



COUNTY ASSEMBLY OF MOMBASA  
**THE HANSARD**

Wednesday, 5<sup>th</sup> March, 2025

**Third Assembly – Fourth Session**  
SIXTH SITTING

*[The County Assembly met at 3:10p.m at the County Assembly Buildings]  
[The Deputy Speaker (Honourable Fadhili Mwalimu Makarani) in the Chair]*

**PRAYERS**

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

**PETITION**

HISTORICAL LAND INJUSTICES AND DISPOSITION OF ANCESTRAL LAND

Yes, Honourable Jactone Madialo? Sorry, Honourable Members, the County Assembly has received a petition on historical land injustices and disposition of ancestral land. Members, pursuant to Standing order 201(1) (2), this petition stands committed to the Committee on Lands, Urban Planning, and Housing and, who shall in not more than 60 calendar days respond by the way of report to the petitioners and laid on the Table of the County Assembly.

**STATEMENTS**

OWNERSHIP AND STATUS OF LAND TITLE NO.MN/V161 IN MIKINDANI WARD

Honourable Jacktone Madialo?

*[Silence]*

Members, him being not around, the Statement will be referred back to the House Business Committee. Yes Clerk?

EMPLOYMENT STATUS OF CASUAL STAFF AT MIRITINI HEALTH CENTER

Yes, Honourable Kibwana Baya?

**Hon. Kibwana Swaleh:** Thank you Honourable Speaker. Honourable Speaker, I wish to bring a Statement on Employment Status of Casual staff at the Miritini Health Center.

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Honourable Speaker, I stand pursuant to Standing order 41(2)(c) to request a statement from the Chairperson Committee on Health Services regarding the employment status of casual staff working at the Miritini Health Center. Honourable Speaker, I wish to bring to the attention of this House that the plight of long-serving casual workers at the facility; some of these staff members have dedicated many years of services to the health sector with some having worked over 18 years under casual terms. Honourable Speaker, it is also worth noting that these workers recently underwent a suitability test conducted by the Department of Health, raising expectations regarding their possible absorption into any employment terms. However, Honourable Speaker, despite their unwavering commitment and successful participation in suitability process, their employment status remains uncertain. Honourable Speaker, these workers have continuously offered services to our people, often under difficult conditions and without job security, in light of the above, the Chairperson should inquire and report on the following;

- (a) The current status of these casual workers, particularly regarding their potential confirmation into casual, contractual or permanent terms.
- (b) Honourable Speaker, established whether the County or department has any policy or framework for regularization the employment of long-serving casual workers, especially those critical sectors such as health.

Thank you, Honourable Speaker.

**The Deputy Speaker** (Hon. Makarani): Thank you. Yes, Honourable Ogutu, Chairperson Committee on Health?

*[Silence]*

Or the Vice Chair from Health Committee?

*[Silence]*

Or any other Member from that Committee?

*[Silence]*

I am seeing that the Members supposed to respond are not around. So, I will let the Committee on Labour to sit with the Committee on Health for them to bring a response to this issue in a week's time. So, the two Committees should sit and bring back a report to this Committee, to this Honourable House by next week.

### **MOTION**

#### APPROVAL OF THE COUNTY ASSEMBLY CALENDAR FOR THE FOURTH SESSION

Yes, Honourable Athman Mwamwiri?

**The Leader of the Majority** (Hon. Mwamwiri): Thank you, Mr. Speaker. Mr. Speaker Sir, I beg to move the following Motion that pass on to provisions of Standing order 25 (1);

*This Assembly approves the Calendar of the County Assembly (Regular Sessions) for the Fourth schedule (2025).*

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May I ask Honourable Kibwana Swaleh to second the Motion.

**The Deputy Speaker** (Hon. Makarani): Yes, Honourable Kibwana Swaleh.

**Hon. Kibwana Swaleh:** I do second.

**The Deputy Speaker** (Hon. Makarani): Thank you. Members, I propose a question that the Motion on Approval of the County Assembly Calendar for the Fourth Session as moved by Honourable Athman Mwamwiri be debated in this House.

*[Question proposed and agreed to]*

Yes, Honourable Athman Mwamwiri, the Leader of Majority?

