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NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT - THIRD SESSION - 2015

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THE DEPARTMENTAL COMMITTEE ON LANDS

REPORT ON THE PETITION BY RESIDENTS OF KAJIADO WEST  
CONSTITUENCY REGARDING THE COMPULSORY ACQUISITION OF LAND  
REFERENCE NGONG/NGONG 1959

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

DECEMBER, 2015

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## **1.0 PREFACE**

On behalf of the Departmental Committee on Lands and pursuant to provisions of Standing Order 227, it is my pleasant privilege and honor to present to this House the Report on the petition by residents of Kajiado West Constituency regarding the compulsory acquisition of land reference Ngong/Ngong/1959.

The petition was tabled in the House pursuant to standing Order No. 225 (2)(a) by the Hon. Moses Ole Sakuda ,M.P. on behalf Kajiado West Constituency residents.

## **1.1 MANDATE OF THE COMMITTEE**

The Committee is established pursuant to the provisions of Standing Order 216 and is mandated to:-

- a) To 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) To study the Programme and policy objectives of Ministries and Departments and effectiveness of the implementation;
- c) To study and review all legislation referred to it;
- d) To 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) To 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) To 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) To 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:

1. The Hon. Alex Mwiru, M.P. (**Chairperson**)
2. The Hon. Moses Ole Sakuda, M.P (**Vice Chairperson**)
3. The Hon. Onesmus 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.
7. The Hon. Francis Njenga, M.P.
8. The Hon. A. Shariff, M.P.
9. The Hon. Eusilah Jepkosgei, M.P.
10. The Hon. Benard Bett, M.P.
11. The Hon. Kipruto Moi, M.P.
12. The Hon. Oscar Sudi, M.P.
13. The Hon. Hellen Chepkwony, M.P.
14. The Hon. Sarah Korere, M.P.
15. The Hon. Julius Ndegwa, M.P.
16. The Hon. Benson Mbai, M.P.
17. The Hon. Kanini Kega, M.P.
18. The Hon. Esther Murugi, M.P.
19. The Hon. Gideon M. Mung'aro, M.P.
20. The Hon. Hezron Awiti Bollo, M.P.
21. The Hon. Suleiman Dori Ramadhani, M.P.
22. The Hon. George Oner Ogalo, M.P.
23. The Hon. Lekidime Lempurkel Mathew, M.P.
24. The Hon. Shakila Abdallah, M.P.
25. The Hon. Paul Otuoma, M.P.

26. The Hon. Thomas Mwacheghu, M.P.
27. The Hon. Magwanga Joseph Oyugi, M.P.
28. The Hon. Aburi Lawrence Mpuru, M.P.
29. The Hon. Patrick Makau, M.P.

### **1.3 COMMITMENT AND CONSIDERATION OF THE PETITION**

- 1.3.1 Pursuant to Standing Order 227 (1), the petition was referred to the Departmental Committee on Lands for consideration and preparation of a report within 60 days. The Committee considered the petition pursuant to the provision of Standing Order 227(1) and (2).
- 1.3.2 The Committee proceeded with the consideration of the petition by holding meetings to set up terms of reference and scheduling meetings.
- 1.3.3 In considering the petition, the Committee invited and held meetings with the Petitioners, area Members of Parliament, Ministry of Lands, Housing, and Urban Development, Ministry of Agriculture, Livestock and Fisheries and the National Land Commission. The meetings were aimed at responding to issues raised by the petitioners.
- 1.3.4 The Committee also undertook an inspection visit to Ngong Veterinary Farm in Ngong, Kajiado on 15<sup>th</sup> July 2015. The objective of the visit was to assess the situation on the ground and collect views of the residents of Ngong Veterinary area with an aim of recommending sustainable solution and settle outstanding issues.

### **1.4 COMMITTEE OBSERVATIONS**

Having held meetings and considered the submissions presented on the Petition, the Committee observed as follows, that:-

1. In 1957, the Government vide gazette notice No.890 allocated 1400 acres to the Veterinary Department for training purposes. However only 459 acres are committed and in use by the said department. The remainder of the land is uncommitted and has been encroached into by various private and public institutions which are not using the land rationally, productively and sustainably. (see Annexe 2 and Annexe 4-c).
2. There are illegal, irregular, allocations and dispositions of grants against the original

purpose for which the land (Ngong/Ngong/1959) was set aside with various private and public institutions on the land, with no Cabinet memorandum authorising the change of user for the government land, previously allocated and in custody of the Veterinary Department in the Ministry of Livestock as hereunder:(see Annexe 7-a)

- a) Ministry of Roads(Kenya Institute of Highways and Building (KHBIT) - 75 acres
  - b) Halal meat products - 12 acres
  - c) Army gravelling unit & training - 10 acres
  - d) Meteorological department - 100 acres (issued in 1995)
  - e) East African Motor Sports Club - 100 acres
  - f) Kenya Police - 120 acres
  - g) Ngong dumpsite(Kajiado County Government) - 20 acres (issued in 2010)
3. The Veterinary Department has some limited activities on the land contrary to the original purpose of veterinary training, and the department has shown laxity and complacency by not raising any complaint to various private and public institutions who have encroached and are not actively using the part of the land which is uncommitted by the veterinary department.
4. On 8<sup>th</sup> October 2012, the Hon.Mohammed Kuti, EGH M.P. while Minister for Livestock Development warned the then Commissioner for Lands, Mr. Zablon Mabea against allocating Government land to institutions or individuals without following due process which entails issuance of a Cabinet Memorandum countersigned by the Minister of Lands, and such land can only be allocated after the Cabinet has discussed and authorised the same. The Minister further warned of possible cancellation of all allocations of Government land under the custody of the Ministry of Livestock Development. (see Annexe 4-b)
5. There are various groups i.e. Gikuyu na Mumbi group, people claiming to be members of the Kaputiei Clan of the Maasai Community, and a group of people from Kajiado East and Kajiado West among others who appeared before the Committee and claimed to be the original owners of the said land (Ngong/Ngong/1959).

## **1.5 RESPONSE TO PRAYERS IN THE PETITION**

### **1.5.1 The Petitioners had prayed that the National Assembly through the Departmental Committee,**

1. Investigates the circumstances under which part of the Ngong/Ngong/1959 which is community land that was set aside for veterinary department was irregularly allocated to private owners and titles issued;
2. Urges government to compel that Veterinary department surrenders the entire land back for adjudication and redistribution to its original owners in keeping with provisions of article 63 of the Constitution and the Land Act 2012 regarding Community Land;

### **1.5.2 As to the 1st Prayer, the Committee recommends that:**

1. The Ministry of Lands, Housing and Urban Development in collaboration with the National Land Commission should:
  - a. Conduct a Survey on Ngong/Ngong/1959 to establish its actual size and review all irregular, illegal, allocations and dispositions of grants to private and public institutions with a view to establish if the correct procedure was followed in the reallocation of the said land, and if the procedure was not followed, to immediately cancel such allocation pursuant to the Ministerial directive dated 8<sup>th</sup> October 2012 and conduct adjudication and redistribution of the said land to its original owners;
  - b. Probes the private and public institutions who regularly and procedurally allocated the uncommitted part of Ngong/Ngong/1959 to establish if they are sustainably utilizing the allotted parcels with the intention of varying such allocations with a view to reverting the unused parcels of land to the community and carrying out an adjudication and redistribution of the said land to the original owners;
  - c. Investigates the claims by the various groups with a view to establish the genuineness of their claim and those found to be genuine be included in the list of people to be allocated land.

2. The Ethics and Anti-Corruption Commission and the Criminal Investigations Department to conduct a forensic audit of documents in possession by private entities occupying Ngong/Ngong/1959 with a view to prosecuting individuals who acted illegally and un procedurally in their production.

**b) As to the 2<sup>nd</sup> Prayer, the Committee recommends that:**

1. The prayer is granted and the Ministry of Lands , Housing and Urban Development and the National Land Commission to compel the Veterinary department and any other Government institution regularly and procedurally allocated a parcel of land on Ngong/Ngong/1959 to surrender all the land which is unused and uncommitted back to the original inhabitants for adjudication and redistribution in keeping with the provisions of Article 63 of the Constitution and the Land Act 2012 in regards to Community Land.

#### **1.6 ADOPTION OF THE REPORT**

We, the Members of the Departmental Committee on Lands have pursuant to Standing order 199 adopted this Report on the petition by Residents of Kajiado West Constituency regarding the compulsory acquisition of land reference Ngong/Ngong/ 1959 as affirmed by the attached Adoption List.

**1.7 ACKNOWLEDGEMENT**

The Committee wishes to sincerely thank the Offices of the Speaker and the Clerk of the National Assembly for the support extended to it in the execution of its mandate.

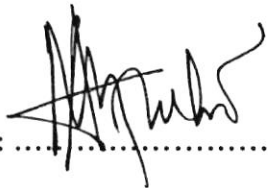
I take this opportunity to thank all Members of the Committee for their patience, sacrifice, endurance and hard work during the long sitting hours under tight schedules which enabled us to complete the tasks within the stipulated period.

The Committee wishes to record its appreciation for the services rendered by the staff of the National Assembly attached to the Committee. Their efforts made the work of the Committee and the production of this report possible.

The Committee is also grateful to all the witnesses who made submissions and presentations before the Committee during the fact finding visit. Their contributions gave the Committee the much needed insights into the issues under investigations and possible solutions.

Finally, it is now my pleasant duty, on behalf of the Departmental Committee on Lands, to present this report pursuant to the provisions of Standing Order 199(6).

Thank You,

SIGNED:  .....

DATE:  .....

(HON. ALEX M. MWIRU, MP)

**CHAIRPERSON**

**DEPARTMENTAL COMMITTEE ON LANDS**

## 2.0 BACKGROUND INFORMATION

2.0.1 The Petition by residents of Kajiado west constituency was presented to the House by Hon. Moses Ole Sakuda, M.P pursuant to Article 119. (1) of the Constitution of Kenya 2010 and the provisions of Standing Order 225(2) (a);

2.0.2 The Petition was referred to the Committee on Thursday 25<sup>th</sup> June 2015, for consideration and preparation of a report within 60 days. The Committee considered the petition pursuant to the provisions of Standing order 227;

2.0.3 The Petitioners wished to draw to the attention of the House on the following,

- i. Vide a gazette notice no.890 of 1957 ,published pursuant to the provisions of the Native Trust Ordinance ,Cap 100 ( now repealed), on 5<sup>th</sup> March 1957, the government vested approximately 1510 acres of land to Veterinary Department for the Purpose of developing a Veterinary farm and a training center;
- ii. The gazette notice clearly indicated that the setting apart was for the benefit of the natives;
- iii. Contrary to this noble idea for which the land was set aside, the land has not been put to the intended use;
- iv. The said parcel of land has over time been illegally excised thereby disenfranchising the Keek –Onyoike Community of Kajiado, the local community thereto referred to as “the Africans” in the gazzeted notice;
- v. Approximately 473 acres have since been irregularly excised and title deeds issued to other public and private entities for purposes contrary to the original intention of the setting aside of the said parcel;
- vi. If urgent intervention is not made, the remaining 1037 acres of the said land risks being allocated to private developers;
- vii. Efforts to have the land revert to the community since Veterinary department is not using it has been fraught with frustrations;
- viii. Nearly 1037 acres registered as LR No. Ngong/Ngong/21400 currently remains unalienated;
- ix. The matter in which the petition is made is not pending before any court of law or constitutional body.

2.0.4 The Committee held various sessions in Parliament and visited the area on 15<sup>th</sup> July 2015, with a view to receiving information on the contents of the petition.

### 3.0 SUBMISSIONS AND EVIDENCE

Having received the Petition, the Committee commenced its consideration by inviting the Members of Parliament for Kajiado North and Kajiado West Constituencies, Petitioners, Cabinet Secretary for Lands, Housing and Urban Development, Cabinet Secretary for Agriculture and Livestock Development, and the Chairman, National Land Commission for meetings. The Committee further undertook an inspection visit to Ngong Veterinary land where it met with the residents and area leaders.

During the meetings, written and oral evidence was adduced as recorded hereunder:-

#### 3.1 SUBMISSIONS FROM THE HON. MOSES OLE SAKUDA, AREA MEMBER OF PARLIAMENT, KAJIADO WEST CONSTITUENCY

The Hon. Moses Ole Sakuda informed the Committee as follows:

- 3.1.1 In 1957, according to a Kenya gazette notice no. 890, approximately 1510 acres of land was hived and allocated to the veterinary department for the purposes of breeding, good farm practice, and training in an effort to improve the livelihoods of Keek- Onyoike Community of Kajiado;
- 3.1.2 After 50 years, no productive activity has taken place in the land that targets the Community as direct beneficiaries;
- 3.1.3 The land has in the contrary been used to benefit other people, companies, individuals, institutions etc. according to a report by the registrar of lands Kajiado North district dated 14th December 2014.
- 3.1.4 The following are the beneficiaries namely:

Institution	Acreage	Remarks
Ministry of Livestock	120	Ministry of livestock veterinary
Ministry of Roads Building	75	Kenya Institute of highway &

Halal Meat Products	12	Ngong/Ngong/2628 and 26/29
Army graveling unit & Training	10	Armed forces athletics camp
Metrological Department with title IRN	100	Excised in 1995,already issued 5654
Ngong Dump Site	20	
East Africa Motor Sports UNB	100	Already issued with titles
Kenya Police	142	Building police Houses
<b>TOTAL COMMITED</b>	576	Already issued with titles
<b>TOTAL UNCOMMITTED</b>	931	Uncommitted, No title

- 3.1.5 In view of the foregoing, records available show that the original purpose and intent of the land Ngong/Ngong 1959 which had initially been registered as a place for veterinary activities and training of people has been diverted to serve others;
- 3.1.6 In view of the diversion, the Community including all leaders went to court to reclaim the land in full. However, given the cost and other pending issues around this land, the community decided to follow a different route because of unexplained delays in court;
- 3.1.7 The community is proposing that it be allowed to take the 931 acres that remain uncommitted through a registered trust (Ormorogi Dairy Trust).The Community has further identified potential investors who can utilise the uncommitted land;
- 3.1.8 The community had proposed to undertake the following activities on the land in a letter to the Cabinet Secretary for agriculture In January 2015;
- a) Food production to ensure food security
  - b) Animal husbandry
  - c) Skin and hide industry
  - d) Hay Production
  - e) Slaughter house/abattoir
  - f) Dairy industry
  - g) Animal husbandry university
- 3.1.9 The Committee was further informed that the metrological department is building a hotel on the land against the envisaged usage of the land;

- 3.1.10 The Chinese company which was constructing the bypass was given about 50 acres to use as a quarry for materials to construct the bypass;
- 3.1.11 When the community approached the Cabinet Secretary for Agriculture to have uncommitted land back, a committee of four people was appointed by the CS to look into the matter and was scheduled to hold a final meeting;
- 3.1.12 It is not clear how the land moved from the Ol Kejuado County Council to the Commissioner of lands to allow for the excisions;
- 3.1.13 The National Land Commission is yet to be involved in the matter as most of the files are with the Ministry;
- 3.1.14 Halal Meat factory who have a title to the land charged the land to Kenya Commercial Bank for 6.5 million;
- 3.1.15 The land is vacant except for the Kenya National Highway Authority, Metrological Department

## **3.2 SUBMISSIONS FROM PETITIONERS FROM KAJIADO WEST CONSTITUENCY**

Rev. Stephen Mparinkoi representing the petitioners informed the Committee as follows:

- 3.2.1 In early 1938, the colonial government approached the Ilkeek Onyoike community and requested the community to set apart a piece of land to start a farmers training in Ngong area;
- 3.2.2 The Ngong farmers training centre was officially set apart by the Ilkeek Onyoike community in 1938. In 1939 the then chief Kairraga Ole Sataga mobilized the community to donate 50 heifers and 200 red Maasai ewes. The colonial government gave out 1 sahiwal bull and 1 ram for breeding the donated livestock;
- 3.2.3 The purpose of the Ngong Farmers Training Centre was:
- a) Cross breeding of livestock for higher yields from all over Maasai land
  - b) Training indigenous Maasai people in animal and crop husbandry
  - c) Hay bailing in readiness against draught
  - d) Research purposes and as a production line for drugs against animal diseases
- 3.2.4 Ngong Veterinary was first gazzeted on 2nd August 1956 vide gazette notice No.3818

and later on given a new gazette no.890 on 18th Feb 1957 by K. M Cowley, the Southern Province Provincial Commissioner. The contents of the gazette notices were similar without any alterations. This was done under the native lands trust ordinance(cap 100) setting apart land under section 12 ;

- 3.2.5 The Ngong veterinary farm along with others e.g. Isinya FTC in Kajiado,Purko Sheep ranch in Narok amongst others were under the custody of respective county Councils;
- 3.2.6 On 24<sup>th</sup> March 1975,the name of the first proprietor i.e. the Olkejuado County Council was changed to government of Kenya without consulting the indigenous people ,the Ilkeek –Onyoike who set apart the land for veterinary farm and training;
- 3.2.7 On 18<sup>th</sup> April 1975,a certificate of lease was issued to Halal Meat Products limited, parcel no Ngong /Ngong 2628 measuring 0.5946 ha;
- 3.2.8 On 14<sup>th</sup> March 1975, LR. No. Ngong/Ngong/2629 measuring approximately 3.990 ha was hived off. The registry map sheet is not available or indicated in the green card;
- 3.2.9 The green cards have been routinely tampered without even considering terms and conditions on community Trust Land Act;
- 3.2.10 Kibiko holding grounds land was set apart in 1938 and was officially gazetted in 1957 as a cattle trading centre for the Maasai indigenous people. When the Olkejuado County Council failed to meet its obligations as the custodian, the land was given back to the Ilkeek Onyoike community and the land is adequately used by the community and it remains intact to date. The community is responsible and its members and leadership is not given to land grabbing and other manifestations of selfish interests;
- 3.2.11 Embakasi forest land was set apart in 1938 and was officially gazzeted in 1941 under the natural resources and forests act. The community set apart the land for sustaining and protecting Embakasi river source and also to enhance the yield of the Kerarapon water springs. Since the Ilkeek Onyoike Community the Kibiko holding ground ,the logging in Embakasi forest has significantly gone down because of the forest committee formed to assist the forest officers;
- 3.2.12 The Community requests for the assistance of the committee in pursuing the status of this land and assist in securing the entire land to its original status;
- 3.2.13 Halal Meat Company, a private entity which owns part of the land had Charged the land

to Kenya Commercial Bank over a Ksh. 65 million loan. The bank was to auction the land after Halal failed to repay the loan but the community went to court and stopped the auction;

- 3.2.14 Kenya Institute of Highway and building has been located there for over 15 years and is not benefiting the local community;
- 3.2.15 Metrological department-currently a hotel is being built in the land against the initial intended use of the land;
- 3.2.16 On 31<sup>st</sup> December East Africa Motor Sports was allocated 20 acres by Ol Kejuado county council;
- 3.2.17 Part of the land(20 acres ) was allocated for the construction of a dumpsite but the community rejected the proposal since it was to be established a few kilometres from Kerarapon stream and would affect the ecosystem;
- 3.2.18 The Ministry of Livestock granted Ms Jamu Contractors authority for the extraction and utilisation of roadwork's materials for the construction of the Southern Bypass. The excavations however exceeded the area that was authorised and on leaving the site, the contractors did not refill the construction site to reclaim it thereby exposing the residents to accidents. Houses are also cracked due to quarry activities;
- 3.2.19 A whistle-blower from the Ministry of Livestock who was employed as a manager at the Ngong Veterinary Farm since 2002 has been victimised after she exposed that the land was threatened with encroachment in 1999, 2002 and 2007. This was after some senior officers colluded to subdivide the land and allocate it to well-connected individuals; The petitioners prayer is that the land reverts back to the community.

### **3.3 SUBMISSIONS FROM HON. JOSEPH MANJE, AREA M.P, KAJIADO NORTH CONSTITUENCY AND THE KAPUTIEI AND NGONG COMMUNITY RESIDENTS OF KAJIADO NORTH CONSTITUENCY**

#### **1. Submissions from Hon. Joseph Manje**

The Hon. Joseph Manje, M.P, Kajiado North Constituency informed the Committee that the two groups appearing before the Committee were from the Kaputiei and Ngong Communities and they would be presenting their memorandums separately. The Committee was further informed

that the Member of Parliament had submitted the memorandum due to allegations made in the petition to Parliament that all the veterinary farm land had been underutilized, subdivided and allocated to private individuals. The Committee was further informed as follows;

3.3.1 On 15<sup>th</sup> July 2015, the parliamentary committee on the land and natural resources held a public hearing at the farm and received differing views but with the majority agreeing that the veterinary department had not utilized the land to its fullest potential and the huge junk of unused portion of the land had attracted other government and private, to come in;

3.3.2 During the aforementioned meeting, the committee was informed that the veterinary farm is in Kajiado west constituency and that it belonged to the Keekonyokie clan, an allegation which he, as the Member of Parliament for Kajiado north constituency and other speakers also disputed;

3.3.3 However, those present were in agreement that only a small portion out the approximately 1,400 acres of land, had been utilized repeatedly since 1957 when it was acquisitioned by the colonial government. A big chunk of the land had remained unprotected and unfenced and had been subjected to all sort of abuse;

3.3.4 According to government officers from the ministry of land who were present at the hearing the land had at different times been acquisitioned by the government to the following government and private institutions:

(i). Ministry of roads(KHBIT)	-	75 acres
(ii). Halal meat product	-	12 acres
(iii). Army gravelling unit & training	-	10 acres
(iv). Meteorological department	-	100 acres (issued in 1995)
(v). East African motor sports	-	100 acres
(vi). Kenya police	-	120 acres
(vii). Ngong dumpsite	-	20 acres (issued in 2010)

3.3.5 As regards to the location of the farm, it can be confirmed from the IEBC certified maps that the Veterinary farm is without a doubt in Kajiado North constituency;

3.3.6 China Road and Bridge Construction Company had entered into an agreement since January 2012, for two and half years, to harvest ballast, red soil and murrum for

- construction of the southern bypass. This allocation although temporary had been a subject of prolonged court battles and injunctions by the resident of Kerarapon for polluting the environment and cracking their houses;
- 3.3.7 The company which is supposed to have surrendered the plot after the expiry of the agreement is still harvesting the ballast, red soil and murram and have neither paid compensation for houses that they have cracked nor honored promises they made in constructing roads in Kerarapon and Embulbul as part of their obligation to the community;
- 3.3.8 Before and immediately after independence in 1963 Maasai land was held in trust first by the crown and later by Kenyan Government. At the same time the colonial administration had gazette government land, Ngong veterinary farm being one of them;
- 3.3.9 Ngong Veterinary Farm, Reference No. Ngong/Ngong/1959 were vested to the department of veterinary services by the colonial government in 1957 for purposes of monitoring disease and disease trial in a free ecosystem. Since then research done on this veterinary farm has led to development of vaccines for examples Triatix and vaccines for foot and mouth disease as well as for rift valley fever disease. This proves the farm is of great importance to the country in terms of development of vaccines and drugs for treatment of livestock disease which requires a big tract of land for accomplishment of development of vaccines and drugs;
- 3.3.10 There are other examples of gazette veterinary farms in Kenya all of which belong to the government such as Machakos, Kabete, Kiboko, Nduba in Embu, Maseno, and Naivasha etc. However, due to the vastness of the Ngong veterinary farm the ministry of agriculture was unable to fully utilize the land leading to allocation of various government and private institution as mention earlier;
- 3.3.11 During a visit of the parliamentary Committee on lands on 15<sup>th</sup> July 2015, the Committee was not given a correct impression about the veterinary farm. Most speakers at the public forum were from the Keekonyokie clan who advocated for the land to be returned to the Keekonyokie clan for adjudication and re-distribution.

This position has created animosity amongst the Kajiado County communities who would like to see the land utilized for purpose beneficial to the largest Kajiado County community and not individual or particular clans. The veterinary farm is in Kajiado North Constituency as evidenced by existing maps and the IEBC's KHBIT polling station number 31;

3.3.12 Ngong Veterinary Farm is of vital importance to Kenya, Djibouti, Eritrea, Ethiopia, Somalia, Sudan, Uganda, Burundi, Rwanda and Tanzania because the IGAD Regional Climate Prediction Centre is based at the farm;

3.3.13 There was no hotel being erected on the land by the meteorological department as claimed. What was being established was an IGAD climate prediction center.

**He thereafter recommended the following as the way forward:**

3.3.14 Veterinary farm should be used for posterity in upholding the cosmopolitan aspect of Kajiado north constituency in order to avoid acrimony which may arise as a result of sub-division of land to groups with vested interest at the expense of benefits to the constituency, county and nation at large. This is to avoid setting a bad precedent which may water down all the gain made in other veterinary farms in the country if similar petitions see the light of the day;

3.3.15 For guidance, the veterinary farm can be subdivided as follows:

- |   |           |
|---|-----------|
| i. Veterinary farm                      | 400 acres |
| ii. Public university                   | 200 acres |
| iii. Public teacher college             | 100 acres |
| iv. Other educational institutions      | 100 acres |
| v. Vision 2030 state of the art stadium | 50 acres  |
| vi. Allocation to county government     | 100 acres |

For expansion of Ngong town

- |   |           |
|---|-----------|
| vii. Other government institutions e.g. | 100 acres |
|---|-----------|
- Independent electoral & boundaries commission,  
Judiciary officers, courts etc.

3.3.16 Land that has been allocated to other government institutions should remain as they are and all land allocated to private institutions such as Halal meat product and east

African motor sports club should be revoked;

- 3.3.17 China Road and Bridge Construction Company should honor all pledges they made during the agreement and all necessary compensation paid due to damage caused;
- 3.3.18 The land allocated to Kenya Police should be put into use for the allocated purpose.

**2. Submissions from the Enkongu Empakasi Kaputiei trust/group committee on behalf of residents of Kajiado North and Kaputiei East.**

Mr. Andrew Ole Nangurai representing the Kaputiei community informed the committee that their attention had been drawn to a public petition drawn and presented to parliament by Hon. Moses Ole Sakuda, MP and supported another petition by the Senator Hon. Peter Mositet, Kajiado County who petitioned the senate over the same matter. The Committee was further informed as follows;

- 3.3.19 The committee were misled to believe that that Ngong veterinary land is in Kajiado west and that it belongs to Keek-onyokie community and that the Keek-onyokie clan ever lived near or around the veterinary land;
- 3.3.20 The land borders Embulbul town and Ngong Township, Kerarapon ,Ngong forest and Kibiku areas; all named areas surround veterinary land and are in Kajiado North Constituency;
- 3.3.21 That the assertion in that the Keek-onyokie community of Kajiado west would be disenfranchised was falsified and misleading. The community referred to is in Kajiado west constituency and is a clan by its own right while Ngong veterinary farm is in Kajiado north and a Kaputiei clan property;
- 3.3.22 They were counteracting the petition on the grounds that the Hon. Moses Ole Sakuda deliberately lied to parliament and to the land National Resources committee that Ngong veterinary land is in Kajiado west and that it belongs to Keek-onyokie community. He also misled the committee that Keek-onyokie clan ever lived near or around the veterinary land.
- 3.3.23 The committee was informed that the following were the undisputable facts about veterinary land;
  - a) The veterinary land borders Embulbul town and Ngong Township, Kerarapon

,Ngong forest and Kibiku areas; all named areas surround veterinary land and are in Kajiado North Constituency.

- b) All the land mass Ngong area survey prefix is Ngong /Ngong.....,therefore the veterinary land is Ngong/Ngong/1959 which means that veterinary land is in Ngong location Kaputiei area as opposed to Keek-onyokie location whose prefix is Keek-onyokie/intashat...;
- c) The survey map of the area No. index 148/3/SW/SE authenticated this fact. And showed clearly the boundary between Ngong location and Keek-onyokie locations.
- d) The Electoral commission map clearly marked the boundaries and the officially gazetted polling stations;
- e) The polling station no 31(KHIBIT) is in Kajiado;
- f) Historically, kaputiei clan owned all that land mass from kerarapon (Enkongu Empakasi) along the railway line to Kenyawa in south Kaputiei, Ngong hill down to Kibiku/Kimuka areas were all originally occupied by Kaputiei clan. The beacon Kibiku separated Kaputiei, Keek- onyokie clans and Kiambu –Ndeiya.
- g) That the demarcation committee that originally allocated the land including, Mr Kantai Ole Nagali, Mr Erastus ole seet ,mr Shompa ole mapi, Mr. Mutembe Ole Suiyanga, Mr. Munene Ole Suiyanga, Chief Siongo ole Pasha, were all Kaputiei clan members. Other people from different clans were invited by the committee to own land in Ngong.
- h) That the earlier colonial chief including Chief Seet Ole Nagila, Chief Hamisi Olokimojik Ole Nakurdo, Chief Ole Nchoonga, and Chief Siongo Ole Pasha were from Kaputiei and were responsible administratively of all that land covering Nkibikuni, Ngong hills, Kerarapon down to Kenyawa areas in south Kaputiei, in 1954, Chief James Ngatia of Keputiei gave Queen Elizabeth Oololaiser (Ngong hills) as a present and Keek-onyokie clan did not raise a finger for it was no their area of jurisdiction administratively.
- i) That in 1911 a meeting took place and its venue was at Kerarapon where sheep and goats farm in Kitengela was discussed (Attached please find a photocopy of

minutes) to prove that Kerarapon area belonged to Keputiei and therefore a meeting could take place anywhere in Kaputiei area. Those people who were allocated the land by the demarcation committee are people who lived at Kerarapon and the surrounding and they were the people who donated the land to the colonial masters for the veterinary land purpose and not Keek-onyokie clan.

- j) That Hon. chairman, Kajiado north constituency and Kaputiei in general is left with only one public utility which is veterinary Ngong where a university, a teachers training college, a district hospital and an institution of agriculture training etc. Can be developed for our future posterity.;
- k) Kajiado north constituency and Kaputiei in general is left with only one public utility which is veterinary Ngong where a university, a teachers training college, a district hospital and an institution of agriculture training etc. can be developed for our future posterity. Personal gain as opposed to that of public interest is our difference between the petitions assertion and our future goals for the land;
- l) The Committee was further informed as follows;

3.3.24 The Kaputiei gave the Keek Onyokie 3000 acres of land in Kibiko;

3.3.25 That there was no council approval given for the excisions on the land;

3.3.26 Kaputiei refers to a place and not to a particular community as has been referred to.

**The group thereafter prayed as follows:**

That the national assembly through the departmental committee on lands:

- i. Investigates circumstances under which parts of Ngong/Ngong 1959 which was a community land that was set aside for veterinary department, was irregularly allocated to private owner and titles issued (attached please find a self-explanatory letter from the registrar of lands, Ngong.)
- ii. Urges the government to compel that veterinary department to surrender the entire land back to the Kaputiei community for our development use where we intend to build a community university college, teachers training college while agriculture and animal research will remain and other public amenities to benefit the community in keeping with provision of article 63 of the constitution and land act 2012 regarding community land.

### **3. Submissions from Ngong Community**

Mr. Henry S. Puliei representing the Kajiado north constituency Ngong Veterinary Farm Committee Members, on behalf of residents of Kajiado North:-

- 3.3.27 The submission was prompted by allegations made earlier that the veterinary farm land had been underutilized, subdivided and allocated to private individuals;
- 3.3.28 Following a committee visit to Ngong Veterinary farm on 15<sup>th</sup> July 2015, the residents of Kajiado North Constituency established a committee to spearhead a campaign to tell the public the truth about the current status of the land and to involve all stake holders including the Keek onyokie clan;
- 3.3.29 The purpose of the committee to join others in the campaign to get the land returned to the people of Kajiado for the benefit of the whole community, and not individuals;
- 3.3.30 The committee has held several meetings and consultative forums and plans to dialogue with the Keek onyokie clan elders and both the member of Kajiado west and Kajiado North constituencies and the parliamentary committee for land and natural resources, in order to work together in reclaiming the land for community's institutions;
- 3.3.31 Ngong veterinary farm, reference no. Ngong/Ngong /1959. was vested to the department of veterinary services by the colonial government in 1957 for purposes of developing a veterinary farm and a training centre. Contrary to this objective for which the land was set aside, the veterinary department has continued to underutilize it, opening it up for grabbers. Since 1995, the government has continued to acquisition land for various government departments and other entities as stated above;
- 3.3.32 The position that the land reverts to the Keek Onyoike Community as canvassed during the Committee public hearings held in Ngong has created animosity amongst the Kajiado communities who would like to see the land utilize for purpose beneficial to the largest Kajiado community and not individual clan;
- 3.3.33 In order to address equitably past historical as well as current concerns of the

residents of Kajiado, the group recommended that the following government institution already given parcel in the veterinary farm, be allowed to retain parcels of the land at the farm, but community to decide on the acreage to be retained by these institutions:

- i. Veterinary department
- ii. Army gravelling unit & training
- iii. Meteorological department
- iv. Kenya police
- v. Ngong dumpsite

3.3.34 The land illegally allocated to the following private entities and individuals is reclaimed and their title deeds cancelled and the land returned to the community:

- i. Halal meat product - 12
- ii. East African motor sports - 100

3.3.35 The remaining parcel of land be returned to the community of Kajiado for the following institution and facilities whose acreage will be determined by the stakeholders:

- i. Ngong university
- ii. Ngong teachers college
- iii. Boys national secondary school
- iv. Girls national secondary school
- v. Mixed day primary school
- vi. A polytechnic institution
- vii. A community stadium
- viii. A referral hospital
- ix. A rehabilitation centre
- x. A new modern Ngong town

3.3.36 China road and bridge company whose lease expired be compelled by the committee to honor the promises they made to the community as corporate social responsibility, pay outstanding claims or compensation to individual whose houses they cracked, refill and plant trees and restore the ground to its former state, and

leave the farm immediately.

### 3.4 FACT FINDING VISIT AND MEETING WITH THE PUBLIC AT NGONG VETERINARY LAND.

The Committee visited Veterinary Land in Ngong on 15<sup>th</sup> July 2015.

Rev. Stephen Mparinkoi, Mr. Francis Parsimei Gitau – Community Leader, Mrs. Agnes N. Marona – Petitioner, representing the petitioners informed the Committee as follows:

- 3.4.1 In 1938, the colonial government approached the Ilkeek Onyoike community and requested the community to set apart a piece of land to start a farmers training in Ngong area;
- 3.4.2 The Ngong Farmers Training Centre was officially set apart in 1938 with the following purpose of the was:
  - a) Gross breeding of livestock for higher yields from all over Maasai land;
  - b) Training indigenous Maasai people in animal and crop husbandry;
  - c) Hay bailing in readiness against draught;
  - d) Research purposes and as a production line for drugs against animal diseases.
- 3.4.3 Ngong Veterinary was first gazzeted on 2nd August 1956 vide gazette notice No.3818, and it was under the custody of respective county Councils;
- 3.4.4 Ilkeek –Onyoike Community was not consulted when the name of the first proprietor i.e. the Olkejuado County Council was changed to government of Kenya;
- 3.4.5 Certificate of lease was issued to Halal Meat Products limited, parcel no Ngong /Ngong 2628 measuring 0.5946 ha;
- 3.4.6 Halal Meat Company charged the land to Kenya Commercial Bank over a Ksh. 65 million loan. The bank was to auction the land after Halal failed to repay the loan but the community went to court and stopped the auction;
- 3.4.7 Metrological department applied to acquire (44.32) hectares parcels of land under L.R.N 24302, from the Ministry of Agriculture, Livestock Development and Marketing in 1995 to develop meteorological infrastructure. The Ilkeek –Onyoike Community later learnt that Metrological department transferred part of the land to East African Motor Sports club. Further, that a hotel is being built in the land against the original purpose and intend

of the land they had requested;

- 3.4.8 An agreement between the Ministry of Livestock Development and M/S China road Bridge Corporation (Kenya) was entered to set up a temporary quarry site for the Nairobi Southern Bypass project;
- 3.4.9 The excavations exceeded the area that was authorized and on leaving the site, the contractors did not refill the construction site to reclaim it thereby exposing the residents to accidents. Houses are also cracked due to quarry activities;
- 3.4.10 The lives of the residents have been disturbed by the blasting of the mines, and the children are traumatized by heavy blasts and the livestock are not breeding normally;
- 3.4.11 There are reported cases of the environmental degradation by the Kerrarapon quarry activities;
- 3.4.12 The residents were not consulted when the Chinese company signed a deal with the Ministry of Livestock to mine on the 20 – acre farm in Ngong;
- 3.4.13 Kajiado county government and the local community is not benefitting from the activities of M/S China Road Corporation (Kenya) in the said quarry.

### **3.5 SUBMISSIONS FROM THE CABINET SECRETARY MINISTRY OF LANDS, HOUSING, AND URBAN DEVELOPMENT.**

While appearing before the Committee, Dr. Fred Matiang'i, Cabinet Secretary Ministry of Lands, Housing and Urban Development accompanied by Ms. Mariam El. Maawy, Permanent Secretary, Mr. Peter Kahuho, Ag. Secretary Lands, Mr. Augustine Masinde, Director physical Planning, Mr. Cesare N. Mbaria, Director of Surveys, Ms. Terry Gathagu, Head of Legal Services, Mr. Francis K. Orioki, PLRO- Registry and Mr. Paul Mwangi, SDDLAS informed the Committee as follows that:-

- 3.5.1 According to available records, Ngong/Ngong 1959 with a total acreage of 1400 acres was vested to Ol Kejuado County Council on 10th May 1974 during the adjudication and demarcation of Ngong registration section;
- 3.5.2 The same land had been set aside for the veterinary Farm and training Centre by an application lodged and gazzeted as gazzeted notice No. 890 of 5th March 1957 by K.M Cowley, the then provincial Commissioner, Southern Province, during the demarcation

process of 1970s;

3.5.3 Records indicate that Ngong/Ngong/ 1959 was transferred to the Government of Kenya by the Commissioner of Lands vide a letter reference No. 91889/11 of 12thth march 1975 on 14th March 1975.The same was closed on subdivision on 14th March 1975 to Ngong/Ngong/2627, 2628, and 2629;

3.5.4 Ngong/Ngong/2628 with an approximate area of of 0.5946 Ha was allocated to Halal Meat Products Limited by the Government of Kenya on a 99 year leasehold with effect from 1st January 1975 and a certificate of lease registered and issued on 18th April

S/No. Institution	Acreage	Remarks
Ministry of Roads	75	Kenya Institute of highways And Building is situated herein.
Halal Meat	12	Factory Certificate of Lease issued as Ngong/Ngong 2628 and 2829 on 18th April 1975.
Army gravelling unit and training	10	
Meteorological department	100	Certificate of Title issued as grant No. IRN 5463 on 13th January 1999 under RTA Cap 281
Ngong Dumpsite	20	Letter of allotment issued to County of Kajiado Government
East Africa Motor Sports Club	100	Certificate of Title issued under RTA Cap 281.
Kenya Police	142	Title deed issued on 7 <sup>th</sup> December 1998 as Ngong/Ngong 21399
Total Acreage	459	

1975.Records available indicate that a charge was registered against the title to secure a loan of Ksh.65,000,000 /= from Barclays bank Limited on 3<sup>rd</sup> December 2001;

3.5.5 Further records indicate that Ngong/ Ngong/ 2627 with an approximate area of 589.71 ha was closed on subdivision on 7<sup>th</sup> December 1998 to Ngong/Ngong/21399 and 21400;

- 3.5.6 Records indicate that Ngong/Ngong 21399 with an approximate area of 48.70 Ha was allocated to the Dallocated to the department of Police and certificate of lease of 99 years with effect from 1st February 1997 issued;
- 3.5.7 The remaining portion, Ngong/Ngong /21400 with an approximate area of 541.01 ha was left to veterinary farm;
- 3.5.8 While the records available at Ngong Lands Kajiado North District Land Registry show that only three portions of Ngong/Ngong 1959 ,i. e Ngong/Ngong/2628, 2629 and 21399 were excised and allocated to various entities under the registered Land Act Cap 300,records availed to the office from the office of the Deputy County Commissioner Kajiado North District indicate that other allocation under registration of Titles Act Cap 281 were done on the same parcel of Land as summarized below:
- 3.5.9 From the foregoing, it is clear that although the parcel of Ngong/Ngong 1959 with an approximate area of 1400 acres had been set aside for Veterinary Farm and Training Centre, excision has been carried out by the Government of Kenya to both government agencies and private entities;
- 3.5.10 A total of 459 acres has been committed and 941 acres remain uncommitted;
- 3.5.11 Excisions of public land to private individuals as was the case in the Ngong Veterinary farm is illegal and the Ministry does not have the records showing the authority to do the excisions from Ol Kejuado county Council;
- 3.5.12 In regard to the Transfer of the land from Ol Kejuado County Council to the Government, when land is held in trust, the Government would put a request for approval by the Council for transfer and upon the Council approval, the land would be excised. Government excisions ordinarily are backed by a cabinet memo which is not available in this case;
- 3.5.13 Some of these lands are listed in the Ndung'u Report.

### **3.6 MEETING WITH THE CHIEF EXECUTIVE OFFICER, NATIONAL LAND COMMISSION**

Ms. Abigail Mbagaya, Vice Chairperson National Land Commission accompanied by Mr.S.K.Mburugu informed the Committee as follows; That

- 3.6.1 LR.No. Ngong/Ngong/1959 came into existence during the adjudication and demarcation

- of Ngong Registration section in 1970's. The land measures approximately 1400 acres;
- 3.6.2 Prior to adjudication and demarcation vide gazzeted notice no.890 of 5<sup>th</sup> March 1957, the said land had been set aside for veterinary farm and training centre;
- 3.6.3 In 1975, the said land was subdivided into three parcels namely Ngong/Ngong/2627/2628 and 2629 and allocated as follows:
- a) Parcel no. Ngong/Ngong/2628 measuring 0.5946 ha was allocated Halal Meat Products by the government for a term of 99 years from 1<sup>st</sup> January 1975. On 3<sup>rd</sup> December 2001, this title was charged to Barclays Bank of Kenya to secure a loan of Kshs. 65,000,000/=
  - b) Parcel no Ngong/Ngong/2629 measuring 3.990 Ha was also allocated to Halal Meat products Limited by the government for a term of 99 years from 1<sup>st</sup> January 1975. Available records also indicate that the land was charged to Barclays Bank of Kenya to secure a loan of Kshs. 65,000,000/= on 3<sup>rd</sup> December 2001;
- 3.6.4 Parcel No. Ngong/Ngong/21400 is a subplot of original LR. No Ngong/Ngong/2627, it measures approximately 449 ha, and belongs to veterinary farm. There are no records of any transfer of parcel no Ngong/Ngong/21400 to anybody but the following government departments have got interest on the said land;
- a) Ministry of Roads
  - b) Army gravelling Unit and training
  - c) Ngong Dumpsite
  - d) Kenya Police
  - e) East African Motor Sports Club
- 3.6.5 Following a ground visit on 7<sup>th</sup> and 8<sup>th</sup> October 2015, the Commission became aware that a group by the name Gikuyu na Mumbi purport to own the land since the 1970's. This allegation is not supported by any ownership documents;
- 3.6.6 It is clear that Ngong/Ngong/1959 was government land reserved for Veterinary Department, though latter excision was done and other government institutions and private entities got some allocations;
- 3.6.7 No compulsory acquisitions were ever done on the land and the parcel Ngong/Ngong/1959 has been government land all along.

