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THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

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THE HANSARD

Thursday, 28th November 2024

The House met at 2.30 p.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)

Hon. Members, we now have a quorum to transact business. Clerks-at-the-Table.

COMMUNICATIONS FROM THE CHAIR

(Several Members stood up in their places)

Members on their feet, take your seats. I have two Communications to make.

DELEGATION FROM PARLIAMENT OF UGANDA

Hon. Members, I am pleased to introduce a delegation from the Committee on Rules, Privileges and Discipline in the Parliament of Uganda, seated in the Speaker's Row. They are:

1. Hon. (Rev.) (Fr) Charles Onen, MP (Leader of the Delegation).
2. Hon. Mutembuli Yusuf, MP.
3. Hon. Ssebikali Joel, MP.
4. Hon. Prof. Elijah Mushemeza, MP.
5. Hon. Makhoha Margaret, MP.

That one must be from my neighbourhood.

The delegation, accompanied by one member of staff, is on a benchmarking visit to share best practices and experiences with the Procedure and House Rules Committee of this House, ahead of reviewing the Rules of Procedure of their Parliament.

On my behalf and that of the National Assembly, I welcome the delegation to the National Assembly of Kenya and wish them fruitful engagements during their time in our country.

Thank you.

(Applause)

SPEAKER'S KAMUKUNJI ON SHA-SHIF TRANSITIONAL ISSUES

Hon. Members, I have received a request, which I have acceded to, from the Cabinet Secretary for Health and her team to engage with Parliament to explain the process of

implementation of the transition to the Social Health Authority (SHA) and the Social Health Insurance Fund (SHIF). We will have a breakfast *Kamukunji* in the New Wing Dining Room on Tuesday, 3rd December 2024, from 7.00 a.m. Do not have breakfast in your houses. You will be served breakfast so that we can engage with the Ministry, the Cabinet Secretary, her Principal Secretaries, and the Director-General of SHA.

Sometimes, we get very embarrassed. You all passed a Bill in the House. I checked *The Hansard*, and I saw that you voted yes, but you are out there giving the very thing you passed all sorts of acronyms like "SHA," "SHE," and "SHIF," *sijui nini!* It is extremely embarrassing, especially in the presence of your Speaker, when you stand up and start crying to the public that you do not know the law you passed. It does not look good for you. When you hear the public cheering and laughing, they are laughing at you. They are not laughing at the jokes you are making.

Let us meet and ask as many questions as possible. We have a Sitting on that day from 9.30 a.m. and so, we will meet at 7.00 a.m. on the dot up to 9.15 a.m. We will then adjourn and come to the House.

I have told the Cabinet Secretary and her team to be available to answer your questions as clearly and intelligently as possible. You can then go to the public and speak in one voice to clarify their questions.

Thank you.

MESSAGE

(Several Members stood up in their places)

Order, Hon. Members. Members, on their feet, take your seats.

PASSAGE OF TWO SENATE BILLS

I have a Message from the Senate on the passage of two Senate Bills. Pursuant to the provisions of Standing Order 41(1), I wish to report to the House that I have received two Messages from the Senate regarding the passage of two Senate Bills.

The first Message conveys that the Senate considered and passed the Meteorology Bill (Senate Bill No.45 of 2023) on 19th November 2024, with amendments. The Bill seeks to establish the Kenya Meteorological Service Authority and provide for the regulation, coordination, management and provision of meteorological services.

The second Message conveys that the Senate considered and passed the Election Offences (Amendment) (No.2) Bill, (Senate Bill No.28 of 2024), on 19th November 2024, with amendments. This Bill seeks to amend the Election Offences Act CAP. 66 to give effect to recommendations and views of the public on electoral justice and related matters as submitted during the discourse of the National Dialogue Committee (NADCO).

In accordance with the provisions of Article 110(4) of the Constitution, the Senate has referred the two Bills to the National Assembly for consideration. For the House to commence the consideration of the Bills, I have directed the Clerk to schedule the Bills for First Reading at the next Sitting of the House. That is tomorrow morning. Thereafter, the Bills will stand committed to the following Committees for consideration:

1. The Meteorology Bill, (Senate Bill No. 45 of 2023), to the Departmental Committee on Environment, Forestry and Mining.
2. The Election Offences (Amendment) (No. 2) Bill, (Senate Bill No. 28 of 2024), to the Departmental Committee on Justice and Legal Affairs.

The relevant committees are requested to prioritise the Bills in their agenda and report to the House as soon as practicable. That is to enable the House to proceed with the next stages of the Bills. The House is accordingly guided. Thank you.

Next Order by the Deputy Whip of the Majority Party.

PAPERS

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

Reports of the Auditor-General and financial statements for the year ended 30th June 2024, and the certificates therein in respect of:

1. Mombasa-Nairobi-Addis Ababa Road Corridor Development Project: (Isiolo/Merille/Moyale Road) – Kenya National Highways Authority.
2. Roads 2000 Phase Two – Central Kenya Rural Roads Improvement and Maintenance Project (AFD Credit No. CKE 101201B, Credit No. CKE 104601J, and Credit No. CKE 109401 M) – Kenya Rural Roads Authority.
3. Timboroa-Eldoret Road Rehabilitation Project No. P-KE-DBO-019 (Loan No.2100150023344) – Kenya National Highways Authority.
4. Dualling of Magongo Road (A109L): Phase II (FIDIC EPC/Turnkey based) - Kenya National Highways Authority.
5. Capacity Development Project for Enhancement of Rice Production in Irrigation Schemes (CaDRPERP) (Project Number 1161001009) - State Department for Agriculture.
6. Mombasa Port Area Road Development Project Loan No. KE-P29 & KE-P32 – Kenya National Highways Authority.
7. A case study on Integrated Delivery of Selected Non-Communicable Diseases in Kenya (PHGF Grant No. TFOA5636) – Moi Teaching and Referral Hospital.
8. Eastern Africa Regional Transport, Trade and Development Facilitation Project Credit No.5638-KE IDA – State Department for Roads.
9. Upgrading of Gilgil Machinery Road Project – Kenya Rural Roads Authority.
10. Support to Roads Sector Policy: 10th EDF Rural Roads Rehabilitation Project in Kenya (Agreement No. KE/FED/023/-571) – Kenya Rural Roads Authority.
11. Nuno-Modogashe Road Project (Credit No. Kuwait-813; SFD-N/A; of ID-1331P; Badea-N/A; ADFD-N/A) - Kenya National Highways Authority.

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

Hon. Speaker: Next is the Vice-Chairperson of the Departmental Committee on Defence, Intelligence and Foreign Relations. Leader of the Majority Party, I directed that you ensure that a Chair represents their Committee when you put their matters on the Order Paper. The Vice-Chair can only step in when the Chair is not there. You do not have to list the Vice-Chair. The Chair means and includes the Vice-Chair.

Hon. Nelson Koech (Belgut, UDA): Hon. Speaker, I am the Chair.

Hon. Speaker: Are you the Chairman? Go on.

(Laughter)

Hon. Nelson Koech (Belgut, UDA): I thought you had reservations about my position as the Chairman. However, Hon. Speaker, I beg to lay the following Paper on the Table:

Report of the Departmental Committee on Defence, Intelligence and Foreign Relations on its consideration of the Treaty Making and Ratification (Amendment) (No.2) Bill, (National Assembly Bill No. 9 of 2024).

Hon. Speaker: Thank you, Hon. Chairman. Next is the Chairperson of the Departmental Committee on Social Protection, Hon. Alice Ng'ang'a.

Hon. Alice Ng'ang'a (Thika Town, UDA): I beg to lay the following Paper on the Table:

Reports of the Departmental Committee on Social Protection on its consideration of:

1. The Social Assistance (Amendment) Bill, (National Assembly Bill No. 80 of 2023).
2. The Breastfeeding Mothers Bill, (National Assembly Bill No. 8 of 2024).

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Alice. Clerks-at-the-Table, read out the notices of Motions. Hon. Members, we have a few Statements at Order No. 7. However, I direct that we move to Orders No. 8, No. 9 and No. 10 and put questions, having finished your committees, and then we return to Statements.

(Hon. Alice Ng'ang'a stood in the aisle)

Order, Hon. Alice. Take the nearest seat. Where you are going is definitely not the closest seat.

(Laughter)

MOTION

CONSIDERATION OF REPORT ON THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) (NO.3) BILL

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the Public Finance Management (Amendment) (No. 3) Bill, (National Assembly Bill No. 44 of 2024)

(Moved by Hon. Kuria Kimani on 28.11.2024 – Morning Sitting)

(Resumption of consideration interrupted on 28.11.2024 – Morning Sitting)

(Question put and agreed to)

BILL

Third Reading

THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) (NO.3) BILL (National Assembly Bill No. 44 of 2024)

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

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, I beg to move that the Public Finance Management (Amendment) (No.3) Bill, (National Assembly Bill No. 44 of 2024), be now read a Third Time. I request Hon. Junet Mohamed, the Leader of the Minority Party, to second.

Hon. Speaker: Hon. Junet.

Hon. Junet Mohamed (Suna East, ODM): Hon. Speaker, I second.

(Hon. Joyce Kamene stood in the aisle)

Hon. Speaker: *Mama* Machakos, take your seat. I have confirmed that we have a quorum.

(Question proposed)

(Question put and agreed to)

*(The Bill was accordingly read
a Third Time and passed)*

MOTION

CONSIDERATION OF REPORT ON THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) (NO.4) BILL

THAT, this House do agree with the Report of the Committee of the Whole House on its consideration of the Public Finance Management (Amendment) (No. 4) Bill, (National Assembly Bill No. 45 of 2024).

(Moved by Hon. Kuria Kimani on 28.11.2024 – Morning Sitting)

(Resumption of consideration interrupted on 28.11.2024 – Morning Sitting)

(Question put and agreed to)

BILL

Third Reading

THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) (NO.4) BILL (National Assembly Bill No. 45 of 2024)

Hon. Speaker: Mover.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, I beg to move that the Public Finance Management (Amendment) (No.4) Bill, (National Assembly Bill No. 45 of 2024), be now read a Third Time. I also request Hon. Major Bashir to second.

Hon. Speaker: Major.

Hon. Major (Rtd) Abdullahi Sheikh (Mandera North, UDM): I second.

(Question proposed)

(Question put and agreed to)

*(The Bill was accordingly read
a Third Time and passed)*

(Hon. Kassait Kamket stood in the aisle)

Hon. Speaker: Hon. Kamket, take your seat.

MOTION

CONSIDERATION OF REPORT ON THE PUBLIC PROCUREMENT AND ASSET DISPOSAL (AMENDMENT) BILL

THAT, this House do agree with the Report of the Committee of the Whole House on its consideration of the Public Procurement and Asset Disposal (Amendment) Bill, (National Assembly Bill No. 48 of 2024).

(Moved by Hon. Kuria Kimani on 28.11.2024 – Morning Sitting)

(Resumption of consideration interrupted on 28.11.2024 – Morning Sitting)

(Question put and agreed to)

BILL

Third Reading

THE PUBLIC PROCUREMENT AND ASSET DISPOSAL (AMENDMENT) BILL (National Assembly Bill No. 48 of 2024).

Hon. Speaker: Mover.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, I beg to move that the Public Procurement and Asset Disposal (Amendment) Bill, (National Assembly Bill No. 48 of 2024), be now read a Third Time. I also request Hon. Beatrice Elachi, Member for Dagoretti North, to second.

Hon. Beatrice Elachi (Dagoretti North, ODM): I second.

(Hon. Kassait Kamket stood in the aisle)

Hon. Speaker: Hon. Kamket, you look restless today. *Kuna mtu ameiba ng'ombe yako* or is it the other way round?

(Laughter)

(Question proposed)

Hon. Members: Put the question.

Hon. Speaker: We put the question?

Hon. Members: Yes.

Hon. Speaker: I confirm that we have a quorum to put the question.

(Question put and agreed to)

*(The Bill was accordingly read
a Third Time and passed)*

Hon. Speaker: Thank you. Call out Order No.11 as well.

BILL

Second Reading

THE HIGHER EDUCATION LOANS BOARD (AMENDMENT) BILL
(National Assembly Bill No.58 of 2022)

(Moved by Hon. Joyce Kamene on 18.10.2024 – Morning Sitting)

(Debate concluded on 28.11.2024 – Morning Sitting)

(Question put and agreed to)

*(The Bill was read a Second Time
and referred to the relevant Committee)*

Hon. Speaker: We go back to Order No.7.

QUESTIONS AND STATEMENTS

Hon. Speaker: We will start with the request for statement by Hon. Joyce Kamene, Member for Machakos County. Give Hon. Joyce the microphone.

Hon. Joyce, that is the problem of sitting where you never sit. They keep flashing where you ordinarily sit. You do not have your card? Go ahead.

REQUEST FOR STATEMENT

STATUS OF MAVOKO WATER SUPPLY PROJECT

Hon. Joyce Kamene (Machakos County, WDM): Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request a statement from the Chairperson of the Departmental Committee on Blue Economy, Water and Irrigation regarding the status of Mavoko Water Supply Project.

Hon. Speaker, the Mavoko Drinking Water Supply Project is an initiative financed jointly by the Governments of the Republic of Kenya and the Kingdom of Belgium, which is in line with the National Government's commitment to the provision of universal clean and safe water. The project seeks to increase the water supply capacity to 12,000 and 5,000 cubic metres per day to Mavoko and Syokimau, respectively. Hundreds of residents, who have been hoping to benefit from the project considering the perennial water shortages in those areas, continue to face challenges owing to an inordinate delay in the implementation of the project.

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Hon. Speaker, it is against this background that I request for a statement from the Chairperson of the Departmental Committee on Blue Economy, Water and Irrigation on the following:

1. A report on the status of implementation of the *Mavoko* Drinking Water Supply Project, that is jointly funded by the Kenyan and Belgian governments;
2. A report on the steps being taken by the Ministry to ensure the completion of the project and the expected timelines for its completion; and,
3. The interim measures that are being taken by the Ministry to address the water scarcity faced by the residents and to protect them from unscrupulous water vendors.

I thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Kamene. Chairperson, Departmental Committee on Blue Economy, Water and Irrigation, Hon. Bowen. When will you bring the response?

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Speaker, the Mavoko Water Project is very important. It has been delayed for long. Allow me to follow up with the Ministry and report back to the House at the beginning of next year. I will bring it by the first week of February because it is a complex issue that has been running for years.

Hon. Speaker: Okay. Next is Hon. David Kiplagat.

DEMOTION AND COMPULSORY LEAVE IMPOSED ON SENIOR
STAFF MEMBERS AT THE UNIVERSITY OF NAIROBI

Hon. David Kiplagat (Soy, UDA): Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(c), I wish to request for a statement from the Chairperson of the Departmental Committee on Education regarding the demotion and compulsory leave that is being imposed on senior staff members at the University of Nairobi by its Council.

(Hon. Julius Melly consulted with other Members)

Hon. Speaker, I have a problem because the Chairperson of the Departmental Committee on Education is not listening, as he is engaged somewhere else.

Hon. Speaker: Hon. Melly, that missile is aimed at you.

(Hon. Julius Melly spoke off the record)

Go ahead.

(Laughter)

He can multi-task.

Hon. David Kiplagat (Soy, UDA): Hon. Speaker, on 14th October 2024, the Governing Council of the University of Nairobi announced the termination of service of the Vice-Chancellor, Prof Stephen Kiama. His removal culminated in a tumultuous four-year tenure, during which he often clashed with the University Council over matters such as leadership style and university reforms. Those disputes are alleged to have contributed significantly to his termination as Vice-Chancellor of the University of Nairobi. Following his departure and appointment of the Acting Vice-Chancellor, Prof. Margaret Hutchinson, the Council, through its meetings held on 31st October and 4th November 2024, resolved to place senior staff members on compulsory leave. Those actions appear to target individuals perceived as allies

of the former Vice-Chancellor rather than based on their professional performance or specific breaches of their duties.

The senior staff who have been placed on compulsory leave include the Director of Finance, CPA Stephen Kimeli, the Director of Procurement, Mr Dickson Lugonzo, the Director of Human Resources Ms Jane Gatune, the Registrar of Administration, Mr Benard Njuguna and the Director of Facilities Mr Andrew Mbuku. The use of compulsory leave as a punitive measure for the perceived association of the senior staff members to the former Vice-Chancellor undermines the integrity of fair labour practices contrary to the principles of fair administrative action as enshrined in the Constitution, the Employment Act (Cap. 226) and the Universities Act (Cap. 210). Furthermore, it exposes the internal wrangles at the University, thus casting doubt on the governance and operational stability of the esteemed institution as depicted in the recent ranking, where it dropped for the first time to second place in the country.

Hon. Speaker, it is against this background that I request for a statement from the Chairperson of the Departmental Committee on Education on the following:

1. A report on the circumstances surrounding the demotion and granting of compulsory leave to the Director of Finance, CPA Stephen Kimeli; Director of Procurement, Mr Dickson Lugonzo; Director of Human Resources, Ms Jane Gatune; Registrar of Administration, Mr Benard Njuguna; and Director of Facilities, Mr Andrew Mbuku, including measures that the University Council has put in place to ensure that fair administrative action and due disciplinary process were followed;
2. A report on the circumstances surrounding the termination of the services of former Vice-Chancellor, Prof. Stephen Kiama, and steps taken to provide fair administrative action before termination;
3. Steps that were taken by the Council to give prior notice and warning to the affected staff, particularly the Director of Finance, CPA Stephen Kimeli, where the Chairman of the Council signed the letter and whether they were given an opportunity to respond to any allegations that were made against them;
4. Measures taken to restore public faith in the governing Council of the University, considering the apparent internal wrangles between staff and the council; and,
5. A report on the number of regular and special sittings held by the Council of the University of Nairobi, resolutions made and any letters taking disciplinary action against staff as resolved by the Council.

