

MACHAKOS COUNTY ASSEMBLY**OFFICIAL REPORT****Thursday, 30th July, 2015**

The House met at 2.36 p.m.

*[The Speaker (Mr. Mung'ata) in the Chair]***PRAYERS****COMMUNICATION FROM THE CHAIR****AUDITOR GENERAL'S REPORT ON YATTA WATER SERVICES COMPANY**

Hon. Speaker: Hon. Members there is a communication dated today; report from the Auditor General. Hon. Members, pursuant to Article 229 (4) (a) and (b) of the constitution, within six months after the end of each financial year the Auditor General shall audit a report in respect of that financial year on the accounts of the national and county governments and the accounts of all funds and authorities of the national and county governments. The office of the Clerk is in receipt of a report of the Auditor General Ref: YWSC/332/2013/2014 (17) dated 23rd July, 2015 on the financial statements of Yatta Water Services Company limited for the year ended 30th June, 2014. The report will immediately be committed to the Public Accounts and Investments Committee for interrogation and a preparation of a report to be tabled in the house for debate and consideration. Proceed.

PAPER LAID**REPORT ON PETITION BY MAU MAU VETERANS**

Hon. V. Mbithe: Thank you Mr. Speaker, Sir, and the house at large. I stand on behalf of Hon. Kanui. He is not feeling well and I am proposing that we defer the paper to next week. Thank you Mr. Speaker, Sir.

Hon. Speaker: Request will be granted. Proceed

NOTICE OF MOTION**VALUATION OF PROPERTIES WITHOUT PLOT NUMBERS**

Hon. Kavuu: Mr. Speaker, Sir, I wish to give notice of the following motion that the county government of Machakos conducts valuation of all properties without plot numbers so as to hasten the process of paying property rate. That is ground rent. Thank you, Mr. Speaker.

MOTION**VALUATION OF PROPERTIES WITHOUT PLOT NUMBERS**

Hon. Speaker: Proceed.

Hon. Kavuu. Mr. Speaker, Sir, that aware that the Kenya constitution Article 209 (3) (a) mandates county governments to improve property rates where there are many commercial properties, land that do not pay this rates commonly known as ground rent. Around Machakos town in the following areas; Iveti/Mung'ala, Kiandani area, Mua, Mutituni/Ngelani, Kiima Kimwe, Kimutwa and Kalama and other sub counties within Machakos County; aware that these properties have not been valued and do not have plot numbers. Further, aware that rent have been accumulating on this properties and the owners fear that the accrued amounts may reach a level that is difficult to pay leading to the loss of the property through auction.

Aware that the county government can raise more revenue if these properties are paying rates, Mr. Speaker, Sir, I wish to move the motion that the county government of Machakos conduct valuation of all properties without plot numbers so as to hasten the process of paying the rates that is ground rent. Thank you, Mr. Speaker, at this time I want to ask Hon. Veronica to second my motion. Thank you, Mr. Speaker

Hon. V. Mbithe: Thank you Mr. Speaker. I stand to second this motion. Mr. Speaker, Sir, aware that Machakos county wants to maximize revenue collection and land rates happens to be among the revenue for the county, this is a very important motion whereby if the land is valued the people will be able to know their amounts and also needs to have the title deeds for their properties so they can be able also to facilitate in even getting loans and even selling and buying. So Mr. Speaker, Sir, Article 185 (1) of the constitution provides that the legislative authority of the county invested in and exercised by its county assembly.

Further, Article 185 (2) states that a county assembly may make any laws that are necessary for or incidental to the effective performance of the function and exercise of the powers of the county government under the fourth schedule. Mr. Speaker, Sir, we have never realized the money or rather the revenue that we are supposed to collect so any loophole whereby this money is should be realized. Mr. Speaker, Sir, I totally stand here to second and support this motion. Thank you Mr. Speaker, Sir,

Hon. Speaker: Thank you the motion is properly laid for debate

Hon. Leonard Katela: Thank you Mr. Speaker, Sir. I stand to support that motion and say it is really long overdue the member for that area could have brought this motion long time because such areas, those who are familiar with the Machakos town which has now become a city, those areas should even be made part of the City of Machakos because the town is growing-

Hon. Speaker: Point of order.

