



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – THIRD SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, JANUARY 16, 2025 AT 9.30AM (SPECIAL SITTING)

1. The House assembled at Ten O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – The Honourable Speaker
4. **QUORUM AT COMMENCEMENT OF THE HOUSE**
There being no Quorum present at the commencement of the House, the Speaker ordered the Quorum Bell to be rung for ten minutes;

And, Quorum having been attained within the ten minutes, business commenced.
5. **COMMUNICATION FROM THE CHAIR**
The Speaker issued the following Communication: -

Convocation of Special Sittings of the National Assembly on Thursday, 16th January 2025

“Honourable Members, 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 6th 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 3rd January 2025, I received a request from the Leader of the Majority Party that I appoint today, **Thursday, 16th January 2025** as a day for Special Sittings of the National Assembly.

Honourable 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 am for the Morning Sitting, and at 2.30 pm for the Afternoon Sitting vide Kenya Gazette Notice No. 110 of 10th January 2025.

Honourable 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 8th January 2025. **In this regard, the Sittings of the House for this morning and afternoon are properly convened.**

As we commence the Sittings, permit me **Hon. Members**, on my own behalf and on behalf of my brother, **the Hon. Tim Wanyonyi, MP**; 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 for our *Mama* in **Mukhweya Village, Kabuchai Constituency, Bungoma County** on 3rd 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.**

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!"

6. MESSAGES

The Speaker conveyed the following Message -

Nomination of Persons for Appointment to various Offices

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

- (a) **Hon. Mutahi Kagwe** for appointment as the Cabinet Secretary for Agriculture and Livestock Development;

- (b) **Hon. Lee Kinyanjui** for appointment as the Cabinet Secretary for Investments, Trade and Industry; and
- (c) **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.”

Honourable Members, in the **Second Message**, H.E. 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—

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

In the **Third Message**, **Honourable Members**, H.E. 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—

- (a) **Mrs. Mary Wanjira Kimonye, CBS** as the Vice Chairperson of the Public Service Commission; and
- (b) The following as members of the Public Service Commission—
- (i) **Mr. Harun Maalim Hassan, EBS (PWD)**;
 - (ii) **Ms. Mwanamaka Amani Mabruki, CBS**;
 - (iii) **Mr. Francis Meja**;
 - (iv) **Dr. Irene Cherotich Asienga, OGW**;
 - (v) **Mr. Boya Molu, EBS**;
 - (vi) **Ms. Joan Andisi Machayo, OGW**; and
 - (vii) **Dr. Francis Otieno Owino, CBS**.

Honourable Members, H.E. 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, **Honourable Members**, vide Notification No. 7 of 2024 dated 20th December 2024, I transmitted the Messages from the H.E. the 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—

S/No.	Nomination	Committee
1.	Cabinet Secretaries	Committee on Appointments
2.	High Commissioner, Ambassador, Permanent Representative and Consul- General	Departmental Committee on Defence, Intelligence and Foreign Relations
3.	Vice Chairperson & Members of the Public Service Commission	Departmental Committee on Labour

Honourable Members, 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 close of business on 15th January 2025.

Honourable Members, 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. **I thank you!”**

7. PAPERS

The following Papers were laid on the Table of the House –

- (a) Legal Notice No. 187 of 2024 and the Explanatory Memorandum relating to the Prevention of Terrorism (Implementation of the United Nations Security Council Resolutions on Suppression and Disruption of Proliferation Financing) (Amendment) Regulations, 2024;
- (b) Legal Notice No. 188 of 2024 and the Explanatory Memorandum relating to the Prevention of Terrorism (Implementation of the United Nations Security Council Resolutions on Suppression of Terrorism) Regulations, 2024; and
- (c) Recommendations concerning the fourth basis for Revenue sharing among County Governments for financial years 2025/26 – 2029/30 from the Commission on Revenue Allocation.

(Deputy Majority Party Whip)

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

(Chairperson, Departmental Committee on Labour)

- (e) Fourth Report of the Committee on appointments on the vetting of persons for appointment as Cabinet Secretaries.

(Hon. Kimani Ichungwah - Member, Select Committee on Appointments)

- (f) 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.

