



**COUNTY ASSEMBLY OF MOMBASA
THE HANSARD**

Wednesday, 30th April, 2025

Third Assembly – Fourth Session
TWENTIETH SITTING

*[The County Assembly met at 3:05p.m at the County Assembly Buildings]
[The Temporary Speaker (Hon. Frankline Makanga) in the Chair]*

PRAYERS

The Temporary Speaker (Hon. Makanga): Let us take our seats, Honourable Members.
Yes, Clerk?

**COMMUNICATION FROM THE CHAIR
LABOUR DAY REMARKS**

Honourable Members, as we approach the 1st May, allow me on behalf of the Office of the Speaker to take this opportunity to wish each and every one of you a Happy Labour Day. Labour Day stands as a tribute to the dignity of work and the invaluable contributions of workers across all sectors public and private alike. As Honourable Members, you represent the voice of the people and play a critical role in shaping the legislative and policy frameworks that safeguard workers' rights, promote decent employment, and strengthen our County's development agenda. Let us take a moment to acknowledge and appreciate the dedication of our County workers, both current and retired, whose tireless efforts have laid and continue to lay the foundation for service delivery in our County. We recognize the contributions of those who have since existed the service and honour the legacy they left behind. In the same spirit, we express our hope that the County government will make every effort to promptly settle all pending arrears, gratuity, and other payments owed to County retirees. As you join your Constituents in marking this important occasion tomorrow, I urge you to do so in the spirit of unity, service and reflection. Once again, I wish you and your families a restful, safe and fulfilling Labour Day. Thank you.

[Applause]

Yes, Clerk? Honourable Fatma Swaleh Mote please take your seat, please take your seat, just take your seat.

STATEMENTS

INQUIRY INTO THE STATUS OF SUB DIVISION OF MWAKIRUNGE SETTLEMENT SCHEME 1

Yes, Honourable Ahmed Khamis, Vice Chairperson Committee on Lands, Urban Planning and Housing please respond to the statement sought by Honourable Mwinyi Mtoto on the 30th October, 2024

Hon. Ahmed Khamis: Ahsante Bwana Spika. Naomba muda kidogo kama wiki mbili naweza kupeana majibu. Ahsante.

The Temporary Speaker (Hon. Makanga): Honourable Mwinyi Mtoto?

Hon. Mwinyi Mtoto: Ahsante sana Mheshimiwa Spika. Mimi naomba nipate majibu leo leo.

[Applause]

The Temporary Speaker (Hon. Makanga): Honourable Ahmed Khamis, do you know this Statement was sought?

Hon. Ahmed Khamis: Bwana Spika nadhani hii kitu nimeipata leo ndio nimeomba Mheshimiwa mwenzangu anipe muda, na kama anahitaji leo majibu basi naomba wiki ijao pia ni siku; naomba nitamjibu kwa wiki ijao. Ahsante sana.

The Temporary Speaker (Hon. Makanga): What is it, Honourable Ibrahim Omondi?

Hon. Omondi: Yes, Honourable Speaker thank you. Honourable Speaker, you remember when first this Statement was sought, I did request that... I am speaking as a Member of the Committee Mr. Speaker; I did request that you give us time so that we can be able to handle matters of land. Mr. Speaker, land matters are very complicated and sensitive so we cannot just rush into giving answers that is why we are requesting for more time so I am still supporting my Chair that you give us more time so that we should give out a very satisfied answer...

[Interruption]

The Temporary Speaker (Hon. Makanga): Honourable Ibrahim, I thought you were giving a different position.

Hon. Omondi: Thank you Mr. Speaker.

The Temporary Speaker (Hon. Makanga): So, you were just standing to seek more time. Honourable Mwinyi Mtoto let me rule on this, Honourable Ahmed Khamis as the Vice Chair of the Committee on Lands this response is long overdue so you have one week to bring the response in this House. Yes, Clerk?

RESPONSE TO STATEMENT BY CHAIRPERSON COMMITTEE ON FINANCE, BUDGET AND
APPROPRIATIONS HONOURABLE KIBWANA SWALEH ON THE STATUS OF OUTSTANDING RETIREMENT
BENEFITS IN MOMBASA COUNTY

Yes, Honourable Kibwana Swaleh, Chairperson Committee on Finance please respond to the Statement sought by Honourable Jacktone Madialo on 12th March, 2025.

