

KERICHO COUNTY ASSEMBLY

THE HANSARD

Second Assembly

Wednesday, 5th December, 2018

(The House met at 9.30a.m.)

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

PRAYERS

The Speaker (Hon. Dominic Rono): Let's proceed!

STATEMENT

The Speaker (Hon. Dominic Rono): There is a statement by Hon. Daniel Kibore.

Hon. Daniel Kibore: Mr. Speaker Sir, Pursuant to the Kericho County Assembly Standing Order number 45 (2) (c) I wish to seek a statement from the committee on Trade and Industrialization concerning the following;

- i. What is the status of Sosit Market?
- ii. How much revenue is collected on weekly basis and cumulative for the last 12 months from Sosit Market?
- iii. How many employees are serving at Sosit Market?
- iv. How many latrines do we have in the market and who maintains them?
- v. What plans has the department put in place to ensure that services at Sosit market are improved?

The Speaker (Hon. Dominic Rono): Chairman Trade? Vice Chair? In the absence of both? Any member of the committee to look into this issue? I don't know how long you will require noting that we are going on recess as from tomorrow 6th December 2018.

Hon. Caroline Soi: Thank you very much Mr. Speaker Sir for giving me this chance so that I may respond to the statement, I think it is in order if you give us two weeks, will it be okay?

Hon. Paul Chirchir: Point of order!

The Speaker (Hon. Dominic Rono): Yes Hon. Paul Chirchir?

Hon. Paul Chirchir: Mr. Speaker Sir, the Member should stand guided and read the rule in the standing order of the County Assembly that the chair is always in order.

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

Hon. Caroline Soi: Thank you very much Honorable Paul for the guidance, I think we should do it immediately after we resume.

The Speaker (Hon. Dominic Rono): Honorable Caroline Soi I therefore direct that your committee looks into this issue and come up with a report and report back to the House on 14th February 2019. Thank you.

Next order!

The Kericho County Finance Bill 2018 (Committee of the Whole house)

(The Speaker leaves the Chair)

COMMITTEE OF THE WHOLE HOUSE

(The Chairman takes the Chair)

The Chairman (Hon. Evance Kibet): Ok Honorable members Welcome to the Committee of The Whole House.

THAT Part I Clause 1 Sub Clause (b) of the Bill be amended by deleting the figures 2018 and substituting with the figures 2019.

The Chairman (Hon. Evance Kibet): I call upon the Chairman Finance and Economic Planning (Hon. Alex Bett) to present.

Hon. Alex Bett (Chairman Finance and Economic Planning): Thank you for giving me this opportunity and once again let me thank the members for the far they have come. I want to clarify that it was a typing error and for those who have the Finance Bill, it is in page 2 where it is written Part I Preliminary.

Hon. Paul Chirchir: Point of order!

The Chairman (Hon. Evance Kibet): What is the point of order?

Hon. Paul Chirchir: Thank you Mr. Chairman. We have always said that we are the House of rules and procedures. We do not have a quorum to be able to undertake this matter. So I was requesting that you give us five minutes to whip the Members to get the quorum.

(The bell is rang)

(The House called to order)

The Chairman (Hon. Evance Kibet): Honorable members we now have a quorum. I call upon the Chair to proceed.

Hon. Alex Bett (Chairman Finance and Economic Planning): Thank you once again Chair. I was clarifying the amendment in the Bill and I stated by fact that this is a typing error. The figure there which is deleted is 1st January 2018 which is supposed to be 1st January 2019. Thank you.

(Question on amendment proposed)

SCHEDULES OF THE BILL

PART II of the Schedule

THAT Part II of the schedule of the Bill on the Transportation Permit on Tea and Coffee be amended by deleting the figures 6,000, 9,000 and 12,000 and replace with the figures 4, 000, 5,400 and 8,000 on Pickups, Canters and Lorries/Trailers respectively and further be amended by

deleting the figures 6, 000, 9,000 and 12,000 and replace with the figure 2,000, 4,000 and 6,000 on Pickups, Canters and Lorries/Trailer respectively on transportation of coffee.

The Chairman (Hon. Evance Kibet): I call upon the Chairman to proceed.

