



PAPERS LAID	
DATE	05/12/2024
TABLED BY	Sen. Okenyri
COMMITTEE	Trade, Industrialization and Tourism
CLERK AT THE TABLE	Cherop



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT | THIRD SESSION

THE SENATE

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REPORT OF THE STANDING COMMITTEE ON TRADE,  
INDUSTRIALIZATION AND TOURISM

ON

PETITION REGARDING INTRODUCTION OF THE HOSPITALITY  
PROFESSIONALS BILL, 2023

Clerk's Chambers,  
Parliament Buildings,  
NAIROBI.

DECEMBER, 2024

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## **LIST OF ABBREVIATIONS / ACRONYMS**

KTB	- Kenya Tourism Board
SMEs	- Small and Medium Enterprises
TRA	- Tourism Regulatory Authority

## **PREFACE**

### **ESTABLISHMENT AND MANDATE OF THE COMMITTEE**

Article 124 (1) of the Constitution of Kenya provides for the establishment of Committees where each House of Parliament may establish committees and shall make Standing Orders for the orderly conduct of its proceedings, including the proceedings of its committees.

The Senate Standing Committee on Trade, Industrialization and Tourism is established pursuant to Standing Order 228(3) of the Senate Standing Orders. As set out in standing order 187, the Committee is mandated to consider all matters related to trade, industrialization, tourism, cooperatives, investment and divestiture policies.

### **COMMITTEE MEMBERSHIP**

- |   |                           |
|---|---------------------------|
| 1. Sen. Lenku Ole Kanar Seki, MP          | - <b>Chairperson</b>      |
| 2. Sen. Esther Anyieni Okenyuri, MP       | - <b>Vice-Chairperson</b> |
| 3. Sen. (Dr.) Lelegwe Ltumbesi, MP        | - Member                  |
| 4. Sen. Jackson Kiplagat Mandago, EGH, MP | - Member                  |
| 5. Sen. Paul Karungo Thangwa, MP          | - Member                  |
| 6. Sen. Crystal Kegehi Asige, MP          | - Member                  |
| 7. Sen. Andrew Omtatah Okoiti, MP         | - Member                  |
| 8. Sen. Betty Batuli Montet, MP           | - Member                  |
| 9. Sen. Hezena M. Lemaletian, MP          | - Member                  |



## CHAIRPERSON'S FOREWORD

**Mr. Speaker Sir,**

At the sitting of the Senate held on Thursday 19<sup>th</sup> September 2024, the Deputy Speaker of the Senate presented a petition on behalf of Mr. Charles Ochola Osango and other citizens of the Republic of Kenya and residents of Nairobi seeking the introduction of the Hospitality Professionals Bill, 2023 pursuant to standing order 236(2) of the Senate Standing Orders.

Pursuant to the Petition to Parliament (Procedure) Act, No.22 of 2012 and standing order 238(1), the petition was committed to the Standing Committee on Trade, Industrialization and Tourism for consideration. The Committee was required to consider the petition and table its report within sixty days as provided in standing order 238(2).

The salient issues raised in the Petition are as follows-

- a) That, the Petitioner seeks the introduction of the Hospitality Professionals Bill;
- b) That, other professions are regulated through statutes to ensure effective discharge of their mandate. However, the Hospitality profession is primarily regulated by the Kenya Tourism Board (KTB), which oversees the tourism and hospitality sectors. Additionally, the Tourism Regulatory Authority (TRA) is responsible for licensing and regulating tourism and hospitality businesses;
- c) That, while the tourism sector and the hospitality profession are closely related, each has distinct functions and activities and cannot be regulated by the Tourism industry; and
- d) That, the proposed Bill seeks to address several key issues regarding licensing, training and education, the establishment of a professional regulatory body, enforcing of industry standards and enhancing consumer protection.

Further, the proposed Bill seeks to address issues such as specialized expertise, conflict of interest, industry representation, enhanced consumer protection, compliance and enforcement mechanisms, creation of a professional regulatory body, establishment of a regulatory framework, Small and Medium Enterprises (SMES) and tourism promotion:

**Prayer by the Petitioner**

The petitioners pray that the Senate enacts the Hospitality Professionals Bill establishment of a regulatory framework to address the above concerns.

**Mr. Speaker Sir,**

To enable a judicious disposal of the petition, the Committee invited the Petitioner to a meeting to provide further clarification on the salient issues and the Prayers sought in the petition. The Petitioner briefed the Committee on the various facets of the hospitality sector and its vital role in Kenya's economy and further emphasized the need for stand-alone legislation to support the industry's growth and professionalism. He recognized existing Associations like the Association of Hotel Professionals of Kenya and pointed out that the hospitality sector lacks statutory regulations. The proposed Hospitality Professionals Bill therefore aims to introduce licensing, training and strict industry standards to enhance service quality and consumer protection.

The Committee also undertook a comparative study of other jurisdictions such as Canada, Germany and United Kingdom which have legislation or frameworks that regulate the hospitality profession, addressing aspects such as service standards, workers' rights, licensing, and consumer protection.

**Mr. Speaker Sir,**

Arising from the deliberations, the Committee observed that:-

- a) The hospitality industry is a critical sector of the economy and a significant contributor to the country's Gross Domestic Product. As such, the industry should be supported by a comprehensive legal framework;
- b) There is a legislative lacuna in the hospitality industry that the proposed legislation seeks to address;
- c) That the petition as presented was a legislative proposal to enact a Bill seeking legislation to regulate hospitality professionals and practitioners; and
- d) The Committee resolved to sponsor a Bill on hospitality professionals and practitioners within three months from the tabling of the report.

## **Acknowledgement**

The Committee acknowledges the Petitioner, Mr. Charles Ochola Osango on behalf of other citizens of the Republic of Kenya for the detailed submissions to the Committee.

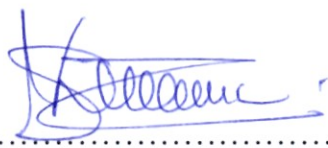
I also appreciate Members of the Committee for their patience, sacrifice and commitment which enabled the Committee to complete the assigned task.

Further, the Committee thanks the Offices of the Speaker and Clerk of the Senate for the support extended to the Committee in execution of its mandate.

**Mr. Speaker, Sir,**

It is now my pleasant duty and privilege, on behalf of the Committee to present this Report of the Standing Committee on Trade, Industrialization and Tourism on the Petition by Mr. Charles Ochola Osango and other citizens of the Republic of Kenya and residents of Nairobi regarding introduction of the Hospitality Professionals Bill, 2023.

Signed.....



Date.....

5<sup>th</sup> December, 2024

**SEN. LENKU OLE KANAR SEKI, MP**

CHAIRPERSON,

STANDING COMMITTEE ON TRADE, INDUSTRIALIZATION AND TOURISM

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## CHAPTER ONE:

### INTRODUCTION

1. At the sitting of the Senate held on Thursday, 19<sup>th</sup> September 2024, the Deputy Speaker of the Senate presented a petition on behalf of Mr. Charles Ochola Osango and other citizens of the Republic of Kenya and residents of Nairobi seeking the introduction of the Hospitality Professionals Bill, 2023 pursuant to standing order 236(2) of the Senate Standing Orders.

#### Legal basis for Petitions

2. Petitions to the Senate are governed by the Constitution, the Petition to Parliament (Procedure) Act, No.22 of 2012 and the Senate Standing Orders.
3. Article 37 of the Constitution provides that *every person has the right, peaceably and unarmed, to assemble, to demonstrate, to picket, and to present petitions to public authorities while Article 119(1) of the Constitution provides that “every person has a right to petition Parliament to consider any matter within its authority, including to enact, amend or repeal any legislation.”*
4. Section 5(2) of the Petition to Parliament (Procedure) Act, 2012 provides that *a petition that is tabled in Parliament under this Act shall be considered in accordance with the Standing Orders of the relevant House.* In this regard, Standing Order 238 of the Senate Standing Orders on Committal of Petitions provides as follows-
  - (1) *Every Petition presented or reported pursuant to this Part, shall stand committed to the relevant Standing Committee.*
  - (2) *Whenever a Petition is committed to a Standing Committee, the Committee shall, in not more than sixty calendar days from the time of reading the prayer, respond to the petitioner by way of a report addressed to the petitioner or petitioners and laid on the Table of the Senate and no debate on or in relation to the report shall be allowed, but the Speaker may, allow comments or observations in relation to the Petition for not more than thirty Minutes.*
5. Standing Order 239 requires the Clerk to, within fifteen days of tabling of the report on a petition under Standing Order 238 (Committal of Petitions) submit a copy of the report to the petitioners.

## **Salient matters raised in the Petition**

6. The salient issues raised in the said Petition include: -

- a) That, the Petitioner seeks the introduction of the Hospitality Professionals Bill;
- b) That, other professions are regulated through statutes to ensure effective discharge of their mandate. However, the Hospitality profession is primarily regulated by the Kenya Tourism Board (KTB), which oversees the tourism and hospitality sectors. Additionally, the Tourism Regulatory Authority (TRA) is responsible for licensing and regulating tourism and hospitality businesses to ensure compliance with industry standards and regulations;
- c) That, while the tourism sector and the hospitality profession are closely related, each has distinct functions and activities and cannot be regulated by the Tourism industry;
- d) That, the proposed Bill seeks to address several key issues regarding licensing, training and education, the establishment of a professional regulatory body, enforcing of industry standards and enhancing consumer protection; and
- e) That, the proposed Bill seeks to address several key issues regarding licensing, training and education, establishment of a professional regulatory body, enforcing of industry standards and enhancing consumer protection. The proposed Bill seeks to address the following issues-
  - (1) Specialized expertise: In the hospitality profession, which may not be found solely in the Tourism Regulatory Authority.
  - (2) Conflict of interest: that arises due to combining the regulation of tourism and hospitality under the same authority.
  - (3) Industry Representation: Provide for the establishment of a separate regulatory body that will allow for better representation and engagement of the various stakeholders in the industry ensuring that the specific needs and concerns are addressed effectively.
  - (4) Enhanced Consumer Protection: The Act will help to safeguard the rights and interests of consumers.
  - (5) Promotion of Industry Growth and Competitiveness: Establishing clear standards and regulations will foster an environment that is conducive for industry growth, innovation and competitiveness.



- (6) Compliance and Enforcement Mechanisms: The institute established within the Act will be equipped with the necessary powers and resources to enforce compliance with regulatory requirements.
- (7) Creation of a Professional Regulatory Body: The regulatory body will oversee the activities of the sector, monitor compliance and enforce industry standards.
- (8) Establishment of a Regulatory Framework: Set standards for quality, hygiene, safety and service in the industry that should be enforced through a robust inspection and certification system.
- (9) Adequate provisions for Training and Development: Training and development in hospitality will be necessary for continuous learning and growth.
- (10) Small and Medium Enterprises (SMEs): Provide for measures to support and promote the growth of SMEs through provision of access to finance, facilitating business development and streamlining licensing procedures.
- (11) Tourism promotion: Incorporate provisions to enhance tourism promotion efforts both domestically and internationally.

**Prayer by the Petitioner**

- 7. The petitioners pray that the Senate enacts the Hospitality Professionals Bill to address the above concerns.



**CHAPTER TWO:**  
**CONSIDERATION OF THE PETITION**

8. In considering the Petition, the Committee observed that it would be important to get clarification on the salient issues and the Prayers to verify the facts alleged by the Petitioner.
9. The Committee therefore resolved to invite the petitioner to provide further clarification on the salient issues and the Prayers raised.

**Submission by the Petitioner**

10. The Petitioner appeared before the Committee on 3<sup>rd</sup> October, 2024 to elucidate further on the petition. In his submission, he stated as follows:—
  1. **THAT**, Recognition of the Hospitality Sector's Importance: Commended Parliament for recognizing the importance of the hospitality sector in the nation's economy. Kenya's tourism industry plays a significant role in job creation, foreign exchange earnings, and overall economic growth. Therefore, it was crucial to establish robust regulations and standards to ensure the continuous development and professionalism of this sector.
  2. **THAT**, Awareness of Existing Associations: The Petitioners acknowledged the existence of the Association of Hotel Professionals of Kenya (AHPK), Kenya Association of Hotelkeepers and Caterers (KAHC), and Western Kenya Hospitality Leaders Association (WKHLA), among other associations that advocate for hospitality practitioners and the industry.
  3. **THAT**, Regulation of Professional Sectors: Other professions in Kenya, including lawyers, engineers, doctors, geologists, nurses, and others, were regulated through statutes for the effective discharge of their mandates. Yet, the hospitality profession was not regulated.
  4. **THAT**, Objectives of the Proposed Hospitality Professionals Bill: The proposed Hospitality Professionals Bill sought to achieve several key objectives. It aimed to introduce comprehensive licensing requirements, standardize training and education programs, establish a professional regulatory body, and enforce strict industry standards. These measures would undoubtedly enhance the quality of services

provided, strengthen consumer protection, and promote Kenya as a world-class tourist destination.

