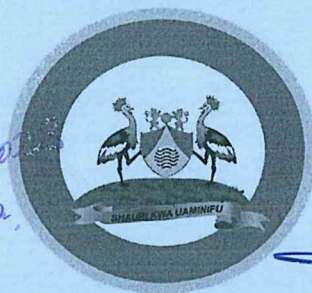


GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

(SECOND SESSION)

NCCA/TJ/PL/2023(49)

15TH JUNE 2023

PAPER LAID

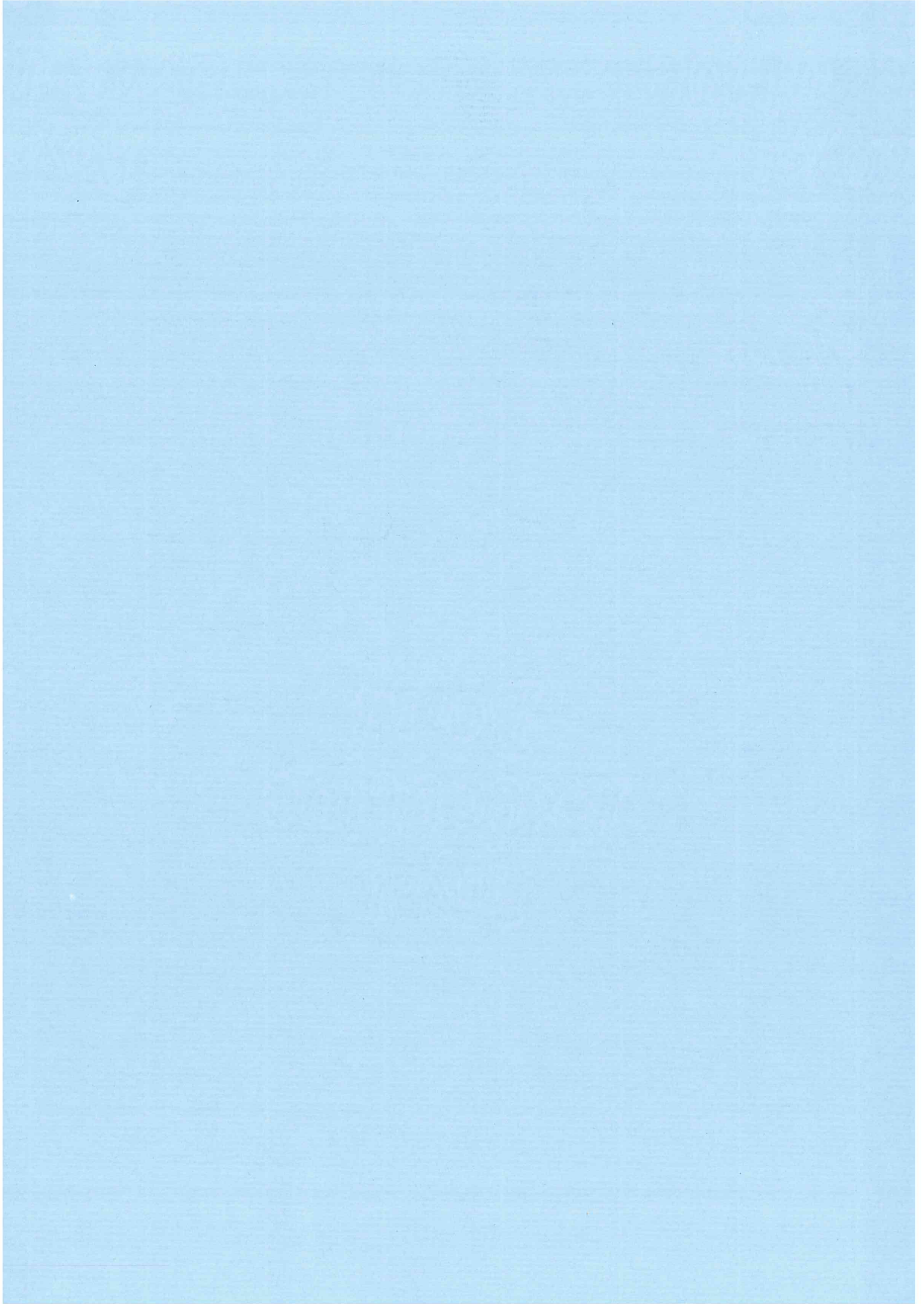
SUBJECT: REPORT OF COMMITTEE

Pursuant to Standing Order 221 (2) and 196, I beg to lay the following Paper on the Table of this Assembly, today Thursday 15th June 2023.

- THE REPORT OF THE SECTORAL COMMITTEE ON LANDS, PLANNING AND HOUSING ON THE INQUIRY ARISING FROM A STATEMENT REGARDING ILLEGAL DEMOLITION OF RESIDENTIAL HOME BUILT ON LAND LR. NO. 1870/111/46 AND IRREGULAR ACQUISITION OF THE SAME BY LARIAK PROPERTIES IN SCHOOL LANE, PARKLANDS HIGHRIDGE WARD.

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

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



COUNTY GOVERNMENT OF NAIROBI CITY



NAIROBI CITY COUNTY ASSEMBLY
THIRD ASSEMBLY SECOND SESSION

INQUIRY REPORT

THE REPORT OF THE PLANNING AND HOUSING COMMITTEE
ON AN INQUIRY ARISING FROM A STATEMENT REGARDING ILLEGAL DEMOLITION
OF RESIDENTIAL HOME BUILT ON LAND LR. NO. 1870/111/46 AND THE IRREGULAR
ACQUISITION OF THE SAME LAND BY LARIAK PROPERTIES IN SCHOOL LANE,
PARKLANDS HIGHRIDGE WARD.

