

MACHAKOS COUNTY ASSEMBLY**OFFICIAL REPORT****Tuesday, 29th September, 2015**

The House met at 2.40 p.m.

*[The Speaker (Mr. Mung'ata) in the Chair]***PRAYERS**

Hon. Speaker: Good afternoon Hon. Members. I apologize for the delay but let us move on.

BILL*(Second reading)***THE MACHAKOS COUNTY FINANCE BILL, NO. 11 OF 2015**

Hon. Bibiana Nduku: Mr. Speaker, Sir, I stand here on behalf of the chairman, Finance and Revenue Collection, Hon. Nzeki Munyaka. Mr. Speaker, Sir, pursuant to Standing Order 121(1), I would like to move a motion that the Machakos County Finance Bill number 11 of 2015 be now read for the second reading. Thank you Mr. Speaker, Sir.

Hon. Speaker: Thank you.

The Machakos County Finance Bill, 2015

Hon. Speaker: The Bill is accordingly read for the second time. Proceed.

REPORT OF THE MACHAKOS COUNTY FINANCE BILL, NO. 11 OF 2015

Hon. Bibiana: Mr. Speaker, Sir, again I stand here on behalf of the chairman, Finance and Revenue Collection, Hon. Nzeki Munyaka. Mr. Speaker, Sir, I want to read the report of Finance and Revenue Collection committee. Mr. Speaker, Sir, the Finance and Revenue Collection committee as established is required under Standing Order No. 190 (5)(a) to

investigate, inquire into, and report on all matters relating to mandate, management, activities administration, operations and estimates of the assigned department, and 190(5)(d) mandates the committee to study, assess and analyze the relative success of the department as measured by the results obtained as compared with the stated objectives; further, the second schedule gives the committee specific mandate to all matters relating to the management of county public finance and revenue collection.

Mr. Speaker, Sir, the committee is guided by the Public Finance Management act section 133 that 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, the Machakos County Finance Bill, 2015 was read for the first time and committed to the committee on Finance and Revenue collection on 18th September, 2015. The Finance Bill is drawn within a timeframe and should be passed according to the Public Finance Management Act, section 133, before 30th September of each year.

Members Present

Mr. Speaker, Sir, the committee as constituted by this Hon. Assembly comprises of the following members,

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| 1. Hon. Oliver Nzeki | - Chairman |
| 2. Hon. Bibiana Nduku | - V/ Chairperson |
| 3. Hon. Peter Nzioki | - Member |
| 4. Hon. Raphael Mutuku | ” |
| 5. Hon. Edrick Ngunzi | ” |
| 6. Hon. Felix Ngui | ” |
| 7. Hon. Margaret Ndalana | ” |
| 8. Hon. Phillip Ndolo | ” |
| 9. Hon. Alice Nzioka | ” |
| 10. Hon. Benedette Mueni | ” |
| 11. Hon. Nathaniel Nganga | ” |
| 12. Hon. Mutua Mutuku | ” |
| 13. Hon. David Manyolo | ” |

Public Participation

Mr. Speaker, Sir, the county government prepared the Finance Bill, 2015 within the legal framework and constitutional timelines. Public participation is a legal requirement under the Constitution of Kenya article 196 that states that (1) a County Assembly shall (a) conduct its business in an open manner, and hold its sitting and those of its committees in public and (b) facilitate public participation and involvement in the legislative and other business of the assembly and its committees thus giving the electorate an opportunity to reflect on and influence the Finance Bill making process.

Mr. Speaker, the Finance Bill is a key economic policy tool in our county as it provides the means through which the county government is to raise revenue to sponsor its development agenda and deliver services to its people. The county revenue contributes over 20% of our county total revenue. Honorable members, as representatives of the people, you have the huge task to ensure that this finance bill is implemented as passed.

Mr. Speaker, the Finance bill 2015 holds the key to the process of determining the performance of the county government in the 2015/16 fiscal year. This draws from the fact that the Finance Bill provides the background of the source of county revenue and how it would be raised, which is the basis for the estimation of the overall resource envelope and the available resources to run the county government.

However, Mr. Speaker, the Committee subsequently adhered to the provisions of the Public finance management act and the constitution in reviewing the finance bill 2015, including holding public hearings. The recommendations drawn from public hearings across the county were considered with proposed adjustments to the fees and charges as proposed in the Finance bill 2015.

Observations and Recommendations

Mr. Speaker, Sir, the following were the committee's observations and recommendations on issues raised by the public and deliberated by the committee on the Finance Bill, 2015:

1. The committee observed that small scale hawkers were paying Kshs. 25 daily. The committee recommends that the hawkers be encouraged to pay Ksh.750 per month to cover the days when they are not in business. This should also be included in the single business permit schedules.(*page141*)
2. The committee observed that the persons allocated to run the toilets at Machakos town, Athi River and Mlolongo were not paying for the lease as required and they consider the toilets as personal property. The committee recommends that the defaulters to pay their dues otherwise the toilets should be repossessed and rented to those who are prepared and willing to pay. The permits to operate a Public pit latrine should be adjusted to Ksh.25, 000 per year in urban areas, Kshs. 20,000 in peri-urban and Kshs. 5,000 in rural areas. Modern toilets should be charged Kshs. 60,000 per year in urban areas, Kshs.40,000 in peri-urban and Kshs. 20,000 in rural areas. *Page141*.
3. The committee observed that sand harvesting and transportation is currently done at night more than at day time. This is because the sand harvesting act has never been implemented. The committee recommends that fees/cess on night sand business be as follows; (i) 7tonne Lorry Ksh.3,000 per trip (ii) 8tonne Lorry Kshs. 5,000 per trip (iii) 10tonne Kshs. 8,000 per trip and (iv) semi-trailer Kshs. 10,000 per trip. (*page 142*)

Mr. Speaker, Sir,

4. Public toilets at Mlolongo and Kyumbi are not sustainable for free and therefore the service should be charged. Travelers who frequent these toilets are in transit to other destinations; It is important to note that the maintenance expenses and costs of these toilets are a burden to the county. If public toilets are to be free in the county then, that should include all other toilets across the county. If a person is paying for a toilet service without complain in Nairobi, the richest county in Kenya, Mr. Speaker, there is no reason why the same person should not pay for the same service along Mombasa road in Machakos County yet the people living in Machakos are paying for the service.
5. Mr. Speaker, parking fees for motor vehicles should be increased to kshs100 in all designated parking areas across the county or kshs1800 per month.*(page149)*
6. The public had proposed burial charges at public cemeteries to be reduced but after deliberations the committee resolved to retain the proposed charges so as to discourage burying at the public cemeteries.*(page 160)*
7. Licensing of illegal businesses to unknown persons (strangers) in our towns especially at Machakos town pretending to be giving free T-shirts to lure the public to gamble for mobile phones should be banned, the permits revoked and the involved persons arrested by the inspectorate and prosecuted in court.
8. Mr. Speaker, Kola town is shared by both Machakos and Makueni residents as it lies at the border of the counties. The committee learned that the residents opt to pay their single business permits, fees and charges to Makueni County which is cheaper as compared to Machakos County. The Committee recommends listing the town under Schedule 4 and classifying it as a rural market.
9. Members recommended that due to scarcity of water in the county, the department of water and irrigation should purchase water bowsers to sell water at cheaper rates to the public and curb the escalating rates on clean water.
10. Mr. Speaker, debate on sand harvesting is creating anxiety and the committee deliberated on this issue and anonymously agreed that the sand harvesting act be implemented, committees should be formed on the ground and the sand scoopers to form SACCOs. This would be a good way of controlling sand harvesting across the county. Honorable members should ensure that these committees and SACCOs are formed at their affected areas. The implementation committee should ensure that the Sand harvesting Act 2015 is fully implemented to protect it from being flawed by those who want to exploit the county resources. This should be observed to safe guard the rivers, environment and infrastructure within the county. If the El-Nino rains fall today the trenches in our dilapidated rivers and roads will be a serious destruction to the county infrastructure that will cost this county heavily.

