



REPUBLIC OF KENYA
COUNTY ASSEMBLY OF KILIFI
SECOND ASSEMBLY –THIRD SESSION

THE HANSARD

Wednesday, 14th August 2019

*The House met at the County Assembly Chamber,
Malindi Town, at 2.30 p.m.*

[The Deputy Speaker (Hon. Kenga) in the Chair]

PRAYERS

PAPER

REPORT ON THE PETITION ON THE OFFICE OF KILIFI COUNTY ATTORNEY

Hon. (Ms.) Scholastica: Thank you Mr. Speaker for giving me this opportunity. Pursuant to Standing Order No. 203 (2), I would like to lay on the Table of this House a Report on the Committee of Justice and Legal Affairs on the Petition of the Office of the County Attorney, Kilifi County. Thank you.

(Hon. (Ms.) Scholastica laid the document on the Table)

The Deputy Speaker (Hon. Kenga): Yes hon. Mwarandu.

Hon. Mwarandu: Thank you Mr. Speaker for this opportunity. I personally would like to be guided on the Report on Legal Affairs. I know it is a Petition and it cannot be discussed. However, it is your prerogative to use Standing Order number one or you can allow us to comment or give our observations using Standing Order No. 203 (2) but I need your direction and guidance as to whether this is the right time for us to make our submissions.

The Deputy Speaker (Hon. Kenga): Thank you very much. Last week if we can all remember, it was hon. Mwarandu who raised the concern on the Report having taken a lot of time before finding its way into the Assembly due to previous challenges that we had

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experienced. But again, it is very much in order under Standing Order No. 203 (2). We have an opportunity as Members of the County Assembly to make observations or comments based on the Report and this is limited to a period of 20 minutes. So, for those who would wish to make comments on the Report, you have 20 minutes. Kindly make your request and you will be allowed.

Hon. Mwarandu: Thank you very much Mr. Speaker again for this opportunity. This is a House of rules and procedures and we are guided by our Standing Orders and any other statute law. When we are deliberating on issues concerning our great County of Kilifi, we are not witch-hunting anyone. We were all sworn in here to protect the Constitution and any other law. You will remember that last week I said that the sovereign power belongs to the people of Kenya and the people of Kilifi County are not exempted.

This Petition emancipated from the people of this County and we are not saying that Michelle Bibi Fondo was employed illegally; No! What we are saying is that the Department of the County Attorney or the Division of County Attorney is there illegally. In fact, in my view I think as an Assembly we have been making mistakes to allow the Department of Finance to allocate monies to this Department because it is not in our County Government system. So, for someone to call himself or herself a County Attorney...

(Hon. Mramba stood on a Point of Order)

The Deputy Speaker (Hon. Kenga): What is your Point of Order hon. Member?

Hon. Mramba: Mr. Speaker, the hon. Chairperson of Justice and Legal Affairs has tabled a Report. So I do not know if the Member on the Floor is debating the Report or he is standing on a Point of Order. This is because it is as if he is debating this Report which has been tabled. We need your guidance.

The Deputy Speaker (Hon. Kenga): Thank you and I will give you the guidance as provided for in our Standing Orders. Remember decisions come from members of the public and the guidelines from the Standing Orders; we do not have an opportunity to debate. They cannot be moved for members to debate. It is only an opportunity to make your observations and comments. That is what the Member was asking for and he has been given time. Go to Standing Order number 203 up to 205 you will be able to learn on the provisions; proceed.

Hon. Mwarandu: Thank you very much Mr. Speaker for enlightening the Member for Kakuyuni who is also my friend and senior Member of this House. He ought to know the Standing Orders better than me but because of some ignorance he did not want to know that. What I was saying is that we are not fighting anybody and we are not saying that Michelle Bibi was employed illegally; no, the creation of the Department is what is questionable. In my view, this Assembly has been making mistakes in allocating monies for this county division. To cut the long story short, this House has an obligation to scrap this Department and Michelle remains as a legal adviser of the county and not County Attorney. Thank you very much Mr. Speaker.

The Deputy Speaker (Hon. Kenga): Thank you. Is there any other Member who would wish to make some comments based on the Report? Thank you. We proceed with the business of the day.

