

MOMBASA COUNTY ASSEMBLY**HANSARD REPORT**Wednesday, 15th March, 2017

The House met at 2:42pm.

*(Deputy Speaker (Hon. Mswabah Rashid) in the Chair)***PRAYERS****Deputy Speaker** (Hon. Mswabah Rashid): You may sit down. Yes Clerk?**MOTION**

Yes Hon Saad Faraj?

Hon. Faraj: Thank you a lot Mr. Speaker for this opportunity on behalf of Hon. Mohamed Hatimy who is the mover of the Motion on Formal delegation of duties by Chief and Senior Officers.

I would like to take this opportunity to move this Motion on his behalf.

*(Hon. Faraj moved the Motion on behalf of Hon. Mohamed Hatimy)***FORMAL DELEGATION OF DUTIES BY CHIEF AND SENIOR OFFICERS**

Mr. Speaker Sir, I beg to move the following Motion;

THAT AWARE that it is the right of every employee to proceed on annual leave or any other leave recognised by Law...

*(Interruption)***Deputy Speaker** (Hon. Mswabah Rashid): Yes Hon Mary what is it?**Hon. (Ms) Akinyi:** Thank you Mr. Speaker Sir, Mr. Speaker Sir before he proceeds may he please tell us where the Mover of the motion is...*(Interruption)***Deputy Speaker** (Hon. Mswabah Rashid): Yeah that is why....*(Interruption)***Hon. (Ms) Akinyi:** But he has just said that.....*(Interruption)***Deputy Speaker** (Hon. Mswabah Rashid): That is why, I know about it that is why when we reached business number 8 I did not say Hon. Hatimy, I said Hon Saad Faraj.**Hon. Faraj:** Thank you Mr. Speaker for the protection, Mr. Speaker if I may start again this Motion.*(Hon Faraj resumed)*

THAT AWARE that it is a right of every employee to proceed...

*(Interruption)***Deputy Speaker** (Hon. Mswabah Rashid): Yes Hon Caroline what is it?**Hon. (Ms) Auma:** Mr. Speaker I have Order paper from 9th March 2017 this was on Thursday and the Motion was discussed in the same House and as I know according to our Standing Order the Motion should come back to the plenary after six good months and now we have the same Motion today on 15th March 2017, the same time...*(Interruption)***Deputy Speaker** (Hon. Mswabah Rashid): When did you say it was moved first?**Hon. (Ms) Auma:** It was moved, I have the two of them....*(Interruption)***Deputy Speaker** (Hon. Mswabah Rashid): Yes when, when was it?**Hon. (Ms) Auma:** It was moved on Thursday, 9th March 2017, the same month...*(Interruption)***Deputy Speaker** (Hon. Mswabah Rashid): This year?**Hon. (Ms) Auma:** Yes this year 2017.

Deputy Speaker (Hon. Mswabah Rashid): Then I think it should have been a Notice of Motion.

Hon. (Ms) Auma: No Mr. Speaker I have the Motion itself here...

(Interruption)

Deputy Speaker (Hon. Mswabah Rashid): Clerk can you ascertain that, okay let's just see. Clerk, okay he sought leave, but he did not move the Motion but he sought leave for the Motion to be deferred to that date. Yes can you continue.

Hon. Faraj: Mr. Speaker, thank you once again after the interactions if you allow me, I will move this Motion once again...

(Hon Faraj resumed)

Mr. Speaker sir,

THAT AWARE that it is the right of every employee to proceed on annual leave recognized by Law;

FURTHER AWARE that Chief and Senior officers working in the County government normally enjoy this right as required by law;

CONCERNED that the aforementioned officers do not delegate the duties in writing and hence the officers who are supposed to stand in for them are not clearly informed in writing of the duties that they are required to partake in the absence of officers proceeding for leave;

NOTING that the lack of effective delegation stalls the work output in the affected department(s) and the County government at large thus undermines transparency, accountability and also results to unnecessary delays in service delivery;

I therefore urge this Assembly to RESOLVE that:

1. The County Secretary and the County Assembly clerk to develop a system that will ensure that all the Chief and Senior Officer proceeding for annual leave hand over their duties, to those in office in writing;
2. The County Secretary/County Assembly Clerk to ensure adherence to the requirement that staff proceeding for leave prepare an itemized hand over note, with a copy to be issued to the County Secretary/Clerk, as the case may be, and other Head of Departments.

I beg to move this Motion and call upon Hon Murfad Amur to second.

Hon. Amur: Thank you Mr. Speaker Sir, with all the pleasure I second the Motion.

