

**MACHAKOS COUNTY ASSEMBLY****OFFICIAL REPORT****Tuesday, 30<sup>th</sup> September, 2014**

The House met at 3 p.m.

*[The Speaker (Mr. Mung'ata) in the Chair]***PRAYERS****BILLS***Second Reading***MACHAKOS COUNTY FINANCE BILL 2014**

**Hon. Muinde:** Mr. Speaker, Sir, I wish to present the Machakos County Finance bill 2014, to be read today Tuesday, 30<sup>th</sup> September, 2014, for the second reading. I call upon hon. Rachel to second.

**Hon. (Ms.) R. Nduku:** Thank you Mr. Speaker, Sir. I am the vice chairperson, Budget and Appropriation Committee and I do hereby second that the Machakos County Finance bill 2014, be read for a second time. Thank you, Mr. Speaker, Sir.

**Hon. Muinde:** Mr. Speaker, Sir, I now read the committees report. That is the Budget and appropriation Committee on the County Finance Bill 2014.

**PREAMBLE**

Mr. Speaker, Sir, the Machakos County Finance Bill 2014 was committed to the committee on Budget and Appropriation after the first reading in the house as per Standing Order No. 121 which states that: 'a bill, having been read a first time, shall stand committed to the relevant select committee without question put.

Mr. Speaker, Sir, in line with the Public Finance Management Act 2012 section 132, subsection 2- 'every financial year, the county executive member for finance is required to submit to the county assembly, the county finance bill setting out the revenue raising measures for the county government, together with a policy statement expounding on those measures.'

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In addition Mr. Speaker, Sir, the Public Finance Management Act 2012, section 132 (3) also states that – ‘any recommendations made by the relevant committee or adopted by the county assembly on revenue matters, shall ensure that the total amount of revenue raised is consistent with the approved physical frame work and the county allocation of revenue Act and to take into account the principles of equity, certainty and ease of collection.’

Further, Mr. Speaker, Sir, the Public Finance Management Act 2012 section 133 states that – ‘not later than 90 days after passing the Appropriation bill, the county assembly shall consider and approve the Finance Bill with or without amendments.

Mr. Speaker, Sir, before the inception of the County Governments, the Local Authority Integrated Financial Operations Management Systems (LAIFOMS) was the main platform for revenue collection for Local Authorities in the entire country and the system is still applicable in the counties.

Mr. Speaker, the Machakos County Finance Act 2013 had categorized revenue collecting centers into three groups namely- urban, peri-urban and the rural markets to promote equitable society and in particular, sharing the burden of taxation fairly.

Mr. Speaker, Sir, the urban markets include: Athi River, Kangundo, Machakos Town, Makutano ma Chumvi, Matuu, Mlolongo and Tala.

The peri-urban markets include: Ekalakala, Joska, Kaewa, Kakuyuni, Kaseve, Katangi, Kathiani, Kaviani, Kawethei, Kinanie, Kithimani, Kithyoko, Kivaa, Kola, Masii, Masinga, Mbiuni, Mutituni, Muumandu, Mwala, Oldonyo-Sabuk, Wamunyu, Makutano ma Mwala and Kabaa.

The rural market comprises any other trading areas in Machakos, not classified under urban or peri-urban markets.

Mr. Speaker, the Budget and Appropriation Committee is currently constituted, comprises of the following members-:

1. Hon Isaac Muinde- chairperson
2. Hon Nduku-vice chairperson
3. Hon Sammy Nduva-member
4. Hon Wilson Kasimu- member
5. Hon John Sila
6. Hon Renson Muthiani
7. Hon Charles Mutisya
8. Hon Ruth Ndumi
9. Hon Christine Mwendu

Mr. Speaker, since the receipt of the Machakos Finance Bill 2014 from the Executive committee member of finance, the Budget and Appropriation Committee has been extensively involved in various sittings to discuss the bill.

In view of the above, Mr. Speaker, the Budget and Appropriation committee conducted consultative forums in the eight sub counties namely: Mavoko, Kathiani, Kangundo, Matungulu, Yatta, Masinga, Mwala and Machakos from 17<sup>th</sup> to 22<sup>nd</sup> September, 2014 on the proposed Machakos County Finance Bill 2014.

Mr. Speaker, the purpose of the forum was to get the public views in order to move towards a more friendly, business permitting system across the county as per Public Finance Management Act, section 133 and the Constitution of Kenya, Article 196 (1) b

Mr. Speaker, Sir, the executive committee member of finance proposed no major changes to the prevailing fees and rates but proposed new avenues of revenue collection that did not exist before.

#### **Committees views on the bill**

Mr. Speaker, Sir, an efficient revenue collection system is the hub of every public administration system and the cornerstone of sound fiscal management. The county treasury has implemented automated revenue collection machines in the county but there are some challenges which this hon. house should address to enhance revenue collection.

Mr. Speaker, the committee has observed that revenue collection is undertaken by casuals and that there are many unions which engage in revenue management, operating independently and uncoordinated.

Mr. Speaker, to enhance revenue collection in the county, we should not engage casuals in revenue collection. In addition, Mr. Speaker, the committee established that the enforcement officers from the department of decentralized units engage in collecting revenue on housing plans, constructions and penalties that are likely never received or accounted for.

Mr. Speaker, all revenue collectors should be permanent employees for accountability purposes. Further, all units involved in revenue management and collection should be placed under the command of the executive committee member of finance, as stipulated in the Public Finance Management Act , section 157, 158 and 162, which empowers the county executive committee member for finance to designate, in writing, persons responsible for collecting ,receiving and accounting for county revenue.

Mr. Speaker, the county treasury should have its revenue enforcement officers answerable to the executive committee member of finance.

Mr. Speaker, Sir, hon. members are aware that liquor licensing is a devolved function. However, the committee noted that the deputy county commissioners were still collecting fees from liquor sellers thus denying the county government a lot of revenue.

The Committee proposes that the Executive committee member of tourism be directed to facilitate and immediately constitute liquor licensing board in each sub county, to facilitate approval of liquor licensing and all charges and fees be paid to the county Government.

Mr. Speaker, we said the Minister for Tourism, because His Excellency, the Governor has placed that docket under that ministry and it is not for us to reorganize his government but since they are all arms of his own government, we may not mind which minister, as long as the funds are collected by the county government. If not, the Minister Finance should handle the docket.

Mr. Speaker, Sir, all Charges and Fees collected as revenue that are not reflected in the Machakos County Finance bill 2014 like hospital charges, medical fees and any other existing charges previously collected as revenue through the National Government, are herewith incorporated as part of Machakos County Finance Bill 2014.

Mr. Speaker, Sir, the committee observed in the proposed bill that, tuk-tuk clamping fees in urban areas is shown as Ksh. 100 instead of Ksh. 1000.

Tuk-tuk obstruction charges were not inserted in the bill. Impounding of goods and animals charges are too low and the committee proposed a rate of 10 per cent of the market value. So that any trader who tries to evade our tax collectors can be charged 10 percent of the value of the item he or she was trying to avoid paying.

Bodaboda motor cycle permit per month for rural operators should be increased from present charges of Ksh.150 to Ksh. 200.

Mr. Speaker, in the proposal that was sent to us by the Minister, which is a departure from the charges last year, where this house passed blanket charge of Ksh 300 across the county, the CECM finance has indicated that in the urban areas, we charge Ksh 300 but in the fairly urban and rural, she had shown in the fairly urban Ksh 200 and the rural Ksh 150.

But the committee now recommends that we categorize the urban and fairly urban on bodabodas at Ksh 200, because those operating in the rural market centers still access the fairly urban centers. For ease of collection, that means it has gone down by Ksh 100 to Ksh 200.

### **Public views on the Bill**

Mr. Speaker, Sir, the committee placed adverts in the local dailies and on local radio stations on Thursday, 12<sup>th</sup> September, 2014, calling for the public participation and any memorandum from the public on the bill, pursuant to Article 196 of the constitution.

