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The House met at 9.30 a.m.

[The Deputy Speaker (Hon. Gladys Boss) in the Chair]

PRAYERS

QUORUM

(The Quorum Bell was rung)

Hon. Deputy Speaker: Hon Members, I direct that the Bell be rung for another ten minutes.

(The Quorum Bell was rung)

Hon. Deputy Speaker: Serjeant-at-Arms, I direct that you ring the Quorum Bell for another five minutes.

(The Quorum Bell was rung)

Hon. Deputy Speaker: Serjeant-at-Arms, you may stop the Quorum Bell. We are ready to begin.

Next Order.

PAPERS

Hon. Owen Baya (Kilifi North, UDA): Thank you, Hon. Deputy Speaker. I beg to lay the following Papers on the Table:

1. Annual Report and Financial Statements of University of Eldoret for the Financial Year ended 30th June, 2020.
2. Audited Financial Statements of the Public Service Commission for the year ended 30th June, 2021.
3. Bi-Annual Report of the Commission on Administrative Justice for the period January – June, 2022.
4. Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 30th June 2022:
 - (a) Street Families Rehabilitation Trust Fund – State Department for Social Protection;
 - (b) Mombasa-Nairobi-Addis Ababa Road Corridor Project Phase III (Turbi-Moyale) – Kenya National Highways Authority;
 - (c) Eastern Africa Regional Transport, Trade and Development Facilitation Project – Kenya National Highways Authority;
 - (d) Horn of Africa Gateway Development Project - State Department for Transport;

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- (e) Olkaria-Lessos-Kisumu Transmission Lines Construction Project – Kenya Electricity Transmission Company Limited;
- (f) Public Debt Management Support Project – National Treasury;
- (g) Uwezo Fund;
- (h) State Department for Sports;
- (i) Ethiopia-Kenya Electricity Highway Project – Kenya Electricity Transmission Company Limited;
- (j) The National Assistance Trust Fund – State Department for Social Protection;
- (k) Public Service Commission;
- (l) Revenue Statements of the Ministry of Petroleum and Mining;
- (m) State Department for Housing and Urban Development;
- (n) Secondary Education Quality Improvement Project – Teachers Service Commission;
- (o) Rural Electrification in Five Regions Project – Rural Electrification and Renewable Energy Corporation;
- (p) Kenya Petroleum Technical Assistance Project – Ministry of Petroleum and Mining;
- (q) Kenya Electricity Modernization Project – Ministry of Energy;
- (r) Kenya Electricity Modernization Project – Rural Electrification and Renewable Energy Corporation;
- (s) State Department for Correctional Services;
- (t) State Department for Post Training and Skills Development;
- (u) Prison Farms Revolving Fund;
- (v) National Land Commission Housing Scheme Fund;
- (w) Kenya Symbiocity Programme – Council of Governors;
- (x) Scrap Metal Council;
- (y) Covid-19 Health Emergency Response Project– Ministry of Health; and,
- (z) National Land Commission.

Thank you.

Hon. Deputy Speaker: Hon. Members, I wish to recognise the presence of Matungulu Girls School from Matungulu Constituency, Machakos County, seated at the Public Gallery.

(Applause)

MOTIONS

REDUCTION IN COST OF ELECTRICITY IN THE COUNTRY

THAT, aware that the cost of electricity has been at an all-time high affecting the cost of living and doing business; acknowledging that the Kenya Power Company PLC (Kenya Power) procures electricity from the Kenya Electricity Generating Company PLC (KenGen), a Government-owned company, and from Independent Power Producers (IPPs); recognizing that, Kenyan Power has entered into Power Purchase Agreements (PPAs) with both KenGen and the IPPs and procures power from them at unregulated rates; noting that there is need to regulate all IPPs in the country and publicise their locations, stakeholders, directors, management and their addresses and agreements entered into with Kenya Power; cognizant that recommendations from past taskforce reports relating to power

purchase and rates have not been implemented; deeply concerned that Kenya Power has in the past procured a larger quantity of power from the IPPs at a greater cost, rather than from KenGen, leading to higher cost of power; cognizant of the fact that there is need to put in place policies, strategies and regulatory measures for better planning to moderate the cost of electricity and enable access to energy by all particularly in the manufacturing sector to ease the cost of production and doing business; this House, therefore, resolves that:

- (i) the Departmental Committee on Energy undertakes an inquiry into the operations of Kenya Power in relation to agreements entered into with IPPs, factors affecting the cost of electricity, including over-reliance on IPPs against available renewable and other energy sources, and measures to reduce it and submits a report to the House within one hundred and twenty (120) days;
- (ii) in the meantime, the Ministry and Kenya Power should not enter into new contracts with any IPPs until the House makes a resolution on the matter;
- (iii) informed by the reports of previous task forces on the matter, the Ministry engages in negotiations with power producers with a view to reducing the cost of power; and
- (iv) the Ministry and Kenya Power develop suitable strategies for engagements with the IPPs, in order to provide relief for electricity consumers and ensure the long-term viability and sustainability of the energy sector.

*(Moved by Hon. Jane Gakiri
on 22.3.2023 – Morning Sitting)*

(Debate concluded on 12.4.2023 – Morning Sitting)

(Question put and agreed to)

OPERATIONALISATION OF THE BETTING, LOTTERIES AND GAMING ACT AND REGULATION OF THE BETTING INDUSTRY

THAT, aware that the Betting, Lotteries and Gaming Act, Cap 131 Laws of Kenya provides for the regulation of the gambling industry including the control of betting, lotteries and gaming in the country; further aware that there is an emerging trend of media houses offering their audiences platforms to participate in betting through lottery-style games, trivia shows, polls, contests, and other SMS-based gaming; concerned that the trend was initially perceived as a harmless form of entertainment and audience engagement but has since developed into a problem within our communities leading to many Kenyans getting addicted to this form of gambling and that has led to lots of loss; further concerned that there are numerous negative effects of this trend including financial ruin, family breakups, high truancy in schools resulting in high school dropout rates and in some cases, suicide; noting that these games target individuals who can least afford to lose money, mainly the elderly, the youth and low-income earners; cognizant that the Government has the responsibility of protecting citizens from negative social trends including gambling and that the proliferation of these games is a violation of the Betting, Lotteries and

Gaming Act; now, therefore, this House urges the National Government through the relevant Ministries and agencies to –

- (i) regulate the running of lotteries and any other forms of betting disguised as polls, contests, and other SMS-based gaming by media houses; and
- (ii) ensure strict operationalization of the Betting, Lotteries and Gaming Act and increase control and oversight of the betting industry.

*(Moved by Hon. Duncan Mathenge on
12.4.2023 – Morning Sitting)*

*(Resumption of Debate interrupted
on 12.4.2023 – Morning Sitting)*

Hon. Deputy Speaker: Hon. Gabriel Kagombe, Member for Gatundu South. Do you want to contribute to this Motion?

We will move on to the next person. Hon. (Dr). Robert Pukose, Member for Endebess.

Hon. (Dr). Robert Pukose (Endebess, UDA): Thank you, Hon. Deputy Speaker. I stand to support the Motion on regulation of the betting industry by Hon. Duncan Mathenge. In this Motion, Hon. Mathenge, Member for Nyeri Town, asks the House to adopt that we regulate the running of lotteries and any other forms of betting disguised as polls, contests, and other SMS-based gaming by media houses; and ensure strict operationalization of the Betting, Lotteries and Gaming Act and increase control and oversight of the betting industry.

As you are aware, the issue of betting is a serious one in the country, and if not properly regulated it can get out of hand. At the same time, if you look at the issue of betting, there are other organisations that are supporting sporting activities like SportPesa, which was initially in this country. When we visited Tanzania during the last EALA Games, there were very many nice activities that have been done by SportPesa. They are able to collect a good amount of money.

I think the only problem is how to regulate this betting industry to ensure that it is not abused and at the same time, not exploitative. This is because when we leave it to become exploitative, especially among the youth, more often, they get addicted. You will end up with too many cases of addiction. When some youth and individuals go to offices, instead of spending time to do their work, they use it to bet. I think it has to be regulated in such a way that it is done within a limit. As much as it is able to promote certain activities within the country, it should do so responsibly. I think the issues that Hon. Mathenge is raising are within parameters that will ensure that this is an industry that is well controlled and one that can grow and support various activities within the country.

With those few remarks, I support.

Hon. Deputy Speaker: I can see there is an amendment to this Motion. Hon. Mary Maingi, Member for Mwea Constituency, please, move your amendment.

Hon. Mary Maingi (Mwea, UDA): Hon. Deputy Speaker, I beg to move the following amendment:

THAT, the Motion be amended by deleting the word ‘urges’ appearing after the word ‘this House’ on Page 236 of the Order Paper and substituting therefor with the words ‘resolve that’.

Hon. Deputy Speaker, the betting and gaming industry is a multi-million industry.

Last year, Kenyans spent Ksh169.1 billion in betting through M-Pesa. The industry also spent Ksh2.7 billion in advertisements alone. The funds that are being used by our youth to

place bets come from regular school fees and money given as loans from the Higher Education Loans Board (HELB). Youths are now dropping out of school because of lack of school fees, which is a devastating thing.

With regard to the elderly, I have heard on radio and read in newspapers that people bet publicly. On Sunday, I heard a young person on radio lamenting that he had bought six goats worth Ksh76,000 just to keep his elderly parents engaged. However, the mother sold all the goats to get money for gambling.

Hon. Deputy Speaker, this betting is breaking up families and is causing a lot of strain in families. I urge that this industry should not go unchecked. If this industry is checked, we can have the Ksh169.1 billion placed on these bets, circulated within our Kenyan economy and in turn this money can be used for investments and growing of other sectors.

With those few remarks, I urge the Hon. Member for Elgeyo Marakwet County, Hon. Caroline Ng'elechei to second.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Have you called upon a seconder?

Hon. Mary Maingi (Mwea, UDA): Yes.

Hon. Caroline Ng'elechei (Elgeyo Marakwet County, Independent): Thank you, Hon. Deputy Speaker.

I rise to second the amendment to the Motion. This Amendment places responsibility on the Ministry of Interior and Coordination of National Government and the Betting Control and Licensing Board (BCLB). If they fail to take necessary action, the House will have power to sanction them.

I, therefore, second the Amendment.

Hon. Deputy Speaker: Hon. Members still want to debate the amendment. We want the debate to continue as amended. I will propose the Question as amended then we can proceed.

(Question of the amendment proposed)

*(Question, that the word to be left out be left out,
put and agreed to)*

*(Question, that the words to be inserted in place
thereof be inserted, put and agreed to)*

(Resumption of debate on Motion as amended)

We shall now proceed with the debate on the Motion as amended. I now call upon the Member for Sotik, Hon. Francis Sigei. He seems to be absent. Next is the Hon. Member for Kilgoris, Hon. Julius Ole. Sunkuli. He also seems to be absent. Next is the Hon. Member for the Dagoretti North, Hon. Beatrice Elachi.

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you Deputy Speaker. I rise to support this amended Motion on regulating betting and gaming in our country, Kenya.

I want to appreciate the Member who brought this very important issue to this House. Betting is hurting many of our young people. Many Kenyans today feel that the best work to do is betting. People are ready to sell things from their homes in order to engage in betting. It is going on everywhere. However, nobody is questioning the results or consequences of betting. These are the challenges that we are now facing with the young people. Many young people would prefer betting to farming. They like hanging around in town centres where there is easy

access to gaming facilities. They engage in betting and gaming on football matches and they have become addicted to it. We know very well that is not the best way of life.

Three things have taken away our young people: alcohol, gaming, and boda boda. These three things go hand in hand. In the next 20 to 25 years, the challenges that our young people are now facing will be worse than what we are experiencing now. They will try to become real adults, or fathers in families, but they will be unable simply because of their current lifestyle. We have let betting go on without strict regulations. We now need to look at the challenges we are faced with in terms of food insecurity. It is partly because our young people have gone into betting. That is how they think they can make quick money when in real sense it is not what they think. They even forget that they are paying for it. The more you give, it will be returned to you or you will get it from another person. There is nothing much that betting companies are giving them. The betting companies are simply rotating your money and giving it back to you. If we want to resolve that problem, indeed, we must have regulations in place. Leaders and politicians must come out to safeguard the youth. This is because, sometimes we talk against things, but we find ourselves entertaining the same things. We have to be firm against negative things in society even if doing so will hit us hard politically. In the end, people will come to appreciate.

