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REC'D
18 MAR 14

Simpson Prop. 107
M.R. 3rd. C. 2.

Nairobi Town planning

1914

17 Feb.

at previous Paper.

Critiques proposals for acquisition of the proposed land for purpose of non residential Bazaar, which he considers unsatisfactory. Submit alternative scheme, - with Appendix containing draft provisions for town planning in E. Africa

Dr. G. Fiddler

Sent a copy of the copy to the for with ref. to 7597 for asking him to find very careful even to Prof. S's reply - submit what Prof. S. says as to the necessity of enforcing by law the development of the town in sanitary limits - of not allowing the public streets to be hempered by those who do not desire that their private interests alone sh. be considered

copy - Nairobi Urban - 5500 (copy) 20/2/14

suggest that if the form of opinion
that the whole of the scheme authorized
by Prof: S. cannot be dealt with
at once, the question of removing the
General Indian Bazaar might stand
over for the present - + ask him
to return the map (it sh^d go to the
Gen^l as Prof: S. has marked certain
sites on it to which he refers in his
report) or a duplicate of it.

- + ask met of the C^o + thank Prof:
for the very full statement?

H. J. K.
26 Feb 1914

Mar 27 3.14

See 117 27

Agree. Proper building by-laws
strictly enforced and a Town planning
law are primary requisites.

Mar 27 3.14

Mar 28 3.14

Despatches circulated to F.A.M. Committee 21 April 1914
No observation by Committee
18/5/14



388 *quz*

March 17th 1914.

C
1016
REC'D
18 MAR 4

Sir,

1. I have the honour to furnish the Secretary of State for the Colonies with the following observations relating to the despatch from the Governor of the East African Protectorate on the proposal of the Nairobi Sanitary Commission to take over for the purpose of a non-residential bazar some land belonging to Mr Grogan and which he offers the Government.

2. The proposal originated from a suggestion on the part of Mr Grogan when giving evidence before the Commission that if the Government would undertake to clear the Bazar of its present buildings and render it free of plague infection he would on his part endeavour by friendly negotiations with the Indian gentlemen who are the landowners of the Bazar to exchange a corresponding area of his land on Grogan's estate for the plots which had been rendered clean, and he would then use the erstwhile site of the Bazar for European buildings, and put in his lease of exchange certain

A. S. San

conditions preventing Europeans from building on the Cross's estate. He also advocated that the area south of Government Road should be entirely European and that north of it entirely Asiatic.

(3) Mr Grogan pointed out that the land exchange would be a private matter but it would be necessary for the Government to take action and compensate for scrapped buildings at their value as scrapped material and to remove it. He would not exchange a clean plot for an infected plot in the Bazar. The suggestion aimed at a demolition and clearance of the present plague infected insanitary and congested bazar by the Government, the converting of it into a European business quarter with possibly a few of the larger Indian merchants remaining in newly built but sanitary houses and the transference of the remainder of the inhabitants to a new site and a new sanitary planned Bazar on land which then belonged to Mr Grogan but which he was willing in the interests of the town to exchange if possible by a private arrangement with the Indian proprietors. He also suggested that the Government might become the Landlords.

As a private arrangement the scheme had much to recommend it and it possessed the special advantage of clearing away the present Bazar.

(4) The arrangement for the private exchange of lands apparently fell through and another method of dealing with the problem is proposed by the Commissioners which entails a private bargain with Mr Grogan. They would like to remove the Bazar but feel that the cost is prohibitive. They accordingly recommend (1) that steps should be taken to prohibit the development as an Asiatic quarter of the unbuilt on Bazar plots lying to the North of Jevanjee Gardens; (2) the portion of Nairobi marked on their map should be reserved as a European commercial area; (3) that if the expense of expropriation cannot be faced the Bazar should be dealt with by the strict enforcement of sanitary rules; (4) that Mr Grogan's land should be rented by the Government and laid out by them for the erection of suitable shops prohibiting the premises for domestic purposes; (5) that land on the North side of the river should after roads are laid out and a drainage scheme formulated, be divided into plots and

4.
 be put up to auction for sale to Indians and Asiatics only, conditions being inserted in the leases prohibiting alienation to non Asiatics. They accept the principle which Mr Grogan suggested of declaring a portion of the area on the South side of the river a European commercial reservation, but instead of limiting it to Government Road they extend it to the North of Victoria Road, leaving the plot on the South of the river as a commercial quarter for Asiatics. They then assign to Asiatics the greater part of the area on the North side of the river for residential purposes.

