

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 27th February 2019

The House met at 9.30 a.m.

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

PRAYERS

Hon. Deputy Speaker: Order Members. We had to countercheck the numbers. We are very close to the required number. Therefore, I order the bell to be rung for 10 minutes.

(The Quorum Bell was rung)

Order Members. Order! Order! We now have the required quorum. So, business will begin.

PETITIONS

Hon. Deputy Speaker: Under this Order, Hon. Joash Nyamoko, Member for North Mugirango. Is he in the House? Yes, I can see him. Proceed, Hon. Nyamoko.

TRANSFER OF TVET LECTURERS FROM TEACHERS SERVICE COMMISSION TO PUBLIC SERVICE COMMISSION

Hon. Joash Nyamoko (North Mugirango, JP): Thank you, Hon. Deputy Speaker. I stand to present a public petition, Petition No.003 of 2017, regarding transfer of TVET lecturers from the Teachers Service Commission (TSC) to the Public Service Commission (PSC).

I, the undersigned, on behalf of the Technical Vocational Education and Training Institutions (TVET) lecturers in the country, draw the attention of this honorable House to the following:

THAT, following the enactment of TVET Act (2013) that requires the management of TVET institutions and their trainers be under the respective governing councils and boards of governors, a decision was made to transfer the trainer management function from Teachers Service Commission with effect from 1st July 2018 to the Public Service Commission;

THAT, as at July 2018, there were 102 TVET institutions, to which TSC deployed lecturers and discharged all the teacher management functions;

THAT, the TSC initiated the process of handing over the 102 TVET institutions with a teaching staff of 3,780 to the Ministry of Education (State Department of Vocational and Technical Training);

THAT, a total of 3,780 lecturers on TSC payroll were transferred to the Ministry of Education. However, the payroll was transferred with effect from 30th August 2018;

THAT, since September 2018, the petitioners have had reduced salaries and other remunerations;

THAT, there is no scheme of service for trainers in the Ministry of Education for the TVET lecturers;

THAT, over 30 newly established and equipped TVET institutions have neither principals nor lecturers, which is a waste of public resources. Furthermore, the budgetary provisions for recruitment of 2,000 additional trainers appropriated in the Financial Year 2018/2019 may not be realised in time due to the current confusion in the ministry;

THAT, a number of TVET institutions have no functional boards of governors;

THAT, the Directorate of Technical Education under the Ministry of Education is a policy maker and, therefore, cannot carry out trainer management functions;

THAT, efforts to resolve this matter with the relevant government agencies have been futile; and,

THAT, the matter in respect of which this Petition is raised is not pending before any court of law, constitutional or legal body.

Therefore, your humble Petitioners pray that the National Assembly, through the Departmental Committee on Education and Research:

(i) recommend that the trainer management and development function be domiciled under TVET Authority as envisaged in the Technical Vocational Education and Training Institutions Act of 2013;

(ii) recommend that the relevant ministry develops a scheme of service for the trainers; and,

(iii) makes any other order or direction that it deems fit in the circumstances of the matter.

And your petitioners will forever pray.

I thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Very well. I will give a maximum of three Hon. Members to make a brief comment. We will start with Hon. Opiyo Wandayi.

Hon. Opiyo Wandayi (Ugunja, ODM): Thank you, Hon. Deputy Speaker. I am happy to get this opportunity to make some comments on that worthy Petition presented by Hon. Nyamoko. This is a matter that needs to be taken up with utmost seriousness by the relevant Committee, chaired by my friend, Hon. Melly, on Education and Research.

The transfer of the trainer management function from the TSC to the Ministry of Education was informed by the TVET Act 2018. I think the Committee should seriously have a relook at that Act. As I speak, there is a very big lacuna. The TVETs play a key role and we are investing a lot of money as a country in establishing TVET institutions all over. However, the critical aspect of management and teaching is still left in abeyance as a result of the confusion that was caused by this Act. So, I suppose the Committee will take up this matter and address it conclusively.

Even as they do so, the management of the TVET department in the Ministry of Education also needs to pull up their socks. I have had occasion to engage with them in my other capacity as Chairman of the Public Accounts Committee (PAC) and they need to up their game so that the TVET function is not left behind. We know the problems that teachers are facing under the TSC and we do not want the problems to be extended to the ministry, which is ill equipped to address matters of management of teaching staff.

I thank you, Hon. Deputy Speaker

Hon. Deputy Speaker: Let us have Hon. (Dr.) Wamalwa, Member for Kiminini and Chair, Catholic Members of Parliament.

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD-K): Thank you, Hon. Deputy Speaker for that recognition. I thank Hon. Nyamoko for this Petition. The Government has spent so much money to put up TVETs as one way of fulfilling the Big Four Agenda. In many jurisdictions, you will find that TVET plays a critical role, particularly when it comes to preparing the youth for the job market. This is the way to go. Unfortunately, up to now, no principal has been posted to any TVET. We are aware that the Government is going to give Kshs30,000 as capitation to every student of TVET under the Kenya University and College Central Placement Service and up to now, the applications have not yet been done. So, we need to move with speed.

Most of the trainers are coming from the TSC. I have also learnt that there is no scheme of service. It is important to have a scheme of service and a proper management system that will ensure aspects of quality. Again, there is the issue of public participation during the enactment of the TVET Act. I do not know whether the Kenya National Union of Teachers (KNUT) and the Kenya Union of Post Primary Education Teachers (KUPPET) were involved in this matter when this issue came up. The KUPPET and KNUT are the ones that represent these issues.

Hon. Omboko Milemba (Emuhaya, ANC): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: What is your point of order, Hon. Omboko Milemba

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Deputy Speaker. Is it in order for the Member to mention organisations that are not represented in Parliament with regard to this particular matter? I had requested for an opportunity to make my comments on the same at a later stage.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: You have completely lost it. What is it, Leader of Majority Party?

Hon. Aden Duale (Garissa Township, JP): Hon. Deputy Speaker, organisations are not represented in this House. The people of Kenya are represented here. Hon. Milemba is wrong if he thinks he is representing KUPPET. He is representing the people of Emuhaya, and not KUPPET. When he goes out of this Chamber, he can represent even the women caucus or the *Jua Kali* sector. So, Hon. Deputy Speaker, can you rule him out of order, that there are no institutions represented here. Hon. Wamalwa is right.

Hon. Deputy Speaker: You are absolutely right. In any case, if there was any such representation, we have a series of nominated Members who are here on specific interests such Hon. Member 001, Hon. Sankok, and other nominated Members. In terms of you asking him to represent the women caucus, I think Hon. Passaris does that perfectly well. In any case, she has marshalled a number of Members, unfortunately for the Morning Session, for voting in the afternoon. So, he is definitely out of order.

Proceed, Hon. (Dr.) Wamalwa.

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD-K): Thank you, Hon. Deputy Speaker. I have always known Hon. Milemba to be a quick learning student. Unfortunately, when you mention KUPPET, he thinks that someone wants to take over his position in KUPPET. He did not understand what I was presenting. I was just questioning the level of public participation when we were passing the TVET Act. The teachers are being moved from the TSC to the PSC. So, my concern was their input during public participation.

He has been lamenting that he was removed from the House Business Committee (HBC).

Since then, he has not been paying attention, but he is a good representative of teachers and he is my good friend. So, thank you, Hon. Deputy Speaker. I support the Petition and humbly request the relevant Committee to expedite it so that we can move on.

Hon. Deputy Speaker: I had ruled that I was not going to give Hon. Omboko Milemba a chance to have a say in this matter. However, since you have all mentioned him many times, I am tempted to give him a chance to have a shot at the Petition right away.

Let us have Hon. Milemba.

Hon. Omboko Milemba (Emuhaya, ANC): Hon. Deputy Speaker, with humility I want to thank you. Each time I make a mention here, as you have noticed, I receive a lot of attention and this is good. I support this Petition because when we made the law to move teachers from the TSC to TVET institutions, this was done without enough public participation. So, the teachers who later on moved from the TSC to TVET institutions have missed their salaries for more than four months.

Today, the management of TVET institutions cannot trace where the teachers are or which teachers are working and how to discipline them. So, there is a gap on how the teachers are being managed. I support this Petition because we need to have a proper law that will make strong TVET institutions which will manage the teachers the same way teachers are managed at the TSC.

Hon. Deputy Speaker, I want to thank you for this opportunity. I am not representing the union here, but the people of Emuhaya and every Kenyan.

Hon. Deputy Speaker: Hon. Wamalwa, I hope you have seen the value of having professional advice. You can see he is articulate and well versed in that particular area. He may not be representing KUPPET here, but he has a wealth of knowledge in that field and that can be seen from the contribution he has made. Unfortunately, I do not see anybody to my right. So, I will give the last chance to Hon. Mbui Robert.

Hon. Robert Mbui (Kathiani, WDM-K): Thank you, Hon. Deputy Speaker for giving me an opportunity. I also support this Petition. I think it is in good taste and it will go a long way in ensuring that the rights of these teachers are protected.

My concern is about the committee that is receiving this Petition. I would like to urge them that they should do a thorough job once they receive it. I am raising this issue because in the last Parliament, I issued a Petition to the Departmental Committee on Justice and Legal Affairs that was asking about the compensation of parents and guardians of the victims of the Kyanguli fire tragedy. I have received a report from that Committee and it is shocking because the conclusion is that the Committee should invite the Attorney-General to tell them why there was no compensation.

When committees receive these petitions, they have to be thorough and give a conclusion that makes sense. We bring petitions because there is a problem and if you give a conclusion about an invitation, that means you did not do the work you were expected to do. Therefore, I would like to urge that Departmental Committee on Justice and Legal Affairs to relook into my Petition on behalf of the victims of Kyanguli Fire Tragedy and give us a report, which will make sense. Not one that says that they should invite people. They had the opportunity to invite and I think that is what committees are there to do.

Thank you, Hon. Deputy Speaker for the opportunity. I support.

Hon. Deputy Speaker: I will give one opportunity to Members on my right. Let us have Hon. Abdullahi Sheikh, but you should have placed an intervention.

Hon. (Rtd.) Bashir S. Abdullahi (Mandera North, JP): Thank you, Hon. Deputy Speaker. I support this Petition. It is timely and TVET institutions since 2013 have not been fully operationalised. I think most of the functions are still being carried out by the TSC. It is high time the function of management and training of lecturers is taken up by the TVET Board. The TSC is currently grappling with the problem of managing teachers. So, loading them with more work will not be of help to Kenyans. In northern Kenya where I come from, the TSC has completely failed in the management of teachers.

They are the ones who have caused the shortage of teachers in constituencies in my area. Giving them more work and loading them with TVET institutions will not help. Very soon, we will hear lecturers and teachers of TVET institutions being withdrawn from certain areas by the TSC. Their policy is not inclusive and is completely not in line with the aspirations of teachers and Kenyans especially in northern Kenya.

It is high time that the TVET Authority takes over the management and running of its institutions from the TSC, so that the TSC remains with teachers training.

Hon. Deputy Speaker: Let it be brief because it is going before a committee where you can go and ventilate further. The Petition is committed to the relevant committee which is the Departmental Committee on Education and Research.

Next Order!

PAPERS LAID

Hon. Deputy Speaker: The Chair, Budget and Appropriations Committee, are you ready? Proceed.

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Deputy Speaker, I beg to lay the following Paper on the Table of the House:

Report of the Budget and Appropriations Committee on the Budget Policy Statement (BPS) and the Debt Management Strategy for 2019/2020 and the Medium-Term.

Hon. Deputy Speaker: Chairperson, Public Investments Committee (PIC).

Hon. Abdullswamad Nassir (Mvita, ODM): Hon. Deputy Speaker, I beg to lay the following Paper on the Table of the House:

Progress Report of the Public Investments Committee on the inquiry into the proposed takeover of Jomo Kenyatta International Airport (JKIA) by Kenya Airways (KQ).

Hon. Deputy Speaker: Next Order!

NOTICES OF MOTIONS

Hon. Deputy Speaker: The Chair, Budget and Appropriations Committee.

ADOPTION OF REPORT ON BUDGET POLICY STATEMENT FOR 2019/200

Hon. Kimani Ichung'wah (Kikuyu, JP): Hon. Deputy Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Budget and Appropriations Committee on the Budget Policy Statement (BPS) and the Debt Management Strategy for the Financial Year 2019/2020 and the Medium-Term, laid on the Table of the House on Wednesday, 27th February 2019.

Hon. Deputy Speaker: Chairman, Public Investments Committee, give your notice.

ADOPTION OF REPORT ON PROPOSED TAKEOVER OF JKIA BY KENYA AIRWAYS

Hon. Abdullswamad Nassir (Mvita, ODM): Hon. Deputy Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Progress Report of the Public Investments Committee on the inquiry into the proposed takeover of Jomo Kenyatta International Airport (JKIA) by Kenya Airways (KQ) laid on the Table of the House on Wednesday, 27th February 2019.

Hon. Deputy Speaker: Next Order! In this particular Order, I see nobody with a Statement. So, we will go straight to Questions. The first Member to ask a Question is Hon. Annie Wanjiku Kibeh.

(Hon. Kimani Ichung'wah consulted loudly)

The Chair, Budget and Appropriations Committee is completely out of order.

ORDINARY QUESTIONS

Question No.046/2019

DEPLOYMENT OF GATUNDU NORTH SUB-COUNTY POLICE COMMANDER

Hon. (Ms.) Wanjiku Kibeh (Gatundu North, JP): Thank you, Hon. Deputy Speaker. My Question this morning goes to the Cabinet Secretary for Interior and Coordination of National Government.

(a) Is the Cabinet Secretary aware that Gatundu North Sub-County Police Headquarters has been operating without a Sub-County Police Commander from May 2018 to date?

(b) When will the National Police Service deploy the Sub-County Police Commander?

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: That Question will be replied before the Departmental Committee on Administration and National Security. The next Member is Hon. Esther Passaris, Member for the entire Nairobi County.

Question No.047/2019

UTILISATION OF NATIONAL GOVERNMENT AFFIRMATIVE
ACTION FUND IN NAIROBI COUNTY

Hon. (Ms.) Esther Passaris (Nairobi CWR, ODM): Hon. Deputy Speaker, I beg to ask the Cabinet Secretary for the National Treasury and Planning the following Question:

(a) Is the Cabinet Secretary aware that Nairobi County has not utilised the funds meant to cover emergencies for affirmative action groups as allocated from the National Government Affirmative Action Fund?

(b) Could the Cabinet Secretary state how the funds for the Financial Year 2017/2018 were utilised and measures taken by the ministry to ensure that the funds are equitably shared and prudently spent?

Hon. Deputy Speaker: That one will be replied to before the Departmental Committee on Finance and National Planning. The next one is the Member for Bonchari Constituency.

