



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT**

**NATIONAL ASSEMBLY**

**THE HANSARD**

**VOL. II NO. 46**

## THE HANSARD

Wednesday, 14<sup>th</sup> June 2023

The House met at 2.30 p.m.

*[The Speaker (Hon. Moses Wetang'ula) in the Chair]*

### PRAYERS

**Hon. Speaker:** Members, we have Quorum. Clerks-at-the-Table, let us proceed.

### PETITIONS

Hon. Members, I have two petitions. The first one is from a citizen, Francis Ngunga, for whom I will present. The second one is to be presented by the Hon. Ali Wario, the Member of Parliament for Garsen. Is he in the Chamber? Hon. Ali Wario?

*(Several Members walked into the Chamber)*

Members, take your seats.

### PUNITIVE CHARGES LEVIED BY THE KENYA NATIONAL HIGHWAYS AUTHORITY

Hon. Members, Article 119 of the Constitution accords any person the right to petition Parliament to consider any matter within its authority. Further, Standing Order 225(2)(b) requires the Speaker to report to the House any Petition other than those presented by a Member. In this regard, I wish to report to the House that my Office has received a Petition from Hon. Francis Ngunga, who is the Member of County Assembly (MCA) for Mua Ward in Machakos County. It is calling for consolidation of licenses issued by the Kenya National Authority (KENHA) as well as comprehensive review of KENHA'S licensing and levies regime.

*(Several Members walked into the Chamber)*

Hon. Members, take your seats. Take the nearest seat.

*(Hon. Robert Mbui proceeded to get a seat)*

Even Hon. Robert Mbui does not know the meaning of nearest.

*(Laughter)*

Hon. Members, the Petitioner is aggrieved by KENHA's issuance of exemption permits and licenses for the transport of abnormal loads that include road construction equipment such as excavators, bulldozers, rollers and graders, as well as other over-dimensional or heavy cargo. He

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avers that KENHA unfairly institutes double charges that are punitive and regressive with regard to the said licenses.

The Petition describes how KENHA charges low loaders for carrying loads that do not exceed 10 tonnes but, further, proceeds to levy additional charges if the load in question is a grader or a roller, notwithstanding the fact that the said grader or roller does not exceed the 10-tonne limit already paid for. In light of those woes occasioned by double charges and related inconveniences, the Petitioner seeks the urgent intervention of the National Assembly in reviewing KENHA's licensing framework for abnormal loads transport, consolidating KENHA exemption licenses, and having them issued annually as opposed to quarterly. The Petition seeks the release of abnormal load transport vehicles from police stations pending the review of KENHA's licensing and levies regime.

Having established that the matter raised in the Petition is well within the authority of this House and further that the matters raised in the Petition are not pending before any court of law, constitutional or legal body, I hereby commit the Petition to the Public Petitions Committee for consideration, pursuant to Standing Order 208A. The Committee is required to consider the Petition and report its findings to the House and to the Petitioner in accordance with Standing Order 227(2).

I thank you. Is Hon. Wario in the House now? Hon. Wario, prosecute your Petition.

#### REVIEW OF BOUNDARIES OF TANA DELTA IRRIGATION PROJECT

**Hon. Ali Wario** (Garsen, ODM): Thank you, Hon. Speaker. I rise to present Petition No. 31 of 2023.

I, the undersigned, draw the attention of the House to the following:

THAT, the Tana Delta Irrigation Project was initiated by the Tana and Athi Rivers Development Authority (TARDA) to enhance quality of life through sustainable utilisation, environmental protection, food security and revenue generation in the Lower Tana River Basin;

THAT, the project is estimated to cover eight locations in Garsen Constituency, namely Mwina, Salama, Galili, Kipao, Wachuodha, Konemansa, Handaraku and Didewarede;

THAT, the project as currently designed will lead to great displacement of residents of the said locations, destabilise their livelihoods economically, socially and politically, and further interfere with the local geology composed of protected forest areas that are an ecological habitat for marine and terrestrial wildlife;

THAT, part of the area covered by the project is the Tana River Delta, which is Kenya's sixth Ramsar site and the only Ramsar wetland outside the Rift as declared by the United Nations Educational, Scientific and Cultural Organization (UNESCO);

THAT, efforts by the residents to engage TARDA to review the boundaries before implementation of the project have not been successful;

THAT, the reluctance by TARDA to conduct public participation on the project violates the national values and principles of governance envisioned in Article 10 of the Constitution; and,

THAT, the issues in respect of which this Petition is raised are not pending before any court of Law, or any constitutional or legal body.

Therefore, your humble Petitioner prays that the National Assembly, through the Public Petitions Committee:

1. Engages the TARDA to review the boundaries of the Tana Delta Irrigation Project in order to, among other interventions, ensure that the Tana Delta Irrigation Project does not extend beyond the southern parts of the Garsen-Lamu road, and should instead be extended eastwards towards the border of Boni Forest to create a security buffer zone.
2. Facilitates clear demarcation of TARDA land from the general community land.
3. Compels TARDA to comprehensively engage residents of Tana River in all aspects of the project's design and implementation.
4. Makes any other recommendation or action it deems fit in addressing the plight of the Petitioner.

And your Petitioner will ever pray.

**Hon. Speaker:** Hon. Wario, the two Petitions are committed to the Public Petitions Committee. Because of the debate before us, I will forego the need for any comments. We will leave the Committee to deal with those two petitions.

Next Order.

## PAPERS

**Hon. Speaker:** Leader of the Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Speaker. I beg to lay the following Papers on the Table:

1. The First Quarterly Report of the Ethics and Anti-Corruption Commission for the year covering the period 1<sup>st</sup> January 2023 to 31<sup>st</sup> March 2023 from the Office of the Attorney-General.
2. Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30<sup>th</sup> June 2022, and their certificates therein:
  - (a) Mukurwe-ini Technical Training Institute;
  - (b) Samburu Technical and Vocational College;
  - (c) Mathenge Technical Training Institute;
  - (d) Mount Elgon Lodge Limited;
  - (e) Simlaw Seeds Company Limited;
  - (f) Kieni Technical and Vocational College;
  - (g) Mathira Technical and Vocational College;
  - (h) Lake Victoria North Water Works Development Agency;
  - (i) The Technical University of Kenya;
  - (j) Multi-Media University of Kenya;
  - (k) National Youth Service;
  - (l) National Youth Council;
  - (m) The Institute of Human Resource Management;
  - (n) Pwani University;
  - (o) Kenya Water Towers Agency;
  - (p) National Irrigation Authority;
  - (q) Sikri Technical and Vocational College for the Blind and Deaf;

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- (r) Chuka Technical and Vocational College;
- (s) Turbo Technical and Vocational College;
- (t) Emsos Technical and Vocational College.

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, Leader of the Majority Party. Chairperson of the Committee on Delegated Legislation.

**Hon. Samwel Chepkonga** (Ainabkoi, UDA): Thank you, Hon. Speaker. I beg to lay the following Paper on the Table:

Report of the Select Committee on Delegated Legislation on its consideration of the Statutory Instruments (Amendment) Bill, National Assembly Bill No.2 of 2023.

I thank you, Hon. Speaker.

**Hon. Speaker:** Thank you. Member of the Kenyan Parliament Delegation, I do not know to where, Hon. John Kiarie.

*(Hon. Speaker consulted with the Clerk-at-the-Table)*

Hon. John Kiarie, that must be the Delegation to the Inter-Parliamentary Union (IPU).

**Hon. John Kiarie** (Dagoretti South, UDA): Thank you very much, Hon. Speaker, for giving me this opportunity. I beg to lay the following Paper on the Table:

Report of the 146<sup>th</sup> Assembly of the Inter-Parliamentary Union (IPU) and related meetings that were held in Manama in the Kingdom of Bahrain from the 11<sup>th</sup> to the 15<sup>th</sup> of March 2023.

Hon. Speaker, I appreciate this opportunity. With your magnanimity, since this is the first time that I am speaking on something substantive, I would beg you to allow me one minute to just say thank you to all the Members of Parliament who came in a very big way to support me when we were laying my dad to rest. I want to say a very special thank you to you, Hon. Speaker, the whole of Parliament, the Clerk of the National Assembly, the Serjeant-at-Arms and everyone who accompanied us as we were laying the great man to rest at home.

I thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, Hon. Kiarie. Next Order. Hon. Kiarie.

## NOTICE OF MOTION

### NOTING OF REPORT OF THE 146<sup>TH</sup> ASSEMBLY OF IPU

**Hon. John Kiarie** (Dagoretti South, UDA): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House notes the Report of the 146<sup>th</sup> Assembly of the Inter-Parliamentary Union (IPU) and related meetings that were held in Manama in the Kingdom of Bahrain from 11<sup>th</sup> to 15<sup>th</sup> of March 2023, laid on the Table of the House on Wednesday, 14<sup>th</sup> June 2023.

Thank you very much, Hon. Speaker.

**Hon. Speaker:** Thank you. Next Order.

## BILL

*Second Reading*THE FINANCE BILL  
(National Assembly Bill No.14 of 2023)*(Moved by Hon. Kuria Kimani on 14.6.2023)**(Resumption of Debate interrupted on 14.6.2023 – Morning Sitting)*

**Hon. Speaker:** My records show that, at the time we rose, Hon. Mishi Mboko, Member for Likoni, was on the Floor. She has four-and-a-half minutes to go. Hon. Mishi.

**Hon. Mishi Mboko** (Likoni, ODM): Thank you, Hon. Speaker. As I said from the onset, I strongly oppose this Bill. I want to speak to the increased taxation on fuel levy. In my view, if you increase fuel levy, the cost of production and transportation will go high. This increase will also affect agriculture, which depends on machinery that uses diesel and petrol as power. As you are aware, the cost of living is very high. This has burdened Kenyans. Right now, a packet of *unga* is about Ksh250. If this Bill passes by bad luck, then this will go beyond Ksh250, and that will mean Kenyans will not be able to afford a plate of food. I do not know whether Kenyans will go back to the concept of fasting the way the Shakahola victims have been doing because they will not afford food.

Hon. Speaker, there is the issue of the turnover tax. Previously, it used to be around Ksh1,000,000. But it has now been reduced to Ksh500,000. If you divide by 365 days, then it means that if you are making a sale of about Ksh1,370 per day, then you are going to pay a tax of 3 per cent, and those are the hustlers, the *mama mboga*, bodaboda operators and *mama mahamris*. All those people do not have money. They are broke, poor and yet, they are being told to give that kind of tax.

On the issue of housing, this should be voluntary. We need to consider many Kenyans, especially the civil servants. Let us look at our humble teachers, police officers, Kenya Defence Forces service men and other civil servants who have already taken mortgages from other financial institutions. Others have even taken loans from various banks and yet, they are forced to pay a fund for housing. In my view, it should not be mandatory. Too many questions have been raised on this issue of housing. For instance, if a couple are both civil servants, will they be charged 3 per cent? Are two houses a priority for them? They might just need one house, but since they are both civil servants, they will pay that tax.

Another question is this: For somebody who has a few years to retirement - about five or 10 years - and they pay that taxation for that period, what will happen? Will they get a house? If not, where will the money go? Will they get that money back? Will they earn interest on the money? There are many questions that Kenyans have. We need to have been told about it before including it in this Bill.

Hon. Speaker, there is a saying in Kiswahili that, *mtu hujikuna afikapo*. We have proposed a big Budget, but can we chew what we cannot swallow? Let us move gradually because Rome was not built in a day. There is a lot of wastage and corruption. Let us seal the loopholes, wastage and corruption, and do away with the vote-heads which are not a priority. I have not said that they are not important, but they are not a priority. For instance, in the Budget, some offices have been allocated a lot of funds and yet, if you look at their functions and roles, you will find that they are not a priority. Our priority as a country is to reduce the cost of living for Kenyans.

I also want to talk about the increase in tax on mobile money transfers. Right now, the majority of Kenyans, over 70 per cent, depend on mobile money transfers. We send our parents in the rural setup, where there are no banks, money via mobile money transfer. Today, we will increase the taxation from 10 per cent to 15 per cent. That means we will pay 3 per cent more to send money through mobile money transfers like M-PESA.

There is also the advance tax on commercial vehicles. When discussing commercial vehicles, we cannot miss mentioning *matatus* and lorries. We use *matatus*. Is the fare they charge not going to be high? Yes, it will be. It will also be very expensive to transport building materials using lorries.

Hon. Speaker, I want to urge my colleagues to be objective leaders, and I believe they are. They should look at this Bill and think about Kenyans. We are not saying that we do not want to pay taxes. Taxation is part...

**Hon. Speaker:** Hon. Mutunga.

**Hon. Kassait Kamket** (Tiaty, KANU): On a point of order, Hon. Speaker.

**Hon. Speaker:** Yes, who has a point of order? Is it Kamket?

**Hon. Kassait Kamket** (Tiaty, KANU): Yes, Sir.

**Hon. Speaker:** What is your point of order? What is out of order?

**Hon. Kassait Kamket** (Tiaty, KANU): Hon. Speaker, I rise under Standing Order 1. Given the interest in this Bill and having noted that the card system in this House is totally rigged, could it be in order to ask you to use a mixture of both the cards and other considerations in identifying Members to speak?

**Hon. Speaker:** What are the other considerations?

**Hon. Kassait Kamket** (Tiaty, KANU): There are Members, Hon. Speaker, who did not even go for lunch. They slotted in their cards from 1.00 p.m. until now. There are other Members who may have been doing some things for their constituents. Hon. Speaker, I seek your indulgence.

**Hon. Speaker:** I understand you.

**Hon. Kassait Kamket** (Tiaty, KANU): That you use a mixture of the cards and some Members catching your eye.

Thank you, Hon. Speaker.

**Hon. Speaker:** What I need help understanding is what the other methods are. But, Hon. Members, the screen is full of requests and interventions. The requests are 89, but on the screen, I can only see about 15, of course, because of the structure of the screen. Interventions are nine, and I know many more who want to speak. Listening to the tone of the debate, it is up to you as a House to decide if you wish to stick to five minutes or if you want to cut a little less.

**Hon. Members:** Five minutes.

**Hon. Speaker:** You are okay with five minutes?

**Hon. Members:** Yes.

**Hon. Speaker:** Okay. We will go on with that if that is the mood. In a debate such as this, there are a lot of considerations that we follow. We will be as fair to everybody as we can. Remember that we are sitting up to 9.00 p.m. So, by then, the majority will have had an opportunity to speak. Even if we are saying five minutes, if you came to prosecute only one point, when you finish it, you do not have to meander around on other issues that are not clear. Prosecute your point and then give room to somebody else.

\ Hon. Mutunga.

Serjeant-at-Arms, the chamber is too hot. Can you improve the air-conditioning?

**Hon. (Dr.) John K. Mutunga** (Tigania West, UDA): Thank you Hon. Speaker for giving me the opportunity to contribute to this Bill. As we speak to the Bill, I seek sobriety because its

issues and matters are very important to this country. Yesterday, we passed clause by clause of the Committee of Supply, and we all did not have a problem. We were happy at the end of the day. The Bill pronounces some measures to increase revenue by Ksh211 billion so that we attain a target in this year's Budget of Ksh2.5711 trillion. For what purpose are we raising this money? We want to raise money to increase or boost manufacturing and job creation in this country. If we create more jobs, we will employ more Kenyans and get them out of destitution.

It is not supposed to increase access to food or food security; in other words, it is supposed to increase the possibility of universal health care and complete stalled projects. I am sure in every backyard, there is a stalled project. Those are the projects we would like to complete with this money.

Finally, with respect to affordable housing, I want to highlight a few issues that my colleagues have brought out. One that some members have cited is sensitivity to Kenyans. Is the creation of jobs insensitive to Kenyans? Is employing the six million or so youths in this country, who have been jobless for four or five years, being insensitive to Kenyans? Is spreading the little we have to all the others being insensitive to Kenyans? Many of us do not think so. Many have also cited that there are other means, and they are not coming clean on what they are. Which means are we referring to? More debt? More burdening? Selling out this country to foreigners or auctioning our institutions and investments is not the way to go.

Let me pick on the contentious issue in this House: the 1.5 per cent Housing Levy. I am looking at Kenyans who are unemployed, and I am looking at employed people saying that giving 1.5 per cent is punitive. Can we not surrender 1.5 per cent to get our daughters and sons employed?

Hon. Speaker, I would like to bring an amendment to say a minimum of 1.5 per cent and those who can give more to do so. We need Kenyans to be employed. Once we employ those Kenyans, are we not spreading the power across the domain? Are we not supporting those who are at the bottom of the pyramid? If somebody is in their household, is educated, and does not have a job... Many others depend on somebody who does not have a job today. Are we saying that it is unreasonable to employ such a person? The Housing Scheme can employ three people per every three million houses, directly and indirectly, eight people. If we create employment, do we not see the sense in having the youths employed? That is the lowest we can go. I suggest a minimum of 1.5 per cent, and those who can give more to go ahead.

Hon. Speaker, there was an issue with the aircraft and parts. The duty on aircraft and parts addresses the demand for air travel. I am sure some of us here suffer because we do not have air travel. I come from Meru, and we have an airport at Isiolo which we can use very effectively, but there is no commuter plane. We would like a commuter plane like the one that goes to Kisumu, Mombasa and Garissa. We would like that. Investment in this field is impossible because of the cost. Is that being unreasonable? Do we not have important things to do over time? Is our time not useful as yours is? Let us look at those things positively and try to see how we can build this economy in a better way.

There is the issue of reducing costs when it comes to the importation of materials. The Bill has about 21 ways it lifts the burden off the Kenyans. On the increase of the fuel levy from 8 per cent to 16 per cent, let us look at other East African countries which we compare with. I am sure some people say we should not compare ourselves with anybody. But are we living in a universe in which we are alone, or are we living in a universal economy? In a universal economy, we respond as the others. If the others have 16 per cent, why not us? Tell me, why not us?

I fully support this Bill.

**Hon. Speaker:** Hon. Lillian Gogo.



**Hon. (Dr) Lillian Gogo** (Rangwe, ODM): Thank you very much, Hon. Speaker. Minority Whip, I am Hon. (Dr.) Lillian Gogo, PhD, LLM and not LCC. Thank you.

