



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT**

**NATIONAL ASSEMBLY**

**THE HANSARD**

**VOL. III NO. 121**

# THE HANSARD

## SPECIAL SITTING

*(Convened vide Gazette Notice No.110 of 10<sup>th</sup> January 2025)*

**Thursday, 16<sup>th</sup> January 2025**

The House met at 10.02 a.m.

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

PRAYERS

QUORUM

**Hon. Speaker:** Hon. Members, there is no quorum. Serjeant-at-Arms, ring the Quorum Bell.

*(The Quorum Bell was rung)*

Order, Hon. Members! We now have quorum to transact business.

## COMMUNICATION FROM THE CHAIR

### CONVOCATION OF SPECIAL SITTINGS OF THE NATIONAL ASSEMBLY

*(Several Hon. Members walked into the Chamber)*

**Hon. Speaker:** Order, Hon. Members. Take your seats. Happy New Year, Hon. Members.

**Hon. Members:** Happy New Year, Hon. Speaker.

**Hon. Speaker:** I take this opportunity to welcome you to this Special Sitting which has been convened pursuant to the provisions of Standing Order 29(3) relating to the procedure for convening Special Sittings of the House during recess.

As you will recall, the House proceeded on its Long Recess on 6<sup>th</sup> December 2024 in line with the approved Calendar of Regular Sittings 2024. With this in mind, I wish to report to the House that on 3<sup>rd</sup> January 2025, I received a request from the Leader of the Majority Party that I appoint today, Thursday, 16<sup>th</sup> January 2025, as a day for Special Sittings of the National Assembly.

Hon. Members, I duly considered the business proposed to be transacted and acceded to the request. Consequently, and in keeping with the requirements of Standing Order 29, I gazetted today's Special Sittings commencing at 10.00 a.m. for the Morning Sitting and at 2.30 p.m. for the Afternoon Sitting vide Kenya Gazette Notice No.110 of 10<sup>th</sup> January 2025.

Hon. Members will note that the business to be transacted was specified in the said Gazette Notice. Further, we did a notification to all Members and the general public in the local dailies on 8<sup>th</sup> January 2025. In this regard, the Sittings of the House for this morning and afternoon are properly convened.

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Hon. Members, as we commence the Sittings, permit me, on my own behalf and on behalf of my brother, Hon. Tim Wanyonyi, MP for Westlands and, the larger extended family of my dear father Mzee Dominic Wetang'ula, to express our heartfelt gratitude to the Leadership of Parliament, Members of the Parliamentary Service Commission, all Honourable Members of Parliament and parliamentary staff, for the immense and invaluable support you accorded us following the passing on of our matriarch, Mama Anne Nanyama Wetang'ula.

We also thank you most sincerely for your continuous presence and overwhelming words of comfort and for turning up in large numbers alongside His Excellency Dr. William Samoei Ruto, the President of the Republic of Kenya, during the final send-off of our *Mama* in Mukhweya Village, Kabuchai Constituency, Bungoma County on 3<sup>rd</sup> January 2025.

The tremendous outpouring of support also extended outside the boundaries of the Republic. The presence and kind words of my distinguished colleague Speakers and their delegations from Uganda, Tanzania, the Republic of South Sudan, and the East African Legislative Assembly, embodied the true spirit of the oneness of our region.

As a family, we are forever grateful and remain indebted to you. Your immense support has left an indelible mark on our hearts! Words are not and will never be enough to express our gratitude to all of you. We continue to pray that the Almighty God will bless each one of you and that in your hour of need, may you not lack a brother or sister to walk that difficult road with you.

I thank you.

Hon. Members, before the next Order, allow me to give the Member for Westlands, Hon. Tim Wanyonyi, a minute to buttress what I have said. Hon. Tim.

**Hon. Tim Wanyonyi** (Westlands, ODM): Thank you, Hon. Speaker. I want to echo what you have said and thank the Hon. Members of this House who came in large numbers and made financial contributions towards our mother's funeral. I also thank the people of Westlands who came in 10 buses and all our friends who came to condole with us. It was such a very touching moment. Particularly, I want to cite the Hon. Deputy Speaker who came in handy to help arrange security and the protocol that was observed on that day.

I also extend my gratitude to the President and the Bishops of Bungoma and Kitale Dioceses, retired Bishops Sulumeti and Crowley and the current ones who turned up for the funeral. Our mother received a very befitting send-off. We praise God and thank him for the good and kind words that we received from all who came to condole with us.

Thank you, Hon. Members, Kenyans and everybody who came to give our mother a befitting send-off.

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

## MESSAGES

### NOMINATION OF PERSONS FOR APPOINTMENT TO VARIOUS OFFICES

**Hon. Speaker:** Order! Hon. Members on their feet, take your seats.

*(Hon. Gonzi Rai walked in the aisle)*

The Member in the walkway, *Mombasa Raha*, take your seat.

Hon. Members, Standing Order 42 provides that if a Message is received from the President when the House is not in session, the Hon. Speaker shall forthwith cause the Message to be transmitted to all Members and report to the House on the day when the House

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next sits. In this regard, I wish to report to the House that during recess, I received three Messages from His Excellency the President relating to the nomination of persons as Cabinet Secretaries, High Commissioner, Ambassador, Permanent Representative and Consul-General; and, nominees for appointment as the Vice-Chairperson and Members of the Public Service Commission.

The first Message conveyed that His Excellency the President, in exercise of powers conferred on him by Article 152(2) of the Constitution, as read together with sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, Cap. 7F, nominates—

1. Hon. Mutahi Kagwe for appointment as the Cabinet Secretary for Agriculture and Livestock Development;
2. Hon. Lee Kinyanjui for appointment as the Cabinet Secretary for Investments, Trade and Industry; and,
3. Hon. William Kabogo for appointment as the Cabinet Secretary for Information, Communications and the Digital Economy.

For clarity, Article 152(2) of the Constitution states and I quote:

“152. (2) The President shall nominate and with the approval of the National Assembly, appoint Cabinet Secretaries.”

Hon. Members, in the second Message, His Excellency the President conveyed that, in exercise of powers conferred on him by Article 132(2)(e) of the Constitution as read together with sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, Cap. 7F, he nominates the following persons as High Commissioner, Ambassador, Permanent Representative and Consul-General—

<b>Nominee</b>	<b>Station</b>
1. Ms. Margaret Nyambura	High Commissioner, Accra, Ghana;
2. Dr. Andrew Karanja	Ambassador, Brasilia, Brazil;
3. Hon. Ababu Namwamba, EGH	Permanent Representative of Kenya to the United Nations Environment Programme (UNEP) United Nations Office at Nairobi (UNON);
4. Mr. Noor Gabow, CBS	Consul-General, Port-au-Prince, Haiti.

In the third Message, His Excellency the President conveyed that, in exercise of powers conferred on him by Articles 233(2) and 250(2) of the Constitution, as read together with the First Schedule of the Public Service Commission Act, CAP. 185 and sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, Cap. 7F, he nominates—

1. Mrs. Mary Wanjira Kimonye, CBS as the Vice Chairperson of the Public Service Commission.
2. The following as members of the Public Service Commission—
  - (a) Mr. Harun Maalim Hassan, EBS (PWD);
  - (b) Ms. Mwanamaka Amani Mabruki, CBS;
  - (c) Mr. Francis Meja;
  - (d) Dr. Irene Cherotich Asienga, OGW;
  - (e) Mr. Boya Molu, EBS;
  - (f) Ms. Joan Andisi Machayo, OGW; and,
  - (g) Dr. Francis Otieno Owino, CBS.

His Excellency the President, therefore, sought the approval of the House of the various nominees for appointment to the respective positions. Standing Order 45 provides that, upon receipt of notification of nomination for appointment, such nomination shall stand committed to the relevant Committee of the House for consideration. Accordingly, vide Notification No. 7 of 2024 dated 20<sup>th</sup> December 2024, I transmitted the Messages from the

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President to all Members and referred the Messages, together with the Curriculum Vitae, the Reports of the respective Selection Panels and other testimonials of the nominees to the respective Committees as follows—

1. Committee on Appointments - Cabinet Secretaries.
2. Departmental Committee on Defence, Intelligence and Foreign Relations - High Commissioner, Ambassador, Permanent Representative and Consul-General.
3. Departmental Committee on Labour – Vice-Chairperson and Members of the Public Service Commission.

In the Notification, I directed the committees to immediately commence the approval processes and notify the nominees and the general public of the time and place for holding the approval hearings. I further directed that the committees conclude and submit their respective reports by the close of business on 15<sup>th</sup> January 2025.

I am aware that the committees have since concluded their work and should, therefore, table their reports during this Morning Sitting to enable the House to consider the matters within the statutory timelines.

The House is accordingly informed and I thank you.

Next Order!

## PAPERS

**Hon. Speaker:** Hon. Leader of the Majority Party. Yes, Hon. Naomi Waqo.

**Hon. Naomi Waqo** (Marsabit County, UDA): Hon. Speaker, I beg to lay the following papers on the Table:

1. The following Legal Notices and the Explanatory Memoranda from the Ministry of Interior and National Administration:
  - (a) Legal Notice No. 187 of 2024 relating to the Prevention of Terrorism (Implementation of the United Nations Security Council Resolutions on Suppression and Disruption of Proliferation Financing) (Amendment) Regulations, 2024; and,
  - (b) Legal Notice No. 188 of 2024 relating to the Prevention of Terrorism (Implementation of the United Nations Security Council Resolutions on Suppression of Terrorism) Regulations, 2024.
2. Recommendations concerning the fourth basis for revenue sharing among county governments for Financial Years 2025/2026 to 2029/2030 from the Commission on Revenue Allocation.

Thank you, Hon. Speaker. I beg to lay.

**Hon. Speaker:** Leader of the Majority Party, Hon. Ichung'wah.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Speaker, I beg to lay the following Paper on the Table of the House:

The 4<sup>th</sup> Report of the Committee on Appointments on approval hearings of nominees for appointment as cabinet secretaries.

Thank you, Hon. Speaker.

**Hon. Speaker:** Chairperson of the Departmental Committee on Labour, Hon. Karemba.

**Hon. Muchangi Karemba** (Runyenjes, UDA): Hon. Speaker, I beg to lay the following Paper on the Table of the House:

Report of the Departmental Committee on Labour on the vetting of nominees for appointment as Vice-Chairperson and members of the Public Service Commission.

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Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you. Chairperson of the Departmental Committee on Defence, Intelligence and Foreign Relations, Hon. Nelson Koech.

**Hon. Nelson Koech** (Belgut, UDA): Hon. Speaker, I beg to lay the following Paper on the Table of the House:

Report of the Departmental Committee on Defence, Intelligence and Foreign Relations on its vetting of nominees for appointment as Ambassador, Permanent Representative and Consul-General.

Thank you, Hon. Speaker.

**Hon. Speaker:** Next Order.

### NOTICES OF MOTIONS

**Hon. Speaker:** Chairperson of the Departmental Committee on Labour, Hon. Karemba.

#### APPROVAL OF NOMINEES FOR APPOINTMENT TO THE PUBLIC SERVICE COMMISSION

**Hon. Muchangi Karemba** (Runyenjes, UDA): Hon. Speaker, I beg to give notice of the following Motion:

THAT, taking into consideration the findings of the Departmental Committee on Labour in its Report on the vetting of nominees for appointment as Vice-Chairperson and members of the Public Service Commission, laid on the Table of the House on Thursday, 16<sup>th</sup> January 2025, and pursuant to the provisions of Article 233(2) of the Constitution and sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act (Cap. 7F), this House approves the appointment of the following persons to the Public Service Commission—

- |                                     |   |                  |
|-------------------------------------|---|------------------|
| 1. Mrs. Mary Wanjira Kimonye, CBS   | - | Vice-Chairperson |
| 2. Mr. Harun Maalim Hassan          | - | Member           |
| 3. Ms. Mwanamaka Amani Mabruki, CBS | - | Member           |
| 4. Mr. Francis Meja                 | - | Member           |
| 5. Dr. Irene Cherotich Asiega       | - | Member           |
| 6. Mr. Boya Molu, EBS               | - | Member           |
| 7. Ms. Joan Andisi Machayo          | - | Member           |
| 8. Dr. Francis Otieno Owino, CBS    | - | Member           |

Thank you, Hon. Speaker.

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

#### APPROVAL OF NOMINEES FOR APPOINTMENT AS CABINET SECRETARIES

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Speaker, I beg to give notice of the following Motion:

THAT, taking into consideration the findings of the Committee on Appointments in its Fourth Report on approval hearings of nominees for appointment as Cabinet Secretaries, laid on the Table of the House on Thursday, 16<sup>th</sup> January 2025, and pursuant to the provisions of Article 152(2) of the

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Constitution and sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act (Cap. 7F), this House approves the appointment of the following persons as Cabinet Secretaries—

<b>Nominee</b>	<b>Ministry</b>
1. Hon. Mutahi Kagwe, EGH	- Agriculture and Livestock Development
2. Hon. William Kabogo	- Information, Communications and the Digital Economy
3. Hon. Lee Kinyanjui	- Investments, Trade and Industry

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you. Chairperson of the Departmental Committee on Defence, Intelligence and Foreign Relations, Hon. Nelson Koech.

APPROVAL OF NOMINEES FOR APPOINTMENT AS AMBASSADOR,  
PERMANENT REPRESENTATIVE AND CONSUL-GENERAL

**Hon. Nelson Koech** (Belgut, UDA): Hon. Speaker, I beg to give notice of the following Motion:

THAT, taking into consideration the findings of the Departmental Committee on Defence, Intelligence and Foreign Relations in its Report on the vetting of the nominees for appointment as Ambassador, Permanent Representative and Consul-General, laid on the Table of the House on Thursday, 16<sup>th</sup> January 2025, and pursuant to the provisions of Article 132(2)(e) of the Constitution, section 20(2) of the Foreign Services Act (Cap. 185E) and sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act (Cap 7F), this House approves the appointment of the following persons as indicated—

<b>Nominee</b>	<b>Station</b>
1. Dr. Andrew Karanja	- Ambassador, Brasilia, Brazil
2. Hon. Ababu Namwamba, EGH	- Permanent Representative to the United Nations Environment Programme (UNEP) and United Nations Office at Nairobi (UNON)
3. Mr. Noor Yarow Gabow, CBS	- Consul-General, Port-au-Prince, Haiti.

