

Approved for tabling

SWA  
9/3/15

5

PARLIAMENT OF KENYA



NATIONAL ASSEMBLY

PARLIAMENT  
OF KENYA  
LIBRARY

ELEVENTH PARLIAMENT - THIRD SESSION

DEPARTMENTAL COMMITTEE ON LANDS

REPORT ON THE PETITION REGARDING THE STATUS OF THE LEASED  
LAND MEANT FOR EXPANSION OF MOI INTERNATIONAL AIRPORT

CLERK'S CHAMBERS,  
PARLIAMENT BUILDINGS,  
NAIROBI

MARCH, 2015

## TABLE OF CONTENTS

Preface.....	Pg 2
Acknowledgement.....	Pg 6
Background.....	Pg 7
Submissions from the Mombasa County Commissioner.....	Pg 7
Submissions from the Residents in Bokole Airport .....	Pg 8
Submissions from the Residents in Port Reitz Ward.....	Pg 10
Submissions from Kenya Petroleum Refineries Limited.....	Pg 12
Committee Observations.....	Pg 12
Committee Recommendations.....	Pg 13

## **ANNEXES**

- A. Various Minutes for the Committee
- B. Various Correspondences
- C. Pre-Colonial title deeds

## 1.0 Preface

The Departmental Committee on Lands was constituted on 16<sup>th</sup> May, 2013 pursuant to the provisions of Standing Order 216 (1) and (5) of the National Assembly.

## 1.1 Committee Mandate

The functions and mandate as outlined in the Standing Orders are;

- 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 Programme and policy objectives of Ministries and Departments and effectiveness of the implementation;
- c) Study and review all legislation referred to it;
- d) Study, assess and analyze the relative success of the Ministries and Departments as measured by the results obtained as compared with their stated objectives;
- e) Investigate and inquire into all matters relating to the assigned Ministries and Departments as they may deem necessary, and as they 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(Committee on Appointments); and
- g) Make reports and recommendations to the House as often as possible, including recommendations on proposed legislation.

The Committee oversees the operations of the Ministry of Lands, Housing and Urban Development on the following matters: Land Policy and Physical Planning, Land Transactions, Survey and Mapping, Land Adjudication, Settlement, Land registration, Land Valuation, Administration of community and Public Land, and Land Information and Management System.

## 1.2 Committee Membership

The Committee comprises of the following Members:

The Hon. Alex Mwiru, M.P. - Chairman	The Hon. George Oner
The Hon. Moses Ole Sakuda, M.P. -Vice Chairman	The Hon. Mathew L. Lempurkel
The Hon. Rev. Mutava Musyimi	The Hon. Shakila Abdallah
The Hon. John Kihagi	The Hon. Dr. Paul Otuoma
The Hon. Francis W. Nderitu	The Hon. Thomas Mwadeghu
The Hon. Eusilah J. Ngeny	The Hon. Ali A. Shariff
The Hon. Raymond K. Moi	The Hon. Francis Njenga
The Hon. Hellen Chepkwony	The Hon. Hezron Awiti Bollo
The Hon. Sarah Korere	The Hon. Benard Bett
The Hon. Benson Mbai	The Hon. Esther Murugi
The Hon. Kanini Kega	The Hon. Oscar Sudi
The Hon. Gideon Mung'aro	The Hon. Onesmus Ngunjiri
The Hon. Suleiman Dori	The Hon. Julius Ndegwa
The Hon. Lawrence Mpuru Aburi	The Hon. Joseph Magwanga
The Hon. Patrick King'ola	

## 1.3 Consideration of the Petition

- 1.3.1 The Member of Parliament for Changamwe Constituency, Hon. Shimbwa Omar Mwinyi, and M.P. presented a petition to Parliament on 27<sup>th</sup> August 2014, on behalf of residents of Changamwe Constituency regarding the status of the Leased land meant for expansion of Moi International Airport.
- 1.3.2 The Member sought the intervention of the Committee towards investigating the matter with a view to have the government discontinue any further leasing of land Plot No. 12223/VI/MN belonging to natives of Bokole in Airport Ward, and plot No. 1066 sec. VI/MN In Port Reitz Ward in Changamwe Constituency and the parcels of land be allocated for public use by residents of Changamwe.
- 1.3.3 During its sitting held on 23<sup>rd</sup> October 2015, the Committee considered the Petition and resolved to conduct a tour of the area between 30<sup>th</sup> October and 2<sup>nd</sup> November 2014 in order to familiarize itself with situation on the ground.



1.3.4 The following Members undertook the visit:-

1. The Hon. Paul Otuoma, M.P- **Chairing**
2. The Hon. Moses Ole Sakuda, M.P (Vice Chairperson)
3. The Hon. Onesmus Ngunjiri, M.P.
4. The Hon. John Kihagi, M.P.
5. The Hon. Francis W. Nderitu, M.P.
6. The Hon. Francis Njenga, M.P.
7. The Hon. A. Shariff, M.P.
8. The Hon. Kipruto Moi, M.P.
9. The Hon. Hellen Chepkwony, M.P.
10. The Hon. Sarah Korere, M.P.
11. The Hon. Julius Ndegwa, M.P.
12. The Hon. Hezron Awiti Bollo, M.P.
13. The Hon. Suleiman Dori Ramadhani, M.P.
14. The Hon. Lekidime Lempurkel Mathew, M.P.
15. The Hon. Thomas Mwadeghu, M.P.
16. The Hon. Magwanga Joseph Oyugi, M.P.
17. The Hon. Aburi Lawrence Mpuru, M.P.
18. The Hon. King'ola Patrick Makau, M.P.

## 1.4 The Committee's General Observations and Recommendations

### 1.4.1 Observations

The Committee made the following observations:

**(i) Land in Bokole, Airport Ward that:-**

1. Projects planned and budgeted for by the National Government, the County Government and the CDF committee on infrastructure and social amenities are unable to commence due to unavailability of the land in the area;
2. A copy of Mazrui title, plot no. MN/V/12223 was submitted by the area residents. But the Committee could not authenticate the document, because the Ministry of Lands and Urban development officials did not present the title.
3. KPRL formerly East African Oil Refineries Limited is the registered owner of the

subject parcel of land measuring approximately 124.4 ha, holding instrument of lease issued on 17<sup>th</sup> May 1976 for a term of 99 years from 15<sup>th</sup> October 1960;

**(ii) Land at Port Reitz Ward**

1. Individuals, who have put up a container yard, have taken part of the land and have refused to share social amenities like water with the area residents.
2. Access routes to the area have been closed hence children have to travel long routes to access schools .The closed road also serves as an access route to Port Reitz hospital.
3. The ward is served by only 2 primary schools, which were built, in the early post-independence years and has no secondary school, Early Childhood Development, libraries, stadia, social hall and other social amenities.

**1.4.2 Recommendation**

**The Committee recommends, that:-**

1. The Ministry of Land, Housing and Urban Development and the National Lands Commission should intervene with a view to identifying and securing land meant for public utilities in Airport and Port Reitz wards.
2. Access routes to schools and hospitals be provided to enable school going children and members of the public seeking treatment to easily access schools and hospital respectively.
3. National Land Commission to visit Port Reitz ward and confirm if the land is public or private and open up the area to provide access routes to schools and hospital.

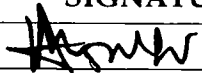
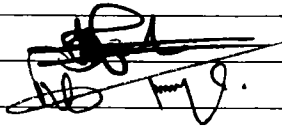
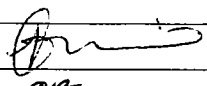

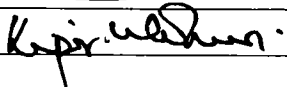

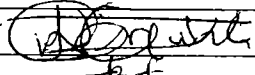

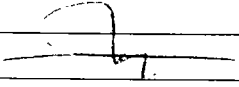
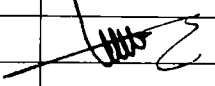

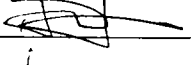
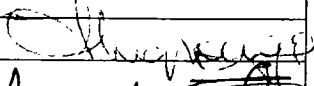
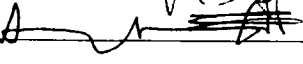
ATTENDANCE LIST

DEPARTMENTAL COMMITTEE ON LANDS

DATE: 3/3/2015

VENUE: MEDIA CENTER

AGENDA : ADOPTION OF REPORT ON THE PETITION REGARDING THE STATUS OF THE LEASED LAND MEANT FOR EXPANSION OF MOI INTERNATIONAL AIRPORT

NO.	NAME	TITLE	SIGNATURE
1.	The Hon. Alex Mwiru, M.P. (Chairperson)		
2.	The Hon. Moses Ole Sakuda, M.P (Vice Chairperson)		
3.	The Hon. Onesmas Ngunjiri, M.P.		
4.	The Hon. Mutava Musyimi, M.P.		
5.	The Hon. John Kihagi, M.P.		
6.	The Hon. Francis W. Nderitu, M.P.	member	
	The Hon. Francis Njenga, M.P.	Member	
	The Hon. A. Shariff, M.P.		
9.	The Hon. Eusilah Jepkosgei, M.P.	Member	
10.	The Hon. Benard Bett, M.P.	member	
11.	The Hon. Kipruto Moi, M.P.	Member	
12.	The Hon. Oscar Sudi, M.P.		
13.	The Hon. Hellen Chepkwony, M.P.	Member	
14.	The Hon. Sarah Korere, M.P.		
15.	The Hon. Julius Ndegwa, M.P.	Member	
16.	The Hon. Benson Mbai, M.P.	Member	
17.	The Hon. Kanini Kega, M.P.		
18.	The Hon. Esther Murugi, M.P.		
19.	The Hon. Gideon M. Mung'aro, M.P.		
	The Hon. Hezron Awiti Bollo, M.P.	Member	
	The Hon. Suleiman Dori Ramadhani, M.P.		
22.	The Hon. George Oner Ogalo, M.P.	Member	
23.	The Hon. Lekidime Lempurkel Mathew, M.P.		
24.	The Hon. Shakila Abdallah, M.P.	Member	
25.	The Hon. Paul Otuoma, M.P.	M	
26.	The Hon. Thomas Mwadeghu, M.P.		
27.	The Hon. Magwanga Joseph Oyugi, M.P.	Member	
28.	The Hon. Aburi Lawrence Mpuru, M.P.	Member	
29.	The Hon. King'ola Patrick Makau, M.P.		

