

MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Wednesday, 18th April, 2018

The House met at 10.12 a.m.

[The Speaker (Hon. (Mrs.) Mwangangi) in the Chair]

PRAYERS

Hon. Speaker: Good morning, Hon. Members. Mr. Clerk, we have quorum? I think we do. Thank you, Deputy Whip.

COMMUNICATION FROM THE CHAIR

KAMUKUNJI TO TAKE PLACE AFTER THE AFTERNOON PLENARY

Hon. Speaker: Hon. Members, under this Order, there is a non-written communication from the Chair. Just to let the Members know there will be a Speaker's *Kamukunji* after the afternoon plenary so that we can discuss matters of great importance of the Assembly in an informal manner where we are able to determine issues that affect us and of course the public. Mr. Clerk, proceed.

STATEMENT

CERTIFICATE OF LEASE FOR PARCEL NO. 33992

Hon. Speaker: Hon. Members, under this Order there is one statement which may not be in your docket but I have approved it; it was brought this morning and I felt that the Member can be heard on it using by discretion. It is by Hon. Kiteng'u.

Hon. Kiteng'u: Thank you, Madam Speaker.

Hon. Speaker: Have you availed copies to the Members, Mr. Clerk? Not yet? Do you have the copies with you here? They do not have copies, it is a brief one. Allow him to present it to the, Hon. Members.

Hon. Kiteng'u: Thank you, Madam Speaker. Hon. Speaker, the Fourth Schedule of the Constitution Part 2 mandates the County to undertake county planning and development including land surveying and mapping. Madam Speaker, pursuant to Standing Order 41(2), I wish to seek statement on the following.

That, the certificate of lease for parcel of land LR/NO. 33992, is registered in the names of one Andrew Mulei Mwangangi and George Mulani Mwangangi for a term of 99 years given by Government of Kenya. The parcel of land is in Athi River, Machakos County.

However, the file for the parcel of land has been unavailable in the land registry at Ardhi House, Nairobi for a long time. I would like to know from the National Lands Commission (NLC), through the County Department of Lands, where the file for the land is for confirmation of the status of the land. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Kiteng'u. Hon. Members, for your record, the Mwangangi's referred there have no relationship whatsoever with the Speaker.

(Laughter)

I do not even know them; it is a similarity of names. So, any ventilation on the statement, Hon. Members? Any Member who wants to make a comment on that request for statement? Hon. Kamitu.

Hon. Kamitu: Madam Speaker, it is in good faith that we should also maybe for information, I am requesting whether the same statement would have been given to the area MP who would present it straight to the National Assembly because these are National issues. It is my opinion that, it would be easier if the area MP would have been....for the purpose of assisting would have been the right person for that. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Kamitu. Hon. Hellen, did you want to say something?

Hon. (Ms.) Ndeti: Apart from the National Government, maybe the best thing is to address it through the area MP so that he can take it up to the Ardhi House. I was thinking alike.

Hon. Speaker: Thank you, Hon. Hellen. Hon. Members, I would direct that.....sorry, Hon. King'ori, you can make a comment on this.

Hon. King'ori: Thank you, Madam Speaker. I think it is still in order for Hon. Member because the land is also a devolved unit partially. So, I think we can handle it at this stage. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. King'ori. Hon. Mutiso.

Hon. P.J. Mutiso: Thank you, Madam Speaker. Madam Speaker, I am for the opinion that, as far as the statement is concerned, we are supposed to be given the report on it as per that request it because even us, as the County Government, we are supposed to know all properties in this County and it is in order there is no problem.

The other parties will chip in as we go on because I think that land is supposed to be in Machakos County and if it is in another area like Nairobi maybe, we are supposed to be told what is happening and on top of that, Madam Speaker, we also need to know all the inventories, all land of this County Government because there is also other information which I will come up with on the same in Machakos Town.

There are some areas whereby our land has been grabbed. So, thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Mutiso. Hon. Mwikali.....I will come to you Hon. Maitha, just a moment. Hon. Mwikali.

Hon. (Ms.) Mwikali: Thank you, Madam Speaker. I think the statement is rightly before this House because as Mheshimiwa King'ori rightly puts it, the land matters are actually devolved and this land is in Machakos County and this is the County Assembly of Machakos. Thank you, Madam Speaker. I really support the statement in the House.

Hon. Speaker: Thank you, Hon. Mwikali. Hon. Alice.

Hon. (Ms.) A. Nzioka: Asante sana, Bi. Spika. Bi. Spika, kwa taaarifa ambayo mheshimiwa Kiteng'u amelele, mpangilio wa wizara ya ardhi inaanza katika Kaunti. Ugatuzi wakati uliletwa, tumekua na ofisi na hiyo shamba ambayo anaulizia iko katika Kaunti yetu. Bi. Spika, imekua wizara ya ardhi katika Kaunti yetu kumekua na malalamiko mengi sana; mara mtu ana shamba limechukuliwa, ukienda kuuliza juu ya taarifa ya shamba yako haupati.

Mheshimiwa Kiteng'u amefuata njia ambayo ni mwafaka, ifwatiliwe kutoka kwa Kaunti yetu iende mpaka wizara ya ardhi katika ofisi ya Nairobi. Kwa hivyo, amelele na taarifa ambayo pia sisi tutaona watu wetu tutawasaidia maana mambo ya ardhi yamelele shida sana katika Kaunti yetu na Kenya mzima kwa jumla. Asante.

Hon. Speaker: Thank you, Hon. Alice. Hon. Maitha.

Hon. Maitha: Thank you, Madam Speaker. I want to conquer with those who are of the opinion that this Assembly has a responsibility according to land matters. It is very important that as Hon. Members of this House, we have a say about the land issues in this County. There are so many people who have grabbed land in our County and if we bring an issue like that one, we say let the National Government give answers, then that one will not be proper.

As Hon. Kiteng'u gives the statement to the Hon. Members concerned, let this House be given an answer to Mheshimwa Kiteng'u's statement. Thank you, Madam Speaker.

(Applause)

Hon. Speaker: Thank you, Hon. Maitha. Hon. Members, the House just wanted to have you ventilate your views on this matter and the Chair directs that the matter be committed.....actually it stands committed to the Committee on Environment and Land, Energy and Natural Resources and that Committee is required to present its report to this House on or before the 5th day of June, 2018. Thank you, Hon. Members. Mr. Clerk, proceed.

BILL

Second reading

MACHAKOS COUNTY FINANCE BILL No.4 OF 2017

(Hon. Masesi on 17.04.2018)

(Resumption of Debate on the Bill tabled on 17.04.2018)

Hon. Speaker: Hon. Members, you remember yesterday I put the question on the Finance Bill and we agreed that we will resume the debate this morning and so it is now time

that we start the debate on this Bill. I ask that the Chair of the Committee opens up the debate. Hon. Cosmus Masesi.

Hon. Masesi: Thank you, Madam Speaker. Madam Speaker, if you allow me, first I would like to jog the memories of the Members and just some key issues which I pointed out on the report and just to remind the Hon. Members that, the proposals of the Machakos County Finance Bill were received by this Assembly on 5th October, 2017 whereby they were published on 19th January, 2018 and the House was on long recess, Madam Speaker.

Madam Speaker, the Bill was committed to the Finance and Revenue Collection Committee on 14th February, 2018 for the purposes of looking at it and come up with the recommendations.

On the side of awareness Hon. Members, this Assembly, Machakos County, published an advertisement in the Standard Newspaper on Wednesday, 28th February, 2018, for the purposes of awareness to the public. Also the Assembly made radio announcements on Athiani FM from 2nd to 9th March, 2018, for the purposes of calling the public to attend the hearings or submissions or presentations of memoranda.

