



**COUNTY ASSEMBLY OF MOMBASA  
THE HANSARD**

Wednesday, 13<sup>th</sup> September, 2023  
**Third Assembly – Sixty Third Sitting**

*[The County Assembly met at 2:42p.m. at the County Assembly Buildings]  
[The Temporary Speaker (Honourable Hamisi Nyota) in the Chair]*

**PRAYERS**

**The Temporary Speaker** (Hon. Nyota): Members have your seats. Yes Clerk?

**STATEMENTS**

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

Yes, Honourable Kibwana Baya, Chairperson Committee on Finance, Budget and Appropriation, please respond to the Statement.

*[Interruption]*

Honourable Mwaura, you are standing on a Point of Order?

**Hon. Mwaura:** Mr. Speaker Sir, I rise to put to your attention that we have no quorum in the House.

**The Temporary Speaker** (Hon. Hamisi Nyota): Yes, Clerk please confirm if there is quorum?

*[Silence]*

*[The Clerk confirmed no quorum]*

Serjeant-At-Arms, please ring the bell for five minutes.

*[The Serjeant-At-Arms rung the quorum bell]*

Yes, Clerk confirm this quorum.

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*[The Clerk confirmed the quorum]*

Thank you. Yes, Honourable Kibwana Baya, Chairperson Committee on Finance, Budget and Appropriations, please respond to the statement.

*[Silence]*

Yes, Vice Chairperson kindly proceed.

**Hon. Noor:** Thank you Mr. Speaker Sir. Mr. Speaker Sir, we are still waiting for some response from the office of finance to seek clarification for us on this matter.

**The Temporary Speaker** (Hon. Hamisi Nyota): Thank you Honourable Hamida Noor for that response, how long do you think it can take for the response?

**Hon. Noor:** Mr. Speaker, I believe *Inshallah* by next week on Wednesday we will have the response. We will follow up on this.

**The Temporary Speaker** (Hon. Hamisi Nyota): Next week on Wednesday?

**Hon. Noor:** Yes.

**The Temporary Speaker** (Hon. Hamisi Nyota): It has gone to record that you had made a promise to this House that next week on Wednesday you will have a response for that. Thank you so much. Yes Clerk?

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

Yes, Honourable Samuel Mwaura Chairperson Committee on Implementation please respond to the statement?

*[Silence]*

The Vice Chair? Honourable Mbaya, are you up concerning the matter?

**Hon. Hamisi Mbaya:** Member of Implementation, my Chair is not around and at the same time with the Vice Chair she is not around.

**The Temporary Speaker** (Hon. Hamisi Nyota): Okay you want to respond on behalf of the Chair?

**Hon. Hamisi Mbaya:** Ndio.

**The Temporary Speaker** (Hon. Hamisi Nyota): Okay proceed.

**Hon. Hamisi Mbaya:** Ahsante sana Mheshimiwa Spika kwa kunipatia fursa hii.

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Mheshimiwa Spika baada ya kukueleza kuwa wale wahusika wakuu ambao ndio wangeweza kueleza hawapo, naomba kuongezwa muda kwa wiki tatu tuweze kuleta majibu wakati tumewasiliana na Mwenyekiti.

**The Temporary Speaker** (Hon. Hamisi Nyota): Honourable Mbaya, you are asking for three more weeks?

**Hon. Hamisi Mbaya:** Ndio.

**The Temporary Speaker** (Hon. Hamisi Nyota): Due to the gravity of that statement, I think you can make it up to Wednesday next week then you can speed up the process.

*[Hon. Samuel Mwaura entered the Chambers]*

**Hon. Hamisi Mbaya:** Mheshimiwa Spika, naomba kurudisha usukani kwa Mwenyekiti kwa sababu alikuwa hayupo lakini saa hii amefika.

**The Temporary Speaker** (Hon. Hamisi Nyota): Yes, Honourable Samuel Mwaura kindly make a response to the statement please.

**Hon. Mwaura:** Thank you Mr. Speaker and thank you for the Honourable Member of my Committee for attempting to respond to this question. But Mr. Speaker I want to confirm to this House that we wrote a letter to the Chief officer, Trade and Tourism on 17<sup>th</sup> of August and we have not yet got a response. We then had a reminder on the 11<sup>th</sup> of September and we are yet to get a response so Mr. Speaker we are pleading for more time from you Chair and from the Members.

