



COUNTY ASSEMBLY OF MOMBASA

OFFICIAL REPORT

Tuesday, 27th November, 2018

The House met at 2:33p.m.

(The Deputy Speaker (Hon. Fadhili Mwalimu) in the Chair)

PRAYERS

The Deputy Speaker (Hon. Mwalimu): Hon. Members have your seats. Yes, Clerk.

PAPERS

FIRST QUARTERLY REPORT ON BUDGET EXPENDITURE 2018/2019

Yes Hon. Leader of Majority.

The Leader of Majority (Hon. Mwidani): Thank you Mr. Speaker, let me take this opportunity as Deputy Chair of Finance to lay the Paper, first quarterly report on budget expenditure 2018/2019.

(Paper laid)

The Deputy Speaker (Hon. Mwalimu): Hon. Members I now stand to commit the laid report on budget expenditure, the quarterly report on budget expenditure 2018/2019 to the Committee on Finance and the report will be debated in this House hopefully by next week before we go for recess, thank you. Yes Hon. Bwire.

Hon. Bwire: Thank you Mr. Speaker, mine is just a concern whether the paper that has been laid is an order paper or is the first quarterly report on budget expenditure as required. Thank you.

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Amur.

Hon. Murfad Amur: Mr. Speaker with all due respect to my colleague this is a report that was requested by Hon. Mwamwiri so the Committee has just brought that back to the Committee and the Committee will inform the House, the report that has been requested by Hon. Mwamwiri.

The Deputy Speaker (Hon. Mwalimu): Hon. Sumba Bwire the report before the Leader of Majority is the quarterly report not unless you want to peruse the report you are at liberty to peruse it but it is before the Honourable House.

Hon. Bwire: Mr. Speaker my concern you see is when now the Hon. Majority wants to lay the paper; I don't know whether the first that was brought to your table was the one that was to be laid or the one that was to be laid is the one that has come with Mr. Chairman.

The Deputy Speaker (Hon. Mwalimu): It is a copy of the report that was brought before me. Yes Clerk.

The Leader of Majority (Hon. Mwidani): Maybe to remove doubt to the Member...

(Interruption)

The Deputy Speaker (Hon. Mwalimu): Hon. Majority leader I have ruled on that issue so let the Assembly proceed. Yes Clerk.

NOTICE OF MOTION

ADOPTION OF TUK TUK OPERATORS RULES

Hon. Mohamed Hatimy.

Hon. Mohamed Hatimy: I wish to give a notice of Motion on adoption of Tuk Tuk operators rules.

(Hon. Mohamed Hatimy moved)

WHEREAS Tuk Tuks are authorized to operate under the Traffic Act of the Laws of Kenya;

WHEREAS the County government is mandated under Schedule Four of the Constitution to regulate road transport under its area of jurisdiction;

WHEREAS there have been increased incidences of acts of insecurity and malpractices by operators of Tuk Tuk cabs and if left unregulated the public will continue to be exposed to security and safety hazards;

WHEREAS there is need for legislation to effectively and efficiently regulate this sub-sector for greater public safety and security; and,

WHEREAS it is the intent that these rules shall be applicable to all Tuk Tuk owners, drivers and agents (herein after called the 'operator(s)') until otherwise rescinded or amended by the County Assembly;

NOW, THEREFORE, be it resolved that the County Assembly of Mombasa adopts the following Tuk Tuk Operators Rules, 2018:

The County Government of Mombasa to take enforcement measures to ensure that:

1. Every Tuk Tuk operator shall be a registered member of an Association recognized by the County government for the sub-sector. The Association shall among other things be responsible for the training of its Members on matters of safety and security of passengers.
2. Every Tuk Tuk cab shall:
 - a) Be painted on the right hand side with the full and true name of the owner, his/her business address and the total number of passengers allowed to be carried thereof;
 - b) Have a sticker paid for and issued monthly or such other time as is authorized by the County government;
 - c) Have the photo of the driver displayed inside the Tuk Tuk;
 - d) Have installed three safety belts in usable form for use by passengers;
 - e) Ensure that the Tuk Tuk is washed and cleaned daily or at any time there is dust or dirt deposited therein.
3. For the purpose of identification, every Tuk Tuk cab shall be in one of the following zones:
 - a) Island Zone
 - b) Likoni Zone
 - c) Changamwe Zone
 - d) Jomvu Zone
 - e) Nyali Zone
4. Every Tuk Tuk operating in a particular zone shall be painted with a particular colour. Colours painted for Tuk Tuks operating in each zone shall be:
 - a) Island Zone - Green
 - b) Likoni Zone - Yellow
 - c) Changamwe Zone - Red
 - d) Jomvu Zone - Orange
 - e) Nyali Zone - Blue
5. The colour scheme shall not prevent operators from criss-crossing or passing through another zone.
6. The County government shall adopt different number schemes peculiar to each zone.
7. Every Tuk Tuk driver shall while carrying passengers:
 - a) At all times wear clean official uniform prescribed by the County government;