APRIL 2023

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PREFACE

Hon Speaker,

The Sectoral Committee on Planning and Housing is established pursuant to Standing Order 209 (f) on Appointment of Sectoral Committees which states that:-

- (1) There shall be select Committees to be known as Sectoral Committees comprising of not less than fifteen and not more than seventeen Members who shall be nominated by the Committee on Selection in consultation with County Assembly parties at the commencement of every County Assembly.
- (2) A Member shall not be appointed to serve in more than two Sectoral Committees.
- (3) A Member appointed to a Sectoral Committee at the commencement of a County Assembly shall serve for two sessions and the Committee shall thereafter be reconstituted, to serve for the remainder of the term of that County Assembly.
- (4) Unless the County Assembly otherwise directs, the Sectoral Committees and the subject matter respectively assigned to them shall be as set out in the Third Schedule.
- (5) The mandate of Sectoral Committees in respect of the subject matter assigned under the Second Schedule of these Standing Orders shall only be exercised within the limits contemplated under Part 2 of the Fourth Schedule to the Constitution.
- (6) The functions of a Sectoral Committee shall be 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 analyze the relative success of the departments as measured by the results obtained as compared with their 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) to vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 196 (*Committee on Appointments*); and
- (g) Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

In executing its mandate, the Committee oversees the County Government Lands, Urban Renewal & Housing sector.

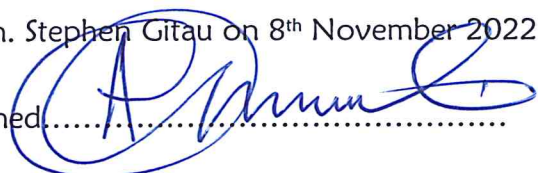
ACKNOWLEDGEMENT

Hon Speaker,

Special appreciation goes to the Speaker and the Clerk of the County Assembly for facilitating the Committee to undertake the inquiry in line with its mandate.

Pursuant to Standing Order 196(6), this is a report of the Sectoral Committee on Planning and Housing on an inquiry on the illegal demolition of a residential home built on Land LR. No. 1870/111/46 and the irregular acquisition of the same land by Lariak Properties in School Lane, Parklands Highridge Ward. The said inquiry emanated from a Statement requested by Hon. Stephen Gitau on 8th November 2022.

Signed.....



Date.....

26/04/2023

HON. ALVIN PALAPALA

CHAIRPERSON, SECTORAL COMMITTEE ON PLANNING AND HOUSING

1.0 INTRODUCTION

Hon. Speaker, in furtherance of its mandate and pursuant to Standing Order 47 (2)(C), the Planning and Housing Committee received a Statement request from Hon. Stephen Gitau, MCA on **Tuesday 8th November 2022** regarding illegal demolition of a residential home built on Land LR. No. 1870/111/46 and the irregular acquisition of the same land by Lariak Properties in School Lane, Parklands Highridge Ward.

Hon. Speaker, according to the Member, the residential property belonging to an Asian family of one Ms. Avani Shah was illegally demolished on 4th November, 2022 by a private developer called Lariak Properties despite Court orders and a County Government notice restraining Lariak Properties from demolishing the said property. The family has been living on the said premises for the past 46 years.

The Member further asked the Chairperson to inquire into and report on:-

- i. A report on the ownership history of Land LR. No. 1870/111/46;
- ii. Whether there is an existing lease between the County Government and Ms. Avani Shah;
- iii. Whether Lariak Properties had any legal document from the County Government authorizing the demolition of the said property; and
- iv. Plans the County Government has put in place to curb such incidences of irregular and/or forceful acquisition of private property in the County.

Hon. Speaker, due to the weight and nature of the matter, on Wednesday 9th November 2022, the Committee wrote to the Ag. County Secretary vide letter Ref No. NCCA/LPH /NOV/SV01/2022 inviting the County Government to assign officers that would accompany the Committee for a fact-finding visit to the said land on **Monday 14th November, 2022 at 9.00am.**

Hon. Speaker, I confirm to the House that having conducted the mentioned site visit, the Committee established that indeed the premises of one Batuk L. Shah which is under c/o Mr. & Mrs. Avani Shah had been raided, a house demolished and property of unknown value destroyed and/or looted by hired goons.

Hon. Speaker, their four-bedroomed bungalow was flattened by people hired to forcibly evict the couple because of an alleged land dispute. The eviction squad invaded the home on Friday 4th November 2022. Attempts by the home owners to reach out to officers at Parklands, Gigiri and Spring Valley police stations to stop the people from destroying their property failed.

Hon. Speaker, after conducting the site visit and verifying the incident, the Committee met and resolved that an inquiry into the matter should be launched so as to investigate and get to the bottom of the matter and give a comprehensive report to the Assembly. In this regard, in commencing the hearing of the inquiry, the following officers were identified and invited to the Committee meetings:-

- (i) Ag. County Secretary;
- (ii) Ministry of Lands Chief Registrar;
- (iii)CECM-Lands, Built Environment & Urban Planning;
- (iv)Director- Survey & GIS;
- (v) Chief Officer-Lands;
- (vi)Head of Rates (Land rates In Charge);
- (vii) Director-ICT;
- (viii) Director-Planning;
- (ix) County Chief Valuer; and
- (x) Mr./Mrs. Avani Shah-Demolition Victims

2.0 INQUIRY MEETINGS

Hon. Speaker, the Committee conducted a number of joint meetings with the following key witnesses attending; - Ag. County Secretary; CECM-Lands, Urban Housing & Planning; Director- Survey & GIS; Chief Officer-Lands; Head of Rates (Land rates In Charge);Director-ICT; Director-Planning; County Chief Valuer and Mr./Mrs. Avani Shah.

The submissions emanating from the meetings are under listed as:-

2.1 MEETING HELD ON TUESDAY 22ND NOVEMBER 2022

A. Mr. & Mrs. Avani Shah appeared before the Committee and gave the following submissions on LR. No.1870/111/46;-

- i.) They have been paying rates for the parcel until 2015 when their names in the system were fraudulently altered to read James Wambugu Gichuki and Samuel Mbugua Kariuki;
- ii.) In 2021, the head of rates sent them a notice demanding payment of accrued rates of Ksh.30m.The notice was addressed to Mr. Batuk Shah the original allottee;
- iii.) On Friday 3rd November, an Auctioneer named Mr. Baraza together with several goons, raided the home on LR. NO. 1870/111/46 and went straight to start demolishing the house. Their cries fell on deaf ears and attempts to reach out to three nearby police stations proved futile; and
- iv.) The Auctioneer did not provide any eviction notice before proceeding with the illegal demolition. In the process, goods worth millions were destroyed/looted.

