) regarding the grabbing of Nairobi Dam riparian land through backfilling by Helicopter Church which is located in the area. The Nairobi Dam





Estate residents made the following prayers that the Nairobi City County Assembly intervenes to ensure that;-

- (i) The Nairobi City County Executive in conjunction with relevant organs, brings down the illegal structures on the reclaimed dam's riparian land; and
- (ii) Helicopter church be shut down as it is operating within a residential area.

**Hon. Speaker,**

05. The Petitioners' prayer was based on the fact the church owner has been dumping excavation soil from construction sites and slowly reclaiming the dam and putting up iron sheet structures that he has rented out. The area has turned into an informal settlement.

06. Pursuant to Standing Order 221, the Petition was committed to the Sectoral Committee on Planning and Housing to inquire into the issues raised and report to the Assembly.

**Hon. Speaker,**

07. The Committee observed that apart from public land grabbing, this was a matter that also violates the preservation of the environment therefore resolved to consider the Petition on its own merit by comparing the facts as presented by the Petitioners against the relevant provisions of the law as regards the management of public land. Accordingly, in its findings, the Committee noted that Article 62 of the Constitution of Kenya provides that public land shall vest in and be held by a County Government in trust for the people or residents in the county.

---

**Hon. Speaker,**

08. The Committee having reviewed the Petition, the facts presented therein and the law, resolved to have a meeting with Petitioners and the County Executive on Tuesday 15<sup>th</sup> March 2023 where it was resolved that a fact-finding site visit to the dam be conducted on Tuesday 28<sup>th</sup> March 2023.





Hon. Speaker,

09. 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.

10. It is my honor and pleasure on behalf of the Committee to present this Petition by Dam Estate residents on land grabbing by Helicopter Church in Lang'ata, Sub County.

Thank You.

SIGNED .....



Hon. Alvin Palapala, MCA

(CHAIRPERSON)

DATE 27<sup>th</sup> JUNE 2023 .....



## 2.0 INTRODUCTION

11. Pursuant to Standing Order No. 219, the Hon. Speaker on **Thursday 1<sup>st</sup> December 2022** reported to the House a Petition on behalf of Pumwani residents regarding the grabbing of Nairobi Dam riparian land through backfilling by Helicopter Church which is located in the area.

12. Pursuant to Standing Order 221, the Petition was committed to the Sectoral Committee on Planning and Housing to inquire into the issues raised and report to the Assembly.

13. In the Petition, the Petitioners averred that:-

**THAT**, the Kenya National Land Use Policy 2017 recognizes the need for social development that takes cognizance for provision of basic infrastructure and services;

**THAT WHEREAS**, Section 5(e) of The National Land Commission Act, 2012 requires the commission to initiate investigations into present or historical land injustices and recommend appropriate redress;

**THAT**, Helicopter Church has grabbed a portion of riparian land that belongs to Dam Estate as well as reclaiming the actual Dam by dumping extracted soil. The church has also set up iron sheet structures and rented them out on the same portion;

**THAT**, Dam Estate Association put up a fence to stop further encroachment but the church owner organized goons who destroyed it on 3<sup>rd</sup> April 2021 and the same was reported to the area Chief and Lang'ata police station;

**THAT WHEREAS**, Article 28 of the constitution states that every person has inherent dignity and the right to have that dignity respected and protected, efforts have been made to have the matter addressed by the relevant bodies that failed to give a satisfactory response;

**AND THAT**, all the matters in respect of which the Petition is raised is not pending before any court of law or constitutional body.

14. This report contains the Committee's findings, observations and recommendations on the Petition.





### **3.0 CONSIDERATION OF THE PETITION**

15. The Committee held its first meeting with the County Executive and the Petitioners on **Tuesday 15<sup>th</sup> March 2023** and made findings/observations emanating from both the Petitioner's and County Executive submissions.