Hon. Speaker, allow me *Papa* to rise and vehemently oppose this Finance Bill, 2023. I want to do it on the basis of a couple of matters and after that, I will sit down.

It is proposed that there is a tax that is going to be placed on what is being assumed or called beauty products. Most of the beauty product consumers are women. I do not know why somebody would hate Kenyan women that much.

Why do you hate Kenyan women that you do not want them to be beautiful? Why do you want to hate Kenyan women so much that even when you send fare, you complain? Why do you want to hate Kenyan women to the extent that you assume those are beauty products, yet things like wigs are used by women probably to cover up when they are having or suffering from cancer? They are not only for beauty products. We have both men and women who suffer a fungal infection of nails, which is why people end up using fake nail products. Those are not necessarily used for beauty, but are even recommended by doctors.

What I hate is the attitude that people have towards Kenyan women. We want to compete with others in beauty. We want also to look nice. We want our husbands to see us as beautiful. We have a right to use those additional products. Whoever thinks about putting or introducing taxation on beauty products should think twice because I know that even your wife at home uses them.

*(Loud consultations)*

They do! Thank you, Hon. Speaker.

*(Laughter)*

Most digital content creation is done by young people. As I speak for young people of this country, it does not matter whether this taxation has been reduced from 15 to 5 per cent! Those are young people who take a lot of their time to try and put food on their table and get employment. Why do you want to cheat Kenyans that you are creating employment when you are killing employment on the other side? Those are young people who need tax reprieve so that they can be innovative and creative.

I do not want to belabour on increment of taxation on petroleum products. Everything and all manner of fuel requirements are petroleum based. Why should somebody insist whereas we already have high taxation? We are already spending too much on electricity. The cost of electricity in this country is very high. Most of the electricity generation is done using petroleum products. How much are we going to end up paying for electricity?

*(Hon. Kimani Ichung'wah spoke off-record)*

Hon. Kimani Ichung'wah, please allow me to expedite what I am doing. I am not going to listen to you. I did not speak when you were speaking. I am going to vote no when the time comes. I am rejecting the Finance Bill in totality. On behalf of the people of Rangwe Constituency who have sent me, I oppose this particular Bill.

I thank you.

*(Loud consultations)*

**Hon. Speaker:** Yes.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Speaker, on a light note, you need to protect me. I appreciate that there are some Members who generate *bonga points* from their constituencies by mentioning the name Kimani Ichung'wah. You know, it cannot be that I cannot even smile.

*(Laughter)*

Hon. Lillian Gogo is a beautiful lady from Rangwe. When she speaks about generation of electricity and say that most of the electricity is generated through fuel, I smile at her because she knows she is lying.

*(Laughter)*

I was only smiling because she was telling a green lie. She knows most of our electricity today is green energy; it is not thermal energy. Because she knows it is the truth, she is misleading people. Please protect me, Hon. Speaker.

*(Loud consultations)*

**Hon. Speaker:** Okay. You have made your point. Order! Order! Member for Manyatta. Hold on, Hon. Gitonga.

Hon. Ken Chonga, what is the problem?

*(Hon. Ken Chonga rose on a point of order)*

**Hon. Ken Chonga** (Kilifi South, ODM): Thank you, Hon. Speaker. If you have been observing since this Session started, the Leader of the Majority Party and his Deputy have been busy intimidating this side instead of following what is going on. They are bullying the Opposition.

My request is to make a statement about those two Leaders here.

**Hon. Speaker:** Order, Hon. Ken Chonga. You are legitimately elected by your people, and you should not allow yourself to be intimidated simply by a Member looking at you across. That cannot be; and the House will protect every Member against any intimidation. There is no limitation as to where Members should sit.

Hon. Gitonga go on.

**Hon. Gitonga Mukunji** (Manyatta, UDA): Thank you, Hon. Speaker. I thank you for giving me this opportunity to contribute to this very important Bill. Before I go on, I want to correct the Hon. Member who has just contributed. When Members are contributing to this, they should have, at least, gone through the Bill.

If Members turn to Page 169, they will see that the Committee has deleted the Clause taxing human hair and beauty products.

*(Applause)*

I can assure the Member that she will be beautiful, and she will continue being so. However, we also insist on natural beauty.

*(Loud consultations)*

Hon. Speaker, there has been too much talk about the “Hustler” in this Bill. It is important that we demystify and know who is looking up for the “Hustlers”. Anybody who says that when we are talking of building houses and getting the money that can go down to the construction of markets and everything is bad, is a Member who does not care about the “Hustlers.”

Some Members oppose this Bill, but they want to have desperate youths who can be used for *maandamano* and cause havoc in this country because they have no work or duties to do. The Finance Bill is all-rounded, and because I have been thinking about alternatives and having looked at the people who thought out this Bill, they have looked at it wholesomely. It is now upon the Executive, because it is true that we are tightening our belts.

Hon. Speaker, let it be clear that we will do our part and pass this Bill in this House. At the same time, I want to call upon His Excellency the President, his Cabinet and anybody else, including this Parliament, to start looking at how we are spending money for taxpayers. I would like to see a case where we have austerity measures so that while Kenyans are tightening their belt and trying to get this money, we show that we understand the status of this country. Let us close those loopholes where money gets lost.

Yesterday, I was happy when I saw the allocation given to institutions that fight corruption. Having spoken to my constituents, their challenge and fear is how the Government has been losing money through corruption. I want His Excellency the President to stamp his foot down so hard and assure them that the monies collected will be used for the right reasons and that, no coin will be lost through corruption. Otherwise, it will be very bad for anybody that participated in the passing of this Bill.

Moving forward, in another year, the Bill that will be read in this House will be for an increase of salaries for teachers after we have paid pending bills that have been accumulated for five and six years during the handshake Government.

Hon. Speaker, I support. Thank you.

**Hon. Speaker:** Hon. Dorice Donya. I want to see if you will live to your promise that you will speak for one minute.

**Hon. Dorice Donya** (Kisii County, WDM): Thank you, Hon. Speaker. I stand to oppose this Bill, especially from the side of betting. I do not understand why they had to lower the tax bearing the fact that most people have committed suicide because they have lost their money. Wives cannot sleep at night when their husbands are betting because they are waiting to win. You can imagine the separation from love having lowered the betting tax.

On the other side, every speaker supporting the Motion says we have a lot of public debt. What you are not telling us is what informed those public debts. What can Kenyans celebrate when we talk of those debts? What is the value? I come from Kisii, and there are no roads. There are no teachers at Junior Secondary Schools (JSS), doctors, and even medicine in hospitals. We can talk of yester years when we used to be given free medicine, but nowadays, the Government provides nothing. There are no free mosquito nets. University students are complaining that the supply of condoms has gone down. We are here not taking care of our citizens. There is no food. We are talking of houses and yet, people are hungry. Who will be voting? Which man will come and tell a woman that he loves her at night when she is hungry?

We are opposing this Bill because it does not cater for our interests. Today, I saw on one of the television stations that one police officer makes Ksh15,000 in two hours from bribes. How much is that in a day? We should look for ways to seal the loopholes that take from Kenyans what is duly theirs. I stand firm from Kisii County. The people I represent have told me the Bill is not good. When I had a conversation with Hon. Osoro, he was not smiling because he knew deep down in his heart this Bill is not good. If it is good, Hon. Members, why can we not do secret balloting? You will see how it will not pass. My people from Kenya Kwanza, on the other side, will vote no. If this Bill is good, let us do secret balloting, and it will not pass.

**Hon. Silvanus Osoro** (South Mugirango, UDA): On a point of order.

**Hon. Speaker:** Yes, Hon. Osoro. What is your point of order?

**Hon. Silvanus Osoro** (South Mugirango, UDA): Hon. Speaker, I do not think it is in order for Hon. Donya to use me in her statements and say that when I conversed with her, I was not smiling. There is no smile meter to define whether I support this Finance Bill or not. She has been smiling all along when I contributed, indicating that she supports what I was saying. At the point she stood to speak, she lost control and only imagined condoms and things that we do not do in Kisii.

*(Laughter)*

I consider Hon. Donya as...

**Hon. Speaker:** What is your point of order?

**Hon. Silvanus Osoro** (South Mugirango, UDA): My point of order is that she is using my name to make a statement, which is wrong. I support the Finance Bill. We are not going to vote secretly but publicly, and the entire Kisii County is supporting the Finance Bill.

*(Loud consultations)*

**Hon. Speaker:** Hon. Donya, finish up. You have 30 seconds.

**Hon. Dorice Donya** (Kisii County, WDM): Lastly, if the Government wants to make money which is the point now with this Finance Bill, please ask your Government, which you are supporting, to make use of our idle land and put up more factories. Mumias Sugar Company Limited and South Nyanza Sugar Co. Ltd (Sony Sugar) are dying. That is where we will find more employment and not housing. In fact, you are advocating for divorce because, assuming my husband is a teacher and I contribute to the Housing Levy, how many houses will you give Hon. Donya and her family? This means my husband sleeps in another house and I in another house. What are you telling Kenyans?

*(Loud consultations)*

**Hon. Speaker:** Thank you, Hon. Donya. Let us have Hon. Owen Baya.

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Speaker, as we come away from the entertainment by Hon. Donya, we would now like to get to serious business.

When I was a teacher, I used to teach the Systems Theory. When you look at it, you needed to look at the input and output.

**Hon. Dorice Donya** (Kisii County, WDM): On a point of order.

*(Loud consultations)*

**Hon. Speaker:** Hon. Donya, what is out of order?

**Hon. Dorice Donya** (Kisii County, WDM): Hon. Speaker, how can he say entertainment? You are making my electorate think I am a comedian, Hon. Baya. What do you mean? You have to withdraw! That was not entertainment!

*(Laughter)*

**Hon. Speaker:** Carry on, Hon. Baya.

**Hon. Owen Baya** (Kilifi North, UDA): Thank you very much. You need to start paying digital content tax for your new job.

*(Laughter)*

I was speaking about Systems Theory. When you look at it, you look at the input and output, but the bigger picture is very important at the end of the day. As we split hairs discussing the Finance Bill and the issues that go into it, we need to look at the bigger picture. The bigger picture is that this country requires revenue. The revenue is required to move this country forward. We are looking at Ksh300 billion and where it is going in this Finance Bill.

I come from the Coast and would not oppose the Finance Bill because the Blue Economy and Fisheries Department, for the first time, is getting Ksh1.8 billion to grow the fisheries industry at the Coast. This will ensure our fishermen have nets and our fisheries industry has resources. Equally, the shipping and maritime affairs industry has Ksh24.88 billion; money meant to grow the maritime industry at the Coast. The Budget, which this Finance Bill will finance, has set aside Ksh2.2 billion for buying land from absentee landlords. If you come from the Coast and oppose this Finance Bill, which will finance all those beautiful, good things that the President wants to do for the Coast region, who are you fighting for? That is my question. We need to look at the big picture. When we collect all those resources and money, whether from hair, nails, or condoms, as Hon. Donya has said, the bigger picture remains important. It is about what we get from our resources. I am sure that after this Finance Bill, the Coast region will rise because of the money we will receive.

Where do we want to go as a country? Do we want to go over the cliff with debts through more borrowing, or do we want to stop borrowing, start looking at inward revenue streams and use them to ensure that we develop this country? Many of those people whom I shared a podium with when I was in the Orange Democratic Movement (ODM) believed in what Kibaki did when he was the President. Kibaki brought in the new saying, “*Kulipa ushuru ni kujitegemea*”. Many of them believed in that mantra. They believed in Kibaki economics, which was about self-sustaining a country through taxes. Today, they will sit here and say that we cannot and should not pay taxes. Kenya Kwanza has a Manifesto that it has to fund. That funding must come through taxes, and it is those taxes that we have to collect as a Government to ensure that Hon. Wandayi and Hon. Mbui have enough money for roads in their constituencies, and for the National Government – Constituencies Development Fund (NG-CDF). That money will not come from donors; it will come from our taxes.

Hon. Speaker, as I conclude, the Coast region that I come from is known for cement manufacturing. That industry has been stifled for a long time because of imported cement. Many

Chinese contractors have built roads with imported cement and yet, this country has the capacity to produce cement, employ many people, and use the local people and local resources to create wealth for this country. I am happy because this Finance Bill imposes a heavy tax on imported cement, giving an opportunity for the cement industry in this country to develop.

As leaders, we have the ultimate duty to ensure that we sacrifice just like our ancestors and forefathers sacrificed for this country. We cannot be talking about “me”, “I” and “the others”. We need to look at the nation. Kenya must rise and cannot do so while depending on foreign debts.

**Hon. Speaker:** Thank you. Hon. Ruth Odinga.

**Hon. Ruth Odinga** (Kisumu County, ODM): Thank you very much, Hon. Speaker. I want to oppose the Finance Bill. I will start by saying that there is no Kenyan who does not want to pay taxes. We are not here to say we oppose this Bill because we do not want to pay taxes. Every Kenyan pays taxes and has been doing so. They are probably only complaining about what their taxes do and how they benefit them. They are not even satisfied with the taxes they have been paying and are now being made to pay more. That should be stated clearly. It is important that Kenyans are not misled by our Kenya Kwanza brothers, who allege that we are saying that people should not pay taxes. That is not the case.

I want to start with the Fuel Levy. One of the reasons that the Fuel Levy was reduced from 16 per cent to 8 per cent was because of the COVID-19 Pandemic, when the country was going through a terrible time, and there was a slump in our economy. We are now claiming that the economy is now back to normal. I do not think so. I do not know why the Kenya Kwanza Government has decided that the Fuel Levy will go up to 16 per cent from 8 per cent and yet, the economy is worse, people are suffering and most businesses are still closed since the COVID-19 Pandemic started. What has happened to inform the increase of the Fuel Levy from 8 per cent to 16 per cent? That was a very drastic change.

We all know that the Fuel Levy will affect the whole economy. Since Kenya is an agricultural economy, with fuel taxes going up, we will be paying more for farm machinery and transportation of goods, which will affect our economy. On top of that, we are saying there should be VAT on export goods. If we do that, we will be killing the export industry and yet, we expect Kenya to be a net exporter of goods. How do we then start putting VAT on those exports?

I would also like to talk about why Kenyan women started the *mama mboga* movement. Women started doing table banking because they were not confident enough to go to banks to get money because they were charging high-interest rates and taxes. This led to table banking which has been helping the *mama mboga*. Charging taxes on table banking will be immoral and criminal. That will cause this country to flop.

Thirdly, I come from Kisumu County. Because of historical injustices, Kisumu and the whole of western Kenya have never had the industries that other parts of the country enjoy. Most of our economy is supported by the *jua kali* sector. When you say that you will introduce a turnover tax on earnings of Ksh500,000 instead of the usual Ksh1 million, you are actually...

I know my time is up. Lastly, Hon. Osoro, you said that in Kenya, the majority have their way while the minority have their say. The majority in Kenya are Kenyans out there. The Kenyans in Kisii and everywhere else are the majority. If this Finance Bill passes, *mtaona*. Kenya will be on fire. The fire will come from the majority on whom we are imposing those taxes.

Thank you, Hon. Speaker.

**Hon. Speaker:** Order, Hon. Members. Let us acknowledge in the Public Gallery and the Speaker's Gallery, the presence of students from Moi Girls Nairobi, Kibra; Kiambere Primary School in Mbeere, Embu; Elgon College in Nyaribari Chache, Kisii; Kimasian Boys Secondary

School in Kipkelion East, Kericho; Gethsemane Academy in Suba North, Homa Bay; Beth Mugo High School in Dagoretti South, Nairobi; Kinderville Junior School in Mavoko, Machakos and Kavingoni Secondary School from Makueni.

On my behalf and that of Members, I welcome those students and their teachers to Parliament.

Hon. Dido Raso.

**Hon. Ali Raso** (Saku, UDA): Thank you very much, Hon. Speaker, for giving me this opportunity. From the onset, I rise to support this Bill for the following reasons.

Hon. Speaker, the Government is about running schools, building roads and hospitals, and all other services for the well-being of Kenyans. When the other side says they do not want to pay taxes, I want to state the following. I drive to Marsabit for eight hours every week on a first-class tarmac road that was paid for by the Kenyan taxpayers. Our population is small. Therefore, the people of Marsabit or Isiolo could not have afforded to pay for it. For that reason, there are many things that we must have in mind. Taxation is about generations. One generation must bequeath something to the following generation. We have the choice to bequeath them either burden and poverty or prosperity and equity. In this case, I believe that the Kenya Kwanza Government has decided to bequeath equity and property to the people of Kenya and the next generation.

Taxation comes with many things. One of them is burden. Everybody must dig into his or her pockets but you have to make a choice. Do you want tomorrow to be much harder than today or to make it hard today, so that you will have a better life tomorrow? Among those things which we, as legislators, must do is to visit Kenyatta National Hospital (KNH) where the very poor or our people who are deprived visit. They hardly get medicine and good services of doctors. Our people are hardly able to pay their bills. The doctors and the staff in KNH do a magnificent job. If we cannot pay for that facility, then what will happen to the majority of Kenyans who do not have an insurance cover to enjoy the best facilities in this country?

There is an elephant in the room. There is a lot of haranguing and complaints from the other side because the Kenya Kwanza Government said that we should grow the tax bracket and economy. We have been selectively taxing the few who earn salaries and big companies. Today, we are proposing that everybody who is within reach of taxation should pay tax. That is the discomfort that we are experiencing. This Committee has done a good job. They have tried to balance between tax exemption areas and taxation areas.

Finally, I will contribute on the Housing Levy. Hon. Osoro said there is not enough land in Kisii County. We have enough land in Marsabit County. Sometimes, we wonder what we can do with it. For that reason, if the Government is ready to build 290 houses, they can come to Marsabit County since land is available. The Housing Levy is a saving, but not a tax. Kenya is considered to be one of the countries where people...

