



**COUNTY ASSEMBLY OF MOMBASA
THE HANSARD**

Tuesday, 30th April, 2024

Third Assembly – Third Session
TWENTY NINTH SITTING

*[The County Assembly met at 10:34a.m. at the County Assembly Buildings]
[The Deputy Speaker (Honourable Fadhili Mwalimu Makarani) in the Chair]*

PRAYERS

The Deputy Speaker (Hon. Fadhili Makarani): Have your seats Members? Yes, Clerk?

COMMUNICATION FROM THE CHAIR

Waheshimiwa wapendwa wa Bunge letu la Mombasa limepata fursa ya kutembelewa na utumikishwa wa wageni kwa Kiingereza International Labour Organization na *partners* wao ambao nitawasoma kama inavyofuata;

1. Mrs. Grace Banya - Chief Technical Adviser Project manager ILO,
2. Ms. Hellen Mintari,
3. Mr. Andrew Ondete,
4. Ms. Joice Macharia,
5. Mr. Timothy Ekesa,
6. Mr. Francis Wanjohi,
7. Mr. Barak Owange,
8. Mr. Gabriel Kitili

Mimi nachukua fursa hii kuwakaribisha katika Bunge letu la Mombasa, karibuni sana na vile vile nitamuamsha Mwenyekiti wa Kamati ya Leba aweze kuongea mawili matatu. Karibu Mheshimiwa.

Hon. Madialo: Thank you. Thank you so much, Mr. Speaker, Sir. I would like to take this opportunity on behalf of the Committee on Labour and Public Service Administration to also extend our best welcome to our partners. You remember last year when I moved a Motion here on child labour on behalf of the Committee; we were encouraged and we were also enlightened by these partners and they are also here today to pay a courtesy call to our Honourable Speaker then later in the afternoon they will be paying a courtesy call to his Excellency the Governor.

They would like to help us in moving the Motion now from being a Motion of course that already passed here, to it being formulated as a policy. So, welcome and feel at home. We love you.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you, Honourable Madialo. Yes Clerk?

COMMUNICATION FROM THE CHAIR

Honourable Members, I have written communication from the Speaker of the Assembly and on his behalf, I would like to share with you.

Honourable Members, as we gather here today, I want to take a moment to wish each and every one of you a wonderful Labour Day, which will be celebrated tomorrow. It is a day to honour the hard work and dedication of our incredible workforce. But before we dive into the festivity, I think it is important for us to pause and reflect on this year's theme, 'Ensuring safety and health at work in a changing climate'. We are all cognizant of the evolving landscape surrounding us, particularly in terms of our environment. With these transformations emerge novel challenges, notably in the realm of preserving the safety and well-being of our workers. As an Assembly, we have been steadfast in our endeavors to enhance the working conditions and environment for our esteemed staff. This commitment has been exemplified by the recent advancements in the promotion of workers by the County Assembly Service Board, as well as ongoing repairs and renovations. We as a leadership pledge to further elevate the welfare of working conditions of County Assembly staff. So, as we celebrate Labour Day tomorrow, let us also recommit ourselves to the championing policies and initiatives that promote sustainable development and protect the rights of workers. Together, we can build a future where every worker feels safe, valued and supported. Here is to a happy Labour Day and to a brighter, healthier tomorrow and for us all. Yours, Honourable Aharub Khatri.

Yes Clerk?

NOTICE OF MOTION

MEASURES TO MITIGATE AGAINST ILLEGAL CONNECTIONS OF SEWER LINES AND ENVIRONMENTAL POLLUTION IN TUDOR WARD AND OTHER VULNERABLE AREAS WITHIN MOMBASA COUNTY

Yes, Honourable Samir Bhaloo, MCA Tudor Ward?

Hon. Bhaloo: Good morning Honourable Members. Mr. Speaker Sir, I beg to give the Notice of the following Motion.

THAT AWARE THAT Article 42 of the Constitution of Kenya, 2010 guarantees every person to the right to a clean and healthy environment including the right to have environment protected for the benefit of present and future generations;

FURTHER AWARE THAT the Mombasa County Water and Sewerage Services Act, 2016 provides a legal and institutional framework for provision of water and sewerage services and for mechanisms of ensuring high quality services to citizens and commercial viability of the water service provider;

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COGNIZANT THAT the residents of Tudor and other vulnerable areas within the County are facing severe environmental challenges, including storm water pollution, marine pollution and drainage issues due to illegal connections of sewer lines, particularly from the high-rise buildings;

NOTING THAT the Department of Lands, Housing and Urban Planning has a crucial role in regulating, approving and inspecting building structures to ensure that they comply with all requirements of building including having a legitimate sewer line connections to prevent illegal activities that endanger the environment;

CONCERNED THAT most upcoming high-rise building are not connected to sewer lines;

FURTHER CONCERNED THAT sewer emanating from such buildings are directly connected to storm water drainage and the sea, which pose a significant threat to the health and well-being of residents, as well as the marine ecosystem, causing irreversible damage to the environment;

