

**MOMBASA COUNTY ASSEMBLY****HANSARD REPORT**Wednesday, 15<sup>th</sup> March, 2017

The House met at 9:10am.

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

Hon Mary Akinyi.

**Hon. (Ms) Akinyi:** Thank you Mr. Speaker. Mr. Speaker Sir I beg to table a Motion on collection of garbage at night.**MOTION****COLLECTION OF GARBAGE AT NIGHT***(Hon. (Ms) Akinyi moved Motion of collection at night)*

That Aware that under Part Two, 2 (g), of the Fourth Schedule of the Constitution of Kenya 2010; refuse removal, refuse dumps and solid waste disposal is a mandate of the County Government;

Further Aware that garbage within the County is collected during the day;

Concerned that the aforementioned not only causes traffic congestion but also air pollution including but not limited to foul smell and littering on the roads;

Mr. Speaker Sir I therefore urge this Assembly to RESOLVE that:

The County government to come up with measures for the collection of garbage at night to stem the ever increasing garbage in the County.

*(Hon (Ms) Akinyi moved the Motion)*

Thank you Mr. Speaker Sir I ask Hon Enock Mwadziwe to second.

**Deputy Speaker** (Hon. Mswabah Rashid): Yes Hon Enock.**Hon. Mwinga:** Thank you Mr. Speaker. Mr. Speaker I arise to second the Motion.**Deputy Speaker** (Hon. Mswabah Rashid): Members I propose the question that the Motion on collection of garbage at night be discussed. Yes Hon Mary Akinyi.**Hon (Ms) Akinyi:** Ahsante Mheshimiwa Spika. Mheshimiwa Spika kama vile tunavyojua kuwa serikali yetu ya Kaunti tunapata kitita cha pesa kisichotosha kutoka kwa serikali kuu na inatangaza kuwa tumepata billioni 40 lakini tumepata billioni 19 kutoka tulipoanza Kaunti yetu ya Mombasa.

Hivyo basi Mheshimiwa Spika mambo kama haya yamechangia kuleta kufanya hata kuwa na magari machache ambayo yanaweza kukusanya taka...

*(Interruption)***Deputy Speaker** (Hon. Mswabah Rashid): Yes Hon Caroline what is it?**Hon (Ms) Auma:** Mheshimiwa Spika naona mambo anayo ongea hayako kwa *Order paper* kwa sababu anaongea mambo ya ukusanyaji takataka na yeye anakuja na mambo ya ma billioni 40 na billioni 16.

Mheshimiwa Spika mambo ya ma bilioni 40 na ma bilioni 16 hayajaandikwa katika karatasi hii atuelezee vizuri hii karatasi ina bilioni 40 na kama ni hiyo bilioni 40 si ni kweli ilipeanwa?

**Deputy Speaker** (Hon. Mswabah Rashid): Yes Hon Chizi Chireri ?

**Hon. (Ms) Chireri:** Ahsante sana Mheshimiwa Spika ningependa kumjulisha mnenaji anayenena saa hii ya kwamba Mheshimiwa Mary anajaribu kuijenga hoja yake pale ambapo itakuwa ni lazima aipalilie iwe itazaa matunda lakini yale anayoleta huyu mtu si mazuri Mheshimiwa Mary anajaribu kujenga hoja yake...

*(Applause)*

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

**Hon (Ms) Akinyi:** Ahsante Mheshimiwa Spika. Mheshimiwa Spika nilikuwa naendelea kujenga huu mjadala wangu jinsi ilivyo na ndio ikawa nimefika mahali ambapo nilipokuwa nimefika kuwa mambo ya kuwa tunapata pesa zisizoweza kuendelea kutimiza mambo yetu vile inavyohitajika ndiposa tuko na lori kidogo ambazo zinaweza kukusanya taka.

