

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF KILIFI

THE HANSARD

Tuesday, 22nd November, 2016

*The House met at the County Assembly Chamber,
Malindi Town, at 2.30 p.m.*

[The Speaker (Hon. Kahindi) in the Chair]

PRAYER

COMMITTEE OF THE WHOLE

(Order for Committee read)

[The Speaker (Hon. Kahindi) left the Chair]

IN THE COMMITTEE

[The Chairperson (Hon. Kenga) took the Chair]

THE KILIFI COUNTY FINANCE BILL, 2016

The Chairperson (Hon. Kenga): Good afternoon hon. Members. Let me take this opportunity to welcome you to this sitting. We have now converted into the Committee of the Whole House and as stipulated in the Standing Orders, the rules are a bit relaxed; we have the freedom to make consultations though our consultations will be guided by the provisions of the Standing Orders. I will now invite the Clerk-at-the-Table to us take through the Clauses as we deliberate on the Business that is before the Committee of the Whole House. Welcome.

(Clause 3 and 4 agreed to)

The First Schedule, part 1

Hon. Mangi: Thank you Chairperson. I hereby beg to move the following amendments on Finance and Economic Planning;

1. THAT, the daily fees for barafu or ice vendors be reduced from Kshs. 15 to Kshs. 10.
2. THAT, the monthly fees for barafu or ice vendors be reduced from Kshs. 400 to Kshs. 300.

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3. THAT, the search fees for certified accountable documents per copy be reduced to Kshs. 500 from Kshs. 750.
 4. THAT, the penalty for Bounced (RD) cheque be charged at 10% of Bounced (RD) cheque value.
 5. Increase market fees per day for food vendors from Kshs.15 to Kshs.30 and daily fees for hawkers of second hand clothes/mitumba from Kshs.15 to Kshs.20.
- Thank you.

(Question of amendment proposed)

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

(The First Schedule, part 1 as amended agreed to)

The First Schedule, part 2

Hon. Mangi: Thank you Chairperson. I hereby beg to move the following amendments:-

1. THAT, the County Treasury increases entry and exist points by adding Bombi and Mazeras.
 2. THAT, Palm wine on transit exit fee (exit points Mariakani, Mtwapa, Mwendapole, Mazeras and Bombi) be increased from Kshs.50 to Kshs.100 per 20 litres container.
 3. THAT, the enquiries on agricultural mechanization and harrowing services offered at Mariakani be reduced from Kshs. 2,000 to Kshs. 500 per acre and from Kshs. 1,300 to Kshs1,000 per acre respectively.
 4. THAT, under Livestock on transit entry fee (entry points Mariakani, Mtwapa, Mwendapole, Mazeras and Bombi) should be levied per head of animal as below; cows Kshs.100 per head, goats Kshs.50 per head, camel Kshs.150 per head and poultry Kshs.20 per fowl.
 5. THAT, on auction fees for each buyer and seller, the Committee recommends an increase of Kshs.100 to Kshs.200 per head of a cow and camel from Kshs. 200 to Kshs. 400 per head of camel.
 6. THAT, further increase hides per piece fees from Kshs.5 to Kshs.10 and skins per piece from Kshs.3 to Kshs.5.
 7. THAT, reduce slaughter fees for goats or sheep from Kshs.300 to Kshs.200, cows from Kshs.700 to Kshs.500.
 8. THAT, reduce honey per litre fees from Kshs.15 to Kshs.10.
 9. THAT, increase Sport fisherman license from Kshs. 200 to Kshs. 500.
 10. THAT, increase Fish import fees from 5% of market value to 10% of the same and on fish export fees the Committee recommends to maintain it at 0.5% of market value.
- Thank you Chairperson.