#### **3.1 Submissions from Dam Estate Residents**

After introductions, the following were the submissions given by Dam Estate through their Chairperson and Advocate;-

- (i) A church known as Helicopter, behind Lang'ata Womens prison, has reclaimed the dam's riparian land by back filling using waste construction soil obtained from other sites. The backfilling started in 2022.
- (ii) The church claims that it has a Temporary Occupation Licence (TOL) from the County. The church owner has constructed a slum dwelling stretching on the riparian bank where he rents out the houses made out of iron sheets (mabati).
- (iii) There have been failed attempts to stop the grabbing of the riparian land as the church owner continues to backfill the dam during the night thus expanding the slum dwelling and the church further went to court and obtained restraining orders on anyone interfering with their attempted possession.
- (iv) The lease that the church has is questionable and should be verified by the County Government.

#### **3.2 Submissions from Ag. CECM Built Environment & Urban Planning and Chief Officer Lands**

- (i) The area where the Helicopter church stands is under a heavy Kenya Power & Lighting Company way leave line.
- (ii) The county lands office should be given more time to search for survey documents for the property in question and hence give its position on the matter.
- (iii) Nairobi dam is fully surveyed and its title deed is currently being processed by the Ministry of lands. The dam should be fenced in order to deter encroaching and to preserve it.

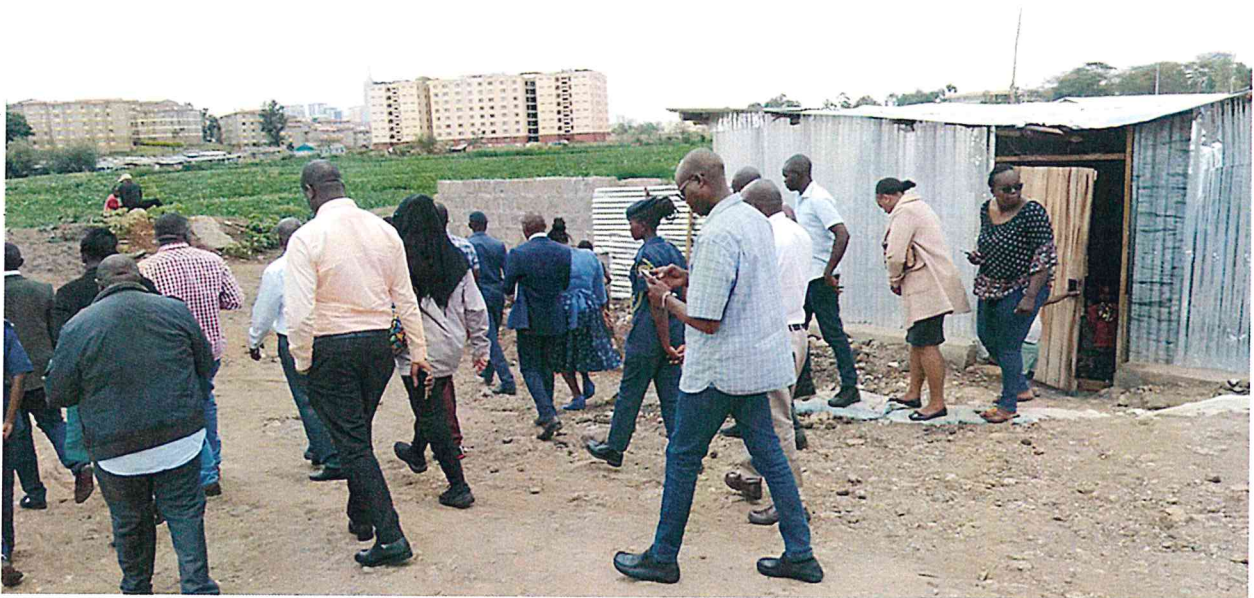


### 3.3 Site inspection at Nairobi Dam Estate

The Committee having considered submissions from the Petitioners and the County Executive resolved to conduct an inspection visit to Nairobi dam on Tuesday 28<sup>th</sup> March 2023 in order to ascertain the Petitioners' complaints.

16. On Tuesday 28<sup>th</sup> March 2023, the Committee together with a team from the County Executive Lands and Urban Planning offices, Lang'ata Sub-County Administrator, Lang'ata Planning Officer and Lang'ata Ward Administrator visited Nairobi Dam.

17. The delegation met with the proprietor of the Helicopter church who is alleged to be encroaching on the dam's riparian land. The Ward Administrator informed the delegation that the Helicopter Church and surrounding structures stood on Riparian land of the Nairobi Dam deeming them illegal.



