



**REPUBLIC OF KENYA**

**COUNTY ASSEMBLY OF KILIFI**

**SECOND ASSEMBLY –FIFTH SESSION**

**THE HANSARD**

**Wednesday, 17<sup>th</sup> March 2021**

*The House met at the County Assembly Chamber,  
Malindi Town, at 3:30p.m.*

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

**PRAYERS**

**PETITION**

**ENACTMENT OF THE KILIFI COUNTY DISABILITY BILL**

**The Speaker** (Hon. Kahindi): Hon. Members, I have seen that we have this Petition but there is something I have noted which needs to be looked into before it is laid on the Table. On the Petition, it will be laid in the course of next week since there is something that is coming to my attention that needs to be clarified before the same is tabled. Next order!

**STATEMENTS**

**EQUIPPING ECD CENTRES WITH DEVICES TO ASSIST SPECIAL NEEDS CHILDREN**

**Hon. Chiriba:** Thank you Mr. Speaker for giving me this opportunity. I rise in Response to a Statement sought by hon. (Ms.) Sidi and the Statement was to the Department of Education and ICT through the County Assembly Chairperson on Pre-Primary Education and Vocational Trainings:-

Whether, the County Executive Committee Member (CECM) in charge of Education and ICT is aware that the Article 54 Constitution of Kenya, 2010 on the Bill of Rights recognizes that

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Persons with Disabilities (PWDs) are entitled to use Sign Language, Braille or other appropriate means of communication.

Whether the CECM is aware that education institutions and facilities should be integral to the extent compatible with the interest of the differently abled children.

If yes, how has the Department of Education and ICT ensured that ECD Centres are equipped with the necessary devices to assist the visually and hearing impaired?

Mr. Speaker, this is the Response; The Department has been constructing ECD (Early Childhood Development) classrooms that can be easily accessed by persons PWDs. Guided by the Persons Living with Disability Act, 2003 and Persons with Disability (Amendment ) Act 2019, the Department has embarked on the construction of special schools within Kizurini and Chang'ombe in Kaloleni and Mwawesa Wards respectively.

As a Department, we recommend to all parents with children living with disability to take the children to Kizurini and Chang'ombe in Kaloleni and Mwawesa Wards once they are ready for use. Thank you, Mr. Speaker.

**Hon. (Ms.) Sidi:** I serve as the Vice-Chairperson for the Committee of Education and ICT and I would like to say that the answer is not satisfactory. If we recall, before we went for the long recess, there was a manner the Department of Education was answering this question. We wouldn't be shown even pictures and the level to which the project is at. According to this Response, they are just writing for the sake of writing and the estimates of the projects in attachment one and two we cannot see the Kizurini School, which is one thing that we need to note.

If you move further and look at my request, it was inquiring to know how the Department of Education and ICT ensured ECD Centres are equipped with necessary devices but here the CEC is talking of only two ECDs that are not even into completion and the PWDs are very many and dispersed across Kilifi County. So, we cannot have only two institutions to cater for the entire Kilifi County and if we go by the data, then we will have places like Ganze included in such programmes. This is because Ganze, Kilifi North and Magarini Sub-County are leading with the number of people who are abled differently.

From my own view, I am seeing that the ECD Centres are many but then the Department of Education and ICT could pick from each ward one ECD that will be facilitated with all the equipment that people living with disabilities will be able to access education just like the other kids. So, Mr. Speaker, the answer is not satisfactory. Thank you.

**Hon. Chiriba:** Thank you Mr. Speaker. I think I will entirely base on whatever Response the Mover of the Statement is holding on to. Otherwise, I think we had several responses from the same CEC Member and there was some kind of a debate that took place following the issue of construction in Kilifi County at large which I would also like to remind the House.

One; there is a concern that the Governor made it clear that we should stop doing constructions which is now hindering us from extending our services to the intended public. If such a statement cannot be withdrawn by the Governor, then it will bind the CEC Member in doing the necessary implementation.

