



**COUNTY ASSEMBLY OF MOMBASA
THE HANSARD**

Wednesday, 20th March, 2024
Third Assembly – Third Session
NINETEENTH SITTING

*[The County Assembly met at 10:30a.m. at the County Assembly Buildings]
[The Deputy Speaker (Honourable Fadhili Mwalimu Makarani) in the Chair]*

PRAYERS

The Deputy Speaker (Hon. Fadhili Makarani): Have your seats Members. Yes, Clerk?

COMMUNICATION FROM THE CHAIR

Honourable Members, the County Assembly is privileged to welcome students and teachers from various schools in Kipevu Ward. When you hear your name, please stand up and bow. From Umoja Primary School, we have:

1. Michael Baraza
2. Rayan Mwingo
3. Dalighton Wekesa
4. Aisha Ali
5. Simon Mwenda
6. Osman Kassim
7. Asya Yusuf
8. Mulhat Rashid
9. Whitney Tuniso
10. Grace Ndara

Teachers from Umoja Primary;

1. Ms. Lilian Ngotho
2. Ms. Kawemba Wambuga

I, understand that the teacher is not around. Yes, from Kwa Hola Primary School we have:

1. Farhan Mohamed

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2. Samwel Lucas
 3. John Mwema
 4. Said Ndago
 5. Noel Auma
 6. Chaton Kamosa
 7. Joel Austin
 8. Leonida Omondi
 9. Manal Farhan
 10. Lilian Atieno

And teachers from Kwa Hola Primary School include;

1. Ms. Judy Kavinya
2. Mr. Isaya Kabala

La Day Star Junior School;

1. Nasra Abdi
2. Amos Kairo
3. Halima Hassan
4. Berly Akinyi
5. Patrick Odhiambo
6. Marvel Akinyi
7. Shania Maloba
8. Dan Kip'ngeno

And the teachers;

9. Mr. Simon Odundo
10. Ms. Lydia Arego

Risase Amazing Grace School;

1. Raymax Boyo
2. Nelly Mumo
3. Yunis Sharly
4. Tony Reuben
5. Lawrence Akolo
6. Lista Said
7. Sally Chesa
8. Liam Lepapa
9. Tamika Joe
10. Innocent Odida

With their teachers;

11. Mr. Dominic Opiyo
12. Ms. Winnie Achieng

Good Shepherd School;

1. Abdallah Kassim
2. Gift Kaifya
3. Sarah Mutethya
4. Emmanuel Mwachama
5. Reagan Moshia

With their teachers;

11. Mr. Stephen
12. Ms. Mercy

The Leavers Light Model school;

13. Leyla Salim
14. Erick Nyamai
15. Maureen Mweni
16. Harriet Adhiambo
17. Favour Munyao
18. Gideon Mumo
19. Brigit Mumbe

With their teachers;

20. Mr. Wyclife
21. Ms. Anabel

Jabali Christian School;

22. Tony Blessing
23. Sarah Atieno
24. Esther Wanjala
25. Jessy Mwambi
26. Brilliant Peter
27. Michael Kwake
28. Blessing Wairimu
29. Samuel Wabukhulu
30. Mariam Abdul
31. Joyce Atieno
32. Joseph Munyoki

With their teachers;

1. Ms. Dorothy Dally
2. Mr. Geoffrey Onyango

The Golden Dreams Model

33. Gabriel Kingele
34. Nancy Osiemo
35. David Muindi
36. Joshua Wanjala
37. Michael Imani
38. Brian Mugo

Their teachers are;

39. Mr. Philomon Mwai
40. Ms. Alice Sharon

Let me take this opportunity to welcome you all to this Legislative arm of the County Government of Mombasa and it is my hope that the study visit will be beneficial to you all and may serve an inspiration to your future endeavors, karibuni sana *na mujiskie muko nyumbani*. Honourable Members, before we proceed, the delegation is from Changamwe Constituency Kipevu Ward and Mombasa West at large, so I will let some few Honourable Members to give a word and then, we will proceed. So, Honourable Leila Nyache, talk to your people.

