

**REPUBLIC OF KENYA**  
**COUNTY ASSEMBLY OF MACHAKOS**

**OFFICIAL REPORT**

**Wednesday, 8<sup>th</sup> May, 2024**

The House met at 11.06 a.m.

*[The Speaker (Hon. (Mrs.) Kiusya) in the Chair]*

**PRAYERS**

**PAPERS LAID**

HALF YEAR PERFORMANCE FOR DEPARTMENT OF  
ENVIRONMENT AND NATURAL RESOURCES FOR 2023/2024

**Hon. Speaker:** Today we have two Papers; the first one will be laid by Hon. Fredrick Kitetu and the second one will be laid by Hon. Benjamin Kinyungu. May I invite you Hon. Fredrick Kitetu to proceed and lay that Paper.

**Hon. Fredrick Muia** (Ikombe, WDM-K): Thank you, Madam Speaker. Hon. Speaker, I wish to lay the following Paper on the Table of the Assembly today, Wednesday 8th May, 2024; the Report of Environment and Natural Resources Committee on the half year performance for the Department of Environment and Natural Resources for the FY 2023/2024. Thank you, Madam Speaker.

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

**MACHAKOS COUNTY GENDER POLICY**

**Hon. Speaker:** May I invite Hon. Benjamin Kinyungu, Chairperson of social welfare and sports committee to lay the next Paper.

**Hon. Benjamin Kyule** (Lower Kaewa, WDM-K): Thank you, Madam Speaker. Hon. Speaker, I wish to lay the following Paper on the table of the Assembly today, Wednesday 8th May, 2024; the Report of Social Welfare and Sports Committee on the Machakos County Gender Policy. Thank you, Madam Speaker.

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

*(The Papers were laid on the Table)*

**NOTICES OF MOTIONS**

HALF YEAR PERFORMANCE FOR DEPARTMENT OF  
ENVIRONMENT AND NATURAL RESOURCES FOR 2023/2024

**Hon. Speaker:** Today as well we have two notices of motions; the first one to be given by Hon. Fredrick Kitetu and the second one to be given by Hon. Benjamin Kinyungu in that order. Can I invite you Hon. Kitetu to come forward.

**Hon. Fredrick Muia** (Ikombe, WDM-K): Thank you once again, Madam Speaker. Hon. Speaker, pursuant to Standing Order 190(5), I wish to give notice of motion THAT this Assembly adopts the report of the Environment and Natural Resources Committee on half year performance for the Department of Environment and Natural Resources for the FY 2023/2024 as laid on the Table of the House on Wednesday, 8th May, 2024.

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

#### MACHAKOS COUNTY GENDER POLICY

**Hon. Speaker:** Then may I invite Hon. Benjamin Kinyungu to give the other notice.

**Hon. Benjamin Kyule** (Lower Kaewa, WDM-K): Thank you, Madam Speaker. Hon. Speaker, pursuant to Standing Order 190(5), I wish to give notice of motion THAT this Assembly Adopts the report of the Social Welfare and Sports Committee on Machakos County Gender Policy as laid on the Table of the House on Wednesday, 8th May, 2024.

Thank you, Madam Speaker.

**Hon. Speaker:** Thank you very much, Hon. Benjamin Kinyungu and it is always good to introduce yourself every time you are addressing the House. Thank you.

#### MOTION

##### WAIVER OF INTEREST AND PENALTIES ON LAND RATES, BUILDING APPROVALS AND OCCUPATIONAL CERTIFICATES

**Hon. Speaker:** Thank you, clerk. May I invite Hon. Francis Kitaka, the Chairperson Finance and Revenue Collection Committee to come forward and move this motion; a very important motion on waiver of penalties and interest.

**Hon. Francis Kitaka** (Ndalani, WDM-K): Thank you, Madam Speaker. Hon. Speaker, pursuant to Standing Order 190(5), I wish to move the motion THAT this Assembly adopts the report of the Finance and Revenue Collection Committee on waiver of penalties and penalties on land rates and building approvals and waiver of fees charged for registration of plots/parcels of land as laid on the Table of the House on Tuesday, 7th May, 2024. I hereby call Hon. Paul Wambua to second.

**Hon. Paul Wambua** (Kibauni, PTP) seconded.

**Hon. Speaker:** Thank you, Hon. Member and Hon. Wambua for seconding.

*(Question proposed)*

At this point I would wish to invite the Members to debate the matter and before we do that I request the mover of the motion to come and highlight the report. Hon. Kitaka, it is your time.

**Hon. Francis Kitaka** (Ndalani, WDM-K): Thank you, Hon. Speaker. Our report starts at the preface whereby I would request you allow me to skip that, the mandate of the committee and then I will start from the background.

**Hon. Speaker:** Then after the background?

**Hon. Francis Kitaka** (Ndalani, WDM-K): Then after the background I will go to 3.0, then it is not long so---

**Hon. Speaker:** Yes.

**Hon. Francis Kitaka** (Ndalani, WDM-K): Thank you, Hon. Speaker.

#### **BACKGROUND**

The County Executive Committee Member for Finance, Economic Planning, Revenue Management and ICT (CECM) forwarded to the Assembly for approval, a waiver of interests and penalties outstanding on land rates, building plans and occupation certificates on 5<sup>th</sup> March, 2024. The request for the waiver was tabled in the House on 13<sup>th</sup> March, 2024 and committed to the Finance and Revenue Collection Committee for consideration and tabling a report in the Assembly for Approval. The CECM re-submitted the waiver to the Assembly for approval on 29<sup>th</sup> April, 2024 and on 2<sup>nd</sup> May, 2024 with additional information. The Committee considered all the information submitted via the three letters and has compiled a report.

Land rates are payable taxes imposed by the County Government in its area of jurisdiction. The tax is payable annually regardless of whether the land is idle or not. Land rates are levied based on a valuation roll prepared once every 10 years with yearly supplementary rolls.

Section 56 of the Physical and Land Use Planning Act 2019 empowers the County Government to undertake development control. Further, Section 63(1) of the same Act empowers the County Executive Committee Member responsible for physical and land use planning to levy fees against an applicant for development permission.

Penalty is charged to developers who fail to pay land rates and fees on build approvals and interest accrues on these penalties. These penalties and interests at times accrue to a point that they hinder development and also to appoint that they exceed the value of the property.

The CECM relied on the Constitution of Kenya, Public Finance Management (PFM) Act and the Machakos County Tax Waivers Administration Act, 2022 to request approval for waiver of tax, fees and penalties by the Assembly.

Article 210 of the Constitution provides that:-

- (1) No tax or licensing fee may be imposed, waived or varied except as provided by legislation.
- (2) If legislation permits the waiver of any tax or licensing fee—

- (a) A public record of each waiver shall be maintained together with the reason for the waiver; and
- (b) Each waiver, and the reason for it, shall be reported to the Auditor-General.
- (3) No law may exclude or authorize the exclusion of a State officer from payment of tax by reason of—
  - (a) The office held by that State officer; or
  - (b) The nature of the work of the State officer.

Section 159 of the PFM Act provides that:

- (1) The County Executive Committee member for finance may waive a county tax, fee or charge imposed by the county government and its entities in accordance with criteria prescribed in regulations provided that—
  - (a) The County Treasury shall maintain a public record of each waiver together with the reason for the waiver and report on each waiver in accordance with Section 164 of this Act;
  - (b) A State Officer may not be excluded from payment of a tax, fee or charge by reason of the office of the State Officer or the nature of work of the State Officer; and
  - (c) Such waiver or variation has been authorized by an Act of Parliament or county legislation.

Sections 5 to 8 of the Machakos County Tax Waivers Administration Act, 2022 provides for waiver of tax, fees or other charges due to the County Government. Section 5 of the Machakos County Tax Waivers Administration Act, 2022 provides that:

- (1) Subject to subsection (2), the County Executive Committee Member may waive or vary the payment of any tax, fees or other charges due to the County Government.
- (2) The County Executive Committee Member may waive taxes in respect to any transaction according to the criteria prescribed herein but, in any case where –
  - (a) The waiver is for the purposes of encouraging defaulting tax payers to pay such amount as may enable the County Government recover part of the amount owing from the defaulting payer; and
  - (b) In the opinion of the Executive Committee Member, there exists such compelling circumstances that make it equitable, expedient and in the interest of the financial advantage to the County that the waiver be made.
- (3) The Executive Committee Member shall present the proposal for waiver to the Assembly for approval at least thirty (30) days before the intended waiver.
- (4) Subject to such conditions as may be contained in Regulations, any person may apply to the Executive Committee Member for a tax waiver granted only upon approval by the County Assembly.
- (5) The Executive Committee Member shall process an application for tax waiver made under subsection (4) in accordance with section 7.
- (6) The Executive Committee Member may extend the period for a tax waiver for a period of not more than thirty (30) days and shall report such extension of the waiver to the Assembly within fifteen (15) days of such extension.
- (7) For avoidance of doubt, the term “person” as used in this section includes both natural and juridical persons.

