



**COUNTY ASSEMBLY OF MOMBASA  
THE HANSARD**

Wednesday, 4<sup>th</sup> October, 2023  
**Third Assembly – Seventy Fifth Sitting**

*[The County Assembly met at 3:30p.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. Yes, Clerk order number one please?

**STATEMENTS**

RESPONSE TO STATEMENT BY CHAIRPERSON COMMITTEE ON FINANCE, BUDGET AND  
APPROPRIATIONS HONOURABLE KIBWANA SWALEH ON ALLEGED NON-REMITTANCE OF  
STATURORY DEDUCTIONS BY THE COUNTY GOVERNMENT

Yes, Honourable Kibwana Baya.

*[Interruption]*

What is it Honourable Abdirahman?

**Hon. Abdirahman Abdulkadir:** No, it's okay Mr. Speaker.

**The Deputy Speaker** (Hon. Fadhili Makarani): Yes, Honourable Kibwana Swaleh or any Member from Finance Committee?

**Hon. Noor:** Thank you, Mr. Speaker. Being the vice Chair for Finance, I will answer the question Mr. Speaker Sir. I seek to give the response to the statement which was issued by Honourable Makanga, MCA Chaani Ward during the 57<sup>th</sup> Sitting on Wednesday, 9<sup>th</sup> August, 2023 on the alleged on non-remittance deductions by the County government. Honourable Speaker, the Committee of Finance, Budget and Appropriations wrote to the respective department asking to be furnished with the relevant answer pertaining to the above raised issue. On their response, the Department of Finance and Economic Planning informed the Committee that the County government has a pending loan facilitated from the equity bank for shillings 100million and they plan to ensure full settlement of the loan before embarking on the remittance of the deductions.

Honourable Speaker, the department also informed the Committee that the County government of Mombasa expects to start remitting the deductions during the month of December 2023. Attached is a letter from the Department of Finance, Economic Planning. Thank you, Mr. Speaker, I think every Member has a letter. Thank you, Mr. Speaker Sir.

**The Deputy Speaker** (Hon. Fadhili Makarani): Thank you Honourable Hamida. I think... Honourable Makanga, are you satisfied with the response?

**Hon. Makanga:** Thank you Mr. Speaker. I acknowledge receipt of the response. However, the context therein is so disheartening; Mr. Speaker, the response from the Committee and the said letter from the Chief Officer Finance, Budget and Appropriation is so sham in its entirety because the issue before us is not an issue of this financial year. It is an issue of financial year 2021/2022 and they have not explained what happened after us passing the Motion here as regards to the funds; they had indicated they were borrowing from Equity Bank to facilitate the payment of these deductions. Mr. Speaker, as it stands now the staff of this County are suffering pecuniary embarrassment in that some of them cannot access the insurance assured sums having attend their maturity because of these deductions that were made and not remitted, some have already gone to..., some have already retired and exited service and their pension cannot be processed because of these pending deductions. Therefore, Mr. Speaker when the Chief Officers and the Committee in the response indicate that they will start paying from December it is nothing but insult to the already suffering staff of this County. Therefore Mr. Speaker, I feel the Committee have not been able to do their job and therefore we need directions on how we can bring the CECM before this Assembly to answer this question and give a way forward and a solution that will be to address the issues at hand with immediate effect. Thank you we are looking forward for your directions Honourable Speaker.

**The Deputy Speaker** (Hon. Fadhili Makarani): Thank you Honourable Makanga. I think it's wise for the Honourable Member who brought the statement on alleged non-remittance statutory deduction by the County government to sit with the Committee on Finance first, so I will instruct the Vice-Chair to schedule a meeting and sit with the Committee because you are not in agreement with the response by the Committee in this Honourable House so that you can plan for the further arrangements that you have raised in this House. Yes Clerk?