(Question of amendment proposed)

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

(The First Schedule, part 2 as amended agreed to)

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(The First Schedule, part 3 agreed to)

First Schedule, Part IV

Hon. Mangi: Mr. Chairperson, Sir. I beg to move:-

1. THAT, the fees for charcoal movement permit be reduced from Kshs.20 to Kshs.10.
2. Reduce the price of indigenous tree seedlings from Kshs.25 to Kshs.15.
3. Increase Dumping charges(crude oil, hospital waste, Liquid & Solid waste for private companies without SBP) as listed below;
 - a) Lorry above 7tonnes from Kshs.2,000 to Kshs.3,000,
 - b) Lorry 3-7tonnes from Kshs.1,500 to Kshs. 2,000,
 - c) Pick-ups below three tonnes from Kshs.500 to Kshs.700.
4. Increase permit for Noise Emission for essential works per day and Excessive vibration for essential works from Kshs. 20, 000 to Kshs. 40,000 for both.
5. THAT, the Committee recommends separation of Religious organization/political parties in different advertisement categorizes. Banners first 7days: Religious - Kshs. 1,000 and Political parties - Kshs. 2,000. Banners Extra day: Religious - Kshs. 300 and Political parties - Kshs.500. Posters minimum charges for 1,000 copies: Religious - Kshs. 2,000 and Political parties - Kshs. 5,000. The Committee also recommended that cess on natural resources be charged as a percentage of value of the products/produce.

(Question of the amendment proposed)

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

(First Schedule, Part IV as amended agreed to)

First Schedule part V

Hon. Mangi: Mr. Chairperson, Sir. I beg to move:-

1. THAT, the site inspection per site visit, subdivision certificate of land per plot, certificate for extension of user of land, beacon search fees per beacon and beacon fixing per beacon be reduced to Kshs. 1,000, Kshs. 2,500, Kshs. 2,500, Kshs. 1,500 and Kshs. 1,000 respectively.
2. THAT, picking Fees to be set in the Finance Bill and not be left at the discretion of the surveyor.
3. THAT, reduce perimeter fencing per site/plot fees; Barbed wire from Kshs. 2,500 to Kshs. 2,000 and Block wall from Kshs.7,500 to Kshs. 5,000
4. THAT, rental Building Charges (Letting) for Permanent rental residential houses, Semi-permanent rental residential houses and Semi-permanent rental commercial houses be reduced by 50%.
5. THAT, on charges for resolutions on boundary disputes should be met by the complainant and not by both parties as proposed by Treasury.

(Question of the amendment proposed)

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

(First Schedule, Part V as amended agreed to)

First Schedule, part VI

Hon. Mangi: Mr. Chairperson, Sir. I beg to move:-

1. THAT, fees for Architectural Design by County Draughtsman for Swahili House not exceeding 80sq.ft be reduced from Kshs. 10,000 to Kshs. 5,000.
2. THAT, the measurement of a Swahili house not exceeding 80 sq.ft. be amended to 800 sq.ft.
3. THAT, vehicle Entry (vehicles on transit) fees on Trailers be increased from Kshs.150 to Kshs.500 on Public Service Vehicles Stickers per Month the Committee recommends revision of current routes for Public Service Vehicle.

(Question of the amendment proposed)

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

(First Schedule, Part VI as amended agreed to)

(First Schedule, Part VII agreed to)

First Schedule, part VIII

The Chairperson (Hon. Kenga): I can see that this is generating a lot of interest from the hon. Members; you have the freedom of making contributions once the question has been proposed before I put the question.

Hon. Mangi: Mr. Chairperson, Sir. I beg to move:-

1. THAT, in a bid to promote the information and communication sector, the Committee recommends a 25% reduction in fees for film shooting per day, documenting movies for the local people.
2. THAT, we urge the County treasury to liaise with the respective Department to get a clear position on who is mandated to levy fees on Registration/Renewal fees for Groups.
3. THAT, on Liquor License the Committee recommends re-categorization of Bars so as to take into account population density, size of establishment; that is bars and restaurants. Thank you Mr. Chairman, Sir.

