



**REPUBLIC OF KENYA**

**COUNTY ASSEMBLY OF KILIFI**

**THIRD ASSEMBLY-THIRD SESSION**

**THE HANSARD**

**Tuesday, 23<sup>rd</sup> April 2024**

*The House met at the County Assembly Chamber,  
Malindi Town, at 9:30 a.m.*

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

**NOTICE OF MOTION**

**FUNCTIONAL ROAD GRADER FOR EACH OF THE SEVEN SUB-COUNTIES**

**Hon. Ngirani:** I beg to give notice of the following Motion: -

THAT, Aware that roads improve access to social amenities such as schools, hospitals, and markets which in turn boost the living standards through creation of employment opportunities and promotion of trade within and outside the County and the Country at large.

FURTHER AWARE THAT, in the Kilifi County Integrated Development Plan (CIDP) 2023-2027, the objective of the transportation strategy includes connecting production areas to potential markets and upgrading existing road networks to enhance accessibility.

NOTING WITH CONCERN THAT, Kilifi County residents have for many years been grappling with transportation challenges due to poor impassible roads, especially during rainy seasons.

This County Assembly, therefore, urges the County Executive Committee Member (CECM) in charge of the Department of Transport and Public Works to ensure each of the seven sub-counties has a functional road grader for efficient and timely construction and maintenance of the county roads.

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Thank you, Mr. Speaker.

### STATEMENTS

BUSINESS FOR THE WEEK COMMENCING MONDAY, 22<sup>ND</sup> APRIL 2024

**Hon. Ngirani:** Thank you, Mr. Speaker. I stand to make a statement pursuant to Standing Order No. 40: -

On Tuesday, April 23<sup>rd</sup>, 2024, at 9:30 a.m.,

- A. Notice of Motion; Road Graders for each Sub-County by Hon. Benson Karisa Ngirani.
- B. Statements; Statement by Hon. Naphtali Nyae Kombo regarding Chadi-Mikomani-Dzanikeni road.
- C. Statement by Hon. Naphtali Nyae Kombo regarding Kwakijala and Kawala Boreholes.
- D. Response to a Statement Sought by Hon. Benson Ngirani regarding Sokoke Dispensary by Chairperson, Health Services Committee.
- E. Response to a Statement sought by Hon. Benson Ngirani regarding Mulungu wa Mawe and Rare ECDE Centres by Chairperson, Education Committee.

On Tuesday, April 23<sup>rd</sup>, 2024, at 2:30 p.m.,

- A. Statements; Statement by Hon. Mohamed Mwambire regarding Kilifi County Roads maintenance Kit (funds).
- B. Response to a Statement sought by Hon. Brown Safari regarding Tunzanani Dispensary by Chairperson, Health Services Committee.
- C. Motion on Hardship allowances for ECDE teachers in Kilifi County by Hon. Mohamed Mwambire Kadhengi.

Wednesday, April 24<sup>th</sup>, 2024, at 2:30 p.m.,

- A. Statements; Response to a Statement sought by Hon. Naphtali Nyae Kombo regarding the distribution of lockers to Vocational Training Centres by Chairperson, Education Committee.
- B. Motion; Road Graders for each Sub-County by Hon. Benson Karisa Ngirani.

Thank you.

**The Deputy Speaker** (Hon. Kombo): Thank you, hon. Ngirani. Next Statement sought by hon. Naphtali Kombo who is chairing this session so hon. Mumba will read it on my behalf.

#### IMPASSABLE CHADI -MIKOMANI-DZANIKENI ROAD

**The Leader of Minority** (Hon. Mumba): Thank you, Mr. Speaker, for this opportunity. On behalf of myself and the people that I represent, I want to extend my condolences to the family of the late General (General Francis Omondi Ogolla-Chief of Defence Forces) and all those who lost their lives. It has never been on record, and I want to put it on record and all those families that lost their family Members during the plane crash when they were in training and to the families that lost their loved ones this week and this month. We pray for God to grant them strength as they endure the pain and I know God is faithful, he will have them go through it calmly.

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I rise on behalf of hon. Naphtali (Kombo) who happens to be the Speaker today. He sought a Statement that I will read: -

Whether the County Executive Committee Member (CECM) in charge of Roads, Transport and Public works is aware that, Chadi- Mikomani-Dzanikeneni road is impassable.

Whether the CECM is further aware that the aforementioned road project was allocated Kshs4.9 million for grading and murraming in the FY 2022/2023 Budget but was never done.

If yes, why was the project not implemented and what immediate measures is the CECM taking to ensure that the said road is repaired?

