



COUNTY ASSEMBLY OF MOMBASA
THE HANSARD

Tuesday, 22nd April, 2025

Third Assembly – Fourth Session
FOURTEENTH SITTING

[The County Assembly met at 2:43p.m at the County Assembly Buildings]
[The Deputy Speaker (Hon. Fadhili Mwalimu Makarani) in the Chair]

PRAYERS

The Deputy Speaker (Hon. Fadhili Makarani): You may be seated. Yes, Clerk first order please.

PAPER

MOMBASA COUNTY CONSOLIDATED REVOLVING FUND FINANCIAL STATEMENTS FOR THE
QUARTER ENDED 31ST MARCH, 2025

Yes, Honourable Abdirahman on behalf of Honourable Majority Leader?

Hon. Abdirahman Abdikadir: Thank you Mr. Speaker.

[Paper laid]

Thank you.

The Deputy Speaker (Hon. Fadhili Makarani): Members, the Paper stands committed to the Committee on Labour Public Service Administration for consideration. Yes, Clerk?

MOTION

ADOPTION OF THE REPORT ON PUBLIC PARTICIPATION FOR THE MOMBASA COUNTY ANNUAL
DEVELOPMENT PLAN, 2025-2026

Honourable Kibwana Swaleh Baya, Chairperson, Committee on Finance, Budget and Appropriation.

Hon. Kibwana Swaleh: Thank you, Honourable Speaker. Honourable Speaker, I beg to move the following Motion.

That this House adopts the Report on public participation for the Mombasa County Annual Development Plan, 2025/2026.

I will ask Honourable Abdirahman to second.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you. Yes, Honourable Abdirahman.

Hon. Abdirahman Abdikadir: Honourable Speaker, I stand to second it.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you. Members, I now propose a question that the Motion as moved by Honourable Kibwana Swaleh Baya, on adoption of the Report on public participation of the Mombasa County Annual Development Plan (ADP) be debated in this House.

[Question proposed and agreed to]

Yes, Honourable Kibwana?

Hon. Kibwana Swaleh: Thank you, Honourable Speaker. Honourable Speaker, the Annual Development Plan 2025/2026; the Report offers a comprehensive and evidence-led evaluation of the Mombasa County Annual Development Plan, that is ADP for the financial year 2025/2026. Honourable Speaker, this document was prepared by the Committee on Finance, Budget and Appropriation. Honourable Speaker, I will just be brief on the highlights on certain issues because the document is before us, and we have issued every Member with a document for his own or her own reference. Honourable Speaker, being the third annual development in the implementation of the County Integrated Development Plan, CIDP 2023/2027, the ADP 2025/2026 outlines projected expenditures, proposed programs, sectoral priorities and physical line, with the bottom-up economic transformation agenda that is built Kenya Vision, 2030. Honourable Speaker, if you look at the document, it has scope and purposes, and also, we are being guided by the legal framework, which is the constitutional provision and other related laws. Honourable Speaker, on this Report we have also highlighted the observation findings, that is page 8, and if you look at this budget, Honourable Speaker, the Account Approved Budget for the financial year 2024/2025 was Kshs 16.25 Billion, representing an 11 per cent increase from the financial year 2023/2024.

Honourable Speaker, also in this document, you can see we have also highlighted on budget observation and implementation challenges. There are many challenges Honourable Speaker in this Report that you have highlighted; one of them is the exchequer money that we know there is a delay from the exchequer. Honourable Speaker, also we have the summary of achievement gaps and challenges that are also on page 12; we also had some observations and findings, one of the challenges and observations we noted is low development budget, absorption weakness, services delivery, lack of documented incorporation of public views, violates legal standards, and also escalating pending bills continue to constrain physical space. Honourable Speaker, since I have said that this document is all the Members for their own input, we also have our own recommendation that we have highlighted in this booklet. One of the financial recommendations was revenue generation and enhancement; that means we should expand and invest on social revenue that is OCR, through automation, property audits, and new levies.

