



EAST AFR. PROT
7581

61
7581
REC'D
PAGE 28 FEB 14

W15121

Can
13
1914
Previous Paper.
40313
13
next subsequent Paper.

MAIROSI
TOWN PLANNING

Received by the Secretary of the East African Protectorate, Nairobi, Kenya, on 28th February 1914.

W. G. Baker

Sent copy of the despatch, with
enc. in my letter to Prof. Simpson
for his review - ask for a
very early reply if at once.
W. G. B.

3/27/14

Copies circulated to TANIS Committee 21 April 1914

copy may be shown to the person in charge of the
S. M. C. 2 April 1914

943 62
753

GOVERNMENT HOUSE
NAIROBI, KENYA
BRITISH EAST AFRICA



2nd February 1914.

Sir,

How
18048

In continuation of my telegram of the 27th of May, 1913, I have the honour to inform you that the Commissioners whom I appointed in January, 1913, to enquire into and report upon the sanitary condition of Nairobi have again approached me with a proposal similar to that which I referred to you under my telegram above specified.

2. I gave the Commissioners an audience at their special request on the 28th ultimo, when they laid their proposals fully before me, and I must admit that I was favourably impressed with the way in which they stated their case, the history of which is as follows.

3. The proposal previously submitted to you, was that this Government, in view of an impending sale for Asiatic occupation of part of the plot in Nairobi, belonging to Mr Grogan, known as the Cross Estate and shown on the enclosed map, measuring in all about eighteen acres, should take over the whole plot if

satisfactory

THE RIGHT HONOURABLE

LEWIS HARCOURT, B.C., M.P.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET, LONDON, S.W.

* No 46
Reference No. 799

satisfactory terms of sale or lease could be negotiated with Mr Grogan. The latter at this time was on the point of departure for Europe.

4. Before your instructions on the subject had been received the Commissioners had further communications with Mr Grogan, the result of which was that he restricted his proposals to a lease of the Cross estate to Government at a rent of £3,000 per annum.

5. This proposal was considered by the Commissioners on the 4th of June, 1913, at a meeting at which the Chief Secretary attended, when it was decided that the Commission could not see their way to accept Mr Grogan's proposal and to recommend such heavy expenditure on the facts and figures submitted to them, and within the limited period before Mr Grogan's departure.

6. Immediately thereafter Mr Grogan sold 44 plots on this estate. The average size of the plots was 3,300 square feet, and the average price realised was Rs.3,943 (say £263) per plot.

7. The remainder of the estate is capable of subdivision into 500 small plots of 800 square feet each, so that on the basis of the results of the sale in June, 1913, the selling value of the estate, less acreage reserved for roads and passages, would be as follows:-

Plots sold, 44 @ Rs.3943	=	Rs.1,73,492	=	£ 11,559
500 new plots @ Rs.955.87	=	Rs.4,77,935	=	£ 31,862
				£ 43,421

Rental: plots sold, 44
@ Rs.48 per annum = Rs.2,112

Capitalized at 20 years
purchase = Rs.42,240 or £ 2,916

Carried forward

2516

£ 43,421

	£.	₹.
Brought forward	2816	43,421
500 new plots @ Rs. 12 per annum	Rs. 6000	
Capitalised as above	Rs. 120,000 = 8000	10,836
	Total value	254,257

5% of which is £2,711.

8. These results encouraged the Commissioners to reconsider the whole question, and it was finally ascertained that Mr Grogan would accept the following terms.

A. Government to pay Mr Grogan an annual rental of £2,500.

B. Mr Grogan to hand over to Government

- (1) All that portion of the Cross Estate still available for leasing.
- (2) The ground rents due on the plots already sub-leased from the date at which Government takes over.
- (3) Any premia due to Mr Grogan which are payable after the date at which Government takes over.

C. Mr Grogan to allow no sublettings of his adjoining property which would in any way compete with the Government alienation of Cross Estate plots until the 31st of December, 1918.

9. After careful and exhaustive consideration the Commissioners decided to recommend the proposed transaction, if possible at a rent of £2,000, which it was thought probable that Mr Grogan would accept, as he is known to be anxious to realise part of his extensive holdings of real estate. But, if found necessary, at as

much

much as \$2,500.

10. I should be reluctant to recommend this transaction but for the fact that the Commissioners satisfied me that it constitutes a vital and integral portion of the town planning scheme which they are about to recommend. I enclose with this despatch an extract from their report, now in the press, dealing with the whole matter and I now proceed to recapitulate the arguments which they adduced in support of their advice.

Extract from
Report.

