

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 11th July, 2024

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

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

PRAYER

DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

The Speaker (Hon. Kingi): Clerk, do we have quorum? Serjeant-at-Arms, kindly ring the Quorum Bell for 10 minutes

(The Quorum Bell was rung)

Order, hon. Senators. We do have quorum now.

(Sen. Madzayo walked into the Chamber)

The Senate Minority Leader!
Clerk, you may proceed to call the First Order.

QUESTIONS AND STATEMENTS

STATEMENTS

Statement pursuant to Standing Order No.53(1) by Sen. Mwaruma. That Statement is dropped.

DEVELOPMENT PROJECTS AT MWAMUNGA PRIMARY SCHOOL

(Statement dropped)

Statement pursuant to Standing Order No. 57(1), the Senate Majority Leader.

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BUSINESS FOR THE WEEK COMMENCING
TUESDAY, 16TH JULY, 2024

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I rise pursuant to Standing Order No.57(1) to present the business of the Senate for the week commencing Tuesday, 16th July, 2024.

As hon. Senators are aware, the country stands at a precipice. The unrest and protests that have been witnessed over the last three weeks have gripped our country and threatened to lead to chaos and anarchy. The Senate recognizing the gravity of this situation, introduced a Motion during the Morning Sitting of Wednesday, 3rd July, 2024 to deliberate on the current state of the nation.

In this Motion, as the leadership of the Senate, we resolved not to limit the debate. The Speaker has also been magnanimous to give all the Senators more time to conclude their contribution. Hon. Senators have been sharing their perspectives to this Motion. These combined efforts hold the power to steer our country through these turbulent times and towards a brighter and more prosperous future.

The Senate has also been presented with an opportunity to develop strategies and policies that will spur the necessary social, economic and political transformation in our country. I have no doubt that from this crisis, we will emerge stronger and more determined to better the lives of our citizens.

Mr. Speaker, Sir, with respect to the business of the Senate, hon. Senators will recall that during the Special Sitting held on Tuesday, 11th June, 2024, the Senate considered and passed the following Bills-

- (i) The County Licensing (Uniform Procedure) Bill (Senate Bills No.9 of 2022);
- (ii) The Statutory Instruments (Amendment) Bill (National Assembly Bills No.2 of 2023);
- (iii) The Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bills No.10 of 2024);
- (iv) The County Allocation of Revenue Bill (Senate Bills No.25 of 2024); and,
- (v) The County Governments Additional Allocation Bill (Senate Bills No.19 of 2024).

The County Licensing (Uniform Procedure) Bill (Senate Bills No.9 of 2022) and the Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bills No.10 of 2024) have since been assented to by His Excellency the President. The County Allocation of Revenue Bill (Senate Bills No.25 of 2024) is yet to be assented to for obvious reasons.

Mr. Speaker, Sir, with the rejection of the Finance Bill, 2024, there has to be a new County Allocation of Revenue Act (CARA) and Division of Revenue Act (DORA). Of course, DORA will come first and then we will have to consider CARA afresh. That is why the CARA that we passed on 11th June, 2024 is yet to be assented to. The County Governments Additional Allocation Bill (Senate Bills No.19 of 2024) is as well awaiting consideration by the National Assembly.

I take this opportunity to applaud all the hon. Senators for the work they have been able to do so far. However, there still remains much more to be done. For this

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reason, I implore Senators to prioritize their presence in the Chamber, so that we are able to make progress on the pending business, which includes 49 Bills that are pending conclusion, of which 42 are at the Second Reading stage and seven are at the Committee of the Whole stage. I plead with the honourable Whips and the leadership of both sides of the aisle, if possible, we can conclude on those Bills next week.

There are 21 Motions for us to consider, 20 Petitions that are due for reporting by various select committees and 369 Statements pending before our respective standing committees. These are Statements that have been sought by Members of this House. It is our hope that we will conclude on this business.

The Senate Business Committee (SBC) will meet on Tuesday, 16th July, 2024 to consider the business for the week. The tentative business for Tuesday will include business not concluded from today's Order Paper, as well as the business indicated in the notice paper that is appended to today's Order Paper.

The tentative business scheduled for Wednesday, 17th July, 2024, in the Morning Sitting, will include the scheduled questions as approved by SBC as well as various Motions. The summary of Questions include a Question by Sen. Sifuna to the National Treasury, and a Question by Senator Wakoli to the Cabinet Secretary for Labour and Social Protection, and so on and so forth.

The business for Wednesday, 17th July, 2024, Afternoon Sitting, will include business not concluded on Tuesday, 16th July, 2024 and the following Bills-

(i) The Statutory Instruments (Amendment) Bill (National Assembly Bills No.2 of 2023);

(ii) The Land (Amendment) Bill (National Assembly Bills No.40 of 2022);

(iii) The County Oversight and Accountability Bill (Senate Bills No.3 of 2024);

(iv) The County Civic Education Bill, 2024;

(v) The County Statistics Bill, 2024;

(vi) The Intergovernmental Relations (Amendment) Bill; and,

(vii) The County Assembly's Pension Scheme Bill;

This also includes the following Motions-

(i) The Establishment of a National Teaching and Referral Hospital in Kenya;

(ii) The Development of a Policy and Law for Social Risk Management in Infrastructure Development Projects in Kenya;

(iii) The County Governments to set aside Land for Planting Indigenous Trees; and,

(iv) Stoppage of funds to Isiolo County due to Failure by the Governor to honor Senate Summons.

The projected business for Thursday, 18th July, 2024, will be business not concluded in the Order Paper for Tuesday, Wednesday, and any other business scheduled by the SBC.

In conclusion, it is good to mention that as at the rise of the House yesterday, there is only one Senator who is yet to speak to the Motion that I had mentioned earlier, on the state of the nation. That was by design. As a leadership, we had agreed that once all the Members have spoken, our members of staff will take into consideration the various ideas and proposals that have been brought forward as ways of moving the

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country forward and healing the nation and bridging the divide. They will ensure that we have the concrete ideas by all the Senators that have spoken to this Motion.

It is our intention to invite various institutions and constitutional commissions to come and engage this House based on the proposals that have come from the various Members of this House. However, I do not intend to dwell much into it because we are yet to retreat as a leadership of the House. In the retreat, we will come up with far-reaching recommendations by Tuesday next week. At that point, we will allow the gentleman that is yet to speak, the Senator for Laikipia County, to move the Motion in the amended form. We will rise and vote on it and move forward with the proposals that have been made. I thank hon. Senators for abiding by the request that we made to allow each Senator the opportunity to speak to this Motion. I appreciate it.

Thank you, Mr. Speaker, Sir. I hereby lay the Statement on the Table of the Senate.

(Sen. Cheruiyot laid the document on the Table)

The Speaker (Hon. Kingi): Sen. (Dr.) Khalwale, you cannot rise on a point of order. Proceed.

Sen. (Dr.) Khalwale: Yes, Mr. Speaker, Sir. I thank the Senate Majority Leader for the Statement. Whereas I have the latitude to seek clarification from him through other means, but because he has made what concerns me in public, it is fair that I seek that clarification. He has said that the County Allocation of Revenue Bill (Senate Bills No.25 of 2024) has not been assented to, and that we will have to redo it. Could he confirm whether the President has sent such a memorandum? If he has not, in our understanding, what would necessitate the CARA to be returned if DORA has been assented to? CARA flows from DORA, so if DORA is an Act, how can CARA be invalidated. I say this because we are very conscious of the fact that our counties are constrained. The manner that we were able to give the counties in the DORA Bill, many of the delegations believe it should remain there. Could he clarify that?

The Speaker (Hon. Kingi): Senate Majority leader, proceed.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I am not sure whether the Majority Whip listened properly. I said I am not certain whether the Division of Revenue Bill, as was passed by this House, has been assented to. I have no recollection. If he has that information, that is something that he may wish to clarify to me.

I said CARA is a product, like he has rightfully put, of DORA. If the CARA is yet to be assented to because of reasons that he very well knows, then it follows that we will have to make fresh considerations of all those matters. I am not sure which Division of Revenue Act he is referring to that has been assented to. If it has been, I will await further communication the way I normally get it. He has access to that information. I do not know why he chooses to use the Floor to seek it.

The Speaker (Hon. Kingi): Proceed, Sen. Sifuna.

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Sen. Sifuna: Mr. Speaker, Sir, personally I find no fault in the manner in which Sen. (Dr.) Khalwale has chosen to address this matter because it is not a matter just between him and the Senate Majority Leader.

If I understand well, there is a way in which the Executive communicates with this House on their treatment of any Bills passed by this House. So, the authority to tell us with certainty whether the Bills that we have passed here have been assented to or have been brought back with memoranda from the President should be the Speaker of the House.

That clarification should come to all of us via communication from your Chair, if, in fact, the Executive has treated those two Bills in the manner in which we are hearing. This is just a conversation in the House. An official communication should come through you on how the Executive has dealt with those two Bills.

I thank you.

The Speaker (Hon. Kingi): Let us wait for formal communication.

Before we proceed to the next Order, Sen. (Dr.) Khalwale, the matter will be communicated formally and officially. Let us not extend it beyond that.

Sen. (Dr.) Khalwale: Mr. Speaker, Sir, we all stood there and swore to uphold and defend the Constitution and, therefore, the rule of law. I do not have to remind any colleague here, because it is clear how a Bill becomes law. If after 14 days no communication came from you that the Division of Revenue Bill had not been assented to, automatically it stands assented to. That is why I need the clarification

The Speaker (Hon. Kingi): Sen. (Dr.) Khalwale, I have indicated that a formal communication in that regard shall be made.

Before we proceed to the next Order, allow me to make this Communication.

Sen. Omogeni and Sen. Kavindu Muthama, kindly take your seats.

*(Sen. Omogeni and Sen. Kavindu Muthama
walked into the Chamber and took their seats)*

COMMUNICATION FROM THE CHAIR

VISITING DELEGATIONS OF FROM KISUMU AND WEST POKOT COUNTIES

The Speaker (Hon. Kingi): Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon, of 12 Hansard officers from the county assemblies of Kisumu and West Pokot. The officers are undertaking a capacity building programme on Information Technology (IT) in the production of Parliamentary Hansard at the Centre for Parliamentary Studies (CPST). On behalf of the Senate and on my own behalf, I extend a warm welcome and wish them a fruitful visit.

(Applause)

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I thought I saw the Senator for Kisumu County in the House. In his absence, I will allow the Senator for Migori County to extend a word of welcome.

(Loud consultations)

Sen. Oketch Gicheru: Mr. Speaker, Sir, you can hear the background complaints from the Senator for Homa Bay saying that Migori is far from Kisumu, which means that he would have desired to welcome the amazing delegation from Kisumu County. Even though Homa Bay is closer to Kisumu, it seems it is very far from Parliament because the Senator was a bit late, but that is fine.

We are happy that you are here with us. This is the “Upper House” by virtue and valour of Parliament. You have seen as much as possible how this House has risen to the occasion of the challenges we are facing as a nation, to the extent that some sovereignty is coming back to our country as a result of the functions of this House. There is a lot to learn from this House.

I want to wish you well in your stay here. In the normal tradition of this House, when you come here, there is usually a formal then an informal welcome in which I will invite the Senator for Kisumu as well as that of Homa Bay. Since Kericho is close to Kisumu, I will also invite the Senator for Kericho to do a better informal welcome, where the great Senator for Homa Bay will show the best of his generosity.

I thank you. Welcome all.

(Laughter)

The Speaker (Hon. Kingi): Let us move on to the next Order.

MOTION

THE CURRENT STATE OF THE NATION

RECOGNIZING the State of the nation at this moment; the ongoing protests following the passing of the Finance Bill (National Assembly Bills No. 30 of 2024) on 25th June, 2024 by the National Assembly; the loss of lives, maiming and loss of property that has been occasioned following these protests;

COGNIZANT THAT pursuant to Article 115(1)(b) of the Constitution His Excellency the President of the Republic of Kenya declined to assent to the Bill and referred it back to the National Assembly with recommendations to delete all clauses of the Bill;

ACKNOWLEDGING THAT the conversation on the Finance Bill has triggered the broader important public conversation on the question of the high cost of living juxtaposed against the wasteful expenditure in all public institutions including Parliament;

FURTHER ACKNOWLEDGING the issues raised by the youth and other members of the public to do with corruption, impunity, incompetence within state

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and public appointments, opulent lifestyles of public officers, unemployment and high cost of living amongst other issues bedeviling the economy;

NOW THEREFORE, the Senate;-

1. calls upon;-

i) the National Assembly to expeditiously consider the presidential memorandum pursuant to Article 115(2)(a);

ii) all government ministries, departments and agencies, and constitutional commissions, including Parliament, to put in place austerity measures in undertaking their respective functions;

iii) the Ethics and Anti-Corruption Commission (EACC) and other government multi sector agencies in the governance, justice, law and order sector to upscale and make concerted efforts to fight corruption;

iv) the National Police Service to cease abductions, unlawful arrests, extra judicial killings and exercise restraint in dealing with peaceful and unarmed demonstrators;

v) release of all persons arrested for planning and participating in peaceful demonstrations relating to the enactment of the Finance Bill;

vi) the government to waive hospital bills for persons who have been injured and defray funeral expenses for those who lost their lives, during the demonstrations; and

vii) the Judiciary to prioritize and expedite all court cases relating to the enactment of the Finance Bill and the resultant demonstrations.

2. considers all the challenges facing the country and makes necessary recommendations to address them.

(Sen. Cheruiyot on 3.7.2024)

(Resumption of debate interrupted on 10.7.2024 – Afternoon Sitting)

The Speaker (Hon. Kingi): We are deferring this particular Motion.

Sen. Sifuna: On a point of order, Mr. Speaker, Sir. If I heard the Senate Majority Leader right, there is one Senator who had not spoken. I do not know what the plan is for that one Senator who had not spoken.

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

The Speaker (Hon. Kingi): Sen. Mungatana, you know you cannot stand on a point of order.

(Several Senators spoke off record)

You want to inform the Chair? Just proceed with the clarification.

Sen. Mungatana, MGH: Mr. Speaker, Sir, I cannot inform the Chair because it is full of wisdom. However, I wanted to correct the point that only one Senator had not spoken. I was away on Pan-African Parliament (PAP) duty where we represented our nation. We were with Sen. (Prof.) Kamar together with the others.

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Mr. Speaker, Sir, if it pleases you, Sen. (Prof.) Kamar and I would like to say one or two things in a very short time.

The Speaker (Hon. Kingi): In that regard, I will allow the three hon. Senators to make their interventions on this Motion. Thereafter, the Motion will stand deferred.