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COMMITTEE OF THE WHOLE

(Order for Committee read)

[The Deputy Speaker (Hon. Kenga) left the Chair]

IN THE COMMITTEE

[The Temporary Chairperson (Hon. (Ms.) Maneno took the Chair]

THE KILIFI COUNTY SOLID WASTE MANAGEMENT BILL, 2019

The Temporary Chairperson (Hon. (Ms.) maneno): Hon. Members, welcome to the Whole House Committee. The rules are relaxed so you can contribute more than once. Welcome. We are dealing with The Kilifi County Solid Waste Management Bill, 2019.

(Clauses 3, 4 5, 6, 7 and 8 agreed to)

Clause 9

Hon. Matsaki: I am standing in for our Chairperson hon. Hassan who is not in. On today's business Madam Chairperson, I beg to move:-

THAT Clause 9 be amended-

(a) by deleting the word "guidance" immediately after the word "establish" and insert the word "guidelines" thereof;

(b) by deleting the word "compositing" between the words "and" and "of" and insert the word "Composting" thereof.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 9 as amended agreed to)

Clause 10

Hon. Matsaki: Madam Chairperson, I beg to move:-

THAT insert New Sub-Clause 3 to provide as below;

"The County Executive Committee Member in consultation with lead agency shall develop regulations for classification of different types of waste and methods of their disposal."

(Question of the New Sub-Clause 3 proposed)

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(New Sub-Clause 3 read the First Time)

(Question, that the New Sub-Clause 3 be read a Second Time, proposed)

(Question, that the New Sub-Clause 3 be read a Second Time, put and agreed to)

(The New Sub- Clause 3 was read a Second Time)

(Question, that the New Sub-Clause 3 be added to the Bill, put and agreed to)

Clause 11

Hon. Matsaki: Madam Chairperson, I beg to move:-
THAT Clause 11(1) be amended-

(a) by deleting the phrase “may by notice in the gazette” immediately after the word “member” and instead insert the phrase “shall set up regulations to” to provide as below;

(b) “The Executive Committee Member shall set up regulations to divide the County into such zones for purposes of convenient management of collection and transportation and may from time to time alter such zones”

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 11 as amended agreed to)

Clause 1

Hon. Matsaki: Madam Chairperson, I beg to move:-

THAT, Clause 1 be amended by re-numbering Clause 1 in PART II of the Bill to be Clause 12.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 1 as amended agreed to)

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Clause 2

Hon. Matsaki: Madam Chairperson, I beg to move:-

THAT, Clause 2 be amended by re-numbering Clause 2 in Part II of the Bill to Clause 13 and further amend by deleting the phrase “at any hour reasonable” appearing immediately after the word “may” and replace it with the phrase “during official working hours” thereof to provide as below;

“An authorized officer may during official hours for proper performance of his or her duty, under this act, enter any premises/households to make any inspection, inquiry, investigation or to do any other work or do anything which is required or authorized by this Act...”

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 2 as amended agreed to)

Clause 3

Hon. Matsaki: Madam Chairperson, I beg to move:-

THAT, Clause 3 be amended by re-numbering Clause3 in PART II of the Bill to Clause 14.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Clause 3 as amended agreed to)

Clause 4

Hon. Matsaki: Madam Chairperson, I beg to move:-

THAT, Clause 4 be amended by re-numbering Clause 4 in PART II of the Bill to Clause 15 and further amended by deleting the provisions of Clause 4(1) and replacing thereof with the following provisions;

“No person may manufacture, have in his or her possession, and offer for sale or distribution in any manner within the county any carrier bags from virgin plastic”

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

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(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 4 as amended agreed to)

PART III

Hon. Matsaki: Madam Chairperson, I beg to move:-

THAT, Part III be amended by numbering the first provisions of this part which begins with the word “the” as Clause 16.

(Question of the amendment proposed)

(Question, that the words to be inserted be inserted, put and agreed to)

(Part III as amended agreed to)

Clause 5

Hon. Matsaki: Madam Chairperson, I beg to move:-

THAT, Clause 5 be amended by re-numbering Clause 5 in Part III of the Bill to be Clause 17.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 5 as amended agreed to)

Clause 6

Hon. Matsaki: Madam Chairperson, I beg to move;

THAT, Clause 6 be amended by re-numbering Clause 6 in PART III of the Bill to be Clause 18 and further amend Sub-Clause 1 by deleting the phrase “County Government” before the word “the” and insert the phrase “Executive Committee Member “thereof.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 6 as amended agreed to)