(5) His Excellency's despatch deals mainly with the proposal to take over Mr Grogan's land. When in Nairobi I went very carefully into this matter and discussed it with Mr Tannahill of the Land Office, a Member of the Commission to inquire into the sanitary condition of Nairobi, who kindly furnished me with similar data to that in His Excellency's despatch, the only difference then was that £3,000 had been asked as a yearly rental. The proposal is that Mr Grogan should lease to the Government for 90 years the remaining portion of his 99 years lease at an annual rental

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of 22,500, sixteen acres of ground, which he has subdivided into 214 plots, varying in size from 150 feet in depth by 50 feet frontage. Of these 60 have already been disposed of by Mr Grogan, leaving 154 unsold, but he is prepared to make arrangements to lease to the Government the whole 214 plots. He has constructed some roads of a certain kind through the 16 acres, which were, however, not in a condition to be taken over by the Municipality and there was no channelling, paving or drainage arrangement.

The Commissioners propose to use the site thus leased for a non-residential Bazaar, which would then be situated on the southern slopes of the Nairobi river valley, leading down to the swamp which is let out by Mr Grogan for cultivation purposes, because it is unfit to be built on. Being only one third of a mile away from the present Bazar they believed that it would relieve the overcrowding and corresponding insanitary condition of the existing Bazar which is more centrally situated.

(6) The area was to be laid out in small plots, 500 in number, each being only 20 feet by 40 feet in size with

restrictions that the shops should be nonresidential and that no European should either occupy or purchase. On this decision the estimates of the revenue are framed though, being based on the present value of land, it is not materially affected by the size or number of plots. If the plots were larger and more in consonance with sanitary requirements a higher rental and stand premium would be charged, so that it would come much to the same amount. The only difference would be that there would be less accommodation.

(7) The annual estimated revenue to be derived from the transaction is framed in two estimates.

In No. 1 the total annual rental that is likely to be obtained is calculated as £2,800 and in No. 2 it is £2,367 as compared with the rental handed over to Mr Grogan of £2,500. I note, however, that the cost for roads, drainage, channelling, sewerage, paving, has been reduced from £5000 (when I was in Nairobi) to £2000 and that there is nothing estimated for maintenance.

(8) The Commission consider dealing with the owner on such terms suitable, so as to avoid legislation that shall exhibit racial preference by employment of confiscation.

Apart from the particular question at issue, this view is an interpretation of the land acquisition Act, which if followed would paralyse many of the efforts of Government to promote reforms, and as such should not be accepted. In endeavouring to coordinate progress of various factors towards prosperity the Government could not afford to allow the public interests to be hampered by owners who would desire their private interest alone to be considered. The Government is the real owner of the land and it can and should assert its right to resumption in the public interest, provided the tenant by its good will be duly compensated. To suggest that acquisition with compensation is equivalent to confiscation because it may be undertaken in the interests of Europeans is a mistake in that such an act is as much for the benefit of one portion of a community as another. For example if land were compulsorily acquired from an Indian to-day for an Indian Bazar, to-morrow its expansion might be necessary by compulsorily acquiring land from a

European. In its absence the public purse is liable to be constantly raided by owners who resist railways, ports and towns' expansion.

The terms on which the site is offered by the owner is a case in point. It is a scheme that throws the whole burden of responsibility on to the Government of paying for 90 years a rental of £2,500 a year for the control of the Bazar, while it may or may not be undertaken at a loss. The total amount paid to Mr Grogan in rental in the 90 years would be at £2,500 a year, £225,000 and at £2000 a year £180,000.

(9) I consider that an arrangement of this kind is not financially sound, so long as other reasonable alternatives are available.

The sum of £2,500 per annum represents an interest at 4% on £55,550, and this is to be paid in perpetuity in theory and by actual contract for 90 years. It is stated that a plot of 3,300 square feet of the same land was sold for £263 and apparently the whole site is valued at the same rate, viz: £263 per 3,300 square feet; or the whole 16

acres at £55,550. If then the investment is sound as suggested by the Sanitary Commission's estimated income after occupation, the only reasonable way of acquiring the land is by the Government purchasing it outright and by loan if necessary. With interest at 4% and allowance for sinking fund, the totals charged per annum for a loan at 30 years would be about £3,363. At the end of this period the land would be the freehold possession of the Government which is a considerably better bargain than paying £2,500 or even £2000 per annum indefinitely. According to the Commissioners' plan the Government will have paid for a piece of land worth £55,550 at the highest valuation as determined by sale in a very prosperous time at the end of 30 years £76,000 and by the end of 90 years £225,000.

(10) Apart from the financial side there are other objections to the scheme.

