

**REPUBLIC OF KENYA****COUNTY ASSEMBLY OF KILIFI****SECOND ASSEMBLY –THIRD SESSION****THE HANSARD****Tuesday, 8th October 2019**

*The House met at the County Assembly Chamber,
Malindi Town, at 2:30 p.m.*

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

PRAYERS**STATEMENTS****DELAYED CONSTRUCTION OF CLASSROOMS AT NEEMA PRE-SCHOOL**

Hon. Chiriba: Thank you Mr. Speaker for giving me this opportunity and I rise in Response to a Statement made by hon. Benson Chengo and this Statement is on Neema Pre-Primary Education and Vocational Training:-

Whether the County Executive Committee Member in charge of Education and ICT is aware that toilets were constructed at Neema Pre-school and there were no classrooms and pupils are learning under a tree which is not conducive during harsh weather hence leading to pupils missing school.

If yes, what measures and plans is the Executive Committee Member taking to ensure the pupils of Neema Pre-school enjoy safe learning environment? This was dated 26th of August 2019.

Mr. Speaker, Sir, reference is hereby made to your letter dated 29th August, 2019 requesting my indulgence on the matter concerning the learning environment at Neema “That notably and as a matter of concern only toilets were constructed at the Neema Pre-school with no provision of classrooms and as such due to lack of appropriate tuition facilities, pupils are learning under non-conducive learning conditions which consequently has affected attendance.

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Finally, that being the matter of concern, what plans does the County Executive Committee Member have to ensure that the pupils at Neema Pre-primary School will learn under safer learning environment?"

In response, I would wish to state that the above named project was a Ward Development Project for the FY 2014/2019, specifically aimed at construction of toilets which were so far completed and in use. There was no budget provision for the construction of classrooms. We have visited the school and we are aware of the condition of the classrooms. To alleviate the learning situation for the poor and in the spirit of ward development, I highly recommend that by extension, the area MCA sets an allocation from the Ward Development Fund for further construction of classrooms as he has correctly observed and noted that there is need to do so.

The Department will advise on and provide the new plans for construction that is in conformity with the requirements of Competency Based Curriculum (CBC). The Department will also supply the relevant teaching and learning materials to enhance the learning environment. Thank you, Mr. Speaker.

The Deputy Speaker (Hon. Kenga): Thank you very much hon. Chairperson. The Statement was requested by the member for Ganze Ward who is also present in the House. What is it because you are making a request to contribute yet you need to intervene? What is it hon. Pascal?

Hon. Pascal: It is information that I am seeking because the Member who has given the response said that the project is for 2014/2019. I want to get him clearly, is it a mistake that he did or it is per the answer from the CEC Member? He should try to come up clearly hon. Member so that we can get proper information.

The Deputy Speaker (Hon. Kenga): Thank you, kindly take your seat. I am not seeing 2013/2014; I am seeing 2014/2015 in the Response that has been given.

Hon. Pascal: But he said it is 2014/2019.

The Deputy Speaker (Hon. Kenga): That is one, and two, the questions can come once we have gotten whether the Member is satisfied or he is not satisfied then we can now take the issues.

Hon. Pascal: No, Mr. Speaker, I think...

The Deputy Speaker (Hon. Kenga): Please, kindly take your seat. Let us hear from the Member from Ganze. Are you satisfied with the Response that has been given?

Hon. Chengo: Niliandika taarifa hii kwa sababu nilikuwa nafikiria huu mradi ni wa upande wa utendaji wa Serikali yetu maanake ni wa zamani na juzi nilipojua huko watu walikuwa wanalalamika kwamba walijengewa vyoo peke yake na hakuna madarasa. Sasa vile nimepata hili jibu itabidi niweke pesa ili nitengeneze madarasa halafu tuone Idara ya Elimu iweze kusaidia na yale mengine. Niliuliza hili swali kwa sababu nilikuwa nafikiria huu mradi ulikuwa wa Idara ya Elimu. Nilienda nikapata vyoo viko pale na hakuna majengo; watoto wanafundishwa wakiwa chini ya miti. Nilikuwa sijui kwa sababu ni kitambo 2014/2015 na nilikuwa nafikiri labda ni ya upande wa utendaji. Kwa hivyo sasa nitenge pesa mwaka ujao ili waweze kupata madarasa.

The Deputy Speaker (Hon. Kenga): You can now raise your concern and then we hear from the Member.

