

Approved for tabling in the House.

BA SNA  
2/12/2021



PARLIAMENT OF KENYA  
THE NATIONAL ASSEMBLY


TWELFTH PARLIAMENT – FIFTH SESSION

PARLIAMENT  
OF KENYA  
LIBRARY

DEPARTMENTAL COMMITTEE ON TRADE, INDUSTRY AND CO-  
OPERATIVES

REPORT ON-  
(PUBLIC PETITION No. 22 OF 2021)

BY SMALL SCALE TRADERS AND BUSINESS PEOPLE AT THE JOMO  
KENYATTA PUBLIC BEACH AND MAMA NGINA WATERFRONT IN  
MOMBASA COUNTY REGARDING THE CLOSURE OF THEIR BUSINESSES  
BY THE COUNTY GOVERNMENT DUE TO COVID-19 AND RELATED  
RESTRICTION MEASURES

 <b>THE NATIONAL ASSEMBLY PAPERS LAID</b>	
<b>DATE:</b> 02 DEC 2021	
<b>DAY:</b> Thursday PM	
<b>TABLED BY:</b>	Vice Chairperson S.C. Trade Industry Coop's
<b>CLERK OF THE TABLE:</b>	B. M. M. M.

Published by: -

THE DIRECTORATE OF DEPARTMENTAL COMMITTEES  
CLERK'S CHAMBERS  
PARLIAMENT BUILDINGS  
NAIROBI

DECEMBER 2021

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## **CHAIRPERSON'S FOREWORD**

The Petition No. 022 of 2021 by traders and business people of Mombasa County and in particular, small scale traders operating at Mama Ngina Waterfront and the Jomo Kenyatta Public Beach regarding the closure of businesses in the wake of Covid-19 and related preventive health protocols instituted by the government including limited access to markets and other places. The petition was presented to the House by Hon. Abdulswamad Sheriff Nasasir, MP Mvita Constituency, Mombasa County on 8<sup>th</sup> June 2021.

In considering the Petition the Committee met the Petitioners during a field visit to Mombasa County and the Tourism Secretary, Ministry of Tourism and Wildlife on 13<sup>th</sup> August, 2021. The Committee also received written submissions from the Cabinet Secretary, Ministry of Industrialization, Trade and Enterprise Development dated 22<sup>nd</sup> July, 2021.

The Petitioners prayed that the National Assembly through the Departmental Committee on Trade, Industry and Co-operatives enquires into the matter with a view to securing the urgent re-opening of the Mama Ngina Waterfront Recreation Centre, Jomo Kenyatta Public Beach enterprises and other small-scale industries in Mombasa County in order to spur economic development in the region and make any other recommendation that it deems fit in the circumstances of the petition.

The Committee observed that the Trade Development function, under which markets, and market management was a devolved function, and as such, the County Government of Mombasa was charged with the mandate of development and enforcement of relevant guidelines, including Covid protocols applicable in these establishments.

The Committee noted that Management and implementation of markets, whether formal or informal, at policy level is a cross-cutting issue that requires involvement of both the National and County Governments. On the other hand, enforcement matters are purely a County Government function.

The Committee recommends that the Cabinet Secretary, Ministry of Health alongside the Mombasa County Government and in collaboration with the Traders' Association at the Mama Ngina Waterfront and Jomo Kenyatta Public Beach to develop protocols to be adhered to by the traders and operators.

The Committee also recommends that the Cabinet Secretary, Ministry of Tourism and Wildlife, as well as the Mombasa County Government to consider lifting the trade restrictions.

**Hon. Adan Hajj Ali, MP**  
**Chairperson, Departmental Committee on Trade, Industry and Co-operatives**



## 1.0 PREFACE

### 1.1 Mandate of the Committee

1. The Departmental Committee on Trade, Industry and Cooperatives is one of the fifteen Departmental Committees of the National Assembly established under **Standing Order 216** whose mandates pursuant to the **Standing Order 216 (5)** are as follows:
  - i. To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;
  - ii. To study the programme and policy objectives of Ministries and departments and the effectiveness of their implementation;
  - iii. To study and review all the legislation referred to it;
  - iv. To study, access and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
  - v. To investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;
  - vi. To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order No. 204 (Committee on appointments);
  - vii. To examine treaties, agreements and conventions;
  - viii. To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
  - ix. To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and
  - x. To examine any questions raised by Members on a matter within its mandate.

### 1.2 Mandate of the Committee

2. In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to oversee: Trade, securities exchange, consumer protection, pricing policies, commerce, and industrialization including special economic zones, enterprise promotion and development including small and medium-size enterprises, intellectual property, industrial standards, anti-counterfeit policies and co-operatives development.
3. In executing its mandate, the Committee oversees the Ministry of Industrialization, Trade and Enterprise Development and the State Department for Cooperatives.



### 1.3 Committee Membership

4. The Departmental Committee on Trade, Industry and Cooperatives was constituted by the House in July, 2020 and comprises of the following Members:

#### **Chairperson**

Hon. Adan Hajj Ali, MP,  
MP for Mandera South Constituency

#### **Jubilee Party**

#### **Vice-Chairperson**

Hon. Wangari Mwaniki, MP  
MP for Kigumo Constituency

#### **Jubilee Party**

#### **Members**

Hon. William Cheptumo, MP  
MP for Baringo North Constituency

#### **Jubilee Party**

Hon. Alois Musa Lentoimanga, MP  
MP for Samburu North Constituency

#### **Jubilee Party**

Hon. Anab Mohamed Gure, MP  
MP for Garissa County

#### **Jubilee Party**

Hon. Andrew Mwadime, MP  
MP for Mwatate Constituency

#### **ODM Party**

Hon. Shariff Athman Ali, MP  
MP for Lamu East Constituency

#### **Jubilee Party**

Hon. Daniel Maanzo, MP  
MP for Makueni Constituency

#### **Wiper Party**

Hon. Fred Odhiambo Ouda, MP  
MP for Kisumu Central Constituency

#### **ODM Party**

Hon. Christopher Nakuleu, MP  
MP for Turkana North Constituency

#### **Jubilee Party**

Hon. Jones Mlolwa, MP  
MP for Voi Constituency

#### **ODM Party**

Hon. Raymond Kipruto Moi, MP  
MP for Rongai Constituency

#### **KANU**

Hon. Jared Okelo, MP  
MP for Nyando Constituency

#### **ODM Party**

Hon. Gichimu Robert, MP  
MP for Gichugu Constituency

#### **Jubilee Party**

Hon. Patrick Wainaina Jungle, MP  
MP for Thika Town Constituency

#### **Independent Member**

Hon. Ayub Savula Angatia, MP  
MP for Lugari Constituency

#### **ANC Party**

Nduati Joseph Ngugi, MP  
MP for Gatanga Constituency

#### **Jubilee Party**

Hon. Wachira Rahab Mukami, MP  
MP for Nyeri County

#### **Jubilee Party**

Hon. (Dr.) Wilberforce Oundo, Phd,  
MP

MP for Funyula Constituency

#### **ODM Party**

#### 1.4 Committee Secretariat

5. The Committee is facilitated by the following Secretariat:

Mr. Daniel Mutunga  
**Principal Clerk Assistant I/Team Leader**

Ms. Christine Ndiritu  
**Clerk Assistant II**

Ms. Nuri Kitel Nataan  
**Clerk Assistant II**

Ms. Marlene Ayiro  
**Senior Legal Counsel**

Mr. Joseph Ndirangu  
**Fiscal Analyst I**

Mr. Chelang'a R. Maiyo  
**Research Officer II**

Ms. Winfred Kizia  
**Media Relation Officer**

Ms. Rahab Chepkilim  
**Audio Officer**

Mr. Richard Sang  
**Sgt. At Arms**

## 2.0 INTRODUCTION

6. The Petition No. 022 of 2021 by traders and business people of Mombasa County and in particular, small scale traders operating at Mama Ngina Waterfront and the Jomo Kenyatta Public Beach regarding the closure of businesses in the wake of Covid -19 and related preventive health protocols instituted by the government including limited access to markets and other places. The petition was presented to the House through the presented to the House by Hon. Abdulswamad Sheriff Nassir, MP Mvita Constituency, Mombasa County on 8<sup>th</sup> June 2021.
7. The Petitioners wished to draw the attention of the House to the following:-
  - a. THAT, upon the alleged advice from the Ministry of Health and the Ministry of Tourism has ordered the closure of Mama Ngina Waterfront and the Jomo Kenyatta public Beach in Mombasa supposedly on account of the ongoing Covid-19 pandemic;
  - b. THAT, hundreds of traders based at the Mama Ngina Waterfront and the Jomo Kenyatta public Beach in Mombasa are currently undergoing massive losses of livelihood following the introduction of Covid-19 related restrictions that bar them from accessing their places of business;
  - c. THAT, the Mama Ngina Waterfront traders who commenced utilization of the Centres stalls in December, 2019 have suffered untold inconveniences similar to traders and operators based at the Jomo Kenyatta public Beach;
  - d. THAT, the traders, who deal with a variety of goods, supplies and services including fast foods, jewellery, clothing, footwear and other products are willing to adhere to all Covid-19 protocols once the government re-opens the two areas;
  - e. THAT, most of the traders have been in this business for over 40 years and as such cannot venture into any alternative enterprises, thereby exposing them to poverty, depression, regression caused by lack of school fees for educational pursuits as well as social vices such as increased crime rates;
  - f. THAT, whilst applauding the re-opening of other major businesses in Mombasa including major Hotels, the Authorities should not favour bigger businesses at the expense of small scale traders;
  - g. THAT, efforts by the business community to have this matter addressed by relevant government authorities have been futile;
  - h. And THAT, the matters raised in this petition are not pending in any court of law in Kenya.
8. Therefore, the Petitioners prayed that the National Assembly, through the Departmental Committee on Trade, Industry and Cooperatives inquires into the matter with a view to securing the urgent re-opening of the Mama Ngina Waterfront Recreation Centre, Jomo Kenyatta Public Beach enterprises and other small-scale industries in Mombasa County to spur economic development in the region and make any other recommendation that it deems fit in the circumstances of the petition.



### **3.0 SUBMISSIONS**

#### **3.1 Submissions by the Petitioners**

##### **3.1.1 Jomo Kenyatta Public Beach**

9. The Committee met the Petitioners during a field visit to Jomo Kenyatta Public Beach, Kisauni Constituency on 13<sup>th</sup> August 2021. During the meeting, the Petitioners through four representatives, the Chairperson Small Scale Traders Jomo Kenyatta public Beach and the area Member of parliament informed the Committee as follows:
10. The businesses in the beach area have been in operation for the last four decades and that the traders have no alternative other than to continue operating in the beach for their livelihoods.
11. Access to the beach is open to visitors vide the various private properties along the shoreline but is prohibited vide the public beach front.
12. That relevant Covid 19 protocols to be developed and applied at the public beach.