Hon. Nyache: Ahsante sana Mheshimiwa Spika kwa kuweza kunipa fursa hii na kuweza kukaribisha wanafunzi waliofika hapa Bungeni siku ya leo. Nachukua fursa hii kuwakaribisha wanafunzi kutoka Wadi ya Kipevu ambapo ni shule zimechanganywa, ni shule tisa. Nimeenda nikichukua watoto kiasi kiasi na nikawaunganisha wote pamoja na walimu nawakaribisha sana sana. Kitu nitawausia watoto ni kwamba, ni tudumishe nidhamu kwa walimu, wazazi na wazazi wengine, mzazi wa mwenzako na hata nyinyi pia, mheshimiane na mfanye bidii kwa masomo, muweze kuwa kama Mheshimiwa Leila ama kuwa kama Mheshimiwa Spika pale na nyinyi muweze kuingia katika hili Bunge kwa sababu nyinyi ndio viongozi tunawategemea, viongozi wa kesho. Kwa hivyo mimi sina mengi, nimefurahi sana kama Mheshimiwa wenu ama Mheshimiwa wa wazazi wenu, mumekuja kuona mama yenu anafanya nini hapa Bungeni ama Mheshimiwa wenu kutoka Wadi ya Kipevu anafanya kazi gani ama anawakilisha vipi hapa Bungeni pamoja na Waheshimiwa wote wa Kaunti ya Mombasa, wanawakilisha vipi wananchi wao hapa Bungeni. Ahsanteni karibuni sana, ahsante Mheshimiwa Spika.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you Honourable Leila. As I said earlier, the delegation is from Changamwe Constituency and the Mombasa West at large. So, I will let Honourable Ogutu to also to give a word.

Hon. Ogutu: Ahsante sana Mheshimiwa Spika. Nichukue nafasi hii ya kipekee kukaribisha wanafunzi kutoka Mombasa West sana sana Wadi ya Kipevu, niwaambie kwamba safari yao ya leo hii iwe ni ya kusoma ili iweze kubadilisha maisha yao kesho na ni *opportunity* ambayo wata *interact* na Waheshimiwa mbali mbali na wafanyikazi mbali mbali na iweze kuwa *a good learning experience*, ahsante sana Mheshimiwa Spika.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you. Yes, Honourable Jacktone Madialo?

Hon. Madialo: Ahsante Mheshimiwa Spika kwa fursa hii na mimi pia ningependa kuungana na Waheshimiwa wenzangu na pia kumpongeza Mheshimiwa Leila, kwa ajili ya watoto hawa wazuri wa shule. Ningependa pia kuwapa motisha ya kwamba musome kwa bidii na Mungu atawajalia na pia katika masomo yenu tunajua kwamba, pia serikali itakuwa inawawezesha kuhakikisha ya kwamba, mumesoma kwa juhudi na kwa bidii. Ukisoma kwa bidii lazima njia zitafunguka. Kwa hivyo yangu pia ni kuwatakia kila la kheri kwa masomo yenu na pia siku ya leo mnapojifundisha naamini ya kwamba, mtajifundisha mambo mawili ama matatu ahsante Bwana Spika.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you Honourable Madialo. Yes, Honourable Daktari Hosana give a word.

Hon. Makanga: Thank you Mr. Speaker. I also join my fellow leaders joining Honourable Leila Nyache *mama mlezi, mama wa watu wa Kipevu kumpongeza kwa juhudi hii ya kuweza kuwaleta wanafunzi hawa ambao ni watoto wetu na ndugu zetu kuja kujifunza kwa Bunge hili. Nafikiri hili ni jambo ambalo Mheshimiwa Spika*, it gives them an exposure to know what is happening in the County Assembly, how the laws are made and why the laws should be followed and for the teachers we also welcome you to this House. I commend you for the good job you are doing we pray that you continue doing the same serving the great people of Kipevu, Changamwe and Mombasa West and of course the County of Mombasa at large. *Kwa karibuni sana na Mwenyezi Mungu awabariki na mkirudi nyumbani muwaambie wazazi wenu kwamba mama Leila kule anafanya kazi nzuri kabisa, si ni namna hiyo, ahsante Mheshimiwa Spika.*

The Deputy Speaker (Hon. Fadhili Makarani): Thank you Honourable Hosana once a teacher, always a teacher Honourable Milka Moraa.

