

**MOMBASA COUNTY ASSEMBLY****HANSARD REPORT**

Wednesday, 6<sup>th</sup> April, 2016

The House met at 2.38pm.

*(Hon. Temporary Speaker (Mr. Mwalimu) in the Chair)*

**PRAYERS**

**Hon. Temporary Speaker (Mr. Mwalimu):** Hon. Members you may have your seats.

**COMMUNICATION FROM THE CHAIR**

Yes Hon. Members under our Standing Orders, Standing Order number one and when there are any procedural questions, today there's no electricity and as the Speaker I would allow the Hon. Members to be without their coats...

*(Applause)*

And the proceedings of the Assembly to continue....

*(Members removed their coats)*

**PAPER**

Yes Hon. Zainab Mumba?

**Hon. (Ms.) Zainab Mumba:** Ahsante sana Mheshimiwa Spika. Mheshimiwa Spika...

*(Interruption)*

**Hon. Temporary Speaker (Mr. Mwalimu):** Yes Hon. Zainab come forward.

**Hon. (Ms.) Zainab Mumba:** Ahsante sana Mheshimiwa Spika wiki iliyopita ulitumbia tutengeneze ripoti kikamilifu ulitupatia siku kumi na nne na nashangaa kwamba ripoti imeregea katika Bunge hili. Ahsante sana Mheshimiwa Spika.

**Hon. Temporary Speaker (Mr. Mwalimu):** Well make sure that in the next seven days the report will be ready.

**Hon. (Ms.) Zainab Mumba:** Ahsante sana Mheshimiwa Spika.

### NOTICE OF MOTION

**Hon. Temporary Speaker (Mr. Mwalimu):** Hon. Saad Faraj.

**Hon. Faraj:** Thank you very much Mr. Speaker I will like to give a Notice of Motion on the confirmation of appointment of Mr. Salim Juma as County Assembly Clerk.

### CONFIRMATION OF APPOINTMENT OF Mr. SALIM JUMA AS COUNTY ASSEMBLY CLERK

*(Hon. Faraj read)*

*“Mr. Speaker Sir, I beg to give notice of the following Motion:*

*THAT AWARE that a formal joint meeting of the County Executive, County Assembly, County Public Service Board (CPSB) and the County Assembly Service Board (CASB) resolved that all officers on Acting appointments who are qualified to be confirmed.*

*FURTHER AWARE that Mr. Salim Juma Mwalimu has been lawfully acting in that capacity and carrying out the duties thereof for a period acceptable by law.*

*NOTING that his performance in that capacity has been satisfactory so far.*

*CONCERNED that delay in confirming him to that position will occasion unnecessary and unforeseen consequences.*

*I therefore urge the County Assembly to RESOLVE that:*

*The County Assembly approves the confirmation of appointment of Mr. Salim Juma Mwalimu to the position of County Assembly Clerk as per Section 13 (1) of the County Government Act, 2012.*

*(Hon. Faraj ended reading Notice of Motion)*

Mr. Speaker I would like to seek leave so that this particular Motion can be debated, thank you.

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**Hon. Temporary Speaker** (Mr. Mwalimu): So you want to have it as a Privilege Motion, who will second your Privilege Motion?

**Hon. Faraj:** Mr. Speaker being a Privilege Motion I would like my brother Hon. Murfad Amur to second this Motion.

**Hon. Temporary Speaker** (Mr. Mwalimu): Yes Hon. Murfad Amur I know you are audible.

**Hon. Amur:** Thank you Mr. Speaker Sir I would like to second the Motion which has been brought by Hon. Saad Faraj on the confirmation of appointment of Mr. Salim Juma as County Assembly Clerk. Thank you.

### MOTION

**Hon. Temporary Speaker** (Mr. Mwalimu): Hon. Saad Faraj.

**Hon. Faraj:** Mr. Speaker Sir I would like to move a Privilege Motion on the confirmation of appointment of Mr. Salim Juma as County Assembly Clerk.

