

GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

SECOND ASSEMBLY-THIRD SESSION

NBI CA. PLC. 2019 / (061)

24th September, 2019

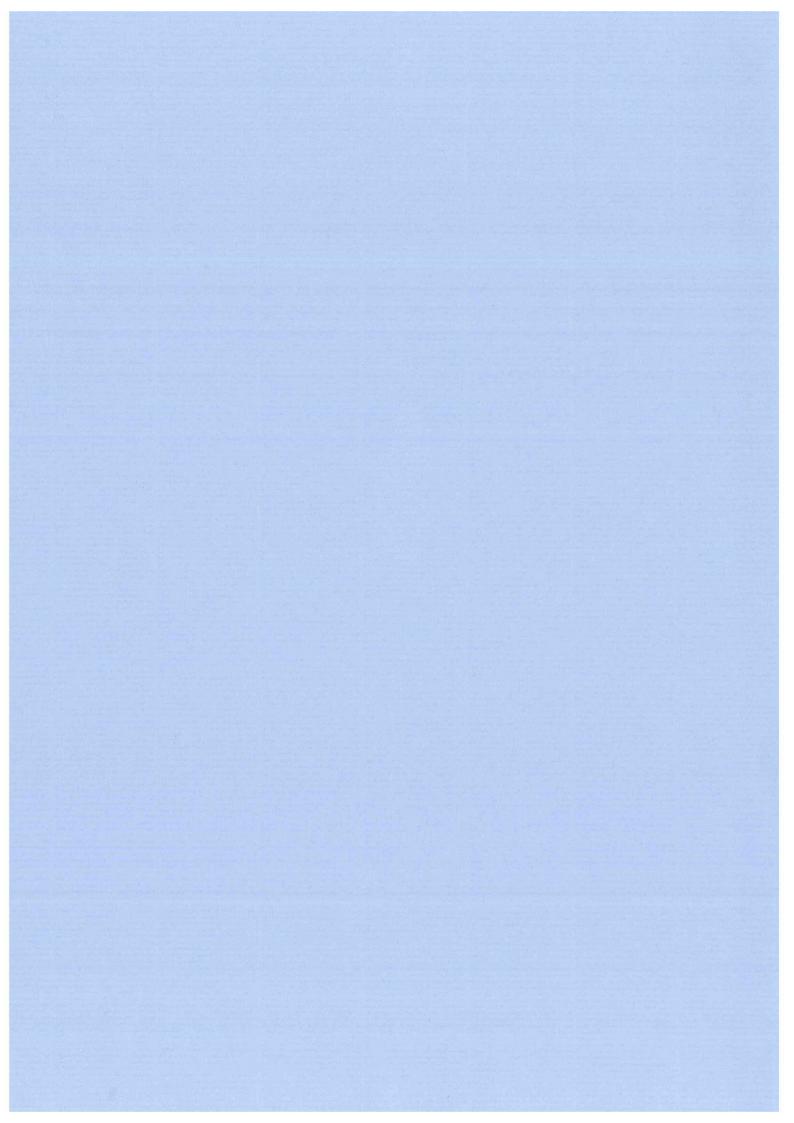
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Pursuant to Standing Order 131 (4), I beg to lay the following Paper on the Table of the Assembly, today Tuesday, 24th September, 2019.

THE REPORT OF THE SELECT COMMITTEE ON COUNTY FINANCE, BUDGET AND APPROPRIATIONS ON THE CONSIDERATION OF THE NAIROBI CITY COUNTY FINANCE BILL, 2019

(Chairperson, Select Committee on County Finance, Budget & Appropriations)

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COUNTY GOVERNMENT OF NAIROBI CITY

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NAIROBI CITY COUNTY ASSEMBLY

(SECOND ASSEMBLY- THIRD SESSION)

BUDGET OFFICE

MEMO

TO

AG. PRINCIPAL CLERK ASSISTANT (L&P)

THRO':

DEPUTY CLERK

FROM:

FISCAL ANALYST

DATE:

24TH SEPTEMBER 2019

Ref

NCCA/SC-FB&A/SEP/2019/70

RE: REPORT OF THE FINANCE, BUDGET AND APPROPRIATIONS COMMITTEE ON THE FINANCE BILL 2019

The above matter refers:

Herewith please find for your further action the report of the Select Committee on County Finance, Budget and Appropriations on the Finance Bill 2019 as adopted by the Committee at its sitting held on Tuesday 24th September 2019.