The side of participation, Madam Speaker, the Committee together with all Members of the Machakos County Assembly, proceeded for public participation in all the 40 Wards from 6th to 9th March, 2018 pursuant to Article 196(1)(b) of the Constitution of Kenya and Standing Order 123 of the County Assembly of Machakos Standing Orders, Madam Speaker. Madam Speaker, on the side of the Hon. Members, there are key issues which we made some amendments on deadline of paying license to be extended from March, 2018 to June, 2018 since the approval of the Bill has delayed.

Also we had the issue of when you go to the recommendations, number 2 is very key because we all know that collection of the monies in the bus parks has not been in place. The Committee recommended that all revenues should be collected as per the Act and especially in the Bus Park whereby Hon. Members, it is my belief that if this Bill is passed today, the collection of the bus park monies will resume immediately after the passing of the Bill.

Lastly, but not the least, also the County Government should ensure that services such as road construction, garbage collection and more so construction of toilets and provision of clean water is provided to wananchi in return for the revenue collected.

Madam Speaker, as I sum up the committee is planning soon to come up and share a table with all the Members across the wards so that we can sit and look at all the avenues where the County can earn revenues. Once we share the information with the Hon. Members, I am sure that there will be some increase in terms of the local revenue. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Cosmus Masesi. Hon. Members, now contributions, your submissions, your debate. Hon. Maitha.

Hon. Maitha: Thank you, Madam Speaker. First, I want to congratulate the Chairman of the Finance Bill for a job well done. In fact, if I were in that side of the Assembly, I would have campaigned for him to get the Majority Leadership seat.

(Laughter)

Madam Speaker, I want to say this, looking at page 23 about the building plans---

Hon. Speaker: I can only allow that comment because it comes from an elder. Otherwise, it is out of order.

Hon. Maitha: I withdraw, Madam Speaker. It was not intended to hurt anybody. Madam Speaker, when we come to building plans, I want to say, there are some employees who were sacked by the County Government and they still continue terrorizing our people by getting money through building plans in my ward, Matungulu West Ward and I would wish the administrators, the Sub-County administrators in Matungulu West Ward, to be vigilant to make sure that those boys are not collecting funds from the people.

About the quarrying, I want to inform this House that, in my ward, we have so many quarries and we remit a lot of tax from that area and I would wish some of the taxes which are paid by those people should be returned back to make the roads good which the tractors use when they are carrying those quarries.

Madam Speaker, when we talk about liquor, we say liquor is luxury and I would wish the County Government to make sure that they control the drinking of liquor in our County. In fact, many people are becoming drunkards all over the County of Machakos because it is as if when you get a permit, you are given a permit to sell beer from 12 noon up to mid night. It is imperative that those who are concerned should make sure that times of drinking are observed.

Madam Speaker, when we talk about *miraa*, *miraa* is a substance which hurts people's brains and therefore, I would wish as we have indicated that strict measures should be taken to make sure that the levies which we had proposed are adhered to in order to decrease the usage of *miraa*. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Maitha. Hon. Ndawa.

Hon. Ndawa: Thank you, Madam Speaker. I want first of all to thank the Committee and the Chairperson of this Committee of Finance which has brought a very elaborate Finance Bill. Madam Speaker, I wish to say, this is the best Bill that we have ever had because I have been in business even before devolution. I am saying it is the best because looking at the contents of the Bill, it is co-owned by the two arms of Government.

We can see the part of the executive took part in coming up with this Bill and also the Assembly so; it was a joint venture for the executive and the Assembly. So, whatever is in this Finance Bill is co-owned so I believe no one will be against it.

Madam Speaker, if you see the contents, there are issues concerning some substances which are consumed by our young men and women; I am talking about *miraa* and according to the Finance Bill, it is clear that those who consume *miraa* and those who sell *miraa*, the number will definitely come down because the charges are very high and that is the good move of trying to reduce the usage of this drug.

Madam Speaker, again on the issue of sand harvesting, the fee is also high; those who transport sand are doing a lot of mess on our roads. Almost all the roads have been damaged by these transporters of sand.

(Applause)

Madam Speaker, I want to cite an example of Matuu-Ekalakala Road, which is now impassable. We were forced by circumstances those who are along that road, the road is co-owned by three MCAs; Ekalakala MCA, Ndalani MCA and Matuu MCA. Our neighbor Hon. Kiteng'u also came in to assist us. We were forced by circumstances to mobilize our people and talk about that road.

Madam Speaker, as a result of that meeting, nowadays as from Sunday, these lorries which use that route have now moved to another area because the members of public who were there appointing authority of the MCAs said they do not want those lorries on that road. So---

Hon. Speaker: Hon. Ndawa.

Hon. Ndawa: Yes, Madam Speaker.

Hon. Speaker: You are saying Members of Parliament or---

Hon. Ndawa: Members of public.

Hon. Speaker: Members of public. Thank you.

Hon. Ndawa: Members of public, Madam Speaker. They said they do not want those lorries in their areas because there are three issues which were cited, Madam Speaker. Number one, the roads are being damaged, that is item number one. Item number two, the school-going children are dropping out of school because of this sand harvesting; boys will not go to school and if anything, they opt to go and load those lorries so the drop out is very high.

The other issue, Madam Speaker, which was cited by the Members of the community, and the ones whom I am saying they are the appointing authority, they said that families are breaking up because of these lorries. There are some ladies or some women who have started business of providing food to those people who carry that sand.

So, whenever they go to the river where the sand is being fetched, they introduced another agenda which is not the one which took them there. So, Madam Speaker---

Hon. Speaker: I think that is not right. It is not fair for the female gender. It is not fair. Does it not happen also to men who---

Hon. Ndawa: It came from the electorates, Madam Speaker. It is even the women who were bitter than men. I do not know what men---

Hon. Speaker: Point of information, Hon. Mwikali. Hon. Ndawa, please resume your seat.

Hon. (Ms.) Mwikali: Thank you, Madam Speaker. Is it in order to degrade womenfolk who constitute his mother, his wife and his daughters and the daughters and wives who are very honourable and dignified, by that Hon. Member, because he is just putting it that they go and introduce another agenda? Madam Speaker, I think that is not a dignified statement to be brought to a Hon. House as yours. Thank you.

Hon. Speaker: Hon. Ndawa, let us just be fair to everybody represented in this House.

Hon. Ndawa: Yes. In fact---

Hon. Speaker: As a matter of fact; just resume your seat. When there is a introduction of another agenda, that agenda you are referring to can never be by one person. So, even the person who is being introduced to the agenda is also at fault.

(Applause)

So, let us not look at any of the genders unfavourably.

Hon. Ndawa: Thank you, Madam Speaker. I stand guided.

Hon. Speaker: Right.

Hon. Ndawa: The other issue, Madam Speaker. I was just quoted out of context because that act cannot be done by one party. It is men and women. So, you cannot say it ladies, I was saying the agenda was introduced; it can come from men or the other side.

Hon. Speaker: So, it is general responsibility?

Hon. Ndawa: It is general for men and women.

Hon. Speaker: Thank you.

Hon. Ndawa: The other issue that was introduced, Madam Speaker, is they said in case these people do not get the opposite gender, they turn to the school-going children. So, it came very clearly from the Members of the public that the men who are filling this sand, use both the mothers and also the young girls who are in school.

So, in that act, it is very dangerous because if I can sleep with a woman and I go to the other *nini*, I think the most dangerous animal in this world is the one that eats the mother and also the daughter. That is the most dangerous animal. So, Madam Speaker, that is why these ladies and men were very bitter and we agreed this should stop. Madam Speaker, let me move from there.

The Bill is very okay because of the following issues; number one, this is a Bill which is meant to assist the local *mwananchi* who is doing business in his locality. If you look at the issues of *mama mbogas* and the men who sell *mboga* because *mboga* are not sold by ladies alone, the Bill is very fair and the charges introduced is minimal.