Sen. Mungatana, MGH: Thank you, Mr. Speaker, Sir. I watched with a lot of pride the way the House was conducting this Motion a few days ago when we were representing our country in the PAP. Many people were worried that something would go wrong in the country, but we were at pains to explain to the Continent of Africa and Members of Parliament (MPs), that is five from each country, that our country will overcome the challenge. At the end of it, the democratic credentials of Kenya across Africa have risen high because of these very actions that took place while we were away.

Mr. Speaker, Sir, my contribution is only one because I do not want to repeat what many hon. Members have spoken to. Many years ago, the birth of this nation was very painful. People lost lives and the country was unstable. It was at that time that people were fighting for the first liberation of this country, so that the Kenyan people would be free. That was the first generation of liberation for our country.

Many years later, our people also sacrificed a lot to fight for the first generation rights. These were issues like expanding the democratic space, ending detention without trial and expanding the personal rights and freedoms, which at the end of it culminated in the obtaining of a new Constitution. That was the second liberation. This time around, another generation was fighting its own liberation, which to me, is the third liberation for this country. I know some things did not go right because a lot of property was destroyed and lives were lost, but we should not lose the fact that there is a point that is being raised by this generation. This is the point.

In the first liberation, people never asked what was happening in the National Treasury. In the first liberation, the focus was independence. In the second liberation, people never asked what was happening in the National Treasury; the question was about human rights to be back. They wanted their right to associate and to have freedom of expression. They never asked questions about what was happening in the National Treasury.

In this liberation that was led by our young people, our children, the question that is being asked is, "What is happening at the National Treasury?" Although many things went wrong, we need not lose focus on the question, "What is happening in the National Treasury?" We must not lose focus on this question. Our children are asking, "Why are we collecting taxes? Why is the Auditor-General saying that in the period between 2021 to now we have borrowed Kshs11 trillion, yet there are no projects?" The questions being asked are, "Where are the roads and how is this process of making a budget that is continuously loading on us, yet we are not seeing the results?"

I will be very brief. I pray that we do not lose focus on the light that has been shone on the National Treasury. The National Treasury interacts with the figures of the budget for a whole year. As this budget cycle is ending, the new budget cycle starts. The National Treasury is the one that brings these proposals.

I remember very well that the first proposal was that the budget in Kenya had gone to Kshs4.2 trillion. They were then told that we cannot raise this money because the

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Kenya Revenue Authority (KRA) was projecting Kshs3.4 trillion from ordinary revenues. So, they were told to go and cut the budget. They came back with Kshs3.9 trillion. Still, half a billion or Kshs0.5 trillion was still in deficit and, therefore, the Finance Bill that became controversial was brought to try and bolster those revenues.

Looking at the proposed tax cuts and the proposed reduction in Government expenditure, it seems that the National Treasury needs many changes. There needs to be a new thinking in the National Treasury. The people who are working there look at this budget as something they do every day and it is a normal thing. They do not care about the issues of the people.

I know the public anger went to our colleagues in the National Assembly, but then, how long do they interact with those figures? The real issue is with National Treasury. They take a whole year preparing those figures and this year, they still came up with figures. While the demonstrations were on, the *Business Daily* said there was Kshs803 million that had been set aside for new cars for the President, the Deputy President and the Prime Cabinet Secretary. It was the National Treasury that was doing that. These people see it as normal that when a Cabinet is appointed, we should bring new seats, new cars and new furniture. It is a normal thing for them. They have a kind of thinking that is not critical. They will tell you that a renovation of a building costs twice the amount that it was bought for.

There is a problem in that the National Treasury. They have convinced the people of Kenya that it is not their problem; it is the problem of the National Assembly that is supposed to pass those figures, yet they interact with those figures for a very short while. There is a problem in that the National Treasury and if this revolution or these demonstrations or these questions that are being asked are not focused on changes in that National Treasury, the youth will not have had their answers.

Some people have stayed at the National Treasury all their lives from the time they were employed, they got promotions, they have never moved until they are now very senior people. The way they made their budgets in the 1980s is the way they want to do it in 2024. They will still buy a lot of food for entertainment and flowers, while outside here they will be ignoring the issues that go to the core of the people.

So, Mr. Speaker, Sir, I believe that there is a need to look at that the National Treasury, and if the President is going to listen to what the Senate is saying, one of the things he should pick is that we need to bring fresh thinking into that National Treasury. We need to sack people in the National Treasury, particularly the senior people. We need to bring people in their 30s, in their 40s, who have probably served in the private sector; people who are coming out to think differently, people who will process these figures that are brought to Members of Parliament on time; people who will be given that authority to do what needs to be done to this country.

Mr. Speaker, Sir, we have the Central Bank of Kenya (CBK) that thinks the same way it was thinking years ago. They have the same staff who were there years ago. Young people are not getting opportunities in those areas. Just like the National Treasury, young people are not there. If you go there, all the senior people are people who have climbed the ladder over the years. There is no fresh thinking and there are no new ideas. I can guarantee you that next year they will be buying new cars again, there will be a

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budget for flowers; there will be a budget for somebody here mentioned, fuel cards of hundreds of thousands.

As we look introspectively, we need to sweep the house called the National Treasury; we need to drain that swamp. We need to bring new people into that National Treasury. In the finance department, we need new ideas. We need fresh thinking about that National Treasury. When people refuse to change, then change must change them. What the young people have shown us is that they have capacity to ask questions and think outside the box. These are the people that we need in that National Treasury. People who will stand and tell us, you do not need 20 security people walking with you. What are you afraid of?

We need to rationalize everything. This can be done only by somebody who is from outside; somebody who will look inside that National Treasury with a clean and fresh eye; a young person who would say it does not make sense to do this and that. It did not need people to go and riot for these points to be understood. We need fresh people to go inside there.

Mr. Speaker, Sir, I have no doubt that Professor Njuguna Ndung'u must go. The Head of the National Treasury must also go. The Head of Finance must go and the Director of Budget must go. These are the people who interacted with these ridiculous figures, including Kshs803 million for cars for three offices for a whole year, and then they bring them to Members of Parliament to crucify them here. Something needs to be done.

Mr. Speaker, Sir, as we drain the swamp and the changes that need to be done, we also need to ask the National Cohesion and Integration Commission (NCIC) to look into the National Treasury. Over five or six years, you will continuously find a budget line of water and tarmac roads in counties such as Tana River County with nothing. This is because we do not have people in that National Treasury who are involved in the budget-making process. As we drain this swamp, we need to have a clear indication of where these employees of the National Treasury come from. You will be shocked that if the NCIC is to give you the figures, many people will be coming from certain areas. It is those certain areas that are given the bulk of the cake of this country.

We have to answer these questions that are being raised in the National Treasury because it is the biggest culprit in this whole thing. It is the one that was going to burn this country because they are bringing wrong figures, putting wrong priorities and then telling us to go and borrow and that, there is no other way. Most of the times, when Members of Parliament interact with this, they have faith in those people who are advising them because they are experts in the National Treasury. However, when you look at the kind of advice and start studying those figures, you realise that we have a very big problem in that National Treasury. The National Treasury has been a big letdown. There were even denying counties money in the division of revenue. The National Treasury has a problem and before we resolve this problem, we will never solve the problems of this country.

Mr. Speaker, Sir, all the senior officials in that National Treasury are as guilty as everybody who does not wish this country well. I pray that one of the recommendations should be to sweep that National Treasury clean. New people should come in to look at

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our processes and deal with these matters that have been raised by our young people with an open mind.

People should be told the truth; that we cannot make budgets like we did in 1980s in 2020s. Things have to change. I think this liberation must be domiciled in the National Treasury. All the questions that are being asked have to do with money and the National Treasury is very guilty. They have kept quiet because they are guilty. They are the ones who have held all the secrets of where our debts are. It must be cleaned.

Even if we do all these other changes such as changing the Cabinet Secretaries or appoint multi-sector committees, if the National Treasury is not changed, they will still come back with the same advice to the President next year and this problem will not go away. I laud the young people for fixing their eye and focusing on the questions of money to define the third liberation. My appeal is that they should not go to the extent of being blamed again for destruction of property and the killings that come with the resistance and everything. They should focus.

The changes must happen in the National Treasury and the Central Bank of Kenya (CBK). I know they have security of tenure, but we make these laws; we can make them again. The Governor of CBK, his Deputy and all the Directors need to be drained. The Cabinet Secretary for National Treasury and his deputies all need to go. We need new people who are dealing with things with new eyes.

If we do not fix the National Treasury, this third liberation will have failed. We will have let down our young people who are in our houses who are asking the same question of what we can do to clean this National Treasury.

We need a fresh start. I would be one of those people who would be so happy to see changes happening in that National Treasury. You cannot have people staying in the same Ministry for 20 years. What do we expect? They will bring us the same budget and thinking that they had in 1990 and 1980. They will come with figures and a 40-page document, which you cannot look at within one week and make very good suggestions. You will just be told that your road or bridge is budgeted for and, therefore, support that document. That is what people do. Unfortunately, people take the blame while the National Treasury are the ones who know what is happening. We need to focus. I hope the people will make suggestions.

As this Senate summarizes and present our thinking, the question of the National Treasury should be central. This is because these are the people who have been letting us down. We need to drain the swamp at the National Treasury. This is the whole issue around the demonstrations and the questions our young people are asking.

Mr. Speaker, Sir, I support that Motion.

Thank you.

The Speaker (Hon. Kingi): Sen. (Prof.) Kamar, proceed.

Sen. (Prof.) Kamar: Mr. Speaker, Sir, thank you, for the opportunity to add my voice to this Motion. I thank you and the Senate Majority and Minority Leaders for allowing us time to ventilate on what is going on in our country.

I was in South Africa with Sen. Mungatana, but we could not rest without watching you in this Senate. We kept going back to the records in the evening to make sure that we are with you. I thank Senators because I felt extremely proud to be a Senator

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in this time because of the contributions they made. I really felt happy that, at least, we are holding the bull by the horns as they call it. This Senate has made all of us proud by the contributions that they have made. I will not, therefore, repeat some of the things that have been said; I will just capture a few areas.

I am a Member of the Standing Committee on Education. Therefore, I will touch on education and the issues that were highlighted by our youth. Before I say that, I condole with the families that lost their loved ones in the demonstrations. I pray that God gives them peace and comfort at this very difficult time.

Mr. Speaker, Sir, our youth questioned our taxation *vis-a-vis* our application of the taxes. They made us think. As I listened to the Senators, I said that it looks like it had to take the Gen Zs for us to actually think about how we apply our taxes. This was timely and it is time that we questioned ourselves on how we spend within Parliament.

I will touch on the education sector as raised by the Gen Zs who have gone to school and are not employed. The challenges of going through school are still real in this country. In 2003, basic education in Kenya was supposed to be free. It was declared by Parliament that it was going to be free. Basic education in Kenya is from primary to secondary, the Form Four level. However, has it been free? We need to ask ourselves that because that was one sector that was supposed to have been taken care of by our taxes. It would have made everybody happy if our taxes were used to give everybody this human right called education, up to the highest basic level. Then people would have gone to look for training and moved on. However, this has not been the case.

That is why our youth are saying that their parents have struggled and paid school fees right from primary, secondary school and up to the university, yet they have no jobs. It is time that we re-looked at that because Kenya has endorsed many agreements, both international and continental, as far as education is concerned. In fact, in 2008, free primary and day secondary education was pronounced by the then President Kibaki. However, today we know that there is a lot of payments being done. Are these legal? Can they be stopped, so that we can have fairness as far as basic education is concerned?

I dare say that fairness in basic education, which is a right would enable everybody to move on with their lives when they go for skill development. However, as long as we have fees being paid, we cannot call it a human right. It will mean that only those who are able can have children proceed with education.

Mr. Speaker, Sir, I will never forget your speech when I was a Minister during the Kibaki administration. We had come to Kilifi to give two new universities in two days to the coastal area. You talked about this kind of discrimination yourself. You told the President that day that Pwani is now in Kenya. We were all proud and very happy. This is what some regions in Kenya are still asking about. Are we being treated equally? Education is the equalizer according to Mandela. We should all remember and ensure that if there is anything our tax must do, it must provide education for everybody. This is so that every family, whether rich or poor, can have their children progress in an equal manner.

Mr. Speaker, Sir, I listened to the House and would like to support the proposal from our colleague, Senator for Kiambu, Sen. Thang'wa, on the need to ensure free is free in education. Currently, the problem, which we are all aware of is something called

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bursary through which they are trying to bring free education. Our youth are telling us that even that bursary is released in a very discriminative manner. Not everybody who is needy is given that money. During our days, bursaries belonged to people who were not able and anybody able was not given.

Today, nobody knows who gives the bursaries. More still, especially when it comes to this House, the bursaries have moved from being a national agenda to the counties. How did the governors decide to give bursaries? Today, in the Education Committee, we went through the analysis from the Budget Office on the budget and expenditure of the Financial Year 2022/2023 in the education sector.

Shockingly, we have governors who have spent eight per cent of whatever they have given to the education sector on bursaries. What are they looking for in these bursaries? I will bring a Motion to this House, so that we ventilate on that. The education sector was devolved in the Constitution; the Early Childhood Education (ECE) and Vocational Training Centers. Those sectors are not funded because we want to give bursaries to the tune of eight per cent or even the 85 per cent that was given by one county.

This is duplicating what is going on in the national Government, which means that we cannot take care of the sectors that have been devolved. This House must interest itself in what was devolved; ECDE and VTC.

When we were in Turkana, I remember the Chairperson of the County Public Investments and Special Funds Committee (CPIC) telling us that the whole of Turkana was becoming--- What zone was it? He said that whatever had been promised in the documents as done had never been done. The reason is that governors are changing the agendas midstream. You request money for education and then divert it to other agendas. We must interest ourselves in what is devolved. It is important that when we talk of bursaries at the county level, we need to ask ourselves whether we have that money. Have we taken care of ECDE and VTC? If not, then let us first focus on the things that are ours.

The second area I wanted to touch on is higher education. Two weeks before the problem we faced, the Committee on Education had a meeting with the Cabinet Secretary and the various sectors. We wanted to understand this new formula being used. The formula itself is good because there is a return of what we used to call boom in those days. There is a return through the Higher Education Loans Board (HELB), but how is it going to be applied? The questions our youth are asking have to do with how to apply the money. Are we sure that everybody is going to get the same money? This is what we want to look at when it comes to higher education.

Again, when we say education is a right, it must be all the way through. The loans and bursaries are there from the different sectors. There is what we call the university funds being given to every student. We appeal to the Ministry of Education to be straight and clear. They must take care of everybody, so that the equality that education brings can be realized.

