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THE HANSARD**Tuesday, 30th June 2026***(The House met at 2.30 p.m.)**[The Speaker (Hon. Moses Wetang'ula) in the Chair]***PRAYERS****QUORUM****Hon. Speaker:** Serjeant-at-Arms, ring the Quorum Bell.*(The Quorum Bell was rung)*

Hon. Members, we now have a quorum to transact business.

PAPERS**Hon. Speaker:** Let us have the Deputy Whip of the Majority Party.**Hon. Naomi Waqo** (Marsabit County, UDA): Hon. Speaker, I beg to lay the following Papers on the Table:

Reports of the Auditor-General and Financial Statements for the years ended 30th June 2021, 30th June 2022, 30th June 2023, 30th June 2024 and 30th June 2025 and the certificates therein in respect of the following Schools—

1. Kangui Boys High School
2. Karima Boys High School
3. Katoteni Secondary School
4. Kawethei S.A. Girls' Secondary School
5. Langa Langa Secondary School
6. Magumu High School
7. Ndaragwa Girls Secondary School
8. Oltarakwai Secondary School
9. St Paul High School – Kevote
10. Thomas Fish Secondary School – Kajiado

Thank you, Hon. Speaker.

Hon. Speaker: Chairperson of the Decentralised Funds Accounts Committee. Is that, Hon. Mulyungi?**Hon. Gideon Mulyungi** (Mwingi Central, WDM): Hon. Speaker, I beg to lay the following Paper on the Table:

The 15th Report of the Decentralised Funds Accounts Committee on the Examination of Audited Financial Statements of the National Government Constituencies Development Fund (NG-CDF) for constituencies in Meru, Tharaka Nithi and Embu counties for the Financial Years 2013/2014, 2014/2015, 2015/2016/ 2016/2017, 2017/2018, 2018/2019, 2019/2020, 2020/2021 and 2022/2023.

Hon. Speaker: I have not heard you mention Financial Years 2021/2022. You moved from 2020/2021 to 2022/2023.

Hon. Gideon Mulyungi (Mwingi Central, WDM): It is from Financial Year 2013/2014 to 2022/2023.

Hon. Speaker: Okay.

Hon. Gideon Mulyungi (Mwingi Central, WDM): Thank you.

Hon. Speaker: Next Order.

NOTICES OF MOTIONS

ADOPTION OF REPORT ON AUDITED ACCOUNTS OF NG-CDF OF CONSTITUENCIES IN MERU, THARAKA NITHI AND EMBU COUNTIES

Hon. Speaker: Chairperson of the Decentralised Funds Accounts Committee, Hon. Mulyungi

Hon. Gideon Mulyungi (Mwingi Central, WDM): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the 15th Report of the Decentralised Funds Accounts Committee on its consideration of the Audited Accounts for the National Government Constituencies Development Fund (NG-CDF) for constituencies in Meru, Tharaka Nithi and Embu counties for the Financial Years 2013/2014, 2014/2015, 2015/2016, 2016/2017, 2017/2018, 2018/2019, 2019/2020, 2020/2021, 2021/2022 and 2022/2023 laid on the table of the House on Tuesday, 30th June 2026.

CONSIDERATION FOR ADOPTION OF 4TH REPORT OF DECENTRALISED FUNDS ACCOUNTS COMMITTEE

Hon. Gideon Mulyungi (Mwingi Central, WDM): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the 4th Report of the Decentralised Funds Accounts Committee on its consideration of the Audited Accounts for the National Government Constituencies Development Fund (NG-CDF) account for the Financial Years 2016/2017, 2017/2018, 2018/2019, 2019/2020, 2020/2021, and 2021/2022, laid on the Table of the House on Thursday, 21st March 2024.

Thank you.

QUESTIONS AND STATEMENTS

Hon. Speaker: Hon. Members, before we call the first request for a Statement, allow me to acknowledge, in the Public Gallery, Mirera Junior Secondary School from Laikipia East Constituency, Laikipia County; D.O.M. (Diocese of Meru) St. Philip Giaki Junior Secondary School from North Imenti Constituency, Meru County, and Milimani Kitengela Junior Secondary School from Kajiado East Constituency, Kajiado County. On behalf of the House and myself, we welcome the students, their teachers, and those accompanying them to Parliament.

Thank you.

REQUESTS FOR STATEMENTS

Hon. Speaker: Hon. Chege Njuguna, Member for Kandara. That request is stayed.
Hon. Emathe Namuar, Member for Turkana Central.

OPERATIONALISATION OF NAPETET ICT
HUB IN TURKANA CENTRAL CONSTITUENCY

Hon. Joseph Emathe (Turkana Central, UDA): Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Communication, Information and Innovation regarding the operationalisation of the Napetet Information Communication and Technology (ICT) Hub in Turkana Central Constituency.

In 2018, the World Bank and the Government of Kenya launched the North and North Eastern Development Initiative (NEDI), under which the Napetet ICT Hub in Lodwar Township, Turkana Central Constituency, was funded. The facility was established to advance the constitutional aspirations of promoting access to information, innovation, education, youth empowerment, and equitable development, as envisaged under Articles 35 and 55 of the Constitution.

Further, the ICT Hub aligns with the Government's Bottom-Up Economic Transformation Agenda (BETA), particularly the Digital Superhighway Programme, which seeks to expand digital connectivity, create employment opportunities, enhance digital literacy, support innovation, and facilitate access to Government services. However, despite the completion of the project, the ICT Hub has not yet been operationalised and remains inaccessible to the public. Consequently, residents—particularly youth, students, entrepreneurs, and innovators—continue to be denied opportunities for digital entrepreneurship, remote learning, online employment, innovation, and access to e-government services.

It is against this background that I request for a Statement from the Chairperson of the Departmental Committee on Communication, Information and Innovation on the following:

1. The status of the Napetet ICT Hub, including the date of completion, project cost, and the reasons for the delay in its operationalisation.
2. Plans by the Government to operationalise the facility and make it accessible to the public, including specific timelines.
3. Measures being taken to ensure that the Hub delivers digital skills training, innovation support, remote work opportunities, and access to Government digital services for the youth, the residents of Turkana Central, and the wider Turkana County.
4. Plans by the Government to partner with the county government, educational institutions and private sector actors to maximise the utilisation and impact of the facility.

I thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Namuar. Chair of the Departmental Committee on Communication, Information and Innovation, Hon. KJ, when will you bring a response?

Hon. John Kiarie (Dagoretti South, UDA): Hon. Speaker, the Hon. Member has raised a very important issue. Cognisance of the fact that we are going for recess, the earliest we will bring a response is the first week after recess, so that he can communicate back to his constituents.

Hon. Speaker: You will bring the response on 29th July 2026.

Hon. John Kiarie (Dagoretti South, UDA): Hon. Speaker, I am well guided.

Hon. Speaker: Next is Hon. Suzanne Kiamba, Member for Makueni.

IMPLEMENTATION OF AFFORDABLE
HOUSING PROGRAMME

Hon. Suzanne Kiamba (Makueni, WDM): Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Housing, Urban Planning and Public Works regarding the implementation of the Affordable Housing Programme.

Since the enactment of the Affordable Housing Act, 2024, Kenyans dutifully contribute to the Housing Levy, the funding mechanism for the Affordable Housing Programme. This initiative is intended to provide decent, accessible, and affordable housing to all Kenyans, in line with Article 43 of the Constitution. However, concerns have been raised by a section of Kenyans regarding the transparency and accountability of the administration of the funds collected through the housing levy.

There is a growing apprehension about potential mismanagement of these funds, lack of clarity on the specific projects that have been executed under the programme and the accessibility of the houses under the programme to the intended beneficiaries. It is, therefore, necessary that the Government provides comprehensive information on the status and progress of the implementation of affordable housing projects.

It is against this background that I seek a Statement from the Chairperson of the Departmental Committee on Housing, Urban Planning and Public Works on the following:

1. A detailed report on the total amount of money collected under the Housing Levy since its inception, the amount drawn from the funds, and the measures for ensuring that the funds are strictly utilised for the intended purpose.
2. A report on projects funded by the Housing Levy so far, the amount channelled to each project, the specific constituencies where these are located, and the status of implementation.
3. A report on the number and details of Kenyans, especially from vulnerable households, who have acquired housing units under the Affordable Housing Programme.
4. The mechanisms put in place to ensure accountability, transparency and value for money in the project, including the oversight framework for the project and details of the agencies that oversee the Programme.

I thank you, Hon. Speaker.

Hon. Speaker: Chair of the Departmental Committee on Housing, Urban Planning and Public Works, when will you bring the response?

Hon. Joseph Tonui (Kuresoi South, UDA): Thank you, Hon. Speaker. I will bring it in two weeks after the short recess.

Hon. Speaker: The short recess is three weeks. Why do you want to bring the response two weeks after the recess? Bring it during the first week after recess.

Hon. Joseph Tonui (Kuresoi South, UDA): I will do so. Hon. Speaker, you directed the Cabinet Secretary to be here on Thursday.

Hon. Speaker: Bring the response during the first week after recess.

Hon. Joseph Tonui (Kuresoi South, UDA): Thank you.

Hon. Speaker: Hon. Moses Kirima. Yes, Hon. Omboko Milemba.

Hon. Omboko Milemba (Emuhaya, ANC): The Chair has raised some fundamental questions that the Cabinet Secretary will address in the House. Do you find it in your favour to direct that he deals with the matter when the Cabinet Secretary comes?

Thank you.

Hon. Speaker: Hon. Members, I had directed that we would have two issues at the Kamukunji on Thursday. The NG-CDF team would like to brief Members on developments within the management of NG-CDF and housing. Unfortunately, the two will not be on. We shall have the Kamukunji on the first Thursday, upon resumption from recess. Hon. Chairman, prepare to respond to Hon. Kiamba.

Hon. Moses Kirima, Member for Central Imenti.

BOUNDARY AND LAND DISPUTES IN
CENTRAL IMENTI CONSTITUENCY

Hon. Moses Kirima (Central Imenti, UDA): Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request a Statement from the Chairperson of the Departmental Committee on Lands regarding the long-standing boundary and land adjudication disputes affecting Kiamuri A and Kiamuri B in Kiagu Ward, Central Imenti Constituency.

Kiamuri A and Kiamuri B are neighbouring land adjudication sections and localities within Kiagu Ward, Central Imenti Constituency, Meru County. The two areas are productive agricultural and residential zones and host important public institutions, including CCM Kiamuri Primary School and Kiamuri Secondary School. For many years, residents of these areas have been affected by persistent land and boundary disputes that have undermined security, disrupted land ownership rights, and threatened peaceful coexistence among neighbouring communities. Kiamuri A, a formally recognised adjudication section, has historically been the subject of numerous land disputes, boundary alterations, and protracted court cases.

Kiamuri B has experienced significant delays in the issuance of title deeds and has increasingly become the centre of boundary disputes involving neighbouring Tharaka-Nithi and Meru counties. It is also worth noting that the areas of Kithioroka, Mugui, and Karocho, among others, have been declared as gathering and adjudication areas for Tharaka South Sub-County, yet they fall squarely within Central Imenti Constituency.

The dispute has persisted for many years despite several interventions by the Government. Notably, a task force chaired by Mr Zachary Ogongo was established to investigate and recommend solutions to the longstanding boundary dispute between Meru and Tharaka Nithi Counties. The task force completed its work and submitted its report between 2007 and 2009. Following a Petition presented on behalf of the affected residents who have suffered displacement, livelihood disruption, and school closures due to the dispute, the National Assembly adopted the task force report on 11th June 2022. It directed the Ministry of Lands and Physical Planning and the Ministry of Interior and National Administration to fully implement its recommendations within 90 days. Further, residents contend that the recommendations of the Interim Independent Boundaries Review Commission (IIBRC), which undertook a comprehensive review of electoral and administrative boundaries and submitted its report in 2010, have similarly not been fully implemented in relation to the affected areas.

It is against this background that I seek a Statement from the Chairperson of the Departmental Committee on Lands on the following:

1. Confirmation of the legally recognised boundary between Central Imenti Constituency in Meru County and the neighbouring south areas of Tharaka Nithi County, particularly in relation to Kiamuri A and Kiamuri B adjudication section.
2. Measures that the Government has taken to implement and enforce the 2002 agreement regarding gathering and adjudication areas, and why the dispute continues to persist, despite recommendations.

3. Actions that the Government has taken to investigate and address reports of encroachment, unlawful occupation of land, killings, destruction of property, and displacement of residents in Kiamuri A and Kiamuri B.
4. Plans in place for a comprehensive boundary verification, survey, and land adjudication audit by the Ministry, involving all relevant agencies and stakeholders, to conclusively resolve the dispute and safeguard the rights of lawful landowners in the affected areas.

Thank you.

Hon. Speaker: Hon. Murugara, do you want to joyride?

Hon. George Murugara (Tharaka, UDA): Thank you, Hon. Speaker. I want to joyride on that request for Statement by Hon. Kirima. Unfortunately, the documents and papers he is trying to quote have been overtaken by events. The fact remains that all agencies have ascertained that the areas he claims are in his Central Imenti Constituency are in Tharaka Constituency. I am not trying to pre-empt what Statement will be made, but it should be clear to him that some of the facts he is presenting are not true.

Thank you, Hon. Speaker.

Hon. Speaker: Yes, Hon. (Dr) Mutunga.

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Thank you, Hon. Speaker. We have a problem with the boundary between Meru and Tharaka Nithi counties. It not only affects Central Imenti but also stretches from South Imenti to Central Imenti, to North Imenti, to Tigania West, and to Tigania East.

We are not privy to any information that this boundary dispute has been resolved. However, there is a court determination that clearly contradicts what Hon. Murugara has said. We want the Committee to go into the depth and breadth of the issue and bring the facts to this House, so that we are clear on what is supposed to happen. There is a sub-location in my constituency that has two names and two administrative heads, one from Tharaka and the other from Tigania. So, we need to get to the depth of this issue.

Hon. Speaker: Yes, Hon. Rindikiri Mugambi.

Hon. Mugambi Rindikiri (Buuri, UDA): Hon. Speaker, Hon. Murugara is a known expansionist.

(Laughter)

I am not surprised by his statement. This dispute has been in existence for some time now. Buuri Constituency was carved from Central Imenti. I have a lot of interest in that area, which the other county has taken over. So, whatever Hon. Murugara is saying—that events have overtaken the documents—is not true. We have been engaging diplomatically, but it seems that when this matter has come to this point, it is another story. I am asking our incoming Governor of Tharaka Nithi, please, let us be truthful. Let us issue the correct statement and resolve this matter once and for all. Otherwise, it might become a political problem, even with your initiative to become the governor.

I thank you, Hon. Speaker.

Hon. Speaker: Yes, Hon. Murugara. What is it?

Hon. George Murugara (Tharaka, UDA): Hon. Speaker, I take exception to the fact that Hon. Rindikiri is calling me an expansionist. I do not know how and under what circumstances I would actually have the power to encroach on Meru County's land. Where would I even get the wherewithal to do this?

The fact remains that the Ministry of Interior and National Administration has settled the boundary between Meru and Tharaka Nithi counties. They have gone to court, and the court has ruled that it is not just about the Ministry. We have what used to be called the Districts and Provinces Act, 1992—the one that created the counties. It is the one that is being followed. All

the areas Hon. Kirima is talking about, according to that particular Act of Parliament, are in Tharaka Constituency in Tharaka Nithi County. Hon. Kirima will have a tall task, even when we go before whoever we need to, because an Act of Parliament determines the boundaries between counties. Those areas he is talking about are in Tharaka. This will give him big trouble, especially with me.

Thank you very much, Hon. Speaker.

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

Hon. Speaker: Order, Hon. Kirima. You are the one seeking a Statement. Who do you want to inform?

Hon. Moses Kirima (Central Imenti, UDA): Hon. Speaker, I would like to inform Hon. Murugara that the Districts and Provinces Act, 1992, which created the districts, is the one to be pursued and followed. That is the Act I insist on being followed. It was used to determine the dispute between Marsabit and Wajir counties, and that is what I am pursuing, so that it is followed in this dispute as well. As Hon. Rindikiri has said, during the electioneering period, Hon. Murugara uses this boundary dispute to gain votes. It is a problem that has caused disputes and killings at the boundaries. If we allow our people to continue...

Hon. Speaker: Order, Hon. Kirima. There is no Motion before this House to discuss Hon. Murugara. Take your seat. If you want to discuss Hon. Murugara and his expansionism, bring a Motion. Is the Chair of the Departmental Committee on Lands or any Member of the Committee in the House? Hon. Naomi, inform the Chair to bring a response within the first week after recess.

Hon. Naomi Waqo (Marsabit County, UDA): Thank you, Hon. Speaker. I will do so.

Hon. Speaker: Hon. Agnes Pareiyo, Member for Narok North. She is not in. Statement stayed.

*(Request for Statement by
Hon. Agnes Mantaine deferred)*

Hon. Chege Njuguna.

DEMISE OF MR KAMAU MAINA IN KANDARA

Hon. Njuguna Chege (Kandara, UDA): Thank you, Hon. Speaker. I request for a Statement regarding the death of Mr...

Hon. Speaker: Hon. Chege Njuguna, I am calling you for the second time. The decent thing to do is to apologise to the House for coming late.

Hon. Njuguna Chege (Kandara, UDA): Thank you, Hon. Speaker. My apologies to the House. I got a little bit late, Hon. Speaker. I was just stuck in traffic, but I will make sure to be on time next time.

Pursuant to the provisions of Standing Order 44(2)(c), I rise to request a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security regarding the death of Mr Kamau Maina in Kandara Constituency.

On 4th June 2026, Mr Kamau Maina, a resident of Kandara, lost his life after sustaining injuries caused by a tree that was felled by employees of M/S Henan Highway Engineering Company Ltd. The matter was reported at Githumu Police Station under OB No. 20/04/06/2026 in the evening. However, despite the lapse of time since the incident, no meaningful action has been taken to investigate the circumstances surrounding the incident and/or the conduct of the company and its employees.

It is against this background that I request a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security on the following:

1. The status of investigations into the incident that occurred on 4th June 2026, which resulted in the death of Mr Kamau Maina.
2. The reasons for the apparent delay in investigations into the incident.
3. The steps being taken to ensure that contractors undertaking public infrastructure projects comply with occupational and public safety requirements to prevent similar incidents from occurring in the future.