I thank you, Hon. Speaker.

Hon. Speaker: Hon. Chairperson, Departmental Committee on Education.

Hon. Julius Melly (Tinderet, UDA): Thank you, Hon. Speaker. I want to thank the Member for Soy for raising this matter. The Committee is seized of it. The University of Nairobi has been experiencing a lot of internal wrangles lately, and this has been widely covered in the media. As a committee, we have taken this issue seriously and have been thoroughly investigating it. I will bring a comprehensive report on the matter before the House next Tuesday.

Hon. Speaker: On Tuesday?

Hon. Julius Melly (Tinderet, UDA): Tuesday, yes.

Hon. Speaker: It is a matter that you must take seriously. This is “The University of Nairobi”.

Hon. Julius Melly (Tinderet, UDA): I am actually an alumnus of “The University of Nairobi” and I must take it with a lot of concern.

Hon. Speaker: Hon. Rindikiri?

Hon. Mugambi Rindikiri (Buuri, UDA): Thank you, Hon. Speaker. I am an alumnus of the same university. What we are witnessing now is deterioration of various universities, including Moi University, and it often all starts like this. We should arrest the situation now at “The University of Nairobi” before it gets worse. That is because it is not only the economic deterioration, but also the management of the institution. Since Independence, the university has always been running smoothly but, for the last 10 years, there have been growing signs that something is wrong.

Hon. Speaker, the alumni members present here, including yourself, have a serious responsibility in this matter. We should not let “The University of Nairobi” go the Moi University way. I thank you.

Hon. Speaker: Yes, Hon. Kirima? Are you also from “The University of Nairobi”?

Hon. Moses Kirima (Central Imenti, UDA): Yes, Hon. Speaker, I am an alumnus of the same institution. Sincerely speaking, there is a problem with our universities as we speak, and unless we eliminate political interference, those institutions will continue to deteriorate. If you look at the boards of management and the councils of universities, many of the individuals who are appointed to those bodies are driven by personal interests, rather than the interests of the university or its students. They are dumped there. They do not represent the public interest but rather, their own, as they are often appointed as a result of losing political positions elsewhere. Those individuals are then placed in the university council roles without a clear manifesto or policy on how to improve the university.

It is just a resting place for many of them. When they get there, they remove the vice-chancellors or administrators who do not agree with them, and that is what happened to Professor Kiama. That is where the problem lies. So, I am requesting the Departmental Committee on Education, Hon. Speaker, which, like us, is also a political body because we are politicians and cannot separate politics from ourselves, to ensure that when they investigate that issue, they do so with clarity and provide the real reasons behind the decline of our universities. It is a terrible thing.

Hon. Speaker: Hon. Member for Kesses.

Hon. Julius Rutto (Kesses, UDA): Thank you, Hon. Speaker. Protect me from Hon. Rindikiri. The fact that he is alumnus of Nairobi University...

Hon. Speaker: There is no Nairobi University. It is “The University of Nairobi”.

(Laughter)

Hon. Julius Rutto (Kesses, UDA): Thank you, Hon. Speaker. I rise on this matter because it is now evident that for the past few months on this Floor, we have been discussing issues surrounding universities. One of those is Moi University, a university within my constituency, which is currently in the Intensive Care Unit (ICU). The other day, we were talking about Egerton University, and there are also rumours circulating that Jomo Kenyatta University of Agriculture and Technology is facing similar challenges.

Hon. Speaker, it is high time you gave direction to the Ministry of Education to begin to re-look at the charter of universities and how the universities are being managed. It is high time we re-evaluate the management and councils of our universities to ensure we have individuals with clear minds and a clear vision that is looking back at our institutions. This will allow us to protect our universities. Otherwise, we risk losing the glory that Kenyan education once held, a time when it was regarded across Africa and the world as the best and was capable of producing technical people who could be relied upon. However, with the current management issues and the direction things are heading, I fear that the quality of our higher education is declining drastically.

I would want to request that you give direction that the Ministry of Education needs to give a firm position on what it intends to do, the plans and policies it is putting in place to safeguard our institutions. Thank you.

Hon. Speaker: Thank you. Hon. Oundo. the last one on that.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Thank you, Hon. Speaker. Let me also confess that I am an alumnus of “The University of Nairobi”.

Hon. Speaker: Very good.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Secondly, I must also go on record that before I came here, I was a staff member of “The University of Nairobi” as a lecturer. Hon. Speaker, the problem we are facing is not unique to “The University of Nairobi”. It seems to be a cross-cutting issue throughout the country and my feeling is that it is a governance issue. We might have to re-look at the Universities Act, and look at all other institutions that govern the universities because, honestly speaking, I really cannot understand why there should be wrangles between transition from one vice-chancellor to another. I do not understand why simple administrative issues about dealing with the staff should even become an issue that needs to be brought to the National Assembly.

Hon. Speaker, I want to invite the Chairperson, Departmental Committee on Education to, probably, during this long recess, ask the indulgence of the Speaker to allow one week to call the vice-chancellors, council chairs and some students, and just reflect. At the end of the day, we will be able to have a solution.

Hon. Speaker, there is a Presidential Working Party on Education Reforms which has an extensive discourse on the issue of the university. Pick that report and let it be your sole responsibility, your new-year resolution that you must solve the issues bedevilling the university administration, governance and management issues before the end of the next calendar year.

Thank you, Hon. Speaker.

Hon. Speaker: Yes, Hon. Melly, on Tuesday, bring a serious, comprehensive statement.

Hon. Julius Melly (Tinderet, UDA): I will, Hon. Speaker. I think the issues that are there are quite big and historical. I agree with Hon. Oundo and the other Members that many of those issues are administrative, governance-related and financial. Those challenges have been ongoing, stretching back to the time when we...

Hon. Speaker: You bring the statement. It pains us to see our university in that situation. The vice-chancellor is sacked every week.

Hon. Julius Melly (Tinderet, UDA): That is it.

Hon. Speaker: That is not how to run a university.

Hon. Julius Melly (Tinderet, UDA): And the Chairman of the Council is even signing letters to sack workers and even to employ others. It is very wrong.

Hon. Speaker: You must resolve this. Hon. Yusuf Farah? His statement is dropped.

DEPLORABLE STATE OF THE WAJIR HADADO-LOLAKUTA
ROAD AND GRIFFTU ROAD IN WAJIR WEST

(Request for Statement dropped)

Hold your horses first. There is a response to a statement. Hon. Protus Akujah? Is he in the House? Hon. Protus Akujah, Departmental Committee on Social Protection.

Hon. Alice, the Questioner is not here. So, we will defer the question response to Tuesday morning.

DISBURSEMENT OF THE PRESIDENTIAL SECONDARY
SCHOOL BURSARY

(Response to Request for Statement deferred)

Leader of the Majority Party. Where is he?

Hon. Naomi Waqo (Marsabit County, UDA): Hon. Speaker, he has stepped out.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: Okay. Hon. (Dr) Oundo, what is your point of order?

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): I know you have mentioned about us passing Bills in the National Assembly and saying outside there we do not know their content. But that is a story for another day. Sometime in the middle of this year, we passed the Independent Electoral and Boundaries Commission (Amendment) Bill 2024. It was the expectation of Kenyans that before we go for Christmas or earlier, we would have a new functioning Commission in place with all the commissioners. I thought I would get the Chairman of the Departmental Committee on Justice and Legal Affairs here today. He is a studious Member of this House, but he is not here. However, this is a House in perpetuity. I want to find out the status of the appointment or re-appointment of Commissioners of IEBC.

Hon. Speaker: Thank you, Hon. (Dr) Oundo. It is not even within the jurisdiction of the Departmental Committee on Justice and Legal Affairs anymore. They finished their work. The matter came to the Commission. It is recommending authority for appointment. We have the nominating bodies. Law Society of Kenya (LSK) and Parliament, through Parliamentary Service Commission, nominated panelists. Religious bodies and Institute of Certified Public Accountants of Kenya (ICPAK) nominated panelists. Then, we came to the Political Parties Liaison Committee which your party and the party across the Floor belong. The third arm are parties unrepresented in this House. They have been playing ping-pong in court until today.

I even wrote a letter to His Excellency the President advising him to gazette the panel. Before the letter left my Office to the Office of the President, there was a court order by two people called Muli - male and female. They are the ones who are fighting in court. There is a judgement coming tomorrow or Monday. If those orders are discharged, His Excellency the President will gazette the panel the next day, once it is gazetted, we will move in earnest to ensure that they advertise, they get the long list, reduce it to the short list, interview and bring forward the names to this House for approval. It is dangerous for the country to go without an IEBC. I agree with you.

Hon. Shinali.

DEMISE OF MR ABSALOM CASTRO WENDO

Hon. Bernard Shinali (Ikolomani, ODM): Thank you, Hon. Speaker. I rise to pay tribute to Mr Absalom Castro Wendo. It is with profound sorrow that I rise to pay tribute to Mr Absalom Castro Wendo, a son of Ikolomani Constituency, who served this House diligently as a Serjeant-at-Arms.

Mr Wendo was awarded the Head of State Commendation by the late President Mwai Kibaki in 2010 for his exemplary work and unwavering devotion to duty in the National Assembly. For many decades, his voice roared in this Chamber as an icon of the Speaker's procession making way to the House at the commencement of the House business. While serving Parliament, he jealously guarded the rules and traditions of the House and was a strong pillar to Parliament's institutional memory, until his retirement in 2010.

He rose through the ranks and left as a commissioner or Assistant Serjeant-at-Arms. Having served many sessions of Parliament, his hard work and legacy will inspire many

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generations to come. He carried on his duty to the inaugural session of Bungoma County Assembly from 2013-2017.

I extend my heartfelt condolences to the family, friends, former colleagues both in the National Assembly and Bungoma County Assembly and the people of Ikolomani, Kakamega County and Bungoma County as they come to terms with this massive loss. We buried Mr Wendo's father, Mzee Muyeyia, on Saturday. On the same day at night, we lost Mr Castro Wendo. May God rest his soul in eternal life.

Thank you, Hon. Speaker.

Hon. Speaker: It is 'eternal peace'. Thank you, Hon. Shinali. Among us here, the only people who know Mr Wendo are Hon. Keynan and a few others. He was a colossus in this House. He was very commanding. He was always the one clearing the way for Hon. Speaker to come to the Chamber. He was a very good man. When devolution came, he was seconded to establish Bungoma County Assembly where he worked for five years. May his soul rest in eternal peace.

Hon. Mwenje.

Hon. Mark Mwenje (Embakasi West, JP): Thank you, Hon. Speaker. I want to refer you to Articles 27 and 38 of our Constitution. Article 27 of the Constitution provides for freedom against discrimination, especially on ethnicity.

Hon. Speaker: Is it freedom against discrimination or freedom of discrimination?

Hon. Mark Mwenje (Embakasi West, JP): Equality or freedom from discrimination. Article 38 of the Constitution protects political rights. Allow me to quote Article 38(2) of the Constitution which says:

“Every citizen has the right to free, fair and regular elections based on universal suffrage and the free expression of the will of the electors for—

Hon. Speaker: Which Article in the Constitution?

Hon. Mark Mwenje (Embakasi West, JP): Article 38(2)(a).

Hon. Speaker: Go on.

Hon. Mark Mwenje (Embakasi West, JP): Every citizen has the right to free, fair and regular elections based on universal suffrage, and the free expression of the will of the electors for—

(a) Any elective public body or office established under this Constitution.

Hon. Speaker, I bring this matter to your attention and the attention of the House because there is a video going around in the social media regarding a specific religious leader who is speaking on an issue that touches on certain areas and, more specifically, Lamu. He specifically mentions that a certain community or people from a certain ethnic community should not vie for seats in such an area.

Those of us who represent metropolitan constituencies like me where we have all the communities, it creates a lot of tension that is unnecessary. Right now, in that specific video, that religious leader mentions that the Kikuyu community should not vie in a specific area. Since the inception of our Constitution, the Late President Kibaki was once elected in Nairobi, and then he moved to a different area. The former Member for Dagoretti North moved to a different area. In fact, even in Embakasi, the last Member of the larger Embakasi went to vie in Kiambu, which is the trend. Members of minority communities are elected where there is another dominant community in an area.

I believe this is a matter of grave attention which requires the Select Committee on National Cohesion and Equal Opportunity to advise on the action that will be taken against that specific leader. More importantly, we want the Leader of the Majority Party or Leader of the Minority Party to reassure the citizens of our country that everybody has a right to vie where he or she wants. Nobody should be discriminated based on ethnicity or any other form of

discrimination that might be taken upon. This is a grave issue from my constituency. It has caused some serious tensions in some of our metropolitan constituents.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Deputy Speaker.

Hon. Gladys Boss (Uasin Gishu County, UDA): Hon. Speaker, I stand on a point of information. I want to inform the Member that we have an independent constitutional commission that deals with those kinds of complaints. The easiest thing is to go and report to NCIC. They will investigate and the person will be prosecuted. We have seen NCIC in the past. They used to arrest people at night. If you remember the story of Hon. Linturi when he spoke in Eldoret, and made a remark that was construed to be so, even though it was wrongly done, he was arrested in the middle of the night from Eldoret and brought to Nairobi to be charged. We should tell NCIC to do their work. They should have taken immediate note of it and acted. The NCIC has failed Kenyans. The only time they were active was during the last elections because they were working for the previous regime. They were arresting people. If you remember, Hon. Oscar Sudi was arrested for describing a women's mammary glands. It was not even a cohesion issue.

On this one, the Committee should not deal with it. They should simply summon NCIC. Thank God their term is ending because they have failed Kenyans. They are led by Rev. Kobia, who is the biggest failure. They are not doing their jobs as they are meant to be. We should be asking NCIC to do their job.

Hon. Speaker: Hon. Mwenje, please provide the clip so that things do not escalate. The Speaker has not seen it yet. If you can provide the clip to the Clerks-at-the-Table, I will look at it tomorrow or over the weekend, and give direction on Monday. For the avoidance of doubt, the Constitution of Kenya 2010 enjoins every citizen to live anywhere on the territory of Kenya, to own property, transact business, make friends, marry who they want, and live where they want without any discrimination of any sort. Anybody who does that violates the Constitution.

Thank you. Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Speaker. I was hoping it was on my Statement. I have viewed the clip. I do not know whether the gentleman on the clip is an actual religious leader or just draped in Islamic religious clothing, but what he was saying is very unfortunate, and I want to agree with the Hon. Deputy Speaker that, indeed, NCIC has failed this country. The kind of things that the person was saying were not only against a community, but also religions and especially against the Christians who are living in Lamu and the coastal region. I hope that Hon. Mwenje will furnish your office with the clip so that you may issue the necessary directives, especially to NCIC, the Directorate of Criminal Investigations (DCI) and the Inspector-General of Police. That gentleman should be answering in court, and not being discussed in the National Assembly. He will feel very sweet being discussed by the august House.

BUSINESS FOR THE WEEK OF 2ND TO 5TH DECEMBER 2024

Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(a), I rise to give the following Statement on behalf of the House Business Committee, which met on Monday, 25th November 2024, to prioritise business for consideration during the week.

As Members would recall, last week, the House adopted a Motion resolving to hold additional Sittings for purposes of considering priority business ahead of the long recess. I, therefore, urge Committees to expedite any pending business to enable its conclusion. I also encourage Members not to tire in attending the plenary sessions, some of which are extended,

so that the House concludes with all that it needs to, before we commence the long recess at the end of next week.

Members will note that today and tomorrow, Sittings are dedicated to consideration of individual Members' business. I, therefore, urge Members to be present and ready to prosecute their businesses. Further, with regards to business that is scheduled for tomorrow, Friday, 29th November 2024, the House is expected to consider the following Bills at various stages, if not concluded today –

1. Committee of the whole House on:
 - (a) The County Governments (Revenue Raising Process) Bill, 2023; and,
 - (b) The Co-operatives Bill, 2024.
2. Second Reading of the following Bills:
 - (a) The Higher Education Loans Board (Amendment) Bill, 2022;

I believe this is a Bill by Hon. Joyce Kamene. That is why I am saying we have allocated time this afternoon and tomorrow because many of these Bills were due to lapse at the end of this Session. Therefore, Members will appreciate that the House Business Committee did consider even Private Members' Bills and not just Government Bills to be prioritised so that they do not lapse.

- (b) The Political Parties (Amendment) Bill, 2022;
- (c) The Equalisation Fund (Administration) Bill, (Senate Bill No. 14 of 2023);
- (d) The Public Finance Management (Amendment) Bill, 2022;
- (e) The Universities (Amendment) Bill, 2023; and,
- (f) The National Police Service Commission (Amendment) Bill, 2024.

Hon. Speaker, if you note, all these are either private Members' Bills or Committee Bills. Additionally, debate will also be undertaken on the following Motions, should they not be concluded today:

1. Consideration of Reports on financial statements of state corporations (Nyanza Region);
2. Consideration of Agreement on the Establishment of the Global Green Growth Institute (GGGI);
3. Report on the alleged unfair trade practices by foreign investors in Kenya;
4. Third Report on consideration of the audited accounts of specified state corporations;
5. Report of the Extraordinary Session of the Sixth Pan-African Parliament (PAP); and,
6. Report on the performance audit report on the provision of services to persons with disabilities by the National Council for Persons with Disability.

