

**REPUBLIC OF KENYA**  
**COUNTY ASSEMBLY OF LAIKIPIA**  
**THE HANSARD**

**Wednesday, 2<sup>nd</sup> December, 2020**

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

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

**PRAYERS**

**NOTICE OF MOTION**

WAIVER OF INTEREST RATES AND PENALTIES ON LAND RATES

**Hon. Joseph Kiguru:** Thank you, Mr. Speaker. Mr. Speaker, Sir, I beg to give notice of the following motion;

NOTING THAT county planning and development, including statistics, land survey and mapping is a function of 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, 2019 empowers the County Executive Committee Member for Finance to waive a county tax, fee or charge posed 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 which amounts to Kshs. 5, 975,723,159.

This House URGES the County Executive pursuant to provisions of Section 159 of Public Finance Management Act, 2012 and Section 18 of Laikipia County Finance Act, 2019 to provide 100% waiver of interest rates and penalties on land rates for a period of two months with effect from 7<sup>th</sup> December, 2020 to 7<sup>th</sup> February, 2021 to offer much needed relief to rate payers due to Covid-19 pandemic.

Thank you, Mr. Speaker, Sir.

**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;

NOTING THAT county planning and development, including statistics, land survey and mapping is a function of 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, 2019 empowers the County Executive Committee Member for Finance to waive a county tax, fee or charge posed 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 which amounts to Kshs. 5, 975,723,159.

This House URGES the County Executive pursuant to provisions of Section 159 of Public Finance Management Act, 2012 and Section 18 of Laikipia County Finance Act, 2019 to provide 100% waiver of interest rates and penalties on land rates for a period of two months with effect from 7<sup>th</sup> December, 2020 to 7<sup>th</sup> February, 2021 to offer much needed relief to rate payers due to COVID-19 pandemic.

Thank you, Mr. Speaker, Sir.

Mheshimiwa Spika, kulingana na shida zilizoletwa na COVID-19, unakuta kina mama na wazee wanalia kuhusu maneno ya *land rates*. Wawakilishi wa Wadi wako mijini na wawakilisha watu walio na maduka na nyumba sokoni. Watu wanapitia shida kwa hiyo *interest* yote. Hii ni kama analipa kodi ya elfu tano kwa mwezi ya maduka za soko, badala ya kuandikiwa kuwa amelipa kodi, anaandikiwa kuwa amelipa sehemu ya *interest* ya faini.

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

*[Deputy Speaker (Hon. Daniel Nyausi) took the Chair]*

Wajumbe katika hili Bunge mnajua kuwa tulipitisha wakati wa Bili ya Fedha ya kwamba mtu akiwa na deni la Serikali ya Kaunti analipishwa kwa nyongeza ya asilimia kumi kila mwezi. Hii ni kuonyesha kuwa mtu akiwa na deni la Serikali ya Kaunti, kama elfu ishirini, analipa kwa nyongeza ya elfu mbili kila mwezi. Tumebebesha wananchi wetu mizigo migumu sana. Yesu Kristo alishindwa kubeba msalaba na ilimbidi amuite Simeon wa Cyrene amsaidie kubeba mzigo.

Ningeomba Wajumbe wenzangu kuwa tusaidie wananchi wetu kubeba huu mzigo kupitia kwa sheria. Tuhakikishe kuwa wameondolewa hizi faini. Rekodi ni wazi kuwa tunapopeana *waiver*, pesa zinazolingia kila siku huwa na tofauti kubwa sana. Sitaki kueleza sana kwa sababu huo mzigo uko na Wawakilishi Wadi. Wanajua wanachopitia wananchi wetu.

Nataka kumwita Mheshimiwa kutoka Rumuruti aafiki huu mswada. Naomba Wajumbe wafikirie kuhusu kusaidia kwa kubeba mzigo wa watu wetu. Naomba Wajumbe waondolee wananchi wetu hizi faini. Asante, Mheshimiwa Spika.

**Hon. Joseph Suge:** Asante, Bwana Spika. Nimesimama ili niweze kuunga mkono huu mjadala. Ninashukuru Kamati na Wizara ya Fedha kwa kuwasilisha hili ombi katika Bunge lako tukufu. Mwenyekiti ameeleza zaidi kuhusiana na kuondolewa kwa hizi faini zilizokidhi

wananchi wetu wa Laikipia. Hili ni jambo la maana. Kaunti yetu imeadhirika kwa sababu ya ugonjwa wa Korona. Biashara nyingi zimeadhirika na wananchi wanateseka.