Section 6 of the Machakos County Tax Waivers Administration Act, 2022 provides the conditions of tax waiver as provided under Article 210 of the Constitution. Section 7 of the Machakos County Tax Waivers Administration Act, 2022 provides that:

- (1) Before presenting a proposal for the waiver of taxes to the Assembly, the Executive Committee Member shall conduct public participation on the intended tax waiver by undertaking the following –
  - (a) Publishing the intention to waive tax in the Gazette not less than fourteen (14) days before presenting the proposal for tax waiver to the Assembly;
  - (b) Indicate in the notice referred in paragraph (a), the reasons for the intended waiver;
  - (c) Indicate in the notice referred in paragraph (a), the period of the intended waiver;
  - (d) Publicize the intended waiver as widely as possible by putting a notice in a newspaper of national circulation, in social media, radios, public announcements and by the use of any other media;
  - (e) Invite comments from the members of the public in publishing the waiver; and
  - (f) Take into consideration, the views of the public in publishing the waiver.
- (2) The Executive Committee Member shall submit the proposal of tax waiver, the evidence of public participation and the Analysis of the consideration of the views of members of the public to the Assembly for approval.
- (3) Where the Assembly approves a tax waiver, the Executive Committee Member shall publish and publicize the tax waiver.

Section 8 of the Machakos County Tax Waivers Administration Act, 2022 provides that Executive Committee Member shall not waive tax or fees or authorize the exclusion of a State or Public Officer from payment of tax or fees by reason of the office held or nature of work.

#### ***CONSIDERATION OF WAIVER ON PENALTIES AND INTERESTS ON LAND RATES AND WAIVER OF FEES ON PLOTS / PARCELS OF LAND REGISTRATION***

The waiver aims at encouraging those who have arrears on land rates to pay and those who have not registered their plots and parcels of land to do so. The County aims also to increase its revenue collection through the activity. The waiver is a two – thronged strategy coupled with a call upon those who have not yet obtained certificates of occupation or the necessary approvals for their buildings or construction projects to do so during the period of the proposed waiver.

#### ***Justification of the waiver***

The County Executive observed that the County Government of Machakos has not issued a waiver on land rates penalties and interest in the previous financial year. The County has also not issued a waiver on penalties on irregular and informal developments before. This has led to accumulation of large debts on property owners who continue to default on payments. The proposed waiver is important for the following reasons:

- (a) It will encourage payment of land rates arrears that land owners have been unable to pay due to high penalties and interests accrued;
- (b) It will encourage owners of lands and plots in Machakos to register. The County will then capture their details for future billing and levy of land rates and other property charges.

- (c) It will help reduce the burden of approval fees which developers have not been able to pay due to high penalties and interests thereon.
- (d) The waiver will create of awareness to the public on payment of land rates.
- (e) The waiver will help increase revenue collection on land rates and building approvals.

#### *Scope of the waiver*

The proposed waiver will be applicable to the entire area of jurisdiction of Machakos County Government. The proposed timeframe as contained in the request for waiver is from 1<sup>st</sup> May, 2024 to 31<sup>st</sup> May, 2024. However, this was varied in the Gazette notice to commence on 15<sup>th</sup> May, 2024 to 14<sup>th</sup> June, 2024.

#### *The status of land/plots registration and land rates arrears*

The records on lands/plot registration show that there are over two (2) million parcels of land in Machakos County. Out of these:

- (i) Only 13,000 parcels of land have their bio data captured by the County Government; and
- (ii) Only 55,000 parcels of land are registered.

The proposed waiver intends to call upon owners of the unregistered parcels of land to register their parcels with an offer of waiver of plot registration fee as a motivation. This exercise of plot registration will help the County enlarge its data base records of land owners as well as help update the existing records and make easy for the County to bill in the future.

Machakos County has land rates arrears and penalties totaling to Ksh. 48 billion as at January, 2024. This amount comprises of land rate arrears of Ksh. 436 million and penalties of Ksh. 47.564 billion.

The County Executive noted the following gaps:

- (a) The arrears, penalties and interests for property owners have accrued above the value of the properties.
- (b) Existing multiple informal developments that have not undergone the requisite approval process as provided for in legislation to ensure public safety, public health and public order.

#### *The nature and period of the waiver*

The County Executive requests for approval of waiver as follows:

- (a) That there be a waiver of interest and penalties on outstanding land rates and on building approvals for the period of 1<sup>st</sup> May, 2024 to 31<sup>st</sup> May, 2024.
- (b) That there be a waiver of plots / land registration fee for the period of the waiver for the period of 1<sup>st</sup> May, 2024 to 31<sup>st</sup> May, 2024.

#### *Compliance of the waiver to the provisions of the law*

The proposed waiver has been considered in line with Article 210 of the Constitution, Section 159 of the PFM Act and Sections 5 to 8 of the Machakos County Tax Waivers Administration Act, 2022.

The request of waiver has complied with relevant laws as follows:

- (a) It has stated the reasons for the intended waiver.
- (b) It has stated the period for the waiver.

- (c) Considering the date of presentation of the waiver on 5<sup>th</sup> March, 2024 and the commencement date on 1<sup>st</sup> May, 2024; the waiver complies with section 5(3) of the Machakos County Tax Waivers Administration Act, 2022 which provides that, the Executive Committee Member shall present the proposal for waiver to the Assembly for approval at least thirty (30) days before the intended waiver.
- (d) The CECM undertook public participation in line with section 7 of the Machakos County Tax Waivers Administration Act, 2022 which provides that the County Executive Committee Member shall conduct public participation on the intended tax waiver and shall submit the proposal of tax waiver, the evidence of public participation and the Analysis of the consideration of the views of members of the public to the Assembly for approval.

The contents of the publication for the waiver was in line with the provisions of Section 7 of the Machakos County Tax Waivers Administration Act, 2022.

#### *Public participation for the waiver*

The CECM used different channels to carry out public participation of the waiver as required by Section 7 of the Machakos County Tax Waivers Administration Act, 2022. The Channels were:

#### *Gazette Notice*

- (a) The CECM issued a Gazette pursuant to Article 210 of the Constitution, section 159 of the PFM Act, regulation 64(3) of the PFM (County Governments) Regulations 2015 and Section 7 of the Machakos County Tax Waivers Administration Act, 2022 that the County Government of Machakos is proposing to waive the interests and penalties on outstanding land rates and on building approvals.
  - (i) The Gazette notice stated the reasons of the waiver which were as per the request of the waiver to the Assembly.
  - (ii) The Gazette notice spelt the period of the waiver to commence from 15<sup>th</sup> day of May, 2024 to the 14<sup>th</sup> day of June, 2024.
  - (iii) The notice informed the public that the intended waiver was available at the official Machakos County website <https://machakos.go.ke/>.
  - (iv) Members of the public were invited to submit views on the intended waiver through email [machakoscountyfinancepp@gmail.com](mailto:machakoscountyfinancepp@gmail.com) or writing to the CECM via P.O Box 1996-90100, Machakos so as to be received not later than 28<sup>th</sup> March, 2024.
- (b) County Government of Machakos official website. The public were invited to submit views on the intended waiver through email [machakoscountyfinancepp@gmail.com](mailto:machakoscountyfinancepp@gmail.com) or writing to the CECM via P.O Box 1996-90100, Machakos so as to be received not later than 28<sup>th</sup> March, 2024. On the website, the County also called upon those who had not yet obtained certificates of occupation or necessary approvals for their buildings or construction projects to do so within the next 30 days before the County Government initiates enforcement.
- (c) Selected social medial pages with the same information as in the official website.

The CECM informed that Committee that no responses were received vide email or in writing by close of submission period. The documents requesting for waiver, scope and justification of the waiver and prove of public participation are attached as (annex – 1). 3.6

*Engagement with County Executive Committee Member, Lands, Urban Development, Housing and Energy on the Waiver*

The Committee raised a number of concerns on the waiver and on consultation with the County Executive, the County Executive Committee Member for Lands, Urban Development, Housing and Energy was nominated to appear before the Committee for clarification. The County Executive Committee Member for Lands, Urban Development, Housing and Energy appeared before the Committee on 7<sup>th</sup> May, 2024 and tabled a written response on the issues raised as well as took the members through them (annex – 2).

The issues that the Committee was seeking clarification on were:

- (i) The number of parcels in the County which is over 2 million, the number whose bio data is capture at 13,000 and the number that is registered which is 55,000.
- (ii) Whether the amount of land rates of Ksh. 48 billion for land rates and penalties is for which parcels of land.
- (iii) Whether during land transactions, the County requires land rates arrears to be cleared?
- (iv) Whether the Gazette notice for the public participation was available?

In addition to the written response that the County Executive Committee Member tabled in the Committee, the Member responded as follows to the issues raised:

*(a) Number of parcels of land*

The County Executive Committee Member informed the Committee that, the number of plots is based on the information gathered from the Nairobi and Machakos land registries. The parcels are owned by residents and non-residents of Machakos County and some have multiple of parcels of land.

In addition, the Member stated that, the 13,000 parcels of land whose bio data is captured is part of the 55,000 that is registered. The registration has been through persons who have volunteered to register with the revenue system but the information is not complete. This is the reason why the Department was issuing was waiver to encourage registration.

*(b) The amount of land rates and penalties amounting to Ksh. 48 billion*

The County Executive Committee Member informed the Committee that, the amount of Ksh. 48 billion is the arrears for all the registered parcels of land in Machakos County which is 55,000. Some of these arrears date back to 2008 when the last valuation roll done. The Department is in the process of finalizing another valuation roll and spatial planning where all land records will be digitized.