ERICK OTIENO FISCAL ANALYST Der Jahrensto.

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COUNTY GOVERNMENT OF NAIROBI CITY



NAIROBI CITY COUNTY ASSEMBLY

SECOND ASSEMBLY - THIRD SESSION

19TH REPORT OF THE SELECT COMMITTEE ON COUNTY FINANCE, BUDGET AND APPROPRIATIONS

ON

THE NAIROBI CITY COUNTY FINANCE BILL, 2019

SEPTEMBER 2019

1.0. PREFACE

Mr. Speaker Sir, the Constitution of Kenya 2010 which establishes the County Governments also grants them powers through Article 2019 to impose property rates, entertainment taxes as well as charges for the services they provide. As an oversight instrument on the County Executive, the County Assembly Finance, Budget and Appropriations Committee is mandated to ensure that County's revenue raising measures are consistent with the national finance laws while being tools for regulation, control and budget financing. Consideration of Finance Bills by the County Assembly is an annual activity during which the Committee confirms that the budget passed by the County Assembly has been fully funded but most importantly that budget financing does not limit the County's attractiveness as an investment destination, does not complicate ease of doing business and make Nairobians forego their basic needs to pay county dues.

The provisions of Standing Order 199 establish the Finance, Budget & Appropriations Committee with a specific mandate which is to:

- a) Investigate, inquire into and report on all matters related to coordination, control and monitoring of the of the county budget;
- b) Discuss and review the estimates and make recommendations to the County Assembly;
- c) Examine the County Fiscal Strategy Paper presented to the County Assembly;
- d) Examine Bills related to the county budget, including Appropriations Bills; and
- e) Evaluate tax estimates, economic and budgetary policies and programs with direct budget outlay

Mr. Speaker Sir, the County Assembly Budget & Appropriations Committee comprises of the following 19 Members:

1. Hon. Robert Mbatia, MCA

Chair

2. Hon. Patrick Karani, MCA

Vice- Chair

- 3. Hon. Michael Ogada, MCA
- 4. Hon. Osman Adow, MCA
- 5. Hon. Daniel Ngengi, MCA

- 6. Hon. Anthony Ngaruiya, MCA
- 7. Hon. Kariuki Wanjiru, MCA
- 8. Hon. J.M Komu, MCA
- 9. Hon. Paul Ndungu, MCA
- 10. Hon. James Kariuki, MCA
- 11. Hon. Susan Makungu, MCA
- 12. Hon. Catherine Okoth, MCA
- 13. Hon. Emily Oduor, MCA
- 14. Hon. Paul Shilaho, MCA
- 15. Hon. Nancy Muthami, MCA
- 16. Hon. Elias Okumu, MCA
- 17. Hon. Nimo Hajji, MCA
- 18. Hon. Jane Muasya, MCA
- 19. Hon. Fredrick Okeyo, MCA

Mr. Speaker Sir, the County Executive Committee Member for Finance and Economic Planning on 25th June 2019 delivered the budget speech in which he pronounced new and enhanced revenue raising measures meant to seal leakages in the revenue chain and provide support to the contemporary systems of revenue collection. On the same date he submitted the draft Finance Bill 2019 which was subsequently drafted in proper format and read for the first time in the County Assembly on 3rd July 2019, containing the taxation measures announced in the speech. The Bill illustrates the County Government's priorities, which include increasing revenue mobilization and improving service delivery by amending various fees, rates and charges for services, and for other revenue raising measures by the County Government.

Mr. Speaker Sir, this is the second time under the Second County Government that the Select Committee has had the opportunity to interrogate and indeed make recommendations on a Bill meant to influence the budget financing plans. In scrutinizing this Bill, the Committee has been keen to ensure that the shortcomings of previous such legislations do not reoccur and affect the County's inflows going forward.