Mheshimiwa Spika ndio nikaja na mjadala huu ya kuwa kwa vile tuko na lori kidogo ambazo zinaweza kukusanya taka mahali ambapo zimekusanywa, nikaja na mjadala huu kuwa ukusanyaji wa taka uwe unafanyika usiku kwa sababu wakati wa usiku magari si mengi na vile magari si mengi kuna nafasi ambayo magari yanaweza kwenda hata kama ni safari nne hata kama ni safari tano itaenda katika mahali kumekusanywa taka kuliko kama mchana magari yanatembea haya ya kwenda kukusanya taka na hali magari mengi yako pale ambapo yanafanya kunakuwa na msongamano wa magari ambapo hata lile gari haliwezi kutembea kwa haraka ikiwa linaenda kukusanya taka.

Hivyo basi Mheshimiwa Spika ili urahisishaji wa ukusanyaji taka na ili mji wetu uendelee kuwa msafi ndio ninaomba Jumba hili liweze kuiunga mkono katika mjadala huu ambao unasema kuwa ukusanyaji wa taka uwe unatendeka usiku badili ya mchana. Ahsante Mheshimiwa Spika.

**Deputy Speaker** (Hon. Mswabah Rashid): Yes Hon Karisa Nzai.

**Hon. Karisa Nzai:** Ahsante sana Mheshimiwa Spika nami nasimama kuunga mkono mjadala huu.

*(Applause)*

Mheshimiwa Spika naunga mkono mswada huu kwa sababu ya wakaazi; mji wetu wa Mombasa ni uso, na sifa ya mahali kama Spika ulivyokuja kutueleza siku moja ulivyokwenda nchi jirani ukaona jinsi ilivyo safi na ikakupendeza ndiposa pia ukaja ukasema nasi.

Nakumbuka Mheshimiwa Spika ilikubidi mpaka ulete hoja kwenye Bunge hili ya kwamba mtu akionekana anatupa taka aweze kushikwa.

Mheshimiwa Spika mji huu katika kumbukumbu litakalowekwa ni kwamba kati ya sisi Wajumbe ambao tumekuwa katika Bunge hili tumeweza kuhusika namna gani kuona kwamba mji huu umeweza kuwa safi, ndiposa nasimama kidete kuunga mkono Mheshimiwa Mary kwa sababu ya kusema kwamba kuwe na nafasi, kupeanwe nafasi ya magari ama uchukuzi wa taka zote zibebwe usiku kwa kuwa mji huu utakapokuwa msafi sifa zitauendea mji huu na Bunge hili litaweza kusifiwa.

Mheshimiwa Spika hatuwezi kuingiza siasa tunapokabiliana na mambo ya usafi, mambo ya pesa ama huko hakuna mtu anayelipwa kusafisha nyumba yake, na kwa kuwa hakuna mtu yeyote anayeweza kukubali kuona nyumba yake ni chafu basi vile vile hata mji huu aidha twakopa twapewa hatupewi ni jukumu letu kuona mji wa Mombasa ni msafi.

Wanaopewa nafasi ya kusimamia ndio wanaotuangusha na ndio wazembe hawafanyi kazi yao inavyotakikana, hivyo basi ni kusema kwamba tupeane idhini kali, na kila anayepewa nafasi ya kusimamia, awe na nafasi ya kufuatiliziwa kuona kwamba mji huu umeweza kurekebisha, umeweza kuwa msafi.

Unajua kwamba taka zinaweza kutoa mambo mengi kwa sababu mtambo tulikuwa nao Jomvu na tukaweka mjadala huu tukasema takataka ziweze kuchukuliwa ziletwe Jomvu tuweze kusaga ili ziweze kutoa vitu vingine vingi.

Lakini pia tunashukuru kwamba mipango ya wataalam imeweza kuleta kwamba hata kibarani tunaweza kutengeza ardhi nyengine kibarani kwa sababu ya zile takataka.