*(c) Clearance of land rates arrears during land transactions*

The Executive Committee Member stated that, it was a requirement for all land transactions such as land transfers and sub-divisions to have cleared all the land rates and obtained a land rates clearance certificate before approval. The Member had written to the responsible officers at lands to comply with this requirement and through the good working relationship between the officers and the Department, the directives were being implemented.

*(d) Public participation of the Waiver*



The Executive Committee Member informed the Committee that public participation was carried out by the Department of Finance, Economic Planning, Revenue Management and ICT.

*Committee observations*

1. Hon. Speaker, the Committee observed that the reasons stated for the waiver and the jurisdiction are within the mandate of the County Government. The overall aim of the waiver is to raise more revenue for the County and help the County Government meet its target of Ksh. 4,000,000,000 for the FY 2023/2024.
2. The planned date for the start of the waiver vide letter ref: MCG/CECM/FIN/MKSCA/VOL.2/049 dated 29th April, 2024 which was to be 1st May, 2024 had been corrected *vide* the Gazette notice to be 15th May, 2024. This date was reasonable and the period of the waiver as per the Gazette Notice is one month.
3. For clarity, the CECM was intending to waive the interests and penalties amounting to Ksh. 47,564,000,000 on outstanding land rates and also give waiver fees charged for registration of plots or parcels of land.
4. That the waiver period as per the Gazette notice was:
  - a. One month from the 15th day of May, 2024 to the 14th day of June, 2024 for penalties and interests on land rates.
  - b. One month from the 15th day of May, 2024 to the 14th day of June, 2024 for fees charged for registration of plots or parcels of land.
5. That there was need for the County Government to enforce payment of land rates and registration of plots or parcels of land at the point of exchange or trade of the properties. This will greatly reduce these arrears.

Hon. Speaker, the Committee recommends that the Assembly approves:

- a. A waiver period of one month from the 15th day of May, 2024 to the 14th day of June, 2024 for penalties and interests on land rates;
- b. Approves a waiver period of one month from the 15th day of May, 2024 to the 14th day of June, 2024 for fees charged for registration of plots and parcels of land.

Thank you, Madam Speaker.

*(Applause)*

**Hon. Speaker:** Thank you very much, Hon. Member. That was really comprehensive. At this point I wish to invite the Members to debate over this very important matter before us. I start with Hon. Brian Kisila.

**Hon. Brian Kisila** (Makutano/Mwala, MCCC): Thank you very, Madam Speaker. First and foremost, I would like to thank the Chairperson and his Committee. For the first time Madam Speaker, I have counted the members of Finance Committee who are in the Assembly and they are quite a number. Chairperson and the Members are here, I would like us to applaud those Members for commitment to the task.

*(Applause)*

We have been having reports coming to the Assembly and it is only the Chairperson who has the report. This is a good sign that we are heading in the right direction. Madam Speaker, you can see the House is full and we have enough quorum. I am very happy by the commitment by Members to attend the Assembly sittings. This is a very good sign. I would like to thank my former Chairperson of the Second Assembly Finance Committee who is our able Deputy Speaker Hon. Stephen Mwanthi.

*(Applause)*

Whatever we are discussing here is a product of what the Chairman and his Committee where I was a member came up with an Act to be able to curtail roadside declarations or waivers. It reached a stage in the Second Assembly where we were having so many waivers been done left, right and center and we realized we cannot accept those kind of roadside declarations. As a Committee we came up with this Act and Members I want us to be serious with what we are doing here and understand that we are going to be remembered for the work we do.

The Second Assembly at least we are being remembered for enacting the Machakos Tax Waivers Administration Act 2022 which is very detailed and gives the Executive guidelines to follow to be able to waive. Otherwise anybody will just continue doing things the way they want.

I want to thank the Chairman because he quoted the Act, the process which we agreed they followed to the letter. Madam Speaker, I am standing here to support the waiver. However, on a few issues I want to raise to the Chairman he did not state after waiving how much revenue we are going to collect. It is important in this report we should have given an amount we are going to raise after waving this. That should have come in that report. Is it there?

*(A Hon. Member spoke off record)*

If it is there then I am informed. Chairperson we are going to judge you by you giving us additional Ksh. 436,000,000 on the waiver if it is there.

Secondly, Chairperson you have committed that you are going to raise Ksh. 4,000,000,000 on internal revenue in your report. I wanted from your report, to see how far we are to date on internal revenue. If it is there today we should have given a projection in this report of how far we are on internal revenue to date and that information is not there. This Assembly has given a lot of money to the Finance Committee for digitization and automation of revenue collection and we still feel that we are below par in performance on---

**Hon. Nicholas Nzioka** (Machakos Central, WDM-K): Point of information, Madam Speaker.

**Hon. Speaker:** Point of information taken. Hon. Kisila please.

**Hon. Nicholas Nzioka** (Machakos Central, WDM-K): Madam Speaker, the Hon. Member is mixing issues because he is talking about financial performance that is normally brought in the quarterly financial reports in this Assembly. I think that will be captured in another report by the same Committee. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you very much, Hon. Majority Leader. Restrict yourself Hon. Brian to matters before the House.

**Hon. Brian Kisila** (Makutano/Mwala, MCCC): I am building my case. the Ksh. 436,000,000 promised should not just be..... (inaudible). What I am trying to say is Madam Speaker; we have a challenge of internal revenue in this County.

**Hon. Speaker:** Which we can discuss when the time is ripe.

**Hon. Brian Kisila** (Makutano/Mwala, MCCC): Already we are waving money Madam Speaker I am not---

**Hon. Speaker:** I have made a ruling. Hon. Brian, restrict yourself to the matters before the House and leave performance alone.

**Hon. Brian Kisila** (Makutano/Mwala, MCCC): Madam Speaker, I agree with you and you made a ruling but---

**Hon. Speaker:** You cannot continue discussing the matter.

**Hon. Brian Kisila** (Makutano/Mwala, MCCC): On performance?

**Hon. Speaker:** Yes on performance.

**Hon. Brian Kisila** (Makutano/Mwala, MCCC): So we just continue where we are.

**Hon. Speaker:** We continue with the matter before us.

**Hon. Brian Kisila** (Makutano/ Mwala, MCCC): My point which is not part of that is as we continue waiving we need to start seeing performance on revenue collection. This County has the potential to rise over Ksh. 5,000,000,000 in internal revenue, I am a member of the lands committee, we are digitizing Valuation Roll and we are also on the process of doing spatial planning but the speed we are moving is not what needs to be done.

What I am trying to say is internal revenue is very important to all of us that we need to be serious otherwise people tomorrow will fail in their job and they will come for waivers in the Assembly. There are limits to waivers; do not come again and say we failed to collect money we want a waiver.

My last point Madam Speaker is as much as you want me to restrict myself to the discussion; this Assembly passed a resolution that we revoke the waiver on Mombasa Cement. I am expecting the Chairman of this Committee to come back to us in this Assembly to tell us how far they have gone in revoking that waiver.

*(Applause)*

Otherwise we will just become a talk shop we pass things here and they are not being followed. I support the Motion fully, I am with the chairperson but the chairperson and your committee the ball is in your court.

*(Laughter)*

Madam Speaker, I will be in this Assembly passing the next budget and if we do not see a serious uptake of internal revenue I will stand here to oppose any additional money been given to Finance department if they cannot meet the required revenue.

**Hon. Speaker:** It is your right to do that.

**Hon. Brian Kisila** (Makutano/ Mwala, MCCC): I support fully the Motion but let us start to do things the way they are supposed to be done. Let us up the game on internal revenue. Thank you, very much.

**Hon. Speaker:** Thank you, Hon. Brian Kisila. I will ask Hon. Kavyu to us through, Hon. Loyd to follow, Hon. Kaloi, Hon. Ndwiki and Mheshimiwa Maitha. He said I do not see his hand? Yesterday when I was not there? You should have told me when I am here and defend myself. Do not discuss people when they are not there. Let us proceed in that order.

**Hon. Francis Kavyu** (Kinanie, MCCC): Thank you, Madam Speaker. I support the report fully and before I proceed to my main point I also want to tell Hon. Kisila through the Speaker that the money that was allocated for the Finance Department does not come to the Committee. In future when he is contributing he should be clear on those two because we only facilitate and support the department. I do not know whether from what he is trying to insinuate that if there is money that is supposed to come to this Committee we will gladly accept. It will help us perform better if there is money that is intended for this Committee let it come because we have not seen it and he keeps referring to it.

On the issue waiver, it is a good incentive but as we also grant waivers to any particular department, I feel that there is a lot that we need to do jointly and that is the Finance Committee and the Lands Committee because every day in this County people are transacting land transactions. Whether somebody is buying new land, selling or it is being inherited from one person to another. It means on daily basis the lands, urban areas and housing department has an opportunity to generate a lot of money for Machakos County.

We must agree that we need to move with speed. The Committee on Lands and Finance we need to seat together and see where the gaps are and where are we losing money because if we have over 2,000,000 parcels of land and only manage to get rates from just 1,000,000 then it means the County has a potential to raise over Ksh. 1,000,000 from land rates. That has not been realized and I am proposing that the same way you cannot transfer or transact on any land issue at the registry without paying the 4 per cent stamp duty that goes to the National Government.