I thank you, Hon. Speaker. I yield back.

Hon. Speaker: Hon. Tongoyo, that is to your Committee.

Hon. Gabriel Tongoyo (Narok West, UDA): Hon. Speaker, I will respond to it.

Hon. Speaker: I do not know whether that is a security issue or a construction issue.

Hon. Gabriel Tongoyo (Narok West, UDA): I think it is more of a security issue.

Hon. Speaker: Okay, go ahead.

Hon. Gabriel Tongoyo (Narok West, UDA): Hon. Speaker, considering that we will be going on recess on 3rd July 2026, may you allow me to respond in the first week of resumption?

Hon. Speaker: The first week of resumption is fine.

Hon. Gabriel Tongoyo (Narok West, UDA): But if I get a response at any other time in between, I will communicate with the Member.

Hon. Speaker: Okay.

Hon. Gabriel Tongoyo (Narok West, UDA): Hon. Speaker, allow me also to give a report. I informed the House that we would have the Cabinet Secretary this morning to address a number of Members' Statements. Unfortunately, the Cabinet Secretary had a Cabinet meeting, so he could not attend; the Principal Secretary attended in his place. However, given that the majority of the issues were beyond the Principal Secretary's scope of authority, we had to step him down. We are trying to ensure that the Cabinet Secretary appears as soon as possible. I consider it necessary to report.

Hon. Speaker: Thank you. Hon. Talib. Give him the microphone. There you are.

Hon. Abubakar Talib (Nominated, WDM): Thank you, Hon. Speaker. I had also requested a statement from the Chairperson of the Departmental Committee on Administration and Internal Security, as he had promised to give a response within two weeks regarding the enforcement of the curfew in Lamu despite a court order. Thank you.

Hon. Speaker: Hon. Tongoyo, are you ready with his response to the statement on curfew in Lamu?

Hon. Gabriel Tongoyo (Narok West, UDA): No, Hon. Speaker. His question was among the list that the Cabinet Secretary was to respond to.

Hon. Speaker: So, you will do that upon resumption from recess?

Hon. Gabriel Tongoyo (Narok West, UDA): Yes.

Hon. Speaker: Okay.

STATEMENTS

Hon. Speaker: Responses to Statement requested by Hon. Ochanda. Is Hon. Ochanda in the House? Yes? Departmental Committee on Tourism and Wildlife. Where is the Hon. Chairperson of the Departmental Committee on Tourism and Wildlife? Hon. Kareke, go ahead. Give Hon. Chairperson the microphone.

CROCODILE MENACE ALONG LOWER YALA RIVER

Hon. Kareke Mbiuki (Maara, UDA): Thank you very much, Hon. Speaker. I have two statements to respond to. I want to start with that of Hon. Gideon Ochanda.

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Hon. Speaker: Order Hon. Kareke. I have only called out Hon. Ochanda. Finish, then wait for us to call the next. When you finish, I am sure there will be interventions. Go ahead.

Hon. Kareke Mbiuki (Maara, UDA): Thank you very much, Hon. Speaker. I stand to give a statement sought from the Departmental Committee on Tourism and Wildlife regarding the escalating crocodile menace along the Lower Yala River in Bondo Constituency, Siaya County, by Hon. Gideon Ochanda. At the outset, I would like to state that we held a meeting of the Departmental Committee, during which we invited Hon. Ochanda. We had a very fruitful engagement. He asked some supplementary questions, to which we later sought responses from the Ministry, which were relayed to him.

The first question he asked concerned the measures undertaken by the relevant government agencies over the past three years to mitigate the crocodile menace along the Lower Yala River, including the assessment or mapping of human–wildlife conflict hotspots and the outcomes of these efforts. Crocodile–human conflict in Siaya County is largely driven by dependence on natural water resources, especially the River Yala and the Yala Swamp. Many residents in the area rely on both for their water needs, leading to negative interactions as the water bodies host Nile crocodiles, hippos, and other species.

The Service confirms the presence of crocodiles at several sites along the River Yala in Siaya County, with Yimbo East and North Yimbo in Usigu Sub-County confirmed as crocodile hotspots. Other hotspots within the county include Komolo, Mago, and Ngunya villages. The following measures have been implemented to minimise negative interactions between crocodiles and community members:

1. Sensitisation of residents through community barazas and talks, where the public is informed about crocodile behaviour and the dos and don'ts regarding crocodiles to promote coexistence. Several awareness and sensitisation meetings have recently been held, as follows: two sensitisation meetings by the Service in collaboration with the Deputy County Commissioner (DCC) at Barkanyango Chief's Camp, as well as meetings held at Sirongo Beach in Got Agulu. Two additional sensitisation meetings were held on 13th March this year in the Othuro area, where communities were sensitised on crocodile behaviour and measures to enhance coexistence.
2. The Service Warden for Siaya County attended the Siaya County Security and Intelligence Committee (CCIC) meetings at the County Commissioner's boardroom, where collaborative ways of preventing further crocodile attacks on the public were discussed. Further consultative meetings involving sub-county and ward administrators, as well as opinion leaders, were held on various dates at the Sub-County Administrator's office at the local level to discuss the implementation of various measures to protect the public from crocodile attacks.
3. The Service deployed a fully equipped Problem Animal Management Unit (PAMU) Team from the Siaya station to the area. The team set up seven traps in Usigu and Rarieda, resulting in the capture and translocation of two crocodiles, while one raiding crocodile was intercepted on 15th April. Fourth, the Service has shared its county contact numbers with the public for swift communication of conflict cases, as well as the Service's 24-hour toll-free line at the headquarters. The Service facilitates Government-approved compensation for people negatively affected by wildlife, and all affected families within the River Yala have been assisted in lodging claims for State compensation.

The other issue sought by the Hon. Member was the reasons for the delay or failure of the concerned department to implement effective and sustainable interventions to safeguard the residents of the said locations, despite repeated reports and appeals. The Kenya Wildlife Service observed the following that necessitate crocodiles to threaten human life along the Yala River ecosystem:

1. Human encroachment into riparian buffer zones disrupts the natural life-support systems for aquatic species like crocodiles, leading to increased interactions with the community.
2. Lack of alternative water infrastructure makes the Yala River the only water source in the area, with residents drawing water from dangerous riverbanks.
3. Rising water levels from upstream heavy rains result in swollen rivers and downstream flooding. Lastly, people's behavioural patterns that predispose them to crocodile attacks, such as continued use of known dangerous spots, ignoring seasonal warnings, especially during the rainy season when risks are high, children playing near water unattended, economic dependence overriding safety due to activities like fishing, sand harvesting, watering livestock, and people crossing rivers and swamps at night.

The other issue raised by the Hon. Member was the status of compensation for victims of reported crocodile attacks, including the reasons for the failure to address claims for loss of life and livestock, and clear timelines for when affected families will receive full compensation. KWS facilitates Government-approved compensation...

Hon. Speaker: Paraphrase, Hon. Kareke. It is too long.

Hon. Kareke Mbiuki (Maara, UDA): Hon. Speaker, I am just summarising. KWS facilitates Government-approved compensation for community members who suffer losses due to wildlife. The same is attached to the report. The other issue concerns a summary of crocodile attacks along the river over the past three years. We have provided a comprehensive report on the same.

Finally, the Member sought the immediate and long-term measures the Government is undertaking to protect the community and the climate, or to significantly reduce the threat posed by crocodiles, including the deployment of response teams, installation of warning systems, construction of protective barriers, and community sensitisation initiatives. We have listed the short-term measures to mitigate the conflict. There are also medium- and long-term measures, including continuous and structured conservation education and awareness-raising for communities, including schools, markets, centres, and higher learning institutions. There is also improved road access to hotspots, and ensuring that riparian areas are well protected.

Following our meeting with the Member, we shared with him the additional information that we sought about statistics on the number of conflicts and compensation in Siaya. This is attached here. We also sought the status of the human-wildlife conflict incidents for Siaya County. We have also tabled the status of the compensation in Siaya, along with other information we have shared with the Hon. Member.

Thank you. I beg to respond.

Hon. Speaker: Hon. Ochanda.

Hon. Gideon Ochanda (Bondo, ODM): Thank you, Hon. Speaker. I can confirm that I attended the Committee meetings where these responses were being done. I am fairly satisfied in certain respects, particularly regarding compensation issues and the arrangements and details provided for compensation. However, there is a problem with the intervention. What is given at the Nairobi level is sometimes very different from what is at the village level.

The KWS is talking about deploying trappers to curb the menace we are referring to in these villages. I have tried to track those traps to the village. They only gave two hooks. Fish hooks were given to two village boys. There is no way a crocodile will get trapped by a hook

that is not baited. These are the kinds of responses they sometimes give our chairpersons. There needs to be some way we handle things that are far off, particularly those in the villages.

The other thing mentioned in the statements was the sanctuaries. Many areas have KWS officers, but they lack physical sanctuaries for wildlife. One example is Siaya. They do not have a KWS unit or the geography to place some of these animals. For example, in the case of such crocodiles, if they do not want to kill them, they can be trapped, and KWS picks them and places them in such private sanctuaries. The KWS should do this rather than blame the community for using river water. That is very unfair. Communities use river water all over this country. When you blame them or tell them not to go to the river, I do not think you are offering any accurate solution to the problem. The best is to get these reptiles, be they hippos or whatever others are there, and put them in a known sanctuary. If KWS does not have such sanctuaries, we can coordinate holding them in private sanctuaries.

Thank you.

Hon. Speaker: Hon. Oundo.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Thank you, Hon. Speaker. I happen to be a neighbour to Dr Ochanda. His biggest problem is crocodiles. We had crocodiles in the River Suo, but we know how to deal with them. Our biggest menace, however, is hippopotamuses. We have raised this matter with the KWS Kakamega branch, yet nothing has happened.

We are documenting people who have lost their lives, who have been maimed, and the canoes that have been destroyed as a result of hippopotamus attacks. It becomes a serious menace for a certain period, around this time of the year, when attacks are most frequent. We hope you can share the contact details of the team based in Yala or Siaya so we can engage them. They are much closer to my place than the team based in Kakamega. We hope they can be of assistance so that we can prevent loss of life, destruction of farms, and other such things.

Thank you.

Hon. Speaker: Hon. Namuar, Turkana Central. Give the microphone to Hon. Namuar.

(Hon. Joseph Emathe moved towards a working microphone)

You have passed one. Clerk-at-the-Table, why do you put the microphone so far away from the Member? Go ahead.

Hon. Joseph Emathe (Turkana Central, UDA): Thank you, Hon. Speaker. I thank Hon. Gideon and the Committee for this response. As we speak, I have body parts: a hand and a leg in the morgue as a result of these crocodile attacks. The family is traumatised. The rising waters of Lake Turkana have forced crocodiles into settlements. There is a high risk of crocodile attacks. These attacks happen twice a month, and sometimes even in a week. You can always find these reports.

There is a lot of laxity in KWS in carrying out public awareness and sensitisation, as well as in ensuring surveillance and vigilance against the crocodile attack menace. The most painful thing in this conversation is the delayed compensation. Chairman, even as you make your response, the most traumatising and very unfortunate occurrence in the Ministry is the delayed compensation. In most cases, those who are identified as next of kin or the families to be compensated sometimes die before receiving this compensation. If there is a way to receive this compensation, the better. If there is a way in which those affected families are helped...

Hon. Speaker: Point made. Hon. Kareke, how do you fast-track compensation so that people do not live and die before they receive their money?

Hon. Kareke Mbiuki (Maara, UDA): Thank you, Hon. Speaker. The elephant in the room is compensation. The Ministry moves quickly when an issue arises to ensure investigations are conducted. The affected families are encouraged to file their claims. As of

now, the approved outstanding claims stand at more than Ksh5 billion. The budget allocation for the coming financial year is less than Ksh1.5 billion. Sometimes I really sympathise, because there are too many statements and petitions on human rights conflicts, and they are very emotive. But when we petition this House for further funding, it becomes a major problem.

When I appear before the Budget and Appropriations Committee to ask them to enhance the compensation funds, it becomes elusive; it is no longer a priority. When we have all these cases, that is when Hon. Members really talk about the delayed compensation. I, therefore, urge this House because it is the House that adopts the Budget that when the Committee makes a recommendation on the amount of money needed to fast-track compensation, this House should ensure that the compensation scheme is well funded.

There are a number of other issues raised by the Hon. Ochanda and Dr Oundo regarding what the KWS needs to do. The KWS has taken initiatives in the River Yala, which is highly infested with crocodiles, and in other rivers with hippopotamuses. They have set traps to catch crocodiles as they leave the water, before they attack residents. That is the only way you can reduce this conflict. We cannot say that people should not fetch water from rivers. At the end of the day, KWS is responsible for ensuring that the traps are in place.

There is also the issue of climate change, which is leading to a rise in water levels. This is affecting the people who normally go to these rivers. In summary, I urge this House to honour requests for additional funding. This will ensure that all these outstanding arrears are settled once and for all.

I thank you.

Hon. Speaker: Is Hon. Pauline Lenguris in the House? Hon. Kareke, we will stay this response until tomorrow. Hon. Pauline is not a persistent absentee. Maybe she is held up somewhere. We can consider it tomorrow. You have the response, right?

Hon. Kareke Mbiuki (Maara, UDA): Yes, Hon. Speaker.

Hon. Speaker: You will read it tomorrow.

Hon. Members, allow me to acknowledge students from the following schools, who are seated in the Speaker's Gallery:

1. Baitul Hikma Integrated School from Garissa Township Constituency, Garissa County.
2. Winzyeei Senior School from Mwingi West Constituency, Kitui County.
3. Kigumo Senior School from Githunguri Constituency, Kiambu County.
4. Corradini Catholic School from Embakasi East Constituency, Nairobi County.

We also have students from Gitie Primary and Junior School from Kiharu Constituency, Murang'a County, who are seated in the Public Gallery. On my behalf and that of the House, I welcome the students, their teachers and those accompanying them to Parliament.

Hon. Members, Order No. 10 on Committee of the whole House on the Sovereign Wealth Fund Bill (National Assembly Bill No. 7 of 2026) will be stayed until tomorrow, at the request of the Leader of the Majority Party. It will be in the Order Paper for tomorrow's Afternoon Sitting. After we consider Orders No. 8 and 9, we will go straight to Order No. 11 on the Business Laws (Amendment) Bill (Senate Bill No. 51 of 2024).

Let us have the Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, I can see Hon. Oundo, who had proposed several amendments to the Sovereign Wealth Fund Bill (National Assembly Bill No.7 of 2026), gesturing at me. I want to inform the House that some of the amendments to that Bill have huge implications. That is why we thought it would only be fair for Members to engage with the Committee. Some of the amendments are subject to Article 114 of the Constitution. Therefore, the Committee should consult with the National Treasury. That is why

we have opted to stand down that business until tomorrow's Afternoon Sitting to give the Committee some time to consult with the National Treasury.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Oundo, you can now stop gesturing.

Next Order.

BILLS

First Readings

THE EQUALISATION FUND APPROPRIATION BILL
(National Assembly Bill No. 39 of 2026)

THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS BILL
(Senate Bill No. 8 of 2026)

*(The Bills were read a First Time and
referred to relevant Committees)*

Second Reading

THE BUSINESS LAWS (AMENDMENT) BILL
(Senate Bill No. 51 of 2024)

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, I beg to move that the Business Laws (Amendment) Bill (Senate Bill No.51 of 2024) be now read a Second Time.

This is an old Bill which was among the four that emanated from the Finance Bill, 2024. You may remember that the Finance Bill, 2024 was quite big, which probably contributed to the misinformation and disinformation on social media, in the mainstream media and even among us as leaders. Many of us either inadvertently or deliberately misinformed the public on its provisions. I thank the Departmental Committee on Finance and National Planning for considering this Bill after its referral from the Senate.

The other three Bills were the Business Laws (Amendment) Bill, 2024; the Tax Laws (Amendment) Bill, 2024; and the Tax Procedures (Amendment) Bill, 2024. The Business Laws (Amendment) Act, 2024 contained non-financial and non-tax matters that do not touch on the counties. We then segregated those that touch on the counties and compiled them into this Bill, which originated from the Senate. I thank the Departmental Committee on Finance and National Planning as they conducted public participation on the Bill. They engaged with stakeholders within a very short time after the Bill was referred from the Senate. However, the Senate has taken an inordinately long period to consider this Bill. The Bill was published in December 2024. It has taken one-and-half years to get back to us.

Today, over lunch, I mentioned to Members of the House Business Committee that this is why some of us are very keen on money Bills that touch on finance and appropriations not going to the Senate. This Bill had financial implications since it touches on appropriations yet the Senate has taken one-and-half-years to consider it. We would be appropriating funds to government agencies and the counties after two years if money Bills originating in the National Assembly were to be referred to the Senate.

The Bill contains some of the provisions of the Finance Bill, 2024 that sought to institutionalise the registration and seamless facilitation of foreign direct investments within our borders and the counties. Those provisions had no tax implications. During the debate on

the Finance Bill, 2024, Members reiterated that many businesses were being forced to pay levies and fees across counties, yet they operate within the same country. As Hon. Kuria Kimani was moving the Finance Bill, 2024, he gave the example of branding of commercial vehicles. He mentioned that if you run a business in Nairobi City County, and you have branded your vehicle and have paid for it, if you deliver goods in the counties of Machakos, Kiambu or Nyandarua, where the good Hon. Gachagua, the Member for Ndaragwa, comes from, those counties will also levy charges for the branding of the same vehicle. We have made the cost of doing business very expensive for our local businesses and foreign direct investors.

Some investors will establish businesses in Mombasa but must get their raw materials from upcountry or Nairobi County. They are forced to pay levies in every county they go through. Consider a tea packer based in Mombasa, who buys tea from Kericho and transports it through Kericho, Nakuru, Kiambu, Nairobi, Makeni, Taita Taveta and Kwale counties, all the way to Mombasa. They are forced to pay levies at every levying station across the entire corridor.

The Bill seeks to streamline and accelerate Government services for investors by introducing centralised physical and digital service hubs. We will have a centralised service in Nairobi City County, which will eliminate levies in Machakos, Kwale, Taita Taveta and Mombasa counties for a person transporting goods. This Bill is indeed working not only to help local business people but also to reduce the cost of doing business in our country and make our country a very attractive investment destination for foreign direct investors, thus creating job opportunities for many people.