*Members of the Committee and County Executive officers arriving at Nairobi dam on 28/03/23*

18. On Thursday 13<sup>th</sup> April 2023, the Committee held a meeting that concluded consideration of the Petition. It was a joint meeting with the Petitioner and the County Executive. It is prudent to note that the proprietor of Helicopter church who was to attend the meeting presented himself in the Assembly precincts but later did not show up for the meeting. Attempts to reach him on telephone proved futile. In the said meeting, the Chief Officer Lands submitted that the structures on the riparian land of the dam are illegal and should be demolished. There was a





temporary occupation licence for the church which was cancelled in 2016. The County Government should reclaim the land and fence it off to deter future encroaching.

#### **4.0 COMMITTEE OBSERVATIONS**

19. It was observed that there was ongoing construction of iron sheet houses and some were already occupied by tenants, the County Surveyor verified that the said structures were on the riparian land.
20. The Committee noted that the dam's riparian land was backfilled using waste construction soil thus reclaiming it so as to facilitate construction of the illegal structures by the owner of Helicopter church.
21. The structures on the riparian land of the dam are illegal and should be demolished. There was a temporary occupation licence for the church which was cancelled in 2016 after it was found to be irregularly issued.

#### **5.0 RECOMMENDATIONS**

22. In view of the above findings, the Committee recommends that the County Assembly adopts this report with the following recommendations;-
  - i) That the County Executive to immediately remap , fence off the dam and demolish the illegal structures allegedly erected by the owner of Helicopter church and any other persons on Nairobi dam's riparian land within three (3) months from the date of this communication and a report on the progress be forwarded to the Committee;
  - ii) That the County Executive Committee Member for Built Environment & Urban Planning conduct an audit on all riparian lands in the County and ensure that no encroaching is entertained on the said reserves.

XXXXXXXXXXXXXENDXXXXXXXXXXXXX

*See Annexure-Site visit picture gallery*



*Picture Gallery- Nairobi Dam site visit by the Committee on Tuesday 28<sup>th</sup> March 2023*



*The picture shows backfilling of the dam using construction waste soil (the dam water should be covering the area with soil)*



*Iron sheet structures allegedly constructed by Helicopter church proprietor after successfully backfilling the dam*







*A second view of iron sheet houses extending to the far end (left) of Nairobi dam built on dam riparian land reclaimed through backfilling using construction waste soil*

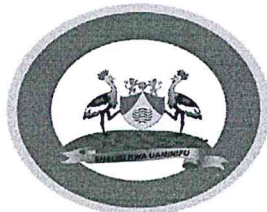


*The proprietor of Helicopter Church (second left) meets with the County team visiting the Nairobi dam*





THE COUNTY GOVERNMENT OF NAIROBI CITY



Clerk's Chambers,  
Nairobi City  
County Assembly,  
City Hall Buildings,  
NAIROBI.

**NAIROBI CITY COUNTY ASSEMBLY**

**ADOPTION SCHEDULE**

**SECTORAL COMMITTEE ON LANDS, PLANNING AND HOUSING  
REPORT ON PETITION BY DAM ESTATE RESIDENTS ON LAND GRABBING  
BY HELICOPTER CHURCH IN LANG'ATA SUB-COUNTY.**

DATE 07/06/2023

**ATTENDANCE REGISTER**

NO.	NAME	SIGNATURE
1.	Alvin Ohando	
2.	Colins Ojeng'a	C.O.O
3.	Hashim Kanani	
4.	Hannah Wanjiru	H.W
5.	Thrice Jeptoo	Thrice
6.	JANE WANJIRU	J.W
7.	Peter Maina	
8.	FRANCIS KIMONDO KIRAGU	
9.	MARTIN WAIROBI	M.W.
10.	PATRICK. Mwangi macharia	P.m.m
11.	Dr. Clement N. Kamau	C.N.K
12.	Anthony Karanja	
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MINUTES OF THE 19<sup>TH</sup> SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY  
COMMITTEE ON PLANNING AND HOUSING HELD ON TUESDAY 27<sup>TH</sup> JUNE 2023  
AT 11.00 AM AT COMMITTEE ROOM 5- CITY HALL BUILDINGS.