11. Mitumba security zone D fees(*page 147*) should be increases from Ksh.50 to Ksh.100 and not Ksh.250
12. Maruba dam should be de-silted in preparation of El-Nino rains otherwise the reservoir will be of a little benefit after the heavy rains.
13. Tuk Tuk and motorcycles refused to pay registration fee of Ksh1250 equivalent to Matatus and mini-buses and proposed to pay for tuk tuk at Kshs.800 and motorcycles at Ksh.500 plus 200 per month. Members proposed a free charge and no pounding on bicycles. The committee recommends that these changes be effected and implemented. (*page 150*)
14. Mr. Speaker sir, the committee observed that house rent rates were below current market prevailing rates and recommends that rental houses and stalls rent be increased by Ksh.500. The senior staff houses and Ngei stalls be increased by Kshs. 1000. Table kiosk rent be increased to Kshs. 200 per month in peri-urban and rural areas and to Kshs. 300 in urban areas(*pages 146 and147*)
15. Mr. Speaker, Sir, the committee observed that the county government has proposed penalties on smoking in public without designated smoking zones. The committee recommends that smoking zones be designated to avoid harassing or penalizing smokers with this law without having established facilities.
16. Mr. Speaker, Sir, there is an outcry from our people on increased anti-social consumption of Miraa and *Muguka* by our youth. Our people have requested for high charges on Miraa and *Muguka* to be included in the fees and charges to regulate the consumption which is spoiling the youth. The committee recommends that the suppliers license for the vehicles distributing Miraa and *Muguka* be charged Ksh.20, 000 per month. The people selling or retailing in Miraa in the stalls should pay a license of Kshs10, 000 per year; those selling miraa in basins should pay Ksh.5000 per year as business permit. Miraa wholesalers who do not comply would be charged a penalty of Ksh. 50, 000 including pounding of the stocks; hawkers to pay a penalty of Ksh.10, 000.
17. Livestock brokers' license (*page 145*) to increase to Ksh.5, 000 per year and a penalty of Kshs1, 500 for defaulters.
18. Bodaboda permit charges should be reduced from Kshs 300 to Kshs 200. Tuktuk, Maruti to pay parking fee of Kshs 50.
19. The county government should construct livestock selling yards at all markets centers trading in livestock. The committee recommends that the matter be undertaken by planning trade and industrialization committee.

20. Mr. Speaker, Sir, the committee observed that telecommunication companies had defaulted to pay permits for their telecommunication masts in 2014/15 financial year. The masts are installed across the county and the companies have failed to pay the permits on the pretext that they have already paid their telecommunication license to the Communication Authority of Kenya. The permit being charged is on the masts/ facilities which they use to conduct their businesses in and outside the county enabling them to generate billions in profit. Mr. Speaker, the world is turning digital and Machakos County would not be a conduit by these digital companies to carry out their businesses for free. The telecommunication masts are located at prime areas/ premises which could be used for productive activities beneficial to the county.

The committee recommends that the permit for a telecommunication mast be adjusted to Kshs. 100,000 per year and that the companies must pay for the masts including the defaulted period. The committee recommends that advertising and ICT related fees and charges be reduced by 25 per cent to encourage investors in the telecommunication industry.

21. Mr. Speaker, the committee observed that the quarrying industry within the county are paying royalties to the central government and have defaulted to pay to the county government. The quarries are the mineral fields of Machakos County and contribute to over 35 per cent of the county local revenue. The committee recommends that the companies pay 5 per cent of their gross sales as royalties for the year to the county government failure to which their permits should be revoked.

22. Mr. Speaker, the committee observed that the county inspectorate is going for building plans for houses and digging pit latrines in the rural areas and charging the residents; this is unacceptable and should be stopped immediately. Building plans charges as stated in the finance bill are applicable in commercial areas only. The people living inland should not be frustrated in settling on their land by the inspectorate department.

Acknowledgement

Mr. Speaker, the committee is grateful to the office of the Speaker and that of the Clerk to the County Assembly for the support accorded during the committee sittings. I wish to express my appreciation to the Honorable Members of the finance and revenue collection Committee who sacrificed their time to participate in the activities of the Committee and in preparation of this report on the Finance Bill 2015

Mr. Speaker, Sir, it is therefore my pleasant duty and privilege, on behalf of the Committee on Finance and revenue collection to table this report on the Machakos County Finance Bill 2015 in this honorable House for consideration and adoption. Thank you, Mr. Speaker, Sir.

(Applause)

I urge Hon. Alice Nzioka to second this report.

Hon Alice Nzioka: Asante Bw. Spika. Bw. Spika nimesimama kuunga mkono ripoti ambayo imesomwa na naibu wa mwenyekiti wa kamati ya fedha kwamba kielelezo ambacho amesoma cha ukusanyaji wa kodi katika kaunti ya Machakos mwaka 2015/16 upitishwe kama ambavyo alivyosoma. Bw. Spika, kielelezo ambacho amesoma kipitishwe kuwa sheria ndio uti wa mgongo wa kaunti yetu. Bw. Spika sisi kama kaunti tunategemea kodi ambayo inakusanywa kutoka kwa wanachi wa Machakos wale ambao ni waegezaji ambao wanafanya biashara katika kaunti yetu. Kwa hivyo sisi kama bunge tunajukumu ili kuona kwamba tumepitisha kielelezo, ili kikipita kuwa sheria, Bw. Spika, kaunti yetu itasonga mbele.

Bw. Spika, kwenye ukurasa wa uchunguzi na maagizo ukurasa nambari nne, Bw. Spika, ukuiangalia kamati ya fedha ilizunguka zaidi wakati wanachi walihusika kutoa mapendekezo yao katika kielelezo. Bw. Spika kamati ilizunguka. Kuna wafanyikazi ambao ni wa rejareja. Kwenye kielelezo wameamurishwa shilingi 750. Wakati wanachi walipokua wakiongea walikua wanasema wawe wakilipa shilingi 25 kila siku ili kujumuisha mwezi mzima wanalipa shilingi 750. Sisi kama kamati, tuliangalia tukaona ufisadi unaenea kila siku na wanachi wakilipa shilingi 750 wanapewa cheti kwa hivyo wale amboa wanakusanya kodi hakutakua na ufisadi.

Bw. Spika, ukurasa huo pia ukiangalia sehemu kama Athi River kuna vyoo ambavyo ni vya kaunti. Kuna wawekezaji ambao waliomba kaunti kuupatiwa vyoo kutumia kama kufanya biashara. Waliopewa, Bw. Spika, hawalipi kodi katika kaunti. Kamati iliangalia ikaona kwamba kama hawawezi kulipa kodi katika kaunti, kaunti ichukue hivyo vyoo na kupatia waagezaji ambao wanaweza kulipa kodi katika kauni sababu sisi kaunti tunahitaji pesa. Kwa hivyo Bw. Spika, tukaona hiyo ni sehemu moja kaunti yetu inapoteza ushuru.

Bw. Spika, wanachi waliongea sana juu ya utafunaji wa miraa. Bw. Spika, imekuua ni kilio kwa wazazi na sababu tumeangalia kama bunge la Machakos tukaona ni biashara ya miraa imetika mizizi hakuna vile tunaeza imaliza. Sisi tukaona, kama kamati, tupandishe ushuru ili kwamba wale watu ambao wanafanya hiyo biashara tuwapunguze na pia kama kaunti sababu ukiangalia, Bw. Spika, utafunaji wa miraa umezorotesha umeharibu watoto wetu kila sehemu ya kaunti yetu na Kenya kwa jumla. Tukaona wanafanya hiyo kazi kuharibu jamii yetu na hakuna faida sisi kama kaunti tunapata. Ndio maana tulikuja na ushuru tuone tumewapunguza pia kama kauni tupate ushuru.

Bw. Spika, kuna kampuni nyingi za mawasiliano. Kampuni kama Safaricom, Airtel na ukiangalia sehemu ya Machakos wameweka milingoti yao sehemu nyingi sana na wanapata mawasiliano, wanapata wateja katika county ya Makueni, Machakos na sehemu mbali mbali. Kila siku hizo kampuni wanapata pesa nyingi sana kutoka kwa mawasiliano. Juzi tu tukapata barua kwamba walikua wanasema waruhusiwe kuweka hiyo milingoti na wasiwe wakilipa. Bw. Spika, kama hawana faida, hiyo milingoti watoe. Sisi kama kaunti tumesema.

(Applause)

Sehemu ambayo wameweka milingoti watakuwa wakilipa ushuru. Bw. Spika, sisi kama kaunti kama hatuna ushuru hatuwezi kwenda mbele na hakuna vile kama kaunti tutasonga. Bw. Spika, ukiangalia sehemu kama soko nyingi ambazo kunauzwa mifugo, ng'ombe, mbuzi zimekua sehemu mtu ata akiuza anatembea tu kwenda sababu hawajaweka ua kuwazuia sababu wakiweka ua kuzuia, wale ambao wanafanya hiyo biashara watapitia katika mlango mmoja, mkusanyaji wa ushuru ataweza kuchukua ushuru kwa kila mtu yeyote mabaye ako kwenye hiyo soko.