Hon. Pascal: Thank you. I wanted to know whether it was a slip of the tongue of the hon. Chairperson or it is proper information we are getting the way he put it. It is like it was a project which was phased from 2014 to 2019. That is what I was trying to get clarity on. Thank you, Mr. Speaker.

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The Deputy Speaker (Hon. Kenga): Thank you. Chairperson.

Hon. Chiriba: Thank you Mr. Speaker. If I can shed more light on what we have heard from the Executive Committee Member is that the then hon. Member of the relevant ward did not put allocations for the construction of classrooms. He did an allocation for toilets which was done as being acknowledged here. There was no allocation for construction of classrooms; even though as the hon. Member has put it clearly that he had assumed there was an allocation for classrooms which was not done. So it is neither phased because it was not even planned for and that is why the CEC Member through the indulgence of the hon. Member at the time if he can consider allocating some funds for the construction of the classrooms. There was not phasing because it was not there initially. The project that was there was only for the toilets which were done.

The Deputy Speaker (Hon.Kenga): Maybe on the financial year...

Hon. Pascal: I think the contention is about the financial year that the project is meant for.

The Deputy Speaker (Hon. Kenga): According to the Member for Mwanamwinga, you said the project is for 2014/2019.

Hon. Pascal: Yes 2014/2019.

Hon. Chiriba: No, here it states that it is 2014/2015 as indicated in the Response.

(Loud consultations)

Hon. Pascal: You said 2014/2019 instead of 2014/2015. Thank you Chairperson.

The Deputy Speaker (Hon. Kenga): I think the Sergeant was circulating some copies and some will come as we proceed. The Member for Tezo.

Hon. Mumba: Thank you so much Mr. Speaker. First I must say am much energized after a very good spell in sports in Eldoret. I thank the organizers and I pray that they can organize another one very soon to keep us fit. As a hon. Member, I was going through the Response and as much as the Member for Ganze is contented with the Response, I have some concerns.

Mr. Speaker, for the CECM to give such a Response, he is failing. We gave him the docket to be the custodian of these *kids* and if the *kids* are still learning under trees since 2014/2015 and the only reason he can give before this House is only to advice the Member to allocate funds, that is not right.

The CECM is the one responsible because we all target the same people and for him to watch these students learn under the trees for all these financial years and the reason being it is the responsibility of the Member to allocate funds for construction of the classrooms, that is not true. My advice to the CECM is that he should have given us specifications in his Response on the measures he is going to take to ensure these *kids* have classrooms so that they can learn under a good environment for them to feel as part of the rest of the citizens of Kilifi County enjoying the fruits of devolution.

Again, we cannot separate the two; we have projects for the MCA and the Executive. It sounds ridiculous to me because they are the implementers of all these projects. I wish we get direction from you Mr. Speaker. The CECM in future must be responsible enough to tell us whether as a Department in implementing its objectives, what has it done and stop pointing fingers at Members.

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(Hon. Chiriba stood for a Point of Information)

The Deputy Speaker (Hon. Kenga): There is an intervention from the Chairperson of Education. Hon. Mumba kindly take your seat. Is that a Point of Order or a Point of Information?

Hon. Chiriba: A Point of Information.

The Deputy Speaker (Hon. Kenga): Do you need to be informed?

Hon. Mumba: Mr. Speaker, he gave me a lot of information that is why I am responding.

The Deputy Speaker (Hon. Kenga): So you do not need to be informed?

Hon. Mumba: Let me stick to the information that he gave me so that I can submit what I have in the interest of time so that we can move forward.

Thank you, Mr. Speaker. As I conclude, this is what I was saying; County Governments are formed under two arms of the government; we have the Executive and Legislature. For us we are not the implementers of the projects that is why we have the other arm which is the implementer and is there to execute all these plans that we pass here. My advice to the CECM is, as much as the Members are there, they should also be responsible enough whenever there is a problem they have to intervene. That is a docket under him and by the end of the day, he has to take responsibility. So whenever there is an issue they have to take responsibility and CECM by this time should have given us specifications and a time-frame when they are going to take action to ensure these children have a good learning environment. I expected to see that in this Response. That was my concern Mr. Speaker. Thank you.

The Deputy Speaker (Hon. Kenga): Hon. Thaura Mweni what is your Point of Order?

Hon. Thaura: I want to contribute...