Hon. Ngare: Thank you Mr. Speaker for this opportunity. I want to take this chance to welcome students and teachers from Mombasa West at large and to congratulate Honourable Leila who made that arrangement to ensure that you get space at our gallery to come and learn one or two things. As the Speaker has mentioned, I am a teacher by profession and as he said once a teacher forever a teacher; I know we have a part of the syllabus that talks about the Kenyan government and I'm sure that is why you are here to learn the structures of the County government of Mombasa in order to be able to answer questions when it comes to your exams on the County government. So, I want to take this opportunity to welcome and congratulate teachers as you know teachers are role models in society and I'm sure that is why you have children who are very calm, good discipline and students' congratulations for being very calm and attentive, I know that today and I wish that the objective of this visit will be met so that when you go out of this place you will be much richer in knowledge than you came. So, and I wish you all the best in your studies, I know from you we are expecting Presidents, doctors; Honourable Members, like the one seated here and many others. So, I wish you all the best and keep coming you are welcome, all the time, thank you Mr. Speaker.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you Honourable Milka. Yes, our long serving administrator former Chief Mariam Baimu, please address the students.

Hon. Baimu: Ahsante sana Mheshimiwa Spika kwa kunipatia nafasi hii. Kwanza ningependa kumpongeza Mheshimiwa Leila kwa kuweza kuwakusanya hawa wanafunzi wetu wakaweza kufika pahali hapa pamoja na walimu, karibuni sana Bunge letu la Mombasa.

Mujihisi muko huru na kama vile Waheshimiwa wenza wamezungumza hakuna kitu muhimu katika hii dunia kama elimu; kwa hivyo walimu nawapongeza kwa kazi zenu nzuri na wanafunzi wetu nawatakiia kila la heri musome kwa bidii manake elimu ni kila kitu katika maisha. Siku moja wengine wenu maisha ya badae mutakuja kwa hili Bunge ama hata Bunge kuu la kimatatifa wengine watakuweco walimu na kazi zote nzuri, marubani kwa hivyo nawatakiia kila la heri karibuni sana katika Bunge letu. Ahsante Mheshimiwa Spika.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you. Yes, the long serving Member of this Assembly Honourable Maimuna.

Hon. Maimuna Salim: Ahsante sana Mheshimiwa Spika. Kwanza namshukuru Mwenyezi Mungu kwa kutujaalia kukutana siku hii ya leo; mimi ningetoa kongole kwa Mheshimiwa Leila anataka kwake kutoke viongozi, kutoke watoto ambao ni madaktari, kutoke watoto ambao ni marubani ndio maana ameweza kuleta wanafunzi na walimu ili waweze kujua kazi zetu ni ngapi, kazi yetu moja ni *oversight*, kazi yetu ya pili ni *legislation*, kazi yetu ya tatu ni uwakilishaji. Kwa hiyo Mheshimiwa Leila na Mheshimiwa Spika mimi nimesema ya kwamba kwa wanafunzi na walimu ambao wameweza kutoka sehemu ya Changamwe ni kongole na mutakacho kisoma hapa leo kwa Bunge ninaomba ya kwamba kiwe ni kumbukumbu katika maisha yenu na wanafunzi wengine waweze kuamua wataweza kuwa viongozi kama sisi. Hivyo basi mimi sina mengi isipokua ni kuwaomba Mungu awazidishie hekima walimu na wanafunzi na wawe ni watoto ambao ni *role model* kwa wachangamwe. Ahsante sana Mheshimiwa Spika.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you. Youth Representative Honourable Hawa, then ill proceed to the Chairman ODM and back to Minority leader UDA Representative.