5. **THAT**, the regulation of other professions in Kenya: various professions including lawyers, engineers, doctors, geologists, nurses, and fiscal analysts were regulated through statutes to ensure effective discharge of their mandates. However, the hospitality profession remained unregulated.
6. **THAT**, Inclusive Approach in Bill Development: the petitioners urged Parliament to adopt an inclusive approach, as mandated by constitutional and statutory obligations, in the development of the bill. They noted that it was essential to involve representatives from various sectors of the hospitality industry, including hoteliers, restaurateurs, tour operators, and other relevant professionals. That would ensure that the bill reflected the diverse needs and perspectives of those directly affected by it. Under Article 1(1), 10, and 118 of the Constitution of the Republic of Kenya, as read together with the provisions of sections 4, 5, 6, and 11 of the Statutory Instruments Act (No. 3 of 2015), it was imperative to consider the needs and interests of the public who are likely to be affected by the proposed law before making decisions.
7. **THAT**, the petitioners had made the best efforts to have these matters addressed by the relevant authorities all of which had failed to give a satisfactory response.
8. **THAT**, none of these issues raised in this Petition were pending in any court of Law, Constitutional or any other legal body.
9. **THAT**, regarding the concern raised about the inclusion of additional documents with the petition, the petitioners acknowledged that section 3(k) of the Petition to Parliament (Procedure) Act and Standing Order 235(k) of the Senate explicitly outline the requirements for the submission of petitions. They reviewed the petition to ensure that it aligned with the specified guidelines. In the letter dated 16th October 2023, they resubmitted the petition to the Senate with a revised submission that adhered strictly to the prescribed format.
10. **THAT**, the petitioner stated that the Tourism Regulatory Authority should not have the Mandate to regulate Hospitality Professionals as that was a misplaced practice. While the tourism sector and the hospitality profession were closely related, they were not synonymous, and each encompassed distinct activities and functions. They presented the following reasons why it would be inappropriate for the Tourism



Regulatory Authority to assume the mandate of regulating the hospitality profession:

11. **THAT**, regulating the hospitality profession requires specialized knowledge and expertise in areas such as hotel management, food and beverage services, event planning, and accommodation operations. The Tourism Regulatory Authority may not possess the requisite expertise in these specific areas of hospitality.
12. **THAT**, the hospitality profession encompasses a wide range of services beyond tourism, including accommodation, food and beverage services, event management, and leisure activities. Regulating these diverse aspects of hospitality requires a dedicated regulatory body with a comprehensive understanding of the industry's intricacies.
13. **THAT, Distinct Regulatory Needs:** The regulatory requirements for the tourism sector may differ significantly from those of the hospitality profession. For example, while tourism regulation may focus on promoting tourist destinations and ensuring visitor safety, hospitality regulation involves setting standards for service quality, hygiene, and customer satisfaction in hotels, restaurants, and other establishments.
14. **THAT, Conflict of Interest:** Combining the regulation of tourism and hospitality under the same authority could create a conflict of interest, as the objectives and priorities of the two sectors may not always align. Separating the regulation of hospitality ensures impartiality and avoids potential conflicts in decision-making.
15. **THAT, Industry Representation:** The hospitality profession is diverse, comprising various stakeholders, including hoteliers, restaurateurs, event planners, and hospitality educators. Establishing a separate regulatory body allows for better representation and engagement of these stakeholders in the regulatory process, ensuring that their specific needs and concerns are addressed effectively.
16. **THAT, Clarity and Focus:** Having a dedicated regulatory body for the hospitality profession provides clarity and focus on addressing the unique challenges and opportunities within the industry. It allows for targeted interventions and tailored regulatory measures to promote professionalism, quality standards, and innovation in hospitality services.
17. **THAT**, In summary, while the Tourism Regulatory Authority plays a vital role in overseeing the tourism sector, extending its mandate to regulate the hospitality

profession may not be suitable due to differences in expertise, scope, regulatory needs, and potential conflicts of interest. Establishing a separate regulatory body for the hospitality profession ensures effective regulation and promotes the growth and development of this essential sector of the economy.

18. **THAT, Legislative Reasons why the Institute of hospitality Professionals Should Regulate Hospitality Services Practice in Kenya:** In legislative terms, establishing the Institute of Hospitality Professionals as the regulatory body for hospitality services practice in Kenya is preferable for the following reasons: -
19. **THAT, Specialized Mandate:** The Institute of Hospitality Professionals would possess a specific and specialized mandate focused solely on regulating the hospitality industry. This focused mandate allows for a comprehensive understanding of the unique challenges, dynamics, and standards within the hospitality sector, enabling more effective regulation.
20. **THAT, Expertise and Competence:** The Institute would be staffed with individuals possessing expertise and competence in various aspects of hospitality, including hotel management, food and beverage services, event planning, and customer service. This expertise ensures that regulatory decisions are informed by industry knowledge and best practices.
21. **THAT, Industry Representation:** The Institute would provide a platform for industry stakeholders, including hoteliers, restaurateurs, event planners, and hospitality educators, to have a voice in the regulatory process. This ensures that regulations are developed collaboratively with input from those directly affected by them, enhancing their relevance and effectiveness.
22. **THAT, Focused Regulatory Framework:** The Institute would develop and implement a regulatory framework tailored specifically to the needs and characteristics of the hospitality industry. This framework would address issues such as service quality standards, hygiene and safety regulations, licensing requirements, and professional development, ensuring the overall professionalism and integrity of the sector.
23. **THAT, Enhanced Consumer Protection:** Through its regulatory functions, the Institute would safeguard the interests of consumers by setting and enforcing standards for hospitality services. This includes measures to ensure transparency,



- fairness, and accountability in pricing, advertising, and service delivery, thereby enhancing consumer confidence and protection.
24. **THAT, Promotion of Industry Growth and Competitiveness:** By establishing clear standards and regulations, the Institute would foster an environment conducive to industry growth, innovation, and competitiveness. Clear regulatory guidelines provide certainty for businesses, encourage investment, and contribute to the overall development and sustainability of the hospitality sector.
  25. **THAT, Compliance and Enforcement Mechanisms:** The Institute would be equipped with the necessary powers and resources to enforce compliance with regulatory requirements. This includes inspection, monitoring, and enforcement mechanisms to address non-compliance and mitigate risks to public health, safety, and consumer rights.
  26. **THAT,** In conclusion, entrusting the regulation of hospitality services practice to the Institute of Hospitality Professionals ensures a focused, expert-driven, and industry-aligned approach to regulation, thereby promoting professionalism, quality, and integrity within the hospitality sector in Kenya.
  27. **THAT,** the petitioners had made the best efforts to have these matters addressed by the relevant authorities all of which had failed to give a satisfactory response.
  28. **THAT,** none of these issues raised in this Petition were pending in any court of Law, Constitutional or any other legal body.
  29. **THAT,** creation of a Professional Regulatory Body: The bill recommends the formation of a professional regulatory body responsible for overseeing the sector's activities, monitoring compliance, and enforcing industry standards. This body will act as a platform for collaboration, guidance, and support to industry practitioners.
  30. **THAT,** Regulatory Framework: The proposed bill should establish a clear regulatory framework that sets standards for quality, hygiene, safety, and service in the hospitality industry. These standards should be enforced through a robust inspection and certification system to ensure compliance and maintain the reputation of Kenyan hospitality both domestically and internationally.
  31. **THAT,** Training and Development: The bill should emphasize the importance of training and professional development within the hospitality sector. Adequate provisions should be made to enhance the skills and knowledge of hospitality

- professionals through certified training programs, apprenticeships, and continuous learning opportunities. This will not only improve the overall quality of service but also provide career advancement opportunities for individuals working in this industry.
32. **THAT, Small and Medium Enterprises (SMEs):** It is crucial to consider the specific needs and challenges faced by small and medium enterprises in the hospitality sector. The bill should include measures to support and promote the growth of SMEs, such as providing access to finance, facilitating business development, and streamlining licensing procedures.
33. **THAT, Tourism Promotion:** The proposed legislation should also incorporate provisions to enhance tourism promotion efforts both domestically and internationally. Collaborative initiatives between the government, tourism boards, and hospitality stakeholders should be encouraged to attract more visitors to Kenya, thereby boosting the overall growth of the sector.
34. **THAT,** addressing these unethical behaviours is a key objective of the Hospitality Professional Bill, which aims to enforce ethical standards, ensure fair treatment of employees, and enhance customer experiences, ultimately fostering a more sustainable and reputable hospitality industry.
35. **THAT,** theft within Kenya's hotel sector is a pressing issue that demands attention. According to research by Ndegwa and Ndirangu (2018), theft incidents in hotels can range from guest room burglaries to employee pilferage, leading to financial losses and damage to the industry's reputation. Furthermore, a study by Otieno and Okibo (2019) highlights the correlation between inadequate security measures and increased theft cases. The Hospitality Professional Bill addresses these concerns by advocating for stringent security standards, employee training, and guest protection protocols, thereby mitigating theft risks and ensuring a safe and secure environment for both guests and staff.
36. **THAT, Damage to Industry Reputation:** Cases of unqualified hospitality professionals can damage the reputation of the entire hospitality industry in a region. Negative incidents, such as food poisoning or poor service, often receive media attention and can deter tourists from visiting or returning to a destination. "Economic



- Consequences of Unqualified Labor in the Hospitality Sector" by Williams and Davis (International Journal of Contemporary Hospitality Management, 2020).
37. **THAT**, Customer Safety and Satisfaction: The hospitality industry is built on trust and the expectation of excellent service. When unqualified professionals are employed in this sector, it can compromise the safety and satisfaction of guests. For instance, untrained chefs may mishandle food preparation, leading to foodborne illnesses. Unqualified room attendants may fail to maintain cleanliness and hygiene standards, affecting the overall guest experience. *"The Impact of Unqualified Hospitality Staff on Customer Satisfaction" by Smith and Johnson (Journal of Hospitality and Tourism Management, 2018).*
38. **THAT**, the petitioners have made the best effort to have this matter addressed by the relevant authorities which is the National assembly by preparing a draft proposed Bill for consideration by the Assembly;
39. **THAT**, the **Draft Proposed Hospitality Professional Bill** outlined the proposed legislation aimed at regulating and professionalizing the Hospitality profession in Kenya. It includes provisions related to licensing, qualifications and certifications, ethics and conduct, consumer protection, and the establishment of a professional regulatory body. The bill's emphasis on training and education was highly commendable. By mandating the accreditation of hospitality training institutes and the implementation of standardized curriculum, the bill would contribute to the development of a skilled workforce in the hospitality industry. This would not only enhance the employability of Kenyan citizens but also ensure that the nation's tourism offerings were of the highest caliber. The bill also provided mechanisms for consumer protection, addressing issues such as fair lending practices, transparency, and dispute resolution.
40. **THAT**, none of the issue raised in this petition were pending in any court of law, constitutional, or any other legal body;
41. The Petitioner therefore prayed that the Committee; -
- a) Recommends to the House to enact Hospitality Professionals Bill;
  - b) Investigates the matters raised in this Petition;

- c) Considers and incorporate the views and contributions of various stakeholders in the hospitality industry during the drafting and enactment of the Hospitality Professionals Bill;
- d) Ensures that the Bill includes provisions for comprehensive licensing; standardized training and education programs; the establishment of a professional regulatory body; and the enforcement of strict industry standards;
- e) Appreciates the importance of Draft Proposed Hospitality Profession Bill, and undertake the necessary steps to review, deliberate, and enact it into law. The successful implementation of the proposed legislation would not only enhance the professionalism and integrity of the hospitality profession but also enhance the employability of Kenyan citizens and ensure that the nation's tourism offerings are of the highest caliber; and
- f) Facilitates public participation and take into account the interests of all stakeholders, as required by the Constitution and statutory laws.

### **Comparative Analysis on the Hospitality Professional Bill**

The Committee undertook a comparative study in other jurisdictions that have legislation or frameworks that regulate the hospitality profession, often addressing aspects such as service standards, workers' rights, licensing, and consumer protection as follows-

- a. The **Employment Standards Act (ESA)** in Canada provides a framework of regulations that govern the rights and responsibilities of employees and employers within the hospitality industry. The application of these standards can vary by province, but several key provisions which enhances protections for hospitality workers, prohibition of unpaid trial shifts, requirements for transparency regarding tip pooling practices, restrictions against deducting wages for losses incurred from customer theft (e.g., "dine and dash") and Regulations concerning digital payment platforms to ensure workers retain more control over their tips.
- b. **In Germany, the Federal Hospitality and Restaurant Act (*Gaststättengesetz*)** regulates the establishment and operation of hospitality businesses and establish a comprehensive legal framework for operating hospitality businesses, emphasizing compliance for lawful operation and protection of rights within the industry. Some of the key provisions of the Restaurant Act include-



**Permits and Licenses:** A restaurant license is necessary to serve alcoholic beverages, requiring applicants to demonstrate personal reliability and professional qualifications.

**Hygiene Regulations:** Hospitality businesses must comply with strict hygiene standards outlined in the Food Hygiene Regulation (LMHV), including staff training and regular kitchen inspections. Initial training according to the Infection Protection Act is required before opening.

**Youth Protection:** The Youth Protection Act restricts access to alcoholic beverages for minors. Individuals under 18 cannot consume spirits, and those under 16 are prohibited from beer and wine. Identification checks are mandatory if there are doubts about a guest's age.

