

Approved for tabling in the House.



SWA
23/11/2021

REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT – FIFTH SESSION

DIRECTORATE OF DEPARTMENTAL COMMITTEES



DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND
NATIONAL SECURITY

REPORT OF THE DEPARTMENTAL COMMITTEE ON
ADMINISTRATION AND NATIONAL SECURITY ON ITS
CONSIDERATION OF PUBLIC PETITION NO.27 OF 2021 REGARDING
GAZETTEMMENT OF KITUI AS A HARDSHIP AREA

CLERK'S CHAMBERS
DIRECTORATE OF DEPARTMENTAL COMMITTEES
PARLIAMENT BUILDINGS
NAIROBI

NOVEMBER, 2021


 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 23 NOV 2021	
DAY: <u>Wednesday</u>	
TABLED BY:	<u>Vice-Chair, Admin Hon. Fadhwa Gedh</u>
CLERK-AT THE-TABLE:	<u>Gertuole Chebet</u>

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CHAIRPERSON'S FOREWORD

The Public Petition No. 27 of 2021 regarding Gazettement of Kitui County as a hardship area, dated 5th July, 2021 was presented in the National Assembly on 7th July, 2021 by Hon. Charles Nguna Ngusya, MP on behalf of residents of Kitui County. The Petition was subsequently committed to the Departmental Committee on Administration and National Security for consideration pursuant to Standing Order 227(1).

The Committee was required to respond to the Petitioner by way of a report addressed to him and laid on the Table of the National Assembly in not more than sixty (60) calendar days from the date of presentation of the Petition.

That, due to these challenges, public servants encounter numerous setbacks in the discharge of their duties thus occasioning a high turnover of officers and poor delivery of essential government services.

In processing the Petition, the Committee received views from the Ministry of Public Service and Gender, the Petitioner, the Hon. Charles Ngusya Nguna, MP and Dr. Michael Wahome, a University Don and a resident of Kitui County. The Committee analyzed their submissions and prepared the report.

The Committee's key recommendation on the prayers sought by the Petitioner is that the Inter-Agency Technical Committee constituted on 21st March, 2019 comprising officers from the Ministries of Public Service and Gender, Interior and Co-ordination of National Government, Education, National Treasury and Planning, Public Service Commission, Teachers Service Commission, Commission on Revenue Allocation (CRA), Judiciary, Kenya National Bureau of Statistics (KNBS) and the Council of Governors (COG) tasked to collect data, review and harmonize the hardship allowance paid across the Public Service should expedite the exercise and report to Parliament within six months from the date of tabling this report.

The Committee is grateful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during the consideration of the Petition. Finally, I wish to express appreciation to the Honourable Members of the Committee and all those who made useful contributions towards the preparation and production of this report.

On behalf of the Departmental Committee on Administration and National Security and pursuant to provisions of Standing Order 227(2), it is my pleasant privilege and honour to present to this House the report of the Committee on its consideration of the Public Petition regarding gazettelement of Kitui County as a hardship area.

HON. PETER MWATHI. M.P.
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON
ADMINISTRATION AND NATIONAL SECURITY

PART 1

PREFACE

ESTABLISHMENT AND MANDATE OF THE COMMITTEE

Hon Speaker,

1.1 Mandate of the Committee

1. The Departmental Committee on Administration and National Security is established in accordance with the provisions of Standing Order 216 of the National Assembly. Its mandate as provided for in S.O. 216(5) is –
 - (a) *investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;*
 - (b) *study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;*
 - (c) *study and review all legislation referred to it;*
 - (d) *study, assess and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;*
 - (e) *investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;*
 - (f) *to vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments) ;*
 - (g) *examine treaties, agreements and conventions;*

- (h) *make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
- (i) *consider reports of Commissions and Independent Offices submitted to the House, pursuant to the provisions of Article 254 of the Constitution; and*
- (j) *examine any questions raised by Members on matters within its mandate.*

2. The subjects under the Committee's jurisdiction are; National Security, Police Services, Home Affairs, Public Administration, Public Service, Prisons, Immigration, the Management of Natural Disasters and Community Service Orders.

1.2 Composition of the Committee

3. The Committee was constituted on 14th December, 2017 and comprises the following Honourable Members

Chairperson

Hon. Peter Mwathi, M.P.

Limuru Constituency

Jubilee Party

Vice-Chairperson

Hon. Fatuma Gedi, MP

Wajir County

Jubilee Party

Hon. Kaluma Peter George Opondo, MP

Homa Bay Town Constituency

ODM Party

Hon. (Dr.) Tecla Tum, MP

Nandi County

Jubilee Party

Hon. Dr. Makali Mulu, MP

Kitui Central Constituency

Wiper Party

Hon. Oku Kaunya, MP

Teso North Constituency

ANC Party

Hon. Aduma Awuor, MP

Nyakach Constituency

ODM Party

Hon. Peter Masara, MP

Suna West Constituency

Independent Party

Hon. Ngunjiri Wambugu, MP

Nyeri Town Constituency

Jubilee Party

Hon. Abdi Shurie, MP

Balambala Constituency

Jubilee Party

Hon. Marselino Malimo Arbelle, MP

Laisamis

Jubilee Party

Hon. Halima Mucheke, MP

Nominated Member

Jubilee Party

Hon. Swarup Ranjan Mishra, MP

Kesses Constituency

Hon. Nimrod Mbai, MP

Kitui East Constituency

Jubilee Party

Hon. Col. (Rtd) Geoffrey King'ang'i, MP
Mbeere South Constituency

Jubilee Party

Hon. Jeremiah Lomurukai, MP
Loima Constituency

ODM Party

Hon. Munene Wambugu, MP
Kirinyaga Central Constituency

Jubilee Party

Jubilee Party

Hon. Rozaah Buyu, MP
Kisumu County

ODM Party

Hon. William Chepkut, M.P.
Ainabkoi Constituency

Independent Party

1.3 Committee Secretariat

4. The Committee Secretariat comprises the following officers-

Mr. Adan Sora Gindicha
Senior Clerk Assistant
Head of Secretariat

Mr. Joshua Ondari
Clerk Assistant

Delvin Onyancha
Research/Policy Analyst

Ms. Brigitta Mati
Legal Counsel

Mr. Josphat Bundotich
Serjeant-at-Arms

Mr. Edison Odhiambo
Fiscal Analyst

Ms. Eva Kaare
Serjeant-at-Arms

Mr. Joseph Okongo
Media Officer

Rodgers Kilungya
Audio Recording Officer

PART 2

2.0 CONSTITUTIONAL AND STATUTORY PROVISIONS REGARDING PETITIONS

2.1 Right to Petition Parliament

5. The right to Petition Parliament is provided for under Article 119 of the Constitution as follows:-

“Every person has a right to Petition Parliament to consider any matter within its authority, including enacting, amending or repealing any legislation. Parliament shall make provision for the procedure for the exercise of this right.”

6. The Petition, therefore falls under the Committee's mandate under National Assembly Standing Order 227(1). In addition, Standing Order 227(2) outlines the procedure for committal of a Petition to a Committee and transmission of its decision to the Petitioner. Further, the Petitions to Parliament (Procedure) Act, 2012 provides for the procedure to be followed in the submission, processing and consideration of a Petition.
7. Article 94 as read together with Article 95 of the Constitution further provides for the mandate of Parliament and the National Assembly respectively. Generally, the Houses of Parliament exercise the legislative mandate of the people, deliberate on matters of national interest and oversight the exercise of power by other arms of government.
8. Public participation is now a guaranteed process in Kenya. The Constitution in various Articles requires that public participation be undertaken at all levels of government before government officials make decision affecting the public.
9. Public participation is having an open, accountable and structured process where citizens or people, or a segment of a community can interact, exchange views and influence decision making. Public participation is part of a democratic process.

2.2 Public Petition No. 27 of 2021

10. Standing Order 227(2) outlines the procedure for committal of a Petition to a Committee and transmission of its decision to the Petitioner. Further, the Petitions to Parliament (Procedure) Act, 2012 provides for the procedure to be followed in the submission, processing and consideration of a Petition.
11. In the Petition submitted to the House on 6th July, 2021, the Petitioners averred that that Kitui County was not among the designated hardship areas in Kenya as per circular dated 7th December 2015(OP/CAB/1/31A) despite persistent harsh climatic conditions such as drought and famine resulting in food insecurity.
12. The Petitioners further stated that due to these challenges, public servants encounter numerous setbacks in the discharge of their duties thus occasioning a high turnover of officers and poor delivery of essential government services.
13. The Petitioners prayed that the National Assembly, through the Departmental Committee on Administration and National Security;
 - i) Recommends to the relevant Government authorities a review of the existing hardship areas to reflect the true position of the reality faced by public servants in Kitui County;
 - ii) Proposes inclusion of Kitui County as a hardship area so as to give civil servants incentives to serve in the said areas despite challenges; and
 - iii) Make any other order or direction that it deems fit in the circumstances of the petition.

PART 3

3.0 PUBLIC PARTICIPATION

14. The Committee undertook public participation in compliance with the provisions of Art. 118 of the Constitution and Standing Order 127(3).
15. In this regard, the Committee requested for and received written submissions from the State Department for Public Service and subsequently held a meeting with the Principal Secretary, Ms. Mary Kimonye. The Committee also met, Hon. Charles Ngusya Nguna on behalf of the Petitioners and Dr. Michael Wahome, a University Don and a resident of Kitui County.

3.1 STAKEHOLDERS SUBMISSIONS

16. **Hon Charles Ngusya Nguna, MP** appeared before the Committee on 19th August, 2021 and submitted as follows, that:
 - i. Kitui County was not among the designated hardship areas in Kenya in line with a circular dated 7th December 2015(OP/CAB/1/31A);
 - ii. The County experienced persistent harsh climatic conditions such as drought and famine resulting in food insecurity;
 - iii. In addition to existence of inadequate transport and communication network, Kitui County had limited access to basic social services and amenities such as clean and sustainable waters services connection to the national security grid;
 - iv. Kitui County had for a long time been afflicted by insecurity and invasion of group ranches and grazing lands in Mutha in Kitui South, Endau and Malalani in Kitui East, Kaningo in Mwingi North leading to displacements and loss of lives and property and destruction of key community infrastructure and adversely affecting investments;

- v. Due to those challenges, public servants encountered numerous setbacks in the discharge of their duties thus occasioning a high turnover of officers and poor delivery of essential government services. This had specifically affected the education sector whereby poor management of the school feeding programme had led to early drop outs in primary schools as many parents cannot afford daily meal provisions to learners;
- vi. The petitioners prayed that the National assembly, through the Departmental Committee on Administration and National security recommends to the relevant government authorities to review the existing hardship areas to reflect the true position of the reality faced by the public servants in Kitui County. The Petitioners also proposed an inclusion of Kitui County as a hardship area so as to give civil servants incentive to serve in the said area despite the challenges. The Petitioners further prayed that the National Assembly makes any other order or direction that deems fit in the circumstances of this petition

17. To further support the Petition, Hon Charles Ngusya invited Dr. Michael Wahome, a University Don who made submissions before the Committee on 19th August, 2021:

Submissions By Dr. Michael Wahome

18. Kitui County is in lower Eastern Part of Kenya. It has its headquarters in Kitui town. Kitui covers an area of 30,430km². It borders Garissa, Tana River, Makueni, Isiolo and Taita Taveta. All the five counties surrounding Kitui except shard similar physical, social and economic characteristics with Kitui, yet wee gazetted as hardship areas, while Kitui was not.