Hili ni jambo la maana Kaunti kuwasilisha hili ombi ili wananchi wetu waweze kusaidika. Pesa ambazo Kaunti inadaiwa na Laikipia kwa mambo ya umiliki wa mashamba ni takriban shilingi bilioni tano. Pesa hizi zikiweza kulipwa kwa wakati huu, kaunti yetu itaweza kupiga hatua mbele kwa mambo ya maendeleo. Hili ni ombi nzuri.

Naomba Wajumbe katika hili Bunge waweze kuunga mkono ili wananchi wetu wa Laikipia waweze kusaidika. Uwekezaji katika Kaunti yetu ya Laikipia unaenda juu. Watu wengi wanataka kujenga. Ushuru wanaostahili kulipa kwa sababu ya ada ya mashamba ni pesa mingi. Kuondolewa kwa hizo faini itakuwa imewasaidia. Naunga mkono.

*(Question proposed)*

**Hon. Mutahi Muritu:** Asante, Mheshimiwa Spika. Nasimama kutoa maoni na kueleza kama vile mzungumzaji aliyehanga mkono amedai. Watu wanaomiliki ardhi katika Kaunti ya Laikipia wanadiwa zaidi ya bilioni sita. Nafikiri ni mwaka huu, aliyetoka hoja leo, ndiye aliyelea. Serikali iliridhia na kuondoa. Laikipia tuko na upungufu wa shilingi zaidi ya milioni mia nane kwa sasa. Hatukuweza kukusanya kodi yetu. Tulikusanya shilingi milioni mia saba ishirini na saba. Matarajio yetu yalikuwa ya shilingi bilioni moja.

Mimi niko katika Kamati ya Bajeti na vile vile mtoa hoja yuko katika Kamati ya Fedha. Niko na ushahidi wa kutosha kuwa ninakotoka kuna watu waliokua kulipa kodi ya ardhi ya zaidi ya ploti mia sita kumi na mbili mwaka jana. Riba ilipotolewa, watu walikimbia na kulipa kidogo. Sasa tunataka tena kutoa riba na kuwasamehe wananchi wetu kila mwaka. Tutakusanya mapato lini? Tuelezane. Niende katika kumbukumbu za Bunge.

Laikipia, mapato yetu kubwa sana hutokana na ardhi. Watu wengi kwa sana walichukua mashamba ambayo hawalipii kodi. Ploti hazilipiwi kodi. Tunakuja eti tuwatolee riba na bado tunategemea maendeleo. Ninataka atakayeridhia saa hii.

Mheshimiwa Spika, kama hatutakuwa makini na kuhamasisha serikali yetu kuweza kukusanya kodi, nawahakikishia katika hili Bunge kuwa hata maendeleo tunayokusudia kupata mwaka huu hatutapata. Hatutakuwa na uwezo wa kibajeti na makusanyo yetu ili kuweza kukidhi na kufikia kiwango kinachostahili. Kwangu binafsi, kuondoa hii riba nitakuwa nimepinga asilimia mia kwa mia.

Ninatoa ushuhuda wa kweli, kwangu zilikuwa ploti mia sita kumi na mbili mwaka jana. Kama watu walishindwa kulipa kodi ya hizo ploti watu zilitakikana zitaifishwe na kupewa wawekezaji wengine walio na uwezo wa kulipia riba ili tuweze kusonga mbele. Tumekuwa leo mwaka huu tu. Kila mwaka tunakuja kulazimisha serikali kuondoa riba ya ardhi. Hili ni kwa kisingizio cha ugonjwa wa Korona. Ninaendelea kurudia kuwa lengo letu kama Kaunti ya Laikipia lilikuwa la kukusanya bilioni moja. Hatukuweza kufikia. Tulikusanya mioni mia saba ishirini na saba.

Mheshimiwa Spika, unaona upungufu uliopo wa zaidi ya milioni mia mbili na hamsini. Itabidi turudi katika Bunge lako tukufu kuleta bajeti ya ziada ili kuhudumia ile bajeti. Ni nani

anayeadhirika? Ninaweza kuona ni kama nawatetea wale lakini nitaadhirika kama Mwakilishi wa Wadi. Serikali kama haitaweza kufunga nafasi iliyo katikati, zitarudi kwa miradi niliyokusudia. Watakuwa na kisingizio ya kwamba mlisema tusikusanye riba. Bilioni tano ni bajeti ya Laikipia ya mwaka mmoja. Tukiweza kukusanya hizi pesa na kulipwa basi tutakuwa tumesonga mbele.