Hon. Speaker, with regards to business scheduled for Monday next week, the House is expected to consider the Second Reading of the following Bills, some of which are listed in today's Order Paper –

1. The Business Laws (Amendment) Bill, 2024;
2. The Tax Procedures (Amendment) (No.2) Bill, 2024;
3. The Higher Education Loans Board (Amendment) Bill, 2022;
4. The Political Parties (Amendment) Bill, 2022
5. The Equalisation Fund (Amendment) Bill, (Senate Bill No. 14 of 2023);
6. The Universities (Amendment) Bill, 2023; and,
7. The National Police Service Commission (Amendment) Bill, 2024.

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4. Third Report on consideration of the audited accounts of specified state corporations;
5. Report of the Extraordinary Session of the Sixth Pan-African Parliament (PAP); and,
6. Report on the performance audit reports on the provision of services to persons with disabilities by the National Council for Persons with Disabilities.

With regards to the attendance of Cabinet Secretaries to answer Questions in Plenary, I wish to inform the House that due to priority business that is scheduled for next week, the Cabinet Secretaries that were slotted to appear on Wednesday, 4th December 2024 have been scheduled to a later date.

In conclusion, Hon. Speaker, the House Business Committee will reconvene on Monday, 2nd December 2024, to schedule business for the rest of that week.

I now wish to lay this Statement on the Table of the House.

Hon. Speaker, just to reiterate that there are quite a number of private Members' Bills that the House Business Committee prioritised for consideration so that we save them from lapsing at the end of next week when we proceed on the long recess. Also, to remind Members that we have Sittings in which we expect Hon. Waluke to be present on Monday afternoon, Tuesday morning and afternoon, Wednesday morning and afternoon and Thursday morning and afternoon. When we meet as the House Business Committee next week on Monday, we will review whether there would be a need for any additional sittings to expedite all the priority business that has been scheduled.

Hon. Speaker: And remind Members to get on the Standard Gauge Railway (SGR) on the morning of 6th.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, thank you for that reminder. We are prioritising this business, and Hon. Waluke and Member for Kanduyi, there is a Sitting tomorrow at 9.30 a.m. and we expect you to be there to represent the people of Bungoma. As Hon. Speaker has indicated, after we finish with this priority business, on 6th December 2024 at 6.00 a.m., Hon. Members are expected to accompany him on the Standard Gauge Railway (SGR) train to Mombasa for the East African Legislative Assembly (EALA) games. Those in the competing teams, dancing team like Hon. Millie Odhiambo and cheering team like Junet Mohamed...

Hon. Speaker: Hon. Junet.

Hon. Junet Mohamed (Suna East, ODM): Thank you, Hon. Speaker. I rise to seek your indulgence on a matter of importance. For quite some time now, Parliament has been under attack from the religious leaders and other groups. We are not Members of Parliament by accident. We were elected by the people of Kenya.

(Applause)

Being a Member of Parliament is a position that is sought-after in this country. The religious leaders also contest for this position. During elections, every constituency has a minimum of 10 to 15 aspirants and some have 20 or 30 aspirants.

Hon. Speaker: There is one in Kisii that had 45 candidates.

Hon. Junet Mohamed (Suna East, ODM): Yes! You are right, Hon. Speaker. Imagine in Kisii, they had 45 aspirants. You cannot bastardise a position that has been given by the Constitution. The people donate their sovereignty and yet, they are saying that Parliament is useless and has been captured. In this afternoon Sitting, we have passed almost five Bills.

Hon. Speaker: Very important Bills.

Hon. Junet Mohamed (Suna East, ODM): Yes! Very important Bills. For example, the Higher Education Loans Board (Amendment) Bill and the Public Finance Management (Amendment) (No.4) Bill. These Bills will make the lives of Kenyans better, help in the governance of this country and make it easier to access Government services.

So, I feel very bad when I see Members of Parliament being seen as a joke. This is a very sacred place! It is not small. If there is no Parliament, there is no country. There will be no taxation without Parliament. Even the Executive cannot collect any money without Parliament. There will be no democracy, as Hon. KJ has put it. It has become fashion for people to say in the media that Parliament has failed, without pinpointing and telling us how we have failed them. What did they expect from us that we have not delivered? They must hold us accountable with facts and not to generalise. I have been in this Parliament long enough. If you are not happy with other aspects of governance, do not throw it at us.

You cannot also blame Members of Parliament from the ruling party asking why they are supporting the Government. People have been elected on party tickets like Kenya Kwanza, Azimio, Orange Democratic Movement (ODM) and others. You cannot blame a Member of Parliament from the ruling party for supporting his Government. He decided in 2022 to run on that party ticket and support that Government. If you can speak in church, we will also speak in Parliament.

(Applause)

This is the truth of the matter. We will speak here. Everybody has a mouth and a forum to speak. Leadership must be respected. There should be mutual respect. We speak on behalf of the people. Every Member of Parliament has been given the mandate by the people. Nobody is here through invitation. Everyone has been elected. Some Members like the County Women Representatives (CWRs) come here with over 400,000 votes.

(Applause)

This is not a joke. People do not know how difficult it is to convince 400,000 people to vote for you. They do not know how difficult it is to wake people up at 5.00 a.m., in the morning to vote for you. We respect our religious leaders so much because they are the ones who guide us spiritually. However, politics are completely different from religion.

If you are a religious leader or any other leader, you should address Members of Parliament with dignity and decorum. Do not belittle them and make them seem as though they are nobodies. These are serious people who pass laws in this House. Those laws will be used to govern you who is attacking them on television (TV). I want to ask Hon. Members to stand up for their rights. The only institution that does not have a union is Parliament. Other institutions are defended by their unions. We can become a union with 416 members.

Most people like to attack the National Assembly and yet, I, in the last two years, under the leadership of the Hon. Speaker, we have passed over 100 Bills, which have been assented to by the President. They have become laws that are helping this country. In conclusion, let us rise up and defend our rights. We are not going to accept this lying down. We are going to stand up for our rights like union leaders. The Leader of the Majority Party and I will become union leaders and defend Parliament. Institutions of governance must be respected and

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Parliament as one of them has been created by the Constitution. Therefore, if we do not respect our governance institutions, how will we respect the mosque and the church?

With those few remarks, I urge people out there to be respectful. Otherwise, they will know why the chicken does not produce milk. Thank you.

(Laughter)

Hon. Speaker: I want to point out that the leadership of this House, including the Leaders of the Majority Party, Leaders of the Minority Party, my able Deputy Speaker, the Whips and Chairpersons of Committees assembled in Naivasha for a round-table meeting with the Kenya Private Sector Alliance (KEPSA).

Two days ago, one daily newspaper with wide circulation had a screaming headline that the Speaker of the National Assembly said that Members of Parliament are stealing money from their bodyguards. They purported to quote the outcome of the meeting where Hon. Ichung'wah, Hon. Junet, Hon. Mwenje and Hon. Alice were. They purported that three Members of this House are the source of information. They went on to write an editorial and called Members inconceivable names like greedy and all sorts of things. That is far from the truth.

Hon. Ichung'wah, when we were in Naivasha, you know there was no discussion of any sort about Members. Yours truly will be the last person to bastardise Members of this House having been here for as many years as I can remember. Hon. Junet is right. I will leave the Chair for another urgent meeting. The Hon. Deputy Speaker will take the Chair and allow Members to make their comments. Leader of the Majority Party, you can have a go. Let us have Hon. Silvanus Osoro.

Hon. Silvanus Osoro (South Mugirango, UDA): Thank you very much, Hon. Speaker. I rise to support the sentiments and concerns raised by Hon. Junet Mohamed. It is very sad that this House has been turned into a punching bag. People demonise everything about it. Yet, we pass laws that pertain to the welfare of the common *mwananchi* every day. Sometimes, we sit late into the night. They do not talk about that. However, you will hear them say that they have not heard anybody speak about issues that touch on the Executive in the National Assembly or on the Floor of the House. We implore the members of the public and the clergy to watch the proceedings of this House. No matter of national importance has not been discussed on the Floor of this House.

It is very sad that the church has not spoken about matters of public concern such as the rising femicide cases where women and young girls are being killed all over.

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

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

We have not heard the clergy utter a single word. However, if it was an issue that touched on Members of Parliament, they would have spoken about it. This House has even created a platform where we are raising concerns about femicide. We expect the members of the clergy, who are also leaders, to give us accolades, appreciate us, and say that, at least, this House is doing something about the matters that affect women in this country. But they are not saying that.

I invite the members of the clergy to read the Good Book that they teach. As a good student of the Good Book, who went through Sunday School from the age of three to date, I have read the Good Book in the Book of Romans 13, which states that there is no leadership

on earth that has not been placed in its position by God. Which God is that whom you tell us to preach about, when you cannot respect the one that has placed the leadership in its position?

We only matter when we go to church. Members of Parliament will tell you that their offices are full of invitation cards for fundraising. It is shocking. I once attended a church service in Nairobi with the former Deputy President, who is now the President. They denied Members of Parliament an opportunity to speak. Immediately after we finished, they gave us a bill of Ksh6 million. Is our importance limited to the extent of our contributions? When such contributions are made, even upon their request, they go out there to play to the gallery saying that they do not need leaders to contribute. That is sad. Just as the Leader of the Majority Party, who will speak after me said the other day, even the members of the clergy who said that they would return the funds have not done so to date. They have not surrendered any cheque.

We want to confine ourselves to the Good Book. The Book of Haggai 1: 7, 8 states that we should go up to the mountain and pick trees so that we can build the church of God. You will not gag me from contributing to the construction of the the house of God because you do not like my political views.

Why are politicians demonised? We are demonised in the banks. If you go to open a bank account, you are referred to as a politically exposed person (PEP). You have to declare that information. If you engage in business, they say that you will need to declare your interest as a politician. If you lose your seat and go for an interview for another job, you are told that since you are a politically exposed person, you need to be... We should actually be applauded. A person who leads a county or constituency with 100,000 voters is an experienced manager who can serve as the Chief Executive Officer (CEO) of Equity Bank, which has an employee portfolio of only 2,000 or 3,000 people. If you lose your seat, get out of politics, or appear like you are politically-inclined, which is within the law in accordance with Article 36 on the freedom of association, you are demonised and insulted. If you go out there, people think that you are taking their money. Why do people imagine that one person is poor because another person is rich? Why not respect other people's rights as you would expect them to respect yours?

We must learn to embrace divergent views. You have your views as a member of the clergy or a media personality, and I have mine. Divergent views are not wrong. That is what makes Kenya a democracy. We cannot all think in the same way. Stop demonising Members of Parliament and, particularly, those of the National Assembly and yet, when you have a challenge, you rush to us. When I walk through the streets, people tell me: "*Mheshimiwa*, this-and-that." Those same people go to insult us in the media.

As I conclude, people should respect this House, Hon. Deputy Speaker.

Hon. Deputy Speaker: You have made your point, Hon. Osoro. Let us give other Members a chance.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Deputy Speaker. Let me first thank Hon. Junet for raising this issue. At times, we are afraid to speak for ourselves because we will be seen to be fighting the church or religious leaders. Let me thank Hon. Junet because he has not raised an issue about fighting anybody. We are fighting for ourselves as Members of Parliament.

(Hon. Beatrice Kemei consulted loudly)

Hon. Deputy Speaker, protect me from the Member for Kericho County, who is conversing in Kalenjin in the House. The Book of Hebrews 13.16 states:

Moreover, do not forget to do good and to share what you have with others, for God is well-pleased with such sacrifices. Be obedient to those who are taking the lead among you and

be submissive, for they are keeping watch over you as those who will render an account, so that they may do this with joy and not with sighing, for this would be damaging to you.”

That is the Word of the Lord. That is what I would like to remind our religious leaders, including my own Moderator of the Presbyterian Church, Reverend Thegu, whom I saw last night on television admonishing this House saying that it has been captured. He said that when the Executive wants us to pass a Bill, we do it with lightning speed. We do so because that is what the people elected us to do.

(Applause)

We do so because we are actualising the manifesto that we sold to Kenyans because we want to remain true to the people and to God. As my Moderator, you cannot admonish me simply because you hail from Nyeri and you think that the impeachment process moved with speed. That is what is expected of us under the Constitution. The Constitution gives us timelines on when and how to prosecute an impeachment process.

Hon. Junet has done well to raise this issue. We must not be afraid to tell our religious leaders that, as the Book of Hebrews states, even when we do good and give in church, we do not do so to please the bishop, moderator, reverend or the church members. We do so because the Good Book tells us to do good and communicate, because it is pleasing to God. I do not go to church to please my moderator, neither do I go to satisfy the whims of my reverend. I go to church because it is pleasing to my God, and I shall continue to do so.

Our religious class should not imagine that they can intimidate us. I have never walked into a church and asked a single religious leader to give me an opportunity to speak. I am glad that I do not patronise one of the mainstream churches in Nairobi, together with the Member for Kiminini, Hon. Kakai Bissau. We go to church, sit, listen to the sermon and leave. We never ask anybody to give us an opportunity to address the congregation. When the church holds a fundraising event, I have never seen a single politician invite himself to those events. Church leaders must not make it look like we invite ourselves to churches to contribute money. There are many other places we can take that money.

Hon. Members: Tell them.

Hon. Kimani Ichung’wah (Kikuyu, UDA): Hon. Deputy Speaker, it is true what the Majority Whip has said. I accompanied the President to the Catholic Church in Soweto, Embakasi East. When we sat to have a cup of tea with the leadership of that church, they are the ones who sought the President’s help, our help and the help of the Governor of Nairobi to build a house for the father. They also sought help to repair the road to Soweto, which has already been advertised in the papers for rehabilitation. When I saw the Archbishop of the Catholic Church – with all due respect to the Archbishop of the Catholic Church – write a letter that they will return money to the President... I can confirm to the country and to this House that not a shilling or a cent has been returned to the President. When it is returned, there are hundreds of churches who have sent me and the President messages willing to receive the money and do the work of God because it is pleasing to God and not to man, the Bishop or the Archbishop.

Respect is earned and it is two-way. We respect our church leaders and they must earn that respect. If you speak at me, I will speak back at you. If you respect me, I will respect you. I heard my Moderator of the Presbyterian Church yesterday saying things that I do not expect a church leader to say of leaders. If you read the Book of Romans, it calls on everybody to obey authority because there is no authority that is not ordained by God himself. God is not the religious leaders. God anoints religious leaders to serve his people. God anoints political leaders and other secular leaders to lead his people and we all serve the same people.

I know we all come from different backgrounds and some of those religious leaders have issues because of where they come from. However, they must divorce their personal feelings from their church work. At times, I feel like saying some things because of where I come from, but I remind myself that I am a national leader in this country. There are certain things that I cannot say or do as a leader. I want to call upon our religious leaders to exercise that wisdom. I want to ask them to respect authority as commanded in the Bible. I want them to help this country. Some of the issues that I see them pointing fingers at the Governments for are issues of immorality. Those are issues that they should be dealing with in the society, for example, femicide, the growing trend of LGBTQs and other issues that are touching on corruption.

(An Hon. Member spoke off the record)

I hear a Member saying that the Ethics and Anti-Corruption Commission (EACC) is headed by a Bishop; a good Bishop for that matter. I wish him well. All those societal challenges are challenges that we must address together as political leaders and religious leaders not just from the church, but even from our Muslim leaders. I want to ask our leadership to work together. We cannot deal with the issues that I have seen, like femicide and the challenges with our children, without working together.

If there is moral decadence, it begins from our schools. Many of our schools, including public schools, are sponsored by the churches. We have made effort for numerous public schools to be under the sponsorship of churches or under the chaplaincy of churches. However, that is where the rain began beating us. The reason why we see men doing those kinds of bad things that they are doing to young girls is because we have lost something in our moral upbringing not just as men, but as a society. That is supposed to be the work of the church. Where is the church? I do not see the church confronting those issues. The church is now more into politics than anything else. We welcome them to politics. In fact, this House that they are admonishing has elected bishops and reverends and other Members like Hon. Bishop Kosgei who are nominated. Hon. Canon Naomi of the Anglican Church is the Majority Deputy Whip who whips Members to come and vote for Bills because that is what we were elected to do.

With tremendous respect, I want to tell our church leaders that when they point a finger at a leader, they should look at the other four fingers that are pointing towards them. When they admonish corruption, they should not just talk about the fight against it, but practise it. It cannot be that when I am a business person – I am still a business person – my money is not corrupt but, when I am elected as a member of parliament, it becomes corrupt money. It cannot be.

It is so interesting that church leaders are now choosing which political leaders to speak to, who to receive money from, who they like and who they do not like, and which political party they like and which one they do not. I call for mutual respect. Because I am a practising Christian, I will live according to the Bible. I can read the Bible and interpret it. I know what the Bible tells me about giving. I know what the Bible tells me about respect for church leaders. I will respect them. However, I also expect them to respect those in authority.

With those many remarks, let me thank Hon. Junet for having raised this matter.

Hon. Deputy Speaker: Hon, Members, I can see that there is a lot of interest on this. Let us agree that we will have three minutes each.

(An Hon. Member spoke off the record)

Yes, I will get to you. You will get a chance.

Hon. Keynan.

Hon. Adan Keynan (Eldas, JP): Hon. Speaker, Thank you, Hon. Deputy Speaker. We have a country. The Sovereign Republic of Kenya was born out of sheer hard work of the great men and women who fought the colonialists. From their struggle, they have given us a Constitution that we have amended over the years; the latest being the August, 2010 Constitution. It is one of the most progressive constitutions in Africa. We are also lucky as a country that we do not go through militarism. We are spoiled because we have not seen the effects of military dictatorship that has engulfed other parts of Africa.

