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REPUBLIC OF KENYA




THE NATIONAL ASSEMBLY

12TH PARLIAMENT -FOURTH SESSION - 2020

DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

REPORT ON A PETITION REGARDING AN ALLEGED DEMOLITION OF
HOUSES AND RE-POSSESSION OF LAND WITHIN LANGATA
CONSTITUENCY

THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 11 NOV 2020	TUESDAY
TABLED	HON. PETER KIMARI KIHARA - MEMBER OF ENR.



DIRECTORATE OF COMMITTEE SERVICES,
CLERK'S CHAMBERS,
PARLIAMENT BUILDINGS,
NAIROBI

NOVEMBER, 2020

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CHAIRPERSON'S FOREWORD

The petition regarding the alleged repossession of land in Langata Constituency was presented to the House by the Hon. Nixon Korir, MP on 30th June, 2020 on behalf of the residents of Sunvalley Phases I, II and III, Royal Park Estate, KMA Estate, Shalom Estate, Forest View Estate within Mugumoini Ward. The petition was consequently committed to the Committee for consideration pursuant to Standing Order 227.

The petitioners pointed out that over 6,000 households occupied the said estates for over 20 years having acquired their property for value. Various government and public institutions such as the prisons department, dog unit section, schools, hospitals, churches, mosques and other amenities were situated within the same estate. Further, the government provided the estate with common utility services to the residents' properties such as water and sewerage, electricity, paved roads among other facilities. The residents, while developing their properties within the estates, had obtained the requisite approvals and had been granted by the government.

The government vide Legal Notice No. 44 of 1998 had altered the boundary of Ngong Forest reserve which formed the said estates. However, the pronouncements of 2nd June, 2020 by the Cabinet Secretary for Environment and Forestry declaring the estates as part of the forest had caused a lot of anxiety to the residents. The government had not challenged the legality of the Legal Notice No. 44 of 19198 in court. The Petitioners therefore prayed that the Departmental Committee on Environment and Natural Resources pursuant to Standing Order 216 (5) (a):

- a. Intervenes by instructing the Cabinet Secretary for Environment and Forestry to follow the due process of the law and get the proper information and proper map from the Ministry responsible for matter related to lands;
- b. Intervenes by instructing the Cabinet Secretary for Environment and Forestry to desist forthwith from pursuing his intention to illegally reclaim privately owned land, on which the afore cited estates stand;
- c. Intervenes to ensure that the Cabinet Secretary for Lands doe protects the sanctity of title deeds that the residents hold for their legally acquired land; and
- d. The Kenya Forestry Department to stop harassing and causing unnecessary anxiety to the residents of these estates.

The Committee consequently seized the matter raised in the Petition and processed it through deliberative meeting with the Hon. Nixon Korir, MP and the Ministry of Environment and Forestry on Thursday 2nd July, 2020 and Monday 13th July, 2020 respectively. The Committee also conducted an inspection visit to the affected Estates on Tuesday, 11th August, 2020, to appreciate the issues on the ground

Having reviewed the oral and written evidence submitted to it, the Committee observed that it is mandated under the Second Schedule of the National Assembly Standing Orders No. 216 (f) in relation to forests is to investigate, inquire into, and report on all matters relating to environment management and conservation of forests. To this end, the Committee supports the agenda of the national government relating to the conservation and management of forests as governed by the Constitution and the Laws of Kenya.

The Departmental Committee on Environment and Natural Resources is mandated under the Second Schedule of the National Assembly Standing Orders No. 216 (f), in relation to forests, to investigate, inquire into, and report on all matters relating to environment management, and conservation of forests. To this end, the Committee supports the agenda of the national government relating to the conservation and management of forests as governed by the Constitution and the laws of Kenya.

The Committee observed that between 1933 and 1998, a total of 1,657.42 hectares of the Ngong Road Forest were excised through formal de-gazettement through a total of 24 Proclamations and Legal Notices. 21 Proclamations and Legal Notices were issued under section 4(2) of the repealed Forest Act, Cap. 385 of 1942. A total of 972.04 hectares was lost through the procedure involving allocation and subsequent surrender through the Permanent Secretary, National Treasury and various Government agencies. The notices for de-gazettement were for public purposes. There appears to be no express provision under the *repealed* Forest Act, Cap 385 outlining the reason for altering the boundaries of a Forest. The practice appears to have been a product of previous excisions. **Annexure 63** is a table matrix of all Proclamations and Legal Notices degazetting portions of Ngong Road Forest)

The Committee observed on page 250 of the submission by the Ministry of Environment and Forestry(**Annexure 64**), that in 1996, a title deed: Grant No. I.R. 70244 for land located was issued to the Permanent Secretary, Treasury to hold in trust for the Permanent Secretary, Ministry of Environment and Natural Resources which left out an area covering 339.8 hectares from the original forest area of 1,328.8 hectares.

The Committee observed on page 254 of the submission by the Ministry of Environment and Forestry (**Annexure 65**), that in 1996, the title was surrendered to the Commissioner of Lands and a leasehold title deed: Grant I.R. 81938 for an area of 538.2 hectares issued to the Permanent Secretary, Treasury to hold in trust for Ngong Road Sanctuary. This again left out an area of 450 hectares from the title issued in 1996. In total, an area of 789.8 hectares was left outside the boundaries of the Ngong Road Forest. The land excluded from the title was allocated to private developers some of whom have since transferred it to other third parties.

The Committee observed that the estimated collective value of the development and the land degazetted is approximately 43 billion Kenya shillings. **Annexure 66** is a table matrix of all Langata Area Affected Estates and Investments/ Properties.

The Forests Act (*repealed*), Cap 385, was enacted on 1st March, 1942. The repealed Act was in force from 1st March, 1942 to 1st February, 2007. The repealed Act was enacted to regulate the establishment, control and regulation of Central Forests, forests and forest areas in the Nairobi Area and on unalienated Government lands. Section 4(1) of the repealed Act provided that the Minister had the power to *declare that a forest area shall cease to be a forest area*. Further, it stipulated that before a declaration is made to declare that a forest area shall cease to be a forest area, *twenty-eight days' notice* of the intention to make the declaration shall be published by the Minister in the Gazette.

On 2nd January, 1998, the then Minister for Environment and Natural Resources, Hon. Henry Kosgei published a notice expressing the Government's intention to alter the boundaries of Ngong Road Forest to exclude an area measuring 53.68 hectares. This was to give a 28-day notice as was required by the repealed Forest Act, cap 385. On 23rd March, 1998, the Hon. Francis Lotodo, the then Minister for Natural Resources, published a notice in the Kenya Gazette, (*via Legal Notice no. 44 under Kenya Gazette Supplement no 16 of 3rd April, 1998*) in exercise of his powers under Section 4 of the Forest Act, Cap 385 (repealed) 1942 altering the boundaries of Ngong Road Forest Reserve by excising a portion of 53.68 hectares. The Gazette Notices aforementioned were tabled before the Committee. (page 28 of **Annexure 3** of the submission from the Ministry of Environment and Forestry).

The Committee observed that the law relating to *declaration that a forest area shall cease to be a forest area* was followed with respect to the area of 53.68 hectares and was excised in accordance with section 4 of the Forest Act Cap 385 of 1942.

The Committee observed that the subdivision and issuance of title deeds for the land in the Ngong Road Forest commenced as early as 1993 as regard to the 34 acres. The Committee further observed that the issuance of title deeds for the 53.68 hectares commenced in 1996. The gazettment of Legal Notice 44 of 1998 degazetting the 53.68 hectares appears to have been issued with the intention of regularizing the process of degazettment of the said land, as required by Section 4(1) of the Forest Act Cap 385 of 1942(repealed).

Submissions were tabled to the effect that *KMA Estate, Langata Gardens Estate, Langata View Estate, Shalom Estate, St Mary's Hospital, and Forest Edge View Estate* were established on 34 acres of land yet to be excised in favour of *Langata Women Prison, the Police Dog Unit, Bomas of Kenya, Kenya Broadcasting Corporation, Wildlife Clubs of Kenya and International Centre of Insect Physiology and Ecology (ICIPE)* and was yet to be formalized as required under section 4 of the repealed Forests Cap 385 as enacted on 1st March, 1942.

The Committee observed that the Ministry of Environment and Forestry tabled excerpts from a 'Report of the Land Commission of Inquiry into the Illegal or Irregular Allocation of Land 2004' to demonstrate excision of Forestland made contrary to the repealed Forests Act, Cap 385.

The Committee observed that the aforementioned report recommends on page 174, paragraph (h)(2) that: 'where the Forestlands have been substantially developed whether by the original allottee or third party, such that they cannot be restored to their original purpose, titles thereto should nonetheless be revoked (given their inherent illegality). The Government may however issue new titles to the current registered proprietors upon new terms and conditions. Provided that where the Government decides to issue new titles, all requirements of Planning and Environmental Legislation must be strictly complied with.'

Submissions tabled before the Committee, indicate that the residents of Sunvalley I, II, & III Estates, Royal Park Estate, KMA Estate, Shalom Estate and Forest Edge View Estate had occupied the area in question for over two decades. The existence of these estates has been contributing to the economic activities of the area. Many residents from the surrounding informal

settlement area earn a living from these estates in form of small businesses establishments. The estate is also home to many professionals in both public and private sectors.

Submissions tabled before the Committee, indicate that the land in question has changed ownership severally. The subsisting land owners are first time home owners, who are servicing bank loans and mortgages from various institutions. With the National Government's big four Agenda on Housing, there is need to protect these homeowners, some of whom are pensioners who have invested their life-time savings in building homes in the area.

To this end, the Committee observed that KMA Estate, Langata Gardens Estate, Langata View Estate, Shalom Estate, St Mary's Hospital, and Forest Edge View Estate, Langata Women Prison, the Police Dog Unit, Bomas of Kenya, Kenya Broadcasting Corporation, Wildlife Clubs of Kenya and International Centre of Insect Physiology and Ecology (ICIPE) are located on Forestland that has been substantially developed by the original allottee or third parties, in a manner that they cannot be restored to their original purpose.

The Committee observed that the law relating to *declaration that a forest area shall cease to be a forest area* with respect to the area of land upon which KMA Estate, Langata Gardens Estate, Langata View Estate, Shalom Estate, St Mary's Hospital, and Forest Edge View Estate, should be complied with and the land should be excised pursuant to the provisions of section 34 of the Forest Conservation and Management Act, no. 34 of 2016 to support the realization of the National Government's Big Four Agenda on Housing.

The Ministry of Environment and Forestry tabled submissions indicate that several forest lands had been degazetted over time for private gain. The Committee observed that the Ministry of Environment and Forestry has not taken any step or action to repossess such land. These forest land included: Legal Notice No. 3 of 1978 with an excision of 3.742 hectares in the Ngong Forest; Legal Notice No. 302 of 1993 with an excision of 5.9 hectares in Karura Forest; Legal Notice No. 79 of 1997 with an excision of 82 hectares in the Ngong Forest, and Legal Notice 97 of 1997 with an excision of 85 hectares in Karura Forest.

The Ministry of Lands tabled submissions outlining the history of the 34 acres of land where KMA, Estate, Shalom Estate, Langata View Estate, Langata Garden Estate, St. Mary's Hospital and Forest View Edge Estate are located. The ministry tabled correspondences regarding the excision of 34 acres of the forestland for Nairobi Prison between the then Commissioner of Lands and the Chief Conservator of Forests between 1985 and 1993. The ministry tabled correspondences regarding the excision of 34 acres of the forestland for Nairobi Prison between the then Commissioner of Lands and the Chief Conservator of Forests between 1985 and 1993.

The Ministry of Lands tabled correspondences regarding the excision of 34 acres of the forestland for Nairobi Prison are between the then Commissioner of Lands and the Chief Conservator of Forests between 1985 and 1993. The Chief Conservator of Forests approved the excision of 34 acres from the forest reserve in favour of Nairobi Prison in a letter Ref. FOR 68/7/3/Vol. IV/ (211) dated January 15, 1985 and directed the Survey department to implement the same (Annexure 5). By a letter Ref. 6354/IV/101 dated March 10, 1993 the then Commissioner of Lands requested the Commissioner of Prisons to relinquish 20 acres of prison

land that was not being utilized. The portion was shown in a plan accompanying the letter (Annexure 6).

According to a letter Ref. No. L/3/Vol. III/103 dated March 15, 1993; the Commissioner of Prisons relinquished the portion of land requested for residential development (Annexure 7). The Commissioner of Lands subsequently instructed the Director of Physical Planning to prepare a Part Development Plan (PDP) for the excision (Annexure 8). A Part Development Plan (PDP) No. 42/8/93/3 was prepared and approved on April 16, 1993 which however was for 34 Acres. The PDP reflected two (2) plots marked 'A' measuring approximately 8.09 hectares (19.99 acres) and 'B' measuring approximately 5.66 hectares (13.99 acres) (Annexure 9). The Committee observes that there is a need for the Ministry of Lands to establish the acreage and secure the title for the land where Langata Women's Prison is located.

The Ministry of Environment and Forestry, and the Ministry of Lands tabled submissions that revealed that Langata Women's Prison was allocated 34 acres. The 34 acres were allocated to Alardyks Investments Ltd, Priscot Company and Mr. Onesmus Ngunjiri. The Committee resolved that the procedure was illegal and fraudulent. However, The Committee did not have the opportunity to receive submissions from the person named as allottees.

The Ngong Road Forest land has since changed hands to third and fourth buyers, who may have innocently bought land from the original owners who acquired it before due process of degazettement was done in respect to the 34 acres.

The Committee observed that Section 4 of the repealed Forest Act Cap 385 of 1942 did not contain a requirement to state the purpose for which forest land was being degazetted. This appeared to have led to the abuse of publishing such gazette notices to favour certain well-placed individuals to acquire forest land for private gains.

Submissions tabled by the Ministry of Environment and Forestry indicate that the Nairobi Women Prison (Langata), Police Dog Unit, Kenya Broadcasting Corporation, Bomas of Kenya, Wildlife Clubs of Kenya and the International Centre of Insect Physiology and Ecology (ICIPE) are some of public/government institutions that have been allocated forest land that has not been degazetted. There is need to ensure that the land on which these institutions occupy surveyed, documented and that the Kenya Forest Service enters into lease agreement with the said institutions.

The Committee observed that the Ministry of Environment initiated the degazettement of part of the Ngong Road Forest vide Legal Notice No. 44 of 1998 under Section 4 of the *repealed* Forest Act (Cap 385 of 1942). The same Ministry of Environment as constituted today was contesting the validity of the Legal Notice No. 44 of 1998 raising concerns on the general appreciation and application of the principle of collective responsibility of Cabinet on decisions and accountability as enshrined under Article 153 of the Constitution.

Pursuant to analysis of the prayers of the petitions, the directions of the Speaker as captured on pages 16 and 17 of the Hansard dated Tuesday, 30th June, 2020 and the observations, the Committee makes the following findings and recommendations.

The Committee finds that the law relating to *declaration that a forest area shall cease to be a forest area* was followed albeit later, with respect to the area of 53.68 hectares where Sunvalley I, II & III Estates, and Royal Park Estate are located, and was excised in accordance with section 4 of the *repealed* Forest Act, Cap 385 of 1942.

The Committee finds that the law relating to *declaration that a forest area shall cease to be a forest area* was not followed with respect to the area of 34 acres where KMA Estate, Langata Gardens Estate, Langata View Estate, Shalom Estate, St Mary's Hospital, and Forest Edge/View Estates are located, and was not excised in accordance with section 4 of the *repealed* Forest Act, Cap 385 of 1942.

Pursuant to the finding under paragraph 158, the Committee resolves to caution the Ministry of Environment and Forestry to cease issuing threats to the residents, owners or proprietors of developments located within the 53.68 hectares as the law relating to *declaration that a forest area shall cease to be a forest area* with respect to the aforementioned area was followed.

Pursuant to the finding under Paragraph 159, the Committee recommends that the law relating to *declaration that a forest area shall cease to be a forest area* with respect to the area of land upon which KMA Estate, Langata Gardens Estate, Langata View Estate, Shalom Estate, St Mary's Hospital, Forest Edge View Estate, Langata Women Prison, the Police Dog Unit, Bomas of Kenya, Kenya Broadcasting Corporation, Wildlife Clubs of Kenya and International Centre of Insect Physiology and Ecology (ICIPE) should be complied with and the land should be excised pursuant to the provisions of Section 34 of the Forest Conservation and Management Act, Act No. 34 of 2016 to support the realization of the National Government's big four Agenda on Housing and stop further encroachment of Ngong Road through the practice of allocation and subsequent surrender of land between Government Departments.

The Committee further recommends that the residents, owners or proprietors of developments located within the said 34 acres and the Ministry of Environment and Forestry enter into negotiations with an aim to reach an amicable solution for peaceful coexistence.

The Committee recommends that, the Director of Criminal Investigations within six months of tabling of this report, commences investigations relating to the procedure of excising and allocating land from the Ngong Road Forest to private individuals including officers that substantively held the offices of the Commissioner of Lands, the Chief Conservator of Forests and the Commissioner of Prisons between the period of 1993 and 1998 with a view to prosecuting any person found culpable, where a criminal offence is established.

Hon. Kareke Mbiuki, M.P

1.0 PREFACE

1.1 Committee Mandate

1. The Departmental Committee on Environment and Natural Resources is established under the National Assembly Standing Orders No. 216 (1). The functions and mandate of the Committee are also contained under the National Assembly Standing Orders, No. 216(5) as:-
 - a. Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
 - b. Study the program and policy objectives of the Ministries and departments and the effectiveness of the implementation;
 - c. Study and review all legislation referred to it;
 - d. Study, access and analyze the relative success of the Ministries and Departments as measured by the results obtained as compared with its stated objectives;
 - e. Investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;
 - f. Vet and report on all appointments where the constitution or any law requires the National Assembly to approve, except those under Standing Order 204; and
 - g. Make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.

2. The subject matter of the Departmental Committee on Environment and Natural Resources are stated in the Second Schedule of the National Assembly Standing Orders No. 216 (f) as follows: climate change, environment management and conservation, forestry, water resource management, wildlife, mining and natural resources, pollution and waste management.

1.2 Oversight

3. In executing its mandate, the Committee oversees the following Government Ministries and Departments namely: The Ministry of Environment and Forestry; The Ministry of Water & Sanitation and Irrigation; The State Department for Wildlife; and The State Department for Mining.