As a County we also need to enforce and make it a mandatory requirement that any person who transacts any land transaction here at our registry they must provide a clearance certificate from our Lands Department showing that land rates have been paid for that particular land. Every day we have investors doing buildings in this County so we also need to see evidence that everybody who is doing real estate we need to be seen that confirmation.

Sometimes we have even on the absence of waivers, we have officers making decisions on their own on how much is supposed to be paid.

One of the roles that we need to work on jointly with those two committees I have mentioned is we need to come up with a clear guideline on how much is supposed to be paid and if any person is supposed to pay less than what has been stipulated then they need to have an approval from this House. We are losing money and not that people are not able to pay but because somebody somewhere has decided not to do their work. We need to enforce that and make sure that every shilling that is supposed to come to the County Government of Machakos is realized.

The County Government through the same department needs to fast track and see what they can do to ensure that the rate at which the title deeds or the necessary documents that are supposed to be provided as proof of ownership for land is also fast tracked. We have a lot of backlog for instance an area like Mavoko that has land subdivision, land parcels are been sold and bought on daily basis and it the bigger part of the population does not have title deeds. That has been stuck in Nairobi because of either backlog or intentionally people are sabotaging to make sure that the people of Mavoko cannot access their title deeds. That is an avenue that we need to relook at and see the areas of co-operation between the National Government and County Government to facilitate.

We also need to push to have all matters of land transferred from Nairobi. If the people of Nairobi do not come to Machakos for their land transactions, I do not see reason why Madam Speaker the people of Machakos should be going to Ardhi House that is supposed to serve nationally yet we have a functional and able registry here in Machakos.

We also need to look at it how we can facilitate through that inter-governmental relation to make sure that if not all 90 per cent of land transactions are relocated to Machakos registry for ease also to help our people. That is possible and with that we will be on our path to realizing the Ksh. 6 billion revenue mark that was cited by World Bank in 2018. We still have that potential but how we work together is what is going to determine whether that will become a reality.

Finally as I sit down I think I will recommend that the Lands Department because we have enough staff we can have an officer or a clerk permanently located at the registry where their work will be to check, counter check and confirm that the people who are coming for transfers or any land transaction are fully compliant with the terms. At the registry we can get a desk there the same way we normally go through the accountants performing several checks, we can also have an officer from the Department of Lands who will also be doing those checks to make sure that land rates have been paid and any revenue that is supposed to come to Machakos County through that transaction is fully complied with. Thank you, Madam Speaker.

**Hon. Speaker:** Okay.

### **PROCEDURAL MOTION** EXTENSION OF SITTING TIME

**Hon. Dominic Maitha** (Muthwani, WDM-K): Thank you, Madam Speaker.

Hon. Speaker that aware that Standing Order 27(2) provides that the Speaker shall interrupt business at 12.30 p.m. for the morning sittings;

Aware that the Standing Order 27(3) provides that the House may resolve to extend its sitting time;

Aware that the Standing Order 27(4) requires Motion to extend sitting time to be moved at least thirty minutes before the time appointed of adjournment;  
Hon. Speaker, I beg to move the Motion that the House resolves to extend its sitting time until the business of the day is transacted.

Thank you, Madam Speaker.

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

**Hon. Dominic Maitha** (Muthwani, WDM-K): I call upon Hon. Brian Kisila to second my Motion. Madam Speaker this has been driven by the fact that we have been here 30 minutes late and considering that quite a number of Members have not been able to argue on this very important matter we might not be able to dispense the business in the next twenty minutes. Thank you, Madam Speaker.

**Hon. Speaker:** Agreed.

**Hon. Brian Kisila** (Makutano/ Mwala, MCCP) seconded.

**Hon. Speaker:** Thank you, Hon. Kisila.

*(Question proposed)*

*(Question put and agreed to)*

Let us proceed. I have captured very important points raised there by Hon. Kavyu concerning these matters of penalties and interest rates collection. This is a very important point that you have raised there concerning having a desk at the lands registry where there is confirmation of whether somebody has paid the rates while they want to have their transfers wherever they are going there to do the check.

It is important because it is a way of confirming that this person is compliant and we are not losing money through clearances. Clearances have a lot money involved, land rates and rents. That is a very important point we must push and have it achieved. Thank you, Members. Let us continue with contributing to this Motion. I had given allocations but I have since forgotten; who was to follow? Hon. Loyd in the order that I gave.

**Hon. Loyd Mutua** (Nominated, MCCP): Thank you, Madam Speaker. I want to thank the Members of Finance Committee and our Chair for giving us such an elaborate Motion. I wish to contribute Madam Speaker that the compliance rate is quite worrying also the registration. From the report that we have we were indicated that we have 2 million parcels of land in Machakos but only 55,000 have been registered. This one I will put solely on the government.

Also we have seen 55,000 is the one that we registered but 13,000 is what the government has in their bio-data. I do not know how some 42,000 are still registered but still they are not in the government bio-data. Someone will argue that the previous government did not do this or that yet we are two years in the government now and the honeymoon is over. We cannot complain about the previous regimes; it is now time for whoever is in the department now

and especially the Lands Committee to push and make sure that the department has ensured we register the members.

In one of the research I was checking from Strathmore University, someone argued that why majority of the landowners have not registered their lands is they do not see the need or the reason as to why they should do especially the people in the rural areas. Those who have title deeds and those other necessary documents do not know why they should be paying the rates. So it is the government to be doing periodic civic education to help the people with the help of the lands committee and the budget that we gave them and if they need more for civic education they say at that moment.

We are losing a lot of money; you can imagine at this moment we have some penalties totaling to Ksh. 48,000,000 for only 55,000 parcels of land. What if all the pieces of land were registered; it will be a big amount of money that the government would be having for us to be able to raise the own source revenue that we have been talking about.

The other issue Hon. Speaker is the issue of title deeds. I wish that the County Government in consultation with the National Government they help our people to get the title deeds. I do not know how we will charge the rate the people do not have the title deeds when it comes to buildings and other things. One thing that could be contributing to a number that has not registered their lands is the lack of title deeds. If the government and the Committee that Mheshimiwa Kisila heads will help the people get title deeds. Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you very much it is not possible for land rates to be charged on somebody who has no title deed or certificate of lease because there is no way to know when ownership took place so it is really a challenge. Things to do with title deeds are a challenge and a way of losing a lot of revenue through not registering these companies. I think it is important that we fast track with whatever method that people are issued with title deeds to be able to collect revenue properly. Thank you very much Hon. Loyd for bringing that up. Can we continue with Hon. Kaloi?

**Hon. Jeremiah Kaloi** (Athi River, WDM-K): Thank you, Madam Speaker. I stand to support this Motion. The waiver is coming at the right time due to the fact that our people are really facing problems especially due to issues that the businesses are down, the floods right now I have just read that the schools are opening on Monday and our people will take this waiver as an advantage. Some people want to subdivide some of the land for sale, for their families but due to the accruing rates on these lands and you cannot subdivide any land without the clearance certificate.

The County Government by coming up with a waiver will be a relief to our people. I support this and we need to encourage our people to come and start paying these rates. It is a period of 30 days and in some circumstances some people will not know that the waiver is there. The County Government should use all the available channels; either the media, local FM radio, Chiefs and the local leaders to sensitize these people to go and take the advantage of this waiver.

Madam Speaker, I stand to support especially to the people of Athi River because generally in Mavoko we have large parcels of land and land owned by companies. I am sure if this is going to materialize the County Government is going to get good money and our people will be happy. I support this Motion. Thank you so much.

**Hon. Speaker:** Thank you, Hon. Kaloi. Hon. Ndwiki.

**Hon. Daniel Ndwiki** (Mlolongo/Syokimau, WDM-K): Thank you, Madam Speaker. Madam Speaker, I am the Chairperson Lands and Energy Committee. I take this opportunity to thank the Finance Committee for coming up with this Motion, Madam Speaker. This Motion has been long overdue and as I come from the area which is associated with land business that is Mavoko Madam Speaker and there was public outcry there that they needed the waiver. The Motion has come at the right time and it will be good news to the people of Mavoko and Machakos at large.

Madam Speaker, I would wish to commend about how to make this waiver public. Most of the time we see the waiver news advertised in televisions. I want to urge the County Government of Machakos to take it further and even go to the ground and announce to the land owners. Make it as public as possible as Hon. Kaloi has said. It should be announced on radios, televisions, County caravans of the members of Finance or Lands department to make sure that every landowner is aware of this waiver, Madam Speaker.

I would also urge the Chair, Finance Committee to report back how much has been collected after the waiver, Madam Speaker. It is very essential to do evaluation after the waiver, did we collect what we projected or which percentage did we achieve?

*(Applause)*

We may pass the Motion that the waiver be there but we end up not knowing what the results are after passing this Motion. It is good we know the consequences of the Motion we pass in this Assembly Madam Speaker it is very important.

I would also wish to contribute about the registration of land. Most of the lands are registered in Nairobi especially in Machakos and part of Mavoko. As a result Madam Speaker, I do not see how Nairobi is interested in revenue collection in Machakos. That brings a gap and I would wish to support my colleagues Hon. Kavyu and other Hon. Members. I support that the land registration for all Machakos lands be done in Machakos.