1.5 Acknowledgement

Mr. Speaker Sir,

The Committee wishes to register its appreciation to the Offices of the Speaker and the Clerk of the National Assembly for the support accorded to the Committee in the execution of its mandate.

I take this opportunity to thank all Members of the Committee for their patience, endurance and dedication to committee business, despite their other commitments and tight schedules, which enabled the Committee to complete this Report.

On behalf of the Departmental Committee on Lands, and pursuant to Standing Orders No.277 (2) of the National Assembly, I now have the honor to present the Report of the Committee on the petition regarding the status of the leased land meant for expansion of Moi international Airport.

Thank You,

SIGNED .....

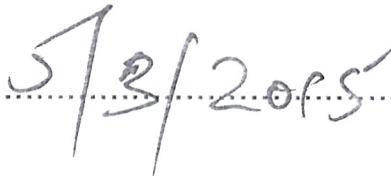


CHAIRPERSON

(HON. ALEX M. MWIRU, MP)

DEPARTMENTAL COMMITTEE ON LANDS

DATE .....



## 2.0 BACKGROUND

The Member of Parliament for Changamwe informed his petition brought to the attention of the house the following, that:-

- 2.0.1 In 1970's, the land in Airport Ward was taken from the residents for development of Moi international Airport but was not used for the intended purpose but was instead leased to Kenya Petroleum refineries. Numerous attempts by the residents to get the land back have been futile. Further, that the area has a population of over 80,000 residents but lacks adequate social amenities including schools, health facilities, markets ,polytechnics due to unavailability of land;
- 2.0.2 Plot No: 1066 sec. VI/MN measuring 19 acres in Port Reitz ward in Changamwe Constituency belongs to the Kenya Airports Authority and is lying idle after the airport expansion was shifted west wards. Part of the land has been taken up by an individual, who has put up a container yard and access routes on the land have been closed off to the public.

## 3.0 EVIDENCE AND SUBMISSIONS

### 3.1 COURTESY CALL ON THE COUNTY COMMISSIONERS OFFICE

The Committee paid a courtesy call to the Mombasa County Commissioner Mr. Nelson Marwa, who was in the company of Messrs. Peter Ng'ethe, Land Officer, Dick James Safari, Registrar of titles, Justus M. Levu, Settlement officer, Rachel M. Ndambuki, Surveyor and Nyamawi Mwajoto, surveyor. The County Commissioner informed the Committee that:-

- 3.1.1 Airport land was surveyed based on the existing fence and 60 meter buffer zone was created from the fence;
- 3.1.2 The owners were yet to be compensated;
- 3.1.3 The area around the airport is heavily inhabited by squatters and there is need for the Government to develop a programme to resettle the squatters.
- 3.1.4 The Ministry was yet to go on the ground.



3.2 SUMBISSIONS FROM THE RESIDENTS IN BOKOLE, AIRPORT WARD  
CHANGAMWE CONSTITUENCY

The Following appeared before the Committee Hon. Shimbwa Omar Mwinyi – Member of Parliament (Changamwe), Juma Shabwana – Youth Representative Airport Ward, Maalim Kombo –Resident Airport Ward, Mary Liz – Resident Airport Ward, Mohammed Amani – Resident Airport Ward, Hamisi Mwijikai- Resident Airport Ward, Thomas Otieno Gutu – Resident Airport Ward, Morris Amakoya – Resident Airport Ward, Mr.Mswaba- Area M.C.A., Mr. Benjamin Njoroge – Deputy County Commissioner, Mrs. Rachel Ndambuki- County Surveyor. They informed the Committee as follows, that:

- 3.2.1 In the 1970s, the land identified as plot No.122 23/VI/MN belonged to the indigenous people of Bokole in Airport Ward. But was taken by the Government for the development of Moi International Airport;
- 3.2.2 The land was never used for the intended purpose but was leased to the Kenya Petroleum Refineries Ltd for the purpose of constructing residential houses for the KPRL workers. This was to act as compensation to KPRL, for a piece of land that they had given Kenya Pipeline Company (KPC) for the construction of their offices and pump station No.1;
- 3.2.3 The land that KPRL, had given to KPC was about 20 acres, and the land KPRL was given was about 100 acres of which they only used sixteen (16) acres, leaving 84 acres idle land to date;
- 3.2.4 The lease for the land which was left idle has expired and is due for renewal.;
- 3.2.5 Numerous attempts by the indigenous residents to get back their land have been futile, yet there forefathers during the colonial period had title deeds to the land;
- 3.2.6 The former Provisional Commissioner in the Coast Province Mr. Mathege was accused of grabbing part of the land and fencing it off. It was claimed that Mr. Mathege, has a title to the land, yet the indigenous people do not titles to their ancestral land;



- 3.2.7 Airport ward has a population of over 80,000 residents, but lack adequate social amenities such as schools, health facilities, markets, polytechnics, due to unavailability of land;
- 3.2.8 The National Government has set aside Kshs 40 million for building a polytechnic and the contractor is ready but the plan has stalled due to unavailability of land. The County Government of Mombasa had set aside Kshs 256 million for building social amenities like schools in the area, but they lack land to implement the same. The CDF (Constituency Development Fund) has set aside Kshs 30million for funding infrastructure projects in the ward, but the projects have been unable to start due to unavailability of land;
- 3.2.9 Youth and women lack employment, and the said piece of land could be used to construct a Business Park which would go a long way to remedy the situation. In addition, a wholesale market is a viable project in the area, for it will serve Changamwe, Jomvu, Kaloleni, Mariakani, Samburu and other neighbouring areas. This will create abundant employment opportunities as well as decongesting Nyali and Kongowea as well as Mombasa town;
- 3.2.10 The residents, further risk losing livelihoods, with the eminent closure of the Kenya Refineries Ltd, since some of them have laid been laid off;
- 3.2.11 Lack of schools in Airport ward has caused alot of congestion to the schools in the neighboring wards thus affecting the educational standards in the constituency and the county at large. This also comes at an extra cost to the parents in terms of travelling and meals for pupils;
- 3.2.12 The land has been a source of insecurity for residents in the area, since it lay idle and bushy. The residents occasionally found dumped bodies in the area;
- 3.2.13 The Ministry of land, Housing and Urban Development is willing to survey and issue the residents with title deeds for portions of the land while the rest of the land to be used by the general community for projects that would benefit the entire constituency;

- 3.2.14 The petitioners pray that the lease to the land should not be renewed and that the ownership of the land is reverted back to the residents, so that they can carry out development projects;
- 3.2.15 The residents are requesting that the National Land Commission repossess the land and that the land is surveyed and part of it allocated to the previous owners while the bigger portion is to be used for development projects that would benefit the Changamwe Constituents;
- 3.2.16 The Land allocated to the former provincial Commissioner Mathenge be reverted to the Community;
- 3.2.17 If the refinery will be closed, the land be reverted back to the Community for development of social amenities;
- 3.2.18 The County Government has already registered an objection to the lease extensions;
- 3.2.19 In 2012, a resolution was passed that KPRL gives land to Airport ward residents for the construction of schools.

**The Committee resolved that the Mombasa County government represented by Mr. Francis Thoya, CEC Lands, to present to the Committee the registration of objections on lease extensions.**

### **3.3 SUBMISSIONS FROM THE RESIDENTS IN PORT REITZ WARD, CHANGAMWE CONSTITUENCY**

The Committee visited Port Reitz Ward and Met the following: Hon. Shimbwa Omar Mwinyi – Member of Parliament, Changamwe Constituency, Juma Bakari - Resident Port Reitz Ward, Salma Asina -Resident Port Reitz Ward, Mr. Manjili - Resident Port Reitz Ward, Ibrahim Kilai - Resident Port Reitz Ward, Mr. Twalib Mwajomba - Resident Port Reitz Ward, Mrs. Rachel Ndambuki – County Surveyor, Mr. Benjamin Njoroge – Deputy County Commissioner Changamwe. They informed the Committee as, that:-

- 3.3.1 Plot No: 1066 sec. VI/MN measuring 19 acres in Port Reitz ward in Changamwe Constituency belongs to the Kenya Airports Authority. The land is lying idle after the airport expansion was shifted west wards.

- 3.3.2 Unscrupulous persons have been eyeing the parcel of land with a view to irregularly acquiring it and for their own private use;
- 3.3.3 Part of the land has been taken up by an individual, who has put up a container yard, whilst another section of the land is contentious, with 2 different individuals claiming ownership. The investor with the container yard refuses to share amenities like water with the area residents;
- 3.3.4 The individuals claiming ownership over part of the land have closed off access routes, forcing the residents especially school children to take long walks to school, while making transport tedious and expensive for the residents.
- 3.3.5 The fishermen in the area have no landing sites, since they have been closed off by land grabbers. The youth in the area lack the skills to make them employable due to lack of training facilities in the area. They are also unable to start their own businesses due to unavailable land in the area.
- 3.3.6 The ward with a population of 40,000 people is served by only 2 primary schools which were built in the early post-independence years.
- 3.3.7 Changamwe Constituency is one of the 60 constituencies in the country, selected to benefit from the National Government's plan to establish new Technical and Vocational Educational and Training (TVET) projects. This project may not commence due to lack of public land for the same. The National Government has already set aside Kshs 40 million for the above project and Kshs 10 million has been set aside for this project from the CDF kitty.
- 3.3.8 Changamwe Constituency Development Fund (CDF) has allocated Kshs 10 million for the construction of social amenities in Port Reitz ward but any proposed projects may not be actualized due to lack of available land in Port Reitz ward.
- 3.3.9 The petitioners are seeking to have the land reverted to them, so that it can be surveyed, sub-divided and title deeds issued for the residents to carry out development projects.
- 3.3.10 The residents were moved to pave way for the construction of the airport and no

compensations were made.

3.3.11 The area has been fenced and the gates close in the evening denying school children access to the route while coming from school.