1.3 Members of the Committee

4. The Committee comprises the following Members:

Chairperson

The Hon. Kareke Mbiuki, M.P.
MP for Maara Constituency

Jubilee Party

Vice Chairperson

The Hon. Sophia Abdi Noor, M.P.
MP for Ijaara Constituency

Party of Development and Reforms (PDR)

Members

Hon. Benard Masaka Shinali, M.P. MP for
Ikolomani Constituency

Jubilee Party

Hon. David Kangogo Bowen, M.P.
MP for Marakwet East Constituency

Jubilee Party

Hon. Francis Chachu Ganya, M.P.
MP for North Horr Constituency

Frontier Alliance Party (FAP)

Hon. Ali Wario Guyo, M.P.
MP for Garsen Constituency

Wiper Party

Hon. George Macharia Kariuki, M.P.
MP for Ndia Constituency

Jubilee Party

Hon. Charity K. Chepkwony, M.P.
MP for Njoro Constituency

Jubilee Party

Hon. Simon Nganga King'ara, M.P.
MP for Ruiru Constituency

Jubilee Party

Hon. Peter Kimari Kihara, M. P.
MP for Mathioya Constituency

Jubilee Party

Hon. Benjamin Dalu Tayari, MP.
MP for Kinango Constituency

Orange Democratic Movement (ODM)

Hon. Charles Ong'ondo Were, M.P.
MP for Kasipul Constituency

Orange Democratic Movement (Odm)

Hon. Nasri Sahal Ibrahim, M.P.
MP - Nominated

Forum for Restoration of Democracy-K

Hon. Rozaah Buyu. M.P.
MP for Kisumu County

Orange Democratic Movement (ODM)

Hon. Said Hiribae, M.P.
MP for Galole Constituency

Forum for Restoration Of Democracy- K

Hon. Hassan Oda Hulufu, M.P. MP for
Isiolo North Constituency

Kenya Patriots Party (KPP)

Hon. Amin Deddy Mohamed Ali, M.P.
MP for Laikipia East Constituency

Jubilee Party

Hon. Rehema Hassan, M.P.
Tana River County

Maendeleo Chap Chap Party (MCC)

Hon. (Eng.) Paul M. Nzengu, M.P.
MP for Mwingi North Constituency
Wiper Party

1.4 Secretariat

5. The Committee is serviced by the following Members of Staff:

Ms. Esther Nginyo
Second Clerk Assistant
Lead Clerk

Mr. Dennis Mogare Ogechi
Second Clerk Assistant

Mr. Sydney Lugaga
Legal Counsel I

Mr. Fredrick Muthengi
Chief Fiscal Analyst

Mr. Eugene Apaa
Research Officer III

2.0 INTRODUCTION

2.1 Historical Background on Excision of Ngong Road Forest

6. ¹Ngong Road Forest was gazetted as forest reserve as per proclamation No. 44 of 1932 and covered an area of 2,926.6 hectares. It was declared as a central forest under legal Notice No. 174 of 20th May, 1964. Various excisions have taken place over the years for public and private developments. Some of the beneficiaries include Lenana School, Extelcoms, the War Cemetery, Kenya Science Teachers College, St. Francis Anglican Church, PCEA Mugumoini, Langata Cemetery, Meteorological Department and the ASK Showground. By 1978, the forest covered an area of 1,328.2 hectares.
7. In 1996, a title deed: Grant No. I.R. 70244 was issued to the Permanent Secretary, Treasury to hold in trust for the Permanent Secretary, Ministry of Environment and Natural Resources. This left out an area covering 339.8 hectares from the original forest area of 1,328.8 hectares.
8. In 1996, the title was surrendered to the Commissioner of Lands and a leasehold title deed: Grant I.R. 81938 for an area of 538.2 hectares issued to the Permanent Secretary, Treasury to hold in trust for Ngong Road Sanctuary. This again left out an area of 450 hectares from the title issued in 1996. In total, an area of 789.8 hectares was left outside the boundaries of the Ngong Road Forest. The land excluded from the title was allocated to private developers some of whom have since transferred it to other third parties.
9. In accordance to the law in force then, the Forest Act, 1942, the Minister for Environment, Mr. Francis Lotodo vide legal Notice 44 in Kenya Gazette No. 16 Of 1998 dated 23rd March, 1998, altered the boundary of the Ngong Forest Reserve so as to exclude the land measuring approximately 53.69 hectares. In this regard, Boundary Plan No. 175/368 dated 10th December, 1997, showed excision of approximately 53.68 hectares from the Ngong Road Forest. After the gazettement, a survey map was issued by the Survey of Kenya Office delineating the boundary of these estates showing that property L.R. 23256 is subject of the Legal Notice No. 44 in the Kenya Gazette No. 16 of 1998.
10. On 2nd January, 1998, the then Minister for Environment and Natural Resources, Hon. Henry Kosgei published a notice expressing the Government's intention to alter the boundaries of Ngong Forest to exclude the area measuring 53.68 hectares. The intention of the notice was to allow for any objections to be raised by any persons against the intended excisions. The Minister gave a 28-day notice in accordance with Section 4(2) of the Forest Act, Cap 385. The intended excision as per the Notice was to be effected from LR No. 23056 on the eastern boundary and in particular as set out in Survey Plan No. 175/368.

¹ Extracts from the Ndungu Land Report on the Ngong Road Forest.

11. On 23rd March, 1998, the Hon. Francis Lotodo, the then Minister for Natural Resources, published a notice in the Kenya Gazette, in exercise of his powers under Section 4 of the Forest Act, Cap 385 altering the Boundaries of Ngong Forest Reserve by excising a portion of 53.68 hectares. The effect of this Notice was to conclude the process which had been commenced by Hon. Henry Kosgey.
12. This latter gazette Notice effectively altered the boundaries of the forest and the legal process of excision was concluded. The law required before a declaration is made, a notice of the intention to make the declaration is made by the Minister in the Gazette. Following the conclusion of the boundary alteration process, the land in question acquired the status of 'unalienated government land' within the meaning of the Government Lands Act.

2.2 Legal Regime Regulating the Degazettement or Excision of Forest Land in Kenya since 1932

13. Degazettement is defined as loss of a legal protection of a protected area². In Kenya, degazettement or excision of forest has been regulated by the following legislations: The Forest Act, Cap 385 of 1942, the Forest Act, Cap 385 of 2005 and the Forest Conservation and Management Act No. 34 of 2016.
14. The Forest Act, Cap 385, enacted on 1st March, 1942: This repealed act regulated the establishment, control and regulation of central forests, forests and forest areas in Nairobi area and on unalienated government land. Section 4(1) provided that the Minister could issue a notice in the Gazette to declare any unalienated government land to be a forest area, declare the boundaries of a forest and from time to time alter those boundaries. The Minister was required to publish a twenty-eight days' notice of the intention to make the declaration.
15. The Forest Act, Cap 385, enacted on 18th November, 2005: The repealed Act provided for the establishment, development and sustainable management, including conservation and rational utilization of forest resources for the socio-economic development of the country. Section 28 of the repealed provided that any person could present a proposal by way of a notice to vary the boundaries of a State or a local authority forest or to declare that a forest shall cease to be a State or a local authority forest. The Kenya Forest Service was however empowered to recommend the proposal where the criteria set out in the Act were met and subsequently approved by a resolution of Parliament.
16. The Forest Conservation and Management Act No. 34 of 2016 is the subsisting Act giving effect to Article 69 of the Constitution with regard to the forest resources. Section 34 of the Act empowers any person to submit a Petition to Parliament, to recommend a proposal to vary the boundary or revoke registration of a public forest.

² https://en.wikipedia.org/wiki/Protected_area_downgrading,_downsizing,_and_degazettement

The petition must meet the following threshold: that it be approved by the Cabinet Secretary responsible for matters relating to the forest; be subjected to an independent Environmental Impact Assessment and public consultation; the petition must also be supported by a resolution by the relevant Committee of Parliament and majority of the Members of the National Assembly and consequently be published by a notice in the gazette by the Cabinet Secretary.

2.3 The Petition on the Alleged Demolition of Houses and Repossession of Land within Langata Constituency.

17. The petition regarding the alleged demolition of houses and repossession of land within Langata Constituency was presented to the House by Hon. Nixon Korir, MP on behalf of the residents of Sunvalley Phases I, II, and III, Royal Park Estate, Shalom Estate, Forest View Estate within Mugumoini Ward of Langata Constituency on 30th June, 2020. The petition was anchored on Article 119 of the Constitution that grants the Parliament to consider any matter within its authority, and Article 94(2) of the Constitution that grants the National Assembly power to resolve issues of concern to the people.
18. The petitioners pointed out that over 6,000 households occupied the said estates for over 20 years having acquired their property for value. Various government and public institutions such as the Prisons Department, Dog Unit Section, schools, hospitals, churches, mosques and other amenities are situated within the said estates. Further, the government provided the estates with common utility services to the residents' properties such as water and sewerage, electricity, paved roads among other facilities. The residents, while developing their properties within the said estates, had obtained the requisite approvals and had been granted by the government. They have also been paid the requisite fees and charges chargeable on their properties to the county and National Governments.
19. The Government vide Legal Notice No. 44 of 1998 had altered the boundary of Ngong Forest Reserve which formed the said estates. However, the pronouncements of 2nd June, 2020 by the Cabinet Secretary for Environment and Forestry declaring the estates as part of the forest had caused a lot of anxiety to the residents. The Kenya Forest Service officers have since been patrolling the estates, issuing threats of fencing in the residents, causing panic and anguish to the property owners. The government had not challenged the legality of the Legal Notice No. 44 of 1998 in court. The Petitioners therefore prayed that the Departmental Committee on Environment and Natural Resources pursuant to Standing Order 216 (5) (a):
 - a. Intervenes by instructing the Cabinet Secretary for Environment and Forestry to follow the due process of the law and get the proper information and proper map from the Ministry responsible for matter related to lands;

- b. Intervenes by instructing the Cabinet Secretary for Environment and Forestry to desist forthwith from pursuing his intention to illegally reclaim privately owned land, on which the afore cited estates stand;
- c. Intervenes to ensure that the Cabinet Secretary for Lands does protects the sanctity of title deeds that the residents hold for their legally acquired land; and
- d. The Kenya Forestry Department to stop harassing and causing unnecessary anxiety to the residents of these estates

3.0 SUBMISSIONS

20. The Petition regarding the alleged demolition of houses and repossession of land within Langata Constituency was committed to the Committee for consideration pursuant to Standing Order 227. Consequently, the Committee held Sittings with the Petitioners and the Ministry of Environment and Forestry to deliberate on the matters canvassed in the petition with a view to responding to the prayers sought. The evidence adduced is recorded hereunder:

3.1 Submission by the Petitioners

21. The Hon. Nixon Korir, MP, on behalf of the petitioners, appeared before the Committee on Thursday 2nd July, 2020 and submitted that a substantial number of Langata Constituency residents in Sunvalley Estates, Royal Park Estate, KMA Estate, Shalom Estate and Forest View Estate, had acquired and developed properties through bank financing, SACCOs, public sector mortgage schemes, retirement benefits and lifetime savings. However, the residents were subjected to unwarranted harassment and bad publicity by the agents of government through careless utterances that these properties were situated in Ngong Forest.
22. The Government through the Ministry of Lands had issued the residents of the said estates with valid title deeds. The Financial Institutions were charging these title deeds and issued the residents with valid transaction documents.
23. Following the unwarranted threats by the Cabinet Secretary for Environment and Forestry on or around 2nd June, 2020, there was continuous aerial and physical surveillance of the area by the Kenya Forest Service (KFS) Team. The KFS Team has been issuing verbal warning on their intention to fence off the main gate to the estates, with the intentions of denying the residents access to their premises or fencing them in.
24. The said estates comprised approximately two thousand plots issued with title deeds by the Ministry of Lands. Over 90% of these plots had been occupied by approximately 6,000 households with over 20,000 people living in them.
25. Within the said estates, there are also schools, churches, hospital, mosque, Prisons Department, Dog Unit Section and other public amenities.
26. The St. Mary's Hospital which is situated within the said estates attends to over 2,000 residents of Langata and Kibra Constituencies per day, as well as other patients referred from other hospitals especially the mother and baby section of the Hospital. If demolished, there would be untold suffering for the residents of these constituencies.
27. On 23rd March, 1998, the then Minister for Environment, Mr. Francis Lotodo altered the boundary of Ngong Forest to exclude the land occupied by Sunvalley Estates, Royal Park Estate, KMA Estate, Shalom Estate and Forest View Estate vide Legal Notice No. 44 carried in the Kenya Gazette Supplement No. 16 of 1998.

28. The Boundary Plan No. 175/368 dated 10th December, 1997 outlined the excision of approximately 53.68 hectares from the Ngong Forest.
29. After gazettelement, a survey map was issued by the Survey of Kenya Office delineating the boundary of the said estates showing the property L.R. 23356, which was the subject of Legal Notice No. 44.
30. The then Minister Lotodo undertook the process of alteration of the forest boundaries in accordance with Section 4 of the Forest Act, Cap 385.
31. The process of acquiring property is clear. Once an individual does a search at the Ministry of Lands and is cleared, then the individual has no other reason to doubt the authenticity of the information. There is no other place to verify the authenticity of the land information.
32. The law gives an absolute and indefeasible title to the owner of the property. Such is the sanctity bestowed upon the title holder under the Land Act. The Act is meant to give such sanctity of title, otherwise the whole process of registration of title and the entire system in relation to the ownership of property in Kenya would be placed in jeopardy.
33. The indefeasibility of title is the basis for land registration. The State maintains a Central Register of Land Title Holdings which is deemed to accurately reflect the current facts about a title. The person whose name is recorded on the register holds guaranteed title to the property. Issuance of titles by the State therefore means that the State guarantees the accuracy of the register, and should protect its citizens' right to own property.
34. The petitioner then urged the Committee to order the Cabinet Secretary for Environment to stop interfering with legally acquired private property forthwith. He also urged the Committee to intervene to ensure that the Cabinet Secretary for Lands protects the sanctity of title deeds that the residents held for the legally acquired land. He further urged the Committee to stop the Kenya Forest Department from harassing and causing unnecessary anxiety to the residents of the said estates.

3.1.1 Submissions by the Sunvalley Estates Residents

35. The representatives of the Sunvalley Estates appeared before the Committee on Thursday, 2nd July, 2020 in their support to the petition. They submitted that it had been 22 years since the excision of the 53.68 hectares was effected from L.R. No. 23056 on the Eastern Boundary as was set out in the Survey Plan No. 175/368 in line with Section 4 of the Forest Act, Cap 385.
36. The land was then allocated by the Ministry of Lands through the Office of the President or the Commissioner of Lands exercising delegated powers of the President

under the Government Lands Act. The residents were however not aware of how many allotments were issued then and to whom.

37. In due course, the residents bought portions of the said properties and built houses on them and resided therein. A majority of the residents have been financed by the banks, SACCOs, and Mortgage Schemes to develop their properties.
38. The residents had their title deeds issued to them in the regular manner. They have also used the titles in the regular manner such as charging to banks, buying, selling and leasing land as well as building on the land under the said titles. They have also paid land rates, stamp duties and other government fees whenever there are transactions on the said properties.
39. The residents therefore believed in the sanctity of their titles as they did their due diligence before acquiring their lands. Their financiers also did their own due diligence before financing the purchase or construction for the said properties. The financiers hired a team of professionals; valuers, lawyers, architects, surveyors with the sole intention of satisfying that the titles were legitimate. The Ministry of Lands had also not complained about the said titles.
40. The Estates are part of the larger community in generating wealth and also access to economic gain to the residents of Kibera and Otiende through consumption of various goods and services in form of labour and employment. This is estimated at 1.8 million man-hours worth Kshs. 1.2 billion in value per annum.

3.1.2 Submissions by the Royal Park Estate Residents

41. The Royal Park Estate Residents representative on behalf of 750 families appeared before the Committee on Thursday, 2nd July, 2020 in support of the petition. They submitted that their Estate was lawfully excised from Ngong Road Forest pursuant to Section 4 of the Forest Act, Cap 385.
42. In 2002, the Government of Kenya, through the Treasury, initiated a plan to compulsorily acquire land in Royal Park Estate in order to expand the cemetery, which was not actualized due to funding constraints. This is a clear indication that this land was clearly private.
43. The Royal Park Estate was first started as an establishment in 2004, when the first houses were built. The residents took appropriate due diligence, including undertaking searches at the Lands Registry. This is the basis of which they obtained sovereign guarantees from the government that the land was legally available for private acquisition.
44. Many of the land parcels and houses had changed ownership severally. All the residents had valid titles to their lands with a significant number of the titles charged to banks from whence the residents obtained mortgage facilities.

45. The residents had paid significant amounts of stamp duties estimated at Kshs. 375 million and fees for city planning approvals estimated at Kshs. 66 million. The members of this community had also paid more than Kshs. 45 million over the last two decades as land rates to the city authorities.
46. The estate is home to about 750 families and its estimated worth is Kshs. 22.8 billion. The estate has 460 houses with an estimated value of Kshs. 18.4 billion.
47. The estate provided direct and indirect employment to over 1,200 Kenyans on a daily basis, including 700 construction workers. In 2019, the estate provided direct and indirect employment at household level estimated at 3.5 million man-hours injecting Kshs. 220 million into the neighbouring low income communities.
48. For more than a decade, the estate has been a quiet home to hundreds of Kenyan families, most of them professionals in various fields. The Community has not only contributed to the national coffers, it has also spent significant sums in fencing their boundaries with the Ngong Road Forest and the Langata Cemetery without asking for rebates. The Community has also planted thousands of indigenous vegetation as a way of contributing to the climate change mitigation and carbon sinks.
49. However, the pronouncement by the Cabinet Secretary for Environment and Forestry on 2nd June, 2020, and the subsequent surveillance of the area by the Kenya Forest Service officers had caused undue stress on the Estate's residents, especially on the more vulnerable, including the dozens of pensioners, who have toiled the best part of their years for their country, and who had invested their life savings on their retirement homes.

3.1.3 Submissions by the Langata Gardens Apartments Residents

50. The representatives of the Langata Gardens Apartments Residents appeared before the Committee on behalf of 128 families in support of the Petition on Thursday, 2nd July, 2020. They submitted that the apartments were located within Otiende/St. Mary's area opposite the Langata Women's Maximum-Security Prison.
51. Before the development of the housing units commenced, a 99-year lease in respect to the said property was issued on 1st July, 1993 under I.R. No. 63081 and designated L.R. No. 18591/9. Following the acquisition of the said parcel of land, transfer was effected to Langata Gardens Limited and registration made at the Lands Office on 21st November, 2008.
52. The Langata Gardens Limited sought, made payments to government agencies and was issued with relevant government approvals including, Environmental Impact Assessment License, Physical Planning Approvals, Occupation Certificate among others.

53. Upon completion of the construction of the apartment units, they were placed for sale to members of the public at varied rates based on the size of the units. Various due diligence exercise were undertaken during the purchase transaction with the government, through the Ministries of Lands and Housing confirming through search certificates, validity and legitimacy of the titles.
54. The Government received and continues to demand and receive revenue from residents and public from the estate development. It is estimated that a sum of Kshs. 63,584,000 has so far been paid to the Government. The property is currently valued at Kshs. 1.696 billion.
55. Most of the purchasers of the Langata Gardens Apartment units took loans from commercial banks. They have over the years continued to repay these loans together with high interest rates imposed by the banks. The loans by the banks advanced to the developers and the purchasers were issued on the assurance and guarantee of the title issued by the government.
56. The estate is connected to water supply and sewerage services by the Nairobi City Water and Sewerage Company. It is also connected to the power grid supplying electricity. The Ministry of Lands and Physical Planning has been collecting Stamp Duty Payments and undertaking registration of transfers over Langata Gardens Apartments.
57. Many of the apartment owners within Langata Gardens Apartment are first time home buyers and have heavily borrowed from the financial institutions. Additionally, there are also a few retirees who have invested their life-savings into the apartments and have no major alternative source of livelihood. Demolition of the development would therefore cause untold emotional and psychological trauma to the home owners.
58. Following the pronouncements by the Cabinet Secretary for Environment and Forestry, some tenants had issued notices to their landlords intending to vacate the premises. The home owners are also anxious that the value of their properties would drop due to that pronouncement.
59. The existence of the estate has been providing a source of livelihood to many businesses, small and medium size fruits and vegetable vending businesses within Kibera and Otiende areas, provision of employment to security guards, domestic workers, cleaning companies, garbage collection companies, water suppliers among others. These businesses are likely to be affected, should the government effect the demolition threats.

3.2 Submission by the Cabinet Secretary, Ministry of Environment and Forestry.

60. Mr. Keriako Tobiko, CBS, SC, Cabinet Secretary, Ministry of Environment and Forestry appeared before the Committee on Monday 13th July, 2020 to respond to the issues raised in the petition on the alleged demolition of houses and repossession of land in Langata Constituency.