Mheshimiwa Spika hivyo ni kusema tunaweza kukusanya takataka zote tukazipeleka katika mahali panapofaa na zikatutengenezea kitu chengine, hivi mji unazidi kuendelea kupanuka na kuonekana kuwa unaweza kutengenezwa hapa na pale ili tuone kwamba mji huu unapendeza watu wakishuka uwanja wa ndege hawajui ni Mheshimiwa Mary ndie aliyeleta mswada, hawajui ni Spika, ni Bunge hili litakalopewa sifa kwa sababu ya kuonekana usafi wa mji. Ahsante sana Mheshimiwa Spika.

**Deputy Speaker** (Hon. Mswabah Rashid): Yes Hon Wangudi.

**Hon. Wangudi:** Ahsante sana Mheshimiwa Spika. Mheshimiwa Spika ahsante kwa kunipa fursa hii ya kumpongeza Mheshimiwa Mary, Mheshimiwa Mary ambae ni mamake Duncan Onyango (DO) kuendelea na mswada.

Mheshimiwa Spika Mswada wenyewe ambao pia ninaupongeza lakini hata hivyo mimi niliwasiliana na wenzangu kidogo waliotangulia kuchangia mswada wetu, kwanza naupinga mswada huu niko na sababu za kutosha.

Kwanza kabisa aliye buni mswada huu ndani ya Jumba hili aliweza kuchanganya hoja mbili, hoja ya usafirishaji wa taka na hoja ya ukusanyaji wa taka na hizi hoja mbili ziko tofauti.

Tunapojadili usafirishaji wa taka, tunapojadili ukusanyaji wa taka ni mambo mawili tofauti, iwapo yanaweza kuja kwa pamoja ni sawa na iwapo amelenga kuleta hoja moja, ije moja na ieleweke Mheshimiwa Spika.

Kwa sababu gani nasema hivyo Mheshimiwa Spika; ukusanyaji wa taka hauwezi kufanyika usiku lakini usafirishaji wataka unaweza kufanyika usiku namna inavyofanyika hivi sasa.

Mheshimiwa Spika ningependa kujulisha Jumba hili ya kwamba usafirishaji wa taka zetu hufanyika usiku, iwapo mtu hana taarifa hiyo aweze kuipokea kutoka kwangu.

*(Applause)*

**Deputy Speaker** (Hon. Mswabah Rashid): Yes, Enock Mwinga

**Hon. Mwinga:** Ahsante Mheshimiwa Spika. Mheshimiwa Spika mimi nina masikitiko makubwa kwa hawa Waheshimiwa ambao wanataja Mheshimiwa wa Mwakirunge haishi Mwakirunge.

Mheshimiwa Spika unajua hawa Waheshimiwa wote ambao wanalalamika ni kwa sababu waliniuliza niweze kuwapatia mashamba kule Mwakirunge na nikakataa, ndio maana saa hii wanaongea hivyo, kama ungeliniruhusu Mheshimiwa niweze kuchangia....

*(Loud consultation)*

**Deputy Speaker** (Hon. Mswabah Rashid): Members, Members can you sit down so that we continue with the Motion, Hon Amur you are contributing to the Motion alone.

**Hon. Mwinga:** Mheshimiwa Spika mimi nimesimama hapa kuunga mkono mswada huu. Mheshimiwa Spika kazi ya takataka huwa inakuwa vizuri ikifanywa usiku; hii haitakuwa mara ya kwanza kufanyika hapa Kaunti ya Mombasa lakini kama wewe ulibahatika kwenda pale Arusha, mimi pia nilibahatika nikaenda pale Dar es Salaam na kazi hii tulikuwa tunaiona ikifanyika usiku.

Hii ni kwa sababu Mheshimiwa Spika tulipojaribu kuwauliza kwa nini kazi hii ya kuzoa takataka na kusafirisha takataka inafanywa usiku walijaribu kutueleza ya kwamba usiku jambo la

kwanza kampuni nyingi huwa zimefungwa kwa hivyo watu wengi huwa wako majumbani na vile vile pia ni kwa sababu magari mengi huwa usiku hayatembezi na ndio maana kazi ile inafanyika usiku.