The third one was about fair employment. Some of us were involved during the promulgation of the new Constitution and in the Bomas process. The main problem that we had in the Bomas process was the inequity in this country. It was that there was

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inequity in development and resources. The Members of Parliament at that time, which I was not at that time, but in a committee that was discussing development, were fed up with moving from one Ministry to the other. You would go beg for one hospital in one place, then to another Ministry to beg for one road, then beg the Minister for Water for money to dig a borehole. All those are supposed to be things of the past with the new Constitution.

It was very clear that we were doing two things; devolving power and devolving resources. Have we devolved resources to the level that development is equitable in this country? When you hear our youth talk of unfair employment, it means some people feel others are more employed than others. We need to start scrutinizing and be honest and answerable when it comes to employment. Again, we need to know whether we have prepared everybody for these positions.

Mr. Speaker, Sir, the issue of employment again touches on the unions that we have seen rising. I know our youth waited on the issue of the employment of nurses and doctors. However, we need to ask ourselves. These doctors are asking for the implementation of agreements that have been negotiated. Our Cabinet Secretaries must ask themselves the big question.

When the negotiations took place, a Cabinet Secretary was involved. There is no way another Cabinet Secretary comes in to denounce what a previous Cabinet Secretary did. I say this with all due respect because I was also a Cabinet Secretary and had to handle negotiations of higher education that had been done in 1997 when I was a lecturer at the university.

You arrive in the Ministry and find that there were agreements that were signed, but you cannot run away from them. Ironically, we are discussing negotiation, yet there were negotiated agreements that were even signed, whether it is in health, education *et cetera*. Whatever had been signed has been signed.

It is not helpful to have our medical doctors sleeping outside Afya House as they are doing right now. We do not have doctors in hospitals or in our medical centers at the county level. Why are we leaving professionals to beg for what is rightfully theirs if that signature was done?

Mr. Speaker, Sir, I appreciate that the President said he is going to cut down and make savings. Whatever savings they make, the first thing is our health, because health is another right we cannot run away from. We must have these doctors recruited. We cannot run away from the fact that this was agreed.

The only thing we can do is to renegotiate for the future, but not for the current present. I would, therefore, like to ask our sister, the Cabinet Secretary for Health, that there is no need to fight a war that we eventually lose. We have fought so many battles, our governors have been fighting with nurses, and eventually, they pay.

It is imperative to stick to the law and the fact that we have agreements that we must make. So, as our youth are raising the same, we will not wait for the same youth to go to Afya House to make demands that we already know. It is very important that now that we have opened our minds, and they have opened our minds to the fact that the realities are before us, that we deal with those.

I do not want to take more time because many things have been raised by our colleagues. I would like to end by saying, Mr. Speaker, Sir, I support you, and I am very proud of this Senate.

The Speaker (Hon. Kingi): Sen. Omtatah.

Sen. Okiya Omtatah: Mr. Speaker, Sir, I thank you for the opportunity to speak to this very important Motion. As I rise to speak, I first of all send my condolences to the families that lost loved ones. I also look at those who have lost livelihoods, and those who have been maimed.

I hear this voice, the blood of the innocent that is crying out for justice on our streets. When in 2011, a group of Kenyans, including myself, peacefully occupied Jogoo House and evicted Prof. Ongeru, demanding that he accounts for Kshs4.6 billion that had been given to free primary education, the worst that was done to us is that non-state actors were hired to come and splash human faeces that had been made into a sludge. We were covered in human faeces. When we did not budge, they sent a contingent of the General Service Unit (GSU). After about three days, they arrested us, and we were taken to the Industrial Area, and we are alive today. By the way, the court acquitted us, I should say that.

After the President addressed the nation on 25th June, claiming that criminals had invaded Parliament and staff, I took it upon myself to do a hostel crawl. I crawled across hostels in Nairobi at midnight to try and identify who these criminals were that the President was referring to. At the Mater Hospital, there were two people admitted with rubber bullet wounds, shot at point-blank range. At Mbagathi Hospital, they had treated more than 40 people for gunshot wounds and discharged them. At the Nairobi Hospital, two people were admitted. At Kenyatta National Hospital (KNH), I saw three bodies of dead people who were young people. Fifteen were in the Intensive Care Unit (ICU) with gunshots on their heads. One hundred and forty eight were in the wards with multiple injuries to parts of the body. Among them was a young boy about 14 or 15 years, with a gunshot through the shoulder. I looked at these people and none of them was a criminal.

Despite this, the President had gone on national television and claimed that criminals had come out, and that is why there was justification for the use of that force, and he said that at all costs, the force would be used. So, I see the blood of these children, the mayhem, and the amount of violence that was used here not justified at all. People cannot be killed under the Constitution of Kenya 2010 for exercising their rights. The right to life is a right that is protected in our Constitution. It begins at conception and ends at natural death.

I have been to very many street demonstrations. The first thing that I noticed was out of character was the command structure of the police. I was able to identify some policemen walking alone, not accompanied, and I began wondering, is there a command structure? That was in the morning. So the question is, how was the police operation planned and conducted? Was there a central command? Who were the field commanders? Who were the sector commanders responsible for each section of the streets? How have they accounted for the deaths and injuries that happened in areas under their command? For the many times I went on the street to demonstrate, there could be policemen in civilian clothes, but they were never armed.

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They could participate in an arrest, but I have never seen a person dressed in civilian clothes shooting at the public. I have never seen it. Was this a militia, and to whom does it answer? How did these armed men get to join uniformed police? Do the Force Standing Orders allow for that? How many police officers were issued with live bullets, and have the bullets been accounted for?

Why was there so much random shooting? How can you have so many people in the hospital with gunshot wounds for a small demo that took place here? What was the President trying to justify? Can he get away scot-free from claiming there were criminals, when he cannot produce one who was shot dead on our streets?

Why is the Internal Affairs Unit of the police being dismantled since the President came into power? Why has Mr. Koome, to whom the unit answers, transferred almost all competent investigators out of the Internal Affairs Unit? For those who do not know, the Internal Affairs Unit was set up and is properly equipped to investigate crime by the police. They receive reports from the public and fellow officers.

The Independent Policing Oversight Authority (IPOA) cannot investigate police officers. IPOA are civilians. Most of them do not understand the operation orders of the police. There is a special unit that deals with this. Why is it that this unit has been dismantled, starved of funds, competent officers transferred to outposts, and the unit left as a shell?

Mr. Speaker, Sir, some of these officers were trained at a very high expense by the public outside this country in various jurisdictions. However, they are now doing clerical work in out stations since the appointment of the Inspector General (IG) Koome. Right now, as we speak, the police do not have the capacity to investigate what happened on the streets of Nairobi. This capacity had been built to ensure that if there were any issues, they would be investigated thoroughly by the police who understand how they are supposed to operate.

The blood of these children who were killed is crying out for justice. Some were killed in this hallowed House. The young man who was making fun in the National Assembly Chamber by saying: "Mr. Speaker, Sir," why did that young man have to be shot dead? We cannot sit here and discuss these niceties that we are discussing here, complaining and not making a case, yet people have buried children whose only crime was that they went out to say that this country can be managed in a better way. If there is anything that this House can resolve to do and still retain its dignity, it is to demand for justice for these kids. We have no other business because this country cannot be run the way it is being run.

The mayhem that happened across Tom Mboya Street on the other side of the City, for some of us who walked there and saw, it was unbelievable. Forget about what happened here. It was unbelievable. The number of people who were shot and killed those sides is unbelievable. Why are we still having abductions? We are seeing stories in the media that some young men were abducted after the event, they disappeared and bodies have been recovered. Why is life so cheap in this country?

Despite all that we are speaking here, unless we demand justice for the kids who were killed and for the blood which is crying out to be atoned, there is nothing we are

doing here. We are just going back to the same usual thing of lulling the country to sleep and pretending that something is being done, when absolutely nothing is being done.

President Ruto claimed on national TV that they were criminals. Can he produce a single criminal who was involved in this business? He has better intelligence than we do. Among those dead people, can he point out and isolate one person who was a criminal that his security forces were justified to kill?

This is not how to run a country. You cannot brand citizens criminals, kill them and say you are going to do it at all costs. What makes him think that his life is more precious than that of the fellow on the street? If we have to do anything, we must demand accountability for that blood. We must demand that President Ruto produces the criminals he claimed invaded Parliament, if they were not citizens. The President must tell us who these civilians were. How come civilians were mingling with the uniformed police and shooting people? The time when people said words and they got away with it is behind us.

We are talking about the Gen Z. Not all the Gen Z are educated. We have got Gen Z who dropped out in Class Eight and did not get an education. I think about 60 to 70 per cent of the Gen Z are people who have already dropped through the cracks and they all came out. Some people have said that these Gen Z used to burn schools. I would challenge anybody to tell me where in Kenya a school was burnt. No school has ever been burnt in Kenya and I repeat, no school has ever been burnt in Kenya because a school is not a dormitory.

When these kids were burning these dormitories, what statements were they making about the governance of this country? I have never seen a situation where kids have burnt books and classrooms. Why is it that all the burning was about the dormitories? What statement were they making? They were crying out for justice, then you come to say that schools were burning. Not a single school has ever been burnt in this country or I am not aware. What I have seen is that the dormitories have been burnt in schools, and I know we have got schools that do not have dormitories, but they are still schools. Therefore, why were the kids burning the dormitories?

We saw another terrible thing happening the other day on our streets. The doctors were sleeping outside in the cold trying to enforce a Collective Bargaining Agreement (CBA). This is such an important human resource wasting away, when we are in a country where people are dying for lack of medication and attention. It cannot be true that there is no money to pay these people. You just need to read the reports of the Auditor-General and you will see that this country is being looted dry. These people should be employed.

We are a Republic of Kenya and the name "Republic" is an ideological statement about this country. We have to be governed as a Republic. We must be governed as a Republic. We are not a kiosk. We have a Constitution that says how power should be acquired in this country. When we have elections, why do people go to Bomas when the Constitution says that elections must terminate at the constituency? The next presidential election must end at the constituency for matters to be proper.

There has been a call for other things. I hear that the Cabinet has been dissolved or stuff like that. That is like putting balm on a wound. What we demand and what I think

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is ready to happen is that the entire Kenya Kwanza administration led by Mr. Ruto must vacate power. The call that Ruto must go is not an idle call. It is a call whose time has come. It is a call whose time has come. Mr. Ruto told us that criminals were on the streets. He has not produced a single criminal. You cannot be told lies every day.

The Speaker (Hon. Kingi): Sen. Omtatah, just have your seat. I made myself very clear on how we are going to conduct ourselves during debate on this Motion. In as much as we suspended points of order, I said let us be responsible in the way we debate and let us be factual. You cannot call the President “Mr. Ruto”. This is not a *kamkunji*; this is the Senate of the Republic of Kenya.

Proceed.

Sen. Okiya Omtatah: Okay, I can call him Dr. Ruto and President Ruto.

The Speaker (Hon. Kingi): Sen. Omtatah!

Sen. Okiya Omtatah: I am finishing. Dr. Ruto, His Excellency the President.

The Speaker (Hon. Kingi): Proceed.

Sen. Okiya Omtatah: But he never ceased being a Mister, so all those titles I have called him apply to him, if my English is correct. I am demanding that President Ruto vacates office as the only honourable thing to do. He is unable to balance our budget. It has collapsed and everything around him is collapsing. He cannot say that his juniors should bear the burden. The ball stops with him and the call that President Ruto must go is a call that must be applied. As they say, “a fish begins rotting from the head.”

Mr. Speaker, Sir, my people say that a river does not flow higher than its source and when you look at the sun, you must blink. Justice is crying out. Our children have died and this is something that has never happened in this country. The President has called them criminals and he cannot sit in power when children have died. He said he will do anything, at whatever cost, when the Constitution says that you cannot do anything at whatever cost. My call is to associate my voice with those who are saying the President vacates office. There is no room for all the things he is doing here and we should start with a new slate. Anything less than that will not avenge the blood that has been spilled on our streets; a street that is hallowed and is recognized in the Constitution as an arena for engaging politically.

As the arena where this institution fails, the people of Kenya invoke Article One and go to engage. When you desecrate such a venue and do not do anything and yet, there is no call that this should be investigated, but instead, they are trying to say that we go and have dialogue. I do not know whether it is to distort what is happening or to do whatever.

Mr. Speaker, Sir, I look at these people like prison guards who are fighting for who becomes the chief warden. Then they learn that there is a prison break and they forget about what they were fighting for and say that the first thing we must do is to ensure that this prison is not destroyed. This is because their business is the prison. Their business is to keep people in prison. They are now coalescing, forgetting about the fight they were having on who becomes the chief warden and now they are saying that the prison must be kept intact. We are not going to allow that. This country has moved on. The Government that has to govern this country, and must govern by law.

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Mr. Speaker, Sir, I reiterate my words that if the President really values this country, he should do the honourable thing and fall on his sword. President Ruto, fall on your sword if you have to retain any order.

The Speaker (Hon. Kingi): One minute you wind up your thoughts, Sen. Omtatah.

Sen. Okiya Omtatah: I thank you, Mr. Speaker, Sir. I was saying that like in the old days when roman soldiers felt that they had brought dishonour to their country and sometimes the dishonour would be very bad and they would not let another person kill them, they would fall on their swords and die. That was the only way they would regain their honour. The only way President Ruto can regain honour is for him to fall on his sword and let the Kenya Kwanza administration die, so that Kenya can have a new beginning.

With those few remarks, I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): At that juncture, we will defer that Motion and proceed to the next Order. Clerk, kindly call the next Order.

(Motion deferred)

(Sen. Okiya Omtatah consulted with Sen. (Dr.) Khalwale)

The Speaker (Hon. Kingi): Sen. Omtatah, take your seat.

(Sen. Okiya Omtatah sat in his place)

MOTION

APPROVAL OF SITTINGS OF THE SENATE TO BE HELD IN BUSIA COUNTY

THAT, AWARE that the Senate of Kenya is established under Article 93 of the Constitution and its main role as set out at Article 96 is to represent, serve and protect the interests of counties and their governments;

FURTHER AWARE of the critical role that the Senate plays in the interlinkage between national and county levels of Government, and the need to enhance interaction between the Senate and county governments as a means of bringing the Senate closer to the counties and the general public;

ACKNOWLEDGING the success made during the sittings of the Senate outside Nairobi, held in Uasin Gishu, Kitui and Turkana counties in September 2018, 2019 and 2023 respectively.