Thank you.

**MOTION**

CONSIDERATION OF REPORT ON THE START-UP BILL

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the Start-up Bill, (Senate Bill No.14 of 2022) up to Clause 27, and seeks leave to sit again.

*(Moved by Hon. Irene Mayaka on 5.12.2024 – Afternoon Sitting)*

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*(Resumption of consideration interrupted on 5.12.2024 – Afternoon Sitting)*

**Hon. Speaker:** Order! Members on their feet, please, take your seats. Hon. Members, I am satisfied that there is quorum to put the question.

*(Question put and agreed to)*

**Hon. Speaker:** Next Order. Chairperson of the Departmental Committee on Labour.

### **SPECIAL MOTION**

#### APPROVAL OF NOMINEES FOR APPOINTMENT TO THE SALARIES AND REMUNERATION COMMISSION

**Hon. Muchangi Karemba** (Runyenjes, UDA): Hon. Speaker, I beg to move the following Special Motion:

THAT, taking into consideration the findings of the Departmental Committee on Labour in its Report on the vetting of nominees for appointment as Chairperson and as Members of the Salaries and Remuneration Commission, laid on the Table of the House on Tuesday, 26th November 2024, and pursuant to the provisions of Article 230 of the Constitution, section 7(11) of the Salaries and Remuneration Commission Act, CAP 412D, and sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, CAP 7F, this House approves the appointment of the following persons to the Salaries and Remuneration Commission—

1. Mr. Sammy Chepkwony – Chairperson;
2. Maj. Gen. (Rtd) Martin Kizito Ong’onyi, CBS – Member, nominated by the Defence Council.
3. Mr. Mohamed Aden Abdi, as a nominee of the Senate on behalf of the county governments.
4. Ms. Jane Gatakaa Njage, as a nominee of the Teacher Service Commission.
5. Dr. Gilda Odera, as a nominee of the Federation of Kenya Employers, FKE.
6. Dr. Geoffrey Apollo Omondi, as a nominee of the Central Organisation of Trade Union, COTU.
7. Mr. Leonid Ashindu, as a nominee of the Association of Professional Societies in East Africa, APSEA.

Hon. Speaker, in considering the nominees' appointments, the Committee scrutinised the procedure used to select them, the Constitution and statutory requirements relating to the office in question, and the nominees' suitability for their proposed appointments, focussing on whether nominees' abilities, experience and qualities meet the requirements of the said office.

In examining the procedure used to arrive at the nominations, the Committee noted in accordance with the powers confirmed by Article 132(2) and 155(3) of the Constitution, as read together with sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act, 2011, His Excellency the President, through a letter by the Chief of Staff...

*(Loud consultations)*

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*(Several Hon. Members stood in the gangways)*

**Hon. Speaker:** Order, Hon. Members. Take your seats. I know meeting in the New Year is exciting, but let us hear what is being debated on the Floor. Go on.

**Hon. Muchangi Karemba** (Runyenjes, UDA): Hon. Speaker, in examining the procedure used to arrive at the nominations, the Committee noted that in accordance with the powers confirmed by Articles 132(2) and 155(3) of the Constitution, as read together with sections 3 and 5 of the Public Appointments Parliamentary Approval Act of 2011, His Excellency the President, through a letter by the Chief of Staff and Head of Public Service, reference number EOP dated Monday, November 2024, forwarded to the Speaker of the National Assembly a notification of presidential action nominating Mr. Sammy Chepkwony as Chairperson and others as follows: Major Gen. (Rtd) Martin Kizito, Mohamed Aden Abdi, Jane Gatakaa Njage, Gilda Odera, Dr. Geoffrey Apollo Omondi and Mr Leonid Ashindu.

The Committee held its sittings and discussed widely, vetted the nominees and made observations on their suitability. The suitability of the nominees was assessed after scrutinising their backgrounds, academic credentials and professional qualifications, work experience, personal integrity and performance during the approval hearing that was conducted on 22<sup>nd</sup> November 2024. Some of the observations that we made included:

1. All the nominees are Kenyan citizens and do not hold dual citizenship.
2. All the nominees presented their academic credentials and professional certificates during the approval hearing and demonstrated their suitability.
3. None of the nominees held office in any political party.
4. None of the nominees had been dismissed from office under Article 75 of the Constitution.
5. The nominees meet the requirements of Chapter 6 of the Constitution on leadership and integrity, having obtained clearance from the Ethics and Anti-Corruption Commission (EACC), Kenya Revenue Authority (KRA), Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and also the Higher Education Loans Board (HELB).
6. The nominees demonstrated an impressive grasp of topical, administrative and technical issues touching on the office of the chairperson and members of SRC.
7. They have the requisite abilities, qualifications and experience to serve in those offices.

For these reasons, on behalf of the Departmental Committee on Labour, I am proud to move this Special Motion and thank the Members of my Committee who sat through with me as we discussed all this. Therefore, I am proud to move this Special Motion on the consideration of the nominees for appointment of chairperson and members of the Salaries and Remuneration Commission.

I beg to move and request Hon. Lillian Siyoi to second. Thank you.

**Hon. Speaker:** Member for Trans Nzoia. Give her the microphone.

*(Technical hitch)*

Give Hon. Lillian the microphone. Clerk, what is the problem? You do not have a card? Give her the nearest microphone. There you are. It is in front of you.

**Hon. Lillian Siyoi** (Trans Nzoia County, UDA): Thank you, Hon. Speaker.

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I am a member of the Departmental Committee on Labour and I want to confirm to this House that the members who were vetted are competent and suitable for that task. In that case, I second.

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you.

*(Loud consultations)*

*(Hon. Patrick Makau stood in the gangway)*

Members on their feet, take your seats. Commissioner, Hon. Makau, take your seat. Thank you.

*(Hon. Musa Sirma consulted loudly with Hon. Gitonga Mukunji)*

Order, Hon. Members. Hon. Sirma, Standing Orders provide that when the Speaker is on his or her feet, you maintain in studious silence.

*(Question proposed)*

Yes, Leader of the Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Speaker. I rise to support this Motion for the approval of the seven nominees to the SRC. If Members go through the curriculum vitae (CVs) of all the nominees, they will see that many of them have backgrounds in human resource management, personnel management and administration. As you have said, we have one nominee from the Defence Council of Kenya, Major General (Rtd) Martin Kizito Ong'onyi, who holds a Diploma in International Studies and a Masters of Arts in Political Science and Public Administration. That tells you that many of the nominees are very experienced in the public administration space and personnel management.

As I support their appointment, it is important to note that the Salaries and Remuneration Commission (SRC) started on a very false note, not just with this House or with the institution of Parliament, but also with other institutions, including the Judiciary. I implore the new commissioners to set a new pace in their relations with the other arms of Government, be it the Judiciary or the Legislature.

*(Loud consultations)*

Hon. Speaker, if you can protect me from the very loud consultations.

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

*(Hon. Charles Nguna consulted loudly)*

Order, Hon. CNN. You come from the same direction. I am sure you could have talked as you were coming here. Let us listen to one another.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Speaker. It is probably because I did not say "Happy New Year" to all the Members. Let me take this opportunity to wish a Happy 2025 to all the Members as I welcome them back to this Special Sitting. I also thank them for showing up in their numbers within the first two weeks of the year. That speaks to their dedication and commitment, and that of the Members of the Departmental

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Committee on Labour and the Select Committee on Appointments, which you chair, and which took time during the recess to vet the SRC commissioners and the nominees for appointment as cabinet secretaries.

*(Loud consultations)*

**Hon. Speaker:** Order, Hon. Members! Who is the convenor of that illegal *kamukunji*? Go on.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Speaker. Unfortunately, it is the Leader of the Minority Party and the Deputy Leader of the Broad-Based Government, Hon. Junet Mohamed.

The SRC started on a false note at its inception after the promulgation of the Constitution of Kenya, 2010. I hope and pray that this new Commission and the seven commissioners will work in consultation with the other arms of Government and not in competition with them, especially the Judiciary, the Legislature and even other players in the Executive. I believe that being a new Commission; they will work in a consultative manner.

We previously had a very populist Commission. I want to encourage the new commissioners not to fall into the trap of playing to the gallery. During the Gen Z protests mid last year, the former Commission published a gazette notice stating that they were increasing the pay of Members of Parliament by some Ksh7,000 or Ksh9,000. That was just the normal increment that happens every two years. However, the timing and the gazetting of that gazette notice was very suspect. Their intention was to play populist politics, play to the gallery and to poison Kenyans against Members of Parliament. Members of Parliament do a lot of work both inside and outside the House. Nobody should demonise them on account of their work. The 349 Members of Parliament and 65 Senators are elected out of 52 million Kenyans to serve the nation and also deserve to be paid. Therefore, the SRC must be cognisant of the fact that they should work to balance public interests and not to demonise people in other institutions.

I have had an occasion to engage with members of the Judiciary and they have suffered the same fate as Members of Parliament. In fact, I remember that at one point, somebody in the Judiciary, who I will not name, asked me to just disband the Commission. I am sure that if it was disbanded, many people in the Judiciary would be happy. We want the Commission to stay because we want a balance in how we conduct our public affairs, especially in matters to do with personnel management and remuneration of public officers. However, that must be done in a measured way, balancing our resources with the needs of public service officers who serve the people of Kenya. If we do not balance the needs of public servants, we will not only kill the aspirations of young people who are joining the public service, but we will also make it impossible for those who are already in the public service to grow as persons.

As the new commissioners come into office, I want to ask them to engage other stakeholders. I am told by the Chairperson of the Committee that as they engaged with all the individual nominees during the vetting process, the nominees committed to work in a consultative manner and engage stakeholders. They will make decisions through a consultative process. I congratulate them and support their approval.

I, therefore, beg to support the Motion.

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

**Hon. Junet Mohamed** (Suna East, ODM): Thank you, Hon. Speaker. I rise to support this Motion on the approval of the commissioners of the SRC. This is one of the new commissions that came with the new Constitution. The Commission consists of members of high integrity, people who I believe can do this work, qualified Kenyans who have worked in

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other sectors in the country, and who have been put together to help this country deal with the issue of the wage bill.

I have been here since the inception of the Commission. There is a misconception that it was created to fight politicians. Somebody has misadvised and misguided them. Once they are approved by this House, you will see that their first course of action will be to wage war with Parliament. I do not know who has misadvised them. They are supposed to look at the remuneration and earnings of all sectors in the public service. It is juicy to the public when you deal with politicians. You demonise them and say that they want to earn more than they deserve. The Commission should start on a clean slate. They should look at the issue of the wage bill and remuneration of members of the public service holistically. One of the things that they are supposed to do is to harmonise the public service wage bill.

When Parliament is dissolved in August 2027 for elections, you will see the Commission publishing a gazette notice stating that the salary of a Member of Parliament has been reduced to Ksh50,000. If they want to do that, let them do it now so that those who want to be Members of Parliament can decide whether or not they want to go for that job. Do not wait until Parliament is dissolved. Why should you do that mischievously? Just advertise now and state that this is the salary that is commensurate with the work of a member of parliament. Those who intend to contest for those positions in 2027 can then make up their minds early enough. There are leaders in the corporate sector who earn way more than members of parliament and who want to come to this House. However, when you issue a gazette notice after Parliament is dissolved in August 2027 and yet, they resigned in February 2027 to vie for those positions, you will be doing them an injustice.

I know a Member of Parliament from Meru who was doing very well before he came here. I was with him in Mombasa for a trip and he confided in me that he used to earn way more in the private sector. He never thought that this was the kind of job that he was getting into. I told him that this job is a calling. It is a service to the public. You might not earn anything, and whatever you earn in this House belongs to the public. You have to return it in form of healthcare, education, bursaries, transport, wedding and burial expenses. None of us spends any money we earn in Parliament on his or her family or personal use. Members of Parliament contribute to a number of burials. We pay for others' healthcare, school fees, and even weddings. I have also seen cases where somebody wanting to marry goes to a Member of Parliament. It is the same for maternity cases where somebody tells you that his wife has given birth, she is in the ward, and he does not have money to pay. You have to pay since you have no choice. Sometimes, you even pay travelling expenses. Someone will tell you: "I want to go and visit my in-laws in Makueni County". You have to pay. Those from my place especially go to that side where Hon. Mbuï comes from. He tells you: "I want to go all the way to Kitui. Can you pay something?" You have to give him money so that he can go to greet them.

Public service is a calling. Being a politician is not a mean job. It is a very difficult job but anybody outside it thinks it is a walk in the park. The most prestigious thing you see with a Member of Parliament is when his escort opens their door. People think it is the most important thing since it is what they see. It is a very daunting task. The job is not a joke. You have to think of your constituents and Kenyans and make sure you pass the right laws here. You have to be present when those laws are being passed. You also have to make sure that services are provided to your constituents.

Then, the Salary and Remuneration Commission (SRC) thinks that these are just a bunch of jokers who have just sat somewhere in an air-conditioned hall during an afternoon. They think we just talk and say anything we want. No. Wait until the next election arrives and every constituency has over 20 aspirants. Why are people going for it if the job is useless? Why do they not leave the ones there to continue? It shows you how important this

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work is. If this House approves the SRC Commissioners, I urge them to look at things holistically. Let them not be duped that Kenyans will take them seriously if they deal with politicians. My brothers and sisters, you are mistaken.

In spite of all that, I ask the House to know that we need the SRC because they are doing a very important constitutional duty. The disparities between the wage bill and remuneration in this country must be harmonised. The low-cadre person must feel that he is doing a good service and that he is given good remuneration just as the highest paid person. That is their work. That is why we need them.

I urge the House to pass the SRC commissioners so that Kenyans can enjoy the fruits of their new Constitution. It is by giving them the commissions that are supposed to deal with aspects of running the country. I urge the House to pass these commissioners. That is so that we have a Commission to deal with those issues and help the Executive to manage the wage bill.

With those few remarks, I support.

**Hon. Speaker:** Hon. Murugara.

**Hon. George Murugara** (Tharaka, UDA): Thank you very much, Hon. Speaker. I also rise to support the Special Motion that this House approves the appointment of commissioners to the SRC, a very important constitutional commission that cuts across the three Arms of Government. It has to work closely with the Parliamentary Service Commission, the Public Service Commission and the Judicial Service Commission.

