REPUBLIC OF KENYA

COUNTY ASSEMBLY OF LAIKIPIA

THE HANSARD

Tuesday, 15th June, 2021

The House met at the Assembly Chambers at 2.30 p.m.

[The Speaker (Hon. Patrick Waigwa) in the Chair]

PRAYERS

NOTICE MOTION

WAIVER OF INTEREST RATES AND PENALTIES ON LAND RATES

Hon. Joseph Kiguru: Thank you Mr. Speaker. I wish to give notice of the following motion;

THAT NOTING THAT County Planning and Development, including statistics, land survey and mapping is a function of the County Government as stipulated in Part 2 of the Fourth Schedule of the Constitution of Kenya, 2010;

FURTHER NOTING THAT Section 159 of the Public Finance Management Act, 2012 read together with Section 18 of Laikipia County Finance Act, 2020 empowers the County Executive Committee Member for Finance to waive a County tax, fee or charge imposed by the County Government and its entities;

AWARE of the current COVID-19 pandemic which has adversely affected business operations;

FURTHER AWARE THAT most of the Land Owners are hesitant to pay for land rates because of the accrued interest and penalties;

This House URGES the county Executive pursuant to the provisions of Section 159 of the Public Finance Management Act, 2012 and Section 18 of Laikipia County Finance Act, 2020 to provide 100% waiver of interest rates and penalties on land rates for a period of two weeks with effect from 16th June, 2021 to 30th June, 2021 to offer much-needed relief to rate payers due to COVID-19 pandemic.

MOTION

WAIVER OF INTEREST RATES AND PENALTIES ON LAND RATES

Hon. Joseph Kiguru: Thank you Mr. Speaker, Sir. I beg to move the following motion;

THAT NOTING THAT County Planning and Development, including statistics, land survey and mapping is a function of the County Government as stipulated in Part 2 of the Fourth Schedule of the Constitution of Kenya, 2010;

FURTHER NOTING THAT Section 159 of the Public Finance Management Act, 2012 read together with Section 18 of Laikipia County Finance Act, 2020 empowers the County

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Executive Committee Member for Finance to waive a County tax, fee or charge imposed by the County Government and its entities;

AWARE of the current COVID-19 pandemic which has adversely affected business operations;

FURTHER AWARE THAT most of the Land Owners are hesitant to pay for land rates because of the accrued interest and penalties;

This House URGES the County Executive pursuant to the provisions of Section 159 of the Public Finance Management Act, 2012 and Section 18 of Laikipia County Finance Act, 2020 to provide 100% waiver of interest rates and penalties on land rates for a period of two weeks with effect from 16th June, 2021 to 30th June, 2021 to offer much-needed relief to rate payers due to COVID-19 pandemic.

Mr. Speaker, Sir, in support of this and as a representative of the people of Laikipia I would like to mention two things. How we end the year is important than how we started. Members can question why two weeks. We know that we are ending the year in two weeks' time. The urgency of this waiver motion is that we want to end the year with all the rate payers who wish to support Laikipia County with their revenue to have time so that we can close the year without problems in terms of paying rates.

Many are the people who wish to pay their penalties and rates but because of the Covid and accrued penalties and rates, they cannot. I urge Members to support this so that we can do the needful to our people. I call Hon. Zamzam to second this motion. Thank you.

Hon. Salma Zamzam: Asante sana Bwana Spika kwa kunipea wakati niunge mkono mswada ulioko mbele ya Bunge lako. Tumeona ni jambo la maana tulienda kufunga mwaka wa serikali kwa msamaha wa kiwango cha riba na adhabu za ardhi katika Kaunti yetu. Bwana Spika, tunajua janga la Korona limeangamiza kila kitu. Kila kitu tuliona kikiwa kimesimama dunia mzima. Ukweli ni kwamba serikali yetu iliona ni vyema kuondoa riba na adhabu za ardhi katika bunge na tuweze kuwapa muda wa wiki mbili ndio tufunge mwaka wa serikali bila deni.