**Price Indication Regulation:** The Price Indication Regulation requires clear display of prices for food and beverages, which must be final prices including VAT.

**Special Use Permit:** A special permit is needed for outdoor dining on public property, ensuring that such use does not obstruct traffic.

- c. In the United Kingdom, the **Hospitality and Tourism Act** under the **Enterprise and Regulatory Reform Act 2013** in the United Kingdom focuses on enhancing the tourism and hospitality sectors. Key Provisions of the Act include; -

**Financial Assistance:** It allows for financial assistance from public funds for developing new hotels and improving existing accommodations, thereby enhancing hospitality infrastructure.

**Licensing and Standards:** The Act emphasizes the importance of licensing for accommodation providers to ensure compliance with quality standards, which includes requirements for facilities, services, and pricing transparency.

**Consumer Protection:** Provisions are included to safeguard consumer rights in the hospitality sector, ensuring that operators adhere to regulations regarding pricing, service quality, and safety standards.

**Streamlining Regulations:** The Act aims to reduce unnecessary regulatory burdens on businesses in the hospitality sector, facilitating easier compliance for small and medium-sized enterprises (SMEs).

## **CHAPTER THREE**

### **COMMITTEE OBSERVATIONS AND RECOMMENDATIONS**

#### **Committee Observations**

42. Following its consideration of the Petition and meetings with key stakeholders, the Committee observed that: -
- a) The hospitality industry is a critical sector of the economy and a significant contributor to the country's Gross Domestic Product. As such, the industry should be supported by a comprehensive legal framework;
  - b) There is a legislative lacuna in the hospitality industry that the proposed legislation seeks to address; and
  - c) That the petition as presented was a legislative proposal to enact a Bill seeking legislation to regulate hospitality professionals and practitioners
  - d) The petition as presented was a legislative proposal for introduction of a Bill on the hospitality professionals.

#### **Committee Recommendations**

The Committee resolved to sponsor a Bill on hospitality professionals and practitioners within three months from the tabling of the Report in the Senate.

### **LIST OF ANNEXURES**

Annex 1	Minutes of the Standing Committee on Trade, Industrialization and Tourism
Annex 2	Petition on introduction of the Hospitality Professionals Bill, 2023.
Annex 3	Submission by Petitioner



**MINUTES OF THE A HUNDRED AND THIRTIETH (130<sup>TH</sup>) MEETING OF THE SENATE STANDING COMMITTEE ON TRADE, INDUSTRIALIZATION AND TOURISM HELD ON FRIDAY 1<sup>ST</sup> NOVEMBER, 2024 IN MT. KILIMANJARO HALL, FOUR POINTS BY SHERATON HOTEL, MACHAKOS COUNTY AT 9:00 A.M**

**PRESENT**

- |   |                    |
|---|--------------------|
| 1. Sen. Lenku Ole Kanar Seki, MP          | - Chairperson      |
| 2. Sen. Esther Anyieni Okenyuri, MP       | - Vice-Chairperson |
| 3. Sen. Jackson Kiplagat Mandago, EGH, MP | - Member           |
| 4. Sen. Crystal Kegehi Asige, MP          | - Member           |
| 5. Se. Andrew Omtatah Okoiti              | - Member           |
| 6. Sen. Betty Batuli Montet, MP           | - Member           |

**ABSENT**

- |   |          |
|---|----------|
| 1. Sen. (Dr.) Lelegwe Ltumbesi, CBS, MP | - Member |
| 2. Sen. Paul Karungo Thang'wa, MP       | - Member |
| 3. Sen. Hezena M. Lemaletian, MP        | - Member |

**IN- ATTENDANCE**

Sen. Eddy Oketch, MP

**SECRETARIAT**

- |                         |                         |
|-------------------------|-------------------------|
| 1. Mr. Peter Mulesi     | - Clerk Assistant I     |
| 2. Mr. David Ngamate    | - Clerk Assistant III   |
| 3. Ms. Annette Kwamboka | - Legal Counsel         |
| 4. Ms. Charity Kanze    | - Research Officer III  |
| 5. Mr. Joseph Otieno    | - Audio Officer         |
| 6. Ms. Violet Nalinya   | -Media Relations Office |
| 7. Mr. James Ngusya     | - Serjeant – At- Arms   |
| 8. Ms. Sandra Mwandisi  | - Aide to Sen. Asige,MP |

**MIN/SEN/SCTIT/717/2024      PRELIMINARIES**

The Chairperson called the meeting to order at 9.25 am. This was followed by a word of prayer.



**MIN/SEN/SCTIT/718/2024**

**ADPOTION OF AGENDA**

The agenda was adopted after being proposed by Sen. Jackson Kiplagat Mandago, EGH,MP and seconded by Sen. Crystal Asige, EGH, MP, as listed below-

1. Preliminaries;

*Prayer*

*Introduction*

2. Adoption of the Agenda;
3. Consideration of the draft report on the Petition concerning the Introduction of the Hospitality Professionals Bill (Committee Paper No.124);
4. Any other Business; and
5. Adjournment/Date of the Next Meeting.

**MIN/SEN/SCTIT/719/2024**

**CONSIDERATION OF THE DRAFT REPORT ON  
THE PETITION CONCERNING THE  
INTRODUCTION OF THE HOSPITALITY  
PROFESSIONALS BILL. (COMMITTEE PAPER NO.  
124)**

The Committee was taken through the Committee Paper No. 124 which highlighted on the status of the Petition regarding the Introduction of the Hospitality Professionals Bill, 2023 as reported in the Senate on Thursday, 19<sup>th</sup> September, 2024 by the Deputy Speaker of the Senate on behalf of the Petitioner Mr. Charles Ochola Osango and other citizens of the Republic of Kenya.

The Chairman invited the Secretariat to present the draft report on the Petition and the Committee was apprised as follows :

- i. The petitioners pray that the Senate enacts the Hospitality Professionals Bill to address the issues in the Tourism and Hospitality Professionals.
- ii. That the Bill 2024 covers a broader range of professions, integrating both the tourism and hospitality industries. However, he proposed that the bill be revised to stand alone as the Tourism Professionals Bill 2024, focusing solely on tourism-related professions such as tour guides, travel agents, and tour operators. This separation will allow for better regulation and development within the tourism sector;
- iii. Similarly, the Hospitality Profession Bill 2023 should continue to stand independently, regulating roles within the hospitality industry, such as hotel managers, restaurant staff, and catering professionals, with a narrow focus on enhancing service delivery,
- iv. That, the draft proposed Hospitality Professional Bill outlined the proposed legislation aimed at regulating and professionalizing the Hospitality profession in Kenya with regard to licensing, qualifications and certifications, ethics and conduct, consumer protection, and the establishment of a professional regulatory body.

- v. The bill's emphasis on training and education seeks to mandate the accreditation of hospitality training institutes and the implementation of standardized curriculum. As a result, the bill would contribute to the development of a skilled workforce in the hospitality industry. The outcome will not only enhance the employability of Kenyan citizens but also ensure that the nation's tourism offerings were of the highest caliber. The bill also provides for mechanisms for consumer protection, addressing issues such as fair lending practices, transparency, and dispute resolution.

### **Observation by the Committee**

From the deliberations, the Committee made the following observations-**That;**

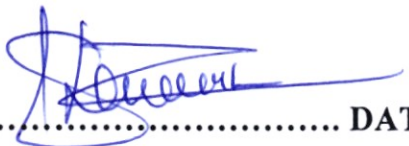
- a) The hospitality industry is a critical sector of the economy and a significant contributor to the country's Gross Domestic Product. As such, the industry should be supported by a comprehensive and facilitative legal framework;
- b) There exists a legislative lacuna in the hospitality industry that the proposed legislation seeks to address;
- c) However, the 11 objects of the Bill were rather too broad and ought to be narrowed to 2 more targeted and attainable objectives;
- d) That the title be reviewed as the Hospitality Bill which in essence will address all the issues in the entire profession.

### **Resolution by the Committee**

From the deliberations that ensued, the Committee was unanimously adopted the Report on the Petition on the Introduction of the Hospitality Professionals Bill after having been proposed by Sen. Jackson Mandago, EGH and seconded by Sen. Crystal Asige, MP.

**MIN/SEN/SCTIT/720/2024**      **ADJOURNMENT AND THE DATE OF THE NEXT MEETING.**

The meeting adjourned at 12.25 pm and the next meeting was scheduled at 2.00pm at the same venue.

SIGNATURE.......... DATE.....19<sup>th</sup> November, 2024.....  
(CHAIRPERSON)





**MINUTES OF THE A HUNDRED AND TWENTY FOURTH (124<sup>TH</sup>) HYBRID MEETING OF THE SENATE STANDING COMMITTEE ON TRADE, INDUSTRIALIZATION AND TOURISM HELD ON THURSDAY 3<sup>RD</sup> OCTOBER, 2024 IN COMMITTEE ROOM 5, 1<sup>ST</sup> FLOOR BUNGE TOWER AT 8:00 A.M.**

**PRESENT**

- |   |                    |
|---|--------------------|
| 1. Sen. Lenku Ole Kanar Seki, MP          | - Chairperson      |
| 2. Sen. Esther Anyieni Okenyuri, MP       | - Vice-Chairperson |
| 3. Sen. Jackson Kiplagat Mandago, EGH, MP | - Member           |
| 4. Sen. Andrew Omtatah Okoiti, MP         | - Member           |
| 5. Sen. Betty Batuli Montet, MP           | - Member           |

**ABSENT**

- |   |          |
|---|----------|
| 1. Sen. (Dr.) Lelegwe Ltumbesi, CBS, MP | - Member |
| 2. Sen. Paul Karungo Thangwa, MP        | - Member |
| 3. Sen. Crystal Kegehi Asige, MP        | - Member |
| 4. Sen. Hezena M. Lemaletian, MP        | - Member |

**PETITIONERS**

- |                              |                  |
|------------------------------|------------------|
| 1. Mr. Charles Ochola Osango | - Petitioner I   |
| 2. Mr. Charles Kinyua        | - Petitioner II  |
| 3. Mr. Fredrick Onyango      | - Petitioner III |

**SECRETARIAT**

- |                         |                          |
|-------------------------|--------------------------|
| 1. Mr. Peter Mulesi     | - Clerk Assistant I      |
| 2. Mr. David Ngamate    | - Clerk Assistant III    |
| 3. Ms. Annette Kwamboka | - Legal Counsel          |
| 4. Ms. Charity Kanze    | - Research Officer III   |
| 5. Mr. Joseph Otieno    | - Audio Officer          |
| 6. Ms. Violet Nalinya   | - Media Relations Office |
| 7. Ms. Linda Juma       | - Intern                 |
| 8. Mr. James Ngusya     | - Serjeant-at-Arms       |

**MIN/SEN/SCTIT/682/2024**

**PRELIMINARIES**

The Chairperson called the meeting to order at 8.29 am. This was followed by a word of prayer. She welcomed all those present both online and physical and proceeded to read the agenda.

**MIN/SEN/SCTIT/683/2024**

**ADPOTION OF AGENDA**

The agenda was adopted after being proposed by Sen. Andrew Omtatah Okoiti,MP and seconded by Sen. Esther Anyieni Okenyuri, MP, as listed below-

1. Preliminaries;
  - a) *Prayer*
  - b) *Introduction*
2. Adoption of the Agenda;
3. **Meeting with the Petitioner Mr. Charles Ochola Osango to consider the Petition on the Introduction of the Hospitality Professions Bill, 2023 ( Committee Paper No. 118)**
4. Any other Business; and
5. Adjournment/Date of the Next Meeting.

**MIN/SEN/SCTIT/684/2024**

**MEETING WITH THE PETITIONER MR. CHARLES OCHOLA OSANGO TO CONSIDER THE PETITION ON THE INTRODUCTION OF THE HOSPITALITY PROFESSIONS BILL, 2023 (COMMITTEE PAPER NO. 118)**

The Committee was taken through Committee Paper No.118 on the petition regarding the Introduction of the Hospitality Professionals Bill, 2023 as reported in the Senate on Thursday, 19<sup>th</sup> September, 2024 by the Deputy Speaker of the Senate on behalf of the Petitioner Mr. Charles Ochola Osango and other citizens of the Republic of Kenya.

The Chairman invited Mr. Charles Ochola to present the petition. He submitted as follows:

- a) That the Committee to deliberate on the proposed Tourism and Hospitality Practitioners Bill 2024 and the Hospitality Profession Bill 2023. Both bills have significant implications for the regulation of professional standards within the tourism and hospitality sectors in Kenya;
- b) The Tourism and Hospitality Professionals Bill 2024 covers a broader range of professions, integrating both the tourism and hospitality industries. However, he proposed that the bill be revised to stand alone as the Tourism Professionals Bill 2024, focusing solely on tourism-related professions such as tour guides, travel agents, and tour operators. This separation will allow for better regulation and development within the tourism sector;
- c) Similarly, the Hospitality Profession Bill 2023 should continue to stand independently, regulating roles within the hospitality industry, such as hotel managers, restaurant staff, and catering professionals, with a narrow focus on enhancing service delivery.

