

REPUBLIC OF KENYA
THE COUNTY ASSEMBLY OF MOMBASA

OFFICIAL REPORT

Wednesday, 21st March, 2018

The House met at 9:17a.m.

(The Speaker (Hon. Aharub Ebrahim Khatri) in the Chair)

PRAYERS

The Speaker: Hon. Members be seated. Yes Clerk?

NOTICE OF MOTION

Yes Hon. Bwire.

Hon. Bwire: Thank you Mr. Speaker. Mr. Speaker I wish to stand in for Hon. Milka Moraa, Nominated MCA who is not in the House. Mr. Speaker I wish to give notice of Motion of the following Motion;

(Hon. Bwire moved the Notice of Motion)

THAT AWARE that Mombasa is a tourist hub and the second largest cosmopolitan city in Kenya but most of all Mombasa is a home for many;

FURTHER AWARE that pursuant to Part 2 (g) of the Fourth Schedule of the Constitution of Kenya, garbage collection is a mandate of the County Government;

CONCERNED THAT there are no litter bins on the streets of Mombasa for waste disposal...

(Interruption)

The Speaker: Yes Hon. Fadhili.

Deputy Speaker (Hon. Fadhili Mwalimu): Mr. Speaker I am up on a point of order under Standing Order Number 47 (2).

The Speaker: Yes Hon. Bwire do you have any letter?

Hon. Bwire: Mr. Speaker I just received a phone call from the Hon. Member but if the Standing Order detects that it should be in written form then I beg to withdraw Mr. Speaker. Thank you.

The Speaker: Yes Clerk, we can continue.

MOTION

Yes Hon. Hatimy?

Hon. Mohamed Hatimy: Mheshimiwa Spika naomba ruhusa kupitia kiti chako kuwa hii hoja aliokuwa anajaribu kusoma Mheshimiwa Raphael ni hoja nzuri na kwa mujibu wa sheria ikiwa hoja mwenye ameitwa na hayuko inakuwa ile hoja inapotea na nafikiri hapo tukiangalia hapo hapo kwa Kanuni za Bunge nambari 47 (3) tutaiona kuwa hiyo hoja kuwa imekwenda na maji.

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Kwa hivyo naomba Mheshimiwa Spika apatiwe nafasi alete barua Mheshimiwa Raphael kupata kuisoma hii Mheshimiwa Spika kama ni saa nane aruhusiwe kuileta saa nane. Ahsante.

(Applause)

The Speaker: Yes Hon. Fadhili.

Deputy Speaker (Hon. Fadhili Mwalimu): Thank you Mr. Speaker. Mr. Speaker on the same note under Standing Order 47 (3) it has given the Speaker powers to allot the time, so I think it is in order the Hon. Member who has raised the Standing Order that you as the Speaker you can allot another time for the Motion to be debated in this House. Thank you Hon. Speaker.

The Speaker: Clerk can you read Standing Order 47 (3).

(The Clerk read Standing order 47 (3))

Where no Members moves a Motion at the time specified by or under these Standing Orders, such Motion shall not again be published in the Order Paper during the same session except with the leave of the Speaker.

Thank you. Yes Hon. Bwire you wanted to say something.

Hon. Bwire: Thank you Mr. Speaker. Mr. Speaker the context of the Motion itself is of more importance and as cited up by Hon. Hatimy if allowed the Hon. Member herself will be here at 2:00p.m with your permission if allowed she will come at 2:00p.m and proceed with the business if that is allowed. Thank you.

(Applause)

The Speaker: Clerk so you will put the Motion in the afternoon at 2:30p.m.

(Applause)

Thank you. Yes Clerk you may continue.

TRANSFERENCE OF WASTE MANAGEMENT TO WARD LEVEL

Yes Hon. Samba?

Hon. Samba: Thank you Mr. Speaker I gave out Notice of Motion yesterday and we were to debate it today. I would seek leave of the House to withdraw with amendments under Standing Order 55 so that I may bring it later on with amendments.

Deputy Speaker (Hon. Fadhili Mwalimu): Mr. Speaker.

(Interruption)

The Speaker: Yes Hon. Fadhili.

Deputy Speaker (Hon. Fadhili Mwalimu): Mr. Speaker it will be in order if the Hon. Member first reads the Motion so that it can be in possession of the House; when you propose the question that's when we can withdraw it under Standing Order 55. Standing Order 55 is very clear it is until the Motion is in the possession of the House after proposing the question that's when it can be withdrawn.

The Speaker: Thank you. Hon. Samba I think you have quoted Standing Order 55 do you have the Standing Orders with you? Can you read for us Standing Order 55? Yes Hon. Samba what is Standing Order 55 saying?

Hon. Samba: Standing Order 55 says,

After a question has been proposed on a Motion, the Motion shall be deemed to be in the possession of the County Assembly, and such Motion shall not be withdrawn without the leave of the County Assembly.

Mr. Speaker I beg to read the Motion so that you may pose a question if you allow me.

The Speaker: Yes you can continue.

Hon. Samba: Thank you so much Hon. Speaker.

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

(Hon. Samba moved the Motion)

THAT AWARE that the County Government is mandated with the responsibility of County Health Services, including in particular refuse removal, refuse dumps and solid waste disposal under Part 2 (g) of the Fourth Schedule of the Constitution of Kenya, 2010;

FURTHER AWARE that there have been challenges with waste management in the County for instance garbage collection;

NOTING THAT waste management that is garbage collection and general sanitation has always been coordinated from the County level;

CONCERNED THAT the current state of waste management in the County may pose a threat to both the residents and the environment in the County;

I therefore urge this Assembly to **RESOLVE** that:

1. County Government transfer waste management to Ward level.
2. County Government to establish Ward Waste Management Committee to organize and plan how to manage waste at the Ward level.

I beg to move Hon. Speaker.

The Speaker: Yes are you asking for the leave?

Hon. Samba: Yes at the same time I would seek the leave of the House to withdraw with amendments Hon. Speaker.

The Speaker: So you are withdrawing or with amendments?

Hon. Samba: Yes, with amendments.

(Question proposed)

The Speaker: Okay Hon. Members I now propose the question, yes Hon. Bwire.

Hon. Bwire: I was just consulting with the Chairman Hon. Hatimy on the same but there's some clarifications am ready to go, it's okay I have no point to raise.

The Speaker: Hon. Members I now propose the question that the Motion by Hon. Tobias Samba be withdrawn with amendments as moved.

(Question proposed and agreed to)

(Motion withdrawn)

...Next order?

ADJOURNMENT

Hon. Members this House stands adjourned until Wednesday 21st March, 2018 at 2:30p.m.

The House rose at 9:32 am