Young people right now are selling their things to go and do gaming business. As *Mheshimiwa* has said, young people use school fees for gaming. They always hope that they will bet and in turn get a lot more money. Many parents have been called to school to be told that they have not cleared school fees. Even as we talk now, I am sure there are young people somewhere betting. They have already arrived there. Betting should not be a source of living for people. They need to be told that it is not something that you can bank your future on.

It is true that betting has supported young people in sports. We have to appreciate and look at it both ways. What we also need to resolve is that any company that is doing betting must have a social corporate programme aimed at transforming parts of this country. In any case, they rake in a lot of money.

You will realise there is a way in which the interest they charge is higher than what they give members. So, as we talk about this, we want the Government to crack the whip on drugs, streamline betting, and bodaboda riders. This is their way of earning a livelihood so it should be made more enticing and orderly. They need not be harassed. They should know they are on duty and when in office they should have decorum. The NTSA and the Ministry responsible for betting must come up with policies that work and prevent addiction. Just like the way one drinks and becomes addicted, there is addiction of going to the casinos.

I have read the Motion. The Member wishes that the Ministry and other agencies should regulate the running of lotteries and any other form of betting. Also, in the Motion, he talks about Kenyans getting addicted to this form of gambling that has led to students leaving school and parents wondering what to do. Children become very violent when they realise they do not have money. A youth who is addicted to drugs is similar to one addicted to gambling. When he does not have money, he will do anything to get it.

So, I wish parents would look at all these issues and talk to their children. We have left most of our roles to the church to play. I do not know why we have decided the world should teach our children. The church has said, just like our Muslim brothers and sisters, that we should never allow our children to gamble. As Christians we have to start telling our children that gambling is not the right way of life and they should appreciate that. This is something we have to do knowing very well we have taken a while to arrest it. We need an all-inclusive and holistic approach towards the issue of betting just like we have been doing with alcoholism. Betting is not a hobby or a way of life.

Hon. Temporary Speaker, with those few remarks, I beg to support.

The Temporary Speaker (Hon. David Ochieng’): Member for Garissa Township.

Hon. Dekow Mohamed (Garissa Township, UDA): Thank you Hon. Temporary Speaker, for giving me an opportunity to contribute to the issue on the Floor about betting. You have heard from those who have contributed before me on the seriousness of the problem we are facing as a country. Our young people seem to have found a different way of living. They think it is an easier way of making quick money. This culture or direction we have taken as a society has affected our people. The Muslim society considers betting to be *haram*. It is not advisable for our young people to engage in it.

Therefore, if I were to bring something of this nature to the House, I would go to the extreme that we should declare betting an illegal activity in this country. I support my brother who has brought the Motion in the House because betting borders addiction just like drugs. Therefore, as a House, we must take stern action in ensuring that our young people do not go that direction.

Hon. Temporary Speaker, with those reasons, I beg to support the Motion. Thank you.

The Temporary Speaker (Hon. David Ochieng’): Member for Kirinyaga.

Hon. Njeri Maina (Kirinyaga, UDA): Thank you Hon. Temporary Speaker. I rise to support the Motion by the Hon. Member. It is not only young people that are plagued by betting. If you go to the villages you will find old people getting lured into betting by media stations.

I remember at one time there was a conversation on the social platforms of this nation, specifically Twitter, with regard to addiction and havoc that betting is doing in the villages. I can remember my neighbour. I think they sold their cow and the only thing they did not sell was their dog. I can tell you it was hell for that family. This creates conflicts in the villages. Anything that is unregulated is poisonous because we normally say too much of anything is poisonous.

I am calling upon this House to regulate the betting industry. We must think of it expansively and cater for every genre. The young people of this nation are driven to betting because of desperation. Nowadays, we have a culture in the slums called ‘glamming’ where people want to get rich overnight. They bet to richness. We are talking of young people who have gone to universities. I speak as a young person of this nation. Before I joined Parliament, I was unemployed. This does not mean I am uneducated. I am a qualified advocate of the High Court.

I have colleagues who up to date have never found employment. These people have studied medicine and many other disciplines. So, this is something we need to look at from a wholesome perspective. Besides regulating it what are we doing to empower our people? What are we doing to sensitise those in the villages? If you listen to any of the local stations, you will realise that most of them have a programme where you win some money. I remember at some point it was discovered that the person being called on the other end of the line has already been notified. It is a game they play to dupe the masses to give them money. The person is given a portion of the money and the rest is kept by the station. We must investigate why media stations are engaging in betting and why it is unregulated.

I call upon Members to look at this matter from a holistic perspective so as to protect our people from exploitation. Thank you, Hon. Temporary Speaker. I support the Motion.

The Temporary Speaker (Hon. David Ochieng’): The Member for Nyatike.

Hon. Tom Odege (Nyatike, ODM): Thank you Hon. Temporary Speaker, for giving me this chance. I stand to support the Motion by Hon. Mathenge and I want us to agree on a number of issues. We are putting a lot of focus on the youth and I think we are missing the point. This is because as we talk of betting currently, majority of the people betting are adults. The youth have seen this happening in their houses by their parents. So, they are growing in a betting society where they inherit this from their parents. If we want to stop betting, we need

to borrow from some practices we have tried in this country. Although the Ministry of Health warns people about cigarette-smoking, most people have not stopped smoking. If you go to buy a packet of cigarettes, it is well-written on the packet that cigarette-smoking is dangerous to your health, but you will continue to buy it. So, even betting is addictive. We can advertise everywhere and say that it is dangerous, but people will continue doing it. What do we do?

We cannot say that we will stop betting because it happens all over the world. When we stopped SportPesa in Kenya, they gained root in Tanzania and still conducted their business there. Kenyans were still betting on the SportPesa platform in Tanzania. We say that we do not want them in Kenya, but we still send money to SportPesa in Tanzania.

The only remedy is that first, we have to target churches. People must be correctly educated and nurtured through churches.

Secondly, betting firms must be taxed to limit their profits, so that they also become responsible. We have to evaluate the taxes levied on betting firms. You will find somebody opening a betting firm and he or she becomes a billionaire in a day, at the expense of that poor person down there who is sacrificing his Ksh20 to bet. We must make sure that we get a higher percentage of betting profits, which will assist youths to get bursaries and build colleges.

If today we declare that we are stopping betting in this country, it will not cure anything because people will still bet on other international platforms. Let us accept it, make it very painful for those doing it and ensure that the money is channelled to the correct use. The correct use will target the development of youths and colleges, so that we make them better citizens.

Finally, let us target parents. I have seen a number of people closing their shops, clearing their stock and losing their cars due to betting. The youths we are talking about do not have cars or shops. Adults who are eager to become wealthy quickly are wrong role models and are spoiling our youths in this country. We need to deal with parents first before we correct this menace, once and for all.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): Member for Bomet East.

Hon. Richard Yegon (Bomet East, UDA): Thank you very much, Hon. Temporary Speaker for this opportunity.

This is a very good Motion ...

(Hon. Charles Nguna spoke off the record)

The Temporary Speaker (Hon. David Ochieng’): Hon. Nguna, what is happening to you? Is there a problem? Are you okay? Let the Member for Bomet East contribute.

Hon. Richard Yegon (Bomet East, UDA): I thought that my colleague and Member of the same Committee wanted to interject.

Anyway, thank you very much, Hon. Temporary Speaker, for giving me this opportunity. Discussing the regulation of gaming and gambling is long overdue. To be very sincere, as you must have witnessed from all the Members of Parliament who have spoken on the Floor of the House, gaming is very addictive like cigarettes and other drugs. For this industry to be controlled, as a House, we need to come up with serious punitive action to allow only those who have money and are over 18 years old to participate in gambling. We have to increase taxes up to a certain level such that, youths who are prone to steal from their parents and engage in unethical things, so that they get money to gamble, cannot do so.

We know that gaming and gambling is a very lucrative business that brings a lot of revenue to the Government. In gambling, winning is not guaranteed. Only one per cent of those who gamble win. We also hear people calling radio stations to participate in competitions and win prizes. They normally tell callers that they will only accept the first five or 10 callers and

maybe you were next in line, yet they must have talked to more than 100 or so people. There is some money which is taken from those people and it is not accounted for. By regulating this industry, the Government will get good revenue in terms of taxes and our youths will not indulge in this vice.

With those very few remarks, I beg to support the Motion.

The Temporary Speaker (Hon. David Ochieng’): Thank you. Member for Isiolo South.

Hon. Bidu Mohamed (Isiolo South, JP): Thank you, Hon. Temporary Speaker, for this opportunity. We have problems here and there when it comes to betting. The problems are not limited to betting. Our youths and even older ones bet so as to get quick money. In the end, people become mad. Most of them become crazy because they have wasted all their savings. Children end up dropping out of school. They go through all that because of betting. People want to get money all the time.

Like *Mheshimiwa* has said, there are other issues. In future, we will have some problems. There is also the issue of bodabodas and motorbikes. Within the next 20 years, there will be many people with disabilities in this country because of bodaboda accidents involving *vijana wetu*. We should think of regulating some of these issues.

There is also the issue of securing loans using logbooks and title deeds. Those issues are causing a lot of stress to Kenyans. Because of the problems in Kenya, people seem to be engaging in many ventures, which could be very dangerous in future. I support this Motion because we have to do something about the betting industry. The Government must come up with regulations about what is supposed to be done in a proper manner. Otherwise, we will face many cases of suicide because of betting. We have to come up with regulations to safeguard our youths and even the *wazee* who are retiring. People waste all their retirement benefits on betting. Those are the kind of things which are happening in this country.

I support the Motion, Hon. Temporary Speaker. Thank you.

The Temporary Speaker (Hon. David Ochieng’): Member for Moiben.

Hon. Phylis Bartoo (Moiben, UDA): Thank you, Hon. Temporary Speaker. I rise to support this Motion on betting on behalf of the constituents of Moiben.

Gambling should be regulated because it is one of the worst sources of income. In my many years in Kenya, I am yet to find millionaires who have benefited from betting. I am yet to see a sizeable percentage of Kenyans who have benefited from betting. It should be regulated. The Betting Control and Licensing Board has a huge task ahead of it. We are yet to feel its work on the ground as far as betting is concerned. It needs to be more robust and strongly regulate this industry which has become a menace in Kenya. We are almost becoming a country which is raising a generation of youth who are gamblers. Somebody said that it is not just the youths who are gambling, but also their parents. Unfortunately, it is the youth who are the most affected. Specifically, when sports betting was introduced in early 2000, the youth found ways of making money through gambling. The way gambling is advertised is very enticing to an extent that some youth have decided to just sit and lose creativity. We have a bunch of youths who are no longer creative. They just believe in the gambling process as a source of livelihood and avenue to make them instant millionaires. The gambling business is camouflaged as a big investment yet nobody has benefited from it.

Gambling is not just robbing the rich and the poor but also affecting all calibres of people in the society. If it is not regulated, we will have a nation of gamblers, people who are not creative waiting to make money from gambling. As I said before, I have never come across millionaires who have succeeded through betting. We know the consequences of betting, especially for young people. Most of them, in the hope of becoming instant millionaires, have invested all their earthly earnings in gambling.

There are students who, instead of paying school fees, have resorted to taking a chance in gambling hoping to make money. As a result, they have dropped out of school and are just sitting at home. We have had cases of some of them committing suicide because of losing everything. We have had senior members of the society and parents who have become victims of betting and have lost all their earthly belongings. They are stressed and some of them have decided to take their lives. So, the betting business should be regulated. Social marketing campaigns should be enhanced so that people know the consequences of betting. If that is done, those who will participate in betting will do so knowing the consequences. Most of the time, betting is camouflaged in success stories and nice images. It is not right. The BCLB should be busy enhancing social marketing campaigns for people to know the consequences of betting, so that they do not become victims and lose everything.

Thank you, Hon. Temporary Speaker. I stop there to give someone else an opportunity to make a contribution.