### CONFIRMATION OF APPOINTMENT OF MR. SALIM JUMA AS COUNTY ASSEMBLY CLERK

*(Hon. Faraj moved Motion)*

**Hon. Faraj:** Mr. Speaker there was a Motion that was moved here last year by Hon. Mohamed Hatimy that gave us the opportunity to confirm or reject any appointment of any officer who is working on an Acting capacity.

Mr. Speaker with the experience that Mr. Salim Juma has with the regards to the public service I feel it is important for us to confirm him and looking at the brief history of Mr. Salim Juma we can see that in any capacity that he has been given an opportunity to work he has been able to deliver and the few months that he has been working which is almost six months he has the capabilities, he has the welfare of the Members of the Assembly at heart...

*(Interruption)*

**Hon. Temporary Speaker (Mr. Mwalimu):** Hon. Saad but before you proceed you need to have a seconder for your Motion so that I can propose a question for you to debate the Motion.

**Hon. Faraj:** As a Privilege Motion I would like again to call upon Hon. Murfad to second the Motion that I have just moved.

**Hon. Temporary Speaker (Mr. Mwalimu):** Yes Hon. Murfad.

**Hon. Amur:** I second the Motion which has been moved by Hon. Saad.

*(Question proposed)*

**Hon. Temporary Speaker (Mr. Mwalimu):** Yes Hon. Members I do hereby propose that the County Assembly confirms the appointment of Mr. Salim Juma as the County Assembly Clerk.

*(Question put and agreed to)*

*(Applause)*

Hon. Saad proceed with your deliberations.

**Hon. Faraj:** Ahsante sana Mheshimiwa Spika kwa fursa nyingine. Mheshimiwa Spika hapa katika Bunge la Kaunti tunahitajia watu ambao wanaweza kufanya kazi kwa maslahi yetu na maslahi ya mwananchi kule mashinani.

Mheshimiwa Spika ukiangalia vile ndugu yetu Bwana Salim Juma ameweza kufanya kazi katika historia yake ameweza kufanya kazi katika Manispaa, ameweza kufanya kazi katika Serikali ya Kaunti na amewahi kuweco kule Kwale katika utekelezaji wake wa kazi na baadae kuja hapa kwetu kama Naibu wa Karani mkuu wa Bunge la Kaunti la Mombasa.

Mheshimiwa Spika ukiangalia katika zile taratibu ambazo tuko nazo na katika ile mipangilio ambayo amekuwa nayo ndugu yetu kwa ule muda mfupi ambao ameweza kuingia katika hii ofisi mambo kadha wa kadha ambayo hatukuweza kuyafanya katika kipindi cha miaka mitatu yameweza kufanywa katika miezi mitano ama misita.

Tulikuwa na jambo letu kuhusu malipo yetu ya kustaafu yaani ‘*gratuity*’, kulikuwa na mambo mengi ambayo yalikuwa na shida kuhusiana na masuala ya Waheshimiwa ambayo hivi sasa tatizo hilo limetuondokea.

Tulikuwa na matatizo chungu mzima kuhusiana na masuala yetu ya haki ambazo kwamba tunapatiwa kikatiba; mojawapo ikiwa ni zile fedha tunapatiwa za salio la simu yaani ‘*airtime*’ na nyenginezo.

Masuala haya ameweza kuyatengeneza na kuyafanya katika njia nzuri na vile mwanzo ilivyokuwa; kumaanisha ikiwa katika kipindi cha miezi sita ameweza kufanya haya, tunatarajia ataweza kutufanyia mambo mema na zaidi ili kutupatia nguvu sisi kule mashinani kuweza kutekeleza wajibu wetu kama inavyostahili kisheria.