### **3.4 SUBMISSIONS FROM KENYA PETROLEUM REFINERIES LIMITED**

The Chief Executive Officer, Kenya Petroleum Refineries vide a letter dated November 7<sup>th</sup> 2014 noted that the Committee conducted a site visit of the unfenced portion of Plot No. MN/VI/12223 situated on the old Mombasa Nairobi Highway next to the KPRL housing estate, registered property of Kenya Petroleum Refineries Limited on 31<sup>st</sup> October 2014 and that as the registered owner of the land, KPRL should have been included in the itinerary. He further informed the Committee as follows:

3.4.1 KPRL formerly East African Oil Refineries Limited is the registered owner of the subject parcel of land measuring approximately 124.4 ha, holding instrument of lease issued on 17<sup>th</sup> May 1976 for a term of 99 years from 15<sup>th</sup> October 1960;

3.4.2 The unfenced portion of land measuring approximately 68.3 acres has been earmarked for the planned modernization and expansion of the refinery. A development plan has been completed and approved by the Board of directors of KPRL as part of the modernization project;

3.4.3 KPRL is not privy to the documents that the Hon.Omar Mwinyi, MP relies on in support of the claim on expiry of lease. To the Knowledge of KPRL, the lease held is valid for the next forty-five years, to expire on 6<sup>th</sup> May 2059.

### **4.0 COMMITTEE OBSERVATIONS**

The Committee observed in Bokole, Airport Ward THAT:

1. Projects planned and budgeted for by the National Government, the County Government and the CDF committee on infrastructure and social amenities are unable to commence due to unavailability of the land in the area;
2. A copy of Mazrui title, plot no. MN/VI/12223 was submitted by the area residents. But the Committee could not authenticate the document, because the Ministry of Lands and Urban development officials did not present the title.
3. KPRL formerly East African Oil Refineries Limited is the registered owner of the subject parcel of land measuring approximately 124.4 ha, holding instrument of lease issued on 17<sup>th</sup> May 1976 for a term of 99 years from 15<sup>th</sup> October 1960;

**The Committee observed in Port Reitz Ward THAT:**

4. Individuals, who have put up a container yard, have taken part of the land and have refused to share social amenities like water with the area residents.
5. Access routes to the area have been closed hence children have to travel long routes to access schools .The closed road also serves as an access route to Port Reitz hospital.
6. The ward is served by only 2 primary schools, which were built, in the early post-independence years and has no secondary school, Early Childhood Development, libraries, stadia, social hall and other social amenities.

**5.0 COMMITTEE RECOMMENDATIONS**

**The Committee makes the following recommendations, THAT**

4. The Ministry of Land, Housing and Urban Development and the National Lands Commission should intervene with a view to identifying and securing land meant for public utilities in Airport and Port Reitz wards.
5. Access routes to schools and hospitals be provided to enable school going children and members of the public seeking treatment to easily access schools and hospital respectively.
6. National Land Commission to visit Port Reitz ward and confirm if the land is public or private and open up the area to provide access routes to schools and hospital.



MINUTES OF THE 129<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON  
LANDS HELD ON TUESDAY, 3<sup>RD</sup>, MARCH, 2015 IN THE MEDIA CENTER, MAIN  
PARLIAMENT BUILDINGS, AT 10.00 A.M

PRESENT:

1. The Hon. Alex Mwiru, M.P. - **Chairperson**
2. The Hon. Francis W. Nderitu, M.P.
3. The Hon. Francis Kigo Njenga, M.P.
4. The Hon. Eusilah Ngeny, M.P.
5. The Hon. Bernard Bett, M.P.
6. The Hon. Kipruto Moi, M.P.
7. The Hon. Hellen Chepkwony, M.P.
8. The Hon. Benson Mbai, M.P.
9. The Hon. George Oner, M.P.
10. The Hon. Mathew L. Lempurkel, M.P.
11. The Hon. Shakila Abdallah, M.P.
12. The Hon. Dr. Paul Otuoma, M.P.
13. The Hon. Joseph Oyugi Magwanga, M.P.
14. The Hon. Mpuru Aburi, M.P.
15. The Hon. Hezron Awiti Bollo, M.P.
16. The Hon. Julius Ndegwa, M.P.

ABSENT WITH APOLOGIES

1. The Hon. Moses Ole Sakuda, M.P. - **Vice Chairperson**
2. The Hon. Mutava Musyimi, M.P.
3. The Hon. Kanini Kega, M.P.
4. The Hon. Suleiman Dori, M.P.
5. The Hon. Gideon Mung'aro, M.P.
6. The Hon. Onesmus Ngunjiri, M.P.
7. The Hon. John Kihagi, M.P.
8. The Hon. A. Shariff, M.P.
9. The Hon. Sarah Korere, M.P.
10. The Hon. Esther Murugi, M.P.
11. The Hon. Thomas Mwadeghu, M.P.
12. The Hon. Patrick Makau, M.P.



**ABSENT WITHOUT APOLOGY**

1. The Hon. Oscar Sudi, M.P.

**IN ATTENDANCE**

**KENYA NATIONAL ASSEMBLY**

- |                        |                     |
|------------------------|---------------------|
| 1. Mr. James Ginono    | Clerk Assistant I   |
| 2. Ms. Ruth Mwhaki     | Clerk Assistant III |
| 3. Mr. Muyodi Emmanuel | Clerk Assistant III |
| 4. Mr. Lynnette Atieno | Legal Counsel       |
| 5. Mr. Ahmed Yakub     | Media Officer       |

**MINUTE NO. DCL/LN/2015/396**

**PRELIMINARIES**

The Chairman called the meeting to order at 10.10 a. m with a word of prayer.

**MINUTE NO. DCL/LN/2015/397**

**CONSIDERATION AND ADOPTION OF THE  
COMMITTEE REPORT ON THE PETITION  
REGARDING THE STATUS OF THE LEASED  
LAND MEANT FOR EXPANSION OF MOI  
INTERNATIONAL AIRPORT**

The Committee Considered and adopted the report after being proposed by the Hon. Bernard Bett, M.P. and Seconded by the Hon. Mathew Lempurkel, M.P. as follows:

The Committee makes the following Observations:

**(I) Land in Bokole, Airport Ward THAT:-**

1. Projects planned and budgeted for by the National Government, the County Government and the CDF committee on infrastructure and social amenities are unable to commence due to unavailability of the land in the area;
2. A copy of Mazrui title, plot no. MN/V/12223 was submitted by the area residents. But the Committee could not authenticate the document, because the Ministry of Lands and Urban development officials did not present the title.

3. KPRL formerly East African Oil Refineries Limited is the registered owner of the subject parcel of land measuring approximately 124.4 ha, holding instrument of lease issued on 17<sup>th</sup> May 1976 for a term of 99 years from 15<sup>th</sup> October 1960;

(II) **Land at Port Reitz Ward THAT:-**

1. Individuals, who have put up a container yard, have taken part of the land and have refused to share social amenities like water with the area residents.
2. Access routes to the area have been closed hence children have to travel long routes to access schools .The closed road also serves as an access route to Port Reitz hospital.
3. The ward is served by only 2 primary schools, which were built, in the early post-independence years and has no secondary school, Early Childhood Development, libraries, stadia, social hall and other social amenities.

**The Committee makes the following recommendations, THAT:-**

1. The Ministry of Land, Housing and Urban Development and the National Lands Commission should intervene with a view to identifying and securing land meant for public utilities in Airport and Port Reitz wards.
2. Access routes to schools and hospitals be provided to enable school going children and members of the public seeking treatment to easily access schools and hospital respectively.
3. National Land Commission to visit Port Reitz ward and confirm the land is public or private and open up the area to provide access routes to schools and hospital.

Mr. Julius Kiplangat Kitur accompanied by Mr. Tom Onyango and Mr Syphurine Mayend Advocate and Ismael Ibrahim appeared before the committee and gave evidence on their claim ownership of State House Crescent Land.

The Committee was informed as follows that-;

- 1) Julius Kiplangat Kitur is the legal owner and registered proprietor of the property known as L.R No. 209/5581, Nairobi as evidenced by the allocation, meeting the conditions therein and the issuance of the title deed pursuant to the relevant legal regime. The allotment was done vide the Allotment Letter dated 4<sup>th</sup> January 1996 and Deed plan No. 67509 that was issued in 2003;
- 2) In 1997 while processing the Title Deed, Mr. Kitur received death threats, from people asking him to surrender all the documents in his possession regarding the suit property;
- 3) The people threatening him followed him to his rural home but they didn't find him. They were in the company of a lady called Linah Jepkorir Kelwon, who has since passed on, in February 2015;
- 4) Mr. Kitur reported the issue with the CID Headquarters to the Director of criminal investigations who failed to assist him in any way;
- 5) On several occasions Mr. Julius Kitur tried to inquire on the land rate for the suit property but he was always told that the file could not be traced;
- 6) On 09/04/2010, his request was accepted and he was issued with a Land Rent invoice in his name and one Edison Kipkorir Bundotich and reflected the land parcel as L.R. No. 5581/2. He thereafter paid the Land Rent vide National Bank of Kenya receipt No. 006053, and then he made a request to peruse file for L.R. No. 209/5581/2;
- 7) Mr. Edison Kipkorir Bundotich sold parcel number LR. NO. 209/5581/2 to Myta Development Limited, eventually Myta Development Limited acquired the rest of the parcels of land and were all amalgamated to LR.No. 209/19473;
- 8) Mr. Julius Kitur later discovered that Mr. Edison Kiplangat Bundotich swore an affidavit declaring him as his partner and deceased and that Mr. Julius Kitur had died on 22<sup>nd</sup> of February 2005 after suffering from brain tumor and chest complication for one and

half years. Mr. Edison Kiplagat had even annexed a forged death certificate No. 822008, entry No. 8103019 dated 23<sup>rd</sup> October purporting to confirm Kitur's death;

- 9) Mr. Edison Bundotich further claimed in the affidavit that he would use part of the proceeds to clear all the Hospital bills Mr. Kitur had allegedly incurred at Tenwek and other hospitals when he was supposed to have been sick and admitted there. Mr. Edison further claimed that the bills stood at approximately Kshs. 3,500,000.00 and that there were other expenses and debts to be paid. He also averred that he had authority to swear the affidavit and that he would sub-divide Mr. Julius Kitur's parcel of land into four equal plots, look for a willing buyer and share the proceeds equally with a person that he alleged was Mr. Julius Kitur's widow, lady named Linah Jepkorir Kelwon, whom he would involve in all the transactions to be undertaken. Incidentally the said lady died on 14<sup>th</sup> February 2015 and was buried on 28<sup>th</sup> February, 2015;
- 10) The affidavit also stated that Mr. Edison Bundotich discovered that his parcel L.R. No. 209/5881 had already been subdivided into four parcels and transferred as follows:-
- a) JULIUS KIPLAGAT KITUR & EDISON KIPLAGAT BUNDOTICH LR. No. 209/5581/2- Title Deed for NO. 209/5581/2 issued on 30<sup>th</sup> January, 2003 and Land Rent Invoice dated November 13, 2009.
  - b) LINROSE INVESTMENT LIMITED & INTERFARM LTD: LR.No. 209/5581/3- Title Deed for LR NO.209/5581/3 issued on 28<sup>th</sup> January, 2003 and Land Rent Invoice dated November 12, 2009.
  - c) ROSE CHEBET & ROBERT GICHURA: LR. No.209/5581/4 – Title Deed for LR NO. 209/5581/4 issued on 28<sup>th</sup> January, 2003 and Land Rent Invoice dated November 12, 2009.
  - d) ARCHMAN HOLDINGS LTD: LR. No. 209/5581/5- Title Deed for LR No. 209/5581/5 issued on 28<sup>th</sup> January, 2003 and Land Rent Invoice dated November 12, 2009.