There is a notion out there that those commissions set salaries for their members or employees, which is not the case. It is the SRC that recommends to other commissions so that salaries can be harmonised to some extent, although this is not the case as required. We have had issues with the last or the outgoing SRC. There are complaints that it was not able to harmonise salaries even within individual Arms of Government, much to the detriment of workers. Unexplainable disparities exist when you compare what security forces earn. We, therefore, call upon this new incoming commission that is coming to work on harmonising salaries so that public servants can earn almost what can be comparable.

Allow me to pick out one important topic: the Bottom-up Agenda. That is where we have junior-most government workers known as area managers in villages. They are not remunerated. We have passed numerous Motions and even laws to determine how those persons are to be remunerated. However, when those proposals are taken to the SRC, they are withheld on the basis that those people do not have formal education. I do not know where education is supposed to be the determinant. The commission is supposed to consider whether there is an educational requirement or not. We all know that the basic arms of the administrative government of this country are the people known as area managers.

Those people do everything in the grassroots, including being police officers, judges, executioners, and everything else. I call upon the incoming commission to, without reservation, sit down and look into what should actually be paid to area managers in this country. They are out there doing an executive and excellent job for which no one recognises or remunerates them. It is purely because the SRC has refused, declined, or failed to set up guidelines that determine how much to remunerate those people. I speak for area managers.

Thank you very much. I support.

**Hon. Speaker:** Hon. Oundo.

**Hon. (Dr.) Ojiambo Oundo** (Funyula, ODM): Thank you, Hon. Speaker.

I also stand to support the Special Motion for the consideration of nominees for appointment to the SRC. This is a creature of the Constitution of Kenya 2010 to solve the so-called ballooning wage bill in the public service. The Committee has done its vetting, deliberations and has proposed approval. We as Members of Parliament need to do nothing else but support their recommendations.

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There are very many challenges and issues in the public service as we usher in the new commission. I believe it is the third since the inauguration of the Constitution. I hope and pray that the new commission addresses the challenges. The disparities both in the national and county governments need to be harmonised to ensure that all Kenyans who work in the public service are paid what is due for their labour, efforts, level of qualifications and experience. This should also apply to all other Arms of Government like Parliament or the Judiciary and even the military. People should be paid what they deserve when they wake up in the morning to go to work.

The past two commissions have had a very antagonistic approach in dealing with Members of Parliament. They have demonised Members and made them look like illiterates who deserve nothing.

As Hon. Junet and the Leader of the Majority Party have spoken, Members of Parliament do more than what they are supposed to do. In that essence, there must be an arrangement one of these days. I urge all of them to ask any member of the SRC to spend a full day or several days with any Member of Parliament when they are in their constituencies. They will then understand the trouble and challenges Members of Parliament go through. The SRC will then look at matters of Members of Parliament in a more organised manner that appreciates the burden of the job at hand and everything they do. This also applies to all other cadres of jobs.

With those few remarks, I support their approval. I wish them well. Thank you.

**Hon. Speaker:** Hon. Gichimu Githinji.

**Hon. Gichimu Githinji** (Gichugu, UDA): Thank you, Hon. Speaker, for giving me an opportunity to also contribute to this Special Motion on approval of the nominees for appointment to the Salaries and Remuneration Commission. As I contribute, let me take this early opportunity to wish you, Hon. Speaker, and all the Members, a blessed 2025 – a year which we hope will be very fruitful as we serve this nation in our capacity as Members of Parliament. I also wish all the staff of Parliament a wonderful new year as they serve us. Additionally, I would like to wish all our constituents, whom we have not been able to meet, a wonderful and fruitful blessed 2025.

Hon. Speaker, the Committee has indicated that all the nominees meet the requisite qualifications as per the law and the Constitution. I believe they will serve the country better than the previous commissioners. One area I would like the new Commission to focus on is the stipends paid to interns. Interns have felt that there is a gap in how they are remunerated during their internships. This is an issue that should be tied to the new Bill that was brought to Parliament by Hon. Naisula, which the entire Parliament supported. This is an area that needs serious consideration.

The Commission should also work towards harmonizing the salaries paid to various cadres of employees at the national and county levels. There should be no preferences or disparities. Officers serving at the same level should receive equal remuneration and allowances. Of course, they must avoid creating situations that could cause conflict with Members of Parliament as we are here to serve the nation together. All the regulations to be made by the Salaries and Remuneration Commission should be well crafted, ensuring that Parliament can support their activities for the service of this nation.

Hon. Speaker, without belabouring the point, I support and hope that the nominees will take up their roles as soon as we approve their nomination so that they can serve this nation and harmonize everything that is related to salaries and remunerations.

Thank you.

**Hon. Speaker:** Hon. Otiende Amollo.

**Hon. (Dr.) Otiende Amollo** (Rarieda, ODM): Thank you, Hon. Speaker. I support this Special Motion for a few reasons that I will state briefly. First of all, it is well balanced in

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terms of gender, ethnicity and region. That is one of the things we require in constitutional commissions. It is also well balanced in terms of abilities. I have seen various nominees from the various bodies. They are promising.

Hon. Speaker, as I support this Special Motion, I urge that, as the commissioners come in, there are a number of things they should observe. One of the things they should observe is not to be a stumbling block to the idea of unionism. This Commission was set up to facilitate the purposes of the Constitution, and one of those purposes is the recognition of the right to unionism. It has become a trend where collective bargaining agreements are negotiated and then flouted; and when they are flouted, they cite the Commission as the entity that has not approved. I urge them to do their work in tandem with the Commission.

Secondly, Hon. Speaker, I urge the nominees to be aware that there is a reason as to why they are representatives of other bodies, as opposed to other commissions. Among those in the list right now is a representative of the Senate. We, in the National Assembly, have also sent a representative. There are representatives from employers, employees and other bodies. They are 'Wajumbe' like us. They do not go there to represent themselves. They represent the entities that have sent them. Therefore, when we, as Parliament, send people to the Commission, the people we send there must consult with us and respect our authority. They must not go there and start fighting us.

*(Applause)*

Hon. Speaker, one of the things that should be noted – which the Commission previously looked into – is the qualification of being a Member of Parliament. We have had this debate from the Constitution to legislation as to the minimum standards. Be that as it may, the focus must be on the work that a Member of Parliament does, not just the minimum qualifications. This is the House where we have some of the highest-qualified Kenyans and, therefore, you cannot sacrifice the work that a Member of Parliament does merely because you say the minimum qualification is equivalent to the qualification of any other person of the lowest cadre. That is something they got wrong, and they must get it right.

Hon. Speaker, I want to support them and ring a warning bell not just to this Commission, but to commissions generally. Commissions are supposed to be independent. They are supposed to assist the citizens. There is a trend emerging where commissions are ceding their independence and not doing the work they are meant to do. This is becoming a threat to the Constitution and to the commissions themselves. I urge that all our constitutional commissions, and this Commission particularly, should do their work without fear or favour; and with competence, and for the benefit of all.

Hon. Speaker, I support.

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

**Hon. Rahim Dawood** (North Imenti, Independent): Thank you, Hon. Speaker. First, I would like to say Happy New Year to all Members, together with you. Secondly, regarding the SRC, I remember when I was in the Departmental Committee on Finance and National Planning in the 11th Parliament, we approved Ms. Sarah Serem as the Head of SRC. When Ms. Sarah Serem came to the interview, she sounded so good but before she left, she had shown her horns. The same happened with Ms. Mengich. I hope now Mr. Sammy Chepkwony, the one who has been nominated to be the Chairperson, will not behave the same way as Ms. Sarah Serem or Ms. Mengich.

Hon. Speaker, whenever there are salaries to be set, they always make sure that they target Members of Parliament, and not other public servants despite the fact that Members of Parliament fight through an election to get to this House. It is not easy to make it to this House, Hon. Speaker, as you know, having participated in many elections yourself, it is very

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difficult to get here. It is only the chosen few who make it to Parliament. Therefore, remuneration for those people should not be a subject of discussion. Whenever you hear of salaries being mentioned, it is always Members of Parliament who are targeted. Other public servants are not mentioned at all.

I agree with Hon. Murugara regarding the village elders. It is high time we remunerated the village elders. We need to look for money from anywhere so that they can be paid because they assist the National Government Administration Officers (NGAO) to ensure that we move forward in the country.

With those few remarks, I support the new team, but I want them to be supportive of Kenyan workers. Parliamentarians are Kenyan workers too.

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you. Hon. Zamzam.

**Hon. Zamzam Mohammed** (Mombasa County, ODM): Ahsante sana, Mhe. Spika. Kwanza nachukua fursa hii kuwaambia Wabunge wote *Happy New Year*.

La pili, Mhe. Spika, natoa rasmi rambirambi zangu kwa familia yako na ndugu yetu Mhe. Timothy, kwa kumpoteza mama yenu mzazi. Mwenyezi Mungu amhifadhi na wema.

Nachukua fursa hii kuwapongeza wote ambao wameteuliwa kuhudumu kwenye tume ya SRC. Kama walivyoeleza wenzangu, namuomba Bw Sammy Chepkwony, akichukua kiti hiki, aangalie maslahi ya wakenya wote. Kama walivyosema wenzangu, Wabunge huwa tunapata mtihani mkubwa sana wakati tunapongezwa mshahara. Ifahamike kuwa Mbunge ana kazi kubwa sana. Miongoni mwa Wabunge wote, nafikiri mimi ndiye maskini zaidi kwa sababu huwa natoa hela zote hadi nabaki bila ya hata sumuni. Wakenya wako na matatizo mengi. Mkenya anajua kwamba ataenda malipo ya hospitali kwa mama kaunti. Mwenye ako na msiba pia anaenda kwa mama kaunti. Mtu ambaye ako na tatizo lolote lile, anaenda kwa mama kaunti.

Kuna mapya pia. Watoto wetu ambao wamepata nafasi za kwenda nchi za nje kutafuta kazi wanatufuata sisi Wabunge tuwasaidie. Na hawahitaji pesa kidogo. Mtu mmoja huwa anahitaji laki mbili au laki moja na nusu. Ndio maana ninasema wanaoshugulika na Youth Fund wachukue vijana hao wawape hizo pesa ili walipe wakishaenda, angalau tupunguziwe mzigo.

Nawaambia makamishna hao kuwa wakenya wanahangaika sana wakati wa kupata mishahara yao, na jambo hilo limeleta hali ya sintofahamu. Yule Kamishna aliyetoka alitutangaza hadharani wakati ambapo Jumba hili lilikuwa limeingiliwa na Gen-Z na tukachomoka mbio. Bado tulikuwa tunayafikiria yale machungu tena tukawekwa kwenye gazeti kuwa tumeongezwa mshahara na Ksh7,000. Hiyo shilingi elfu saba ilifanya tukatukanwa mpaka mwenzangu akanilazamisha kwenye mkutano mmoja tukakatae hiyo nyongeza ya mshahara, ila tayari ilikuwa imeshawekwa kwenye sheria. Lakini maisha yetu yalikuwa hatarini. Wakenya wengi walikuwa hawafikirii kuwa huyu ni Mbunge na hana hili ama lile, anatusaidia hapa na pale kwa hivyo hiyo nyongeza ya Ksh7,000 sio kitu. Ilibidi twende mbio kwenye mikutano tuseme hatukubali hiyo nyongeza lakini ndani ya roho zetu, tulikuwa tunatamani hata tuongezewe zaidi kwa sababu mambo ni magumu.

Ndani ya Bunge hili, tulipitisha Mswada wa wazee wa mitaa ambao wanafanya kazi kubwa sana kule mashinani. Hao ndio polisi na majaji. Wanajua ni mtoto wa nani amepotea. Pia wanajua ni nyumba gani watu wamepigana ili waende wasuluhishe. Wazee wa mitaa wanafanya kazi ngumu sana kushinda sekta nyingine zote. Tulipitisha hapa kuwa walipwe mshahara lakini hilo halijafanyika. Namuomba ndugu yetu Sammy Chepkwony na Tume yake wafikirie wazee wa mitaa ili nao wapewe angalau kitu kidogo kama wanavyofanyiwa Community Health Promoters (CHPs).



Pia kuna madiwani wastaafu. Tulipitisha katika Bunge hili hapo awali kuwa wao pia wapate kiinua mgongo kidogo. Wananipigia simu kuzungumzia jambo hili. Hoja hiyo ilipita hapa Bungeni lakini haijakuwa *effected* na mpaka sasa hakuna kitu wanapata.

Nawaomba makamishna hawa washikane na wakenya wote na wazingatie maslahi ya daktari, mwalimu, mbunge na mfanyi kazi yeyote wa Serikali kwa sababu gharama ya maisha imepanda sana. Kila wakati bei ya bidhaa ikiongezeka, mshahara uko pale pale. Kwa hivyo, wanapongeza mshara, waangalie kutoka yule mfanyi kazi wa Serikali wa chini hadi yule wa juu. Wakipata kiinua mgongo kidogo, kitaweza kuwasaidia.

Nawapongeza makamishna hawa na nawambia wafanye kazi ili wainue wakenya wote bila mapendeleo. Wasipendeleo Wabunge kwa sababu sisi ndio huwa tunachapwa fimbo sana. Mishahara ya watu wengine ikiongezwa, huwezi kuona ikijadiliwa kwenye magazeti. Sijui huwa tumekosea kitu gani kwa sababu tunapigwa fimbo. Lakini unaporudi nyumbani, mtu ako na matanga utasikia: ‘Mama kaunti, tuko na msiba hapa.’ Wengine wanatambia tuwasaidie mpaka *birthday*. Tukiongezewa mshahara, tunawaomba Wakenya watuelewe kwa sababu huwa tunaenda kwao na hizo pesa. Twala na wananchi. Hatuli peke yetu.

Ahsante sana, Mhe. Spika.

**Hon. Speaker:** Thank you. Hon. Members, the contributions are tautologous. How much more time do you want to spend on this business? Let me give a chance to a few more Members and then we get the Mover to reply.

Let us have Hon. Mathenge and, in quick succession, Hon. Kaluma. Hon. Karemba, be ready to reply.