(1) It fails in not dealing with the present bazar. The application of sanitary laws can improve matters as regards overcrowding and some other insanitary conditions that are associated with overcrowded

localities, but with the exception of two or three buildings on the site the structural conditions are such that no sanitary laws short of enforcement of demolition and clearance can effectually deal with this plague-infected and unwholesome area in the centre of the town and the cost of this cannot be avoided and has not been taken into account in the recommendations of the Commission.

A non-residential Bazar on Mr Grogan's land will not relieve the Government of dealing with the present bazar as an insanitary area most of the buildings of which are unfit for human habitation, a breeding place for plague-infected rats and a constant danger to the community.

(2) The site is close to an area already inhabited under insanitary conditions and pending powers to restrain and alter present conditions this area will be an ever growing menace to any newly inhabited adjoining site. It is not far from the site which was recommended for a new bazar which Mr Brasby Williams recommended in 1907, and which the Commissioners seven

years later, owing to the expansion of Nairobi, recognised as likely to be too near the European quarter. The same objection will equally apply to the site selected by the Commissioners.

(3) Under the arrangements suggested the space for building will be exceedingly restricted and consequently insanitary, whilst should the town prosper as it is bound to do it will not be possible to expand this particular site without further acquisition of land at the same time, or when the necessity arises at a much greater cost.

(4) A non-residential Bazar in this situation will necessitate erection of buildings for the occupants concerned elsewhere. This cannot be obtained close to the selected site for shops, except at a prohibitive cost. It is proposed therefore that facilities should be given for the occupants to reside on the north side of the river. Any wide separation of shops and buildings, however, such as is contemplated by having them on different sides of the river would not be acceptable to the Indians.

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(11) The Commissioners have represented to His Excellency the Governor that the renting of Mr Grogan's land is the keystone to their town planning scheme. It is difficult to see how it would affect the town planning of Nairobi except that a bazar in this situation will be in 10 or 20 years a serious obstacle to the extension of the European commercial area.

(12) It is also pointed out by the Commission that unless Government takes possession by the method they indicate, i.e. by private bargain, it will be absorbed by persons who will develop it as a bazar void of sanitary control. This can be prevented by Government legislating so that development shall be on correct sanitary lines and the erection of a bazar excluded. It is not in the public interests of the town that owners of land should be permitted without first providing for the sanitary development of their estates, to divide and subdivide their land and expose it for sale, or lease in such a manner as will secure the greatest profit, and bad sanitary conditions, or that the tenant afterwards should be allowed to further subdi-

vide and sublet until a state of insanitation and overcrowding is produced as to render the area unwholesome and dangerous. Within a period of 14 years this has occurred twice in Nairobi with reference to Indian Bazars. The present Indian Bazar which is now under discussion is the second. The first, which was on a different site, was burnt down at the time of the first outbreak of plague in 1902, and the plague operations cost the Government, I am informed, £30,000. A new bazar was then laid out on the present site on excellent lines and there can be little doubt that if additions, subdivisions, subletting and overcrowding had been prevented it would not be in the grossly insanitary condition it now is. But it is not confined to this particular bazar. Wherever the Indian and Asiatic settles in Nairobi similar conditions are arising owing to insufficient public health-controlling powers. The present bazar being the oldest and with the most trade, has had time to become the worst, but it is only a matter of time unless sanitary laws are enforced for them to arrive at the same condition. Before leaving Mombasa I drew up with the assistance of Dr Milne, the P.M.O., Dr Radford,

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the Chief Sanitation Officer, and Dr. Haran, the D.P.M.O., a Public Health Act intended to counteract and prevent these conditions. In it are embodied clauses:

(1) To limit the number of buildings on an acre of land and their nature and value so as to ensure a suitable class of buildings;

(2) To regulate the division, size and use of sites or plots for any class of buildings and the spaces to be left unbuilt on at the rear and around the building, the height and depth of building and their lighting and ventilation;

(3) To prevent unauthorised additions to buildings or within the premises and subletting with the overcrowding and insanitary conditions that follow;

(4) To regulate the proper laying out and division into plots of the land and levelling paving, metalling, flagging, channelling, sewerage, draining and lighting of the streets of estates before they are sold

This form of legislation would control and prevent the 16 acres from becoming insanitary

(13) I am in agreement with the Commissioners that encouragement and facilities should be given to the Indians to reside on the north side of the river, but I go further and would urge that facilities be also given them to have their commercial area there as well. I am convinced from my experience of the Indian that he will not be satisfied with having his residence on one side of the river and his business on the other. There may be exceptions, but they will be few. He will want his business near him.

In this connection the trend of Indian opinion is plainly shown in the evidence given before the Commission.

