

KERICHO COUNTY ASSEMBLY

THE HANSARD

Second Assembly

Fourth Session

Wednesday 8th September, 2021

(The House met at 9.30 a.m.)

(The Speaker (Hon. Dominic Rono) in the Chair)

PRAYERS

The Speaker (Hon. Dominic Rono): Let's Proceed;

NOTICE OF MOTION

The Speaker (Hon. Dominic Rono): Chairman Lands, Housing, Physical Planning and settlements!

Hon. Benard Mutai (Chairman Lands, Housing, Physical Planning and settlements, Member for Kipchimchim Ward): Thank you very much honorable Speaker for giving me this opportunity so as to present this motion that the House approves the report on Lands, Housing, Physical Planning and Settlements committee on Kericho County Valuation roll 2020. Thank you very much Mr. Speaker.

The Speaker (Hon. Dominic Rono): Next order!

**MOTION BY HON. BENARD MUTAI, CHAIRMAN LANDS,
HOUSING, PHYSICAL PLANNING AND SETTLEMENTS**

The Speaker (Hon. Dominic Rono): Chairman!

Hon. Benard Mutai (Chairman Lands, Housing, Physical Planning and settlements, Member for Kipchimchim Ward): Thank you very much Mr. Speaker once again for giving me this opportunity, allow me to present the motion that this House approves the report of Lands, Housing, Physical Planning and Settlements committee on the Kericho County Valuation Roll 2020. Mr. Speaker with your guidance allow me to start from 2.0;

The Speaker (Hon. Dominic Rono): May be 2.3.

Hon. Benard Mutai (Chairman Lands, Housing, Physical Planning and settlements, Member for Kipchimchim Ward): 2.3, thank you Mr. Speaker Sir,

2.3 Power of County Government to Amend the Main Valuation Roll and To Cause the Preparation of Supplementary Valuation Roll.

Pursuant to section 4 of valuation for rating Act CAP 266, a County Government shall, either on its own initiative or at the request of any person, from time to time and at any time cause a valuation to be made as at the time of valuation of: -

- I. Any ratable property omitted from the main valuation roll;
- II. Any new ratable property
- III. Any new dateable property which is subdivided or consolidated with other ratable property: or
- IV. Any rateable property arising since the time of valuation, has materially increased or decreased in value, and include such valuation in a Supplementary Valuation Roll.

2.4 Ratable Owners

The following are ratable owners under section 7 (1) of the valuation for Rating Act, Cap 266.

- I. Owner of a registered freehold
- II. Tenant for life in term or reversion of a lease;
- III. Lessee of a registered lease for at least 25 years or of an indefinite period;
- IV. Lessee of the government land even if the term is less than twenty-five (25) years.
- V. Lessee of property in any district (in possession or receipt of rent or profit) where the Land Act 2012 applies, or which would receive the rent if the land was leased;
- VI. Lessee from a local authority of the ratable property holding under a registered lease of at least ten (10) years.

2.5 Proposed Struck Rates

The County Executive Committee Member in charge Lands, Housing, Physical Planning and Settlement proposed the following struck rates (differentiated graduated rate) to be used in Kericho and Litein towns for the purposes ascertaining land rates against each land value.

Kericho Town

- (1) Commercial plots in CBD -1%
- (2) Commercial plots; (Other commercial plot) - 0.8%
- (3) Residential plots (High residential)-0.8%
- (4) Residential plots (Single dwelling)-0.6%
- (5) Industrial (Heavy industrial) -1%
- (6) Industrial (Light Industrial)-0.7%

Litein Town

- (1) Commercial plots in CBD -1.2%

- (2) Commercial plots; (Other commercial plot) - 1%
- (3) Residential plots (High residential)-0.9%
- (4) Residential plots (Single dwelling)-0.8%
- (5) Industrial (Heavy industrial) -1.2%
- (6) Industrial (Light Industrial)-1%