(Question of the amendment proposed)

(First Schedule Part 8 as amended agreed to)

(First Schedule Part 9 agreed to)

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(Second Schedule agreed to)

(Clause 2 agreed to)

(Clause 1 agreed to)

(Long title agreed to)

(Short title agreed to)

The Chairperson (Hon. Kenga): Thank you very much hon. Members. Let me take this opportunity to thank you for having fully participated in transacting the business in the Committee of the whole House. It has been great having you and having your participation. I believe we have been able to complete the task that was before us. Yes, Chairperson.

Hon. Mangi: Thank you, Chairperson. I beg to move:-
THAT, the Committee Report in the House its consideration of Kilifi County Finance Bill, 2016, its approval and the amendments thereof. Thank you Sir.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[The Speaker (Hon. Kahindi) took the Chair]

REPORT, CONSIDERATION OF REPORT AND THIRD READING

THE KILIFI COUNTY FINANCE BILL, 2016

Hon. Kenga: Thank you very much, Mr. Speaker. I beg to Report that the Committee of the Whole House has considered the Kilifi County Finance Bill, 2016 and approved the same with amendments.

The Speaker (Hon. Kahindi): Hon. Mangi.

Hon. Mangi: Thank you Mr. Speaker, Sir. I beg to move that the House do agree with the Committee in the said Report. I call upon hon. Jared Kaunda Chokwe to second.

(Hon. Kaunda seconded)

The Speaker (Hon. Kahindi): Thank you. Hon. Members, a Motion has been moved by hon. Mangi to have the House agree with the said Report. I now propose that the same is ready for debate.

Hon. Kaunda: Asante Mheshimiwa Spika kwa kunipa fursa kuweza kuunga mkono ripoti hii ambayo iko mbele ya Nyumba hii. Kwanza kabisa nataka nimshukuru mwenyekiti ambaye mimi ni msaidizi wake wa karibu kwa kazi aliyofanya hasa kwa Kamati ya Bajeti na kujadiliana ili kusikiza maoni ya wanakilifi kwa ajili ya Mswada wa ukusanyaji wa ushuru. Nataka kusema ya kwamba haijakuwa kazi rahisi kwa sababu Mswada huu uliletwa kuchelewa tarehe 28 mwezi wa tisa lakini kwa sababu tuko na Mwenyekiti aliye na weledi wa mambo ya tarakimu kwa uzoefu wa miaka 20 akifanya kazi benki, tumeweza kufanya kazi nzuri.

Kwa kweli tulipokuwa tukitembea katika zile *Sub County* tulipokea maoni tofauti tofauti. Mswada huu umeangazia haswa wale wafanyibiashara wadogo wadogo kwamba ile ada waliyokuwa wakitozwa imeweza kupunguzwa na kwa hiyo tunaona kwamba tutaboresha maisha yao. Naomba wabunge waweze kupitisha Mswada huu kwa haraka ama kuiunga Ripoti hii mkono ili kwamba kufikia sasa Waziri wa Fedha pamoja na ofisi yake waweze kuendelea kukusanya ushuru wakiwa na chombo hiki ambacho kinamruhusu kisheria kuweza kukusanya ushuru.

Kwa hivyo, kitu ninachoomba ni kwamba tupitisha Ripoti hii na huu Mswada wa kukusanya ushuru uweze kuingia na kutekelezwa mara moja kwa sababu hivi sasa ushuru unaokusanywa sio kisheria na lazima tupitisha ili sheria ichukue mkondo wake. Kwa hayo machache naomba tu kwamba Nyumba hii iweze kupitisha Ripoti hii na tuweze kuwa na Mswada wa ukusanyaji wa ushuru kisheria. Asante.

The Leader of Minority (Hon. Pascal): Thank you Mr. Speaker, for this opportunity. Let me start by thanking the Chairperson and the entire Committee for bringing this Report on the Floor of the House for us to digest on. I totally support this Report because as we all understand that Kilifi County has been lagging behind in terms of revenue collection and it is high time that we supported the adoption of this Report so that the law that grants the permission for this county to collect enough revenue can take effect. We understand that in this report there are some corrections that have been made to this law by the Chairperson and the Committee that has brought some adjustment on the issues of the fees paid by the vendors. This shows that this law is actually considerate on the very low...