Kama tulivyoelezewa na Mheshimiwa wa Igwamiti, Mheshimiwa Joseph Kiguru, ni vizuri tunapopitisha kuondolewa kwa riba watu wetu wapatiwe mafunzo kuanzia sasa mpaka wiki mbili zitakapoisha kwa sababu tumeweza kupeana nafasi ya kulipa riba katika Kaunti ya Laikipia lakini kuna watu ambao hawafikiwi na huo ujumbe. Ni vyema viongozi wa Bunge la Kaunti ya Laikipia watafute jinsi ambayo watafikia wananchi mashinani kama kupitia kanisa, runinga, misikiti, shule na wawaambie kuna riba ya ardhi katika kaunti yetu kwa muda wa wiki mbili ili waweze kujipanga na waweze kulipa riba kwa wakati upasavyo.

Bwana Spika, sina mengi ila naomba wajumbe wenzangu waweze kuunga mkono na kupitisha ili tuweze kuondolewa riba na adhabu za ardhi katika Kaunti ya Laikipia. Asante sana, Bwana Spika.

(Question proposed)

Hon. Joseph Suge: Thank you, Mr. Speaker. Before I make my contributions, I wish to congratulate the mover of this motion, the Leader of Majority Party and the representative of the people of Igwamiti. Mr. Speaker, the motion is good and as the mover has said we have many

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defaulters on land rates. As we approach the end of the Financial Year it is good for us to consider the welfare of our people by waiving these penalties and interests.

Mr. Speaker, Laikipia County is a growing county in terms of development and we all know for a person to do construction or development in his or her plot he or she has to pay plot rates. Mr. Speaker, there are so many accrued rates due to the effects of COVID-19. My concern is about the period of two weeks. I believe two weeks is not enough because our people have to be made aware of the waiver.

Mr. Speaker, I wish it could have at least be a month. Our people will be given enough time to prepare and pay. As the mover will be responding I would like him to give us a clear picture of how two weeks will work for the people of Laikipia to be able to be pay for these plot rates. After two weeks this period will have elapsed. With these few remarks I support the motion.

Hon. Stephen Ndiritu: Asante, Bwana Spika. Nasimama kutoa mchango Wangu kuhusu huu mswada ambao umeletwa katika Bunge hili ili kuweza kujadiliwa siku ya leo. Bwana Spika, nimeona huu mswada ungefaa kuongezwa muda kwa sababu ya wanyonge. Bwana Spika, tunajua riba ni kwa wale ambao wako mjini. Ni zile ploti ambazo ziko ndani ya manispaa na nje kidogo.

Mimi kama mwakilishi wa watu wa Thingithu ambao ni wanyonge naomba kuondolewe riba ya mama mboga na wachuuzi katika Nanyuki, Nyahururu na miji mingine. Naona kama huu mswada umelenga sana mabwanyenye ambao wako na pesa nyingi. Tukisema tunaondoa adhabu, hata kama ni wiki mbili hii ni mamilioni ya pesa ambao serikali ingekuwa inadai. Wanyonge hata wakijaribu kulipa mwaka mzima hawawezi kufikisha kiwango cha adhabu ambayo inatolewa hapa.

Bwana Spika, kama ni mimi ningeulizwa, tungeachana na mabwanyenye na kwanza tuzingatie yule ambaye anauza soko na mama ambaye aliamka saa kumi na moja na sijawahi kusikia kuondolewa kwa riba yake hapa. Juzi tulisema ni vizuri wale ambao wanafanya biashara katika hizi miji waweze kupunguziwa leseni kwa sababu wameadhirika na janga la COVID-19. Sio matajiri peke yao wameadhirika. Ni watu wote ambao ni wananchi ambao tunawakilisha.

Bwana Spika, sijui huu mswada umetoka wapi lakini kama ni kutumwa naomba urudishiwe mwenyewe. Bwana Spika, kuna maombi imekuja hapa ambayo inahusu watu wa kiwango cha chini na sijaona ya hawa mabwanyenye ya kusema wanataka kupunguziwa riba lakini kuna mtu amekaa na kusema ni vizuri tupunguze. Mbona Bunge hili lisiwache hili leo na kama tutakubaliwa na sheria tuunde muswada mwingine ili tuondoe pesa za leseni ambazo zinaumiza watu wetu wa Nanyuki.

