



**COUNTY ASSEMBLY OF MOMBASA
THE HANSARD**

Wednesday, 29th April, 2026

Third Assembly – Fifth Session
THIRTY FOURTH SITTING

*[The County Assembly met at 11:00a.m at the County Assembly Buildings]
[The Deputy Speaker (Hon. Fadhili Mwalimu Makarani) in the Chair]*

PRAYERS

The Deputy Speaker (Hon. Makarani): Have your seats Honourable Members.

MOTION

[Interruption]

What is it Honourable Kai?

Hon. Kai: Thank you, Mr. Speaker. I am worried if we have the right quorum.

The Deputy Speaker (Hon. Makarani): Yes, Clerk please confirm if there is quorum?

[Lack of quorum]

Serjeants-At-Arms, please ring the quorum bell.

*[Quorum bell rung for 10 minutes]
[A few Honourable Members walked into the Chambers]*

Yes, Clerk please confirm if there is quorum?

[Quorum confirmed]

Thank you. Yes, Clerk proceed please.

MOTION

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

Yes, Honourable Allen Katana?

Hon. Katana: Thank you, Mr. Speaker but I do not think it is also in order to proceed, because the bell was still ringing which could have as well distracted me. Mr. Speaker, I beg to move 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 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 governments functions relating to County health services, public amenities, trade development and regulation, 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 Assemblies to legislate, provide oversight, and direct County Executives in matters relating to public health and safety within their jurisdictions;

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

ACKNOWLEDGING THAT, the Occupational Safety and Health Act, 2007 obligates 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) Regulations, 2014 require hospitality establishments to maintain safety standards, including provision of trained personnel for user safety;

NOTING THAT, Mombasa County is leading tourism destination with a high concentration on public swimming pools, hotels, resorts, and a growing number of short-term rental facilities operate without trained lifeguards, thereby exposing residents and visitors to increased risk of drowning and delayed emergency response;

CONCERNED THAT, many swimming pools within 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;

RECOGNIZE THAT, trained lifeguards play a critical role in accident prevention, enforcement of safety protocols, and provision of immediate rescue and first aid response in aquatic environments;

NOW THEREFORE, THIS ASSEMBLY RESOLVES THAT:

1. *The Tourism Regulatory Authority (Classification, Registration and Licensing of Tourism Accommodation Facilities) Regulations; 2014 is implemented within the county in regard to having suitable trained pool attendants with proper life-saving equipment.*
2. *The County Government shall conduct public awareness and education campaigns on swimming pool, safety requirements and drowning prevention measures.*
3. *The County Executive Committee Member responsible for public works shall, within six (6) months of adoption of this motion develop and submit to the County Assembly a report on the implementation status, including regulatory guidelines, enforcement mechanisms and resources requirements.*
4. *The County Government of Mombasa drafts and implement a regulatory framework requiring all public swimming pools, as well as swimming pools in short-term rental facilities including Airbnb units, Villas and cottages, to have at least one certified lifeguard on duty during defined operating hours.*

Thank you, Mr. Speaker I would also wish Honourable Silvester Kai from Junda to second in this Motion. Thank you, Mr. Speaker.

The Deputy Speaker (Hon. Makarani): Yes, Honourable Silvester Kai.

Hon. Kai: Thank you, Mr. Speaker I rise to second. Thank you.

The Deputy Speaker (Hon. Makarani): Thank you. Honourable Members, I now propose a question that the Motion has been read by Honourable Allen Katana be debated in this House?

[Question proposed and agreed to]

Yes, Honourable Allen Katana.