The framers of the current Constitution were not fools when they equated sovereignty – and you are a seasoned lawyer – to representation. I want each one of us now to expand the horizon of our thinking. Why did the framers of the current Constitution equate representation to sovereignty? The reason is this. God ordains leadership. The fathers of democracy... You may remember those old days in Greece where people used to gather together all year to agree. Representative democracy is one of the most sought-after governance platforms in the world.

The presidency has been criminalised. Offensive, malicious and capricious statements have been used against the President. Let us remember that we have a Head of State who doubles up as the Head of the Government. In our own definition, again, within the constitutional architecture, the Head of State and the Head of Government is one with three branches. Many people have interpreted this to mean that there are three different competing departments. No! We have one Head of State only. That is the person with the instruments of power to govern the sovereign Republic of Kenya. That is the President. Let us respect the President. Let us respect leadership.

I ask my colleagues here to know that we are bashed because we have somehow failed. We need to put our foot down. The leadership should have sanctioned the newspaper that characterizes Members in very negative light for a budget that does not even exist. We have failed. The Speaker should have sanctioned that newspaper to either elaborate or apologise. We have not done it. We have allowed them to go away with a mistake. From what I have gathered, to the best of my recollection, there is no budget for Members. The budget alluded to is not even in the current budget. How will you be paid for something that is not budgeted? That was malicious.

Equally, civility is not a sign of cowardice. Despite the fact that we have restrained ourselves, we also urge us to demand respect. Let us also ask our colleagues on the other side - whether in the church, trade activists, in the village - to know respect is two-way. The people have elected these Members graciously. The Members fought hard. Wait if you do not respect them. Luckily, our election cycle is time-bound. It is five years. Wait for 2027 if you think you are the most qualified woman, sheikh or bishop. You will present yourself to the electorate, get elected, and come to do what you think is right.

Hon. Deputy Speaker: Thank you. Hon. Keynan, we agreed it would be three minutes so that every Member gets a chance.

Hon. Adan Keynan (Eldas, JP): Hon. Deputy Speaker, we must tackle mob justice. People go to church because they think they will not be held accountable and they condemn everybody. We have fought together during disasters.

I appeal to the leadership of churches, the mosques, trade unionists and everybody else. It is incumbent upon us to respect ourselves, the leadership and those we elected. Use the power of the ballot to vote them out when the time comes. Do not abuse them. God does not allow that. There is nothing Islamic or biblical about that. Let us respect leadership so that we can have a flourishing, vibrant, and functioning democracy of which everybody will be proud.

Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you. The Hon. Member for Dagoretti South, three minutes.

Hon. John Kiarie (Dagoretti South, UDA): I must truly thank Hon. Junet for bringing this matter to the Floor of the House.

The truth is that this country is treading dangerously the moment we have an affront on institutions. It does not matter whether that institution is the presidency or parliament or the clergy. Any administration, civilization or democracy needs intact institutions. We have a great example in a country called Sudan. Sudan went down the route that we want to go now. They broke down their institutions. Today, those who were clamouring for the fall of the presidency and government are crying; wishing that they would be having a government or a president.

The Good Book, in the Book of Daniel, tells me that He changes times and seasons. God lifts up kings and removes kings. He gives wisdom to those who are wise and knowledge to those who are discerning. The Good Book I read is the one that tells me that leaders are to be respected. We are not calling upon someone to respect Kiarie or President Ruto. You might have your differences with President Ruto, but you cannot sacrilege the institution of the presidency.

It is sacrilegious to have an affront against the institution of Parliament as we are seeing from leaders of the clergy. Most importantly, those who claim to be calling out evil, injustice and immorality need to check themselves first. The Good Book again, in the Book of Matthew, asks me why I look at the speck in my neighbour's eye while I have a log in mine. What is happening in those institutions called religious institutions? Are they doing what they are calling out other people on?

There is immorality in our churches. There is theft and thievery in our churches. Many evil things are happening there. The point here is to let politicians do politics and the clergy be true to their call. The place of a religious leader and that of a political leader are very clear in the Bible. We have not traded places. We are not on altars of churches preaching. In the same way, a preacher cannot be politicking on the platform of politics.

Thank you very much, Madam Deputy Speaker.

Hon. Deputy Speaker: Hon. Millie Odhiambo, Member for Suba. Those who want to contribute should put on their intervention button.

(Loud consultations)

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Speaker. I can hear Members already shouting "bad girl". Let me be a good girl on this.

Even though I listen and hear what my colleague Members are saying, I want to say that I disagree with a few areas. The nation suffers when the voice of the church is silent. I want to say that I agree with the church. They must speak and call out evil. Indeed, it is unfortunate that we find ourselves in a situation where Members of Parliament talk back and forth with the church. Did the Members of Parliament bring this? No. The church brought it upon themselves. They brought it upon themselves.

If you look at the last election, the church was very partisan. The church classified my party leader a demon and a devil and yet, they are not God. Only God knows the heart of a man. As the church, you told us that God ordained President Ruto. When was he un-ordained by God? Were you listening to yourselves and not to God? This is a very serious issue. The church has a place, a very special place, in society. The society loses when the church cedes that position to politicians. That is why we have femicide. The church should address those things. That is why we have rogue youths talking toxic to politicians. That is why you have people disrespecting others.

The church has decided to take politics ahead of their God-ordained duty. I encourage church leaders to look at Matthew Chapter 15. That is when the Pharisees and teachers of the law went to confront Jesus. The church should see what they told Jesus. Because my time is

up, I just want to say that they should look at what is in the book of Matthew. Jesus told them something. They can read the whole chapter. Jesus told them: “These people honour me with their lips, but their hearts are far from me”. The church needs to do serious soul-searching and bring the country back to its moral and rightful place.

Hon. Junet, thank you for bringing this.

Hon. Deputy Speaker: The Hon. Member for Seme, Hon. James Nyikal

Hon. (Dr) James Nyikal (Seme, ODM): Thank you, Hon. Speaker. We are talking about a very important issue in the country. I thank Hon. Junet for bringing this. It is true that I do not feel proud as a Member of Parliament when I walk around. It is because of the things that I hear. The church is calling us out. They may not themselves be right. However, we want to take one thing: We are elected to represent the people; we carry the burdens of the people. Indeed, a society will point at the people it has elected when a society goes wrong without realising that the people may be representing the society as it is.

There may be something when we are called out. As much as we would like to call on the church, I will end up by saying one thing and suggesting two things to our leadership. Do we have a public relations department that looks at issues and points out what we need to do? We should engage that.

Secondly, the leadership of this House should actually commission a very serious study, go to the public and find out why the public feels as it does about us. When the facts are available, as representatives of people and as leaders, we must face them squarely and address them. I do not think we are angels. Instead of bashing the church loudly in public, we should look at ourselves. There are problems on both sides of the society. We should look at ourselves and the church should look at themselves. As leaders, it is our duty to lead in this process and find out why the church is talking as it is talking about us, and face those issues that we find out.

Thank you, Hon. Deputy Speaker.

The Deputy Speaker: The Hon. Sabina Chege.

Hon. Sabina Chege (Nominated, Jubilee): Thank you. I thank Hon. Junet for bringing the Motion. I concur with many things that my colleagues have said, but I do not want to repeat them.

Let me say something that no one has said. This House deserves to respect itself. We have had our own colleagues going out there accusing us on all manner of things, but I have not seen anything happening to such members. I call upon the Speaker of this House, and I would have loved to speak when he was here, that it is time to crack the whip. We have had Members of this House going to the same churches and lying. I respect the churches so much. We are all members of different churches and so, we do not disrespect religious leaders. My friend Hon. Koimburi was here but ran away when I told him I actually wanted to name him here. We have the Powers and Privileges Committee, but we have not seen them cracking the whip.

Last Sunday, and this is very unfortunate, we had some Senators who went to our village and on the same church platform, claimed that they had been given Ksh20 million to impeach the former Deputy President. Why are we allowing the public to disrespect us? We are the same people who go out there telling lies about this House, but we complain when we are disrespected. Hon. Deputy Speaker, there is an emerging trend where Members who just want to become popular, or just want to be clapped for, use the name of this House to talk about things that have not happened here, but nothing happens to them.

I say once again, it is time for the Speaker of this House to crack the whip. Let people who lie and falsely accuse this House be brought to book. If a step is taken against one of them, I am very sure the perception will change. Let us not go and undress ourselves out there, and

then come here and cry about what people think about us. There is something called perception. We must clear how the outsiders perceive Parliament.

I submit, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Alice Ng'ang'a, Member for Thika Town.

Hon. Alice Ng'ang'a (Thika Town, UDA): Thank you, Hon. Deputy Speaker. We all know when the Church and the State work together, there is development. But when we start calling each other names, things do not work the way they are supposed to. We were in Naivasha last week and I was quoted in the papers that I stated some words. And in all the media houses the entire following morning, the talk was what Hon. Alice Ng'ang'a had talked about allowances. That is not true! But according to the people who listened to the media, they believed whatever that was said is correct.

As for what is going on with the churches, I feel very bad and especially when we are told not to go and give in the churches. I am a believer; I believe in God; and I believe in Jesus Christ. Luke 6.38 says: "You give and it will be given to you. Good measure pressed down, shaken together and running over will be put into your bosom. For with the same measure that you use, it will be measured back to you." So, as a human being, a church-goer and as a believer in Jesus Christ, if I am told not to give in church, it means I am being curtailed in whatever I believe in. And that is not fair. Let the person who wants to give, give. We have been giving ever since we were young children and until today, we are still giving. It is not right now that we are to be told that we cannot give.

Members of Parliament have families. We have homes. We have values and we have morals. So, we should not be told that we cannot give in church and participate because of something that happened on the Floor of the House. Here, we are doing what we are elected to do - to pass laws. Whether the laws favour a person or people are happy or unhappy with them, it is not in their position to tell me that I should not go to church. It is wrong to tell Members of Parliament that they should not visit the churches. Let our God be the only judge, not a human being. The Bible says that cursed is a person who puts their trust in a man. We should all put our trust in God and God alone. We should not believe in the prophecies against Members of Parliament. Let us not believe in those prophecies, but trust in our God and prayers. Let us keep on praying and our God will be the judge at the end of the day.

Thank you very much.

Hon. Temporary Speaker: Lastly, let me give a chance to the Hon. Member for Bomachoge Chache.

Hon. Alfah Miruka (Bomachoge Chache, UDA): Thank you. Let me also give a voice to this important debate.

Personally, I am a son of a pastor. It is so sad that churches are mixing ideas like politicians. If we do not differentiate between a church and a politician, this country will be doomed. Let me give an example. It is so sad and unfortunate that you find... The Government may make mistakes which is very normal because it is composed of human beings. In the church, we believe that the clergy preach what God has sent them to do. The Bible categorically says that we must forgive our neighbour 70 times seven in a day. That is several times in one day. I am now wondering if churches are accusing and pointing fingers at politicians; pointing fingers at the President and pointing fingers at everybody, whom are we supposed to run to? Remember, the church is meant to provide solace for people who are having problems. People should go there for forgiveness. Church fathers pray for believers and present their cases to God. We cannot mix darkness and light; and we cannot mix water and paraffin. They will never be mixed. That means we should categorically stand as Christians and as sons of God to portray the image of God.

If there is a problem facing the country, they are not supposed to point fingers at the Government. They should go to the mountain, pray and ask God to make things happen in the

right way. If the clergy is coming back to the nation crying and the Government is crying, what is the way forward? Let us do the right thing and know that God is not a human being. We cannot judge any human. We have no right to judge another human being. All of us breathe oxygen for free, and it is given by God - the God we worship. Politicians make mistakes and have a lot of propaganda. We are tainted every day and night. We are accused of things we have never done but again, we find that churches where we are supposed to go to pray for forgiveness and pray to God to assist us repent our sins, are doing politics as politicians. It is so unfortunate. Because of time, I want to say that...

Hon. Deputy Speaker: Member for Migori,

Hon. Fatuma Mohammed (Migori County, Independent): Thank you, Hon. Deputy Speaker, for giving me this opportunity. I want to talk to the media and remind them that they do not have another country called “the media”. Their country is Kenya. For their memory, because they should be having this in their records, 2007 started as a result of recklessness. If we continue like this, we might end up there, or even worse than that.

So, I want to tell our media houses that we love them, we watch them and we promote them more because our business is what they do every day. I mean, without a politician giving some speech somewhere, the media has nothing to report about. Anybody who watches from Migori would rush to a particular media house because they have seen Fatuma being aired. But if you *paka me matope* all the time, I want to tell the media houses that one day, your children, your mothers or fathers, will be in this House. In fact, ironically, I remember when I was running for this seat, I had two media personalities who left their job to come and compete to be women representatives. I know of many who have come into this House as a result of being in a media house. So, if this House is that bad, then why do you focus on us? Let us build our country. Let us criticise positively. I insist, again, that you should not criticise if you do not have an alternative. Give us an alternative in your criticism.

I will not talk much about the churches, but I want to remind them that only Allah can judge. It is only Allah who knows who will be in paradise and who will be in hellfire. So, I am requesting the church and our mosque... But I must excuse our mosque because, honestly, the Muslim fraternity is not so much into politics as the other fraternity. So, I am requesting our churches to kindly pray for us. If you see Fatuma doing something wrong, the best you should do is pray for me. But you should also call me in private and say: “Fatuma, what you did yesterday was not right.” That is how we were brought up. That is what we know about the churches. That is what Jesus used to do. I never saw Jesus anywhere curse a sinner. All the time Jesus would say: “You have done worse than that person. Let us pray for that person to change.”

So, churches, this is your country and it is through this country that you will be buried so that you can go to heaven. We will not bury you in another country before you go to heaven. So, please, churches, let us be responsible. Let us pray for each other. Where we have wronged you, forgive us. Where you have wronged us, we forgive you sincerely.

Hon. Deputy Speaker: Okay, Hon. Members. We can now move to the next Order.

MOTION

ADOPTION OF REPORT ON FINANCIAL STATEMENTS OF STATE CORPORATIONS (NYANZA REGION) FOR FINANCIAL YEARS 2018/2019, 2019/2020 AND 2020/2021

THAT, this House adopts the Report of the Public Investments Committee on Governance and Education on its Examination of the Reports of the Auditor-General on the Financial Statements of State Corporations (Nyanza Region) for

the financial years 2018/2019, 2019/2020 and 2020/2021, laid on the Table of the House on Thursday, 25th July 2024 subject to:

(a) deletion of Paragraph 212 appearing on Page 41 of the Report and substituting therefor with the following new paragraph:

“The Committee recommends that the regular cash payments made for the casual works done amounting to Ksh2,308,996, be surcharged to the governing council of Kisumu National Polytechnic. The amount is to be paid within six months after the adoption of the Report by this House.”

(b) deletion of Paragraph 216 appearing on Page 41 of the Report, and substituting therefor with the following new paragraph

“The Committee recommends that the long-standing imprest of Ksh37,800, be written off from the institution’s books of accounts since no money was lost; it was as a result of demise of the employee.”

(c) effecting the consequential amendments in the Report.

(Moved by Hon. Wanami Wamboka on 6.11.2024 – Afternoon Sitting)

(Resumption of debate interrupted on 6.11.2024 – Afternoon Sitting)

Hon. Deputy Speaker: Hon. Members, the Chairperson of the Committee had requested that we defer this Order to a later date.

(Motion deferred)

Next Order.

BILL

Second Reading

THE START-UP BILL (Senate Bill No. 14 of 2022)

Hon. Deputy Speaker: The Chairperson of the Departmental Committee on Trade, Industry and Co-operatives had requested for a few minutes. Oh! She is here. You may proceed, Hon. Mayaka. I can see that the Chairperson has arrived.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: What is your point of order, Hon. Millie?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker. I do not have a problem with the Start-Up Bill. I actually fully support it. However, I just wanted to request the House that, because this is a Private Member's Bill, when we have a chance to create space, we should consider ongoing Bills. For instance, my Assisted Reproductive Technology Bill was already in the Committee of the whole House. Ideally, it is the one that should have been slotted for this time because it is equally just as important as the Start-Up Bill.

So, I would request that since the Government business took up almost all our time this Wednesday, thus leaving very little time for Private Members' business, when there is space, please, consider my Bill as a priority.

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Hon. Deputy Speaker: Thank you, Hon. Millie. We shall make sure the Clerks let the House Business Committee know that.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: What is your point of order, Hon. Makali?

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Thank you very much, Hon. Deputy Speaker. The issue raised by Hon. Millie is very important and I agree with her. If you look at the Order Paper of last week, the Bill which was supposed to follow immediately was my Bill — Parliamentary Pensions (Amendment) Bill. This week, it was not even in the Order Paper. What makes it even more surprising is the fact that this Bill is a Bill that is discussing the pension for these Members of Parliament who are seated here and yet, we do not seem to even give it any attention. I plead that the next opportunity for a Private Members' Bill should be given as my chance.

Hon. Deputy Speaker: Right. I have just been advised by the Clerk-at-the-Table that there were three Bills that were relating to parliamentary pensions, and I believe the House Business Committee decided that they should be considered to determine whether they can be consolidated into one Bill. Nevertheless, Hon. Makali's issue should be raised with the House Business Committee.

Hon. Mayaka, you may proceed now. We are delaying your Bill.

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

THAT, the Startup Bill, (Senate Bill of No. 14 of 2022), be now read a Second Time.

