

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 2nd October, 2019

*The House met at the Senate Chamber,
Parliament Buildings, at 2.30 p.m.*

[The Speaker (Hon. Lusaka) in the Chair]

PRAYER

NOTICE OF MOTION

ADOPTION OF REPORT OF THE *AD HOC COMMITTEE* INQUIRING INTO THE CHALLENGES FACING THE TEA SECTOR IN KENYA

Sen. Cheruiyot: Mr. Speaker, Sir, I beg to give notice of the following Motion:-

THAT, the Senate adopts the Report of the *Ad hoc Committee* inquiring into the challenges facing the tea sector in Kenya, laid on the Table of the Senate on Thursday, 25th July, 2019.

The Speaker (Hon. Lusaka): Hon. Senators, for the convenience of the House, I would like us to rearrange the Order Paper, so that we move to Order No.15.

Kindly proceed, Sen. Kibiru.

Sen. Mutula Kilonzo Jnr.: On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): What is your point of order, Sen. Mutula Kilonzo Jnr.?

Sen. Mutula Kilonzo Jnr.: Mr. Speaker, Sir, with your indulgence, before Sen. Kibiru begins, there is an Adjournment Motion on a matter of national concern regarding the Likoni Ferry incident. The Senate Deputy Minority Leader can move the Adjournment Motion on behalf of Sen. Faki so that you can allocate time before Sen. Kibiru begins.

The Speaker (Hon. Lusaka): Kindly proceed, Deputy Minority Leader.

**NOTICE OF MOTION FOR ADJOURNMENT
UNDER STANDING ORDER NO. 34**

THE LIKONI FERRY TRAGEDY IN MOMBASA COUNTY

Sen. Malalah: Mr. Speaker, Sir, on behalf of the Senator for Mombasa County, Sen. Faki, I beg to give Notice of the following Motion for Adjournment, and request Members who support to stand up when I finish:

THAT, pursuant to Standing Order 34, the Senate do now adjourn to discuss a matter of definite urgent national importance; namely, the Likoni Ferry tragedy which occurred on Sunday, 29th September, 2019 and the status of the ferry operating at the Likoni channel.

I thank you

(Several Senators stood up in their places)

The Speaker (Hon. Lusaka): Hon. Members, we have the requisite numbers. We will do that today, at 5.00 p.m.

Next Order.

BILL

Second Reading

THE STREET VENDORS (PROTECTION OF LIVELIHOOD)
BILL (SENATE BILLS NO. 10 OF 2019)

Sen. Kibiri: Mr. Speaker, Sir, pursuant to Standing Order 141(1), I beg to move that the Street Vendors (Protection of Livelihood) Bill (Senate Bills No. 10 of 2019) be now read a Second Time.

This Bill was previously referred to as the ‘Hawkers Bill’ that had been proposed by Gov. Mwangi wa Iria, a man who had defied the Senate at one point in time. However, given the importance of the Bill, my Committee has been working on it. It has culminated in us getting the change of title to read ‘Street Vendors (Protection of Livelihood) Bill (Senate Bills No. 10 of 2019).’

Mr. Speaker, Sir, the objectives of this Bill are clear. They are as follows-

- (i) to recognise the right of the informal traders;
- (ii) regulate informal trading;
- (iii) designate the areas where they will operate from;
- (iv) have effective organization on the areas that they will be operating on; and,
- (v) have public participation.

Mr. Speaker, Sir, at the advent of Independence in this country, the founding fathers of this nation, some great Kenyans including the former President Mwai Kibaki, the late Tom Mboya, the late Dr. Kiano and others, sat down and in their brilliance and

intellectual capacities tried to see how we could do what one would call the African commerce.

That was the time when we had just gotten Independence and most of us, Africans, did not have the international exposure to do business. That is the time when Sessional Paper No. 10 of 1965 was produced. It is one of the best sessional papers that have ever been produced in this country. I believe even the architects of Vision 2030 did borrow a lot from that Sessional Paper.

Mr. Speaker, Sir, we all realize and recognize how African commerce was developed. We had institutions that would guide us in the ways of doing business. Over a period---

The Speaker (Hon. Lusaka): What is your point of intervention, Sen. Farhiya?

Sen. Farhiya: Mr. Speaker, Sir, I want to disagree and say that Sessional Paper No.10 of 1965 was the worst thing that happened to this country because it created marginalization in this country. I do not know whether Sen. Kibiru will withdraw that statement because that is the worst thing that happened in this country. That is why the people who are not agriculturalists in the North Eastern region are marginalized up to now; 50 years after this country attained Independence.

The Speaker (Hon. Lusaka): Sen. Farhiya, what is your point of order?

Sen. Farhiya: Mr. Speaker, Sir, my point of order is that he said that it is the best Sessional Paper that happened to this country.

The Speaker (Hon. Lusaka): Sen. Mutula Kilonzo Jnr., what is your point of order? Take your seat Sen. Kibiru.

Sen. Mutula Kilonzo Jnr.: Mr. Speaker, Sir, the statement by Sen. Kibiru is very dangerous. The Advisory Opinion No.2 of 2013, in the name of the Speaker of the Senate, was very clear that the marginalization of this country started the day that Paper was tabled. Although it was tabled by a very brilliant man, it does not mean that the late Tom Mboya---The Paper itself created marginalization and that is why devolution has taken so long to address marginalization. Unless Sen. Kibiru qualifies that statement, it should not go into the records of the Senate.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Sen. Kinyua, what is your point of order?

Sen. Kinyua: Mr. Speaker, Sir, when the Senator for Kirinyaga County said that it is the best thing that happened, it is within him to say that. I do not understand why the other Members would rise and say it is not the best. Sen. Kibiru was not allowed to finish his statement because he was interrupted midway.

I would recommend that he be allowed to finish and qualify his statement. It is not fair for Members to say that it is not the best, and yet, Sen. Kibiru was still making his contribution.

The Speaker (Hon. Lusaka): Sen. (Eng.) Maina, what is your point of order?

Sen. (Eng.) Maina: Mr. Speaker, Sir, I think anybody doubting the effectiveness of the policies that were set in this country--- Sen. Kibiru quoted the late Tom Mboya, who actually set the economic basis of this country. From what we have seen, I do not

think it is a fair comment. Sen. Kibiru should be allowed to proceed and expound on the policies he is talking about.

The Speaker (Hon. Lusaka): Sen. Kibiru, proceed. I think that is his opinion. People can have various opinions on how they understood Sessional Paper No.10 of 1965.

Sen. Kibiru: Thank you, Mr. Speaker, Sir. For avoidance of doubt, I will restrict myself specifically to issues of African commerce. We need not engage ourselves in that direction.

Mr. Speaker, Sir, I just wanted to lay that background, so that we can understand that sometimes we have very good policies. Sometimes we set very good standards of going about our business. It was not until the infamous Structural Adjustment Programmes in the 1990s, when some of these policies, especially trade issues, were disrupted.

Why the background? This country has undergone several transformations, from a protected or open market to a liberalised market. Of late, we have opened ourselves to the global market and are among the so-called emerging markets.

Mr. Speaker, Sir, the Street Vendors (Protection of Livelihood) Bill, literally tries to say that we have a chain of distribution or trade that has been neglected. The other day I saw Sen. Kihika up in arms, saying that street hawkers in Naivasha were being harassed. It is a paradox that we are talking about unemployment and investments. It appears like we only look at investments in terms of people who invest billions.

I have in mind school leavers in the rural village, who decide that they want to farm fruits. Since they want to add value to their economic activity, they will sell the fruits to retailers or people who pass by. The same people are being harassed, arrested and treated as criminals. This Bill seeks to formalize and recognize the street hawkers.

Mr. Speaker, Sir, we used to have the manufacturers, wholesalers, and retailers in the distribution chain. This is the line that we are talking about; the line of the retailers. It is said that billions of Kenya Shillings and the contribution to the GDP comes from the people who do that kind of retailing. The Bill seeks to force or ensure that both the national Government and the county governments, do recognize the street vendors. They should be registered, given badges and specific designated areas where they can trade, as a way of recognizing them.

Mr. Speaker, Sir, if you go to Turkey or even Oxford Street, there are some specific areas that are designated for people to vend their wares, especially clothes. We can offer employment and make our people have gainful income if we formalize and recognize the vendors who move around trying to sell their wares.

Mr. Speaker, Sir, the Bill also seeks the participation of the vendors, so that we do not designate them to areas where they will not get customers. For instance, in Nairobi, we have seen that every time there are issues, we kick out our vendors for one reason or another. What we are saying is that let us have designated days and streets. Let us even be able to separate those who hawk food and wares, so that we can also uphold hygiene.

Mr. Speaker, Sir, in the Bill, it is also recommended that people who do various businesses need to conform to certain rules and regulations. For instance, those who

hawk food must have health certificates, so that they do not contaminate the food or spread diseases like cholera and other related diseases. It is in that light that the Bill says that the hawkers or street vendors must belong to a certain area and should be registered.

Mr. Speaker, Sir, nowadays, we are doing a lot of construction and building of infrastructure. During road construction, you will find that some of the areas where these people do that kind of vending become affected.

For example, when the Thika Superhighway was being constructed, there are people who were doing that kind of--- I think they were architects or designers of the roads. Whereas it is good and we are enjoying as we drive around, it affected the livelihoods of a number of people. It is also happening on Ngong Road.

Mr. Speaker, Sir, we must be able to marry the two. We can do that by designating specific areas and providing facilities, including sanitary facilities for the people who are vending in those areas. We want counties and the national Government to take the issue of vending as one of the areas where they can also generate income.

Mr. Speaker, Sir, there are counties that are unable to meet their internally generated revenue targets. We also have the Kenya Revenue Authority (KRA), which instead of doing horizontal expansion of getting taxes, is always doing vertical expansion and just taxing people up there. If these people are well organized, the tax bracket will increase. Therefore, we should formalize and allow the people who can earn an income to do so.

We can target, reorganize, take statistics and, in the process, increase employment. With so many jobless people, if we allowed them to do their craft and make their wares, continue with their cottage industries, go and display and sell them in an organized manner, we will be solving a number of issues. By doing so, we will resolve the issue of insecurity, unemployment and improve the economy.

Mr. Speaker, Sir, I believe that the people who make policies in all levels should be able to agree with the Senate, that this is the right time for us to recognize the vendors and allow them to do their business in a sustainable manner.

Mr. Speaker, Sir, since I want as many Senators as possible to contribute to this Bill, I now ask my colleague, Sen. Dullo, to second the Bill.

Asante.

Sen. Dullo: Thank you, Mr. Speaker, Sir. I wish to take this opportunity to second the Bill.

Mr. Speaker, Sir, street vendors, business people, the communities or the people on the ground are the ones whose rights are always violated. It is, therefore, high time that we take care of their interests. Yes, at the end of the day, there are small business people but, unfortunately, it seems like people look down upon them. They do not take them seriously because they are bringing in very little money. However, I believe that the vendors are the ones who bring in a lot of money, especially considering that banks like Equity rely so much on these small traders. That is why Equity Bank is replicated almost everywhere in the country. This clearly means that they contribute a lot to our Gross Domestic Product (GDP).

Mr. Speaker, Sir, this Bill will regulate how counties are supposed to manage the small business community in our counties, especially where they carry out their businesses in areas that are really pathetic. Some of them are even on the streets, where they are chased left, right and centre. Nobody accords them respect in terms of ensuring that they have a decent place to carry out their business. However, once we have this Bill, we can support this small business community, so that they can carry out their business effectively.

In addition, Mr. Speaker, Sir, you will find that even in terms of loans and other benefits that accrue to these people, simply because they do not have a decent place where they can be traced, they might not access business loans and such other benefits. In fact, at one time I went to Isiolo County, where I found some of them in a place where there was no toilet, yet they were running business. You will find that garbage is thrown all over the market and it is not collected.

With this particular legislation, we can protect their rights, so that the county governments or the security enforcers do not violate their rights and harass them. You will find these vendors being chased left, right and centre on a daily basis.

More importantly, you will find that the people running these kinds of businesses are mothers, single women and widows. I believe that these are the members of the community that we need to protect, to ensure that they earn their livelihoods. They also need access to utilities like clean running water, clean toilets and electricity to be connected to their premises, so that they can run their businesses even at night. You will find that in some of the markets or places where they are running their businesses, there is no electricity. Therefore, they are unable to run their business on a 24 hours basis, or maybe, goods that require refrigeration are not provided for.

Mr. Speaker, Sir, county governments do not have proper legislation in place in terms of governing the businesses of these vendors. With this particular legislation, we can control or maybe ensure that county governments manage these people. This will allow them to be able to run their businesses smoothly without being harassed.

With those few remarks, Mr. Speaker, Sir, I beg to second.

(Question proposed)

Sen. Wetangula: Thank you, Mr. Speaker, Sir. I can hear some cynical laughter next to you, which may amount to a private nuisance.

I rise to support this Bill because it is supposed to bring order to an otherwise informal sector that is subjected to constant harassment and disruption by those who are commonly called *kanjo* or the council *askaris*.

Mr. Speaker, Sir, vending, or in other words, hawking, is an age-long trading system. People, who otherwise cannot afford the brick and motor of shops, can walk around with their wares or position themselves in areas where potential buyers can come and buy their goods. I have seen some innovative ways of vending, where you see, in the evening as you drive home, some very hardworking ladies in a Toyota Probox, full of trays of eggs parked by the roads. People stop to buy and go away with them. In this

process, they avoid being terrorized and harassed by *askaris* employed by county governments, former municipalities or county authority.

Mr. Speaker, Sir, I believe that the originator of this Bill is the Governor of Murang'a County. He is the one who started to talk about a Bill of this nature. It has now found its way to the Committee, and I am happy that the Senator for Kirinyaga has ably moved it. However, we must be careful in trying to support vending or hawking, not to surrender authority of the counties to the national Government.

I see clearly that in Clause 4 there is an unacceptable provision that is surrendering the authority of counties to the Cabinet Secretary (CS) for Trade. Petty trading is 100 per cent devolved; it has nothing to do with a CS responsible for Trade and Cooperatives or National Treasury. Licensing of vendors and hawkers is an exclusive preserve of county governments. Designation of where to vend or hawk is an exclusive preserve of the county governments. Levying of fees, licensing and so on is, again, an exclusive preserve of the county governments.

On what basis does my good friend, the Senator for Kirinyaga, provide in Clause 4 (1); that the CS shall, by notice in the gazette, designate a section or department within the Ministry responsible for matters relating to street vending, a street vendors unit for purposes of this Act? Why would the Ministry in the national Government keep a unit of something they have nothing to do with? I do not understand this.

It goes on to say in Clause 4(2) (a) that the functions of this unit is to maintain, in collaboration with county governments, a national registry and street vendors in Kenya. For which purpose do we want to have a national registry of vendors? It does not make any sense at all. Hawkers and vendors are localized. If they are within the jurisdiction of Nairobi, it is matters for Nairobi County. If they are within the jurisdiction of Laikipia, it is a matter for Laikipia, and Nairobi has nothing to do with it. Why would anybody sit in Nairobi and keep a registry of a hawker in Tana River or Mandera? This is a misguided Clause. At the Committee stage, the Committee that the distinguished Senator chairs should relook at this.

Mr. Speaker, Sir, they go on to say, in Clause 4(2) (b), that this unit will prescribe, in consultation with county governments and relevant stakeholders, minimum standards for the conduct of street vending and regulation of street vendor in Kenya. Not all counties have vending and hawking needs. If you go to small towns like Webuye, Kiminini, Kapenguria and Vihiga, they do not have problems with congestion and traffic. However, when you come to Nairobi, the problem is a contest between vehicle traffic, human traffic and hawking.

