



**COUNTY ASSEMBLY OF MOMBASA
THE HANSARD**

Tuesday, 28th April, 2026

Third Assembly – Fifth Session
THIRTY THIRD SITTING

*[The County Assembly met at 2:41p.m at the County Assembly Buildings]
[The Temporary Speaker (Hon. Abdirahman Abdikadir) in the Chair]*

PRAYERS

The Temporary Speaker (Hon. Abdirahman Abdikadir): Please take your seats. Yes, Clerk?

NOTICE OF MOTION

MANDATORY PROVISION OF LIFEGUARDS IN ALL PUBLIC, COMMERCIAL AND SHORT-TERM RENTAL
SWIMMING POOLS WITHIN MOMBASA COUNTY

[Interruption]

Order Members! Order!

Hon. Katana: Mr. Speaker Sir, I beg to give notice of the following Motion;

THAT AWARE THAT, Article (26)1 of the Constitution of Kenya guarantees every person the right to life, including protection from preventable loss of life arising from unsafe public and recreational facilities;

FURTHER AWARE THAT, article 42 of the Constitution guarantees every person the rights to clean and healthy environment, which encompasses safety in public recreational facilities such as swimming pools;

FURTHER AWARE THAT, Article 43(1) (a) guarantees every person the right to the highest attainable standard of health, including protection from preventable injuries and drowning incidents;

NOTING THAT, part 2 of the Fourth Schedule to the constitution assigns County Government function relating to County health services, public amenities, trade

development and regulations, and implementation of specific National Government Policies on public health and safety;

FURTHER NOTING THAT, the County Government Act No. 17 of 2012 empowers County Assembly to legislate, provide oversight, and direct County Executive in matters relating to public health and safety within their jurisdiction;

FURTHER NOTING THAT, section 118 of the Public Health Act (Cap 242) classifies any premises of conditions dangerous to health as a nuisance and mandates authorities to take necessary measures to prevent risk to public health, including unsafe recreational facilities;

ACKNOWLEDGING THAT, the Occupational Safety and Health Act, 2007 obligate occupiers of premises to ensure the safety, health and welfare of all persons using such premises;

FURTHER ACKNOWLEDGING THAT, the Tourism Act No. 28 of 2011 and the Tourism Regulatory Authority (classification, registration and licensing of tourism accommodation facilities) regulation 2014 requires hospitality establishments to maintain safety standards, including provision of trained personnel for user safety;

NOTING THAT, Mombasa County is a leading tourism destination with a high concentration of public swimming pools, hotels, resorts and a growing number of short-term rental facilities, including Airbnb's, units, villas and cottages;

CONCERNED THAT, many swimming pools within the public spaces, private establishments, and short-term rental facilities operate without trained lifeguards, thereby exposing residents and visitors to increased risk of drowning and delayed emergency response;

RECOGNISING THAT, trained lifeguards play a critical role in accident prevention, enforcement of safety protocols and provisions of immediate rescue and first aid response in aquatic environment;

NOW THEREFORE, THIS ASSEMBLY RESOLVES THAT:

- 1. The County government of Mombasa establishes and implements a regulatory framework requiring all public swimming pools, as well as swimming pools in short-term rental facilities, including Air BnB units, villas and cottages, to have at least one certified lifeguard on duty at all times during defined operational hours.*
- 2. The County Government enforces compliance among hotels, resorts and all commercial establishments with swimming pools to ensure the continuous presence of trained and certified lifeguards in accordance with the national tourism and safety regulations.*
- 3. The County Department responsible for health and public safety integrates lifeguard certificate, first aid and Cardiopulmonary Resuscitation (CPR) requirements into the license, registration and annual inspection process for all premises within the swimming pool.*

4. *The County Government shall conduct public awareness and education campaigns to inform residents, tourism and facility operators on swimming pools, safety requirements and drone prevention measures.*
5. *The County Executive Committee Member responsible for health and public safety shall, within six months of adoption of this motion, develop and submit the County Assembly a report on the implementation status including the regulatory guidance, enforcement mechanism and resource requirements.*
6. *The County government shall collaborate with the relevant national regulatory body and stakeholders to standardize training, certification and enforcement of swimming pool safety measures across the County.*

Thank you Mr. Speaker.

The Temporary Speaker (Hon. Abdirahman Abdikadir): By the way for your information Hon. Katana, there is some level of short - sightedness that is classified as a disability in Kenya so, maybe you might be qualified to have the PWD card if you choose to so it is a matter of fact. Yes, Clerk?

ADJOURNMENT

Honourable Members, the House stands adjourned until the next sitting.

The House rose at 2:53p.m.