61. Before making his submissions, he brought to the Committee's attention that KMA Estate Residents, who were among the Petitioners in the Petition to Parliament, had taken the Ministry of Environment and Forestry to the Environment and Land Court through Petition No. ELC 20 of 2020. The Petition sought for restraining orders prohibiting the respondent from alienating, trespassing, entering into, evicting, demolishing, harassing or in any other way interfering with the petitioners' quiet possession. He sought the Committee's guidance on the sub judice rule in regards to his presentation to Parliament. The Committee in its ruling as guided by Standing Order 89, and Speaker's Ruling of 10th September, 2009 on the Sub judice Rule, noted that the matter in the petition was of national importance and therefore invited the Cabinet Secretary to make his presentation. The Committee however noted that, any matter touching on the residents of KMA Estate would not be deliberated upon as they had their petition pending before the court in contravention of Standing orders 223(g)
62. In his submission, the Cabinet Secretary stated that the Ngong Road Forest Reserve was gazette in 1932 vide Proclamation No. 44 of 30th April, 1932. At the time of proclamation, the Ngong Road Forest Reserve covered an area of 2,929.6 hectares (7,239 acres).
63. The Ngong Road Forest Reserve was declared a Central Forest Vide Legal Notice No. 174 of 20th May, 1964, measuring approximately 1,506.88 hectare (3,722 acres). This figure was amended by a number of Proclamation and Legal Notices reducing it to 1,328.74 hectares (3,283.32 acres) as at 1978 having been reduced by the degazettements that occurred before this declaration.
64. Degazettements undertaken in the Ngong Road Forest between 1932 and 1978 cumulatively totaled to 1,600.86 ha (3,955.63 acres).
65. There were excisions of Ngong Road Forest for public purposes; however, they were not formally degazetted and remained as parts of the forest. These include: Nairobi Women Prison, Police Dog Unit, Kenya Broadcasting Corporation, Bomas of Kenya, Wildlife Clubs of Kenya and International Centre of Insect Physiology and Ecology (ICIPE).
66. Over time, several parcels of land in the un-degazetted forest area of Ngong Road Forest Reserve were illegally and fraudulently allocated to various individuals, companies and other entities and purported titles in respect thereof issued. There are about 207 illegal beneficiaries of these allocations. The illegal beneficiaries included companies, and firms that intended to conceal the true identities of the individuals behind them and real beneficiaries of illegal allocations. Official searches undertaken at the Companies and Lands Registries had not unearthed the actual beneficiaries of most of these illegal allocations.
67. The Langata Women Prison, which originally was 34 acres and was reserved for Nairobi Prison, and is still part of the un-degazetted forest reserve, was illegally and

fraudulently allocated to three allottees namely; Arladyks Investments Limited, Priscot Company Limited and Mr. Onesmus Ngunjiri, who subsequently subdivided, sold and transferred to 3rd parties, a number of whom have since constructed and/or built on it. This had given rise to a number of residential estates (KMA Estate, Langata Gardens, Langata View and Shalom Estates) and a Hospital (St. Mary's Hospital).

68. Similarly, Forest View Estate lying between the Dog Section and the Southern Bypass was illegally and fraudulently established within the undegazetted portion of Ngong Road Forest Reserve.
69. There are other illegal transactions that had been undertaken on Ngong Road Forest; in 1996, a freehold title deed Grant No. I.R. 70244 and L.R. No. 4422 was issued to the Permanent Secretary, Treasury to hold in Trust for the Permanent Secretary, Ministry of Environment and Natural Resources with an area of 988.82 hectares (2,443.37 acres) leaving out an area of 1,324.98 hectares (3,274.03 acres) as at 1978.
70. In 1999, the Title No. I.R. 70244 was surrendered to the Commissioner of Lands and a Leasehold Title Grant No. I.R. 81938 for an area of 538.4 hectares (1,330.39 Acres) was issued to the Permanent Secretary, Treasury to hold in trust for the Ministry in charge of Environment and Natural Resources leaving out an area of approximately 450.42 hectares (1,112.99 acres) from the gazette area of 1,324.98 hectares (3,274.03 acres) as at 1978.
71. The illegal transactions of titling the forest through Grant No. I.R. 70244 and I.R. 81938, an area of approximately 789.8 hectares (1,951.6 acres) was omitted from the original official area being 1,324.98 hectares (3,274.03 acres). This omitted area is unaccounted for to date.
72. In the case of Seneca Holdings Ltd, which was alleged to have been one of the illegal beneficiaries of the land within Ngong Road Forest Reserve, the Company had since written to the Ministry denying that it had ever been allocated or owned any parcel of land within the forest.
73. Neither the President, nor the Commissioner of Lands, or any other person had powers to allocate or purport to allocate any part of the gazette forest land. All gazetted public forests cannot be legally allocated to an individual, company or any other entity by the President or Commissioner of Lands, unless such forest land had been lawfully degazetted in strict compliance with the Forest Act. Any such purported allocation is illegal and unlawful and the resultant purported titles are illegal, invalid and null and void ab initio.
74. Further, any subsequent sale, disposal and/or transfer of any such illegal and invalid titles will not confer to the third party any legal/valid property ownership, rights, and/or interest recognized in law.

75. Whereas Article 40(1) guarantees the protection of the right to property, Article 40(6) exempts any property found to have been unlawfully acquired from protection under Article 40(1).
76. In the case of all the illegal invalid titles purportedly issued in and/or over the undegazetted forest areas in Ngong Road Forest, all such purported titles were found the by Commission of Inquiry into the Illegal and Irregular Allocation of Public Land (2003/2004) to be illegally acquired, invalid and null and void ab initio. There is no record that this finding was ever challenged and/or set aside by a court of competent jurisdiction.
77. Furthermore, at the commencement of its work, the Ndungu Land Commission did issue a Public Notice dated 12th September, 2003 cautioning members of the public against acquiring, developing, disposing off, or otherwise encumbering and alienating any land which had been dedicated or reserved for public purpose, or which had or appeared to have been irregularly or illegally allocated to any person without verifying the authenticity of the title.
78. The Ndungu Land Commission delivered its findings and recommendations in June 2004, and the same has been available and widely circulated to the public. In this regard, every member of the public, every financial banking institution, and every person offering professional advisory services relating to land transactions is deemed to have Notice of the content of the said Report.
79. Forests play critical ecological and socio-economic roles. These include; provision of water catchments, biodiversity conservation and climate change adaptation and mitigation among other environmental goods and services.
80. Forests are protected, conserved and sustainably managed for the benefits of all Kenyans, both present and future generations as prescribed in Articles 42, 69, and 70 of the Constitution, and all environment-framework laws, and the Forest Conservation and Management Act, 2016.
81. The Government therefore has a mandatory obligation to protect public forest resources, and as such, the Government shall continue with the reclamation, restoration and protection efforts, until the sanctity and integrity of the forest resources is fully restored.
82. However, if there are any isolated cases of contentious pre-existing historical rights/ancestral claims, such should be addressed within the existing regulatory legal framework.

3.3 Inspection Visit to the Affected Estates.

83. The Committee conducted an inspection visit to the affected estates in Langata Constituency on Tuesday, 11th August, 2020. Among the areas that were visited include: Royal Park Estate, Sunvalley Estate Phases I, II and III, Langata View Apartment, Langata Place, St. Mary's Apartment, St. Mary's Hospital, KMA Estate, Kenya Police Dog Unit, Langata Women's Prisons and Forest Edge Estate.
84. During the visit, the Committee observed that the Royal Park Estate, Sunvalley II and Sunvalley III were situated within the boundaries of the 53.68 Hectares that were allegedly degazetted vide Legal Notice No. 44 of 1998. However, Sunvalley I, Langata View Apartment, Langata Place, St. Mary's Apartment, St. Mary's Hospital, KMA Estate, Kenya Police Dog Unit, Langata Women's Prisons and the Forest Edge Estate were allegedly outside the boundaries of the 53.68 hectares.
85. The Committee also observed that there is a fence that separates the build-up areas of the Royal Park and Sunvalley III Estates from the Ngong Road Forest.
86. It was also observed the residents have massively invested in constructing residential houses, social amenities such as schools, churches and roads. They have also invested in greening up the side walkways with trees, grass and flowers.

3.4 Submission by the Cabinet Secretary, Ministry of Lands and Physical Planning.

87. Hon. Gideon Mungaro, the Chief Administrative Secretary, Ministry of Lands and Physical Planning appeared before the Committee on Monday 12th October, 2020 to respond to the issues raised in the petition on the alleged demolition of houses and repossession of land in Langata Constituency.
88. He noted that Ngong Road Forest was gazetted as a forest reserve vide Proclamation No. 44 of 1932, Proclamation No. 14 of 1933 and Proclamation No. 122 of 1934 covering an area of 2926.6 Hectares. The forest was subsequently declared a Central Forest through Legal Notice No. 174 published on May 20, 1964. There have been excisions of the forestland over the years for public and private use.
89. Legal Notice No. 44 of 1998 excised approximately 53.68 Hectares of the forestland known as L.R No. 23256.
90. A site map prepared by the Ministry for the area of land excised by Legal Notice No. 44 of 1998 that had captured the developments within the area and the adjacent plots included: Sunvalley Phases I, II & III Estates and Royal Park Estate.
91. There were correspondences in the Ministry of Lands records regarding the excision of 34 acres of the forestland for Nairobi Prison are between the then Commissioner of Lands and the Chief Conservator of Forests between 1985 and 1993. The Chief Conservator of Forests approved the excision of 34 acres from the forest reserve in

- favour of Nairobi Prison in a letter Ref. FOR 68/7/3/Vol. IV/ (211) dated January 15, 1985 and directed the Survey department to implement the same (**Annexure 5**).
92. By a letter Ref. 6354/IV/101 dated March 10, 1993 the then Commissioner of Lands requested the Commissioner of Prisons to relinquish 20 acres of prison land that was not being utilized. The portion was shown in a plan accompanying the letter (**Annexure 6**).
 93. According to a letter Ref. No. L/3/Vol. III/103 dated March 15, 1993; the Commissioner of Prisons relinquished the portion of land requested for residential development (**Annexure 7**). The Commissioner of Lands subsequently instructed the Director of Physical Planning to prepare a Part Development Plan (PDP) for the excision (**Annexure 8**).
 94. A Part Development Plan (PDP) No. 42/8/93/3 was prepared and approved on April 16, 1993 which however was for 34 Acres. The PDP reflected two (2) plots marked 'A' measuring approximately 8.09 hectares and 'B' measuring approximately 5.66 hectares (**Annexure 9**).
 95. The Plots "A" and "B" were further subdivided and allocated as follows: Plot A Plot 'A' was subdivided vide approved PDP No. 42/8/93/11 into two plots marked 'A' and 'B' each measuring approximately 4.045 hectares (**Annexure 10**).
 96. Sub Plot 'A' was allocated to Arladyks Investments Limited vide letter of allotment Ref. no. 6354/IV/117 dated July 8, 1993 (**Annexure 11**). Upon survey, the plot was issued with Land Reference (LR) No. 18589. The plot was transferred to Jackim Limited and a title issued on February 3, 1994. It was on April 30, 1998 transferred to Kenya Medical Association Housing Cooperative Society (**Annexure 12**) and later subdivided into various sub plots. KMA Estate occupies this parcel.
 97. Sub Plot 'B' was allocated to Priscot Company Limited vide Letter of Allotment Ref. 6354/IV/114 dated June 25, 1993 (**Annexure 13**). An application to change the user for the land from open residential to one private dwelling house was approved and a new Letter of Allotment Ref. 151428/6 dated September 12, 1994 was issued (**Annexure 14**). Upon survey, the plot was issued with Land Reference (LR) No. 18590 measuring approximately 3.956 hectares. The plot was later transferred to Gravity Exporters Limited on November 17, 1994 (**Annexure 15**). Gravity Exporters transferred the plot to Assumption Sisters of Nairobi Registered Trustees on March 5, 1999 (**Annexure 16**).
 98. The Plot marked 'B' was allocated to Onesmus Kimani Ngunjiri vide a Letter of Allotment Ref. No. 6354/IV/116 dated July 8, 1993 (**Annexure 17**). Upon survey, the plot was issued with Land Reference (LR) No. 18591. An application was made by the Allottee to subdivide the plot into 11 sub plots. The application was approved by the Commissioner of Lands vide his letter Ref. 151579/14 dated June 8, 1994 and an

approved PDP Ref. No. 42/25/94/1 for the subdivision prepared. The sub plots were issued Land Reference Nos. 18591/1-11(**Annexure 18**).

99. The subplots: L.R No 18591/2 measuring approximately 0.1 hectares registered as I.R No. 63385 was on December 15, 2006 transferred to Beige Investments Limited (**Annexure 19**). L.R No. 18591/3 measures approximately 0.1 Hectares L.R. No. 18591/4 measures approximately 0.1 Hectare. L.R No. 18591/5 measuring approximately 0.1 Hectares registered as I. R No. 63080 was on May 10, 2018 transferred to Munah Mburu Kiragu (**Annexure 19a**).
100. L. R No.18591/6 measuring approximately 0.1 Hectares registered as I. R No. 63075 was on July 15, 2003 transferred to Josephat Warui Murage (**Annexure 20**).
101. L.R. No. 18591/7 measuring approximately 0.1 hectares registered as I.R No. 63076 was on March 2, 1995 transferred to Peter Irungu Macharia. On December 22, 2006 the parcel was transferred to Peter Irungu Macharia and Teresia Wanjiru Irungu as joint tenants (**Annexure 21**).
102. L.R No. 18591/8 measuring approximately 0.1 hectares registered as I.R No. 63078 was on March 2, 1995 transferred to Peter Irungu Macharia. On December 22, 2006 the parcel was transferred to Peter Irungu Macharia and Teresia Wanjiru Irungu as joint tenants (**Annexure 21a**).
103. (Shalom Court Estate occupies L. R Nos. 18591/1 to L.R. No. 18591/8).
104. L.R. No. 18591/9 measuring approximately 1.2 Hectares was transferred to Summerset Investments Limited on June 23, 1994 and a title I.R. No. 63081 issued on August 23, 1994 (**Annexure 22**). The plot was later transferred to Langata Gardens Limited on November 21, 2008 (**Annexure 23**). Langata Gardens Estate occupies this plot.
105. L.R. No. 18591/10 measuring approximately 0.52 Hectares was transferred to Samuel Warugo Kimotho vide a transfer dated June 23, 1994 and the title registered as I. R 63079 on August 23, 1994 (**Annexure 24**). On November 25, 2004, the parcel was transferred to Silverline Limited (**Annexure 25**). Langata View Estate occupies this plot.
106. L.R. No. 18591/11 measuring 3.863 Hectares was transferred to Beauty Wear (Nairobi) Limited vide a transfer dated May 24, 1994 and a title registered as IR No. 62652 issued on July 13, 1994 (**Annexure 26**). On December 21, 2001, the plot was transferred to Assumption Sisters of Nairobi (**Annexure 27**). An application to change the user of the plot L.R. No. 18591/11 from Residential to Mission Hospital and Educational Centre was approved on January 18, 2005 (**Annexure 28**). Upon resurvey, a new LR No. 27229 was issued for the plot, a new title registered as IR 113472/1 issued (**Annexure 28**). St Mary's Educational Centre occupies this plot (**Annexure 29**).

107. The Commissioner of Prison's letter Ref. No. L/3/Vol. III/103 dated March 15, 1993 to the Commissioner of Lands relinquishing the Nairobi Prison land for residential development (**Annexure 7**).
108. On the original ownership status of the land occupied by Sunvalley Phases I, II & III, Royal Park Estate, KMA Estate, Shalom Estate, Langata Gardens and Langata View Apartments is as follows:-Sunvalley Phase I Estate occupies a subdivision of L.R No. 20754 labelled A- F shown in the subdivision scheme plan marked (**Annexure 30**). The sub plots A-F were registered as follows:-Plot A(1.6 Ha) was allocated to Sielei Securities vide a letter of allotment Ref 42885/3 dated September 26, 1995 (**Annexure 31**). Upon survey, the plot was issued L.R. No. 21224. The plot was later transferred to Kenya Building Society Limited and title registered as I.R 75356/1. (**Annexure 32**).
109. Plot B (1.6 Ha) was allocated to Geomann Limited vide a letter of allotment Ref. 42885/5 dated September 26, 1995 (**Annexure 33**). Upon Survey, the plot was issued L.R No. 21223. Plot C (1.6 Ha) no ownership details were provided.
110. Plot D (1.2 Ha) was allocated to Testai Limited vide a letter of allotment Ref 42885/6 dated September 26, 1995. (**Annexure 34**). The plot was later transferred to Kenya Building Society Limited. Upon Survey, the plot was issued L.R. No.21222 and a title registered as I.R 75370 issued. (**Annexure 35**). Plot E (1.6 Ha) Ownership details were not provided.
111. Plot F (1.2 Ha) was allocated to Lelta Enterprises vide a letter of allotment Ref. 175001/9 dated April 18, 1996. Upon survey the plot was issued L.R No. 21219 (**Annexure 36**).
112. Sunvalley Phase II Estate occupies L.R 27024 which was an amalgamation of L.R Nos. 22076-22084. The parcel has since been subdivided into 165 sub plots. **Annexure 37** is a copy of Survey Plan F/R 325/2 & 3).
113. Sunvalley Phase III Estate occupies L.R 29516 which was an amalgamation of L.R Nos. 22085-22090. The parcel has since been subdivided into 105 sub plots. **Annexure 38** is a copy of Survey Plan F/R 381/85 & 86). Both Sunvalley II and III estates were allocated vide approved PDP Ref. 42/08/96/3 dated April 29, 1996 (**Annexure 39**). Sunvalley Phase II Estate (Details of the Plots L.R Nos. 22076-22084 amalgamated to form L.R 27024). Plot L.R No. 22076 Ownership details were not provided.
114. Plot L.R No. 22077 (1.0 Hectares) was allocated to Tanam Enterprises vide letter of allotment Ref. No. 33408/V dated May 22, 1996 (**Annexure 40**). It was later transferred to Kenya Building Society Limited. Upon survey, the plot was issued L.R. No. 22077 and title registered as I.R. 75360/1 on December 23, 1997(**Annexure 41**).

115. Plot L.R No. 22078 (1.0 Hectares) was allocated to Lelta Enterprises vide letter of allotment Ref. No. 33408/V dated May 22, 1996 (Annexure 42). It was later transferred to Kenya Building Society Limited. Upon survey, the plot was issued L.R. No. 22078 and a title registered as I.R. 75369/1 issued on December 23, 1997 (Annexure 43).
116. Plot L.R No. 22079 (1.0 Hectares) was allocated to Sunvalley Developers vide Letter of Allotment Ref. No. 33408/V dated May 22, 1996. The plot was issued L.R. No. 22079 upon survey.(Annexure 44).
117. Plot L.R No. 22080 (1.0 Hectares)was allocated to Kipkenda Investments vide a letter of allotment Ref. 33408/v dated May 22, 1996.Upon survey, the plot was issued L.R. No. 22080 (Annexure 45). It was later transferred to Kenya Building Society Limited and a title registered as I. R 75368/1 issued (Annexure 46).
118. Plot L.R No. 22081 (0.4 Hectares) Title was issued to Kenya Building Society Limited. Upon survey, the plot was issued L.R. No. 22081 and a title registered as I.R. 75361/1 issued on December 23, 1997 (Annexure 46a).
119. Plot L.R No. 22082(0.4 Hectares) was allocated to Mbimwa Enterprises vide letter of allotment Ref. No. 33408/C dated May 22, 1996 (Annexure 47). It was later transferred to Kenya Building Society Limited. Upon survey, the plot was issued L.R. No. 22082 and a title registered as I.R. 75358/1 issued on December 23, 1997 (Annexure 48).
120. Plot L.R No. 22083 (0.4 Hectares) was allocated to Jima Investments vide letter of allotment Ref. No. 33408/V dated May 21, 1996 (Annexure 49). It was later transferred to Kenya Building Society Limited. Upon survey, the plot was issued L.R. No. 22083 and a title registered as I.R. 75363/1 issued on December 23, 1997 (Annexure 50).
121. Plot L.R No. 22084 (0.15 Hectares) was allocated to Basiya Enterprises vide letter of allotment Ref. No. 33408/V dated May 21, 1996 (Annexure 51). It was later transferred to Kenya Building Society Limited. Upon survey, the plot was issued L.R. No. 22084 and a title registered as I.R. 75365/1 on December 23, 1997 (Annexure 52).
122. Sunvalley Phase III Estate (Details of the Plots L.R Nos. 22085-22090 amalgamated to form L.R 29516).
123. Plot L.R No. 22085 Title I.R. No. 136610/1 was issued to Justus Gitabu Wambutura on April 4, 2012. It was transferred to Sunvalley Developers Limited on December 7, 2012. The parcel was later amalgamated with L.R Nos. 22084-22090 with Sunvalley Developers Limited being issued Title No. 152942 L.R. No. 29516 (Annexure 52a). Plot L.R No. 22086 Ownership details were not provided.