The Deputy Speaker (Hon. Kenga): Then you did an intervention so kindly you will contribute once the others have contributed because there were some Members who had made requests. Hon. Maitha, proceed.

Hon. Maitha: Thank you Mr. Speaker. I have a concern about this Response. I fear if the Professor is the one who responded to this Statement. My brother hon. Chengo sometimes it is good to go into details before you accept a Response that is good to our people or children. This project for the toilets was done in 2014/2015. We have several budgets and the Executive arm had an allocation of new projects in Ganze Ward. What is their priority as a Department if they visited this school and saw how pathetic the school is and now there is a Response that the area MCA is to allocate funds? We have the Supplementary Budget coming, I thought the CECM for Education will say we have a small budget or we are planning on the next budget we improve the condition of Neema Pre-School.

The CECM's Response is for us to wait for another budget for the area MCA because we have a separation of development here, one; from the area MCA and two; from the Executive. I remember in the Committee of Implementation that question was once raised and they were trying to run away from reality by saying some projects were shelved because there was hunger in Ganze and Magarini. Now in this Response, they are indicating that they could not allocate funds for such a School because it is a Ward project.

Mr. Speaker Sir, we need a valuable Response and a quick action towards Neema Pre-School. The Chairperson Education should contact the CECM for Education and come up with a good Response so that we can have classrooms for these children. I am not pleased with this Response. Thank you.

The Deputy Speaker (Hon. Kenga): The Member for Gogoni Ward, proceed.

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Hon. Kiraga: Thank you Mr. Speaker, Sir. May I take this opportunity to inform this House that I concur with hon. Thomas (Mumba), hon. Maitha Masha and the rest who have contributed. As we are debating this Response, it should be in mind that the pupils of Neema Pre-school are not learning. It is raining and they are under a tree. I do not know whether learning can take place when it is raining. The CECM for Education should have considered that as an emergency. There are pupils learning under the trees and it is now raining meaning that there is no learning taking place.

In the fourth paragraph, the fourth line in his response and may I read this statement, "There was no budgetary provision for the construction of classrooms, we have visited the school and we are aware of the conditions of the classrooms". This means the CEC Member visited the School and is aware of the condition and from the time he visited that school to date, there have been no interventions to make sure that the pupils of Neema Pre-school are learning in a good atmosphere.

We should take this as an emergency and I thank God that there is one Member who has mentioned the supplementary budget. I think these are the issues that should have probably been projected in the coming supplementary budget and if that is so, I think the response from the CEC Member should also have projected that item but it shows the pupils of Neema Pre-school will wait for the next financial year for them to learn. Currently, it is a fact that the pupils are not learning because of the prevailing conditions and again, the Department shall advice on and provide the new plans for construction that is conformity with the Competence Based Curriculum (CBS).

The Department will also support with providing teaching and learning materials to ensure that the learning environment is smooth. This means that from the time they visited, there are no learning materials and these are the things which probably the CEC Member saw by the time he visited the School. I do not know whether currently these pupils are getting the required teaching and learning materials leave alone the CBC.

This House should take up this matter as an emergency. We cannot wait for the next financial year. We have a single budget and we do not have a budget for wards and a budget for the Executive. We have a single budget and the Departmental budget whether it is money from the Ward Development Fund or from the Executive, it is a budget for the Department and it is being supervised by the CEC Member for Education so he cannot tell this House that the Member should set aside money for the Ward Development Fund and let it be known that the Ward Development Fund monies are not for the MCAs. These are monies for the county and the Member cannot distant himself; there are some structures from the ward levels and not unless those structures are constructed, him saying the Member will get some monies to build that school, we cannot take that as an Assembly. These are monies in the Department and are being supervised by CECs. Thank you very much.

The Deputy Speaker (Hon. Kenga): Yes hon. Thaura.

Hon. Thaura: Asante sana mheshimiwa Spika kwa kunitunuku fursa hii. Nimesimama kuongea kama jirani wa mheshimiwa Benson Chengo na watu wa Ganze. Haya majibu yaliyotolewa kwa kujibu swala hili ni majibu ya mzaha kabisa. Nakubaliana na yule aliyetamka ya kwamba anashangazwa na majibu haya. Kama haya ni mawazo ama fikra ambazo zimetoka kwa mtu tunayemfahamu kama Profesa, yeye kama Waziri na idara yake tunajua kwamba imetudhalilisha sana na ni baadhi ya idara ambazo zimedorora.