**The Committee was further informed, THAT;**

- 1) Mr. Julius Kitur is a driver by profession, and has worked in Nairobi and Bureti district.
- 2) He was a driver to the former Member of Parliament from Bureti, Hon. Paul Sang, from the time he was a teacher to the period he was elected as Member of Parliament in 1997.
- 3) While living in Nairobi, Lavington estate. Mr. Julius Kitur learnt through his friend, Michael Lelong that land was being allocated in some parts of Nairobi. Mr. Michael Lelong worked in the office of Mr. Josiah Sang the former Permanent Secretary, Ministry of Lands;
- 4) He was assisted by the former Member of Parliament. Hon Paul Sang, M.P, to go through all the legal processes in acquiring the said land;
- 5) Mr. Julius Kitur didn't manage to develop the land because of the threats he started receiving in 1997, from people who wanted him to surrender all the documents in his possession regarding the suit property.

**The Committee resolved, that:-**

1. The following Members to interrogate the documents presented and any other documents that will be presented in regard to the State House Crescent Land Matter;
  - i. Hon. Francis W. Nderitu, M.P.
  - ii. Hon. Benard Bett, M.P.
  - iii. Hon. George Oner Ogalo, M.P.
2. That Myta Development Limited should appear before the Committee to shed more light on the matter;
3. The Cabinet Secretary for Lands, Housing and Urban Development appears before the committee to explain the Ministry's position on the said land.

MINUTE NO. DCL/LN/2015/400 ANY OTHER BUSINESS

**1. Field Visit to Nyeri and Kieni**

Members were informed that the visit scheduled for Nyeri/Kieni between 5<sup>th</sup> -8<sup>th</sup> March had been postponed to a later date since the Member of Parliament for Nyeri Town; Hon. Ester Murugi was out of the Country.

**2. Field Visit to Makueni**

Members resolved to conduct the visit to Makueni over a petition before the Committee and which had been postponed in the previous week from Thursday 5<sup>th</sup> – Saturday 7<sup>th</sup> March 2015.

**3. Invitation to the Colloquium on Deepening dialogue with stakeholders in the Forest Sector in Kenya**

Members were informed that the chairman had been invited and would be attending the abovementioned forum to be held at the Boma Inn Hotel, Eldoret on March 4<sup>th</sup> – 6<sup>th</sup> 2015;

MINUTE NO. DCL/LN/2015/401

ADJOURNMENT & DATE OF THE NEXT

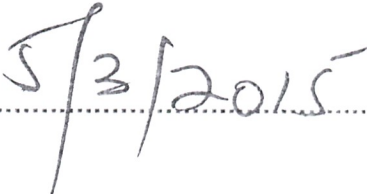
SITTING

And the time being twenty Minutes past twelve O'clock, the Chairperson adjourned the Sitting to Thursday 5<sup>th</sup> March, 2015 at 10.00am.

SIGNED

  
.....  
(CHAIRPERSON)

DATE

  
.....



MINUTES OF THE NINETY THIRD SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON THURSDAY 23<sup>RD</sup> OCTOBER 2014, IN THE SMALL BOARD ROOM, HARAMMBEE HOUSE, 9<sup>TH</sup> FLOOR AT 11.30 A.M

PRESENT:

1. The Hon. Alex Mwiru, M.P. - Chairperson
2. The Hon. Moses Ole Sakuda, M.P. - Vice Chairperson
3. The Hon. Francis W. Nderitu, M.P.
4. The Hon. Onesmus Ngunjiri, M.P.
5. The Hon. Dr. Paul Otumuri, M.P.
6. The Hon. Mutava Musyimi, M.P.
7. The Hon. Francis Njenga Kigo, M.P.
8. The Hon. A. Shariff, M.P.
9. The Hon. Hezron Awiti Bollo, M.P.
10. The Hon. Eusilah Ngeny, M.P.
11. The Hon. Esther Murugi, M.P.
12. The Hon. Sarah Korere, M.P.
13. The Hon. Joseph Oyugi Magwanga, M.P.
14. The Hon. Suleiman Dori, M.P.
15. The Hon. Bernard Bett, M.P.
16. The Hon. John Kihagi, M.P.
17. The Hon. Kipruto Moi, M.P.

APOLOGIES

1. The Hon. Thomas Mwadeghu, M.P.
2. The Hon. Hellen Chepkwony, M.P.
3. The Hon. Benson Mbai, M.P.
4. The Hon. Shakila Abdallah, M.P.
5. The Hon. Kanini Kega, M.P.
6. The Hon. George Orer, M.P.
7. The Hon. Mathew L. Leinpurkel, M.P.
8. The Hon. Godcon Mung'ata, M.P.
9. The Hon. Mpuru Aburi, M.P.
10. The Hon. Patrick Makau, M.P.
11. The Hon. Julius Ndegwa, M.P.

ABSENT:

1. The Hon. Oscar Sudi, M.P.

IN ATTENDANCE:

KENYA NATIONAL ASSEMBLY

1. Mr. James Gwono Clerk Assistant I
2. Ms. Ruth Mwachiki Clerk Assistant III

MINUTE NO. DCK/UN/ZC14/215

PRELIMINARIES

The Chairman called the meeting to order at 12:00 p.m. with a word of prayer.

The Chairman thereafter informed the Members that the Committee would visit Karen on Monday 27<sup>th</sup> October at 1:00pm. The Committee would be joined by the Cabinet Secretary for Lands and the Chairman National Land Commission on Tuesday 28<sup>th</sup> October at 10:00 a.m. over the Karen and Diani Land Issue and the statement requested by the Hon. Jakoyo Midego.

MINUTE NO. DCK/LN/2014/216

ADOPTION OF THE AGENDA

The agenda was adopted after being proposed by the Hon. Mutava Musyimi, M.P and seconded by the Hon. Francis Waweru, M.P.

MINUTE NO. DCK/LN/2014/217

CONFIRMATION OF MINUTES

The minutes of the 92<sup>nd</sup> sitting held on 16<sup>th</sup> October 2014 were proposed by Hon. Njenga Kigo, M.P and seconded by the Hon. Francis Waweru, M.P as a true record of the proceedings and signed by the Chairman.

MINUTE NO. DCK/LN/2014/218

MATTERS ARISING

a. Vide Minute No. DCL/LN/2014/213(a) Ministerial Statement Requested By Hon. Waihenya and Hon Phillip Rotino

The Chairman brought to the attention of members the Speakers ruling in regard to the General Oversight Committee. Members were further informed that, three Committee's would meet at different times on Tuesday Mornings in the Chambers to interrogate respective Cabinet Secretaries but under the Chairmanship of respective Committee chairs. Three Cabinet Secretaries would appear before the Committee at a time and each would be allocated a maximum of 50 minutes. Meetings will be scheduled in the order paper.

MINUTE NO. DCK/LN/2014/219

CONSIDERATION OF A PETITION BY TWIGA FARM EVICTEES

Members considered the petition by Twiga Farm Evictees who have been residing in the land known as LR No. 9312,9313 and 3760.The petitioners claim that the land has never been part of Mboi Kamiti Land Buying Company and that they were evicted by government officers from the land in 2012.The petitioners are praying that parliament intervenes to have a thorough audit carried out to determine the Bonafide owners of the land; have the petitioners immediately and adequately compensated by the state for forceful eviction, loss of life and property and recommends investigations by the CID on the criminal culpability of all state officers involved.

As provided for in Standing Order 90 on declaration of interest, the Hon. John Kihagi, MP declared his interest in the matter and informed the members that he is involved as a consultant in planning for Mboi Kamiti.

Members noted with concern that the Mboi Kamiti land buying company has been having internal wrangles and it's not clear who the directors are.

Members also observed that the conflict over the land has drawn in individuals in the Kiambu County Government who have vested interest in the matter.

The Committee Resolved to conduct an enquiry into the ownership of the Land and in that regard, THAT:

1. The Cabinet Secretary for Lands Housing and Urban Development and the Chairman, National Land Commission should appear before the Committee to shed more light on the matter;
2. That the Registrar of Companies should provide to the Committee a list of the Bonafide Directors of Mboi Kamiti land buying Company;
3. Once the List of Directors is availed, the Directors should be invited to appear before the Committee to give evidence;
4. That the County Executive Committee Member for Lands in Kiambu County be invited to appear before the Committee and give evidence on the petition ;
5. That the Committee undertakes a field visit to Twiga Farm in Juja to interact with the petitioners.

MINUTE NO. DCK/LN/2014/220

CONSIDERATION OF A PETITION BY HON SHIMBWA  
OMAR MWINYI ON LEASED LAND MEANT FOR  
EXPANSION OF MOI INTERNATIONAL AIRPORT IN  
CHANGAMWE CONSTITUENCY

Members considered the petition by Changamwe residents who are praying that Parliament intervenes to have the government discontinue any further leasing of land Plot No 12223/VI/MN belonging to natives of Bokole in Airport Ward, and Plot No.1066 sec.VI/MN in Port Reitz Ward in Changamwe Constituency.

The Committee Resolved:

To undertake an inspection visit of the area jointly with the visit scheduled for Nyali Constituency on 31<sup>st</sup> October 2014.