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Clause 7

Hon. Matsaki: Madam Chairperson, I beg to move:-

THAT, Clause 7 be amended by re-numbering Clause 7 in PART III of the Bill to be Clause 19.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 7 as amended agreed to)

Clause 8

Hon. Matsaki: Madam Chairperson, I beg to move:-

THAT, Clause 8 be amended by re-numbering Clause 8 in PART III of the Bill to be Clause 20 and further amend by deleting Sub-Clause 3.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 8 as amended agreed to)

Clause 9

Hon. Matsaki: Madam Chairperson, I beg to move:-

THAT, Clause 9 be amended by re-numbering Clause 9 in PART III of the Bill to be Clause 21.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 9 as amended agreed to)

Clause 10

Hon. Matsaki: Madam Chairperson, I beg to move:-

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THAT, Clause 10 be amended by re-numbering Clause 10 in PART III of the Bill to be Clause 22.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 10 as amended agreed to)

Clause 11

Hon. Matsaki: Madam Chairperson, I beg to move:-

THAT, Clause 11 be amended by re-numbering Clause 11 in PART III of the Bill to be Clause 23.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 11 as amended agreed to)

Clause 12

Hon. Matsaki: Madam Chairperson, I beg to move:-

THAT, Clause 12 be amended by re-numbering Clause 12 in PART III of the Bill to be Clause 24.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 12 as amended agreed to)

Clause 13

Hon. Matsaki: Madam Chairperson, I beg to move:-

THAT, Clause 13 be amended by re-numbering Clause 13 in PART III of the Bill to be Clause 25 and further amend by deleting the first line of Sub-Clause 1 ending with word "including" and replacing thereof with the following provisions;

"The Executive Committee Member shall create regulations to guide every generator of solid waste to separate or cause to be separated the waste into various categories including...;

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(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 13 as amended agreed to)

PART IV

Hon. Matsaki: Thank you Madam Chairperson. I beg to move:-

THAT, title of Part IV be amended by inserting the word “Licensing” to read”
TRANSPORTATION AND LICENSING”

(Question of the amendment proposed)

(Question, that the words be inserted be inserted, put and agreed to)

(Part IV as amended agreed to)

Clause 14

Hon. Matsaki: Thank you Madam Chairperson. I beg to move:-

THAT, Clause 14 be amended by re-numbering Clause 14 in Part IV of the Bill to Clause 26 and further amend by deleting the phrase “from application” between the words “application” and “made” in Sub-Clause 2 and further amend re-numbering Sub-Clause 2 to Sub-Clause 3.

Further amend by inserting a New Sub-Clause 2 and Sub-Clause 4 to provide as below;

26(2) “The Chief Officer in consultation with relevant lead agencies, review such application and approve with conditions or reject such an application within 30 days, the result of which shall be relayed to be the applicant.”

(Question of the amendment proposed)

(Question that words to be left out be left out, put and agreed to)

(Question, that the words be inserted be inserted, put and agreed to)

(Question of the New Sub-Clauses 2 and 4 proposed)

(New Sub-Clauses 2 and 4 read the First time)

(Question, that the New Sub-Clauses 2 and 4 be read a Second Time, put and agreed to)

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(The New Sub-Clauses 2 and 4 were read a Second Time)

(Question, that the New Sub-Clauses 2 and 4 be added to the Bill, put and agreed to)

(Clause 14 as amended agreed to)

Clause 15

Hon. Matsaki: Thank you Madam Chairperson. I beg to move:-

THAT, Clause 15 be amended by re-numbering Clause 15 in Part IV to be Clause 27 and further amend by re-naming Clause 15 (3) to be Clause 27 (4) and insert New Sub- Clause 3 to provide as below;

“27(3) an owner, driver or operator of any other facility used for transporting solid waste that is likely to be blown by wind or dropped while transported shall provide and maintain cover material enough to contain any possibility of the material being dropped or blown and deposited upon any street, road, highway or any public or open space.”

(Question of the amendment proposed)

(Question of the New Sub-Clause 3 proposed)

(New Sub-Clause 3 read the First time)

(Question, that the New Sub-Clause 3 be read a Second Time, put and agreed to)

(The New Sub-Clause 3 was read a Second Time)

(Question, that the New Sub-Clause 3 be added to the Bill, put and agreed to)

(Clause 15 as amended agreed to)

Clause 16

Hon. Matsaki: Thank you Madam Chairperson. I beg to move:-

THAT, Clause 16 be amended by re-numbering Clause 16 in Part IV of the Bill to be Clause 28 and further amend by deleting Sub-Clause 3 and re-number Sub-Clause 4 to Sub-Clause 3.