B. The County Chief Valuer appeared before the Committee and gave the following submissions on LR. No.1870/111/46;-

- i.) The property has been having disputes since 2015.They have received complaints from the Shah's, their advocates and the DCI;
- ii.) The property file has been missing both at the Ministry of lands and the County Registry of Lands. The land lease was issued to the allottees by the Government and they have since written to the Ministry to provide ownership details of the same with no response availed;
- iii.) The Proprietor's (Shah's) have been faithfully paying land rates for the parcel until when in unclear circumstances, their names were deleted from the system and replaced with those of James Wambugu Gichuki and Samuel Mbugua Kariuki;
- iv.) They cannot explain how the name was changed in the system on 27th October 2014;and
- v.) The missing file for the property also has information pertaining to 60 other properties.

2.2 MEETING HELD ON THURSDAY 1ST DECEMBER 2022

The County Chief Valuer appeared before the Committee and gave the following submissions on LR. No.1870/111/46;-

- i.) The only available records for the land in question is the history of land rates payments which were altered sometime in 2014 from Batuk Shah to James Wambugu;
- ii.) The County does not have the title deed or ownership details. Retrieving the file from Ministry of lands has proved futile;
- iii.) The valuation file is also missing from the county records. This was realized in January 2015. The County only holds secondary records, primary records are kept at the Ministry of lands; and
- iv.) The Chief Valuer requested the complainant (Shah) to resubmit ownership documents to his office for the file to be reconstructed and the names in the rates registry be reverted to read in the complainants name i.e Batuk Shah.

Hon Speaker, in concluding the meeting, the Committee resolved that the names in the rates system be reverted to read Batuk Shah and the County ICT department be compelled to provide an audit trail of the transaction which altered the names in the system or the officer responsible for tampering with the names of Batuk Shah in the system rates register.

2.3 MEETING HELD ON TUESDAY 28TH FEBRUARY 2023

A representative from the County ICT department, appeared before the Committee and submitted as follows;-

- (i) The system could have been interfered with during the NMS Deed of Transfer period (2020) where systems were transferred to NMS. A Member disputed the claim citing that the changes in question were done in 2014 a time when all systems were still in custody of the County Executive; and
- (ii) At the moment the County does not have any data on the said piece of land (and many others) as the land rate system was migrated to KRA. He is therefore not in

a position to access the required information. In response, the Committee indicated that this was a sign of incompetency from the officer and the entire ICT team to have transferred all land data to KRA without maintaining a backup for the County Government. This meant that people's properties were at risk of manipulation by unscrupulous individuals.

Hon Speaker, still maintaining that they could not trace the land records file, the Chief Officer Lands, gave the undertaking that her office will communicate to the Ministry of Lands to provide the file so as to establish the bonafide owner of the land.

2.4 MEETING HELD ON THURSDAY 16TH MARCH 2023

Hon. Speaker, the last meeting concluding the inquiry was conducted on Thursday 16th March 2023. In the meeting, the Committee had a joint forum with officers from the Kenya Revenue Authority, The Chief Land Registrar's office and the County Lands department.

The ICT Manager Kenya Revenue Authority appeared before the Committee and submitted as follows;-

- (i) The Kenya Revenue Authority only holds the land rates database which was transferred to them during the Deed of Transfer of services period of 2020. System challenges have delayed transferring back the said data to the County; and
- (ii) The data they have cannot be interpreted. The changes pertaining to the inquiry matter were done in 2014 while the system was still hosted at the County premises. The system is not safe as transactions cannot be traced or verified.

On this day, the Deputy Chief Land Registrar appeared before the Committee on behalf of the Chief Land Registrar and submitted as follows;-

- (i) Initially the land had been registered under the Government Lands Act under Registration No.N49/293;
- (ii) The title for LR 1870/111/46 was first registered on 5th April 1949 in favour of Michel Lubiez and was in subsequent years transferred to various individuals until 29th October 1976 when it was transferred to one Batuk Lalji Shah. (See attached evidence);

- (iii) The property has had a number of mortgages attached to it which were subsequently cleared;
- (iv) Under cap 281 (Registration of Titles Act), Batuk L. Shah surrendered in exchange of a new grant title No. IR84817 on 31st October 2000 which had a term of 50 years from September 1998. The annual rent being Kenya shillings seventeen thousand, three hundred and sixty (Ksh 17,360/=);
- (v) The records disappeared from the Ministry as it is believed someone tried to alter the ownership register of the land in question. It was fortunate that the intentions did not bear fruit as the suspect was unable to change the land Reference number in the original register;
- (vi) The Directorate of Criminal Investigations, in a letter Ref DCI/IB/LFIU/SEC/2/3/1/VOLXVIII/473 dated 11th November 2022, forwarded to the Ministry a title IR No. 250041-LR 1870/111/46 requesting for the authenticity or availability of the land purportedly belonging to Lariak Properties Ltd of P.O Box 56832 Nairobi. The Ministry of Lands through a letter Ref CLR/CID/VOL/63 dated 15th November responded citing that no such records in regard to IR No. 250041-LR 1870/111/46 and that someone had tried to tamper with the register; and
- (vii) According to the Ministry, Batuk L. Shah is the current bonafide registered owner of LR 1870/111/46 in in School Lane, Parklands Highridge Ward(Approx. 1 acre)

3.0 OBSERVATIONS MADE BY THE COMMITTEE

Having met all the witnesses and parties in the matter of the illegal demolition of a residential home built on Land LR. No. 1870/111/46, the Committee made the following observations:-

- (i) From the submissions made in the inquiry meetings, it is clear that there is a well-choreographed scheme by the County Government ICT department to conceal some irregularities which may have been occasioned by them on land records data belonging to Nairobi Residents; and
- (ii) The foregoing discovery is an indication of incompetency from both the representing ICT officer and the entire ICT team. For them to have transferred all

Nairobi's land data to Kenya Revenue Authority (KRA) without maintaining a backup for the County Government is putting people's properties at risk of manipulation by potential land grabbers.