POINT OF ORDER

Hon. Kitheka: Mr. Speaker the member standing should know that the member who has moved the motion is not strictly talking about a particular area. He is talking about the entire county---

(Applause)

....So he should address it as pertains to the motion by the mover.

Hon. Speaker: Thank you. The point of order is upheld. Proceed, Hon. Katela.

Hon. Katela: Thank you Mr. Speaker, Sir. Thank you Hon. Member for the information but at least I wanted to put a point that we should have a bigger city than we have now. It is important that some people from Muthwani have seen where the city reaches---

Hon. Speaker: Order from the mover. I think Hon. Katela might not have read this motion.

Hon. Kavuu: Mr. Speaker, Sir, I didn't have to highlight some of the points on why this motion should be gone through. I want now to tell the member from Muthetheni that there are some areas whereby people cannot access their plot numbers and this Mr. Speaker, Sir, according to Article 185 of the Kenya constitution, the legislative authority of a county is vested and also extended the county assembly further Article that is 185 (2) has said that a county assembly may make any laws that are necessary or the incidental to the effective performance of the function and the exercise of the powers of the county government under fourth schedule.

Again Mr. Speaker, Sir, the hon. house enacted the Machakos County Rating Act No. 5 of 2014 which was assented to by His Excellency the Governor on 22nd December, 2014 and the commencement date was 29th December, 2014. Again Mr. Speaker, Sir, part 2 of section 17 of this Act reads that 'the county executive committee member is responsible for the lands may appoint one or more county public officers or other person to value land for purposes of preparing a draft valuation roll or draft supplementary valuation roll under Valuation for Rating Act (Cap 266).

Also Mr. Speaker why Machakos county assembly or government should do the valuation of land is because Mr. Speaker, Sir, the land valuation is one of the main components of the land management or land administration system and plays a vital role in this system. Again Mr. Speaker, it forms the basis of negotiation between the buyers and the sellers for the land rent taxation and also Mr. Speaker, the compensation and mortgage security for borrowing for investment and planning and identifying the values of the organization assets.

Mr. Speaker, I think with that Mr. Speaker, the member for Muthetheni should understand that the land without valuation, the owners of the land cannot access their land and that is why Mr. Speaker if brought this motion so that the people in our area can benefit and also the government of Machakos can also benefit from the taxation of which is being paid by the owners of this land. Thank you, Mr. Speaker

Hon. Speaker: Thank you let us hear Hon. Dominic

Hon. Maitha: Thank you Mr. Speaker. I wish to applaud the mover of the motion and want to go back to what I said yesterday. Mr. Speaker development is directly proportional to revenue and income. We will not be able to achieve our development agendas and plans unless we are stable in revenue. I said yesterday I was even to go and bring a motion to propose a review of the rates our people are paying, Mr. Speaker, and there is no other way better I can out it other than the way the hon. member the Deputy Majority Whip has put it in the motion before this house Mr. Speaker.

The rates which our people are paying nowadays Mr. Speaker, under the devolved system where people are demanding services like anything else, where they demand roads to be tarmacked, they are demanding fresh water, they are demanding bursaries. They are demanding everything. We can only achieve that if we have reliable sources of income, Mr. Speaker. I want to give a practical example, Mr. Speaker. The current rates at which or valuation at which people are paying rates were done way with back in 1980s. If you go to some areas for example, in my ward and I have no fear about this, personally I own a parcel of land where I have constructed my house, Mr. Speaker. I want to give a practical example because this is me.

Mr. Speaker, today the current valuation of where I have constructed my house is an equivalent of almost Ksh. 8 million, Mr. Speaker, but in a year I only pay rates totaling Ksh. 1230. So Ksh. 1230 Mr. Speaker you divide, in a month, and am not paying house rent it is like I am paying about Ksh. 100 and I expect tarmac road within my area. I expect clean water within my area. I expect street lighting for security purposes, Mr. Speaker, within my area.