### **3.7 REPORT OF THE CONSULTATIVE COMMITTEE MEETINGS ON NGONG VETERINARY DIAGNOSTICS AND EFFICACY TRIAL CENTRE (NGONG VETERINARY FARM)**

A consultative forum comprising of the following members representatives from the Department of Veterinary Services and Community representatives was formed to look into Ngong veterinary land:- Lornah Odera- Chairperson, Hon. Moses Ole Sakuda- Member, Hon. Peter Mositet- Member, Mr. John Ole Moyaki-Community Representative, Mr. Jeremiah S. Mpoyo- community Representative, Dr. Dulu Thomas Daido- Department of Veterinary Services, Ms. Margaret Riungu, Legal Officer, Dr. George Njihia- Department of Veterinary Services , Mr. James Charo-Head Veterinary Farms and Mr. Philip Ole Kiok, Ngong Vet Farm. The report stated as hereunder;-

#### Background

- 3.7.1 Ngong Veterinary Diagnostics and Efficacy Trial Centre (Ngong Vet Farm) is one of the seven (7) strategically located Veterinary Farms in different regions of the country. It was officially gazette as a Veterinary Farm and Training Centre through Gazette Notice No. 890 of 1957, and given to Veterinary Department which was the applicant;
- 3.7.2 Ngong Veterinary Farm (recently branded as Ngong Veterinary Diagnostic and Efficacy Trial Centre) rears cattle, sheep and goats for disease diagnostic work. Specifically, sheep are used for production of sheep erythrocyte (blood cells) for laboratory diagnostic work. They are also kept for Disease surveillance where they provide Sentinel Herds;
- 3.7.3 It is also a key farm providing infrastructure for testing of locally produced vaccines and imported ones before they are released to the local market. These are critical undertakings which cannot be conducted in privately owned farms due to risks, costs and the confidentiality involved;
- 3.7.4 Currently, the farm has a total of 239 heads of cattle, 254 sheep and 30 goats which require adequate grazing area. There are plans in place to raise this herd to 400 cattle, 500 sheep and 200 goats. This will provide the capacity required for testing of the above mentioned animal resource inputs;
- 3.7.5 It is important to note that the carrying capacity of the farm is low, at one (1) cow or 4

sheep / goats per acre under Free Range Grazing System. A minimum of 600 Acres would therefore be needed for reasonable grazing;

- 3.7.6 The farm has however been under constant threats of excision and indeed some of the land has been excised from the original acreage, due to the erroneous misunderstanding of the purpose of the farm by outsiders. As a result, the remaining land is approximately 1031 acres (out of the original 1400 acres);

Ngong Veterinary Farm Land Overview

- 3.7.7 The farm was set for use by Veterinary Department as a Veterinary Farm and Training Centre. This was done through Gazette Notice No. 890 of 1957 under the Native Lands Trust Ordinance Cap 100. The plans were deposited in the offices of the District Commissioner, Kajiado and the Provincial Veterinary Officer, Ngong;

- 3.7.8 Subdivisions:

- a) 10<sup>th</sup> May 1974 – Registered in the name of Ol Kejuado County Council as parcel number Ngong/Ngong/1959
- b) 14<sup>th</sup> March 1975 – Land transferred to the Government of Kenya vide Ref 91889/11 of 12<sup>th</sup> March 1975 (this was a letter from the Commissioner of Lands). It was also closed after subdivision into parcel numbers 2627, 2628 and 2629.
- c) Parcel No. 2627 was registered under the Government of Kenya as the proprietor and reserved for veterinary Farm.
- d) Parcel No. 2628 (approximately 0.5946 Ha) was registered under the Government of Kenya as the Proprietor and served for Treatment Lagoons. On 18<sup>th</sup> April 1975, this was registered as Leasehold with the Government of Kenya being the Lessor and Halal Meat Products Limited as the Lessee. This was to run for 99 years wef 1-1-75. There was a RESTRICTION imposed stating “No Disposition by the Proprietor shall be Registered without the written Consent of the Lessor.”
- e) Parcel No. 2629 (approx. 3.990 Ha) was registered under the Government of Kenya as the Proprietor and reserved for Abattoir. On 18<sup>th</sup> April 1975, this was registered as leased with the government of Kenya being the Lessor and Halal Meat Products Limited as the Lessee. The lease was to run for 99 years with effect from 1<sup>st</sup> January 1975. There was a restriction imposed stating “No Disposition by

the Proprietor shall be registered without the Written Consent of the Lessor.”

- f) Parcel No. 2627 was closed on 7<sup>th</sup> December 1998, after subdivision into two (2) parcels 21399 and 21400.
- g) Parcel No. 21399 (approximately 48.70 Ha or 142 Acres) was registered as Leasehold with Ol’kejiado County Council being the Lessor and Permanent Secretary (to the Treasury of Kenya) as the Lessee. This was to run for 99 years with effect from 1<sup>st</sup> February 1997. There was a restriction imposed stating “No Disposition by the Proprietor shall be registered without the written Consent of the Lessor.” This now belongs to Kenya Police.
- h) Parcel No. 21400 (approximately 541. 01 Ha or 1336.84 Acres) was registered under the Government of Kenya. From the foregoing, the acreages of 75, 10, 100, 20 and 100 issued to Ministry of Roads and Housing, Army Gravelling Unit, Meteorological Department, Dumping site and EA Sports respectively were all mutated from 21400. The remaining portion is the land in use by the Veterinary Department in undertaking its national mandate. It is approximately 1031 acres.

3.7.9 Current utilization of Ngong veterinary farm and proposed use of the Ngong veterinary farm by the community.

	<b>Current Use By Ministry Of Agriculture Livestock And Fisheries</b>	<b>Proposed By Community</b>
1	Provision of animals for veterinary diagnostics and efficacy trials of both local and imported animal health inputs (drugs vaccines and acaricides).	Food security through food production for use during the dry periods as opposed to relying on government relief food.
2	Provision of sentinel herds for animal and human disease surveillance for early detection of diseases	Improvement of animal husbandry practices in view of globalization and climate change, the Olkerin Model.
3	Source of animal and human disease diagnostic material (sheep blood)	Hides and skins industry development in partnership with

			investors for infrastructure support and bursaries for Keekonyokie students.
4		Teaching facility as a residential satellite campus of Animal Health and Industry Training Institute (AHITI) Kabete.	Development of Animal Husbandry University with donor support
5		Training facility frequented by colleges and universities for practical's in animal health	Hay production for sale to the community at subsidized prices during the dry season
6		Training facility for rabbit production and the only National Rabbit Multiplication Centre	Construction of export slaughterhouse in partnership with Kajiado County Government and Investors
7		Development of National Leather Training Institute in Progress	Improve Dairy Industry Development through milk marketing and value addition
8		Training facility in agricultural technologies for the local community at Ngong Veterinary Farm	
9		Production of Hay and Fodder for the existing livestock and excess for dry spell and sale at subsidized prices to local livestock owners	
10		Apiary (Bee keeping) Centre for training of community on bee keeping technologies	

	<b>Estimated Land Requirement For Use By Ministry Of Agriculture Livestock And Fisheries (Minimum Requirements)</b>	<b>Land Requirement Estimates For Use On Community Proposals</b>
1	Veterinary Farm grazing area 600	Food security (Food Production) 500
2	acres	acres
3	Ngong Farmers Training Centre 20	Animal Husbandry (Livestock) 200
4	acres	acres
5	Apiary (Bee keeping) Centre	Hides and skins 100
6	10 acres	acres
7	AHITI Kabete Training Institute 20	Animal Husbandry University 200
	acres	acres
8	Vet farm residential and Livestock Boma 30	Hay Production 400
	acres	acres
	Hay and fodder establishment for Ngong	Slaughterhouse / Abattoir 50
	Vet Farm Livestock 300 acres	acres
	Hay establishment for KAGRC Bull scheme	
	100 acres	Dairy Industry 60
	The leather Science Institute 70 acres	acres
	Total 1150	Total 1510 acres
	acres	

### 3.7.10 Observation and recommendations

- a) Part of the original 1400 acres (approximately 473 acres) was given out to private companies and public institutions

The Ministry in partnership with the community through the National Land Commission should investigate and if irregularly acquired be repossessed

- b) Out of the parcel of land Ngong/Ngong/21400, the Directorate of Veterinary

Services needs it to further its national mandate and the community needs some land to undertake their proposed activities.

Both the Directorate of veterinary services and the community should benefit from this land through the right establishment procedures of public land allocation.

- 3.7.11 The committee recommended that the report be submitted to the Principal Secretary State Department of Livestock for attention and necessary action.

### **3.8 MEETING WITH THE CABINET SECRETARY FOR AGRICULTURE, LIVESTOCK AND FISHERIES**

While appearing before the Committee, Prof. Fred Segor, Principal Secretary –Livestock, accompanied by Ms. Margaret Riungu, Legal Officer, Mr. Thomas E. Nyongesa, Mr. George K. Njihia, Mr. Boniface Walunjwa, Mr. Phillip Ole Kiok, Manager, Ngong Veterinary Farm and Mr. James Charo informed the Committee as follows:

#### Original purpose and intent of the land Ngong / Ngong 1959

- 3.8.1 The gazette Notice No. 890 of 1957 was titled as the setting apart of land under section 12 of the Native Lands Trust Ordinance (Cap 100). This land was Set Apart for use by the Veterinary Department as a Veterinary Farm and Training Centre (Kenya Gazette Vol. LIX No. 11 of 5th March, 1957 (Copy of Gazette Notice was provided);
- 3.8.2 The original purpose and intent of the land was further clarified in the same Gazette Notice. And to quote, “and whereas I am of the opinion that the proposed setting apart will be for the benefit of the Africans by reason of the use to which the land is to be put.”
- 3.8.3 This implied that the land was to benefit the entire County as Veterinary Farm and Training Centre. It was not set aside for purposes of breeding, good farming practice and training in an effort to improve the livelihoods of the Keek–Onyoike Community of Kajiado as alleged by the petitioners.

#### Justification on the excision of the said land to various individuals and institutions

- 3.8.4 As per the Kenya Gazette Notice No. 890 of 5<sup>th</sup> March, 1957 the land set aside for Veterinary Farm and Training Centre at Ngong was approximately 1400 acres. Over the years, some other institutions (Public and private) were irregularly allocated this land;
- 3.8.5 Available documents indicate that these allocations were facilitated by the then

- commissioner of Lands (Some of the correspondences were provided);
- 3.8.6 The necessary justification would be found in the records held by the Ministry of Lands, Housing and Urban Development;
- 3.8.7 The Ministry is not aware of any agreement to return the land to the Maasai Community if the veterinary activities cease;
- 3.8.8 The veterinary Activities and the Training Function for which this land was set apart remain valid as per the Gazette Notice No. 890. As a matter of fact, more land is still required for Veterinary activities in view of the changing dynamics in the development of livestock Sub-county sector;
- 3.8.9 Almost all the Counties have enhanced budgetary provisions for livestock inputs such as vaccines, acaricides and drugs. These are sourced from local manufacturers or distributors of imported products. All these inputs are subjected to field and laboratory tests to ascertain their effectiveness and safety. Thereafter they can either be allowed into the market or rejected. All these are carried out within the Veterinary Farms country wide;
- 3.8.10 Ngong Veterinary Diagnostic and Efficacy Trial Centre (Ngong Veterinary Farm) is just one of the seven (7) strategically located Veterinary Farms in different regions of the Country;
- 3.8.11 The Farm rears cattle, sheep and goats for disease surveillance, efficacy trials and diagnostic work. Currently, the Farm has a total of 238 cattle, 254 sheep and 30 goats which are used for these activities. They require adequate grazing area;
- 3.8.12 They are also kept for disease Surveillance where they act as Sentinel Herds for early detection of diseases;
- 3.8.13 Plans have already been put in place to raise this herd to 400 cattle, 500 sheep and 200 goats. This will provide additional capacity required for Testing of Animal Health Resource Inputs;
- 3.8.14 As a Quarantine area, Ngong Farm is used as holding ground for animals in transit to monitor on their disease status (Holding ground at Ngong Farm for animals to be distributed to Ndeiya/Karai area of Kiambu County during the month of August 2015, Efficacy Trial for Rift Valley Fever Clone 13 Vaccine and Use of Ngong Farm for Sentinel herd for monitoring Disease of bees;

- 3.8.15 The importance of Ngong Veterinary Farm in this respect therefore remains critical, and has been used over the years as originally intended;
- 3.8.16 As a training Centre which was one of the original purposes for the setting a part of this land, Ngong Veterinary Farm hosts;
- i. AHITI Kabete Satellite Campus for practical training of students in animal Health and Production.
  - ii. Ngong Agricultural Training Centre;
  - iii. National Rabbit Multiplication and Training Centre;
  - iv. Apiary (Bee keeping) Promotion Training Centre; and
  - v. Leather Science Institute under construction
- 3.8.17 As far as the Ministry is aware, there are no ongoing Sub-divisions on the land and the portion recently fenced within the farm is for the commencement of construction of the Leather Science Institute;
- 3.8.18 The Ministry is not in a position to provide the exact details of beneficiaries of the land after subdivision since these are still held by the Ministry of Lands, Housing and Urban Development. Unfortunately, some correspondences emanating from this Ministry on the status of Ngong Veterinary Farm are misleading and incorrect. A typical case is the letter Ref: KN/LND/GEN/VOL.4/9 of 9th March 2014, addressed to the Chairman National Land Commission by the District Land Registrar, Kajiado North. The letter erroneously states Ministry of Livestock (which owns the land) was allocated 120 acres from Ngong/Ngong/1959 (Copies provided);
- 3.8.19 However, available information indicates that, since the setting a part of this land for use as a Veterinary Farm and Training Centre, the following changes / subdivisions have taken place:
- a) 14<sup>th</sup> March, 1975 land Parcel Ngong / Ngong / 1959 was closed after subdivision into parcels numbers Ngong / Ngong 2627, Ngong / Ngong / 2628, and Ngong / Ngong / 2629;
  - b) Parcel No. Ngong / Ngong / 2627 was registered under the Government of Kenya and reserved for use as Veterinary Farm and Training Centre;
  - c) Parcel No. Ngong / Ngong / 2628 (approx. 0.5946 Ha) was registered under the

Government of Kenya as the Proprietor and reserved for Treatment Lagoons;

- d) On 18<sup>th</sup> April 1975, this was registered as Leasehold with the Government of Kenya being the Lessor and Halal Meat Products Limited as the Lessee. This was to run for 99 years with effect from 1<sup>st</sup> January 1975;
- e) Parcel No. Ngong / Ngong/ 2629 (approximately 3.990 ha) was registered under the Government of Kenya as the Proprietor and reserved for Abattoir. On 18<sup>th</sup> April 1975, this was registered as Leasehold with the Government of Kenya being the Lessor and Halal Meat Products Limited as the Lessee. The lease was to run for 99 years with effect from 1<sup>st</sup> January 1975.
- f) Parcel No. Ngong / Ngong / 2627 was closed on 7/12/1998, after sub-division into two (2) parcels, Ngong/Ngong/21399 and 21400;
- g) Parcel No. Ngong/Ngong/21399 occupied by the police was excised from Ngong/Ngong/2627 in the year 1998. It is imperative to note Parcel no 2627 was registered in 1975 under Government of Kenya as the proprietor and reserved for veterinary farm. It is not clear how after excision parcel no 21399 was registered under Ol Kejiado County Council as the lessor;
- h) Parcel No. Ngong / Ngong / 21399 (approx. 48.70 Ha) was registered as Leasehold with Ol'kejiado County Council being the lessor and Permanent Secretary (to the Treasury of Kenya) as the Lessee. This was to run for 99 years with effect from 1st February 1997. This now belongs to Kenya Police;
- i) Parcel No. Ngong / Ngong / 21400 (approx. 541.01 Ha or 1336.84 Acres) was Registered under the Government of Kenya. Out of this, some portions of the land were hived off and irregularly allocated to the following institutions;

Institution	Acres
Ministry of Roads and Housing (Kenya Institute of building and Highway Training)	75
Army Gravelling Unit	10
Meteorological Department	100
Olkejuado County Council (Dumping Site)	20
East African Sports	100

j) The remaining portion of land which is approximately 1031 acres is the current Ngong Veterinary Diagnostics and Efficacy Trial Centre (Ngong Veterinary Farm and Training Centre). The National Rabbit Multiplication and Training Centre, Agricultural Training Centre, AHITI Kabete Ngong Satellite Campus and the upcoming Leather Science Institute are all located on this land.

k) Summary of beneficiaries of land after “subdivision” is as follows:-

<b>Institution</b>	<b>Approx. Acreage</b>
Ngong Veterinary Farm	1031
Kenya Police	120
Ministry of Roads and Housing (Kenya Institute of Building and Highway Training)	75
Army Gravelling Unit and Training	10
Meteorological Department	100
Olkejuado County Council (Dumping Site)	20
Halal Meat Products	12
East African Motor Sports Club	100

3.8.20 The agreement entered into between the then Ministry of Livestock Development and M/S China Road Corporation (Kenya) for setting up a temporary quarry site for the Southern Bypass Project was signed in December, 2011. It was signed in the presence of the Permanent Secretary Ministry of Roads who is referred to as The Employer.

The following are the Terms and Conditions;

- a) Quarry Site Camp - This shall be the area measuring 40 acres within Ngong Veterinary Farm belonging to Ministry of Livestock Development.
- b) Objective - To crush road materials, deliver to project site and stock pile the balance for future use.
- c) Period - The Quarry Site will be set up for the entire period of the Project Contract subject to extensions in any.
- d) Fencing - The quarry site shall be fenced to a standard approved by Ministry of Livestock Development and shall be reviewed from time to time if and when the need

arises.

- e) Water - The contractor shall articulate water from the borehole to the Veterinary farm reservoirs at all time.
- f) Regulations - The residents and occupants of the quarry site shall comply promptly and full with all regulations governing the Veterinary farm and as directed by the Permanent Secretary.
- g) Pollution - The Contractor shall ensure that all emissions, dust and noise are maintained within levels that shall not inconvenience or be hazardous to the farm or the neighboring community.
- h) Liaison - During the period of the project, the Farm Manager and the Contractor shall liaise and cooperate on matters of mutual interest.
- i) Assets - The Contractor shall at the expiry period of the Project Contract hand over to the Officer in Charge of Veterinary Farm all non-movable assets constructed on the farm set up on the quarry site.
- j) Rehabilitation of Quarry Site - The contractor at the end of the contract will ensure the contract will ensure the burrow pit and any form of ground formation affected by way of back filling with suitable materials.
- k) Security - The contractor will provide security to the quarry and install security lights in the quarry and around the perimeter fence of the quarry to operate during the hours of darkness and shall ensure that the lights cover a distance of at least 50 meters into the neighboring location.
- l) Identification - All persons working within the quarry site shall have identification Cards and proper and permanent records thereof made in a register. All employees shall have Certificates of Good Conduct.
- m) Roads - The contractor shall maintain the road network within the veterinary farm during the period of the project.
- n) Conference - The contractor will construct one conference facility for the Veterinary farm.

3.8.21 Benefits from the activities of M/S China Road Bridge Corporation (Kenya) in the said Quarry to the Government and the local community

- a) The Nairobi Southern Bypass aims to decongest Nairobi City from the economically crippling traffic snarl-ups. The provision of these construction materials from the Veterinary Farm should be viewed positively and worth the contribution;
- b) The agreement had indicated that the Contractor will construct one conference facility for the farm. It was to cost Kshs. 20,280, 869. This could have been of immense help in the long run to both the Government and the local community;
- c) This was however abandoned following the court case filed by Ilkeekoinyoke Welfare Group. Both the Ministry and the Contractor had been sued over the construction of the quarry at Ngong Veterinary Farm;
- d) After consultations held between the Ministry and the community, it was resolved one borehole to be drilled for use by the local community's livestock and domestic requirements, at a cost of Kshs 6,000,000. This was conditional for the Court case to be withdrawn (Letter from the then Ministry of Livestock to Contractor provided);
- e) Members of the local community were also to be employed at the quarry.

3.8.22 Veterinary Farms (Veterinary Diagnostic and Efficacy Trial Centers) are pivotal in the development of the livestock industry in Kenya. The veterinary farms are a resource base for livestock disease diagnostic, surveillance and efficacy trials. They provide scientifically sound materials for animal disease diagnostic programs and support the production of sustainable, safe and high quality animal and animal products. All this contributes to improved livestock productivity, increased access to markets, poverty reduction, increased opportunity for involvement of youth in agri-business, protection of animal and human health, enhanced trade and investment, enhanced trade and investment, enhanced peace and security, climate adaptation by animal keeping communities, reduce biological threats to counter bio-terrorism and provide food and feed security;

3.8.23 They are useful for supporting Devolution through ensuring that the quality of drugs and vaccines (both produced and imported) distributed all over the Country meet the required standards;

3.8.24 They are also envisaged to play a leading role in long – term improvement of animal genetics in the Country;

- 3.8.25 This will be done through sustainable monitoring of progeny testing for performance of locally produced and imported semen. Since these are long term interventions, they can only be sustained in government farms;
- 3.8.26 Ngong Veterinary Diagnostic and Efficacy Trial Centre (Ngong Veterinary Farm) is just one of the seven (7) strategically located Veterinary Farms in different regions of the country. The others are Machakos, Maseno (Kisumu), Kiboko (Makueni), Ndomba (Kirinyaga) Limuru and Kabete (Nairobi). There is need to develop similar farms to cover other parts of the Country such as Coast and Northern Regions of Kenya;
- 3.8.27 The misconception that Veterinary Farm lands are lying idle and have no use and can be taken over by Communities should be discouraged to avoid a repeat of the same in other areas. There is need to protect other Farm and National Holding grounds for prosperity and the future generation of this country for public good;
- 3.8.28 The Ministry prays that this Committee supports
- a) The issuing of Title Deeds for these National Farms,
  - b) The provision of adequate funds to secure all the Veterinary farms lands and,
  - c) The irregularly allocated land is repossessed and reverted back to be used for veterinary activities as per the original intention.

The Committee was further informed as follows:

- 3.8.29 The Ministry had requested for a survey of the land by the Ministry of Lands, Housing and Urban Development and paid the relevant fees to the Ministry so that beacons could be put. The work progressed until the point where the surveyors reached the police post (in the piece of land owned by the Police), they were chased away by the police;
- 3.8.30 Consequently, the Ministry of Livestock has no documentation to prove ownership of the land since the title could not be issued (based on the final survey) since the survey was not concluded;
- 3.8.31 The police own 120 acres of the land and there is a police post erected within the land;
- 3.8.32 The cows that can be found in the police farm are not Veterinary Farm animals;
- 3.8.33 The Principal Secretary would pick up the issue of the land held by the police with his Cabinet Colleagues in the Ministry of Interior with a view of establishing the purpose

of the land set aside for the police;

- 3.8.34 There is correspondence available between Kenya and the Intergovernmental Agency for Development (IGAD) to show that the metrological department is establishing a training Centre which is being funded by IGAD on the land;
- 3.8.35 There are no documents to show that the East African Motor Sports own part of the land neither is the company physically on the ground;
- 3.8.36 The parcels of land excised from Ngong/Ngong/ 1959 were irregularly done since there was no Cabinet approval for the same. It is in this view that the then Minister for livestock development Hon.Mohammed Kuti wrote to the Commissioners of lands requesting for cancellation of allocation of government land under the custody of the Ministry of Livestock development;
- 3.8.37 The Ministry had planned for a survey of the land and paid a total of Kshs 370,000 to the Ministry of Lands in the year 2013. Although survey works commenced, the s=activity was not completed and the Ministry is following up on the matter with the Ministry of Lands, Housing and Urban Development.

#### **4.0 COMMITTEE OBSERVATIONS**

**The Committee made the following observations from evidence adduced in meetings and the field visit, that:-**

1. In 1957, the Government vide gazette notice No.890 allocated 1400 acres to the Veterinary Department for training purposes. However only 459 acres are committed and in use by the said department. The remainder of the land is uncommitted and has been encroached into by various private and public institutions which are not using the land rationally, productively and sustainably. (see Annexe 2 and Annexe 4-c).
2. There are illegal, irregular, allocations and dispositions of grants against the original purpose for which the land (Ngong/Ngong/1959) was set aside with various private and public institutions on the land, with no Cabinet memorandum authorising the change of user for the government land, previously allocated and in custody of the Veterinary Department in the Ministry of Livestock as hereunder:(see Annexe 7-a)

a) Ministry of Roads(Kenya Institute of Highways and Building (KHBIT) -

75 acres

- b) Halal meat products - 12 acres
  - c) Army gravelling unit & training - 10 acres
  - d) Meteorological department - 100 acres (issued in 1995)
  - e) East African Motor Sports Club - 100 acres
  - f) Kenya Police - 120 acres
  - g) Ngong dumpsite(Kajiado County Government) - 20 acres (issued in 2010)
3. The Veterinary Department has some limited activities on the land contrary to the original purpose of veterinary training, and the department has shown laxity and complacency by not raising any complaint to various private and public institutions who have encroached and are not actively using the part of the land which is uncommitted by the veterinary department.
4. On 8<sup>th</sup> October 2012, the Hon.Mohammed Kuti, EGH M.P. while Minister for Livestock Development warned the then Commissioner for Lands, Mr. Zablon Mabea against allocating Government land to institutions or individuals without following due process which entails issuance of a Cabinet Memorandum countersigned by the Minister of Lands, and such land can only be allocated after the Cabinet has discussed and authorised the same. The Minister further warned of possible cancellation of all allocations of Government land under the custody of the Ministry of Livestock Development. (see Annexe 4-b)
5. There are various groups i.e. Gikuyu na Mumbi group, people claiming to be members of the Kaputiei Clan of the Maasai Community, and a group of people from Kajiado East and Kajiado West among others who appeared before the Committee and claimed to be the original owners of the said land (Ngong/Ngong/1959).

## **5.0 COMMITTEE RECOMMENDATIONS**

**As to the 1<sup>st</sup> Prayer, the Committee recommends that:**

1. The Ministry of Lands, Housing and Urban Development in collaboration with the National Land Commission should:
  - a. Conduct a Survey on Ngong/Ngong/1959 to establish its actual size and review all

irregular, illegal, allocations and dispositions of grants to private and public institutions with a view to establish if the correct procedure was followed in the reallocation of the said land, and if the procedure was not followed, to immediately cancel such allocation pursuant to the Ministerial directive dated 8<sup>th</sup> October 2012 and conduct adjudication and redistribution of the said land to its original owners;

- b. Probes the private and public institutions who regularly and procedurally allocated the uncommitted part of Ngong/Ngong/1959 to establish if they are sustainably utilizing the allotted parcels with the intention of varying such allocations with a view to reverting the unused parcels of land to the community and carrying out an adjudication and redistribution of the said land to the original owners;
  - c. Investigates the claims by the various groups with a view to establish the genuineness of their claim and those found to be genuine be included in the list of people to be allocated land.
2. The Ethics and Anti-Corruption Commission and the Criminal Investigations Department to conduct a forensic audit of documents in possession by private entities occupying Ngong/Ngong/1959 with a view to prosecuting individuals who acted illegally and unprocedurally in their production.

**As to the 2<sup>nd</sup> Prayer, the Committee recommends that::**

1. The prayer is granted and the Ministry of Lands , Housing and Urban Development and the National Land Commission to compel the Veterinary department and any other Government institution regularly and procedurally allocated a parcel of land on Ngong/Ngong/1959 to surrender all the land which is unused and uncommitted back to the original inhabitants for adjudication and redistribution in keeping with the provisions of Article 63 of the Constitution and the Land Act 2012 in regards to Community Land.

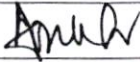





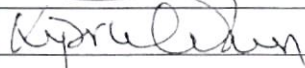

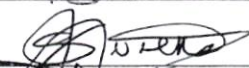
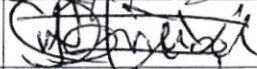

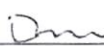
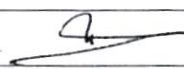
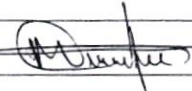





DEPARTMENTAL COMMITTEE ON LANDS  
ADOPTION LIST

ADOPTION OF THE REPORT ON THE PETITION BY RESIDENTS OF KAJIADO WEST CONSTITUENCY  
REGARDING THE COMPULSORY ACQUISITION OF LAND REFERENCE NGONG/NGONG 1959

DATE: 1<sup>st</sup> December 2015

VENUE: Main Chambers, Main Parliament Buildings

NO.	NAME	TITLE	SIGNATURE
1.	The Hon. Alex Mwiru, M.P. (Chairperson)	Chairman	
2.	The Hon. Moses Ole Sakuda, M.P (Vice-Chairperson)	Vice-Chairman	
3.	The Hon. Onesmas Ngunjiri, M.P.		
4.	The Hon. Mutava Musyimi, M.P.		
5.	The Hon. John Kihagi, M.P.	Member	
6.	The Hon. Francis W. Nderitu, M.P.	Member	
7.	The Hon. Francis Njenga, M.P.		
8.	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.	Member	
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.	Member	
19.	The Hon. Gideon M. Mung'aro, M.P.		
20.	The Hon. Hezron Awiti Bollo, M.P.	Member	
21.	The Hon. Suleiman Dori Ramadhani, M.P.		
22.	The Hon. George Oner Ogalo, M.P.		
23.	The Hon. Lekidime L. Mathew, M.P.	"	
24.	The Hon. Shakila Abdallah, M.P.		
25.	The Hon. Paul Otuoma, M.P.	"	
26.	The Hon. Thomas Mwadeghu, M.P.		
27.	The Hon. Magwanga Joseph Oyugi, M.P.		
28.	The Hon. Aburi Lawrence Mpuru, M.P.	Member	
29.	The Hon. King'ola Patrick Makau, M.P.	"	

1. COMMITTEE MINUTES

EXTRACTS FROM THE MINUTES OF THE 224<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE  
ON LANDS HELD ON TUESDAY 1<sup>ST</sup> DECEMBER 2015 IN THE MAIN CHAMBERS, MAIN  
PARLIAMENT BUILDINGS AT 11.00 AM

PRESENT:

1. The Hon. Alex Mwiru, M.P. - Chairperson
2. The Hon. Moses Ole Sakuda, M.P. - Vice - Chairperson (Chairing)
3. The Hon. John Kihagi, M.P.
4. The Hon. Francis W. Nderitu, M.P.
5. The Hon. Eusilah Ngeny, M.P.
6. The Hon. Bernard Bett, M.P.
7. The Hon. Kipruto Moi, M.P.
8. The Hon. Hellen Chepkwony, M.P.
9. The Hon. Sarah Korere, M.P.
10. The Hon. Julius Ndegwa, M.P.
11. The Hon. Benson Mbai, M.P.
12. The Hon. Esther Murugi, M.P.
13. The Hon. Hezron Awiti Bollo, M.P.
14. The Hon. Mathew L. Lempurkel, M.P.
15. The Hon. Dr. Paul Otuoma, M.P.
16. The Hon. Mpuru Aburi, M.P.
17. The Hon. Patrick Makau, M.P.

ABSENT WITH APOLOGIES:

1. The Hon. Onesmus Ngunjiri, M.P.
2. The Hon. A. Shariff, M.P.
3. The Hon. George Oner, M.P.
4. The Hon. Thomas Mwadeghu, M.P.
5. The Hon. Joseph Oyugi Magwanga, M.P.

ABSENT WITHOUT APOLOGIES:

1. The Hon. Shakila Abdallah, M.P.
2. The Hon. Mutava Musyimi, M.P.
3. The Hon. Oscar Sudi, M.P.
4. The Hon. Kanini Kega, M.P.
5. The Hon. Gideon Mung'aro, M.P.
6. The Hon. Francis Njenga Kigo, M.P.
7. The Hon. Suleiman Dori, M.P.

## ATTENDANCE:

### KENYA NATIONAL ASSEMBLY

Mr. James Ginono	-	Clerk Assistant I
Ms. Ruth Mwhaki	-	Clerk Assistant III
Mr. Emmanuel Muyodi	-	Clerk Assistant III
Ms. Christine Odhiambo	-	Legal Counsel II

### MINUTE NO. DCL/LN/2015/816

### PRELIMINARIES

The Chairperson called the meeting to order at 11.17 am, followed by a word of prayer.

### MINUTE NO. DCL/LN/2015/817

### AGENDA ADOPTION

The agenda of the meeting was adopted as hereunder after being proposed by the Hon. Hellen Njirakwony, M.P. and seconded by the Hon. Kipruto Moi, M.P.

### MINUTE NO. DCL/LN/2015/818

### CONSIDERATION AND ADOPTION OF THE REPORT ON REPORT ON THE PETITION BY RESIDENTS OF KAJIADO WEST CONSTITUENCY REGARDING THE COMPULSORY ACQUISITION OF LAND REFERENCE NGONG/NGONG 1959

The Committee Considered and adopted the report after being proposed by the Hon. John Kihagi, M.P. and seconded by Hon. Francis Waweru Nderitu, M.P. as follows :

#### **The Committee made the following observations:**

1. In 1957, the Government vide gazette notice No.890 allocated 1400 acres to the Veterinary Department for training purposes. However only 459 acres are committed and in use by the said department. The remainder of the land is uncommitted and has been encroached into by various private and public institutions which are not using the land rationally, productively and sustainably. (see Annexe 2 and Annexe 4-c).
2. There are illegal, irregular, allocations and dispositions of grants against the original purpose for which the land (Ngong/Ngong/1959) was set aside with various private and public institutions on the land, with no Cabinet memorandum authorising the change of user for the government land, previously allocated and in custody of the Veterinary Department in the Ministry of Livestock as hereunder:(see Annexe 7-a)
  - a) Ministry of Roads(Kenya Institute of Highways and Building (KHBIT) - 75 acres
  - b) Halal meat products - 12 acres
  - c) Army gravelling unit & training - 10 acres
  - d) Meteorological department - 100 acres (issued in 1995)
  - e) East African Motor Sports Club - 100 acres

f) Kenya Police - 120 acres

g) Ngong dumpsite(Kajiado County Government) - 20 acres (issued in 2010)

3. The Veterinary Department has some limited activities on the land contrary to the original purpose of veterinary training, and the department has shown laxity and complacency by not raising any complaint to various private and public institutions who have encroached and are not actively using the part of the land which is uncommitted by the veterinary department.
4. On 8<sup>th</sup> October 2012, the Hon.Mohammed Kuti, EGH M.P. while Minister for Livestock Development warned the then Commissioner for Lands, Mr. Zablon Mabea against allocating Government land to institutions or individuals without following due process which entails issuance of a Cabinet Memorandum countersigned by the Minister of Lands, and such land can only be allocated after the Cabinet has discussed and authorised the same. The Minister further warned of possible cancellation of all allocations of Government land under the custody of the Ministry of Livestock Development. (see Annexe 4-b)
5. There are various groups i.e. Gikuyu na Mumbi group, people claiming to be members of the Kaputiei Clan of the Maasai Community, and a group of people from Kajiado East and Kajiado West among others who appeared before the Committee and claimed to be the original owners of the said land (Ngong/Ngong/1959).

**The Committee made the following recommendations:**

**1.5.1 As to the 1st Prayer, the Committee recommends that:**

1. The Ministry of Lands, Housing and Urban Development in collaboration with the National Land Commission should:
  - a. Conduct a Survey on Ngong/Ngong/1959 to establish its actual size and review all irregular, illegal, allocations and dispositions of grants to private and public institutions with a view to establish if the correct procedure was followed in the reallocation of the said land, and if the procedure was not followed, to immediately cancel such allocation pursuant to the Ministerial directive dated 8<sup>th</sup> October 2012 and conduct adjudication and redistribution of the said land to its original owners (Keek-Onyoike community);
  - b. Probes the private and public institutions who regularly and procedurally allocated the uncommitted part of Ngong/Ngong/1959 to establish if they are sustainably utilizing the allotted parcels with the intention of varying such allocations with a view to reverting the unused parcels of land to the community and carrying out an adjudication and redistribution of the said land to the original owners (Keek-Onyoike community);
  - c. Investigates the claims by the various groups with a view to establish the genuineness of their claim and those found to be genuine be included in the list of people to be allocated land.
2. The Ethics and Anti-Corruption Commission and the Criminal Investigations Department to conduct a forensic audit of documents in possession by private entities occupying Ngong/Ngong/1959 with a view to prosecuting individuals who acted illegally and unprocedurally in their production.

As to the 2<sup>nd</sup> Prayer, the Committee recommends that:

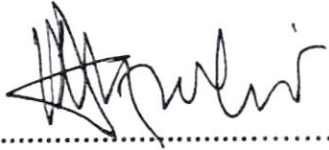
- The prayer is granted and the Ministry of Lands , Housing and Urban Development and the National Land Commission to compel the Veterinary department and any other Government institution regularly and procedurally allocated a parcel of land on Ngong/Ngong/1959 to surrender all the land which is unused and uncommitted back to the original inhabitants (Keek-Onyoike community) for adjudication and redistribution in keeping with the provisions of Article 63 of the Constitution and the Land Act 2012 in regards to Community Land.

MINUTE NO. DCL/LN/2015/819

ADJOURNMENT & DATE OF THE NEXT SITTING

There being no any other business, and the time being 13.21 p.m. the meeting was adjourned.

SIGNED



..... (CHAIRPERSON)

DATE

1st Dec 2015

MINUTES OF THE 216<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON  
TUESDAY 10TH NOVEMBER 2015 AT THE MEMBERS LOUNGE, MAIN PARLIAMENT BUILDINGS AT  
11.00 AM

PRESENT:

1. The Hon. Moses Ole Sakuda, M.P. - Vice - Chairperson (Chairing)
2. The Hon. Onesmus Ngunjiri, M.P.
3. The Hon. John Kihagi, M.P.
4. The Hon. Francis W. Nderitu, M.P.
5. The Hon. Francis Njenga Kigo, M.P.
6. The Hon. A. Shariff, M.P.
7. The Hon. Bernard Bett, 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. Benson Mbai, M.P.
12. The Hon. Kanini Kega, M.P.
13. The Hon. Esther Murugi, M.P.
14. The Hon. George Oner, M.P.
15. The Hon. Mathew L. Lempurkel, M.P.
16. The Hon. Joseph Oyugi Magwanga, M.P.
17. The Hon. Mpuru Aburi, M.P.
18. The Hon. Patrick Makau, M.P.

ABSENT WITH APOLOGIES:

1. The Hon. Alex Mwiru, M.P. - Chairperson
2. The Hon. Mutava Musyimi, M.P.
3. The Hon. Hezron Awiti Bollo, M.P.
4. The Hon. Dr. Paul Otuoma, M.P.
5. The Hon. Thomas Mwadeghu, M.P.

ABSENT WITHOUT APOLOGIES:

1. The Hon. Shakila Abdallah, M.P.
2. The Hon. Oscar Sudi, M.P.
3. The Hon. Gideon Mung'aro, M.P.
4. The Hon. Eusilah Ngeny, M.P.
5. The Hon. Julius Ndegwa, M.P.
6. The Hon. Suleiman Dori, M.P.

IN ATTENDANCE:

KENYA NATIONAL ASSEMBLY

1. Mr. James Ginono - Clerk Assistant I
2. Ms. Ruth Mwihaki - Clerk Assistant III
3. Mr. Emmanuel Muyodi - Clerk Assistant III
4. Ms. Christine Odhiambo - Legal Counsel II

MINUTE NO. DCL/LN/2015/778

PRELIMINARIES

The Chairperson called the meeting to order at 11.10 am, followed by a word of prayer.

MINUTE NO. DCL/LN/2015/779

AGENDA ADOPTION

The agenda of the meeting was adopted as hereunder after being proposed by the Hon. Hellen Chepkwony, M.P and seconded by the Hon. Francis Kigo Njenga, M.P

AGENDA

1. Prayers
2. Communication from the Chair
3. Confirmation of Minutes
4. Matters Arising
5. Bills
6. Petitions
7. Papers
8. Statements
9. **Substantive Agenda:- Meeting with the Cabinet Secretary for Livestock, Agriculture and Fisheries on the Kajiado and Mavoko Petitions**
10. Any Other Business
11. Date of the Next Sitting

MINUTE NO. DCL/LN/2015/780

CONFIRMATION OF MINUTES

1. Minutes of the 207<sup>th</sup> Sitting held on Thursday 15<sup>th</sup> October, 2015 were confirmed as a true record of the proceedings after being proposed by the Hon. Francis Kigo Njenga, M.P. and Seconded by the Hon. Benson Mbai, M.P., and signed by the Vice- Chairman.
2. Minutes of the 206<sup>th</sup> Sitting held on Tuesday 13<sup>th</sup> October, 2015 were confirmed as a true record of the proceedings after being proposed by the Hon. Benson Mbai, M.P. and Seconded by the Hon. John Kihagi, M.P., and signed by the Vice- Chairman.
3. Minutes of the 205<sup>th</sup> Sitting held on Saturday 10<sup>th</sup> October, 2015 were confirmed as a true record of the proceedings after being proposed by the Hon. Benard Bett, M.P. and Seconded by the Hon. Onesmus Ngunjiri, M.P., and signed by the Vice- Chairman.

- Minutes of the 204<sup>th</sup> Sitting held on Friday 9<sup>th</sup> October, 2015(Afternoon) were confirmed as a true record of the proceedings after being proposed by the Hon. John Kihagi, M.P. and Seconded by the Hon. Joseph Magwanga, M.P., and signed by the Vice- Chairman.
5. Minutes of the 203<sup>rd</sup> Sitting held on Friday 9<sup>th</sup> October, 2015(Morning) were confirmed as a true record of the proceedings after being proposed by the Hon. Francis Waweru Nderitu, M.P. and Seconded by the Hon. Hellen Chepkwony, M.P., and signed by the Vice- Chairman.
6. Minutes of the 202<sup>nd</sup> Sitting held on Thursday 8<sup>th</sup> October, 2015 were confirmed as a true record of the proceedings after being proposed by the Hon. John Kihagi, M.P. and Seconded by the Hon. Benson Mbai, M.P., and signed by the Vice- Chairman.
7. Minutes of the 201<sup>st</sup> Sitting held on Tuesday 6<sup>th</sup> October, 2015 were confirmed as a true record of the proceedings after being proposed by the Hon. Francis Waweru Nderitu, M.P. and Seconded by the Hon. John Kihagi, M.P., and signed by the Vice- Chairman.
8. Minutes of the 200<sup>th</sup> Sitting held on Tuesday 1<sup>st</sup> October, 2015 were confirmed as a true record of the proceedings after being proposed by the Hon. Benard Bett, M.P. and Seconded by the Hon. Francis Waweru Nderitu, M.P., and signed by the Vice- Chairman.
- Minutes of the 199<sup>th</sup> Sitting held on Tuesday 29<sup>th</sup> September, 2015 were confirmed as a true record of the proceedings after being proposed by the Hon. Sarah Korere, M.P. and Seconded by the Hon. Francis Waweru Nderitu, M.P., and signed by the Vice- Chairman.
10. Minutes of the 192<sup>nd</sup> Sitting held on Thursday 10<sup>th</sup> September, 2015(Afternoon) were confirmed as a true record of the proceedings after being proposed by the Hon. Sarah Korere, M.P. and Seconded by the Hon. Hellen Chepkwony, M.P., and signed by the Vice- Chairman.
11. Minutes of the 191<sup>st</sup> Sitting held on Thursday 10<sup>th</sup> September, 2015 (Morning) were confirmed as a true record of the proceedings after being proposed by the Hon. Benard Bett, M.P. and Seconded by the Hon. Hellen Chepkwony, M.P., and signed by the Vice- Chairman.
12. Minutes of the 190<sup>th</sup> Sitting held on Tuesday 8<sup>th</sup> September, 2015 were confirmed as a true record of the proceedings after being proposed by the Hon. John Kihagi, M.P. and Seconded by the Hon. Benard Bett, M.P., and signed by the Vice- Chairman.

