

MOMBASA COUNTY ASSEMBLY**HANSARD REPORT**Tuesday, 28th February, 2017

The House met at 2:40pm.

*(Deputy Speaker (Hon. Mswabah Rashid) in the Chair)***PRAYERS****Deputy Speaker** (Hon. Mswabah Rashid): Members you sit, Clerk.**PETITION****Hon. Mwalimu:** Mr. Speaker.**Deputy Speaker** (Hon. Mswabah Rashid): Yes Hon Fadhili.**Hon. Mwalimu:** Mheshimiwa Spika nasimama na malalamishi kutoka kwa watu wangu wa Port Ritz pamoja na vile vile Wodi ya Airport. Mheshimiwa Spika...*(Interruption)***Deputy Speaker** (Hon. Mswabah Rashid): Mheshimiwa Fadhili.**Hon Mwalimu:** Ni *petition*.**Deputy Speaker** (Hon. Mswabah Rashid): Yes it has to come officially , the petition has to come officially, it has to pass through the Clerk.**Hon. Mwalimu:** Mheshimiwa Spika *petition* ina njia mbili inaweza kuja ikipitia kwa Clerk, na Mwanachama apeane, tuko na *Standing order*.**Deputy Speaker** (Hon. Mswabah Rashid): I prefer it comes through the Clerk.**Hon. Mwalimu:** Na mimi Mheshimiwa Spika nimeleta ndani.**Deputy Speaker** (Hon. Mswabah Rashid): And I prefer it comes through the Clerk.**Hon. Mwalimu:** Mheshimiwa Spika.**Deputy Speaker** (Hon. Mswabah Rashid): No you cannot ambush the Speaker Hon Fadhili you cannot ambush the Speaker, Yes Hon Thoya.**Hon. Thoya:** Ahsante Mheshimiwa Spika, hili ni Bunge na ni Nyumba la sheria naona Mheshimiwa Fadhili umemuelekeza mara kadhaa lakini ni kama hataki kufuatwa, ni kama ukosefu wa nidhamu. Na ni kitu ambacho hakiridhishi...**Deputy Speaker** (Hon. Mswabah Rashid): Yes Clerk.**NOTICE OF MOTION**

Yes Hon Mohamed Hatimy.

Hon. Mohamed Hatimy: Thank you Mr. Speaker I raise under Standing order 53, I wish to give the following Notice of Motion.**INCLUSION OF PROVEN SKILLS, MERIT AND ABILITY IN THE SCHEMES OF SERVICE AND CONSIDERATIONS DURING PROMOTIONS***(Hon Mohamed Hatimy read)*

Mr. Speaker sir, I beg to give Notice of the following Motion;

THAT AWARE that certification is one of the requirements so far for appointment and promotion to various positions in the County government:

FURTHER AWARE that there are serving officers especially from the defunct Mombasa Municipal Council with proven skills, experience, merit and ability who may not have the proper certification necessary for the appointment and promotion to various positions of employment;

CONCERNED that some of those appointed may have certification but lack the necessary skills, experience, ability and initiative to handle the jobs appointed to while those who do not have the paper qualifications but have proven skills, experience, merit and ability are disadvantaged or stagnate in lower positions;

NOTING that a recent report by the Commission for Higher Education done under the direction of the Cabinet Secretary for Education shows that thousands of people who have

unlawfully acquired degrees or were not competent or suitably qualified to be degree holders due to corruption, fraud and weaknesses in the awarding of degrees by universities;

FURTHER NOTING that due to the above-mentioned investigation and report, paper qualifications cannot be relied as the sole criteria in appointment and promotion disregarding longevity of service, proven skills and merit as doing so demotivates hard-working and experienced employees;

I therefore urge the Assembly to RESOLVE that:

1. The County Public Service Board and County Assembly Service Board to prepare and approve their schemes of service to include proven skills, experience, merit and ability as alternatives to paper qualifications in promotions.
2. The County Public Service Board and County Assembly Service Board to consider for promotion serving officers with proven skills, experience, merit and ability of over three years after appraisal and vetting whenever vacancies arise.
3. The County Public Service Board and County Assembly Service Board to institute a training programme to enable all officers acquire necessary job skills and knowledge.
4. Any serving officers promoted to any position on the basis of proven skills, experience, merit and ability be required to acquire relevant certification from accredited or recognized institutions of learning within a period of five years or such other suitable and appropriate time.

I beg to apply to seek leave and permission of this House to allow me to move this Motion through your Chair.

Deputy Speaker (Hon. Mswabah Rashid): Thank you, yes Clerk.

NOTICE OF MOTION

Yes Hon Hatimy.

Hon. Mohamed Hatimy: Mr. Speaker I beg to give the following Notice of Motion.

CREATION OF PROPER RECORDS MANAGEMENT SYSTEM WITHIN THE COUNTY

(Hon Mohamed Hatimy read)

Mr. Speaker sir, I beg to give Notice of the following Motion;

THAT AWARE that the County government has ten departments and the Assembly;

FURTHER AWARE that the documents being produced and used within the County are government records which must be handled, stored and maintained in accordance with government policies;

CONCERNED that the County has not developed guidelines on record keeping, guiding, planning, creation, control maintenance and use of records including disposal and hence the County continues to manage records without a policy which leads to mishandling, loss, destruction and lack of confidentiality when handling records;

I urge this Assembly to RESOLVE that;

The County Secretary and the County Assembly Clerk to each constitute Committees consisting of heads of departments to develop policies to guide record management;

The County Secretary/Clerk in developing the afore mentioned policies to engage experts particularly from the national archives to work with the Committees appointed to develop the policies.