Question No.048/2019

STEPS TAKEN TO STOP POLLUTION OF RIVER RIANA IN BONCHARI CONSTITUENCY

Hon. John Oyioka (Bonchari, PDP): Hon. Deputy Speaker, I beg to ask the Cabinet Secretary for Environment and Natural Resources the following Question:

(a) Is the Cabinet Secretary aware that the construction of the fertiliser factory in Suneka Sewage Treatment Plant in Bonchari Constituency has stalled?

(b) Is the Cabinet Secretary further aware that the untreated waste is being drained into River Riana, also in Bonchari Constituency, thus affecting the ecosystem?

(c) Could the Cabinet Secretary undertake to ensure that there is proper treatment of the sewage affluence, toxic chemicals and foul smell that is causing harm to the ecosystem?

Hon. Deputy Speaker: That one will be replied to before the Departmental Committee on Environment and Natural Resources. Next would have been Hon. (Capt.) Ruweida Obo, but I am informed that due to the fact that she is not in the House with good reason, that one will be placed before the next Sitting.

Question No.049/2019

COMPENSATION TO NATIONAL POLICE RESERVISTS IN LAMU COUNTY

(Question deferred)

Hon. Deputy Speaker: Next is the Member for Baringo Central, Hon. Joshua Kandie.

Question No.050 /2019

MEASURES TO CURB SPREAD OF HEPATITIS B IN BARINGO SUB-COUNTY

Hon. Joshua Kandie (Baringo Central, MCCP): Hon. Deputy Speaker, I beg to ask the Cabinet Secretary for Health the following Question:

(a) Is the Cabinet Secretary aware that there are increased cases of Hepatitis B in Baringo Sub-County?

(b) What measures is the Ministry taking to monitor, diagnose, treat and contain this fatal infectious disease?

Hon. Deputy Speaker: That will be replied to before the Departmental Committee on Health. Next will be Hon. Abdul Rahim Dawood, Member for North Imenti Constituency.

Question No.051/2019

STATUS OF IMPLEMENTATION OF THE REPORT ON DELINEATION AND
DEMARICATION OF GREATER MERU DISTRICT

Hon. Rahim Dawood (North Imenti, JP): Hon. Deputy Speaker, I beg to ask the Cabinet Secretary for Lands the following Question:

(a) What is the status of implementation of the Report of the Taskforce on Delineation and Demarcation of the greater Meru District and the boundary between Tharaka and Tigania districts appointed vide *Gazette Notice 11412* of 4th December 2008 under the chairmanship of Zachary Ogongo?

(b) What measures is the Ministry undertaking to ensure that the disputes between Meru and Tharaka Nithi counties are resolved and in particular land disputes at Kwa Ng'ombe in North Imenti Constituency?

Hon. Deputy Speaker, I asked this Question last year and I am asking it again. It never went through last year. So, I hope this time it will go through.

Hon. Deputy Speaker: Okay. Let us see how it goes. That will be replied to before the Departmental Committee on Lands. Next will be the Member for Kisumu West Constituency, Hon. Olago.

Question No.052/2019

MEASURES TO ADDRESS INCIDENTS OF ARMED ROBBERY IN KISUMU WEST CONSTITUENCY

Hon. Olago Aluoch (Kisumu West, FORD-K): Hon Deputy Speaker, for the sake of the record, I want to say that the issue of the microphones not working in some of the desks should be addressed. It has been going on for the last two weeks now.

Hon. Deputy Speaker: Hon. Olago, the problem is that we are not sure whether the microphone is not working or you are a bit too tall for the microphone. Either way, it will be checked.

Hon. Olago Aluoch (Kisumu West, FORD-K): I might be too tall, but I am now used to it. I am okay with that.

Hon. Deputy Speaker, I wish to ask the Cabinet Secretary for Interior and Coordination of National Government the following Question:

(a) Is the Cabinet Secretary aware of the increased number of incidents of armed robberies in Kisumu West Constituency reported to Maseno Police Station between 1st November 2018 and 19th November 2018?

(b) What action has the police taken to apprehend and prosecute all suspects in these robbery incidences?

(c) How effective is the coordination between the police and the public on the *Nyumba Kumi* Initiative and are the police keeping the identities of informers confidential?

Hon. Deputy Speaker: That will be replied to before the Departmental Committee on Administration and National Security.

Question No.053/2019

SUPPLY OF NEW CURRICULUM BOOKS TO SCHOOLS

Hon. James Wamacukuru (Kabete, JP): Hon. Deputy Speaker, I beg to ask the Cabinet Secretary for Education the following Question:

(a) Could the Cabinet Secretary provide a list of all books by subjects supplied to primary and secondary schools for the new education curriculum?

(b) What measures is the Ministry putting in place to ensure that books and materials that enhance life skills among pupils and students are provided in schools?

Hon. Deputy Speaker: That will be replied to before the Departmental Committee on Education and Research. Next is Hon. Atandi, Member for Alego Usonga Constituency.

Question No.054/2019

IRREGULAR DISMISSAL OF MR. JAMES OMINGO JUMA BY KENYA REVENUE AUTHORITY

Hon. Samuel Atandi (Alego-Usonga, ODM): Hon. Deputy Speaker, I beg to ask the Cabinet Secretary for Labour and Social Protection the following Question:

(i) Is the Cabinet Secretary aware that one, Mr. James Omingo Juma of Identification Card Number 0985881, was irregularly dismissed from employment by the Kenya Revenue Authority contrary to Section 45 of the Employment Act?

(ii) When will he be paid his dues or reinstated as directed by the court?

Hon. Deputy Speaker: That will be replied to before the Departmental Committee on Labour and Social Welfare. That marks the end of that particular Order. So, we go to the next Order.

PROCEDURAL MOTION

EXEMPTION OF BUSINESS FROM PROVISIONS OF STANDING ORDER 40(3)

Hon. Aden Duale (Garissa Township, JP): Hon. Deputy Speaker, I beg to move the following Motion:

THAT, this House orders that the business appearing as Order Nos.10 and 11 in the Order Paper be exempted from the provisions of Standing Order 40(3) being a Wednesday Morning, a day allocated for business not sponsored by the majority or minority party or business sponsored by a committee.

As of last night, we only had one Private Members' Motion, which we balloted at the HBC. I hope the Member will give notices of Motions this morning or in the afternoon.

Having said that, there was no business from the Private Members on the day that is allocated for them. Because we approved the resolution of the House yesterday allowing the Speaker and the Clerk to fast-track the publication of the 30 Private Members' Bills, which I hope will be done between now and Tuesday, beginning next week, we will not have Motions.

We will have Private Members' Bills, which will be introduced for First Reading and then sent to committees. We had no business. In that situation, we had to bring in Order Nos.10 and 11 which are committee reports so that the flow of business this morning is not hampered.

I am sure Members will agree with me that under the circumstances, this is usually a day slotted for Private Members' Motions, but because there was no business from the Private Members, all their Bills will go to the Government Printer for publication. Going forward, we will have more business from our colleagues. So, we intend to pass this Procedural Motion to give us leeway, if the House agrees with us, that we go to Order Nos.10 and 11 so as to continue business this morning.

I beg to move and ask Hon. Mbadi, who was with me last night in the House Business Committee, to second.

Hon. John Mbadi (Suba South, ODM): Hon. Deputy Speaker, I second this Procedural Motion and echo what the Leader of the Majority Party has said. We did not have proposed Bills or Motions from a Private Member that were ready.

We need to be clear on what the Leader of the Majority Party has said. It is not that Private Members have not generated Bills. It can be reported wrongly. Private Members have generated a record number of Bills. In fact, this Parliament is leading the previous Parliament in terms of proposed legislations from Private Members. However, they had not been processed for First Reading or even Second Reading. This House had already agreed or allowed the fast-tracking of these Bills. I am sure from next week, we will start debating Private Members' Bills and not Motions. We will be debating various Bills proposed by Private Members.

I beg to second.

(Question proposed)

Hon. Members: Put the Question!

(Question put and agreed to)

HOJA

KUFUTILIA MBALI KWA ADA ZA MATIBABU KATIKA HOSPITALI ZA UMMA ZA RUFAA PINDI MTU ANAPOFARIKI

KWAMBA, tukitambua kuwa Ibara ya 43 ya Katiba imebainisha kuwa kila mtu ana haki ya kupata kiwango bora zaidi cha afya, kinachojumuisha haki ya kupata matunzo ya kiafya na kutonyimwa matibabu ya dharura; aidha, ikifahamika kwamba gharama za matunzo ya kitabibu katika taasisi za kiafya za kibinafsi zingali ghali mno, hivyo kuwalazimu Wakenya wengi kupendelea kusaka huduma hizo kwa hospitali za umma; tukizingatia kwamba, licha ya bei nafuu ya matibabu katika hospitali za umma ikilinganishwa na hospitali za kibinafsi, bado Wakenya wengi hawamudu, hivyo basi kutumbukia kwenye madeni, ufukara na dhiki wanaposhindwa kulipa malimbikizi ya gharama za matibabu yao na ya wapendwa wao; Bunge hili linahimiza Serikali ya kitaifa kufutilia mbali gharama zote za matibabu ya wagonjwa wote wanaofariki wakipokea matibabu katika hospitali za umma za rufaa.

(Hon. Mohamed Ali on 20.2.2019 – Morning Sitting)

(Resumption of Debate interrupted on 20.2.2019)

Hon. Deputy Speaker: Hii ni Hoja ya Mhe. Mohamed Ali. Kinachobakia ni Hoja kuhitimishwa. Najua kwa uhakika, Mbunge wa Suba ambaye ni Kinara wa Walio Wachache katika Bunge, hawezi kuelewa hiyo. Nimesema Kiongozi wa Walio Wachache katika Bunge kwa wale hawajaelewa Kiswahili vizuri.

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD- K): On a point of order!

Hon. Deputy Speaker: Hakuna mambo ambayo unatueleza hapo. Unasema aje, Mheshimwa (Dkt) Wamalwa? Umesimama kwa hoja ya nidhamu.

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD-K): Asante sana, Naibu Spika. Kulingana na *Standing Orders* za Bunge hili ningeomba kwa sababu...

Hon. Deputy Speaker: Umesema vipi, Mhe. Wamalwa?

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD-K): Kwa sababu Mswada huu...

Hon. Deputy Speaker: Huu si Mswada, ni Hoja.

Hon. (Dr.) Chris Wamalwa (Kiminini, FORD-K): Hoja hii, imechangiwa na watu wengi sana. Kulingana na *Standing Order No.95*, naomba mwenye Hoja ajibu ili tuendelee na mambo mengine tafadhali.

(Laughter)

Hon. Deputy Speaker: Hivyo ndivyo nilisema kwamba Daktari Wamalwa pia hakuelewa. Yaliyobaki ni hayo ambayo unasema. Kuhitimishwa kwa Hoja ndiyo wewe mwenyewe umeuliza mwenye Hoja afanye. Kwa lugha ya Kimombo, *it is asking the Mover to reply*.

Mhe. Ali, uwanja ni wako.

(Laughter)

Hon. Mohamed Ali (Nyali, Independent): Asante sana, Mhe. Naibu Spika. Naomba kujibu Hoja ambayo tulizungumzia wiki iliyopita.

Kwanza kabisa, nitaanza kutoa shukrani zangu za dhati kwa Wabunge wote waliochangia Hoja hii ya kufutulia mbali ada za matibabu katika hospitali za umma za rufaa pindi mtu anapofariki. Ntoa shukrani zangu kwa Wabunge wote waliochangamka na kuchangia Hoja hii wakiomba ya kwamba ipasishwe ili tuweze kupunguza mzigo wa wananchi wa Jamhuri ya Kenya.

Kuongezea tu kidogo ni kwamba Hoja hii itasaidia katika gharama ya mwananchi wa kawaida iwapo itapasishwa. Kwa mfano, sisi Wabunge hatuna mamlaka kwa sababu ya...

Hon. Deputy Speaker: Je, ni hoja ya nidhamu, Mhe. Kiongozi wa Walio Wengi Bungeni?

Hon. Aden Duale (Garissa Township, JP): Mhe. Naibu Spika, umesikia Mhe. Mohamed Ali akisema “ikiwa Nyumba itapasisha”. Hicho si Kiswahili sanifu. Anapaswa aseme “ikiwa Nyumba itakubaliana naye ama kupitisha”. Yeye ameleta kile Kiswahili cha *sheng* eti “itapasisha”. Nataka umwambie aondoe neno hilo kutoka rekodi ya Bunge.

Hon. Deputy Speaker: Hebu tukusikize, Mhe. Ali.

Hon. Mohamed Ali (Nyali, Independent): Mhe. Naibu Spika, utumizi wa neno “kupasishwa” au neno “kupitisha” utategemea lugha unayoitumia. Unaweza kuzungumza Kiswahili cha Mvita au cha Kenya. Kwa hivyo, kuna tofauti lakini yote ni moja. Hoja inapitishwa katika Bunge na Wabunge.

Hon. Deputy Speaker: Hapo sikubaliani na wewe, Mheshimiwa Ali. Kama ulianza na Kiswahili cha Mvita, utaendelea na Kiswahili cha Mvita. Kama unatumia Kiswahili cha Kenya ambacho umesema, kiwe ni Kiswahili cha Kenya. Endelea.

Hon. Mohamed Ali (Nyali, Independent): Mheshimiwa Naibu Spika, kuweka wazi wacha tuseme “iwapo Bunge hili litapitisha Hoja hii ambayo tulileta wiki iliyopita”.

Kwa ufupi, Hoja hii itasaidia mwananchi wa kawaida katika masuala ya gharama ya maisha kwa sababu sisi Wabunge hatuna mamlaka dhidi ya mambo fulani yanayotendeka katika taifa hili. Kwa mfano, swala la afya liko katika ugatuzi. Ni swala ambalo wahusika wakuu katika kaunti ni magavana ambao wanafaa wasaidie katika mambo haya lakini sio wote. Wengine wamezembea katika majukumu yao, hivyo basi kutuletea kazi kubwa zaidi.

Wiki iliyopita sikuweza kugusia mambo mawili. Katika Hospitali ya Kitaifa ya Rufaa ya Kenyatta, kila wadi ina vitanda vinne. Kwa ujumla, hospitali iko na wadi kama 50. Asilimia 78 ya Wakenya hawawezi kulipa kwa sababu katika wadi hizi utapata watu wanalazwa chini, hawapati dawa na kuna uhaba wa madaktari. Kwa hivyo, chanzo kubwa kabisa kinachosababisha vifo ni uzembe katika Serikali kuboresha sekta ya afya.

Kwa mfano, Hospitali ya Kitaifa ya Kenyatta pekee inapoteza Kshs600,000 kwa siku kwa watu wasioweza kulipa kwa sababu ya maradhi kama vile saratani au figo.

Katika mradi wa Linda Mama, Serikali inawajibika na kulipia akina mama ada ya Kshs17,000. Swali tunalofaa tujiulize ni kwamba katika huu mradi wa Linda Mama, je ikizidi Kshs17,000...

