



PARLIAMENT
OF KENYA
LIBRARY

MINISTRY OF LAND, HOUSING AND URBAN DEVELOPMENT

MINISTERIAL STATEMENT ON DEPARTMENTAL COMMITTEE (K) ON LANDS HOUSING AND URBAN DEVELOPMENT – MINISTERIAL STATEMENT REQUEST BY A MEMBER

Hon. Speaker, in the recent past some private developers have allegedly grabbed public, especially land belonging to Public schools for instance; Lavington Primary School; Milimani Primary School; Kilimani Primary School; Kileleshwa Primary School and Kawangware Primary Schools located in Dagoretti North Constituency.

A) Question

Hon. Speaker, the Chairperson should therefore inquire and report on-

- i.** Clarify the current status of these parcels of land, stating the number of acres owned by each school;
- ii.** The steps the Government is taking to recover the alleged grabbed land;
- iii.** Action the Government is taking against such land grabbers.

B) ANSWER

i. Status of Kawangware, Kilimani, Lavington, Milimani and Kileleshwa Primary Schools

(a) Plot No. Dagoretti/Riruta/T316 – Kawangware Primary School

This plot measures 2.331 Ha and is registered in the name of Nairobi City Council for a term of 99 years from 1st June 1972.

The Government allocated this land for educational purposes and accommodation of the head teacher. This is the position to date according to our records.

(b) L.R. 209/7157 – Kiliman Primary School

This land measures 4.343 Ha and the Government of Kenya allocated it to the City Council of Nairobi on 10th January 1966. It was for educational purposes and accommodation for the head teacher. This is the position to date.

(c) L.R. 3734/1077-Lavington Primary School

This covers an area of 8.4888 Ha and the Government reserved it for Lavington Primary School.

Just like the above, it was for educational purposes and for the accommodation for the headteacher. The position remain the same to date.

(d) Milimani Primary School

This school is located on land originally referred to as L.R. 2/39 that measured 6.07 ha and whose title was registered under Nairobi City Council on a Freehold Tenure. The land had been acquired by the Council through adverse possession and was originally zoned for sports ground.

However, the City Council vide their letter reference CP&ARCH/3537 of 15th August 1991 (**marked Annex I**) subdivided the land into two portions and planned one portion measuring 3.17ha for a secondary school purposes while the other portion measuring 2.9ha was planned for the primary school. The portion measuring 3.17ha was later surveyed as L.R. No. 209/11601, then surrendered to Government and re-allocated to one Anglessey Developers Ltd in November 1991 (**see appendix 2**). The land was transferred to International Bible Students Association on 27th November 1992. The other portion measuring 2.9ha is what was left for Milimani Primary School.

(e) Plots No.209/6542 and 209/6519 – Kileleshwa Primary School and Nursery respectively

Plot No. 209/6542 measures 4.86 acres while 209/6519, measures 0.754 acres.

These are registered in the name of Nairobi City Council for a term of 99 years from 1st October 1964.

The land was reserved for educational purposes and headteacher's accommodation. The same situation prevails the same.

From the available records, it is only land for Milimani Primary school which was replanned and re-allocated to Anglessery Developers Limited who later sold the same to International Bible Students Association.

ii. The steps the Government is taking to recover alleged grabbed land

The Government will through the National Land Commission invoke Section 14 of National Land Commission Act to recover the land once the regulations are passed by parliament.

iii. Action the Government is taking against such land grabbers

For now no action can be taken against the grabbers as envisaged under Section 14(1) of National Land Commission Act until when the rules and regulations under Section 14(2) will be in place.



**HON. CHARITY KALUKI NGILU, EGH
CABINET SECRETARY**

Annex I

NAIROBI CITY COMMISSION

58

INQUIRIES ASK FOR:
Kurua-Gathoni



No. 224281
105

CITY HALL

QUOTE

P.O. BOX 30075

No. CP&ARCH/3537

NAIROBI, KENYA

15/8/91

CITY PLANNING AND ARCHITECTURE DEPARTMENT

See by organizer. 8/10/91
Please allocate to Anglessey Developers at Jolito St
[Signature]
8/10/91

Mr. W. Gacanja,
Commissioner of Lands,
P.O. BOX 30089,
NAIROBI.

REF: LR. NO. 2/39, KILIMANI NAIROBI - APPROVAL AND
CHANGE OF USE FROM SPORTS PURPOSES TO SECONDARY SCHOOL.

Your letter ref. No. 5656/57 of the 14th June, 1991
in connection with the above plot please refers.

This is to advise you that from a planning point of view the Commission would have no objection to the proposed change of use from sports purposes to secondary school. As you can see from the attached development plans, the land was replanned in 1981 to accommodate two primary schools, Kilimani II and III. The former has already been completed and is now called Milimani Primary School. And since there are several primary schools but very few secondary schools in the area it would be quite logical that the area reserved for Kilimani III be developed for a secondary school.

In the event, the primary and secondary school play fields could be made available for use by the members of the public during the weekends and school holidays.

[Signature]

KURIA-GATHONI
DIRECTOR OF CITY PLANNING & ARCHITECTURE

KG/ao

ANGLESSEY DEVELOPERS LIMITED

Annex 2(a)

P.O. Box 55543

Tel: 212368/228150
NAIROBI

Date: 13th May, 1991

YOUR REF:

5656



OUR REF:

Mr. Gachanja,

Attached herewith is the plan we talked about, It is ear marked for a Secondary School.

The Director of City Planning would prefer to have a letter from the Commissioner of Lands asking for comments, On this basis he would give clearance.

*Mbani
Dony a
Jomati T/Desk
Nairobi
has concurred
to allocation
P/S
2/5/91*

Sincerely Yours,

F Soila
Florence Soila

5656/57

14th June

31

The Town Clerk,
Nairobi City Commission,
P.O. Box 30075,
NAIROBI

L.R. NO.2/39, KILIMANI NAIROBI - APPROVAL
AND CHANGE FROM SPORTS PURPOSES TO SECONDARY SCHOOL

The above plot is registered in favour of your commission to be used for sports purposes only.

There was a direct approval elsewhere which was not successful **and** the prospective allottees have now applied for the above plot for allocation in order to develop a Secondary School. Therefore, let me know if your commission is willing to relinquish its interest so that I can allocate it as applied for. If so, please prepare a surrender and let me have it for registration.

W. GACANJA

W. GACANJA
COMMISSIONER FOR LANDS

C.C.

Director of City Planning,
P.O. Box 30075,
NAIROBI.

Annex 2 (f)

5656/59.

20th August,

91.

The Town Clerk,
Nairobi City Commission
P.O. Box 30075,
NAIROBI

L.R.NO.2/39 - KILIMANI NAIROBI - SITE FOR A SECONDARY SCHOOL

Thank you for your letter Ref. CP& ARCH/3537 of 15th August, 1991.

So that I can proceed with the request by the applicant who is seeking approval for change of user as well as the surrender of the affected land by the City Commission to enable documentation by this office, please indicate in the plan forwarded by you the site for the Secondary School. It would also be appreciated if the same could be planned by your relevant department and the surrender finalised.

W. GACANJA

W. GACANJA
COMMISSIONER OF LANDS

III