In fact, that burden which was supposed to be carried by these *mboga* traders was transferred to another vote. So, these small-scale traders have benefited a lot and I am very sure as a businessman, these people are going to survive in business, Madam Speaker.

The other issue, Madam Speaker, looking at the Bill, the County will also benefit because after removing these monies from these *mama mbogas*, we also hiked some other sectors like this *miraa* and like this sand harvesting.

Hon. Speaker: Hon. Ndawa.

Hon. Ndawa: Yes, Madam Speaker.

Hon. Speaker: Just for fairness, have we agreed that *mama mboga* also includes *baba mbogas*?

Hon. Ndawa: Yes, that is what I said. That one we are in agreement.

Hon. Speaker: Thank you.

Hon. Ndawa: In fact, my brother does that business. So, the other issue, Madam Speaker, is this issue of arresting those people who smoke in un-designated zones. The Bill has come up clearly that the County Government has a duty and an obligation to ensure that there is a smoking zone because if you say we go and arrest people without showing them where they are supposed to be smoking, it is going to be unfair but this Bill has taken care of that Madam Speaker.

Again, Madam Speaker, on issue of payment, the committee which came up with this Finance Bill has also considered the business people. At the moment, there is confusion because the traders do not know what exactly is supposed to be paid because we do not have the Finance Bill in place.

So, the Committee has recommended that, once the Bill is approved, we give them ample time and if it issue of penalties, we start as from 1st July. So, Madam Speaker, that is being kind to the business people.

The committee has also recommended that the fee that is supposed to be paid can also be paid in installments. Maybe you are supposed to pay Ksh. 50,000 and you don't have the lump sum but you are allowed, according to the Bill, to pay part payment, another time you pay another part payment, then you complete. So, that is being friendly.

In short, Madam Speaker, this is the best Bill I have ever seen as a businessman and I would wish to support this Bill and ask my fellow colleagues to kindly support it so that we can have a Bill in place so that our county can start collecting money to ensure that we can give our people services.

The other issue is Bus Parks; they are supposed to be giving a lot of money but now no money is being collected from those Bus Parks. But according to this Bill, it has said that money should be collected from those Bus Parks. So, once we pass this, by tomorrow if it assented, money will be coming to the county so that the county can be able to deliver to its electorates. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Ndawa. Hon. Members as you continue to debate, maybe you will also consider whether the Bill, as now proposed by the committee has sufficiently catered for sufficient revenue that is going to give services to the people. Thank you. We continue I will come back. Hon. Musyimi.

Hon. Musyimi: Thank you, Madam Speaker. I support the Bill, this is one of the best and as I make my contribution, I will focus on the general recommendations on page 26 where it says, 'revenue officers should make available the Finance Act 2017.' Madam Speaker, this will

be good because not everyone doing business have the knowledge of the Acts or how the regulations of trade are. So by providing the Act, we will be helping our people to understand the laws and the nature of doing business in our area.

The other thing is, as Hon. Moffat had said, there are people who are impersonating and going around collecting money as officers of the county and yet they are not. Madam Speaker, it will be good for officers, when going out there, to be wearing uniform and that will avoid the impersonation which is causing confusion to our people. So, I support the Bill and I say it is one of the best.

Hon. Speaker: Thank you, Hon. Musyimi. Hon. Johana.

Hon. Munyao: Thank you, Madam Speaker. I support the Bill; in fact, the mood of the Bill caters for both our small-scale business people.

Hon. Speaker: Hon. Musyimi, please put off your microphone. Thank you.

Hon. Munyao: To some extent, it motivates the small-scale business people to do business and at the same time it also punishes, in a way, the business activities which are supposed to cause some damage or practices which are not in line with the common practices of our well-being like *miraa* and the like.

I would like to point out that to the committee that during the adjustments in terms of the recommended increases and reductions in the various business activities that on the overall, the report should be able to improve the local revenue collection.

Again, Madam Speaker, pointing at page 22 where we have parks and open spaces, we seem to be limiting ourselves especially on 4.7 part (b) where we have 'between 51 and 100 persons' and I don't know whether we are limiting small parties to 100 persons; there should be provision for ceremonies which may attract more than 100 persons. And again in the next part (c) 'between 201- 500 persons' and again we seem to be limiting ourselves to 500 persons; there should also be provision to cater for more than 500 persons.

There is also another part on page 12, 'motorboat ride at Maruba dam be reduced from 1,000 to 400.' I concur with the report but I would also suggest that because it is also a source of revenue for the County, we demarcate between local tourists and those who come from outside the County; that we maintain 400 for local tourists that is residents of the county and 1000 or more for those who come from outside the County. Thank you, Madam Speaker. I support the Bill.

Hon. Speaker: Thank you, Hon. Johana. Hon. King'ori.

Hon. King'ori: Thank you, Madam Speaker. I want to support this Bill but I would request for a few amendments. Like on page 24 on quarrying, 'the CEC Finance informed the committee quarrying was the largest source of revenue in the County and requested the Committee to retain the charges.'

I want to state that the quarry people don't pay taxes. They just pay a single permit of Ksh. 70,000 which is not fair to the community of Machakos. The cess is paid by truck owners. So the quarry people don't pay taxes and I would like them to be charged per tonne not the

lorry owners who pay cess of Ksh. 600 but the quarry owners never pay taxes. So, I would request an amendment to that statement.

Secondly, I would also request this House---

Hon. Speaker: Hon. King'ori, you are in order to ask for an amendment, just resume your seat. You are in order to ask for an amendment, where you feel it is necessary so that it can be done. Are you able to give details of the amendment you want because the House will need to make a decision on your request for amendment on the issue of quarrying?

Hon. King'ori: Yes, Madam Speaker.

Hon. Speaker: Just give the particulars.

Hon. King'ori: I would like the quarry owners to pay maybe Ksh. 200 per tonne because they don't pay anything apart from taking the money back to their mother countries.

(Laughter)

Hon. Speaker: Hon. Members, are you hearing what Hon. King'ori is saying? He said maybe; why don't you be definite and say exactly what you want.

Hon. King'ori: Yes, they should pay the county Government of Machakos Ksh. 200 per tonne because they usually sell their product using tonnage, so they should also pay us using the same tonnage, we should tax per tonne of the product they produce.

Hon. Speaker: Hon. Members, on that particular request for amendment.....Hon. Museku.

Hon. Museku: Maybe to add on to what the Hon. Member is saying and a suggestion, my suggestion would be, there is need to do a comprehensive review of all quarrying and even sand harvesting activities to review whether the fees and royalties which are being charged are catering for all the requirements in that area.

What the Hon. Member is saying is that, we have people who are just paying a license for a quarry and he is the owner of the quarry and he is selling this product to people who are coming with trucks. The people who are coming with trucks are paying road cess but the person who is doing the quarrying, apart from the normal company tax which he is going to pay in his books, there is nothing else which he is being charged.

So, what we are saying is that we are trying to avoid a situation whereby at the end of the day we will be left with gullies and empty holes after these people have mined everything from there and we have benefited nothing from it.

(Applause)

So, we need to have a comprehensive review and say what kind of charges, how much money are we making from this area, what royalties are we being paid, what kind of fees are we

charging; are we catering for all captions, how much is being ploughed back to the local community where the quarries are.

So, as I support him, as a stock gap measure, he is suggesting for example we put Ksh. 200 for now which I would support but with a rider that there is need to do a comprehensive review on all quarrying activities so that we come up with one unique policy which will be able to cater for the interests of our people. Thank you.

Hon. Speaker: Hon. Members, I think it is proper that the House as proposed by Hon. Museku, prompted by Hon. King'ori, that you think seriously about the issue of quarrying. I was going to make a comment after you have decided on the Bill because I am not supposed to influence your thinking. So, let us carry on from where Hon. King'ori had reached and he proposed an amendment which is seconded by Hon. Museku. Proceed, Hon. King'ori.