MINUTE NO. DCK/LN/2014/221

ADOPTION OF THE REPORT ON THE PETITION FOR  
THE RESETTLEMENT OF ENOOSUPUKIA EVICTED  
PERSONS

The Report was adopted after being proposed by the Hon.Sarah Korere, M.P and Seconded by the Hon. Joseph Magwanga, M.P with the following amendments:

That the Committee made the following observations:

1. The Enoosupukia IDPs have been suffering for the last 20 years since they were evicted from there Land in 1992 and 1993.
2. The Enoosupukia Evictees victims have not been properly profiled nor registered and operate as individual groups and only the Internally Displaced Persons of the Post-Election Violence of 2007/2008 were profiled and are being resettled.
3. The Enoosupukia Evictees have previously sought assistance from the government but have not been resettled and there has been no land identified for their resettlement .

That the Committee recommended as follows:

1. The Ministry for Devolution and Planning should within 100 Days operationalize the National Humanitarian Fund Advisory Board for it to implement its Mandate.
2. The National Land Commission through the Task force on Historical Injustices expedites the process of formulating the Bill on Historical Injustices for consideration by Parliament as it would help address Historical Land injustices.
3. Ministry for Devolution and Planning should profile and register the Enoosupukia Evictees with a view to support them in rebuilding their lives.

MINUTE NO. DCK/LN/2014/222

ADOPTION OF THE REPORT ON THE PETITION FOR  
THE RESETTLEMENT OF INTERNALLY DISPLACED  
PERSONS IN NAIROBI

The Report was adopted after being proposed by the Hon. Dr. Paul Otuoma, M.P and Seconded by the Hon. Bernard Bett, M.P with the following amendments:

That the Committee made the following observations:

- a) The group has met various government officials in its attempt to get assistance and in 2012, they received food aid which was withdrawn at the beginning of 2013 and since then they



have sought assistance from the County Government but were referred back to the Ministry of Devolution and Planning.

- b) The group comprises of people who were affected during the 2007-2008 post-election violence and at that time they were working and living in Nairobi. Most of the group members were born and were living in Mathare, Kibira, Kamukunji and Njiru before being displaced in the Post-election violence of 2007/8, and did not own any land and the members consist of mostly small businessmen/women and that the group was registered as a community Based Organization on 21<sup>st</sup> June 2013.
- c) Delay in the operationalization of the Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act of 2012 (IDP Act) and its National Consultative Committee is hampering efforts to determine policy issues concerning IDPs in the country.
- d) Most IDPs in Nairobi were either tenants or small businessmen mostly in slum areas and their displacement was different in that most moved to other estates or within the estates after the clashes. Although some lost personal properties to looters, none lost land and a few were displaced from their houses. In view of this, the National Humanitarian fund Board therefore considered most of these IDPs as integrated and decided to pay each of them Kshs.10, 000.00 as startup capital.

That the Committee recommended as follows:

- a) Resources for the implementation of the Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act of 2012 (IDP Act) and IDP policy be provided for in the Budget for the 2015/2016 Financial year so that the Ministry can operationalize the Act.
- b) The Ministry for Devolution and Planning should within 100 Days operationalize the National Humanitarian Fund Advisory Board for it to implement its Mandate.

MINUTE NO. DCK/LN/2014/223

ADOPTION OF THE REPORT ON THE PETITION FOR  
THE RESETTLEMENT OF THE 1992 MOLO CLASH  
VICTIMS

The Report was adopted after being proposed by the Hon. Francis Waweru, M.P and Seconded by the Hon. John Kihagi, M.P with the following amendments:

That the Committee made the following observations:

1. There are various cases of squatters and grabbing of land meant for resettlement of evictees of the Molo clashes.
2. The issue of Internally Displaced Persons (IDPs) in Molo is yet to be fully addressed.
3. The Ministry of Devolution, Planning and Special Programmes faces difficulties on policy regarding how far back in time to go in resettling past displacement.
4. The "Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act 2012" and its National Consultative Coordination has not been operationalized.
5. There are no finances in the current financial year to operationalize "Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act 2012" and to resettle molo land evictees.

6. The actual number of the 1992 Molo clash victims is not known because the group has not been properly profiled nor programmed for settlement. The IDPs under consideration currently are the 2007/08 Post Election Victims.
7. Some of the Molo IDPs have title deeds to the land they previously occupied prior to the clashes and currently know of the existence of these pieces of land.
8. There are some members of the 1992 Molo clashes victims living in Kasarani in Eldoret who were profiled and their numbers are known.

That the Committee recommended as follows:

1. The Criminal Investigation Department (CID) of the police investigates how the Kambala, Kivulini, Katikati, Mariashoni and Highlands farms purchased by government to settle IDPs and squatters, were allocated with a view of compensating genuine squatters/IDPs who were left out in the allocation.
2. The IDPs with proof of ownership of the land they previously occupied before the clashes should be facilitated to resettle on their land, by being offered security to do so.
3. The Ministry for Devolution, Planning and Special Programmes should conduct identification and profiling of IDPs in order to comprehensively deal with IDP issues in the Country.
4. The Ministry of Devolution and Planning should fast track the appointment of members to the National Consultative Coordination Committee under the Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act 2012 so as to help to determine and sort issues surrounding IDPs in the country;
5. The National Assembly sets aside Kshs. 1 Billion for allocation to the Ministry of Devolution and Planning to operationalize and implement the "Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act 2012" and resettle the Molo 1992 clashes.

MINUTE NO. DCK/IN/2014/224

ADOPTION OF THE REPORT ON BANITA SETTLEMENT SCHEME

As per the provisions of Standing order 90 on Declaration of interest, the Hon Kipruto Moi declared his interest in the matter as the Member for Rongai Constituency. He further proposed that the following recommendation be included,

That in the allocation exercise, 60 % of the land be allocated to pastoralists and 40 % to former workers of the farm

The Report was adopted after being proposed by the Hon. Francis Waweru, M.P and Seconded by the Hon. John Kihagi, M.P with the following amendments:

That the Committee made the following observations:

1. Banita settlement scheme was formerly a sisal estate and is located in Makongeni location, Rongai Division, Nakuru County (former Nakuru District)
2. The land was bought by the Government through the settler at fund trustee (SFT) from Maji Mungu group of companies to settle squatters within the Makongeni area of Rongai Division in Nakuru County
3. The Government purchased a total of 14,115 acres at a price of Kshs. 292,078,280/- as hereunder:
  - a) Two agreements were made in Purchase of the Banita Land. Agreement dated

12102/1999 for Banita estate for parcels L.R 10774, 8933/2, 9977, 8932/2 (partly) and 10939 (partly) with a total of 11,115 acres at Kshs. 230 million and;  
b) L.R 8932/2 (IR 12748) comprising 200 acres at Kshs. 41, 385,520.

4. The settlement process i.e. planning, survey and demarcation began in May 2002 and was completed in July 2007.
5. Beneficiaries were identified between October and November 2002 followed by letters of offer dated 18/12/2002.
6. There was political interference in the allotment process.
7. The Banita Settlement Scheme was planned surveyed and allocation done but the residents of the scheme are not in agreement with the way it was implemented.
8. Many People continue to transact and sell the land despite the fact that it is in dispute.
9. The allotment exercise was covered in fraud and malpractice which was perpetrated by land officials, former provincial administration, and other civil servants.

That the Committee recommended as follows

1. The Ministry of Land, Housing and Urban Development and the National Lands Commission commences with immediate effect a land audit in the area with a view to establish genuine allottees and identifying outsiders who were allotted land in the scheme illegally and demarcate sites for building Public Utilities like Schools, Hospitals, Police Station and public Markets.
2. The Ministry of Lands, Housing and Urban Development and the National Land Commission in collaboration with stakeholders commences a fresh allotment exercise in the settlement scheme.
3. The Ethics and Anti- Corruption Commission conducts investigations into the conduct of government officers who fraudulently issued allotment letters and probes the conduct of officers who were in the former provincial on their role in land matters and security in Banita scheme.
4. The initial report declaring the area as semi-arid be followed/used and the basis of allotment of land be a minimum of 10 acres per person based on the classification of Banita as a semi-arid area.
5. That in the allocation exercise, the ratio to be used be as follows: 60 % of the land be allocated to pastoralists, and 40 % be allocated to former workers of the farm.
6. The Ministry of Land, Housing and Urban Development puts caveats in the Land so as to stop any transactions on the land and any activity be declared illegal until the dispute is resolved.

MINUTE NO. DCK/LN/2014/225      ANY OTHER BUSINESS

The following matters arose:

1. Auction of Land in Kajiado West Constituency

The Hon. Moses Ole Sakuda, M.P informed the committee that two group ranches in Kajiado West Constituency had been put on auction in the Daily Nation of 23<sup>rd</sup> October 2012. The Land in question covers the whole of Magadi Division in Kajiado West Constituency including the Schools and other public facilities within the land.

It was resolved that a letter be written to the Attorney general through the Committee Chairman to request that the Attorney General Intervenes in the matter and the sale be put in abeyance in order to reduce tensions in the area and to allow the Committee to investigate the matter.

2. Naivasha Report-(Munengi/Isakhakia report)

It was resolved that the report be scheduled for discussion by members in the coming week.

3. Community Land Bill

The Committee was informed that the bill had not been submitted.



Members noted that the bill is crucial and very critical to the management of Community land in the Counties.

It was resolved that a letter be written to the Ministry and NLC to enquire on the progress of drafting the bill.

MINUTE NO. DCK/LN/2014/225 ADJOURNMENT & DATE OF THE NEXT SITTING

And the time being fifty four Minutes past one O'clock, the Chairperson adjourned the Sitting Monday 27<sup>th</sup> October at 2.00 p. m

SIGNED

  
.....  
(CHAIRPERSON)

DATE

4/11/2014  
.....

② Ginono  
pls deal  
FA  
11/11/14

001 438



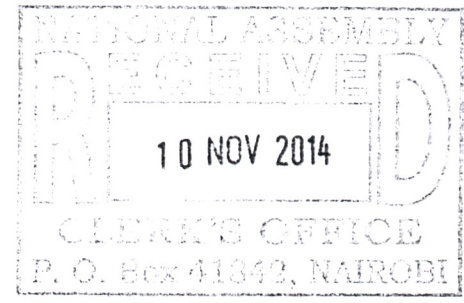
KENYA PETROLEUM REFINERIES LIMITED

Our Ref: CEO.119/11/2014

November 07, 2014

The Chairperson  
The Parliamentary Lands Committee  
Parliament Buildings  
P. O Box 41842 - 00100  
Nairobi Kenya

① Mrs. Abouzo  
Mak  
Sider



11/11/14

Attn. : Hon. Alex Mwiru, MP

Dear Sir,

**RE: PLOT NO. 12223/MN/VI  
REGISTERED OWNER - KENYA PETROLEUM REFINERIES LIMITED  
(KPRL)**

Reference is made to the above captioned subject matter.