PRESENT

1. Hon. Alvin Palapala, MCA – Chairperson
2. Hon. Collins Ogenga, MCA –Vice Chairperson
3. Hon. Patrick Macharia, MCA
4. Hon. Francis Kimondo, MCA
5. Hon. Martin Wairobi, MCA
6. Hon. Anthony Kiragu, MCA
7. Hon. Jane Wanjiru, MCA
8. Hon. Hannah Wanjiru Muriuki, MCA
9. Hon. Hashim Kamau, MCA
10. Hon. Peter Maina, MCA
11. Hon. Clement Kamaru, MCA
12. Hon. Tricer Jeptoo, MCA

ABSENT

1. Hon. Geoffrey Majiwa, MCA
2. Hon. Peter Imwatok, MCA
3. Hon. Paul Kados, MCA
4. Hon. Nicholas Juma, MCA
5. Hon. Paul Ndungu, MCA
6. Hon. Lily Akoth Kidenda, MCA
7. Hon. Waithera Chege, MCA
8. Hon. Nyantika Ricardo, MCA
9. Hon. Fuad Hussein, MCA
10. Hon. Nasra Nanda, MCA

AGENDA

1. *Preliminaries (Prayers & adoption of the agenda)*
2. *Tabling of Sessional paper 1 & 2 of 2023 on Development Control and Land Use Policies respectively*
3. *Tabling of Tazama Lane (Parklands) and California Estate (Pumwani) Residents Petitions*
4. *Adoption of Report on Lang'ata residents Petition on encroachment of Nairobi Dam by Helicopter church*
5. *Matters Arising*
6. *A.O.B*

MINUTES OF THE 19<sup>TH</sup> SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY  
COMMITTEE ON PLANNING AND HOUSING HELD ON TUESDAY 27<sup>TH</sup> JUNE 2023  
AT 11.00 AM AT COMMITTEE ROOM 5- CITY HALL BUILDINGS.

*7. Adjournment*

COMMITTEE SECRETARIAT

1. Mr. Joshua Mbila - Clerk Assistant

MIN.107 /P&H/JUN 2023– PRELIMINARIES

The Chair called the meeting to order at 11.15 am and proceeded to read the agenda. It was adopted as proposed by Hon. Hashim Kamau, MCA and seconded by Hon. Hannah Wanjiru Muriuki, MCA.

MIN.108/P&H/JUN 2023–TABLING OF COMMITTEE DOCUMENTS

The Chair tabled and took Members through Sessional paper 1 & 2 of 2023 on Development Control and Land Use Policies respectively and informed them that adverts requesting the Public to present their memoranda had already been posted in the dailies of Monday 26<sup>th</sup> June 2023.

The Chair tabled and took Members through Tazama Lane (Parklands) and California Estate (Pumwani) Residents Petitions and reminded Members that the Petitions should be considered within the 45 days stipulated by the Standing orders.

Lastly, the Chair tabled and took Members through the Report on Lang'ata residents Petition on encroachment of Nairobi Dam by Helicopter church for adoption. The report was adopted with the Proposer being Hon. Francis Kimondo and Seconded Hon. Hashim Kamau.

MIN.109/ P&H /JUN 2023– MATTERS ARISING

There were no matters arising

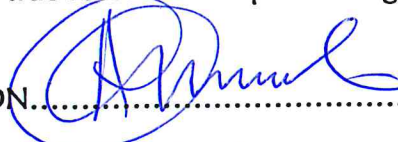

MIN.110/ P&H /JUN 2023 – ANY OTHER BUSINESS

There was no AOB.

MIN.111/ P&H /JUN 2023 – ADJOURNMENT

There being no other business, the Chairperson adjourned the meeting at 1.44pm. Next meeting was scheduled to be held on Tuesday 4<sup>th</sup> July 2023.

Confirmed as true record of the proceedings

CHAIRPERSON.......... DATE 5<sup>th</sup>/07/23.....  
SECRETARY.......... DATE 5/07/2023.....