I, therefore urge this Assembly to RESOLVE:

- 1. THAT the County government, through the Department of Lands, Housing and Urban Planning, conducts a comprehensive inspection and submits a Report on illegal sewer connections to storm water and the sea by high-rise buildings in Tudor and other vulnerable areas within the County,*
- 2. THAT the County government, in compliance with Section 28 of the Mombasa County Water and Sewerage Services Act, 2016 immediately dismantles identified illegal sewer connections, restores affected areas and enforces legal action against culpable parties,*
- 3. THAT the County government to regularly inspects and conduct spot-checks to prevent recurrence of illegal sewer connections in Tudor and other vulnerable areas within the County.*

[The Deputy Speaker (Honourable Fadhili Makarani) exited the Chambers]

[The Temporary Speaker (Hon. Abdirahman Abdikadir) in the Chair]

The Temporary Speaker (Hon. Abdirahman Abdikadir): Yes you...

[Interruption]

Hon. Bhaloo: Mr. Speaker Sir...

[Interruption]

The Temporary Speaker (Hon. Abdirahman Abdikadir): Yes, is there any issue?

Hon. Bhaloo: I...

[Silence]

The Temporary Speaker (Hon. Abdirahman Abdikadir): Yes, Members what is the issue? Are you done Honourable Samir?

Hon. Bhaloo: Yes, am done Sir.

The Temporary Speaker (Hon. Abdirahman Abdikadir): Okay. I believe that was a Notice of Motion. Yes Clerk?

MOTION

ADOPTION OF REPORT BY THE COMMITTEE ON LABOUR AND PUBLIC
ADMINISTRATION ON HUMAN RESOURCE GAPS IN THE COUNTY GOVERNMENT

Yes, Honourable Jactone Madialo, Chairperson Committee on Labour and Public Administration, please move your Motion?

Hon. Madialo: Yes, thank you Mr. Speaker Sir. First, the Committee extends its sincere appreciation to the Honourable Speaker, the County Assembly Clerk and the Committee Secretariat....

[Interruption]

The Temporary Speaker (Hon. Abdirahman Abdikadir): Order Members! Order Members! We are in session...

[Silence]

Hon. Madialo: Mr. Speaker Sir, am I allowed to proceed?

The Temporary Speaker (Hon. Abdirahman Abdikadir): Members, please consult silently. Yes, Honourable Madialo?

Hon. Madialo: Thank you for protecting me. The Committee extends its sincere appreciation to the Honourable Speaker, the County Assembly Clerk and the Committee Secretariat for their invaluable administrative and logistical support throughout the entire process of series of meetings and engagements in formulating this comprehensive Report. Furthermore, the Committee would like to express gratitude to the County Executive for their engagement with the Committee and their provision of responses and information regarding to this Report, their participation has been greatly valued...

[Interruption]

The Temporary Speaker (Hon. Abdirahman Abdikadir): Honourable Madialo, you are supposed to just...nobody has seconded you, right?

Hon. Madialo: Oh, thank you and well-guided. Well-guided, well-guided, well-guided...

[Interruption]

The Temporary Speaker (Hon. Abdirahman Abdikadir): I think you are jumping the gun.

Hon. Madialo: Well-guided. Thank you.

The Temporary Speaker (Hon. Abdirahman Abdikadir): You are over-excited I can see.

Hon. Madialo: Okay. Mr. Speaker Sir, I beg to move the following Motion.

That this House adopts the Report by the Committee on Labour and Public Administration on Human Resource gaps in the County departments laid on the Table on Wednesday 24th April, 2024.

With your permission I would like to ask my assistant *aje a second*. Thank you.

The Temporary Speaker (Hon. Abdirahman Abdikadir): Yes, proceed please?

Hon. Nusura Mwinyi: Thank you Mr. Speaker Sir. I stand to second the Motion.

The Temporary Speaker (Hon. Abdirahman Abdikadir): Thank you. Honourable Members, I now propose the question that the Motion by Honourable Jactone Madialo on Adoption of Report by the Committee on Labour and Public Administration on Human Resource Gaps in the County departments be considered by this Honourable House in the same terms as moved.

[Question proposed and agreed to]

Honourable Members, I would like to ask again for clarity purposes?

[Question proposed and agreed to]

Yes, Honourable Jactone Madialo, Chairperson Committee on Labour please make your contribution?

Hon. Madialo: Thank you Mr. Speaker Sir for the opportunity. Mr. Speaker the Committee on Labour and Public Administration recently convened a consultative session from Thursday the 29th March, 2024 with the County Public Service Board, the Chief Officer Governance and the Chief Officer Public Service Administration. The focus of these meetings was to deliberate on various aspects on the County internship program, recruitment and distribution of interns in various County departments, and at Sub-County level, status of Inspectorate officers' recruitment, appraisals, and termination from employment of the Inspectorate officers and a comprehensive Report on the human resource audit of the County government...

[Interruption]

The Temporary Speaker (Hon. Abdirahman Abdikadir): Order! Order! Honourable Members, Honourable Frankline you are very loud, may the Honourable Member be heard in silence please.

