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THE COMMITTEE ON MEMBERS' SERVICES AND FACILITIES

REPORT ON

INSPECTION VISIT TO CONSTITUENCY AND COUNTY OFFICES IN KILIFI,
KWALE, MOMBASA, LAIKIPIA, NYANDARUA AND MACHAKOS COUNTIES

	
THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 18 NOV 2024	DAY: TUESDAY
TABLED BY:	HON. STEPHEN KARANI CHAIRPERSON
CLERK-AT THE-TABLE:	INZOFU MWALE

The Directorate of Audit, Appropriations & General Purpose Committees
The National Assembly
Parliament Buildings

November, 2024

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LIST OF ABBREVIATIONS AND ACRONYMS

CDF	- Constituency Development Fund
CWR	- County Women Representative
ETR	- Electronic Tax Register
KRA	- Kenya Revenue Authority
MSF	- Members' Services and Facilities
NA	- National Assembly
NHIF	- National Health Insurance Fund
NSSF	- National Social Security Fund
PSC	- Parliamentary Service Commission

CHAIRPERSON'S FOREWORD

The Parliamentary Service Commission is established under Article 127 of the Constitution of Kenya (2010). The Article mandates the Commission to provide services and facilities to ensure that there is efficient and effective functioning of Parliament. Further, Article 127 (6) (e) confers the Commission the duty of carrying out activities that are necessary for the well-being of the Members of Parliament both in their Nairobi and constituency offices.

The National Assembly Standing Order 212B established the Committee on Members' Services and Facilities, which is one of the Sessional Committees of the House, responsible for receiving and considering views of Members on the services and facilities provided for their benefit and well-being. The Committee is also mandated to advise and report on all matters relating to the services and facilities provided for Members.

The Committee undertook inspection visits to selected Constituencies and County Women Representative offices in the Counties of Kilifi, Kwale, Mombasa, Laikipia, Nyandarua and Machakos. The objective of the visit was to establish the status of the quality of services and facilities extended by the Commission to the serving Members of Parliament and their constituents.

The Committee observed that emoluments of staff working at the Constituency offices were not enhanced and there was no annual salary increment despite provision of the same in their contracts. The Committee also observed that staff at the Constituency offices lacked requisite training to enhance their skills and competencies.

The Committee recommends that emoluments of staff working at the Constituency offices should be enhanced by the Parliamentary Service Commission (PSC) to cushion the staff from the ever-escalating cost of living and to motivate them adequately.

The Committee also recommends PSC should, through the Centre for Parliamentary Studies and Training, organize for seminars and workshops and develops a curriculum for continuous training and capacity building for all staff of the constituency offices of Members.

May I take this opportunity to thank all Members of the Committee for their contributions and input during the deliberations and writing of this report. The Committee also wishes to thank the offices of the Speaker and the Clerk of the National Assembly for the logistical support provided during the inspection visits.

It is now my pleasant duty and privilege, on behalf of the Select Committee on Members' Services and Facilities, to present this report to the House, pursuant to Standing Order 199, for consideration.


The Hon. (Dr.) Stephen Wachira Karani, M.P.

Chairperson, Committee on Members' Services and Facilities

1.0 PREFACE

1.1 Committee Mandate

1. Article 127 (6) of the Constitution of Kenya mandates the Parliamentary Service Commission to among others provide services and facilities to ensure efficient and effective functioning of Parliament. Further Article 124 of the Constitution empowers Parliament to establish committees.
2. The Committee on Members' Services and Facilities is established under Standing Order 212B and is responsible for -
 - a) Receiving and considering views of Members on the services and facilities provided for their benefit and well-being; and
 - b) Advising and reporting on all matters connected to the services and facilities provided for Members.
3. In this regard, the oversight role over facilities for use by Members and staff of the National Assembly are within the mandate of the Committee.
4. The Committee is therefore a formal forum through which the Members of the National Assembly channel views regarding their welfare to the Commission. The Committee executes its mandate through: -
 - a) Benchmarking visits to other jurisdictions to establish new ideas and practices;
 - b) Undertaking inspection visits to the Constituency and County offices for Members; and
 - c) Direct contact with Members of Parliament to receive their concerns and complaints.