We write to advise that we have received communication that the Parliamentary Lands Committee conducted a site visit of the unfenced portion of land on Plot No. MN/VI/ 12223 situate on the old Mombasa-Nairobi Highway next to the KPRL Housing Estate, registered property of Kenya Petroleum Refineries Limited on 31<sup>st</sup> October 2014 at 2.00pm. The visit intendedly culminated into a public forum held at the same venue with the said parcel of land as the subject matter.

KPRL, as the registered owner of the property, is of the humble view that the Committee should have included us in your itinerary to accord us an opportunity to clarify and present facts about the property.

Without prejudice to the foregoing, we are informed by the constituent host, Hon. Omar Mwinzi (MP – Changamwe) that the agenda of the Committee is the allocation of the unfenced portion of Plot MN/VI/ 12223 to the local



KENYA PETROLEUM REFINERIES LIMITED

community on the premise of the proximate expiry of the lease held by ourselves and we wish to advise as herein below:-

- a) Kenya Petroleum Refineries Limited, formerly, East African Oil Refineries Limited, is the registered owner of the subject parcel of land measuring approximately 124.4Ha holding instrument of lease issued on 17<sup>th</sup> May 1976 for a term of ninety nine (99) years from 15<sup>th</sup> October 1960.
- b) The unfenced portion of the land measuring approximately 68.3 acres has been earmarked for the planned modernization and expansion of the refinery. A development plan has been completed and approved by the board of directors of KPRL as part of the modernization project.
- c) We are not privy to the documents the Hon. Omar Mwinyi relies on in support of the claim on expiry of lease. To our knowledge, the lease held by KPRL is valid for the next forty five (45) years; to expire on 16<sup>th</sup> May 2059.

KPRL assures your Committee of full and active cooperation to clarify facts around the correct ownership and status of the lease for the subject land.

Yours sincerely,

Stephen Mbui  
**Ag. Chief Executive Officer**

CC: Mr. Davis Chirchir  
Cabinet Secretary  
Ministry of Energy and Petroleum  
Nyayo House  
**Nairobi**



KENYA PETROLEUM REFINERIES LIMITED

Mr. Henry Rotich  
Cabinet Secretary  
The National Treasury  
Treasury Building  
**Nairobi**

Hon. Charity Kaluki Ngilu, EGH  
Cabinet Secretary,  
Ministry of Land, Housing and Urban Development,  
Ardhi House, 1<sup>st</sup> Ngong Avenue  
**Nairobi**

Mr. Muhammad A. Swazuri,  
National Land Commission,  
Ardhi House, 1<sup>st</sup> Ngong Avenue  
Rm. 1205, 12<sup>th</sup> Flr,  
**Nairobi**

**Mr. Justin N Bundi**  
Clerk Kenya National Assembly  
Parliament Buildings  
P. O Box 41842 - 00100,  
**Nairobi**



REPUBLIC OF KENYA  
PARLIAMENT

Hon. Omar Mwinyi, MP  
Changamwe Constituency

Parliament Buildings  
Tel. +254 20 221291  
P.O. Box 41842 - 00100  
Nairobi, Kenya

Mobile: +254 716 786 054 / 0728 364 069  
P.O. Box 86551 - 80100 Mombasa  
E-mail: info@royalcircleagencies.com  
info@ruman.co.ke

August 15, 2014

The County Lands Executive  
MOMBASA COUNTY

Dear Sir,

RE: ALLOCATION OF PARCEL OF LAND ADJACENT TO PLOT NO. 1066 SEC. VI MN

AT PORTREITZ FOR CONSTRUCTION OF A TECHNICAL AND VOCATIONAL EDUCATION  
TRAINING PROJECT

Reference is hereby made to the letter from Cabinet Secretary Ministry of Education, Science and Technology regarding the above.

We humbly apply to your office to recommend to the National Land Commission to allocate the said piece of land to allow for the construction of the Ahmed Shāhame Mwidani Technical and Vocational College (see attached site plan).

We also wish to have the land parcel on Plot No. 1066 which purportedly have been subdivided as Plot No. 1066/3665/4751 measuring 19 acres which is the property of the Kenya Airports Authority and which some attempts to grab the same had been made (see documents enclosed) to be allocated to the Changamwe Constituency Development Fund and facilitate the construction of social amenities which the constituency lacks.

We therefore urge you to expedite our request due to the urgency of the matters at hand.

Thanking you.

Yours faithfully,

HON. OMAR MWINYI SHIMBWA  
MEMBER OF PARLIAMENT  
CHANGAMWE CONSTITUENCY





## MINISTRY OF EDUCATION, SCIENCE AND TECHNOLOGY

Telegrams: "SCIENCE TECH", Nairobi  
Telephone: +254 020 318584  
Facsimile: +254 020 2231951  
Email: [est@scienceandtechnology.go.ke](mailto:est@scienceandtechnology.go.ke)

OFFICE OF THE CABINET SECRETARY  
JOGOO HOUSE "B"  
HARAMBEE AVENUE  
P.O. BOX 30040-00100  
NAIROBI, KENYA

Ref No: MST/DTE/6/5/VOL.V

Date: 7<sup>th</sup> August 2014

Hon. Omar Mwinyi M.P., Changamwe  
Hon. Sulaiman Dori M.P., Lunga Lungu  
Hon. Samuel Gonzi Rai M.P., Kinango  
Hon. Dan Kazungu M.P., Malindi  
Hon. Gunga Mwinga M.P., Katolani  
Hon. Ali Wario M.P., Bura  
Hon. Kariuki Julius M.P., Lamu East  
Hon. Thomas Ludindi Mwachugu M.P., Wundanyi  
Hon. Ahmed Ibrahim Abbas M.P., Ijara  
Hon. Abdikadir Omar Aden M.P., Bafambala  
Hon. Abdulahi Zime M.P., Wajir South  
Hon. Mohamed Adan Haka M.P., Mandera South  
Hon. Dido Ali Rasso M.P., Saku  
Hon. Joseph Ekeufon M.P., Laisamis  
Hon. Joseph Samal M.P., Isiolo North  
Hon. Ntoitha Mithjari M.P., Igembi North  
Hon. Njuki Onestinus M.P., Chuka/Harambambembe  
Hon. Kareke Mbiuki M.P., Maara  
Hon. Cecile Mbarine M.P., Rumyenjes  
Hon. John Mutambu M.P., Mwingi Central  
Hon. Benson Irwika Mbat M.P., Mastiga  
Hon. Michael Kesoi Munyao M.P., Mbooni  
Hon. Samuel Gisigi M.P., Kipipiri  
Hon. Peter Wero Kimyua M.P., Mathira  
Hon. Stephen Muriuki Ongeru M.P., Ndia  
Hon. Humphrey Njuguna M.P., Gatanga  
Hon. Clement Wambugu M.P., Mathioya  
Hon. Joseph M. Kahangara M.P., Lari  
Hon. Anthony Kimani Ichungwag M.P., Kikuyu  
Hon. Nixon Ngikolong M.P., Turkana East  
Hon. Rotino Philip M.P., Sigor  
Hon. Johnathan Lelit M.P., Samburu West  
Hon. Robert Bukofe M.P., Endebess  
Hon. Silas Kipkoech M.P., Moiben  
Hon. William Kisang M.P., Marakwet West  
Hon. Elijah Langat M.P., Chesumei  
Hon. Moses Lessonet M.P., Eldama Ravine  
Hon. Mathew Lembaku M.P., Laikipia North  
Hon. John Kihagi M.P., Naivasha

Hon. Patrick ole Ntutu M.P. Narok West  
Hon. Moses Sakuta M.P. Kajiado West  
Hon. Jackson Rop M.P. Kipkelion West  
Hon. Sammy Koech M.P. Konoin  
Hon. Niacca Johnston Manyi M.P. Mumias West  
Hon. Wilberforce Otichilo M.P. Emuhaya  
Hon. Simiyu Eseli M.P. Tongaren  
Hon. Ababu Namwamba M.P. Budalangi  
Hon. Mary Emaase M.P. Teso South  
Hon. David Ouma Ochieng M.P. Ugenya  
Hon. Joshua Aduma M.P. Nyakach  
Hon. George Oner M.P. Rangwe  
Governor Zachary Obado, Migori County  
Hon. Shadrack Roger Mwitia M.P. Kiria East  
Hon. Simon Ogare M.P. Bomachoge Chache  
Hon. Ben Momanyi M.P. Borabu  
Hon. John Chege M.P. Kasarani  
Hon. Joyce Cherono Laboso M.P. Sotik  
Hon. James Murgor M.P. Keiyo North  
Hon. Naomi Shaban M.P. Taveta  
Hon. Ibrahim Ahmed Sane M.P. Garsen

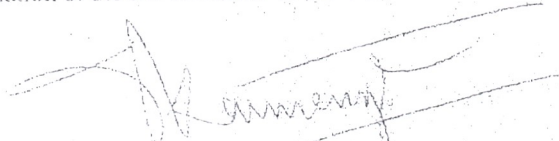
**GoK SUPPORT TO TVET PROJECT FOR THE ESTABLISHMENT OF NEW  
TECHNICAL AND VOCATIONAL COLLEGES, PHASE ONE IN CONSTITUENCIES  
THAT CURRENTLY HAVE NONE**

Reference is made to my letter to you Ref. No. MST/DTE/6/5 VOL V dated 9<sup>th</sup> May, 2014 on the above subject.

I take this chance to thank you for your timely response, congratulate you and inform you that your constituency has been identified as one of the sixty where construction of TTIs will be undertaken in the first phase of this project.

Due to the foregoing the Ministry has arranged for a meeting on 19<sup>th</sup> August 2014 to chart the way forward on the implementation of the project. You are therefore invited to attend this very important meeting which will take place in the large Conference Room, Jogoo House 'B' 10<sup>th</sup> floor from 9.00 a.m.

As you come for the meeting, please bring a copy of the title deed or an allotment letter in the name of the proposed TTI. If you had submitted one, you are still asked to do so as a confirmation of the site and name of the TTI.