**Hon. Duncan Mathenge** (Nyeri Town, UDA): Thank you, Hon. Speaker. I join the rest of my colleagues in supporting this Motion for approval of the nominees for appointment to the SRC, and to the Public Service Commission. Their work is cut out. Over the last two years, salaried employees – who with formal payslips in this country – have borne the larger burden of financing our country. We have had increases in the National Social Security Fund (NSSF) contributions. We instituted the Housing Levy Fund. We have an increase in Pay As You Earn, and we have an increase in the percentage paid through the Social Health Insurance Fund. The net effect of those contributions by the salaried employees has been to erode the spending power of very many households. The reduced disposable income has affected the purchasing power. Even as the SRC keeps an eye on the public wage bill, they must look at the ability of our people, especially the employed, to afford a decent standard of living.

As a Member of the National Cohesion and Equal Opportunities Committee, I am aware that many Government departments and parastatals have acute staff shortages. This compromises service delivery and, more so, in crucial areas like healthcare. It is, therefore, important that those two commissions look at the quiet freeze of employment. Many more young people have finished their studies and they are looking for employment opportunities.

The last thing I would like to address is with regard to retired public servants. We do not have a commission to take care of them. Many of them are suffering because their pensions have remained unpaid. It is important that both commissions look at the component of the workers who have retired after serving this nation diligently.

With those remarks, I support.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Thank you, Hon. Speaker. I join my colleague in supporting the Motion and, therefore, signifying my approval of the nominees for their appointment.

Despite the SRC being a Chapter 15 Commission like several others, I do not know what really happens in it. I have been in this House since the beginning of the 11<sup>th</sup> Parliament under the new Constitution. We approved the appointment of commissioners to the SRC, starting with the commission led by Ms. Sarah Serem. When they sat, they took their business

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as the business of dealing with this Parliament. After that, we approved the second SRC under this Constitution. The first Commission had people like Mr. Oloo Aringo, who started the Parliamentary Service Commission. Immediately he went there, he forgot about the role of the Parliamentary Service Commission and led SRC in encroaching into the mandate of the Parliamentary Service Commission. The latest Commission that has just gone out had Mr. Dalmas Otieno Anyango.

Hon. Mbui and other Members will confirm to you how eloquent he used to be – while seated where my brother is now seated - about the place of Parliament and how remuneration should be organised. When he joined the SRC, hitting back at Parliament became his business. I do not know whether it is the SRC which is cursed or the people we send there. Now that we are approving the appointment of a new team, I pray that they may be alive to the fact that, as Parliament, we have done everything to enable them discharge their mandate. The Salaries and Remuneration Commission Act is very detailed in terms of their mandate, how they need to do job evaluation, peg salaries to the roles of the various bodies and harmonise salaries, so that the people who are performing same roles and functions earn equally. However, that has not been happening.

If these nominees are approved, I request them to avoid the jinx of the past where SRC encroaches into the mandate of other commissions. For purposes of protecting Parliament, we have the Parliamentary Service Commission. Its mandate of dealing with the welfare and facilities for Parliament is constitutional. The SRC still issues gazette notices prescribing the amount of tea to be taken. Members may remember a Gazette Notice issued during the 12<sup>th</sup> Parliament, in which the SRC prescribed even the number of cups of tea that Members of Parliament should take during a committee meeting, not knowing that some of us do not take tea. There were also issues of per diem and allowances. Such matters sometimes end up in court. When that happens, the monies we budget for operations and maintenance of SRC are used in wars over remuneration of workers in Government agencies.

This also affects the Judiciary. I do not know why SRC does not respect the jurisdiction of equally independent commissions like the Judicial Service Commission (JSC), which deals with welfare and facilities in the Judiciary. The SRC tells judges who want to sit together in a conference for peer review – most of those sit in benches – the amount of money they should spend. The SRC also tells those judges that they cannot have per diem when they converge at a conference. This delays determination of cases which are handled by more than one judge - who are constituted as a bench - and have to sit somewhere together. We have judges from Malindi and Busia who convene in Nairobi. So, you find that a judge cannot travel because the SRC, which does not know how the Judiciary operates, has encroached into the mandate of the JSC.

Beyond the law, we have adequately facilitated the SRC, which people think should be a part-time commission. How long should it take to determine and harmonise the pay for various state bodies? In spite of that thinking, as Members of Parliament, we said that it shall never be part-time because the remuneration levels of the various cadres of public servants need to be reviewed constantly. We support this Commission. They will continue to operate full-time. However, they will be restricted to their mandate. We will support them with the budget as required by Article 249 of the Constitution, so that they can perform their role; but we need to urge the commissioners to avoid a situation where there is litigation and hitting at Parliament.

Hon. Speaker, if I may ask, why, for instance, is the salary of a Cabinet Secretary bigger than that of a Member of Parliament? If you look at the Constitution, for the Judiciary, there is a statement to the effect that the remuneration of judges shall not be changed to their detriment. The remuneration of commissioners of the commissions created in Chapter 15 of the Constitution cannot be changed to their detriment. However, we do not have a similar

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provision for Parliament. That should not be seen as authority for SRC to make the remuneration of Members of Parliament, or State Officers serving in Parliament, a ping-pong. We are being embarrassed. Every time we have an election, you find a new remuneration structure in place once you are re-elected back to Parliament. You sat in the 10<sup>th</sup> Parliament, Hon. Speaker. You remember that the pay for a Member of Parliament was about Ksh1.2 million, and it was not subject to taxation. It was reduced to Ksh630,000 in the 11<sup>th</sup> Parliament. It was reduced further to Ksh510,000 in the 12<sup>th</sup> Parliament, and we went to court. When it was pegged at Ksh510,000 against all public servants and employees of Government, only Members of Parliament were told that they would not have annual increment. In spite of this being in law, we need harmony because the Salaries and Remuneration Commission Act, and the Constitution, still say that the SRC will harmonise salaries.

Hon. Speaker, you are the head of this institution, and the third in command in the State. You are a Member of Parliament. Why do we have a job evaluation by SRC that puts Members of Parliament at cadre 43, thus causing us to earn less than principal secretaries and cabinet secretaries? How do we oversee them? We sit here and approve their appointment but they earn more than we do. I am telling the incoming members of the Commission that I signify my approval. I will vote for their approval. However, let us go back to work. Let them not just sit there. They should remember that we put them as full-time commissioners so that these things can be harmonised. We need a peaceful relationship. As the President said, it is not necessary for a commission to sue another commission. Let such cases be withdrawn so that we can sit and work together towards safeguarding the constitutional mandates of the various parties.

I thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Muchangi Karemba.

**Hon. Muchangi Karemba** (Runyenjes, UDA): Thank you, Hon. Speaker. I would like to thank the Hon. Members who have contributed to this Motion. I will start with the Hon. Members of the Committee who sat through the entire vetting process and confirmed that the nominees are, indeed, fit to serve in this commission. However, the message is very clear to the incoming commissioners. Their job is very clear. It is not to target politicians only. There is an enormous responsibility ahead of them of checking the wage bill and focusing on the productivity in the entire public service, so that we can have a country where even those who do not earn as much feel that, indeed, they are considered.

While I agree with the Hon. Members who shared or expressed how sometimes it is challenging when their constituents ask for this and that, from burials to birthdays and weddings, this is not sustainable. Maybe, this is a culture we need to change in this country. How much money is enough to give out to our constituents? It can never be enough. We need to change the culture and also empower our people so that they can get their income and service themselves and even sort out their challenges, instead of thinking that, perhaps, it is our responsibility to sort out their problems. Going forward, maybe as leaders in this country, we need to invest more in developing our country and expanding our economy, so that it can serve all of us.

With those remarks, I beg to reply.

**Hon. Speaker:** Order, Hon. Members. Take your seats. Hon. Ferdinand, take the nearest seat.

Hon. Members, I will now put the Question on Order No.9. There is quorum in the House.

*(Question put and agreed to)*

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Next Order.

## COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

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

### IN THE COMMITTEE

*[The Temporary Chairlady (Hon. Martha Wangari) in the Chair]*

THE STARTUP BILL  
(Senate Bill No.14 of 2022)

*(Resumption of consideration interrupted on 5.12.2024 – Afternoon Sitting)*

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Members, we are now in the Committee of the whole House to consider the Startup Bill (Senate Bill No.14 of 2022). We had done up to Clause 27. We are resuming from Clause 28.

*(Clauses 28 and 29 agreed to)*

*Clause 30*

**The Temporary Chairlady** (Hon. Martha Wangari): There is a proposed amendment by the Chairperson of the Departmental Committee on Trade, Industry and Co-operatives. Vice Chairlady, Hon. Marianne Kitany.

**Hon. Marianne Kitany** (Aldai, UDA): Hon. Temporary Chairlady, I beg to move:  
THAT, Clause 30 of the Bill be amended by deleting sub-clause (2).

The justification for the proposed amendment is to accommodate the aspects of intellectual property in the proposed New Clause 30A.

*(Loud consultations)*

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Members, the consultations are too loud.

*(Hon. Rahim Dawood, Hon. Daniel Karitho and  
Hon. John Paul Mwirigi consulted loudly)*

Hon. Rahim Dawood, Hon. Daniel Karitho and Hon. John Paul, kindly, break the *kamukunji*. For those who are making their way out, kindly do so quietly. Hon. Mwangi Kiunjuri, please, break the *kamukunji*. We need to hear each other.

*(Question of the amendment proposed)*

If you intend to speak on this amendment, kindly, use the intervention button. Hon. Irene Mayaka.

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**Hon. Irene Mayaka** (Nominated, ODM): Thank you, Hon. Temporary Chairlady. I want to support this particular amendment because it seeks to enrich Clause 30. Furthermore, we have not had an opportunity to have a law that puts in place specific regulations that support copyright. This particular amendment does just that. Additionally, it provides financial support mechanisms for startups.

For those reasons, I support the amendment.

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

*(Clause 30 as amended agreed to)*

#### Clause 31

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Marianne Kitany.

**Hon. Marianne Kitany** (Aldai, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, the Bill be amended by deleting Clause 31.

The justification is that the proposed amendment to be deleted is already covered under Clause 27A.

Thank you.

**The Temporary Chairlady** (Hon. Martha Wangari): Very well.

*(Question of the amendment proposed)*

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

*(Clause 31 deleted)*

*(Clauses 32 and 33 agreed to)*

#### Clause 34

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Kitany.

**Hon. Marianne Kitany** (Aldai, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, the Bill be amended by deleting Clause 34 and substituting therefor the following new sub-clause—

Data protection

34. The personal data concerning a startup, incubator or accelerator, shall be processed only in accordance with the provisions of the Data Protection Act.

The justification is that the proposed amendment seeks to protect personal data of startups.

*(Question of the amendment proposed)*

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Wilberforce Oundo, do you want to speak to this amendment?

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Yes, Hon. Temporary Chairlady.

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*(Hon. TJ Kajwang' and Hon. Rozaah Buyu consulted loudly)*

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. TJ, and Hon. Rozaah Buyu, please, break the *kamukunji* so that we hear the Member for Funyula Constituency.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Thank you. I support the amendment because it pertains to intellectual property. In a country where there is misuse of personal data, such provision will help protect the interests of innovators and everyone else who is involved in this business.

Thank you.

**The Temporary Chairlady** (Hon. Martha Wangari): Very well. Hon. Irene Mayaka.

**Hon. Irene Mayaka** (Nominated, ODM): Thank you. I also support this particular amendment because we live in a world heavily influenced by social media and the misuse of personal data. This provision will help to ensure that we are in line with the Data Protection Act, which is something we should encourage as a House. It is important that all laws that are dealing with people's data, intellectual property and innovation are in accordance with the provisions of the Data Protection Act.

I support.

**The Temporary Chairlady** (Hon. Martha Wangari): Member for Nandi County.

**Hon. Cynthia Muge** (Nandi County, UDA): Thank you, Hon. Temporary Chairlady. My comments on this particular amendment have already been captured by the Members who have spoken before me. This is a very important aspect that caught my attention because the issue of data protection is very important for intellectual property matters. We have had numerous cases involving content creators and others facing issues with their content being copyrighted. I think this amendment is very progressive.

I support it.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Robert Gichimu.

*(Hon. Alice Ng'ang'a stood along the gangways)*

Member for Thika Town, you are out of order. Do not obstruct the Chair.

**Hon. Gichimu Githinji** (Gichugu, UDA): Thank you. As I support this, I abide myself with the sentiments that have been...

**The Temporary Chairlady** (Hon. Martha Wangari): Order, Hon. Members.

*(Hon. Alice Ng'ang'a stood along the gangways)*

Member for Thika Town, Hon. Alice Ng'ang'a, you cannot stand between the Speaker and the Member speaking.

Hon. Robert Gichimu, continue.

**Hon. Gichimu Githinji** (Gichugu, UDA): I support the proposed amendment and agree with what the Members have said. One of the reasons as to why I support this amendment is because the initial clause purported to amend another Act, which is irregular. This provision simply refers to data protection under the Data Protection Act. You cannot seek to amend one Act within another one. Therefore, the deletion was necessary to set the record straight and align this clause with the law.

**The Temporary Chairlady** (Hon. Martha Wangari): Very well. Hon. Beatrice Elachi.

**Hon. Beatrice Elachi** (Dagoretti North, ODM): Thank you, Hon. Temporary Chairlady. I also want to support this amendment knowing very well that when someone is starting a business, one can easily be malicious so as to just mess that business. We have

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many young people who are coming up with start-up businesses. This provision will help them to not only protect their data, but also safeguard their businesses from malicious manipulation through Artificial Intelligence (AI). This House must be very critical in dealing with misuse of technology. We must ensure that one gets consent before using another person's face or anything.

Thank you, Hon. Temporary Chairlady.

**The Temporary Chairlady** (Hon. Martha Wangari): Very well. Hon. Zamzam, do you want to speak to this amendment?

**Hon. Zamzam Mohammed** (Mombasa CWR, ODM): Ahsante sana, Mhe. Mwenyekiti wa Muda. Nataka kusema kwamba, ili tuweze kulinda *data* ya wale wanaofanya biashara kwenye mitandao, ni lazima tuiptishe sheria hii na tuikoleze kabisa. Vijana wetu ambao wanafanya kazi ya *content creation* mara nyingi wanaibiwa na wengine na uhalisia unapotea. Kwa hivyo, itakuwa rahisi kujua nani mwanzilishi wa kitu fulani. Tukifanya hivyo, inakuwa rahisi kumfikia. Wengine wanatumia picha za watu vibaya. Kwa hivyo, itakuwa rahisi kujua ni nani alianzisha kitu fulani ili aweze kunufaika yeye mwenyewe.