2.6 Types of Land that are Exempted from Rating

The following are exempted from rating under Section 27 (1) Cap 266 and Section 22 (1) Cap 267

- I. A public religious worship;
- II. Cemeteries, crematoria and burial or burning grounds;
- III. Public Hospitals or other institutions for the treatment of the sick;
- IV. Public Educational institutions for the residence of students' ancillary thereto and being part thereof;
- V. Charitable institutions, museums and libraries;
- VI. National parks and natural reserves under the respective statutes except that where the land as aforementioned is used to generate profit; except where the land as aforementioned is used for residential purposes other than residence of students. The relevant authority is expected to make rules from time to time, setting out the nature and principals of land uses as mentioned above.

3.0 Committee Observations

The committee observed that;

- 1. The land rates will greatly improve revenue base of the County.
- 2. The County Government had been sued by the multinational tea farms with regards to the valuation roll.

4.0 Committee Recommendations

1. The County Executive Committee Member through the County Attorney to ensure that the suit filed at the valuation court by multi-national tea farms and other is disposed off expeditiously
2. The committee recommends that the report on the Kericho County Valuation Roll 2020 be approved.

5.0 Acknowledgement

Mr. Speaker Sir, allow me to take this opportunity to thank all members of the Committee on Lands, Housing, Physical Planning and Settlement for their valuable input and contribution in consideration of the Kericho County Valuation Roll 2020. I sincerely take this opportunity to thank the offices of the Speaker and the Clerk for the support accorded to this Committee in the execution of its mandate.

Mr. Speaker Sir,

On behalf of the Committee on Lands, Housing, Physical Planning & Settlement and pursuant to Standing Order No.205, it is my pleasant duty to present to this House the Committee's report on Kericho County Valuation Roll 2020 for consideration and approval by this Honorable House.

Mr. Speaker Sir, Allow me to go 2.5 that is struck rates

Mr. Speaker Sir, I know members will get surprised as to why the rates for Litein are different from one for Kericho Town. The reasons as to why it was done so is because the land value for Litein as compared to Kericho one is lower, for example you can say 50 by 100 plot can cost up to Kshs.5 million within Kericho Town whereas in Litein it can cost may be Kshs.1.5 Million. That is the reason as to why it was introduced that way. Otherwise thank you so much for giving me this opportunity and allow me to ask Honorable Edith Kaptich to second the motion.

The Speaker (Hon. Dominic Rono): Thank you, Honorable Edith!

Hon. Edith Kaptich (Nominated Member representing Women): Thank you Mr. Speaker Sir, I second.

(Question proposed)

The Speaker (Hon. Dominic Rono): So therefore honorable Members there being no other contributor ... sorry, Honorable Alex Bett!

Hon. Alex Bett (Member for Litein Ward): Thank you Honorable Speaker for giving me an opportunity to make a contribution to this motion by Lands, Housing, Physical Planning and Settlement Committee. First and foremost, let me thank the committee for coming up with this motion. Indeed as the Chairman for Finance and Economic Planning, I want to concur with the Chairman Lands, Housing, Physical Planning and Settlement on the passage of this motion. It is going to improve revenue collections and I would wish differ with the chairman in the area where he said putting different rates in Kericho and Litein is because of the difference in value of plots. I don't think this is the reason why we need to fix different rates for different areas. The reason why for example Litein, the plots rates are lower is because different amenities are not there in Litein. Number One Mr. Speaker is that when we compare Litein and Kericho, in Litein we do not have a sewer system, so we do not expect plots in Litein to be equal to plots in Kericho.

Number two, when we look at the value of plots in Litein and Kericho, there is no much difference they are almost similar despite the fact that Litein is still lagging behind. Different amenities like water are not there in Litein, infrastructure like roads are not well maintained as it is in Kericho. So I wish to differ with rates that have been given to Litein, like commercial plots when we talk about commercial plots in Litein being given 1.2% rates I don't think where we are right now, in fact actually Litein and Kericho, we should look at lower rates for Litein because we can expect to tax a plot in Litein with 1.2% when we know that people there don't have those facilities. You cannot tax somebody with a plot of 50 by 100 for example a plot in Litein where they don't have anything just like those plots in the villages, it is only the name where we just

talking as Litein being a Municipality but in the real sense does not deserve to be given rates at that high rates, so I wish to differ with this proposed structure. The reason that the chairman has given is not sufficient and I wish to move an amendment.