FURTHER ACKNOWLEDGING the recommendation of the Senate Business Committee that a sitting of the Senate be held away from the traditional premises of Parliament buildings in Nairobi during the term of the 13th Parliament and the subsequent resolution of the Senate made on 8th March, 2023, to hold plenary and committee sittings in the counties for a one-week period within the

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month of September in every session of the 4th Senate, except during an election year with an objective to-

(1) promote the role and work of the Senate and enhance public awareness regarding business of the Senate and Parliament in general;

(2) highlight existing and new opportunities for engagement in legislative process;

(3) develop and strengthen partnerships at the county level of Government;

(4) provide opportunity to Members and staff of the county assemblies to learn and share best practices with Senators and Parliamentary Officers;

NOW THEREFORE, pursuant to Article 126(1) of the Constitution, the Senate resolves to hold its plenary and committee sittings in Busia County from 23rd to 27th September, 2024.

(Sen. Cheruiyot on 10.7.2024 – Afternoon Sitting)

(Resumption of debate interrupted on 10.7.2024 – Afternoon Siting)

The Speaker (Hon. Kingi): Hon. Senators, we had concluded debate on this Motion. I will, therefore, proceed to put the Question.

(Question put and agreed to)

Next Order.

MOTION

ADOPTION OF REPORT ON THE SOCIAL HEALTH INSURANCE (GENERAL) REGULATIONS, 2024 AND THE SOCIAL HEALTH INSURANCE (TRIBUNAL PROCEDURE) RULES

THAT, the Senate adopts the Report of the Select Committee on Delegated Legislation on its consideration of the Social Health Insurance (General) Regulations, 2024 and the Social Health Insurance (Tribunal Procedure) Rules, 2024, laid on the Table of the Senate on Tuesday, 2nd July, 2024; and that pursuant to Section 18 of the Statutory Instruments Act, the Senate resolves to annul-

(i) the Social Health Insurance (General) Regulations, 2024 (Legal Notice No. 49 of 2024); and,

(ii) the Social Health Insurance (Tribunal Procedure) Rules, 2024, (Legal Notice No. 48 of 2024).

The Speaker (Hon. Kingi): We will defer this Order and proceed to the next Order.

(Motion deferred)

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BILLS*Second Reading*THE HOUSES OF PARLIAMENT (BICAMERAL RELATIONS) BILL
(NATIONAL ASSEMBLY BILLS NO.44 OF 2023)

The Speaker (Hon. Kingi): This particular Order is also deferred.

(Bill deferred)

Next Order.

*Second Reading*THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL
(SENATE BILLS NO.40 OF 2023)

The Speaker (Hon. Kingi): This Order is also deferred.

(Bill deferred)

Next Order.

*Second Reading*THE CONSTITUTION OF KENYA (AMENDMENT) (No.2)
BILL (SENATE BILLS NO.52 OF 2023)

The Speaker (Hon. Kingi): I see two names. Hon. Senators, I am persuaded that they want to contribute to this Motion. If not, then kindly log out, so that we know we how we are transacting this Order.

This Order is deferred.

(Bill deferred)

Proceed to the next Order.

(The Clerk-at-the-Table consulted with the Speaker)

Next Order, Clerk.

*Second Reading*THE HERITAGE AND MUSEUMS BILL
(SENATE BILLS NO.8 OF 2023)

The Speaker (Hon. Kingi): The Chairperson, Standing Committee on Labour and Social Welfare?

That Order is deferred.

(Bill deferred)

Next Order, Clerk.

*Second Reading*THE AGRICULTURE AND FOOD AUTHORITY (AMENDMENT)
BILL (SENATE BILLS NO.13 OF 2023)

The Speaker (Hon. Kingi): Sen. (Dr.) Murango is not here.
That Order is deferred.

(Bill deferred)

Next Order, Clerk.

*Second Reading*THE COUNTY HALL OF FAME BILL
(SENATE BILLS NO.18 OF 2023)

The Speaker (Hon. Kingi): Sen. Miraj is not here.
That Order is deferred.

(Bill deferred)

Next Order, Clerk.

Second Reading

THE RICE BILL (SENATE BILLS NO.19 OF 2023)

The Speaker (Hon. Kingi): Sen. (Dr.) Murango is not here.
That Order is deferred.

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(Bill deferred)

Next Order, Clerk.

Second Reading

THE LAW OF SUCCESSION (AMENDMENT) BILL
(SENATE BILLS NO. 20 OF 2023)

The Speaker (Hon. Kingi): Sen. Veronica Maina is not here.
That Order is deferred.

(Bill deferred)

Next Order, Clerk.

Second Reading

THE PUBLIC HOLIDAYS (AMENDMENT) BILL
(SENATE BILLS NO.31 OF 2023)

The Speaker (Hon. Kingi): Sen. Thang'wa is not here.
That Order is deferred.

(Bill deferred)

Next Order, Clerk.

Second Reading

THE COUNTY ASSEMBLY SERVICES (AMENDMENT) BILL
(SENATE BILLS NO.34 OF 2023)

The Speaker (Hon. Kingi): Sen. Chute is not here.
That Order is deferred.

(Bill deferred)

Next Order, Clerk.

*Second Reading*THE COUNTY PUBLIC FINANCE LAWS (AMENDMENT)
BILL (SENATE BILLS NO.39 OF 2023)

The Speaker (Hon. Kingi): Sen. Kathuri is not here.
That Order is deferred.

(Bill deferred)

Next Order, Clerk.

*Second Reading*THE STREET VENDORS (PROTECTION OF LIVELIHOOD)
BILL (SENATE BILLS NO.41 OF 2023)

The Speaker (Hon. Kingi): Sen. Mungatana, what is your intervention?

Sen. Mungatana, MGH: Sorry, Mr. Speaker, Sir, I beg your pardon. I thought you had mentioned Sen. Kathuri instead of Sen. Okenyuri. I wanted to bring that to your attention. I apologize.

The Speaker (Hon. Kingi): Sen. Okenyuri, proceed.

Sen. Okenyuri: Thank you, Mr. Speaker, Sir, for this opportunity. I am the sponsor of the Street Vendors (Protection of Livelihood) Bill (Senate Bills No.41 of 2023). This Bill was widely given a lot of attention in the Senate Trade, Industrialization and Tourism Committee where I serve as the Vice-Chairperson. The Street Vendors (Protection of Livelihood) Bill (Senate Bills No.41 of 2023) seeks to provide a framework---

The Speaker (Hon. Kingi): Sen. Okenyuri, you first need to move, and then put your justification on the Bill.

Sen. Okenyuri: Mr. Speaker, Sir, I beg to move that the Street Vendors (Protection of Livelihood) Bill (Senate Bills No.41 of 2023) be read a Second Time.

The Street Vendors (Protection of Livelihood) Bill (Senate Bills No.41) of 2023 seeks to provide a framework on how street vending should happen in this country, with a lot of preference to our county governments because it is also an issue that touches on counties.

The Bill argues that small-scale trade contributes significantly to this country's economy, largely by the hustlers, as we called them during our campaign period. This is a Bill that puts their interests at the front line because these are the people who largely contribute to our economy. If you walk to Nairobi this afternoon, you will in one way or another meet a street vendor. They are either selling small items such as biro pens, food items or doing music. We also have others doing stuff like magic shows where people watch and pay.

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In other developed democracies, street vending is a huge thing and there are designated places where they do their vending. If you remember, the last time we went with you visit to Turkey as the Powers and Privileges Committee, I had an opportunity to visit some of the vending zones that had been set aside for street vendors. I was impressed to see the levels of hygiene in those areas. I compared that to my country and I felt that we need to have a very organized and dignified way that our street vendors can make money for themselves and our county and national Government.

Street vending has largely been looked at as a very small business. However, this is not a small business as people see it. It is a huge sector because they are the ones who are running this economy. We do not put huge money in this sector, but whatever little they are putting together is what is enabling this economy to run.

In the recent past, we have seen headlines of how street vendors have been handled badly in this country, especially in Nairobi City County. We saw some time back a disabled lady who was selling eggs in Embakasi have her eggs thrown away. She was also carried away with her wheelchair. We should not be witnessing such kinds of harassment to people who are contributing to this economy. Instead, we need to look at how better to place them, so that they do their business in a dignified manner. This will make it easy for the county and national Government to collect tax from these kinds of businesses.

The other reason we need to have street vending and have designated areas is to restore order in the cities. Look at the cities of Kisumu, Nairobi and Mombasa. We want visitors coming in from the rural areas to come to a clean city. This can only happen when we have a joint effort with the stakeholders in this sector and the Government. This will ensure that the street vendors do not look at this Bill as one that is curtailing their business, but making them do business easily.

Mr. Speaker, Sir, when I was coming up with this, we had an opportunity to have most of the organizations come to the table and present what they felt needed to be accommodated by this legislative proposal. We took up most of the suggestions that were brought up by the street vendors. I look forward to having political goodwill, especially from the county governments.

Mr. Speaker, Sir, look at a county like Busia. It has street vendors from the Kenyan and Ugandan side. Therefore, we have to coexist in a manner that allows the Kenyan vendors to make money, and in the spirit of good neighborhood, the ones on the Ugandan side should also make money because they are also contributing to this economy. However, we should watch out to avoid exploitation of our local vendors doing business. This case also applies to those at Namanga, which borders Tanzania on the other side. You can clearly see why we need these regulations, so that we have internal and external ways of doing business with our neighbours without one party taking advantage of the other.

Street vending is not just about people who sell small items. We have young people who play guitars on the streets. If you go to Mama Ngina Street, you will find young people playing nice music with their guitars. That is also an informal way of trading. They are doing it based on the talents they have. It is not just about items that

you can carry, but also providing a service to the public and making money out of it. Mostly we see that in form of entertainment.

This is a timely Bill. I need support from this House, so that we can provide a conducive environment for our young people, women and men who want to better their livelihoods by putting something in their pockets, while at the same time assist the Government in generating revenue that will go a large mile in financing the activities we have in place.

Mr. Speaker, Sir, if you look at how other countries generally handle the issue of informal trading, it is completely different. It is because they had an opportunity to make laws way earlier. When somebody wants to set up a business, they already know what is required. Even those who put up stalls to provide an avenue for those who want to engage in informal trading design them in a manner that follows what the law prescribes. However, it is different in our case. I would like to place emphasis on counties, which are quick to tax people who sell on the roadsides. For example, women selling vegetables or men selling groundnuts.

You cannot tax people when you do not provide a conducive environment for them to thrive in businesses. It is good for county governments to provide designated areas, for example, men selling groundnuts, so that they sell their products in a comfortable way, with a clean environment and security. That way, they will not even feel the pinch when contributing to the economy through taxes. When you tax people and they cannot see value for their money, you are likely to face resistance when you introduce these regulations.

It is my hope that the 47 county governments will co-operate. There was already goodwill because the Chairperson of the Council of Governors (CoG) Committee on Trade, that is Hon. Otuoma, the Governor of Busia County, was among those who brought their views when we were collecting them from different stakeholders. That was a show of political goodwill.

Enforcement is one of the issues where we are likely to witness challenges. This is because in other towns, strategic planning was done in the 1960s' and 1970s', which does not align with the recent development we have currently.

This legislative proposal is very timely. It will accommodate people from all walks of life who may want to do any informal trading and make money rather than engage in other activities that we are discouraging the general public, especially the young people, from engaging in. As a young person, I know how difficult it is to go to school and acquire academic qualifications, but lack something to put in your pocket.

Street vending is not just about those who walk around bus stations selling whatever items they have. It also accommodates those who may have any other kinds of informal trading. That is why this legislative proposal seeks to recognise them.

There are some activities currently being carried out and not formally recognised in our systems. The moment a business is recognised, you are equally able to benefit from the Savings and Credit Cooperative Organisations (SACCOs) loans and Government initiatives to assist traders. However, if it is not in an organised manner, it becomes difficult for you to seek support to broaden your business.

The other issue is about our authorities. We dealt with the County Licensing (Uniform Procedures) Bill. We are looking at authorities that will have many businesses to get money from. My plea is that these authorities should not treat traders in a punitive manner because we look forward to encouraging these traders to do well in the areas they are engaging in. The moment you punish innocent citizens who have no idea of what is expected of them, we will be discouraging them from engaging in business.

Initially, in this country, we saw the defunct local authorities having challenges in moving traders from one point to another. We are still experiencing the same challenge. This Bill will provide for a structured way of moving traders from one point to their designated areas. When this is done, it will make it easier for you to search for what you want. For example, if you want to purchase certain kinds of baby items, you will know where to go and get them.

I saw this arrangement when I travelled to Dubai. Street vending happens even late at night because security is provided for those businesses. They have no problem paying taxes because they have security, water and sanitation. People are comfortably conducting their business without the little challenges here and there currently facing third world countries like Kenya. I feel that this House needs to support me in seeing this to fruition.

In my county of origin, we have several women who sell vegetables on the roadside. They have not moved to the markets because we do not have a structured way of accommodating them. Like I said, strategic planning for different towns was done way back. We need to readjust to accommodate such people who engage in businesses.

Mr. Speaker, Sir, all that we are suggesting is not new. All of us want to align to the Sustainable Development Goals (SDGs). In different countries across the world, informal trading is not a new thing. It is only that in Kenya, we want to put into law, so that we do not have these informal traders harassed.

Every other time I watch news or read about statistics, there are very sad cases where you find women travelling all the way from Mlolongo to sell their products in Nairobi City County. Their products sometimes end up being confiscated. Why would you confiscate someone's items, subject them to arrest and eventually destroy those items? Once you arrest someone engaging in such kind of trade, if they have already been penalized, do not destroy their items. Our mantra at the Kenya Kwanza Government was to dignify the work that people are doing. The moment you want to treat people in that manner, you are already doing the opposite of what we anticipated.

I want to urge the young people across this country to acquaint themselves with this legislative proposal. I might not be in a position to visit all those areas and see the different small trading that you engage in, but by representing you with this proposal in this House, I believe it will go a long way in assisting many other people who will come after us.

So, this is a timely Bill. I want to conclude by saying that there are so many other aspects that I might not have touched on. I went ahead to do a comparative analysis of what is happening in different countries; why having small trading areas set aside works better; why it is not working in other countries; and what some countries have done to better that kind of trade. As I mentioned, we largely talk about Singapore having done

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very well. In Singapore, by the time they were in the late 1960s, they had more than 24,000 street hawkers out of a population of two million. Currently, I know that must have grown. In Kenya, the percentages are very high.

You cannot bury your head in the sand and say we do not have such kind of traders. Even when you have traffic, you have someone who is trying to sell you a wall hanging or flowers to put in your flower vases in the house. That is the kind of business that we want to harness and put in a structured format, so that they can equally make money for themselves and contribute effectively to this economy. I know this will open a wide area for county governments to make money that is contributing to their Own-Source Revenue, which is one thing that has been largely encouraging the county chiefs. I always encourage the county chiefs to look for ways of beefing up their Own-Source Revenue instead of waiting for what the national Government is going to allocate to them. Own-Sources Revenue will open up ways of sorting out the difference they have in their revenue.