21. Several reasons were hereby adduced as to why public and civil servants working in Kitui needed to earn hardship allowance;

a. Climatic Conditions

Kitui County falls within the Arid and Semi Arid Lands (ASAL) regions of the country. The county received inadequate and unreliable rainfall and

temperatures were unbearably high going up to highs of 34 degrees Celsius, this compared to what was experienced in Garissa and Isiolo Counties. As a result of the arid condition, the county was food insecure with crop failure of around 80% year in year out. This means that malnutrition and high cost of foodstuffs was the norm in this county (NEMA – ADRA 2020 report). Compared with for example, Laikipia county Laikipia received a range of 400-750 mm of rainfall whereas Kitui received a range of 500-710mm. Laikipia had been gazetted as hardship area while Kitui was not. Kitui County had acute shortage of clean domestic water.

According to the 2019 Census, the majority of the population in Kitui County accesses their water from streams/river waters (42.3%), boreholes (13.2%), public taps (9.3%), protected wells (6.3%), unprotected wells (6.2%), water vendors (5.9%) and dams (5.5%) (KNBS 2019). Treated water supply was available only to the residents of Kitui town and Mwingi town and to those who receive water through the Masinga and Kiambere pipelines. Distances to water sources are long, ranging between four (4) and seven (7) kilometres (County Government of Kitui 2018).

Generally, Kitui County has very low agricultural production both in crop and animal produce compared to other counties receiving hardship allowance for the public workers. Civil servants in Kitui buy fresh produce from other counties at very high prices. Hardship allowance will cushion these workers from extra spending occasioned by high cost of foodstuffs.

b. Transport network.

According to the USAID report 2020. The county had just about 2.4% of paved roads and about 39.9% of all weather roads that were usable throughout the year. Perhaps there were those who imagine that the three major highways that transverse the region. To put it into perspective, it is geographically larger than the eight (8) Mt. Kenya counties (Muranga, Kiambu, Kirinyaga, Nyeri, Nyandarua, Meru, Embu and Tharaka Nithi) combined. Most of the roads were impassable during rainy season and also too dusty during the dry season.

The state of rural roads in Kitui have seen increased time of travel, higher transport costs, unreliable public transport systems and generally bad connectivity.

c. Poverty Index

The Kenya Economic Report 2020, released by the Kenya Institute for Public Policy Research and Analysis (KIPPRA), details the poorest counties in the country. Kitui was categorized among counties in arid-and semi-arid areas, which tend to have the lowest real Gross County Product (GCP) per ca-pita.

The hardcore poor are defined as those without a meal a day and a shelter over their head. In Kenya, the hardcore poverty line is set at 8.6% and in the KIPPRA report, 16 counties fell below this mark.

The counties were listed as Turkana 52.7%, Samburu 42.2%, Mandera 38.9%, Busia 26.8%, West Pokot 26.2%, Garissa 23.8%, Marsabit 23.8%, Tana River 17.9%, Laikipia 15.0%, Kitui 12.8%, Uasin Gishu 12.1%, Kajiado 11.4%, Wajir 10.5%, Trans Nzoia 9.7%, Isiolo 8.9%, and Bungoma 8.8%.

It was imperative to note that Kitui has poor ratings in comparison to both Isiolo and Wajir yet the two had been categorized as hardship counties.

The high poverty prevalence rate had led to depressed commercial/economic activity. Banking/ Insurance services are available in only three major towns- Mutomo, Kitui and Mwingi (Average of 100kms apart). Public Workers in Kitui County travel day long to get Banking/Insurance services which was highly inconveniencing.

d. Electricity connectivity:

The level of electricity connectivity, according to the Kenya economic report 2020 was about 18.2% meaning that vast areas were not connected to the national grid. Lack of such critical power infrastructure left most public servants without essential services which require the use electricity. The average connectivity level of power in the country is 41% far above Kitui County. Energy access in the county was far below the national access level thus the people living in the county are highly disadvantaged.

d. Health infrastructure

The major health facilities in the county are Kitui and Mwingi level 5 and 4 respectively and few dispensaries that are located far apart.

There are a total of 256 health facilities in the county with one county referral hospital. Kitui County has 2,084 health personnel of different cadre. These workers serve at least over 1.136 million people in the county (census KNBS 2019)

	Government	*FBO	Private	NGO	TOTAL
Hospitals	11	2	1		14
Health centers	38	2			40
Dispensaries	183	10	18		201
Clinics		3			1

Source: USAID

Only about 6 hospitals are accredited by health insurance firms. There are no Health specialists accredited by insurance companies meaning that one has to source such services out of the county.

e. Mobile network connectivity:

The county is served by Safaricom, Airtel and Telekom providers. However, the Network was erratic and unreliable in most parts of the county. The poor network connectivity was a serious problem to public servants who would thus travel long distances to find stable network. For the case of the two universities located at Kwa Vonzia region, lecturers move over 100 kms to get network in order to teach online. Much of the university business is carried out remotely especially during this period of the covid 19 pandemic.

f. Accommodation/ housing facilities:

Kitui County has two major urban centers with adequate accommodation facilities. The rest were small markets that are inadequate in terms of accommodation for public servants. This means government workers serving in the rural areas had to travel very far to look for housing. Some public servants reside in the neighboring counties.

Decent hotels are not sufficient and people doing conferences in the county have to source accommodation in more than one market in case they are outside the county headquarters.

g. Insecurity

Vast areas of Kitui east and south and also Mwingi East and North experience cases of insecurity especially caused by nomadic communities from the neighboring counties of Garissa and Tana River that invade the areas in search of pasture during drought. Banditry thrives in areas of Mutha, Endau, Malalani, Voo, Ngomeni, Ukasse and Nguni among other areas. The local communities and public servants are victims of these security situations. Peace meetings initiated by government agencies have never been productive thus inhabitants live in fear. This lowers morale and productivity.

h. Wildlife human conflict

The area borders the Tsavo East National Park, Kora National Park and Mwingi National Reserve which is home to many wild animals, including the big five. The animals on numerous occasions are reported to break away from the park and invade the neighborhoods destroying property and endangering human life. The area is also infested by venomous snakes. Human deaths from human-wildlife conflicts are numerous and Kitui leads in snake bite incidents in the country. Health records show that over 800 cases of snake-bites are reported annually in Kitui County (County Health Office).

i. Some sections of public service pay hardship like TSC and Tana Athi board

The constitution and the law require all the employees in the public sector to be treated equally.

He said that subjecting some public workers to unfair and unequal treatment was against the law thus all the workers in the county should be made beneficiaries of this allowance.

Submission by the State Department for Public Service

22. Subsequent to the written Submission to the Committee made on 22nd August 2021, the Principal Secretary Ms. Mary Kimonye, on behalf of the Cabinet Secretary, Ministry of Public Service and Gender, and accompanied by Senior Ministry officials appeared before the Committee on 25th August 2021 and made the following submission:

a. Designated Hardship Areas

- i. the designated hardship areas in the Public Service for purposes of payment of Hardship Allowance were remote areas categorized as lacking basic social services, amenities and infrastructure as per practice in the Public Service
- ii. Due to numerous petitions by various groups for designation of hardship areas, the State Department for Public Service constituted a Task Force in 2007 , comprising of representatives from the Teachers Service Commission (TSC) Ministry of Finance, Ministry of State for Public Service, Ministry of Planning, and the Permanent Public Service Remuneration Review Board (PPSRRB) developed a weighted criteria for re-examining hardship areas after visiting the areas that had been proposed by various government agencies for designation as hardship areas after visiting the areas that had been proposed by various government agencies for designation as hardship namely TSC, the Provincial Administration and Internal Security and Members of Parliament.
- iii. The Public Service has three (3) categories of designated hardship areas under Civil Service, Teaching Service and the Judiciary.

- iv. The designated hardship areas were not harmonized across the Public Service. There were presently sixteen (16) regions which were designated as hardship for purposes of payment of hardship allowance in Civil Service, while the Teaching Service had forty four (44) and the Judiciary had twenty one (21) areas.
- v. According to the Head of Public Service Circular Ref. No. OP/CAB/1/31A of 7th December 2015, it was noted that Kitui County (previously Kitui District) was not designated as a Hardship Area under the Civil Service categorization.

b. Criteria for Determination of Designated Hardship Areas in the Civil Service

The Taskforce constituted in 2007 developed a weighted criterion for designating hardship areas based on the following parameters:

- i. Non/limited availability and accessibility to food;
- ii. Non availability/limited access to portable water;
- iii. Non/inadequate transport and communication services;
- iv. Non/limited availability of social services and amenities;
- v. Harsh climatic conditions;
- vi. Insecurity and high possibility of security threats; and
- vii. Socio economic indicators such as poverty index from the Kenya National Bureau of Statistics.

c. Status of Designated Hardship Areas and payment of Hardship Allowance in the Public Service

- i. Using the above criteria, the Civil service designated sixteen (16) regions as hardship areas under Circular Ref. No. op/cab/2/31A of 7th December 2015 issued by the Head of Public Service.
- ii. Payment of hardship allowances to Civil Servants and Teachers under TSC is based on the rates as determined through the Salaries and Remuneration Commission Circular Ref. No. SRC/ADM/CIR/1/13/VOLIII (126) dated 10th December, 2014.
- iii. The staff of the Judiciary deployed in the twenty (21) designated hardship areas are however, paid at the rate of percent (40%) of one's basic salary.

c. Designated Hardship Areas in the Teaching Services and the Criteria for Determination

- i. Prior to 1997, the Civil Service and Teaching Services had similar eleven (11) areas designated Hardship which included whole Districts of Wajir, Mandera, Garissa, Samburu, Isiolo, Lamu, Marsabit, Tana River, West Pokot, Turkana and Northern area of Baringo.
- ii. In 1997, the Minister for Education through a legal Notice No. 534 of 11th November, 1997 gazetted an additional twenty five(25) Hardship areas for the Teaching Service following the negotiations and signing of a Collective Bargaining Agreement with the Kenya National Union of Teachers (KNUT).
- iii. The entire Kitui County (previously Kitui District) is among the forty-four (44) designated hardship area under TSC classification.

d. Harmonization of Hardship Areas in the Public Service

- i. In order to address the challenging relating to the categorization and payment of hardship allowance with a view of eliminating the existing disparities and promote fairness and parity of treatment of public servants, the Ministry vide letter Ref: MPYG.DPSM.HRM/2/1/5/TY (30) dated 21st March, 2019 constituted an Inter-agency Technical Committee.