The Speaker (Hon. Dominic Rono): Thank you, proceed!

Hon. Alex Bett (Member for Litein Ward): Mr. Speaker Sir, my amendment for different rate like for commercial plots in Litein to be 0.8% and then other commercial plots (Other commercial plot) be put at 0.7% and then Residential plots (High residential) that one I will propose to be amended at 0.6% and then residential plots single dwelling I will put it at 0.05 % and then industrial (heavy industrial) where it is being proposed to be 1.2%, I will propose it to be 0.9% and then industrial, I will propose it to be at 0.8%. Thank you Mr. Speaker and I will request Honorable Evans Kibet to second. Thank you.

The Speaker (Hon. Dominic Rono): Honorable Evans Kibet! Is he in the House? I can't see him!

Hon. Evance Kibet (Member for Cheboin Ward): Thank you Mr. Speaker Sir, I stand to second the amendment.

(Question proposed)

The Speaker (Hon. Dominic Rono): The honorable Erick Bett!

Hon. Erick Bett (Member for Kipchebor Ward): Thank you Mr. Speaker for giving me this chance to arise and oppose the amendment. The Chairman Lands, Housing, Physical Planning and Settlement was on record that the land valuation from the two towns Kericho and Litein are different. So what my Chair of Finance and Economic Planning has proposed is retrogressive in my own view because you cannot give a town that is less valued and still give low percentage in terms of valuation. I would have accepted the proposal that the valuation would have made it to be equal because then it means the investor in Kericho town is no longer interested to own plots or commercial properties because the valuation of properties is high, large rates so it is really not

fair. So I would wish to oppose the amendment because it does not really augur well with what we have been given as the valuation of lands in those particular towns. So I stand to oppose the amendment in totality. Thank you.

The Speaker (Hon. Dominic Rono): Thank you, anyone else? Honorable Hezborn Tonui!

Hon. Hezborn Tonui (Member for Cheplanget Ward): Thank you Mr. Speaker for giving me this chance to rise and support the amendment because you cannot compare Kericho and Litein because we have many resources in Kericho town than Litein town. So I rise to support what the Chairman Finance and Economic Planning has said. I support the amendment.

The Speaker (Hon. Dominic Rono): Thank you anyone else? Hon. Collins Biegon!

Hon. Collins Biegon (Member for Kapkugerwet Ward): Thank you Mr. Speaker, I think I also rise to oppose the amendment for the following reasons; the committee looked at this matter and these figures were not just picked from a platform, it must have been studied by the department with regard to valuation of plots both in Litein and Kericho towns. So by the time it was included in this report, all factors have been looked at, so I think I would also have supported if they were equal because once the department decided that the valuation of lands or property in Litein is a bit higher than in Kericho, then they knew what they were doing because these are the people who are involved in matters lands. So I think the Honorable Member from Litein Ward given that he is just representing his people of Litein and would want to have the best for them and would want to propose figures lower than those in the valuation roll which is okay on his part but I would not support. I think it is important that we look, may be the Chairman Lands can still explain to us how these figures were brought here so that we can have a proper perspective but if the plots or the lands or properties is valued higher, then this rate should remain the same or if there are any changes, then we may be able to support an equal percentage and not lower. Thank you.

The Speaker (Hon. Dominic Rono): Thank you, the Vice Chair Lands Committee, Hon. Edith Kaptich! I thought you are vice. Sorry, thank you my apologies.

