

**REPUBLIC OF KENYA**  
**MACHAKOS COUNTY ASSEMBLY**  
**OFFICIAL REPORT**

**Wednesday, 28th September, 2016**

The House met at 10.05 a.m.

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

**PRAYERS**

**Hon. Speaker:** Good morning, Hon. Members.

**PAPER LAID**  
MACHAKOS COUNTY FINANCE BILL 2016

**Hon. Nzeki:** Thank you, Mr. Speaker, Sir. Mr. Speaker, Sir, I beg to lay the following paper on the floor of the House today 27th September, 2016; the report of Finance and Revenue Collection Committee on the Machakos County Finance Bill 2016.

**NOTICE OF MOTION**  
MACHAKOS COUNTY FINANCE BILL 2016

**Hon. Nzeki:** Mr. Speaker, Sir, pursuant to Standing Order 44 (1), I wish to give notice of the following motion; the report of Finance and Revenue Collection Committee on the Machakos County Finance Bill 2016. Thank you, Mr. Speaker, Sir.

**Hon. Speaker:** Thank you.

**BILL**  
*Second Reading*  
MACHAKOS COUNTY FINANCE BILL 2016

**Hon. Nzeki:** Thank you, Mr. Speaker, Sir. Mr. Speaker, Sir, pursuant to Standing Order 121 (1), I would like to move the motion that the Machakos County Finance Bill 2014 and 2016 be now read a second time. Thank you, Mr. Speaker, Sir. I call upon Hon. Benedette Mueni to

second.

**Hon. (Ms.) Mueni:** Thank you, Mr. Speaker, Sir. I hereby second the motion. Thank you.

*(Question proposed)*

**Hon. Nzeki:** Thank you, Mr. Speaker, Sir. Mr. Speaker, Sir, that aware that Machakos Finance Bill 2016 was read for the first time in this Hon. House on 13th September, 2016 and committed to the committee of Finance and Revenue Collection where that the Public Finance Management Act requires the Assembly to approve the Finance Bill ninety days after the approval of the appropriation Act, noting that the Committee discussed the bill and facilitated public participation on 21<sup>st</sup> September, 2016 and compiled a report.

Mr. Speaker, Sir, I wish to move that this Hon. House adopts the report of Finance and Revenue Collection Committee on the Machakos County Finance Bill 2016 tabled in this House today, Wednesday 27th September, 2016 and pursuant to the provisions of Article 209, (3) and (4) of the Constitution of Kenya 2010, section 132 of Public Finance Management Act of 2012 in the Standing Orders to set out County revenue-raising measures---

**Hon. Speaker:** Some order, a small interruption. Hon. Dominic Maitha, did I notice that you were taking a call in the House?

**Hon. Maitha:** Mr. Speaker, I apologize for that.

**Hon. Speaker:** I find this you out order and I discharge you from this House for the entire morning. Proceed.

**Hon. Nzeki:** Yes, I continue Mr. Speaker, Sir. I wish to move the motion that this Hon. House adopts the report of Finance and Revenue Collection Committee on the Machakos County Finance Bill 2016 and pursuant to the provision of Article 209 (3) and (4) of the Constitution of Kenya 2010, section 132 of Public Finance Management Act of 2012 in the Standing Orders set out County revenue-raising measures in the connected purposes for the year 2017.

Thank you, Mr. Speaker, Sir. I correct for the purposes of HANSARD; it is Wednesday 28th September, 2016. Thank you, Mr. Speaker. I call upon Hon. Benedette Mueni to second the motion. Thank you, Mr. Speaker, Sir.

**Hon. (Ms.) Mueni:** Thank you, Mr. Speaker, Sir. I second the motion by saying that, Committee on Finance, we are trying our best to see that the County collects the revenue in the best way possible. Thank you, Mr. Speaker, Sir.

*(Applause)*

**Hon. Speaker:** Motion is laid. Proceed.

**Hon. Nzeki:** Thank you, Mr. Speaker, Sir. Mr. Speaker Sir, Article 209 (3) and (4) of the Constitution of Kenya 2010 gives the County powers to impose property rates, entertainment rates, any other tax that it is authorized to impose by an Act of Parliament and the charges for services they provide. Article 210 (1) of the Constitution requires that no tax or licensing fee may be imposed, waived or varied except as provided by the legislation.

Further, section 133 of the Public Finance Management (PFM) Act 2012 provides that not later than 90 days after the passing of the Appropriation Bill, the County Assembly shall consider and approve the Finance Bill with or without amendments.

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 Machakos County Finance Bill, 2016 was submitted to the Assembly in accordance with provisions of the Constitution of Kenya and PFM Act.

The Bill was read for the first time and committed to the Committee of Finance and Revenue Collection on 14<sup>th</sup> September, 2016 and should be passed by the Assembly on or before 30<sup>th</sup> September, 2016.

Mr. Speaker Sir, Standing Order No. 190 (5) states the functions of a Sectoral Committee as follows:-

- (a) To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned department.
- (b) Study the programme and policy objectives of departments and the effectiveness of the implementation.
- (c) Study and review all county legislation referred to it.
- (d) Study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives.
- (e) Investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the Assembly.
- (f) To vet and report on all appointments where the constitution or any law requires the Assembly to approve, except those under Standing Order 184 (*Committee on Appointments*).
- (g) Make reports and recommendations to the assembly as often as possible, including recommendation of proposed legislation. In addition, the second schedule of the County Assembly Standing orders defines the mandate of the Finance and Revenue Collection Committee to include all matters relating to the management of the County Public Finance and revenue collection.

Mr. Speaker, Sir, the Finance and Revenue Collection Committee as currently constituted comprises of the following Hon. Members as shown.

Mr. Speaker, Sir, the Committee discussed the Bill and also facilitated public participation pursuant to Standing Order No. 120 (3) in all the eight Sub-Counties. The committee also held forums with the Executive Committee Member for Finance, officials of Chamber of Commerce, Machakos branch and those of Kenya Association of Manufacturers (KAM), Machakos Chapter.

Mr. Speaker, Sir, the Committee held a consultative forum with the Executive Committee Member for Finance to get her recommendations on the Bill. The Executive Committee Member expressed concern that previous Finance Acts had been challenged in court and she did not want the members of the public to petition the Finance Act 2016. To have an acceptable Finance Act that was not likely to be petitioned in Court, the Executive Committee Member requested the committee to involve all the stakeholders and especially the Chamber of Commerce in Machakos County.

Mr. Speaker, Sir, the Executive Committee Member informed the committee that traders should pay the Fees and Charges acceptable to them. The Executive Committee Member for Finance added that the County Executive Committee had agreed that the Fees and Charges should not be increased and proposed Machakos Town which is classified as urban to remain in schedule 8, Mavoko which is classified as urban two, has its traders falling into two schedules namely schedule 7 for large scale enterprises and schedule 5 for small scale traders.

Peri-urban towns have been put under schedule 5 and they include; Matuu, Ekalakala, Kaewa, Kangundo, Kakuyuni, Kaseve, Katangi, Kathiani, Kaviani, Kawethei, Kithimani, Kithyoko, Kivaa, Kola, Masii, Masinga, Mbiuni, Mitaboni, Mutituni, Muumandu, Mwala, Ol-Donyo Sabuk, Makutano ma Mwala, Kabaa and Wamunyu. All the markets not listed under Urban, Urban 2 and Peri-Urban will use schedule 4 including interior markets of Machakos town.

Mr. Speaker, Sir, the Executive Committee Member, Finance further proposed that traders dealing with Mpesa services and other money transfer services to be charged Kshs. 5,000 instead of Kshs. 8,000 for Mpesa in Machakos and Mavoko on top of what they were to pay for Single Business Permit (SBP).