Mheshimiwa Spika, kwa kuelewa kwangu, mimi mwenyewe kama Mutahi Muritu, napinga kuondolewa kwa hiyo riba. Ikiwezekana, kuwekwe taratibu zingine za kuleta uwezesaji wa kukusanya kodi. Kuna ploti na ardhi nyingi sana ambazo zimekaa na mtu hajalipia. Serikali iweze kuleta sheria ya kutaifisha na kubinafsishia watu wengine walio na uwezo.

Ninaendelea kurudia. Kule Solio, ardhi iligawa kutoka kwa baraza la Wilaya ya Nyeri. Baada ya kugawa ile ardhi, zaidi ya asilimia themanini ya wamiliki wa ploti zilizo Solio sio za watu wa Laikipia. Ardhi ilimilikiwa na watu kutoka Nyeri. Hii ndio sababu hawataki kulipa. Nilipoenda kumfuata afisa anayehusika, aliniambia kuwa mmeondoa kodi na tulitakikana tutaifishe. Kama mmeshindwa kulipa ploti mia sita na mbili, tuichukue hii ardhi na tuwape Wanalaikipia.

Sasa mnakuja kusema kuwa tuwatolee. Bajeti yetu iko na mapungufu. Nitakuwa katika hili Bunge Mungu akinisaidia, kwa mwaka ujao. Kama tutaendelea hivi, hili litakuwa kisingizio kubwa zaidi cha serikali cha kuweza kudai ya kwamba nyinyi ndio mliotoa kuwa tusikusanye kodi tulikokusudia. Walikuwa wamesema kuwa hawana *Enforcement Officers*. Sasa hivi wamewapata na mmeondoa. Kitu tutakachofanya ni kuwa tutakaza mkwiji, tutabana matumizi na zitatokana kwa miradi yetu.

Mheshimiwa Spika, naingia katika kumbukumbu. Napinga na kusema kuwa watu ambao hawajalipa kodi ya ardhi walipe haraka iwezekanavyo. Ikiwezekana serikali iweke mikakati. Hivi ni kama utafikia muda fulani na hujalipa na umekosa kulipa kwa miaka miwili ama mitatu, ulazimishwe na kutaifishwa kwa ardhi.

Naongea hivyo kwa sababu ninaelewa kwa kuwa niko katika Kamati ya Bajeti. Najua shida iliyo mbele yetu katika Kaunti yetu. Ninawahakikishia kuwa shida kubwa zaidi kuliko mnavyooona. Mkae makini sana mnapochukua maamuzi. Asanteni sana.

**Hon. Wilson Wakahiu:** Thank you, Mr. Speaker. I stand to contribute on this motion and more so to support the proposal by the Hon. Chair for Finance on waiving the interest rate and penalties on land rates. I think it is very important because this thing has been done for several times and at one time it has been helpful when it comes to the issue of revenue collection because it has been boosting where maybe we have failed. When it comes to waiver there are some people who have been unable to pay but once given waiver they have been paying.

Mr. Speaker, the issue of land rates and particularly interests and penalties, has accumulated in this county since the time of local authorities in 2013 and many of the people who own plots, some of them are aged and others are already deceased and the plots have been left with people who are unable to manage. For that case even there are some people who have

been willing to sell those plots but looking at the rates and the amount you are supposed to pay for the interest and penalties then you are unable to pay.

There are some plots particularly in the rural areas where a plot can cost Kshs. 300,000 in the current price but has a got penalties and interest of Kshs. 500,000 meaning that there is nobody who can buy that land. Even the investors who are willing to buy the plot having seen the figure of interest are unable to pay. You will find that find such a plot after the penalties and interests are waived, maybe you will only pay Kshs. 20,000 or Kshs. 30,000.

So I believe that this one will make even the idle plots to have some people who can buy and invest in them and therefore I am feeling that this is very important. As much as we talk about revenue collection, by giving this particular gap of paying the little they have, it will boost our revenue because you cannot take a cane and force people to pay. If somebody does not even have Kshs. 50,000 and you want him to pay Kshs. 500,000, then he will not be able to pay. For the benefit of our revenue collection then we should take the Kshs. 50,000 and another Kshs. 20,000 from somebody else to make the amount to be Kshs. 500,000 because if somebody has got interest of Kshs. 400,000 as I have said, nobody will pay.