As signed by you. Thank you.

#### INCOMPLETE KWA KIJALA AND KAWALA BOREHOLES PROJECTS

**The Leader of Minority** (Hon. Mumba): The next Statement sought from the CECM in charge of the Department of Water, Environment, Natural Resources, Forestry and Solid Waste Management, again through the Chairperson; Water, Environment, Natural Resources, Forestry and Solid Waste Management Committee on Kwa Kijala and Kawala boreholes.

Whether the County Executive Committee Member (CECM) is aware that there has been a perennial water shortage in Ruruma Ward for the past six years and residents are forced to travel for long distances looking for the commodity.

Whether the CECM is further aware that Kwa Kijala and Kawala boreholes were budgeted for in the FY 2022/23 at Kshs5 million and Kshs4 million respectively.

Whether the CECM is also aware that Kwa Kijala borehole was initiated but has since stalled while the Kawala borehole has not been initiated and or implemented.

If yes, what measures is the CECM taking to ensure that the two mentioned projects are completed and handed over to the community for use within the shortest time possible?

As signed by you.

**The Deputy Speaker** (Hon. Kombo): Thank you, hon. Tom Chengo (Mumba) for undertaking that assignment on my behalf.

Next is a Response to a Statement sought by hon. Benson Ngirani regarding Sokoke Dispensary.

#### STALLED CONSTRUCTION OF STAFF HOUSE AT SOKOKE DISPENSARY

**Hon. Mohamed:** Thank you, Mr. Speaker. On behalf of the Chairperson, Health Committee, I rise to give a Response regarding Sokoke Dispensary that was sought by hon. Benson Karisa Ngirani. The Response goes as; County Assembly Statement: Completion of staff house at Sokoke Dispensary. The above subject matter hereby refers:

We wish that the Department is cognizant of the fact there is a proposed renovation and completion of a twin one-bedroom at Sokoke Dispensary in Ganze Ward. The project details are as below: - That, the proposed renovation and completion of twin one-bedroom at Sokoke Dispensary; the tender number was KCG/HOSP/MS/871431-20202021. The firm's name was Nice Investment Company Limited; the contracted sum was Kshs5.8 million. It is Kshs5,812,829.60. The amount paid so far is Kshs3,463,678.80 the balance remaining is Kshs2,349,159.80 the percentage of completion is 60%.

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There are two certificates which were raised and the two certificates amounting to Kshs3,463,678.80 were both paid on 6<sup>th</sup> December 2023. This was due to the delay in the disbursement of funds by the National Treasury. The completion of the project is about 60% and due to the delay of payment, the contractor deserted the site. The County Government of Kilifi remains committed to completing all the projects for increased access to healthcare services by its populations for the realization of value for money. The Department for Health Services has put in place the following strategies for the realization of the completion of its projects.

One, the Department of Health and Sanitation engaged the contractor in a discussion concerning the stalled projects and the contractor is willing to go back to the site. The desertion was a result of a delay of payment at the County Treasury which was caused by the delayed disbursement of funds by the National Treasury. The Department of Health and Sanitation Services commenced the process of termination of the contract between the County Government of Kilifi and the M/S Nice Investment Limited by requesting the Department of Public Works to issue a warning with a letter referred to COH/DOH/PROJ/VOL./52 attached here.

The County Government of Kilifi through the Council of Governors is following up on matters of timely disbursement of funds to the County Treasury from the National Treasury. The County Government of Kilifi is committed to the completion of this project to increase access to healthcare services for the population and the realization of value for money. The project has been prioritized in the Financial Year 2024/25. It is signed by the CECM Health hon. Peter Mwarogo. Thank you, Mr. Speaker.

**The Deputy Speaker** (Hon. Kombo): Thank you, hon. Said (Mohamed). So, hon. Benson Ngirani that was the Response to the Statement you sought, and I would like to hear your response to the same.

**Hon. Ngirani:** Thank you, Mr. Speaker. Stalled projects in our county are another disease that I do not know the cure for but from this Response, there is a contradiction. First, they are saying that the desertion from the site was a result of the delayed payment at the County Treasury which was caused by the delayed disbursement of funds by the National Treasury.

Again, the Department of Health and Sanitation Services commenced the process of termination of the contract between the County Government and the company that was doing that job by requesting the Department of Public Works to issue a warning letter with the reference which I am not seeing the attached warning letter with us. But again, if the contractor deserted because of the delay of payment meaning the contractor was not paid, again, they are writing a warning letter on what basis if they delayed the payment of this contractor. Something is not clear because you cannot issue a warning letter to someone who has deserted the site because of payment.