*(Applause)*

This is the only way that will maximize our land collections. We will also avoid absentee landowners because we experience people from Nairobi coming to Mavoko. I have a parcel of 20 acres and I do not know where the land is. How do you own a land that you do not know where it is? It shows that there are some things which are not good happening in land registration.

The issue of members of public not having title deeds has affected revenue collection in Machakos County Madam Speaker. For instance in Mlolongo we have phase I, II and III that has over 5,000 plots and plot owners and over 70 per cent of the plots are developed and they do not have title deeds. Calculate how much we lose as a result of that. I would also urge the Lands Department to ensure that members of public are issued with title deeds. It has become so expensive to have a title deed in Machakos and especially in Mavoko. It is good that the County comes with a plan to ensure that people in Mavoko and Machakos and Mlolongo in particular that they are issued with title deeds. Without the title deeds we cannot talk of the land rates, approvals and such.



As the Chair lands I wish to announce to this Assembly that we are having the Land Rates Review Bill; Spatial Planning Bill and it will solve most of the problems. Let us support the Department and also allocate funds to the department of lands because the Lands Department is allocated the least funds in Machakos County.

*(Applause)*

Also, the department of lands is understaffed and it is good to have this department being facilitated because it is the one which produces a lot of revenue for this County. It is the high time we take the department of lands seriously; we allocate enough funds so that we get a lot of revenue in return. I support the motion and wish that we will have the report on how much we have achieved as a result of this waiver. Thank you.

*(Loud consultations)*

**Hon. Speaker:** Hon. Ngunga, Hon. Paul and Hon. Douglas go out and consult from outside so that we can hear what other Members are saying.

**Hon. Daniel Ndwiki** (Mlolongo/Syokimau, WDM-K): Thank you, Madam Speaker for protecting me. I wish to conclude by saying that I support this motion. Thank you, Madam Speaker.

*(Applause)*

**Hon. Speaker:** Thank you very much, Hon. Ndwiki. You have very good points there and I have been caught by one were you said that registration should be channelled to Machakos in the registration of lands. What that means when they are registered in Nairobi, funds meant for Machakos go to Nairobi so we are losing a lot of money to Nairobi which is meant for Machakos so the earlier we fast-track transfer of land registration in Machakos the better for us. Thank you, Hon. Ndwiki for that point. Hon. Maitha, Hon. Muoki then Hon. Mulinge

**Hon. Dominic Maitha** (Muthwani, WDM-K): Thank you, Madam Speaker. I want to congratulate the Finance Committee and in particular the CECM finance for heeding to the call to the people of Machakos to do a waiver on land rates. We had a meeting sometimes back the Governor and this motion has really delayed because I thought it would even come as early as January. This will go a long way in enhancing our revenue collection considering that it is not easy to auction someone's property because they have failed to pay land rates. The best way you can go about it is to ensure that you do a waiver which is happening cross cutting in every other County and this matter has really has been coming through our electorates.

Muthwani ward happens to be one of the wards with highly populated areas in plot sub divisions and it also happens to be an area where most plots are not registered even with title deeds and Madam Speaker this has denied this County a lot of revenue.

Sometimes back I said, it is the high time as an Assembly and County Government we treat.....and this goes straight to the chairman finance and revenue collection committee, revenue collection in Machakos County as a key business in generating money for the County. The damage that has been caused by the ongoing rains is enormous and with what we have, we

may not be able to mitigate 20 per cent of that because of unavailability of funds. So, we need to treat revenue collection in this County as a matter of serious business. In fact, we need to treat it as the key business opportunity for the County Government of Machakos to generate funds and be able to revert it back in terms of development.

What is happening to the National Government at some point we might not understand the concept of the UDA government agenda in raising revenue which we may not be reasoning together with them. But the President has said it a number of times that it is through revenue collection that we will be having a sustainable country that can be able to spur development. So, we need to ensure that revenue collection in Machakos is treated like a very serious issue.

Madam Speaker, immediately I was elected in the Third Assembly, I personally went and constructed a revenue collection office in Muthwani ward. If today's records can be tabled here and if the Chairman finance can seek for those records, before I got into power, we were collecting less than Ksh. 5 to Ksh. 10 million in licenses, approvals and everything apart from quarries and cess. Today Muthwani is leading in licence fee collection payments. That office I did with my own money, I spend around Ksh. 50,000 but somebody thought it was a revenue generating office for me but it was not. I wanted to raise revenue because I knew it is through revenue that we will be able to sustain development in our County.

Madam Speaker, pertinent issues have been raised here. If you go to Githunguri where I reside, it is appalling that 50 to 60 per cent of plots are registered in Nairobi. Then in the same block we have some that are registered in Machakos. This brings a lot of confusion as to why we should have property in Machakos County registered in Nairobi and it is still ongoing. There are property owners who are sub-dividing their properties and registering them in Nairobi, denying the County of Machakos revenue that it ought to enjoy.

I have a parcel of land in Katani a place called Ngelani, about 18 acres. That title is registered in Nairobi; the annual payable rates are about Ksh. 33,000 and we pay them to Nairobi. Intentionally, I have said I will not pay for the last four years because that revenue is supposed to be coming to Machakos County. I am not supposed to own property within my ward and pay rates to Nairobi to benefit that County. This matter must be put to rest as a serious matter of concern.

The information that the Chairman has given here; I want to answer a matter that Hon. Loyd has raised about the previous government and in fact I want to thank the previous government. There is something and the former chairman of finance can attest to this, they said you cannot renew your licence unless the property where you are doing business is fully registered with the County Government of Machakos and so many properties were registered in Machakos and that brought a lot of impulse. So, I want the county to take the same direction and ensure that during licence renewal, no business will be granted licence unless the property where they are operating are registered with the County Government unless there are justifiable reasons as to why that parcel of land unless it does not have a title deed or allotment letter.

Madam Speaker, the issue raised by Mheshimiwa Kavyu about ensuring that before you get an approval for sub division you get a clearance letter, I want to confirm to this House, I was a member of Mavoko Lands Board in the last five years and we had a letter that no approval to get a consent would go through without a clearance certificate from the relevant sub-county lands officers and it actually happened and that is why in that lands board, there is a posted county surveyor who ensures that has to be done.

So, what we need to do Madam Speaker, is to ensure those county surveyors who have been tasked to sit in those boards make sure not even a single consent is granted without clearing

the property rates and have it registered because we only had clearance certificates but there is nothing to prove that the plot has been registered. So, it is upon the department of lands to ensure all land transactions in Machakos County, before you get consent to transact, you must clear pending rates and make sure the property is registered and captured in the database of this County.

Another issue Madam Speaker is you will be surprised that the time frame given for me and I would propose an adjustment and extension of that time. To be honest, a one-month timeline is too short. We do not want to belabour the committee again to come and seek extension of time. It would be my humble submission that this House considers approving a two-month window so that the residents of Machakos County can prepare themselves enough and ensure that between now and the period we are going to grant them, in two months time, we can be able to achieve the target and even surpass it. This is guided by the following; if you have seen the adverts that have been placed by Nairobi and Kiambu Counties, there has always been extension of time by the relevant authority within that County Government.

So, to avoid the same Madam Speaker, this House can resolve we have a 60-day window so that we can give out people time to prepare. Hon. Kaloi has said it clearly, personally and a few Members here own properties that need to be paid land rates. Some of them have to the tune of Ksh. 60,000 that is the principal amount that has to be paid. If you tell some of the members around to pay Ksh. 60,000 within one month it might be straining considering kids are going back to school next week and that most people in Machakos County their income levels have really been affected.

So, let us not do it as if it is a punitive measure we are giving them; let us encourage them because when you are in business, any means that you can apply to maximize your profits, then you will go an extra mile to do it Madam Speaker. So, I wish to implore the Chair that, if we can consider this amendment that we give a 60-day notice, that does not need an extension and it is advertised in all media, so that we can up our revenue collection measures.

Lastly, Madam Speaker, if today you tell the unregistered plots owners in Muthwani ward to go to Mavoko and registers their plots, Madam Speaker it is going to be very hectic. I request the committee and through a resolution of this Assembly that we have satellite operation centres in almost every ward so that we can cascade this service to the lowest level and achieve the fruits of devolution that if all the four wards in Mavoko will have to go to Mavoko sub-county offices to register these plots and pay rates, it is going to be very hectic, commotion may be there and we may not even be able to achieve.

So that we can achieve what the department intends to achieve, I would request the department of revenue collection, because they have enough staff, they cascade this service down to the ward level so that we bring services closer to our people and for them to see the need as to why we need to give this waiver to them and not appear like we are trying to punish them.

For example, a person in Ndithini one of the furthest points of this County; if you will have tell a businessman in Ndithini ward who owns a plot to come and register at Masinga sub county headquarters it might be about Ksh. 3,000 bus fare to reach that destination. Yet that person is going to pay about Ksh. 5,000 to Ksh. 6,000 in rates. So, Madam Speaker, let us bring this service as close as possible to our people and because we have one paybill number, I am sure we are going to achieve our target. I am in support of this report 100 per cent but the issues I have raised, the committee of finance needs to sit with the committee of lands and discuss how to revert back properties registered in Nairobi to Machakos so that we can enjoy.