It is not directly proportional the amounts of rates that I am paying are not directly proportional to the kind of services I need, Mr. Speaker. If you come to somewhere like Machakos town, Mr. Speaker, most of the buildings we have, current state of the art buildings, if you can get access to the amounts of rates that they pay to the county government of Machakos, you will be shocked. You will find a building that an owner is collecting to the tune of almost Ksh. 2 million in a month in terms of rent, that person or that land lord is not even paying a maximum of Ksh. 10,000, Mr. Speaker. Protect me Mr. Speaker---

Hon. Speaker: Let us hear the point of order.

POINT OF ORDER

Hon. Kitheka: Mr. Speaker I think the hon. member is addressing a very straight forward motion which talks about plots without numbers. Now the members are addressing about the plots which they own and which have got numbers and which have got low rates of payments. We should be addressing on the issue of the plots which are within us and they don't have numbers and they don't pay to the county. I think that is the issue with the hon. member. The other issue with the hon. member is very valid of low rates for plots in Machakos but it is not the motion in hand, Mr. Speaker

Hon. Maitha: Thank you hon. Kitheka---

Hon. Speaker: Order, order hon. Dominic. I am still considering the point of order. Allow me to consider the point of order. Yes maybe that information may help and I hope you have now read the motion.

Hon. Katela: Mr. Speaker, Sir, I was going round to come to that and then the hon. Kitheka stopped me---

Hon. Speaker: Now proceed.

Hon. Kitheka: Yes, I was now going round to come to that because I was also saying apart from around Machakos town, those sides of Kangonde, Muthetheni, Kibauni we have big parcels of land which have no numbers and the owners cannot use them but he stopped me on the tracks. Thank you, now that you have seen the light. I am saying, we don't only, Mr. Speaker, with all wisdom, only stick to Machakos town.

We move out and assist the poor outside because you find that I have a parcel of land of about 120,000 acres and I can't even educate a kid to form four with that land because first, I cannot sell it, it has no title deed. Secondly, I cannot negotiate some loan from the bank which I can also be able to pay because we have no numbers. So Mr. Speaker, Sir, I support the motion we should not only concentrate on the towns. Let us move out of the local areas within the county. Thank you, Mr. Speaker.

Hon. Speaker: Let me hear this maybe as I consider this. Let me hear from the mover of the motion. What is in his mind when he says properties without plot numbers and is it possible to value a property without a plot number?

Hon. Kavuu: Thank you, Mr. Speaker. Many a times some members of the public from my area and also other members from the areas which I have mentioned they have been coming here in the assembly seeking to see the Machakos sub-county hon. members and Mr. Speaker they have been telling us their land has no plot numbers and they have constructed their plots---

Hon. Speaker: An example of where?

Hon. Kavuu: An example my area that is Iveti/Mung'ala.

Hon. Speaker: Let me hear the clarification then in hear you. Something I don't appear to understand.

Hon. Kitheka: Mr. Speaker, what you don't understand is that the hon. member is addressing plots or pieces of land which don't have authentic documentation for any transaction. That is the only contention in this issue.

Hon. Speaker: Let me hear this light then I go to....

Hon. Katela: Mr. Speaker, I understand the hon. member because he comes from a densely populated area. If I have got him right, the parents of those pieces of land have subdivided many times and they want several numbers for their children. If that is what... otherwise he can come out in Kikamba. They want several numbers for the already divided plots because he is insisting on plots.

Hon. Speaker: If that is the position then it cannot work.

Hon. Katela: Yes, it cannot work.

Hon. Speaker: Let me hear....

Hon. Maitha: Mr. Speaker, you know members if members would have listened. You know you have to start from somewhere heading somewhere. That is where I was coming from. The hon. member is quite in order, Mr. Speaker. What was I saying? I was giving a practical example that most of the huge chunks of lands that we have the original numbers. The parents have gone ahead and subdivided those parcels of land.