Mr. Alidina Visram, one of the most respected and influential Indians in East Africa whose business is perhaps more extensive than any other merchant - I have seen his warehouses not only in British East Africa, but also in Uganda and German East Africa - in his evidence before the Commission said: -

49 "As a site for a special Bazar for small shopkeepers he suggested the neighbourhood of the proposed Indian residential ^{area} Bazar somewhere near Ngara Road or equally near to the town (north side of river). They could build a good many shops on Captain Grogan's land but it would be crowded again in the future. It was too near the Bazar. He did not favour it, but it

might do for the smallest class of African retail trade. The larger tradesman should stay in the Bazar."

Mr Alibhoy said: -

"He approved of a lock up Bazar of big shops with no one sleeping in them, but he thought there should be sleeping accommodation in the Bazar for the shopkeepers themselves and their servants. This was what he always wanted, but people must have a place close by to sleep in. It was necessary to do something quickly. Overcrowding was very bad, particularly in the back premises of Mr *Jeyagee's* properties. Everybody was crying out that they could not get a place to live in. The site he favoured was that mentioned by Mr Kasseambhai near the Native Market and Ngura Road (north side of river). He preferred this to Mr Grogan's site."

(14) My proposal is that advantage should be taken of the trend of opinion and that any new Bazar or Bazars should be on the north side of the river and situated near the Ngura Road and Native Market. The advantages of the situation are that Indians recommend that the land belongs to the Government and no annual rental would have to be paid to another landlord, nor would any outlay be incurred for acquisition entailing a loan for the purchase of the land, and that it is on the two main roads leading from

the country into Nairobi through which the great bulk of the native food stuffs and produce is brought. Natives with the money obtained from the sale of their goods would buy in the markets and Bazar close at hand without having to cross the river and throng into the European portion of the town to reach the present Bazar. Instead of a bazar of lock-up shops of the type intended by the Commission, I advise that the problem of the petty dealers and of their liability to plague would be best solved by the erection on this site of a covered general market, as a reproductive work by the Government. Here stalls to suit all classes of petty traders could be arranged at reasonable rents. This general market would be at site A on the map, and would be thus in close proximity to the dwellings of the petty dealers (Site B.). The market should be so constructed as to be rat proof. In its proximity would be rat proof grain stores and a grain market (Site C.). By no other combination of methods could the same amount of precautionary measures against plague be taken as effectively and cheaply. These markets belonging to public bodies in India and the East have always proved most satisfactory and a large source of income.

Experience shows that markets of this sort are willingly resorted to by Agitation as offering the best possible publicity for their wares. But irrespective of this inducement it is desirable in the interests of League prevention to accelerate choice of the market by legislation

Probably a similar kind of market would suit many of the small traders whose business is somewhat more extensive than the petty shopkeeper referred to. For the most prosperous of this class and wholesale merchants there should be provided plots of such a size that a house and shop could be erected on each plot with stores other than grain adjoining, but separate from the individual house. These should be according to an approved plan and value (Site D.).

In the case of grain merchants they should not be allowed to have their stores on the same plot as their houses and offices. A rat proof grain market and stores should adjoin the general markets. The grain market and stores should be made of reinforced concrete without any woodwork and with iron doors all openings being rat-proofed. Bomb proof roofing is advisable for the stores. To the market should be attached a special enclosed space, also rat-proof, where carts can wait for the examination of all grain for rats before being placed in the store. Similar precautions should be taken when grain is taken out for transport to other localities.

A Clayton Disinfector should belong to the grain market for fumigation either of this market or of the others adjoining and of the disinfection of granary bags.

The residential quarter of the better classes might be at Site N., opposite or near a neutral belt which I propose should separate the Asiatic quarter from Parklands. In this quarter the better class Indians would be well away from the poorer class of workers.

(15) Now as regards the treatment of the present Bazar. The Commissioners estimate that the cost of expropriation under the land acquisition Act 1894 would be £184,900 and under an ordinance containing provisions similar to those of the Housing of the Working Classes Act, 1890, expropriation could be effected at a cost which the Commissioners estimate at £76,200. I do not know the data on which these estimates are based, but there can be no doubt that Mr Grogan is right in stating that the compensation to be given for buildings, except in the matter of a very few houses, would not be large, as it would be compensation for scrapped buildings at their value as scrapped material.

(16) I propose that the Bazar should be expropriated.