Bw. Spika, tumeona uegezaji wa magari katika kaunti yetu, unakuta mtu ana gari ya dhamana ya kama milioni tatu. Siku mzima mtu analipa shilingi 50. Sisi kama kamati tuliangalia uchunguzi wetu na tukatoa agizo kwamba wawe wakilipa shilingi 100 na kama mtu hataki kulipa shilingi 100, alipe shilingi 1800 ili sisi akipewa hiyo risiti ambao amepewa sisi kama kaunti hatutakuwa na ufisadi.

Bw. Spika, sisi kama kaunti furaha yetu kuu ni kuona kwamba kaunti yetu imesimama. Bw. Spika, na uliza wenzangu waheshimiwa katika hili bunge hii ripoti tuisome kwa makini, twende kina kabisa ndani ndani tuone hio ripoti na tuiptishe ili kaunti yetu isonge mbele. Na waomba wabunge wenzangu, someni kielelezo na muone kwamba ni uti wa mgongo wa kaunti yetu ili tuiptishe, tufanye marekebisho ikiwezekana ama tuiptishe ilivyo ilitwende mbele. Asante sana Bw. Spika. Thank you.

(Applause)

Hon. Speaker: Asante sana. Mjadala upo sasa kwa uwanja. Karibuni.

Hon. Ruth Ndumi: Thank you Mr. Speaker, Sir, and I stand here to support the motion and I also want to congratulate Hon. Bibiana, vice chairperson of Finance committee. She is a mentor. She is the first hon. nominated member to stand long in the house.

(Applause)

Mr. Speaker, Sir, I want to tell her to keep up and even yourself you enjoyed her speech. Mr. Speaker, Sir, I want to go on page 15 No. 15. Mr. Speaker, Sir, the committee observed that the county government has proposed penalties on smoking in public without designated smoking zones. Mr. Speaker, Sir, you know there are people who smoke and there are people who do not like smoking and I want to support that our county puts public places for smoking people. We don't want to join those who smoke, Mr. Speaker, Sir. I want to thank the committee for the good work because some people are smokers others are not smokers, Mr. Speaker, Sir.

I want also to go on No. 19 'the county government should construct livestock selling yards at all market centers trading in livestock. Mr. Speaker, Sir, like in our sub county in Matungulu, we have no somewhere to sell our animals and our MCA from Tala is not in the house and I want to report that in, Tala Matungulu sub-county we have nowhere to sell. When you go to the market places, Mr. Speaker, Sir, the cattle are everywhere. You don't know which

is in the market or which is not in the market so, Mr. Speaker, Sir, I want to support this. Thank you Mr. Speaker, Sir.

Hon. Speaker: Let us hear the member at the back.

Hon. Margaret Ndalana: I am supporting this report. The quarries are supposed to pay Machakos County government because they are using our roads and we are supposed to repair our roads. Thank you, Mr. Speaker, Sir.

(Applause)

Hon. Speaker: Yes hon. Dominic.

Hon. Dominic Maitha: Mr. Speaker, thank you. I wish to take this opportunity first to applaud the hon. vice chairperson of this committee. I think she has exhibited that everyone in this assembly is capable and able.

(Applause)

We need to give equal chances to everybody and let us not assume that we cannot make it. If you allow me, Mr. Speaker, one thing that made me happy about the hon. member, the key words that are difficult to pronounce, she really pronounced them very well. I applaud her for that.

(Applause)

So Hon. Bibiana, I salute you and more often insist you even table the report you will create that confidence and it will help you in and out of this assembly. Thank you Mr. Speaker, Sir. As I go through this report Mr. Speaker, Sir, I tend to sharply differ with the just immediate speaker Hon. Ndalana. Mr. Speaker, quarries, almost 80 percent of all quarries are in my ward. The report is very clear that they contribute about 35 percent of the county revenue, Mr. Speaker. Subjecting these quarries to extra charges, hon. members, that means what? We are over taxing them. Do we mean it is only in the quarries that we expect to get 40 per cent out of the total county revenue income and the big question is; to date there was a strike in Ngelani. Residents of Ngelani blocked one of the quarries, *shengshwang* quarry Mr. Speaker, Sir. Reason being the road is in a pathetic state. What has the county government done to give back the 35 percent that they are saying they are collecting?

Mr. Speaker, Sir, I would even request with your permission to give the committee on environment to tour the quarries in Katani and the committee on roads. The situation there is quite pathetic. Every house right now, starting from Katani going to Syokimau and Mlolongo Mr. Speaker, Sir, is almost white. The roads are in pathetic state. These quarries are paying cess

to the county government. If you go to every quarry outside the gate of the quarry there is a cess collection. There is a revenue collection officer. So they don't forfeit collecting. So I tend to differ with this one.

I ask Hon. Members, I kindly request for your support to do away with this 5 per cent extra charge. If the quarries are giving us 35 percent, Mr. Speaker, why do we need to subject them ahead? Right now as we are speaking Mr. Speaker, a number of quarries are relocating to Kajiado. If you go to Kitengela there are so many quarries that have come up but because the only reason is our roads are in a pathetic state, nothing is being done by the departments of roads or the county government of Machakos. So the quarries are moving out.

I had a series of meetings in the last one month with all the quarry owners in my office, Mr. Speaker, Sir, and actually they were even requesting to have the amount of money they contribute as cess and permits reduced by 50 percent and they do the roads but the county government refused. Mr. Speaker, I want to put it clear in this house and let it be recorded; the moment we increase the cess in the quarries we will expect a not less than 60 per cent drop in terms of the amount of revenue we are getting there. Reason being why I need to buy one tonne of ballast from Katani at Kshs. 1,100 yet I can get the same at Kitengela at a cost of Kshs. 800 and the roads are good.

So some of these issues we need to be very careful. We will increase the 5 percent or demand the 5 percent at the expense of the county government. So I totally request, as we adopt this report, we do away with the five percent requirements until we see the commitment on the county in terms of supporting the quarries instead of pushing them to the grave and letting them move out and we lose the revenue that we are collecting.

If we are getting 35 per cent for the last two years we can do an assessment. It is close to almost Kshs. 3 to Kshs. 4 billion. I can tell you, Mr. Speaker, to date there is no single road not even a single one which has been done by the county government since 2013, 2014, 2015 having collected a total of not less than Kshs. 3 billion no single road has been done in those quarries. They only maintain quarry road which is in Mlolongo and it is always in a pathetic state, Mr. Speaker. Can we work on first doing the roads before we subject these investors to unnecessary charges? So hon. members I kindly request you to support me in this because the moment we go ahead, I am seeing a risk ahead.

Mr. Speaker, Sir, the other issue is the issue of motor vehicles has being spoken by hon. Ndumi. We need to increase parking to Kshs. 100 reason being, Nairobi to date, they are paying Kshs. 300 and it is only a stone throw away from Nairobi to Machakos. Kshs. 50 is not even sustainable to pay the revenue collection officers in Machakos County, Mr. Speaker. As we enforce this, Mr. Speaker, I have done my own research and it is quite surprising to find that the entire Machakos town has got only four clamping machines or equipment. So if a car at Susu center has defied paying, they go and clamp. If another car at the taxi parking area near T. Tot

hotel, has defied paying parking fee and we have already used the four clamping machines, we cannot do anything. Four clamping machines, I have confirmed that, Mr. Speaker.

So as we increase the parking fees, because there is going to be a lot of resistance, we need to more than increase the clamping machines to 200 to 300 per cent. Create jobs for men who will be clamping those cars and ensure that we collect enough revenue, Mr. Speaker. As we talk today, taxis in Machakos don't pay parking fees. They don't pay parking fees. Taxis in Machakos, they don't pay. A number of Marutis operating in Machakos, tuk tuks, they don't pay parking fees. So now what we need to do, Mr. Speaker, is to increase the number of clamps, employ people who can do that job because at the end of the day we are losing a lot of revenue.

Subject to that, Mr. Speaker, we will be doing a job that is not going to work out. So let us increase the number of clamping equipment and ensure whoever does not pay parking in Machakos County is subjected to clamping and not even Machakos town, Mlolongo, Athi River and anywhere we have designated for parking, Mr. Speaker, Sir. That will ensure that revenue is increased. We should not debate on that and whoever goes to court to suspend the same, Mr. Speaker, we should also pass a motion and say that they will not park in designated areas of Machakos County unless they adhere to that one.