The Bill also intends to optimise timelines under the affordable housing framework to protect investments and ensure structured and timely land transactions. We have had issues in some counties where the structuring of affordable housing has become a problem, especially around the question of approvals and validation of housing plans. I do not want to name any counties, but they know themselves because we all come from counties. I can see a number of Members here who have problems with their governors. The counties are making investment in housing, including affordable housing, a near impossible task because whether it is their county inspectorate departments or their planning departments, they make the approval of building plans, and even the actual construction of housing projects, a near impossibility because of corruption.

The latest example is that of an officer in Nairobi County who was arrested by EACC officers holding millions of shillings stashed in briefcases. He was found with about Ksh65 million in his house somewhere in Machakos County. These issues are not just in Nairobi County. They are across the entire country. Therefore, we want to make sure that, with this Bill, we optimise the timelines within which investments being undertaken in our respective counties can be approved, and how we structure even land transactions because the counties are involved, for instance, in issues of subdivision or sectional titles. We want to ensure that we are able to expedite all these processes in a timely manner.

Looking at the core contents of the Bill, again, we seek to revolutionise investment promotion under the Investment Promotion Act. Clause 2 replaces the old framework with a very progressive regime focused strictly on registering foreign direct investments and accrediting specialised investor facilitators. Hon. Speaker, you have seen incidents where foreign direct investors, or people who seek to bring investment to this country, were conned by conmen who impersonate Government officers. Therefore, Clause 2 speaks to some of these issues. It will be able to streamline issues of foreign direct investments. We will use accredited specialised investor facilitators, not just every Tom, Dick and Harry purporting to be a facilitator to our foreign direct investors. We will have specialised investor facilitators.

Hon. Speaker, Clause 3 mandates that anyone facilitating foreign direct investors must be formally accredited by the Kenya Investment Authority to curb unregulated middlemen.

These are the brokers I was speaking about—people who masquerade as facilitators for foreign direct investors. Foreign investors, because they may not be familiar with the terrain of our investment climate, are taken advantage of by such people. Therefore, it will be clear to any foreign direct investor coming to invest in the country that there are people authorised by the Kenya Investment Authority to facilitate them.

In mainstreaming remote work and business process outsourcing, the amendments touch on the Employment Act. Maybe, I should have mentioned that this is almost an omnibus Bill that also contains amendments to the Kenya Investment Promotion Act. It also has amendments touching on the Employment Act, affordable housing and land, and amendments to the Anti-Counterfeit Act. Therefore, in mainstreaming remote work and business process outsourcing, if Members look at Clause 10, it redefines "employee" and "employer" under the Employment Act to fully recognise remote workers, specifically those operating under BPOs and IT-enabled arrangements. Under the old Employment Act, employment had to be physical. You had to have a letter of appointment, a contract, and a physical address where you were working from. In today's world, with business process outsourcing and the remote work environment, you do not necessarily need to have an appointment letter, a contract or even a physical address where you work from. You can work remotely.

With COVID-19 in 2020, a lot of our workforce moved to remote work. Many other Kenyans are now working on business process outsourcing. Therefore, we must be in a position to facilitate all these new areas of employment to ensure that our young people are able to access employment, especially those who can work remotely. I say this from experience. I have a young man in my family who, for the last four years, has been working remotely. I visited him the other month in his apartment on Riara Road, and he had converted one of the bedrooms into a fully-fledged office. When I visited him at about lunchtime, hoping to find lunch, I found him asleep. He told me he had gone to bed that morning at 7.00 a.m. because he works at night.

That is the innovation that our young people in this country are taking advantage of—the innovative ways of getting employed across the globe. Somebody is working remotely for a company in the USA because of the time difference, and they work at night. Therefore, we must create laws that recognise them as employees under the Employment Act and also facilitate those in the business of business process outsourcing to hire a workforce from this country without being hindered by the archaic laws that we had under the Employment Act.

Hon. Speaker, Clause 12 amends the Occupational Safety and Health Act to ensure that legally defined workplaces explicitly cover remote locations. As I said, people can now work from their homes or from other remote locations. You can be working for a company in the West from your house in Ndaragwa Constituency, Nyandarua County. That also speaks to the need to enhance our investment in the national superhighway on fibre connectivity to ensure that every corner of our Republic supports remote work, so that business process outsourcers can establish BPO centres in any part of the country. That will also help our urban centres, especially a place like Nairobi, in addressing challenges like traffic jams. When people work remotely in different parts of the Republic, they will not crowd our urban centres. Therefore, we also reduce the amount of time and resources spent travelling to physical workplaces.

Hon. Speaker, on the Anti-Counterfeit Act, Clause 16 updates definitions in the Anti-Counterfeit Act to address modern economic threats, explicitly outlawing the fraudulent mislabelling of medicine. This is a very critical aspect because people have taken advantage of technology. Medicine is a very delicate aspect of our lives. You may find paracetamol or another drug that has been mislabelled because people can digitally copy the trademarks and brands of legitimate medications. They counterfeit medication and medical applications, causing huge losses, especially to our ladies. They are the ones who have suffered the most, especially with what is called... I do not know, I am stuck on what language to use.

(Hon. Marianne Kitany spoke off the record)

The Member for Aldai is telling me to be careful. There is medication that our ladies use to enhance their appearance. There are those who want to look lighter or darker than their natural colour shades. I am told that even some men also use those medications. I am happy that I am not in that category.

(Laughter)

I am happy with the pigmentation of my skin. Many ladies have suffered when they sought to change their skin pigmentation and used products that are branded for what they are not. Some end up getting infected with diseases that eventually become cancerous on their skin. This amendment speaks to such issues. Clause 20 mandates that environmental safety standards and court orders strictly govern the disposal of counterfeit goods. It was said in this House before that a former Cabinet Secretary of Interior and National Administration caused people to die out of depression when he burnt goods branded as counterfeit. These things have never been taken to any court of law and nobody had declared them counterfeit. However, in 2021, people in the Ministry of Interior and National Administration, together with a few officers of the then Anti-Counterfeit Authority (ACA), decided that they were the ones to declare what is counterfeit and what is not counterfeit. It caused immense pain, especially to many traders in Nyamakima and Kamukunji areas, whose goods were impounded and burnt down. We are now making it mandatory that you must have explicit court orders and environmental standards must govern whatever is being disposed. Even things like battery cells that may be detrimental will be disposed in certain ways that are environmentally safe and in accordance with court orders.

Clause 23 drastically escalates anti-counterfeit penalties. It makes offenders liable to fines of up to Ksh2 million and 3-year imprisonment, or both, to ensure nobody deliberately brings in counterfeits that are detrimental to the health or safety of Kenyans. Those who will contravene this provision will be liable to a fine of up to Ksh2 million or 3-year imprisonment or both. I briefly spoke on clauses that address affordable housing and land timelines. Clause 13 amends the Affordable Housing Act by integrating crucial new definitions into the Act. That legally protects structures like *sharia* compliant financing administration fees. Clause 14 significantly accelerates land transaction timelines under the Affordable Housing Act by reducing a chargee's statutory notification period from 90 days to only 45 days. You no longer need 90 days but only 45 days to charge your affordable housing units.

Clause 15 establishes that a chargee must respect a tight 20-day timeline before exercising the power of sale of property under an affordable housing scheme. You must have a statutory timeline of at least 20 days before exercising the power of sale by a chargee or a financial institution that has advanced money to a citizen to buy an affordable housing unit. You must adhere to these very strict timelines because these affordable housing units are being sold to people who would otherwise not have owned houses. Should someone lose their source of income or job, financial institutions will not be in a rush to auction your property. We want to protect citizens to make sure that our banks and the other financial institutions we have opened up do not auction them. That includes the microfinance institutions we have opened up to finance many of these affordable housing units under the Central Bank (Amendment) Bill.

Hon. Speaker, the Bill contains very vital provisions that cut across county governments, regulate critical business operations and act as a necessary money Bill to bolster national growth. As I mentioned, many of the amendments also touch on inter-county and intra-county business flow and flow of trade. As I said, the Departmental Committee on Finance and National Planning considered this Bill. The Departmental Committee on Trade, Industry, and Cooperatives, under the able leadership of the Member for Aldai and Hon.

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Shinali, considered these business laws. The Committees made sure that we removed many trade barriers between our counties so that we have an efficient flow of trade in our counties and our country even as we seek to encourage foreign direct investors or those who seek to invest in our country using foreign direct investments.

With those remarks, I beg to move to allow other Members to contribute. I request the Vice-Chair of the Departmental Committee on Trade, Industry and Cooperatives, the Member for Aldai, Hon. Marianne Kitany, to second.

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

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

Hon. Marianne Kitany (Aldai, UDA): Hon. Deputy Speaker, I thank you for allowing me to second the Business Laws (Amendment) Bill (Senate Bill No.51 of 2024). We need to appreciate that the business environment in this country has to be improved. I know it is good, but we have to improve it more. In that process, we are looking at investments that come into the country and those that are currently running within this country. Starting with the businesses that are within this country, we know that there are businesses that run across counties. Last year, we passed a Bill that is now an Act of Parliament. I am talking about the County Licensing (Uniform Procedures) Act. It looked at making sure that there are seamless business operations between or across counties. This amendment further improves that area by ensuring that there is information sharing across counties so that businesses can seamlessly trade across borders.

On investment promotion, especially for investors and businesses that are coming into this country, we would like these people not to meet brokers or people who would take advantage of them. We want to ensure that the Kenya Investment Authority registers people who bring direct foreign investment. This will ensure that all businessmen and businesswomen who come into this country get a good working environment.

Hon. Deputy Speaker, the issue of employment is also not left out because much of the work that many of our young people do, especially under the BPO, requires a lot of legislation to ensure that they are not taken advantage of as they run their businesses. Many anti-counterfeit products have found their way into the country. This affects real or genuine businesses and disrupts business operations. The amendments on the Anti-Counterfeit Act ensure seized counterfeit products are managed in such a way that they do not get back into the country. There are many issues in this Bill, including affordable housing and land timelines. As we speak, there are many affordable housing projects going on across the country. Most of the affordable housing projects are undertaken on properties that are ideally supposed to be county property. The licensing between the county governments and the national Government ensures that land is available for affordable housing as well as for sale of the affordable houses to the public. This amendment seeks to also reduce the chargee process from 90 days to 45 days to allow all young people to invested in affordable housing. We encourage them to take advantage of the houses to enhance their business operations. This Bill has come at a better time. It allows businesses in this country to trade and work in a way that brings not only income to this country but also enriches the businesspersons.

With those remarks, I second.

(Question proposed)

Hon. Deputy Speaker: Members who want to contribute, kindly, press the intervention button. Proceed, Hon. Oundo.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Thank you, Hon. Deputy Speaker for allowing me to also comment in support of the Business Laws (Amendment) Bill (Senate Bill No.51 of 2024).

We need to bring some facts to bear and be very clear. While a number of the Acts of Parliament being amended fall within the purview of the Departmental Committee on Trade, Industry and Cooperatives, those provisions have never been submitted or presented to the Committee for review and subjecting them to public participation. I have requested the Office of the Clerk to confirm this. I beg to be forgiven if it turns out not to be correct. I withdraw because I have asked the Office of the Clerk that I am not aware that it was ever presented to the Committee for public participation and processing as required under the Standing Orders.

Hon. Deputy Speaker: Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Deputy Speaker, I just want to inform Hon. Oundo. As I said when I was moving, this Bill was subjected to public participation as part of the Finance Bill, 2024 by the Departmental Committee on Finance and National Planning of the National Assembly. You remember that we split it into four Bills. The provisions that we christened the Business Laws (Amendment) Bill (Senate Bill No.51 of 2024) went to the Senate and public participation was conducted by the Senate. This is in line with what we had agreed to - that, when public participation has been done by one House, we do not repeat the same public participation to ensure that we conform to the Constitution on prudent management of public resources. This Bill has gone through public participation at two levels in the National Assembly since all the provisions here had been taken through public participation. You can confirm by checking in the Committee's report. This Bill was subjected to public participation in 2024. The Senate also conducted public participation on the Bill that concerns them.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Thank you, Leader of the Majority Party. The record will speak for itself. Members of the public will decide what to do with that kind of information.

Hon. Deputy Speaker, allow me to start with the provisions relating to the Anti-Counterfeit Act (No. 13 of 2008). The Bill proposes to make drastic changes to the way the Authority undertakes its function. One of the most telling changes that the Bill proposes to do is to define the word "disposal". We need to be very careful. They are proposing to change the definition from "destruction" to "disposal". Ordinarily, once counterfeit goods are seized, the current Act requires that they are destroyed. Once they have been determined to be counterfeit and they have gone through the process, they are supposed to be destroyed. The Bill says that we need to delete the term "destruction" and use the word "disposal". That is why I want my colleagues and everybody who cares to listen.

Disposal now means alienation, donation, conversion and destruction by any means or alienation by way of donation of seized or counterfeit goods depending on their nature, effect on public health and natural resources. We need to be very careful. What this means in essence is that once goods have been determined to be counterfeit, and they have been seized through the lawful process, there could be a backdoor through which they can find their way back into the market by way of donation. In essence, we are killing the spirit of the current law. We have literally killed the fight against counterfeit or harmful products. As a country, we must have a very honest discussion to ensure that we deal with this problem decisively.

Secondly, the amendments relating to the Investment Promotion Act (Cap 485B) propose to establish a broker or a facilitator to facilitate registration or certification of a foreign direct investor. There is nowhere the academic or professional qualification of the so-called facilitator is provided. In the 12th Parliament, the Member for Kibwezi West, where Hon. Mutuse now holds forth, Dr. Musimba, brought a legislative proposal calling for a lobbyist bill that would have allowed anybody to lobby any government department or anyone for purposes

of undertaking some business or to ensure some business is undertaken. Without a proper definition of brokers or a facilitator, a person who seeks to engage in business or facilitate FDIs, we are creating a dangerous situation. We are creating brokers with bad and good intention altogether that are going to destroy this country.

Hon. Deputy Speaker, last weekend, there was talk—and this has happened all over—of how some connen approach people to take them to Government offices to broker non-existent deals and tenders, causing them to lose substantial amounts of money. As we try, in a haste, to make things run, Kenyans must be very careful. We are creating a monster that is going to destroy the very essence of business management in this country.

The other provision is under Clause 6, which repeals Section 8 of the Investment Promotion Act (Cap 485B) and substitutes it with the following: “An investment certificate once issued shall not be transferable to another person.” We are creating bottlenecks. This country remembers very well that we were unable to conclude the extraction or exploitation of the oil in Turkana because Tullow Oil Company ran into technical and financial challenges and the process of transferring to the new arrangement took very many years. We must make the transfer process seamless for an investor who has a certificate to undertake any business in this country and has run into technical challenges, subject to fulfilling some kind of procedures or rules altogether. Otherwise, to indicate that such cannot happen is literally to kill the spirit yet the Bill is anchored to facilitate direct foreign investment and facilitate trade in this country.

Clause 119(b) is much welcome. It creates a one-stop place for any investor. I am happy that it is both physical and digital, which is my friend and Member of Parliament for Dagoretti South, Hon. Kiarie’s area of interest—to digitise processes that have not been digitised. I hope there is sufficient safeguards and security measures to avoid misuse of information. However, as we do this, we must be cognisant of provisions of the Data Protection Act to ensure that we get things running through.

The Bill, under Clause 8, limits the number of work permits that can be issued to outsiders. It limits to six shareholders and partners, and six work permits for management and technical staff. We must also ask the following question. Does it mean that we do not have technical staff in this country? This country has invested immensely in education. During the Committee of the whole House, we must move an amendment to make it mandatory that such kind of permits can only be issued where there are no Kenyans with equivalent qualifications and experience so that Kenyans continuously get jobs. We do not want to get to such a stressful situation like what we are currently seeing in South Africa, where the locals have risen up against Kenyans. I am told there is an ongoing influx of Burundians in this country, and that they are taking up many of the jobs Kenyans have been doing. It is going to cause another issue.

Hon. Deputy Speaker, there are further amendments to the Employment Act. I want to draw your attention to Clause 10, which seems to re-define who an employer is. They are extending that definition, and I think that is going to become extremely dangerous as we move forward. A foreman, especially an agent, has been categorised as an employee. It means that even if I have got a separate arrangement with an agent, with a proper agent's agreement or contract, he or she becomes an employee. It means that you must as well provide all the benefits and take liability for any act of an agent, even if that agent works for multiple employers elsewhere in the country. As much as this Bill is laudable, I would request whichever lead agency that is entitled to look at this, to do so clearly. This is to ensure that we protect the interests of Kenyans, their lives and health. We must not do things that are going to harm our people.

As I conclude, the Leader of the Majority Party has raised a very fundamental issue; duplication of public resources to undertake public participation by both Houses. I hope that

becomes what we would call case law. It should not be taken to another round of circus because it is a special case. Let us do a separate case. In short, I support.

Hon. Deputy Speaker: Hon. Irene Mayaka.

Hon. Irene Mayaka (Nominated, ODM): Thank you, Hon. Deputy Speaker. I also stand to support the Business Laws (Amendment) Bill (Senate Bill No. 51 Of 2024) which is, in essence, an omnibus Bill that seeks to amend a couple of Acts of Parliament. It is in line with what the Mover said in regards to the current situation, and what has happened within the Finance Bill. I just want to specifically mention a couple of clauses that I feel are very important to us and the people of Kenya.

The first one is about the Investment Promotion Act. Clause 6 to Clause 9 clearly outline the amendments that are being proposed therein, one of them being maintenance of the register and also ensuring that there is provision for a comprehensive centralised facility where registration can take place. There is also provision for collaboration with other public institutions.

The other very important amendment that we have is in line with the Employment Act. I am talking about clauses 10 and 11. Just as Hon. (Dr) Oundo has clearly outlined, this is very important, especially because we now have a comprehensive definition of what an employer and an employee are. The definition includes people who work within the technology-enabling environment and also those who work on-site and off-site. I know this is one area that the Hon. Chairperson of the Departmental Committee on Communication, Information, and Innovation is very happy about because we have had very many conversations and engagements about the gig economy and how, as Parliament, we can support it. Nowadays, a lot of people are doing either one or more jobs, or they are actually working away from home. They need not be on-site. This is very important for them because now the definition covers the areas that relate to them.