The moment we structure business, this kind of business in the different counties, I believe that we are going to raise more revenue to develop us, as a country, and as the different county governments that we have, so that we do not have the discussion we had recently of wanting to point an image of devolution not working.

We have had different visits, first, through the Standing Committee on Trade, Industrialization and Trade where these ideas originated from and we have seen businesses working. We have seen what it is like when you support such kind of small-scale business people to venture into their different areas. The moment we see such working, we should not encourage the discussion that devolution is not working. It is only not working in those small areas that have turned out to be corrupt. I know that we have agreed that we want to drain the swamp; draining the swamp begins from the Senate. I have always said this Senate must take a bite. Let us not look like we are a House of lamentations.

As I take my seat, this is a Bill that needs our support jointly. Decisions that we, as a Senate, make are life and death decisions. That is why we need to spare a moment to accommodate proposals that originate from different angles because business, like academic work, does not know if you are rich or poor. You are trying to have something in your pocket to survive the next day.

Thank you, Mr. Speaker, Sir. I beg you to stop my contribution at that point.

The Speaker (Hon. Kingi): So, who is your Seconder?

Sen. Okenyuri: Mr. Speaker, Sir, I am very happy to see my chairperson, the Senator for Kajiado County, Sen. Seki in in the Chamber. I want to welcome him to Second this Bill.

Sen. Seki: Thank you very much, Mr. Speaker, Sir. I take this opportunity to Second this important Bill on the Street Vendors (Protection of Livelihoods) Bill, (Senate Bills No.41 of 2023).

This Bill has come at the right time when we are in a position where we still on the area where we have county governments and devolution is underway, where counties are making progress in different aspects, particularly on issues that the common mwananchi is struggling with, i.e. the Micro, Small and Medium-sized Enterprises

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(MSMS), *Jua Kali* sector; people from different sectors, particularly from small businesses are struggling in our streets and towns to put food on the table. As a Committee, we deliberated on this Bill and we invited several stakeholders including the street vendors, Small Business Enterprises, the *Jua Kali* sector and several other business enterprises. We deliberated on the Bill quite well. This Bill has touched on several areas of businesses in the counties, and municipalities and it will also handle the small and medium businesses in our counties.

On Clause Four, we found that it is good that we give the Cabinet Secretary one database of all the businesses in the entire country. This will be in liaison with county governments, which are more in touch with the business people, particularly in our streets and towns. That Clause tries to explain how movement of businesses will be taken care of, so that the database of the entire country can be kept by the Ministry in liaison with the county governments.

Clause Three of the Bill talks about the designation of vending zones, which is a very important aspect. In fact, it is not there in most of our counties and municipalities such as Nairobi, Eldoret, Mombasa, Kisumu and many others.

Mr. Speaker, Sir, Sen. Essy has put it very clearly that we have done quite a number of research in other counties and countries. We found that it is good that we define the restrictions of free areas where we categorize free zones. Thus, we brought in the issue of restricted vending zones and non-vending zones, which are important aspects in this Bill.

The Bill further goes down to bring sanity in areas of planning our towns. It explains places that are suited and those that are not suited for vending, depending on population density. This Bill will help in the movement of people because in most of the towns, it is difficult for people to get out of town due to congestion of people and vehicles. This is because people just put their items somewhere on the ground and start selling. They even sell their goods outside other people's shops. Therefore, this Bill tries to protect the interest of those people who also have shops.

This is a very important Bill because we looked at how the rights of the vendors will be protected from the county government officials, *askaris* and officers from the Ministry. They cannot decide to vandalize or even take out the vendors' goods because they have not paid the county fee. So, this Bill, is a win-win situation. The county government will have the sanity on how to plan their towns and also protect a vendor, a business person or a small enterprise that is coming up. This is because we have seen quite a number of officers or business people losing their properties when *askaris* come to pick and harass them. The hawkers will see the light at the end of the tunnel because this Bill tries to protect all this.

Mr. Speaker, Sir, I support this Bill. This is the right time for county governments to be on the right track. It also gives county governments and the county assemblies a chance to do more regulations on how to implement these restrictions, particularly, on how it will suit the issues of planning in the counties.

I do not want to take much of the time so that I give time to more Members to deliberate on this very important Bill for the counties. It will go hand in hand with the

County Licensing Bill that the same Committee approved sometime back. I am happy that it is an Act because it has been assented to by the President.

Mr. Speaker, Sir, I beg to second.

Thank you.

(Question proposed)

The Speaker (Hon. Kingi): Sen. Tabitha, proceed.

Sen. Tabitha Mutinda: Thank you, Mr. Speaker, Sir.

I rise to support the Street Vendors Protection of Livelihood Bill, 2023 by Sen. Essy. I congratulate her for taking her time and walking the journey with this great Bill. I keep on saying you should not forget where you have come from. This is because Sen. Essy has given her story and journey.

This is an indication that she has not forgotten where she has come from by remembering other people. This Bill touches mostly on the small-scale business people. Specifically, them having a suitable environment to conduct business.

Today, we are few and so I was seated next to Sen. Essy earlier on, as you were calling the owners of the other Bills. I am so proud of her because as the others were absent, she was here and ready. It is a good indication of the kind of young leaders we have. They are always prepared.

She has taken us through the Bill. I have also perused through it. I have looked at some of the clauses, case example, Clause Five of the Bill, which talks about vending license. It says that, the Section shall include the following; the applicant's name, the type of license, the vending location, the contact of the applicants, type of goods and services to be sold, the type and date of vending activities where applicable.

In short, it includes many details that are very important. We have been having illegal vendors selling legal goods. So, without this particular data indicated in Clause Five, then it becomes difficult to have a reference point of who was the vendor and their location. Also, without this information, people evade to pay their dues as required.

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

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

Mr. Temporary Speaker, Sir, allow me to narrate as far as the County of Nairobi City is concerned. Earlier last year, I received some complaints from the people of South B and South C of unscrupulous vendors who decided to put their construction items such as sand and ballast outside people's gates within the courts in the estates. It is something that has disturbed the people of South B and South C. I raised these issues through Nairobi City County. These people had the confidence to come and disrupt the well-organised estate structures by putting their merchandise out there without the consent of the other estate dwellers.

Mr. Temporary Speaker, Sir, Clause Four of this Street Vendors (Protection of Livelihood) Bill, which I have keenly looked at talks about a proposed vending zone plan

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by the county. So, if the county is going to adhere and ensure they set aside the zones and license as per the zones, we will not have people waking up and deciding to set structures anyhow and anywhere in the counties. There will be a better structure and strategy to ensure that there is adequate space and an organised marketplace. People can specifically know that they can get the merchandise or services they need in a particular area.

Mr. Temporary Speaker, Sir, looking at where we are with the political temperatures; our young Gen Z have come out very informed and articulate of their issues. They are very innovative and it is through such organised vending processes that they get equal opportunities and an environment where the county adheres to this particular Bill, to set spaces for them.

I heard Sen. Essy talk about vending environments and spaces that will consider people with disability, women and young people. They can showcase their very skillful talents and products because they have been given an opportunity and an environment to help enhance and grow their concepts or businesses.

I have traveled here and there and seen in other countries people having the monthly showcase of a specific product. We have the vendors showcasing their different cultures or ways of offering services or products. A case example of the food industry is that people show case variety. It is more cultural. There is also the business perspective and the know-how of something different that maybe someone has not come across. Through this Bill, there can also be room whereby the counties themselves set specific days that the people can show case different products or services for free so that they also enhance their market. They will do the marketing as they show case and give samples for the different products at a minimal cost.

Mr. Temporary Speaker, Sir, I have seen the issue of the license fee in this Bill. Some of the challenges are regarding how much vendors need to pay. If the Senators would introduce that when this is set, there will be a room for free vending at no cost or a minimum amount for the first three or six months. This can encourage startup vendors whose capital is at a minimal level, allowing them to be encouraged with what they have conceptualized or innovated. This will encourage our young people with whom raising capital is a challenge. We know the banking interest rates are very high. There is also the issue of collateral when you want to do startups.

Ensuring that the county can remove this cost within a given time will encourage young people and any startup that one needs to start. I have also seen that vendors have to be pushed away during expansion of roads or any construction. With this Bill and with the guidance of the counties zoning these particular areas, there will be smooth futuristic planning of the different vendors. They will not need to worry that the authorities will come and ask them to move aside for more development. They can set up with the confidence of the future.

Part IV talks about the registration and licensing of street vendors. Clause 15(2) states-

‘(a) The county executive shall provide a physical and online submission of applications for registration by the vendors.

(b) Maintain an up-to-date online registry’.

Mr. Temporary Speaker, Sir, what attracts me here is the digital aspect. As I have always said as a digital ambassador for the International Computer Driving Licence (ICDL), I advocate for things to be digital. The Government has also been steering the digital hubs through the Ministry of Information and Communication Technology (ICT). Seeing a Bill where the digital factor is considered, registration being online, that is where we are. That is what we need to embrace. This will definitely cut unnecessary costs. You just need your gadget to dial the number that you need and you can input your details there to get your license online with minimal movements. This is where we are today.

I appreciate Sen. Essy for this Bill. I support it. This is what encourages small micro-entrepreneurs to be confident in setting up their businesses in a suitable environment.

With those many remarks, I support.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Tabitha, thank you for your contribution to this important Bill. I now invite Sen. Mungatana Buya Danson, to also have his contributions.

Sen. Mungatana, MGH: Thank you, Mr. Temporary Speaker, Sir. Many years ago when we were younger and in the university, as students of law, we were required to buy shirts for purposes of the moot court. Moot court is where we would do these presentations in competitions. You could show case what you have been learning in a practical setup. The law students are meant to defend their clients. I went to buy a shirt from one of the vendors. You know all of us were dressing in mitumba those days. That is what we could afford. So, I had this guy telling me *mali kwa mali* saying it is a clean and nice shirt.

It was in the evening and usual last-minute purchase because you want to comply with what you have been told of the next day. Then in the morning, you wake up and find that the shirt is not white. You try to go and trace that vendor, but in vain. I am not the only one. Many people have been sold watches that turn out not to be watches. Other people have been sold mobile phones that turn out to be toys. All of us have gone through these experiences in one way or the other.

This law is good because it says we want to regulate this trade. In many countries, a hawker or a street vendor would be wearing a registration. So, you know from his registration that you can trace him. He is wearing something on his collar that says I have been licensed by Nairobi City Council or Nairobi City Government to sell toys and handkerchiefs. Therefore, they can be traced and regulated. Many students who finish university and are unable to secure formal jobs have gone to do this type of business.

Some very prominent businessmen also started by selling sweets in the streets and then they went on to open other things, including supermarkets and important commercial enterprises that we are proud of nowadays. This is the kind of law that we welcome. I support the fact that there is a need to regulate the work. This is work that people do in the streets. The idea is to create confidence that if I am buying a belt from this gentleman; he is registered and has a registration number. So, I know if he sells me a bad belt or goods that are not proper, I can trace him and get relief. This is a very

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beautiful development. My take is that we have to give morals to the county governments.

The county governments are the ones who, even before the Constitution 2010 came, used to deal with matters to do with markets and street vending. Without going too much into controlling what they do, we need to have this framework. This framework will give county governments, such as the County Government of Tana River, the ability to do the right things with these young men and women who are doing street jobs.

These people need to be given proper identification. They need to be known by the county government. They need to be given proper respect and their organizations recognized and supported. This law suggests the designation of areas for these kinds of goods. Therefore, the county government should set out those areas so that people can do work with dignity.

Every job in this country is a dignified job. Street vending is also one of those jobs that this law seeks to dignify. We do not want a situation where a county *askari* comes and finds you selling your sweets near the bus stop and chases you away, and yet you have registered properly. We want respect. We do not want a situation where disabled hawkers are mistreated by the county inspectorate. This law will give the respectability that is required for any person who is doing the business or the work of vending.

When we have this law, it will be easier for the county governments, and even the national Government where necessary, to deal with issues that can arise. I remember in Zambia, not so long ago, there was a cholera outbreak in some parts of Lusaka. So, the hawkers were told could not trade.

Now, if we have people in a database, the county government will know who operates around which area. If we have health risks, it is very easy to talk to these people and tell them that they cannot operate in this area. However, we can agree that you move to the other side of the county where you can do your business for purposes of public safety.

We can control and give dignity and confidence to the people who do this kind of business. We have had a very strong expression of the fact that our young people want space in this economy. I have said before, and I will say it again, what our young people are doing is looking for economic liberation, which is the third liberation. They are looking at questions and answers within our economy. How is our economy providing for us? How is it doing? So, creating all these opportunities through a legal framework helps to expand the areas in which we can deal with the bulging problem of unemployment.

Street vending is an old trade. It has evolved over time. Some time ago, people used to use carts. Nowadays, people not only walk from place to place but also vend their services using apps from various internet solutions.

Mr. Speaker Temporary Speaker, we must have a database for the safety of the people and the public from where we come from. It also gives the public confidence that the person they are dealing with is registered, paying tax, and can be trusted that when he tells you this hat, this belt, or whatever goods, then you can purchase without worrying that maybe you are losing your money to some unregistered fellows. We support this law because it is a good law, and it is a kind of law that deals with the lowest of the low.

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People who have finished schooling and are getting into the world, are getting started and have ambitions to do certain things.

Maybe, they may not have the money to start the hardware, but they are walking with their padlocks, screwdrivers and so on. Maybe this person in another five years is going to be operating his hardware. We are giving dignity to this kind of employment that is all over our towns in this country.

I congratulate Sen. Okenyuri for thinking about this. It is a good thing to support and formalize the informal sector, which has employed more people than even the ones who are employed in the formal sector. I pray that every Senator who will speak to this will give their support. I support it and congratulate the Hon. Senator.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Mungatana.

Proceed, Sen. Maanzo.

Sen. Maanzo: Thank you, Mr. Temporary Speaker, Sir, for giving me an opportunity to contribute to this very important law.

This law, although prepared months ago, Sen. Okenyuri seems to have been thinking and knowing what is happening to many young people in this country. In a country, the Government cannot hire everybody. Not all young people or young graduates or people who have been to school can be hired by the counties or the national Government. Therefore, there is need for job creation. This is one way for people to begin small businesses and grow them into big-time international businesses. This country is endowed with youth who are very intelligent, computer-savvy, have embraced ICT and well-schooled. Many of them have had no opportunity to ever have work experience other than starting their businesses.