Mr. Speaker Sir, in the course of the deliberations on the Nairobi City County Finance Bill, 2019 the Committee held sittings with the Officers from the County Treasury led by the County Executive Committee Member for Finance were given the opportunity to explain to the Committee the reasoning behind the proposed alterations. The Committee indeed received written submissions from the County Treasury on how best to roll out the revenue raising measures as contained in the budget speech delivered to the County Assembly in June 2019.

Mr. Speaker Sir, the following have shown their dedication, untiring commitment and valuable contributions towards assisting the Committee in finalizing the work of reviewing the Finance Bill. The Committee is, therefore, sincerely grateful to: -

- a) Members of the public who honored their civic duty and took part in the public hearings on the Bill undertaken at Uhuru Gardens Primary School, Kariokor Social Hall, Kayole Social Hall and St. John's Catholic Church Riruta;
- b) Offices of the Clerk and the Speaker for the support extended throughout this process;
- c) The County Treasury who appeared before the Finance Committee for the purposes of making submissions on the Bill;
- d) Stakeholders who submitted written memoranda on the Bill; and
- e) The County Assembly Legal Department and the County Assembly Budget Office who continually provided guidance to the Committee on the Bill.

Mr. Speaker Sir

On behalf of the Committee and pursuant to the provisions of Standing Order 229 and Section 133 of the PFM Act, 2012 it is my pleasant duty to table the Report of the Select Committee on Finance, Budget and Appropriations on the consideration of the Finance

Bill, 2019.

Signed. Date. 24th Sept 2019

Hon. Robert Mbatia, MCA

Chairperson: Finance, Budget and Appropriations Committee

2.0. SCRUTINY OF THE NAIROBI CITY COUNTY FINANCE BILL, 2019

2.1. KEY HIGHLIGHTS OF THE BILL

- 1. Mr. Speaker Sir, the Committee reviewed the Finance Bill, 2019 together with the submissions from the County Executive Committee Member for Finance, the various stakeholders and members of the public and came up with the following proposals on the respective sections of the Bill.
- 2. Mr. Speaker Sir, Part II of the Bill titled Nairobi City County Disaster and Emergency Management Act, 2015 seeks to amend the second schedule as follows:
- 3. The Bill proposes to charge a minimum of Kshs. 4,500 for fire inspection fees that would be charged per visit per household. The Bill also introduces new charges for fire certificates at Kshs. 2,000 per household per year and for professional bodies at Kshs. 6,000 and Kshs. 20,000 for medium and large professional bodies respectively. Small-scale gas sellers would expect a hike of 566% for fire certificates per year, whereas fire certificates charged to petrol stations will experience a decrease from Kshs. 100,000 in all categories to Kshs. 50,000; Kshs. 25,000 and Kshs. 12,000 for small, medium and large petrol stations respectively.
- 4. It was in the Committee's view that whereas the County Own Source Revenue has been declining for successive years it would not be imperative that small-scale gas sellers experience an increase of more than 500% as it would oppress small-scale business people. These sentiments were supported by the Kenya Association of Manufacturers who observed that it would increase the cost implication of doing business. On their part the Women Small-scale Traders from Korogocho and Kawangware noted the noted that the levies were punitive, in that the charges would have a negative impact to the common *mwananchi* as the cost would be passed on to the consumers.
- 5. In regards to the charges for annual fire certificates for households at Kshs. 2,000, the Kenya Alliance of Resident Associations (KARA) recommended that the provision ought to be amended as the County Government cannot guarantee any service that will accrue to the households as a result of paying the charges. Additionally, they submitted that the County Government is currently unable to carry out inspections on existing businesses hence it may therefore be ineffectual in implementing inspections at the

household level. These sentiments were commended by the National Taxpayers Association, who noted that Part II of the Fourth Schedule of the Constitution of Kenya, 2010 No.12 obligates the Nairobi City County Government to offer firefighting and disaster management services, hence charging households would be abdicating their Constitutional duty. To address the concerns raised by the public the Committee shall be proposing amendments to the proposed fees and charges for fire certificate to make them responsive to the prevailing realities.