RESPONSE TO STATEMENT BY CHAIRPERSON OF HEALTH HONOURABLE BENARD OGUTU ON THE ALLEDGED DISCRIMINATION IN RELEASE OF HEALTHCARE PRACTITIONERS FOR FURTHER STUDIES

Yes, Honourable Benard Ogutu?

**Hon. Ogutu:** Thank you Mr. Speaker. Mr. Speaker, it is not the norm of the Health Committee to request for an extention of time but this one we want to do so, I have just received the response from the department and as a Committee we have not discussed it and come up with a common position so I am requesting your able Chair to give us up to next week Wednesday so that we can present the response to the House.

**The Deputy Speaker** (Hon. Fadhili Makarani): Well, noted. Yes Clerk?

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RESPONSE TO STATEMENT BY CHAIRPERSON COMMITTEE ON IMPLEMENTATION, HONOURABLE SAMUEL MWAURA ON THE STATUS OF IMPLEMENTATION OF RESOLUTIONS ON INCLUSION OF KIOSK TRADERS AS BENEFICIARIES OF MOMBASA COUNTY REVOLVING FUNDS LOANS

Yes, Honourable Samuel Mwaura?

**Hon. Mwaura:** Mr. Speaker, thank you but the Committee already has the Report and the response for this particular question but I think there are some miscommunications that is lying with the Clerk so maybe you could give me some very few minutes I will be able to answer this particular question. I'm begging for your indulgence that you give me some very few minutes.

**The Deputy Speaker** (Hon. Fadhili Makarani): Honourable Mwaura, in the interest of time, I will refer it to the House Business Committee so that you seat with your Committee and plan well then you will come back, the response will come to this Honourable House so am giving you, I have referred it back to the House Business Committee so that means you have got another one week.

**Hon. Mwaura:** Thank you Mr. Speaker.

**The Deputy Speaker** (Hon. Fadhili Makarani): Okay. Yes Clerk?

**Hon. Mwaura:** Much obliged.

RESPONSE TO STATEMENT BY CHAIRPERSON COMMITTEE ON TRANSPORT AND INFRASTRUCTURE  
HONOURABLE HASSAN MOHAMED ON UPGRADING OF FEEDER ROADS IN MTOPANGA WARD

**The Deputy Speaker** (Hon. Fadhili Makarani): Yes, Chairperson Transport?

[Silence]

Any other Member from Transport Committee? Yes, Honourable Ogutu?

**Hon. Ogutu:** Mr. Speaker, we are requesting for more time because we have not received the response from the department. Thank you.

**The Deputy Speaker** (Hon. Fadhili Makarani): Thank you. So, we are referring it back to the House Business. Yes Clerk?

RESPONSE TO STATEMENT BY CHAIRPERSON COMMITTEE ON TRANSPORT HONOURABLE HASSAN  
MOHAMED ON POOR DRAINAGE SYSTEM ALONG MTOPANGA AND JORDAN ESTATES

Chairperson, Committee on Transport or any other Member from Transport Committee?

**Hon. Ogutu:** Ahsante Mheshimiwa Spika. Pia bado tunaomba muda kidogo ili tuweze kupata majibu kutoka idara husika. Ahsante.

**The Deputy Speaker** (Hon. Fadhili Makarani): Thank you that is all well, it will be referred back to the House Business Committee. Yes Clerk?

RESPONSE TO STATEMENT BY CHAIRPERSON COMMITTEE ON ENVIRONMENT AND SOLID WASTE  
MANAGEMENT HONOURABLE JUMA MWALIMU ON MTOPANGA RIVER WEED INFESTATION

Honourable Juma Mwalimu or any other Member from Environment and Solid Waste Management Committee? Yes, Honourable Mtoto Khamis?

**Hon. Mwinyi Mtoto:** Ahsante sana Mheshimiwa Spika. Pia mimi naomba muda kama wiki moja hivi ili tuweze kumletea mwelekeo Mheshimiwa mwenza hapa, Mheshimiwa Matsaki. Ahsante sana.