Hon. Deputy Speaker, if you also look at the Clause 9, which speaks about the Occupational Safety and Health Act, it ensures... Clause 12 re-aligns and re-defines the term 'employer' to be in line with the previous clauses that I have talked about. There is also a comprehensive definition of a workplace to include land, premises, on-site, remote locations, including on a vessel. This is because there are instances where people work in a vessel that is moving. So, this, for them, is very important because matters relating to occupation safety and health are in essence covered.

Hon. Deputy Speaker, other amendments that are very comprehensive and very important are from Clause 16 to Clause 24. They talk about the Anti-Counterfeit Act and other various issues. One of the issues that I really want to emphasise on falls under Clause 19. It gives a comprehensive definition of 'disposal'. We were only focusing on just one particular term, which is destruction, but now 'disposal' seeks to ensure that harmful commodities that are within the market are properly disposed of. Such items ought to be seized, detained, and where applicable, removed for detention. They include any tools which may be used in the manufacturing, production, making, and packaging of the goods.

This is very important because destruction of the counterfeit goods is not good enough. We also need to have a system in place where there is proper investigation into what is contained in those particular goods. An example was cited earlier by the Leader of the Majority Party in terms of some of the products that are used not by ladies only, but also men. This definition will really assist us to make sure that within the Kenyan market, we protect consumers properly. So, the business laws that we have in place are very important; there are a number of them. They are very detailed and very significant for all of us. For those reasons, Hon. Deputy Speaker, I support and submit.

I thank you.

Hon. Deputy Speaker: Before we proceed, I would like to recognise students of the Nandi County University Students' Association from Nandi County who are seated in the Public Gallery. On behalf of the substantive Speaker and myself, we welcome you to the precincts of Parliament.

Hon. Zamzam.

Hon. Zamzam Mohamed (Mombasa, ODM): Asante sana Mhe. Naibu wa Spika kwa kunipa fursa ili nami niunge mkono marekebisho ya Mswada huu ulioletwa Bungeni. Ni dhahiri kuwa mapokezi ya Mswada huu wa marekebisho ni mazuri sana. Hii ni kwa sababu umakusudi wake ni kunyoosha, hasa, mfumo wa kidijitali ili kuweza kuangalia na kuweka data kamili itakayotuwzesha kujua nani anaingiza mizigo katika taifa. Wale ambao wanataka kufanya biashara katika taifa hili wamepewa mwafaka mzuri ambao ni mwepesi kwa makampuni tofauti tofauti kujiandikisha kwao.

Nizungumzie Special Economic Zones, hasa mambo ya kuleta miundo-msingi na biashara bora. Tulienda kupata mafunzo Singapore. Kule, tuliona mfumo wao wa kidijitali ambao una malengo mazuri. Umevutia wawekezaji wengi sana wa makampuni tofauti tofauti. Hii imewawezesha watu, pakubwa sana, kufanya biashara na kufungua biashara nyingine tofauti tofauti. Watoto wa Singapore wamekuwa wakipata kazi.

Kwa muda mrefu Kenya tumelia ukosefu wa ajira. Hii ni kwa sababu sisi tulikuwa hatuna mfumo mzuri wa kuwavutia wawekezaji. Lakini mfumo huu ambao umependekezwa katika Mswada huu unaweka mambo wazi; unaonyesha kuwa hakuna siri zingine mbovu mbovu ambazo zitamfanya mwekezaji kuwa na uoga wa kuwekeza nchini Kenya. Kwa hivyo, mimi nikiangalia vizuri, naona hata pale Dongo Kundu tunahitaji wawekezaji wengi sana. Naona ni kama ule mfumo uliokuwako mwanzo ulikuwa unawarejesha nyuma sana wawekezaji wengi. Lakini sasa wamewekewa bayana kuwa wanaweza kuzingatia vile vyombo wanavyoweza kuleta. Wanaweza kuvijaza katika mfumo wa kielektroniki. Pia, wanaweza kujisajili nchini Kenya na kuanzisha biashara.

Mswada huu pia utanyoosha benki zetu. Kuna wale wanaofanya ujanja ndani ya benki zetu. Mswada huu umeipa Benki Kuu ya Kenya uwezo wa kuangalia benki ndogo ili zifuate sheria kama inavyotakiwa. Hilo ni jambo zuri sana.

Wale wanaotoa mikopo wanaoitwa *lenders* na wale wanaofanya kazi kama *microfinance* wamewahangaisha Wakenya wengi sana. Mswada huu utawasaidia Wakenya. Wataelewa kuwa Benki Kuu ya Kenya ikiwasimamia watoa huduma hao, hakuna Mkenya atakayekosewa au kutotendewa haki. Mswada huu utahakikisha kuwa taasisi za *microfinance* zitawaheshimu Wakenya na kufanya kazi kama sheria inavyotaka.

Mswada huu pia unarahisisha biashara. Zamani watu walikuwa wanatumia njia za nyuma. Kuna wakati tulipata sukari na mchele wa plastiki. Uchunguzi ulikuwa mgumu kwa sababu haikujulikana ni nani aliyeleta bidhaa hizo. Lakini mfumo huu unaweka mambo wazi. Kila mfanyi biashara ataonekana wazi chini ya sheria hii. Mfumo wa kidijitali utaonyesha wazi ni mfanyi biashara yupi aliyeleta bidhaa fulani.

Kama walivyosema wenzangu, mimi pia ninaunga mkono Mswada huu kwa sababu mambo yaliyomo ndani yake ni mazuri sana. Zaidi ya yote, unaipa Benki Kuu ya Kenya nguvu za kuisimamia sekta ya benki ili kuhakikisha kuwa benki hazivunji sheria. Kuna mjane katika Kaunti ya Mombasa ambaye amekuwa akilalamika. Hajui pesa zilitolewa kwa njia gani kutoka katika akaunti yake. Mume wake alikufa halafu mtu akaiba pesa za marehemu mume wake kutoka kwa akaunti yake. Sasa amekuwa akizunguka kortini akitafuta haki kwa sababu mfumo haukuwa sawa.

Sheria hii italetta mabadiliko. Nilimsikia Kiongozi wa Chama cha Walio Wengi Bungeni akisema kuwa *Finance Bill, 2024* ilikuwa na vipengele vya Mswada huu ndani yake. Wakati jambo zuri linajificha ndani ya mambo mabaya, ndipo changamoto kama hizi hutokea. Mswada huu umeletwa Bungeni na sasa tunaweza kuupiga msasa. Ninaunga mkono Mswada

huu. Mhe. Kuria, hili ni jambo zuri. Kama Mwakilishi wa Wanawake wa Kaunti ya Mombasa, ninauunga mkono Mswada huu mzuri.

Ahsante sana, Mhe. Naibu Spika.

Hon. Deputy Speaker: Let us have Hon. Kimani Kuria.

Hon. Kuria Kimani (Molo, UDA): Hon. Deputy Speaker, I run the risk of informing the Member who spoke in Kiswahili. I would then have to contribute in Kiswahili, leaving me stuck. Therefore, I will contribute in English.

The Member for Mombasa County has raised an important issue. The Member should seek a Statement, so that the matter can be referred to the Departmental Committee on Finance and National Planning. That will enable us to hold the Central Bank of Kenya accountable for the supervision of commercial banks.

The Member raised a widespread issue regarding withdrawals being made from customers' accounts without their authority. We have seen many such complaints on social media, which must come to an end. This House has given the Central Bank of Kenya powers to act through the many amendments to the Central Bank of Kenya Act. Therefore, I urge the Member to bring that request before the House to ensure that the vulnerable customer receives justice and her money is refunded.

Hon. Zamzam Mohammed (Mombasa County, ODM): Ahsante sana, ndugu yangu, Kuria. Jambo hilo limenisumbua sana. Mjane huyo amelia kwa miaka mingi kuhusu mamilioni ya pesa yaliyoibiwa kutoka kwa akaunti yake. Ninashukuru kuwa umenipa nguvu ya kuleta suala hilo hapa. Nilipoliwasilisha mara ya kwanza, lilipotea katika *Table Office* na halikufikia hatua iliyokusudiwa. Kwa hivyo, nitalifuatilia ili niweze kumsaidia mjane huyu, Mama Jayzan, apate haki yake. Mume wake alifariki kisha mamia ya mamilioni ya pesa yakatolewa katika akaunti yake. Hadi leo bado anatishiwa maisha.

Kwa hivyo, ninauunga mkono Mswada huu. Kamati imefanya kazi nzuri.

Hon. Deputy Speaker: You may proceed, Hon. Kimani Kuria.

Hon. Kuria Kimani (Molo, UDA): Thank you very much, Hon. Deputy Speaker. As the Leader of the Majority Party indicated, the Business Laws (Amendment) Bill (Senate Bill No. 51 of 2024) was transmitted to the Senate in 2024. That honourable House has taken one-and-a-half years to process a relatively short Bill of about five or six pages. One, therefore, wonders how long it would take them to process the many Bills that originate from this House. We could easily reach the end of an electoral cycle without that House processing a single Bill. I want to assure the Member for Mombasa County that if she brings the request for Statement tomorrow, the Committee will ensure that a response is ready by the time the House resumes from recess.

This Bill seeks to modernise Kenya's legal and regulatory framework in order to create a more competitive, transparent, and investor-friendly business environment. It aligns well with international best practice in investment facilitation, regulatory efficiency and digital economy governance. Those principles are championed by the United Nations Conference on Trade and Development, the World Bank's Doing Business Methodology, and successful investment promotion agencies in countries that Kenya seeks to emulate, including Singapore, Mauritius and the United Arab Emirates.

This Bill is a perfect example of the promise that the Kenya Kwanza Administration made to Kenyans—that the Government would be guided by its manifesto. When we were developing the country's economic agenda, one of our key commitments was to improve the ease of doing business and investing in Kenya. This Bill demonstrates that the administration is not merely making promises but is enacting laws and policies that implement its manifesto, agenda by agenda. That is what distinguishes this administration from previous administrations whose programmes were based on ethnic mantras. During every election cycle, a few kingpins would come together and decide the direction to take. By the time the next election came

around, political formations and leadership had changed, and a different agenda had taken shape.

This Bill demonstrates the commitment of the Kenya Kwanza Administration to implementing the Bottom-Up Economic Transformation Agenda (BETA) through policy and legislation. This will reduce bureaucratic hurdles, provide a regulatory framework, protect workers and consumers, and position Kenya as a preferred destination for quality foreign direct investment.

The Bill introduces a centralised one-stop-shop model that will provide both physical and digital investor services. This is a proven best practice adopted by leading investment promotion agencies worldwide. The Bill also establishes clear criteria for foreign direct investment registration and the issuance of investment certificates. This reduces administrative discretion and enhances investor confidence. Gone are the days when one had to know someone in an office in order to obtain registration or licensing. This law provides a seamless legal framework and gives investors investment certificates that demonstrate their commitment to investing in Kenya.

The Bill also provides a balance between speed and safeguards. It accelerates processes, particularly in relation to affordable housing, while maintaining protection for workers, consumers and the environment. The issue of intellectual property has also been raised. In previous administrations, counterfeit goods were sometimes destroyed without notice to traders. In many instances, those responsible could not even be traced. Recently, however, several legitimate international brands have opened stores in Nairobi. Many Kenyans have been surprised by the prices of genuine products compared to what has been available in the local markets. Sometimes these business people are found not because they are deliberately buying or trading counterfeit products, but because they did not know. Therefore, there are now safeguards that ensure that, even in the event you are trading in counterfeit products and you did not know, there is legal redress available to you.

The Bill is introducing the accreditation of investment facilitators with clear procedures and penalties, which is going to promote professionalism and accountability. However, after continuous assessment, and public participation, our Committee will be recommending that we have a reporting requirement for this particular investment certificate.

We are going to require investors, having been given incentives to operate in our country, licences, and preferential treatment, to report the number of employees they have hired, the products they have manufactured, and the technology transfers they have made to locals. We have had a big problem especially in Special Economic Zones (SEZs), where we have SEZ-registered parcels, yet when we visit that SEZ, it is just empty land. They are reporting huge investment deductions, and tax incentives only for us to realise that they are not making any contribution to our economy, but are simply using it as a tax haven.

This one-stop facility is going to be centralised, as I said, both physically and digitally. It is going to cover business registration, tax, customs, immigration, work permits, county approvals, utilities, SEZ admissions and environmental compliance among others. This reminds me of the legendary invention of Huduma Centres. Before the creation of Huduma Centres, you needed to go to one office for a birth certificate, another one for a marriage certificate, another one for an ID, and another one for a voter's card. Indeed, the invention of Huduma Centres revolutionised how Kenyans receive Government services. These Invest Kenya offices will be the new Huduma Centres for investors. So, the revolution that Huduma Centres brought is what we hope the Invest Kenya offices will do for our business people and investors.

The issue of employees has been talked about, especially the definition of "employee" as per the Employment Act. Business process outsourcing is now the new era of employment globally. For companies that engage in retail business, for example, the owners of such

businesses have realised that managing issues such as which employees come late, who does not perform very well, who leaves early, whose maternity leave is coming up, whose paternity leave is coming up, and who is off for the day, is not their core business. They have now outsourced that function, and you now have many businesses whose sole business is employee management. It is, therefore, very important that we redefine, or provide a different definition of, who an employee is in the Employment Act so that we reflect this new reality of business process outsourcing and remote working.

It is also important, as we do that, that we define what safeguards are going to be put in place to ensure that remotely employed employees are not subjected to abuse. We already have enough safeguards in the Employment Act on leave, holidays, and working hours. Therefore, even as we introduce this amendment to accommodate business process outsourcing within the definition of employer, we must ensure that remotely employed employees enjoy the same rights as physically employed employees.

On the issue of affordable housing, the shortening of the timelines from 45 days to 20 days is very important because it is going to accelerate delivery. However, it is also important that we ensure this is not exploited, especially against vulnerable households, so that there is a balance and the process is not subjected to abuse.

On the issue of counterfeits, there is now going to be the introduction of the seizure and disposal of non-compliant goods, together with stronger penalties of up to Ksh2 million or imprisonment for up to three years. As I said, any seizure must now be supported by a court order, and if there is disposal, then it must be environmentally sensitive.

There was a joke going around when some drugs were seized. I forget which drugs, but they were found and burnt. The officers supervising the burning were standing right next to the fire. You can imagine people saying that they were smoking the very drugs they were purporting to dispose of. It is, therefore, very important that we safeguard environmental sensitivity even when disposing of some of these products. Again, this is going to ensure that we protect our environment.

Overall, this Bill will improve the ease of doing business. It is going to reduce bureaucracy through the one-stop facility and clear procedures. It will ensure greater predictability and transparency in foreign direct investment processes and regulatory requirements. It will lower transaction costs and save time for investors and businesses. There is also going to be a modern labour framework that supports digital economy growth while upholding worker protection. It will also ensure stronger intellectual property enforcement that safeguards innovation and investment.

Lastly, it will ensure targeted agglomeration of strategic sectors, especially affordable housing and foreign direct investment. My call to action on this Bill is that it represents a best-practice legislative reform that will reduce red tape, enhance transparency, modernise our laws for the digital age, and make Kenya a more attractive destination for quality investment. It directly improves our ease of doing business while protecting Kenyan workers, consumers and national interests.

I urge Members to support the Bill at Second Reading and during the Committee of the whole House so that we can deliver tangible improvements in our business environment and accelerate economic transformation. As much as we are now involving counties in this process, it is important that we also give them responsibility because what we have seen counties do, where particular functions have been carried over by the national Government, is to create additional bureaucratic layers, thereby making it even more difficult.

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

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

Lastly, it is also very important that this House allocates enough resources to this new entity so that it can carry out its expanded mandate. Perhaps now that the Senate took more than one-and-a-half years to bring this Bill back to this House, the Budget and Appropriations Committee, together with the Departmental Committee on Trade, Industry and Cooperatives should consider allocating additional resources through a Supplementary Budget to ensure that this institution is adequately resourced. My presumption is that the resources allocated to this institution were provided before the passage of this law, meaning before the additional responsibilities now being assigned to Invest Kenya. Therefore, Hon. Temporary Speaker, let us pass this Bill to send a clear signal to investors, both local and foreign, that Kenya is open to quality business, ready for the digital economy, and committed to predictable, efficient and fair regulation.

With those remarks, Hon. Speaker, I beg to support.

The Temporary Speaker (Hon. Farah Maalim): Hon. Parashina.

Hon. Parashina Sakimba (Kajiado South, ODM): Thank you, Hon. Temporary Speaker. I also stand to support the Business Laws (Amendment) Bill, 2024, which originated from the Senate and was tabled by the Hon. Leader of the Majority Party. I also sit in the Departmental Committee on Trade, Industry and Cooperatives, and we are happy to see this Bill before the House. I have just consulted with my colleague and I am reminded that it originated in 2024. We would like to give our views on it in this House.

Basically, when you look at the purpose of the Bill, which is to bring business services together in one centre, including the registration of foreign direct investment and the accreditation of facilitators for foreign investors, it is something that is happening internationally. I am happy because I can also relate to it, since I come from the border town of Loitokitok. Tarakea is our border with Tanzania and there is another border at Taveta. People are getting benefits from clearing goods in Namanga because of the One-Stop Border Point controlled by Kenya and Tanzania. Movement of goods is becoming very easy. It is time we brought everything together because many business laws operate within the environment. Putting them together will assist us much. I tried to check on laws and best international practice. The omnibus Bill in the UK has introduced the same thing.

This country is doing much in the 13th Parliament. I do not want to talk about the 12th Parliament and the 11th Parliament. They have helped a lot. The Leader of the Majority Party, this Bill is good because it is from the Senate. The Senate has always dragged us from making Bills come faster. We started the County Licencing (Uniform Procedures) Bill the other time. We said that a licence from Kajiado could be used in Kiambu, Kisumu and Siaya. When you clear goods from Mombasa, you do not face the many problems of people stopping you on roads trying to check your kind of licence. That will sort our transport issues and people will be very happy.

As my colleagues have said, the theory behind Huduma Centres was to bring all services under one umbrella. That has really sorted everything. As we support the Bill, I urge this House that we clearly see that it does not contravene the Constitution or try to destroy the legal amendments. It is just trying to make everything simple and precise. The issue of the Central Bank of Kenya being given an oversight role in the proposed Bill is very encouraging. The private sector and manufacturers are included and you can go on and on.