Hon. Deputy Speaker: Mhe. Namsi Shaban, je, una hoja ya nidhamu?

Hon. (Dr.) Naomi Shaban (Taveta, JP): Ni nyingine, Mhe. Naibu wa Spika.

Hon. Deputy Speaker: Endelea, Mhe. Ali.

Hon. Mohamed Ali (Nyali, Independent): Shukrani, Mhe. Naibu Spika. Katika mradi wa Linda Mama, Serikali inalipa Kshs17,000 lakini hii haimudu kujifungua kwa upasuaji ambao kwa lugha ya kimombo ni *Caesarean Section*. Je, hatima ya mwanamke anayejifungua kwa upasuaji iko vipi? Je, hatima ya mtoto ambaye anazaliwa kabla ya siku yake iko vipi? Hivi ndivyo vipengele ambavyo tunaangalia kwa undani na kuhakikisha ya kwamba mwananchi wa kawaida amesaidika. Tutahesabu watu na tutatumia Kshs6 bilioni. Pia, kuna kauli mbiu ya kura ya maoni ambapo zaidi ya Ksh18 bilioni itatumika. Hizi pesa zitatumika kwa mambo ambayo hayana uzito kwa mwananchi wa kawaida. Badala hizi pesa zitumike katika afya na ujenzi wa taifa hili, zinatumika katika masuala ambayo hayasaidii asimilia kubwa ya Wakenya, asilimia 80 ambao ni maskini.

Nasimama kuzungumzia fundi wa mbao, mfanyikazi wa mjengo, mama wa mboga, dereva wa matatu, kondakta na wafanyikazi wote wa jua kali ambao wanapoteza wapendwa wao, miili yao inazidi kuzuiliwa katika vyumba vya kuhifadhi maiti na baadaye kutupwa. Naomba Bunge hili lipitisho Hoja hii na tuweze kuendelea mbele kujenga Jamhuri ya Kenya.

Asante sana.

(Question put and agreed to)

(Laughter)

Hon. Deputy Speaker: Next Order. We are going back to English.

Hon. Aden Duale (Garissa Township, JP): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: What is your point of order?

Hon. Aden Duale (Garissa Township, JP): Mhe. Naibu Spika, ninasimama kwa hoja ya nidhamu.

Hon. Deputy Speaker: We are going back to English now.

Hon. Aden Duale (Garissa Township, JP): Umesema wale Waheshimiwa ambao wamesema ndio, wamechukua. Hicho si Kiswahili sanifu. Ungesema wale wamesema ndio, wamekubaliana na Bunge.

(Laughter)

Hon. Deputy Speaker: Mhe. Shaban ambaye ni jirani wa Shaban Robert, ambaye alifahamika sana kwa Kiswahili, alisema kwamba tuko na Kiswahili cha Kiugunja, Kimvita na hata cha hapa Nairobi. Hauna ruhusa kupinga mambo ambayo Mwenyekiti wa siku ya leo amepitisha. It is gone. Let us go back to our English, Hon. Members. Let us proceed.

Next Order.

REPORT ON AUDITED FINANCIAL STATEMENTS
FOR CONSTITUENCIES IN KISUMU COUNTY

THAT, this House adopts the Third Report of the Special Funds Accounts Committee on Audited Financial Statements for the National Government Constituencies Development Fund for Constituencies in Kisumu County for the Financial Years 2013/14, 2014/15 and 2015/16, laid on the Table of the House on Wednesday, 28th November 2018.

(Hon. Erastus Nzioka on 26.2.2019)

(Resumption of Debate interrupted on 26.2.2019)

Hon. Deputy Speaker: Let me give the opportunity to the Leader of the Majority Party because we are resuming debate. As you are aware, in the Standing Orders, the Leader of the Majority Party and the Leader of the Minority Party have preference. It is important for the Members to speak relevantly. It is not just saying the good the National Government Constituencies Development Fund (NG-CDF) has done. We are speaking about the audited Report. I am sure the Leader of the Majority Party will give good guidance on it.

Proceed, the Leader of the Majority Party.

Hon. Aden Duale (Garissa Township, JP): Thank you, Hon. Deputy Speaker. First, I want to start by thanking and congratulating the Special Funds Accounts Committee for bringing this Report that has examined seven constituencies in Kisumu County. The Special Funds Accounts Committee is one of the watchdog committees which were formed to enhance the oversight role of this House. The Committee examines the report of the Auditor-General laid

before the National Assembly to ensure there is probity, efficiency and effectiveness on how resources allocated by this House are used.

Since Independence, there have been numerous attempts to enhance and improve the livelihood of the people of Kenya at the local level. They include the formation of the special rural development programmes, district development planning and district focus for rural development by former President Moi's Government. However, most of these programmes failed to bring development in rural areas until the introduction of the NG-CDF. It brought total change and transformation of the country with regard to development of infrastructure and social amenities. It has brought a new face to our constituents in comparison to the previous practice where Members of Parliament relied on the patronage and goodwill from the Government of the day to deliver to constituencies. The Members of Parliament would queue before Ministers and Permanent Secretaries for a school whose roof had been blown off to be repaired. We can use the NG-CDF to uplift the lives of our people today.

Since the introduction of the NG-CDF in 2013, our people at the grassroots have been able to make expenditure decisions. Our people sit and make expenditure decisions that maximise their welfare based on the NG-CDF. It has also enhanced local ownership of development projects. Every village, ward and division can own its development agenda through the NG-CDF today. It enhances local ownership of development projects. It also increased public participation. It is the people who decide whether to build a school, buy desks or pay bursaries. The local public participation is envisioned in the Constitution and is stipulated in the NG-CDF Act, 2015.

I had opportunity to peruse this Report and one of the issues raised during the Committee hearing is the late disbursement of the NG-CDF funds which makes it impracticable for the Fund to exhaust all the allocations within the financial year. For example, it is only three or four months to the closure of the Financial Year 2018/2019.

As we sit here as Members, less than 30 per cent of the resources have been sent to constituencies. We are unable to pay bursaries. One of the hallmarks that the Committee has flagged out and this goes to the Minister for National Treasury and the board, is the late disbursement of funds by the Executive. If the money is sent early enough in the first, second or third quarters, we will not have funds which have not been exhausted and incomplete projects. That is a good point the Committee flagged out. So, disbursement of funds is the most important aspect of any project implementation.

It is on this basis the scheduled project activities are translated into measurable outputs in the execution of development projects. However, perennial delays witnessed in the disbursement of the NG-CDF leads to procurement delays and certainly delays in submitting accountability reports to allow for the next release. If there is no money, even the Auditor-General will not have enough time to audit the NG-CDF and the NG-CDF Committee will not have enough time to go around to constituencies.

Hon. Deputy Speaker, the National Treasury should, therefore, realise that timely disbursement or release of development funds is a critical component that must be properly analysed for planning reasons. The NG-CDF funds must be released within reasonable time to ensure successful implementation of the NG-CDF programmes within possible timeframe.

The other item the Committee has flagged out is the unbecoming behaviour of some fund managers. Let me make it very clear that the majority of the fund managers are good and do their work properly, but we have a number of fund managers, particularly those who were recruited at the beginning of the NG-CDF, who are involved in corruption and impropriety. So, the

Parliamentary Committee and the NG-CDF Board must deal with those few elements. We thank the fund managers who are working well with the committees and with the local communities.

The Committee also observed that the current project monitoring and evaluation structures are very ineffective. They are unable to perform their functions in accordance to Section 53 of the National Government Constituencies Development Fund Act of 2015. They found out that the structures in place for project monitoring and evaluation are weak and ineffective. That is an item that the Committee has also flagged out in their recommendation.

So, what is the way forward? The Committee agrees that there is need to ensure that all the NG-CDF financial transactions are tracked continuously to enhance monitoring and evaluation of programmes. There must be a clear structure that tracks all the payments and projects that the NG-CDF funds. The NG-CDF Board should leverage on Information and Communication Technology (ICT) so that from their offices, they can track the transactions, transfer of money, projects and monitor their implementation. So, we ask the board to leverage on ICT to ensure quality monitoring and evaluation of the programmes.

Those are the few issues I have picked from the Report when I went through it. There are many other good recommendations. I thank the Chair and the Vice-Chair of the Committee. This is the first time, and Hon. Kathuri will be remembered as the first Chair of this Committee who has timely...

Hon. Deputy Speaker: I see some jittering. The Leader of the Majority Party has said that, “as the first Chair” not the Vice-Chair. We know the Vice-Chair is Hon. Chepkut.

Hon Aden Duale (Garissa Township, JP): The Vice-Chair is a man who speaks very fine English. He is not in the House. I have said the first Chair of the Committee who has made sure that this is the second Report. I am sure his Committee is working on others.

With those remarks, I beg to support.

Hon. Deputy Speaker: It was very important for us to give a chance to the Leader of the Majority Party. He has flagged out issues of audit. He must have looked at the Report. I hope Hon. Members will go in that direction.

On top of the request list is Hon. Tong’i Nyagaka, Member for Nyaribari Chache.

Hon. Richard Tong’i (Nyaribari Chache, JP): Thank you, Hon. Deputy Speaker for giving me an opportunity to speak to this Report. From the outset, I support it. I support it because it has brought out the issue of lack of information out there.

As we all know, the good Bible says: “My people perish because of lack of information”. So, when we have opportunity of getting information like we have now, we are now able to make out or have a better understanding of what is going and interrogate the reports and what the NG-CDF does.

Yesterday, I had opportunity to listen to my colleagues who made contributions in the House. They spoke at length about the NG-CDF and what it has done. I do not want to repeat most of the things they said. We all appreciate that the NG-CDF has impacted the society in a more powerful way than any other fund in the Government system. Today, if you go to any part of the country, you are likely to see a project which has been initiated using the NG-CDF money, a clear indicator that we understand the terrain and the needs of our people at the grassroots level and that can only be achieved by the use of the NG-CDF.

As a House and as Kenyans, we need to appreciate that there are other institutions which have been given money. For example, governors and county governments have been given billions of shillings, but there is not much you can show for that kind of money. Where the NG-CDF has been used to construct a classroom at a cost of about Kshs500,000, yesterday it came

out clearly that county governments in some regions spend Kshs2 million to Kshs3 million to do a classroom. Clearly, that is misuse of public funds. We cannot have that happening in one institution or school where the NG-CDF uses Kshs500,000 to do a classroom, but the county government, using the same materials, environment and structures, use about Kshs3 million to do the same classroom. We need to encourage the Auditor-General to be as aggressive on county governments as he is on the NG-CDF, so that Kenyans can get value for money.

We need to educate our Members and create a forum through which we will educate the public to understand what the NG-CDF does and what is done by county governments. There are many instances, and I am sure I am speaking on behalf of my colleagues in the House today, where we have been accused of not doing roads yet they were devolved to counties. A Member of Parliament has no duty and capacity or is not allowed by law to use the NG-CDF money to do roads. But some people, because they do not know, keep asking what the Member of Parliament has done with the NG-CDF money and why he is not fixing roads. So, we need to know where to place the blame because road construction is a county function. Once people understand that, they will demand services from counties in a clearer way than passing the buck elsewhere like from time to time when a governor does not do something and says that it is the Member of Parliament who is supposed to do it. That way, we do not give services to *mwananchi* as we ought to.

It is true, and I agree with my colleagues, that the NG-CDF has impacted society more than any other fund from the national Government. We need to increase the NG-CDF from the 2.5 per cent to 3 per cent of the last Government audited accounts or even more because it has proven that it works more effectively. If it can be increased to a higher level, I am sure we will achieve more as a country because we have seen how the NG-CDF works.

The NG-CDF is so itemised that it is almost impossible for any misappropriation of funds to happen. When we send our proposal to the NG-CDF, we attach item-by-item budget. You are able to say what you are going to do with the money. For example, we all know that we can only do so much with a bursary using a given percentage. We know that some percentage has to go to security. We know what budgets are meant for and, therefore, you are able to allocate per project. How I wish that was done by the county governments as well so that even as they are sending budget requests to Nairobi, they are able to itemise what they will do with the money that they have been given so that we are able to follow and confirm whether that money was used the way it was envisaged to be used from the word go.

We are almost going to the third month of the year and we have not received the money which is meant to have been received by now. We are remaining with a few months before the end of the financial year. I am sure we are hurting our people because we are not able to disburse bursaries to our needy students. There are some students who are out of school and colleges today because they are not able to raise the money required for their studies because a Member of Parliament is completely unable; he has not received money from the NG-CDF. It is simply that they have not been given money by the National Treasury. We need to make a decision as a House to get it as a priority so that when Cabinet Secretary is giving out money, just as he gives out on a priority basis, the NG-CDF should be the one that should be given priority because of its impact and the expectation from society. The people out there are waiting for this money and we are inconveniencing the very people we are supposed to protect so that they are able to contribute to the economy of this country.

It is also important for our Members to appreciate that that which cannot be measured cannot be rewarded. We have been having for the longest time, the acting CEO of the NG-CDF Board. He has been acting for almost seven years and we all know that he is a human being. This is a human being who has feelings. He is acting together with the Chairman, Mr. Masese, a very efficient manager. He was the director of education and he did a good job. This Chairman and the NG-CDF CEO are on acting capacity. We need to pass a policy. We need to encourage the Cabinet Secretary so that he can get them confirmed.

When somebody is confirmed he has more latitude to do a lot more than when acting. When you are acting, the human propensity in us is such that you want to look over your shoulder before you make a hard decision. We know that managers are meant to make hard decisions, not very popular decisions. But now because he does not know his future, he does not know what tomorrow holds for him, he acts in a manner that is not forceful enough. Probably that explains why we have not been able to receive the money from the National Treasury. He does not have the teeth to bite. He cannot put his feet down to push the Cabinet Secretary or the Principal Secretary to get the money because he has not been confirmed. I do not know if it is a strategy to keep him acting for all this long, but for purposes of good governance, efficiency and better coordination, the Chairman, Mr. Masese who is on acting capacity, needs to be confirmed. It is only fair that we also get Mr. Mbuno confirmed as a CEO so that they are able to think more efficiently and be able to serve Kenyans in a better way. That way they would be settled and they would be happy that they have been recognised for serving Kenyans.

I appreciate the contribution from Members. They appreciate the contribution of the NG-CDF to our people. We need to work hard and ensure that a few cases we have of corruption, if any, in our constituencies are dealt with decisively for the good of the society. That way, we would be able to grow our economy and touch the lives of our people who are vulnerable, people who cannot afford to pay for their basic needs, which the NG-CDF is meant to do. We promise to work hard and ensure that service is given to our people. I can see my time up...

With those many words I support. Thank you.

Hon. Deputy Speaker: Let us have Hon. Wambura.

Hon. (Dr.) James Nyikal (Seme, ODM): Thank you, Hon. Deputy Speaker, for giving me this opportunity.

An hon. Member: Wambura?

Hon. (Dr.) James Nyikal (Seme, ODM): It is Wambura Nyikal. Hon. Deputy Speaker can take any name he likes.