Kwa hivyo Mheshimiwa Spika ningependa Nyumba hii waweze kusimama na kuunga mkono kikamilifu kuwa huyu bwana ameweza kufanya kazi vile inavyostahili na tuangalie kuwa tumempatia fursa ya kikamilifu kabisa kuweza kufanya kazi kwa ofisi kama Karani mkuu wetu.

Kwa haya machache ningependa kutoa shukrani na kuwaomba wenzangu watuunge mkono, ahsante sana.

**Hon. Temporary Speaker** (Mr. Mwalimu): Hon. Amur?

**Hon. Amur:** Thank you Mr. Speaker Sir, I happened to be in the vetting team when my brother Salim applied and among those who voted for him.

Mr. Salim holds a Master’s degree in Business Administration and Bachelor of Arts and Sociology, so we were impressed.

Mr. Speaker when we were vetting him, he had all the qualifications that require somebody to hold a certain position in Mombasa County or any other County.

He has the qualifications Mr. Speaker Sir, he has experience, he used to work in the Municipal Council of Mombasa, he used to work in Kwale so the experience that he has no doubt will prove to this Assembly that he is the person who will be given this opportunity Mr. Speaker.

I would like to say today here that he is a young man and energetic who can give us the best service in accordance to the law, it is high time people are confirmed, the law says any person who works after six months to either be confirmed or sent away and look for another job.

It is high time we confirm these people, not only serving but anyone who has been acting in any capacity should be confirmed. Thank you Mr Speaker.

*(Applause)*

**Hon. Temporary Speaker** (Mr. Mwalimu): Yes Hon. Amir Thoya please move forward, and before we proceed, Hon. Jimmy Odari and Hon. Ibrahim Kondo move out of the Assembly, Sergeant please.

*(Laughter)*

**Hon. Thoya:** Ahsante sana Bwana Spika kwa kuweza kunipa fursa hii na mimi niweze kuchangia mswada ambao uko hapa ndani...

*(Interruption)*

**Hon. Temporary Speaker** (Mr. Mwalimu): Hon. Jimmy Odari!

*(Laughter)*

*(The two Hon. Members were ejected from the House for improper dressing)*

**Hon. Thoya:** Ahsante sana Bwana Spika kwa kuweza kunipa fursa hii na mimi niweze kuchangia mswada ambao upo ndani ya Nyumba hii.

Ndugu yetu ambaye ameweza kushikilia hatamu ya nafasi ya Karani mkuu wa Bunge la Kaunti Bwana Salim Juma hatusemi tu aweze kuthibitishwa bali ushahidi unathibitika kwamba yuko na kisomo ambacho kinamstahili yeye aweze kuthibitishwa kuwa katika nafasi hii ambayo twazungumzia hapa.

Mheshimiwa Spika kutokana na historia na utenda kazi wake, imethibitika kwamba iwapo tutaweza kupitisha leo awe katika nafasi hii ya Karani wa Bunge hili la Kaunti inamaanisha

kwamba Bunge letu litakuwa limechukua hatua muhimu ya kwamba huduma ambazo zinahitajika kufanywa, kutekelezwa katika Bunge letu zitakuwa zatekelezwa kulingana na sheria.

Hii ni kwa sababu ameweza kudumu katika nafasi ile kwa muda ambao sio chini ya miezi sita, na mimi kulingana na ujuzi wangu na ninavyomuona anastahili adhibitishwe moja kwa moja na vile vile Mheshimiwa Spika kupitia kwa kiti chako kwa sababu utenda kazi wa Salim umeonekana na vile vile utenda kazi wa Naibu wake Bwana Abdallah Khamis vile vile kwa rukhsa yako Bwana Spika kama nafasi itatokea...

*(Laughter/Applause)*

Waweze kuthibitishwa wote kwa pamoja kwa sababu hatuna muda wa kupoteza, muda ni sasa wathibitishwe ili wachukue nafasi zao za kufanya kazi moja kwa moja. Ahsante, Bwana Spika.

