

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 3rd October, 2019

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

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

PRAYER

STATEMENTS

The Speaker (Hon. Lusaka): Sen. Mutula Kilonzo Jnr., go ahead and read the Statement.

BUSINESS FOR THE WEEK COMMENCING TUESDAY, 8TH OCTOBER, 2019

Sen. Mutula Kilonzo Jnr.: Thank you, Mr. Speaker, Sir. This is the Statement by the Senate Majority Leader on the business of the Senate for the week commencing Tuesday, 8th October, 2019 pursuant to Standing Order No. 52(1).

Hon. Senators, pursuant to Standing Order 52(1), I hereby present to the Senate, the business of the House for the week commencing Tuesday, 8th October, 2019.

On Tuesday, 8th October, 2019, the Senate Business Committee (SBC) will meet to schedule the business of the Senate for the week. On that day and subject to further directions by the SBC, the Senate will consider Bills due for Second Reading and the business that will not be concluded in today's Order Paper.

On Wednesday, 9th October and Thursday, 10th October, 2019, the Senate will consider Bills at the Second Reading stage, Bills at the Committee of the Whole stage, Motions and any other business scheduled by the SBC. With respect to Bills, there are currently 17 Bills due for Second Reading and nine Bills at the Committee of the Whole stage.

I urge respective Movers of the Bills and Committee Chairpersons with amendments to avail themselves to transact the business whenever they are scheduled by the Senate Business Committee.

Hon. Senators, with respect to the status of Petitions, the House has a total of 49 Petitions pending conclusion in the Senate.

These are the Petitions under consideration by the following Committees:

(1) Standing Committee on Lands, Environment and Natural Resources, led by Sen. Mwangi, 25 Petitions.

(2) Standing Committee on Labour and Social Welfare led by Sen. Sakaja, six Petitions.

(3) Standing Committee on Health led by Sen. (Dr.) Mbiti, four Petitions.

(4) Standing Committee on Justice, Legal Affairs and Human Rights led by Sen. Cherargei, four Petitions.

(5) Standing Committee on Roads and Transportation led by Sen. Wamatangi, three Petitions.

(6) Standing Committee on Devolution and Intergovernmental Relations led by Sen. Kinyua, two Petitions.

(7) Standing Committee on Education led by Sen. (Dr.) Langat, two Petitions.

(8) Standing Committee on Finance and Budget led by Sen. (Eng.) Mahamud two Petitions.

(9) Standing Committee on National Security, Defence and Foreign Relations led by Sen. Haji, one Petition.

I urge the respective Committees to expeditiously conclude and table reports on the said Petitions. This is a mandatory requirement pursuant to Standing Order No.232 (2) of the Senate. The particulars of the Petitions are attached to this Statement for those who would like to make quick references.

Hon. Senators, likewise, there are a number of Statements pending response by various Standing Committees. I urge respective Committees to consider the Statements and make reports to the House pursuant to the Standing Orders.

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

(Sen. Mutula Kilonzo Jnr. laid the document on the Table)

The Speaker (Hon. Lusaka): I direct that we go back to the Order on Papers so that they can be laid by the Deputy Majority Leader who is now in the House.

PAPERS LAID

Sen. Dullo: Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate, today Thursday 3rd October, 2019:

REPORTS ON FINANCIAL STATEMENTS OF VARIOUS COUNTY AGENCIES/FUNDS

- (i) Report of the Auditor-General on the Financial Statements of Trans Nzoia County Elimu Bursary Fund for the Year ended 30th June 2018.
- (ii) Report of the Auditor-General on the Financial Statements of Lamu County Fisheries Development Fund for the Year ended 30th June 2018.
- (iii) Report of the Auditor-General on the Financial Statements of Lamu County Bursary and Scholarship Fund for the Year ended 30th June 2018.

(iv) Report of the Auditor-General on the Financial Statements of Bungoma County Assembly Staff Car Loan and Mortgage Fund for the Year ended 30th June 2018.

ANNUAL COUNTY GOVERNMENTS BUDGET IMPLEMENTATION
REVIEW REPORT FOR FY 2018/2019

(v) Annual County Governments Budget Implementation Review Report for the Financial Year 2018/19.

KLRC ANNUAL REPORT FOR FY 2018/2019

(vi) The Kenya Law Reform Commission (KLRC) Annual Report for the Financial Year 2018/2019.

(Sen. Dullo laid the document on the Table)

The Speaker (Hon. Lusaka): Next Order.

I wish to rearrange the Order Paper for the convenience of the House and move to Order No.9.

MOTION

APPROVAL OF THE COUNTY GOVERNMENTS
CASH DISBURSEMENT SCHEDULE FOR FY 2019/20

THAT, pursuant to Section 17 of the Public Finance Management Act and Standing Order 183 of the Senate, this House approves the Report of the Standing Committee on Finance and Budget on the County Governments Cash Disbursement Schedule for Financial Year 2019/2020, laid on the Table of the House on Wednesday, 25th September, 2019.

(Sen. Mutula Kilonzo Jnr. on 25.10.2019)

(Resumption of debate interrupted on Wednesday, 25.9.2019)

(Motion deferred)

BILL

Second Reading

THE STREET VENDORS (PROTECTION OF LIVELIHOOD) BILL
(SENATE BILLS NO. 10 OF 2019)

(Sen. Kibiru on 2.10.2019)

(Resumption of debate interrupted on 2.10.2019)

The Speaker (Hon. Lusaka): This is resumption of debate. Sen. Faki proceed.

Sen. Faki: Asante, Mheshimiwa Spika, kwa kunipa fursa hii kuchangia Mswada wa sheria ya wauzaji bidhaa reja reja barabarani.

Mswada huu umekuja wakati muafaka kabisa kwa sababu tumeona kwa muda mrefu wachuuzi wengi ambao wanafanya biashara zao ndogo ndogo barabarani wanasumbuliwa na maafisa wa kaunti pamoja na polisi kwa sababu hawana sehemu maalum waliyotengewa kuweza kufanya biashara zao.

Inatakikana ikumbukwe kwamba katika biashara hizi, kila mfanyabiashara ameekeza rasilmali yake. Rasilmali ile inamsaidia kupata chakula cha kila siku na kusomesha watoto wake na wale wanaokaa katika miji ambao wamepangisha nyumba, inawasaidia pia kuweza kulipa kodi za nyumba na kuishi maisha yanayofaa kwa binadamu.

Pia itakumbukwa kwamba hii ni biashara moja kubwa sana kwa sababu katika kila kaunti na kila mji, kuna wafanyabiashara kama hawa ambao wanafanya biashara kila siku kuweza kuendesha maisha. Kwa hivyo, inachangia pakubwa uchumi wa nchi yetu ya Kenya. Ijapokuwa inasemekana kuwa biashara haina mwongozo, lakini tunahitaji kutunga sheria ambayo itawapa mwongozo wafanyabiashara kama hao.

Bw. Spika, watu wengi wamedharau biashara hii kwa misingi kwamba inafanywa na watu wadogo wadogo ambao mara nyingi hawana kazi nyingine ya kuwapatia chakula. Lakini kwa kazi wanayofanya, ni kazi kubwa kwa sababu inasaidia pakubwa kupunguza ukosefu wa kazi, kuleta bidhaa karibu na wananchi. Kwa sababu mara nyingi, bidhaa nyingi zinakuwa shida kupatikana. Biashara hizi zinasaidia wale wenye biashara kubwa wanaoleta mali kwa wingi kuweza kupata njia rahisi ya kufanya biashara yao na kuregesha rasilmali zao bila kutatizika.

Ni lazima sheria iweze kusaidia wafanyabiashara hao ili wasinyanyaswe na kudhulumiwa na maafisa wa kaunti ambao wanajaribu kuchukua fedha na mali zao kiholela. Ipo haja katika miji yetu kubwa kwa sababu soko ambazo zimejengwa mpaka sasa hazitoshi kuwafaidi wafanyabiashara wote. Kila siku, wafanyabiashara wapa wanachipuka ambao hawawezi kupata nafasi ya kufanya biashara zao katika soko zile.

Kwa hivyo, ipo haja ya kutenga maeneo maalum ambayo wafanyabiashara watakuwa na fursa kufanyia biashara zao aidha Jumamosi na Jumapili ama katikati ya wiki baada ya saa za kazi rasmi. Kwa hivyo, sheria hii itasaidia kutatua maswala kama hayo.

Vile vile, sheria hii inaleta nafasi ya serikali za kaunti kuchukua sehemu fulani ya fedha kutoka kwa wafanyabiashara kama kodi ama leseni ambazo watalipishwa. Lakini leseni hizi zisiwe na kiwango ambacho kitaweza kuumiza wafanyabiashara hao ili faida yao yote inalipia leseni.

Mweshimiwa Malalah alizungumzia kwamba kule Kakamega wanalipishwa Ksh50 kila siku ambayo inakuwa Kshs1,500 kwa mwezi, na kwa mwaka Kshs18,000 ambazo ni pesa nyingi kuliko ile ambayo mfanyabiashara ambaye ana duka rasmi analipa.

Kwa hivyo, sheria kama hii isitumike kuendelea kuwagadamiza na kuwanyanyasa wafanyabiashara wadogo kama hao ambao wanajitafutia nafasi ya kuishi katika ulimwengu ambao una changamoto nyingi.

Inafaa pia kuangalia kwamba sheria hii itatoa nafasi ya kuwa na soko maalum ambayo tunaita kwa kiingereza *periodic markets*. Kwa mfano, kule sehemu za pwani, ukitembea katika kila mji katika barabara ya kuenda Lunga Lunga au Kilifi, utapata kwamba kuna soko maalum ambazo wafanyabiashara wadogo wadogo wametengewa ili waweze kupata ruzuku zao bila matatizo.

Naunga mkono Mswada huu na tunatarajia kwamba, utakapopitishwa tutahakisha kaunti zetu zinafaidi pakubwa wafanyabiashara wadogo wadogo.

Asante, Mheshimiwa Spika.

Sen. (Eng.) Maina: Thank you, Mr. Speaker Sir. I wish to contribute to this Bill.

This is a very important Bill especially this time in Kenya when our people are going through economic hardship; life is difficult. The so-called hawkers are actually traders who have just come with ingenious ways of creating employment because some of them work and finally end up with some business.

The manner in which we have been treating these people and how the county *askaris* and security agencies have been treating the hawkers, denotes a state where there is no recognition of human effort to better the lives of the people in this country. I support the Bill because it recognizes that a hawker is not an unlawful person who is living through unlawful means, rather he is somebody doing his job.