Thank you Mr. Speaker I beg to move. Thank you

(Hon Mohamed Hatimy moved)

Deputy Speaker (Hon. Mswabah Rashid): Yes Clerk.

STATEMENTS

Hon Abdalla Kasagamba, any Deputy Chair? Deputy Chair, Committee of water?

Yes Hon Zainab do you have any response, Hon Zainab Mumba.

Hon. (Ms) Zainab Mumba: Thank you Mr. Speaker. Mr. Speaker sir, am not belonging to the Committee of water but we have the vice...

(Interruption)

Deputy Speaker (Hon. Mswabah Rashid): Yes who is the vice.

Hon (Ms) Zainab Mumba: Mheshimiwa Zainab Ali but she is not feeling well.
(Laughter)

Deputy Speaker (Hon. Mswabah Rashid): Yes Mheshimiwa Madundo what is it?

Hon. Mohamed Madundo: Ahsante Mheshimiwa Spika. Mimi ni Mwanachama wa Kamati ya maji; kulingana na ripoti ambayo nimeelezwa na Mwenyekiti na hajisikii vizuri kwa hivyo angeomba hii taarifa aitoa siku ya Jumatano, Alhamisi mchana ni sawa...

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Maimuna.

Hon. (Mrs) Maimuna Mwamassa: Ahsante Mheshimiwa Spika. Nataka kutofautiana na Mheshimiwa Madundo kwa sababu tangu mwanzo yeye yuwasikia akiulizwa Mwenyekiti wa Kamati ya maji na amenyamaza kimya, mpaka saa hii basi anaulizwa akiona haonekani ndio anasema kuwa yeye yuko na *apology* yake, hatukubaliani naye Mheshimiwa Spika.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Madundo what is it?

Hon. Mohamed Madundo: Ahsante Bwana Spika, wajua saa nyengine, sasa kuna mambo ya kura sasa saa nyengine kichwa kiko mbali sana kwa hivyo kumezungumzwa hiyo *apology* nilikuwa nitoe kwa sababu yeye hajisikii vizuri ka hiyo mimi ningeomba mimi ni Mwanachama wa Kamati ya maji tufanye *Thursday in the afternoon hours sir*.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon. of Tudor.

Hon. Siminyu: Mheshimiwa Spika hili swala la muhimu nafikiri hata Mheshimiwa wa Port Ritz nafikiri ni swala ambalo linamsumbua likielekea ambalo linamuhusu katika eneo lake, na Mombasa nzima iko ina shida na ingawaje sehemu zingine zimeamuliwana hili swala si la mtu binafsi ni la Kamati. Kamati hii ikae chini izungumzie na ifuatilizie ilete majibu kwa Nyumba hii.

Na Mwanachama akisema swala hili ni la chama na kama ni jambo la Kamati si la chama lakini Kamati ifanye kazi kwa pamoja tupate ripoti, ripoti wamekaa kweli wamefanya uchunguzi wako nayo ama ni kusema na kudanganya Nyumba hii? Nafikiri nataka tupewe msimamo kamili kama yeye ni Mwanachama atuambie kama Kamati imekaa. Ahsante Mheshimiwa Spika.

Deputy Speaker (Hon. Mswabah Rashid): Mheshimiwa Madundo, I accept that this report should not be brought not later than Thursday, therefore on Thursday make sure your Chairman will bring this report on this House.

Deputy Speaker (Hon. Mswabah Rashid): Hon Onje, what is it?

Hon. Onje: Ahsante Mheshimiwa Spika. Mheshimiwa Spika kama unavyojua kuna Kamati mojawapo kidogo nataka kukumbusha ikiwa kuna Kamati inaregarega kwa kazi yake tuko na *County Delegated Legislation tunaweza* kuchukua hiyo kazi haraka sana maanake hata kama sisi kama *delegated* tunataka tu kazi ya kufanya. Kwa hivyo kama ungetupatia hiyo kazi kidogo ungeona raha. Ahsante sana.

Deputy Speaker (Hon. Mswabah Rashid): Thursday is very okay. Yes Clerk.

MOTION

INCLUSION OF PROVEN SKILLS, MERIT AND ABILITY IN THE SCHEMES OF SERVICE AND CONSIDERATIONS DURING PROMOTIONS

Members Hon Hatimy has asked this House to accept his request that he brought his Motion today.

(Question put and agreed to)

Hon Hatimy.

Hon. Mohamed Hatimy: Ahsante sana Mheshimiwa Spika kwa kuniruhusu kuleta mswada huu. Mheshimiwa Spika kama tunavyojua kuwa kuna wafanyikazi wetu ambao walikuwa wakifanya kazi wengi wao wakitoka *Municipal council*.