Ahsante sana, Mhe. Mwenyekiti wa Muda.

**The Temporary Chairlady** (Hon. Martha Wangari): Thank you very much.

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

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

*(Clause 34 as amended agreed to)*

#### *New Clause 4A*

THAT, the Bill be amended by inserting the following new clause immediately after Clause 4 —

Establishment  
and  
composition of  
the startup  
committee.

4A. (1) The Cabinet Secretary shall establish a multi-agency startup committee that shall comprise of technical persons from the following institutions—

- (a) Kenya National Innovations Agency;
- (b) Kenya Industrial Research and Development Institute;
- (c) Micro Small Enterprises Authority, Kenya Industrial Estates
- (d) Kenya Bureau of Standards;
- (e) Kenya Industrial Property Institute;
- (f) Institutions of Higher Learning, Technical, Vocation and Education Training Institutions; and,
- (g) any other institution or person the Cabinet Secretary may deem necessary for the implementation of this Act.

(2) The committee under subsection (1) shall—

- (a) develop standards and guidelines to regulate the relationship between an incubator and a startup under this Act;
- (b) prescribe a criteria for the evaluation of entities, programmes and structures set up for the purposes of implementing this Act.
- (c) receive, assess, and issue labels to startups;

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- (d) receive, assess, and certify incubators and accelerators;
- (e) create guidelines for incubation programmes run by public agencies;
- (f) issue a framework for the establishment, revamping and operation of accelerators and incubation hubs in every county;
- (g) accredit startups; and,
- (h) advise the Cabinet Secretary on offering of fiscal and non-fiscal incentives.

*(The new clause was read a First Time)*

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Kitany, move the Second Reading of the new clause.

**Hon. Marianne Kitany** (Aldai, UDA): Hon. Temporary Chairlady, I beg to move that the new clause 4A be now read a Second Time.

*(Question, that the new clause be read a Second Time, proposed)*

*(Question, that the new clause be read a Second Time, put and agreed to)*

*(Question, that the new clause be added to the Bill, put and agreed to)*

#### *New Clause 27A*

THAT, the Bill be amended by inserting the following new clauses immediately after Clause 27 —

Incentives for labelled incubators and accelerators.

27A. (1) The Agency shall put in place measures to support incubators and accelerators and shall, for this purpose—

- (a) negotiate for tax concessions on the machinery or any other unique equipment to be used by incubators or accelerators; and,
- (b) offer grants and aid for research, development, training and expansion of projects taking place in the incubators or accelerators.

Incentives for investors.

27B. (1) The Cabinet Secretary, in consultation with the Cabinet Secretary responsible for finance, may put in place measures to provide incentives to investors, including—

- (a) providing for tax relief on investment and from capital gains tax;
- (b) providing tax relief in the event of loss of investment;
- (c) providing tax relief for organizations or companies who have made equity investments in startups;
- (d) providing tax relief for investors who invest in startups that have three-quarters of their staff as local employees; or,
- (e) providing creation of a special visa for foreign direct

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- General requirements on exemptions and deductions.
- investment.
- 27C. (1) A person is eligible for an exemption or a deduction provided for under this Act, if —
- (a) the exemption or deduction has been recommended by Agency and approved by the appropriate government authority;
  - (b) complies with conditions prescribed under subsection (2); and,
  - (c) public resources have been allocated to accommodate the exemption or deduction.

*(The new clause was read a First Time)*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover to move the Second Reading.

**Hon. Marianne Kitany** (Aldai, UDA): Thank you, Hon. Temporary Chairlady. I beg to move that new clause 27A be now read a Second Time.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Marianne, it is good to explain what the new clause is about. Take a moment and explain to Members.

**Hon. Marianne Kitany** (Aldai, UDA): Thank you, Hon. Temporary Chairlady. The new clause seeks to outline the benefits of incubators and accelerators for startup businesses.

*(Question, that the new clause be read a Second Time, proposed)*

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Elachi.

**Hon. Beatrice Elachi** (Dagoretti North, ODM): Thank you, Hon. Temporary Chairlady. We should support this new clause for the sake of our young people. There is a youth program coming up very soon called National Youth Opportunities Towards Advancement (NYOTA). It will be giving incentives. So, I urge young people to apply online once it is rolled out. You do not need to apply through a group because they will give individual support. Please, monitor and apply. This is a fantastic new clause which will enable our young people to start businesses.

Thank you, Hon. Temporary Chairlady.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Mayaka.

**Hon. Irene Mayaka** (Nominated, ODM): Thank you, Hon. Temporary Chairlady. I also want to support this new clause, particularly Clause 27A (1)(a), which is about negotiations for tax concessions. Let me give an example. If you speak to the young people who do photography, they will tell you that the amount of money they spend buying equipment is equivalent to buying a vehicle called Vitz. So, tax concessions will give them a boost. As a House, we need to support the young people who are the majority. We need to encourage them to have their own startups instead of waiting to be employed.

I support the amendment because it will boost startups.

**Hon. Zamzam Mohammed** (Mombasa CWR, ODM): Ahsante sana, Mhe. Mwenyekiti wa Muda. Naomba nami niweze kuunga mkono. Vijana hawana ajira na wakati mwingi wanajitafutia ajira wenyewe. Lakini unapata ushuru unawaathiri sana kwa sababu ya maekezo mengi. Turekebishe jambo hili ili mtu akipata *profit* kiwango fulani ndiyo aweze kutoa ushuru. Lakini kwa wengine ambao bado *profit* yao iko chini, wanaweza kuwa exempted ili waweze kufanya biashara yao bila bughudha na kuinua uchumi wa taifa.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Nyikal.

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**Hon (Dr) James Nyikal** (Seme, ODM): Thank you, Hon. Temporary Chairlady. I rise to support this new clause. This is the most important amendment in the whole Bill. Someone might start something new and as stated in 27A(1)(a), they might want to use unique machinery which is not in the tax schedule. So, they will need to negotiate. Also, as stated in 27A(1)(b), the whole idea of starting something new is doing research. So, a research grant is needed more than a loan.

Thank you, Hon. Temporary Chairlady. I support this amendment.

**The Temporary Chairlady** (Hon. Martha Wangari): I will now put the Question.

*(Question, that the new clause be read  
a Second Time, put and agreed to)*

Before I put the global Question, it is important to note that Hon. KJ had proposed amendments, which will be dropped since he is not in the House.

*(Question, that the new clause be added  
to the Bill, put and agreed to)*

*(New clause 27A by Hon. John Kiarie dropped)*

*(New clause 29A by Hon. John Kiarie dropped)*

#### *New Clause 30A*

THAT, the Bill be amended by inserting the following new clause immediately after Clause 30—

Intellectual  
Property.

30A. (1) The Agency shall collaborate with Kenya Industrial Property Institute to—

- (a) maintain an online platform to facilitate intellectual property registrations, which shall contain relevant information on process, categories of registrable IP and registration requirements;
- (b) provide training in intellectual property requirements to labelled startups;
- (c) simplify registration processes and facilitate assistance for the registration of patents and trademarks at both national and international levels;
- (d) make reasonable efforts to expedite intellectual property registration procedures, particularly for patents and trademarks which require several components;
- (e) design a financial support mechanism for labelled startups to support registration of intellectual property at the national and international level;
- (f) develop model contracts for startups to use in their contractual relations with employees and contractors that detail IP rights and ownership, including for code and application development, and provide access to expert consultations with

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- experienced examiners to ensure compliance with administrative requirements and assist with instituting legal actions for IP infringements and ensure speedy resolution of all IP disputes;
- (g) review and bring in accordance domestic copyright laws to clarify that copyright protects source code and algorithms; and,
- (h) co-operate with other relevant authorities to integrate prohibitions of forced technology transfer in bilateral investment and trade agreements with third parties.

*(The new clause was read a First Time)*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover.

**Hon. Marianne Kitany** (Aldai, UDA): Thank you, Hon. Temporary Chairlady. I beg to move that new clause 30A be now read a Second Time.

The justification is that this amendment aims to safeguard innovations and intellectual property rights of start-ups. Many of them do not get those incentives. So, this will help them to protect their rights.

*(Question, that the new clause be read a Second Time, proposed)*

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Oundo.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): As the Vice-Chairlady of the Committee has pointed out, those innovators need to be protected from copyright breaches. This Bill will ensure that Kenya Industrial Property Institute (KIPI) takes all measures within its powers to ensure that the intellectual property rights of the innovators are protected. This is a challenge to the young people and also old geezers like us who can innovate. So, start-up innovators will be protected by the law.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Mayaka.

**Hon. Irene Mayaka** (Nominated, ODM): Thank you, Hon. Temporary Chairlady. I support this amendment. I want to remind the House of a particular issue between Kenya and Japan, in an attempt to secure the intellectual property rights over the *Kiondo*. I remember the issue was that Japan had said they had the novelty and we wanted to protect our intellectual property right. So, this will help people who come up with innovations. Their intellectual property, including online-based intellectual property rights, will be protected. The other example is ChatGPT. As a person, even with the same intervention, you cannot use the same name because the owners of that platform have intellectual property rights. Therefore, this is a progressive clause and is essential for start-up owners who possess those rights. It gives intellectual property the necessary support as outlined in clause 34 (a) (e).

Hon. Temporary Chairlady, the other important aspect of this particular clause is found in sub-clause (b), which mentions the provision for training on intellectual property requirements. Many start-ups possess valuable intellectual property, but are unaware of the procedures and processes that are necessary to establish legal protections for their innovations.

I support this clause. Thank you.

**The Temporary Chairperson** (Hon. Martha Wangari): Hon. Cynthia Muge.

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**Hon. Cynthia Muge** (Nandi County, UDA): Thank you, Hon. Temporary Chairlady. Looking at the proposed introduction, I must express my satisfaction with this amendment. In a world where the significance of intellectual property is becoming clearer and gaining interest from many, I am particularly pleased with sub-clause (d), which addresses the need to expedite intellectual property registration procedures.

The individuals most likely to use this platform are generally young people who have demonstrated a tendency to be somewhat impatient in the past. The provision in this law that focuses on speeding up property registration is very progressive. I hope it will address the issues of intellectual property and trademarks, for the young people who are willing to invest in this particular sector.

So, I fully support it.

**The Temporary Chairperson** (Hon. Martha Wangari): Hon. Elachi.

**Hon. Beatrice Elachi** (Dagoretti North, ODM): Hon. Temporary Chairlady, this clause will greatly benefit young people. Imagine a respected individual like Elon Musk entering the market with his innovations. At that time, we may be utilising satellite technology instead of fibre optics. Without a clause to protect copyrights, trade secrets, and other valuable assets, young people could face significant plagiarism challenges. Therefore, we support this amendment for the sake of the young people.

Thank you.

**The Temporary Chairperson** (Hon. Martha Wangari): Hon. Zamzam

**Hon. Zamzam Mohammed** (Mombasa County, ODM): Mheshimiwa *Temporary Chairlady*, nami pia naunga marekebisho haya. Kwa mfano, Wamaasai wamekuwa wakitengeneza bidhaa zao halisia hapa Kenya. Hata hivyo, bidhaa hizi hunuliwa na mataifa mengine na kupachikwa *label* zao na kuzirejesha nchini kwa bei ya juu sana. Tukipitisha marekebisho haya, basi ni watu wengi walio na uhalisia wa kutengeneza bidhaa watasaidika kwa kupata mapato yao kama ilivyokadiriwa. Si vyema watu wengine kufaidika kupitia ubunifu wa watu wengine. Wasanii nchini wanadhaliwa. Kwa mfano, katika mataifa mengine, nyimbo huwekwa *copyright* lakini huku kwetu wasanii wanaobuni nyimbo hizo hawafaidiki kwa sababu watu wengine wanachukua nyimbo hizo na kuzimiliki. Kwa hivyo, naunga mkono ili tuweze kuwalinda wasanii wetu kupitia Mswada huu.

**The Temporary Chairperson** (Hon. Martha Wangari): The final person to speak on this is Hon. Gichimu.

**Hon. Gichimu Githinji** (Gichugu, UDA): Hon. Temporary Chairlady. I support this amendment as it obligates the agency to ensure that all start-ups receive training to register their intellectual property. This will help prevent them from being taken advantage of by the bigwigs. For instance, when M-PESA was starting, young people were taken advantage of by the main player, Safaricom. During the COVID-19 period, some young people in Kenya who were making beds for multinationals were also taken advantage of. This amendment will address such issues by making it mandatory for the agency to train those young people and assist them in registering with Kenya Industrial Property Institute (KIPI), so that they can reap the benefits of their innovations.

**The Temporary Chairperson** (Hon. Martha Wangari): Very well. Allow me to put the question.

*(Question, that the new clause be read  
a Second Time, put and agreed to)*

*(Question, that the new clause be  
added to the Bill, put and agreed to)*

*New Part VA*

THAT, the Bill be amended by inserting the following new PART immediately after PART V—

## PART VA- ESTABLISHMENT OF THE STARTUP FUND

Establishment  
of the Startup  
Fund

32A. (1) There is established a fund known as the Cooperative Development Fund, in accordance with the Regulations prescribed by the Cabinet Secretary.

(2) The Cabinet Secretary shall enact regulations to operationalize this section.

Sources of  
the Funds.

32B. The source of the Fund shall consist of—

- (a) such monies as may be appropriated by the National Assembly for the purposes of the Fund;
- (b) such monies as may accrue to the Authority in the performance of its functions under this Act determined in regulations from the National Research Fund;
- (c) any grants, gifts, donations or other endowments given to Kenya National Innovation Agency, Kenya Industrial Estates and other startup ecosystem players including County Governments; and
- (d) such funds as may vest in or accrue to Kenya National Innovation Agency and Kenya Industrial Estates and other startup ecosystem players including County Governments in the performance of its functions under this Act; and
- (e) any funds donated or lent to, or gift made to Kenya National Innovation Agency and Kenya Industrial Estates shall be disclosed to the National Assembly and made public before use.

*(The new part was read a First Time)*

**The Temporary Chairperson** (Hon. Martha Wangari): Mover.

**Hon. Marianne Kitany** (Aldai, UDA): Hon. Temporary Chairlady, I beg to move that the new Part VA be now read a Second Time with amendments on clause 32A. The amendment is to delete the words “co-operatives development” appearing in sub-clause (a) and substitute therefor with the word “start-up.”