The other issue is about the issue of water. Mr. Speaker, today water scarcity in Machakos County has become a menace. To date, personally, I have been ordering water through the county bowzers. It takes about five days to deliver water to my home area for my parents, Mr. Speaker. Reason being, the demand is high and there is no water even in the boreholes we have and even at Maruba dam. So when we say we increase the number of bowzers to take water to the residents, where do we get the water from? That is the big question.

What I am recommending, Mr. Speaker, the amount of money that is being charged to private water suppliers, Mr. Speaker, is too exorbitant a truck is being proposed to pay Kshs. 10,000 in a month. In a year is Kshs 120,000. Mr. Speaker, do you want to tell me, a bowser doing a business of water in Machakos is making more money than Naivas supermarket which is paying us a license of about Kshs 40,000 in a year, Mr. Speaker.

It doesn't make any sense. Instead of now, because at the end of the day, Mr. Speaker, I want us to reason on this capacity, the moment we subject the private water suppliers to high rates, the costs will be transferred to the consumer. A jerrican of 20 liters instead of costing Kshs. 5, it will be costing about Kshs. 40 to 50 which is what is happening right now in Machakos county.

I even propose that if it was possible we even zero rate the taxing of these private water suppliers because right now, Machakos County does not have enough capacity to supply our people with water which is a key requirement. If need be, if we have to tax this private water suppliers, Mr. Speaker, I request this house to pass and recommend that those private water

suppliers be charged Kshs. 10,000 per year as annual permit so that the benefit of reduction can be transferred to the consumer, Mr. Speaker, Sir.

Last but not least, Mr. Speaker, it is the issue of sand. Mr. Speaker, for the last two years, we have been entangled in a tug of war with the sand people who are doing business. We passed the sand harvesting bill, it became an act and they went to court. We have been collecting nothing. Whenever we give them receipts most of those lorries use the same receipt for almost one week engaging or revenue collection people on the ground with a lot of corruption.

Mr. Speaker, I wish to recommend to the charges given here and request this hon. house, the moment those businessmen dealing with sand decide to go to court, we come here with immediate effect, even if we will be on recess and pass a motion to ban in totality sand harvesting in Machakos until they comply to pay us the money.

The mass destruction of our roads is as a result of those trucks ferrying sand and yet they don't want to pay us the amount of money required. One truck of sand is costing about Ksh. 65,000. In a day they can sell two. In a month, they can sell close to 70 truckloads. So we are only demanding the cost of one truck in a month. It is fair. If they cannot compete, then let them move out of that business and then we will be able to safeguard our rivers and our roads.

So with those recommendations, Mr. Speaker, I kindly request this hon. members to support me in doing away with the 5 percent of all the quarries in Katani failure to which the collection the revenue collection of 35 per cent will go down to 20 per cent because I can assure you right now you go to Kitengela, Kajiado county there are so many quarries that are mushrooming and by going ahead and imposing this 5 per cent we are going to drive away this business.

Otherwise, I support the report, Mr. Speaker, and recommend that as soon as we pass it, let the enforcement people take place. Before I forget, Mr. Speaker, there is the last part of the report which says the 'people living inland should not be frustrated in settling on their land by the inspectorate department.' Mr. Speaker, we need to define which people should be charged. If we take for example the people living in Katelembo those people are the original owners of the land in Katelembo. Those people are the original people in the land. They own between five to 10 to 15 acres of land. Why are those people being subjected to paying for a toilet that they have to construct? Have we been given a definition of which areas should pay construction permits or should seek construction approvals to do the same. If you go to Mumbuni where hon. Kavuu comes from, those people are indigenous people, Mr. Speaker. They are being subjected also to pay construction permits.

A practical example is last week in my ward, somewhere we call Ivovoani, not Ivovoani but Ndovoini. One of my electorate with more than 40 acres of land was constructing a toilet and his son was arrested. So do we mean now we evict these people, Mr. Speaker, and they are

permanent residents of that place. The county found them there not they found the county. It is the county which came in and found them there.

So Mr. Speaker, I think we need to ensure that this one is enforced and properly communicated to the relevant department and especially the revenue department which has got inspectorate officers to enforce the revenue collection because they are harassing people and even going to an extent of extorting and soliciting money from the construction people. To date you can even find people who are driving, inspectorate guys driving very expensive cars because in a day, they collect a lot of money.

We don't want to subject them to that but we want them to do their job in a diligent way and stop harassing people who don't deserve to be harassed. Otherwise, I support the report with those recommendations and rectifications so that as we do it, we adopt the report with the recommendations that I have given and try to rectify those areas that I have spoken on. Otherwise, I beg for your support, Mr. Speaker, from the hon. members. Thank you.

Hon. Speaker: Thank you.

Hon. Veronica Mbithe: Thank you Mr. Speaker and the house at large. I stand to support this report and applaud the finance committee and more so the deputy or rather the vice chairperson of the committee on finance and revenue collection. I go to section seven on licensing of illegal business to unknown persons or strangers. I rather call them conmen. Mr. Speaker, Sir, I thank the committee because of this observation because our people have suffered a lot. I believe even every one of us as Hon. Members as we cross over to go to the Equity Bank, somewhere next to the Standard Bank, there is a vehicle parked there every day and our people are being conned day in day out and crying and no one has been taking their cry even when they go to report.

Mr. Speaker, Sir, this is something that is not supposed to be happening when we are here as members and we are watching and we are the legislators so I believe that as quickly as this report is adopted and made into law that these conmen are pretending to be very kind giving t-shirts which are free to our people in the name of luring them to get their money from their pockets. People who come from the up country, very naïve, being conned of the little coins they have in their pockets should be stopped with immediate effect. Mr. Speaker, Sir, I heard it even from the radio stations, people complaining on the same, that the county government has been giving licenses to these people and when those people are asked they say there are there on business by right. So Mr. Speaker, Sir, this is a point that I really recommend that, as members of this house, that we watch over it that it is accomplished.

I now proceed to No. 18 on boda boda permit charges. Mr. Speaker, Sir, as we went for public participation on finance bill we realized that in Mavoko, the *boda boda* people do not pay any money on licenses. They said that they cannot pay when the roads were bad and even when

the roads were made, Mr. Speaker, Sir,, they have still been resistant they want their shades made.

Mr. Speaker, Sir, this should be taken seriously that everyone who is operating boda boda in any quarter of this county should pay the revenue. Mr. Speaker, Sir, when I observe this report, I look at it and say that if all the loopholes are closed, there is enough money to make this county be county No. 1 and sustain it and make the proper development required and desired by our residence. Thank you Mr. Speaker, Sir.

Hon. Speaker: Thank you. I just wanted to offer direction hon. members. You realize what is before us is the finance bill. This is the third finance bill that we are having. What is important is that at the time of second reading, we give a vote of thanks to the report, criticize it or applaud it and after that there will be a session in the committee of whole house where now specific items will be handled with a way of view of amending, approving or completely deleting them. So if your argument is specific on an item, then that argument ought to be presented on a committee of the whole house. But for now let us deal with the report in wholesale. Is it good in this area is it bad in this area that kind. Let us hear Hon. Kathinzi.

Hon. Alexander Kathinzi. Thank you Mr. Speaker, and Mr. Speaker I particularly have a different suggestion that due to the report we have at hand and some of these are enormous, voluminous we wish to go them strictly one by one and interrogate the documents rather we have, I am suggesting that, Mr. Speaker, we probably adjourn and give it a date that is maybe tomorrow or the day after tomorrow so that we can interrogate the reports properly so that we can make our final notes on this. Because this is a sensitive document which, Mr. Speaker, if I start now talking about the whole thing I think I might skip some of these sensitive issues. So therefore, that is my plea as I personally request maybe you consider that request. Thank you.

Hon. Speaker: That is a request for adornment. I don't know whether you have anybody supporting your request for adjournment but before perhaps you seek the support. Ordinarily this is the finance bill that has timelines. This is the bill that provides the ways and means of raising revenue and it must be enacted by the 30th September. Nevertheless, if members want time to go through it, you still have the night. We can give members time to go through it and we have it in the night.

Hon. Kathinzi: Thank you Mr. Speaker, my---

Hon. Speaker: Or tomorrow morning.