### Comittee Observations

The Committee acknowledged attendance of the three petitioners led by Mr Ochola . They sought to be apprised on the specific prayer by the petitioner.

### Committee Resolution

Having considered the Committee Paper, and the presentation from the three petitioners in the meeting, the Committee resolved to facilitate the enactment of a Hospitality Professionals Bill as per the prayers of the petitioners.

### MIN/SEN/SCTIT/685/2024

### ANY OTHER BUSINESS.

The Secretariat to facilitate a meeting with Kenya National Trading Corporation (KNTC) to respond to supplementary issues arising from the Statement that was requested by Sen. Mohamed Chute, MP regarding the importation and production of cooking oil. The meeting is scheduled on Tuesday, 8th October, 2024.

### MIN/SEN/SCTIT/686/2024

### ADJOURNMENT AND THE DATE OF THE NEXT MEETING.

The meeting adjourned at 9.30 a.m. and the next meeting to be held on Tuesday 8<sup>th</sup> October, 2024 at 8.00 am

SIGNATURE.....

DATE.....

(CHAIRPERSON)





**MINUTES OF THE A HUNDRED AND TWENTY SECOND (122<sup>ND</sup>) HYBRID MEETING OF THE SENATE STANDING COMMITTEE ON TRADE, INDUSTRIALIZATION AND TOURISM HELD ON THURSDAY 26<sup>TH</sup> SEPTEMBER, 2024 IN COMMITTEE ROOM 5, 1<sup>ST</sup> FLOOR BUNGE TOWER AT 9:00 A.M.**

**PRESENT**

- |   |                    |
|---|--------------------|
| 1. Sen. Lenku Ole Kanar Seki, MP        | - Chairperson      |
| 2. Sen. Esther Anyieni Okenyuri, MP     | - Vice-Chairperson |
| 3. Sen. (Dr.) Lelegwe Ltumbesi, CBS, MP | - Member           |
| 4. Sen. Crystal Kegehi Asige, MP        | - Member           |
| 5. Sen. Andrew Omtatah Okoiti, MP       | - Member           |
| 6. Sen. Betty Batuli Montet, MP         | - Member           |

**ABSENT**

- |   |          |
|---|----------|
| 1. Sen. Jackson Kiplagat Mandago, EGH, MP | - Member |
| 2. Sen. Paul Karungo Thangwa, MP          | - Member |
| 3. Sen. Hezena M. Lemaletian, MP          | - Member |

**SECRETARIAT**

- |                         |                          |
|-------------------------|--------------------------|
| 1. Mr. Peter Mulesi     | - Clerk Assistant I      |
| 2. Mr. David Ngamate    | - Clerk Assistant III    |
| 3. Ms. Annette Kwamboka | - Legal Counsel          |
| 4. Ms. Charity Kanze    | - Research Officer III   |
| 5. Mr. Joseph Otieno    | - Audio Officer          |
| 6. Ms. Violet Nalinya   | - Media Relations Office |
| 7. Ms. Linda Juma       | - Intern                 |
| 8. Mr. James Ngusya     | - Serjeant – At- Arms    |

**MIN/SEN/SCTIT/672/2024**

**PRELIMINARIES**

The Chairperson called the meeting to order at 8.24 am. This was followed by a word of prayer. Shee welcomed all those present both online and physical and proceeded to read the agenda.

**MIN/SEN/SCTIT/673/2024**

**ADPOTION OF AGENDA**

The agenda was adopted after being proposed by Sen. Crystal Asige,MP and seconded by Sen. Betty Montet,MP, as listed below-



1. Preliminaries;
  - a) *Prayer*
  - b) *Introduction*
2. Adoption of the Agenda;
3. **Consideration of the Petition on the Introduction of the Hospitality Professionals Bill, 2023 (Committee Paper No. 116)**
4. Any other Business; and
5. Adjournment/Date of the Next Meeting.

MIN/SEN/SCTIT/674/2024

**CONSIDERATION OF THE PETITION ON THE  
INTRODUCTION OF THE HOSPITALITY  
PROFESSIONALS BILL, 2023 (COMMITTEE PAPER  
NO. 116)**

The Committee was taken through Committee Paper No. 116. The paper briefed the Committee on the Petition on the Introduction of the Hospitality Professionals Bill, 2023 which was reported in the Senate on Thursday, 19th September, 2024 on behalf of the Petitioner Mr. Charles Ochola Osango and other citizens of the Republic of Kenya and residents of Nairobi.

The Committee was informed Petition was thereafter referred to the Standing Committee on Trade, Industrialization and Tourism for consideration.

The salient issues raised in the said Petition are as follows-

- 1) That, the Petitioner seeks the introduction of the Hospitality Professionals Bill;
- 2) That, other professions are regulated through statutes to ensure effective discharge of their mandate. However, the Hospitality profession is primarily regulated by the Kenya Tourism Board (KTB), which oversees the tourism and hospitality sectors. Additionally, the Tourism Regulatory Authority (TRA) is responsible for licensing and regulating tourism and hospitality businesses to ensure compliance with industry standards and regulations;
- 3) That, while the tourism sector and the hospitality profession are closely related, each has distinct functions and activities and cannot be regulated by the Tourism industry;
- 4) That, the proposed Bill seeks to address several key issues regarding licensing, training and education, the establishment of a professional regulatory body, enforcing of industry standards and enhancing consumer protection; and
- 5) That the proposed bill seeks to address several key issues regarding licensing, training and education, establishment of a professional regulatory body, enforcing of industry standards and enhancing consumer protection.

The proposed Bill seeks to address the following issues -

- 1) Specialized expertise: In the hospitality profession, which may not be found solely in the Tourism Regulatory Authority.

- 2) Conflict of interest: that arises due to combining the regulation of tourism and hospitality under the same authority.
- 3) Industry Representation: Provide for the establishment of a separate regulatory body that will allow for better representation and engagement of the various stakeholders in the industry ensuring that the specific needs and concerns are addressed effectively.
- 4) Enhanced Consumer Protection: The Act will help to safeguard the rights and interests of consumers.
- 5) Promotion of Industry Growth and Competitiveness: Establishing clear standards and regulations will foster an environment that is conducive for industry growth, innovation and competitiveness.
- 6) Compliance and Enforcement Mechanisms: The institute established within the Act will be equipped with the necessary powers and resources to enforce compliance with regulatory requirements.
- 7) Creation of a Professional Regulatory Body: The regulatory body will oversee the activities of the sector, monitor compliance and enforce industry standards.
- 8) Establishment of a Regulatory Framework: Set standards for quality, hygiene, safety and service in the industry that should be enforced through a robust inspection and certification system.
- 9) Adequate provisions for Training and Development: Training and development in hospitality will be necessary for continuous learning and growth.
- 10) Small and Medium Enterprises (SMEs): Provide for measures to support and promote the growth of SMEs through provision of access to finance, facilitating business development and streamlining licensing procedures.
- 11) Tourism promotion: Incorporate provisions to enhance tourism promotion efforts both domestically and internationally.

#### **Committee Resolution**

Having considered the Paper, the Committee resolved to meet the petitioner on Thursday 3<sup>rd</sup> October, 2024 for further deliberations.

**MIN/SEN/SCTIT/675/2024**

**ANY OTHER BUSINESS.**

The Committee to meet with the Petitioner to commence the consideration of the Petition on the Introduction of the Hospitality Professions Bill..

**MIN/SEN/SCTIT/676/2024**

**ADJOURNMENT AND THE DATE OF THE NEXT MEETING.**

The meeting adjourned at 9.05 am and the next meeting to be held on Tuesday 1<sup>st</sup> October, 2024 at 8.00 am

SIGNATURE..... DATE.....

(CHAIRPERSON)



# PETITION TO THE SENATE ASSEMBLY TO ENACT HOSPITALITY PROFESSIONALS BILL

**Date: 8.08.2024**

**MR. JEREMIAH M. NYEGENYE, CBS**

The Clerk of the Senate

Parliament Buildings

P.O. Box 41842 – 00100

**NAIROBI**

Email: [csenate@parliament.go.ke](mailto:csenate@parliament.go.ke)

**RE: PETITION TO THE SENATE CONCERNING ENACTMENT OF THE  
HOSPITALITY PROFESSIONALS BILL 2023**

**I/We, the undersigned,**

Citizens of the Republic of Kenya, and the residents of Nairobi County;

We, Charles Ochola Osango as customer, with other petitioners, as a concerned Kenyan citizen we hope this letter finds you in good health and high spirits. We are writing to you as a concerned Kenyan citizen act on behalf of public Interest as provided in provided in the National Constitution of 2010 and according Petition to Parliament (Procedure) Act 2012 Article 37 or 119 of the Constitution on the right to petition Parliament on behalf our fellow citizen, we have written to submit a draft of the proposed Hospitality Professionals Bill, to express our views and petition regarding the proposed Hospitality Professionals Bill currently under consideration

**DRAW the attention of the Senate to the following: -**

- 1 **THAT**, Recognition of the Hospitality Sector's Importance: First and foremost, we commend Parliament for recognizing the importance of the hospitality sector in our nation's economy. Kenya's tourism industry plays a significant role in job creation, foreign exchange earnings, and overall economic growth. Therefore, it is crucial to establish robust regulations and standards to ensure the continuous development and professionalism of this sector.
- 2 **THAT**, Awareness of Existing Associations: We acknowledge the existence of the Association of Hotel Professionals of Kenya (AHPK), Kenya Association of Hotelkeepers and Caterers (KAHC), and Western Kenya Hospitality Leaders Association (WKHLA), among other associations that advocate for hospitality practitioners and the industry.



# PETITION TO THE SENATE ASSEMBLY TO ENACT HOSPITALITY PROFESSIONALS BILL

- 3 **THAT**, Regulation of Professional Sectors: Other professions in Kenya, including lawyers, engineers, doctors, geologists, nurses, and others, are regulated through statutes for the effective discharge of their mandates. Yet, the hospitality profession is not regulated.
- 4 **THAT**, Objectives of the Proposed Hospitality Professionals Bill: The proposed Hospitality Professionals Bill seeks to achieve several key objectives. It aims to introduce comprehensive licensing requirements, standardize training and education programs, establish a professional regulatory body, and enforce strict industry standards. These measures will undoubtedly enhance the quality of services provided, strengthen consumer protection, and promote Kenya as a world-class tourist destination
- 5 **THAT**, this regulation of other professions: in Kenya, various professions including lawyers, engineers, doctors, geologists, nurses, and fiscal analysts are regulated through statutes to ensure effective discharge of their mandates. However, the hospitality profession remains unregulated.
- 6 **THAT**, Inclusive Approach in Bill Development: We urge Parliament to adopt an inclusive approach, as mandated by constitutional and statutory obligations, in the development of the bill. It is essential to involve representatives from various sectors of the hospitality industry, including hoteliers, restaurateurs, tour operators, and other relevant professionals. This will ensure that the bill reflects the diverse needs and perspectives of those directly affected by it. Under Article 1(1), 10, and 118 of the Constitution of the Republic of Kenya, as read together with the provisions of sections 4, 5, 6, and 11 of the Statutory Instruments Act (No. 3 of 2015), it is imperative to consider the needs and interests of the public who are likely to be affected by the proposed law before making decisions.
- 7 **THAT**, I/we have made the best efforts to have these matters addressed by the relevant authorities all of which have failed to give a satisfactory response.
- 8 **THAT**, none of these issues raised in this Petition is pending in any court of Law, Constitutional or any other legal body.
- 9 **THAT, Inclusion of Other Documents:** Regarding the concern raised about the inclusion of additional documents with the petition, I acknowledge that section 3(k) of the Petition to Parliament (Procedure) Act and Standing Order 235(k) of the Senate explicitly outline the requirements for the submission of petitions. I sincerely apologize for any oversight in this matter. I have reviewed the petition to ensure that it aligns with the specified guidelines. In the letter dated 16th October 2023, I resubmitted the petition to the Senate with a revised submission that adheres strictly to the prescribed format. Find attached copies for your reference.
- 10 **THAT, Justifications for the Hospitality Profession Bill 2023.** Reasons Why the Tourism Regulatory Authority Should Not Have the Mandate to Regulate Hospitality Professionals as misplaced practice