The other money transfer services combined (Equitel, Airtel, PesaPap) were also to be charged Kshs. 5,000 for Machakos and Mavoko on top of what they were to pay for Single Business Permit (SBP). This way of charging was aimed at solving the problem of having multiple single business permits in one shop as well as deal with complaints that traders in money transfer business had raised.

Mr. Speaker, Sir, public participation is a legal requirement under Article 196 (1) of the Constitution of Kenya (2010) which states that “a county assembly shall;

- (a) Conduct its business in an open manner, and hold its sitting and those of its committees in public.

(b) Facilitate public participation and involvement in the legislative and other business of the assembly and its committees.

Mr. Speaker, Sir, the Committee conducted Public participation on 21<sup>st</sup> September, 2016 in all the eight sub-counties pursuant to Standing Order No. 120 (3); ‘the sectoral committee to which a Bill is committed shall facilitate public participation and shall take into account the views and recommendations of the public when the committee makes its report to the House.’”

Mr. Speaker Sir, the public views were as follows:-

#### Machakos Peoples Park

- a) That the charges for photography should be reduced from Kshs. 500 to Kshs. 200.
- b) Private ceremonies for 1 to 10 people to be free of charge.
- c) Wedding services and reception to be charged Kshs. 5,000 instead of Kshs. 20,000.
- d) Video shooting should be charged Kshs. 5000 instead of Kshs. 10,000 and the time allocated for shooting should be increased from 5 hours to cover the whole day.
- e) Maruba boat should not be hired since the water in the dam was used for drinking and boat riding would pollute the water.

#### Licensing of premises and trade

- a) Mpesa agents and equity agents to pay Kshs. 200 instead of Kshs. 4250 for rural areas and that of peri-urban areas reduced from Kshs. 5,000 to Kshs. 4,250.
- b) Application fee for SBP for rural markets should be reduced to Kshs. 100 from Kshs. 300.

#### Building plans

- a) Building plans charges should be reduced for urban and peri-urban areas and made free for those undertaking construction in their homes.
- b) Building plans for churches should be charged differently from institutions since churches were non-profit making organizations.
- c) Building inspection fee to be charged between Kshs. 500 to 1,000 instead of Kshs. 7,000. The public complained that cost of construction was too high in Machakos County.
- d) Change of user was very costly at Kshs. 40,000 and should be reviewed downwards to Kshs. 1,000.
- e) Traders complained harassment by county officers when carrying out renovations on their business premises. The public proposed that alterations on buildings should not be charged and that painting building should be free.

### Hawking

- a) Hawking permit per month was very high and should be reduced to Kshs. 500 from Kshs. 600 in peri-urban.
- b) Hawking fee per month for pickup/Nissan in peri-urban areas should be reduced to Kshs. 400 from Kshs. 500.

### Non-Motorized Transport

- a) Permit for hand carts, ox-cart and wheel-barrow per month should be done away with.
- b) *Bodaboda* operators proposed to pay Kshs. 100 instead of Kshs. 200 since the county promised to build shades to protect them against rain and hot sun but the promise was yet to be fulfilled.

### Public Markets and Stalls

- a) Charcoal dealers complained that they were being overcharged since they pay daily even when they had not exhausted stock of the previous day. They proposed to pay charges per bag instead of daily fee.
- b) Fees for new and second hand clothes per day should be reduced to Kshs. 30 for urban and peri-urban. The public cited hard economic times that had resulted to less sales.
- c) Stock fees per head for cattle, donkey and camel should be reduced from Kshs. 80 to Kshs. 30 to encourage more traders.
- d) Movement permit for chicken should be done away with and that of cattle, donkey and camel reduced from Kshs. 100 to Kshs. 50.

### Rental Houses

- a) Application fee for market stall to be reduced from Kshs. 1,000 to Kshs. 200 and stall rent per year to Kshs. 500 for urban, peri-urban and rural areas instead of Kshs. 1500, Kshs. 1,200 and Kshs. 1,000 for urban, peri-urban and rural areas respectively. The application fee for the urban stalls should also be reduced to Kshs. 1,000.
- b) The public proposed the deadline for paying kiosk rent per month to be moved from 10<sup>th</sup> to 15<sup>th</sup> day of every month.
- c) That transfer of stall/ kiosk should be reduced from Kshs. 6,500 to Kshs. 3,500 and renewal of *Kibanda* space reduced to Kshs. 300 from Kshs. 500.
- d) Bus park stalls should be charged Kshs. 1,500 per year instead of Kshs. 1,500 per month.

### Quarrying

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- a) Quarry sales should be reduced from Kshs. 600 to Kshs. 400 and manual quarrying should be exempted from paying quarrying permit.
- b) Quarrying permit per acre should be done away with since mining was regulated by the Mining Act.

#### Taxi/ Cab permit

The public proposed that Taxi cab drivers permit under schedule 2 and requirements under schedule 3 should be abolished since driving was regulated by the National Transport and Safety Authority (NTSA).

#### Control of Water Supplies

Members of the public proposed that charges for water bowsers which was at Kshs. 30,000 per year to be reduced by 50 per cent so as to ensure more proprietors join the business and also reduce the cost of buying water by the residents.

#### Designated Parking

Public noted that bodaboda operators paid Kshs. 1,250 per year as registration for their motorcycles same as matatus, minibus, *tuktuk* and *maruti*. They noted that this charge was high and they should be exempted as a way of promoting youth to venture in business.

#### Parks and open spaces

- a) Local matches should be charged 20 per cent of the gross gate charge instead of 40 per cent and that local teams in our county should practice free of charge in our county stadia.
- b) Local political rallies should be charged Kshs. 3,000 while big political rallies are charged Kshs. 200,000.

#### Public Cemetery

There should be no burial charges for children in public cemetery

#### Sand harvesting

Sales for sand harvesting should be doubled to curb environmental degradation.

#### Advertising

- a) Directional signs in rural areas should not be charged.

- b) Wall branding charges were very high and should be reduced and charged at the rate of Kshs. 7,000 for the first 10M<sup>2</sup> and any additional square metre for Kshs. 650.

#### Drainage and Sewerage

The public proposed that drainage and sewerage charges for the rural markets should be scrapped.

#### Hire

The public proposed hire of seats per seat per day to be reduced from Kshs. 20 to Kshs. 10.

#### Pounding

Pounding fees were very high and should be reduced to Kshs. 10,000 for lorries and Kshs. 20,000 for semi-trailer.

#### Committee Observations and Recommendations

Mr. Speaker, Sir, the Committee retreated to Burch's Resort in Naivasha from 22<sup>nd</sup> to 25<sup>th</sup> September, 2016 where members discussed the bill, considered views of the public and made recommendations. The committee also considered the views of the Executive Committee Member for Finance, Executive Committee Member for lands, officials of Chamber of Commerce, Machakos branch and those of Kenya Association of Manufacturers (KAM), Machakos Chapter.

The Executive Committee Member for Finance informed the committee that the entry to the People's Park was free and that hosting private ceremonies of 1 to 10 participants in the Park was free. The committee agreed with proposition of the public to have private ceremonies of up to 10 participants be hosted free of charge in the Park. The committee also agreed to have the five-hour for video-shooting amended so that persons undertaking the activity can carry it all day once they pay the fee of Kshs. 10,000.

The committee deliberated on the proposal to have Mpesa charges reduced. Members were informed that Mpesa dealers in Mavoko had requested to be allowed to pay Kshs. 5,000 for permit and that dealers in Machakos were complaining that a permit of Kshs. 8,000 was very high. The committee agreed to make Mpesa payments uniform for Mavoko and Machakos at Kshs. 5,000 and amended payment for rural areas to be Kshs. 3,000 instead of Kshs. 4,250.