Therefore Mr. Speaker I am in support of this and I believe that with the deficit of more than Kshs. 800,000 million as one of the contributors has said, we cannot manage to raise such if we won't give these people a certain way they can be able to pay the little they have to reach the target of that deficit or our target of revenue collection of one billion. So having a total interest and penalties of more than six billion is not important for the economy of Laikipia and therefore maybe we can entice our people by waiving for them. I believe that 2 to 4 billion will come to our revenue and will be translated as money for development and therefore I am in support of this motion and I believe that the other Hon. Members will support it. Thank you.

**Hon. Joseph Suge:** Thank you, Mr. Speaker. Mine was a point of information in regards to the request by the Executive. That the Executive was just willing to reduce the penalties and the interests but the principles read are going to be paid by the Laikipians. So I just wanted to inform my colleague Hon. Mutahi but since he has left the Members have gotten the information. Thank you.

**Hon. Simon Kanyutu:** Thank you, Mr. Speaker. I stand to contribute and also support this motion by the Hon. Member from Igwamiti. Being a business person also I know the situation on the ground and many people may not adhere to what is happening. Our people have no money in their pockets and those of us in business feel that waiver will assist most of our people and therefore I would urge all the Members to see the need of the waiver so that even the county can be able to collect the revenue that is required for the sake of development.

**Hon. Salma Zamzam:** Asante sana, Bwana Spika kwa kunipatia hii nafasi ya kuchangia kuondolewa kwa riba na faini katika kiwango cha ardhi katika Kaunti yetu ya Laikipia. Kwanza nashukuru Kamati ya Fedha ambayo iliona ya kwamba kuna umuhimu wa kuondolea watu riba wakati huu mgumu wa korona ambayo imekumba dunia nzima na pia kaunti yetu ya Laikipia.

Bwana Spika, nikikanusha madai ya ndugu yangu Mutahi Muritu, tumeona ya kwamba wanabiashara wengi wamedidimia kikazi na pia kufunga kazi zao. Tumeona watu wengi wakiwa na ardhi na wangeweza kutafuta mapato lakini kwa sasa dunia imebadilika na kuwa nyingine hata kulipa riba wameshindwa.

Muda usio mrefu tuliweza kupitisha hapa mswada kama huu ulioletwa mbele ya Bunge lako na mwakilishaji wa Igwamiti. Tuliweza kupitisha na tuliona watu wakijitokeza kwa wingi kulipa faini na riba katika kaunti yetu. Tulipitisha nyingine na watu wakalipa riba na faini na tukapata ushuru ya juu kuliko vile ilivyokuwa hapo mbeleni.

Bwana Spika, nikiongea kuhusu Laikipia Kaskazini, tunaona ya kwamba Gavana wetu anazindua *smart towns* katika huo mji na tumeona watu wengi sana wakiwa na riba ya hali ya juu wakishindwa kujenga na pia kuuza ploti kwa sababu ya hiyo shida ya faini. Nikikubaliana na wenzangu, ni vyema waweze kuondolewa faini kwa muda wa miezi mbili ili waweze kulipa unaweza pata mtu akiwa na ploti na analipishwa milioni moja na ukiondolewa faini na riba unakuwa elfu sitini na tano au sabini.

Ninajua ya kwamba kama serikali letu la Kaunti tukiweza kupitisha hili kwenye Bunge lako ni vizuri serikali iliyo madarakani iende mashinani na iweze kuwahasimisha wananchi umuhimu wa riba na faini za ardhi. Watu waweze kuzunguka na wapatiwe *public participation* ndio watu waweze kutoka kwa wingi na kulipa hizo faini.

Bwana Spika, ni vizuri serikali tukiongea chini ya Wizara ya Miundo Misingi waweze kuelekeza watu kujua ploti zao ili wasishindwe kulipa hizi faini katika Kaunti yetu. Naungana na wenzangu mia kwa mia na ningeomba Wabunge wenzangu waweze kuunga huu mswada ambao ni wa manufaa kwa wananchi wa Laikipia kwa jumla.

**Hon. Irene Wachuka:** Asante sana, Bwana Spika kwa kunipatia hii nafasi. Nashukuru Mheshimiwa kutoka Igwamiti ambaye ameleta huu mjadala wa umuhimu sana. Ninajua pia vile anasumbuliwa sana katika kijiji cha Maina na Ngomongo huko Manguo kwa sababu kuna ile shida. Ni vizuri wakati tunaposimama hapa tukiletwa na wanjiku kuangalia mambo yao. Kama mimi niko na uwezo lakini kuna mwingine ambaye hana uwezo na ndiposa nashukuru Waheshimiwa ambao wamesimama hapa kiongea.