Hon. Deputy Speaker: Proceed, Hon. (Dr.) Nyikal. You cannot be responding to Members. I have given you the opportunity and you have the microphone. Proceed.

Hon. (Dr.) James Nyikal (Seme, ODM): Thank you, Hon. Deputy Speaker, for giving me the opportunity. Let me start by appreciating the work of this Committee. Since I came to this House, it is the first time we are getting clear reports on the NG-CDF. The Committee has worked well on these reports. They have been on time. I find this particular Report extremely

good. The recommendations given are clear and easy to work on. They are supported by appropriate Acts and laws. This is an extremely good Report. We must support it.

The NG-CDF deserves a Committee like this. This is an extremely important Fund. In my view, this is probably the only Fund that meets the requirement of public involvement in public affairs. In this Fund, there is involvement of the people right from the time of project identification to the time of project implementation. When we are identifying projects and doing public participation, I am often amazed at how well the people are aware of what their needs are and how they are consistent from year to year. They will say, “last year, we gave this request but it was not responded to. So this year, we would like it be done.” That indicates that the people are involved, they appreciate and understand this Fund. In implementation, the provision of project management committee is extremely important element in this Fund. We find that people are involved in procurement.

In our constituency where the project management committees are involved in procurement, you never get complaints because they are part and parcel of procuring the contractors who carry out the project. Their involvement in monitoring has been extremely useful. Involvement of the project management committee is such that it is easy to stop any attempts either by the committee member himself or even by the contractors to interfere with the project or the finances. That in my view has proved extremely important.

Even in supervision, I have always found that if a project is not going on well, the committee members will come out and say when it is not going on well. I have found that involvement useful. Even in the authorisation of payment, you will find committee members saying they cannot pay because the project has not been implemented to their satisfaction. If we could do this in all other projects, we would not have open fields being paid for as dams. I have found this is as an extremely useful committee.

The other thing about this Fund is the rapid response. It is the only Fund that, when people have a problem, they report their problem to the constituency office and within a short time, it is responded to. If a window of school has been blown away, they report and within a short time something can be done. It is extremely important and if we could do our national project in a similar way, it would go a long way in getting the people realise what the Government is doing for them.

There is need for flexibility in the rules regarding emergencies. There are times when the emergency in the eyes of the public, may not look like emergency for the board that is approving emergency expenditure. That is an area we should look at. I do not know of any fund in Government which is as cost effective as the NG-CDF. The overhead is actually the lowest of any fund I know. So, as Members of Parliament, we may pat ourselves on the back that this is where we get value for money. What is spent on administration is the lowest. I think this is a fund that we should support. The only problem that I have realised and which the Committee may need to look at, and which I want to bring to their attention is the arrangement that some fund managers in constituencies are also acting as regional managers. I have found that it takes their time; they are away from their constituencies most of the time because they have been

given wider responsibilities. My recommendation is, we should establish those regional offices independently and have independent officers manning them so that the constituency fund managers remain constituency fund managers.

With that, I support this Report.

Hon. Deputy Speaker: Hon. Adagala Kahai. She is absent, so I will give the opportunity to the Member for Kisumu Town West. We are having problems with microphones. So, generally you need to go to the Dispatch Box for the time being. Try that one, if you are not able to use it, come to the Main Box.

Hon. Olago Aluoch (Kisumu West, FORD-K): I hope this one works. Thank you, Hon. Speaker. I wish to join the House in supporting this Motion. I want to commend the Committee led by my friend, Hon. Kathuri and his team for the very well done report. For once, the team was able to go to the relevant regions of this country and talk to fund managers, chairmen and members of committees and hear their views. There are three points that I wish to address to the committee. One has been raised before and it is the issue of acting officers. Right from the CEO of the board Mr. Mbuno, who has been acting for so long, time has come for these officers to be confirmed. That trickles down to the offices of regional coordinators and even fund managers.

*[The Deputy Speaker
(Hon. Moses Cheboi) left the Chair]*

*(The Temporary Deputy Speaker
(Hon. Patrick Mariru) took the Chair]*

Right now in Kisumu West, my fund manager is acting for Kisumu East. That takes a lot of time and he is not able to concentrate on either East or West Kisumu. So, where officers have to act, the period should be reduced to a bare minimum so that substantive officers are appointed. Two, is the role of MPs in activities of the Fund.

I wish to address particularly the media. The role of MPs is defined as oversight. The persons who run the NG-CDF activities are the committees, but when something goes wrong, the media jumps at MPs to say that they are the ones who have gone rogue. It should be understood by all Kenyans that MPs do not implement NG-CDF activities. Hon. Members are members of oversight committees and when things go wrong, it is them who should look at what has happened. That leads me to number three, which is, the cost of oversight. In the Act, it sets out that...

(Loud consultations)

The consultations are too high between Hon. Betty and the rest...

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Members, those at the aisle. Order Hon. Wamunyinyi! Would you tell your neighbours to lower the consultation tones so that we give...

Hon. Olago Aluoch (Kisumu West, FORD-K): Thank you, Hon. Temporary Deputy Speaker. I was coming to the third point which is the funds allocated for oversight activities. I have always thought that the amount that has been allocated for oversight within the Act was a mistake. The Act says that it is 0.1 per cent of the amount allocated for Monitoring and

Evaluation (M&E). In most constituencies, that comes to about Kshs 9,000. That cannot be the funding of oversight, if you are serious. I thought this was a mistake in publishing the Act.

I want to advise the Committee that the cost of oversight should not be 0.1 per cent. That is hardly Kshs 9,000. I have had to consult with Maoka Maore, the Chair of the Committee and he told me that the Committees are working out on a raft of amendments which they will table in the House. If this is not done, then I will have to do something about it so that the cost of playing oversight role is specifically mentioned in the Act and it is an amount that will be sufficient to finance activities.

Yesterday, Hon. Millie Odhiambo was talking about the same subject. She explained about her constituency and how she spends money from her own pocket to fund activities of the oversight committee. Oversight for every government function is very important. Within the Act, it is not given the importance that it deserves. That leaves the MPs and oversight committees in a dilemma. I wish to ask the House and particularly the NG-CDF Committee that in following up on the Report of this Committee, they should think about amending the Act to make the funds available for oversight reasonable. I want to thank the Committee for a well done report. I hope they will be doing this regularly.

The Temporary Deputy Speaker (Hon. Patrick Mariru): To my right now, Hon. Rindikiri.

Hon. Mugambi Rindikiri (Buuri, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. At the outset, I want to say that the Committee has done a good job. However, there are issues that have been expressed by Members which are very pertinent. I do not want to go through them, but one of the issues that I expected to come from this Committee is, addressing the issue of imbalances between constituencies. When the Committee is doing its job, they have the mandate to look at how big the constituency is in terms of spending on the NG-CDF.

My constituency is the largest in Meru County. It gets the same amount of money a smaller constituency gets. This means that the effectiveness of my NG-CDF allocation is not sufficient to offer the services that I am expected to deliver through the NG-CDF. One of the things that we need to address is the criteria the board adopted to allocate various lines of spending.

The youth factor is a big concern to this country. But you find that it only gets allocation of 2.5 per cent of the Budget. We need to look at that line of spending. The Committee needs to look at the possibility of increasing the allocation or finding out...

(Hon. Kathuri Murungi and Hon. Peter Kaluma consulted loudly)

Hon. Temporary Deputy Speaker, Hon. Kaluma is talking to the Chairman. We really need the chairman to understand what we are talking about. We need to look at the Act such that the activities of the youth are given prominence in the NG-CDF spending. We have the disabled particularly in schools where the infrastructure is not very conducive. The NG-CDF Act limits on the things that we need to do and support the disabled. For example, there is hearing aid, braille, special sitting requirement and even classrooms. The NG-CDF does not allow purchase or procurement of some of these requirements for the disabled.

As I said, my constituency is the largest. We need to have a monitoring and evaluation support for Members of Parliament. This is very important. I also ask the committee on NG-CDF and the one for evaluation that the line spending on things like emergencies, what kind of

emergencies are we supposed to handle? It is not clear. So, I ask the Committee to, please, relook at that aspect.

The imbalances between the constituencies, as I mentioned earlier, is very critical. The other critical issue is the allocation for environment. Again, the NG-CDF Act limits the amount of money that can be spent on the environment. The environment is a concern in this country and we need to be guided, because the percentage given is very small, on what kind of activities we need to be concerned with.

With that, I beg to support the work of this Committee. I ask them to quickly come and do it in Meru where we have different scenarios that can give a clear effect of NG-CDF. That is where the chairman, who comes from Meru, should have started from. I think we have a lot of problems in Meru than any other place.

Again, I want to echo what other Members have said: The impact of NG-CDF is quite huge on the ground. I have 87 primary schools and only 18 have complete ECDE classes. It is a joke how the county governments spend money. They are very insensitive to the children at ECDE level. It is high time we got the ECDE back to the national government and the money allocated to ECDE reallocated to NG-CDF. We want to cater for nursery schools all the way to the university. As it is right now, it looks discriminatory. The county governments are very insensitive. They are not willing to recruit teachers. They are not willing to put up nice classes, commensurate to a child who has started education.

With that, I beg to support this initiative. Thank you very much the Committee. I made a passionate request, please, come and do it in Meru.

Thank you very much.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Shall we now have Hon. Atandi Onunga, Member for Alego-Usonga? He seems to have taken leave. Next is Hon. Maanzo Gitonga, Member for Makueni.

Hon. Daniel Maanzo (Makueni, WDM-K): Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to contribute to this very important Report. The NG-CDF, as has been said by other Members of Parliament, is the most effective way of developing grassroots in this country. The structure is such that there is a project management committee for every project which is undertaken by NG-CDF. There is also a board. At the same time, there is a fund accounts manager who is employed in every constituency. Unfortunately, in the last election most of the funds accounts managers thought they were popular enough and went to try their hands in politics. Unfortunately, before you join politics you have to resign. That explains why a lot of constituencies share funds accounts managers. For example, the farm accounts manager for Makueni is also the one working for Kaiti which is a neighbouring constituency. Many other funds accounts managers are in a similar situation, as was witnessed in Kisumu County. They are being overworked by handling other constituencies' duties. For that reason, they may not handle one constituency effectively. I believe the board will soon recruit or give an opportunity to some of those who went to try their hands in politics but were unsuccessful to come back so that they can continue the good work they have been doing as funds accounts

managers. So, that explains why we have had some issues with funds accounts managers and why the new Members found themselves sharing funds accounts managers with neighbouring constituencies. It can really be a challenge for a funds accounts managers.

Remember also, from the presentation yesterday, the funds accounts manager is the AIE holder and the one responsible for the monies which goes to every constituency in the country. It means he has to take full responsibility. They usually work with the district accountants to make sure that the monies are used effectively and accounted for. In case something goes wrong with audit, they are responsible and should be able to explain. Of course, the role of the Member of Parliament is oversight.

There is the issue of emergencies which has come up and it is not clear what should happen. Yesterday I got a report from my constituency that a school called Kavuthu had a problem with the winds and the roofs were blown off. Today the chairman and the funds accounts manager visited that school. I believe tomorrow they will utilise the emergency money and the children will be safe. When roofs are blown off, especially when children are in class, there is every danger of children being hurt. So, you can see how effective the NG-CDF is. There is no other fund of the Government which is as effective as the NG-CDF. We have seen what has happened to the counties. They have failed to utilise development monies in good time. A lot of the time development monies are returned. The end of the financial year catches up with them before they utilise the money. Therefore, NG-CDF should even be made more effective by legislation. I support the idea of amendments to the Act being brought to the House so that we can fine-tune what may have been left out so that Wanjiku and any other Kenyan can be served effectively at the grassroots.

The main work is security installations such as in chiefs' offices and primary and secondary schools. In many constituencies, you can see changes. Because of the project management committees, the community is able to monitor and ask questions about this fund and make sure that no monies are wasted at all. In many occasions, when you allocate the NG-CDF funds to a school, the community comes in handy. In some places, they provide material such as sand or bricks. There have been issues with nursery schools which now fall squarely under the county governments. A lot of times after public participation, some nursery schools have been left unattended or do not catch up with the rest of the school. The infrastructure of nursery schools in some places is quite poor. When you introduce a child to education, they need the best facilities possible. So, in some cases in Makueni, I have assisted the county government. I have done one or two nursery schools through NG-CDF just to make sure that the children, first, are safe, if the infrastructure is weak and, secondly, that it rhymes with the neighbouring schools, most of which we have repaired. We also make sure that children have good facilities for education. That explains why primary schools in Makueni do very well in national exams; it is because of the atmosphere that they learn in.

The other issues are the role of the NG-CDF, the environment and sports. Environment is very critical and many times we have funded women groups with the NG-CDF to do sand dams, conserve water and even do seedlings so that we can increase the forest cover in the country. We

ensure that every home has seedlings and work with the county government departments dealing with environment. I am sure the case is different in other places but environment is very critical. In future we need to increase the role of the NG-CDF on environment because it works directly with the communities. I am sure we can increase trees in the country and improve the weather because conservation of the environment is now a worldwide concern and it is good when we have enough trees for clean air and for use in construction. This is best done by the NG-CDF because it works directly with the people.

When it comes to sports we have a small percentage of monies allocated to it from the NG-CDF. In our case, we have only managed to do a sports equipment. I am sure it is different depending on the activity undertaken in different constituencies and regions in the country. It becomes clear that sports can be very useful and a form of employment.

If we are going to do sports academies in every constituency then the best way is to work through the NG-CDF. We have NG-CDF projects allocated money to do sports academies depending on the region in the country. If we do that we will tap talent and support people to participate in Olympics and make a living out of sports. So, looking at the future we should increase the amount of monies to support sporting activities. We will need sufficient budget to buy sports equipment for schools. I believe through the NG-CDF we can tap much talent in the country in the area of sports.

Finally, we have the issue of regional managers. If you look at the structure of the NG-CDF administration as it is now, from the board we have the CEO who has acted for long. This House has pronounced itself severally that he be confirmed and the committees concerned have pronounced themselves on this. I think it is high time we had the board fully constituted. Even regional managers can be hired to deal with specific regions as we also make sure that we have full time fund managers in every constituency in the Republic.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Very well Hon. Maanzo, your slot is gone. I ask the clerks at the Table to notify Members in advance so that they organise their thoughts for the time they have. Before I give to the Chair of the Special Funds Accounts Committee, let us have Hon. Cheruiyot Jesire.

Member for Baringo.

Hon. (Ms.) Gladwell Cheruiyot (Baringo CWR, KANU): Thank you, Hon. Deputy Speaker. I also support this Motion on NG-CDF and state that since the inception of the NG-CDF, it has done much in the constituencies. We are a country that is happy because of the NG-CDF. It is what is making MPs more relevant to their constituents because the development that comes through the NG-CDF is very significant and the public really appreciates.