The rationale for this amendment is to refer to the fund correctly, which is the Start-up Fund. The justification for this new Part VA is to provide funding for the commercialisation of start-ups.

*(Question, that the new part be read a Second Time, proposed)*

**The Temporary Chairperson** (Hon. Martha Wangari): Member for Funyula.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): This is a progressive amendment, and I would like to thank the Vice-Chair for noticing the typo that talked about "co-operative development fund" instead of "start-up fund." I want to inform the people of Kenya that the funds for this start-up initiative come from both the national Government and the county governments. The key players in this sector are the Kenya National Innovation Agency and

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Kenya Industrial Estates. Therefore, for any funding needs related to this initiative, those are the places to seek financial support.

Thank you.

*(Question, that the new part be read a Second Time, put and agreed to)*

*(Question, that the new part be added to the Bill, put and agreed to)*

*New clause 34A*

THAT, the Bill be amended by inserting the following new clause immediately after Clause 34—

General  
penalty.

**34A.** (1) A person who commits an offence under this Act for which no specific penalty is provided or who otherwise contravenes this Act shall, on conviction, be liable to a fine not exceeding one million shillings or to imprisonment for a term not exceeding five years, or to both.

(2) In addition to any penalty referred to in subsection (1), the Court may order or prohibit the doing of any act to stop a continuing contravention.

*(The new clause was read a First Time)*

**The Temporary Chairperson** (Hon. Martha Wangari): Mover.

**Hon. Marianne Kitany** (Aldai, UDA): Thank you, Hon. Temporary Chairlady, I beg to move that the new Part VA be now read a Second Time.

The justification for this is that this amendment seeks to provide a penal provision to act as a deterrent to falsifying information.

*(Question, that the new clause be read a Second Time, proposed)*

**The Temporary Chairperson** (Hon. Martha Wangari): The Member for Nandi County.

**Hon. Cynthia Muge** (Nandi County, UDA): Hon. Temporary Chairlady, if you refer to clause 34A (2), you will find a commendable provision. This clause not only addresses penalties, but also states that, in addition to any penalty mentioned in subsection 1, the court may order or prohibit the doing of any act to stop a continuing contravention. It is important to note that when cases go to court, individuals sometimes continue to derive benefits from their misconduct while the wheels of justice turn slowly.

Therefore, clause 34A (2) is a progressive measure that can effectively help in prohibiting any ongoing violations. For this reason, I support this amendment.

**The Temporary Chairperson** (Hon. Martha Wangari): Very well. Hon. Mayaka.

**Hon. Irene Mayaka** (Nominated, ODM): Thank you, Hon. Temporary Chairlady. I also support this particular amendment because from the onset, we are trying ensure that we maintain good practices, due process and order. This way, anyone attempting to engage in illegal activities or trying to involve start-ups in businesses or innovations that are not lawful

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will be discouraged from the outset, especially when they understand the potential consequences of their actions.

I, therefore, support this amendment.

**The Temporary Chairperson** (Hon. Martha Wangari): Hon. Mizighi.

**Hon. Mizighi Haika** (Taita Taveta County, UDA): Thank you very much, Hon. Temporary Chairlady for giving me this opportunity, and happy New Year to everyone. I also support this amendment because it serves as a mitigating measure against the often controversial information that complicates the imposition of penalties.

**The Temporary Chairperson** (Hon. Martha Wangari): Hon. (Dr) Nyikal.

**Hon. (Dr) James Nyikal** (Seme, ODM): Hon. Temporary Chairlady, I rise to support this amendment. This is because it is very important as it relates to what we have passed on intellectual property, particularly trade related intellectual property rights. That is where most people lose out because those trade related rights exist, but there is no punishment that goes with them. So, this will go a long way in supporting that aspect.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Zamzam.

**Hon. Zamzam Mohammed** (Mombasa County, ODM): Mhe. Naibu wa Mwenyekiti wa Muda, naunga mkono *New Clause 34A(2)* kwa sababu tunajua kuwa koti zetu huwa zinachukua muda sana kutoa uamuzi. Kwa mfano, pengine kama mtu ameshtaki na bado biashara yake inaathirika wakati anapoongojea matokeo ya koti. Ni afadhali kuwepo sheria kuwa huyo mtu pia asimamishwe kama bado anafuatilia kesi. Kwa hivyo, naunga mkono haya marekebisho.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Gichimu.

**Hon. Gichimu Githinji** (Gichugu, UDA): Hon. Temporary Chairlady, every law should not be made in vain. In proper drafting, every law should have a penalty clause. The initial Bill missed out on that. Therefore, the introduction of the penalty clause in this Bill is very important. Regulations that will follow thereafter will also cross-refer to the penalties. That is why this amendment is very crucial.

Thank you, Hon. Temporary Chairlady.

*(Question, that the new clause be read  
a Second Time, put and agreed to)*

*(Question, that the new clause be added to  
the Bill, put and agreed to)*

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Members, before we proceed to Clause 2, after consultation with the Hon. Chair, I would like us to re-visit New Clause 27A. We will re-do it so that we include New Clauses 27A, 27B and 27C on record.

#### *New Clause 27A*

THAT, the Bill be amended by inserting the following new clauses immediately after Clause 27 —

Incentives for  
labelled  
incubators and  
accelerators.

27A. (1) The Agency shall put in place measures to support incubators and accelerators and shall, for this purpose—

- (a) negotiate for tax concessions on the machinery or any other unique equipment to be used by incubators or accelerators; and
- (b) offer grants and aid for research, development, training, and expansion of projects taking place in the incubators or

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accelerators.

*(The new clause was read a First Time)*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover, move with clarity for Second Reading on the three new clauses.

**Hon. Marianne Kitany** (Aldai, UDA): Thank you, Hon. Temporary Chairlady. I beg to move that the new clause 27A be now read a Second Time.

We had dealt with the justification of New Clause 27A earlier on.

*(Question, that the new clause  
be read a Second Time, proposed)*

*(Question, that the new clause be read  
a Second Time, put and agreed to)*

*(Question, that the new clause be  
added to the Bill, put and agreed to)*

#### *New Clause 27B*

THAT, the Bill be amended by inserting the following new clauses immediately after Clause 27A —

Incentives for  
investors.

**27B.** (1) The Cabinet Secretary, in consultation with the Cabinet secretary responsible for finance, may put in place measures to provide incentives to investors, including—

- (a) providing for tax relief on investment and from capital gains tax;
- (b) providing tax relief in the event of loss of investment;
- (c) providing tax relief for organizations or companies who have made equity investments in startups;
- (d) providing tax relief for investors who invest in startups that have three-quarters of their staff as local employees; or
- (e) providing creation of a special visa for foreign direct investment.

*(The new clause was read a First Time)*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover.

**Hon. Marianne Kitany** (Aldai, UDA): Thank you, Hon. Temporary Chairlady. I beg to move that the new clause 27B be now read a Second Time.

The justification is that the proposed amendment is aimed at attracting more investments for start-ups. Those investments are tax reliefs for start-ups for both the new investor and the organisations that are willing to invest in start-ups.

*(Question, that the new clause  
be read a Second Time, proposed)*

*(Question, that the new clause be read*



*a Second Time, put and agreed to)*

*(Question, that the new clause be added to the Bill, put and agreed to)*

*New Clause 27C*

THAT, the Bill be amended by inserting the following new clauses immediately after Clause 27B —

General requirements on exemptions and deductions.

**27C.** (1) A person is eligible for an exemption or a deduction provide for under this Act, if the exemption or deduction

- (a) the exemption or deduction has been recommended by Agency and approved by the appropriate government authority;
- (b) complies with conditions prescribed under subsection (2); and
- (c) public resources have been allocated to accommodate the exemption or deduction.

*(The new clause was read a First Time)*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover.

**Hon. Marianne Kitany** (Aldai, UDA): Thank you, Hon. Temporary Chairlady. I beg to move that the new clause 27C be now read a Second Time.

The amendment is aimed at enhancing clarity on persons eligible for the exemption that is captured in New Clause 27B.

Thank you, Hon. Temporary Chairlady.

*(Question, that the new clause be read a Second Time, proposed)*

*(Question, that the new clause be read a Second Time, put and agreed to)*

*(Question, that the new clause be added to the Bill, put and agreed to)*

*Clause 2*

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Vice-Chairlady.

**Hon. Marianne Kitany** (Aldai, UDA): Thank you, Hon. Temporary Chairlady. I beg to move:

THAT, Clause 2 of the Bill be amended by —

(a) inserting the following definitions in proper alphabetical sequence—

“accelerator” means a company, partnership, an establishment within an institution of higher learning or a formal or informal sector business association whose principal object is to offer short, time bound, and cohort-based programmes, to support

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the development of start-ups, innovation, and other activities related to the transfer of skills, research, development, and innovation processes and has been labelled as such under this Act;

“commercialization phase” means the start-up process which includes production, marketing, financing and scaling up;

“conception phase” means idea generation, evaluation, requirement analysis, project planning, prototyping, testing, piloting and proof of concept;

Cap. 486. “Estate” means the Kenya Industrial Estates established under the Companies Act;

“incubation programme” means the provision of systematic support to applicants such as access to training, mentorship, and other support services such as the establishment and transformation of enterprises that may be developed by either public or private institutions and executed by an accelerator or incubator;

“investor” means any individual or entity that contributes its resources or technical know-how to the development of start-ups for a reasonable return;

“label” means under this Act is a certificate issued by the Agency to a start-up, incubator, or accelerator upon the fulfilment of the labelling requirements under this Act;

“labelling” means the assigning of a tiered designation to start-ups, and the classification of incubators and accelerators in accordance with this Act;

“start-up” means a registered enterprise legally recognized under the laws of Kenya, which has been in existence for a period of not more than ten years with a strong growth potential, incremental innovation or disruptive business model;

“start-up ecosystem players” means any entity that plays a role

in—

(a) the conceptual phase that includes generation and evaluation of ideas, the process of analysing requirements, planning of projects, prototyping, testing, piloting a proof of concept; and,

(b) the commercialization phase that includes production, marketing, financing and scaling up of ideas and proofs of concept;

“start-up maturity framework” means a model developed by the Agency to assess the technology readiness levels of start-ups, and to assign them tiers for purposes of labelling, financing and graduation”

(b) deleting definition of “Cabinet Secretary” and substituting therefor the following new definition

“Cabinet Secretary” means the Cabinet secretary for the time being responsible for matters relating to micro, small and medium enterprises development; business innovation and incubation and start-ups

(c) deleting the definition of “County Executive Committee Member”;

(d) deleting the definition of “incubator” and substituting therefor the following definition —

“incubator” means a company, partnership, non-governmental organization, an establishment within an institution of higher learning or a formal or informal sector business association whose principal object is to support the birthing and development of start-ups, innovation, and other activities related to the transfer of skills, research, development, and innovation processes, through the offer of dedicated physical or virtual spaces and advisory services and has been labelled as such under this Act;

(e) deleting the definition of “start-up incubator”.

The justification is that the new definitions provide the meaning for various terms that will be used in the Bill. The amendment of the term “Cabinet Secretary” is to clarify that since start-ups are Micro, Small and Medium Enterprises (MSMEs), the law will be implemented by the Cabinet Secretary responsible for the MSMEs.

The deletion of the definition of “County Executive Committee Member” is to align with the proposed amendments in the Bill given that the law will be implemented by the National Government in collaboration with other start-up ecosystem players, including the county governments.

That deletion of the definition “start-up incubator” is for the clean-up of the Bill because it is similar to the definition of ‘incubator’ that is already defined.

Thank you, Hon. Temporary Chairlady.

*(Question of the amendment proposed)*

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Gichimu.

**Hon. Gichimu Githinji** (Gichugu, UDA): Hon. Temporary Chairlady, while considering this Bill, as a Committee, we also found out that there are quite a number of terms that were regularly used in the Bill, but had not been defined. So, this section seeks to define those terms for the better understanding of the Bill.

Thank you, Hon. Temporary Chairlady.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Mayaka.

**Hon. Irene Mayaka** (Nominated, ODM): Thank you, Hon. Temporary Chairlady. I would like to go on record in support of these particular amendments from the Committee as has been proposed. This is because it helps to give context to the particular terms that have been used within the Bill. Additionally, it is for the introduction of the amendments that have been put so that it is in line and complies with the amendments. Therefore, I support the amendments.

Thank you, Hon. Temporary Chairlady.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. (Dr) Nyikal.

**Hon. (Dr) James Nyikal** (Seme, ODM): Hon. Temporary Chairlady, we must support this because without it, the whole Act cannot be implemented. This is because if nothing is defined, people will do whatever they want. We must support this. That it came later is not important, but it will help the Act to be implemented.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Muge.

**Hon. Cynthia Muge** (Nandi County, UDA): Thank you, Hon. Temporary Chairlady. Having taken my time to interact with the Bill when it came to the National Assembly, I would like to appreciate the Committee for doing a lot of technical definitions of most of these terms and making it more comprehensive. When I went through it, I had a lot of

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question marks at the end of each and every definition and I had to underline it. Today, this has captured most of the things that were unclear and will help with a seamless implementation. I support.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Mizighi.

**Hon. Haika Mizighi** (Taita Taveta County, UDA): Thank you, Hon. Temporary Chairlady. I also stand to support because, as I look at this amendment, it will bring clarity on many terms that initially would complicate matters. Therefore, I support the amendment and also congratulate the Committee for the good work.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. (Dr) Oundo.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Thank you, Hon. Temporary Chairlady. I would like to bring to the attention of the country that there could be misconception on the understanding of the term start-up. Under Clause 2, it is clearly defined. Allow me to read to those listening and watching all over the country that start-up means ‘a registered enterprise, legally recognised under the laws of Kenya, which has been in existence for a period of not more than 10 years with a strong growth potential, incremental innovation or disruptive business model. Kenyans must be clear on this. All that we are saying is that we will not treat things normally but abnormally. That is why we are talking about innovation and disruptive business model.

Thank you, Hon. Chairlady.

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

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

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

**The Temporary Chairlady** (Hon. Martha Wangari): The proposed amendment by Hon. John Kiarie is dropped.

*(Proposed amendment by  
Hon. John Kiarie dropped)*

*(Clause 2 as amended agreed to)*

*Long Title*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover, you have a proposed amendment to the Title.