11. After hearing the evidence before them the Commissioners were unable to resist the conclusion that their first duty was to formulate a scheme of town planning giving effect to the principle of segregation of races.

They found that the Residential and Commercial areas for Europeans were already fixed beyond the possibility of substantial alteration: the African area also was a matter which presented little difficulty.

There remained the problem of finding residential and trading areas for Asiatics and it is for the latter purpose that the acquisition of the Cross Estate is proposed.

12. It will be seen from the extract above mentioned that the Commissioner have found themselves obliged to face the possibility of the Bazaar being left on its present site, in view of the heavy expense which expropriation would entail. They admit that if arbitrary considerations

considerations are regarded as paramount, to the extent of over-riding considerations of finance and political expediency, then the entire Asiatic population should be removed across the River, and the Bazaar should be demolished. It is understood that this is what Professor Simpson recommends: but it has to be noted that the expense of expropriating the Bazaar would only be a comparatively small part of the cost of such a scheme, to which the Asiatic population would moreover be bitterly and not unreasonably hostile. (This, the Commissioners state, is shown by the evidence of the Indian witnesses before the Commission, if indeed any proof is required. These were in favour of having an area for shops and dwellings on the other side of the river, but only on condition that the existing Bazaar should not be removed.)

13. The congestion and consequent insanitary condition of the Bazaar is due unquestionably in the first instance to the lack of accommodation elsewhere, and could be at least mitigated to a very considerable extent if new residential and trading areas were opened up.

14. For a residential area the Commissioners have selected the locality which the Asiatic witnesses all preferred - that lying between Ngara and Fort Hall Roads.

15. Their reasons for selecting the Cross Estate for a trading area are as follows.

16. The Bazaar is the centre of the native trade. To the native, generally speaking, Nairobi means

off the native route.

19. The Cross Estate is a particularly good site, well sloped and of good red soil, and is probably superior to any other outside the European area. I am personally acquainted with it and consider it well adapted for the purposes proposed. The surrounding area is practically entirely in Asiatic occupation.

20. But the weightiest argument in favour of this site is that, unless practically confiscatory legislation is to be introduced (for the restriction of the site to European occupation would be almost tantamount to confiscation in the complete absence of any European demand for land in this quarter except with the view of letting it to Asiatics), the site will be developed for the very purpose recommended by the Commissioners but under non-official control. With its natural advantages as detailed above it will prove a successful rival to any other trading area for Asiatics that Government may inaugurate and an insuperable obstacle to any town planning scheme of which it is not an integral part.

21. It is true that it is open to Government to leave it to develop on these lines without attempting to institute any rival scheme, but the Commissioners urged with great force that if this were done the advantages attending upon Government control would be lost. These advantages they detailed as follows:-

- (a) Compulsory building clauses could be inserted in the leases.
- (b) Government would be the party to settle

the size of the plots.

(c) Subletting could be prohibited.

(d) Residence on the plots could be prohibited. (This was a point upon which the medical witnesses before the Commission laid great stress).

(e) The number of plots to be held by any one person could be restricted, thus checking the speculator and preventing non-development.

(f) The area could be absolutely restricted to Asiatic occupation.

(g) Special clauses dealing with sanitation ventilation and rat-proof construction could be inserted in the leases.

(h) If necessary it could be insisted on that the shops should be detached.

22. It is thought that the effect of instituting a new bazaar of lock-up shops on the Cross estate would be that the native trade would be gradually as it were enticed by natural processes eastwards along the line of the native route. The effect on the existing bazaar would be that the larger merchants there would find it their best policy to put up high class business houses in order to attract a better class of customer. If and in so far as they failed to do so, site values in the bazaar would depreciate to such an extent that the problem of dealing with it would be immeasurably simplified.

23. Turning again to the financial aspect of the matter, I have already shown that on the basis of the sale in June the selling value of

the

the land in question would be £54,337. 6s. which sum the maximum rent proposed to be accepted represents 4.61 per cent. The assumption that the balance of the estate is as valuable as the part already sold is well founded, as the whole plot is of good configuration.

24. In order to show what return the plots let out would produce the Commissioners gave me two estimates, one based on leases at a small rent but with a comparatively high stand premium, the other, on leases at a higher rent but with the premium reduced, the plots being taken at 40 feet by 20 feet each, which are the dimensions recommended by the Commission for the class of shopkeepers for whom they desire to provide, and the five per cent table being adopted in reducing capital value to rental:-

Estimate 1. On the basis of Rs.2 per month per plot rental and a stand premium of Rs.1180 per plot a total rental value is produced of Rs.42,002, or £2800.