As a co-sponsor of the Bill, first of all, I would like to share with the Members the main objectives of this Bill. This Bill is meant to provide a framework that fosters a culture of innovative thinking and entrepreneurship, registration of start-ups and the linkage of such start-ups with the financial institutions, private sector research institutions and such other institutions like the national and county governments.

It is also meant to facilitate investment by the provision of fiscal and non-fiscal support to start-ups in Kenya, promote an enabling environment for the establishment, development, conduct of business and regulations of start-ups, establishment of incubation facilities at the national and county levels of government, monitoring and evaluation of the legal and regulatory frameworks and the mechanisms to be put in place to encourage the development of start-ups.

This Bill is in six parts. Part I is the preliminary and interpretation. Part II covers the establishment of incubation programmes and also demonstrates the role of national and county governments and establishment of the incubation programmes. Part III talks about registration of start-ups and admission into an incubation programme. Part IV speaks about certification of incubation of incubators. Part V speaks about the incentives for start-ups, and Part VI is the miscellaneous provisions for regulations.

Just to give this particular Bill context, technology and technological innovations are set to be the biggest contributors of economic development in the next few years and, in most cases, they grow from innovative ideas and come into the market as start-up businesses, which have exponential growth and potential owing to their digital nature.

What motivated this particular Bill, which is co-sponsored by myself and Senator Crystal Asige, is that it is meant to focus on the young people of this country who, because of the nature of expecting to get employed, do not have so many opportunities. So, this is actually an encouragement for them to start up their own businesses and become employers. Currently, start-ups provide rich entrepreneurship avenues, especially to the young people, thus empowering them to source local talent and, in turn, reduce unemployment. They also contribute to the growth and collaboration between professionals with various backgrounds,

the continual development of the cities and localities where they are established, and encourage creativity and ingenuity, thus contributing to the overall economic growth of our country.

Hon. Deputy Speaker, reports show that 92 per cent of Africa's investment in technology is won by just four countries: Nigeria, Egypt, South Africa and Kenya. This is because their sizable population and larger GDPs make them attractive destinations for investments.

Hon. Deputy Speaker, for example, Kenya technology start-ups raised over US\$570 million in funding in 2022. Indeed, Kenya is recognised as the silicon savanna by virtue of being a host to a number of reputable start-ups that have advanced to become regional and global signatures. For instance, the founding of M-Pesa has led the world in mobile money innovation. Other brands— including Cellulant, Twiga Foods, M-KOPA, Hisa and others— have since mushroomed as a result of that very innovative mobile money innovation. Despite all the successes, the country has no regulatory framework to guide and establish the operation of start-ups.

This gap has led to a number of challenges, including weaknesses in identifying start-ups, lack of incentivising mechanism for their ventures and lack of recognition of their unique functions, needs and realities. The Executive has pronounced itself as committed once the Start-up Bill is enacted. They recognise that the African youth need the digital skills, access to technology and markets that are essential, if they are to thrive in an increasingly digital global economy. Those start-ups not only cover the technology space, but also encourage innovation on the scientific and entrepreneurship spaces as well.

The Executive has further recognised that this is how Kenya, through her brilliant innovators, can unlock her remarkable capacity for innovation, enterprise and the world-class leadership. Yesterday, I spoke when you were engaging on the Public Procurement and Asset Disposal (Amendment) Bill, 2024. I mentioned that we allow our innovators from this country to be celebrated first by other people from different countries, before we even recognise them back at home. This is just one of the ways that will ensure that the innovators that are mushrooming from our country are recognised and given guidelines to set up the businesses that they innovate in a proper manner.

It is useful to note that a number of countries have enacted their own legislative frameworks for start-ups. In a number of those countries, Start-up Acts include an amalgamation of policies that are intended to increase the incentives for young people to start new ventures and encourage investors and lenders to support their budding entrepreneurs. For example, the policies in Tunisia and Senegal are part of their broader government strategies to position their countries as innovative hubs, by leveraging the emerging technology scene to improve economic development. Now that we have done the necessary amendments in the Public Procurement and Asset Disposal Act, this will enable many young people, local firms and innovators to have opportunities. We said that procurements that is worth Ksh1 billion and below should be given to local firms, but not the foreign ones. This is a very timely Bill that will work hand-in-hand with the Public Procurement and Asset Disposal (Amendment) Bill.

Tunisia's Start-up Act provides for, among other factors, state salaries for up to three founders per company during the first year of operation, generous tax breaks, start-up grants, fast-track of licences for registration documents and increased state support to cover patent licences. Senegal's policy includes three tax-free years for start-ups, training for youth and female entrepreneurs and a start-up registration platform which is easily accessible in a government website. We are also proposing tax holidays in Kenya for the same. You will recall that one of the pledges in the Azimio la Umoja-One Kenya Coalition Party Manifesto that the Right Hon. Raila Amolo Odinga advocated for was that the young people who have start-ups would be given tax holidays for them to catch up and integrate themselves into the business space.

In India, in 2016, the Government launched the Start-up Action Plan which was dubbed the Start-up Indian Initiative. Its objective was to address aspects of the start-up ecosystem and as a support framework for innovative entrepreneurs. India's motivation behind the Action Plan was to fast-track the spread of the start-up movement from the digital technology sector to other sectors, including social manufacturing, agriculture, education and healthcare. Further, they targeted to move the concentration from tier one cities like Mumbai to tier two and three cities which were considered as semi and urban areas. I am demonstrating some of those examples so that we can see that, as a country, that is something that has been implemented elsewhere. It can work in our country because we have the resources and the potential to do the same.

Hon. Deputy Speaker, based on the foregoing, the necessity and urgency for enacting this Start-up Bill cannot be gainsaid. Once this Bill is enacted, it will provide a framework to encourage growth and sustainable technology development, new entrepreneurship, employment, create a more favourable environment for innovation and attract Kenyan talents to diverse capital avenues. It will also encourage young people to start becoming chief executive officers (CEOs) and not depend on looking for employment. They can gain much more when they are innovators and owners of their businesses and start-ups.

The Bill provides for registration of status, a register of start-ups and even admission into incubation programmes. Further, it outlines the obligations of the incubators and support to start-ups, including credit guarantee schemes, training and capacity building, application for grants and revocation of patents, fiscal incentives, growth objectives and obligations for various entities. The framework provided by the Start-up Bill will enable start-ups to grow, thrive and encourage innovation and investment, and Government support for the start-up. It seeks to encourage the culture that we, as a country, have of innovation and entrepreneurship. It seeks to simplify registration, licensing, formalise recognition on what a start-up is, and create a special virtual economic zone. Despite their geographical location, they can use technology to leverage and be recognised as one ecosystem.

To put this into perspective, for example, young people in South Africa have digital economy applications. They link up the farmers to the market centres through the digital economy. They sought to do this because they realised that young people do not like farming. Agriculture is not their thing. But when they were introduced to the digital aspect of it and how they can introduce digital economy into their country, then this sparked their interest in that particular space. This can be a very exciting innovation in the agricultural space for our young people. We have counties that are agriculture-based. This will really benefit the young people from there.

The Bill will create and give incentives such as tax holidays that I spoke about on duty and Value Added Tax (VAT). It will also attract angel investors whose investments are recognised and de-risked to a certain degree, in case the start-up does not take off in a certain period. Angel investors are people who believe or buy an idea that a young innovator has. They would like to invest in it, but they do not have the right framework to do it. This Bill will enable them and people who really believe in the dreams of young people to invest in them.

Pursuant to Article 96 of the Constitution, the Senate - where this Bill came from - is tasked with the role of protecting the interests of counties. This Bill outlines the role of both the national Government and the county governments in the registration of start-ups. Therefore, it articulates clearly the role of county governments, facilitates start-ups and incubation programmes. Although obtaining support of the national Government is critical, efforts must be concentrated at grassroots level. In this case, the role of county governments in supporting start-ups become prominent. The President celebrated one year of e-Citizen today. It has assisted people to register businesses in the counties. So, this will work in line with that and make the process even more seamless for the young people who do not necessarily have to come all the way to Nairobi City, Kisumu City, Mombasa City and Eldoret City to register

their start-ups. They can, however, do that at their own county levels. The Bill provides that the county executive committee members shall do the following:

1. Put in place a national and county incubation policy framework for the development of business and incubation sectors start-up systems;
2. Enter into partnerships with local and international business incubators in order to promote the establishment and growth of start-ups in Kenya;
3. Establish programmes for the certification and admission of incubators into the incubation programme;
4. Put in place mechanisms that promote the development of business incubation programmes; and,
5. Create an enabling environment for the promotion of business incubators, including fiscal and non-fiscal incentives.

Hon. Temporary Speaker, start-ups require significant investment at the initial stage, especially in terms of capital, investment, research and development. Considering that most people in those ecosystems are youth, there is a need to support them, and provide incentives for conceptualising their projects to a place where businesses are established, healthy and running.

This Bill confers on the Cabinet Secretary without prejudice, the power to make regulations on the exemption of start-ups from registration fees, protection of intellectual property rights, employment benefits and compensation, relationships between founders and employees and reporting and accountability of start-ups. This will go a long way in giving our entrepreneurs the impetus that they need to establish themselves.

The Bill further amends the Science and Technology Act of 2013 to provide for financial support of technological innovation, representation of start-ups in the National Research Fund, and allocation of monies to provide for financial support to technological innovation.

The Bill goes further to set out criteria for admission into the incubation programme, registration of start-ups and obligations of start-ups. This is important to avoid abuse of the system by fraudulent persons trying to circumvent statutory obligations such as tax and levies. This Bill also confers the responsibility of registration and database maintenance on the Kenya National Innovation Agency. That agency, as a State corporation that was established under the Science, Technology and Innovation Act of 2013, is responsible for the coordination, promotion and regulation of the national innovation system. The agency works with stakeholders to promote innovation and enterprise development out of research and ideas, which means supporting the identification, recording and protection of innovative ideas.

To put it into context, we know the story of the *Kiondo*, which as a country, took us time to fight back the naming rights from Japan. They had named it and done a copyright of *Kiondo* before we did it in Kenya. This is going to enable and ensure that anybody who comes up with an innovative idea, whether in soft or a service or a good, will have copyrights for their ideas.

As I conclude, allow me to retaliate that the implementation of this Act still confers on the National Assembly and Senate other responsibilities over and above the oversight of its implementation. This includes ensuring that both national Government and counties are adequately funded so as to be able to undertake the responsibility. It is incumbent upon us to pursue increased allocation to counties as well, so that they can be able to establish incubation programmes and auxiliary system services, increase investment in research and development activities that are undertaken by start-ups, and establish programmes for the certification and admission of the incubators through, for instance, the polytechnics.

Start-ups are the vehicles through which innovations spur economic growth. We must support the entrepreneurs, and promote innovation by creating a favourable environment that is anchored on a comprehensive legislative framework.

I just want to urge the Members of this House to please support us in this particular Bill so that we can leave a legacy for the young people of Kenya that we are enabling them to gain from the innovations that they have.

I beg to move, and call upon Hon. Marianne Keitany to second.

Hon. Marianne Kitany (Aldai, UDA): Thank you, Hon. Deputy Speaker. I stand to second.

At the outset, we want to thank the Private Member at the Senate and Hon. Irene Mayaka, who is the co-sponsor of this Bill at the National Assembly, for bringing up the Start-up Bill. This Bill has already gone through the Senate and it is now before the Departmental Committee of Trade, Industry and Co-operatives. It is a Private Member's Bill and the Government is also very interested in this Bill.

The Ministry of Co-operatives and Micro, Small and Medium Enterprises and, more specifically, the State Department of Small and Medium Enterprises Development (MSMEs), is also very keen on this Start-up Bill. That is because the young people who are the cornerstone of this country in terms of development are left out, especially when it comes to investments and developments. When they go out to start a business, if it is a beautiful idea, it is snatched away from them! They never get any support at all to grow that idea into a business that can run and work very well. A case in point is the famous product that we use today called the M-PESA system. The M-PESA system was an initiative and an innovation of a young man in this country. Before the young man knew it, the product had already been taken over by an international company called Vodacom. And before we knew it, it had become a big product that is now being run and managed by Safaricom.

The young man who was the inventor of that particular product never got any reward for the work that he did. The product that the President was talking about today, the celebration of one year in service, that is e-Citizen, is a Kenyan product. E-Citizen is a creation of young people who have thought and used technology to make life easy for us, as Kenyans. We are able to pay for services that we get from the Kenyan Government in an easy and comfortable way. You can sit in the comfort of your home and transact with the Government 24/7. It is unlike before where people used to wait until Government offices are opened between 8.00 a.m. and 5.00 p.m. and, by the time you get to a Government office, perhaps, the officer in charge has hung his coat and gone away to do his or her business. He or she leaves you there waiting for hours on end, not knowing what time he or she will turn up to serve you.

That service has come in handy, and is today helping the Kenyan people and the public. The Start-up Bill, as much as it came from the Senate and is a Private Member's Bill, has a lot of interest from the Government. The Government wants and intends to make amendments to it. Therefore, as much as we support, we will support amendments that will come from Government and stakeholders as well, so that everybody comes in and gives their input into the Start-up Bill. One of the objects of the Start-up Bill, as recognised by the Government, is the recognition of start-ups. What is a start-up? Is a start-up a company that has just started now? It could even be a growing concern, meaning they have never been able to grow from where they started. That will be considered as a start-up.

In considering those start-ups, we will be considering what we call incubation and how we can incubate or be able to nurture those companies that are start-ups so that they can grow and become real industries that can employ many of our youth. We will look at what we call accelerators and technology transfers. A lot of those start-ups today are in the Information Communication Technology (ICT) or the technology sector. That is where most of them are.

That is not to say that we do not have start-ups in other areas like the *Jua Kali* sector. For example, right now, we are doing affordable housing and markets. Many people are coming up with innovative ideas for what they call a smart market.

That equipment is put in newly constructed markets to make life easier for traders or *mama mbogas*. That innovation is by our young people and if it is left unprotected, someone can steal it. In most cases, those innovations are taken up by big companies, thus leaving the young people with no support and nothing to hold on to. The objects of the Bill are to recognise, establish, develop and support start-ups. There is a growth plan from incubation to maturity, that is when they can compete with the other companies in the industry.

It will also facilitate the provision of fiscal and non-fiscal support. This is an area which most start-ups look up to especially, for the Government support in the fiscal and non-fiscal areas. The Government has a lot of funding facilities that are available, but those start-ups do not benefit. For example, there are agencies like Kenya Industrial Estates (KIE), Kenya Development Corporation (KDC) and many others that offer Government funding. Those start-ups do not access funds at affordable rates. When they go to KIE, they are required to have collateral and yet, many young people do not have collateral. The only use phones to come up with technological innovations and their brains. That is not collateral that can be used. So, start-ups need to be given that kind of support.

The Bill will also help in catalysing the growth of start-ups in Kenya. In other parts of the world like China and Vietnam, many start-ups have grown to become big businesses. We know that in Singapore, small start-ups have grown to become big companies. This is because they support young business entrepreneurs to grow their businesses. Even companies like Samsung, Apple and Microsoft, which manufacture phones, started in a university bedroom. Due to the support and favourable business environment, they grew to become the blue-chip companies that we know.

The Bill will also enable the private sector to help start-ups. In the process, the private sectors will also get incentives. For example, there is programme that I watch on television called Shark Tank, which is produced in the United States of America (USA). In that program, entrepreneurs or business investors listen to ideas from the young people. Once they like the idea, they pick it and get incentives for supporting them. In any start-up, you require someone to hold your hand until you are strong enough to walk alone.

The other issue is linking the start-ups to financial institutions. Currently, many of our banks require so many documents before they can give finances. They require a five-year bank statements and other things which start-up companies do not have. So, when this Bill is passed, the Government will create an environment where such financial institutions can waive some of those requirements, so as to allow start-ups to access the financial capital they require to grow their businesses.

Other benefits in this Bill are labelling, incubation and acceleration of start-ups. We need to have an eligibility criterion. How to identify a start-up? What grants can be given to incubators? How to register a start-up? Who will be the registrar? We need a register of all the start-ups in the country. They also need support, coordination and technology transfer for them to access Government services.

The other major and very salient feature in this Bill is Government support specifically, tax reliefs, Value Added Tax (VAT) and Income Tax refunds. This will ensure that start-ups do not feel the pain of paying taxes. Many young people do not want to formalise their businesses. This is because the moment they do so, the next day they find a taxman at the door telling them to pay Income Tax and VAT. If start-ups get tax reliefs for a certain period, they will be comfortable to run their businesses. We know the Government is giving tax reliefs to investors who are investing in the Export Processing Zones (EPZ) and Special Economic Zones Authority (SEZA) areas. Those reliefs and comforts that investors get can also be transferred

to young start-ups. This Bill creates room and leverage for young entrepreneurs to start their businesses. They can even get relief from county government levies.

There are also some miscellaneous provisions that are provided in this Bill like data protection and patenting. Many young people do not know the process of getting their products patented and protected. Therefore, with Government support, their products or services will be patented and their data will be protected. We are aware that the President decided to have an incubation centre for start-ups in his Office. He made that Statement yesterday. This is a good incentive and it shows that the President is leading from the front. He is keen on ensuring that young people get a space in this country to run their businesses. That way, they will prosper and become big multinationals that will compete with the rest of the world. I support this Bill. We are ready to work with the co-sponsors.

Thank you, Hon. Temporary Speaker. I support.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Did you second? Please go on record.

Hon. Marianne Kitany (Aldai, UDA): Thank you, Hon. Temporary Speaker. I am sorry I forgot. I second this Bill. Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much.

