

**MACHAKOS COUNTY ASSEMBLY****OFFICIAL REPORT****Thursday, 5<sup>th</sup> May, 2016**

The House met at 2.40 p.m.

*[The Temporary Deputy Speaker (Hon. R. Mutuku) in the Chair]***PRAYERS****PAPER LAID****PETITION BY MACHAKOS PASTORS FORUM REPORT**

**Hon. Nzeki:** Thank you Mr. Speaker, Sir. Pursuant to Standing Order number 201(2), I beg to lay the following paper on the table of the Assembly today, 5<sup>th</sup> May 2016. Thank you Mr. Speaker, Sir.

*(Hon. Nzeki laid the paper on the Table)***NOTICE OF MOTION****PETITION BY MACHAKOS PASTORS FORUM REPORT**

**Hon. Nzeki:** Thank you, Mr. Speaker, Sir. Pursuant to Standing Order 190(5), I wish to give notice of the following motion: that this Hon. House discusses and approves the report of Finance and Revenue Collection committee on petition by Machakos County Pastors' Forum.

**Hon. Temporary Deputy Speaker:** Thank you, notice given. Proceed.

**STATEMENT****BUSINESS COMING BEFORE THE HOUSE IN THE NEXT WEEK**

**Hon. Muli:** Thank you Mr. Speaker. The statement from the House Business Committee for business of the House today 5<sup>th</sup> May and next week, starting 10<sup>th</sup> to 12<sup>th</sup> May 2016. Mr. Speaker, Sir, I stand under Standing Order 41(2a) where during the statement hour, a member of the house business committee designated by the committee for that purpose shall every Thursday or on the last sitting day for not more than ten minutes present and lay on the table a statement informing the House of the business coming before the House in the following week.

Mr. Speaker, Sir, the House Business committee met today and balloted business for today and next week as follows:

1. Thursday, 5<sup>th</sup> May 2016: Report of Finance and Revenue committee on petition by Machakos pastors' forum.
2. Tuesday, 10<sup>th</sup> May 2016 (Afternoon): Report of Selection committee on nomination of members to some select committees.
3. Wednesday, 11<sup>th</sup> May 2016 (Morning): Ad-Hoc committee report on conduct of CPSB secretary.
4. Wednesday, 11<sup>th</sup> May 2016 (Afternoon): Report of Health and Emergency committee on status of Kangundo Level (IV) hospital and health centre in Kangundo Sub County.
5. Thursday, 12<sup>th</sup> May 2016 (Afternoon): Report of Liaison Committee on committee progress report for July -December 2015.

Thank you, Mr. Speaker, Sir, on behalf of Hon. Joshua Mwonga, MCA, Masinga Central ward.

**Hon. Temporary Deputy Speaker:** Thank you. Proceed.

### MOTION

#### PETITION BY MACHAKOS PASTORS FORUM REPORT

**Hon. Nzeki:** Thank you Mr. Speaker, Sir. Aware that section 15 of the County Governments Act, 2012 provides that a person has a right to petition the County Assembly to consider a matter within its authority including enacting, amending or repealing any of its legislation; aware that the Assembly received a petition from Machakos County Pastors' forum as per Standing Order number 194 on 1<sup>st</sup> December 2015; aware that the pastors petitioned the Assembly to exempt them from paying fees and charges on church buildings, properties and functions; noting that churches play a vital role in the development of the county through imparting right social values and uniting citizens thus reducing incidences of lawlessness and insecurity; aware that churches are nonprofit making organizations, Mr. Speaker, Sir, I wish to move the motion that this House discusses and approves the report of Finance and Revenue Collection committee on Petition by Machakos County Pastors Forum. I call upon Hon. Mueni to second the motion.

**Hon. (Ms.) Mueni:** I stand to support the motion that pastors not to be paying revenue so that everybody can go to heaven because nobody will say that I have not heard the word. Thank you Mr. Speaker, Sir.