Deputy Speaker (Hon. Mswabah Rashid): Members I will propose the question on the Motion, Formal delegation of duties by Chief and Seniors Officers. Yes Hon Saad Faraj.

Hon. Faraj: Thank you once again Mr. Speaker. Mr. Speaker I have always been stressing the point that we need to develop something which is called succession planning in our systems and this is one issue that is practised internationally in governance.

Mr. Speaker we have been having problems all along whenever a senior officer has gone for leave then the position they remain as if there is nobody to act on their behalf because we don't have that plan whereby there is an official handing over for that particular period.

Mr. Speaker we are in the 21st century we have been going for training some of us have gone for cooperate government training to make sure that we align to the international standards and it is high time that we adopt to these international standards so that we can be at par with the standards that are required.

Mr. Speaker we cannot create a vacuum in any position; we cannot afford to do that at this particular moment and therefore am calling upon all the Honourable Members in this House to support this Motion so that it will be for the good of us all and the general public that whenever an individual is not in office then there is a proper plan that is in place so that

those people who are coming in to request for the services that are needed will be able to be given those services, thank you Mr. Speaker.

Deputy Speaker (Hon. Mswabah Rashid): Yes, Hon Amur...

Hon. Amur: Thank you Mr. Speaker. Mr. Speaker just to add on this several times we have been hearing in this Assembly when we request such information we are been told the Executive is out of the country and I have been several times repeatedly said if an officer or an Executive who has travelled he does not travel with the office, he travelled with his bag and his belongings but the office must be there to perform the duties.

Mr. Speaker so if we put these regulations into reality those issues of he is not there, we are not informed, it is not what, this should be put in a den coffin and the rest of the things, people must learn to give others opportunity to do jobs, people should learn to give their juniors the opportunity to perform in their department.

Mr. Speaker in case somebody dies will that department stay as the way it is; so people should learn to delegate duties to others, it is not a decision of someone owning a position for himself this is an institution then people should delegate duties to their junior officers, even in case of travelling that officer can perform the duty.

Unless we agree on this Mr. Speaker we will be dealt with the eras of long time ago without me nobody can work. Thank you, Mr. Speaker.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Amir Thoya.

Hon. Thoya: Ahsante sana Mheshimiwa Spika. Mheshimiwa Spika nimesimama kuunga mkono hoja ambayo imeletwa mbele ya Jumba hili na Mwakilishi wa Tononoka Mheshimiwa Saad Faraj.

Mheshimiwa Spika ofisi huwa ni taasisi na taasisi hizi huwa kuonekana huwa ni binadamu na kama tunavyojua mwanadamu huwa anakumbwa na changamoto mbali mbali na suala la likizo ni lazima ndio maana katika sheria mwanadamu hawezi kufanya kazi kwa kuendelea kwa miezi kumi na mbili inatajikana mara moja kwa mwaka mwanadamu kama huyu aweze kupata likizo isiopungua siku 30 ili aweze kwenda kupumzika.

Mheshimiwa Spika kuna masuala ya ugonjwa; mbali na ugonjwa kuna masuala ya safari kwa hivyo ni muhimu afisa mkubwa ama wa chini yake ambapo anaenda likizo ama wakati ambapo ni mgonjwa ama wakati ambapo ana safari lazima aweze kupatia mamlaka yule ambaye atabakia katika afisi ile ili kazi ziende kuendelea.

Ni makosa Mheshimiwa Spika kwamba afisa mmoja ambaye yuko idara nyengine katika idara fulani ati anakosa kuripoti kazi ama anakuwa na dharura basi idara nzima kazi inashindwa kusonga kwa sababu pengine afisa hayuko kazini na vile vile ni muhimu pia wale maofisa wakuu wawe kwa ile nafasi wawe na ule moyo wa kuweza kuyakabidhi majukumu wale maafisa wa chini ili wahakikishe kazi inaendelea kwa sababu huwa pia ni tabia ya baadhi ya maafisa kuweze kuficha baadhi ya stakabadhi muhimu ambayo zinatumika katika afisi kama ile kiasi kwamba wale maafisa wanaowachwa nyuma wakati wale hawako wanapata usumbufu mkubwa katika kutekeleza majukumu yao.

Kwa hivyo ni muhimu Bunge hili liweze kupitisha na vile vile wasisitize wale maofisa wakienda likizo wasiwe na tatizo la kuficha stakabadhi muhimu ambazo zinafanya kazi katika zile ofisi ziendeleo hata kama wao hawako. Ahsante sana Mheshimiwa Spika naunga mkono mia chini mia.

Deputy Speaker (Hon. Mswabah Rashid): Hon Odari.