Hon. Hawa Abdirahman: Thank you Mr. Speaker for giving me this opportunity to welcome the students of Kipevu Ward. I would also like to congratulate Honourable Leila Nyache, who is also my Chairlady in Committee for Water, Natural Resources and Climate Change for organizing the school so that the student can visit this Honourable House. It's an opportunity that most of us lacked during our early years when we were students, we did not get that chance; so, I congratulate Honourable Leila for this opportunity that you got to be here today, so thank you very much and welcome.

The Deputy Speaker (Hon. Fadhili Makarani): Okay thank you and before Chairman ODM Honourable Hamid, let the Lawyer Honourable Amriya to represent the other Lawyers in the House in welcoming the students.

Hon. Amriya Juma: Thank you Mr. Speaker for that acknowledgement. I am an Advocate of the High Court, I have passed the stage of Lawyer and I wish to welcome our esteemed students to this plenary and our very valuable Teachers to accompany our very wonderful students this morning and my advice would be to tell the students that, at your age if you are the right place in school, you can never be at any other better place than in school at your particular age. So, if you are in school you are privileged and you should take advantage of your time because time is of essence and I also want to remind you that as much as we have vigilant representative, here is just a matter of time, the difference between yourself at the gallery and us at plenary is time because I remember just few years ago, I was in the same place you were.

Probably 17 years ago, I was attending High Gate primary and that should be at your destination at this time, so the difference between yourself and us is just a matter of time and I wish you all the best and also inspire you to work very hard, tirelessly because you will not get another opportunity to be in school at this particular time and you can get mentors from the plenary. *Mama* Leila is a great mentor; and other representatives here are great mentors as well, thank you very much Mr. Speaker.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you. Yes, Honourable Abdul Hamid.

Hon. Mohamed Hamid: Ahsante sana Mheshimiwa Spika kwa kunipatia fursa hii. Mimi mambo yangu ni nukta mbili ama tatu; ya kwanza ningependa kumpatia Mwakilishi wenu hongera kuweza kuleta wanafunzi kwenye Jumba hili ili mpate kusoma mambo mengi. Nafikiria mumeona wawakilishi ni kama nyinyi pia, tumechanganya kuna waisilamu, kunakila aina ya dini na kila aina ya rangi na hilo ni jambo la kwanza muhimu. Pili wanafunzi huu ni muda wenu wa kusoma, nawasihi ikiwa mwatamani haya na mengine mazuri, basi lazima mujitolee na elimu sawa, karibuni tena na ahsanteni.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you Honourable Hamid. Honourable Minority Leader you will wind up.

Hon. Matsaki: Sawa wacha nipeane shukrani kwa Mheshimiwa Spika kwa kuweza kunipa fursa hii. Ahsante Mheshimiwa Leila. Mheshimiwa wa Kipevu kwa kuweza kuwaleta wakurugenzi kwa Jumba hili la Waheshimiwa. Pia napeana shukrani kwa Waheshimiwa wenza walioweza kuchukua nafasi hii pia kuwakaribisha wanafunzi hawa. Mimi singekuwa na mengi sana ya kuwazungumzia bali tu kuwakaribisha wakurugenzi, viongozi wa kesho, karibuni sana langu tu nasisitiza pia muzidi kutia bidii kwa elimu kwa sababu elimu ndio ufunguo wa maisha. Ahsanteni sana, karibuni.

The Deputy Speaker (Hon. Fadhili Mwalimu): Thank you Honourable Minority Leader and on behalf of the Speaker of the County Assembly of Mombasa Honourable Aharub Khatri tunasema, karibuni sana. Yes Clerk?

STATEMENT

STATUS OF KASHANI QUARRY, IN BAMBURI WARD

Honourable Chairperson Committee on Water, Natural Resources and Climate Change, give us the Status of Kashani Quarry.

Hon. Nyache: Ahsante Mheshimiwa Spika. Kabla sijasoma hii response ningependa kukumbusha ya kwamba Mheshimiwa Spika hii ni ile timu ya kudebate iliyokuwa ikidebate mwaka jana kule umoja primary tarehe 29 July na wewe ndiye uliyekuwa mgeni wa heshima, kwa hivyo pale kuna Spika na kuna Minority Leader na kuna Members kama sisi pale, Ahsante na pia wakiongozwa na Mwalimu mkuu ambaye ni Mwalimu Judith kutoka umoja yeye ndiye aliyekuwa mwenyekiti wa hiyo debate.