# PETITION TO THE SENATE ASSEMBLY TO ENACT HOSPITALITY PROFESSIONALS BILL

- 11 **THAT**, Why should not The **Tourism Regulatory Authority** have no has mandate of regulating for Hospitality Profession perform work of hospitality as misplaced practice. While the tourism sector and the hospitality profession are closely related, they are not synonymous, and each encompasses distinct activities and functions. Here are some reasons why it would be inappropriate for the Tourism Regulatory Authority to assume the mandate of regulating the hospitality profession:-
- 12 **THAT, Specialized Expertise**: Regulating the hospitality profession requires specialized knowledge and expertise in areas such as hotel management, food and beverage services, event planning, and accommodation operations. The Tourism Regulatory Authority may not possess the requisite expertise in these specific areas of hospitality.
- 13 **THAT, Diverse Scope of Regulation**: The hospitality profession encompasses a wide range of services beyond tourism, including accommodation, food and beverage services, event management, and leisure activities. Regulating these diverse aspects of hospitality requires a dedicated regulatory body with a comprehensive understanding of the industry's intricacies.
- 14 **THAT, Distinct Regulatory Needs**: The regulatory requirements for the tourism sector may differ significantly from those of the hospitality profession. For example, while tourism regulation may focus on promoting tourist destinations and ensuring visitor safety, hospitality regulation involves setting standards for service quality, hygiene, and customer satisfaction in hotels, restaurants, and other establishments.
- 15 **THAT, Conflict of Interest**: Combining the regulation of tourism and hospitality under the same authority could create a conflict of interest, as the objectives and priorities of the two sectors may not always align. Separating the regulation of hospitality ensures impartiality and avoids potential conflicts in decision-making.
- 16 **THAT, Industry Representation**: The hospitality profession is diverse, comprising various stakeholders, including hoteliers, restaurateurs, event planners, and hospitality educators. Establishing a separate regulatory body allows for better representation and engagement of these stakeholders in the regulatory process, ensuring that their specific needs and concerns are addressed effectively.
- 17 **THAT, Clarity and Focus**: Having a dedicated regulatory body for the hospitality profession provides clarity and focus on addressing the unique challenges and opportunities within the industry. It allows for targeted interventions and tailored regulatory measures to promote professionalism, quality standards, and innovation in hospitality services.
- 18 **THAT**, In summary, while the Tourism Regulatory Authority plays a vital role in overseeing the tourism sector, extending its mandate to regulate the hospitality profession may not be suitable due to differences in expertise, scope, regulatory needs, and potential conflicts of interest. Establishing a separate regulatory body for the hospitality profession ensures effective regulation and promotes the growth and development of this essential sector of the economy.
- 19 **THAT**, Legislative Reasons Why the Institute of hospitality Professionals Should Regulate hospitality Services Practice in Kenya. In legislative terms, establishing the Institute of



# PETITION TO THE SENATE ASSEMBLY TO ENACT HOSPITALITY PROFESSIONALS BILL

Hospitality Professionals as the regulatory body for hospitality services practice in Kenya is preferable for the following reasons:-

- 20 **THAT, Specialized Mandate:** The Institute of Hospitality Professionals would possess a specific and specialized mandate focused solely on regulating the hospitality industry. This focused mandate allows for a comprehensive understanding of the unique challenges, dynamics, and standards within the hospitality sector, enabling more effective regulation.
- 21 **THAT, Expertise and Competence:** The Institute would be staffed with individuals possessing expertise and competence in various aspects of hospitality, including hotel management, food and beverage services, event planning, and customer service. This expertise ensures that regulatory decisions are informed by industry knowledge and best practices.
- 22 **THAT, Industry Representation:** The Institute would provide a platform for industry stakeholders, including hoteliers, restaurateurs, event planners, and hospitality educators, to have a voice in the regulatory process. This ensures that regulations are developed collaboratively with input from those directly affected by them, enhancing their relevance and effectiveness.
- 23 **THAT, Focused Regulatory Framework:** The Institute would develop and implement a regulatory framework tailored specifically to the needs and characteristics of the hospitality industry. This framework would address issues such as service quality standards, hygiene and safety regulations, licensing requirements, and professional development, ensuring the overall professionalism and integrity of the sector.
- 24 **THAT, Enhanced Consumer Protection:** Through its regulatory functions, the Institute would safeguard the interests of consumers by setting and enforcing standards for hospitality services. This includes measures to ensure transparency, fairness, and accountability in pricing, advertising, and service delivery, thereby enhancing consumer confidence and protection.
- 25 **THAT, Promotion of Industry Growth and Competitiveness:** By establishing clear standards and regulations, the Institute would foster an environment conducive to industry growth, innovation, and competitiveness. Clear regulatory guidelines provide certainty for businesses, encourage investment, and contribute to the overall development and sustainability of the hospitality sector.
- 26 **THAT, Compliance and Enforcement Mechanisms:** The Institute would be equipped with the necessary powers and resources to enforce compliance with regulatory requirements. This includes inspection, monitoring, and enforcement mechanisms to address non-compliance and mitigate risks to public health, safety, and consumer rights.
- 27 **THAT,** In conclusion, entrusting the regulation of hospitality services practice to the Institute of Hospitality Professionals ensures a focused, expert-driven, and industry-



# PETITION TO THE SENATE ASSEMBLY TO ENACT HOSPITALITY PROFESSIONALS BILL

aligned approach to regulation, thereby promoting professionalism, quality, and integrity within the hospitality sector in Kenya.

- 28 **THAT**, I/we have made the best efforts to have these matters addressed by the relevant authorities all of which have failed to give a satisfactory response.
- 29 **THAT**, none of these issues raised in this Petition is pending in any court of Law, Constitutional or any other legal body.
- 30 **THAT**, create a Professional Regulatory Body: The bill recommends the formation of a professional regulatory body responsible for overseeing the sector's activities, monitoring compliance, and enforcing industry standards. This body will act as a platform for collaboration, guidance, and support to industry practitioners.
- 31 **THAT**, Regulatory Framework: The proposed bill should establish a clear regulatory framework that sets standards for quality, hygiene, safety, and service in the hospitality industry. These standards should be enforced through a robust inspection and certification system to ensure compliance and maintain the reputation of Kenyan hospitality both domestically and internationally.
- 32 **THAT**, Training and Development: The bill should emphasize the importance of training and professional development within the hospitality sector. Adequate provisions should be made to enhance the skills and knowledge of hospitality professionals through certified training programs, apprenticeships, and continuous learning opportunities. This will not only improve the overall quality of service but also provide career advancement opportunities for individuals working in this industry.
- 33 **THAT, Small and Medium Enterprises (SMEs)**: It is crucial to consider the specific needs and challenges faced by small and medium enterprises in the hospitality sector. The bill should include measures to support and promote the growth of SMEs, such as providing access to finance, facilitating business development, and streamlining licensing procedures.
- 34 **THAT, Tourism Promotion**: The proposed legislation should also incorporate provisions to enhance tourism promotion efforts both domestically and internationally. Collaborative initiatives between the government, tourism boards, and hospitality stakeholders should be encouraged to attract more visitors to Kenya, thereby boosting the overall growth of the sector.
- 35 **THAT**, addressing these unethical behaviors is a key objective of the Hospitality Professional Bill, which aims to enforce ethical standards, ensure fair treatment of employees, and enhance customer experiences, ultimately fostering a more sustainable and reputable hospitality industry.
- 36 **THAT**, theft within Kenya's hotel sector is a pressing issue that demands attention. According to research by Ndegwa and Ndirangu (2018), theft incidents in hotels can range from guest room burglaries to employee pilferage, leading to financial losses and damage



# PETITION TO THE SENATE ASSEMBLY TO ENACT HOSPITALITY PROFESSIONALS BILL

to the industry's reputation. Furthermore, a study by Otieno and Okibo (2019) highlights the correlation between inadequate security measures and increased theft cases. The Hospitality Professional Bill addresses these concerns by advocating for stringent security standards, employee training, and guest protection protocols, thereby mitigating theft risks and ensuring a safe and secure environment for both guests and staff.

- 37 **THAT**, Damage to Industry Reputation: Cases of unqualified hospitality professionals can damage the reputation of the entire hospitality industry in a region. Negative incidents, such as food poisoning or poor service, often receive media attention and can deter tourists from visiting or returning to a destination. "Economic Consequences of Unqualified Labor in the Hospitality Sector" by Williams and Davis (International Journal of Contemporary Hospitality Management, 2020).
- 38 **THAT**, Customer Safety and Satisfaction: The hospitality industry is built on trust and the expectation of excellent service. When unqualified professionals are employed in this sector, it can compromise the safety and satisfaction of guests. For instance, untrained chefs may mishandle food preparation, leading to foodborne illnesses. Unqualified room attendants may fail to maintain cleanliness and hygiene standards, affecting the overall guest experience. *"The Impact of Unqualified Hospitality Staff on Customer Satisfaction"* by Smith and Johnson (Journal of Hospitality and Tourism Management, 2018).
- 39 **THAT**, we have made the best effort to have this matter addressed by the relevant authorities which is the National assembly by preparing a draft proposed Bill for consideration by the assembly;
- 40 **THAT**, the **Draft Proposed Hospitality Professional Bill** outlines the proposed legislation aimed at regulating and professionalizing the Hospitality profession in Kenya. It includes provisions related to licensing, qualifications and certifications, ethics and conduct, consumer protection, and the establishment of a professional regulatory body. The bill's emphasis on training and education is highly commendable. By mandating the accreditation of hospitality training institutes and the implementation of standardized curriculum, the bill will contribute to the development of a skilled workforce in the hospitality industry. This will not only enhance the employability of Kenyan citizens but also ensure that our nation's tourism offerings are of the highest caliber;
- 41 **THAT**, the proposed **Hospitality Profession Bill** the bill's emphasis on training and education is highly commendable. By mandating the accreditation of hospitality training institutes and the implementation of standardized curriculum, the bill will contribute to the development of a skilled workforce in the hospitality industry. the bill provides mechanisms for consumer protection, addressing issues such as fair lending practices, transparency, and dispute resolution.
- 42 **THAT**, none of this issue raised in this petition is pending in any court of law, constitutional, or any other legal body;

# PETITION TO THE SENATE ASSEMBLY TO ENACT HOSPITALITY PROFESSIONALS BILL

8. We, therefore, respectfully petition the National Assembly to:

**WHEREFORE, your humble petitioners pray that the Senate-**

1. Recommends to the House to enact Hospitality Professionals Bill
2. To investigate the any matters raised in this Petition.
3. Consider and incorporate the views and contributions of various stakeholders in the hospitality industry during the drafting and enactment of the Hospitality Professionals Bill.
4. Ensure that the Bill includes provisions for comprehensive licensing, standardized training and education programs, the establishment of a professional regulatory body, and the enforcement of strict industry standards.
5. To appreciate the importance of Draft Proposed hospitality Profession Bill, and undertake the necessary steps to review, deliberate, and enact it into law. The successful implementation of the proposed legislation will not only enhance the professionalism and integrity of the hospitality profession but also this will not only enhance the employability of Kenyan citizens but also ensure that our nation's tourism offerings are of the highest calibre;
6. Facilitate public participation and take into account the interests of all stakeholders, as required by the Constitution and statutory laws.

And your **PETITIONERS** will ever pray.

Name	ID	ADDRES	Phone No.	Signature
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1. Charles Ochola Osango	6056427	18167-00100 NBI	0725719313	
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**Email:** [karateng2000@yahoo.com](mailto:karateng2000@yahoo.com), | [kablak10@gmail.com](mailto:kablak10@gmail.com)

Date .....8..... day of .....8..... 2024



# PETITION TO THE SENATE ASSEMBLY TO ENACT HOSPITALITY PROFESSIONALS BILL

## PETITION CONCERNING HOSPITALITY PROFESSIONALS BILL 2023 MEMBERS OF THE PUBLIC

Name of petitioner	Full Address	National ID. or Passport No.	Signature or Thumb
Redger Odhiambo	redgersodhiambo77@gmail	33015595	
Zulfa Hasan	hasan.zulfa@gmail	29663351	
Brothace Akiene	Akienebrothace11@gmail	29363635	
Joyce Anyango	Anyangojoyce@gmail	31729272	
Stephen Odhiambo	Stephenodhiambo92@gmail	2457469	
Salome Achiambo	Salomeachiambo@gmail.com	31770238	
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# PETITION TO THE SENATE ASSEMBLY TO ENACT HOSPITALITY PROFESSIONALS BILL 2023

## THE HOSPITALITY PROFESSIONALS BILL, 2023

### ARRANGEMENT OF CLAUSES

*Clause*

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- 2 – Interpretation.

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- 3 – Establishment of the Establishment of the Institute Hospitality Professionals.
- 4 – Management of Institute of Hospitality Professionals.
- 5 – Headquarter of the Institute.
- 6 – Objective of Hospitality
- 7 – Composition of the Council.
- 8 – Functions of the Council.
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- 10 – Members of the Institute
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- 12 – Vacancy in the Council.
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**A Bill for—**

AN ACT of Parliament to provide for the establishment  
of Institute of Hospitality Professionals; to provide for the establishment,  
functions and powers of the Council of The Institute of Hospitality  
Professionals; to provide for the training, registration and  
licensing of Hospitality professionals; to regulate the practice of  
Hospitality professionals and for connected purposes

**Enacted by the Parliament of Kenya as follows—**

	<b>PART I-PRELIMINARY</b>
Short title	1. This Act may be cited as the Hospitality Professionals Bill 2023
Interpretation.	2. In this Act, unless the context otherwise requires—
	"Cabinet Secretary" means the Cabinet Secretary for the time being responsible for matters relating to tourism and hospitality.
	"Council" means the Council of the Institute of Hospitality Professionals established under section ;
	"Hospitality professional" means a person registered in accordance with section ;
	"Institute" means the Institute of Hospitality Professionals established under section ;
	"register" means the register of Hospitality professionals maintained under section; and
	"Registrar" means the Registrar appointed under section .