I do so on the following grounds: -

1. That it is a source of danger to the Nairobi inhabitants;
2. That plague has been spread from this bazar to other localities in the neighbourhood;
3. That the enforcement of sanitary laws may ameliorate the present conditions, but its condition structurally is so bad, that it is an insanitary area which only demolition, gutting out and clearance can remedy;
4. That unlike many insanitary areas no sites that are cleared require to be given up afterwards for roads. There is accordingly no loss as regards sites.
5. Even if the acquisition of land and compensation came to what is given in the estimates, there is the fact that the bazar is located in one of the best situations in the commercial part of Nairobi, it is on land which would easily sell and if the real value has been stated the possibility of loss by outright sale in plots would be very little. On the other hand if it were decided to

retain the land it would be easy to allow healthy buildings erected on it at a definite rent per square area which would secure the recovery of the principal and interest in 30 years.

After demolition and clearance, except for the one or two large new buildings erected, it is for the Government to say what should be done with the site. I would recommend that it be included in the European area. It should certainly not be reconverted into an Indian Bazaar again, however sanitary the buildings may be at the commencement.

I consider that there may be one or more homes belonging to Indians of the better class which cannot be judged as insanitary. This being so, if they select they should be allowed to remain provided no grain is stored or sold in them, but beyond these existing houses the whole area should be preserved for the necessary expansion of the European town.

In the event of this recommendation being adopted, a site for the better class of traders would be suitable at ^D (Vide Map.) Land would be offered by Government as part payment ad valorem of sites and buildings of

owners required. Behind each building separate from the dwellings stores for other articles than grain would be required.

(17) I have already given reasons why the whole of the Bazar should be cleared and vacated and transferred to the use of Europeans with the exception of certain buildings suggested. This would imply that a large number of petty dealers would require accommodation elsewhere as well as shops. I have shown that this can best be provided by placing them at site B, and providing in its proximity a market for their use (Site A.). Obviously, however, certain of them might prefer to proceed to various sites not in the defined area. Further the arrangement would not get rid of numerous petty dealers who now occupy buildings outside the Bazar limits. The only equitable and at the same time safe method from a sanitary point of view would be to rule that such persons who at present trade under such circumstances and others desiring so to do should require to take a license which should be granted only on condition that the building is sanitary and rat proof and of a value and occupying a site approved by the sanitary authority.

I have already shown how the better class of traders in the present Bazar can be accommodated at site D on the map.

(18) The policy then which I have outlined and recommend for the future healthy development and expansion of the town is: -

I. That the present Indian Bazar be removed and that the site be included in the European quarter.

II. That the portion of Nairobi on the north side of the river should be recognised as the Indian and Asiatic zone or quarter of the town; that there should be a protection zone of at least 300 yards between it and the Parklands which is easily arranged because the land, except a very small part, belongs to Government.

The zone may be used as a recreation ground divided for Europeans and Asiatics. *Further* this belt of open ground would definitely prevent the European houses in Parkland approaching and encroaching on the Asiatic quarter and the Asiatics on the European. At

the same time it would form a pleasant frontage for the residences of the wealthier Indian and Asiatic classes.

III, That full control be kept over every building plot and building in regard to type, sanitary arrangements, additions, subdivisions and number of persons inhabiting the houses and premises.

IV. That gradually different areas beginning near Ngara and Kiazhu roads should be laid out and drained and reserved for residential and business purposes.

That in the residential areas the better class quarter should be separated from the poorer quarter and provision made for sites for temples, mosques, schools, recreation grounds, clubs and other public buildings.

That in the business portion a special and covered general market - rat-proofed and with lock up stalls, be provided for petty dealers, that rat-proof grain stores and grain market be erected and that sites for lodging houses for the floating population, hotels, eating houses, places of amusement, etc. be not forgotten.

V. That in localities where shops and dwelling houses are on the same plot, stores should be quite separate. That grain merchants should sell only in the grain market and there should be no stores on the same plot as their house and offices.

VI. That the petty dealers should be controlled by licenses and should only be permitted outside the market in approved streets and in houses of a certain rental which the local authority determines and which must be certified as rat-proof, sanitary and fit for the purpose.

VII. That the African location should be situated in the adjacent locality to that recommended by Mr Bransky Williams, but nearer the river.

VIII. That the Native hospital, quarantine station, infectious hospital, public wash houses and bath houses should be on the north side of the river between the Asiatic and African zones.

IX. That special provision should be made on isolated sites for the lodgment of temporary labourers -

African and Asiatic - who may be drafted into Nairobi for temporary works and similar arrangements should be made for African labourers, who are brought in from the country preparatory to being sent from Nairobi to large works elsewhere or to plantations on the coast.

(19) Every encouragement and facility should be given for the Indian and Asiatic to move in the direction indicated so that in the course of years the majority of Indians and Asiatics would occupy the Asiatic zone on the north side of the river and the majority of Europeans the European zone on the south side which is the natural development for Nairobi as the European capital of British East Africa. Whatever shops or houses or offices belonging to Indians and Asiatics permitted on the south side of the river should only be of a high class character. Such an arrangement gives the only chance for the unfettered expansion of the European quarter, if Nairobi is going to become the large and important city that it promises to be. The opportunity presents itself now, but with an increased Asiatic and African population later the obstacles to surmount will be much more difficult and costly.