As my good friend Sen. Mungatana said, street vending is all over the world. You will find it in New York, Washington D.C, London, China Beijing and everywhere in the world. However, it is done in an organized manner. If you see the food kiosks in Washington D.C., they are very clean. They are on the streets and people eat fairly cheap food there.

You can even find all manner of dishes from all over the world. If you want *pilau* and some delicacies from different cultures, you will find them in the streets of Washington. You will not find any litter around as the environment is kept clean. You need a regulation to ensure that. When you come to the African experience, it is fairly chaotic. People have to learn not to throw bottles or sweet wrappers outside a *Matatu*. You throw it through the window of a *Matatu* and no one cares about it. It is high time we developed a culture of cleanliness. The counties should make sure that the streets are clean and that these businesses are planned properly. I have seen that the Cabinet Secretary in charge of Trade can make regulations. The county governments will also make regulations. There are laws and systems, which already exist, but they have not been able to serve the people of Kenya.

Street vendors have been mistreated in many counties. Some have even been killed by city *askaris* or county *askaris*' when they are beaten using the *rungu* and there is no recourse. Others are injured and maimed and their goods and wares confiscated in a totally disappointing scenario and as beginners or poor people, they have no chance in life.

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There are many people who carry goods and sell them on the streets, but they are harassed by the existing laws. Therefore, there was need to protect and nurture such businesses into big-time businesses and this law will serve such so that we can have organized street vending.

Already there is some organized street vending. Sometimes they sell African regalia, *kitenges*, Maasai beads and all that, in the car parks. This happens periodically and it does not have a certain law. It is even better when certain streets are gazetted and preserved for this trade in an organized manner, and the young people will self-employ themselves.

If you work hard, you will get success. Unfortunately, when there is taxation at the national level and the county level or levies of all manner, then whatever little these people can collect daily, quite a huge chunk is taken away. There is nothing wrong with taxation either at the county level or at the national level. The problem is, do those levies make your life better at the county and national level? Street vending comes with taxation, but the taxation has to be reasonable. It should not be in such a way that it kills those businesses. More importantly, if these street vendors are organized in Saccos' and Cooperatives, it becomes better. They should be able to make savings so that they can grow their businesses.

When I was the Secretary of Cooperatives, there were organized street cooperative saccos. One of the most successful one was with the mechanics in Kisumu and every day, everybody who has been trying to make a living the whole day would make a saving in the evening. That kitty was so big that they could borrow money there and improve their businesses or come up with something reasonable.

I am aware that the Cooperative Bank has a system of loaning *mama mbogas*. They are given the money very early in the morning, they go to the city markets, buy their wares and sell them somewhere in the streets. They can return the money later in the day or week with a profit. They are able to advance their lives, take their children to school, have hope and make a living.

Now that we need to grow our economy, we need to give hope to the young people and the poor. The system should not be such that a poor person will never have some breathing space. It should be such that everybody has an opportunity. I believe many families have business skills and can sell goods from shoes, sweets and all manner of businesses. They can make a profit no matter how small it is.

More importantly, we need to take care of disabled people. Every time I meet people in the streets or beggars at the traffic lights, as I give them something small even if they have a disability, I take time to talk to them and encourage them that they can do something more useful, other than begging in the streets. They can end up with businesses, but how does that person end up with a license? Licensing itself is chaotic.

How do those street vendors end up with a clean environment? It is very important that as a nation we grow even the smallest. Everybody in Kenya should feel their entitlement, that they can grow and do business no matter how small it is. This is from selling fruits, *mboga*, clothes or even second-hand clothes or whatever clothes or wares they have.

There are others who even sell car accessories. They walk long distances and they save people's time who have no time to walk to the shops. These are the people who eventually grow into bigger shops, more settled, more organized and will even pay bigger levies to the counties. Subsequently, their spending power is enhanced and they are now able to grow their lifestyles. Therefore, a law like this at a time like this is important, so that everyone is accorded an opportunity. This particular law must protect these people and the people themselves must be responsible.

That is why I am saying that when they are organized in cooperatives and saccos, is much better. It will ensure cleanliness, good planning and that some certain streets are preserved such that if you want to brush your shoe, you know you can do it at a certain interval. If you know a place you can buy cheap clean food on the streets such as a cup of tea, then you can visit those kiosks. There are many spaces even in the city of Nairobi. You can arrange these businesses in a clean environment. Also, make sure that we have a proper system of garbage collection. In many of the counties that you go to, you will find this garbage has spilled. They are supposed to be carried away and it is not clear where they are going to be dumped or processed.

Garbage collection is a big business in many parts of the world. We need to come up with regulations whereby things like plastic bottles, glass bottles and organic materials can be put in their respective places.

Mr. Temporary Speaker, Sir, if it is organic material, it should be in its place. It can even be used to process organic fertilizer. It is a sort of discipline and culture, which must be grown in the counties by educating the people. In the Regulations, you could come up with something that would make Kenyans more responsible, so that we can manage all that and also for the garbage to not be all over the place. We see lorries transporting garbage overloaded and they go on spewing more garbage on the streets. Who will collect that and who will ensure that the environment is clean? There are certain parts of the cities that have rats and such like venom that can transmit diseases.

There must be a system of making sure that we have a natural system of dealing with rats and other things in our cities. Some people keep cats and there is a balance of some sort. The whole enterprise should run up to the smallest market and in every city. It should be well planned and get embraced by the people, county governments and the national Government.

Mr. Temporary Speaker, Sir, this needs a big discussion. Most importantly, we must get things right as far as governance is concerned, from the counties and to the national Government, so as to make sure that these people are accorded the necessary opportunity to grow. An opportunity should be given to every child in the nation.

Education is an equalizer. When people are educated, we will have more plumbers, people with business skills and with the knowledge of book-keeping, probably from locally available colleges, so that they also learn how to make business better. When we go to the businesses of these vendors, they will know how to organize themselves in order to get profits, save in SACCOs or banks and pay when they borrow so as to grow their businesses.

Mr. Temporary Speaker, Sir, when we do that and with the proper climate in the country, where transportation is easy by reducing taxes of traders and petroleum, then it

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will be easy for everyone to transport goods. Even the ones with *mikokoteni* will know that they have an opportunity to take their children to school, feed themselves and grow.

The selling of food, be it cereals, requires cleanliness. Therefore, there must be places where people can clean their hands and washroom facilities by counties because these issues move together. This will make the street business profitable. We heard Sen. Mungatana speaking about a certain outbreak. When people do not maintain cleanliness, there is bound to be outbreaks of diseases.

One of the major ways of dealing with such diseases is water provision, so that the taps in Nairobi are not dry as well as the taps of all county headquarters and towns. However, the moment there is no water, even the person roasting maize on the roadside does not operate in cleanliness. They should have the necessary cleanliness and in case there is an outbreak, they will not be affected.

Mr. Temporary Speaker, Sir, diseases like cholera are extremely dangerous and kill many people. All that has to be put together by the regulations coming from the Cabinet Secretary and county governments. I also hope that this will be embraced with the right attitude by the counties and county assemblies should take measures to have similar legislations for the local counties so that this can be achieved.

I support.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Maanzo for your contribution. Sen. Tabitha, what is your intervention?

Sen. Tabitha Keroche: Mr. Temporary Speaker, Sir, it is on a personal statement on inaccurate reporting on contribution to the Motion on the current state of the nation.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Tabitha, I am aware that we are out of the Statements' Hour but I am notified that the substantive Speaker had approved your reading of the Statement. Proceed to read, pursuant to Standing Order No. 58.

(Interruption of debate on Bill)

PERSONAL STATEMENT

INACCURATE REPORTING BY MAINSTREAM MEDIA ON CONTRIBUTION TO MOTION ON THE CURRENT STATE OF THE NATION

Sen. Tabitha Keroche: Thank you, Mr. Temporary Speaker, Sir.

I rise, pursuant to Standing Order No.58, to make a personal statement concerning inaccurate reporting on mainstream media on my contribution to the Motion before the Senate on the current state of the nation.

During the afternoon sitting of the Senate held on Wednesday, 10th July, 2024, some sections of the mainstream media have misconstrued my remarks to mean that I was supporting the rejected Finance Bill, 2024. That is not true.

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My position is that whereas some clauses in the Bill may not have been offensive, what the country went through, that included loss of lives, injuries, vandalism and destruction of property, the Finance Bill, 2024 should be withdrawn in its entirety.

I thank you, Mr. Temporary Speaker, Sir.

(Resumption of debate on Bill)

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Keroche. Sen. Tobiko Peris.

Sen. Tobiko: Thank you, Mr. Temporary Speaker, Sir. The Statement by Sen. Keroche Tabitha, almost disrupted the flow of the Bill and thoughts on this important Bill we were discussing, but I still thank you for this opportunity.

I congratulate Sen. Okenyuri for this beautiful piece of legislation. This would be one of the most important and relevant pieces of legislation that has come on the Floor of the House and is also relevant to our counties. It is also relevant to our daily lives in this country. In our country, you will realize that it is only a small percentage of people who are in formal employment.

A majority of Kenyans are hustling for a living and are vending in our cities, counties and towns. Therefore, this legislation will bring sanity and order into the lives of many people who are vending for a livelihood. It will also entrench the rights of those in the informal trading. Further, it helps to organize and plan properly how public space is used in our towns.

Sometimes, you sympathize with both the vendors and those not vending because there is a lot of disorder and one cannot move at certain times of the day in our towns. It is good to use the places you know best. There are streets in Kitengela that even if the roads have been done, they are almost impassable because of street vending. This legislation is proposing creation of vending zones for these people, where there will be restricted space for vending for certain hours. That way, there will be order in our lives and towns.

Mr. Temporary Speaker, Sir, it is also good to dignify this way of livelihood because every person who is vending is a parent with a family to take care of. At the end of the day, whatever you do for a livelihood, whether as a house help, street vendor, Member of Parliament (MP) or whatever position you occupy in society, the most important thing is to have dignity and respect in your job. Your customers should respect you. The counties issuing the regulations should also respect and give you an enabling environment to work. Therefore, I take this Bill to be very important.

Planning brings order, whether in personal life, business, politics or leadership. Everything needs order and planning. When we get designated zones for street vending, such that when you go to Kitengela or Rongai, you know the street to get clothes, foodstuffs, electricals or any other product you may be looking for, it will bring order and ease of movement in our towns.

In towns like Nairobi, you will sometimes find the city *askaris* mishandling these good people who are our parents, brothers and sisters working for a livelihood. If they do not do street vending, then they will have other ways of earning a living, which could be

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violent robberies, thuggery or other ways. We expect this sort of legislation in Nairobi to help bring order in the city. We will have streets that are designated as no-vending zone or restricted areas or restriction-free vending zones. This is very important.

It is also important that there is registration of such persons, so that at any one time, we are able to monitor as a country the number of people in the vending business. It is not that they will not graduate into other businesses. People graduate from a motorbike to a tuk-tuk to a taxi or maybe to ownership of a *matatu*. That is the same case with those who are vending. I know of a young man, who was vending after college. He was buying some clothes from Gikomba, taking to Kitengela, selling them in small quantities. Finally, he got a job. Today, he is in one of the media houses, but he started as a vendor. It was a better way of utilizing his time than just staying in the house, not doing anything just because he is a graduate and that is not the sort of job for a graduate.

We have very many of our educated young people who are vending rightfully because it is a better way of utilizing their time and also earning something small for themselves. The earnings enable them to help their parents in contributing for school fees and their upkeep in these towns. Many college students are selling items like boiled eggs and sausages in the streets. Such should be assisted to get an environment of selling that food. The hygiene standards should be maintained. The counties should make sure that there are sanitary places, washrooms and places for washing hands, so that we also contribute to the good health of the citizens of our Republic.

This Bill helps a lot in regulation, registration and monitoring. In a county like Kajiado, a place like Namanga, we have our neighbors coming in to do vending. It is always good to know the number of people from the neighboring country coming in to vend. We should also secure our own vendors at the borders, like Namanga and Busia. It is good that the Kenyan Government and lawmakers start taking seriously protection of Kenyans doing businesses. We should not just protect the big international businesses, but also the smallest business. This will ensure that the infiltration from the neighboring countries is not so much that they overrun our own people. This is a relevant piece of legislation.

The level of hygiene will need to be taken a notch higher when it comes to foodstuffs. Many restrictions need to be put in place not to hinder the businesses of these people, but enable them. We also need to protect the health of Kenyans such that in case harmful food that causes infections is sold, there should be a way to trace that vendor who brought food that was not okay for consumption. In cases of food poisoning, we should be able to monitor and know what happened. Probably there was chicken or fish that was sold that may have taken longer from the source to the market, and it ended up poisoning the public.

Mr. Temporary Speaker, Sir, when it comes to revenue collection, it is easier when such organization and order is put in place. There are towns like Kitengela where there are many vendors on Sundays. I realized that majority of these vendors come from Nairobi. I met the same person who tried to sell me socks somewhere in Nairobi in the streets of Kitengela. I was surprised that I had seen him somewhere else. You will realize there is inter-county trading. There are people coming from Nairobi to trade in Kajiado. As they do that, there must be a way to monitor the movement of these people and help

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them trade. However, they should not overrun the local market because even those who are stationed in those counties need the space and protection by legislation to their trading.

Mr. Temporary Speaker, Sir, this is a relevant piece of legislation that will bring sanity to the business environment. There are people in business who pay rent and other taxes thus enabling counties to have revenue. There must be a way of protecting them, so that vendors do not use all the spaces thus inconveniencing others who pay rent to do business.

Counties should plan such that vendors occupy certain spaces, so that they also allow those in buildings to do their businesses. That way, no one will disadvantage the other. Street vendors should not disadvantage those with shops. At the same time, those with shops should also give some spaces to those doing small businesses.

Even in the first world countries, we have seen people vending items in places, but at restricted hours. Therefore, the time for vending should be in such a way that it allows for free movement of people and respects working hours and other businesses, so that each complements the other.

I think this Bill is meant to bring that kind of order. I believe this law will go through because it makes a lot of sense. After the passage of this Bill, our counties should adopt, follow and ensure that everybody observes their time, space and work within a regulated environment with order and respect. Counties should provide the necessary services required from them, so that vendors have an environment that they can work in comfortably.

I encourage our young people to use their time to do something useful for themselves before getting employment. It may enable them gain experience or know what their parents do.

Mr. Temporary Speaker, Sir, I support this Bill. Once it is passed, I hope that our counties will adopt it immediately and use it to bring order and proper working environment for everybody.

I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Tobiko, for your contribution. Proceed, Sen. Chimera.

Sen. Chimera: Thank you, Mr. Temporary Speaker, Sir, for this opportunity.