**MINUTE NO. DCL/LN/2015/781**

**MATTERS ARISING**

Vide 199<sup>th</sup> Sitting Minutes

a. Minute no. DCL/LN/2015/711

**Naivasha Lake Corridors**

The Member for Naivasha Hon. John Kihagi, M.P., noted that it was the Ministry to propose the date when surveyors from the Ministry would visit the area to demarcate the corridors.

b. Minute no. DCL/LN/2015/712

**Petition by the Hon. Mathew Lempurkel on behalf of residents of Laikipia County on alleged Abuse, Torture of residents and Land Conflict in Segera Area.**

The Committee was informed that the Committee would hold a joint sitting with the Departmental Committee on Administration and National Security to deliberate on the petition.

2. Vide 200<sup>th</sup> Sitting Minutes –Minute no. DCL/LN/2015/718

The Committee noted that the Cabinet Secretary for Environment and Natural Resources was yet to appear the Committee and make submissions on the Kajiado and Mavoko Petitions despite various invitations.

The Committee resolved that the Cabinet Secretary for Environment and Natural Resources be summoned to appear before the Committee.

**MINUTE NO. DCL/LN/2015/782 MEETING WITH THE CABINET SECRETARY FOR AGRICULTURE LIVESTOCK AN FISHERIES ON THE PETITION BY THE RESIDENTS OF KAJIADO WEST CONSTITUENCY, KAJIADO COUNTY ON THE INQUIRY INTO THE COMPULSORY ACQUISITION OF LAND, REFERENCE NO.NGONG/NGONG/1959 AND THE PETITION BY THE RESIDENTS OF MAVOKO CONSTITUENCY REGARDING ALLEGED COMPULSORY ACQUISITION OF LAND IN MAVOKO CONSTITUENCY LR NO. 10029/2**

Prof. Fred Segor, Principal Secretary –Livestock, accompanied by Ms. Margaret Riungu, Legal Officer, Mr. Thomas E. Nyongesa, Mr. George K. Njihia, Mr. Boniface Walunjwa, Mr. Phillip Ole Kiok, Manager, Ngong Veterinary Farm and Mr. James Charo informed the Committee that the Cabinet Secretary was engaged in another meeting with the Departmental Committee on Environment and had delegated the responsibility to him to represent him at the meeting.

He further informed the Committee that the Cabinet Secretary accompanied by the Principal Secretary and other Ministry officials had appeared at the Fourth Floor Board Room Protection House, in honor of an earlier invitation by the Committee on the matter on 6<sup>th</sup> August 2015, but they waited in vain at the meeting room and left when they realized the meeting would not taking off since there were no Committee Members at the venue.

The Committee noted that on the date mentioned, Committee Sittings had been called off in order to allow members to attend the Commonwealth Parliamentary Associations (CPA) Sittings.

The Principal Secretary thereafter informed the Committee as follows:

**1. Original purpose and intent of the land Ngong / Ngong 1959**

- a. The gazette Notice No. 890 of 1957 was titled as the setting apart of land under section 12 of the Native Lands Trust Ordinance (Cap 100). This land was Set Apart for use by the Veterinary Department as a Veterinary Farm and Training Centre (Kenya Gazette Vol. LIX No. 11 of 5th March, 1957 (Copy of Gazette Notice was provided);
- b. The original purpose and intent of the land was further clarified in the same Gazette Notice. And to quote, “and whereas I am of the opinion that the proposed setting apart will be for the benefit of the Africans by reason of the use to which the land is to be put.”
- c. This implied that the land was to benefit the entire County as Veterinary Farm and Training Centre. It was not set aside for purposes of breeding, good farming practice and training in an

effort to improve the livelihoods of the Keek-Onyokie Community of Kajiado as alleged by the petitioners.

**2. The justification on the excision of the said land to various individuals and institutions**

- a) As per the Kenya Gazette Notice No. 890 of 5th March, 1957 the land set aside for Veterinary Farm and Training Centre at Ngong was approximately 1400 acres. Over the years, some other institutions (Public and private) were irregularly allocated this land;
- b) Available documents indicate that these allocations were facilitated by the then commissioner of Lands (Some of the correspondences were provided);
- c) The necessary justification would be found in the records held by the Ministry of Lands, Housing and Urban Development.

**3. Why the land was not returned to the Maasai Community as per the agreement that the land be returned if the veterinary activities cease**

- a) The Ministry is not aware of any such agreement with the Maasai Community on this land;
- b) The veterinary Activities and the Training Function for which this land was set apart remain valid as per the Gazette Notice No. 890. As a matter of fact, more land is still required for Veterinary activities in view of the changing dynamics in the development of livestock Sub-county sector;
- c) Almost all the Counties have enhanced budgetary provisions for livestock inputs such as vaccines, acaricides and drugs. These are sourced from local manufacturers or distributors of imported products. All these inputs are subjected to field and laboratory tests to ascertain their effectiveness and safety. Thereafter they can either be allowed into the market or rejected. All these are carried out within the Veterinary Farms country wide;
- d) Ngong Veterinary Diagnostic and Efficacy Trial Centre (Ngong Veterinary Farm) is just one of the seven (7) strategically located Veterinary Farms in different regions of the Country;
- e) The Farm rears cattle, sheep and goats for disease surveillance, efficacy trials and diagnostic work. Currently, the Farm has a total of 238 cattle, 254 sheep and 30 goats which are used for these activities. They require adequate grazing area;
- f) They are also kept for disease Surveillance where they act as Sentinel Herds for early detection of diseases;
- g) Plans have already been put in place to raise this herd to 400 cattle, 500 sheep and 200 goats. This will provide additional capacity required for Testing of Animal Health Resource Inputs;
- h) As a Quarantine area, Ngong Farm is used as holding ground for animals in transit to monitor on their disease status (Holding ground at Ngong Farm for animals to be distributed to Ndeiya/Karai area of Kiambu County during the month of August 2015, Efficacy Trial for Rift Valley Fever Clone 13 Vaccine and Use of Ngong Farm for Sentinel herd for monitoring Disease of bees;
- i) The importance of Ngong Veterinary Farm in this respect therefore remains critical, and has been used over the years as originally intended.
- j) As a training Centre which was one of the original purposes for the setting a part of this land, Ngong Veterinary Farm hosts;

- i. AHITI Kabete Satellite Campus for practical training of students in animal Health and Production.
- ii. Ngong Agricultural Training Centre;
- iii. National Rabbit Multiplication and Training Centre;
- iv. Apiary (Bee keeping) Promotion Training Centre; and
- v. Leather Science Institute under construction

**4. Why sub-division of the land for various activities not related to veterinary activities is ongoing**

- a) As far as the Ministry is aware, there are no ongoing Sub-divisions;
- b) The portion recently fenced within the farm is for the commencement of construction of the Leather Science Institute.

**5. Provide details of the beneficiaries of the land after the Sub-division**

- a. The Ministry is not in a position to provide the exact details of beneficiaries of the land after subdivision since these are still held by the Ministry of Lands, Housing and Urban Development. Unfortunately, some correspondences emanating from this Ministry on the status of Ngong Veterinary Farm are misleading and incorrect. A typical case is the letter Ref: KN/LND/GEN/VOL.4/9 of 9th March 2014, addressed to the Chairman National Land Commission by the District Land Registrar, Kajiado North. The letter erroneously states Ministry of Livestock (which owns the land) was allocated 120 acres from Ngong/Ngong/1959 (Copies provided);
- b. However, available information indicates that, since the setting a part of this land for use as a Veterinary Farm and Training Centre, the following changes / subdivisions have taken place:
  - i. 14th March, 1975 land Parcel Ngong / Ngong / 1959 was closed after subdivision into parcels numbers Ngong / Ngong 2627, Ngong / Ngong / 2628, and Ngong / Ngong / 2629.
  - ii. Parcel No. Ngong / Ngong / 2627 was registered under the Government of Kenya and reserved for use as Veterinary Farm and Training Centre;
  - iii. Parcel No. Ngong / Ngong / 2628 (approx. 0.5946 Ha) was registered under the Government of Kenya as the Proprietor and reserved for Treatment Lagoons;
  - iv. On 18th April 1975, this was registered as Leasehold with the Government of Kenya being the Lessor and Halal Meat Products Limited as the Lessee. This was to run for 99 years wef – 1 – 1 – 1975;
  - v. Parcel No. Ngong / Ngong/ 2629 (approximately 3.990 ha) was registered under the Government of Kenya as the Proprietor and reserved for Abattoir. On 18th April 1975, this was registered as Leasehold with the Government of Kenya being the Lessor and Halal Meat Products Limited as the Lessee. The lease was to run for 99 years with effect from 1<sup>st</sup> January 1975.
  - vi. Parcel No. Ngong / Ngong / 2627 was closed on 7/12/1998, after sub-division into two (2) parcels, Ngong/Ngong/21399 and 21400;
  - vii. Parcel No. Ngong / Ngong / 21399 (approx. 48.70 Ha) was registered as Leasehold with Ol'kejuado County Council being the lessor and Permanent Secretary (to the Treasury of Kenya) as the Lessee. This was to run for 99 years with effect from 1<sup>st</sup> February 1997. This, now belongs to Kenya Police;

- viii. Parcel No. Ngong / Ngong / 21400 (approx. 541.01 Ha or 1336.84 Acres) was Registered under the Government of Kenya. Out of this, some portions of the land were hived off and irregularly allocated to the following institutions;

Institution	Acres
Ministry of Roads and Housing (Kenya Institute of building and Highway Training)	75
Army Gravelling Unit	10
Meteorological Department	100
Olkejuado County Council (Dumping Site)	20
East African Sports	100

(Copies of correspondence on subdivisions and letter from the Director of Survey provided)

- c. There remaining portion of land which is approximately 1031 acres is the current Ngong Veterinary Diagnostics and Efficacy Trial Centre (Ngong Veterinary Farm and Training Centre). The National Rabbit Multiplication and Training Centre, Agricultural Training Centre, AHITI Kabete Ngong Satellite Campus and the upcoming Leather Science Institute are all located on this land. Summary of beneficiaries of land after "subdivision" is as follows:-

Institution	Approx. Acreage
Ngong Veterinary Farm	1031
Kenya Police	120
Ministry of Roads and Housing (Kenya Institute of Building and Highway Training)	75
Army Gravelling Unit and Training	10
Meteorological Department	100
Olkejuado County Council (Dumping Site)	20
Halal Meat Products	12
East African Motor Sports Club	100

6. **Terms and Conditions of the agreement entered into between the Ministry of Livestock Development and M/S China Road Bridge Corporation (Kenya) for setting up a temporary quarry site for the Nairobi Southern Bypass Project.**

The agreement entered into between the then Ministry of Livestock Development and M/S China Road Corporation (Kenya) for setting up a temporary quarry site for the Southern Bypass Project was signed in December, 2011. It was signed in the presence of the Permanent Secretary Ministry of Roads who is referred to as The Employer.

The following are the Terms and Conditions;

- Quarry Site Camp - This shall be the area measuring 40 acres within Ngong Veterinary Farm belonging to Ministry of Livestock Development.
- Objective - To crush road materials, deliver to project site and stock pile the balance for future use.
- Period - The Quarry Site will be set up for the entire period of the Project Contract subject to extensions in any.

- d) Fencing - The quarry site shall be fenced to a standard approved by Ministry of Livestock Development and shall be reviewed from time to time if and when the need arises.
  - e) Water - The contractor shall articulate water from the borehole to the Veterinary farm reservoirs at all time.
  - f) Regulations - The residents and occupants of the quarry site shall comply promptly and full with all regulations governing the Veterinary farm and as directed by the Permanent Secretary.
  - g) Pollution - The Contractor shall ensure that all emissions, dust and noise are maintained within levels that shall not inconvenience or be hazardous to the farm or the neighboring community.
  - h) Liaison - During the period of the project, the Farm Manager and the Contractor shall liaise and cooperate on matters of mutual interest.
  - i) Assets - The Contractor shall at the expiry period of the Project Contract hand over to the Officer in Charge of Veterinary Farm all non-movable assets constructed on the farm set up on the quarry site.
  - j) Rehabilitation of Quarry Site - The contractor at the end of the contract will ensure the contract will ensure the burrow pit and any form of ground formation affected by way of back filling with suitable materials.
  - k) Security - The contractor will provide security to the quarry and install security lights in the quarry and around the perimeter fence of the quarry to operate during the hours of darkness and shall ensure that the lights cover a distance of at least 50 meters into the neighboring location.
  - l) Identification - All persons working within the quarry site shall have identification Cards and proper and permanent records thereof made in a register. All employees shall have Certificates of Good Conduct.
  - m) Roads - The contractor shall maintain the road network within the veterinary farm during the period of the project.
  - n) Conference - The contractor will construct one conference facility for the Veterinary farm.
- 7. How does the Government and the local community benefit from the activities of M/S China Road Bridge Corporation (Kenya) in the said Quarry**
- a) The Nairobi Southern Bypass aims to decongest Nairobi City from the economically crippling traffic snarl-ups. The provision of these construction materials from the Veterinary Farm should be viewed positively and worth the contribution;
  - b) The agreement had indicated that the Contractor will construct one conference facility for the farm. It was to cost Kshs. 20,280, 869. This could have been of immense help in the long run to both the Government and the local community;
  - c) This was however abandoned following the court case filed by Ilkeekoinyoke Welfare Group. Both the Ministry and the Contractor had been sued over the construction of the quarry at Ngong Veterinary Farm;
  - d) After consultations held between the Ministry and the community, it was resolved one borehole to be drilled for use by the local community's livestock and domestic requirements, at a cost of Kshs 6,000,000. This was conditional for the Court case to be withdrawn (Letter from the then Ministry of Livestock to Contractor provided);

e) Members of the local community were also to be employed at the quarry.

f. **Any other information as may be relevant to the Committee**

- a) Veterinary Farms (Veterinary Diagnostic and Efficacy Trial Centers) are pivotal in the development of the livestock industry in Kenya. The veterinary farms are a resource base for livestock disease diagnostic, surveillance and efficacy trials. They provide scientifically sound materials for animal disease diagnostic programs and support the production of sustainable, safe and high quality animal and animal products. All this contributes to improved livestock productivity, increased access to markets, poverty reduction, increased opportunity for involvement of youth in agri-business, protection of animal and human health, enhanced trade and investment, enhanced peace and security, climate adaptation by animal keeping communities, reduce biological threats to counter bio-terrorism and provide food and feed security.
- b) They are useful for supporting Devolution through ensuring that the quality of drugs and vaccines (both produced and imported) distributed all over the Country meet the required standards.
- c) They are also envisaged to play a leading role in long – term improvement of animal genetics in the Country.
- d) This will be done through sustainable monitoring of progeny testing for performance of locally produced and imported semen. Since these are long term interventions, they can only be sustained in government farms;
- e) Ngong Veterinary Diagnostic and Efficacy Trial Centre (Ngong Veterinary Farm) is just one of the seven (7) strategically located Veterinary Farms in different regions of the country. The others are Machakos, Maseno (Kisumu), Kiboko (Makueni), Ndongba (Kirinyaga) Limuru and Kabete (Nairobi). There is need to develop similar farms to cover other parts of the Country such as Coast and Northern Regions of Kenya;
- f) The misconception that Veterinary Farm lands are lying idle and have no use and can be taken over by Communities should be discouraged to avoid a repeat of the same in other areas. There is need to protect other Farm and National Holding grounds for prosperity and the future generation of this country for public good;
- g) The Ministry prays that this Committee supports
  - i. The issuing of Title Deeds for these National Farms,
  - ii. The provision of adequate funds to secure all the Veterinary farms lands and,
  - iii. The irregularly allocated land is repossessed and reverted back to be used for veterinary activities as per the original intention.

The Committee was further informed as follows:

- h) The Ministry had requested for a survey of the land by the Ministry of Lands, Housing and Urban Development and paid the relevant fees to the Ministry so that beacons could be put. The work progressed until the point where the surveyors reached the police post (in the piece of land owned by the Police), they were chased away by the police;
- i) Consequently, the Ministry of Livestock has no documentation to prove ownership of the land since the title could not be issued (based on the final survey) since the survey was not concluded;

- j) The police own 120 acres of the land and there is a police post erected within the land;
- k) The cows that can be found in the police farm are not Veterinary Farm animals;
- l) The Principal Secretary would pick up the issue of the land held by the police with his Cabinet Colleagues in the Ministry of Interior with a view of establishing the purpose of the land set aside for the police;
- m) There is correspondence available between Kenya and the Intergovernmental Agency for Development (IGAD) to show that the metrological department is establishing a training Centre which is being funded by IGAD on the land.
- n) There are no documents to show that the East African Motor Sports own part of the land neither is the company physically on the ground.

**The Committee Observed:**

The Principle Secretary had not responded to the issues raised regarding the petition by residents of Mavoko Constituency regarding alleged compulsory acquisition of land in Mavoko Constituency, LR no 10029/2

**The Committee Resolved:**

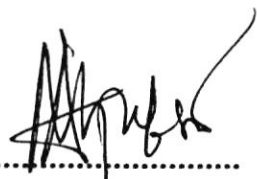
- a) That the Principal Secretary appears before the Committee on Tuesday 17<sup>th</sup> November to respond to the petition; and
- b) The Principal Secretary establishes from the Principal Secretary the Ministry of Interior and Coordination of National Government the purpose of the land set aside for the police and report back to the Committee on Tuesday 17<sup>th</sup> November

MINUTE NO. DCL/LN/2015/783

ADJOURNMENT & DATE OF THE NEXT SITTING

There being no any other business, and the time being 13.23 p.m. the meeting was adjourned.

SIGNED

.....  ..... (CHAIRPERSON)

DATE

..... 12<sup>th</sup> November 2015 .....

MINUTES OF THE 190<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS  
HELD ON TUESDAY 8<sup>TH</sup> SEPTEMBER 2015 AT THE MINI CHAMBERS, COUNTY HALL AT 11.00  
A.M

PRESENT:

1. The Hon. George Oner, M.P. - Chairing
2. The Hon. Moses Ole Sakuda, M.P. - Vice - Chairperson
3. The Hon. Kanini Kega, M.P.
4. The Hon. Eusilah Ngeny, M.P.
5. The Hon. Julius Ndegwa, M.P.
6. The Hon. John Kihagi, M.P.
7. The Hon. Bernard Bett, M.P.
8. The Hon. Patrick Makau, M.P.
9. The Hon. Gideon Mung'aro, M.P.
10. The Hon. Benson Mbai, M.P.

ABSENT WITH APOLOGIES:

1. The Hon. Alex Mwiru, M.P. - Chairperson
2. The Hon. Thomas Mwadeghu, M.P.
3. The Hon. Mathew L. Lempurkel, M.P.
4. The Hon. Mutava Musyimi, M.P.
5. The Hon. Shakila Abdallah, M.P.
6. The Hon. Hezron Awiti Bollo, M.P.
7. The Hon. Esther Murugi, M.P.
8. The Hon. Francis Njenga Kigo, M.P.
9. The Hon. Hellen Chepkwony, M.P.
10. The Hon. Francis W. Nderitu, M.P.

ABSENT WITHOUT APOLOGIES:

1. The Hon. Joseph Oyugi Magwanga, M.P.
2. The Hon. Onesmus Ngunjiri, M.P.
3. The Hon. Kipruto Moi, M.P.
4. The Hon. Suleiman Dori, M.P.
5. The Hon. Mpuru Aburi, M.P.
6. The Hon. A. Shariff, M.P.
7. The Hon. Sarah Korere, M.P.
8. The Hon. Dr. Paul Otuoma, M.P.
9. The Hon. Oscar Sudi, M.P.

IN ATTENDANCE:

KENYA NATIONAL ASSEMBLY

1. The Hon. Joseph Manje, M.P – Kajiado North

- |                           |   |                             |
|---------------------------|---|-----------------------------|
| 2. Mr. James Ginono       | - | Clerk Assistant I           |
| 3. Ms. Ruth Mwihaki       | - | Clerk Assistant III         |
| 4. Mr. Emmanuel Muyodi    | - | Clerk Assistant III         |
| 5. Ms. Christine Odhiambo | - | Legal Counsel II            |
| 6. Mr. Yakub Ahmed        | - | Media Relations officer III |

MINUTE NO. DCL/LN/2015/680

PRELIMINARIES

The Chairperson called the meeting to order at 11.30 am, followed by a word of prayer.

While declaring his interest in the matter under Standing Order 90, the Hon. Moses Ole Sakuda informed the Committee that he had an interest being the one who petitioned parliament over the matter. He therefore stepped aside as the Chair of the session.

Members present, and the two groups thereafter introduced themselves.

MINUTE NO. DCL/LN/2015/681

SUBMISSIONS FROM RESIDENTS OF KAJIADO NORTH  
CONSTITUENCY ON PETITION BY THE  
RESIDENTS OF KAJIADO WEST CONSTITUENCY,  
KAJIADO COUNTY ON THE INQUIRY INTO  
THE COMPULSORY ACQUISITION OF LAND,  
REFERENCE NO. NGONG/NGONG/1959.

1. Submissions from Hon. Joseph Manje

The Hon. Joseph Manje, M.P, Kajiado North Constituency informed the Committee that the two groups appearing before the Committee were from the Kaputei and Ngong Communities and they would be presenting their memorandums separately. The Committee was further informed as follows;

- a) He submitted the memorandum due to allegations made in the petition to parliament that all the veterinary farm land had been underutilized, subdivided and allocated to private individuals;
- b) As regards to the location of the farm, it can be confirmed from the IEBC certified maps that the Veterinary farm is without a doubt in Kajiado north constituency;
- c) Before and immediately after independence in 1963 Maasai land was held in trust first by the crown and later by Kenyan Government. At the same time the colonial administration had gazette government land, Ngong veterinary farm being one of them;
- d) Ngong Veterinary Farm, Reference No. Ngong/Ngong /1959 was vested to the department of veterinary services by the colonial government in 1957 for purposes of monitoring disease and disease trial in a free ecosystem. Since then research done on this veterinary farm has led to development of vaccines for examples Triatix and vaccines for foot and mouth disease as well as for rift valley fever disease;

- e) This proves the farm is of great importance to the country in terms of development of vaccines and drugs for treatment of livestock disease which requires a big tract of land for accomplishment of development of vaccines and drugs;
- f) There are other examples of gazette veterinary farms in Kenya all of which belong to the government such as Machakos, Kabete, Kiboko, Nduba in Embu, Maseno, and Naivasha etc. However, due to the vastness of the Ngong veterinary farm the ministry of agriculture was unable to fully utilize the land leading to allocation of various government and private institution as mention earlier;
- g) During visit of the parliamentary committee on lands on 15<sup>th</sup> July 2015, the Committee was not given a correct impression about the veterinary farm. Most speakers at the public forum were from the Keekonyokie clan who advocated for the land to be returned to the Keekonyokie clan for adjudication and re-distribution. This position has created animosity amongst the Kajiado County communities who would like to see the land utilized for purpose beneficial to the largest Kajiado County community and not individual or particular clans. The veterinary farm is in Kajiado North Constituency as evidenced by existing maps and the IEBC's KHBIT polling station number 31;
- h) Ngong Veterinary Farm is of vital importance to Kenya, Djibouti, Eritrea, Ethiopia, Somalia, Sudan, Uganda, Burundi, Rwanda and Tanzania because the IGAD Regional Climate Prediction Centre is based at the farm;
- i) There was no hotel being erected on the land by the meteorological department as claimed. What was being established was an IGAD climate prediction center.

**He thereafter recommend the following as the way forward:**

- a) Veterinary farm should be used for posterity in upholding the cosmopolitan aspect of Kajiado north constituency in order to avoid acrimony which may arise as a result of sub-division of land to groups with vested interest at the expense of benefits to the constituency, county and nation at large. This is to avoid setting a bad precedent which may water down all the gain made in other veterinary farms in the country if similar petitions see the light of the day;
- b) For guidance, the veterinary farm can be subdivided as follows:
 

i. Veterinary farm	400 acres
ii. Public university	200 acres
iii. Public teacher college	100 acres
iv. Other educational institutions	100 acres
v. Vision 2030 state of the art stadium	50 acres
vi. Allocation to county government	100 acres
For expansion of Ngong town	
vii. Other government institutions eg.	100 acres
Independent electoral & boundaries commission, Judiciary officers, courts etc.	
- c) Land that has been allocated to other government institutions should remain as they are and all land allocated to private institutions such as Halal meat product and east African motor sports club should be revoked.

- d) China Road and Bridge Construction Company should honor all pledges they made during the agreement and all necessary compensation paid due to damage caused.
- e) The land allocated to Kenya Police should be put into use for the allocated purpose.

**The Committee observed:**

- a) The map tabled by the Hon Manje did not indicate the author
- b) The letter by the Kajiado County Commissioner was not signed and was therefore not admissible as evidence;

**2. Submissions from the Kaputei Community**

Mr. Andrew Ole Nangurai representing the Kaputei community informed the committee as follows:

- a) That their attention had been drawn to a public petition drawn and presented to parliament by Hon. Moses Ole Sakuda, MP and supported another petition by the Senator Hon. Peter Mositet, Kajiado county who petitioned the senate over the same matter;
- b) Parliament the committee were misled to believe that that Ngong veterinary land is in Kajiado west and that it belongs to Keek-onyokie community and that the Keek-onyokie clan ever lived near or around the veterinary land;

**The following are the clear, authentic and undisputable facts about veterinary land;**

- c) The veterinary land borders Embulbul town and Ngong Township, Kerarapon ,Ngong forest and Kibiku areas; all named areas surround veterinary land and are in Kajiado North Constituency.
- d) All the land mass Ngong area survey prefix is Ngong /Ngong.....,therefore the veterinary land is Ngong/Ngong 1959 which means that veterinary land is in Ngong location Kaputei area as opposed to Keek-onyokie location whose prefix is Keek-onyokie/intashat;
- e) The survey map of the area No. index 148/3sw/se shows clearly the boundary between Ngong location and Keek-onyokie locations;
- f) ~~The electoral commission map clearly marks the boundaries and the officially gazetted polling stations;~~
- g) Historically, kaputei clan owned all that land mass from kerarapon (Enkongu Empakasi) along the railway line to Kenyawa in south Kaputei, Ngong hill down to Kibiku/Kimuka areas were all originally occupied by Kaputei clan. The beacon Kibiku separated Kaputei, Keek-onyokie clans and Kiambu –Ndeiya;
- h) The demarcation committee that originally allocated the land including, Mr. Kantai Ole Nagali, Mr. Erastus ole Seet, Mr. Shompa ole Mapi, Mr. Mutembe Ole Suiyanga, Mr. Munene Ole Suiyanga, Chief Siongo ole Pasha,were all Kaputei clan members. Other people from different clans were invited by the committee to own land in Ngong;
- i) The earlier colonial chief including Chief Seet Ole Nagila, Chief Hamisi Oloookimojik Ole Nakurdo, Chief Ole Nchoonga, and Chief Siongo Ole Pasha were from Kaputei and were responsible administratively of all that land covering Nkibikuni, Ngong hills, Kerarapon down to Kenyawa areas in south Kaputei, in 1954, Chief James Ngatia of Keputiei gave Queen Elizabeth Oloolaiser (Ngong hills) as a present and Keek-onyokie clan did not raise a finger for it was no their area of jurisdiction administratively;

- j) In 1911, a meeting took place and its venue was at Kerarapon where sheep and goats farm in Kitengela was discussed to prove that Kerarapon area belonged to Keputiei and therefore a meeting could take place anywhere in Kaputiei area. Those people who were allocated the land by the demarcation committee are people who lived at Kerarapon and the surrounding and they were the people who donated the land to the colonial masters for the veterinary land purpose and not Keek-onyokie clan;
- k) Kajiado north constituency and Kaputiei in general is left with only one public utility which is veterinary Ngong where a university, a teachers training college, a district hospital and an institution of agriculture training etc. can be developed for our future posterity. Personal gain as opposed to that of public interest is our difference between the petitions assertion and our future goals for the land;
- l) The Kaputiei gave the Keek Onyokie 3000 acres of land in Kibiko;

The group thereafter prayed as follows:

That the national assembly through the departmental committee on lands:

- i. Investigates circumstances under which parts of Ngong/Ngong 1959 which was a community land that was set aside for veterinary department, was irregularly allocated to private owner and titles issued (attached please find a self-explanatory letter from the registrar of lands, Ngong.)
- ii. Urges the government to compel that veterinary department to surrender the entire land back to the Kaputiei community for our development use where we intend to build a community university college, teachers training college while agriculture and animal research will remain and other public amenities to benefit the community in keeping with provision of article 63 of the constitution and land act 2012 regarding community land.

### 3. Submissions from Ngong Community

Mr. Henry S. Puliei representing the Kajiado north constituency Ngong Veterinary Farm Committee Members, on behalf of residents of Kajiado North:-

- a) The submission was prompted by allegations made earlier that the veterinary farm land had been underutilized, subdivided and allocated to private individuals;
- b) Following a committee visit to Ngong Veterinary farm on 15<sup>th</sup> July 2015, the residents of Kajiado North Constituency established a committee to spearhead a campaign to tell the public the truth about the current status of the land and to involve all stake holders including the Keek onyokie clan;
- c) The purpose of the committee to join others in the campaign to get the land returned to the people of Kajiado for the benefit of the whole community, and not individuals;
- d) The committee has held several meetings and consultative forums and plans to dialogue with the Keek onyokie clan elders and both the member of Kajiado west and Kajiado North constituencies and the parliamentary committee for land and natural resources, in order to work together in reclaiming the land for community's institutions;
- e) Ngong veterinary farm, reference no. Ngong/Ngong /1959. was vested to the department of veterinary services by the colonial government in 1957 for purposes of developing a

veterinary farm and a training centre. Contrary to this objective for which the land was set aside, the veterinary department has continued to underutilize it, opening it up for grabbers. Since 1995, the government has continued to acquisition land for various government departments and other entities as stated above;

- f) The position that the land reverts to the Keek Onyoike Community as canvassed during the Committee public hearings held in Ngong has created animosity amongst the Kajiado communities who would like to see the land utilize for purpose beneficial to the largest Kajiado community and not individual clan;
- g) In order to address equitably past historical as well as current concerns of the residents of Kajiado, we hereby recommends that the following government institution already given parcel in the veterinary farm, be allowed to retain parcels of the land at the farm, but community to decide on the acreage to be retained by these institutions:
  - i. Veterinary department
  - ii. Army gravelling unit & training
  - iii. Meteorological department
  - iv. Kenya police
  - v. Ngong dumpsite
- h) The land illegally allocated to the following private entities and individuals is reclaimed and their title deeds cancelled and the land returned to the community:
  - i. Halal meat product - 12
  - ii. East African motor sports -100
- i) The remaining parcel of land be returned to the community of Kajiado for the following institution and facilities whose acreage will be determined by the stakeholders:
  - i. Ngong university
  - ii. Ngong teachers college
  - iii. Boys national secondary school
  - iv. Girls national secondary school
  - v. Mixed day primary school
  - vi. A polytechnic institution
  - vii. A community stadium
  - viii. A referral hospital
  - ix. A rehabilitation centre
  - x. A new modern Ngong town
- j) China road and bridge company whose lease expired be compelled by the committee to honor the promises they made to the community as corporate social responsibility, pay outstanding claims or compensation to individual whose houses they cracked, refill and plant trees and restore the ground to its former state, and leave the farm immediately.

**The Committee observed that;**

- a) The Petition before the Committee was not a boundary issue and the Committee in considering the matter would confine itself to the prayers made in the petition;

- b) There was no council approval given for the excisions on the land and that the land was allocated to private individuals and other government institutions through unorthodox means;
- d) The contention of the groups is that the petition tabled in the National Assembly did not give the true position as to who the initial inhabitants of the land were, since it's the Kaputiei and not the Keek-onyoike who initially occupied the land;
- c) Administratively, Ngong Veterinary farm is in Kibiko Location which is in Kajiado West;

MINUTE NO. DCL/LN/2015/682

ANY OTHER BUSINESS

1. Field Visit to Chuka

Members were informed that the field visit to Chuka Igambang'ombe constituency over a petition was scheduled for September 9<sup>th</sup> -12<sup>th</sup> , 2015.

The following Members had confirmed their attendance

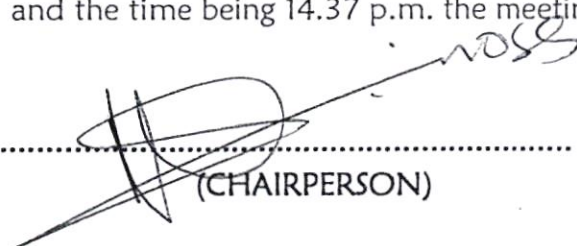
- 1. The Hon. Alex Mwiru, M.P. -Chairman
- 2. The Hon. Moses Ole Sakuda, M.P. – V/Chairman
- 3. The Hon. John Kihagi, M.P.
- 4. The Hon. Benson Mbai, M.P.
- 5. The Hon. Eusilar Ngeny, M.P.
- 6. The Hon. Benard Bett, M.P.
- 7. The Hon. George Oner, M.P.

MINUTE NO. DCL/LN/2015/683

ADJOURNMENT & DATE OF THE NEXT SITTING

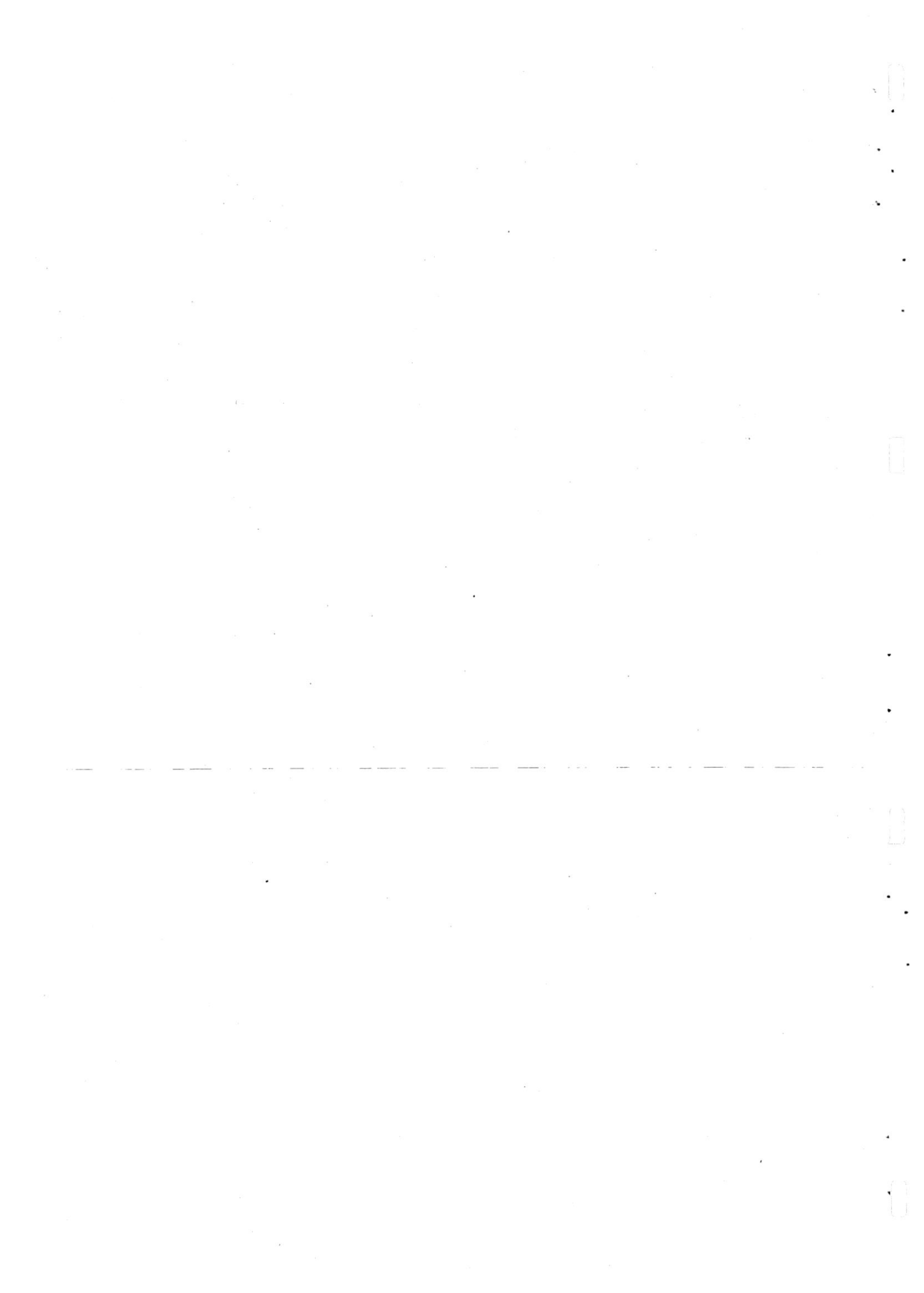
There being no any other business, and the time being 14.37 p.m. the meeting was adjourned.

SIGNED

.....  
  
.....  
(CHAIRPERSON)

DATE

..... 10/11/2015 .....



MINUTES OF THE 178<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON TUESDAY 15<sup>TH</sup> JULY 2015, AT KAJIADO WEST CONSTITUENCY AT 1.00 PM

PRESENT:

1. The Hon. Alex Mwiru, M.P. - Chairperson
2. The Hon. Moses Ole Sakuda, M.P.
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. Bernard Bett, M.P.
7. The Hon. Esther Murugi, M.P.
8. The Hon. Joseph Oyugi Magwanga, M.P.
9. The Hon. Hellen Chepkwony, M.P.
10. The Hon. Patrick Makau, M.P.
11. The Hon. Francis Njenga Kigo, M.P.
12. The Hon. Benson Mbai, M.P.
13. The Hon. Kanini Kega, M.P.
14. The Hon. Gideon Mung'aro, M.P.
15. The Hon. George Oner, M.P.
16. The Hon. Sarah Korere, M.P.
17. The Hon. Thomas Mwadeghu, M.P.
18. The Hon. Mathew L. Lempurkel, M.P.
19. The Hon. Dr. Paul Otuoma, M.P.
20. The Hon. Eusilah Ngeny, M.P.
21. The Hon. A. Shariff, M.P.
22. The Hon. Mutava Musyimi, M.P.
23. The Hon. Hezron Awiti Bollo, M.P.
24. The Hon. Julius Ndegwa, M.P.

ABSENT WITH APOLOGIES:

1. The Hon. Kipruto Moi, M.P.
2. The Hon. Mpuru Aburi, M.P.
3. The Hon. Shakila Abdallah, M.P.
4. The Hon. Suleiman Dori, M.P.

ABSENT WITHOUT APOLOGIES:

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

**IN ATTENDANCE:**

**KENYA NATIONAL ASSEMBLY**

- |                          |                                 |
|--------------------------|---------------------------------|
| 1. The Hon. Joseph Manji | M.P. Kajiado North Constituency |
| 2. The Hon. Janet Teyiaa | M.P. (Nominated)                |
| 3. Mr. James Ginono      | Clerk Assistant I               |
| 4. Ruth Mwhaki           | Clerk Assistant III             |
| 5. Mr. Emmanuel Muyodi   | Clerk Assistant III             |

**KAJIADO COUNTY**

- |                               |                          |
|-------------------------------|--------------------------|
| 1. Dr. David Nkedianye        | Governor, Kajiado County |
| 2. Sen. Peter Mositet         | Senator Kajiado          |
| 3. Rev. Stephen Mparinkoi     | Petitioner               |
| 4. Mr. Francis Parsimei Gitau | Community Leader,        |
| 5. Mrs. Agnes N. Marona       | Petitioner               |

**MINUTE NO. DCL/LN/2015/616**

**PRELIMINARIES**

The Chairman called the meeting to order at 1.15 p.m. with a word of prayer.

**MINUTE NO. DCL/LN/2015/617**

**SUBMISSIONS FROM KAJIADO WEST CONSTITUENCY  
PETITIONERS**

Rev. Stephen Mparinkoi, Mr. Francis Parsimei Gitau – Community Leader, Mrs. Agnes N. Marona – Petitioner, representing the petitioners informed the Committee as follows:

- a) In 1938, the colonial government approached the Ilkeek Onyoike community and requested the community to set apart a piece of land to start a farmers training in Ngong area;
- b) The Ngong farmers training centre was officially set apart in 1938. The purpose of the Ngong Farmers Training Centre was:
  - i. Gross breeding of livestock for higher yields from all over Maasai land;
  - ii. Training indigenous Maasai people in animal and crop husbandry;
  - iii. Hay bailing in readiness against draught;
  - iv. Research purposes and as a production line for drugs against animal diseases.
- c) Ngong Veterinary was first gazzeted on 2<sup>nd</sup> August 1956 vide gazette notice No.3818, and it was under the custody of respective county Councils;
- d) Ilkeek –Onyoike Community was not consulted when the name of the first proprietor i.e. the Olkejuado County Council was changed to government of Kenya;
- e) Certificate of lease was issued to Halal Meat Products limited, parcel no Ngong /Ngong 2628 measuring 0.5946 ha;
- f) Halal Meat Company charged the land to Kenya Commercial Bank over a Ksh. 65 million

loan. The bank was to auction the land after Halal failed to repay the loan but the community went to court and stopped the auction;

- g) Metrological department applied to acquire (44.32) hectares parcels of land under L.R.N 24302, from the Ministry of Agriculture, Livestock Development and Marketing in 1995 to develop meteorological infrastructure.
- h) But Ilkeek –Onyoike Community later learnt that;
  - i. Metrological department transferred the land to East African Motor Sports club;
  - ii. A hotel is being built in the land against the original purpose and intend of the land they had requested.
- i) An agreement between the Ministry of Livestock Development and M/S China road Bridge Corporation (Kenya) was entered to set up a temporary quarry site for the Nairobi Southern Bypass project;
- j) The excavations exceeded the area that was authorised and on leaving the site, the contractors did not refill the construction site to reclaim it thereby exposing the residents to accidents. Houses are also cracked due to quarry activities;
- k) The lives of the residents have been disturbed by the blasting of the mines, and the children are traumatized by heavy blasts and the livestock are not breeding normally;
- l) There are reported cases of the environmental degradation by the Kerrarapon quarry activities;
- m) The residents were not consulted when the Chinese company signed a deal with the Ministry of Livestock to mine on the 20 – acre farm in Ngong;
- n) Kajiado county government and the local community is not benefitting from the activities of M/S China Road Corporation (Kenya) in the said quarry;

**The Committee Observed, that:-**

- i. The land is not used for the for the purpose for which it was set apart for i.e. veterinary activities;
- ii. The land was not returned to the Ilkeek Onyoike community as per the agreement that if the veterinary activities cease the land be returned;
- iii. The land has been subdivided to various individuals and institutions;
- iv. Various activities which are not related to veterinary activities are ongoing in the land;
- v. Ilkeek Onyoike community is exposed to physical dangers and long term health hazards from exposure to dust due to failure of the contractor to refill the construction site.
- vi. There are reported cases of traumatic effects on the villages near the quarry due to loud explosions from the dynamites used to blast rocks; the children are traumatized by heavy blasts, the livestock are not breeding normally and buildings around the quarry have since cracked.