Hon. Kathinzi: Yes, I would request that we maybe put it tomorrow morning. It can be the business for tomorrow so that we can have some cell groups overnight to interrogate the same report and then maybe I would this time request support from or secondment from mheshimiwa Nzoka here. Hope he is not going to decline my request.

Hon. Nzoka Munywoki: Yes. Thank you, Mr. Speaker. As you can see the document is bulky we need to go. There are some issues here which has been raised by my colleague here Hon. Dominic about quarries. We do expect and it has been a practice before that where we get quarries roads are always bad. We need to dig how we can put that if we get resources, income from the quarries, we have to give back. So I support adjournment so as to come well prepared. Thank you Mr. Speaker, Sir.

Hon. Speaker: Hon. Nzoka, I agree with you the document is voluminous but this is the same bill that has been handled by this house year after year. We are only looking at specific items that perhaps the citizenry complained and need amendment. So it is not the size of the bill that should worry you.

Hon. Nzoka: Thank you Mr. Speaker, Sir. That is why I agree with you it has been coming years and years and I am saying for all those years, roads entering quarries are bad and have never been taken care of. We need to put something strong so as to avoid that one further.

Hon. Speaker: Let me hear.....yes and maybe before hon. Dominic addresses the assembly, I would wish to recognize or counterparts who are in the gallery from Nandi County.

(Applause)

We welcome you to Machakos. Karibuni. Let us proceed, hon. Dominic.

Hon. Maitha: Mr. Speaker, thank you. I wish to also appreciate the presence of the hon. members from the Nandi county assembly wish to inform that they should feel at home. Mr. Speaker, on a point of information, I stand on a point of information to enquire. As I said earlier, oversight can only be effective with reading. This document, Mr. Speaker, was supplied to hon. members to go and read the recommendations that have been read here are as a result of the public participation meetings that we had in almost every sub county. Then that means what if members need more time to go and read the same document, that has been lying in the casks (??) or on their desks, then we are repeating the same. This document was brought before this house, we went through it, we were given time to go and do public participation so now do we go back again and consult the public or are we going to consult ourselves. Oversight is only effective subjective to reading and reading and reading.

Even if we go back Mr. Speaker, as we leave this house and I can assure you, most of these documents will even be left here. We will be giving our Clerks more time to collect them. So I think if we did not have enough time to read them before, then I don't even think we are going to read it more. So the only time I can say if it is to second the proposed adjournment to read the paper is you give a direction that this document should be deliberated the first session of the morning tomorrow and we do away with it. Even if we are given 48,000 hours we will never come to a resolution, Mr. Speaker. Thank you.

Hon. Speaker. Thank you. I think without much ado, the Speaker agrees that this document was in this assembly for the first reading, it was in this assembly for the first reading, it was referred to the committee and everybody has been having it. It is not the size of the document Hon. Kathinzi. I don't know whether you now agree with the position of the Speaker.

Hon. Kathinzi: Mr. Speaker, criticism from mheshimiwa Dominic is allowed especially when am trying to lobby the members to support him in the changing of the 5 per cent. I am doing this in his favour because I wish he could know my intention, Mr. Speaker that I wanted to have some a good sitting with him and maybe lobby the members to make sure that we can do the adjustment. If he is not willing to do so then we can proceed. But my plea is that let us adjourn until tomorrow morning, so that we can come here and even as you can see from the house most of our elected members are not around. They are representing their wards. So this is some of the reasons not the size of the volume of the document but the size of the volume of the ideas which we will want to be checked in this particular issue. Thank you.

(Laughter)

Hon. Speaker: Thank you. Let us hear hon. Matheka.

Hon. Francis Matheka: Mr. Speaker, Sir, I sharply differ with Hon. Kathinzi and Hon. Nzoka and I totally agree with Hon. Dominic that---

(Applause)

.....this document when it went for public participation, the members or the electorate of Machakos County dealt with it and as a House, we are only supposed to deal with the recommendations of the committee. That is what we are supposed to deal with in this House. We cannot sit here and talk of this document yet we went through it in my sub-county with an officer from this county assembly and with a member of the finance committee. Mr. Speaker, Sir, as at now we are only dealing with the recommendations of the finance committee and that is what is applicable in this house. So I beg we move on with the report. Thank you.

Hon. Speaker: Thank you. I think the point is straight forward allow me to proceed and put the question.

(Question put and agreed to)

Let us proceed with the matter at hand. Yes Hon. Matheka.

Hon. Matheka: Thank you Mr. Speaker, Sir, and the Hon. Members. Mr. Speaker, Sir, I stand here to give a big thumbs up to the finance committee and the deputy chairperson who was in the floor to read this document, this report. She has proved beyond reasonable doubt that anything is possible. She has also proved that anything can happen in this assembly. I want to go

to number 7 page 5. The licensing of illegal businesses to unknown persons. I don't know what is illegal business.

I thought all businesses were legal. What are these illegal businesses? Mr. Speaker, Sir, here, the buck stops with the county government. If they know the business is illegal why do they license it? Why do they take a fee from it only to come and complain? Only for the members of the public to come and complain, 'these people are conning us'. It is the county government to be responsible. If they can jail themselves or take themselves to court let them do it and they should go there very quickly.

Mr. Speaker, Sir, number 9 is talking of increasing the water bowsers. Mr. Speaker, Sir, I will never stop wondering in this house. We are talking of increasing water bowsers yet we should have showers in our homes. Which is which, Mr. Speaker, Sir? Are we going to buy water bowsers or are we going to give our people showers as we promised them?

Mr. Speaker, Sir, everybody who is elected in this house, including the Governor, rode on the ticket of giving our people water. Here we are talking of increasing water bowsers. To do what? One water bowser in my ward will do nothing, a 1000 water bowsers in my ward will do nothing. We need showers. In our 2013/14 budget, we gave money for water. 2014/15 we gave money for water. 2015/15, to be precise, we gave Kshs. 2.5 billion for water. We need water and for that matter showers in our houses. Nothing more, nothing less, Mr. Speaker, Sir.

We should be talking of increasing the reticulation. As we talk now, Mr. Speaker, Sir, there were boreholes, there are bore holes which were done before the county government came into place and those boreholes are still lying there with water underneath. Nobody is thinking about them, nobody is reticulating that water nobody is doing nothing. Mr. Speaker, Sir, we should be talking of water to our people not bowsers. Bowsers are vehicles and they can break down anytime. We need water in our pipes.

Mr. Speaker, Sir, secondly, we are talking of de-silting Maruba dam. I am also wondering on this Mr. Speaker, Sir. Will Maruba dam alone feed Machakos County? Maruba dam is located maybe in Machakos Central Ward. What about my dam in my area which needs to be de-silted. We should think of it. I am afraid the other time I was in the Ministry of Water, the Department of Water, I met people from Mua Ward which is represented by Hon. Nzeki Munyaka, the Chairman of this Committee and he is not talking of dams in his ward and they were complaining their dams are not de-silted.

Mr. Speaker, Sir, I am wondering, why should we think of Machakos Central Ward all the time? The Stadium was done in Machakos Central Ward, the Park was done in Machakos Central Ward, Mr. Speaker, Sir, what about the other wards? They also voted, they need the stadiums, they need their dams de-silted. They need everything. Mr. Speaker, Sir, we should think of all wards not Machakos Central Ward alone.

Mr. Speaker, Sir, number 19, there is a member, I think she is not around, she talked of Matungulu Sub County having no fenced market. I sharply defer with that. We have one which is fenced and it has sheds. So Mr. Speaker, people should do their homework thoroughly. Matungulu has, that is Tala ward and the Mheshimiwa, if he was here, he could confirm that. We have sheds and we have a fenced market and I can attest to what I am saying. Number 21 about the loyalties, Mr. Speaker, Sir, I totally agree with the Hon. Dominic.

We cannot tax this people one penny more. They are giving the County Government as the report says, 35 per cent of the total revenue, we are talking of Ksh.120 million, talk of 35 per cent of that, Mr. Speaker, Sir. We cannot overburden this people and even if we were going to collect this fee, we need a formula. We cannot say 5 per cent of the gross sales, who will agree to that? Who will be calculating the gross sales? The owner of the quarry, will he agree to pay that money?