**Hon. Temporary Deputy Speaker:** Thank you. Chairman you can proceed with the report.

**Hon. Nzeki:** Thank you Mr. Speaker, Sir.

## REPORT OF FINANCE AND REVENUE COLLECTION COMMITTEE

### *Preamble*

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. In addition, 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, on 1<sup>st</sup> December, 2015, a public petition from Machakos County Pastors' Forum was received in the Assembly through the Office of the Clerk pursuant to Standing Order No. 194 (1)(a). The petition was scrutinized for admissibility as per Standing Order No. 194 (3) and tabled in the House on 2<sup>nd</sup> December, 2015. After tabling in the House, the petition was committed to the Finance and Revenue Collection committee pursuant to Standing Order No. 201 (1).

### *Committee Membership*

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

- |                                 |                    |
|---------------------------------|--------------------|
| 1. Hon. Oliver Nzeki            | - Chairman         |
| 2. Hon. (Ms.) Bibiana Nduku     | - Vice Chairperson |
| 3. Hon. Peter Nzioki            | - Member           |
| 4. Hon. Raphael Mutuku          | “                  |
| 5. Hon. Phillip Ndolo           | “                  |
| 6. Hon. (Ms.) Benedette Musyoka | “                  |
| 7. Hon. (Ms.) Nina Mbithe       | “                  |
| 8. Hon. (Ms.) Veronica Mbithe   | “                  |
| 9. Hon. (Ms.) Amina Mutio       | “                  |
| 10. Hon. Nathaniel Nganga       | “                  |
| 11. Hon. Alice Nzioka           | “                  |
| 12. Hon. David Manyolo          | “                  |
| 13. Hon. Alphonse Wambua        | “                  |

### *Petition*

The petition by Machakos County Pastors' Forum was presented by pastors from Athi River, Kinanie, Mlolongo and Kyumbi chapters and had signatures of faithfuls from these sections. The pastors' forum highlighted that the church played a crucial role in ensuring that the society upheld high moral values. The work of the church was to preach the gospel and by

extension raise and nurture God's creation and as such the church was a non-profit making enterprise. In addition, the pastors' forum noted that the church was an indispensable partner in development of the county as it helped people to live responsible and morally upright lives which were a pre-requisite to the development of any society.

The Pastors' Forum added that the preamble of the Constitution of Kenya and the National Anthem recognizes the sovereignty of God and by extension areas of worship should be accorded exemption in payment of charges. The Pastor's Forum observed that the Machakos County Government should collaborate with church in the running of the county affairs for blessings to be abundant among the county residents.

The Machakos County Pastors' Forum petitioners' prayer was that churches in the county should be exempted from paying the fees and charges listed below:-

1. Charges on parking motor vehicles on the church corridors by worshipers.
2. Charges on handbills, banners, posters, sign boards and bill boards.
3. Charges on crusades and processions.
4. Land rates on church properties.
5. Charges for approving plans for construction of church buildings.

The committee observed that matters of spirituality needed to be handled with care and religious leaders should be brought on board concerning county developments. The committee also noted that in the previous regime of local authorities, churches were not paying for billboards, banners and crusades. In addition, the committee observed that when devolution came in, all signboards for churches that had not been paid for were pulled down, carted away and confiscated.

The committee observed that most of church sign boards were made using worshipers' contributions and it was unfair for the county government to pull them down. The committee noted that churches were inconvenienced because visitors could not easily locate them. The county government should consider releasing the sign boards unconditionally to those churches that were willing to collect them.

### ***Recommendations***

The committee considered the prayer made by the Machakos County Pastors' Forum and makes the following recommendations to this Hon. House for adoption:-

1. On prayer number 1, vehicles for worshipers should be exempted from paying parking fee when parked within church corridors. The churches should demarcate their compounds well and have fences around them to ensure clear boundaries on where the revenue officers should extend when collecting revenue.
2. On prayer number 2, the church should be exempted from paying charges on handbills, banners, posters, signboards and billboards. The County government should release the confiscated church sign boards unconditionally for the churches willing to collect them.