Honourable Speaker, also we have highlighted other issues, the public-private partnership, that is PPP/CSR, and also investment mobilization. Honourable Speaker, with these few remarks, Honourable Speaker, allow me to say that I really appreciate the office of the Speaker, and also the office of the Clerk, and without forgetting my Committee Members who have been very active through the public participation, and also my staff. Thank you, Honourable Speaker.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you. Yes, Honourable Abdirahman?

Hon. Abdirahman Abdikadir: Thank you Mr. Speaker for the opportunity to contribute to this Motion. But before I do that I have noticed with a lot of concern; there was a Member who walked in all the way to the Mace and I was a bit shocked whether the Serjeant-At-Arms was vigilant enough. We are transacting a very important business, and we should be very keen Mr. Speaker. Let me delve into this document that is before us today; it is a 70-page document, it me first and foremost appreciate the good work done by the Secretariat of Finance, as well as the Committee of Finance, which I am a Member. Mr. Speaker, this has all been an easy work. We have interacted with this document; we have done several public participations and we have been throughout the County. Mr. Speaker, despite the fact that this is a 70-page document and we might lose some critical information inside, allow me to just highlight; Mr. Speaker, let me just highlight it for the benefit of the rest of the members here, some of the key observations we've taken note of; As I'm perusing this, Mr. Speaker, one of the key observations and findings that was a bit shocking was about the low developmental budget absorption that we have noticed. As of mid-year December 2024, the County had utilized only 652 million shillings. That is 13 per cent of the 5.19 billion developmental budgets that we have allocated as an Assembly.

Mr. Speaker, as a Committee, we indeed took this matter with a lot of concern, where we indulged various CECs and put them to a lot of questions to justify the reason why we have a low absorption on our developmental budget. They have taken a pledge that this perhaps will be the last time that we will see a low absorption. We have also noted a lot of reasons that led to the low absorption of the budget. Mr. Speaker, we also took note of an escalating pending bills that continue to constrain our fiscal space. As of December, 2024, the County reported a pending bill of about 3.7 billion, only slightly down from the 4.48 billion that we have had in June of the same year. Mr. Speaker, the other issue of concern was the inequitable project distribution. That is the reason why, Mr. Speaker, we are championing for the World Equitable Development Fund to address this gap that we have seen. We have noted that there are some Sub Counties that were facing some chronic neglect, despite consistent community policy proposals, Mr. Speaker. I want to assure the members that with the adoption of the Ward Equitable Development Bill, we will cure this menace once and for all. Mr. Speaker, I can go on and on to highlight issues here and there, but allow me to just leave it at that juncture and ask my colleagues to internalize this document and accept it for what it is. Thank you, Mr. Speaker.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you. Yes, Honourable Matsaki?

The Leader of Minority (Hon. Matsaki): Ahsante Mheshimiwa Spika kwanza kwa kunipa nafasi hii; pili nimshukuru Mheshimiwa Aharub kwa jukumu lake kwa hili Bunge pia kushukuru ofisi ya Katibu na Kamati ya Fedha kuweza kuhamasisha hii *Bill* pili kushukuru *Secretariat* kwa juhudi zao za kukusanya ripoti na kuweza kuileta hapa Bunge. Mimi langu ni kusema nikiwa mmoja wa Kamati hii haikuwa kazi rahisi lakini kwa vyote najua kwamba

Waheshimiwa hapa pia tutashikana mikono tuonyeshe kwa yale ambayo yamenakiliwa hapa kwa hii ripoti tuweze kujua vile tutavyoweza kuyajuzu na zaidi ya yote kama Mheshimiwa mwenza alivyozungumza kuhusu Ward Equitable Development Fund. Ni ya muhimu pia kwetu sisi tuweze kuichukulia jukumu na kuweza kuangalia hizi finyu ambazo zipo hapa na kuweza kusongesha mbele hii *Bill* kwa upande mwengine niko na nimesimama kuunga mkono, Ahsante.

The Deputy Speaker (Hon. Fadhili Makarani): Yes, Honourable Hamida?