Hon. Madialo: Thank you Mr. Speaker for that and am really surprised about Honourable Frankline Makanga; a Member of his standing should really be cooperative and allow Members that the proceedings to continue.

[Honourable Madialo resumed his presentation]

Recruitment and distribution of interns in various County departments and at Sub County level, status of Inspectorate officers' recruitment, appraisals and termination from employment of the Inspectorate officers and a comprehensive Report of the human resource audit of the County government of Mombasa and any other matter related to human resource respectively. Following thorough discussions, the Committee recognized the importance of addressing pertinent issues related to these matters. As a result, the Committee decides to request for a comprehensive Human Resource Audit, facilitated by the County Secretary who is also the Head of Public Service, which he presented before the Committee on Thursday, 7th March, 2024 at 3:00p.m. The Committee then unanimously resolved that there was a great need to engage with Chief Officers from all departments to analyze and deliberate on existing Human Resource gaps and needs and come up with sustainable recommendations that will improve quality and service delivery in Mombasa.

If you have this Report you can skip to page 19 so that we can go straight away to observations and findings then conclude with recommendation. So, the Committee observation and findings are as follows;

- 1. The Report on Human Resource Audit that was carried out in December, 2022 by the County Executive is yet to be implemented,*
- 2. The County Departments are understaffed which impedes service delivery,*
- 3. The County Public Service Board on recommendation made by the department ought to recruit the bare minimum officers for effective service delivery to the people of Mombasa,*
- 4. There is a great need for capacity building of staff and motivation tools to be used for the already serving officers to enhance performance,*
- 5. There is inadequate succession planning in all departments despite it being a key ingredient in ensuring that service delivery remains uninterrupted in the event that an officer resigns or retires from service. This has led to engaging retirees on contract thus denying the youth an opportunity for employment,*
- 6. The Inspectorate officers, whose contracts expired in December, 2023 had been subjected to appraisal with a surety that their contracts would be renewed as a matter of priority,*
- 7. That there are no clear channels of communication within County departments,*
- 8. That the well-being of County staff including drug and substance abuse, mental health and counseling are not adequately addressed as there is no policy in place on the same.*

We can go to page 21 on the recommendations. Committee recommendations; that the County Assembly resolves;

1. *THAT the County Public Service Board to implement Human Resource Audit Report after adoption of this Report today with an aim of establishing staff appraisal, variance and without possible ghost workers,*

That the County Public Service Board should prioritize hiring to fill the variance established at department of Health attributed to attrition and immediately address the Human resource gaps in other County departments,

2. *THAT Pursuant to section 45 of the Public Service Commission Act, 2017 section 42, (2) of the Employment Act, 2007 section 62, 64, (2) and 71, (1) of the County Government Act, 2012 and Section 14 (1) of the Human Resource Policy and Procedures Manual for the Public Service, 2016, that all County Public Officers on Acting Appointment in Job group Q and above shall be considered for substantive appointment upon recommendation by their respective County Chief Officers accompanied by a draft indent, that includes an account of their performance and shall be forwarded to the County Public Service Board,*
3. *THAT pursuant to Section 45, (4) and Section 63, (2) (a) and 86 of the County Government Act, 2012 the County Assembly Resolves that upon consultation with the County Secretary, all County Chief Officers should address their correspondences on the delegated matters to the County Public Service Board directly and copied to the County Secretary for effective communication within the County Public Service,*
4. *THAT Pursuant to section 80, (1) of the Public Service Commission Act, 2017 Section 79, (a) of the County Government Act, 2012 and section D 21, of the Human Resource Policy and Procedures Manual of the Public Service, 2016 to adhere to the mandatory retirement age of 60 years for all public officers, 65 years for the persons with disabilities and further compel the County Public Service Board not to extend the service of such retired public officers beyond the mandatory retirement age unless for specialized skill,*
5. *THAT pursuant to Section 82 of the Public Service Commission Act, 2017 and Section 10 of the Employment Act, 2007 to adopt the extension of service upon attainment of mandatory retirement age only when it is in the best interest of the County Public Service Administration. Further that the public officer should possess rare knowledge, skills and competencies for the time being required in the service as defined in regulation 70 (7) (a) of the Public Service Commission Act, 2020,*
6. *THAT pursuant to Section 45 of the Public Service Commission Act, 2027 and Section D 17 and 18 (iii) of the Human Resource Policies and Procedure Manual for the public service, 2016, That the County Public service Board and Public Service administration should first give contract terms preference during the recruitment of Inspectorate Officers at grassroots level to those who recently exited from the service with exemplary performance,*
7. *THAT pursuant to section D 17 of the Human Resource Policies and Procedure Manual for Public Service, 2016,*

THAT Department of the Finance and Economic Planning should settle down all terminal benefits payable to Officers who exited from the service as provided for the by the guidelines,