In addition, the committee invited the Chamber of Commerce and other stakeholders for comments in the process of considering the bill. During the public consultative forums, the general perception of the public was that the proposed finance bill was fair despite a few concerns noted.

Mr. Speaker, Sir, bodaboda operators disputed registration fees of Ksh 1250 to operate a motor cycle business within the county. The bodaboda operators demanded parking sheds and that the revenue collectors barricading roads with ropes be stationed at designated official zones from which to issue stickers.

In addition, Mr. Speaker, members of public requested that a database of all bodaboda operators be captured to reduce corruption and theft. Private motor cycle owners, Mr. Speaker, do not enjoy the rights of owning means of transport and are equally being charged fees as if they were in business. Members were in the view that charges for each class of motorcycle be set independently.

Mr. Speaker, motorized hawkers for agricultural produce proposed for a single payment per day to cover all markets to avoid overcharging on unsold stock in every other market on the same day.

Mr. Speaker, the question on sand harvesting must be addressed. Members of public noted with great concern that sand from across the county was said to benefit the growth of other counties on one side and the business destroys our environment in a wider scale.

This includes our roads, rivers and the social values of our youth and families. Mr. Speaker, Sir, it is worth at this point to bring to the attention of this hon. house that Nairobi County is generating more money from our natural resources that includes sand, stones, ballast, charcoal and murram than Machakos county where they are sourced.

To give an example, Mr. Speaker, lorries traversing across the county ferrying sand, charcoal and manure do not pay anything to the county but must pay on entering Nairobi County.

Mr. Speaker, while receiving public views, we noted that lorries that are in this business are paying Kajiado county, for example, for manure and they get a receipt from Kajiado but they pass across Machakos county where they pay nothing meaning we lose and they are using our facilities.

They also pay for sand from Kajiado, very early in the morning. They actually carry at night and very early in the morning, they are already in Nairobi and they use the same receipt to access our rivers in Machakos, the same day and pass through our road blocks purporting to carry the sand from Kajiado.

It is an avenue of corruption and in the process Machakos County is losing a lot. Mr. Speaker, it is also worth noting that we were not able as a county to charge sand as per the 2013 finance bill because we were taken to court by sand transporters from Thika, Ruiru and Githurai meaning we still are compensated for our efforts to load the lorries but we do not charge anything meaningful for the sand as a resource.

Mr. Speaker, livestock brokers were of the view that the proposed fees of Ksh 2500 would put them out of business that was earlier charged at Ksh 1750. They proposed that the whole charges be retained.

Application fee for single business permits, members of the public were concerned that the fees were paid yearly by both the new and the existing traders. They proposed the application fees be payable on a one-off basis.

Mr. Speaker, members were concerned that the new rates for roadside kiosks were high and would restrain members from business. They requested that the proposed charges on application fee for temporary space in the markets be reduced to Ksh 2000, for urban markets, Ksh 700 for peri-urban and Ksh 200 for rural markets.

Mr. Speaker, Sir, traders complained of continued delay in issuance of trading licenses. It was later clarified that the delay was attributed to printing of licenses which is done from Machakos.

Members of the public proposed for subsidized rates for Machakos residents on charges for the Peoples' Park and stadium. They also proposed that the Maruba dam motor boat be charged at Ksh 500 for Machakos residents and Ksh 1000 for non-residents instead of a current uniform rate.

Members of the public faulted the County Government on collecting revenue and failure to offer social amenities like toilets, market sheds, smoking zones and bodaboda parking sheds in the market. Mr. Speaker, Sir, the committee in this public forum added that there was need to diversify the County revenue generating avenues. It was therefore observed that there were areas that the county government needed to explore in order to increase the county revenue base.

Church-owned schools were exempted in the proposed bill. Members of the public proposed that they be incorporated in the finance bill because some churches are doing lucrative businesses in the schools and they also need to pay like any other. That is a view by members of the public, not the budget committee.

Farmers in the business of rearing of pigs should be exposed to paying taxes. Members proposed for a parking bay for lorries and a matatu terminus at Mlolongo for vehicles heading to Nairobi.

Mr. Speaker, members of public requested for the county government to construct public toilets in all peri-urban markets, to raise additional revenue for the County. Mr. Speaker, Sir, members of the public requested the County Government to allocate market days to develop peri-urban markets and increase revenue collection.

### **Recommendations to this House by the Budget and Appropriation Committee**

Mr. Speaker, Sir, the Committee recommends that all casual staff and enforcement staff from the department of Decentralized units be restrained from collecting revenue and that the revenue department deploy responsible staff to all points of revenue collection across the county.

We had a case where enforcement officers under the command of decentralized units where they are ruthless and even beat up people who do not pay them. That was received and we feel that this command must be under the CEC Finance.

Mr. Speaker, Sir, the County governments should construct toilets in all markets where it collects revenue. After the consultative forums with the members of public, the committee learnt that the public were in urgent need of toilets in the markets and dread to pay as much as Ksh 5 for toilet services.

Much as the government would want to give this service for free members of public are saying they wouldn't mind as long as they can have a clean toilet where they can access this facility and pay as little or as much as Ksh 5 to access the facility.

Mr. Speaker, the committee further recommends that posters for religious participation be abolished. These are the evangelists who have their posters to advertise their coming crusades. We recommend to this house, as a budget committee, that we do not charge men of God, who are coming to tell us the word of God but charge those who are in other businesses.

Mr. Speaker, the committee recommends that application fees charged yearly on renewal of single business permits contribute a fair percentage in revenue collection be retained.

Mr. Speaker, the committee recommends that motor cycles for business and private be at variance in charges and be issued with different stickers specifying the use of the motor cycle.

Mr. Speaker, the committee recommends that all avenues available to increase revenue collection including construction of parking base for lorries and bus terminus at Mlolongo and in major urban centers across the county be done. Further, all lorries traversing across the county carrying sand, ballast, charcoal and stones should be charged more than those transacting within the county.

Mr. Speaker, Sir, the committee recommends that the charges proposed for sand harvesting and transportation and on sand yards be implemented since the court case injunctions suspending the 2013 charges has lapsed.

Mr. Speaker, Sir, water is a major problem within the county. The committee recommends that water business permits be reviewed downwards to promote investment in water. Mr. Speaker, the committee recommends that non-motorized transport like bicycles, handcarts, ox and donkey carts should not be charged.

Mr. Speaker, it is unfair for the County Government to charge those bodabodas who are using bicycles, mkokoteni. They are using a lot of human effort and they should not be taxed because they belong to the least level of the society in terms of income and we should empathize size if not sympathize with them.

## **Acknowledgement**

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Mr. Speaker, Sir, the Budget and Appropriation Committee is particularly grateful for the support it received from the members of the public who participated and contributed in the consultative forum held across the County. The committee is further grateful to the office of the Speaker, and that of the Clerk of the County Assembly for the support received during the interrogation period.

Mr. Speaker, Sir, it is therefore my pleasant duty and privilege, on behalf of the Budget and Appropriation Committee to table this report of the Machakos County Financial Bill 2014 and recommend it to this hon. house. Thank you, Mr. Speaker.

**Hon. Speaker:** Thank you very much.

**Hon. Muinde:** I call upon Hon. Rachel to second adoption of this report to the house. Thank you.

**Hon. (Ms.) R. Nduku:** Thank you Mr. Speaker, I am here to second that the Machakos County Budget and Appropriation Committees report on finance bill 2014 be adopted by this hon. house. Thank you, Mr. Speaker, Sir.

**Hon. Speaker:** Thank you. And maybe before I open debate for the report, I call for the mover and urge the mover to look at page 9, the opening paragraph- 'that the committee further recommends that posters for religious participation be abolished.' I don't know, is that the actual position of the committee?