Wafanyi kazi hao Mheshimiwa Spika ukiangalia utaona kuwa wengi wao wamesimama mahali pamoja muda mrefu wamefanya kazi miaka kumi, kumi na tano lakini wako pale pale walipo, na sasa tunajua kuwa watu sasa huja na *degree* na mambo mengine.

Kwa hivyo Mheshimiwa Spika nimesimama mbele ya Nyumba hii kuleta Mswada huu tukubaliane kusema kuwa tunawasaidia watu ili na wao wapate kuwa mahali pale wanastahili kuweko.

Jambo jengine Mheshimiwa Spika naomba Nyumba hii ikubaliane na mimi na kusema kuwa si lazima ya kuwa na shahada ndio uwe unaweza kusimamia kitengo fulani kwa wale wako na wako na ujuzi ambao kusema kweli kazi huwa kuna watu kusema kuwa ambao wamefanya kazi na wana uzoefu wa kazi wa kutosha kuweza kufanya ile kazi na wao pia waangaliwe ili wapawe nafasi wawe kama wenziwao wengine.

Mheshimiwa Spika naomba Nyumba hii ipitisha jambo hili ili tupate kuwasaidia hawa watu wetu, kwani tumekuwa nao kwa mda wa zaidi ya miaka mitano sasa na pia sisi tukiondoka tuwe tumekaa tukiwafikiria na kuweza kuwaweka mahali wanapostahili.

Kwa hayo machache naomba Nyumba hii Mheshimiwa Spika ikubaliane na maneno haya ili tupate kupitisha huu mswada.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hatimy who would you want to second.

Hon. Mohamed Hatimy: Mheshimiwa Spika I request Tom Ogalo to second my Motion.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Tom Ogalo.

Hon. Ogalo: Ahsante sana Mheshimiwa Spika nimesimama kuunga mkono hoja hiyo. Mheshimiwa Spika kama Mwenyekiti wa Leba hii shida imenisumbua mda mrefu na kama Mheshimiwa Hatimy ameleta hoja hii naona itasaidia watu wetu ambao walikuwa na hii shida.

Deputy Speaker (Hon. Mswabah Rashid): Thank you very much, Members I want to propose a question and then I will open the floor. Members it has been proposed of inclusion of proven skills, merit and ability in the scheme of service and considerations during promotions.

Yes Hon Hatimy.

Hon. Mohamed Hatimy: Nafikiri Mheshimiwa Spika nimeweza kueleza hino hoja na imeweza kusomwa, kwa hivyo nilikuwa naomba Wanachama waweze kuchangia na tuendeleo na hii Bunge na Mswada upite.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Paul Onje.

Hon. Paul Onje: Ahsante sana Mheshimiwa Spika kuna nafasi; mimi nimesimama hapa nikiunga mkono. Mheshimiwa Spika vile unavyojua hata kwa kiwango cha Kamati za Bunge la Kaunti saa zengine tunaona tunaletewa makarani kwa vile hawana uzoefu wengine hata hawajijui wanaandika nini.

Kwa hivyo mtu ambaye yuko na uzoefu wa kazi, *experience* ni mtu ambaye lazima tuangalie, si mtu kazi kuja na vikaratasi anaipitia yeye na mimi vile inanisaaidia kufanya kazi; Mheshimiwa Spika tumeona sana hapa kwenye Bunge kuna wale tunawaona ni kama hawajasoma lakini kazi ambayo wanafanya ni nzuri kushinda wale wametoka shuleni.

Mheshimiwa Spika na ukiangalia vile Matiang'i alifanya kazi yake, miaka tano nyuma ama kumi wanafunzi wetu najua walikuwa wakinunua mtihani, kwa hivyo zile alama wako nazo si zao.

Kwa hivyo si haki ile haikuwa akili yao, kwa hivyo inatajikana Mheshimiwa Spika wakiletwa hapa wapewe kazi wafanye *under probation* kama ni miezi mitatu ndio tunaona kweli wanafanya kazi ama hawafanyi, na wale ambao wamekaa sana tunajua wamefanya kazi wako na uzoefu Bwana Spika wapewe madaraka na pesa yao ipande na zile vikaratasi vyao watengeneze vizuri ijulikane kuwa wako na uzoefu wa kazi, naunga mkono ahsante sana.

Deputy Speaker (Hon. Mswabah Rashid): Mheshimiwa Patrick Siminyu.

Hon. Siminyu: Thank you Mr. Speaker. Mr. Speaker i want to thank the mover of this Motion for bringing this Motion; this is a matter that has to be taken with the seriousness that is required.

Mr. Speaker from my experience as a Chair of a Committee i have seen people with degrees, assigned to my Committee, and even preparing a report is a problem, and it is somebody with a very big degree and yet you know..., i can mention somebody who is still working, working more than the ones with degrees.

Don't be afraid i cannot bring somebody down, somebody who works overtime in this House, he comes here early, leaves here late, prepares the Order papers and yet the position he has is a very low position and he has people giving commands to him.

Mr. Speaker it is high time to give morale for these people, and the only way to give morale to such people is by promotion because somebody with experience, vast experience giving directions to Committees, he doesn't have those documents but he gives correct direction. He feels demoralised when somebody comes with papers who cannot even prepare Order paper, who even spends a few seconds in this Assembly and somebody who gives his own life to this Assembly and he was even in the former Municipal Council working, giving advice and here a young man of 18 years he comes here and becomes a boss.