The committee considered the matter of non-motorized transport where the public proposed that ox-cart, wheel barrow and hand carts should not pay. Members observed that it was hard to differentiate those vessels that were bringing goods to the market and those that were trading.

The committee recommended that charging of non-motorized transport should apply to the product that was being ferried to the market and not the vessel.

The committee met the Executive Committee Member for lands and urban planning and discussed on the building plan approvals. Members observed that the charges were very high and there was a lot of bureaucracy. Developers were being sent from one office to another to have their documents stamped before they could get approval to build in Machakos County. This procedure was tedious, lengthy and cumbersome and could lead to corruption.

The committee recommended for reduction of most of building plans related charges by about 50 per cent based on The Machakos County Finance Act 2015. The committee recommended application fee for building plans approval to be Kshs. 1,000 and erection of communication mast per site to be Kshs. 200,000. The CEC for Lands and Urban Planning informed that committee that square feet were no longer used in approving building plans. The committee recommended for deletion of approval of building plan per plan which were in square feet.

Members observed that charging the same bag of charcoal daily till the product was finished was unfair and it meant that the seller could not recover his investment on the bag of charcoal if he was unable to sell it in one day. The Executive Committee Member observed that the practice should be charging the bags of charcoal as they were being off –loaded from vehicle as they enter the market just like what happens with other vegetable products and promised to enforce the practice.

The Executive Committee Member for Finance informed the committee that the county was not charging any fee for the movement of chicken. The committee agreed that the charge for the permit of movement of chicken should be deleted. The committee further agreed movement permit for camel should be Kshs. 200 and should not be Kshs. 100 together with that of cattle and donkey.

The committee observed that during one of its visits to quarries that those people who were doing small scale quarrying/manual quarrying were not paying quarrying permit. In addition the Executive Committee Member informed the committee that quarrying permit was only paid by large quarries in Mavoko and transporters of quarry products pay sales to the county at the barrier points. The committee also discussed the proposal to delete quarrying permit and noted that the permit was just like Single Business Permit (SBP) hence retained it.

The committee discussed the proposal that taxi cab drivers permit should be done away with since the NTSA was regulating transport in the country including issuance of permits. The committee agreed that the second and third schedules that dealt with taxi cab drivers permit and requirements be deleted.

In addition the committee looked into the proposal that the yearly permit of water bowsers be reduced by 50 per cent. The committee noted that the charge of Kshs. 30,000 was a reduced

figure from Kshs. 80,000 that was being charged in the Finance Act of 2015. The committee agreed to include a provision for traders to pay permit per month at Kshs. 5,000. This was informed by the fact that demand of water was seasonal during the dry season or when water supply was interrupted by events like burst pipes.

The committee observed that the registration of motorcycle of Kshs. 1,250 was equal to that of matatus and mini buses and was high. Members amended registration of motorcycles to be Kshs. 500 and not Kshs. 800.

The committee discussed the matter of local political rallies paying less for use of Kenyatta stadium. The Executive Committee Member informed members that politicians had an option of using Mulu Mutisya gardens which was cheaper at Kshs. 10,000 and easy to maintain. The committee agreed to maintain the charges for political rallies and matches.

The committee observed that sand dealers had been petitioning the courts on the issue of sand. On this basis, the committee agreed to retain charges related to sand as they were in the Machakos County Finance Act of 2014. Moreover, the committee reduced the penalty charged on defying stopping orders by authorized County Officers from Kshs. 20,000 to Kshs. 10,000. The committee also reduced transfer of sand permit from one lorry to another from Kshs. 5,000 to Kshs. 1,000.

The committee amended charges for umbrella like shades branded per day to be Kshs. 300 and charges for advertising using A5 and A4 posters to be Kshs. 5 and recommended for deletion of advertising using branded umbrellas. The committee also discussed and accepted the proposal of the public on wall branding that the first 10M<sup>2</sup> be charged Kshs. 7,000 and each additional square metre to be charged at Kshs. 650.

The Committee further noted that the public were being harassed by county officers when undertaking wall painting in their business premises. The officers were even charging a fee that was not provided for in the Finance Act. The Committee recommended for provision of a new clause stating that no charges on business premises painting were applicable under this Act unless such painting were for advertisement.

The committee amended fee charged on slaughter houses for chicken to be Kshs. 10 instead of Kshs. 20. Members also observed that the penalty charged on smoking vehicle was very high and reduced it by half to Kshs. 10,000. The committee also reduced penalty on smoking in undesignated areas from Ksh.2, 000 to Kshs. 500.

The committee observed the use of National Liquor Act in the bill while the County Assembly had already enacted the Machakos County Liquor Licensing Act, 2014. The committee recommended that the National Government Liquor Act CAP 121 be deleted from the bill. In addition, the committee recommended for deletion of the rating Act CAP 267 since the county had its own rating Act; The Machakos County Rating Act, 2014.

The Executive Committee member observed that the County was not in the business of renting out chairs. The chairs were movable and could easily get lost. The hire of chairs at Kshs. 20 was to encourage those who hire the social hall to look for alternative seats from the private sector. The committee concurred with the Executive committee member on hire of chairs at Kshs. 20.

The committee considered the pounding charges as proposed by the public and recommended that charges for pounding lorries to be Kshs. 10,000 and that of semi-trailer Kshs. 20,000. The committee also amended pounding for cars/taxis to be Kshs. 1,000.

Mr. Speaker, Sir, as the committee was discussing the bill certain serious issues emerged and the committee would like to make the House aware. These issues include:-

- a) The demand by the public to be given monetary hand-outs. The committee noted that public participation was a right of the public and in turn the public should not demand money. The committee observed that officers who gave hand-outs to the public during public participation were bribing the public to attend public participation and the act falls close to corruption. Going forward all officers of the County Government of Machakos should restrain themselves from this act.
- b) That all the toilets that belonged to the former local authorities in Machakos town and Mavoko had been grabbed and were in the hands of private individuals and did not earn the county any revenue. The agreement on *Iko* toilets in the County was also not known. The committee on Decentralized Units and the department should follow up the matter to ensure these properties were beneficial to the county.
- c) Some tenants of County houses do not pay rent and whenever rent was demanded from them they usually show condemnation notes indicating that the houses were awaiting demolition. The Transport, Roads and Public Works Committee and the department should follow up the matter, assess the suitability of the houses and take necessary action to ensure revenue was realized.
- d) That, some of the Sub-Counties such as Mwala, Yatta and Masinga were vast and consideration should be made to have the public participations at ward level or the sub-counties to have two or more centers of public participation.

Mr. Speaker, Sir, the committee presents to this Hon. House the amendments to the Machakos County Finance Bill 2016 as discussed and as per the attached schedule to this report for approval.

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 2016 in this Honorable House for consideration and adoption. Thank you, Mr. Speaker Sir,

**Hon. Speaker:** Thank you, very much Chairperson of finance and revenue collection committee. I think that you have heard the report and the result of public participation. I will allow report and thereafter we will revert to the committee of the Whole House. The floor is now open. Yes hon. Nzoka.

**Hon. Nzoka:** Thank you. I support the bill and there was something which I was expecting the Chairman to enlighten and it was asked before about the renovation, we talked about painting renovation. Thank you.

**Hon. Speaker:** Chairman, I thought you talked about the renovation. Address that matter.

**Hon. Nzeki:** Thank you, Mr. Speaker, Sir. I talked about the renovation and according to what we observed is that, Members of decentralized unit that is our so-called policemen, they used to, whenever you are renovating your house, they come and get you, they confiscate all wheelbarrows, the cement and everything, bring you to the court and they charge the owner.