Mr. Speaker, Sir, I do not see how we will balance the interests of formal and informal traders. In many situations, you will find that somebody who has been licensed to open a shop on Kenyatta Avenue pays licence fees to sell many wares including handkerchiefs, pens *et cetera*. However, another person who is unlicensed displays his goods right outside the shop making it practically impossible for anybody to enter the shop. This is the regulation that we want, so that we give space to both the informal and formal traders, so that they can coexist.

Mr. Speaker, Sir, the City of London has a routine where every weekend certain streets are closed down completely for vending. If you go to the famous Petticoat Lane Market on Saturday, there is no other trade than vendors who lay their wares, and people know about it. The same applies to Shepherd Bush Market. Every city must have this kind of thing. However, it is ridiculous to herd hawkers from places where they can sell things to people and take them, for example, to City Park or Marikiti, which is a wholesale food market. So, we need to balance these interests.

There is a lady who calls me all the time from Gikomba, whom I have saved on my phone as ‘small trader.’ She was on the front line of battling Chinese hawkers in Nairobi. I want Sen. Kiburu to take note of what the former first Minister for Trade, hon. (Dr.) Gikonyo Kiano, did, although he did the right thing in a wicked and wrong manner.

At that time, when they were privatizing and Africanizing trade, they said that streets like Commercial Street, Biashara Street and River Road in Nairobi were to be Africanized and be rested from the hands of the then dominant non-African traders. What the Minister did at that time was not to Africanize trade, but tribalize it. All he did was to take away business from non-African traders and hand them over to one ethnic community. That is where the marginalization of communities in Kenya started.

Sen. (Eng.) Maina: On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Sen. (Eng.) Maina, what is your point of order?

Sen. (Eng.) Maina: Mr. Speaker, Sir, I wish that my friend, Sen. Wetangula, could either withdraw or place evidence to show that the late hon. (Dr.) Kiano gave businesses to a certain community for purposes of marginalizing anybody.

These kinds of remarks are unfortunate. Hawkers and business people are trying to live and help this country to raise taxes and create employment. It is not right for Sen. Wetangula to say that the late hon. (Dr.) Kiano, who was one of the pioneers of this country, gave business to a certain community, without placing any evidence. That shows dishonesty and non-patriotism.

The Speaker (Hon. Lusaka): What is your point of order, Sen. (Eng.) Maina?

Sen. (Eng.) Maina: Mr. Speaker, Sir, he should place evidence or withdraw the Statement.

The Speaker (Hon. Lusaka): Sen. Wetangula, you can expound on that.

Sen. Wetangula: Mr. Speaker, Sir, the distinguished tycoon from Nyeri, who is my good friend, is simply arguing. He has not raised a point of order. I will repeat what I said for avoidance of doubt. I said that there was a noble patriotic policy at Independence to wrestle trade in Nairobi from non-Africans, particularly on Commercial Street, Biashara Street, Grogan Road and many other places, and hand these businesses to Africans.

Unfortunately, instead of Africanizing trade at that time, the Minister tribalized it. That is what I said. The blinkers of tribalism in this country have not gone away up to today. People sit in their offices to serve their tribes instead of Kenyans. We must condemn this. The distinguished Senator of Nyeri County, who is a very good friend of mine and has repeatedly walked to me publicly and privately to denounce tribalism, should join me in doing so.

Mr. Speaker, Sir, let me go to the next point. My good friend is smiling with total satisfaction.

Sen. (Eng.) Maina: On a point of order, Mr. Speaker, Sir. It is not right for the Senator to stand here and say that he has confused anybody. He has not shown us how the late Hon. (Dr.) Kiano's grand idea was diverted into serving a tribe. If that is so, can he place on this Table some evidence of the names of the tribe he is referring to? The truth is that businesses were handed over to Africans. His was a noble idea.

Mr. Speaker, Sir, I do not think you should allow these reckless kind of diversions and very dangerous sentiments, which can bring very serious situations in this country. When one stands here and talks of tribalism recklessly, what is he telling this country? Kenya has been run on a non-tribal basis from the days of Hon. (Dr.) Kiano to today. If anybody has anything to the contrary, he should place the evidence on this Table.

Sen. Wetangula: Mr. Speaker, Sir, I agree with my friend that Hon. (Dr.) Kiano handed over business to Africans. Unfortunately, those Africans were from one tribe. That is the point I am making. I have not named any tribe. My friend is belabouring under the good old saying that 'when bones are mentioned, old people feel very uncomfortable.'

Sen. Mwangi: On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Sen. Mwangi, what is your point of intervention?

Sen. Mwangi: Mr. Speaker, Sir, Sen. Wetangula is a very good friend of mine.

Sen. Wetangula: Indeed!

Sen. Mwangi: Mr. Speaker, Sir, I do not think it is in order for Sen. Wetangula to continue tribalizing debates in this House, knowing so well that those who were suppressed the most in this country are the people of the tribe of Hon (Dr.) Kiano, so to say, the Kikuyus. Now, he wants to insinuate that businesses were handed over to them. It is not proper or in order for him to tribalize debates in this House.

Sen. Malalah: On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Sen. Malalah, what is your point of intervention?

Sen. Malalah: Mr. Speaker, Sir, we are setting a very bad precedence in this country; that when certain tribes are mentioned, it is tribalism. However, when other tribes are mentioned, it is cultural. When you mention the Maasai or Luo, it is cultural, but when you mention a Kikuyu, it is tribal. Let us stop putting on tribal clothes and insinuating that some tribes are more special than others.

The Speaker (Hon. Lusaka): I think we are now taking a dangerous route in this House. I can see very many interventions. Let us have a bit of debate, then we move on.

Sen. Pareno: Mr. Speaker, Sir, I wonder whether Sen. Mwangi has not added insult to injury by mentioning tribes when, initially, Sen. Wetangula did not mention any tribe. I think he should withdraw and apologise. We are proud of our diversity and should not insinuate at any moment that there is a tribe that is suppressed. He should withdraw that statement.

Sen. Wetangula: Mr. Speaker, Sir, in fact, if you listen to me---

Sen. Kinyua: On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): Sen. Kinyua, what is your point of order? We must make progress.

Sen. Kinyua: Mr. Speaker, Sir, when the Senator for Bungoma County mentioned a tribe, in my guess, he mentioned some towns. He mentioned Kiminini and Vihiga towns. By extension, I thought he was mentioning tribes that reside in those towns. Therefore, it is not true for my good friend, the Senator for Nyandarua, to insinuate that Sen. Wetangula was talking about Kikuyus.

The Senator for Kakamega rose and insinuated in this House that a certain tribe is special. There is no special tribe. The only fact I know is that the tribe of those who are oppressed is the majority in this country.

The Speaker (Hon. Lusaka): Sen. Wetangula, maybe you will need to stick to the Bill.

Sen. Wetangula: Mr. Speaker, Sir, I will stick to the Bill, but the record must be very clear. You have been listening to me as well, and I did not mention a tribe. I said that we Africanized trade and the Minister then handed businesses to Africans. Unfortunately, those Africans were from one community.

I do not know if some Senators here know where the parliamentary library is. If you go to the library and read the history of trade in this country, at one time the founding President of this country spoke publicly against what he saw was going on in Nairobi. It is in the records of the history of the country. He spoke against it and I laud him for that. We want this country to belong to everybody. It must belong to everybody.

My next point is that as we regulate vending and hawking in this Bill, it should not be an avenue for county governments to now squeeze every ounce of money out of informal traders. The charges that are levied against informal traders must be reasonable and be able to make them earn their living and improve their lives.

Equally important, Sen. Kiburu, is that you should provide for penalties with criminal consequences for *askaris* who battle, injure and destroy the wares of hawkers. Everywhere, you will find that most of these *askaris* are very well built; I think it must be one of the criteria for selecting them. They show up wielding truncheons and you will see *mamas* with their children on the back literally running in fright. These well-built fellows destroy the wares, throw away the food and carry away some for themselves, and in a flash of a minute, a family's livelihood is ruined. Such fellows must face criminal consequences, whether it is in Dagoretti, where my good sister was the Member of Parliament (MP)--- We all shop at Dagoretti Corner and other places. Those people must be protected. This protection must be in this law, if we are going to regulate.

Mr. Speaker, Sir, my good friend from Kirinyaga, who moved the Bill, knows that devolution was meant to empower people. Empowering people is not just to allow them to hawk belts, socks, padlocks and batteries, but also to create a fund that hawkers can draw from. Counties must have revolving funds, where traders with as little as an ambition to hawk goods worth Kshs2,000 or kshs5,000, can access this money, use it and pay back. That would be really helpful to people who hawk.

The Bill must seek to harmonize and bring order to a sector that is fairly lacking in order. If you want to know the value of such business to the economy, before

devolution, Nigeria was chaotic and running its economy rather haphazardly. It was the third largest economy in the Continent of Africa.

The point we have been making to the Jubilee Government is that devolution is not about decentralizing the public payslip. We have devolved the paymaster general to the counties, but do not give them enough money to grow the Gross Domestic Product (GDP) of this country.

The Constitution of Nigeria provides that 52 per cent of their annual budget should go to devolved units, which are the states. In exactly 10 years, Nigeria overtook South Africa and Egypt, and is now the largest economy in the Continent of Africa, thanks to devolution.

Mr. Speaker, Sir, I do not see hope in our economy growing out of devolution, the way it is currently structured, because we send to the counties money that can barely keep them afloat. There is no county that gets enough money to build a factory and there is no money that can build a huge industrial setup to grow the economy. Most of the monies go to salaries, some are stolen, while others come back to Nairobi to buy property because of poor governance issues and so on, and so forth.

This is a good Bill and I support it fully. I encourage my brother from Nyeri that history is history. You can never erase the footprints of history in our lives. We live with it and must learn from it, so as not to repeat it. However, we should not run away from it.

(Interruption of debate on the Bill)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM MOI PRIMARY SCHOOL, MURANG'A COUNTY

The Speaker (Hon. Lusaka): Hon. Members, I have a Communication to make.

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Moi Primary School, Murang'a County. In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them. On behalf of the Senate and my own behalf, I wish them a fruitful visit.

I thank you.

(Applause)

(Resumption of debate on the Bill)

Sen. Cheruiyot: Mr. Speaker, Sir, I rise to support this Bill, but before I do it, on behalf of the Senate Deputy Majority Whip, Sen. Kang'ata who represents Murang'a County, I welcome the students from his home county. I wish them well in their study. I hope they will enjoy the debate and learn as much as they can during their stay.

Mr. Speaker, Sir, this is a very interesting Bill. It is something that we should have done a long time ago. However, for one reason or the other, it is shocking that after

many years of the existence of Parliament, it is at this point that we are thinking about the real movers and shakers of our economy. I cannot think of a more industrious group of Kenyans than hawkers and street vendors. These are the people who ensure that we access goods and wares at very affordable prices, if we need to purchase something urgently without walking to a particular shop or a formally built-up rental space.

Sen. Kibiri thought it wise to bring to this House a Bill that will regulate how counties should take care of the supposed to be celebrated, yet a vilified group of Kenyans. That is commendable. After the passage of this Bill, I look forward that in our various home counties, including Nairobi City County, which is one of the most affected by this particular issue, there will be set out spaces for many entrepreneurs to carry out their trade without harassment.

I like how the Bill has defined what harassment is. Even just living constantly under fear and threat is equivalent to harassment; the fact that you cannot wake up, leave your house and report to a particular place of work.

Not everybody has the ability to rent an office or public space to carry out their business. Therefore, we should not criminalise.

It should not be criminal for any Kenyan who wants to put up a *kibanda* or have a place to sell their goods and wares. It should not be such that up to the time that they have licenses from our county governments is when they will be comfortable.

We should provide legislation. We should have local-based or indigenous-driven solutions to our problems. We have people who can afford Kshs100 or Kshs200 worth of space because there is nothing they take away. They should be allowed to utilise particular spaces in order to carry out their trade. It should not cost a lot of money.

Unfortunately, as I speak, the harassment continues. We do not need to belabour this point. All you need to do is to take a walk to Moi Avenue, which is not very far from here, at 4.00 p.m. You will see the constant nature of panic and restlessness with which that group of people carry out their business. Some of them are young mothers who are just trying to fend for their children, but are always on the constant lookout. Instead of looking out for customers, they look out for council *askaris* who show up any moment.

There is even evidence that has been documented by brilliant journalists of this country on the kind of humiliation and tribulation that, that particular group of people undergo in the hands of council *askaris*. Some are even stabbed and killed, while others are beaten up and their goods taken away as they try to eke out a living from something that by all means is legal because the alternative is worse.

If we do not allow that kind of entrepreneurial spirit by our people, then we have got to content with the emergence of gangs amongst our communities. This is because if you close the legal channels for making money and make it difficult for an individual to genuinely earn their living, then the consequences are far worse than that. Therefore, one needs to be prepared.

It is important that we expedite this particular Bill. We should ensure that our colleagues in the National Assembly concur with us or add anything that is of value, to ensure that the provisions that have been made in this particular Bill are brought to life and domesticated in each of the 47 counties in this Republic.

Clause 3 of this Bill is about the objects and purpose of this Act. It recognises the need to regulate informal trading, including the conduct of such trade and licensing by counties. Up to now, these businesses are not recognised. It is not considered legit or genuine business to be a hawker in any particular part of this country. Those that are allowed are simply allowed courtesy of grace or the good courtesies of the powers that be.

With the passage of this Bill, it will no longer be a favour. It will be a right for a woman, man or elderly person, who wants to put up such kind of business. They will, by right, be allowed and designated spaces will be provided. That is what civilised societies do.

If you go to some of the well-known trade-based countries such as Istanbul and visit Taksim Square, on certain days of the week, you can buy fresh vegetables or access certain goods, which otherwise you would have had to look for in places that are far and difficult to access. Therefore, it is extremely important that we set up regulations, so that we make good progress.

Mr. Speaker, Sir, Clause 8 speaks about vending zones and places that shall be publicly designated. One of the things that we also devolved is the ability for local communities to govern themselves. It is possible for a local community to sit, decide and agree that a particular public space can be used as a market. Nobody should question them because it is their public space, and they can do as they feel.

It is proper that we are now legislating and giving counties the ability to domesticate this via their county assemblies and declare certain public spaces to be vending zones, which people can access after being charged the agreed amount of money.

Clause 11 is crucial. It states that county governments shall provide essential facilities. It is not enough to just say that hawkers in this town can go and sell their goods in a particular space. This law ensures that they are provided with essential facilities, for it to be considered a proper market. You cannot just point at a particular public space and say that is a market. You must provide access to clean water, clean toilet and a place where people can go about their private businesses. There needs to be a solid waste disposal mechanism. You need to provide good lighting and footpaths, so that their customers can access the market without difficulty.

Mr. Speaker, Sir, sometimes half-hearted solutions are worse than even no solution. It is better that when you decide to solve a particular problem, you solve it wholeheartedly. That is the spirit of this Bill. County governments are being challenged that when they set up a vending zone, they should also provide all the essential facilities that will ensure that the businesses of these people thrive. They should not treat it like a nuisance. In essence, I guess that is what this Bill is telling us.

Do not treat these people as if they are a bother and, therefore, you are just secluding them to a particular place, so that people cannot access them. You must provide proper footpaths and ensure that their customers can access clean public toilets in case of a call of nature. If somebody needs to wash their hands, they must be provided with water. If people need to shop at night, there must be good lighting and proper security, so that after purchase of goods, they are assured that they can return home. This is one of the

most important aspects of this Bill that has been included that I find to be extremely brilliant.

