



**COUNTY ASSEMBLY OF MOMBASA
THE HANSARD**

Tuesday, 14th October, 2025

Third Assembly – Fourth Session
SIXTIETH SITTING

*[The County Assembly met at 10:10a.m at the County Assembly Buildings]
[The Speaker (Hon. Aharub Ebrahim Khatri) in the Chair]*

PRAYERS

The Speaker (Hon. Khatri): Honourable Members, you may be seated.

[Consultations]

Clerk, please confirm if we have the quorum.

[Quorum confirmed]

Yes, Clerk next order please?

MESSAGES

NOTIFICATION OF NOMINATION FOR APPOINTMENT AS COUNTY EXECUTIVE COMMITTEE (CECM)
MEMBER FOR BLUE ECONOMY, COOPERATIVES, AGRICULTURE AND LIVESTOCK

Honourable Members, we have received a letter from His Excellency the Governor;

Nomination for appointment as a County Executive Committee Member for Blue Economy, Cooperatives, Agriculture and Livestock, reading; in accordance with Article 179, sub section 2B of the Constitution and section 35 of the County Government Act. I hereby nominate Mr. Ibrahim Khamisi Mutwafy for appointment as County Executive Committee Member for the Department of Blue Economy, Cooperatives, Agriculture and Livestock. The nomination follows executive order number 9 of 2025, issued on 11th July, 2025 and supports the strategic focus on my administration on economic transformation through the Blue Economy and agriculture value chain. Kindly find his Curriculum Vitae attached for the Assembly's reviews and approvals process.

Honourable Members, pursuant to Standing Order 39, sub section 3C and 184, sub section 4, the notification of nomination for appointment as a County Executive Committee Member for Blue Economy, Cooperatives, Agriculture and Livestock is committed to the Committee on Appointments for consideration.

Yes, Clerk, next order please?

NOTIFICATION OF NOMINATION FOR APPOINTMENT AS COUNTY EXECUTIVE COMMITTEE MEMBER (CECM) FOR PUBLIC SERVICE ADMINISTRATION, YOUTH, GENDER AND SPORTS

Honourable Members, we have received another letter from His Excellency the Governor; nomination for appointment as a County Executive Committee Member for Public Service Administration, Youth, Gender and Sports.

Pursuant to the provision of Article 179, sub section 2B of the Constitution of Kenya 2010 and section 35 of the County Government Act, 2012, I have the honour to submit the name of Mr. Jonathan Wepukhulu for consideration and approval by the County Assembly for appointment as Executive Committee Member for the Department of Public Service Administration, Youth, Gender and Sports. This nomination has been made in accordance with the Executive Order Number 9 of 2025, issued on 11th July, 2025 and is aligned to our administration commitment to effective and accountable public service delivery. Please find and close the Curriculum Vitae for consideration.

Honourable Members, pursuant to Standing Order 39, Sub Section 3C and 184, sub section 4, the notification of nomination for appointment as County Executive Committee member for Public Service Administration, Youth, Gender and Sports is committed to the Committee on Appointment for consideration.

Yes, Clerk next order please.

PETITIONS

IRREGULAR LAND ALLOCATION AND INTERFERENCE IN KIZIWI LAND REGULARIZATION PROJECT, PLOT NUMBER 105, SECTION XI, TUDOR KIZIWI

Honourable Members, the County Assembly have received a Petition from Kiziwi Community Group on irregular land allocation and interference in Kiziwi Land Regularization Project, plot number 105, section XI, Tudor Kiziwi. Honourable Members, the petition reads, *subject;*

PETITION AGAINST IRREGULAR LAND ALLOCATION AND INTERFERENCE IN THE KIZIWI LAND REGULARIZATION PROJECT, plot number 105, section XI, Tudor Kiziwi.

We, the undersigned Members and elders of the Kiziwi community, residents of plot number 105, section XI, Tudor Kiziwi, hereby submits this petition, pursuant to the Constitution of Kenya and the County Government Act, seeking intervention of the County Assembly of Mombasa in protecting our community land rights.

BACKGROUND

- 1. The community fully welcomed and actively participated in the land regularization and survey plot number 105, Section XI, Tudor Kiziwi, measuring approximately two acres*
- 2. The survey was conducted by the offices from the County physical planning department in collaboration with the County surveyors and residents covering 36 households. The exercise was completed without objection*
- 3. Upon conclusion of the survey, the community and physical planning officers jointly agreed on the following; The estates main access road shall remain six meters wide.*

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Any houses encroaching on the road results shall be removed to allow proper road implementation.