3. On prayer number 3, the county government should exempt the church from paying charges for holding crusades in open grounds and religious processions along county roads.
4. On prayer number 4, the church should be exempted from paying land rates for church worshipping centres.
5. On prayer number 5, the churches should pay charges for approving plans for construction of church buildings as per the Finance Act. The committee observed that construction of buildings involved safety of worshipers who needed to be cushioned from any calamities that may arise if the building was not properly constructed.

### ***Conclusion***

The committee was grateful to the office of the Speaker and that of the Clerk to the County Assembly for the support accorded during the committee sittings and facilitating the committee to retreat. I wish to express my appreciation to the Hon. 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. It is therefore my pleasant duty and privilege, on behalf of the Committee on Finance and Revenue Collection to table this report of the Machakos County Pastors' Forum Petition in this Hon. House for consideration and adoption.

As I conclude, I will talk about these exemptions which are being brought by the pastors petition and I will not leave out the Muslims; they are our brothers and the Muslims are also part and parcel of the residents of Machakos. I understand they have been paying parking fees to this county and I request that they be exempted. I ask this Hon. House to consider because the pastors and imams are playing a vital role in bringing the residents of Machakos closer to God.

So those petitions have been brought to us to consider and according to what we have said, of the five of the petitions which have been brought, four have been exempted except one, whereby we don't want a thing like that of Huruma which has been in the limelight of late. I understand in the afternoon there was a lady who was pregnant and she was retrieved alive from the Huruma building. Thank you Mr. Speaker, Sir.

**Hon. Temporary Deputy Speaker:** Thank you. Hon. Members, the petition before us was presented by the Machakos County Pastors Forum and was received by this Assembly on 1<sup>st</sup> December 2015 under Standing Order 201(1). It was committed to the relevant committee, that is the committee on Finance and Revenue Collection. I wish to take you through Standing Order 201(2) so that you may be guided as you deliberate on the report before us.

It says, "whenever a petition is committed to a sectoral committee, the committee shall, in not more than 60 calendar days, from the time of reading the prayer, respond to the petitioner by a way of a report addressed to the petitioner and laid on the table of the Assembly and no debate on or in relation to the report shall be allowed but the Speaker may, in special circumstances, allow comments or observations in relation to the petition for not more than twenty minutes."

Hon. Members, by the powers bestowed by that Standing Order, I will allow comments and observations within twenty minutes. Can I have Hon. Michael Mutuku?

**Hon. M. Mutuku:** Thank you very much. First of all, let me applaud the committee on Finance and Revenue Collection and more importantly the chair for chairing the committee in a positive way. I would like to say for those who have the report, they have seen almost 80 percent of the petitioners are from Mavoko Sub County and by extension Machakos County. I would like to applaud the committee for exempting the church fraternity and by extension, all the denominations who run the religious activities within Machakos County from the requests they made.

Mr. Speaker, Sir, as you are aware, we have only two kingdoms: the earthly kingdom and heavenly kingdom. The earthly kingdom is where we have the county governments and National governments and when the county governments are doing constructions, for example Machakos County Assembly, we do not pay for approval plans. I am wondering, why we are charging the heavenly kingdom these charges if the other kingdom doesn't pay. I would like if prayer number five can be considered and we try as much as we can to exempt all religious denominations from paying the approval plans. Reason is, there is something we normally call "giving back to the God" and I think it is prudent for the county government of Machakos to give back to God by actually giving free approvals to the churches' plans like what happens in county governments.

We have done so many constructions within Machakos County and I am sure the county government of Machakos does not pay bills for approval plans but they are approved. I would like the same olive branch to be extended to the church fraternity and all denominations. Thank you Mr. Speaker, Sir.

**Hon. Temporary Deputy Speaker:** Thank you. We can have Hon. Isaac Muinde.

**Hon. Muinde:** Thank you Mr. Speaker for catching my eye. I want to start by saying I am deeply religious. I am a Catholic, baptized and confirmed in the church and with a holy marriage in the church, but that notwithstanding, I want to divorce myself from my church orientation and speak like a legislator. Mr. Speaker, I stand to oppose this report in the sense that even during biblical times, people asked Jesus whether it is right to pay taxes and he himself said, 'give to Caesar what belongs to Caesar.'