Tunavyozungumza, iko miradi ya 2014 na haijaisa mpaka sasa. Yeye kama Waziri na msomi na alivyo na tajriba kubwa kwa maswala ya usomi anafaa kuwa na mchango mkubwa

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katika maswala ya elimu. Anafaa kuwa na mawazo mapana zaidi kwamba ni kipi ambacho kinaweza kufanyika kuhakikisha ya kwamba ni miradi yote ambayo imekwama ni wapi tunaweza tetea wakati tukitengeneza bajeti ili apate pesa za kutosha ili kumaliza miradi hii. Japo mheshimiwa wa Ganze amesema ameridhika, mimi nikiwa ni mmoja wa waheshimiwa wanaotoka katika eneo Bunge la Ganze, sijaridhika kwa majibu haya. Kwa hivyo, mimi nimetoa mchango wangu kwamba sikubaliani na majibu hayo. Asante.

The Deputy Speaker (Hon. Kenga): Member for Mwanamwinga.

Hon. Pascal: Thank you Mr. Speaker for this noble opportunity you have given me to contribute on the subject on the Floor. Let me also take this opportunity to also agree with some of the Members who have actually trashed this information that has been brought by the CEC Member. The CEC Member is running away from his responsibility because if you look at the information that is being sought by the Member for Ganze, he has highlighted whether the CEC Member is aware of the pathetic condition of the Pre-school and again he says “if yes, what measure and plans is he taking to ensure the pupils enjoy safe learning?” I think he has said that he went to the school and saw the pathetic condition but what action has he taken to ensure that there is proper learning in that institution? That is the question that the Member for Ganze was asking and it seems that the CEC Member has not done anything for proper learning of the pupils at Neema Pre-school.

Just as hon. Kiraga has put it, we are in a very cold season and we do not expect any learning sessions to go on under trees. The CEC Member is putting it that he is expecting the MCA to set aside money to put things correct. The question that lingers around hon. Members is that I think this House is occupied by Members who oversight the Executive and the Executive is the only body that is supposed to actually do the implementation of what we pass here. A CEC Member to again throw blame to a hon. Member on matters of implementation is also a question that needs to be answered because that is irregular and we cannot sit here as hon. Members to affirm such things. If the CEC Member went there with his team and according to his response to actually expect the hon. Member to set aside funds, why is it that he did not even call that Member if that is the order? The hon. Member for Ganze is saying that he is learning today that this is a Ward project but he has assumed that this is a project for the county to implement. So, I think the CEC Member is running away from blame; he is running away from responsibility. If he meant what he says, then he should at least enlighten the Member to actually do something, either to seek funds from development partners or any effort that he will do as a hon. Member.

This is not the way we should go as a county. Everything is pushed to hon. Members to implement; the Ward Development Fund that is there is meant to sustain those areas which have not had enough resources to at least come to a level with other wards that seem to benefit from the County Government, therefore, this Ward Development Fund should not be lumped on every project that is there. So, the CEC Members in all the ten Departments should wake up and pull their socks because something is wrong somewhere and we need to see that mess corrected.

Thank you very much. I stand with the others. Despite the fact that the owner who brought this Motion agrees with this Response, there is something that the CEC Member has to actually shed more light on, otherwise, this response does not measure the times Mr. Speaker. Thank you very much.

The Deputy Speaker (Hon. Kenga): Thank you very much hon. Members. Chairperson, would you wish to may be ...

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Hon. Chiriba: Thank you Mr. Speaker. I will not have much to say given that the hon. Member is contented with the Response from the CEC Member and even for the contributions that are coming up from the hon. Member, I was just looking at the Response to the prayer of the Motion and I concur that yes, the CEC Member can have a ...

(Hon. Mwarandu stood in his place)

The Deputy Speaker (Hon. Kenga): Yes, hon. Kombe (Mwarandu).

Hon. Mwarandu: Thank you very much Mr. Speaker for this opportunity. I think the Chairperson Education is misleading this House because I do not think we are discussing any Motion here and he is saying that it is a Motion that we are discussing; it is a Response. Thank you.

The Deputy Speaker (Hon. Kenga): Thank you.

Hon. Chiriba: That should be a slip of the tongue Mr. Speaker. Otherwise as I was saying, I was looking into the Response to the prayer of this Statement and I am also in agreement that the Department can have a take on the same in as much as the hon. Member also can use the ward kitty to intervene on the situation. So, Mr. Speaker, I rest my case.

The Deputy Speaker (Hon. Kenga): Thank you. Hon. Members, this is a bit unique that the Member who sought for the Response is satisfied with the Response that has been given but again the House has taken a very different position on the same. This is the direction that this matter should take; that as an Assembly we will be held accountable if we let the people of Neema Pre-school get to learn in such an environment.

I also want to say that all the projects that are supposed to be implemented by the County Government of Kilifi are County Government projects and therefore we do not have ward projects. They are projects that are done within the County Government of Kilifi but we do not have ward projects. Therefore, the CEC Member cannot purport to say that because an allocation under the ward development kitty was made to a certain school then it is solely the responsibility of the MCA of that area to make sure that funding is availed for a certain project to be done in that area.

The Education Department has been noted as one of the Departments that have failed this County Assembly and it came from Members. Therefore, because I want to believe Members will also be doing statements from the Department because we do not want to have such kind of Responses, then I want to direct that the Education Committee will take the matter and will have a sitting with the CEC Member regarding the same. The Chairperson Budget has been very clear on this that we are approaching the window of the Supplementary Budget and if this can be considered as an emergency so that funds are availed, the situation is addressed so that we avail a conducive learning environment.

Therefore, Chairperson you have 14 days to convene a meeting with the Committee to plan when you can have a sitting with the CEC regarding the same. The issue is the Response that has been given because he is trying to say that it is only through the ward development kitty that can fund the construction of classrooms at Neema Pre-school yet that is not the position. The position is he has the mandate, he has the responsibility and it came out very clearly from hon. Tom (Mumba) that the CEC Member has the Budget for the Education Department so the development of the Education Sector lies with the CEC Member; he must come out very clearly on how he is going to address this issue. Thank you very much. Next!

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STALLED CONSTRUCTION OF VIMBURUNI ECD CLASSROOM

Hon. Chiriba: Thank you Mr. Speaker. Again, I rise in Response to a Statement sought by hon. Benson Kazungu Chengo and the Statement was whether the County Executive Committee Member in charge of Education and ICT is aware that the construction of one classroom at Vimburuni ECD has stalled and the pupils are learning under a tree which is not conducive during harsh weather. If yes, what measures is the County Executive Committee Member taking to establish the problem and ensure that the project is completed and handed over to the community?

Mr. Speaker, a reference is here made to a letter dated 29th August, 2019 requesting my indulgence on the matter of construction of one classroom at Vimburuni ECD 2015/2016 ward project. The matter of concern is that the project is stalled hence forcing pupils to learn under non conducive environment during harsh weather. This being the matter of concern is the Executive Committee Member in charge of Education and ICT aware of this situation and if so what interventions have I taken to ensure that this project is completed and handed over to the community for use?

In response, I would wish to state that the above named project is a Ward Development Project of FY 2015/2016, being implemented by the Department of Education and ICT. This project was terminated on 25th April 2019 after the contractor's abandonment of site for a long time. The letter of termination of contract was forwarded to the Department of Works who procedurally were expected to prepare a new BQ (Bill of Quantities) for re-tendering of the project. The Department of Works organized an inventory taking activity on 18th June 2019 which was attended by the area MCA and a representative from the Department of Education and ICT. Since then the Department of Education and ICT has not received the new BQ which would enable the Department to initiate the re-tendering process.

As a way forward, the Department of Education and ICT held a meeting with the Department of Roads and Public works during which all projects including Vimburuni which were awaiting the preparation of BQ were presented. The Department of Roads and Public Works undertook to finalize the pending BQs and forward them to the Department for further processing. By the time we received this Statement, the Department had not received the BQ for Vimburuni, I undertake to follow this matter up with the CEC Roads and Public Works in order to actualize the BQ. Thank you, Mr. Speaker.

The Deputy Speaker (Hon. Kenga): The Member for Ganze what do you have to say about the Response given?