COMPLAINTS

Despite the above agreements, the following irregularities and acts of interference have arisen;

- 1. The County Executive Committee Member (CECM) for Land Housing and Urban Planning, Mr. Muhammad Hussein, together with officers from the department of physical planning have interfered with the agreed plan by attempting to reduce the only access road from six meters to four meters. This alteration is intended to protect an illegally allocated kiosk plot number 38 belonging to relatives of Mr. Hussein, which sits on the road reserve and obstructs passage, including access for emergency service*
- 2. The community playground unlawfully allocated as Plot No. 36 is suspected to have been grabbed by an unknown influential individual. This land was originally reserved for community function and social amenities and the community demands its immediate restoration*
- 3. Numerous appeals made during meetings with both CECM Muhammad Hussein and physical planning officer Mr. Manyala, have been consistently ignored.*

PRAYERS FOR THE PETITIONER'S REQUESTS

We, the Kiziwi community, therefore humbly petition the County Assembly of Mombasa to:

- 1. Uphold the community resolution that the main estate access road from Manyimbo road remain six (6) meters wide, with inner estate roads designated as four (4) meters wide*
- 2. Direct the immediate demolition and removal of all illegal structures, including the kiosk on Plot No. 38, which obstructs the road entrance*
- 3. Reclaim and restore Plot No. 36 for use as a community playground and space for special amenities.*
- 4. Investigate and take appropriate disciplinary action against County officials involved in irregular land allocation, abuse of office and interference with the community survey plan.*

SIGNATORIES

Identification details and signatures affected by Kiziwi residents are appended overleaf. Honourable Members, I have the Members who have signed.

- 1. Michael Ngure*
- 2. Hussein Abdullahi*
- 3. Mbarak Saeed*
- 4. Zahra Hamisi*
- 5. Awad Hamis Abud*
- 6. Qasim Ali*
- 7. Anwar Ali*
- 8. Amina Ali*

9. *Faraj Hamis*
10. *Fahad Abdusheh*
11. *Amina Hamis*
12. *Mahmoud Aman*
13. *Fatima Tahariye*
14. *Aida Hamis*
15. *Abud Omar Hamis*
16. *Ali Islam Salim*
17. *Yassir Ali Islam*
18. *Faiza Omar Suali*
19. *Fahim Arif Abud*
20. *Amina Omar Suali*
21. *Salha Abdallah Malik*
22. *Salha Abdallah*
23. *Malik Haji*
24. *Richard Salim*
25. *Faiz Ahmed Mbarak*
26. *Ahmed Mayungu*
27. *Moses Murelthi Njoki*
28. *Mohamed Samani*
29. *Omar Saeed Omar*
30. *John Rachel*
31. *Suale Shea*
32. *Suale Saeed Omar*
33. *Qasim Ali*
34. *Abdallah Junaid Bathwa*

Honourable Members, pursuant to Standing Order 201, Subsection 1-2, this petition stands committed to the Committee on Lands, Urban Planning, and Housing, who shall, in not more than 60 calendar days, respond by the way of a report to the petitioners and laid on the Table of the County Assembly. Yes, Clerk. Next order, please.

[Interruption]

Yes, Honourable Katana?

Hon. Katana: Honourable Speaker, thank you for giving me this opportunity but as per the sensitivity of this matter, I suggest 60 days would be so many days; so, I think I suggest if it is maybe with your wisdom Mr. Speaker maybe if you can give us 14 days, I'm speaking, being a Member of that Lands Committee. Thank you.

The Speaker (Hon. Kharti): Thank you very much. I think Honourable Katana, the standing order is very clear, it is saying in not more than 60 days, so you can do it in five days, in one week, in two weeks, so it is upon you and your Committee. So, stand guided and hopefully you will be working on this as you said within two weeks and we have this report. Yes, Clerk, next order please.