So, here we said they are not supposed and they are not supposed to confiscate anything from anybody renovating his house, even painting. Painting it is you who is painting and not the County who paints but for Safaricom, you will find a Safaricom company is paying for you and it is paid. Every square feet up to 10 square feet it is Kshs. 10,000 but for your shop you are supposed to be painting freely and nobody is supposed to come and confiscate your paints or your people who are painting. Thank you, Mr. Speaker, Sir.

**Hon. Speaker:** I am sure that is clear, Hon. Nzoka.

**Hon. Nzoka:** Is it when you are renovating your house you should not be charged anything?

**Hon. Speaker:** Yes, Hon. Nzoka, if you heard the entire report, that point was clear; except painting for advertisements all other painting is free. Yes, Hon. Muinde at the back.

**Hon. Muinde:** Thank you, Mr. Speaker. Unlike yesterday when we did not agree with the Chairman, Finance committee, today I want to applaud him and this committee for a job well done. Actually, this finance bill is citizen-friendly although you heard the danger of not collecting money. I think you have been too generous but however, Mr. Speaker, the issue that Hon. Nzoka has just raised should be made clear and especially at the time of the committee stage because the Chairman, in this report, reported the public view but in the recommendation by the committee, he was silent on charges for renovation.

Mr. Speaker, we are the people who represent the citizens at the ward level, our military wing, decentralized units are harassing traders when they want these renovations, not extensions to existing buildings but renovations. So, Mr. Speaker, I beg the House at the committee stage to make it clear that, renovations should be made free.

**Majority Leader (Hon. Mwonga):** Point of order.

**Hon. Speaker:** Yes, let us hear the point of order.

**Majority Leader (Hon. Mwonga):** Mr. Speaker, is it in order for Hon. Isaac Muinde to say that in our inspectorate we have a military wing? Can he substantiate on that, Mr. Speaker?

**Hon. Speaker:** The Chair understood the context. Proceed, Hon. Muinde.

*(Laughter)*

**Hon. Speaker:** Thank you, Mr. Speaker. You know English is a borrowed language and sometimes---

**Hon. Speaker:** Just proceed.

**Hon. Muinde:** Thank you, Mr. Speaker. I just say that, we need to make it clear as a House that we protect our traders, our building owners when trying to put a facelift and not just painting alone but even when there is some cement works but that is not meant to increase the size of a building. If it is increasing the building in terms of more construction, that can be charged but in terms of renovations, Mr. Speaker, we need to make it a little bit clear that we give it to our traders for free of charge.

Mr. Speaker, on page 6, of the report, on bus park stalls, there is the statement that....that is page 6, point number 7 on rental houses, number d; 'bus park stalls should be charged Kshs. 1500 per year instead of Kshs. 1500 per month.' Mr. Speaker, I thought that the committee has just been too generous, these traders are making money, these kiosks are making money, we need not to.....let the County not lose so much, we will also need this money for this County to operate. I beg the House at the committee stage to ensure that the County Government does not operate without money.

On page 7, Mr. Speaker, on the report on point number 14 on sand harvesting, the committee is not clear in point (a), 'sales for sand harvesting should be doubled to curb environmental degradation.' Mr. Speaker, we are on a finance bill, we need to use figures, we

need to know what amount are we moving from and to where. So, it is important so that we do not pass a document that is ambiguous in terms of figures, not to allow our officers to interpret the law subjectively.

So, we need to be clear and put the figures. So, I call upon the committee to be alert on that, and Mr. Speaker, on page 8, point number 3...point 3, point 5, on the business of charcoal. Mr. Speaker, I consider charcoal business a sin business, just like business in cigarettes and beer for the reason that it degrades environment. Machakos land, in terms of vegetation, is bleeding and Mr. Speaker, those dealing in charcoal are quite often shrewd.

If we allow that point to go through as it is, we will not be collecting anything because the traders will always say that the charcoal you are seeing here is the same charcoal I brought into the premises last month so we will never collected anything. Quite often they never say the truth. Mr. Speaker, we do not need to be so generous to people who are actually finishing our environment. So that is a point that I do not agree and I would beg the House to concur with me

Mr. Speaker, on page 9 from point 3 to 8 on the water business, the bowsers. The public and the traders involved were asking for reduction from Ksh. 30,000 but the committee has just indicated in its recommendations that to get to Ksh. 30,000 we are moving from Ksh. 80,000. Mr. Speaker, that is not reason enough to maintain the figures Ksh. 30,000 just because we are coming from Ksh. 80,000.

I feel that Ksh. 30,000 is still on the higher side and since the committee, this time round and this year's finance bill they have decided to be generous and bring us a popular finance bill, they should still be generous to water traders and since we are a semi-arid county, I would wish that the plea of the traders dealing with water be hard and that the charges be moved from Ksh. 30,000 to something less like Ksh. 20,000 or a figure the House feels more comfortable but Mr. Speaker, I would wish to bring the proposal at the committee stage so that we can insert the figure.

Otherwise, as a general overview, the report is quite acceptable to the House. The members were generous and the views of the public have been considered for we attended the forums and members of public were very much concerned about the kind of charges. I think our citizens have won, if the House do pass this finance bill in this form like in the matter of non-motorized transport, almost everywhere members of public were feeling that anybody dealing with hand carts or using his own energy to push a machine, that person is considered poor and need not be added more burden and I think this house will hear the plea of the public and ensure that non-motorized transport is not charged and that perhaps will kill a bill that is coming soon on non-motorized transport.

Thank you, Mr. Speaker, and I applaud the committee.

*(Applause)*

**Hon. Speaker:** Let us hear, Hon. Nduva.

**Hon. Nduva:** Thank you Mr. Speaker. I want to make a comment on public participation on building plans and before I mention that, Mr. Speaker, I want to applaud the committee on a job well done. Mr. Speaker, page 5, 3 building plants (a) ‘Mr. Speaker, building plants charges should be reduced for urban and peri-urban areas and made free for those undertaking construction in their own houses.’

Mr. Speaker, the issue of building plants has been an issue in our county and the charges are felt exaggerated. So, Mr. Speaker, we are requesting the committee that having mentioned that the charges should be reduced they could have come with a figure actually it should be a figure the plants should be charged because, Mr. Speaker, our public feels that the charges are too high and can break and not to mention our officers are charging as much as we want.

So Mr. Speaker, I will urge the chairman to have a look at this and come up with a figure in which these lands should be charged. Thank you, Mr. Speaker.

**Hon. Speaker:** Yes Hon. Mueni.

**Hon. (Ms.) Mueni:** Thank you, Mr. Speaker, Sir. I stand to support the report that we were caring about our people there outside. That is why we came down about the money. The other thing is we were considering the money the county has already lost over these three years when they had gone to court. So that is why we were minding what the public was saying and not to fight with them because if we fight with them, nothing we will gain and we will continue loosing and you know we get salaries from that revenue. Thank you Mr. Speaker, Sir.

*(Applause)*

**Hon. Speaker:** Hon. Manyolo.

**Hon. Manyolo:** Thank you Mr. Speaker, Sir, and the entire House. As the committee, we tried our level best to see that we come up with the best. These reductions did not come from the committee only. We had public participation, we met the people, we met business men and we also met the chamber of commerce and also the relevant departments. That is why you see there are figures reduced. We also met the department of lands and planning that is why you see we have tried our level best.

If there is anything that is left, it is upon the House now to see and come up with a proposal of which for example, Hon. Nduva has said we have not indicated the rates for the planning which we have said should be reduced.