**Hon. Temporary Speaker** (Mr. Mwalimu): That's another Motion you are bringing...

*(Laughter/Applause)*

Yes Hon. Fatma.

**Hon. (Ms.) Fatuma Swaleh:** Ahsante sana Bwana Spika kwa kunipa fursa hii, kabla sijamzungumza Salim Bwana Spika ningependa kumshukuru ndugu yangu Bwana Saad Faraj kwa kuweza kufikiria maslahi ya wafanya kazi wetu.

Nikimuangalia Bwana Salim katika mtazamo wangu kabla sijaingilia mambo mengine Bwana Spika, nina hakika mia fil mia ni mtu yuatoka katika jimbo hili; ya pili Bwana Spika kura yake kama sijakosea inatoka eneo la Tononoka, la tatu Bwana Salim ana heshima...

*(Applause)*

Tukiangalia upande wa elimu, kiwango chake cha elimu kazi hii inamfaa kikamilifu, namshukuru Mwenyezi Mungu kwa sababu riziki yatoka kwa Mwenyezi Mungu.

Leo ilikuwa siku yake yeye kutangazwa rasmi, naomba Bunge hili leo liweze kuunga mkono ili Bwana Salim aendelee na kazi yake

*(Applause)*

**Hon. Temporary Speaker** (Mr. Mwalimu): Yes Hon. Zainab.

**Hon. (Mrs.) Zainab Said:** Ahsante sana Bwana Spika...

*(Applause)*

Mimi naunga mkono mia fil mia, kwa sababu Bwana Salim ni mtu anayestahili awe Karani mkuu; yeye kisomo anacho, ujuzi anao na ni mtu mkarimu na ni mtu ambae akienda pale hamdharau kwa chochote.

Kwa hivyo yeye ni sawa kupewa na kazi amefanya siku nyingi, kwa hivyo namuombea Mungu na nyinyi nyote mumuunge mkono mumpi Salim hicho kiti na Abdallah ikiwezekana apate Naibu wake.

*(Laughter/Applause)*

**Hon. Temporary Speaker** (Mr. Mwalimu): Hon. Khamis Musa.

**Hon. Mwidani:** Ahsante Bwana Spika mimi yangu yatakuwa machache kuchangia kwa sababu najua Bwana Salim ni mtu namfahamu; ni mtu alikuwa PA wangu namjua taratibu zake sina shaka na yeye...

*(Applause)*

Na huu ndio wakati umefika wa kumthibitisha kisawasawa kwa sababu hata tulipomuweka kama kushikilia hakuwa na kigezo chochote cha kuonyesha kwamba ana tamaa ya haraka.

Mimi naomba Bwana Spika kwamba hili jambo litekelezwe leo na pia naunga mkono alioyasema Mheshimiwa Amir Thoya; haina haja tufichane, kama kuna wengine kina Babu, nani, nani wote waweze kuthibitishwa hata Hansard...

*(Applause)*

**Hon. Temporary Speaker** (Mr. Mwalimu): Yes Hon. Onje?



**Hon. Onje:** Ahsante sana Mheshimiwa Spika mimi pia naunga mkono Bwana Salim Juma kuwa Spika wa Bunge la Kaunti ....

*(Interruption)*

**Hon. Temporary Speaker** (Mr. Mwalimu): Order Hon. Onje!

*(Laughter)*

**Hon. Onje:** Kuwa Karani wa Bunge la Kaunti Mheshimiwa Spika Salim Juma ni mfanya kazi na yeye huchukua kila mtu ni sawa mbele yake hata ukiingia kwa ile ofisi vile anatukaribisha kama Waheshimiwa hata wewe ukifika unajua umefika kwa Karani.

Mimi namuunga mkono mia fil mia awe Karani mkuu wetu wa Bunge la Kaunti na aendelee na kazi. Ahsante sana Mheshimiwa Spika.