Of course, the issue of cost comes up. This is not a free licence to counties to extort as much as they can out of this group of Kenyans. It will not be a shocker if you hear that certain counties want to charge this group of Kenyans, as much as they charge the main business people for a vending licence. It should be a minimal amount because these are people who, after all, are not taking much public space. They do not have much ability to pay the amount of goodwill that is required to be paid for one to put up a front shop in the main street of a county.

Therefore, the fee that will be charged, much as we cannot specify the amount, should be left to each county assembly, as they do their annual finance Bills. It is the assumption - I hope our county assemblies are able to do this - that the fees that will be charged to this group of Kenyans will be barely enough for county governments to operate without inhibiting business and growth.

The kind of attitude that we have towards our business people tells so much why, as a country, we cannot thrive. Regarding these multinational businesses that have set up camp in Kenya, sometimes we even have to send high powered delegations led even by our President, to try and convince them to set up business in Kenya. Some small-scale vendors who were given a conducive environment, encouraged to trade and given Government subsidies, today, are huge corporations and brands across the globe. Every huge success story that you read out there started from somewhere.

Some of the biggest companies that we read about today began in garages and small places. But with legislation such as this, those who had the forthrightness to think through and remember, know that if you encourage businesses to thrive, they can employ as many people and be able to pay you back in amounts that you can never think about.

Mr. Speaker, Sir, if you think about the effects of a company like Huawei to the Chinese Government, it can never be gainsaid. You can never wish them away. Judging from the kind of trade disputes that they are involved in today, it tells you their impact is being felt across the globe. The truth of the matter is that the founders had a simple dream, just like the dream of these vendors that we are trying to provide a conducive environment for.

Let us not treat this Bill with casualness. Let us not consider these small and medium enterprise business people as if they are a nuisance to us, as a society. They may not have the ability to pay as much as firms like Safaricom pay in terms of taxes, but surely, with a dream and a passion, given the right and conducive business environment, they are able to change the destiny of this country. Therefore, let us give them the kind of support that they need.

With those many remarks, I support.

Sen. Malalah: Thank you, Mr. Speaker, Sir. I stand to oppose this Bill for the following reasons: One, the Fourth Schedule of our Constitution is very clear as to what functions are devolved and what functions are centralized.

I think the function of urban planning is purely devolved. Therefore, as the Senate, we cannot micromanage the counties. I think this Bill is best placed in the county

assemblies. We already have the Urban Areas and Cities Act, which provides for the planning of urban areas and towns. I believe that county assemblies are the ones mandated to legislate on the nitty-gritties of the planning of various towns.

What makes me oppose this Bill is that in as much as we are celebrating devolution, we are still glorifying the central power by forming a street vending unit, which will be based in Nairobi City County. I want to state here categorically that the street vendors of Kakamega have got no business reporting to Nairobi City County. I think this is a matter that is supposed to be within the boundaries of Kakamega County. You cannot form a unit in Nairobi City County and say that after every three months, we shall be reporting to that unit. I want to say here that Kakamega County will not be part of the people who will be carrying files to come and report in Nairobi City County. That is why I oppose this Bill.

Mr. Speaker, Sir, it is high time we give Members of County Assemblies (MCAs) the powers of legislation. This is because different towns have different and unique concerns. The town planning of Nairobi City County is completely different from the one of Kakamega County. Therefore, it calls for a unique legislation in Kakamega County, as opposed to this blanket legislation.

I have looked at this Bill and want to believe that it wants to legitimize and entrench the so called Nairobi business community into law. We cannot have a centralized unit that all---

The Speaker (Hon. Lusaka): What is your point of order, Sen. Sakaja?

Sen. Sakaja: On a point of order, Mr. Speaker, Sir. I have gone through this Bill, and hope that Sen. Malalah has also gone through it. Can he kindly substantiate what this Nairobi business community he is talking about is and how it is being entrenched? I have not seen any reference to that in the Bill.

The only one I know is the Nairobi Central Business District Association (NCBDA) that is a registered entity. This Nairobi business community being entrenched is not in the Bill. In any case, the demonizing of Nairobi City County should also stop. Sen. Malalah should desist from demonizing Nairobi City County, where he lives and enjoys many good things.

Thank you, Mr. Speaker, Sir.

Sen. Malalah: Thank you, Mr. Speaker, Sir. It has been reported in both the print and broadcast media that there is an unlawful group called Nairobi business community. This Bill, if passed in its form, will provide a platform of legitimizing such unlawful groups.

I am alive to the fact that it exists---

(Loud consultations)

The Speaker (Hon. Lusaka): Order, hon. Members! Maybe you need to substantiate on which section will legitimize that.

Sen. Malalah: Mr. Speaker, Sir, the issue of centralizing that all street vendors will be reporting to one particular person in Nairobi will give autonomy to certain people

in Nairobi to exercise their powers the way the Nairobi Business Community is doing. I do not want to delve much into that point.

Mr. Speaker, Sir, the Urban Areas and Cities Act is very clear as to the role of a town Manager---

The Speaker (Hon. Lusaka): Sen. Sakaja, what is your point of intervention?

Sen. Sakaja: On a point of order, Mr. Speaker, Sir. There are things which are said casually in this House that have very different nuances. Whether that provision – about a centralized operation of the Ministry is good or not – can be debated. However, saying that if people report to Nairobi, they will be reporting to the Nairobi Business Community – a group he has already said is illegal – he himself reports to Nairobi. Is he, therefore, a Member of the Nairobi Business Community? All of us here in Nairobi are from different counties.

Therefore, Mr. Speaker, Sir, if he cannot substantiate, the rules are that he withdraws. This is because we are not part of any illegal formations just because we are in Nairobi. There are many entities in this country that are actually centrally managed, but they are not connected to any illegal sect or political movement. Those statements should not be taken casually from a serious Senator, the Deputy Leader of Minority from a county that is serious, as well and as a former MCA. I know that he wants the Bill to go back to MCAs, but can he reduce that, kindly?

The Speaker (Hon. Lusaka): Sen. Malalah, be careful. You may be wading in very dangerous areas in an attempt to impress your Kakamega people. Therefore, be a bit careful.

(*Laughter*)

Sen. Malalah: Thank you, Mr. Speaker, Sir. I stand guided.

(*Laughter*)

Mr. Speaker, Sir, the Urban Areas and Cities Act is very clear as to the role of a town manager. This Bill gives powers to the Committee Executive Member and the cabinet at the county level to rearrange towns and to determine where the vending zones will be, who should be relocated and licensed. This is purely and vividly described in the Urban Areas and Cities Act.

Mr. Speaker, Sir, this Bill has got no direct benefit to the street vendors of Kakamega, because I have mentored the Kakamega County Assembly to come up with a Bill that regulates the planning of Kakamega town. Therefore, we shall not be part of such a Bill that wants to deal with the street vendors of this country in a collective manner.

Nevertheless, Mr. Speaker, Sir, I want to speak for the street vendors of Kakamega. It is very important, as the Senate, because Article 96 of the Constitution clearly gives us the mandate to represent our counties and the people who voted for us. Therefore, when it comes to taxation of these street vendors, this is an issue that we need to look into in a more microscopic manner. I want to give an example of a street vendor

in Kakamega who pays Kshs50 in a day. Therefore, in 30 days, that street vendor pays Kshs1,500; and for a year, he pays close to Kshs18,000 as taxes. In comparison, a shop owner or a salon owner in Kakamega pays only Kshs4,500. I think we are over taxing that mama mboga seated in Kakamega or Khayega market. It is unfair for that mama mboga seated at Shianda Market in Kakamega County. Therefore, we need to relook at the taxation of this special group.

Mr. Speaker, Sir, we also need to cushion these vendors from unnecessary competition. It is absurd that in Kakamega, Tusks Supermarket has also resorted to selling omena, *nduma* and *tsimboga*. We, therefore, need to cushion these vendors from unnecessary competition. Let us not allow these chain stores to start selling *githeri* on their shelves. Let them concentrate on electronics, sofa sets and those other flamboyant gadgets. We cannot allow Tusks Supermarket, a multibillion shilling company, to compete with Wafula of Kakamega Town. Therefore, it is important that as we look at this Bill, we look at the interest of the street vendors down in the villages.

Mr. Speaker, Sir, I want to repeat that I oppose this Bill because it has not specifically factored for the interest of devolution. Devolution is meant to give county governments the power to manage and govern themselves. It is not meant to have a centralized system whereby, once again, even on matters of street vending, we still comeback to Nairobi to be governed by the so-called Nairobi Business Community.

Thank you, Mr. Speaker, Sir.

(Applause)

The Senate Majority Leader (Sen. Murkomen): Thank you, Mr. Speaker, Sir. I rise to support the Street Vendors (Protection of Livelihood) Bill, 2019. This is a very important Bill because if there is a sub sector in the business sector that has been ignored for many years, it is the one for street vendors. That is so, yet the Government gets taxes from these business people and they go through terrible harassments.

Mr. Speaker, Sir, I would really want to persuade my colleagues, like Sen. Malalah – although he has been very committed to becoming the next Governor of Kakamega County – to think beyond Kakamega. This is because this is about the dignity of a business community that has always been abused. If you watched the news a week ago, you must have seen some street vendors in Kitengela, Kajiado County, being beaten mercilessly by county *askaris*. This happened because there is no designated street vendors' area, and there is no clear business plan for how they will carry out their business. In fact, it is because street vending is generally considered a bad behavior across the country. It is also considered to be illegal. Therefore, this law is very important, in the first place, because it is recognizing that sector. It recognizes this sector as one that is worth being protected because they are contributing to the economy of this country. It also recognizes that that their struggle is because they do not have the money to officially hire a business premise to run their businesses.

Mr. Speaker, Sir, if you go to many towns in the world, for example, to Netherlands, you will find that on Friday, Saturday and Sunday, certain streets are blocked by the city governments – either in Amsterdam or in Denhaag – to allow street

vendors to run their businesses along the streets. If you go to Cairo, in the evenings almost every day, there are certain streets that are blocked. It is recognized by the Government of Egypt and the City of Cairo that when people are leaving work, they will pass through certain streets to buy certain goods, whether it is clothes or food.

Therefore, Mr. Speaker, Sir, first of all, the recognition of street vendors – those people we usually call ‘hawkers’ – and putting them in the map of Kenya, is the most important thing in this law. If we have certain misgivings about certain provisions of this law, there is nothing that stops this House, at the Committee stage, to improve the law. However, this is the beginning of ensuring that this law recognizes street vendors.

Mr. Speaker, Sir, the other thing that we must appreciate, as a Senate, is that we are the only House, as Parliament, that legislates to provide for standards and mechanisms that cuts across counties. If we argue here that we should not bring such laws to this House, and that we should leave it to the county assemblies of different counties to figure out whether they would recognize street vendors or not, we will have a problem. This is because the Constitution says that it is our responsibility to legislate on standards that apply across the counties.

Therefore, it is our role here to provide for the standards. If one reads this Bill carefully, it leaves the administrative responsibilities and even the legislation of county that will be an enabling law to make sure that this legislation operates. I totally support it.

Thirdly, I support this Bill because it provides for an institutional framework that allows street vendors to put in place trade unions. It allows them to have an organised leadership of street vendors across the country. This is so that they have a leadership across the nation and the possibility of exchanging ideas. If they had their trade union to speak against the brutalisation of street vendors in Kajiado, Nairobi, Nakuru or Mombasa and other places, probably they would be doing their businesses without being harassed. These people mainly operate in our big towns such as Kakamega, Kisumu, Eldoret, Nairobi or Mombasa. This institutional framework provided here will enhance security and protection to street vendors as they do their business.

Mr. Speaker, Sir, I know we have provided here for the role of the Cabinet Secretary (CS) and the role of the national Government in regulating vendors. At the Committee Stage, I urge the Committee to relook at it and make it a coordinating entity that will not be giving any directions to counties on how they will regulate their businesses. This Bill gives directions on how county governments will treat street vendors, provide them premises and mechanisms for them to be recognized.

Mr. Speaker, Sir, street vendors, squatters and all ‘hustlers’ - those who are now referred to as hustlers - deserve a place on the table in this great Republic. Whether they are in Kibera, Elgeyo-Marakwet or Siaya, it is important for them to be recognized just like the other businesses that have been recognized. As Sen. Cheruiyot said, they have been incubated. Some of those big businesses started small. If you meet some of the real estate owners in this country and ask them how they started selling big houses, you will be shocked. Most of them will tell you that they used to sell groundnuts in the streets and saved the money. Some sold chicken in the streets and now they own hotels in Nairobi and Mombasa and they hold high offices in this country.

We must not be the ones who will kill these chicken-sellers. If you read the autobiography of the late Hon. Njenga Karume, you will realise he started by selling charcoal. He was hawking charcoal from one corner to another until he became a distributor of alcoholic drinks and many other things. He became a huge businessman. He is a man we now remember because of where he started. It is important that such 'hustlers' are given an opportunity.

The other thing I like about this Bill is separating street vending when it comes to food. Food is very important. One of the things we do not do in this country is that we do not take public health seriously. We must be concerned about the persons who are selling food in our streets. It is important for us to know their health and whether they have been certified as persons who can handle food. I like Clause 20 because it separates the vending for purpose of selling clothes, these other things and also food.

Mr. Speaker, Sir, this is an area that we must think seriously. We must think about our public health. We spend so much money in treating diseases which we should have prevented. This is because some places where the food is grown is deplorable. The food that is grown along Nairobi River or Athi River is the same; it is deplorable. It is not just in Nairobi, but if you go to Machakos, Mombasa and other towns, we have the same problem of growing food along sewerage lines. It is terrible to imagine.

You will get an exposé in a media house talking about this story. We get enraged and we have Kenyans on Tweeter tweeting and trending. After two days, we go back to buying the same food. Nobody asks where it came from. These are the things that we must think about. I have even wondered whether this House – and Sen. Sakaja, you need to think about this- cannot think through a legislation that will establish Nairobi River Commission as an independent entity that will make sure we deal with the problems of Nairobi River. It is not just in Nairobi alone, but in adjacent counties of Kajiado or the sources that come from Kiambu towards Machakos.

River Thames had reached a stage of pollution that Nairobi River has, but they managed to rehabilitate it. Today, it is one of the major tourist attraction, source of transport and beautifies London because they took an initiative. Let us stop this business of saying we cannot do certain things because it will affect Nairobi City County or that Nairobi City County has the sole responsibility to do it. Nairobi City County alone cannot solve Nairobi River problems because this is a pollution of over 40 years.

Mr. Speaker, Sir, I am just digressing a little bit in relation to food. We need to form Nairobi River Commission so that we deal with this problem of pollution and food. I have someone saying even for Mau Forest we should form a special commission. I do not think we need a special commission for Mau Forest. What the Ministry is doing is already enough. They just need to apply proper standards of human rights when they are dealing with conservation of the forest just like they have to do it in Mt. Kenya or where I come from in Embobut and other parts of the country.

On this issue of pollution of destruction of human life and the provision of law on handling food, I hope we will get technical support to tighten this Clause 20. As far as vending of food is concerned, we need to apply proper health standards. We know

situations here in Nairobi where people are sold food laced with chemicals and they are dying. It is important to separate the two because of the kind of peculiarity that we have.

Mr. Speaker, Sir, finally, we must also deal with the question of selling medicine and certain chemicals. I do not know what happened to the law that was dealing with selling dangerous equipment. I see someone going around selling knives, *pangas*, machetes and spears in the streets. We need to think about that whether they are the right weapons that people should be carrying in the manner in which they are doing and handling in the streets.

(*Sen. Pareno spoke off record*)

I will come to that. When it comes exactly to the question of weapons, it is terrible.