The Temporary Speaker (Hon. David Ochieng’): Member for Kwanza.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): At long last. Hon. Temporary Speaker. Thank you very much for the chance. We need to look at the Act. This House has the responsibility to affirm that this Act has weakened the whole philosophy. I have witnessed what is happening particularly with the youth and the elderly who participate in betting and lottery. The Act allows people to do whatever they can do. Call a spade a spade. Members have talked about people getting weak financially. I witnessed a family in my locality, where the husband took money to gamble. He used up to about Ksh150,000 that had been sent to them by their son working overseas. There was a disagreement in the family. They started fighting physically and someone ended up getting injured. I was called in but wondered how to get involved. We should do something about betting. If we do not change the regulations, we will have more similar cases. In fact, as one Member said, this country will be known for gambling.

I know of a case where a parent gave a student money to go to school. There was a game between Manchester United and Liverpool and the boy did not get to school. He booked himself into a hotel to watch the game, only to find that a friend of the family was in that particular hotel. The friend wondered what the boy was doing in the hotel. He was waiting to gamble. The boy is addicted to gambling but he is very bright. Today, he is not in school. He is loitering around looking for jobs.

Gambling affects families financially. As the proposer said, it even leads to family breakups. Therefore, we should do something about it. There are those who feel they should get money by hook or crook. Someone calls and tells me, ‘*Nimelala njaa; watoto wamelala njaa.*’ The family does not have anything to eat, but he asks for money just to gamble. As a lawmaker, I suggest that we regulate gambling. It is causing a lot of suffering to the people in this country. The Ministry concerned should regulate betting and gambling.

The Temporary Speaker (Hon. David Ochieng’): Member for Kwanza, I am listening to Members and it seems this is a society issue.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Yes.

The Temporary Speaker (Hon. David Ochieng’): It seems this is an issue that the law will not correct. Members should think of how best to deal with this away from the law. But I digress. Go on.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Hon. Temporary Speaker, we are lawmakers. We can change the regulations, even if it means doing away with the law. Let it be done. There is nothing we are gaining from gambling. I know the Government gets some little revenue from the same, but what about the status of families? That is more important. I represent the people. I do not care how much the Government gets from gambling. The

Government can get money from elsewhere. The media is promoting gambling. If you go to some places in River Road, you will find betting happening.

You find boys and girls lined up but they are not doing what they are supposed to do. Instead of looking for jobs, they are there gambling hoping they will get money. At the end of the day, they get nothing. What happens after that? They become criminals. We are trying to solve the problem for the future of this country. Let us go the Muslim way where we do away with betting for some time until we do it in the right way. We can re-introduce it after 10 years. I may not be here that time but I am against it. It has ruined the whole country. Therefore, I support the Motion. If we change the Act or whatever Members will suggest here, it will help the society. Otherwise, we will ruin the society and be held responsible in future. What did you do during your time?

Hon. Temporary Speaker, I support the Motion.

The Temporary Speaker (Hon. David Ochieng'): Thank you. Member for Marsabit. She will be the last one to contribute to this Motion and then we will call upon the mover to reply.

Hon. Naomi Waqo (Marsabit County, UDA): Thank you very much, Hon. Temporary Speaker for allowing me to debate this very important Motion on Regulation of the Betting Industry. I also thank the Hon. Member who came up with this Motion. As I start, betting has brought a lot of challenges in our country. We seriously need to regulate it, so that we mould our society to the one that it needs to be.

We have had negative impact because of this practice. It does not only affect young people but also grownups and old people. It affects both genders and families negatively. As a result of this, I am sure we all know that a lot of domestic violence has been there and some people have divorced. Many people are depressed because of betting. Some people have borrowed money that they are unable to pay. They have lost their properties. This has been a real challenge in our society for some time. All this is as a result of lack of employment, dissatisfaction or lack of contentment. People want to get rich very fast using easy ways. Sometimes, cheap is very expensive. What you think is cheap might end up being expensive and then it ruins your life. The only way we can overcome this is to regulate betting. We should ensure that the regulations are put in place and implemented in all the sectors.

We have our young people who are mostly either in primary or secondary schools. I remember when we were growing up, there was the Programme for Pastoral Instruction (PPI) that was initiated. Once in a week, students used to have that programme where they were mentored spiritually. We need to come up with such a programme where enough education is given to our young people. A similar programme can be introduced in high schools outside their normal curriculum. They can have one hour every week to be educated on the dangers of betting. If we do that, our young people will grow up knowing the dangers and the negative effects of all these practices. That can really help.

The other thing we, as a Government or nation, can do is to have enough civic education. School leavers who are idle can be educated. We can come up with a special programme which can be organised together with the current Members of Parliament. If we go to constituencies, we can pass a message to the people because our words are powerful and they listen to us. We need to speak on all things that affect our young people. Civic education can be enhanced. We can tell people the dangers of all these things.

As Members of Parliament and especially those of us in the 13th Parliament, we have a great opportunity. Currently, we are surrounded by very many challenges. Many young people are already addicted to drugs. Many of them are unemployed. Lesbian, Gay, Bisexual and Transgender (LGBTQ) is becoming a real issue. We have the opportunity. When we go to our constituencies and talk to people, many of them listen to us. We can use the opportunity that

we have to pass this important message to people. We can tell them the dangers and how it has ruined our people.

As I finish, the media is there to promote this practice. If we put all these controls in place, then the media should be cautioned. They should stop encouraging people to practise this because it has the effect of luring others into it. We can reduce the promotion of that. I am sure that will be taken care of when the amendment is done.

Hon. Temporary Speaker, I support the Motion. Thank you.

The Temporary Speaker (Hon. David Ochieng’): Thank you very much. Members, before I call the mover to reply, allow me to recognise the presence, in the Public Gallery, of the students from the AEF Rueben Primary School, Embakasi South in Nairobi County. They are welcome to view the happenings of *Bunge* this morning. I hope they will learn something from their visit today.

(Applause)

I, therefore, call upon the mover of this Motion— Hon. Mathenge— to reply.

Hon. Duncan Mathenge (Nyeri Town, UDA): Thank you, Hon. Temporary Speaker. Before I reply, allow me to donate one-and-a-half minutes to the Member for Bureti, Hon. CNN, Member for Mbeere North and Member for Taita Taveta County.

The Temporary Speaker (Hon. David Ochieng’): Take one-and-a-half minutes each please.

Hon. Kibet Komingoi (Bureti, UDA): Thank you, Hon. Temporary Speaker. In supporting this Motion, we need to remember that we ought to protect our young people. Our nation has a young population. If we continue in this manner of not protecting them against the ills that come from betting, we will destroy ourselves. I thank Hon. Mathenge for bringing this discussion, so that the people of this nation may understand the things that happen within our society and the effects of unregulated betting.

One, we need to look into the regulations, so that we may know where this can happen. The BCLB should look into this and the kind of licenses the different stations have. We have radio stations that have broadcasting licences but they still carry out the....

The Temporary Speaker (Hon. David Ochieng’): Thank you.

Hon. Kibet Komingoi (Bureti, UDA): I still have time.

The Temporary Speaker (Hon. David Ochieng’): Finalise.

Hon. Kibet Komingoi (Bureti, UDA): I still have time, Hon. Temporary Speaker.

(Laughter)

The other one is the integration of the tax regime. We have lottos within our society. They are moving from villages to even smaller units. We need to regulate them so that our society can be protected against such ills.

Hon. Ruku GK (Mbeere North, DP): Thank you, Hon. Temporary Speaker. I rise to support the Motion by the Member for Nyeri Town. Betting has caused havoc in this country. This is not only to our young men and women in our constituencies but also the issues of vicious fines among the businesspeople who are in the betting industry. They fail to pay taxes as it is required by the law.

Hon. Temporary Speaker, I support this Motion and beg the Hon. Member to move forward and come up with a Bill which is going to regulate the betting industry in a holistic manner.

Thank you, I support.

The Temporary Speaker (Hon. David Ochieng'): Hon. Haika.

Hon. Haika Mizighi (Taita Taveta County, UDA): Thank you, Hon. Temporary Speaker. I also rise to support and congratulate the Member. I support the regulation of betting. Betting and gaming are very addictive and most of the people cannot handle the addiction that comes with it. In that case, we have lost very many families because we find that people have gone into gaming and they have lost because of lack of knowledge. Before you get into gaming, you need to have the knowledge of the game. Majority of the people get into the game without the knowledge. They, therefore, lose in these games and after that they begin to look for ways of recovering what they have lost by getting into criminal activities. We have seen people who have gone to the point of stealing from their families. We have had youth or students taking school fees and use the same on betting and gaming activities.

Therefore, I am very happy and grateful that today we are discussing this. I am also grateful to the Member for bringing this Motion on regulating betting. I am in support that we should regulate our gaming activity or the entire betting so that it can be done with a lot of decency in our country.

Thank you.

The Temporary Speaker (Hon. David Ochieng'): Hon. Ngusya, proceed.

Hon. Charles Nguna (Mwingi West, WDM): Thank you, Hon. Temporary Speaker. Thank you very much my friend, Hon. Mathenge from Nyeri Town Constituency for bringing up this Motion.

I will begin by saying that I was very fortunate to go for benchmarking in Las Vegas and London last term in 2018 and we came up with serious regulations. I would begin by noting that the problem in our country is not gambling and betting but our society and what we call financial exclusion of many people. That is why we need financial inclusion in this matter.

Betting is not bad, but overindulgence is. We have seen very many benefits of betting in our country like the sports fund that is now fully financed by betting. People who are overindulging in this matter are the ones to blame. Let our society act responsibly. Let us have what we call financial inclusion of every member of this society and we will have no issues of betting. Otherwise, getting rich very quickly is dangerous and there is no shortcut in life.

It is very difficult to summarise what I wanted to say within those few minutes. I beg to support and congratulate the Hon. Member for bringing this on the Floor of the House.

Thank you.

Hon. Duncan Mathenge (Nyeri Town, UDA): Hon. Temporary Speaker, allow me to donate one minute to Hon. Karemba.

The Temporary Speaker (Hon. David Ochieng'): Then, that means you only have two minutes to reply.

Hon. Muchangi Karemba (Runyenjes, UDA): Thank you, Hon. Temporary Speaker and thank you Hon. Mathenge. I wish to congratulate you for coming up with this Motion because we need to regulate betting. The addiction that comes with betting is worse than the one that comes with consumption of alcohol. Our young people have been lied to that they can become millionaires overnight by betting. Most unfortunate is that media stations are the ones that are propagating this narrative. They ask you a simple question and tell you that you will get Ksh500,000 for answering the question right, through betting. We need to regulate this so that we can make this country better and impose high taxes for these betting firms so that Kenya can benefit from the earnings.

Thank you. I support.

Hon. Duncan Mathenge (Nyeri Town, UDA): Thank you, Hon. Temporary Speaker. I want to thank the Hon. Members for their robust and insightful contributions to this Motion.

It is true, society must be more central in the new dispensation in as far as controlling betting is concerned. In a 2017 global survey on youths between 17 and 35 years, Kenya had the highest number of betting youth compared to Uganda, Tanzania, Ghana, Nigeria and South Africa. We are destroying an entire generation. Desperation for instant money increases unemployment rates, constant announcements, the thrill of gambling, slick advertising and celebration of winners is feeding this insanity. Gambling losses lead to severe debt, listing on Credit Reference Bureau (CRB), depression and anxiety. Gambling must be listed among other social ills like rampant corruption, illicit sex, alcohol, drugs and crime. There may be a society of Kenya which has a constitutional mandate to set standards and regulate compliance of those standards by the media. The Media Council Act 2013, Section 6(d) which obligates the Media Council of Kenya (MCK) to promote and enhance ethical professional standards among journalists and media enterprises acknowledges that licensed gambling has been promoted by media houses. This state of affairs cannot continue. Gambling on our airwaves, is taking gambling on every street in every household in this country. This is worse than selling cigarettes in kiosks. The media must be open to scrutiny and accountability when it negates its primary duty. Gambling on airwaves is an insanity driven by competition for audience, technology, penetration and the changing environment for the media houses. Therefore, I hear the mood of the House is that we move with speed to introduce a Bill to regulate betting in this country. I am promising, Hon. Members, that I am up to the task and the Betting Control and Licensing Board Act, which is the legal framework that is controlling and regulating betting in this country is qualified. It was enacted in 1966 and at that time there was no internet and no mobile money. Therefore, I thank this House for the contributions on this Motion and I believe it is time we moved with speed to protect our society from this evil.