Mr. Speaker, Sir, I am afraid here, even if we are going to collect that money, we need a very good formula showing exactly how the collection will be done. We have seen revenue being collected in this County. One year totaling to Kshs. 1 something billion, the other year totaling to some Kshs.100 million and we are talking of increasing another tax yet we have not streamlined the existing systems. Mr. Speaker, Sir, unless we want to dig another hole or to open another ATM, if I may say, for whoever is collecting the taxes, we need first to curb the runaway revenue which is not collected then we will think of increasing the tax. We first deal with what we have before we run for anything else.

Mr. Speaker, Sir, on number 2 on the issue of building plans. The inspectorate staff, Mr. Speaker, Sir, if I may say in this house, are acting in excess of their powers. They cannot come to rural areas and pretend to collect revenue on buildings which are private, toilets which are done on private land and they purport to be working for the County Government. This people are doing wrong and whoever has sent them to come and do that, is also doing wrong. They should know their boundaries, if for example it Kangundo. Kangundo is a peri-urban area, they should know the boundaries of the peri-urban areas and rural areas. Otherwise coming to the rural areas to collect revenue on private land on people who are doing personal things like toilets, Mr. Speaker, Sir, it is wrong. The Finance and Revenue Committee should look into that and see to it that, the areas are well demarcated to know exactly where the Urban, the Pre-Urban and Rural areas are. Thank you Mr. Speaker, Sir.

Hon. Speaker: Thank you. Let us hear Hon. Nzoka.

Hon. Nzoka: Thank you Mr. Speaker, Sir. I am now prepared to(inaudible) being adjusted. I am in number 2 of observation. Yes, the toilets belong to the county, they were leased to private and they are not paying. First, they have to pay a deposit before they are allowed to pay monthly and again if you fail to pay for a month, your deposit takes care of that one, then you move out. So we should not have some people who are using our toilets yet they have been hired and then they cannot pay. They should pay or quit.

Again where in number 4, Public Toilet in Mlolongo and Kyumbi which are free. There should be nothing like free toilet. People are ready to pay at least Ksh.5 or Ksh.10 for maintenance so as to be sustainable. You cannot give something free for.....you should give free for some time but not for the whole term because Kyumbi one is in a populated area and it has well-to-do people because it is, you see how the lorries park there and they are given free and in Tala, they are paying. So we should not have a toilet for free. The toilet should be charged so as to be sustainable.

Let me move again to number 7. In fact, I did not understand what they mean by licensing illegal business, they must be criminals. Yes. You have to be a criminal to license a criminal, so that cannot work. I have never seen somewhere where illegal thing is being licensed by the Government unless that Government belongs to thugs. So that should not happen anywhere. Also on number 8 and this number 8 is somehow sensitive, we have witnessed that one, I hope Hon. Muthesya was here and witness.

We have a market in Ithanga which belongs to Machakos County, that is....we call it what, this one? That is....I will recall the name. By the time we were councilors, we were licensing that one, but at time it was taken over by Murang'a. Now as we are talking, that town has been taken over by Murang'a County. That is Kakuku. Kakuku belongs to Machakos County and I think my Clerk can attest to that when he was the Clerk. It belonged to Machakos County Council but due to joking here and there, it was taken over by Murang'a County now.

Now, if we talk of Kakuku, we have a problem, we are staring at a problem with Makueni, with Konza City. So if we are not careful also Kola will go and we should not be the people who shall be robbed. We have lost that one, might be now Makueni is trying to take Kola and also the Konza City. So it is something which Machakos County should put some muscles to refuse and say the area is theirs.

No. 9, Yes, that one is Kola. No. 10.....not that one. I was trying to talk about where we were talking that we have some water bowsers. That cannot be. We cannot buy some water bowsers for every village. We have a lot of water and I do say, the Government, even the national Government, since it took Independence, they did not put a lot of effort in harvesting water. Come El-Nino now, you shall be hearing that certain people have been ferried by water, have been drowned by water, and that water all goes to the ocean.

It is now time for Machakos because we have a problem of water, to see how we can harvest water apart from drilling. Also when we harvest water in plenty, also the boreholes also depend on the rain water, when it rains well the level raises so we need to see how we can harvest water. We have bull dozers which are parked there doing nothing. There is nothing being scooped now.

Even they are just less than a Kilometer to Maruba dam and they have not scooped it. So what we need is to harvest water and where there are some areas where we have some private

land, it is the duty of the Government to see how it can negotiate and acquire that land and make a big dam. So in terms of water, in fact I am very much concentrating on that one.

I am saying we should try to see how we can harvest water and also we insist on our people, when they are making houses, thatching with iron sheets and whatever, they have to have a water tank and I think the physical planner.....it is in the physical plan. It is a must now, when you have a construction, you have to show how you shall harvest water so we shall...I request the County to see how we can harvest water and also drill boreholes not bowsers. We cannot bring any bowsers to the village. Thank you, Mr. Speaker, Sir.

Hon. Speaker: Thank you. Let us hear Hon. Kyalo Kyuli and Hon. Members, let us conclude this we convert to Committee of the whole house. Our duty here is to set Fees and Charges. Where it is not desirable, we will remove it. Allow us now to hear Hon. Kyalo Kyuli and we will convert to a Committee of the Whole House and then your ideas can be ventilated there. Is that ok? Let us hear Hon. Kyalo Kyuli then we see whether we will really need to stop.

Hon. Kyalo Kyuli: Thank you Mr. Speaker. I will first applaud the mover of this, the way she was articulating every word and spending minutes or in the report Mr. Speaker, we must commend her. Therefore, I want to begin with the recommendation No. 1, Mr. Speaker, where they are talking about charging the hawkers Kshs.750 per month and Mr. Speaker, I believe this and I quote, this are the *Mama Mbogas* Mr. Speaker, that the committee recommends that a *Mama Mboga* pays Kshs.750 so that she can continue selling her wares.

There are two side of this because Mr. Speaker, talking about a *Mama Mboga* paying Kshs.750, it will bring a lot of chaos because they don't get that kind of money Mr. Speaker, especially in the rural areas. You find a *Mama Mboga* carrying a crate of tomatoes for example, she will be selling that particular crate for about for about four to five days so that she can clear the stock.

So Mr. Speaker, I would wish that for the sake of even collecting more in this county that we stick to Kshs. 25 and that *Mama Mboga* will be able to pay Kshs. 25 every day rather than forcing a *Mama Mboga* to pay Kshs.750 and the thinking is that, if she pays Kshs.25 per day at the end of the month, she will have paid even more money unknowingly or even knowingly. Mr. Speaker, therefore that one I wish that we spare *Mama Mboga* giving out Kshs.750.

On the designation of the smoking zones Mr. Speaker, yes we need them designated but before, if we are going to charge those that are found smoking in other areas, Mr. Speaker, like if we pass this by the 30th deadline Mr. Speaker, it means after it has become a law, therefore the smokers must get designated places. My wish is that, after we are through with this, some of this issues that can bring chaos, that somebody is found smoking anywhere and there is no designated places for smoking, therefore we should move with speed after we pass this law into law so that we don't create ripples.

Mr. Speaker, much has been touched on the water and that is where there is a lot of pinch Mr. Speaker, everybody is feeling the heat on water, everybody is feeling how things are going and we cannot again increase water bowsers. We need to increase the water provision in our County.

So therefore, I would recommend that we concentrate on providing water for our people in a cheap and affordable manner that is giving them a sustainable source of water rather than giving them water that we are ferrying from other Counties and buying it from other Counties and enriching other Counties, Mr. Speaker, because if we are to increase the water bowsers, it means that we cross over either to Nairobi, Kitui or Makueni although we are part of providing water for Makueni but this time round, Mr. Speaker, let us not fetch water from other Counties to give our people water.

Lastly Mr. Speaker is the issue of quarries. Mr. Speaker, if you read their recommendation well, Mr. Speaker, it is saying; 'the committee observed that the quarrying industry within the county are paying loyalties to Central Government and have defaulted to pay the County Government'. Up to and until that point, Mr. Speaker, if we have defaulters, we have laws to deal with defaulters.

So Mr. Speaker, up to and until that point, we cannot be still having defaulters while we are still lacking money to do development and if there is any defaulter, Mr. Speaker, that this Committee knows, then Mr. Speaker, appropriate action should be taken not wasting any other single minute or any hour. Mr. Speaker, they continue to say 'the quarries are the mineral fields of Machakos County and contribute to over 35 per cent of the County Local Revenue.' Up to that point Mr. Speaker, I concur with them. I happened to visit Hon. Dominic Maitha in his Ward and while seated in his office, we were able to count lorries passing by just by the office. Mr. Speaker, within one hour, the lorries were over 100, Mr. Speaker, and if you look at the Fees and Charges, the much money they pay, it is true that 35 per cent of local revenue could be coming from his ward.