There is also *dawa ya mende* and some other things being hawked in our streets. The most famous chemical sold around is “*Dawa ya mende, dawa ya mende*,” along the streets of Nairobi. You wonder whether it is fair for those chemicals to be sold in that manner because it is poison.

Sen. Sakaja: On a point of information, Mr. Speaker, Sir.

The Speaker (Hon. Lusaka): What is it, Sen. Sakaja?

Sen. Sakaja: Mr. Speaker, Sir, is the Senate Majority Leader aware that *dawa ya mende* and handkerchiefs are the fastest moving commodities in Nairobi and its environs. Speaking like this might jeopardise income for so many people. *Dawa ya mende* and handkerchiefs are sold by the same person. If one sells handkerchief, he must also sell *dawa ya mende* and vice versa. I do not know why, but, please, let him be careful because he might jeopardise our economy a bit.

The Senate Majority leader (Sen. Murkomen): Mr. Speaker, Sir, I must confess that in my earlier days just when I left campus, I bought *dawa ya mende* in the streets of Nairobi. It was a very efficient chalk. One just took it to the house and did some markings around and all the *mendes* were dead. Was it not dangerous that we were jeopardising our lives with the same *mendes* eating that chalk and maybe crawling into our *sufurias*, food storage and so forth?

Some of these things must be regulated, particularly pharmaceutical products. You will find people selling panadol and painkillers. The selling of traditional medicine too should be checked. You will find someone in a corner telling you that if you take certain “medicine,” you are going to perform well or if you take another, you will have a better stomach. I know people who take detoxifying medicine but since it is not regulated, someone could experience diarrhea and die. People die because such medicine are not prescribed.

I am not saying that our traditional medicine people should not sell their medicine but they should have licenses and do it in the right manner. Licensing of medicine, food and other dangerous goods must be separated from the rest like clothes and *sufurias*.

The vendors sell their goods at cheap prices. We must protect them because they serve a particular interest in the society because people can get items they use at home from them.

[The Speaker (Hon. Lusaka) left the Chair]

[The Temporary Speaker (Sen. Pareno) in the Chair]

Madam Temporary Speaker, as I support this Bill, I urge the Chairperson of the Committee to continue taking into consideration our concerns and incorporate them at the Committee Stage, so that we have a very beautiful Bill. I did not ask the Chair whether this is the Bill by Gov. Mwangi wa Iria because he cannot sponsor it and that is why it was taken up by our Committee. If that is the case, then that is a good way of working with county governments.

We encourage more governors to work closely with the Senate and come up with innovative solutions to problems that they think the Senate can provide intervention. It is an admission that as a House that deals with protection of counties, governors should continue working with us. They should not just work with us when it comes to legislation or things that they want us to intervene against the national Government like allocation of money. They must also work with us as far as oversight is concerned. They must adopt the spirit that oversight is a good thing because it makes the counties better and more accountable.

Why are governors ready to walk to the Directorate of Criminal Investigations (DCI) and the Ethics and Anti-Corruption Commission (EACC) offices instead of coming to the Senate where we give recommendations on how to make systems in counties work better? It is because most of them ignore the Senate and the summonses of this House. I want to give them a warning on this Floor.

“Mr. Speaker”, we know governors who like drama and prefer---

The Temporary Speaker (Sen. Pareno): Order, Senate Majority Leader! Mr. Speaker is not on the Chair because we have Madam Temporary Speaker. You have continuously referred to me as Mr. Speaker.

The Senate Majority Leader (Sen. Murkomen): Madam Temporary Speaker, I have no doubt as far as your gender is concerned. The Speaker was on the Chair before you and that confusion is still there.

We know that governors who refuse to appear before the Senate love drama. That is what Nairobians call *vipindire*. We are not interested in that kind of drama. The Senate is only interested in finding the truth on how our resources are being used in the counties. The moment our County Public Accounts and Investments Committee (CPAIC) issues orders like they do, they should make recommendations to the EACC and the DCI that certain governors hinder us from finding the truth on how resources are being used. The Committee should work closely with the EACC and the DCI if governors who are summoned are not willing to cooperate.

There are six governors who used to be Senators and I know we will have about 10 of them after this term. They must work closely with the Senate to make systems better. I do not know why governors want to handle money directly. The CPAIC should work with county governments and bring another legislation that will remove powers of governors to deal with money. As a governor, why would you want to deal with the money, resource allocation and procurement? They must not be involved in that.

The same way nobody imagines that the President should be summoned on matters concerning procurement because it is not in their purview, county governments and governors should distant themselves from county accounts and resources and procurement process so that they provide oversight leadership.

Madam Temporary Speaker, I can see that Sen. Malalah who is a former MCA, the current Senator and future governor is not impressed with what I am saying. I must protect him as early as possible before he becomes governor in 2075 because I know there is a better candidate in the immediate future.

(Laughter)

Basically, we must ensure that governors work closely with us on oversight and in our endeavour to promote county governments to get the necessary resources.

Madam Temporary Speaker, I beg to support.

Sen. Mutula Kilonzo Jnr.: This is an important Bill Madam Temporary Speaker.

From the outset, I agree with Sen. Malalah that we must remove the issue of the Cabinet Secretary (CS) dealing with hawkers and street vendors anywhere in the country. I am glad we are debating this when Sen. Sakaja is here because many street vendors, or if you like hawkers, who are mostly mistreated are those in Nairobi.

One time when I was coming from Makueni, I passed through City Stadium. There were hawkers who were selling vegetables and clothes outside Wakulima Market yet it was raining cats and dogs. There was darkness but they were on the lookout for the county council *askaris* who are notorious for arresting them. This is the story everywhere. I hope that the sponsor of this Bill will factor that in.

Every time there is fire at Gikomba Market, Sen. Sakaja and all Senators of Nairobi go there to commiserate and shed crocodile tears. They promise all sorts of reparations and fire engines that never come. The other day it was Toi Market and there were crocodile tears. It also happened in Kawangware and again, there were crocodile tears but there is never a solution.

Sen. Sakaja: On a point of order, Madam Temporary Speaker. Is the Senator for Makueni County in order to insinuate that I have been in any of those incidences he has mentioned shedding crocodile tears as a disaster celebrity? When there was a fire at Toi Market, I did not go there. The last time I went to a disaster site, I said it was the last time because it is very unfortunate for us to keep going.

Could he name which Senator he is talking about? I do not know which other Senator from Nairobi City County unless I have a duplicate or if it was another Member of my delegation. Personally, I do not see the space of a leader at the point of disaster.

Commiserating with the people later is necessary but not when the disaster is happening because you hamper rescue efforts.

Sen. Mutula Kilonzo Jnr.: Madam Temporary Speaker, Sen. Sakaja only went to a tragedy site once but it appears like so many times because he is the head of a big delegation from Nairobi. I should have stated that Sen. Sakaja, the Nairobi Delegation and the leadership of Nairobi County are generally at every tragedy and they are always left to statements. It is not good to appear every time to contribute clothes and money to people who have lost their livelihood.

The hawkers are the most taxed group of people. The taxation includes the corruption that is with the police officers and everybody who wants to collect money from them. Video clips of women hawkers being harassed are always making rounds because a majority of vendors in this country are women. The men in Nairobi hold on to watch out for the city council *askaris* and help the women hawkers to run away but the people who trade are women. The people who lose their clothes in Toi Market or Gikomba Market are women.

Madam Temporary Speaker, when I was young, we used to take pride about Uhuru Highway. We used to call it Uhuru Highway Investments because we would buy very many nice things that were sold there but there was also contraband. Therefore, the trade by hawkers must be regulated. Mr. Ezekiel Mutua should have been there at the time to ban very explicit material that was sold to you if you rolled down your window.

Regulation is important because it bothers me when I go to markets in Makueni County that there is no sanitation. Governors have opened markets all over the country. I am aware that even Sen. Kibiri's Governor recently opened a market in Kirinyaga County. It amazes me that governors are putting up market stalls without putting up sanitation facilities. I am aware that the market traders in Makueni County have to pay for sanitation facilities in the neighborhood. It is ridiculous.

I am happy that this Bill proposes that there must be sanitation facilities in the markets. However, there is something he forgot and that is why I introduced the disaster celebrities. The proposer of this Bill forgot to mention that fire is one of the biggest disasters for any of those people. Businesses were destroyed as a result of fire in Wote, Makueni County. Is there a way we can find some form of insurance, then the concerned governments can give some element of guarantees?

Madam Temporary Speaker, most hawkers borrow money to set up businesses. Equity Bank has been good to the small traders. I commend the bank for supporting the local traders who go to them seeking loans without any security. Other mobile financial lending applications such as 'Fuliza' are helping the small traders. Could the proposer of this Bill in collaboration with Safaricom and other mobile service providers find a way of providing some form of insurance for the small traders? I do not know whether the proposer of this Bill is aware that M-Shwari trades the highest before 6.00 a.m. every day. The reason is because most of the users of M-Shwari are the women small traders who are trying to eke out a living very early.

I am not very certain about categorizing street vendors. We can restructure that and ask them to register. We can copy what happens in Entebbe where street vendors are

numbered for purposes of identification. As Sen. Malalah has said, to avoid the infamous or famous, Nairobi Business community, give the small traders identity badges so that they are easily identified by a number. That will be much better than categorizing the traders as 'X'or'Y'.

Madam Temporary Speaker, the idea of vending zones is long overdue. I therefore urge Sen. Kibiru to incorporate the ideas of the Urban Cities Act which provides that counties will have city managers. It is the city managers and not the County Executive Committee (CEC) members who are responsible for the zoning of markets and cities. County governments should be compelled that by the time they are zoning the proposed zones, there must be a spatial plan. There must be a place in Nairobi that is designated for doing these sorts of businesses such as Kawangware, Toi and many others.

I wonder whether it is possible for the Bill to suggest a certain day when the small-scale traders can be given tax holiday because they are over taxed. Some of the incentives that we are giving the Chinese gives them an opportunity to come into the country through special economic zones and many other frameworks. We are giving the Chinese an opportunity to trade without paying taxes or licences at the first instance.

Madam Temporary Speaker, an hon. Member complained here that we are overtaxing the small-scale traders or hawkers. Is there a role of the county assemblies that we have not incorporated in the Bill? Finance Bills are passed by the county assemblies. Is there a human right component, social economic rights or the Bill of Rights that can be incorporated in the Bill so that when the county assemblies pass that Finance Bill, they cannot overtax the people who do honest business? Alternatively, we should make sure that there is adequate public participation before some of these things are done.

I would like Sen. Murkomen to hear that this category of street vendors otherwise known as hawkers are the real hustlers of this nation. The rest are not hustlers. These are the real hustlers because they make Kshs50, Kshs100 or Kshs200 in a day. The people who have sitting allowances, standing allowances and many other allowances are not hustlers. They have crossed the threshold of being hustlers.

The Temporary Speaker (Sen. Pareno): What is your point of order, Sen. Murkomen?

The Senate Majority Leader (Sen. Murkomen): On a point of order, Madam Temporary Speaker. Is it in order for Sen. Mutula Kilonzo Jnr. who was born a dynasty to speak on behalf to us on who hustlers are? We have always insisted that Jomo Kenyatta, Daniel arap Moi, Kipchumba Murkomen among others who hustled from squatters to where they are today are hustlers. Even if such individuals have achieved what they have achieved today, they came from a hustling background like Sen. Malalah. However, Sen. Mutula Kilonzo Jnr. cannot purport to be a hustler.

Sen. Mutula Kilonzo Jnr.: Madam Temporary Speaker, Sen. Murkomen has made a mistake. I was born of a very hardworking lawyer whose father was a peasant farmer. I therefore know what hustling is all about. My father was a hustler. However, some of Sen. Murkomen's colleagues and friends cannot be hustlers. Their fathers could have been hustlers but they are not hustlers themselves. Any one of us seated here cannot

refer to themselves as a hustler unless that word has a different meaning that I do not know.

The Temporary Speaker (Sen. Pareno): What is your point of order, Sen. (Prof.) Ongeri?

Sen. (Prof.) Ongeri: On a point of order, Madam Temporary Speaker. For purposes of the record of this House, I would like to know the meaning of the work ‘hustler’ from a standard dictionary because I have a feeling we may be applying the word “hustler” which has a completely different connotation. Are we in order as a House to be referring to either side of the individual as hustler when we are not sure and clear about the meaning of the word hustler?

The Temporary Speaker (Sen. Pareno): What is your point of order, Sen. (Eng.) Maina?

Sen. (Eng.) Maina: Madam Temporary Speaker, a hustler is an honorable person. It is a profession of honour. If you look at the dictionary, a hustler is described as the earliest pickpockets. Therefore, we should not be applying this term loosely. We should only apply it in the context of what we are talking about, that a hustler is an honorable person who wants to uplift his/her living standards and who is bringing honour to his country. We should expound on it and make it clear.

The Temporary Speaker (Sen. Pareno): Sen. Were, let us hear whether you have a better description of a hustler.

Sen. Were: Madam Temporary Speaker, I would also like to inform this House and especially Sen. (Eng.) Maina, that certain words acquire meaning that is not necessarily in the dictionary but depending on how it is used over time. The word “hustler” now has acquired a different meaning from what is in the standard dictionary. Maybe, in a few years, we will get a fourth or fifth meaning of the word “hustler”. As it is now, it also means a hardworking person, who is not necessarily in a formal way of operation. The Senate Majority Leader is right on the meaning of the word “hustler”.

Sen. Kibiru: Madam Temporary Speaker, that issue came up the other day. I just want to read out what the word hustler means. According to one of the renowned dictionaries, a hustler is a prostitute. A hustler is a shrewd, unscrupulous person who knows how to circumvent difficulties. That is the meaning and because we are a House of Order like Sen. (Prof.) Ongeri has said, we need to clarify---

The Temporary Speaker (Sen. Pareno): Which dictionary? Maybe you can tell us which dictionary it is.

Sen. Kibiru: This is Oxford English Dictionary.

Sen. Malalah: Madam Temporary Speaker, I stand here to defend the Senate Majority Leader, my good friend, Sen. Murkomen, who refers to one of his bosses as a hustler. The definition of a hustler in the google dictionary is: “a person adept at aggressive selling or illicit dealings”. We all know that Hon. Murkomen’s boss indulges in illicit dealings and therefore, he qualifies to be called a hustler.

Thank you, Madam Temporary Speaker.

(Laughter)

The Senate Majority Leader (Sen. Murkomen): Madam Temporary Speaker, my boss here is the Chair. Is Sen. Malalah in order to insinuate that the Speaker of the Senate is dealing with negative or illicit things when he was part and parcel of the people who voted for the Speaker of the Senate? Is he insinuating that the boss he is referring to is any other leader in this country or President Uhuru Kenyatta who is also my boss? Is it in order?

Having said that, I would like to tell Sen. (Prof.) Ongeri that overtime, every language grows from its original definition to another meaning. Every English word grows with time. If you see the current definition of a hustler - I will read for you from the Thesaurus dictionary – “a hustler means a person who moves or acts energetically and rapidly. It also means to push or force one’s way. It also means to act aggressively, especially in business. It also means to cause or urge to proceed quickly or a hurry”.

Madam Temporary Speaker, it also includes other dictionary definitions like prostitutes, people who steal and so forth. It is up to you to choose what you want. I would draw the attention to Sen. (Prof.) Ongeri, who was a lecturer at the university in the past and a renown professor to a book written by a South African - I will get the name of the author, who published the book this year, - titled “*The Hustler and the Dealings of Business in Johannesburg*”. The book talks about how people have moved their way up from down and how you can sell a business aggressively. There are so many other books that have been published overtime.