Maybe we have left it because we needed further consultations to see how we are going to come up with the charges. With those words, Mr. Speaker, Sir, I understand that the report is so good and if there are any amendments, it is upon the House. Thank you Mr. Speaker, Sir. I stand to support the report.

**Hon. Speaker:** Thank you. We can hear the Minority Leader and we are towards completion.

**Minority Leader (Hon. Kasoa):** Thank you, Mr. Speaker. I stand to applaud the committee for coming with a good report. Mr. Speaker, I wish to put a question on number 9, number 3.3 (11) where the committee has proposed reduced charges businesses are charged penalty for defying stopping orders by the authorized county officers from Ksh. 20,000 to Ksh. 10,000. Mr. Speaker, if you happen to go to my ward where sand harvesting takes place, you will find that some of the lorries are scooping sand in non-authorized areas and the community has engaged in building of gabions to raise the water levels. Mr. Speaker, my point is just to say if we can retain the same charges and penalties of 2013. Thank you, Mr. Speaker.

**Hon. Speaker:** Thank you. You will have the opportunity in the committee of the Whole. Yes, Edrick Ngunzi and the finally we will hear Hon. Muli.

**Hon. Ngunzi:** Mr. Speaker, thank you for the opportunity. Mr. Speaker, the document before us is a nice document and I want to applaud the committee but I am afraid, Mr. Speaker, that we have a budget that we passed in this House and that looking at it now, if we reduce almost everything from Ksh. 40,000 to Ksh. 1,000 from Ksh. 50,000 to from Ksh. 10,000 to ksh. 500, then as we do what we do in this House, I would want to call this a political bill.

*(Laughter)*

This bill is a political bill here but I am afraid, Mr. Speaker, that we will do so and consider that there will be implications in whatever we do. We cannot just reduce everything to zero to please the people. They will ask for services tomorrow and we will have collected no money. Mr. Speaker, we are treading on dangerous ground. What we do, is fine, let us reduce if we want to reduce to zero but expect the wrath of the people when time comes. Thank you, Mr. Speaker.

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**Hon. Speaker:** Let us hear Hon. Muli.

**Hon. Muli:** Thank you, Mr. Speaker. First, Mr. Speaker, I got an opportunity to be invited this committee finance in Naivasha whereby, through their efforts and good concentration, that committee I believe this is why they came with a very considerable document Mr. Speaker, whereby is very friendly for our electorates although the immediate contributor has signaled danger to it.

Mr. Speaker, my point was on concern, more detailed on concern number 9 whereby Mr. Speaker, according to 3.3 (11) page 9, Mr. Speaker, it has been quoted that the sand dealers had a petition in court in 2015 and Mr. Speaker, I wanted to know from the chairman, if what is the verdict now from all those years from 2014 because Mr. Speaker, as per even the public participation decisions have already indicated let us double cess of sand and the sand dealers have already gone to the court and that is why even it is a if our natural resources Mr. Speaker, whereby we can accumulate more funds which are supposed to lift our county and after the owners go to the court and then from there the county reduces or maintains that rate and also goes to an extent like Hon. Kasoa has said even reducing the penalty.

It means if this cartel is being understood, Mr. Speaker, now after we uplift the revenues everybody will run to the court Mr. Speaker. Therefore, it is my request that let us refuse to amend the issues of sand cess considering that is our natural resource and also it has already damaged our environment extensively. Thank you, Mr. Speaker.

**Hon. Speaker:** Thank you. Let us hear the chairman to reply.

**Hon. Nzeki:** Thank you, Mr. Speaker. Concerning difference from Hon. Muinde of Ekalakala, he had talked of 50 percent reduction of building plans. We happened to check our document; I do not know whether you have it? Application fee for anyone who want to do their building it is Ksh. 1,000 in most of the construction companies are complaining of the high fee.

Again application for extension of lease, extension of change of user. So many people complain that our building plans were so high and that is why we reduced to 50 percent. I do not see why because we have not started any business of giving a house, if you happen to start a building now in Machakos two story house you will part with around Ksh. 7,000. So, members, I would like to urge you, that building plan has been so high that members were even afraid to come to invest in Machakos County.

On matters of sand harvesting, the public said that they should increase but be advised that 2014/2015 finance bill was challenged in court and because we did not want all these battles in court, we decided to revert back to 2014 finance bill and since they were told to pay by 2014 finance bill when they went to court, they were told they revert back to previous finance bill

which is 2014 and they paid comfortably and that is why we said it remains the way it is now. We did not increase we just come from where we were at 2015 and now we reverted back to 2014 finance bill. 2016 we have not increased.

On construction of houses at our homes there were these *askaris* Hon. Muinde was talking about. They used to be moving about checking whether you are building a latrine at your home and if you are found, everything is confiscated and you are charged. So we said it will be free. Nobody will be asked to produce a building plan. If you are building a house for your son who is around 25 to 30 years old and still with you that is a shelter.

We said, it is somehow a shelter and should not be charged because he will move from where you have built a house for him and that is just a shelter and should not be charged. On kiosks the fees has not changed, Hon. Muinde it will remain as it is but per year it is Ksh. 1500--

**Hon. Speaker:** Hon. Chairman you will address the Chair not Hon. Muinde.

**Hon. Nzeki:** Yes Mr. Speaker, Sir.

*(Laughter)*

Yes, it is Mr. Speaker, Sir, Ksh. 1500 per month and not per year. We have not reduced so much.

So Mr., Speaker, Sir, I am coming to that. From Ksh. 80,000 to Ksh. 30,000, we decided that the committee and the finance CEC member that it be reduced from Ksh. 80,000 to Ksh. 30,000 and confirmed that it is comfortable. On charcoal, Hon. Speaker, there are times you find somebody has a weaker stock of charcoal and they are selling a gallon of charcoal. Mr. Speaker, Sir, the following day that charcoal is there and you find council revenue clerk charging.

So we found that it should not be charged. You can even sell a bag of charcoal for one solid week and if you are charged Ksh. 30 times seven, it is Ksh. 210 that is Ksh. 800 less Ksh. 210. You find he has gone at a loss. So Mr. Speaker, Sir, building plans, the charcoal, sand harvesting, construction at Machakos County; all those we have factored and Mr. Speaker, Sir, I know if we revert back to committee of the whole house we will do something good. Thank you Mr. Speaker, Sir.

**Hon. Ngunzi:** Point of order.

**Hon. Speaker:** The point of order is refused. Hon. Nzeki, you need to invite us the House to the committee.

**Hon. Nzeki:** Thank you Mr. Speaker, Sir. I hereby propose the House turns into a committee of the Whole House to discuss the bill. Thank you Mr. Speaker, Sir, I call upon Hon. Bendette Mueni to second.

**Hon. (Ms.) Mueni:** Thank you Mr. Speaker, Sir. We invite all the members in our committee so that they can bring their decisions. We welcome them. Thank you, Mr. Speaker, Sir.

Hon. Speaker: Thank you. I think, accordingly, the House will convert to the committee of the Whole House.

*(Question put and agreed to)*

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

**(Then)**

### **COMMITTEE OF THE WHOLE HOUSE**

*(Order for Committee read)*

*[Mr. Speaker left the Chair]*

**IN THE COMMITTEE**

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

### **MACHAKOS COUNTY FINANCE BILL 2016**

**Hon. Chairman:** Hon. Members resume your seats. Order! Hon. Nzoka. The procedures of this House still apply in the committee of the whole house. You need to be orderly.

**Hon. Muinde:** Point of concern, Hon. Chairman.

**Hon. Chairman:** Yes what is the point of concern?

**Hon. Muinde:** Thank you Chairman. I have a feeling that we need to look into this finance bill and study the proposals that the committee has made on the clauses that need to be amended. Hon. Ngunzi is making a very important point and we need to look into this county.