The Speaker (Hon. Kahindi): Yes, hon. (Ms.) Mbeyu, you have an intervention?

Hon. (Ms.) Mbeyu: Thank you Mr. Speaker, Sir. I wanted to let the Member on the Floor know that whatever has been done by the Chairperson for Budget and Appropriations are amendments not corrections. Thank you.

The Leader of Minority (Hon. Pascal): Thank you Mr. Speaker. Corrections and amendments are one and the same; it depends on which school one went to but we will just move ahead, Mr. Speaker.

The Speaker (Hon. Kahindi): So, which school did you go to?

(Laughter)

The Leader of Minority (Hon. Pascal): Okay, thank you Mr. Speaker...

The Speaker (Hon. Kahindi): Proceed.

The Leader of Minority (Hon. Pascal): Thank you. So, Mr. Speaker, the Report that is before this House considers more on the very low members of the society. It has gone ahead to actually point out on the fee that hides and skins should be charged. For example, the people I represent where we have most of the cattle keepers, we find out that a consideration on their items of trade is a step in the right direction because I feel as a representative we have actually considered their plight and that this will make their economy a bit considerate.

Again, we have seen that there are the *mnazi* vendors who have also contributed towards the economy of this county. We have seen that the Chairperson and the entire Committee has suggested that those who deal in *mnazi* can add something on top of what they are usually used to pay and this will go along way into revenue enhancement on top of what they have to revenue enhancement in this county. I stand to support the adoption of this Report that will culminate into allowing the County Government to collect revenue. Thank you, Mr. Speaker.

Hon. Nzaro: Thank you, Mr. Speaker for allowing me also to air my sentiments on the Report on the amendments as given by the Budget and Appropriation Committee. First, I want to thank the Committee for a very good job done in ensuring that the low members of this county who also want to engage in meaningful economic activities are looked into. The hon. Member who was on the Floor has just raised the issue of those who are selling *barafus*; they took into account the charges which were being charged and found it fit to lower the charges for their benefit. I have also looked at the issue of charcoal movement permit which has also been highlighted in this Report. Most of the people I represent deal in charcoal business and their permits have also been reduced; this will benefit them because they are faced with several calamities like the hunger menace which is in the Sub County. I think it can assist them in making their ends meet.

One thing I have also noticed in the Report is that the Committee also noted that the County Treasury does not meet deadlines in submitting the Finance Bill to this Assembly. I think this aspect should also be taken very seriously because we are denying the people of this county tax which were to have been used in most development of this county. I believe if somebody has a business and then the enforcement officers go around demanding that they pay the fees and yet these Bill have not come to the Floor of the House and be passed in good time then the revenue collection in this county will also not be in order.

So, that aspect is a wakeup call to the Executive to make sure that this Finance Bill is brought to this Assembly in time so that we pass it as appropriate. Mr. Speaker, I thank the Committee for a job well done and I hope once we get this money from the revenue we collect then it can be used well and support our budget and priorities in this county. Thank you, Mr. Speaker. I support.

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Hon. Kiraga: Thank you very much, Mr. Speaker. First and foremost let me thank the Committee which worked tirelessly on this document. The main purpose of the Finance Bill is to boost our local revenue collection. Local revenue collection is a very important aspect as far as the running of the county is concerned bearing in mind that this forms part and parcel of our resource envelop. As a Committee, it has given the necessary weapon to the Executive for them to at least collect the required money for it to boost our local revenue bearing in mind that since 2013 as a county we have not met our projected revenue collections. That is why the Committee went an extra mile to increase some items so that money can be made available if the necessary challenges are taken care of.

I just want to highlight some examples as to why we want the local revenue to be boosted in this county. If you go to Water, Forestry, Environment and Natural Resources, the Committee increased the advertisements for religious organizations and political parties bearing in mind that we are now heading to the campaigns and you can see banners on a seven day running period; political parties are going to be charged Ksh. 2000 and an extra day after that the Committee suggested Ksh. 500 to be charged. We were doing this because we want the revenue of this county to reach the projected levels.