124. Plot L.R No. 22087 (0.4 Hectares) was allocated to Sepho Limited vide letter of allotment Ref. No. 33408/V dated May 21, 1996 (**Annexure 53**). Upon survey, the plot was issued L.R. No. 22087 and a title registered as I.R. 71722/1 issued (**Annexure 54**)
125. Plot L.R No. 22088 (1.8 Hectares) was allocated to Kisomok Traders vide a letter of allotment Ref 33408/v dated May 22, 1996 (**Annexure 55**). Upon Survey, the plot was issued L.R. No. 22088. It was later transferred to Kenya Building Society Limited and a title registered as I. R 75366/1 issued on December 22, 2006. The plot thereafter was transferred to Sunvalley developers limited (**Annexure 56**).
126. Plot L.R No. 22089 (1.7 Hectares) was allocated to Sielei Properties vide a letter of allotment Ref. 33408/v dated May 22, 1996. Upon survey, the plot was issued L.R. No.22089 (**Annexure 57**). The plot was transferred to Kenya Building Society Limited and a title registered as I.R 75364/1 issued (**Annexure 58**).
127. Plot L.R No. 22090 (3.2 Hectares) was allocated to Seneca Holdings Limited vide letter of allotment Ref. 33408/V dated May 22, 1996 (**Annexure 59**). It was later transferred to Kenya Building Society Limited. Upon survey, the plot was issued L.R. No. 22090 and a title registered as I.R. 75357/1 issued on December 23, 1997 (**Annexure 60**).
128. Royal Park Estate occupies L.R No.19952 (measuring approximately 32.56 Hectares) allocated to Pillar Amusement Parks Limited. It has since been subdivided into 841 sub plots. **Annexure 61** is a copy of Survey Plan F/R 335/49 – 56 and **Annexure 62** is a copy of the Official Search.
129. Forest View Estate: The ownership details of the land occupied by Forest View Estate were not provided as the Ministry of Lands was yet to complete the process of determination.

3.5 Submission by the Office of the Attorney General

130. The Committee wrote a letter Ref: NA/DCS/ENR/2020(056) (**Annexure 67**) dated 13th August, 2020, to the Office of the Attorney General seeking confirmation on whether the Legal Notice 164 of 2nd January 1998 and 16 of 13th April, 1998 were published in the Kenya Gazette by the Government Printer and authentic. The Office of the Attorney General by a letter Ref: AG/LDD/149/2/1 (**Annexure 67a**) dated 19th August, 2020 confirmed that the said legal notices were published in the Kenya Gazette by the Government Printer and therefore authentic.

4.0 COMMITTEE OBSERVATIONS

131. Pursuant to analysis of the submissions received, the Committee made the following observations:
132. The Departmental Committee on Environment and Natural Resources is mandated under the Second Schedule of the National Assembly Standing Orders No. 216 (f), in relation to forests, to investigate, inquire into, and report on all matters relating to environment management, and conservation of forests. To this end, the Committee supports the agenda of the national government relating to the conservation and management of forests as governed by the Constitution and the laws of Kenya.
133. The Committee observed that between 1933 and 1998, a total of 1,657.42 hectares of the Ngong Road Forest were excised through formal de-gazettement through a total of 24 Proclamations and Legal Notices. 21 Proclamations and Legal Notices were issued under section 4(2) of the repealed Forest Act, Cap. 385 of 1942. A total of 972.04 hectares was lost through the procedure involving allocation and subsequent surrender through the Permanent Secretary, National Treasury and various Government agencies. The notices for de-gazettement were for public purposes. There appears to be no express provision under the repealed Forest Act, Cap 385 outlining the reason for altering the boundaries of a Forest. The practice appears to have been a product of previous excisions. **Annexure 63** is a table matrix of all Proclamations and Legal Notices degazetting portions of Ngong Road Forest.
134. The Committee observed on page 250 of the submission by the Ministry of Environment and Forestry (**Annexure 64**) that in 1996, a title deed: Grant No. I.R. 70244 for land located was issued to the Permanent Secretary, Treasury to hold in trust for the Permanent Secretary, Ministry of Environment and Natural Resources which left out an area covering 339.8 hectares from the original forest area of 1,328.8 hectares.
135. The Committee observed on page 254 of the submission by the Ministry of Environment and Forestry (**Annexure 65**), that in 1996, the title was surrendered to the Commissioner of Lands and a leasehold title deed: Grant I.R. 81938 for an area of 538.2 hectares issued to the Permanent Secretary, Treasury to hold in trust for Ngong Road Sanctuary. This again left out an area of 450 hectares from the title issued in 1996. In total, an area of 789.8 hectares was left outside the boundaries of the Ngong Road Forest. The land excluded from the title was allocated to private developers some of whom have since transferred it to other third parties.
136. The Committee observed that the estimated collective value of the development and the land degazetted is approximately 43 billion Kenya shillings. **Annexure 66** is a table matrix of all Langata Area Affected Estates and Investments/ Properties.
137. The Forests Act (repealed), Cap 385, was enacted on 1st March, 1942. The repealed Act was in force from 1st March, 1942 to 1st February, 2007. The repealed Act was enacted to regulate the establishment, control and regulation of Central

- Forests, forests and forest areas in the Nairobi Area and on unalienated Government lands. Section 4(1) of the repealed Act provided that the Minister had the power to declare that a forest area shall cease to be a forest area. Further, it stipulated that before a declaration is made to declare that a forest area shall cease to be a forest area, twenty-eight days' notice of the intention to make the declaration shall be published by the Minister in the Gazette.
138. On 2nd January, 1998, the then Minister for Environment and Natural Resources, Hon. Henry Kosgei published a notice expressing the Government's intention to alter the boundaries of Ngong Road Forest to exclude an area measuring 53.68 hectares. This was to give a 28-day notice as was required by the repealed Forest Act, cap 385. On 23rd March, 1998, the Hon. Francis Lotodo, the then Minister for Natural Resources, published a notice in the Kenya Gazette, (via Legal Notice no. 44 under Kenya Gazette Supplement no 16 of 3rd April, 1998) in exercise of his powers under Section 4 of the Forest Act, Cap 385 (repealed) 1942 altering the boundaries of Ngong Road Forest Reserve by excising a portion of 53.68 hectares. The Gazette Notices aforementioned were tabled before the Committee. (See page 28 of annex 3 of the submission from the Ministry of Environment and Forestry).
139. The Committee observed that the law relating to declaration that a forest area shall cease to be a forest area was followed with respect to the area of 53.68 hectares and was excised in accordance with section 4 of the Forest Act Cap 385 of 1942.
140. The Committee observed that the subdivision and issuance of title deeds for the land in the Ngong Road Forest commenced as early as 1993 as regard to the 34 acres. The Committee further observed that the issuance of title deeds for the 53.68 hectares commenced in 1996. The gazettelement of Legal Notice 44 of 1998 degazetting the 53.68 hectares appears to have been issued with the intention of regularizing the process of degazettelement of the said land, as required by Section 4(1) of the Forest Act Cap 385 of 1942(repealed).
141. Submissions were tabled to the effect that KMA Estate, Langata Gardens Estate, Langata View Estate, Shalom Estate, St Mary's Hospital, and Forest Edge View Estate were established on 34 acres of land yet to be excised in favour of Langata Women Prison, the Police Dog Unit, Bomas of Kenya, Kenya Broadcasting Corporation, Wildlife Clubs of Kenya and International Centre of Insect Physiology and Ecology (ICIPE) and was yet to be formalized as required under section 4 of the repealed Forests Cap 385 as enacted on 1st March, 1942.
142. The Committee observed that the Ministry of Environment and Forestry tabled excerpts from a 'Report of the Land Commission of Inquiry into the Illegal or Irregular Allocation of Land 2004' to demonstrate excision of Forestland made contrary to the repealed Forests Act, Cap 385.
143. The Committee observed that the aforementioned report recommends on page 174, paragraph (h)(2) that: 'where the Forestlands have been substantially developed

whether by the original allottee or third party, such that they cannot be restored to their original purpose, titles thereto should nonetheless be revoked (given their inherent illegality). The Government may however issue new titles to the current registered proprietors upon new terms and conditions. Provided that where the Government decides to issue new titles, all requirements of Planning and Environmental Legislation must be strictly complied with.'

144. Submissions tabled before the Committee, indicate that the residents of Sunvalley I, II, & III Estates, Royal Park Estate, KMA Estate, Shalom Estate and Forest Edge View Estate had occupied the area in question for over two decades. The existence of these estates has been contributing to the economic activities of the area. Many residents from the surrounding informal settlement area earn a living from these estates in form of small businesses establishments. The estate is also home to many professionals in both public and private sectors.
145. Submissions tabled before the Committee, indicate that the land in question has changed ownership severally. The subsisting land owners are first time home owners, who are servicing bank loans and mortgages from various institutions. With the National Government's big four Agenda on Housing, there is need to protect these homeowners, some of whom are pensioners who have invested their life-time savings in building homes in the area.
146. To this end, the Committee observed that KMA Estate, Langata Gardens Estate, Langata View Estate, Shalom Estate, St Mary's Hospital, and Forest Edge View Estate, Langata Women Prison, the Police Dog Unit, Bomas of Kenya, Kenya Broadcasting Corporation, Wildlife Clubs of Kenya and International Centre of Insect Physiology and Ecology (ICIPE) are located on Forestland that has been substantially developed by the original allottee or third parties, in a manner that they cannot be restored to their original purpose.
147. The Committee observed that the law relating to declaration that a forest area shall cease to be a forest area with respect to the area of land upon which KMA Estate, Langata Gardens Estate, Langata View Estate, Shalom Estate, St Mary's Hospital, and Forest Edge View Estate, should be complied with and the land should be excised pursuant to the provisions of section 34 of the Forest Conservation and Management Act, no. 34 of 2016 to support the realization of the National Government's Big Four Agenda on Housing.
148. The Ministry of Environment and Forestry tabled submissions indicate that several forest lands had been degazetted over time for private gain. The Committee observed that the Ministry of Environment and Forestry has not taken any step or action to repossess such land. These forest land included: Legal Notice No. 3 of 1978 with an excision of 3.742 hectares in the Ngong Forest; Legal Notice No. 302 of 1993 with an excision of 5.9 hectares in Karura Forest; Legal Notice No. 79 of 1997 with an excision of 82 hectares in the Ngong Forest, and Legal Notice 97 of 1997 with an excision of 85 hectares in Karura Forest.

149. The Ministry of Lands tabled submissions outlining the history of the 34 acres of land where KMA, Estate, Shalom Estate, Langata View Estate, Langata Garden Estate, St. Mary's Hospital and Forest View Edge Estate are located. The ministry tabled correspondences regarding the excision of 34 acres of the forestland for Nairobi Prison between the then Commissioner of Lands and the Chief Conservator of Forests between 1985 and 1993. The ministry tabled correspondences regarding the excision of 34 acres of the forestland for Nairobi Prison between the then Commissioner of Lands and the Chief Conservator of Forests between 1985 and 1993.
150. The Ministry of Lands tabled correspondences regarding the excision of 34 acres of the forestland for Nairobi Prison are between the then Commissioner of Lands and the Chief Conservator of Forests between 1985 and 1993. The Chief Conservator of Forests approved the excision of 34 acres from the forest reserve in favour of Nairobi Prison in a letter Ref. FOR 68/7/3/Vol. IV/ (211) dated January 15, 1985 and directed the Survey department to implement the same (Annexure 5). By a letter Ref. 6354/IV/101 dated March 10, 1993 the then Commissioner of Lands requested the Commissioner of Prisons to relinquish 20 acres of prison land that was not being utilized. The portion was shown in a plan accompanying the letter (Annexure 6).
151. According to a letter Ref. No. L/3/Vol. III/103 dated March 15, 1993; the Commissioner of Prisons relinquished the portion of land requested for residential development (Annexure 7). The Commissioner of Lands subsequently instructed the Director of Physical Planning to prepare a Part Development Plan (PDP) for the excision (Annexure 8). A Part Development Plan (PDP) No. 42/8/93/3 was prepared and approved on April 16, 1993 which however was for 34 Acres. The PDP reflected two (2) plots marked 'A' measuring approximately 8.09 hectares (19.99 acres) and 'B' measuring approximately 5.66 hectares (13.99 acres) (Annexure 9). The Committee observes that there is a need for the Ministry of Lands to establish the acreage and secure the land where Langata Women's Prison is located.
152. The Ministry of Environment and Forestry, and the Ministry of Lands tabled submissions that revealed that Langata Women's Prison was allocated 34 acres. The said 34 acres were later allocated and titles issued to Alardyks Investments Ltd, Priscot Company and Mr. Onesmus Ngunjiri. The Committee resolved that the procedure was illegal and fraudulent. However, The Committee did not have the opportunity to receive submissions from the person named as allottees.
153. The Ngong Road Forest land has since changed hands to third and fourth buyers, who may have innocently bought land from the original owners who acquired it before due process of degazettement was done in respect to the 34 acres.
154. The Committee observed that Section 4 of the repealed Forest Act Cap 385 of 1942 did not contain a requirement to state the purpose for which forest land was being degazetted. This appeared to have led to the abuse of publishing such gazette

notices to favour certain well-placed individuals to acquire forest land for private gains.

155. Submissions tabled by the Ministry of Environment and Forestry indicate that the Nairobi Women Prison (Langata), Police Dog Unit, Kenya Broadcasting Corporation, Bomas of Kenya, Wildlife Clubs of Kenya and the International Centre of Insect Physiology and Ecology (ICIPE) are some of public/government institutions that have been allocated forest land that has not been degazetted. There is need to ensure that land on which these institutions occupy is surveyed, documented and that the Kenya Forest Service enters into lease agreement with the said institutions.

156. The Committee observed that the Ministry of Environment initiated the degazettement of part of the Ngong Road Forest vide Legal Notice No. 44 of 1998 under Section 4 of the repealed Forest Act (Cap 385 of 1942). The same Ministry of Environment as constituted today was contesting the validity of the Legal Notice No. 44 of 1998 raising concerns on the general appreciation and application of the principle of collective responsibility of Cabinet on decisions and accountability as enshrined under Article 153 of the Constitution.

5.0 COMMITTEE FINDINGS AND RECOMMENDATIONS

157. Pursuant to analysis of the prayers of the petitions, the directions of the Speaker as captured on pages 16 and 17 of the Hansard dated Tuesday, 30th June, 2020 (**Annexure 68**) and the observations, the Committee makes the following findings and recommendations.

5.1 Findings

158. The Committee finds that the law relating to declaration that a forest area shall cease to be a forest area was followed albeit later, with respect to the area of 53.68 hectares where Sunvalley I, II & III Estates, and Royal Park Estate are located, and was excised in accordance with section 4 of the repealed Forest Act, Cap 385 of 1942.

159. The Committee finds that the law relating to declaration that a forest area shall cease to be a forest area was not followed with respect to the area of 34 acres where KMA Estate, Langata Gardens Estate, Langata View Estate, Shalom Estate, St Mary's Hospital, and Forest Edge/View Estates are located, and was not excised in accordance with section 4 of the repealed Forest Act, Cap 385 of 1942.

5.2 Recommendations

160. Pursuant to the finding under paragraph 158, the Committee resolves to caution the Ministry of Environment and Forestry to cease issuing threats to the residents, owners or proprietors of developments located within the 53.68 hectares as the law relating to declaration that a forest area shall cease to be a forest area with respect to the aforementioned area was followed.

161. Pursuant to the finding under paragraph 159, the Committee recommends that the law relating to declaration that a forest area shall cease to be a forest area with respect to the area of land upon which KMA Estate, Langata Gardens Estate, Langata View Estate, Shalom Estate, St Mary's Hospital, Forest Edge View Estate, Langata Women Prison, the Police Dog Unit, Bomas of Kenya, Kenya Broadcasting Corporation, Wildlife Clubs of Kenya and International Centre of Insect Physiology and Ecology (ICIPE) should be complied with and the land should be excised pursuant to the provisions of Section 34 of the Forest Conservation and Management Act, Act No. 34 of 2016 to support the realization of the National Government's big four Agenda on Housing and stop further encroachment of Ngong Road through the practice of allocation and subsequent surrender of land between Government Departments.

162. The Committee further recommends that the residents, owners or proprietors of developments located within the said 34 acres and the Ministry of Environment and Forestry enter into negotiations with an aim to reach an amicable solution for peaceful coexistence.

163. The Committee recommends that, the Director of Criminal Investigations within six months of tabling of this report, commences investigations relating to the procedure of excising and allocating land from the Ngong Road Forest to private individuals including officers that substantively held the offices of the Commissioner

of Lands, the Chief Conservator of Forests and the Commissioner of Prisons between the period of 1993 and 1998 with a view to prosecuting any person found culpable, where a criminal offence is established.

Signed: 

HON. KAREKE MBIUKI, MP
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND
NATURAL RESOURCES

Date: 12/11/2020

LIST OF ANNEXURES

- Annexure 1 - Adoption List
- Annexure 2 - Minutes
- Annexure 3 - Petition
- Annexure 4 - Legal Notice No. 44
- Annexure 4(a) - Gazette Notice No. 164
- Annexures 5-62 - Ministry of Lands documents
- Annexure 63 - List of Degazettements and Excisions in
Ngong Road Forest
- Annexure 64 - Grant IR 70244 to the Permanent Secretary,
Treasury
- Annexure 65 - Grant IR 81938 to the Permanent Secretary,
Treasury
- Annexure 66 - Langata Area affected Estates and
investments
- Annexure 67 - Letter to the Attorney General on
Confirmation of Legal Notice No. 44 and
Gazette Notice No. 164
- Annexure 67(a) - Letter from the Attorney General confirming
The Legal Notice No. 44 and Gazette Notice
No. 164
- Annexure 68 - June 30, 2020 Hansard on commitment of the
petition

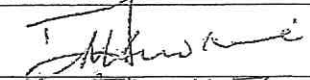
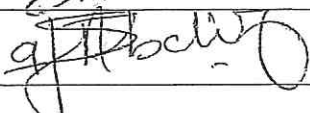
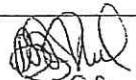
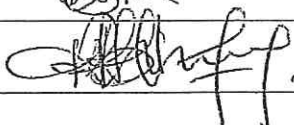


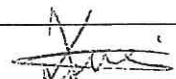
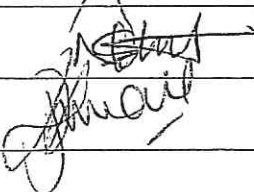

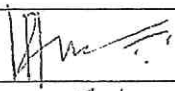
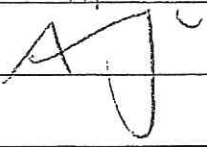
ANNEXURE 1 - ADOPTION LIST

ENVIRONMENT AND NATURAL RESOURCES COMMITTEE REPORT ADOPTION LIST

DATE: 22/10/20 VENUE: Whitesands STARTING TIME:

ENDING TIME:

AGENDA: CONSIDERATION AND ADOPTION OF THE REPORT ON THE PETITION REGARDING THE ALLEGED DEMOLITION AND POSSESSION OF LAND IN LANGATA CONSTITUENCY

	NAME	SIGNATURE
1.	The Hon. Japhet Kareke Mbiuki , M.P., Chairperson	
2.	The Hon. Sophia Abdi Noor , M.P., Vice Chairperson	
3.	The Hon. Francis Chachu Ganya, M.P.	
4.	The David Kangogo Bowen, M.P.	
5.	The Hon. Benard Shinali, M.P.	
6.	The Hon. Benjamin Dalu Tayari, MP.	
7.	The Hon. Charity Kathambi Chepkwony, M.P	
8.	The Hon. Charles Ong'ondo Were, M.P.	
9.	The Hon. Amin Deddy Mohamed Ali, M.P.	
10.	The Hon. Hassan Oda Hulufu, M.P.	
11.	The Hon. George Kariuki, M.P.	
12.	The Hon. Ali Wario Guyo, M.P.	
13.	The Hon. Nasri Sahal Ibrahim, M.P.	
14.	The Hon. Peter Kimari Kihara, M.P	
15.	The Hon. Eng. Paul Musyimi Nzengu, M.P.	
16.	The Hon. Rehema Hassan, M.P.	
17.	The Hon. Rozaah Buyu. M.P.	
18.	The Hon. Said Hiribae, M.P.	
19.	The Hon. Simon King'ara, MP	

ANNEXURE 2 - MINUTES

MINUTES OF THE 51ST SITTING OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES HELD ON THURSDAY 22ND OCTOBER, 2020 AT SAROVA WHITESANDS HOTEL, MOMBASA AT 2:30 PM.