- ii. The committee was mandated to study the prevailing policies, circulars and guidelines on designated hardship allowance and make appropriate recommendations with a view of harmonizing and removing existing disparities.
- iii. The committee comprises of senior officers drawn from the Ministries of Public Service and Gender, Interior and Co-ordination of National Government, Education, the National Treasury, and Planning, Public Service Commission, Teachers Service Commission, Commission on Revenue Allocation (CRA) the Judiciary, Kenya National Bureau of Statistics (KNBS) and the Council of Governors (COG).
- iv. The Committee planned a countywide visit of the designated Hardship Areas for purposes of data collection, reviewing and harmonizing the same across the Public Service to be undertaken in two (2) phases so as to accommodate the cost implication within the budgetary allocation for 2020/2021 FY.
- v. The first phase of data collection was conducted by the Inter-Agency Team between 30th August 2020 to 9th October, 2020.
- vi. The second and final phase was to be undertaken in the months of April to May, 2021 but it was not possible due to financial constraints and the challenges posed by the COVID-19 Pandemic.
- vii. The final phase of data collection was planned to take place this financial year 2021/2022 subject to availability of funds.
- viii. Based on the preliminary findings, the Committee had proposed a review of the Unit of Analysis from the current county/sub-county/divisions/locations/ town/ urban centre/zone to sub-location for purposes of determining Hardship Areas for accurate targeting of beneficiaries. This is based on the fact that a County has both Urban and Rural units of different socio-economic status.
- ix. The Ministry in collaboration with the inter-Agency Technical Committee commits to complete the country wide data collection

survey and compile a report with recommendations to the Government for determination of designated hardship areas. This will lead to gazettelement of harmonized hardship areas and or de-gazettelement of some of the current hardship areas in the Public Service. Kitui County has been incorporated in the areas to be visited for purposes of data collection.

PART 5

4.0 ISSUES FOR DETERMINATION BASED ON THE PRAYERS OF THE PETITION

(i) Review of the existing hardship areas to reflect the true position of the reality faced by public servants in Kitui County

- a) The determination of areas to be designated as hardship in Kenya is based on the recommendations of the Taskforce constituted in 2007 by the then Ministry of Public Service which developed a weighted criterion based on the following parameters:
- i. Non/limited availability and accessibility to food;
 - ii. Non availability/limited access to portable water;
 - iii. Non/inadequate transport and communication services;
 - iv. Non/limited availability of social services and amenities;
 - v. Harsh climatic conditions;
 - vi. Insecurity and high possibility of security threats; and
 - vii. Socio economic indicators such as poverty index from the Kenya National Bureau of Statistics.
- b) Evidence on record show that Kitui County is not among the designated hardship areas in Kenya for Civil Servants as communicated vide a circular dated 7th December 2015(OP/CAB/1/31A).
- c) Based on evidence adduced before the Committee, Kitui County has high levels of poverty, poor infrastructure with only 2.4 per cent of roads paved, low access to clean water with 42.3 per cent of the population relying on water from streams and rivers, low connectivity to power with only 18 per cent of households connected against the national average of 41 per cent. In addition the county had only 256 health facilities serving over one million residents. Only 6 of those facilities were accredited by insurance companies.
- d) Evidence on record further show that the County experienced persistent harsh climatic conditions such as drought and famine resulting in food insecurity. The situation was further aggravated by cases of insecurity along the Kitui -Tana River, Kitui -Garissa and Kitui- Isiolo borders,

coupled with human wildlife conflict in areas that border the Tsavo West Park.

e) Based on the above evidence recorded, it is the view of the Committee that Kitui County meets the criterion for designation as a hardship area.

(ii) Inclusion of Kitui County as a hardship area so as to give civil servants incentives to serve in the said areas despite challenges.

- a) Evidence adduced by the Committee show that due to challenges posed by the harsh climatic conditions and poor infrastructural development, public servants encountered numerous setbacks in the discharge of their duties thus occasioning a high turnover of officers and poor delivery of essential government services.
- b) Evidence on record show that Prior to 1997, the Civil Service and Teaching Services had similar eleven (11) areas designated Hardship which included whole Districts of Wajir, Mandera, Garissa, Samburu, Isiolo, Lamu, Marsabit, Tana River, West Pokot, Turkana and Northern area of Baringo.
- c) Further evidence adduced on record by the Committee show that in 1997, the Minister for Education through a legal Notice No. 534 of 11th November, 1997 gazetted an additional twenty five(25) Hardship areas for the Teaching Service following the negotiations and signing of a Collective Bargaining Agreement with the Kenya National Union of Teachers (KNUT). These created disparities in the Civil Service designated hardship areas were those under TSC.
- d) The Committee further noted that several counties that border Kitui including Makueni, Tana River, Isiolo and Garissa have been gazetted as designated Hardship Areas.
- e) Based on the aforementioned evidence, the Committee is of the view that Civil Servants working within Kitui County lack incentives to

perform optimally hence need for urgent remedial action by the Committee

(iii) **Any other order or direction that it deems fit in the circumstances of the petition.**

- a) Evidence on record show that on 21st March, 2019 an Inter-agency Technical Committee comprising of senior officers drawn from the Ministries of Public Service and Gender, Interior an Co-ordination of National Government, Education, the National Treasury, and Planning, Public Service Commission, Teachers Service Commission, Commission on Revenue Allocation (CRA) the Judiciary, Kenya National Bureau of Statistics (KNBS) and the Council of Governors (COG) was constituted and tasked to collect data, review and harmonize the hardship allowance paid across the Public Service so as to accommodate the cost implication within the budgetary allocation for 2020/2021 FY.
- b) The Committee established that the State Department of Public Service does not have adequate budgetary allocation for carrying out the harmonization exercise as envisage through the Inter- Agency Technical Committee.
- c) Based on this evidence, it is the view of the Committee that the State Department for Public Service should prioritize allocation of resources in order to expedite data collection with a view to concluding the harmonization of the payment of hardship allowance to public servants.

PART 6

6.0 COMMITTEE RECOMMENDATION

23. Based on the submissions from the stakeholders the Committee made the following recommendations-

a) On the review of the existing hardship areas to reflect the true position of the reality faced by public servants in Kitui County, the Committee recommends that:

The Inter-agency Technical Committee constituted on 21st March, 2019 comprising of senior officers drawn from the Ministries of Public Service and Gender, Interior and Co-ordination of National Government, Education, the National Treasury, and Planning, Public Service Commission, Teachers Service Commission, Commission on Revenue Allocation (CRA) the Judiciary, Kenya National Bureau of Statistics (KNBS) and the Council of Governors (COG) tasked to collect data, review and harmonize the hardship allowance paid across the Public Service should expedite the exercise and report to Parliament within six months of tabling this report.

b) On the inclusion of Kitui County as a hardship area so as to give civil servants incentives to serve in the said areas despite challenges, the Committee recommends that:

The State Department for Public Service, in consultation with other relevant Government agencies, should prioritize the gazettelement of parts of Kitui County and other areas in the Country that meet the criteria for categorization as a hardship area and report to Parliament within six months of tabling this report.

c) Any other order or direction that it deems fit in the circumstances of the petition, the Committee recommends that:

The Ministry of Public Service and Gender should prioritize resource allocation to the Inter-Agency Task Force on the harmonization of payment of Hardship allowance across the Public Service so as to ensure the exercise is completed within the current Financial Year. A report on the status of

this exercise should be submitted to the National Assembly within three (3) months of the tabling of this report.

Signed..........Date.....18th Nov. 2021.....

HON. PETER MWATHI, M.P.
CHAIRPERSON,
DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND
NATIONAL SECURITY

MINUTES OF THE 30TH SITTING OF THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY HELD ON FRIDAY, 24TH SEPTEMBER, 2021 AT 9.00 A.M. AT SERENA BEACH HOTEL, MOMBASA

PRESENT-

1. Hon. Peter Mwathi, MP *Chairperson*
2. Hon. Dr. Makali Mulu, MP
3. Hon. Aduma Owuor, MP
4. Hon. Peter George Kaluma, MP
5. Hon. Dr. Tecla Chebet Tum, MP
6. Hon. Peter Masara, MP
7. Hon. Oku Kaunya, MP
8. Hon. Marselino Arbelle, MP
9. Hon. Col (Rtd) Geoffrey King'ang'i, MP
10. Hon. Jeremiah Ekamais Lomurukai, MP

ABSENT WITH APOLOGIES

1. Hon. Fatuma Gedi, CBS, MP *Vice chairperson*
2. Hon. Halima Mucheke, MP
3. Hon. Nimrod Mbithuka Mbai, MP
4. Hon. Ngunjiri Wambugu, MP
5. Hon. Abdi Omar Shurie, MP
6. Hon. William Kamuren Chirchir Chepkut, MP
7. Hon. Swarup Mishra, MP
8. Hon. Rozaah Buyu, MP

IN ATTENDANCE-

COMMITTEE SECRETARIAT-

1. Mr. John Mutega - Deputy Director
2. Mr. Adan Gindicha - Senior Clerk Assistant
3. Mr. Joshua Ondari - Clerk Assistant
4. Ms. Delvin Onyancha - Research Assistant Officer
5. Ms. Brigitta Mati - Legal Counsel

6. Mr. Josphat Bundotich

- Serjeant-At-Arms

MIN No. 121 /2021:-

**PRELIMINARIES AND COMMUNICATION
FROM THE CHAIRPERSON**

The Chairperson officially welcomed Members to the meeting at 9.30 am with a word of prayer.

The agenda was adopted after being proposed by Hon. Dr. Tecla Chebet Tum, MP and seconded by Hon. Peter Francis Masara, MP.

MIN No. 122 /2021:-

**ADOPTION OF THE REPORT OF THE
PUBLIC PETITION NO. 27 OF 2021
REGARDING GAZETTEMENT OF KITUI
AS A HARDSHIP AREA**

The Committee considered the report and came up with the following observations and recommendations:-

Observations

- i) That Kitui County is not among the designated hardship areas in Kenya for Civil Servants as communicated vide a circular dated 7th December 2015(OP/CAB/1/31A).
- ii) That Kitui County meets the criteria set out by the Government Task Force constituted in 2007 for the determination of areas to be declared as Hardship Areas. This is supported by the high levels of poverty, poor infrastructure with only 2.4 per cent of roads paved, low access to clean water with 42.3 per cent of the population relying on water from streams and rivers, low connectivity to power with only 18 per cent of households connected against the national average of 41 per cent. In addition the county has only 256 health facilities serving over one million residents. Only 6 of these facilities are accredited by insurance companies
- iii) That the County experiences persistent harsh climatic conditions such as drought and famine resulting in food insecurity. The situation is further aggravated by cases of insecurity along the Kitui -Tana River, Kitui -

Garissa and Kitui- Isiolo borders, coupled with human wildlife conflict in areas that border the Tsavo West Park.