**Hon. Muinde:** Mr. Speaker, some of this works are given to Clerks to type. It is not abolishing the posters, this is a typing error. Actually what we are recommending as a committee of the house is that we don't charge. We abolish the charge on the posters so that we don't appear to charge men of God who are coming to heal our already troubled hearts. So, we don't charge them, not to abolish the posters but to abolish the charges that are proposed in the finance bill.

**Hon. Speaker:** Thank you. Before you sit down, page 8, last paragraph, you say that the public were in urgent need of toilets in the market and are ready to pay as much as Ksh 5 for toilet services? That is the reading of the printed script but you orally said Ksh 5000.

**Hon. Muinde:** Mr. Speaker, my mind is always talking and thinking about money. Perhaps, I was thinking of more money. I apologize and state that it should be Ksh 5 as stated by the members of public.



**Hon. Speaker:** Thank you. The report is before the house for debate. I will ask there be debate.

**Hon. Ndeto:** Thank you Mr. Speaker, Sir for this opportunity to contribute to this bill. First, I thank hon. chair for what he has just expounded about the posters. That is a good gesture for the pastors. In fact, I had already highlighted it. Because I thought you wanted to abolish completely the posters and three weeks ago I met with pastors within and they were complaining and asking me, 'do you charge the witchdoctors because we see their posters all over.' Now, I have something to respond to them.

Two, Page 9, 8, 2 (farmers in the business of rearing of pigs should be exposed to paying taxes), I really support this bill but I would recommend that we adjust or delete the idea of exposing farmers rearing pigs, to paying taxes. This is because, if we go that direction, it also means the farmers rearing chicks, cattle farming should also pay taxes. And you need to note that pig farming is a business that is just starting in Machakos County.

It has not kicked off very well and if we begin by charging this business we will end up discouraging the upcoming farmers, I being one of them and we end up losing. So we need to give it time, so that it can grow, then after we can come to that point.

Page 9, where it talks about water, indeed the finance bill that we passed the other time, when you go through it, the amount charged for hawkers of water is too high and is recommended by that committee. In fact we need to go down, look at it and recommend within the shortest time possible the amount we need to charge for those who are dealing with water. Thank you for this. I support this with some changes.

**Hon. Speaker:** Thank you very much, but I wanted to understand clearly, you said that the pig farmer should not be charged?

**Hon. Ndeto:** Yes, I beg that we delete this.

**Hon. Speaker:** And which other category?

**Hon. Ndeto :** The other one I have recommended is about water, page 9 paragraph six, where it says, ' Mr. Speaker, Sir, water is major problem within the county, the committee recommends that water business permits be reviewed downwards to promote investment in water.

**Hon. Speaker:** I get that. Where is the mover, the Chairman Budget committee? Can we hear about pig farmers, if you charge a pig farmer and you don't charge a goat farmer, I think that maybe discriminatory?

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**Hon. Muinde:** Mr. Speaker, that statement is quoted directly from what the members of the public said. That is not what the committee recommends. The farmers and particularly that was in Kakuyuni, said when you are selling your livestock, once you sell you are charged, but there are people who are selling pigs and they are not charged, and they said they want a level playground.

They said they want them charged. So, I have just put what the members of the public said. It is for this house, Mr. Speaker, because we only make recommendations to the house. If members of this house feel by zero rating taxes on pig business will promote the business, then that be so but if it doesn't make any substantial impact in terms of promoting the industry, then the charges can be constructed. So it is for the house to make a decision, Mr. Speaker. We have no objection to recommend otherwise.

And on water, Mr. Speaker, the charges are Ksh 8000 as passed in the 2013 Act. Everywhere we went, Mr. Speaker, members are saying, this is too high. And once we charge the transporter or the dealer in water that much, the same cost is passed to the consumers, so we are hurting our own people.

So even the charges, this committee did not fix or recommend a lower charge. They only said, 'let us review it downwards.' So, Mr. Speaker, once we revert to a committee of the whole house, I would urge the members to come up with a reasonable amount that we can charge. Water is an essential item in Machakos and we should not be seen to punish those dealing with that business.

**Hon. Speaker:** So hon. Ndeto, you will have a moment at the committee of the whole house to handle that question. You will deal with that situation at the committee of the whole house. So don't be worried you will have an opportunity. We are discussing on whether the report is good or bad then after that, those nitty gritty things will be handled at the committee of the whole house.

**Hon. M. Mutuku:** Thank you Mr. Speaker, let me first applaud the chairman and the vice chair and the entire committee for the good work. However, I have some contributions I like to make in the following areas:

1. Water. It has been said we have a major challenge in urban and peri-urban, because early this year, we requested the minister for finance to intervene in Mavoko where we were charging Ksh 10,000 for those trading with water. And the way they have said, that expense is always transferred to the final consumer. And as you are aware, Mavoko we have so many slum areas, where the water does not reach. So I think it is the high time this hon. house considers lowering the rate.

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2. The traders who are trading with charcoal, especially in the urban and peri-urban, you realize when they transport the charcoal, all the way from rural areas and reach the urban areas or where they sell, every time they are charged. I would wish to recommend, if they can be allowed to pay annual license for where they normally sell their charcoal.
3. The issue about revenue collection and management. We have realized the county is losing money, being misdirected to people's pockets, especially when they are being collected. I would wish to recommend if the county can develop pay bill numbers whereby, if you want to pay something, you just pay the money and it goes direct to the account, like what is happening in many enterprises and you realize by doing so the county can really collect a lot of money and money will not go into people's pockets.

That is what I can say for now, thank you Mr. Speaker, Sir.

**Hon. Kyuli:** Thank you, Mr. Speaker. I first want to congratulate the committee for a job well done and their participation. I attended when we were doing the exercise at our sub county. It was well organized and I wish to congratulate them. There are things, Chairman, you will remember that we were tackling down there:-

One is the renewal of every year. Mr. Speaker, you realize that if you have a business that you began in the year 2012 for example and you paid some money so that you can start the business and when you are coming to renew the license again, you are also asked to pay application fees. There is application fees paid every year as you renew your license.

So, Mr. Speaker, I wish, when we get to that point, we expound further and see whether members we can alleviate this because you have a business every now and then when you want to renew your business permit, you are supposed to pay for application. So that is one point, Mr. Chair, if you remember we tackled.

And the other thing is that, Mr. Speaker, things that we were discussing at the venues, for example when we were mapping, we had left out some big towns. I am happy, Mr. Speaker, they have noted and they are putting this so that some towns within the peri-urban and you note that the previous Act, we had left out some big towns that we can be making a lot of money from the business permits and the rest.

So therefore, Mr. Chairman, I just wish to congratulate them and I support this is a nicely done document and purposeful for that matter. Thank you, Mr. Speaker.

**Hon. Speaker:** While you sit down, look at page 7. Your concern on proposed application fee has been handled in paragraph 3, last sentence, the proposition that application fees be payable on a one-off basis.

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**Hon. Kitheka:** Thank you very much Mr. Speaker, and congratulations to the chair and the entire committee for a well worked document. Mr. Speaker, Sir, I wish to point out on three very serious issues, which I think have partly acted and I wish they can be implemented as early as tomorrow.

First and foremost, it is the issue of the enforcement in the Decentralized units. Mr. Speaker, I wish to point out, this morning I found vehicles lining up in Kitui road, and the askaris who were in those vehicles, were trying to check on what is happening. Even though it is on the wrong point where the vehicles are, they were just getting money and letting the vehicle to move away to go to Kitui.

Let me tell you, Mr. Speaker, as we talk, half of the money which is collected now in the bus park, goes into the pockets of the guys who are in the Decentralized units. In the sense that, you find that those vehicles don't get in to the bus park, they just go around the bus park and they go to Kitui and on the process of going to Kitui, the guys collect the money and they let the vehicles go. So, Mr. Speaker, I wish that can be implemented, even tomorrow. The minister for finance should form his/her enforcement unit which will cater for this and I know we are going to collect a lot of finances.