Let us cast our eyes all over the world even in the developed nations. There is no single city that there are no hawkers. There is not a single one where there is free enterprise. If you go to Washington, London, Tokyo or anywhere else, these people are there. We expect the county governments, with the large sums of money that they are getting, not to employ some club wielding *askaris* to harass hawkers. They should organize these hawkers who are also paying licenses and help to conduct their businesses in an organized manner.

The Mover of this Bill should ensure that there is a provision to protect hawkers from harassment by county personnel. That provision should also state clearly the penalties and punishment that will be meted against the county *askaris*; the so-called *kanjos*. It is sad to see ordinary *mamas* with their babies being chased by county *askaris* while holding to their wares. The main reason why they are doing this is because of corruption.

Most of these hawkers have to pay dearly to survive. Even the kiosk owners on the roadside have to pay dearly to survive. They do not only pay for the license, they also pay dearly to the systems that we have put in place.

I sometimes feel ashamed when we talk of the county governments and the large sums of money that we are pumping into them. So far, we have pumped over Kshs1.8 trillion to the counties. If you go around this country, you should be able to see a project in every county serving the people either an ultra-modern hospital or school. What do you witness when you go around the country? You witness big cars moving around and there is no money to pay for small things in the counties. There are no drugs in the dispensaries. Therefore, I want to say that this Bill should go further and put an obligation to the county governments to ensure that hawkers are given their own rights. These people can be bigger contributors to our economy than they are at the moment.

Mr. Speaker, Sir, if we cast our eyes and imagine the way this country is, there is a lot of unemployment. The best thing we can do is to encourage *mwanaanchi*. I would like to see a county government coming up with some simple funding where anyone

with a good idea, even a hawker, would be given a small loan the way *akina mama* come together and raise funds. For example, if you gave these people a loan of Kshs300 million a year, it would go a long way in changing their lives.

I am careful to state that we should have designated areas. The reason being that the hawkers are where the business is. If you see hawkers next to a bus stage, it is because that is where people alight and board vehicles. Therefore, they buy when they are boarding the vehicles. What will happen – I have seen this in some counties – is that the hawkers are going to be removed from there and put in some corner where nobody goes. This will not help them. We should have a provision in this Bill for establishment of a committee of various leadership in the county which will look at an area that can be designated for hawkers to do their business.

However, if we leave it to the county governments to designate areas for hawkers, they will push them to the corner of town. The people in Nairobi who are coming to Machakos Bus stop because that is where people alight and board buses. There is no need of removing them from there and taking them somewhere in Ruai in an open ground and say that we have designated a place for hawkers. Hawkers choose where to be and that is why in the developed world, you will see that they designate some streets and close them on some days because that is where the people can access the goods.

The Bill should have a provision which should state clearly how that designated area will be identified, otherwise, I see a situation where the same hawkers are going to be condemned into some corners of the towns and then they will just end up in more and more chaos.

Mr. Speaker, Sir, if people are licensed to doing business and they pay tax, they should be provided with necessary provisions; water, sanitation, and maybe a well-designed place where they can have even a small restaurant. These are the things which we see in the rest of the world and we should strive to introduce them here. If we seriously want to protect and organize the hawkers in this country, we must come out and do a good design.

In addition to the county governments trying to organize these hawkers, I beseech that the Bill should have a provision for this House to follow up and ensure that the recommendations we make are implemented. If we say that it will amount to nothing else than just the way we pass budgets, then we all know what happens.

I fully support this Bill to ensure that hawkers are protected from harassment by county council *askaris*. These *askaris* should be subjected to the law whenever they harass hawkers. It is not enough to say that we recognize hawkers and then we do not put a provision in the Bill reprimanding the *askaris* who are harassing them. This law should also have a provision of compensating hawkers for destruction of their wares by county *askaris*. This will enable them to register their complaints with the authorities and seek compensation from the county government.

In this country, we have many youths who are jobless. Today the youth are about 60 per cent of the population, and most of them are jobless. If you go to any town in the country, you will find young women and men standing at every bus stop doing nothing. I think this Bill should expound and make sure that there are designated areas in every town where young people with proper funding from the county governments can do some businesses using the money advanced to county governments.

County governments should allocate some money to the youth for that purpose. This is a paltry figure. They should not tell us that they are constructing roads yet they are just dumping soil in every corner of the county, while we know where the money ends. They should stop constructing roads and address the issue of unemployment among the youth. They should also ensure that they have drugs in the hospitals.

Mr. Speaker, Sir, we want both the county governments and the national Government to find ways of addressing the problem of unemployment among the youth. By so doing, the youth will contribute to the economy of this country.

I support this Bill, and hope that it will bring change to the lives of our many hardworking deserving Kenyans who have been harassed through and through.

I support.

Sen. Were: Thank you, Mr. Speaker, Sir. I would like to thank Sen. Kibiru for coming up with this Bill on how to manage and deal with street vendors.

I want to start by disagreeing with Sen. Malalah, who yesterday said that this law should not be here and should go to the counties. However, the issue of hawkers cuts across all towns and cities in this country. Therefore, we need a law that is uniform to guide counties on how to deal with – I do not want to call it a menace – with hawkers and their businesses.

Mr. Speaker Sir, the harassment of hawkers and the informal sector in general has been of concern, not just to cities but to all towns. It is as if the job of the inspectorate of county government is to prevent hawkers from selling their wares. It is mainly because they are not guided. With this law in place, they will be fully guided through the County Executive Committee member who is in charge of this docket.

(Loud consultations)

Mr. Speaker, Sir, there is too much noise.

I would love to be protected from the noise, and I would like to be heard. There are loud consultations.

The Speaker (Hon. Lusaka): Hon. Senators, let us consult in low tones. Sen. Kinyua, what is your point of intervention?

Sen. Kinyua: On a point of order, Mr. Speaker, Sir. Sen. Were is complaining about noise, and I cannot hear any noise. Members are consulting.

Sen. Were: Mr. Speaker, Sir, the consultations are too loud. Therefore, I would like the loud consultations to be limited. Let me proceed.

As I was saying earlier, there has mainly been no framework to guide counties or the national Government on how to deal with the issue of hawkers or street vendors.

This law provides for licensing of hawkers in a manner that should be improved, instead of them having to be categorised. They should be given numbers as somebody suggested yesterday, to appear both at the back and front of the uniforms they wear. Those uniforms can be coloured depending in what area of business or trade the hawker or the street vendor is involved in.

Licensing will also create some formality in the sector and make this sector recognizable. Once the hawkers are registered, we want them to be able to approach banks for loans so that they can improve their operations. It should also be known that the informal sector largely contributes to the economy of this country and it has been doing

so without any form of regulations. With this law, we expect that the Government will be able to reap more in terms of revenue from this sector.

Mr. Speaker, Sir, Clause 8 of this Bill talks about vending zones and providing both restrictive and non-restrictive zones for the hawkers. However, I would like to remind the sponsor of this Bill, Sen. Kibiru that, hawkers usually follow where customers are and, therefore, they will be found at bus stops, crossroads or stages, as we like to call them. There should be consideration of where these zones are placed in relation to where the flow of customers is.

We have seen many market centres put up by NG-CDF and national Government affirmative funds yet hawkers do not go to those beautiful markets that have been built because customers are not found there. Customers are found in places of convenience and that is where hawkers go. Therefore, unless we look at this issue with that in mind, we will continue to have hawking as a menace instead of a benefit to our economy.

In Clause 9, the Bill also calls for public participation. We know that we are still working on the public participation Bill and the executive is working on the public participation policy to guide public participation. However, it is an important tenet of our Constitution to have the public involved in whatever decisions we make. The harassment we keep seeing between hawkers and the inspectorates of the counties is mainly because the hawkers as key stakeholders are not involved or are not participating in decisions that are affecting them.

This Bill provides that the County Executive Committee (CEC) will conduct business with hawkers in consultation with them and, will develop a framework of public participation to ensure that every decision about them involves them. The disconnect that has been existing will be a thing of the past.

With those many remarks, I beg to support the Bill with amendments.

Sen. Wario: Asante, Bw. Spika, kwa kunipatia nafasi hii. Naunga mkono Mswada huu wa wafanya biashara wadogo wanaofanya biashara zao katika sehemu za barabarani, vitongojini na katika vituo vya mabasi na matatu ambao wamedhulumiwa kwa muda mrefu sana. *County Council* ya zamani iliweka askari wa kuwafukuza wachuuzi hapa na pale. Pia, serikali za kaunti kwa wakati huu zimeweka askari wa kuwahangaisha wachuuzi hawa. Watu hawa wanapata dhulma nyingi sana wakifukuzwa huku na kule. Vile vile bidhaa zao hupotea na kuporwa. Ni wakati muafaka kabisa kuwa na sheria ambayo itasimamia wafanya biashara hawa ambao wanachuuza mali yao ndogo ndogo.

Bw. Spika, unavyojua, kaunti zinaendelea kujengwa na tunaomba watenge viwanja vya soko maalum katika sehemu za kaunti ili wachuuzi waweze kuendelea na biashara zao.

(Loud consultations)

The Speaker (Hon. Lusaka): Tafadhali, tuongee kwa sauti ya chini ili Seneta aweze kusikika. Basi umelindwa.

Sen. Wario: Mzee wetu ambaye tunamheshimu sana, *Senior Counsel*, yuko barabarani.

(Laughter)

Sen. Kinyua: Hoja ya nidhamu, Bw. Spika. Ningependa kuarifiwa na Seneta anayeongea, ni wapi anamaanisha barabara kwa sababu tuko katika Seneti. Sijui anamaanisha barabara gani kwa sababu sioni barabara yoyote hapa. Na mzee ni yupi?

Sen. Wario: Asante, Bw. Spika. Vile mnavyojua *Senior counsel* ambaye tunamheshimu, baba yetu, mzee Orengo, ni mtu anayeheshimika sana. Sisi wengi tumefuata nyayo zake ndio tumekuja hapa. Sikusema kwa roho mbaya, nimesema kwa vile alikuwa anaongea na watu. Na vile tunajadili kuhusu biashara za watu wa barabarani, pia naye alikuwa katika sehemu ya kupitia na si kwa ubaya. Yeye pia ametupatia fursa hiyo. Ninafikiri naweza kuendelea.

Bw. Spika, kaunti zinaendelea kujengwa na ni kweli wachuuzi wanafuata biashara katika sehemu za mabasi. Lakini vile kaunti zinaendelea kujengwa na pesa za ugatuzi zinafika katika sehemu za kaunti, ni wakati wa kuweka soko maalum na pia kutenga siku ya biashara barabarani ili watu wajue leo ni siku ya barabarani na ijulikane katika sehemu tofauti tofauti ili tuweze kuinua wale ambao wanachuuza mali yao katika barabara.