**Hon. Speaker:** Your time is up. Hon. Makali Mulu.

**Hon. (Dr.) Makali Mulu** (Kitui Central, WDM): Thank you very much, Hon. Speaker. I will start by swearing that I will say nothing, but the truth only. Since this country became Independent in 1963, development projects have been funded through local revenue or debts. This idea of people saying that development will not be carried out because the Bill failed is a fallacy.

Secondly, we all say that President Mwai Kibaki multiplied local collection by five times. There are two things which he did to collect that amount. The first one was to ensure that Kenyans get value for money. After paying the taxes, they got the kind of development that they expected. The second one was to build public trust. If you look at what is happening...

**Hon. Jared Okello** (Nyando, ODM): On a point of order, Hon. Speaker.

**Hon. Speaker:** Yes, Hon. Jared. Order Hon. Makali Mulu. There is a point of order from Hon. Jared.

**Hon. Jared Okello** (Nyando, ODM): Hon. Speaker, I do not intend to stop my brother from contributing. However, there is a problem that has just occurred with our machines. Since I came in, I have been in number five and now it has gone completely off. My immediate neighbour on my left is also experiencing a similar challenge.

**Hon. Members:** All of us.

**Hon. Jared Okello** (Nyando, ODM): How do we then track? Some of us forfeited their lunch in order to be here to contribute substantively to this debate. Kindly advise us, Hon. Speaker.

*(Loud consultations)*

**Hon. Speaker:** We will improvise. Go on Hon. Mulu.

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): I want to comment on a number of proposals. There is a proposal to increase VAT from eight to 16 per cent on the Fuel Levy which will have two implications. It will increase the cost of transportation and production. This will be made worse by the fact that in the same Bill, there is a proposal to increase advanced payment on passenger vehicles and commercial vehicles. So, the cost of transport will increase. As a result, even agricultural production will be costly. We are not likely to get the kind of benefits we expect from that increase.

The second matter is on the Housing Levy. It is being proposed that we charge 3 per cent of the basic pay. I listened to the Chairman of the Committee who indicated that he would reduce that to 1.5 per cent. However, there are two things which happened which will make things worse. Firstly, the capping of Ksh5,000 has been removed. You only pay 1.5 per cent of your basic pay. Secondly, it is the issue of the money which will be collected. The issue of it being a saving where you can claim it back has also disappeared. If you give out the money, you will not be claiming anything which makes things worse. I have not even spoken for a minute, but I can see... The Housing Levy will make matters worse for Kenyans instead of improving it.

Thirdly is the issue of moving many goods from zero-rating to tax exemption. This will increase the cost of the same goods because the component of VAT for the inputs will not be factored in. This Bill is proposing to move many goods from zero-rating to tax exemption which will make things worse for Kenyans.

The other thing is Excise Tax. There has been...

**Hon. Speaker:** Thank you, Hon. Makali Mulu. Give him one minute.

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): Thank you, Hon. Speaker. My last point is the issue of Excise Duty. When you impose Excise Duty on goods like cement and sugar, what will happen is that the expectation of generating more revenue and improving local manufacturing will be negated. The way the Bill has been proposed by the Departmental Committee on Finance and National Planning will make things worse for Kenyans and it makes it a strong candidate for rejection. On that basis, the Bill should be rejected to help Kenyans improve their lives.

**Hon. Speaker:** Hon. Rahim Dawood.

**Hon. Rahim Dawood** (North Imenti, Independent): Thank you, Hon. Speaker. I support the Finance Bill. I have seen the Minority Whip, Hon. Junet Mohamed, here. He should do his work. This Report on the Finance Bill has been signed by both sides of the political divide, the Azimio Coalition and the Kenya Kwanza Coalition. So, I fail to understand when he opposes the Bill and his Members have signed the Report of the Bill. No offence, the Minority Whip.



The reason I am supporting this Bill is because the Committee Chaired by Hon. Kimani Kuria has done an excellent job.

Clause 36 of the Finance Bill states:

“Section 32 of the Tax Appeals Tribunal Act, 2013, is amended—

(a) by inserting the following proviso to subsection (1)—

Provided that where a party is not the Commissioner, that party shall deposit with the Commissioner an amount equivalent to twenty per cent of the disputed tax or security equivalent to twenty per cent of the disputed tax before filing the appeal.”

This clause has been overturned by the Committee. That is a good proposal. The Committee, again, has overruled the National Treasury on tax exemption. That is what Hon. Makali Mulu has talked about. The Committee in its wisdom has proposed that the clause that the National Treasury had proposed tax exemption for fertilizers and pesticides, together with tea, be zero-rated so that companies that produce fertilizers and pesticides can claim the VAT.

The other thing that one of the previous speakers has talked about and I raised an issue on it is the mobile tax. The mobile tax has not been increased. It was proposed to be 15 per cent from 12 percent. However, the Committee has ignored the National Treasury proposal and has proposed to retain it at 12 per cent. That should be noted.

On digital content, a few speakers previously said that the proposed tax on digital content was 15 per cent. Yes, the National Treasury had proposed the 15 per cent tax, but the Committee has reduced it to 5 per cent.

There are many other things that are good in this Bill. The proposed rental income was at 10 per cent, but it has been reduced to 7.5 per cent. Let us look at the good things in the Bill. I believe that once the Bill comes into force, we will have the Housing Levy. I need houses. There are Members who said they do not need houses. I need houses in my constituency. Meru County is ready to take all the houses that will be provided. We are not looking for houses for ourselves; we are looking for houses for our people.

In Clause 52, the Committee has rejected the proposal from the National Treasury to give the Commissioner of Tax notification of abuse of power. So, there are many good things in the Bill. The 16 per cent tax on LPG has already been removed. That means that the liquefied petroleum gas (LPG) will be cheaper. There are many incentives for the green energy. With those few remarks, I support the Bill.

There are people in many WhatsApp groups who have said that they will probably not elect us in 2027. I want to tell them to wait and see how these tax proposals will work. I believe they will work for our good.

The Azimio Coalition should give us their budget proposals. They should not pinpoint the bad parts of the Bill. They should tell us what they would do differently rather than criticising everything that has been proposed.

**Hon. Caroli Omondi** (Suba South, ODM): Thank you very much, Hon. Speaker, for the opportunity to speak on the Report as well as the Finance Bill. From my experience, there are normally three things that can tell you the trajectory a country is taking. One of them is the level of savings, the other one is the number of patterns you can find in that country and the third one is the money that is allocated to education. I am very conscious of the fact that the Budget Estimates have been published. With that in mind, I am ready to make my comments on the Finance Bill.

I have noted that in the Budget Estimates, there is an increment in the NG-CDF allocation of probably from Ksh18 million to Ksh22 million per constituency. In my case in Suba South Constituency where we give each student Ksh10,000, that increment will mean an additional resource for 1,800 students. I have noted that there is an increase in the allocation for the education sector and a reduction on tax on rental income from 10 per cent to 7.5 per cent. However, most importantly, I have noted the reduction of the budget deficit by about Ksh400 billion. That means there is generally a reduction on debt appetite.

On the issue of the Housing Levy, let me put it on record that it is one of those areas where the public collective is more important than the individual collective. There are many areas where the public has to generally pull together to realise what is called “public good” such as medical insurance and housing schemes. The housing scheme is a very good idea that I would like to support. I want to put it on record that it was part of our agenda as ODM for a very long time from 2007.

*(Applause)*

I would like to make it clear that there may be disagreements on this issue, but for the general public good, the Housing Levy is a good idea. What I want to suggest is that there should be a guaranteed minimum return on those who invest in this scheme, which should be benchmarked by the rate of Treasury Bills to protect the investments against inflation. I also want to suggest that we should have very robust ring fencing against corruption that is associated with such projects. Finally, I suggest that we remove the tax on income received from investments made by the public on the Housing Levy.

On the charge on tax of non-residents, I would like to heavily recommend - because I was not in the Committee - that we avoid situations of double taxation or double jeopardy for non-resident Kenyans. We should respect international obligations that we have under double taxation treaties.

An issue that I was going to object very strongly and has been addressed is the 20 per cent deposit on tax assessment when you appeal against the KRA decisions. Hon. Speaker, as a lawyer, you will know that those provisions that were proposed were tantamount to overturning the well-known principle of onus of proof on its head. However, that has now been overtaken by events. I am very happy that that particular issue has been addressed.

On the issue of VAT on fuel, I understand very clearly that this is a conditionality from the International Monetary Fund (IMF). It also demonstrates how we do our politics in Kenya. It is very interesting that those who last year voted for the introduction of the 8 per cent VAT are this year completely opposed to it and those who opposed it last year are this year supporting it completely. Let me add my voice by stating that our economy is still fragile. We can hardly see the early green shoots of our recovery. I would have strongly wished to see that the 8 per cent is not introduced on the Fuel Levy because of the adverse impact it will have on everybody. On the 35 per cent tax, I agree with it. Those who earn more should pay more.

Finally, let me put it on record that the House should be respected by all political parties. Members should not be intimidated or arm twisted on how they should conduct their business in this House. They should be free to vote with their conscience the way they wish for the public interest.

Thank you very much, Hon. Speaker.

*(Several Members stood in their places)*

**Hon. Speaker:** Order, Hon Members. Take your seats. Hon. Osoro, take your seat.

Hon Members, I appreciate the tremendous interest in this debate. On the screen, which has been malfunctioning at times, there are 115 requests. At five minutes per Member, it means by 9.00 p.m. when we rise, just about 67 of you will have spoken. I remember my good English teacher, Roger Hagrils, said, “If you cannot make your point in the first minute, you are unlikely to make it in 20 minutes”. If you agree, we can reduce the time further to three minutes per Member save for the time reserved for the Leader of the Majority Party. If we do that, we will ensure that as many of you air your views and go on record on this issue. If you are in agreement, I would like us to proceed that way. Are we in agreement?

**Hon Members:** Yes.

*(Question, that speaking time for each Member  
be reduced to three minutes, put and agreed to)*

**Hon. Speaker:** Hon. David Ochieng’. Adjust your timing to three minutes. Hon Members, please, reduce your trips to the Chair. We will make sure everybody speaks.

**Hon. David Ochieng’** (Ugenya, MDG): I am the first to suffer the consequences of three minutes.

Hon Speaker, I stand here to support the Finance Bill. The role of the Government is to ensure that the country is run in a manner that responds to the needs of the people. The needs of our people are diverse, many and can never be met within a year, two years or even in a lifetime. It is always important for any Government to ensure that it satisfies, at least, the bare minimum of the needs of its citizens. After we passed the budget, it is upon us to ensure that the country has resources to implement our agenda.

This Bill has gone through the most thorough public participation than any Bill has ever gone through. It is like we are changing the Constitution yet we are not. We are just debating a Bill that is going to help create jobs. This Bill has proposals to impose taxes that will ensure that we do not import so much fish, furniture, cement and paints. The Bill promotes job creation, which is what we need as a country. By promoting local industries, we hope that more jobs will be created. I am happy with the recommendation by the Committee on Import Tax on sugar. I was worried that this tax was going to make our industries uncompetitive in the East African Community (EAC). I thank the Committee for accepting to remove the proposed Import Tax on sugar. Our sugar products will go into the EAC region at a lower rate.

The Housing Levy is the elephant in the room. It is stupid. In fact, I can describe it as beating a man for what you yourself proposed. The other side proposed this Housing Levy. So, the issue with them is not that they do not like the provision of housing. The issue they have is that someone else is implementing it. If they were the ones implementing it, today they would be asking us to support it. I request all of us to give this Housing Levy a chance. After we approve it, this Parliament should ensure that anybody who misappropriates money for housing is jailed forthwith. We will ensure that the Government is accountable for the money that Kenyans are going to contribute for housing.

I want to conclude by saying that patriotism means supporting your country all the time and the President when he deserves it. This President took office just eight months ago. He

deserves our support to make this country a better place. I support and hope that all of us are able to do so, so that we can move this country forward.

*(Applause)*

**Hon. Speaker:** Hon. Rachael Nyamai. Remember you have three minutes each.

**Hon. (Dr.) Rachael Nyamai** (Kitui South, JP): Thank you, Hon Speaker, for this opportunity. At the outset, I support this Bill. I support it because my constituency is a beneficiary of a project of 147 kilometres of tarmac. And I have made requests for more roads. I will be insincere to stand in this House and say that the Budget should not be financed.

On the matter of housing, this is not a new project, but one that existed in the previous regime. It is here with us now. I encourage all our colleagues to support this Bill. I support the housing programme because it is going to keep the young people busy through provision of labour, and provision of construction materials, among other things.

We cannot continue importing what we can produce in this country. We are importing toothpicks. We cannot continue doing so. We need to give our country a chance to produce steel wool from our iron ore and other products. The products can be manufactured and packaged locally for the benefit of the youth. This will keep the youth busy, so that they can forget about alcohol and all other ills.

Every Government must take digital marketing very seriously and harness it. The Finance Bill has already taken care of that. Bitcoin, cryptocurrency, pay per click, social media marketing and email marketing must be taxed. The digital content being produced by the young people is because our cities are clean and lawns are beautiful that the young people can produce good videos that sell. I do not see any problem with imposing a small fee of 3 per cent as has been suggested. I support this Bill because of the title deeds, roads, electricity and everything we are asking the Government. We must finance development.

**Hon. Speaker:** Hon. Joseph Kahangara, Member for Lari. You have three minutes.

**Hon. Kahangara Mburu** (Lari, UDA): Thank you very much, Hon. Speaker, for giving me an opportunity to add my voice to this Finance Bill. At the outset, I support this Bill. This being the first budget by the Kenya Kwanza Government, we are aware that those opposing the Government were already asking what the Government has done because eight months down the line, there does not seem to be much happening. We are all aware that when the Government came into power, there were issues of debt and pending bills which we have not been able to take care of. That is one of the reasons why, as a Member of the Kenya Kwanza, I support this Bill. As a House, we have already passed the Budget Estimates and allocated money for road projects. In the Budget Estimates, we talked about money for roads, hospitals, medicine, water, salaries for civil servants, agriculture, counties and schools. So, passing this as a House simply means we have to provide money so as to complete the projects we promised our people.

Many Members of Parliament keep running to Government ministries to undertake projects in their constituencies because we are elected by the people as their representatives. So, they expect us to lobby within the Government, deliver projects and many other needs in the constituencies. Therefore, any time the President or the leadership visits our constituencies, we tell them the particular projects we need.

Hon. Speaker, the Finance Bill will provide us with money so that we can give services to our people. Where I come from, Lari Constituency, we need roads, water and hospitals. We are

consumers of taxes paid by Kenyans. I support this Bill because it will provide us with money to enable my people get the necessary services.

Thank you, Hon. Speaker.

**Hon. Speaker:** Raphael Wanjala.

**Hon. Raphael Wanjala** (Budalangi, ODM): Thank you, Hon. Speaker. I stand on a point of order.

**Hon. Speaker:** I am giving you an opportunity to contribute to the Finance Bill.

**Hon. Raphael Wanjala** (Budalangi, ODM): Hon. Speaker, I have a quick point of order. We appropriate money for this Government and we were promised that the NG-CDF would be disbursed to our kitty by Thursday. Yes, we received Ksh5 billion as promised, but the second tranche of Ksh5 billion was supposed to be deposited yesterday, latest by 5.00 p.m. and up to now, it has not been deposited. Are we in order to keep on appropriating money for other Government departments yet, we who appropriate funds do not get any money?

**Hon. Speaker:** Is that your contribution to the Finance Bill?

*(Laughter)*

Hon. Wanjala, take your seat. Before I came to the chamber at 2.30 p.m...

*(Hon. James K'oyoo spoke off-record)*

Order, Hon. K'oyoo! Before I came to the chamber at 2.30 p.m., I confirmed that the second tranche of Ksh5 billion NG-CDF disbursement was done yesterday. It has hit the NG-CDF management account and you may crosscheck, but I checked with the National Treasury and...

*(Hon. Raphael Wanjala spoke off-record)*

Order Wanjala! You know me well because we were in the same party for a long time before you veered off.

*(Laughter)*

I am telling you as a fact that Ksh5 billion was disbursed. The Cabinet Secretary has indicated that before closure of this financial year, all the outstanding NG-CDF money will have been disbursed.

*(Applause)*

Hon. Passaris, I know you want to ask about the National Government Affirmative Action Fund (NGAAF). The two are congenital twins and go together. Who had finished speaking? Member for Lari. I will now give the Member for Nyando, Jared Okello an opportunity to speak. I will get to you, Jack. Be patient. With three minutes, everybody will speak.

**Hon. Jared Okello** (Nyando, ODM): My one minute is already gone.

Hon. Speaker, I thank you very much, for this opportunity. I rise to vehemently oppose the Finance Bill because it will paint a very gloomy picture on the faces of the electorates who sent us to this House. This morning, as I was driving to Parliament, I thought of detouring to the Department of Immigration Services to check on a passport I have been pursuing for a long time. I

was told a similar story that the machine broke down over a year ago and has not been rectified to date. This is the same Government that wants to provide me with a house.

Similarly, I tend to look at the squalor situation that our police officers have been living in, 60 years after Independence. Yet, this is the same Government promising me a house in the next seven years. Either there is an absolute appetite for money or great affinity for corruption that will be unravelled within the next few years. I am perturbed that VAT on fuel will increase from 8 to 16 per cent. This will have a multiply effect on everything; production, manufacturing and transport. Every sector will have to hike their prices because of this increase. This is something we have to interrogate very well.

I come from a sugar growing region and I am disturbed that the local sugar will attract taxation yet, we know under the Common Market for Eastern and Southern Africa (COMESA) trade tariffs, they have zero-rated taxes on sugar. Are we perpetuating the interest of COMESA sugar to the detriment of our own? I have read that there will be VAT on insurance. Are we taxing accidents and injuries? These are some of the things we need to look into.

Finally, there is the tax amnesty that has been taken back to December 2022. The law does not act retroactively, but moves forward. So, either there is something fishy with this tax amnesty or there are a few individuals who would want to escape the hangman's noose when it comes to tax violations.

Hon. Speaker, with that, I thank you for the opportunity.