(20) I have advised that practically zones for Europeans, Asiatics and Natives should be enforced. Thereupon it may be pointed out by others that reservation of any particular area can only be secured by buying land outright for a public purpose and whether it is the zones proposed by me or by the Sanitary Commission, that this can be the only way of securing them. But I would like to emphasize the fact that this is by no means necessary under municipal administration and town planning. Whilst the owner be left in enjoyment of his land he cannot or should not with efficient public health laws and regulations, without the consent of the local authority erect a building upon it of a type or for a purpose not sanctioned by the President or Commission after approval by the sanitary authority. This would be applicable to the Cross estate. Under such ruling it would be possible to restrain the type and purpose of buildings and thus secure that it will fit in with the general conception of the town plan.

(22) In connection with this it should be borne in mind that the towns and trade centres in East Africa except Mombasa are new and can bear no comparison with old eastern towns in countries which have come into the possession of the British and in which only comparatively few Europeans have settled for the purpose of business or to carry on the administration of the country. Even in these it has been found necessary to have, as far as possible, a European quarter. The East African, however, is unique in that the original inhabitants do not live in towns. It is the Europeans and Asiatics that are pouring into the country that are forming the towns and trade centres, and it is for the purposes of industry created in these towns that the Africans are being drawn into them.

Hitherto everything in connection with the growth of these places has been haphazard; there has been too close proximity of the dwellings of these people with altogether different habits and the results are insanitary conditions and disease. This will be accentuated as the population increases and unless measures of the kind I have indicated be taken for Nairobi, it will lose the opportunity of

becoming mainly a European town or ^{of maintaining} the characteristics of
 a European town which as a centre of a European district in
 the highlands, and as the capital of the country it by
 right and destiny ought to possess.

*from Map 7 of the Nairobi Commission and have marked on it my proposals which can more
 be compared with the
 mediations of the Commission etc*

I have the honour to be

Sir

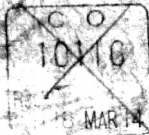
Your obedient servant

W. J. Simpson

*H. Read Esq. C.M.G.
 Colonial Office*

J. H. Read, Esq., C.M.G.,
 Colonial Office.

A P P E N D I X.



I attach a copy of draft provisions which I have proposed for town planning in the towns of East Africa. They are based on the Public Health Ordinance of Hongkong, 1902, The Municipal Act of Calcutta, 1899, the Madras Hill Municipalities Act, 1907, the English Town Planning Act of 1909, and the German Imperial and Municipal Acts relating to town planning.

TOWN PLANNING.

Notification of proposed division of any Township into Zones.

Whereas owing to the habits, customs and modes of living of different races it is necessary for the effective and economical application of sanitary measures to adopt special methods to meet their respective requirements, the Governor may define and notify in the Official Gazette the division of any Township into different wards or zones, and which of them may be occupied by Europeans, Asiatics, or

13
Natives for residential purposes, and which of them may be used for business, factory, and godown quarters, and which of them may be devoted to an open neutral zone, and may from time to time decrease the areas reserved for any particular class, or any particular use or increase them by including other areas, setting out the boundaries of such wards or zones, providing such decrease or increase does not interfere with the broad principles of separate zones. In any Building Ordinance these zones shall be defined and the open space about buildings, the number of buildings per acre, and the character, class, and type of buildings which may or may not be allowed in them specified. He may also notify at the same time that these reservations will not prevent any European, Asiatic, or African owning land or buildings in any zone but the neutral zone provided they conform to the provisions of the Ordinance relating to these zones.

No objections to any such Notification shall be entertained if received after a period of three months from the publication of such notice. All such objections should be lodged with the Secretary of the Central Board of Health

at the Principal Medical Officer's Office, Nairobi.

Copies of the proposed plan will be obtainable at the Land Office at a cost of rupees.

Notification of Governor's approval of town planning scheme.

The Governor may also notify in the Official Gazette his sanction of any town planning scheme of which he may approve, provided that the scheme has been published in the Official Gazette three months previously and the objections raised to it by interested owner of the land or others within the specified time have been duly considered by the Town Planning and Building Board and a detailed Report submitted to the Governor.

When the declaration of sanction has been published it shall take effect from the date of such publication and no person shall erect or re-erect any building in contravention of such Town plan.