Tuondoe pesa ambazo mama mboga anaitishwa kila siku, tuondoe riba kwa wachuuzi wanaozunguka katika huu mji wetu wa Nanyuki hadi jioni bila kupata kitu.

Bwana Spika, hawa wa riba za ardhi ni akina nani? Si ni hawa ambao ni Elohim, na Bemwaki? Si ni wale mabwanyenye wakubwa wakubwa. Mimi naona kama ni hao tunalenga. Mimi ningeomba tuutume huu mswada kwa aliyeleta ili tuweze kuzungumza kwanza kuhusu mwananchi anayeteseka. Leo tumetoa huu msamaha na kuuleta hapa. Leo tunapozungumza hapa wale wananchi wanyonge wanaolipa dawa hapa hawawezi hata kulipa. Hawana pesa. Ila hatuongei kuhusu hawa, tunaongea kuhusu mabwanyenye.

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Mimi nimetoa mchango wangu, na kama ningeulizwa ningesema tuweke huu mswada kando kwanza. Ila si kwamba hauna maana, unao maana, bali tuletewe kwanza mswada wa kushughulikia watu wa mapato cha chini ili mwananchi wa kawaida aweze kupata haki. Mimi nafikiri mwenye alinileta hapa si bwanyenye. Hata kama kura zangu zingeletwa hapa zihesabiwe, walionipa kura zao ni maskini, watu wasio na pesa nyingi. Nafikiri hao ndio ningepaswa kuja hapa kuzungumzia miswada yao, maslahi yao na mambo ambayo yanawahusu kwa undani.

Mimi nimeyatoa yangu na ningeomba Wajumbe pia waweze kuona mswada huu kwa njia hiyo. Sisemi ninapinga, kwa sababu katika upande wa Majengo kuna wale walioridhi hizo ploti, na kama aliridhi basi hakuweza kupata pesa za kulipa hizo faini, lakini tungeongeza kitu kingine hapa, tuseme akina mama mboga, wachuuzi na wanaomiliki gari za umma wapewe msamaha pia. Hao wengine, sitaki kuwataja sana kwa sababu hapa kuna maaskofu na wale wengine, nafikiri hao pia tutakuja hapa tuwashughulikie na kuwajadili na kujua Kaunti ya Laikipia itaenda vipi.

Mimi nimetoa maoni yangu na ningeomba Wajumbe pia waweze kuangalia kwa undani ili waweze kuona kama hii ingefaa kuja peke yake bila kuongezewa kitu kingine. Bali kulingana nami, kiongezewe wale watu niliowataja. Asante.

Hon. Mutahi Muritu: Asante sana, Mheshimiwa Spika. Nasimama kutoa mchango wangu kwa hili swala lililo hapa. Nafikiri sio mara ya kwanza. Wazo linaweza kuwa zuri. Nikikumbuka, mwaka jana mswada kama huu uliwasilishwa kwenye Bunge hili, na niliweza kulisemea. Tukasema kwa sababu kulikuwa na ukata wa pesa pamoja na janga la Korona, tukataka kuangalia kama hao watu pia watasamehewa riba ni matokeo gani katika makusanyo yetu ya kodi yaliyoongezeka.

Sio mara ya kwanza. Nikatoa ushauri pia na kutaka kueleza, na nikatoa mfano ambao hata ukirejelea kwenye kumbukumbu zetu itakueleza. Nilisema, kwa mfano, katika makao mapya yaliyoletwa Solio, watu walioletwa waliletwa kutoka Kaunti zingine wakaja wakapewa makao. Maeneo yale kulikuwa na ploti za kibiashara ambazo zilihodhiwa na watu kutoka nje na wanafanya maendeleo yakwame kwa sababu hawaendelezi.

Ndipo nikasema, unakuta mtu, mimi mwenyewe nililipa elfu kumi na nane mwaka jana. Nikajiuliza iwapo mimi nililipa elfu kumi na nane baada ya kusamehewa, na je wale walio na ploti zaidi ya kumi? Sasa waona kwamba inatukosesha mapato. Wazo ni zuri, na sio mara ya kwanza. Tumeweka hata vibao vya kueleza kwamba hizi ploti... kwa sababu kuondoa faini na kutoa msamaha inasema kwamba kama kuna ploti iliyopo Majengo, Likii, Rumuruti, Nyahururu, Igwamiti ama sehemu zingine, pengine mtu ameihodhi zaidi ya miaka thelathini. Katika miaka hio thelathini halipii hata manispaa ya zamani kodi, katika sheria ya ugatuzi halipii kodi, hata msamaha ukitolewa hawalipi.