**The Temporary Speaker** (Hon. Hamisi Nyota): Thank you Honourable Samuel Mwaura. I think you may push the relevant department by Wednesday, you can then table your response please.

**Hon. Mwaura:** Much obliged Mr. Speaker.

**The Temporary Speaker** (Hon. Hamisi Nyota): Honourable Leila Nyache you are up on a point of order?

**Hon. Nyache:** Ahsante Mheshimiwa Spika. Hii taarifa ilikua ni yangu nimeileta hapa katika Bunge hili na wakasema wenyewe kwamba tukirudi kutoka mapumzikoni watakuwa wameleta majibu. Kwa hivyo ni jambo la kusikitisha hata ule mda pia kuuomba Mheshimiwa mwenza pale ambaye ni Mwenyekiti wa Kutekeleza, ule muda pia wa kusema apewe mda gani pia sasa hivi hakusema. Ni jambo la kusikitisha Mheshimiwa Spika, sasa sijui hawa wananchi wetu tutawasaidia vipi ikiwa mambo ni haya. Ningeomba jibu mwafaka Mheshimiwa Spika.

**The Temporary Speaker** (Hon. Hamisi Nyota): Thank you Honourable Leila Nyache. I think I gave a directive on that Honourable Samuel Mwaura to push the relevant department so that they can make a response within Wednesday next week and he also explained that he made certain efforts for a response from the department but they have not responded back to him yet.

So, I have given him a directive that by next week Wednesday you should push the relevant department so that you can give the response so I think I already gave a direction to that Honourable Leila Nyache.

**Hon. Nyache:** Bwana Spika nimeridhika lakini vile amesema atasukuma asukume ukweli vile amesema atasukuma aweze kusukuma ukweli tuweze kupata majibu. Ahsante Mheshimiwa Spika.

**The Temporary Speaker (Hon. Hamisi Nyota):** Thank you Honourable Leila Nyache. I think the Chairman for Implementation has taken note on that and gave a directive on next week Wednesday for them to push for a response on the relevant department. Yes Clerk.

#### MTOPANGA RIVER WEED INFESTATION

Yes, Honourable Morgan Matsaki MCA of Mtopanga Ward.

**The Leader of Minority (Hon. Matsaki):** Thank you Mr. Speaker. I stand to pursuant to Standing Order 41(2) (c) to request for a statement to the Chairperson Committee on Environment and Solid waste management on the infestation of weed along in the Mtopanga River. Honourable Speaker, it has come to my attention that the river is currently facing a serious issue with the proliferation of dense and lengthy aquatic weeds, which are impending the natural flow of water within the river. Honourable Speaker, this accumulation of weeds poses a serious threat to the environment and local community and hinders the rivers capacity to carry water efficiently thereby increasing the risk of flooding during the heavy rains. Additionally, it disrupts the ecosystem of the river negatively impacting aquatic life and overall water quality Mr. Speaker. Honourable Speaker, in his response, the Chairperson should inquire and report on the plans the County government has to:

- a) Initiate a comprehensive program to clear the invasive weeds from the Mtopanga River
- b) Enhance the river's capacity to handle increased water flow during rainy season
- c) Engage the local community to raise awareness about the importance of maintaining the cleanliness and health of the Mtopanga River
- d) Implement measures to protect and preserve the rivers ecosystem
- e) Allocate adequate financial resources to execute these plans efficiently and ensure their success.

Thank you, Mr. Speaker.

**The Temporary Speaker (Hon. Hamisi Nyota):** Thank you Honourable Morgan Matsaki. Yes, Honourable Juma Mwalimu Chairperson Committee on Environment and Solid Waste Management, please respond to the statement. Honourable Juma Mwalimu that is a statement.

**Hon. Juma Mwalimu:** Mheshimiwa Spika ndio ameleta saa hizi kwa hivyo tupatie mda tufanye maneno.

**The Temporary Speaker (Hon. Hamisi Nyota):** No, it's in your....

*[Interruption]*

**Hon. Juma Mwalimu:** Saa hizi we ungesema nakukabidhi sasa ulete hii lakini...

**The Temporary Speaker** (Hon. Hamisi Nyota): No! You are not tabling anything; you have read a statement because you are in the House. He has specified that his statement touches on your docket so you need to respond.