Hon. King'ori: Thank you, Madam Speaker. I also want to go to page 26 on recommendations; I would like the Bill to recommend that the community where the quarries are must be given back 20 per cent of the revenue that come from that area to develop that area so that we can reduce misuse of their roads with no returns. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. King'ori. Hon. Majority Leader Mark Muendo.

(Applause)

Hon. Muendo: Thank you, Madam Speaker, thank you Members. I think I am honored to have that new...and I will serve---

Hon. Speaker: Point of order from, Hon. Margaret Mwikali.

Hon. (Ms.) Mwikali: Thank you, Madam Speaker. Is it in order for our Majority Leader not to occupy his important and honourable seat in this House, Madam Speaker?

Hon. Speaker: In that case, I will rule the Majority Leader out of order and direct that he takes his appropriate seat in the House.

(Hon. Muendo occupied the seat reserved for Majority Leader)

(Applause)

So, Hon. Majority Leader, proceed from there.

Hon. Muendo: Thank you, Madam Speaker. Let me contribute to this Bill, which to me I have seen is not a bad Bill for the common *Mwananchi*. For example, when we talk about the mama who is selling *mboga*, paying Ksh. 350 from Ksh. 700, I think that is an achievement. I would also like to say the issue of quarries; this is where the County's bread is buttered. I would suggest that on quarries in this Bill, they are not talking much about the method of collecting that revenue and I would suggest in the quarries and all the other areas they are collecting a lot of

revenue, the finance office should come up with a method of collecting the revenue in a way there is transparency.

For example, today we are collecting Ksh. 300 from those quarries but we know we collect more from them and it is only the method of collecting which is wrong; I would suggest the Executive and the County government to operate with banks the way the other counties are doing. If you are paying your cess, you pay it to the bank and you go with the receipt and the clerk on the ground will acknowledge that she has received the money. That is the only way to save because I talk with facts on the quarries, that is why King'ori is concerned---

Hon. Speaker: Hon. King'ori not just King'ori.

Hon. Muendo: Sorry, I stand corrected. Hon. King'ori is concerned, whereby, the collection is not done well; the owner of the quarry is not paying anything, so I think that amendment, if it is going to be considered because we have more than 3000 quarries in Mavoko sub-county and other areas like Katangi. It is only that I have seen the Bill is not bad on the way of collecting, the revenue which is the problem in our County.

Let us enhance, put measures and partner with banks, not Mpesa or till numbers. Today, we know there are till numbers which we don't know whether they are collecting for the County or for some people. So, Madam Speaker, I support the Bill.

Hon. Speaker: Thank you, Hon. Majority. Hon. Angela.

Hon. (Ms.) Munyasya: Thank you, Madam Speaker. Mine is an addition; I would like to recommend because I have noticed that we don't have any licensing fee for *boda boda* riders. Apart from *boda boda* riders being able to give us some revenue, they pose a lot danger because most of them ride those bikes without licenses, many are not trained resulting to many accidents they cause---

Hon. Speaker: Hon. Angela, I think we need to agree. Are we talking of the riders or the operators? This is a matter of English. If I am being carried on the *boda boda*, am I a rider or an operator? The operator is the driver, so I am a passenger which means I am a rider.

(Loud consultations)

The one who is driving is the rider?

(Loud consultations)

I think we will be safer if we talk of *bodaboda* operators versus the passengers because both of them are riders only that in different capacities.

Hon. (Ms.) Munyasya: Thank you. These operators should also pay some licenses and be trained in such a way that they get licenses just like the riders because many of them ride without these licenses thus posing a lot of danger to the passengers who ride on them. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Angela. Hon. Kieti.

Hon. Kieti: Thank you, Madam Speaker. I wish to start by intervening what Hon. Angela has said; the issue of licensing at the moment is being done by a state organ, National Transport and Safety Authority (NTSA) so I believe most of the motorbike operators have licenses, what needs to be put in place are mechanisms to ensure that they abide to the traffic rules instead making them to start now paying extra money to the counties because I know when we touch on them we will have a very important nerve within the County and things will be rough.

Otherwise, we all need these taxes because to develop a county we need tax and we look at ways and means on where this tax is hiding or not being paid well and more so in areas where Hon. . King'ori and other Members of Mavoko and other areas were extraction of raw materials is being done. Those are the only areas where we have a lot of natural resources which we can bench on to improve the tax collection within our county.

Madam Speaker, I wish to request if it is possible for the County to come up with measures of coming up with cashless payments because with cashless payments, it will guarantee almost 90 per cent of accountability because when we have these people paying cash, you find most of the money will be given as tips and no money will get to the County at long last.

So, I wish to recommend that the County comes up with means just like Majority Leader has said of having cashless payments to guarantee total accountability if possible.

It is also my observation that because a lot of money is being collected in areas where we have these extractions, the investors be exposed to corporate social responsibility where a certain percentage of what is being collected from those areas, a certain percentage is ploughed back to the community so that it can improve the roads and the schools that are within the localities.

You visit some areas where these businesses are being done and you find they have a lot of negative effects on the society yet when the tax is collected from that society, nothing goes back to improve the livelihoods of the society. I would wish we make a recommendation that a certain percentage of the collected revenue from a given location is ploughed back to that community so that it can improve the livelihoods of the given community.

Madam Speaker, I also wish to request that within our Bill, the county comes up with a policy of fining people who are selling beer or any substance that has negative effects to our children because our children perform a very important part of our future lives and most of our children are being affected by the substances that are on sale within our markets like beer, the *muguka* that we have been talking about, *miraa* and anything else that has negative effects on them

Even the sand harvesting, the county comes up with a policy. If you are found endangering or involving a minor in these social life, then a fine is put in place so that we protect our children were possible and at the same time the county ends up benefitting because we are going to get a lot because, most of the people who are targeted by *muguka*, *miraa* and beer are our children who are below the ages of 28. So, having that policy, I think it is also a source of revenue for our County.

The other thing is that we have a recommendation where we are going to have electronic personal data because I have heard Hon. Maitha and Hon. Musyimi talk about people who are impersonating; we have the personal data of our employees be captured electronically so that when a given officer presents himself to someone, then that person can just touch on the mobile phone and able to get the personal data of that officer; as a way of identification so that we avoid the issue of impersonating because anyone can wear uniform and then I go round collecting.

When the data is collected and a person comes and wants to collect tax from me, I need to ask that person to give me his personal number, I put in my mobile phone, send and then I get the data of that person and then we will be able to continue. Otherwise, thank you, Madam Speaker for giving me the chance to contribute; the report is good. Thank you.

Hon. Speaker: Thank you, Hon. Kieti. Hon. Mueni.

Hon. (Ms.) Mueni: Thank you, Madam Speaker. I support the Bill and to congratulate the Majority Leader. Mine is to say that the money which is to be collected, not to be collected in cash. The committee can change that so that if you are collecting the money and you have not been paid for four months or five, you cannot bank all the money because you have no food in your house or you have not paid your rent and even you are a casual employee.

So, the important thing is to be paying to the bank or Mpesa and give the person who is collecting the money the receipt; that is very important. Also the people who are doing business, they are all cared for, that is what the committee has done and even the people who are going round collecting the money and are not having uniform, it is very important to know that some are thieves and even they have the askaris and they can help them to get the money from the bars.

It is very important to check the way the people are collecting our money because our people are paying the money and it is not being useful to our County.

The people are in the hospital, Madam Speaker, are paying Ksh. 800 every day and even they are not getting food. It is very important that the money to be coming back to those people. They get their food; they get their medicine which is very important. I have been in the hospital and the people there are suffering. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Mueni. Hon. Kisini?

Hon. Kisini: Thank you, Madam Speaker. I want to commend the team which has done this commendable job and say that they have done the best they could. I just want to talk generally and to say that first, I want to share with you, Hon. Speaker, the point you tried to rise that have we reduced this amount so that we will not meet our targets of development.