Therefore I recommend that we plough back to where that money comes from. Mr. Speaker, surely even seated in his office, it is a menace. You cannot even sit on the chairs in his office because of dust. The roads are impassable, are pathetic. They also continue to say Mr. Speaker, 'the Committee recommends that the companies pay five per cent of the gross sales.' How possible is that, Mr. Speaker? It cannot be because the companies that are dealing with this, they will not even tell you how much they raised, that is a private company.

And if they have to declare they will declare maybe to other bodies that deal with revenues like the KRA Mr. Speaker. So therefore, if we increase, any penny on top of what we charge this businessmen, we will be chasing businessmen from our County to other Counties because we also know what they charge in other Counties for example; our neighboring Counties. So therefore, I would beg that, we do not add anything on top of what we charge this

businessmen so that we don't scare away investors while we were the first County to hold an Investors Conference while we wanted to investors to come our way.

Lastly, Mr. Speaker, is on No. 22, where they are talking about the people living inland...inland should not be frustrated in settling on their land by the Inspectorate Department.' So, where is this inland, Mr. Speaker? We need definition on what and where is the inland they are talking about. But just to say something about that, Mr. Speaker, is that we have agricultural lands that are becoming commercial, Mr. Speaker, and up to and until that point where an agricultural land is being changed into commercial, then that is where we should target Mr. Speaker.

But for example, I come from Wamunyu and I have a home near the market where the land is not agricultural and this hawk-eyedmembers of Inspectorate, find that I am constructing a kitchen for my wife, and while I am constructing a kitchen, they pounce on me and arrest me plus my wife, Mr. Speaker, because I am bringing up a kitchen for my wife Mr. Speaker.

We should differentiate from where and when we are building on an agricultural land that is converted into commercial because there are lands that are near our markets that are obviously going to be translated into a commercial because they are within or the markets have crept into their land. So that land Mr. Speaker, we should also differentiate between the inland that is being talked about here and the agricultural lands that have changed into commercial. So therefore Mr. Speaker, we also need to have a definition of the inland and if so, if that is what I have touched therefore we also need to fetch some little money from there. So, thank you, Mr. Speaker.

Hon. Speaker: Thank you very much. Yes Hon. Kathinzi.

Hon. Kathinzi: Thank you Mr. Speaker once again. Mr. Speaker, I would like to start by informing this house that I totally support this report. Secondly, I applaud the Vice Chairperson of this particular Committee and she is on record to receive a standing ovation of this particular assembly. That should go on record and also remind this house once again that she comes from my ward. She is my sister so when the ward will be given for that particular case, I think I will take a cake.

Mr. Speaker, I want to go straight to item number.....where we have the issues of sand harvesting and my heart is bleeding because we have lost one of our sons of this land, one of the sand loaders who was buried last night at 1 a.m. in the middle of the night while loading lorry in my ward, just next to my border between Masinga Central Ward and Kivaa Ward although the loader comes from Masinga Central Ward.

Mr. Speaker, the business of sand harvesting has been coming in this house several times and I do wish that the motion which is now the asset of this assembly will be passed unanimously because this is one of the reason as to why we decided to take that particular direction to particularly ban sand harvesting where such acts are happening. Until now we have

lost another guy in Wamunyu Ward which Mheshimiwa has not reported. Another one has been buried in Muthetheni from Mheshimiwa Katela's Ward and several cases happen. I wish we could take a tour of one week, the whole house so you can see the destruction.

My concern is on issue No. 3 on semi-trailers. Mr. Speaker, the issue of semi-trailers going to the rivers is controversial to what I personally understand. I usually pass through Kithimani to Makutano-Mwala road and that road does not pass heavy vehicles. So when we see then we tax or we penalize or we take some fee from these trailers and the County Government is not allowing the same road to be used by heavy trucks, then that becomes now a contravention.... it is now complicating the whole issue. So I wish that is an issue for us all to note and maybe try to see what we can do about that so that we can be seen as if we are working together, the Executive and the Legislative arms of this Government.

Mr. Speaker, going to No. 9, the issues of water bowsers is something which we do not, I don't wish even to touch on that particularly in consideration that, as I was speaking to Waziri in Water Department today, I told him I am personally....I am trying to see the best word....I am personally demoralized according to the way the Departments are carrying out their affairs because in 2013/14, we had three projects of three boreholes which we used to call them 'the quick win projects.'

Until today, the contractors were paid in my ward for one borehole, and this borehole has never served people with any drop of water. What is missing Mr. Speaker, is only 20 metres of three..... (inaudible), 4mm wire to just connect the generator and the main pipe, just that. They are telling me issues of procurement, I don't know what, so I think there are some point it is so frustrating to realize that your people are not getting services or else we are giving budgets for the CEC members and Governor to implement this.

So on the issues of water bowsers let them concentrate on the issues of rehabilitation and reticulation of water as we have agreed and passed in this Assembly that we are in total support of the works which the Governor is doing. Otherwise, we are going to start shooting our feet because what we are talking in this Assembly is not being implemented in our wards. The other issue Mr. Speaker is the issues of miraa. Almost 90 per cent of miraa which is being consumed in this County passes through my ward, that is entry point, Kivaa Ward. The speed which the Probox vehicles are going, I do not expect up to now, the Masinga Sub-County Administrator should have reported this to any other authority, even to see whether we can get support from the National Government to regulate the speed of these vehicles.

They have been killing the pupils going to school in the morning. Last May, they killed a teacher, a parent and two goats. These are the issues. We have tried to enforce and make sure that we are going to put some bumps. They have been put there but they are passing through the other side of the road. So, I think as we are trying to see whether we can ban issues of sand harvesting, next time we need to move a motion and remove this issue because it is killing my voters. I don't know how many votes I am going to get next time because my people are perishing.

The other issue is No. 20, where we have the telecommunication companies failing to pay the requested amounts by the County Governments. I would like to support this particular point and also include the Kenya Power posts and the posts of electricity whereby they are doing the supply of power to our homes, to schools to everywhere.

During the defunct Municipal Councils I believe there is an issue whereby they had agreed to pay Kshs.50 per post, per year which was amounting to almost Kshs.1.2 billion. This issue has never been followed up. This is an issue whereby we can get some few coins from that particular department. I think this is a wakeup call for this particular docket of Finance and Revenue Collection to see whether we can enforce and try to make a follow up on the same.

Lastly, Mr. Speaker, I do support the request by Mheshimiwa Dominic Maitha now, it is not the issue that I was moving the issue to adjourn that I was not supporting what he was saying, but I wanted us to do in a smarter way. But in this particular case, two weeks there has been demonstration in his ward, because I have a business there, residents were demonstrating because of the pathetic roads. I believe they are worse than mine in Kivaa Ward. We need to do something about Muthwani Ward because the roads there, where we have the avenue where the County is getting a huge cake in terms of revenue earning.

I request that we do not put an extra coin on that particular issue where the committee says five per cent should be slapped further to make sure that we get some more income. So therefore would like to rest my case there but I would like to particularly, say that, I totally support this particular report and I applaud strongly that the committee has done a marvelous work and also next time when they are writing acknowledgement, they should also acknowledge the public participation. The residents of Machakos County who came for the particular meeting contributed but I could see they are not particularly acknowledged for their part in that particular time. So thank you so much. Thank you.

Hon. Speaker: Thank you very much. Yes. Do you deserve a second chance Hon. Kyalo Kyuli?

Hon. Kyuli: Thank you. An issue that has been raised on the Kenya Power posts Mr. Speaker. I think as a County, we are producing a lot of electricity and giving it out, Mr. Speaker to other Counties in this country. It is the high time that we should think, or as a Committee of Finance, should sit and think on how to get revenue from the same. Because for example, it is a profit-making company Mr. Speaker.

KenGen and Kenya Power and other Independent Power Producers (IPPs) are profit-making companies and on that issue, unless there is a legislation against it, before we pass this Finance Bill, we should levy something on the posts because Mr. Speaker if you apply for electricity to be installed in your premises, you will be charged and not little money Mr. Speaker. So therefore, before we pass---

Hon. Speaker: Hon. Kyalo Kyuli, are you in order on this matter? Did you participate in the public participation?