4.0 RECOMMENDATIONS

At the Conclusion of its inquiry into the matter of the illegal demolition of a residential home built on Land LR. No. 1870/111/46 in School Lane, Parklands Highridge Ward, the Committee hereby recommends that;-

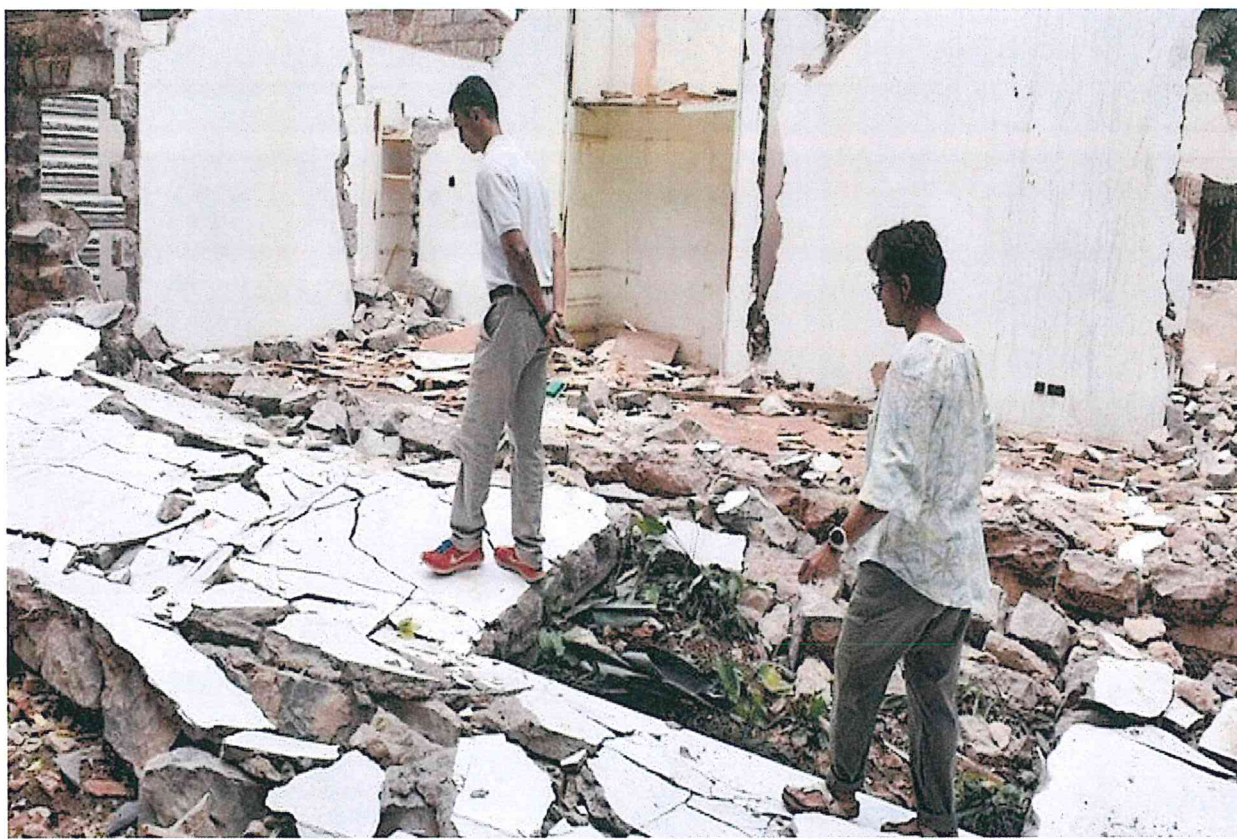
1. The County ICT department be held liable for the events that led to the change of land rate details of LR. No. 1870/111/46 during the period February 2014 - October 2014 that led to the illegal demolition of the property and attempted grabbing on the same land by Lariak Properties in School Lane, Parklands Highridge Ward on 4th November, 2022. The officers responsible to be censured so as to deter similar malpractices in future;
2. To unearth the extent of the irregularities committed by ICT officers, the Auditor General should be invited to examine the County Land records/rates system that was transferred to the Kenya Revenue Authority within six (6) months from the date of this report. The Audit report should be forwarded to the County Assembly on completion;
3. A further investigation to be conducted by the Director of Criminal Investigations into potential fraud on the Nairobi County Government's land records/rates and payment systems;
4. The Committee to engage the Kenya Revenue Authority (KRA) and schedule a forum where the Land records/rates system will be made available for the Committee to inspect in accordance with Article 195 of the Constitution;
5. The Ministry of Lands and the County Government lands office to reconstruct the file belonging to LR. No. 1870/111/46 in the name of Batuk L. Shah who is the current bonafide registered owner within three (3) months from the date of this report; and
6. The County Government to put in place a Policy within six (6) months that will guide land records management and immediately commence the process of

procuring an automated foolproof records system for both land records and land rate payments (guided by specifications from the technical experts).

7. The missing file containing sixty (60) other properties to be traced and reconstructed and a report on the same be forwarded to the Committee within three (3) months.

See Annexure-Picture Gallery

Picture Gallery



Niraj Shah and his wife Avani at the ruins of their home



The demolished house on LR. No. 1870/111/46



The County Assembly on the demolition site on 14th November 2023



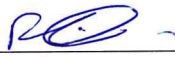
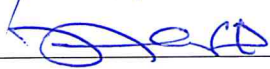


A side view of the demolished home belonging to the Shah's

NAIROBI CITY COUNTY ASSEMBLYCOMMITTEE ON PLANNING AND HOUSINGVENUE: ROOM 5.....