(Question proposed)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Millie Odhiambo.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker. I wish to inform the Members that we are starting the debate on this Bill. So, they will have time to speak. I want to congratulate Hon. Crystal Asige and Hon. Irene Mayaka for co-sponsoring this important Bill. This is a testament that disability is not inability. Within the short time Hon. Crystal Asige has been in the Senate, she has brought very good pieces of legislation. I congratulate her and Hon. Irene Mayaka, who is also known as (aka) “Renee” for bringing this Bill. This is her second Bill after the Environmental Management and Coordination (Amendment) Bill.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Millie Odhiambo, I want to inform your colleagues who are seated next to you that, in order of precedence, you speak first. They have now learned that you must speak before they do, especially when you have requested to speak.

Proceed.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Speaker, I am glad that you have set the record straight. I know that first-time Members are sometimes a bit resentful when we consider ranking, but they will appreciate it when they come for their second term. I can see some of them coming back for their second terms. When they come for their second terms, they will appreciate it when a new Member is given priority over them. There is something that goes with ranking, even in the legal profession. That is why you will always hear the substantive Speaker, sometimes, putting us in our place when we purport to know too much. He reminds us that, legally, he is our senior. Everybody knows that.

This Bill is a testament to the fact that being a nominated Member is not bad. Hon. Mayaka and Hon. Asige are nominated Members, and they are doing excellent work. I also started as a nominated Member. I am now serving my fourth term. Hon. Cecily Mbarire also started as a nominated Member. She is now a county governor. There is nothing wrong with being a nominated Member. Even Hon. John Mbadi served in the current Parliament as a nominated Member. He is now a Cabinet Secretary. I do not know why people have the perception that only women are nominated to Parliament. I want to congratulate the two

nominated Members. They have understood their purpose as nominated Members, and they are doing very well.

This Bill talks about two things which are very close to my heart – entrepreneurship and innovation. I am the founder of the Maiden Institute of Leadership, Law, Innovation and Entrepreneurship; the MILLIE Institute. The MILLIE Institute has several divisions, one of which is innovation, while the other one is entrepreneurship. I founded that institute because I know innovation and entrepreneurship are the future of this nation. Because of lack of formal Government jobs and the challenges that we are facing as a country, young people can rely on technology to not only create jobs for themselves, but also for others. The provision of such a framework is good for our young people.

Due to lack of existing legal framework, our bright Kenyans are misusing their brains. Only this week, some Kenyans hacked into some financial systems. They were part of a group that stole billions of shillings. Imagine if the brains that were used to steal billions of shillings were used to create jobs. However, because we lack that framework, which includes tax holidays and other incentives, the only other option they think they have is to steal. That is why we need to create such framework to enable them to use their brains well.

I will bring an amendment Bill to give awards to people with innovative ideas that offer solutions in society. For instance, during the last Parliament, I attended the annual World Bank Meeting in Washington D.C. If there is one thing that has been over-celebrated, it is M-Pesa. Kenya is always celebrated not only because of M-Pesa, but because of other technologies. I was recently talking to a group of Kenyans that I was training online. Because we currently feel that the country is facing many challenges, sometimes, we speak like we are in a dungeon. It is true that we are facing many challenges as a country. We must acknowledge that fact. But there are also very good things that are coming out of this country. One of them is M-Pesa. I know that because of legal reasons, Safaricom PLC may not want us to know who the M-Pesa innovator is. They do not want to be challenged in court through a lawsuit. However, from a moral perspective, I encourage them to let us know who that person is so that we can celebrate him as a country because he created something unique not just for Kenya, but for the whole world, which everybody is replicating. Because we do not celebrate our own when they do such good things, they use their talents for wrong purposes.

By the same stroke, I request that Parliament considers forwarding the names of the Movers of this Bill for a presidential award because they have done an excellent job. I request that we consider Hon. Irene Mayaka and Sen. Asige for a presidential award for this excellent job.

My other concern, which I have noticed is in the Bill, is the issue of intellectual property rights. Many of our young people come up with very good ideas but, because they do not have resources, they approach people who have resources for assistance, only for those people to turn against them and steal their ideas. Therefore, a strong intellectual property rights framework will cover them. That is why the Bill seeks to amend the Science, Technology and Innovation Act to ensure that innovators' intellectual property rights are safeguarded.

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

[The Temporary Speaker (Hon. Farah Maalim) took the Chair]

One of the things I want the Bill to address is when start-up businesses stop being start-ups. This is because we sometimes like taking advantage of good things in this country. A start-up business may initially be worth Ksh2 million or Ksh5 million. I do not know what the range is but Hon. Mayaka will inform me. In Kenya, one may grow their net worth from Ksh2 million to Ksh1 billion, and still consider themselves a start-up.

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It is the same challenge that I have seen when I am dealing with issues like marginalisation that normally require affirmative action. There are areas where there have been interventions. Those areas no longer qualify to be treated as marginalised areas but, because they were initially marginalised, we keep on referring to them as such. Marginalisation is not inherent by DNA but because of human activity. I know that the Temporary Speaker's home area was marginalised for a long time. The area where I come from was also marginalised for a long time because of political reasons. However, if there were interventions in some of those areas and there is a change, we cannot remain marginalised for life. There must be a criterion to demonstrate that an area is no longer marginalised and is now is at par with the rest of the country.

It is similar with affirmative action for women in this House. Many of us pushed for a sunset clause so that we do not have affirmative action for life. I hope a time will come when people will normalise the election of women. I will give you an example. I first came to Parliament as a nominated Member alongside people like Hon. Sophia Abdi Noor, Hon. Amina Abdalla, Hon. Rachael Shebesh and others. One of the things that people do not talk so much about is the fact that no woman has ever been elected in the areas where we come from. I am the only second Suba woman in the National Assembly of Kenya. The first one was Josephine Asiyu, who was a nominated Member. I also came in as a nominated Member. This is the first time that a Suba woman has been elected to this House. I am told that Hon. Sophia Abdi Noor vied in 1997 and succeeded on the ground, but a delegation was sent to President Moi, who was told that they could not elect a woman; and her certificate was cancelled. After serving as a nominated Member, she was then elected.

Areas such as Masalani and Lamu, which could not nominate women to Parliament before, are now electing women. Why? Because of affirmative action. We have not yet reached the percentage that we need but once we do so, affirmative action must be done away with. Similarly, there must be a sunset clause for a start-up business. Otherwise, we will abuse it.

Once again, congratulations to the two of you for an excellent Bill.

The Temporary Speaker (Hon. Farah Maalim): What was the affirmative action you got during your election? Did you get any undue advantage over your male compatriots during the two instances you were elected as a Member of Parliament? You competed equally with everybody else! Did you not?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Yes, Hon. Temporary Speaker. I can tell you that I competed to be elected. I would not want to say I competed equally. I competed against men. When I finished my first election, what I went through was shocking. I wondered whether I was in a war or an election. I wrote for two weeks when I finished. That is the book *Rig or Be Rigged*. It is because I was shocked. For political convenience, I have removed from that book half of the things that I saw in campaigns and politics. It is not easy for women to be elected.

The Temporary Speaker (Hon. Farah Maalim): Fair enough. For the benefit of Hon. Millie, I remember that there were six Kalenjin women who competed against men and won elections when they first came in as nominated Members. There was Prof. Hellen Sambili. They were from one community. Here is Marianne Kitany, who literally competed with all the men. Therefore, the definition of 'affirmative action' is difficult. Anyway, I am on the Chair. I cannot debate.

Who is next? It is Hon. Jalas. Jalas? Please, continue.

(Laughter)

Hon. Phelix Odiwuor (Langata, ODM): Thank you very much, Hon. Temporary Speaker.

First, I appreciate Madam Millie Mabona and recognise that she is my senior. I was raising my hand to speak before her, not recognising the fact that she is a ranking Member. My apologies.

(Laughter)

I hope to come back and feel what she felt when a first-timer gets a chance to speak before a ranking Member. With her sitting next to me, I should have been quiet throughout while she spoke.

Having said that, let me go straight to the debate before us and appreciate our Senator, Hon. Asige, and Hon. Irene Mayaka for bringing this Bill to the House.

I am a Member who was elected in Nairobi, where so many young men and women now believe in what they can do. That is what they call ‘start-ups.’ There is an influx of start-ups. Every single young man and woman hope that their dreams can come true with the simple things they are doing with the hands and creativity. I just want to give a few examples.

I want to give the example of a start-up fashion designer, who has taken over the fashion industry. She is now ruling the industry. Yvonne’s Afrostreet Kollektions is a big start-up. Home 254 is a big start-up. Art Feet is a big start-up. Even on the ICT platform, Nairobi Gossip Club, which they call ‘Gen Zs NGC’ is a big start-up that runs media and information in this City. Those young people’s start-ups would just die if they were never given a chance to show what they can do.

Again, the young people of today believe in themselves more because of one thing. Ten or twenty years of experience is the first thing that is asked of those who have just completed studies whenever they seek employment. Where are they going to get that experience when they have just left universities or colleges? That is why we have an influx of start-ups that need to be protected.

Picking from the Bill, start-ups must be given tax holidays. Those are just young people who are trying to figure out what is next for them. They want to know what is next for their big ideas. Any young man trying something for themselves should register companies and start for free. They should even be given a tax holiday to start up whatever their ideas. Most of the billionaires we see today started as start-ups.

See someone like Elon Musk. He is almost the richest man in the world. He started up as a start-up. Look at Bill Gates and his college friends. Look at the founder of Facebook, Zuckerberg. He also just started with a few friends. It was just an idea; a start-up. We kindly ask that young people with great ideas should be given tax holidays and a chance to register their companies for free, so that they can implement their ideas.

Hon. Temporary Speaker, I also request blue chip companies to open doors for start-ups. Many young people go out there to showcase their ideas only for them to come back and say that their ideas were stolen and then, boom! It becomes the idea number one in the market. We have many young people who are crying out there, looking for legal redress. They had ideas that were stolen by blue-chip companies. Blue chip companies should not steal young people’s ideas. They should instead hold the hands of such young people so that they can express themselves.

I am here to support Sen. Asige and Hon. Irene Mayaka on this Start-up Bill and see to it that it comes to fruition.

Thank you very much, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Is the MP for Igembe North around? If he is not here, we go to Hon. Caroli Omondi. Let us have the Suba people speaking. Today is basically a Suba day.

Hon. Caroli Omondi (Suba South, ODM): Yes, the Suba fraternity. Thank you very much, Hon. Temporary speaker.

It gives me great pleasure to recognise the good work of Hon. Sen. Asige and our very fine young lady, Hon. ‘Renny’ Irene Mayaka. She is doing a very good job. She is a prominent Member of the House who is always present and innovative. I am very pleased to support the Start-up Bill.

The Bill is so timely that I was a little surprised because just a few days ago, I appeared before the Departmental Committee on Finance and National Planning to propose a change in our curriculum to include a new subject to be called ‘Nationhood Science’, part of which is to actualise Article 10 of our Constitution. It is also meant to bring in innovation, entrepreneurship and responsible citizenship as a mandatory subject in our schools. Once we have that, it will be actualised in this Bill, when we shall have innovation and entrepreneurship as standard subjects in school.

As a country, we have tried for long to incubate start-ups. We had the Kenya Industrial Estates; we had the Kenya Institute of Research and Development; and we had the Numerical Machining Complex. There are things they have done and have achieved, but there are still a lot of gaps to be filled. When I look at this Bill, I see a very good starting point. I am very confident that with public participation and the input of Members of this House, we will enrich it.

There are a few areas that we probably just need to talk about at the outset. For example, the definition of ‘start-up’ appears to be a little too limited and restricted to technology-based innovation entities even though it uses the word “includes”. As we have heard Hon. Jalang’o of Lang’ata, there are fashion start-ups and news media start-ups. We can call that technology, but there are many other start-ups. So, we will probably have to look at that and see how to expand it so that many of our young people can get the opportunity to enjoy support under this Bill when it becomes an Act of Parliament.

Additionally, the proposed Clause 8 on forms of registration of eligible start-ups is a bit restrictive. Actually, what start-ups require are flexible, affordable, quick and non-cumbersome business registration systems, and not the formal ones. It should not be like a private limited liability company or a partnership. Those may cost Ksh200,000 or Ksh300,000 to register, and many people may not have that kind of money. So, they need a special category of registration. We will have to do some work on that and figure out how to improve it.

The requirements provide that to qualify, one must have 90 per cent of its shares owned by one or more citizens of Kenya and, at least, 15 per cent of the entity’s expenses attributed to research and development. If we check the experience of Silicon Valley, most of the start-ups are actually collaborative. They are not restricted by national boundaries. An Indian guy goes into Silicon Valley, meets an American, or sometimes just an Indian guy in Silicon Valley. That is why you will find taxi drivers and waiters who do not even speak English. That is because a majority of the innovators there are from South-East Asia. We do not need to put such restrictions so as to attract international start-ups and international capital. To make it a collaborative process, we need to have very extensive flexibilities on ownership as well as on regulation.

There are other very good items I have seen here, which we will need to improve on. For example, Part V, which is the heart of the matter, is about incentives for start-ups. I have read quickly what the proposed section says. The incentives reminded me of a mini-skirt. A mini-skirt is something that is long enough to cover the substance or the subject matter, but short enough to arouse interest. What I am trying to say is that the incentives are not very expansive. They are a bit too restricted to arouse interest. It may be useful to get a flavour of what start-ups really need.

As I have said, one of the clearest things is clear licensing and regulatory frameworks. A few years ago, I had the opportunity to advise two internet companies that first came here - Africa Online and Nairobi Net. There was no registration process. I advised them to start the business and the law would follow them. African Online followed and they became very successful. Nairobi Net waited for the law to come into place and they never caught up with African Online.

Start-ups also need access to non-recourse funding and, more so, in the form of equity as opposed to loans. We need to strengthen Article 27 so that part of the incentive frameworks is how we can engineer that equity access for start-ups. Many Members have talked about intellectual property rights. It is a well-known fact that the start-up companies probably do not even have the legal knowledge on how to manoeuvre and get the protection of their intellectual property rights. It has also been observed by economists that you can tell the future of a country by just going to the register of its intellectual property. The more they have and the more that are registered annually, the more progressive that country is. We need to strengthen those provisions as well as give guarantees of access to Government contracts, especially for start-ups. We already have the 30 per cent for youth and women, but we need to have another category for start-ups. For example, most of the Korean companies you see are *chaebols* that are supported by the government, both in terms of funding and in terms of contracts.

On legal support, this Bill needs to figure out how to extend legal support to start-ups for purposes of not only negotiating good contracts, but also ensuring compliance with various laws.

Another area is business development support. This Bill needs to be expanded to include housing like the Kenya Institute of Research and Development Institute (KIRDI). Where do you incubate? I mean somebody will have an idea. You do not want him to be in a garage. He needs an office where he can access internet, have meetings and collaborate. We need to do that. Most importantly, they need business development support in terms of what Hon. Melly has said, which is a transition from informal to formal.

Apart from a non-recourse funding in terms of equity, start-ups also need access to capital markets. If you go to the developed capital markets, there are always special segments for start-ups. We need to figure out how to include that in this Bill, together with linkages with established firms for support and coaching.

Finally, we need to create a broader – not just national but multilateral – financing framework to support start-ups. We have very many agencies that offer credit insurance and credit support, like the African Trade Insurance Agency. We need to also include that so that we can combine easy registration, good legal advice, affordable financing and access to government markets in order to have a very robust start-up environment for our youths.

With those remarks, I support.

The Temporary Speaker (Hon. Farah Maalim): Let us have Hon. (Dr) Nyikal, who will be followed by Hon. Omanyo.

Hon. (Dr) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute.

Let me start by appreciating the Senator and Hon. Irene Mayaka who brought this Bill. I rise to support it because it addresses one of our biggest challenges, which is youth unemployment. Sometimes, we see it as a threat. But in my mind, it is the greatest potential we have. Nothing can be bigger than human capital, if it is utilised properly. The people who are affected are mainly the youth who have the time and energy to increase production and promote development in the country.

If you see how youths struggle after their education, you will realise that the population growth in our country has not been matched with job creation. The education system has created more potential employees instead of employers. Therefore, there is need in this country

to encourage innovation in the way of business. That is exactly what this Bill does. You need to encourage people, create structures for them and support registration for them and all the legal systems they require. Therefore, this Bill provides a lot of that. I am happy because it provides for the establishment of an incubation programme. It creates the framework which calls upon the national Government and county governments to get those incubation programmes. Once government institutions and programmes are put in place, quite often, people follow up and things are done. Our youths need this.

Those programmes will also give networks. Our people need a lot of international and local networks. There are young people who have many and noble ideas, but they are unable to implement them, unless they are supported with networks that can help them get what they want. Young people have ideas, but they lack the systems and even the material support to research further. They have innovative ideas, but they do not know how to research and apply them. This Bill does that by establishing the programme.

The Bill seeks to create the agency that will guide the development of standards and guidelines, which will enable interaction internationally and nationally, and even in competition. Even if they have innovative, bankable and practical ideas, without support, they may not compete internationally. I know a young man who had something that he wanted to show up and was invited abroad to go and demonstrate there, but he did not go. I looked around to see whether he could get support. If those programmes are put in place, they will support such people.

This Bill also creates a database. If we can have a database which will accept any start-up idea that you have, however crude it is, it can be registered. That means you can help them pick who needs business support, and then you can support them on how to develop ownership structures and seek investment. You need a database so that you can look at all that. That database will help in coordinating the efforts of various Government and non-government entities that will help people who are at the start-up and innovative levels.

They will also need legal support. People know what they want to do. They may have some resources to do it, but lack the skill to navigate the requirements of registration, processes, licences and so on. That is something that if you have a registration system, you can follow up and help.