Hon. Katana: Mheshimiwa Spika, ilikuwa Jumamosi moja baada ya mshiriki mmoja wa kanisa la Ki Adventist watoto wake wawili wakatoka na mfanyikazi baada ya kanisa... mafundi wa mitambo... nasikia *microphone* inatoa *echo*, Mheshimiwa Spika utanisamehe kwa hilo. Mheshimiwa Spika, mama na baba wakiwa wamebakishwa kanisani, mfanyikazi akatumwa awapeleke watoto kwenda kuogelea katika mkahawa ambao sitautaja. Mheshimiwa Spika kisa kilivyokuwa ni kisa cha kuhuzunisha, maana watoto wakalipa ada ya kuogelea wakaingia kwa kidimbwi, wakaanza kuogelea watoto hao wawili na Mheshimiwa Spika dada mfanyikazi ambaye alikuwa amepewa watoto wale CCTV za mkahawa zinaonyesha yule dada akiwako *busy* ana *chat*, ako *busy* kwa simu yake. Muda haukuwa mrefu, mwanamume aliyekuja pia kujivinjari na mke wake wakaona watoto wanaelea, bila kubadilisha nguo zake akakimbia mbio ndani ya maji, wale watoto wakawa tayari washakufa. Mheshimiwa Spika naongea nikiona historia hii kama jana; watoto wamekuwa wazima bila maradhi, watoto walikufa. Mheshimiwa Spika, katika watu waliotaka kufuatilia, mimi nilikuwa mmoja wao; tukagundua mfanyikazi anayewekwa katika sehemu ile anawekwa tu kupokea ada ya kuwaruhusu watu waogelea, mengine yanayoendelea katika vidimbwi vya kuogelea hio si shughuli ya hoteli ile. Mheshimiwa tukakaakaa, hivi visa nikavisikia katika maeneo tofauti tofauti ndani ya Mombasa yetu, ndipo Mheshimiwa nikaona vizuri tuje na ajenda Bungeni kwa misingi ya sheria, tukaweze kuweka sheria Mheshimiwa Spika ambayo itazuia vifo vinavyopata watu wetu ama watoto au watu wazima Mheshimiwa na baada ya kisa hicho nimetembelea mikahawa mingi na nimegundua mapungufu yaliyo kuwa katika hoteli ile watoto wawili walioaga. Vilevile iko katika hoteli

nyingi na kwa sababu hio ndiyo mara kwa mara Mheshimiwa Spika tumekuwa na vifo ambavyo vingeweza kuepukika na hivyo basi nikajua moja kwa moja nikajua ...

[Interruption]

The Deputy Speaker (Hon. Makarani): There is a Member up!

[Interruption]

What is it, Honourable Jactone Madialo...?

Hon. Madialo: *[Inaudible...]* Speaking off microphone!

The Deputy Speaker (Hon. Makarani): Please use the microphone!

Hon. Madialo: Ahsante Mheshimiwa Spika na pole singependelea kumkata mwenzangu ambaye amelea Hoja muhimu sana, lakini ombi langu ni kwamba kwa sababu mitambo iko na shida na vile vile ananiambia wale ambao wataenda Jahannam watasaga meno hii sauti tayari inatusagisha meno na ningeomba ya kwamba afadhali kwa sababu tunaweza kusikia hata bila ya kutumia hii wacha tu na wasituambie kwamba Hansard hatutaki kusaga meno, tunasaga meno tayari tunasagishwa meno na hii sauti *it is irritating* ombi langu tafadhali.

The Deputy Speaker (Hon. Makarani): Thank you Honourable Madialo but because of the parliamentary procedures we will proceed using the microphone. Proceed Honourable Allen.

Hon. Katana: Mr. Speaker if there is no a better technician I can do the adjustments because the echo is really irritating, you are very much in order but am not beyond the Speaker because the Speaker has already overruled it. Mheshimiwa Spika ili kusiwe Jahannam watu wasiendeleo kusaga meno, mimi ningeomba hivi ni lazima Nyumba hii ikaweze kuwa makini tujadili na kuipitisha Hoja hii ili kwa kufanya hivyo tutakuwa tumeihifadhi uhai wa watu wengi Mheshimiwa Spika na sasa nikajiuliza ingekuwa kumewekwa sheria na kuna mfanyikazi ambaye ana ujuzi wa kuboea na kuhusiana na kuokoa maisha ndani ya vidimbwi hivi ingekuwa vile vile kunavyo vitu vya kuwezesha watoto kuingia katika vidimbwi hivi kama *floaters* na vitu vyengine kwa hakika Mheshimiwa Spika maisha ya watoto wale na si watoto tu Mheshimiwa Spika na narudia kwa sababu ya sheria ya kwamba sitaki kuharibia jina hoteli fulani lakini kunazo hoteli Mheshimiwa Spika ukitaka Jumba hili tunaweza kufanya *site visit* unakuta hapa kuna *bar counter* iko hapo watu wanakunywa hakuna kizuizi chochote cha kutenganisha *bar* na kidimbwi mtu amepata chupa mbili anatafuta gari yake iliko kwa bahati mbaya kwa kuwa pale hakuna mtu msimamizi ama *lifeguard* mtu anaingia kwa kidimbwi mara amevunjika mguu, mara mtu yule amekufa.