Mr. Speaker, the other issue goes is liquor licensing. Mr. Speaker, I have noted with a lot of concern that the administration has been carrying on the activity of collecting fees for liquor license. They are going to the bars and because the bar owners are seeing the license fee to be very high, they just get money and they let the guys to operate throughout the year which has made the County to lose a lot of money.

So we are requesting the same chairman, with a lot of zeal, to go and facilitate the implementation of the same issue to the CECM of tourism so that at least by the end of this month we can realize funds. Because, I know very well, majority of the bars have not paid and when you go to some of the bars, you find that an administration police officer was there in the morning, he took two beers. He was given Ksh 100 and there was no license in that bar. That is exactly what is happening and when we talk about these issues, it is seen as if we are witch hunting. Now this is serious business in Machakos town and we cannot tolerate this. Mr. Speaker, we are calling upon the entire team to work hand in hand in the issues and the recommendations which have been put into this document.

We don't want excuses when it comes to the issue of funds. We should be collecting ten times, the funds we are losing in this county. I am very sure, even the County Government of Machakos can sustain itself with its own local sources if it was not for this fraud and this other issues. So, Mr. Speaker, I can see we are heading in the right way and the only issue which I can push back to the Chairman to go and re-sit again to consider, it is the issue of sand. So, please, the people selling sand around are crying very much, if you can bring a simple amendment on the same we will appreciate. Otherwise thank you very much, Mr. Chairman, for work well done.

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**Hon. Kathinzi:** Thank you Mr. Speaker. Mr. Speaker, in support of this document, I will appreciate the work well done by that committee. In the category (page 3) where there is the indication of the peri-urban markets, we would like you to give directions which Kaewa market is this one, because I can see there is Kivaa, Kithyoko and there is Kaewa. So is it Kaewa of Kathiani or Kaewa of Masinga Sub County?

Mr. Speaker, much has been raised concerning the welfare of Machakos people in terms of health factors, especially in Machakos town. Today, before I came to this assembly, I was taken by a well-wisher of Machakos, to a place where some people are doing some irrigation with sewer line water. These foods are just being sold in the market here, we are eating here, so it is terrible and I am told NEMA people are involved in that. They have given indication that it has been reported to NEMA. So these are issues we need to take very seriously. As an Assembly, we can give the correct directions.

Mr. Speaker, last year we still had the same issue about miraa and we wanted to ban miraa completely in Machakos County. I am also trying to question the hon. Chair that on the issue of miraa, I have a record of over 50 Probox, which are passing from Embu, through Kivaa ward and they are not doing anything about that. We indicated that we need to collect more than Ksh10, 000 at least per Probox so that we can discourage the miraa business.

These people have not been able to raise anything and they have been causing a lot of chaos and I think that is also another issue for us to discuss. I have been holding meetings with the sub county administrator over the same issue but nothing has happened up to date. So I think those are issues for us to discuss.

**Hon. Speaker:** Maybe you can bring that very well in the committee of the whole house.

**Hon. Kathinzi:** Thank you. I think I have that for now. Thank you.

**Hon. Speaker:** There is a big opportunity in the committee of the whole house. I just want comments on the report. Try to be brief now, a minute each.

**Hon. Maitha:** Thank you Mr. Speaker, I wish to applaud the committee of Finance for the good work that they have done and wish to highlight a few issues. The issue of water charges, Mr. Speaker, has been discussed and I am of a contrary opinion. Mr. Speaker, Sir, I want to inform you that, this morning, I have just paid a private borehole water supplier Ksh 7,000 for water consumption for only two months. And then here we are saying, we need to reduce the annual license from Ksh 8,000 downwards Mr. Speaker, yet the connection fee of one single homestead in most of the areas, they are connecting between Ksh 25,000- Ksh 35,000.

I think that is denying this county revenue. Private water borehole suppliers are making millions of shillings Mr. Speaker. So I would propose actually, we increase the amount from Ksh 8,000 to 15,000, Mr. Speaker. Because if one is connected to 100 water suppliers, Mr. Speaker, and every supplier is paid at least Ksh 2000 in a month, that amounts to Ksh 200,000 in one single month, in a year its Ksh 2.4 million and yet we are here, saying we need to reduce the amount from Ksh 8,000 to 5,000, where are we heading to, Mr. Speaker.

Actually that contravenes the motion which was brought here last week Mr. Speaker, by Hon. Munyaka, saying we reduce the revenue from Ksh 1500 to 2000. So, Mr. Speaker, that one I totally differ.

**Hon. Speaker:** I agree.

**Hon. Maitha:** The other thing Mr. Speaker, I really want to emphasize a lot, Mr. Chair, there is one issue that you have not tackled and in the last finance bill it was not tackled. The County Government of Machakos is losing billions of shillings through land rates.

There is a hostel which is directly opposite this Assembly here, Mr. Speaker, which is under construction. You will be shocked, as that building comes to an end, the owner will be making Ksh 5 million in a month and paying us Ksh 7200 as rates annually. Are we serious Mr. Speaker? We need to sit down and review the land rates of the County Government of Machakos.

For example, Mr. Speaker, I stay in my own house and at the end of the year, I pay Ksh 1234 as rates, one full year and I expect good roads, schools constructed in my area, clean water with Ksh 1,234.

Mr. Speaker, I will be more than comfortable to pay rates of up to at least even Ksh 5000 because for a full year, I am not paying house rent. So it can be reciprocated back, we need to check. Where Hon. Rachel represents, Syokimau, if you go there, there are people owning houses worth more than Ksh 20 million. At the end of the year, a plot of 100 by 100 (quarter of an acre) they are giving us rates less that Ksh 2.000, one full year. Where are we heading, Mr Speaker?

We need to review those rates and I strongly believe, Mr. Speaker, in a years' time, the County Government of Machakos can be raising not less than Ksh 2 billion in terms of rates. So, that one needs to be checked with immediate effect.

The other thing, Mr. Speaker, is the issue of traversing lorries. Personally, I have been going to the minister of finance, every single day, the number of lorries that are getting in my ward through Utawala, Mr. Speaker, they are not less than 500 lorries carrying either sand, murrum, stones from Thika and they are charged zero.

At the exit to the entry of Nairobi, we have got Nairobi county guys who have been operating there for the last ten years. Any single track carrying ballast from Katani is paying not

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less than Ksh 300 to Nairobi but those which are ferrying materials coming to my area, Mr. Speaker, they are paying nothing.

And they are the same lorries which are causing a lot of damage to our roads. I have already instructed the Minister of finance, the sub-county administrator of Mavoko but they are sleeping on their jobs. Every single day, that main entry could be giving Machakos County not less than Ksh 10,000. They are sleeping, Mr. Chair, you better communicate that.

Business permits, Mr. Speaker, we also need to consider the amount of money that we are charging business permits. One thing that surprises me is, someone who is operating a Kinyozi is paying Ksh 2500 per year, someone who is operating a wholesale shop is paying the more or less the same amount in a year. Mr. Speaker, those are some of the things that the chair and the CECM of finance need to check into.

Because someone who is making a business of about Ksh 50,000 in a day and another one operating a kinyozi making Ksh 1000 in a day are paying the same permits, then Mr. Speaker, we are denying the county revenue. So we need to check into those things.

Lastly, it is about the issue of liquor licensing, Mr. Speaker. This County is losing a lot of revenue through this. The biggest beneficiaries of liquor licenses are the police and I have no doubt to say that. Because all the bars which are operating, those people are supposed to be arrested by enforcement officers from the County Government and that money taken to the County Government, but it has been left to the police to collect those revenue.

So, I am kindly requesting the Chairman, through the Minister of Finance to make sure that they liaise with the county commissioner such that police and especially the administration police are restrained from arresting bar owners who don't have liquor licenses and then that should be taken over by the County Government because we are losing money from that, Mr. Speaker.