##### **3.1.2 Mama Ngina Waterfront Recreation Centre**

13. The Committee met the Petitioners during a field visit to Mama Ngina Waterfront Recreational Centre, Mvita Constituency on 13<sup>th</sup> August 2021. During the meeting, the Petitioners through four representatives the Chairpersons Small Scale Traders both within the centre and those awaiting allocation of stalls and the area Member of parliament informed the Committee as follows:
14. Following the construction of stalls, face-lifting and commissioning of the recreational facility, allocation of stalls was conducted based on the traders who had registered at the waterfront facility.
15. Parks and recreational facilities were closed by the Mombasa County Covid Committee during the onset of the Covid-19 pandemic. Thereafter, there was a phased re-opening with a few traders being allowed access to the premises.
16. The facility lacks adequate cloak rooms for access by both tourists and traders, causing a major challenge especially with the health protocols that require among others, frequent handwashing, and sanitizing.
17. The recreational Centre, as constructed, lacks shades where traders may get shelter during adverse weather conditions.
18. There was restricted access to the facility by various transportation mechanisms, thus exposing tourists and traders to walking long distances to the Centre.

### **3.2 Submissions by the Cabinet Secretary, Ministry of Industrialization, Trade and Enterprise Development**

The Committee received written submissions from the Cabinet Secretary, Ministry of Industrialization, Trade and Enterprise Development where Members were informed that;

19. Under Schedule IV of the CoK, 2010, markets and market management were devolved and as such, matters' touching on market restrictions is a function of County Governments.
20. The National Government has developed Guidelines for Business Operations during Covid-19 to enhance operational efficiency in the markets.
21. Management and implementation of markets at policy level requires involvement of both the National and County Governments, while enforcement of the same is a County Government function.
22. In accordance with the 16<sup>th</sup> Presidential address on the Corona Virus Pandemic dated 29<sup>th</sup> June, 2021 (No.24 (VI)) directive, duly classified and licensed hospitality establishments must continue to adhere to the Guidelines issued by the Ministry of Health.
23. Since the traders are willing to undertake their civic duty of protecting themselves as well as their customers by adhering to the laid down health protocols, the County Government of Mombasa may wish to work closely with the Traders' Associations at the Mama Ngina Waterfront and Jomo Kenyatta Public Beach and develop protocols to be adhered to by the traders and operators.
24. The Mombasa County Government in collaboration with the Traders Association may appoint a market management committee to coordinate security and compliance with restrictions arising out of the Covid-19 pandemic. This is aimed at ensuring strict enforcement of surveillance in accordance with the Business guidelines issued jointly by the Ministry of Health and the Ministry of Industrialization, Trade and Enterprise Development of 20<sup>th</sup> November, 2020.

### **3.3 Submissions by the Cabinet Secretary, Ministry of Health**

In his letter Ref: MOH/ADM. NA/01/93 dated 1<sup>st</sup> September, 2021, the Cabinet Secretary informed the Committee as follows; that;

25. Since 13<sup>th</sup> March, 2020 when the country reported its first Covid-19 case, three waves of the pandemic have been experienced and that as at 23<sup>rd</sup> August, 2021, Kenya reported 229,628 confirmed cases, including 213,473 recoveries and 4,528 deaths.
26. To manage and mitigate the effects of the pandemic, the Government placed and reviewed various containment measures including maintaining physical distancing between persons, suspension of large gatherings and events, enforcing mandatory use of face masks in public places, closure of places of worship and entertainments and restriction of movements and enforcement of a nationwide dusk to dawn curfew, among others.



27. The National Agency Command Centre was established to develop strategies and measures to mitigate on the effects of the pandemic across the various sectors of Government. The response structures are replicated at the county level with a County Multi-Agency Covid-19 response team led by the County Governor and co-chaired by the County Commissioners.
28. As at 27<sup>th</sup> September, 2020, the Government had eased most of the containment measures, in an attempt to reopen the economy, including the phased reopening of schools, bars and places of worship.
29. As at October, 2020, Mombasa County had recorded a positivity rate of 8.8% rising to 15.8% in November, up from 2.8% in September. The Mombasa County Emergency Response Committee formed Sub-committees in October, 2020, to develop regulations for each sector, where all departments were brought on board to work around three (3) classifications; high risk, moderate risk and low risk areas. Regulations developed placed public beaches and recreational parks under higher risk for consideration for reopening in phase two (2) of the plans. Additionally, enforcing Covid-19 measures on the said places was reported as challenging due to overcrowding in these places and laxity by residents to keep their masks on, and maintaining social distance.
30. The County Emergency Response Committee noted that infection rate had reduced to 7.5% in December, 2020, and 2.8% in January, 2021. Further, the Committee also noted, through reports of various sectors, that there were some economic activities being undertaken in the two (2) facilities, which, despite not being formal, were controlled, and the few residents who visited the place complied with the set regulations.
31. Plans for the full reopening of the two (2) facilities would be guided by the County Health team in consultations with the Ministry of Industrialization, Trade and Enterprise Development and the County Departments of Tourism, under which the two entertainments facilities are managed, to ensure that such reopening is done in strict adherence to the Ministry of Health Guidelines on the containments of Covid-19, and to ensure that adequate measures are put in place to enforce the guidelines.

#### **3.4 Submissions by the Tourism Secretary, Ministry of Tourism and Wildlife**

In their letter Ref: No. MOT.1/1 dated 17<sup>th</sup> September, 2021, the Principal Secretary in the State Department of Tourism made the following submissions; that,

32. The Mama Ngina Waterfront was established with the following objectives;
  - a. Transforming the Waterfront to attractive, safe and pedestrianized area with high quality public open spaces;
  - b. Conserving and promoting Swahili and other coastal cultural heritage of significance in the re-designing of the waterfront;
  - c. Enrich visitors' experience of Mama Ngina Waterfront facilities and its vicinity including the adjacent ferry and commuter transport terminal.