**MINUTES OF THE 11<sup>TH</sup> SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY  
COMMITTEE ON PLANNING AND HOUSING HELD ON THURSDAY 13<sup>TH</sup> APRIL,  
2023 AT 11.00 AM IN COMMITTEE ROOM 10, COUNTY ASSEMBLY.**

1

**PRESENT**

1. Hon. Alvin Palapala, MCA- Chairperson
2. Hon. Collins Ogenga, MCA –Vice Chairperson
3. Hon. Paul Ndungu, MCA
4. Hon. Hannah Wanjiru Muriuki, MCA
5. Hon. Nicholas Juma, MCA
6. Hon. Hashim Kamau, MCA
7. Hon. Jane Wanjiru, MCA
8. Hon. Nyantika Ricardo, MCA
9. Hon. Waithera Chege, MCA
10. Hon. Geoffrey Majiwa, MCA
11. Hon. Anthony Kiragu, MCA
12. Hon. Thuo Fiunifu, MCA

**ABSENT**

1. Hon. Peter Imwatok, MCA
2. Hon. Paul Kados, MCA
3. Hon. Francis Kimondo, MCA
4. Hon. Patrick Macharia, MCA
5. Hon. Nasra Nanda, MCA
6. Hon. Lily Akoth Kidenda, MCA
7. Hon. Tricer Jeptoo MCA
8. Hon. Peter Maina, MCA
9. Hon. Martin Wairobi, MCA
10. Hon. Fuad Hussein, MCA
11. Hon. Clement Kamaru, MCA

**AGENDA**

1. *Preliminaries (Prayers & adoption of the agenda)*
2. *Meeting with the CECM and Nairobi Dam Petitioners/Respondent*
3. *Briefing by Fiscal Analyst on CIDP 2023-27,ADP AND CFSP 2023/24*
4. *Meeting with CECM on CIDP 2023-27,ADP AND CFSP 2023/24*
5. *Matters Arising*
6. *A.O.B*
7. *Adjournment*



MINUTES OF THE 11<sup>TH</sup> SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY COMMITTEE ON PLANNING AND HOUSING HELD ON THURSDAY 13<sup>TH</sup> APRIL, 2023 AT 11.00 AM IN COMMITTEE ROOM 10, COUNTY ASSEMBLY.

COMMITTEE SECRETARIAT

1. Mr. Joshua Mbila - Clerk Assistant

IN ATTENDANCE

1. Ms. Suzanne Silantoi-Ag. CECM (Built Environment & Urban Planning)
2. Ms. Cecilia Koigu-Chief Officer Lands
3. Mr. Peter Wanyoike-Ag. Director Survey & GIS
4. Ms. Irene Gitonga-Senior Accountant (NCCG)
5. Ms. Marion Rono-Chief Officer Housing
6. Mr. Michael Kinoti-Ag. Director Housing
7. Ms. Annie Kagumba-Built Environment & Urban Planning
8. Mr. Dominic Mutegi-Urban Development & Planning
9. Ms. Gladys Gichuhi-Accountant (NCCG)
10. Mr. Nyoike N. I-Chief valuer
11. Mr. Geoffrey Cheruiyot-Surveyor
12. Mr. Saja Muraya-Chairman Nairobi dam Estate
13. Ms. Joanne Nyawira-Nairobi Dam Estate
14. Mr. Bruno Situma-Advocate (Nairobi Dam Estate)
15. Mr. Farah Gabow-Fiscal Analyst (NCCA)

MIN.53 /P&H/APR 2023– PRELIMINARIES

The Chair opened the meeting with a word of prayer at 11.08am. He called for adoption of the agenda. It was adopted with the Proposer being Hon. Anthony Karanja and seconder Hon. Thuo Fiunifu.

MIN.54/P&H/APR 2023– BRIEFING BY FISCAL ANALYST ON CIDP 2023-27, ADP 2023 AND CFSP 2023/24

The Fiscal Analyst briefed Members on the CIDP 2023/27, ADP 2023 and the CFSP 2023/24 and highlighted salient matters in the said documents for noting and necessary action by the Committee. It was key to note that the entire Built Environment & Urban Planning sector did not receive any capital allocation in the CFSP 2023/24.



MINUTES OF THE 11<sup>TH</sup> SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY  
COMMITTEE ON PLANNING AND HOUSING HELD ON THURSDAY 13<sup>TH</sup> APRIL,  
2023 AT 11.00 AM IN COMMITTEE ROOM 10, COUNTY ASSEMBLY.