Hon. Noor: Thank you, Mr. Speaker Sir. Mine is to check on the summaries and achievement gaps and challenges. Mr. Speaker Sir, the sectors like Health, the key achievements we have seen as finances, the recruitments on workers and ongoing launch of mental health outreaches. For Education, what we have observed is that the challenges they have is the delay of budgets on their side; that is why they cannot have most of the feeding programmes and the Water and Natural Resources is the unresolved water shortages in Mikindani and Miritini and in Public Infrastructure Works, what we have seen that they are mostly weak projects, supervision, procurement and bottlenecks on poor contractors. As I go on, Mr. Speaker in tourism, we have delays in upgrading in the markets like Kongowea and in the Blue Economy; we have especially in what we call climate change. Those are the things that we have observed in Blue Economy and Agriculture, Environment and Waste Management; Enforcement of communities of non-compliant during the rainy season and drainage system, on Youth and Gender, we have observed that the drugs and alcohol is high on our youths and in Public Administration, staff gaps are there. That is what we have observed as a Committee; but overall, what we have seen as a Committee is what we have put down in the ADP. I want to thank the Committee Members and including the staff. I thank you so much.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you, Honourable Hamida, the Vice Chairperson on this Committee. Yes, Honourable Frankline?

Hon. Makanga: Thank you, Mr. Speaker. Mr. Speaker, I rise to make my remarks as far as this report is concerned. Indeed Mr. Speaker, this is a worrying trend, noting that as highlighted by Honourable Abdirahman, we had an absorption of 11 per cent, where it translates to 652.66 million. Honourable Speaker, a figure lower than the paid-up pending Bills. The total pending bills that were paid in that financial year, Honourable Speaker, 732. So, Mr. Speaker, with such a trend, and maybe the Committee, the Chair, will explain to us what happened to the cash cutover of 629 million that was unspent in the financial year 2023-2024. It is a bit discouraging; really, we do not know how to tell the people that we have such money unspent when we have so many problems in our Ward. To be precise, and it is captured in this report, we have an ECD that has been incomplete for the last seven years in Chaani Ward, Mr. Speaker. This is an institution that has denied seven age groups, or seven young people who were to enjoy using this facility seven years ago. Now they are even coming out of their basic education. That is the primary level, Mr. Speaker; still, with the same issues, with all these funds returning back or being unspent, or with such a poor absorption, we have a market that was started by the late Honourable Senator Kajembe that has again remain incomplete for the years that it has been there. So, Mr. Speaker with this trend, aware that we two years remaining that is financial year 2025/2026 and 2026/2027. Mr. Speaker, unless we get cure to this disease of poor implementation or absorption of the Development Budget then we are not doing justice to the

people of Mombasa so may be the Chair will explain as part of findings what remedies have they put in place to make sure that whatever money is budgeted for this current Annual Development Plan (ADP) those ones will be used what measures are put in place otherwise this will be another merry go round chasing wind with nothing tangible at the end of the day. Thank you, Mr. Speaker but I feel a bit horrible may God help us.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you Honourable Frankline, before I give it back to the Mover of the Motion, Honourable Makanga in Mombasa we had two Senators; Honourable Hassan Omar and Honourable Mohammed Faki. So, referring the Late Honourable Ramadhan Kajembe as a Senator I do not know, he was an aspirant Senator, former Changamwe Member of Parliament. Thank you. Yes, Honourable Kibwana Swaleh Baya please respond on your Motion?

Hon. Kibwana Swaleh: Thank you Honourable Speaker. Honourable Speaker, before I appreciate my teams, I have few things to say; one of the challenges that when we engaged the Department during our meetings, we found that the one of the challenges that we do not do development what we are supposed to do one is because of the issue of exchequer but the Executive complained that they normally do not receive money at the right time. The other challenge we also found is because our source of revenue we do not meet the target so when you plan and you do not collect is very difficult to realize your objective. Honourable Speaker, the other thing we also noted which they have said that they are going to do it is that we only have one Quantity Surveyor (QS) who is a key person in projects.