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We have a budget sure; it is really a very popular finance bill. I would wish what we can do today we still go ahead and do but members need to be given at least more time.

We can conclude, perhaps tomorrow, we are still within the time so that we are just very quick to pass it. The idea is to strike a balance between revenue-collection and meeting our budget as a county. We may please some sections of our community especially the traders, sometimes we may hurt others but we need, as a House, to remain sober and look with a tooth comb some of these clauses. It could be easy to sit here and in oneness say 'ayes' and then the document is passed but we need to seriously look into clause after clause and ensure we do not throw money out of the window and sabotage the budget.

It would be very hard, Mr. Chairman, for the subsequent Houses in this assembly to increase charges because members of public will stick to what is already given here. We have realized that increasing charges is not easy and with the kind of empowerment that people have today, any decision you make, people are rushing to court. We have seen for the last four years now that we have not even been able to increase anything other than what was passed by the previous councils.

In fact, the last three finance bills, now acts, have been more of harmonizing the charges that were being charged by the previous five civic authorities that make up the Machakos County today more than creating anything new. We have even been imprisoned by the schedules that were given by the local government ministry but as a county, being an entity by ourselves, we should have even being able to work without the schedules and bring our own which is more informed by the public participation and the thinking of this House.

So, Mr. Chairman, as we proceed, it is my prayer that we should not just be quick to rubber stamp and pass clauses just for the sake of finishing the business of today. There are no two sides here; we are not fighting, there is nothing contentious in this finance bill but it is important that the House can reason in a sober manner and even allow the chairman of the budget committee and the members of the budget to look at the impact of the decisions that we are making in terms of actualizing the current budget and subsequent years budget as the House maybe constituted in the future. Thank you, Mr. Chair.

**Hon. Chairman:** Hon. Members, we know that this is a committee of the Whole House and the reason why a House, at any given stage, converts into a committee of the Whole House is to consider the amendments, new clauses which have been proposed by a committee. Hon Members, you know the procedure on how we transact business in a committee of Whole House such that we do not adjourn and I am very sure, as we go through, members who feel that they can introduce amendments, they are welcome and as a committee, we will be able to look at that.

So, the fears of Hon. Muinde, I am sure they will be taken care of and Hon. Members again, remember all members were invited for the public participation. You are part of the bill

that is before this House, you participated in your various wards and the very bill was circulated to Hon. Members. I am very sure you have gone through them, I am very sure you also participated in the public participation and you will be able to contribute on the bill's amendments as we go through.

So, Hon. Members, with your permission, I direct the clerk we proceed.

*Clauses without amendments*

*(Clauses 1 and 2, 3 to 10, 11 to 31, 32 to 55, 56 to 84, 85 to 98, 99 to 104, 113 to 124, 125 to 133, 134 to 165, 166 to 174, 175 to 179, 180 to 215, 216 to 249, 250 to 253, 254 to 258, 259 to 270, 271 to 280, 281 to 304, 305 to 328, 329 to 337, 338 to 341, 342 to 346, 347 to 354, 355 to 358  
agreed to)*

*(First Schedule and Fourth Schedule agreed to)*

*(Single Business Permit Schedule;  
Schedule 4, 7 and 81 agreed to)*

**Hon. Chairman:** Yes what is the concern Hon. Nzoka?

**Hon. Nzoka:** I have a concern. When the chairman was specifying, we thought we do not know where clause was put, that is building plans (c) 'traders complained harassment by county officers when carrying out renovations.' I do not know where that clause is because we had said that it has to be free, the chairman said. When the clerk was going through that, I did not see where that one is.

**Hon. Chairman:** Order! Hon. Nzoka. The reason why members were supplied with the finance bill 2016 was for the members to go through them. When we talk of clause one part one to two, even the schedules we are referring to the finance bill for 2016 which I am very sure you as a member have a copy. You should be comparing what you is contained in the copy and what you have and I said I will welcome members to propose amendments there and then.

Order! Hon. Nzoka. For the doubts of Hon. Nzoka, I can direct he be supplied with a copy for the finance bill. In fact, you can give him an extra copy of the finance bill. Clerk, proceed.

*Clauses with amendments*

**Hon. Nzeki:** Mr. Chairman, Sir, I beg to move:- THAT, Sixth Schedule, part 3 be amended by adding the following expression in part 3 immediately after the term ‘non-motorized transport’, ‘ fee and charges shall be applicable on the product.’

*(Question, that the words to be inserted in place thereof  
be inserted, put and agreed to)*

Mr. Chairman, Sir, I beg to move:- THAT, Sixth Schedule, part 4 be amended by deleting the figure ‘5,000’ appearing in urban, peri-urban and rural which is a fee applicable to transfer of sand permit from one lorry to another and substitute therefor the figure ‘1,000’

*(Question, that the words to be left out be left out,  
put and agreed to)*

Mr. Chairman, Sir, I beg to move:- THAT, Sixth Schedule, part 5 be amended by deleting the term ‘camel’ under the sub -heading and expression ‘movement permit per head’ from the application of fees and charges for movement permit per head for ‘cattle, donkey, camel’

*(Question, that the words to be left out be left out,  
put and agreed to)*

Mr. Chairman, Sir, I beg to move:- THAT, Sixth Schedule, part 5 be amended by deleting the term ‘chicken’ and the fee and charges applicable for movement permit per head for ‘chicken’ in part 5 in urban, peri urban and rural areas

*(Question, that the words to be left out be left out,  
put and agreed to)*

Mr. Chairman, Sir, I beg to move:- THAT, Sixth Schedule, part 7 be amended by deleting the figure ‘5,000’ which is a fee and charge applicable in urban areas which is applicable for holding private ceremony like birthdays, graduation, retreats between 1-10 persons in the Machakos People’s Park and substitute thereof the word ‘free’

*(Question, that the words to be left out be left out,  
put and agreed to)*

Mr. Chairman, Sir, I beg to move:- THAT, Sixth Schedule, part 7 be amended by deleting the figure ‘10,000’ which a fee and charge applicable in urban areas for video shooting for 5 hours falling under the sub heading ‘ shooting film’ and expression Machakos People’s Park’ and substitute therefor the figure ‘10,000’ which shall be a fee and charge applicable for video shooting per day

*(Question, that the words to be left out be left out,  
put and agreed to)*

Mr. Chairman, Sir, I beg to move:- THAT, Sixth Schedule, part 8 be amended by deleting the term ‘motorcycle’ from the expression ‘registration for *matatu*/mini bus /*TukTuk*/Motorcycle per year under the expression and sub heading ‘taxi’ in part 8.