I submit.

The Temporary Speaker (Hon. David Ochieng'): Thank you very much, Hon. Mathenge. I think the ball is in your court. You heard Members and everyone's views on this issue. As you know, the very nature of a Motion is that we normally resolve and most of the time nothing turns on it. I like where you have ended that you will bring a Bill to the Floor so that we have some firm and binding resolutions as a whole through a Bill to ensure that some of the things that we wish to see happening happen. I thank you very much.

Hon. Members, for obvious reasons, I will not put the Question now but this afternoon. So, we will do that in the next Sitting.

(Putting of the Question deferred)

Next Order.

BILLS

Second Readings

THE HEALTH (AMENDMENT) (NO. 2) BILL
(National Assembly Bill No. 42 of 2022)

The Temporary Speaker (Hon. David Ochieng'): Hon. Members, this Bill is sponsored by Hon. Didmus Barasa, who has written to the Hon. Speaker to defer this Order to the next Sitting. Therefore, we will defer it.

(Bill deferred)

Next Order.

THE NATIONAL TRANSPORT AND SAFETY AUTHORITY (AMENDMENT) BILL
(National Assembly Bill No. 43 of 2022)

The Temporary Speaker (Hon. David Ochieng): Is Hon. King'ara in the House?

Hon. King'ara, this chance is yours to move your Bill for Second Reading.

Hon. Simon King'ara (Ruiru, UDA): Thank you, Hon. Temporary Speaker. I want to start by thanking you for giving me this opportunity to highlight some amendments to the National Transport and Safety Authority (Amendment) Bill (National Assembly Bill No. 43 of 2022).

The Temporary Speaker (Hon. David Ochieng): Order, Hon. King'ara. Just approach the Clerk-at-the-Table.

(Hon. King'ara consulted with the Clerk-at-the-Table)

Hon. Simon King'ara (Ruiru, UDA): Thank you, Hon. Temporary Speaker, for the wise guidance.

I beg to move that the National Transport and Safety Authority (Amendment) Bill (National Assembly Bill No. 43 of 2022) be now read a Second Time.

Hon. Temporary Speaker, I intend to move this Bill as an amendment of the existing Act especially on Section 4, from (a) all the way to (c). If you look at Section 4 of the National Transport and Safety Authority Act, there are some issues that are of concern to us leading to my request to this Honourable House to do some amendments. I propose to insert the following sub-paragraphs on (a):

“(aa) regulation of two and three wheeled public motorcycle taxis.”

Under Part (ab), I propose to establish a system and procedure for the regional registration and licensing of two and three wheeled public motorcycle or taxis.

If you go to Section (ac), I propose to establish systems and procedures for the registration and licensing of the drivers of two and three-wheeled public motorcycle taxis by county governments in conjunction with the Authority.

I proceed to (ad) where my proposal is to issue public service vehicles badges to drivers of two and three wheeled public motorcycle taxis.

I conclude at (ae) where I propose to regulate two and three wheeled public service motorcycle taxis.

Hon. Temporary Speaker, long ago, motorcycles and three wheeled motorcycles or *tuktuks* were not in high demand. Currently, there are over 200 million motorbikes and *tuktuks* operating in different parts of the world, led by Thailand, Vietnam, Indonesia and Kenya in the region. You will note a speed growth of the same trend. Africa copies a lot of the Eastern behaviour. Thailand has a population of 71 million people where 87 per cent use motorbikes. This means that about 43 million people use motorbikes in that country. In Kenya, we have two per cent which is just about five million motorbikes, but they are uncontrollable. When we reach 10 million motorbikes, will there be order and sobriety if we do not have the right procedures, control and measures in place?

Not long ago, motorbikes and *tuktuks* were not used as taxis and, therefore, there was control. However, they are currently the most common modes of transport as far as mobility on our roads is concerned. We will lose track if the Government is not aggressive in coming up with new and better regulations to manage this menace. I know the Government is trying to come up with modalities of managing the same, but the speed with which motorbikes are being

registered and put on our roads is not in tandem. One would pose a question; should we do away with this motorbike menace, or what should be the way forward?

Hon. Temporary Speaker, the 2019 Survey conducted by the Kenya Bureau of Statistics found out that the motorbikes and the *tuktuk* sectors are generating over a billion shillings to the economy of this country. It is not something that can be put aside. If you go back to the same statistics and put that one billion to the Gross Domestic Product (GDP), you will generate about 3.4 per cent of the national GDP. So, you can see how this sector is growing. It closely follows the education sector which stands at 3.8 per cent, and you all know how old the education one is. If there is no stopgap measure on the control of bodaboda and three wheeled motorcycles, then we will lose track.

The other uncomfortable area is the health sector. Many of our national and local hospitals have set aside special units to manage bodaboda-related accidents. It is a big concern. Today, on my way to this Honourable House, I saw an accident at Kasarani and a body was just lying there. This is happening everywhere in this country and even the entire region. Kenya is an orderly country and it is our time to come up with regulations, modalities and systems. We can even come up with vocational training for the riders. The Government has to take a stand on this issue, because if it does not, then who will? We should not just talk and leave this matter open. I have tried to look at what other countries are doing and a good case study is Rwanda. Although the population of Rwanda is not like ours, they have come up with regulations that are able to create some order and sanity in the bodaboda and *tuktuk* sectors. Remember, I am concentrating on taxis whereby, people are ferried on them and in turn lives are lost.

In the old days, they were meant for cargo but now, it is a mode of transport and communication by the private sector including the Government itself. Our chiefs have been bought motorcycles by the Government. Kenya Power, which is a Government sector is also using motorbikes and the likes. This is something which is here to stay.

I have noted that in some localities like the county governments' level, they have come up with Savings and Credit Cooperative Societies (SACCOs) where the motorbike sector in that region belongs to be controlled especially, because of insecurity. The same motorbikes are also used to ferry illicit brews and hard drugs. This is because they can criss-cross everywhere in this country.

There are some modalities or measures which can be taken and can lead to sanity or control. Long ago, there were times when the Government could use different number plates to identify or control movement of vehicles and even understand who was where and what that person was doing there.

I do not want to dwell on coming up with number plates alone but it can also lead to order especially through SACCOS. If you introduce number plates, this can help to identify the movement and behaviour of *tuktuk* and motorcycle riders, and this can lead to what I call a happy ending.

We should not forget that the economy needs to grow and we need to work with everybody. It is good to note that on consumption of petrol or gas, a bodaboda spends on average Ksh300 per day. If you convert this to tax, the data shows that the Government is generating about Ksh60 billion revenue annually, from the bodaboda and *tuktuk* sectors.

Instead of losing this revenue, it is a high time we restored order so that the sector can be managed professionally. How can this happen? It is for this Government and us to come up with new and better regulations – real time regulations which can control the happenings of the day and be cascaded down to the county level. This way, we can have total control and it becomes better or favourable income generating venture, especially for the young people.

Lack of employment for our students after Form Four makes them rush and buy bodabodas so that they can earn a living. If the national Government can come up with something like a vocational centre at the county level, where our bodaboda riders can undertake short courses which can improve their skills, it can lead to positive growth.

At the same time, we need to come up with workshops at the county level because without maintaining and managing these machines, accidents could increase. If a rider is good but his motorbike is not repaired promptly or regularly, it can lead to this menace of accidents. It has become a culture among motorbike riders not to follow traffic law, and so it is up to the Government to come up with regulations which can be followed.

I know there are Members who would wish to share or contribute on this Bill. I, therefore, want to stop there and request Hon. Haika, the Chair, Diaspora Affairs and Migrant Workers Committee, to second.

Thank you.

The Temporary Speaker (Hon. David Ochieng’): Hon. Haika Mizighi.

Hon. Haika Mizighi (Taita Taveta County, UDA): Thank you, Hon. Temporary Speaker. I stand to support the amendments as proposed by the Hon. Member.

I second.

(Question proposed)

I will give the first bite of the cherry to the Hon. Member for Embakasi South, Hon. Julius Mawathe.

Hon. Julius Mawathe (Embakasi South, WDM): Thank you, Hon. Temporary Speaker. I wish to also give my support for the National Transport and Safety Authority (Amendment) Bill (National Assembly Bill No.43 of 2022). There is need to regulate the issues of transport in the country and especially, the issue of bodaboda as indicated by the Mover.

The issue of the bodaboda needs more regulations because you will find that sometimes, there is need for training before they are given license to ride. Just like we have the driver’s licence, we should have bodaboda licences before the operators are allowed to operate.

The enforcement of the helmet has fizzled away. It is not as it were, in the year 2020. However, as we narrow down on these regulations, we need to consider that the bodaboda industry is very important because many of our youth nowadays are earning their living through it. Because of the high unemployment rate amongst our youth, this is a good gap filler, or rather, bodaboda riders are able to fill the gap by sourcing or getting their own income.

I support the Bill but also let us consider of ways to assist bodaboda riders. We should establish a fund to assist them. We can give them downpayment and then the balance may be paid in approximately six to eight months. That will create employment for our youth.

With those few remarks, I wish to support.

[The Temporary Speaker (Hon. David Ochieng’) left the Chair]

[The Temporary Speaker (Hon. (Dr.) Racheal Nyamai) took the Chair]

The Temporary Speaker (Hon. (Dr.) Racheal Nyamai): Thank you very much, Hon. Julius Mawathe.

Hon. Mary Maingi, Member for Mwea. She seems not to be in. Hon. Mary Maingi has stepped out. Hon. Beatrice Kemei, Member for Kericho County. She also seems not to be in. Hon. Ken Chonga, Member for Kilifi South.

Hon. Ken Chonga (Kilifi South, ODM): Thank you, Hon. Temporary Speaker, for giving me an opportunity to speak on this amendment Bill. History will tell us how important the bodaboda sector is. If you can recall some 30 years ago, it used to take the whole day for a public service vehicle to be available for commuting. Life then was very horrible. At times if you missed the bus in the morning, you would have to wait until the following day to undertake your journey. Things have changed for both better and worse.

As I was listening keenly to the Mover of this amendment Bill, it took me to where I come from and looked at the situation as it is. Indeed, there are reasons why this sector needs to be moderated irrespective of all the good it has brought to the country. Last year, we heard our former President come out openly to find out how much income the bodaboda sector was generating to the country and its contribution to the GDP. That was good but at the same time, very many things have gone out of place. In this industry one can train and ride the same day, not cognisant of the consequences or any ills that may happen from riding a motorbike without knowledge of required regulations.

As the Mover said, in the East African Region, we know this is a reliable mode of transport but in some countries, things are done differently. I have watched in dismay, a bodaboda carrying four people when it is meant to carry one person. Honestly, this is a disaster in the making, implying something somewhere has not been done right. For instance, in Rwanda a bodaboda will never and can never carry more than one person. A bodaboda rider must have a helmet, same to the passenger.

A bodaboda is not excluded from observing traffic laws. When lights are red, all vehicles stop. What happens in Kenya? You find when lights are red, the rider still moves on. Then they meet an oncoming vehicle and an accident happens. What kind of regulations are there to moderate this? Day in, day out, the number of bodaboda riders is increasing yet, the modalities of putting this sector in control are not there. I am not saying the bodaboda sector should be shut down but we need to come up with proper mechanisms because if it is possible in Rwanda, I am very sure it is equally possible in Kenya. Most of the bodaboda riders are young people. This is the generation we expect to move the economy to a second level tomorrow.

If you go to Coast General Teaching and Referral Hospital, you will find a special separate ward for bodaboda riders and passengers who get accidents. In Kilifi and Kenyatta National Hospital the story is the same. For how long will we sit and watch our young men and women die? The concern comes here and I think this Bill is very timely to save future generations. We need to put proper structures and if possible have demarcated areas for bodaboda riders to ride. This will help us avoid loss of lives, accidents and injuries to others who are not party to these accidents. I stand to support this Bill.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Very well, Member for Kilifi South. I can see an intervention by Hon. Mawathe, Member of Embakasi South. What is out of order?