Honourable Speaker, they promised that they have advertised for four people in that position which means it is going to cure the issue of procurement which was also seen as a challenge but as the Committee we also gave them our terms since they are also complaining it is not the end of financial year. We asked them by the end of this financial year we want to see that the development expenditure is going up so that at least we meet the threshold that is the Constitutional Honourable Speaker of 30 per cent. So, Honourable Speaker I think we are going to meet the Executive again to see that the implementation of these projects although the other challenge of the ECDEs was about the contractor issue, termination of the contracts and so forth. So, I think I really appreciate the office of the Speaker again and also the Clerk and also the Honourable Member and I think Honourable Members this is a journey that I wish to walk together as a Committee so that at least we push the Executive so that we see a lot of development in our area Honourable Speaker otherwise thank you Honourable Speaker and I really thank the Honourable Members for supporting me. Thank you.

[Applause]

The Deputy Speaker (Hon. Fadhili Makarani): Thank you Honourable Kibwana. Honourable Members, I now stand to put a question to the Motion as moved by the Chairman Committee on Finance, Budget and Appropriation Honourable Kibwana Swaleh Baya on Adoption of Report on Public Participation of the Mombasa County Annual Development Plan 2025/2026 be adopted in this Honourable House.

[Question put and agreed]
[Applause]

Honourable Members, the Report on Public Participation of the Mombasa County Annual Development Plan, 2025/2026 has been adopted by the House. Yes, Clerk?

BILL

THE MOMBASA COUNTY DISASTER PREPAREDNESS AND EMERGENCY MANAGEMENT
(AMENDMENT) BILL, 2024

Honourable Members, Pursuant to Standing Order 147 despite the Bill being referred to the Committee of the Whole House during the 12th Sitting a Motion was moved to refer all matters to a future sitting notwithstanding that all matters have not yet been considered and ask leave to sit again. Therefore, we are sitting to consider the matter and as such the Bill stands committed to the Committee of the Whole House.

[Hon. Members stood]

COMMITTEE OF THE WHOLE HOUSE
ORDER OF COMMITTEE READ

[The Serjeant-At-Arms lowered the Mace to lower deck]

[The Deputy Speaker (Hon. Fadhili Makarani) exited the Chair]

IN THE COMMITTEE

[The Temporary Speaker (Hon. Abdirahman Abdikadir) in the Chair]

The Chairperson (Hon. Abdirahman Abdikadir): Members, if you are ready, we can proceed. Yes Clerk?

Clause 3

[Interruption]

Members, let us avoid unnecessary movements; do we all have the yellow copy? Can we furnish the Members with the yellow copies please?! I do not wish to proceed with the document you are not familiar with, just check your drawers Members. Okay, am meant to understand everyone has a copy, let us proceed. Yes, Clerk?

Clause 3: Amendment of section 15 of Number 8 of 2017, section 15 of the Principal Act is amended by;

- (a) deleting the word “Secretary” appearing immediately after the words, “Committee by the” in subsection (2) and substituting therefor the words, “County Executive Committee Member of Finance”;
- (b) deleting subsection (4) and substituting therefor the following new subsection-
“(4) the funds of the Fund shall be used to cater for urgent and unforeseen events that threaten human life or threaten the environment”;

- (c) deleting the word, “Secretary” appearing immediately after the words, “shall administer” in subsection (5) and substituting therefor the words ‘County Executive Committee Member for Finance’.

Clause 4: Insertion of new section 15A in No. 8 of 2017. Clause 4, the principal act is amended by inserting the following new section immediately after section 15. Administration of the fund, 15(A)1, the County Executive Committee Member for Finance shall administer the fund in accordance with the framework criterion approved by the County Assembly.

Sub Clause 2: The County Executive Committee Member for Finance shall establish and maintain a separate bank account into which all money appropriated to the fund shall be paid.

Clause 5: Amendment of section 15, 17 of No. 8 of 2017.

Clause 5, section 17 of the Principal Act is amended by deleting the word Committee appearing immediately after the words impending disaster, substituting therefore the words County Executive Committee Member for Finance.

The Chairperson (Hon. Abdirahman Abdirahman): Honourable Members, I now propose the question that Clause 3, 4 and 5 as read, be part of the Bill.

[Question proposed and agreed to]

Any input? Chairperson of the Committee, please just, okay.

[Silence]

Any other Members who can have any input?