Mr. Speaker and the same person giving direction until the person that came into power so that he can perform, I'm touched by these, and that's why i can hear some Hon Members saying it is enough but it is not enough, we have to take action, and i would like to convince this Hon House to pass this Motion so that our workers can get the required remuneration earning and be promoted as required due to their experience. Thank you.

Deputy Speaker (Hon. Mswabah Rashid): Yes Leader of Minority.

Leader of Minority (Hon. (Ms) Maimuna Mwamassa): Mheshimiwa Spika nimesimama hapa kuunga mkono mswada ulioletwa na Mheshimiwa Hatimy, tunaunga mkono kwa sababu ya utenda kazi wa wale watu ambao tuliwakuta hapa, na wanajua kutengeza *minutes*, wanajua kuheshimu viongozi.

Kwa sababu kazi Mheshimiwa Spika kama tunavyosema ikiwa mtu atakuja hapa tuangalie karatasi tusahau ya kwamba kuna mtu ambaye ana uzoefu ameifanya ile kazi kwa miaka mingi ya nyuma na saa hizi kumekuja mtu ametoka Chuo kikuu ama *College* na makaratasi, tayari tunaona ya kwamba nimtenda kazi hatujampandisha hadhi kwa hiyo madharau yanaanza hapo ya kwamba yeye amekuja kama mkubwa na huyu mwengine kwa sababu ya makaratasi lakini katika utenda kazi yule ndio mtenda kazi.

Kama dakika hii ya sasa tukizungumza tunajua ya kwamba kuna watu wamekuja na wana wategemea wale wawaonyeshe jinsi ya kufanya kazi za Bunge, kwa hiyo mimi ninaunga mkono kwa sababu yule anajua umuhimu wa kukaa kuheshimu waheshimiwa, kutengeza *minutes*, kutengeza kazi zako zile wanahusika na ukipatana na mtu kama yule, hata heshima yake itakufurahisha kwa sababu ikiwa ana jambo atakufuata mpaka ofisini kama Mheshimiwa aweze kukuuliza, si sawa na sisi kuwafuata katika maofisi yao.

Kwa hiyo mimi ninaunga mkono kulingana na utenda kazi, na zile heshima ambazo wako nazo hao *Senior officers* na kulingana na vile wanafanya kazi zao vizuri., kwa hivyo mimi naunga mkono nilikuwa natamani ulikuwa umekuja tangu juzi, kwa sababu hivi sasa hivi kuna changamoto ndogo ndogo ambazo zimesababishwa na mambo kama haya, kwa sababu sisi hatukuangalia kwamba kuna umuhimu wa wale ambao wako na ujuzi tuwaongeze

kwa sababu ya makaratasi, lakini nakushukuru Mheshimiwa Hatimy kwa kuleta mswada kama huu na nakuunga mkono.

Deputy Speaker (Hon. Mswabah Rashid): Mheshimiwa Karume.

Hon. Karume: Thank you so much Mr. Speaker sir, i also do rise to support this Motion, which is again very much timely. The wise English men said that experience is the best teacher and going by that say, i therefore really confirm rather than academic qualifications experience also matters and the pre- Matiang'i error was marked with a lot of corruption where by education was for those who are financially well-off.

The poor who could not access education were not able to afford to access quality or higher education at that point in time; and at this point in time Mr. Speaker sir, i would like to inform this House that in fact People Living with Disabilities have been also disadvantaged historically because of financial disadvantages or economic challenges.

Therefore meaning that most of us have had to depend on experience for us to be able to do anything, so at this point time Mr. Speaker it is very important for us to come into terms and agree that something needs to be done because we are living out potential Kenyans, potential residents with the ability to perform exemplary, and there are those who have been performing and need more approval with these, in fact my colleague Hon Siminyu has attested to the same.

I still believe that it is now or never and it is not too late for us to act, however Mr. Speaker sir, those who would like to question this Honourable House as much as we would like to go that direction, but let it be known that academic qualification still matters quite a lot, so we need to put in place the right measures, this needs to be an interim measure in first place this needs to be an alternative so that we don't demote those who want to go for further education.

We also need to also put in place measures to ensure that for those of us who may be lazy, because they know experience will be used to qualify somebody so they may be reluctant to further education, so Mr. Speaker sir this is the right move for us to take, but come up with the right measures that will not compromise the education status of our people here in Mombasa County. Thank you very much.

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

Hon. (Ms) Fatuma Swaleh: Ahsante sana Mheshimiwa Spika kwa kunipa fursa hii, mimi pia nimesimama kidete kuunga mkono mia kwa mia mjadala ulioletwa na Mheshimiwa Mohamed Hatimy.

Mheshimiwa Spika kulingana na fikra zangu ama mawazo yangu ukiangalia baadhi ya Wabunge ambao waliowakilisha ama kuongoza serikali yetu ya Kenya, wengi wao walikuwa hawana *degree* wala *Diploma*, lakini walioweza kuleta miswada mizuri ambao ilioweza kusaidia wananchi.