Hon. Julius Mawathe (Embakasi South, WDM): Thank you, Hon. Temporary Speaker. I want to recognise and acknowledge the presence of Reuben Primary School from Embakasi South Constituency in the gallery, led by the Headteacher, Madam Nancy Mutahi. These are the student leaders elected in the school. Thank you very much.

(Applause)

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Hon. Mawathe, I know you have recognised a school from your constituency but be informed they had already been

recognised by the Speaker. Hon. Members, let us proceed. Hon. Geoffrey Ruku, Member for Mbeere North.

Hon. Ruku GK (Mbeere North, DP): Thank you, Hon. Temporary Speaker. I rise to support this amendment Bill. The transport sector in the Republic of Kenya needs a lot of streamlining so that it can take care of emerging issues. The economy and population are growing and there are no retrogressive laws. The laws must be progressive in terms of changes happening in the society and more so within the transport sector of the Republic of Kenya. As mentioned in the articulation by the Hon. Member, the bodaboda sector has grown and is huge in every constituency. This needs to be well-regulated by a well-thought law. This is timely and the NTSA and other related supporting sectors need to be relooked into in a proper manner.

The NTSA plays a very critical role and is well placed within the Ministry of Interior and National Administration as opposed to what many people think, that it is placed within the Ministry of Roads, Transport and Public Works. It is placed there because of the critical role it plays in facilitating the economy. I support these amendments and urge the entire House to fully support them so that we can regulate this sector in the most appropriate manner. In future, we need amendments to look at emissions affecting our environment as a result of many vehicles and engines. Probably, they are not very well calibrated and do not meet the required standards hence end up emitting huge amounts of carbon into our environment. For the transport sector, the same Act needs to be amended in future.

Thank you, Hon. Temporary Speaker, I support.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much Hon. Ruku. Next is Hon. Innocent Mugabe, Member for Likuyani.

Hon. Innocent Mugabe (Likuyani, ODM): Thank you very much, Hon. Temporary Speaker. I wish to support the amendment Bill by saying that the bodaboda sector in the country should be looked into as part and parcel of the transport system. We have dehumanised this sector for a very long time, but it is important in terms of transport and movement of people and goods in the country.

Many parts of this country have very poor road networks and very inefficient transport systems. The people who come in to aid the movement of people and goods in such areas are bodaboda operators. We must give credit where it is due. In 2008, motorcycles below 250 cubic centimetres (cc) could be imported into the country duty-free.

Despite the bodaboda industry helping the transport sector in the country, it is also maligned with a number of issues because of lack of proper policies and a regulatory framework. We have seen gangs taking advantage of the ease of movement by bodaboda to rob people. We have seen bodaboda riders being unruly. We have seen people riding bodaboda without licences. We have seen people giving their children their motorcycles to ride. This has led to loss of lives and other societal menaces.

In 2019, a report by the NTSA stated that deaths due to bodaboda accidents were more than deaths caused by motor vehicles. This basically calls for a total paradigm shift in how the structure and management of the bodaboda sector is handled in this country. It calls for policy shifts to address the problems and challenges brought about by bodaboda riders in order to save the lives of riders and their passengers, to create harmony and proper structures in the sector, and to allow youths and other investors in the sector to benefit from it.

I support the Mover who stated that the NTSA should work in close collaboration with county governments because of the sheer numbers of bodabodas in counties and their proximity to county offices. Counties will also play a big role in terms of regulating the bodaboda sector.

I support the Bill, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Thank you. Member for Samburu County, Hon. Pauline Lenguris.

Hon. Pauline Lenguris (Samburu County, UDA): Thank you, Hon. Temporary Speaker. Hon. Lenguris is my name. Thank you for giving me this chance to contribute to the amendment Bill. I thank the Member for bringing up this issue because bodaboda are found in the whole country.

We understand that the bodaboda sector is very important in the economy of our country, particularly in the area where I come from. We have many challenges with the road network and most places are impassable using vehicles. Bodaboda have come as a relief to most residents of Samburu County. So, this is a very important sector, particularly to the people of northern Kenya, who have very poor road networks.

The bodaboda sector is also very important because it has created a lot of employment for majority of our youths, who would currently be idle at home doing nothing. Most previously unemployed youths are now engaged in this sector, which provides their daily bread. They feed their families and educate their children through the bodaboda sector. It has created employment for most of them. We thank this sector for allowing them to engage in this kind of work.

The bodaboda sector has generated a lot of revenue, especially for counties and also the national Government, because bodaboda riders pay levies and contribute to the growth of the economy of our country.

There are challenges that are associated with the bodaboda sector in this country. It is true that we have experienced many accidents caused by bodaboda riders. We need a law to regulate the bodaboda industry and the transport sector in general. Most bodaboda riders just buy motorbikes and go to the road without understanding road signs and rules that pertain to the business they engage in. We call upon the transport sector to regulate the bodaboda industry because we have experienced many accidents. As has been raised by the Mover of the Motion, if you go to most hospitals, you will find that most patients are there due to accidents caused by bodabodas. We have also lost many youths.

I agree with Members that a lot needs to be done. This is an important sector to all of us and a lot needs to be done by the Ministry of Roads, Transport and Public Works, together with the NTSA, because bodaboda riders need to be educated, guided, supported with trainings and shown how to do the right thing for the safety of their passengers.

I support this Bill. I request that we move with speed to regulate this important sector, so that riders can be educated, supported and trained. They will be taught how to safely engage in the business and reduce the number of accidents.

We experience a lot of harassment as we engage as Members of Parliament since we represent our people. Members of the transport sector, especially bodaboda riders, have also been harassed by police officers because of corruption. Much of the little money they get from the work they do goes to police officers because of corruption on our roads. The transport sector needs to crack down on corrupt police officers, so that they do their work without interfering with the little money that bodaboda riders get. The police should do their work without requiring bodaboda riders to bribe them when there is something wrong with their motorbikes. That will enable us to reduce the number of accidents and bodaboda riders will engage in their business knowing that there are rules and regulations that govern their work.

Thank you, Hon. Temporary Speaker. I support the amendment Bill.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Member for Narok North. Please, try and trace the Member for Narok North.

Hon. Agnes Mantaine (Narok North, JP): Thank you, Hon. Temporary Speaker, for giving me this opportunity to add my voice to the amendment Bill. I support the mover and thank him for thinking about our youth. The bodaboda sector is very important and it needs to be supported. Therefore, I support the NTSA (Amendment) Bill that introduces regulations that

will make sure that our youth are comfortable as they carry on with their activities because that is their only source of livelihood.

These young people are our supporters; they vote for us. We need to make sure that they are comfortable when carrying out their work. It is important for NTSA to make sure that these young men are trained and have helmets to make sure that the rider and the passenger are safe. They should also be supported with shelter wherever they work. This is another form of employment. That is how they earn their living. Remember when we are campaigning we always promise them that we will protect them and make sure they are comfortable. The only way to ensure that they are comfortable is by making sure there are regulations to protect them.

I would urge the police to give these young men an opportunity to look for an earning. That is the only way they can support their families and children. The police harass bodaboda operators. People consider bodaboda business not to be genuine and yet when you are in a hurry you use a bodaboda. We need to take the business seriously and support the operators to get licences, helmets and shelter. The Government should chip in to make sure these people are trained. They should not buy a motorcycle and the next day they are riding yet they do not even know the laws they are supposed to follow. I support the amendment and thank the mover for bringing this important discussion here so that we can support our youth.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Thank you very much. Hon. Cecilia A. Ngitit, Member for Turkana County.

Hon. Cecilia A. Ngitit (Turkana County, UDA): Thank you, Hon. Temporary Speaker. I rise to support this Bill and congratulate the mover. The bodaboda sector is a necessary evil to all of us, specifically to northern Kenya, as well put by my colleague from Samburu, where there are no roads. Bodaboda remains our ambulances. They remain our best mode of transport because most of our roads are impassable. The bodaboda sector has contributed a lot to our economy. It has created jobs to the young people of this nation. At this moment when fuel prices are very high, motorbikes remain the best mode of transport because their fuel consumption is low and they are cost-effective.

The bodaboda sector faces various challenges. One is the failure by NTSA to train bodaboda riders. These people just buy motorbikes and go to the road without knowing traffic rules and safety measures. This accounts for the high number of accidents we witness in our country.

The bodaboda riders also face exploitation by the police. They also face exploitation by owners of the motorbikes. If you look at some of the arrangements under which they get the motorbikes, you will pity them. The owner of a motorbike gives it to a young boy and at the end of the day he has to be given Ksh500. Now that bodaboda are many, at the end of the day the young man has not made even a single shilling but he has to give the owner of the motorbike Ksh500. That is a challenge.

The other exploitation these people face is exploitation by credit facility firms. There are firms that give bodaboda operators motorbikes and are paid on a weekly basis. We are going through economic hard times and bodaboda riders do not make good money to enable them pay the firms that give them bikes on credit. Most of them service the loans, but when the balance is as little as Ksh2,000, the firm repossesses the bike. Someone services a loan up to Ksh180,000 and his motorbike is repossessed for failing to pay Ksh2,000. There are many regulations that this august House should consider so that we cushion the young people from exploitation of this nature. I support this Bill.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Thank you very much, Member for Turkana. Hon. Kamene, Member for Machakos County.

Hon. Joyce Kamene (Machakos County, WDM): Thank you, Hon. Temporary Speaker, for giving me this opportunity to add my voice to the Bill. We are all aware that the bodaboda industry plays a huge role in the transport sector in this country. This sector has mushroomed in the last couple of years in a very dynamic way. We can say the Government was not prepared for this kind of mushrooming. At a time like this, proper planning is really needed to bring this sector into order.

*[The Temporary Speaker
(Hon. (Dr.) Racheal Nyamai) left the Chair]*

*[The Temporary Speaker
(Hon. David Ochieng') resumed the Chair]*

The NTSA ought to sit down with the Ministry of Roads, Transport and Public Works to ensure that bodaboda lanes are provided for on the roads. It is like the operators are taken for granted and have to squeeze themselves as they manoeuvre to transport people from one station to another. When it comes to their health, insurance has to be considered. They have to be given nice and friendly packages so that when they are involved in accidents they can receive treatment well.

This sector is serving a great role in transport. It has created employment for the youth. It has also helped businesses to thrive in a special way. This sector plays a big role especially to women who go to markets early in the morning. It is high time the police service gave this sector respect. This is a sector that is very dear to this country. I support the amendments.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng'): Thank you. Member for Wajir North.

Hon. Ibrahim Saney (Wajir North, UDA): Thank you, Hon. Temporary Speaker. Before I contribute to the debate, I would wish to bring to your attention that catching the Speaker's eye has become a serious challenge to Members. Those Members who are on top are least considered. This is just for your attention.

The Temporary Speaker (Hon. David Ochieng'): Hon. Member, you are completely out of order. You are out of order totally.

Hon. Ibrahim Saney (Wajir North, UDA): Thank you, Hon. Temporary Speaker. Honestly, it is in our rules. I want to contribute to the Motion. I agree with the intent or purpose of the amendment by my colleague. The motorcycle sector is of immense importance to this economy, but it is not regulated. There are sufficient laws to regulate them but I believe it is an oversight on the part of the agencies concerned.

The National Transport and Safety Authority (Amendment) Bill (National Assembly Bill No.43 of 2022) must be read together with the Traffic Act. Indeed, the motorcycle - whether it is a tricycle or two-wheeled - is a motor vehicle. That means it falls under the purview of the Traffic Act which is defined very well. It is a mechanically propelled vehicle. It should be well understood that when we are seeking this amendment, it is read alongside other statutes that are in existence. We only improve what exists but not bring conflicts between different statutes. However, the motorcycle sector has been growing immensely. It provides jobs or employment and swift transport in unmotorable roads. However, it has serious challenges. There is lack of training, licensing and regulation on the part of NTSA. There is no lacuna in law. NTSA is sleeping on the job.

We always drag in the police for corruption because the motorcycle operators are not licensed. They do not seek training or follow the laid down procedures. From where I come

from, you only need a camel to acquire a motorcycle and you are on the road the next hour, immaterial of whether there is a police officer or not. They do not know that there are regulations that one has to conform to because of the illiteracy rate. So, it is an issue of outreach than our limitations on the part of our legislations. This must be well understood.