MIN.55/ P&H /APR 2023–MEETING WITH CECM ON CIDP 2023-27, ADP AND  
CFSP 2023/24

The Chief Officer Housing took Members through the performance review of the CIDP 2018-2022 for the sub sector. She committed to later share their priorities to be factored in the CFSP with the Committee.

MIN.56/ P&H /APR 2023–MEETING WITH THE CECM AND NAIROBI DAM  
PETITIONERS/RESPONDENT

The Chair commenced the meeting by informing the Petitioners that the Committee visited the site on 28<sup>th</sup> March 2023 and verified that the riparian land of Nairobi Dam had been encroached onto. He also informed the meeting that it was not clear why the proprietor of Helicopter Church had come for the meeting but decided to abscond (The Church owner who was in the Assembly precincts did not attend the meeting and attempts to reach him on mobile phone proved futile).

The meeting was also informed that Helicopter church was constructed on a power wayleave and that there should be a 15m road between the Lang'ata Womens prison wall and the church. The church is on private land.

The Chief Officer Lands submitted that the structures on the riparian land of the dam are illegal and should be demolished. There was a temporary occupation licence for the church which was cancelled in 2016. The County Government will reclaim the land and fence it off to deter future encroaching.

Committee Resolution

The County Executive to immediately remap the dam and get rid of the illegal structures within three (3) months and a report on the progress be forwarded to the Committee.

MIN.57/ P&H /APR 2023– MATTERS ARISING

There were no matters arising.

MIN.58/ P&H /APR 2023 – ANY OTHER BUSINESS

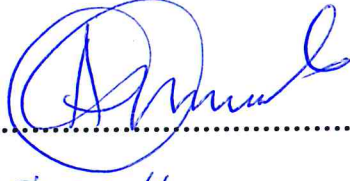
There was no AOB.

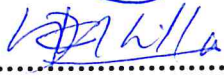
MIN.59/ P&H /APR 2023 – ADJOURNMENT

There being no other business, the Chairperson adjourned the meeting at 12:56 pm. Next meeting was scheduled to be held on Tuesday 25<sup>th</sup> April 2023.

Confirmed as true record of the proceedings

MINUTES OF THE 11<sup>TH</sup> SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY  
COMMITTEE ON PLANNING AND HOUSING HELD ON THURSDAY 13<sup>TH</sup> APRIL,  
2023 AT 11.00 AM IN COMMITTEE ROOM 10, COUNTY ASSEMBLY.

CHAIRPERSON.......... DATE 5/7/23.....

SECRETARY.......... DATE 5/07/2023.....

MINUTES OF THE 8<sup>TH</sup> SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY  
COMMITTEE ON PLANNING AND HOUSING HELD ON TUESDAY 28<sup>TH</sup> MARCH,  
2023 AT 12.00 PM AT NAIROBI DAM, LANG'ATA.

PRESENT

1. Hon. Alvin Palapala, MCA- Chairperson
2. Hon. Collins Ogenga, MCA –Vice Chairperson
3. Hon. Peter Maina, MCA
4. Hon. Patrick Macharia, MCA
5. Hon. Nasra Nanda, MCA
6. Hon. Francis Kimondo, MCA
7. Hon. Nicholas Juma, MCA
8. Hon. Martin Wairobi, MCA

ABSENT

1. Hon. Peter Imwatok, MCA
2. Hon. Paul Kados, MCA
3. Hon. Paul Ndungu, MCA
4. Hon. Lily Akoth Kidenda, MCA
5. Hon. Fuad Hussein, MCA
6. Hon. Anthony Kiragu, MCA
7. Hon. Hashim Kamau, MCA
8. Hon. Jane Wanjiru, MCA
9. Hon. Tricer Jeptoo MCA
10. Hon. Thuo Fiunifu, MCA
11. Hon. Hannah Wanjiru Muriuki, MCA
12. Hon. Geoffrey Majiwa, MCA
13. Hon. Nyantika Ricardo, MCA
14. Hon. Waithera Chege, MCA
15. Hon. Clement Kamaru, MCA

AGENDA

1. *Preliminaries (Prayers & adoption of the agenda)*
2. *Site visit to Nairobi Dam on Petition by residents of Dam estate residents*
3. *Matters Arising*
4. *A.O.B*
5. *Adjournment*

COMMITTEE SECRETARIAT

1. Mr. Joshua Mbila - Clerk Assistant

MIN.37 /P&H/MAR 2023– PRELIMINARIES



MINUTES OF THE 8<sup>TH</sup> SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY  
COMMITTEE ON PLANNING AND HOUSING HELD ON TUESDAY 28<sup>TH</sup> MARCH,  
2023 AT 12.00 PM AT NAIROBI DAM, LANG'ATA.