Watu wengi walipitia biashara hiyo ya barabarani lakini leo hii wamekuwa matajiri. Watu wanaanza na biashara ndogo ndogo ya kuchuuza mali yao barabarani na sehemu za kusimamisha mabasi na matatu.

Hivi ndivyo vile utajiri huanza. Wengi walio na maduka ya jumla siku hizi na wanaofanya katika viwanda vikubwa, wamepitia biashara ndogo za barabarani. Hivyo ndivyo walipata mali yao. Kwa sababu hiyo, ni wakati hasa wa kuwapa heshima kubwa wachuuzi wa barabarani.

Bw. Spika, makali ya askari wanaowafukuza wachuuzi hapa na pale pia yavunjwe, ili wachuuzi hawa wapate pesa. Vile tunavyojua, wako na watoto katika shule za sekondari, vyuo vikuu na pia shule za msingi. Ni biashara hiyo ya uchuuzi ambayo inawawezesha kulipa karo ya watoto.

Iwapo biashara ya uchuuzi itaandikishwa na ipate sheria muafaka itakayolinda biashara hiyo, basi tutakuwa tunajenga wachuuzi maskini. Hivyo ndivyo tutaweza kujenga Kenya na kuwezesha wananchi kupata mapato.

Bw. Spika, ninaunga mkono Mswada huu.

The Speaker (Hon. Lusaka): Sen. (Rev.) Waqo, proceed.

Sen. (Rev.) Waqo: Thank you, Mr. Speaker, Sir, for allowing me to add my voice to this important Bill by Sen. Kibiru.

From the beginning, I support this Bill because it touches on the lives of many Kenyans who struggle to feed their families and meet their demands on daily basis. I support this Bill because its principal object is to provide a framework to regulate the business of street vending in the country. Small-scale trade contributes significantly to the growth of the country. Majority of Kenyans are the people who are in this business, in different areas in our counties.

In the past, we have seen the vendors being harassed and frustrated most of the time. They even lose property. They usually undergo a lot of stress and harassment. Once this Bill becomes an Act, it will protect the vendors and they will be able to enjoy even the small businesses they do.

Mr. Speaker, Sir, as many Senators have already said, many Kenyans are involved in this. Even the great and rich people have done this before. Famous people that we know have been selling their commodities on the street and that is where they have

accumulated their money and wealth. It is good for us to create a conducive environment for every Kenyan who wants to do their business and create wealth.

Many are the times small traders suffer because as a Government, we do not give them attention. We keep on harassing them, creating opportunity for those who already have what they need. I support this Bill because it will help the small-scale traders. The vendors will be protected and have everything done for them, so that they can do their businesses.

Mr. Speaker, Sir, Part II of the Bill talks about regulation of street vendors. These regulations will guide street vending under the guidance of the Cabinet Secretary (CS) by a *Gazette* notice. The regulations will guide the vendors and help them register and do their businesses. I support this Bill because once this happens, the CS will establish such other offices of the unit anywhere in Kenya as may be necessary for the discharge of the provisions of this Act.

The challenges that vendors face in Nairobi City County cannot be compared to those that small vendors face in other small towns. This is because even before they sell their commodities, sometimes they are harassed. Before they make any profit, they make losses because they keep on borrowing money to pay for their business to start off.

Part III speaks about vending zones, which is very important. Clause 8 (1) says that each County Executive Committee (CEC) Member, shall by notice in the county gazette, demarcate and designate the county into vending zones. This has already been said and then, the traders can identify the areas relevant to them and do their businesses.

Mr. Speaker, Sir, Clause 9 (5) is what has really excited me because it says:

“In considering the vending zone plan under subsection (4), the county assembly shall conduct public participation.”

This is something that will enhance the views that are already in the Bill and shall give the opportunity to the vendors to give their views for them to have what is relevant to them and also do business that is acceptable.

Clause 9(6) says:

“Upon approval of the plan, the County Executive Committee members shall –

- (a) publish the details of the county vending zone plan in the county Gazette and at least one newspaper of wide circulation within the county; and,
- (b) submit a copy of the plan to the Cabinet Secretary.

This clearly shows that everything will move systematically until the entire process is over.

Clause 10(1) says:

“Each county government shall progressively provide for the construction and maintenance of vending centres, to enable the carrying out of street vending activities in a fair, transparent and safe manner.

This is very good, especially for the vendors, because if the county governments will be responsible for this, they will be able to maintain, manage and run the entire place, as long as those doing the business can sustain it.

Mr. Speaker, Sir, a lot has been said on the management of finances and everything in the counties. Unless proper measures are put in place so that the finances are collected and managed in a transparent manner, it might be another space where

Kenyans can lose a lot of money. I suggest that proper accounting be put in place as well as responsible people, so that Kenyans will not face many challenges.

Clause 12(3) says:

“No licensed street vendor shall be evicted or relocated from the location specified in their licence, unless the street vendor has been given thirty days’ notice of such eviction in such manner as shall be prescribed by the relevant county government.”

This will help the vendors because in the past, they have been tossed in every corner and frustrated. Once this is applied, they will be given proper notice. The vendors will then enjoy their business because they will be protected by the law that will be in place as a result of this Bill. This is a very good Part, especially Clause 3, because no one will close down their business as a result of somebody trying to evict them.

Part IV is also very encouraging because it will help in the registration and licensing of street vendors. It gives directions on the processes that they need to go through, what they need to do and how they can be registered.

Under number Clause 14(3), the director shall be the registrar for the purpose of the maintenance of the national registry of street vendors. The director is the person responsible in every county. That means that we will then have proper records of all the vendors in the entire nation. That can then protect the small vendors since we will know their numbers and what they need. The Government can even come up with a proposal of enhancing what they are doing and also supporting them so that they can grow their businesses.

Mr. Speaker, Sir, Clause 16(1) says-

“A person shall not engage street vending activities unless they are registered as a street vendor and in possession of valid vending license from the relevant county.”

This is a very important area that will protect only the registered vendors to engage in business because as we know, Kenyans are very opportunistic people. People can just come start their businesses anywhere. However, as long as you are not registered, then the Government can take action on you. This will give the registered members the opportunity to do their businesses and create their own wealth because they will do their business in the areas that have good income for them.

Mr. Speaker, Sir, Clause 18 states that-

“(1) Upon expiry, a vending license may be renewed for such further period not exceeding one year.

(2) A registered street vendor issued with a vending license may apply for renewal of the license in the prescribed manner at least thirty days before the date of expiry of the licence.”

Mr. Speaker, Sir, what we know is that many traders have in the past suffered because when it comes to the renewal of their licenses, they face a lot of challenges. In Kenya today, where corruption is practiced everywhere, many small traders face a lot of challenges because they keep on coughing money from one office to the other, giving it to different officers so that their licenses are renewed. However with this Bill, they will be able to register their license within 30 days. So long as they do it on time, there will be no gaps and their businesses will run smoothly.

Mr. Speaker, Sir, as I was going through the Bill, I looked at Part V, on the rights and obligations of street vendors. This will protect and bring out the rights and obligations of street vendors. In the past, they have been denied rights and mistreated in different ways, but when this Bill will be put in place, they will be protected against any harassment. This is because many people have misused and exploited them in the past, but they will now be protected by the law that will be put in place.

Mr. Speaker, Sir, I support this Bill and it is my prayer that, one day, it will be implemented so that our small traders enjoy their businesses and create their wealth. We also hope that by doing that, we will reduce the poverty levels in our country, especially in the rural areas.

With those few remarks, Mr. Speaker, Sir, I beg to support this Bill.

The **Speaker** (Hon. Lusaka): Proceed, Sen. Sakaja.

(Sen. Mutula Kilonzo Jnr. applauded)

Sen. Sakaja: Asante Sana, Bw. Spika; na pia asante sana, Sen. Mutula Kilonzo Jnr., kwa kupiga makofi vile nimekuja kuzungumza.

Bw. Spika, nakushukuru kwa kunipa nafasi hii ili kuunga mkono Mswada huu ulioletwa na Seneta wa Kirinyaga, ambao ni Mswada muhimu sana. Nimefurahi kwamba huu ni mojawapo ya Mswada ambayo magavana wetu wameweza kuifikiria na, kupitia wenzetu, kuuleta Mswada huu. Gavana Mwangi wa Iria ndiye aliyeuleta Mswada huu katika Bunge la Seneti kupitia Seneta mwenzetu. Ingawa kuna vipengee kadhaa ambavyo lazima tutaangalia, kukagua na labda kuleta mabadiliko kwayo, huu ni Mswada mzuri sana.

Bw. Spika, ni kweli kwamba wachuuzi wetu wa biashara za reja reja ni wengi sana katika miji mikuu au miji mbali mbali kama Nairobi, Kisumu, Mombasa, Nakuru na kwengineko. Hata hivyo, hawa wachuuzi wamedharauliwa kwa muda mrefu. Pia ni kweli kwamba serikali za kaunti na pia Serikali Kuu hapo awali kabla tuwe na mfumo wa ugatuzi, badala ya kusaidia wafanyibiashara kustawisha biashara zao, imekuwa ikiwadhulumu na kuwafinyilia chini. Hilo ni jambo ambalo halifai.

Bw. Spika, ukitembea kila mahali katika Mji wa Nairobi, utapata vijana wetu na kina mama wakijaribu kutafuta riziki yao; wakitafuta njia ya kupeleka chakula nyumbani. Lakini kila siku ni kufukuzwa na kufungwa, ambalo ni jambo la kusikitisha. Ni kama kumekuwa na vita dhidi ya watu wadogo ama wananchi wa kawaida. Kijana, msichana mdogo ama mama wa Nairobi akiamua ajaribu kufungua biashara, anaambiwa, “Hapa panafaa kuwa na barabara;” kwa hivyo biashara yake inabomolewa. Kijana akijaribu kufanya biashara ya boda boda, anaambiwa: Ukiingia katika jiji kuu ama *Central Business District*, boda boda yako inachukuliwa.”

Bw. Spika, ukitembea hatua chache uende hapa tu katika *Central Police Station*, utaona idadi kubwa sana ya bidhaa za wachuuzi na bodaboda ambazo zimepigwa marufuku. Halafu tunauliza kwa nini hali ya usalama imeenda chini; tunauliza kwa nini watu wanaibiwa na wanapigwa *ngeta* – nafikiri tunaweza ongeza neno hilo katika Kiswahili kwa sasa – lakini bado ni Serikali hiyo hiyo ambayo inafanya watu hao wakose ajira. Wale ambao wanafanya kazi kwa matatu, wanasumbuliwa kila siku na polisi na watu wa askari wa Kaunti. Kwa hivyo, lazima tuseme kama Seneti ya kwamba hatutakubali wakenya wa kawaida waendeleo kudhulumuliwa.