I really agree with the intention of the Mover to regulate this sector. However, it is an issue of implementation or enforcement. A motorcycle is defined as a Public Service Vehicle (PSV) in the Traffic Act. It is not a *matatu* or motor car. It is a motorcycle and yet a motor vehicle that can carry passengers, but to a limit. This should be very clear in the minds before we contribute. We need coordination. The fact that the Mover has alluded...

(A Member raised his hand up)

The Temporary Speaker (Hon. David Ochieng'): Hon. Member, what is your point of order? You are raising up your hands. Okay. Go ahead.

Hon. Ibrahim Saney (Wajir North, UDA): One important aspect the Mover has alluded to is the fact that we must have coordination between county governments and NTSA on the part of the National Government. If we do not do that, we will create more chaos to an already chaotic sector. We should have one national inventory and system to supervise, regulate and license that sector.

I cannot see why Wajir County and Kiambu County should have different plates for their motorcycles. As much as the motorcycles are important to the economy, of late, they have also been serious contributors to crime in this nation. They are being used to traffic humans - mostly aliens - drugs from Ethiopia, weapons and arms that are being used in cattle rustling in the North Rift and Isiolo County. They are a menace and nuisance for sure. That does not mean that we have a deficit of laws that we need. Do we really enforce our laws which we pass in this House? With those few clarifications, the sector is very important and yet, laden with a lot of risks - the risk of owning a motorcycle and their contribution to crime in this country.

In Wajir North which I represent, on the Ethiopian border, motorcycles are used to bring in *cannabis sativa* up to Nairobi using unmotorable roads. They are used to bring aliens to the City of Nairobi and to transport guns that are being used in cattle rustling in the Rift Valley. If we want to contain cattle rustling in the North Rift, the Government should invest in our borders. Those motorcycles are the ones that provide the weapons that are being used to kill, maim and break bones of people in North Rift. I appreciate that the sector is important. I cannot stand and agitate for its abolishment. However, it requires stringent, thorough and tough regulations. The regulations exist. We call upon NTSA to do its part. They are sleeping on the job. They are not doing their work. The laws are there.

With those few remarks, I support the intent or purpose of the amendment. However, I seek your guidance to make sure that it is read with existing laws before we make amendments. Thank you.

The Temporary Speaker (Hon. David Ochieng'): Well said, Hon. Saney. This chance goes to the Member for Runyenjes.

Hon. Muchangi Karemba (Runyenjes, UDA): Thank you, Hon. Temporary Speaker. At the outset, I wish to support this amendment because the *bodaboda* or three-wheeled industry accommodates very many young people since its introduction during President Kibaki's time.

We all admit that thousands of young people are into this business trying to earn a living and educate their children through the income that they get from that industry. So, there is need to ensure that NTSA comes up with the regulations that will ensure that the sector is streamlined. If you listen to most young people who are in that industry, they will tell you that

they are harassed very much by the police. This happens mainly due to lack of regulations and the enforcement of the existing ones. We need to push NTSA to come up with ways of regulating that industry because it is likely that in the coming years, we will have too many people in that business because we believe it contributes too much to the creation of jobs.

Most of us have been out there in the western countries and even some of the African countries and you can see how orderly that industry is in some other countries, for example, Rwanda. This is because of the regulations that are there and the enforcement of the same. NTSA has a duty to come up with more regulations, so that we can cushion those people from the harassment they get from police and also in the same spirit, cushion the *bodaboda* from exploitation.

Hon. Temporary Speaker, as it has been said by one of the Members here, a young person who is trying to find something to do will get a credit facility to purchase a *bodaboda* worth about Ksh100,000 to Ksh120,000, and they end up paying up to Ksh250,000. More than half the cost of the motorcycle goes to some of the institutions that are giving credit to our young people. Very soon, I will be coming up with an amendment that will seek to cushion those young people who are in the *bodaboda* industry from the exploitation by the institutions that are offering those credit facilities. If you fail or delay in paying the instalment, they come and collect the *bodaboda* and sell it to someone else while you are left with nothing. This is the case and yet you had coughed out a lot of money to acquire the motorcycle.

With those few remarks, I wish to support. Thank you.

The Temporary Speaker (Hon. David Ochieng’): Thank you. Let us have the Member for Bonchari.

Hon. Charles Onchoke (Bonchari, UPA): Thank you, Hon. Temporary Speaker for giving me the opportunity to add my voice to this very important proposed amendment. The *bodaboda* sub-sector is very important in the economy because of its contribution to the transportation of the people. If you look around the country as a matter of fact, in most of the regions, you will find that the only mode of transport that is loved by people is *bodaboda*. Besides, it has created employment to many people who otherwise would go without food on their tables. However, that very important sector is faced with challenges as I have already said.

It is a fact that many of the riders are not trained and thus, cause many accidents. If you go to any county hospital or health centres in the countryside, you will find that most of the patients are as a result of the accidents that are caused by *bodaboda* riders. Therefore, as much as we want to support them, we need to be careful so that we do not end up over-regulating that sector. What is proposed here are two layers of regulations; one by the NTSA and another by the county governments.

When you over-regulate a sector, there is a risk of associated costs such as the taxes that NTSA and the county governments will inevitably levy on those riders. As it is now, many riders particularly those from Bonchari are not able to operate because of the high cost of fuel. In fact, many of them have parked their motorbikes. So, let us be careful not to add more problems to the sector that is already struggling by over-regulating it. As we discuss this further, let us be cognisant of the fact that other laws are in place. If we use them properly to their full extent as we are asking from this amendment; and if we are saying that NTSA comes in to regulate that sector, it is in itself giving NTSA absolute powers to regulate that sector without reference to Parliament. It is the practice that any regulatory body that is making regulations refers to Parliament through the Committee on Delegated Legislation.

So, let us be careful with the wording of this amendment so that we do not take away that power from Parliament, thus causing the NTSA and any other entity that is involved in the regulations to run away from Parliament. I am a member of the Committee on Delegated Legislation and some of the problems we encounter are that those bodies that make regulations

sometimes want to avoid Parliament and move ahead to make, publish and implement them. This could be an avenue for such bodies to make regulations without reference to Parliament and, therefore, take away the role of Parliament.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): Thank you. Member for Bureti. Just a minute. The Member for Kwanza, you are out of order. You cannot keep on putting pressure on me to give you a chance to speak when you are not on the queue. That is not the way it is done. Go on Member for Bureti.

Hon. Kibet Komingoi (Bureti, UDA): Thank you, Hon. Temporary Speaker. I am a member of the Departmental Committee on Transport and Infrastructure and I wanted to respond on behalf of the Committee.

First, I would want to acknowledge the amendments that are being proposed by Hon. Simon King’ara, Member for Ruiru Constituency, on the matter that is before us this afternoon. Most importantly, the Committee wishes to let the House know that it is in support of all the proposals and the reforms that are being proposed on the *bodaboda* sector and also the proposals to enforce compliance and enhance safety within the sector. I think there is too much chaos within the *bodaboda* sector that invites us to re-look at all the laws and regulations that govern it.

Section 4(2a) of the NTSA Act empowers the Authority to undertake the registration of all motor vehicles. So, the actual question about the registration of two or three-wheeler motorcycles or any other vehicles that are there has been provided for. It is also the view of the Committee that has listened to Hon. King’ara and the Ministry of Transport, through the Principal Secretary and other stakeholders such as the Kenya Association of Manufacturers, that we thought the amendments being proposed are already provided for within the NTSA Act. On the question of registration of motor vehicles and two/three-wheeler motorcycle taxis within the counties, it should be remembered that registration is a national function and, therefore, to co-share this function with the county governments may need that we amend our Constitution so that we may have to share.

The question that was being addressed here is, perhaps, the introduction of how to share information between the county governments and the national Government and, in particular, the registration of taxis and vehicles within the counties. Furthermore, the licensing of motorcycle taxis is already provided for under the regulations and hence, there is no need to introduce amendments to the NTSA Act. The issue of registration of motorcycles by regions as proposed by Hon. King’ara will go against the established United Nations (UN) Conventions on road traffic. The Roads Traffic Convention of 1968, which Kenya is a party to, provides for recognition of national and not regional licenses. Thus, the amendment will, therefore, conflict with those statutes that the country has entered into.

The provisions of public service vehicles badges and the management of SACCOs as intimated by the Member may be something that we may have to pursue within the current provisions of the Act. There were also some proposals by the Kenya Association of Manufacturers about the simplicity by which we can effect those proposals within the transport industry. When we met the Transport and Infrastructure Cabinet Secretary through the Principal Secretary, they informed the Committee that there were broader and more elaborate proposals that they had on the safety, running of SACCOs, management of the whole transport sector and, in particular, the *bodaboda* sector to be able to bring back sanity and make sure they are compliant and avoid the harassment.

The whole question of the cost of *bodaboda*, empowering *bodaboda* riders, the hustler movement and a part of it are also being looked into by the Ministry. Therefore, the Committee observed as follows:

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That, the proposed amendments in the Bill as formulated by the Hon. Member were already provided for in the National Transport and Safety Authority (NTSA) Act No.33 of 2012. Further, the NTSA Amendment Bill (National Assembly Bill No.43 of 2022) emanated from the issues of laxity in implementation, compliance and enforcement of the existing law and regulations.

The law is clear and adequate. There is no *lacuna* within our laws to implement those things. We want to call upon the Ministry of Interior and National Administration to ensure that those laws are properly implemented in consultation with the riders and the relevant county governments within which they operate. We will then be able to facilitate smooth flow and address the question of sanity within the sector.

The NTSA Operations Motor Vehicles Amendment Regulations 2022, provides for the licensing of motor vehicle taxis by the county governments. In March 2022, as you may be aware, the Government launched a national registration processing of two and three-wheeler public service motor vehicles. The same is to be done within the NTSA portal.

There are in existence regulations that were formulated in 2015 that provide for motor vehicles and motorcycles to have third-party insurance. The Public Service Vehicles (PSV) riders should have valid driving licences and the operators be registered members of a SACCO. Having considered the Bill, the Committee was of the view and recommends as follows:

“That, the House rejects the NTSA Amendment Bill (National Assembly Bill No. 43 of 2022) in its entirety and the Cabinet Secretary for Roads and Transport should review the NTSA Operations Motor Vehicles Amendment Regulations 2022 to be able to take care of the issues that were raised by...”

The Temporary Speaker (Hon. David Ochieng’): Hon. Komingoi, I notice that you are reading the Committee Report.

Hon. Kibet Komingoi (Bureti, UDA): Hon. Temporary Speaker, I am not reading. I am contributing while referring to the notes. We can then be able to handle issues that have been raised by Hon. King’ara. His Question was only on three items: One, the registration and compliance to the law. Two, safety. Three, organisation of the *bodaboda* industry.

As a Committee, we thought through it and it is our opinion that all those are provided for, except that the implementation, supervision and compliance to this law are not being realised.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): Thank you very much. Hon. Members, as we proceed, allow me to recognise and welcome to the Assembly students from Kamarandi Secondary School, Mbeere North, Embu County. We also welcome Nyahururu Visions Primary School of Ol Jorok, Nyandarua County. They are welcome to follow the proceedings of the House this afternoon.

This chance goes to the Member for Kitui South.

Hon. (Dr.) Rachael Nyamai (Kitui South, JP): Thank you very much, Hon. Temporary Speaker, for giving me this opportunity to also contribute to the Amendment Bill that is being proposed by Hon. King’ara.

First, I want to say that I have listened to the Member for Bureti. I am a little bit disoriented, but I will still proceed to support the Bill because of the subjects that Hon. King’ara is targeting in ensuring that those *bodaboda* are regulated. We have the *bodaboda* in our constituencies and we have seen the level of disorganisation. Therefore, whether it is happening in this Bill or in a regulation, I would like to state that I support the Bill.

We cannot ignore the importance of *bodaboda* in our constituencies, counties and country in general. This is a big business opportunity that has presented itself. Our young

people, both male and female, are participating in this business, and are able to bring up their families and pay school fees using their earnings from the *bodaboda* business.