33. For Mama Ngina Waterfront to remain a competitive destination; certain logistical set ups and rules of engagement need to be put in place to not only attract visitors but also conform to standards that are associated with waterfronts globally.
34. Additionally, the Covid-19 situation in the country continues to inform the safe operation of touristic recreational public spaces. The gradual reopening culminated into full reopening of the facility to the public on 1<sup>st</sup> July, 2021, which was guided by the following rules and regulations for visitors and traders for safe, secure, smooth and efficient management of the facility;
  - a. All vending should be done from the allocated stalls;
  - b. All County by-laws and country laws be strictly adhered to at all times of doing business;
  - c. Ice cream vendors to carry out their businesses at the designated areas;
  - d. Fun fare groups to ensure that all certificates, vaccinations and other protocols in regard to animals, including camels and horses are fully complied with;
  - e. All Covid-19 protocols strictly be adhered to by every user of the facility and always ensure total compliance to the wearing of masks and social distancing.
35. The Ministry of Tourism and Wildlife is responsible for the Mama Ngina Waterfront on behalf of the National Government but is not responsible for the Jomo Kenyatta Public Beach 'Pirates' which remains under the purview of the County Government of Mombasa.
36. The primary purpose for the Waterfront is tourism informed by culture and history and for recreation, hence business services therein are towards meeting the needs of clients whose sole purpose is recreation and leisure.
37. One hundred and eighty seven (187) traders out of the two hundred and eighty seven (287) who had shown interest were allowed to operate in their designated areas as per the rules and regulations set by management. They include sixty-eight (68) vendors of cassava, maize and *madafu*, thirty-six (36) photographers, thirty-six (36) ice cream vendors, thirty-two (32) fun fare members, and fifteen (15) curio traders. The reOrganizations therefore is geared towards elevating the Waterfront to the global status it ought to be.
38. The group of traders purported to have been left out came to the Waterfront in early 2019 during the commissioning of the project and are not part of the original list of traders that was made available to the Ministry of Tourism by the National Museum of Kenya, County Government of Mombasa and the local leadership.

### 3.5 Submissions by the County Government of Mombasa

The County Government, through its letter Ref: Msa CG/ADMN/19/VOL.I/112 dated 20<sup>th</sup> September, 2021 responded as follows; that,

39. The decision on the trade restrictions was arrived at by the County Covid-19 Emergency Response Committee as one of the measures to contain the spread of Covid-19 when the County experienced a surge from 528 cases in September 2020 to 2140 in October, 2020.
40. The two (2) facilities are normally overcrowded and enforcement of the Covid-19 protocols on donning of face masks and social distancing was proving to be difficult since residents who visited the recreational facilities had masks on entry points, and would thereafter be removed, with people defying the social distancing rule.
41. The restrictions were applied in all beaches, both private and public, to protect residents from further spreading the virus in view of the prevailing circumstances occasioned by the pandemic.

#### **4.0 OBSERVATIONS/FINDINGS**

Having undertaken a fact finding/inspection visit to the Mama Ngina Waterfront and the Jomo Kenyatta Public Beach in Mombasa, the Committee made the following observations and findings:

1. The submissions made to the Committee by the Ministry of Industrialization, Trade and Enterprise Development indicate that Schedule IV of the Constitution of Kenya, 2010 devolved the Trade Development function, under which markets, and market management is under County Governments.
2. The Ministry of Tourism and Wildlife is responsible for the Mama Ngina Waterfront on behalf of the National Government but is not responsible for the Jomo Kenyatta Public Beach
3. The traders at Mama Ngina Waterfront as well as those at the Jomo Kenyatta Public Beach are willing and ready to collaborate with the relevant authorities in adoption of and compliance with Covid-19 protocols which may be developed for adherence to by the traders and operators.
4. There was destruction of the makeshift business structures belonging to the small-scale traders at the Jomo Kenyatta Public Beach Front during the eviction of the traders by the County Government law enforcers.
5. The traders and small scale traders seek an enabling business environment to ensure the prosperity of their businesses hence there is need for both the National and County government to ensure that business environment is conducive for traders to trade.



**5.0 COMMITTEE RECOMMENDATION**


**Pursuant to Standing Order 227, the Committee recommends that:-**

The Mombasa County government and the National government through the Ministry or department or agency for the meantime responsible for matters trade should lift the ban or restriction imposed on small scale traders and business people operating from Jomo Kenyatta public beach and Mama Ngina Waterfront in Mombasa county with immediate effect.

Sign. 

Date. 

**Hon. Adan Haji Ali, MP**  
**Chairperson, Departmental Committee on Trade, Industry and Co-operatives**

 <b>THE NATIONAL ASSEMBLY</b> <b>PAPERS LAID</b>	
<b>DATE:</b> 02 DEC 2021	<b>DAY:</b> Thurs PM.
<b>TABLED BY:</b>	Nice Chair DL Trade & Cooperatives
<b>CLERK-AT THE-TABLE:</b>	B. Inzoga

# ANNEX I

Adoption List



**THE NATIONAL ASSEMBLY**  
**DEPARTMENTAL COMMITTEE ON TRADE, INDUSTRY AND COOPERATIVES**  
**ADOPTION LIST**

**Agenda:** Adoption of the report on the Public Petition no. 22 of 2021 by Hon. Abdulswamad Sheriff Nassir, MP regarding the closure of businesses by the county government in Mombasa due to Covid-19