Let me first begin by informing those Kenyans who were in doubt that Parliament can actually legislate on issues that touch directly on *mwananchi*; today is your moment. To many Kenyans who thought we could not legislate on informal trading, today is equally their moment. The moment of hustlers is well captured through Sen. Okenyuri's Street Vending Bill.

Let me also, in a special way, thank and congratulate the Senator for such a wonderful piece of legislation. It is not common in this House to find a legislator who puts his or her thoughts, energy and mind into coming up with a piece of legislation that speaks to the life of the common person in this country. Sen. Okenyuri, I thank you for that industry and energy. I know this House will do whatever it takes to support you and pass this particular Bill. In lawmaking, we seek to make laws for the good of the people.

The good of the people can be the greatest law that any parliament in this world would aspire to.

Mr. Temporary Speaker, Sir, I will briefly speak to a few issues as captured in the Bill by Sen. Okenyuri. Many colleagues have spoken and many more would wish to speak to this Bill. As such, I will be fairly brief in my contribution.

Clause 11 of the Bill provides for designation of vending locations. We have many street vendors who just vend for the sake of it. They are not organised or properly arranged. This Bill seeks to cure that by designating areas and allowing county governments, through relevant Ministry and Departments, to go an extra mile by constructing areas where our street vendors can comfortably carry out their businesses. This Bill is transformative.

Mr. Temporary Speaker, Sir, let me speak on Clause 17(c) on the issue of prescribed fees. The Bill in itself seeks to give many of our county governments a chance to collect more revenue. In my honest opinion, even as we seek to regulate and license the same, street vendors will be paying what the Bill has called “prescribed fees.”

I appeal to the people in the county governments in charge of financial affairs and those who come up with policies and regulations on levying taxes and licensing fees, to be reasonable enough to the young men and women of this country who form the bulk of street traders. We should not use this particular law to trample upon their economic rights.

I appeal to our county governments, especially our governors, if this Bill becomes law and it comes to you for implementation, let us have reasonable fees levied on our street vendors, so that that young man who sells groundnuts at Kona ya Musa in Diani in Kwale County can afford to pay the requisite fees, so that he gets his license in a more dignified manner to engage in his business.

Kwale County is fairly unique in terms of this Bill. We have a whole section called Diani Beach Road, where there are traders trading in various artifacts and tourism-related products. I am not casting aspersions to my county government, but I know we have not come up with a proper, organised and planned manner to allow our small-scale traders to do their business without having issues with the relevant county *askaris* and all that.

I also want to appeal to our county enforcement officers. It is common knowledge that every time street vendors go to the streets, they are arrested and harassed and whatever items they vend are confiscated unlawfully. That is an act that speaks to their daily living. I believe that this Bill will cure that mischief. It will allow our county *askaris* to be much more organised, so that they appreciate the kind of work and role that street vendors play in making sure the economy grows.

Mr. Speaker, Sir, as the Kenya Kwana Government, we went on the campaign agenda promising to uplift the livelihoods of those who are downtrodden. This is one of the surest ways of doing it. I fully associate with Sen. Esther Okenyuri for such wonderful legislation. It is my plea to my colleague Senators, that if there is a Bill that we should all rally around in this House, this is it.

With those many remarks, I beg to support.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Chimera, for your support.

I will allow Sen. Beatrice Ogola next to give her support, but before she does that, I have a Communication to make.

(Interruption of debate on Bill)

MESSAGE FROM THE PRESIDENT

PRESIDENTIAL MEMORANDUM OF REFERRAL OF THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILLS NO.25 OF 2024)

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, I wish to report to the Senate that, pursuant to Standing Order No.47(1), I have received the following Message from His Excellency the President regarding the referral of the County Allocation of Revenue Bill (Senate Bills No.25 of 2024).

The Message, was conveyed as a Presidential Memorandum dated 10th July, 2024, was received in my office today, Thursday, 11th July, 2024.

Pursuant to the said Standing Order, I now report the Message –

“WHEREAS a Bill titled "An Act of Parliament to provide for the equitable allocation of revenue raised nationally among the County Governments for the 2024/2025 Financial Year, the responsibilities of national and county governments pursuant to such allocation, and for connected purposes" was passed by the Senate on 11th June, 2024 and then the National Assembly on 25th June, 2024;

WHEREAS the County Allocation of Revenue Bill, 2024, was presented for Presidential Assent in accordance with Article 115 of the Constitution on the 28th June 2024;

WHEREAS the presentation of the County Allocation of Revenue Bill for Presidential Assent was preceded by the referral of the Finance Bill, 2024 on 26th June, 2024 for reconsideration by the National Assembly, with a recommendation to delete all clauses of the impugned Bill;

WHEREAS the referral of the Finance Bill, 2024 was prompted by widespread public dissatisfaction, leading to my decision to decline assent to the Finance Bill, 2024;

AND WHEREAS the failure to enact the Finance Bill, 2024 has necessitated the reorganisation and rationalisation of the Government's financial arrangements for the Financial Year 2024/2025, including the County Allocation of Revenue Bill, 2024, to accommodate the anticipated revenue reduction that would have been collected had the Finance Bill, 2024 come into force.

NOW THEREFORE, in exercise of the powers conferred on me by Article 115(1)(b) of the Constitution, I decline to assent to the County Allocation of Revenue Bill, 2024 and refer the Bill for reconsideration by the Senate with the recommendation that the Bill be amended by deleting the First Schedule and replacing it with a Schedule that is attached to the Memorandum.

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Hon. Senators, Article 115 provides that the Houses of Parliament shall either, by a majority vote, amend the Bill in light of the President's reservations or, by a vote supported by two-thirds of Members of each House, pass the Bill a Second Time without amendment or with amendments that do not fully accommodate the President's reservations.

Pursuant to the provisions of Standing Order No.170, I now refer the Memorandum to the Standing Committee on Finance and Budget for consideration. Due to the urgent need to enact the law to unlock funds for the operation of county governments, I direct that the Committee table its report on or before Thursday, 18th July, 2024.

(The Presidential Memorandum was referred to the Standing Committee on Finance and Budget)

The Senate shall thereafter vote to approve or reject the President's recommendation on the Bill, or pass amendments that do not fully accommodate the President's recommendation.

I thank you.

(Resumption of Debate on Bill)

Now, Sen. Beatrice Ogola, you may proceed.

Sen. Ogola: Thank you, Mr. Temporary Speaker, Sir, for giving me the opportunity to add my voice to the Street Vendors (Protection of Livelihoods) Bill (Senate Bill No.41 of 2023) as presented by my sister, Sen. Okenyuri.

Street vending is a source of livelihood for a majority of our people all over the county. Just like the *boda boda*, street vendors are a majority of the small businesses in our locality. These are a class of people that we must take note of and as a country, organize them.

Just last week, when I made my contribution to the Motion on the State of the Nation that was finalised this afternoon, I indicated that a number of us were very lucky earlier in life that when we were through with our college or university education, all of us got direct employment then. This is not a privilege to many Kenyans who are here today. That is the major reason we have had the demonstrations that we have had in the last few weeks. Unemployment has been a major issue in this country and that is why I rise to support this Bill because it is a source of livelihood.

Most of the Kenyans who are involved in vending on the streets are university graduates or secondary school leavers who are trying to make a living out of the small businesses that they engage in. From the street vendors, you can get all the products that you might need in your homes or your lives. If you miss any product that you need in shops or from established malls, you can be sure that when you send for those products from the streets, you can get them. So, I support this Bill because it is setting priorities for the street vendors. It is also giving some order in the way these businesses are going to take place.

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The many businesses that the street vendors get involved in are a source of national unity. All of you will agree with me that those traders come from all over this country. In my small town back at home called Ndhiwa, on Thursday when we have a market day, you can be sure you have most of the tribes represented in that market. We have traders coming from as far as Thika, Garissa, and Kisii who are our neighbors. For me, this is a good show as a country that this is a source of national unity.

The misfortunes that those traders have is that most of them sell their ware on the roads and pathways. Using the same example of my market of Ndhiwa on a Thursday, often, when you look at how the traders are going about their business, one is left with a lot of fear of accidents occurring because there are no designated places for these traders. They bring their wares very early in the morning. If you visit my town by 4:00 a.m. when the buses from Nairobi arrive, all these traders come with their wares and all they have are portions of the road as sites for selling their wares.

Mr. Temporary Speaker, Sir, the main reason as to why I really support this Bill is because it talks about designation of vending zones. This is important because, apart from the street vendors, there are also other usage of some of this space. For example, when you walk in Nairobi City, you will find vendors all over in front of the shops. This is really not fair to the shopkeepers because they are also into the same business. So, when this Bill finally comes into force and there are designated zones for these vendors, it will bring order. It will also bring fairness to all other users because their places will be marked and thus, they will also be maximizing their days.

When the zones are not marked, the street vendors can only come at particular times and periods. You find that they are not there in the morning, but come in the evening or late afternoon. This means they are not maximising the whole day for their businesses.

I also support this Bill because it talks about data; that the county governments will have real data of these street vendors. Data is important for planning. Once the governments are able to identify the vendors in terms of their specific names, numbers and businesses that they do, then the Government is able to plan for them. Planning is key to the success of this kind of business because the vendors are able to be planned for in terms of utilities that they need. The vendors need to be accessible because when they bring their wares, they need their customers to walk to them.

They also need access to different facilities. So, with their data, the Government is able to plan for them in terms of sanitation and other public utilities such as street lights because we are talking about many hours of doing business even beyond sunset. There is also need for planning of security of the vendors, which can only be achieved by the Government having their data.

It is important that in the process of this designation and getting the data, the vendors are engaged in setting up these zones. It is not right that in planning, the Government arbitrarily decides that it is going to have vendors in these zones without engaging them.

If we reflect back as a country, there was a time, some years back, when certain markets were constructed in this country under the Economic Stimulus Programme. If you go around this country, you will find that resources were put in building certain

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markets. I can give an example of markets in my home Constituency of Ndhiwa, in Mbita, Suba North Constituency and so many others that were constructed using the Economic Stimulus Funds just lying unused.

Mr. Temporary Speaker, Sir, I know that we got into such kind of a situation because we did not plan together with the vendors. So, in making the designations, designing zones, taking this data and setting aside of these sites, the Government must engage the vendors through public participation. I will give another example. I happen to have served in the County Government of Homa Bay as a County Executive Committee Member (CECM) for Lands and Urban Development at a time when the Homa Bay Town bus stage that was constructed by the Ministry of Lands and Urban Development was being completed. As we were coming in as the County Government, I had a noble duty of overseeing the completion of the bus stop. Other than the completion, I also had the noble duty of distribution of stalls and other facilities that were provided within the bus park.

That is why I am saying that, designating the zones must be done hand in hand with the vendors, so that it is done rightly with the right people. What I did at that time is that I engaged, brought in and lobbied the stakeholders in the bus park that had given way for the construction. They included stall and restaurant owners. I even involved the Bus and *Matatu* Owners in my Committee. This brought very good results because everybody was brought on board. The planning of the reallocation of the stalls, restaurants and all the other facilities, including the water points and washrooms available was collectively done with my office as the CECM in charge of Lands and Urban Development together with the stakeholders then. That ensured that the transition was peaceful and that we were dealing with the right people. That is why I say, when the Government finally wants to do the designation, it must be done together with the street vendors, so that they are a part and parcel of the decision-making.

Mr. Temporary Speaker, Sir, I also support this Bill because it spells out the rights of street vendors. Some of the rights have been echoed earlier in my speech that, the street vendors have a right to do business. In doing business, they also have a right to certain facilities that must be provided. I am happy that this is provided for in the Bill by Sen. Essy Okenyuri.

When we talk about street vendors, it is about businesses that are done in our urban centers; right from the markets in our counties, towns, municipalities and in the cities. This must go hand in hand with the planning of utilities as I have said. That include lighting, parking, sanitation and aspects of security because those are very important and outstanding components of urbanisation that facilitates businesses to take place.

This Bill also talks about protection from harassment. As my other colleagues have stated, most of the street vendors are often harassed. The harassment comes from the law enforcement officers of our county governments. So, I am happy that this Bill spells that out. The reason why the street vendors must be protected is basically because they are Kenyans with a right to do business. This is a source of their livelihood and so, why should they be harassed?

This Bill must also emphasize on county enforcement units because this goes hand in hand with the operations of street vendors. Street vendors do business within county government structures. Officers who deal with them on a day-to-day basis are law enforcement officers of county governments. This Bill must mention something on the preparedness and training of law enforcement officers, so that they can work hand in hand with street vendors.

The reason we cannot allow street vendors to be harassed is because they take a majority of businesses in our urban centres. There must be an aspect of promotion of e-commerce in this Bill because there is so much that street vendors can gain from doing business on those platforms.

Young people look forward to getting employment once they are through with university. Before that, a number of them engage in businesses. Therefore, e-commerce is critical in this Bill. I would like the Mover of the Bill to consider incorporating it, that it is the responsibility of both the two levels of Government, that is county and national, to encourage e-commerce amongst street vendors, something I know they are already doing.

Mr. Temporary Speaker, Sir, I support that there should be designated areas and that street vendors need some organisation by the Government. That will bring order in doing business. I also support the fact that street vendors must be a priority for both county and national governments. The Street Vendors Bill should be supported by all of us. We should pass this Bill and ensure that it is implemented.

Other than street vendors, I have mentioned *boda boda* as another category of business people who must be supported. We should not ignore these two groups of business enterprises because of the numbers. In some villages out there, mine included, *boda bodas* are a big component of source of livelihood. We support all our young people who complete their studies. At least, they have got something to do rather than sit at home.

Mr. Temporary Speaker, Sir, as a nation, we should stop looking at the *boda boda* or street vendors as businesses of the low class. They are actual businesses that are available today. Therefore, as a Government, we must support, ensure there is some order, prioritise and give them necessary facilities to ensure that such businesses thrive.

I support.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Beatrice. I now invite Sen. Nderitu John Kinyua to make his contribution.

Sen. Kinyua: Bw. Spika wa Muda, asante kwa kunipa fursa hii kuchangia Mswada huu kuhusu wachuuzi wa rejareja. Kwanza, nampongeza Sen. Esther Okenyuri kwa Mswada huu. Amewapa heshima na hadhi wachuuzi ambao kwa wakati mwingi wanaonekana kama watu wasiofaa ama biashara wanazofanya hazifai. Kwa kuwasilisha Mswada huu hapa Seneti, inaonyesha kwamba anawajali.

Ukitazama Vifungu vya tatu na nne, Waziri anayehusika atapaswa kujua idadi ya wachuuzi katika Jamhuri ya Kenya. Baada ya kujua idadi, itamwezesha kuleta usawa katika sehemu zinazofanyiwa kazi; iwe kule Nyahururu, Nanyuki, au Nyaribari Chache. Wachuuzi wote wanapaswa kufanya uchuuzi katika mazingira sawa.