**The Leader of the Majority** (Hon. Mwamwiri): Ahsante Mheshimiwa Spika. Mheshimiwa Spika kwa mujibu wa kanuni zetu za kudumu ni shuruti tunapoanza awamu ya kila mwaka ama tunapotoka katika likizo ndefu ya kwamba lazima Bunge hili liweze kuidhinisha ratiba ambayo itaweza kuenda kwa wachapishaji wa serikali kwa minajili ya kupeana muongozo kwa umma na Bunge lenyewe. Kwa jumla ya kwamba litakuwa likikaa kwa muda gani, siku gani na vile vile kuonyesha ni kipindi gani ambacho Bunge hili litakwenda katika mapumziko. Kwa hivyo Mheshimiwa Spika hii ni haja ya kisheria ya kwamba ni lazima kama Bunge tupitishie ili kupeana fursa ya kutekeleza majukumu yetu. Lakini pia Mheshimiwa Spika sheria hio hio chini ya kanuni zetu za kudumu 26 (3) zinapeana fursa ya kwamba iwapo katika mpangilio wa ratiba hii tutakuwa tuko katika likizo na kuna dharura ya kuwepo kikao, basi Mheshimiwa Spika ana fursa ya kutumia kiti chake ku *gazette* siku maalum ama kikao maalum cha kuweza kuwezesha Bunge hili kukaa.

Kwa hivyo niombe Waheshimiwa ya kwamba ratiba hii ni mwongozo lakini iwapo kutatokea dosari ama dharura yeyote ya kuendeleza siku wakati wa likizo tutaendelezesha na kama kuna dharura ya kikao wakati wa likizo vile vile Mheshimiwa Spika basi kikao maalum kitaitwa kuweza kutekeleza jukumu la kuhudumia wananchi wetu na vile vile kuonyesha ni kipindi gani ambalo Bunge hili ambalo linakwenda katika mapumziko. Kwa hivyo Mheshimiwa Spika hii ni haja ya kisheria ya kwamba ni lazima kama Bunge, tupitishie ili kupeana fursa kutekeleza majukumu yetu. Lakini pia Mheshimiwa Spika sharia hio hio chini ya kanuni zetu za kudumu 26(3), inapeana fursa ya kwamba, iwapo katika mpangilio wa kalenda hii ama ratiba hii, tutakuwa tuko katika likizo na kuna dharura ya kuwepo kwa kikao, basi Mheshimiwa Spika ana fursa ya kuweza kutumia kiti chake kugazeti siku maalum ama kikao maalum cha kuweza kuwezesha Bunge hili kukaa.

Kwa hivyo naomba Waheshimiwa ya kwamba kalenda hii ni mwongozo, lakini iwapo kutatokea dosari ama dharura yoyote ya kuendeleza siku wakati wa likizo tutaendelezesha na kama kuna dharura wa kikao wakati wa likizo vile vile Mheshimiwa Spika, basi kikao maalum kitaitwa kuweza kutekeleza jukumu la kuhudumia wananchi wetu.

Hivyo basi naomba Waheshimiwa tuweze kuipitisha na vizuri zaidi ni kwamba jumaa lijalo kama taratibu na utamaduni wetu wa mwezi mtukufu wa Ramadhani, Waheshimiwa hupewa fursa ya kuweza kujikita katika ibada, lakini pia kufunga na kufungua na wananchi wao kule nyanjani pia tunaona tunakwenda katika mapumziko mafupi ya kutupea na fursa ya kudumisha ibada zetu. Kwa wale ambao Mungu atawawezesha watakwenda umra Mheshimiwa Spika, wale ambao Mungu hatawawezesha atawawezesha mwakani wakipewa afya na uzima waweze kupata fursa hii adimu ya kufanya hii Ramadhan, hususan katika viwanja vya mji

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mtakatifu wa Makkah. Ahsante Mheshimiwa Spika, naomba Waheshimiwa waweze kuafiki tuidhinishe kalenda hii.

**The Deputy Speaker** (Hon. Makarani): Thank you Honourable Mohammed Hamid?

**Hon. Mohammed Hamid:** Ahsante Mheshimiwa Spika nimesimama kuunga hoja hii ya kalenda yetu ya Bunge, naona iko sawa kabisa ahsante.

**The Deputy Speaker** (Hon. Makarani): Thank you. Yes, Honourable Kai?

**Hon. Kai:** Ahsante Mheshimiwa Spika. Ni dhahiri shahiri kwamba, kulingana na ratiba tuliyo nayo kwamba katika mwezi huu mtukufu, umeendana kabisa na kalenda hii, hivyo basi naiunga mkono kamilifu shukrani.