1.2 Committee Membership

5. During the Third Session of the 13th Parliament, the Committee on Members' Services and Facilities comprises the following Members -

Chairperson

Hon. (Dr.) Stephen Wachira Karani, MP
Laikipia West Constituency
United Democratic Alliance

Vice Chairperson

Hon. Feisal Bader Salim, MP
Msambweni Constituency
United Democratic Alliance

Members

Hon. Owen Yaa Baya, CBS, MP
Deputy Leader of Majority Party
Kilifi North Constituency
United Democratic Alliance

Hon. Col. (Rtd.) Dido Ali Rasso, MP
Saku Constituency
United Democratic Alliance

Hon. Paul Odalo Abuor, MP
Rongo Constituency
Orange Democratic Movement

Hon. Beatrice Elachi, CBS, MP
Dagoretti North Constituency
Orange Democratic Movement

Hon. Charity Kathambi Chepkwony, MP
Njoro Constituency
United Democratic Alliance

Hon. Elisha Ochieng Odhiambo, MP
Gem Constituency
Orange Democratic Movement

Hon. Elsie Busihile Muhanda, MP
Kakamega County Women Representative
Orange Democratic Movement

Hon. Peter Lochakapong, MP
Sigor Constituency
United Democratic Alliance

Hon. Jerusha Momanyi Mongina, MP
Nyamira County Women Representative
Jubilee Party

Hon Robert Nguir Basil, MP
Yatta Constituency
Wiper Democratic Movement

Hon. Ruth Adhiambo Odinga, MP
Kisumu County Women Representative
Orange Democratic Movement

Hon. Anne Wanjiku Mugo Muratha, MP
Kiambu County Women Representative
United Democratic Alliance

Hon. Brighton Leonard Yegon, MP
Konoin Constituency
United Democratic Alliance

1.3 Committee Secretariat

6. The following secretariat support the Committee in executing its mandate -

Mr. Abdirahman G. Hassan
Clerk Assistant I / Lead Clerk

Mr. Abdimalik Ahmed
Clerk Assistant III

Ms. Nancy Chepkemoi
Legal Counsel II

Ms. Lorraine Onyiego
Research Officer III

Ms. Naom Onsomu
Public Communications Assistant

Mr. Kevin Ojiambo Obilo
Media Relations Assistant

Ms. Rahab Chepkilim
Audio Officer II

Ms. Yasmin Hassan
Assistant Sergeant At-Arm

2.0 BACKGROUND

7. The Parliamentary Service Commission is amongst the constitutional commissions established under Article 127 of the Constitution of Kenya. Its responsibility includes provision of services and facilities to ensure effective and efficient working of Parliament and other functions that are necessary for the well-being of the Members and Staff.
8. The Commission extends an array of services to Members such as medical services, insurance services, security services, and library and information services.
9. The National Assembly Standing Order 212B establishes the Select Committee on Members' Services and Facilities that is mandated to receive and consider the views of Members of the National Assembly on the services and facilities extended to them by the Commission for their benefit and well-being. The Committee is also given the mandate to advise and report on all matters relating to the services and facilities. The Committee, therefore, is the forum through which the Members of the National Assembly channel their views and concerns regarding their welfare provided by the Commission.
10. The Committee oversees the facilities available to Members including but not limited to, parliament buildings, the health club at Parliament, the constituency and county offices for Members of the National Assembly, the quality of catering services in Parliament, and works proactively to ensure upcoming buildings cater for Members' needs and meet their expectations.
11. The Committee also ensures that the emoluments of Members of Parliament and staff, both in the Nairobi and constituency offices, are processed on time.
12. Previously, matters of Members' welfare were handled informally through the *Speaker's Kamukunji*, and due to that backdrop, the Committee was established to create a forum through which such matters could be handled. Therefore, this formalizes the deliberations on matters of interest to Members and provides a channel through which the issues raised by Members can find their way to the House by way of a report.
13. The objectives of the inspection visits were to: -
 - i). Collect views and assess the quality of services & facilities and status of office infrastructure;
 - ii). Determine status of constituency/county staff salaries disbursement by the Parliamentary Service Commission and adherence to statutory remittances;
 - iii). Understand challenges experienced by staff while undertaking their roles;
 - iv). Provide an opportunity for the Constituency staff to apprise the Committee on possible solutions that should be provided by the Parliamentary Service Commission for effective and efficient service delivery by Members, and recommend areas of improvement.
14. This report therefore highlights the scenarios in the constituency/county offices of Members visited in terms of the staff establishment, the challenges the staff faced while executing their duties, and recommendations to address the said challenges.