In Clause 9, the Bill sets up the criteria for qualifying as a start-up, which I do not think should be strict. When people have ideas, they should be encouraged more than insisting on them to do certain things. Those are areas we can look up.

It also brings a certification process. Once you have done something that can be applied, funded or get into place, then you need some form of certification. It then gives you status. And once you have status, you can get support from all over the places. They would also need support on human resource management. People can have ideas and start-ups, but fail in areas such as human resource support or auditing of their businesses. I, therefore, think that this is a noble idea.

In clause 27, the Bill talks of incentives. However, as the Member who spoke before me said, they might be limited. Intellectual property rights are very important. If people have technologically innovative ideas, and we do not support them to get intellectual protection, then it will be lost. Sometimes, even the idea itself does not have to be turned into a business, but people can have enough royalties to earn a living, and do other businesses. I, therefore, think that fiscal and financial support is the biggest incentive. When young people come, they always say that they have certain ideas but do not have capital. In fact, it is to the extent that very many of them believe that you need to get capital first before you even think of what to do. I always tell them to think of what to do first, and then look for capital.

When a Bill like this one transits into an Act of Parliament, those young men will know where to run to. Even when they develop, start and grow, the biggest thing that make companies

grow bigger is research and development. I can see that this Bill proposes that under the incentives. They can do that.

This is a very important Bill for our country and, therefore, I support it. We will probably see how to improve it through some amendments that can be brought in.

Thank you.

The Temporary Speaker (Hon. Farah Maalim): I do not seem to see Hon. Omanyo. We will probably have to go to Hon... She seems to be in.

(Hon. Catherine Omanyo spoke off the record)

Where are you?

Hon. Catherine Omanyo (Busia County, ODM): Thank you, Hon. Temporary Speaker. I support the Start-up Bill from the bottom of my heart and congratulate my colleagues, Senator Asige and Hon. Irene Mayaka for bringing it to the House.

As I speak, many young people are in their graves with their know-how, skills and the creativity they had. That is because nobody held their hand or trusted that they could do anything and they were frustrated. Some of them went into depression. Some committed suicide while others took to endless drinking that could have resulted in death.

Therefore, the Start-up Bill must be supported by the Government. That is because when the Government is involved, young people will be provided with capital to do their thing and will also be protected.

Hon. Temporary Speaker, no one will steal their ideas and run away with them to make money, leaving our youths feeling helpless. The Government should create a favourable business environment where the youths can network and market their products. Some youths have never gone beyond their villages. So, they should be supported and pushed out of their comfort zones to showcase what they have. This will motivate more people to come up with ideas that will support their communities.

Start-ups should be given tax exemptions for some time until they stabilise. Nowadays, immediately you register a small business, KRA and county government officials visit your shop to check for permits. Sometimes, the way they behave is discouraging. The youths come up with crowd-funding or *Harambe* to raise funds for their start-up businesses. The enactment of this Bill will ensure that start-up businesses get funding from the Government. We recently saw what the Gen. Zs did because they did not have hope in the Government.

In fact, my colleagues, Senator Asige and Hon. Irene Mayaka, thought of future generations when they were coming up with this Bill. Many youths hope and wish to do something, but they give up. They wonder who will listen and support them. I hope the President is listening because this Bill must pass and we need it like yesterday. It will promote start-up businesses.

When I was young, I was told that if I went to school, I would get a job. Where are the jobs today? This Start-up Bill will help young people who have completed school to venture in business. Their creativity will earn them a living. They will make money and also employ others. That way, we will reduce pressure on the Government to create jobs. It will also reduce insecurity, increase food security and decongest our cities. Everybody comes to the City to look for a job. Young people should remain in the villages. If they have computers, they can create online businesses and make money. No one will think of coming to the City to look for a job. The Government should support the ideas in this Bill. I once again thank the two co-sponsors for coming up with this Bill.

With those remarks, I fully support.

The Temporary Speaker (Hon. Farah Maalim): Hon. Elachi Beatrice.

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you, Hon. Temporary Speaker. First, I want to thank Senator Crystal Asige and Hon. Irene Mayaka. This Bill will actualise what the Rt. Hon. Prime Minister used to say when he was campaigning – that, we can support young people to start businesses. He knew very well that a start-up business needs a legal framework, incubators and incentives from the Government in order to survive. I want to congratulate the two co-sponsors for bringing this Bill to Parliament. If it passes, our young people will get Government funding for start-ups.

I hope the passage of this Bill will support the Government in its quest to support young people. The role of the national Government in the Bill is to develop standards and guidelines to regulate the relationship between an incubator and a start-up. This will support young people because they get confused between the two. The Government also gets confused in terms of having a mechanism on how to manage, for example, a young person who has started a business and is trying to grow it and a young person who is starting up a business from the scratch. Those are two different things. So, we should establish an online platform with information for the young people on the existing incubator programmes and start-ups, and the process of registration and admission. That will really help. We have a lot of challenges. I hope one day in this House, we will remove the registration of companies from the Attorney-General's Office and take it to the Ministry of Trade. That is where all companies are working. Registration confuses many young people. If it is domiciled in the Ministry of Trade, it will be easier for young people to be trained. The Attorney-General's Office cannot train them on registration of companies. If registration of a company is fixed in its rightful docket, it will be very easy to deal with it.

The role of county governments is to create policy. It is in the counties where we have a lot of challenges. If, at the national level, we cannot have something to support young people, it will be very difficult to do so in the counties. I am hoping that counties will understand they need to have a policy on incubation to develop business and systems of start-ups.

This Bill also proposes who qualifies to register a company. At times, one wishes to support young people but, the way we do it leaves unanswered questions. I want to plead with young people that, if, for example, they are helped to set a start-up business, they should not allow themselves to slide back to where they were three months earlier. One cannot have a start-up after friends came together and bought him carwash machines and water tankers and then after one month, he sells off everything and go back to square one. We want companies to be registered and we consistently monitor the growth of groups of young people with start-up businesses in the constituency.

There is a young man called Adan Andeko, who works with Community-Based Organizations (CBO) of young people that deal with health issues. Each one of them has different ideas and innovations. All they needed was that incentive. How can we have incentives of subsidy, credit guarantee and capacity building?

There is the German federally-owned International Co-operation Enterprise (GTZ) that supports young people who come out and say they want to do one thing or the other. Right now, they are undergoing training. I have a girl called Vivian from Kakamega who decided to do beekeeping. The GTZ came in to support her fully. She told me that the day she was asked how she wanted to be supported, she said did not want to be given money. She wanted equipment. I want to tell the young people that if they want to be supported, they should not ask for resources but for the equipment they need to start a business, and they will be supported. That is critical.

Hon. Temporary Speaker, I know that we have to finish so that the Mover can reply. Finally, I want to tell the young people in Dagoretti North that it is important to understand that, while they are in Nairobi, they must be doing something for themselves. *Boda boda* operators should not accept to be used to abuse and beat people. No! Use that *boda boda* as a place to do

your business and start building your family. Use that *boda boda* knowing that it is your office. Respect that office of yours and you will find people respecting you. People forget that *boda boda* is also a very critical transport means in our country. We need to streamline it and make it worthy for those who use it as their office into which they move to do their business every morning.

I now plead with this House and even the President. Despite being disabled, Senator Crystal Asige has done a lot. She deserves recognition with a medal. We have decided we shall mentor our young Hon. Irene Mayaka until she is elected to come back to this House and be one of the leaders in the Parliaments that will come. We must see them being recognised. Let us recognise our young girls and women who are doing well in this House. They are our colleagues, but we are their mothers. We must mentor them. We must push them to do what they are doing.

With those few remarks, I beg to support.

The Temporary Speaker (Hon. Farah Maalim): Hon. Sheikh Kassim Tandaza.

Hon. Kassim Tandaza (Matuga, ANC): Ahsante Mheshimiwa Spika wa Muda kwa kunipa fursa hii. Kwanza, nampongeza Seneta Asige na Mheshimiwa Irene ambaye alikuwa na Mswada mwingine wa maana zaidi wiki hii hii. Mbali na kumuunga mkono, karibu nimuunge mikono na kichwa.

Tuna tatizo ambalo ni la kihistoria. Kama mwenzangu alivyotanguliza, tulisoma wakati tofauti. Ilikuwa usome na ukariri uliyofundishwa. Haikuwa kuelewa. Ilikuwa kukariri. Iwapo uliweza kuzungumza ama kuandika uliyokariri, ulisemekana kuwa mtu mwerevu sana aliye na akili nyingi na afaaye kupita mitihani na hatimaye kupewa kazi. Tumeishi na hali hiyo kwa muda. Mpaka sasa, baadhi ya wazazi wanaishi katika fikra hizo. Kwamba ni lazima mtoto aende darasani kukariri. Kama ataweza kuzungumza au kuandika aliyokariri, basi huyo alidhaniwa kuwa mtoto mwema.

Serikali imechukua hatua ya kuleta mtaala huu mpya uitwao *Competency-Based Curriculum* (CBC), ikilenga watu kuwa wabunifu. Ndio maana huu Mswada unakuwa wa maana sana wakati huu. Nafikiri hii ni kwa sababu Serikali iliona upungufu katika mfumo wa elimu tuliokuwa nao. Ni wakati watoto wetu walio shule wajifikirie na kubuni mbinu za kimaisha.

Hatuna upungufu wa ubunifu hapa Kenya. Kuna kijana amebuni vitu vingi sana katika Eneo Bunge langu la Matuga, pale Kombani. Ametengeneza stima, amebuni mfumo wa kusafisha wa hewa kama tulivyokuwa tunafanya wakati wa Corona ili tupate oksigeni na mambo kama hayo.

Lakini mara nyingi watu au sisi ndio huwa na matatizo kwa sababu huona watu kama wale kama wasio na akili au wanafanya vitu visivyo vya kawaida kwa sababu hawajiwezi. Ni vitu hivyo visivyo vya kawaida huleta mafanikio na kuendeleza Kenya. Hatimaye, vitawezesha vijana kujisimamia.

Kwa hivyo, Mswada huu ni wa maana sana kwa wakati huu. Tuna matatizo mengi. Tukiangalia tunakoelekea, sioni kama kuna wakati uchumi wa Kenya utaimarika. Hata ukiimarika, si watu wote wataajiriwa kwa kazi za kuanza saa mbili asubuhi na kuisha saa kumi na moja. Kwa hivyo, njia ni hii peke yake. Nina imani kuwa hakuna mtu ambaye Mwenyezi Mungu alimleta hapa duniani akiwa hana maarifa aliyompatia. Tatizo ni kuwa tumejiweka katika njia moja tu, kwamba, ili uwe una maarifa, lazima uende shule, usome kemia, fizikia ama hisabati. Lakini Mwenyezi Mungu alimpatia kila mtu maarifa yake.

Ombi langu ni kuwa ili Mswada huu uwe wa maana, taaasisi zingine za Serikali zianze kutadhmini kuwa kuna wale wanaoweza kuenda shule na wasifanye vizuri. Labda wana akili na maono mbadala, na wana ubunifu. Ndio maana naunga mkono Mswada huu ukilinganishwa na mtaala wa *Competency-Based Curriculum* (CBC) ulioko wakati huu.

Ikiwa Kenya hii itaendelea, ni lazima tuwapatie nguvu na kuwaheshimu wale wanaotaka kuanzisha vitu vipya. Ukitaka kunawiri katika biashara, ni lazima ulete vitu tofauti. Unaweza ukampata mtu aliyeanzisha biashara ambayo tayari ipo kama biashara ya duka, pikipiki ama texti. Hayo si malengo, na hayataupeleka mbele. Kunapaswa kuwe na vijana walio na mawazo na uzoefu tofauti kuliko watu wengine. Hao ndio tunapaswa kulenga ili tuwapatie msaada na sehemu ambapo wanaweza kuanzisha biashara zao. Wanaweza kupata wataalamu watakaowaongezea fedha. Serikali inaweza kuingilia sio tu kwa kiwango cha kuwapatia fedha, lakini pia waangalie taaluma hiyo kwa sababu pengine haihitajiki hapa Kenya, lakini kuna nchi ughaibuni ambayo taaluma hiyo inaweza kusaidia. Je, wataweza kuwasaidia vijana hao kwa njia ipi ili mafikira na maono yao yawe ya maana zaidi?

Kuna tatizo ambalo mara nyingi linawakumba wale walio na maono mazuri, tofauti na vile watu wamezoea. Serikali lazima iwe na jukumu la kuhakikisha kuwa wakati kijana ama mtu yeyote amekuja na mfumo mpya wa maana, atalindwa vipi kutokana na yale mashirika na kampuni kubwa kubwa ambazo zinaweza kulichukua jambo hilo na kujinufaisha.

Nina mfano ambao nafikiria sisi sote tunaujua. Aliyeanzisha mfumo wa M-Pesa ulimwenguni hakuwa mtu aliyeajiriwa ama anayetoka kwa familia kubwa. Lakini papo hapo, mashirika ya pesa yalichukua fursa hiyo kununua maarifa ya yule kijana na kumlipa. Kijana huyo aliona kuwa amepata pesa nyingi bila kujua kuwa hatimaye, mfumo huo utatambulika ulimwenguni mzima na utaleta fedha nyingi ilhali yeye amebaki akilalamika kuwa hajanufaika zaidi.

Naunga mkono Mswada huu. Ni lengo kuu kwetu sote kutambua kuwa tukienda mbele, vijana watanawiri na kuheshimika, endapo tutawaunga mkono katika yale mafikira yao tofauti tofauti, na kuwapatia vitengo kama vile ambavyo Mswada huu umetekeleza ili Kenya izidi kuendelea mbele.

Ahsante, Mhe. Spika wa Muda. Naunga mkono Mswada huu.

The Temporary Speaker (Hon. Farah Maalim): Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. I rise to support the Start-up Bill. Let me begin by thanking Hon. Mayaka and another Senator, who are the co-sponsors of this Bill that came from the Senate. Hon. Irene, this is the way to go because you are a young person and many of those start-ups are businesses that are owned and ran by the young people. They are owned and run by young and innovative people in our country who lack job opportunities in the formal economy. With those start-ups, they can become employers themselves and not just seek employment in other big corporates. The start-ups that we are supporting with this Bill by creating a legal framework to support them are what will become tomorrow's blue-chip companies. I have heard Members who have contributed ahead of me giving the example of the innovators of M-Pesa and what it has become today. Imagine if we had this law at that time. The young people who innovated M-Pesa and other many good innovations would have been protected from their innovations being grabbed by huge companies around the world. Today, they would be captains of industries in whatever sector they have innovated.

One of the key objects of this Bill is to foster innovative thinking and entrepreneurship in our country. As I said in thanking Hon. Irene Mayaka, the innovative people are mainly the young entrepreneurs of our country who we will support through this Bill.

Secondly, it seeks to promote an enabling environment for the establishment and development of a business environment and also a regulation framework for our start-ups.

The Bill also seeks to create linkages between start-ups, financial institutions and other institutions in the country and outside the country. One of the major handicaps that many start-ups face is not having access to capital. That is because those start-ups are started by young people who have no collateral to offer to banks and other financial institutions. They lack the capital to grow their innovative ideas into income earning or profitable ventures. Therefore, by

having a framework that will create that required linkage between the start-ups and our financial institutions, we will create a linkage between the many start-ups that are there and financial institutions and also other institutions that can incubate, including blue-chip companies, that can incubate some of those start-ups to grow up to be real and profitable businesses.

Access to capital is not a problem just to start-ups. Even many growing businesses in our country have challenges in accessing capital. Therefore, it is important that we create a seamless linkage to financial institutions that will support start-ups and put their money behind ideas. What is lacking are people who have the appetite for risk, to risk in ideas and innovations. Those who have risked by investing in ideas and innovations have reaped very well. Therefore, when we create linkages between the start-ups, financial institutions and big corporates, we create an environment where people who have good ideas for start-ups can access capital and access a network of suppliers, a network of customers from other institutions and corporates, and even from the same financial institutions. They will link them up with potential customers for whatever idea, goods or services that they seek to give.

This Bill will also facilitate investments in start-ups. Once we have a good legal framework that can support investments in start-ups, it becomes very easy for foreign investors to identify potential business start-ups in the country through which they can access our Kenyan market and the region at large.

Clauses 4 and 5 of the Bill provides for the establishment of incubation programmes. The roles of the respective national and county governments are listed in clauses 4 and 5. Allow me to speak about the establishment of incubation programmes. This is largely seen as the work of the Ministry of Trade and Industry. I know that when we look at the establishment or investments like the Konza Technopolis, it is the Ministry of Information, Communication and Digital Economy that has been developing it. We have dubbed it our own Silicon Valley in the USA. This Silicon Savannah has become a case study not just for our region, but Africa at large. In future, it will be what the world will be speaking about. The start-ups that we will incubate in a place like Konza Technopolis and other places, will be businesses that will run the economies in Africa and the world economy in the future. I believe we have a very good base with many well-educated and innovative Kenyans, especially in the tech sector. I heard some Members, as I was listening in from the Office, saying that this Bill is too inclined to the tech industry. But that is because that is where most of our young people have skills. Almost all the innovations in our country are around the tech sector. I encourage our young men and women in the country to continue being innovative and we will continue to support them.

With those incubation centres, we will grow businesses from a desk to become multi-billion-dollar companies with time. The incubation centres are not, as I said, centres that will just be based in particular ministries. We are also looking at having incubation centres right down at the county level. That is why the Bill stipulates the respective functions of both levels of government.