**The Deputy Speaker** (Hon. Fadhili Makarani): What is it Honourable Matsaki?

**The Leader of Minority** (Hon. Matsaki): Ahsante Mheshimiwa Spika kwa nafasi hii umeweza kunipatia. Langu tu ni kuwaelezea kwamba hizi ni *statements* ambazo saa hizi zinaelekea mwezi na si pendo langu bali ni kwa sababu ya msukumo wa wananchi na tuko hapa kwa sababu ya wananchi. Ningependa tu Mheshimiwa Spika ueleze shida ni nini kwa sababu, tangu tarehe 13, mwezi wa tisa hivi tunamaliza mwezi. Naomba tu unieleze shida iko wapi ahsante.

**The Deputy Speaker** (Hon. Fadhili Makarani): Thank you. Yes, Honourable Khamisi Mtoto? Mwinyi Mtoto, sorry.

**Hon. Mwinyi Mtoto:** Ahsante sana Mheshimiwa Spika. Nafikiri baada ya kupata hii *Order Paper* nafikiri nimekaa chini na Mwenyekiti na akaniambia bado kidogo kuna mambo ambayo tunayasubiri kutoka kwa Waziri ili tuweze kuwapatia mwelekeo Mheshimiwa, kwa hivyo yeye ni asubiri tu kwa wiki moja hivi *InshaAllah*.

**The Deputy Speaker** (Hon. Fadhili Makarani): So, in a week time you will respond?

**Hon. Mwinyi Mtoto:** Yes, after seven days *InshaAllah*.

**The Deputy Speaker** (Hon. Fadhili Makarani): Okay thank you.

**Hon. Mwinyi Mtoto:** Ahsante.

**The Deputy Speaker** (Hon. Fadhili Makarani): I will be waiting for the response in a weeks' time, failure to which the Assembly will look for other measures so as to get the response. Yes Clerk?

MEASURES TO MITIGATE AGAINST DISASTER DURING IMPENDING EL NINO RAINS

Yes, Honourable Leila Nyache?

[Silence]

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I am referring it back to the House Business Committee. Yes, Clerk?

MITIGATION MEASURES AGAINST CHOLERA OUTBREAK

Honourable Leila Nyache?

*[Silence]*

It is also referred back to the House Business Committee. Yes Clerk?

IMPLEMENTATION STATUS OF THE MOTION ON AUTISM SPECTRUM DISORDER (ASD) IN THE COUNTY

Honourable Hamida Noor?

**Hon. Noor:** Thank you, Mr. Speaker Sir. Implementation status of Motions of Autism Spectrum Disorder of County government. Mr. Speaker, pursuant to Standing Order 41(2) (c) I seek request of statement from the Chairperson Committee of Implementation, regarding the Implementation status of the Motion on Autism Spectrum Disorder. Mr. Speaker, during the 109<sup>th</sup> Sitting of the second Assembly, I sponsored a Motion on Autism Spectrum Disorder in the House which was adopted on Wednesday 20<sup>th</sup> November, 2019. Later the Committee of Implementation wrote to the County Secretary seeking to know the Implementation status of the foresaid Motion and in his response the County Secretary informed the County Assembly that the County government had already started taking steps to implement the Motion. Mr. Speaker, at the personal level I have been working in co-operation with the County Personnel, to better the lives of those affected with autism spectrum disorder, but the effort has not been enough, therefore I request the Chairman Committee of Implementation, to require and report on the Implementation status of the Motion in the County. Thank you, Mr. Speaker.

*[The Deputy Speaker (Hon. Fadhili Makarani) exited the Chair]  
[The Temporary Speaker (Hon. Abdirahman Abdulkadir) in the Chair]*

**The Temporary Speaker** (Hon. Abdirahman Abdulkadir): Thank you.

*[Interruption]*

Honourable Allen Katana, please take your seat? Please take your seat! Yes Clerk?

*[Consultation]*

Okay, Chairman Implementation do you have a response?