Most of these churches are doing business and consider this; this is a petition by the Christian fraternity. Tomorrow the Muslims will come, the day after, the Buddhists will come. At the end of the day, the only person who will be paying taxes is the person who doesn't believe in god, that is the atheist, and nowadays I hear they are also organizing themselves to register as an outfit. I heard they are already registered it is only that the registration has been suspended by the Attorney General.

Mr. Speaker, when you look at prayer number three, exempting church from paying charges for holding crusades and religious processions, take for example when there is a big

crusade and they litter the grounds with their banners, we expect the county government to send in their staff to collect because they don't sweep as they leave. They leave a lot of litter. How does the county government handle that because they have to spend money and energy cleaning that area?

When you look at prayer number one, county governments do not charge parking on Sundays but during weekdays, we do. For example the big churches in Nairobi, they use their open grounds as parking lots during weekdays. Isn't that business? Aren't we supposed to charge a shilling, for example, where one is selling for two? Mr. Speaker, I wish this petition could have been looked into thoroughly before seeing ourselves from our own religious orientations and taking a position as legislators.

Otherwise all other religions will come in and I know majority of the legislators here are Christians which we have been informed by our religious orientations but consider, we also have Muslims here, we will soon have Buddhists here and such prayers will continue coming. Mr. Speaker these prayers should have been shelved and ask the revenue committee to consider that they need to raise money for the county. Thank you, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Thank you Hon. Muinde. Hon Members, when I was taking you through Standing Order number 201(2), I only allowed twenty minutes for comments and observations and still, there is room whereby even a member can bring a petition to the House if they feel that there are some matters that have not been handled adequately. You can take up the matter. So the other members who talk from now, you have two minutes. Hon. Alexander Kathinzi.

**Hon. Kathinzi:** Thank you Mr. Speaker. I am a Christian and I believe all of us if we are alive today, we are believers of Jesus Christ, who died on the cross for our sins. Mr. Speaker, I am on my feet to support this particular report because we go to church to take our prayers, give thanks alongside all other things. I understand the county government has a lot of areas where it can take revenue from, but not from the churches.

*(Applause)*

The county government has a lot of areas whereby they can get money, but they have been misused. There are a lot of loopholes where county funds have been stolen. I would like to be on record supporting that prayer number one, two, three and four are granted. That means the worshipers should be exempted from paying parking fee and prayer number two which says that paying charges on bill boards, banners, posters and sign boards, because we need to move those who are not Christians to Christianity. Allow these people to practice this.

Mr. Speaker, when you go to Machakos people's Park, whenever we have a big occasion, there is a lot of dirt. It is like telling those who go there on their own occasions, because we have been having some occasions of collecting funny things including used condoms Mr. Speaker,

does it mean that those people who come in that particular area with a condom in the pocket, you pay for it.

These things have been happening but we want to move those people from those areas, bring them to church get saved, work for people in a straight manner. I am supporting this particular petition and encourage even other denominations to bring such petitions because we want people to be saved and in the last day we all go to heaven, and I am in the front line saying that this is one of the best reports that have been brought by the chairman, Finance. I think you owe me a cup of tea. Thank you, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Thank you. We can have Hon. Joseph Itumo, Hon. Rachael Nduku and Hon. Mary Ndinda. Strictly two minutes

**Hon. Itumo:** Thank you, Mr. Speaker. I am here to support the report. This is a very good report that I could not afford to leave this House without having contributed to it. You realize that churches help a lot in building our youth and every person in becoming a good person. You realize that I am a polygamous Christian, Mr. Speaker. It is the church that helps our people to become true leaders by giving them good guidance so that they are molded in a better way. Mr. Speaker, there are many issues that have to be considered. I don't know whether we are going to come up with another committee to scrutinize the true churches. Mr. Speaker, many of the churches...