Hon. Edith Kaptich (Nominated Member representing Women): Thank you Mr Speaker for giving me this opportunity once more so that I can reject the amendment. As a member of the Lands Committee we looked at so many things before we came up with recommending this so that it can be tabled. What the Chair finance has said is somehow a self-centred interest because he comes from Litein. I would have wished that the recommendation that he needs be equal rather than looking at the place that he comes from and trying to make sure that the rates are lower than Kericho town. I reject the amendment made by the Chair Finance and if it is possible, let the rates be the same but not to be lowered. Thank you Mr Speaker.

The Speaker (Hon. Dominic Rono): Thank you. Chair Finance would like to amend your amendments or do I put the question? You want to amend?

Hon. Alex Bett (Member for Litein Ward): Thank you honourable Speaker for giving me this opportunity still and after doing soul searching and also looking at it further, I think am also of the opinion that I do the amendment that the rates in Kericho and Litein be equal.

The Speaker (Hon. Dominic Rono): For purposes of record I want you then to withdraw the first amendment and then make a suggestion for the second amendment.

Hon. Alex Bett (Member for Litein Ward): Okay, thank you Mr Speaker. I withdraw the first amendment and I now propose the second amendment. That the first one in Litein, commercial plots CBD be placed at 1%. Number 2, other commercial plots be placed at 0.8%. Number 3, residential plots, high residential be placed at 0.8%. Number 4 residential plots single dwellings be placed at 0.6 %. Number 5 high industrial be placed at 1 % and finally industrial, light industrial be placed at 0.7%. Thank you Mr. Speaker sir.

The Speaker (Hon. Dominic Rono): Thank you. Who is seconding your amendment?

Hon. Alex Bett (Member Litein Ward): Let me request honourable Hezborn Tonui to second.

The Speaker (Hon. Dominic Rono): Honourable Hezborn Tonui!

Hon. Hezborn Tonui ((Member for Cheplanget Ward): I second.

(Question proposed)

The Speaker (Hon. Dominic Rono): Anyone who wants to contribute? Majority Leader do you want to contribute?

Hon. Hezron Ngetich (Majority Leader, Member for Chilchila Ward): Thank you honourable Speaker for giving me this opportunity so that I can rise to give some input. I don't know but I have a proposal for an amendment again on this. I want to thank the committee on Lands for what they did. I don't know if it is an oversight or it is my own way of understanding, whereby they proposed types of lands that are exempted from rating.

The Speaker (Hon. Dominic Rono): Just one second. What I would want you to do is let's exhaust on this proposed amendments by honourable Bett then you can now as you rise to either oppose the whole report, you can now either propose your own amendment to some other section. So first of all are you opposing this particular amendment by Honourable Alex Bett or you are supporting?

(Honourable Hezron Ngetich bows in secondment)

(Question put)

The Speaker (Hon. Dominic Rono): So now Leader of Majority you wanted to make your contribution?

Hon. Hezron Ngetich (Majority Leader, Member for Chilchila Ward): Thank you once more Mr. Speaker for giving me this opportunity. As I said earlier, I want to thank the committee on Lands for making this detailed report nevertheless there is some oversight that may be the Chairman will explain for us because on my view on part 2.6, types of lands exempted from rating. The following are exempted from rating under section 27(1) Cap 266 and section 22(1) Cap 267 A public religious worship; to me that is correct, Cemeteries, crematoria and burial or

burning grounds that's also right; Hospitals or other institutions for the treatment of the sick. This is where I have an issue because in fact if we do a blanket exemption of these hospitals, there are private hospitals which are profit making organizations and they are very many of that kind in this town and county. So if we exempt them, we will be retrogressing instead of progressing and we will be losing a lot of revenue. They could have said hospitals and other public institutions, moving on to IV. Educational institutions for the residence of students' ancillary thereto and being part thereof; I think I have an issue with this one because if we will do a blanket exemption we will be losing the point again so I think I will propose an amendment that part three to read public hospitals or other institutions for the treatment of the sick and part four to read public educational. VI outdoor sports; should not be exempted because that's a way of raising revenue.