Mheshimiwa Spika ni ombi langu kwa Jumba hili tukaweze kuipitisha Mswada huu kwa sababu sheria ziko na nimezinukuu vizuri katika *Motion* yetu ya leo. Kilichobaki tu ni Waheshimiwa wenza waunge mkono ipitishwe na baada ya kupitisha vile vile kwa kuwa tunajua desturi ya Kaunti yetu Mheshimiwa Spika pia vile vile Jumba hili lisiiache sheria pale kama itapita tuhakikishe inafanya kazi na lengine wengine kwa kuogopa kuandika hawa *lifeguard* wanachukua tu watu mtaani wanawekwa kusimamia tu kwa pesa kidogo ikifika wakati wa kukisafisha kile kidimbwi anapewa *chlorine* aingize mle ndani unakuta *chlorine* inayowekwa inawekwa nyingi mpaka watu wakija kuogelea baada ya siku mbili unakuta mtu ngozi imebambuka, ana matatizo ya macho na hivi visa vipo vimetokea ni kwa sababu wanaowekwa kama hawatakuwa basi wanaowekwa mara nyingi wanawekwa watu tu wasio na ujuzi wowote. Ndio maana katika maombi yangu hapa, nimeomba Serikali yetu ya Kaunti katika Idara husika

iweze kuhakikisha wanaowekwa wawe wamesomeshwa na zaidi ya kusomeshwa wawe na vyeti na zaidi ya kuwa na vyeti kuwe kuna mfuatilio, kuwe kuna *check up* ya kuhakikisha kwamba kazi wanaifanya kama ilivyo ili nisiongee sana Mheshimiwa Spika niwakaribishe Waheshimiwa wenza wakaweze kuchangia Hoja hii. Ahsante Mheshimiwa Spika.

The Deputy Speaker (Hon. Makarani): Thank you Honourable Allen Katana, I will now allow you to go to the technical bench and help us from you said *Jahannam*. Okay Honourable Kai please proceed.

Hon. Kai: Ahsante Mheshimiwa Spika nikichangia Mswada huu. Mheshimiwa Spika, mji wetu huu mji wa Mombasa ni mji wa kitalii na mara nyingi hupata wageni lakini, kati ya vile vitu ambavyo wageni hawa hupendelea zaidi ni kufika katika ufuo wa bahari na shughuli nyengine zote ambazo ni za kujishughulisha na maji. Ni kweli ushahidi upo matukio mengi yamekuwa yakifanyika kwamba, familia wamekuja hapa mjini kwetu Mombasa katika likizo zao na mara nyingi unapata matukio labda masikini watoto wameweza kupatwa na mauti katika shughuli ambayo ilitarajiwa ni ya mapumziko na furaha. Hivyo itakuwa sawa kwanza serikali yetu iweze kufanya ile tutaita *mapping* ili wakaweze kujua ni nyumba ngapi za biashara ambazo ziko na hivi vidimbwi vya kuogelea ili wakati sheria inapopeanwa, iwe ile data itatumika kikamilifu kuhakikisha ya kwamba sheria hii inaweza kutekelezwa katika asilimia mia moja ili matukio kama haya yasiweze kuzua hofu ambayo mbeleni itazuia wageni kuja katika mji wetu wa Mombasa, kwa kuhofia matukio haya ambayo yamekuwa yakijirudia mara kwa mara lakini bila serikali yetu kuweka *regulations*. Kwa hivyo nipongeze sana hii itakapoweza kufanyika, itasaidia mji wetu kuona kwamba ina uongozi dhabiti na pia imehakikishia usalama wageni wetu ambao mara kwa mara huchagua mji wa Mombasa kama sehemu ya kupumzika. Ahsante sana Mheshimiwa Spika.

The Deputy Speaker (Hon. Makarani): Thank you. Yes, Deputy Majority Leader?