[Silence]

I think there is a general consensus that we proceed with it. I now put the question that Clause 3, 4 and 5 be part of the Bill.

[Question put and agreed to]

Yes, Clerk?

Clerk: Clause 2, amendment of section 9 of No. 8 of 2017. Section 9 of the Mombasa County Disaster Preparedness and Emergency Management Act, 2017, herein after referred to as the principal act, is amended by deleting sub section 3.

The Chairperson (Hon. Abdirahman Abdikadir): I now propose the question that Clause 2 be part of the Bill.

[Question proposed and agreed to]

Any input? Chairperson, any input?

[Silence]

We do understand that we are deleting a whole sub section 3. The Chair you are satisfied with it and the Members look satisfied with it. I now put the question that Clause 2 be part of the Bill.

[Question put and agreed to]

Yes Clerk?

Clause 1, short title: This Act may be cited as the Mombasa County Disaster Preparedness and Emergency Management Amendment Act, 2024.

The Chairperson (Hon. Abdirahman Abdikadir): I now propose the question that Clause 1, be part of the Bill.

[Question proposed and agreed to]

Any input? At least there should be an input somewhere. Yes, Leader of Majority?

The Leader of Majority Party (Hon. Mwamwiri): No input.

The Chairperson (Hon. Abdirahman Abdikadir): That is an input itself. Now, Honourable Members, I now put the question that Clause 1 be part of the Bill.

[Question put and agreed to]

Yes, Clerk?

[The Clerk read the long title]

I now propose the question that the long title as read be part of the Bill.

[Question proposed and agreed to]

Any input?

[Silence]

No input. I now put the question that the long title as read be part of the Bill.

[Question put and agreed to]

Yes Clerk? I think we have come to an end of the amendments. I take this opportunity to ask the Chair to move a Motion for us to report back to the County Assembly. Chairperson of the Committee, please move the Motion.

Hon. Mohamed Hassan: Mr. Speaker, I beg the House to go to the normal sitting, Mr. Speaker, Sir...

[Interruption]

The Chairperson (Hon. Abdirahman Abdirahman): You are moving a Motion, so who is your seconder?

Hon. Mohamed Hassan: Majority Leader.

The Leader of the Majority Party (Hon. Mwamwiri): I second, Mr. Speaker, Sir...

[Interruption]

The Chairperson (Hon. Abdirahman Abdirahman): Just give him the microphone.

The Leader of the Majority Party (Hon. Mwamwiri): Thank you, Mr. Chair. I rise to second the Motion that the House goes back to the normal sitting. Thank you Chair.

The Chairperson (Hon. Abdirahman Abdikadir): Well, heard. Members, I propose the question that the Motion by the Chairperson to report to the County Assembly be adopted by this Committee.

[Question proposed and agreed to]

Yes, Chairperson? Just an input.

Hon. Hassan Mohamed: Ahsante sana Bwana Spika na ningependa twende katika kikao chetu ili tumalize shughuli nzima ya leo, asante.

The Chairperson (Hon. Abdirahman Abdikadir): Thank you. Honourable Members, I now put the question that the Motion by the Chairperson to proceed to the Committee to proceed and report to the County Assembly be adopted by this Committee.

[Question put and agreed to]

Thank you.

PLENARY RESUMED

[The Serjeant-At-Arms raised the Mace]

[The Temporary Speaker (Hon. Abdirahman Abdikadir) in the Chair]

The Temporary Speaker (Hon. Abdirahman Abdikadir): Please be seated. Yes, Clerk? Motion.

REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE MOMBASA COUNTY DISASTER
PREPAREDNESS AND EMERGENCY MANAGEMENT (AMENDMENT) BILL, 2024.

[Low consultations]

Yes, Chairperson, please move the Motion.

MOTION

REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE MOMBASA COUNTY DISASTER
PREPAREDNESS AND EMERGENCY MANAGEMENT (AMENDMENT) BILL, 2024)

Hon. Hassan Mohammed: Thank you, Mr. Speaker. Mr. Speaker, I beg to move the following Motion;

THAT this House do agree with the Report of the Committee of the Whole House, on its own consideration of the Mombasa County Disaster Preparedness and Emergency Management (Amendment) Bill, 2024.