- 8. THAT pursuant to Section 45, (3) € of the Public Service Commission Act, 2017 and Section B 20, (2) of the Human Resource Policies and Procedure Manual for the Public Service, 2016, THAT the Department to appraise Officers and forward to the County Public Service Board and Public Service Administration should inform in writing the persons engaged on contract terms three months before end of the contract term,*
- 9. THAT pursuant to Section G (5) and (1) of the Human Resource Policies and Procedure Manual for the Public Service, 2016, The County Public Service Board and Public Service Administration to implement findings and recommendation when it deems fit upon adoption of this Report to provide information for decision making on administrative and human recourses issues such as renewal of contracts, promotions, delegation of duties, training, development, rewards and sanctions,*
- 10. THAT the County Public Service Board and Public Service Administration to formulate mental Health and Counseling workplace upon adoption of this Report to address issues of mental wellness and counseling to affected staff,*
- 11. THAT pursuant to Section 6 of the Employment Act,2007 and Section J 23 of the Human Resource Policies and Procedure Manual for the Public Service, 2016, The County Public Service Board and the Public Service Administration to formulate sexual harassment work policies upon adoption of this Report to address the following issues,*
 - 1. That every employee is entitled to employment that is free from sexual harassment,*
 - 2. That the employers shall take steps to ensure that every employee is subjected to sexual harassment,*
 - 3. That the employer shall take such disciplinary measures as the employers deem appropriate against any person, under the employer's direction who subject any employee to sexual harassment and,*
 - 4. Explaining how complains of sexual harassment may be brought to the attention of the employer,*
- 12. THAT Pursuant to section F 24 of the Human Resource Policies and Procedure Manual for the public service, 2016, the County Public Service Board and Public Service administration, to formulate drug and substance abuse at work place policies, upon adoption of this Report to address the issues of drug substance abuse at work environment, THAT the County Public Service Board and Public Service Administration to provide both inpatient and outpatient rehabilitation services within the limit provided by the prevailing legislation,*
- 13. THAT Pursuant to Section 59(c) of the Public Service Commission Act, 2017 Act section H 14) part I of the Human Resource Procedure Manual for the Public Service, 2016 that the County Public Service Board to come up with a succession planning and talent management by identifying key roles and competencies, capacity development,*

developing and maintaining talents, providing professional development opportunities, communicating the importance of succession planning to employees and conducting regular assessments and reviews of the succession management decisions,

14. *THAT Part 1 Section D11 of the Human Resource Policies and Procedures Manual for the Public Service, 2016, the Program-Based Budget for the new financial year 2024-2025 should have a financial provision of necessary working tools in every department.*

I will explain that. When we were having engagements with Chief Officers, we came to realize that there are departments that lack even a single vehicle for the officers to execute their mandate. So, such are the issues that we have put in place, the recommendations.

15. *THAT Part 1 Section D35 of the Human Resource Policies and Procedures Manual for the Public Service 2016, the County Public Service Board and Public Service Administration should adhere to the prevailing policy of the Kenya County Government Workers' Union, CBA, in paying the retirees their retirement benefits in 30 days before exit of the service.*

The last one. No, it is not. We have two more.

That Pursuant to Section 59, Part 5 and 6 of the County Government Act, 2012, three months from the date of the adoption of this Report, the County Secretary and the County Public Service Board and Public Service Administration should reappear before the Committee on Labour with a progress Report on the status of the implementation of the human resources matter in the County.

Lastly, that Part 1 Section D18 of the Human Resource Policies and Procedures Manual for the Public Service, 2016, every department should come up with human resource planning based on transfers and population of service required to indicate gaps analysis within the departments.

Mr. Speaker Sir, and I urge all Honourable Members to kindly lend their support because this Report, the findings that we made, the recommendations that we made, if adopted, will better our County in as far as human resource is concerned. Thank you, Mr. Speaker Sir.

The Temporary Speaker (Hon. Abdirahman Abdikadir): Thank you Honourable Jactone Madialo for taking us through the recommendations of the Report. Honourable Members, before us is a Report with at least 17 recommendations; so, I will urge each and every one of you to limit our debate based on those recommendations. May I start with the Committee Members in support of this Motion and I think I will start with the seconder of the Motion.

Hon. Nusura Mwinyi: Ahsante Mheshimiwa Spika. Kwanza nataka nipongeze Kamati hii nikiwa mimi mwenyewe ni mmoja wapo kwa kazi ndefu sana hii ambayo tumefanya; kwa kweli haikuwa rahisi na tulifanya kazi hii kwa sababu ya jamii yetu ya Mombasa. Mimi pia naiunga mkono sana sana Ripoti hii na pia ningependa Wabunge walioko hapa ndani ya Bunge hili wape support. Ahsante.

The Temporary Speaker (Hon. Abdirahman Abdikadir): Thank you. Yes, Honourable Milka. Please make your contribution.