PARTICULARS: ADOPTION OF THE REPORT ON AN INQUIRY ON THE ILLEGAL DEMOLITION OF A RESIDENTIAL HOME BUILT ON LAND LR. NO. 1870/III/46, PARKLANDS SCHOOL LANE

DATE (dd/mm/yy): 26/04/2023TIME: 11:00 AM

S/NO	NAME	TIME IN	SIGN
1.	Alvin Olando		
2.	NICHOLAS Juma		N. Juma
3.	COLINS Ogega		C.O.O
4.	Geophrey Mwiru		
5.	FRANCIS KIMONDO		
6.	Paul Ndung'u		P.N
7.	HANNAH WANDIRI		H.W.
8.	LILY A. KIDENDA		LAK
9.	PATRICK M. MACHARIA		P.M.M
10.	HASHIM KAMAU		
11.	MARTIN WAIROBI		M.W.
12.	Jane Wanjiru		J.W.
13.	Tricer Ayabei		Tricer
14.	PETER MAINA MWANGI		PM
15.	Klaithera chege		W.C
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MINUTES OF THE 13TH SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY
COMMITTEE ON PLANNING AND HOUSING HELD ON WEDNESDAY 26TH APRIL,
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. Hannah Wanjiru Muriuki, MCA
4. Hon. Peter Maina, MCA
5. Hon. Patrick Macharia, MCA
6. Hon. Paul Ndungu, MCA
7. Hon. Geoffrey Majiwa, MCA
8. Hon. Lily Akoth Kidenda, MCA
9. Hon. Waithera Chege, MCA
10. Hon. Francis Kimondo, MCA
11. Hon. Hashim Kamau, MCA
12. Hon. Jane Wanjiru, MCA
13. Hon. Nicholas Juma, MCA
14. Hon. Tricer Jeptoo, MCA
15. Hon. Martin Wairobi, MCA

ABSENT

1. Hon. Peter Imwatok, MCA
2. Hon. Anthony Kiragu, MCA
3. Hon. Paul Kados, MCA
4. Hon. Nyantika Ricardo, MCA
5. Hon. Nasra Nanda, MCA
6. Hon. Fuad Hussein, MCA
7. Hon. Clement Kamaru, MCA
8. Hon. Thuo Fiunifu, MCA

AGENDA

1. *Consideration of Statement requests*
 - (i) *Statement by Hon. Jared Akama regarding developing of commercial properties on public utilities in Mihang'o Ward.*
 - (ii) *Statement by Hon. Anthony Maragu regarding construction of CPST in Karen Ward*
2. *Tabling of Petition by Pumwani residents on allocation of public land along General Waruinge road.*

MINUTES OF THE 6TH SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY
COMMITTEE ON PLANNING AND HOUSING HELD ON THURSDAY 16TH 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. Nyantika Ricardo, MCA
7. Hon. Patrick Macharia, MCA
8. Hon. Clement Kamaru, MCA
9. Hon. Francis Kimondo, MCA
10. Hon. Hashim Kamau, MCA
11. Hon. Jane Wanjiru, MCA
12. Hon. Nicholas Juma, MCA
13. Hon. Tricer Jeptoo MCA
14. Hon. Thuo Fiunifu, MCA
15. Hon. Martin Wairobi, MCA

ABSENT

1. Hon. Peter Imwatok, MCA
2. Hon. Paul Kados, MCA
3. Hon. Paul Ndungu, MCA
4. Hon. Geoffrey Majiwa, MCA
5. Hon. Nasra Nanda, 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. *Inquiry (cont)*

Arising from Statement regarding illegal demolition of residential home built on Land LR. No. 1870/111/46 and the irregular acquisition of the same land by Lariak Properties in School Lane, Parklands Highridge Ward.

3. *Witnesses- Ag. County Secretary, CECM-Lands, Urban Housing & Planning, Director- Survey & GIS, Director-Lands/Chief Officer, Head of Rates (Land rates*

MINUTES OF THE 6TH SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY
COMMITTEE ON PLANNING AND HOUSING HELD ON THURSDAY 16TH MARCH,
2023 AT 11.00 AM AT COMMITTEE ROOM 5- CITY HALL BUILDINGS.

In Charge); Director-ICT, Director-Planning, County Chief Valuer & Mrs. Avani Shah

4. *Matters Arising*
5. *A.O.B*
6. *Adjournment*

IN ATTENDANCE

1. Ms. G.T Waweru- County Principal Valuer
2. Ms. Gyneth magiri-Deputy Chief Valuer
3. Mr. Sylevester Okello-Chief Manager, Kenya Revenue Authority
4. Mr. Andrew Wamae- ICT Manager, Kenya Revenue Authority
5. Mr. David Nyandoro- Snr. Assistant Chief Land Registrar, Ministry of Lands
6. Mr. Stephen Chege-Chief Land Registration Officer, Ministry of Lands
7. Mr. & Mrs. Avani Shah-Demolition Victims

COMMITTEE SECRETARIAT

1. Mr. Joshua Mbila - Clerk Assistant

MIN.27 /P&H/MAR 2023– PRELIMINARIES

The Chair called the meeting to order at 11.20 am and proceeded to read the agenda. It was adopted as proposed by Hon. Collins Ogenga, MCA and seconded by Hon. Peter Maina, MCA. Introductions ensued.

MIN.28/P&H/MAR 2023–INQUIRY (CONT) ARISING FROM STATEMENT
REGARDING ILLEGAL DEMOLITION OF RESIDENTIAL HOME BUILT ON LAND LR.
NO. 1870/111/46

The Chair began the meeting by inviting officers from the Kenya Revenue Authority (KRA) who are the current custodians of the land rates system that was transferred to KRA during the NMS Deed of Transfer of Services period in 2020.

Submissions from KRA representatives

The KRA representatives stated the following:-

- (i) The Kenya Revenue Authority is only holding the rates database and not land ownership records.
- (ii) There has been system challenges in trying to transfer the data back to the County Government.
- (iii) The data they have cannot be interpreted as it is corrupted. The changes that were done altering names in the subject matter were done in 2014

MINUTES OF THE 6TH SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY
COMMITTEE ON PLANNING AND HOUSING HELD ON THURSDAY 16TH MARCH,
2023 AT 11.00 AM AT COMMITTEE ROOM 5- CITY HALL BUILDINGS.

whereas they acquired the system in 2020 and are therefore not in a position to know who made the changes.