*(Question, that the words to be left out be left out,  
put and agreed to)*

Mr. Chairman, Sir, I beg to move:- THAT, Sixth Schedule, part 9 (i) be amended by deleting the figures, ‘3,000’ which a fee and charge applicable in urban, peri urban areas for application fee for building plans and substitute thereof the figure ‘1,000’

*(Question, that the words to be left out be left out,  
put and agreed to)*

Mr. Chairman, Sir, I beg to move:- THAT, Sixth Schedule, part 9 (j) be amended by deleting the fees and charges applicable for building plans and substitute thereof the following;

Application fee	1,000	1,000	1,000
Building inspection fee	2,000	2,000	2,000
Transfer (lease hold)	3,000	3,000	3,000
Plot transfer	4,000	3,000	2,500
Application for extension of lease	1,000	1,000	1,000
Change of user	10,000	5,000	4,000
Extension of change of user	2,500	1,500	1,000
Extension of lease/User	10,000	10,000	4,000
Sub lease per unit per lease	2,500	1,500	1,500
Change of density of a building/land (per property/land)	10,000	7,500	5,000
Closure of a street per street	5,000	5,000	5,000
Sub-division per plot	2,500	2,000	1,500
Perimeter fencing per 1/8 acre plot	2,500	1,500	1,000
Boundary wall-1/4 Acre and below	2,500	1,500	1,000

Boundary wall (more than ¼ to 2 acres	5,000	3,500	2,500
Boundary wall above 2 acres	7,500	5,000	5,000
Hording of scrap metal p.a	2,500	2,500	2,500
Placement of branded kiosk/containers p.a	2,500	1,500	1,000
Placement of branded kiosk/ containers p.a	5,000	3,000	2,000
Drilling of borehole per site	10,000	10,000	10,000
Amalgamation of plots per two plots			
Development of agricultural structures (per sqmetre)	50	50	50
Application fees for borehole drilling	500	500	500

*(Question, that the words to be left out be left out, put and agreed to)*

Mr. Chairman, Sir, I beg to move:- THAT, Sixth Schedule, part 9 (k) be amended by deleting the fees and charges applicable for approval of building plan per plan in urban, peri urban and rural areas for ‘per sq foot’; ‘up to 500ft sq’; ‘501-2000ft sq’ ; ‘2001-4000ftsq’; ‘4001-500ftsq’; and ‘for every additional 1000ftsq’

*(Question, that the words to be left out be left out, put and agreed to)*

Mr. Chairman, Sir, I beg to move:- THAT, Sixth Schedule, part 9 (l) be amended by deleting the fees and charges applicable for approval of building plans per metre SQ and substitute therefor the following;

Approval of building plans per meter SQ			
	Urban	Peri urban	Rural
Institutional	20	15	10
Commercial	40	40	40
Residential	30	25	25

*(Question, that the words to be left out be left out,*

*put and agreed to)*

Mr. Chairman, Sir, I beg to move:- THAT, Sixth Schedule, part 9 (m) be amended by deleting the fees and charges applicable for industry warehouses and godowns and substitute thereof the following;

Industry (ware houses and go downs)			
	Urban	Peri urban	Rural
0- 500M <sup>2</sup>	100	75	65
501-5000M <sup>2</sup>	75	65	50
5000M <sup>2</sup> and above	60	60	60

*(Question, that the words to be left out be left out,  
put and agreed to)*

Mr. Chairman, Sir, I beg to move:- THAT, Sixth Schedule, part 9 (n) be amended by deleting the fees and charges applicable for structural drawing approval and substitute thereof the following;

<b>Structural drawing approval</b>			
	Urban	Peri urban	Rural
0-45M	750	750	5
46M-96M	900	900	5
96M-140M	1000	1000	5
186M-240M	1250	1250	5
240M-294M	1500	1500	5
294M-350M	2000	2000	5
350M-400M	2500	2500	5
400M-465M	3000	3000	5
465M-530M	3500	3500	5
530M-595M	4000	4000	5
595m-660M	4500	4500	5
660m-	5,000	5,000	5

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725m			
725m-790m	5500	5500	5
790m-855m	6,000	6,000	5
855m-930m	6500	6500	5
For every additional 93m	325	325	5
Beacon search per beacon	1,000	1,000	500
Renewal of building plan	25% of approved fee	25% of approved fee	25% of approved fee
Application for renewal of building plan	2,500	2,500	

*(Question, that the words to be left out be left out, put and agreed to)*

Mr. Chairman, Sir, I beg to move:- THAT, Sixth Schedule, part 9 (o) be amended by deleting the fees and charges applicable for alterations/renovations of plans and building and substitute thereof the following;

<b>Alteration/renovations of plans and building</b>			
Application	1,000	1,000	1,000
	Urban	Peri urban	Rural
Commercial	5,000	4,000	2500
Residential	3,500	2,500	1,500
Extended markets/areas P.A	5,000	4,000	2,500
Inspection of building files	2,500	2,000	1,000
Charges/mortgage	1750	1750	1750
Certificate of occupation per unit	3,000	3,000	3,000
Supervision fee	1,000	1,000	1,000

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Plan submission fee	1,250	1,250	1,250
Boundaries inspection	1,000	1,000	1,000
Hording fee	7,500	7,500	2,500
Structural plan approval fee	1,500	1,500	1,500
Way leave	5,000	5,000	1,000
Plot registration fee	5,000	5,000	5,000

*(Question, that the words to be left out be left out, put and agreed to)*

Mr. Chairman, Sir, I beg to move:- THAT, Sixth Schedule, part 9 (p) deleting the fees and charges applicable to boundary wall and substitute thereof the following;

Boundary wall			
	Urban	Peri urban	Rural
Below 2 mtrs	1,500	1,500	1,500
Above 2mtrs	2,500	2,500	2,500
Search fee	1,250	1,250	1,250

*(Question, that the words to be left out be left out, put and agreed to)*

Mr. Chairman, Sir, I beg to move:- THAT, Sixth Schedule, part 9 (q) be amended by deleting the fees and charges applicable road cutting, earth road per metre and other areas in urban, peri-urban and rural areas and substitute thereof the following;

Road cutting			
Gravel per metre	5,000 or cost refilling whichever is higher	5,000 or cost refilling which is higher	5,000 cost refilling whichever is higher
Earth road per metre			
	2,000 or cost refilling whichever is higher	2,000 or cost refilling whichever is higher	2,000 or cost refilling whichever is higher

Other areas			
Micro tunneling	3,000 or the assessed reinstatement costs	3,000 or the assessed reinstatement costs	3,000 or the assessed reinstatement costs
Road cutting on tarmac	25,000 or cost refilling whichever is higher	25,000	25,000
Road cutting on murrum	5,000 or cost refilling whichever is higher	5,000	5,000
Site office	5,000 or cost refilling whichever is higher	5,000	5,000

*(Question, that the words to be left out be left out, put and agreed to)*

Mr. Chairman, Sir, I beg to move:- THAT, Sixth Schedule, part 11 be amended by deleting the figure '4250' which is a charge applicable in rural for 'M-pesa Agent' under the sub-heading and expression, 'Licensing of premises and trade' and substitute thereof the figure '3,000'

*(Question, that the words to be left out be left out, put and agreed to)*

Mr. Chairman, Sir, I beg to move:- THAT, Sixth Schedule, part 13 be amended by deleting the figure, '500' which is a charge and fee applicable in urban, peri urban and rural areas appearing under the sub heading and expression 'advertisement charges per m<sup>2</sup>' for 'umbrella-like shade (branded) per day and substitute thereof the figure, '300'

Deleting the figure '20' which is fee and charge applicable for 'posters per poster' measuring 'A5' in size in urban areas and substitute thereof the figure, '5'

Deleting the figure '20' which is fee and charge applicable for 'posters per poster' measuring 'A4' in size in urban areas and substitute thereof the figure, '5'

Deleting the figure '10' which is a charge and fee applicable in peri-urban and rural areas ' for posters per poster measuring 'A3' and substitute thereof the figure '5'

Deleting the figure '30' which is a charge and fee applicable in urban, peri-urban and rural areas ' for posters per poster measuring 'A2' and substitute thereof the figure '5'

Deleting the fees and charges applicable in urban, peri urban and rural areas for wall branding up to 3sq metres and substitute thereof the expression 'up to 10m<sup>2</sup>' where the applicable fees and charges shall be '650'

Deleting the figure '300' which is a charge and fee applicable in urban, peri urban and urban for umbrella( branded) under the sub heading 'advertisement charges per m<sup>2</sup> per day classified under the expression 'branded vehicle during promotion'