On counterfeit goods, we have had challenges in importation of goods that come from outside the country. Sometimes we find that they do not meet standards. Having an authority to control that becomes a challenge. We have been challenging counterfeit products although

it always appears to us as a Committee. We try to challenge and ask culprits about what we see in this country when items do not meet standards.

I remember the time of the China Square issue. We argued about China Square products from China being sold in this country. People got cheap items from there and we did not know their standards. Now, our local traders in River Road and hawkers got disadvantaged. Later, the fight keeps going on but there was nothing to control them. Having this Authority, even if physical or digital as the Bill proposes, is good. That means even things from outside the country will be in one direction when there is an authority. There are people who are going to be answerable to check and report to this Committee then standards and quality will be achieved. If you look at housing and lands, there are so many things that have been captured in this Bill that I urge all of us to support. If possible, let us move faster on this because it touches across the business atmosphere in our country.

Thank you for the opportunity you have given me to contribute. I support this Bill.

Hon. Kimani Ichung'wah (Kikuyu, UDA): I rise on Standing Order 96 to seek adjournment of this debate because of some issues that we had spoken to and Hon. Oundo also alluded to. The Committee is still considering parts of this Bill. Therefore, I seek the indulgence of the House that we adjourn this debate to a later date to allow us to touch on the Competition (Amendment) Bill and the reports on audited financial instruments of six State corporations.

*(Question, that debate be
now adjourned, put and agreed to)*

(Debate on the Bill adjourned)

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

*(Hon. Kimani Ichung'wah
consulted Hon. (Dr) Ojiambo Oundo)*

Hon. Kimani Ichung'wah (Kikuyu, UDA): Sorry, Hon. Temporary Speaker. I was consulting Hon. Oundo who is very mischievous at times. I wanted to imagine that we are climbing down on that debate. It is because we want to also touch on the Competition (Amendment) Bill that is very critical and also allow the Departmental Committee on Trade, Industry and Cooperatives to complete the consultations they are doing on that Bill.

THE COMPETITION (AMENDMENT) BILL
(National Assembly Bill No. 4 of 2026)

Hon. Kimani Ichung'wah (Kikuyu, UDA): I beg to move that the Competition (Amendment) Bill (National Assembly Bill No. 4 of 2026) be now read a Second Time.

This Bill is also still undergoing public participation by the Departmental Committee on Finance and National Planning. From the outset, it is just to indicate that we do not seek to conclude debate on this Bill because the Committee is still considering public participation. We may begin debate on it then the Chairperson of the Committee will seek adjournment to a later date to allow us conclude debate after the Committee has concluded its engagement with stakeholders.

It is a very important Bill whose key objective is to amend the Competition Act. You know we have had a Competition Act that has served this country very well. However, with emerging technological changes and especially in the digital marketplace, certain items in our

Competition Act require further amendments to ensure we align our legal framework with emerging realities in the digital economy.

When the Competition Act was done some years back, the digital commerce space was not as robust as it is today. Today, we have a very robust digital marketplace and many of our people are trading there. You may find dominant players in the digital marketplace engaging in practices that are against the Competition Act. Therefore, we must align our Competition Act with the changing technological world.

As I said, the primary objective of this Bill is to have that robust legal parameter where we identify, monitor, and regulate dominant players and intermediaries operating across online platforms. That is so that dominant players do not edge out competition on our online marketing platforms, especially from our young people who are using digital platforms to market goods and services. They may be subjected to much unfair competition by dominant or bigger corporate players.

We seek to prohibit abuse of superior bargaining positions. It prevents powerful corporates or powerful corporate actors from exploiting vulnerable business counterparts or vulnerable entrepreneurs. This also pertains to farmers and those who are dealing with agricultural produce. You may find a dominant buyer of a product that you are producing and because they almost enjoy a sort of monopoly in the purchase, they then have very unfair buyer practices that are detrimental to the growth of business. Therefore, this Bill has provisions that seek to prohibit such abusive superior bargaining positions by corporate players.

It also seeks to execute a critical logistical reorganisation by relocating and consolidating buyer power regulations under the newly created unfair market conduct framework. Further, it strengthens enforcement capabilities by introducing severe administrative penalties tied directly to a firm's gross annual turnover. Where a firm, corporate organisation or business has contravened the provisions of this Act, the penalties will be tied directly to its annual turnover. Therefore, the bigger the organisation or the business, the higher the penalty will be based on its turnover.

On the regulation of digital platforms, I indicated that our digital platforms such as online marketplaces, search engines, app stores that we all use and social media platforms are now playing a very significant role in commerce. While this innovation has created employment opportunities for many people, it has also introduced new risks of unfair market dominance and anti-competitive conduct. As I said, you may find that one player, probably because they are more endowed resource-wise and have better search engines and better resources to deploy in technological innovations, engages in unfair market practices. They then become dominant in the market and therefore, edge out any competition. Therefore, we want to ensure that even in the digital workspace or marketplace, the small players, people who are selling their wares on social media platforms and those who are using app stores that they do not run or search engines for which they pay a small fee to use, are not subjected to unfair trade practices and business competition. They should be able to compete fairly even with bigger market players in whatever industry they are in. Therefore, this Bill empowers the Competition Authority of Kenya to effectively regulate digital market activities and ensure fair competition within the digital space hence encompassing that new space of the digital marketplace.

Another key objective is to strengthen consumer protection and address abuse of buyer power. In strengthening consumer protection, the Bill further strengthens protection of consumers against false or misleading representations relating to pricing, the quality of goods, guarantee sponsorship. We have seen instances where people have certain preference for goods manufactured in Kenya. I will not mention particular countries because they are friendly nations. When goods are manufactured in another country, for instance in the Far East because the cost of production there is probably cheaper, they imitate a product that is being manufactured in Kenya, Germany or England. I remember there were hammers in the old days

when I was much younger. People preferred hammers and cutting saws that were made in England. Then people would manufacture those things in the Far East and misrepresent them as having been made in England or Kenya. Even our own products are affected. Our tea is being imitated and the branding is put as tea made in Kenya or Kenyan tea yet it is not. It may be a blend of a small fraction of Kenyan tea with other teas from other places.

This Bill, therefore, seeks to protect consumers so that when a product is said to be made in Kenya, England or Germany, it is so. There are also unfair practices relating to pricing. People are being lied to. A product is marketed online on a digital marketplace as costing a certain number of shillings but when you place an order on the platform, it charges you a different price from what was represented. Therefore, this Bill seeks to protect mwananchi from such exploitation, deceptive practices and unfair commercial conduct.

The other objective of this Bill is to address abuse of buyer power. This is one of the key things that this Bill seeks to introduce. Abuse of buyer power comes in where we have many small suppliers and businesses that continue to suffer from delayed payments, unfair contract termination, unilateral price reductions and oppressive contractual conditions imposed by dominant buyers. I gave an example, especially in relation to agricultural produce and products. Let me use one industry, the beer sector. There is a serious and dominant beer brewer in the economy, the East African Breweries Limited (EABL) that may be the only significant buyer of barley or sorghum. And because they are dominant, they are likely to have unfair contractual terms with small-scale suppliers and growers of barley or sorghum. I have not said that EABL is doing this. I am just using them as an example. They may be tempted to delay payments because, in any case, where else will you take your barley, malt or sorghum if they are not buying it? Other small players in the market who are not dominant may not have the capacity to buy the produce.

Safaricom is also dominant in the market to some extent. Therefore, you may be a supplier of certain goods and services that you can only sell, probably in large quantities, to Safaricom or another dominant player. I am using these companies merely as examples. I am not accusing them of entertaining unfair trade practices because I know they have been dominant but have largely been responsible in the way they conduct their business. However, it is possible to find a dominant player in the market who takes advantage of their dominance because they are almost the sole buyer.

The Kenya Power and Lighting Company Plc (KPLC) is also an example. People who sign power purchase agreements, who else will you sell power to in Kenya if not KPLC? Therefore, to protect small suppliers like someone producing solar power in northern Kenya, someone producing wind energy in Marsabit or someone producing geothermal power from a small well in Menengai or elsewhere, we are introducing amendments under this Bill. They will protect and safeguard suppliers, especially small and medium-sized enterprises, by requiring fair contractual terms and imposing sanctions against abusive conduct by dominant players.

There are amendments that are seeking to enhance the powers of the Competition Authority of Kenya. The Bill strengthens the investigative and enforcement powers of the Competition Authority to enable it to effectively discharge its mandate. The Authority will have enhanced powers to conduct market inquiries, obtain information, investigate anti-competitive conduct and enforce compliance with the law. Therefore, the Competition Authority of Kenya will not become a toothless bulldog or a toothless dog. It has to be the one that can bite. If any dominant player, whether a dominant buyer or a dominant participant in any sector or industry, engages in anti-competitive conduct, the Competition Authority of Kenya will now have the mandate and powers to conduct inquiries without reference to that player, obtain information from other players in the market, investigate anti-competitive

conduct that any player may be engaging in and enforce compliance. This will greatly improve efficiency in market regulation and enhance investor confidence.

Allow me to digress a little and also speak to the Competition Authority of Kenya because it has a very important mandate to deliver to the people of Kenya. This is one Authority that has a huge potential. The Competition Authority of Kenya, after the passage of this Bill and with its enhanced powers, should have no business coming back to this House to look for Ex-Chequer allocations or additional resource allocations. I am saying this to the Chairman of the Departmental Committee on Finance and National Planning. This is one Authority that should be able to generate its own resources through Appropriations-in-Aid.

I say this because I have seen the potential of the Competition Authority of Kenya to generate revenue without us and every now and then, reviewing taxation laws to raise revenue. For instance, I have just seen the transaction between Asahi Group Holdings Limited, a Japanese conglomerate, and Diageo PLC of the purchase of shares in United Distillers and Vintners (UDV) Limited Distillers and East African Breweries Limited (EABL) shares in Diageo. The value of the transaction, as it was reported in the media, is in excess of Ksh380 billion. That is not a small amount. It is a transaction that, on Stamp Duty alone, we should raise billions of shillings for the Competition Authority of Kenya and for the Kenya Revenue Authority (KRA). Therefore, I ask the Chairman of the Departmental Committee on Finance and National Planning to engage the Competition Authority of Kenya on that particular transaction to ensure that, again, we do not see what happened around 2019/2020.

Many Kenyans remember when the Commercial Bank of Africa (CBA) and the National Industrial Credit Bank (NICB) merged or rather CBA bought NICB. In that merger, we saw the unthinkable. Two commercial banks that were making huge profits, at a time when this country was ravaged by the COVID-19 pandemic and we were losing revenue because other businesses were not making money, but out of state capture, because the owners of CBA held the levers of political power, exempted themselves from paying close to Ksh300 million in Stamp Duty.

I am saying this because I do not know who Asahi PLC and Diageo are. They are all foreigners. But again, we must not see another instance of state capture where people use such a transaction to evade paying taxes. The Departmental Committee on Finance and National Planning of this House must ensure that all taxes due are duly paid without exemption. These are sin taxes on alcohol, cigarettes and such other undesirable things, including betting. But these businesses are there and they live with us. They play their role in growing our economy by paying taxes. Therefore, we encourage all other foreign direct investors to come and invest in this industry in our country. However, even as they do that, because we have laws that provide that there are levies and fees to be paid to the Competition Authority of Kenya, the Chairman of the Departmental Committee on Finance and National Planning must ensure that all levies and fees due on the transaction between Diageo and Asahi, are paid in full and without exemption.

We must not see instances like we saw in the other regime. Some of the owners of EABL are not small people. Hon. Temporary Speaker, they are not me and you; they are people who have held State power in this country. Therefore, we must ensure that, in that transaction, Stamp Duty is paid. If there is any corporate tax that will be due, it must be paid, and the fees due to the Communication Authority of Kenya. I want to speak to that Authority that there must be no monkey games in the transaction. I know there are some who are tempted.

I saw an officer of the Nairobi City County, a young man called Mr Tyrus Njoroge, telling people on a Television show that they know the amount of money they are supposed to pay for a licence, but they do not pay. However, they complain that Nairobi City County officers harass them and demand money in cash. They have been told that all they need to do is pay a licence fees of Ksh20,000 or Ksh25,000 digitally, and they do not even need to transact

in cash with anybody in the City County of Nairobi. They do not pay their licence fees and therefore, allow corruption to thrive within that space. When enforcement officers come, they give them Ksh1,000 or Ksh2,000. At the end of the financial year, they end up paying more than the licence fees.

It is the same thing that happens in some other organisations. That is why I am speaking about the Competition Authority of Kenya. Certain officers in government agencies tell investors to strike a deal instead of paying Stamp Duty. For example, Ksh38 billion on the Ksh380 billion transaction, they can organise how the investor will pay a lesser amount, but under the table. The investor is told to give a particular amount of money. I want to tell investors not to dare do that. What is in law must be paid as it is provided for in law.

It is only Parliament, and I repeat, it is only the National Assembly, where I am speaking from, that has powers under the Constitution and our laws to vary any taxes or impose, waive or exempt any payment of taxes; not even the Cabinet Secretary of the National Treasury and Economic Planning can do that. That is why every time we need to vary taxes, fees and levies, under the Miscellaneous Fees and Levies Act, it has to be done by this House. I am saying this because in my other life in business, I got privy to certain information. That is why I specifically address the Competition Authority of Kenya to ensure that what is due to Caesar, as captured in the Bible, must be given unto him.

The Temporary Speaker (Hon. Farah Maalim): Give to Caesar what belongs to Caesar.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Give unto Caesar what belongs to Caesar. Therefore, to Asahi and Diageo, what is due to the Kenya Revenue Authority; what is due to the Director-General, Mr Adan Mohamed, should be given unto him in full; and what is due to the Director-General of the Competition Authority of Kenya should, too, be paid in full. I digressed to that because these are live matters in our market. As guarantors of the people of Kenya, to oversight the executive...

The Temporary Speaker (Hon. Farah Maalim): You did not finish the statement. You also give unto God what is due to God.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Oh yes. I deliberately avoided finishing that statement because these are people in the alcohol business. So, that is why I restricted myself that they give unto Caesar what is due to Caesar. I do not know whether they give to God. Probably in their private capacities or even as an organisation, if they go to churches or mosques, they give to God. EABL, under the EABL Foundation, does a lot of good work, which is also part of giving back to God, by giving back to the people of Kenya through their corporate social responsibility. They do a lot of good work. I must commend EABL for the great work it has been doing. That is why I am saying that even as new owners come into that company, may they carry on with the culture that was there under Diageo. I know Japanese people are quite generous. May they continue being generous to the people of Kenya by giving to Kenyans. Kenyans are also people of God, and therefore, they will be giving to God. May they give to God what is due to God.

The other thing that the Bill speaks to, and I have touched on it, is clarification of merger and control provisions. The Bill updates provisions relating to mergers and acquisitions to capture modern forms of business control and transactions, including those undertaken by foreign entities, whose conduct affects the Kenyan market. That is why I digressed a bit and talked about the transaction between Diageo and Asahi PLC because these are foreign owned companies and their conduct affects the Kenyan market. As I said, they must pay what is due to us in taxes, levies and the A-in-A for the Competition Authority of Kenya. Therefore, I do not need to belabour that point. This is necessary to ensure that competition regulation remains effective in a globalised and interconnected economy because we live in a global economy.

Hon. Temporary Speaker, in conclusion, the enactment of this Bill will promote fair competition in our marketplace. We will protect consumers from exploitation and deceptive trade practices. We will also support small and medium-sized enterprises against unfair market conduct. As I said, this includes unfair conduct by dominant buyers. We will strengthen the regulation of our digital markets and emerging technologies. We will also enhance investor confidence and market transparency, as we align Kenya's competition framework with international best practices. This Bill is timely and necessary in today's world. It responds to emerging economic realities and strengthens Kenya's legal framework to support a competitive, innovative, and consumer-friendly economy. It is against unfair business practices. It is designed to guarantee that hardworking Kenyan entrepreneurs and consumers of goods are fully protected from corporate exploitation or exploitation by those who run businesses.

I urge all of us, as guarantors of the rights of the Kenyans and their representatives, to support this Bill amending the Competition Act through the Competition (Amendment) Bill, 2026. I beg to move and request the very brilliant, able and diligent Chairperson of the Departmental Committee on Finance and National Planning, the Member for Molo and a great servant of the people of Molo, to second this Bill.

I told you that I visited Hon. Kuria's Constituency on Saturday. When people go there shouting *wantam*, the people of Molo tell them that their Member of Parliament is not a one-term Member. He has already completed his First-Term. He is now serving his Second-Term, and will serve a third-term.

(Applause)

When I went to pick my vehicle, the young boda boda riders told me to continue supporting their Member of Parliament because he supports his constituents and the work of the National Assembly. They said those who shout *wantam* there are the ones who can serve for only one-term. The Member for Molo, Hon. Kimani Kuria, will be re-elected to serve his third-term after completing his Second -Term. Some people are undermining him because of his great work. This is rare. I know this because I have been around for some time just like you. You have served in this House with many previous Members of Parliament from Molo. You can begin with the late Hon. Kihika Kimani, Hon. Njenga Mungai, Hon. Kiuna and Hon. Jacob Mukiri. The people of Molo have never produced a more brilliant, focused and diligent Member of Parliament than Hon. Francis Kimani Kuria.

(Applause)

I am not saying this because he is called Hon. Kimani.

(Laughter)

I am saying it because he has exhibited brilliance, intelligence and commitment to shepherd this country towards greater development and prosperity, not only for the people of Molo but for Kenyans. It is rare to find such focused young leaders. Today, many of them are tempted to speak to what they hear out there. You saw some Members here speaking about mitumba matters that were not in the Finance Bill. Some have attempted to apologise to Kenyans belatedly because they cannot match the brilliance of Hon. Kimani Kuria. I encourage my brother, Hon. Kimani Kuria, because he is going places. If the people of Molo had doubts, they can hear it from me. I am older than him and therefore, I know.

With immense respect, I beg to ask the Member for Molo to second this Bill. Thank you.

(Applause)

Hon. Kuria Kimani (Molo, UDA): Thank you very much, my senior and Leader of the Majority Party, for your very kind words. I have learnt from the best.