They must own the responsibility of paying the contractor so that maybe the contractor can go back to the site, but again giving a warning letter to a contractor who deserted because of the delay in payment, I am not getting the picture. However, I think they have said that they have prioritized this project for the Financial Year of 2024/25, and this speaks volumes because the project was for the Financial Year 2020/21, we are in the Financial Year 2023/24 going to 2024/25 just a simple project of staff quarters.

The twin one-bedroom staff quarters has taken more than four years. I think this issue should be discussed and proper measures should be taken in the completion of stalled projects and the Treasury. The reason why there is this delay in payment is not caused by the contractor himself. It is caused by the Treasury itself and therefore it is for the Treasury to prioritize first-in-

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first-out basis on completion of projects so that there would not be stalled projects on site. Thank you, Mr. Speaker.

**The Deputy Speaker** (Hon. Kombo): Okay. Yes, what do you have to say hon. Mumba?

**The Leader of Minority** (Hon. Mumba): Thank you, Mr. Speaker, for this opportunity once again. I have some concerns about the Response which has just been read by the Vice-Chairperson and as highlighted by the Member who sought the Statement.

I think one; I have noted something very peculiar in this Response and it is in a way the Response for once has been received in this Assembly in a very short time. This is very commendable from the Department and that I should acknowledge it because as you can see the Statement was sought on 26<sup>th</sup> March 2024 and the Response was received here on 15<sup>th</sup> April 2024. It tells you in a span of 21 days the Response was in this House, which is very commendable. The practice has been the Responses stay for long before they get back to the Assembly.

That notwithstanding, looking at the reasons that have been given here for the delay of the completion of the same project, again, let it be noted that a good amount of money had already been committed and those are public funds to the tune of Kshs3.4 million. People of Ganze to date have not seen the value of that fund so whatever is remaining and whatever has been given here, I think the Department of Finance is able to clear the balance for the contractor to go back on site and make sure that the works are complete.

Again, the confusion is hereby displayed in paragraph two where the Department discussed with the contractor, and they have stated very clearly that the contractor is very willing to go back to the site.

So, I think they had a discussion and demonstrated the willingness to go back then why again do you go ahead and terminate as the Member is citing as stated? I think there is a very big confusion, and this is my honest proposal.

In paragraph three, they talk about following up on the disbursement of funds from the National Treasury to the...

**The Deputy Speaker** (Hon. Kombo): Hon. Mumba, if you would allow me, then we will take the necessary measures on this Statement and I think if you give me time, I will do the necessary thing.

**The Leader of Minority** (Hon. Mumba): But I think I am supposed to clear my submission, Mr. Speaker, before you give the direction.

**The Deputy Speaker** (Hon. Kombo): Okay.

**The Leader of Minority** (Hon. Mumba): These are my concerns that should come on the Floor of the House then you will give the direction as the Speaker...

**The Deputy Speaker** (Hon. Kombo): Make the comments and then we make the story short. Hon. (Ms.) Koki?

**Hon. (Ms.) Koki**: Thank you, Mr. Speaker. I stand on a Point of Information. Does the Leader of Minority who was on the Floor know that the one who read the Response is not the Vice-Chairperson? I sit in the Committee of Health and the one who read the Statement is a Member. I think we are not discussing this Statement. What I was expecting to hear from hon. Ngirani is either he is satisfied with the Response or not? Thank you.

**The Deputy Speaker** (Hon. Kombo): I think from her submission...

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**The Leader of Minority** (Hon. Mumba): Speaker, before you even allow any point of Order, I think my rights are also violated here because if I am supposed to be informed, I need to be asked whether I am willing to be informed or not.

*(The Deputy Speaker (Hon. Kombo) stood in his place)*

**The Deputy Speaker** (Hon. Kombo): Hon. Mumba, when I am on my feet, the Order is that you sit down.

First, the Response has been made and hon. Ngirani gave out his submissions that he was not satisfied. That is according to my understanding, and I think from that Order, this Response is committed to the Committee on Health to do the necessary action and then bring...

**Hon. Members:** No! No! No!

*(Several Hon. Members stood on Points of Orders)*

**The Deputy Speaker** (Hon. Kombo): What is the Point of Order? I think the matter is closed hon. Members.

*(Hon. Changawa stood on a Point of Order)*

**Hon. Changawa:** Thank you. I guess I have been awarded this...

**The Deputy Speaker** (Hon. Kombo): Take your seat. Response has been committed to the Committee on Health and that matter is closed.

