



**COUNTY GOVERNMENT OF NAIROBI CITY**

**THIRD ASSEMBLY – (FOURTH SESSION)**

**NAIROBI CITY COUNTY ASSEMBLY**

**VOTES AND PROCEEDINGS**

**THURSDAY, AUGUST 7<sup>TH</sup>, 2025 AT 2.30 P.M.**

1. The Assembly assembled at Thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.

**QUORUM OF THE ASSEMBLY**

The Hon. Speaker (Hon. Kennedy Ng'ondi, MCA), having confirmed that there was a Quorum at the commencement of the Sitting, called the County Assembly to order.

**3. PAPERS LAID: -**

The following papers were laid on the Table of the Assembly;

- a. **THE SPECIAL AUDIT REPORT OF THE AUDITOR-GENERAL ON PAYROLL MANAGEMENT FOR NAIROBI CITY COUNTY EXECUTIVE FOR THE FINANCIAL YEARS 2021/2022; 2022/2023 AND 2023/2024;** - *(Committed to the Select Committee on Public Accounts);*

*(Hon. Peter Imwatok, MCA –Majority Leader)*

- b. **THE REPORT OF THE SECTORAL COMMITTEE ON LANDS, PLANNING AND HOUSING ON PETITION PRESENTED BY RESIDENTS OF KILIMANI, WESTLANDS, KILELESHWA, PARKLANDS AND SOUTH C ON ADHERENCE TO ZONING REGULATIONS IN ACCORDANCE WITH NAIROBI INTEGRATED URBAN DEVELOPMENT MASTERPLAN (NIUPLAN), LACK OF PUBLIC PARTICIPATION, CONSTRUCTION OF NON-APPROVAL AND LACK OF FOLLOW UP INSPECTION TO ENSURE ADHERENCE TO QUALITY STANDARDS ON BUILDINGS IN NAIROBI CITY COUNTY.**

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

**c. THE REPORT OF THE SECTORAL COMMITTEE ON LANDS, PLANNING AND HOUSING ON A PETITION PRESENTED BY RESIDENTS OF NJIRU WARD ON STOPPAGE OF PUBLIC LAND ENCROACHMENT BY A PRIVATE DEVELOPER IN NAIROBI CITY COUNTY.**

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

**4. STATEMENTS PURSUANT TO STANDING ORDER 47(2)(c)**

Pursuant to the provisions of **Standing Order 47(2)(c)**, the following Member requested for a Statement: -

-Hon. Shadrack Machanje, MCA requested for a Statement from the Chairperson of the Sectoral Committee on Health Services regarding the living standards of students and irregular fees charges at Pumwani College of Nursing and Midwifery – *(Response due in two weeks after Recess)*

**5. PROCEDURAL MOTION – ALTERATION OF THE COUNTY ASSEMBLY CALENDAR**

Motion Made and Question proposed;

**THAT**, pursuant to the Provisions of Standing Order 31(4), this Assembly resolves to alter the County Assembly Calendar and adjourn until **Tuesday, 23<sup>rd</sup> September, 2025 at 2.30 p.m.**, (Regular Session).

*(The Leader of Majority Party)*

Debate Ensued;

Mover Replied;

Question Put and **Agreed to;**

**6. MOTION – RESETTLEMENT OF MATHARE 4A SQUATTERS AND THE IMPLEMENTATION OF THE SUPREME COURT DECISION IN PETITION NO. 5 (E006) OF 2022 ON THE OWNERSHIP AND ALLOCATION OF LAND LR. NO. 11344 (18169 & 18170)**

Motion Made and Question proposed;

**WHEREAS**, Article 62(2) of the Constitution of Kenya, 2010 provides that public land shall vest in and be held by County Governments in trust for the people resident in the county, and may be administered on its behalf by the National Land Commission;

**WHEREAS**, Article 60(1) of the Constitution outlines that the principles of land policy shall ensure the protection of human rights and secure land

rights for all Kenyans, including marginalized and displaced persons;