Before devolution, the NG-CDF was working on health facilities. We must relook at the functions that were done by NG-CDF before they were devolved. This is because many of the facilities which were constructed then by NG-CDF are non-functional. It is important that the county governments take over those facilities and ensure they serve the people. We do not have separate people for MPs and others for governors. So, I urge that those facilities that were constructed be taken up and facilitated to serve the people because it is a waste of resource.

Most of the time we get applications from the public who want to fundraise and construct schools. I think it would be important if we strengthened NG-CDF to fully support education in the counties. Fundraisings should be a thing of the past because the Government has provided money for specific functions at the counties. I urge that these fundraisings that are always arranged by the public to develop schools should stop. If it means scaling up the NG-CDF to

cater for these needs, let it be so. We cannot be doing fundraisings for hospital bills and development of schools whereas the President declared that the NG-CDF can be used for construction of offices and schools.

I also know that there is a budget for sports in the NG-CDF. I know my proposal would elicit controversy but I wish it could be understood because sports is a social function. We wish to request that the sports fund be added to our Affirmative Action Fund so that we leave MPs to carry out development functions as we fund social functions, for purposes of distinction and in effect avoidance of duplication.

I support the NG-CDF because they are doing a wonderful job. Our country has developed and has been seen to be doing very well especially academically because of the NG-CDF, I support.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Let us have the Chair of the Special Funds Accounts Committee, Hon. Murungi Kathuri.

Hon. Kathuri Murungi (South Imenti, Independent): Thank you, Hon. Temporary Deputy Speaker for this opportunity. I want to make a few comments because my colleague will be finalising this Motion at the end of it. I will be brief so that other Members can still contribute to this Motion.

Members have discussed what there is with regard to disbursement of funds by the board. During the last few financial years, this has been a thorny issue because in all the financial statements from the Office of the Auditor General, late disbursements mean that Kenyans did not get value for their money because the projects that were budgeted for were not completed. For this Financial Year 2017/2018, there will be audit issues because constituencies will not be in a position to absorb all the money and yet it has been budgeted for. Therefore, according to the auditor, the projects were not implemented and Kenyans did not get value for their money that financial year. This is an issue that should be looked at, including the late disbursement of bursaries which is really affecting our students. For this Financial Year 2018/19, constituencies are about to release bursaries in the next few weeks. So, many students have been affected, noting that the Government has been advocating for 100 per cent transition from primary to secondary schools. So, there are very many students who are waiting for bursaries.

Late disbursement of funds is also affecting the building of more classrooms because of the transition and the demand for more classrooms is at a high peak. Therefore, we have allocated money for building classrooms to schools in order for students joining Form One to be settled. However, because of late disbursement, there is a lot of congestion in the schools' dormitories and laboratories noting that this Fund is specially meant for education and security.

Another issue which Members have discussed is equitable distribution of this Fund. This is an issue which Hon. Maoka Maore led-committee is looking into. Our recommendation is that constituencies are unique and, therefore, several factors should be considered when determining the disbursement formula. What happens is that money is divided between the 290 constituencies. There are constituencies with very few schools, even five of them with 20,000 students. In my constituency, South Imenti, we get over 10,000 applications and all are needy cases. There are other constituencies which get 2,000 applications yet, we are given the same amount. Therefore, this issue needs to be addressed.

On the oversight committee, I think the regulations were not clear on the percentage that this committee should get. This is a critical committee needed in the constituencies. The patron

should be the MP because constitutionally our work as MPs is to oversee. Once, the projects are completed we should have an oversight committee of about three to five members led by the MP. This committee was not allocated money because it was to be given 0.1 per cent of the budget for monitoring and evaluation (M&E). The money for monitoring and evaluation is used by fund managers and NG-CDFC. It should be slashed because this implies that you work and then go ahead to mark your exam. That money should be given to the oversight committee so it can oversee what the fund manager and the NG-CDFC have done in the constituency. My Committee has recommended that 3 per cent of the annual allocation should go to oversight committees. They should not get less than 2 per cent so that they can do their work properly.

Another issue concerns the fund managers and officers of the board starting from the CEO and other staff who are also in acting capacity. We have recommended that the NG-CDF Board of Directors should be constituted as fast as possible so that they can confirm these officers.

Another matter raised by the Member for Baringo concerns the incomplete projects. We have requested for an audit of all stalled projects, especially those which were devolved in the 2010 Constitution, like dispensaries and water projects. We have recommended that we should be given an audit of all these projects. If possible they can be given conditional grants from the National Treasury so that they can be completed to serve Kenyans.

There are so many issues, but I want this House to note that my Committee does not only deal with the NG-CDF... We have now completed auditing two counties - Nairobi and Kisumu and we still have 45 more counties to go, including Meru County which my colleague was requesting for audit reports. Therefore, we have a lot of work to do.

However, I want to thank the offices of the Speaker, the Clerk, the Committee Members and my team. Currently, we are dealing with 266 constituencies, from 2013 to 2018. We also have other 68 Funds including the popular National Government Affirmative Action Fund (NGAAF), political parties and the Judiciary funds, which we plan to attend to during this Session.

Hon. Temporary Deputy Speaker, I want to thank you for giving me this opportunity. I would like to assure Members of this House that my Committee will still continue being dedicated to our core mandate. We will ensure as much as possible, that we cover all the remaining constituencies and other critical areas as mandated.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Before I get to my right, let us have Hon. Mbui Robert.

Hon. Robert Mbui (Kathiani, WDM-K): Thank you, Hon. Temporary Deputy Speaker for this opportunity. I also rise to support this Motion that we adopt the Third Report of the Special Funds Accounts Committee led by Hon. Kathuri Murungi. This Committee is doing a tremendous job considering that they brought a Report on 17 constituencies and they are now dealing with seven constituencies of Kisumu. This debate could not have come at a better time because currently the media is talking about corruption.

Our Head of State has clearly stated that we need to fight this vice together. I was shocked to realise that in this country we have discovered how to make money globetrot. I heard there was money released from Central Bank of Kenya (CBK), which found its way to Milan in Italy and London in United Kingdom (UK) then back to Westlands in Nairobi. So, basically, it looks like there are many games being played with Kenyan money.

This august House I am speaking in is supposed to be helping the Head of State to ensure that we protect taxpayers' money. In fact, one of the responsibilities of Members of this House is

to play oversight and ensure that public funds are properly utilised and no money is lost. As we discuss these issues, it is good to point out...

I read a report in the media which is very interesting because suddenly when it comes to bad things happening in the constituencies, they are named after the Member. Suddenly Kathiani Constituency becomes Robert Mbui and the things you see and hear are to do with theft. They will say MPs have fleeced, raided and stolen. We need to set the record straight. What is the role of MPs in the NG-CDF? There is a law that has been passed in this House and it is operational and very clear: We are only involved in identifying the projects that will be funded by the public funds. We are also involved in probably pushing for funds from the NG-CDF Board to go to the grassroots and support those projects.

Finally, we are supposed to have a committee to oversee how these funds are spent. It is also important for the media to understand, if there is loss of funds they should note that it is not the MPs because we are not implementing agencies of the NG-CDF.

Looking at this Report, I have read the one on Kisumu Central and the rest. Some of the issues raised are pertinent. However, we need to figure out who is to blame for these things. I have seen issues to do with delay in giving records of expenditure by the project management committees. The money of the NG-CDF is implemented through the NG-CDFC which gives money to project management committees which afterwards implement the projects. When the project management committees are given funds they are supposed to account for it. So, it is important that we point out if there is a delay from the project management committees. Why is it happening? So we can address it because it is one of the issues, I have noted.

The other issue is about bursaries. I have heard a lot of issues and audit queries concerning bursaries. In some of our constituencies, bursaries are given to over 10,000 recipients. There is so much problem that it is difficult to say we will help so-and-so and leave so-and-so. The whole village stands up and everyone says all of them have problems. If you ask them to identify those who have problems, all of them put up their hands. So, your hands are tied because this is a kitty that is supposed to help the needy and now the auditors come and they want to see receipts from 10,000 recipients.

If somebody was given a cheque which they took to a school and they have not brought a receipt, the fund manager and the Member of Parliament are guilty of an offence. We need to call a spade a spade. As the auditors are doing this, they need to know if there is a record that was prepared at the grassroots that identified the receipts. Were the cheques released to them? A receipt from the school to the NG-CDF means we have to stop coming to this House, go back to the grassroots and chase our head teachers. Some of the students of Kathiani are in a school in Mombasa. Some are in schools in Kisumu. Will we go to Kisumu to talk to teachers and get receipts? I think it is important that we note these things.

There is an issue of unsurrendered imprest and I have seen it in a lot of our constituencies. I think the district accountants also have a role to play. This is because the money goes through the district treasury. How does the district accountant give imprest to the fund manager and before it is surrendered, they give another one? Honestly, I think that is a bit criminal. Some of these things should not even reach here. If somebody has not been able to account for the money they were given, the NG-CDF Act and the Public Finance Management Act are clear. They cannot get further funding. So, we will not also defend fund managers who continue to pick money from district accountants without accounting for what they have already spent.

There is an issue of incomplete projects. Sometimes, because of the need for the money in the NG-CDF and you have so many projects that need to be funded, you may choose one of the big projects and fund it in two phases; this year and the next year. If you fund it in one year and you do half of it, the auditor comes at the end of the year and starts complaining that this project is incomplete and that it was not given enough money. If you had funded a project fully for Sh5 million and it is almost the end of the financial year and you do not have a single cent for development in the NG-CDF, what would happen to that Sh5 million? Would it not be wiser to give Sh2.5 million so that by the time we get it, we have one month to start implementation and complete the next year? Some of these things just require logic. I think when it comes to the auditors' issues, auditors have to understand so that as they audit, they audit from a point of information and not be seen to be witch-hunting and trying to besmirch names of Members of Parliament.

There is also the issue of value for money for projects. If, for example, you put up a police post, you have spent Sh2 million, it is properly done and completed, but there are no officers, that becomes an audit query. Is it the Member of Parliament or the NG-CDF Committee that will provide police to man those stations? I am speaking because these are the things that have led to very high attrition rate of Members of this House. Within five years, Members here will be accused of all sorts of things and defending their seats will become very difficult, not because they are guilty of an offence, but because somebody, as they do their work, is not sensitive to the needs and facts on the ground of what we go through.

The NG-CDF Board has issues to answer. I remember the issue of ICT hubs that came up. The proposal to have ICT hubs is a good idea, but it goes to our constituencies. They have said we cannot do these hubs in schools because in third term you cannot access schools. That is a circular by the ministry. Again, we do not have enough places where we can put up these computers. I have tried to ask the board to allow us, instead of doing four hubs, we do two and the money for two is used to at least renovate two halls but they have rejected. So, that means all four will not be implemented. Honestly, I think the board also needs to help us so that we can do the right thing.

We do reallocation because sometimes we just want to respond to the needs of the people. For us to reallocate money, it is because what seemed to be a priority before is no longer a priority. Why does the board take so long to allow us to reallocate money and here they complain that in some of the constituencies they allocated money without approval? As we seek the approval, let them also hasten the process of releasing the reports back to us.

Empowering our constituency oversight committees has been spoken about. It is really unfortunate that all of us as Members are supposed to oversee projects, but we have no funds given. So, any Member who does it does it from his or her own pocket. I think it is important that if you are given a role by your employer and you are supposed to do that job, you should also be facilitated. It is in our Constitution and it is part of the law.

I ask that we figure out how to amend that NG-CDF Act so that we can put in an amount that can be used for facilitating movement and meetings that will lead towards ensuring that we oversee the projects that are on the ground.

With those few remarks, I support the Motion.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Next is Hon. Murugara Gitonga.

Hon. George Gitonga (Tharaka, DP): Thank you, Hon. Temporary Deputy Speaker. I rise to support the Motion for adoption of the Report on the NG-CDF in constituencies in

Kisumu. I thank the Committee for having worked on this immediately after working on Nairobi. We hope soon they will reach my county of Tharaka Nithi. We would also like to have our accounts audited and brought to this House so that Kenyans can know what exactly we are doing.

I do not think that we can overemphasise the very positive impact the NG-CDF has had on lives of ordinary Kenyans in the constituencies. In fact, it is the NG-CDF whose development has been felt most as far as the rural areas are concerned. We cannot write home about counties because every time they have queries which have to be answered on how they use their money. Even now, it is the NG-CDF which has disbursed bursaries to students in secondary schools, tertiary colleges and universities. Counties are yet to do it. I am almost sure that they do have the money, but this has not been released.

It is very important that this House looks at the mandate of the NG-CDF under the Act. We need to sit down, look at both the NG-CDF Act and the PFM Act to expand on the scope of what the NG-CDF can do apart from the three known areas of security, education and a little bit of sports. We need to go back to where it used to be before 2015 when the NG-CDF was actually working on roads. It was constructing bridges and installing electricity. We also need to move the percentage from the 2.5 per cent to 5 to 10 per cent because this money is budgeted for in a formulated manner. It is actually implemented in one of the best structures that are set by the national Government. I also think we need to implore the Government, especially the National Treasury, to disburse this money quickly so that we can use it.

For this financial year, what we have so far received is Sh10 million that came in December. I am informed that another Sh12 million may have come in yesterday. That is all from all the allocation of slightly more than Sh100 million that each constituency is supposed to use this financial year.

This is only Sh22 million. We still have over Sh88 million out there, which must be disbursed this year for proper use and accounting by the various constituencies. It is, therefore, important that the Treasury disburses this money quickly so that we are able to put it into use.

It goes without saying that in most constituencies in this country, the NG-CDF is actually very well used. We receive those reports here, we go through them and we confirm that money has been properly used. Members of Parliament only play oversight role. They sit with the oversight committee and do not allocate money. Therefore, it is wrong for anyone to go out into the constituency to say that an MP has stolen or misused the money because MPs do not come into contact with the NG-CDF. Those funds are solely under the control of the Constituencies Development Fund Committee (CDFC) under the management of the fund manager who is the CEO.

In those circumstances, we would require the board which is at the national level to be streamlined. There is a CEO who has been confirmed and given the mandate to discharge his duties unabated. The reason we say so is that a person in an acting capacity is never sure of what or what not to do. The NG-CDF is very important. We must at all times as MPs support it and emphasise that we get that money on time. We must also come together as MPs and if we can, amend the law so that we allocate more money for more work in terms of what the NG-CDF can do and not in the few areas that have a very little allocation as far as this is concerned.

Initially, Kshs150 million or Kshs160 million would be allocated to a constituency for the NG-CDF. Today, the amount allocated is paltry. It is not above Kshs100 million. The competing interest requires that we get more of this money. This is the only money that

wananchi feel at the grassroots. Therefore, we propose that we get more money and spend more on making lives better for our citizens.

I will sit with other Members to look at how best we can improve on the performance of the NG-CDF and allocate more money to it for our people. I support the Report.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Next is Hon. Kaluma Opondo.