The Committee arrived at the Nairobi Dam site at 12.20 noon and was accompanied by a team from the County Executive Lands and Urban Planning offices, Lang'ata Sub-County Administrator, Lang'ata Planning Officer, Lang'ata Ward Administrator and County Surveyor.

The Committee visited the site following a Petition from Nairobi Dam Estate residents that the owner of Helicopter Church had encroached on the banks of the Nairobi Dam by constructing and renting out informal settlement structures. The delegation met with the church owner on the site.

MIN.38/P&H/MAR 2023-SUBMISSIONS

The Ward Administrator informed the delegation that the Helicopter Church and surrounding structures stood on Riparian land of the Nairobi Dam deeming them illegal.

As it was noted that there was ongoing construction of mabati houses, the County Surveyor verified that the said structures were on the riparian land.

The Committee noted that the land was backfilled using waste construction soil thus reclaiming the Dam's riparian land so as to facilitate construction of the illegal structures by the said church owner.

MIN.39/ P&H /MAR 2023- MATTERS ARISING

The Committee resolved to invite the owner of Helicopter Church to its meeting to further inquire on the grabbing, back filling and construction of illegal structures at the Nairobi Dam right behind Lang'ata Women's prison.

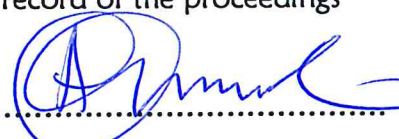
MIN.40/ P&H /MAR 2023 – ANY OTHER BUSINESS

There was no AOB.

MIN.41/ P&H /MAR 2023 – ADJOURNMENT

There being no other business, the Chairperson adjourned the meeting at 1.31 pm. Next meeting was scheduled to be held on Tuesday 4<sup>th</sup> April 2023.

Confirmed as true record of the proceedings

CHAIRPERSON..........DATE 5/7/23.....  
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SECRETARY..........DATE 5/07/2023.....



MINUTES OF THE 5<sup>TH</sup> SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY  
COMMITTEE ON PLANNING AND HOUSING HELD ON TUESDAY 15<sup>TH</sup> MARCH,  
2023 AT 11.00 AM AT COMMITTEE ROOM 5- CITY HALL BUILDINGS.

PRESENT

1. Hon. Alvin Palapala, MCA- Chairperson
2. Hon. Collins Ogenga, MCA –Vice Chairperson
3. Hon. Anthony Kiragu, MCA
4. Hon. Hannah Wanjiru Muriuki, MCA
5. Hon. Peter Maina, MCA
6. Hon. Francis Kimondo, MCA
7. Hon. Nasra Nanda, MCA
8. Hon. Paul Ndungu, MCA
9. Hon. Hashim Kamau, MCA
10. Hon. Nyantika Ricardo, MCA
11. Hon. Jane Wanjiru, MCA
12. Hon. Nicholas Juma, MCA
13. Hon. Tricer Jeptoo MCA
14. Hon. Martin Wairobi, MCA
15. Hon. Clement Kamaru, MCA

ABSENT

1. Hon. Paul Kados, MCA
2. Hon. Geoffrey Majiwa, MCA
3. Hon. Peter Imwatok, MCA
4. Hon. Thuo Fiunifu, MCA
5. Hon. Patrick Macharia, MCA
6. Hon. Lily Akoth Kidenda, MCA
7. Hon. Fuad Hussein, MCA
8. Hon. Waithera Chege, MCA

AGENDA

1. Preliminaries (*Prayers & adoption of the agenda*)
2. Consideration of Petition read on Thursday 1<sup>st</sup> December 2022 by Hon. David Magoba on behalf of Patanisho Residents from Lower Savannnah Ward; and
3. Consideration of Petition read on Thursday 1<sup>st</sup> December 2022 by Hon. Jared Akama on behalf of Dam Estate Association of Residents in Lang'ata.
4. Matters arising
5. A.O.B
6. Adjournment