The Speaker (Hon. Dominic Rono): So are you suggesting that part IV of 2.6 be deleted?

Hon. Hezron Ngetich (Majority Leader): Yes.

The Speaker (Hon. Dominic Rono): Okay.

Hon. Hezron Ngetich (Majority Leader, Member for Chilchila Ward): Part III and IV be amended by inserting the word "Public" before "Hospital" and I request honourable Erick Bett to second this amendment. Thank you.

(Honourable Erick Bett bows in secondment)

The Speaker (Hon. Dominic Rono): Thank you.

(Question proposed)

The Speaker (Hon. Dominic Rono): The Honourable Erick Bii!

Hon. Eric Bii (Nominated Member representing Youth): Thank you very much Mr. Speaker for this opportunity. I rise to support the amendment raised by the Majority Leader, I think when it comes to exemption, we are exempting ratings which are of the public advantage, so when you

look at hospitals which are private I think it is right because most of the time patients go to private hospitals and are given exaggerated bills and I think there is no need to exempt them from ratings. Number two is education I think we have private institutions which are making profits and for our advantage they should be given ratings. Number three, the outdoor sports actually the meaning itself is not clear so I think we should not do anything called outdoor sports which is not clarified whether it is a sport in the field or any other sport. So we should delete it and remove it. So I support the amendment and I request all members to support it. Thank you.

The Speaker (Hon. Dominic Rono): Thank you, anyone else who wants to contribute? Hon Alex Bett?

Hon. Alex Bett (Member for Litein Ward): Thank you Mr. Speaker for giving me an opportunity to also contribute on the amendment. Mine is to oppose the amendment, I want to believe that these rules are applicable not only in the county governments but also in the national government, if section 27 (1) Cap 266 and section 22 (1) Cap 267 is applicable in the national government I don't think we have any reason to make amendments. Like when we talked about hospitals I think as much as we are that some hospitals are profit making I think no. 7 of this part, I think states it clearly that the relevant authority is expected to make rules from time to time setting out the nature and principles of land uses as mentioned above. That means a times though a hospital is a hospital there are hospitals that are making profits, but there are also hospitals that are non-profit making. Somebody also talked about outdoor sports and here we also have also stadiums, when such comes in place I think Part 7 takes care of that....

(Interruption)

The Speaker (Hon. Dominic Rono): Order! Hon Alex Bett. I am just wondering when you say that there are hospitals that do not make profits would they fall under five which then become a charitable institutions for purpose of charity?

Hon. Alex Bett (Member for Litein Ward): I think Mr. Speaker that is true those are charitable institutions, and so it's not very clear why we should actually remove it completely like when we

talked about outdoor sports, do we really have any reason to remove because when we remove that section it means in future our stadiums will be taxed but I want to believe that the relevant authorities will give us rules from time to time that will now govern such places like stadiums. So the way it is, I think this exemption should remain the way it is. After all this is the first time we are doing this, but if we believe that in future these taxes are not actually very clear we can also still do amendments but for now I want to believe that we should let it go the way it is. Thank you.

The Speaker (Hon. Dominic Rono): Thank you. Anyone else who wants to contribute as I look for what section 27 says? Anyone who wants to support or oppose?

(Question proposed)

The Speaker (Hon. Dominic Rono): Chair lands you may respond!

(Hon. Benard Mutai, Chairman Lands, Housing, Physical Planning and settlement, Member for Kipchimchim Ward): Thank you once again Mr. Speaker for giving me this opportunity so that I congratulate members on supporting this report, because the rating of this valuation roll will increase the county revenue basket by a certain percentage of which I know some departments will be benefiting the most. So Mr. Speaker, allow me to congratulate members and thank them for supporting this report. Thank you very much Mr. Speaker.

(Question put and agreed to)

(Adjournment)

The Speaker (Hon. Dominic Rono): Thank you honorable members we adjourn till 2:30pm.

(The house rose at 10:30 am)