Lastly, Mr. Speaker, I come from somewhere where construction is being done on a day to basis. One of the most corrupt departments of Machakos County is the department of Decentralized units. I have no doubt about that, Mr. Speaker, every single day, people from my area are being arrested. They are parting to the tune of Ksh 10,000. So when they come and find you are constructing, they tell you 'instead of taking you to Mavoko to pay fines of Ksh 15,000 to 20,000, give us Ksh 10,000.'

That is exactly what is happening in that department. I will be the first person to support the Minister tomorrow, to bring qualified men of high integrity and of sound mind who can protect the funds of this county but not people who are putting money in their pockets. You will be shocked, Mr. Speaker, there are some enforcement officers today who are driving big cars because of the money they are collecting every single day. So I would wish the minister of finance has a very strong finance collection unit that is empowered.

Last week, I called the Minister for finance as I was in Katani. Shockingly, Mr. Speaker, the revenue officer who is operating at the last quarry of Katani, happens to be a family member

of hon. Cecilia. I sympathized with that staff because wherever he is operating, there is no toilet. In a single day, he collects not less than Ksh 30,000 and that person is subjected to so many risks. He can be killed and that money taken. He doesn't even have an enforcement officer who controls the number of lorries which are passing there. I had to chase at least three lorries and I called the minister. He can confirm, we are losing a lot of revenue from that.

When I spoke to that staff, he told me, 'Mr. Mheshimiwa, this is what we are going through on a daily basis.' They don't have cars which can chase those tracks which are bypassing paying money. They don't have people to support the in collecting more revenue Mr. Speaker. So I think in as much we want to raise revenue, Mr. Chairman, you need to advise the Minister of finance to ensure that those people who are dealing with revenue collection are given the best salaries possible, the best treatment possible and we pump a lot of revenue in the Transport Department to support that income because that is the best way to go.

Otherwise, Mr. Speaker, it is a job well done. I am happy about it, we should implement what we need to implement as immediate as possible. Thank you.

**Hon. Speaker:** Thank you. Let us hear the chair. It looks like you did not do adequate public participation. These are views you ought to have collected before now.

**Hon. Muinde:** Mr. Speaker, I was receiving views from members of public not the hon. member, because the hon. members would have their day and their day is today. So, I want to say that I am very happy and my committee is very happy, the house is speaking one language today and sure if we go this way, where we are all objective, this is the way to go and I am happy as I respond to this.

Mr. Speaker, hon. Kathinzi wants to know which Kaewa is classified as peri-urban. It is Kaewa in Kivaa ward that is in his area. The other Kaewa is a small place so it is a market center in Kivaa.

Mr. Speaker, on enforcement officers, it cannot go over emphasized. There is a lot of corruption being undertaken by that department of Decentralized units. We belong to this Machakos County and we bury our heads under the sand just because we want to protect a few people who will be committing a sin and this is the best forum where we have to say the truth.

Mr. Speaker, the revenue collection department under the Ministry of finance does not have vehicles. All the vehicles are owned by the department of Decentralized units and they are only harassing people. Mr. Speaker, when we went round especially in Mavoko Sub County, it was very clear from members of public and even from revenue clerks, that the enforcement officers are only fleecing investors in Machakos. We are not getting this money.

We need to be loud on this, to be hard. It is unfair, it is immoral and it is satanic. We are losing a lot of money from construction sites because people are going round collecting money and putting into their own pockets. It is clear, as the members of Mavoko sub county, because it

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is the most affected area. It is the truth and we need to do something. So the vehicles that are being used by the Decentralized units, double cabins, they need to be used by the enforcement committee of the revenue collection, Mr. Speaker.

It is also true that we are losing a lot on land rates Mr. Speaker. If this house recommends an increase on land rates, this is one area where we can collect money. I want to echo the sentiment of hon. Maitha from Muthwani that it is true that we can be self-reliant if we collect all our revenue and we seal the loop holes where money is tripping though.

On the issue of water Mr. Speaker, it was the feeling of the members of public, the business community, they said we are over taxing this side and members of my committee were persuaded to believe that since the taxes are passed on to the consumers and Machakos has a big problem of water, we would be doing a favor by reducing the license so that we can spur more activity on investment in water but it is for the house Mr. Speaker, to make a ruling. We have only made ourselves heard on this matter.

I also want to say that the committee on Budget, because Mr. Speaker, this work must be conducted by the committee on finance. I only head the budget but since by the time this finance bill came there was no finance committee, we are the only relevant committee to handle this. We want to say we need to do a lot of civic education on the liquor traders, so that they do not lose their revenue to the former provincial administration, now called internal security. But it is not actually internal security but internal fleecing. They are taking their beers for free as one hon. member has said, in the pretence of protecting them from paying the license.

Mr. Speaker, since we have the opportunity to make our recommendations, I am glad that the report has been received very well by the entire house and it is my pleasure Mr. Speaker, that I propose that the house turns into a committee of the whole house now to discuss the bill and try to put amends into areas where this house is recommending amendments.

Therefore Mr. Speaker, I propose that the house turns into a committee of the whole house. I urge Hon. Rachel Nduku to second my proposal that we turn to a committee of the whole house so that, now those nitty gritty things that members are now discussing can be incorporated into the entire document. Thank you, Mr. Speaker.

**Hon. (Ms.) R. Nduku:** Thank you Mr. Speaker. I want to second the Machakos County Budget and Appropriation Finance bill 2014, to be adopted by the whole house.

*(Question put and agreed to)*

**Hon. Speaker:** Let the committee of the whole house sit. I will return in a moment after you are through.

*(The Bill was read a Second Time and committed to a Committee)*

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*of the whole House today by leave of the House)*

## COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

*[Mr. Speaker left the Chair]*

### IN THE COMMITTEE

*[Mr. Chairman (Hon. Muinde) took the Chair]*

## MACHAKOS COUNTY FINANCE BILL 2014

**Hon. Chairman:** Hon. Members, we now want to discuss this bill in the committee of the whole house so that we can adopt all the clauses. You are now getting the entire document and as you can see, honestly members, this is really a voluminous document. Let us be honest to ourselves, going page after page will need the whole month here but entirely there is no major departure from the 2013 Finance Act other than those areas that we have just discussed and even as you go deep into it, when you look at the first few pages, many pages is on the legal literature. Basically in a summary, what is contained in this finance bill, other than the legal literature, will be the Fees and Charges where now the minister has recommended that we use Article schedule 8 and schedule 7.

I believe it will be distributed to you. It gives the details of all the Charges that are to be charged on all categories. Schedule 5 of the Fees and Charges, hon. members, is the amount of fees charged at the rural market centers. Schedule 7 is for peri-urban and schedule 8 for urban.

So members, I believe that a thorough job has been done. We would want when we go down the schedules, we just adopt them but before we adopt, those areas where members wanted to discuss and make their recommendations, if you really feel there is something that as you go on with the amendment, we can capture it straight so that we can adopt the entire document with amendments.

I want also to let hon. Kathinzi, get to know that the 2013 Finance Act was not fully implemented, there where challenges. You know it was our first year and there were many demonstrations, many activities by either members of public even others going to court, like the miraa business. It was not implemented.

We regret that the government did not implement. We recommend this time if this house passes, our committee on implementation should be more forceful because that is within their docket and work closely with the Executive arm of the government to ensure that what we have passed in this house is implemented.

So hon. members, as we pass this 2014 Bill, we are assuming the business on miraa, the Probox vehicles and the pickups, the rate that we passed, should be the rate that will be prevailing this year.

On the sand business, I said we were taken to court. An injunction was sought and we are only charging Ksh 1300 for a 25 or 30 ton lorry and when you look at what is charged at the rivers, Ksh 7000 is just compensation for the effort of loading in the lorry but you can't say we are selling the sand. So we are losing as a county but if the recommendations as contained in the Finance Act 2013 can be effected, then we can receive more revenue.