PRESENT

- | | |
|--|------------------|
| 1. The Hon. Kareke Mbiuki, M.P. | Chairperson |
| 2. The Hon. Sophia Abdi Noor, M.P. | Vice Chairperson |
| 3. The Hon. Francis Chachu Ganya, M.P. | |
| 4. The Hon. Nasri Sahal Ibrahim, M.P. | |
| 5. The Hon. Rozaah Buyu, M.P. | |
| 6. The Hon. Charity Kathambi Chepkwony, M.P. | |
| 7. The Hon. Ali Wario Guyo, M.P. | |
| 8. The Hon. Charles Ong'ondo Were, M.P. | |
| 9. The Hon. Bernard Shinali, M.P. | |
| 10. The Hon. Hassan Oda Hulufu, M.P. | |
| 11. The Hon. Benjamin Dalu Tayari, M.P. | |
| 12. The Hon. Peter Kimari Kihara, M. P. | |
| 13. The Hon. Simon Nganga King'ara, M.P. | |
| 14. The Hon. Said Hiribae, M.P. | |

APOLOGIES

1. The Hon. George Kariuki, M. P.
2. The Hon. David Kangogo Bowen, M.P
3. The Hon. Rehema Hassan, M.P
4. The Hon. (Eng.) Paul Musyimi Nzengu, M.P.
5. The Hon. Amin Deddy Mohamed Ali, M.P

IN ATTENDANCE

THE NATIONAL ASSEMBLY

- | | | |
|--------------------------|---|----------------------------|
| 1. Ms. Esther Nginyo | - | Clerk Assistant II |
| 2. Mr. Dennis M. Ogechi | - | Clerk Assistant II |
| 3. Mr. Fredrick Muthengi | - | Chief Fiscal Analyst |
| 4. Mr. Sydney Lugaga | - | Legal Counsel I |
| 5. Mr. Stanley Lagat | - | Senior Serjeant-at-Arms II |
| 6. Mr. Eugene Apaa | - | Research Officer |
| 7. Mr. Stephen Nyakuti | - | Audio Officer |

AGENDA

- i) Prayers
- ii) Confirmation of Minutes
- iii) Matters Arising

- iv) Adoption of the Draft Report on a Petition Regarding Alleged Demolition of Houses and Repossession of Land within Langata Constituency by Hon. Nixon Korir, MP, Langata Constituency
- v) AOB
- vi) Date of the next Sitting

MIN.NO. DC/ENR/268/2020:

PRELIMINARIES

The meeting was called to order at 2.55 p.m. after which prayers were said. The Chairperson then stated that the main agenda of the meeting was consideration and adoption of the draft Report on a Petition Regarding Alleged Demolition of Houses and Repossession of Land within Langata Constituency by Hon. Nixon Korir, MP, Langata Constituency.

The Members adopted the agenda of the meeting.

MIN.NO.DC/ENR/269/2020:

CONFIRMATION OF MINUTES

Confirmation of minutes of the previous sitting was deferred to the next meeting.

MIN.NO. DC/ENR/270/2020:

CONSIDERATION AND ADOPTION OF THE DRAFT REPORT ON A PETITION REGARDING ALLEGED DEMOLITION OF HOUSES AND REPOSSESSION OF LAND WITHIN LANGATA CONSTITUENCY BY HON. NIXON KORIR, MP, LANGATA CONSTITUENCY.

The Report on a Petition regarding alleged demolition of houses and repossession of land within Langata Constituency by Hon. Nixon Korir, MP, Langata Constituency was adopted after being proposed and seconded by Hon. Charles Ong'ondo Were, M.P. and Hon. Simon Nganga King'ara, M.P. respectively.

The report was adopted with the following findings and recommendations:

FINDINGS

1. The Committee finds that the law relating to declaration that a forest area shall cease to be a forest area was followed albeit later, with respect to the area of 53.68 hectares where Sunvalley I, II & III Estates, and Royal Park Estate are located, and was excised in accordance with section 4 of the repealed Forest Act, Cap 385 of 1942.
2. The Committee finds that the law relating to declaration that a forest area shall cease to be a forest area was not followed with respect to the area of 34 acres where KMA Estate, Langata Gardens Estate, Langata View Estate, Shalom Estate, St Mary's Hospital, and Forest Edge/View Estates are located, and was not excised in accordance with section 4 of the repealed Forest Act, Cap 385 of 1942.

RECOMMENDATIONS

1. Pursuant to the finding under paragraph 158, the Committee resolves to caution the Ministry of Environment and Forestry to cease issuing threats to the residents, owners

or proprietors of developments located within the 53.68 hectares as the law relating to declaration that a forest area shall cease to be a forest area with respect to the aforementioned area was followed.

2. Pursuant to the finding under paragraph 159, the Committee recommends that the law relating to declaration that a forest area shall cease to be a forest area with respect to the area of land upon which KMA Estate, Langata Gardens Estate, Langata View Estate, Shalom Estate, St Mary's Hospital, Forest Edge View Estate, Langata Women Prison, the Police Dog Unit, Bomas of Kenya, Kenya Broadcasting Corporation, Wildlife Clubs of Kenya and International Centre of Insect Physiology and Ecology (ICIPE) should be complied with and the land should be excised pursuant to the provisions of Section 34 of the Forest Conservation and Management Act, Act No. 34 of 2016 to support the realization of the National Government's big four Agenda on Housing and stop further encroachment of Ngong Road through the practice of allocation and subsequent surrender of land between Government Departments.
3. The Committee further recommends that the residents, owners or proprietors of developments located within the said 34 acres and the Ministry of Environment and Forestry enter into negotiations with an aim to reach an amicable solution for peaceful coexistence.
4. The Committee recommends that, the Director of Criminal Investigations within six months of tabling of this report, commences investigations relating to the procedure of excising and allocating land from the Ngong Road Forest to private individuals including officers that substantively held the offices of the Commissioner of Lands, the Chief Conservator of Forests and the Commissioner of Prisons between the period of 1993 and 1998 with a view to prosecuting any person found culpable, where a criminal offence is established.

MIN.NO. DC/ENR/271/2020:

ADJOURNMENT

There being no other business the meeting was adjourned at 4.48 pm.

SIGNED: 

THE HON. KAREKE MBIUKI, M.P.
CHAIRPERSON,
DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

DATE: 12/11/2020

MINUTES OF THE 46TH SITTING OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES HELD ON MONDAY 12TH OCTOBER, 2020 IN THE COMMITTEE ROOM ON 4TH FLOOR, CONTINENTAL HOUSE AT 2:30 PM.

PRESENT

- | | |
|---|------------------|
| 1. The Hon. Kareke Mbiuki, M.P. | Chairperson |
| 2. The Hon. Sophia Abdi Noor, M.P. | Vice Chairperson |
| 3. The Hon. Francis Chachu Ganya, M.P. | |
| 4. The Hon. Nasri Sahal Ibrahim, M.P. | |
| 5. The Hon. Rozaah Buyu. M.P. | |
| 6. The Hon. Hassan Oda Hulufu, M.P | |
| 7. The Hon. Benjamin Dalu Tayari, M.P. | |
| 8. The Hon. Charity Kathambi Chepkwony, M.P | |
| 9. The Hon. Peter Kimari Kihara, M. P. | |
| 10. The Hon. Ali Wario Guyo, M.P. | |
| 11. The Hon. George Kariuki, M. P. | |
| 12. The Hon. Charles Ong'ondo Were, M.P. | |
| 13. The Hon. Simon Nganga King'ara, M.P. | |

APOLOGIES

1. The Hon. David Kangogo Bowen, M.P
2. The Hon. Bernard Shinali, M.P.
3. The Hon. Rehema Hassan, M.P
4. The Hon. (Eng.) Paul Musyimi Nzengu, M.P.
5. The Hon. Said Hiribae, M.P.
6. The Hon. Amin Deddy Mohamed Ali, M.P

IN ATTENDANCE

MINISTRY OF LANDS AND PHYSICAL PLANNING

- | | | |
|------------------------|---|--------------------------------|
| 1. Hon. Gedion Mungaro | - | Chief Administrative Secretary |
| 2. Geoffrey Kibowen | - | Land Surveyor |
| 3. Chacha Maroa | - | Land Registrar |

THE NATIONAL ASSEMBLY

- | | | |
|-------------------------|---|----------------------------|
| 1. Ms. Esther Nginyo | - | Clerk Assistant II |
| 2. Mr. Dennis M. Ogechi | - | Clerk Assistant II |
| 3. Mr. Sydney Lugaga | - | Legal Counsel I |
| 4. Mr. Stanley Lagat | - | Senior Serjeant-at-Arms II |
| 5. Mr. Stephen Nyakuti | - | Audio Officer |

AGENDA

- i) Prayers
- ii) Confirmation of Minutes
- iii) Matters Arising
- iv) Meeting with the Cabinet Secretary for Lands and Physical Planning on a petition regarding alleged demolition of houses and repossession of land within Langata Constituency.
- v) AOB
- vi) Date of the next Sitting

MIN.NO. DC/ENR/248/2020:

- PRELIMINARIES

The meeting was called to order at 2.46 p.m. after which prayers were said. The Chairperson then asked all those present to introduce themselves. Thereafter, he stated that the main agenda of the meeting was engaging with the Cabinet Secretary for Lands and Physical Planning on a petition regarding alleged demolition of houses and repossession of land within Langata Constituency

The Members adopted the agenda of the meeting.

MIN.NO.DC/ENR/249/2020:

- CONFIRMATION OF MINUTES

Confirmation of minutes of the previous sitting was deferred to the next meeting.

MIN.NO.DC/ENR/250/2020:

- MEETING WITH THE CABINET SECRETARY FOR LANDS AND PHYSICAL PLANNING ON A PETITION REGARDING ALLEGED DEMOLITION OF HOUSES AND REPOSSESSION OF LAND WITHIN LANGATA CONSTITUENCY.

Hon. Gedion Mungaro, Chief Administrative Secretary Ministry of Lands and Physical Planning appeared before the Committee on behalf of the Cabinet Secretary and briefed the Committee as follows:

1. Ngong Road Forest was gazetted as a forest reserve vide Proclamation No. 44 of 1932, Proclamation No. 14 of 1933 and Proclamation No. 122 of 1934 covering an area of 2926.6 Hectares. The forest was subsequently declared a Central Forest through Legal Notice No. 174 published on May 20, 1964. There have been excisions of the forestland over the years for public and private use.
2. Legal Notice No. 44 of 1998 excised approximately 53.68 Hectares of the forestland known as L.R No. 23256.
3. A site map prepared by the Ministry for the area of land excised by Legal Notice No. 44 of 1998 that had captured the developments within the area and the adjacent plots included: Sunvalley Phases I, II & III Estates and Royal Park Estate.
4. There were correspondences in the Ministry of Lands records regarding the excision of 34 acres of the forestland for Nairobi Prison are between the then Commissioner of Lands and the Chief Conservator of Forests between 1985 and 1993. The Chief Conservator of Forests

- approved the excision of 34 acres from the forest reserve in favour of Nairobi Prison in a letter Ref. FOR 68/7/3/Vol. IV/ (211) dated January 15, 1985 and directed the Survey department to implement the same
5. By a letter Ref. 6354/IV/101 dated March 10, 1993 the then Commissioner of Lands requested the Commissioner of Prisons to relinquish 20 acres of prison land that was not being utilized. The portion was shown in a plan accompanying the letter.
 6. According to a letter Ref. No. L/3/Vol. III/103 dated March 15, 1993, the Commissioner of Prisons relinquished the portion of land requested for residential development. The Commissioner of Lands subsequently instructed the Director of Physical Planning to prepare a Part Development Plan (PDP) for the excision.
 7. A Part Development Plan (PDP) No. 42/8/93/3 was prepared and approved on April 16, 1993 which however was for 34 Acres. The PDP reflected two (2) plots marked 'A' measuring approximately 8.09 hectares and 'B' measuring approximately 5.66 hectares. The Plots "A" and "B" were further subdivided and allocated as follows: Plot A Plot 'A' was subdivided vide approved PDP No. 42/8/93/11 into two plots marked 'A' and 'B' each measuring approximately 4.045 hectares.
 8. Sub Plot 'A' was allocated to Arladyks Investments Limited vide letter of allotment Ref. no. 6354/IV/117 dated July 8, 1993. Upon survey, the plot was issued with Land Reference (LR) No. 18589. The plot was transferred to Jackim Limited and a title issued on February 3, 1994. It was on April 30, 1998 transferred to Kenya Medical Association Housing Cooperative Society and later subdivided into various sub plots. KMA Estate occupies this parcel.
 9. Sub Plot 'B' was allocated to Prilscot Company Limited vide Letter of Allotment Ref. 6354/IV/114 dated June 25, 1993. An application to change the user for the land from open residential to one private dwelling house was approved and a new Letter of Allotment Ref. 151428/6 dated September 12, 1994 was issued (Annexure 14). Upon survey, the plot was issued with Land Reference (LR) No. 18590 measuring approximately 3.956 hectares. The plot was later transferred to Gravity Exporters Limited on November 17, 1994. Gravity Exporters transferred the plot to Assumption Sisters of Nairobi Registered Trustees on March 5, 1999.
 10. The Plot marked 'B' was allocated to Onesmus Kimani Ngunjiri vide a Letter of Allotment Ref. No. 6354/IV/116 dated July 8, 1993. Upon survey, the plot was issued with Land Reference (LR) No. 18591. An application was made by the Allottee to subdivide the plot into 11 sub plots. The application was approved by the Commissioner of Lands vide his letter Ref. 151579/14 dated June 8, 1994 and an approved PDP Ref. No. 42/25/94/1 for the subdivision prepared. The sub plots were issued Land Reference Nos. 18591/1-11.
 11. The subplots: L.R No 18591/2 measuring approximately 0.1 hectares registered as I.R No. 63385 was on December 15, 2006 transferred to Beige Investments Limited. L.R No. 18591/3 measures approximately 0.1 Hectares L.R. No. 18591/4 measures approximately 0.1 Hectare. L.R No. 18591/5 measuring approximately 0.1 Hectares registered as I. R No. 63080 was on May 10, 2018 transferred to Munah Mburu Kiragu.
 12. L. R No.18591/6 measuring approximately 0.1 Hectares registered as I. R No. 63075 was on July 15, 2003 transferred to Josephat Warui Murage.
 13. L.R. No. 18591/7 measuring approximately 0.1 hectares registered as I.R No. 63076 was on March 2, 1995 transferred to Peter Irungu Macharia. On December 22, 2006 the parcel was transferred to Peter Irungu Macharia and Teresia Wanjiru Irungu as joint tenants.
 14. L.R No. 18591/8 measuring approximately 0.1 hectares registered as I.R No. 63078 was on March 2, 1995 transferred to Peter Irungu Macharia. On December 22, 2006 the parcel was

- transferred to Peter Irungu Macharia and Teresia Wanjiru Irungu as joint tenants (Shalom Court Estate occupies L. R Nos. 18591/1 to L.R. No. 18591/8).
15. L.R. No. 18591/9 measuring approximately 1.2 Hectares was transferred to Summerset Investments Limited on June 23, 1994 and a title I.R. No. 63081 issued on August 23, 1994. The plot was later transferred to Langata Gardens Limited on November 21, 2008. Langata Gardens Estate occupies this plot.
 16. L.R. No. 18591/10 measuring approximately 0.52 Hectares was transferred to Samuel Warugo Kimotho vide a transfer dated June 23, 1994 and the title registered as I. R 63079 on August 23, 1994 (Annexure 24). On November 25, 2004, the parcel was transferred to Silverline Limited. Langata View Estate occupies this plot.
 17. L.R. No. 18591/11 measuring 3.863 Hectares was transferred to Beauty Wear (Nairobi) Limited vide a transfer dated May 24, 1994 and a title registered as IR No. 62652 issued on July 13, 1994. On December 21, 2001, the plot was transferred to Assumption Sisters of Nairobi. An application to change the user of the plot L.R. No. 18591/11 from Residential to Mission Hospital and Educational Centre was approved on January 18, 2005. Upon resurvey, a new LR No. 27229 was issued for the plot, a new title registered as IR 113472/1 issued. St Marys Educational Centre occupies this plot.
 18. The Commissioner of Prison's letter Ref. No. L/3/Vol. III/103 dated March 15, 1993 to the Commissioner of Lands relinquishing the Nairobi Prison land for residential development.
 19. On the original ownership status of the land occupied by Sunvalley Phases I, II & III, Royal Park Estate, KMA Estate, Shallom Estate, Langata Gardens and Langata View Apartments is as follows: -Sunvalley Phase I Estate occupies a subdivision of L.R No. 20754 labelled A- F shown in the subdivision scheme plan marked. The sub plots A-F were registered as follows: -Plot A (1.6 Ha) was allocated to Sielei Securities vide a letter of allotment Ref 42885/3 dated September 26, 1995. Upon survey, the plot was issued L.R. No. 21224. The plot was later transferred to Kenya Building Society Limited and title registered as I.R 75356/1.
 20. Plot B (1.6 Ha) was allocated to Geomann Limited vide a letter of allotment Ref. 42885/5 dated September 26, 1995. Upon Survey, the plot was issued L.R No. 21223. Plot C (1.6 Ha) no ownership details were provided.
 21. Plot D (1.2 Ha) was allocated to Testai Limited vide a letter of allotment Ref 42885/6 dated September 26, 1995. The plot was later transferred to Kenya Building Society Limited. Upon Survey, the plot was issued L.R. No.21222 and a title registered as I.R 75370 issued. Plot E (1.6 Ha) Ownership details were not provided.
 22. Plot F (1.2 Ha) was allocated to Lelta Enterprises vide a letter of allotment Ref. 175001/9 dated April 18, 1996. Upon survey the plot was issued L.R No. 21219.
 23. Sunvalley Phase II Estate occupies L.R 27024 which was an amalgamation of L.R Nos. 22076-22084. The parcel has since been subdivided into 165 sub plots.
 24. Sunvalley Phase III Estate occupies L.R 29516 which was an amalgamation of L.R Nos. 22085-22090. The parcel has since been subdivided into 105 sub plots. (Annexure 38 is a copy of Survey Plan F/R 381/85 & 86). Both Sunvalley II and III estates were allocated vide approved PDP Ref. 42/08/96/3 dated April 29, 1996 (Annexure 39). Sunvalley Phase II Estate (Details of the Plots L.R Nos. 22076-22084 amalgamated to form L.R 27024). Plot L.R No. 22076. Ownership details were not provided.
 25. Plot L.R No. 22077 (1.0 Hectares) was allocated to Tanam Enterprises vide letter of allotment Ref. No. 33408/V dated May 22, 1996. It was later transferred to Kenya Building Society