The Temporary Speaker (Hon. Abdirahman Abdikadir): Your seconder?

Hon. Hassan Mohammed: Honourable Manuari.

The Temporary Speaker (Hon. Abdirahman Abdulkadir): Honourable Manuari second.

Hon. Juma Manuari: Thank you Mr. Speaker. I rise to second thank you.

The Temporary Speaker (Hon. Abdirahman Abdikadir): Thank you. Honourable Members, I now propose the question the Motion by the Chairperson be adopted by this House.

[Question proposed and agreed to]

Back to you Chairperson please give us a comprehensive report on what transpired during the Committee of the Whole House.

Hon. Hassan Mohammed: Ahsante sana Bwana Spika. Bwana Spika mwanzo nikaweze kusema, siku ya leo ni siku nzito sana kwangu kwa sababu, nafikiri vyombo vya habari na mitandao kibinafsi, imepata kuona tulikesha katika eneo la Kadzandani, kwa majanga ambayo hatukupanga na ni kazi ya Mungu, na kikubwa zaidi kile ambacho kimetuleta hapa, hasa katika yale marekebisho ambayo yanastahili kuwekwa. Nashukuru sana Kamati kwa kuweza kupitisha hilo jambo ili kuhakikisha kwamba vipengele maalum vinaweza kurekebishwa, ili hii *Bill* yetu iweze kupita, kwa sababu ya mambo ambayo yanaweza kutukumba wakati wowote na ni kitu ambacho mwanadamu hajapangia na huenda ikawa kitawaeza kufanyika katika sehemu yako ama wadi yako. Ikiwa basi fedha hizi zitakuwepo kwa sababu ya watu wetu na kuwanusuru, maadamu wanahitaji msaada popote pale wanapofikiwa na jambo la kama hivi, basi itakuwa ni faida kwetu isipokuwa bado hatujaomba majanga hayo. Kwa hivyo mwanzo kabisa nitaweza kutoa shukrani za dhati kwa viongozi wote waliokuwa hapa kuhudhuria katika marekebisho *amendment* kama hio, ama marekebisho Kiswahili, kwa hivyo sina mengi isipokuwa nitapatia viongozi wengine nafasi nao kuchangia. Ahsante sana.

[Applause]

The schedule and commitments, you have been present today indeed that is a really commendable thing to say. Yes, the seconder of the Motion?

Hon. Juma Manuari: Ahsante Mheshimiwa Spika. Nachukua nafasi hii tena kumshukuru Mwenyezi Mungu; pili, nitoe shukrani kwa Mwenyekiti wangu wa Uchukuzi, kwa maswala haya aliyoyaleta mbele ya Jumba hili na mimi nimesimama kuunga mkono, Ahsante Mheshimiwa Spika.

The Temporary Speaker (Hon. Abdirahman Abdikadir): Any other Member wishing to contribute? No? Okay. I now put the question that the Motion by the Chairperson to report back to the County Assembly be adopted.

[Question put and agreed too]

Yes Clerk?

THIRD READING

Yes, Chairperson back to you. Please move the Motion.

Hon. Hassan Mohammed: Thank you. Mr. Speaker. Mr. Speaker, I beg to move the following Motion.

THAT the Mombasa County Disaster Preparedness and Emergency Management (Amendment) Bill, 2024 be now read a Third Time.

Hon. Hamisi Nyota: Thank you Mr. Speaker I stand to second.

The Temporary Speaker (Hon. Abdirahman Abdikadir): I now propose the question that the Motion by the Chairperson be adopted by this House...

[Question proposed and agreed to]

Honourable Members, I now put the question that the Motion by the Honourable Hassan Mohammed on the Mombasa County Disaster Preparedness and Emergency Management (Amendment) Bill, 2024 be now read a Third Time.

[Question put and agreed to]

Clerk, please read the Bill for a third time.

[The Bill was read for the third time]

Yes, Clerk?

ADJOURNMENT

Honourable Members, this House stands adjourned until Wednesday 23rd April, 2025 at 10:00a.m. Thank you.

The House rose at 3:35p.m.