**Hon. Speaker:** Hon. Bashir.

**Hon. Major (Rtd.) Abdullahi Sheikh** (Mandera North, UDM): Thank you, Hon. Speaker. The Finance Bill 2023 has generated a lot of interest from most Kenyans. The reason being the lies and rumours surrounding it. Some Kenyans were asking me why the Government is introducing a Finance Bill, as if there has never been one in Parliament before. It seems like this is the first Finance Bill to ever grace this House. This is the concept those who oppose it have driven to the minds of Kenyans.

Looking at the entire Bill, how much does it bring into the 2023/2024 budget? Only Ksh311 billion, but it is as if it is being used to generate Ksh1 trillion. I am sure those opposing have not taken into cognisance that it is only bringing Ksh311 billion into the budget of Ksh2.6 trillion. These are things people do not want to know. Do not make it look like it is the entire budget. No, this is the only amount it is bringing. Again, do we have a choice? The choices are two: Raise taxes or borrow. The easier route is borrowing and the hard road is to raise taxes. When you borrow, it is an easy route, but ultimately, you will pay back through the nose. So, you can raise your own taxes however painful it is because they say, 'no pain, no gain.' So, you must feel the pain of raising taxes.

Hon. Speaker, there are issues on the Housing Levy. Let me ask: These houses will be built by whom? Who are the casual labourers and suppliers of materials? Are they not Kenyans? Are we not going to generate employment and resources for those who will build and those who will sell materials? We do. All of us seated here have houses and we are saying houses are not a priority. Why do you live in a house? Why do you not live in caves? Let us not cheat Kenyans.

The amount that we raise is supposed to be used for welfare and service delivery.

**Hon. Speaker:** Hon. Anthony Oluoch.

**Hon. Anthony Oluoch** (Mathare, ODM): Thank you, Hon. Speaker. I would like to begin by saying that the Finance Bill is for total rejection. My preliminary point is to invite you, Hon. Speaker, to issue directions and a ruling on the Bill in light of the supporting reports. We were

invited to study both. I have audited one-third of the proposals for amendments and my view is, it goes contrary to our Standing Orders and the traditions of this House.

You cannot amend more than a certain percentage or fraction of a Bill without mutilating it or without it turning out to be another Bill. Out of the 84 clauses that I have gone through, of one particular stakeholder, out of the more than 180, 50 per cent have either been amended, deleted or agreed to by the Departmental Committee on Finance and National Planning. This means that more than 50 per cent of this Bill after the report will have been tabled, will not be the same Bill.

Having dispensed with preliminary issues, I would like to state as follows. I have gone through five Finance Bills. This will be the sixth. On this particular one, and on very many clauses touching on ordinary Kenyans, this Government has gerrymandered, prevaricated, wobbled and in the end said nothing and presented nothing to the people of Kenya.

This Bill is for rejection. It is not only punitive, it is selective and creates classes and inequality among the people of Kenya. It is contrary to the provisions of the Constitution, in particular Article 40, that establishes proprietary ownership over salaries and earnings of individuals. It is contrary to the provisions and the tax principles under Article 201 that says that tax must be simple, equitable and accountable. You put in place a Housing Levy in which, you do not know whether it is a levy or a tax. If it is a tax, you cannot say that people will come and seek for refund. If it is a saving, then it is voluntary.

There are many other reasons this Bill should be rejected. I stand here to support many and most of our colleagues who have said that...

**Hon. Speaker:** Hon. Kitany.

**Hon. Marianne Kitany** (Aldai, UDA): Thank you, Hon. Speaker. I stand to support the Finance Bill. I specifically want to address two issues on the Bill.

One is Section 72 on the Export and Investment Promotion Levy that is proposed to be imposed on products that need to be manufactured in the country. The unemployment rate is very high in our constituencies. Unless we address this issue, there is no way we are going to get employment for our youth. We need to create employment. We need to get companies manufacturing in our country. The cement factories, for example, need to manufacture more from our country as opposed to importing clinker and coming to finish the product in Kenya. If we can convert the limestone that we have, we get levy from our quarries and get that limestone converted into clinker to be used in our factories, we would have employed a 100 or 200 more Kenyans that are looking for employment.

In the sectors of roads and iron, we know that a lot of iron is imported. We need to manufacture iron. We know companies that manufacture right now and the number of employees that they have go into thousands. By creating this levy, we are encouraging employment in our country.

The second aspect that I want to raise is on the Housing Fund. Many issues have been raised. I want to thank our President for being futuristic. Our population is growing. We were 40 million the other day, and today, we are about 50 million. By 2030, we will be talking about 60 or 70 million Kenyans. If we do not think about where these Kenyans are going to live in 2030, then I think we are not being futuristic. Let us look at our forefathers who thought about our Independence, fought for us and today we are enjoying the kind of freedom that we have from that fight. Today, let us look at our employment. In school, we were taught about three basic commodities, namely, food, shelter and clothing.

The other day, the Azimio people were carrying sufurias, but now we have food in the *shambas*. Now, we want to talk about housing and sort out matters housing so that 10 years from

now, we will have houses. The person in Aldai who currently does not have a house, in five years' time, will have a house. For Hon. Donya, who said she has a house with her husband, they can use the other house to rent as they live in one. You do not have to live in both houses. You can live in one and rent the other and get additional income. Let us talk about employment that we get from this housing. At the end of the day...

**Hon. Speaker:** Member for Bumula.

**Hon. Wanami Wamboka** (Bumula, DAP-K): Thank you, Hon. Speaker. From the outset, I wish to oppose this Bill.

Clause 17 proposes to tax the entire business income of members' clubs, trade associations and women *chamas*. Literally, this Bill is proposing to tax women *chamas* in the villages. Hon. Members, if you can remember, this Government came into power riding on the hustler nation mantra. Are women in *chamas* hustlers or people with means?

Secondly, this Bill introduces a turnover tax which targets the small businesses. If you are a *mama mboga* in the village and your daily sales are at Ksh1,370, know that Ruto's Government is coming to tax you. If you go to a level of taxing *mama mboga*, what Government are you? Which hustlers are you protecting? It is on that note that I oppose this Bill. Most of our boda boda riders helped this Government a lot and went round saying they are hustlers. Now I want to *tangazia* those boda boda riders that their days are numbered. Ruto's Government is going for them. If you are a boda boda rider and you get anything in excess of Ksh1,370, know that you are going to be taxed.

This Government has proposed to employ many KRA officers to ensure that they start going around harassing *mamas* in the villages to ensure that they pay tax as well as boda boda riders. We are saying no to this Bill because it is going to frustrate our people.

*(Hon. Kimani Ichung'wah spoke off record)*

Hon. Ichung'wah is harassing me. Hon. Ichung'wah, you cannot go anywhere with this.

Lastly, on this housing tax, the Bill proposes to tax civil servants, but there is no framework that defines how they are going to be allocated the houses or how they will have their money back. On that note, I say no.

**Hon. Speaker:** Leader of the Majority Party. You have 15 minutes.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Speaker. I support this Bill. As I support it, let me just begin by pointing out the three critical issues I see this Bill proposing to do. One is to raise revenue to meet the expenditure of our national Government and county governments - the revenue expenditure that we approved yesterday and even supplied to ministries. Two is to provide tax incentives to both consumers and Kenyan businesses. That is why you will see a raft of proposals that incentivise Kenyan businesses. Three is to improve tax administration by easing tax burdens to persons and businesses paying taxes.

It is not lost on all of us that we are in an economic crisis in this country. The economic headwinds we are facing as a country, including the high cost of goods, the high cost of living, a weakening shilling against almost all major foreign currencies, are linked to the residual effects of the COVID-19 Pandemic. It is also tied to the disruptions occasioned by the war in Ukraine and Russia and the instability within our region, with the influx of refugees coming into our economy and other areas. Therefore, we are in a situation where we are not alone globally. We are part of the global economy. The rising interest rates in western democracies like the United States of America have had a ripple effect on our exchange rates and consequently even on the cost of living



and the cost of commodities, considering that we have been importing most of our goods including food items. It is true that the Government has had to waive duty on food items in the last few months to try to bring down the cost of living and make it more palatable to Kenyans.

For this Finance Bill of 2023, I must thank the Chair of the Departmental Committee on Finance and National Planning and all the 15 Members who sit in this Committee. For the first time, even Kenyans who never knew what a Finance Bill entails, have had the opportunity to interact with this document and appreciate there is something called a Finance Bill that raises revenue for the Government. Whenever you go to your constituency, Kenyans are asking for development projects. However, they never ask themselves where that money comes from. From the engagement the Committee had with members of the public through public participation, Kenyans have come to appreciate what it takes the Government to raise money.

This is one of the Finance Bills that have been vilified more than any other Bill in the history of our legislative processes in this House. The vilification has been informed by misinformation, a lot of propaganda, many insinuations and misinformation of things that are not even in the Bill. The sad thing is that there are Members who have not even interacted with either the Bill or the Committee's Report even as we sit here today. You have heard Members stand here and say the wigs of our beautiful ladies and all the other decorative items they use are being taxed. However, if you interact with this Committee Report on Page 169, I see the Committee Report has dropped that provision. I have heard the Member for Nyando say that we are now taxing accidents. That insurance compensation will be taxed. I even heard a veteran Member like the Member for Kathiani, Hon. Robert Mbui, speaking on radio. I confronted him that day and asked, "*Mheshimiwa*, where in this Bill did you read that people will be taxed for insurance compensation?" If I draw reference to Page 240 of the Bill because it is good, it talks about taxation of input VAT on taxable supplies that you are being compensated after loss on input tax that you had already claimed against your output tax.

It may be too much English for someone who does not appreciate finances and taxation. Maybe a number of us have been misleading Kenyans out there in funerals and rallies out of not knowing. However, I want to confirm to the people of Kenya that a lot of the misinformation and propaganda that has been used to vilify this Bill is untrue. There is no person who will have an accident and be forced or be required to pay VAT on your insurance compensation out of an accident. It is only on taxable supplies where you had claimed input tax.

As we vilified this Bill, we forgot all the good elements about the Bill. I appreciate what many Members, especially my colleagues in the Minority, have been saying that they reject this Bill in totality. As you reject this Bill in totality, be kind enough to inform Kenyans that Income Tax on rental income is falling from 10 per cent to 7.5 per cent. Nobody says that. We only talk about what is going up, only VAT on fuel. Even VAT on fuel is not a new thing. We were here on this Floor in 2018. The same mouths that are vilifying the rise from 8 per cent to 16 per cent today advocated for the 8 per cent that exists today, from zero per cent. The same voices that vilify the Housing Levy today... I saw somebody asking on social media whether President William Ruto borrowed this from the former Prime Minister. I am told Housing Levy was part and parcel of the Azimio la Umoja Party Manifesto. It was at 1.5 per cent.

*(Applause)*

Therefore, at least, on this one thing, manifestos between the two competing political coalitions agreed that there was need for housing in this country. Today, you will hear Members

asking: “Who asked you for a house?” As much as nobody has asked me for a house, young men and women are asking me for jobs every day I walk around my constituency. The housing agenda is much more beyond houses. It is about the creation of jobs. It is about creation of wealth. It is about spurring an economic development and growth in this economy that will be unmatched from the heavy investment that will come out of this Housing Levy. We all agree on the need for this Housing Levy. In the morning, I heard two lawyer Members of high esteem, one of them a senior counsel, saying housing is a devolved function under Schedule 4 of the Constitution. They forgot to mention that housing is a fundamental human right that the Government is required to provide to the people of Kenya under Article 43 of the Constitution. I could not bear not ask myself why we are taxing Kenyans to provide healthcare that is devolved. I watched Hon. Otiende Amollo trying to prosecute that case in the morning and arguing that we cannot tax Kenyans to provide housing to Kenyans. Why are we taxing Kenyans to provide water that is devolved?

This Bill has huge incentives for our manufacturing sector. It is true that under the last regime, the Jubilee Party regime, prior to 2017 post 2018 after the handshake, the Big Four Agenda had some of these proposals to grow our manufacturing contribution to the GDP from 9 to 15 per cent. Instead, it fell from 9 to 7 per cent.

**Hon. Anthony Oluoch** (Mathare, ODM): On a point of order.

**Hon. Speaker:** Yes, Hon. Oluoch. What is your point of order?

**Hon. Anthony Oluoch** (Mathare, ODM): Hon. Speaker, I think the Leader of Majority Party has the duty to be factual in terms of our Standing Orders. It is not factual for him to stand here and tell Kenyans about the devolved functions of housing.

*(Loud consultations)*

I am rising on the question of the requirement to be factual, under Standing Order 91. You will not intimidate me. You know I am not capable of being intimidated. Shut up. You cannot intimidate me.

**Hon. Speaker:** Order, Hon. Oluoch. Have you prosecuted your point of order?

**Hon. Anthony Oluoch** (Mathare, ODM): I have not finished. My point of order is very well founded. Anybody who contributes here is required to be factual. Even though the Government taxes everything, the duty to implement is a fact. It is not on Government. In this Bill, it has not been put anywhere that this will be implemented by counties. Is the Leader of the Majority Party in order? Kenya Kwanza, please, remember that you cannot intimidate me. You cannot!

**Hon. Speaker:** Hon. Ichung’wah, carry on.

**Hon. Kimani Ichung’wah** (Kikuyu, UDA): Hon. Speaker, I will choose to ignore that for obvious reasons.

I was on incentives. This Bill proposes a raft of incentives whose implication is lower taxation imposed on the people of Kenya. I was talking about manufacturing of human vaccines in Kenya. This Bill speaks to incentives that will lower income tax and offer incentives for manufacturing of human vaccines in Kenya. We all remember that during pre- and post-COVID-19 Pandemic, there were issues to do with vaccines.

In respect to local manufacturing, especially manufacture of motor vehicles, the Bill has proposed a concessional corporate income tax for local vehicle manufacturers at 15 per cent. Initially, it was 30 per cent. Nobody will mention this to you. Those vilifying this Bill will not tell you that critical value chains in the manufacture of vehicles, including solar batteries and electric

cars, have been given incentives in this Bill. The Committee has added further proposals with regard to importation of electric cars and motor vehicles, including electric motorcycles. This will bring down the amount of fuel that we consume every month, which actually takes a huge chunk of our foreign exchange.

I have spoken about the rental income tax that is falling from 10 to 7.5 per cent, bringing down the burden of tax for landlords and, consequently, to tenants who can now enjoy lower rents. So, the taxes being paid by landlords are being lowered.

Those who are vilifying the Bill and lying to Kenyans that they will pay VAT on insurance compensation will not tell you that this Bill is now exempting VAT on inputs meant for goods. This will benefit firms that manufacture drugs; both human and animal drugs. The Bill also provides exemptions on construction and equipment for specialised hospitals with a bed capacity of 100 beds. I can see Hon. Nyikal is very keen on that one. The Committee, in its own wisdom, has now offered exemption to hospitals with a bed capacity of only 50 beds. You can imagine the number of hospitals in our constituencies with a 50-bed capacity. They will all enjoy this particular tax incentive. This will bring down the cost of medication and healthcare making it cheaper for our people. Nobody, again, will tell you this bit.

Again, on VAT, there are proposed exemptions on several agricultural products, among them transportation of sugar-cane. I wish Members from the sugar belt were all here. I have not heard any of them speak about this fact. They will now enjoy exemption on transportation of sugar-cane to sugar mills. There will be exemptions on fertiliser and value addition to tea. The manufacture of pesticides and pest controls are also being exempted under the VAT. All these things are in this Bill, but nobody wants to say it. I will say them because I have a duty and responsibility to inform the people of Kenya the truth about the contents of this Bill.

As I mentioned, there are also other proposals of zero-rating items to do with fertiliser. We have some for sugar-cane, sugar mills and pest controls. I could enumerate that under the Excise Duty. I know the Member for Mathare took my one minute. I will beg you to add me more time.

Under the Excise Duty Act, measures have been proposed which will benefit the business community. They are enlisted in this Bill. Hon. Junet, if you interact with the Report, the Committee has improved on those proposals. The Bill seeks, for instance, to remove the annual inflation adjustment for certain excisable goods that have been making business people and manufacturers to review the cost of...

**Hon. Speaker:** Give him two minutes.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): The review of cost or prices was occasioned by review of inflation on Excise Duty. This now will become a thing of the past.

Concerning the Lake Region and the Coastal Belt where there is fishing, you are not telling your communities and voters that we are now protecting the local fish industry by imposing a 20 per cent import tax. Unfortunately, the Committee has revised that to 10 per cent. This is to protect fish farmers in the country and not just in Nyanza or the Coast. Even fish farmers in Ondiri in Kikuyu are now protected from cheap imports. We have seen Chinese trawlers. Chinese come... Let me not mention countries. My apologies for that. We have seen foreigners importing fish into our country thus destroying our local farmers. We are protecting our local fish farmers, but nobody is speaking about it. Allow me to speak about it.

Other than fish, we also have imported furniture. If you walk to all Government offices, including our constituency offices, you will note that we use imported furniture. There is now a levy of 30 per cent on imported furniture to make sure that hustlers making furniture on Ngong Road, in Kariokor, Kariobangi, Kikuyu, and Makutano, are able to make and sell them even to

Government institutions. We are not speaking about this provision, but it is easier to vilify this Bill! It is easier to sell lies and propaganda like those I have heard in Kiambu County. There are lies being told that even the *ndoo* that carries milk will be taxed. They are not telling people that there are incentives for local chocolate manufacturers who use milk. That milk will come from farmers in Githunguri, Kiambu or Limuru. It is easier to sell lies. Allow me to support this Bill with nothing but the truth that is contained in it.

As I conclude, I want to speak to the people of Kenya. You have been told many things that are untrue about this Bill. I want to assure you that should this House approve this Bill together with the amendments being proposed by the Committee, you will see many benefits. You will not be hurt as those who lie to you and vilify this Bill have made you to believe. You will come to see that it is only for your good. This is because we are here to represent you and act in the best interest of the people. We are not directed by any other interests other than the interest to raise our economy from where it was left by the “handshake regime” and those who were there before us.