To me, I think even if we have done so because I want first to thank them because they have highlighted most of the parts which have been affected in this small booklet. Many of the things have reduced and they have seen to it that they have gone to what the public said and I think to answer your question, it is better something affordable than something which is not affordable.

The proposals which were there before were too high that they could not be affordable and maybe even if we wanted to raise a lot of money, we could not have raised it because people could not afford. So, I want to share with you that people or residents will afford to pay and maybe it is better to collect than rather not to collect.

Number two, I want to talk about the quarrying which we have talked about and see to it that as we come up with the good policy which was suggested by Hon. King'ori, I also would like to suggest that---

Hon. Speaker: Point of order from Hon. Cosmos; Hon. Kisini, resume your seat briefly.

Hon. Masesi: I just want to inform the House that that issue of quarrying is taken care of in the main document of the Bill on page 155; the main document.

Hon. Speaker: For Ksh. 100.

Hon. Masesi: Yes, whereby it is said there is application for quarrying permit Ksh. 5,000, secondly quarry extraction per meter cube is Ksh. 100. Again on the same page, we have excavation of black cotton soil per acre Ksh. 100, 000, penalty for excavating without approval Ksh. 30,000 and again we have quarrying permit per acre Ksh. 100,000. Maybe it is the revenue clerks who are not doing their right job, Madam Speaker.

Hon. Speaker: Alright. Thank you for the point of information, Hon. Cosmus. Hon. Kisini, please proceed.

Hon. Kisini: Thank you, Hon. Masesi for that correction but the point I wanted to make on that quarrying is to see to it that we also control these lorries and a penalty is imposed. These lorries pass any how when going to fetch the raw materials. They pass at peoples land, they destroy it and it is good they are guided to follow the correct ways. If a lorry is found trespassing on somebody's land, a penalty is imposed.

If you happen to go to Katani, if you happen to go to Mlolongo-Syokimau, you will see that they go anyhow. I also want to talk on the building plans and say that it is good for the recommendations but it is also good to know which people will take their building plans for approval because if we leave it that way, I have seen it the other times, they even go to rural areas.

You will see the collectors even coming to the rural people building their own houses at home. So, I do not know up to what extent we are allowed to collect; is it in towns or is it in every place so that we can demarcate on where to collect and where not to collect.

I also want to talk of sub divisions; I want to stand guided to know how much are we charging for sub-divisions. Have we taken care of them because it is also good another line of income whereby people subdivide land?

We want to know how much we charge for the subdivided land and then finally it is also good we extend our services, we also have one-stop shops to the other areas because I seem to think that it is only at Mavoko. The one-stop shop whereby there are good controls of collecting at Mavoko. Thank you, Madam Speaker.

Hon. Speaker: Hon. Members, I just want to give some bit of guidance on the issue approval of plans. I think when you went for the training you were told about the CIDP, isn't it? One of its components is spatial planning.

Spatial planning, you were told, is about the land use whereby you demarcate for industries, for towns and so on.

So, in that process because it is going to come for the next CIDP, I think you will be better prepared so that you can also question about the issue of zoning of towns because the approval of building plans is important for planning. You notice that especially in the urban areas, you will need sewerage, you will need roads, so if there is no building approval then you have a problem.

You are talking of rural areas, you want to know how far does the boundary of the urban area go into the rural area because like here where we are in Machakos, you will be surprised Mheshimiwa Johana even people of Kamuthanga which is rural, are under requirement to do planning. Isn't it? Yes.

Just understand it also during the issue of CIDP so that you also assist the County Government in also giving services because if there is no planning and building approvals is about planning, if there is no planning, then services like sewerage, water, is hard to provide. Thank you, we can go on. It is just a point of information. Hon. Kituku.

Hon. Kituku: Thank you, Madam Speaker. I would like to make some input on this Finance Bill actually because it has looked into so many areas that a number of people have been feeling that they are not well taken care of especially the small business people. Still there have been some challenges when it comes to collection of taxes and this is simply because some population feels like they are not getting services like for the case of sometimes the *boda boda* people sometimes complain that they do not have any *boda boda* shed in their areas.

They do not benefit from the County Government and they are paying taxes so still I would also urge the County Government from the areas we are getting taxes from, let the people get services. In the markets where people do not have lavatories, let there be one, where those places are actually not having people to clean the markets, let there be cleaners so that also when you are getting taxes from the people we are also delivering services to them.

For example, we are also getting a lot of taxes from sand harvesting although we are discouraging it but still we are getting a lot of money from such and in majority of roads where these lorries pass through, from the quarries and the likes, these roads are not maintained. For instance, from the quarries that is where we have the quarry chippings and the likes and it has been in many of those places it has been so difficult for the County Government to act on. Not to actually fill those pot holes and the likes.

I come from such a place where we have quarries also Hon. King'ori and when you go to those areas, they are pathetic and sometimes it also becomes difficult for the officers assigned to perform such duties of collecting taxes to do that.

Another thing is the issue of implementation; that is a big challenge because actually from the document we have been supplied with, Hon. Cosmos is also showing us there is a place where these people who own quarries are supposed to pay but actually they do not pay. I have also got that information today although I have been having the document but I have never seen that but I have been thinking there is nowhere that is indicated that they should pay but actually implementation is a big challenge and we want to get a lot of levies and taxes from the areas we should get these taxes.

So, as a Hon. House, we also need to act so that the areas that we are supposed to get taxes from that these areas be looked into keenly and very seriously. So, let us also offer services to the County population so that also when we are asking them to pay, they also pay with goodwill. I want to rest at that place. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Kituku. Hon. Museku.

Hon. Museku: Thank you, Madam Speaker. Mine is just a few comments I wanted to make. First of all, to echo on what Hon. Johana said on page 22, I think we need to have an amendment and include for the first charges for ceremonies above 100, a fee of Ksh. 15,000 that

is for ceremonies and for charges for corporate events, to include above 500, a meeting which has got more than 500 people Ksh. 80,000 so that we cover the upper limit as well.

Moving on to page 25 on the *miraa/ muguka/ khat* item (d); *miraa* sellers permit per month to be Ksh. 2,000. If the monthly a person is paying Ksh. 2,000 then per year that person will pay Ksh. 24,000. So, we are putting Ksh. 50,000 per year that to me should be erroneous. If somebody is paying for the whole year, then what we are saying---

Hon. Speaker: Hon. Museku, point of information. Hon. Cosmus.

Hon. Masesi: Yes, Madam Speaker. I remember yesterday, Hon. Members, I noted and pointed out that there was a typo error whereby on the monthly should be Ksh. 20,000 and we do away with the 'per annual' thing; so we are working on the daily or monthly basis. So, the Hon. Member is very much in order although I noted yesterday that there was a typo error the monthly payment for the permit is Ksh. 20,000 and we are doing away with the per annual permit.

Hon. Speaker: Hon. Museku, then you proceed on another point.

Hon. Museku: Thank you, noted. On the other issue I wanted to talk about is on the issue of what also Madam Speaker, was alluding to. I think the biggest problem which we are having when I look at all these issues is what the Majority Leader emphasized on and this is the issue of revenue collection. I do not think that this county is collecting all revenues especially from the areas where it is supposed to be collecting. Reduction of rates will be counter-compensated by efficiency in collection.

If we reduce our rates and we ensure we have efficient collection mechanisms, then the amount of revenue collected is not going to decrease. But I also as the other Hon. Members said collection of revenue and provision of services go hand in hand. If somebody is paying a fee or a tax and they are getting a service for what they are paying the tax for, then it acts as a motivator for them to continue paying that tax. But the minute you pay trade licenses and you pay all these other fees and you have got garbage heaping in front of your shop and the streets are dirty, then the next time you are going to pay for such fees you will not be motivated to pay.