Juzi mahali nimetoka kuna watu wawili au watatu ambao walikosa Mheshimiwa Kiguru kwa ofisi yake na wakanikuta na ile shida ambayo iliwaleta ni deni na wanasema ya kwamba kama wangeweza kuondolewa hii na ile wangeweza kulipa riba na faini. Hata wakati ambapo tulipokuwa kwa manisipaa Nyahururu, kuna miezi miwili ambayo tulikuwa tunaweka na gari linapeanwa lizunguke kila mahali likitangaza kuondolewa kwa faini na riba. Wakati huo pesa ingekuwa nyingi hadi askari wa AP wangekuwa na pesa ingechukuliwa kutoka asubuhi hadi saa moja jioni kwa sababu watu walikuwa wakijulishwa.

Kwa mfano kuna mama mmoja ambaye aliaga na baada ya miezi tisa bwanake akaaga. Walikuwa wanaishi Nyahururu nyumba ambayo inaitwa Kiano. Walikuwa na wasichana wawili ambapo mmoja alitoroka akaenda Tanzania. Hata siku ya leo alifunga simu na akaachia dadake watoto wawili ambaye pia yuko na watoto wake wawili. Huyu msichana juzi

Nyahururu askari wa kaunti walienda na kubomoa ukuta wote na usiku msichana akaona chokora wakiingia ilhali ni yatima kwa sababu hana baba au mama.

Ni vizuri sana wakati ambapo tumetumwa hapa na wanjiku ili tuwaakilishe. Huu mjadala ambao umeletwa na Mheshimiwa wa Igwamiti tunaweza kuona kana kwamba sio ya umuhimu lakini kuna Mungu ambaye yuko juu mbinguni kwa sababu ya ile shida ambayo iko mashinani. Mimi niko na manyumba katika Maina na mjini Nyahururu za kukodesha na mwezi huu hakuna mtu ambaye atalipa ndururu kwa sababu nikisema watatu wasilipe na wengine walipe, inabidi niwapatie Desemba nzima wasilipe kwa sababu utapata mtu akilipa mia mbili na sio kupenda kwake.

Utapata akilalamika ya kwamba amenunua unga nusu na hana chochote. Hata kama yuko mjini utaona ya kwamba kuna shida kwa sababu Korona imeleta shida. Sisi kama waakilishi wa wanjiku ambao walituleta hapa wacha tujiweke kwa viatu zao na tuunge huu mjadala kwa hali na mali. Serikali ya Kaunti pia inaokota pesa katika kona zote wakati tunapoondolea maskini faini na riba. Hata ukisema ununue ploti yake hata kama kwa mfano alinunua ploti yake mia mbili sasa hivi mia mbili ni mia tatu na pengine yuko na deni ya mia nne, kweli jamani tutakuwa tumefanya haki?

Mimi ninaunga mkono na ningetaka kuongea kama Mheshimiwa Mutahi akiwa kwa sababu hakuna haja tujipige kifua. Wewe kumbuka mahali ulipokuwa kabla uje hapa kama Wachuka. Ulikuwa pale pale kama wanjiku na siteti kwa sababu niko na maploti hata kama zangu ninalipia kwa sababu kuna wengine ambao hawana uwezo. Kwa hivyo ninaunga mia kwa mia na ningeomba Waheshimiwa ambao tumebaki hapa tusimame na ukweli wa mambo na pia tujue ya kwamba tunafanyia Mungu kazi tunaposaidia maskini wetu wasio na nguvu. Kwa hayo machache nasema asante na Wajumbe ambao hawajachangia ninaomba wachangie.

**Deputy Speaker:** May I now call upon the mover to make a reply.

**Hon. Joseph Kiguru:** Asante, Bwana Spika. Nashukuru kwa sababu ya Wajumbe kuelewa shida za wanjiku mashinani. Sina mambo mengi ya kuongea kwa sababu ule mzigo ambao tutaondolea hao watu hata Serikali ya Kaunti itafurahi kwa sababu faini na riba zikiondolewa niko na uhakika ya kwamba utendaji wa kazi utafanyika. Ninaomba pia Wajumbe waweze kupitisha, asante.

*(Question put and agreed to)*

## ADJOURNMENT

**Deputy Speaker:** The sittings of this House now stand adjourned until tomorrow Thursday, 3<sup>rd</sup> December, 2020 at 9.00 a.m.

The House rose at 3.05 p.m.