Hon. Kyuli: I did. I did and it is the point that has, Mr. Speaker, just come---

Hon. Speaker: Now-----

Hon. Kyuli: Now Mr. Speaker, I wanted if it is possible----

Hon. Speaker: But Hon. Kyalo Kyuli, I am sure you know a better way of presenting the matter.

Hon. Kyuli: Yes, I wanted to raise it, Mr. Speaker---

Hon. Speaker: If you can withdraw the matter and raise it at the appropriate time or you raise it with the Chairperson, it will be handled properly.

Hon. Kyuli: Thank you, Mr. Speaker.

Hon. Speaker: Thank you. Hon. Members, I think, let us conclude on the debate on this matter to allow the committee of the whole house.

Hon. Maitha: Mr. Speaker---

Hon. Speaker: Did I allow you?

Hon. Maitha: By smiling, Mr. Speaker, you nodded that you are allowing. Mr. Speaker, there is one key issue that I want to put to the minds of this Hon. Members; that we should think a lot. When Inspectorate Officers arrest defaulters of what we have passed here, they are taken to court. When they are charged, the charges they are charged go to court so the county remains with very little or nothing.

I want members to think about it that we pass a resolution that, whenever Inspectorate Officers have arrested people who have defaulted maybe to make payments or to pay licences, instead of taking them directly to court, we can give them a chance to pay directly to the County Government and if they are not in a position, that is when we can subject them to legal proceedings. Thank you Mr. Speaker, Sir.

Hon. Speaker: Thank you. With that, let me proceed to put the question that those in support of the report as presented by Deputy Chairperson, Committee on Finance and Revenue Collection together with the proposed suggestions by Members particularly on the matter for Safaricom charges, the de-silting of all the dams, not just Maruba dam.

(Question put and agreed to)

Thank you very much. We shall now proceed and convert to the committee of the Whole House. We shall allow the member to address the House after we finish. Let us proceed and convert to the committee of the Whole House.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[Mr. Speaker left the Chair]

IN THE COMMITTEE

[Madam Chairlady (Hon. Jacqueline Nziva) took the Chair]

THE MACHAKOS COUNTY FINANCE BILL, NO. 11 OF 2015

Hon. Chairlady: Members can we settle down to finish the business for today? Because now if you go out, I don't know what time we will finish the business.

(Low consultations)

Okay, Members I want to welcome you for this session, it is a continuation. Members, I want to invite the Clerk to continue with the proceedings. Clerk.

Clauses without amendments

Part 2; Clause 7

Part 3; Clauses 15, 16, 17, 18, 19, 20, 21, 22, 23

Part 4; Clauses 33

Part 5; Clause 58

Part 6; Clauses 80 and 81

Part 7; Clauses 93 and 94

Part 8; Clauses 108, 116, 124

Part 9; Clauses 132 and 133

POINT OF ORDER

Hon. Joseph Kalunde: Madam Chair, I think you can see for yourself that the House does not have quorum. We are only five.

Hon. Chairlady: Hon. members, I have called the members to stay in the House. This is a committee and I think it has quorum. It has a quorum according to me. So can you proceed, Clerk.

Part 10; Clauses 137, 147, 148, 149, 150, 151, 158, 159, 160, 161, 162, 163

Part 11; Clauses 170, 179, 180

Part 12; Clauses 184, 188

Part 13; Clauses 199, 203, 204, 207, 208, 209

Part 14; Clause 214

Part 15; Clauses 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252

Part 16; Clauses 254, 257, 259

Part 17; Clause 270

Part 18; Clauses 273, 274, 275, 276, 277, 278, 279, 280, 281

Part 19; Clauses 283, 284

Part 20; Clause 291, 292, 293, 294, 295, 298, 299, 300,301, 303, 304,305, 306, 307,308, 309, 310, 311, 312, 313, 314, 317, 318, 319, 320

Part 21; Clauses 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344-363

Part 22; Clauses 365-367

Part 23; Clauses 369-373

Part 24; Clauses 376-378 and 385

Part 25; Clauses 389-397

Part 27; Clauses 399, 404-422

Part 27; Clause 427-430, 432-443 (??)

Part 29; Clause 447-453

Part 30; Clause 455-458

Part 41; Clauses 460- 463

Part 32; Clauses 464-471 (??)

Part 33; Clauses 472-475(??)

(Question of the clauses without amendments proposed and agreed to)

Clauses with amendments

Part 2; Clauses 4-6, 8-11

Part 4; Clauses 22-32, 35-39, 41-43, 44-54, 58, 60-66

Part 6; Clauses 67-70, 78-86(6)

Part 7; Clauses 87-97

Part 8; Clauses 98-107, 109-115, 117, 118,120- 123, 125

Part 9; Clauses 126-131, 134-136

Part 10; Clauses 138-146, 152-154, 156, 158,164 and 165

Part 11; Clauses 166-169, 172-174, 176-178, 181,182)

Part 7; Clauses 182-187,189-193, 195-198

Part 8; Clauses 200-202, 205,206,210

Part 14; Clauses 211, 213, 215- 217, 219, 220

Part 1; Clause 221

Part 16; Clauses 253, 255, 256, 258, 260, 261, 262, 263

Part 17; Clauses 264- 269, 271, 272

Part 18; Clause 272

Part 19; Clauses 282, 285-287, 288, 289, 270, 296, 297, 302, 315, 316, 321, 322, 325, 326

Part 24; Clauses 374, 375, 379-387

Part 25; Clause 388

Part 26; Clauses 398, 400, 401, 402, 403

Part 27; Clauses 423- 426, 431, 444

Part 28; Clause 445)

Part 29; Clause 446(29)

Part 31; Clause 459(31)

Hon. Chairlady: Chairperson, Finance Committee, can you move the amendment.

Hon. Bibiana: Madam Chair, I move that all the clauses mentioned to be amended to be part of the Bill.

(Question of amendments proposed)

(Question of the amendments agreed to)

(Schedules agreed to)

(Short title agreed to)

(Cover page agreed to)

Hon. Chairlady: Members, let me congratulate you for your patience and your contributions. If you continue like that, we will go to a higher level. Thank you very much.

Hon. Bibiana: Thank you Madam Chair. I wish to move that the committee do report to the House its considerations of the Finance Bill (2015) and it is approval thereof with amendment. Thank you Madam Speaker.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[Mr. Speaker in the Chair]

REPORT AND THIRD READING

THE MACHAKOS COUNTY FINANCE BILL, NO. 11 OF 2015

Hon. Nziva: Thank you Mr. Speaker, Sir. I wish to move that the committee do report to the House its considerations of the Finance Bill, 2015 and its approval thereof, with amendments.

(Question proposed)

(Question put and agreed to)

Hon. Speaker: Third reading.

Hon. Bibiana: Thank you Mr. Speaker. I first thank all members for supporting the report. God bless us all.

Hon. Speaker: Thank you. Ask one of your own to support you and proceed and then request for the third reading.

Hon. Bibiana: I call upon Hon. Alice Nzioka to second.

Hon Alice Nzioka: Asante Bw. Spika. Nasimama kuunga mkono ripoti ambayo imewasilishwa katika bunge letu na naibu wa mwenyekiti wa kamati ya fedha. Pia nawashukuru wabunge wote kwa mwongozo na wameunga mkono hii ripoti. Kama nilivyosema wakati wa maongezi yangu, kielelezo ambacho tumefanya leo ni uti wa mgongo wa kaunti yetu.

Nawashukuru sana wote ambao wamehusika na pia tutamuuliza Gavana wa kaunti ya Machakos kwamba ripoti ya kielelezo cha ukusanyaji wa pesa mwaka wa 2015/16 ikimfikia, atuwekee sahihi ili iwe sheria ndio kaunti yetu iende mbele. Asante sana Bw. Spika.

Hon. Speaker: Asante sana.

(Question proposed)

(Question put and agreed to)

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

Hon. Speaker: I will request the Clerk to read out the long title of the Bill.

(A Bill of Machakos County Assembly to regulate and govern taxes, duties, levies, charges, fees specified, to amend and align certain written laws relating to the collection and management of county revenues within Machakos County)

The Bill is now considered read for the final time and is duly passed by this Assembly. The Speaker says the Bill is duly passed by this Assembly and there is no response?

(Applause)

Thank you very much hon. members and I must appreciate the vice chairperson today for that bold step she has made.

(Applause)

ADJOURNMENT

Hon. Speaker: Thank you very much. I request the deputy Chair to pass through the Speaker's office for greetings. Thank you and have a good evening.

The House rose at 4.52 p.m.