TRANSPARENCY, DISCLOSURE OF INFORMATION AND MEANINGFUL STAKEHOLDERS' ENGAGEMENT
REGARDING PROPOSED WASTE MANAGEMENT DEALS AND POLICIES IN MOMBASA COUNTY

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Honourable Members, the County Assembly has received a petition from Pwani Circular Economy Association transparency, disclosure of information and meaningful stakeholders' engagement regarding proposed waste management deals and policies in Mombasa County. Honourable Members, as I read the subject is;

Petition for transparency, disclosure of information and meaningful stakeholders' engagement regarding proposed waste management deals and policies in Mombasa. Honourable Speaker and esteemed Members of the County Assembly, we the undersigned members of the Pwani Circular Economy Association (PCEA), a collective representing private waste management contractors, community-based organization, informal waste pickers, recyclers and other stakeholders deeply embedded in Mombasa County's waste management ecosystem, hereby submit this petition pursuant to Article 196 of the Constitution of Kenya, 2010, which mandates public participation in the legislative and oversight function of the County Assemblies and Section 87 of the County Government Act, (2012) which provides for the right to petition County Assemblies on the matters of public interest. As an association committed to promoting sustainable waste management practices, environmental stewardship and the circular economy in Mombasa County, we have consistently engaged with the County government to advocate for policies that are inclusive, equitable and beneficial to all residents and businesses. However, despite our repeated efforts through formal letters, memorandum and requests for dialogue we have encountered persistent challenges in obtaining clarity and responses on critical waste management issues. This petition seeks the County Assembly intervention to compel transparency, ensure accountability and protect the right of local stakeholders in line with the constitutional principles.

BACKGROUND AND PREVIOUS ENGAGEMENT

Over the past several months, PCEA has actively raised concern about various aspects of the County Government waste management initiatives. This includes;

- One, objection to the proposed zoning policies for garbage collection service. In our memorandum dated June 30th, 2025, addressed to His Excellency the Governor Abdul Swamad Sharif Nasir, we highlighted the social, economic and regulatory risk posed by the zoning policy, such as threats to livelihoods, potential service disparities, exclusion of informal waste actors and non-compliance with environmental laws like the Environmental Management and Coordination Act EMCA of 1999 and the Sustainable Waste Management Act of 2022. We demanded impact assessments, compensation mechanisms and enhanced public participation, but these concerns remain unaddressed.*
- Two, petition against the increase in Hazard Waste Levy. In our draft memorandum of petition dated February 12th, 2025, addressed to the (County Government and Assembly attention Deputy Governor/CEC environment), we objected the doubling of the Hazard Waste Levy from Kenya Shilling 50,000 to 100,000, citing legal deficiencies, economic hardships, risk of illegal dumping and the lack of adequate infrastructure for Hazard Waste Handling. We called for suspension of the increase legal reviews and collaborative infrastructure development, yet no substantive action has followed.*
- Three, request for audience on waste management policies. In our letter dated June 24th 2025, to His Excellency Governor Abduswamad Sharif Nasir, we sought an urgent meeting to discuss the zoning framework potential for unfairness operational challenges at the Mwakirunge dump site and broader policies concern. We emphasized the need for*

equitable implementation to avoid discrimination against local operators and disruption of essential services, despite coping key offices including the Deputy Governor and County Chief Officer for Environment and Solid Waste Management, as well as our advisory board partners, (e.g. KEPRO, VSO, Haki yetu, WWF-Kenya.) We have received no response or invitation for dialogue. These engagements underscore our good faith effort to collaborate with the County Executive. Regrettably, the lack of response has left us with no alternative but to petition to the Assembly as the oversight body responsible for ensuring executive accountability and public involvement in governance.

CURRENT CONCERNS: RUMORED DEAL WITH A FOREIGN COMPANY AND LACK OF TRANSPARENCY

Honourable Members, the petition reads; recent information circulating among stakeholders indicates that the County government has, without prior consultations or disclosure entered into an agreement with Ghanaian company to handle waste management services in Mombasa County. If true, this deal appears to exclude established Kenyan private actors, including PCEA members who have invested significantly in local infrastructure, employed community members, and contributed to the County's circular economy. We are deeply troubled by the apparent secrecy surrounding this purported deal which contravenes the principles of transparency and accountability enshrined in Article 10 of the Constitution of Kenya. The lack of stakeholder's involvement not only undermines trust but also risk violating:

- **Public Participation Mandates:** Article 196(1) (b) of the Constitution and Section 91 of the County Government Act require meaningful public engagement in policy formulation and implementation. No evidence has been provided of public forums, consultations or notifications regarding this deal, leaving residents, businesses and waste sector actors uninformed and excluded.
- **Sustainable Waste Management Principle:** The Sustainable Waste Management Act of 2022 (Section 23 and 24) emphasizes stakeholders' inclusion, the polluter – pays principal, and reinvestment of fees into local programs. Prioritizing a foreign entity over local operators could displace livelihoods, exacerbate inequalities and hinder the integrations of informal recyclers, as previously highlighted in our submissions.
- **Economy and Social Equity:** As detailed in our prior memoranda, Mombasa's waste sector supports numerous SMEs, low - income communities and informal workers. Excluding them in favour of an external company could lead to job losses, increased costs for residents and environmental degradation through unregulated disposal.