You ascribe a meaning to a word depending on what you exactly want to mean as a person. Let us not make the generalized accusation that if a word has more than one meaning, it can only mean that which you want to say.

Sen. Sakaja: Madam Temporary Speaker, we have concentrated on a word which we do not have full understanding on, “a hustler”. I was born and raised in Ngara. In fact, I am the only Member of Parliament who can walk to where they were born and walk to where they stay currently.

Madam Temporary Speaker, this started when Sen. Murkomen said that Sen. Mutula Kilonzo Jnr. is from a dynasty. Sen. Murkomen is a son of a pastor, so, he must know the bible. If you look at 1 John 3, it says:-

“See what great love the father has that we shall all be called children of God”.

Galatians 3:26 says: “So in Christ Jesus, we are all children of God.”

Now, if God is the king and we are in the kingdom, are we not all dynasties? Since we cannot agree on hustlers, let us agree on dynasties; that everybody here is a member of the dynasty, if you have accepted Jesus as your personal saviour. We are proudly a dynasty.

Thank you, Madam Temporary Speaker.

(Laughter)

Sen. Shiyonga: Thank you, Madam Temporary Speaker. I am standing on a point of information. We are concentrating on issues which, as much as they are meaningful, but really the issue of hustler is not what we need to discuss right now. I know people are

focused on hustler or hustling but when we look at the street vendors that we are talking about, they are the best hustlers that we need to describe. It is not what people are thinking about, it is not what we are discussing from our dictionaries. Let us leave that alone and concentrate on our street vendors who are the hustlers that we are talking about and protecting right now.

Thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Pareno): I guess that issue is settled. You have all given different descriptions of what a hustler is. So, you have all answered yourselves and we can therefore proceed with Sen. Mutula Kilonzo Jnr.

Sen. Mutula Kilonzo Jnr.: Thank you, Madam Temporary Speaker. it was interesting to listen to tycoons, landlords, and dollar millionaires speaking about hustlers. You live and learn.

(Laughter)

The last point I wanted to make about this issue is the health and safety standards. There must be a method regarding the zones – I think Sen. Kibiri has a zone where street vendors and hawkers are doing their business. So, there must be a health facility or a person who can help them other than fire, include health and security. There must be a police post where they can feel protected, their wares can also be protected, but more importantly, there can be fire equipment to deal with any damage that maybe be caused to their goods in the event of a fire. There should also be availability of sanitation facilities and clean water.

I beg to support.

Thank you, Madam Temporary Speaker.

Sen. Kinyua: Asante sana, Bi Spika wa Muda, kwa kunipa fursa hii ili kuunga mkono Mswada huu.

Kwanza, ninataka kushukuru mheshimiwa kwa sababu Mswada huu unapendekeza kuwa sehemu fulani zitatengewa wachuuzi rejareja wafanyie biashara zao.

Pili, Mswada huu unapendekeza kwamba sehemu ambayo itatengewa wachuuzi rejareja inapaswa kuwa na vyoo vya kutumia na usalama. Hii ni kwa sababu inavunja moyo kwa mtu ye yote kuambiwa afanye kazi mahali ambapo hakuna usalama na vyoo vya kutumia.

Jambo lingine ni kwamba ukitembea katika sehemu nyingi huku Kenya, utaona kwamba wachuuzi rejareja wanaishi maisha ya kukimbizwa kila wakati; wanaishi maisha kama ya swara. Unapata kwamba askari wa kaunti ambao wameajiriwa, ni watu wa miraba minne na kazi yao ni kuwafurusha wachuuzi na kuwanyang'anya au kupora mali yao na kuwachapa.

Kwa hivyo, kwa Mswada huu utakuwa wa manufaa sana kwa wananchi wa Kenya.

Mswada huu unapendekeza kwamba ikiwa kaunti inataka kuwatimua wachuuzi ambao wamekubaliwa kufanya biashara katika mahali fulani, lazima wapatiwe notisi ya siku 30. Hilo ni jambo muhimu sana kwa sababu atawezekana kujipanga na kujua kwamba ikiwa ataondoshwa mahali hapo, basi atapelekwa mahali pengine.

Seneta wa Kakamega amesema kwamba sisi hatuna haja ya kuujadili Mswada huu. Nataka kumkosoa kwamba sisi tuko na haki ya kuujadili Mswada huu, kwa sababu tuna jukumu la kuwaangalia wachuuzi wa reja katika kaunti zetu kwa sababu ugatuuzi umekuja. Hizo ni sehemu ambazo tutaziangalia. Kwa hivyo, naiomba Kamati inayohusika iaangalie zile sehemu zinazosema kwamba Waziri wa Serikali Kuu ndiye atakayehusika. Tuko na mawaziri wetu katika kaunti zetu, na watayaangalia mambo haya kwa marefu na mapana. Ni vizuri ijulikane wazi kwamba sisi, kama Seneti, tunapaswa kuangalia mambo haya ndio tuweze kuwa na usawa katika nchi yetu ya Kenya, na katika kaunti zetu zote 47.

Kwa hivyo, nasimama kuunga mkono Mswada huu. Wakati Kamati hiyo itakapoangalia Mswada huu, basi waangalie mambo ya kodi. Hawa ni wafanyabiashara reja reja, na hatuwezi kuwalinganisha na watu amba wako na maduka makubwa ama wafanyabiashara waliobobea tayari katika biashara zao. Hawa ni watu wanaojaribu kujiinua katika maisha yao. Kwa hivyo, tunaomba watozwe kodi kulingana na biashara zao. Hii ni kwa sababu ukiwatosha kodi kubwa, hatutakuwa tukiwasaidia Wakenya, ila kuwafukuza katika biashara. Tungependa tuwape motisha ili walipe ushuru. Jambo lingine ni kuwa kwa sababu wao ndio wanaolipa ushuru mkubwa katika nchi yetu, basi tunapaswa tuwapatie stima pale mahali wanapofanya kazi ili waweze kufanya kazi kutoka asubuhi mpaka jioni.

Asante sana, Bi. Spika wa Muda.

Sen. (Dr.) Zani: Thank you, Madam Temporary Speaker. Let me just start by talking about the sins – let me call them ‘obvious sins’ that have been witnessed in this country – where traders are chased by *askaris*. They have to run with their wares, others have been trampled on, and their children have fallen down and been injured. It is as if it is a crime to earn a living. I think this is what this Bill tries to address; in showing that there is order in that sector. This is because one way or another, we are about 98 per cent of Small and Medium Enterprises (SMEs) which are doing businesses in this country; contributing about 30 per cent of jobs and 3 per cent of Kenya’s Gross Domestic Product (GDP).

This is, therefore, a very critical group. These small-scale industries create employment for many Kenyans. They also create self-employment, which is the direction I think we are taking, considering what has happened in our education sector, where we are encouraging young people to move more towards self-employment. Inadvertently, the SMEs actually contribute to economic growth on these employment opportunities, which are key.

Therefore, Madam Temporary Speaker, let me congratulate Sen. Kiburu and the Standing Committee on Tourism, Trade and Industrialization, for working on this very important Bill. This Bill has been on the stakes, getting prepared for quite a bit of time. I know that a lot public participation has gone into this Bill, discussing with stakeholders. This was to ensure that this Bill can actually be brought, processed and passed in this House so that we can create the order that is important within this sector.

So, what does this Bill aim to do? It aims to entrench the right to formal trading, which most of the time is spoken about, but it has not really been entrenched in law.

From the messages that we sometimes get from the traders on the treatment they get, it is as though this informal sector has not been nurtured enough. Therefore, the Street Vendors Protection of Livelihood Bill goes a long way to entrench the protection of livelihoods and make it a right.

Part V of this Bill also talks about the specific rights for the people who are vending; the rights and obligations of street vendors to be there, to access essential facilities, reasonable quality of life and being able to operate. This includes ensuring that they have security, lighting and sanitation; those are some of the rights that they have been given.

Additionally, this Bill is important because it gives and bestows rights that, most of the time, we take for granted or we just assume. We just see someone who is trading and look at it as if it is just something that happens without legislating properly to ensure that they can do so safely, securely and with confidence.

This Bill also gives the license to the vendor, which means that this person has gone through the process of being vetted to have the license. That license cannot be revoked, and they would have to be given a letter to show the cause why it has to be revoked. They are given a chance to actually write back and indicate conditions that they will be defending on why that license should not be revoked.

Therefore, Madam Temporary Speaker, this means that these vendors actually end up in a database within the counties at the County Executive Committee (CEC) level. It also means that it is also legislated at the unit which is at the national level. The Bill does not indicate how that unit is going to be; the assumption is that it is in Nairobi, because it gives that responsibility to the Cabinet Secretary (CS).

It is important to realize that this Bill just cascades what is already a phenomenon, and takes it right into the counties. It is another one of the very important Bills that deals with devolution, trying to take various responsibilities, through the CECs, to the counties. It is not just through the CEC members, but also through their own county assemblies, come up with legislation that is cascaded to the needs of a particular county. I think that is very key. Therefore, on that issue of rights, this Bill will give a lot of confidence to the vendors.

Madam Temporary Speaker, I was somewhere recently, where I saw a programme where the vendors--- First of all, the designated area is key. We know that there are certain countries where certain streets or areas that are even allowed to be vendors' streets at certain times. This is an ingenious way of trading.

I saw very slim stores along a corridor which would open during the day and be locked up in the evening. They will just lock up their wares in a very dignified and safe manner that allows for people to pass across the streets. That means that the vendors do not have to close shops, remove all their wares, go home with them and then come back with them in the morning. As long as some level of security is put there, then the confidence that, "This is my area; this is my spot, I have a padlock to this space," allows them to run with that sort of confidence.

This legislation also aims to regulate informal trading, including areas for conduct of such trade, and we have already talked about that. It also regulates the distribution of

public space for this informal sector and effective organization and regulation of informal trade. It also says that it will open it up to public participation to ensure that all these considerations are put into place.

Madam Temporary Speaker, when it comes to the functions of the unit, they are well stipulated and I want to highlight just a few. These are to maintain, in collaboration with county governments, a national registry, which will be very key. That way, those who are part of this registry are part of the people who have paid the license. This Bill does not legislate directly to the amount that has to be paid in terms of the license. However, I think that it would be important to also ensure that the licenses do not cost too much and that they are not very expensive. This is because doing so would cut off a category of traders, especially if the license being sought is very expensive.

Likewise, going through this Bill, I did not see a penalty clause, and it is worrying. I think the framers of this Bill probably felt that, “Let us not put a sanction or penalty clause because we do not want to penalize these traders who are trying eke a living out of the trade,” but I think it is important. We can regulate, so that it is not such a high penalty, because how then do you deal with a situation where some of the provisions for this Bill are revoked as the trade is going on?

I, therefore, propose that, at Committee of the Whole, that we consider putting some sort of sanction which is not very high. We should find methodologies for the adherence to these basic principles, which would be very important. Also, there is the need for the collection of data relating to street vending and street vendors in Kenya for planning and efficient management of street vendors. That way, it will be known how many they are, which part of the streets they are at, which part of the counties are they at, and what they are doing. This would be important so that some sort of variation also comes in.

Everybody is doing exactly the same thing. So, there are no enough variations. For example, everybody is selling clothes along the streets. So, we need to have some sort of variations and decide what goods can be sold in a specific place and how it will encourage and help those goods to be sold. This is because inbuilt competition will not help much.

The Bill also has different zones which are well streamlined. There are free vending zones which are restriction free. This means that a person can go there without a problem. There are also restricted vending zones where a person would need to be there only at a particular time or sell specific wares. There are also no vending zones which are a no go zone.

As this Bill is implemented, it is important for vendors not to feel as if they are confused about where to be. That is critical. This Bill also talks about coming up with surveys to find out how best these trade will go on. The messages for this survey is also given out, for example, the best places for vending zone plans and asking questions of how best to display the wares.

Clause 10 clearly stipulates the vending centres which need to be contained, well constructed and maintained especially if they are permanent features. I have also talked about semi-permanent structures that can also work well.

Clause 12 is key because it talks about how a person should not just be evicted especially if they have a licence. They must also be given a notice so that they are answerable.

Part iv on registration and licensing of street vendors deals with all the issues of registration of street vendors and how they should go about it. The registration is the responsibility of the County Executive Committee (CEC) Member at the county level. This is an example of the devolved aspect of this particular Bill.

I have heard Clause 20 which is about the handling of food being mentioned. This is a specific provision which will ensure that the food that is being sold is clean, safe to eat, there is no smoking while preparing it and no coughing or sneezing. There are various myths that people have when they are about to buy food and when they begin to imagine what might have happened to the food before they buy it, they might be tempted to think about it. So, at least, there is confidence that a person can buy this food because it is safe.

Madam Temporary Speaker, this Bill creates the order that is necessary in this particular sector which is key and important. Towards the end of the Bill at miscellaneous provisions, Clause 28(1) states:-

“A county government may enact county specific legislation generally for the better carrying out of the purpose and provisions of this Act.

This is important. I mentioned that there is no penalty Clause which we might need to have. However, something worrying in this Bill is that in Clause 28(c) there is a misplaced sentence which states that-

“criteria for the registration of a children’s home within the respective county;

So far, this Bill has not talked about children’s home. This might be an important typo that needs to be corrected so that this Bill stands in terms of the subject matter that is being referred to.

There should be a consideration for a mild penalty Clause or something that should keep order. Licensing and revocation of licenses should follow up with each individual who are trading in each of the counties.

Madam Temporary Speaker, I support. This Bill will help to transform and streamline this sector for our vendors and traders and not brutalize their livelihoods or make it look like something that should not be done or a favour that somebody is doing for the other. It is a dignified way for Kenyans to earn a living.

Sen. (Prof.) Kamar: Thank you, Madam Temporary Speaker, for giving me the opportunity to join my colleagues in supporting this wonderful Bill that has come before the House. I thank Sen. Kibiri for drafting this good Bill.

Street vendors are part of the economy of this country. They are an ignored group that is not regulated and appreciated. So, it is good that we finally come up with a Bill that will not only identify and register them but further give them standards, privileges and rights.

I come from Eldoret Town within Uasin Gishu County where we have had a lot of conflict between street vendors and businessmen on one hand and at the same time,

conflicts between street vendors and the law enforcers, the ones that we call town *askaris*. Sometimes, you wonder what the conflict is about. It looks like it has to do with the nonexistence of any right to sell yet street vendors do businesses not for themselves but for other Kenyans. So, this is a group that is deals with available clientele. Whenever there is available clientele, a business person takes up the opportunity. This is a group of Kenyans who are not able to build shops like others or own anything. That is why they are called street vendors.

This Bill will therefore help us to regulate who the street vendor is and their operations. I am impressed by a number of features of this structured way of conducting street vending activities. It is only in a neighbourhood in Uganda where you find that every street vendor is known not only by the number behind their dust coats but also by their colour. Those who sell roasted maize have a different color of coat from those selling roasted meat, chicken *et cetera*. They have that because they have implemented standards and regulated how vendors do their work. This way, it is safe not only for the vendors but also for the customers.

Madam Temporary Speaker, there is also an issue of periodic markets that have been introduced by this Bill which is found in the first world. If you go to France, they designate a day as the street market day. A whole street is opened for sales by street vendors. I have been to such a day and it is amazing because they sell more than the shops. The population that comes to shop from the streets is more than any other. Everybody goes to the streets. It does not mean that street vendors sell to the less fortunate in the society; they sell to everybody. Many people come to shop with their children and students also come to shop. So, having designated market days is important for them. We also have our own periodic markets during market days. However, that is always done outside the city. These Kenyans also have a right to the streets in the city. If on a day, for example, a weekend, they are given a certain street, that day, it is known that it is a day designated for them and nobody will harass them.