**Date:** 16<sup>th</sup> November, 2021

**Time:** Start 3.30 pm

End 4.00 pm

NO.	NAME	SIGNATURE
1.	Hon. Adan Haji Ali, MP - <b>Chairperson</b>	
2.	Hon. Wangari Mwaniki, MP - <b>Vice Chairperson</b>	
3.	Hon. William Cheptumo, MP	
4.	Hon. Alois Musa Lentoimaga, MP	
5.	Hon. Anab Mohamed Gure, MP	
6.	Hon. Andrew Mwadime, MP	
7.	Hon. Christopher Doye Nakuleu, MP	
8.	Hon. Daniel Maanzo, EBS, MP	
9.	Hon. Jared Okelo, MP	
10.	Hon. Sharif Athman Ali, MP	
11.	Hon. Jones Mlolwa, MP	
12.	Hon. Kipruto Moi, MP	
13.	Hon. Ayub Savula, MP	
14.	Hon. Gichimu Robert, MP	
15.	Hon. Kimani Patrick Wainaina Jungle, MP	 Wainaina
16.	Hon. Fred Ouda, MP	
17.	Hon. Ngugi Joseph Nduati, MP	
18.	Hon. Wachira Rahab Mukami, MP	
19.	Hon. Dr. Wilberforce Oundo, Phd, MP	

**FOR: CLERK OF THE NATIONAL ASSEMBLY**



# ANNEX II

Minutes

**MINUTES OF THE 1<sup>ST</sup> SITTING (5<sup>TH</sup> RETREAT) OF THE DEPARTMENTAL COMMITTEE ON TRADE, INDUSTRY AND COOPERATIVES HELD ON MONDAY 14<sup>TH</sup> NOVEMBER, 2021 IN TAMANISHA CONFERENCE ROOM, WHITESANDS HOTEL AT 3.30 P.M.**

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**PRESENT**

- |   |   |                         |
|---|---|-------------------------|
| 1. Hon. Adan Hajj Ali, MP                   | - | <b>Chairperson</b>      |
| 2. Hon. Wangari Mwaniki, MP                 | - | <b>Vice Chairperson</b> |
| 3. Hon. Andrew Mwadime, MP                  |   |                         |
| 4. Hon. Alois Musa Lentoimaga, MP           |   |                         |
| 5. Hon. Jones Mlolwa, MP                    |   |                         |
| 6. Hon. Sharif Athman, MP                   |   |                         |
| 7. Hon. Nduati Joseph Ngugi, MP             |   |                         |
| 8. Hon. Daniel Maanzo, MP                   |   |                         |
| 9. Hon. Gichimu Robert, MP                  |   |                         |
| 10. Hon. Anab Mohamed Gure, MP              |   |                         |
| 11. Hon. Wachira Rahab Mukami, MP           |   |                         |
| 12. Hon. Kimani Patrick Wainaina Jungle, MP |   |                         |

**APOLOGY**

1. Hon. William Cheptumo, MP
2. Hon. Christopher Nakuleu, MP
3. Hon. Kipruto Moi, MP
4. Hon. Ayub Savula, MP
5. Hon. Jared Okelo, MP
6. Hon. Fred Ounda, MP
7. Hon. Dr. Wilberforce Oundo, Phd, MP

**INATTENDANCE**

**SECRETARIAT**

- |                          |   |                         |
|--------------------------|---|-------------------------|
| 1. Ms. Nuri Kitel Nataan | - | Clerk Assistant II      |
| 2. Mr. Joseph Ndirangu   | - | Fiscal Analyst          |
| 3. Mr. Chelang'a Maiyo   | - | Research Officer        |
| 4. Ms. Winfred Kizia     | - | Media Relations Officer |
| 5. Ms. Roseline Ndegi    | - | Sgt. At Arms            |
| 6. Ms. Rahab Chepkilim   | - | Audio Officer           |

**MIN.NO.NA/TRADE/2021/001:**

**PRELIMINARIES/COMMUNICATION FROM THE CHAIRPERSON**

The Chairperson called the meeting to order at 3.30 p.m. A prayer was said. He welcomed the Members to the meeting.

**MIN.NO.NA/TRADE/2021/002:**

**CONFIRMATION OF MINUTES**

Confirmation of Minutes of the previous Sitting of the Committee was deferred to another day.

MIN.NO.NA/TRADE/2021/003:

CONSIDERATION AND ADOPTION OF THE  
REPORT ON THE (*PUBLIC PETITION No. 22  
OF 2021*) BY SMALL SCALE TRADERS AND  
BUSINESS PEOPLE REGARDING CLOSURE  
OF THE JOMO KENYATTA PUBLIC BEACH  
AND MAMA NGINA WATERFRONT IN  
MOMBASA COUNTY

The meeting considered the report and adopted it with the following observations amendment.

**OBSERVATIONS/FINDINGS**

Having undertaken a fact finding/inspection visit to the Mama Ngina Waterfront and the Jomo Kenyatta Public Beach in Mombasa, the Committee made the following observations and findings:

1. The submissions made to the Committee by the Ministry of Industrialization, Trade and Enterprise Development indicate that Schedule IV of the Constitution of Kenya, 2010 devolved the Trade Development function, under which markets, and market management is under County Governments.
2. The Ministry of Tourism and Wildlife is responsible for the Mama Ngina Waterfront on behalf of the National Government but is not responsible for the Jomo Kenyatta Public Beach
3. The traders at Mama Ngina Waterfront as well as those at the Jomo Kenyatta Public Beach are willing and ready to collaborate with the relevant authorities in adoption of and compliance with Covid-19 protocols which may be developed for adherence to by the traders and operators.
4. There was destruction of the makeshift business structures belonging to the small-scale traders at the Jomo Kenyatta Public Beach Front during the eviction of the traders by the County Government law enforcers.
5. The traders and small scale traders seek an enabling business environment to ensure the prosperity of their businesses hence there is need for both the National and County government to ensure that business environment is conducive for traders to trade.