**The Committee makes resolved, that:-**

- i. The Ministry of Agriculture and Livestock and Fisheries, Ministry of Environment and Natural Resources and the Director of Kenya Metrological Services to appear before the Committee to provide information concerning land L.R Ngong/Ngong/1959;
- ii. The directors of Halal Meat Products Limited and East Africa Motor Sports Club to appear before the Committee to provide the information regarding the land aforementioned land;

- iii. Kajiado County Governor should ensure that there are no further developments in the excised land until the investigations are concluded; and
- iv. The Ministry of Lands officials to put a caveat on the property forbidding any activity or transactions until investigations are concluded;

MINUTE NO. DCL/LN/2015/ 618

ADJOURNMENT & DATE OF THE NEXT SITTING

There being no any other business, and the time being 15.35 pm, the meeting was adjourned. The next meeting will be held on Tuesday 14th July, 2015 at 10.00 a.m.

SIGNED

.....

(CHAIRPERSON)

DATE

.....  
10<sup>th</sup> November 2015

EXTRACTS FROM THE MINUTES OF THE 177<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON TUESDAY 14<sup>TH</sup> JULY 2015, AT THE MAIN CHAMBERS, MAIN PARLIAMENT BUILDINGS AT 2.00 PM

PRESENT:

1. The Hon. Alex Mwiru, M.P. - Chairperson
2. The Hon. Moses Ole Sakuda, M.P.
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. Bernard Bett, M.P.
7. The Hon. Esther Murugi, M.P.
8. The Hon. Joseph Oyugi Magwanga, M.P.
9. The Hon. Hellen Chepkwony, M.P.
10. The Hon. Patrick Makau, M.P.
11. The Hon. Francis Njenga Kigo, M.P.
12. The Hon. Benson Mbai, M.P.
13. The Hon. Kanini Kega, M.P.
14. The Hon. Gideon Mung'ao, M.P.
15. The Hon. George Oner, M.P.
16. The Hon. Sarah Korere, M.P.
17. The Hon. Thomas Mwadeghu, M.P.
18. The Hon. Mathew L. Lempurkel, M.P.

ABSENT WITH APOLOGIES:

1. The Hon. Dr. Paul Otuoma, M.P.
2. The Hon. Kipruto Moi, M.P.
3. The Hon. Eusilah Ngeny, M.P.
4. The Hon. A. Shariff, M.P.
5. The Hon. Mutava Musyimi, M.P.
6. The Hon. Mpuru Aburi, M.P.
7. The Hon. Shakila Abdallah, M.P.
8. The Hon. Suleiman Dori, M.P.
9. The Hon. Hezron Awiti Bollo, M.P.
10. The Hon. Julius Ndegwa, M.P.

ABSENT WITHOUT APOLOGIES:

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

## IN ATTENDANCE:

### KENYA NATIONAL ASSEMBLY

1. The Hon. Joseph Manji, M.P. Kajiado North Constituency
2. The Hon. Khatib Mwashetani, M.P Lunga Lunga Constituency
  
3. Mr. James Ginono - Clerk Assistant I
4. Ruth Mwhaki - Clerk Assistant III
5. Mr. Emmanuel Muyodi - Clerk Assistant III

### MINUTE NO. DCL/LN/2015/612      PRELIMINARIES

The Chairman called the meeting to order at 2.46 p. m with a word of prayer. He thereafter requested Members present and the Ministry of Lands Officials present to introduce themselves.

### MINUTE NO. DCL/LN/2015/613      SUBMISSIONS FROM THE CABINET SECRETARY, MINISTRY OF LANDS, HOUSING AND URBAN DEVELOPEMT

Dr. Fred Matiang'i, Cabinet Secretary Ministry of Lands, Housing and Urban Development accompanied by Ms. Mariam El. Maawy, Permanent Secretary, Mr. Peter Kahuho, Ag. Secretary Lands, Mr. Augustine Masinde, Director Physical Planning, Mr. Cesare N. Mbaria, Director of Surveys, Ms. Terry Gathagu, Head of Legal Services, Mr. Francis K. Orioki, PLRO- Registry and Mr. Paul Mwangi, SDDLAS informed the Committee as follows:

#### 1. Petition by Residents of Kajiado West Constituency, Kajiado County on the inquiry into the Compulsory Acquisition of LR No. Ngong/Ngong 1959;

- a. According to available records, Ngong/Ngong 1959 with a total acreage of 1400 acres was vested to OI Kejuado County Council on 10<sup>th</sup> May 1974 during the adjudication and demarcation of Ngong registration section;
- b. The same land had been set aside for the veterinary Farm and training Centre by an application lodged and gazzeted as gazzete notice No. 890 of 5<sup>th</sup> March 1957 by K.M Cowley, the then provincial Commissioner, Southern Province, during the demarcation process of 1970s;
- c. Records indicate that Ngong/Ngong/ 1959 was transferred to the Government of Kenya by the Commissioner of Lands vide a letter reference No. 91889/11 of 12<sup>th</sup> March 1975 on 14<sup>th</sup> March 1975. The same was closed on subdivision and on 14<sup>th</sup> March 1975 to Ngong/Ngong/2627, 2628, and 2629;
- d. Ngong/Ngong/2628 with an approximate area of 0.5946 Ha was allocated to Halal Meat Products Limited by the Government of Kenya on a 99 year leasehold with effect from 1<sup>st</sup> January 1975 and a certificate of lease registered and issued on 18<sup>th</sup> April 1975. Records available indicate that a charge was registered against the title to secure a loan of Ksh.65,000,000/= from Barclays bank Limited on 3<sup>rd</sup> December 2001;
- e. Further records indicate that Ngong/ Ngong/ 2627 with an approximate area of 589.71 ha was closed on subdivision on 7<sup>th</sup> December 1998 to Ngong/Ngong/21399 and 21400;

- f. Records indicate that Ngong/Ngong 21399 with an approximate area of 48.70 Ha was allocated to the Department of Police and certificate of lease of 99 years with effect from 1<sup>st</sup> February 1997 issued;
- g. The remaining portion, Ngong/Ngong /21400 with an approximate area of 541.01 ha was left to veterinary farm;
- h. While the records available at Ngong Lands Kajiado North District Land Registry show that only three portions of Ngong/Ngong 1959, i. e. Ngong/Ngong/2628, 2629 and 21399 were excised and allocated to various entities under the registered Land Act Cap 300, records availed to the office from the office of the Deputy County Commissioner Kajiado North District indicate that other allocation under registration of Titles Act Cap 281 were done on the same parcel of Land as summarised below:

S/No.	Institution	Acreage	Remarks
1.	Ministry of Roads	75	Kenya Institute of highways And Building is situated herein.
2.	Halal Meat Factory	12	Certificate of Lease issued as Ngong/Ngong 2628 and 2829 on 18 <sup>th</sup> April 1975.
3.	Army gravelling unit and training	10	
4.	Meteorological department	100	Certificate of Title issued as grant No. IRN 5463 on 13 <sup>th</sup> January 1999 under RTA Cap 281.
5.	Ngong Dumpsite	20	Letter of allotment issued to County Government of Kajiado
6.	East Africa Motor Sports Club	100	Certificate of Title issued under RTA Cap 281.
7.	Kenya Police	142	Title deed issued on 7 <sup>th</sup> December 1998 as Ngong/Ngong 21399
<b>Total Acreage</b>		<b>459</b>	

- i. From the foregoing, it is clear that although the parcel of Ngong/Ngong 1959 with an approximate area of 1400 acres had been set aside for Veterinary Farm and Training Centre, excision has been carried out by the Government of Kenya to both government agencies and private entities;
- j. A total of 459 acres has been committed and 941 acres remain uncommitted;
- k. Excisions of public land to private individuals as was the case in the Ngong Veterinary farm is illegal and the Ministry does not have the records showing the authority to do the excisions from OI Kejuado county Council;
- l. In regard to the Transfer of the land from OI Kejuado County Council to the Government, when land is held in trust, the Government would put a request for approval by the Council for transfer and upon the Council approval, the land would be excised. Government excisions ordinarily are backed by a cabinet memo which is not available in this case;
- m. Some of these lands are listed in the Ndung'u Report;
- n. The Ministry is however not aware of any further illegal excisions on the land. The ministry

has also not been on the ground yet due to time constraints;

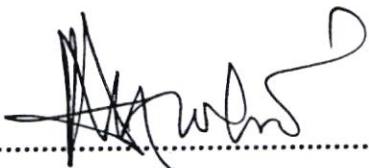
**Committee observed** that there was no documentation to prove that the Ol Kejuado County Council approved the transfer of land to the government. It was agreed that **The Committee resolved** that the Ministry provides more information on the same.

MINUTE NO. DCL/LN/2015/614

ADJOURNMENT & DATE OF THE NEXT SITTING

There being no any other business, and the time being forty four Minutes past 5 O'clock, the meeting was adjourned.

SIGNED

  
.....

(CHAIRPERSON)

DATE

10/11/15  
.....

IN ATTENDANCE:

KENYA NATIONAL ASSEMBLY

1. The Hon. Joseph Manji, M.P. Kajiado North Constituency

2. Mr. James Ginono - Clerk Assistant I

3. Ruth Mwishaki - Clerk Assistant III

4. Mr. Emmanuel Muyodi - Clerk Assistant III

MINUTE NO. DCL/LN/2015/605

PRELIMINARIES

The Chairman called the meeting to order at 2.45 p. m with a word of prayer. He thereafter requested Members present and the petitioners to introduce themselves.

The Hon. Joseph Manji, M.P rising on a point of order informed the Committee that the land the

Petition referred to was in Kajiado West Constituency and not Kajiado East. The Chairman ruled

according to the Constitution and the standing orders, any person has a right to petition parliament over any matter and therefore the petition was properly before the Committee.

MINUTE NO. DCL/LN/2015/606

SUBMISSIONS FROM KAJIADO WEST CONSTITUENCY

Rev. Stephen Mparinkoi representing the petitioners informed the Committee as follows:

a) In early 1938, the colonial government approached the Ilkeek Onyoke community and requested the community to set apart a piece of land to start a farmers training in Ngong area;

b) The Ngong farmers training centre was officially set apart by the Ilkeek Onyoke community in 1938. In 1939 the then chief Kairraga Ole Sataga mobilized the community to donate 50 heifers and 200 red Maasai ewes. The colonial government gave out 1 sahiwal bull and 1 ram for breeding the donated livestock;

c) The purpose of the Ngong Farmers Training Centre was:

- Gross breeding of livestock for higher yields from all over Maasai land
- Training indigenous Maasai people in animal and crop husbandry
- Hay bailing in readiness against draught
- Research purposes and as a production line for drugs against animal diseases

d) Ngong Veterinary was first gazetted on 2<sup>nd</sup> August 1956 vide gazette notice No.3818 and later on given a new gazette no.890 on 18<sup>th</sup> Feb 1957 by K.M Cowley, the Southern Province Provincial Commissioner. The contents of the gazette notices were similar without any alterations. This was done under the native lands trust ordinance (cap 100) setting apart land under section 12 :

e) The Ngong veterinary farm along with others e.g. Isinya FTC in Kajiado, Purko Sheep ranch in Narok amongst others were under the custody of respective county Councils;

f) On 24<sup>th</sup> March 1975, the name of the first proprietor i.e. the Olkejuado County Council was changed to government of Kenya without consulting the indigenous people, the Ilkeek -

PRESENT:

1. The Hon. Alex Mwiru, M.P. - Chairperson

2. The Hon. Moses Ole Sakuda, M.P.
3. The Hon. Onemus Ngunjiri, M.P.
4. The Hon. John Kihagi, M.P.
5. The Hon. Francis W. Nderitu, M.P.
6. The Hon. Bernard Bett, M.P.
7. The Hon. Esther Murugi, M.P.
8. The Hon. Joseph Oyugi Magwanga, M.P.
9. The Hon. Hellen Chepkwony, M.P.
10. The Hon. Patrick Makau, M.P.
11. The Hon. Francis Njenga Kigo, M.P.
12. The Hon. Benson Mbat, M.P.
13. The Hon. Kanini Kega, M.P.
14. The Hon. Gideon Mung'aro, M.P.
15. The Hon. George Oner, M.P.
16. The Hon. Sarah Korere, M.P.
17. The Hon. Thomas Mwadeghu, M.P.
18. The Hon. Mathew L. Lempurkel, M.P.

ABSENT WITH APOLOGIES:

1. The Hon. Dr. Paul Otuma, M.P.

2. The Hon. Kipruto Moi, M.P.

3. The Hon. Eusilah Ngeny, M.P.

4. The Hon. A. Shariff, M.P.

5. The Hon. Mutava Musyimi, M.P.

6. The Hon. Mporu Aburi, M.P.

7. The Hon. Shakila Abdallah, M.P.

8. The Hon. Suleiman Dori, M.P.

9. The Hon. Hezron Awiti Bollo, M.P.

10. The Hon. Julius Ndegwa, M.P.

ABSENT WITHOUT APOLOGIES:

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

- Onyoike who set apart the land for veterinary farm and training;
- g) On 18<sup>th</sup> April 1975, a certificate of lease was issued to Halal Meat Products limited, parcel no Ngong /Ngong 2628 measuring 0.5946 ha;
  - h) On 14<sup>th</sup> March 1975, LR. No. Ngong Ngong 2629 measuring approximately 3.990 ha was hived off. The registry map sheet is not available or indicated in the green card;
  - i) The green cards have been routinely tampered without even considering terms and conditions on community Trust Land Act;
  - j) Kibiko holding grounds land was set apart in 1938 and was officially gazetted in 1957 as a cattle trading centre for the Maasai indigenous people. When the Olkejuado County Council failed to meet its obligations as the custodian, the land was given back to the Ilkeek Onyoike community and the land is adequately used by the community and it remains intact to date. The community is responsible and its members and leadership is not given to land grabbing and other manifestations of selfish interests;
  - k) Embakasi forest land was set apart in 1938 and was officially gazetted in 1941 under the natural resources and forests act. The community set apart the land for sustaining and protecting Embakasi river source and also to enhance the yield of the Kerarapon water springs. Since the Ilkeek Onyoike Community the Kibiko holding ground ,the logging in Embakasi forest has significantly gone down because of the forest committee formed to assist the forest officers;
  - l) The Community requests for the assistance of the committee in pursuing the status of this land and assist in securing the entire land to its original status.  
**The Committee further heard as follows:**
  - m) Halal Meat Company, a private entity which owns part of the land had Charged the land to Kenya Commercial Bank over a Ksh. 65 million loan. The bank was to auction the land after Halal failed to repay the loan but the community went to court and stopped the auction;
  - n) Kenya Institute of Highway and building has been located there for over 15 years and is not benefiting the local community;
  - o) Metrological department-currently a hotel is being built in the land against the initial intended use of the land;
  - p) On 31<sup>st</sup> December East Africa Motor Sports was allocated 20 acres by Ol Kejuado county council;
  - q) Part of the land(20 acres ) was allocated for the construction of a dumpsite but the community rejected the proposal since it was to be established a few kilometres from Kerarapon stream and would affect the ecosystem;
  - r) The Ministry of Livestock granted Ms Jamu Contractors authority for the extraction and utilisation of roadwork's materials for the construction of the Southern Bypass. The excavations however exceeded the area that was authorised and on leaving the site, the contractors did not refill the construction site to reclaim it thereby exposing the residents to accidents. Houses are also cracked due to quarry activities;
  - s) A whistle-blower from the Ministry of Livestock who was employed as a manager at the Ngong Veterinary Farm since 2002 has been victimised after she exposed that the land was threatened with encroachment in 1999, 2002 and 2007. This was after some senior officers colluded to subdivide the land and allocate it to well-connected individuals; The petitioners prayer is that the land reverts back to the community.

MINUTE NO. DCL/LN/2015/607

ANY OTHER BUSINESS

1. Bereavement

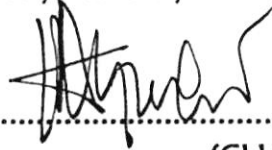
Members were informed that the Member for Rongai, Hon Gideon Moi, M.P had lost his son and the funeral would be held on 15th July 2015.

The Committee nominated the Hon. Onesmus Ngunjiri, M.P and the Hon. Hellen Chepkwony, M.P to represent the Committee at the funeral. Members present further resolved and contributed Ksh.50, 000 towards the funeral expenses.

MINUTE NO. DCL/LN/2015/ 608      ADJOURNMENT & DATE OF THE NEXT SITTING

There being no any other business, and the time being 15.35 pm, the meeting was adjourned. The next meeting will be held on Tuesday 14th July 2015 at 10.00 a.m.

SIGNED



.....  
(CHAIRPERSON)

DATE

10/11/15  
.....

MINUTES OF THE 174<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON MONDAY 13<sup>TH</sup> JULY 2015, AT THE 4<sup>TH</sup> FLOOR BOARD ROOM, PROTECTION HOUSE AT 2.30 PM

PRESENT:

- |   |             |
|---|-------------|
| 1. The Hon. Alex Mwiru, M.P.            | Chairperson |
| 2. The Hon. Moses Ole Sakuda, M.P.      | Chairing    |
| 3. The Hon. Dr. Paul Otuoma, M.P.       |             |
| 4. The Hon. Onesmus Ngunjiri, M.P.      |             |
| 5. The Hon. John Kihagi, M.P.           |             |
| 6. The Hon. Bernard Bett, M.P.          |             |
| 7. The Hon. Esther Murugi, M.P.         |             |
| 8. The Hon. Joseph Oyugi Magwanga, M.P. |             |
| 9. The Hon. Eusilah Ngeny, M.P.         |             |
| 10. The Hon. A. Shariff, M.P.           |             |
| 11. The Hon. Hellen Chepkwony, M.P.     |             |
| 12. The Hon. Patrick Makau, M.P.        |             |
| 13. The Hon. Gideon Mung'aro, M.P.      |             |
| 14. The Hon. George Oner, M.P.          |             |
| 15. The Hon. Mathew L. Lempurkel, M.P.  |             |
| 16. The Hon. Julius Ndegwa, M.P.        |             |

ABSENT WITH APOLOGIES:

1. The Hon. Kipruto Moi, M.P.
2. The Hon. Francis W. Nderitu, M.P.
3. The Hon. Mutava Musyimi, M.P.
4. The Hon. Mpuru Aburi, M.P.
5. The Hon. Thomas Mwadeghu, M.P.
6. The Hon. Benson Mbai, M.P.
7. The Hon. Shakila Abdallah, M.P.
8. The Hon. Francis Njenga Kigo, M.P.
9. The Hon. Kanini Kega, M.P.
10. The Hon. Suleiman Dori, M.P.
11. The Hon. Sarah Korere, M.P.
12. The Hon. Hezron Awiti Bollo, M.P.

ABSENT WITHOUT APOLOGIES:

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

IN ATTENDANCE:

KENYA NATIONAL ASSEMBLY

1. Mr. James Ginono - Clerk Assistant I
2. Ms. Ruth Mwihaki - Clerk Assistant III
3. Mr. Emmanuel Muyodi - Clerk Assistant III
4. Ms. Christine Odhiambo - Legal Counsel II

MINUTE NO. DCL/LN/2015/600      PRELIMINARIES

The Chairman called the meeting to order at 2.45 p. m with a word of prayer.

MINUTE NO. DCL/LN/2015/601      ADOPTION OF THE AGENDA

The agenda was adopted with amendments to include papers laid after being proposed by the Hon. John Kihagi, M.P. and seconded by the Hon. George Oner, M.P.

MINUTE NO. DCL/LN/2015/602      PETITIONS

Petition by the Residents of Mavoko Constituency regarding alleged compulsory acquisition of land in Mavoko Constituency LR no. 10029/2

The Hon. Patrick Makau M.P informed the Committee as follows:

- a) The land was surveyed for the specific purpose of allocating to the Kenya Meat commission. The land has been subdivided into smaller titles;
- b) 250 acres have been sold to Kenyatta National Hospital Sacco and the land is still vacant. The title to the land is available;
- c) The land is bare and there are schools adjacent to the land;
- d) Most of the Maa Community land was un surveyed but this particular parcel was surveyed for the purpose of giving it to Kenya Meat Commission;
- e) Ksh. 43 million was paid by Ketraco for way leaves and erection of electricity masts. The Community through the community registered trust and used for community projects.
- f) For the Compensations to be effected, a letter was given by the National Land Commission to prove its community land.

Petition by the Residents of Kajiado West Constituency, Kajiado County on the Inquiry into the Compulsory Acquisition of Land, Reference No. Ngong/Ngong/1959

The Hon. Moses Ole Sakuda informed the Committee as follows:

- a) In 1957, according to a Kenya gazette notice no. 890, approximately 1510 acres of land was hived and set aside to the veterinary department for the purposes of breeding, good farm practice, and training in an effort to improve the livelihoods of Keek-Onyoike Community of Kajiado;
- b) After 50 years, no productive activity has taken place in the land that targets the Community as direct beneficiaries;
- c) The land has in the contrary been used to benefit other people, companies, individuals, institutions etc according to a report by the registrar of lands Kajiado North district dated



14<sup>th</sup> December 2014. The following are the beneficiaries namely:

Institution	Acreage	Remarks
Ministry of Livestock	120	Ministry of livestock veterinary
Ministry of Roads	75	Kenya Institute of highway & Building
Halal Meat Products	12	Ngong/Ngong/2628 and 26/29
Army graveling unit & Training	10	Armed forces athletics camp
Metrological Department	100	Excised in 1995, already issued with title IRN 5654
Ngong Dump Site	20	
East Africa Motor Sports UNB	100	Already issued with titles
Kenya Police	142	Building police Houses
Total Committed	576	Already issued with titles
Total Uncommitted	931	Uncommitted, No title

- d) In view of the foregoing, records available show that the original purpose and intent of the land Ngong/Ngong 1959 which had initially been registered as a place for veterinary activities and training of people has been diverted to serve others;
- e) In view of the diversion, the Community including all leaders went to court to reclaim the land in full. However, given the cost and other pending issues around this land, the community decided to follow a different route because of unexplained delays in court;
- f) The community is proposing that it be allowed to take the 931 acres that remain uncommitted through a registered trust (ORMOROGI DAIRY TRUST). The Community has further identified potential investors who can utilise the uncommitted land;
- g) The community had proposed to undertake the following activities on the land in a letter to the Cabinet Secretary for agriculture In January 2015
  - i. Food production to ensure food security
  - ii. Animal husbandry
  - iii. Skin and hide industry
  - iv. Hay Production
  - v. Slaughter house/abattoir
  - vi. Dairy industry
  - vii. Animal husbandry university

**The Committee was further informed that:**

- h) the metrological department is building a hotel on the land against the envisaged usage of the land;
- i) The Chinese company which was constructing the bypass was given about 50 acres to use as a quarry for materials to construct the bypass;
- j) When the community approached the Cabinet Secretary for Agriculture to have uncommitted land back, a committee of four people was appointed by the CS to look into the matter and was scheduled to hold a final meeting;
- k) It is not clear how the land moved from the OI Kejuado County Council to the Commissioner of lands to allow for the excisions;
- l) The National Land Commission is yet to be involved in the matter as most of the files are with the Ministry;
- m) Halal Meat factory who have a title to the land charged the land to Kenya Commercial Bank for 6.5 million;
- n) The land is vacant except for the Kenya National Highway Authority, Metrological Department

2. SUBMISSION FROM THE MINISTRY OF LANDS, HOUSING AND URBAN  
DEVELOPMENT

1

2

3

4

~~SECRET~~

Annex 2



REPUBLIC OF KENYA

MINISTRY OF LAND, HOUSING AND URBAN DEVELOPMENT

MEETING WITH DEPARTMENTAL COMMITTEE ON LANDS, 14<sup>TH</sup> JULY 2015

Question

**Q1. Petition by residents of Pongwe area in Lunga Lunga Constituency on imminent eviction from LR.1083 Shimoni Kwale**

The Ministry is not aware of a petition by the residents of Pongwe area in Lunga Lunga constituency. The Ministry is also not informed of any imminent eviction of the said residents from LR.1083 Shimoni Kwale.

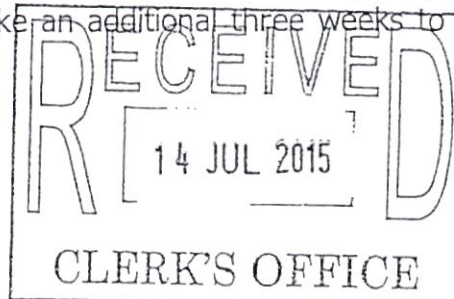
However, the available documents in the records points to an application to the Land Control Board for consent to sale forwarded to our offices by Ramesh Manek Advocates dated 3<sup>rd</sup> March 1988 (**Appendix I**)

**(a) The acreage and registered owners of LR. No.1083, Shimoni, LungaLunga Constituency in Kwale.**

- o The acreage of the said land is 320.12 acres.
- o The Registered owners as per the above records are Mr. Bhovanbha Hahji Gandhi and Maganlal Chakubhai Pattani.

**(b) The history of the land relating to acquisition, sale and transfer**

- o The Ministry does not have conclusive details of the history, acquisition, sale and transfer in its records. It will take an additional three weeks to investigate the issues around this land.



**(c) Whether the land is held on Leasehold or freehold and evidence of the same.**

- The available details and evidence as per the attached documents indicate that the land is freehold.
- Attached is a copy of the application for consent to transfer. (**Appendix II**)

**Q2. Petition by residents of Masongaleni Ward Kibwezi East Constituency regarding the dispute over the ownership of Tisya Primary School plot No.280 Makueni/Masongaleni Settlement.**

The Ministry is aware of the said Petition by the residents of Masongaleni ward Kibwezi East Constituency. The Ministry is also aware of an active dispute over the ownership of plot No.280 Makueni/ Masongaleni Settlement between two parties, an individual and a primary school. There is also an ongoing case in the Environment and Land Court No. 468 of 2012 involving a Mr. Makau, Tisya Primary School, the Settlement Fund Trustees and the Attorney General.

**(a) History of the land in dispute?**

Masongaleni Settlement Scheme in Kibwezi Sub-County was established on land purchased by Settlement Fund Trustees from Brooke Bond Kenya in 1985. The scheme occupies an area of 30,751 acres.

**(b) The acreage and registered owners of plot 280 Makueni/Masongaleni Settlement Scheme in Kibwezi East Constituency?**

Plot No.280 Masongaleni Settlement Scheme is 18.5 Ha.

The registered owner of the said plot is Mr. Philip Mutiso Makau who purchased the said land from Mr. Ainsworth Matheka Kioko, who was allocated the land by the then Provincial Commissioner, Eastern Province.

**(c) Information regarding the allocation and/or transfer of the said land.**

### **ALLOCATION**

As stated, Ainsworth Matheka Kioko was allocated the land by the then Provincial Commissioner, Eastern Province, through a letter dated 19<sup>th</sup> November 1990. This was

**Q.7 Petition by the Residents of Kajiado West Constituency, Kajiado County on the inquiry into the Compulsory Acquisition of the land, Reference No. Ngong/Ngong/1959**

**Background**

According to available records, Ngong/Ngong/1959 with a total acreage of 1400 acres, was vested to Olkejuado County Council on 10.05.1974 during the adjudication and demarcation of Ngong registration section. The same land had been set aside for the Veterinary farm and training centre by an application lodged and gazetted as Gazette Notice No.890 of 5<sup>th</sup> March 1957 by K.M.Cowley, the then Provincial Commissioner, Southern Province, during the adjudication and demarcation process of 1970s.

**Facts**

- a. Records indicate that Ngong/Ngong/1959 was transferred to the Government of Kenya by the Commissioner of Lands letter ref no,91889/11 of 12/3/1975 on 14<sup>th</sup> March 1975. The same was closed on subdivision on 14<sup>th</sup> March 1975 to Ngong/Ngong/2627,2628 and 2629
- b. Ngong/Ngong/2628 with an approximate Area of 0.5946 Ha was allocated to Halal Meat Products Limited by The Government of Kenya on 99 year leasehold with effect from 1.1.1975 and Certificate of Lease registered and issued on 18<sup>th</sup> April 1975. Records available indicate that a charge was registered against the title to secure a loan of Kshs 65,000,000.00 from Barclays Bank Limited on 3<sup>rd</sup> December 2001.
- c. Ngong/Ngong/2629 with an approximate Area of 3.990 Ha was allocated to Halal Meat Products Limited by The Government of Kenya on a leasehold of 99 years with effect From 1.1.1975 and Certificate of Lease registered and issued on 18<sup>th</sup> April 1975. Records indicate that a charge was registered against the title to secure a loan of Kshs.65, 000,000.00 from Barclays Bank Limited on 3<sup>rd</sup> December 2001.
- d. Further records indicate that Ngong/Ngong/2627 with an Approximate Area of 589.71 Ha was closed on subdivision on 7.12.1998 to Ngong/Ngong/21399 and 21400.

*EWS  
Kajiado*

- e. Records indicate that Ngong/Ngong/21399 with an Approximate Area of 48.70 Ha was allocated to the Department of Police and certificate of Lease of 99 years with effect from 1.02.1997 issued.
- f. The remaining portion Ngong/Ngong/21400 with an Approximate Area of 541.01 Ha was left to Veterinary Farm.
- g. While the records available at Ngong Lands Kajiado North District Land Registry show that only three portions of Ngong/Ngong/1959 i.e. Ngong /Ngong/2628, 2629 and 21399 were excised and allocated to various entities under Registered Land Act [CAP 300], records availed to this office from the office of Deputy County Commissioner Kajiado North District indicate that other allocation under Registration of Titles Act [CAP 281] were done on the same parcel of Land.
- h. Here below is a summary of the various allocation excised from the original Ngong/Ngong/1959.

S/No	Institution	Acreage (Acres)	Remarks
1	Ministry of Roads	75 (07)	Kenya Institute of Highways and Building is situated herein.
2	Halal Meat Factory	12	Certificate of Lease issued as Ngong Ngong/2628 and 2829 on 18 April 1975.
3	Army Gravelling Unit and Training	10	
4	Meteorological Department Centre	100	Certificate of Title issued as grant No IRN 5643 on 13 Jan 1999 under RTA Cap 281.
5	Ngong Dumpsite	20	Letter of Allotment issued to County Government Kajiado.
6	East Africa Motor Sports Club	100	Title deed issued under RTA Cap 281.
7	Kenya Police	142	Title deed issued on 07 Dec 1998 as Ngong/ Ngong 21399.
Total Acreage		459	

150 = 150000

## Conclusion

From the foregoing it is clear that although the parcel of Ngong/Ngong/1959 with an Approximate Area of 1400 Acres had been set aside for Veterinary Farm and Training Centre, excision has been carried out by the Government of Kenya. Portions of land allocated to various entities both Government Entities such as Meteorological Department, Kenya Police Department, Kenya Defence Forces, and the County Government of Olkejuado and Private Entities such as Halal Meat Products and East Africa Motor Sports Club. From the records available a total of 459 Acres had been committed and 941 Acres remain uncommitted.

## Q.8 Petition by the residents of Mavoko Constituency regarding alleged Compulsory acquisition of land in Mavoko Constituency LR no. 10029/2.

### Background

On 23<sup>rd</sup> February 1987 a letter of allotment was issued to Nkapaapa Ole Nenkikua on a freehold basis. The total acreage was 73 Hectares. The total fees called for was Ksh 420. Which he paid on 25<sup>th</sup> August 1987.

On 6<sup>th</sup> April 1987 an acceptance letter written to the Director of surveys by the Commissioner of lands. In the meantime, supported by an affidavit, on 28<sup>th</sup> October 1987, the allottee swore that he is also known as Noah Ole Lemei Oloimelua that he was the same person as Nkapaapa Ole Nenkikua.

There appears to have been confusion between LR 14752 and LR 10029. According to the SPRO (Plan Record Office) in a memo dated 14<sup>th</sup> June 1994, LR 10029/2 which was the subject of allotment of 1997 has no relationship with LR 14752 with which the title deed no IR 69288 was issued.

The letter of allotment should have been in respect on an unsurveyed, plot, which upon survey became 14752. According our records plot no 10029/2 belongs to the Ministry of livestock development.

### Facts

- a. On 17<sup>th</sup> April 1990 the Assistant Chief for Kitengela sub-location wrote a letter intimating that the allottee was deceased and recommended that the department issues title in the name of two persons who were the deceased's widows: 1) Tito Noah Nkapaapa ID No. 0792506/63 and 2) Phylis Noah Nkapaapa ID No. 0792451/63.

- b. On 25 February 1992, the High Court issued letters of administration confirming the two names as the administrators of the estate.
- c. A title IR 69288 was prepared and signed on 10<sup>th</sup> April 1996 in the names of Tito Ene Noah Nkapaapa and Phylis Noah Nkapaapa with acreage of 62.48 Hectares adopting LR No 14752.
- d. An application to subdivide the land was made on 23<sup>rd</sup> June 1993. Mavoko County Council through their letter Ref 15/Volxiii/61 recommended subdivision of the LR No 14752 into three portions measuring 20.24 Ha, 21.46 Ha and 21.46.
- e. Upon receipt of favourable comments from various authorities, final approval of the subdivision was granted on 22<sup>nd</sup> January 1997.
- f. The resultant sub plots are LR 14752/1, 14752/2 and 14752/3.

### **Conclusion**

The records indicate some confusion over the numbering of the two plots 10029/2 and 14752. However, the current position is that the LR no. 14752 is still in private hands but the 10029/2 is public land.

### **Q.9 Naivasha Lake corridors are said to have been closed by private developers thereby denying fishermen and the general public access to the Lake.**

The Ministry has not had sufficient time to investigate this matter given the short notice. However, the Ministry also believes that this is a matter that needs a multi agency approach to adequately address the issue at hand, to consult with the National Land Commission, the ministries responsible for fisheries and water resources, to get to the root of this matter and respond as appropriate.

**Fred Matiang'i, PhD**  
**Cabinet Secretary**

**14<sup>th</sup> July 2015**

3. SUBMISSION FROM THE NATIONAL LAND COMMISSION

**DEPARTMENTAL COMMITTEE ON LANDS – SUBMISSION OF  
INFORMATION ON VARIOUS ISSUES PENDING BEFORE THE  
COMMITTEE**

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**Naivasha Lake Corridors**

**Allegations and Issues to be addressed:**

The Committee also considered the matter of access corridors to Lake Naivasha which have been allegedly closed by private developers thereby denying fishermen and the general public access to the land and requests the following information:

- a) History and current status of the 17 corridors leading to Lake Naivasha
- b) Information as to whether the land is public or private
- c) Provide details of the alleged private developers
- d) Provide details of acquisition and transfer of the land and title deeds held by the private individuals
- e) History and current status of the corridor at Karagita
- f) Provide survey maps for the corridors; and
- g) Efforts by the NLC to ensure that fishermen and the general public can access the lake without hindrance from any private individuals; and
- h) Any other information as it relates to the corridors which may be relevant to the Committee

**Chuka Igambangombe petition was accepted as well as answered during presentation on 1/10/2015**

**NB:** Committee ordered petition No 4 & 5 to be redone and they were redone as presented here below:-

**NO.4**

**Petition by the Residents of Kajiado West Constituency, Kajiado County on the inquiry into the Compulsory Acquisition of Land Reference No. Ngong/Ngong/1959**

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- (a) Provide a history of the land known as LR No. Ngong/Ngong/1959 including the acreage, allocation, Subdivision and /or transfer of the said land, and the beneficiaries.
- (b) Provide a history of LR No. Ngong/Ngong 21400 including the acreage, allocation and transfer of the said land.
- (c) Provide information regarding the current status of the aforementioned parcels and the title deeds for the same;
- (d) Any other information as it relates to the said land and which may be relevant to the Committee.

**Answer**

**'A' History of LR No. Ngong/Ngong 1959**

LR NO. Ngong/Ngong/1959 came into existence during the adjudication and Demarcation of Ngong registration section in 1970's. The land measures approximately 1400 Acres.

Prior to Adjudication and demarcation vide Gazette notice No. 890 of 5<sup>th</sup> March 1957, the said Land had been set aside for Veterinary Farm and Training Centre.

In 1975, the said land was subdivided into 3 parcels, namely –

Ngong/Ngong/2627,2628 and 2629 as allocated as follows:

Therefore no compulsory acquisition was ever done, all along LR No. Ngong/Ngong/1959 has been Government Land.

Following a visit on the ground on 7<sup>th</sup> & 8<sup>th</sup> of October we became aware that a group by the name Gikuyu ne Mbumbi purports to own the land since the 1970's. This allegation is not supported by any ownership documents.

## **NO.5**

### **Petition by the Residents of Mavoko Constituency regarding alleged compulsory acquisition of land in Mavoko Constituency LR No. 10029/2**

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- (a) Provide a history of the land known as LR No. 10029/2 and its current status;
- (b) Provide an information relating to the compulsory acquisition of the land, compensations made and beneficiaries of the same
- (c) Provide information regarding any allocations change of user and/or transfer of the parcel of land and the beneficiaries thereof.
- (d) Any other information as it relates to the said land which may be relevant to the Committee.

## **Reply**

### **'A' History of LR No. 10029/2**

LR No. 10029/2 was formally part of original LR No. 10029 which has a size of 8912 Acres registered in 1951 to Kenya meat Commission for a term of 99 years.

On 31<sup>st</sup> December 1970, LR No. 10029 was surrendered back to the Government by K.M.C with a view of reserving the same to the Ministry of Agriculture and Livestock Development for a holding ground.

- Parcel No. Ngong/Ngong/2628 measuring 0.5946 was allocated to Halal Meat Product Limited by the Government for a term of 99 years from 1<sup>st</sup> January 1975. On 3<sup>rd</sup> December 2001 this title was charged to Barclays Bank of Kenya to secure a loan of Ksh 65,000,000/=
- Parcel No. Ngong/Ngong/2629 measuring 3.990 Ha was also allocated to Halal Meat Product Limited by the Government for a term of 99 years from 1<sup>st</sup> January 1975. Available records also indicate that the land was charged to Barclays Bank of Kenya to secure a loan of Kshs 65,000,000/= on 3<sup>rd</sup> December 2001.

**'B' History of LR No. Ngong/Ngong/21400**

Parcel No. Ngong/Ngong/21400 is a subplot of original LR No. Ngong/Ngong/2627, it measures approximately 449 Ha R.I.M attached. and it belongs to Veterinary Farm. We have no records of any transfer of parcel No. Ngong/Ngong/21400 to anybody, but the following Government departments have got interest on the said land. Following a visit on the ground on 7<sup>th</sup> and 8<sup>th</sup> October we became aware that a group by the name Gikuyu ne Mumbi purport to own the land since the 1970's. This allegation is not supported by any ownership documents.

- Ministry of Roads
- Army Graveling Unit & Training
- Ngong Dumpsite
- Kenya Police
- East Africa Motor Sports Club

**Any other Information**

From what is provided under item A,B,& C , it is clear that LR No. Ngong/Ngong 1959 was Government Land reserved for Veterinary Department, though latter excision was done and other Government institutions and Private entities got some allocations.

4. SUBMISSION FROM MINISTRY OF AGRICULTURE, LIVESTOCK AND  
FISHERIES



**REPUBLIC OF KENYA**



**MINISTRY OF AGRICULTURE, LIVESTOCK  
AND FISHERIES**

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**REPORT FOR THE MEETING WITH THE NATIONAL ASSEMBLY  
DEPARTMENTAL COMMITTEE ON LANDS TO DELIBERATE ON A  
PETITION ON PARCEL OF LAND L.R. NGONG/NGONG/1959 MADE  
BY RESIDENTS OF KAJIADO WEST CONSTITUENCY IN KAJIADO  
COUNTY**

**AT PARLIAMENT BUILDINGS, PROTECTION HOUSE**

**BY**

**AG. CABINET SECRETARY**

**ADAN MOHAMED, EBS**

**10<sup>th</sup> NOVEMBER, 2015**

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November 2015

**MEETING WITH THE NATIONAL ASSEMBLY DEPARTMENTAL COMMITTEE ON LANDS TO DELIBERATE ON A PETITION ON PARCEL OF LAND L.R. NGONG/NGONG/1959 MADE BY RESIDENTS OF KAJIADO WEST CONSTITUENCY IN KAJIADO COUNTY**

**PETITION 1**

**What was the original purpose and intent of the land Ngong/Ngong 1959.**

**RESPONSE**

- i. The **Gazette Notice No. 890 of 1957** is entitled as the Setting Apart of land under Section 12 of the Native Lands Trust Ordinance (Cap 100). This land was Set Apart for use by the Veterinary Department as a Veterinary Farm and Training Centre (Kenya Gazette Vol. LIX No. 11 of **5<sup>th</sup> March, 1957 (Copy of Gazette Notice - Annex 1 attached)**). Therefore Parcel No. Ngong/Ngong 1959 original purpose and intent were for Veterinary Farm and Training Centre.
- ii. The original purpose and intent of this land is further clarified in the same Gazette Notice. And to quote, "AND WHEREAS I am of the opinion that the proposed setting apart will be for the benefit of the Africans by reason of the use to which the land is to be put".
- iii. This implies the land was to benefit the entire Country as Veterinary Farm and Training Centre. It was not set aside for purposes of breeding, good farming practice, and training in an effort to improve the livelihoods of the Keek-Onyokie Community of Kajiado as alleged by the Petitioners.

## **PETITION 2**

**The justification on the excision of the said land to various individuals and institutions.**

### **RESPONSE**

As per the **Kenya Gazette Notice No.890 of 5<sup>th</sup> March, 1957** the land set aside for Veterinary Farm and Training Centre at Ngong was approximately **1400 acres**. Over the years, some other institutions (public and private) were **irregularly** allocated this land.

Available documents indicate that these allocations were facilitated by the then Commissioner of Lands (**Some of the correspondences attached-Annex 2**)

The necessary justification would be found in the records held by the Ministry of Lands, Housing and Urban Development.

## **PETITION 3**

**Why the land was not returned to the Maasai Community as per the agreement that the land be returned if the Veterinary activities cease.**

### **RESPONSE**

- The Ministry is not aware of any such agreement with the Masaa Community on this land.
- The Veterinary Activities and the Training Function for which this land was set apart remain valid as per the **Gazette Notice No. 890**. As a matter of fact, more land is still required for Veterinary activities in view of the changing dynamics in the development of Livestock Sub-sector.
- Almost all the Counties have enhanced budgetary provisions for livestock inputs such as vaccines, acaricides and drugs. These are sourced from local manufacturers or distributors of imported products.

**All these inputs are subjected to field and laboratory tests to ascertain their effectiveness and safety.**

Thereafter, they can either be allowed into the market or rejected. All these are carried out within the Veterinary Farms country wide.

- **Ngong Veterinary Diagnostic and Efficacy Trial Centre** (Ngong Veterinary Farm) is just one of the seven (7) strategically located Veterinary Farms in different regions of the Country.
- The Farm rears cattle, sheep and goats for **disease surveillance, efficacy trials and diagnostic work**. Currently, the Farm has a total of **238 heads of cattle, 254 Sheep** and **30 goats** which are used for these activities. They require adequate grazing area.

They are also kept for Disease Surveillance where they act as **Sentinel Herds for early detection of diseases**.

- Plans have already been put in place to raise this herd to **400 cattle, 500 sheep** and **200 goats**. This will provide additional capacity required for Testing of Animal Health Resource Inputs.
- As a Quarantine area Ngong Farm is used as holding ground for animals in transit to monitor on their disease status (***Holding ground at Ngong Farm for animals to be distributed to Ndeiya/Karai area of Kiambu County during the month of August 2015 - Annex 1B***).
- ***Efficacy Trial for Rift Valley Fever Clone 13 Vaccine – (Annex 1C)***.
- ***Use of Ngong Farm for Sentinel herd for monitoring Diseases of bees – (Annex 1D)***.