Madam Temporary Speaker, this is an important Bill. Relocation and eviction of street vendors has been conducted in an unsystematic way by our county governments. However, this will be regulated. By having vending zones, it means that the rights of Kenyans will not be violated. The right to acquire goods and possessions is important. The right to protection from harassment is within the Bill or Rights in the Constitution but has not been implemented.

This Bill will open up other frontiers for Kenyans to have a very decent way of doing things. They will do their business in a very organized and respectable manner. They will also be respected by the rest of us. As I said earlier, these Kenyans are contributing a lot to the economy of this country, but nobody recognizes them as the engine that drives our economy.

They have been considered as people who are invading the rights of others on the streets. We need to understand the fact that what attracts them to be on the streets is us who are their customers. They are not doing it unto themselves and for the customers. All of us believe in buying things off the streets. However, if we can do it in an organized manner, as this Bill states, it will make us progress in that line.

With those few remarks, I support.

Sen. (Prof.) Ongeri: Thank you, Madam Temporary Speaker, for giving me the opportunity to contribute to what I consider one of the most important Bills before this House. The Protection of Street Vendors Livelihood Bill 2019, deals with the plight of the street vendors.

I had the privilege of being the Minister of Technical Training and Applied Technology in 1988. One of the issues we needed to resolve immediately, was *Juakali* artisans. They were spread all over the place and were doing things in a disorganized manner. The word '*Juakali*' was at that time considered very demeaning. If you called somebody a *Juakali* artisan, he would feel demeaned in stature and standing in society. We embarked on reorganizing the *Juakali* sector. First of all, we created the necessary infrastructure for them to function in a much more organized manner.

Secondly, *Juakali* artisans were operating in informal settlements. We agreed with the World Bank to provide basic needs in our informal settlement. These basic needs were water, sanitation and waste disposal management. We did not want our people to go to a place which was unhygienic and then you breed another new problem of health hazards. You do not create a system by creating another health hazard. When we organized this sector, they were running in an organized manner throughout the entire Local Government system. There was proper allocation of land for everyone to function properly.

We then embarked on the second stage of upgrading the skill. We formed a National *Juakali* Association. Those of us who can remember history, I carried out the first prototype exhibition in Eldoret Town. To the surprise of many, this organization grew to become a giant organization. It was able to move people from Moi Avenue, Tom Mboya Street and many other streets. That is how the industrial complex came up in Industrial Area. Today, it is now an East African Exhibition Centre. I give credit to those who worked with me at that time.

Madam Temporary Speaker, it is possible to organize informal settlements to a completely new outfit which is productive and contributes to the economy of this nation. I am bringing this point because the Bretton Woods institutions put a crunch on Kenya getting foreign exchange. Between 1990 and 1992, the people who were able to keep this country afloat by providing employment was the *Juakali* sector. It provided 40 to 60 per cent of informal employment. They helped the nation hunch over from that area. When you compute, the contribution of these people to society had a particular index level for GDP.

When you look at informal trading that is happening everywhere in our counties, it is the mainstay of our economy. It is able to touch the households that have very little money to spend. They can only operate in an organized place for them to earn their living and support their homesteads in a manner that is acceptable in society.

It is a pitiful situation when even our *boda boda* riders were fighting for reorganization; to be placed somewhere where they can do their business with dignity. The level of harassment and dislocation that they have suffered is immeasurable. We can do this within the purview of the law because *boda boda* is also a business that can help

our youths earn a decent living. So long as the people are educated on the value of the rule of law, then they can survive in a competitive environment without being harassed.

Madam Temporary Speaker, we now have fires razing down some of these establishments. It is a pity that these fires are completely razing all the investments that someone has worked on for years on end. It is just razed to the ground without any recourse to any way of recapturing or getting compensation.

I support this Bill because its spirit envisages reorganization of these people into a functional unit that is accountable and can bring sense into the business world. Therefore, they can also have their niche.

[The Temporary Speaker (Sen. Pareno) left the Chair]

[The Temporary Speaker (Sen. (Dr). Lelegwe) in the Chair]

Madam Temporary Speaker, that is why I keep on insisting that one of the things that must be done in any county, including Kisii County, we must learn to do geospatial planning for every town, headquarters of counties and urban centres. We must do spatial planning to cater for the zones of these informal trading centres. We need to protect them because they do not have enough resources to invest in heavy capital investment activities. We want them to survive on their little daily earnings because that is what they know best and provide comparable qualities. For this to be a meaningful venture, let us get them organized while the county and national governments are also getting organized.

Let us organize them into viable organizations with the privileges and rights. They must fight for their rights and privileges where they feel that they are being cornered. To organize the county and national governments to make adequate provisions that are not limited to security, solid waste management, water, lighting and parking facilities, but other necessary facilities. These facilities are necessary for these units to be viable. Otherwise, if we do not do so, we risk turning our urban centres and peri-urban centres into huge slums.

It will take us a lot of energy and resources to clean them up. If you ever went to Lagos, it takes you about half a day to drive from the centre of Lagos to the airport which is only about 10 or 11 kilometres because of many slums. They had to do re-planning. That is why they relocated a new centre to Abuja in order to accommodate the planning.

The centre-piece on this Bill must be that, once county governments take it as their baby, they must do geospatial planning effectively so that they make provisions for goods and services and how they should be organised. They should also create certain zones for specific products. For instance, you can have a food market which has a completely different zone altogether. Next to it, you can have woodwork hardware and other things. Of course, the traditional ones we have where goats are sold---

(The red light at the Clerk's Table was switched on)

Mr. Temporary Speaker, Sir, I am being warned without the amber light.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Sen. (Prof.) Ongeri, we have to give Sen. Faki an opportunity to move a Motion of Adjournment. You conclude then you will have a balance of about 10 minutes next time.

Sen. (Prof.) Ongeri: Let me conclude this way: The only problem I have is that, this law is being driven by the national Government but it should be a county government affair. We have county assemblies and the necessary laws should be put in place.

I support this Bill and thank you.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Hon. Senators, Sen. Faki, the Senator for Mombasa County, has requested to move a Motion of Adjournment to discuss a matter of national importance on the Likoni Ferry tragedy.

MOTION OF ADJOURNMENT UNDER STANDING ORDER NO.34

THE LIKONI FERRY TRAGEDY IN MOMBASA COUNTY

Sen. Faki: Asante Bw. Spika wa Muda kunipa fursa hii ili kuwasilisha Hoja ya kuairishwa kwa Bunge ili tuweze kujadili kuhusu ajali iliyotokea katika kivuko cha feri cha Likoni, Mombasa *County*, mnamo Jumapili, 29th September, 2019. Vile vile, tunafaa kujadili hali ya huduma katika kivuko cha feri cha Likoni.

Bw. Spika wa Muda, nasimama hapa leo kwa masikitiko makubwa kuzungumzia swala la ajali hiyo ambayo ilitokea katika kituo cha feri cha Likoni. Mnamo 29th September, 2019, mwendo wa 6:10 p.m., Mariam Kigenda na binti yake Amanda Mutheu waliabiri feri kwa jina MV Harambee kuvuka kutoka upande wa Likoni kwenda mjini. Feri ilipofika katikati ya bahari, gari lilitrudi nyuma na kutumbukia baharini.

Habari zilizoko ni kwamba ajali hiyo ilitokea kwa sababu gari lilitrudi nyuma. Kulingana na kanuni, magari yanayoingia kwenye feri yanafaa kuzimwa. Hakuna jinsi dereva wa gari anaweza kurejesha gari nyuma baada ya kuingia kwenye feri. Baada ya ajali hiyo kutokea, jambo la kusikitisha ni kwamba, hakuna usaidizi wowote ulitolewa wakati ule. Baadhi ya wananchi waliokuwa pale walichukua video na picha zinazoonyesha gari lilivyozama pole pole mpaka likatumbukia kabisa ndani ya maji.

Jambo la kusikitisha pia ni kwamba, hakuna aina yoyote ya huduma za dharura katika kivuko cha feri cha Likoni. Kwa mfano, hakuna ambulansi, mashua na waogelegeaji wa kuokoa. Kukitokea dharura, wananchi hawawezi kusaidika mara moja ili kupunguza maafa.

Ikumbukwe kwamba, mnamo 1994, Feri ya Mtongwe kwa jina Mv Mtongwe ilizama katika kivuko cha feri cha Mtongwe. Ilikuwa kama mita 10 hivi kutoka makao makuu ya Jeshi la Wanamaji la Kenya. Watu 250 walifariki kutokana na mkasa huo. Inajulikana wazi kwamba tayari maafa yalishatokea na kwa hivyo, wakati wowote maafa yanaweza kutokea.

Ni jambo la kusikitisha kwamba, Kenya kuititia shirika la Kenya Ports Authority (KPA) ilitia sahihi mkataba wa International Maritime Organization (IMO) ambao unatoa kanuni fulani kuhusiana na maswala ya usalama ya vyombo vy'a bahari. Kwa hivyo,

usalama wa Bandari ya Mombasa pamoja na kivuko cha feri cha Likoni umo mikononi mwa *Harbour Master* ambaye ndiye mkuu wa usalama katika Bandari ya Mombasa. Ni jambo la kusikitisha kwamba, Bandari ya Mombasa haina vifaa vya kutosha vya kuweza kupambana na majanga kama hayo.

Bw. Spika wa Muda, lawama inaelekezwa kwa shirika la Kenya Ferry Services (KFS), Wizara ya Usafiri na Miundomsingi, Shirika la KPA, Kenya Coast Guard Services ambayo ilizinduliwa juzi na vilevile Kenya Maritime Authority (KMA). Shirika la KMA lina jukumu la kuhakikisha kwamba vyombo wanavyoabiri binadamu katika bahari za Kenya viko katika hali nzuri na vina *insurance* na kuna vifaa vya dharura ambavyo vinawenza kutumika kuhakikisha kwamba wananchi hawapati maafa kukitokea dharura.

Kaunti ya Mombasa imekuwa ikipigania kuhusishwa kwa usimamizi wa huduma za feri lakini Serikali imekataa. Ikumbukwe kwamba, kabla ya Shirika la Kenya Ferry Services, huduma za feri zilikuwa zinasimamiwa na Baraza la Mji wa Mombasa pamoja na kampuni ya kibinagsi ya Kenya Bus Service (KBS). Shirika la Kenya Ferry Services liliundwa baada ya kuanguka kwa KBS. Wakati huo, Shirika la KPA lilikuwa na asilimia kubwa ya rasilmali na likawa linafanya kazi katika kivuko kile. Kwa hivyo, si jambo la ajabu Kaunti ya Mombasa kupewa usimamizi wa huduma za feri kwa sababu ni jambo ambalo tayari watu wa Mombasa walikuwa wanafanya. Ni kama mtu kurudi nyumbani kwao alikozaliwa baada ya kutoweka kwa muda mrefu.

Ukizingatia uwekezaji katika huduma za feri, ni wazi kwamba Serikali hajatilia maanani dharura ya kuhakikisha kwamba vivuko vya feri ni salama. Kwa mfano, FY 2007/2008, Serikali ilitoa karibu Kshs956 milioni kusimamia mambo ya mishahara ya wafanyakazi katika vituo vya feri na vile vile kununua vifaa. Katika FY 2018/2019, Serikali ilitenga Kshs293 milioni. Kinaya ni kwamba FY 2019/2020, pesa ambazo zimetengwa ni Kshs235 milioni pekee. Hii inamaanisha kwamba Serikali imepunguza pesa hizo.

Kuna changamoto nyingi katika vituo vya feri. Kwa hivyo, upunguzaji wa fedha umekuwa ukiathiri pakubwa huduma zinazotolewa katika vituo vya feri. Ikumbukwe kwamba, wananchi hawalipi wanapotumia feri kuvuka. Ni magari pekee yanayolipishwa.

Tunapozungumzia swala hili, kwanza kabisa tunafaa kujiuliza kwa nini shirika la Kenya Ferry Services halina vifaa vya kisasa vya usalama katika sehemu zile. Jambo la pili ni kwamba, kati ya feri tano ambazo zinafanya kazi, ni feri moja pekee ambayo ina milango ambayo inaweza kufungwa magari yakishaingia na kufunguliwa wakati yanapotoka. Milango ya feri nne haiwezi kufungwa. Kwa hivyo, binadamu, gari, ama chombo chochote kinaweza kuanguka wakati wowote.

Kwa nini hawakuweka vifaa vya usalama kama vile vizuizi kuhakikisha kwamba magari yaliyopandishwa pale juu na binadamu wako salama? Kwa nini hatujanunua vifaa vya kisasa vya usalama kama vile *speed boats* ambazo zinaweza kutumika wakati kuna dharura; vifaa vya kuingia ndani ya bahari na vinginevyo? Kwa nini Shirika la Huduma za Feri halijaajiri wazamiaji wenye tajiriba kuu ya ujuzi kama huo ili kuhakikisha kwamba kukitokea dharura wanaweza kuokoa maisha ya wananchi?

Mwisho ni kwa Jeshi la Wanamaji, Kenya Ports Authority (KPA) na Kenya Maritime Authority (KMA); wana mipango gani kuhusiana na usalama katika kivuko cha Likoni na Bandari kwa jumla? Tangu juzi hadi sasa, gari lao na wale waathiriwa hawajapatiwana. Wameweka mikakati gani kuhakikisha kwamba iwapo kutatokea tukio kama hili wakati mwingine, uwezekano wa kuokoa maisha na mali utakuwa mzuri zaidi kuliko ilivyofanyika juzi? Mtakumbuka ya kwamba, tushawahi kupoteza maisha ya watu takriban 200 katika kivuko cha Mtongwe ambacho kinahudumia watu wengi.

Tangu Shirika la Huduma za Feri kuundwa, ijapokuwa limetajwa kwamba ni Shirika la Kitaifa, mpaka sasa hawajaweza kutoka nje ya Kaunti ya Mombasa kufanya huduma yoyote. Hatujaweza kununua feri ambazo zinaweza kuhudumu katika Ziwa Victoria, Ziwa Turkana na kwengineko ambako kuna usafiri wa majini.

Ni swala ambalo Kaunti ya Mombasa inaweza kusimamia kikamilifu kwa sababu ruzuku inayotolewa na Serikali imepungua pakubwa. Kwa vile imepungua, inamaanisha kwamba huduma katika eneo hilo zitaathirika na wananchi watakosa huduma bora. Hatuombi iwe hivyo, lakini kukitokea dharura nydingine, itakuwa shida kwa wananchi kuweza kupata huduma bora ili kuokoa maisha.

Nikimaliza, ninatuma rambirambi zangu binafsi kwa familia ya mwenda zake, Bi. Mariam Kigenda, pamoja na mtoto wake. Ninaomba Mwenyezi Mungu awape subira wakati wa msiba huu.

Ninamualika Seneta wa Kaunti ya Bungoma, Sen. Wetangula aunge mkono Hoja hii.

Sen. Wetangula: Thank you, Mr. Temporary Speaker, Sir. I start by thanking the distinguished Senator for Mombasa County, Sen. Faki, for bringing this Motion. Sen. Faki has always been on the frontline to bring to the Floor of this House all matters that affect the people of Mombasa County whenever they arise. This particular tragedy is highly regrettable and highly borne out of gross negligence.

We have seen amateur clips recorded by people who had smart phones at the scene. You could see very clearly that the Probox vehicle started sliding from the ferry. It slid slowly until it came off the ferry into an area that looked like part of the shallow waters. It then slipped off into the water. One fellow even tried to jump into the water with a rope to try and very crudely tie the vehicle with the hope that it would be held back. Unfortunately, it went into the water.