Hon. Kibwana Swaleh: Thank you Honourable Speaker. Honourable Speaker, allow me to reply back the Statement that was read by Honourable Jacktone Madialo on Status of outstanding retirement benefits. Honourable Speaker, I have shared my reply to all the Members of this Honourable House but for the purpose of the Hansard allow me to read the Statement. Honourable Speaker; Pursuant to request for a Statement made by Honourable Jacktone Madialo

on Wednesday 23rd April, 2025 at 2:30p.m, I wish to issue the following response regarding the Status of Outstanding Retirement Benefits in Mombasa County. Honorable Speaker the Committee received an official response from the County Department of Finance...

[Interruption]

The Temporary Speaker (Hon. Makanga): Excuse me, Serjeant-At-Arms please escort the Member back to the Chambers! Escort the Member back to the Chambers, Honourable Ahmed Khamis let him be back in the Chambers...

[Applause]

Honourable Ahmed Khamis please be seated back in the Chambers so that we can transact the Business of the Day. Honourable Ahmed Khamis, yes you be back in the Chambers! Proceed Honourable...and Serjeant-At-Arms please make sure those gates are closed. Proceed Honourable Kibwana Swaleh?

Hon. Kibwana Swaleh: Thank you Honourable Speaker. Honourable Speaker, let me continue replying back. The Committee received an official response from the County Department of Finance and Economic Planning dated 29th April, 2025 annexed hereto which outlines the current liabilities in retirement benefits owed by the County government to various pension institutions and as for the latest report the outstanding debts are as follows Honourable Speaker; we have the Lap Fund which is almost Kshs. 8,101,746,178.79, we also have Lap Trust which is accumulated to Kshs. 4,962,620,275.93. We also have the Municipal debts which is also shown there, we also have NSSF which is also there Honourable Speaker, we actually have Lap Trust and Lap Fund there Honourable Speaker. Honourable Speaker, if you look at the total outstanding liability Honourable Speaker it is accumulated to Kshs. 14,099,601,485.49. The reason they have given out why they have not yet remitted the money or paid the money, they say their failure to remit these payments in a timely manner was attributed to financial constraints and delays in disbursement from the national government. However, it is confirmed that the current staff retirement benefits are being settled as required. The County government has actively engaged both Lap Trust and Lap Fund to establish a viable payment plan to address the arrears. Finally, Honourable Speaker the Committee will continue to follow up on this matter and provide further updates as necessary. Thank you, Honourable Speaker.

The Temporary Speaker (Hon. Makanga): Yes, Honourable Jacktone Madialo?

Hon. Madialo: Mr. Speaker, yes I was seeking your attention whereas I agree with the report and I will urge the Chairman to follow up with the Department because Kshs. 14billion the budget of the entire County in a year that we do not even meet. It is my prayer that the Chairman will follow up with the Department so that bit by bit this money is dispensed off. Thank you.

The Temporary Speaker (Hon. Makanga): Thank you Honourable Madialo. Our Standing Orders allow you also to do an addendum Statement maybe to seek implementation status after some time so maybe you liaise us with the Committee so that you make sure that your quest is fully addressed. Yes, Clerk?

[Consultations]

Honourable Fatma, are you okay?

Hon. Fatma Swaleh: I am very much okay.

The Temporary Speaker (Hon. Makanga): Take plenty of water, Honourable Juma Kambi please make your request for a Statement.

REQUEST FOR STATEMENT BY HONOURABLE JUMA MWALIMU ON THE STATUS OF IMPLEMENTATION OF THE MOMBASA COUNTY VILLAGE ADMINISTRATION ACT, 2024

Hon. Juma Mwalimu: Thank you Mr. Speaker Sir. Mr. Speaker Sir, I rise to seek a statement pursuant to Standing Order 41(2) (c) from the Chairperson of the Committee on Labour and Public Administration, regarding the status of Implementation of the Mombasa County Village Administration Act, 2024. Mr. Speaker Sir, the said legislation was enacted by the County Assembly on Tuesday 24th December, 2024 to provide a legal frame work for establishment and operationalization of village units and the recruitment of the Village Administrators, with the aim of enhancing grassroots, Governance, Public Service delivery and citizens participation in line with the constitution and the County Government Act, 2012.

HOWEVER, since its enactment there has been no clear indication from the County government, on when the aforementioned legislation will be operationalized nor has there been any public communication or budgetary provision regarding the recruitment of Village Administrators.