Estimate 2. On the basis of Rs.3 per month per plot rental and a stand premium of Rs.150 per plot a total rental value is produced of Rs.35,804, or £2367,

as compared with Mr Grogan's offer of £2500.

25. With reference to Estimate 2, a rental of Rs.6 per month per plot and a stand premium of Rs.200 per plot would give nearly exactly the same rental value as Estimate 1.

26. In both these estimates the expenses were estimated as follows:-

Collection 7½ per cent, Auction and
advertisements

advertising 2½ per cent, roads and drains £2000.
 Allowance for deferred payment, period of five years in which to dispose of the plots, bad debts, legal expenses, etc. 10 per cent.

27. The Commissioners maintain that the advantages which would accrue from the scheme proposed cannot be measured in cash and would be more than sufficient to outweigh a substantial financial loss, but that there is a reasonable if not sure prospect of the proposed bargain with Mr Grogan being actually profitable to Government appears to be established by the figures which I have given.

28. The Commissioners represent that their proposal is an integral part of the general scheme which they are putting forward, and the keystone of the whole fabric. They claim for it that taken in conjunction with the African location scheme it is the only scheme yet put forward which even professes to deal effectively with the Bazaar problem otherwise than at a ruinous cost.

29. The Commissioners have convinced me of the strength of their case; and unless Government are prepared to spend vast sums on the Asiatic housing problem I see no other way of effectively dealing with the situation. I therefore recommend that sanction should be given for the Protectorate Government to enter into an Agreement with Mr. Grogan on the terms above set forth, the rent to be a sum not exceeding £2500 payable annually during the currency of the lease, which expires on the 1st of September, 2003.

30. Prompt action should be taken if negotiations are sanctioned, as Mr Grogan is so situated that, unless approached at once, he will be tempted to develop the property independently and so render abortive the whole scheme which the Commissioners have prepared.

31. Although I have as yet received no report from Professor Simpson regarding Nairobi town I understand that his recommendations will include the entire removal of the Indian Bazaar and various other improvements which though excellent in principle are beyond our means to effect. I would suggest that the financial difficulties might be explained to Professor Simpson and that he might be asked to consider as an alternative the adoption of the proposals now put forward.

I have the honour to be,

Sir,

Your humble, obedient servant,

W. G. ...
or *... ..*
GOVERNOR.

IN CLOSURE No 2
Conf. In Dispatch no. 19 of 3-2-1944

73

7581
FEB 14

Encl in No

Extract from Report of
Nairobi Sanitary Commission

B. ASIAN AREA

Since Mr. Bransby Williams proposed the removal of the Bazaar, the question has been the subject of constant discussion and the opinion is universal in the European community that removal is in the highest degree desirable. With this opinion all the expert medical witnesses examined were in accord and the Commission members have no hesitation in agreeing with them. A sound scheme of town planning for Nairobi should follow the main lines laid down by Mr. Bransby Williams and since accepted and acted upon, and it is impossible to regard as satisfactory a scheme which leaves a large block of Asian property in the heart of the European area.

It is always open to grave doubt whether such expropriation in view of the alternative available can be considered a matter of purely local politics.

From such information as they have been able to procure regarding recent developments in town planning in Great Britain, the Commissioners gather that the local expert opinion is unfavourable to the wholesale expropriation of Asian property even by the wealthiest corporations, on the ground of excessive cost, and in view of the facilities existing for forcing an owner to reconstruct his property or reconstruct it at his own expense.

These facilities exist in New South Wales, where the Town Planning Act of 1963 which could be necessary to the full implementation of the scheme, is so soon as it is possible to be made for the establishment of a staff as secretary. But though these Rules may be adequate for the purpose of the removal of the Bazaar and sanitary lines, their enforcement would not effect the removal of the buildings of its existing inhabitants.

In the careful and exhaustive Report of the Special Committee of 1912 the
expenses of the Bazaar under the Land Acquisition Act 1894
is estimated at about £114,000, a figure which may be regarded as prohibitive
under an ordinance containing provisions similar to those of the Working
Classes Act 1890, expropriation could be effected at a cost which the
Commissioners estimate at £76,200.

The Commissioners recognise that this expense might also not unreasonably
be regarded by Government as prohibitive if any other scheme could be devised
by which the overcrowding and insanitary conditions of the Bazaar could be abolished
at a moderate cost.

The opinion of the various witnesses upon this subject may here be summarised.
All the Medical witnesses agreed that removal of the Bazaar was the
real, but none went so far as to state that it was imperative. All agreed in recommending
that the Bazaar should be made a purely commercial area with residence
prohibited. With this view Mr. Abdulla Vismati to whose evidence the Commissioners
attach much weight concurred. The other Asiatic witnesses were not averse
to the prohibition of residence, by all except the actual shopkeepers and their
families.