As I said the other day, when we came to this House, we became your students and mentees. Every time we wondered which Standing Order to rise under, we would come to you to ask. You were generous to guide us. You told us not to rise under Standing Order 105. This helped us instead of asking ChatGPT when it is too late, without even specifying whether it is the Senate Standing Orders or the National Assembly.

(Laughter)

Indeed, the Leader of the Majority Party, the people of Molo sent me to the National Assembly to execute a mandate. They cannot all come to this House to debate matters. That is why I take my work in the National Assembly seriously because that is where I was sent. That is also why I am paid to work.

(Applause)

Unfortunately, our work is not audited as rigorously as in my previous profession. In my previous job in finance, there were very strict working hours and key performance indicators. That is one of the things we have not been able to implement in Parliament. When we are debating an important business today, there are very few Members in the House. Very little business will be transacted but everyone will be paid handsomely.

Let me pick up from where the Leader of the Majority Party left off. We may have to rethink the decision we made regarding the Director-General of the Competition Authority of Kenya. We need to have restrictions on when one starts campaigning for an elective seat. Some people are elected to office but spend more time out there in the field. However, that is not what I would like to debate this afternoon.

Hon. Temporary Speaker, imagine one team has 15 players and the other one has seven players. The bigger team is then allowed to compete against the smaller team. Because the bigger team is stronger, it dictates that the smaller team can only field seven players. Imagine the bigger team keeps changing the goalposts when you are about to score, or they say the whistle can only be used against the small team and not the big team. Can that be a football match? This is what this amendment to the Competition Authority Act seeks to address. It seeks to ensure that the big and small teams compete on equal terms. There is no change of the rules in the middle of the game. The whistle should apply equally to all teams, whether it is the small team, Arsenal Football Club or the big team, Manchester United Football Club.

(Laughter)

Kenya is a nation of hustlers and innovators. From the village, market, M-Pesa, matatu stage to the smartphone, we always create opportunities where none existed. However, a new challenge faces our entrepreneurs today. There is the rise of powerful digital platforms and dominant players who can dictate terms, delay payments and squeeze the very people who build our economy from the ground up. This Bill is not about punishing success. It ensures that success does not become a weapon used against the smaller players. It is about bringing the spirit of fairness that defines Kenyan enterprise into the digital age.

We are upgrading our competition laws from the analogue era to the algorithm era while placing a shield of fairness around our Micro, Small and Micro Enterprises (MSMEs), farmers, suppliers and digital hustlers. When young people wake up in the morning and open their phones, they are not only entering a marketplace but also, someone else's territory. The rules

of that territory are written by algorithms they did not code, enforced through terms they did not negotiate, and controlled by platforms they cannot challenge. We will bring those rules under the light of the Kenyan law today. In Molo and across the country, our farmers and small traders are not asking for favours; they are asking for fairness. When a small supplier waits 120 days for payment from a powerful buyer or when a digital platform takes 30 per cent and changes the rules overnight, that is not competition; it is conquest. This Bill states that such practices must end.

Our current Competition Act was written for a different economy; one of factories, physical shops and traditional supply chains. It was not designed for digital platforms that control access to millions of customers, with virtually no switching costs for the platform but huge costs for users. It was not designed for powerful buyers such as supermarkets, processors, exporters and digital marketplaces that can unilaterally change terms, delay payments and impose extra charges because suppliers have nowhere else to go. Nor was it designed for the data advantages and network effects that create that winner takes the markets overnight. It was not made for data advantage and network effects that creates what the Hon. KJ will call winner-take-most markets almost overnight. Situations where a company may not have 50 per cent market share but still wields enormous market power over its counterparties.

Hon. Temporary Speaker, what does this Bill provide? It rests on four key pillars. The first pillar is regulating the new digital gatekeepers. We are not against the gates; we are simply installing traffic lights and a fair toll system.

(Applause)

We are changing definitions through key innovations. For example, Bill introduces key concepts such as digital activity, digital marketplace, multi-homing and intermediated transactions. It also introduces the concept of strategic market positioning in digital marketplaces, assessed through network effects, data access, switching costs and the platform's role as an intermediary, rather than market share alone. This means the Bill is capturing platforms that may have less than 40 per cent market share but enormous market power because everyone must go through them.

The second pillar is creating a fairness shield to prevent abuse of superior bargaining power. We are giving the small fish a shield when swimming with the sharks, without draining the ocean. This is perhaps the most transformative part of the Bill. It creates a Part IIIA on unfair market conduct and introduces abuse of superior bargaining position as a distinct prohibition. It protects suppliers, small businesses, content creators and app developers, even where the powerful party is not dominant in the traditional sense.

The prohibited conduct includes unilateral variation of terms without notice. No one will vary terms without prior notice. We have seen this happen, particularly with supermarkets, where large retailers receive goods from small traders only for them to extend payment periods without even consulting them. The Bill also prohibits the transfer of costs and risks to the weaker party. For example, where a business faces risks, like what the Hon. Leader of Majority Party was alluding to, the key player like EABL when there is a risk of drought, and they transfer it to small farmers. It also prohibits imposing purchase prices below competitive levels or charging service fees above competitive levels. It addresses unreasonable data collection and obstruction of business activities. Lastly, the Competition Authority can now develop a code of practice and impose reporting requirements which is a much smarter and more sector-sensitive approach.

The third pillar is faster and smarter enforcement. As is often said, justice delayed in competition matters, is justice denied to the hustler waiting for payment. The proposed new Section 91A introduces administrative enforcement measures that will be a game changer.

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These include written warnings, specific remedial directions and administrative penalties of up to 10 per cent of a company's gross annual turnover in Kenya, that is recoverable as a civil debt. It is going to suspend revocation or variation of rights or privileges, while ensuring fair hearings before penalties are imposed so that due process is protected.

The fourth pillar is modern consumer protection and institutional strengthening. There is going to be expanded false or misleading representations to include the withholding of material information quarterly. It also expands the definition of mergers to cover the privatisation of State corporations engaged in trade. This is a significant amendment because, following this House's approval of Government-owned enterprises to undertake commercial activities, those entities will now compete with private businesses. They should, therefore, fall under the purview of the Competition Authority of Kenya to ensure they do not engage in unfair competition. The Authority will be empowered to foster strategic national, regional and international partnerships. Finally, it strengthens the provisions on abuse of buyer power by restructuring them under the new part on unfair market conduct.

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

*[The Temporary Speaker
(Hon. Peter Kaluma) in the Chair]*

Why does this matter to Kenya's Bottom-Up Economic Transformation Agenda? This Bill is not just a technical law reform. It is a legislation for economic justice. As I said earlier, it demonstrates that the Kenya Kwanza Administration is implementing its manifesto law by law, step by step, policy by policy and programme by programme. It will protect MSMEs and suppliers, who form the backbone of our manufacturing and agricultural value chains. It will create a more predictable and fair business environment that attracts responsible, long-term investment. It will empower the digital hustler, the young person selling online, the content creator and the app developer by ensuring they are not subjected to platform abuse. It aligns Kenya with global best practice, drawing from approaches such as the European Union's Digital Markets Act and Digital Services Act, while remaining tailored to Kenya's context and protecting our sovereignty over our markets. It also supports the President's Bottom-Up Economic Transformation Agenda by ensuring that growth at the top does not crush opportunities at the bottom. The growth at the top should not crush the opportunities at the bottom of the pyramid.

What are some of the questions that we may ask ourselves on this Bill? Someone may ask whether this Bill will scare away investors and large technology companies. The answer is to the contrary. Responsible investors want clear, predictable and fair rules. What scares capital is uncertainty and the ability of dominant players to change the rules overnight. This Bill creates a level playing field, the best magnet for sustainable investment.

Others may ask whether it is anti-business or anti-success. Again, the answer is no. This Bill is pro-competition and pro-enterprise. It says businesses should grow as big as they can through innovation and efficiency, but they should not use their size or superior position to crush smaller players who have no realistic alternatives. That is not success, it is abuse. Finally, some may ask how this Bill will help ordinary Kenyans, particularly those in rural areas. Every time a supplier in Molo, Mombasa, Dagoretti, Kikuyu or anywhere else in this country is paid late, it has costs arbitrarily shifted onto them or loses access to a market because a powerful buyer changed the rules, that is money taken away from school fees, medical bills and local investment. This Bill puts that money back where it belongs, to the pockets of ordinary Kenyans.

We are not against success. We are against success being used as a weapon. From the village market to the app store, every Kenyan deserves a fair referee. This Bill gives the small supplier a shield, not a handout. We insist they must play by fair rules. The algorithms in our digital platforms should not be above the law. Justice in competition matters should not require a PhD in economics or decades of court cases. A competitive Kenya is a fair Kenya and a fair Kenya is certainly an unstoppable Kenya. So, this Bill is a statement of intent. It says that as Kenya grows into a digital service-driven and globally connected economy, we will not leave our values of fairness, equity and opportunity at the door; we will carry them into every marketplace, whether physical or digital and we will defend them with the full force of the law. Where necessary, like now, we shall change the law to protect small and medium enterprises, digital creators, small digital platforms, small players and small businesses from the dominance of the big ones that refuse to play by the rule. Fairness must be done to both the big companies and techs and the small ones.

With that, I beg to second.

(Applause)

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon. Kimani Kuria. You know, you have seconded in a manner that disables every other debater from making their own contributions.

(Question proposed)

Hon. Zamzam Chimba is recognised.

Hon. Zamzam Mohammed (Mombasa County, ODM): Asante sana, Mhe. Spika wa Muda. Nampongeza Mhe. Kimani Kuria. Kama alivyosema ndugu yangu Mhe. Kimani Ichung'wah, wale waliompigia kura, walipata kiongozi mahiri mwenye akili na anayewafikiria wanyonge. Kila anapokuja Bungeni, yeye huzungumza maneno ambayo yanahusu Mkenya wa chini anayejaribu kuinuka baada ya kufinywa miaka ya nyuma. Watu wa anakotoka Mhe. Kuria wakimpoteza, watakuwa wamepoteza dhahabu.

Naunga mkono Competition (Amendment) Bill (National Assembly Bill No.4 of 2026). Ni dhahiri kuwa katika taifa hili kumekuwa na watu ambao wamekuwa wakiwanyanyasa wanabiashara wadogo wadogo. Mkenya angeinuka na biashara yake ndogo iwe ya ukulima wa kahawa au korosho, lakini makampuni makubwa siku zote hushikana na kuwanyanyasa. Hio ndio imekuwa sababu ya watu kujificha, kwa mfano, nyuma ya chai ya Kenya, Ketepa kwa kuweka *brand* ya Ketepa kwa chai zao ambazo si za Ketepa. Sababu ni kuwa wamefinyiwa chini na wameshindwa kukua. Mswada huu ulioletwa Bungeni utampa kila Mkenya aliye juu na aliye chini haki na usawa wa kufanya biashara bila kufinywa.

Mfano wa Safaricom ulizungumzwa, na mimi nataka nizungumze juu ya *grain handlers*. Kuna *monopoly* katika *grain handlers*. Mkulima anaweza kuwa na mazao yake yamejaa shambani lakini kwa kuwa ni mtu mmoja anafanya biashara ya *grain handling*, anakwamizwa na bidhaa yake shambani inaoza. Kwa hivyo, hatapata matokeo mazuri kutokana na jasho lake alililitoa kwa shamba lake kwa sababu ya huyu mfanyibishara mmoja aliyepewa nafasi ya kufanya biashara lakini anafinya wenzake kwa kufanya anavyotaka. Tukiwa na *competition* katika hii biashara, kutakuwa na *grain handlers* wengi na mkulima atachagua ni wapi atapeleka bidhaa yake ili auze haraka. Kwa hivyo, tukiwa na *competition*, biashara nyingi katika taifa hili zitafufuliwa, ushuru utatoka vizuri na mazao ya taifa na uchumi wa Kenya utapanda juu. Biashara hii ikiachiwa mtu mmoja tu, huenda atakwepa kulipa ushuru na kutafuta maafisa wa kuhonga. Ikiwa mianya itafunguliwa na sheria hii iliyopendekezwa na Kamati ya Mhe. Kuria, uchumi wa Kenya utainuka.

Katika nyanja ya kidijitali, kuna ChatGPT, google na wachezaji wengine tofauti ambao wanaweza kuinua uchumi wa taifa na hata mataifa ya inje. Tuna wawekezaji wengi sana ambao

wanatamani kuingia katika taifa letu ili wawekeze lakini hawawezi kwa sababu kuna samaki wakubwa ambao wameshika sekta mbali mbali na hawatoi mwanya kwa wengine kwa sababu sheria inayotumika haitoi mwanya kwa wanabiashara wote kuwekeza ili wainuke. Kwa hivyo, huu Mswada utafungua biashara nyingi katika taifa na tutapata wawekezaji wengi kutoka nje watacao leta bidhaa zao.

Sitachoka kutoa mfano wa Singapore kwa sababu nilitumia ushuru wa Wakenya kwenda huko kusoma. Ninashukuru taifa hili kwa kunipeleka kule mimi kama mama Mombasa kuangalia mambo ambayo yanaendelea kule. Zamani hapa Kenya majumba yalikuwa yanajengwa tu na wanabiashara wengine. Sasa hivi Wakenya wenyewe wanatoa mchango wao unaojenga *affordable housing* ambayo itawafaidi Wakenya ambao hawana makao kwa kuwapa makao. Niliona mfano huu kule Singapore. Hakuna mwananchi wa Singapore asiyekuwa na makao. Hili jambo tukilifanya katika taifa letu, litakuza uchumi na kila Mkenya atakaa na furaha.

Nikiangazia bandari yao, kila baada ya dakika nne meli huingia katika bandari yao. Hilo laonyesha *competition* ya biashara ipo na wanabiashara wanaingiza mali yao kwa wingi na wanapata nafasi ya kufanya biashara tofauti tofauti na wananchi wengine wanapata mianya ya kufanya kazi. Uchumi wao upo juu duniani kwa sababu ya kutoa mwanya na *competition* kwa wale ambao wanaweza kuwekeza katika biashara tofauti tofauti.

Napenda *Bill* hii kama mama wa Mombasa na nina mengi ya kuzungumza. Mhe. Kuria na wenzake wataingia katika kumbukumbu za historia ya Kenya kama Wabunge waliokuwa katika Kamati iliyopendekeza Mswada ambao ulitoa mwanya kwa Wakenya wote kufanya biashara bila kudhulumiwa na kuonewa. Tuliona mfano wa mabenzi yaliyoshikana na pesa zao zikaenda katika mataifa ya kigeni, jambo ambalo lilifanya uchumi wa taifa letu kurudi nyuma. Mhe. Rais anachukiwa na *mabig fish* kwa sababu ametoa mianya ya kufanya biashara bila ya kubughiwa kwa Wakenya wote kila sehemu. Ningependa kumwambia Mhe. Rais kuwa hii timu aliyonayo sasa ni timu ambayo imeboba kiakili nikiwemo kama mama wa Mombasa County. Jambo lolote nzuri nitasimama katika Ukumbi huu kulipongeza kwa sauti moja ili Kenya iendelee. Rais asione haya kwani mambo kama haya ndio tuliyoyatamani kwa miaka mingi katika taifa letu ili Wakenya wote wapate haki sawa. Wale ambao walikuwa wamezoea kuwa biashara fulani ni yao peke yao, ole wao. Mara hii kuna Kuria Kimani na timu yake ambao wamekuja na bongo zao sawa sawa ambazo zitainua uchumi wa Kenya. Sisi kutoka Mombasa tunakuambia Mhe. Rais, zidi kuchapa kazi. Mambo ya sijui *two-term* na ngapi hayo ni ya Mungu. Umechaguliwa wewe chapa kazi. Hapo mbele wananchi wataamua kufuatana na kazi ambayo umeifanya.

Nashukuru kama Mama Mombasa, na napongeza hii *Bill* na naiunga mkono. Asante sana.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Robert Basil.

Hon. Robert Basil (Yatta, WDM): Thank you, Hon. Temporary Speaker. I also thank the sponsor of the Bill, the Leader of the Majority Party, Hon. Kimani Ichung'wah, for bringing it. As many other Members have said, this is a very important Bill, and I have many reasons for saying so. If you look at progressive nations such as South Africa, Nigeria, the United Kingdom, the United States, Canada, and Australia, all have competition laws. The reason they have such laws is to regulate business competition. We are also talking about the digital market, which is an area where many young people are actively involved. Having this competition law will ensure that we protect young entrepreneurs and young businesswomen and businessmen operating in the digital space.

Importantly, this Bill will ensure that there is no unfair competition, which has been occurring because, many times, when small entrepreneurs and small businesses are not protected, large businesses with greater purchasing power tend to outshine them. That is why competition law is so critical.

Additionally, this Bill strengthens the powers of the Competition Authority of Kenya. It gives the Authority the teeth to bite because any person who violates the regulations provided under this Bill will face punitive penalties imposed by the Competition Authority of Kenya. That is why I say we are giving the Authority the power to perform its work effectively and ensure fair competition, particularly within the digital marketplace.

Additionally, by having this Bill, we will protect local consumers because by ensuring that all investors comply with the regulations provided under the law, consumers engaging in online business will be protected. That is the reason why, as a people's representative, I strongly support the amendment Bill brought forward by the Leader of the Majority Party together with the Chairperson of the Departmental Committee on Finance and National Planning.

Importantly, this Bill will also mitigate cartel operations. We have witnessed cartels ensuring that small businesses do not thrive through price-fixing agreements and other anti-competitive practices that work against small entrepreneurs. That is why this Bill is very important. It will help reduce the power of cartels through effective competition law.

Another important element of the Bill is that it addresses the abuse of dominant market positions. Some large players have dominated the market for a long time, and this Bill will reduce the excessive market power they have exercised. As a result, fair competition will be one of the key outcomes of this Bill.

The other element is that it mitigates bid rigging, which is one of the anti-competitive practices that has been taking place. This Bill prohibits such conduct and, therefore, promotes fairness within the industry.

To summarise, through this Competition Bill, we will enhance investor confidence and transparency in the country. That will also enhance job creation, because if investors have confidence in the country and choose to invest in Kenya, employment opportunities will be created, particularly for young people. This will help reduce the unemployment that has been witnessed in the country.