It will now take the wisdom of this House and following your guidance to have the Governor withdraw this statement that no construction should be carried on due to the best reason of time. I know this term shall come to an end but Kilifians are here and they will remain suffering so I think it is time to be guided but otherwise, I still concur with the hon. Member.

**Hon. Pascal:** Thank you Mr. Speaker. I think the request that was made by the hon. Member was inquiring how the County Government is equipped in providing facilities that are PWD friendly. I think this starts from the BQ (Bill of Quantity) making process. This is because most of the institutions that we have and the infrastructure that is there is that they are not friendly to the people living with disabilities. So the question is how the County Government is ready in providing good facilities to PWDs.

I think the Chairperson for Education should be telling this House how the Department of Education is making infrastructure that is friendly to the PWDs. That is the question that was asked. Thank you very much.

**Hon. (Ms.) Sidi:** Thank you Mr. Speaker. Just a point of clarification; it is not about building new buildings. It is about how the Department of Education is making sure that if not all ECDs but some ECDs are well equipped with certain devices to enable PWDs to access education just like the other kids.

What the CEC is answering here is; she is saying that they will build only two special schools that people living with disabilities will go there. What about a kid in Kamale or Jilore? In my view, what I was expecting the CECM to say was that the Department might not be able to equip all ECD Centres but at least one ECD in each ward will be equipped with hearing devices and braille so that these kids in these wards will access education. So, it is not a matter of coming up with new buildings or constructions. Thank you.

*(The hon. Speaker spoke off record)*

**Hon. Chiriba:** I think I also stand guided because she has also made it very clear from what she was seeking in her Statement

**The Speaker** (Hon. Kahindi): We have a Statement from hon. Victor Gogo and hon. Humphrey Mwarandu. Please take one minute to present your Statement but they were inadvertently left out in the Order Paper.

#### ENVIRONMENTAL HAZARDS POSED BY ROCHE COMPANY IN KAYAFUNGO WARD

**Hon. Mwarandu:** Thank you very much Mr. Speaker for giving me this opportunity to raise this Statement to the CECM in charge of Water, Environment, Natural Resources and Solid Waste Management through the Chairperson of the Committee on Water, Environment, Natural Resources and Solid Waste Management. It involves the Roche Company in Kayafungo Ward:-

Whether, the County Executive Committee Member (CECM) in charge of the Water, Natural Resources and Solid Waste Management is aware the Roche Company situated at Mnyenzi in Kayafungo Ward near Mnyenzi Primary has a yard depositing clinker.

Whether, the CECM is aware that the clinker being deposited has polluted the environment making it dusty and hazardous to both people and plants alike.

Whether, the CECM is further aware that the people living around its environs are suffering sickness related to the negative effects caused by the clinker dust.

If yes, what plans does the CECM have to address the problem?

## QUARRYING ACTIVITIES WITHIN KIJIPWA SETTLEMENT SCHEME

**Hon. Gogo:** Thank you Mr. Speaker. Before I read my Statement, I wanted to ask you one question if you allow me. I just want to know if we have timelines for our Statements to get back Responses.

**The Speaker** (Hon. Kahindi): Reasonable time.

**Hon. Gogo:** Reasonable time, like for how long?

**The Speaker** (Hon. Kahindi): Your Statement has not been answered for how long?

**Hon. Gogo:** No, because I have a question for the Member for Gongoni, the Statement was written last year in August and the Response has come today.

**The Speaker** (Hon. Kahindi): That is I why we have the Committee on Implementation which was established but the kind of CECs we have... because most of the time the Response comes when it has been overtaken by time. The Committee on Implementation must make sure the moment a Statement has been laid, there is somebody who is following it up and more so the Chairperson for the Committee. These are the challenges; they don't come from your Ward and they do not know what is happening. We have the Chairperson of that Committee like the conveyor who is supposed to be following up with the CEC Member. But as a matter of practice we have left the work with other Members so I will...

*(The Speaker spoke off record)*

**Hon. Gogo:** Thank you. My Statement goes to the CECM in charge of the Department of Water, Environment and Natural Resources, Forestry and Solid Waste Management through the Chairperson; Water, Environment and Natural Resources Committee on quarrying activities within Kijipwa Settlement Scheme in Mtepeni.