Knowing and appreciating what has been said, we have two choices: To either raise the taxes from the people of Kenya and finance the expenditures that we all approved here last night, or go out and borrow. We said and committed as Kenya Kwanza Government that we shall not sink this country into a deeper economic hole by borrowing more. We shall be innovative. We will tap into new tax areas, like the digital economy. I appreciate the Committee has brought the tax on digital content earnings from 15 per cent to 5 per cent. There are also digital assets like the cryptocurrencies that are not being taxed. We are tapping into those things so as to raise more taxes and expand the tax base.

Finally, let us not lie to Kenyans. If there are people who will pay more out of these tax measures, then it is the rich who are earning Ksh500,000 and above. They will pay more in terms of PAYE. The other things that have been said about hair products, as I mentioned, are all in the past. The hustlers in the *kinyozis* and salons are protected by the Committee. Therefore, let us not vilify that which is good just for political expedience. Borrowing the words of my brother, Hon. David Ochieng’. Let us be patriotic enough.

If the housing levy in the Azimio la Umoja-One Kenya Alliance Manifesto was a good thing, then it is also a good thing that Kenya Kwanza is implementing. If it was a good thing not to over-borrow in the Azimio la Umoja-One Kenya Alliance Manifesto, then it is also a good thing for the Kenya Kwanza Government not to over-borrow but to raise taxes and revenue in order to make our country more sustainable and economically independent.

As I conclude, I beg all of you to be patriotic. Love your country. Love your country more than you love politics and people clapping for you out there. These people will clap for you but...

*(Hon. Kimani Ichung’wah’s microphone went off)*

**Hon. Speaker:** Hon. Junet Mohamed.

**Hon. Junet Mohamed** (Suna East, ODM): Thank you, Hon. Speaker. I stand to oppose the Finance Bill. This is the 11<sup>th</sup> Finance Bill that I am participating in and it is one of the most controversial Bills that I have ever seen. Those who have been with me here have seen 11 Finance Bills before and this one has created a lot of controversy in the country. As a Parliament, we have a date with destiny this time.

When we were passing the VAT on fuel in 2018, it is on record that when a proposal was brought by the Executive to raise taxes on fuel from zero per cent to 16 per cent, I brought an amendment to reduce that to zero per cent. My amendment was agreed to unanimously by the

whole House. Even the then Speaker, Hon. Justin Muturi, was to subject that matter to Article 114 of the Constitution, but he waived and asked for the amendment to come to the Floor of the House. In the end, an agreement was made here and we settled on 8 per cent and not 16 per cent. That 16 per cent is the poison chalice that is in this Finance Bill. Once we implement the 16 per cent in fuel levy, the price of everything else will go up. Let us not be blind to the reality. We need to be truthful to Kenyans. I hear that this proposal is from the IMF. Let us not care about that. This House must stand with the people of Kenya because we must make life bearable for them. That is why they elected us.

I want to tell the Leader of the Majority Party that the housing levy that he has alluded to in the Azimio la Umoja-One Kenya Alliance Manifesto is completely different from what is in this Bill. Our housing levy was modeled alongside the Singapore one where we were supposed to collect money cheaply, affordably, and in a bearable manner from Kenyans. It is unlike this model of ours where we are being forced to contribute through the nose. I participated in the formulation of the Azimio la Umoja-One Kenya Alliance Manifesto which is completely different from this one. It is like day and night. Do not use the Azimio la Umoja-One Kenya Alliance Manifesto as an example. If we were allowed to donate that manifesto to you, then every Kenyan would be happy today and would support you.

As Members of Parliament, let us be careful because Kenyans are looking up to this House. This Bill was prepared by the Executive, but this House has the final say on it. It is said that there is no taxation without representation. We are here to safeguard the interest of the public. When this House passes the Bill, the Executive will wash their hands on us. They will say that it is Parliament that passed the Bill and not them. I can assure you of that. Let us scrutinise this Bill properly and make sure that it passes in a manner that is for the wellbeing of the people of Kenya.

We are discussing big things like housing, roads, flyovers and yet, Kenyans are discussing food, what to eat, how to cloth and how to take their children to school. Let us not speak to Kenyans like the famous French Queen Marie-Antoinette who told the people who were asking for food: “Let them eat cake.” Let us not go towards that direction. We should serve Kenyans with food so that they can go to school and to bed full.

In conclusion, this Bill is now going to the Third Reading. As a House, we have the chance to rectify it. Whether you are in Kenya Kwanza or Azimio, let us not be pushed to a corner by the authors of the Bill. Let us come together and scrutinise this Bill clause by clause, remove the offensive and oppressive clauses, and pass the good clauses. We should not repeat the same mistakes, like we did with the other Bills.

**Hon. Speaker:** Hon. Sunkuya.

**Hon. George Sunkuya** (Kajiado West, UDA): Thank you, Hon. Speaker. At the outset, as a Member of the Departmental Committee on Finance and National Planning, I support the Bill.

The Finance Bill 2023 will be a game-changer in this country. This Bill addresses the core economics and gaps of a kneeling economy. It addresses over 30 million unemployed youths who need jobs. It is a historic Bill that will mark a better start of the economic recovery. The Bill addresses debt reduction. The debt in Kenya stands at Ksh9 trillion which was left by the last regime. Our projects are stalling because people from the former regimes put the money in their pockets instead of the projects. This Bill will change this country as it will address a number of things like the education of millions of students who are unsheltered. Millions of shillings will be used to finance the construction of roads and the provision of water.

This Finance Bill will address many gaps even through the NG-CDF. Several things need to be addressed. This Bill must pass.

**Hon. Speaker:** *Mhe. Mama Zamzam.*

**Hon. Zamzam Mohamed** (Mombasa County, ODM): Hon. Speaker, I rise to oppose this Bill. Kenyans have braved harsh economic times in the last couple of years. Despite promises and reversed situation by the current regime, things seem to be getting worse day-by-day. The continued rise of fuel prices and free fall of the Kenya Shilling have affected the prices of basic commodities in this country thus, driving the inflation rate above 90 per cent in recent months.

Hon. Speaker, the Bill proposes to increase VAT on petroleum products from 8 per cent to 16 per cent. I am asking myself: How are we going to improve production if we are going to add this amount of tax to that of the previous years? Actually, we are going to run down the curve. I believe that we are no longer going to collect more taxes. As we aim to collect more taxes with this kind of increase, production is going to fall and Kenyans are going to suffer even more.

The introduction of Ksh5 Excise Duty per one kilogramme of sugar will also affect our people given that we are currently buying sugar at Ksh250 per kilogramme. You can imagine how adding Ksh5 more on a kilogramme of sugar is going to affect our people. This is not a Bill for Kenya Kwanza; it is not a Bill for Azimio, but rather a Bill for the people of this country.

Someone asked what we can do to improve our economy. The Government can start by saving the over Ksh700 billion looted annually by sealing all loopholes. The Government should go after looters to recover stolen public resources instead of discontinuing corruption cases and appointing thieves as state offices. Let it cut down the size of the Government. A broke Government should not be recruiting 51 Principal Secretaries and an equal number of illegal Cabinet Administrative Secretaries. Eliminate unnecessary offices, including the offices of the spouses of our Executive members. We do not need those offices....

**Hon. Speaker:** Thank you, *mama Zamzam*, although you are flouting the rules of the House by reading a speech instead of debating. *Mama Alice Nga'ng'a.*

The rules of the House do not allow you to read a speech except the Mover who may use notes to guide him. We are debating. Give the microphone to Hon. Alice Ng'anga. What is the problem? Switch off the microphone Hon. *Mama Zamzam* and give it to Hon. Alice Ng'ang'a. Give her a portable microphone.

**Hon. Alice Ng'ang'a** (Thika Town, UDA): Thank you very much Hon. Speaker. I rise to support the Finance Bill, 2023. I want to go on record today that we are leaders and we came to this Parliament to guide the people who gave us positions to come and represent them here. It is always good to show them the way.

On the Finance Bill, yesterday I sat here until 10.00 p.m. when we did the Committee of Supply on the Floor of the House. Everybody wants roads back at home. Everybody wants electricity. Everybody wants the *Inua Jamii* cash transfer back at home. The elderly always come to me asking when the Ministry is going to add more members to the *Inua Jamii* Programme, but they do not want to pay tax. I am very shocked when I stand in this House because when we were campaigning, I saw Hon. Members from the Azimio side on the track saying that, at the end of every month, they would give Ksh6,000 to people. I am wondering where the Ksh6,000 was supposed to come from and yet, there is no money. Were they going to get Ksh6,000 by borrowing?

It is good to be very honest. The VAT on fuel was introduced during the "handshake regime" at 16 per cent. Then they decided to borrow money and that conversation died. This conversation was introduced in 2021.

Hon. Speaker, because of the minutes they took from me when my microphone was not working, I need to be added two minutes. For us to be able to take care of our constituencies....

**Hon. Opiyo Wandayi** (Ugunja, ODM): On a point of information, Hon. Speaker.

**Hon. Speaker:** Hon. Alice, there is a point of order. Or is it a point of information?

**Hon. Opiyo Wandayi** (Ugunja, ODM): It is both.

**Hon. Speaker:** It cannot be both. It is one or the other.

**Hon. Opiyo Wandayi** (Ugunja, ODM): Hon Speaker, I just wanted to clarify because it is also important that we remain factual in our address in this Chamber. It is true the Azimio Coalition promised to give stipends of Ksh6,000 to vulnerable families every month. That money was going to come from savings realised from dealing with corruption head on.

(Laughter)

You are properly guided. Thank you.

**Hon. Speaker:** Hon. Alice, carry on.

**Hon. Alice Ng'ang'a** (Thika Town, UDA): Hon. Speaker, I thank Kenyans because they were good enough to see that the Azimio Coalition members were not serious and that is why they gave the Kenya Kwanza Government an opportunity to take....

**Hon. Speaker:** Thank you, Hon. Alice. Your time is up. Wind up in one minute. Give her one minute to compensate the interruption by the Leader of the Minority Party.

**Hon. Alice Ng'ang'a** (Thika Town, UDA): Thank you very much, Hon. Speaker. I wind up by saying that, let everybody give our President, William Samoei Ruto an opportunity to take this country to another level. In the Mid-Term Expenditure Framework, the Budget Policy Statement and the Kenya Kwanza Plan, we said that we should be able to sustain ourselves from money collected from ourselves. The problem of borrowing has to come to an end. I want to tell and promise Kenyans that in a duration of two years, this country will move from one level to another. During President Kibaki's time, when he introduced Electronic Tax Register (ETR), people opposed it. But later, it came to help this country in terms of transparency and offering a conducive environment for businesses to thrive.

Hon. Speaker, I support.

**Hon. Speaker:** Hon. Joshua Kimilu.

**Hon. Joshua Kimilu** (Kaiti, WDM): Thank you Hon. Speaker for giving me this opportunity to give my contribution to this controversial Finance Bill. While fiscal policies and revenue generation are important, we also need to look at the interests of the people we lead. It is equally imperative to question the impact that those policies will have on our people. Unfortunately, the implication of the proposed Finance Bill, 2023 is that it will only burden the citizens, especially the hustler nation that the current Administration promised to take care of.

On the issue of the Housing Levy, it is very important for the nation to give Kenyans the options to build their houses or do what they wish with the voluntary contribution. Kenyans are proactive people. So, on the ground, *wamejituma*. There are Kenyans who are struggling now with paying loans for their houses. So, we are not here as Members of Parliament to over-burden our people with houses. As we speak, parents are not able to take back students to school due to lack of school fees. Adding other taxes on them will over-burden them. It will lead to more confusion. Many people will not be in a position to start a business and some will not continue with their businesses.

I take this opportunity to represent my people of Kaiti by saying no to this Finance Bill.

**Hon. Speaker:** Hon. Mwangi Kiunjuri.

**Hon. Mwangi Kiunjuri** (Laikipia East, TSP): Thank you, Hon. Speaker. I stand to support the Finance Bill. I have interacted with many people and I agree with my colleagues that this is

one of the most interrogated Bills in the history of this country. This is the only Bill Kenyans from all walks of life are discussing. Kenyans are informed of what is happening and what they expect out of this Bill. They have several questions that they are asking like: How did we get to where we are today? How do we get out of this situation? The leadership of this House, both the Majority and Minority, is very experienced. Lucky enough, both leaders were here in the previous Parliament.

Kenyans are asking themselves: Who was in the driving seat? How did we get these loans? How did we expect to pay those loans? Do we have any headroom for us to borrow more loans? The answer we are offering is through an illustration of a sick person. This sick person will die. So, either you take care of them, or we take a serious decision to perform surgery. Kenyans must agree to go through this painful surgery to enable us get to the next level. We came in different boats but now we must paddle together or sink together. We have no choice. We have to be genuine to our people. We do politics or we look for a way to get Kenyans out of the deep hole. There is no way we are going to attain that unless we are truthful to our people. Yes, Kenyans expect us to oppose this Bill, but if you oppose it...

**Hon. Speaker:** Your time is up. Hon. Umul Kheir Kassim.

**Hon. Umul Kheir Kassim** (Mandera County, UDM): Thank you, Hon. Speaker. I rise to oppose this Bill because of various factors. First, is the digital tax. As a youth representative in this House, it is not fair to young people who have turned out to be content creators to be taxed. The Government tells them there are no jobs, but when they create jobs, we are busy taxing them especially on the digital space. For that reason, I am not for this Finance Bill.

Concerning the housing levy, where I come from, yesterday, we lost eight young officers along the Ijara-Burthei Road. It is because we do not have good roads. For the longest time, those people have been paying taxes, but we have not given them roads. Here we are telling them: 'Forget about roads! We will give you houses! How is that fair? It is not a priority for us. We have houses and we are ready to have our roads built first.

Our Azimio side, when we were talking about housing levy, we were not planning to tax Kenyans. Let us not use that as an excuse. We had a better plan. Approach the owners of the idea so that we can tell you how we were going to provide houses.

Finally, as a Muslim leader, I find this unfair. It is not fair to place all these burdens on Kenyans. Without fear of intimidation, if we go to the ballot today, Kenya Kwanza leaders are going to see what Azimio one-touch saw in 1906. That Finance Bill is going to fail and it is not going to be an honest point. We know where you stand and you are only scared to come out.

**Hon. Speaker:** Your time is up. Let us have Hon. Didmus Barasa.

**Hon. Didmus Barasa** (Kimilili, UDA): Thank you, Hon. Speaker for giving me this opportunity. I want to make it very clear that I support this Bill. This Bill will be improved further in the Committee of the Whole House. I have gone through the Report of the Departmental Committee on Finance and National Planning. There are a lot of issues that were contained in the original Bill, but the Departmental Committee has provided solutions in this Report.

I commend the Departmental Committee for moving across the country to solicit for views of the Kenyans. They are contained in this document. There are proposals that a number of amendments be made to improve this Bill. We have many people who are misleading Kenyans, for instance, that the reduction of tax on spare parts that are used in aviation is going to benefit the rich people. The reduction of taxes on aeroplane spare parts is going to bring back the business of air craft maintenance to this country. This is going to create very many jobs for our people.



This is my sixth time debating the Finance Bill. I know Kenyans have given me powers and responsibility to improve this Bill that is before the House. We are going to vote on each and every clause, including the title of the Bill. I want to make it clear that areas that Kenyans showed concern have been looked at by the Departmental Committee on Finance and National Planning. We will also have an opportunity to propose further amendments to the Bill. I urge my fellow Members of Parliament not to throw the baby with bath water. Let us improve this document because the Government must continue to function by getting money from the people. With those few remarks I support.

**Hon. Speaker:** Hon. Yusuf Hassan.

**Hon. Yusuf Hassan** (Kamukunji, JP): Thank you, Hon. Speaker for giving me the opportunity to contribute to this particular debate. I represent a constituency in Nairobi with a substantial number of low-income earners. Many of them live below the poverty line. I am not talking about a constituency or a neighbourhood in a remote area of our country. It is only about one kilometre from this august House and also from the centre of power. It is important to put into context the fact that many of the children in Kamukunji have dreams like any other child in the country. They have a dream of living a better life, access good schools, good education, medical care and decent affordable housing. They do not currently benefit from many of those things. They also dream of a prosperous and better Kenya. Many aspects of this Finance Bill will allow us to fund the necessary infrastructure that we need, particularly the housing programme. The housing programme will be of great benefit to the people of Kamukunji because much of Kamkunji consists of slums, where people live in squalid conditions. It will also provide employment for the youths in my constituency, as well as help many traders in *jua kali* centres. We have the largest *jua kali* centre in the country and it can contribute to the development of this housing project.

Hon. Speaker, you cannot be a free and independent country if you cannot put infrastructure in place, pay for health and education, and lift the economy of your country. Therefore, we need to fund our Budget and stop being beggars in the world. We should stop carrying a begging bowl and asking for help. We need to fund our own development. The Kenyan citizen is an agent of his own development. Therefore, I support this Finance Bill.

**Hon. Speaker:** Thank you. Hon. Muthoni. Nominated Member from Meru, Hon. Muthoni. Is she not called Muthoni?

**Hon. Dorothy Muthoni** (Nominated, UDA): Thank you, Hon. Speaker. I rise to support this Bill. I am shocked and saddened by the fact that yesterday, we sat here and we were taken through the Committee of Supply. This House, including the Opposition, unanimously supported it. We supported it because we knew that all the things that we seek for our constituencies will come from what we appropriated. I am shocked because I am now seeing a turnaround where some Members imagine that money will come out of the blues. The cure for all the things that we want will come from this Finance Bill.

I urge Members who are complaining to realise that people cannot even afford two meals in a day. They are not even commending this Committee for coming up with Clause 33, which very clearly states that fertiliser will be zero-rated. That means that this country will have food security, and each and every homestead will be able to afford two meals in a day.

As I conclude, I want everyone to appreciate that this country is at a stage similar to when a milkman continues milking an emaciated cow. For you to realise and get good returns from a cow, you have to feed it properly so that it can continue producing enough milk. That is the reason every Member in the House should support the Finance Bill.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Clive Gisairo from Kitutu Masaba.

*(Hon. George Koimburi spoke off-record)*

Yes, what is the point of order? Who is on a point order? Hon. Koimburi? Hold on, Hon. Clive. Go ahead. Give him the microphone.