Mheshimiwa Spika nikitoa tu kwa mfano kidogo kuna siku nyengine nilikua napita hapo, hapo Marikiti na takataka zikawa zinawekwa kwa lile lori ile *loader* ikawa inaweka takataka kwa lile lori Mheshimiwa kwa bahati mbaya zile takataka zilipeperuka, zilianguka na zikaanza kuchafua wananchi.

Mheshimiwa Spika si jambo la kufurahisha kama mtu amekuja mjini amevaa vizuri halafu aanze kuchafuliwa na takataka.

Kwa hiyo mimi naunga mkono huu mswada Mheshimiwa Spika, takataka ziwe zikichukuliwa usiku hata zile munaleta kule Mwakirunge ziwe zinaletwa usiku kwa sababu takataka zinapokuja mchana huwa munafanya inakuwa mpaka pale Kibarani watoto hawaendi shule wanatafuta zile lori zinazoleta takataka.

Kwa hiyo mimi naunga mkono mswada huu na tupitishie Waheshimiwa tusaaidiane huu mswada uweze kupitishwa ili uweze kufanya kazi mara moja. Ahsante Mheshimiwa Spika.

(Applause)

**Deputy Speaker** (Hon. Mswabah Rashid): Yes, Hon Caroline...

**Hon. (Ms) Auma:** Mheshimiwa Spika pia mimi ni mmoja wao kupongeza Mheshimiwa Mary kwa kuleta mswada huu wa kubeba takataka wakati wa usiku.

Mheshimiwa Spika mimi naweza kuwa mfano mzuri kwa sababu nilitoka hapa kwenda mpaka Rwanda na tulikuwa na Mheshimiwa Mary na yale tuliyoyaona kule niliona usafi wa hali ya juu ambapo kama huo mfano unaweza kufanywa hapa Mombasa itakuwa tuko mahali ambapo ni pazuri sana Mheshimiwa Spika.

Mheshimiwa Spika inakuwa wakati kama wa asubuhi asubuhi unaona malori yanakusanyika na kwenda kubeba zile takataka wakati yakikusanyika hivyo wakibeba jua kuna msongamano wa magari kwanza pale Lights na pale Lights kwanza kulikuwa kuna msongamano wakati lori zikibeba takataka zikienda kumwaga Mwakirunge kulikuwa na msongamano sana halafu kuna yale magari huwa yanabeba takataka kuanzia saa nne wakati ukisimama kwa mlango wa mtu au kwa mlango wa duka wakibeba takataka huko nyuma kuna msongamano wa magari kwa sababu, kwa sana sana hii barabara ya huku kwetu ya Bunge la Kaunti huwa kuna msongamano wakati wa asubuhi asubuhi kwa sababu ya kubeba takataka.

Mheshimiwa Spika sasa mimi kwa upande wangu namuunga Mary mkono ili takataka zote ziweze kubebwa usiku, usiku ndio kuna nafasi nzuri sana ya kubeba takataka na kuweza kutupa takataka mahali zinatajikana. Ahsante sana Mheshimiwa Spika.

**Deputy Speaker** (Hon. Mswabah Rashid): Mheshimiwa Amur Murfad...

**Hon Amur:** Mheshimiwa nasimama kupinga vikali kwa sababu zifuatazo, kwa sababu Muumba wa mbingu na ardhi hakuwa mjinga alipoumba mchana na usiku, usiku ulikuwa umewekewa kazi zake maalum nazo ni kwamba mwanadamu aweze kupumzika masaa ya usiku na ufanye kazi wakati wa mchana.

Leo tunataka kubadilisha maumbile ya dunia kweli tunaenda na wakati tuangalie zile hatari ambazo ziko; Mombasa tunajua kwa saa hizi kuna changamoto za *insecurity* tutawatia wafanyi kazi wetu katika jukumu ambalo itabidi sisi tutafute *security* kuwalinda wafanyi kazi hawa kwa sababu kuna *insecurity issues* kwa sasa Mombasa.