Hon. Peter Kaluma (Homa Bay Town, ODM): Thank you, Hon. Temporary Deputy Speaker. My colleagues have spoken to the good that NG-CDF is doing for the society. I will not dwell on it. I would like to emphasise that if we are a nation that truly believes in devolution, then all the funds we devolve from the national Government downwards should take the form and structure of NG-CDF, both in terms of the manner they are implemented to the manner they are structured.

My colleagues have said this but it bears repeating that this is the only devolved fund where the political leadership only plays an oversight role. If we structured this Fund in that manner, we would go very far. This is the only Fund where less than 10 per cent of the funding goes to sustaining the processes and the administrative and recurrent work of the team down there. Looking at the reports of the Auditor-General on the devolved funds, those other funds like the one we are taking to the counties which is managed by our colleagues are very difficult to audit. This is a Fund which is specific to an approved project proposal, an amount and an authority to incur expenditure. If our county assemblies just structured the monies we devolve to the constituency, that they sit down and decide that this amount will go to this health facility, that amount to this stadium and another amount to this road, if they undertake oversight on an itemised basis, we would be a First World country any day.

There is a reason I wanted to speak on this matter. We are talking about the audit of this Fund. Honourable colleagues have seen a weakness in this audit process which we should deal with. Since I became an MP several years back, each time you hear the auditors are on the ground with the NG-CDF team in one vehicle going into the villages saying they are undertaking audit. How do you audit a person you are in a vehicle with?

During the last audit, I told my NG-CDF to abandon them somewhere on the road so that they go and do their audit. My team should do its work. My idea about audit - and I am speaking to the Auditor-General and the internal audit system at the NG-CDF - is that it should be an independent process from which even the NG-DFC, including the MP who sits on the Constituency Oversight Committee can learn from in terms of the weaknesses in the systems of implementation of the Fund in the constituency. I remember I told my team that they are not engaged to undertake audit with the auditor. In the end, invariably because of that weakness, you find that those auditors give you reports based on who treated them best among the officers of the Fund they walk with from constituency to constituency. We must have an independent process.

The NG-CDF is the easiest Fund to audit. Money will be proposed to the constituency. The constituency cannot get that money before the NG-CDF sits with the constituents and identifies projects which are then put in a proposal. The proposal is subjected to verification and approval by the board. The money comes on the head of each project. An auditor needs to get the approved proposal from the board and go to my constituency. In a constituency like Homa Bay Town, just like those ones in Kisumu, we are dealing with over 80 per cent allocation of the funds towards education. You will get them into education infrastructure. Just go to my constituency. Do not involve my NG-CDF again. Go to the villages. Ask where Ndiru Primary School is, which is in the proposal. Check whether the two-block classroom is there. Go to Homa

Bay High School. Is the library there? Go to Ogande School. Check whether the dormitory is there. That way, you will come up with an independent report which is not adulterated by the nice talks between members of the team moving together with the auditors. That way, people merely engaged in oversight can help. If we go that way, we would give a lot of credit to some constituencies which are not getting their due credit.

Let me join Hon. Olago Aluoch. I heard him speak about our role as MPs in oversight and the funding for the oversight committee. I sat on the Committee on the Constituencies Development Fund in the last Parliament following the nullification of the previous Act. I presided over the making of the NG-CDF regulations. When we sat in a retreat to refine the regulations, we agreed that all the money we had committed to monitoring and evaluation goes to the Constituency Oversight Committee because there is no monitoring and evaluation the NG-DFC does beyond their normal administration work. I remember the regulations we left Mombasa with were that a third of the money allocated to monitoring and evaluation was to go towards the Constituency Oversight Committee. A third of the funds allocated to monitoring and evaluation were to be 1 per cent of the entire NG-CDF allocation. I am shocked that we find ourselves in a situation where 1 per cent of the monitoring and evaluation allocation is what is available for the oversight committee down there. One per cent of the monitoring and evaluation fund for most constituencies is Kshs30,000 and below.

In my constituency, among the people I sit with on the oversight committee of NG-CDF - because I am not on the NG-CDF like all of us - is a former commissioner. I want people who have the heart for education. He is a former commissioner of the Teachers Service Commission (TSC) who believes in education. How do you share Kshs30,000 among four people for a whole year to undertake proper oversight? If we had proper oversight, the audit work would be a very easy thing to deal with. I request the Committee on CDF that what we have in terms of how we are funding the Constituency Oversight Committee was an error in publishing. It was not the last of the regulations we had. I believe Hon. Maoka Maore is strong enough.

Hon. Lessonet who chaired the Committee on CDF last time is still there. Let them sit down. They will be merely correcting that regulation. Having noticed how important our oversight is, let us have all the funds committed to monitoring and evaluation going to oversight. It is a mere spelling out of the regulations. It is not in an Act. It is in the regulations. If you put it in the regulations that way, each time an MP is at home going through these projects with your team, you ensure that in as much you are not on the NG-DFC, only things which benefit the people are funded.

The other proposal which I want to make is that the Government instituted the 100 per cent transition policy. Let me join all our colleagues in commending the Government for that act. We introduced 100 per cent transition without equivalent expansion of facilities in schools. Ogande Girls is a huge county school which produced Madam Ida Odinga and others. Because of the 100 per cent transition and students are sent there, we have classrooms which are classrooms during the day, but they are converted into dormitories from games time. We have *mabati* structures which serve as temporary dormitories for students in Ogande Girls. This is the situation in Homa Bay County. I went to Maseno School. I did not believe it produced two students in the top 10 in the last Kenya Certificate of Secondary Education (KCSE) and five students in top 30. It is in ruins. My child was admitted to Maseno School. I am required to take bedding and mosquito nets. A cubicle which used to house eight students is now housing 30 students. The facilities are expanded badly.

We are now making either the substantive Budget or Supplementary Budget. I want to suggest to Members to budget at least Kshs50million for each constituency to correspondingly expand school infrastructure, so that the NG-CDF can move the nation in a direction that we agreed on.

Let me thank the President. NG-CDF has been consistently fought. However, the President has stood very firmly with NG-CDF because of the good programmes which we have. We want to request the President to allow us to put aside funds, so that this school policy on 100 per cent transition can get access to education.

I thank you, Hon. Temporary Deputy Speaker. I see that my red light is on. I thank you, Hon. Members.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Let us have Hon. Gideon Koske, Member for Chepalungu.

Hon. Gideon Koske (Chepalungu, CCM): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to add my voice to the commendable job that the Special Funds Accounts Committee has done on the NG-CDF Report.

The NG-CDF success stories have been ignored in the storm of negativity in terms of cases of mismanagement and corruption by its administrators. The reality is on the ground where Wanjiku is. There are success stories and the impact that we have through the NG-CDF ever since it was enacted in 2003. It is the only kitty that is very transparent. It is people driven in terms of projects that are executed on the ground. It is one of the kitties that Parliament in Kenya has ever enacted that is commendable. It has helped a lot given that it aims at fighting poverty by assisting constituencies in projects, especially in the education sector. I am worried about the security fund that draws money from the NG-CDF. The funds that we give to the security sector are over Kshs100 billion. Now, Kshs32 billion goes to constituencies in Kenya. We have Kshs32 billion versus Kshs100 billion and above. I highly recommend that security money be handled by the security departments in this country. That way, we can allocate more funds to development.

I have more than 207 primary schools in Chepalungu Constituency and 173 of them are registered. But 37 are not. My constituency is leading in the Republic of Kenya in terms of the number of schools. When the former Governor of Bomet County was a Member of Parliament, he prioritised education. He stood firmly on the principle that every one kilometre must have a primary school. That is why day schools and secondary schools are more than 83 in Chepalungu Constituency. Every constituency has the same allocation from this national cake. It becomes a big challenge to allocate development in constituencies because you have a lot to be done by the little kitty. Some of the schools are simply *mabati* structures. In some schools, students are forced to learn under trees because money is inadequate. I request that going forward the national Government should allocate constituency money based on the number of activities that the kitty is meant for, so that we can have equity.

I want to thank this team for the commendable work that they have. It has shed some light and we now understand better the impact of NG-CDF in the Republic of Kenya.

Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to add my voice on the Report on the Audited Financial Statements for Constituencies in Kisumu County.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Edith Nyenze, Member for Kitui West.

Hon. (Ms.) Edith Nyenze (Kitui West, WDM-K): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute. Let me take this opportunity to thank the

Committee for the good work. I also thank the NG-CDF Board for the good work they do in NG-CDF.

My colleagues have contributed towards the success story of the NG-CDF. This is very true because there are so many areas where we have seen improvement through this programme. We have seen increased rural or local investment in the rural areas. We have also seen students who could not go to schools join schools. Students who could not join university join university. Education has seriously improved. We have also seen chiefs and assistant chiefs' offices which have been constructed. They would have taken years to be constructed. Some of them were on *mabati* and temporary buildings. So, there is a lot of improvement which we have seen through the NG-CDF programme.

Let me also raise this issue of the requirement for emergency funds. The Government has said there will be a 100 per cent transition to secondary school. We have a total of 125 primary and secondary schools in my constituency. This transition has worked very well. However, there is a very big challenge where extra classrooms are required in almost all the secondary schools. Some students are squeezed in the classrooms and dormitories. I wish we could have more emergency funds or something to be done because there are extra students who are joining secondary schools. I wish the Government would fund NG-CDF through an emergency fund this year, so that we would construct at least one classroom per secondary school and expand their dormitories and dining halls because this is an emergency.

I will also talk about equitable distribution of funds. As I said, I have 125 schools in my constituency. I visited another constituency last month where I found out that they have only two secondary schools and three primary schools. Compare them with 125 schools in my constituency! It means that one of them will have more funds while the other is under-funded. So, there is need to ensure that there is equitable distribution of funds to the NG-CDF.

Hon. Temporary Deputy Speaker, I also want to talk about the environment and emergency funds. They help especially in emergencies. We use the money to reconstruct sunken toilets and repair roofs in cases where they have been blown away by wind. I know with time, this will become a thing of the past as we continue to improve infrastructure.

The NG-CDF should also be expanded to cater for unique needs of each constituency because constituencies have different needs. Like in my constituency, the people in rural areas expect me to address water issues because water is a big issue. I keep on telling them that water is a devolved function. I wish we could also have a way of allocating the funds as by the need of a constituency so that we cater for needs like water and roads. Even though they are devolved functions, services are not given to *mwananchi* as they are supposed to. Services take too long to be given or sometimes there is almost nothing to show, especially where water and roads are concerned.

I commend the Committee for the good work they are doing and wish them all the best. Thank you.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Korere.

Hon. (Ms.) Sara Korere (Laikipia North, JP): Thank you, Hon. Temporary Deputy Speaker. I take this opportunity to thank the Committee for the good job they have done. Many colleagues have contributed before me and have clearly stated the good work NG-CDF is doing at the constituency level. We do not have to put a lot of emphasis on that because anybody can see what has been done.

Some of the reports we receive - especially what I saw in the media the other day - is a continuous and sustained campaign to paint Members of this House in bad light. But, as clearly

demonstrated by the Report of the Committee, the NG-CDF has done a very good job. I have heard people speak about the 100 per cent transition of pupils from primary schools to secondary schools. That is interesting. In Laikipia North where I come from, we have a whole division without a public school. It is very sad as leaders when go back home and tell people to take children to schools that have never been built by any Government. This year alone, from the NG-CDF money allocated to my constituency, in Sosian Ward, I have started seven new primary schools. You can imagine a six-year-old child travelling for 12 kilometres to access the nearest school in a place infested with wild animals like elephants, buffaloes and others. At the end of the day, we sit in this House or in this Republic and blame certain areas for cattle rustling or banditry. You wonder what children from such areas are supposed to do. I do not mean that they must engage in cattle rustling but imagine a place where insecurity is the order of the day, there are no schools, nobody takes children to school and nobody bothers to build schools for children! What are the children supposed to do? The NG-CDF has come in handy to uplift some of those places and the children to where other Kenyans children have reached.

I plead with Members of this House that we must really re-look at the funding of NG-CDF. As we speak, this is February. We are just a few months to the end of a financial year and yet, up to date, 85 per cent of the NG-CDF allocation to constituencies has not been released. This leaves a lot to be desired. As we read about corruption scandals left, right and centre in this country, billions of shillings being syphoned through corruption by doing dams that are neither in Heaven nor Earth, Kshs100 million meant to build schools for Kenyan children, meant to pay bursary for children who are completely unable to meet their school fees needs....

As we speak, the National Treasury is playing games by releasing Kshs10 million and a similar amount another time. You just wonder what it takes to release money for NG-CDF.

As we speak about the 100 per cent transition, I thank our President and the Government for acknowledging that every child in Kenya has a right to free basic primary and secondary education. But, just saying 100 per cent transition in places where the Teachers Service Commission (TSC) does not provide teachers and there is no infrastructure in place... You cannot just take children to some ramshackle in the name of secondary schools and boast or thump-chest that you are doing 100 per cent transition. We need to see more done.

We have seen the Ministry of Education allocating a lot of funds for infrastructure development and as Hon. Kaluma mentioned earlier, NG-CDF is a classic example of what devolved funds can do. The NG-CDF reaches the lowest unit of our locations, sub-location and villages. It beats logic why money should be allocated for infrastructure in the Ministry while the same money can be allocated to NG-CDF and does exactly what the Ministry purports to do with the same funds. If this is not sustaining corruption, then you wonder what it is. I do not want to believe that anybody seated in Jogoo House will know what Laikipia North Constituency requires in terms of infrastructure development in a school more than an NG-CDF board member who comes from that locality in a place like Kwale, who knows what Kwale needs. Going forward, we need to strengthen NG-CDF.

When it comes to security issues, a lot of funds have been allocated to the Ministry of Interior and Coordination of National Government. That Ministry should come out clearly and spend funds to construct police posts. Recently, we allocated funds for construction of police posts in some of the places where we come from - and which Hon. Temporary Deputy Speaker you are not a stranger to. When we forwarded those proposals to the National Government Constituencies Development Fund Board, they were rejected because they purport that the Ministry of Interior and Coordination of National Government now gives police officers house

allowance. Even if you were to give a police officer a house allowance for a place like Wangwachi, you wonder where they will get a house to rent. In places like Nakwa or Lonyek, you give a police officer house allowance to get a house where? Going forward, we need to look at what NG-CDF is doing. As a House, we need to strengthen the NG-CDF. Once again, I want to say that the Committee has done a very good job. It is our mandate as Members of this House to depart from what we are seeing in Kenya – corruption riddled cases. For one to steal NG-CDF money, one must be completely heartless. One must be a beast so to speak. We are the people who are faced with the problems of the constituents we represent. A sum of Kshs100 million is just peanuts when it comes to addressing the problems of Kenyans.

With those remarks, I support.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Tuitoek Kamuren, Member for Mogotio.