*(Loud consultations)*

**The Leader of Majority** (Hon. Ibrahim): Mr. Speaker, Sir, I have been given a chance to speak. Can you listen to me?

**Hon. Changawa:** Mr. Speaker, may you allow me, please. I have requested first; let him (Hon. Ibrahim) take his seat first.

**The Deputy Speaker** (Hon. Kombo): This is not a Motion...

*(Loud consultations)*

Order! Members, Order! Hon. Changawa, take your seat, please.

**Hon. Changawa:** I have requested first, Mr. Speaker. No, please listen to me.

**The Deputy Speaker** (Hon. Kombo): Hon. Changawa, please sit down, Leader of Majority, please sit down as well. Hon. Grace please, please...

**Hon. (Ms.) Grace:** You are biased, Mr. Speaker.

**The Deputy Speaker** (Hon. Kombo): Thank you but let us have Order in this House. This is not a Motion to be discussed. This was a question raised and a Response has been given and a directive has been given as well that this matter has been taken...

**Hon. Changawa:** No! Mr. Speaker, this is a Response. You should understand that once a Response...

**The Leader of Majority** (Hon. Ibrahim) Mr. Speaker, listen...

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**The Deputy Speaker** (Hon. Kombo): I have ordered you to sit down, hon. Changawa and...

**Hon. (Ms.) Grace:** You are biased Mr. Speaker.

*(Loud consultations)*

*(Hon. Grace spoke off record)*

**The Deputy Speaker** (Hon. Kombo): Hon. Grace, I order you to withdraw that statement or we take measures against you.

**Hon. Members:** No! No!

**The Deputy Speaker** (Hon. Kombo): This is not a Motion and I have ordered that this matter is committed...

*(Loud consultations)*

**The Deputy Speaker** (Hon. Kombo): Let us have order in the House.

**Hon. Changawa:** I am standing on a Point of...

**The Deputy Speaker** (Hon. Kombo): Hon. Changawa, I have ordered that you take your seat. We have closed this matter and we will move to the next Order. The matter has been committed to the Committee on Health and we cannot go back to that.

*(Loud consultations)*

*(Hon. Mumba stood on a Point of Order)*

**The Deputy Speaker** (Hon. Kombo): Hon. Mumba, let us wind up on this matter. You are standing under which Standing Order? Hon. Zia, take your seat.

**Hon. Changawa:** Allow me please, Mr. Speaker, Sir...

**The Deputy Speaker** (Hon. Kombo): Hon. Zia, please sit down. Hon. Mumba, so you are rising on which Point of Order?

**The Leader of Minority** (Hon. Mumba): I am rising on a Point of Information and I want to set the record straight. As much as I understand you have given a direction...I am not going to go against your direction but I want to set the record straight as per the Party rules...

**The Deputy Speaker** (Hon. Kombo): Hon. Members, hon. Zia, sit down since the Speaker has ruled that this matter is closed.

Hon. Mumba, I pray that you hold your horses, and you can take this matter to the Committee where this matter will be discussed conclusively. Thank you. Next Order!

**Hon. Zia:** Hon. Speaker, Speaker! Speaker!

**The Deputy Speaker** (Hon. Kombo): Hon. Zia, let us have Order in the House. Next is a Response to a Statement sought by hon. Ngirani regarding Mulungu wa Mawe and Rare ECDE centres to the Chairperson, Education committee.

*(Some Hon. Members withdrew from the Chamber)*

#### MULUNGU WA MAWE AND RARE ECDE CENTRES

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**Hon. Stephen:** I wish to give a Response to a Statement sought by hon. Ngirani, Member for Ganze concerning Mulungu wa Mawe and Rare ECDE (Early Childhood Development and Education) Centres. This project is for the Financial Year 2020/2021. The project started well, and the contractor has been paid an amount of Kshs1, 535, 935. 68 for the ECD and Kshs1, 311, 808.22 for Mulungu wa Mawe ECD of the contract sum for both projects. The contractor delayed resuming to site and has been given a warning letter dated 13<sup>th</sup> March 2024. We are now working with the Department of Public Works to serve the contractor with a default notice and finally terminate the projects in case the contractor does not respond or resume work.

**Hon. Ngirani:** On these two ECDs, I can say a few things. The warning letters bore fruit and the contractor, as I was told by my people on the ground, is back on site. It is upon the Department of Education to do due diligence and follow-up so that the work can be completed before the end of this Financial Year.

### ADJOURNMENT

**The Deputy Speaker (Hon. Kombo):** There being no other business to be transacted, we adjourn the House until 2:30 p.m.

The House rose at 10:04 a.m.

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