  
PROF. JACOB T. KAIMENYI, PH.D. FICD, EBS  
CABINET SECRETARY



# PROVINCIAL



**DISPLACED TO PROTEST AT FAILED RESETTLEMENT**  
We cannot continue to live on empty promises, say IDPs. Page 34

FRUITFUL structures coming up on plots said to have been given out illegally to individuals

## Anti-graft team in Mombasa to probe alleged grabbing of Moi airport land

Asset was dishied out to tycoons well connected to lands ministry officials and politicians

BY GITONGI AMARETE  
gite@kenya.nationmedia.com

The Kenya Anti-Corruption Commission (KACC) is investigating alleged grabbing of land said to belong to a parastatal.

Kenya Airports Authority's 15 hectares at Moi International Airport in Mombasa are alleged to have been illegally allocated to private developers.

The public raised the red flag when the chunk of land neighbouring the airport was subdivided into plots about two years ago and buildings started coming up.

A resident who spoke on condition of anonymity for fear of being targeted said that some elders, community leaders and Lands ministry officials had been compromised by fish and inland central individuals who eventually grabbed the plots.

Part of the land was being used as a play ground for our children and we were shocked to see perimeter walls being erected and access roads blocked," said the resident.

He said after a spirited fight against the grabbers they finally wrote to KACC director Patrick Kamunyu who ordered for investigations.

THE NUMBERS  
About the property  
15  
2009  
When Kenya Airports Authority complained over the alleged fraud



Workers at the construction site on the 15 hectares belonging to Kenya Airports Authority (KAA) allegedly grabbed by the private developers. A Kenya Anti-Corruption Commission team has moved in to investigate the matter.

KACC wants to establish the circumstances under which the land, which members of the Kwango community claim belonged to their forefathers before it was surrendered to KAA, was divided off and allocated to individuals.

KACC communications manager Nicholas Simani confirmed that the anti-corruption commission had launched investigations.

"This is a very crucial area for the airport because planes fly over as they land or take off and it would be a security risk to have private investors coming up with developments such as container depots as is the case

### BRIEFLY

#### POKOT

##### Man kills cousin over love affair with wife

A love triangle turned tragic yesterday when a man clubbed his cousin to death for allegedly eloping with his wife. Mr. Bwasi Akidenger, 55, died of head injuries he sustained after he was attacked by his cousin. "A fight erupted after the man found his cousin in an accompanying position with his wife," said Mr. Nicholas Mushi, the POKOT Central Police boss. Mr. Mushi said the man was arrested and will be charged with murder.

#### MIGORI

##### Domestic row ends with husband's suicide

A middle-aged man committed suicide in Migori Town after he was deserted by his wife. Neighbours found the body hanging from the ceiling of his one-room house in Oryu-13th Estate yesterday. The police said he might have killed himself a few days earlier. The wife left after a domestic row, taking with her all the household property.

#### HOMBASA

##### Chiefs urged to take drug addicts for rehab

Chiefs and their assistants have been ordered to reach out for drug addicts in their houses and take them to hospital for rehabilitation. "We suspect there are over 200 victims in this district. We want them to go for treatment and they should not



Chiefs and their assistants have been ordered to reach out for drug addicts in their houses and take them to hospital for rehabilitation. "We suspect there are over 200 victims in this district. We want them to go for treatment and they should not



# Joho tells land grabbers to hand over titles to him

## MOHABASA COUNTY

By KELVIN KARANI and PHILIP MWAKIO

Mombasa governor Hassan Joho assured area citizens that he will guard all public land from encroachment.

Speaking during the official handing over of the Buxton Estate title deeds from Family Bank to the County Government, Joho said he will work with the National Land Commission and the Lands ministry to ensure that all the titles irregularly obtained are repossessed by the county government.

Joho said he had seized the titles held by the defunct Mombasa Municipal Council whose assets and liabilities were inherited by the County government. The new administration appears to have entered a settlement with the bank.

### Return titles

Joho assured the 346 families residing in Buxton Estate that the return of the title deeds is an assurance that they are safe and should not worry about being threatened by any person over the estate.

Currently, Mombasa County has recovered different parcels of land that had been seized. Among the recovered land title deeds are Mvita Hill, Bamburi Beach and Uhuru Gardens. The governor has also asked those who have grabbed land

in the county to ensure that they return it.

"Mohammed Abdallah has taken the initiative to return the land and we are now planning to build a clinic when he returns the title deeds. All those who have grabbed land in Mombasa should follow suit," said Joho.

Joho has also committed to officially register all the tenants in the county government houses as a way of ensuring that there is control and monitoring of the houses.

### Unable to carry out functions

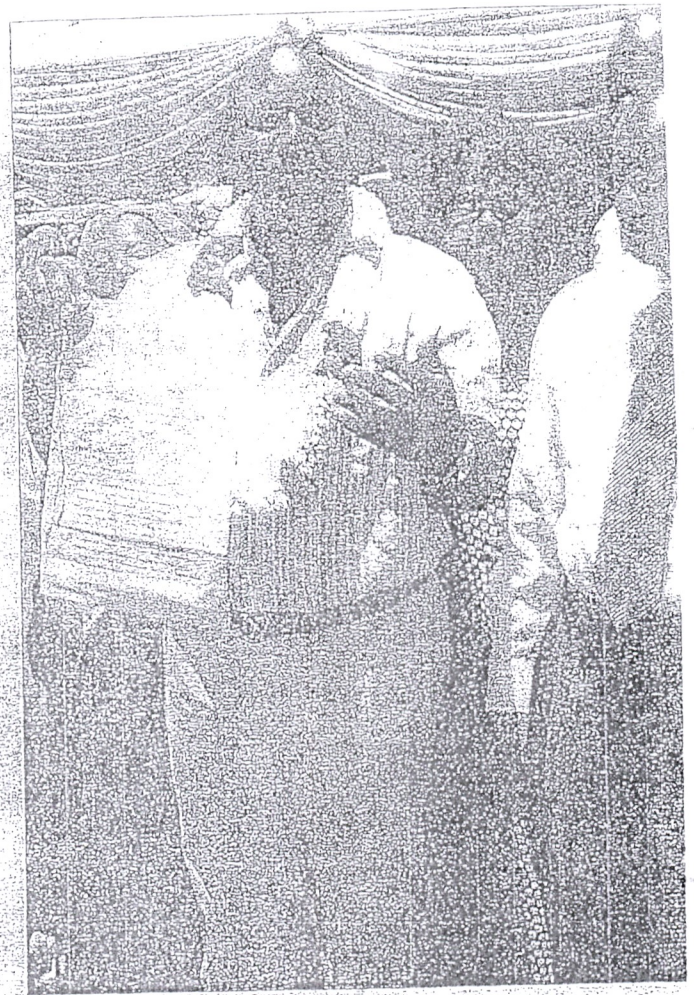
More houses are however expected to be built by the county government, especially at Buxton Estate, in efforts to renovate old houses and also build good, strong and appealing houses for everyone in the county.

Meanwhile, Members of the County Assembly (MCAs) with special needs and disabilities now want to be assigned government employed Personal Assistants (PAs).

Speaking during the recent inaugural MCA National forum in Mombasa, the MCAs said they were unable to carry out their functions amicably without the help of PAs.

"It is ironic that normal MCAs have PAs, some being paid from the county coffers. Those of us with physical disabilities have none," John Maganga, a nominated Person with Physical Disability (PWD) from Taita Taveta County said.

And Ms Fatma Kidzo Mwambeyu, a nominated MCA with disabilities from Kwale County said



### COST OF DISABILITY

Ms Angelina Akar Kodj, a nominated MCA from Tharaka Nithi County said that she lost out on an overseas trip due to lack of a PA to accompany her.

"I was cleared by my County to travel to Israel for an important fact finding and educational trip but failed to travel after organisers insisted on me being accompanied by a PA," MS Kodj said.

they were greatly challenged as people's representatives with special needs especially when attending meetings and conferences in hotels which lack special infrastructure.

"We end up not attending or even arrive late as we have to navigate by

Mombasa County Govern Ali Joho (left) displays title deeds for Buxton houses to Family Bank manager Ve Nithi (right) yesterday. He was grabbing to return the land to the county government. (PHOTO BY KELVIN KARANI/STANDARD)

our own to reach the meetings which lack basic infrastructure are disabled friendly," she said.

### Rendered useless

Ms Mwambeyu said it is for some of their colleagues with special needs like sight impaired who are made to just sit through sessions at meetings and conferences as materials being discussed are in print and none in audio.

The MCAs said if not improved they will be rendered useless. They want to be part of in setting and nation building.



# KENYA ANTI-CORRUPTION COMMISSION

INTEGRITY CENTRE  
(Valley Rd. /Milimani Rd.  
Junction)  
P.O. Box 61130  
00200 - NAIROBI, Kenya



Tel.: 254 (020) 2717316/310721  
Fax: 254 (020) 2719757  
Email: kacc@integrity.go.ke  
Website: www.kacc.go.ke

When replying please quote:

KACC/INV. 6/16/1 Vol. LXXIV (14)

14<sup>th</sup> October, 2010

Mr. Juma Bakari  
C/o Harry Buka  
P O Box 14288 - 00800  
MOMBASA

Dear *Juma!*

RE: LAND GRABBING - PLOT NO. 1066/3665/4751 - PORT REITZ,  
MOMBASA

I thank you most sincerely for your letter dated 20<sup>th</sup> September, 2010 and express my heartfelt gratitude for your kind words.

Please follow up the above matter with Mr. Abdi Mohamud at the following address: -

Mr. Abdi Mohamud  
Kenya Anti-Corruption Commission  
Apollo Court, Moi Avenue  
P O Box 82351 - 80100  
MOMBASA  
041- 2319081/2319082

Yours

*Sincerely*  
PROF. PLG LUMUMBA, Ph.D  
DIRECTOR/CHIEF EXECUTIVE

cc: Mr. Abdi Mohamud  
Kenya Anti-Corruption Commission  
P O Box 82351 - 80100  
MOMBASA



C/O H. ...  
P.O. BOX ...  
NAIROBI

28 September 2011

MR. PLO LUMUMBA  
DIRECTOR  
KENYA ANTI-CORRUPTION COMMISSION  
INTEGRITY CENTRE  
P.O. BOX 11130 - 00200  
NAIROBI  
KENYA

Dear Sir,

REF: LAND GRABBING  
PLOT NO:1066/3665/4751 - PORT - REITZ MOMBASA

On behalf of the affected community of Port -- Reitz, Mwingo village in particular, we would like to congratulate you for your appointment to that challenging position especially this reign when efforts to fight corruption have been put in place. We recall your well framed, organized and meaningful speech after the sworn in ceremony which gave hope to the oppressed Kenyan that at long last an avenue has been found to restore back that which was stolen by the big fish.