So, let revenue collection go hand in hand with service delivery to the people. I have talked about the issue of collection especially at the quarries; one of the ways or my suggestion will be, I do not understand why we do not collect at source; most of the taxes which are properly collected are collected at the source.

So, even the cess, even all these things which we end up putting people on the road to collect and stuff like that, the quarry owner, to me, should be emphasized on to collect all revenue which is supposed to be collected for the government and remittance is done from one point. That way we will be able to better account and limit on the number of collection points which we are having.

The government, for example, imposes excess duty, it imposes import duty, it imposes VAT on certain products, like petroleum products; they collect from the petroleum marketing companies. You have not seen a government official at a petrol station collecting tax; no but that tax is collected at source. So, we will need to look at a way of ensuring that we are collecting our revenues at source to improve on the collection of that revenue.

I also like to thank the Hon. Chairman and his team for a very well comprehensive document which they made which seems to be inclusive of everything. The only thing which

again I would like add is on the wines and spirits; on the spirits side of it, somebody talked about it liquor and I am going to bring a motion before this House on the same. There is no need of imposing *Mututho* law on bars and you do not impose the same on wines and spirits.

So, what is happening is that you cannot go into a bar and drink between morning and 5 o'clock but you can go to a wines and spirits and buy those cheap liquor from the wines and spirits and that is where our young men are spending all their time.

(Applause)

So, it is actually important for this House and I am going to bring a motion before the House for our county to equate *Mututho* law to both bars and wines and spirits so that we can be able to curb that menace of our young people being made to drink stuff we do not want then to do.

Finally, on page 11 there is this issue of timber per canter; I believe this is transportation of timber to be reduced from Ksh. 1,000 to Ksh. 500. We are trying to avoid environmental degradation; why are we reducing on the cost of transporting timber in our area? Why don't we leave it if it has been Ksh. 1,000, why don't we leave it at that same Ksh. 1,000?

Reducing on cess for transportation of timber, are we encouraging timber transportation? What is the aim? What is the ultimate aim of....what are we trying to achieve by reducing from Ksh. 1,000 to Ksh. 500? To me the best would have been either let it be as it is or increase it so that we can be able to discourage that vice. I think it is something that needs to be---

(Applause)

So, my proposal would be we leave it as it was at Ksh. 1,000 that was there before and stop reducing it to Ksh. 500 because it will be sending a negative message to the people. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Members and Hon. Museku in particular because of your submissions. I am being notified, Hon. Members that the proposal that Hon. Museku was proposing, coming from the submissions of Hon. Johanna on that page where there is 200 people and above 500 for renting, let us go to that page. The page is? Hon. Johanna you were there before page 22. So, on page 22, the provisions or the concerns you are raising on 4.7 b(iii) and 4.7(c)(iv) has been addressed under page 147 of the Bill.

It is a voluminous document, we understand, so that being noted you appreciate that the concern you have raise is catered for so we can carry on now with Hon. Mutinda?

Hon. Mutinda: Thank you, Madam Speaker. I would wish to thank the committee on finance on this good job done and say that it is a good Bill. This Bill is going to encourage our people to get more in business and they are likely to benefit because we have lowered the taxes and by doing that I think even more people will come and do business in our county.

So, it is a good Bill and I support it and I think, Madam Speaker, the issue of sand lorries, sand permit has been increased and the aim is to discourage business people on doing business while degrading the environment. So, I think it is important that as we go on, our environment must be taken care of and if we go that way it will be good.

Like in my place, I have a school which performed very poorly because the area near Athi at Wakaela secondary school scored very poorly because school children are going to the lorries to help them in carrying the sand and I think if we try to discourage this sand harvesting or sand scooping I think we will be doing better.

The other thing is on liquor; the issue of liquor is devolved and I think members of public requested that liquor be given under one license and under one roof and also they requested that the permit be one. So, I think this House should consider that and also during the 2010 Constitution, Madam Speaker, if you remember very well, the bars were supposed to be set 300 meters from schools and that has not been effected.

Now that liquor licensing is under the County Governments, this House has a responsibility to ensure that all bars are at a distance of 300 meters from the schools so that they meet the constitutional requirement.

So, that one, this House I request it considers that as we go on because I think we are ably represented in the liquor boards and the liquor is under the County Government for the time being.

The other thing is on building plans; the building plans should have boundaries in the towns. Our towns should have boundaries so that those who are asking for charges for the building plans do not go to people's homes. We should have a mark where our towns get to. If it is Wamunyu town, where does it get to?

So that even when we are getting the population of our towns, we can see this town has this population so that it will also help us in the municipalities and urban areas where we can identify this town qualifies to be a town area or a municipal area. So, that one Madam Speaker, I think should be checked.

The other thing is on the extension of penalties; the penalty is normally charged at 25 per cent of the permit by 1st of April and the proposal here is that we have the first penalty of 25 percent from 1st of July. Ideally the interval between the 25 percent penalty and 50 percent penalty is three months so on the same, I also request this House approves that the other penalty for 50 percent goes to 1st of October so that we do not have a confusion after passing this Bill that there are charges of 50 per cent at the same time when we have penalties of 25 percent. Madam Speaker, there is the issue---

Hon. Speaker: Point of information from Hon. Musyimi?

Hon. Musyimi: Yes, Madam Speaker. I need to be guided because as Hon. Mutinda had said there is a law which says bars should be made over 300 meters from a school but if we make ourselves, in reality, there are some towns which are even the whole of the town the distance from---

Hon. Speaker: Hon. Musyimi, I think we can raise that when we are reviewing the liquor Act; I understand there is a Liquor Act for this county. You may need to look at it *vis-a-vis* that you are calling *Mututho* law and also *vis-a-vis* your experience to date now particularly in the use of alcohol but this is not the forum for that so we go back to the Bill.

Hon. Musyimi: Thank you for guidance.

Hon. Speaker: Alright, Hon. Mutinda.

Hon. Mutinda: Thank you, Madam Speaker, for that protection.

Hon. Speaker: No you were not being attacked; why would I have to protect you.

(Laughter)

Hon. Mutinda: I was interfered with, Madam Speaker.

Hon. Speaker: It is also in good faith.

Hon. Mutinda: Thank you. The other thing is on, in practice you find that in the areas where people do business, our business people have their properties confiscated when they do not pay for the permits. So, because in this Bill, I do not see such an issue where confiscation of peoples properties is done. I think it is good that the revenue collectors do not confiscate goods or properties for business men and rather the best thing is to go for taxes and if people do not pay the right channel or the right procedure be followed.

The other thing is that I request that the revenue collectors be sensitized on this Bill once passed and I think the whole County will be moving in the right direction once they interpret the Bill as standard as it is. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Mutinda. Hon. Kamulu Geoffrey

Hon. Kamulu: Thank you, Madam Speaker. I would like to thank the committee because of the initial involvement of members when we were carrying out public participation. Madam Speaker, all the feelings of the members where we come from we are aware of the same. So, I want to congratulate them because they considered all what the members wanted to be included in this Bill.

Madam Speaker, my concern is on the penalty or fines on the traders who are starting businesses. In fact, Madam Speaker, it would be unfair to charge somebody who is starting a new business after going beyond the deadline. As I recommend the committee for extension of deadline from March, 2018 to June, 2018; this one will give time for the traders to have adequate time to pay these monies in installments, Madam Speaker.

I have a serious concern on the penalty on smoking vehicles; you see a smoking vehicle, it does not matter whether it is new or old, so if I am traveling maybe from home, from Mumbuni to Machakos and my vehicle has a problem and it starts smoking within a short time and I am caught, will it be in order for me to be charged Ksh. 30,000 for a very simple problem--

Hon. Speaker: I am seeing the chairperson for the health committee is burning to say something Hon. Grace.

Hon. (Ms.) Mutwiwa: Good morning, House. I would like to inform the member who has just sat that when the car smokes it needs service. Thank you, Madam Speaker.