Hon. Daniel Tuitoek (Mogotio, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to highlight some of the successes of the NG-CDF. Thank you, Committee, for a good job done in the Report. As many Members have outlined, the NG-CDF has transformed this country. Since the NG-CDF came into being, many schools have changed from mud-walled structures to stone-walled classrooms. The learning environment has improved in primary and secondary schools. Therefore, the NG-CDF “vehicle” which was initiated brought great transformation to this nation. The way it has functioned has been successful because the money has gone all the way to the grassroots. I can imagine my constituency, which is over 500 square kilometers, with over 116 primary schools and over 28 secondary schools. Right now, we are trying to eliminate any school which still has iron sheet walling. This is because the NG-CDF has enabled us to assist those particular schools. When the NG-CDF was initiated, it was given 2.5 per cent of the national Budget. This particular percentage needs to be increased to 5 per cent because the NG-CDF has done tremendous work. Even other funds like Uwezo Fund and Youth Enterprise Development Fund have not succeeded very well like the NG-CDF. I suggest that Uwezo Fund and Youth Enterprise Development Fund be incorporated into the NG-CDF so that we can assist many youths to initiate various projects. Right now, we are restricted to secondary schools and security projects but the work of the NG-CDF seems to be making a lot of changes on the ground.

Equally, there is the issue of the NG-CDF being shared equally. Some people are arguing that we need to look at issues. We need to equally share them but take into consideration the poverty index and probably the development index. For example, in the cities, probably no new classrooms are required because the county government is taking care of them. When we give them equal share of NG-CDF in towns and cities have already been taken care of by the county governments, it means that most of their money will only go to bursaries. Some of us have to deal with the issue of bursaries, which we have always dealt with, as well as deal with construction of classrooms where we have to continue expanding primary schools. You have heard a Member say that in their constituency, they are talking of a primary school every kilometre. The secondary schools should increase because we are talking of 100 per cent transition from primary to secondary schools. It means if we have so many primary schools, we also need to have very many day secondary schools.

The role of NG-CDF needs to be closely looked into. I know we have talked about monitoring and evaluation but also the issue of overseeing those particular funds needs to be looked into. We need to put more funds to oversee those particular activities. The committees at the constituency level need to be supported in terms of overseeing those funds.

The NG-CDF board has not been constituted for a long time. In fact, we have problems with the operations of the NG-CDF because the board does not meet often. We are told that the board is not completely constituted. This should be expedited. We should demand that it should be done as soon as possible because when we try to do various activities within the NG-CDF, we are told that the board is not there to approve. So, we would like to see a board in place as soon as possible.

There is also the issue of infrastructure money, which is put in the Ministry of Education. This Fund is not being shared equally. When the money is shared out, it does not cover all the constituencies. We should consider ensuring that, at least, a certain minimum amount of the funds go to each constituency. Every constituency should get at least Kshs10 million or Kshs20 million so that it can help in improving the infrastructure of schools to supplement what the NG-CDF is doing.

With those remarks, I beg to support.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Shall we now have Hon. Ali Athman, Member for Lamu East.

Hon. Ali Sharif (Lamu East, JP): Ahsante, Mhe. Naibu Spika wa Muda. Ningependa kuungana na wenzangu katika kuwapongeza wanakamati kwa kazi yao nzuri ambayo wamefanya kuhusiana na Ripoti hii ambayo imeletwa Bungeni.

Kwa kweli, wengi wamechangia kuhusiana na masuala haya, na haswa kuhusu pesa za NG-CDF – Hazina ambayo imekuwepo kuanzia mwaka wa 2003. Ni vyema Wakenya wafahamu utaratibu wa NG-CDF na mabadiliko ambayo yamefanyika katika NG-CDF. Ukweli ni kwamba fedha hizi, kuanzia mwaka wa 2003, zimeleta mabadiliko makubwa nchini Kenya.

Leo kuna mengi yanayozungumziwa kuhusiana na maendeleo na mengineo lakini, ukweli ni kwamba, fedha hizi zimeonekana katika sehemu za mashinani. Fedha hizi zimeleta maendeleo makubwa katika maeneo Bunge. Faida ambayo imepatikana kutokana na matumizi ya NG-CDF ni nyingi sana ukilinganisha na hazina nyingine zilizoanzishwa na Serikali ya Kitaifa na serikali za kaunti. Hizi sitaki ziwe ni sifa ambazo twajipa sisi Wabunge. Ni lazima Wakenya wafahamu kwamba sisi kama Wabunge, hatuhusiki kwa namna yoyote kwenye utendakazi wa NG-CDF. Fedha hizi zimeweza kutumika kwa mipangilio yake na Wakenya wanazona. Huu ni ushahidi kamili.

Tatizo ambalo bado lipo mpaka sasa ni kwamba Wakenya bado wanahitaji maendeleo. Changamoto ni nyingi. Ni lazima Serikali ifahamu kikamilifu. Miongoni mwa mbinu zilizotumika kugawanya fedha hizi katika maeneo Bunge hapo ni idadi ya watu na hali ya umaskini katika sehemu hizo. Utakubaliana nami kwamba baadaye, mbinu hiyo ilibadilishwa na kila eneo Bunge likawa linapokea kiwango sawia cha fedha kutoka NG-CDF. Hakuna eneo Bunge linalopata pesa nyingi kuliko lingine. Ukweli ni kwamba maeneo Bunge hayafanani.

Kuna sehemu ambazo zimeendelea na kuna sehemu ambazo bado kuna udhaifu na umasikini mkubwa. Mbali na kusema kwamba tuangalie idadi ya watu, sidhani ni kigezo kizuri kwa sababu utapata idadi ya watu ni ndogo lakini matatizo na umaskini ni mwingi. Kwa hivyo, naunga mkono lile pendekezo au mwongozo wa kila eneo Bunge lipewe fedha zile. Ukweli ni kwamba fedha hizi zinazopelekwa kwa maeneo Bunge, ni fedha ambazo zinahitajika. Naunga mkono waheshimiwa ambao wamechangia swala hili. Wanahitaji kuongezeka. Kuna uwezo na njia za kuongeza fedha hizi. Kwa mfano, fedha hizi zimewekewa mipangilio ya kwamba zitatumika katika maswala ya elimu ama ulinzi. Utapata kuwa katika Serikali ya Kitaifa, kuna pesa ambazo zinatengwa kupewa wizara inayohusika na maswala ya elimu ama ulinzi, wakati

Bajeti ya Kenya inapangwa. Ni kama kusema kuwa fedha hizi zinazopelekwa katika Wizara ya Elimu, matumizi yake ni yale ambayo yamepangiwa miongoni mwa matumizi ya NG-CDF.

Kwa maoni yangu, ningesema kwamba, Serikali izingatie pakubwa. Ni kama kutumia pesa kwa njia moja. Leo utapata kwamba, eneo Bunge linahitaji kujengewa madarasa. Baada ya pesa zile kupatiwa NG-CDF, zingine zinapatiwa wizara katika kuifanya kazi hiyo hiyo. Fedha hizi mwishowe hazionekani dhamani yake katika wizara hizi. Kila mmoja wa Wabunge hawa anaweza kutoa ushahidi mkubwa kuwa zile pesa tunazoziona ni zile zinazotumika kwa NG-CDF. Zile ambazo zinaenda katika wizara halafu wizara inapendekeza kuwa kujengwe madarasa, hatuelewi zinagawanywa vipi.

Ni lazima tuzingatie haya pakubwa. Nchi yetu iko na malengo na maono katika kuendeleza elimu, lakini changamoto ni nyingi. Sisi Wabunge ndio ambao tunapambana na changamoto hizi katika maeneo Bunge yetu mashinani. Serikali imepanga kwamba watoto wasome bure na madarasa yajengwe. Lakini utapata kwamba mipangilio hii Serikali imependekeza haijakamilika. Utapata kwamba katika shule moja, darasa moja lina watoto kati ya mia moja na mia mbili kwa sababu elimu ni bure. Hii ni hali ya kusikitisha. Ingekua ni vyema kwamba, kabla hawajakuja na mipangilio hii, wangepanga utafiti kikamilifu katika maeneo Bunge yote katika kaunti zote na kujua yale yanayohitajika kukamilishwa au kutekelezwa kwa mapendekezo yao ya watoto kusoma bure.

Swala la kutaka kufanya mambo na wakenya halafu baadaye kuona wanadanganywa, sioni kama yatatatua matatizo yetu. Kuna dharura kubwa ya Serikali kuzingatia. Ndio kwa sababu tunataka wanafunzi au watoto wetu wa kila sehemu waende shule. Tunataka wazazi wasaidiwe mizigo ya kulipa karo shuleni. Ningependa kuambia Bunge hili kwamba, hadi tunavyozungumza hivi sasa, mipangilio hii haijaweza kuwa na mwongozo kikamilifu kwa sababu matatizo mengi hayajaweza kusuluhika. Ningependekeza kama wenzangu walivyotoa maoni kuhusu fedha za NG-CDF. Nina imani kwamba utafiti huu umefanyika na umeonekana kuleta mabadiliko makubwa. Fedha hizo ziongezwe katika kuendesha maswala haya ya maendeleo katika maeneo Bunge yote ya Kenya hii ili tuweze kuhakikisha kuwa matatizo ya jamii katika swala nzima la elimu na mengineyo yamesuluhishwa.

Ningependa kuunga mkono Ripoti hii ambayo imeletwa Bungeni.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Manje, Member for Kajiado North. What is out of order, Hon. Kanchory Memusi?

Hon. Memusi ole Kanchory (Kajiado Central, ODM): My point of order is actually a request. Looking at the interest that the debate is generating and how many we are, considering that we just have about half an hour to go, it means that if we continue debating using the same timeframe, most of us will have sat here for so long without having contributed to this very important Motion. My request is that we reduce time for debate so that those of us who have taken time to be here can have a chance to debate. That is my request.

The Temporary Deputy Speaker (Hon. Patrick Mariru): You know Hon. Kanchory, your request is valid, but it is only persuasive to the Members. The time taken by a Member is defined before the business gets to the Floor. But nevertheless, what you are doing is to persuade the Members that I will be giving opportunities to consider it feasible to take shorter time. It may not be binding but from the look of their faces, they look persuaded. Let us see whether Hon. Manje fits in that category.

Hon. Chege Wanjiru, what is out of order?

Hon. (Ms.) Sabina Chege (Murang'a CWR, JP): Thank you, Hon. Temporary Deputy Speaker. I have been listening to this debate from yesterday. I can tell that Members are

repeating similar things. The next order is about my Committee and I can see my Members came very early and they have been sitting here. If it were possible, I would have requested that the Mover replies so that we can move to the next agenda.

Thank you.

The Temporary Deputy Speaker (Hon. Patrick Mariru): This is a business that is on the Floor. I will take what Hon. Sabina has requested. She is requesting that I get the mood of the House whether the Mover should be called to reply. But because Hon. Manje was on his feet, I would request him to dispense with his space then I will confirm from the House whether that is the mood.

Hon. Joseph Manje (Kajiado North, JP): Thank you, Hon. Temporary Deputy Speaker. I do not know why it is creating interest while I am standing. All the same, I want to contribute to this very important Report by the Special Funds Accounts Committee that has gone round and has come up with a report of the NG-CDF Accounts of Kisumu County. It did the same for the Nairobi County. Thank you very much. Continue doing this. I hope you will do the same to other counties. I want to let the Kenyans know about the NG-CDF model because it is one that needs to be understood clearly so that people can see how and why Members of Parliament keep on insisting that this is a kitty that is getting to the grassroots. If you check the way money is disbursed by the national Government to do projects in the country and in the county governments, contractors are contracted directly by either the county or national Government.

But when it comes to the NG-CDF model, money is given through the constituency, and then directly to the community. It is the community that comes up with the project management committees. They sit down and elect a committee that oversees a project. Therefore, this is managed by Kenyans themselves. It is like returning taxes to the taxpayers at the grassroots. It is the grassroots person who knows what is needed. That is the difference between the NG-CDF model and the other two county government methods of taking resources to the grassroots. This model has been benchmarked by other countries. They come to this country and take NG-CDF as a unique model. Therefore, it should be emphasised and taken care of.

I also want to say this money is very little compared to the other monies allocated to the financing areas. If you compare the NG-CDF kitty to the money that goes to the counties, you will find that in a county that gets about Kshs5 billion, the constituencies combined will take less than 10 per cent of that amount. So, we should increase the NG-CDF kitty because it is the money that goes directly to the people. Members of Parliament, given that they represent all constituencies, are better placed to oversee the supervision and implementation of this kitty.

Another issue that we have to know is that Members of Parliament, to some extent, supervise this kitty when they go round their constituencies checking how the NG-CDF projects are being carried out. In other words, they go to the grassroots where the projects are. When it comes to oversight of this money, it has a different oversight that the county governments do not have. The people themselves supervise implementation. It is like they audit the Members of Parliament. By the way, many Members of Parliament are evaluated by their constituents through the implementation of NG-CDF projects. They will tell you: "This Member of Parliament is good because he is building schools to the required standards." This means that there is another way of making sure that, at least, Members of Parliament are properly evaluated by what they do.

It is not acceptable at this age for a country that, after so many years of Independence, our schools are in very pathetic situations. Members of Parliament are able to see. Unfortunately, they do not have enough money to renovate them. Like in my constituency, if I get enough

money, I will be able to renovate all the schools and supervise the same. Some of the primary schools do not have desks. And there is not enough money to buy desks because the amount of money that goes to the constituencies is very little. Divide the money that we get with the wards that we have. For example, we get about Kshs100 million and deduct the amount for administration. Suppose you are left with about Kshs70 million, divide it by about five wards, you will find it is very little money. It is less than Kshs20 million going to a particular ward and yet, we are expected to build schools, police stations and to do other things.

I also want to give relevance to Members of Parliament. Internationally, parliaments are known as compared to other management units in a country. So we want to give credit to Members of Parliament to make sure that this position is strong in our country, so that when we go out and meet our counterparts, we have something to say. If you do not give them resources, if you do not strengthen the seats, at the end of the day, the position of Members of Parliament will be diluted and will be less appreciated by other Kenyans.

Lastly, before I sit down, I want to let Kenyans know that Members of Parliament are not as bad as they are portrayed. I am saying that because the media is always against the leadership, including the MPs. That demoralises the genuine people on the ground who would like to serve Kenyans. I think they should be taken as being part of the society. They are people who are ready to serve this country. They too want to see the good future of this country. So, I support and I thank you for giving me this chance.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Members, there was an earlier point of order by Hon. Sabina Chege asking that I call upon the Mover to reply to this Motion. I would like to establish the mood of the House so that then we go with it. I will, therefore, put the Question.

*(Question, that the Mover be now called upon to reply,
put and negatived)*

Hon. Members, there are still a number of Members that would like to speak to this Motion and I have defined the mood of the House.

What is it Hon. Jeremiah Kioni?