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Hon. Ngare: Thank you Mr. Speaker for giving me this opportunity to make my contributions; but before I do, may I also take this chance to welcome our guests from International Labour Organization and their partners and whom I have had a chance to interact with on matters labour on several occasions. So, I am glad that they are here today to witness some of the things that we do, so feel welcome and feel that this is you are part of us. Having listened to the Chair of Labour present this Report, which I was part of, keenly, I want to support the Motion that certain on the recommendations and the findings that we came up with as a Committee and I want to zero in on issues like succession planning. Our Committee has a mandate to investigate and inquire into all matters relating to the department as they may deem necessary and as may be referred to them by this County Assembly and that is exactly what we were doing. So, I want to delve into succession planning, for example we must have a structure whereby as people are going to retire, we already have a plan that after this retirement, after this person leaves, what next? So, we must be prepared and that is one of the recommendations we made to the executive and I want to look at..., there was one that caught my eye and during the Committee, that is number 11 Members who subject any employee to sexual harassment, and I want to say that 90 per cent of sexual harassment happens to women. I can see the Speaker smiling and that is a fact; yes, thank you. That 90 per cent of sexual harassment, men asking for favors from women so they can be given maybe a promotion or employment or whatever that there is or even the small assistance that people get in their employment. We are saying as women and as Members of this Parliament that such kind of things must stop and we know we have had cases where women are harassed for purposes of being given favours on employment basis our Honourable chair, this is a point that must be taken very seriously...

[Interruption]

The Temporary Speaker (Hon. Abdirahman Abdikadir): Honourable Milka, sorry to interject. Do you have any data supporting your claims?

Hon. Ngare: Well, I have said there are instances. Yes, if you want to get certain information, we can sit after the chambers, and I will be giving you some information.

The Temporary Speaker (Hon. Abdirahman Abdikadir): No, no, you made the claim in the Chambers. You made the claim in the Chambers.

Hon. Ngare: For this House, yes, we have cases where women have been harassed.

The Temporary Speaker (Hon. Abdirahman Abdikadir): 90 per cent?

Hon. Ngare: I am saying that 90 per cent of cases that happen to women. Thank you, Mr. Speaker, and stop pinning me down on things that you know are real. Another point I want to...

[Interruption]

The Temporary Speaker (Hon. Abdirahman Abdikadir): Yes, Honourable. Katana. Just a minute please.

Hon. Ngare: I do not need to be informed.

The Temporary Speaker (Hon. Abdirahman Abdikadir): You on point of order?

Hon. Katana: Yes, Mr. Speaker.

Hon. Ngare: On which Standing Order?

The Temporary Speaker (Hon. Abdirahman Abdikadir): It's okay; I am the one to interrogate him on that. Just take, just take your seat, Honourable Milka.

The Temporary Speaker (Hon. Abdirahman Abdikadir): Are you on a point of order?

Hon. Katana: Yes.

The Temporary Speaker (Hon. Abdirahman Abdikadir): Which point of order again?

Hon. Katana: Thank you, Mr. Speaker. I would humbly wish the Honourable Milka to substantiate the percentage that she has given about men taking advantage of women and if she cannot substantiate Mr. Speaker, being the Chair of the whole proceedings, I think it will be in the best interest of this House, this Honourable Member to apologize. I thank you Mr. Speaker.

The Temporary Speaker (Hon. Abdirahman Abdikadir): Yes, Honourable Milka, it is either you substantiate or withdraw and apologize.

Hon. Ngare: Thank you Mr. Speaker. Yes. I will not withdraw.

The Temporary Speaker (Hon. Abdirahman Abdikadir): Sure.

Hon. Ngare: ...Neither will I apologize because that is in common domain and even as we interact around here, we have had..., we have been harassed. We have even been, you know, harassment of women, sexual harassment does not necessarily mean the act. Even say, even when I pass here, if I move and you tell me, hey your behinds are so nice, that is sexual harassment and it happens here so, it happens all the time...

[Applause]

May I proceed Mr. Speaker?

[Interruption]

The Temporary Speaker (Hon. Abdirahman Abdikadir): I can see Honourable Frankline is on a point of order.

Hon. Ngare: May I be allowed to continue, through the Speaker.

The Temporary Speaker (Hon. Abdirahman Abdikadir): Just take your seat please. Honourable Frankline are you on a point of Order?

Hon. Makanga: Mr. Speaker Sir, allow me to inform this House not necessarily the Honourable Member who is already on the floor and maybe the Chair of Labour Committee needs to come out clear for us to understand; whether these recommendations that talks about sexual harassment, whether it is promoting feminism or it is addressing all genders, that all men and women suffer the same predicament. Some of us we have been seduced by older women to engage them in and one of them is just next to me here, that is why she is trying to shut me down. So, Mr. Speaker the Chair of the Committee must come out clear, whether we are promoting feminism in this Report, the issue of sexual harassment should not be gender based; it should be cutting across all the genders, so it should not be about women all the time, for how long will they cry victims in this House? Thank you, Mr. Speaker.

[Applause]

The Temporary Speaker (Hon. Abdirahman Abdikadir): Before the Chair's response, I think Honourable Milka is able enough to respond to that.