In conformity with the Town plan approved of and sanctioned by the Governor and the zones into which the town is divided the Local Sanitary Authority and Municipality shall have the power --

(1) To regulate the class of building erected in any locality, the architectural features thereof and the materials of construction,

(2) To prohibit the erection of Godowns or warehouses except in areas reserved for that purpose,

(3) To prevent the erection or establishment of factories except in areas reserved for that purpose, contractors yards to be reckoned as factories: Also to remove any factories now outside such area upon payment of compensation for disturbance to be assessed by Government,

(4) To prevent the erection of houses for other than Europeans in the European residential or business reservation and to prevent the occupation of houses in the European Reservation by other than Europeans except with special written permit of the Local Sanitary Authority, whose decision will be final; also to prevent the erection of houses in the respective zones for other than the races for which the zones are reserved,

(5) To remove on account of sanitary circumstances any Asiatic or Native dwellings from the European residential or business areas upon the payment of compensation for disturbance to be assessed by Government,

(6) To prevent the erection of huts, sheds or shops except in areas set aside for that purpose,

(7) To enable the Local Sanitary Authority to regulate the communications or drainage of a specific area by a process of pooling the sites of the various plots therein and to lay down certain roads therein, the land for such roads to be taken from the plots and the balance to be given back to the owners in the shape of plots with a frontage on the said roads, the area of the plots to be pro rata to the area of the original holding minus the roads,

(8) To fix building lines and the alignment of streets,

(9) To settle whether in any area buildings shall be detached, semi-detached, or continuous.

European Reservation in Mombasa Island means that
portion bounded on the north by the southern side of the
neutral zone by, etc.

in the case of Nairobi, etc.

in the case of Naivasha, etc.

in the case of Nakuru, etc.

in the case of Kisumu, etc.

It also includes any such other area as the Governor
in Council may from time to time define and notify in the
Official Gazette as so to be included.

Power to enforce scheme.

57. (1) The responsible authority may at any time, after giving such notice as may be provided by a town planning scheme and in accordance with the provisions of the scheme -

(a) Remove, pull down, or alter any building or other work in the area included in the scheme which is such as to contravene the scheme, or in the erection or carrying out of which any provision of the scheme has not been complied with; or

(b) Execute any work which it is the duty of any person to execute under the scheme in any case where it appears to the authority that delay in the execution of the work would prejudice the efficient operation of the scheme.

(2) Any expenses incurred by a responsible authority under this section may be recovered from the persons in default in such manner and subject to such conditions as may be provided by the scheme.

(3) If any question arises whether any building or work contravenes a town planning scheme, or whether any provision of a town planning scheme is not complied with in the erection or carrying out of any such building or

work, that question shall be referred to the Local Government Board, and shall, unless the parties otherwise agree, be determined by the Board as arbitrators, and the decision of the Board shall be final and conclusive and binding on all persons.

Compensation in respect of property injuriously affected by the scheme, &c.

58. (1) Any person whose property is injuriously affected by the making of a town planning scheme shall, if he makes a claim for the purpose within the time (if any) limited by the scheme, not being less than three months after the date when notice of the approval of the scheme is published in the manner prescribed by regulations made by the Local Government Board, be entitled to obtain compensation in respect thereof from the responsible authority.

(2) A person shall not be entitled to obtain compensation under this section on account of any building erected on, or contract made or other thing done with respect to, land included in a scheme, after the time at which the application for authority to prepare the scheme was made,

ix.

or after such other time as the Governor may fix for the purpose.

Provided that this provision shall not apply as respects any work done before the date of the approval of the scheme for the purpose of finishing a building begun or of carrying out a contract entered into before the application was made.

(3) Where, by the making of any town planning scheme, any property is increased in value, the responsible authority, if they make a claim for the purpose within the time (if any) limited by the scheme (not being less than three months after the date when notice of the approval of the scheme is first published in the manner prescribed by regulations made by the Governor), shall be entitled to recover from any person whose property is so increased in value one-half of the amount of that increase.

(4) Any question as to whether any property is injuriously affected or increased in value with in the meaning of this section, and as to the amount and manner of payment (whether by instalments or otherwise) of the sum which is

ning scheme, no compensation shall be paid in respect thereof if or so far as the provisions are such as would have been enforceable if they had been contained in bye-laws made by the local authority.

(2) Property shall not be deemed to be injuriously affected by reason of the making of any provisions inserted in a town planning scheme, which, with a view to securing the amenity of the area included in the scheme or any part thereof, prescribe the space about buildings or limit the number of buildings to be erected, or prescribe the height or character of buildings, and which the Governor, having regard to the nature and situation of the land affected by the provisions, consider reasonable for the purpose.