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	"Hospitality profession" includes all professions related to hotel management, catering, event management and other related fields.
	<b>PART II- ESTABLISHMENT OF THE INSTITUTE OF HOSPITALITY PROFESSIONALS.</b>
Establishment the Institute	<p>3. (1) There is established a Council known as The Institute of Hospitality Professionals.</p> <p>(2) The Institute shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of; —</p> <ul style="list-style-type: none"> <li>(a) suing and being sued;</li> <li>(b) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;</li> <li>(c) borrowing money and lending money;</li> <li>(d) invest its funds in investments in which trustees are authorized to invest pursuant to The Trustee Act Cap164;</li> <li>(e) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;</li> <li>(f) entering into contracts; and</li> <li>(g) doing or performing all such other things or acts necessary for the proper performance of its functions under this Act which may lawfully be done by a body corporate;</li> </ul>
Management of Institute of Hospitality Professionals.	<p>4. (1) The Council shall be governed by members to be known as the members of the Council-</p> <ul style="list-style-type: none"> <li>(a) Subject to this Bill all acts and things in the name of or behalf of the Council or with the authority of the Council shall be deemed to have done by the Council.</li> </ul>
Headquarters of the Institute.	<p>5. (1) The Headquarters of the Institute shall be in Nairobi.</p> <p>(2) The Council may establish such other offices anywhere in Kenya as it may consider necessary for the discharge of its functions under this Bill.</p>
Objective of Hospitality	<p>The objects of the Institute shall be to:</p> <ul style="list-style-type: none"> <li>(a) promote and develop the hospitality profession in Kenya;</li> <li>(b) establish and maintain standards for the education, training, and practice of hospitality professionals;</li> </ul>



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	<ul style="list-style-type: none"> <li>(c) register and license qualified hospitality professionals;</li> <li>(d) maintain a register of licensed hospitality professionals;</li> <li>(e) establish and enforce a code of ethics and conduct for hospitality professionals;</li> <li>(f) Conduct research and publish findings in the field of hospitality;</li> <li>(g) Provide a forum for the exchange of ideas and information among hospitality;</li> <li>(h) to hold conferences, meetings, seminars and discussions, and to promote the reading of learned papers;</li> <li>(i) represent, protect, and assist members of the hospitality profession in matters relating to the practice of their profession;</li> <li>(j) to institute and establish training courses, scholarships, grants, awards</li> <li>(k) advise the government on matters related to the hospitality profession; and</li> <li>(l) perform any other functions that are incidental or conducive to the attainment of the functions of the Institute.</li> <li>(m) Collaborate with relevant institutions and organizations, both nationally and internationally, on matters relating to hospitality;</li> </ul>
Establishment and composition of the Council of the Institute.	<p>6. (1) There shall be a Council of the Institute which shall be responsible for the management of the affairs of the Institute..;</p> <p>(2) The Council shall consist of—</p> <ul style="list-style-type: none"> <li>(a) a chairperson; and</li> <li>(b) the Principal Secretary in the Ministry responsible for tourism or a representative designated in writing;</li> <li>(c) the Principal Secretary in the Ministry responsible for education or a representative designated in writing;</li> <li>(e) one representatives nominated from Tourism Regulatory Authority (TRA) by Ministry responsible for tourism designated in writing</li> <li>(e) one person nominated by Association of Hotel Professionals Kenya (AHPK)</li> <li>(d) one person nominated by Kenya Association of Hotelkeepers and Caterers</li> <li>(f) one person nominated by Western Kenya Hospitality Leaders Association (WKHLA)</li> </ul>

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	<p>(g) the Registrar who shall be an ex-officio member and secretary to the Council.</p> <p>(3) The persons nominated under subsection 1 (e), (f), (g) and (h) above shall be appointed by the Cabinet Secretary through a notice in the Gazette.</p> <p>(4) The chairperson and members of the Council shall be elected by all members of the Institute in the manner prescribed by the regulations.</p> <p>(5) A person shall be eligible for election as a chairperson and member of the Council if that person—</p> <ul style="list-style-type: none"><li>(a) is a member of the Institute;</li><li>(b) has been in practice as Hospitality Professionals for at five years; and</li><li>(c) meets the requirements of Chapter Six of the Constitution.</li></ul> <p>(6) The election of the chairperson and the members of the Council shall be—</p> <ul style="list-style-type: none"><li>(a) conducted in a transparent and fair manner;</li><li>(b) conducted in every second year after the election of the Council;</li><li>(c) conducted on the same day by the members physically present; and</li><li>(d) by secret ballot.</li></ul> <p>(6) The chairperson and the members of the Council shall assume office immediately after the ordinary general meeting of the Institute following the election of members and shall hold office for a period of three years ending at the conclusion of the annual general meeting held in the three years after their election.</p> <p>(7) At the first meeting, the Council shall elect a vice chairperson amongst their number and regard shall be taken to ensure that the chairperson and vice chairperson are of opposite gender.</p> <p>(8) the Registrar of the Council, who shall be appointed by the Council through an open, transparent and competitive recruitment process, and who shall be the secretary to the Council.</p>
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	<p>(9) The appointment of members of Council under subsection(1) (f) (i), (ii) and (iii) may be on a rotational basis after expire after the expiry of the office of the members to include other recognized associations as may be determined by the Council in consultation with the members of the Institute.</p> <p>(10) there shall be a chairman and vice chairperson of the Council who shall be elected in the manner provided in paragraph 3 of First Schedule.</p>
Functions of the Council	<p>7. The functions of the Council are to —</p> <ul style="list-style-type: none"> <li>(a) prescribe and regulate syllabuses of instruction for professional supplies certification for persons seeking registration under the Act;</li> <li>(b) assess, approve or reject hospitality qualifications of foreign persons intending to offer hospitality professional; and</li> <li>(c) monitor and evaluate the provision of professional rendered by hospitality professionals;</li> <li>(d) evaluate relevant to hospitality programmes both local and foreign for accreditation by the Council;</li> <li>(e) prepare and conduct examinations for persons seeking registration under the Act;</li> <li>(f) approve and accredit hospitality programs offered in public and private universities and other tertiary education institutions for the purposes of registration;</li> <li>(g) prepare regulations to be made by the Institute regarding the standard of proficiency to be gained in each examination for a certificate, diploma, degree or other award; and</li> <li>(h) make rules with respect to such examinations;</li> <li>(i) prescribe the regulate the practice, competence and professional conduct of hospitality professionals and take such disciplinary measures as may be necessary to maintain a proper standard of conduct among such persons;</li> <li>(j) fees and other charges payable with respect to such examinations;</li> <li>(k) conduct examinations for the grant of such academic</li> </ul>

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	<p>award;</p> <p>(l) issue professional qualifying certificates and other awards to candidates who have satisfied the examination requirements;</p> <p>(m) investigate and determine cases involving indiscipline by students registered with the Examinations Committee;</p> <p>(n) enter into regional and international agreements and associations with other registration licensing boards for the purpose of establishing reciprocity or comity;</p> <p>(o) liaise with the Ministry of Education in accreditation of institutions offering the examination of the Council for the purpose of carrying out examinations;</p> <p>(p) establish, approve and accredit programs for continuing professional educational programs;</p> <p>(q) promote recognition of its examination in foreign countries;</p> <p>(r) organizing and conducting such courses for hospitality as the Council may prescribe as provided by the regulation;</p> <p>(s) make regulations for the practice of hospitality professionals;</p>
Powers of the Council.	8. (1) The Council shall have all the powers necessary for the proper performance of its function under this Act.
	<p>(2) Without prejudice to the generality of subsection (1), the Council shall have powers to—</p> <p>(a) control, supervise and administer the assets of the Institute in such manner as best promotes the purpose for which the Institute is established;</p> <p>(b) determine the provisions to be made for capital and recurrent expenditure and for the reserves of the Council;</p> <p>(c) receive any grants, gifts, donations or endowments and make legitimate disbursements therefrom;</p>



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	<p>(d) open such banking accounts for the funds of the Council; and</p> <p>(e) enter into association with other bodies or organizations within or outside Kenya as may be desirable or appropriate in furtherance of the purpose for which the Council is established</p>
<b>Vacancy in the Council</b>	<p>9. (1) A vacancy in the office of a member of the Council shall arise if the member—</p> <p>(a) dies;</p> <p>(b) resigns from office by notice in writing addressed to the appointing authority;</p> <p>(c) is absent from three consecutive meetings of the Council without reasonable cause;</p> <p>(d) is convicted of a criminal offense;</p> <p>(e) is declared bankrupt;</p> <p>(f) is removed from office by the appointing authority for any other reason that would justify removal from office under the terms of the member's appointment.</p> <p>(2) Where a vacancy occurs in the membership of the Council, the appointing authority shall appoint a replacement in accordance with the provisions of this Act.</p>
<b>Members of the Institute</b>	<p>(10) (1) The members of the Institute shall consist of each person registered Hospitality Professionals under section,,,, and may be categorized into student, associates, fellows and corporate and such class the Council may by regulations made under 41 prescribe</p>
	<p>(2) the Council shall prescribe the types of membership, admission into any class of membership, grounds for termination of membership.</p>
<b>Membership fee</b>	<p>(11). The members of the Institute shall pay fess and subscription as the Council may in consultation with the Institute prescribe.</p>
<b>Registrar.</b>	<p>12. (1) There shall a Registrar who shall be appointed by the Council through an open, transparent and competitive recruitment process.</p>

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	<p>(2) The Registrar shall hold office for a period of five years on such terms and conditions of employment as the Council may determine and shall be eligible for reappointment for one further term.</p> <p>(3) A person shall be qualified for appointment as Registrar if that person—</p> <ul style="list-style-type: none"> <li>(a) holds a bachelors' degree from a university recognized in Kenya;</li> <li>(b) has at least five years post qualification working experience; and</li> <li>(c) is qualified to be registered under this Bill.</li> </ul> <p>(4) The Registrar shall—</p> <ul style="list-style-type: none"> <li>(a) subject to the direction of the Council, be responsible for the day-to-day management of the affairs and staff of the Council.</li> <li>(b) be an ex-officio member of the Council but shall have no right to vote at any meeting of the Council; and</li> <li>(c) perform such other functions as may be provided for under this Bill.</li> </ul>
Conduct of business and affairs of the Council.	13. The Council shall conduct its business and affairs in the manner provided under the Schedule.
Remuneration of Council Members.	14. The members of the Council shall be paid such remuneration, fees, or allowances for expenses as the Council may determine in consultation with the Cabinet Secretary.
Committees of the Council.	15. (1) The Council may establish such committees as it may deem necessary for the performance of its functions and may delegate to any such committee such functions as it may determine.
Delegation by the Council.	16. The Council may, by resolution either generally or in any particular case, delegate to any committee of the Council or to any member, officer, employee, or agent of the Council the exercise of any of the powers or the performance of any of the functions or duties of the Council under this Act.
Staff of the Council.	17. The Council may employ such staff or hire experts or consultants as it deems necessary for the proper performance of its functions and may determine their terms and conditions of service.



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Protection from personal liability.	18. (1) No matter or thing done by a member of the Council or any officer, employee, or agent of the Council shall, if the matter or thing is done bona fide for executing the functions, powers, or duties of the Council, render the member, officer, employee, or agent personally liable to any action, claim, or demand
Common Seal of the Council	<p><b>19. (1)</b> The common seal of the Institute shall be kept in such custody as the Council may direct and shall not be used except on the order of the Council.</p> <p>(2) The common seal of the Institute, when affixed to any document and duly authenticated, shall be judicially and officially noticed, and unless the contrary is proved, any necessary order or authorization by the Council under this section shall be presumed to have been duly given</p>
	<b>PART III— TRAINING AND REGISTRATION OF HOSPITALITY PROFESSIONALS</b>
Eligibility for registration of Hospitality Professionals	<p><b>20. (1)</b> A person shall not engage in the practice of hospitality service consultant, operate a catering firm in Kenya unless registered as a hospitality professional under this Act.</p> <p>(2) A person is eligible to be registered as Hospitality Professionals if such a person possesses the following qualifications –</p> <ul style="list-style-type: none"> <li>(a) has successfully undergone a prescribed artisan, certificate, diploma, degree or research course of instruction</li> <li>(b) is a Kenyan Citizen or a Permanent resident of Kenya;</li> <li>(c) is of good character and reputation;</li> <li>(b) has paid the prescribed fee; and</li> <li>(c) has obtained the practical experience as may be determined by the council</li> <li>(d) holds such other qualifications as the Council may prescribe or equivalent qualifications from a recognized foreign Institution;</li> <li>(e) presenting evidence of prior learning in Banking and Financial services</li> </ul>