(Chairperson, Departmental Committee on Defence, Intelligence and Foreign Relations)

8. NOTICES OF MOTION

The following Notices of Motion were given –

(a) Vetting of Nominees for Appointment as Vice-Chairperson and Members of the Public Service Commission

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 as Members of the Public Service Commission, *laid on the Table of the House on Thursday, 16th 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 –

- | | | |
|--------|---|---------------------|
| (i) | Mrs. Mary Wanjira Kimonye, CBS | - Vice-Chairperson; |
| (ii) | Mr. Harun Maalim Hassan | - Member; |
| (iii) | Ms. Mwanamaka Amani Mabruki, CBS | - Member; |
| (iv) | Mr. Francis Meja | - Member; |
| (v) | Dr. Irene Cherotich Asiega | - Member; |
| (vi) | Mr. Boya Molu, EBS | - Member; |
| (vii) | Ms. Joan Andisi Machayo | - Member; and |
| (viii) | Dr. Francis Otieno Owino, CBS | - Member. |

(Chairperson, Departmental Committee on Labour)

(b) Approval Hearings of Nominees for appointment as Cabinet Secretaries

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

	<u>Nominee</u>	<u>Ministry</u>
(i)	Hon. Mutahi Kagwe, EGH	Agriculture & Livestock Development;
(ii)	Hon. William Kabogo	Information, Communications & the Digital Economy
(iii)	Hon. Lee Kinyanjui	Investments, Trade & Industry

(Hon. Kimani Ichungwah - Member, Select Committee on Appointments)

(c) Vetting of Nominees for Appointment as Ambassador, Permanent Representative and Consul-General

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, 16th 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—

	<u>Nominee</u>	<u>Station</u>
(i)	Dr. Andrew Karanja	Ambassador, Brasilia, Brazil;
(ii)	Hon. Ababu Namwamba, EGH	Permanent Representative of Kenya to the United Nations Environment Programme (UNEP)/United Nations office at Nairobi (UNON); and
(iii)	Mr. Noor Yarow Gabow, CBS	Consul-General, Port-au-Prince, Haiti.

(Chairperson, Departmental Committee on Defence, Intelligence and Foreign Relations)

9. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE STARTUP BILL (SENATE BILL NO. 14 OF 2022)

Motion made and Question proposed—

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

(Hon. Irene Mayaka– Co-Sponsor)

There being no debate arising;

Question put and agreed to.

10. SPECIAL MOTION – CONSIDERATION OF NOMINEES FOR APPOINTMENT TO THE SALARIES AND REMUNERATION COMMISSION

Motion made and Question proposed—

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—

- (i) **Mr. Sammy Chepkwony** - Chairperson;
- (ii) **Maj. Gen. (Rtd) Martin Kizito Ong’onyi, CBS** – Member, nominated by the Defence Council;
- (iii) **Mr. Mohamed Aden Abdi** – Member, nominated by the Senate on behalf of County Governments;
- (iv) **Ms. Jane Gatakaa Njage** – Member, nominated by the Teachers Service Commission;
- (v) **Dr. Gilda Odera** – Member, nominated by an umbrella body representing employers;
- (vi) **Dr. Geoffrey Apollo Omondi** – Member, nominated by an umbrella body representing trade unions; and
- (vii) **Mr. Leonid Ashindu** – Member, nominated by a joint forum of professional bodies.

(Chairperson, Departmental Committee on Labour)

Debate arising;

Mover replied;

Question put and agreed to.

11. COMMITTEE OF THE WHOLE HOUSE

Order for the Committee read;

IN THE COMMITTEE

The First Chairperson of Committees in the Chair

(i) The Startup Bill (Senate Bill No. 14 of 2022)

Clauses 28 & 29 - agreed to.

Clause 30 - amendment proposed-

THAT, Clause 30 of the Bill be amended by deleting subclause (2).

(Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

Debate arising;

Question of the amendment put and agreed to;

Clause 30 - as amended agreed to.

Clause 31 - amendment proposed-

THAT, the Bill be amended by deleting Clause 31.

(Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

No debate arising;

Question of the amendment put and agreed to;

Clause 31 - deleted.

Clauses 32 & 33 - agreed to.

Clause 34 - amendment proposed-

THAT, Clause 34 of the Bill be amended by deleting Clause 34 and substituting therefor the following new subclause—

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.
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(Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

Debate arising;

Question of the amendment put and agreed to;

Clause 34 - as amended agreed to.

NEW CLAUSES

New Clause 4A proposed-

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.
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- (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;
 - (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.

(Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

Motion made and Question proposed-

THAT, New Clause 4A be now read a Second Time.

(Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

No debate arising;

Question put and agreed to;

Motion made and Question proposed—

THAT, New Clause 4A be part of the Bill.

(Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

No debate arising;

Question put and agreed to;

New Clauses 27A, 27B & 27C proposed—

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 investment.

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.

(Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

Motion made and Question proposed-

THAT, New Clauses 27A, 27B & 27C be now read a Second Time.

(Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

Debate arising;

Question put and agreed to;

Motion made and Question proposed—

THAT, New Clauses 27A, 27B & 27C be part of the Bill.

(Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

No debate arising;

Question put and agreed to.

Further amendment proposed—

New Clause 27A proposed-

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

Funding Program.

27A. The Agency shall—
(a) mobilise funds from the National Treasury and other sources to finance the innovation and startup

- ecosystem by developing appropriate instruments such as matching funding, seed funding, interest free loans and commercialization grants each with corresponding internal guidelines;
- (b) fund startups, incubators, accelerators, technology transfer offices, science and technology parks from the mobilized funds leveraging the innovation ecosystem maturity framework; and
 - (c) develop a framework for internal approvals depending on the funds sought by the startups, incubators, accelerators, technology transfer offices or science and technology parks.

(Hon. John Kiarie)

Proposed amendment dropped in the absence of the Member;

New Clause 29A proposed—

THAT, the Bill be amended by inserting the following new clause immediately after Clause 29 —

Establishment
of Technology
Transfer
Offices.
Cap. 210.

29A. (1) An institution that is established under the Universities Act or under the Technical and Vocational Education and Training Act may establish a technology transfer office.

(2) A technology transfer office shall—

- (a) act as a link between academia and the industry to facilitate commercialization of intellectual property and innovations;
- (b) receive disclosures and analyse the disclosures for any commercial potential and the likely success of such commercialization;
- (c) aid researchers and innovators on the statutory protection of intellectual property;
- (d) facilitate commercialization of intellectual property through, licensing, assignment, and creation of startups, joint ventures, and spinoffs; and
- (e) conduct awareness programmes on commercialization of intellectual property.

(3) The Agency shall develop standards and guidelines for establishing and operationalising a technology transfer office under this section.

(Hon. John Kiarie)

Proposed amendment dropped in the absence of the Member;

New Clause 30A proposed—

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 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) cooperate with other relevant authorities to integrate prohibitions of forced technology transfer in bilateral investment and trade agreements with third parties.

(Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

Motion made and Question proposed-

THAT, New Clause 30A be now read a Second Time.

(Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

No debate arising;
Question put and agreed to;

Motion made and Question proposed—

THAT, New Clause 30A be part of the Bill.

(Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

Debate arising;

Question put and greed to.

New Part VA proposed—

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.

(Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

Amendment to amendment proposed –

THAT, the Bill be further amended in the proposed New Clause 32A by deleting the words “Cooperative Development” appearing in subclause 1 and substituting therefor the word “Startup”

(Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

Debate arising;

Question of the amendment to the amendment put and agreed to;

Motion made and Question proposed—

THAT, New Part VA be now read a Second Time.

(Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

Debate arising;

Question put and agreed to;

Motion made and Question proposed—

THAT, New Part VA be part of the Bill.

(Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

No debate arising;

Question put and agreed to;

New Clause 34A proposed—

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.
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(Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

Motion made and Question proposed-

THAT, New Clause 34A be now read a Second Time.

(Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

No debate arising;

Question put and agreed to;

Motion made and Question proposed—

THAT, New Clause 34A be part of the Bill.

(Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

Debate arising;

Question put and agreed to.

Clause 2 - amendment proposed-

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 the development of startups, 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 startup 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 Startups for a reasonable return;

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

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

“startup” 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;

“startup 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;

“startup maturity framework” means a model developed by the Agency to assess the technology readiness levels of startups, 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 startups

- (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 Startups, 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 “startup incubator”

(Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

Debate arising;

Question of the amendment put and agreed to;

Further amendment proposed –

THAT, the Bill be amended by deleting the definition of the “Registrar” appearing in Clause 2.

(Hon. John Kiarie)

Proposed amendment dropped in the absence of the Member;

Clause 2 - as amended agreed to.

Title - amendment proposed-

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 startups, incubators, accelerators; and for connected purposes”

(Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

Debate arising;

Question of the amendment put and agreed to;

Title - as amended agreed to.

Clause 1 - agreed to.

Bill to be reported with amendments.