**FURTHER WHEREAS**, the defunct City Council of Nairobi and the Government of the Republic of Kenya, in response to a longstanding public interest concern, agreed to resettle squatters evicted in the year 1989 from Land Reference No. 209/1210, formerly a quarry and commonly known as Mathare 4A, to a parcel of land situated in Ruai under the Mathare 4A Resettlement Scheme-Ruai, specifically Land Reference No. 12979/1/R, as communicated in a letter Ref. TC(L) MNN/234/E/2005 dated 21<sup>st</sup> March, 2005 by the then Town Clerk, Mr. John Gakuo;

**NOTING THAT**, in order to formalize this resettlement, the affected squatters formed a Community-Based Organization known as Mathare 4A-Resettlement Scheme-Ruai and later on registered a legal entity known as ***Eastend Development Properties***, which was subsequently issued with allotment letters vide a letter dated 16<sup>th</sup> January, 2007, following a resolution passed by the full defunct City Council meeting of Nairobi on 27<sup>th</sup> January, 2006;

**CONCERNED THAT**, after taking possession of the land, members of the Eastend Development Properties formerly known as Mathare 4A Resettlement Scheme-Ruai were forcibly evicted following a claim over the land by the Nairobi City Water & Sewerage Company Limited, resulting in a protracted legal dispute. This culminated in ELC Petition No. 1243 of 2016, where the court issued restraining orders against eviction, a position supported by this Assembly in its report adopted on 28<sup>th</sup> September, 2016 tabled by the Sectoral Committee on Water and Sanitation;

**AND WHEREAS**, despite the court orders and the resolution of this Assembly, the resettlement has not been realized. Instead, continued evictions have persisted, amounting to a sustained historical land injustice against the intended beneficiaries, who remain in deplorable and insecure living conditions while enduring expensive legal battles against state agencies;

**COGNIZANT**, that the defunct City Council had clear and documented intentions to settle the said squatters on county land, as reflected in official correspondences and resolutions;

**AND WHEREAS**, the Supreme Court of Kenya, in a landmark and final judgment in Petition No. 5 (E006) of 2022, held that the Nairobi City County Government holds valid and legal title to Land Reference No. 11344 (Original No. 41/3), measuring 5,639 acres in Embakasi, land

previously claimed by the Kenya Defence Forces and other private entities and that has the authority to allocate and administer this land in the interest of Nairobi residents;

**AND FURTHER WHEREAS**, following a public petition presented by representatives of Mathare 4A, this Honourable Assembly, through a report tabled on 18<sup>th</sup> October, 2023 by the Sectoral Committee on Planning and Housing, recommended that the petitioners, who have endured long-standing historical injustices, be considered for resettlement on the aforementioned Land Reference No. 11344 (Embakasi) under allotment number LR No. 18170 in alignment with the County Government's constitutional mandate and the Supreme Court's ruling;

**NOW THEREFORE**, this Assembly resolves as follows:

- i) **THAT**, pursuant to Article 62(2) of the Constitution, the Supreme Court's decision in Petition No. 5 (E006) of 2022 and all other applicable provisions of the law, the Nairobi City County Government is mandated and empowered to allocate Land Reference No. 11344 in accordance with principles of equity, justice, and historical redress;
- ii) **THAT**, in consideration of the current occupation of a portion of Land Reference No. 11344 (Embakasi), the Kenya Defence Forces (KDF) be permitted to retain the area it presently occupies being LR No. 18169. The County Government to engage KDF on the terms for transfer of ownership of the land;
- iii) **THAT**, the remaining portion LR 18170 measuring approximately 405 ha be allocated to Mathare 4A Resettlement Scheme–Ruai (Eastend Development Properties) and other deserving communities/groups for purposes of residential settlement and community development;
- iv) **THAT**, the Nairobi City County Executive, in collaboration with the National Land Commission and other relevant government agencies, shall expedite the formal allocation and issuance of title deeds or other legal instruments to the identified beneficiaries within **ninety (90) days** from the date of adoption of this Motion; and
- v) **THAT**, the County Executive Committee Member responsible for Lands shall update this County Assembly within 21 days of adoption of this Motion on the progress made on its implementation.