(Question of the amendment proposed)

(Question, that words to be left out be left out, put and agreed to)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 16 as amended agreed to)

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Clause 17

Hon. Matsaki: Thank you Madam Chairperson. I beg to move:-

THAT, Clause 17 be amended by-

(a) renumbering Clause 17 in Part V of the Bill to Clause 29 and further amend by deleting the phrase “shall make an application to the Chief Officer for a permit” and replace it with the phrase “any other waste management facility; shall make an application to the Chief Officer for a license” thereof in Sub-Clause 1 (d) and further amend by deleting the word “permit” appearing at the end of Sub-Clause 2 and 3 and replace it with word “license”;

(b) amending Sub-Clause 2 by deleting its provision and replacing thereof with the following;

“The Chief Officer shall upon consideration of the applications and being satisfied with the capabilities of the applicant and compliance to statutory obligations may grant the applicant the license”;

(c) inserting new Sub-Clause 3 and Sub-Clause 4 to provide;

“29(3) the chief officer is not satisfied with capabilities and compliance of statutory obligation of the applicant may deny issuance of the license”

“29(4) if the applicant is aggrieved by the decision of the chief officer, he/shall appeal to the county environment committee”;

(d) re-numbering Sub-Clause 3 to Sub-Clause 5 and further amend by deleting the word “incineration” before the word “prescribe” and insert the word “application” thereof;

(e) re-numbering Sub-Clause 4 to sub-Clause 6;

(f) re-numbering Clause 5 to Sub-Clause 7.

(Question of the amendment proposed)

(Question, that words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 17 as amended agreed to)

Clause 18

Hon. Matsaki: Thank you Madam Chairperson. I beg to move:-

THAT, Clause 18 be amended by re-numbering Clause 18 in Part VI of the Bill to Clause 30 and further amend by deleting the provisions of Sub-Clause and inserting the following, “no person shall allow livestock in disposal area.”

(Question of the amendment proposed)

(Question, that words to be left out be left out, put and agreed to)

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(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 18 as amended agreed to)

Clause 19

Hon. Matsaki: Thank you Madam Chairperson. I beg to move:-

THAT, Clause 19 be amended by re-numbering Clause 19 in Part VI of the Bill to Clause 31.

(Question of the amendment proposed)

(Question, that words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 19 as amended agreed to)

Clause 20

Hon. Matsaki: Thank you Madam Chairperson. I beg to move:-

THAT, Clause 20 be amended by re-numbering Clause 20 in Part VI of the Bill to be Clause 32 and further amend by deleting the phrase “owner or occupier” and inserting it with the phrase “county government” and further amend by deleting the word “higher” and inserting the word “hire” in Sub-Clause 6.

(Question of the amendment proposed)

((Question, that the words to be left out be left out, put and agreed to)

(Question, that the words be inserted be inserted, put and agreed to)

(Clause 20 as amended agreed to)

PART VII

Hon. Matsaki: Thank you Madam Chairperson. I beg to move:-

THAT, Part VII be amended by numbering the first provision of the part which begins with the phrase “A person” as Clause 33.

(Question of the amendment proposed)

(Question, that words to be inserted be inserted, put and agreed to)

(PART VII as amended agreed to)

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Clause 21

Hon. Matsaki: Thank you Madam Chairperson. I beg to move:-

THAT, Clause 21 be amended by re-numbering Clause 22 in Part VI of the Bill to be Clause 34.

(Question of the amendment proposed)

(Question, that words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 21 as amended agreed to)

Clause 22

Hon. Matsaki: Thank you Madam Chairperson. I beg to move:-

THAT, Clause 22 be amended by re-numbering Clause 22 in Part VI of the Bill to be Clause 35.

(Question of the amendment proposed)

(Question that words to be left out be left out, put and agreed to)

(Clause 22 as amended agreed to)

Clause 23

Hon. Matsaki: Thank you Madam Chairperson. I beg to move:-

THAT, Clause 23 be amended by re-numbering Clause 23 in Part VI of the Bill to be Clause 36.