Bw. Spika, ukiangalia hata ile hela ambayo hawa wachuuzi wadogo wanatoa katika Kaunti, kwa mfano akina mama walioko Gikomba na Marikiti, kila siku wanalipa shilingi hamsini. Nilifurahi sana jana wakati Seneta wa Kakamega pia aliweza kutoa orodha kama hiyo kuhusu mji wa Kakamega. Malipo ya Kshs50 kila siku kwa siku sita, wiki nne kwa mwezi, na miezi kumi na miwili kwa mwaka ni Shilingi 14,400. Pesa hizi zote zinatowza mfanyi biashara wa kawaida, lakini yule ambaye ako na duka analipa Ksh5,000 kwa mwaka mmoja. Kweli hiyo ni haki? Je, huu ni utu? Halafu huyo anayelipa Shilingi 14,000 bado anadhulumiwa, anafukuzwa na kupigwa. Juzi tulimuona mama mmoja ambaye ni mlemavu akiwekwa juu ya gari ya askari wa jiji eti kwa sababu ya kuchuuza bidhaa zake.

Sen. Wetagnula: On a point of information, Mr. Speaker, Sir.

Sen. Sakaja: Bw. Spika, nakubali kuarifiwa na Seneta wa Bungoma.

The Speaker (Hon. Lusaka): Yes, what is your point of information, Sen. Wetangula?

Sen. Wetangula: Ningependa kumuarifu Seneta wa Mji mkuu wa Nairobi kwamba katika Bunge la Kaunti ya Mji mkuu wa Nairobi, chama anacho wakilisha hapa Seneti kina wingi wa waakilishi wadi kupindukia. Kwa Kiingereza, naweza kusema kuwa wako na *super majority*. Wao ndio wanaopitisha miswada ya kulipisha wafanye biashara na wachuuzi wa reja reja hizo pesa chungu nzima anazo zungumzia. Kwa hivyo, nakuarifu ya kwamba unafaa kuanza kwa kuzungumza na hao waakilishi wa wadi wa chama chako ili waende wandoe ushuru. Pia, wahakikishe kwamba wachuuzi wanapewa leseni ya mwaka mmoja kwa kulipa kama Shilingi 600 au Shilingi 800 kwa mwaka. Hivyo ndivyo tutakuwa tunawasaidia.

Sen. Sakaja: Asante sana, Sen. Wetangula. Hiyo ni taarifa ambayo nilikuwa nayo hapo awali. Ningependa kumweleza kuwa shida ya wachuuzi wetu Nairobi haswa sio tu kiwango cha ada lakini wanalipa hizo hela na hawapati huduma.

Bw. Spika, shida yao kubwa ni kwamba ukienda soko za Marigiti, Gikomba ama popote pale, hawana shida na kulipa ada, bora soko zisafishwe, wapate usalama na wasi dhulimiwe na serikali. Zaidi ya hayo, sio vizuri kwamba mtu analipa ada na hizo hela hazitumiwi kwa njia ambayo inafaa.

Shida ya pili ni kwamba labda itakuwa ni vizuri wakipunguza hiyo ada. Hii ndio sababu ninaunga mkono Mswada huu. Baada ya huu Mswada kupitishwa hapa katika Bunge la Seneti, tunataka Mswada kama huu upitishwe katika *County Assembly* ya Kaunti ya Nairobi. Mimi mwenyewe nitawapatia hao wawaakilishi wa *Ward* waweze kupitisha Mswada kama huu.

Juzi nilisema siyo sheria tu ambayo ina tufunga mikono tusiweze kuhudumia watu vizuri. Wakati mwingine ni ukosefu wa utu na kwa kiingereza tunasema "*common sense*". Hakuna sheria ambayo ita kufunza kufikiria maslahi ya mtu wa kawaida au ubadilishe roho yako.

Juzi nilikuwa na wachuuzi wangu wa Westlands ambao hapo awali walikuwa katika soko la Westlands. Wali tolewa na kuambiwa, "Sasa tunajenga, kaeni hapa karibu na barabara". Walitolewa na kuwekwa kwa barabara. Jengo hilo limechukuwa zaidi ya miaka kumi likijengwa.

Juzi tulisukuma maneno na wakaendelea. Lakini baadaye wakafurushwa na serikali hiyo wakiambiwa kwamba inataka kujenga barabara. Hadi wa leo hiyo barabara haijaanza kujengwa na wako nje. Si ingekuwa bora wamalize kujenga soko, wawa

hamishe hapo halafu ndio wajenge barabara? Haiwezi kuwa kwamba hatuwafikirii hawa watu wa kawaida.

Mama akinyang'anywa bidhaa zake anaambiwa alipe Shilingi 20,000 ndiyo apate bidhaa zake aweze kuendelea na biashara. Ni ukosefu wa utu hata si ukosefu wa sheria. Hawa watu tunasesema washindwe! Ama vile tunavyosema nyumbani riswa!

Bw. Spika, shida ambayo tuko nayo ni ukosefu wa mpangilio thabiti kwa sababu kuna wale wachuuzi rejareja na pia wale ambao wana duka. Ukiangalia hao ambao tunaita *hawkers* ama wachuuzi wa bidhaa rejareja, sana sana wanapatikana karibu na stesheni za matatu ama pahali pa uchukuzi. Hii ni kwa sababu watu wengi wakitoka kazini jioni, wakitembea kwenda kupanda matatu, wakiona nyanya mbili hapa na vituguu wananunua. Ama mtu ataona sketi au viatu vya *pumps* amnunulie mke wake. Ni lazima wawe hapo karibu na sehemu za usafiri.

Kuna nafasi ambayo ina tosha katika jiji la Nairobi na kaunti zingine kuweza kusema hapa kutakuwa na wachuuzi rejareja na pale pengine duka. Haifai kuwa tusadie hawa halafu tuwadhulumu hao wengine ambao pia wanalipa ushuru kwa serikali. Hii inatokana na ukosefu tu wa mpangilio. Ni rahisi kufanyika na imefanyika katika mataifa mengi ambayo tumetembelea; ambayo yako katika kiwango kimoja na Jamhuri ya Kenya.

Bw. Spika tunasema ya kwamba tuwe na mangilio na orodha ya hawa wachuuzi. Wanafaa wapewe nambari ili tujue wachuuzi wagani ni wa Moi Avenue na watakuwa wanakuja kufanya biashara siku gani. Barabara hii labda itakuwa inafungwa siku zingine ili waweze kuja kuuza hapo. Tunafaa kuwasaidia kukuza biashara zao.

Bw. Spika, jana nilikuwa upande wa Waiyaki Way nikaenda kula kwa kibanda pale karibu na Njuguna's, kando ya barabara. Hao wachuuzi waliniambia ya kwamba wanadhulumuwa na kila siku wanafukuzwa. Wako mahali ambapo ni kiwanja ambacho kiko bure, hakitumiki kwa kazi yoyote. Hakuna nyumba inajengwa hapo au barabara inayopita hapo. Kuna wafanyi biashara watano au sita hivi ambao wameajiri zaidi ya akina mama na vijana 90. Lakini hivi karibuni utasikia wamefukuzwa kwa sababu ni wachuuzi wa bidhaa rejareja na hapo pahali patakaa tu wazi bila kuleta faida kwa uchumi. Hao akina mama na vijana wataenda wapi?

Kama kungekuwa na serikali ya Kitaifa ama ya Kaunti ambayo inafikiria maslahi ya watu wake, ingechukua watu hao iseme: "tutawajengea hapa vibanda, tupige rangi, tuwasaidie na mahali pa kuweka bidhaa zenu." Ni nini mihimu, ni kuona tu nafasi ziko wazi ama watu wetu kupata ajira? Haya mambo ya kupamba mazingira tutafanya baada ya vijana wetu kupata ajira.

Kuna wachuuzi ambao walikuwa Outer Ring Road na wale wa Mutindwa. Walifukuzwa kwa sababu walikuwa kwa ukuta karibu na shule. Wale wa Kibera hapo kwa DC, walifukuzwa na vibanda vyao kubomolewa. Walifurushwa bila kupewa fidia au pahali pengine pa kufanya biashara yao. Wamebaki hapo nje kwa sababu ilisemekana kwamba walikuwa wanafanya kuwe na ukosefu wa usalama katika shule. Lakini kwa sasa vile wamekosa ajira, si ukosefu wa usalama utazidi? Ni lazima tubadilishe vile tunavyofikiria kuhusu hawa watu wa kawaida.

Nimefurahi ya kwamba tumeweza kujenga, pamoja na Banki ya Kitaifa - World Bank - sio kila neno unaweza kubadilisha kwa Kiswahili - tumeweza kujenga soko upande wa Kangundo Road ambapo tunataka waweze kuingia wote.

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

The Speaker (Hon. Lusaka): Hoja yako ni gani, Seneta wa Mombasa?

Sen. Faki: Bw. Spika, *World Bank* kwa Kiswahili ni Benki ya Dunia sio benki kuu ya dunia. Hakuna benki ya kimataifa ambayo inajulikana kama World Bank.

Sen. Sakaja: Asante sana. Ni vile tu katika hii Bunge hatujakubali *sheng*. Tungeweza kukubali *sheng*, ningepeleka watu wa Nairobi na “*radaa*” ama na “*rieng*”. Lakini sasa kwa sababu *sheng* haikubaliki ni lazima nijaribu kuzungumza kama Mhe. Faki. Lakini kweli, Benki ya Dunia pamoja na Serikali kuu tumeweza kujenga soko kubwa hapo Kangundo Road.

Tayari tumeanza kuona ufisadi ukiingia kwa sababu wale ambao walikuwa wametolewa Outer Ring Road, Mutindwa na mahali pengine--- Kulikuwa na orodha ya wale ambao walikuwa wanapaswa kuwekwa katika soko hiyo lakini inaonekana hizo orodha zimebadilishwa. Ningependa kueleza watu wa Nairobi kuwa hatutakubali hii ifanyike. Wale ambao wanajua wameuza hizo vibanda kwa marafiki zao kwa laki tatu wataona! Hatuta kubali hivyo vibanda viende namna hiyo. Ni lazima tuwe watu wa utu na tuwafikirie watu wetu ambao wako hapo chini.

Bw. Spika kuna vipengee kadhaa katika Mswada huu ambazo lazima tuta badilisha. Sioni sababu ya Serikali kuu - naomba Sen. Faki anisikize kwa sababu yeye ndiye anakosoa Kiswahili- iwe ndiyo inayochukua orodha ya wachuuzi. Mbona mnataka orodha ya wachuuzi? Kwani kuna orodha ya wafanyibiashara aina tofauti? Hakuna haja hiyo ya orodha iwe katika Serikali kuu. Lakini itakuwa ni vizuri serikali za kaunti ziweze kujua kwa minajili ya kupanga na kuwezesha usalama.