So a member, basically this is what is contained. If members decide that we add the water charges or retain them. Fair, if we say we reduce, it is for the house to determine.

Because the 2014 bill is an amendment of the 2013 Act, that is why not so many things were coming because we are only talking about where there were few amendments. So members I want to invite you to make those comments. We are capturing them and they will be found in the final copy that we produce, the copy that the Governor will assent to by end of today, because the deadline is today, 30 days are elapsing today and if we do pass it in time, I think we will be able to ask our implementation committee, to take up its mandate and do the rest.

The rest is specifically for the Budget and Finance committee. Thank you members, I can see the Hon. Deputy Speaker wants to say something. I invite comments.

**Hon. Deputy Speaker:** Thank you Hon. Chairman. I almost lost hope in waiting for the opportunity. I want to applaud the committee for the good job they have done. I want to request that the hon. chair, I think I have a schedule 3, that is headlined, **power to waive or vary tax fees or charges** and that has the summarized rates and if you allow me hon. chair I would want to go to page 15 of the same document and chairman, I am concerned about the Machakos People's Park entrance fee.

I have gone through the document and seen that the intention of the committee is to capture income from the activities that are happening within the park. But Mr. Chair, as you will have noticed, in the 2013/2014 financial year, the Peoples' Park cost this county a lot of money and going by this rate Mr. Chair, unless events are organized in the Park, rarely will we be earning any regular income from the Park. And it has been a cry of the public that, that Park is too beautiful to go uncharged, Mr. Chair.

So it was my proposal that we charge the Peoples' Park at least Ksh 50 for children and Ksh 100 for adults rather than doing it for free. Whether we have an event or not and if we have an event that would want to sponsor the entrance fee of every person, then we can give a standard rate of Ksh 50,000 per day so that the event organizers may choose to let their people pay for themselves and then we pay a subsidized rate for them to hold the event within that Park. Because hon. chairman, as you realize, the Machakos People's Park is one of the tourist sites within this great nation of Kenya and people are trooping from all corners of the nation to come and have fun and relax and have good time within the Park. So that is one of the proposals for amendment that I have.

Chairman, in the same document on page 19, about the **building plans**. You realize it's like everything there has been doubled. If you look at the building inspection fee has been doubled to Ksh 4000 for the urban from Ksh 2000, Ksh 3000 for the peri-urban from Ksh 2000.

If you look at the transfer leasehold, it has been doubled, almost everything. If you look at the sublease per unit it has been doubled. Extension of lease or user, it has also been doubled. Chairman, I don't know the wisdom behind this all the way down to the next page even under approval of building plans, it has been doubled. I don't know, chairman, the incoming developers and investors and as you realize as a county, most of our residents are financially challenged and they may not be able to meet the financial requirements and in the long run we may only allow external investors to only be able to put up buildings within our area, while our own people are not in a position to construct buildings because of the increased cost of putting up the building.

So I want to propose that the existing rates be only increased with 50 per cent rather than doubling them. Because if we double them Mr. Chair, I am sure there will be a huge public outcry and that in itself will damage the image of this able house.

Hon. Chairman I would also want to ask about the new rates on vegetables. You realize, I have seen now, we never used to charge sukumawiki, spinach. I can now see we are charging. But I realize they were not in the former list. I want to enquire whether hon. Chairman, that there used to be rates and whether the small scale traders, the *kina mama mboga* who have small kiosks and selling their sukumawiki for Ksh 10 or Ksh 20, whether they will be paying this rates.

And as I finalize Chairman, I want to agree with your sentiments that the finance committee that has already been put up and should move with speed to have a discussion with the minister in charge of finance on streamlining revenue collection within our county. As you have said, we are doing badly and we are getting a very bad picture and we have allowed unethical officers to benefit from monies that are supposed to be collected for the development of this county.

I also want to concur with you on the committee on implementation that they should go ahead and see to it that, what we agree or pass here as a house, is immediately implemented with immediate effect, so that we can achieve the very objectives that we have heard.

Mr. Chairman, I would also want to urge the very same committee on the issue of liquor licensing, that this committees need to find time, sit and come up with a policy framework on how this things should be enforced. Therefore, Mr. Chairman, those are my proposals and I would want to request that we amend as proposed and I don't think I am required to have a seconder on that effect.

So, I want to seek the attention of members on those issues, so that we may be reasonable enough. The Park, we don't need to have such a beautiful park and go earning no reasonable income from it. At least, our people need to appreciate what we have done by submitting something small to this County. Thank you, Chairman.

**Hon. Chairman:** Thank you hon. member. On the issue of increasing building plans by only 50 percent but not doubling, that is well taken care of but be keen when it comes to the schedules so that that amendment can be inserted there and seek support from members .

On the sukumawiki, the charges you are seeing there and other green groceries, it is per the 90 kg sack but on the smaller green grocer where they have like a debe of potatoes or half crate of tomatoes, a few sukumawiki and all that, are charged Ksh 20 and sometimes not even daily.

The minister's proposal that charge of Ksh 20 collectively be continued but what we are seeing from the schedule we are reading, is like there are those people with lorries. They are either carrying green maize in sacks like a charge of 60 or 40 per sack or sukumawiki in terms of sacks but for the smaller sukumawiki dealer, with a few leaves and a few onions, the ones available in your village, those are charged Ksh 20. She doesn't propose any change. So I believe there is nothing to fear, members of public trading at that category are not affected. So I want to allay your fears on that.

Members of public are also against these free things that the Machakos County government is giving. They are saying 'let us pay for this services' and the Peoples' Park. The Governor is on record saying 'let his people enjoy these services.' But we are saying not only the construction, but the maintenance of that Park requires a lot and we need to divert that money on maintenance.

The other investments like in water and.....(*inaudible*) So that the Park can be reliant in terms of what it raises. It should be able to pay for its own existence. So your sentiment is taken care of. Members, I wish that we take very short time, we are taking this comments so that now we can go to the schedules.

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Now we propose we adopt them and where there are changes, we now insert the changes but now I would wish those that now making comments to make quick comments so that we can move forward.

**Hon. Nzioki:** Thank you Mr. Chairman and before I make my comments, it seems Mr. Chairman that we have two documents. What I have here as Machakos County gazette supplement is not what Hon. Kyuli is having. If you can even have a look at from where you are seated, these are two documents.

**Hon. Chairman:** What are you holding, which other document? Can I see them?

**Hon. Nzioki:** What I am holding and what Hon. Kyuli is holding, the title is the same but the volume is not the same.

**Hon. Chairman:** For the smaller one, it is not complete, there are the schedules. I think you have also worked in the former councils and you know the Fees and Charges as put in schedules 8, 7 and 5. The ones being used is the one missing.

Hon. Kyuli has the entire document. Look at the last pages, you will find the schedules, but the first pages are the same so they are working on the entire document. By the time we complete, every member of this house should get the entire document well-bound or even with covers. Because it is a document we should have it. Every year, like the next year, 2015 we will be amending the 2014 Act, so that we don't keep reading and reading, because like now we are amending the 2013 Act because we are building on it.

The first time, 2013 because we did not exist before, everything looked new but it was not entirely new because it was still what was adopted from former councils.

**Hon. Nzioki:** Thank you Mr. Chairman, when I am making my comments, there is the private motor cycle owners and the bodaboda owners. I was of the opinion that if the private motor vehicles are not charged, because this people are not in any business and if there is any license charged, it should be a small charge or there shouldn't be any at all.

The other thing, Mr. Chairman, is about the members of the public proposed for subsidized rates for Machakos residents on charges of Peoples Park. Mr. Chairman, residents are supposed to pay Ksh. 500, non-residents are supposed to pay Ksh. 1000. How will we be able to tell the residents and the non-residents as we enter the Park?