**Hon. Juma Mwalimu:** Sawa Mheshimiwa Spika kwa sababu hii taarifa ni ndefu kama Mswada itabidi nikafanye utafiti kwanza, alafu nitaleta majibu baada ya wiki mbili.

**The Temporary Speaker** (Hon. Hamisi Nyota): After two weeks?

**Hon. Juma Mwalimu:** Yes.

**The Temporary Speaker** (Hon. Hamisi Nyota): Yes, Honourable Morgan Matsaki the Chairperson has agreed to respond back after two weeks.

**The Leader of Minority** (Hon. Matsaki): Mheshimiwa Spika naona ni taarifa nimesoma na kwa sababu ya shida ya mvua ya El Nino, ningeomba wachukue hatua kwa haraka iwezekanavyo kwa sababu, sisi kwa ufupi ni watumwa na ni muhimu sana unapowasilisha jambo kwa Bunge hili wacha tu Waheshimiwa wenza na Mwenyekiti mhusika aweze kuchukua hatua kwa haraka iwezekanavyo, kwa sababu ya shida ya mvua ya El Nino. Ahsante.

*[Interruption]*

**The Temporary Speaker** (Hon. Hamisi Nyota): Order! Order! Honourable Members! Honourable Makanga, kindly wait as I first conclude the matter with Honourable Matsaki before standing, take your seat please?! Honourable Makanga, take your seat first, I will give you a chance, take your seat! Honourable Morgan Matsaki, the Chairperson for Environment has clearly said that because the statement is too long, he needs to go back to sit with his Committee and come with a good response then I think he has given a duration of two weeks. So, if you can kindly give him time to make a substantive response, please.

**The Leader of Minority** (Hon. Matsaki): Okay let me accept it but they should have to do it as quick as possible, *kwa sababu saa hii zaidi ya hapo wiki mbili ni nyingi sana na ikiwa itawezekana* let them take the initiative, if possible, next week wapeane majibu kufikia Jumanne ama Jumatano katika kikao kijacho.

**The Temporary Speaker** (Hon. Hamisi Nyota): Okay Honourable Matsaki. Honourable Juma Mwalimu it is a humble request from Honourable Matsaki if you can make it a week instead of two weeks, to respond to his statement.

**Hon. Juma Mwalimu:** Wajua Mheshimiwa Spika kwanza mimi nakuambia mpaka nifanyiwe taratibu kwa sababu hapa inazungumza mambo ya *weed*, mambo ya *river* na idara yangu mimi ni ya maji hii, kwa hivyo kuna mito...

*[Interruption]*

**The Temporary Speaker** (Hon. Hamisi Nyota): I think I will make a ruling on this Honourable Morgan Matsaki, let me give him two weeks so that you can give a substantive response.

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**Hon. Juma Mwalimu:** Haya ni mambo ya kina Kiprop bana...

*[Interruption]*

**The Temporary Speaker** (Hon. Hamisi Nyota): Honourable Juma Mwalimu, okay in the next two weeks please provide a respond to Honourable Morgan Matsaki.

*[Interruption]*

Yes, Honourable Frankline Makanga? You are up on a point of order?

**Hon. Makanga:** Point of information Mr. Speaker.

**The Temporary Speaker** (Hon. Hamisi Nyota): To who?

**Hon. Makanga:** On the issue that you.

*[Interruption]*

**The Temporary Speaker** (Hon. Hamisi Nyota): To who?

**Hon. Makanga:** To you as the Speaker of the House.

**The Temporary Speaker** (Hon. Hamisi Nyota): No. You can not inform me.

**Hon. Makanga:** Okay to the House. May I inform the House Mr. Speaker because we have realized the issue that you have just given directions to the wrong Committee? This issue concerns storm water drainage so it has the aspect of water and transport and infrastructure. So, unless you give the right direction you will be waiting for response and no one will be coming with a response because as a member of the Environment Committee this is not under our jurisdiction Mr. Speaker Sir.

**The Temporary Speaker** (Hon. Hamisi Nyota): Okay Honourable Makanga. I think Honourable Morgan Matsaki, I have directed this statement to the right Committee...

*[Applause]*

It is the right Committee. Honourable Mbelle, you are up on a point of order? Whom are you informing the House?