Mheshimiwa Spika ni kweli kabisa mtu aweza kuwa hana makaratasi ama hana stakabadhi za masomo lakini ana akili ya kuzaliwa na anaweza kushinda yule ameweza kupitia shule, kwa hivyo mimi nimesimama kidete kuunga mkono mjadala ulioletwa na Mheshimiwa Hatimy, ahsante Mheshimiwa Spika.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Ndanda.

Hon. Mohamed Ndanda: Ahsante Mheshimiwa Spika, hata mimi nataka kuunga mkono mjadala huu na mimi niko na sababu kama mbili au tatu, mwanzo utaona wafanyaji kazi ambao tuliopata kama vile Mswada unazungumzia, ni wale wafanyaji kazi walikuwa wanatokana Manispaa; ni wakati ule Mheshimiwa kazi hizi zilikuwa zinatolewa kisiasa kazi hizi zilikuwa Meya anakaa na watu wake Mstahiki Meya akikaa na watu wake wanagawanya zile kazi kisiasa na watu wanaletwa kazini. Sasa utapata wafanyaji kazi wengi, wengi waliingia...

(Interruption)

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Amur, what is it? Are you under a Point of order?

Hon. Amur: Yes Mr. Speaker.

Deputy Speaker (Hon. Mswabah Rashid): Under what Standing Point of order?

Hon. Amur: Yes Mr. Speaker am under a Point of order, if somebody is speaking something he should be having an evidence; he should not state somebody's name because there is no law in this country that allows that somebody is just appointed, there must be a criteria of appointment, so no names should be mentioned in this House. Thank you.

Hon. Mohamed Ndanda: Ahsante Mheshimiwa Spika wajua msijali nyinyi mliokuwa wakati ule ambao ilikuwa hakuna *Public Service Board* wajua siku hizi *Public Service Board* imekuja na imejaribu kulainisha maneno ndio maana Mswada huu ukaletwa wakati ule kuna mambo yalikuwa yafanyika ambayo si sawa na sasa hapo mpaka tukubaliane na nataka niseme ni kwamba wale wafanyaji kazi ambao walikuwepo na hivi sasa ni tofauti.

Ukweli tuzungumze hata zile kazi zilizofanywa na hivi sasa ni tofauti na ndio maana sisi tunasema ni lazima tuwasaidie watu wetu mwanzo ni lazime tujue tuko Mombasa na sisi tuna Bunge letu, Bunge letu linaweza kuunda sheria zetu ambazo zitaenda kivyetu ilimradi utendaji kazi usiharibike wala kupotoka lakini tuwe katika miadili ya kisawasawa.

Kwa hivyo tuna haki zetu kama Bunge, Bunge la Mswada kama huu useme ya kwamba si lazima uwe na mashahada na wala sijasema wala sijataja mtu najua ya kwamba huenda wengine wakawa na vyeti vile walivipata kinyume cha sheria.

Kwa hivyo Mheshimiwa wangu usiwe na shida kina Joho wamesoma tuna makaratasi sawasawa lakini sisi tunalilia si wa Bunge la Kaunti peke yake hata wale wa serikali ya Kaunti zile ya kuwa iwapo kuna mtu amekuwa ndani ya kazi mda mrefu na ile kazi amejua inavyopasa aweze kupewa madaraka kama wale wengine kama kutakuwa watu wamekuwa *promoted* ili watu wawe na usawa.

Mheshimiwa Spika nafikiri huu ni wakati mzuri Mswada huu umekuwa kwa sababu yule Bwana anaitwa Matiang'i ana sababu zake pia yeye huwezi tu kuenda kwangu kuleta mpya na kuanza kuharibu kila mahali haya sasa kama tutamfurahikia ana watu karibu wanafunzi karibu 35,000 walipata alama ya E tutawapeleka wapi lakini sisi kama Mombasa tunasema watu wetu ambao wana uzoefu wa kazi wawe *promoted* kama watu wengine.

Mimi naunga mkono wale waliokuwa Manispaa wakati ule, poleni lakini huo ndio ukweli hata hizi kazi sasa hizi si kama ule wakati ule mwengine, shukrani sana Bwana Spika.

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

Hon. Thoya: Ahsante sana Mheshimiwa Spika kwa kuweza kunipa fursa hii na niweze kujadili Mswada ambao uko katika Bunge hili.

Mheshimiwa Spika nimesimama kuunga mkono kikamilifu mia chini ya mia na ukweli ni kwamba Mswada ulioletwa katika Bunge hili si kwamba unafanyika hapa kwetu peke yake lakini tumeona hata katika idara ya polisi, tumeweza kuona katika idara ya jeshi wafanyi kazi ambao kama wale maafisa ambao wanaweza kuwa waaminifu katika serikali wakafanya kazi zile kwa hali ambayo ni nzuri na wana uzoefu wa kazi wa mda mrefu kwa sababu wakati ule afisa yule alikuwa ameajiriwa, wakati mwengine kama ni ya ukarani kwa mfano aweze kutekeleza kazi ile njia ambao ni nzuri na ameifanya kwa mda mrefu kiasi kwamba hata pengine wakati alikuwa akifanya kazi ile hakuweza kupata nafasi wa kuongeza ujuzi wa kazi ile.