Hon. Speaker: Hon. Kamulu, please proceed.

Hon. Kamulu: Thank you, Madam Speaker. In fact, that is exactly what I was about to say; the car needs service from the town going to Grogan and between the place where I am taking the vehicle for service, I am caught. It is just a very short duration, is it in order to pay Ksh. 30,000?

Hon. Speaker: Hon. Kamulu and just for the interest of the Assembly, Hon. Kamulu just resume your seat briefly. I think we will also need to think seriously about our environment, and Hon. Members are having occasion even to travel outside the country, and a country nearby just like Rwanda which is behind economically than Kenya and tell us how many vehicles are smoking like they do here on our roads and what are we putting ourselves into health-wise? Let us think about it, it is about us.

Hon. Kamulu: Thank you, Madam Speaker. It is my feeling that the penalty of a smoking vehicle should not be Ksh. 30,000; it should be reduced a bit because when we are breaking the laws madam speaker,

Hon. Museku: Point of information, Madam Speaker.

Hon. Speaker: I informed the member appropriately; let him continue and finish.

Hon. Kamulu: Thank you, Madam Speaker, let me go ahead. I am on the weights and measures; the committee gave us a waiver of 50 per cent that was the recommendation with a view of maybe exploitation by the inspectors but they could have given us the original charges so that we can know exactly after we reduce such an amount at 50 per cent we come to what.

There is this issue of black soils, in Upper Kaewa/Iveti, there is mining which has started there of red soil and white soil; in fact, Madam Speaker, I think this bill should also include the same as they consider the black soil in Mavoko, they should also consider the red soils and the white soils which are being exploited in Upper Kaewa/Iveti.

Hon. Speaker: Hon. Kamulu, what are you calling it?

Hon. Kamulu: I am calling it Red soils and white soils.

Hon. Speaker: And white soils?

Hon. Kamulu: The white one.

Hon. Speaker: Okay.

Hon. Kamulu: It is there and that one is being exploited.

Hon. Speaker: It is a mining activity?

Hon. Kamulu: Yes, it is a mining activity; that one should be also be highly taxed because the roads there are in a mess and I think I should also come up with a Bill soon to maybe to direct or to show a cause that such people if they come to exploit the soils, they should also repair the roads.

I want to recommend the committee for involving the CEC finance when they were compiling this Bill. In fact, the recommendations which the CEC was giving were very positive; it is our wish that when they are preparing the final draft they will consider the same.

We also understand that in our areas, the people are being taxed with the original taxation. For example, this one of Mpesa; they are collecting Ksh. 5,000 and I don't know exactly which Act those people are using because the feeling of the people is that it should be reduced as it is given in this Bill. Otherwise, Madam Speaker, I rest my case.

Hon. Speaker: Thank you, Hon. Kamulu. Hon. Daniel Mbevi.

Hon. Mbevi: Thank you, Madam Speaker. First, I would like to thank the committee for the work they have done, it is nice, it is clear, it is straight to the point but I would like to stress on some issues and I would like to support what Hon. King'ori has said, concerning the quarries and the companies which are in Mlolongo and Athi River in general.

Madam Speaker, I think if we can request the committee to make some physical visits to these companies without just assuming for the committee to get to know probably how much does Bamburi company pay to the county because I happened to visit the banks that are in Mlolongo to see how much they pay to the county and I found that Cooperative Bank pays Ksh. 40,000; that is the permit to the county.

If you consider Ksh. 40,000 from a bank and compared to a mere business man like I don't want to say myself, but like there are some business people there I know who pay more than Ksh. 200,000 in a month to the county. Personally, I have a friend who pays Ksh. 300,000, he has a club, every year; that is liquor license, the permit, the Music Copyright and you find that that person pays over Ksh. 300,000 and it is just a simple business.

If you compare that with a bank and you compare the money that it makes the profit, as Hon. King'ori was saying, these people come in our area make millions and take them to their countries. So, what I would request the committee to do is, if possible, visit the big companies and get to know how much they pay.

It will be of very great importance to our county because now that we have done away with the licenses from the local *mama mbogas* and the rest, I think those are the areas where we should compensate that money that our *mama mbogas* have been relieved from paying.

So, I would wish if the committee could get to these companies; if you look at the local revenue that is being talked of in Machakos, like the one we have was ksh. 1.7 billion, actually that is very little money, that money can come from the companies alone which we have in Machakos county alone, only that if this the way the other Hon. Members have said if we have a very well-structured collection of the revenue because I think I come from that area, from Mlolongo and I think this money can be.....the way the collection is done, it cannot have Ksh. 1.7 billion in a year from Mlolongo alone not even involving the quarries.

The other issue also that I would comment to the committees is, if possible make it; make a recommendation on the percentage that should be ploughed back to the relevant areas where these monies come from because as we are seated here as Hon. Members, actually we represent

our people from our wards, and I think we should be all equal as in the pressure from our electorates.

I and Hon. King'ori and Hon. Kisini are receiving a lot of pressure from our electorates because of the way our roads are in, they are in bad state, and it is because of this production that comes from our area. The roads are impassable and I would wish this committee recommends the percentage that should be ploughed back to the production areas because I think that is what will help our people.

Can you imagine in Mlolongo we don't have a hospital, we just have a dispensary; all people were affected in Mlolongo and you know very well environment-wise, our environment is the most affected because of the pollution from the companies and if we had this percentage to know how much should be ploughed back to the wards, it would be very helpful to especially me and Hon. King'ori because that one will ease the pressure from our electorates because the production, the money that comes from our area, actually it is the one that supports the whole county of Machakos.

So, I would request the committee to recommend and come up with a percentage that should be ploughed back to where that production is being done. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Daniel Mbevi. Hon. Kiteng'u.

Hon. Kiteng'u: Thank you, Madam Speaker. Madam Speaker, I would like to applaud the Hon. Members for appreciating the committee of finance; I am a member of committee finance and I would guide the members that this document, the Bill we are presenting through our chairman, we did this collection from the 40 wards and the taste was differing just a little and mine is I will go to the report on page 26, 5.0 on general recommendations on number 2 on bus park.

You remember Madam Speaker, previously the Governor of Machakos Dr. Alfred Mutua waved the fee on Bus Park which actually is not helping Machakos County but it is helping other counties. Madam Speaker, when we are doing business transportation in Matatus, we understand some Matatus are owned by neighbor counties for example in Nairobi, Makueni, Kitui and you understand that once they arrive at our bus park for example in Machakos bus park, they don't pay anything and you realize that when our Matatus end all the way to Makueni and Kitui, they pay.

So, Madam Speaker, as we are going to pass this Bill and I request this Hon. House to pass the Bill, this should effect immediately so that we may be able to earn the respectful revenue.

On number 5, on the same recommendations, we have more than 15 per cent for peri-urban towns where by we don't pay revenue. For example, why we don't have the garbage collection points, we don't have toilets and as our constitution chapter one that the sovereign power belongs to the people, they asked the people as the community of Machakos, they choose not to pay because they are not being taken care of.

So, I urge the government of Machakos, through the executive to make sure that they have these garbage collection points, they construct the toilets, we also need water to our markets so that our business people may effect and start paying the revenue. Madam Speaker, I am going to touch on sand harvesting and as most of the members have done so, but I was the first also to bring that motion here to ban sand harvesting in Kivaa ward.

In my area, sand harvesting used to take place before the motion and it was we were getting more that 200 18-tonne tractors and one day I chose to visit the Kangonde barrier where we have the revenue being collected Machakos county revenue and I was 100 per cent sure that they have fetched, they have scooped more than 200 trucks and when I talked to the guys who are doing the revenue collection, they told me only five trucks have just passed the rest are coming from Mbeere community and I proceeded to Masinga finance office and I realized that they only have only Ksh. 56,000 for that month and per day they are doing over 200 trucks.