THEREFORE, Honourable Speaker, I respectfully request the Chairperson of the Committee on Labour and Public Service Administration, to respond to the following;

- 1. When does the County Government of Mombasa intend to operationalized the Mombasa County Village Administration Act, 2024;*
- 2. What timelines and processes have been set for the recruitment of village administrators?*
- 3. What budgetary allocations, if any have been made in the current or upcoming financial year to support the implementation of the Act?*
- 4. What measures are in place to ensure transparency, meritocracy and inclusivity in the recruitment process?*

[Interruption]

The Temporary Speaker (Hon. Makanga): Honourable Members...

[Interruption]

Wait Honourable Fatma! I told you please take plenty of water, please. Even if we are consulting can we do it in low tone? Honourable Mwamwiri? Honourable Kibwana, you an elder in this House, we expect you to help us... Honourable Prischillah you are out of order!

The Chief Whip (Hon. Mumba): Sorry, Mr. Speaker.

The Temporary Speaker (Hon. Makanga): Please proceed Honourable Juma Kambi you are protected. Honourable Milka?

Hon. Ngare: Yes, Mr. Speaker.

The Temporary Speaker (Hon. Makanga): Please share your wisdom with your neighbours to maintain order in this House, Honourable Kambi please proceed.

Hon. Juma Mwalimu: Mr. Speaker Sir, I urge the Chairperson to provide a comprehensive and determined response. Thank you, Mr. Speaker.

The Temporary Speaker (Hon. Makanga): Thank you Honourable Kambi. Yes, Honourable Jacktone Oluoch, Chairperson Committee on Labour.

Hon. Madialo: Mheshimiwa Spika hii niruhusu niongee kwa Kiswahili. Hii maneno ya Wenyekiti wanapoulizwa kuhusu taarifa na wanatupeleka ati wiki nne ama tatu ama wiki mbili hio sio nzuri, mimi nasema...

[Interruption]

The Temporary Speaker (Hon. Makanga): Honourable Jacktone, you are only allowed to reply to the Statement if you have a response, if you do not have a response give us a position, Honourable Prischillah you are out of order. Honourable Jacktone, the only respectable thing to do is you giving a position of the Committee.

Hon. Madialo: Ahsante Mheshimiwa Spika mimi nasema hii Taarifa tutaleta baada ya wiki moja. Ahsante.

The Temporary Speaker (Hon. Makanga): Thank you. Yes, Clerk?

MOTION

ENHANCEMENT OF SANITATION STANDARDS AND MANDATORY MASKING FOR SALOON AND BARBERS IN MOMBASA COUNTY

Honourable Members, this is a resumption of interrupted business from Wednesday, 23rd April, 2025 during the 16th Sitting on the Motion; Enhancement of Sanitation Standards and Mandatory Masking for Saloon and Barbers in Mombasa County by Honourable Jackton Oluoch Madialo, MCA Mikindani Ward. Pursuant to Standing Order 70, which states that;

In case of confusion or error occurring in the cause of a roll call voting, concerning the numbers or names recorded, which cannot otherwise be corrected, the Speaker shall direct the County Assembly to proceed to another roll call vote.

Honourable Members, a vote was taken but it was not clear whether the Motion was adopted or otherwise. I now direct that a roll call for voting be retaken. Honourable Members, as such, our Standing Orders require that we ring the bell for 10 minutes and after that we will give the required process according to our Standing Order. So, Sergeant-at-Arms, you can proceed to ring the bell for 10 minutes. The doors remain closed.

*[Quorum Bell rung for ten minutes]
[Loud consultation]*

The Temporary Speaker (Hon. Makanga): Honourable Members, you are...

[Interruption]

No! Honourable Members, the House is in session, the House is in session and I'm just reminding you that this is not a market place. This is a House of order and records so when you are consulting, you do not have to show us that you are consulting.

You will have your right to vote. Honourable Members, according to the Standing orders I now direct the doors to be locked and no Member to enter or leave! Honourable Members, I now put the question that the Motion by Honourable Jactone Madialo on enhancement sanitation standards and mandatory masking for saloonists and barbers in Mombasa County be adopted by this Honourable House in the same terms as moved. So, Clerk, you proceed to call out the names of the Members in alphabetical order?

Clerk: Honourable Abdirahman Abdulkadir Hussein. Yes or No or Abstain?