Cha pili Mheshimiwa Spika, je hawa wafanyi kazi watakao fanya kazi usiku ni kina nani watakuwa wana wasimamia? Kwa sababu watu hawa watakua *shift* na wasimamizi hawataweza

kufanya mchana na wafanye na usiku kwa hio ni akina nani watakuwa wanasimamia hawa watu Bwana Spika...

*(Interruption)*

**Hon. (Ms) Akinyi:** Point of Information.

**Deputy Speaker** (Hon. Mswabah Rashid): Yes, Hon Mary.

**Hon. (Ms) Akinyi:** Ahsante sana Mheshimiwa Spika, ningependa kufahamisha Jumba hili na hata mnenaji kuwa wale ambao wanakusanya takataka wataweza kufanya kazi usiku, wale wasimamizi watakuwa wanasimamia asubuhi ile kazi ambayo walikuwa wamefanya usiku, na hata katika kazi zote ambazo zinafanywa kuna kazi ambayo wengine wanafanya mchana na wengine wanafanya kazi usiku.

Kwa hivyo asipotoshe Nyumba hii akasema kuwa kazi watu hawawezi kufanya kazi usiku.

*(Interruption)*

**Deputy Speaker** (Hon. Mswabah Rashid): Mheshimiwa Mary you will be given time to reply to the Motion.

**Hon. Amur:** Mheshimiwa kumfahamisha alieleta Mswada huu kwamba akumbuke kwanza zile *institutions* zinazofanya masaa 24 zimepangiwa *shift* ya masaa manane; mfano wa Kenya Port na mashirika mengine yana mikakati maalum ndio maana nasema ingekuwa bora kwake kabla kuleta Mswada huu angeenda kukutana na Kamati husika waweke mikakati hiyo kwamba je wafanyikazi hata sisi tuko na kitengo cha wazima moto inafanya hata usiku lakini wamefanyiwa mikakati ya *location*, huwezi kumfanyisha mwanadamu afanya kazi usiku kila siku.

Mwanadamu huyu Mungu alimpangia nafasi yake pia ya kutengeneza watoto sasa wewe utakuwa unampangia kila siku afanye kazi usiku hana kupumzika, zile *institution* ambazo zinakaa masaa 24 huwa zinapangiwa kufanya masaa manane, na wana siku fulani wanapewa mapumziko, usingizi unaweza kuleta madhara ya kiafya, kwanza ingekuwa bora akutane na Kamati husika waweke mikakati inayowezekana halafu hoja hii iletwe hapa tuweze kuipitisha lakini kuja tu kuamua kuleta hoja wakati mikakati yenyewe ama *rules and regulations has not been put in place*, itakuwa ni shida sana.

Kwa hivyo naipinga vikali Mheshimiwa Spika. Ahsante Mheshimiwa Spika.

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

**Hon. Wangudi:** Mheshimiwa Spika ningependa kujulisha Nyumba hii kwamba Mheshimiwa ametaja wenye maduka, wenye maduka wanafungua maduka saa tatu asubuhi na wanafunga saa kumi na moja, na wanaofunga maduka saa saba usiku wanafanya nini?

Yale mashirika yanayofanya kazi mahali pamoja wanafanya usiku ile kazi inafanyika mahali pamoja sio kazi ya kuzunguka na kubisha milango yetu, tunabisha milango halafu kisha wahuni watakuja kubisha milango wazazi wetu watanyangaywa vitu vyao, usafirishaji wa taka unawezekana mchana na ukusanyaji ni usiku.

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

**Hon. Mohamed Hatimy:** Ahsante Mheshimiwa Spika, watu wanafanya kazi usiku, na ni kama kusema kuwa hii Mswada ama *mover* ameweza kukaa chini na hawa Kamati kuzungumza kwa sababu nilikuwa nataka tuongeze kuwa yale magari yanayobeba takataka yawe yanafunikwa kuondoa harufu na kuondoa takataka kutawanyika.