Mheshimiwa Spika, hii haijamaliza zaidi ya miezi sita tangu nyingine irudi hapa, ilikuwa tu hapa. Mimi sipingi, lakini tujiulize, baada ya kusamehewa wakati huo makusanyo yetu ya kodi yaliongezeka ama yalipungua? Kwa sababu tutaendelea kuondoa faini na kutoa msamaha... mimi naungana na Mheshimiwa Ndiritu kwamba sio wenye ardhi pekee walioadhirika na janga la Korona. Kila mtu aliadhirika na janga la Korona, hata riba za ardhi, wala sio ploti pekee. Mara nyingi hili linalenga ploti hasa kwenye miji yetu. Hii miji yetu kama Nyahururu, Nanyuki, Rumuruti, kwetu Matanya na kwingineko.

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Hatupingi kila jambo, lakini nawasihi Wajumbe kwamba tuangalie upana wake. Iwapo itaweza kuleta pesa nyingi tuone vile tumefanya mahesabu kwamba tuko na ploti elfu sita ambazo tukisamehe tunaweza kukusanya zaidi ya bilioni moja. Sasa hivi Kaunti yetu ina shida ya madeni. Tumejenga miundo msingi lakini fedha na kodi zetu zenyewe... Kufikia juzi, tulikuwa tumekusanya milioni mia saba ishirini na saba, na malengo yetu yalikuwa bilioni moja. Unajua kwamba tusipokusanya fedha zile matokeo yake yatakuwa vipi.

Unakumbuka kwamba zaidi ya miaka mitatu iliyopita tuliposhindwa kukusanya kiwango fulani cha kodi tulitozwa faini kubwa sana. Kwa hivyo tunaposamehe kodi, tuweze kujua. Kama haiwezekani, hizo ploti ambazo wengine hawataki kuziendeleza zitwaliwe na Kaunti na kutafutwe mtu ambaye anaweza kukusanya, kama ni dalali, akusanye hizo ploti na awape wengine wanaoweza kuziendeleza.

Kwangu kuna ploti mia sita na kumi ambazo ziliwekwa zikiwa za kibiashara. Nyingi ya ploti hizo haziendelezwi. Ukienda kwenye hivyo vijiji, sasa hivi natoa mfano mzuri ambao ni wa kuigwa, unapata mtu alipewa nusu ya ekari, lakini kila kijiji kilikuwa na zaidi ya ploti mia moja za kibiashara. Hata kimoja, unakuta pengine mbili au tatu katika zaidi ya ploti mia sita. Unashindwa kuelewa, kila mwaka hawalipi kodi.

Kwa hivyo tunapopitisha, tuweze kulijadili zaidi na kuona iwapo lina manufaa. Kama lina manufaa, kwamba tukisamehe hii kodi tutakusanya milioni mia nane au milioni mia tatu na kuweza kufikia kiwango cha riba, basi tuwachilie. Bali tusilete tu kwa sababu ya watu fulani au kwa sababu nyingine isiyo na msaada. Wakati mwingine tuangalie na kutafuta vyanzo vingine vya kodi. Kwa vile Kenya inaendelea, vianzo vingine vya kodi katika Kaunti ni ardhi na ploti tunazoendeleza.

Mheshimiwa Spika, mimi naomba kusikiliza maoni ya wengi nisikie, lakini tuangalie kwa upana zaidi. Mimi nimetoa maoni yangu lakini ninasema kama haitaongeza kodi, kama haitaongeza mapato yetu katika mfuko kila mwaka, basi haina tija yoyote. Njia ya kufuata ni kwamba tuweke miaka fulani, kama hujalipa katika miaka kumi, sita, minne ama miwili, kama umefikisha miaka kumi bila kulipa hiyo ploti inatwaliwa na Kaunti na kupewa wawekezaji wengine walio na nia ya kuiendeleza, kwa sababu hapa tunakwama. Kwa hayo mengi au machache mimi ninashukuru na kuomba kusikiliza maoni ya wengine. Asante.