Deleting the fees and charges applicable in urban, peri urban and rural areas for wall branding up to 3sq metres and substitute thereof the expression 'up to 10m<sup>2</sup>' where the applicable fees and charges shall be '650'

*(Question, that the words to be left out be left out,  
put and agreed to)*

Mr. Chairman, Sir, I beg to move:- THAT, Sixth Schedule, part 15 be amended by deleting the figure '1,500' which is a charge and fee applicable in urban areas for registration per year under the sub heading and expression, 'Taxi-Cab' and substitute thereof the figure '1,250'

*(Question, that the words to be left out be left out,  
put and agreed to)*

Mr. Chairman, Sir, I beg to move:- THAT, Sixth Schedule, part 17 be amended by deleting the figure '20,000' applicable in urban, peri-urban and rural' for defying stopping orders by authorized county officers' under the sub heading expression 'Quarrying' and substitute thereof the figure, '20,000'

*(Question, that the words to be left out be left out,  
put and agreed to)*

Mr. Chairman, Sir, I beg to move:- THAT, Sixth Schedule, part 18 be amended by deleting the figure '20,000' which the fee and charge applicable in rural, peri urban and urban areas as pounding fee for lorries and substitute thereof the figure '10,000' under the sub heading and expression 'pounding'

Deleting the figure '30,000' which the fee and charge applicable in rural, peri-urban and urban areas as pounding fee for semi trailer and substitute thereof the figure '20,000' under the sub heading and expression 'pounding'

Deleting the figure '6,000' which the fee and charge applicable in rural, peri-urban and urban areas as pounding fee for car/taxi and substitute thereof the figure '1,000' under the sub heading and expression 'pounding'

*(Question, that the words to be left out be left out,  
put and agreed to)*

Mr. Chairman, Sir, I beg to move:- THAT, Sixth Schedule, part 19 be amended by deleting the figure '20' applicable in peri-urban and rural areas per bird/chicken under the sub-heading 'slaughter houses' classified under the expression, 'main slaughter house' and substitute thereof the figure, '10'

*(Question, that the words to be left out be left out,  
put and agreed to)*

Mr. Chairman, Sir, I beg to move:- THAT, Sixth Schedule, part 24 be amended by deleting the figure '20,000' which is a fee and charge applicable in urban, peri urban and rural areas and shall be a penalty for smoking vehicle appearing under the sub title and expression 'environment' and substitute thereof the figure '10,000'

Deleting the figure '2,000' which is a fee and charge applicable in urban, peri-urban and rural areas as a penalty for smoking in undesignated places appearing under the sub heading and expression 'environment' and substitute thereof the following figure, '500'

*(Question, that the words to be left out be left out,  
put and agreed to)*

Mr. Chairman, Sir, I beg to move:- THAT, Sixth Schedule, part 25 be amended by deleting the phrase 'The Rating Act, CAP 267 and' from the sub-heading and expression 'Land Rates'

*(Question, that the words to be left out be left out,  
put and agreed to)*

Mr. Chairman, Sir, I beg to move:- THAT, Sixth Schedule, part 27 be amended by deleting the phrase, 'The National Government Liquor Act CAP 121 and' appearing under the following sub heading and expression, liquor'

*(Question, that the words to be left out be left out,  
put and agreed to)*

#### *New Clauses*

**Hon. Nzeki:** Mr. Chairman I beg to move:-THAT the Bill be amended by inserting a new clause as follows:- inserting the following new charges and fee in part 4 in the sub heading and expression 'sand harvesting/ transportation' which shall be applicable in urban, peri-urban and rural areas, 'penalty for harvesting and transporting sand and other related activities if the person does not belong to an association' to be '100,000' each in urban, peri-urban and rural areas.

*(Question of the new clause proposed)*

*(New clause read the First Time)*

*(Question, that the new clause be read  
a Second Time, put and agreed to)*

*(The new clause was read a Second Time)*

*(Question, that the new clause be added to  
the Bill, put and agreed to)*

Mr. Chairman I beg to move:-THAT the Bill be amended by inserting a new clause as follows:- inserting the figure '800' which is a fee applicable in urban and peri-urban areas for registration of motorcycle per year under the heading 'Designated Parking' and term 'taxi' in part 8

*(Question of the new clause proposed)*

*(New clause read the First Time)*

*(Question, that the new clause be read  
a Second Time, put and agreed to)*

*(The new clause was read a Second Time)*

*(Question, that the new clause be added to  
the Bill, put and agreed to)*

Mr. Chairman I beg to move:-THAT the Bill be amended by inserting a new clause as follows:-inserting the figure '5,000' which a fee and charge applicable in urban, peri urban and rural areas and shall be applicable to 'water distribution tankers per month' in part 20 under the heading, 'control of water supplies in part 20

*(Question of the new clause proposed)*

*(New clause read the First Time)*

*(Question, that the new clause be read  
a Second Time, put and agreed to)*

*(The new clause was read a Second Time)*

*(Question, that the new clause be added to the Bill, put and agreed to)*

Mr. Chairman I beg to move:-THAT the Bill be amended by inserting a new clause as follows:-inserting the figure '5,000' which a fee and charge applicable in part 20 under the heading and expression 'control of water supplies' for application for permit per month.

*(Question of the new clause proposed)*

*(New clause read the First Time)*

*(Question, that the new clause be read a Second Time, put and agreed to)*

*(The new clause was read a Second Time)*

*(Question, that the new clause be added to the Bill, put and agreed to)*

Mr. Chairman I beg to move:-THAT the Bill be amended by inserting a new clause as follows:-inserting the term 'Tala' in the five schedule of the single business permit

*(Question of the new clause proposed)*

*(New clause read the First Time)*

*(Question, that the new clause be read a Second Time, put and agreed to)*

*(The new clause was read a Second Time)*

*(Question, that the new clause be added to the Bill, put and agreed to)*

*(Schedule agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

**Hon. Nzeki:** Mr. Chairman, Sir, I beg to move that the Committee do report to the House its consideration of Machakos County Finance Bill 2016 and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

*[Mr. Speaker in the Chair]*

**REPORT AND THIRD READING**  
**MACHAKOS COUNTY FINANCE BILL 2016**

**Hon. R. Mutuku:** Mr. Speaker, with your permission I will proceed to report that a Committee of the whole House has considered The Machakos County Finance Bill, bill No. 14 of 2016 and approved the same with amendments. Thank you Mr. Speaker, Sir.

**Hon. Nzeki:** Mr. Speaker, Sir, I beg to move that the House do agree with the Committee in the said Report.

**Hon. (Ms.) Mueni** seconded.

*(Question proposed)*

*(Question put and agreed to)*

**Hon. Nzeki:** Mr. Speaker, Sir, I beg to move that The Machakos County Finance Bill, bill No. 14 of 2016 be now read the Third Time.

**Hon. (Ms.) Mueni** seconded.

*(Question proposed)*

*(Question put and agreed to)*

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

**Hon. Nzeki:** Thank you, Mr. Speaker. On behalf of finance and revenue collection committee, I thank members for supporting this bill to be an act of Machakos County and especially Hon. Muinde from Ekalakala pointed out some few issues and all the members who have talked, I thank them for what they have contributed to this bill.

Mr. Speaker, Sir, I trust and hope that our revenue clerks will collect a lot of revenues from stakeholders and traders because now we have reduced everything, almost at 50 per cent. So, I hope and trust we shall reach our target that was put by the budget and appropriation committee. Thank you Mr. Speaker, Sir.

**Hon. Speaker:** The bill now becomes an act of this county.

*(Applause)*

### **ADJOURNMENT**

**Hon. Speaker:** The House will adjourn.

The House rose at 11.42 a.m.