Hon. Ngare: Thank you, gender means both male and female and I did not say through the Speaker.

The Temporary Speaker (Hon. Abdirahman Abdulkadir): Yes please.

Hon. Ngare: I did not expressly indicate that it was only women, I said 90 per cent so the 10 per cent could be male. Thank you, Mr. Speaker may I complete my presentation?

The Temporary Speaker (Hon. Abdirahman Abdikadir): I think that is done on that, so you may proceed.

Hon. Ngare: Thank you, one other recommendation that has drawn my attention is the wellness of the employees of the County of Mombasa. That we must put structures whereby, we have a wellness centre for our Members so that they are taken through issues when they are stressed and other related issues for them to be well, for them to be taken through the sessions so that when they are at work they are carrying out their work effectively. I am very sure that the other Members of the Committee were with us, we dwelt into this issue at length and they will agree with me that we do have a need for a wellness centre to address issues of depression, stress of all the affected Members of County of Mombasa and with that, I know that if we address these issues that have been tabled here by the Chair we are going to have better service delivery and we are going to be self-motivated and who are ready to deliver services to the County of Mombasa, thank you Mr. Speaker for the chance.

The Temporary Speaker (Hon. Abdirahman Abdikadir): Thank you for your submission. Yes, Honourable Leila please make your contribution.

Hon. Nyache: Ahsante sana Mheshimiwa Spika na mimi kuweza kuniona ili na mimi niweze kuweka sauti yangu hapa. Kwanza nimesimama kuunga mkono Mheshimiwa Madialo ambaye ni Mwenyekiti wa Leba na mimi pia nikiwa Mwanachama katika hio Kamati. Ninampongeza sana kwa kazi nzuri pamoja na Kamati ambayo wamefanya, kwa kweli si kazi rahisi. Ukiangalia hivi vigezo vyote, hivi vigezo vyote kwanzia namba moja mpaka kumi, hivi vya Wizara ni mwezi uliopita tu, hio kazi ndio ilifanyika.

Tulikaa chini na Wizara na *Chief Officer* na kuweza kuona ya kwamba, wananchi wetu wa Mombasa wanaweza kusaidika ama kuweza kuangaliwa haki zao. Na kweli hayo yote yalitendeka ilikuwa ni kazi nzito sana na ilifanyika. Napongeza sana kwa hilo. Pia ukiangalia hii *background* pia inaongea vizuri sana na hizi *recommendations* pia, zote zimesimamia jamii yetu ya Mombasa ama wananchi wetu wa Mombasa wasiweze kupata shida ama waweze kutambulika katika kazi zao ama haki zao. Kwa hivyo mimi kama Mwanachama wa Leba nimesimama kuunga mkono hoja hii mia fil mia. Ahsante sana Mheshimiwa Spika.

[Applause]

The Temporary Speaker (Hon. Abdirahman Abdikadir): Yes, Honourable Allen Katana? I could hear you say nay, so now can you make your contribution.

Hon. Katana: Mheshimiwa Spika ahsante kwa kunitunuku nafasi ambayo sikuomba, lakini nataka kuamini japo wewe ni Muislamu lakini nataka kuamini roho mtakatifu amekuongoza ndipo ukanitaja. Mheshimiwa Spika, hizi *recommendations* mimi kama Mheshimiwa Katana ninaye wakilisha watu wa Shanzu nazipinga kwa sababu gani Mheshimiwa Spika? Namba sita, nne imesema watu watakao kuwa wamefika miaka 60 waweze kustaafu na tena ikasema, endapo hawa watu ni walemavu basi wahurumiwe pengine mpaka 65. Mheshimiwa Spika tusiwe Mafarisayo ambao tunabebesha watu mizigo na sisi wenyewe hatubebi; sisi tayari kama Bunge tuko na wafanyi kazi wengine wamefika 60 mbona hatuwafuti ndio tuweke hio sheria. Kwa hivyo kwa sababu ya hii Mheshimiwa Spika mimi napinga na si kupinga tu, ni ombi langu la unyenyekevu ya kwamba hii Kamati ikakae tena kwa uzuri. Najua Mwenyekiti anakerwa sana na atakuja asimame ataje kipengele kinachofata *recommendations* zao zinazo fuata pale sita, tano ambayo inasema, “Ati endapo mtu amefika 60, lakini ana ujuzi ambao haupatikani rahisi rahisi...” atakuja hapa na Mheshimiwa Spika, najua si hitifaki ilivyo lakini akija kutaja hili, nitakuomba Mheshimiwa Spika unisimamishe tena ili nikaweze kumuweka sawa. Ombi langu kwa hii Kamati ni kwamba; ikakae hichi kipengele hiki wakaweza kukitengeza vizuri na hata wakikiondoa kipengele hiki, ile sita ibara ya tano, itaweza kusaidia Mheshimiwa Spika, kwa hilo naomba kuendelea kupinga ahsante.

The Temporary Speaker (Hon. Abdirahman Abdikadir): I think that is well noted, any other Member wishing to make a contribution? Yes, Honourable Mwaka?