I believe this is going to attract a lot of money because very soon we are going to have so many banners; if I can count like here we have 53 Members and most of us I believe are in the race. So, if everybody puts a banner and probably we have let us say seven days and extra days then we are going to collect a lot of money not forgetting the so many aspirants who have come up; I hear hon. Mwachenda has the highest number of aspirants so, that is money which is going to come to this county.

If you also look at the same Department on dumping charges; a lorry of about 7 tonnes has been increased from Ksh. 2000 to Ksh. 3000; a lorry of 3 tonnes has been increased from Ksh.1,500 to Ksh. 2,000 and pickups from Ksh. 500 to Ksh. 700. We were doing this to increase the levels of our revenue collections. I believe if the Executive are also going to see the loopholes and try to block all those loopholes where money is going to wrong hands, I think we are going to meet our projected target as far as local revenue collection is concerned. Thank you very much, Mr. Speaker.

Hon. (Ms.) Mbeyu: Thank you, Mr. Speaker, Sir. I rise to support this Report. I want to take this opportunity to thank my able Chairperson, hon. Daniel Mangi from Bamba and all the Members of the Budget and Appropriation Committee, I being one of them for the good job well done in coming up with this Report. The many amendments you see here are because of our people's love for their Kilifi and the Committee considered most of the amendments from the visits we had in all Sub Counties to fit the economical status of our people.

I know this document will be able to do better for our people in Kilifi and for the revenue we are expecting. I want to concur with hon. Kiraga when he is saying payments to be done for banners for the aspirants in Kilifi. If you count in every ward, we have over 20 and in Gongoni I think they are 17 or more and more so over 48 in Mariakani; that is the highest number I am getting. For the Women Representative that I am going for there are almost 15 women going for

this position only. So, if well co-operated with the revenue collectors, Kilifi will have a better revenue collection for this Financial Year. Mr. Speaker, I stand to support. Thank you.

(Question put and agreed to)

Hon. Mangi: Thank you Mr. Speaker, Sir. I beg to move that the Kilifi County Finance Bill, 2016 be now read a Third Time. I call upon hon. Stanley Kenga Karisa to second.

(Hon. Kenga seconded)

(Question proposed)

Hon. Kenga: Thank you very much hon. Speaker. Allow me to start by thanking the Chairperson for having been able to lead the Committee in coming up with the Reports and now that we have gone through the various stages and gotten to the stage where the Kilifi County Finance Bill is now to be read a Third Time.

We have heard from Members that with the passage of the Kilifi County Finance Bill, 2016 it is going to anchor or give a legal framework that will enable the County Executive to collect revenue that will now enable us to be able to deliver quality services to the people of Kilifi. Mr. Speaker, remember we cannot collect revenue if we lack the Finance Bill. Therefore for us now to be able to move ahead and ensure that all that the Finance Department is doing regarding the issue of revenue collection is per the law, we have to put in place this Bill.

By asking for an opportunity for it to be read a Third Time, we are moving closer to the position where once approved by the Assembly we will now be left to deliver it to the Governor for his Assent and then it will give us an opportunity to be able to use the same Act to collect revenue for the county. There are various challenges that we are facing as a county and we can only overcome these challenges once we have a proper revenue base that will now enable us to have funds to be able to meet the challenges that we have. In that regard therefore, I support. Thank you very much.

The Speaker (Hon. Kahindi): Thank you. Hon. Members, a Motion has been moved by the Chairperson to have the Bill read for the third time. The same has been deliberated. I will now put the question.

(Question proposed)

(Question put and agreed to)

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

The Speaker (Hon. Kahindi): Thank you very much hon. Members. The Bill has been read for a third time and it is now ready for submission to the Governor for his assent.

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ADJOURNMENT

In the absence therefore, of any other business in the Order Paper, I move to adjourn the House until tomorrow in the afternoon. Thank you.

The House rose at 3.22 p.m.