The Commissioners however are of opinion that the legal and financial
difficulties attendant upon the execution of any such scheme in the Bazaar would
be insuperable and that if the expense of expropriation could be faced the
Bazaar must be dealt with by the strict enforcement of sanitary laws following the
abolishment of other Asiatic areas as provided for hereinafter.

Meantime immediate steps should be taken to prohibit the development as
the Asiatic quarter of the inhabited Bazaar plots lying to the north of the free-lease
gardens. The Commissioners are satisfied that such steps are practicable, as well
as of the highest degree expedient.

Asiatic Area

Apart from the question of the existing Bazaar, the question of the
residential area for Asiatics is a matter of secondary importance in the Bazaar
Location.

In allotting an area for Asiatics, the Commissioners feel it to be of the
most importance that the sentiments of the Asiatics themselves should be considered.
It is therefore with much satisfaction that the Commission find themselves
in entire agreement with the Asiatic witnesses in preferring the area lying between
the Protectorate Subordinate Quarters and Fort Hall Road, on the west side of
Mambu Road. At least 100 acres are available here and can be occupied as soon
as the necessary roads and drains have been made, and the Native Villages have
been dismantled. The land lying to the east of the road should be reserved for
future requirements.

The Commissioners therefore recommend that plots (and roads should be
laid out in this area and a drainage scheme formulated, and that a sufficient

number of plots should thereafter be put up to auction for sale to Asiatics only. Conditions should be inserted in the leases prohibiting alienation to non-Asiatics.

Trading Area.

75

A separate trading area for Asiatics is also considered a prime necessity. The bulk of the Asiatic trade is with natives and is on a comparatively small scale. What the small tradesman requires therefore is a small plot at a low rental, situated not too far from the heart of the township and on the route most frequented by natives.

Unfortunately no Crown land is to be found fulfilling these requirements. An exceedingly suitable area does exist: but it is the property of Mr Grogan. It consists of the unsold balance of the Cross Estate as shown on the map annexed to his Report, in all about 16 acres capable of subdivision into about 500 plots of 800 square feet each. It is situated on well sloped ground. The land is good red soil. It lies on the principal native route leading into Nairobi, the road from Fort Hall.

The Commissioners have reason to believe that Mr Grogan is willing to negotiate with Government for a lease of the Cross Estate. They have carefully considered the question of its value and are of opinion that if it can be secured at a rental of £2000 it could profitably be taken over and leased out on easy terms to Asiatic traders. They therefore recommend that negotiations be entered into with this object and that if the transaction is completed the area be developed on the same lines as recommended above for the new residential area, except that the lessees should be taken bound to erect suitable shops and to maintain them as shops only, and prohibited from using the premises for domestic purposes. In fact the area should be developed on the lines indicated in the evidence of Dr. Burkitt for a bazaar.

The adoption of the above recommendations regarding the Bazaar and the proposed residential and trading areas should be made parts of a more comprehensive scheme providing for the division of the entire township into European, Asiatic and African areas. The division contemplated by the Commissioners is shown on the map annexed to the Report.

1. The African area shown is that recommended above.
2. The Asiatic-residential area is roughly that lying to the north east of the main line of Victoria Street. Its western boundary runs along Swamp Road and its western line of the Golan Subordinates Quarters produced up to the Fort Hall Road.
3. The Asiatic commercial area is as shown on the map.
The present Bazaar area must be treated separately.
4. It is recommended that the rest of the town should be reserved for European occupation. It is not considered desirable, even if it were practicable, to evict all Asiatics from this area forthwith: but Asiatics could gradually be eliminated without hardship by the refusal of consent by Government to transfer to non-European. Similarly transfer to non-Asiatics if the Asiatic area should be prevented.

Gov. 758/1914
E.P.P.

940



March 9/14

Sir,

DRAFT.

W. J. Simpson
Conf. Md, F.R.S.

MINUTE

- Mr. Harper 3/3/14
- Mr. Bottomley 3/2/14
- Sir G. Fiddes.
- Sir H. Just.
- Sir J. Anderson.
- Lord Emmott.
- Mr. Harcourt.

Gov. Secy to the 11-3 Febry
(Harcourt's msg)

I am to transmit to you, for your observations, the accompanying copy of a despatch from the Gov. of the C.P., with its enclosures in original for return, on the subject of Town Planning at

Harcourt will be glad if you can furnish ^{him with} a very early reply on the matter.

I