Speaker: Hon. Mugweru

Hon. Daniel Mugweru: Thank you Mr. Speaker, I also wish to make my contributions on this motion on waiver. Am not sure whether the one getting it right, but the motion is very clear the reason as to why we are giving out this waiver, is the effect of this COVID-19 pandemic. Mr. Speaker the motion is very clear that aware that of the current COVID-19 pandemic which has adversely affected business operations.

Mr. Speaker having said that only to find that the businesses that has been affected has not the pandemic has not only affected the land owners, and so having said that business are affected the first people who could have gotten the waiver are the businessmen. However much we say that we are giving them waivers and it is not the first time. We have done this for several times and some of the penalties that are there are not even related to pandemic.

Some of the penalties have accumulated for the last even twenty years, and so you cannot tell us that ten years ago that the people who failed to pay land rates were affected by the pandemic, which has just come the last two years. Mr. Speaker however much we try to say that it is important

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to give out this waiver, I still feel there is a gap because today the same plot owners if anyone has the tenants and the landlords, the tenants who are in their houses those who fail to pay their rent in due time, they still get the penalties.

Why are we so lenient to people who are not lenient our people, the same businesses that the landowners, the people who are doing business in the same lands are not given the same waivers. They are forced to pay, our people are suffering in their hands, it shows that we are only concerned about the rich. The ones who own the land understand what affects the common Mwananchi who is served by the same land.

We are only concerned about the boss and failed to be concerned about the people who serve in the same lands. Am not saying that it is saying it is not important to give waivers but we must treat everyone equally. This pandemic has affected everyone including ourselves, everybody is affected in this country and do not forget that there are some people who are even beneficiaries of the same COVID.

We must balance everything, when we talk about waiving the land rates and the penalties we must put across because it is very clear that the land owners are hesitant. I think being hesitant is having reservations to pay, they are having reservations to pay and have not listened because of COVID. It is has been there, there are some people whom I hear saying that, we have penalties that we have not paid land rates for the last ten years, twenty years and even thirty years.

Mr. Speaker, this is the time that we are taking advantage and saying that there is COVID, there is this pandemic and six months ago we gave them the same. Why did they not pay, we must put a guideline on how the people we are waiving this penalties. We have the hawkers in this town, we have the farmers who are now, I don't know but I overheard the potato farmers will be taxed. Am not sure of that but am only saying those are some of the issues we should be thinking about.

The bodaboda riders, the matatu owners, they are all affected. Even ourselves when we used to work even extra hard, everybody is affected in one way or the other way, even if am not affected directly I am affected indirectly. Every morning I find many people surrounding my gate, they have needs and they have some issues they expect me to settle. Everybody is affected, we are not saying that the waiver is bad, but if we are doing waivers, let us do it for everyone; the Mpesa owner, the business people in Mpesa industry they are crying out there,

The mama *Mbogas* are crying, so if you look at the issue of the land owners, and underline that owners, it portrays us as if we are only concerned about the rich. Not even concerned a little bit with the poor, if this waiver goes ahead let this be drafted properly and clearly state that the County of Laikipia has been affected by this pandemic, and so any penalty in this County should be waived and that is the justice we can give to the people of Laikipia.

We cannot just wake up and say that we are waiving, for the land owners, some of the land owners we are talking about they don't even utilize their lands. Now we are just thinking about them and why you don't utilize your land, is probably because you have another source of income. These are the rich people we are thinking about, so I really wish that the drafter of the motion, or the person who thought of this should have thought widely, and broadly and cover everybody in this County.

I also wish to be covered by the same; I wish to feel this waiver is touching the people of Umande, I wish to feel that it is touching the farmers in Umande who are even not expecting to

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harvest anything. The farm inputs, we expect all these to touch everybody, let everybody who have been here for the last two years when we have been having Covid feel that that person has been touched in one way or the other or will benefit from the same.

Let it not be a group of people who are benefitting and more so the ones who are not even required to benefit. I am not against the waiver but Mr. Speaker, we need it felt by everyone in this County.