**COMMITTEE RECOMMENDATION**

**Pursuant to Standing Order 227, the Committee recommends that:-**

The Mombasa County government and the National government through the Ministry or department or agency for the meantime responsible for matters trade should lift the ban or restriction imposed on small scale traders and business people operating from Jomo Kenyatta public beach and Mama Ngina Waterfront in Mombasa County with immediate effect.

**MIN.NO.NA/TRADE/2021/004:**

**ADJOURNMENT**

The Chairperson adjourned the meeting at 4.00 p.m. The next meeting will be held on notice.

**SIGNED** .....



(Chairperson)

**DATE** .....

2nd December, 2021

# ANNEX III

Petition



REPUBLIC OF KENYA  
TWELFTH PARLIAMENT (FIFTH SESSION)

THE NATIONAL ASSEMBLY

PUBLIC PETITION

(No. 022 of 2021)

REGARDING LIFTING OF TRADE RESTRICTIONS IN MOMBASA

I, the **UNDERSIGNED**, on behalf of traders and businesspeople of Mombasa County, and in particular small-scale traders operating at Mama Ngina Waterfront and the Jomo Kenyatta Public Beach;

**DRAW** the attention of the House to the following: -

- 1) **THAT**, upon the alleged advice from the Ministry of Health, the Ministry of Tourism has ordered the closure of Mama Ngina Waterfront and the Jomo Kenyatta Public Beach in Mombasa supposedly on account of the ongoing Covid-19 pandemic;
- 2) **THAT**, hundreds of traders based at the Mama Ngina Waterfront and the Jomo Kenyatta Public Beach in Mombasa are currently undergoing massive losses of livelihoods following the introduction of Covid-19 related restrictions that bar them from accessing their places of business;
- 3) **THAT**, the Mama Ngina Waterfront traders who commenced utilization of the Centre's stalls in December 2019 have suffered untold inconveniences similar to traders and operators based at the Jomo Kenyatta Public Beach;
- 4) **THAT**, the traders, who deal with a variety of goods, supplies and services including fast foods, jewellery, clothing, footwear and other products, are willing to adhere to all Covid-19 protocols once the Government re-opens the two areas;
- 5) **THAT**, most of the traders have been in this business for over 40 years and as such cannot venture into any alternative enterprises, thereby exposing them to poverty, depression, regression caused by lack of school fees for educational pursuits, as well as social vices such as increased crime rates;

Am. Speaker  
for the House  
Approved.  
8/6/21

Approved,  
SNA  
8/6/2021



**PUBLIC PETITION**  
**REGARDING LIFTING OF TRADE RESTRICTIONS IN MOMBASA**

- 6) **THAT**, whilst applauding the re-opening of other major businesses in Mombasa including major hotels, the authorities should not favour bigger businesses at the expense of small-scale traders;
- 7) **THAT**, efforts by the business community to have this matter addressed by relevant government authorities have been futile;
- 8) **AND THAT**, the matters raised in this Petition are not pending in any court of law in Kenya.

**NOW THEREFORE**, your humble petitioners pray that the National Assembly through the Departmental Committee on Trade, Industry and Cooperatives:

- (i) intervenes with a view to securing the urgent re-opening of the Mama Ngina Recreational Centre, Jomo Kenyatta Public Beach enterprises and other small-scale industries in Mombasa County in order to spur economic development in the region, and
- (ii) makes any other recommendation that it deems fit in the circumstances of the Petition.

And your **PETITIONERS** will ever pray.

**PRESENTED BY**

  
**HON. ABDULSWAMAD SHERIFF NASSIR, MP**  
**MEMBER FOR MVITA CONSTITUENCY**

Date: ..... 08/06/2021 .....

No.	Name of Petitioner	Full Address	National ID/Passport No.	Signature/Thumb Impression
1.	JUMPA M. SAJIM (KULU)	0706863366	8426690	
2.	SAID MATARA	0758459988	9395885	
3.	ALVIN ADIEMBEA	0740113415	34125155	
4	TOVA K. GUNGA	0769737794	9880400	
5	KITSAO C. KATANA	0722121715	28594793	
6	Samson. W1119m.	6713828191	11313796	
7	MARDYKA KASIM	0714873426	21762357	
8	CHARLES MIAANGI	074547774	20961796	
9.	FRANCIS M. NDISIS	0716109726	20592828	
10.	DOMINIC M. NAKAU	0726656822	14456775	
11.	PAUL KASWII	0723773237	23191346	
12.	Lilly Kilongo	072748505	12448808	
13.	Prudence Mulumby	0726202803	2023546	
14	Richard Ngano	072670164	1105465	
15.	Muhammad Kallumani	0799404609	29499320	
16	David Makig	0729424833	3172065	
17	David Mbinu	0726520977	245385	
18	ALICE ATIENO	6714209157	20977443	
19	MULICENT AKINTI	07049382519	29006397	
20	JUMPA Kibereungu	-	4170659	
21	Amisi Hassanid	0781553929	13197018	
22	HASSAN HA CHARO	0708608996	14710455	
23.	DAVID SIMIGU	0759006326	23346165	
24	SAKADI NZAPHILA	07128750482	26712154	
25.	KATAKU MAINGA	07229820355	82824953	
26	TO SPHINE NDULU	0709905755	93201714	
27	CHARLES MABULGALA	0759624361	20417954	
28	ROBERT MUTUDI	0707920809	24902538	
29	ALDIS OTIENO NYARAU	0724468235	22393760	
30	BETHE MANTHI	071758118	50523611	
31	HASSAN HA	-	14710455	
32	GODFREY OJAMBA	-	25101891	
33	LISION OINYO	-	32733616	