There is another issue Madam Speaker that needs to be looked into. If you come to Muthwani ward, we have freehold and leasehold titles in the same block. I always give block 7,340 in Githunguri where we have people with leasehold titles and others freehold. We have people in the same block who are paying rates and others are not. This is an issue that needs to be relooked because I do not understand why I am in the same block with Mheshimiwa Kavyu, I am paying rates and he is not. That is being punitive! It does not amount to fairness. The County needs to gazette that anybody residing within a certain area irrespective of what size of plot that person must be obliged to pay rates because these are the same people who are demanding for services and services will not be given unless they are in tandem with revenue that is collected.

I support and I am going to support and make sure this information reaches my people as soon as possible because they have been pushing for it and make ensure the County collects even more. Property subdivision companies need to be held accountable because they are the ones making this County not to get revenues. Right now, we have property companies in my ward who have chunks of land and they do not pay rates. At that point in time in time when there is demand is when they come and try to pay rates.

Madam Speaker, we need to make this rates payment like a must and an annual event that has to be done so that the County can generate revenue which is going to support development in our wards. I support this motion and let it be implemented and with the proposed query to extend time I would be grateful Madam Speaker. Thank you.

**Hon. Speaker:** Thank you very much, Hon. Maitha. Very important points there and I have captured that the one-month waiver notice could be very short so Hon. Kitaka I hope you are noting this and we would request that we make it 60 days. Then the issue of bringing this operation close to the people so that they do not have to travel far places to pay these rates because of the cost involved. So, I pray we can borrow from Hon. Maitha, how he has been operating with the centre that he has built but it is something we can ask him to help so that we can also replicate the same elsewhere.

Of importance and what has really caught my eye again was the issue of freehold titles and leasehold titles. These two operate differently; freehold you do not pay rates at all at all; leasehold you pay rates and rents and I do not know how it could happen that we are in the same vicinity, same area and one part or section of the same location has been registered as freehold and the other one is leasehold. That must have been deliberate because there is no cost attached to freehold and the reason; we should have these registrations done in Machakos as a matter of urgency is that we create leaseholds.

Most of these divisions are done with a view to making sure that the County gets revenue from collection of rates. So, when we register land as freehold, we are losing and the County Government loses a lot of money by doing that. I am saying that it must be very deliberate by whoever did this and the more reason we should have our registry working and not Nairobi working for us. Thank you and Hon. Kitaka take note of these points being raised by Members because they are very crucial for us to achieve whatever we are trying to. Hon. Majority Leader, you have not said a word today. It was your off-duty day.

**Hon. Nicholas Nzioka** (Machakos Central, WDM-K): Madam Speaker, thank you. It does not come very often but I want to thank the committee for a good report and I will be very brief and I will not repeat what has been comprehensively said by the Hon. Members. I am excited Members seem to be stuck at point No. 1 of the recommendations on the waiver period. I

am excited about the part 'b' of it that 'the waiver for registration of plots and parcels of land.' What that means is, you are increasing the number of clients.

The department of finance and lands should work very hard on point No. 2 because if they have only registered 55,000 pieces of land, we need to be talking about half a million pieces because I know the land is there. As much as encourage people to pay because of the waiver, they should be working hard on registering new land and plot owners. As Mheshimiwa Kisila asked; how are we going to measure their performance? One is the amount of money that is targeted at Ksh. 436 million, how far are they going to get and also how many new owners of land have you registered.

Secondly, about the Valuation Roll; we are stuck at having the Valuation Roll every 10 years. We should always have an annual supplementary Valuation Roll so that at the end of the 10-year period what we are doing is just bring together what we have been doing every financial year. Thank you very much and on behalf of the great people of Machakos Central Ward, we want to thank the CECM finance and H.E. the Governor for thinking of this waiver. It is going to assist the people in the county including myself. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you very much, Majority Leader. Hon. Muoki, I had said you follow suit then Hon. Mulinge but before I give you that opportunity, I wanted to comment on something here before I forget about it. I have two concerns that I have come out during my deliberations with this motion and one of them is awareness which Hon. Kaloï dwelt on. I was wondering, isn't it not possible for us also to make this awareness consider a TV announcement if the budget allows so that we can capture many people. Every house today has a television even as we use other methods of awareness.

Secondly, of my concern is the issue of.....it seems to have gone away but I am sure I will remember it as we go on and I will bring it up. So, can I have Hon. Muoki, Hon. Mulinge then Hon. Dee Kivuva?

**Hon. Muoki wa Musila** (Ndithini, WDM-K): Thank you, Madam Speaker. I rise to---

**Hon. Speaker:** Sorry. I have remembered my second point and because I am likely to .....I am not cutting you short but let me talk about. In the motion we are talking about penalties and interests and we have not been talking more about building approvals. Are there any waivers according to the committee; did you have any waivers on building approvals or why was it put there and it is not being discussed so that you can answer during your reply. Proceed, Hon. Muoki and I am sorry for that interruption.

**Hon. Muoki wa Musila** (Ndithini, WDM-K): Thank you, Madam Speaker. I rise to support the findings of the committee on finance on the issues of why we do not raise enough money through our land rates. Some figures got my eyes. He talked of 2 million possible clients. He talked of a paltry 55 of the possible 2 million clients and a collection of Ksh. 48 billion that are outstanding in arrears. If you divided that by the 55 clients that you, have it is in excess of Ksh. 800,000 per plot. How many people in the one-month period that you are giving us to pay will be able to pay that? It is good you are asking for a waiver but then, it is the failure of the government if they have possible 2 million clients but you can only net 55,000 people then there is somebody who is not doing his work. I am asking them to go out there and look for these

people because the plots owners are known so why is the County Government not collecting these amounts.

Madam Speaker, during approvals of buildings, we net these revenue at the time of approvals and that is when we make sure all the revenue that you should have paid for your plot are paid at that point. I want to suggest the same for the land transfers; before you are given or at the time a land owner wants to subdivide his land, before you are given a consent to subdivide that land, at that particular point, that land owner should pay the land rates that are outstanding and we will be getting closer to the amount of money that we want to collect from lands.

Madam Speaker, I am also wondering if the reports talks about 2008 when the report was started or the last one. If from that time the amount that has accumulated on average per plot is Ksh. 800,000, how much is this that we are charging per plot. Maybe we need to go back to the drawing board and ask; is it that we are charging too high than the plot owners can afford. Can we revise that rate because the turnover is too low? If I gave an example---

**Hon. Stephen Mwanthi** (Ekalakala, WDM-K): Point of information Hon. Madam Speaker.

**Hon. Speaker:** Point of information taken.

**Hon. Stephen Mwanthi** (Ekalakala, WDM-K): Thank you, Madam Speaker. I wanted to inform the Member that it is the penalties that have accrued to that level not the principal amount. The penalties are too high such that the members of public will never or do not pay the penalties and the penalties that have been accrued from those penalties. It is not the principal and that is why the figures are too high. Thank you, Madam Speaker.

**Hon. Speaker:** The penalties that have accumulated for over a period of time and I also think perhaps as you contribute, there should be a way on not just waiting for the last minute when somebody has done drawings and they are going for approval that is when we are paying rates. It should be made continuous payments; strategies must be put in place.

**Hon. Dominic Maitha** (Muthwani, WDM-K): Sorry we are not interrupting the Hon. Member, I wish to inform the Hon. Member, the annual amount of money I pay for my plot in Utawala is Ksh. 1,280. It is too little and I am demanding a tarmac road in my area with that amount? That is way too little. That is why the Valuation Roll that is going to come must address that matter.

Another issue I need to inform this House; when you go to the lands board in Mavoko, those people with leasehold titles do not seek a clearance certificate from the County Government. That means we have lost revenue. Thank you, Madam Speaker.

**Hon. Speaker:** Hon. Maitha, this Ksh. 1,280 now has accumulated to how much?

**Hon. Dominic Maitha** (Muthwani, WDM-K): Now, if you do not pay the principal amount, it is over 200 per cent penalty so if I have not paid for the last five years, if you calculate Ksh. 1,280 for five years is roughly Ksh. 7,000 or Ksh. 8,000 which is the principal amount. So, if I have not paid the principal amount plus the penalties, I may owe to the tune of Ksh. 500,000 by the County. Once the waiver is granted, I will only be able to pay the

principal amount which is less than Ksh. 8,000 and it is actually attainable and achievable but we need to rethink about it because you do not expect to get services from the government especially demanding tarmac roads like in my ward with Ksh. 1,280 in a year. It is not possible.

**Hon. Speaker:** That is why I was saying, so that it does not accumulate penalties, there needs to be a strategy to make sure we enforce payment annually so that it does not accumulate to that amount. Proceed Hon. Muoki and we are not going to interrupt you again. I am protecting you.

**Hon. Muoki wa Musila** (Ndithini, WDM-K): Thank you, Madam Speaker. I was saying, yes, I know it is arrears of accruing interest but the interests are a derivative of the principal. Hon. Maitha has put it very well that the principal could be a very small amount but when I am coming to pay the interest it is 200 times over and above. That is why accruing to Ksh. 800,000 a plot.

Having said that, I was trying to compare the 2 million plots and the principal that the supermarkets apply. The turnover, you have more customers, lower process and you get a better figure as opposed to a retailer who is going to charge so high and get only one customer. That is the principal I would wish the committee of lands and finance to come together and see how you are going to go about that so that we can get these monies paid.