**The Deputy Speaker** (Hon. Makarani): Thank you. Yes, Honourable Joshua Mose?

**Hon. Mose:** Ahsante sana Mheshimiwa Spika pia mimi naunga.

**The Deputy Speaker** (Hon. Makarani): Thank you. Honourable Nusura Mwinyi?

**Hon. Nusura Mwinyi:** Ahsante Mheshimiwa Spika, nimesimama kuunga mkono.

**The Deputy Speaker** (Hon. Makarani): Thank you. Yes, Honourable Hamida?

**Hon. Noor:** Thank you, Mr. Speaker. I do stand to support the Motion for having our calendar from February to December, 2025; it is a custom for us as the Assembly that we do have our calendar in every year that we are given, for this I do stand to support the Motion thank you.

**The Deputy Speaker** (Hon. Makarani): Thank you. Yes, Honourable Athman Mwamwiri, please reply to your Motion?

**The Leader of Majority** (Hon. Mwamwiri): Thank you Mr. Speaker. Let me give my appreciation to Members for contributing to this Motion and by the look of things it seems they are in agreement with the calendar as it is, and whenever need be Mr. Speaker the room for changes will be there as well as the issues of Special Sitting. Thank you, Mr. Speaker and thank you to all Members.

**The Deputy Speaker** (Hon. Makarani): Honourable Members, before I put a question, I was enquiring from the Clerk on the procedures of the House; so, after putting question we will revert back to the statement by Honourable Jacktone Madialo then we proceed to adjournment. So, Honourable Members I now put the question that the Motion by Honourable Athman Mwamwiri, on approval of the County Assembly Calendar for the Fourth Session be approved by this Honourable House in the same terms as moved.

*[Question put and agreed to]*

Members, the Motion by Honourable Athman Mwamwiri on the approval of the County Assembly Calendar of the Fourth Session is adopted by the House. Thank you, yes Honourable Jactone Madialo?

REQUEST FOR STATEMENT FROM HONOURABLE JACTONE MADIALO ON THE OWNERSHIP HISTORY AND CURRENT STATUS OF LAND TITLE NO. MN/V/161 IN MIKINDANI WARD

**Hon. Madialo:** Thank you Mr. Speaker Sir and I apologise profusely for coming late. Honourable Speaker, I stand Pursuant to Standing Order 41(2) (c) to request a statement from the Chairperson, Committee on Lands, Urban Planning and Housing, regarding the ownership history and current status of land Title No; MN/V/161 in Mikindani Ward. Honourable Speaker, the issue surrounding this parcel of land has raised concerns among residents, necessitating a clear and comprehensive report on its history, ownership and legal status. Honourable Speaker, the people of Mikindani deserve clarity on this matter to ensure transparency and fairness in administration. Honourable Speaker, in the light of the above, the Chairperson should enquire and report on the following:

- The original ownership of the land specifically:
  - a) The name of the first title holder
  - b) The date when the title was issued
  - c) The purpose and the type of lease granted
- Whether there are any ongoing or past court cases related to this land, specifically:
  - a) Whether any legal disputes exist
  - b) The date when any such case was registered in court
  - c) The parties involved in the case
  - d) Any rulings or judgement delivered concerning the land
- The current status of the land, including its ownership and usage
- Whether any eviction orders have been issued in relation to the land specifically:
  - a) The date when such orders were issued
  - b) The individual or entities that were served with the orders

Thank you, Honourable Speaker.

**The Deputy Speaker** (Hon. Makarani): Thank you Honourable Jacktone Madialo. Honourable Members from that Committee any response?

*[Silence]*

Any Member from that Committee? Yes, Honourable Mwalimu Juma?

**Hon. Juma Mwalimu:** Ahsante Mheshimiwa Spika kwa kunipatia fursa hii. Kwa niaba ya Mwenyekiti wa Kamati hii ya Ardhi naomba utupatie wiki mbili ili tuweze kutafuta majibu sahihi kwa Mheshimiwa Jacktone Madialo. Ahsante Mheshimiwa Spika ingawa waongea na Bwana Senior Clerk.

**The Deputy Speaker** (Hon. Makarani): Thank you Honourable Mwalimu. So, you said when are you going to respond?

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**Hon. Juma Mwalimu:** Tupatie wiki mbili Mheshimiwa Spika.

**The Deputy Speaker** (Hon. Makarani): Okay, Honourable Members looking at the content of the statement I think two weeks is enough, so in the in next two weeks you will bring the response in the floor of the House yes clerk?

### **ADJOURNMENT**

Honourable Members, having there no other business the House stands adjournment until 11<sup>th</sup> March, 2025 at 10:00 a.m.

The House rode at 3:31p.m.