Hon. Jeremiah Kioni (Ndaragwa, JP): Thank you, Hon. Temporary Deputy Speaker. Hon. Memusi had a request. It is so that you can accommodate the many interests that exist on this matter. Please, find it within yourself, as it is also the mood of the House, to ask whether we can allow ourselves to speak for a shorter time, so that a majority of us can also contribute. This is a very important aspect. I am sure that is why Hon. Sabina Chege's request lost. It is not because of anything else but for the reason that the issue of NG-CDF is so crucial to MPs and the country at large. So, I am seeking your indulgence again to accept the request from Hon. Memusi.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Very well, Hon. Jeremiah Kioni. I had spoken to that. I cannot direct Hon. Members on how long they should take. However, I can tell there are a number of Hon. Members who have an interest in speaking to this matter. Should Members be persuaded by Hon. Kanchory's proposal... They have a maximum of 10 minutes and Hon. Kanchory seems to be persuading Members to stick to less than that, so that we have as many Members as possible speak to the matter before us. I hope they will be persuaded. Shall we have Hon. Kanchory.

Hon. Memusi ole Kanchory (Kajiado Central, ODM): Thank you, Hon. Temporary Deputy Speaker. Let me be an example of what I am trying to persuade Members to do. I will be very brief on this matter.

The issue of NG-CDF has been spoken by Hon. Members. Before I indulge in my contribution, I thank the Committee for coming up with this Report. They have done a thorough job. It is about time this House spoke about the billions of shillings that we allocate as a House to ministries. I think this House has a mandate from the people to represent them. Every year we make a budget as a country. We have moved from billions to trillions. If you ask to be shown how the money has been accounted for, you will not be shown anything. Members allocate money to ministries through committees. They are allocated billions of shillings. I sit in the Departmental Committee on Defence and Foreign Relations and this financial year, it is asking for Kshs115 billion.

We appreciate the role that our boys in uniform play in safeguarding the borders of this country, but we are not a country at war. Every financial year we are approving billions of shillings for something called “modernisation” and other things. What is our priority as a country? It is to develop our country. I do not see how all these billions of shillings are helping develop the country. If you go to the Ministry of Health, it is allocated billion shillings and if you go to Kajiado District Hospital, people are suffering. They have to go to private clinics and yet, health is a devolved function. As Members of this House, why are we allowing ministries to duplicate devolved functions?

Speaking about devolution, the drafters of this Constitution, if I was asked, would have given NG-CDF priority. Devolution would not have been a priority for this country. The NG-CDF is doing much better than what devolution is supposed to do and at a very low cost. For example, let me mention about the referendum we are expecting to happen in this country. I would like to urge Members listening to me, that we must negotiate for NG-CDF to be strengthened. This is because Members have talked about the NG-CDF effects, how it has changed lives and this is actually echoed in the grassroots.

I want us, as the people who allocate this money, to think of the people we represent ably through NG-CDF. From a sum of Kshs100 million, we are seeing a lot of improvements in areas that are much marginalised. If I was asked, NG-CDF should not be given less than half a billion shillings every financial year. This will go to bursaries and also touch every aspect that *mwananchi* cares so much about. Let me set pace on how much time we need to spend. I will leave it at that because I am the one who proposed and timed myself. I have taken three and a half minutes. So, the next Member should not take more than two minutes.

Thank you, Hon. Temporary Deputy Speaker, I support the Report.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Kanchory, I am the time keeper. You did not take three minutes but almost five minutes. Nevertheless, it is a good example. Let us have Hon. Gichimu Githinji.

Hon. Gichimu Githinji (Gichugu, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me a chance to contribute to this important Motion. I will also strive to limit myself within a reasonable time, so that, my colleagues can also have a chance to contribute.

I echo my colleagues’ sentiments in supporting the idea that NG-CDF should be strengthened further so that more allocations can be made to the kitty. One of the many challenges we are facing at the constituency level is infrastructural development for our schools. Going by the Government’s policy of 100 per cent transition from primary to secondary schools,

it has become even a bigger challenge because every child has to go to school. Yet, there are no classrooms, dormitories and other infrastructural requirements like toilets.

I also want to support the idea that any money that is meant for infrastructural development, instead of being channeled through the ministry, it be shared amongst the constituencies because we know where the shoe pinches the most. That would be better, other than someone seated at the national level in the ministry. We interact with students, teachers and parents on the ground and visit those schools. So, we know where the problems are.

Kenyans should know NG-CDF was left to handle education and security alone. Those are the two functions that were left at the national level. Any money that is meant for security purposes at the constituency level, including development of infrastructure for our assistant county commissioners, police posts and all those kind of things, must also be put separately. Even if it is allocated to the Ministry of Interior and Co-ordination of National Government, at least, a certain portion of money should be given to every constituency so that we can plan with our committees at the local level and develop what we normally see as priorities on the ground.

I will stop at that point so that other Members can also make their contribution. I entirely support the Report and I thank the Committee for the good work done. Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Next is Hon. Oduor Ombaka, Member for Siaya.

Hon. (Dr.) Christine Ombaka (Siaya CWR, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity. I would like to add my voice to this debate on NG-CDF and the role it has played in our communities. It has a big impact, especially in the area of education. I have been monitoring the education sector as an educationist and I realised that many schools that had actually been grass thatched and mud walled have been improved. There are very few that are actually grass thatched today. In fact, I do not even think that there are any, but still the status of some of the schools is still very bad. I urge Members of Parliament to concentrate a lot on education because once you handle education very effectively, you will see that your area and constituencies will highly improve.

What I would like to add to the Members of Parliament that handle NG-CDF is that one section of education is totally left out. You concentrate a lot on classrooms and dormitories, but you forget about libraries. Libraries are very important for a school and if we do not put a lot of effort there, then we will not be able to handle education very well.

The other area is bursaries. We, Women Representatives, also do have bursaries and sometimes there is duplication. A women representative may give a student bursary, but the same student also benefits from NG-CDF. So, we need to harmonise the two. When we give bursaries, we should share our list with the NG-CDF committees so that a student does not benefit twice. I am also told that governors are also giving bursaries. You will see that some students will benefit three times if we do not watch out.

Lastly, the way NG-CDF is being managed is so good to the extent that Uwezo Fund and Women Enterprise Development Fund should borrow a leaf. The National Government Affirmative Action Fund also operates the same way as NG-CDF. We also have committees. We also write proposals in order to be funded before we take action. Uwezo Fund does not seem to do that. We also do not see when they disburse the funds. At least, for NG-CDF, we see that when funds are being disbursed, there is a big celebration. The Member of Parliament normally calls the community to sit and watch how bursaries are being disbursed or when a classroom is being opened. However, when it comes to other funds, we do not see that celebration coming up.

Only Women Representatives and Members of Parliament do that. I request that Uwezo Fund, the Women Enterprise Development Fund and the Youth Enterprise Development Fund should work along with all of us so that we are on the same page. Otherwise, I support the Report.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Next is Hon. Jeremiah Kioni.

Hon. Jeremiah Kioni (Ndaragwa, JP): Thank you, Hon. Temporary Deputy Speaker. I take the opportunity to say thank you and congratulations to the Committee for a job well done. Secondly, I know we are still struggling with the place of the NG-CDF in our governance structure. I want to mention again that those who drafted the Constitution – and 27 of us sat in Naivasha – struggled with that issue and we made a deliberate decision that we were not going to do away with the NG-CDF. It must be part of our system in this country. Even as the issues find their way to court, it is important for the Judiciary to know that this is an issue that occupied the minds of those who helped in the drafting of this Constitution, and a deliberate decision was made to ensure that we do not scrap the NG-CDF even with the separation of powers.

As the Chairman of the Constitutional Implementation Oversight Committee (CIOC), we will sit and look for ways of ensuring that we guard and protect it and make it possible for the NG-CDF to continue being there even long after we are gone.

The third thing is that there are some audit reports being circulated in the media including, what we are saying. It is important for me to say this on behalf of myself and others whose reports are in the media. Those are not audit reports for the period that we are serving as Members of Parliament. They are audit reports for the period that was covered by the previous MPs. In other words, the audit reports are up to June 2017. That is way before all of us seated in this House came into office. The bloggers can direct their insults to the right persons because that is what is currently happening. We have nothing to do with those expenditures. They were done before we were elected into office.

The other issue I want to echo is what Hon. Christine has just mentioned. First, the NG-CDF is a model for the whole world. Other countries would want to copy it. So, we should not think of doing away with it at any given time. We should look for ways of improving it so that we can continue impacting on development on the ground. One of the reasons why this kitty was put together was because of the skewed manner in which the national Government was developing areas in this country. The NG-CDF was brought in to bring some harmony. We cannot do away with it. We can only strengthen it.

There are still some teething problems. They are not issues we should be talking about. Even as we think of how to come up with a formula that reflects the level of poverty and other issues including the expansiveness of the regions, we must be very careful because previous formulas have favoured regions that were expansive at the expense of regions that were populous. Getting a balance between the two is something that we must continue struggling with.

It is important for us, as MPs, to ensure that what you did when in office can be seen. We still see regions that are stricken with poverty, hunger and people who have no clothing and yet, the NG-CDF has been there for us all the time. As we think about how to bring the other factors on board, let us pay attention to the formulas being developed by the Commission on Revenue Allocation (CRA).

Bursary is a very popular thing. It is being used very well by the governors. I keep asking myself whether it is one of the things that they should handle. It is not something that we are able to talk about because of how emotive it is. It brings in votes. It has to be fair. It allows somebody to become popular to the masses. Is it really the role of the county government or have they gone out of their way to try and do that which pleases people more, but avoid doing what they need to

do like investing in other areas? On the same note, we must make sure that the NG-CDF and the Women Enterprise Development Fund are not just turned into bursary kitties because all that we seem to be doing is handing out bursaries. Once you have given out a bursary, you want to be seen as having done development in your area. We must make sure that we do not turn those kitties into bursary funds. They need to have impact on the ground. If we coordinate ourselves better, we will avoid duplicating the awarding of bursaries to people across the board. Like the previous Member has said, we are duplicating disbursement of bursaries. There are those who benefit twice or thrice.

Finally, it is important that we get a board for the NG-CDF. We have sung about this for a long time. Also, the CEO, Mr. Mbuno, should rein in on the fund managers. The fund managers are likely to send Mbuno home before they send us home. They behave like they are the ones who were elected and you were seconded to them. If that is the way the NG-CDF Act reads, we must look for ways of amending it. Those fund managers will send MPs home in the fourth or fifth year. I am warning those who have not seen the danger coming. If they cannot work with you, if they are your bosses at the constituency level, every other person will wonder why they voted for you. Mr. Mbuno should rein in on his fund managers. If they rein in on him, let him tell us. We do not have a board. He has been acting for eight years. We need to find out what is ailing the NG-CDF management because there is something that is not working. This is not the Constituencies Development Fund (CDF) we knew in the 10th Parliament. You could impact on your people heavily. Those fund account managers are impacting on Members of Parliament now. I warn you in advance. They will send you home. Watch out.

Let the media report properly. Those audit reports belong to the 11th Parliament, but not the 12th Parliament.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Let us have Hon. John Bunyasi?

Hon. Sakwa Bunyasi (Nambale, ANC): Thank you, Hon. Temporary Deputy Speaker. I rise to contribute to this extremely important development instrument that we have at our disposal - which is the NG-CDF.

Hon. Onyango Oyoo (Muhoroni, ODM): On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Oyoo Onyango is shouting, "point of order", but he has not pressed the intervention. What is out of order?

Hon. Onyango Oyoo (Muhoroni, ODM): Hon. Temporary Deputy Speaker, given the interest of time and that this particular Motion ends shortly, I wish that the Mover be called upon to reply.

(Laughter)

The Temporary Deputy Speaker (Hon. Patrick Mariru): You had stepped out. I established the mood of the House. The Members who want to contribute will do it. We will stick to that. Hon. Bunyasi, proceed.

Hon. Sakwa Bunyasi (Nambale, ANC): Thank you, Hon. Temporary Deputy Speaker. I am sure Hon. Oyoo was intending to disrupt me. Let me say a few things quickly. The NG-CDF which is an important development instrument has been narrowed down to areas around education, a little bit on environment, sports and security. I find the emphasis on education to be

timely and extremely important. There are two basic issues in education. One is facilities development since the Ministry of Education does not fund facilities in any consistent way. Two, improve access to education.

I come from low-income communities. Our parents in Nambale Constituency are still struggling to pay the school fees - which is lunch allowance of Kshs9,000 or Kshs10,000 a year. They need support. If we do not do that, our kids will stay at home. Kids are not fed in school. There are a lot of challenges that our parents face. Therefore, the bursary is a very positive thing. The money we have is so little. I have over 10,000 students who are in secondary schools and they need those funds. Over 3,000 students who are in colleges and universities need help. The students from the Technical and Vocational Education and Training (TVET) institutions will soon come on board. So, the funds are grossly inadequate.

I am happy because the county governments are giving out bursaries as well because it is a big job at hand. I understand that the Woman Representative of Busia County gives money from time to time. All we need to do is to work on how we coordinate among ourselves, but there is no doubt that there is strong demand for it.

I want to conclude because of the challenge of time, so that another Member can have a chance to contribute. This investment in security has been left entirely to NG-CDF. Police officers are not housed. They have huts and nothing happens there. The administrators are not housed. The national Government must provide some money to improve that infrastructure. We see billions moving everyday, which exceed the amount of NG-CDF in total. I hope that the national Government will see it fit to think about this country and put monies where it matters.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Musau Musyoka, Member for Mwala.

Hon. Vincent Musau (Mwala, MCCC): Thank you, Hon. Temporary Deputy Speaker. I will be very brief. A lot needs to be done across the country because our annual Budget keeps on increasing every year. However, the amount of work that is done on the infrastructure development does not go hand in hand with the amount of resources that we invest. Our county governments need to work hard. Less than 30 per cent and, in some cases, 20 per cent of resources allocated to county governments, goes to Recurrent Expenditure and very little is left for development. Other governors have intentionally caused a lot of wastage.

On NG-CDF, the kitty is very small but the expectations are very high. I am allocated Kshs100 million in my constituency and last year, I had over 4,000 students in colleges and technical institutions. By allocating a bare minimum of about Kshs10,000 per student, that already takes over Kshs10 million of the NG-CDF kitty. Bear me witness that with that kind of allocation, one can barely commit Kshs50 million in a financial year for development. That is little. I have more than 300 schools in my constituency.

The Temporary Deputy Speaker (Hon. Patrick Mariru): Order Hon. Musau. I am afraid it is 1.00 p.m. and this is not to cut you short. You will have your 10 minutes. So, we will pend eight of your minutes until next time when this Order comes up. You will have the remainder of your time - eight minutes to prosecute your case on this particular matter.

Hon. Vincent Musau (Mwala, MCCC): I am guided, Hon. Temporary Deputy Speaker.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Patrick Mariru): Hon. Members, the time being 1.00 p.m., the House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 1.00 p.m.