Alafu unakuta wakati ule baadae kijana pengine ametoka shuleni amekuwa katika wakati kama ule alafu mamlaka yake pengine yule amefanya kwa mda wa miaka mitano, miaka kumi, miaka sita anakuja kuelewa kijana ambaye ni mwanzo ametoka katika chuo alafu anakuwa yeye ndio mkubwa wake na inamfanya yule ambaye yuko katika kazi ile aweze kujihisi kana kwamba ambaye ameregeshwa hali yake.

Kwa hivyo nashukuru Mheshimiwa Spika yule ambaye ameweza kuleta mswada huu Mwenyekiti Hatimy ameleta wakati ambao ni mzuri kwa hivyo wale ambao wamefanya kazi katika idara mbali mbali, wametekeleza kazi zao vizuri kulingana na uzoefu wao waweze kupandishwa vyeo vyao kulingana na zile kazi zao ambazo wamefanya kwa mda mrefu hata kama hawatakuwa na makaratasi bali watakuwa wanapewa nafasi wapande vyeo vyao ili wapate nafasi ya kuweza kusoma ili waweze kupanda daraja kama wale wengine waliokuwa katika vyeo.

Kwa hivyo nashukuru kazi kama hizi ama vyeo kama hizi katika jeshi ziko; maafisa wanapata vyeo katika polisi, wako maafisa vile vile wanaweza kupata vyeo kupitia uzoefu wa kazi. Ahsante Mheshimiwa Spika naunga mkono mia chini ya mia, ahsante sana.

Hon. Amur: Thank you Mr Speaker I want to join my colleagues in supporting this, but the prayer of the Hon Hatimy is that there are two departments that both bodies put mechanisms in place so that when you are giving these promotions there should be mechanisms that will be followed because if you have these mechanisms the department will submit the promotion and that mechanism will be their way forward to up rise these people in those parts.

Mr Speaker just to add the major problem is that the management of our workers is that people are being put for acting position for so long it is unfair for someone to be acting for more than six months and he or she not being confirmed; not only that Mr Speaker even the acting allowances it becomes an issue for him to go up and down for him/her to get.

So in those mechanisms it should be step-headed in that immediately somebody who has been put in acting position active allowances be paid immediately the following month yet next Mr Speaker what I want put in additional is when there are government positions it is not that always we should advertise for vacant positions.

If the mechanisms that we have put in place can identify those people between the learned people with qualification or certificate and those of qualification of experience Mr Speaker they will be determined by the number of years of qualification; does it matter if a person who has worked for 10 years of experience and a person who just been employed last year.

Mr Speaker, it's obvious the council will take a person who have been working 10 years for the last years; our aim is making our workers become more active, we should come up with rewarding system of bonuses if we award every year a worker of the year and there is a bonus we shall be giving a competition to our workers but unless we put this mechanism in place by rewarding the best workers male or women so that the competition will start feeling hot in this Assembly or this department of ours.

Mr. Speaker another thing that we can do to motivate our workers is by recognition of giving them certificates so that somebody can feel that he was appreciated or she was appreciated by the department.

Mr. Speaker that certificate of recognition will empower that person to be considered in another position, thank you.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Boma, then Hon Fadhili...

Hon. Boma: Ahsante sana Mheshimiwa Spika kwa kunipa nafasi hii, mimi naunga mkono moja kwa moja hoja hii ambayo imeletwa na Mbunge maalum ambayo pia ni Mwenyekiti wa ODM wa kudumu.

Mheshimiwa Spika kuna wafanyi kazi ambao hapo awali waliandikiwa kama wafanyi kazi wa mkono; kwa mfano hawa wafanyi kazi wa kufagia kwa sababu ya ukosefu wa kazi lakini watu hawa walikuwa na vyeti vyao na wako na ujuzi wao. Watu hawa baadaye walipelekwa katika zile kazi ambazo walizo nazo ujuzi lakini mpaka sasa malipo yao ni yale ya hali ya chini.

Kwa hivyo mimi naunga mkono hoja hii ambayo itawasaidia wafanyi kazi wale waweze kulipwa kulingana na vyeti walivyo navyo. Ahsante sana Mheshimiwa Spika.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Fadhili, and then *Mama Kaunti*.

Hon. Mwalimu: Ahsante Mheshimiwa Spika. Mheshimiwa Spika mimi nimesimama nauunga mkono na naomba tuangalie kwa kina nini hasa chanzo hiki.

Mheshimiwa Spika kama aliyeleta hoja hii ameleta na akaomba Bunge hili likubali matakwa manne; nikizungumzia na nikitoa mfano ulio hai katika kitengo cha *Inspectorate* kuna watu ambao wamefanya miaka lakini la kushangaza sijui *County Public Service Board* walitumia njia gani, utapata wale ambao wengine ni vibarua ama bado wako kwa *contract* wameenda kuchukua mamlaka makubwa hata kushinda wale *long serving officers* ambao wamekuwa pale.

Huu ni mfano mmoja Mheshimiwa Spika ambao twaomba uchukuliwe manani na iangaliwe kwa kina ni njia gani ambayo ilitumika kuwapatia vyeo watu kama hao na vile kama alivyoomba mwenye kuleta hoja hii kuwa *County Public Service Board* na *County Assembly Service Board* iwe inaweka manani jinsi gani mtu amefanya kazi miaka gani na ujuzi wake kuliko tu kukimbilia kuangalia masomo yake.