If you multiply that by a month you find a millions of money but that doesn't reach respective areas.

(Applause)

Madam Speaker, I urge the county government, in this Bill because I understand the current Bill did not pass through this House. I did the public participation in five wards and they never saw the County Assembly in their ward trying to request or trying to gather information on how they have been doing revenue.

So, Madam Speaker, as we pass this Bill, I would request this Hon. House, as an oversight, let us make sure that the county executive do their duty and we guide and protect our people on this because some of them the revenue is being taken by those workers who don't have even uniform and you don't know whether those solid waste workers from Machakos county are the one doing those collection.

So, we make sure that we have the professionals who can be able to explain, who don't have to harass our people, who don't have to steal or rob from our county. Madam Speaker, the information I have gathered, the information I have just driven to this Hon. House; I have done investigations and is the truth, so through the Chair, Madam Speaker and finance chair as we pass this Bill, I request the decentralized units because they are the one who deploy the revenue collectors, we make sure that we man the collection areas and if we try do this, we have the final and we will have the correct revenue by the end of the day. Thank you, Madam Speaker.

Hon. Speaker: Hon. Cosmos Masesi, the mover can you reply. I have given directions Hon. Kisila.

Hon. Masesi: Yes, thank you, Madam Speaker. Madam Speaker, I would start by appreciating the Hon. Members for their contribution and also appeal to the members that let us takes full responsibility in terms of revenue collection to make sure that this county meets our target in terms of the revenue collection.

Madam Speaker, if you allow me, I will just would like to reply some few comments from Hon. Members, to start with Hon. Mueni where she suggested that we ensure that we have cashless systems in place, I would like members to look at the policy statement which were given by the executive which is very well analyzed; if at all it is fully implemented.

They have given us the measures they intend to take to make sure that there are no leakages in terms of revenue collection. Just the last document on our report, on page 1 on the policy statement towards the Finance Bill, there isn't there some points which the executive has given us, whereby the first point is establishing a resource mobilization unit, developing a framework for public private partnership, enhancing partnership and collaboration with the national government and non-state actors.

The last one is continuous mapping of all available revenue streams in collaboration with office of the Controller of Budget. Then on the last page we have the---

Hon. Speaker: Point of---

Hon. Masesi: It is there on the report---

Hon. Speaker: Hon. Member, just a moment, just wait where you are. Hon. King'ori, the docket was provided to members and I can see they are having it; perhaps yours fell out. Hon. King'ori, were you here in the morning yesterday, were they supplied in the morning, yes to every member actually we had to adjourn the debate for every member to get. But it is alright you have been given a copy now, Hon. King'ori?

(Laughter)

Can you do what? No, it is alright; Hon. King'ori, do you have a copy now?

Hon. King'ori: Yes.

Hon. Speaker: Alright, let us proceed, Hon. Masesi

Hon. Masesi: It is good for the member to be keen when it comes to this keeping of documents. On page 3, Madam Speaker on the same note, we have the county government will institute the following measures to eliminate leakages and non-disclosure of revenue, continuous automation of the revenue collection systems to ensure cashless payment option, enactment and enforcement of all revenue and related laws to the Finance Bill like the Sand Harvesting Act and Liquor Licensing Act, the third one is strengthening revenue management by having officers responsible for each of the major revenue sources in the county, lastly revenue target setting and daily revenue monitoring.

Madam Speaker, if these things are well implemented, I am sure that all these leakages of revenue will be taken care of. Secondly, Madam Speaker we have the issue of Hon. Mbevi, where the committee were not able to recommend on any percentage taking into the consideration of the purposes of equity whereby if you recommend a certain percentage to a certain ward, the marginalized wards, Madam Speaker, will not see it good and they will face it rough.

Madam Speaker, it is my prayer that in future all members to be compensated in the days which are meant for public participation also to motivate the members when it comes to public participation, Madam Speaker.

(Applause)

On the issue of air pollution, Madam Speaker, we all know that some people are very sensitive in terms of air pollution, it irritates eyes and also throat, causes some coughing and breathing difficulties and more so worsens on the situation in persons with problems like chest problems like asthma.

I will urge the member just keep it, just allow the fines to be as they are or maybe we go for adding to make sure that there is no air pollution which is a cause for alarm in terms of environment and health, Madam Speaker.

(Applause)

Madam Speaker, I wish to rest my case and urge the members to pass this Bill which will enable this county to legalize all the avenues we use to collect revenue and all the avenues which we used to collect revenue within our county. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Cosmus Masesi

(Applaud)

(Question put and agreed to)

(The Bill was read a Second Time and committed to a Committee of the whole House today)

Hon. Members, we now have heard the second reading of the Bill as per the resolutions you have just passed and while I am on my feet, I just want to make some comments on what I noted the members are debating concerns. First, let me thank the House for taking up the responsibility of involving the public on the debate on this Bill. I even was impressed to hear that it even was on air on the local stations in addition to personally you members visiting your wards and engaging the public; that is commendable

(Applause)

I think that is the way to go on any matter of public; it is a duty you have started executing well and I ask you to keep it up.

The other aspect Hon. Members, I want to thank you for the able manner that you have executed the debate on this Finance Bill. If you noted for a continuous of over two hours, we have been debating and most of the contributions you can see the members have the matters on the upper hand, they are very well versed to as it was they are talking about and so even for the execution of the law, when you finally pass it, it is going to be easy because you will be able to guide your electorates on the Bill.

The key points that I see the members raising particularly on the Bill; first is efficient revenue collection and this goes along with accountable use of the revenue collected and members remember you have a duty of oversight and if you look at Article 183 the county executive is required to keep on bringing frequent reports to you on the status of the execution of works.

This is one work you have given them to execute and it is where you need to exercise your oversight role. So, even as you are talking about cashless payments, inefficiencies in collecting revenue, it is up to you to ensure that it is done as per you debate now. There is another point that I have noted about services back to the people and this is a concern the people were expressing when we went round; I also happened to go round that they want services for

the taxes they are paying. Again it is for you to ensure that they get the services through your oversight role.

The other one is about benefit to the people from the natural resources in their areas; you talked about sand harvesting, you have talked about quarrying, and now an issue of the exploitation of soils has come up. I am also part of the community and I come from Kinanie area and luckily the Majority Leader is my MCA---

(Applause)

Thank you for electing him but my point is this; in Kinanie, just like in Muthwani and Mlolongo, the problem of quarrying is serious. There are a lot of resources coming from the quarries but the communities in that area are suffering. I haven't heard the members talk of the damage to premises that has happened through the explosions that are coming from the quarries because it is un-regulated.

I just want to share the experience with you that personally my home is crumbling and I have even had to file a case in court and my villagers, the neighbors equally and their homes are crumbling even institutions, schools, what you want to do is to see how we can do regulations of exploitation of the natural resources so that they benefit the people and as Hon. Mheshimiwa Dan was saying, even as we look at equity, let us see how the companies can also plough back into doing the roads which are getting damaged by the trucks that are using these roads and every member here has a concern.

So, let us benefit the locals from the natural resources and by the way that is the constitution; it is not even a favour you are doing them, it is a constitutional requirement. Finally, Hon. Members, at this point we are going to we have on our Order Paper going under order number nine, yes I want to get the feeling of the members from the chair finance; what is your proposal about the next Order.

Hon. Masesi: Yes thank you, Madam Speaker. My proposal is that we adjourn the House up to afternoon where we will have the committee of the whole House and maybe we go through the process, it is not a small one, it is a tedious one and I hope we will be done by the end of the day, Madam Speaker.

Hon. Speaker: Hon. Chair of finance committee, your wish is granted which I believe is also the wish of the Hon. Members; they will need a break.

ADJOURNMENT

Hon. Speaker: So, we are going to adjourn the sitting now to resume at 2.30 p.m. on Order No. 9, Hon. Members.

The House rose at 12.13 p.m.