With regard to the aggregation centres that were being done around the counties, and also the Special Economic Zones (SEZs) in Eldoret, Busia or Sagana, now county governments have an opportunity to use those special economic zones as incubation centres to grow businesses for our young men and young women. You do not need to leave Busia, for instance, to come and look for an incubation centre in Nairobi. With the county governments and the national Government working together, we can have incubation centres in the Special Economic Zone in Busia, Eldoret or Sagana, and even within the aggregation centres. That is because those start-ups are not just in the tech sector. Think about start-ups and innovative ideas around agro-processing.

I can see the Member for Ainabkoi is very attentive. He knows the people of Ainabkoi in Uasin Gishu, the young men and women in Munyaka, can have start-ups around the agro-

processing value chain. They can use the SEZs or the aggregation centres being established in each of our counties to start up their businesses. They can incubate and grow them into successful businesses of the future, and become employers. They do not need to wait to be employed by anybody.

The Bill also creates a very good framework for the registration of start-ups. Many young people in this country are taken advantage of. Someone may have a good innovative idea but, because they do not even know how to go about registering a business, others take advantage of them and run away with their idea. With the framework that we are creating, they will be educated on how to register a start-up, how you get admitted into an incubation programme, and how they can then grow their idea from a start-up idea. It is incubated and grows to become a big business. This also includes the certification of such incubation centres.

The incentives that will be given to start-ups are also well stipulated in this Bill. This will include subsidising the formalisation process of such start-ups so that we also do not burden people who are getting into business through start-ups with a lot of formalities. There are things that will be subsidised for them.

Hon. Temporary Speaker, clauses 27 to 32 of the Bill cover such incentives, and the facilitation and protection of intellectual property for start-ups. As I said earlier, many young people are taken advantage of by more established business people who find a young man or lady with a good idea, but does not know how to register intellectual property rights. They steal it and register it as their own because they are more established. This Bill seeks to protect such people, so that they know how to register and protect their intellectual properties.

Under the same provisions of this Bill, we will provide both fiscal and non-fiscal support to start-ups. The fiscal support includes issues around taxation. We should think of the tax incentives that we will give to start-ups. Taxation can become a hindrance to the growth of business and access to capital. Therefore, the Bill will provide both fiscal and non-fiscal support for start-ups. There will also be targeted incentives for persons with disabilities, young people, women and marginalised groups in our country who want to establish start-ups. We will have very good incentives that will support their businesses and growth.

Hon. Temporary Speaker, with those many remarks, I beg to support this Bill. I thank Hon. Irene Mayaka and Senator Esther.

Hon. Irene Mayaka (Nominated, ODM): Senator Crystal Asige.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Senator Crystal Asige. I do not know her but, when I read the Bill, I got her name. I have never put a face on her.

(Hon. Catherine Omanyo spoke off the record)

Hon. Catherine Omanyo has told me she is physically challenged and beautiful. Therefore, she may introduce me to her. I thank Senator Asige and Hon. Irene Mayaka. Being young ladies, they have shown that they not only speak about young leadership and support young people, but also it is about bringing legislation that will support young people to become employers but not employees, capital owners and not labourers, in other people's companies. Hon. Irene Mayaka and Senator Asige, congratulations. We will support this Bill. As the Vice-Chairlady of the Departmental Committee on Trade, Industry and Co-operatives, Hon. Marianne has said that the Ministry and the Government of Kenya will support this Bill.

(Applause)

We will propose amendments from the Ministry to further enrich this Bill because it is very important. I say this to encourage other first-time Members of Parliament to propose legislation. Hon. Millie Odhiambo spoke about ranking in the House this afternoon. I told the

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Member for Gatanga yesterday that, by the time a first-time legislator gets a Bill with his name against it, it takes a long walk to freedom. Naturally, in the life of every Parliament, not more than 10 Private Members' Bills are actualised to become Acts of Parliament. Therefore, when beautiful ladies like Hon. Irene Mayaka and Senator Asige, in their first-term in Parliament, bring such a progressive Bill that even the Government of Kenya supports, it is an opportunity to thank them and encourage them. I hope the people of Nyamira County are watching because Hon. Irene Mayaka is a nominated Member. They should know that they have a gracious, intelligent, progressive and focused legislator in her.

(Applause)

I do not know which county Senator Asige comes from.

Hon. Irene Mayaka (Nominated, ODM): Mombasa County.

Hon. Kimani Ichung'wah (Kikuyu, UDA): I have been informed that she comes from Mombasa County. The people of Mombasa County should watch and see what Senator Asige is doing not only for them, but also for millions of young men and women in this country. I conclude by saying that, together with the Departmental Committee on Trade, Industry and Co-operatives, the Ministry of Investments, Trade and Industry and the Ministry of Co-operatives and Micro, Small and Medium Enterprises, we shall be proposing certain amendments to further enrich this Bill. We had a debate with the Vice-Chairperson, Marianne Kitany, on whether to take up this Bill as a Government Bill, but we agreed to let it go in the names of the Private Members who came up with the Bill. That is because it is good to also have this Bill against their names.

Therefore, congratulations, and I support.

The Temporary Speaker (Hon. Farah Maalim): Hon. Kimani, Member for Molo.

Hon. Kuria Kimani (Molo, UDA): Thank you very much, Hon. Temporary Speaker.

At the outset, I would like to congratulate my two friends, Hon. CPA, Irene Mayaka and Hon. Crystal Asige, for bringing this very progressive Bill. This clearly demonstrates that when young people of this country are given a chance to lead, they can make a big difference.

The Start-up Bill (Senate Bill No.14 of 2022) that being co-sponsored by two very great leaders is a clear testament that there is a great potential when young people in this country lead, and that they can make very good decisions for this country. We celebrate them not just because they are young, but because they are intellects, they have taken their time and hard work to put their resources into this Bill.

I would like to inform Hon. Kimani Ichung'wah who Hon. Crystal Asige is. She is a legislator, but a musician too. She was the great voice behind one of the most popular songs that was done by Sauti Sol a few years ago. It is important to also note that she is one of the few people who holds a Degree in Film from the University of England. She is a very learned person and, of course, my fellow CPA, Hon. Irene Mayaka.

This Bill proposes the establishment of a comprehensive framework that promotes innovation and entrepreneurship in Kenya. It intends to foster an environment that is conducive to start-ups' growth through fiscal and non-fiscal incentives. It is going to encourage both the private and public sector investments into start-ups. It is also going to bridge the gap between research institutions and businesses for commercialisation of innovation.

This Bill will also support marginalised groups by ensuring equal opportunities for all, irrespective of their gender, ethnicity or disability. This is contained in Clause 3 on the objects.

Clauses 4 and 5 of the Bill establishes what roles the county and national Government are going to play with the promotion, innovation of technology and transfer across national and county governments, development of incubation programmes that should support start-ups and creation of policies and mechanisms to facilitate public and private sector collaborations.

Lastly, it establishes directories and most importantly, online platforms for ease of access of resources and information for the particular start-up.

Clause 5 and 6 talk about eligibility and admission, where it says that start-ups must be registered entities in Kenya, such as private limited companies, partnerships or non-Governmental institutions. This is critical. It is similar to the debate that we had today and yesterday on the Public Procurement and Asset Disposal (Amendment) Bill, that is gives preference to Kenyans. We must love ourselves and make sure that the policies and decisions that we make, even as they support foreigners, must also support Kenyans first.

This Bill is going to demonstrate innovation and scalability with its headquarters based in Kenya. Start-ups that are older than five years, subsidiaries or non-startup entities, are not eligible. This is also very critical so that start-ups that are older than five years, or entities as subsidiaries of already established entities, are not going to be allowed into eligibility as a start-up.

Clauses 7 to 19 talk about the incentives that have been given to those start-ups, incubators and investors, where those start-ups will get subsidised registration, fiscal and non-fiscal support, research and development facilitation and, most importantly, intellectual property protection. We have seen many young people come up with ground-breaking innovations especially in technology. In fact, a few years ago, I met some young people and they claimed to have been the brain behind the National Education Management Information System (NEMIS) that is being used by the Ministry of Education and yet, they were never paid nor compensated. Someone else stole that technology and benefited. Therefore, the young people who worked hard for that intellectual property were denied their right.

The Bill is providing for incubators, grants and aid for research, including tax concessions for equipment and facilities. Investors who invest in start-ups will be given tax relief on capital gains and investment losses, and also special visas for foreign direct investment.

Clauses 8 and 10 are about registration and monitoring framework. There will be registrars who will maintain a database of those start-ups, issue certificates of registration and compliance. The registrars will be at the county level so as to decentralise access to registration and resources. There will be a start-up maturity framework that will tier start-ups based on readiness for financial and technical support. This is very key because we usually have very good programs, but they are domiciled in Nairobi.

Hon. Kassim Tandaza (Matuga, ANC): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): What is your point of order, Hon. Sheikh Tandaza.

Hon. Kassim Tandaza (Matuga, ANC): Thank you, Hon. Temporary Speaker. The Chairman of the Departmental Committee on Finance and National Planning, Hon. Kimani Kuria, is out of order. Instead of contributing, he is reading through the pages of the Bill as presented by the initiators. Is he in order? He seems to be reading the Bill to us.

(Hon. Kuria Kimani consulted with Hon. Kimani Ichung'wah)

The Temporary Speaker (Hon. Farah Maalim): Order, Hon. Kuria Kimani. The point of order is directed to you, but you are engaging in a serious discussion with the Leader of the Majority Party.

(Laughter)

You did not hear what was raised. He wants to know whether it is in order for you to read the Bill verbatim. You are only supposed to refer to it, but not read it word by word.

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Hon. Kuria Kimani (Molo, UDA): Thank you, Hon. Temporary Speaker. I have not read the Bill verbatim. One challenge I have seen when doing public participation, and I am speaking from experience, is that laws are drafted in a complex way and most Kenyans do not understand them. That is why I am taking time to explain the Bill. We cannot just say it is good because it will support start-ups. Kenyans will ask us to show them where the Bill says it will support the start-ups.

The Temporary Speaker (Hon. Farah Maalim): Fair enough. Continue with your contribution.

Hon. Kuria Kimani (Molo, UDA): Thank you very much, Hon. Temporary Speaker. So, those who follow my debates in Parliament, when we meet on the streets, say that they understand how drafting of Bills is done. This is better than just throwing words around and not referring to the Bill.

The Temporary Speaker (Hon. Farah Maalim): So, you are teaching and informing at the same time?

Hon. Kuria Kimani (Molo, UDA): Yes. I mentioned technology transfer which is contained in clauses 14 to 16. They have indicated a very good framework of how start-ups will engage in technology transfer. Another challenge we have is that Kenyans come up with very good ideas that can solve problems, but technology transfer is unavailable.

Before I was interrupted, I was talking about intellectual property and referencing. I gave a case of young people who told me that they are the ones who developed the NEMIS platform, but it ended up benefiting other people. This will protect such entities. We also have great programs in this Republic that can create employment, but they lack resources. This Bill is establishing the National Research Fund and Parliament will approve allocations to it, so that it can also give donations.

The challenge of accessing credit is another challenge this Bill addresses. We have very good business start-ups with very brilliant ideas. But they end up not accessing credit to do their business because they do not have collaterals like others. Only a few people have collaterals like title deeds and logbooks. Therefore, the proposal to create credit guarantee schemes will really help those entities to access credit and have a great potential for growth.

The Bill also insists on transparency and accountability in the way the whole management is done so that we do not have already established entities and subsidiaries of multi-nationals coming to masquerade as start-ups at the detriment of other more deserving young people or businesses.

To wrap it up, again, this is a great contribution to law. Our motto in Parliament is “For the Welfare of Society and the Just Government of the People”. This Bill really speaks to what Parliament is and what Parliament should be.

In that, I support and thank you for giving me the opportunity to contribute.

The Temporary Speaker (Hon. Farah Maalim): Hon: Saney Ibrahim.

Hon. Ibrahim Saney (Wajir North, UDA): Thank you.

For one to eke a living or find sustenance and a form of livelihood, it is the mind-set of people that one must go through schools, get a recognised degree and, thereafter, get a white-collar job. Only a few people live the livelihood of gainful employment. Most of the citizenry eke a living by using their talents. They say wisdom lingers. Even if you are a Harvard graduate, there is the risk of being dis-schooled over time if you do not fine-tune, perfect and practise your skills so acquired. However, talents are natural. They are inborn. They die with the owner. That is to say many Kenyans have great ideas, entrepreneurial skills and God-given talents that only require support to actualise competence.

There is also the mind-set that businesses need colossal amounts of money as a start-up capital. That is further from the truth. For sure, 90 per cent of the businesses that have become so successful started in a small way. Therefore, businesses require working ideas and workable

minds that can develop into profit-making ventures. Many a time, States and governments have not cushioned characters who wield ideas and are endowed with talent to start such great businesses. Those who have the money and resources have exploited them.

If you remember the last general election and the just-concluded election in the United States of America and, more so, the Democratic Party support for start-up businesses, was at the core of the campaigns. That has been their manifesto. That is in recognition of the fact that there is that stratum in society. There is that big portion of the society. A prism is bottom-heavy and so is society. The wealthy and endowed are the few on top. At the bottom are the many who have great ideas, but have not had a chance or opportunity to walk into a place that can support them with mentoring.

This is a great Bill and a great idea. It puts the Kenyan way of thinking into motion. The Bill will support Kenyan ideas and the noble entrepreneurial skills of many Gen-Zs. As earlier mentioned, the genuine M-Pesa innovator was short-changed and somebody else or a corporate entity is benefiting and raking in billions of shillings from his idea. That is how vulnerable owners of ideas in Kenya are. If those people are not supported, great ideas, minds and thinking will go to waste. It is good to have an inventory of innovations and attempts or trials that happen daily.

A start-up ordinarily means putting into motion an idea from its nascent stage to when it develops and evolves into a big, thriving business entity. That has been the history of any big corporation that is recognised in the world today. They were not meteoric. They did not just happen. They grew. They started small and today they are universal. Kenyans equally have ideas that can go global if they are nurtured and supported.

The Start-Up Bill is very good. It will coalesce many of the initiatives that are done by the Government. We have had the Hustler Fund, the *Uwezo* Fund and the Women Enterprise Fund, which were all haphazard attempts to find a way to help the middle class who are unemployed and who need great support for their taxes. They are taxpayers. The Bill is taxpayer friendly. It caters for the lowest denominator. This could be the “Hustler Bill” if only we could synchronise all the attempts we have made in the past two years and synergise them.

The Bill talks of tax incentives, subsidies, credit guarantees and capacity-building, which are all good things. I love the confluence of financial support and capacity-building. One is given financial support, incentives and capacity-building. Capacity-building is about mentorship. One is linked to a successful person or a thriving company. That is the company that you need to keep as you grow towards your dream. That is a good and welcome initiative.

The Bill proposes a Research Fund to help many skilled people in remote villages in the country. Those are great minds. I know of an illiterate youngster from where I come from who is talented in repairing mobile phones, even though he has not gone to school. He is called in whenever a generator belonging to Kenya Power goes down. He is always available to fix the generator even when those who have gone to school cannot.

This is a nice and welcome Bill.

The Temporary Speaker (Hon. Farah Maalim): What is out of order, Hon. Tandaza?

Hon. Kassim Tandaza (Matuga, ANC): Thank you, Hon. Temporary Speaker. Is the Member in order to refer to somebody who can repair phones and generators as illiterate? What definition is he using to call that genius illiterate?

The Temporary Speaker (Hon. Farah Maalim): Order, Hon. Tandaza. Sheikh Hon. Kassim Tandaza, we have the definition of illiterate which means somebody who cannot read and write. You do not have to read and write to have skills.

Proceed, Hon. Saney.

Hon. Ibrahim Saney (Wajir North, UDA): Thank you, Hon. Temporary Speaker. You have answered very well. I did not talk of intellect. I talked of illiteracy. He who did not go to

a formal school is declared illiterate because he or she cannot read and write. Being an intellectual is different.

Without meandering much, this is a wonderful Bill that requires the support of everybody and I join my colleagues in supporting it. It has the potential just like the Technical and Vocation Education Training (TVETs) that have been initiated by His Excellency the President. Quite a number of our youths do not go to university to get the skills that are required for gainful employment and eke a living. This will equally absorb quite a number of middle-level Kenyans, down at the bottom of the pyramid. It will offer employment opportunities through business initiatives.

With those few remarks, I support.

Hon. Moses Kirima (Central Imenti, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): What is your point of order?

Hon. Moses Kirima (Central Imenti, UDA): Hon. Temporary Speaker, this is a very important Bill. It requires to be attended and given attention by all Kenyans. It is talking about the start-ups.

Hon. Temporary Speaker, we do not have adequate quorum.

The Temporary Speaker (Hon. Farah Maalim): Are you raising a quorum?

Hon. Moses Kirima (Central Imenti, UDA): Standing Order 35. This one...

The Temporary Speaker (Hon. Farah Maalim): Order, Hon. Member. Have you raised the issue of quorum?

Hon. Moses Kirima (Central Imenti, UDA): Yes.

The Temporary Speaker (Hon. Farah Maalim): Okay, fair enough. I can see we do not have Quorum. I direct that the Serjeant-at-Arms ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

The Temporary Speaker (Hon. Farah Maalim): Hon. Members, under Standing Order 35, we have no other business other than to adjourn the House.

ADJOURNMENT

The Temporary Speaker (Hon. Farah Maalim): Hon. Members, the time being 6.53 p.m., the House stands adjourned until tomorrow, Friday 29th November 2024 at 9.30 a.m.

The House rose at 6.53 p.m.

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