- (iv) The County land rates system is not safe as one cannot trace or verify previous transactions.

Submissions from Ministry of Lands

The Officials from the Ministry of Lands gave the following Submissions:-

- (i) The Historical data of LR. No. 1870/111/46 points out that it is a one acre land that was first registered on 5th April 1949 in favour of Mr. Michael Lubiez. Prior to that it was registered under Government lands Act under registration No. N33. It moved to volume N49/293 and thereafter on 29th October 1976, it was registered under Mr. Batuk L. Shah.
- (ii) On 4th February 1977 the property was mortgaged to Savings and Loans Kenya Ltd. Between 1977 and 1999, there were other loans taken and charged to the property.
- (iii) Under Cap 281 (Registration of Titles act), Mr. Batuk L. Shah surrendered in exchange of a new grant, Title No. IR84817 on 31st October 2000 which had a lease term of 50 years from 1st September 1998 annual rent being Ksh. 17,360/=. Those records disappeared from the Ministry.
- (iv) The Directorate of Criminal Investigations agency, recently forwarded to the Ministry Title No. IR 250041- LR. No. 1870/111/46 requesting the Ministry to confirm its authenticity. The title had been forwarded to the agency by Lariak Properties Ltd claiming ownership of the land in question. After conducting its check, the Ministry termed the title as fake and responded back to the agency.
- (v) At the Ministry, it was noticed that someone had tried to tamper with the original register of the land in question but was not able to change the land reference number.
- (vi) The Ministry of Lands position in this matter is that Mr. Batuk L. Shah is the current registered owner of the land LR. No. 1870/111/46 in Parklands and the Ministry is going to embark on recreating a file to the property.

MINUTES OF THE 6TH SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY
COMMITTEE ON PLANNING AND HOUSING HELD ON THURSDAY 16TH MARCH,
2023 AT 11.00 AM AT COMMITTEE ROOM 5- CITY HALL BUILDINGS.

Committee Resolution

Having heard from the above witnesses, the Committee resolved that;-

- (i) The Ministry of Lands collaborates with the County Lands office to ensure that the missing files for the property Land LR. No. 1870/111/46 in School Lane, Parklands Highridge Ward are reconstructed in both offices.
- (ii) The County government immediately procures a fool proof land rate/records system.
- (iii) The County ICT sector to furnish the Committee with the person responsible for altering the rates name in the system for the parcel in question in 2014.

MIN.29/ P&H /MAR 2023– MATTERS ARISING

There were no matters arising.

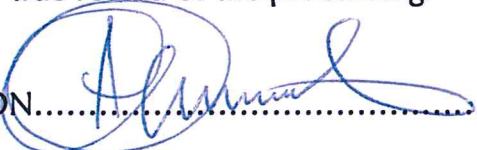
MIN.30/ P&H /MAR 2023 – ANY OTHER BUSINESS

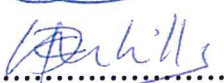
There was no AOB.

MIN.31/ P&H /MAR 2023 – ADJOURNMENT

There being no other business, the Chairperson adjourned the meeting at 1.05 pm. Next meeting was scheduled to be held on Thursday 23rd March 2023.

Confirmed as true record of the proceedings

CHAIRPERSON.......... DATE 3/05/2023.....

SECRETARY.......... DATE 3/05/2023.....

6

MINUTES OF THE 3RD SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY
COMMITTEE ON PLANNING AND HOUSING HELD ON TUESDAY 28TH
FEBRUARY, 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. Paul Kados, MCA
4. Hon. Anthony Kiragu, MCA
5. Hon. Hannah Wanjiru Muriuki, MCA
6. Hon. Peter Maina, MCA
7. Hon. Paul Ndungu, MCA
8. Hon. Francis Kimondo, MCA
9. Hon. Hashim Kamau, MCA
10. Hon. Jane Wanjiru, MCA
11. Hon. Nicholas Juma, MCA
12. Hon. Tricer Jeptoo MCA
13. Hon. Geoffrey Majiwa, MCA
14. Hon. Martin Wairobi, MCA
15. Hon. Nasra Nanda, MCA

ABSENT

1. Hon. Peter Imwatok, MCA
2. Hon. Nyantika Ricardo, MCA
3. Hon. Patrick Macharia, MCA
4. Hon. Lily Akoth Kidenda, MCA
5. Hon. Fuad Hussein, MCA
6. Hon. Clement Kamaru, MCA
7. Hon. Waithera Chege, MCA
8. Hon. Thuo Fiunifu, MCA

AGENDA

1. *Preliminaries (Prayers & adoption of the agenda)*
2. *Inquiry (cont)*

Arising from Statement regarding illegal demolition of residential home built on Land LR. No. 1870/111/46 and the irregular acquisition of the same land by Lariak Properties in School Lane, Parklands Highridge Ward.

3. *Witnesses- Ag. County Secretary, CECM-Lands, Urban Housing & Planning, Director- Survey & GIS, Director-Lands/Chief Officer, Head of Rates (Land rates*

MINUTES OF THE 3RD SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY
COMMITTEE ON PLANNING AND HOUSING HELD ON TUESDAY 28TH
FEBRUARY, 2023 AT 11.00 AM AT COMMITTEE ROOM 5- CITY HALL BUILDINGS.

*In Charge); Director-ICT, Director-Planning, County Chief Valuer & Mrs. Avani
Shah*

4. *Matters Arising*
5. *A.O.B*
6. *Adjournment*

IN ATTENDANCE

1. Ms. Cecilia W. Koigu- Chief Officer, Lands
2. Mr. Peter Wanyoike- Ag. Director Survey
3. Mr. Robert Okiri-ICT Officer
4. Mr. Isaac Wanyoike- Chief Valuer
5. Mr. Onesmus Mwangi-Systems Analyst
6. Mr. & Mrs. Avani Shah-Demolition Victims

COMMITTEE SECRETARIAT

1. Mr. Joshua Mbila - Clerk Assistant

MIN.11 /P&H/FEB 2023– PRELIMINARIES

The Chair called the meeting to order at 11.05 am and proceeded to read the agenda. It was adopted as proposed by Hon. Jane Wanjiru, MCA and seconded by Hon. Nicholas Juma, MCA. Introductions ensued.