Ya pili, lengo letu kuu la kuleta sheria hii ni kuwapa wale ambao wako katika bunge za kaunti nafasi ya kuiga Mswada kama huu. Tusitoe hii kazi ya kuangalia mambo ya uchuuzi kutoka serikali za kaunti na kuzileta katika Serikali kuu kwa sababu mkiweka vizuizi vingi na mpangilio mkubwa sana wa kuweza kuwasajili hamtakuwa mnasaidia. Mnataka yule mama ambaye ako Kamulu ama Kawangware, aanze kuja hapa katikati mwa jiji la Nairobi kutafuta Mkurugenzi wa idara fulani ili kusajiliwa? Hapana! Mnawasumbua. Wacha watu wafanye kazi walipo. Serikali za magatuzi zinafaa kuenda pahali walipo. Kwa mfano, Serikali ya Jiji la Nairobi inafaa kuenda Kawangware ama Kangemi na kujenga vibanda na kuwaruhusu wafanye kazi.

Bw. Spika, kumekuwa na kesi mbalimbali. Nimefurahi kusikia Seneta wa Nyeri akisema kuwa wanaodhulumu wachuuzi lazima wachukuliwe hatua kali. Kuna wakati kulikuwa na shida Eastleigh kulipokuwa na mvutano kati ya *Eastleigh Business Community* na wachuuzi. Ukweli ni kwamba kulikuwa na vikundi vya vijana pamoja na askari wa Jiji la Nairobi waliokuwa wanatumia silaha kama nyundo na misumeno kuwapiga kina mama. Hilo ni jambo la kuhuzunisha.

Ni kama wachuuzi wamedharauliwa na kuchukuliwa kuwa wahalifu. Sijui kama ni watu wachafu ambao wanafaa kufichwa ndio Jiji ling’are. Jiji litang’araje kama watu hawana ajira ama chakula? Nikitumia mfano kwenye Bibilia, Yesu alisema kuwa ni kama kung’arisha nje ya nyumba ilhali ndani kumeoza ama kuosha kikombe nje na ndani ni kichafu. Tusiwe watu wa kufanya mambo kama hayo.

Ni vizuri kupendekeza kuwe na leseni ya mwaka mzima lakini wachuuzi hawana uwezo. Wachuuzi wanafaa kulipia leseni polepole ama kila mwezi. Mchuuzi katika Jiji la Nairobi hawezi kulipa Kshs10,000 ama Kshs5,000 mara moja kwa sababu anahitaji kama Kshs5,000 kununulia vitu anavyohitaji kuuza. Kwa mfano, kuna mchuuzi ambaye hununua ndizi ndiposa auze. Siku hizi wachuuzi hukopa pesa asubuhi kwa njia ya simu

kutoka kwa Tala ama Fuliza na kulipa madeni yao jioni. Idadi ya watu wanolipa madeni kila siku ni kubwa sana.

Naona Sen. Mutula Kilonzo Jnr. ambaye ni Mwananakamati wa Kamati ya Fedha na Bajeti yuko hapa. Hatupingi biashara za Tala na Fuliza lakini ijulikane kuwa wananyanyasa wafanye biashara. Iwapo unadai riba ya asilimia 20 kila mwezi, inamaanisha kuwa kwa mwaka utakuwa umechukuwa riba ya asilimia 240. Kwa Kiingereza tunasema *convertible annually*. Hii inamaanisha kuwa mwananchi wa kawaida analipa riba ya asilimia 240 kwa madeni ambayo yanapeanwa na kampuni ambazo hazithibitiwi na Benki Kuu ya Kenya.

Maafisa wa Benki Kuu ya Kenya wamesema hakuna sheria za kudhibiti kampuni kama hizo. Kwa hivyo wanapeana tu barua ya “*No objection.*” Hata hivyo, mtu kama Bw. Spika au mimi nikienda kutafuta mkopo kwenye benki, nitalipa riba ya asilimia 10. Hiyo sio haki. Lazima tuangalie jambo hilo ili kumwezesha mwananchi wa kawaida kupata mikopo ambayo anaweza kulipia kwa kiwango cha chini cha riba.

Namsihi Sen. Kibiru na Kamati yake wabadilishe *annual licence* ili leseni zilipiwe kila mwezi au kila wiki. Ni vyema kuwe na Kipengele ili kutengwe pesa ambayo itatumiwa kuhakikisha kwamba pahali wachuuzi wanafanyia kazi pana safishwa na kuna usalama.

Nikimalizia kwa sababu nimezungumza kwa muda mrefu kwa lugha ya Kiswahili, kuna Mswada mingi ambayo tumepitisha katika Seneti ambayo imelala katika Bunge la Taifa. Hili ni jambo la kusikitisha sana.

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

[The Temporary Speaker (Sen. (Prof.) Kamar) in the Chair]

Bi. Spika wa Muda, kuna Mswada ulioletwa na Sen. Mutula Kilonzo Jnr. pamoja nami unaohusu jinsi ya kushughulikia mambo ya dharura ama *disaster management* kwa lugha ya Kiingereza. Mswada huo una pendekeza jinsi ambavyo idara mbalimbali zinafaa kufanya kazi wakati wa dharura.

Sote tunafahamu kisa kilichotokea hivi majuzi katika kivuko cha feri cha Likoni. Kuna shirika *la Kenya Ferry Services, the Kenya Navy, Kenya Police* na Serikali ya Kaunti ya Mombasa. Hata hivyo, watu wanapoteza maisha kwa sababu ya suitofahamu.

Leo nimeona video ya gari iliyozama kwenye *WhatsApp* lakini sijui ulikuwa mto upi. Ghafila watu walikuja na mashua, wakavunja dirisha na kuwanusuru waliokuwa ndani ya gari hilo. Jana tuliambiwa kwamba kisa cha feri ya Likoni kilichukua dakika moja na sekunde ishirini. Kwenye video niliyo tazama leo, walichukua sekunde 60. Lazima kuwe na mashua za kuokoa na wataalamu kwenye kila kituo cha feri kwa sababu jambo lolote linaweza kutokea.

Nadhani tunafaa kuwa na Kamati ya Utekelezaji ili Sheria ambazo tunapitisha--- Kulikuwa na haja gani sisi kuleta Mswada ambao sasa uko kwenye sefu ya Hon. Duale katika Bunge la Taifa? Sheria hiyo ingewasaidia Wakenya wakati wa tukio kama hilo.

Bi. Spika wa Muda, tunaomba Ofisi yako ifuatilie Sheria ambazo Maseneta wanapitisha hapa. Utapata tunapitisha Sheria nzuri kama hii lakini itachukua miezi sita ua saba huko. Je, itasiadia nani? Tunatumia pesa zinazotelewa na Wakenya kupitia ushuru ilhali hatuwapi huduma ambazo wanastahili kupata. Sisi tuko hapa kuangalia Sheria

ambazo zitasadia Wakenya. Ningependa kuambia wachuuzi wa Jiji la Nairobi kuwa tunawafikiria.

Nimemwambia Rais na Mawaziri kuwa wanapokutana na *the Kenya Private Sector Alliance (KEPSA)* na *the Kenya Association of Manufacturers (KAM)*, sio tu watu wanaovaa suti na tai. *Private sector* ni watu wanaofanya kazi katika masoko kama vile Kamkunji na Gikomba na maserelema wanaounda vitanda *Ngong Road*. *Private sector* sio tu watu walio na shahada. Lazima tukumbuke kuwa Mkenya wa kawaida ana maono na anafaa kupata usaidizi na haki katika taifa letu.

Asante Bi. Spika wa Muda.

The Temporary Speaker (Sen. (Prof.) Kamar): What is your intervention, Sen. Kinyua?

Sen. Kinyua: Bi. Spika wa Muda, wakati Sen. Sakaja alipokuwa anaongea, Sen. Faki alikuwa akimkosoa kwa kumpa maneno mwafaka ya kutumia kama vile “riba” na mengineo. Kwa kuwa ameng’ang’a kadri ya haja, Sen. Faki anafaa amtuze alama kama mwalimu wake kwa kuzungumza Kiswahili.

The Temporary Speaker (Sen. (Prof.) Kamar): Is that a point of order or a point of information or you just wanted time to speak?

I was going to ignore it so that you do it while making your contribution.

Sen. Faki: I have already contributed, Madam Temporary Speaker. Ningependa kumsaidia Sen. Kinyua ambaye pia ni mwanafunzi wa lugha ya Kiswahili na Sen. Sakaja kwa sababu sisi ndio Maseneta wa majiji. Tuko watatu tu hape kwa sababu wengine wote ni Maseneta kutoka vijiji na gatuzi ndogo ndogo. Amepata asilimia 70 kwa 100.

The Temporary Speaker (Sen. (Prof.) Kamar): Sen. Sakaja, I can see your intervention. Are you disputing the 70 per cent?

Sen. Sakaja: Bi. Spika wa Muda, mwalimu anapomkosoa mwanafunzi, lazima pia azing’atie mazingara ambayo amekulia. Sisi ni watu wa mtaa kwa sababu mimi nilizaliwa Ngara. Kwa hivyo naomba aniongezee alama ili iwe asilimia 80. Sisi Maseneta wa Majiji tutaleta Mswada ili tukubaliwe kuzungumza lugha ya Sheng kwa sababu kuna watu ambao wanasikia lugha hiyo na wanaielewa sana.

The Temporary Speaker (Sen. (Prof.) Kamar): Let us now have Sen. (Eng.) Hargura.

Sen. (Eng.) Hargura: Thank you, Madam Temporary Speaker, for giving me this opportunity to contribute to this important Bill. The vendors form an important part of the population of this country. We have been talking about the high level of unemployment. These people are part of the population of this country who have gone out of their way to make sure they are self-employed. Both the national and county governments have a responsibility to provide an enabling environment for vendors.

Madam Temporary Speaker, this is an important and timely legislation because we have street vendors everywhere. The county Governments have been in place in for the last seven years, but they have not come up with ways of regulating the street vendors. It is, therefore, upon us, as the Senate, to provide legislation so that the counties can domesticate it and come up with specific legislations to suit their counties as indicated by the drafter of this Bill.

Part VI of this Bill on Miscellaneous Provisions is very clear that the county governments will have to domesticate this piece of legislation so that they can apply it to their own settings. The statement by Sen. Malalah that we are not supposed to micro

manage the counties is misplaced because we have to take care of the interests of the counties and where they have not taken the initiative, we have to provide a general legislation like this one.