We are all Kenyans, Mr. Chairman, we have Luos, Kikuyus here and how will you be able to tell the residents and the non-residents.

**Hon. Chairman:** With your ID. Is your ID not written Masinga sub county, Muthesya location?

**Hon. Nzioki:** Mr. Chairman, when you talk of residents, the Kikuyus living in Machakos are residents so there should be a difference. Mr. Chairman there is some clarity needed on that clause.

Mr. Chairman, the other thing, you have proposed that the committee recommended that non-motorized transport like bicycles, handcarts, ox/ donkey carts, should not be charged. Mr. Chairman, if we don't charge these people, we will have more handcarts, ox and donkey carts on the roads than the motorized vehicles. So, Mr. Chairman, I would suggest there should be charges on these non-motorized vehicles. Thank you Mr. Chairman.

**Hon. Kitheka:** Thank you Mr. Chairman. I can see in page 10 where we talk about non-staff Ngei estate, there are no charges but the non-staff are there who live in that area. What does that mean? On this other part, there is St. Mary's estate which is down there in the urban area, it is written not applicable and on the other side of the proposed, there are no charges. What does that mean?

**Hon. Chairman:** You are on which page Mheshimiwa?

**Hon. Kitheka:** Page 10 of schedule 3.

**Hon. Chairman:** Hon member, the minister only proposes we are using schedule 5. The document on schedules you know, all schedules are put together and the minister is proposing schedule 5, 7 and 8.

Schedule 5 for rural areas, schedule 7 peri-urban and schedule 8 the urban, so can we concentrate on the schedules 8, 7 and 5. You know these are standard documents that were made long ago. They are the same schedules you were using when you were councilors before.

**Hon. Kitheka:** So the document I am using is irrelevant?

**Hon. Chairman:** It has only schedule 3?

**Hon. Kitheka:** This is schedule 3.

**Hon. Chairman:** I don't think they did a good job by supplying. Be given schedule 5, 7 and 8. Have that one please. So can I give you time to go through it and I get someone else?

**Hon. Kitheka:** Yes.

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**Hon. Kathinzi:** Thank you Mr. Chairman, but while you are giving us directives to go on different schedules, while we have been passing through schedule 3, it is now misleading this assembly. Because we are now seriously passing through this document which is being provided for us to use our own important time to pass through. I am not sure what whether what we are doing is the right thing, but all the same I wanted to voice out something about the bodaboda because I have to talk about bodaboda in my place.

Mr. Chairman, you realize that in the peri-urban category, you find that the bodabodas have not been charged. It says it did not exist in the last financial year but the proposal now, they have to be charged Ksh 20 per day. Per month it is Ksh 200 but now when you go to the ground you find they are being harassed, they are told 'you have to pay Ksh 300 per month' but in this document, it is showing the public that they have not been authorized to be paying anything.

When we claim about the Clerks, we also need also to be very keen on the ground, I think this are slight issues, you know the issue of bodabodas, they are very harsh guys. If this document lands in their hands, they can even take us to the court, because we have been charging but from our document, it shows that we are not authorized to charge. So, I think it is important to have the correct document.

**Hon. Chairman:** I have just indicated that the schedules are standard documents that have been adopted, even by former civic authorities. That schedule 3, 4 5, 6, 7 and 8 but.....

Where is the Sergeant At Arms, the members making noise outside there should either get in or go far? There is a lot of noise out there and we are transacting serious business. They either get in or keep quiet.

So, Hon. Kathinzi, the schedules are standard documents. They will never change until there is a deliberate effort to change the schedules. But in this case, I just want to refer you to the Finance Act 2013 itself, where you participated in passing it. We took a lot of time on bodabodas and you remember we passed a law, charging them Ksh 300 per month across the county but this year, the minister finance, and it came clearly from my report, and you can see there, is proposing that we charge them Ksh 200 in peri-urban, Ksh 150 in rural and Ksh 300 in urban.

But the committee is saying this. We charge the peri-urban and the rural Ksh 200 which is lower than what we passed of Ksh 300 but for those in urban areas, we charge them Ksh 300. The reason is, the bodaboda operating in Kavenge is the same person who will go to Kithyoko and if we don't charge them uniformly, they will now begin hide and seek games.

You can see, the Ksh 300 translated to Ksh 10 per day but now in this bill, the minister is proposing the daily charge to go up to Ksh 20. The reason is to discourage them from paying Ksh 20. If you pay Ksh 20 daily, it translates to Ksh 600 per month.



Giving receipts of Ksh 10 has been hectic, they are even escaping. To encourage them pay so that collection is easy, we lower by Ksh 100 so that they can even volunteer to pay but now you can imagine chasing after them to pay Ksh 10.

So that is why there is that difference but we are recommending the Ksh 150 be abolished so that we have Ksh 200 across and Ksh 300. So it is not illegal. We are only amending the 2013 Act, which then was Ksh 300 across.

Members, I want to propose that now we go to schedule after schedule so that we now pass. If you feel, when we get to where you want to propose a change, you propose the change there, we debate there, if you lobby members, the change can be adopted.

Because we have given members time to generally talk about what is available but when you get somewhere, either in parts or in the schedules and you feel there is something that is so pertinent that we need to pass, then you can propose it there and perhaps lobby your members, so that we don't stay here until tomorrow.

This is a voluminous document. I think I will give the last person. Hon. Alice and then we go to schedule after schedule.

**Hon. (Ms.) Nzioka:** Asante sana mwenyekiti kwa ripoti ambayo umetupa leo na kwa kamati yako ya bajeti. Nikiangalia ukurasa wa tano, ile ripoti ambayo ulitupatia, sehemu ya kwanza kama vile mnavyo jua, tunaongea juu ya kukusanya kodi. Na kwetu kama kaunti tuna shida sana, wale makarani ambao wanakusanya kodi ambayo tunachukua kutoka kaunti yetu hawajaajiriwa. Ni vibarua.

Mtu anaokota pesa na kama kaunti tunafikiria atuletee pesa. Ataleta namna gani na watu hawajaajiriwa. Kama kwa mfano karani akiokota kama elfu mia moja na aende na hizo pesa, atawajibika namna gani kulipa hizo pesa?

Kwa hivo kamati yako ningeuliza ingewezekana hawa watu waajiriwe kikamilifu ili waweze kuwajibika wakati ambapo wanakusanya kodi.

Jambo lingine, wananchi walihimiza na waliambia kamati kwamba wajengewe vyoo. Mimi ningeunga mkono kwasababu sisi kama kaunti tumeshindwa kabisa kuangalia usafi wa vyoo vyetu ambazo tunazo katika masoko. Wakilipa shilingi tano, watapata usafi ambao unatosha.

Tumeweka vyoo ambavyo ukiangalia karibu kila soko kunav yoo, lakini hata hivo, hivyo vyoo vimeharibu biashara. Kwa sababu unakuta choo kimemaliza mwezi mzima hakuna watu wale wanasafisha. Kwa hivyo ningeunga mkono, wakilipa shilingi tano, watapata usafi katika vyoo vyetu ambavyo tunavyo.

Pia tutatengeza nafasi zaidi za kufanya kazi kwa hivyo mwenyekiti na kamati yako, muone kwamba makarani wameajiriwa kikamilifu na vyoo vijengwe ama zikarabatiwe ambavyo tunavyo kwenye masoko na wananchi walipe shilingi tano. Asante.

**Hon. Chairman:** Thank you. Your sentiments have been heard. Thank you Mheshimiwa, we want to say we will follow it up and together with the committee on Implementation and I want to urge the Clerk and the Speaker to ensure that committee on Implementation is really facilitated and to work hand in hand with the Executive so that we are not a talking show, that whatever we pass here is truly implemented so that service delivery can be done at our wards.