On top of that, for example, the entire Mumbuni North ward, generally, initially, was purely residential or agricultural. Now it has turned to be commercial. So now we need to regularize that transaction. Change of user, apply those sub divisions and I can assure you, Mr. Speaker, even going ahead for those people to apply for change of user, apply for subdivision, we are going to get revenue out of it.

It is true that process that will be able to give the current actual value of those parcels of land then we can peg the rates which are supposed to be paid to those parcels of land as of to date, Mr. Speaker. I was giving an example, if you go to my ward, five years back, an acre of land in Muthwani ward was costing about Ksh. 40,000 to date it is Ksh. 1 million, Mr. Speaker. We need now to update our records in terms of valuation such that, that is going to give us a guide line. I can assure you Mr. Speaker most of the plots even within Machakos town, were bought maybe were valued at around even about Ksh. 200,000 way back 10 to 15 years ago.

The value of Gelian hotel which is next to our assembly, today is almost about Ksh. 500 million but you might be shocked we are getting rates about worth Ksh. 5,000 or 6,000 at the end of the year, Mr. Speaker. Yet we have to street light that outside the hotel, we have to maintain that hotel, we have to supply water. There is no value for that parcel of land in Machakos town and I think Machakos County that is what the hon. member was thinking. Not even in Machakos County the entire Machakos town.

Today if you go to Masinga, 10 years back, an acre of land was costing maybe Ksh. 5,000 and today in Masinga an acre of land is going at around Ksh. 300,000. The plot owners within Masinga town, the plot owners within the Mwala sub county and Yatta sub county towns might be paying less than Ksh. 100 or 200 per year in terms of rates and this people need good roads, they need clean water all the services that the county has to offer. So their services have to be directly proportional to the amount of money that at least they are giving to the county.

So by doing this valuation, Mr. Speaker, and even authenticating the subdivisions that have been done, we are going to benefit our people in so many ways. One, the county is going to generate revenue, second we will have given due ownership of parcel of land to our people by

having the right documentation whereby they can access financing from the banks, Mr. Speaker, Sir, whereby even when you transact a parcel of land you are sure the owner of that parcel of land has got the legal documents that you will not need to be duped when you do that transaction.

So I support this motion in totality, Mr. Speaker, and I am sure the sooner it is expedited the better. To date planning is already devolved under the county government so whatever we are doing right now we are implementing the planning section under the national land act which already right now is one of the functions that have been vested with the county lands management board that we sworn in the other day. By supporting this motion, it has got far reaching advantages to the county in terms of revenue and even to our people in terms of legal ownership. By so doing also Mr. Speaker we are going to eliminate unnecessary land subdivision because we also need to enact a law, Mr. Speaker, where no further subdivision of certain pieces of land will be undertaken without the prior approval of the county government, Mr. Speaker.

If you go to even some roads within Mumbuni North, Mr. Speaker, some roads are even measuring to the tune of less than six meters, Mr. Speaker. We need to do proper planning whereby in case of a fire outbreak, we can access that area. In case of anything that road can be passable. Actually a law needs to be enacted in this house where we can say, right now, no road in Machakos county will be lesser than eight or nine meters such that at least(inaudible) can traverse. If you go around, Mr. Speaker, some roads which are been used by some of us are less than even six meters so I support this motion and I am sure, if it can be expedited as soon as it is practicable, the county is going to be swimming in huge amounts of revenue to develop and give services o our people. I support the motion in totality. Thank you Mr. Speaker

Hon. Speaker: Who are you informing this one.

Hon. Katela: The recent contributor and the house at large. Mr. Speaker, Sir, I think in order not to derail Hon. Kavuu's motion, we need first to get the gist of it and by so doing we need to stick on the plot numbers and not plot rates. Hon. Kavuu is talking of one number gives birth to 10 numbers but not Ksh. 100 to give birth to Ksh. 100. That is that hon. Maitha is saying so we need to develop a motion for it and this motion deals with number of parcels---

Hon. Speaker: I intend to hear hon. Kalunde

Hon. Joseph Kalunde: Mr. Speaker, most of the areas in Machakos County, especially the market do not have title deeds. This motion should also direct the county to employ surveyors to re-survey our markets so that the markets can now start accessing title deeds. Otherwise most of the areas in especially in Machakos town have already being surveyed and they have got title but the markets do not have the title deeds so when we are discussing about the entire areas of Machakos county, we should also realize that most of the markets are the ones where people are doing businesses and they require title deeds so that they can access the loans from banks and also they can sell at better value.