No.	Name of Petitioner	Full Address	National ID./Passport No.	Signature/Thumb Impression
1	NIERU IVAKA	0721 601144	7678559	
21	SALUM RAHAI	0722 116220	13141623	
3	NICHOLAS M. EIRENENGÉ	0727 059917	26085101	
4	CHONDO MABWA	0206382786	34243028	
5	SHUKRI ADNI	0707255300	299718503	
6	MARISAPHA SAIK OMAR	0713023080	21443424	
7	Samuel Mathonin	0712 663978	21399186	
8	SURE OKIMAWA	0741149982	218180046	
9	MIKALA CHIMAKO	0720886392	35212841	
10	JALWEN KARARA	0720043177	21138857	
11	SIMON KIM MARIYA	075455142	3622726	
12	HAVID Gaddang	0700636776	23557814	
13	SHUREK K MUNDYILU	0716579313	13495143	
14	BENEDICT NGOOTI MAMINGI	0722534475	20281014	
15	GONFELY DUMA OJIBO	0768509866	25101091	
16	EDUARD DIECH KIMWAR	0788144512	21916594	
17	Mubensia KITHOME	0700578707	24097896	
18	JOSEPH CHEZE	0721773254	20285102	
19	JOHN N. NGUNDU	0726914443	11276392	
20	THOMAS ANYEIA	0728708519	24521075	
21	HANIS ABUMON	0713348957	37614189	
22	THOMAS KUCHOKOLA	0718733738	25940597	
23	Phillip Kasungu PERU	0724105616	13763634	
24	Yagnda KHAMSI	0724734568	14699323	
25	FRANCO MUTANGA	0728985122	21181075	
26	KHOMBO CHISONO	0746046553	21455131	
27	MARBLE CHIMBLO	0740112523	29225556	
28	JEREMIAH M MWALI	0723343692	10799294	
29	JACOB KIMAKO NZUKU	0729847097	20790720	
30	Mucyenga ZUMAMWA	073321457	34245367	
31	ABHALA T. CHIMAKO	0707031869	21342756	
32	HESBORN ONSCMU	0704935502	33456221	
33	TAPUKUS KILKA	07212449276	11301583	



Name of Petitioner	Full Address	National ID./Passport No.	Signature/ Thumb Impression
David Mburu Mwangi	0746313973	36626103	
Christine Mwirathi Kithame	0758289747	23864383	
Mlongo Chando Mwachaga	0749767722	30577699	
KENED RUMBO	0710581369	24501815	
MANASE NZUKI	0712122871	21231237	
STEPHEN MASAKU	0756352728	26908779	
STEPHEN MASESE	0726076131	11649276	
James Maina	0794599988	3938044	
BENSCHA AKINYI		2373418	
FATMA ALI ARDOL	0732545036	12607905	
EDWARD MAKIGA	07911577884	22616833	
PATRICK NDGIO	0757545648	22685647	
Abdul HASCAN	0111848171	30326722	
HAMIS MAKIGA	0701526549	2228495	
DHUNA KUMIRO	0725476730	27161935	
DHUNA KIROLO DHUNA	0706597796	20564386	
RAHAEL DZUKA DZOMBO	0796290440	24308633	
KASSIM MZUNGU RUMU	0748847393	35319182	
SALIM DZOMBO	0724497243	13594293	
MOHAMMED ALI	0700477897	2227289	
NYANJE GWENE	0705821106	27927846	
Mwanyoka ndegwa	071392171	29358607	
Ali Dzombo	0798652600	2228488	
ALI HAMIS MASHOBI	0798656370	12894260	
ASHA SIDI CHENGO	0769935166	31684622	
SALIM DZOMBO DZUKA	0715155805	8409889	
PIUS KIMWA	0727491765	20755710	
NORAH OPALI	0725804944	2238128	
GERALD MIMARIA	0725960774	13183061	
HADIJA NKIROTE	0725083594	21727557	
MOHAMMED SAMU	0708061194	21187202	
PAUL KINAKO	0725698983	73465519	
OMAR SAID OMAR	0706333511	25049773	



Name of Petitioner	Full Address	National ID./Passport No.	Signature/ Thumb Impression
WANDONYI BAKAZA	0724987708	0991811	
MULIKI BOTI MULARWA	-	20826595-	MULIKI BOTI
BAVIS MUKAYTA	-	1031549	Bavis
MWAZIZI BOWISO	-	21102652	Wt
PASCAL USOLO	-	8462495	Pascal
IBB SALIM	0925988131	18118634	
MWANYA E IDAC	-	27343727	Greg
NDEGWA KID	-	20996991	NDEGWA
EMANUEL MUBRO	-	27098393	
Charles Kama	-	20961776	Charles
SULTAN MOTHAMES	-	26348653	Sultan
HUSOIN MUMALINGWA	0990451284	259226189	Husain
MARIE JABA	-	20698441	Marie
MUNYANJE MIPHE	0703789804	20878720	Munyanje
SITARAN AMAR	-	3291120	Sitaran
MUDAS MREJE	-	22976904	Mudas
Joseph Mutinda	0740394913	0406081	Joseph
FATUMA OMAR	-	13194421	Fatuma
MWANAMKULU MUIERA	-	2114920	Mwanamkulu
<del>SABIRA</del> MOTHAMES	-	8413971	SABIRA
MASIB BACHO	-	1345674	Masib
MOTHAMES SALAT	-	22035729	Mothames
COSMA MURIMWA	07124587	31737329	Cosma
TOSIN ONYANGO	0996690908	29445809	Tosin
PATRIAR SOUP	0915214993	29781110	Patric
SHIRIAN KLI	0706023080	31556453	Shirian
FRANCIS MUSAU	09027695644	20127656	Francis
CHRIS KANI	071055194	2114644	Chris
YUSUF MOTHAMES D	07856496125	27840740	Yusuf
SHUKE SALIM	0995214451	31467524	Shurua
MARGENT NAKHAWON	0741168177	0714481676	Margent
MARISIA MESTICE	0714259039	31737329	Marisia
CHIB WUDHWA	0725610284	230743559	Chib