Hon. Muludonda: Ahsante Mheshimiwa Spika. Mwanzo nataka kumshukuru Mwenyezi Mungu ambaye ametuwezesha kukutana tena siku hii ya leo; pili nataka kuipongeza Kamati yangu nikiwa pia mimi ni mmoja wao kupitia Mwenyekiti wangu, tulivyo kaa tukaweza kufanya kazi hii, ingawaje kila kitu kizuri lazima kikosolewe ama kufanya nini? Kukosolewa! Marekebisho ambayo yametajwa na Mheshimiwa Katana hapa, tutaenda kukaa chini lakini naona sheria kila mahali ziko za kwamba mtu akifika miaka 60 huwa anakwenda lakini pale kwa yule mlemavu kusema 65 ni kumhurumia iko sheria, lakini wewe unasema kwamba aweze kuwa atolewe ama kama sio hivyo? Kwa hivyo nataka kumpinga mimi ki hapo. Namba mbili nataka kusema katika...

[Interruption]

The Temporary Speaker (Hon. Abdirahman Abdikadir): Yes, Honourable Allen? Are you on a point of order?

Hon. Katana: Ndio Mheshimiwa Spika.

The Temporary Speaker (Hon. Abdirahman Abdikadir): Proceed.

Hon. Katana: Mheshimiwa Spika kama Mheshimiwa Makanga aliposimama pale, akasema kitendo ambacho Mheshimiwa Mwaka anafanya labda ndio maana wakati mimi nazungumza hakunisikiza, maana anayoongea ni tofauti na yale mimi nimeongea Mheshimiwa Spika. Labda, kupitia kwako kama hakunieleva Mheshimiwa Spika, anipe ruhusa tena nikaweze kujieleza ili saa hii anisikize kuikamilifu, awache yale maneno anamwambia Mheshimiwa Makanga ahsante.

Hon. Mwaka Bakari: Ahsante Mheshimiwa Katana lakini nitakuregesha nyuma kupitia Mheshimiwa Makanga, labda yeye naregelea nimkosoe kwa sababu anaona kukaa mimi na wewe hapa, labda yale umezungumza anaonelea tunaweza tukayafanya, kwa sababu...

[Interruption]

The Temporary Speaker (Hon. Abdirahman Abdikadir): Honourable Members please, let us stick to the subject matter, do not engage him anymore.

Hon. Muludonda: Ni sawa. Mimi napenda kupongeza Kamati yangu na napenda kuiwekea kasi ama pono, yaitwa nini Kiswahili sanifu?

[Consultations]

Pondo ili iweze kuikubali kwa sababu jambo hili sote ni Waheshimiwa hapa na linatugusa sote kupitia yale ambayo tumeandika hapa. Kwa hivyo mimi naipongeza, naipongeza Kamati yangu na mimi naomba Waheshimiwa wenza waweze kuupongeza huu mjadala wetu au hii *Motion* yetu ili iweze kuwa na nguvu ili iweze kusaidia wananchi wetu wa Mombasa. Ahsante sana Mheshimiwa Spika.

The Temporary Speaker (Hon. Abdirahman Abdikadir): Thank you. Yes, Honourable Mariam Baimu please make your contribution.

Hon. Baimu: Ahsante sana Mheshimiwa Spika kwa kunipatia nafasi hii. Kwanza mimi ningependa kumpongeza Mwenyekiti na watu wake Wanachama wa Kamati ya Uajiri kwa kazi nzuri ambayo walifanya. Kwa sababu waliweza kuita vitengo mbali mbali kuja kuuliza maswali na tukaweza kupata habari ama majibu kutokamana na hii stakabadhi wametuletea. Nafikiria kitu cha kwanza pia ningeweza kutilia msisitizo ni kuhusu wafanyi kazi wetu; tunaona kuna wengine ambao wameajiriwa na umri umepitia ule wa kustaafu lakini naona bado wanapewa *contract services* na mwanzo walikuweco *permanent*; hii ni kwa sababu ni kama ambaye ile kazi wanayoifanya haiwezi kufanywa na mtu mwengine; hivi kwamba walivyoiweka hii Ripoti yao ya kwamba mtu akifika ile 65 ni *mandatory* aweze kwamba aende nyumbani akapumzike mwengine nae achukue ile nafasi nafikiri itatusaidia pakubwa. Na pia kitu kingine kuongezea kusema ukweli wako wafanyi kazi wetu tunaona wengi hapa Kaunti ambao ni jambo la kusikitisha, wengine wameweza kuingia katika hii mambo ya mihadarati, mambo ya Mogokaa, mambo ya tembo.

Kwa hivyo hii nukta yao ya Kamati ya Uajiri ya kusema kwamba hii *mental health* na ushauri uweze kufanyika nafikiri itakuwa njia moja wapo ya kuweza kusaidia wafanyi kazi wetu waweze kufanya kazi zao kwa bidii wapate pesa zao mishahara yao kwa vizuri. Ahsante Mheshimiwa Spika.