Another important outcome is that it will protect local consumers and small businesses, particularly those that have been subjected to unfair competition. It will also ensure that young people who wish to venture into the digital economy, digital marketing or digital businesses have an opportunity to participate. That is what will support local entrepreneurship. Those with the necessary skills will be able to apply them locally under the legal framework that we are amending as a House.

As a long-term outcome, I foresee this country generating more revenue through this Bill, because if small, medium-sized and large businesses operate within a fair and regulated environment, the country will generate more revenue through taxation. That revenue will support development projects and help move Kenya to the next stage of economic growth.

Lastly, the Bill will strengthen measures against offenders, particularly tax offenders. Those who have been evading taxes, especially some foreign investors operating in the country will have fewer opportunities to avoid paying taxes.

That is why this Bill also ties closely to the Business Laws (Amendment) Bill that we were discussing earlier. I had intended to contribute to that debate, but it was adjourned to the next sitting. I am sure I will have an opportunity to contribute then.

With those few remarks, I support the Bill. I will also move a few amendments during the Committee of the whole House.

Thank you.

The Temporary Speaker (Hon. Peter Kaluma): Hon. (Dr) Eve Obara, Member for Kabondo Kasipul.

Hon. Eve Obara (Kabondo Kasipul, ODM): Thank you very much, Hon. Temporary Speaker. I also rise to support this Bill. We have noted that the purpose of this Bill is to strengthen the regulation of markets, promote fair competition and enhance consumer

protection while, at the same time, addressing emerging challenges in modern and digital markets.

I have identified at least six key provisions in this amendment. The first is strengthening the role of the Competition Authority. This will enhance the Authority's powers to investigate anti-competitive practices, enforce compliance and impose sanctions. The second relates to the regulation of anti-competitive conduct. This expands the provisions dealing with cartels, abuse of dominance and restrictive trade practices. It also provides clearer standards for identifying and penalising anti-competitive behaviour.

The Bill also addresses merger control and approvals by refining the procedures for merger notifications and approvals, including the applicable thresholds and timelines. This aims to prevent market concentration that may harm competition. Consumer protection is another key provision. The Bill strengthens protection against unfair trade practices, misleading conduct and the exploitation of consumers. It introduces provisions to address competition issues in digital platforms and online markets, including dominance and data-related concerns.

Hon. Temporary Speaker, on penalties and enforcement, we update penalties for violation of competition law to ensure they are deterrent and proportionate. Overall, this amendment promotes fair competition and market efficiency. It also protects our consumers from exploitation and unfair practices. It strengthens enforcement against cartels and monopolistic behaviour. It also addresses modern challenges, especially in the digital market.

However, I foresee certain challenges with this amendment. It will increase regulation that may raise compliance costs for some businesses. The complex enforcement may also require highly technical expertise and capacity, which some of our businesses may not have. The other challenge that I see is the risk of overregulation if not applied proportionately. Finally, businesses may face delays in merger approval due to the strict scrutiny.

Thank you very much for giving me this opportunity. Once again, I support the amendment.

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon. (Dr) Eve Akinyi Obara, otherwise known in Homa Bay County as *Kichwa Moja Degree Tatu*.

Hon. John Kiarie is now recognised to contribute.

Hon. John Kiarie (Dagoretti South, UDA): I thank you, Hon. Temporary Speaker. What an afternoon in Parliament! You can tell that the Members of Parliament who have come here are committed to getting the job done for their constituencies, their people, and this Republic. Each Member who has contributed to this Bill is seeking a way to support enterprises, businesses, and the Kenyan interest.

This Bill seeks to align the Competition Act with today's realities. As we align these realities, we see that this Bill includes an amendment that speaks to Kenyanness and patriotism, demonstrating Parliament's commitment to the welfare of society and the just governance of the Kenyan people.

The competition space has been unfair, characterised by a situation where the tail has been wagging the dog. Those who are supposed to be regulated by the Competition Act have, instead, been responsible for regulating the Act itself. This precarious situation has led to dominance being the order of the day in our business circuits. Therefore, when there is an effort to empower the Competition Authority, which has been operating as if it is a toothless dog, we must stand and support it.

The primary reason I support this Bill is that it goes against the abuse of market power and dominance, even by entities that are emerging in these new realities of our market. Secondly, this Bill brings us up to speed with the times. When the Competition Act was enacted, many of the developments we see today had not occurred, including the advances in the digital market and the realities of the fourth industrial revolution, which have completely transformed the landscape of business.

Thirdly, this proposed Bill addresses unfair market dominance across various sectors, whether in new digital industries or traditional markets. This Bill is designed to combat unfair market dominance. I also support it because, upon reviewing the Bill, I see that the enforcement parameters being introduced will give the Competition Authority the teeth to bite, in stark contrast to its previous toothless status.

Four elements compel me to support this new Competition (Amendment) Bill. First, we are squarely in the fourth industrial revolution, and we require digital gatekeeping to navigate this new world, remaining alive to the new concepts and realities of the digital market. Second, there is the element to prevent the abuse of power, particularly bargaining power, especially as young Kenyans flood these new industries and markets. We must have effective control over the abuse of power, particularly in the digital market, by local players and developers, as well as preventing exploitation by digital entities importing technology into the country.

In this new world, we need faster, smarter, and more efficient enforcement. As we transition into a digital environment where tax collection and sales occur online, it is important that we enhance our enforcement capabilities in this space. I rise to support this Bill because I recognise a great element of modern consumer protection that utilises the available technology. We know that there is a lot of misleading information in the marketplace, and if we can use the laws we pass to counter this trend, there is good reason for us to offer our support.

A great example was given by the Leader of the Majority Party about a transaction that happened in the previous administration, where we saw individuals entering the marketplace, even misleading the big players. The Leader of the Majority Party referenced the merger of CBA Bank, which revealed that the information presented was entirely misleading—a proper and gross abuse of power and market forces. As we step into this new world, we must acknowledge that the players are not merely commercial entities. The Government itself is now entering the realm of government-owned enterprises, and we will also observe a new drive towards regional partnerships. Therefore, as these developments unfold, we will require modern tools for consumer protection.

According to our Standing Orders, when contributing, Members must declare their interests. As the Member of Parliament for Dagoretti South, I must disclose that I am a practitioner in the communications industry. I have unfortunately been a victim of predatory practices in the market, where a dominant player has abused and flouted the laws we have passed in Parliament, ultimately injuring local players in favour of larger entities within the communications industry. This matter indeed reached this Parliament concerning the mobile technology industry. It was a matter that we tried to preside over using the old Competition Act, but we could not find a place to even get the Competition Authority itself to show its teeth against these predators preying on small enterprises in Kenya because of their dominance in the market.

I support because we are now levelling the playing field by bringing the Competition Act into the modern times. The tides in the market do change. As tides change, empowerment ought to be to the consumer. The laws must protect the weaker party in the arrangement. Hon. Temporary Speaker, being a lawyer, you know that if we have to pass good laws, they should be the laws that protect those who are not able to protect themselves. So, when we move towards passing a Bill that protects the weaker parties in any commercial arrangement, then this Parliament ought to stand up and support that. I have to support the words that have been put here by the Leader of the Majority Party as he was moving: That this Parliament must have the guardrails that protect the player—the Kenyan entrepreneur, the Kenyan businesses, the Kenyan enterprises and the Kenyan innovators. By doing that, we are doing that which our people sent us here to do.

I will not end this without congratulating Hon. Kimani Kuria. The Departmental Committee on Finance and National Planning is doing that which we were mandated by our

people to come and do in Parliament. We are seeing the trends, even in the city which I represent. You can see what is happening to trade in our city. But if we do not protect local businesses and local importers, they shall fall prey to the bigger entities.

Hon. Temporary Speaker, I support.

The Temporary Speaker (Hon. Peter Kaluma): Do you need more minutes to conclude?

Hon. John Kiarie (Dagoretti South, UDA): Hon. Temporary Speaker, I will only take one minute to say that I support this Bill.

The Temporary Speaker (Hon. Peter Kaluma): Do not continue before I grant you leave to do so. Give Hon. KJ two minutes within which to conclude because of the solidity of his debate and contributions.

Hon. John Kiarie (Dagoretti South, UDA): Hon. Temporary Speaker, I thank you profusely. I was saying that the singular reason why I support this Bill is that we shall be moving towards guarding against arbitrary changes that happen to competition rules guided by dominant players in the market up against Kenyan enterprises, innovators and the youth who are busy trying to eke a living out of their own innovation, personal enterprise and business acumen. If there was one thing that we could do as a House to protect these budding enterprises, it is to pass this Bill. Coming from Dagoretti Market, we know that bigger players might end up dominating what were traditionally our own markets up to and including the slaughterhouses that you see in the market and the small enterprises and traders who eke a living out of their small businesses.

I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): I hope all Kenyans are watching the proceedings this afternoon, because they would be shocked at the level of representation we have in Parliament. Hon. Mugambi Rindikiri.

Hon. Mugambi Rindikiri (Buuri, UDA): I thank you, Hon. Temporary Speaker. This Bill is very important. I thank His Excellency the President for appointing our former Governor of Meru, Kiraitu Murungi, as the Non-Executive Chairman of the Competition Authority of Kenya. It shows confidence that the President has in this man, more so because Meru County is on the trajectory of economic recovery after a long time.

I join my colleagues in congratulating the Mover and the Secunder of this important Bill. This Bill intends to bring into force a systematic competition framework. That has never been prioritised and it is time that we looked at our competition laws. We also have to look at the regulations and institutions entrusted with the responsibility of protecting our consumers, traders, investors and innovators.

The Bill seeks to bring many policies into being. Kenyans lack education on consumer rights. We have seen situations where we are forced to purchase products and services, irrespective of their quality, as we have allowed a continuous influx of foreign products. The time has come for us to implement policies to guide our customers.

I have worked extensively in the insurance sector. The dominance of foreign products in the market for many years made it very difficult for the industry to grow. That changed when Kenyan insurance investors began developing their own products. All they needed were proper policies and incentives. If we are to encourage innovation in our country, we must have a framework to protect our business community. Stifling competition stifles innovation and creativity. This Bill seeks to encourage innovation by putting in place proper policies and laws. Who are the direct beneficiaries of good innovation? The customers and Kenyan youth, who are usually limited to a few products.

Secondly, we always say that we should encourage investment. What are we doing to achieve that? We should encourage transparency and fair business practices. Many foreigners

would like to invest in Kenya but unfair business practices and policies make it difficult. There are no limits to investment.

The Bill seeks to promote small-scale investors. Large companies tend to stifle and strangle upcoming investors. For instance, large pharmaceutical companies are notorious for stifling small-scale investors and their products. This Bill seeks to prevent such practices and encourage small investors, particularly small and medium-sized enterprises (SMEs). Home-grown investors will grow our economy towards becoming like Singapore's.

One issue we have noticed for some time, particularly in the petroleum sector, is how petroleum companies try to dictate fuel prices. This was there before. Even the attempt of trying to hoard the products until the prices are adjusted according to their wishes. This Competition (Amendment) Bill is telling those kinds of characters, 'bye bye'.

We have to encourage economic growth. This is very important. What are we doing on this? Competition encourages productivity and job creation. But how does it do it? What will happen? If we are really going to encourage Mheshimiwa Kiarie to compete with me on the same playground, the difference will be the product that we are selling; the quality of product or service. That is what Kenyans want now. This Bill is coming to improve on efficiency. One will have the freedom to take a service or leave it. You can come to my office, my clinic, or my supermarket if you want the service or not. That is irrespective of how efficient or effective you are in service delivery.

This Bill is addressing those inefficiencies and deficiencies. It is trying to bring into full what we believe is a platform for international competition, where a company has to put in money because it has to survive tomorrow, not because you want to make profit. You have now to change the habit of asking, "how am I going to exist tomorrow?" Therefore, this is the right time for this Bill. I wish that it would have come yesterday. This journey to Singapore will not happen unless we encourage innovation, efficiency, and encourage investors. It will not happen unless we address the issues of proper policy delivery, and unless the Kenyan consumers are well educated and groomed to understand their rights.

I do not have to belabour so much. This Bill has come at the right time. We will be proposing some amendments, because in as much as we are encouraging the spirit of competition, we should not overdo it. There are some sectors that need protection. Our young people who are upcoming, need a bit of protection. We will be proposing some amendments so that it is not open-handed. We also need to encourage mergers, while being very careful lest we go back to the tendency of creating monopolies again, yet that is what we are trying to run away from. I will say this, and it might be controversial. Kenya Power has the monopoly of giving us power.

The Temporary Speaker (Hon. Peter Kaluma): There is no controversy about that.

Hon. Mugambi Rindikiri (Buuri, UDA): There is no controversy about that. How I wish we could have four or five other companies doing the same. The price of power would have gone down and the quality of service from Kenya Power would be better. The amount of taxes that we are paying through Kenya Power would have gone down. I hope and believe that we shall support this Bill until it becomes a reality.

I thank you.

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon. Rindikiri, for those wise words. Hon. Leah Sankaire, Member of Parliament for Kajiado County.

Hon. Leah Sankaire (Kajiado County, UDA): Thank you very much, Hon. Temporary Speaker. I also rise to support the Competition (Amendment) Bill. First and foremost, I congratulate the Chairman of the Departmental Committee on Finance and National Planning, Hon. Kimani Kuria for bringing this up. Thank you very much Chairman for bringing this. This Bill is very timely and necessary. It responds to emerging economic realities, and strengthens

Kenya's legal framework to support a competitive, innovative, and consumer-friendly economy.

I think this is the best afternoon we have had this year for Kenyans because most of our traders have been victims and have not been able to do business. This Bill is against unfair business. It is designed to guarantee that the hard-working Kenyan entrepreneur and everyday consumer are fully protected from corporate exploitation. We have seen a lot of corporate exploitation in this country. Small traders and entrepreneurs cannot do business. This afternoon, we are going to unveil potential for these traders so that every trade and entrepreneur can compete fairly in this field.

The enactment of this Bill will promote fairness in the marketplace, which has been a thing for a few. That space has been dominated by a few corporate businesspeople. Upon enactment of this Bill, that will be a thing of the past. There will be fair competition in the marketplace.

This Bill will also protect consumers from exploitation and deceptive trade practices. Some of these traders must sell their products at very low prices to big traders, who sell at double or triple the price just because they have a name while the small traders do not have one. Most of the time, the small traders have legit products but because they do not have a name and their space is not competitive, they are left without an option but to sell their products at very low prices to the people who have a name who can later trade them at twice or thrice the amount that they buy from them.

This Bill will support small and medium enterprises against unfair market conduct. It will also strengthen regulation of digital markets and emerging technologies. It will enhance investor confidence, market transparency and align Kenya's competition framework with international trade practices. This afternoon, I am very happy to be part of the people who contribute to this Bill and make sure that these traders have a fair place in this country. That we will "raise up" our traders and Kenyans in general so that they can do business fairly.

I support this Bill.

The Temporary Speaker (Hon. Peter Kaluma): The nation needs to know that you are also the Chairperson of the Kenya Women Parliamentary Association (KEWOPA). Thank you very much.

Hon. Julius Ole Sunkuli is now recognised.

Hon. Julius Sunkuli (Kilgoris, KANU): Hon. Temporary Speaker, I also beg to support the Bill. I have listened to very eloquent speeches from the Leader of the Majority Party, our friend, Hon. Kimani, and my good scout friend who is eloquent and a very dedicated Member of Parliament, Hon. Kiarie.

(Applause)

Although I am immediately following our Member of Parliament from Kajiado County, I hope there was no tribalism involved. We just happened to be here together.

(Laughter)

The current trade practice is very international because the world is now trying to rethink this issue of trade.

As a lawyer, when I look at this Bill, it performs two functions. Firstly, under the mischief rule of interpretation, it locks out some of the weaknesses that we have had with trading in Kenya, as well as making sure that we do not...

(Hon. Kimani Kuria walked out of the Chamber)

The Temporary Speaker (Hon. Peter Kaluma): Hon. Kuria Kimani, could you approach the Speaker if you are not stepping out? You may proceed, Hon. Sunkuli.

Hon. Julius Sunkuli (Kilgoris, KANU): It deals with the mischief rule of interpretation as well as the new situation in the world. The new situation is to prohibit unfair trading practices. The trading environment is a very important aspect. When you want to spoil it, there are things you can do to make sure you win. This addresses both the superior seller and the superior buyer. I am very happy that Clause 40 of this Bill addresses the superior buyer because many people would think that monopolies are the only problem we have nowadays yet we have more problems than monopolies. Monopolies are very bad. I am very happy that Hon. Rindikiri has joined me in thinking that we should do something about the Kenya Power because monopolies are not good.

If I may address some of the dark patterns that this Bill addresses, the principle behind it generally is that you know some people say that you are a very bad man when you do not want to buy their products. There is a way buyers are shamed on the internet if they reject an offer. That makes a person shy to reject even a bad offer. The law now has to protect such people. The idea of hiding alternatives has been addressed under Article 3(6). When a person puts a product in the market and does not tell you that there are other alternatives or hides them, that is also an unfair practise in trade. All information should be on the table when you buy something so that you know that that is just one of the alternatives.

The other dark pattern is when you buy something and other things that ought to be optional are made to look like they are part of it and you must buy them together. For instance, somebody gives you a commodity and says you must also buy insurance or that you need to buy something else. What ought to be an optional alternative becomes part of the commodity you buy. Why? Because the person who is selling to you says, "take it all or leave it". He is a superior seller. In fact, the law should address the question of stopping any sellers from trying to manipulate the market by adding their other things there. He might tell you that if you want to buy his things, then you must also use priority shipping that costs more.

These dark patterns need to be addressed by a competition law. We will be proposing some amendments to make sure this aspect is stronger. There are other dark patterns like telling you that you buy a thing because the clock is ticking. There is a deadline created to manipulate the market. There are artificial stock warnings saying, "These are the last things or stock". These might appear small when you talk about them but in the end they are the things that make people engage in trade in a very unfair way.

The other thing this Bill needs to address even more is the idea of making it is easy to enter a deal but difficult to come out hence creating a situation that is like a valve; you can enter but you have to pay a lot more to come out. Somebody will tell you that you have to pay them a certain amount if you want to get out of a deal. You sign because you have no choice but to do it. The law should address this so that people have a very fair way of trading.