Madam Temporary Speaker, the case of this important group of Kenyans does not need to be emphasized. If you go to any set up like the headquarters of my county, Marsabit Town, there is a particular group of women in that town who have been selling firewood, milk, vegetables and other goods for as long as I can remember yet up-to-date, they do not have any particular place to operate from. You will find those women selling their goods from the pavements of shops. They are exposed to all elements of weather such as sun, rain, dust and so on. The women do not have a conducive environment to operate from, but because they have to trade, they have become accustomed to the hardship.

It is necessary for us to take care of the street vendors by providing them with very conducive environments where they have basic infrastructure like sanitation, waste disposal, water, security and lighting system so that they can also conduct their businesses in an organized manner. This Bill envisages that the street vendors will be allowed to unionize themselves and have Savings and Credit Co-Operative (SACCO) societies where they can save and borrow money to improve their businesses.

Madam Temporary Speaker, the counties have to deliberately plan for this important group of business people by re-planning their urban areas so that in case there was no prior vision of this kind of a requirement, they can acquire private land through compulsory acquisition and set up operating areas for the vendors. That way, the street vendors will graduate to established business people who will develop and contribute to the economy of a county.

We have been insisting that counties have to generate their own revenue and it is included in the sharable revenue formula where we have fiscal responsibilities. These are some of the areas that the counties are targeting to generate their own revenue. If the counties do not provide an enabling environment, it will be counterproductive because the counties will be unable to generate target revenue and will be penalized. Counties have to provide an enabling environment for them to get revenue.

Madam Temporary Speaker, I have an issue with the proposal made in this Bill for county governments to be over sighted by the national Government. I do not know what the drafter had in mind when he came up with the unit to which the county governments will be reporting giving the registers of their vendors. I wonder what they will do with that register. We already have the Registrar of Companies and the Registrar of Societies. I have never heard of either of them submitting their lists to a particular unit within the national Government.

What is the purpose of having the proposed unit and why do the county governments have to submit the list of their vendors? The vendors need to be managed at the county level. I, therefore, urge the sponsor of this Bill to amend that Clause. The county governments may even go to court because of this clause to question why they are being subjected to oversight by the national Government. If a good legislation like this one ends up in court, it may take forever to be resolved. Such a good Bill may be held captive in our slow judicial system because of a clause that subjects the county governments to oversight by the national Government.

Considering everything, this Bill is well structured. It clearly states the process of registering and licencing street vendors. It also gives the county governments freedom to domesticate it. This Bill gives the county assemblies, which will be the arm of the county governments doing the legislation, freedom to come up with a particular legislation which is specific to their counties. However, some clauses of this Bill need to be changed such as where it is stated that the 'County Executive Committee (CEC) member responsible for matters relating to trade will enact'. The CEC member cannot enact. He or she will have to propose to the county assembly to enact. We have to look at the way we phrase what we expect them to do by making sure that it does not have any ambiguities.

Madam Temporary Speaker, Part V of the Bill gives the right and obligations of street vendors. That is important because rights are accompanied with obligations. The vendors have obligations to make sure that they conduct themselves in an orderly manner within the law. The vendors have to ensure that they take the rights of others into account. For instance, the street vendors should not block the public or obstruct other businesses in fixed premises. Further, this Bill provides flexibility because it talks of areas which can be provided for continuous vending.

This Bill also proposes to have part vending areas where a particular street can be allocated for vending once in a week. Other areas have also been marked as strictly no-vending areas. This arrangement will help resolve the issue of county enforcement officers chasing the vendors around. The street vendors have been given rights to do business in the approved areas, but they also have obligations not to trespass into other areas. Currently, due to lack of legislation, the street vendors in Nairobi are always selling with one eye always looking out for the county enforcement officers because they know that they are not operating within the law. It is currently very difficult for the street vendors to even concentrate on their businesses. However, if the street vendors have a proper environment and they also follow the requirements, they will do business in an organised manner.

Madam Temporary Speaker, Part VI of the Bill gives a breakdown of the responsibilities of the county governments. This Part sets out what the counties need to legislate on. I do not think it is necessary for us to give them a breakdown of the areas that they need to legislate on. I believe that once the Bill is enacted, the county governments will know how to domesticate it and which areas they need to take into account.

We, therefore, do not need to give them guidelines on how to legislate. It will not be good because we are limiting them. Let them take this piece of legislation, and once it is enacted, let them see what specifically applies to them and what they need to improve on depending on the kind of business they do there. This is because in some areas, like where I come from, we have weekly livestock markets throughout the county. On a given day, you are in a particular center. The county government needs to regulate the kind of business which goes on in their county and how to do it.

Madam Temporary Speaker, I would like to support this Bill with a few amendments, especially on the requirements of the national Government to oversee the county government, so that we do not come up with a good of legislation which will unnecessarily be contested by the county governments trying to avoid being oversighted.

I hope the sponsor will take that into account, so that we can have a good piece of legislation.

Thank you.

Sen. (Dr.) Milgo: Thank you, Madam Temporary Speaker, for the time you have given me to also support this Bill. This is a very important Bill that seeks to cure the blooming business of street vendors in our country that lacks control.

Madam Temporary Speaker, this is a form of employment to many our youths, apart from many other people, bearing in mind the fact that our country has very many unemployed youths. In this case, it will go a long way to provide self-employment, particularly once we have proper planning and control. It will assist our youths. We have many youths who engage in various activities such as drugs and substance abuse, robbery and sometimes even radicalization because they lack what to do. Once we regulate the street vendors, this will be one way of actually providing employment.

Another very important thing about regulating street vending is that it will go a long way in contributing to trade in our country. Through trade, our country will be able to collect its revenue. Once street vending is regulated, counties will collect a lot of revenue. We have had problems in counties because most of them just rely on Exchequer from the National Treasury, yet there are many ways that they can collect revenue. This includes small businesses such as street vending.

The provision of a legal framework will ensure that we have control, particularly in terms of the issues of nuisance. If we go round, even in Nairobi, sometimes, without control street vendors sell their wares in front of other shops. By so doing, they block those established premises from accessing customers. With a legal framework, they will be able to be allocated specific areas where they can sell their wares. As a result, they will not interfere with other businesses.

Madam Temporary Speaker, these street vendors normally sell food in areas that look very unhygienic. With regulation, we will be able to ensure that food is sold in hygienic conditions. Part III of this Bill actually speaks to this issue, where there will be demarcation of various zones, where these vendors will be allowed to sell their wares. In other words, this will reduce conflict. We have had a lot of conflicts because of the fact that there is no legal framework to ensure that demarcation is put in place. Once we have demarcation, these people will sell in fairly good areas.

Madam Temporary Speaker, while we are talking about these street vendors, they have faced a lot of challenges. Earlier on, I said that sometimes they even sell food in places where it can be contaminated. In Nairobi City County in particular, they are chased along streets and many of their wares are taken away. At one time I witnessed a case where in the course of running, one of them was knocked down. Without proper regulation, the same vendors expose their lives to danger.

Madam Temporary Speaker, we have also had cases where the street vendors are relocated to areas where there are no customers. We know that street vending does very well in areas where we have customers, such as bus stations and on the streets. That is why they are referred to as “street vendors.” In Bomet County, where I come from, we still have a lot of conflicts that have not been resolved up to today. The street vendors were relocated to an area where they hardly sell their wares. As the county governments provide areas where street vendors can sell their wares, we advise them to construct sheds in strategic places, where they are assured of selling.

Madam Temporary Speaker, Part II of this Bill seeks to put in place regulation in terms of the amount of fees and registration of the number of vendors in the various counties. This is also very important in terms of knowing the number of street vendors we have in this country. Yesterday, we had a *Kamkunji* where we were told that we are in the age of having open governance. We should, therefore, know what is going on in various counties. We should know the number of street vendors, where they are located and how much revenue we collect from them. Therefore, Part II of this Bill will go a long way to assist in this.

Street vendors are small business holders, but they are normally charged very exorbitant fees. The fees that they are charged should be controlled. They should pay an amount that will not affect their business.

Madam Temporary Speaker, under the same Bill, we also have the Cabinet Secretary playing an important role in regulating street vending. However, when it comes to this, we need to caution on issues of control. There are many cases where we have the national Government wanting to control many of the activities in the counties. Street vending normally takes place in the counties. Much of the control should be delegated to the counties, so that the revenue collected can assist them. However, we also ask for accountability and transparency, so that the money collected can be put to good use.

Clause 4 of this Bill talks about licensing. This will assist vendors to know charges and the timeframe within which they can be licensed. It will help if we have a licensing department in all our counties, so that small traders get their licences right at their doorsteps rather than coming all the way to Nairobi. This will save them time and money. This department in county will help street vendors with licensing and avoid unnecessary delays.

Recently, we had cases of street vendors complaining about foreigners who have already taken over their jobs. It is sad that some Chinese are hawking their wares on our streets. Therefore, licensing of street vendors will enable the Government to know how many of its citizens are conducting business on our streets. So, issues of other foreigners taking over such jobs will be a thing of the past.

Madam Temporary Speaker, as I said, issues of accountability and transparency must be checked to avoid corruption. Once this business is regulated and street vendors are given favourable conditions, to reduce poverty in our people. The wares that are sold by street vendors include clothes and food stuff such maize, vegetables, beans, maize *et cetera*.

In many cases, these wares assist them to put food on the table, pay school fees for their children and cater for their other needs in their homes. This business will alleviate poverty in our country. This is because many people live below the poverty line. Once street vending business is regulated, it will be one of the avenues of providing financial needs to these people. Furthermore, large businesses start small. We know of many people who started by selling small merchandise and right now, they own large stocks.

Madam Temporary Speaker, this is a wonderful Bill. However, we must exercise caution and ensure that we do not centralize street vending. County governments should play a major role and put in place regulations to control these businesses within the counties. As I said, this is an important Bill and I thank Sen. Kibiru for bringing it to the Senate.

With those many remarks, I support.

Sen. Mugo: Thank you, Madam Temporary Speaker, for giving me the opportunity to contribute and say a few words about this timely Bill which I fully support. I congratulate the author for it.

This Bill seeks to regulate street vending and provide for the right to informal trading licensing, designation and use of public space. For too long, street vendors, hawkers and others in that trade have been viewed as people who do not have any rights. It is as if their operations are a mistake and that is why they are harassed, evicted or battled any time. This Bill is trying to cure this and give these vendors their right as citizens of Kenya. It provides for protection of their goods and use of public facilities for their businesses. They have a right just like any other Kenyan. Therefore, we need to give this trade the dignity it deserves.