MIN.12/P&H/FEB 2023–INQUIRY (CONT) ARISING FROM STATEMENT
REGARDING ILLEGAL DEMOLITION OF RESIDENTIAL HOME BUILT ON LAND LR.
NO. 1870/111/46

The Chair began the meeting by stating the meeting's objective. The objective was to find out from the ICT (County Executive) representative who authorized/effectuated the change of names in the system for plot LR. NO. 1870/111/46 between March 31st and October 31st 2014.

Submissions from ICT representative

The ICT representative in his submissions stated the following:-

- (i) The system could have been interfered with during the NMS Deed of Transfer period (2020) where systems were transferred to NMS. A Member disputed the claim citing that the changes in question were done in 2014 a time when all systems were still in custody of the County Executive.

MINUTES OF THE 3RD SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY
COMMITTEE ON PLANNING AND HOUSING HELD ON TUESDAY 28TH
FEBRUARY, 2023 AT 11.00 AM AT COMMITTEE ROOM 5- CITY HALL BUILDINGS.

- (ii) He confessed that at the moment the County does not have any data on the said piece of land (and many others) as the land rate system was migrated to KRA. He is therefore not in a position to access the required information. In response, the Committee indicated that this was a sign of incompetency from the officer and the entire ICT team to have transferred all land data to KRA without maintaining a backup for the County Government. This meant that people's properties were at risk of manipulation by unscrupulous individuals.

Submissions from Chief Valuer

He took the Committee through a detailed process of changing names in the rates payment system. He is unable to locate the property file of the land in question.

- The Chief Officer Lands, gave the undertaking that her office will write to the Ministry of Lands to provide the land's file so as to establish the bonafide owner of the land.

Committee Resolution

The Committee resolved that the Deputy Commissioner ICT (KRA) be invited to the next meeting to give information on the property. The next meeting on the inquiry will be in two weeks' time (14th March 2023).

MIN.13/ P&H /FEB 2023– MATTERS ARISING

There were no matters arising.

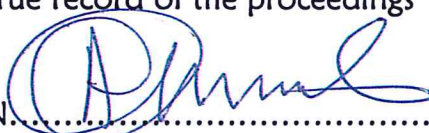
MIN.14/ P&H /FEB 2023 – ANY OTHER BUSINESS

There was no AOB.

MIN.15/ P&H /FEB 2023 – ADJOURNMENT

There being no other business, the Chairperson adjourned the meeting at 12.50 pm. Next meeting was scheduled to be held on Tuesday 7th March 2023.

Confirmed as true record of the proceedings

CHAIRPERSON.......... DATE 3/05/2023.....Page 3 of 3...

SECRETARY.......... DATE 3/05/2023.....

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MINUTES OF THE 1ST SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY
COMMITTEE ON PLANNING AND HOUSING HELD ON THURSDAY 16TH
FEBRUARY, 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. Hannah Wanjiru Muriuki, MCA
4. Hon. Peter Maina, MCA
5. Hon. Francis Kimondo, MCA
6. Hon. Hashim Kamau, MCA
7. Hon. Nicholas Juma, MCA
8. Hon. Jane Wanjiru, MCA
9. Hon. Tricer Jeptoo MCA
10. Hon. Geoffrey Majiwa, MCA
11. Hon. Martin Wairobi, MCA
12. Hon. Anthony Kiragu, MCA
13. Hon. Nyantika Ricardo, MCA
14. Hon. Lily Akoth Kidenda, MCA
15. Hon. Paul Ndungu, MCA
16. Hon. Fuad Hussein, MCA
17. Hon. Patrick Macharia, MCA

ABSENT

1. Hon. Peter Imwatok, MCA
2. Hon. Paul Kados, MCA
3. Hon. Nasra Nanda, MCA
4. Hon. Clement Kamaru, MCA
5. Hon. Waithera Chege, MCA
6. Hon. Thuo Fiunifu, MCA

AGENDA

1. *Preliminaries (Prayers & adoption of the Agenda)*
2. *Adoption of the 3rd Quarter Work Plan (Jan- March 2023)*
3. *Matters Arising*
4. *Any Other Business*
5. *Adjournment*

MINUTES OF THE 1ST SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY
COMMITTEE ON PLANNING AND HOUSING HELD ON THURSDAY 16TH
FEBRUARY, 2023 AT 11.00 AM AT COMMITTEE ROOM 5- CITY HALL BUILDINGS.

COMMITTEE SECRETARIAT

1. Mr. Joshua Mbila - Clerk Assistant

MIN.01 /P&H/FEB 2023– PRELIMINARIES

The Chair called the meeting to order at 11.07 am and proceeded to read the agenda. It was adopted as proposed by Hon. Lily Akoth Kidenda, MCA and seconded by Hon. Anthony Kiragu, MCA.

MIN.02/P&H/FEB 2023– ADOPTION OF THE 3RD QUARTER WORK PLAN (JAN-MARCH 2023)

The Chair gave welcoming remarks and invited the Committee Clerk to take Members through the 3rd Quarter Work Plan for the January-March 2023 period. The Clerk took Member through the Work Plan.

MIN.03/ P&H /FEB 2023– MATTERS ARISING

Members agreed to have meetings on Tuesdays and Wednesdays at 11.00am. Members further agreed to start off with the Parklands demolition inquiry on Land LR. No. 1870/111/46 and the irregular acquisition of the same land by Lariak Properties in School Lane, Parklands Highridge Ward and the Pending Petitions as the most urgent business.

MIN.04/ P&H /FEB 2023 – ANY OTHER BUSINESS

A Member raised concern over the piling of Statements and the frequent inviting of the Executive to answer the same citing the practice as cumbersome. It was therefore agreed that going forward the Committee shall have the discretion of inviting the Executive on Statements based on the weight of the Statement.