- 6. Mr. Speaker Sir, Part III of the Bill provides amendments to the Nairobi City County Solid Waste Management Act, 2015:
- 7. The Bill proposes to charge both the license to operate a plant nursery and a tree cutting business license at Kshs. 10,000 per annum. The Nairobi County Citizen Assembly highlighted that the license to operate a plant nursery should be reduced to combat climate change, and tree cutting license to be increased to promote environmental protection. The Committee agrees with the stakeholders that the County must encourage residents to compliment governments efforts aims at combating climate change. In this regard the Committee shall be proposing amendments to increase the charges for tree cutting within the City.
- 8. Under Schedule 2 (1.3) titled tipping charges, the Bill intends to increase the tipping charges for commercial/institutional from Kshs. 400 to Kshs.600 per ton; domestic waste from Kshs. 200 to Kshs.300 per ton; construction and demolition waste from Kshs. 250 to Kshs. 600 per ton, and intends to introduce new charges for nontoxic industrial waste at Kshs. 1,000 per ton and disposal of expired food stuff at Kshs. 800 per ton. For residential houses, the Bill proposes charges to low/informal settlements at Kshs.100 per house per month; Kshs.300 for medium households (estates) and; Kshs. 600 for high households (upmarket and CBD) per house per month.
- 9. In their scrutiny of the Finance Bill, 2019, the Committee highlighted that increasing tipping charges for domestic waste from Kshs. 200 to Kshs. 300 per ton may lead to illegal dumping, double taxation for residents and lack of business for the private service providers. Moreover, the Youth Groups engaged in Solid Waste Management at Kayole Social Hall observed that the majority of households in the City pay private

collectors to manage their waste, employing over 500,000 youth all over the county, who would be rendered jobless once the charges are effected. The Committee has taken notice of these concerns and proposed that the charges for CBO solid waste management and transportation be reduced to zero and those for religious bodies also be retained at zero.

- 10. The Finance Bill contains provisions for optional solid waste management charges to restaurants, guest houses, hotels, primary and secondary schools and universities. The Nairobi County Citizens Assembly, in their memorandum, recommended that the garbage collection fees for schools should be scrapped off as it shall increase their school fees especially in ECDE Centers. They argued that the increase will lead to high levels of children unable to access education.
- 11. Mr. Speaker Sir, Part IV of the Finance Bill, 2019 titled Nairobi City County Revenue Act, 2015 (amended in 2018) is amended as follows;
- 12. Schedule 9.2 on traders' informal spaces provides charges of Kshs. 200 per week or an alternative of a daily charge of Kshs. 50. The Committee welcomed this provision, as it incorporates affordability of charges to small-scale traders. On the contrary, the Women Domestic Workers and Women Small-Scale Traders from Korogocho proposed that the charges ought to be deleted since there is no value addition to the informal spaces as they operate under inclement weather elements such as rain and sunshine.
- 13. Schedule 14 titled Food, Agriculture and Forestry proposes to increase slaughter fees and health inspection. According to the Bill, poultry slaughter fees is charged at Kshs. 50 per bird and health inspection fee at Kshs. 25 per bird. The Committee suggested that both these fees should be reduced to Kshs. 10 per bird.
- 14. Schedule 6.1 titled Transportation Unit Services is proposed to amend the parking fees by increasing seasonal tickets for private vehicles by approximately 35% for 1-month, 3- month, 6- month and 12-month seasonal tickets. The current charges for on- street parking of saloon cars are Kshs. 200 categorized into CBD and other areas outside CBD. The Bill intends to revise these charges and categories to; Zone I at Kshs. 400, Zone II at Kshs. 300, Zone III at Kshs. 200 and Zone IV at Kshs. 100 per day and retains on-street parking fees of lorries at Kshs.1, 000 and trailers at Kshs. 3,000 per day. The Committee commends the County Government's revenue raising measures but notes

that parking fees adjustments should be modest to minimize corruption at the collection level. In addition, the Kenya Taxi Cab Association observed that the private vehicles are charged a comparatively higher rate compared to other transport sector players like matatus. They further noted that, the proposed parking fee increment would adversely affect their businesses as they are also required to undertake motor vehicle inspection, pay single business permits and advance tax thereby significantly raising operational costs and substantially diminishing the profit margins. The Committee having considered the submissions made has proposed amendments to ensure that fees collected are optimal within tenets of promoting ease of doing business and supporting the County's development agenda.