We have been for long time looking into possible ways of ensuring justice is accorded to every rightful Kenyan but without success. Land grabbing has been a continuous practice in the Coastal region of Kenya. The following questions have been asked:

- Are we true Kenyans?
- Do we have rights to enjoy the fruits of freedom?
- When will God raise a deliverer to redeem the oppressed from this dragon "corruption"?
- Will Coastal people have another opportunity to be proud of their parcels of land?
- Who is the mastermind of this malpractice?
- Shall we rise up physically to defend our pieces of land from grabbers?

Mr. Director, you are a true Kenyan, a true patriot and we hope and trust that time has come for the neglected and underrated communities to have a sigh of relief.

This is not our first letter to your organization. We believe this time round, you will step in to investigate this matter since you are the only person entrusted to the rights of Kenyans.

It is so sad to see crimes being committed and nothing or no efforts are put in place to bring the culprits to books. The grabbing of:

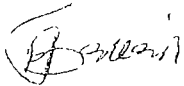
- Mwingo Football ground which is a government land and already converted to a container depot is a puzzle to the residents' to date.
- The grabbing of a government parcel of land belonging to Kenya Airport Authority by a private developer (white man) is unbelievable.

Mr. Director, we are ready to feed you with tangible evidence to prove that corruption took place and that every parcel of land should be re-possessed by the government for legal use

It is sad to see private developers who are not even Kenyans are bullying the natives because of their financial capabilities and support by fellow Kenyans who have joined the corruption ship. They have manipulated the poor Kenyans to sell their birth rights. We must stand to reclaim the rights of Kenyans.

Kindly send your men to start investigations in order to end this long time struggle of redemption.

Yours faithfully,



JUMA BAKARI  
for Mwingo Community  
Mobile: 0721-992-078



# Kenya Airports Authority

Kenya Airports Authority  
P.O. Box 93004 Mombasa Kenya  
Tel: 254 - 041 - 3433211 / 3432212-13  
Fax: 254 - 041 - 434434  
E-mail: kaa@kaa-moiairport.co.ke  
www.kenyaairports.co.ke

KAAM/MA/5/02/03 VOL.XI/96

24<sup>th</sup> MARCH 2009

The Director  
PANAFCON Agencies Limited  
P.O. Box 82077  
MOMBASA.

KENYA AIRPORTS AUTHORITY- LAND, PORT REITZ PLOT  
NO.1066/3665/4751.

It has come to our attention that you claim ownership to a parcel of land known as Plot No. 4751 which was previously Plot No. 3665 which was hived off Plot No. 1066 that is to date land that belongs to Kenya Airports Authority

It has also come to our attention that you have embarked on construction at the said plot and on the evening of 23<sup>rd</sup> March 2009 sent individuals to maliciously destroy our Perimeter fence that protects the Transmitting Station with a view to constructing your own perimeter wall.

Please be informed that the Kenya Airports Authority has not surrendered the said portion of land to any authority whatsoever and that the piece of land is under dispute awaiting legal arbitration. Any activity on your part on the said plot before this is done shall therefore be deemed as encroachment with intent to cause destruction of our property.

This is therefore to ask yourselves to stop any activity on the above plot until such time that the matter shall be resolved to the satisfaction of all parties. Meanwhile you are free to consult us on any issue regarding the above plot.

*Yatech Kangugo*

YATECH KANGUGO  
Airport Manager.

c. The Provincial Commissioner  
Coast Province  
P.O. Box 90424  
MOMBASA.

Port Reitz/Mwingo Community  
C/o P.O. Box 92803  
Mombasa

April 15, 2003

The Manager  
Kenya Airport Authority  
Moi International Airport  
P.O. Box 93904  
Mombasa

Dear Sir,

Re: KENYA AIRPORT AUTHORITY LAND (PLOT NUMBER 4751)

It is our great concern that we do hereby bring to your attention the illegal allocation of the said plot, which to the best of our knowledge originally belongs to the Kenya Airport Authority. The said plot is at Mwingo in Port Reitz area near the radar transmission and was being used by the Port Reitz Community as playing ground for the youths.

We are perturbed to learn that the plot has been allocated to Doshi Iron Mongers who are notorious in grabbing government land, which includes the Mombasa District Commissioner's official residence.

We as a community are prepared to put up a spirited fight to stop Doshi from developing the land, however we can only do so as informed citizens against this ugly malpractice which our current popularly re-elected government is in the process of redressing the situation otherwise we do not have a locus standing. We are therefore requesting your office to confirm to the District Commissioner's office the true status of the piece of land. Meanwhile we are pursuing other means to have Doshi Iron Mongers prevented from grabbing this property.

We shall appreciate your prompt action in the matter as it is causing a lot of anxiety in the community.

Thank you,

Yours faithfully,

for: **PORT REITZ MWINGO COMMUNITY**

  
**ABDULLAHI JUMA**

cc: Provincial Commissioner-Coast  
Kenya Anti Corruption,  
Police Unit - NBI

cc: District Commissioner - MSA  
M.D. - Kenya Airport Authority - NBI



LANDS, PLANNING & HOUSING  
MOMBASA COUNTY

Kenya Tower  
Annex, 3rd floor  
Wari Road  
P.O. Box 81599-80100  
MOMBASA

Telephone: 041 249 4 499  
Wireless: 020 354 8196  
Email: plan@mombasa.go.ke

**OUR REF: LPH/9-13/003**

*September 9, 2013*

**The General Manager**  
Kenya Petroleum Refineries Limited  
P.O. Box 90401-80100  
**MOMBASA**

Dear Sir,

**RE: PLOT NO. 12223/VI/MN**

Your letter dated August 20, 2013 *Ref. GM. 007/08/2013* refers.

Kenya Petroleum Refineries Limited seeks for approval / no objection, so as to lease a portion of the above mentioned land that has been unutilized for over 50 years.

However, I wish to inform you that similarly the county government has received several objections from the area leaders and the community against intentions to allow the issuance of any lease in respect to this portion of land.

The community and the leaders from Changamwe have instead requested the county government to acquire this land for purposed of initiating development projects.

Thus be guided that we shall be objecting to the leasing of this land to third parties for any use.



Yours sincerely,

**Francis Thoya**  
County Executive  
Economic Development, Planning & Housing

cc: H.E. The Governor  
Chief of Staff  
City Manager (Administration)

REPUBLIC OF KENYA

MOMBASA COUNTY



Date:

E-Mail:cityadmin@mombasa.go.ke

P.O. BOX 90440-80100  
MOMBASA.

Ref: TP2\1\7\2

Date. 27/08/2013

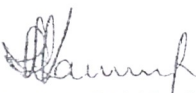
To: County Executive of Lands

From: City Manager (Administration)

RE: APPROVAL FOR LEASE OF PORTION OF LAND.

Your letter ref: GM 007 /08/08/2013 dated 20<sup>th</sup> August, 2013 the Kenya Petroleum Refineries Ltd who own parcel of land plot no. 12223/v1/MN notified the county government on their intention to lease party of the said plot to a third party.

I therefore request for your comment and those of the ward representative of area before giving them a response.

  
ROSE NGOWA (Mrs)

CITY MANAGER (ADMINISTRATION)

RECEIVED

05 SEP 2013

SECRETARY

# THE COLONY AND PROTECTORATE OF KENYA.



## LAND TITLES ORDINANCE, 1908.

### SCHEDULE I. FORM B.

#### CERTIFICATE OF OWNERSHIP.

I Phineas Ernest Wolffe, Esq. Recorder of Titles do hereby certify that  
Ali bin Abdulla bin Shimbwa

is the proprietor of an estate in fee (together with the mineral Rights) <sup>(1)</sup> in that piece of land situate in the Province of Seiyidie at Changamwe and which is demarcated and delineated on the plan No. 21579 deposited in the Office of the Recorder of Titles at Mombasa and thereon numbered 912, Sec. VI and containing five point seven one acres or thereabouts and subject to such mortgages and other interests (if any) as hereunder written. <sup>(2)</sup>

IN WITNESS whereof I have hereunto set my hand and seal this 8th day of January 1924.

Certificate Fees 45/48  
Survey 60/-

**Fees Paid**  
50% remitted  
Date 30th May 1924

[Signature]  
L. S.  
Recorder of Titles.

Mortgages and other interests above referred to:

DEPT. OF LANDS, E.A.P.

Land Registration Officer, Coast Registry, Mombasa  
Presented 9/1/24 Registered No. C.R. 7360/2  
Time 10 a.m. Registrar of Titles

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:  
Ch. 7360/2

Letters of Administration in favour of the Public Trustee of the Colony and Protectorate of Kenya as representative of Ali bin Abdulla bin Shimbwa deceased  
Presentation 16/2/24 Date of Registration 14/2/24 Registrar of Titles

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:  
Ch. 7360/3

Transfer to Luwena binti Ali Al-Hinawiya

Registration No. 299/43 Date of Registration 18/2/43 Registrar of Titles

THE COLONY AND PROTECTORATE



LAND TITLES ORDINANCE

SCHEDULE I. FORM B.

CERTIFICATE OF OWNERSHIP

I Adrian John Maclean Recorder  
Gyasi bin Athman & Khindi of Mombasa

is the proprietor of an estate in fee (together with the mineral Rights) <sup>(1)</sup> in that piece of Seyidi at Utange and delineated on the plan No. 14957 deposited in the Office of the Recorder numbered 184 of Sec. I and containing Five point nine two acres (5.92) mortgages and other interests (if any) as hereunder written. <sup>(2)</sup>

IN WITNESS WHEREOF I have hereunto set my hand and seal this 21<sup>st</sup> day of

Certificate Fees Sh. 12/-  
Survey Sh. 20/-

A. J. Maclean

RECORDER

Fees Paid  
50% remitted  
Date 22<sup>nd</sup> 5<sup>th</sup> 1924

Mortgages and other interests above referred to:



