



REPUBLIC OF KENYA

COUNTY ASSEMBLY OF KILIFI

SECOND ASSEMBLY –FIFTH SESSION

THE HANSARD

Wednesday, 10th March 2021

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

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

PRAYERS

STATEMENTS

INCOMPLETE CONSTRUCTION OF ECD CLASSROOM PROJECT AT MANGUNDO IN SOKOKE WARD

Hon. Chiriba: Thank you hon. Speaker. I rise to a Statement sought by hon. Harrison Thaura Mweni. Mr. Speaker, reference is hereby made to your letter number; Kilifi County Assembly Department of Education/3 VOL.1/83 dated 21st October respectively. The Statement was whether the County Executive Committee Member (CECM) in charge of Education and ICT is aware that Mangundo ECD (Early Childhood Development) classroom project started in 2016 in Sokoke Ward and is yet to be completed.

Whether the CECM is aware that the contractor abandoned the site several years aback and public money was spent.

Mr. Speaker, the CECM is aware of the situation at Mangundo. The project was terminated. A Bill of Quantity (BQ) has been prepared and the project has been re-tendered for completion. Original award amount was Kshs3, 356,425 between financial year 2016 and 2017, 2018 and 2019. Amount paid was Kshs2, 605,847 amount retendered is Kshs1, 370,520. Amount awarded is slightly higher due to repairs, long abandoned periods, additional water tanks and water gutters as in the attachment Mr. Speaker. Thank you.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

Hon. Thaura: Mr. Speaker, I believe that this Paper has four Responses so I don't know whether we are trying to move one after the other. I don't understand.

Hon. Chiriba: If allowed, I can just go through the whole Response.

Hon. Thaura: Then I will respond after.

INCOMPLETE CONSTRUCTION OF ECD CLASSROOM PROJECT IN KAFULONI, SOKOKE WARD

Hon. Chiriba: Thank you. Number two was; whether the CECM in charge of Education and ICT is aware that Kafuloni ECD classroom project started in 2015 in Sokoce Ward and is yet to be completed.

Whether the CECM is aware that contractor abandoned the site several years back and public money was spent.

The CECM is aware of the situation at Kafuloni; the project was terminated. A BQ has been prepared and the project has been re-tendered for completion. Original awarded amount was Kshs3, 626,120 between the financial year 2016/2017 and 2018/2019. The amount paid was Kshs3, 280,230 and the amount re-tendered was Kshs1, 569,529. Amount re-tendered is slightly higher due to repairs due to the long abandoned period, water tanks and gutters as seen in the attachment.

LACK OF ECD CLASSROOMS AT MIHUHUNI PRIMARY SCHOOL

Number three; was whether the CECM in charge of Education and ICT is aware that Mihuhuni Primary School has no ECD classrooms since inception of devolution and that pupils are learning in the open and decapitated mud classrooms constructed by the community.

The stated situation in Mihuhuni and other areas experiencing the same in the county is highly regrettable and the CECM is aware. However, since devolution, the Department has been constructing ECD classrooms on a limited development project. This makes it impossible to meet the need of every demanding situation in the county.

To salvage the situation, we recommend the area MCAs to construct classrooms through their ward development budget.

LACK OF ECD CLASSROOMS AT RANCH PRIMARY SCHOOL

Number four was whether the CECM in charge of Education and ICT is aware that Ranch Primary School has no ECD classroom since the inception of devolution and those pupils are learning in the open. Other areas experience the same situation in the county. It is highly regrettable and the CECM is aware. However, since devolution, the Department has been constructing ECD classrooms on a limited development project. This makes it impossible to meet the need of every demanding situation in the county. This makes it impossible to meet the need of every demanding situation in the county. To salvage the situation, we recommend the area MCAs to construct classrooms through their ward development budget.

Number 5 was whether the CECM in charge of Education and ICT is aware that Education institutions and facilities should be integral to the ...

The Deputy Speaker (Hon. Kenga): Chairperson, I think this is a different Response that was sought by a different Member. The CECM combined Responses of five Statements. For hon. Thaura, it's up to number four.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

Hon. Chiriba: Thank you for that.

The Deputy Speaker (Hon. Kenga): Hon. Thaura, are you satisfied with the Responses given to your Statement?

Hon. Thaura: Thank you Mr. Speaker and I would like to be clear that the Response to number one and two are in order but it was so insensitive of the CECM in the way he responded to number three and four.

Mr. Speaker, from the Ward Development Fund, every ward gets funds that equal to Kshs25 million every year but I understand that the development budget for one year equates to 35 percent of all the monies that trickle down to the county that equals to Kshs4.6 billion per year.

So, I believe that every Department has its own budget that apart from the monies that we get for the Ward Development Fund, we can actually ask for an increment of what we get in the wards. I did not ask for all the centres that I have in my ward. I have 67 ECD centres in my ward but I was so categorical on two particular centres considering the fact that they are in bad shape as opposed to the others.

Mr. Speaker, it is bad for the CEC Member to say that we should depend on the Ward Development Fund and I am sure every Member and every person understands that it is not enough and has never been enough for the needs that we have in the wards. It is so insensitive for the CEC Member to give such a Response. I am not happy with the responses numbers three and four.

The Deputy Speaker (Hon. Kenga): Thank you. Hon. Pascal, is it an intervention or you want to contribute?

(Hon. Pascal spoke off record)

Thank you, proceed.

Hon. Pascal: Thank you for this opportunity Mr. Speaker, Sir. I also stand to question and disagree with the Response that the hon. Member has just responded to. As a County Government and looking at the gravity of education matters, we cannot pin everything to the ward development allocation. We are dealing with the pillar of education and when a Member raises a matter on the infrastructure of educational arrangements then we need to be very cautious as a County Government.

The Ward Development Fund (WDF) as you know is very limited and therefore pinning every development on that fund is not fair and we have seen instances where the County Government comes in to build infrastructure to build more classrooms in other areas.

So, I think as much as we would like to take into account on the WDF, still the County Government has a duty to extend its hand and provide some infrastructure for the people of Kilifi County.

The Deputy Speaker (Hon. Kenga): Thank you. Now, let us go to the Chairperson hon. Chiriba and all Members of the Budget Committee. The three of you; the one who sought the Statement, the Chairperson Education and hon. Pascal Thuva. So, proceed.

Hon. Chiriba: Thank you very much Mr. Speaker. I know I entirely depend on the Mover of the Statement whether he will be satisfied or not but otherwise, I know apart from what hon. Pascal has just put across, it is very right that we cannot accomplish everything through the ward development allocation but again if I quoted right, the Governor had given a directive that no more construction should be done as far as his term is coming to an end. So, being cognizant

of the same Mr. Speaker you will make your ruling. Otherwise, I do believe that the Executive can extend their hand apart from the WDF but we should also be made aware of what the Governor had declared. Thank you.

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

Hon. Ziro: There was something that I wanted to get clarification from you; before the Member for Jilore stood to contribute you drove a point which I did not understand. You were talking of the three Members being in same Committee; I do not know what that implied.

The Deputy Speaker (Hon. Kenga): Thank you. I think maybe you came late because for those who...

(Hon. Ziro spoke off record)

It was on a Statement that was sought by the Member for Sokoke regarding some two primary schools that lack ECD centres and the Response was that Members of the County Assembly should not solely depend on the County Executive budget but should make provisions based on the WDF because the Department has a limited budget and is not in a position to take care of all the needs across the county; that was it.

What I was saying was the three of them; the Chairperson who was to give the Response, the Member who sought the Response and the Member who had contributed from Mwanamwinga are all Members of the Budget Committee and are aware of the limitations that we have regarding the budget especially on education. That was the point that I was making so that as we make our contributions, let us be alive to the fact that we have a limited budget and as Members of the Budget Committee, maybe they should be in a position to tell us where do we get the funds to make sure that...

(The Deputy Speaker spoke off record)

...that was the position that I was taking. Thank you; you can now sit. Is it an intervention or what is it?

(Hon. Ziro spoke off record)

Hon. Ziro: Thank you very much Mr. Speaker for that explanation. Why I was asking the sentiments was because for quite some time we have been having Executive projects being awarded to various wards and some wards are not getting sufficient projects. I was a bit worried because as you pointed at the three Members being in the Budget Committee, I thought maybe sometimes they go there to collude and give projects to some wards and some do not get but at least now you have clarified the point so thank you very much.

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

Hon. Peru: Thank you Mr. Speaker. I want to tell the hon. Member who has just been on the Floor and remind him that a message was sent yesterday that we should all be seated here at 9:00 a.m.

The Deputy Speaker (Hon. Kenga): Just a minute hon. Peru, is it on a point of intervention or something else?

Hon. Peru: It is an intervention Mr. Speaker.

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

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

Hon. Peru: This House starts its sitting at 9:00 a.m. The hon. Member cannot be coming in the House and wants to catch up with what has been happening in the House. So, next time you ought to come here early or if you lack information you wait to seek information outside. Yes, you do have your right but you should know that your right is limited. All these Members came here early so that they get proper information; if you need proper information be here early. Thank you, Mr. Speaker.

The Deputy Speaker (Hon. Kenga): Thank you. I do not know what the Chairperson is going to say because the hon. Member has said that in the third and fourth Statement he is not satisfied. I want to believe that the reason that has been given is sufficient enough for anybody and even from the fact that you are a Member of the Budget Committee, you are better placed to appreciate the position the CEC is trying to say. The Chairperson also highlighted that there was an instruction that was shared from the Office of the Governor that we halt the issue of construction of ECDs and now think of equipping them so that once we have been able to equip the already built ECDs then we now start building again. I want to believe that as we proceed, we should be able to get to where we aspire to be.

Hon. Thaura: Mr. Speaker, you know I am getting worried how do you equip... the Statement was clear that these pupils learn under a tree, so where do you actually equip them?

The Deputy Speaker (Hon. Kenga): There were constructions that were done by County Government that lack equipment.

Hon. Thaura: I think perhaps you have not gotten time to read the Statement. The Statement reads that there is neither a classroom nor a mud rehabilitated classroom. So, how do you equip a tree? I am not talking about an area where we have few classrooms of an institution where we either do not have a classroom or a classroom is in a very bad shape. So, unless the Committee finds time to go and see what is actually on the ground then we are addressing the wrong issue here.

The Deputy Speaker (Hon. Kenga): Thank you. Understood! Kindly take your seat. Before I give an opportunity to the Chairperson I want to say this. You are very correct to say that there are no classrooms in the few schools that you have mentioned. What we are saying is that the Statement sought to know the measures that the CEC was putting in place to ensure that we have classrooms.

The CEC is saying that she is working under a tight budget and that for this financial year there can never be provision for the construction of the ECDs in the two schools. Again, the Chairperson is telling us that at the time the budget was being made, we were informed from the Office of the Governor that we halt constructions of new ECD classrooms until we equip the already existing classrooms and based on those instructions that was what was done. For any reason if there was an issue regarding that, then you should have taken the matter with the CEC during the budget making process.

As of now how do we handle that? We are already in the middle of the financial year; almost getting to the last quarter of it. We might not be in a position as we sit here now. I think that is what is coming out from the Response and we have quite a number of such like institutions in the county. If I have to send back the same to the Committee, they will have to engage the CEC and will just get the same Response of unavailability of funds.

Hon. Chiriba: Thank you Mr. Speaker you must have said it all. I just pray that as hon. Members in as much as we are representing our people, we have to be aware that there are things that are possible and some issues are not. The issue of the Department or the Governor coming

up with a directive that we should now stop making new classrooms and embark on equipping them is that we had so many ECD centres that had been done and had no furniture.

That is something that most of us as Members we know. As we stand, the CEC Member is hand-tied following the Governor's directive. So, I think the best thing we can do to liberate her and execute whatever concerns we have is that we as the hon. Members have to convince the Governor that we still need to build classrooms. That way we will be able to give her powers of implementation in case of any available allocation. Thank you.

Hon. Gogo: Mheshimiwa Spika, nataka tu nchangie machache kuhusu swali hili la mheshimiwa wa Sokoke. Mimi nashangaa kusikia Mwanakamati wa Kamati ya Elimu ambaye sisi madiwani sote katika wadi zote tunawaangalia wao kama Wanakamati anasimama halafu anasema Gavana alitoa maagizo. Kaunti ya Kilifi si nyumba ya Gavana; Kaunti ya Kilifi ni yetu sote. Ikiwa Gavana ameongea maneno ambayo hayastahili basi kama Kamati inastahili ichukue hatua. Wakati huu wa *COVID* hairuhusiwi watoto wakae wengi kwa darasa moja, lakini kwa sasa madarasa yamejaa watoto wengi sana. Na ikiwa kuna sheria ambayo inasema...

The Deputy Speaker (Hon. Kenga): There is an intervention from hon. Mwarandu.

Hon. Mwarandu: Mheshimiwa Spika, asante sana kwa kunipatia hii nafasi. Bunge hili huwa lina mavazi rasmi, na mavazi hayo huwa yanafaa kuvaliwa kwa njia sahihi. Kuna mheshimiwa mwingine ameingia hapa, shati likiwa limeachiliwa na mheshimiwa anayeongea pia tai yake iko hivyo hivyo imeachilia. Watakuja tupu tupu siku moja hapa! Tafadhali tuelekeze vizuri.

The Deputy Speaker (Hon. Kenga): Hon. Gogo kindly adjust your tie.

Hon. Gogo: Asante mheshimiwa Spika. Kwa sababu joto ni jingi ndio maana nilikuwa nimeteremsha tai yangu kidogo.

The Deputy Speaker (Hon. Kenga): They should have made a provision in the Standing Orders that when it is hot we do not put on out ties but as long as that provision is not there in the Standing Orders, then kindly be properly dressed.

Hon. Gogo: Asante. Nilikuwa nasema kwamba kuna hatari ambayo watoto wetu wanaelekea wakiendelea kusoma ndani ya madarasa hayo. Ikiwa Mwenyekiti mdogo wa Kamati ya Elimu atasema Gavana amezungumza; kwa hivyo Gavana akizungumza...

(Loud consultations)

...kama Mwenyekiti mwenyewe anaweza kuzungumza na kusema kwamba Gavana ametoa maagizo, si kwamba Bunge limetoa maagizo ya kwamba madarasa yasijengwe tena. Na sasa hivi watoto wetu wengi wanafinyiliana ndani ya darasa moja nafikiri kama Kamati wana uwezo wa kuita Gavana na kumweleza kwamba hii haiwezekani; tuongeze madarasa.

Mimi kama mwakilishi wa Mtepeni hayo maagizo ambayo Gavana alizungumza, naomba Kamati ya Elimu ichukue hatua; hayastahili kwa wana Kilifi. Asante.

The Deputy Speaker (Hon. Kenga): Hon. Member, you were trying to say that...

(The Deputy Speaker spoke off record)

Hon. Mwambire :Asante sana mheshimiwa Spika. Kutokana na hizi *Statements* zilizosomwa leo kuhusu shule za chekechea, yale ambayo Mwenyekiti wa Elimu anaongea ni ukweli kwamba kuna uhaba. Tumeongea kuhusu *Statements* hizi kwa sababu ya kilio cha

wananchi kule mashinani ndio maana tunaangazia. Tazamio letu ni angalau Waziri angesema atazifikiria na kwa kuwa ameambiwa arudi kwenye mfuko wake tena ndio maana haridhiki.

Ninaomba Mwenyekiti na Kamati ya Elimu afikirie hizi sehemu zinazodai zimebaguliwa wakati wa kutengeneza bajeti hata kama zitapata nafasi mbili mbili ili wapate elimu; hilo ndilo ombi langu na uliposema kwamba hawa watatu wako katika Kamati ya Bajeti nilidhani utaongezea kwamba mkumbuke wadi za Adu, Kayafungo, Ganze, Bamba na Sokoke kwa sababu ziko na hizo sehemu ambazo wanafunzi wanatembea kilomita nyingi kufwata sehemu za kusoma.

The Deputy Speaker (Hon. Kenga): I want to believe that there is nothing to refer to the Committee because the Response has given the realist picture as we speak and the Member for Mtepeni hon. Gogo had thought of the challenges that we are facing due to COVID. If you look at the time that these Statements were done, it was during the time when we had already done our budget but we are saying that moving forward if we have an opportunity...because what is happening is what has already been budgeted for. The Executive is now implementing projects that are factored in the budget. Moving forward, we can have a session with the Governor so that at least we can have an allocation set aside for the construction of ECDs for those who may have resources to construct them. Yes, hon. (Ms) Elina.

Hon. (Ms) Elina: Asante mheshimiwa Spika kwa kunipa nafasi hii ili nichangie. Gavana alipotoa ile barua kwamba tusijenge ECDs ilikuwa ni ule wakati pesa zilikuwa zimepunguzwa. Uongozi wa hili Bunge wakutane na Gavana, tumejua kwamba tuko na hitaji la madarasa ya chekechea. Sisi tunaanza ndio *National Government* ichukue kule juu na kuna vitu vingi serikali ya Kaunti hatujafanya. Watu wanachukua muda mrefu kupata huduma ya watoto wa chekechea. Ninaomba uongozi wa Bunge hili wakae na Gavana na kutupa mwelekeo baada ya zile pesa kuongezeka kutoka kwa serikali kuu.

Wakati Gavana alitoa barua ya kusitishwa kujengwa kwa ECDs shule nyingine zilikuwa hazijaisha. Hii idara pia ina shida maana wakati mwingine wale wakandarasi huwa wanapewa huwa hawana uwezo wa kuanzisha au kukamilisha ile mijengo. Hilo linasababisha miradi kusimama muda mrefu sasa wanataka kuzitangaza tena na kuwa watu wengine, tunaomba uongozi wa hili Bunge wakutane na Gavana ili aondoe ile barua na miradi iliyosimama ikamilike. Hatuwezi kuwa na *PP one* na *PP two* pamoja. Nashukuru kwa kunipa nafasi hii.

The Deputy Speaker (Hon. Kenga): Deputy Leader of Majority do you have anything? Kindly make your request.

Hon. Ndago: Thank you Mr. Speaker, for giving me this opportunity so that I can react to what has been said by Members especially on hon. (Ms.) Elina request. It is so impressive that as a government we should consider the priorities of our people so that we deliver sufficiently to our people. I have taken note and I will forward the request to the leadership of the Assembly so that we fulfill our people's needs. Thank you for the positive comments.

ASSISTIVE DEVICES FOR ECD KIDS

The Deputy Speaker (Hon. Kenga): Next, is a Response to a statement sought by hon. (Ms.) Sidi. Is she present? Because she is absent, the same will go back to the House Business Committee for consideration in the next sitting.

(Statement deferred)

BILL*First Reading*

THE KILIFI COUNTY STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL, 2020

*(Order for the First Reading read-Read the First Time and ordered
to be referred to the relevant departmental committee)*

The Deputy Speaker (Hon. Kenga): Hon. Members, I now commit The Kilifi County Statute Law (Miscellaneous Amendments) Bill, 2020 to the Committee on Justice and Legal Affairs for consideration as per the provision of Standing Orders.

ADJOURNMENT

The Deputy Speaker (Hon. Kenga): There being no other Business in the Order Paper, this House Stands adjourned. Thank you.

The House rose at 4:03p.m.