- Limited. Upon survey, the plot was issued L.R. No. 22077 and title registered as I.R. 75360/1 on December 23, 1997.
26. Plot L.R No. 22078 (1.0 Hectares) was allocated to Lelta Enterprises vide letter of allotment Ref. No. 33408/V dated May 22, 1996 (Annexure 42). It was later transferred to Kenya Building Society Limited. Upon survey, the plot was issued L.R. No. 22078 and a title registered as I.R. 75369/1 issued on December 23, 1997.
 27. Plot L.R No. 22079 (1.0 Hectares) was allocated to Sunvalley Developers vide Letter of Allotment Ref. No. 33408/V dated May 22, 1996. The plot was issued L.R. No. 22079 upon survey.
 28. Plot L. R No. 22080 (1.0 Hectares) was allocated to Kipkenda Investments vide a letter of allotment Ref. 33408/v dated May 22, 1996. Upon survey, the plot was issued L.R. No. 22080. It was later transferred to Kenya Building Society Limited and a title registered as L. R 75368/1 issued.
 29. Plot L.R No. 22081 (0.4 Hectares) Title was issued to Kenya Building Society Limited. Upon survey, the plot was issued L.R. No. 22081 and a title registered as I.R. 75361/1 issued on December 23, 1997.
 30. Plot L.R No. 22082(0.4 Hectares) was allocated to Mbimwa Enterprises vide letter of allotment Ref. No. 33408/C dated May 22, 1996. It was later transferred to Kenya Building Society Limited. Upon survey, the plot was issued L.R. No. 22082 and a title registered as I.R. 75358/1 issued on December 23, 1997.
 31. Plot L.R No. 22083 (0.4 Hectares) was allocated to Jima Investments vide letter of allotment Ref. No. 33408/V dated May 21, 1996. It was later transferred to Kenya Building Society Limited. Upon survey, the plot was issued L.R. No. 22083 and a title registered as I.R. 75363/1 issued on December 23, 1997.
 32. Plot L.R No. 22084 (0.15 Hectares) was allocated to Basiya Enterprises vide letter of allotment Ref. No. 33408/V dated May 21, 1996. It was later transferred to Kenya Building Society Limited. Upon survey, the plot was issued L.R. No. 22084 and a title registered as I.R. 75365/1 on December 23, 1997.
 33. Sunvalley Phase III Estate (Details of the Plots L.R Nos. 22085-22090 amalgamated to form L.R 29516).
 34. Plot L.R No. 22085 Title I.R. No. 136610/1 was issued to Justus Gitabu Wambutura on April 4, 2012. It was transferred to Sunvalley Developers Limited on December 7, 2012. The parcel was later amalgamated with L.R Nos. 22084-22090 with Sunvalley Developers Limited being issued Title No. 152942 L.R. No. 29516. Plot L.R No. 22086 Ownership details were not provided.
 35. Plot L.R No. 22087 (0.4 Hectares) was allocated to Sepho Limited vide letter of allotment Ref. No. 33408/V dated May 21, 1996. Upon survey, the plot was issued L.R. No. 22087 and a title registered as as I.R. 71722/1 issued.
 36. Plot L.R No. 22088 (1.8 Hectares) was allocated to Kisomok Traders vide a letter of allotment Ref 33408/v dated May 22, 1996. Upon Survey, the plot was issued L.R. No. 22088. It was later transferred to Kenya Building Society Limited and a title registered as I. R 75366/1 issued on December 22, 2006. The plot thereafter was transferred to Sunvalley developers limited.
 37. Plot L.R No. 22089 (1.7 Hectares) was allocated to Sielei Properties vide a letter of allotment Ref. 33408/v dated May 22, 1996. Upon survey, the plot was issued L.R. No.22089. The plot was transferred to Kenya Building Society Limited and a title registered as I.R 75364/1 issued.

38. Plot L.R No. 22090 (3.2 Hectares) was allocated to Seneca Holdings Limited vide letter of allotment Ref. 33408/V dated May 22, 1996. It was later transferred to Kenya Building Society Limited. Upon survey, the plot was issued L.R. No. 22090 and a title registered as I.R. 75357/1 issued on December 23, 1997.
39. Royal Park Estate occupies L.R No.19952 (measuring approximately 32.56 Hectares) allocated to Pillar Amusement Parks Limited. It has since been subdivided into 841 sub plots.
40. The ownership details of the land occupied by Forest View Estate were not provided as the Ministry of Lands was yet to complete the process of determination.

MIN.NO. DC/ENR/251/2020:

OBSERVATIONS AND RESOLUTIONS

OBSERVATION

Members observed that the Ministry of Lands had registered land to private developers after using the pretext of public use to hive it from the Ngong Forest Reserve.

RESOLUTIONS

It was resolved that:

1. The secretariat addresses a letter to the registrar of companies requesting for information on the ownership details of the companies mentioned by the Ministry of Lands and Physical Planning.
2. The Ministry of Lands and Physical Planning to provide details on the breakdown of how the 53.68 ha was shared among the 4 estates.

MIN.NO. DC/ENR/252/2020:

ADJOURNMENT

There being no other business the meeting was adjourned at 5.44 pm.

SIGNED:

THE HON. KAREKE MBIUKI, M.P.

CHAIRPERSON,

DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

DATE:

12/11/2020

- 9. Mr. Anthony Kinyanjui
- 10. Mr. Charles Otieno
- 11. Mr. George Gichaba

THE NATIONAL ASSEMBLY

- 1. Ms. Esther Nginyo - Clerk Assistant II
- 2. Mr. Dennis M. Ogechi - Clerk Assistant II
- 3. Mr. Fredrick Muthengi - Chief Fiscal Analyst
- 4. Mr. Sydney Lugaga - Legal Counsel
- 5. Mr. Eugene Apaa - Research Officer III
- 6. Mr. Stephen Nyakuti - Audio Recording

THE RESIDENTS AND THE GENERAL PUBLIC

AGENDA

- i) Prayers
- ii) Confirmation of Minutes
- iii) Matters Arising
- iv) **Inspection Visit to Various Estates in Langata Constituency that are Allegedly Built in Ngong Road Forest Reserve.**
- v) AOB
- vi) Date of the next Sitting

MIN.NO. DC/ENR/155/2020:

- PRELIMINARIES

The meeting was called to order at 10.10 am after which prayers were said. The Chairperson then stated that the main agenda was conducting an inspection visit to various estates in Langata Constituency that are allegedly built in Ngong Road Forest Reserve.

The Members adopted the agenda of the meeting.

MIN.NO.DC/ENR/156/2020:

- CONFIRMATION OF MINUTES

Confirmation of minutes of the previous sitting was deferred to the next meeting.

MIN.NO.DC/ENR/157/2020:

- INSPECTION VISIT TO VARIOUS ESTATES IN LANGATA CONSTITUENCY THAT ARE ALLEGEDLY BUILT IN NGONG ROAD FOREST RESERVE.

Guided by officials from the Kenya Forest Service, the Committee conducted an inspection visit to the following estates within Langata Constituency: Royal Park Estate, Sunvalley Phases I, II and III, Langata Gardens, Langata View, St. Mary's Hospital, KMA, Dog Section and Forest Edge View Estate.

MIN.NO. DC/ENR/158/2020:

OBSERVATIONS

Members made the following observations:

1. The Royal Park Estate, Sunvalley Estate Phases II and III occupy land that was degazetted through the impugned Legal Notice No. 44 of 3rd April, 1998 issued by the then Minister for Natural Resources, Hon. F.P. Lotodo excluding 53.68 hectares from the Ngong Road Forest Reserve.
2. The land on which Sunvalley Estate Phase I stood was contested as to whether it did or did not fall within the impugned Legal Notice No. 44 of 3rd April, 1998 issued by the then Minister for Natural Resources, Hon. F.P. Lotodo whereas the KFS maintains its not covered by the legal notice, residents asserted that it did.
3. The following estates and government installations occupied land that was yet to be degazetted from the ngong road forest reserve: Langata Gardens, Langata View, St. Mary's Hospital, KMA, Dog Section and Forest Edge View Estate.
4. The degazettement through the Legal Notice No. 44 of 3rd April, 1998 issued by the then Minister for Natural Resources, Hon. F.P. Lotodo excluding 53.68 hectares from the Ngong Road Forest Reserve was irregular.

MIN.NO. DC/ENR/159/2020:

ADJOURNMENT

There being no other business the meeting was adjourned at 2.22 pm.

SIGNED: 
THE HON. KAREKE MBIUKI, M.P.
CHAIRPERSON,
DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

DATE: 12/11/2020

9. Ms. Laura Yego
10. Ms. Bellinda Akello
11. Mr. Rodney Omari
12. Mr. Wilson Tonkei
13. Mr. John Oilepo
14. Mr. George Gichaba
15. Mr. Edward Munene
16. Mr. Kennedy Nyandega

THE NATIONAL ASSEMBLY

- | | | |
|--------------------------|---|----------------------|
| 1. Ms. Esther Nginyo | - | Clerk Assistant II |
| 2. Mr. Dennis M. Ogechi | - | Clerk Assistant II |
| 3. Mr. Fredrick Muthengi | - | Chief Fiscal Analyst |
| 4. Mr. Sydney Lugaga | - | Legal Counsel |
| 5. Mr. Eugene Apaa | - | Research Officer III |
| 6. Mr. Stephen Nyakuti | - | Audio Recording |

AGENDA

- i) Prayers
- ii) Confirmation of Minutes
- iii) Matters Arising
- iv) **Meeting with the Cabinet Secretary for Environment and Forestry regarding alleged encroachment on Ngong Road Forest.**
- v) AOB
- vi) Date of the next Sitting

MIN.NO. DC/ENR/150/2020:

PRELIMINARIES

The meeting was called to order at 10.10 am after which prayers were said. The Chairperson then stated that the main agenda was meeting with the Cabinet Secretary for Environment and Forestry regarding alleged encroachment on Ngong Road Forest.

The Members adopted the agenda of the meeting.

MIN.NO.DC/ENR/151/2020:

CONFIRMATION OF MINUTES

Confirmation of minutes of the previous sitting was deferred to the next meeting.

MIN.NO.DC/ENR/152/2020:

MEETING WITH THE CABINET SECRETARY FOR ENVIRONMENT AND FORESTRY REGARDING ALLEGED ENCROACHMENT ON NGONG ROAD FOREST.

Mr. Keriako Tobiko, Cabinet Secretary, Ministry of Environment and Forestry appeared before the Committee and briefed it that:

1. On encroached forests in the country he stated that:
 - a) Kenya has 2,586,555.440 Hectares of gazetted public forests. Encroachment into the forests approximately stands at 130,935.81 Hectares which is 5.1% of the total public forest area.
 - b) The Ministry of Environment and Forestry through the Kenya Forest Service, had over time put in place measures to protect forests from encroachment which include:
 - Forest protection and security
 - Monitoring events around and within forests
 - Boundary surveys, alignments and replacement of lost and altered beacons
 - Reclamation, restoration, and rehabilitation of forests
 - Collaborative engagement and sensitization of adjacent forest communities and general public
 - Fencing of forest blocks like Karura, Arbedares, Eburru and Mt. Kenya forest ecosystems
 - Successfully defending court cases involving forest encroachment
 - Participatory forest management approach.
2. On legal excision of forests in the country he stated that:
 - a) A number of legal excisions had taken place over the years (He provided documentation on the legal degazettements indicating the legal notices and purposes for the degazettement).
 - b) The applicable law was Forest Act, Cap 385.
3. On details of the repossession efforts by the Kenya Forest Service of forest land and the current status, he stated that the KFS had made repossession efforts, some still ongoing (He then provided a schedule detailing the efforts).
4. On the legal status of the Ngong Forest and history of its excision or degazettement since its proclamation in 1932, he stated that in 1932, Ngong Road Forest was gazetted as a forest reserve through Proclamation No. 44 of 30th April, 1932 and then covered an area of 2,929.6 Hectares. In 1964, it was declared a Central Forest vide Legal Notice No. 174 of 20th May, 1964 measuring about 1,506.88 Hectares. The figure was amended by a number of proclamations and legal notices reducing it to 1,328.74 Hectares as at 1978.

First, there have been degazettements through formal legal notices for public purposes between 1932 and 1978 totaling to 1600.86 Hectares (He then presented a list of the relevant proclamations and legal notices).

Second, there have been degazettement through legal notices whose validity is impugned (He presented a list of the details of the legal notices whose validity is impugned and the reasons for the same).

Third, there have been excisions of Ngong Road Forest Reserve for public purposes not formally degazetted (he then provided a schedule detailing the excisions).

Fourth, there have been illegal allocations to private entities and individuals in undegazetted forest land in Ngong Road Forest Reserve. The details of these allocations are as follows:

- a) The original beneficiaries of the allocations were 207 (he provided a list of the beneficiaries).
 - b) A number of the illegal beneficiaries were companies, business names/firms and the intention was to conceal the true identities of the individuals behind them who were the real beneficiaries of the illegal allocations.
 - c) Official searches undertaken at the companies and lands registries had not revealed the actual beneficiaries of most of the illegal allocations.
 - d) The Langata Women Prison Land, which was originally 34 acres and is still part of the un-degazetted forest reserve, was fraudulently allocated to 3 allottees namely: Arladyks Investments Limited, Prilscot Company Limited, and Mr. Onesmus Ngunjiri; who in turn sold it to third parties, most of whom had built on it. Subsequently, a number of housing estates came up namely: KMA, Sunvalley I, Langata Gardens, Langata View and Shalom Estate and a Hospital (St. Marys). Forest view state was also illegally established within the un-degazetted portion of the Ngong Road Forest Reserve.
5. There are a number of illegal transactions that have been undertaken on Ngong Road Forest including:
- a) In 1996 a Freehold Title Deed Grant No. IR 70244 and L.R. No. 4422 was issued to the Permanent Secretary Treasury to hold in trust for the Permanent Secretary, Ministry of Environment and Natural Resources with an area of 988.82 Hectares leaving out an area of 339.8 Hectares from the balance area of 1324.98 Hectares at 1978. He presented documentation on Grant IR 70244, Deed Plan No. 20772 dated 20th August 1996.
 - b) In 1999, the title No. IR 70244 was surrendered to the Commissioner of Lands and a Leasehold Title Grant No. IR 81938 for an area of 538.4 Ha was issued to the Permanent Secretary Treasury to hold in trust for the Ministry in Charge of Environment and Natural Resources leaving out an area of approximately 450.42 Ha from the gazetted area of 1324.98 Ha as at 1978. He provided documentation on surrender IR 81938 LR No. 24582 dated 21st June, 1999.
 - c) From the foregoing illegal transactions of titling the forest through Grant No. IR 70244 and IR 81938, an area of approximately 789.8 Ha was “omitted” from the original official area being 1324.98 Ha. The “omitted area” is unaccounted for to date.
 - d) In the case of Seneca Holdings Limited, which is indicated in the records as one of the illegal beneficiaries of land within Ngong Road Forest Reserve, the company had since written to the Ministry denying that it had ever been allocated or owned any parcel of land within the forest.
6. On the government’s plan to repossess all the encroached forest land across the country, he stated that operations to reclaim the encroached areas were ongoing until all illegally acquired land is reclaimed, restored and protected (he provided a schedule of the efforts being made across the country).
7. On the government policy on protecting innocent Kenyans who may have possessed land in un-degazetted areas prior to the enactment of the Forest Act Cap 385 and the Forest Conservation and Management Act No. 34 of 2016, he stated that:
- a) Forests play crucial ecological and socio-economic roles. Forests are sustainably managed for the benefit of present and future generations through the constitution (Articles 42,69,70) and all environment framework laws and the Forest Conservation and Management Act, 2016.

- b) Government has mandatory obligation to protect public forests and shall continue with reclamation and restoration until the integrity of forest resources is restored.
- c) If there are any isolated cases of contentious pre-existing historical rights/ancestral claims, such should be addressed within the existing regulatory legal framework.

MIN.NO. DC/ENR/153/2020:

OBSERVATIONS

Members made the following observations:

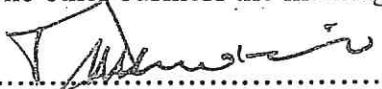
1. The settlements on land alleged to have originally been under the Ngong Road Forest Reserve Happened 22 years ago yet no government action ever since had been taken to redress the illegal occupation.
2. The Cabinet Secretary, in his presentation, over relied on the Ndungu Land Report which had not yet been debated and adopted by Parliament.
3. There was a clear, intricate web of corruption and fraud perpetrated by the government and /or its officials both at the Registrar of Companies and the Ministry responsible for Lands.
4. There was need to devise mechanisms to protect innocent buyers for value who acquired genuine title deeds from the government.
5. The government had no intention of demolishing vital establishments and investments. Instead a middle ground ought to be sought to protect both investments and the interest of the Kenya Forest Service.
6. There was need to get to the root of the ownership of the companies that were the original allottees of the land hived off the Ngong Road Forest Reserve.
7. The Committee ought to steer a process of mediation to ensure the Kenya Forest Service, the Ministry of Environment and Forestry and the investors reach an amicable solution.
8. There was need to synergize the operations of the Ministry of Environment and Forestry and that for lands with respect to forest protection.
9. There was need for the petitioners to withdraw a court case on the matter of encroachment into Ngong Road Forest Reserve by a section of Langata residents, in order to pave way for a mediation process.

MIN.NO. DC/ENR/154/2020:

ADJOURNMENT

There being no other business the meeting was adjourned at 2.46 pm.

SIGNED:



THE HON. KAREKE MBIUKI, M.P.

CHAIRPERSON,

DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

DATE:

12/11/2020

MINUTES OF THE 25TH SITTING OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES HELD ON THURSDAY 2ND JULY, 2020 IN THE COMMITTEE ROOM ON 4TH FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 10:00 AM.

PRESENT

1. The Hon. Kareke Mbiuki, M.P. Chairperson
2. The Hon. Sophia Abdi Noor, M.P. Vice Chairperson
3. The Hon. Benjamin Jomo Washiali, M.P., CBS
4. The Hon. Francis Chachu Ganya, M.P.
5. The Hon. Beatrice Cherono Kones, M.P.
6. The Hon. Rehema Hassan, M.P.
7. The Hon. Charity Kathambi Chepkwony, M.P.
8. The Hon. Hassan Oda Hulufu, M.P.
9. The Hon. Hilary Kiplang'at Kosgei, M.P.
10. The Hon. Ali Wario Guyo, M.P.
11. The Hon. Nasri Sahal Ibrahim, M.P.
12. The Hon. David Kangogo Bowen, M.P.
13. The Hon. Benjamin Dalu Tayari, M.P.
14. The Hon. Charles Ong'ondo Were, M.P.
15. The Hon. Rozaah Buyu, M.P.
16. The Hon. Peter Kimari Kihara, M. P

APOLOGIES

1. The Hon. Said Hiribae, M.P.
2. The Hon. Amin Deddy Mohamed Ali, M.P
3. The Hon. (Eng.) Paul Musyimi Nzengu, M.P.

IN ATTENDANCE

PETITIONERS

1. Abdul Dahir Sheikh
2. Dr. Abdi Zaila
3. Gladys Maisiba
4. Jennifer Gachago
5. Dick Waswa
6. Fredrick Majimbo
7. Moses Kipkolel
8. David Okech
9. Dr. James Nyikal
10. Lincoln Njenga
11. Dr. Stephen Ochiel

THE NATIONAL ASSEMBLY

1. Ms. Esther Nginyo - Clerk Assistant II

- | | | |
|-------------------------|---|----------------------------|
| 2. Mr. Dennis M. Ogechi | - | Clerk Assistant II |
| 3. Mr. Sydney Lugaga | - | Legal Counsel |
| 4. Mr. Stanley Lagat | - | Senior Serjeant-at-Arms II |

AGENDA

- i) Prayers
- ii) Confirmation of Minutes
- iii) Matters Arising
- iv) **Meeting with the Hon. Nixon Korir on a petition regarding alleged demolition of houses and repossession of land within Langata Constituency.**
- v) AOB
- vi) Date of the next Sitting

MIN.NO. DC/ENR/133/2020: - **PRELIMINARIES**

The meeting was called to order at 10.22 am after which prayers were said. The Chairperson then asked all those present to introduce themselves and thereafter stated that the main agenda of the meeting was meeting with the Hon. Nixon Korir on a petition regarding alleged demolition of houses and repossession of land within Langata Constituency.