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<p><i>No. 42 of 2012</i> <i>No. 29 of 2023</i></p>	<p>(2) The Council may prescribe different categories of registration for various classes of hospitality professionals.</p> <p>(3) A person who is the holder of a qualification from an accredited institution outside Kenya shall be eligible for registration under this Act as a Hospitality Professionals if—</p> <ul style="list-style-type: none"> <li>(a) the person is a holder of a qualification obtained from an institution that is accredited and recognized by the regulating authority responsible for the registration of Hospitality Professionals in the country of study; and</li> <li>(b) the Council is satisfied that the qualifications obtained by the person meet such requirements for a course leading to qualification in Hospitality Professionals as the Council shall from time to time prescribe pursuant to section 6.</li> </ul> <p>(5) Where the Council finds that a person has not completed all courses prescribed pursuant to section 6, the Council shall require that person to—</p> <ul style="list-style-type: none"> <li>(a) attend such interview as may be appropriate;</li> <li>(b) undergo an oral or written examination or both; and</li> <li>(c) take the courses required in an institution recognized and approved by the Council.</li> </ul> <p>(6) Despite subsection (3), all qualifications issued by a university or institution accredited under the Universities Act, 2012 or the Technical and Vocational Education and Training Act, 2013 shall be recognized by the Council.</p> <p>(7) The Council may, after assessing the suitability for registration of a person under subsection (1) and (2), direct that before registration, the person shall undergo such further period of training or pass such examination specified by the Council.</p> <p>(8) The Council shall not authorize the registration of a person unless it is satisfied—</p>
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	<p>(a) that the requirements of subsection (1) or (2) have been fulfilled; or</p> <p>(b) in the case of a person referred to in subsection (3), that the requirements of subsection (5) have been fulfilled and that the person has undergone any further period of training or passed any examination specified by the Council.</p> <p>(9) The Council may, where it considers it expedient, delegate the assessment of suitability for registration under subsection (2) to a committee of the Registration committee which shall, after making the assessment, make recommendations to the Council.</p> <p>(10) The Registration committee shall register every qualified person by such particulars as the Council may prescribe, in the appropriate register kept for that purpose pursuant to section 21 as shall be prescribed by the Council as provided in regulations.</p>
Approved training institutions.  <i>No. 42 of 2012</i> <i>No. 29 of 2013</i>	<p>21. (1) No person being in charge of a training institution in Kenya shall—</p> <p>(a) admit a person for training with a view to qualifying for registration under this Act;</p> <p>(b) conduct a course of training or administer the examination prescribed for the purpose of registration under this Act; or</p> <p>(c) issue any document or statement implying that the holder thereof has undergone training for purposes of registration, unless such institution is established or accredited under the Universities Act, 2012 or the Technical and Vocational Education and Training Act, 2013 and is approved and recognized by the Council for that purpose in accordance with this Act.</p>
	<p>(2) A person who contravenes any provisions of subsection (1) commits an offence and shall, on conviction, be liable to a fine of not more than five million shillings or to imprisonment for a term not less than three years, or to both.</p>
	<p>(3) The Council shall prescribe the procedure for approving training institutions other than those established and accredited under the Universities Act, 2012 and the Technical and Vocational Education and Training Act, 2013 for purposes of this section.</p>

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	(4) The Registrar shall publish a list of training institutions approved under this Act.
Application for Registration of Hospitality Professionals	<p><b>22.</b> (1) A person who wishes to be registered as a hospitality professional shall apply to the Registration Committee in the prescribed form and manner.</p> <p>(2) An application under subsection (1) shall be accompanied by—</p> <ul style="list-style-type: none"> <li>(a) evidence of the applicant's qualifications and practical training;</li> <li>(b) a certificate of good character;</li> <li>(c) the prescribed application fee;</li> <li>(d) (such other documents or information as may be required by the Council.</li> </ul>
Application for registration as a Hospitality services Consulting firm.	<p><b>23.</b> (1) A person who wishes to register a Hospitality consulting firm under section 24, may apply to the Registrar, in a prescribed form and on payment of a prescribed fee, to be registered under this Act.</p> <p>(2) An application made under subsection (1) shall —</p> <ul style="list-style-type: none"> <li>(a) be accompanied with such documents as are necessary to prove qualification for registration</li> <li>(b) provide the firm's profile of activities;</li> <li>(c) provide the curriculum vitae of partners and directors;</li> <li>(d) be accompanied with a written commitment that the Council shall be allowed to verify the suitability of the firm.</li> </ul>
Registration of Hospitality Consulting Firms	<p><b>24.</b> (1) Subject to the provisions of this Act, a person may register a Hospitality consulting firm if —</p> <ul style="list-style-type: none"> <li>(a) the firm has a certificate of registration of a business name or a certificate of incorporation;</li> <li>(b) has at least one partner or principal shareholder who is registered as a Hospitality professional under this Act;</li> <li>(c) at least fifty one percent of the shares in the firm are held by Kenyan citizens; and</li> <li>(d) it fulfills any other condition as may be stipulated</li> </ul>



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	<p>by the Council.</p> <p>(2) The Council may register Hospitality consulting firms in different categories and disciplines based on the criteria as shall be established by the Council.</p>
Consideration of Application for registration.	<p>25. (1) The Registrar shall, so far as is practicable, bring every application before the Council for consideration at its first meeting after receiving the application.</p> <p>(2) Where a person has complied with the provisions of this Act and has been accepted by the Council as being eligible for registration, that person shall be registered.</p> <p>(3) The decision of the Council on an application for registration shall be communicated in writing to the applicant by the Registrar within twenty-one working days from the date of the decision of the Council.</p> <p>(4) After the name of a person is entered in the register, the Council shall issue to the applicant, a certificate bearing a seal of the Council.</p> <p>(5) The Council may issue other identification documents that are valid for a specified period to a person registered under this Act</p> <p>(6) A certificate of registration and other identification documents issued under this section shall remain the property of the Council.</p> <p>(7) Where the Registrar is satisfied that a certificate of registration or any other document has been lost, mutilated or destroyed, he may upon payment of a fee set by the Council, from time to time, furnish a duplicate of the certificate of registration or any other document to the person to whom the original certificate of registration of documents were issued.</p>
Register	<p>26. (1) The Council shall cause to be kept a Register of Hospitality Professionals in which shall be entered the names and particulars of all persons registered under this Act.</p>

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	(2) The Register shall be kept in such form and manner as may be prescribed and shall be open to inspection by the public during normal office hours.
Alteration of the Register	<p><b>27.</b> (1) The Registrar shall, from time to time, make such alterations to the particulars entered in the Register as are necessary to ensure that the information contained therein is accurate and up to date.</p> <p>(2) Any registered hospitality professional shall notify the Registrar of any change in their particulars within thirty days of such change.</p>
Removal of persons from the Register	<p><b>28.</b> (1) The Council may direct the Registrar to remove from the Register the name of any person—</p> <ul style="list-style-type: none"> <li>(a) who has died;</li> <li>(b) who has failed to pay the prescribed annual fee within the stipulated time;</li> <li>(c) who has been found guilty of professional misconduct or is otherwise unfit to practice;</li> <li>(d) who has been registered by mistake or through fraudulent means;</li> <li>(e) who has requested that their name be removed from the Register.</li> </ul> <p>(2) The removal of a name from the Register shall be notified to the person concerned in writing.</p>
Reinstatement of names in the Register	<p><b>29.</b> (1) A person whose name has been removed from the Register may apply to the Council for reinstatement.</p> <p>(2) An application under subsection (1) shall be in the prescribed form and shall be accompanied by—</p> <ul style="list-style-type: none"> <li>(a) the prescribed fee;</li> <li>(b) evidence of the applicant's qualifications and character, if required;</li> <li>(c) any other information as may be required by the Council.</li> </ul> <p>(3) The Council may, after considering the application and being satisfied with the merits of the case, direct the Registrar to reinstate the applicant's name in the Register.</p>
Publication of registration	<b>30.</b> (1) The Registrar shall cause to be published in the Gazette, and in such other manner as the Council may determine, the names and



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	particulars of all persons registered under this Act, as well as any alterations, removals, or reinstatements in the Register.
	<b>PART IV- LICENSING OF HOSPITALITY PROFESSIONALS</b>
Authorization to practice.	<p>31. (1) A person shall not practice as a hospitality professional unless licensed by the Institute.</p> <ul style="list-style-type: none"> <li>(a) been registered under this Act;</li> <li>(b) complied with the prescribed requirements for continuing professional education; and</li> <li>(c) been issued with a valid practising certificate by the Council in accordance with regulations made under this Act.</li> </ul> <p>(2) An application for a license shall be made to the Council in the prescribed form and shall be accompanied by the prescribed fee.</p> <p>(3) The Council shall issue a license to a registered hospitality professional who meets the prescribed conditions.</p>
Period of validity of Practising certificate.	<p>32. (1) A practising certificate granted under this Act shall expire at the end of the practising year in which it was issued and may upon expiry be renewed.</p>
	(2) The practising year shall be from the 1 <sup>st</sup> January to 31st December.
	<p>(3) The Council may refuse to renew a license if the applicant:</p> <ul style="list-style-type: none"> <li>○ (a) is in breach of any provision of this Act or any regulations made thereunder;</li> <li>○ (b) has been found guilty of professional misconduct; or</li> <li>○ (c) fails to meet the prescribed continuing professional development requirements.</li> </ul>
	<b>PART V-FINANCIAL PROVISIONS</b>
Funds of the Council.	<p>33. (1) The Funds of the Council shall comprise—</p> <ul style="list-style-type: none"> <li>(a) such monies as may be payable to the</li> </ul>

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	<p>Council pursuant to this Bill or any other written law;</p> <p>(b) such monies, fees or assets as may accrue to or vest in the Council in the course of the exercise of its powers or the performance of its functions under this Bill or under any written law;</p> <p>(c) any funds provided by bilateral or multilateral donors for the purpose of the Institute;</p> <p>(d) licence fees charged in accordance with this Bill; and</p> <p>(e) gifts, grants, donations or endowments as may be given to the Institute; and</p> <p>(f) monies from any other source provided for the Institute</p> <p>(2) There shall be paid out of the funds of the Council any expenditure incurred by the Council in the exercise of its powers or the performance of its functions under this Bill.</p>
Establishment of a fund	<p><b>34.</b> (1) There shall be established a fund to be known as the "Institute Fund," into which shall be paid all monies received by the Institute.</p> <p>(2) The Institute Fund shall be kept in a bank or financial institution approved by the Council and shall be operated in accordance with the financial regulations of the Institute.</p>
Financial year	<p><b>35.</b> The financial year of the Institute shall be determined by the Council and shall be specified in the Institute's regulations.</p>
Annual Estimate	<p><b>36.</b> (1) The Council shall, before the commencement of each financial year, prepare and submit to the Cabinet Secretary for approval estimates of the revenue and expenditure of the Institute for that financial year.</p> <p>(2) The estimates shall include all proposed income and expenditure of the Institute and shall be accompanied by a detailed statement of the basis of calculation for each item.</p>
Accounts and audit	<p><b>37.</b> (1) The Council shall cause to be kept proper books of account and records of all financial transactions of the Institute, including receipts, payments, assets, liabilities, and income and expenditure statements.</p> <p>(2) The accounts of the Institute shall be audited annually by auditors appointed by the Council from among auditors qualified to audit the accounts of public institutions.</p>



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Investment of funds	<p><b>38.</b> (1) The Council may invest any surplus funds of the Institute in such manner as it deems fit, subject to the approval of the Cabinet Secretary.</p> <p>(2) The investment of funds shall be made in accordance with the investment policy approved by the Council, ensuring the security and prudent management of Institute funds.</p> <p>(3) The Council shall periodically review the performance of investments and may revise the investment strategy as necessary to optimize returns and minimize risks.</p>
	<b>PART VI- ENFORCEMENT</b>
False registration and licensing	<p><b>39.</b> (1) A person who practices as a hospitality professional without being registered and licensed under this Act commits an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding one year, or to both.</p> <p>(2) Where an offence under this section is committed by a body corporate, that entity shall be liable on conviction to a fine of not less than two million shillings.</p> <p>(3) The Registrar shall remove from the register the name of any person registered or licensed under this Act who is convicted of an offence under this section and cancel the license held.</p>
Professional misconduct	<p><b>40.</b> (1) Any hospitality professional who engages in conduct that constitutes professional misconduct, as determined by the Council, shall be subject to disciplinary action</p> <p>(2). Professional misconduct may include but is not limited to unethical behavior, negligence, incompetence, or breach of the Institute's code of ethics and conduct.</p>
Offences by persons or training institutions	<p><b>41.</b> (1) Any person or training institution that contravenes the provisions of this Act or any regulations made thereunder shall be guilty of an offense.</p> <p>(2) Offenses may include operating without proper registration or</p>

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	licensing, providing substandard training or education, or engaging in fraudulent practices
Disciplinary proceedings by the Council	<p>42. (1) The Council shall have the power to conduct disciplinary proceedings against hospitality professionals accused of professional misconduct or offenses under this Act.</p> <p>(2) Disciplinary proceedings shall be conducted in accordance with the procedures prescribed by the Council, ensuring fairness, transparency, and the right to a fair hearing for the accused.</p>
Appeals	<p>43. Any person aggrieved by a decision of the Council in disciplinary proceedings may appeal to the [appropriate judicial or administrative body] within 30 days from the date of the decision.</p>
Effect of removal, suspension or cancellation.	<p>44. (1) The removal, suspension, or cancellation of registration or licensing of a hospitality professional shall take effect from the date specified in the decision of the Council.</p> <p>(2) Upon removal, suspension, or cancellation, the individual shall cease to practice as a hospitality professional and shall return any certificates, licenses, or other credentials issued by the Institute.</p>
Prohibition on Provision of the Use Hospitality Name	<p>45. (1) No person or entity shall use the term "hospitality professional," "registered hospitality professional," or any similar designation unless duly registered or licensed by the Institute in accordance with this Act. Commits an offence and shall be liable on conviction to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding two years, or both.</p> <p>(2) A person who, not being eligible to be registered or issued with a practising certificate under this Bill, uses the title "Hospitality Professionals" commits an offence and shall be liable on conviction to a fine not exceeding thirty thousand shillings or imprisonment for a term not exceeding six months, or both.</p>
Prohibition of employment of unregistered persons	<p>46. (1) No employer shall employ or engage the services of any person as a hospitality professional unless the person is duly registered or licensed by the Institute.</p> <p>(2) Any employer who contravenes this provision shall be guilty of an offense and liable to a fine not exceeding 1 million shilling.</p>