So members, I think we can go very fast because of the enormity of the document. We want to go part after part, pass and go to the schedules. You have the entire document. We want to go part after part.

But I want to say this. Just in case in future there are issues that if you go through the document slowly, there is always time to recommend. If there is a tax that we are going to pass today and that tax is not consistent with the other laws or that it is oppressive, even the committee can recommend to the house, of course through you and the ministers and Executive authorities, to suspend operations of any part of the law that is not consistent or even the Governor himself.

So these laws are not written on stone. They can change procedurally so there is no fear that we could be passing a law that is oppressive to our people. But I also like the general mood that we are not substantially increasing taxes to our people and especially the poor traders out there are not being fundamentally affected.

So allow me, members for the sake of time, to go straight to parts and schedules so that we can dispense off the business.

### **Part 3: Business Permit.**

**Hon. Chairman:** When you look at the main document, just go to the table of contents, the arrangement of parts. Members can you share, it is a voluminous document, producing this document is not easy. And by the way members, that is just legal literature.....So we are in part 3, Business permit. Let us share so that we can go very fast.

*(Question put and agreed to)*

- Part 4: License of premises and trade. Page 24
- Part 5: Public markets and stalls. Page 30
- Part 6: Parks and open space. Page 35
- Part 7: Designated Parking. Page 40
- Part 8: Parking places and omnibus. Page 45
- Part 9: Taxi cabs. Page 49
- Part 10: Non-motorized traffic. Page 62
- Part 11: Building plans. Page 65
- Part 12:
- Part 13: Slaughter houses. Page 87
- Part 14: Private learning institutions. Page 90
- Part 15: Hawking
- Part 16: Drainage and sewerage. Page 97
- Part 17: Quarrying. Page 108
- Part 18: Sand harvesting. Page 112
- Part 19: Pounds. Page 114
- Part 20: Public lavatories. Page 116
- Part 21: Restaurants, eating houses, snacks bars and cafes. Page 118
- Part 22: Food shops and stalls. Page 133
- Part 23: Control of animal carts and hand carts in public streets. Page 145
- Part 24: Control of grazing. Page 146
- Part 25: Sale of ice-cream. Page 147

- Part 26: Control and licensing of dogs. Page 151
- Part 27: Prevention and extinguishing of fire and fire brigades. Page 155
- Part 28: General nuisance. Page 181
- Part 29: Polythene carry bags ban. Page 193
- Part 30: Solid waste management. Page 194
- Part 31: Film making, culture events and entertainment. Page 204
- Part 32: Traffic flow control. Page 205
- Part 33: Environment and littering. Page 207
- Part 34: Enforcement provisions. Page 212

*(Parts 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34 agreed to)*

## **Schedules,**

*(Question proposed)*

*(Question put agreed to)*

- Schedule 1- Designated parking areas, page 215
- Schedule 2- Taxi, Cab permit, page 218
- Schedule 3- Taxi cab drivers permit, page 219
- Schedule 4- Taxi, cab permit requirement, page 220
- Schedule 5- Application for grant or renewal or permit page 220

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Schedule 6- Charges for fire services, page223

Schedule 7 – application for supply of water, page 225

Schedule 8- fees and charges

*(Schedules 1, 2, 3, 4, 5, 6, 7, 8 agreed to)*

## **Part 2- Advertisement**

### **Part 1- Preliminary provisions**

#### **Cover page**

*(Part 1 and 2 and cover page agreed to)*

**Hon. Chairman:** Thank you members. We have adopted the schedules and the parts of the bill and the budget and finance committee recommendations with amendments as you have proposed. So members we are done. We are now waiting to have our report adopted by the house. Members, I wish to move that the committee do report these considerations of the Machakos County Finance Bill 2014 and its amendments thereof.

*(Question put and agreed upon)*

*(The House resumed)*

*[The Deputy Speaker in the Chair]*

## **REPORT, CONSIDERATION OF REPORT AND THIRD READING**

**Hon. Muinde:** Hon. Speaker, I wish to report that the committee, do report to the House its considerations of the Machakos County Finance Bill 2014 and its approval with amendments.

**Hon. (Ms.) R. Nduku** seconded

**Hon. Speaker:** I now proceed to put the question that the committee, do report to the house its considerations on the bill with approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

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**Hon. Muinde:** Thank you, Mr. Speaker. I, Hon. Isaac Muinde, do request that the Machakos County Finance bill 2014 be read for the third time and I request Hon. Rachael Nduku to second the proposal.

**Hon. (Ms.) R. Nduku:** Thank you Mr. Speaker. I do second that Machakos County Finance Bill 2014 be read for the third time. Thank you, Mr. Speaker.

**Hon. Speaker:** Since the bill has been moved and proposed and read for a third reading and I propose the question that the Bill be now marked as having been read for a third time.

*(Question proposed)*

*(Question put and agreed to)*

*(The Bill was accordingly read the Third Time and passed)*

**Hon. Speaker:** I think the long title having been read, the bill is now considered as law that has been passed by this Assembly. Before I rise up, I will urge the Budget Chairman to give a word of concluding remark. I think today was good business.

**Hon. Muinde:** Thank you Mr. Speaker and the house at large. I want to say that today is a great day for this house, that we have been objective and we passed this law with harmony, that the clause after clause, have been considered, not based on any political affiliations but on the need to have a law that governs the taxation in our County.

Mr. Speaker, I want to congratulate all the members of this Assembly and say that if this is the way to go, then we have a lot to do and I believe we are on the right direction.

I am particularly very happy and my Committee is happy that its work has not gone down in vain and Mr. Speaker, I believe God is on our side. We have also learnt from our past mistakes and what has appeared as hiccups and cold in Machakos has appeared in other areas as tough colds or coughs. So we have learnt from others counties and found out that we need to cooperate and work together and we are particularly very happy.

So now that we have the law just awaiting the Governors ascent, Mr. Speaker, I will go home addressed and in peace and I believe every member of this Committee and the house at large is very happy.

If this spirit is with us here, I believe we are on the right track. I believe we are all brothers. We are all members of this county. The county is greater than any one person because it is all for us, it belongs to us, we are all important and I believe we will go places. Thank you, Mr. Speaker and members for supporting our work of the Budget Committee.

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I believe there is now a substantial Finance committee and we will be happy to give our support in the subsequent periods when the bill comes to the Finance committee. Our past experience for the last two years, you are aware when there was no finance committee and the Budget committee has taken the role for both the committees. We will be able to lend our hand because we need and want to support our County and our Assembly so that we can only have the best so far.

I also want to urge committee members of other committees especially the Committee on Implementation, in fact a lot lies on their tray. They need to push the departments in the Executive to ensure whatever we pass here is followed to the letter. We have nice laws and motions that we are passing here and some may not even be reaching the CECMs and Chief Officers on the other side. So they need to take up their role as members and chairpersons, so that all that we do here is reflected on the quality of service that is granted to our people and especially on the conflict of revenue-collection between the Finance department and the Decentralized units.

Mr. Speaker, it was a pity to note that even some County administrators are transferring revenue officers, people of their own ranks and replacing them with their own drivers and giving them the authority to collect taxes. And we have already mentioned that we are losing a lot. Last year we collected Ksh. 1.2 billion, I believe the Ksh. 2.6 billion that we plan to collect can even be surpassed, if people do their right jobs and that the revenue collecting department is enhanced by giving them the necessary capacity to do their job.

Thank you, Mr. Speaker. God Bless this Assembly, God Bless Machakos County Government. Thank you.

### ADJOURNMENT

**Hon. Speaker:** Thank you. For me, I would say *asante sana*. Today, I have seen that we are learning civic education to the wishes of Hon. Mueni and it is good that it is now happening. My office will enhance it and make sure that we are warming up to each other. I am happy for the issue-oriented debate that I saw this afternoon. Thank you very much and may you have a wonderful evening. Thank you.

The House rose at 5.10 p.m.