(Question of the amendment proposed)

(Question, that words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 23 as amended agreed to)

Clause 24

Hon. Matsaki: Thank you Madam Chairperson. I beg to move:-

THAT, Clause 24 be amended by re-numbering Clause 24 in Part VI of the Bill to be Clause 37.

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(Question of the amendment proposed)

(Question, that words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 24 as amended agreed to)

Clause 25

Hon. Matsaki: Madam Chairperson, I beg to move:-

THAT, Clause 25 be amended-

(a) by re-numbering Clause 25 in PART VI of the Bill to be Clause 38 and further amended by inserting part (e) to provide, "Licensing Fees and Conditions";

(b) in Sub-Clause 2 by inserting part (f) immediately after Part (e) to provide, "Guidance for License application and approval";

(c) by further amending Sub-Clause 2 by inserting Part (g) after Part (f) to provide, "Classification of waste and appropriate treatments."

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 25 as amended agreed to)

New Schedule 1

Hon. Matsaki: Madam Chairperson, I beg to move:-

THAT, the Bill be amended by inserting Schedule I: License Application Forms.

Form 1

**APPLICATION/RENEWAL FOR A LICENCE FOR TRANSPORTATION OF WASTE
(Regulation....)**

I hereby apply for a license to transport waste, of which particulars are given below:

Name and address of applicant.....

.....

PIN Number

.....

Registration number and type of vehicles to transport waste

.....

Quantity of waste per vehicle to be transported

.....

.....

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.....
Licensed sites/plant to which waste is to be transported

.....
Collection schedule

.....
Any other information

.....
Attach Recommendation document(s) from the relevant lead agency.

Is Application for: Initial license Renewal

Previous License Number

Date Signature.....

Designation/Title:.....

FOR OFFICIAL USE ONLY

Application received by on20.....

Fee paid Kshs.....(in words)

Chief Officer, Environment

FORM II

**Reference
LICENCE TO TRANSPORT WASTE
(Regulation ...)**

Licence No TR/HW.....

Name.....

Address

You are hereby licenced to transport waste to:

.....
(location)

from.....

(location)

Type and registration number of vehicles licensed

This licence is valid from 20.....

....to..... 20.....

This licence is granted subject to the following conditions:

.....

.....

Date:..... Signature.....

Chief Officer, Environment

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FORM III

(To be completed in Triplicate)

APPLICATION/RENEWAL FOR A LICENCE TO OWN/OPERATE A WASTE TREATMENT OR)

I hereby apply for a license to own/operate a waste treatment plant/disposal site, of which particulars are given below:-

Name and address of applicant.....

PIN Number

Location and district of plant/site

Approval of Town/Ward/planning authority

Types of waste to be disposed of at plant/site

Quantity being disposed of/per annum (tonnes/kg)

Type of facilities/treatment to be carried on at plant/site:

(a) Land fill

(b) Compost.....

(c) Incinerator.....

Other (specify).....

Estimated life span of plant/site.....

Proposed hectarage/area of plant/site (include plan or designs).....

Executive summary of environmental impact statement (please attach)

Is Application for: Initial license Renewal

Previous License Number

E.I.A. License Number

Any other information.....

Date:..... Signature:.....

Designation/Title:.....

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Application received by..... on..... 20.....

Fee paid KShs.....(in words).....

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.....

Chief Officer, Environment

FORM IV**Waste tracking document**

A TRANSPORTER	Serial No. Registered Name of Transporter: Usual County of Operation: License number Issuing Authority :
CONSIGNMENT NOTE FOR THE CARRIAGE AND DISPOSAL OF SOLID WASTE	
B DESCRIPTION OF THE WASTE	Area collected: Type of Waste..... Description and physical nature of waste:..... Quantity/size of waste: Number of containers:
C DISPOSER'S CERTIFICATE	I certify that I have received the waste as described in A and B above. The waste was delivered in vehicle(Registration No.) at.....(time) on (date) and the carrier gave his/her name as.....on behalf of..... The waste shall be disposed off as per disposal licence issued by the Authority. Signed: Name: Position..... Date: On behalf of:

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(Question of the New Schedule proposed)

(New Schedule read the First Time)

(Question, that the New Schedule be read a Second Time, proposed)

(Question, that the New Schedule be read a Second Time, put and agreed to)

(The New Schedule was read a Second Time)

(Question, that the New Schedule be added to the Bill, put and agreed to)

New Schedule II

Hon. Matsaki: Madam Chairperson, I beg to move:-

THAT, the Bill be amended by inserting Second Schedule: Improvement Notice.