Whether the CECM in charge of Water, Environment, Natural Resources and Solid Waste Management is aware that there are quarrying and mining activities undertaken by private investors in Kijipwa settlement scheme.

Whether the CECM is aware that there has been public outcry since the quarrying and mining activities exposes the residents of Kijipwa settlement scheme.

If yes, who authorized and licensed the private investors to undertake quarrying and mining at the middle of residential buildings and what measures is the CECM taking to stop the quarrying and mining operations within the aforementioned area?

**POINT OF ORDER**

## WATER SHORTAGE CRISIS IN KILIFI COUNTY

**Hon. Mwayaa:** Thank you Mr. Speaker. I need your guidance I want to raise an issue which is not in the Order Paper if you will allow me. I wanted to raise the issue of the drought that has hit Kilifi County. I think as a House we should not close our eyes because our people are suffering at the grassroots. They have come to an extent of buying a 20 litre jerry can of water at 50 shillings. So, I think as a House and we have the Disaster Management Committee we should

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do something because people are suffering and KCPE (Kenya Certificate of Primary Education) is about to start next week and there are some institutions which have no water. This commodity is very essential to our communities. So I need your guidance about that take.

**The Speaker** (Hon. Kahindi): It is not wrong to raise a concern outside the Business because it is an observation you have noted and probably the reason why you have been re-elected so many times to come here. It is a matter you have posed to the Committee and the Chairperson on Disaster Management Committee I am sure the Members are here. You can formulate a task for the Department through a Statement...

**Hon. Mwayaa:** For me I thought it was an issue of emergency which needs urgent measures because people are suffering and as a House I thought we can deliberate on that through your guidance so that we can have a way forward because if we have that Committee on Disaster in place and maybe have a kitty, they can also hire water boozers so that they can save the situation. That is why I have brought that issue because it is a matter of urgency.

**The Speaker** (Hon. Kahindi): Okay, yes hon. Pascal.

**Hon. Pascal:** Mr. Speaker I want to support the sentiments by the hon. Member. Those of us who come from the ASAL (Arid and Semi arid Land) areas are really suffering. Yesterday the public had gathered in Kayafungo, Mwanamwinga and the areas that are very dry and it was like there were protests from the public because of lack of water. The Statement that you have requested hon. Mwayaa to come with will take probably a week because today we are going for a recess and we are likely to be met by a very hostile public out there. I do not know what is happening at the Executive because we need to take abrupt action that will force the Executive to take measures. There is no water and the boozers are there saying they are not enough. We need to act fast on areas that have been hit by this problem. Thank you.

**The Speaker** (Hon. Kahindi): Okay...

*(The Speaker spoke off record)*

...going by the urgency of this matter and of course you have mentioned the issues of exams which I think if we were to follow the procedure as it is, then it will again be overtaken by events. The only question you need to ask is you constitute yourself as a Committee and ask the Executive one simple question, how prepared are you to handle this looming disaster that is coming especially during this period where we have exams coming?

**Hon. Kadenge:** I think we will meet the Department on Monday for the discussion of CFSP (County Fiscal Strategy Paper). So, I would request those ASAL wards to come and ask them the questions together. We shall have the CECM and the Chief Officers on Monday here at the Assembly.

**Hon. Pascal:** The Chairman, if we can reschedule the meeting for Friday?

**Hon. Kadenge:** Are you doing exams?

**Hon. Pascal:** Yes but I know the calendar.

**Hon. Kadenge:** You are one of the Committee Members, give us a solution too.

**Hon. Pascal:** The request is if we can reschedule the Monday meeting to an earlier date so that we cushion out the issue of being late.

*(The Speaker spoke off record)*

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**Hon. Mumba:** Mr. Speaker, maybe I can introduce another approach to that problem because it is so urgent. The issue before us is water and we have a fully fledged Department on water so why are we taking a long route to the disaster then come back to water; the students won't be supplied with water. If you want water for the purposes of the exams then we should directly go to the Department of Water we solve that issue once and for all but again, my concern on the same we are solving it for the period of exams but these are problems that have been in existence since the inception of devolution and water is fully devolved. So, I think these are issues that this House should take seriously that we solve these problems once and for all.