**Hon. Mbelle:** Mr. Speaker, I stand on a point of information and I wish to inform the House that we are all aware that the weatherman had at some point announced that we are having *El Nino* rains coming...

*[Interruption]*

I seek to start again that the weatherman had actually announced the *El Nino* rains are coming very soon and for that reason I want to inform the House that there is a big reason for us to even ask...

*[Interruption]*

**The Temporary Speaker** (Hon. Hamisi Nyota): Honourable Patrick Mbelle do you mean that the House has no information? You stand to inform an individual so I think the issue of Honourable Morgan Matsaki which I have already given directions is already settled Honourable Mbelle unless you want to inform a specific individual in the House, then we can proceed.

**Hon. Mbelle:** Thank you Mr. Speaker Sir. Mr. Speaker we are all informed by virtue that we are all consumers of media that we are having *El nino* rains coming and it is my wish that we inform both ourselves and even the House that the departments that we lead that there is a need for us to come up with a plan or means and ways of how the County government, particularly the executive can tell us on how prepared with the matter they are because Honourable Morgan Matsaki Honourable Member has just raised one issue about the river, but there is more to every Ward that needs a lot of concern.

**The Temporary Speaker** (Hon. Hamisi Nyota): Honourable Patrick, I think you could come up with your own statement because already Honourable Matsaki has come up with his own statement and he has given directive to a specific Committee. So, if you have anything in addition to what Honourable Matsaki is requesting, please come up with your own statement directed to the Committee which you think can give you the correct response Honourable Mbelle. Thank you. Yes Clerk?

#### UPDATING OF ROADS IN MTOPANGA WARD

Yes, Honourable Morgan Matsaki MCA Mtopanga Ward.

**The Leader of Majority** (Hon. Matsaki): Thank you Honourable Speaker. I stand pursuant to Standing Order 41(2) (c) to request for a statement from the Chairperson Committee on Transport and Infrastructure about the upgrading of the following feeder roads in Mtopanga Ward.

- i. Shillah roads to Chambani
- ii. Shillah Mosque to Turkey Base
- iii. Shillah Mosque Fairfield academy
- iv. Chembeni to Blue Field

Honourable Speaker, feeder roads are the livelihood of our local economy and transportation network. It is our collective responsibility to ensure their maintenance and construction to facilitate the smooth movement of people and goods within our country. Honourable Speaker, it is worth emphasizing that the mandate for maintaining and constructing of feeder roads lies squarely with the County government as outlined in the Fourth Schedule of the Kenyan Constitution. The County Government Act empowers the County Executive Committee Member responsible for roads to oversee the development and maintenance of roads; including feeder roads.



Honourable Speaker, in his response the Chairperson should inquire and issue a comprehensive report detailing plans and timelines the County government have for the tarmacking of the aforementioned feeder roads in Mtopanga. Thank you, Mr. Speaker.

**The Temporary Speaker** (Hon. Hamisi Nyota): Thank you Honourable Morgan Matsaki. Yes, Honourable Hassan Ulkheir Chairperson Committee Transport and Infrastructure or deputy or Vice Chair Transport and Infrastructure if you can respond to the Statement?

**Hon. Mwaka Bakari:** Ahsante sana Mheshimiwa Spika, kwa hili mimi naomba tu unipatie muda naona wiki ijayo.

**The Temporary Speaker** (Hon. Hamisi Nyota): Thank you Honourable Mwaka. Honourable Morgan Matsaki, the Vice - Chair for Transport and Infrastructure has requested for a week to give you a response I think that is... take note of that. Yes Clerk?

#### POOR DRAINAGE SYSTEM ALONG MTOPANGA AND JORDAN ESTATE

Yes, Honourable Morgan Matsaki?