Hon. Chengo: Asante sana msheshimiwa Spika. Nasimama kupinga haya majibu ambayo yalitolewa kwa sababu hii shule iko karibu na nyumbani na nimeenda mara nyingi sana katika hiyo ofisi ili iweze kumalizwa na nashindwa mpaka sasa hiyo BQ haijaweza kupatikana kutoka mwaka wa 2015 mpaka 2016. Inamaanisha hii wizari ina ulegevu fulani maana iko karibu na nyumbani na kila wakati watu wanakuja kuulizia hii shule. Nimetembelea hii Wizara kwa mda mrefu; kila kukicha niko hapo ndio huu mradi uweze kukamilika lakini hakuna kinachofanyika na kila ukienda unaambiwa kwamba kuna kitu kitafanyika na hakuna kinachofanyika mpaka sasa ndio ikabidi niandike hii *Statement* ili nihakikishe kwamba huu mradi unamalizika. Hili jibu kutoka kwa waziri nalipinga kwa sababu ikiwa ile barua ya kusimamisha huu mradi kutoendelea ili kupatikane BQ kutoka 2014 mpaka 2015 wanatoa hiyo barua 25th April 2019, kumaanisha kwamba katika Idara hii ina huo uovu ambao tumezungumza hapa kwamba hawaoni uharaka wa kufanya haya mambo kwa sababu watoto

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wanasoma chini na wakati wa mvua ama jua kali wanatatizika. Majibu haya hayajaniridhisha na ombi langu ni kuwa waeleze zaidi kwa nini hili jambo halijafanyika kwa sababu kama ni BQ nashindwa Waziri wa Elimu hawezi kutafuta BQ mda huu wote mpaka sasa anasema mpaka sasa bado anaangalia. Anangojea BQ ndio huu mradi uweze kuendelea. Kwa hivyo, nimesimama kusema kwamba sijaridhika na haya majibu ambayo yametolewa na waziri wetu wa Elimu.

The Deputy Speaker (Hon. Kenga): Thank you. Member for Tezo.

Hon. Mumba: I say thank you for this opportunity. Annexed to this Response is a termination letter to the contract to that project. It was a good move but still I have concerns to this termination letter because so far we are not sure how much was tendered to that project, how much was paid to that effect and how much from the total sum of that project was then left.

Again, we are not informed whether the same amount that is there for the completion of that project is captured in the budget. Whereas the CEC Member is telling us we are waiting for a BQ from the Department of Roads, what if we are waiting for a BQ and there are no funds in the Budget? I think he could have highlight to us or to this House that a total sum of money had been allocated for that project and to that effect, now they are waiting for a BQ so that the project can be tendered. But to me this is pure literature that I am reading here because there is nothing substantive that can confirm that the project is going to be implemented. So again Mr. Speaker I am really upset with this response. Thank you, Mr. Speaker.

The Deputy Speaker (Hon. Kenga): Thank you. The Member for Gongoni.

Hon. Kiraga: Thank you so much Mr. Speaker. This is yet another Response being brought to this House which does not meet our expectations. I agree with the Member who has just contributed and more so we are not sure that there was a termination letter written because if there could be one, I think it could be seen here Mr. Speaker.

The Deputy Speaker (Hon. Kenga): There is an attachment.

Hon. Kiraga: Is it there? Okay but again Mr. Speaker, the points hon. Thomas Chengo raised are very valid. This is a project since 2015/2016 and you remember around that financial year is when the County Government stopped the re-voting of projects. We are wondering as my colleague has put it; we might be talking of BQs but again, do we have a budget for it? This is a 2015/2016 FY project which has not been completed. Up to date we are still talking of BQs and Mr. Speaker this is also a Department which has been putting blame on other Departments.

Currently, here we are seeing he is blaming the Works Department yet he is the CEC in charge of that Department. If you look at most of the projects which are not completed or have not yet started, if you ask why, the CEC Education will only tell you one thing; that the Works Department is failing us and this is a CEC who mostly sits in the cabinet and if such issues have been forwarded to the cabinet then I believe such stories could be a thing of the past. I also say that this is a Response this House should not take and again I need your direction. May I also congratulate you Mr. Speaker for the direction you have given in the first Response. I believe you are going to give us good direction on this. Thank you.

The Deputy Speaker (Hon. Kenga): Chairperson Education, anything? Make your request.

Hon. Chiriba: Thank you Mr. Speaker. Having gone through this Response, I am also worried to some extent having been a victim in a number of consecutive budget allocations in the Department of Education. I would wish that in running from these kinds of excuses, through your direction, we as a Committee summon the CECM for Education and the Department of Roads and Public Works that has been majorly used as an excuse.

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I am also worried that this termination letter could have been cooked to meet the Response to the Statement Mr. Speaker. I have seen much laxity in the implementation of the projects when it comes to this Department. I concur with the hon. Members that something must be done to this Department. Thank you.