I would like to support that there is need for registration. If possible, the registration should be attached to the rider and his or her motorbike. This will ensure that people at the county and national levels, including the offices of the chiefs and the assistant chiefs, are able to tell where a *bodaboda* is operating. This will help to trace them and show where they started their journey, the places they went to and where they ended. This will also help to deal with crime.

I would also like to link the matter of accidents by *bodaboda* riders to lack of licencing. Most of them are lying in hospitals. The Levels 4, 5 and national hospitals are full of accident victims through the *bodaboda* sector. This clearly shows that people are riding those *bodaboda* without training. There is a worst-case scenario where we found the underage riding *bodaboda*. This is not even a matter of the change on this Bill, but enforcement of the law. People without identity cards (IDs) are finding themselves in the *bodaboda* sector; riding and getting into accidents.

I would like to encourage the Committee and Hon. King'ara; as they look at this, that it is extremely important to also link with the other Committees that may be involved in this. We have noticed that our young people are suffering, especially those who get into contracts that they do not understand. When someone is buying a *bodaboda*, they do not look at the percentage of the full amount that they have to pay.

I would like to give an example of an institution that has made many Kenyans suffer. I will use the word 'allegedly' because of the business aspect that is attached to this. The institution is called Watu Africa. In my constituency, young *boda boda* riders come to me, one after the other, and tell me that their motorbikes have been seized by Watu Africa. When I followed up, I realised that, that is an institution that has given *bodaboda* to very many people. After looking at the payments done, I realised that some riders had paid up to Ksh160,000 and Ksh170,000 and they lose it at that point. This is a serious matter that needs to be looked into. As we talk about regulating the *bodaboda* sector itself, we need to also look for a way of protecting those people such that, when they are getting into contracts, we have a person who assists them to look at the amount that they are going to pay at the end of the day, and for how long. That is because some of those institutions have exorbitant percentages.

I will not forget the issue of crime. Some of those *bodaboda* are very good, but there are others who are involved in crime like stealing and they have the ability to hide and pass without being noticed. This needs to be looked into.

Before I sit down, I would also like to ask for a way that our young girls can be protected because a *bodaboda* rider is a very important person in the villages that we come from. Some of them have the ability to lure young girls into early sexual activities and immorality. As a Woman Member of Parliament, I want to request that this matter be looked into. It is just a case of indiscipline, but it is clearly linked to some *bodaboda* riders. There are cases of early pregnancies and HIV/AIDs being transmitted because of the privilege that those riders have to transport those young girls.

Hon. Temporary Speaker, I would like to state that I support Hon. King'ara. It is important to have that sector regulated. Despite the concerns of the Committee, I would like to say that I fully support this amendment to the NTSA Act.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng'): Hon. King'ara, I hope you are listening and already taking notes. If you listen to what the Committee has said and what Members are saying, there could be a middle ground on dealing with the most important issues

of the day concerning the whole sector. You notice that it has now come down to the *bodaboda* riders and how they behave. I hope we can nudge the Bill towards that direction.

The Member for Sirisia.

Hon. John Koyi (Sirisia, JP): Thank you, Hon. Temporary Speaker for giving me a chance to contribute on this. I rise to support this Amendment Bill.

The *bodaboda* play a very important role in this country, right from the constituencies where we come from to the counties. The regulations that we are debating on, must be tough because in my view, the NTSA is sleeping on its job. Why is it so? This is because as Parliamentarians, we have travelled to many countries and we have seen their regulations and rules of law being respected. However, here in Kenya, the riders do not respect the rule of law because the NTSA may not be taking actions every time they are on the wrong. This has, in turn, resulted in loss of lives. Many people and families have lost their lives because of their reckless driving.

As we pass these regulations that have been brought by Hon. King'ara, as House, we need to make sure that the Bill is passed. We have lawyers in this House. In fact, seated in front of me here, are two lawyers who must get involved so that the amendments are done properly to save the lives of our people. The riders get too many challenges. Sometimes, they get involved in crimes because of carrying people with guns and drugs like bhang and hence, we must check on the regulations.

Hon. Temporary Speaker, they contribute immensely to the economy of this country. They contribute about Ksh10 billion to our GDP, which is not little money. They are important in many aspects. They help in movements, especially in places with narrow and bad roads where vehicles cannot reach. Those *bodaboda* riders are important. Members of this House need to pass this Bill so that we can help those young people who are also struggling to put food on the table.

Thank you, Hon. Temporary Speaker. I support.

The Temporary Speaker (Hon. David Ochieng'): Member for Kanduyi.

Hon. John Makali (Kanduyi, FORD-K): Thank you, Hon. Temporary Speaker for giving me the opportunity to also weigh in on the amendment that is before the House.

First, the *bodaboda* sector play a critical role in our country, not only in offering jobs to our young and very desperate people, but also in contributing to the economy of this country. I know for a fact that, maybe, I would not have made it to this House without the contribution of the *bodaboda* riders in moving us to most of the places to seek votes.

I have looked at the amendment, and the Bill seeks to amend the NTSA Act to establish systems and procedures for regional registration and licensing of two and three wheeled public motorcycle taxis. My starting point was: Do we have a *lacuna* or an omission in the law? And my quick starting point was the NTSA Act. I have looked at the NTSA Act and, particularly, Section (4), and it provides for the actual registration and licensing.

When it comes to whether there is a *lacuna* in the law, I would say there is none with regard to licensing and registration of *bodaboda*. What problem do we have?

Of course, if you move to our respective constituencies and the areas we represent, and you visit the hospitals, you will find specific wards that have been set aside for people who have been involved in accidents involving *bodaboda*. If you walk to the police station, the traffic section, you will find many motorbikes that have been parked there that have been involved in road accidents.

Hon. Temporary Speaker, it is not lost on us that, a week ago, we lost a Member of this House courtesy of a *bodaboda* incident. So, as we move up on this, we need to ask ourselves the key question: What is the difficulty? What is the problem with the *bodaboda* sector? In my view, it is not the absence of regulations and laws. I agree with the spirit and intent of the Bill

which seeks to drive sanity to the *bodaboda* sector, but I do not agree with the amendments that are being proposed for the following reasons: One, the amendments seek to introduce regional licensing. I am looking particularly at this instance where a *bodaboda* is licenced...

Hon Ruku GK (Mbeere North, DP): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): Hon. Ruku, you have spoken to this particular Bill. What is out of order?

Hon Ruku GK (Mbeere North, DP): Thank you, Hon. Temporary Speaker. The school in the Gallery comes from my constituency, Mbeere North.

The Temporary Speaker (Hon. David Ochieng’): Hon. Ruku, that cannot be a point of order. We note that you have students from your constituency here, and that is it. Allow the Member to proceed with his contribution.

Hon. John Makali (Kanduyi, FORD-K): Thank you, Hon. Temporary Speaker. I was worried about what was out of order, but I thank you for protecting me. I can now proceed.

The Bill seeks to introduce the regional licensing. I am imagining if a *boda boda* rider is licensed in Bungoma County and he is carrying a passenger to Busia County where he is not licensed. What will happen to him there? The rider will be deemed unlicensed and will be bound to fall into problems with the traffic and the NTSA. I have a problem with the issue of licensing.

Two, of course, this is the National Assembly, and it legislates nationally. If we look at the Fourth Schedule of our Constitution, it is very clear that matters relating to transport and licensing within the counties are basically left to the counties. By virtue of this particular amendment, are we trying to take over the work of our county assemblies, which have a duty to license transport of motor cycles and *bodaboda* within their respective areas of jurisdiction?

The third issue is that in my short search, I have discovered that there are several pieces of legislations that have been enacted by this House that will tackle the issue we are having at the moment. Specifically, I want to make reference to the Public Motorcycles Regulation 9(5) of the NTSA Operation of Motorcycle (Amendment) Regulations of 2022 that were passed by this House. They were to deal with issues of licensing and regulation of the *bodaboda* within their respective centres.

I also wish to make reference to Legal Notice No.121/2022 on NTSA (Operational Motorcycles) (Amendment) Regulations, 2022 that provide for the registration of *bodaboda* and taxis SACCOs as well as their licensing by the county governments. So, while I agree with the spirit and intention of the Bill, my only concern is this: Are we not trying to legislate over another legislation? What we need to ensure is that the NTSA performs its mandate. The NTSA is lacking in discharging its mandate. Otherwise, I support the spirit of the amendment, but I do not support the amendments.

The Departmental Committee on Transport invited all the stakeholders to make their presentations on this Bill and it has brought its verdict before this House. The Committee’s verdict is that those amendments ought to be rejected. The contents of the amendments are already covered in the existing legislation. As a Member of this House, I go by the decision of the Committee in rejecting the amendments.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): The Member for Kisauni.

Hon. Rashid Bedzimba (Kisauni, ODM): Ahsante sana Mhe. Spika wa Muda kwa kunipatia hii fursa ili kupenyeza sauti yangu kwenye Mswada huu.

Bodaboda ni usafiri muhimu sana unaotumika katika Taifa nzima. Hakuna mji au kijiji utaenda na kukosa kuona waendeshaji *bodaboda* katika shughuli zao. Vile vile, *bodaboda* zimepunguza hali ya uhalifu nchini. Vijana wengine wanatumia *bodaboda* kutafuta riziki. Pia, zimesaidia kupunguza ukosefu wa ajira. Ingelikuwa hakuna *bodaboda*, basi kungekuwa na

shida kubwa sana ya ukosefu wa ajira kwa vijana. Kwingine, *bodaboda* hututumika kama ambulensi za kubebea wangonjwa, haswa sehemu ambazo barabara ni mbaya. Kwa hivyo, *bodaboda* ni sekta muhimu ambayo inapaswa kuboreshwa.

Ni kweli kuwa kuna ajali nyingi sana zinazosababishwa na *bodaboda*. Kama wenzangu walivyosema, katika hospitali nyingi, kuna wodi zilizotengewa watu wa *bodaboda* tu kwa sababu ni wengi. Hii inasababishwa na kutokuwa na mafunzo ya uendeshaji wa *bodaboda* hizo. Sekta hii pia inashuhudia umaskini mwingi sana. Maskini wengi sana ndio wanatumia mfumo huu wa usafiri. Wengi wa waendeshaji wanashindwa kwenda kusomea uendeshaji wa *bodaboda* kwa sababu ya bei ghali ya karo. Tunapaswa kubuni taratibu zinazofanya bei ya karo kuwa tahafifu ili waendeshaji *bodaboda* waweze kwenda shule na kujua kanuni za barabara. Wengi wanashindwa kwenda kusoma kwa sababu hali ni ngumu. Pia wanatakiwa kupatia wenye *bodaboda* Ksh500 kwa siku, kwa kila Ksh1,000 wanazopata. Kwa hivyo, tunapaswa kubuni taratibu zitakazofanya bei ya karo iwe tahafifu ili waendeshaji *bodaboda* wapate mafunzo na ujuzi wa kuendeleza biashara hii.

Bodaboda na tuk-tuk ni muhimu sana. Kwa hivyo, kama Bunge la Taifa, tunapaswa kubuni taratibu za kuwasaidia. Hata serikali za ugatuzi zinapaswa kutoa viegezo vya kujikinga haswa wakati kama huu wa mvua na pia wakati wa jua. Serikali za kaunti pia ziwapatie *helmets* na pia sehemu za kusafisha *helmets* hizo. Si tu watu kutumia *helmets* na koti zile bila kusafishwa. Zinaweza kusababisha maradhi. Ni mambo mengi ambayo tunahitaji kupanga kwa utaratibu ili kukuza sekta hii ili iweze kuwafaidisha watoto na vijana wetu.

Mhe. Spika wa Muda, sitazungumza mengi zaidi. Nakushukuru kwa kunipatia nafasi. Imebaki siku moja au mbili kufikia sikukuu yetu na nawatakia Waislamu wote sikukuu njema. Mungu awabariki, *Insha Allah*.

The Temporary Speaker (Hon. David Ochieng’): *Nawatakia kila la heri.*

Member for Nambale.

Hon. Geoffrey Mulanya (Nambale, Independent): Thank you, Hon. Temporary Speaker, for giving me the opportunity to add my voice to this Bill.