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Obstruction of officers of the Institute	47. Any person who obstructs or hinders an officer or authorized representative of the Council in the performance of their duties under this Act shall be guilty of an offense and liable upon conviction to a fine not exceeding one hundred thousand shillings or imprisonment for a term not exceeding [specified term], or both.
General penalty	48. Any person convicted of an offense under this Act for which no specific penalty is provided shall be liable to a fine not exceeding five hundred thousand shillings] or imprisonment for a term not exceeding two years, or both.
	<b>PART VII- PROVISIONS ON DELEGATED POWERS</b>
Regulations	<p>49. (1). (1) The Council may, with the approval of the Cabinet Secretary, make regulations for the better carrying out of the provisions of this Act.</p> <p>(2) Without prejudice to the generality of subsection (1), such regulations may provide for:</p> <ul style="list-style-type: none"> <li>(a) the procedure for registration and licensing of hospitality professionals;</li> <li>(b) the qualifications, standards, and criteria for registration and licensing;</li> <li>(c) the code of ethics and conduct for hospitality professionals;</li> <li>(d) the fees, charges, and levies payable under this Act;</li> <li>(e) the disciplinary proceedings and penalties for professional misconduct;</li> <li>(f) the requirements for training institutions and accreditation of courses;</li> <li>(g) the procedures and criteria for appeals; (h) any other matter necessary for the implementation of this Act.</li> </ul> <p>(3) Regulations made under this section shall be published in the [official gazette or other appropriate publication] and shall come into force on such date as may be specified therein.</p> <p>(4) Any person who contravenes any provision of the regulations made under this section shall be guilty of an offense and liable upon conviction to a fine not exceeding [specified amount] or imprisonment for a term not exceeding [specified term], or both.</p>

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	<p>(5) The Council shall, before making any regulations under this section, publish a draft of the proposed regulations and invite public comments and submissions within a reasonable period.</p> <p>(6) The Council shall consider any comments or submissions received in response to the publication of draft regulations and may make such amendments or modifications to the proposed regulations as it deems necessary before finalizing them for approval by the Cabinet Secretary.</p> <p>(7) The regulations made under this section shall be subject to parliamentary scrutiny and may be annulled by resolution of Parliament if deemed necessary.</p> <p>(8) The Council shall ensure the timely review and updating of the regulations to reflect changes in the industry and advancements in best practices.</p>
	<b>PART VIII—MISCELLANEOUS</b>
Interim Council.	<p>50. (1) (1) There shall be an Interim Council appointed by the Cabinet Secretary upon the commencement of this Act.</p> <p>(2) The Interim Council shall perform the functions of the Council until such time as the Council is duly constituted in accordance with the provisions of this Act.</p> <p>(3) The members of the Interim Council shall be appointed from among qualified individuals with expertise in the hospitality industry, and their appointment shall be for a specified term determined by the Cabinet Secretary.</p>
Transition.	<p>51. (1) Notwithstanding any other provision of this Act, any person who, immediately before the commencement of this Act, was engaged in the practice of hospitality services shall, upon application, be deemed to be registered under this Act for a transitional period determined by the Council.</p> <p>(2) During the transitional period, such person shall be required to comply with any conditions or requirements prescribed by the Council for the continuation of their registration under this Act.</p> <p>(3) The Council may, by notice published in the Gazette, prescribe transitional provisions and procedures for the implementation of this Act, including but not limited to the transfer of records, assets, and liabilities from existing regulatory bodies to the Institute established under this Act.</p>



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	<b>SCHEDULE [Section 15.]</b>
	<b>ONE SCHEDULE – CODE OF ETHICS AND CONDUCT FOR HOSPITALITY PROFESSIONALS</b>
<b>Professional Integrity</b>	<p>(1) Hospitality professionals shall maintain the highest standards of integrity, honesty, and fairness in all their professional dealings.</p> <p>(2) They shall not engage in any form of dishonesty, fraud, or deceit.</p>
<b>Competence and Diligence</b>	<p>(1) Hospitality professionals shall perform their duties with competence, diligence, and dedication.</p> <p>(2) They shall continuously seek to improve their professional knowledge and skills to provide the highest quality of service.</p>
<b>Confidentiality</b>	<p>(1) Hospitality professionals shall respect the confidentiality of information acquired in the course of their professional duties.</p> <p>(2) They shall not disclose any such information to third parties without proper authorization, unless required by law</p>
<b>Conflict of Interest</b>	<p>(1) Hospitality professionals shall avoid any conflict of interest that might impair their ability to act impartially and in the best interest of their clients or employers.</p> <p>(2) They shall disclose any potential conflict of interest to their clients or employers and seek to resolve it in a transparent manner.</p>
<b>Professional Behavior</b>	<p>(1) Hospitality professionals shall conduct themselves in a manner that upholds the dignity and reputation of the hospitality profession.</p> <p>(2) They shall refrain from any behavior that could harm their professional reputation or that of the hospitality industry.</p>
<b>Fair Treatment</b>	<p>(1) Hospitality professionals shall treat all clients, colleagues, and stakeholders with respect, courtesy, and fairness.</p>

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	(2) They shall not discriminate on the basis of race, ethnicity, gender, age, religion, disability, or any other characteristic protected by law.
<b>Compliance with Laws and Regulations</b>	<p>Hospitality professionals shall comply with all applicable laws, regulations, and industry standards governing their professional activities.</p> <p>(2) They shall cooperate with regulatory and enforcement agencies in the event of investigations or audits.</p>
<b>Environmental Responsibility</b>	<p>(1) Hospitality professionals shall promote sustainable practices and environmental responsibility within their professional activities.</p> <p>(2) They shall seek to minimize the environmental impact of their operations and encourage the use of eco-friendly practices and products.</p>
<b>Accountability</b>	<p>(1) Hospitality professionals shall be accountable for their actions and decisions.</p> <p>(2) They shall accept responsibility for any errors or omissions and take appropriate steps to rectify them.</p>
<b>Reporting Unethical Behavior</b>	<p>(1) Hospitality professionals shall report any unethical behavior or misconduct by colleagues or other industry professionals to the appropriate authorities.</p> <p>(2) They shall not retaliate against individuals who report misconduct in good faith.</p>
<b>Continuous Improvement</b>	<p>(1) Hospitality professionals shall engage in continuous professional development and education to enhance their skills and knowledge.</p> <p>(2) They shall participate in training programs, workshops, and seminars relevant to the hospitality industry.</p>
<b>Professional Relationships</b>	<p>(1) Hospitality professionals shall build and maintain professional relationships based on trust, respect, and collaboration.</p> <p>(2) They shall foster a positive working environment and support the professional growth of their colleagues.</p>



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<b>Representation of Qualifications</b>	<p>(1) Hospitality professionals shall accurately represent their qualifications, experience, and competencies.</p> <p>(2) They shall not exaggerate or misrepresent their credentials or accomplishments.</p>
<b>Customer Focus</b>	<p>(1) Hospitality professionals shall prioritize the needs and satisfaction of their customers.</p> <p>(2) They shall strive to deliver exceptional service and exceed customer expectations.</p>
<b>Innovation and Adaptability</b>	<p>Hospitality professionals shall embrace innovation and adaptability in their professional practices.</p> <p>(2) They shall stay informed about industry trends and emerging technologies to enhance their services.</p>
	<b>SECOND SCHEDULE –</b>
	<b>PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE COUNCIL.</b>
Vice chairperson.	1. The Council shall, at its first meeting, elect a vice-chairperson who shall be of the opposite gender from that of the chairperson.
Meetings.	<p>2. (1) The Council shall meet at least four times in each year.</p> <p>(2) The chairperson may at any time convene a special meeting of the Council and shall do so within fifteen days of a written requisition for the meeting signed by at least three members.</p> <p>(3) The chairperson shall preside at all meetings of the Council, which he or she is present and in the case of his or her absence, the vice-chairperson shall preside.</p> <p>(4) At a meeting of the Council at which neither the chairperson or vice-chairperson is present, the members of the Council present shall elect one of their number to preside, and the person so elected shall have all the powers of the chairperson with respect to that meeting and the business transacted.</p>

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Quorum	3. The quorum for the conduct of the business of the Council shall be five members.
	(2) No proceedings of the Council shall be invalid by reason only of a vacancy among the members thereof.
<b>Special Meetings</b>	(1) The Chairperson may, upon written request by at least one-third of the members of the Council, convene a special meeting of the Council at any time.  (2) Notice of a special meeting shall specify the business to be transacted at the meeting and no business other than that specified shall be transacted.
<b>Notice of Meetings</b>	(1) Except in the case of a special meeting, the Secretary shall give at least fourteen days' notice in writing of a meeting to every member of the Council.  (2) The notice shall specify the place, date, and time of the meeting and shall include the agenda for the meeting.
Voting procedure.	4. The decisions of the Council shall be by a majority of votes and the chairperson of the meeting shall have an original and a casting vote.
Validity of proceedings.	5. The validity of any proceedings of the Council shall not be affected by any vacancy among the membership, or by any defect in the election of a member.
Minutes.	6. Minutes of the proceedings at meetings of the Council shall be kept in such a manner as the Council directs
Disclosure of interest.	7. (1) If a member of the Council is directly or indirectly interested in any contract, proposed contract or other matter before the Council and is present at a meeting of the Council at which the contract, proposed contract or other matter is the subject of consideration, he or she shall, at the meeting and as soon as reasonably practicable after the commencement thereof, disclose the fact and shall not take part in the consideration or discussion of, or vote on, any questions



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	<p>with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the matter.</p> <p>(2) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.</p> <p>(3) A member who does not disclose his or her interest in a contract or other matter or who benefits from non-disclosure under subparagraph (1) commits an offence and shall be liable on conviction to a fine not exceeding five hundred thousand shillings or imprisonment for a term not exceeding one year or both.</p>
<b>Confidentiality</b>	<p>(1) A member of the Council shall not, without the consent in writing given by or on behalf of the Council, publish or disclose to any person otherwise than in the course of his or her duties the contents of any document, communication, or information whatsoever which has come to his or her knowledge in the course of his or her duties under this Act.</p> <p>(2) A person who contravenes subparagraph (1) commits an offence and is liable on conviction to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding six months, or to both.</p>
	<b>MEMORANDUM OF OBJECTS AND REASONS</b>
	<p>The principal object of this Bill is to establish the Institute of Hospitality Professionals to regulate and promote the hospitality profession in Kenya. The Bill seeks to provide for the registration and licensing of hospitality professionals, set standards for their education and training, and ensure the maintenance of high professional and ethical standards.</p>
	<p><b>Part I</b> provides for preliminary matters, including the short title, commencement, and interpretation of terms used in the Bill. It lays the groundwork for understanding the scope and application of the legislation within the hospitality profession.</p>
	<p><b>Part II</b> establishes the Institute of Hospitality Professionals and sets out its functions, such as promoting the profession, establishing standards, registering and licensing professionals, and enforcing a</p>

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	code of ethics. It aims to enhance service quality and consumer protection.
	<b>Part II</b> of the Bill provides for the registration of the hospitality professionals. It provides for the qualifications for registration of the hospitality professionals, the application process and the manner of keeping and alteration of the register of the hospitality professionals.
	<b>Part IV</b> establishes the Council of the Institute and outlines its functions, including policy formulation, oversight of the Institute's operations, budget approval, and management of finances. It details the composition of the Council and the roles of its members.
	<b>Part V</b> provides for financial provisions, including the sources of the Institute's funds, the financial year, and the requirement for proper accounting and auditing of the Institute's finances. It ensures the financial sustainability and accountability of the Institute.
	<b>Part VI</b> includes miscellaneous provisions, such as offenses and penalties, the power to make regulations, transitional provisions, and the repeal and savings of inconsistent laws. It addresses the various administrative and legal aspects necessary for implementing the Bill.

**Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms**

This Bill delegates legislative powers to the Cabinet Secretary responsible for matters relating to tourism and hospitality. It does not limit any fundamental rights or freedoms.

**A Statement that the Bill is a money Bill within the meaning of Article 114 of the Constitution**

The Bill is not a money Bill within the meaning of Article 114 of the Constitution.

Dated the ..... 2024.

*Chairperson*

*SENATE ASSEMBLY DEPARTMENTAL COMMITTEE ON TOURISM*



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