Hon. Alex Bett (Chairman Finance and Economic Planning): : Thank you Chair I want to draw the members to page 11, Lower part where most of these things talks about Agricultural Produce Cess, the last part, which we sought to amend, that according to opinion during public participation, the members of the public were proposing that Pickups be charged 6,000/=, Canters be charged 9,000/= and Lorries be charged 12,000/= but after deliberating with the Committee, the figures that were introduced by the public we thought that those figures were a bit high. So we decided to bring it down slightly because we considered that these people are hustlers, people who are trying to make a living by transporting either tea or coffee. We thought by bringing it down, it will not only help us to collect revenue but will also help those who want to do a business or to be engaged in more in the same business. So we adjusted the first one which is Cess. The Permit stamp will be charged 2,000 for pickups, for Canters we scaled it down to 5400 and for Lorries / trailers we scaled down to 9,000. There the public were proposing that people transporting coffee using pickups be charged Ksh. 6,000 and Lorries be charged Ksh 12,000. But again Honorable Members we looked at the same proposals from public and also reasoning it as a Committee because the Committee is usually a technical people. Sometimes when we go out to consult the public, they only come up with figures. They don't look at it in terms of economic factor values, and the persons who are affected that is the transporter and also the money that has been put. So when we looked at the amount that was being charged it was almost like the amount that was being charged for tea. Remember that coffee is one season business it comes once in a year not like tea which is a continuous business so we taught that the amount that was being proposed was a bit too high. This will discourage transporters. Can you imagine a situation where you want to engage these transporters to help also the farmers to transport their produce from farms to the factories. We saw the figure of Ksh 6,000 per Pickup is too high and we decided to pull it down to Ksh 2,000.

When we come to canter also in the same reasoning we brought it down to Ksh 4,000 and also for Lorries and Trailers we taught also that it is a bit high and brought it down to Ksh 6,000. This

is the proposal from the committee and the reasoning we taught it was fair not only to the transporter and also to the County as a whole. You know if we hike it too high we take the figures to be high we will discourage transporters and in the same way we shall lose revenue but we will rather have many transporters doing the business and charge the same amount and we shall collect more revenue. Thank you Chairman.

(Question on amendment proposed)

The Chairman (Hon. Evans Kibet): Okay before we proceed, is there any Member who wants to add something, remove or with a different opinion on this?

Hon. William Soi: The part on canter is confusing. Which is the ideal figure?

Chairman (Hon Evans Kibet): The figures are there. When you go through the figures its Ksh 6,000, Ksh 9,000 and Ksh 12,000. There is canter, pick up which is Ksh 2,000, canter Ksh 4,000 Lorry / Trailer is 6,000, Is it Ok?

Hon. William Soi: It's ok.

(Question on amendment put and agreed to)

PART III of the schedule

That Part III of the schedule of the Bill be amended by deleting the figures Ksh 3,500, Ksh 1,500 and Ksh 1,000 and replace with the figures Ksh 1,000, Ksh 1000 and Five hundred on tree cutting within private property for large size, medium size and small size respectively.

That Part III row number 9 on page 19 be amended by introducing Large scale, Medium scale and Small scale on Tree, Flower, vegetables and nurseries annual license with the figures; Ksh 5,000, Ksh 3,000 and Ksh 1,000 for large, medium and small scale respectively.

That part III on solid waste collection and transportation of Wines and spirit shops is further amended by deleting the figures Ksh 2,600 and replace with figures Ksh 5,000.

Chairman (Hon. Evans Kibet): I call upon the chairman Finance and Economic Planning to proceed.

Hon. Alex Bett (Chairman Finance and Economic Planning): Thank you chairman for giving me this opportunity that I may also explain more to the Members. This now brings us to Part III of the schedule in Page 18 that is the last part which talks about tree cutting within private property which is large size, medium and small size and tree cutting within private party the last part. We decided to cut down the proposals from the public proposals from the figures which are already active. When we talk of active, these are the figures that are being applied currently, figures that are in use which are already applicable. When we looked at this proposal we talked of tree cutting within private property and we talked of large size. We thought it's a bit high when we talked of large size. We thought that the figures that were mentioned were a bit high and we want to encourage them to take this license rather than doing it without proper approval, we thought of bringing down these figures so that at least if we were actually penalized for cutting trees in a private property you will not have a reason to complain. We brought down the prices from Ksh 3,500 for large size of a tree to Ksh 1,000 and also medium to Ksh 1,000 and small size Ksh 500. That was the reasoning. In the same way you actually raise figures too high people will tend to do things in illegal manner. So it's better we have figures that are reasonable and have people obeying the laws.

PART III where we also have amendments that brings us to Page 19 on Tree, Flower, Vegetables nurseries we looked at the charges that were placed here of Ksh 5000. When we looked at those figures it was not specific. You know we have those people who do tree nurseries and flower nurseries especially the youth. They do these businesses along the road and we were to charge the same amount. The youths who are doing small scale business have not been classified and we charge them Ksh 5000. Surely they will not take these licenses and most of the time they will be running away from people who are enforcing this law. To help them obey the law and to help us as a County to collect more revenue we thought of classifying them so that we have large scale tree, flowers and vegetables nursery gardens, medium scale and small scale. In the small scale,

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we looked at those people doing *Jua kali* businesses especially the youth. Those are the people who are having a few trees and even flowers, so when we classify them now we break down licenses for different classes of businesses and then we introduce the charges to: if you are operating a large scale tree, flower, vegetable nursery you will be charged at a license of Ksh 5000. That is for the people who are doing big businesses and then there are the small scale and medium scale who will be charged Ksh 3000. For those people who are doing small business tree nurseries we will charge them Ksh 1000.