**Hon. Temporary Speaker** (Mr. Mwalimu): Hon. Zainab.

**Hon. (Ms.) Zainab Mumba:** Ahsante sana Mheshimiwa Spika.

**Hon. Temporary Speaker** (Mr. Mwalimu): Move forward.

**Hon. (Ms.) Zainab Mumba:** Ahsante sana Mheshimiwa Spika. Hata mimi nachangia Bwana Salim awe Karani wa Bunge hili la Kaunti; vile vile ningependa kusema kwamba isiwe tu ni Salim pekee yake hata wale wako katika ‘*interim*’ wote pia waletwe wathibitishwe ili waweze pia kupata nafasi zile.

Mimi nimesimama kuchangia kwa sababu Bwana Salim ni mwenye hekima; mtu mwenye subra na mtu mwenye busara sana, na ni kwa sababu nimesema hivi ya kwamba Bwana Salim alianza kazi kitambo sana katika Kaunti zingine na ndio maana akaja Kaunti ya Mombasa na hivi sasa mimi nimesimama Salim apewe kiti cha Karani mkuu wa Bunge hili. Ahsante.

**Hon. Temporary Speaker** (Mr. Mwalimu): Hon. Riziki Fundi.

**Hon. Fundi:** Ahsante sana Bwana Spika kwa kunipatia nafasi niweze kusema machache kulingana na swala lilioko mbele yetu.

Mheshimiwa Spika haya mambo tunatarajia kuyafanya leo kwa maoni yangu tungekuwa tumeyafanya miezi minne iliyopita.

Kila cheo ambacho kimeandikwa katika katiba kina matarajio ambayo yamewekwa kwa yule mtu amepatiwa na wakati ukimwacha mtu akikaa pale kwa kushikilia tu, yaani *'acting capacity'* kwa muda mrefu ni kama unamnyima haki zake.

Kwa hivyo hili swala ni swala muhimu na pia nataka iwe changamoto kwetu sisi Wabunge kwamba tuone sisi kwamba kiasi cha kuwa tunampa hii kazi kikamilifu lakini tushamdhulumu kwa miezi sita na ikiwa tumemdhulumu kwa miezi sita wale wengine ambao wanafanya kushikilia tusiwanyime haki zao kwa sababu kila cheo kinaenda na mambo yake.

Kwa hivyo ikiwa hawa watu tunawaacha katika *'acting capacity'* kwa muda mrefu hiyo kwa upande mwingine ni dhulma.

Kwa hivyo hii kazi tungekuwa tumeifanya miezi minne imepita na Bwana Salim ni mtu ambaye kwanza anafanya kazi vizuri anaielewa na kisomo anacho.

Kwa hivyo hii kazi tunampatia najua sasa tumempatia changamoto ya kuifanya vyema zaidi kuliko vile alivyokuwa akiifanya.

Kwa hivyo nasema Bunge hili lichukue nafasi ya kuipitisha na wale wengine wako katika *'acting'* pia tuwasaidie kwa sababu tunadhulumu haki zao zinazoambatana na kazi zao. Ahsante.

**Hon. Temporary Speaker** (Mr. Mwalimu): Yes Hon. Hatimy.

**Hon. Mohamed Hatimy:** Mheshimiwa Spika ahsante kwa kunipa fursa hii niweze kuzungumza maneno machache niliyo nayo; nasimama hapa kuunga mkono hoja hii kwa sababu zifuatazo; Mheshimiwa Spika naunga mkono kwa sababu ni mtu muadilifu...

*(Applause)*

Na la pili Salim anashirikiana na wenzake yaani ni *'team player'*, ni mtu huuliza kama hajui ni tofauti na ofisa ambao tuko nao.

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Mheshimiwa Spika Salim namjua sana ameweza kuwa Meneja wa uwanja wa Stadium, yaani *Stadium manager* mwaka wa 1996 na tulifanya naye kazi vizuri akawa upande wa manyumba pia hapa ndani ya Manispaa alifanya kazi bila kesi na mtu, akaweza kuwa Naibu wa Karani huko Kwale akaweza kuwa upande wa kitengo cha utalii na alafu akaja hapa akaweza kuwa Naibu wa Karani.