**Hon. Marianne Kitany** (Aldai, UDA): Hon. Temporary Chairlady. I beg to move:

THAT, the Bill be amended by deleting the long title and substituting therefor the following new long title—

“AN ACT of Parliament to provide a framework to support growth and sustainable technological development and transfer, innovative entrepreneurial culture; to create an environment for innovation; to attract talent and capital from Kenya; to recognise and to support start-ups, incubators, accelerators; and for connected purposes”

The justification is to widen the scope of the application of the Act.

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*(Question of the amendment proposed)*

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

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

*(Long Title as amended agreed to)*

*(Clause 1 agreed to)*

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Members, I call upon the Mover to move reporting. Hon. Mayaka.

**Hon. Irene Mayaka** (Nominated, ODM): Hon. Temporary Chairlady, I beg to move that the Committee do report to the House its consideration of the Start-up Bill, (Senate Bill No. 14 of 2022), and its approval thereof with amendments.

I thank you.

*(Question proposed)*

*(Question put and agreed to)*

Hon. Members, we shall proceed to the next Bill, still in the Committee of the whole House, the Persons with Disabilities Bill, (Senate Bill No. 7 of 2023).

THE PERSONS WITH DISABILITIES BILL  
(Senate Bill No. 7 of 2023)

**The Temporary Chairlady** (Hon. Martha Wangari): We shall begin.

*(Clause 3 agreed to)*

*Clause 4*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover, the Chairlady of the Departmental Committee on Social Protection.

**Hon. Alice Ng'ang'a** (Thika Town, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, clause 4 of the Bill be amended—

- (a) in paragraph (a) by deleting the word “welfare” and substituting therefor the word “rights”;
- (b) in paragraph (e) by inserting the words “inclusion and” and immediately after the words “promote the”;
- (c) in paragraph (i) by inserting the words “and compulsory” immediately after the word “free”; and,
- (d) by inserting the following new paragraph immediately after paragraph (p)—

(q) ensure inclusion of persons with disabilities in all mainstream programmes and interventions.

The amendment seeks to obligate the national Government to develop policies on protection and promotion of the rights of persons with disabilities (PWDs). It also seeks to obligate the national Government to promote inclusion and integration of PWDs in schools.

*(Question of the amendment proposed)*

Member for Nandi, is your request on this amendment?

**Hon. Cynthia Muge** (Nandi County, UDA): Yes, Hon. Temporary Chairlady. I especially like the replacement from welfare to rights. We cannot continue treating the quality of PWDs issues as something that can either be done or not. It must be treated as an entitlement to them because they have a right. I, therefore, support the amendment, particularly that part.

**The Temporary Chairlady** (Hon. Martha Wangari): Very well. Member for Mombasa.

**Hon. Zamzam Mohammed** (Mombasa County, ODM): Mhe. Mwenyekiti wa Muda, naunga mkono kwa sababu tukitoa neno welfare na kuweka rights inasisitiza kuwa hii ni haki yao. Lakini tukiiacha welfare, wanatatizika kidogo wakati ambao ni haki yao kupata huduma na kuangaliwa kama Wakenya wengine. Naunga mkono.

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

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

*(Question, that the words to be added be added, put and agreed to)*

*(Clause 4 as amended agreed to)*

*Clause 5*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover.

**Hon. Alice Ng'ang'a** (Thika Town, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, clause 5 of the Bill be amended—

(a) in sub-clause (1)—

- (i) in paragraph (a) by deleting the word “welfare” and substituting therefor the word “rights”;
- (ii) in paragraph (c) by inserting the words “and compulsory” immediately after the word “free”;
- (iii) by inserting the following new paragraph immediately after paragraph (f)—

(g) ensure inclusion of persons with disabilities in all mainstream programs and interventions.

- (b) in sub-clause (2), by inserting the words “responsible for matters relating to persons with disabilities” immediately after the words “committee member” appearing in the opening statement; and,

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(c) in sub-clause (4) by deleting paragraph (a) and substituting therefor the following new paragraph—

(a) a person with disabilities, who reside within the respective county.

The amendments seek to obligate county governments to develop policies on the protection and promotion of the rights of PWDs. Further, the amendments are necessary to align the Bill with Article 58 of the Constitution, which provides that children have a right to free and compulsory basic education that includes pre-primary education.

*(Question of the amendment proposed)*

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

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

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

*(Clause 5 as amended agreed to)*

#### Clause 6

**The Temporary Chairlady** (Hon. Martha Wangari): Mover.

**Hon. Alice Ng'ang'a** (Thika Town, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, clause 6(1) of the Bill be amended by deleting the words “protection, benefit” appearing in paragraph (a) and substitute therefor the words “equal protection, equal benefit”.

The amendment is necessary to align the clause with the provision of Article 2(1) of the Constitution on equality and freedom from discrimination.

*(Question of the amendment proposed)*

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

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

*(Clause 6 as amended agreed to)*

*(Clause 7 agreed to)*

#### Clause 8

**The Temporary Chairlady** (Hon. Martha Wangari): Mover.

**Hon. Alice Ng'ang'a** (Thika Town, UDA): Hon. Temporary Chairlady, I beg to move:

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THAT, clause 8 of the Bill be amended—

- (a) in sub-clause (1) by deleting the words “on free consent” and substituting therefor the words “on free and full consent”; and,
- (b) in sub-clause (2) by deleting the word “sexuality” and substituting therefor the word “sexual”.

The amendment seeks to ensure that the exercise of the right to marry is based on free and full consent of the parties. The amendment also seeks to delete the word ‘sexuality’ and replace it with the word ‘sexual’ to make reference to the correct terminology as employed in other statutes, which is ‘sexual and reproductive health.’

*(Question of the amendment proposed)*

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

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

*(Clause 8 agreed to)*

*(Clauses 9 and 10 agreed to)*

#### *Clause 11*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover.

**Hon. Alice Ng’ang’a** (Thika Town, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, clause 11(1)(f) of the Bill be amended by inserting the word “and inclusive” immediately after the word “quality”.

The amendment seeks to align the Bill with the provision of the Basic Education Act, which recognises the right of every child to access quality and inclusive education.

*(Question of the amendment proposed)*

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

**The Temporary Chairlady** (Hon. Martha Wangari): Before I put the global question, it is important to note that there was a proposed amendment by the Member for Mathare, which will be dropped since he is not in the House to prosecute it.

*(Proposed amendment by  
Hon. Anthony Oluoch dropped)*

*(Clause 11 as amended agreed to)*

*(Clauses 12, 13, 14, 15, 16, 17, 18 and 19 agreed to)*

#### *Clause 20*

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**The Temporary Chairlady** (Hon. Martha Wangari): There was a proposed amendment by the Member for Mathare. It is dropped.

*(Proposed amendment by  
Hon. Anthony Oluoch dropped)*

Hon. Chairlady.

**Hon. Alice Ng'ang'a** (Thika Town, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, clause 20(8) of the Bill be amended by deleting the word “adoptive” appearing in paragraph (b) and substituting therefor the word “adaptive”.

The amendment seeks to make reference to the correct terminology which is ‘adaptive technologies.’ This shall ensure that the Council, in consultation with relevant Government establishments, shall guarantee that learning institutions provide individualised support measures, appropriate equipment, assistive devices and adaptive technology that maximise academic and social development, consistent with the goal of full inclusion of adults with disabilities.

*(Question of the amendment proposed)*

**The Temporary Chairlady** (Hon. Martha Wangari): Member for Nandi.

**Hon. Cynthia Muge** (Nandi County, UDA): Hon. Temporary Chairlady, I have nothing useful to add to this amendment. I want to thank the Committee for saving this Honourable House the embarrassment of having the wrong terminology when it is sort of straight forward. I thank the Committee for noting that.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Elachi.

**Hon. Beatrice Elachi** (Dagoretti North, ODM): Thank you, Hon. Temporary Chairlady.

This is one amendment that I am hoping that even as we do National Government Constituencies Development Fund (NG-CDF), we can look at how to support.

Many of our children, who are in school currently, especially when they are doing exams, find it difficult to get those devices. Let me give you the example of the blind. They find it difficult to get devices that are needed for them to do their exams. Even if it means getting a photocopier. I am hoping that even as we do it here, it will relate and at one point we can support them as NG-CDF, to buy that equipment. I really support this.

**The Temporary Chairlady** (Hon. Martha Wangari): Member for Mombasa County.

**Hon. Zamzam Mohammed** (Mombasa County, ODM): Mhe. Mwenyekiti wa Muda, matamshi yakihitilafiana kidogo yanaweza kubadilisha muongozo wa jambo fulani. Kwa hivyo, ninaipongeza Kamati kwa kulichunguza hilo swala na kulitambua kwa sababu lilikuwa linatoa mwelekeo tofauti katika maswala ya walemavu. Nawapongeza na kuwaunga mkono. Ahsante sana.

**The Temporary Chairlady** (Hon. Martha Wangari): Allow me to put the question.

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

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

*(Clause 20 as amended agreed to)*

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*Clause 21*

**The Temporary Chairlady** (Hon. Martha Wangari):

**Hon. Alice Ng'ang'a** (Thika Town, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 21 of the Bill be amended—

(a) in sub-clause (2), by inserting the words “where an employer has at least twenty employees,” immediately before the word “reserve” in paragraph (a); and,

(b) in sub-clause (5)(e), by deleting the word “solely”.

The amendment seeks to ensure that undue burden is not placed on employers with few staff. In this regard, the requirement that compels employers to reserve at least 5 per cent direct employment opportunities for persons with disabilities to ensure employment shall only apply to all employers who have at least, 20 employees.

*(Question of the amendment proposed)*

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Mayaka.

**Hon. Irene Mayaka** (Nominated, ODM): Thank you, Hon. Temporary Chairlady.

I also want to support this particular amendment. It makes mathematical sense that we start the 5 per cent definition from a number of at least 20 employees. This makes sense that they have included it. Thank you.

**The Temporary Chairlady** (Hon. Martha Wangari): Very well. Hon. Zamzam, are you on this?

**Hon. Zamzam Mohammed** (Mombasa County, ODM): Mhe. Mwenyekiti wa Muda, hadi sasa, kampuni nyingi hazijawapea walemavu kipao mbele wanapoandika wafanyi kazi.

Ningependa kuishukuru Kamati ambayo imepanga kuwa asilimia tano kwa watu ishirini ambao wanaandikwa kazi wawe walemavu. Lakini sio kusema tu wala tusingitize wapewe hizo nafasi. Kufikia sasa, kampuni nyingi hazijawapa walemavu nafasi za kazi, hasa, Mombasa Kaunti, ambapo walemavu wameachwa nje. Wahudumu kwenye kampuni nyingi ni watu wenye usawa kwa maumbile yao. Naipongeza hii Kamati sana.

Ahsante sana.

**The Temporary Chairlady** (Hon. Martha Wangari): Very well. Hon. Elachi.

**Hon. Beatrice Elachi** (Dagoretti North, ODM): Hon. Temporary Chairlady, this is one part that we have really misused even as political parties. Even when you look at our county assemblies, we have made it as a joke. I am hoping the 20 is not just about employment, but everywhere to ensure that inclusivity is done. We try our best in the National Government Affirmative Action Fund (NGAAF) and NG-CDF to ensure that we have persons with special needs. In all those other sectors, even in the appointments of the President, you will find the same challenge. I am hoping the principal secretaries who are going to be employed after they are interviewed would ensure this happens. It has to happen with us now. If they have not shortlisted many of them, they should start so that we can get serious with the persons living with disability.

As I support this, the other challenge we face is that, be it by accident or anything, we take advantage of people who were born with such challenges. When you get involved in an accident, you get into the same challenge. We have to look at all of them. At that time, you would also have the same challenge. Let us look at all of them. But when you heal, and are able to move, pray to God that you go and become the right person, as God has healed you.

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One thing that we need to tell them is that it is time persons with disability need to have the disability council's card without questions or all this. It has to start from there as we move. Thank you, Hon. Temporary Chairlady.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Members, allow me to put the question.

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

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

*(Clause 21 as amended agreed to)*

*(Clauses 22, 23 and 24 agreed to)*

#### Clause 25

**The Temporary Chairlady** (Hon. Martha Wangari): Mover.

**Hon. Alice Ng'ang'a** (Thika Town, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 25(e) of the Bill be amended by inserting the words "putting in place mechanisms for" immediately before the words "prompt attendance".

The amendment create clarity as to processes and structures for delivering health services to persons with disability and compels national and county government to put into place mechanism that shall ensure prompt attendance by medical personnel to persons with disability.

*(Question of the amendment proposed)*

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

*(Clause 25 as amended agreed to)*

#### Clause 26

**The Temporary Chairlady** (Hon. Martha Wangari):

**Hon. Alice Ng'ang'a** (Thika Town, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 26 of the Bill be amended –

(a) by deleting sub-clause (1) and substituting therefor the following new sub-clause –

(1) Every person with disability has the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas, and the right to access information on an equal basis with others, in a timely manner and without additional cost";

- (b) in sub-clause (2), by inserting the words “forms of” immediately after the words “and other”;
- (c) in sub-clause (7), by deleting the words "Media Council of Kenya" and substituting therefor the words "Communication Authority of Kenya in consultation with the Council”;
- (d) in sub-clause (8), by deleting the words “sub-titles” and substituting therefor the words “closed captioning”; and,
- (e) in sub-clause (10), by inserting the words “and private” immediately after the word “public”.

The amendments create clarity on the right of access to information and communication technology services by persons with disability. Additionally, the amendment obligates the Communication Authority of Kenya, which is the regulator, to develop regulations of maintenance of low levels of risk to persons who have photo-sensitive epilepsy by television broadcasters.

*(Question of the amendment proposed)*

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

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

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

*(Clause 26 as amended agreed to)*

*(Clause 27 agreed to)*

#### Clause 28

**The Temporary Chairlady** (Hon. Martha Wangari): Mover.

**Hon. Alice Ng’ang’a** (Thika Town, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 28(2) of the Bill be amended by deleting the word “Kenya” appearing in paragraph (b) and substituting therefor the word “Kenyan”.

The amendment aligns Clause 28 of the Bill with Article 7 of the Constitution which recognises the use of Kenyan sign language.