Part III on solid waste, it starts from Page 19 but where there is amendment its page 20. It talks about wines and spirits shops. These are charges that are being levied on traders carrying out different businesses and one of them was wines and spirits shops. The current and active amount there is Ksh 2600. You realize that Ksh 2600 was on a bit lower side. Remember most of these people are environmental pollutants because when you go everywhere around them, you find bottles of wines all over the place. To discourage them and also to collect more revenue, we taught the figure of Ksh 2600 was on a lower side. We then deleted the figure of Ksh 2600 and replaced it Ksh 5000. This will not only help the County to collect more revenue but also discourage careless disposal of the waste from wine shop. Thank you Honorable members.

(Question on amendment proposed)

Chairman (Hon. Evans Kibet): The floor is open for members. Do we have any member? Hon. Paul Chirchir?

Hon. Paul Chirchir: Thank you very much Chairman and the Committee of the Whole house. We are well aware that wines and spirits have created a mess in the entire County Mr. Chairman. So as a way of discouraging though this Finance Bill is supposed to help us generate more revenue, we also need to discourage wines and spirits. Everywhere we find every centre has ten, others five, so I want to ask for further amendment that the wines and spirit shop should be charged Ksh 10000, so that it will be away of discouraging anybody who want to open a wines and spirits shop because Mr. Chairman for example my ward in Kapsoit, Kapsoit Centre we have 53 bars and out of these, the wines and spirits shops are more than half. Where I come from, a shopping centre called Kenegut, the wines and spirits shops are more than the number of

churches in the area. This spoils our youth and is not generating revenue for the County. So I want to move an amendment that the wines and spirits shops be charged 10,000 and I will ask the Hon. Hesbon to second the amendment.

The Chairman (Hon. Evance Kibet): Hon. Hesbon?

Hon. Hesbon (Seconded)

Question on amendment Proposed

Question on amendment put and agreed to

PART IX

THAT Part IX of the schedules of the Bill page 55 under impounding charges on hand carts be amended by deleting the figures “**500**” and replacing it with the figures “**300**”.

The Chairman (Hon. Evance Kibet): I call upon the Chairman Finance and Economic Planning to proceed.

Hon. Alex Bett (Chairman Finance and Economic Planning): We can all go to page 55 and the explanation is simple. Page 55 under impounding charges on hand carts be amended by deleting the figures “**500**” and replacing it with the figures “**300**”. These impounding charges is that incase handcart pullers are caught due to parking in undesignated areas, the current charges is **Ksh. 500**. The public wanted it to remain at that but when we sat down, as a committee, we looked at these people as the least earning in the society. If they were impounded, the charge of **Ksh. 500** was on the higher side. Most of them are hiring these carts so that they can make a living in a day. So penalizing them with Ksh. 500 again will not be of any economic value. So that is the amendment. Thank you.

(Question on amendment Proposed)

(Question on amendment Put and agreed to)

The Chairman (Hon. Evance Kibet): I now call upon the Chairman Finance and Economic Planning to move the motion.

Hon. Alex Bett (Chairman Finance and Economic Planning): I beg to move the motion that the committee does report to the Assembly its consideration to the Kericho County Finance Bill 2018 and its approval thereof with amendments. Thank you.

(Question put and agreed to)

(The Chairman Leaves the Chair)

(The House Resumes)

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

The Speaker (Hon. Dominic Rono): The Chairperson, please give us the progress.

Hon. Evance Kibet: Thank you very much Mr. Speaker I want to report to the house that the Committee of the Whole House has considered Kericho County Finance Bill 2018 and its approval thereof with amendments. Thank you.

The Speaker (Hon. Dominic Rono): Thank you. The mover of the motion?

Hon. Alex Bett (Chairman Finance and Economic Planning): Thank you Mr. Speaker. I want to move that the house do agree with the committee on the said report. Thank you.

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

Hon. Alex Bett (Chairman Finance and Economic Planning): I will ask Hon. Emily to second.

Hon. Emily Kerich (Seconded)

(Question Proposed)

(Question Put and agreed to)

The Kericho County Finance Bill 2018, Third Reading

The Speaker (Hon. Dominic Rono): Hon. Alex Bett?

Hon. Alex Bett (Chairman Finance and Economic Planning): Thank you, I beg to move that The Kericho County Finance Bill 2018 be now read the third time. I ask Hon. Paul Chirchir to second.

The Speaker (Hon. Dominic Rono): Hon. Paul Chirchir?

Hon. Paul Chirchir (Seconded)

Question Proposed

Question Put and agreed to

The Speaker (Hon. Dominic Rono): Can you read the long title.

The Kericho County Finance Bill, 2018.

A Bill for AN ACT of the County Assembly of Kericho to provide for the imposition or variation of various permits, Fees, Cess, Licenses or Charges for Services and for connected purposes.

(Adjournment)

The Speaker (Hon. Dominic Rono): Thank you, there being no other business, the house stands adjourned till 2.30 p.m.

(The House rose at 10.50 a.m)