Madam Temporary Speaker, we all know that the informal sector is the biggest employer in this country. This is because formal employment is not adequate for all Kenyans. If it were not for this sector, there would be a big margin of poor people who cannot put food on the table for their families. This is a sector that both the national Government and county governments' needs to protect, build, develop and make sure the trade is viable. We must continue supporting this business because street vendors have rights to engage in this business just like other Kenyans.

It is a sad situation in the City of Nairobi. I am sure that it also happens in other places. However, it is worst in the cities. Therefore, we must call for retraining of city *askaris* in human rights. Do they fake their ignorance regarding the rights of street vendors?

I support this Bill. I hope that it will change the attitude towards street vendors. Passing this Bill will not be enough. It is necessary to reeducate the county officials, *askaris* and other people who are involved in regulating this sector. They do not regulate, but they harass street vendors.

Madam Temporary Speaker, a lot has been said about this Bill. I do not wish to repeat what has been said. However, I would like to put more emphasis on creating the necessary environment for vendors to do their business.

I support Part II of the Bill which many Senators have issues with. It establishes a street vending outfit within the Ministry with collaborations with county governments.

Clause 4(2) states that:-

“The functions of the Unit shall be to-

(a) maintain, in collaboration with the county governments a national registry of street vendors in Kenya;

Madam Temporary Speaker, it does not just provide for the Ministry, but also a unit within the Ministry.

(b) prescribe, in consultation with the county governments and relevant stakeholders, the minimum standards for the conduct of street vending and regulation of street vendors in Kenya.

This is meant for the national Government to control what is happening in the counties. This is an issue of development. Kenya is still a unitary State which has a Ministry of Devolution that is supposed to work with counties. We have to plan for the whole country and not just for a particular county. A county can develop using its own

ways. There are issues, for example, of microeconomics and so forth, which touch on every county and the national Government.

I really do not look at clause as if it is made in order to control; it is there for planning purposes. This is because even when we think of the international market place, Kenya is looked at as a unit. We will not have different counties registered in those international bodies, like the World Trade Organization (WTO) or the United Nations (UN). This is because such bodies are nationalistic and they look at a country from the national perspective.

For planning purposes, surveys are done to figure out what numbers constitute the informal sector. When international surveys are being done, I think they would focus more on the national Government to supply such information. In that case, it is the Ministry of Devolution and ASAL Areas, as opposed to going to Kirinyaga, Homa Bay or Machakos to get that information. Therefore, I do not see any damage in that clause. I do not look at it as control. I rather look at it as collaboration, organization as a unitary country on another level, not necessarily on the management on the ground.

Madam Temporary Speaker, I feel strongly that we also need to establish funds to support this sector. We have the Women Enterprise Fund and Youth Enterprise Development Fund. The county could also have such funds to support *mama mbogas* who are the ones who feed this country, especially very many households. They also feed and provide finance to their own families. However, it is very difficult for them to access even little money to start their businesses.

Madam Temporary Speaker, I remember when I used to represent Dagoretti Constituency, the street vendors and *mama mboga's*, they would queue outside the constituency office looking for very little money to enable them start a *mboga* business and other businesses. This would maybe money to just buy a sack of cabbages. They start with very little. At that time, one of the banks offered to support us in that area, and the businesses for *mama mboga's* grew in leaps and bounds. Even as the constituency office, we started a small fund with which we supported quite a few of them.

There are also the cancer survivors and the women from violent homes who came for support from us. All those women required very little money to be able to start their small business. They then grew it to a big business. I am not talking about a big business the way we talk about big businesses. However, for that matter, they are successful enough and looked up to, to support their families and the community.

I would, therefore, encourage us to consider having in this Bill, a provision where we could have a mechanism to financially support the informal sector by offering them some funds. I have not seen that provision in this Bill.

Madam Temporary Speaker, the other reason I felt that I needed to add a little bit more – although I was thinking that this Bill has been very well covered and we will only keep on repeating the same issue – is regulating making spaces available for the vendors and having a right to that space. This is especially so in the city and maybe in townships. Note that they can be removed at any time by the *askaris* in Nairobi. If they have to be removed, they should then be given adequate notice. That is something on which I feel that when you do the regulations, we give our vending communities their human rights. What lacks is for them to have rights, like any other trader. I think this is because of corruption.

I do not think it is policy – that *askaris* can just ask for any amount of money from these poor women. Sometimes they toil for the whole day and get very little money. For example, from their sale, they can get Kshs20, Kshs40, Kshs50 or Kshs100, which *askaris* ask from them. Most of the times, they are asked to give all they have collected for that day. When they are going home, they cannot even put food on the table of their families. It is so sad.

Madam Temporary Speaker, we need to have very stiff penalties for those *askaris* who harass these vendors. We find a way of protecting those very needy mothers. I am talking about mothers mainly, because for me, they are the majority. We also have those who hawk other items. However, these mothers are the ones who have educated a lot of people from these vending businesses. You will find women carrying things on their heads, going round the streets in the city and from one house to another vending their wares. They deserve better than they really get.

I, therefore, thank those who produced this Bill. My only worry is that we discuss the Bills here and we pass them, but the implementation is very low. The implementation mechanism needs to be relooked. We need to look at the Committee that is supposed to see to it that the implementation is done. That way, the Bills which are worthwhile, like this one, are not put on the shelf to gather dust as opposed to helping those whom they are supposed to help.

Thank you, Madam Temporary Speaker and I beg to support the Bill.

The Temporary Speaker (Sen. (Prof.) Kamar): Thank you, Senator.

Proceed, Sen. Omanga.

Sen. Omanga: Asante, Bi. Spika wa Muda. Ningependa kuunga mkono Mswada huu. Huu ni mswada mzuri sana ambao umeletwa na Mwenyekiti wa *Committee on Tourism, Trade and Industrialization*.

Bi. Spika wa Muda, Sen. Mugo, aliyezungumza kabla yangu, aliyatoa maneno mengine kutoka katika kinywa changu; hayo ni maneno kama *implementation*, ama utendaji. Kuna miswada mizuri sana ambayo tunapitisha kwenye Bunge, lakini baada ya kupitisha, utendaji wake, ama ile vile Sen. Mugo alisema, *implementation*, inakuwa hakuna.

Bi. Spika wa Muda, kuna Mswada uliopitishwa kwenye Nyumba hii hapo awali – *The Urban Areas and Cities Amendment Act 2017*. Mswada huo ulikua uhakikishe kwamba kila jiji kubwa na ndogo ziwe na meya, *Board*, ama ile kamati ambayo inaangalia utendakazi ama maendeleo ya yale miji.

Hatujaweza kufanya hivyo kuhusu huo Mswada tuliopitisha. Hadi sasa, hatuna meneja wa jiji la Nairobi, Mombasa na miji yote mikubwa nchini. Kama tungekuwa na meneja wa jiji katika miji midogo yetu tungeweza kutimiza mambo mengi ambayo yamependekwa katika Mswada huu.

Ningependa kumwomba Seneta aliyeuleta Mswada huu aone vile ataunganisha na ule wa Wachuuzi Rejareja uliyopitishwa mwaka wa 2015. Hapa Nairobi tumekuwa na shida kubwa sana ya wachuuzi rejareja. Kila wakati utaona wamama, wasichana, na vijana wetu wakikimbizana na askari wa kaunti ambao wanaitwa *kanjo*. Hawa *kanjo* wanatumia nguvu zao za kiserikali kuwadhoofisha na kuwahangaisha wafanyabiashara wa jiji la Nairobi. Nairobi ina idadi kubwa sana ya hawa wachuuzi.

Bi. Spika wa Muda, nimetembea nchi za nje na nitatoa mfano wa Thailand, ambapo wana soko inayoitwa *weekend market*. Kila Ijumaa, kuna barabara katikati ya jiji

ambayo imetengwa spesheli kwa hawa wachuuzi. Pia, kila jioni kutoka saa kumi na mbili kuendelea usiku mzima, kuna barabara kadhaa katikati ya jiji ambazo zimetengewa wachuuzi. Wale wachuuzi wengine wenye maduka na wale mabwenyeye wanafanya biashara yao mchana. Ikifika saa kumi na mbili wanafunga, kisha wachuuzi rejareja wanakuja na vibanda vyao vya kufungwa. Hivi ni vibanda ambavyo unafungua, unaweka mali yako, unauzia hapo halafu unafunga.

Biashara ya *weekend market* ya wachuuzi rejareja kule Thailand inaleta ushuru kubwa sana kwa Serikali. Hii ni kwa sababu ni soko ambalo limepangwa. Inakuwa rahisi kwa wale wanaochukua ushuru, kama serikali za kaunti. Hii ni kwa sababu kuna sheria ambayo inasema kwamba mahali palipotengwa kuuza bidhaa za soko, biashara itakayofanyika hapo ni ya vitu vya soko pekee. Pia inakuwa rahisi hata kuangalia viwango vya vyakula ambavyo vinauzwa kwenye soko. Inakuwa rahisi pia kwa mnunuzi kwa sababu anajua barabara hii ni ya mboga na hii ya nguo na nyingine ni ya vitu vingine.

Bi. Spika wa Muda, kipengee ambacho sikubaliani nacho katika Mswada huu ni kile kinachosema kwamba wachuuzi rejareja wanapaswa kujiandikisha kwa Serikali Kuu. Miji yetu yana matakwa mbalimbali. Siwezi kulinganisha matwakwa ya Jiji la Nairobi na yale ya Mji wa Lamu.

Tukisema wachuuzi wetu wote wawe wakijiandikisha kwa Serikali Kuu, basi tunajirudisha nyuma kwa ile shida ambayo ilifanya Bunge la Seneti kuunda Kamati spesheli kuchunguza swala la vifaa vya hospitali. Sote tunakumbuka kuna kamati ambayo imepewa jukumu la kuangalia vile Serikali Kuu iliweza kuagiza vifaa vya hospitali vya kaunti zote. Shida ambayo tumepata ni kwamba iliagiza bila kuangalia mahitaji ya kaunti mbalimbali. Kuna kaunti ambazo tayari zilikuwa zimenunua hivyo vifaa lakini zililetewa hivyo vifaa.

Unapata kuwa kaunti ambayo haina nguvu za umeme na maji, inaletwa vifaa ambavyo vinatakiwa kutumia umeme. Kazi hii ingeachiwa kaunti yenyewe ijifanyie; wangejua kama hatuna umeme, wacha tununue kifaa ambacho kinaweza kutumia jenereta ama mafuta ya diseli.

Kwa hivyo, kuweka sharti katika sheria hii kuwa wachuuzi waende kujiandikisha kwa Serikali Kuu itakua ngumu kwa sababu kila jiji inaelewa wafanyakazi wake. Kazi hiyo ingeachiwa kaunti yenyewe kwa sababu tuko kwa serikali ya ugatuzi. Tungewacha kaunti yenyewe na bunge lake kutengeneza zile sharia ambazo wale wafanyabiashara wanapaswa kufuata.