**Hon. George Koimburi** (Juja, UDA): Thank you, Hon. Speaker. I rise under Standing Order 95 to request that you call the Mover to reply.

Thank you, Hon. Speaker.

**Hon. Members:** Yes!

**Hon. Speaker:** I hear you. There is still massive interest in the Bill. Let me hear from a few more Members before I come back to that point of order. Hon. Clive. I have already given the Floor to the Member for Kitutu Masaba. Yes, what is your point of order? Order, Hon. Clive.

**Hon. Gertrude Mwanyanje** (Kilifi County, ODM): Mhe. Spika, umenionea. Nilikuwa namba 22 katika bodi yako. Nimekaa hapa tangu asubuhi na sijapata nafasi ya kuzungumzia Mswada huu. Mbona wanitenga?

**Hon. Speaker:** Hon. Mbeyu, each and every Member has an equal right to speak. Everybody will have a chance to speak. There are balances that we are observing. Your own leaders are also encouraging the Chair to give an opportunity to certain Members, and the Chair cannot ignore that. Every Member will speak. *Wewe ndiwe unaonea Mwenyekiti katika kikao hiki. Kuna Waheshimiwa ambao wamekaa hapa tangu asubuhi, na wengine tangu jana. Hata Mheshimiwa wa Lugari ambaye ameketi karibu na wewe amekuwa akiinua mkono kila wakati na anangojea kuzungumza. Kwa hivyo, wacha tungoje. Ukifikwa, utazungumza. Usipofikiwa, itakuwa hivyo.*

*(Laughter)*

Give the microphone to Hon. Clive.

**Hon. Clive Gisairo** (Kitutu Masaba, ODM): Thank you, Hon. Speaker, for giving me this opportunity. I rise to oppose this Bill mainly on two areas. First, is the Housing Levy. We will be lying to the nation if we tell them that we will suddenly start building homes for the poor, and that we will tax different people, and build homes for different people.

We need to look at the basics. Kenyans do not have food and yet, we are telling them that we will house them. While defending this levy, the other side has spent a lot of time trying to tell us that this is an opportunity to create jobs for the youth. Can you tell us what exactly this levy is? Is it a job creation levy or a housing levy? We have changed it from a contribution to a levy. We previously had the provision of contributors opting to stay in or getting back all their contributions after seven years. Now it is a levy, which makes it a tax. The other side is at pains to convince Kenyans of the inconvincible. They are telling us that we are the ones trying to explain ourselves to the masses, but the masses are not illiterate. We are here to defend the teacher who can read and understand. We are here to defend the policeman. As we sit here, some Members of Parliament are broke. They do not need these additional taxes.

Hon. Speaker, the second item is on the tax on petroleum products. They claim that it was Members from this side who were busy pushing for a rate of 16 per cent and they made it 8 per cent, and now it is time to move it to 16 per cent. That is wrong. The moment we increase tax on petroleum, *bodaboda* riders will be out of business. If you say that you will provide them with

electric bikes, you are lying to them because currently, when you buy electricity tokens for Ksh1,000, Ksh130 goes to the petroleum charge. They cannot even afford to charge that bike that you claim you will provide them.

Let us focus on how to provide jobs for Kenyans and not jobs in the construction industry because they are not there. You are lying to Kenyans. I oppose this Bill.

**Hon. Speaker:** Hon. Wamuchomba. Give Hon. Wamuchomba the microphone.

**Hon. Gathoni Wamuchomba** (Githunguri, UDA): Thank you, Hon. Speaker. I rise for the welfare of the society and the just Government of the people of Kenya. I rise to oppose this Bill.

*(Applause)*

For the welfare of the people of Kenya, welfare that qualifies them to eat well, that is, a meal or three meals in a day. That is the way to make the welfare of our people better. For the welfare of the society and just Government of the people, it is our business, as the representatives of the people in this House, to make sure that they live happily, improve their welfare, and make them feel they are sovereign according to the Constitution of Kenya.

*(Applause)*

Hon. Speaker, I was elected in Githunguri Constituency. My people cannot afford a meal a day. The cost of living is too high. The cost of *unga* is too high for them to have better welfare. I went to my people in Githunguri Constituency. They told me very loudly that the Government of Kenya - through the Finance Bill, 2023 - is punitive, oppressive and scandalous. We started off with the issue of housing. We came up with a contribution. We moved from it and made it a levy. We have moved from a levy and now we are calling it a tax. Is that not scandalous? For the welfare of the society and the just Government of the people, I, Gathoni Wamuchomba, say no to an oppressive Bill.

Thank you.

*(Applause)*

*(Loud consultations)*

**Hon. Speaker:** Order. Hon. Mulyungi.

**Hon. Gideon Mulyungi** (Mwingi Central, WDM): Thank you, Hon. Speaker. At the outset, I rise to oppose the Finance Bill. It goes against the will and expectations of poor Kenyans. I agree with the Member who has just spoken. This Bill is insensitive to Kenyans because it proposes to overtax the already burdened Kenyans. We expected a bottom-up economic model which would put money into their pockets and reduce the cost of living. Instead of those expectations, Kenyans are experiencing an increased cost of living.

**Hon. G.G. Kagombe** (Gatundu South, UDA): On a point of order, Hon. Speaker.

**Hon. Speaker:** Order, Hon. Mulyungi. Hon. Kagombe, can I hear your point of order?

**Hon. G.G. Kagombe** (Gatundu South, UDA): Hon. Speaker, I rise under Standing Order 80. It is against the tradition and the rules of this House to read a speech, unless it has been expressly granted by Hon. Speaker. The Member on the Floor is reading from a material, word for

word. Is it acceptable? This is a House of debate. We are supposed to come here and debate. You cannot import materials from other places and bring them here and yet you are a ranking Member. Please, rule him out of order.

*(Several Members spoke off-record)*

**Hon. Speaker:** Order, Hon. Members. Hon. Mulyungi, you have been here long enough. You heard me caution Hon. Zamzam for reading a speech. Debating time is for debate. You can use notes as aid memoir, but you cannot read a speech in a debate. If you are doing it, desist. I had not noticed that. Go on.

**Hon. Gideon Mulyungi** (Mwingi Central, WDM): Hon. Speaker, I went to school and I am not an idiot. I am looking at this Report which I have to refer to. When I face down, that Member should not say I am reading a speech. I will continue to look down. He is not my equivalent. I am the one who designed this Chamber.

*(Loud consultations)*

**Hon. Speaker:** Order! Hon. Mulyungi, sit down. I do not think Hon. Kagombe was malicious in that point of order. He perceived you to be reading a speech. If you are reading, that is wrong. If you are not doing it, you ignore it and carry on. You do not have to get agitated. These are your colleagues.

*(Laughter)*

**Hon. Gideon Mulyungi** (Mwingi Central, WDM): Hon. Speaker, I think there are people here who have nothing to do. I rise to oppose this Bill vehemently. Kenya Kwanza promised to put money in the pockets of Kenyans: Hustlers, *mama mboga*, and boda boda riders. Instead of doing that, they are taking that money from their pockets to State House.

*(Applause)*

Anything that over-burdens the people of Mwingi Central whom I represent, I will oppose until I die. You have seen that the Members from the Government side are also opposing the Bill. Why are they doing it? Instead of over-taxing Kenyans, the Kenya Kwanza Government should look for better ways to raise money. They should not add tax on *unga* and fuel, which will increase bus fare, boda boda fare and the cost of living for the boda boda rider and *mama mboga*. They promised to put money in their pockets, but now they are taking it away.

Therefore, Hon. Speaker, I oppose the Finance Bill vehemently. Thank you.

**Hon. Speaker:** Hon. Kangogo Bowen, proceed.

**Hon. Kangogo Bowen** (Marakwet East, UDA): Thank you, Hon. Speaker. I support the Bill. Taxation is the principal source of revenue in all governments in the world. There is no any other source of revenue for governments. The handshake Government over-borrowed and over-spent. As a country, we cannot borrow anymore.

I want to talk about the issue of 16 per cent on petroleum. Many of us were here in the 12<sup>th</sup> Parliament. On Wednesday, 31<sup>st</sup> August 2018, we sat here as Members of Parliament to delay the implementation of 16 per cent tax on fuel. It was supposed to start on 1<sup>st</sup> September 2018 but it

was carried forward. I want to tell the Hon. Members here that the 16 per cent on the Fuel Levy is not a new tax. It has been there before. We are just standardising it now.

There is the issue of housing. According to the Kenya Bureau of Statistics (KEBS), 38 per cent of Kenyans currently live in urban areas. In 2050, about 68 to 70 per cent of Kenyans will be living in urban areas. The housing tax is very important because we do not want to be a country of slums. We need to provide decent housing for our people. I ask my colleagues not to debate these issues outside the House. Let them read the Bill and get to understand it so that when we get to the Committee of the whole House, they can bring the necessary amendments that we can debate as Members of Parliament.

I support, Hon. Speaker.

**Hon. Speaker:** Thank you. Hon. Nabwera Nabii.

**Hon. Nabii Nabwera** (Lugari, ODM): Thank you, Hon. Speaker. I rise to oppose this Bill based on the Constitution of this country. Article 1(1) of the Constitution provides that:

“All sovereign power belongs to the people of Kenya and shall be exercised only in accordance with this Constitution.”

We took an oath. It was not an oath to lie but to defend the Constitution. The first thing I looked at in the Report of the Committee were the petitions. I am aware of petitions by Kenya Union of Post Primary Education Teachers (KUPPET), Kenya National Union of Teachers (KNUT) and other people, including farmers in my constituency. Those petitions are not attached. That shows that the Committee did not do a just job.

Secondly, Article 201(a) of the Constitution says:

The following principles shall guide all aspects of public finance in the Republic—

(a) there shall be openness and accountability, including public participation in financial matters.

The people of Kenya have spoken in public forums and said that this Finance Bill is oppressive. As a Parliament, we are left with one thing to do, that is, to relook at the Bill and delete what the people have rejected and give them what they want.

Hon. Speaker, I want to help my colleagues. Is it true that there are no other ways to raise money? The answer is no. I serve in the Public Accounts Committee (PAC). If we were to close the taps of pilferage, we would raise Ksh600 billion, the money we are looking for. Where in this world can you milk a cow that you have not fed? What we are attempting to do in this Finance Bill is to milk a cow that we have not fed.

Thank you, Hon. Speaker.

(Applause)

**Hon. Speaker:** Hon. John Kiarie.

**Hon. John Kiarie** (Dagoretti South, UDA): Hon. Speaker, I thank you for giving me this opportunity. I should first disabuse the notion that what we have here is a Housing Bill. What we have been prosecuting this afternoon is the Finance Bill, 2023. The Bill seeks to do three critical things. One, we stop postponing Kenya's problems. Two, we start solving Kenya's problem. Third, we stop kicking the can further down the road. For seven years, we have been kicking the can of taxation down the road, hoping that the next dispensation shall solve the problems we are causing.

This Bill that has been adjudicated in the court of public opinion has been laden with a lot of misinformation. Members have been going to television stations, funerals, and meetings in their constituencies prosecuting matters that are not even in the Bill. Therefore, the first thing I would

like to ask is that we all acquaint ourselves with the contents of the Bill. As we talk about one or two taxes that are going to be raised, we should also be talking about the 21 odd taxes that are due for reduction.

Kenya has obligations. One, we have to pay our debt. We are approaching our debt limit. We cannot afford to borrow more. We must find where this money shall come from. Two, we have an obligation on recurrent expenditure. Three, we have an obligation on development expenditure, including on social goods that the people require in our constituencies. In front of us is a Finance Bill that is a balance between walking the path towards self-dependency and making sure we do not injure our constituents. To quote the Member for Githunguri: “For the welfare of society and the just government of the people,” we are here to make hard decisions. Leadership calls on us to make hard decisions. Passing the Finance Bill is one hard decision that if we made today, we shall be proud many years down the line. Even those opposing it today shall want to associate with the success and benefits that shall accrue from the Bill we are about to pass. We are here to debate the Finance Bill and not a Housing Bill. For the sake of content creators in this country, I support the 5 per cent reduction on content tax.

Hon. Speaker, I support the Finance Bill.

**Hon. Speaker:** Thank you. Hon. Naisula.

**Hon. Naisula Lesuuda** (Samburu West, KANU): Thank you, Hon. Speaker. I rise to oppose the Finance Bill before us. I am actually amused by my colleagues on the other side of Kenya Kwanza who, during their campaigns, insisted on listening to hustlers and the ‘ground’. If anything, they coined the phrase, ‘*tunasikiliza ground*’. I am surprised that after they won the election, the ‘ground’ and those people do not seem to matter. I want to warn them: If you do not listen to the ‘ground’ right now, ‘*kitawaramba*’ when the time comes.

(Applause)

I have personally listened to my ‘ground’ and the people who sent me to the august House. They have told me to vehemently oppose the Finance Bill, especially the issue of the housing tax. It started as a levy, then looked like a SACCO contribution and then looked like a *chama*. Now it is a tax! The people of Samburu West have told me that they are interested in their security and having an environment where they can live peacefully. They are not interested in the 1.5 per cent housing tax. I do not know why we are even focusing too much on the housing tax.

There is the issue of 16 per cent fuel levy. In the last Parliament, we came together in this House and opposed the 16 per cent rise on fuel levy. I want to tell the same hustlers who have been forgotten that once the 16 per cent fuel levy is imposed, they will feel the pinch. The cost of living and manufacturing in this country will go up. We are saying we are creating jobs, but if manufacturers and investors run away from this country, how will we create employment? So, I oppose the Bill. It is contradictory when some leaders say that you cannot tax people to development or over-burden them with the tax, but at the same time, they support the Bill.

Finally, the same leaders on the other side were the ones who opposed everything that the previous regime was doing, but they are now doing the same things and bringing the same proposals to this House. We know you want to do it in your first and second years and then go out and lure and lie to the people.

**Hon. Speaker:** Hon. John Waluke.

**Hon. John Waluke** (Sirisia, JP): Thank you very much, Hon. Speaker for giving me a chance to contribute to the Finance Bill. I rise to support it. Even if the Right Hon. Amollo Odinga

himself was running a Government like this one, he would have done the same. The housing levy was his first choice when campaigning. I say so, because I am a Member of the Jubilee Party in Azimio. During the time of Kibaki and the Right Hon. Raila, they started putting up houses in Lang'ata. To stabilise the economy, which has gone down people must feel pain. I support this Bill and urge all Members to support it so that we can bring our economy back to where it is supposed to be.

With those remarks, I support.

*(Loud consultations)*

**Hon. Speaker:** Order, Hon. Members! Order! Hon. Members, I know this is an interesting debate but keep your cool. Do not stand up and raise your hands in the air as if we are in a rally. This is Parliament. I encourage you to maintain decorum. Everybody, subject to what we agreed on, will have a chance to speak.

Hon. Atandi is next.

**Hon. Samuel Atandi** (Alego Usonga, ODM): Thank you Hon. Speaker, for giving me an opportunity to contribute to this Bill. From the word “go”, I oppose it. I want to clarify that my beard is natural and not artificial. I oppose this Bill because we are just coming back from elections in which the Government in power promised to make life easier for Kenyans. If you look at this Bill, in Clause 33, you will find that it is proposing to remove very critical items such as flour, cassava and wheat from the zero-rating category.

Hon. Speaker, when we passed the tax laws in 2021 during the COVID-19 Pandemic, we said these items needed to be zero-rated and made affordable to Kenyans. This Bill is proposing to remove them from zero-rating thus making them very expensive for ordinary Kenyans. There is a notion which I want to dissuade - that, it is better to tax rich Kenyans more than poor Kenyans. This notion has no grounding in economics. If you want to tax rich Kenyans more, the easiest way to do so is to tax their expenditures or luxuries.

If I wanted to advise the Government side, I would propose they tax Kenyans who club because they spend their extra income there making merry. So, to propose that we raise PAYE to 35 per cent for those earning more than Ksh800,000 per month means for the first time in history, salaried Kenyans will pay more than those who pay corporate tax. There is no country where PAYE is higher than corporate tax and this will be the first one.

This Government was elected recently on the promise of making life better for Kenyans. It is very interesting that it cannot construct simple houses for police officers or pay salaries on time. Yet, it is promising to construct houses for Kenyans. This is laughable and they cannot take us for fools. Therefore, we must reject and oppose this Bill in totality...

**Hon. Speaker:** Thank you, Hon. Atandi. Next is Hon. Naomi Waqo. Hon. Members, after her I will give five Members from both sides. I will slash the time to one and a half minutes each. Then I will call upon the Mover to reply. Hon. Naomi, you will have three minutes and afterwards, Members will have one and a half minutes each.

**Hon. Naomi Waqo** (Marsabit County, UDA): Thank you, Hon. Speaker, for allowing me to add my voice to this very important Finance Bill 2023, which we are discussing. It is a great opportunity to interact with it. I must say from the outset that I support it fully. This is because it has more benefits for Kenyans than the challenges it poses. Kenyans have suffered for many years and the challenges the Azimio team is talking about have been there for many years. The Bill on

the table today, is the solution to our problems. We must be a self-reliant country. We must support the Government in that endeavour.

This Bill will make the difference from the situation we are in today. I know very well that all Members of Parliament want development in their constituencies and counties. It is unfortunate that we are fighting the Bill that has all the solutions ready for us. The manufacturing sector contributes 40 per cent of employment and GDP in Kenya. The Committee has, in its deliberations, offered a number of reprieves to support the sector, and in particular for local companies. Through this they will be able to employ many youths, create jobs and support families that have suffered for many years.

*[The Speaker (Hon. Moses Wetang'ula) left the Chair]*

*[The Temporary Speaker (Hon. Omboko Milemba) took the Chair]*

Again, under climate change, global warming has serious effects on the entire world. However, this Bill is providing solutions that will have a positive impact in the entire nation. We can see very well that education is one of the major beneficiaries. We perish because of lack of visionary leaders. So, this Bill is providing us with all the solutions and in order for us to overcome our current challenges, we must support it. Let us not be emotional. To the Kenya-Kwanza team, let us be trustworthy and take care of the resources that God has given us and be good stewards. To whom much is given, much is expected.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. Hon. Members, let us limit the movement to the Speaker's desk. Next let us have Hon. Martin Owino, Member for Ndhiwa. Is he in the House?