(ii) The Persons with Disabilities Bill (Senate Bill No. 7 Of 2023)

Clause 3 - agreed to.

Clause 4 - amendment proposed-

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”;
- (d) by inserting the following new paragraph immediately after paragraph (p)—
“(q) ensure inclusion of persons with disabilities in all mainstream programs and interventions”.

(Chairperson of the Departmental Committee on Social Protection)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 4 - as amended agreed to.

Clause 5 - amendment proposed-

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
- (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;

(Chairperson of the Departmental Committee on Social Protection)

Question of the amendment proposed;

No debate arising;

Question put and agreed to;

Clause 5 - as amended agreed to.

Clause 6 - amendment proposed-

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”.

(Chairperson of the Departmental Committee on Social Protection)

Question of the amendment proposed;

No debate arising;

Question put and agreed to;

Clause 6 - as amended agreed to.

CLAUSE 7 - agreed to.

CLAUSE 8

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”.

(Chairperson of the Departmental Committee on Social Protection)

Question of the amendment proposed;

No Debate arising;

Question put and agreed to;

Clause 8 - as amended agreed to.

CLAUSES 9 & 10 - agreed to.

CLAUSE 11

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

(Chairperson of the Departmental Committee on Social Protection)

Question of the amendment proposed;

No Debate arising;

Question put and agreed to;

Clause 11 - as amended agreed to.

THAT clause 11 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (2)—

“(3) The Cabinet Secretary shall, in consultation with the Council, make regulations to prescribe disabilities in children including any disorder, condition or impairment that affects the intellectual abilities, the behavioral development or the physical development of a child”.

(Hon. Anthony Oluoch, MP)

Amendment dropped.

CLAUSES 12, 13, 14, 15, 16, 17, 18, & 19 - agreed to.

CLAUSE 20

THAT, clause 20(8) of the Bill be amended in paragraph (c), by inserting the following new sub-paragraph immediately after sub-paragraph (i)—

“(ia) the continuous training of special education teachers to ensure appropriate assessment of children with disabilities and the use of techniques that support their learning needs.”

(Hon. Anthony Oluoch, MP)

Amendment dropped.

CLAUSE 20

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

(Chairperson of the Departmental Committee on Social Protection)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 20 - as amended agreed to.

CLAUSE 21

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”.

(Chairperson of the Departmental Committee on Social Protection)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 21 - as amended agreed to.

CLAUSES 22, 23 & 24 - agreed to.

CLAUSE 25

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

(Chairperson of the Departmental Committee on Social Protection)

Question of the amendment proposed;

No Debate arising;

Question put and agreed to;

Clause 25 - as amended agreed to.

CLAUSE 26

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”.

(Chairperson of the Departmental Committee on Social Protection)

Question of the amendment proposed;

No Debate arising;

Question put and agreed to;

Clause 26 - as amended agreed to.

CLAUSE 27 - agreed to.

CLAUSE 28

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

(Chairperson of the Departmental Committee on Social Protection)

Question of the amendment proposed;

No Debate arising;

Question put and agreed to;

Clause 28 - as amended agreed to.

CLAUSE 29

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

(Chairperson of the Departmental Committee on Social Protection)

Question of the amendment proposed;

No Debate arising;

Question 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, & 44 - agreed to.

CLAUSE 45

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

(Chairperson of the Departmental Committee on Social Protection)

Question of the amendment proposed;

No Debate arising;

Question put and agreed to;

Clause 45 - as amended agreed to.

CLAUSES 46, 47, 48, & 49 - agreed to.

CLAUSE 50

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”.

(Chairperson of the Departmental Committee on Social Protection)

Question of the amendment proposed;

No Debate arising;

Question put and agreed to;

Clause 50 - as amended agreed to.

CLAUSES 51, 52, 53, 54 & 55 - agreed to.

CLAUSE 56

THAT, clause 56 of the Bill be amended—

- (a) in sub-clause (1), by deleting the expression “Kshs. 150,000/=” 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 “Kshs. 10,000/=” and substituting therefor the words “such amount as may be prescribed by the Cabinet Secretary”.

(Chairperson of the Departmental Committee on Social Protection)

Question of the amendment proposed;

No Debate arising;

Question put and agreed to;

Clause 56 - as amended agreed to.

CLAUSES 57, 58, 59, 60 & 61 - agreed to.