- iv) That, due to these challenges, public servants encounters numerous setbacks in the discharge of their duties thus occasioning a high turnover of officers and poor delivery of essential government services.
- v) Prior to 1997, the Civil Service and Teaching Services had similar eleven (11) areas designated Hardship which included whole Districts of Wajir, Mandera, Garissa, Samburu, Isiolo, Lamu, Marsabit, Tana River, West Pokot, Turkana and Northern area of Baringo.
- vi) In 1997, the Minister for Education through a legal Notice No. 534 of 11th November, 1997 gazetted an additional twenty five(25) Hardship areas for the Teaching Service following the negotiations and signing of a Collective Bargaining Agreement with the Kenya National Union of Teachers (KNUT). These created disparities in the Civil Service designated hardship areas were those under TSC.
- vii) That currently several counties that border Kitui including Makueni, Tana River, Isiolo and Garissa have been gazetted as designated Hardship Areas.
- viii) On 21st March, 2019 an Inter-agency Technical Committee comprises of senior officers drawn from the Ministries of Public Service and Gender, Interior an Co-ordination of National Government, Education, the National Treasury, and Planning, Public Service Commission, Teachers Service Commission, Commission on Revenue Allocation (CRA) the Judiciary, Kenya National Bureau of Statistics (KNBS) and the Council of Governors (COG) was constituted and tasked to collect data, review and harmonize the hardship allowance paid across the Public Service so as to accommodate the cost implication within the budgetary allocation for 2020/2021 FY.
- ix) The State Department of Public Service does not have adequate budgetary allocation for carrying out the harmonization exercise as envisage through the Inter- Agency Technical Committee.

Recommendations

- a) On the review of the existing hardship areas to reflect the true position of the reality faced by public servants in Kitui County, the Committee recommends that:**

The Inter-agency Technical Committee constituted on 21st March, 2019 comprising of senior officers drawn from the Ministries of Public Service and Gender, Interior and Co-ordination of National Government, Education, the National Treasury, and Planning, Public Service Commission, Teachers Service Commission, Commission on Revenue Allocation (CRA) the Judiciary, Kenya National Bureau of Statistics (KNBS) and the Council of Governors (COG) tasked to collect data, review and harmonize the hardship allowance paid across the Public Service should expedite the exercise and report to Parliament within six months of tabling this report.

- b) On the inclusion of Kitui County as a hardship area so as to give civil servants incentives to serve in the said areas despite challenges, the Committee recommends that:**

The State Department for Public Service, in consultation with other relevant Government agencies, should prioritize the gazettelement of parts of Kitui County and other areas in the Country that meet the criteria for categorization as a hardship area and report to Parliament within six months of tabling this report.

- c) Any other order or direction that it deems fit in the circumstances of the petition, the Committee recommends that:**

The Ministry of Public Service and Gender should prioritize resource allocation to the Inter-Agency Task Force on the harmonization of payment of Hardship allowance across the Public Service so as to ensure the exercise is completed within the current Financial Year. A report on the status of this exercise should be submitted to the National Assembly within three (3) months of the tabling of this report.

The report was adopted after being proposed by Hon. Dr. Tecla Chebet Tum, MP and seconded by Hon. Peter Francis Masara, MP.

MIN No. 123 /2021:-

ADOPTION OF THE REPORT ON THE
PUBLIC PETITION NO. 023 OF 2021
REGARDING ACCESSING NATIONAL
IDENTITY CARDS BY THE NUBIAN
COMMUNITY

The Committee considered the report and came up with the following observations and recommendations:-

Observations-

- a) That the government recognizes the Nubians as citizens of Kenya and has continuously issued national identity cards to those who apply and are eligible. A total of five thousand six hundred and forty two (5642) members of the Nubian Community have been issued with National Identity cards. However, in terms of classification, they are categorized as 'other' Kenyans as opposed to a substantive ethnic group.
- b) That the vetting process takes inordinately long period, with a number of applicants from the Nubian Community who applied as early as 2017 still waiting for an opportunity to appear before the vetting panel.
- c) A letter dated April 24th 2009 from the then Minister of Planning to the Nubian Council of elders confirmed that the Minister made a promise the Nubia shall be listed as a tribe but this never materialised.
- d) The 2019 National Population Census revealed a total Nubian population is 21,319 persons countrywide, which further complicates their ability to elect representatives even at the county government level in a bid to secure their welfare at the grassroots.
- e) The vetting process is anchored in the registration Act as one of the ways of identifying applicants' eligibility for those in the border Counties and cosmopolitan areas. The vetting committee members comprise of the Deputy Commissioner (Chair), Civil Registration Officer, Registration Officer (p) three elders from the Nubian Community and Chiefs/assistant chiefs. The Nubian Community is represented by three elders nominated by the community in the vetting committee.

Recommendations-

- a) **THAT**, the Cabinet Secretary, Ministry of Interior and Co-ordination of National Government should initiate the process of listing the Nubian people as a tribe in the Republic of Kenya. In this regard, the Cabinet Secretary should submit to the House a progress report within three (3) months after tabling of this report.

- b) **THAT**, the Cabinet Secretary, Ministry of Interior and co-ordination of National Government to make rules or guidelines that ensure the vetting process for the purposes of acquisition of National Identification documents is transparent and non-discriminatory. In this regard, the Cabinet Secretary should submit to the House a progress report within three (3) months after tabling of this report.

The report was adopted after being proposed by Hon. Peter George Kaluma, MP and seconded by Hon. Oku Kaunya, MP.

MIN No. 124 /2021:-

ADJOURNMENT

The Chairperson adjourned the sitting at one O'clock. The meeting was to reconvene at 2.00 pm the same day.

Signed.....
Chairperson

Date.....

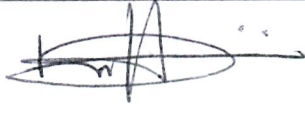
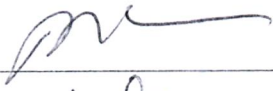
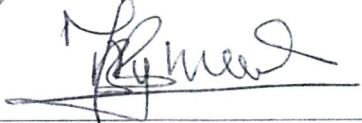


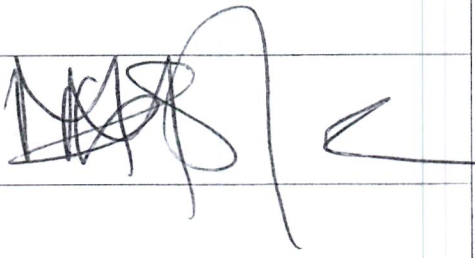
DEPARTMENTAL COMMITTEE ON ADMINISTRATION & NATIONAL SECURITYATTENDANCE SCHEDULE

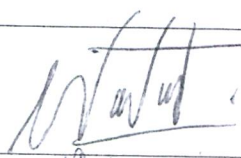

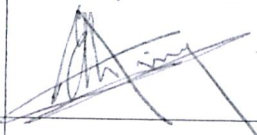

DATE: 24/09/2021

TIME: 9:00 am

VENUE: Serena Beach Hotel Mombasa

AGENDA: Adoption of the Report on Public Petition No. 27 of 2021 regarding gazettelement of Kitui County as hardship area

NO.	NAME	SIGNATURE
1.	Hon. Peter Mwathi, MP - Chairperson	
2.	Hon. Fatuma Gedi, CBS, MP - Vice Chairperson	
3.	Hon. George Peter Kaluma, MP	
4.	Hon. Dr. Makali Mulu, MP	
5.	Hon. Aduma Owuor, MP	
6.	Hon. Dr. Tecla Chebet Tum, MP	
7.	Hon. Halima Mucheke, MP	
8.	Hon. Marselino Malimo Arbelle, MP	
9.	Hon. Nimrod Mbithuka Mbai, MP	

10.	Hon. Ngunjiri Wambugu, MP	
11.	Hon. Abdi Omar Shurie, MP	
12.	Hon. Col (Rtd) Geoffrey Kingangi, MP	
13.	Hon. Peter Masara, MP	
14.	Hon. Oku Kaunya, MP	
15.	Hon. Rozaah Buyu, MP	
16.	Hon. Jeremiah Lomurukai, MP	
17.	Hon. William Chepkut, MP	
18.	Hon. Swarup Mishra, MP	

Signed.....Date.....
Adan Gindicha,
Senior Clerk Assistant,
Departmental Committee on Administration and National Security.

Signed.....Date.....
Peter Chemweno,
Director, Directorate of Departmental Committee Services

Approved:

BWA

6/7/2021

SWA



REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY (FIFTH SESSION)

Hon. Speaker,
You may approve.
Arap Kioui-Dida
6/7

PUBLIC PETITION

(No. 27 of 2021)

REGARDING GAZETTMENT OF KITUI COUNTY AS A HARDSHIP AREA

I, the **UNDERSIGNED**, on behalf of the residents of Kitui County;

RAW the attention of the House to the following:

1. **THAT**, Kitui County was not among the designated hardship areas in Kenya vide a circular dated 7th December 2015 (OP/CAB/1/31A);
2. **THAT**, persistent harsh climatic conditions such as drought and famine resulting in food insecurity;
3. **THAT**, in addition to existence of inadequate transport and communication network, Kitui County has limited access to basic social services and amenities such as clean and sustainable water services and connection to the national electricity grid;
4. **THAT**, the county has for a long time been afflicted by cases of insecurity and invasion of group ranches and grazing sites in *Mutha* in Kitui south, *Endau* and *Malalani* in Kitui East, *Kaningo* in Mwingi North leading to displacements and loss of lives and property and destruction of key community infrastructure and adversely affecting investments;
5. **THAT**, the aforementioned factors necessitate Kitui County to be classified as a hardship area;
6. **THAT**, due to these challenges, public servants encounter numerous setbacks in the discharge of their duties thus occasioning a high turnover of officers and poor delivery of essential government services;

PUBLIC PETITION
REGARDING GAZETTMENT OF KITUI COUNTY AS A HARDSHIP AREA

7. **THAT**, this has specifically affected the education sector whereby poor management of the school feeding programme has led to early drop outs in primary schools as many parents cannot afford daily meal provisions to learners;
8. **THAT**, the issues in respect of which the petition is made not pending before any court of law or constitutional or statutory body;

THEREFORE, your humble petitioner prays that the National Assembly, through the Departmental Committee on Administration and National security;

- (i) recommends to the relevant Government authorities a review of the existing hardship areas to reflect the true position of the reality faced by public servants in Kitui County;
- (ii) proposes inclusion of Kitui County as a hardship area so as to give civil servants incentive to serve in the said areas despite challenges and;
- (iii) Make any other order or direction that it deems fit in the circumstances of this petition.