Please, proceed.

**Hon. Martin Owino** (Ndhiwa, ODM): Thank you, Hon. Speaker. At the outset, I oppose this Bill. The reason is that the priority of Kenyans is food, education and healthcare. If you increase petroleum products tax from 8 to 16 per cent it means we are negating all those gains of zero-rating and exceptions. We are cheating Kenyans. If only we can sit down and seal all the loopholes that lead to wastage and outright theft from public coffers, we can get the Ksh780 billion. We do not need to tax Kenyans any more.

I heard the Kenya Kwanza Government say that they are giving Kenyans what they promised. That is a lie. Let us not lie to Kenyans. Even if a cow has a lot of milk, if you overmilk it to the veins, it will kick the bucket and you will have no milk. As my party leader said, we are saying that *punda amechoka*. We do not want this Bill.

I oppose.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. Hon. John Kawanjiku. Is he in the House? Kawanjiku, I am told that you have already spoken on this Bill.

*(Loud consultations)*

Please, if you have spoken on the Bill, you cannot speak twice. If you have not, proceed.

**Hon. Njuguna Kawanjiku** (Kiambaa, UDA): Thank you, Hon. Temporary Speaker. I have been here the whole day waiting for this moment. I stand to support the Finance Bill. We must be truthful to ourselves. Let us tell the people the state of the country. We cannot allow the



issue of increasing debts to continue happening. We must, in a way, be able to consolidate revenue so that we can help our people in terms of posterity for betterment of the places we come from.

We are supporting the issues in the Finance Bill because as a country, we must start thinking towards the future. We must make sure that we have enough houses. On the issue of the housing levy that the Opposition is raising, we must tell ourselves the truth. In the areas we come from, some of us do not have much land, where everybody who comes around can manage to get land to build a house. We, therefore, must consolidate these people, put them in an affordable housing scheme and give them dignified living standards.

I, therefore, rise to support the Finance Bill in totality. Even the people of Kiambaa Constituency told me this morning to come and support the Finance Bill because there is no other way through which the Government can raise revenue to implement infrastructure programmes.

*(Applause)*

**The Temporary Speaker** (Hon. Omboko Milemba): Thank you. You have had your bite. Hon. Odege, proceed.

**Hon. Tom Odege** (Nyatike, ODM): Thank you very much, Hon. Temporary Speaker. As a career trade unionist in this country, I was instructed by the workers in the public service to come here and oppose this Bill.

*(Applause)*

In trade unions and in our labour practice, for you to deduct a worker's money, it must be negotiated. Workers in this country have said "No" to this one which is going to be deducted directly. As the Member for Nyatike Constituency that borders Tanzania, my own constituents feed on goods from Tanzania because goods from Kenya are more expensive. If you now increase tax, it is very clear that Kenyans bordering neighbouring countries will be doing their shopping in neighbouring countries as opposed to Kenya. Yesterday, when I visited a supermarket, I found sugar from Uganda being sold in Kenya because Kenyans are not able to produce sugar.

My last point is that we cannot pay tax for which we are not seeing dividends. If you want to increase tax, tell us what you are going to do with it. In Uganda and Tanzania, education and medication is free but in Kenya, we pay for these services. Then why do we pay tax when we are not seeing the returns?

On behalf of workers and the people of Nyatike Constituency, I oppose.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. Hon. Wanjiku Muhia.

**Hon. Wanjiku Muhia** (Kipipiri, UDA): Thank you, Hon. Speaker. I want to speak on only two things because many issues have already been deliberated on. One is the 16 per cent fuel levy. First, we are not the highest in the region. Rwanda is at 20 per cent, Tanzania is at 18 per cent, and Uganda is at 18 per cent. Even if they were above us, we cannot compare the development particularly on the tarmacked roads here in Kenya.

Number two, through this tax, we will collect Ksh300 billion. In the Budget that we passed yesterday, we are short of approximately Ksh700 billion. That means if we collect Ksh300 billion in the next financial year, by the third year we shall be at par and everyone in this country will be rejoicing.

*(Applause)*

*[Hon. Temporary Speaker (Hon. Omboko Milemba) left the Chair]*

*[The Speaker (Hon. Moses Wetang'ula) resumed the Chair]*

Finally, the country must collect taxes because from a regional level we must meet our international obligations of remittances. We must also include the regional contributions that we make. We must print passports at the Immigration Directorate as the custodian of free movement of people. People must move and they need passports. This is from the taxes that we shall collect.

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, Hon. Wanjiku. Prof. Jaldesa is next.

**Hon. (Prof.) Guyo Jaldesa** (Moyale, UPIA): Thank you, Hon. Speaker. I rise to oppose the Motion for two simple reasons. The first one is that the Bill does not consider children's matters. There is nothing in the Bill that touches on children and their welfare. There is nothing in that Bill that touches on Junior Secondary School education, classrooms, teachers and the laboratories that they require. The Bill is discriminatory. It seeks to charge higher levies on women and beauty products. By increasing the petroleum levy, the Bill is increasing the cost of living and the cost of every aspect of life in this country.

The housing levy is a scam and should not be charged on Kenyans. After all, those of us who come from Northern Kenya keep on moving from one place to another and, therefore, we do not need permanent houses.

With those few remarks, I oppose this Bill.

**Hon. Speaker:** Hon. Melly.

**Hon. Julius Melly** (Tinderet, UDA): Thank you, Hon. Speaker. I rise to support this Bill. I commend the Departmental Committee on Finance and Planning for having listened to Kenyans on the issues they raised. This is a Bill that has sensitised Kenyans on issues of finance. Kenyans across the country have realised their roles in terms of what they had to say about what the Government is doing. This Bill is trying to do a lot of things, more so on affordable housing. If we build decent houses, we will do away with slums in our country. As we speak, our country has one of the largest slums in Africa. This Government endeavours to remove slums and create jobs in terms of promoting construction works, the cement industry and many other related sub-sectors. Farmers will also increase production of food and many other products because of tax exemption on fertilisers and zero-rating.

I, therefore, support and urge Members that we pass the Bill.

**Hon. Speaker:** Dr. Nyikal.

**Hon. (Dr) James Nyikal** (Seme, ODM): Thank you, Hon. Speaker, for at long last giving me this opportunity. Everybody here has said that this is a Bill which has attracted the most attention. The reason is simple - Kenyans are suffering and they cannot take any more load. It is not because of public participation. This Bill is completely heartless. It does not consider the suffering of the people. If you look at the amendments, they show that this Bill has no interest in the people. It is hitting at all the areas where people are suffering. Everybody is talking about debts but I have not heard anybody from Kenya Kwanza talking about debt adjustment and restructuring. You cannot assume that you will get money from people to pay the debts. Debts can be restructured.

Therefore, Hon. Speaker, I oppose this Bill.

**Hon. Speaker:** Member for Ijara.

**Hon. Abdi Ali Abdi** (Ijara, NAP-K): Thank you very much *Bwana* Speaker for giving me this opportunity to support the Bill. This is a game changer. When our President said they found only Ksh93 million when they came into Government, people said he was lying. They wanted our Government to fail. We decided, as Kenya Kwanza, to come up with this Finance Bill to sort out the mess they had created.

The other reason I am supporting the Finance Bill, 2023 is because in Ijara Constituency we have a project called the Lamu Port South Sudan Ethiopia Transport (LAPSSET) Corridor. The previous Government said that they would use murrum on that international road from Lamu up to Ethiopia and Somalia. When the Kenya Kwanza Government came into power, they said they will tarmac the road instead. Those are some of the factors that make us support the Finance Bill.

The other reason I am supporting the Finance Bill, 2023 is the reduction of Excise Duty that we pay on money transfer. If you want to transfer money, you pay Ksh500 on Real Time Gross Settlement (RTGS) or two...

**Hon. Speaker:** Hon. Emmanuel Wangwe. He will be the last one on this side.

**Hon. Emmanuel Wangwe** (Navakholo, ODM): Thank you, Hon. Speaker. I rise to oppose the Finance Bill 2023 on two grounds. The first one is the petroleum issue. I want to be very clear that the petroleum cost has been shifting from 8 per cent to 16 per cent. My concern is that the current Government has in place a Government-to-Government programme of importation of petroleum products. Some Members have said that VAT across East Africa varies from 16 per cent to 18 per cent and 20 per cent. They are proposing 16 per cent but what they are not mentioning is the issue of the premium on petroleum products. As we sit here, premium products on Government-to-Government contract is going for Ksh118 for petrol and Ksh98 for diesel in Kenya. What is happening with our neighbouring countries is that Tanzania is importing at Ksh40 on diesel and Ksh65 on premium petrol. If we get it right in terms of financial discipline, definitely, the prices of fuel will come down rather than raising VAT and the Government will collect enough.

Therefore, I oppose.

**Hon. Speaker:** Thank you. The last on this side is Hon. (Dr.) Robert Pukose.

*(Several Members stood in their place)*

Order, Hon. Members. Those on your feet resume your seats.

*(Hon. Gertrude Mwanyanje stood in her place)*

Member for Kilifi, take your seat.

*(Loud consultations)*

Order, Hon. Member. Hon. Pukose, proceed.

**Hon. (Dr.) Robert Pukose** (Endebess, UDA): Thank you, Hon. Speaker for allowing me to contribute to this Bill. At the outset, I support the Finance Bill, 2023.

Hon. Speaker, if you look at the Finance Bill, especially on the medical side, vaccines, medicaments – that is pharmaceutical drugs – are exempted from tax, and this will boost local manufacturing. That will lower the costs of medicines and drugs will be affordable. Therefore, the cost of healthcare will be reduced. This will assist our country to attain universal health care.

With those few remarks, I support the Bill.

*(Loud consultations)*

**Hon. Speaker:** Order, Hon. Members. Take your seats.

*(Hon. Raphael Wanjala stood in his place)*

Hon. Wanjala, take your seat. Hon. Members, I told you that I was going to give opportunity to five Members on my left and five Members on my right, then I call up on the Mover to reply. It is now time for me to invite the Mover to reply.

Mover.

*(Loud consultations)*

**Hon. Kuria Kimani** (Molo, UDA): Thank you, Hon. Speaker. Now that I have 15 minutes to reply, I would like to donate one minute to Hon. Chepkonga, one minute to...

**Hon. Speaker:** If you have minutes to donate, donate to Hon. Chonga as well. Go ahead.

**Hon. Kuria Kimani** (Molo, UDA): In that case, Hon. Speaker, I want to thank...

*(Loud consultations)*

**Hon. Speaker:** Order! Member for Kilifi County, you have constantly flouted the rules all afternoon. You have been shouting and menacing the Chair. I assure you that the Chair can take action against you without any fear or favour. I am not going to do that. You should feel embarrassed to be conducting yourself in the manner that you are.

*(Loud consultations)*

Order, Hon. Members. I have even taken the extra caution of asking the Leader of the Minority Party to speak to you. As a gracious lady representing the great people of Kilifi, who are watching you on TV, I do not think they are happy to see what I am seeing.

Hon. Members, I want you to know this. We are many. Not everybody can speak on every item on the Floor. There are many Members who have spoken, your leaders have spoken, and we agreed that we would close debate at some point. Hon. Chairperson, you said that you are donating a few minutes. It is up to you, but you now have time to reply.

*(Hon. Raphael Wanjala stood in his place)*

Hon. Wanjala, take your seat.

**Hon. Kuria Kimani** (Molo, UDA): Thank you, Hon. Speaker. Having listened to the mood of the House, I would like to highlight a few issues.

*(Hon. Raphael Wanjala remained upstanding in his place)*

**Hon. Speaker:** Hon. Wanjala, take your seat. Go on, Hon. Chairperson.

**Hon. Kuria Kimani** (Molo, UDA): Hon. Speaker, I would like to correct a bit of misinformation before I reply.

**Hon. Speaker:** Hon. Members, you have said many good things during this debate. We are getting to the end where you are going to vote and express yourselves.

Go on, Hon. Kuria.

**Hon. Kuria Kimani** (Molo, UDA): Hon. Speaker, I would just like to take two minutes to correct some of the misreporting on this Bill. One of them has been the allegation that we propose to tax *chamas*. There are businesses and individuals who have realised a loophole in our tax laws. Instead of registering a business under a business name or company name, they come together as individuals, registering a *chama* and do business as a *chama* and, therefore, they do not get taxed.

Hon. Speaker, we have talked extensively about the items that will move from tax exemption to zero-rating such as manufacture of fertiliser, pesticides, pharmaceuticals and human vaccines, and assembling parts of mobile telephone. All these will do great work in our manufacturing industry.

**Hon. Junet Mohamed** (Suna East, UDA): On a point of order, Hon. Speaker.

**Hon. Speaker:** Order, Hon. Kimani. Hon. Junet, what is your point of order?

**Hon. Junet Mohammed** (Suna East, UDA): I want to seek your indulgence, Hon. Speaker. When you are listening to the Chairman of the Departmental Committee on Finance and National Planning responding, you need to see him physically. We cannot see him because we have blocked here. It is like we are listening to him from another town through radio or television. What are the Serjeant-at-Arms up to? Can we see the person who is talking to us?

*(Laughter)*

**Hon. Speaker:** Serjeant-at-Arms, allow Hon. Junet to see the Chairman. Continue, Hon. Kimani.

**Hon. Kuria Kimani** (Molo, UDA): After listening to the members of the public, through public participation, I report that we dropped the 20 per cent requirement for deposit in our courts for litigation. The digital content monetarisation was reduced from 15 per cent to five per cent. The threshold for turnover tax has been increased from the minimum threshold of Ksh0.5 million to Ksh1 million.

Hon. (Dr.) Gogo raised a concern about wigs. I would like to tell this House that we have deleted these items as excisable products. The main reason is that there are very many Kenyans who came and told us that they were cancer victims. After going through chemotherapy, they lost their hair. They told us that if we taxed wigs, we would make it more expensive for them, in addition to the cancer treatment.

With those very few remarks, I beg to reply.

*(Applause)*

**Hon. Speaker:** Order, Hon. Members.

*(Question put and agreed to)*

*(Several Members rose in their places)*

**Hon. Speaker:** Order, Hon. Members. Take your seats.

*(Loud consultations)*

The “Noes” have claimed a Division. I am satisfied that they have enough numbers to have it. I call on the Whips of either side. We will ring the Division Bell for 10 minutes. In the meantime, bring the names of your tellers. At the end of the 10 minutes, I will direct you in the manner in which you will vote. Bring me a teller from either side to conduct the voting.

Ring the Division Bell.

*(The Division Bell was rung)*

*(Loud consultations)*

**Hon. Speaker:** Order, Hon Members. Order, Hon Members. Take your seats. Mama Kericho, take your seat. Member for Naivasha, take your seat. Hon. Bowen, take your seat.

Hon. Members, the side to my left claimed a Division, which was acceded to. The 10-minute Division Bell is now silent. We now want to go into Division. The first point of call is to call on each of the Whips to bring forward the names of their tellers. I have been given two tellers on either side. I now order that the Bar be drawn and the Doors be closed and locked.

*(The Bar was drawn and the doors closed)*

*(Loud consultations)*

Order, Hon. Members. On the Majority side, the tellers are two - Hon. Omboko Milemba and Hon. Robert Pukose. The tellers on the Minority side are Hon. Wanami Wamboka and Hon. Antony Kibagendi.

Hon. Members, ordinarily, we would vote electronically and finish the exercise in less than five minutes. However, after consultation, I have been told by your leaders, buttressed by the Clerks’ Table, that some of you do not have your cards and that at times the equipment malfunctions.

**Hon. Members:** Yes!

**Hon. Speaker:** You are going to vote in the following manner. The Clerk has an alphabetical list of all of you by constituency names. Sit where you are. If you read the Standing Orders, you will note that when voting is going on, every Member must remain silent.

Secondly, when voting is going on, no Member is allowed to move around the Chamber. Those are your rules and our rules. Remain where you are. When your constituency is called, from where you are seated, say ‘Aye’ or ‘Noe.’ They will record here.

*(Applause)*

By the time they are done, the Tellers and Clerks will tabulate and give us your numbers and we will proceed to announce the results.

*(Loud consultations)*

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Order, Members. This Chamber is not very big. Those who have access to microphones you can use them. Let me do a trial run. Hon. Were, can you, without a microphone, say “Aye” or “Nay?” Stand. Say ‘Aye’ or ‘Nay.’

**Hon. Charles Ong’ondo** (Kasipul, ODM): Nay.

**Hon. Speaker:** Again. I just want to test and see if you can be heard throughout without the microphone.

**Hon. Charles Ong’ondo** (Kasipul, ODM): Nay, on behalf of Kasipul.

**Hon. Speaker:** Excellent. Now, the Member right at the back, Hon. Adow. Can you say, “Aye” or “Nay?”

**Hon. Yakub Adow** (Bura, UPIA): Aye.

**Hon. Speaker:** Okay. Now, Hon. Members, I repeat. We are going to vote in total silence. Any Member who misconducts himself or herself, I will note you and when we finish voting, you will suffer some form of punishment. I am not telling you how to vote.

*(Hon. Jared Okello consulted loudly)*

Okello, you are already misconducting yourself. I know you are taking advantage of the fact that you used to be a close friend of mine.

*(Laughter)*

Order. Clerks, get ready.

**Hon. Raphael Wanjala** (Budalang’i, ODM): On a point of order, Hon. Speaker.

**Hon. Speaker:** Yes, Hon. Wanjala, what is out of order?

*(Hon. Raphael Wanjala spoke off record)*

*(Laughter)*

**Hon. Speaker:** Hon. Wanjala, the vote we are about to have is “Aye” or “Nay”. You are out of order. Let us start.

Order. Pardon...

**Hon. (Dr) James Nyikal** (Seme, ODM): On a point of order, Hon. Speaker. I think “Yes” and “No” are more distinct than “Aye” and “Nay”.