The Members adopted the Agenda of the meeting.

MIN.NO.DC/ENR/134/2020: - **CONFIRMATION OF MINUTES**

Confirmation of minutes of the previous sitting was deferred to the next meeting.

MIN.NO.DC/ENR/135/2020: - **MEETING WITH THE HON. NIXON KORIR ON A PETITION REGARDING ALLEGED DEMOLITION OF HOUSES AND REPOSSESSION OF LAND WITHIN LANGATA CONSTITUENCY.**

The Hon. Nixon Korir, MP appeared before the committee and briefed it that:

1. He was presenting the petition on behalf of the residents of Sunvalley Phases I, II and III; Royal Park Estate, KMA Estate, Forest View Estate within Langata Constituency.
2. The petitioners were owners of the properties situated in the estates having bought them for value. There were about 2000 titles issued by the ministry responsible for lands with over 90 percent currently occupied by about 6000 households comprising approximately 20,000 people.
3. Within the estates are two schools, churches, hospitals, mosque, prisons department and police dog unit section and other amenities. The government has also provided common utility services including electricity, water and sewerage services, paved roads among others.
4. All developments within the estates underwent requisite approvals from the relevant authorities and they are subjected to routine inspections.
5. A substantial number of residents developed their properties through bank financing, SACCOs, and public sector mortgage schemes.

6. On 2nd June, 2020, the Cabinet Secretary for Environment and Forestry, Mr. Keriako Tobiko, made very prominent pronouncements, by way of both print and electronic media, alleging that the estates were illegally within the ecosystem of the Ngong Road Forest.
7. The minister has not only threatened the demolition of the estate: he has also made clear his intention to fence off the entire neighborhood and let the wild animals loose on the residents of the estate (and other estates), meaning that the wild animals will prey on those who refuse to move.
8. The pronouncements by the minister has been followed by a series of low-altitude and repetitive helicopter overflights by the aircraft either belonging to or hired by the Kenya Forestry Service. In addition, vehicles belonging to the Kenya Forestry Service have been cited urging residents urged to start relocation. All of these measures have caused undue stress on the residents.
9. Through Legal Notice No. 44 in the Kenya Gazette Supplement No. 16 of 1998 dated 23rd march 1998, then minister for environment, FPL Lotodo altered the boundary of Ngong Forest reserve to exclude the land occupied by Sunvalley Phases I, II and III; Royal Park Estate, KMA Estate, Forest View Estate.
10. Boundary plan no. 175/368 dated 10th December, 1997 shows excision of about 53.68 hectares from Ngong Forest. After gazettelement, a survey map was issued by the Survey of Kenya delineating the boundary of the said estates showing that the property L.R. 23256 is subject to the legal notice referred to above.
11. Out of the excisions, the ministry of lands has issued over 2000 title deeds to the property owners in the said estates. Neither the ministry of lands nor that responsible for environment had taken any steps to challenge the validity of the title deeds.
12. He therefore prayed that the National Assembly:
 - a) Intervenes by instructing the Cabinet Secretary for Environment and Forestry to follow the due process of law and get proper information and maps from the ministry responsible for land matters.
 - b) Intervenes by instructing the Cabinet Secretary for Environment and Forestry to desist form pursuing his intention to illegally reclaim privately owned property on which the said estates stand.
 - c) Intervenes to ensure that the cabinet secretary for lands protects the sanctity of title deeds residents hold for their legally acquired land.
 - d) Intervenes to ensure the Kenya Forest Service stops harassing and causing unnecessary anxiety to the residents of the estates.

MIN.NO. DC/ENR/136/2020:

**PRESENTATION BY
REPRESENTATIVES OF THE
RESIDENTS OF ROYAL PARK
ESTATE, LANGATA**

Gladys Maisiba, representing residents of the estate appeared before the committee and briefed it that:

1. The submission was being made on behalf of 750 families who reside at Royal Park Estate, Langata, Nairobi, and in support of a petition by the Member of Parliament for Langata, the Hon. Nixon Korir, on June 29, 2020.
2. Royal Park Estate was lawfully excised from Ngong Road Forest by the government of Kenya.

3. The estate owes its existence to:
 - a) The government of Kenya's Boundary Plan no. 175/368, dated December 10, 1997, which excised 53.68 hectares of land from the Ngong Road Forest.
 - b) Gazette Notice No. 164, dated January 2, 1998, in which the then Minister for Environment and Natural Resources, Mr. Henry Kosgey, identified the 53.68 ha land (LR No. 23256) on the Boundary Plan 175/368 as not being part of Ngong Road Forest.
 - c) Legal Notice no. 44 of 1998, carried out in the Kenya Gazette Supplement no. 16 of 1998, dated March 23, 1998; and
 - d) Establishment of property no. 23256, as expressed by a survey map produced by the Survey of Kenya; and
 - e) A grant issued to Pillar Amusement, with the LR no. 19952
4. In 2002, the government of Kenya, through the Treasury, initiated a plan to compulsorily acquire land in Royal Park Estate in order to expand the cemetery, which was not actualized due to funding constraints – a clear indication that this land was clearly private.
5. Royal Park Estate was first started as an establishment in 2004, when the first houses were built. Residents living in the estate have taken appropriate due diligence, including undertaking land searches at the Lands Registry, on the basis of which they obtained sovereign guarantees from the government that the land was legally available for private acquisition. Many of the land parcels and houses have changed ownership severally
6. All residents have valid titles to their lands, with a significant number of the titles charged to banks from whence the residents obtained mortgage facilities.
7. Residents of this estate have paid significant amounts of stamp duties (estimated at Kenya Shillings 375 million) and fees for city planning approvals (estimated at Kenya Shillings 66 million).
8. Members of this community have also paid more than Kenya Shillings 45 million over the last two decades as land rates to the city authorities. The estate is home to about 750 families and is home to investments that are at present estimated to be worth Kenya Shillings 22.8 billion. The estate as currently developed has 460 houses, worth an estimated value of Kenya Shillings 18.4 billion.
9. The unbuilt portion of the estate has a value of Kenya Shillings 4.35 billion. The estate provides direct and indirect employment to over 1,200 Kenyans on daily basis, including 700 construction workers.
10. In 2019, the estate provided direct employment to construction workers and other engaged labour at the household level estimated at 3.5 million manhours, which injected Kenya Shillings 220 million into the neighbouring low-income communities.
11. For more than a decade, the estate has been a quiet home to hundreds of Kenyan families, most of them professionals in various fields, including lawyers, legislators, medical doctors, university professors, engineers, quantity surveyors, humanitarian workers, among others.
12. On or about June 2, 2020, and since then, the Cabinet Secretary in charge of the Ministry of Environment and Forestry, Mr. Keriako Tobiko, made very prominent pronouncements, by way of both print and electronic media, alleging that Royal Park Estate, and other establishments, were illegally within the ecosystem of the Ngong Road Forest.
13. In an event at Ngong Road Forest, Miotoni Block to receive infrastructural support for the Green Zones II project, Mr. Tobiko, is reported to have warned 'grabbers' to surrender their titles to the Kenya Forest Service.

14. The minister has not only threatened the demolition of the estate: he has also made clear his intention to fence off the entire neighborhood and let the wild animals loose on the residents of the estate (and other estates), meaning that the wild animals will prey on those who refuse to move.
15. The pronouncements by the minister has been followed by a series of low-altitude and repetitive helicopter overflights by the aircraft either belonging to or hired by the Kenya Forestry Service. In addition, vehicles belonging to the Kenya Forestry Service have been cited urging residents urged to start relocation.
16. All of these measures have caused undue stress on the residents of the estate.
17. They had a built-up environment that has not been part of the Ngong Road Forest's ecosystem for decades, and which has evolved differently ecologically.
18. At the time of buying the parcels of land, there was nothing to suggest to the residents that the area used to be a forest at any point: there was not a single tree or dense stands of trees that would have denoted the existence of a forest ecosystem.
19. Residents had used own resources fencing their boundaries with the Ngong Road Forest and the Langata cemetery, without asking for rebates.
20. They had also planted thousands upon thousands of indigenous, context-appropriate vegetation as part of their contribution to the development of carbon sinks and to aid in mitigation of changing climates.
21. They had built several kilometers of paved roads and drains using their own resources, which now stood the risk of destruction.

OBSERVATIONS

Members made the following observations:

1. There was need to visit the area to ascertain the details of the presentation made and appreciate the concerns of the petitioners.
2. The petitioners need to provide documentation on the alleged attempt to compulsorily acquire their land by the National Treasury.
3. The petitioners should endeavor to provide a copy of the original title of the land they owned to be able to establish the original owner.

MIN.NO. DC/ENR/137/2020:

**PRESENTATION BY RESIDENTS OF
SUNVALLEY PHASE I ESTATE**

Dick Waswa, representing residents of the estate appeared before the committee and briefed it that:

1. Sunvalley Phase I estate has been in existence since 1998 after the degazettement of Legal Notice No. 44, The Forests Act, CAP 385, carried in the Kenya Gazette for Block of Land LR NO 23256,
2. Degazettement of the parcel was through gazette notice no 44 of 1998 with the official Legal Notice Supplement No. 16, Legislative Supplement No.15 of 1998 dated 23rd March 1998 and duly signed by the then Minister for Natural Resources Hon. F.P.L. Lotodo and earlier notice by Hon Henry Kosgey.
3. Forest Act Excision of Ngong Forest and relevant maps and survey maps deposited at Survey of Kenya offices with another signed by Chief Forest Conservator in 1999.
4. Subsequent division approved by the Ministry of Lands into 162 individual Title Deeds with and indeed a random search on any of their titles shows that they were the rightful owners.

5. They conducted due diligence with Ministry of lands by conducting searches and thereby dutifully paid costs of acquisition of properties, stamp duty and have continually paid annual Land Rates.
6. They were the rightful owners of the property situated in Langata Nairobi after acquiring them for value since 1998 and obtained Title deeds after obtaining clearing certificates from Ministry of Lands.
7. They embarked on developing their properties subject to controlled design approvals by Nairobi City Council to their present status since 2002.
8. They have interacted with Nairobi City Council to connect water and sewerage systems, electricity, street lighting in the estate to facilitate resident's habitation since 2002.
9. They individually had sale agreements with vendor for acquisition of the plots before commencing development to present status.
10. Within the estate there is cabro road surfaces, planned early childhood schools, perimeter wall and other amenities for residents such as landscaped with trees and flower gardens to boost the green ambience.
11. The estate has 162 fully built houses of varying designs built by residents through using Title deeds approved by banking and financial institutions for mortgage, loans, pension funds for senior citizens and savings by hard working middle class
12. A number of the residents acquired the plots through employee purchase programs, borrowing from Saccos, Public mortgage schemes, Parliamentary Service Commission, Public Service commission and a number through pension funds and lifetime savings
13. All developments in Sunvalley Estate underwent the requisite approvals from the Department of Physical planning, Nairobi City Council with routine inspection of premises by both the then Nairobi City Council and National Construction Authority.
14. The estate is inhabited by over 2,000 dependents of mixed age groups with majority being the elderly civil servants.
15. They had experienced quiet possession of their property for over twenty years annually paying land rates, some have resold after approval from lands Ministry or subdivided or mortgaged to financial institutions to obtain credit with a valuation estimated worth of Kenya shillings 5 Billion.
16. They have dutifully paid duties, taxes, levies to the government of Kenya over the years for their respective properties.
17. Sunvalley Langata is part of a larger community in generating wealth and also access to economic gain to residents of Kibera, Otiende through consumption of various goods, services in form of labour and employment (workers) estimated at 1.8 M manhours and in KES 1.2 Billion in value per annum.
18. They were alarmed around 2nd June 2020 by statements by the Cabinet Secretary for Environment and Forestry alleging that the land on which our properties are situated in Ngong Forest and has threatened to fence them in the national park and unleash wild animals onto them.
19. The unfortunate remarks by the Cabinet Secretary followed by helicopter aerial and motor vehicle physical surveillance by armed Kenya Forest Service guards in our estate expressing intention to fence off and restrict access to their properties.
20. They made a follow up at Kenya Forest Service office by a written letter to the Chief Forest Conservator on 24th June 2020, which had not been responded to.

21. The residents also note that the Ministry of Environment and the Kenya Forest Service have not served them any suit in any court to challenge Gazette notice no 44 of 1998 which excised and altered boundaries of the forest and thereafter published by the environment Ministry.

OBSERVATIONS

Members observed that:

1. The innocent buyers for value were being subjected to unnecessary tension and trauma.
2. The same ministry threatening them with eviction had legally excised the land from the Ngong Forest through former ministers – Hon. Francis Lotodo and Hon. Henry Kosgei.
3. The matter of the use the land was put into was still outstanding but the argument that the land still belonged to the Ngong Forest wasn't tenable.
4. There was need to establish if there were developments that had come up outside the areas that had been legally degazetted by former ministers.

MIN.NO. DC/ENR/138/2020:

**PRESENTATION BY
REPRESENTATIVES OF KMA
ESTATE, LANGATA.**

David Okech, representing residents of KMA estate appeared before the committee and briefed it that:

1. On or about 3rd February 1994, the Commissioner of Lands allocated and issued to M/S Jackim Limited Grant No. I.R 61685 in respect the parcel of land known as L.R No. 18589 measuring 3.956 hectares as depicted on Deed Plan No. 176345 which Grant was registered as I.R 61685/1. The said company sold the said parcel of land Kenya Medical Association Housing Co-operative Society Limited on or about 30th April 1998. Prior to purchasing the property, the Kenya Medical Association Housing Co-operative Society Limited undertook due diligence at the Lands office and confirmed that the property was registered in the name of the said company.
2. In or about August 2001, the Kenya Medical Association Housing Co-operative Society Limited, as the lawful purchaser for value applied for and obtained the requisite approvals and or consents from the lands office and the City Council of Nairobi. Armed with the consents/approvals, Kenya Medical Association Housing Co-operative Society Limited subdivided the said parcel of land into 113 plots.
3. The City Council of Nairobi issued all the requisite approvals for the subdivision of the said parcel of land on 14th November 1997. The individual Deed Plans were processed and lawfully signed by the Director of Surveys, paving way for issuance of individual title deeds which were lawfully issued and signed by the Registrar of Titles as the law permitted. All the mandatory processes right from purchase to subdivision of the land and issuance of the titles were adhered to the letter.
4. Kenya Medical Association Housing Co-operative Society Limited constructed a modern carefully planned serene gated residential estate comprising of 112 Maisonettes, a Nurerly School, a convenient store/super market, an open space/playground for children among other conveniences and appurtenances including cabro-works paved service roads, pedestrian walk ways, storm water drainage, water reticulation, sewer connection, two functioning bore holes and a perimeter wall round the estate reinforced by an electric fence. Other services like

electricity and water were also connected to the estate and recently internet connectivity was done.

5. Prior to constructing the said houses, the Kenya Medical Association Housing Co-operative Society Limited applied for and obtained all the requisite development permissions/approvals from the Nairobi City Council. The approvals for the development permission were granted under plan registration Nos DN 290, DP 101, DQ 217 on diverse dates. The Ministry of Lands accorded their conditional approval on 7th July 1999 and their final approved after the conditions to the subdivision had been met on 9th September 2003.
6. As a condition precedent for the development permission, approvals and consents and issuance of the individual titles, the Kenya Medical Association Housing Co-operative Society Limited paid all the mandatory charges/fees payable to the Government and the City Council of Nairobi and upon completion of the developments, the City Council of Nairobi issued the requisite Certificates of Occupation for each unit under Registered Plan Nos DN 290, DP 101, DQ 217. The Kenya Medical Association Housing Co-operative Society Limited undertook the development in strict compliance with all the development conditions upon which the approvals were granted. The associations' members paid and continue to pay to the land rent and rates in respect of the properties.
7. On diverse dates between 2000 and 2005 or thereabouts, the Kenya Medical Association Housing Co-operative Society Limited sold the houses to the individual members of the Association as particularized in the annexed document. Prior to purchasing, the individual buyers conducted due diligence at the lands office and confirmed that the Kenya Medical Association Housing Co-operative Society Limited held genuine titles.
8. To facilitate the transfer of the individual units to the individual purchasers, the Ministry of Lands granted the requisite consent to transfer and the Land Rent Clearance Certificates for each unit. Similarly, the City Council of Nairobi issued the requisite Rates Clearance Certificate for each unit upon payment of the land rates. Further, each purchaser paid Stamp duty and Registration fees and/or costs for processing the titles and each purchaser was issued with a title deed. The various owners continue to pay to the land rates and Land Rent to the Nairobi County Government and the Ministry of Lands respectively.
9. The individual owners took possession of their respective houses between 2002 or thereabouts and 2004 or thereabouts, and they have been in occupation for over a period of over 18 years and have been residing therein either by themselves or through their relatives, and or tenants.
10. The purchasers obtained financing from various financial institutes, some have repaid their loans while others are still servicing the mortgages. In addition to incurring high interests, bank charges, costs and expenses in servicing mortgages, some have improved their houses at enormous costs. The estimated current market value for each house stands at between Ksh. 30,000,000/= to Ksh. 40,000,000/= while the estimated market value for the convenient store/super market and the nursery are each in excess of Ksh. 75,000,000/= and Ksh. 100,000,000/= respectively.
11. Through serious financial struggle and sacrifice, the purchasers realized their dreams of owning homes in Nairobi, thereby securing their future. Majority of the owners have attained the retirement age and have actually retired while others are fast approaching the retirement age. They have no hope of owning other homes in Nairobi or elsewhere nor can they qualify for other mortgages. Even those who are still working cannot and have no ability to qualify for other loans. Some of the titles are still held by banks as security for the loans. Prior to approving

and granting the loans; the various Banks conducted searches at the lands office and confirmed that the purchasers held good titles.

12. On or about 9th June 2020, the Cabinet Secretary, Environment & Forests issued a public statement to the effect that the said properties are located on part Government land popularly known as Ngong Forest. He stated that the owners of the various houses would be ring-fenced and thereafter he would release wild animals from the Nairobi National Game Park, into the land.
13. Following the Cabinet Secretary's statement, on or about 23rd June 2020, officers from the Ministry of Environment & Forestry visited the estate and orally warned the guards manning the main gate that their mission was to survey the areas they were intending to demolish soon including the KMA Estate. The said officers declined requests by the security guards to talk to the applicant's committee chairperson and officials who were within the estate.
14. The residents and their families have been living in fear. They were not being afforded an opportunity to demonstrate that they are bona fide purchaser for value and they are third or fourth owners and not the original allottees.