The Deputy Speaker (Hon. Fadhili Makarani): Honourable Leila, we gave you that opportunity so now please respond to the statement.

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Hon. Nyache: Thank you Mr. Speaker for giving me this permission to read the response of status Kashani quarry in Bamburi Ward. Honourable Speaker I seek to give the response to Statement which was issued by Honourable Patrick Mbelle MCA, Bamburi Ward on the Status of Kashani quarry in Bamburi Ward. Honourable Speaker, the Committee on Water and Natural Resources and Climate Change Resilience wrote to the respective Department asking to be furnished with the relevant answers pertaining to the above raised issues. Honourable Speaker, in their response the Department informed the Committee that the Kashani quarry and other quarries in the County had been temporarily closed by the Department, as it had embarked on an identification exercise to identify artisanal and small-scale miners at the County, with a view on obtaining their numbers, the number of mines, the mechanization they are using, their registration status and compliance to the outlined statutory regulations and guidelines. This exercise, which started late last year has been conducted in three sub counties that is, Likoni, Kisauni and Nyali where most of the mining activities are undertaken. Honourable Speaker, the identification exercise for Kisauni was conducted in December and commenced with a meeting with local leaders, the miners and the representatives from the Department. The completion of this identification exercise will pave the way for a geological assessment of the existing quarries, to determine their potential and quantity of the available deposit that can be exploited without causing harm to the society and the environment. The assessment report shall provide guidance on quarries that can continue to be exploited and the proper mechanizations to be used. Honourable Speaker, the artisanal and small-scale mining in the County is unregulated and lacks the required regulations and guidelines. It has recently resulted in the fatal death of miners in Kashani. The Department is in the process of drafting regulations which shall be subjected to public participation before it is tabled in the County Assembly for approval. Attached is a letter from the department of Water, Natural Resources, Public Works and Climate Change Resilience. Thank you, Mr. Speaker Sir.

[Applause]

The Deputy Speaker (Hon. Fadhili Makarani): Thank you Honourable Leila. Hon. Patrick Mbelle I think he is not in; the Members are satisfied with the report. The Honourable Member who raised the statement is not around. Yes Clerk?

MOTION

ADOPTION OF REPORT ON THE PUBLIC PARTICIPATION FOR THE ANNUAL DEVELOPMENT PLAN (2024-2025)

Yes, Chairperson Committee on Finance, Budget and Appropriations Honourable Kibwana?

Hon. Kibwana Swaleh: Thank Honourable Speaker. Honourable Speaker, I seek leave through Standing Order 48 (1) to move this Motion as scheduled on the next House Business Committee. Thank you.

[Applause]

The Deputy Speaker (Hon. Fadhili Mwalimu): You said you are seeking under which Standing Order?

Hon. Kibwana Swaleh: Standing Order 48, Honourable Speaker.

[Silence]

The Deputy Speaker (Hon. Fadhili Makarani): Thank you Honourable Kibwana. Honourable Members the Chairman Finance has asked for permission the Motion to be taken to the next House Business Committee. Yes Clerk?

BILL
THE MOMBASA COUNTY FINANCE BILL, 2024
FIRST READING

Yes Clerk?

[Consultations]

The Deputy Speaker (Hon. Fadhili Makarani): Chairman Finance, please give your Motion?

Hon. Kibwana Swaleh: Thank you Honourable Speaker. Honourable Speaker, I wish to table a Bill, the Mombasa County Finance Bill, 2024 before this Honourable House for First Reading. Thank you.

The Deputy Speaker (Hon. Fadhili Makarani): Thank you. Yes Clerk?

[The Clerk read the Bill for the first time]

Yes Clerk?

ADJOURNMENT

Honourable Members, there being no other business the House stands adjourned until Wednesday 20th March, 2024 at 2:30p.m.

The House rose at 11:10a.m.