Sio mara moja tumewapata wachuuzi wetu wakiishi kwa maisha ya kukimbizwa kila mahali. Ukienda Nyahururu, utapata wanafukuzwa mchana kutwa kutoka sehemu

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moja hadi nyingine ilhali wanalipa kodi. Naunga mkono kwamba watengewe sehemu za kufanyia biashara. Sehemu ambazo wanafanyia biashara ziwe na huduma zinazohitajika. Kuwe na vitu kama vile vyoo kwa sababu ni watu wanaofanya biashara zao kwa muda mrefu hadi usiku. Tumesema kwamba tunataka uchumi unaondeshwa masaa 24. Hilo litawezekana ikiwa wachuuzi hao watashughulikiwa.

Sehemu kama hizo zinafaa kuwekwa taa. Kwa lugha ya mtaani, wanasema “mulika mwizi.” Staki kusema hivyo kwa sababu yatakuwa maendeleo. Tunafaa kuwa na taa za kumulika maendeleo.

Si hayo tu. Ukitembea sehemu nyingi, utapata kuwa wachuuzi hawakutiliwa maanani na kaunti zetu. Kama alivyosema Sen. Ogola, kwa mfano, ukienda mahali panaitwa Naibor, utapata vibanda ambavyo vingetumika na wachuuzi havina mtu yeyote kwa sababu hawakuhusishwa.

Ukienda Sosian, hali ni hiyo hiyo. Pesa ambazo tunapigania sisi kama Seneti kuhakikisha zinapelekwa katika kaunti zetu zinatumiwa lakini kwa sababu wafanyibiashara hawakuhusishwa, wanasema mahali ambapo vibanda vimejengwa ni mbali na wateja wao.

Kama Sen. Okenyuri anavyopendekeza kwamba kuwe na sehemu hizo, itajulikana kwamba kila mtu anayefanya biashara anafaa kuenda pale. Hakutakuwa na ushindani mkali kusema kwamba yule yuko karibu na mjini na huyu ameondolewa. Lazima mtu awe na barua ikiwa ni mchuuzi wa rejareja na anafanyia biashara yake mahali ambapo hapajatengwa. Hiyo inamaanisha kwamba wote wataenda mahali pamoja. Ukienda mahali panaitwa Sipili, Jumamosi ndio siku iliyotengwa kwa wachuuzi kufanya kazi. Hata hivyo, mahali pale hapana choo. Ijapokuwa wanafanya kazi zao, huduma zingine zinazohitajika haziko. Sio pale pekee.

Kuna pahali panaitwa Gatundia. Jumapili ndio siku ya soko na shida ni ile ile. Pahali pengine ni Muthengera. Ijumaa ndio siku ya soko na shida ni ile ile. Ukienda Rumuruti siku ya Alhamisi wakati ng’ombe wanauzwa, mahali pale hapana choo wala huduma yoyote.

Mswada huu ukipitishwa utatoa mwongozo vile sehemu ikitengwa, ni nini kinapaswa kuwekwa pale ili wachuuzi wetu wanufaike. Hii pia inatua ule ushindani ulioko. Unapata mchuuzi anauza bidhaa zilizosawa pale nje kwa duka ya mfanyibiashara aliyepangisha nyumba. Si sawa kwa sababu huu ni ushindani usio mzuri. Kwa hivyo, kutengwa kwa sehemu hizi kutasaidia ili kila mtu apate riziki yake. Imesemwa na ningependa kurudia, hii kazi ya uchuuzi inafanywa na vijana na watu wasio na hela nyingi. Mara nyingi unasikia unapoenda kutafuta kazi yoyote unaulizwa kama uko na ujuzi au uzoefu. Hizi sehemu zikitengwa na mtu aanzie hii kazi ya rejareja pale hata kwa Shilingi elfu mbili au elfu tuatu, atakuwa na uzoefu wakati atafungua duka au biashara kubwa. Atakuwa pia amejua ni biashara nyingine gani anaweza kufanya na ikampa faida.

Jambo lingine ambalo Mswada utasaidia ni kuongezeka kwa ukusanyaji wa kodi na ushuru. Hii ni kwa sababu, wafanyikazi wa gatu zetu hawatawakimbiza ama kuwavuruga hawa wafanyibiashara ama kuwaona kama sio watu. Nimeona imesemekana wakubaliane ni pesa ngapi watakuwa wakitoa kwa sababu watakuwa wanafanya kazi kwa maeneo yanayofaa kisheria, hakutakuwa na haja ya kuwakimbiza.

Kwa kuangazia, Mswada huu uliwasilishwa na Sen. Esther Okenyuri. Sisi kama Chama cha *United Democratic Alliance (UDA)* ambacho Okenyuri ni mwanachama, tulipokuwa tunafanya uchaguzi, tulisema tutazingatia wale walioko chini kama vile mama mboga, watu wa boda boda na vinyozi. Hivyo basi, nampongeza kwa sababu Mswada huu umelenga papo ndipo kwa kuwashughulikia vilivyo. Kwa hivyo, mimi niko na kila sababu kuunga mkono Mswada huu. Ukitembelea sehemu nyingi za Laikipia na Nyahururu, shida kubwa wanayopata wachuuzi wetu ni ukosefu wa sehemu za kuuza.

Nimekuwa nikiongea na Gavana na kumrai pengine tuwe tukifunga barabara siku ya Jumamosi na Jumapili ili wachuuzi wetu waje kuuza. Lakini Sen. Okenyuri ameng'amua na akajua tukileta Mswada huu, tutakuwa na sehemu zilizotengewa wachuuzi wetu. Itakuwa sasa ni rahisi kwa hawa wachuuzi wetu kufanya biashara bila kusumbuliwa na mtu yoyote.

Mahali nimekuwa na tashwishi kidogo na labda wakati atakapokuwa akijibu ataangazia, nilijiuliza, kwa nini anahusisha sana Waziri wa Serikali ya Kitaifa ilhali mambo ya biashara kama hizi yako katika gatuji zetu. Anapaswa kupatia Waziri wa Ugatuzi kwa sababu nchi yetu ni tofauti na mambo hufanywa tofauti. Kama Serikali ya Kaunti ya Laikipia ni tofauti na ile ya Kisumu, kwa nini unamhusisha Waziri wa Serikali ya Kitaifa?

Sen. Esther, ukileta Mswada kama huu halafu uhusishe Waziri wa Serikali Kuu, huenda ikawa kama vile huduma ya Afya imeletwa katika gatuji zetu lakini hela nyingi zinabaki kwa Serikali ya Kitaifa. Nataka tu usahihishe hiyo sehemu tusije tukaleta Mswada hapa halafu mambo mengi yanafanywa katika Serikali ya Kitaifa badala ya kugatuliwa. Mambo ya biashara kama hizi tayari yamegatuliwa. Hivyo basi, yashughulikiwe huko kwa hali inayofaa.

Mimi naunga mkono ili watu wetu wasaidike. Ukiangalia katika Kipengele cha 15, kinazungumzia vile hawa wachuuzi watapewa leseni na kusajiliwa. Hili ni jambo nzuri ili mipango yoyote inapopangwa, kuwe kunajulikana idadi ya wachuuzi na ni biashara gani wanafanya. Kama kuna mifereji ya maji inatakikana ijulikane ni mingapi.

Nashukuru kwa kipengele hiki na inaonekana Mswada huu umezingatia kila kitu. Kwa hivyo hakuna mahali palipo na dosari. Haya yote yakizingatiwa, Mswada huu utaleta afueni na kuwasaidia watu. Itakuwa ni moja ya nguzo ya chama chetu kulingana na ahadi tulizotoa. Sen. Okenyuri kwa kweli amegonga papo ndipo. Nampongeza kwa sababu alikuwa Waziri katika serikali ya kaunti. Kwa hivyo, yeye ana uzoefu na ujuzi mwingi. Nimesikia yale mambo aliyosema. Tukiyaongeza na kuyazingatia tutapata Mswada uliobora zaidi.

Kwa sababu yeye ni mama na waziri wa zamani wa kaunti, aghalabu Waswahili husema, kizaliwacho ni chema kuliko anayekizaa. Hivyo basi Mswada huu utakuwa bora zaidi ya vile alivyoniua na kufikiria.

Asante sana, Bw. Spika wa Muda.

The Temporary Speaker (Sen. Wakili Sigei): Thank you very much, Sen. Kinyua, for your contribution. Now, hon. Senators, we do not have any other Member interested in contributing to this Bill.

I will, therefore, call upon the Mover, Sen. Okenyuri, to reply. Considering that you are the last person to speak, you have 12 minutes to summarise when you are replying.

Sen. Okenyuri: Asante sana, Bw. Spika wa Muda, kwa nafasi hii. Ningependa kujibu. Kwanza, ningependa kufuata mkondo wa Seneta wa Laikipia, Sen. Kinyua. Mapema wiki hii, tumefurahia kuadhimisha siku ya Kiswahili. Kwa sababu nakienzi Kiswahili, ningependa kuzungumza kwa lugha hii.

Nawapongeza Maseneta waliochangia Mswada huu kama vile Mwenyekiti wa Kamati ya Kudumu ya Biashara na Viwanda, Seneta wa Kajiado, Sen. Seki. Nimesikia mawazo yako na nitaongezea yale uliyoyasema. Pia, dadangu, Sen. Tabitha Mutinda, shukrani kwa hoja zako. Shukrani pia kwa Seneta wa Tana River almaarufu Seneta Mla Mamba, Sen. Mungatana. Asante sana kwa kisa ulichosimulia hasa ukiwa katika shule ya upili. Nimesikia mawazo yako ya kunipa motisha katika Mswada huu. Pia, nampongeza Seneta wa Makueni, Sen. Maanzo. Amechangia kwa kusema, Mswada huu utawapa ajira vijana wasio na kazi katika jamii.

Bw. Spika wa Muda, pia nampa shukrani zangu za dhati Seneta dada yangu mkubwa, Sen. Tobiko, ambaye anatoka sehemu ya Kajiado kwa kuwa ameweza kuchangia Mswada huu. Pia, ningependa kumpa shukrani Sen. Chimera, ambaye anatoka eneo la Kwale na ambaye anawakilisha vijana katika mrenge wa Serikali katika Bunge hili. Mwishowe ningependa kumpongeza Sen. Ogola, ambaye pia amechangia Mswada huu kwa moyo wake wa dhati.

Nikimalizia, ninajua Maseneta wengi wangependa kuzungumzia Mswada huu lakini kwa sababu ya muda, hawa ambao wamezungumza wameweza kutoa mawazo bora bila kumsahau Seneta wa Laikipia, Sen. Kinyua ambaye pia amegusia mambo ya kwa nini Waziri ametajwa kwenye Mswada huu mno. Hii ndio sababu Mswada huu umekuja kwenye Bunge ili tujadiliane na kuuboresha. Kwa hivyo, Sen. Kinyua nimesikia hoja zako katika kuchangia Mswada huu na ninatoa ahadi kuwa haya yote tutayazingatia ili tuweze kutunga sheria ambazo zinawanufaisha wananchi ambao tunawaongoza.

Mambo ya uchuuzi hayafanyiki Kenya tu ama kwa mataifa ambayo yanayoendelea pekee, lakini yanafanyika hata kwa yale mataifa ya Ugaibuni. Ukienda kama Marekani, Uingereza, Afrika Kusini na kwa wenzetu hapa Afrika Mashariki kama vile Tanzania na Uganda, kuna wachuuzi katika sehemu hizo zote. Itambulike kuwa wachuuzi hawajisaidi wao wenyewe. Wakati wanafanya biashara hizi zao ndogo ndogo, wanajisaidia na kusaidia familia zao ambazo wamekuwa nazo.

Mswada huu utachangia mno katika magatuzi yetu 47 tukianza hapa Nairobi ambapo Bunge la Kitaifa lipo. Mswada huu utaleta mambo mengi ikiwemo kukuza uchumi wa sehemu hii na kuleta mpangilio kwenye miji mikubwa kama mji wa Nairobi, Mombasa, Kisumu na pia katika vijiji vidogo.

Nikiongeze pia, Mswada huu umekuja kwa wakati unaofaa. Serikali ya Kenya Kwanza ikiwa kwenye harakati zao za kampeni kipindi ambacho kimemalizika, tulikuwa tukisema kuwa tunajali maisha ya wale wachochole; wale ambao wako katika vitengo vya chini mno na Mswada huu umegusia kitengo hicho.

Nimefurahia sana kuwa Mswada huu umeletwa na mimi. Mimi ni mfano bora wa mtu ambaye amekuwa kutoka vile vitengo vya chini na sasa niko kwenye Bunge hili la Kitaifa, nikizidi kuwatetea wengine ambao si walio katika kitengo cha miaka yangu.

Ombi langu ni kuwa Maseneta wengine wataweza kuniunga mkono na marekebisho yoyote ambayo tutaweza kuyafanya ili Mswada huu uwe sheria ambayo itasukuma taifa la Kenya mbele na kutusaidia pia kutengeza pesa hapa na pale ya kusaidia miundo msingi na wananchi wa kawaida ambao wanafanya kazi hizi.

Vile vile, Mswada huu ulikuwa unagusia mambo ya wale askari kwenye kaunti ambao kwa lugha ya mtaa wanaitwa “kanjo”. Mswada huu pia unaangazia wachuuzi hawa wadogo wadogo wasiweze kudhulumwa na watu kama hao. Ikiwa watadhulumwa, kuna njia ambazo mambo haya yataweza kuangaliwa. Kwa sababu ya muda sitaweza kuyataja haya yote lakini nimefurahishwa sana na mchango wa wale Maseneta ambao waliochangia Mswada huu pamoja na mchango wa wale ambao tumekuwa tukishirikiana nao sana sana kwenye Kamati ya Biashara na Fedha.

Mwisho, ningependa kuomba kuwa kulingana na Kanuni ya 66(3), uamuzi wa Hoja uairishwe hadi siku nyingine utakayo amua.

Asante sana, Bw. Spika wa Muda.

The Temporary Speaker (Sen. Wakili Sigei): Thank you very much, Sen. Okenyuri. The putting of the question will now be deferred pursuant to the provisions of the Standing Order No.66 as requested by you.

(Putting of the Question on the Bill deferred)

ADJOURNMENT

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, it is now 6.27 p.m., and the entire business of the House today has been concluded. There being no other business, the House stands adjourned until Tuesday, 16th July, 2024, at 2.30 p.m.

The Senate rose at 6.27 p.m.