*(Question of the amendment proposed)*

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Pareyio, are you on this one?

*(Hon. Agnes Mantaine spoke off the record)*

If not, let me put the question.

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

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

*(Clause 28 as amended agreed to)*

#### Clause 29

**The Temporary Chairlady** (Hon. Martha Wangari): Mover.

**Hon. Alice Ng'ang'a** (Thika Town, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 29(4) of the Bill be amended by deleting the word “Kenya” and substituting therefor the word “Kenyan”.

The amendment aligns Clause 29 of the Bill with Article 7 of the Constitution, which recognises the use of the Kenyan sign language.

*(Question of the amendment proposed)*

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

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

*(Clause 29 as amended agreed to)*

*(Clauses 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43 and 44 agreed to)*

#### Clause 45

**Hon. Alice Ng'ang'a** (Thika Town, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 45(4) of the Bill be amended by deleting the word “five” and substituting therefor the word “three”.

The amendment seeks to align the term of the Office of the Executive Director of the Council with the Mwongozo Guidelines for all State corporations, which is a term of three years renewable once.

*(Question of the amendment proposed)*

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

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

*(Clause 45 as amended agreed to)*

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*(Clauses 46, 47, 48 and 49 agreed to)*

*Clause 50*

**Hon. Alice Ng'ang'a** (Thika Town, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 50 of the Bill be amended—

(a) in sub-clause (1), by inserting the words “upon request by a member of the public or” immediately before the words “where it considers” appearing in paragraph (a);

(b) in sub-clause (3), by inserting the words “or a member of the public” immediately after the words “regulatory body”.

The Bill currently provides that the Council may conduct an inquiry or sectoral investigation where it considers it necessary or desirable for the purpose of carrying out its functions upon receiving a direction from the Cabinet Secretary in writing or at the request of a regulatory body.

*(Question of the amendment proposed)*

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

*(Clause 50 as amended agreed to)*

*(Clauses 51, 52, 53, 54 and 55 agreed to)*

*Clause 56*

**Hon. Alice Ng'ang'a** (Thika Town, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 56 of the Bill be amended—

(a) in sub-clause (1), by deleting the expression “Kshs150,000/=” and substituting therefor the words “of such amount as may be prescribed by the Cabinet Secretary”; and,

(b) in sub-clause (2), by deleting the expression “Kshs10,000/=” and substituting therefor the words “such amount as may be prescribed by the Cabinet Secretary”.

Clause 56 provides for exemption from Income Tax and provision of social assistance to parents or guardians of children with severe disabilities to allow for flexibility and variation for increase of the amount of money that such parents or guardians may be entitled to. The Clause should also not specify the amount.

*(Question of the amendment proposed)*

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

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

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*(Clause 56 as amended agreed to)*

*(Clauses 57, 58, 59, 60 and 61 agreed to)*

*Clause 62*

**Hon. Alice Ng'ang'a** (Thika Town, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 62 of the Bill be amended by deleting the words “one million” and substituting therefor the words “two million”.

The proposed amendment seeks to enhance the penalty imposed against the offence of abuse of persons with disabilities.

*(Question of the amendment proposed)*

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

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

*(Clause 62 as amended agreed to)*

*(Clause 62 agreed to)*

*Clause 63*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover.

**Hon. Alice Ng'ang'a** (Thika Town, UDA): Hon. Temporary Chairperson, I beg to move:

THAT, clause 63 of the Bill be amended—

(a) by renumbering the existing clause as sub-clause (1);

(b) by inserting the following new sub-clause immediately after sub-clause (1)—

“(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding one million shillings or to imprisonment for a term not exceeding one year or to both”.

The justification is that the proposed amendment seeks to create a penalty for the offence of concealment of a person with disability.

*(Question of the amendment proposed)*

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

*(Clause 63 as amended agreed to)*

*(Clause 64 agreed to)*

*Clause 65*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover.

**Hon. Alice Ng'ang'a** (Thika Town, UDA): Hon. Temporary Chairperson, I beg to move:

THAT, clause 65 of the Bill be amended by deleting the words “two hundred thousand shillings” and substituting therefore the words “two million shillings”.

The justification is that the proposed amendment seeks to enhance the penalty for the offence of denying persons with disabilities food and fluids.

*(Question of the amendment proposed)*

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

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

*(Clause 65 as amended agreed to)*

*Clause 66*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover.

**Hon. Alice Ng'ang'a** (Thika Town, UDA): Hon. Temporary Chairperson, I beg to move:

THAT, clause 66 of the Bill be amended by deleting the words “two hundred thousand shillings” and substituting therefore the words “one million shillings”.

The justification is that the proposed amendment seeks to enhance the penalty for the offence of degrading the treatment of persons with disabilities.

*(Question of the amendment proposed)*

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

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

*(Clause 66 as amended agreed to)*

*(Clauses 67, 68, 69, 70 and 71 agreed to)*

*Clause 72*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover.

**Hon. Alice Ng'ang'a** (Thika Town, UDA): Hon. Temporary Chairperson, I beg to move:

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THAT, clause 72 of the Bill be amended by inserting the following new paragraph immediately after paragraph (b)—

“(c) ensuring that bus-stops are barrier-free”.

The justification is that the proposed amendment seeks to ensure access by persons with disabilities of public transport, by obligating the national and county governments to make public roads and highways under their respective mandates accessible to persons with disabilities and ensuring that bus stops are barrier free.

*(Question of the amendment proposed)*

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

*(Clause 72 as amended agreed to)*

#### *Clause 74*

**The Temporary Chairlady** (Hon. Martha Wangari): Mover.

**Hon. Alice Ng’ang’a** (Thika Town, UDA): Hon. Temporary Chairperson, I beg to move:

THAT, clause 74 of the Bill be amended—

(a) in sub-clause (1) by deleting the word “alone” appearing in the opening statement; and,

(b) in sub-clause (2) by deleting the word “alone”

The justification is that clause 74 of the Bill provides that no person shall, on the ground of disability alone, deny a person with disability admission to into any premises which members of the public are ordinarily admitted. The use of the word “alone” in Clause 74 of the Bill implies that, where there exists another ground, a person with disability may be discriminated hence the proposal to delete the word.

*(Question of the amendment proposed)*

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

*(Clause 74 as amended agreed to)*

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Members, allow me to go back to Clause 73 before we proceed to the next one. It has no amendment.

*(Clause 73 agreed to)*

*(Clauses 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85 and 86 agreed to)*

#### *New Clause 36A*

**Hon. Alice Ng’ang’a** (Thika Town, UDA): Hon. Temporary Chairperson, I beg to move:

THAT, the Bill be amended by inserting the following new clause immediately after Clause 36:

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Headquarters and other offices of the Council.

36A. (1) The headquarters of the Council shall be in Nairobi.

(2) The Council shall establish other offices and decentralize its services to such other parts of the country as it considers necessary, in accordance with Article 6(3) of the Constitution.

*(The new clause was read a First Time)*

**The Temporary Chairperson** (Hon. Martha Wangari): Mover.

**Hon. Alice Ng'ang'a** (Thika Town, UDA): Hon. Temporary Chairperson, I beg to move that the New Clause 36A be now read a Second Time.

*(Question, that the new clause be read a Second Time, proposed)*

*(Question, that the new clause be read a Second Time, put and agreed to)*

*(Question, that the new clause be added to the Bill, put and agreed to)*

*New Clause 66A*

**Hon. Alice Ng'ang'a** (Thika Town, UDA): Hon. Temporary Chairperson, I beg to move:

THAT, the Bill be amended by inserting the following new clause immediately after Clause 66—

Begging and receiving alms.

66A. A person who causes, procures, encourages or solicits a child or an adult with disabilities to engage in begging or receiving alms commits an offence and shall be liable, on conviction, to a fine not exceeding two million shillings or imprisonment for a term not exceeding two years, or to both.

*(The new clause was read a First Time)*

**The Temporary Chairperson** (Hon. Martha Wangari): Mover.

**Hon. Alice Ng'ang'a** (Thika Town, UDA): Hon. Temporary Chairperson, I beg to move that the New Clause 66A be now read a Second Time.

*(Question, that the new clause be read a Second Time, proposed)*

*(Hon. Zamzam Mohammed spoke off the record)*

**The Temporary Chairperson** (Hon. Martha Wangari): Hold on. Hon. Zamzam.

**Hon. Zamzam Mohammed** (Mombasa County, ODM): Mhe. Mwenyekiti wa Muda, kwanza ningependa kurekebisha matamshi yangu ya mwanzo kuhusu *Clause 21*. Badala niseme mlemavu mmoja kwa kila waajiriwa ishirini, nilisema walemavu watano waajiriwe kwa kila watu ishirini. Kwa hivyo, mlemavu mmoja apewe nafasi kwa kila waajiriwa ishirini.

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Kisha, kuhusu *Clause 66A*, watu wengi sana wanatumia watoto walemavu kuombaomba mabarabarani. Wanawanyanyasa na kuwanyima haki zao. Napigia *Clause 66A* upoto na kuiunga mkono. Ahsante sana.

*(Question, that the new clause be read a Second Time, put and agreed to)*

*(Question, that the new clause be added to the Bill, put and agreed to)*

*New Clause 73A*

**Hon. Alice Ng'ang'a** (Thika Town, UDA): Hon. Temporary Chairperson, I beg to move:

THAT, the Bill be amended by inserting the following new clause immediately after *Clause 73*—

Housing. 73A. Every Government agency putting up residential and commercial buildings shall reserve at least five percent of the said residential and commercial buildings for acquisition by persons with disabilities and the terms and conditions of such acquisition to persons with disabilities shall include interest-free and longer periods of repayment.

*(The new clause was read a First Time)*

**The Temporary Chairperson** (Hon. Martha Wangari): Mover.

**Hon. Alice Ng'ang'a** (Thika Town, UDA): Hon. Temporary Chairperson, I beg to move that the New Clause 73A be now read a Second Time.

*(Question, that the new clause be read a Second Time, proposed)*

*(Question, that the new clause be read a Second Time, put and agreed to)*

*(Question, that the new clause be added to the Bill, put and agreed to)*

*(First Schedule agreed to)*

*(Second Schedule agreed to)*

*Clause 2*

**The Temporary Chairlady** (Hon. Martha Wangari): There is a proposed amendment by the Member for Mathare North, which will be dropped. So, we will prosecute it as if it has no amendment.

*(Proposed amendment by Hon. Anthony Aluoch dropped)*

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*(Clause 2 agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

I will, therefore, call upon the Mover to move reporting.

**Hon. Alice Ng'ang'a** (Thika Town, UDA): Hon. Temporary Chairlady, I beg to move that the Committee do report to the House its consideration of the Persons with Disabilities Bill, (Senate Bill No. 7 of 2023), and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

IN THE HOUSE

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

### MOTION

#### CONSIDERATION OF REPORT ON THE PERSONS WITH DISABILITIES BILL

**Hon. Deputy Speaker:** Hon. Chairperson, you may move the reporting.

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Deputy Speaker, I beg to report that the Committee of the Whole House has considered the Persons with Disabilities Bill, (Senate Bill No. 7 of 2023), and approved the same with amendments.

**Hon. Deputy Speaker:** Mover of the Bill.

**Hon. Irene Mayaka** (Nominated, ODM): Hon. Deputy Speaker, I beg to move that the House do agree with the Committee in the said report, and I request Hon. Zamzam to second the Motion for agreement with the Report of the Committee of the Whole House.

**Hon. Deputy Speaker:** We have an error. We may have to restart that. We should be on the Start-up Bill, not the Persons with Disabilities Bill. I ask the Chairperson to take it again.

#### CONSIDERATION OF REPORT ON THE START-UP BILL

**The Temporary Chairlady** (Hon. Martha Wangari): Hon. Deputy Speaker, I beg to report that the Committee of the Whole House has considered the Start-up Bill, (Senate Bill No. 14 of 2022), and approved the same with amendments.

**Hon. Deputy Speaker:** The Mover may now proceed to move.

**Hon. Irene Mayaka** (Nominated, ODM): Hon. Deputy Speaker, I beg to move that the House do agree with the Committee in the said report. I also request Hon. Zamzam to second the Motion for agreement with the Report of the Committee of the whole House.

**Hon. Zamzam Mohammed** (Mombasa County, ODM): Mhe. Naibu Spika, naomba kuafiki.

Naunga mkono Mswada huu vile tumeurekebisha. Naunga mkono Mswada huu ili uweze kufanya kazi.

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Ahsante sana Mhe. Spika.

*(Question proposed)*

**Hon. Deputy Speaker:** Mover.

**Hon. Marianne Kitany** (Aldai, UDA): Hon. Deputy Speaker, I beg to move that the Motion for agreement with the Report of the Committee of the whole House be amended by inserting the words ‘subject to recommittal of Clause 9’.

I request Hon. Irene Mayaka to second the Motion.

**Hon. Irene Mayaka** (Nominated, ODM): Hon. Deputy Speaker, I beg to second.

**Hon. Deputy Speaker:** Hon. Members, I will put the Question at a later time.

*(Putting of the Question deferred)*

CONSIDERATION OF REPORT ON THE PERSONS WITH DISABILITIES BILL  
(Senate Bill No.7 of 2023)

**Hon. Martha Wangari** (Gilgil, UDA): Hon. Deputy Speaker, I beg to report that the Committee of the whole House has considered the Persons with Disabilities Bill, (Senate Bill No.7 of 2023), and approved the same with amendments.

**Hon. Deputy Speaker:** The Mover.

**Hon. Alice Ng’ang’a** (Thika Town, UDA): Hon. Deputy Speaker, I beg to move that this House do agree with the Committee of the whole House on its consideration of the Persons with Disabilities Bill, (Senate Bill No.7 of 2023).

I also request Hon. Nyikal to second the Motion.

**Hon. (Dr) James Nyikal** (Seme, ODM): Hon. Deputy Speaker, I beg to second.

*(Question proposed)*

**Hon. Deputy Speaker:** Hon. Members, we shall put the Question at a later time.

*(Putting of the Question deferred)*

**ADJOURNMENT**

**Hon. Deputy Speaker:** Hon. Members, the time being 12.53 p.m., the House stands adjourned until Thursday, 16<sup>th</sup> January 2025 at 2.30 p.m.

The House rose at 12.53 p.m.

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