And your **PETITIONERS** will ever pray.

PRESENTED BY



HON. CHARLES NGUSYA NGUNA, MP
MEMBER FOR MWINGI WEST CONSTITUENCY

DATE. 5/7/2021



REPUBLIC OF KENYA
PARLIAMENT

Hon. Charles Ngusya Nguna, MP.

Mwingi West Constituency

Member -Sports, Tourism & Culture Parliamentary Committee

Member - Committee on Implementation

Parliament Buildings
Tel: +254 20 2221 1291
P. O. Box 41842 - 00100
Nairobi, Kenya

Continental Hse 6th Flr. Rm 609
Constituency Office - Migwani Town
P. O. Box 65 - 90402 Migwani
Mobile: +254 722 670675
Email: cnguna@yahoo.com

Our Ref: 001/24/08/2021

24th August 2021

Hon. Peter Mwathi Mungai, MP
Chairman
Departmental Committee on Administration & National Security
Parliament Buildings

Dear Sir,

REF: PETITION ON GAZZETMENT OF KITUI COUNTY AS A HARDSHIP AREA.

Kitui County is in lower Eastern Part of Kenya. It has its headquarters in Kitui town. Kitui covers an area of 30,430km². It borders Garissa, Tana River, Makueni, Machakos, Isiolo and Taita Taveta. All the six counties surrounding Kitui except Machakos share similar physical, social and economic characteristics with Kitui, yet are gazetted as hardship areas, while Kitui is not.

Several reasons are hereby adduced as to why public and civil servants working in Kitui need to earn hardship allowance.

1. CLIMATIC FACTORS

Kitui County falls within the ASAL regions of this country. The county receives inadequate and unreliable rainfall and temperatures are unbearably high going up to highs of 34 degrees Celsius, this compares to what you find in Garissa and Isiolo Counties. As a result of the arid condition, the county is food insecure with crop failure of around 80% year in year out. This means that malnutrition and high cost of foodstuffs is the norm in this county (NEMA – ADRA 2020 report). If you compare Kitui and Laikipia counties Laikipia receives a range of 400-750mm

hardship area while Kitui is not. Kitui County has acute shortage of clean domestic water.

According to the 2019 Census, the majority of the population in Kitui County accesses their water from streams/river waters (42.3%), boreholes (13.2%), public taps (9.3%), protected wells (6.3%), unprotected wells (6.2%), water vendors (5.9%) and dams (5.5%) (KNBS 2019). Treated water supply is available only to the residents of Kitui town and Mwingi town and to those who receive water through the Masinga and Kiambere pipelines. Distances to water sources are long, ranging between 4 and 7 km (County Government of Kitui 2018).

Generally, Kitui County has very low agricultural production both in crop and animal produce compared to other counties receiving hardship allowance for the public workers. Civil servants in Kitui buy fresh produce from other counties at very high prices. Hardship allowance will cushion these workers from extra spending occasioned by high cost of foodstuffs.

2. TRANSPORT NETWORK.

According to the USAID report 2020. The county has just about 2.4% of paved roads and about 39.9% of all weather roads that are usable throughout the year. Perhaps there are those who imagine that the three major highways that transverse the region i.e.: Thika Mwingi, Machakos Kitui and newly done Kibwezi Kitui roads have made the situation better but the reality is that geographically Kitui is a very vast county. To put it into perspective, it is geographically larger than the 8 Mt. Kenya counties (Muranga, Kiambu, Kirinyaga, Nyeri, Nyandarwa, Meru, Embu and Tharaka Nithi) combined. Therefore, the three highways do not address the road infrastructural needs of the county. Most of the roads are impassable during rainy season and also too dusty during the dry season. It takes long for a person to travel from Mutha (or

Tseikuru) to Kitui county headquarters than it takes one to travel between Nairobi and Nakuru or Nanyuki.

The state of rural Roads in Kitui have seen increased time of travel, higher transport costs, unreliable public transport systems and generally bad connectivity.

3. POVERTY INDEX

The Kenya Economic Report 2020, released by the Kenya Institute for Public Policy Research and Analysis (KIPPRA), details the poorest counties in the country.

Kitui is categorized among counties in arid-and semi-arid areas, which tend to have the lowest real Gross County Product (GCP) per ca-pita.

The hardcore poor are defined as those without a meal a day and a shelter over their head.

In Kenya, the hardcore poverty line is set at 8.6% and in the KIPPRA report, 16 counties fell below this mark.

The counties were listed as Turkana 52.7%, Samburu 42.2%, Mandera 38.9%, Busia 26.8%, West Pokot 26.2%, Garissa 23.8%, Marsabit 23.8%, Tana River 17.9%, Laikipia 15.0%, **Kitui 12.8%**, Uasin Gishu 12.1%, Kajiado 11.4%, **Wajir 10.5%**, Trans Nzoia 9.7%, **Isiolo 8.9%**, and Bungoma 8.8%.

It is imperative to note that Kitui has poor ratings than both Isiolo and Wajir yet the two have been categorized as hardship counties.

The high poverty prevalence rate has led to depressed commercial/economic activity. Banking/ Insurance services are available in only three major towns- Mutomo, Kitui and Mwingi (Average of 100kms apart). Public Workers in this county travel day long to get Banking/Insurance services which is highly inconveniencing.

4. **ELECTRICITY CONNECTIVITY:**

The level of electricity connectivity, according to the Kenya economic report 2020 is about 18.2% meaning that vast areas are not connected to the national grid. Lack of such critical power infrastructure leaves most public servants without essential services which require the use electricity. The average connectivity level of power in the country is 41% far above Kitui County. Energy access in the county is far below the national access level thus the people living in the county are highly disadvantaged.

5. **HEALTH INFRASTRUCTURE**

The major health facilities in the county are Kitui and Mwingi level 5 and 4 respectively and few dispensaries that are located far apart.

There are a total of 256 health facilities in the county with one county referral hospital. Kitui County has 2,084 health personnel of different cadre. These workers serve at least over 1.136 million people in the county (census KNBS 2019).

	Government	*FBO	Private	NGO	TOTAL
Hospitals	11	2	1		14
Health centers	38	2			40
Dispensaries	183	10	18		201
Clinics		3			1

Source: USAID

Only about 6 hospitals are accredited by health insurance firms. There are no Health specialists accredited by insurance companies meaning that one has to source such services out of the county. Page eight find a detailed Kitui county Data on Disease prevalence

6. MOBILE NETWORK CONNECTIVITY:

The county is served by Safaricom, Airtel and Telekom providers. However, the Network is erratic and unreliable in most parts of the county. The poor network connectivity is a serious problem to public servants who would thus travel long distances to find stable network. For the case of the two universities located at Kwa Vonza region, lecturers move over 100 kms to get network in order to teach online. Much of the university business is carried out remotely especially during this period of the covid 19 pandemic.

7. ACCOMMODATION/HOUSING FACILITIES:

We have just two major urban centers with adequate accommodation facilities. The rest are small markets that are inadequate in terms of accommodation for public servants. This means government workers serving in the rural areas have to travel very far to look for housing. Some public servants reside in the neighboring counties.

Decent hotels are not sufficient and people doing conferences in the county have to source accommodation in more than one market in case they are outside the county headquarters.

8. INSECURITY

Vast areas of Kitui east and south and also Mwingi east and North experience cases of insecurity especially caused by nomadic communities from the neighboring counties of Garissa and Tana River that invade the areas in search of pasture during drought. Banditry thrives in areas of Mutha, Endau, Malalani, Voo, Ngomeni, Ukasse and Nguni among other areas. The local communities and public servants are victims of these security situations. Peace meetings initiated by government agencies have never been productive thus inhabitants live in fear. This lowers morale and productivity.

9. WILDLIFE HUMAN CONFLICT:

The area borders the Tsavo East National Park, Kora National Park and Mwingi National Reserve which is home to many wild animals, including the big five. The animals on numerous occasions are reported to break away from the park and invade the neighborhoods destroying property and endangering human life. The area is also infested by venomous snakes. Human deaths from human-wildlife conflicts are numerous and Kitui leads in snake bite incidents in the

country. Health records show that over 800 cases of snake-bites are reported annually in Kitui County (County Health Office).

10. SOME SECTIONS OF PUBLIC SERVICE PAY HARDSHIP LIKE TSC AND TANA ATHI BOARD

The constitution and the law require all the employees in the public sector to be treated equally.

Subjecting some public workers to unfair and unequal treatment is against the law thus we should make all the workers in the country beneficiaries of this allowance.

I look forward to gazzement of Kitui County as hardship area

Yours sincerely,

A handwritten signature in black ink, consisting of a circular initial followed by a long, sweeping horizontal stroke.

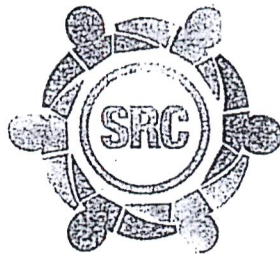
Hon. Charles Ngusya Nguna, MP
MWINGI WEST CONSTITUENCY

KITUI COUNTY DATA ON DISEASE PREVALENCE

Data	Upper Respiratory Tract Infections						MOH 705A Rev 2020 Lower Respiratory Tract Infections						
	2016	2017	2018	2019	2020	2020	2016	2017	2018	2019	2020	2020	
Organisation unit / Period													
Kitui County	269,813	332,642.70	701,456	625,996	409,011	2,338,918						1,582	1,582
Garissa County	130,562	141,738	210,208	195,228	136,744	814,500						1,314	1,314
Isiolo County	54,435	48,908	87,474	104,359	90,850	386,026						616	616
Tana River County	56,515	68,097	99,331	95,992	85,634	405,569						1,741	1,741
Makueni County	368,598	365,161	562,768	479,766	367,015	2,143,328						1,138	1,138

Other Dis. Of Respiratory System	Diarrhoea					
	2016	2017	2018	2019	2020	2020
	345,507	82,546	233,103	102,452	68,042	831,650
	67,300	25,007	32,489	34,916	22,603	182,315
	43,685	13,292	16,485	24,497	13,801	111,760
	69,978	25,743	31,179	27,130	19,026	173,056
	220,415	67,738	97,788	84,654	56,274	526,869
						70,437
						58,801
						71,069
						74,513
						53,295
						328,115
						69,357
						61,697
						89,005
						47,750
						52,338
						28,372
						12,181
						81,448
						23,756
						147,791
						328,115
						89,005
						47,750
						52,338
						28,372
						12,181
						81,448
						23,756
						147,791
						328,115

Dysentery (Bloody Diarrhoea)	Confirmed Malaria (only Positive cases)					
	2016	2017	2018	2019	2020	2020
	1,387	1,435	1,866	1,871	928	7,477
	1,100	1,409	1,260	1,159	699	5,627
	784	556	526	732	724	3,322
	1,404	1,341	1,089	2,026	709	6,569
	893	967	966	1,187	823	4,826
						22,148
						5,615
						5,606
						2,875
						5,292
						6,677
						5,660
						7,133
						43,866
						1,257
						7,143
						8,985
						7,560
						8,538
						3,678
						6,677
						5,660
						7,133
						43,866
						1,257
						7,143



**Salaries & Remuneration
Commission**

Rewarding productivity

Ref. No: SRC/ADM/CIR/1/13 Vol. III (126)

10th December, 2014

- Attorney General
- Controller of Budget
- Auditor General
- All Principal Secretaries/Accounting Officers
- Chief Registrar of Judiciary
- Director of Public Prosecutions
- Clerk, of the Senate;
- Clerk, National Assembly
- Secretaries, Constitutional Commissions
- Vice-Chancellors of all Public Universities
- Secretaries County Public Service Boards
- Secretary, State Corporation Advisory Committee
- Chief Executives of All State Corporations and Statutory Bodies
- Clerk, County Assembly Service Boards
- County Secretaries, County Governments

REVIEW OF ALLOWANCES IN THE PUBLIC SERVICE

- The Salaries and Remuneration Commission in fulfillment of its mandate of reviewing remuneration and benefits for public officers embarked on a study of all allowances payable in the Public Service. The study was concluded in September 2014 and the Commission has analyzed the report and adopted positions as a way forward.