- 15. Schedule 2.1 titled Land Rates intends to revise the rates payable for Unimproved Site Value for high-rise buildings to be charged per floor. The land rates are suggested at 1% of the land value. The Committee noted that the rates should be based on Unimproved Site Value for pieces of land and not the actual buildings. The Committee shall hence be proposing that the provision be deleted.
- 16. Schedule 3.3 titled Amusement/ Recreation Services proposes to charge groups seeking to use open spaces for various activities. The Nairobi County Citizen Assembly, in their memorandum, recommended that the charges should be scrapped off for groups seeking to use the public spaces for issues related to public participation on Nairobi County Government will promote public participation in the County.
- 17. The Committee has considered the amendments in addition to those that were submitted by the County Treasury, various stakeholders and members of the public and the same are part of the proposed amendments attached to the report. The adjustments to the Bill have been done after taking into account the views of the County Treasury.

2.2. SUMMARY OF CONSIDERATION OF THE NAIROBI CITY COUNTY FINANCE BILL, 2019

18. The Committee delibe	erated on the Bill as follows:
Long title	Agreed to
Short title	Agreed to
Clause 2	Agreed to

Clause 3	Agreed to
Schedule 1	Proposed amendment
Schedule 2	Proposed amendment
Schedule 3	Proposed amendment
Schedule 4	Proposed amendment
Schedule 5	Proposed amendment
Schedule 6	Proposed amendment
Schedule 7	Proposed amendment
Schedule 8	Proposed amendment
Schedule 9	Proposed amendment

2.3. COMMITTEE STAGE AMENDMENTS

- 19. Mr. Speaker Sir, the Committee stage amendments are as follows.
 - 1) That, the Second Schedule of the Nairobi City County Disaster Management Act, 2015 be amended by inserting and revising the charges with respect to the items contained in Schedule 1 while taking into account the following amendments for the respective items:

Item Description		Unit of Measure	Current Charge	Amended Charge	Justification
Fire Certificate		Per Househo Id Per Year	2000	0	To make the fire fees commensurate to
Petrol station	large medium small		50,000 25,000 12,000	150,000 100,000 25,000	the services being provided and
Supermarkets	hyper mega Mini		40,000 30,000	40,000 30,000 5,000	encourage ease of doing business
café:	small Large Small		4,500 12,000 4,500	1,500 10,000 4,500	
Restaurant Bar & Restaurant			12,000	4,500	-
Bar & Restaurant Small scale gas sellers(flat rate)	Large		25,000 30,000	6,000 4,500	
Occupation certificates	Medium buildings Large		15,000	5,000	To make the fire
High Rise Buildings,	buildings 1-4 floors 5-10 floors		12,000 14,000	3,000 6,000	commensurate to the services being
commercial	10 floors and above		25,000	30,000	provided and

Fire Inspection fee shall be charged per visit		encourage ease of doing business
All chargeable services to be charged at a minimum of Kshs. 4,500	Delete	

2) That, the Second Schedule of the Nairobi City County Solid Waste Management Act, 2015 be amended by inserting and revising the charges with respect to the items contained in Schedule 2 while taking into account the following amendments for the respective items: -

Item Description	Unit Of Measure	Category	Proposed Charge	Amended Charge	Justification
License to operate plant nursery			10,000	2,000	To encourage Tree planting
Tree cutting business license	Per annum		10,000	30,000	To discourage tree cutting