**The Speaker** (Hon. Kahindi): For the same reason that the hon. Member has referred to as a disaster ...

*(The Speaker spoke off record)*

**Hon. Mumba:** So, for the purpose of addressing that issue at hand now, I think we should involve the Department of Water. Water boozers are directed there and the students are served with water. Thank you, Mr. Speaker.

**The Speaker** (Hon. Kahindi): The reason why it is falling under disaster management is because I would believe that the Disaster Department; a disaster is something that is unforeseen and it happens and probably goes away. There is a likelihood that they have a budget that they have not even spent; are you getting me hon. Thomas (Mumba)? That is the reason it falls under disaster because disaster is for an eventuality. This Department is supposed to have a budget; when you go the Department of Water, they will tell you we don't have a budget. It is only that Department that has an allocation that takes care of issues that are classified as disaster. It still goes back to the Department. He doesn't want a permanent solution; he wants a temporary one to safeguard the students who are sitting their exams now.

**Hon. Kadenge:** You need to give us direction because ...

**The Speaker** (Hon. Kahindi): I am in the process of giving that direction and I am trying to explain because this is an open discussion on the same. Otherwise the Business of the day is already concluded. We are just having a way forward because it is an issue that was not in the Order Paper but we have recognized the urgency especially where the students who are doing their exams are concerned and there is no water even to drink in the schools then it becomes urgent.

So, hon. Kadenge my direction therefore, can you do some magic to make sure that the matter is addressed by the Department before Monday? If hon. Pascal is right that by 4<sup>th</sup> exams will have already ...

*(The Speaker spoke off record)*

...do you see that possibility or do we therefore facilitate as an Assembly a meeting between yourselves and the ...

*(The Speaker spoke off record)*

**Hon. Kadenge:** On the same note, we should also know that class eight is under the National Government. So, we are dealing with the small kids.

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*(The Speaker spoke off record)*

**Hon. Kadenge:** Okay, I will liaise with the Clerk and give the feedback.

**The Speaker** (Hon. Kahindi): You do not look at the beneficiaries, you look at the product. The product that is paid for by the government is the devolved product. Is that what hon. Kamlesh (Shaban)...

*(The Speaker spoke off record)*

**Hon. Mwayaa:** I think you have answered for me. These are our people and we will always stay with them. Remember rehearsals are on Friday. So if there are measures which can be taken between now, Friday and Sunday, I think ...

**The Speaker** (Hon. Kahindi): Especially to those areas that are mostly affected.

**Hon. Mwayaa:** Yes. I can mention some areas for him. ..

**The Speaker** (Hon. Kahindi): I think the directions are now clear.

**Hon. Masha:** Hon. Speaker, we saw this during the early times of COVID-19; the Department of Health raised a lot of water tanks and that burden was left to the Water Department. Let us call it a disaster now but not take the burden solely to the Water Department. They should work as a team.

What I know is we shall keep on running away. The Disaster Department, we say water has its own Department. I am in the Water Committee and sometimes we feel we burden the Department because of this precious commodity. It is a disaster; we have a lot of areas with water scarcity. The learning institutions are part and parcel of the disaster we are experiencing in our wards. So my point here is we want to work as a team; the Disaster Department to work as a team with the Water Department. Thank you, Mr. Speaker.

**Hon. Mumba:** Mr. Speaker, my sentiments I think have been overtaken by your direction because I wanted to say on a light note that *waheshimiwa* usually know how to get water. So, when they have *matangas* they ask for water boozers and they are supplied with. I don't know why we are beating about the bush. Thank you for the direction that you have given, Mr. Speaker.

## ADJOURNMENT

**The Speaker** (Hon. Kahindi): Hon. Members, in the absence of any other Business in the Order Paper, the House stands adjourned for its Short Recess which commences today and the House shall resume its sitting on Wednesday, 7<sup>th</sup> of April 2021. Thank you very much.

**The House rose at 4:10p.m.**