Madam Speaker, the one-month window of payment, in my opinion even two months is too short given that for example in Muthwani, assuming his plot is under water today, he cannot pay for the rates because the water is there already. Give it time, let the water dry and when it is dry he will be very happy to pay the rates as opposed to now. I am sending that to the committee again so that they reconsider that instead of having only one and half months then we reapply for extension, let us have ample time. Remember schools again are opening, people will say they have no money and all that. If we consider long time enough for everybody to have paid.

Madam Speaker, on the issue of registry, when I listened to all the contributors in the debate today, I realized they do not know there is a registration office at Yatta, Kithimani. If Machakos registry is too congested, then there is more office space at Yatta where a registrar is and part of his work can be devolved to Yatta because we already have a registration there, we can do part of the work there. I totally agree Madam Speaker with the other contributors who are really saying let us take our work back home. Whatever belongs to Machakos needs to be done in Machakos.

*(Applause)*

Let us remove anything in Nairobi, it helps us with nothing, it is only that they want to invest here. They pay from their then they still say they want water, roads and everything else. Let us have our land be confined in our area after all land matters are a devolved function of the County Government. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you very much, Hon. Muoki. Very important points we must take them into consideration wholesomely. Hon. Mulinge.

**Hon. Joseph Mulinge** (Muvuti/ Kiima Kimwe, MCCC): Thank you, Madam Speaker. First, I will start by appreciating the committee of Finance for good recommendations and also

the CECM for finance because he is on the track for making sure this County will have enough money for doing developments. Property and land rates contribute the major source of own source revenue for counties in Kenya, majorly in Nairobi and Kiambu. Madam Speaker, I would like to inform you that---

*(Hon. Speaker consulted with the Clerk at the Table)*

**Hon. Speaker:** Sorry. Hon. Mulinge. Proceed.

**Hon. Joseph Mulinge** (Muvuti/Kiima Kimwe, MCCP): Yes. There is a professor of University of Nairobi who did a survey on assessment of effects of waiving accrued interests, penalties of land rates arrears in Nairobi County. In his sampling, he sampled around six sub counties in Nairobi that is Starehe, Njiru, Buruburu, Dagoretti---

*(Hon. Speaker consulted with the Clerk at the Table)*

**Hon. Speaker:** Proceed, Hon. Mulinge.

**Hon. Joseph Mulinge** (Muvuti/Kiima Kimwe, MCCP): Yes. Thank you, Madam Speaker. I was saying there is a professor by the name Tabitha Emily of University of Nairobi; she did a survey when she was doing her thesis on effects of waiving accrued interests, penalties of land rates arrears in Nairobi County and in her survey he considered six sub-counties of Nairobi. One of them Starehe, Njiru, Buruburu among others and on her research she dwelled on descriptive statistics, frequency, standard deviations and these are the achievements she found.

One thing that came out was the reason why majority of property owners were not paying land rates and when I say majority, she found there is a class of rich people, with enough money. In her description she was saying big boys, people with money, big properties were not paying taxes. In the questionnaire what came out was they were not getting services and one of the service was bad roads, lack of provision of clean water for their properties and again there were another class that belonged the old people. They did not understand the essence of paying land rates and reason they were old people so they lacked information.

There were again another cluster and this cluster was people of low income earners but they had properties in the city and they were saying because of defaulting not to pay the land rates, the penalties were so high forcing them not to pay the land rates because if you fail to pay this year, next year you are supposed to pay with interest. Madam Speaker, first I am supporting the report. In the case study in the essence of waiving, the conclusion was most of the ratepayers were very much motivated by the waiver because it was lessening the burden of the ratepayers to pay the taxes.

Madam Speaker, when it comes to our case, the same thing is happening. If you check the list of 55,000 registered land owners, these are people with a lot of information about the reason why you are supposed to pay land rates but if you see the penalties accrued, we are talking about Ksh. 48 billion and yet we are saying we are planning to extend the number of rates tax payers are supposed to pay. Before I forget, last week I was called by one of the property owners in Katoloni, past university and he was asking me "Mheshimiwa, why am I paying land rates" and the road going to his premises, he cannot even access because the road has been



damaged, it is in bad state and even the people who are staying in his property have started leaving. Madam Speaker, I was---

(Laughter)

**Hon. Speaker:** Is it as a result of floods? Because everybody has been affected not Machakos that has caused the rain, that is an act of God and we cannot blame God.

**Hon. Joseph Mulinge** (Muvuti/Kiima Kimwe, MCCP): No. Madam Speaker, remember I said and I gave you the story of that researcher, that professor in Nairobi. One cadre said they said that the reason why they were not motivated to pay land rates was because they were not getting proper services so they were not seeing the need for them to pay. The essence of our people paying this land rates is to get services. You pay then you consume the service. So I am urging the department concerned, as much as we are pushing our people to pay taxes, let our people receive services for them to be motivated to pay what *Kaisali* owns.

Again, Madam Speaker, the period given one month, I will tell you, is not enough. Even KRA they usually give because there is one which is in existence and it is more than six months. So, giving them one month and where there is a cadre that was not understanding the importance of paying these revenue and when you come to Machakos, probably in Muvuti/Kiima Kimwe most of the land owners, the part of the team of 2 million need civic education to understand the reason why they are supposed to pay land rates for them to have services. So one month is not enough. I propose more than three months. Thank you so much.

**Hon. Speaker:** Thank you very much, Hon. Mulinge. Very important points there. This opportunity is for Hon. Dee then and I had said that Hon. Dee was going to close this chapter but I can give you an opportunity Hon. Katiti after Hon. Dee. There are many contributors? Okay. Let us have Hon. Dee.

**Hon. Dee Kivuva** (Nominated, WDM-K): Thank you, Hon. Speaker. I will take less than a minute. You know waiver and wiper are related so I came very quickly because I could not differentiate from outside. Kambas do not have P so where there is P they put V. I want to say few things. Any waiver in the County should not include what we passed here about Devki; any waiver should exclude Devki.

Secondly, the only way we can maximize the collection is how we trickle down the information. I want to propose that one way is by using our 40 elected MCAs, this hard times of *katumoles* they can utilize and do a very good job of sensitizing on the waiver. The last one is an undertaking from the committee that after the exercise they will give us a report because most times we do not get what we pass, we do not get a feedback of what we say.

Lastly, on a different note, the town has lost one of its iconic member; the oldest *mzee* in this town in terms of business who happens to be a neighbour of this County Assembly. He was a very close friend of mine so on my own behalf and my family I want to pass my heartfelt condolences to the family of the late Nashon Kyuli. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you very much. *Pole sana* to the family of Mr. Kyuli, I also know him personally. Hon. Katiti.

**Hon. Boniface Katiti** (Muthetheni, UDA): Thank you, Madam Speaker. I am of Finance committee member who joined it recently. I was here listening to the deliberations of the Members so that all those who may oppose this important document then I would stand up and defend it. I have only two issues. One is about this waiver; it is of importance that the people should know the importance of it because if the County Government were to compel people to pay for these 15 years the Ksh. 48 billion is a lot of money. If I divide it annually what we may be getting is almost Ksh. 3.2 Billion that we could collect right now. if we were to compel people to pay. So Ksh. 3.2 Billion is almost Ksh. 2 billion share the development money that we get in the County. So that is Ksh. 5.2 Billion. So, let them see the importance of getting the waiver then let them comply by paying the arrears that the County is owed.

The other thing is about the number of registered land owners. We have 55,000 thousand compare to 2 million. If I convert it to percentage then that is almost 2.75 per cent that is very little percentage so let us increase the numbers by the period given and I also seek the extension that I appeal to the Chairman that what the Members are saying that one-month period is short we may increase to two months so that people can pay.

The other thing is when the period is too big then people tend to come the last days so let us also encourage them to pay in time. The other thing is how the information will reach the audience or land owners. I would encourage instead of politicking so much let us also sensitize our people so that they can know the importance of paying these things on time because when the revenue is too big then it would translate to more services to the people. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you very much, Hon. Member, Hon. DS proceed.

**Hon. Stephen Mwanthi** (Ekalakala, WDM-K): Thank you, Madam Speaker. I will also be very brief because of time and I will be straight to the point. One by appreciating Hon. Brian for recognizing that this is an Act that we prepared during our second term and this is the first time it is being enacted by the Executive.

*(Applause)*

Madam Speaker I would also challenge other members to use similar ways. You see before we used to see these waivers just in the newspapers but now you realize that it has been brought to this Assembly for Members to debate and either pass or disapprove so it is a challenge to all of us may be we will be the Fourth Assembly or outside and the same examples will be used to us over what we did when we were in the Third Assembly.

Madam Speaker, I do support that waiver because of reasons that have been said by Hon. Members here and it is the only way that the Executive can enhance the revenue collection if granted that chance to waive the penalties and interests that are on their plots so I do support. Again I would want to challenge our Hon. Members, during their submissions; there are some things that I realized. Madam Speaker, you know we have got very smart Members in this Assembly but sometimes we are not using the chances that we get to enhance our points. For example, during the debate I have noted that there are three stand-alone motions which can be presented to the House and compel the Executive to implement.

One is the issue of land registration that is set to have been done in Nairobi. You know we might talk here and think that the Executive will implement that yet it is not a substantive

motion and we require just a substantive motion here, we come and pass and that mess will be corrected once and for all. This is because the Executive will have a law because this is the House that legislates. So, I think Members such motions can come up.