Hon. Odari: Thank you Hon Speaker. Hon Speaker as much I support this Motion 100 per cent I am surprised that we are discussing something that should have been there long time ago.

If it isn't there Hon Speaker then it's a disappointment; every organization in the world what is taught in every institution should have standing operation procedures, issue of

handing over duties when you're on leave or when you are proceeding on maternity is something which is a matter of discussion, this particular time I will not be around in particular in regard that considering we as a County government we inherited the system from the former Municipal Council of Mombasa this is by assumption that any organization should have such a system in place because institutions normally operate by systems or operations by systems, therefore in every system there is a procedure, provision to cater for such events.

Normally there is a formal way to hand over duties to the person who is remaining behind so this matter is not something which is new, it is something that should be in place, it is not something that we should initiate now, it something that should be there therefore Hon Speaker we need to look at some of these things if it is not in existence, if there is no system to handing over in this organization or this institution then it is quite a disappointment. Thank you, Mr. Speaker.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Mary Akinyi.

Hon. (Ms) Akinyi: Ahsante sana Mheshimiwa Spika. Mheshimiwa Spika nashukuru sana kwa yule aliyeleta mjadala huu katika Jumba hili kwa zile juhudi ambazo amefanya kuleta mjadala huu lakini mimi nimesimama hapa nikiwa napinga kwa sababu amechelewa hata hivi sasa kuna Mawaziri wengi sana wa Kaunti hii yetu ya Mombasa ambapo saa hizi hawako kazini wameenda kusimama katika viti tofauti tofauti lakini mimi sioni mahali ambapo kazi imeharibika, kazi inaendelea.

Kama Waziri wa Vijana, Jinsia na Michezo amecha kazi lakini juzi hapa tulikua na siku ya kina mama na ilifana sana; kumaanisha kuwa hata kama hayuko hizo kazi huwa zinaendelea.

Kwa hivyo Mheshimiwa Spika mimi sioni sababu ya mambo kama haya kuletwa katika Jumba hili kuwa kuwe kuna watu ambao wanaendelea kufanya kazi kama hawa wakuu hawako; natumaini huwa wamejipanga kwa sababu hata mwaka huu pia hata Katibu wa Kaunti pia alikuwa ameenda likizo na hakuna mahali kazi za Kaunti hii zilikuwa zimelala ati Katibu wa Kaunti hii hayuko.

Kwa hivyo Mheshimiwa Spika narudi chini nikiwa napinga mjadala huu ikiwa nasema umepitwa na wakati na hata kazi pia wakuu wa ofisi ikiwa hawako kazi zinaendelea vizuri sana katika Kaunti hii. Ahsante sana Mheshimiwa Spika.

Deputy Speaker (Hon. Mswabah Rashid): Thank you very much Members, since there is no more contributions I will ask Hon the mover of the Motion Saad Faraj to reply to the Motion.

Hon. Faraj: Ahsante sana Mheshimiwa Spika kwa fursa hii. Mheshimiwa Spika kwanza ni kutoa shukrani kwa wote waliochangia katika Mswada huu Mswada ukitengenezwa hautengenezewi watu walioko hivi sasa kuna mara nyengine huwa unatengenezwa watu wale wanaokuja na wale watakaokuwa kwa siku za usoni.

Kwa hivyo kukiwa na jambo ambalo linatengenezwa hivi sasa haimaanishi ni lazima liwe litatunufaisha sisi lakini likiwa litaweza kufaa wale wengine wanaokuja itakuwa ni katika moja wapo ya kutengeneza maslahi ya wananchi na katika kurekebisha mipangilio ambayo kwamba imekoseka katika miundo msingi na katika mipangilio ya kazi inavyofanyika katika Kaunti yetu.

Kwa hivyo Mheshimiwa Spika ni shukrani zaidi kutoka kwa wote ambao kwamba wameweza kuunga mkono na kupinga Mswada huu ni haki ya kila mmoja kuweza kutekeleza majukumu yake kuelezea fikira zake na kutoa mawazo yake.

Kwa haya machache Mheshimiwa Spika nawashukuru wote na naomba hili jambo ama Mswada kama huu uwe ni Mswada ambao kwamba utaweza kupita uwe utatufaa sisi kwa muda kama huu tuko nao na uwafae wale watakaokuja siku za usoni. Ahsante.

Deputy Speaker (Hon. Mswabah Rashid): Members I will now put the question as many as are of the opinion that Chiefs and Seniors Officers to formally delegate duties to those while proceeding to leave.

(Question put and agreed to)

(Applause)

...Yes Clerk?

ADJOURNMENT

Members there being no other business this House is adjourned till tomorrow afternoon.

The House rose at 3:01pm.