**Hon. Mwaura:** Mr. Speaker thank you for giving me this opportunity; just to see that indeed this is a very new Motion to me! As you look at it, it was a Motion or it was a Statement sought during the Second Assembly and I am not privy to details but Mr. Speaker I commit to do my job and seek for more clarification from the relevant Department then I will give back or communicate back to the House in two weeks time. Thank you.

**The Temporary Speaker** (Hon. Abdirahman Abdulkadir): Okay Chairman, two weeks it

is enough. Yes Clerk?

UPGRADE PLANS FOR MITEDI MKOMANI AND GUNGOMBE ACCESS ROADS IN MWAKIRUNGE

Honourable Hamisi Mwinyi, please make your request?

**Hon. Hamisi Mtoto:** Thank you Mr. Speaker. Pursuant to Standing Order 41 (2) (c) I seek to request for a statement from the Chairperson Committee on Transport and Infrastructure regarding what plans the department of Transport and Infrastructure have to upgrade the Mitedi access road two kilometers in length, Mikomani access road two kilometers in length and Gung'ombe access road two kilometers in length in Mwakirunge which are in deplorable condition. Honourable Speaker, in the statement the Chairperson should inquire into and report on the plans the department of Transport and Infrastructure have to enhance the status of the above of the above named.

**The Temporary Speaker** (Hon. Abdirahman Abdulkadir): The Chairperson or rather any Committee Member for Transport?

*[Silence]*

Yes, I think we will have it back next Wednesday. Yes, Honourable Leila?

**Hon. Nyache:** Ahsante Mheshimiwa Spika. Mheshimiwa Spika naomba samahani nilikuwa nimechelewa kidogo na nilikuwa na *statement* yangu nataka kuisoma.

**The Temporary Speaker** (Hon. Abdirahman Abdulkadir): Proceed?

MEASURES TO MITIGATE AGAINST DISASTER DURING IMPENDING ELNINO RAINS

**Hon. Nyache:** Thank you Mr. Speaker. Mr. Speaker, I stand pursuant to Standing order 41 (2) (c) to request for a statement from the Chairperson, Committee on Labour and Public Administration as follows; what measures has the County government put in place against disaster during the impending El-Nino rains in the County to prevent loss of lives and destruction of property. Thank you, Mr. Speaker.

**The Temporary Speaker** (Hon. Abdirahman Abdulkadir): Yes, Honourable Mwaura are you responding?

**Hon. Mwaura:** Mr. Speaker, I thought the Deputy Speaker who was sitting on the Chair has already ruled on that matter and he had already taken that matter to the House Business Committee because of time Mr. Speaker.

**The Temporary Speaker** (Hon. Abdirahman Abdulkadir): Okay.

**Hon. Mwaura:** I wish to seek your indulgence because I had also sought for two minutes just to collect my statement which I was to give but just because of two minutes I was denied the chance. I do not know how it will be if I was denied that chance and another Honourable Member who has just come late would be given a chance but Mr. Speaker due to the...

*[Interruption]*

**The Temporary Speaker** (Hon. Abdirahman Abdulkadir): Okay, are you making a request now or you are making a response?

**Hon. Mwaura:** No! No! I was seeking your ruling and your guidance on that matter.

**The Temporary Speaker** (Hon. Abdirahman Abdulkadir): I want to believe that the reason why the Deputy Speaker referred the matter to the House Business Committee because the Honourable Member was absent but I thought it wise that now she is present and I gave her a green light to make the Statement so that is well in order. She made her statement and if you wish to make your two minutes right now then I will give you the opportunity to do that. Yes?

**Hon. Makanga:** Sorry Mr. Speaker for the directions you are giving. I see a scenario Mr. Speaker where in the future records will have already been taken by Hansard and directions given and then from your seat Mr. Speaker you move away from the same very decision made on that Holy seat to again re-introduce a House Business that has already been determined and already in record of the Hansard. So, I wish Mr. Speaker whatever decision that has already been made from the same seat that you are sitting we wait for the next House Business for a determination. Otherwise, the Hansard will have a very hard time to edit and they will be shocked to realize the decisions made on that seat are not binding Mr. Speaker Sir.