I join Sen. Faki and, indeed, I believe you and the Chairperson will also at an appropriate moment, send our collective condolences to the entire family of Mama Mariam and her daughter, the people of Mombasa County and the people of Kenya.

Mr. Temporary Speaker, Sir, it is a tragedy of unprecedented proportions because the ferry has been put there in lieu of a bridge. It is the cardinal responsibility of the authorities to make sure that the ferry is safe and functional and that it serves the people of the South Coast coming into the Island and on to other parts of the country.

Indeed, all of us here have used this ferry many times. So, the fate that Ms. Mariam met on Sunday is a fate that anyone of us can meet on that ferry. We have used that ferry and sat in cars and the rear or front of the ferry that could have slipped off the ferry in the same manner.

What is shocking is not that this vehicle slipped into the sea but the manner in which even the managers of the Kenya Ferry Services (KFS) have responded. They have been very economical with facts and the truth. Kenyans are left wondering whether the thousands of Kenyans - in my humble estimation, I stand corrected by Sen. Faki - this ferry service at Likoni could be carrying an average of 10,000 to 15,000 people daily across that channel.

Sen. Faki: It is over 100,000 people daily.

Sen. Wetangula: Mr. Temporary Speaker, Sir, I am told it is over 100,000 people every day. This is also an area that has been dredged to 60 metres deep to allow large water vessels and huge ships to pass through to the harbor. So, it is an area where everybody knows has lurking danger. A ferry is not supposed to be a death trap. It is supposed to be a comfortable vessel where people get on with their vehicles, buses and lorries to be crossed across the channel.

I join Sen. Faki in asking: What are our preparedness levels in situations of tragedy like this? How can you have a ferry that crosses every 10 minutes with over 500 people across the channel without emergency services on duty? One would expect that we would have tag boats, divers and equipment. I am sure if all these was available, that vehicle would have been rescued even if probably the lives would not have been saved.

Now, the family is highly traumatized; we know our loved ones were in the car, we saw them slip into the sea and now we are told they are trying to site where it is and that they cannot find it. This is an area with very heavy waves. You can imagine the waves created by those huge ships when they pass through the channel. That vehicle has probably been washed to kilometers away. If we do not have the scientific capacity even with low flying aircrafts to detect what is at the base of the sea, then 60 years after Independence, we have taken a wrong direction.

(The amber light on the timer went off)

Mr. Temporary Speaker, Sir, please add me one minute.

Routinely, we hear people dying on Lake Victoria, Lake Naivasha, Lake Turkana and the Indian Ocean. The Mtongwe Ferry tragedy is still very clear in our minds. There were over 400 people in that ferry and at least 250 died in one single stroke in less than five minutes which is less than 50 metres from Mtongwe Headquarters of our Navy.

As I finish, we know that the work of the navy, all over the world is to patrol continuously our maritime waters to protect the waters, chase away fish poachers and to assert our ownership of territory. They do not do this. That is why even Somalia, in its state, is terrorizing us over our maritime boundary. It is because we are incapable of doing things that sovereign States do.

Finally, Mr. Temporary Speaker, Sir, I join Sen. Faki in calling the national Government to take full responsibility for this and compensate the families of the people who lost their loved ones. More importantly, it must give us a blueprint. I know that the ferries are in the hands of the county governments, but we also know that county governments are not given any money to mount the services that we are crying for. All

the money is left with the national Government. Therefore, we do not expect the county government to run the Navy, the Maritime Rescue and Marine Services because they do not have the money.

The national Government, therefore, stands squarely responsible. They must admit liability, apologize to the people of Kenya in general and the people of Mombasa, in particular. They must also state what levels of compensation they will give and, more importantly, how they can assure Kenyans using the ferries that the ferries will be safe.

If you go to Dar es Saalam, it is in a country that does not have as many resources as we have. I have used their ferries there, and they are very safe. They have ferries you would find in other countries. However, the ones we have are just like improvised boats, and that is why we are having this loss.

Mr. Temporary Speaker, Sir, I share the grief of the family of Sen. Faki, the people of Mombasa and the people of Kenya. May the good Lord rest the soul of Mariam and her daughter in eternal peace. Let this not happen again to any Kenyan.

(Question proposed)

Sen. Were: Thank you, Mr. Temporary Speaker, Sir. I would like to thank Sen. Faki, the Senator for Mombasa, for bringing this Adjournment Motion so that we can discuss this sad event that happened at the Likoni crossing.

Mr. Temporary Speaker, Sir, a lot has been said; very many sad things have been said about what happened there, and how there was unpreparedness. In fact, there was even no simple thing like a rope, which somebody would have thrown in, because the late Mariam knew how to swim, as we are told. Therefore, if anything would have been given to her, she would have been able to swim out with her baby.

I only have one concern. This House prepared a Disaster Risk Management Bill, which was sponsored by Sen. Mutula Kilonzo Jr. and Sen. Sakaja. That Bill was passed in this House and I am told that it is lying at hon. Duale's office at the National Assembly. There are many other important Bills that we have passed, as the House that cares for this country, but are stuck at the National Assembly. We, therefore, urge the National Assembly to consider Bills that we have passed in this House as a matter of urgency. What has happened at the Likoni Ferry should wake us up, as lawmakers.

Thank you.

Sen. Shiyonga: Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to contribute on the Adjournment Motion that Sen. Faki has just laid on the Floor of the House. First of all, I send my condolences to the family of Mariam Kagenda and the little Amanda, who perished on Sunday through this tragedy. No one in life can admire losing life through such an incident.

As much as everyone will have to die his or her own death, this one is more traumatic a death. Up to now, it leaves no hope that we shall get the little Amanda and the mother alive. Considering that this is the channel where the big ships pass through, it leaves no hope that we shall rescue or even get the remains of these young dear ones.

Mr. Temporary, Speaker, Sir, the manner in which the incident has been handled so far leaves Kenyans wondering if at all we have the so-called Disaster Management Unit that we normally hear about in Kenya. This unit is supposed to take care of any disaster in any eventuality where disasters can happen. This particular body has been mentioned, it exists in Kenya, and it earns money.

There are personnel that are involved or are employed for this particular job. However, I think they are just earning money, which is going to waste. It is high time that Kenyans reviewed this body. If it is not delivering on its mandate, then it needs to quit. We need qualified personnel that can do their work; that have skills to handle disaster management at any time. We need those people that are ready to save Kenyan lives when a disaster like this occurs.

Mr. Temporary, Speaker, Sir, it is even sad that many Kenyans saw Ms. Mariam and the little Amanda drowning for more than 15 minutes and even took videos. It is traumatizing, more so, when you look at the way the ferry management and the authorities that came to speak after the incident handled the issue. I can only describe it as very ridiculous, that even the coast guard, Kenya Navy and the maritime bodies that my colleagues have mentioned were just practicing some few meters away from the place where this vehicle drowned.

We have what we normally hear as the *jeshi ambalo linachunga*. I just want to translate it to Kiswahili so that it is well understood, and you will pardon me for this. *Jeshi ambalo liko tayari kuchunga anga zetu, maji na kadhalika*. What are they *chungaring*, if at all such instances are happening in Kenya, and we do not really have anybody who can save lives? We have the Kenya Coast Guard, we have the---

The Temporary Speaker (Sen. (Dr.) Lelegwe): What is your point of order, Sen. Kinyua?

Sen. Kinyua: Kwa hoja ya nidhamu, Bw. Spika wa muda. Ningependa kuuliza, kwa sababu kuna lugha ambayo inatumiwa na Mheshimiwa Sen. Shiyonga ambayo sisi hatuifahamu, kwani sio Kiingereza wala Kiswahili. Sijui ni lugha gani---

(An hon. Member spoke off record)

(Laughter)

Nimeskia akisema *chungaring*; sijui kama hicho ni Kiswahili, kwani sielewi. Ningependa atueleze ni lugha gani hiyo, kwani hatuifahamu.

Sen. Shiyonga: Mr. Temporary, Speaker, Sir, I know that he just wants to understand me very well. I just tried to translate, so that it is well understood. Otherwise, I was still in my pure English. I was speaking in English and not in Kiswahili. I was just trying to make you, hon. Members, understand the point I am putting across.

Mr. Temporary, Speaker, Sir, the ferry that we currently have in Kenya, as my colleagues have put it, do not have barriers to protect the vehicles. There are standing rules that are supposed to be put in place when such services are being offered. If you look at the ferries that are crossing our waters in Mombasa, carrying thousands of people,

as we are being told, it pains that a vehicle can slide into waters because a ferry did not have a barrier. We have lost lives of a mother and a daughter in a very horrifying situation

I demand that action be taken against the management of KFS because they slept on their job. I also demand that this Government overhauls all the ferry services. We cannot continue seeing our dear ones dying because of their negligence. These are not the only lives lost in our waters.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Sen. Shiyonga, your time is up. Please, conclude your contribution in one minute.

Sen. Shiyonga: Mr. Temporary Speaker, Sir, it is sad to see such deaths happening. It is a shame for the management of KFS not to take their work seriously. If they did, they would have saved lives of the two who perished in the raging waters. We, as a nation, are traumatised by these deaths.

Sen. Kinyua: Asante, Bw. Spika wa Muda kwa kunipa fursa hii. Kwanza kabisa natoa risala zangu za rambirambi kwa familia ya mwendazake mama Mariam pamoja na mwanawe. Kwa niaba yangu na ya watu wa Laikipia Kaunti, ninasema pole sana kwa familia.

Nampongeza Seneta wa Mombasa kwa kuleta Hoja hii. Ni jambo la kushangaza kwamba jambo hili lilipotendeka tukiangalia katika zile picha ambazo zilipigwa na kusambazwa zinaonyeshana kwamba kulikuwa na muda wa dakika kadhaa kabla ya gari kuzama kabisa. Najiuliza kama pale hapakuwa na wapiga mbizi ambao wangewaokoa mama na mtoto walipokuwa wakizama. Pili, tunaambiwa kwamba katika sehemu ile kuna wanajeshi wetu ambao wanalinda mipaka baharini. Walifanya nini?

Bw. Spika wa Muda, hii sio mara ya kwanza jambo kama hili kutokea. Tumekuwa na feri ambayo ilizama pale lakini hakuna hatua ambayo ilichukuliwa ili janga kama hili lisionekane tena. Ni kana kwamba jambo likitendeka tunaongea halafu inakuwa hayo mambo yanasahaulika na maisha yanaendelea kama kawaida. Jambo likitendeka linatakiwa liwe ni funzo kwetu ili tuweze kujikinga nalo siku za usoni. Inaonekana kwamba sisi tunaongea halafu tunakwenda zetu.

Serikali inapaswa ichukue jambo hili kwa makini sana. Kama vile Seneta alivyosema, pesa ambazo hutengewa idara hii hupunguzwa kila uchao. Maafa hayo yanapotokea idara hii haina pesa za kutosha kudhibiti na kujikimu. Maafa kama haya yanapotendeka, inakuwa jambo ambalo haliwezi kuzuiwa.

Jambo linalonisumbua ni kwamba, gari linaweza kutoka ndani ya feri na kuangaka majini. Je, feri hiyo haikuwa na mlango? Ikiwa haina mlango kama vile Seneta alivyosema, basi haistahili kubeba watu na magari. Ni heri tuweke kanuni ambazo zitazuia feri ambazo hazina milango kuwabeba watu na magari. Tunaambiwa ya kwamba yule mama, eti, alianza kuendesha gari lake kinyumenyume. Alikuwa akienda wapi?

Bw. Spika wa Muda ni mpaka tuangalie feri zetu ziko katika hali inayofaa. Watu wanapozitumia kuwe na wengine ambao wameshika doria na wanaweza kuwasaidia wakati wa ajali kama hii. Ikiwa halitakuwa funzo kwa mtu yejote, mwaka ujao utasikia jambo kama hili linatendeka. Tutasimama hapa tena na kutoa pole zetu.

Ingekuwa jambo la maana ikiwa kuna somo lolote ambalo tunajifunza kama taifa. Inakuwa sisi ni kama mnyama anayeitwa ngiri. Ukimfukuza alifika pale mbele anasahau. Isiwe sisi kama nchi ni ngiri ambaye akifukuzwa na simba akikimbia mita 30 anasahau lile ambalo limetendeka na inakuwa ni kama kawaida.

Ninachukua fursa hii tena kusema poleni sana watu wa Pwani na hasa kwa familia ya mwendazake. Mungu ailaze roho yake na ya mwanaye mahali pema peponi.

Sen. (Eng.) Hargura: Thank you, Mr. Temporary Speaker, Sir. I send my condolences to the family of the mother and her daughter who lost their lives in that very unfortunate incident. This also shows how we take our work. We have a parastatal that has no other business other than just operating that ferry between the two shores. This kind of a disaster happens, but they are not prepared at all. That shows that there are officers in this country who do not take their work seriously and do not know what they are doing.

We, as a Committee, I can remember we were there early last year. We discussed with the KFS and the Chief Executive Officer (CEO) on what they were doing. At that time, they were talking of getting new ferries from Turkey. It is now almost two years and nothing has been done. They are talking of decommissioning that ferry and it has been on that channel, until it has brought us this unfortunate incident.

Mr. Temporary Speaker, Sir, Kenyans have to learn to take responsibility. If KFS is still there, they should know that this is a disaster of their making. If you look around that area, there is the Kenya Maritime Authority which deals mainly with the issues around the sea. We also have the Kenya Ports Authority (KPA) around there, the Kenya Navy and the Kenya Coast Guards.

There must be a coordinating mechanism of all these institutions so that in case of a disaster, they should respond quickly for those who have the facility and the personnel. It is as if there was no coordination.

These institutions operate independent of each other. When this disaster happened, KFS did not have a rescue boat or divers or a mechanism of getting all the other into action. That is how the unfortunate incident happened. Up to now, it is as if somebody wants us to forget that we have a mother and child in a vehicle down that channel because there is nothing being done from what we are seeing.

Mr. Temporary Speaker, Sir, we are only good at dealing with buying those things. We go and buy sometimes old military equipment, old police helicopters and fighter jets that are even more expensive than new ones. Why should we buy it exorbitantly and bring something that is not serviceable? That is why even the ferries which we are being told are in Turkey, we need to be very serious about them and check what is being procured.

Last time when we were there, the KFS, which cannot now even coordinate its own emergency safety issues, was taking of cable cars. I do not know what will happen if we introduce them there. It will be a case of people now dropping into the ocean. We will now be seeing people parachuting into the channel from those cable cars because we will bring in things which will just snap midway and we will find Kenyans going down. They

have to be very serious and competent in what they are doing in the channel before we can introduce Kenyans up into the sky so that disasters are minimized.

Mr. Temporary Speaker, Sir, this is a very sad issue. The KFS and the management should take responsibility. Any sensible person should even have resigned because that is the first failure of their responsibility. They cannot handle emergency. If they are showing us that there is no emergency preparedness in that area, then they have no business being in those positions.

Once again, I condole with the family and people of Mombasa. I urge the Government to get serious when it is dealing with our safety.

I thank you.

Sen. Wario: Asante Bw. Spika wa Muda kwa kunipa fursa hii. Nitatangulia kwa kutuma risala za rambirambi kwa familia ya marehemu mama Mariam, jamaa na marafiki. Mungu ailaze roho yake mahali pema peponi.

Seneta wa Mombasa amefanya vizuri kuleta Hoja hii kwa sababu wengi wamekufia ndani ya maji na wengi wako katika hatari ya kutumbukia majini. Utashangaa ukiingia katika feri ya Likoni kwa sababu magari na watu wanaingia kwa wingi. Hakuna mlango wa kufungwa baada ya watu kuingia. Kwa hivyo, hakuna chochote cha kuzuia watu na magari kuanguka ndani ya maji.