The opacity of this process particularly the absence of details on the selection criteria, tendering (if any) and terms of engagement fuels suspicions of impropriety and erodes public confidence in the County Government's commitment to good governance.

KEY DEMANDS

In light of the above, we respectfully petition the County Assembly to:

1. **Compel Disclosure of Information:** Direct the County Executive to furnish PCEA and the public with copies of the Memorandum of Understanding (MOU), any contracts, agreements, or related document pertaining to the purported deal with Ghanaian company, including details on the scope of services, financial terms, timelines and

rationale for selection. This should be provided within 14 days of the Assembly's receipt of this petition.

2. ***Investigation Public Participation and Secrecy:*** *Conduct an enquiry into the extent of public participation in the development and signing of this deal including records of consultations, stakeholders' meetings and notifications. The Assembly should also probe the reasons for the apparent secrecy and assess compliance with constitutional and statutory requirement for transparency.*
3. ***Suspend Any Implementation Pending Review:*** *Recommend the immediate suspension of any actions related to the deal until a comprehensive review is completed, including an Environmental, Social and Economic Impact Assessment (ESIA) as mandated by EMCA 1999, and full stakeholder engagement.*
4. ***Facilitate Inclusive Dialogue:*** *Convene a public hearing or special committee sessions involving PCEA, others stakeholders and the County Executive to discuss waste management policies holistically, addressing unresolved issues from our previous submissions and ensuring local actors are prioritized in future initiatives.*
5. ***Ensure Accountability and Oversight:*** *Adopt resolutions to strengthen oversight mechanism for waste management policies, including mandatory reporting on fees structures, infrastructure development (e.g., Material Recovery Facilities and hazardous waste sites) and integrations of local enterprises.*

CONCLUSION

Honourable Members, the Pwani Circular Economy Association remains dedicated to partnering with the County government and Assembly to foster a sustainable, inclusive waste management system that benefits all Mombasa residents. We believe that transparency and collaboration are essential to achieving this goal and preventing unintended harm to livelihoods, the environment and the economy. We trust that the County Assembly, as the people's representatives, will act swiftly on this petition to uphold the rule of law and constitutional values. We are available for any clarifications or presentations and can be reached. Sincerely, Desmond Tutu.

Honourable Members, pursuant to Standing Order 201(1)(2), this petition stands Committed to the Committee on Environment and Solid Waste Management who shall in not more than 60 calendar days respond, by the way of a report to the petitioners and laid on the Table of the County Assembly. Yes, Clerk next order please.

PAPER

ANNUAL DEVELOPMENT PLAN 2026/2027

Yes, Honourable Athman Mwamwiri please lay the Paper.

The Leader of the Majority Party (Hon. Mwamwiri): Thank you Mr. Speaker. Mr. Speaker Sir, I wish to lay the Paper, County Government of Mombasa Annual Development Plan (ADP) 2026/2027.

[Paper laid]

The Speaker (Hon. Khatri): Thank you very much. Honourable Members the Annual Development Plan 2026/2027 stands committed to the Committee on Finance, Budget and Appropriations for consideration.

COUNTY BUDGET REVIEW AND OUTLOOK PAPER (CBROP)

The Speaker (Hon. Khatri): Yes, Honourable Athman Mwamwiri please lay the Paper.

The Leader of the Majority Party (Hon. Mwamwiri): Thank you Mr. Speaker. Mr. Speaker Sir, I wish to lay the Paper Mombasa County Government, 2025 County Budget Review and Outlook Paper.

[Paper laid]

The Speaker (Hon. Khatri): Honourable Members, the County Budget Review Outlook Paper (CBROP) stands committed to the Committee on Finance, Budget and Appropriation for consideration.

PAPER

COUNTY GOVERNMENT'S BUDGET IMPLEMENTATION REVIEW REPORTS FOR THE FIRST NINE MONTHS
FOR THE FINANCIAL YEAR, 2024/2025

The Speaker (Hon. Khatri): Yes, again Honourable Athman Mwamwiri please lay the Paper.