[Applause]

The Temporary Speaker (Hon. Abdirahman Abdikadir): Thank you. Yes, Honourable Frankline Makanga?

Hon. Makanga: Thank you Mr. Speaker, I stand to support the Report and the Motion in its entirety. Mr. Speaker considering that all the recommendations that have been brought in this House, they are within the precincts of the law because every recommendation has a law either from the Public Service Commission Act or according to the Human Resource Policies and Procedural Manual of 2016. So, Mr. Speaker amongst the many recommendations that have been made including the issue of the age, I speak on behalf of the many youths who are out here, who have gone to school and I think you are in that age bracket, me and you we are in the same age bracket where we have so many of our colleagues who are out there unable to secure jobs at point or a time we have so many other people who have served since the time of the late Honourable Moi *na bado Mheshimiwa Spika wako katika Serikali* and occupying good positions whether as permanently employed or per as the terms that we have seen here being introduced the issue of contracts. Mr. Speaker even with the rare skills where most of those kids are technical let us say, for instance, in the medical field, having a neurosurgeon maybe at the age of 60 or 65, by the time they reach that age, Mr. Speaker, there is no way in the Republic of Kenya you can meet someone to replace them.

So, the issue of having extended contracts above their retirement ages, Mr. Speaker, it is something that must be brought to an end so that we create opportunities for these people and the children that have gone to school who are residents of this great County Mr. Speaker. Therefore, these recommendations, I support them fully, and my prayer is that after adoption of this Report and, of course, the passage of this Motion, then the Committee on Implementation must move with speed to ensure that this Report is fully implemented. Mr. Speaker, by implementation of this Committee, you are sure of having opportunities created for the people and the residents of Mombasa to secure jobs, to be able to serve their County and the great people of Mombasa. Therefore, Mr. Speaker, I stand to support in its entirety and hoping that the Chair will also work very closely with the Committee on Implementation to have this Report fully implemented. Thank you, Mr. Speaker.

The Temporary Speaker (Hon. Abdirahman Abdikadir): Well, noted. Yes, Honourable Jactone Madialo, please respond to the Motion briefly.

Hon. Madialo: Yeah, thank you. Mr. Speaker, I would like to take this opportunity to thank the Members from their contribution. It is quite obvious that a great majority are for it and they are in support. I would even dare say that Hon. Katana, who is a very good friend of mine, when the question will be put, I believe that he will also be in support. And lastly, you know, having noted, I am afraid I wanted to revisit this matter and I would also request to Mr. Speaker that you should not, after that, entertain frivolous point of orders.

[Interruption]

The Temporary Speaker (Hon. Abdirahman Abdikadir): Are you advising me?

Hon. Madialo: Honourable Katana's issue has been tackled by two Members who came before me. This is the law; we are simply following the law. And the law is a dot, dot, dot, dot. I will not go there. Now, in conclusion, I would like to say this; when we met the Chief Officers from the various Departments and we majored on the human resource gaps, I can tell you for a fact, Mr. Speaker, Sir, together with Members that we realized from their Report that this County lacks or is in dire need of between 1,500 and 2,000 workers that need to be recruited as a matter of urgency. Yet, we know that Mombasa County's wage bill is above what is recommended by law. So, it really begs a lot of questions. What is the issue? How can it be that the wage bill has ballooned? Yet, from the Departments, we could see that there is there is need of a..., for example, I will give you an example in the Department of Agriculture and Blue Economy, for example, there is only one meat inspector in the whole of this County. So, chances are high that if you consume meat in Mombasa County, you may be consuming uninspected meat, which is very dangerous to our health. When you go to the Department of Lands and Urban Planning, they only have two surveyors, only two! The Department of Education, they lack ECD teachers, and we could go on and on and on and on. Also, the elephant in the room about the Inspectorate officers whose contract expired when we began this process, it was as if these officers were not to be given any chance to come back to serve. But having sat with the Chief Officers and those that are concerned, having implored upon them, we came to the conclusion that even as they will be going back to the Wards as they proposed to do the recruitment, we are proposing that all the inspectorate officers who have no issues, disciplinary issues, should be granted the opportunity to be brought back to service. So, I would like to urge all our Members present here today to give their support and I believe that will have served this community well. Thank you so much.

[Applause]

The Temporary Speaker (Hon. Abdulrahman Abdulkadir): Thank you for your submission. Honourable Members, I now put the question that the Motion by Honourable Jacktone Madialo on *Adoption of Report by the Committee on Labour and Public Administration on Human Resource Gaps in the County Departments* be adopted by this Honourable House in the same terms as moved...

[Question put and agreed to]

[Applause]

Honourable Members, the Motion by Honourable Jactone Madialo on, *Adoption of Report by the Committee on Labor and Public Administration on Human Resource Gaps in the County Departments is adopted by the House.*

[Applause]

ADJOURNMENT

Thank you, Honourable Members, this House stands adjourned until Tuesday, 30th April, 2024 at 2:30p.m. Thank you.

The House rose at 11:35a.m.

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