The Deputy Speaker (Hon. Kenga): Thank you hon. Members for your contributions. I do not know whether you have been able to realize that in the Education Department especially on the Ward projects, in their Responses, they come out very clear to state that this is a Ward Development Project and they now bring the *trash* as said by the Member for Mwanamwinga. I do not think as Members of the County Assembly we are able to stop this anymore.

One; already even the termination came in the Month of April but remember this is a 2015/2016 project. These people came to office in year 2018 or early January or even earlier than that. We are in the third year of this term as Members. We are left with few years before we come to the end of this term. I am foreseeing the trend that we are going to get to the close of this term and the 2014/2015 projects will not have been completed for use by the Members of the public. In terms of service delivery, as an Assembly and as Members who are supposed to carry out oversight and representation and legislation; we will have failed the great people of Kilifi.

I therefore wish to say the Committee for Education led by the able Chairperson will also pick up this matter, invite the CECM for Education and the CECM for Roads and Public Works so that the issue of blame game is sorted out.

Members are keen to know whether this has been re-voted, whether this project features in the budget and the allocation that is there to enhance and guarantee completion of the same project. One thing you should realize is that and the Chairperson is here to confirm, at one time at the early stages, we were forced to set aside funds for the projects which had been completed. Why is it that day in day out we are still experiencing the same majorly in the Education Department? Something must be done.

Chairperson, we need to get direction on how the Department will run because Members are not happy and this will be open to all Members to attend. Members will have an opportunity to attend and engage with the issues they have. We will engage with the Office of the Clerk and I think the proper direction will be given out on how we are going to execute this as a Committee or Assembly towards making sure these issues are addressed. We have 14 days to ensure a Response is given out before this hon. House. Yes hon. Shaban.

DELAY IN SUBMITTING THE 2017 /2018 REPORTS OF COMPLIANCE
TO THE VALUES AND PRINCIPLES AS ENSHRINED IN THE CONSTITUTION

Hon. Shaban: Thank you Mr. Speaker, Sir. I am standing on behalf of the Chairperson Administration, Labour and Social Services Committee, hon. Kadenge, who is in Italy on official duty. Once he is away, the Vice-Chairperson has the mandate to respond to a Statement.

I am responding to a Statement which was sought by hon. Saumu Sidi Julius concerning the Reports of the compliance to values and principles of Articles 10 and 232 of the Constitution of Kenya 2010. The Statement reads as follows:-

Whether the Chairperson of the of the Kilifi County Public Service Board is aware that the Board is required by law to prepare regular Reports for submissions to the County Assembly for the execution of the functions of the Board.

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Whether the Chairperson of the Kilifi County Public Service Board is mandated to promote in the County Service the values and principles referred to in Articles 10 and 232 of the Constitution of Kenya, 2010.

Whether the Chairperson of the Kilifi County Public Service Board is aware that the Board did not submit its 2017 /2018 Reports of compliance to the values and principles referred to in Articles 10 and 232 of the Constitution of Kenya 2010.

If yes, why has the 2017/2018 Reports of compliance to the values and principles referred to in Articles 10 and 232 of the Constitution of Kenya 2010 not been submitted to the County Assembly and what measures the Chairperson has put in place to ensure regular Reports are timely submitted to the County Assembly.

Mr. Speaker sir, I want to respond as follows:-That the Chairperson of the Kilifi County Service Board is aware that the Board is required by law to prepare regular Reports and submit to the County Assembly on the execution of the functions of the Board.

The Board Chairperson is aware that the Board under Section 59(1) (e) of the County Governments Act, 2012 is mandated to promote in the County Public Service on the values and principles referred to in Article 10 and 232 of the Constitution of Kenya 2010. The Board Chairperson is aware that the Board did not submit the 2017/2018 Reports on compliance to the values and principles referred to in Article 10 and 232 of the Constitution of Kenya 2010.

The 2017 /2018 Reports on compliance to the values and principles referred to in Articles 10 and 232 of the Constitution of Kenya 2010 were not submitted to the County Assembly for the following reasons:-The preparations of the Reports require a substantive amount of money in terms of budget to produce the Reports, an amount which was factored in the proposed budget estimates for the two financial years. However, the budget for the exercise was not reflected in the final approved budget for the two financial years and therefore the Board could not carry out any exercise. The Board Chairperson has put in place the following measures to ensure regular Reports are timely submitted to the County Assembly for consideration:-

One; the Board shall request the County Assembly to approve the supplementary budget for the 2019/2020 financial year which has factored the cost of producing the Reports.