Masomo pia ni muhimu lakini tuangalie wafanyi kazi wote wa Kaunti tusingalie tu wafanyi kazi wa Bunge lakini wafanyi kazi wote wa Kaunti ya Mombasa kunatumiwa njia gani kwa sababu pesa ya mwananchi ndio inayotumika lau ikiwa mtu atawekwa mamlaka na yeye si mjuzi wa kazi kama hiyo ama kumepitia upendeleo fulani itakua tunaenda kinyume cha sheria na itakua tunatumia pesa za umma kulipa mtu ambaye hastahiki kulipwa pesa kama zile.

Na nakubaliana na Mheshimiwa aliyetuletea hoja hii kuwa hizi Bodi mbili ziwe zitakaa kwa makini kuangalia mambo haya na vile vile twaelewa hususan mwanzo katika Bunge letu hili la Mombasa.

Mheshimiwa aliyeleta hoja katika kipengee nambari tatu ameomba wafanyi kazi wawe wanapewa masomo ili waweze kuongeza uzoefu wa kazi zao, waweze kuongeza ujuzi wao wa kazi.

Vile vile Mheshimiwa pia twaomba hio *Service board* wakati munapeleka hawa watu masomo kama hivi pia vile vile musiwadhulumu kifikra Mheshimiwa Spika, mtu aende masomo leo akae mwaka mzima ndio aje alipwe pesa zake ambazo ameenda ametumia pesa yake labda kuenda kule masomo, akae mwaka mzima.

Badili ya kuwa twampa nguvu ajue ama azidi kupata motisha ya kazi kwa njia nyengine itakuwa pia tunamrudisha nyuma hatumpi morali ya kufanya kazi Mheshimiwa Spika.

Kwa hiyo pia twaomba Mheshimiwa Spika kama alivyoomba aliyeleta hoja hii swala hili pia Mheshimiwa Spika tuweze kuliangazia maana twajua kama aliyezungumza ndugu yangu Mheshimiwa Karume unapopata uzoefu wa kazi hata sisi tutakua tuko mbele, kuna wengine watakua wanaomba waje waige kutoka Kaunti yetu ya Mombasa lakini lau umempa mtu masomo halafu upande mwengine bado unamkandamiza asiweze kuwa amesoma masomo yale vizuri haumpi ile nguvu yake ama kiinua mgongo itakua kidogo tunaenda kinyume na matakwa ya hoja hii.

Lakini hoja hii Mheshimiwa Spika imezungumza vizuri; tuangalie wafanyi kazi wetu wa Mombasa Kaunti sana, tuangalie ni jinsi gani tutaendeleza watu wetu mbele na hawataendelea isipokua kupitia kwa masomo na wanaposoma wakipata kuinuliwa kidogo katika ngazi zao au daraja zao za kazi pia ni njia ya kuongoza na kuendeleza Kaunti yetu mbele.

Na vile vile mimi nawaomba wenzangu tuziangazie hoja zote, matakwa yote manne ambayo Mheshimiwa ameyaweka mbele ya Nyumba hii tukubaliane sote na tuombe *Service Board* zote zilizotajwa – *County Public Service Board* na *County Assembly Service Board*

ipatiwe barua ili itilie manani na mkazo mambo haya na vile vile wakati wa watu wanapopelekwa mafunzo mimi ningeomba hata Kamati ya Bunge ikiwa inaweza ikaingia ya *Powers and Privileges* pia iweze kuangalia ili nini kuwe hakuna ubaguzi katika watu kuenda kwa mafunzo kama haya.

Mheshimiwa Spika kuwe tunawafundisha ikiwa wafanyi kazi wa *Inspectorate* ama safari hii wamepelekwa Dubai wakati mwengine wasirudi tena wale wale tena Dubai kwenda kwa masomo iwe kuna vile tunaangalia hakuna upendeleo.

Vile vile naingia hata katika wafanyi kazi wa Bunge la Kaunti wengine wanasoma kila leo ukiuliza huyu yuko wapi waambiwa ameenda masomo; wengine Mheshimiwa Spika wanalala hatuelewi pia hiyo *Service Board* inatumia njia gani kuweza kuinua vipaji vya wafanyi kazi wote.

Kwa hiyo Mheshimiwa Spika mimi naunga mkono hoja hii na aliyeleta hoja hii pia mimi naona amechelewa kuleta hoja hii; hoja hii ilikua ije tangu na tangu ili iweze kunyoosha shughuli za Kaunti ya Mombasa na shughuli za Bunge la Mombasa, ahsante na naomba wenzangu tukubaliane na ripoti hii, ahsante.

Deputy Speaker (Hon. Mswabah Rashid): Yes Zainab Said Ali.

Hon. (Mrs) Zainab Ali Said: Shukrani Mheshimiwa Spika kwa kunipatia hii nafasi. Nataka nimpongeze sana kwa sababu amekumbuka wale hali zao labda hawakukumbukwa wale wenye makaratasi wako ofisini; yule mwenye uzoefu wa kazi aandikwe kazi itabidi yeye amfundishe, yule mwenye makaratasi alafu yeye yule aliyekuja na yale makaratasi ndio atakuwa mkubwa wa yule mwenye uzoefu wa kazi kwa hivyo madharau yako.