In defining these zones and regulating the future erection of certain classes of buildings in them particular streets or localities no compensation will be given for compliance with these regulations or with the building laws and rules and open spaces enforced or with prescribing the height or character of buildings or with the limitation of the number of houses per acre or with limitation of the subdivision of plots.

(3) Where a person is entitled to compensation under this Part of this Act in respect of any matter or thing, and he would be entitled to compensation in respect of the same matter or thing under any other enactment, he shall not be entitled to compensation in respect of that matter or thing both under this Act and under that other enactment, and shall not be entitled to any greater compensation under this act than he would be entitled to under the other enactment.

The following information taken from Sections 7 and 13 of the German Imperial Act show when compensation is given in a country where special attention has been paid to town extension and town planning for many years.

(7) In the case where only a single owners is affected by the settlement of a building plan, then publication of plans is unnecessary. It is only necessary to inform the land owner concerned.

(13) Compensation for taking away land or restricting its use in consequence of the building plan can only be granted in the following cases: -

- (1) When pieces of land intended for streets and open spaces are given up for public traffic on demand of the authorities;

(2) When street or building lines cut existing buildings and the land has to be cleared up to the new building line;

(3) When the building line of a new street cuts land that is unbuilt upon, but is suitable for building, and which at the time of the settling of the new plan was suitable on an already existing street which had been passed for public traffic and building.

Compensation will in all cases be granted on account of land intended for streets and spaces, and also in those cases in which a restriction of the land occurs in consequence of the settlement of one of the building lines. In all such cases the owner can insist upon the whole of the land being taken, if so much of his land is taken that the remainder is not suitable for building.

DEFINITION.

The Town Planning and Building Board shall consist of the Members of the Central Health Board, the Director of Public Works, the Land Officer, a Provincial Commissioner representing local interests and any other person or persons accepted representing local interests or possessing special technical knowledge duly nominated to serve on the Board by the Governor.

0116

S. 10716/1914 EAR 94



(Conf) 2 April 1914
Sir,

With reference to your conf

[In 7581] despatch, no. 19, of the 3rd of Feby^{*} I have the honour

Des 17/11/14

~~to inform you that~~ transmitted to you the accompanying copy of a report by Prof. Simpson, on the

subject of ~~the~~ Planning at Nairobi, and to request that you will give very

careful ^{which to be} consideration to the suggestions made.

I desire to

DRAFT.

EAR

Confidential

Mr. Sir H. B. Salford

MINUTE.

- Mr. Harper 3/13/14
- Mr. Bottomley 5/17/14
- Mr. Read 3/1
- Sir G. Fiddes.
- Sir H. Just.
- Sir J. Anderson.
- Lord Emmott.
- Mr. Harcourt.

* No 7581
+ No 10116

W. E. S. Sun

970

endorse Prof. Simpson's
remarks as to the
necessity of enforcing
by law the development
of the town on sanitary
lines and of not
allowing the public
interests to be hampered
by owners who would
desire that their private
interest alone should
be considered

3 I would suggest
that if you are of
opinion that the whole
of the scheme outlined
by ^{him} Prof. Simpson cannot
be dealt with at once,
the question of removing

consider the
Simpson's views
but

the present Indian
Suzerain might stand
over for the present

4. I shall be
glad if
you request that you will
return the maps
with your reply
return the maps
accompanying the
report, or a duplicate
of it.

I have etc

S. 10116/1914 East

434

2 April 1914

DRAFT

Prof W. Simpson
C.M.A., M.D., F.R.C.P.

MINUTE

- Mr. Harper 3/13/1914
- Mr. Bottomley 3/17/1914
- Sir G. Fulke.
- Sir H. Just.
- Sir J. Anderson
- Lord Emmott
- Mr. Harcourt.

I am directed to
 acknowledge the receipt of your
 letter of the 17th March and
 to ^{express} ~~thank~~ you that ~~you~~ thanks ~~you~~
 for ~~your~~ ^{the} very full
 statement on the
 subject of Town Planning
 at Nairobi with which
 you have ~~been~~ ^{been} ~~so~~ ^{so} ~~kind~~ ^{kind}

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Draft 5

Hot Road

The J. A. Watson, Town Clerk of
Kairi, & Secy. of the Sanitary
Commission, called yesterday & said
that he would be glad to come if
required to explain the proposals of
the Commission. I told him that
the J. A. was in further communication
with the Govt, & more further news
might be awaited.

He emphasized the point that
the removal of the Bazaar was
prohibitive & that the Commission's
proposals were intended to draw
business away from the Bazaar gradually.

He is at home for about 6 hrs; primary
address: E. Police School, & Colaba
Road with police.

12/2/14

at home
H. J. R.
12/2/14

Mia