Two; the Board has established a Committee to spearhead the preparation, production and submission of the Reports to the County Assembly.

The Deputy Speaker (Hon. Kenga): Thank you. Hon. Saumu, are you satisfied with the Response given?

Hon. (Ms.) Saumu: Thank you Mr. Speaker. From the Response, I can see that they have answered the question why and also the measures but the issue is on the answers. If you look at the response to answer one as to why they did not prepare the Reports, they are saying it is because of lack of allocation in the budget but these are regular routine Reports that the Department is supposed to do just like the other Departments where we get the quarterly Reports. It is something that is supposed to have been factored in the operation and maintenance. When they see that they needed a specific amount for this Reports to be prepared, I think that is laxity because these are Reports that we expect to have them each year in this Assembly. This is like saying we will not give you the budget estimates because we do not have an allocation for the same.

Mr. Speaker, the Chairperson for Budget can tell us here but when we came in 2017, the first supplementary budget we approved and if I can recall, we did not see a specific item allocated for such Reports to be prepared and still even in the financial year 2018 there was no

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specific item that was saying this amount is for the preparation of certain Reports. I think they are escaping from the real question as to why they have not prepared the Reports.

Again; they are saying the Board has established a Committee to spearhead the preparation, production and submission of the Reports, why establish a Committee and already this is a mandate of the County Public Service Board? Isn't it one of the roles that they are supposed to do? Why do they establish a Committee to spearhead a function that they are supposed to do? This Committee that they have established, who are the Members of that Committee? Those are the things we should look at. Then they are saying that in the supplementary budget they will allocate some funds which they will request the County Assembly to approve for preparing 2017/2018 reports, what about the financial year 2019/2020? According to me, the answers are not all that satisfactory. Thank you.

The Deputy Speaker (Hon. Kenga): Chairperson Budget Committee.

Hon. Kiraga: Thank you very much Mr. Speaker. The Response we are getting from the Department I can say they are lying. If you look at the budgeting system, the budget has got three items. We have an item called the specific interventions and that is where we have the issues to do with projects. We have the item of operations and maintenance (O and M) and issues to do with salaries. As the Budget Chairperson, there is no way we can cut the O and M because this is just an item and when we cut it partially or completely as they have suggested, then it means they have not been operating because these are the monies which are also required in that specific area in the production of these Reports. If the concerned claims that there was no budget for that, then who is to blame because he or she has the operation and maintenance wherein these items are found? As the mover of the Statement has put it, this is a Statement that should not be allowed to be consumed in this House. Thank you.

The Deputy Speaker (Hon. Kenga): The Vice-Chairperson, do you have anything you would wish to add?

Hon. Shaban: Thank you Mr. Speaker, Sir. I agree with the Chairperson and will seek more advice from him bearing in mind that this is a new Board which started its work this financial year maybe they might not be aware of these issues but we will follow it up and Report back. Thank you.

The Deputy Speaker (Hon. Kenga): Thank you very much. The mover has raised issues of concerns that need to be addressed.

(Hon. Kiraga stood on a Point of Information)

The Vice-Chair, would you wish to be informed?

Hon. Shaban: Mr. Speaker, I do not want to be informed. Let it just rest at that point. Thank you.

The Deputy Speaker (Hon. Kenga): Hon. Kiraga, I think you have just heard it from the Member, therefore I want to direct that the Committee has a period of 14 days to engage the County Public Service Board on the issues that have been raised and hon. Saumu was very clear that you cannot demand a budget to do the roles that you are mandated to do as a Board.

If they are able to stay in the Office, the production of the Quarterly and the Annual Reports is a mandate that should be undertaken and hon. Kiraga was very clear that there is a vote in each and every Department that is supposed to take care of such like issues and if there were challenges, then those challenges would have been addressed earlier to enhance the production of the same. You have 14 days as requested, engage the Board and make sure you

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have a comprehensive Report, table it at the Assembly and I believe we should be able to move. I want to thank you for this session that we have had together.

ADJOURNMENT

There being no any other business to transact, this sitting stands adjourned until Wednesday at 2:30 p.m. Thank you.

The House rose at 3.34 p.m.