The Deputy Majority Leader (Hon. Maimuna Salim): Ahsante sana Mheshimiwa Spika. Mheshimiwa Spika, nimesimama kuunga mkono hoja hii iliyoletwa na Mheshimiwa Allen Katana; mwanzo nimpe kongole, kongole sana kwa kuileta hoja hii. Sisi kama watu wa sehemu hii, haya madhara huwa yanatokea sana kwa hivi tunaviita vidimbwi, kwa hivi vidimbwi wakati watoto wanaenda kusherehekea na wazazi wao, ama watoto wamejibeba wao kama watoto. Ni lazima ya kwamba kuwe kuna sheria maalum ya kuhakikisha kwa kila kidimbwi kuwe kuma mtu ana uelevu wa kuogelea, ana uelevu wa kupima *chlorine* na ana uelevu akimuona mtu amelemewa na maji aweze kumsaidia kwa sababu maji hayana ufundi. Saa nyengine unaweza ukaingia kwenye maji ukashikwa na hiyo tunaita muscle pool na wewe ni muogeleaji, lakini ukashindwa kujisaidia. Kwa hivyo maafu yanaweza yakakufika hapo hapo, lakini ikiwa kuna mtu ambaye ana tajriba kuelewa mambo ya kuogelea na mambo ya kusaidia watu kwa hivyo vidimbwi, itakuwa ni vizuri na hii sheria Mheshimiwa Spika, ningeomba tu, tusingalie vidimbwi, tuangalie mahali katika zile public, maeneo ambayo ni ya wananchi kuenda kujivinjari kama Pirates, Serena siku hizi imekuwa, Nyali Beach kuweze kuwekwa watu maalum ambao wanahizo tajriba waweze kuangalia kwa sababu mimi yangu pia ni masikitiko makubwa. Mtu anaingia kwenye bahari anajifanya anamfundisha mtu kuogelea alafu kuna mambo mengi ambayo yanatokea na mtu anakunya maglasi ya maji, kwa hivyo Mheshimiwa Spika, lakini kukiwekwa watu ambao hiyo ni kazi yao, watachuga heshima na watafanya kazi kiheshima. Kwa hivyo nimesimama kuunga mkono hoja hii iliyoletwa na Mheshimiwa Allen

Katana na ningeomba tukitoka hapa iweze kufanyiwa kazi, wakati wa likizo safari hii tusiwe na maafa mengi. Ahsante sana Mheshimiwa Spika.

The Deputy Speaker (Hon. Makarani): Thank you Honourable Maimuna. Honourable Madialo please have your seat let Honourable Milka Proceed.

Hon. Ngare: Thank you, Honourable Speaker, for recognizing that I'm a ranking Member of this House. I am up to support the Motion brought by Honourable Allen Katana, my good neighbours, Bamburi and Shanzu, whom we share a lot. Needless to emphasize the importance of life preservation as he has rightly put it, that all our pools in Air-BnBs and big Hotels, or wherever they are, must have protection so that life must be preserved. I want to state that Mombasa is a major tourist destination; for us to protect the tourism and its growth, we must also have a reputation of safety within our areas. When the tourists know that Mombasa is well protected, the pools are well protected, they will come in droves, and that will increase our tourism, and therefore our economy is going to improve. So that, I must insist, that we must have protected pools by trained personnel and by also having trained personnel, we will increase employment opportunities because we need to have trained lifesavers, pool managers, and all those others. So that will also encourage the young people to train in such areas so that they can get employed. Therefore, we will be having less youths loitering around, but now engaged around the swimming pools. With that, I support and urge my colleagues that we support this motion, pass it, so that now we follow on implementation thereafter. Thank you so much, Mr. Speaker. Thank you.

The Deputy Speaker (Hon. Makarani): Yes, Honourable Jactone Madialo.

Hon. Madialo: Ahsante sana Mheshimiwa Spika na simama kuunga mkono Hoja hii naomba pia wenzetu wale ambao hawajaongea tafadhali tufupishe kuna joto. Ahsante sana Mheshimiwa Spika.

The Deputy Speaker (Hon. Makarani): Thank you I will now let the mover of the motion to reply.

Hon. Katana: Mheshimiwa Spika hata mimi nilikuwa naomba Mwenyezi Mungu atumie mtu kwa kunena maneno Mheshimiwa Madialo aliyosema. Kwa hivyo niwashukuru waheshimiwa kwa kuunga mkono Hoja hii. Ahsante.

The Deputy Speaker (Hon. Makarani): Thank you very much. Honourable Members, I now stand to put a question that the Motion by Honourable Allen Katana on mandatory provision of lifeguards in all public, commercial, and short-term rental swimming pools within Mombasa County be approved by this Honourable House?

[Question put and agreed to]

Honourable Members, the Motion by Honourable Allen Katana on mandatory provision of lifeguards in all public, commercial, and short-term rental swimming pools within Mombasa County has been adopted by the House. Yes, Clerk?

ADJOURNMENT

Honourable Members, the House stands adjourned until Wednesday, 29th April, 2026 at 2:30p.m.

The House rose at 11:34a.m.