Kwa hivyo Mheshimiwa namuomba mwenye huu Mswada aongeze njia gani zile takataka zitabebwa na pia nafikiri wafanyi kazi siku hizi wanafanya usiku, kila siku utakuta wanabeba hukusanywa mpaka saa sita nafikiri mpaka saa nane.



Kwa hiyo Mheshimiwa Spika naomba mwenye Mswada aongeze pia yale magari yanayozoa takataka yawe yanafunikwa kusudi zile taka zisitapakae kila mahali..

*(Interruption)*

**Deputy Speaker** (Hon. Mswabah Rashid): Mheshimiwa Hatimy are you supporting or opposing the Motion?

**Hon Mohamed Hatimy:** I am supporting the Motion with amendments Mr. Speaker, the Motion to be amended *halafu tutairegesha kesho tuiptishe lakini pia wakae na Kamati waangalie ni njia gani hii tutakubaliana ili huu Mswada ukija hapa uwe unakuja kupita, tihakikishe kuwa imefanya kazi, Ahsante.*

**Deputy Speaker** (Hon. Mswabah Rashid): Hon Mary do you agree with what Hon Hatimy has said?

**Hon (Ms) Akinyi:** Ahsante Mheshimiwa Spika, naomba Jumba hili nikiwa najaribu kufahamisha Jumba hili kuwa kabla nilete huu mjadala niliwasiliana na kitengo cha mambo ya mazingira wakawa wamesema kweli kazi imeanza lakini haijaanza usiku ndiposa nikaleta huu mjadala hapa kuwa taka ziwe zinakusanywa usiku ili mchana watu wanapoamka ndio tukiwa tunaweza kuweka ile sheria yetu ambayo tulipitisha ya kuwa mtu akiwa ametupa taka aweze kukamatwa na aweze kutoa faini yoyote ndio watu wakiamka asubuhi unapatikana kama mji uko msafi hata kama mtu ametupa taka anaonekana na anaweza kukamatwa na akatozwa faini na mji wetu ukaendela kuwa msafi.

Hivyo Mheshimiwa Spika bado nasimama katika lile jambo la kuwa taka ziweze kukusanywa na kutupwa wakati wa usiku. Ahsante Mheshimiwa Spika.

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

**Hon Mohamed Hatimy:** Mr. Speaker I stand under Standing Order 91 because in the body of the Motion there's nothing like the prayer, the prayer of the Motion differs with the body of the Motion there's nothing like the prayer, the prayer which says the County government to come up with measures for the collection of garbage at night...

*(Interruption)*

**Deputy Speaker** (Hon. Mswabah Rashid): Sorry come again.

**Hon Mohamed Hatimy:** The prayer, you go through the body of the Motion; That Aware that under part 2(g) of the Fourth Schedule of the Constitution, there's no problem. Further Aware that garbage within the County is collected during the day, no problem. But now Mr. Speaker if we go to the Concerned that the aforementioned not only causes traffic congestion but also air pollution including but not limited to foul smell and littering on the roads, so my opinion was to come up with a system that we make sure that the lorries are covered....

*(Interruption)*

**Deputy Speaker** (Hon. Mswabah Rashid): But Hon Hatimy I asked the Mover of the Motion but I think she is not interested with the amendment because I gave her time maybe she liked or not.

**Hon Mohamed Hatimy:** Then the Motion is begged low is not talking about....

*(Interruption)*

**Deputy Speaker** (Hon. Mswabah Rashid): Then it is upon you guys whether to...

*(Interruption)*

**Hon Mohamed Hatimy:** Then I abstain.

**Deputy Speaker** (Hon. Mswabah Rashid): There being no other debate I will put the question to the Motion; as many as are of the opinion that the County government to come up

with measures for the collection of garbage at night to stem the ever increasing garbage in the County.

*(Question put and rejected)*

Yes Clerk.

**ADJOURNMENT**

There being no other business the House stands adjourned until afternoon. Thank you.

The House rose at 9:49am.