[Hon. Abdirahman off microphone]

Clerk: Honourable Ahmed Salim Nyundo.

[Hon. Ahmed Nyondo off microphone]

[Applause]

Tumia kipaza cha sauti?

[Interruption]

The Temporary Speaker (Hon. Makanga): You need to be on record.

Hon. Ahmed Salim: No!

[Applause]

Clerk: Honourable Ali Omar Shariff...

[Hon. Ali Omar Shariff off microphone]

Honourable Allan Katana.

Hon. Katana: No!

[Applause]

[Loud Consultation]

[Interruption]

The Temporary Speaker (Hon. Makanga): Honourable Members!

Clerk: Honourable Amriya Boy Juma.

Hon. Amriya Juma: Yes!

Clerk: Honourable Athman Mwamwiri.

The Leader of Majority (Hon. Mwamwiri): Yes!

[Applause]

Clerk: Honourable Bernard Ogutu.

[Loud consultation]

The Temporary Speaker (Hon. Makanga): Honourable Madialo, you are out of order!...

[Loud consultation]

Honourable Members, we must be serious. So, unless your name is called out, please! Please! Honourable close your mouth!

Clerk: Honourable Eliud Kimari,

[Silence]

Clerk: Honourable Fadhili Mwalimu Makarani

[Silence]

Clerk: Honourable Fatuma Swaleh Mote.

Hon. Fatma Swaleh: Anguka chini. No!

Clerk: Honourable Frankline Makanga, Honourable Hamida Noor Sheikh Ali,

[Interruption]

[Loud consultations]

The Temporary Speaker (Hon. Makanga): Honourable Fatma Mote please can you vote again?

Hon. Fatma Swaleh: No!

The Temporary Speaker (Hon. Makanga): Clerk, wait? Honourable Madialo, take your seat?

[Applause]

You will have your time to vote.

Clerk: Honourable Hamida Noor Sheikh Ali.

Hon. Noor: Yes.

[Applause]

Clerk: Honourable Hamisi Mbaya Hamisi, Honourable Hamisi Nyota. Honourable Hassan Mohamed. Honourable Hawaa Abdirahman Omar.

Honourable Ibrahim Oyugi.

Hon. Omondi: No.

[Applause]

Clerk: Honourable Jacktone Oluoch Madialo.

Hon. Madialo: I vote yes.

Clerk: Honourable Joshua Ong'ao Mose.

[Silence]

Honourable Juma Manuari.

Hon. Juma Manuari: No, with the capital letter, No! No!

[Applause]

Clerk: Honourable Juma Mwalimu Kambi.

Hon. Juma Mwalimu: I vote yes.

[Applause]

Clerk: Honourable Kachumbo Florence Mkanjala.

[Silence]

Honourable Kibwana Swaleh Baya.

Hon. Kibwana Swaleh: No!

Clerk: Honourable Mariam Baimu, Honourable Maimuna Salim Mwawasi.

[Silence]

Honourable Milka Moraa Ngare.

Hon. Ngare: I vote yes.

[Applause]

Clerk: Honourable Mohamed Hamid, Honourable Morgan Matsaki, Honourable Mwaka Bakari Mwaludonda, (Not available). Honourable Mwinyi Mtoto Hamisi.

Hon. Mwinyi Mtoto: No.

[Applause]

[Laughter]

Clerk: Honourable Naeem Shafiq Mohamed. Honourable Nusura Mwinyi. Honourable Pamela Arwa Ojala, Honourable Patrick Mwavula Mbelle...

[Silence]

Honourable Priscilla Mumba.

The Chief Whip (Hon. Mumba): *Mheshimiwa Spika* I vote No.

[Applause]

Clerk: Honourable Samir Bhaloo. Honourable Samuel Mwaura, Honourable Shuhudia Abdalla, Honourable Solomon Ngugi and Honourable Sylvester Kai.

[Silence]

[Loud consultations]

The Temporary Speaker (Hon. Makanga): Honourable Members, allow me to announce the votes; the results of the vote taken. The Members who voted no are eight, the Members who voted yes are five.

Honourable Members, this is therefore to mean the Motion has not been adopted.

[Applause]

Yes, Clerk?

ADJOURNMENT

Honourable Members, this House stands adjourned until Tuesday 6th May, 2025 at 10:00a.m.

The House rose at 3:46p.m.