**The importance of Ngong Veterinary Farm in this respect therefore remain critical, and has been used over the years as originally intended.**

As a Training Centre which was one of the original purposes for the setting apart of this land, Ngong Veterinary Farm hosts:

- i) AHITI Kabete Satellite Campus for practical training of students in Animal Health and Production;
- ii) Ngong Agricultural Training Centre;
- iii) National Rabbit Multiplication and Training Centre;

- iv) Apiary (Bee Keeping) Promotion Training Centre; and
- v) Leather Science Institute under construction.

#### **PETITION 4**

**Why sub-division of the land for various activities not related to Veterinary activities is ongoing.**

#### **RESPONSE**

As far as the Ministry is aware, there are no ongoing sub-divisions. The portion recently fenced within the Farm is for the commencement of construction of the Leather Science Institute (**Annex 2A**).

#### **PETITION 5**

**Provide details of the beneficiaries of the land after the sub-division.**

#### **RESPONSE**

The Ministry is not in a position to provide the exact details of beneficiaries of the land after subdivision since these are still held by the Ministry of Lands, Housing and Urban Development. Unfortunately, some correspondences emanating from this Ministry on the status of Ngong Veterinary Farm are misleading and incorrect. A typical case is the letter Ref: KN/LND/GEN/VOL.4/9 of 9<sup>th</sup> March 2014, addressed to the Chairman National Land Commission by the District Land Registrar, Kajiado North. The letter erroneously states Ministry of Livestock (which owns the land) was allocated 120 acres from Ngong/Ngong/1959 (**Annex 2B**).

However, available information indicates that, since the setting apart of this land for use as a Veterinary Farm and Training Centre, the following changes/subdivisions have taken place:

- **14th March, 1975** land Parcel Ngong/Ngong/1959 was closed after subdivision into parcel numbers Ngong/Ngong/2627, Ngong/Ngong/2628, and Ngong/Ngong/2629.
- **Parcel No. Ngong/Ngong/2627** was Registered under the Government of Kenya and reserved for use as Veterinary Farm and Training Centre.

- **Parcel No. Ngong/Ngong/2628** (approx. 0.5946 Ha) was registered under the Government of Kenya as the Proprietor and reserved for Treatment Lagoons. On 18th April 1975, this was registered as Leasehold with the Government of Kenya being the Lessor and **Halal Meat Products Limited** as the Lessee. This was to run for 99 years **wef 1-1-1975**.
- **Parcel No. Ngong/Ngong/2629** (approximately 3.990 Ha) was registered under the Government of Kenya as the Proprietor and reserved for **Abattoir**. On 18th April 1975, this was registered as Leasehold with the Government of Kenya being the Lessor and Halal Meat Products Limited as the Lessee. The lease was to run for 99 years w.e.f 1-1-1975.
- **Parcel No. Ngong/Ngong/2627** was closed on 7/12/1998, after subdivision into two (2) parcels, **Ngong/Ngong/21399 and 21400**.
- **Parcel No. Ngong/Ngong/21399** (approx. 48.70 Ha) was registered as Leasehold with Ol'kejuado County Council being the Lessor and Permanent Secretary (to the Treasury of Kenya) as the Lessee. This was to run for 99 years w.e.f 1-02-97. This now belongs to Kenya Police.
- **Parcel No. Ngong/Ngong/21400** ( approx. 541.01 Ha or 1336.84 Acres) was Registered under the Government of Kenya. Out of this, some portions of the land were hived off and irregularly allocated to the following institutions:

<b>Institution</b>	<b>Acres</b>
Ministry of Roads and Housing (Kenya Institute of Building and Highway Training)	75
Army Gravelling Unit	10
Meteorological Department	100
Olkejuado County Council (Dumping Site)	20
East African Motor Sports	100

***Copies of correspondence on subdivisions and Letter from the Director of Survey attached (Annex 3).***

The remaining portion of land which is approximately **1031 acres** is the current Ngong Veterinary Diagnostics and Efficacy Trial Centre (Ngong Veterinary Farm and Training Centre). The National Rabbit Multiplication and Training Centre, Agricultural Training Centre, AHITI Kabete Ngong Satellite Campus and the upcoming Leather Science Institute are all located on this land. Summary of beneficiaries of land after "subdivision" is as shown in **Table 2** below:

**TABLE 2: BENEFICIARIES OF LAND AFTER "SUBDIVISION"**

<b>Institution</b>	<b>Approx. Acreage</b>
Ngong Veterinary Farm	1031
Kenya Police	120
Ministry of Roads and Housing (Kenya Institute of Building and Highway Training)	75
Army Gravelling Unit and Training	10
Meteorological Department	100
Olkejuado County Council (Dumping Site)	20
Halal Meat Products	12
East African Motor Sports Club	100

**PETITION 6:**

**Explain the Terms and conditions of the agreement entered into between the Ministry of Livestock Development and M/S China Road Bridge Corporation (Kenya) for setting up a temporary quarry site for the Nairobi Southern Bypass Project.**

**RESPONSE**

The agreement entered into between the then Ministry of Livestock Development and M/S China Road Bridge Corporation (Kenya) for setting up a temporary quarry site for the Nairobi Southern Bypass Project was signed in **December, 2011**. It was signed in the presence of the Permanent Secretary Ministry of Roads who is referred to as The Employer.

The following are the Terms and Conditions:

**Quarry Site Camp**

This shall be the area measuring **40 acres** within Ngong Veterinary Farm belonging to Ministry of Livestock Development.

**Objective**

To crush road materials, deliver to project site and stock pile the balance for future use.

**Period**

The Quarry Site will be set up for the entire period of the Project Contract subject to extensions if any.

**Fencing**

The quarry site shall be fenced to a standard approved by Ministry of Livestock Development and shall be reviewed from time to time if and when the need arises.

**Water**

The Contractor shall articulate water from the borehole to the Veterinary farm reservoirs at all time.

**Regulations**

The residents and occupants of the quarry site shall comply promptly and fully with all regulations governing the Veterinary farm and as directed by the Permanent Secretary.

**Pollution**

The Contractor shall ensure that all emissions, dust and noise are maintained within levels that shall not inconvenience or be hazardous to the farm or the neighbouring community.

**Liaison**

During the period of the project, the Farm Manager and the Contractor shall liaise and cooperate on matters of mutual interest.

## **Assets**

The Contractor shall at the expiry period of the Project Contract hand over to the Officer in Charge of Veterinary Farm all non-movable assets constructed on the farm set up on the quarry site.

## **Rehabilitation of Quarry Site**

The contractor at the end of the contract will ensure the burrow pit and any form of ground formation affected by quarry works is done by way of back filling with suitable materials.

## **Security**

The Contractor will provide security to the quarry and install security lights in the quarry and around the perimeter fence of the quarry to operate during the hours of darkness and shall ensure that the lights cover a distance of at least 50 Meters into the neighbouring location.

## **Identification**

All persons working within the quarry site shall have Identification Cards and proper and permanent records thereof made in a register. All employees shall have Certificates of Good Conduct.

## **Roads**

The Contractor shall maintain the road network within the veterinary farm during the period of the Project.

## **Conference**

The Contractor will construct one conference facility for the Veterinary farm.

## **PETITION 7:**

**Provide details of how the Government and the local community benefits from the activities of M/S China Road Bridge Corporation (Kenya) in the said Quarry**

## **RESPONSE**

The Nairobi Southern Bypass aims to decongest Nairobi City from the economically crippling traffic snarl-ups. The provision of these construction

materials from the Veterinary Farm should be viewed positively and worth the contribution.

- The Agreement had indicated that the Contractor will **construct one conference facility** for the farm. It was to cost **Ksh. 20,280,869**. This could have been of immense help in the long run to both the Government and the local community.
- This was however abandoned following the court case filed by **Ilkeekoinyoke Welfare Group**. Both the Ministry and the Contractor had been sued over the construction of the quarry at Ngong Veterinary Farm.
- After consultations held between the Ministry and the community, it was resolved **one borehole be drilled** for use by the local communitys' livestock and domestic requirements, at a cost of **Ksh 6,000,000**. This was conditional for the Court case to be withdrawn **(Letter from the then Ministry of Livestock to Contractor attached - Annex 4 attached)**.
- The remaining balance (out of the budget for the conference facility) was used for fencing works within the Ngong Veterinary Farm **(Certificate of completion for fencing works Annex 4A attached)**.
- Members of the local community were also to be employed at the quarry.

#### **PETITION 8:**

**Any other information as may be relevant to the Committee.**

#### **RESPONSE**

Veterinary Farms (Veterinary Diagnostic and Efficacy Trial Centres) are pivotal in the development of the livestock industry in Kenya.

The veterinary farms are a resource base for livestock disease diagnostic, surveillance, and efficacy trials.



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They provide scientifically sound materials for animal disease diagnostic programs, and support the production of sustainable, safe and high quality animal and animal products.

All this contributes to improved livestock productivity, increased access to markets, poverty reduction, increased opportunity for involvement of youth in agri-business, protection of animal and human health, enhanced trade and investment, enhanced peace and security, climate change adaptation by animal keeping communities, reduce biological threats to counter bio-terrorism and provide food and feed security.

They are useful for supporting Devolution through ensuring that the quality of drugs and vaccines (both locally produced and imported) distributed all over the Country meet the required standards.

They are also envisaged to play a leading role in long-term improvement of animal genetics in the Country.

This will be done through sustainable monitoring of progeny testing for performance of locally produced and imported semen. Since these are long term interventions, they can only be sustained in government farms.

## **CONCLUSSION**

- **Ngong Veterinary Diagnostic and Efficacy Trial Centre (Ngong Veterinary Farm) is just one of the seven (7) strategically located Veterinary Farms in different regions of the Country. The others are Machakos, Maseno (Kisumu), Kiboko (Makueni), Ndomba (Kirinyaga), Limuru and Kabete (Nairobi).**
- **There is need to develop similar farms to cover other parts of the Country such as Coast and Northern Regions of Kenya.**
- **The misconception that Veterinary Farm lands are lying idle and have no use and can be taken over by Communities should be discouraged to avoid a repeat of the same in other areas.**

- There is need to protect other Farms and National Holding grounds for posterity and the future generation of this country for public good.
- The Ministry prays that this Committee supports
  - The issuing of Title Deeds for these National Farms,
  - The provision of adequate funds to secure all the Veterinary farm lands and,
  - The irregularly allocated land is repossessed and reverted back to be used for veterinary activities as per the original intention.



Prof. Fred H.K. Segor

**PRINCIPAL SECRETARY**

**STATE DEPARTMENT OF LIVESTOCK**

Copy

REPUBLIC OF KENYA



MINISTRY OF LIVESTOCK DEVELOPMENT  
Office of the Hon Minister

Telegraphic Address: "MINAG" NAIROBI  
Phone: 22766  
Telex: 2718570  
Fax: 216731

KILIM HOUSE  
CATHEDRAL ROAD  
P.O. Box 24188  
NAIROBI

Date: 8<sup>th</sup> October 2012

When replying please quote Ref: MLD/LAND/ I/11 VOL III/58

Mr. Zablon A. Mabea  
Commissioner of Lands  
Ministry of Lands  
P. O. Box 304050  
Athi House  
NAIROBI

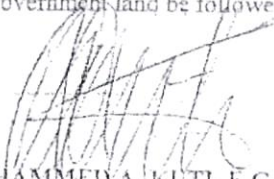
RE: CANCELLATION OF ALLOCATION OF GOVERNMENT LAND UNDER  
THE CUSTODY OF THE MINISTRY OF LIVESTOCK DEVELOPMENT

It has come to my knowledge that some instructions originating from my Ministry may have been issued concerning allocation of Government land under the custody of the Ministry of Livestock Development to institutions or individuals without following the required procedures.

A case in point is instructions to allocate the Pan African Tsetse and Trypanosomiasis Eradication Campaign (PATIEC) 20 acres from Ngoing Veterinary farm and another allocation of LR 22354 at Kabote Veterinary Farm respectively.

Kindly note that the correct procedure in allocating Government Land to institutions or individuals is through a Cabinet Memorandum countersigned by the Hon Minister for lands and the land should only be allocated after the Cabinet has discussed and authorized the same.

In view of the above, this is to instruct that all land allocated without following the above stated procedure or pending instructions from this Ministry from 2008 to 2012 be cancelled and considered null and void. It is advisable that the given procedure of allocating any Government land be followed.

  
HON. DR. MOHAMMED A. KUTI, E.G.H., M.P.,  
MINISTER FOR LIVESTOCK DEVELOPMENT

Mr. Francis T. Kimani, CBS.  
Permanent Secretary/Secretary to the  
Cabinet and Ag. Head of Public Service,  
Office of the President,  
NAIROBI

Hon. James Orengo EGH, MP  
Minister for Lands  
P. O. Box 30450,  
NAIROBI

Mrs Dorothy N. Angota, CBS.  
Permanent Secretary,  
Ministry of Lands  
P. O. Box 30450,  
NAIROBI

SETTING APART OF LAND UNDER SECTION 21

SETTING APART OF LAND UNDER SECTION 23

WHEREAS it is desirable that the area of land hereinafter specified (being an area situated within the Native Lands) should be set apart as herein provided:

WHEREAS I consider it desirable that the area of land hereinafter specified (being an area situated within the Native Lands) should be set apart as herein provided:

AND WHEREAS the provision of sub-section (1) of section 21 of the provisions of section 22 of the Native Lands Trust Ordinance have been complied with, the approval of the proper authority to the setting apart as herein provided:

AND WHEREAS the approval of the proper authority to the setting apart has been obtained and the provisions of sub-section (2) of section 23 of the Native Lands Trust Ordinance have been complied with:

THEREFORE, in pursuance of the provisions of sub-section (1) of the said section I hereby give notice that in exercise of the powers conferred by virtue of the said section the area of land the boundaries of which are defined in the Schedule hereto, has been set apart for the purpose therein specified.

Now, THEREFORE, in exercise of the powers conferred by the said section 23 I hereby set apart the area of land, the boundaries of which are defined in the Schedule hereto, for the purpose therein specified.

SCHEDULE

SCHEDULE

Christian Council of Kenya Trustee.

Purpose.—Secondary school.

Kenya Council of Kenya Supervisor's house and

Place.—Kamusinga, Kimilili Location.

Kereri D.E.B. School, Kisii, Nyaribari Loca-

Area.—55.51 acres.

Boundaries.—Commencing at a point A, which is situated one-quarter of a mile from and with a bearing of 157° and the Kimilili Co-operative Society Union office. Then from A in a westerly direction for a distance of 1,290 ft. to a point B. From B in a northerly direction for a distance of 1,760 ft. to a point C. From C in an easterly direction for a distance of 1,300 ft. to a point D to the point of commencement at A in a southerly direction for a distance of 1,890 ft.

Given under my hand this 11th day of February, 1957.

A. C. C. SWANN,  
Provincial Commissioner,  
Nyanza Province.

Boundaries.—Starting at a point A on a bearing of 138 degrees for 145 ft. to a point B; thence on a bearing of 32 degrees for 132 ft. to a point C; thence on a bearing of 413 degrees for 100 ft. to a point D; thence on a bearing of 138 degrees for 67 ft. to a point E; thence on a bearing of 260 degrees for 187 ft. to a point F; thence on a bearing of 227 degrees for 140 ft. to a point G; thence on a bearing of 343 degrees for 210 ft. to the starting point

A. C. C. SWANN,  
Provincial Commissioner,  
Nyanza Province.

GAZETTE NOTICE No. 890

THE NATIVE LANDS TRUST ORDINANCE

(Cap. 100)

SETTING APART OF LAND UNDER SECTION 12

WHEREAS application has been made to me for the area of land hereinafter defined (being an area exceeding ten acres in extent and situated within the Native Lands) to be set apart as hereinafter provided:

AND WHEREAS I am of the opinion that the proposed setting apart will be for the benefit of the Africans by reason of the use to which the land is to be put:

AND WHEREAS the conditions specified in paragraphs (b) and (c) of section 14 and in the proviso to sub-section (1) of section 15 of the Native Lands Trust Ordinance have been fulfilled and the Native Lands Trust Board has granted the said application:

Now, THEREFORE, in pursuance of the provisions of section 15 of the said Ordinance, I hereby give notice that in exercise of the powers conferred by section 12 of the said Ordinance the area of land, the boundaries of which are defined in the Schedule hereto, has been set apart for the purposes therein specified.

SCHEDULE

Applicant.—Veterinary Department.

Purpose.—Veterinary farm and training centre.

Place.—Ngong.

Area.—1,400 acres (approximately).

Boundaries.—The area is enclosed by a hedge or barbed-wire fence, commencing at a point (Map Reference HZJ 059504) on the edge of the road reserve 400 yards north-east of the Ngong-Uaso Kedong road junction; thence following the road reserve in a north-easterly direction to a point (Map Reference HZJ 075524); thence for approximately 700 yards in a northerly direction to a point (Map Reference HZJ 075531); thence in a west-north-westerly direction to the Embakasi Forest boundary at Map Reference HZJ 154539; thence in a parallel line to the gazetted forest boundary at a distance of 20 yards from the aforesaid boundary south and west to a point (Map Reference HZJ 043524); thence south-easterly along the Embakasi Forest track to its junction with Uaso Kedong Road at Map Reference HZJ 046516; thence continuing south-easterly along the Uaso Kedong Road to the point of commencement.

South-A-37

Map GSGS 4786, Sheet

G-II-SW

Plans are deposited in the offices of the District Commissioner, Kajiado, and the Provincial Veterinary Officer, Ngong. Gazette Notice No. 3818 of 1956 is hereby cancelled.

Given under my hand this 18th day of February, 1957.

K. M. COWLEY,  
Provincial Commissioner,  
Southern Province.

GAZETTE NOTICE No. 888

THE NATIVE LANDS TRUST ORDINANCE

(Cap. 100)

SETTING APART OF LAND UNDER SECTION 23

WHEREAS it is desirable that the area of land hereinafter specified (being an area situated within the Native Lands) should be set apart as herein provided:

AND WHEREAS the approval of the proper authority to the setting apart has been obtained and the provisions of sub-section (2) of section 23 of the Native Lands Trust Ordinance have been complied with:

THEREFORE, in exercise of the powers conferred by the said section 23 I hereby set apart the area of land, the boundaries of which are defined in the Schedule hereto, for the purpose therein specified.

SCHEDULE

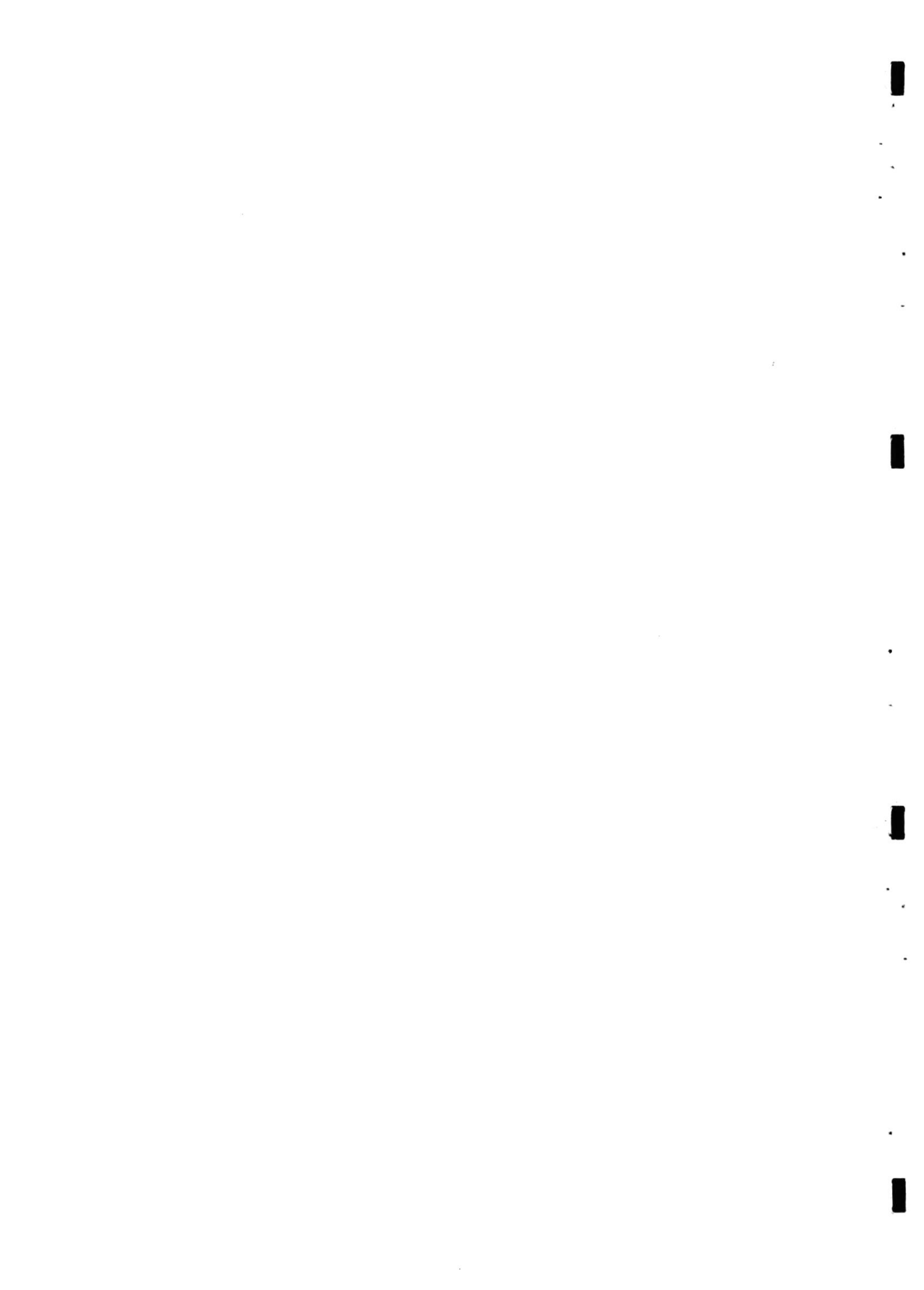
Government.  
Substation extension.

Maragoli.

Boundaries.—Starting at Point A, the south-east corner of the boundary fence, thence on a bearing of 167 degrees for 167 ft. to Point B; thence on a bearing of 121 degrees for 147 ft. to Point C; thence on a bearing of 121 degrees for a distance of 147 ft. to Point D; thence on a bearing of 219 degrees for a distance of 121 ft. to Point E; thence on a bearing of 90 degrees for a distance of 90 feet to Point F; thence on a bearing of 326 degrees for a distance of 306 ft. to Point G; thence on a bearing of 326 degrees for a distance of 306 ft. to Point H; thence on a bearing of 300 degrees for a distance of 300 ft. to Point I; thence on a bearing of 120 ft. back to the point of commencement.

Given under my hand this 18th day of February, 1957.

A. C. C. SWANN,  
Provincial Commissioner,  
Nyanza Province



APPROVE 4 d

APPROVE 11 D

**Office of Director of Veterinary Services  
Department Of Veterinary Services**

**MEMO**

**From: Director of Veterinary Services**

**TO: Officer in Charge:-**

Kabete Vet Farm

Ngong Vet Farm

Maseno Vet Farm

Machakos Vet Farm

Kiboko Vet Farm

**Date: 5/09/2013**

**SUBJECT: APIARY AND MONITORING OF SENTINEL HIVES**

One of the mandates of the department is to investigate, monitor and formulate control strategies of the pests and diseases of honeybees in the Country. Your station has been selected to serve as a monitoring site of our sentinel hives which will be set-up in the due course. You are therefore requested to identify a space measuring approximate 100 x 100 square feet that will serve as an apiary for 10 sentinel hives that will be monitored on quarterly basis. The Division of Zoology will coordinate the exercise.



**DR. PETER ITHONDEKA (PhD, MBS)**  
**DIRECTOR OF VETERINARY SERVICES**



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**Department of Veterinary  
Services  
Division of Zoological Services**

MEMO

TO: Ag. DIRECTOR OF VETERINARY SERVICES  
FROM: Division of Zoological Services  
DATE: 7/11/2013

*Approved,*  
for: DIRECTOR OF VETERINARY SERVICES  
*Dr. Kabete*  
29/11/2013

RE: ESTABLISHMENT OF NATIONAL SENTINEL APIARIES

*Please make comments  
and return for  
convergence to me  
By AVS  
12.11.2013*

A national concern has been raised on invasion and infection of honeybees by pests and diseases in the country. This was followed up by gazettment of the seven said pests and diseases in the year 2009 by the then Minister of Livestock Development. In 2012/2013 financial year, the DVS directed Division of Zoological Services and Pest Management to investigate the situation and report on the national status. Since then data has been collected in five ecological zones. More analysis on speciation, sequencing and bar-coding of the pathogens using PCR is ongoing through a collaborative MoU with ILRI.


One of the effective tools in management of the problem as outlined in disease situation reports and manuals as recommended by O.I.E., is through a regular monitoring of the pests and diseases of honeybees. This is done through establishment of national sentinel apiaries and hives. In this respect 10 areas have been identified where the apiaries will be based; in the Vet Farms and identified beekeepers groups spread in the stated ecological zones.

In this regard, a programme has been drawn to distribute and deliver the hives to various sites in the country with the first and second Log delivery being to: **Lot 1:** Oyugis Demonstration Beekeeping Group, Maseno Vet Farm, Changasi Beekeepers Farm in Teso (near Malaba border); **Lot 2:** ADC Farm Transzoia, Mogotio, Narok ATC.

The purpose of this memo is therefore to request for your approval to deliver the said sentinel hives to the above identified sites. The activity is within the work-plan, DVS and CPZ; and PS and DVS performance contracts.

Attached is the budget:-

1-16-0105-01-2211311

  
Samuel K. Kamau,  
Chief Principal Zoologist.



**Annex 2**

Annex 10

7

PERMANENT REPRESENTATIVE OF KENYA  
WITH THE WORLD METEOROLOGICAL ORGANIZATION

Kenya Meteorological Department  
Dagoretti Corner, Ngong Road,  
Box 30259, 00100 GPO,  
NAIROBI, Kenya.



Tel: 254 (0) 20 3867800-5,  
Fax: 254 (0) 20 3876955 / 3877373  
E-mail: director@meteo.ga.ke  
Website: http://www.meteo.ga.ke

Our Ref: Mei/1/17/1 (102)

Date: 16<sup>th</sup> August 2011

Hiram M. Kahiro  
District Commissioner  
Kajiado-North District  
P.O Box 78 – 00208  
NGONG HILLS

*Vel farm file*

Dear Sir,

**RE: ALLOTMENT DOCUMENTS FOR METEOROLOGICAL LAND – NGONG TOWNSHIP**

I have the honour to write to you this letter to appraise you on the process through which the Kenya Meteorological Department (KMD), a Department under the Ministry of Environment and Mineral Resources (MEMR), applied to acquire forty four decimal three two (44.32) hectares parcel of land under L.R. No. 24302, situated in Kibiko Area of Ngong Township, Kajiado County.

KMD, through the then Permanent Secretary of the Ministry of Transport and Communication, requested for the said parcel of land from the then Permanent Secretary of the Ministry of Agriculture, Livestock Development and Marketing in 1995. The request was granted and this parcel of land on Ngong Veterinary Farm L.R. 2627 was mutated and reserved for KMD to develop it for meteorological infrastructure in order to bring services closer to the people of Kajiado.

The Commissioner of Lands thereafter issued a title reference for this parcel of land under No. L.R.N. 5643.

KMD has in the recent past embarked on development programme on this land by constructing a meteorological observatory as well as installing other meteorological infrastructure.

The purpose of writing this letter is, therefore, to kindly inform you that it is not a rumour that the land has been allocated to KMD, but that it actually belongs to KMD.

It is worthy noting that this is the only meteorological station in the whole of Kajiado County and it is hoped that the community will benefit immensely from the weather information disseminated from it.

Attached with this letter, please find the following copies of documents for your perusal and further necessary action.

RTIFIED TRUE COPY OF THE ORIGINAL

INITIALS / GREEN SEAL

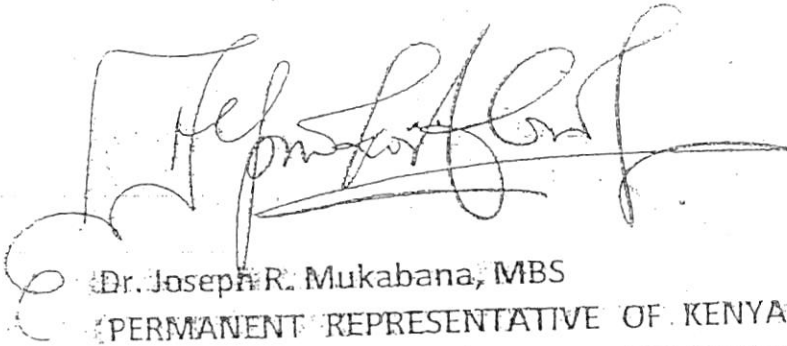
The Permanent Secretary of the Ministry of Agriculture, Livestock Development and Marketing

A title No. L.R.N 5643.

A plan of L.R No. 24302 – Ngong Township.

Accept, Sir, the assurances of my highest consideration.

Yours faithfully,



Dr. Joseph R. Mukabana, MBS

PERMANENT REPRESENTATIVE OF KENYA WITH THE WORLD METEOROLOGICAL ORGANIZATION (WMO) AND DIRECTOR OF METEOROLOGICAL SERVICES

Copy to

The Permanent Secretary

Ministry of Environment & Mineral Resources

P.O Box 30126 - 00100

NAIROBI

The Provincial Commissioner

Rift Valley Province

P.O Box 28

NAKURU

The Honourable Prof. George Saitoti

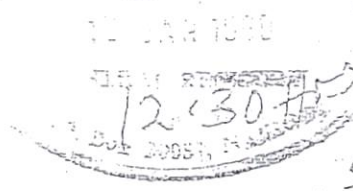
Member of Parliament,

KAJIADO NORTH CONSTITUENCY

Annex 2

0944-f

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507 1  
09/12/11



REPUBLIC OF KENYA

REGISTRATION OF TITLES ACT

(Chapter 281)

GRANT No. LRN. 5643

ANNUAL RENT Sh. 72/= (REVISABLE)

TERM 99 years 1.9.1995



~~KNOW ALL MEN BY THESE PRESENTS that in pursuance of the provisions of the said Act~~

~~by way of Grant and in pursuance of the provisions of the said Act the COUNTY COUNCIL OF KAJIADO~~  
(hereinafter called "the Council")

~~is a body corporate duly established under the Local Government (Registration) Act 1963~~

has by GRANT into THE PERMANENT SECRETARY TREASURY a body corporate duly Registered Under the Provisions of the Permanent Secretary to the Treasury (Incorporated) Act Cap 101 of the laws of Kenya, of NAIROBI (Post Office Box Number 30007) As the trustee for Meteorological Department of NAIROBI Post Office Box Number 30259.

hereinafter called "the Grantee") ALL that piece of land situate Ngong Township in KAJIADO

District containing by measurement forty four decimal three two (44.32)

hectare or thereabouts that is to say Land Reference Number 24302 which said piece of land with the dimensions abutments and boundaries thereof is delineated on the plan annexed hereto and more particularly on Land Survey Plan Number 222114 deposited in the Survey Records Office at Nairobi TO HOLD

for the term of ninety nine years from the First day of September One thousand nine hundred and ninety five SUBJECT TO  
(a) the payment in advance on the first day of January in each year of the annual rent of

THIS IS TRUE COPY OF THE ORIGINAL



~~Annex 2~~

SPECIAL CONDITIONS

1. No buildings shall be erected on the land nor shall additions or external alterations be made to any buildings otherwise than in conformity with plans and specifications previously approved in writing by the local authority. The local authority shall not give approval unless satisfied that the proposals are such as to develop the land adequately and satisfactorily.

2. The grantee shall within six months of the <sup>actual registration of the grant</sup> commencement of the term submit in triplicate to the local authority plans (including block plans showing the positions of the buildings and a system of drainage for the disposal of sewage surface and sullage water) drawings elevations and specifications of the buildings the grantee proposes to erect on the land and shall within 24 months of the <sup>actual registration of the grant</sup> complete the erection of such buildings and the construction of the drainage system in conformity with such plans drawings elevations and specifications as amended (if such be the case) by the local authority.

Provided that notwithstanding anything to the contrary contained or implied by the Trust Land Act if default shall be made in the performance or observance of any of the requirements of this condition it shall be lawful for the county council or any person authorized by the county council to re-enter into and upon the land or any part thereof in the name of the whole or remedy of the county council in respect of any antecedent breach of any condition herein contained.

3. The grantee shall maintain in good and substantial repair and condition all buildings at any time erected on the land.

4. Should the grantee give notice in writing to the local authority that he is unable to complete the buildings within the period aforesaid the local authority shall (at the grantee's expense) accept a surrender of the land comprised therein.

5. Provided further that if such notice as aforesaid shall be given within 12 months of the commencement of the term the local authority shall refund to the grantee fifty per centum of the stand premium paid in respect of the land or

(b) at any subsequent time prior to the expiration of the said building period the local authority shall refund to the grantee twenty five per centum of the said stand premium. In the event of notice being given after the expiration of the said building period no refund shall be made.

6. The land and the buildings shall only be used for Meteorological purposes only.

7. The buildings shall not cover more a greater area of the land as may be laid down by the local authority in its by-laws

CERTIFIED TRUE COPY OF THE ORIGINAL  
MUTATION / GREEN CARD



Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

# Annex 2

8. The grantee shall not subdivide the land without prior consent in writing of the local authority and the Commissioner of Lands.

9. The grantee shall not sell, transfer, sublet, charge or part with the possession of the land or any part thereof or any buildings thereon except with the prior consent in writing of the local authority. No application for such consent (except in respect of a loan required for building purposes) will be considered until special condition No. 2 has been performed.

10. The grantee shall pay to the local authority on demand such sums as the local authority may estimate to be the proportionate cost of constructing all roads and drains and sewers serving or adjoining the land and shall on completion of such construction and the ascertainment of the actual proportionate cost either pay (within seven days of demand) or be refunded the amount by which the actual proportionate cost exceeds or falls short of the amount paid as aforesaid.

11. The grantee shall from time to time pay the local authority on demand such proportion of the cost of maintaining all roads and drains serving or adjoining the land as a local authority may assess.

12. Should the local authority at any time require the said roads to be constructed to a higher standard the grantee shall pay to the local authority on demand such proportion of the cost of such construction as the local authority may assess.

13. The grantee shall pay such rates, taxes, charges, duties, assessments or outgoings of whatever description as may be imposed, charged or assessed by any Government or local authority upon the land or the buildings erected thereon including any contribution or other sum paid by the local authority or county council in lieu thereof.

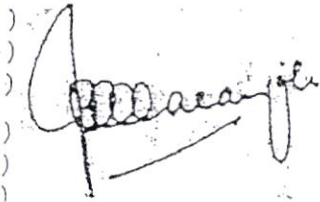
14. The county council or such person or authority as may be appointed for the purpose shall have right to enter upon the land and lay and have access to water mains, service pipes and drains, telephone, telegraph wires and electric mains of all descriptions whether overhead or underground and the grantee shall not erect any buildings in such a way as to cover or interfere with any existing alignments of main or service pipes or telephone or telegraph wires and electric mains.

15. The county council reserves the right to revise the annual ground rental payable hereunder after the expiration of the 33rd and 66th year of the term hereby granted. Such rental will be at a rate of 4 per cent of the unimproved freehold value of the land as assessed by the Commissioner of Lands.

SIGNED by WILSON GACANJA, The Commissioner of Lands )  
thereby lawfully authorized on behalf of OLKEBUADO )  
COUNTY COUNCIL, this )

12<sup>th</sup> day of January )

one thousand nine hundred and ninety nine in the )  
presence of: )



REGISTRAR OF TITLES, REGISTRY - NAIROBI )  
REGISTRATION OF TITLES ACT )

REGISTERED AS No. L.N. 5643 )

PRESENTED 13<sup>th</sup> January 1999 )

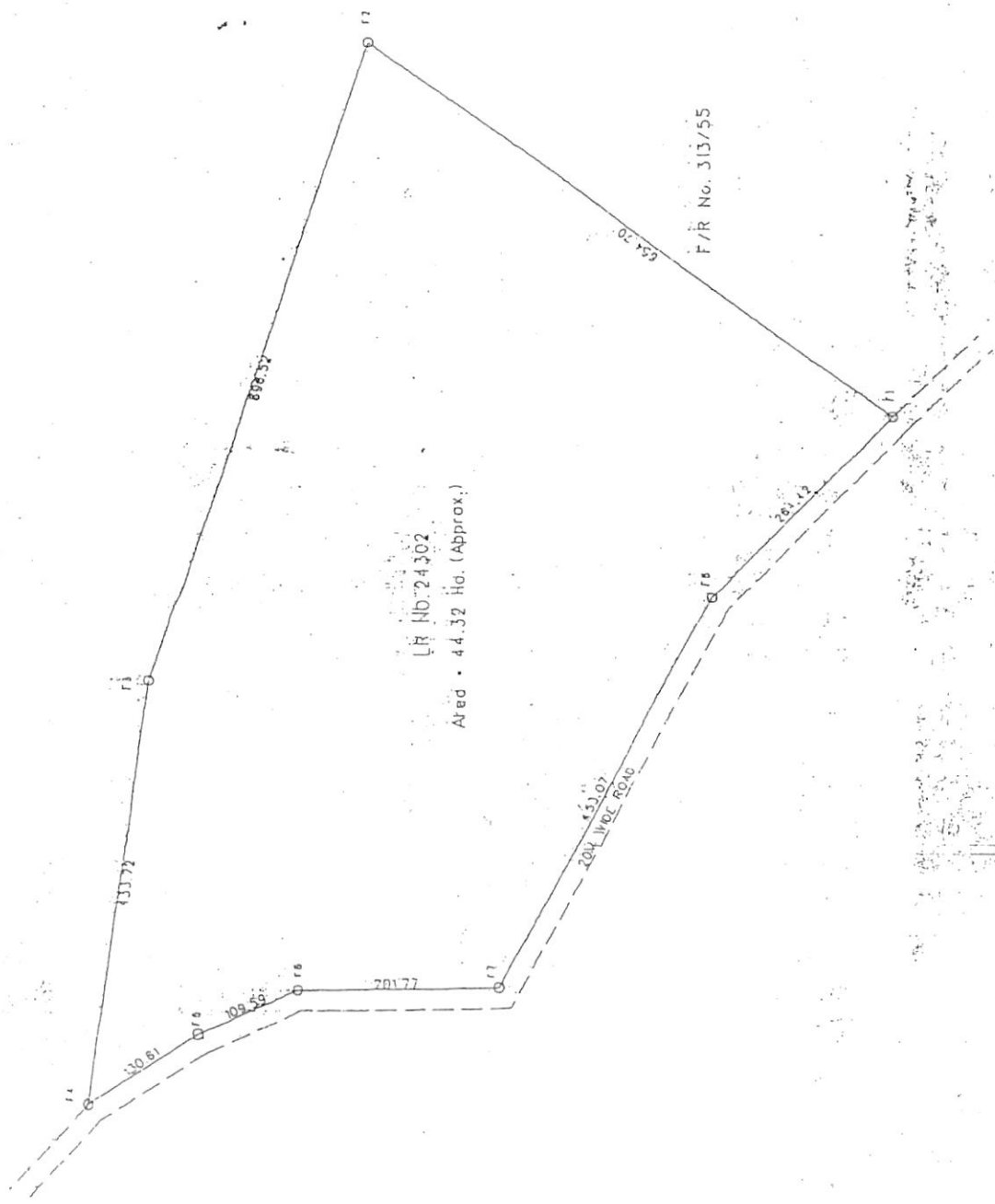
REGISTRAR OF TITLES

CERTIFIED TRUE COPY OF THE ORIGINAL

MUTATION / GREEN CARD

9

METEOROLOGICAL LAND RECORDS  
[MAP]



LOCATION:	MGONG TOWN - RAJJIARO DISTRICT	SCALE:	1:5000	PROJECT:	Highway 24302 - MGONG TOWN	PLAN DRAWN BY:	HIGHLAND SURVEYORS
CLIENT:	THE TECHNOLOGICAL DEPARTMENT,	DATE:	FEBRUARY 2004	HOUSES:	Coordinates Refered to Equator 1958		HIGHLAND SURVEYORS
							Highland Surveyors P.O. BOX 9562 1001001 TEL. 2121226, 2121943, 2121281 FAX. 2111097 HJH0861

Figure 2

Annex 2

TL/11/946

REPUBLIC OF KENYA

Telegrams: "Lands", Nairobi  
Telephone: Nairobi 718050/9

REGISTERED

DEPARTMENT OF LANDS  
P.O. Box 30089  
NAIROBI

Permanent Secretary, Treasury  
P O Box 30007  
NAIROBI

Ref.No. 3731/IX/213

Date : 14<sup>TH</sup> July, 2011

SIR(s) MADAM

RE : UNS. OLKEJUADO COUNTY COUNCIL DUMPING SITE - NGONG

LETTER OF ALLOTMENT

I have the honor to inform you that the Government, on behalf ... Olkejuado.....  
County Council hereby offers you a grant of the above plot shown edged red on the attached Plan No.  
F. J/164/IV(27).... subject to your formal written acceptance of the following conditions and to the  
payment of the charges as prescribed hereunder:

- AREA : ...8.09.....hectares (approximately).
- TERM : .....99..... years from the ...1/7/2011.....
- STAND PREMIUM: Kshs Nil..... } Subject to adjustment on survey, but
- ANNUAL RENT: Kshs....Peppercorn... } there is no claim for reduction in area on Survey.
- GENERAL: This Letter of Allotment is subject to, and the grant will be made under  
the provisions of, the Government Lands Act (Cap. 280 of the Revised  
Edition the Laws of Kenya) and title will be issued under the Registration  
of Titles Act (Cap. 281) or the Registered Land Act (Cap. 300)

SPECIAL CONDITIONS: See attached.

2. I should be glad to receive your acceptance of the attached conditions together with banker's  
cheque for the amount as set out below within thirty (30) days of the postmark:

	Ksh.
Stand Premium.....	-
Rent from ..... to.....	-
Conveyancing Fees .....	1,250/=
Registration Fees .....	500/=
Rates . . . . . on demand .....	.....
Stamp Duty .....	100/=
Survey Fees . . . . .on demand.....	.....
Road and Road Drains ... on demand.....	.....
Others - Approval fees .....	5,000/=
- Planning fees .....	2,000/=

Receipt No. .... of ..... Less Deposit

Total Kshs. 8,850/=

[ P.T.O,

Annex 2

If acceptance and payment respectively are not received within the said thirty (30) days from the date hereof the offer herein contained will be considered to have lapsed.

If the above plot is still unsurveyed at the time you commence building you should exercise the greatest care to ensure that any building or other works are contained within the boundaries of the plot for should you inadvertently overstep the aforesaid boundaries the cost of removal and reconstruction must be borne by you.

The issue of the Government grant or lease will be undertaken as soon as circumstances permit.

Your full name (s) in BLOCK LETTERS should be given for the purpose of the grant which will be submitted later to you. The attached special conditions form part of the offer which should be accepted in full. The Government shall not accept any liability whatsoever in the event of prior commitment otherwise.