**The Leader of Minority** (Hon. Matsaki): Thank you Honourable Speaker. Honourable Speaker, I stand pursuant to standing Order 41 (2) (c) to request for a statement from the Chairperson, Committee on Transport and infrastructure on poor drainage system along Mtopanga and Jordan Estate. Honourable Speaker, the deteriorating drainage system in Mtopanga and Jordan Estates within Mtopanga Ward is a pressing Issue; it is with great concern that the drainage infrastructure in these areas is not in order, and with impending El Nino rainy season, the risk of floods loom large over my constituents. Honourable Speaker, the residents of these estates have endured the consequences of this poor drainage system for far too long. During heavy rains, their homes and properties have been inundated, causing substantial damage and distress. It is my duty as the representative to take swift action to alleviate their suffering. Honourable Speaker, in his response the Chairperson should inquire and report on the plans the County government have to:

1. Conduct a comprehensive assessment of the drainage system to identify weaknesses and areas in need of immediate repair,
2. Allocate funds for necessary infrastructure improvements, including the expansion and maintenance of existing drainage channels,
3. Collaborate with relevant stakeholders to implement sustainable solutions that mitigate the risk of flooding,
4. Raise awareness among residents about responsible waste disposal practices to prevent clogging of drains.

Thank you, Mr. Speaker.

**The Temporary Speaker** (Hon. Hamisi Nyota): Thank you Honourable Morgan Matsaki. Yes, Honourable Hussein Mohammed, Chairperson Committee on Transport and Infrastructure please respond to the statement.

[Silence]

The Vice-Chair, please respond to the statement. The Vice-Chair, yes proceed.



**Hon. Mwaka Bakari:** Ahsante sana Mheshimiwa Spika. Kwa hili pia nalichanganya na lile jengine, kufikia wiki ijayo tutapata majibu yote mawili. Ahsante.

**The Temporary Speaker** (Hon. Hamisi Nyota): Thank you Honourable Mwaka. Honourable Morgan Matsaki, the Vice-Chair Transport and Infrastructure has requested for a week to give you a comprehensive response. Yes Clerk?

ALLEGED DISCRIMINATION IN RELEASE OF HEALTHCARE PRACTITIONERS FOR FURTHER STUDIES

Yes, Honourable Juma Manuari, MCA Bofu Ward?

**Hon. Juma Manuari:** Thank you Honourable Speaker. Honourable Speaker, I stand pursuant to standing order 41 (2) (c) to request for a statement from the Chairperson Committee on Health Services on the alleged discrimination in the release of Health care practitioners for further studies in the County of Mombasa. Our healthcare professionals play a vital role in the well being of our community and it is our duty to support their professional growth and development. I believe that by addressing this alleged discrimination we can strengthen our health care system and provide equal opportunities for all. Honourable Speaker, I would like to draw your attention to the case of Ms. Khadija Awadh Said who claims she has been unfairly denied the opportunity to pursue postgraduate studies at Moi University, despite having received a confirmation letter from the university. Honourable Speaker, this issue strikes at the heart of equal education opportunities for our healthcare professionals and it raises concerns about potential discrimination within our system. It is crucial that we ensure fairness and equity in the release of healthcare practitioners for further education. Honourable Speaker, I therefore request that the Chairpersons of the Committee inquire into the matter and seek knowing information;

i) An explanation from the authorities responsible for the release of healthcare practitioners regarding the denial of Ms. Khadija Awadh Said's opportunity to pursue postgraduate studies despite having a confirmation letter from Moi University,

ii) Plans and action the County government intends to take to address this issue and ensure that all healthcare practitioners have equal opportunities to further their studies.

Thank you very much Mr. Speaker.

**The Temporary Speaker** (Hon. Hamisi Nyota): Thank Honourable Juma Manuari. Yes, Honourable Bernard Ogutu Chairperson Committee on Health services, please respond to the statement.

[Silence]

The Vice Chair Health?

[Silence]

Or any Member of Health Committee? Yes, Honourable Frankline Makanga?

**Hon. Makanga:** Yes Mr. Speaker we acknowledge receipt of the said statement and therefore seek your permission that we will be able to respond it into two weeks time.

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**The Temporary Speaker** (Hon. Hamisi Nyota): Yes, Honourable Juma Manuari, the Member from Health Committee has just responded that in the next two weeks they are going to give a comprehensive response.

**Hon. Juma Manuari:** Okay thank you Mr. Speaker. Fanyeni kazi yenu sisi twangoja majibu watoto wakasome. Ahsante Mheshimiwa Spika.

**The Temporary Speaker** (Hon. Hamisi Nyota): Thank you. Yes Clerk?

### **ADJOURNMENT**

This House stands adjourned until Tuesday 19<sup>th</sup> September, 2023 at 10:00a.m.

The House rose at 3:18p.m.