CBO Solid waste col	lection and tra	nsportation	1		
¹ XI	Per ton	1-7	3000		Promote business
	Per ton	Above 7	6,000	0	
Cleansing labour hire	e.				
	Per head/Day	Non skilled	600	500	
-	Per head/Day	Profession al		500	
Solid waste manager		All optional)		
Miraa outlets	Per month		2,000	0	Charges too prohibitive
Church/mosques/te mples	Per Month	Small	5,000	0	prohibitive
		Large	10,000	0	

3) That, the Schedule 9.2 of the Nairobi City County Revenue Act, 2015 be amended by inserting and revising the charges with respect to the items contained in Schedule 3 while taking into account the following amendments for the respective items: -

Modern Kiosks			Amended Charge	Justification
Modern Stalls	PerEach	750	500	Promote ease
Month				of doing
At Bus Park	PerEach	1000	500	business
Month				

Registration Fe	Each	3,000	0	
once				

Informal spaces					
Item Description	Unit of	Category	Proposed	Amended Charge	Justification
	Measure		Charge		
Gikomba open		Per week	200	100	Promote ease
market					of doing
Toi Market		Per week	200	100	business
Maziwa		Per week	200	100	
Fig tree		Per week	200	100	
Adams		Per week	200	100	
Tena		Per week	200	100	
Outering stage		Per week	200	100	
Ngong Rd		Per week	200	100	
Jogoo road furniture		Per week	200	100	

4) That, the Schedule 12 of the Nairobi City County Revenue Act, 2015 be amended by inserting and revising the charges with respect to the items contained in Schedule 4 while taking into account the following amendments for the respective items: -

Gaming (casino) premise license					
ltem	Unit of measure	category	Proposed	Committee	Justification
	-		Charge	Amendments	
Grant fee	Per premise	Gaming	1,000,000	1,500,000	Harmonize
Annual fee	Per premise	Gaming	300,000	500,000	charges to
Totalisator premises license					market forces
Grant fee	Per premise	Totalisator	200,000	500,000	

5) That, the Schedule 14 of the Nairobi City County Revenue Act, 2015 be amended by inserting and revising the charges with respect to the items contained in Schedule 5 while taking into account the following amendments for the respective items: -

Slaughter fee per animal			
	Proposed	Amended	Justification
	Charge	Charge	
Cattle:	500	200	Make the
Sheep/Goat:	200	100	charges
Pigs	200	200	affordable for
Poultry	50	20	slaughter
			houses
Local imports from up countr	у		
Health inspection fee			
A. Live Animal			
Cattle:	500	0	Remove
Sheep/Goat:	150	0	chances of
Pigs	250	0	double
Donkeys:	250	0	charging
Dogs/Cats	1000	0	
Poultry	25 per bird	0	
Re-inspection			
Slaughter house			Make charges
licensing fees			equitable to
Certificate of transport	50	500	the service
fee			offered

6) That, the Schedule 4.1 of the Nairobi City County Revenue Act, 2015 be amended by inserting and revising the charges with respect to the items contained in Schedule 6 while taking into account the following amendments for the respective items: -

Item Description	Unit of Measure	Proposed Charge	Amended Charge	Justification
Medical Examination Booklet	Per Booklet	1000	0	The proposed
				charge not
				justified

7) That, the Schedule 6.1 of the Nairobi City County Revenue Act, 2015 be amended by inserting and revising the charges with respect to the items contained in Schedule 7 while taking into account the following amendments for the respective items: -

2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2		Unit of	Proposed Charge	Amended	Justification
		Measure		Charge	
Seasonal tickets					
Online Application taxis		Per Month	All online t applications to ded parking fee from sour for all vehicles on th platform	rce,	Difficulty in enforcement
C.B.D.					
	Per day				
	Saloon	ZONE II	300	200	Make charges
Car		ZONE III	200	100	affordable for residents
		zone iv	100	Delete	
ZONE IV- Areas bordering other counties				Zone III - All other commercial centres not in Zone I and II	
ZONE III- All areas not in Zones I,II, and III			Delete		
On street Resi Areas)					
Loss of tickets (Off street)		1,000	Delete		