Speaker: Hon. Simon Kanyutu

Hon. Simon Kanyutu: Thank you, Mr. Speaker. I may not have much to add because my predecessors have said almost everything. The only thing that I would wish to add is that not only business people but even the farmers have been affected because we have a drought. Not unless we put mitigation measures, we are already heading to July and we have got nothing in our farms to show. In other years, during the month of June we usually start harvesting beans and potatoes in plenty.

At this juncture Mr. Speaker, as a business person and others who do business, the penalties are already in the system whereby immediately you exceed a single day, a 10% is implied. When it reaches the month of August, it will rise to 20% and nobody is talking on the waiver to these business community. I beg that if possible the mover better hold the motion and ensure that he gets that input on business people.

It is unfortunate because the business people who operate in the villages and the rural areas are really suffering. It is unfortunate because this pandemic has caused a wave whereby even most of them are closing and even unable to pay their licenses. So if it is possible, I would beg the mover to hold it and ensure to input that issue pertaining to the business community. I support the waiver including even the business community.

Speaker: May I now call upon the mover to give a reply.

Hon. Joseph Kiguru: Thank you, Mr. Speaker, Sir. I am grateful because of the Members' contributions. I can agree with the Members that in the waiver I should include mama *mboga, boda boda* riders and all our business people in this Laikipia County

Mr. Speaker, through your Chair, I wish to request that you don't put the question of the motion so that I can have time to consult with the Members and those *mama mbogas* because they matter a lot. I therefore urge that the debate stops there so that if possible I will come up with a better option that includes everybody in this waiver. Thank you.

Speaker: Thank you, Hon. Members. The Leader of the Majority Party, the only thing that I can do is just to postpone putting of the question but at some time it has to be put so that you go consult whether to lobby or whatever consulting means. Also to guide, when you look at the motion, it is very clear that it is a waiver on interest on land rates but we can still bring another motion on the other issues.

Even if it means amendment, then it will mean that the amendment you make will change the matter of the motion. So we must also consult with our legal people on the implication. I understand what you want as far as the *mama mbogas*, wheelbarrow people *mkokoteni* people, etc. are concerned and what we need to look is that let us consult with the legal people and the table

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clerks to see whether it changes and you can get a better advice so that you can bring another motion or an amendment. That should be done in line with our Standing Orders.

Hon. Stephen Ndiritu: Asante, Bwana Spika. Nakubaliana nawe kwa hilo wazo na pia ningeomba uweze kumwelekeza mwenye mswada ya kwamba huu mswada hata wakienda kuzungumza wazungumze vile mama mboga ataingia hapo kwa sababu tunaweza kupitisha hii ikiwa hivi na kesho tukileta mambo ya *mama mboga, boda boda* na wengine waseme ya kwamba hawana wakati. Lakini kwa wakati huu tunaona haya mambo hapa ni aidha hili hoja ikufe ama ipelekwe mahali ilitoka kwa sababu hakuna makubaliano inaweza kufanyika. Mimi naelewa mahali mswada imetoka na ni kina nani wanausukuma.

Hon. Joseph Kiguru: Thank you, Mr. Speaker, Sir. I just wanted to let Hon. Ndiritu to understand that I am not consulting the outside forces but in House. So he will be on that table as we consult to bring *mama mboga* in. I want to let the members to know that it is not written on a rock that we cannot amend. We can bring the same with amendment. So the amendment that we require is from him and the other Members to ensure that we include everybody including business people. Let those who pay government houses and everybody feel included. Thank you.

Speaker: Thank you, So much Hon. Leader of Majority. As I had said, I wish to postpone the putting of the question to tomorrow to 16th June, 2021 at 2.30 p.m. Kindly do your consultation as we employ the services of our legal officers so that whatever we do is I n line with the rules of this House and also the laws of this country. I also wish to thank the Members who have contributed because of the concerns of small business people and especially the *mama mbogas* as famous known in the political rallies. It is important for us to not only in do it political rallies but indeed do it in actions and also catch their attention when it comes to helping these people. Therefore I believe that you are going to consult wisely and be able to make a wise decision.

(Putting of the question postponed)

ADJOURNMENT

Speaker: This House now stands adjourned until tomorrow 16th Wednesday, June, 2021 at 9.00 a.m.

The House rose at 3.15 p.m.

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