- b) Be clean and well-groomed;
 - c) Refrain from smoking or spitting while carrying passengers;
 - d) Carry his National ID and valid driver's licence;
 - e) Drive within the prescribed traffic rules as per the law and observe required speed limit;
 - f) Ensure the safety and security of passengers, their luggage, other motorists and pedestrians;
 - g) Avoid foul and vulgar language against passengers or other motorists;
 - h) Avoid using violence or threats against passengers;
 - i) Ensure passengers do not leave any personal property before alighting and where such has been left to take reasonable steps to return the same to their owners or surrender at a police station nearby;
 - j) Avoid obstructing other vehicles on the road.
8. Tuk Tuk operators and the general public are sensitized on these rules and those who contravene are prosecuted accordingly;
9. The County government shall have powers to enforce these rules and shall include prohibition of any Tuk Tuk cab from operating or prosecution in a court of law for violating the same;
10. Photographic and video evidence of violations of these rules by Tuk Tuk operators shall be admissible in court.
11. These rules shall come into force six months after adoption.

Thank you Mr. Speaker.

The Deputy Speaker (Hon. Mwalimu): Yes Clerk.

RESOLUTION OF THE ASSEMBLY ON RESPONSIBILITY BY PROPERTY OWNERS TO MAINTAIN
CLEANLINESS AROUND THEIR PROPERTIES

Yes Hon. Mohamed Hatimy.

Hon. Mohamed Hatimy: Mr. Speaker my request is Hon. Amur to read my notice please.

The Deputy Speaker (Hon. Mwalimu): Yes Hon. Amur proceed.

Hon. Murfad Amur: Mr. Speaker on behalf of my learned friend Hon. Mohamed Hatimy I wish to give a notice of the following Motion; resolution of the Assembly on responsibility by property owners to maintain cleanliness around their properties.

(Hon. Murfad Amur moved)

WHEREAS environmental control is a function of the County government pursuant to the Fourth Schedule of the Constitution of Kenya, 2010;

WHEREAS there is need to provide guidance and direction on maintenance of cleanliness in the County to prevent unscrupulous dumping of waste material which if left unchecked will lead to health hazards and pose a threat to public health and safety;

WHEREAS it has been noted that there is a proliferation of trash dumped adjacent to properties all over the County; and,

WHEREAS it is the intent that these rules shall be applicable to all property owners, tenants and agents until otherwise rescinded or amended by the County Assembly;

NOW, THEREFORE, be it resolved by the County Assembly of Mombasa as follows:

The County government of Mombasa to take enforcement measures to ensure that:

1. A radius area of 10 metres surrounding each property is swept, washed and kept clean free from litter and garbage;
2. All pavements and verandas fronting roads or which are deemed to be road reserves adjacent to properties are free from hindrances or impediments for ease of passage by pedestrians;
3. A litter-bin is placed in front of every property for disposal of litter;
4. Garbage is separated into categories and be put in environmentally-friendly bags for ease of disposal;
5. The public is sensitized on proper garbage disposal and prosecute those infringing the law.

Thank you Mr. Speaker Sir.

The Deputy Speaker (Hon. Mwalimu): Yes Clerk.

TRAINING OF YOUTHS BY THE KENYA NAVY ON RESCUE DURING DISASTER

Hon. Mohamed Hatimy.

Hon. Mohamed Hatimy: Thank you Mr. Speaker, before I go to another Notice of Motion, I seek leave under Standing order 45 to amend the Tuk Tuk Motion to include (f) to include Kisauni zone paragraph 3 and 4, to amend the notice of Motion (f) to read Kisauni...

(Consultations)

The Deputy Speaker (Hon. Mwalimu): Okay proceed.

Hon. Mohamed Hatimy: Okay Mr. Speaker I wish to give a Notice of Motion on, training of youths by the Kenya Navy on rescue during disaster:

(Hon. Mohamed Hatimy moved)

WHEREAS the County government is mandated to provide rescue and disaster management services as per the Fourth Schedule of the Constitution of Kenya, 2010;

WHEREAS the County government has fire brigade services and a Disaster Management Committee for such purposes as need may arise;

WHEREAS there is need to increase manpower and volunteer services to complement the efforts of the County government so as to assist whenever a situation arises in order to safeguard lives and property;

WHEREAS there is need to involve the public in matters of rescue and disaster management so that disaster situations are efficiently and effectively managed;

NOW, THEREFORE, be it resolved by the County government of Mombasa as follows:

The County government of Mombasa in cooperation with the Kenya Navy to train youths in the County on matters of rescue and disaster preparedness.

Thank you Mr. Speaker.

The Deputy Speaker (Hon. Mwalimu): Yes Clerk.

ADJOURNMENT

Hon. Members there being no other business the House stands adjourned until Wednesday the 28th at 9:00a.m.

The House rose at 2:55p.m.