The results of the study on allowances revealed that there exist significant variations on allowances payable across Public Service institutions in Kenya. The variations range from duplications and wide disparities (both vertical and horizontal) to varied eligibility criteria for payments that hamper harmonization and standardization.

Arising from the study findings therefore, the Commission adopted the following positions; the Commission will consolidate allowances that perform similar functions but have different names, abolish allowances whose rationale is redundant or the purpose of paying them overlaps with that of the basic salary and restructure allowances whose attached economic value/rates are not commensurate with the intended purpose and opt for a better method of compensation. However, for purposes of rationalization, harmonization, standardization, equity, fairness, compensation for the cost of living adjustment and regulation in the Public Service, some allowances have been reviewed.

Critical Allowances

From the results of the study, the following critical allowances with high levels of disparities in the Public Service were identified for review to; harmonize them (both vertically and horizontally) across the Service, to compensate for the cost of living that has appreciated considerably and to standardize and regulate their application.

- These allowances include; House Allowance, Hardship Allowance and Subsistence Allowances. Details of the reviews are as follows.

1. Hardship Allowance

In an effort to compensate for the cost of living and for attraction of skills to Hardship areas in the Republic, the Commission has reviewed hardship allowance to be paid at a flat rate for all equivalent grades across the Public Service both at National and County Governments. Subsequently, The Commission has abolished pegging the allowance as a percentage of basic salary. The approved rates of Hardship Allowance are shown in Table 1.

Table 1: New Rates of Hardship Allowance

Civil Service Job Groups and Equivalent Grades	Rate of hardship Allowance P.m.
A	2,800
B	3,000
C	3,000
D	3,300
E	3,700
F	4,300
G	5,700
H	6,600
J	8,200
K	10,900
L	12,300
M	14,650
N	17,100
P	27,300
Q	31,500
R	38,100
S	45,000
T	60,000

NB: An elected or nominated State officer shall not be in receipt of any Hardship Allowance

2. House Allowance

The Commission has reviewed house allowance payable to all public Servants. This review has been done to eliminate the existing disparities (both vertically and horizontally) in the payment of house allowance and to compensate for the cost of housing that has appreciated considerably since the last review of the allowance in the year 2001. The Public Servants whose existing rates of house allowances are above the rates provided shall retain at existing levels until or unless otherwise reviewed by the Commission while Public Servants whose existing house allowances are below the approved rates to adopt the new rates. The reviewed rates of house allowance are shown in Table 2.



Table 2: New House Allowance Rates

Job Group	2		3		4		5	6
	Nairobi		County Headquarters Only		County Headquarters Only		Other County Headquarters and all other areas	
	Current	New	Current	New	Current	New	Current	NEW
A	3,000	3,750	2,500	3,125	2,000	2,500	1,800	2,250
B	3,000	3,750	2,500	3,125	2,000	2,500	1,800	2,250
C	3,000	3,750	2,500	3,125	2,000	2,500	1,800	2,250
D	3,300	4,125	2,700	3,375	2,200	2,750	1,900	2,375
E	3,500	4,500	2,900	3,730	2,300	2,960	2,100	2,700
F	3,500	4,500	2,900	3,730	2,300	3,000	2,100	2,700
G	5,000	6,750	3,500	4,500	3,000	3,850	2,300	3,200
H	5,000	6,750	3,500	4,500	3,000	3,850	2,300	3,200
J	6,000	10,000	4,500	7,500	3,500	5,800	3,000	4,200
K	10,000	16,500	8,000	12,800	6,000	9,600	5,000	7,500
L	20,000	28,000	15,000	22,000	12,000	16,500	10,000	13,000
M	20,000	28,000	15,000	22,000	12,000	16,500	10,000	13,000
N	24,000	35,000	17,000	25,500	13,000	18,000	11,000	15,400
P	40,000	45,000	20,000	28,000	15,000	21,000	12,000	16,800
Q	40,000	45,000	20,000	28,000	15,000	21,000	12,000	16,800
R	40,000	50,000	20,000	35,000	15,000	25,000	12,000	20,000
S	60,000	60,000	56,000	56,000	52,000	52,000	-	-
T	80,000	80,000	-	-	-	-	-	-

NB: This review does not apply to State officers

3. Daily Subsistence Allowance (Local Travel)

The Commission noted from the results of study that there were different circulars in the Public Service providing different rates for subsistence allowance. Subsequently, for purposes of standardization and regulation of the application of this facilitative allowance in the Public Service, the Commission has decided that all the allowances in the Public Service that are paid to facilitate officers to attend to official assignments away from their duty stations within the country be renamed Daily Subsistence Allowance (Local travel) and be paid at the rates shown in Table 3.

Table 3: New Rates of Daily Subsistence Allowance (Local travel)

Job Group (Civil Service & Equivalent)	State Officers Grades ¹	Cluster 1	Cluster 2	Cluster 3
		Nairobi, Mombasa, Kisumu, Malindi, Kilifi, Lamu, Kwale & Naivasha	Nyeri, Eldoret, Kericho, Kakamega, Kisii, Embu, Nanyuki, Nakuru-Lodwar & Garissa	All Other Towns
	F4	22,000	18,000	12,000
U-V	F1, F2, E5	18,200	12,600	10,500
S-T	E3,	16,800	12,600	10,500
P-R	E2, E1, D5	14,000	10,500	8,400
K-N	D4	11,200	8,400	7,000
F-J		6,300	4,900	4,200
A-E		4,200	3,500	2,100

¹ See Table 5 for definition of State Officer Grading.

4. Daily Subsistence Allowance (Foreign Travel)

Similarly, the Commission has decided that all the allowances in the Public Service that are paid to facilitate officers to attend to official assignments out of the country be renamed and called Daily Subsistence Allowance (Foreign Travel) and be paid at the rates shown in Table 4

Table 4: New Rates of Daily Subsistence Allowance (Foreign Travel)

Proposed new rates for foreign travel: (USD)							
Civil Service grading & Equivalent		JG U-V	JG S-T	JG P-R	JG K-N	JG F-J	JG A-E
State Officer Grading ²	F4	F2, F1, E5	E3; E4	E2, E1, D5	D4		
Country	Rates (US\$)						
Afghanistan	575	523	369	293	243	208	179
Albania	572	520	382	311	264	239	223
Algeria	669	608	437	350	294	256	234
Angola	788	716	529	436	386	360	345
Antigua & Barbuda	627	570	448	387	348	321	300
Argentina	615	559	443	386	352	332	321
Armenia	949	862	546	386	301	253	224
Aruba	747	679	504	416	363	330	306
Australia	730	663	480	387	31	301	285
Austria	787	715	519	420	359	323	304
Azerbaijan	949	862	578	436	356	310	281
Bahamas	898	816	598	488	415	360	312
Bahrain	601	547	438	383	352	333	320
Bangladesh	558	507	370	301	264	243	231
Barbados	732	666	484	394	332	295	274
Belarus	612	557	409	334	292	263	243
Belgium	843	767	591	502	437	399	376
Belize	530	482	358	296	261	240	227
Benin	615	559	398	318	271	245	230
Bermuda	779	708	515	417	353	305	272
Bhutan	500	454	284	198	152	127	111
Bolivia	456	415	298	239	207	189	179
Bosnia & Herzegovina	612	557	363	266	213	184	164
Botswana	567	516	373	301	263	240	227
Brazil	644	585	474	418	372	331	297
Brunei	1027	934	608	444	356	305	273
Bulgaria	456	415	352	321	301	287	277
Burkina Faso	601	547	387	308	257	220	194
Burundi	554	504	377	314	278	259	247
Cambodia	476	432	325	271	241	223	211
Cameroon	659	600	429	344	289	256	238
Canada	772	702	536	452	406	378	362
Cape Verde	509	463	370	323	295	277	265
Central African Republic	643	584	416	331	277	237	207
Chad	674	613	498	439	406	383	369
Chile	500	454	342	285	254	238	228
China	643	584	457	393	344	317	301
Colombia	537	488	371	312	270	237	212
Comoros	749	681	493	399	337	290	260
Congo	647	589	420	337	282	252	235