15. The Constituency and County offices visited include: -

- i. Office of the Member of Parliament for Kilifi South Constituency
- ii. Office of the Member of Parliament for Kilifi North Constituency
- iii. Office of the Kilifi County Woman Member of Parliament
- iv. Office of the Member of Parliament for Malindi
- v. Office of the Member of Parliament for Likoni Constituency
- vi. Office of the Member of Parliament for Nyali Constituency
- vii. Office of the Member of Parliament for Kisauni Constituency
- viii. Office of the Mombasa County Woman Member of Parliament
- ix. Office of the Member of Parliament for Msambweni Constituency
- x. Office of the Kwale County Woman Member of Parliament
- xi. Office of the Member of Parliament for Laikipia West Constituency
- xii. Office of the Member of Parliament for Ol Kalou Constituency
- xiii. Office of the Member of Parliament for Ol Jorok Constituency
- xiv. Office of the Member of Parliament for Machakos Town Constituency
- xv. Office of the Machakos County Woman Member of Parliament.
- xvi. Office of the Member of Parliament for Mavoko Constituency

16. The Committee also paid courtesy calls to the County Commissioners' offices in;

- i. Mombasa County
- ii. Kilifi County
- iii. Kwale County
- iv. Nyandarua County
- v. Laikipia County
- vi. Machakos County

3.0 INSPECTION VISIT TO CONSTITUENCY AND COUNTY OFFICES

17. The Committee undertook an inspection visit in Kilifi and Kwale Counties on Friday, 14th April, 2023 and in Mombasa County on Saturday, 15th April, 2023. The Committee also visited Machakos County on Friday, 4th August, 2023 and the Counties of Laikipia and Nyandarua on Friday, 1st and Saturday, 2nd December, 2023 respectively.

3.1 KILIFI COUNTY

18. The Committee visited the Constituencies/County offices in Kilifi on Friday, 14th April, 2023. The inspection visits commenced with the office of the Kilifi South Constituency in Vipingo town, followed by a courtesy call to the County Commissioner's office and later to the office of the Kilifi North Constituency. Further, the Committee visited the office of the County Woman Representative and concluded the inspection at the Malindi Constituency office.

Remarks by the County Commissioner, Kilifi County

19. The delegation led by the Chairperson paid a courtesy call to the Kilifi County Commissioner Mr. Josphat Biwott on Friday, 14th April, 2023. The Chairperson briefed the sitting on the mandate of the Committee and the rationale behind the inspection visits and the expected outcomes.

20. The Commissioner thanked the Committee and apprised Members on the challenge concerning NG-CDF staff. There were concerns over the continuity of staff in NG-CDF and constituency offices since staff are recruited after every term of Parliament, resulting into lack of institutional knowledge, leading to disgruntled constituents due to the frequent changes of staffers.

3.1.1 Kilifi South Constituency

21. The Chairperson briefed the sitting on the mandate of the Committee and the rationale for the inspection visit. He then invited the constituency office staff to brief the delegation on the staff, facilities and challenges at the office.

Submissions by the Office Manager for the Kilifi South Constituency

22. The Constituency Office Manager, Mr. Ferdinand Yawa, who was accompanied by other staff, briefed Members. The Manager noted improvement on payment of salaries for the constituency office staff that was paid on monthly basis compared to the previous quarterly payments. The Manager thanked the Committee and the PSC for effecting the changes that enabled them secure loan facilities as a result.

23. The delegation was further informed that the office faced the following challenges: -

- a) Statutory deductions problems especially with regard to NSSF dating back to the 11th Parliament office that had not been remitted as required

- b) Frequent queries and penalties for non-compliance to National Hospital Insurance Fund (NHIF) and National Social Security Fund (NSSF) timelines and regulations occasioned by delayed salaries
 - c) Huge pending statutory deductions and penalties on non-remittances to KRA and NSSF had led to some of the staff not being paid gratuities after serving in the 12th Parliament until the penalties and deductions were paid
 - d) Delay in payment of staff salaries – There was need to ensure that staff at the constituency office are paid by the 2nd day of every month
24. Members observed that the Ksh.150,000.00 meant to cater for late penalties addressed some of the challenges the constituency faced.
25. The delegation proposed that the office management should look into repainting the office building with funds from operations or with the landlord so as to give the office of the Member of Parliament a decent image.

3.1.2 Kilifi North Constituency

26. The Committee visited the Office of the Member of Parliament for Kilifi North Constituency, Hon. Owen Baya, MP, CBS, and Deputy Leader of Majority Party on Friday, 14th April 2023 at 11.00 a.m. The officers led by the Office Manager, Mr. Emmanuel Nyongo, received the delegation.
27. The Chairperson briefed the sitting on the mandate of the Committee and the rationale for the inspection visit. He then invited the constituency office staff to engage the delegation on the staff, facilities, and challenges at the office.
28. The Office Manager informed Members of the following challenges: -
- a) There was no training for the constituency office staff but instead an induction programme was organized for the office Manager and Personal Assistant; the other staff were unaware of their job descriptions and roles. The committee noted the need to organize training for all constituency office staff
 - b) The accounting practices associated with the Constituency Liaison office were tedious, voluminous and subject to misplacement/loss. The committee noted the need to intervene and fast-track automation initiatives
 - c) The constituency office staff registered their complaints that there were delays in processing gratuities
 - d) There were still handing over challenges that led to penalties and huge pending bills on KRA, NHIF and NSSF statutory deductions
29. The Committee visited the Ajira Training Center facility located within the Office's premises and lauded the area MP for giving young people an opportunity to develop their ICT skills.
30. Kilifi North Constituency is vast leading to administration challenges – it was proposed that PSC needed to facilitate Members to have additional satellite offices at vast constituencies to enhance operations and better facilitation of the constituents.