CLAUSE 62

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

(Chairperson of the Departmental Committee on Social Protection)

Question of the amendment proposed;

No Debate arising;

Question put and agreed to;

Clause 62 - as amended agreed to.

CLAUSE 63

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”.

(Chairperson of the Departmental Committee on Social Protection)

Question of the amendment proposed;

No Debate arising;

Question put and agreed to;

Clause 63 - as amended agreed to.

CLAUSE 64 - agreed to.

CLAUSE 65

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

(Chairperson of the Departmental Committee on Social Protection)

Question of the amendment proposed;
No Debate arising;
Question put and agreed to;
Clause 65 - as amended agreed to.

CLAUSE 66

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

(Chairperson of the Departmental Committee on Social Protection)

Question of the amendment proposed;
No Debate arising;
Question put and agreed to;
Clause 66 - as amended agreed to.

CLAUSES 67, 68, 69, 70 & 71 - agreed to.

CLAUSE 72

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”.

(Chairperson of the Departmental Committee on Social Protection)

Question of the amendment proposed;
No Debate arising;
Question put and agreed to;
Clause 72 - as amended agreed to.

CLAUSE 73 - agreed to.

CLAUSE 74

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”.

(Chairperson of the Departmental Committee on Social Protection)

Question of the amendment proposed;
No Debate arising;
Question put and agreed to;
Clause 74 - as amended agreed to.

CLAUSES 75, 76, 77, 78, 79, 80, 81,82, 83,84,85 & 86 - agreed to.

NEW CLAUSE 36A

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

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.

(Chairperson of the Departmental Committee on Social Protection)

Motion made and Question proposed

THAT, New Clause 36A be now read a Second Time.

No Debate arising;
Question put and agreed to;

Motion made and Question proposed

THAT, New Clause 36A be part of the Bill.
There being no debate arising;
Question put and agreed to.

NEW CLAUSE 66A

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, and 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.

(Chairperson of the Departmental Committee on Social Protection)

Motion made and Question proposed

THAT, New Clause 66A be now read a Second Time.

Debate arising;
Question put and agreed to;
Motion made and Question proposed

THAT, New Clause 66A be part of the Bill.

There being no debate arising;
Question put and agreed to.

NEW CLAUSE 73A

THAT the Bill be amended by inserting the following new clause immediately after clause

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.

*(Chairperson of the
Departmental Committee on
Social Protection)*

Motion made and Question proposed

THAT, New Clause 73A be now read a Second Time.

No Debate arising;
Question put and agreed to;

Motion made and Question proposed

THAT, New Clause 73A be part of the Bill.

There being no debate arising;
Question put and agreed to.

First Schedule - agreed to.

Second Schedule - agreed to.

CLAUSE 2

THAT, clause 2 of the Bill be amended in the definition of the term “disability” by inserting the words “temporary or” immediately after the words “substantial or”.

(Hon. Anthony Oluoch, MP)

Amendment dropped.

Title - agreed to.

Clause 1 - agreed to.

Bill to be reported with amendments.

12. HOUSE RESUMED - Deputy Speaker in the Chair

(i) The Startup Bill (Senate Bill No. 14 of 2022)

Bill reported with amendments;

Motion made and Question proposed—

THAT, the House do agree with the Report of the Committee of the Whole House on its consideration of the Startup Bill (Senate Bill No. 14 of 2022).

(Hon. Irene Mayaka – Co-Sponsor)

Debate arising;

Amendment proposed-

THAT, the Motion for Agreement with the Report of the Committee of the Whole House be amended by inserting the following words “subject to re-committal of Clause 9”.

(Chairperson, Departmental Committee on Trade, Industry and Cooperatives)

Question of the amendment proposed;

No debate arising;

Question deferred.

(ii) The Persons with Disabilities Bill (Senate Bill No. 7 of 2023)

Bill reported with amendments;

Motion made and Question proposed—

THAT, the House do agree with the Report of the Committee of the Whole House on its consideration of the Persons with Disabilities Bill (Senate Bill No. 7 of 2023).

(Chairperson, Departmental Committee on Social Protection)

There being no debate arising;

Question ddeferred.

And the time being seven minutes to One O'clock, the Deputy Speaker adjourned the House without Question put pursuant to the Standing Orders.

13. HOUSE ROSE – at seven minutes to One O'clock.

M E M O R A N D U M

The Speaker will take the Chair on
Thursday, January 16, 2025 at 2.30 pm

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