I have the honour to be,  
Sir(s) Madam,  
Your obedient servant,

Authority: File No. 3731/IX/212



E. K. KOSGEI

*For Commissioner of Lands*

ENCL

- O: P/S Ministry of Lands, Nairobi
- The Director of Surveys, Nairobi.
- ~~The Town Clerk.~~ -
- The Clerk to the Council, County Council of ... **Olkejuado**
- The District Commissioner, **Kajiado North**
- The Director of Physical Planning, Nairobi
- District Land Officer.
- O/C Land Rents.
- Rates Assistant. )
- The Accountant. )
- O/C Records. ) All to note.
- Senior Plan Records Officer. )
- Plot File. )

GPK (L)

# MINISTRY OF LANDS



4-h  
Annex  
7B

Telegrams: Kajiado North  
Telephone:  
Fax:  
Email -

DISTRICT LANDS REGISTRY  
KAJIADO NORTH DISTRICT  
P.O. Box 1022 - 00208  
NGONG HILLS

When replying please quote

9<sup>th</sup> MARCH, 2014

Ref: KN/LND/GEN/VOL.4/9

THE CHAIRMAN  
NATIONAL LAND COMMISSION  
P. o. Box 30450  
NAIROBI.

RE: PARCEL NO. NGONG/NGONG/1959 (2627, 2628, 2629),  
NGONG/NGONG/2627 (21399 AND 21400) AND IRN - 5643

The above captioned matter refers.

Here below is a detailed report regarding the current status of the above parcel of land situated at Ngong according to documents available in our office.

According to records held by our office Ngong/Ngong/21339 and 21400 are resultant subplots of Ngong/Ngong/1959 which was initially registered in the names of OLKEJUADO COUNTY COUNCIL on 10<sup>th</sup> May 1974 and the same was transferred to GOVERNMENT OF KENYA on 14<sup>th</sup> March 1975 vide the commissioner of Lands letter Ref. No.9/889/11 of 12/3/1975.

Ngong/Ngong/1959 was closed on subdivision on 14<sup>th</sup> May 1975 and three parcels were created viz - aviz Ngong/Ngong/2627, 2628 and 2629 respectively.

Further office records indicate that Ngong/Ngong/2628 and 2629 were allocated by the Government of Kenya to HALAL MEAT PRODUCTS LIMITED OF Post Office box 40907 NAIROBI and certificate of lease issued to the Company on 18<sup>th</sup> April 1975.

Ngong/Ngong/2628 and 2629 was charged to BARCLAYS BANK OF KENYA LIMITED to secure a sum of kshs.6,500,000/= and a charge registered on 13<sup>th</sup> December 2001.

While parcel Ngong/Ngong/2628 and 2629 was allocated to M/S HALAL MEAT PRODUCTS LTD, Ngong/Ngong/2627 was registered in the name of the

government of Kenya Post office box 30089 Nairobi and remained uncommitted until on 7<sup>th</sup> December 1998 when it was subdivided into Ngong/Ngong/21399 and 21400. While Ngong/Ngong/21399 was allocated and registered in the name of The Permanent secretary to the Treasury of Kenya on 7<sup>th</sup> December 1998 Ngong/Ngong/21400 was left uncommitted and no land Register was opened for the same.

While initial records of the above parcel of land Ngong/Ngong/1959 was opened vide the Registered Land act 300, records availed to this office indicate that another registration regime, the Registration of title Act (RTA chapter 281) has been applied and seen a number of title issued and registered in the Central Registry of Nairobi Land Registry.

Records availed to this office from the office of District commissioner, Kajiado North District shows that the following institution were allocated land within the original Ngong/Ngong/1959 which had been initially registered other Registered Land Act (CAP 300).

S/NO.	INSTITUTION	ACREAGE	REMARKS
1.	Ministry of Livestock	120 Acres	Ministry of Livestock
2.	Ministry of Roads	75	Kenya Institute of Highway and building
3.	Halal Meat Products	12	Ngong/Ngong/2628 & 2629
4.	Army graveling Unit and training	10	Used by armed forces as Athletic camp
5.	Meterological Department Centre	100	Excesed in 1995 already issued with a title – IRN 5643
6.	Ngong Dumpsite	20	
7.	East Africa Motore sports Unb	100 Acres	Already issued with title deed.
8.	Kenya Police	142	

Therefore inview of the foregoing, while it is indicated that Ngong/Ngong/1959 popularly known as Ngong Veterinary farm which was reserved to Ministry of Livestock development vide gazette Notice Number 890 of 1957 measures 1510

Acres a letter from the Commissioner of Lands addressed to Permanent Secretary, Ministry of Livestock Development confirms the land to be measuring 1,400 acres.

Again from the above records some title deeds were issued under Registered Land Act Chapter 300 such as Ngong/Ngong/2628 and 2629 registered in the names of M/S HALAL MEAT PRODUCTS LIMITED and other Under the Registration of title s Act (Chapter 281) e.g. the title reserved for meteorological Department Centre.

From the records held and made available to this office a total of 579 Acres has been committed to various institution while 821 Acres remain uncommitted.

Attached herewith please find certified copies of relevant Land records for perusal and further action.



**R. K. KALAMA**  
**DISTRICT LAND REGISTRAR**  
**KAJIADO NORTH DISTRICT**

**CC:**

1. THE SECRETARY LANDS,  
MINISTRY OF LANDS  
HOUSING AND URBAN  
DEVELOPMENT.
  
2. MINISTRY OF LIVESTOCK

**NOTE: There has been a pending case HC JR 2968 of 2011 JAMINI AGENCY LIMITED VS ATTORNEY GENERAL at HIGH COURT MACHAKOS laying claim to LR.NO.NGONG/NGONG/21400 which is yet to be finalized. (attached herewith are copies of the same)**





TAWA LTD.

EDITION: 1		PART A - PROPERTY SECTION	
OPENED: 18/4/75			
REGISTRATION SECTION	PARTICULARS OF LEASE		NATURE OF TITLE  <b>LEASEHOLD</b>
NGONG/NGONG	LESSOR: GOVERNMENT OF KENYA		
PARCEL NUMBER <b>2628</b>	LESSEE: HALAL MEAT PRODUCTS LIMITED		
APPROXIMATE AREA <b>0.599</b> Hects. <del>0.599</del>	RENT: SHS. 200/= TERM: 99 YEARS FROM: 1-1-75		
REGISTRY MAP SHEET NO. <b>9/SW</b>	FOR APPURTENANCES SEE THE REGISTERED LEASE, N.B. WHERE THE LEASE IS OF A PART OF A PARCEL, THE PARCEL NUMBER REFERS TO THE NUMBER SHOWN ON THE FILED PLAN		


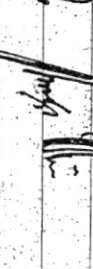


PART B - PROPRIETORSHIP SECTION

ENTRY NO.	DATE	NAME OF REGISTERED PROPRIETOR	ADDRESS AND DESCRIPTION OF REGISTERED PROPRIETOR	CONSIDERATIONS AND REMARKS	SIGNATURE OF REGISTRAR
RESTRICTION: NO DISPOSITION BY THE PROPRIETOR SHALL BE REGISTERED WITHOUT THE WRITTEN CONSENT OF THE LESSOR (S. 48)					
1	18/4/75	HALAL MEAT PRODUCTS LTD	P.O. BOX 40907, NAIROBI	SHS. 1000/=	<i>[Signature]</i>
2	18/4/75	CERTIFICATE OF LEASE ISSUED			
3	22-12-77	CAUTION BY R. J. KIGUNDA THE CHIEF VALUER OF P.O. BOX 30089, NAIROBI ON BEHALF OF THE GOVERNMENT OF THE REPUBLIC OF KENYA CLAIMING CHARGEE'S INTEREST			
TITLE NUMBER		REGISTRATION SECTION	CONTINUED PAGE 2		PARCEL NO.
		NGONG/NGONG			2628

Kalamazoo  
03200-611

TITLE BELOW  
THIS LINE

PART C - ENCUMBRANCES SECTION

ENTRY NO.	DATE	NATURE OF ENCUMBRANCE	FURTHER PARTICULARS	SIGNATURE OF REGISTRAR
1	28.7.58	MORTGAGE	BY THE COMMISSIONER OF INCOME TAX TO SECURE UNPAID TAX OF RS. 80,000/- (WITH OTHER LAND)	
2	28.10.58	MORTGAGE	BY THE COMMISSIONER OF INCOME TAX FOR RS. 1,00,000/- UNPAID TAX (WITH OTHER LAND)	
3	30.10.2001	DISCHARGE	OF CHARGE ENTRY NOS. 1 & 2 ABOVE	
4	31.12.2007	DISCHARGE	OF CHARGE ENTRY NO. 3 ABOVE	
			A sum of Rs. 50,000/- (with other land)	
			A sum of Rs. 50,000/- (with other land)	
			A sum of Rs. 50,000/- (with other land)	



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ATTACH 5




TAWS LTD.

EDITION: 1		PART A - PROPERTY SECTION			
OPENED: 18/4/75					
REGISTRATION SECTION		PARTICULARS OF LEASE			NATURE OF TITLE
NGONG/NGONG		LESSOR: GOVERNMENT OF KENYA			LEASEHOLD
PARCEL NUMBER 2629		LESSEE: HALAL MEAT PRODUCTS LIMITED			
APPROXIMATE AREA 3.990 Hectares <del>ACRES</del>		RENT: SHS. 6,400/= TERM: 99 YEARS FROM: 1-1-75			
REGISTRY MAP SHEET NO.		FOR APPURTENANCES SEE THE REGISTERED LEASE. N.B. WHERE THE LEASE IS OF A PART OF A PARCEL, THE PARCEL NUMBER REFERS TO THE NUMBER SHOWN ON THE FILED PLAN			
PART B - PROPRIETORSHIP SECTION					
ENTRY NO.	DATE	NAME OF REGISTERED PROPRIETOR	ADDRESS AND DESCRIPTION OF REGISTERED PROPRIETOR	CONSIDERATIONS AND REMARKS	SIGNATURE OF REGISTRAR
RESTRICTION: NO DISPOSITION BY THE PROPRIETOR SHALL BE REGISTERED WITHOUT THE WRITTEN CONSENT OF THE LESSOR (S. 48)					
1	18/4/75	HALAL MEAT PRODUCTS LIMITED	P.O. BOX 40907, NAIROBI	SHS. 32,000/=	<i>[Signature]</i>
2	18-4-75	CERTIFICATE OF LEASE ISSUED			
3	22-12-87	<del>CAUTION BY R. J. KIGUNDA THE CHIEF VALUER OF P.O. BOX 30089 NAIROBI ON BEHALF OF THE GOVERNMENT OF THE REPUBLIC OF KENYA CLAIMING CHARGEE'S INTEREST</del>			
TITLE NUMBER		REGISTRATION SECTION NGONG/NGONG		CONTINUED PAGE 2	PARCEL NO. 2629

Kelamazoo  
13200-611

TITLE BELOW  
THIS LINE

PART C - ENCUMBRANCES SECTION

ENTRY NO.	DATE	NATURE OF ENCUMBRANCE	FURTHER PARTICULARS	SIGNATURE OF REGISTRAR
1	28.7.80	NOTIFICATION OF CHARGE	BY THE COMMISSIONER OF INCOME TAX TO SECURE UNPAID TAX OF RS. 80,000/- (WITH OTHER LANDS)	
2	28.10.99	NOTIFICATION OF CHARGE	BY THE COMMISSIONER OF INCOME TAX TO SECURE UNPAID TAX OF RS. 100,000/- (WITH OTHER LANDS)	
3	30.10.2001	DISCHARGE OF CHARGE	ENTRY NO. 1 & 2 ABOVE	
4	3.11.2007	CHARGE BY BANK OF BARODA	IN FAVOR OF BANK OF BARODA A SUM OF RS. 85,000,000/- (WITH OTHER LANDS)	
		NOTE:	RIGHTS RESERVED UNDER SECTION 83 & 84	

Amet 3

TAWS LTD.

EDITION: 2		PART A - PROPERTY SECTION	
OPENED: 10.12.92			
REGISTRATION SECTION	PARTICULARS OF LEASE		NATURE OF TITLE
N190NG/N90NG	LESSOR:		
PARCEL NUMBER	LESSEE:		
2629	RENT:	TERM:	
APPROXIMATE AREA	FROM:		
ACRES			
REGISTRY MAP SHEET NO.	FOR APPURTENANCES SEE THE REGISTERED LEASE, N.B. WHERE THE LEASE IS OF A PART OF A PARCEL, THE PARCEL NUMBER REFERS TO THE NUMBER SHOWN ON THE FILED PLAN		LEASEHOLD

PART B - PROPRIETORSHIP SECTION

ENTRY NO.	DATE	NAME OF REGISTERED PROPRIETOR	ADDRESS AND DESCRIPTION OF REGISTERED PROPRIETOR	CONSIDERATIONS AND REMARKS	SIGNATURE OF REGISTRAR
RESTRICTION: NO DISPOSITION BY THE PROPRIETOR SHALL BE REGISTERED WITHOUT THE WRITTEN CONSENT OF THE LESSOR (S. 48)					
4	10.12.92		CAUTION ENTRY NO 3 REMOVES VIDE HQ/MOA/6/86		[Signature]
			DATED 10 <sup>th</sup> December 1992 & MLD/A.1/27 VOL. 111/210		
			9 <sup>th</sup> Dec. 1992.		[Signature]
5	21.11.96		CERTIFICATE OF LEASE RE-ISSUED. GAZ. NOT. NO. 6332 OF 13/10/95		
6	25.3.2000		CERTIFICATE OF LEASE GAZ. NO. 7273 OF 24 DEC. 1999 RE-ISSUED.		
7	15.11.2001		CERTIFICATE OF LEASE	RE-ISSUED	[Signature]
TITLE NUMBER			REGISTRATION SECTION	PARCEL NO.	
				2629	

Kalamazoo 03200-611

TITLE BELOW THIS LINE





All Correspondence  
Should be addressed to:-  
Director of Surveys



SURVEY OF KENYA  
P.O. Box 30046, NAIROBI  
KENYA

Telegrams: "Surveys"  
Head Office: Ardhi House  
Telephone: 718050  
Field Headquarters, Ruaraka  
Telephone: 802241-2

**Annex 3**

Date... 21st May ..... 1997

Our Ref. CN/7/VOL 4/220

Mr Wilson Gacanja  
Commissioner of Lands  
NAIROBI

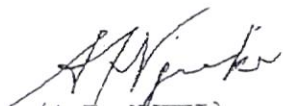
SURVEY OF PLOT FOR POLICE DEPARTMENT -  
NGONG

We have completed the excision survey of a plot measuring 48.70 Hectares (120 acres) for the Police Department from the Veterinary Farm in Ngong. The Police Department plot is NGONG/NGONG/21399 while the remaining portion of the Veterinary Farm is NGONG/NGONG/21400 measuring 541.01 hectares.

However, while carrying out the survey; we discovered that our Registry Index Map does not show the correct position as that on the ground and especially the position of the boundary between parcels 2629, 12015 and 21399. There is an existing road of access along this boundary which is not reflected on the map and which for security reasons; the Police Department would like to use to access to their parcel number 21399. There is also uncertainty on the ground and the map on the actual boundary between parcels 21399 and 12015. Also parcel No. 2628 adjoining the Police plot is landlocked and has no road of access.

Since there is uncertainty as to the position of this boundary; it is necessary for the Land Registrar, Kajiado to determine and indicate the position of this boundary in accordance with the provisions of Section 21 (2) of the Registered Land Act (Cap 300) and I will be grateful if you initiate this move as an interested party on behalf of the Government.

In the meantime, you can proceed and issue title to the Police Department for their plot Ngong/Ngong/21399. My Survey fees amounts to Kshs. 7155/-. I enclose two sets of Registry Index Maps and two copies of mutation forms representing the surveys for your necessary action.

  
(A.K. NJUKI)  
DIRECTOR OF SURVEYS.

c.c.  
Commissioner of Police  
NAIROBI.

Encl.

*SLD/L*  
*This Survey*  
*has been noted.*  
*ANYIKA*  
*for SPAD*  
*23/11/98.*

Annex 4

4-k

Page 2

REPUBLIC OF KENYA



MINISTRY OF LIVESTOCK DEVELOPMENT  
OFFICE OF THE PERMANENT SECRETARY

Telegrams: "MINAG", NAIROBI  
Telex: 22766  
Telephone: 2718570/9  
Fax: 316751

When replying please quote

Ref No MDLD/Lands/SAS/VOL 2:348 ✓  
and date

All correspondences should be addressed to:  
The Director of Veterinary Services  
Parcels by rail: Nairobi Station

KILIMO HOUSE  
CATHEDRAL ROAD  
P.O. BOX 34185  
NAIROBI

Date: 23<sup>rd</sup> May 2013

The Project Manager,  
Nairobi Southern Bypass  
China Road & Bridge Corp. (Kenya)  
P.O. Box 39037, NAIROBI.

RE: THE AGREEMENT BETWEEN CHINA ROAD AND MINISTRY OF LIVESTOCK DEVELOPMENT  
SUBJECT: INSTRUCTION OF REMITTANCE OF KSH. 6,000,000.

You are aware of the ongoing matter in court over the Ngong Veterinary Farm where you and the Ministry of Livestock Development are sued by a community named Ilkeekoinyoke Welfare Group.

The Ministry, after meeting with the community has agreed that the Ministry assists to drill one bore hole for their Livestock and domestic use at agreed amount of Ksh. 6,000,000. As partners in development, the Ministry has decided that the same amount shall be set off from the original cost of the Construction of the Conference Facility whose value was Kshs. 20,280,869.00 as per our agreement dated 13<sup>th</sup> January 2012, therefore, the Construction of the Conference Facility has been abandoned by the Ministry willingly and the balance amounting to Kshs 14,280,869.00 shall instead be spent on the fencing and road works within the Ngong Veterinary Farm. A fresh Addendum to the agreements of December 2011 and January 2012 is being prepared by the Ministry that we are entering into soon, and other terms and conditions of the main agreement shall remain as signed.

From the meeting between the community leaders and the Ministry officials held at their advocate's office, Hassan & Company Advocates, it was agreed that Ksh.6,000,000 be deposited into Hassan's account through your lawyer to be held in trust, an undertaking letter of withdrawing the court case shall be delivered to you by the community before the transaction, and the money should not be released to the community until they entirely withdraw the court case against your organization.

You are now instructed to fulfill the remittance not later than 29<sup>th</sup> May 2013. The case as agreed shall be withdrawn on or before 3<sup>rd</sup> June 2013.

C.M. Mwangi

For Permanent Secretary

Ministry of Livestock Development

CC: Ilkeekoinyoke Welfare Group



Annex



REPUBLIC OF KENYA

THE REGISTERED LAND ACT  
(Chapter 300)

# Certificate of Lease

TITLE No. NGONG/NGONG/21399

LESSOR OL'KEJUADO COUNTY COUNCIL

RENT PEPPERCORN (IF DEMANDED)

TERM 99 YEARS FROM 1.02.1997

*This is to certify that* THE PERMANENT SECRETARY TO THE  
TREASURY OF KENYA OF P.O. Box 30083, NAIROBI.

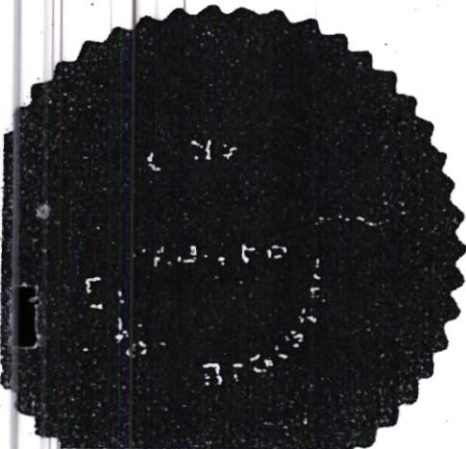
is (are) now registered as the proprietor(s) of the leasehold interest above referred to, subject to the agreements and other matters contained in the registered lease, to the entries in the register relating to the lease and to such of the overriding interests set out in section 30 of the Registered Land Act as may for the time being subsist and affect the land comprised in the lease.

GIVEN under my hand and the seal of the

KAJIADO District Registry

this SEVENTH day of DECEMBER, 19 98

Land Registrar





FORM 12 (RLA—COUNTY COUNCIL (General))

Date Received for registration: 7.12. 1998 Presentation Book: No. 152 1998

Registration Fees: Sh. 250/-  
paid. Receipt No. E172163

REPUBLIC OF KENYA

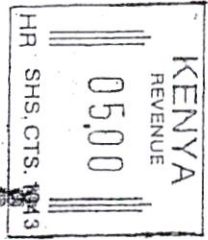
THE REGISTERED LAND ACT  
(Cap 300)



LEASE

REGISTRATION DISTRICT: NAIYOBI

TITLE No. HC/NO/HC/NO/21396



THE COUNTY COUNCIL OF NAIYOBI

in consideration of the sum of shillings

HEREBY LEASES to PERMANENT SECRETARY TO THE TREASURY OF KENYA a body corporate duly established under the provisions of Cap. 101 laws of Kenya of NAIROBI (Post Office Number 30002)

ALL THAT piece of land comprised in the above-mentioned title containing by ~~measurement forty eight decimal seven nought (48.60)~~ measurement hectares or thereabouts for the term of ninety nine (99) years

from First day of February 1997 at the annual rent of peppercorn (if demanded)

payable in advance on the first day of January in each year and the following conditions:

SPECIAL CONDITIONS

1. No buildings shall be erected on the land nor shall additions or external alterations be made to any buildings otherwise than in conformity with plans and specifications previously approved in writing by the Local Authority. The Local Authority shall not give approval unless satisfied that the proposals are such as to develop the land adequately and satisfactorily.



2. The Lessee shall within ~~six~~ **six** calendar months of the actual registration of the lease submit in triplicate to the Local Authority plans (including block plans showing the positions of the buildings and system of drainage for the disposal of sewage, surface and sullage water) drawings elevations and specifications of the buildings the Lessee proposes to erect on the land and shall within **24** months of the actual registration of the lease complete the erection of such buildings and the construction of the drainage in conformity with such plans, drawings, elevations and specifications as amended (if such be the case) by the Local Authority: PROVIDED that notwithstanding anything to the contrary contained or implied by the Trust Land Act if default shall be made in the performance or observance of any of the requirements of this condition it shall be lawful for the County Council or any person authorized by the County Council to re-enter into and upon the land or any part thereof in the name of the whole and thereupon the term hereby created shall cease but without prejudice to any right of action or remedy of the County Council in respect of any antecedent breach of any condition herein contained.
3. The Lessee shall maintain in good and substantial repair and condition all buildings at any time erected on the land.
4. Should the Lessee give notice in writing to the County Council that **it is** unable to complete the buildings within the period aforesaid the County Council shall (at the Lessee's expense) accept a surrender of the land comprised herein: PROVIDED FURTHER that if such notice as aforesaid shall be given within twelve months of the registration of the lease the County Council shall refund to the Lessee fifty per centum of the stand premium paid in respect of the land or (2) at any subsequent time prior to the expiration of the said building period the County Council shall refund to the Lessee twenty-five per centum of the said stand premium. In the event of notice being given after the expiration of the said building period no refund shall be made.
5. The land and the buildings shall only be used for **Driving School Garage ancillar services and caretaker's residence for Department of police.**
6. The building shall not cover ~~more than~~ **a greater or lesser area of the land as may be laid down by the Local Authority in its by-laws.**
7. The land shall not be used for the purpose of any trade or business which the Local Authority considers to be dangerous or offensive.
8. The Lessee shall not subdivide the land without prior consent in writing of the County Council and the Commissioner of Lands.
9. The Lessee shall not sell, transfer, sublet, charge or part with the possession of the land or any part thereof or any buildings thereon except with the prior consent in writing of the County Council. No application for such consent (except in respect of a loan required for building purposes) will be considered until Special Condition No. 2 has been performed.
10. The Lessee shall pay to the Local Authority on demand such sums as the Local Authority may estimate to be the proportionate cost of constructing all roads and drains and sewers serving or adjoining the land and shall on completion of such construction and the ascertainment of the actual proportionate cost either pay (within seven days of demand) or be refunded the amount by which the actual proportionate cost exceeds or falls short of the amount paid as aforesaid.





REPUBLIC OF KENYA  
MINISTRY OF LANDS

Survey of Kenya  
P.O. Box 30046  
00100 NAIROBI

Date: 3<sup>rd</sup> January 2013

All correspondence  
Should be addressed to:-  
Director of Surveys

Telegrams: "Surveys"  
Head Office: Ardhi House  
Telephone: 2718050  
Fax: 2717553  
E-Mail: dirsok@ardhi.go.ke

Field Headquarters, Ruaraka  
Telephone: 020 2314113, 020 2314114

Our Ref: PROF/6/9/VOL.XX/2

✓ The Manager  
Ngong Veterinary farm  
P. O. Box 24914  
KAREN.

RE: SURVEY OF NGONG VETERINARY LAND

This is in reference to your letter Ref. No. Land/vet/vol. I/53 dated 2<sup>nd</sup> January 2013.

I wish to inform you that Department of Surveys, Ministry of Lands is capable of undertaking the requested exercise. Ordinarily and as per the survey Act (CAP. 299), the cost of such a survey would be about **Ksh 8.4 Million**. However, yours being a Government Department, arrangements will be made for you to pay for facilitation of the survey work hence accomplish your target at cost.

In this regard and as per our discussion please deposit **Ksh 250,000/=** in Ministry of Lands account as detailed below to enable us start doing reconnaissance and other initial tasks. Other monies shall be computed and will be payable as the work progresses. Note that you will be required to facilitate monumentation (i.e. provide cement, sand, ballast, iron-pins etc), bush clearing and other labour intensive tasks for the whole exercise.

Account details – **DEPOSIT 136. MINISTRY OF LANDS. ACCT. NO. 1000122315.**

Please liaise with the officer in charge Technical Section at Survey Field Head quarters Ruaraka as you prepare to deposit the initial cost.

R. K. Amati (Mr.)  
For Director of Surveys

CC  
SAD-LS – Provide Data Book  
Oic Technical – Urgently prepare to start the Survey exercise

3

Annex 4-Minex 8

Minex 3



REPUBLIC OF KENYA  
**MINISTRY OF LANDS**

All correspondence  
Should be addressed  
Director of Surveys

Telegrams: "Surveys"  
Head Office: Ardhi House  
Telephone: 2718050  
Fax: 2717553  
E-mail: [dirsok@ardhi.go.ke](mailto:dirsok@ardhi.go.ke)  
Website: [www.ardhi.go.ke](http://www.ardhi.go.ke)

Field Headquarters, Ruaraka  
Telephone: 020 2314113/4

Our Ref: SK/GEOID/A/15/16

Survey of Kenya,  
P.O. Box 30046, 00100  
**NAIROBI.**

Date: 26<sup>th</sup> April, 2013

**The Manager,**  
Ngong Veterinary farm  
P O Box 24914  
**KAREN**

**RE: SURVEY OF NGONG VETERINARY LAND**

I refer to the letter ref: PROF/6/9/VOL.XX/2 dated 3<sup>rd</sup> January 2013 on which you were advised to deposit KES. 250,000.00 in Ministry of Lands account to enable initial tasks on the survey of the Ngong Veterinary land. We acknowledge receipt of the said amount via official receipt no. 1397099.

The above mentioned letter had also indicated that other monies would be computed and communicated to you. The necessary computations have been done yielding a budget of KES. 370,000.00.

Considering the short duration of executing the survey on the ground, it is logical that the survey team be facilitated in full at the commencement of the field survey. I therefore advise that you deposit the remaining **KES 120,000.00** in the Ministry of Lands account.

**Account details – DEPOSIT 136. MINISTRY OF LANDS. ACCT.NO. 1000122315**

In connection with your facilitation cost for bush clearing and other labor intensive tasks, it would be ideal to visit the vet-farm with the survey team and make the necessary estimates.

**H.M. Ngomo**  
For Director of Surveys

Annex 3

55

REPUBLIC OF KENYA



MINISTRY OF LIVESTOCK DEVELOPMENT

Telegrams: PROVET'' NGONG  
Telephone 0202321605

NGONG VETERINARY FARM  
P.O BOX 24914  
KAREN

When replying please quote

DATE:15/05/2013

Ref: Land/Vet/Vol.1/55

The Director of survey  
Survey of Kenya  
P.O BOX 30046  
00100 NAIROBI

RE: PAYMENT FOR SURVEY OF NGONG VETERINARY LAND.

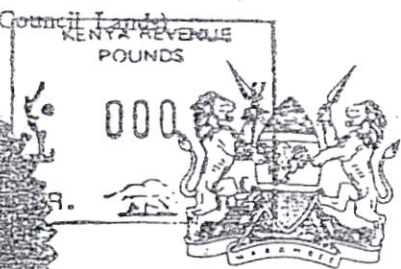
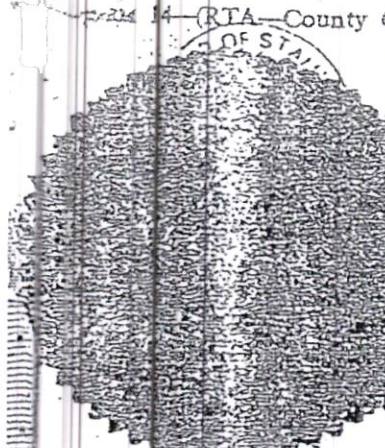
This is in reference to your letter Ref No. SK/GEOID/A/15/16 dated 26<sup>th</sup> April 2013. Kindly find enclosed herein a cheque No. 00369 of Ksh 120,000 (One hundred and twenty thousand only) being the remaining facilitation required for the survey of Ngong veterinary land.

A handwritten signature in black ink, appearing to read 'Eliud W. Simiyu'.

Eliud .W.Simiyu.  
Farm manager  
Ngong veterinary farm

6. OTHER ENTITIES OWNING PART OF THE LAND (TITLE DEED, LEASE AGREEMENT, CONTRACTS)

231809



REPUBLIC OF KENYA

# REGISTRATION OF TITLES ACT

(Chapter 281)

S/A E-1.  
JO  
31/12/2001

OFFICE OF LANDS  
CENTRAL REGISTRY  
-2 JAN 2002  
14:40HS  
P. O. BOX 10000, NAIROBI

GRANT: No. I.R.N. 5977

ANNUAL RENT: Sh. 72/- (REVISABLE)

TERM: 99 YEARS FROM 1.12.2001

**K**NOW ALL MEN BY THESE PRESENTS that ~~in consideration of the sum of Shillings~~

~~by way of State Revenue paid over to the County Council of~~ the COUNTY COUNCIL OF  
Kajiado (hereinafter called "the Council")

A body corporate duly established under the Local Government Regulation Act 1963

hereby GRANTS unto EAST AFRICAN MOTOR SPORTS CLUB REGISTERED TRUSTEES, a body corporate duly established under Trustees (Perpetual Succession) Act (Chapter 164) of the Laws of Kenya of NAIROBI (Post Office Box Number 42786)

(hereinafter called "the Grantee ") ALL that piece of land situate in Ngong Township in Kajiado

District containing by measurement twenty decimal nought nought (20.00)

hectares or thereabouts that is to say Land Reference Number 25965 which said piece of land with the dimensions abutments and boundaries thereof is delineated on the plan annexed hereto and more particularly on Land Survey Plan Number 239350 deposited in the Survey Records Office at Nairobi TO HOLD

for the term of ninety nine years from the First day of December

~~One thousand nine hundred and~~ Two thousand and one SUBJECT to

(a) the payment in advance on the first day of January in each year of the annual rent of Shillings seventy two (Shs.72/-) (Revisable) with effect from 1.12.2001

(b) the provisions of the Trust Land Act (Cap. 288) (c) the provisions of the Town Planning

## SPECIAL CONDITIONS

1. No buildings shall be erected on the land nor shall additions or external alterations be made to any buildings otherwise than in conformity with plans and specifications previously approved in writing by the local authority. The local authority shall not give approval unless satisfied that the proposals are such as to develop the land adequately and satisfactorily.

2. The grantee shall within six months of the ~~actual registration of the Grant~~ <sup>actual registration of the Grant</sup> submit in triplicate to the local authority plans (including block plans showing the positions of the buildings and a system of drainage for the disposal of sewage surface and sullage water) drawings elevations and specifications of the buildings the grantee proposes to erect on the land and shall within 24 months of the ~~actual registration of the Grant~~ <sup>actual registration of the Grant</sup> complete the erection of such buildings and the construction of the drainage system in conformity with such plans drawings elevations and specifications as amended (if such be the case) by the local authority.

Provided that notwithstanding anything to the contrary contained or implied by the Trust Land Act if default shall be made in the performance or observance of any of the requirements of this condition it shall be lawful for the county council or any person authorized by the county council to re-enter into and upon the land or any part thereof in the name of the whole and thereupon the term hereby created shall cease but without prejudice to any right of action or remedy of the county council in respect of any antecedent breach of any condition herein contained.

3. The grantee shall maintain in good and substantial repair and condition all buildings at any time erected on the land.

4. Should the grantee give notice in writing to the local authority that it is unable to complete the buildings within the period aforesaid the local authority shall (at the grantee expense) accept a surrender of the land comprised herein:—

- (i) Provided further that if such notice as aforesaid shall be given within 12 months of the ~~actual registration of the Grant~~ <sup>actual registration of the Grant</sup> the local authority shall refund to the grantee fifty per centum of the stand premium paid in respect of the land or
- (ii) at any subsequent time prior to the expiration of the said building period the local authority shall refund to the grantee twenty-five per centum of the said stand premium. In the event of notice being given after the expiration of the said building period no refund shall be made.

5. The land and the buildings shall only be used for Motor Race Track ~~and~~ Sports Club and ancillary offices

6. The buildings shall not cover ~~more~~ a greater area of the land than that allowed by the Local Authority in its by-laws.

7. The land shall not be used for the purpose of any trade or business which the local authority considers to be dangerous or offensive.

8. The grantee shall not subdivide the land without prior consent in writing of the local authority and the Commissioner of Lands.

9. The grantee shall not sell transfer sublet charge or part with the possession of the land or any part thereof or any buildings thereon except with the prior consent in writing of the local authority. No application for such consent (except in respect of a loan required for building purposes) will be considered until special condition No. 2 has been performed.

10. The grantee shall pay to the local authority on demand such sums as the local authority may estimate to be the proportionate cost of constructing all roads and drains and sewers serving or adjoining the land and shall on completion of such construction and the ascertainment of the actual proportionate cost either pay (within seven days of demand) or be refunded the amount by which the actual proportionate cost exceeds or falls short of the amount paid as aforesaid.

11. The grantee shall from time to time pay the local authority on demand such proportion of the cost of maintaining all roads and drains serving or adjoining the land as the local authority may assess.

12. Should the local authority at any time require the said roads to be constructed to a higher standard the grantee shall pay to the local authority on demand such proportion of the cost of such construction as the local authority may assess.

13. The grantee shall pay such rates taxes charges duties assessments or outgoings of whatever description as may be imposed charged or assessed by any Government or local authority upon the land or the buildings erected thereon including any contribution or other sum paid by the local authority or county council in lieu thereof.

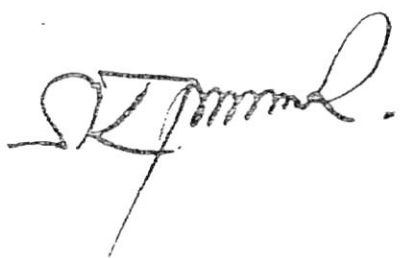
14. The county council or such person or authority as may be appointed for the purpose shall have right to enter upon the land and lay and have access to water mains service pipes and drains telephone telegraph wires and electric mains of all descriptions whether overhead or underground and the grantee shall not erect any buildings in such a way as to cover or interfere with any existing alignments of main or service pipes or telephone or telegraph wires and electric mains.

15. The county council reserves the right to revise the annual ground rental payable hereunder after the expiration of the 33rd and 66th year of the term hereby granted. Such rental will be at a rate of 4 per cent of the unimproved freehold value of the land as assessed by the Commissioner of Lands.

16. If the land ceases to be used by East African Motor Sports Club for the purpose of Motor Race Track and Sports Club the land or any part thereof shall be deemed to have automatically reverted to the Government of Kenya without the necessity of any formal surrender thereof and the term hereby created shall ipso facto determine in respect of the land or part as the case may be.

17. Notwithstanding anything to the contrary contained herein or implied by the said Trust Land Act (Chapter 288) the Grantee shall not on receipt of six months' notice in writing in that behalf surrender all or any part of the land required for public purposes without payment of compensation save in respect of such of the approved buildings as may have to be evacuated or demolished. No compensation shall be payable in respect of severance of part of the land by reason of such surrender.

SIGNED by SAMMY SILAS KOMEN MWAITA )  
the Commissioner of Lands thereto )  
lawfully authorized on behalf of )  
OL'KEJUADO COUNTY COUNCIL this 31<sup>st</sup> )  
day of Dec. Two thousand and )  
one in the presence of:- )



J. K. WANJAU (035)  
REGISTRAR OF TILES

DRAWN BY:  
JACKSON K. WANJAU  
SENIOR REGISTRAR OF TILES  
P.O. BOX 30089  
NAIROBI

LAND TITLES REGISTRY - NAIROBI DISTRICT  
REGISTRATION OF TILES  
REGISTERED AS No. LR/N 5977/1  
PRESENTED 2<sup>nd</sup> January 2002  
TIME 14:40Hr  
Registrar of Tiles  
J. K. WANJAU (035)



CONFIDENTIAL

(24)

MINISTRY OF AGRICULTURE

one 718870, Fax: 720568  
Replying please quote

to: MOA/L.1/IA VOL.V/79  
and date

THE PERMANENT SECRETARY  
KILIMO HOUSE  
CATHEDRAL ROAD  
P.O. Box 30028  
NAIROBI

23rd July, 1999

19

M/S Jamu Contractors  
P. O. Box 12440  
NAIROBI

Dear *Jamu*,

APPLICATION FOR BUILDING STONE EXCAVATION, NGONG VETERINARY FARM

Your application for building stone excavation at Ngong Veterinary Farm has been considered and permission is hereby granted subject to the following conditions:-

1. The area (80 meters long) in question must be properly fenced of including the access road to avoid possible accidents to the grazing animals.
2. The level of excavation should not exceed (go below) 6 ft deep and after excavation the hole should immediately be covered and grass planted to improve grazing as suggested in your letter of application.
3. You will be charged a fee of 50,000 per year payable to the Government for the exercise you are undertaking. This fee is comparable to the one charged for similar exercise in the Government forestland near by.

CONFIDENTIAL

CONFIDENTIAL

4. All the above conditions must be met in full failure to which this authority will be revoked.

Yours faithfully,



DR. R. KIMANZI  
DIRECTOR OF VETERINARY  
SERVICES  
KABETE

AMB. JOSHUA K. TERER  
PERMANENT SECRETARY  
MINISTRY OF AGRICULTURE  
KILIMO HOUSE

CONFIDENTIAL

**AGREEMENT**

**BETWEEN MINISTRY OF LIVESTOCK  
DEVELOPMENT AND M/S CHINA ROAD AND  
BRIDGE CORPORATION (KENYA)**

**FOR**

**THE SETTING UP OF A TEMPORARY QUARRY  
SITE FOR THE NAIROBI SOUTHERN BYPASS  
PROJECT WITHIN THE NGONG VETERINARY  
FARM**

**DECEMBER 2011**

*MA*

## CONDITIONS

- SITE CAMP:** The Quarry Site shall be the area measuring 40 acres within Ngong veterinary farm belonging to Ministry of Livestock Development situated on Ngong Veterinary Farm. (As per the attached drawing)
- PERIOD:** The Quarry Site will be set up for the entire period of the Project Contract subject to extensions, if any.
- FENCING:** Fencing of the Quarry Site shall be to a standard approved for Ministry of Livestock Development and shall be reviewed from time to time if and when the need arises.
- OBJECTIVE:** To crush road materials, deliver to project site and stock pile the balance for future use.
- WATER:** The contractor shall articulate water from the borehole to the veterinary farm reservoirs at all time.
- REGULATIONS:** The residents and occupants of the Quarry Site shall comply promptly and fully with all regulations governing the Veterinary Farm and as directed by the Permanent Secretary.
- POLLUTION:** The Contractor shall ensure that all emissions, dust and noise are maintained within levels that shall not inconvenience or be hazardous to the farm or the neighbouring community.
- The Contractor shall take every feasible steps including sprinkling of water on all dry areas within the Quarry Site to ensure that dust levels are kept at the bear minimum.
- QUARRY SITE:** The contractor at the end of the contract will ensure the borrow pit and any form of ground formation affected by quarry works is done by way of back filling with suitable materials.

MA

**ASSETS:**

The Contractor shall at the expiry of the period of the Project Contract hand over to the Officer in charge of Veterinary Farm all non-movable assets constructed on the farm set up on the Quarry Site.

**SECURITY:**

The Contractor will provide security to the quarry and install security lights in the quarry and around the perimeter fence of the quarry to operate during the hours of darkness and shall ensure that the lights cover a distance of at least 50 metres into the neighbouring location.

**IDENTIFICATION:** All Persons working within the Quarry Site shall have Identification Cards and proper and permanent records thereof made in a register. All local employees shall have Certificates of Good Conduct.

**ROADS:**

The Contractor shall, at its cost, during the period of the project maintain the road network within Veterinary Farm.

**CONFERENCE:** Contractor will construct one conference facility for the farm. (As per the attached drawing)

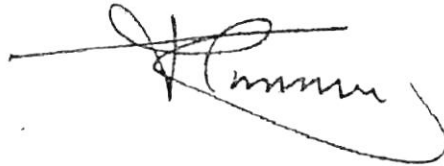
**LIAISON:**

During the period of the project, the Farm Manager and the contractor shall liase and cooperate on matters of mutual interest.

MA

WITNESS WHEREOF the parties hereto have voluntarily executed this Agreement on the \_\_\_\_\_ day of \_\_\_\_\_ 2011.