SECOND SCHEDULE: IMPROVEMENT NOTICE

Reference number

To:

.....
.....
TAKE NOTICE that on the of 20 an Environmental Inspector/authorized officer carried out an inspection of your establishment/facility located in.....

.....
(physical address) where it was found that you or your agents were (description of the offence)

The Environmental Officers/authorized officer particularly found the following:

- 1.....
- 2.....
- 3.....
- 4.....

(attach more paper if necessary)

You **ARE HEREBY DIRECTED** to:

Description on improvement options.....within your facility/establishment within a period of.....hours/ days from the date of this Notice.

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You **ARE NOTIFIED THAT**, failure to comply with this Notice shall result in criminal prosecution being instituted against you and/or your agent or both which may attract a fine of (describe the fines and penalty.)

Indicate option for appeal the decision on improvement notice

Name:

Signature:

ENVIRONMENTAL INSPECTOR/authorized officer.

(Question of the New Schedule II proposed)

(New Schedule II read the First Time)

(Question, that the New Schedule II be read a Second Time, proposed)

(Question, that the New Schedule II be read a Second Time, put and agreed to)

(The New Schedule II was read a Second Time)

(Question, that the New Schedule II be added to the Bill, put and agreed to)

Clause 2

Hon. Matsaki: Madam Chairperson, I beg to move:-

THAT, Clause 2 be amended-

(a) by inserting new terms; County Environment Committee, disposal site, Executive Committee Member, junk waste and segregation and interpret them as below;

“County Environment Committee” means the Kilifi County Committee established under section 29 of the Environmental Management and Coordination Act, 1999;

“Disposal site” means any area of land on which waste disposal facilities are physically located and includes a final waste discharge point without the intention of retrieval but does not mean a re-use or re-cycling plant or site.

“Executive Committee Member”, means a County Executive committee member for the time being, is responsible for management of solid waste in the county

“Junk Waste” means items such as furniture, appliances, and other bulky material

“Segregation” means any activity that separates waste materials for processing.

(b) Further be amended by deleting the interpretation of the term “occupier” and replace it with, “Someone with full or partial controlling power of or occupying the premise.

(c) Further be amended by deleting the interpretation of the term “Re-use” and insert with, “use of waste with or without cleaning or repair”

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

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(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 2 as amended agreed to)

Long Title

Hon. Matsaki: Madam Chairperson, I beg to move:-

THAT, the long title be amended by deleting the year “2018” and inserting the year “2019” to read, “THE KILIFI COUNTY SOLID WASTE MANAGEMENT BILL, 2019”

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Long Title as amended agreed to)

Clause I

Hon. Matsaki: Madam Chairperson, I beg to move:-

THAT, in Clause 1-

(a) Citation and Commencement, the Bill states that the Act may be cited as the Kilifi County Solid Waste Management Bill, 2018 and shall come into force upon publication.

(b) be amended by inserting the word “in the Kenya Gazette” after the word “publication”

(c) be amended by deleting the year “2018” and insert the year “2019” to read, “This Act may be cited as the Kilifi County Solid Waste Management Act 2019 and shall come into effect upon publication”

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 1 as amended agreed to)

Madam Chairperson (Hon. Ms. Maneno): Thank you hon. Members for your co-operation. I now call upon the Chairperson to move.

Hon. Matsaki: Madam Chairperson, I beg to move that the Committee do report to the House its consideration of the Kilifi County Solid Waste Management Bill, 2019 and its approval thereof with amendments. Thank you.

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(Question proposed)

(Question put and agreed to)

(The House resumed)

The Speaker (Hon. Kenga) in the Chair]

THE KILIFI COUNTY SOLID WASTE MANAGEMENT BILL, 2019

Hon. Ms. Maneno: Hon. Speaker, I beg to report that the Committee of the Whole House has considered the Kilifi County Solid Waste Management Bill, 2019 and approved the same with amendments. Thank you.

Hon. Matsaki: Hon. Speaker, I beg to move that the House do agree with the Committee in the said Report. I call upon hon. Mwayaa to second.