Bi. Spika wa Muda, unapata kuwa wachuuzi wengi ni akina mama na vijana. Mara nyingi akina mama huenda sokoni na watoto wao. Wakati huu, kaunti nyingi zinapoteza pesa za ushuru kwa sababu biashara hii haijawekwa kwa mpango. Nitapeana mfano wa Nairobi kwa sababu ndipo ninaishi na hapo ndiyo naelewa zaidi. Utapata jioni wachuuzi wanafanya biashara yao ni kama wanaiba kwa sababu hawajawekwa mpangilio wa kufanya kazi yao. Wanakaa wakiangalia kama *kanjo* anakuja na pia kuna watu ambao wanakuja kuwadanganya kwamba *kanjo* wanakuja. Unapata mama anabeba vitu vyake, nyanya zake zinaanguka na anapoteza vitu vingi sana.

Wakati mwingine wale *kanjo* wanapokuja wanashika yule mama na kumpeleka kortini. Ni aibu kubwa wakati mwingine akina mama hao wanabakwa hapa Nairobi. Kwa sababu ya hio, Kaunti ya Nairobi haiwezi kukusanya ushuru kutoka kwa hawa wafanyabiashara. Hata wafanyabiashara wakiuza, utapata kwamba hawa *kanjo* hawawezi

kukusanya ushuru kwa sababu hawana wakati wa kukaa na yule mfanyabiashara ili awezekulipa ushuru.

Bi. Spika Wa Muda, nigependa kuunga mkono Mswada huu na kumuomba aliyeuleta aweze kuangalia swala la uhusiano wa Serikali Kuu na serikali za kaunti.

Asante, Bi. Spika wa Muda.

Sen. Shiyonga: Thank you, Madam Temporary Speaker, for giving me this opportunity to contribute to the Street Vendors (Protection of Livelihood) Bill. First of all, I want to congratulate the sponsor of the Bill. It is timely and it will assist the ordinary *mwananchi* to do their business in the most organized manner. A big percentage of our population eke their living from it.

Madam Temporary Speaker, I disagree with the Bill when it comes to the headquarters being in Nairobi. As my colleagues said, not everything will be in Nairobi. Let people remember that as much as we previously had all the headquarters in Nairobi, most of our functions have been devolved. We then do not need to have Nairobi as a headquarter unit that shall be coordinating the vendor's activities or even when it comes to licensing. My colleagues have talked about that, but let decentralized licensing of this business. These vendors are low income earners. Therefore, coming to Nairobi to be licensed to do their businesses poses a challenge to them because they will incur unnecessary costs.

Clause 16 of the Bill also provides for registration of street vendors. Clause 16(1) states that:-

“A person shall not engage street vending activities unless they are registered as a street vendor and in possession of a valid vending licence from the relevant county.”

We should have a way of knowing the right vendors because some people masquerade as street vendors. If a person has identification, uniform or a tag, it will be easy to be identified. People will know that they are dealing with the right vendors while buying their goods or getting other services.

Another thing is about relocation which my colleagues have already talked about. It is important for vendors to be taken to an alternative place if a place they use is taken up for other purposes. If you dismantle a cheap stall used by some people and you relocate them, where else do you expect them to earn a living? In the event of relocation, they should be identified and given an alternative place to continue doing their businesses.

Again, compensation can enable them to continue operating their businesses. Most of them depend on small businesses and earn below a dollar. So, it is good for them to be handled well when they are being relocated to other places to sell their goods and render services.

The rights of the vendors should also be respected. They should not be violated as we have seen in the recent past vendors being mishandled and their properties getting lost. That is not a good thing. It is violation of their rights because they are not handled properly.

I also support the idea of how food should be handled. We have basic requirements such as provision of toilets, clean water, security and shelter. This is found in Clause 11(2) which states as follows:

“The county government shall essential facilities prior to the designation of periodic market under subsection (1), including but not limited to security, solid waste disposal, water, lighting and parking facilities where necessary.”

I support this fully because those people are human beings. They handle food and other commodities that are consumed by the public. So, it is important for them to be provided with essential facilities so that they, for example, handle solid waste disposal in the correct way. They should have clean water because they handle food. They should be provided with lighting because some of them operate beyond working hours. They should also have parking spaces where they can load and offload their goods. So, this Bill has come at the right time. It is a good Bill and I like it.

I was talking about licensing. Most vendors are the youth and women who are also small-scale traders. We should propose payments that they can afford so that they do not feel exploited when doing their businesses.

My colleagues have said many things about this Bill and I agree with them. The Sponsor of this Bill has done a good job and I know they will include all the amendments. Members of our Committee will still have a chance to look at it. This is because it domiciled in the Committee on Tourism, Trade and Industrialization where I am a Member.

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senators, there being no other request, I now call upon the Mover to reply.

Sen. Wario: Thank you, Madam Temporary Speaker, for giving me this chance to reply. The Sponsor of this Bill is away on an official duty in Mombasa. Therefore, being a Member of the Committee, I take this opportunity to thank all Members who have contributed to this Bill and gave us support.

Pursuant to Standing Order No.61(3), I request that you defer putting of the question to another day.

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senators, I defer the putting of the question to the next business day.

(Putting of the question on the Bill deferred)

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senators, the Order Paper having been reorganised earlier, Order No.8 is deferred.

MOTIONS

APPROVAL OF THE COUNTY GOVERNMENTS CASH DISBURSEMENT SCHEDULE FOR FY 2019/2020

THAT, pursuant to Section 17 of the Public Finance Management Act and Standing Order 183 of the Senate, this House approves the Report of the Standing Committee on Finance and Budget on the County Governments Cash Disbursement Schedule for Financial Year 2019/2020, laid on the Table of the House on Wednesday, 25th September, 2019.

(Motion deferred)

The Temporary Speaker (Sen. (Prof.) Kamar): Let us go to the next Order.

ADOPTION OF REPORT OF THE *AD HOC* COMMITTEE
INQUIRING INTO THE CHALLENGES FACING THE
TEA SECTOR IN KENYA

THAT, the Senate adopts the Report of the *Ad hoc* Committee inquiring into the challenges facing the tea sector in Kenya, laid on the Table of the Senate on Thursday, 25th July, 2019.

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senators, the Chairperson of the *ad hoc* Committee is away. I, therefore, defer Order No.10.

(Motion deferred)

The Temporary Speaker (Sen. (Prof.) Kamar): Let us go to the next Order.

FREE ADMINISTRATION OF SNAKE BITES ANTI-VENOM
IN PUBLIC HEALTH FACILITIES

THAT, AWARE THAT, there is an abundance of snakes in various parts of the country namely; Kitui, Baringo, Wajir, Kajiado, Embu and Tana River Counties among others, which poses a high mortality rate of snake bites across these counties;

FURTHER AWARE THAT, all patients bitten by snakes should be assessed by medically-trained staff to determine the species responsible, the amount of venom injected and the variable time course for development of signs, requiring that patients be kept under observation for at least 24 hours;

CONCERNED THAT, these incidences of snake bites are a neglected emergency in Kenya owing to the low awareness of snake bites as a public health problem in the country resulting to victims being maimed and even losing lives;

FURTHER CONCERNED THAT, poor infrastructure and poverty contribute to delays in seeking and receiving treatment for snake bites including the high cost of acquiring and storing the anti-venom;

RECOGNIZING THAT, it is essential for snakebite victims to get supportive care followed by the administration of the anti-venom as soon as possible following a snake bite;

NOTING THAT, Article 43 (1) (a) of the Constitution provides that every person has the right to the highest attainable standard of health;

NOW THEREFORE, the Senate urges the Ministry of Health in collaboration with the County governments to establish programs to sensitize people on the management of snake bites and to ensure timely supply and free administration of the anti-venom in public health facilities, concentrating on sub county health facilities in the affected counties, and

further ensure that these facilities are equipped with the necessary infrastructure for the storage of the anti-venom.

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senators, Sen. Kwamboka is away. Therefore, I defer Order No.11.

(Motion deferred)

Let us go to the next Order.

ENGAGEMENT OF COMMUNITY HEALTH WORKERS
BY COUNTY GOVERNMENTS

THAT, AWARE THAT county health facilities, and the promotion of primary health care are devolved functions, and each county government is striving to offer the best healthcare to the people of Kenya;

COGNIZANT THAT, the provision of healthcare services is continuously riddled with numerous challenges ranging from understaffing of personnel to inadequate facilities and equipment resulting in congestion in hospitals further restricting effective service delivery;

NOTING THAT every Kenyan has a right to affordable and accessible healthcare, and the President has launched a pilot universal health care program called “Afyra Care” that will see many Kenyans access improved healthcare;

CONCERNED THAT, the diverse nature of counties and wanting infrastructural development is compromising the quality and accessibility of health centres especially during emergency situations, resulting in the loss of many lives occasioned by the failure by patients to reach health facilities in time;

FURTHER CONCERNED THAT, in each county there are numerous unemployed community health workers who are adept at working with communities in emergency situations, and have the requisite experience to support the medical practitioners in our country where, according to the World Health Organization 2014 report, there are two (2) doctors for every ten thousand (10,000) people;

NOW THEREFORE, the Senate resolves that the Council of Governors in partnership with the Ministry of Health –

Develop a policy for the training, certification and employment of community health workers to enhance the emergency health service delivery in the Counties, and

1. Facilitate the said community health workers with the necessary basic equipment for use during emergency cases.

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senators, Sen. Nyamunga who is the Mover of the Motion is away on an official trip out of the country. Therefore, I defer Order No.12.

(Motion deferred)

Let us move on to the next Order.

NOTING OF REPORT OF THE 3RD STATUTORY MEETING OF
THE FP-ICGLR COMMITTEE ON ECONOMIC DEVELOPMENT

THAT, this House notes the Report on the 3rd Statutory Meeting of the Committee on Economic Development, Regional Integration and Natural Resources of the Forum of Parliaments of the International Conference of the Great Lakes Region (FP -ICGLR) held in Bujumbura, Burundi, from 13th to 14th March, 2019, laid on the Table of the House on Tuesday, 21st May, 2019.

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senators, Sen. Poghiso is away. For that reason, I defer Order No.13.

(Motion deferred)

ADJOURNMENT

The Temporary Speaker (Sen. (Prof.) Kamar): Hon. Senators, there being no other business, it is now time to adjourn the House. The Senate, therefore, stands adjourned until Tuesday, 8th October, 2019, at 2.30 p.m.

The Senate rose at 4.55 p.m.