Proposed new rates for foreign travel (USD)							
Civil Service grading & Equivalent		JG-U-V	JG-S-T	JG-P-R	JG-K-N	JG-F-J	JG-A-E
State Officer Grading ²	F4	F2, F1, E5	E3, E4	E2, E1, D5	D4		
Country	Rates (US\$)						
Costa Rica	537	488	371	312	270	246	232
Cote d'Ivoire	653	594	435	354	299	259	231
Croatia	612	557	448	393	356	331	310
Cuba	457	416	336	295	272	256	249
Cyprus	474	431	362	327	306	293	284
Czech Republic	552	502	444	416	397	385	374
Denmark	699	636	498	430	392	372	359
Djibouti	574	522	384	314	276	255	242
Dominica	473	430	336	288	259	238	222
Dominican Republic	627	570	403	318	271	241	221
DRC Congo	820	746	543	442	374	323	289
Ecuador	513	466	347	286	252	232	220
Egypt	529	481	381	331	303	284	266
El Salvador	457	416	325	279	252	235	224
Equatorial Guinea	500	454	376	338	314	297	284
Eritrea	724	658	385	248	177	139	117
Estonia	612	557	407	331	287	260	240
Ethiopia	809	736	536	435	367	318	286
Fiji	546	496	359	289	250	229	215
Finland	914	831	609	498	424	366	321
France	796	724	586	517	418	366	337
French Guiana	626	569	417	341	289	251	224
Gabon	656	596	466	402	358	314	283
Gambia	518	471	363	0	270	237	210
Georgia	949	862	541	381	295	246	218
Germany	922	838	616	504	429	372	341
Ghana	505	459	331	266	230	209	195
Greece	541	492	425	391	371	358	348
Grenada	509	463	424	403	389	377	367
Guadeloupe	639	581	415	331	277	244	224
Guatemala	509	463	339	277	242	220	206
Guinea	603	548	389	310	259	221	197
Guinea Bissau	627	570	418	341	250	198	169
Guyana	484	440	323	264	232	212	201
Haiti	469	427	356	321	299	285	274
Honduras	572	520	367	292	249	224	209
Hungary	741	673	506	422	364	318	289
Iceland	635	578	447	381	344	323	311
India	626	569	430	361	322	301	290
Indonesia	615	559	398	318	271	246	232
Iran	949	862	635	521	443	385	345
Iraq	1245	1132	846	702	603	525	472
Ireland	727	661	492	406	361	334	319
Israel	1105	1004	745	614	525	457	391
Italy	924	840	647	549	477	430	398
Jamaica	622	565	428	360	321	299	288
Japan	1111	1010	749	619	529	470	439
Jordan	787	715	519	421	355	314	290
Kazakhstan	949	862	579	436	358	311	282
Kiribati	770	700	454	331	264	226	202
Korea	600	546	425	363	330	310	299
Kosovo	612	557	407	331	287	260	240

Proposed new rates for foreign travel (USD)							
Civil Service grading & Equivalent		JG U-V	JG S-T	JG P-R	JG K-N	JG F-J	JG A-E
State Officer Grading ²	F4	F2, F1, E5	E3, E4	E2, E1, D5	D4		
Country	Rates (US\$)						
Kuwait	1162	1056	787	652	559	486	435
Kyrgyzstan	949	862	520	350	260	210	182
Laos	391	355	256	207	179	162	153
Latvia	612	557	428	364	323	297	277
Lebanon	1077	979	726	600	513	446	399
Lesotho	445	405	277	213	174	154	141
Liberia	699	636	468	384	337	311	296
Libya	854	777	568	463	393	354	331
Liechtenstein	1111	1010	749	586	505	453	418
Lithuania	612	557	400	322	277	249	229
Luxembourg	666	605	435	349	303	278	264
Macedonia	770	700	440	309	240	201	177
Madagascar	699	636	458	369	310	267	235
Malawi	554	504	388	330	298	278	266
Malaysia	759	690	501	405	342	296	264
Maldives	461	419	309	254	223	206	194
Mali	613	558	424	356	310	286	272
Malta	749	681	494	399	348	319	303
Marshall Islands	770	700	465	348	283	245	221
Mauritania	577	525	384	314	266	231	207
Mauritius	509	463	398	365	345	334	328
Mexico	572	520	473	450	432	420	413
Micronesia	770	700	514	420	365	330	305
Moldova	612	557	428	364	323	297	277
Monaco	1100	1000	743	613	525	455	409
Mongolia	598	543	385	306	255	218	194
Montenegro	612	557	455	404	370	344	323
Morocco	928	844	619	507	416	366	331
Mozambique	505	459	332	270	233	213	202
Myanmar	444	404	276	212	173	150	136
Namibia	473	430	309	248	208	179	162
Nauru	770	700	427	290	219	178	155
Nepal	500	454	316	245	202	173	155
Netherlands	747	679	518	438	395	370	354
New Zealand	983	893	659	541	461	400	359
Nicaragua	627	570	409	329	273	233	206
Niger	630	573	409	327	274	234	208
Nigeria	796	724	526	427	370	339	320
North Korea	600	546	377	293	245	217	197
Norway	606	551	420	354	317	296	284
Oman	964	877	673	572	497	437	395
Pakistan	610	554	402	326	284	256	240
Palau	770	700	493	388	330	294	268
Panama	541	492	374	316	282	263	253
Papua New Guinea	770	700	508	413	349	300	268
Paraguay	584	531	376	298	255	230	217
Peru	702	638	460	370	312	279	261
Philippines	666	605	433	347	292	250	222
Poland	627	570	429	359	320	298	284
Portugal	674	613	465	391	350	327	314

Proposed new rates for foreign travel (USD)							
Civil Service grading & Equivalent		JG U-V	JG S-T	JG P-R	JG K-N	JG F-J	JG A-E
State Officer Grading ²	F4	F2, F1, E5	E3;E4	E2, E1, D5	D4		
Country	Rates: (US\$)						
Reunion	589	536	380	300	256	231	215
Romania	657	597	453	381	342	320	308
Russia	949	862	658	556	501	469	449
Rwanda	588	535	397	328	290	268	252
Samoa	525	477	363	305	264	231	207
San Marino	924	840	647	549	490	449	418
Sao Tome & Principe	605	550	341	237	182	150	132
Saudi Arabia	930	846	622	508	432	374	336
Senegal	618	562	405	327	284	261	248
Serbia	612	557	399	320	274	246	227
Seychelles	618	562	462	413	384	367	358
Sierra Leone	893	812	594	485	413	356	319
Singapore	1297	1179	832	658	523	431	366
Slovakia	612	557	451	398	363	338	317
Slovenia	612	557	430	367	328	300	281
Solomon Islands	770	700	451	326	259	220	197
Somalia	477	434	298	230	187	163	150
South Africa	515	469	356	300	270	252	241
South Sudan	719	653	471	381	323	293	276
Spain	935	850	626	513	436	377	333
Sri Lanka	525	477	334	262	217	185	164
St. Kitts and Nevis	627	570	436	369	328	299	279
St. Lucia	627	570	428	356	314	285	265
St. Vincent and Grenadines	627	570	464	411	376	350	329
Sudan	719	653	471	381	323	293	276
Surinam	1059	963	713	587	502	436	392
Swaziland	549	499	369	304	267	246	232
Sweden	829	754	561	465	411	383	366
Switzerland	1111	1010	749	619	529	460	413
Syria	774	704	510	414	350	301	271
Tajikistan	949	862	515	341	250	200	172
Tanzania	663	603	422	332	282	253	235
Taiwan	588	535	408	344	298	274	260
Timor - Lestor	770	700	439	309	239	200	176
Tobago	639	581	461	400	366	348	336
Togo	554	504	366	297	259	237	222
Tonga	467	425	310	253	215	188	173
Trinidad	482	438	389	364	348	339	331
Tunisia	462	420	314	261	231	215	206
Turkey	1037	943	697	574	491	426	382
Turkmenistan	949	862	532	366	279	230	201
Tuvalu	770	700	424	286	212	173	150
Uganda	677	615	429	335	283	253	235
Ukraine	612	557	408	334	290	262	242
United Arab Emirates	944	858	656	553	481	421	380
United Kingdom	848	771	578	481	429	402	382
Uruguay	416	378	331	307	290	279	270
USA	724	658	527	462	425	405	393
Uzbekistan	949	862	509	332	240	190	162
Vanuatu	770	700	513	419	364	329	304
Venezuela	552	502	440	408	387	365	350

Proposed new rates for foreign travel (USD)							
Civil Service grading & Equivalent		JG U-V	JG S-T	JG P-R	JG K-N	JG F-J	JG A-E
State Officer Grading?	F4	F2, F1, E5	E3, E4	E2, E1, D5	D4		
Country	Rates (US\$)						
Vietnam	440	400	300	250	219	201	190
Yemen	813	739	539	438	371	320	287
Zambia	664	604	432	347	277	241	220
Zimbabwe	482	438	330	275	244	228	208

5. Scope of Application

1. The reviews shall apply to all State and other Public officers both at National and County Government as appropriate.
2. The rates that have been set by the Commission for Daily Subsistence Allowance (Local and Foreign travel) shall apply to all State and other Public officer in all public service institutions in Kenya. All other existing Circulars on the same subject therefore, cease to apply forthwith and the respective Accounting officer is personally responsible for prudent management of this facilitative allowance.
3. The new rates of House Allowance shall apply to all public officers other than State officers at the National and County Government including State Corporations from the scheduled effective date of implementation.
4. The respective employers in the civil service should initiate Collective Bargaining Agreements with the relevant Unions in the implementation of the reviewed/harmonized allowances herein.

6. Implementation Schedule

Please note that subject to budgetary provisions, implementation of all the reviewed allowances takes effect as follows:

- (i) Daily Subsistence Allowance (Local & Foreign Travel) to be implemented with effect from the date of this Circular; and
- (ii) All the other Allowances reviewed will be implemented in a phased approach commencing in the Financial Year 2015/2016 as guided by the National Treasury through Budgetary provisions.

Your Office is hereby requested to ensure compliance with the contents of this Circular and bring it to the attention of all employees in your organization for information.



Sarah J. C. Serem (Mrs.), EBS

CC:

All Cabinet Secretaries
Chief of Staff and Head of Public Service
Chairpersons, Constitutional Commissions
Chairperson, Council of Governors
Chairpersons County Public Service Boards
Registrar, Industrial Court of Kenya
Clerk, National Assembly
All County Governors
All Speakers, County Assemblies
Inspector General, Inspectorate of State Corporations
Secretary, State Corporations Advisory Committee

APPENDIX

The Grading and Equivalent Job Groups of All State officers shall be used when applying General Government Circulars as Shown in **Table 5**.

Table 5: The grades and Equivalent Job Groups for all State Officers

State Officer	Job Grade	Job Group Equivalent
Speaker of the National Assembly, Speaker of the Senate, Chief Justice	F4	
Deputy Chief Justice, Cabinet Secretary, Secretary to the Cabinet, Deputy Speaker of the Senate, Deputy Speaker of the National Assembly, Attorney General, Auditor General, Judge of the Supreme Court, Chairman, IEBC, Chairman, CIC	F2	V
Principal Secretary, Controller of Budget, Judge of the Court of Appeal, County Governor, Director of Public Prosecution, Vice Chair IEBC, Vice Chair CIC, Chairpersons, other Constitutional Commission	F1	
Member of the National Assembly, Member of the Senate, Members of Independent Constitutional Commissions, Judge of the High Court, Register of Political parties Secretaries of Independent Constitutional Commissions, Deputy County Governor	E5	U
Chief Magistrate	E3	S
Senior Principal Residence Magistrate Principal Residence Magistrate	E2	R
Speaker, County Assembly, County Executive Committee Member	E1	Q
Senior Resident Magistrate	D5	P
Resident Magistrate Member of County Assembly	D4	N





**REPUBLIC OF KENYA
MINISTRY OF PUBLIC SERVICE AND GENDER**

**RESPONSE TO THE DEPARTMENTAL COMMITTEE ON
ADMINISTRATION AND NATIONAL SECURITY REGARDING
GAZETTEMMENT OF KITUI COUNTY AS A HARDSHIP AREA**

BY

**THE CABINET SECRETARY
MINISTRY OF PUBLIC SERVICE AND GENDER**

25TH AUGUST, 2021

PETITION NUMBER 27 OF 2021 REGARDING GAZETTEMENT OF KITUI COUNTY AS A HARDSHIP AREA

Preamble

A Public petition No. 27 of 2021 was presented to the National Assembly through the Departmental Committee on Administration and National Security by Hon. Charles Ngusya Nguna, Member of Parliament (MP) for Mwingi West Constituency in Kitui County. The Hon. Member;

- i. Recommends to the relevant Government authorities a review of the existing hardship areas to reflect the true position of the reality faced by Public Servants in Kitui County;
- ii. Proposes inclusion of Kitui County as a hardship area so as to give Civil Servants incentive to serve in the said areas despite challenges; and
- iii. Make any other order or direction that it deems fit in the circumstances of this petition.