*(Hon. Peter Jateso Imwatok, MCA – The Leader of Majority Party)*

Debate Ensued;

Mover Replied;

Question Put and **Agreed to;**

**7. MOTION – IMPLEMENTATION OF THE COURT DECISION IN ELC NO. 1235 OF 2015 ON THE OWNERSHIP AND ALLOCATION OF LAND LR NO. 10905 (RUAI)**

Motion Made and Question proposed;

**WHEREAS**, Article 62(2) of the Constitution of Kenya, 2010 provides that public land shall vest in and be held by county governments in trust for the people resident in the county, and may be administered on its behalf by the National Land Commission;

**AND WHEREAS**, Article 60(1) of the Constitution outlines the principles of land policy, which include equitable access to land, security of land rights, sustainable and productive management of land resources, and the protection of human rights, including the rights of marginalized and displaced persons;

**FURTHER AWARE THAT**, the City continues to face challenges posed by landless persons and squatters, who scramble for unoccupied county land, often leading to violent confrontations, destruction of property, and social unrest;

**NOTING**, that a dispute concerning Land Reference No. 10905 (Ruai) was subject to legal proceedings in Petition No. 1235 of 2015, which culminated in a court decision affirming that the land does not belong to any of the contesting parties and that it should revert to the Nairobi City County Government as unalienated land with full authority to administer and allocate it in the interest of Nairobi residents;

**COGNIZANT THAT**, despite the court's determination, the County Government bears a responsibility to ensure equitable settlement and protection of land rights for affected communities;

**NOW THEREFORE**, this Assembly **resolves** as follows:-

- i) **THAT**, the Nairobi City County Executive, in collaboration with the National Land Commission and other relevant government agencies, shall expedite the allocation/regularization of ownership and settlement of the identified and deserving beneficiaries of Land

- ii) LR No. 10905 (Ruai) within sixty (60) days from the date of adoption of this Motion; and
- iii) **THAT**, the County Executive Committee Member (CECM) for Lands shall provide an update to this County Assembly on the progress of implementation within twenty-one (21) days from the date of adoption of this Motion.

*a. (Hon. Peter Jateso Imwatok, MCA – The Leader of Majority Party)*

Debate Ensued;  
Mover Replied;  
Question Put and **Agreed to;**

**8. MOTION – EXTENSION OF THE ASSEMBLY SITTING UNTIL CONCLUSION OF THE BUSINESS OF THE DAY**

Motion Made and Question proposed;

**THAT**, pursuant to the provision of Standing Order 33 (3) (a), this Assembly resolves to its Sitting time until conclusion of the Business of the Day.

*(The Leader of Majority Party)*

Debate Ensued;  
Mover Replied;  
Question Put and **Agreed to;**

**9. MOTION – ADOPTION OF THE REPORT OF THE SELECT COMMITTEE ON PUBLIC ACCOUNTS**

Debate for the Motion interrupted on Tuesday, 15<sup>th</sup> July, 2025 resumed;

**THAT**, this Assembly adopts **THE REPORT OF SELECT COMMITTEE ON PUBLIC ACCOUNTS ON CONSIDERATION OF THE REPORT OF AUDITOR GENERAL ON RECEIVER OF REVENUE FOR COUNTY GOVERNMENT OF NAIROBI FOR THE YEAR ENDED 30<sup>TH</sup> JUNE 2022**, laid on the Table of the Assembly on Wednesday, 30<sup>th</sup> April, 2025.

*(Chairperson, Select Committee on Public Accounts)*

Debate resumed;  
Mover Replied;  
Question Put and **Agreed to;**

There being no other business and the time being twenty-five minutes past to Six O'clock, the Hon. Speaker adjourned the Assembly without Question put pursuant to the Standing Orders.

10. ASSEMBLY ROSE - at Twenty-five minutes to Six O'clock.

MEMORANDUM

The Speaker will take the Chair on  
Tuesday, 23<sup>rd</sup> September, 2025 at 2.30 p.m.

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