(Hon. Mwayaa seconded)

(Question proposed)

Hon. Mwayaa: Asante Mheshimiwa Spika. Mswaada huu ambao uko mbele yetu ukipita utafanya Kilifi yetu iwe safi. Mswaada huu pia umeongea mengi kuhusu usafirishaji wa hii *solid waste*, umeongea kuhusu ubebaji wa hizo aina za taka taka na ikaongea kuhusu kule sehemu za kutupa taka, hizo *dumping site*. Taka ndani ya Kaunti yetu zitakuwa zikimwagwa kimpangilio mwafaka. Kupita kwa Mswaada huu, kutaruhusu kutumia taka hizi kwa shughuli nyingine kwa sababu zitakuwa hazitangamani na zile taka taka nyingine.

Kama mnavyojua, *solid waste* ni taka ambazo ziko aina tofauti. Wale wanaosafirisha na kumwaga ovyo aina hizi za taka watakabiliwa na sheria iliyo katika Mswaada huu. Ninaomba waheshimiwa wenzangu tuipitishie ili mji wetu wa Kilifi uwe safi.

Kwa sasa, taka taka zinamwagwa kiholela holela hasa kule *dumping site*; ndio maana taka zile hatuwezi kuzitumia kwa shughuli nyingine. Asante. Naunga mkono ipite.

The Deputy Speaker (Hon. Kenga): Thank you. Do we have any Member who would like to make contributions? ...Okay then allow me to put the Question.

(Question put and agreed to)

The Deputy Speaker (Hon. Kenga): Yes Mover.

Hon. Matsaki: Mr. Speaker, Sir, I beg to move that The Kilifi County Solid Waste Management Bill, 2019 be now read a Third Time and I call hon. Mwayaa to second.

(Hon. Mwayaa seconded)

(Question proposed)

The Deputy Speaker (Hon. Kenga): I will now call upon the Mover maybe you make your contributions.

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Hon. Matsaki: Mr. Speaker, I want to say that everything going on in Kilifi County must have laws. If you do not have laws to govern whatever is happening in this County, then we are doomed to fail. I am sure if this Bill is passed by the Assembly and goes to the Governor and he assents to it, everything will be okay. Nobody will do whatever he wants because we have laws. I do not want to say much because I am sure every hon. Member here was given this Bill and most of us have gone through it and we know it is good for our people. I urge hon. Members to pass this Bill. Thank you.

The Deputy Speaker (Hon. Kenga): Thank you. Hon. Mwayaa.

Hon. Mwayaa: Asante mheshimiwa Spika. Tukipitisha Mswada huu na naomba upite uweze kusomwe kwa mara ya tatu. Na kama nilivyotangulia kusema kwamba italeta usafi mwingi Kilifi kwa sababu tutakuwa tuko na sheria ya kubeba taka taka hasa katika miji yetu. Miji yetu inakuwa mikubwa; ni juzi tu tulipata ufadhili kutoka serikali ya nje ili kukuza mji wa Malindi.

Kwa hivyo, taka taka zikisafirishwa kwa njia ya umakini, tutaona miji yetu ni safi na serikali zile zilizotusaidia wataona kwamba tuko *serious* na kuendelea kutuletea pesa kwa sababu miji ni safi. Asante na naomba Mswada huu upite.

The Deputy Speaker (Hon. Kenga): Thank you the Member for Mwanamwinga.

Hon. Pascal: Thank you Mr. Speaker, for this noble opportunity. I support the Third Reading of this Bill that will go a long way into rectifying many of the challenges that we have had in our waste management. My honour to the passage of this Bill is that the waste management processes will create more jobs for the youth. We have seen that the management of waste in some areas has opened up job opportunities to the youth and many other people so the passage of this law will help Kilifians and Kenyans at large.

I call upon hon. Members to join hands with this Committee and go for the Third Reading of this Bill. Thank you Mr. Speaker, Sir.

(Question put and agreed to)

(The Bill was accordingly read the Third Time and passed)

COMMUNICATION FROM THE CHAIR

MCAS MEETING AFTER THE PLENARY SITTING

The Deputy Speaker (Hon. Kenga): I want to make a Communication to all hon. Members; please remain behind for a five minute *Kamkunji* before we leave for our homes.

ADJOURNMENT

There being no other business in the Order Paper, this House stands adjourned until Monday of next week at 2:30 p.m. Thank you.

The House rose at 3:26 p.m.

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