Mr. Speaker, I was wondering when the mover was talking about numbers. You cannot be given a number of a parcel if it is not surveyed. So the surveyor is the one who gives numbers of parcels after surveying and you cannot be given a title deed before the land has been surveyed.

At the same time rates are normally charged according to the surveyed parcels. So this goes together; the survey and the title deed and the rates. Those ones go together. So when we are talking about the rates, we should realize that a parcel which has not been surveyed and given number cannot be given titled deed or cannot be charged rates. Thank you, Mr. Speaker

Hon. Speaker: Thank you.

Hon. Nzoka Munywoki: Thank you, Mr. Speaker, Sir. I want to support this motion with amendment that when we are talking of survey and we are talking of title deeds. What we have to consider again, which is very important, is physical planning because we might end up surveying and giving title deeds and when you come to physical planning, that is some areas will be for sewerage system, roads as my colleague have said, you can see some small roads so whatI belong to this committee of environment and land and we were talking of that. How we can do mapping in Machakos County so as to do physical planning so any future development will not affect the constructed buildings.

Otherwise, if we move on doing survey, we do survey and give numbers and titles and when we start having a market coming up, it will have some problems of some areas being demolished to pave way for other users. So I support it with amendment that we have the markets well planned and also surveyed so as to acquire necessary documents. Thank you, Mr. Speaker, Sir,

Hon. Speaker: Yes hon. Kitheka

Hon. Kitheka: Thank you, Mr. Speaker. This motion is good but there is a mix up in this motion and I think if we can give the mover of the motion some time to go and reframe this motion and come up with two motions or more we will be doing a very good thing to this house. But if we debate this motion, the way it is, definitely we will not come to any conclusion. Because here we have to address about partial development plans, we have to address about rates, we have to address about TOLs and many other plans which we have to address. Mr. Speaker, kindly I request the hon. member to peacefully withdraw the motion and refurbish it and bring it into this house. We are going to support him 100 per cent and it is a very good motion. It should not die at this level. Thank you

Hon. Speaker: Thank you. Motions don't die but it is a good proposal. I appreciate that I can see there are challenges in the motion.

Hon. Francis Matheka: Thank you Mr. Speaker, Sir. To add on what the previous contributors have said, this is a very good motion but it incorporates so many things. It incorporates physical planning, surveying, issuance of titles then we come to rates and I would request instead of the hon. member withdrawing the motion, you can refer it to the planning committee because it falls directly under the planning committee then from there it can be dealt with then the necessary amendments can be made a good report which will be recommended to this house and the house will approve it. Thank you Mr. Speaker, Sir.

Hon. Speaker: I think Hon. Members we can take a proposal that we have the motion referred to the committee on planning. I think it will be safer this way for the matter to be referred to the relevant committee and then before we do that let us hear hon. Kavuu. Is that appropriate?

Hon. Kavuu: Thank you Mr. Speaker. I remember sometimes last year, I brought a motion before this house about how our employees should be trained on how to approach matters and the same house opposed my motion. This time, Mr. Speaker, I brought another motion although most of the members supported the motion I would say what the members have accepted for this motion to be taken to the committee of planning Mr. Speaker, I have no objection. Thank you, Mr. Speaker.

(Applause)

Hon. Speaker: I think the house appreciates that the motion is full of good content and that it should be referred to the committee on planning to prepare and present a detailed report. The Clerk will advise me. Is that right? It should be the appropriate that is the committee is the committee on environment, land energy and natural resources. Thank you for the advice. Next.

ADJOURNMENT

Hon. Speaker: Hon. Members, in the absence of any further business then the house adjourns until next week. Thank you.

The House rose at 3.13 p.m.