OBSERVATIONS

Members observed that the Cabinet Secretary for Environment and Forestry and the Cabinet Secretary for Lands ought to furnish the committee with information and documentation on transfer of land from the Ngong Forest to other government and private institutions especially the prisons department, the St. Mary's Hospital, and the Police Dog Section.

MIN.NO. DC/ENR/139/2020:

ADJOURNMENT

There being no other business the meeting was adjourned at 1.58 pm.

SIGNED: 
.....
THE HON. KAREKE MBIUKI, M.P.
CHAIRPERSON,
DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

DATE: 12/11/2020
.....

ANNEXURE 3 - PETITION

509

01 JUL 2020

Directorate of Legislative & Procedural
Services (NA)
The Table Office

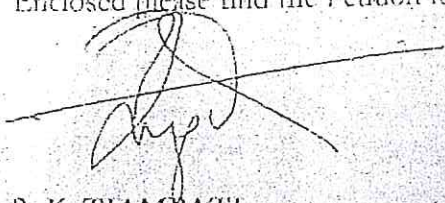
MEMO

TO : DIRECTOR, COMMITTEE SERVICES (NA)
FROM : HEAD OF TABLE OFFICE
DATE : JUNE 30, 2020
SUBJECT : PUBLIC PETITION

The following Petition was conveyed to the House, today, Tuesday, June 30, 2020 (Afternoon Sitting): -

Public Petition regarding an alleged demolition of houses and repossession of land within Langata Constituency (Hon. Nixon Korir, MP, (Langata Constituency)) (referred to the Departmental Committee on Environment and Natural Resources).

Enclosed please find the Petition for your necessary action.



R. K. TIAMPATI

(Encls.)

Copy to: -

1. Clerk of the National Assembly
2. Deputy Clerks
3. Director of Legislative and Procedural Services

ESTHER
please deal
FAA
01/7/20

29/06/20

① Please note the comments by the CNA on this petition due to conflict of interest.

② We are processing this petition for presentation to the House of Representatives.



NATIONAL ASSEMBLY
RECEIVED
29 JUN 2020
SPEAKER'S OFFICE
NAIROBI

Hon. Generali Nixon Kiprotich Kofir, MP
Member - Trade Committee
Member - Implementation Committee
Langata Constituency
S.O. 225 (2) (a)
Parliament Buildings
Tel: +254 20 2221 291
P.O. Box 41842 - 00100
Nairobi, Kenya

Continental Hse. 6th Flr. Rm. 629
Mobile: +254 721 544 594
Email: nixtona@gmail.com

June 29, 2020

Ms Sarah Kioko
Process as necessary.
SNH
29/6/2020

The Speaker of the National Assembly
Parliament Buildings
P.O. Box 41842 - 00100
NAIROBI

Dear Sir,

RE: PETITION TO THE NATIONAL ASSEMBLY CONCERNING THE ALLEGED DEMOLITION OF HOUSES WITHIN LANGATA CONSTITUENCY

I wish to draw the attention of the House on the above matter that has been brought to my attention by the Residents of Sunvalley Phases I, II, and III, Royal Park Estate, KMA Estate, Shallom Estate, Forest View Estate within my Constituency.

The petitioners aver that through media reports captured, in both print and electronic media houses citing the Cabinet Secretary for Environment and Natural Resources where proposing to demolish houses within the said Estates. This has caused a lot of anxiety and panic among the resident of these Estates who are my constituents.

In this respect therefore I wish to lay before the House the attached Petition for urgent consideration and determination by the House since the Cabinet Secretary for Environment and Forestry has indeed through his media address on various dates indicated his intention to demolish houses and bring untold suffering to my constituents.

Yours faithfully,

Hon. Generali Nixon Kiprotich Kofir

NATIONAL ASSEMBLY
RECEIVED
29 JUN 2020
SENIOR DEPUTY CLERK
LEGISLATIVE & PROCEDURAL SERVICES
P.O. Box 41842 - 00100, NAIROBI

NATIONAL ASSEMBLY
RECEIVED
30 JUN 2020
SENIOR DEPUTY CLERK
LEGISLATIVE & PROCEDURAL SERVICES
P.O. Box 41842 - 00100, NAIR

June 29, 2020

The Clerk to the National Assembly

Parliament Buildings

P.O. Box 41842 - 00100

NAIROBI

Email: clerk@parliament.go.ke

RE: PETITION TO THE NATIONAL ASSEMBLY CONCERNING AN ALLEGED
REPOSESSION OF LAND IN LANGATA CONSTITUENCY BY THE MINISTRY OF
ENVIRONMENT AND FORESTRY

We, the undersigned, citizens of the Republic of Kenya, and residents of Sunvalley Phases I, II, and III, Royal Park Estate, KMA Estate, Shallom Estate, Forest View Estate within Mugumoini Ward of Langata Constituency in Nairobi County, Kenya do petition the National Assembly under the provision of Article 119 of the Constitution that grants Parliament to consider any matter within its authority and Article 94(2) of the constitution that grants the National Assembly power to resolve issues of concern to the People.

We wish to draw the attention of the National Assembly to the following:

1. THAT we are the lawful owners of all the property situate in the said estates having acquired them for value.
2. Within the said estates there are approximately over two thousand titles/plots that have been issued by the Ministry of Lands with over 90 per cent currently occupied by approximately 6,000 households with over twenty thousand people (20,000) living in them.
3. Within the said estates there are also schools, churches, hospitals, mosque, Prisons Department, Dog Unit Section and other amenities.
4. Within these parcels of land is situate St. Mary's Mission Hospital Langata that treat over two thousand (2000) residents of Langata and Kibra Constituencies per day and patients referred from other hospitals especially mother and baby section of the Hospital which if demolished will cause untold loss and suffering to the residents of these constituencies.
5. The Government has also provided common utility services to our properties including water and sewerage, electricity, paved roads among other facilities.

PETITION TO THE NATIONAL ASSEMBLY CONCERNING AN ALLEGED REPOSESSION OF LAND IN LANGATA CONSTITUENCY BY THE MINISTRY OF ENVIRONMENT AND FORESTRY

6. All developments within the Estates underwent the necessary approvals from the Department of Physical Planning, County Government of Nairobi (Physical Planning Department) and all the requisite building approvals were granted. Routine inspections of the said structures were done by the government and county government departments such as the National Construction Authority.
7. A substantial number of us acquired and/ developed the properties through bank financing, SACCOs and public sector mortgage schemes such Central Bank of Kenya Mortgage Scheme, Parliamentary Service Commission, Public Service Commission, while others acquired through their retirement benefits whereas others using their life time savings.
8. We have had quiet possession of our respective properties for over twenty years and a range of transactions over these properties have taken place some have charged to financial institutions; some have sold and other have subdivided as allowed by the law.
9. We have paid duties, taxes and levies to the Government of Kenya for approval of various activities related to our suit parcels. The County Government of Nairobi has continuously received land rates for our respective parcels which we have paid dutifully.
10. In a strange and surprising turn of events, on or around 2nd June 2020 the Cabinet Secretary responsible for Environment and Forestry has made media pronouncements highlighting that the land where our properties are situated within the Ngong Forest and has threatened to even release wild animals to our Estates:
11. The unwarranted threats by the Cabinet Secretary have been followed by continuous aerial and physical surveillance of the area by the Kenya Forest Service (KFS) team, with the latter accompanied by a verbal warning to the security guards by the said team expressing their intention to fence off the main gate to the estates, with the intention to deny residents access to their premises or fence in the residents.
12. The verbal threats by the Cabinet Secretary and the KFS have been captured and highlighted by both print and electronic media houses thus questioning the legality of our title documents which the Government validly issues to us.

4

PETITION TO THE NATIONAL ASSEMBLY CONCERNING AN ALLEGED REPOSESSION OF LAND IN LANGATA CONSTITUENCY BY THE MINISTRY OF ENVIRONMENT AND FORESTRY

13. These threats have caused a lot of anxiety among us the residents of these estates and thus interfering with quiet enjoyment of our properties.

14. We wish to inform the National Assembly that—

- (a) Vide Legal Notice No. 44 carried in the Kenya Gazette Supplement No 16 of 1998 dated 23rd March 1998 the then Minister of Environment F.P.L. Lotodo, altered the boundary of the Ngong Forest reserve so as to exclude the land occupied by Sunvalley Phases I, II, and III, Royal Park Estate, KMA Estate, Shallom Estate, Forest View Estate;
- (b) Boundary Plan No. 175/368 dated 10th December 1997 showing excision of approximately 53.68 hectares from Ngong Road Forest;
- (c) After gazettment, a survey map was issued by the Survey of Kenya office delineating the boundary of these estates showing that property L.R. 23256 is subject of the legal notice referred to above;
- (d) Various Grants executed by the President of the Republic of Kenya granting the property in question to the Kenya Building Society Limited, the original owners of the property;
- (e) Out of these Excisions the government through the Ministry of land has issued over two thousand tittle deeds to us the resident of these Estates.
- (f) Neither the ministry of Lands and Physical Planning nor the Ministry of Environment has taken any steps to challenge the validity or otherwise of our titles and no information has been shared with us impugning the validity of our titles. On the contrary, the Ministry of Lands has continued, and rightfully so, to allow transactions on our titles including searches, sale, charges and subdivision where applicable. They have continued to receive rates and other taxes and levies confirming the validity of our titles;
- (g) It is therefore unfortunate that the Cabinet Secretary for environment can make a roadside declaration recklessly impugning the validity of our titles, threatening to fence our properties into the forest and unleashing wild animals to feed on us.

PETITION TO THE NATIONAL ASSEMBLY CONCERNING AN ALLEGED REPOSESSION OF LAND IN LANGATA CONSTITUENCY BY THE MINISTRY OF ENVIRONMENT AND FORESTRY

15. We wish to further point out that the Government has not issued any notices to us addressing the issues they have raised in the media. We have always been ready to listen to the Government.
16. We also wish to indicate that the Ministry of Environment and the Kenya Forest Service have not filed a suit in any Court to challenge Gazette Notice No 44 of 1998 which altered the boundaries of the forest which in any event was published that ^{by} ^{the} ^{very} Ministry.
17. We have made the best efforts to have these matters addressed by the relevant authorities all of which have failed to give a satisfactory response.
18. None of these issues raised in this Petition is pending in any court of Law, Constitutional or any other legal body.

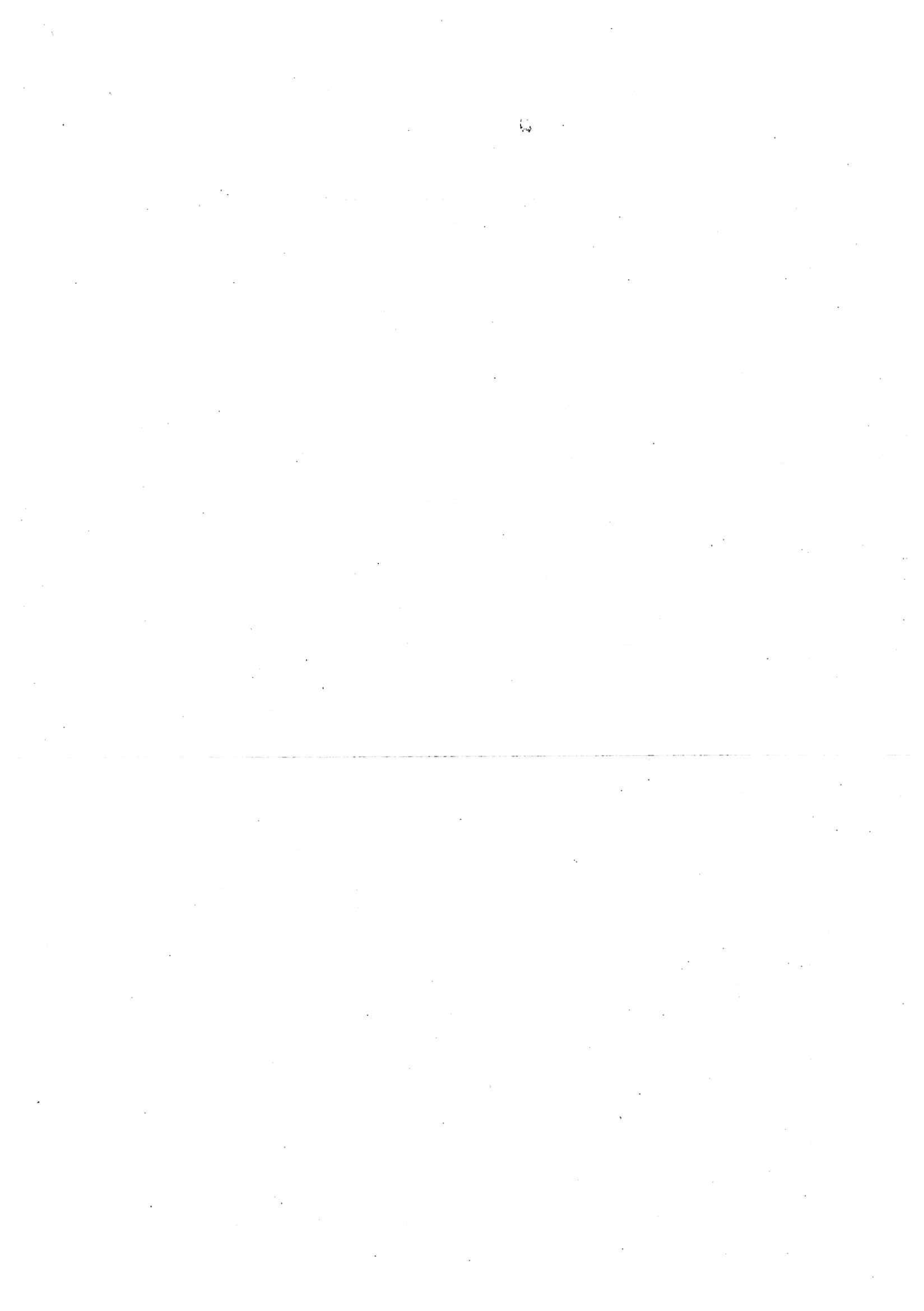
WHEREFORE, your humble petitioners pray that the National Assembly -

1. Intervenes by instructing the Cabinet Secretary of Environment and Forestry to follow the due process of the law and get the proper information and proper maps from the Ministry responsible for matters related to lands;
2. Intervenes by instructing the Cabinet Secretary of Environment and Forestry to desist forthwith from pursuing his intention to illegally reclaim privately owned land, on which the afore cited estates stand;
3. Intervenes to ensure that the Cabinet Secretary for Lands does protect the sanctity of title deeds the residents hold for their legally acquired land; and
4. The Kenya Forestry Department to stop harassing and causing unnecessary anxiety to the residents of these estates.

Dated thisday of.....2020.

Signed

(List of Members with signatures attached)





Royal Park Estate, Langata
Management Committee

23rd January, 1998

THE KENYA

GAZETTE NOTICE No. 164

THE FORESTS ACT

(Cap. 355)

INTENTION TO ALTER BOUNDARIES—NGONG ROAD FOREST

IN ACCORDANCE with the provisions of section 4 (2) of the Forests Act, the Minister for Environment and Natural Resources gives twenty-eight (28) days' notice, with effect from the date of publication of this notice, of his intention to declare that the boundaries of the Ngong Road Forest shall be altered so as to exclude the area described in the schedule hereto.

SCHEDULE

An area of land of approximately 53.68 hectares, known as L.R. No. 23256, lying within and adjoining the eastern boundary of Ngong Road Forest, situated within the city of Nairobi, the boundaries of which are more particularly delineated, edged red on the Boundary Plan No. 175/368, which is signed and sealed with the seal of the Survey of Kenya, and deposited at the Survey Records Office, Survey of Kenya, Nairobi, and a copy of which may be inspected at the office of the Provincial Forest Officer, Forest Department, Nairobi.

Dated the 2nd January, 1998.

H. K. KOSGEY,
*Minister for Environment and
Natural Resources.*

Figure 2: Gazette Notice no. 164 of 1998

Annexure 4 - Legal Notice No. 44

Annexure 4(a) - Gazette Notice No. 164

(Legislative Supplement No. 15)

LEGAL NOTICE No. 44

THE FORESTS ACT
(Cap. 385)

NGONG ROAD FOREST RESERVE—ALTERATION OF BOUNDARIES

IN EXERCISE of the powers conferred by section 4 (1) of the Forests Act, the Minister for Natural Resources declares that the boundaries of the Ngong Road Forest Reserve be altered so as to exclude the area described in the Schedule hereto.

SCHEDULE

An area of land of approximately 53.68 hectares, known as L.R. No. 23256, lying within and adjoining the eastern boundary of Ngong Road Forest Reserve, situated within the city of Nairobi, the boundaries of which are more particularly delineated, edged red, on the Boundary Plan No. 175/368, which is signed and sealed with the seal of Survey of Kenya, and deposited at the Survey Records Office, Survey of Kenya, Nairobi, and a copy of which may be inspected at the office of the Provincial Forest Officer, Forest Department, Nairobi.

Dated the 23rd March, 1998.

F. P. L. LOTODO,
Minister for Natural Resources.

Gazette Notice No. 101

THE FORESTS ACT

(Cap. 385)

INTENTION TO ALTER BOUNDARIES--Ngong Road Forest

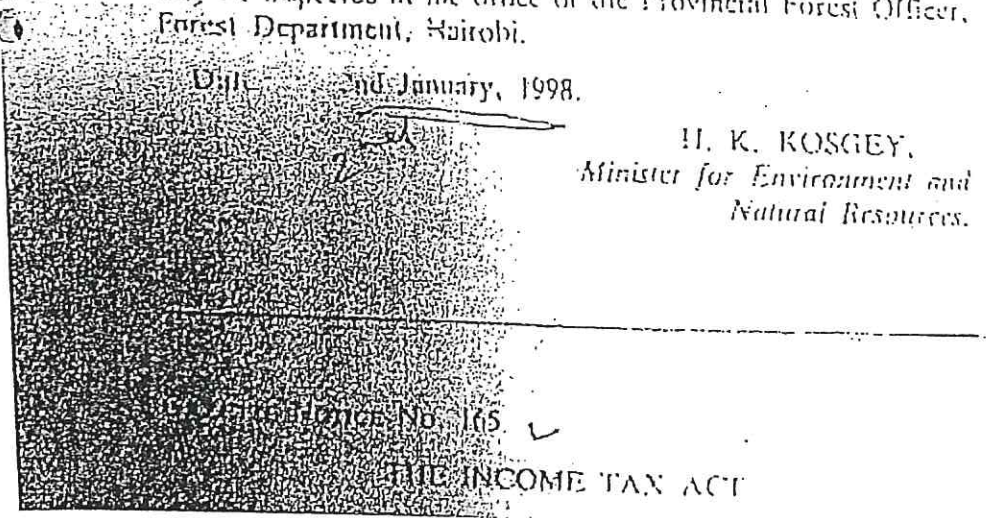
IN ACCORDANCE with the provisions of section 4 (2) of the Forests Act, the Minister for Environment and Natural Resources gives twenty-eight (28) days' notice, with effect from the date of publication of this notice, of his intention to declare that the boundaries of the Ngong Road Forest shall be altered so as to exclude the area described in the schedule hereto.

SCHEDULE

An area of land of approximately 53.68 hectares, known as L.R. No. 25256, lying within and adjoining the eastern boundary of Ngong Road Forest, situated within the city of Nairobi, the boundaries of which are more particularly delineated, edged red on the Boundary Plan No. 175/368, which is signed and sealed with the seal of the Survey of Kenya, and deposited at the Survey Records Office, Survey of Kenya, Nairobi, and a copy of which may be inspected at the office of the Provincial Forest Officer, Forest Department, Nairobi.

Dated 2nd January, 1998.

H. K. KOSGEY,
Minister for Environment and
Natural Resources.



Notice No. 165
THE INCOME TAX ACT

Date

Gazette

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