SIGNED BY PERMANENT SECRETARY MINISTRY OF LIVESTOCK DEVELOPMENT



SIGNED BY THE CONTRACTOR: CHINA ROAD AND BRIDGE CORPORATION (KENYA)



IN THE PRESENCE OF PERMANENT SECRETARY MINISTRY OF ROADS (THE EMPLOYER)

PERMANENT SECRETARY  
MINISTRY OF ROADS  
Box 30260  
NAIROBI

ME

EMBAKULI PORT

33

42

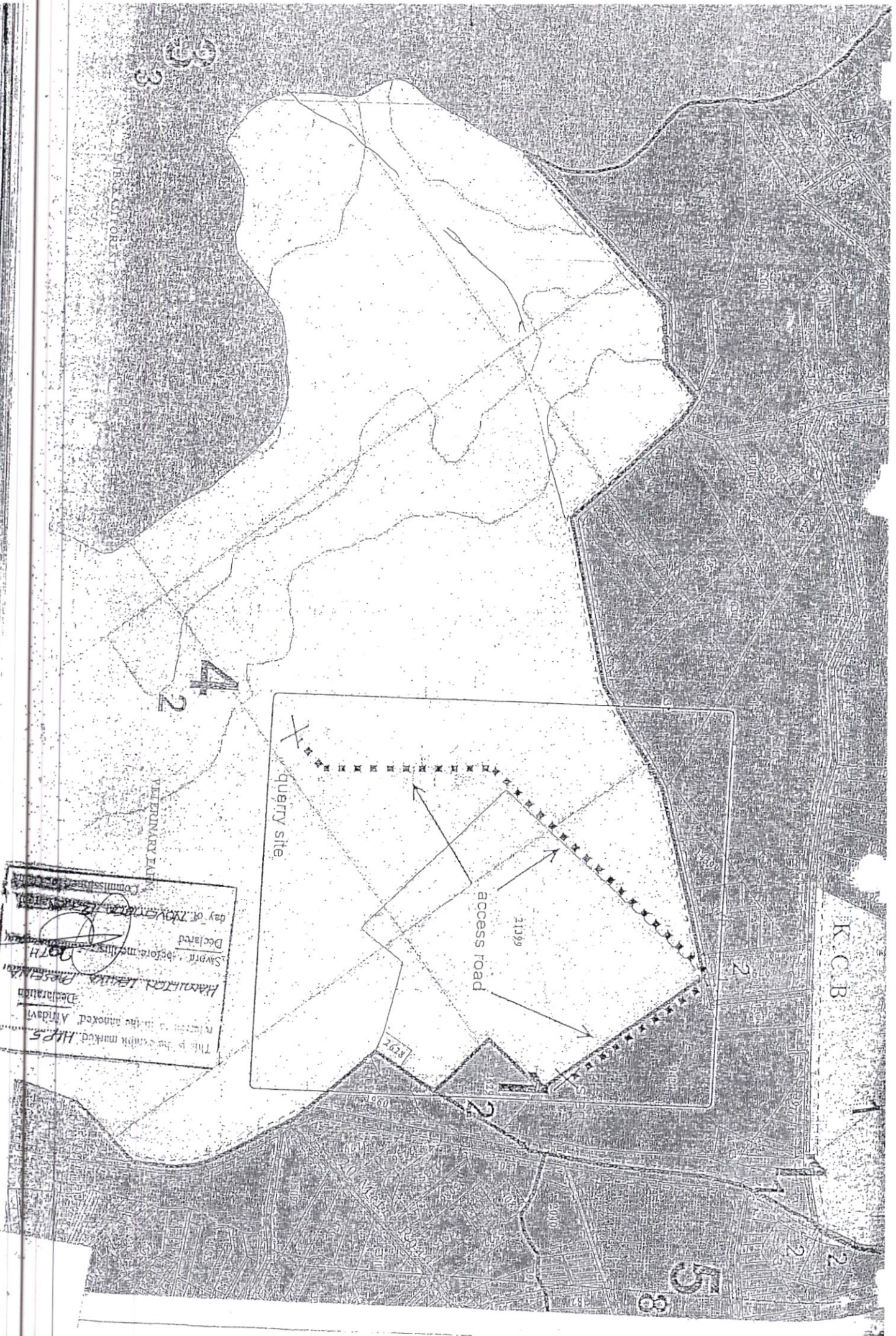
VILLAGE PRIMARY FACT

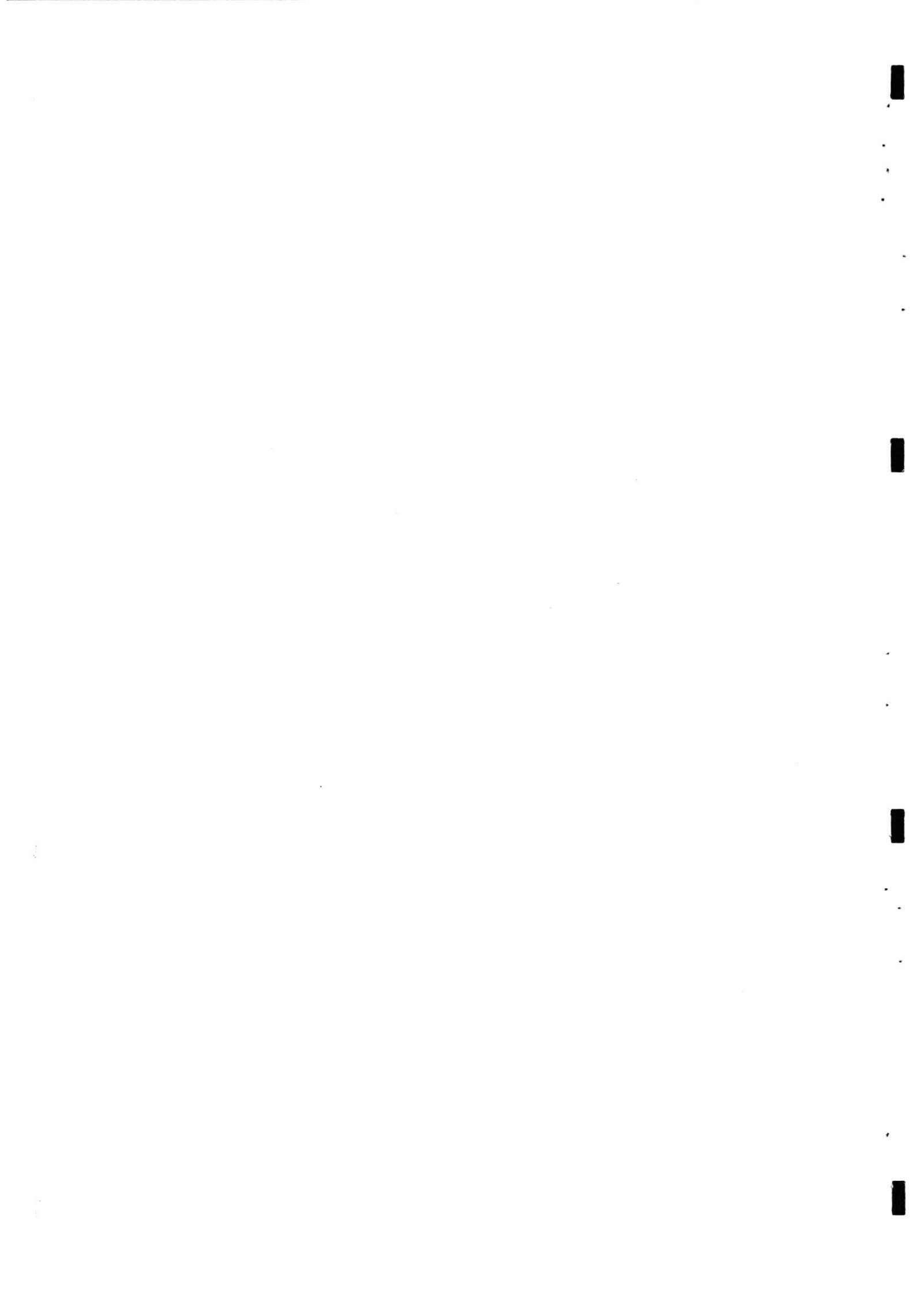
query site

access road  
21399

K.C.B

This is the exhibit marked: **H.P.5**  
 returned to the annexed. Affidavit  
 Declaration  
 HAKOJIA LAKVA PRESIDENT  
 sworn before me this **20TH**  
 day of **NOVEMBER** 19**54**  
 Commissioner of Land





SYSTEMS (A) LTD.

EDITION: 1  
OPENED: 10/5/74

### PART A - PROPERTY SECTION

REGISTRATION SECTION  
 NGONG/NGONG  
 PARCEL NUMBER  
 1959  
 APPROXIMATE AREA  
 ACRES  
 REGISTRY MAP SHEET NO.

EASEMENTS ETC.

NATURE OF

ABSOL

### PART B - PROPRIETORSHIP SECTION

ENTRY NO.	DATE	NAME OF REGISTERED PROPRIETOR	ADDRESS AND DESCRIPTION OF REGISTERED PROPRIETOR	CONSIDERATION AND REMARKS	SIG OF R
1	10/5/74	OLKEBUJO COUNTY COUNCIL	P.O. BOX 11, KAJIADO		
2	14-3-75	GOVERNMENT OF KENYA	P.O. BOX 30089, NAIROBI	(Commissioner of Lands)	<i>[Signature]</i>
3	14-3-75	TITLE CANCELLED ON SUBDIVISION NOW SEE TITLE NOS. 2627, 2628 & 2629.		(Letter 91889/11 of 12/3/75)	<i>[Signature]</i>

CERTIFIED TRUE COPY OF THE ORIGINAL  
MUTATION / GREEN CARD

TITLE BELOW THIS LINE

TITLE NUMBER

REGISTRATION SECTION  
NGONG/NGONG

PARCEL NO.

1959



TAWS LTD.

EDITION: 1

OPENED: 18/4/75

PART A - PROPERTY SECTION

REGISTRATION SECTION	PARTICULARS OF LEASE	NATURE OF TITLE
NGONG/NGONG	LESSOR: GOVERNMENT OF KENYA	LEASEHOLD
PARCEL NUMBER	LESSEE: HALAL MEAT PRODUCTS LIMITED	
2628	RENT: SHS. 200/= TERM: 99 YEARS FROM: 1-1-75	
APPROXIMATE AREA		
0.599 <sup>45</sup> Hects. <del>ACRES</del>		
REGISTRY MAP SHEET NO.	FOR APPURTENANCES SEE THE REGISTERED LEASE, N.B. WHERE THE LEASE IS OF A PART OF A PARCEL, THE PARCEL NUMBER REFERS TO THE NUMBER SHOWN ON THE FILED PLAN	
9/SW		

PART B - PROPRIETORSHIP SECTION

ENTRY NO.	DATE	NAME OF REGISTERED PROPRIETOR	ADDRESS AND DESCRIPTION OF REGISTERED PROPRIETOR	CONSIDERATIONS AND REMARKS	SIGNATURE OF REGISTRAR	
RESTRICTION: NO DISPOSITION BY THE PROPRIETOR SHALL BE REGISTERED WITHOUT THE WRITTEN CONSENT OF THE LESSOR (S. 48)						
1	18/4/75	HALAL MEAT PRODUCTS LTD	P.O. BOX 40907, NAIROBI	SHS. 1000/=	<i>[Signature]</i>	
2	18/4/75	CERTIFICATE OF LEASE ISSUED				<i>[Signature]</i>
3	22-12-87	CANCELLATION BY R. J. KIGUNDA THE CHIEF VALUER OF P.O. BOX 30089, NAIROBI ON BEHALF OF THE GOVERNMENT OF THE REPUBLIC OF KENYA CLAIMING CHARGE'S INTEREST				<i>[Signature]</i>
TITLE NUMBER	REGISTRATION SECTION	CONTINUED		PARCEL NO.		
	NGONG/NGONG	PAGE 2		2628		

Kalamazoo 03200-611

TITLE BELOW THIS LINE

CERTIFIED TRUE COPY OF THE ORIGINAL  
MILITATION / GREEN CARD

TAWS LTD.

EDITION: 1

OPENED: 18/4/75

PART A - PROPERTY SECTION

REGISTRATION SECTION	PARTICULARS OF LEASE	NATURE OF
NGONG/NGONG	LESSOR: GOVERNMENT OF KENYA	LEASEHOLD
PARCEL NUMBER	LESSEE: HALAL MEAT PRODUCTS LIMITED	
2629	RENT: SHS. 6,400/= TERM: 99 YEARS FROM: 1-1-75	
APPROXIMATE AREA		
3.990 Hectares ACRES		
REGISTRY MAP SHEET NO.	FOR APPURTENANCES SEE THE REGISTERED LEASE, N.B. WHERE THE LEASE IS OF A PART OF A PARCEL, THE PARCEL NUMBER REFERS TO THE NUMBER SHOWN ON THE FILED PLAN	

PART B - PROPRIETORSHIP SECTION

ENTRY NO.	DATE	NAME OF REGISTERED PROPRIETOR	ADDRESS AND DESCRIPTION OF REGISTERED PROPRIETOR	CONSIDERATIONS AND REMARKS	SIGNATURE OF REGISTRAR
RESTRICTION: NO DISPOSITION BY THE PROPRIETOR SHALL BE REGISTERED WITHOUT THE WRITTEN CONSENT OF THE LESSOR (S. 48)					
1	18/4/75	HALAL MEAT PRODUCTS LIMITED	P.O. BOX 40907, NAIROBI	SHS. 32,000/=	<i>[Signature]</i>
2	18-4-75	CERTIFICATE OF LEASE ISSUED			
3	22-12-87	<del>CAUTION BY R. J. KIGUNDA THE CHIEF VALUER OF P.O. BOX 30089 NAIROBI ON BEHALF OF THE GOVERNMENT OF THE REPUBLIC OF KENYA CLAIMING CHARGES INTEREST</del>			
TITLE NUMBER	REGISTRATION SECTION	CONTINUED PAGE 2		PARCEL NO.	
	NGONG/NGONG			2629	

Kalamazoo 03200-611

TITLE BELOW THIS LINE

CERTIFIED TRUE COPY OF THE ORIGINAL MUTATION / GREEN CARD

ama 072

TAWS LTD.

EDITION: 2

OPENED: 10.12.92

PART A - PROPERTY SECTION

REGISTRATION SECTION N90N9/N90N9	PARTICULARS OF LEASE		NATURE OF
LESSOR:			LEASEHOLD
LESSEE:			
RENT:	TERM:	FROM:	
FOR APPURTENANCES SEE THE REGISTERED LEASE, N.B. WHERE THE LEASE IS OF A PART OF A PARCEL, THE PARCEL NUMBER REFERS TO THE NUMBER SHOWN ON THE FILED PLAN			
PARCEL NUMBER 2629			
APPROXIMATE AREA ACRES			
REGISTRY MAP SHEET NO.			

PART B - PROPRIETORSHIP SECTION

ENTRY NO.	DATE	NAME OF REGISTERED PROPRIETOR	ADDRESS AND DESCRIPTION OF REGISTERED PROPRIETOR	CONSIDERATIONS AND REMARKS	SIGNATURE OF REG	
RESTRICTION: NO DISPOSITION BY THE PROPRIETOR SHALL BE REGISTERED WITHOUT THE WRITTEN CONSENT OF THE LESSOR (S. 48)						
4	10.12.92	CAUTION ENTRY NO 3 REMOVED VIDE HQ/MDA/6/86 - DATED 10 <sup>th</sup> December 1992 & MLD/A-1/2A VOL. 111/210 of 8 <sup>th</sup> Dec. 1992.				
5	21.11.96	CERTIFICATE OF LEASE RE-ISSUED. GAZ. NOT. NO. 6332 OF 13/11/96				
6	25.3.2000	CERTIFICATE OF LEASE GAZ. NO. 7273 OF 24 DEC. 1999 RE-ISSUED				
7	15.11.2001	CERTIFICATE OF LEASE LE-ISSUED				
TITLE NUMBER	REGISTRATION SECTION				PARCEL NO.	
					2629	

Kalamazoo  
03200-611

TITLE BELOW  
THIS LINE

CERTIFIED TRUE COPY OF THE ORIGINAL  
MUTATION / GREEN CARD  
R. K. Kalamazoo

PART C - ENCUMBRANCES SECTION

ENTRY NO.	DATE	NATURE OF ENCUMBRANCE	FURTHER PARTICULARS	SIGNATURE OF REGISTRAR
1	28.7.88	MORTGAGE OF CHARGE	BY THE COMMISSIONER OF INCOME TAX TO SECURE UNPAID TAX OF SRS. 80,000/- (WITH OTHER LAND)	[Signature]
2	28.12.88	MORTGAGE OF CHARGE	BY THE COMMISSIONER OF INCOME TAX FOR KRSRS 100,000/- UNPAID TAX (WITH OTHER LAND)	[Signature]
3	30.10.2001		DISCHARGE OF CHARGE ENTRY NOS. 1 & 2 ABOVE	[Signature]
4	3.12.2007		CHARGE BY BANK OF KENYA LTD TO SECURE A SUM OF KSHS. 60,000,000/- (WITH OTHER LAND) NOTE: RIGHTS RESERVED UNDER SECTIONS 82 & 84	[Signature]

CERTIFIED TRUE COPY OF THE ORIGINAL

~~MUTATION / GREEN CARD~~

R. K. Kalamani [Signature]

B

TAWS LTD.

EDITION: 2  
OPENED: 10.12.92

PART A - PROPERTY SECTION

REGISTRATION SECTION  
N90N9/N90N9

PARTICULARS OF LEASE

NATURE OF

LESSOR:

LESSEE:

PARCEL NUMBER

2628

APPROXIMATE AREA

ACRES

RENT:

TERM:

FROM:

LEASE

REGISTRY MAP SHEET NO.

FOR APPURTENANCES SEE THE REGISTERED LEASE,  
N.B. WHERE THE LEASE IS OF A PART OF A PARCEL, THE  
PARCEL NUMBER REFERS TO THE NUMBER SHOWN ON THE FILED PLAN

PART B - PROPRIETORSHIP SECTION

ENTRY NO.	DATE	NAME OF REGISTERED PROPRIETOR	ADDRESS AND DESCRIPTION OF REGISTERED PROPRIETOR	CONSIDERATIONS AND REMARKS	SI OF
-----------	------	-------------------------------	--	----------------------------	-------

RESTRICTION: NO DISPOSITION BY THE PROPRIETOR SHALL BE REGISTERED WITHOUT THE WRITTEN CONSENT OF THE LESSOR (S. 48)

4 10.12.92 CAUTION ENTRY NO 3 REMOVED VIDE A9/MOA/6/86 DATED 10<sup>th</sup> December 1992 and ML0/A-1/2A VOL 110/10/89 of 8<sup>th</sup> December 1992

5. 01.11.95. CERT. OF LEASE RE-ISSUED SEE GAZZ. NOT. 6332 OF 13/10/95

6 29.3.2000 CERTIFICATE OF LEASE GAZZ. NO. 7272 OF 24 DEC. 1999. RE-ISSUED

NOTE: Right reserved under SECTION 70

Kalamazoo  
03200-611

TITLE BELOW THIS LINE

TITLE NUMBER

REGISTRATION SECTION

PARCEL NO

2628

CERTIFIED TRUE COPY OF THE ORIGINAL  
MUTATION / GREEN CARD



F



OFFICE OF THE PRESIDENT  
PERMANENT SECRETARY, SECRETARY TO THE CABINET  
AND HEAD OF THE PUBLIC SERVICE

Telegraphic Address: "Rais"  
Telephone: Nairobi 227411  
When replying please quote

P.O. Box 62345-00200  
NAIROBI

Ref. No. OP: CAB: 1/16A  
and date



31<sup>st</sup> August, 2010 20

*Victor*  
*Please ask the D-C at Ngong to have with it the Ministry of Livestock identified the site of Ngong. Site is filed in the letter*

Hon. Mohamed Abdi Kuti, EGH, MP  
Minister for Livestock Development  
NAIROBI

Dear *Minister*

ALLOCATION OF LAND FOR DUMPING SITE FOR NGONG RESIDENTS

Following consultations between the Ministers for Provincial Administration and Internal Security, Lands and Livestock Development, on the request by the leadership of Ngong Division for a site to be used for the dumping of solid wastes, your Ministry is requested:-

- i) To allocate 20 acres of land from Ngong Veterinary Farm to be used for purposes of a dump site, as result of the rapid growth and expansion of Ngong, Ongata Rongai and Kiserian townships.
- ii) To determine the appropriate site of the said 20 acres for the purposes of the dump site.
- iii) The Member of Parliament for the area has agreed to fund the fencing of the dump site parcel from CDF.
- iv) To allow the use of this land by Kajiado County Council while retaining its ownership under the Ministry of Livestock Development.
- v) To finalise these arrangements as quickly as possible so that work can begin on the identified site.

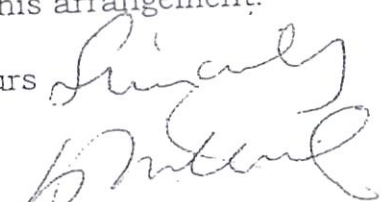
*10/9/2010*

CONFIDENTIAL

CONFIDENTIAL

I would appreciate to receive confirmation of your Ministry's acceptance of this arrangement.

Yours

  
AMB. FRANCIS K. MUTHAURA, EGH  
PERMANENT SECRETARY, SECRETARY TO THE  
CABINET AND HEAD OF THE PUBLIC SERVICE

c.c.

Hon. Wycliffe Musalia Mudavadi, EGH, MP  
Deputy Prime Minister & Minister for Local Government  
NAIROBI.

✓ Hon. (Prof.) George Saitoti, EGH, MP  
Office of the President  
Minister of State for Provincial Administration & Internal Security  
NAIROBI

Hon. James Orengo, EGH, MP  
Minister for Lands  
NAIROBI

Mr. Francis T. Kimemia, CBS  
Permanent Secretary  
Office of the President  
Ministry of State for Provincial Administration &  
Internal Security  
NAIROBI

Ms. Dorothy N. Angote, CBS  
Permanent Secretary  
Ministry of Lands  
NAIROBI

Mr. Kenneth M. Lusaka, EBS  
Permanent Secretary  
Ministry of Livestock Development  
NAIROBI

Prof. Karega Mutahi, CBS  
Permanent Secretary  
Office of the Deputy Prime Minister & Ministry of Local Government  
NAIROBI.

CONFIDENTIAL

ANNEX 3

315

12/30/95

SOI 09/12/11



REPUBLIC OF KENYA

REGISTRATION OF TITLES ACT

(Chapter 281)

GRANT: No. I.R.N. 5

ANNUAL RENT: Sh. 72

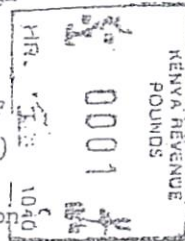
TERM: 99 years



I KNOW ALL MEN BY THESE PRESENTS that ~~by authority of the State~~ Commissioner for Oaths

by authority of the State ~~presented to me before the execution hereof~~ of the COUNTY COUNCIL OF OLKEJUADO (hereinafter called "the Council")

A body corporate duly established under the Local Government Regulation Act 1963



hereby GRANTS unto THE PERMANENT SECRETARY TREASURY a body corporate duly Registered Under the Provisions of the Permanent Secretary to the Treasury (Incorporated) Act: Cap 101 of the laws of Kenya, of NAIROBI (Post Office Box Number 30007) As the trustee for Meteorological Department of NAIROBI Post Office Box Number 30259.

(hereinafter called "the Grantee") ALL that piece of land situate Ngong Township in

KAJIADO

District containing by measurement forty four decimal three two (44.32)

hectare or thereabouts that is to say Land Reference Number 24302 which said piece of land with the dimensions abutments and boundaries thereof is delineated on the plan annexed hereto and more particularly on Land Survey Plan Number 222114 deposited in the Survey Records Office at Nairobi TO HOLD

for the term of ninety nine years from the First day of September One thousand nine hundred and ninety five SUBJECT to

(a) the payment in advance on the first day of January in each year of the annual rent of Shillings seventy two (Khs.72/=) (REVISABLE) w.e.f 1.9.95

(b) the provisions of the Trust Land Act (Cap. 288) (c) the provisions of the Town Planning Act (Chapter 134) and (d) the following Special Conditions (namely):—

2

SPECIAL CONDITIONS

1. No buildings shall be erected on the land nor shall additions or external alterations be made to any buildings otherwise than in conformity with plans and specifications previously approved in writing by the local authority. The local authority shall not give approval unless satisfied that the proposals are such as to develop the land adequately and satisfactorily.

2. The grantee shall within six months of the ~~commencement of the term~~ <sup>actual registration of the grant</sup> submit in triplicate to the local authority plans (including block plans showing the positions of the buildings and a system of drainage for the disposal of sewage surface and sullage water) drawings elevations and specifications of the buildings the grantee proposes to erect on the land and shall within 24 months of the ~~commencement of the term~~ <sup>actual registration of the grant</sup> complete the erection of such buildings and the construction of the drainage system in conformity with such plans drawings elevations and specifications as amended (if such be the case) by the local authority.

Provided that notwithstanding anything to the contrary contained or implied by the Trust Land Act if default shall be made in the performance or observance of any of the requirements of this condition it shall be lawful for the county council or any person authorized by the county council to re-enter into and upon the land or any part thereof in the name of the whole and thereupon the term hereby created shall cease but without prejudice to any right of action or remedy of the county council in respect of any antecedent breach of any condition herein contained.

3. The grantee shall maintain in good and substantial repair and condition all buildings at any time erected on the land.

4. Should the grantee give notice in writing to the local authority that he is unable to complete the buildings within the period aforesaid the local authority shall (at the grantee expense) accept a surrender of the land comprised herein:—

- (i) Provided further that if such notice as aforesaid shall be given within 12 months of the ~~commencement of the term~~ <sup>actual registration of the grant</sup> the local authority shall refund to the grantee fifty per centum of the stand premium paid in respect of the land or
- (ii) at any subsequent time prior to the expiration of the said building period the local authority shall refund to the grantee twenty-five per centum of the said stand premium. In the event of notice being given after the expiration of the said building period no refund shall be made.

5. The land and the buildings shall only be used for Meteorological purposes only

6. The buildings shall not cover ~~more~~ a greater area of the land as may be laid down by the local authority in its by-laws

7. The land shall not be used for the purpose of any trade or business which the local authority considers to be dangerous or offensive.

8. The grantee shall not subdivide the land without prior consent in writing of the local authority and the Commissioner of Lands.

9. The grantee shall not sell transfer sublet charge or part with the possession of the land or any part thereof or any buildings thereon except with the prior consent in writing of the local authority. No application for such consent (except in respect of a loan required for building purposes) will be considered until special condition No. 2 has been performed.

10. The grantee shall pay to the local authority on demand such sums as the local authority may estimate to be the proportionate cost of constructing all roads and drains and sewers serving or adjoining the land and shall on completion of such construction and the ascertainment of the actual proportionate cost either pay (within seven days of demand) or be refunded the amount by which the actual proportionate cost exceeds or falls short of the amount paid as aforesaid.

11. The grantee shall from time to time pay the local authority on demand such proportion of the cost of maintaining all roads and drains serving or adjoining the land as the local authority may assess.

12. Should the local authority at any time require the said roads to be constructed to a higher standard the grantee shall pay to the local authority on demand such proportion of the cost of such construction as the local authority may assess.

13. The grantee shall pay such rates taxes charges duties assessments or outgoings of whatever description as may be imposed charged or assessed by any Government or local authority upon the land or the buildings erected thereon including any contribution or other sum paid by the local authority or county council in lieu thereof.

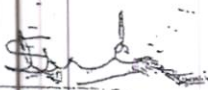
14. The county council or such person or authority as may be appointed for the purpose shall have right to enter upon the land and lay and have access to water mains service pipes and drains telephone telegraph wires and electric mains of all descriptions whether overhead or underground and the grantee shall not erect any buildings in such a way as to cover or interfere with any existing alignments of main or service pipes or telephone or telegraph wires and electric mains.

15. The county council reserves the right to revise the annual ground rental payable hereunder after the expiration of the 33rd and 66th year of the term hereby granted. Such rental will be at a rate of 4 per cent of the unimproved freehold value of the land as assessed by the Commissioner of Lands.

SIGNED by WILSON GACANJA the Commissioner of Lands )  
thereto lawfully authorized on behalf of OLKEJUADO )  
COUNTY COUNCIL this )

12<sup>th</sup> day of January )

One thousand nine hundred and ninety nine in the )  
presence of:- )



REGISTRAR OF TITLES

LAND TITLES REGISTRY - NAIROBI )  
REGISTRATION OF TITLES ACT )

REGISTERED AS No. L.R. 15643 )

PRESENTED 13<sup>th</sup> January 1999 )

THE 12-30/99 )



F

# COUNTY COUNCIL OF OLKEJUADO

TEL: KAJIADO - 0202043075  
FAX: 0202043080



P. O. BOX 11  
KAJIADO.

12<sup>th</sup> September 2011

When replying please quote

Our ref: OCC.LND.16/NGONG/D.SITE/VOL.I/I

The District Surveyor  
P.O. Box 70  
KAJIADO

Dear Sir,

RE: REQUEST TO BEACON DUMPSITE AT NGONG:


Following an allocation of 20 hectares within the Plan No.PPD/164/IV/(27) at Ngong for the Council to use as a dumpsite, we wish to request you to proceed to the site and beacon for us.

This is to enable the Council to prepare the site for use as fast as possible.

Attached please are the copies of the documents.

Thanks in advance.

Yours faithfully

  
Frederick O. Ndede  
CLERK TO COUNCIL.

District Commissioner  
Olkejuado North District  
P.O. Box 1  
NGONG.

E7

SPECIAL CONDITIONS

1. The land shall be used for Agricultural purposes and residence for the Grantee.
2. The land shall be used and managed in good husbandry manner and maintaining of the soil to the satisfaction of the Commissioner of Lands and the Director of Agriculture.
3. The Grantee shall not sell, transfer sublet, charge or subdivide the land or any part thereof without prior written consent of the Commissioner of Lands (Land Control Board).
4. The Grantee shall develop the land to the satisfaction of the Commissioner of Lands and the Director of Agriculture.
5. The Grantee shall pay such rates, taxes, charges, duties, assessments or outgo of whatever descriptions as may be imposed, charged or assessed by any Government Local Authority upon the land or the buildings erected there upon including any contributions or any other such paid by the President in lieu thereof.
6. The Local Authority or such person or authority as may be appointed for the purpose shall have the right to enter upon the land hereby leased and have access to water service pipes and drains, telephone wires and electric mains of all descriptions overhead or underground and the Grantee shall not erect any buildings in such a way as to cover interference with any existing alignment or mains or service pipes or telephone or telegraph wires and electric mains.
7. The Commissioner of Lands reserves the right to revise the annual ground rent payable hereunder after the expiration of every tenth year of the term. such rental shall be at a rate to be determined by the Commissioner of Lands of the unimproved value of the land as at the end of every tenth year of the term.

SIGNED BY: ZABLON AGWATA MABEA )  
The Commissioner of Lands thereto )  
lawfully authorize on behalf of OL KEJUADO )  
COUNTY COUNCIL this 16<sup>th</sup> first day of August )  
two thousand and twelve in the presence of: )

*[Handwritten signature]*

*[Handwritten signature]*  
LAND REGISTRAR  
P.M. GRANT 217

5<sup>th</sup> June 2013  
200K-217-217  
D.K.

DRAWN BY:  
MBURU P.N.  
LAND REGISTRAR  
P.O. BOX 30089  
NAIROBI

LAND TITLES REGISTRY - NAIROBI DISTRICT  
REGISTRATION OF TITLES ACT  
REGISTERED AS No. LRN 6404/1  
Presented 16<sup>th</sup> August 2012  
1000 Hrs.  
*[Handwritten signature]*  
Registrar of Titles

*[Handwritten signature]*  
C. K. Ngetich \*212

F

TL/11/946

REPUBLIC OF KENYA

Telegrams: "Lands"; Nairobi  
Telephones: Nairobi 718050/9

REGISTERED

DEPARTMENT OF LANDS  
P.O. Box 30089  
NAIROBI

Permanent Secretary, Treasury  
P.O. Box 30007  
NAIROBI

Ref.No. 3731/IX/213

Date: 14<sup>TH</sup> July, 2011

SIR(s) MADAM

RE: UNS. OLKEJUADO COUNTY COUNCIL DUMPING SITE - NGONG

LETTER OF ALLOTMENT

Give the honor to inform you that the Government, on behalf ... Olkejuado...  
County Council hereby offers you a grant of the above plot shown edged red on the attached Plan No.  
PD/164/IV/(27)... subject to your formal written acceptance of the following conditions and to the  
payment of the charges as prescribed hereunder:

AREA : 8.09 hectares (approximately).

TERM : 99 years from the 1/7/2011

STAND PREMIUM: Kshs Nil. Subject to adjustment on survey, but

ANNUAL RENT: Kshs...Peppercorn. there is no claim for reduction in area on Survey.

GENERAL: This Letter of Allotment is subject to, and the grant will be made under

the provisions of, the Government Lands Act (Cap. 280 of the Revised  
Edition the Laws of Kenya) and title will be issued under the Registration  
of Titles Act (Cap. 281) or the Registered Land Act (Cap. 300)

SPECIAL CONDITIONS: See attached.

2. I should be glad to receive your acceptance of the attached conditions together with banker's  
cheque for the amount as set out below within thirty (30) days of the postmark.

Stand Premium.....	Ksh.
Rent from ..... to.....	-
Conveyancing Fees .....	-
Registration Fees .....	1,250/=
Rates ..... on demand .....	500/=
Stamp Duty .....	100/=
Survey Fees .....on demand.....	.....
Road and Road Drains...on demand.....	.....
Others - Approval fees .....	5,000/=
- Planning fees .....	2,000/=

Receipt No. .... of ..... Less Deposit

Total Kshs. 8,850/=

[ P.T.O.

lete as appropriate

ANNEX 1

REPUBLIC OF KENYA



MINISTRY OF AGRICULTURE,  
LIVESTOCK DEVELOPMENT AND MARKETING  
OFFICE OF THE PERMANENT SECRETARY

**CONFIDENTIAL**

ELIMBO HOUSE,  
P.O. BOX 30023  
NAIROBI

Telegraphic address: "MINAG" NAIROBI  
Telex: 21766  
Telephone: 71337  
Facsimile:

Commissioner of Lands,  
Ministry of Lands and Settlements  
P.O. Box 2089,  
NAIROBI

LAND FOR METEOROLOGICAL DEPARTMENT ~~Commissioner for Oaths~~

Following a request from the Meteorological Department through the Permanent Secretary, Ministry of Transport and Communication, I have the pleasure to inform you that the Minister of Agriculture, Livestock Development and Marketing has decided to release upto one hundred (100)-acres of land at Ngong Veterinary Farm L.R. No. 2627 to be mutated according to this decision.

The land is to be used to develop meteorological facilities and infrastructure to improve the services our farmers badly need. The Director of Veterinary Services will indicate the area to be apportioned.

ENG. W.P. WAMBURA  
PERMANENT SECRETARY

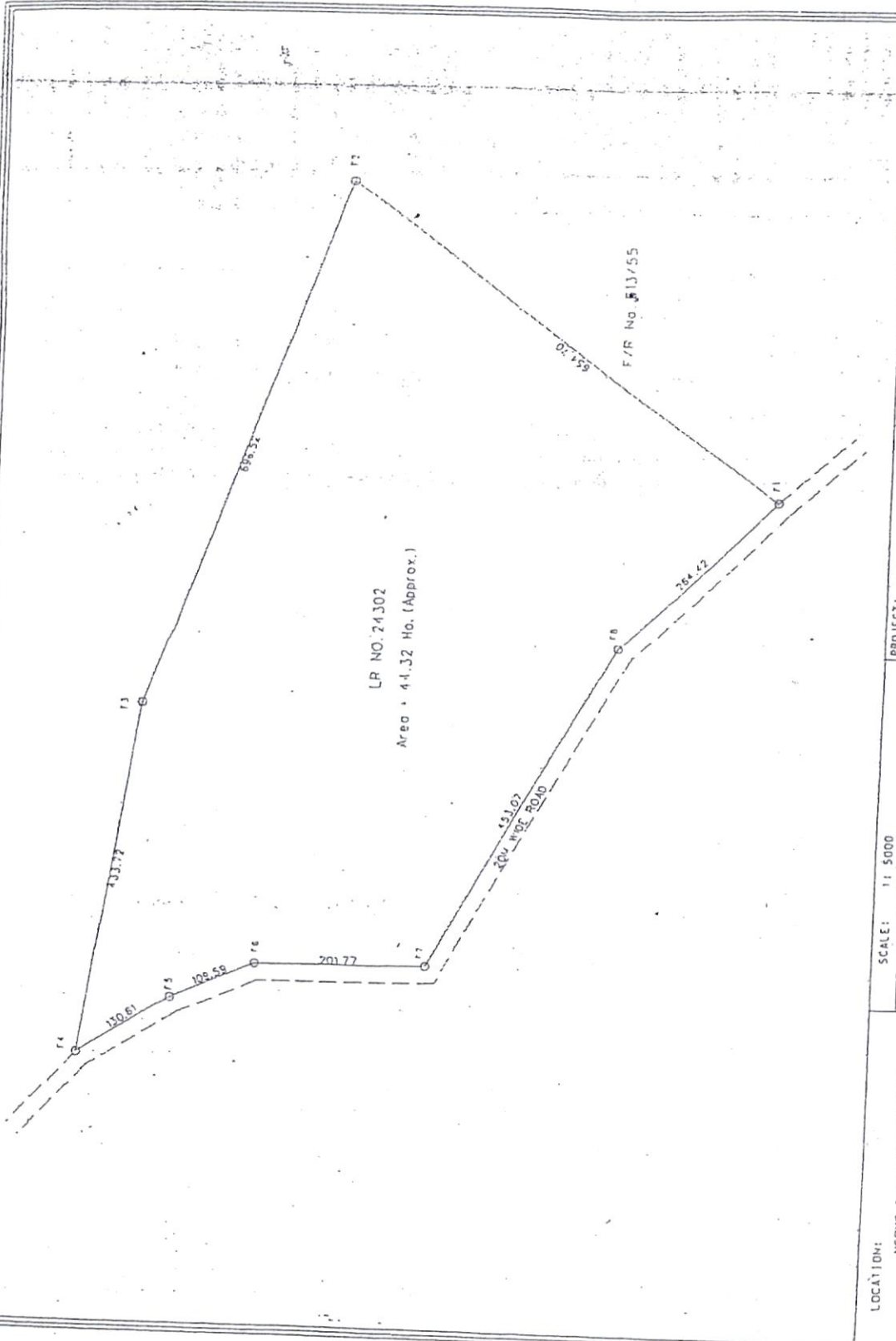
C.C. Permanent Secretary,  
Ministry of Transport and Communication,  
P.O. Box 52692,  
NAIROBI.


Director of Veterinary Services

Director,  
Meteorological Services,  
P.O. Box 30259,  
NAIROBI.

**CONFIDENTIAL**

16/5



LOCATION: HOANG THONH - XAJIADD DISTRICT	SCALE: 1:5000	PROJECT: PLAN OF L.R. NO. 24302 - HOANG THONH NOTES: Coordinates Referenced to Equator 4 31 East UTM 48 T Matrix
CLIENT: METEOROLOGICAL DEPARTMENT.	DATE: FEBRUARY 2004	PLAN DRAWN BY: HIGHLAND SURVEYORS  HIGHLAND SURVEYORS HONG KONG SURVEYORS P. O. BOX 3582 (00000) TEL: 2121282, 2121283, 2121287 2121282 00110001

MINISTRY OF AGRICULTURE, LIVESTOCK DEVELOPMENT AND MARKETING

Telephone: Nairobi 564184

When replying please quote

Ref. No. LAND/1/VOLI/2002  
and date



VETERINARY SERVICES DIVISION

NGONG VETERINARY FARM

P.O. Box 24914, KAREN

...21st February 2002, 19.....

The Permanent Secretary  
Ministry of Agriculture & Rural Development  
P.O. Box 30028  
NAIROBI

THRO  
Director Of Veterinary Services  
P.O. KABEETE

THRO  
Farms Manager  
P.O. KABETE

RE: LAND FOR METEOROLOGICAL DEPARTMENT

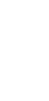
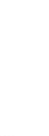
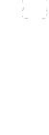
On 21st February 2002 two white men; Mr. Renzo Bernadi & Mr. Martin Haylock from East African motor sports club were intercepted while they drove through the interior of the farm.

When asked what their interests were they claimed that they had been given 50 acres of land in this farm and a title deed was almost ready. They said that they had swooped land with the meteorological department who in return gave them 50 acres in Kasarani. They did not have any documents to support their claim.

According to our records the meteorological department was given 40 hac of land in 1995 which they have never developed todate.

Please clarify this matter urgently.

*L.N. Manjeru*  
L.N. Manjeru  
FARM MANAGER/NGONG





1:10,000

# LEGEND

PROPOSED SILL FOR GENERALIZED CONCRETE SILL FOR DUMPING SLUDGE (FISH)

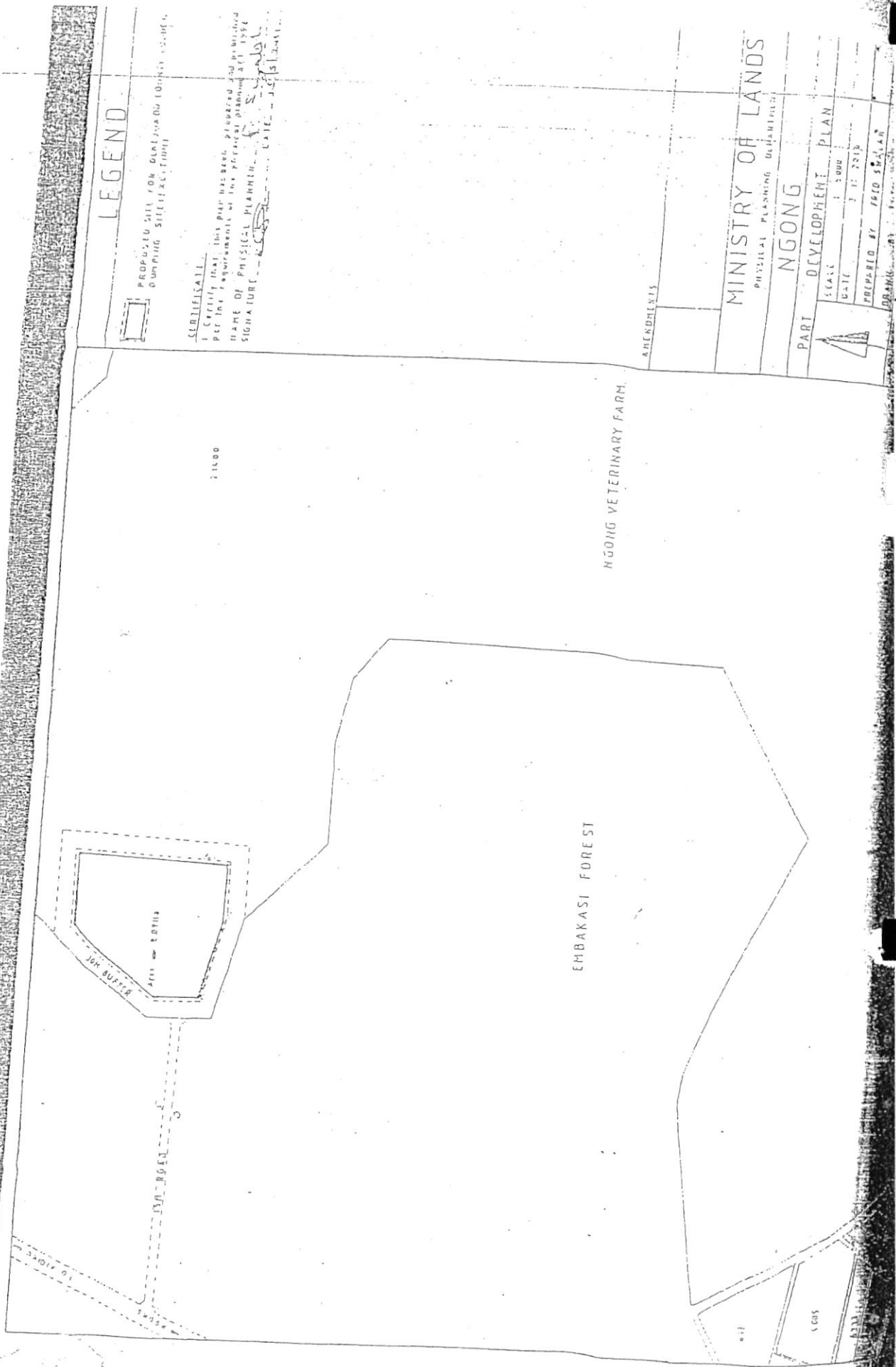
**CERTIFICATE**  
I CERTIFY THAT THIS PLAN HAS BEEN PREPARED AND PUBLISHED PER THE REQUIREMENTS OF THE PHYSICAL PLANNING ACT 1984  
NAME OF PHYSICAL PLANNER: S. S. SINGH  
SIGNATURE: [Signature]  
DATE: 10/11/2010

AMENDMENTS

MINISTRY OF LANDS  
PHYSICAL PLANNING DEPARTMENT

PART DEVELOPMENT PLAN

SCALE: 1:5000  
DATE: 11/11/2010  
PREPARED BY: PRIO SINGH  
DRAWN BY: [Signature]



314.00

NGONG VETERINARY FARM

EMBAKASI FOREST

JOH BUFFER

150-300-1

10 METER

1:1

1:5000

11/11/2010

7. VARIOUS CORRESPONDENCES ON THE LAND



Amex 7-a

(2)

# MINISTRY OF LANDS



Telegrams: Kajiado North  
Telephone:  
Fax:  
Email-

DISTRICT LANDS REGISTRY  
KAJIADO NORTH DISTRICT  
P.O. Box 1022 - 00208  
NGONG HILLS

When replying please quote

14<sup>th</sup> February, 2014

Ref: KN/LND/GEN/VOL.4/9

CABINET SECRETARY  
MINISTRY OF LANDS, HOUSEING  
AND URBAN DEVELOPMENT.  
P. o. Box 40450  
NAIROBI.