Kwa hivyo twamshukru sana kukumbuka wale hadhi za chini alafu na wale ambao wamefanya kazi miaka mingi wana uzoefu wa kazi wakawa hawatambuliwi twaomba watambuliwe, Hatimy amefanya jambo zuri sana wale ambao wana makaratsi yao pia waweza kufagia wakaingia kwenye hiyo shukran...

(Laughter)

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Hatimy can you reply to the Motion.

Hon. Mohamed Hatimy: Ahsante sana Mheshimiwa Spika nilikuwa naomba Kiongozi wa Walio Wengi Bungeni wetu yuko hapa tumpatie nafasi hii.

Deputy Speaker (Hon. Mswabah Rashid): Yes Majority Leader.

Leader of Majority (Hon. Mwidani): Mr. Speaker I support the Motion, we should not discriminate we have to learn from the lessons; things are changing and we have to say the truth.

I agree sometimes experience is a very good teacher but you cannot deny somebody who is learned and I agree with what the Motion has said, we have some people in fact somebody somewhere today mentioned about the Mayors I was among the Mayors it is true we were just employing people on the strength of political positions but actually they were not well educated but I know there are some not very well educated but very good in work but we should not say that when somebody has a degree it is not an easy job to say that it is nothing just a paper certificate, no it is something.

So Mr. Speaker I support... it is not a very big number within our institution we can give that support but we should not discriminate ooh someone has a degree is not more important than the one who does not have a degree, we have to make sure that people should learn to encourage people to learn not discourage people not to learn so that you can be promoted.

To be very sincere Mr. Speaker I agree there are not very many workers with papers but we should not discriminate them that the one without a degree has no chance than the one who has one, it is very important to have the certificates we should not make see that having a document does not matter no we as a Board have regulations, these are requirements that

should be there when somebody is asked to be employed according to that position there are requirements that someone should have one, two, three is needed...

(*Interruption*)

Hon. (Ms) Akinyi: Point of information!

Leader of Majority (Hon. Mwidani): I do not want to be informed.

Hon. (Ms) Akinyi: I want to inform the House.

Leader of Majority (Hon. Mwidani): what information do you want to inform the House?

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Mary what is it that you want to inform the House?

Hon. (Ms) Akinyi: I just wanted to inform the House that education has no limit especially in this Kenya of ours, if somebody does not have the experience they still have the chance they can continue to work till they get the degree; they can continue but let us just move with what has been indicated. Thank you.

Leader of Majority (Hon. Mwidani): So she was not giving information but she was supporting...

(*Laughter*)

...It is a good education, so Mr. Speaker I support that we should look into this matter but we should not discriminate, we should not say that when people have papers we should not have them let us be very honest and very open but I support Mr. Chairman.

Deputy Speaker (Hon. Mswabah Rashid): Yes Hon Hatimy proceed.

Hon. Mohamed Hatimy: Mheshimiwa Spika niko na furaha kuona wanachama wote wameona muhimu wa huu Mswada; jambo la kwanza ni kuwafikiria wale hawafikiwi, jambo la pili ni kuwa nataka kusema kuwa sisi hapa ni kama kwenye miaka mitano ya kwanza ya ugatuzi ni *transition* hata tukitoka nje kwenda kuzungumza na watu wetu kama tunavyojua ni wakati wa kutafuta kura.

Tulipokuwa tukitafuta kura Mheshimiwa Spika tulikuwa tukisema tutafanya hivi na hivi lakini mtu alipoingia ndani ya hii Nyumba na maneno tukayasikia kuna mnyama mmoja ambaye yuko ndani ya hii ugatuzi anaitwa *public participation* huwezi kufanya jambo lolote bila ya *public participation* ndio ikawa ule mipango mtu aliokuwa nao umepotea yote ndipo hapa kusema mtu kuwa na shahada lakini mtu akija na *Masters* atakuwa na *added advantage*.

Kwa hivyo ile itachukuliwa ni ile shahada kule chini ile *Masters* ni kuongezea tu, ushakula wewe ile si lazima lakini kile chakula si lazima, kwa hivyo nataka, naomba Nyumba hii Karani kuandika barua ikiwa itapitishwa hii hoja tupate barua hii iandikwe kwa haraka inavyowezekana Karani wa Bunge na *County Secretary* wajue kwamba Nyumba hii imepitisha jambo hili na itekelezwe watu wapate haki zao vile inavyotakikana.

Kwa hayo machache nashukuru Nyumba hii kwa kuweza kuunga mkono na tukaendelea kupata...Mheshimiwa Spika ili tuhakikishe kuwa miezi mitatu iliyobakia sisi kama Nyumba tumetoa na tumepokea na tuonyeshe kwamba sisi hatumgandamizi mtu yeyote kila mtu ana haki yake na atapata haki yake na nitahakikisha hiyo haki ameipata.

Kwa hayo machache, ahsante Mheshimiwa Spika .

Deputy Speaker (Hon. Mswabah Rashid): Thank you Hon Hatimy, in the absence of no further debate I have no alternative to put the question to the Motion.

(*Question put and agreed to*)

Yes Clerk?

ADJOURNMENT

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

The House rose at 3:39pm.