**Hon. Speaker:** When your name is called, you simply say, “I vote yes” or “I vote no”. Right?

**Hon. (Dr) James Nyikal** (Seme, ODM): Thank you, Hon. Speaker.

*(Loud consultations)*

**Hon. Speaker:** Order, Hon. Members. I am sorry, I had allowed the Chairman of the Budget and Appropriations Committee to lay some documents on the Table before we go into voting.

Hon. Ndindi Nyoro, go ahead. I will give you a minute.

## PAPERS

**Hon. Ndindi Nyoro** (Kiharu, UDA): Thank you very much, Hon. Speaker. I beg to lay the following Papers on the Table:

1. Supplementary Estimates II for the FY2022/23 from the Ministry for National Treasury and Economic Planning, and the following accompanying documents —
  - a) FY2022/23 Supplementary Estimates No.II, Programme Based Budget;
  - b) FY2022/23 Supplementary Estimates No.II (Recurrent Expenditure);
  - c) FY2022/23 Supplementary Estimates No.II (Development Expenditure) - Vol. No.1 and II; and,
  - d) Statement on the FY2022/23 Supplementary Estimates No.II.

Thank you very much.

**Hon. Speaker:** Thank you, Hon. Ndindi Nyoro. Yes, Hon. Wandayi. Give Hon. Wandayi the microphone. After him, give Hon. Ichung'wah.

**Hon. Opiyo Wandayi** (Ugunja, ODM): Hon. Speaker, it is true that the guidelines you have given concerning the process of this vote is largely agreeable for the simple reason that this is very important a matter that the public would want to see how their representatives are voting. Therefore, I want to thank you for acceding to our request to have the voting process be as transparent as possible.

Secondly, I also want to plead with my colleagues that we observe the order that has been outlined so that we finish this process as quickly as possible.

Finally, there is only one other matter that needs further clarification. In the past, especially in the last Parliament, we indulged Members who were unable to be present physically in the Chambers to vote electronically. That is the only bit that has not been touched on. Perhaps, it deserves clarification. Otherwise, thank you.

**Hon. Speaker:** Hon. Ichung'wah. Where is Hon. Ichung'wah?

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Speaker. I want to concur with what the Leader of the Minority Party has said. We have consulted and we, not largely but wholesomely, agree with you since we in Kenya Kwanza are never in the business of disagreeing. We believe it is every Member's right to vote with their conscience and for their people. We have nothing to hide from our people. We will vote in accordance with your guidance. Let me also plead with our Members in the Kenya Kwanza Alliance, as the Leader of the Minority Party has done. I plead to my Members that we do this with the decorum and dignity this House deserves.

**Hon. Speaker:** Thank you, Hon. Members. I have received one request from a Member who is in Isiolo. I am told they have withdrawn the request. Clerks-at-the-Table, you will start as we agreed. The Tellers will be one on this side and the other on the other side.

*(Hon. Raphael Wanjala stood in his place)*

Hon. Wanjala, the ink is not even dry yet. I said there should be absolute silence during voting. There should be no moving about the Chamber. You are already on your feet before we even call the first voter.

## DIVISION

*(Question put and the House divided)*

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Tellers of the Ayes: Hon. (Dr) Robert Pukose and Hon. Omboko Milemba.  
Tellers of the Noes: Hon. Wanami Wamboka and Hon. Antony Kibagendi.

*(Voting in progress)*

**Hon. Speaker:** We have portable microphones that can be passed around to any Member with a challenge.

*(Hon. Raphael Wanjala spoke off record)*

Order, Hon. Wanjala. If you say that again, I will open the Bar for you to walk out.

*(Hon. Patrick Osero spoke off record)*

*(Loud consultations)*

**Hon. Speaker:** Order! Any Member who was locked out when we drew the Bar is out of the Chamber. He is present but voting is in the Chamber. The galleries are not part of the Chamber.

*(Voting in progress)*

*(Hon. Wanami Wamboka spoke off record)*

**Hon. Speaker:** You are out of order.

*(Voting in progress)*

**Hon. Speaker:** Where is he? Order, Members. Hon. Sunkuiya is not in the Chamber.

*(Voting in progress)*

Hon. Fabian Muli is not in the Chamber.

*(Voting in progress)*

*(Vote counting in progress)*

**Hon. Speaker:** Order, Hon. Members. The Tellers should go up to the Bar.

*(Loud consultations)*

Order, Hon. Members. The Tellers may move forward close to the Dispatch Desk. Go ahead.

**Hon. (Dr.) Robert Pukose** (Endebess, UDA): Hon. Speaker, these are the results of the Division. The Ayes have 176 votes and the Nays have 81 votes. The total number of Members who voted is 257. There was no abstention.

## RESULTS

## AYES

- |                              |                             |
|------------------------------|-----------------------------|
| 1. Hon. Samwel Chepkonga     | 40. Hon. Githua Wamacukuru  |
| 2. Hon. Benjamin Lang'at     | 41. Hon. Leah Sankaire      |
| 3. Hon. Marianne Kitany      | 42. Hon. Onesmus Ngogoyo    |
| 4. Hon. Irene Njoki          | 43. Hon. Yusuf Hassan       |
| 5. Hon. Jematiah Sergon      | 44. Hon. Njuguna Chege      |
| 6. Hon. Joshua Kandie        | 45. Hon. John Makali        |
| 7. Hon. Joseph Makilap       | 46. Hon. Samwel Chumel      |
| 8. Hon. Charles Kamuren      | 47. Hon. Adams Korir        |
| 9. Hon. Nelson Koech         | 48. Hon. Gideon Kimaiyo     |
| 10. Hon. Alfah Miruka        | 49. Hon. Beatrice Kemei     |
| 11. Hon. Linet Chepkorir     | 50. Hon. Njuguna Kawanjiku  |
| 12. Hon. Kilel Richard       | 51. Hon. John Waithaka      |
| 13. Hon. Richard Yegon       | 52. Hon. Antony Wainaina    |
| 14. Hon. Kibet Komingoi      | 53. Hon. Joseph Munyoro     |
| 15. Hon. Mugambi Rindikiri   | 54. Hon. Ndindi Nyoro       |
| 16. Hon. Moses Kirima        | 55. Hon. Kimani Ichung'wah  |
| 17. Hon. Paul Biego          | 56. Hon. Owen Baya          |
| 18. Hon. Patrick Ntwiga      | 57. Hon. Didmus Barasa      |
| 19. Hon. John Kiarie         | 58. Hon. Gonzi Rai          |
| 20. Hon. Musa Sirma          | 59. Hon. Kwenya Thuku       |
| 21. Hon. Adan Keynan         | 60. Hon. Wanjiku Muhia      |
| 22. Hon. Caroline Ng'elechei | 61. Hon. Joseph Cherorot    |
| 23. Hon. Mejjadonk Gathiru   | 62. Hon. Hilary Kosgei      |
| 24. Hon. James Gakuya        | 63. Hon. Njeri Maina        |
| 25. Hon. Josses Lelmengit,   | 64. Hon. Dr Rachael Nyamai  |
| 26. Hon. Omboko Milemba      | 65. Hon. Japheth Nyakundi   |
| 27. Hon. Johana Kipyegon     | 66. Hon. Brighton Yegon     |
| 28. Dr Robert Pukose         | 67. Hon. Alfred Mutai       |
| 29. Hon. Farah Yakub         | 68. Hon. Joseph Tonui       |
| 30. Hon. Kenneth Tungule     | 69. Hon. Maisori Kemero     |
| 31. Hon. GG Kagombe          | 70. Hon. Mathias Robi       |
| 32. Hon. Elisha Odhiambo     | 71. Hon. Ferdinand Wanyonyi |
| 33. Hon. Gichimu Githinji    | 72. Hon. Abdirahman Mohamed |
| 34. Hon. Martha Wangari      | 73. Hon. Abdikadir Mohamed  |
| 35. Hon. Daniel Karitho      | 74. Hon. Jane Kagiri        |
| 36. Hon. Julius M'anaiba     | 75. Hon. Mwangi Kiunjuri    |
| 37. Hon. John Paul Mwirigi   | 76. Hon. Wachira Karani     |
| 38. Hon. Abdi Ali Abdi       | 77. Hon. Kahangara Mburu    |
| 39. Hon. George Koimburi     | 78. Hon. (Eng.) John Kiragu |

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|---------------------------------------|--------------------------------|
| 79. Hon. Protus Akujah                | 124. Hon. David Kiaraho        |
| 80. Hon. Chiforomodo Mangale          | 125. Hon. Michael Wainaina     |
| 81. Hon. Kareke Mbiuki                | 126. Hon. Kenga Mupe           |
| 82. Hon. Caleb Mule                   | 127. Hon. Paul Chebor          |
| 83. Hon. (Major (Rtd)Abdullahi Sheikh | 128. Hon. Kamande Mwafrika     |
| 84. Hon. Umul Kheir Kassim            | 129. Hon. Simon King'ara       |
| 85. Hon. Abdul Haro                   | 130. Hon. Clement Sloya        |
| 86. Hon. Gitonga Mukunji              | 131. Hon. Ali Raso             |
| 87. Hon. Kangogo Bowen                | 132. Hon. Pauline Lenguris     |
| 88. Hon. Timothy Kipchumba            | 133. Hon. Letipila Eli         |
| 89. Hon. Naomi Waqo                   | 134. Hon. Fred Ikana           |
| 90. Hon. Joshua Mwalyo                | 135. Hon. Peter Lochakapong    |
| 91. Hon. Edwin Gichuki                | 136. Hon. Justice Kemei        |
| 92. Hon. Eric Kahugu                  | 137. Hon. John Koyi            |
| 93. Hon. Ruku GK                      | 138. Hon. Francis Sigei        |
| 94. Hon. (Eng.) Nebart Muriuki        | 139. Hon. (Dr) Shadrack Mwiti  |
| 95. Hon. Elizabeth Kailemia           | 140. Hon. Silvanus Osoro       |
| 96. Hon. Kiborek Reuben               | 141. Hon. Caroli Omondi        |
| 97. Hon. Phylis Bartoo                | 142. Hon. Samuel Gachobe       |
| 98. Hon. Kuria Kimani                 | 143. Hon. Haika Mizighi        |
| 99. Hon. Feisal Bader                 | 144. Hon. Amina Dika           |
| 100. Hon. Fred Kapondi                | 145. Hon. Mary Emaase          |
| 101. Hon. Kaguchia John               | 146. Hon. Geoffrey Wandeto     |
| 102. Hon. Betty Maina                 | 147. Hon. Susan Ngugi          |
| 103. Hon. Mary Maingi                 | 148. Hon. Alice Ng'ang'a       |
| 104. Hon. Esther Passaris             | 149. Hon. Kassait Kamket       |
| 105. Hon. Jayne Kihara                | 150. Hon. Mpuru Aburi          |
| 106. Hon. Liza Chelule                | 151. Hon. (Dr) John K. Mutunga |
| 107. Hon. David Gikaria               | 152. Hon. Julius Melly         |
| 108. Hon. Samuel Arama                | 153. Hon. John Chikati         |
| 109. Hon. Geoffrey Mulanya            | 154. Hon. Lillian Siyoi        |
| 110. Hon. Bernard Kitur               | 155. Hon. Janet Sitienei       |
| 111. Hon. Rebecca Tonkei              | 156. Hon. Cecilia A. Ngigit    |
| 112. Hon. Lemanken Aramat             | 157. Hon. Joseph Emathe        |
| 113. Hon. Agnes Mantaine              | 158. Hon. Nicholas Ng'ikor     |
| 114. Hon. Kitilai Ntutu               | 159. Hon. Daniel Nanok         |
| 115. Hon. Gabriel Tongoyo             | 160. Hon. David Ochieng'       |
| 116. Hon. George Kariuki              | 161. Hon. Ernest Kivai         |
| 117. Hon. Charity Chepkwony           | 162. Hon. Adagala Beatrice     |
| 118. Hon. Rahim Dawood                | 163. Hon. Aden Mohammed        |
| 119. Hon. Joash Nyamoko               | 164. Hon. Mohammed Adow        |
| 120. Hon. Faith Gitau                 | 165. Hon. Martin Wanyonyi      |
| 121. Hon. Rahab Mukami                | 166. Hon. Daniel Wanyama       |
| 122. Hon. Duncan Mathenge             | 167. Hon. Stephen Mogaka       |
| 123. Hon. Michael Muchira             | 168. Hon. Rael Kasiwai         |
|                                       | 169. Hon. (Dr) Jackson Kosgei  |

- 170. Hon. Wanjiru Mwangi
- 171. Hon. Abdisirat Khalif
- 172. Hon. Dorothy Muthoni
- 173. Hon. Joseph Wainaina

- 174. Hon. Joseph Hamisi
- 175. Hon. Suleka Harun
- 176. Hon. Abubakar Talib

## NOES

- 1. Hon. Samuel Atandi
- 2. Hon. Nolfason Barongo
- 3. Hon. Charles Onchoke
- 4. Hon. Patrick Osero
- 5. Hon. Raphael Wanjala
- 6. Hon. Wanami Wamboka
- 7. Hon. Omar Mwinyi
- 8. Hon. Patrick Simiyu
- 9. Hon. Beatrice Elachi
- 10. Hon. Julius Mawathe
- 11. Hon. Mark Mwenje
- 12. Hon. Ali Wario
- 13. Hon. Gathoni Wamuchomba
- 14. Hon. Peter Kaluma
- 15. Hon. Bernard Shinali
- 16. Hon. Bady Twalib
- 17. Hon. Joshua Kimilu
- 18. Hon. Memusi Kanchory
- 19. Hon. Elsie Muhanda
- 20. Hon. Paul Katana
- 21. Hon. Adipo Okuome
- 22. Hon. Charles Ong'ondo
- 23. Hon. Robert Mbui
- 24. Hon. Peter Orero
- 25. Hon. Jessica Mbalu
- 26. Hon. Julius Sunkuli
- 27. Hon. Gertrude Mwanyanje
- 28. Hon. Ken Chonga
- 29. Hon. Thuddeus Nzambia
- 30. Hon. Bisau Kakai
- 31. Hon. Rashid Bedzimba
- 32. Hon. Dorice Donya
- 33. Hon. Ruth Odinga
- 34. Hon. Joshua Oron
- 35. Hon. Shakeel Shabbir
- 36. Hon. (Dr) Makali Mulu
- 37. Hon. David Mwalika
- 38. Hon. Edith Nyenze
- 39. Hon. Antony Kibagendi
- 40. Hon. Clive Gisairo

- 41. Hon. Mishi Mboko
- 42. Hon. Innocent Mugabe
- 43. Hon. Dick Oyugi
- 44. Hon. Nabii Nabwera
- 45. Hon. Joyce Kamene
- 46. Hon. Rose Mumo
- 47. Hon. Hussein Weytan
- 48. Hon. Geoffrey Odanga
- 49. Hon. Anthony Oluoch
- 50. Hon. Kivasu Nzioka
- 51. Hon. Fatuma Mohammed
- 52. Hon. Zamzam Mohammed
- 53. Hon. (Prof.) Guyo Jaldesa
- 54. Hon. James K'oyoo
- 55. Hon. Mohamed Machele
- 56. Hon. Peter Shake
- 57. Hon. Gideon Mulyungi
- 58. Hon. Charles Nguna
- 59. Hon. Emmanuel Wangwe
- 60. Hon. Martin Owino
- 61. Hon. Aduma Owuor
- 62. Hon. Jared Okello
- 63. Hon. Tom Odege
- 64. Hon. David Pkosing
- 65. Hon. (Dr) Lilian Gogo
- 66. Hon. Caleb Amisi
- 67. Hon. Jackson Lekumontare
- 68. Hon. Naisula Lesuuda
- 69. Hon. (Dr) James Nyikal
- 70. Hon. (Dr) Christine Ombaka
- 71. Hon. Amos Maina
- 72. Hon. Junet Mohamed
- 73. Hon. Peter Masara
- 74. Hon. John Bwire
- 75. Hon. Oku Kaunya
- 76. Hon. Opiyo Wandayi
- 77. Hon. Fatuma Jehow
- 78. Hon. Yussuf Farah
- 79. Hon. Tim Wanyonyi
- 80. Hon. Danson Mwashako

81. Hon. Robert Ngui

*(Hon. Raphael Wanjala and Hon. Ruth Odinga consulted loudly)*

**Hon. Speaker:** Order, Hon. Wanjala and Hon. Ruth Odinga. For newcomers, the results are not announced until the Speaker says so. The orchestras led by my good friend, Hon. Mukami, and Hon. Ruth Odinga on this side are out of order. You are all out of order.

Hon. Members, the results of the Division are as follows:

Ayes – 176

Noes – 81

Abstention – 0

Total votes – 257

*(Question carried by 176 votes to 81)*

The returning document of the voting is signed by Hon. Robert Pukose, Hon. Antony Kibagendi, Hon. Omboko Milemba and Hon. Wanami Wamboka. The outcome of the vote is that the Ayes have it.

*(Applause)*

Order, Hon. Members. You may be upstanding. Can the Bars be drawn?

*(Applause)*

Order! Take your seats. Clerk-at-the Table.

*(The Bill was read a Second Time and  
committed to Committee of the whole House)*

**Hon. Speaker:** Order, Hon. Members! We have come to the end of our proceedings today. Hon. Members be upstanding.

Hon. Members, may I take this opportunity to thank all of you for debating this Bill with decorum, dignity and with observance of the Standing Orders of the House. The leaders have displayed good leadership. I hope that going into the future, however contentious a piece of legislation that comes to this House will be, you will remain one undivided House called the National Assembly of Kenya.

*(Applause)*

## ADJOURNMENT

**Hon. Speaker:** Hon. Members, the House stands adjourned until tomorrow 15<sup>th</sup> June 2023 at 2.30 p.m.

Take note that from 3.00 p.m. the Cabinet Secretary, National Treasury and Economic Planning will be in the Chamber to be given an opportunity to give highlights to the Budget of the 2023/2024 Financial Year.

The House is adjourned.

The House rose at 7.42 p.m.

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