COMMITTEE SECRETARIAT

1. Mr. Joshua Mbila - Clerk Assistant

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IN ATTENDANCE

1. Ms. Suzanne Silantoi –Ag. CECM, Built Environment & Urban Planning



MINUTES OF THE 5<sup>TH</sup> SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY  
COMMITTEE ON PLANNING AND HOUSING HELD ON TUESDAY 15<sup>TH</sup> MARCH,  
2023 AT 11.00 AM AT COMMITTEE ROOM 5- CITY HALL BUILDINGS.

**Submissions from Ag. CECM & Chief Officer Lands**

- (i) Survey of the Patanisho residents land has been done and the titling process is ongoing and currently the scheme members are holding onto ownership booklets. They should be issued with allotment letters.
- (ii) Part of Patanisho scheme falls in block 173 which borders Kiambu Dandora estate. The County Government has no objection formalizing the said plots to the members of the scheme.
- (iii) The documents produced by Kayole Sector A group are fake as they cannot be traced in the County lands record.
- (iv) The Director of Survey should survey the remaining land and issue titles on Block 173 which houses plots 667-730.

**Committee Resolution on Patanisho Jua Kali Association**

The Committee has no objection to the formalization of the Patanisho Jua Kali settlement scheme. The office of the CECM & the Chief Officer lands to facilitate the process and ensure that the settlers get their allotment letters and title deeds.

MIN.23/P&H/MAR 2023–CONSIDERATION OF PETITION BY NAIROBI DAM  
ESTATE ON GRABBING OF NAIROBI DAM RIPARIAN LAND BY HELICOPTER  
CHURCH

**Submissions from Dam Estate Residents**

After introductions, the following were the submissions given by Dam Estate through their Chairperson and Advocate:-

- (i) A church known as Helicopter, behind Lang'ata Women prison, has reclaimed the dam's riparian land through back filling from waste construction materials obtained from other sites. The backfilling started in 2022.
- (ii) The church claims that it has a Temporary Occupation Licence (TOL) from the County. The church owner has gone ahead and constructed a slum dwelling stretching on the riparian bank where he rents out the houses made out of iron sheets-"mabati".
- (iii) There have been failed attempts to stop the grabbing of the riparian land as the church owner continues to backfill the dam during the night thus expanding the slum dwelling and the church further went to court and obtained restraining orders on anyone interfering with the said land.
- (iv) The lease that the church has is questionable and should be verified by the County Government.





MINUTES OF THE 5<sup>TH</sup> SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY  
COMMITTEE ON PLANNING AND HOUSING HELD ON TUESDAY 15<sup>TH</sup> MARCH,  
2023 AT 11.00 AM AT COMMITTEE ROOM 5- CITY HALL BUILDINGS.

**Submissions from Ag. CECM & Chief Officer Lands**

- (i) The area where the Helicopter church is situated is under a heavy Kenya Power & Lighting Company way leave line. The land is private.
- (ii) The county lands office should be given more time to search for survey documents for the property in question and hence give its position on the matter.
- (iii) Nairobi dam is fully surveyed and a title is being processed for it. The dam should be fenced off to deter encroaching and to preserve it.

**Committee Resolution on Nairobi Dam Estate Petition**

The Committee resolved that the Chief Officer Lands, should verify the validity of the Churchs' TOL and report to the Committee in the next sitting.

The Committee is to conduct a fact finding visit to the site on Tuesday 28<sup>th</sup> March 2023 and see first-hand the situation on the ground in order to aid in consideration of the matter.

MIN.24/ P&H /MAR 2023– MATTERS ARISING

There were no matters arising.

MIN.25/ P&H /MAR 2023 – ANY OTHER BUSINESS

There was no AOB.

MIN.26/ P&H /MAR 2023 – ADJOURNMENT

There being no other business, the Chairperson adjourned the meeting at 1.02 pm. Next meeting was scheduled to be held on Thursday 16<sup>th</sup> March 2023.

Confirmed as true record of the proceedings

CHAIRPERSON.....

DATE .....

SECRETARY.....

DATE.....

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