MIN.05/ P&H /FEB 2023 – ADJOURNMENT

There being no other business, the Chairperson adjourned the meeting at 12.02 pm. Next meeting was scheduled to be held on Tuesday 21st February 2023.

Confirmed as true record of the proceedings

CHAIRPERSON..... DATE 3/05/2023

SECRETARY..... DATE 3/05/2023

MINUTES OF THE 2ND SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY
COMMITTEE ON PLANNING AND HOUSING HELD ON TUESDAY 22ND
NOVEMBER, 2022 AT 11.00 AM AT COMMITTEE ROOM 2- CITY HALL
BUILDINGS.

PRESENT

1. Hon. Alvin Palapala, MCA-Chairman
2. Hon. Collins Ogenga, MCA-Vice Chairperson
3. Hon. Nasra Nanda, MCA
4. Hon. Paul Kados, MCA
5. Hon. Hannah Wanjiru Muriuki, MCA
6. Hon. Thuo Fiunifu, MCA
7. Hon. Hashim Kamau, MCA
8. Hon. Nicholas Juma, MCA
9. Hon. Lily Akoth Kidenda, MCA
10. Hon. Jane Wanjiru, MCA
11. Hon. Peter Maina, MCA
12. Hon. Francis Kimondo, MCA
13. Hon. Patrick Macharia, MCA
14. Hon. Paul Ndungu, MCA
15. Hon. Tricer Jeptoo MCA
16. Hon. Anthony Kiragu, MCA
17. Hon. Martin Wairobi, MCA

ABSENT

-
1. Hon. Peter Imwatok, MCA
 2. Hon. Geoffrey Majiwa, MCA
 3. Hon. Nyantika Ricardo, MCA
 4. Hon. Fuad Hussein, MCA
 5. Hon. Clement Kamau, MCA
 6. Hon. Waithera Chege, MCA
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AGENDA

1. *Preliminaries (Prayers & adoption of the Agenda)*
2. *Meeting with executive on illegal demolition of residential home built on land
LR. No. 1870/111/46 in Parklands*
3. *Any Other Business*
4. *Adjournment*

MINUTES OF THE 2ND SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY COMMITTEE ON PLANNING AND HOUSING HELD ON TUESDAY 22ND NOVEMBER, 2022 AT 11.00 AM AT COMMITTEE ROOM 2- CITY HALL BUILDINGS.

IN ATTENDANCE

1. Chief Valuer, NCC
2. Head of rates, NCC
3. The Shah's- Proprietor LR. NO. 1870/111/46

COMMITTEE SECRETARIAT

1. Mr. Joshua Mbila - Clerk Assistant

MIN.07 /P&H/NOV 2022 – PRELIMINARIES

The Chair called the meeting to order at 11.03 am and proceeded to read the agenda. It was adopted for prosecution as proposed by Hon. Paul Kados, MCA and seconded by Hon. Collins Ogenga, MCA. Introductions ensued.

MIN.08 /P&H/NOV 2022– MEETING WITH EXECUTIVE ON ILLEGAL DEMOLITION OF RESIDENTIAL HOME BUILT ON LAND LR. NO. 1870/111/46 IN PARKLANDS

- A. Submissions given by the proprietor of LR. No.1870/111/46
- i.) They have been paying rates for the parcel until 2015 when their names in the system were fraudulently altered to read James Wambugu Gichuki and Samuel Mbugua Kariuki.
 - ii.) In 2021, the head of rates sent them a notice demanding payment of accrued rates of Ksh.30m. The notice was addressed to Mr. Batuk Shah the original allottee.
 - iii.) On Friday 3rd November, an Auctioneer named Baraza together with several goons, raided the home on LR. NO. 1870/111/46 and went straight to start demolishing the house. Their cries fell on deaf ears and attempts to reach out to three nearby police stations proved futile.
 - iv.) The Auctioneer did not provide any eviction notice before proceeding with the illegal demolition. In the process, goods worth millions were destroyed/looted.
- B. Submissions given by the Executive (Chief Valuer)
- i.) The property has been having disputes since 2015. They have received complaints from the Shah's, their advocates and the DCI.
 - ii.) The property file has been missing both at the Ministry of lands and the County Registry of Lands. The land lease was issued to the allottees by the Government and they have since written to the Ministry to provide ownership details of the same with no response.

MINUTES OF THE 2ND SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY
COMMITTEE ON PLANNING AND HOUSING HELD ON TUESDAY 22ND
NOVEMBER, 2022 AT 11.00 AM AT COMMITTEE ROOM 2- CITY HALL
BUILDINGS.

- iii.) The Proprietor's (Shah's) have been faithfully paying land rates for the parcel until when in unclear circumstances, their names were deleted from the system and replaced with those of James Wambugu Gichuki and Samuel Mbugua Kariuki.
- iv.) They cannot explain how the name was changed in the system and alleges that an officer named Faith Njeru effected the changes on 27th October 2014.
- v.) The missing file for the property also has information pertaining to 60 other properties.

MIN.9/P&H/NOV 2022- COMMITTEES SUBMISSIONS

After having listened to both parties, the Committee resolved as follows;-

- i.) That the meeting be adjourned to a later date where the following Officers will provide more information on the ownership of the parcel;-
 - a) P.S Ministry of Lands
 - b) Director planning
 - c) Director Survey and GIS
 - d) Chief Officer/Director-Lands
 - e) Chief Valuer
 - f) Ag. County Secretary
 - g) Director ICT
 - h) Planning compliance officer for Parklands area.

MIN.10/ P&H /NOV 2022 – ANY OTHER BUSINESS

There was no AOB.

MIN.11/ P&H /NOV 2022 – ADJOURNMENT

There being no other business, the Chairperson adjourned the meeting at 1.15 pm. Next meeting was scheduled to be held on Wednesday 23rd November 2022.

Confirmed as true record of the proceedings

CHAIRPERSON.....  DATE 7/03/2023

SECRETARY.....  DATE 7/03/2023