**The Temporary Speaker** (Hon. Abdulrahman Abdikadir): I am surprised that you are more concerned with the work of the Hansard than the decision of the Honourable Speaker! So just take your seat please.

*[Interruption]*

**Hon. Makanga:** It is a House of records am not complaining.

*[Interruption]*

**The Temporary Speaker** (Hon. Abdulrahman Abdikadir): It is ok take your seat now, thank you.

*[Interruption]*

You are up on a Point of Order?

**Hon. Katana:** Yes.

**The Temporary Speaker** (Hon. Abdulrahman Abdikadir): Ok proceed.

**Hon. Katana:** You know me I like learning new things Mr. Speaker. I was also asking whether it is in order for the Honourable Member to put you in order Mr. Speaker, not unless he cites a Standing Order that is in our Standing Orders that he has the mandate to put you in order. Thank you.



**The Temporary Speaker** (Hon. Abdulrahman Abdikadir): Thank you for your defense but the right Honourable Member has a right to question my rulings without disrespecting me and I searched that and found that to be well in order. I would refer you to Standing Order No.37(2), *that Businesses shall be disposed off in the sequences in which it appears in the Order Paper or in such other sequence as the Honourable Speaker may for the convenience of the County Assembly direct.* So, I directed that Honourable Leila make her Statement and now without further engagements with you, I will give two minutes to Honourable Mwaura or rather one minute to Honourable Mwaura to...

*[Interruption]*

Are you making a response or you are making a Statement yourself?

**Hon. Mwaura:** A response.

**The Temporary Speaker** (Hon. Abdulrahman Abdikadir): A response; okay you made a Statement, you wanted Honourable Mwaura to respond to that Statement. Honourable Mwaura you have two minutes to..., Chairperson Labour, yes, he is not around. Any Member of the Committee?

*[Silence]*

Okay back to House Business. Honourable Mwaura, have your two minutes. Honourable Leila you have any issue?

**Hon. Nyache:** Yes.

**The Temporary Speaker** (Hon. Abdulrahman Abdikadir): Another Statement?

**Hon. Nyache:** Yes Mr. Speaker, I have another Statement here.

**The Temporary Speaker** (Hon. Abdulrahman Abdikadir): 30 seconds.

#### MITIGATION MEASURES AGAINST CHOLERA OUTBREAK

**Hon. Nyache:** Ok. Thank you, Mr. Speaker. Mr. Speaker, pursuant to Standing Order No.41(2C) I request a Statement from the Chairperson Committee on Health on the outbreak of cholera in Mombasa County as follows: We kindly request that the Statement provided includes but it is not limited to the following information.

1. Details of the current status of cholera outbreak including the number of the confirmed cases, hospitalization and fatalities,
2. An outline of the Public Health Awareness Campaign and educational initiatives aimed at informing the public about cholera prevention, symptoms and treatment.
3. A summary of the measures taken to ensure the safety of our water supply, sanitation systems, and food distribution networks to prevent further contamination.
4. The allocation of financial resources and emergency funding for cholera outbreak response and mitigation efforts.



5. Information on any restrictions, advisories, or guidelines issued to the public to reduce the risk of cholera transmission.

6. Future plans and strategies for ongoing monitoring, containment, and prevention of cholera outbreaks in Mombasa County.

Thank you, Mr. Speaker.

**The Temporary Speaker** (Hon. Abdirahman Abdulkadir): Yes, thank you. Honourable Mwaura are you ready yeah yeah sorry that statement was addressed to Committee on Health. I think we will expect a response from them in two weeks? Is that okay in two weeks time please? Yes, Honourable Mwaura?