Hon. Chairman, I hereby, submit the response as follows:-

1.1 Designated Hardship Areas

- i. Designated hardship areas in the Public Service for purposes of payment of Hardship Allowance were remote areas categorized as lacking basic social services, amenities and infrastructure as per practice in the Public Service.
- ii. Due to numerous petitions by various groups for designation of hardship areas, the State Department for Public Service constituted a taskforce in 2007, comprising of representatives from the Teachers Service Commission (TSC), Ministry of Finance, Ministry of State for Public Service, Ministry of Planning, and the Permanent Public Service Remuneration Review Board (PPSRRB) developed a weighted criteria for re-examining hardship areas after visiting the areas that had been proposed by various government agencies for designation as hardship namely TSC, the Provincial Administration and Internal Security and members of Parliament.

- iii. Currently, the Public Service has three (3) categories of designated hardship areas under Civil Service, Teaching Service and the Judiciary.
- iv. The designated hardship areas are not harmonized across the Public Service. There are presently sixteen (16) regions which are designated as hardship for purposes of payment of hardship allowance in the Civil Service, while the Teaching Service has forty four (44) and the Judiciary has twenty one (21) areas.
- v. According to the Head of Public Service Circular Ref. No. OP/CAB/1/31A of 7th December 2015, it is noted that Kitui County (previously Kitui District) is not designated as a Hardship Area under the Civil Service categorization.

1.2 Criteria for determination of designated Hardship Areas in the Civil Service

The Taskforce constituted in 2007 developed a weighted criteria for designating hardship areas based on the following parameters:

- i. Non/limited availability and accessibility to food.
- ii. Non availability/limited access to portable water.
- iii. Non/inadequate transport and communication services.
- iv. Non/limited availability of social services and amenities.
- v. Harsh climatic conditions.
- vi. Insecurity and high possibility of security threats.
- vii. Socio economic indicators such as poverty index from the Kenya National Bureau of Statistics.

1.3 Status of designated Hardship Areas and payment of Hardship allowance in the Public Service

- i. Using the criteria in 1.2 above, the Civil Service designated sixteen (16) regions as hardship areas under Circular Ref. No. OP/CAB/1/31A of 7th December 2015 issued by the Head of Public Service.
- ii. A summary of the designated hardship areas in the Public Service covering the Civil Service, Teaching Service and the Judiciary is as shown in **(Appendix I)**.

- iii. Payment of hardship allowances to Civil Servants and Teachers under TSC is based on the rates as determined through the Salaries and Remuneration Commission Circular Ref. No. SRC/ADM/CIR/1/13/VOL.III (126) dated 10th December, 2014 - see **(Appendix II)**.
- iv. The staff of the Judiciary deployed in the twenty (21) designated hardship areas are however, paid at the rate of percent (40%) of one's basic salary.

1.4 Designated Hardship Areas in the Teaching Service and the Criteria for Determination

- i. Prior to 1997, the Civil Service and Teaching Services had similar eleven (11) areas designated Hardship which included whole Districts of Wajir, Mandera, Garissa, Samburu, Isiolo, Lamu, Marsabit, Tana River, West Pokot, Turkana and Northern area of Baringo.
- ii. In 1997, the Minister for Education through a legal Notice No. 534 of 11th November, 1997 gazetted an **additional twenty five (25) Hardship Areas** for the Teaching Service following the negotiations and signing of a Collective Bargaining Agreement with the Kenya National Union of Teachers (KNUT).
- iii. This created disparities in the Civil Service designated hardship areas were and those under TSC. In the year 2005, a further eight (8) areas were added through the revised Code of Regulations for Teachers bringing the total to forty four (44) designated hardship areas.
- iv. The entire Kitui County (previously Kitui District) is among the forty-four (44) designated hardship areas under the TSC classification.

1.5 Harmonization of Hardship Areas in the Public Service

- i. In order to address the challenges relating to the categorization and payment of hardship allowance with a view to eliminating the existing disparities and promote fairness and parity of treatment of Public Servants, the Ministry vide letter Ref: MPYG.DPSM.HRM/2/1/5/TY (30) dated 21st March, 2019 constituted an **Inter-Agency Technical Committee**.

- ii. The Committee was mandated to study the prevailing policies, circulars and guidelines on designated hardship areas across the entire Public Service and payment of hardship allowance and make appropriate recommendations with a view of harmonising and removing existing disparities.
- iii. The Committee comprises of senior officers drawn from the Ministries of Public Service and Gender, Interior and Co-ordination of National Government, Education, the National Treasury and Planning, Public Service Commission, Teachers Service Commission, Commission on Revenue Allocation (CRA), the Judiciary, Kenya National Bureau of Statistics (KNBS) and the Council of Governors (COG).
- iv. The Committee planned a countrywide visit of the designated Hardship Areas for purposes of data collection, reviewing and harmonizing the same across the Public Service to be undertaken in two (2) phases so as to accomodate the cost implication within the budgetary allocation for 2020/2021 FY.
- v. The first phase of data collection was conducted by the Inter-Agency Team between 30th August 2020 to 9th October, 2020.
- vi. The second and final phase was to be undertaken in the months of April to May, 2021 but this was not possible due financial constraints and the challenges posed by the COVID-19 Pandemic.
- vii. The final phase of data collection is planned to take place this financial year 2021/2022 subject to availability of funds.
- viii. Based on preliminary findings, the Committee has proposed a review of the Unit of analysis from the current county/sub-county/divisions/location/town/urban centre/zone to sub-location for purposes of determining Hardship Areas for accurate targeting of beneficiaries. This is based on the fact that a County has both Urban and Rural Units of different socio-economic status.

1.6 Conclusion and Way Forward

The Ministry in collaboration with the Inter-Agency Technical Committee commits to complete the country wide data collection survey and compile a report with recommendations to the Government for determination of designated hardship areas. This will lead to gazettelement of harmonized hardship areas and or de-gazettelement of some of the current hardship areas in the Public Service. Kitui County has been incorporated in the areas to be visited for purposes of data collection.

Hon. Chairman, I submit and once again thank you.



**Mary W. Kimonye (Mrs.), MBS
PRINCIPAL SECRETARY
STATE DEPARTMENT FOR PUBLIC SERVICE**

Designated Areas in the Public Service (Civil Service, Teaching Service and the Judiciary)

COMPARISON OF HARDSHIP DESIGNATED AREAS IN PUBLIC SERVICE

Civil Service/ Parastatal	Status	Judicial Service Commission	Status	Teachers Service Commission	Status
1 Tana River	Entire County	1. Daadab	Town/Centre	1 Suba	Mfangano and Rusinga Islands
2 Lamu	Entire County	2. Garissa	Town/Centre	2 Kuria	Kegonga Division
3 Garissa	Entire County	3. Garsen	Town/Centre	3 Busia	Budalangi Division
4 Wajir	Entire County	4. Habaswein	Town/Centre	4 Kajiado	Entire District
5 Mandera	Entire County	5. Hola	Town/Centre	5 Nakuru	Mbogoini and Makongeni Divisions (lower Solai)
6 Marsabit	Entire County	6. Kabarnet	Town/Centre	6 Laikipia	Entire District
7 Isiolo	Entire County	7. Kakuma	Town/Centre	7 Kitui	Entire District
8 Makueni	Entire County	8. Kapenguria	Town/Centre	8 Kilifi	Ganze Division
9 Turkana	Entire County	9. Kehancha	Town/Centre	9 Keiyo	Entire District
10 West Pokot	Entire County	10. Kyuso	Town/Centre	10 Marakwet	Entire District
11 Samburu	Entire County	11. Lamu	Town/Centre	11 Kwale	Kinango and Samburu Divisions
12 Elgeyo	Entire County	12. Lodwar	Town/Centre	12 Trans Mara	Entire District
13 Laikipia	Entire County	13. Mandera	Town/Centre	13 Mwingi	Entire District
14 Baringo	Excludes Koibatek Sub-county	14. Mararal	Town/Centre	14 Tharaka	Entire District
15 Nandi	Tinderet Sub-county only	15. Marimanti	Town/Centre	15 Mbeere	Entire District
16 Taita Taveta	Manyani Area in Ngolia Ward	16. Marsabit	Town/Centre	16 Malindi	Magarini, Marafa and Kakoneni Division
Total: 16 Areas		17. Moyale	Town/Centre	17 Machakos	Yatta and Masinga Division
		18. Mutomo	Town/Centre	18 Nyeri	Kieni Division
		19. Mwingi	Town/Centre	19 Kiambu	Ndeiya and Karai locations
		20. Taveta	Town/Centre	20 Maragwa	Makuyu Division
		21. Wajir	Town/Centre	21 Nyandarua	Nyahururu High school
		Total: 21 Areas		22 Nyandarua	Nyandarua Boarding Primary Divisions
				23 Kericho	Muhoroni Valley and Sondu Divisions
				24 Kisumu	Kakuzi Division
				25 Thika	King'orom Divisions
				26 Koibatek	Eastern Mau, Osupuko, Mara, Loita and Southern Olulunga Divisions
				27 Narok	Entire District
				28 Makueni	Entire District
				29 Isiolo	Entire District
				30 Moyale	Entire District
				31 Marsabit	Entire District
				32 Garissa	Entire District
				33 Mandera	Entire District
				34 Wajir	Entire District
				35 Lamu	Entire District
				36 Tana River	Entire District
				37 Taita Taveta	Entire District
				38 Baringo	Entire District
				39 Samburu	Entire District
				40 Turkana	Entire District
				41 West Pokot	Entire District
				42 Ijara	Entire District
				43 Nandi	Tinderet Division
				44 Meru North (Nyambene)	Mutuati, Ndoileli and Igembe East Divisions; Buuri, Giika locations; Linjoka, Ankamia Sub-locations; Amung'enti, Thangatha, Mumui, Kiujuline and Akithi zones
Total: 44 Areas					