Mheshimiwa Spika tukiangalia kifungu cha 13 ya sheria ya ugatuzi yaani *section 13 of Devolved Act* iko wazi kabisa ambayo inasema kuwa Bodi itachagua na Bunge litapitisha.

Tuko hapa leo kupitisha na hili litakuwa ni jambo la kwanza kwa sababu juzi tulikuwa hoteli ya Leisure lodge Mheshimiwa Spika na kwenye kukubaliana tumesema tuangalie wale watu wanafaa ambao wako katika nafasi za kushikilia wawe ni wenye kuthibitishwa katika nafasi zile.

Kwa hivyo inatakikana kuwa wawe ni wenye kuthibitishwa na sisi kwa upande wetu alioko kwenye nafasi ya kushikilia nafikiri kwa upande wetu ni Karani mkuu na sisi pia twataka kuonyesha upande wa pili kuwa sisi tumeanza twataka na wao watuletee majina yalioko katika ule upande wa pili na pande nyingine zote pia wale watu wanahaki kuwa wathibitishwe.

Kwa hivyo sisi tumeanza jambo hili sote kwa kauli moja kusema kuwa Salim Juma awe kutoka leo atakuwa sio anaeshikilia wadhifa wa Karani mkuu ila ni Karani mkuu wa Bunge hili la Kaunti Mombasa. Ahsante Mheshimiwa.

**Hon. Temporary Speaker (Mr. Mwalimu):** Hon. Members I hope there is no opposer, there is no one opposing so as the speaker I ask the mover to reply on this Motion.

I know you are in support of the Motion unless there is someone opposing from the ones who are standing.

If there is no one opposing then I will let the mover of the Motion respond and first declare interest because I have learned that Mr. Salim resides in Tononoka, Hon. Saad Faraj respond.

**Hon. Faraj:** Ahsante sana Mheshimiwa Spika kwa fursa hii tena; langu zaidi ni kuwashukuru waheshimiwa walioko hapa ambao kwamba wameweza kuunga mkono Mswada ambao kwamba tumeletwa kwa kuweza kumpatia fursa ndugu Salim Juma awe Karani mkuu

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kikamilifu kwa sababu hivi sasa yuko katika hali ya kuwakilisha tu hatujampatia uthibitisho, yaani *'confirmation'*.

Mheshimiwa Spika nafikiri yale yaliyozungumzwa na yale nayafahamu ukiyatathmini naona kuwa kila mmoja amefurahishwa na amependekezwa na utenda kazi wa Salim Juma na ninafikiri sitakuwa na la ziada isipokuwa ni kutoa shukrani zangu za dhati kwa sababu huu ni mfumo twafaa kuwa nao.

Kwa sasa kusonga mbele kuweza kuwapatia watu wameweza kutekeleza mambo yao kikamilifu kuwapatia *confirmation* na tuweze kuwapatia nafasi ya kufungua mbawa zao na tuweze kufanya kazi kikamilifu kama inavyostahili.

Kwa hivyo Mheshimiwa Spika yangu ni shukrani kwa kila moja kwa kuunga mkono na nitakuachia mkondo huu Mheshimiwa Spika ili utupatie mwelekeo na tusonge mbele, kwa hayo machache nimeshukuru sana. Ahsanteni.

*(Question proposed)*

**Hon. Temporary Speaker** (Mr. Mwalimu): Thank you I now put the question that the motion by Hon. Saad Faraj seeking the confirmation of Mr. Salim Juma as the Clerk of the County Assembly be adopted by this House.

*(Question put and agreed to)*

### **ADJOURNMENT**

The House stands adjourned until tomorrow 2.30 p.m.

The House rose at 3.10pm.