Siku zote, mimi hujiuliza maswali. Sijui feri hutengenezwa namna gani. Ukienda pale, utaona kuwa magari na watu huingia kwa wingi lakini mlango haufungwi. Endapo gari litakosa mwendo, hakuna chochote cha kulizuia kutumbukia majini.

Katika karne tunayoishi sasa, kuna vifaa vingi vya kisasa vya kuzuia maafa. Vile vile, kama walivyosema wenzangu, kuna watu ambao wamesomea mambo ya maji. Kuna wapigambizi ambao wanaweza kuzama ndani ya maji na kuangalia kilichoko majini na kukitoa. Pia, kuna maafisa wa Jeshi la Wanamaji ambao wanafunzwa mambo ya maji na wanaweza kunusuru kitu kikianguka majini.

Tangu gari hilo lilipotumbukia majini, wapigambizi wamejaribu kulinusuru lakini wameshindwa. Inasemekana kuwa gari hilo lilining'inia juu ya maji kwa muda mrefu. Msaada mkubwa ulikuwa watu kuchukua video na picha na kuliangalia tu likizama polepole. Hii inamaanisha kuwa kuna watu ambao wamezembea katika kazi zao. Katika karne hii, watu hawafai kuzembea kazini na kusababisha watu maskini kuanguka na kuzama majini. Waliokufa, Mungu awapeleke pema.

Kuna hatari kubwa sana kwa sababu watu huvuka kwa maelfu kutoka *South Coast* kwenda Mji wa Mombasa kila wakati. Endapo hatua yoyote haitachukuliwa, basi wanaotumia huduma za feri watazidi kuwa katika hatari.

Wakati mwingi mimi na Sen. Faki huenda katika Mji wa Mombasa na tunatumia feri kuvuka kutoka upande mmoja hadi mwingine. Sisi pia tuko hatarini.

(Sen. (Eng.) Hargura spoke off record)

Sen. (Eng.) Hargura anasema pia wao hutumia feri kuvuka kutoka upande mmoja kwenda mwingine. Kwa hivyo, Serikali inafaa kuangalia maisha ya watu wake. Hili ni jambo ambalo liko kwenye Katiba. Mara nyingi vipengele vya Katiba havizingatiwi.

Watu wetu wanaendelea kuangamia. Kulikuwa na ajali ya Feri ya Mtongwe. Leo marehemu mama Mariam ameenda na hatujui kesho atakuwa nani. Tunaomba Serikali iwajibike.

Naunga mkono Hoja hii.

Sen. (Prof.) Ongeri: Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity. Allow me to pass my condolences to the family of the late Mama Mariam and the baby who died in the tragic accident. This is what I call tragedies of tragedies and painful death. When you watch those videos, you feel sad.

I thank Sen. Faki for bringing this Motion so that we ventilate on this matter. It is only last month that Members of the CPAIC used that ferry. One thing that struck me is the number of people who cross that channel in one trip; there were thousands of people. At some point, I asked myself whether it was safe to cross using the ferry. My fears have been affirmed by the rather tragic death.

The Kenya Ferry Services is an organised organization. That is their primary responsibility. One of the simplest things to do when I work in an emergency ward is to get the necessary equipment that would help me to handle any emergency of any nature within fractions of time. What we saw instead were spectators and onlookers watching as someone was sinking into the water. That is a sad story.

The KMA by now should have known the geographical characteristics of that channel in order to give data and information on how to retrieve such eventualities. They stood at a distance and were not willing to do anything about it. The primary responsibility of the Kenya Coast Guard Service is to ensure the safety of our people within the coastal region. When the tragedy happened, they were nowhere to be seen. The KPA is the beneficiary of that deep channel that is more than 90 metres.

The question that lingers in Kenyans' minds is whether these organisations work together to combine forces to respond to emergencies of such magnitudes. Where is our state of preparedness in saving lives? My advice would be that, apart from creating the necessary facilities for rescuing people from such situations, we should look at the second alternative which is the Dongo Kundu Bypass Highway. The road will decongest the number of people and vehicles going through that channel because as it stands now, it is the deathbed.

We were to create economic activities along the Dongo Kundu Bypass Highway. If that is done, more than 900,000 to 1,000,000 million jobs will be created. That will create a powerful economic zone that will even surpass the problems we are having regarding the Standard Gauge Railway (SGR).

Since the Government has already put up measures to address the state of preparedness and emergencies, they should have a programme and roll it out. Later on, they can revise their plans and see what can be done in order to avoid further tragedies like the one we witnessed recently.

I could see the frustrations and anger of the residents being directed to the Kenya Ferry Services. We should look at ways and means of ensuring that only competent people who understand their roles and responsibilities are employed to work for the

Kenya Ferry Services. This is particularly in line with their clarion call to ensure that we have safe waters and safety of vehicles and everybody else, including themselves.

I support this Motion.

Sen. Mutula Kilonzo Jnr.: Mr. Temporary Speaker, Sir, I am reluctant to pass my condolences to the family that lost loved ones because we have not recovered their bodies yet. No one has been declared dead yet, but it is safe to say that there is no hope. This is a great tragedy because all of us including Senators when we are on that side of Mombasa, we normally use the ferry. The last time I used that ferry, I sat in the car patiently waiting to cross over.

The circumstances leading to the death of a mother and her child are very strange. If I recall correctly, there is normally a person at the far end of the ferry waiting for all the cars to come in and make sure that all the passengers are on board. This tragedy could happen to anybody. The ferry only needs to tilt on one side and you perish in your vehicles. The tragedy about the Likoni incident is the fact that we appear so helpless as a country.

I have just read something on the social media where somebody is saying that there is no hope of finding the bodies of the deceased now, because they cannot find the vehicle itself in the ocean as a result of waves. They are praying that windows of the car did not shutter because if they did, the sharks that hover around there, will have consumed the bodies of those two people. It is a very sad situation.

Mr. Temporary Speaker, Sir, I ask the fundamental question like I asked before. What if the people involved in the tragedy were tourists from the United States of America (USA), France or any other country, would they have been treated like this? Would we call off the search because it is dark in the water? I can assure you that every effort would have been made to rescue those tourists if they were from the USA or if they were relatives of a big person in this country. However, since this is just a lady whom we do not know, does not have an address, who does not matter and is ‘a nobody’, the Government has called off the search.

The husband to the lady who was involved in the tragedy has paid his personal funds of Kshs250,000 and some more that he was given by the Governor of Mombasa County to the divers who are making effort to look for the bodies of his wife and daughter. The contradiction is that, in exactly 20 days or less, the country is going to celebrate *Mashujaa* Day in Mombasa County and the Mama Ngina Water Front that overlooks the ocean with pomp, colour, red carpets and most likely military parades from the Kenya Navy showcasing ships that show our capability of the military.

This is a country that is extremely shameless in the way we handle the little people who do not matter. If the lady who drowned was a Cabinet Secretary’s daughter, that would not have happened. We would have seen more action by the Kenya Navy. The husband of the lady who drowned would not have had to spend his own personal resources and sit quietly by the ocean waiting for statements to be issued.

Mr. Temporary Speaker, Sir, Sen. Wetangula has pointed out that when several people died in a train accident in India, the Cabinet Secretary responsible for transport who was not even directly responsible for the accident resigned without being told to do

so. We have not even heard a statement from the Cabinet Secretary (CS) Ministry of Transport, Infrastructure, Housing and Urban Development. Instead, the CS has appointed somebody else to chair a taskforce as if that person is an expert.

Our disaster preparedness is wanting. It is unfortunate that a ferry carrying so many people does not have a diver or equipment. The person operating the ferry continues moving even after the car slide into the ocean. I wonder what would have happened if he stopped and attempted to push the vehicle. He continued moving away from the vehicle. It is a grave tragedy to lose such a young family in the manner that we did in a place where we take pride as a cross-over for tourists and other ‘big people’. All of us are in danger.

I wonder what will happen next time a ferry capsizes with ‘big people’ in it. Who is going to save this country? Is that channel safe? That is a question that must be addressed for the future. Is the Likoni Ferry Channel crossing safe? Should we have disaster mechanisms, divers and equipment on board because this would have been any other person who would have fallen to that water and drowned mercilessly?

Sen. Wetangula wondered why they are searching for the vehicle that sank in the ocean physically. I can equate that to looking for a needle in a haystack. In a country that takes pride in technology, nobody has employed technology such as satellite pictures to locate the site of the vehicle. The divers are using their eyes to search for the car that sank in the ocean and chances are that because of the tide, the vehicle could have gone very far away.

I thank you.

The Temporary Speaker (Sen. (Dr.) Lelegwe): Kindly proceed, Sen. (Dr.) Zani.

Sen. (Dr.) Zani: Asante sana Bw. Spika wa Muda. Ningependa kumshukuru Sen. Faki kwa kuleta Hoja hii muhimu. Tangu janga hilo lilipotendeka, nchi nzima imeshtuka. Wengi wetu walishuhudia tukio hilo kupitia simu zetu za rununu. Mara kwa mara hatuna nafasi ya kushuhudia mtu akifa. Gari hilo lilelea juu ya maji kwa dakika kama ishiri hivi. Sitaki kufikiria mama yule na mtoto wake walikuwa wanafikira vipi wakati gari lao liliikuwa linaelea kwa maji. Nadhani walikuwa na imani mtu angewasaidia.

Watu waliokuwa ndani ya ferry walipiga mayowe na kuomba. Wengine walijaribu kutafuta njia ya kuokoa waliokuwa kwenye gari ilipokuwa linaelea lakini wakakosa njia. Wapiga mbizi wawili walijaribu kuruka kwenye maji lakini hapakuwa na matayarisho yoyote kuhakikisha kwamba gari hili lingenusuriwa. Katika janga hili, gari lilizama majini. Je ingekuwa janga linguine kwa mfano; je meli ingegonga feri hilo au tukio lolote la dharura lingetokea?

Watu wengi wanaotumia ferry, wanaamini kwamba kuna usalama. Kivukio cha feri ya Likoni kinatumika na watu wengi kutoka upande wa Kwale wakija upande wa Mombasa na kutoka upande wa Mombasa kuenda upande wa Kwale au hata kuenda mpaka Tanzania.

Kuna watu hupita ferry kwa njia ya kufanya biashara kila siku. Pia kuna wale hupeleka watoto wao shulen i wakitumia ferry. Watu wengi sana hutumia ferry kila wakati. Tukio hilo limedhihirisha kwamba hakuna usalama katika ferry. Kenya Marine

Authority na Kenya Coastal Guards ambao kazi yao ni kuhakisha kwamba kuna usalama majini wana ofisi zao karibu na pahali tukio hilo lilitokea lakini hawakusaidia.

Tumekuwa tukizungumzia utovu wa usalama wa watu na magari ambayo hutumia ferry. Inamaanisha kwamba kuna jambo ambalo linabidi kufanywa lakini ikifika katika mambo ya usalama au kifo, tunaamini kwamba katika nyanja yoyote, lazima kuwe na wale waliojitarisha kwamba jambo kama hili likitokea, wanaweza kujitokeza.

Sen. Wetangula ametuhusisha juu ya waziri tofauti katika nchi ya India ambaye alijiuzulu wakati janga la gari la moshi lilipotea katika nchi yao. Waziri huyo alichukulia jambo hilo kuwa muhimu na kurekebisha. Mara kwa mara, huwa hatujitarishi jinsi ya kurekebisha mambo yanapoenda kombo na jinsi ya kurekesbisha.

Tukiangalia ajali ambayo inawezakutokea kama ile ambayo ilitokea kwa ferry, ni mambo kidogo kidogo ya hapa na pale ambayo yanafaa kuhakikishwa yamewekwa. Kwa mfano, kama magari yameingia kwa feri, yanafaa yahakikishwe yamezimwa.

Kwa muda mrefu, Feri imekuwa na bamba ambalo linajitokeza kwa upande wa nyuma kuhakikisha kwamba mtu akiingia ndani, hawezi kurudi nyuma. Huyu mama, kwa sababu ambazo hazijajitokeza, aliingia kwenye feri na mtoto wake na watu wengine ambao alikuwa amewabeba na kwa bahati mbaya akaaingia ndani ya maji. Tulifikiria katika dakika ishirini angeweza kuokolewa, lakini, hakuweza kuokolewa.

Hili ni jambo ambalo limeingiza hofu kwa sababu wale wanaovuka ferry wanafikiria vile watakavyofanya. Sen. Faki ameleta Hoja hii muhimu ili tuhakikishe njia ya kivukio cha feri ya Likoni kiko salama ili watu waweze kuvuka bila tashwishi au uoga kwamba wataingia kwenye feri.

Mambo kama hayo huwa yanajitokeza lakini kama majanga ambayo yanajitokeza hayaangaliwi na kurekebisha, yatarejelea. Kwa vile janga hili limetokea, ni muhimu turudi nyuma tuangalie ili lisitokee tena. Tunafaa tuangalie usalama wa wale wanaingia na kutoka kwenye feri umedhihirishwa.

Kwa mfano, kuna hadithi tofauti tofauti ambazo watu wanasema za vile ambavyo mtu anaweza kujiokoa jambo kama hili likitokea. Lakini, juzi tuliona wapiga mbizi wakivuka na kujaribu kwenda upande ule mwingine wakati ambapo ferry haikupatikani. Juzi tena, tuliona ferry ikipita na meli pia ilikuwa inapita. Wale waliokuwa kwenye feri walipiga mayowe na makelele wakifikiria kwamba watagongana. Kwa hivyo, kuna tashwishi. Lazima jambo hili liwekwe kipaumbele kuangalia nini haswa chanzo cha ukosefu wa usalama katika feri. Tunafaa tuhakikishe kwamba tumetafuta mbinu au watu fulani ambao wataketi kuhakikisha jambo hili limesuluhishwa.

Hebu fikiria watoto wadogo ambao walikuwa kwenye feri ambao waliona mambo haya yakifanyika? Yule ambaye amekufa na wale wadogo ambao waliona yote yakifanyika. Baadaye, kulikua na kikao cha watu kwenye feri wakilia, wakiomba na kufikiria wale ambao walikufa.

Wakati mwingine kuna vile vizuizi vinaweza kuwekwa kwenye feri, kama vile kwa upande ambao watu wamesimama. Hii ni kwa sababu unaweza kuona mtu amepatwa na ugonjwa au kupoteza fahamu na kuanguka. Vizuizi vinafaa kuwekwa pale kuhakikisha kwamba mambo kama haya hayafanyiki. Zamani walikuwa wanaweka kitu kidogo cha kusimamia ili kuhakikisha watu hawatoki. Baada ya janga hili, ni muhimu kuangalia vile

ambavyo usalama utadhibitishwa. Bila usalama, watoto na wanawake wanaovuka kivukio hicho wanaendelea kuwa na wasiwas.

Sio kitambo tulipokuwa na kisa cha Mtongwe. Baada ya visa kama hivi tunategemea kwamba tutaangalia na kuhakikisha jambo kama hili halitatokea tena. Kwa hivyo, ninamshukuru Sen. Faki kwa kuleta Hoja hii. Ni muhimu tuangalia swala hili na tulimalize kabisa mara moja ili tusiwe na nafasi ya kurejelea tena jambo kama hili.

ADJOURNMENT

The Temporary Speaker (Sen. Lelegwe): Hon. Senators, it is now five minutes past six o'clock. I invoke the provisions of the Standing Order No. 31(2) to interrupt the business of the House.

The Senate, therefore, stands adjourned until tomorrow, Thursday, 3rd October, 2019, at 2.30 p.m.

The Senate rose at 6.05 p.m.