The Leader of the Majority Party (Hon. Mwamwiri): Thank you Mr. Speaker. Mr. Speaker, I wish to lay Paper, the County Government Budget Implementation Review Reports for the first nine months of the Financial Year 2024/2025.

[Paper laid]

The Speaker (Hon. Khatri): Thank you. Honourable Members, the County Government Budget Implementation Review Reports for the first nine months of the Financial Year 2024/2025 stands committed to the Committee on Finance, Budget and Appropriation for consideration.

NOTICE OF MOTION (S)

ESTABLISHMENT OF SAFE HOUSES FOR VULNERABLE PERSONS WITHIN THE COUNTY

Yes, Honourable Mariam Baimu please give the Notice of Motion.

Hon. Baimu: Thank you Mr. Speaker Sir. A Notice of Motion, Establishment of Safe Houses for Vulnerable Persons within the County. Mr. Speaker Sir, I beg to give Notice to the following Motion;

Aware that Article 28 of the Constitution of Kenya guarantees every person the right to dignity; while Article 43 provides that every person has the right to the highest attainable standard of health, accessible and adequate housing, and reasonable standards of sanitation;

Further aware that Article 21(3) of the Constitution obligates all State organs and all public officers to address the needs of vulnerable groups within society, including women, older members of society, persons with disabilities, children, youth, members of

minority or marginalized communities, and members of particular ethnic, religious, or cultural communities;

Noting that, the Children Act, 2022 and the Protection Against Domestic Violence Act, 2015 provide for the protection, care, and rehabilitation of children and persons who are victims of violence or abuse;

CONCERNED THAT the County currently has no comprehensive gender-based GBV policy or structured framework to guide prevention, protection, response, and rehabilitation efforts;

DEEPLY CONCERNED that cases of GBV, child neglect, child abandonment, the abuse of vulnerable youth remain prevalent within the County and that victims often lack access to safe, temporary shelters where they can receive protection, psychosocial support, rehabilitation, and reintegration services.

This County Assembly resolves that:

- 1. The County Executive Committee Member responsible for gender, children, youth, and social services, in collaboration with the Department of Health, within 90 days, develop and submit to this assembly a policy and framework on the establishment, management, and funding of safe houses within the County*
- 2. The policy framework shall further incorporate programmes for psychosocial support, reintegration, legal assistance, medical care, and vocational training to ensure holistic support for victims and survivors.*
- 3. The County Executive ensures that the said policy aligns with the National framework on the prevention and response to gender-based violence and child protection, and that adequate budgetary provisions are made in subsequent financial years to support the programme.*
- 4. The County government considers constructing and operationalizing at least one safe house in every sub-county to provide temporary shelter, protection, and rehabilitation services for vulnerable children, youth, women, and other persons at risk.*

Thank you, Mr. Speaker Sir.

The Speaker (Hon. Khatri): Thank you very much Honourable Marian Baimu.

REGULATION AND SAFETY OF SWIMMING POOLS IN MOMBASA COUNTY

Yes, Honourable Abdirahman Hussein please give the Notice of Motion.

Hon. Abdirahman Abdikadir: Thank you Mr. Speaker. I had given a Notice of Motion two months ago. However, Mr. Speaker Pursuant to the provisions of Standing Order 51(2) of the Mombasa County Standing Orders. I wish to give a Notice of my intention to withdraw the Notice of Motion titled; a regulation of swimming pools in Mombasa County, which I had earlier filed and which appears in the order paper today. Honourable Speaker, following extensive consultation with relevant stakeholders, it has become extremely necessary to expand the scope of the proposed framework to include broader water safety measures, beach safety and the establishment of County lifeguard directorates. Accordingly, I intend to introduce a substantive Bill titled the Mombasa County Water Safety and Drowning Prevention Bill, 2025 which

comprehensively addresses all matters relating to swimming pool regulations and lifeguard deployment. Thank you, Mr. Speaker.

The Speaker (Hon. Khatri): Thank you very much Honourable Abdirahman, for your intention of bringing the Bill. As you are aware, the process of bringing the Bill will have to follow. So, you have decided to withdraw the Notice of Motion which is okay, so the Notice of Motion stands withdrawn and we will wait for the Bill which hopefully we shall be getting it as soon as possible and the process shall be followed.

ADJOURNMENT

Honourable Members this House stands adjourned until Tuesday, 14th of October, 2025 at 2:30p.m.

The House rose at 10:52a.m.