No.	Name of Petitioner	Full Address	National ID./Passport No.	Signature/Thumb Impression
1	PAUL DOGOLA	-	23356976	
2	PAUL MASHINDI	0720167537	23292594	
3	HAMISI SAIDI	0721971499	37614182	
4	EMERY NYIRO	072554551402	25887617	
5	SIMON MARIKWA	072554551402	31021796	
6	GEORGE MASHINDI	072554551402	25308575	
7	CHARLES CHEGIE	0716669202	2453916	
8	SIMON KIM MARIKWA	072554551402	3622026	
9	MONICA SAIDI	07228421586	30394629	
10	MOHAMMED SAIDI	07284421586	30394629	
11	EDWARD MARIKWA	0791597884	22616833	
12	SAMUEL MASHINDI	0712662978	21399186	
13	BENJAMIN ONYANGO	0733138940	33151938	
14	PAUL NYERERE	0744726474	32795993	
15	RUTH MASHINDI	0790712844	12793063	
16	ROBERT MARIKWA	0700792098	28517219	
17	AMAZI MWIRO	0790518912	27224572	
18	LUCKY KAMAU	0723944854	21683112	
17	PAUL MARIKWA	0733458878	21005052	
20	SEPHIR MURIE MARIKWA	-	26332244	
21	JAMES MARIKWA	-	29288044	
22	JULIE JULI KOLE	-	28261882	
23	IDD CHIDIA	-	2505806	
24	FRANCIS OGHANDA	0740405503	24669980	
25	LEONARD O'RONDIA	07704659160	27908281	
26	MURRAY SANGI	07265602067	25919306	
27	LUKITHO PHUTE	0710538103	1171549	
28	FATIMA AH	-	13162908	
29	CELESTINE MUKIMBA	-	39732329	
30	EMERSON KOSARA	-	30287525	
31	FRANK MUGA	-	29627137	
32	AMNIS ONGEBIA	-	31102955	
33	CAROLINE ONGAYI	-	25828162	





THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT

(FIFTH SESSION)

Approved.  
Bat  
SNA  
23/11/2021

NA. L&P.2021/COMM (088)

November 23, 2021

PAPERS LAID

Hon. Speaker, I beg to lay the following Paper on the Table of the House, today, **Tuesday, November 23, 2021:-**

**REPORT OF THE DEPARTMENTAL COMMITTEE ON TRADE, INDUSTRY AND COOPERATIVES ON ITS CONSIDERATION OF THE KENYA INDUSTRIAL RESEARCH AND DEVELOPMENT INSTITUTE BILL, (NATIONAL ASSEMBLY BILL NO. 44 of 2020)**

**(VICE CHAIRPERSON, COMMITTEE ON TRADE, INDUSTRY AND COOPERATIVES)**

**Copies to:**

The Speaker  
Deputy Speaker  
The Leader of the Majority Party  
The Leader of the Minority Party  
The Clerk  
Hansard Editor  
Hansard Reporters  
The Press

*Fullalwaing*  
23<sup>rd</sup> November 2021



THE NATIONAL ASSEMBLY  
TWELFTH PARLIAMENT  
(FIFTH SESSION)

Approved  
B. Inzani  
SNA  
2/12/2021

NA. L&P.2021/COMM (096)

December 2, 2021

PAPER LAID

Hon. Speaker, I beg to lay the following Paper on the Table of the House, today,  
Thursday, December 2, 2021 (Afternoon Sitting): -

**REPORT OF THE DEPARTMENTAL COMMITTEE ON TRADE,  
INDUSTRY AND CO-OPERATIVES, ON PUBLIC PETITION (NO. 22  
OF 2021) BY SMALL SCALE TRADERS AND BUSINESS PEOPLE  
REGARDING CLOSURE OF THE JOMO KENYATTA PUBLIC BEACH  
AND MAMA NGINA WATERFRONT IN MOMBASA COUNTY.**

**(VICE-CHAIRPERSON, DEPARTMENTAL COMMITTEE ON  
TRADE, INDUSTRY AND CO-OPERATIVES)**

**Copies to:**

The Speaker  
Deputy Speaker  
The Leader of the Majority Party  
The Leader of the Minority Party  
The Clerk  
Hansard Editor  
Hansard Reporters  
The Press

 <b>THE NATIONAL ASSEMBLY PAPERS LAID</b>	
<b>DATE: 02 DEC 2021</b>	
<b>DAY: Thursday PM</b>	
<b>TABLED BY:</b>	Vice Chairperson DC Trade Industry & Cooperatives
<b>CLERK-AT THE TABLE:</b>	B. Inzani

Approved.  
Rah  
SNA  
19/8/2021



THE NATIONAL ASSEMBLY  

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TWELFTH PARLIAMENT  

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(FIFTH SESSION)

**NOTICE OF MOTION – (CHAIRPERSON, DEPARTMENTAL COMMITTEE ON TRADE, INDUSTRY AND COOPERATIVES)**

Hon. Speaker, I beg to give Notice of the following Motion: -

**THAT**, this House **adopts** the Report of the Departmental Committee on <sup>Trade</sup> Sports, Industry and Cooperatives on its consideration of **Sessional Paper No. 04 of 2020 on the National Cooperative Policy**, *laid on the Table of the House on Thursday, August 19, 2021*, and **further approves** Sessional Paper No. 04 of 2020.

The Hon. Ali Adan Haji, MP  
**CHAIRPERSON, COMMITTEE TRADE, INDUSTRY & COOPERATIVES**

Date: .....19/08/2021.....