3.1.3 Office of the County Woman Member of Parliament - Kilifi County

31. The delegation visited the office of the Woman Member of Parliament for Kilifi County Hon. Gertrude Mbeyu Mwanyanje, MP on Friday, 14th April 2023, and were received by the Office Manager Mrs. Valdy Mwashigadi.
32. The Chairperson briefed the sitting on the mandate of the Committee and the rationale for the inspection visit. He then invited the office staff to brief the delegation on the staff, facilities, and challenges at the office.
33. The Office Manager Mrs. Valdy Mwashigadi informed Members of the following challenges: -
 - a) Pending remittances from the 12th Parliament and delayed remittances of statutory deductions led to penalties for the office.
 - b) Slow response and feedback from the Parliament's Constituency Liaison office which caused various delays such as payments and inefficiencies in office operations.
 - c) There was delay in processing of gratuity and leave allowances.

3.1.4 Malindi Constituency

34. The delegation visited the office of the Member of Parliament for Malindi Constituency Hon. Amina Mnyazi, MP. A team of officers led by the Constituency Office Manager Mr. Jumaa Kazungu received the Committee.
35. The Chairperson briefed the Constituency office staff on the mandate of the Committee and the rationale for the inspection visit. He then invited the constituency office staff to brief the delegation on the staff, facilities, and challenges at the office.
36. The Constituency Office Manager Mr. Jumaa Kazungu informed Members of the following challenges: -
 - a) The operations fund was received towards the end of the quarter thus affecting office operations and payments of suppliers for services provided. There was need to release the money on monthly basis to enhance office operations
 - b) The medical insurance provided by NHIF was not adequate. There was need to elevate the NHIF cover for the constituency staff to the level of civil servants
 - c) There was no induction and training programme for the constituency office staff leading to challenges in performance of duties

3.2 KWALE COUNTY

37. The Committee visited the Constituencies/County offices in Kwale County on Friday, 14th April, 2023. The inspection visit commenced with courtesy call to the Office of the County Commissioner who apprised the Committee on the state of affairs in the region.

3.2.1 Office of the County Woman Member of Parliament - Kwale County

38. The delegation visited the office of the Woman Member of Parliament for Kwale County, Hon. Fatuma Masito, M.P. on Friday, 14th April, 2023 and were received by the Office Manager Mr. Ali Salim Shufa.
39. The Chairperson briefed the sitting on the mandate of the Committee and the rationale for the inspection visit. He then invited the office staff to brief the delegation on the staff, facilities, and challenges at the office.
40. The Office Manager Mr. Ali Salim Shufa apprised the Committee on the following challenges: -
- a) The NHIF cover was discriminatory as the constituency office pays a premium similar to that of civil servants but does not enjoy similar access to treatment
 - b) There was no induction and training programmes and the staff lacked knowledge on their roles and responsibilities

3.2.2 Msambweni Constituency

41. The delegation visited the office of the Member of Parliament for Msambweni Constituency Hon. Feisal Bader, MP, who is also the Vice-Chairperson of the Committee. The Constituency Office Manager, Mr. Abasi Mahaba, accompanied by other staff received the delegation.
42. The Chairperson briefed the sitting on the mandate of the Committee and the rationale for the inspection visit. He then invited the constituency office staff to brief the delegation on the staff, facilities, and challenges at the office.
43. The Constituency Office Manager, Mr. Abasi Mahaba informed Members of the following challenges: -
- a) Delayed salaries for constituency staff and disbursement of funds for office rent and operations occasioned by late release of funds
 - b) Frequent queries and penalties for non-compliance to KRA, NHIF and NSSF timelines and regulations
 - c) There was need to review NHIF medical cover to comprehensively cater for the staff at the constituency office
 - d) There was no induction and trainings for staff at the constituency office to equip them with requisite skills and knowledge. Currently, it is only the Constituency Office Managers who undertakes induction programmes.

3.3 MOMBASA COUNTY

44. The Committee visited the County of Mombasa on Saturday, 15th April, 2023. The inspection visit commenced with a courtesy call to the Office of the County Commissioner, who apprised the Committee on the state of affairs in the region.