Secondly, we have Hon. Dominic also mentioned on devolving revenue collection measures. It is a good motion but if not brought in the Assembly as a substantive motion it might just end up here in the chambers because the Assembly what will approve today is the waivers.

The last one is on lands registrar. It is a good motion if Hon. Ndwiki because he has consistently talked about having a registrar in Mavoko sub-county. I propose that if he could come with that as a motion, the House will have a lot of business here and that is something that can help the residents there because it is in Mavoko that has many plots and need such services over there and it only requires political will to get such a service devolved to Mavoko and that way we will have our people get services closer, the County Government getting a lot of revenue out of that and many other things including our members of the public owning their plots. I think it is only 10 to 20 per cent of plot owners who have title deeds or lease certificates. So if we can get a land registrar there in Machakos, that issue can be dealt with and thus give the Executive room to get to land rates from those properties. Thank you, Madam Speaker.

*(Applause)*

**Hon. Speaker:** Thank you very much, Hon. Deputy Speaker. Very insightful there especially the matter on motions that can bring these matters or concerns that we have raised to the House for debate. So, Members, take advantage of the opportunities that are before you, you are the House that legislates so this is your business to bring these motions to this House, we debate and pass them and make laws out of them. What Nairobi is doing for us, have it in Machakos on registration and collection of revenue on land rates and many other motions that can be brought to this House. Take advantage of that. I am very happy about that one point. Recently we have been lacking business in this House but we have realized we have business with us which can be tabled into this House.

So, thank you, Members. For that and I have been advised that for us to achieve this matter of a waiver to get more than two months, we must move an amendment through a Member coming forward to make that amendment then we have a seconder then we are doing that under provisions of Standing Orders 52(2) which says this. Despite paragraph (1) the Speaker may in exception circumstances allow a Member to move an amendment to a motion before the House at any time during consideration of that motion. So for us to have this extension or period within which to have the waiver done we have to move that motion. Proceed, Hon. Brian.

**Hon. Brian Kisila** (Makutano/Mwala, MCCC): Having been part of that Act that we passed in 2022, we gave the CECM permission to seek an extension---

**Hon. Speaker:** We are just trying to avoid a situation where we have those extensions after extension and I think the Member who proposed this extension, I think it was Hon. Dominic did not want those extensions. We just get enough time even if it is not enough we have a bigger chunk of time before we start extending and he gave very pertinent points. Hon. Kavyu.

**Hon. Francis Kavyu** (Kinanie, MCCC): Madam Speaker, what we should do today because we are already behind time, a waiver was supposed to kick off on 1st of May.

**Hon. Speaker:** No. from 15th from previous.

**Hon. Francis Kavyu** (Kinanie, MCCC) The 15th is us who sit because of the timeline it was not applicable to pass the waiver today and have it start on 1st so it is the committee that proposed that but my request is that for today, we adopt the report as it is and in future, because we are here to work, so even if it means granting extension for four times, I do not think we have a problem with that. The effect of giving longer period, what happens is that people will have tendency to delay but if we grant a shorter period, we have an opportunity to monitor the performance and the reaction from people.

If today, we amend the motion and give three or two months, you will note that we are not going to receive any collection in the first or even 50 days. On the last few days, that is when people will be coming so we are aware and we are alive to that it might not be possible to achieve the entire target within the 30 days but in terms of proactivity, it is going to help. So, Madam Speaker, we would request we give it that and may be in future the advice that we can take we can give a graduated form of waiver where in future we can provide and you find that anybody who pays between day one to day 10 stand to benefit more and those who will pay towards tail end they benefit less.

That will motivate people but as it stands now because that has not been captured we can work with a shorter period. If the desired results are not achieved within that period, then we can come back to this House and I do not think members or the Speaker will get tired of serving people of Machakos. Even if the need is there and they request us even to have special sitting; as long as we are going to get money and results from it I do not see it a big deal. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you very much for that insight. I want to hear from other Members about this, Hon. DS then Hon. Majority Leader,

**Hon. Stephen Mwanthi** (Ekalakala, WDM-K): Thank you, Madam Speaker. I will only echo words from Hon. Kavyu that Madam Speaker the reason as to why we give these waivers is just to boost the financial revenues and we are towards the tail end of this year which is ending on the 30th of June. So, if we proceed to the next year July, it will be of no importance. We feel 30 days are enough, we first see how they are going to implement it and for sure if they come back for the extension we will be there for the same. Thank you, Madam Speaker.

*(Applause)*

**Hon. Speaker:** That is okay. Hon. Majority Leader.

**Hon. Nicholas Nzioka** (Machakos Central, WDM-K): Thank you, Madam Speaker. I echo the words of both the Deputy Minority Leader and Deputy Speaker. What is the objective of waiver? It is to bolster the revenue of the County. What I wish we could be thinking is to amend our own Act to limit the number of waivers per financial year. Like, say a waiver can be

granted only twice in a financial year then also to limit the number of extensions within our own Act. The main aim of this particular waiver is to bolster the revenue of the County. Thank you.

**Hon. Speaker:** Thank you very much, Majority Leader. Hon. Maitha.

**Hon. Dominic Maitha** (Muthwani, WDM-K): Thank you, Hon. Speaker. Just slightly Hon. Majority Leader, if we go back and amend the Act to a limitation of two times in a year, then this House will lack business like today to debate. Secondly, I have been guided and that is why I consulted you Madam Speaker, the report as per the Finance Committee Chair creates a room for extension of the period so we do not need to dwell much on that. I think what we need to ask the Hon. Chair is to monitor and strict guidance be given to the CECM that at the advert level, it should be strictly 30 days then guided by that based on what we will collect, then we can see if we can do it immediately after the 1st of July and if we achieve our target then we might not need an extension. Well-guided, Madam Speaker. Thank you.

*(Applause)*

**Hon. Speaker:** Thank you. I am well-guided and thank you very much, Members. I now wish to invite Hon. Francis Kitaka to come and reply and also tackle some concerns.

**Hon. Francis Kitaka** (Ndalani, WDM-K): Thank you, Hon. Speaker. I will start by appreciating the Members for overwhelmingly supporting this report so that we can bolster our revenue basket. There are a few issues that I would want to address or to bring to some light.

**Hon. Speaker:** I suggest you be brief on the issues.

**Hon. Francis Kitaka** (Ndalani, WDM-K): Yes. Briefly, I want to promise this House that we will closely monitor and liaise with our department so that we might get the performance of the waiver and report on the same. Secondly, on the matters raised about the amounts, I would also want to inform this House that the rates that we charge are not high and what makes them high is the penalties and the interests. For your information, Hon. Members, I am reliably informed that the interest is charged at a three percent of the value of the property so that is why we have the amounts going up.

Hon. Speaker, I will not deal on matters of extension because it has been clarified. Our intention is to keep the 30 days and if need be, we shall have the extension done. There are matters that we need to report again. There are Hon. Members who raised concern on some tax papers; we would want also to bring in our next report because we have our Clerk Assistant here and we are preparing a report which will be touching on issues to do with Simba Cement and all that. So I will not want to pre-empt what we would be bringing in the House.

*(Applause)*

The other thing is that I would want to acknowledge that revenue collection forms the backbone of our County and I want to urge each and every Hon. Member here to also play a part in ensuring our own electorates understand why we have to pay rates so that we make it easy for our Executive and County Government. You have noticed that from our lands registry, we have a

over 2 million plots and only 55,000 are registered. Of importance, during the advertisement, we are waiving the fees for registration as an incentive, Hon. Speaker. So, we shall package the message so that at least every person or every plot owner will be able to know he or she is required to do within the timelines given.

Hon. Speaker, we have also issues on building approvals. We have people who have their calculations done and then they are also limits on the days that they should have paid that so that is where they also have some interest or penalties on the same. If the party concerned pay within the waiver period, then they will enjoy the waiver.

Hon. Members, there is one thing of importance that I want us to note. If you have arrears on penalties and interests and you do not take advantage of the waiver period, Hon. Members, that person, the amounts will still be due and will not be waived as long as.....we are only waiving for those who are coming to pay so that it is clear. If you do not pay, then the amount remains.

Hon. Speaker there is an issue that was raised by Hon. Kisila and Mheshimiwa Kavyu responded on the same that the monies that are allocated to the department of finance are not allocated to the committee of finance. Hon. Speaker, there is much that has been raised during our discussions and I am sure that it has been captured and we will go through it and we shall be improving on the areas that we find that much concerns our revenue collection.

The advert, we will also advice our department that we use all the media platforms that can easily reach the common man in Machakos County so that we might actualize positive effect of the waiver. Hon. Speaker, the Finance and Revenue Collection Committee is grateful to the office of the Speaker and that of the Clerk of the Assembly for the support accorded during the execution of this task. I wish to express my appreciation to the Hon. Members of the Finance Committee who sacrificed their time to participate in consideration of the waiver and preparation of this report. Thank you, Madam Speaker.

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

*(Question put and agreed to)*

### **ADJOURNMENT**

**Hon. Speaker:** Thank you, Hon. Members and the House adjourns to Wednesday, 8th May, 2024 at 2.30 p.m.

The House rose at 1.29 p.m.