RE: PARCEL NO. NGONG/NGONG/1959 (2627, 2628, 2629),  
NGONG/NGONG/2627 (21399 AND 21400) AND IRN - 5643

The above captioned matter refers.

Here below is a detailed report regarding the current status of the above parcel of land situated at Ngong according to documents available in our office.

According to records held by our office Ngong/Ngong/21339 and 21400 are resultant subplots of Ngong/Ngong/1959 which was initially registered in the names of OLKEJUADO COUNTY COUNCIL on 10<sup>th</sup> May 1974 and the same was transferred to GOVERNMENT OF KENYA on 14<sup>th</sup> March 1975 vide the commissioner of Lands letter Ref. No.9/889/11 of 12/3/1975.

Ngong/Ngong/1959 was closed on subdivision on 14<sup>th</sup> May 1975 and three parcels were created viz - aviz Ngong/Ngong/2627, 2628 and 2629 respectively.

Further office records indicate that Ngong/Ngong/2628 and 2629 were allocated by the Government of Kenya to HALAL MEAT PRODUCTS LIMITED OF Post Office box 40907 NAIROBI and certificate of lease issued to the Company on 18<sup>th</sup> April 1975.

Ngong/Ngong/2628 and 2629 was charged to BARCLAYS BANK OF KENYA LIMITED to secure a sum of kshs.6,500,000/= and a charge registered on 13<sup>th</sup> December 2001.

While parcel Ngong/Ngong/2628 and 2629 was allocated to M/S HALAL MEAT PRODUCTS LTD, Ngong/Ngong/2627 was registered in the name of the government of Kenya Post office box 30089 Nairobi and remained uncommitted until on 7<sup>th</sup> December 1998 when it was subdivided into Ngong/Ngong/21399 and 21400. While Ngong/Ngong/21399 was allocated and registered in the name of The Permanent secretary to the Treasury of Kenya on 7<sup>th</sup> December 1998 Ngong/Ngong/21400 was left uncommitted and no land Register was opened for the same.

While initial records of the above parcel of land Ngong/Ngong/1959 was opened vide the Registered Land act 300, records availed to this office indicate that another registration regime, the Registration of title Act (RTA chapter 281) has been applied and seen a number of title issued and registered in the Central Registry of Nairobi Land Registry.

Records availed to this office from the office of District commissioner, Kajiado North District shows that the following institution were allocated land within the original Ngong/Ngong/1959 which had been initially registered other Registered Land Act (CAP 300).

S/NO.	INSTITUTION	ACREAGE	REMARKS
1.	Ministry of Livestock	120 Acres	Ministry of Livestock
2.	Ministry of Roads	75	Kenya Institute of Highway and building
3.	Halal Meat Products	12	Ngong/Ngong/2628 & 2629
4.	Army graveling Unit and training	10	Used by armed forces as Athletic camp
5.	Meterological Department Centre	100	Excesed in 1995 already issued with a title – IRN 5643
6.	Ngong Dumpsite	20	
7.	East Africa Motore sports Unb	100 Acres	Already issued with title deed.
8.	Kenya Police	142	


Therefore inview of the foregoing, while it is indicated that Ngong/Ngong/1959 populary known as Ngong Veterinary farm which was reserved to Ministry of

Livestock development vide gazette Notice Number 890 of 1957 measures 1510 Acres a letter from the Commissioner of Lands addressed to Permanent Secretary, Ministry of Livestock Development confirms the land to be measuring 1,400 acres.

Again from the above records some title deeds were issued under Registered Land Act Chapter 300 such as Ngong/Ngong/2628 and 2629 registered in the names of M/S HALAL MEAT PRODUCTS LIMITED and other Under the Registration of title s Act (Chapter 281) e.g. the title reserved for meteorological Department Centre.

From the records held and made available to this office a total of 579 Acres has been committed to various institution while 821 Acres remain uncommitted.

Attached herewith please find certified copies of relevant Land records for perusal and further action.



R. K. KALAMA  
DISTRICT LAND REGISTRAR  
KAJIADO NORTH DISTRICT

CC:

1. HON. MOSES OLE SAKUDA  
MP KAJIADO WEST  
KAJIADO COUNTY
2. KAJIADO COUNTY GOVERNMENT

*NOTE: There has been a pending case HC JR 2968 of 2011 JAMINI AGENCY LIMITED VS ATTORNEY GENERAL at HIGH COURT MACHAKOS laying claim to LR.NO.NGONG/NGONG/21400 which is yet to be finalized. (attached herewith are copies of the same)*



# COUNTY COUNCIL OF OLKEJUADO

TEL: KAJIADO - 020-2043075  
FAX: 020-2043080

When replying please quote

OUR REF. OCC/LND/NGONG/CORRE/VOL.6/154



The District Land Registrar  
Kajiado North District  
P.O. Box 78-00208  
**NGONG HILLS**

**RE: PARCEL NO. NGONG/NGONG/21400**

Your letter Ref.KN/LND/GEN/VOL.I/103 dated 26<sup>th</sup> July 2012 refers.

We have perused our documents as from 1973 and we have not seen any document formal or informal indicating that parcel No. NGONG/NGONG/21400 was allocated by the late His Excellency Mzee Jomo Kenyatta or the council to Jamini Ageng Limited or Gikuyu Na Mumbi Group.

The said piece of land is still therefore a trust land in the custody of the Olkejuado County Council.

Please treat any contrary information as null and void.

**Livingstone Melompuki**  
**FOR: CLERK TO COUNCIL**

CERTIFIED TRUE COPY OF THE ORIGINAL  
MUTATION / GREEN CARD

ADNLY 7-2

REPUBLIC OF KENYA



**MINISTRY OF AGRICULTURE, LIVESTOCK AND FISHERIES**

STATE DEPARTMENT OF LIVESTOCK  
OFFICE OF THE PRINCIPAL SECRETARY

KILIMO HOUSE  
CATHEDRAL ROAD  
P. O. Box 34188  
**NAIROBI**

Telephone: 2732093  
Email: [pslivestock@kenya.go.ke](mailto:pslivestock@kenya.go.ke)

When Replying Please Quote

**Ref. MLD/L.I/1A Vol.III/40**

26<sup>th</sup> March, 2015

Hon. Moses Ole Sakuda, EGH, M.P  
Kajiado West Constituency,  
Parliament Building,  
P.O Box 41842  
**Nairobi, Kenya**

Dear *Hon Sakuda*

**REF: NGONG VETERINARY FARM**

Reference is made to your letter dated 19<sup>th</sup> January, 2015 on the above.

This farm was established vide Legal Notice No. 890 of 1957 for the development of Livestock Industry in Kenya.

The ministry takes notice of the irregular land allocation done in the farm and is pursuing corrective measures through the National Land Commission. This is therefore, to affirm that the government is committed to discussing with the community and the leaders on the issues raised with a view to resolving them amicably.

We propose therefore, that you appoint four people to join our team of four to discuss and make recommendations.

Yours *Sincerely*

A handwritten signature in black ink, appearing to read 'Fred Segor'.

Prof. Fred H. K. Segor  
**PRINCIPAL SECRETARY**

**Copy:** Felix Koskei  
Cabinet Secretary – MOAL&F

Hon. (Dr.) David K. Ole Nkedianye  
Governor Kajiado County

Hon. Eng. Peter Ole Mositet  
Senator Kajiado County

Hon. Julius Ngussur  
Minority Leader; Kajiado County

Hon. George Sunkuyia  
Deputy Speaker; Kajiado County



REPUBLIC OF KENYA  
PARLIAMENT

**Hon. Moses Ole Sakuda, EGH, MP.**  
Kajiado West Constituency

Parliament Buildings  
Tel: +254 (20) 2221 291  
Fax: +254 20 245473  
P. O. Box 41842 - Nairobi, Kenya

Continental House,  
5th Fl. Room 531  
Mobile: +254 728 255 761  
E-mail: oiesakuda@gmail.com

19<sup>th</sup> January, 2015

THE CABINET SECRETARY  
MR. FELIX KOSKEI  
KILIMO HOUSE  
NAIROBI

Dear Sir,

RE; UN-COMMITTED LAND, NGONG/NGONG/21400 GAZETE NOTICE: NO:890

The matter above refers.

In 1957 and according to Kenya Gazette Notice Number 890 land was hived and set aside to the veterinary department of purposes of breeding, good farm practice, and training in an effort to improve the livelihoods of the Keek-Onyokie Community OF Kajiado . (See the copy of the Gazette VOL LIX – No. 11 Nairobi 5<sup>th</sup> March 1957 approximately 1510 Acres.)

It is so sad to note that after (50) fifty years now; no productive activity has taken place in the said land that targets the Community as direct beneficiaries.

To the contrary it has been used to benefit other people, companies, individuals, institutions, etc as out lined by the report by the registrar of lands Kajiado North District dated 14<sup>th</sup> /12/2014 Ref: KN./LND/GEN/VOL.4/9 which I wish to briefly Quote as follows:

S/N	INSTITUTION	ACREAGE	REMARKS
1	Ministry of Livestock	120	Ministry of Livestock Veterinary
2	Ministry of Roads	75	Kenya Institute of Highway & Building
3	Halal Meat Products	12	Ngong/Ngong/2628 and 26/29
4	Army Graveling Unit and Training	10	Used by armed forces Athletic camp
5	Metrological Department Centre	100	Exceeded in 1995 already issued with Title IRN 5654.
6	Ngong Dump Site	20	
7	East Africa Motor Sports UNB	100	Already Issued with Titles
8	Kenya Police	142	Building a Police House

9	TOTAL COMMITTED	576	Already issued with Titles
10	TOTAL UNCOMMITTED	931	UNCOMMITTED NO TITLE

Therefore in view of the foregoing, records available shows that the Original purpose and intend of the land Ngong/Ngong/ 1959 which had been initially registered as a place of veterinary activities and training of veterinary activities and training of the people has been diverted to serve others.

As of today therefore, the land which was measuring approximately 1510 Acres has been reduced to a mere 931 Acres. According to the records from the Ministry of Lands and I Quote: "from the records held and made available to this office a total of 579 Acres has been COMMITTED to Various Institutions that includes The Ministry of Livestock while 931 Acres remain UN COMMITTED"land ( no title).

In view of the above diversion we as a community including all leaders went to court to reclaim our land in full. However, given the cost and other pending issues around this land, we as a community have decided to follow a different route because of unexplained delays in court and other interesting of unmentioned people.

In brief Mr. Minister, we are proposing that as a community through a registered trust (ORMOROGI DAIRY TRUST) we be allowed to take the 931 Acres that remains UNCOMMITTED because we are afraid that before long, all uncommitted land will be committed to some institutions or individuals somewhere .Please note that we have identified potential investors who can utilize the remaining 931 Acres for economic activities that will seek to lift the standards of our people since your Ministry has miserably failed our community first intend which was well specified in the gazette notice.

Once we get a firm written commitment from you Mr. Cabinet Secretary, we will move with speed to withdraw the pending court case amicably.

Please be aware that this matter has already been discussed with the highest office of the land and also the Minister of lands and its officials who have strict instructions to complete this exercise if all parties involved are in sync/ agreement.

In the matters of due diligence Mr. Cabinet Secretary we are attaching this letter with all the documents that shows the history of this land for your comfort/ perusal.

Finally Mr. Cabinet Secretary, our court date is approaching very fast, and according to our legal team, our community stands a very big chance of getting back the original land in full of 1510 Acres because of the abuse that this land has been subjected to, and therefore rendering even the original allottees (Veterinary Department) landless.

We therefore urge you Mr. Waziri to move with speed with us leaders to negotiating table on behalf of our community and the people of Kajiado.

As the Area Member of Parliament I am mandated by the constitution and the area elected leaders and community leaders to write this demand note on their behalf as attested by their signatures below.

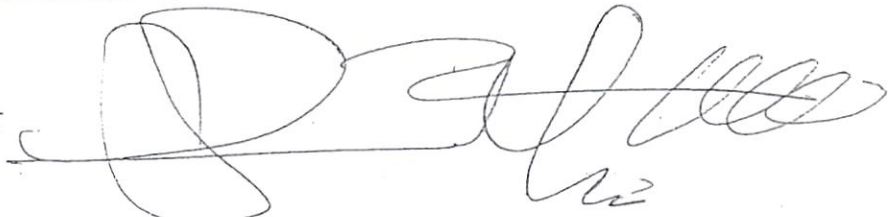
We look forward to your reply as soon as possible.

Sincerely

 MOSES

HON. MOSES OLE SAKUDA  
M.P KAJIADO WEST  
Vice Chairman  
Parliamentary Departmental Committee on Land

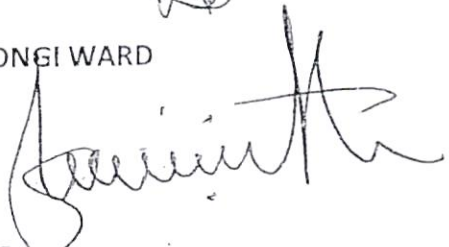
HON. ENG PETER OLE MOSITET  
SENATOR  
KAJIADO COUNTY



HON. JULIUS NGUSSUR  
MINORITY LEADER  
KAJIADO COUNTY  
MCA EWUASO OO ENKIDONGI WARD



HON. GEORGE SUNKUYIA  
DEPUTY SPEAKER  
KAJIADO COUNTY  
MCA KEEK-ONYOKIE WARD



COMMUNITY ELDERS:

- REV. STEPHEN MPARINKOI
- ELDER. JOSEPH OLE NGUSSUR
- ELDER. SAMUEL OLE MANTINA
- LAWRENCE MBELATI
- HAMILTON PARSEINA
- PETER SEKETIAN
- MOSES OLE MPOE

- JEREMIAH OLE KERIA
- SIMON OLE PARDIRET
- REV.OLE NASIRA

C.C

- CABINET SECRETARY  
HON. CAHRITY NGILU
  
- CHIEF REGISTRAR LANDS  
MRS. SUSAN MWENDA
  
- DIRECTOR OF SURVEY  
MR.MBAARIA
  
- DISTRICT LAND REGISTRAR  
KAJIADO NORTH DISTRICT  
MR.R.K KALAMA

(ENCLOSURES):

1. The Kenya Gazette  
Vol.LIX - NO 11, Nairobi, 5th March 1957  
Notice Number 890
  
2. Ministry Of Lands  
Ref.KN/LND/GEN/VOL.419  
Dated 14<sup>th</sup> February 2014
  
3. Office of the President  
Ref: LND .16/1/7/VOL .1/14  
Dated 28<sup>th</sup> February, 2012
  
4. Ministry of Lands  
Ref: KN/LND/GEN/VOL.4/18
  
5. County Council of Olkejuado  
Ref: OCC/LND/NGONG/CORRE/VOL.4154
  
6. Certified Copies of green cards and Mutation from Kajiado North District Land Registrar

- M
7. Permanent Representative of Kenya with the World metrological Organization  
Ref: Met/1/17/1(102)  
Dated 16<sup>th</sup> August 2011
  
  8. Grant No. IRN 5643  
Registration of Titles  
Dated: 13/1/99 – (metrological)
  
  9. Map LR. NO. 24302  
Area: 44:32 (Ha) Appr  
(Metrological Department.)
  
  10. Official Gazette of the Colony and Protectorate of Kenya  
VOL. LVIII – NO. 67  
Nairobi, 18<sup>th</sup> December 1956  
Gazette Notice NO. 3818

ANNEX 5

REPUBLIC OF KENYA



MINISTRY OF AGRICULTURE, LIVESTOCK AND FISHERIES  
STATE DEPARTMENT OF LIVESTOCK

Telephone: 2718870  
Fax No. 2731156

KILIMO HOUSE  
CATHEDRAL ROAD  
P.O. Box 34188  
NAIROBI

When replying please quote

MLD/L.1/4A VOL. II / (10)  
2015

13<sup>th</sup> April

Hon. Moses Ole Sakuda  
M.P. Kajiado West Constituency  
Continental House  
P. O. Box 41842  
NAIROBI

RE: NGONG VETERINARY FARM

The following officers will join your team of four to have a consultative meeting and make recommendations:-

- 1. Dr. J. Z. K. Ngeiywa, OGW - Director of Veterinary Services
- 2. Ms. Lornah Odero, OGW - Director of Administration
- 3. Ms. Margaret Irungu - Legal Officer
- 4. Mr. James Charo - Principal Farm Manager

The meeting is proposed for **17<sup>th</sup> April 2015** at the Ngong Vet Farm at **10.00 a.m.**

Prof. Fred H. K. Segor  
PRINCIPAL SECRETARY

Annex 7-f

Annex 2-a  
(Annex 2-a)

REPUBLIC OF KENYA



MINISTRY OF LANDS

Murungi (Kabete)  
lets respond  
as requested

Duo  
Murungi - North  
for Personal Document 2  
24/2/2012

Telegrams: "LANDS, NAIROBI"  
Telephone: Nairobi 718050  
When replying please quote.

Department Of Lands  
Ardhi House  
1<sup>st</sup> Ngong Avenue  
P. O. Box 30089  
NAIROBI

RE: 209163/IV/E

10<sup>th</sup> February 2012

The Permanent Secretary  
Ministry of Livestock Development  
P.O. Box 34188  
NAIROBI

14 FEB 2012

RE: CONFIRMATION OF NGONG VETERINARY FARM STATUS

Your letter reference MLD/LAND/1/I/Vol. II of 13<sup>th</sup> January 2012 refers.

This is to confirm that the above land measuring 1,400 acres was reserved to your ministry vide Gazette Notice Number 890 of 1957 for purposes of Veterinary Training School, Veterinary Farm and other activities related therewith. A copy of a map (not to scale) showing the extent of the land is herewith attached.

Karuki JK.  
FOR: COMMISSIONER OF LANDS

CERTIFIED TRUE COPY OF THE ORIGINAL  
MUTATION / GREEN CARD

OF LAND UNDER SECTION 21

WHEREAS I consider it desirable that the area of land hereinafter specified (being an area situated within the Native Lands) should be set apart as herein provided:

AND WHEREAS the approval of the proper authority to the setting apart has been obtained and the provisions of sub-section (2) of section 23 of the Native Lands Trust Ordinance have been complied with:

NOW, THEREFORE, in exercise of the powers conferred by the said section 21 I hereby give notice that in exercise of the powers conferred by virtue of the said section the area of land, the boundaries of which are defined in the Schedule hereto, has been set apart for the purpose therein specified.

SCHEDULE

Applicant.—Christian Council of Kenya Trustee.  
Place.—Christian Council of Kenya Supervisor's house and below Kereri D.E.B. School; Kisii, Nyaribari Location.  
Area.—1.16 acres.

Description of boundaries.—Starting at a point A on a bearing of 108 degrees for 145 ft. to a point B; thence on a bearing of 92 degrees for 132 ft. to a point C; thence on a bearing of 113 degrees for 100 ft. to a point D; thence on a bearing of 180 degrees for 67 ft. to a point E; thence on a bearing of 260 degrees for 187 ft. to a point F; thence on a bearing of 272 degrees for 140 ft. to a point G; thence on a bearing of 345 degrees for 210 ft. to the starting point

Given under my hand this 14th day of February, 1957.

A. C. C. SWANN,  
Provincial Commissioner,  
Nyanza Province.

THE NATIVE No. 388

THE NATIVE LANDS TRUST ORDINANCE

(Cap. 100)

SETTING APART OF LAND UNDER SECTION 23

WHEREAS I consider it desirable that the area of land hereinafter specified (being an area situated within the Native Lands) should be set apart as herein provided:

AND WHEREAS the approval of the proper authority to the setting apart has been obtained and the provisions of sub-section (2) of section 23 of the Native Lands Trust Ordinance have been complied with:

NOW, THEREFORE, in exercise of the powers conferred by the said section 23 I hereby give notice that in exercise of the powers conferred by virtue of the said section the area of land, the boundaries of which are defined in the Schedule hereto, for the purpose therein specified.

SCHEDULE

Applicant.—New Government.  
Place.—Machakos.  
Area.—1.16 acres.

Description of boundaries.—Starting at Point A, the south-east corner of the gazetted boundary fence, thence on a bearing of 167 degrees for 190 ft. to Point B; thence on a bearing of 121 degrees for a distance of 147 ft. to Point C; thence on a bearing of 219 degrees for a distance of 121 ft. to Point D; thence on a bearing of 90 degrees for a distance of 90 feet to Point E; thence on a bearing of 326 degrees for a distance of 506 ft. to Point F; thence on a bearing of 300 degrees for a distance of 300 feet to Point G; thence on a bearing of 120 ft. back to the point of commencement.

Given under my hand this 14th day of February, 1957.

A. C. C. SWANN,  
Provincial Commissioner,  
Nyanza Province

SETTING APART OF LAND UNDER SECTION 23

WHEREAS I consider it desirable that the area of land hereinafter specified (being an area situated within the Native Lands) should be set apart as herein provided:

AND WHEREAS the approval of the proper authority to the setting apart has been obtained and the provisions of sub-section (2) of section 23 of the Native Lands Trust Ordinance have been complied with:

NOW, THEREFORE, in exercise of the powers conferred by the said section 23 I hereby set apart the area of land, the boundaries of which are defined in the Schedule hereto, for the purpose therein specified.

SCHEDULE

Purpose.—Secondary school.  
Place.—Kamusinga, Kimilili Location.  
Area.—55.51 acres.

Boundaries.—Commencing at a point A, which is situated one-quarter of a mile from and with a bearing of 157 degrees and the Kimilili Co-operative Society Union office. Then from A in a westerly direction for a distance of 1,290 ft. to a point B. From B in a northerly direction for a distance of 1,760 ft. to a point C. From C in an easterly direction for a distance of 1,300 ft. to a point D to the point of commencement. At A in a southerly direction for a distance of 1,890 ft.

Given under my hand this 11th day of February, 1957.

A. C. C. SWANN,  
Provincial Commissioner,  
Nyanza Province.

GAZETTE NOTICE No. 890

THE NATIVE LANDS TRUST ORDINANCE

(Cap. 100)

SETTING APART OF LAND UNDER SECTION 12

WHEREAS application has been made to me for the area of land hereinafter defined (being an area exceeding ten acres in extent and situated within the Native Lands) to be set apart as hereinafter provided:

AND WHEREAS I am of the opinion that the proposed setting apart will be for the benefit of the Africans by reason of the use to which the land is to be put:

AND WHEREAS the conditions specified in paragraphs (b) and (c) of section 14 and in the proviso to sub-section (1) of section 15 of the Native Lands Trust Ordinance have been fulfilled and the Native Lands Trust Board has granted the said application:

NOW, THEREFORE, in pursuance of the provisions of section 15 of the said Ordinance, I hereby give notice that in exercise of the powers conferred by section 12 of the said Ordinance the area of land, the boundaries of which are defined in the Schedule hereto, has been set apart for the purposes therein specified.

SCHEDULE

Applicant.—Veterinary Department.  
Purpose.—Veterinary farm and training centre.  
Place.—Ngong.  
Area.—1,400 acres (approximately).

Boundaries.—The area is enclosed by a hedge or barbed-wire fence, commencing at a point (Map Reference HZJ 059504) on the edge of the road reserve 400 yards north-east of the Ngong-Uaso Kedong road junction; thence following the road reserve in a north-easterly direction to a point (Map Reference HZJ 075524); thence for approximately 700 yards in a northerly direction to a point (Map Reference HZJ 075531); thence in a west-north-westerly direction to the Embakasi Forest boundary at Map Reference HZJ 154539; thence in a parallel line to the gazetted forest boundary at a distance of 20 yards from the aforesaid boundary south and west to a point (Map Reference HZJ 043524); thence south-easterly along the Embakasi Forest track to its junction with Uaso Kedong Road at Map Reference HZJ 046516; thence continuing south-easterly along the Uaso Kedong Road to the point of commencement.

South-A-37

Map GSGS 4786, Sheet

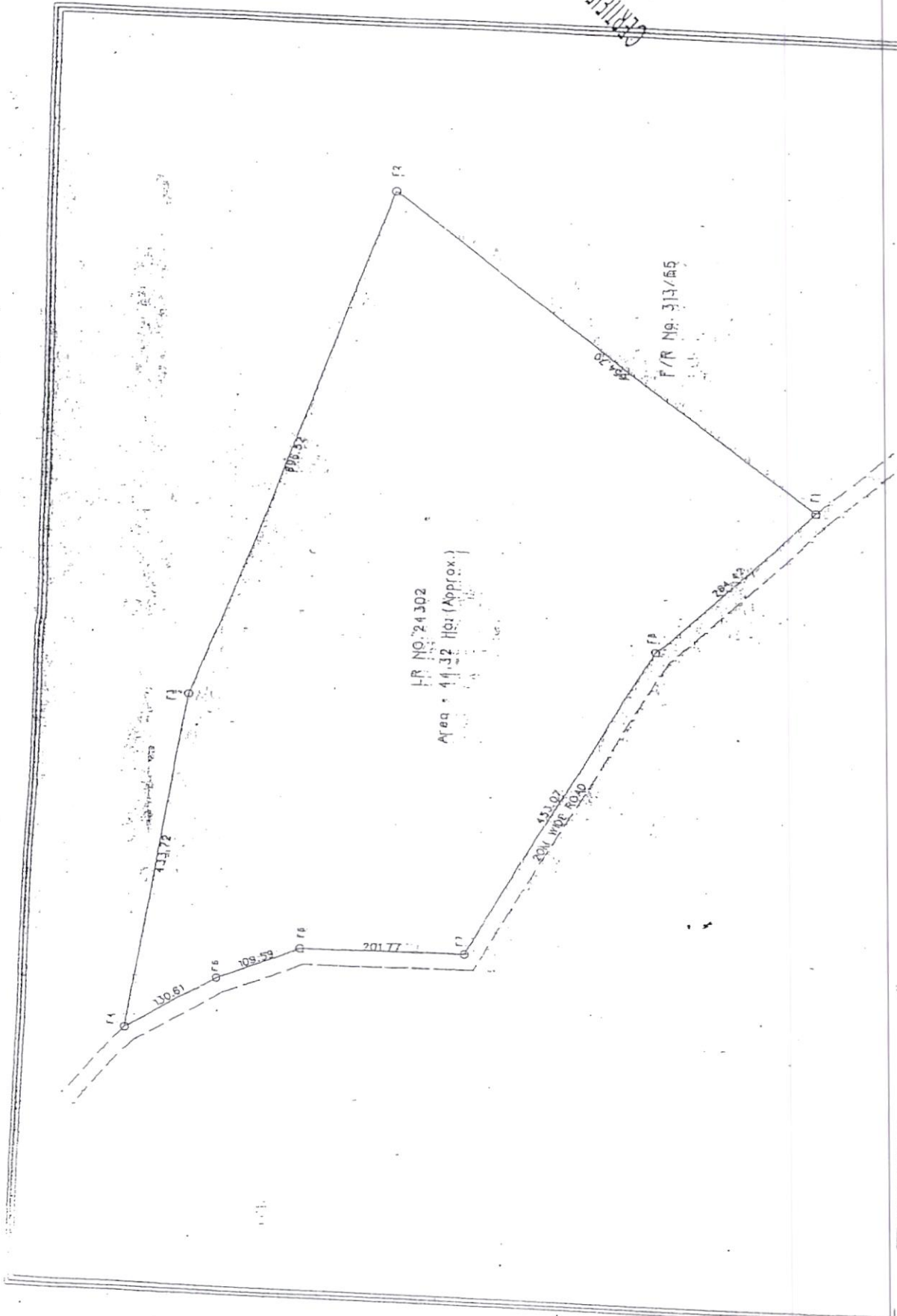
G-II-SW

Plans are deposited in the offices of the District Commissioner, Kajjado, and the Provincial Veterinary Officer, Ngong. Gazette Notice No. 3818 of 1956 is hereby cancelled.

Given under my hand this 18th day of February, 1957.

K. M. COWLEY,  
Provincial Commissioner,  
Southern Province.

CERTIFIED TRUE COPY OF THE ORIGINAL  
MUTATION / GREEN CARD



Annex 2-a

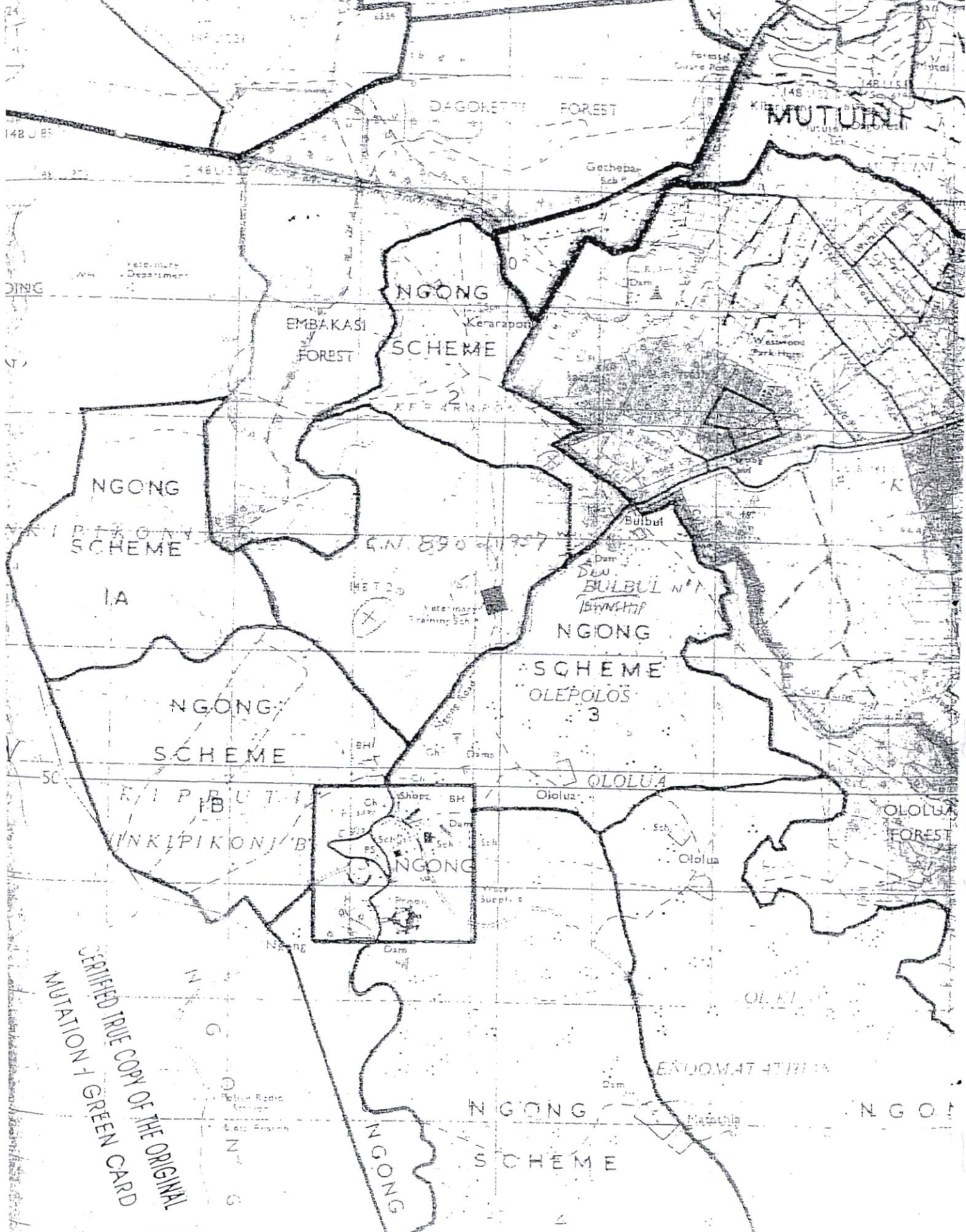
MUTATION IRONG TOWII - KAJIADO DISTRICT 11/11/01	SCALE: 1:5000 DATE: FEBRUARY 2004	PROJECT PLAN OF L.O. NO. 24302 - SECOND TOWN IRONG TOWII	PLAN DRAWN BY: HUEI AND SURVEYORS P.O. BOX 8522 (00100) TEL: 2121266-2121265-2121267 FAX: 2121202 14/11/01
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METEOROLOGICAL DEPARTMENT

Annex 2-a

KAMBURA

THOGOTG D A G O



CERTIFIED TRUE COPY OF THE ORIGINAL  
 MUTATION / GREEN CARD

REPUBLIC OF KENYA



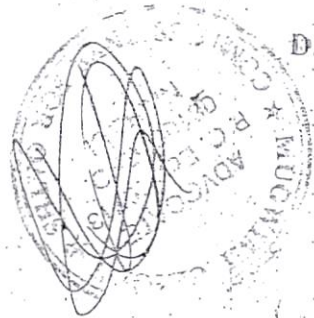
MINISTRY OF LIVESTOCK DEVELOPMENT  
Office of the Permanent Secretary

Telegraphic Address "MINAG" NAIROBI  
Telex: 22766  
Telephone: 2718870  
Fax: 316731

KILIMONDO  
CATHEDRAL  
P.O. Box  
NAI

Date: 31<sup>st</sup> January

When replying please quote Ref: MLD/LANDH/I VOL. II



The District Commissioner  
Ngong District  
**NGONG**

RE: GEO-TECHNICAL SURVEY AND ROAD WORKS MATERIALS

The Ministry of Livestock Development has been approached by the Ministry of Roads to authorize the extraction and utilization of road works materials for the construction of Southern By-Pass. The approval has been granted by this Ministry on the following terms:

- i. Construction of a conference facility in Ngong Veterinary Farm.
- ii. Articulate water facilities in the farm.
- iii. Drilling of two (2) boreholes for the Ngong Farm.

However, after the completion of Southern By-Pass road construction, the Ministry of Roads will be required to refill the construction site to reclaimed state.

The purpose of this letter is therefore to inform you on the foregoing undertaking and request that you give necessary support to the Ministry of Road and the China Road Works Company.

KENNETH M. LUSAKA, CBS  
PERMANENT SECRETARY



0722 31 49 59

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Annex 3

Annexe 75



REPUBLIC OF KENYA  
MINISTRY OF LANDS

Survey of Kenya  
P.O. Box 30046  
00100 NAIROBI

Date: 3<sup>rd</sup> January 2013

All correspondence  
Should be addressed to:-  
Director of Surveys

Telegrams: "Surveys"  
Head Office: Ardhi House  
Telephone: 2718050  
Fax: 2717553  
E-Mail: [dirsok@ardhi.go.ke](mailto:dirsok@ardhi.go.ke)

Field Headquarters, Ruaraka  
Telephone: 020 2314113, 020 2314114

Our Ref: PROF/6/9/VOL.XX/2

✓ **The Manager**  
Ngong Veterinary farm  
P. O. Box 24914  
KAREN.

**RE: SURVEY OF NGONG VETERINARY LAND**

This is in reference to your letter Ref. No. Land/vet/vol. I/53 dated 2<sup>nd</sup> January 2013.

I wish to inform you that Department of Surveys, Ministry of Lands is capable of undertaking the requested exercise. Ordinarily and as per the survey Act (CAP. 299), the cost of such a survey would be about **Ksh 8.4 Million**. However, yours being a Government Department, arrangements will be made for you to pay for facilitation of the survey work hence accomplish your target at cost.

In this regard and as per our discussion please deposit **Ksh 250,000/=** in Ministry of Lands account as detailed below to enable us start doing reconnaissance and other initial tasks. Other monies shall be computed and will be payable as the work progresses. Note that you will be required to facilitate monumentation (i.e. provide cement, sand, ballast, iron-pins etc), bush clearing and other labour intensive tasks for the whole exercise.

**Account details – DEPOSIT 136. MINISTRY OF LANDS. ACCT. NO. 1000122315.**

Please liaise with the officer in charge Technical Section at Survey Field Head quarters Ruaraka as you prepare to deposit the initial cost.

A handwritten signature in black ink, appearing to read 'R. K. Amati'.

R. K. Amati (Mr.)  
For Director of Surveys

CC  
SAD-LS – Provide Data Book  
Oic Technical – Urgently prepare to start the Survey exercise



REPUBLIC OF KENYA

## MINISTRY OF LANDS

All correspondence  
Should be address  
Director of Surveys

Telegrams: "Surveys"  
Head Office: Ardhi House  
Telephone: 2718050  
Fax: 2717553  
E-mail: [dirsok@ardhi.go.ke](mailto:dirsok@ardhi.go.ke)  
Website: [www.ardhi.go.ke](http://www.ardhi.go.ke)

Field Headquarters, Ruaraka  
Telephone: 020 2314113/4

Cur Ref: SK/GEOID/A/15/16

Survey of Kenya,  
P.O. Box 30046, 00100  
**NAIROBI.**

Date: 26<sup>th</sup> April, 2013

**The Manager,**  
Ngong Veterinary farm  
P O Box 24914  
**KAREN**

### **RE: SURVEY OF NGONG VETERINARY LAND**

I refer to the letter ref: PROF/6/9/VOL.XX/2 dated 3<sup>rd</sup> January 2013 on which you were advised to deposit KES. 250,000.00 in Ministry of Lands account to enable initial tasks on the survey of the Ngong Veterinary land. We acknowledge receipt of the said amount via official receipt no. 1397099.

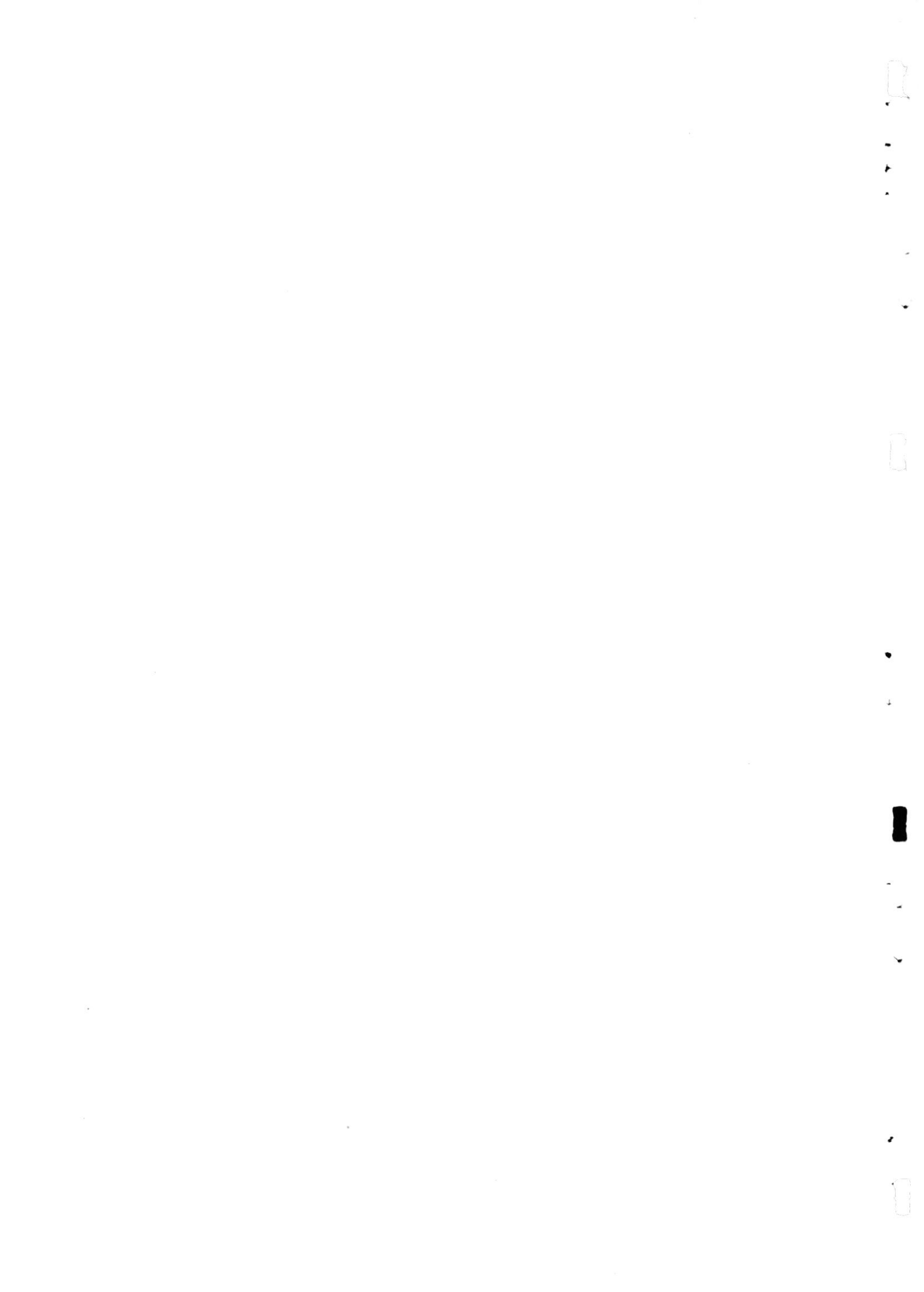
The above mentioned letter had also indicated that other monies would be computed and communicated to you. The necessary computations have been done yielding a budget of KES. 370,000.00.

Considering the short duration of executing the survey on the ground, it is logical that the survey team be facilitated in full at the commencement of the field survey. I therefore advise that you deposit the remaining **KES 120,000.00** in the Ministry of Lands account.

### **Account details – DEPOSIT 136. MINISTRY OF LANDS. ACCT.NO. 1000122315**

In connection with your facilitation cost for bush clearing and other labor intensive tasks, it would be ideal to visit the vet-farm with the survey team and make the necessary estimates.

**H.M. Ngomo**  
For Director of Surveys



REPUBLIC OF KENYA



MINISTRY OF LIVESTOCK DEVELOPMENT

Telegrams: PROVET'' NGONG  
Telephone 0202321605

NGONG VETERINARY FARM  
P.O BOX 24914  
KAREN

When replying please quote

DATE:15/05/2013

Ref: Land/Vet/Vol.1/55

The Director of survey  
Survey of Kenya  
P.O BOX 30046  
00100 NAIROBI

RE: PAYMENT FOR SURVEY OF NGONG VETERINARY LAND.

This is in reference to your letter Ref No. SK/GEOID/A/15/16 dated 26<sup>th</sup> April 2013. Kindly find enclosed herein a cheque No. 00369 of Ksh 120,000 (One hundred and twenty thousand only) being the remaining facilitation required for the survey of Ngong veterinary land.

A handwritten signature in black ink, appearing to read 'Eliud W. Simiyu'.

Eliud .W.Simiyu.  
Farm manager  
Ngong veterinary farm