Indeed, the *bodaboda* sector contributes greatly to the development of our nation. Were it not for the *bodaboda* riders, transport within our rural areas would be greatly hampered. However, we need to look at the issues those young riders are facing. One, is the issue of licensing and training of the riders. Due to high fees on acquisition of driving licenses, majority of those *bodaboda* riders are trained within the villages. They ride the *bodaboda* without the requisite licenses. It would be important for NTSA to formulate policies and advise the national Government on how to regulate the *bodaboda* sector.

One of the reforms that I invite the Mover of the Bill to look into critically is the issue of the licensing and training of the *bodaboda* riders. We all know that *bodaboda* is a form of employment. Due to desperate situations that some young boys are faced with, they get trained in a day and the following day they are riders on the road carrying passengers to various destinations. They do not even know the road signs. They do not know when to make a turn. They do not even know how to use the features on the motorcycles. That is why we have high numbers of road accidents that are caused by those *bodaboda* riders.

One of the key mandates of the NTSA is to license motor vehicles and also advise the Government on national policies with regard to the road transport system. As stated by my colleague, Hon. Makali, leaving the regulation function and licensing to the county governments will not solve the problem that we are currently facing in that sector. Since the *bodaboda* are a key form of employment for the youth, the NTSA needs to ensure that they provide those youths with the necessary training, and advise them on how to use and understand the road signs. With this, we will avoid the unnecessary accidents that occur daily on our roads.

We have had incidents where *bodaboda* are accused of harbouring criminals. Has the Government taken the initiative to sit with those stakeholders and identify the leadership to help weed out the criminals amongst them? Those are some of the key things that we need to come up with. The same way we streamlined the *matatu* sector, we need to make sure that *boda boda* riders belong to specific SACCOS. This is so that criminals who take advantage of the *lacuna* in our regulations and commit crimes while the whole nation condemns *bodaboda*, should not have that advantage.

I, therefore, urge the Mover of the Bill to go beyond the proposed amendments and come up with more policies that will make the NTSA broaden the regulations to assist that sector.

I support.

The Temporary Speaker (Hon. David Ochieng’): This is a Bill, not a Motion.

Member for Kitutu Chache North.

Hon. Japheth Nyakundi (Kitutu Chache North, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to also put a word on amendments to regulations of the *bodaboda* sector, which contributes a lot to the economy of this country. We appreciate the young boys and girls in this sector for putting a lot of effort and making sure that they contribute to the growth of this country. I also support those amendments because the *boda boda* sector is disorganised. We need to put in place measures that will assist the young boys since they cause many accidents because of lack of training and proper riding skills. Other people take advantage and are thieves. They use *bodaboda* to steal from people using guns and also human trafficking from one place to another. I also support this Bill because there are young boys below the age of 18 years in that sector, and who need assistance because they are supposed to be in school. I support Hon. King’ara and those regulations in entirety.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): The Member for Mathioya.

Hon. Edwin Gichuki (Mathioya, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity. At the outset, I want to support this Amendment Bill by Hon. King’ara. Indeed, the *bodaboda* sector is very important in this country. Currently, as per the statistics we have, there are 1.8 million registered *bodaboda* riders. Their contribution to the economy is Ksh1.5 billion per day. This translates to Ksh45 billion per month and a whopping Ksh550 billion per year. That is the contribution to the GDP. This demonstrates the importance of this sector.

Why are we supporting these amendments? Definitely, there is a problem and every Member in this House knows there is one. There is total madness in the *bodaboda* industry. When our young men and women join *bodaboda*, sometimes, it is like a death sentence. Either they are shot by police, involved in an accident, or their motorcycles are stolen. At that time, you find that they lose their lives and so, we need to regulate that sector.

I have looked at the amendment Bill by Hon. King’ara and he recommends registration of *boda boda* riders at the county level. We know very well that NTSA is not efficient in the management of what they currently do. If this role of registering *boda boda* riders is taken by the counties, I think they will be more efficient than being left to the NTSA. I ask myself if this House feels that this industry is properly regulated, would you encourage your son or your daughter to join it? I know the answer from many Members is no, because there is a problem. There is a *lacuna* somewhere and this is what this Amendment Bill is trying to cure.

Hon. Temporary Speaker, the other issue, according to the Amendment Bill by the Hon. Member, is the issuance of badges to *bodaboda* and *tuktuk* drivers. You know, if you go out there and take an Uber or Bolt, you are very confident the vehicle has insurance and the driver has a license. But when you take a *bodaboda*, you are not sure. You do not know whether the

young man or woman is licensed or has insurance. That means there is a problem and this is what the Amendment Bill is trying to cure.

With those few remarks, I fully support the Amendment Bill by the Hon. Member.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): Member for Kabondo Kasipul. Hon. Members, I want to remind you that when you log your card in, always ensure you press the log in button so you are well logged in.

Hon. Eve Obara (Kabondo Kasipul, ODM): Thank you very much, Hon. Temporary Speaker. At the outset, I support the Amendment Bill. As has been said by most of my colleagues this morning, the *bodaboda* sector plays a critical role in the economy. It is a source of employment for many of our youths across the country. In my view, the *bodaboda* industry is the first line of security in our constituencies. For the simple reason that those *bodaboda* people are the ones who know who is new in the constituency, town or market. They also carry people to their various destinations and know exactly where they are going. So, if you want to track - we have used them many times to track criminals or something else - the first people who probably know something are the *bodaboda* people.

Therefore, I do not want to castigate them. But they should be properly organised so that they can benefit from training and licensing, which we have done in my constituency. For those who have come forward, we have paid for their training and licenses. Therefore, they should be licensed but again, this is in the Act already because it already provides for registration and licensing. What we need most importantly is to enforce some of those regulations...

I do not want to take too much time. Once again, I also support the idea of regional licensing so we can know where they come from. I hope that there will be... *Mhe.* King’ara, I have not seen what happens across borders of the different regions. Have you catered for this in the Act? I have not seen this in the amendments to avoid frustrations, particularly by the police, when something like this is in force and is not clear what is supposed to happen. Once again, thank you very much.

I support.

The Temporary Speaker (Hon. David Ochieng’): What will happen when you have regional licensing and every police officer asks: Are you from Siaya going to Busia? Will they need another license? Do we need another rent-seeking opportunity?

The Member for Matungu.

Hon. Oscar Nabalindo (Matungu, ODM): Thank you, Hon. Temporary Speaker, for giving me an opportunity to contribute to this Amendment Bill by Hon. Simon King’ara. It is talking about regulating the *bodaboda* sector, which is important to the youth of this country. That sector provides employment for millions of young people. Due to that fact, we as leaders in the community, support any initiative that aims at regulating this important sector for the youth. As you know, this country has a problem with youth unemployment. Therefore, any sector that goes out of its way to employ the youth must be supported.

You mentioned that Members were only talking about *boda bodas* as they contributed to the Bill. That is because the motorbike business is very prominent in this country. It is spread across every village and town, whether small or big, and it employs millions of young people. It is a very important sector because it touches the lives of Kenyans deeply. For example, every morning, you will see *bodaboda* ferrying children to school. After that, some of them ferry teachers to the same schools. They transport people to various businesses or places of work. It, therefore, means that it is part and parcel of the lives of Kenyans. Unfortunately, for some reason, that sector has strongly been exploited by some people. For example, most youths who engage in the *bodaboda* business are exploited by politicians,

business people and criminals because of the low income involved. It is easy to lure those young people into dangerous or dubious businesses by giving them additional funds. You will find that during campaigns, they are extremely exploited by politicians. If a politician wants to cause a problem somewhere, the first people that are used are *bodaboda* riders. Therefore, it is very important that, as a country and as a Parliament, we come up with measures on how to regulate that industry, so that we protect the youth from exploitation.

That sector is also prone to extreme harassment by law enforcers; namely, the police and county government *askaris*. *Bodaboda* riders are harassed from left, right and centre, everywhere they go. Rules are changed every day. One day they are told not to pass through this route, and the next day they are told to pass through that route. Most of them are arrested on a daily basis. Maybe, law enforcers are taking advantage of the lack of regulations to exploit those young people. When they are arrested and their motorbikes are impounded, they have to give out a lot of money before they or their motorbikes are released.

We already have a deeply entrenched motorcycle culture in this country. Therefore, as a House, the most important thing to do to assist those young people is to have regulations in place because that culture is not going away soon. It is deeply entrenched and it is working out for very many people. Even business people who are starting businesses buy motorbikes and employ the youth to operate them on the roads. Therefore, it is not just a business for *bodaboda* riders. It involves other people. In fact, I know Members of Parliament who have invested in the motorbike industry.

Finally, I do not agree with the fact that licensing of *bodaboda* should be devolved to the county governments. That function should remain with the NTSA. The laws that this House has passed should be enforced because they are already in place. They just need to be enforced. Registration of *bodaboda* by the NTSA should be further streamlined than what it is today. This will improve the safety of *bodaboda* riders and their passengers, including the children that they take to school. We cannot trust county governments at this point because most of them are extremely corrupt. Adding this responsibility to them will be giving them another avenue to continue perpetuating their corrupt activities.

With those few remarks, I support the Bill, but with amendments.

The Temporary Speaker (Hon. David Ochieng’): Member for Webuye East.

Hon. Martin Wanyonyi (Webuye East, FORD-K): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute to this Bill.

At the outset, I commend and thank the *bodaboda* in this country. They play a critical role by creating job opportunities and engaging our jobless youths. This is the fundamental role that is played by *bodaboda* in strengthening our economy. I echo the words of the Committee in this Bill. We do not lack laws in this country. From where I sit, we have enough laws to regulate *bodaboda* riding. We lack an enforcement mechanism that will ensure that *bodaboda* riders comply with existing laws and also ensure that the police officers do not harass them. They should not erect too many roadblocks on the road just to get Ksh50 and harass the *bodaboda* riders who are doing a commendable job in the Republic of Kenya. I support the Departmental Committee on Transport and Infrastructure. We have the laws but we need to put measures in place to enforce them.

Secondly, as much as the *bodaboda* have contributed immensely to the economy of the Republic of Kenya, they are the major contributors to the many accidents that our people face now. As a person who is also close to the people living with disability sector, the Members who are already in the disability club are complaining that it is full. The number of victims who are now being registered in the club is very high. We need to find a way of enforcing our laws so that we can reduce the number of accidents that are caused by *bodaboda* riders.

Thirdly, we, as a country, need to deliberately establish a fund that will help the *bodaboda* riders by training them. Many of them are not trained and licensed. That is why we have school-going children riding *bodaboda* in our homes and villages without being held to account. We need a mechanism of training the *bodaboda* riders. I am happy because many constituencies are going out of their way by using the National Government Constituencies Development Fund (NG-CDF) to not only train them, but also ensure that many of them are licensed.

I do not really support this Bill. I support Members whose position is that the Mover of this Bill sits and consults with the Departmental Committee on Transport and Infrastructure to see how well this Bill fits within the existing laws.

Finally, we also need to be cognisant of the provisions of Article 189 of the Constitution in terms of the co-operation between the county government and the national Government. We should not put in place legislations that are in violation of the provisions within the Fourth Schedule of the Constitution, which sets out clearly the mandate of the national Government and the county government.

I support the Bill and hope that the Mover will sit with the relevant Departmental Committee to harmonise it.

Thank you very much, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): Member for Kiambu County.

Hon. Ann Wamuratha (Kiambu County, UDA): Thank you, Hon. Temporary Speaker. I support Hon. King’ara of Ruiru Constituency. He is my Member of Parliament. He represents one of the constituencies with many people. Sometimes, the *bodaboda* operators become a nuisance. Sometimes, I imagine those boys do not understand what they are supposed to do. You will find one on Thika Road carrying three young children to school, but he does not know the lane he is supposed to use.

I support what one of the Members has said. We need to have proper regulations for those people. They need to understand the lane they are supposed to use. As those regulations are being looked into, we also need to look at the issues in terms of regions. Some regions have more chaotic problems than others.

The Temporary Speaker (Hon. David Ochieng’): Thank you, Hon. Wamuratha. You will have the balance of your time in the next Sitting when this Bill will be deliberated upon. Time is up. You will have the first chance when the Bill is discussed next.

ADJOURNMENT

Hon. Members, the time being 1.00 p.m., this House stands adjourned until today, Wednesday, 19th April 2023, at 2.30 p.m.

The House rose at 1.00 p.m.

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