**Hon. Mwaura:** Mr. Speaker thank you for giving me this opportunity. I was interjecting the Honourable Member because she has so many statements including this one that I am responding to and maybe I may ask the Serjeant to please give to the Members the response that I am just to read right now. Mr. Speaker, we had a statement request from the very Honourable Member for Kipevu Leila Nyache which came sometimes back and I wish to respond it now Mr. Speaker. Honourable Speaker, I wish to address the statement issued by Honourable Leila Nyache MCA Kipevu Ward regarding the status of implementation of the resolution on inclusion of kiosk traders as beneficiaries of Mombasa County revolving fund loans. Honourable Speaker, the Committee on Implementation had previously requested the relevant of information from the department of Youth Gender and Sports and Social Services regarding the aforementioned matter in response the department informed the Committee the resolution which was adopted by the County Assembly during its 23<sup>rd</sup> Sitting on Tuesday 28<sup>th</sup> March, 2023 has yet to be put into action. In the interim it has been forwarded to the County Executive for assessment and advice. Honourable Speaker, the Committee on Implementation convened a meeting on Wednesday 4<sup>th</sup> October, 2023 at 9:00a.m in the Committee room one to deliberate on the department response the Committee has determined that the department response was unsatisfactory consequently the Committee intends to invite the County Secretary for a meeting to obtain other clarification on the matter at hand. Honourable Speaker attached his letter from the Department of Youth, Gender and sport and Social Services. Thank you, Mr. Speaker. Mr. Speaker, that is what I was asking the Sergeant-At-Arms to provide the statements to the Honourable Members because I know the statements are available.

**The Temporary Speaker** (Hon. Abdirahman Abdulkadir): Honourable Mwaura, the Chairperson of Implementation you were telling me the response you got from the Department of Youth Gender, Sports and Social Service was not satisfactory to your level?

**Hon. Mwaura:** Mr. Speaker...

**The Temporary Speaker** (Hon. Abdirahman Abdulkadir): Did I get that correct?

**Hon. Mwaura:** Mr. Speaker, the response that we got as a Committee was not satisfactory according to me and the Members of the Committee and we decided that we must give out this Report today because it has taken time in our desk and maybe the Honourable Member could have thought that we are not willing to follow up on the matter and that is why Mr. Speaker I really wanted to give this Report today so that we may seek for more time as we invite the County Secretary to shed more light on the same issue.

**The Temporary Speaker** (Hon. Abdirahman Abdulkadir): Okay so this letter written by the County Chief Officer Youth, Gender, Sports and Social Services you were not satisfied with it? So am advising perhaps you could call in the Chief Officer as opposed to the county Secretary because it is the Chief Officer that responded to this just my humble advice.

**Hon. Mwaura:** Mr. Speaker according to the letter if you go down the last paragraph, they say Chief Officer responds that, if I may, *‘granted that there was a policy shift, to operationalize the proposed governors airlift programs through the revolving fund the decision of the county Assembly adopted that its 23rd Sitting held on Tuesday 28<sup>th</sup> March 2023 will have be referred to the County executive for determination and advice’*. Mr. Speaker, the reason as to why we saw it best to invite the County Secretary is because it seems since that time when we passed that Motion and it is sometime in March, up to this moment it has not reached the tip of Executive for determination. Mr. Speaker that is why we wanted to seek clarification from the County Secretary as to the reason for which he has not communicated to the Executive the resolutions of this House Mr. Speaker.

**The Temporary Speaker** (Hon. Abdirahman Abdulkadir): Okay, we stand guided as well. So, we will wait for a response from you in two weeks is that okay.

**Hon. Mwaura:** Yes Mr. Speaker?

**The Temporary Speaker** (Hon. Abdirahman Abdulkadir): Honourable Leila is that okay as well?

**Hon. Nyache:** Okay Mr. Speaker.

**The Temporary Speaker** (Hon. Abdirahman Abdulkadir): Thank you. Yes Clerk?

### ADJOURNMENT

This House stands adjourned until Tuesday 10<sup>th</sup> October, 2023 at 10:00am. Thank you.

The House rose at 4:07p.m.