- 8) That, the amendment to schedule 2.1 of the Nairobi City County Revenue Act, 2015 be deleted.
- 9) That, the Schedule 3.3 of the Nairobi City County Revenue Act, 2015 be amended by inserting and revising the charges with respect to the items contained in Schedule 8 while taking into account the following amendments for the respective items: -

Use of Uhuru Pa	ark				
Item Description	Unit of Measure	Proposed Charge	Amended Charge	Justification	
Religious Rallies using main dais	Per day	50,000	20,000	Promote religious and youth activities	
Rallies by charitable organizations using dais	Per day	30,000	10,000	youth activities	
Lunch time preaching on lawns	Per hour	1500	0	Promote religious and youth activities	
Video Shooting	Per day	5000	2,000		
Music fanfare	Per day	5,000	20,000	Charges too	
Small vendor	Per day	100	50	low	
Use of Central Park					
Music fanfare	Per day	5000	20,000	Charges too low	
Use of Jevanjee Garde	ns			.	
Music Fan fare		5000	20,000	Charges too low	
Use of Kamukunji		I.			
Religious Rallies using lawns	Per day	20,000	5,000	3	

Rallies by charitable organizations	Per day	10,000	5,000	Promote religious and youth activities
Political Rallies using lawns	Per day	100,000	50,000	youth activities
Music Fanfare	Per day	5,000	0	
Use of City Park			L	
Trading licence of vendors	Per annum	5,000	7,000	Charges too low
Clearance certificate of vendors	Per annum	2,000	0	Promote businesses
Use by organized groups less than 100 people	Per group	5,000	2,000	Promote businesses
Use by organized groups more than 100 people	Per group	10,000	4,000	
Shooting gospel music	Per day	5,000	1,000	
Shooting secular music	Per day	5,000	1,000	

Manual Miniature car	Per car/day	250		
Motorized miniature/ motor bike	Per unit/day	1	The charges be retained but	service delivery
Fixed swing	Per seat/day	100	applied in all	is spread across all the parks
Camel / Horse	Per animal /day	500	parks	

Mobile / manual swin	gPer seat/day	50	retained but applied in all	
Bouncing castle	Per unit /day- small	1000	parks	
	Medium	1500		4 51 7 20
	Large	2500		
Trains	Per unit	2000		
Water pools	Per unit	2,000		

10) That, the Schedule 3.2 of the Nairobi City County Revenue Act, 2015 be amended by inserting and revising the charges with respect to the items contained in Schedule 9 while taking into account the following amendments for the respective items: -

The state of the second st	,		 		
GARDENING SEI	RVICES	5			· ·
Item Description		Unit o Measure	Proposed Charge	Amended Charge	Justification
, E		-	2018	Delete "2018"	Erroneous
Landscape permit(R/about)		Per annum	10000	0	Promote beautification
Lands permit(frontage)	scape	Per annum	5000	0	

We the undersigned Members of the Finance, Budget and Appropriations Committee affirm that this is the approved report of the Committee on the Nairobi City County Finance Bill 2019 as adopted by the Committee on the Tuesday 24th September 2019.

NAME	SIGNATURE
1. Hon. Robert Mbatia, MCA	
2. Hon. Patrick Karani, MCA	Jest .
3. Hon. Michael Ogada, MCA	There !
4. Hon. Osman Adow, MCA	11.05
5. Hon. Daniel Ngengi, MCA	
6. Hon. Anthony Ngaruiya, MCA	
7. Hon. Kariuki Wanjiru, MCA	
8. Hon. J.M Komu, MCA	9/2
9. Hon. Paul Ndungu, MCA	// N
10. Hon. James Kariuki, MCA	
11. Hon. Susan Makungu, MCA	(CM)
12. Hon. Catherine Okoth, MCA	Ölere
13. Hon. Emily Oduor, MCA	92
14. Hon. Paul Shilaho, MCA	
15. Hon. Nancy Muthami, MCA	
16. Hon. Elias Okumu, MCA	
17. Hon. Nimo Haji, MCA	
18. Hon. Jane Muasya, MCA	JM
19. Hon. Fredrick Okeyo, MCA	Ougo