**Hon. Temporary Deputy Speaker:** Hon. Itumo, just comment on the report before us or you make your observations strictly on the report.

**Hon. Itumo:** Thank you. I do support the report but then we have these seed planting churches also Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Yes, Hon. Rachael... Before you, can we hear the point of information?

### POINT OF INFORMATION

**Minority Leader (Hon. Kaso):** Mr. Speaker, I want to put to your attention that the only person who was opposing the report, Hon. Muinde from Ekalakala, just left the House. Can you just put the question so that we can approve the report and move forward?

**Hon. (Ms.) R. Nduku:** Thank you, Mr. Speaker. I wish to contribute for two minutes. I want support the report and disagree with my learned friend (??) Hon. Isaac Muinde even though he has walked out and wish to tell all the pastors that they should not take this as an advantage and do some things which will not have an impact to the community. Mine is just to



support the document and congratulate the committee for what they have done and also on prayer number five, I would wish to request the committee although the chair has walked out, on the approval of the buildings, because many churches have humble beginnings, they can be allowed to start temporary buildings without paying the approvals and when the churches are strong, their buildings could be checked by the engineers so that it will also be safe for the gatherings. I support the report. Thank you, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Thank you. Hon. Mary Ndinda.

**Hon. (Ms.) Ndinda:** Thank you Mr. Speaker. I support the report, especially knowing that churches are non profit making organizations, the members who worship in the churches pay revenue and taxes outside, the churches train and mold people in the right moral values; I stand to say that I support all the prayers and add something on number five where I am saying that it is good for the church buildings to be approved.

There is an incident that took place in Nigeria last year where a church building collapsed and killed several Christians and maybe it lacked something like that but at least we can consider it to be at a free charge where we don't charge anything but the building should be approved. Finally, I am looking forward to see Machakos County, being a God-fearing county, even offering free land which used to be offered in other times because I have never heard anytime where we say that we have placed apart a place where we will put churches and mosques. So I am looking forward to seeing Machakos County offering free land to churches. Thank you Mr. Speaker, Sir.

**Hon. Temporary Deputy Speaker:** Thank you. Lastly, I can hear Hon. Veronica Mbithe, to hear a word from the Bishop.

**Hon. (Ms.) V. Mbithe:** I fully support this report having been a member who participated fully in this process in the Finance and Revenue Collection committee. I support because, being a minister of the gospel, many people do not understand what the pastors go through. It being a nonprofit making institution and we do not expect anything from anybody unless somebody comes back like Hannah ho give thanks in the house of God, we don't expect the church again to be asked to pay anything in form of taxes. The same people who come to church are the same tax payers who are buying sugar at an added cost of revenue, meaning that asking the church to pay taxes again is double taxing. Thank you, Mr. Speaker.

**Hon. Temporary Deputy Speaker:** Chair you want to comment? One minute.

**Hon. Nzeki:** I commend the members who have supported the motion except one Hon. Muinde but I know he wanted more debate. I would like to comment on the temporary structures

which Hon. Nduku has said. Those are not charged but those structures which are permanent will be charged.

On sign boards, we have Muslims who pray at noon and let us say they are coming from Makutano to Machakos and they see a mosque is situated at such and such a place, they can go straight to that place. Nowadays churches are just like banks, you don't have to ask somebody 'where can I go and pray.' They are supposed to be shown by sign boards then you go there. If you happen to ask somebody, 'where is Barclays bank in Machakos?' you will be followed and thieves will be on your neck. I support the members who have supported me and I pray that you put the question and you will be surprised that all the members in the House will support it.

**Hon. Temporary Deputy Speaker:** Hon. Members, without much ado I proceed to put the question.

*(Question put and agreed to)*

I direct that the Clerk should communicate the decision within fifteen days as per Standing Order 201(3).

### **ADJOURNMENT**

**Hon. Temporary Deputy Speaker:** There being no other business, the House adjourns till next week.

The House rose at 3.22 p.m.