



**COUNTY ASSEMBLY OF MOMBASA
THE HANSARD**

Tuesday, 18th November, 2025

Third Assembly – Fourth Session
SEVENTY FIRST SITTING

*[The County Assembly met at 11:10a.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. Yes, Clerk?

[Consultations]

Yes, Clerk order one please?

NOTICE OF MOTION

RESUMPTION OF SUBDIVISION OF OWINO UHURU LAND IN MIKINDANI

Yes, Honourable Jactone Madialo.

Hon. Madialo: Thank you, Mr. Speaker Sir. Mr. Speaker Sir, i beg to give notice of the following Motion;

WHEREAS Article 185 of the Constitution of Kenya, 2010 vests legislative authority at the County level in the County Assembly;

FURTHER, whereas part 2 of the Fourth Schedule to the constitution assigns to the County government functions relating to land survey and mapping, planning and local development, including land subdivision and tenure regularization;

COGNIZANT that section five of the County Government's Act, 2012 mandates County governments to promote social and economic development and ensure the provision of services in a sustainable and equitable manner;

ACKNOWLEDGING that the physical and land use Planning Act, 2019 empowers County governments to formulate and implement land use plans including processing and approving subdivisions within their jurisdictions;

NOTING that the County department of Lands, Urban planning and Housing wrote to the National Environment Management Authority (NEMA) indicating its readiness to carry out subdivision of the Owino Uhuru land in Mikindani. However, the process was suspended following an ongoing court case at the Environment and Land court in Mombasa. In the suit, petitioners allege that a lead smelting plant that previously operated in the area had caused environmental degradation, health complications and even deaths. They demanded that NEMA declare the plant non-compliant in restoring the environment,

FURTHER NOTING that in response, NEMA collected soil and water samples from the pollution hotspots and submitted them to the Kenya Plant Health Inspectorate services, (KEPHIS) for analysis. The report released on 8th June, 2025 confirmed that the samples did not show significant lead contamination. Upon review, NEMA determined that the affected environment had undergone natural remediation through natural attenuation, meaning the pollution had diminished over time without external intervention. therefore, no current environmental hazard exists,

CONCERNED that despite these scientific findings and regulatory clearance, the subdivision of the land remains suspended, affecting residents' access to land ownership, security of tenure and development prospects.

NOW therefore, this Assembly resolves that:

- 1. The County government of Mombasa immediately resumes the planned subdivision of land in Owino Uhuru mikindani now that there is no outstanding environmental hazard as confirmed by NEMA and the KEPHIS report dated 8th June, 2025.*
- 2. The County Department of Lands and Planning and Housing liaises with Nema and other relevant state agencies to obtain written clearance where necessary and ensure the subdivision process is transparent, participatory and compliant with applicable planning and environmental laws.*
- 3. The County Executive expedites issuance of ownership documents to legitimate beneficiaries in the area once the subdivision is completed to support economic development and land tenure security.*
- 4. The Assembly calls upon all stakeholders to support this initiative as a step toward justice, development and community empowerment in Owino Uhuru.*

I thank you Mr. Speaker Sir.

The Deputy Speaker (Hon. Makarani): Okay, thank you. Yes, Clerk?

ADJOURNMENT

Honourable Members, the House stands adjourned until Tuesday, 18th November, 2025 at 2:30p.m.

The House rose at 11:16a.m.

DISCLAIMER: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor Page 2*