Hon. Temporary Speaker, Section 40A addresses the issue of abuse of buyer power and this is very pertinent in Kenya. I am happy that it is being addressed. A superior buyer can delay payment to a small enterprise. There are situations in Kenya where people supply but they are not paid. That is not fair trade. Some even threaten to terminate the contract or terminate it altogether thereby trading on his own terms and there is nothing you can do about it. We would like to eradicate these minor issues so that they do not affect trade within our country. Sometimes, the buyer retains the right to reject goods for no particular purpose and that should be penalised under the law. People should not use their advantage to suppress others when it comes to trading.

The other common problem being addressed by this Bill is transferring all the risk to the seller. The seller will be disadvantaged. The Bill should address these issues together with the issue of superior bargaining so that bargaining does not become one sided. Section 91A(4)

proposes that a person must be subjected to fair administrative act, which includes fair hearing. After you have met all these conditions and then you subject it to fair administrative act, including hearing, you are creating a situation where the superior enterprise will go to court and demand to be heard all the time. We should delete that section so that we do not have a situation where we are taking away from the right hand what the left hand has given.

Otherwise, I beg to support.

(Applause)

The Temporary Speaker (Hon. Peter Kaluma): Hon. Sunkuli, I hope the Chair of the Departmental Committee on Finance and National Planning, Hon. Kuria Kimani, listened to you on that last part because the right to fair administrative action, as prescribed under Article 47 of the Constitution, does not include fair hearing as being erroneously represented here. If you take that direction, you will be tied to oral hearings, cross-examination, people hiding in hospitals claiming they are unwell and you will be required to adjourn until they are well. Consequently, those with superior bargaining positions will continue to hurt others.

(Applause)

It is sufficient that administrative action is expeditious, reasonable and good reasons are given at the end of it all. Yes, Hon. Kimani Kuria.

Hon. Kuria Kimani (Molo, UDA): Thank you, Hon. Temporary Speaker. This is the advantage of having different skill sets in the House. I have listened to the great words by the polished lawyer, Hon. Sunkuli, and your explanation, Hon. Temporary Speaker. I am convinced we must ensure that this particular proposal is deleted during the Committee of the whole House so that the small players we are seeking to protect are not subjected to long court processes by the big boys, which we are hoping will be fair to these small players.

In as much as we want to respect the rights of everyone in terms of going through all the constitutional processes in our courts, we all agree that they have been abused for a long time. The big players frustrate the small players by taking cases to the Small Claims Courts and then they go away. By the time the cases get to the Supreme Court, the small business has already died, is under receivership or has been declared bankrupt.

I thank you, Hon. Temporary Speaker, for pointing that out.

The Temporary Speaker (Hon. Peter Kaluma): Thank you Chair. Mhe. Bady Bady Twalib, Mjumbe wa Jomvu ametambulika kuongea kwa Mswada huu.

Hon. Bady Twalib (Jomvu, ODM): Asante Spika wa Muda, Mhe. Kaluma, kwa kunipatia nafasi hii na kusema nimetambulika kuchangia Mswada huu.

Kwanza, ninaunga mkono Mswada huu kwa sababu una mambo mengi sana mazuri ambayo tukiyaangalia yataweza kuboresha biashara katika sehemu zetu hapa nchini Kenya. Tunaona kuwa Mswada huu, *Competition (Amendment) Bill (National Assembly Bill No. 4 of 2026)*, unaleta njia ya kuweka usawa katika mambo ya ushindani. Mambo kama haya tuliyazungumza nyuma na leo ninasema kuwa ushindani wa kibiashara ni lazima uweko ndio biashara iweze kunoga. Leo wale wafanyi biashara wakubwa, *big players*, wanadhibiti biashara na wanawatoa nje wafanyi biashara “wanaokuja”.

Mhe. Spika wa Muda, ninakumbuka vizuri sana wakati nilipokuwa na ndugu yangu Mhe. Kiarie, tulienda eneo Bunge lake la Dagoretti South kuangalia vile tutastawisha wafanyi biashara wadogo wadogo watambulike. Imekuwa ni vigumu kwa sababu leo wafanyi kazi hao wanawekewa viwango vya bei na wafanyi biashara wakubwa; wanawafinya. Ndio maana Mhe. Kiarie alipokuja mahali panaitwa Bangladesh, kule kwangu, tulizunguka naye kuangalia mama mboga, wanaouza samaki na vitu vingine. Haya ni mambo muhimu ambayo Bunge hili lahitaji kuangalia litayashughulikia vipi.

Kuna mambo matatu muhimu ambayo yanakumbana na Mswada huu. La kwanza ni masoko ya kijiditali. Mswada huu unahakikisha kuwa *Competition Authority of Kenya* isiweze kudhibiti tabia ya majukwaa ya kijiditali jinsi ya kuangalia hali itakuwa namna gani. Ni muhimu iwapatie nafasi wanaotaka kufanya biashara zao kwa *social media* na wanaotaka kufanya biashara zao mbalimbali ili nao wajione wako sawa. Nikiwa kwa jambo hilo, unapata mfanyi kazi mwenye kampuni kubwa anapewa *monopoly of power*. Yeye ndiye kufanya kitu fulani na hakuna watu wengine ambao wanaweza kukifanya. Mtu akitaka kuinuka, wanamzamisha chini. Bob Marley aliyekuwa mwimbaji maarufu wa Jamaica alisema, *kill them before they grow*. Kwa hivyo kabla watu hawajainuka, wafanyi kazi wakubwa wakubwa wanawashurutisha na kuwasukuma chini wale wadogo wadogo.

Mhe. Spika wa Muda, Mombasa kuna mahoteli kama White Sands, Voyager, Flamingo, Pride-Inn na zingine. Kuna wafanyi kazi ambao wanapeleka chakula kama samaki kule, kamba na vitu vingine kwa mahoteli hayo. Wakati huo huo, kuna mashirika ya mtaani kama kule kwangu Jomvu, shirika linaloitwa Majestic. Wameeka vitoma vya maji baharini wanakuza kamba, samaki na vitu vingine vingi lakini wanakosa soko. Wanapotaka kupeleka *prawns* kwa soko wajiinue, wanawekewa bei ili hali wao ni wafanyi kazi ambao wamechukua vijana kufanya nao kazi kutoka mtaani. Wanaambiwa wakitaka wachukue na kama hawataki waende zao. Haifai namna hiyo. Lazima kuwe na usawa katika gharama za kuendesha biashara, ili wengine pia wapate nafasi sawa.

Kwa mfano, kijana anayeitwa Musyoki, ambaye yuko katika shirika la Majestic, amejiri vijana wengi. Tunaamini katika maendeleo ya biashara. Hatuamini kurudi nyuma katika biashara. Ikiwa tunaenda mbele, inamaanisha vijana wengine watapata nafasi ya kuanzisha biashara zao na kuajiri watu wao. Lakini ni lazima walindwe.

Mhe. Spika wa Muda, Mswada huu pia umeangalia kwa makini suala la ugunduzi wa *cartels* ambao niliwataja awali. Pia, umeangalia ushindani katika zabuni za umma. Leo, baadhi ya makampuni makubwa yanawazuia wengine kushindana katika kupata zabuni. Watu wanajaribu kila siku, lakini hawapati fursa ya kujisaidia. Kwa mfano, leo asubuhi, nilikuwa katika Wizara ya Elimu ambapo nilikutana na msichana anayeitwa Tiffany. Nilimpa moyo na nikamuuliza ni nani *general supplier*. Nilimwambia awe na imani kwamba atapata nafasi kama vile wengine wanapata nafasi za kufanya biashara na Wizara. Nina imani kwamba Mswada huu ukipitishwa, hautanufaisha makampuni makubwa pekee, pia utawapa nafasi wafanyi biashara wadogo kuinuka.

Kuna jambo tulilozungumzia huko kwa wizara pamoja na marafiki wetu. Ukimuuliza mtu hali ya maisha, anakwambia uchumi wa Ruto umeharibika. Hakuna kitu kama hicho. Watu lazima wafanye kazi. *We must create a conducive environment for them to work*. Maana yake ni kwamba ni lazima tuweke mazingira mazuri kama haya tunayopendekeza leo, ili kila mmoja awe na imani kwamba anaweza kufanya biashara, apate pesa na kutajirika. Hakuna Rais ambaye ataweka pesa mfukoni mwako na akuambie zinaanguka. Hata Mungu anasema watu wafanye kazi na tutaendelea kufanya kazi. Katika ushindani huu, tunawaambia pia wenye makampuni kwamba ni muhimu waajiri vijana wetu. Natoka eneo la viwanda la Jomvu ambapo kuna viwanda vingi sana. Tumeona historia ya mfanyi biashara mmoja ambaye alifariki akiwa tajiri kule Mombasa. Alijulikana kama TSS. Alianza kama dereva katika kampuni iliyoitwa Murjan. Kutokana na kazi hiyo, aliendelea mpaka akanunua lori lake la kwanza, mpaka akawa tajiri. Kwa hivyo, wafanyabiashara wa viwanda waajiri vijana wetu, ili watu wachache pekee wasiwe matajiri. Hawakuumbwa peke yao kuwa matajiri. Wengine pia wanaweza kufanikiwa na kuwa matajiri. Naamini kwamba kupigania haki za watu wetu ni kusimama imara na kuzungumza kwa sauti kuhusu masuala haya katika Bunge.

Mhe. Spika wa Muda, nakupongeza sana kwa kazi unayoifanya ya kuwawezesha wananchi. Umetualika wiki ijayo kushiriki katika shughuli za kuwawezesha wanawake.

Umehakikisha kila Mbunge amepokea mwaliko huo. Tunakuambia kwamba tutakuja kukuunga mkono ili kuwasaidia akina mama wetu ili waendelee.

Nakushukuru sana, Mhe. Spika wa Muda. Mimi ni Mhe. Bady Twalib, aka, kijana mwepesi Garang Di Mabior Mzee Fulangege. Nashukuru kwa kupata nafasi ya kuchangia Mswada huu.

The Temporary Speaker (Hon. Peter Kaluma): Asante sana. Umeongea kama Fulangege, kijana wa Baba. Siku hizi, wewe ni rafiki wa Waziri Joho. Hon. Passaris has been a dominant player in street lighting. She is recognised to contribute.

Hon. Esther Passaris (Nairobi City County, ODM): Thank you, Hon. Temporary Speaker. I rise to support the Competition (Amendment) Bill (National Assembly Bill No. 4 of 2026). The Bill comes at a defining moment in our country's economic journey. Just a few days ago, during the World Micro Small and Medium Enterprises (MSMEs) Day celebrations, His Excellency the President launched the revised MSME Policy, 2026, and reminded us that micro, small and medium enterprises are the backbone of our economy. They employ millions of Kenyans, drive innovation and create opportunities where formal employment cannot. If we are serious about growing MSMEs, we must also be serious about protecting them from unfair competition and abuse by those who hold greater market power.

We can learn an important lesson from the United States of America (USA) as it prepares to celebrate 250 years of independence in a few days' time. The American dream did not emerge by chance. It was built on institutions that protected private enterprise, rewarded innovation, upheld the rule of law and ensured that entrepreneurs had the opportunity to compete. Businesses invest where markets are open, rules are predictable and success depends on merit rather than monopoly. Similarly, we admire Singapore not only for its infrastructure, but also for its governance. Singapore became one of the world's leading economies because investors had confidence in its institutions, contracts were respected, regulations were predictable and competition was protected.

Kenya also has a dream. We want to become a globally competitive economy that creates jobs for our youth, empowers our women, attracts investment and grows local enterprises into regional and global champions. This Bill can help us move in that direction. I support the provision that seeks to regulate digital markets because our economy has changed. Today, a small business in Kibra, Gikomba, Eastleigh or Kayole can sell products across the country through digital platforms. If those platforms become unfair or dominant players abuse their positions, innovation is stifled and small businesses are pushed out.

I also support measures to address the abuse of buyer power because too often our farmers, suppliers, manufacturers and small traders are forced into unfair contracts simply because they do not have an alternative market. However, I caution on two important issues. First, the definition of a superior bargaining position must be clear and precise. Business negotiations are rarely between equals. One party often has greater experience, capital and negotiating strength. That alone should not become a criminal offence. The law must distinguish between legitimate commercial negotiations and actual exploitation. Ambiguity creates uncertainty, which in turn discourages investment.

Secondly, while I support the strengthening of the Competition Authority of Kenya, greater power must go hand in hand with greater accountability. Administrative penalties, enforcement actions and regulatory decisions must be guided by due process, transparency and an effective right of appeal. Local and foreign investors should be confident that regulatory decisions will always be fair, objective and consistent.

Our competition policy should not just be about economics. It should be about justice. It should ensure that a woman-owned business has the same opportunity to succeed as an established corporation, that a young innovator with a brilliant idea is not locked out of the market, that businesspeople with disabilities can compete fairly and that consumers enjoy better

quality, lower prices and greater choices. If we create markets that reward innovation rather than dominance, integrity rather than influence, and productivity rather than privilege, we will build an economy that works for everyone. This Bill should not just amend our laws, but should also support Kenya's journey towards becoming a more competitive, inclusive and prosperous economy. Let us create an environment where businesses do not succeed because of who they know, but because of the value they create.

With those remarks, I support the Bill. Thank you.

The Temporary Speaker (Hon. Peter Kaluma): Just before you take your seat, Hon. Passaris, you have made a very important point which I want to draw the attention of the Members to, because the matter of administrative penalties is required to abide by the requirements of fair administrative action before they are imposed. Hon. Passaris, you can take your seat.

Article 47(1), if I may read, says: “(1) Every person has the right to administrative action that is expeditious, efficient, lawful, reasonable and procedurally fair.” That is the due process we are talking about. Article 47(2) says: “If a right or fundamental freedom of a person has been or is likely to be adversely affected by administrative action, the person has the right to be given written reasons for the action”. So even for the admin penalty, there must be written reasons. Article 47(3)(a) reads:

Parliament shall enact legislation to give effect to the rights in clause (1) and that legislation shall provide for the review of administrative action by a court or, if appropriate, an independent and impartial tribunal.

This decision can also go through the court system up to the Supreme Court so that the right of parties to fair treatment, whether or not their position is superior, is securely safeguarded. I rightly appreciate your contribution and your deep understanding of that area.

Hon. Fredrick Ikana, also known as Wakili in his constituency, is now recognised to make his contribution.

Hon. Fred Ikana (Shinyalu, ANC): Also known as *Musatsya Oyo* in my constituency. Thank you very much, Hon. Temporary Speaker. *Musatsya Oyo* means “that is the man”. I rise to support the Competition (Amendment) Bill. Of course, I support this on account of various aspects that I have looked at. The first aspect being that there is need to protect small players especially small businesses against monopolistic tendencies of the big players and also against what we would refer to as cannibalistic tendencies. This Bill has come at a very critical time where the Kenya Kwanza Government together with our Broad-Based partners are working on implementing the promises that we made in our manifesto. One of the key promises was to ensure that we promote and support smaller players and those that have been looked down upon in our economic system.

I call for the enhanced strengthening of the Competition Authority so that even as we look at fair administrative fines and practices, we ensure that as we consider those that breach the various regulations put in place, the penalties are commensurate with the offences that have been committed. We should also enable smaller businesses and people in practice to get fair taxation by looking at our various ways of taxation regimes.

Thank you very much. I support.

*(Hon. Mugambi Rindikiri and Hon. Rozaah Buyu
made an improper bow before exiting the House)*

The Temporary Speaker (Hon. Peter Kaluma): Order Members. Is that the way to bow when you are exiting the plenary? Hon. Rozaah Buyu and Hon. Rindikiri Mugambi, why are you behaving like you are standing by some aisle other than a parliamentary aisle?

*(Hon. Mugambi Rindikiri and
Hon. Rozaah Buyu bowed to the Chair)*

Yes, thank you. Hon. Ndidi Nyoro.

Hon. Ndindi Nyoro (Kiharu, UDA): Thank you very much, Hon. Temporary Speaker. I am happy to be back. I hope Hon. Kimani Kuria and all the Members know that I have been carrying a lot of their responsibility and liability out there, as a comrade and as a friend.

Hon. Kuria Kimani (Molo, UDA): On a point of order, Hon. Temporary Speaker.

Hon. Ndindi Nyoro (Kiharu, UDA): That is on a light note. It does not need any point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): What is out of order, Hon. Kuria Kimani?

Hon. Kuria Kimani (Molo, UDA): Hon. Ndindi Nyoro is trying to be clever while coming back to this House by saying he has been carrying our liabilities. My liabilities are only what I have with my Savings and Credit Cooperative Society (SACCO) here. I have no other liabilities. Therefore, the Member must substantiate the liabilities he has been carrying on our behalf.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Ndindi Nyoro, you need to be more explicit in some places.

Hon. Ndindi Nyoro (Kiharu, UDA): It has not been a very exciting period for the last many days. However, we are always happy to carry the responsibility that we have as leaders. We ought to do what we must both inside the House and outside. Many times, as human beings, we have to balance many things. That is not to say that I ought not to have been here when we voted on the Finance Bill. I ought to have been here and voted in accordance with my arguments as you know, I was not in support throughout.

That also reminds us that our responsibility is beyond our constituencies. Yes, I am the Member of Parliament for Kiharu but sitting in the National Assembly carries the aspirations of Kenyans in every part of this country. I appreciate all Kenyans for the feedback I received from Wajir, Homa Bay Town and one of my favourite counties, that is Marsabit. I take it and it makes me a better leader both in being present here and out there. That way, we continue to make policies that affect Kenyans in the right way.

Hon. Temporary Speaker, I want to make a few comments and contributions on the Bill before us. The private sector grows our economy and has grown economies across the world. You can look at various scenarios when you want to look at how the private sector behaves. There are countries where what is done by the private sector is done by government. The other cadre is where there are very stringent regulations.

The other cadre called deregulation is what we have in many countries with much *laissez-faire* attitudes in running private sector businesses. When you look at economic growth and economic performance generally, when you zoom in on economies that have grown and that we can refer to, you realise that there is a lot that can be credited to deregulation. It can also be credited to governments ceding business to the private sector. The opening up of China during the reign of Deng Xiaoping is credited as having laid the foundation for China's growth. The basis of South Korea's growth can be credited to deliberate government policies to spur private sector. The private sector has the agility and versatility to grow an economy.

We have also seen many countries try to bear the weight of planning the economy in detail. Planning means involving a strong arm of government in running businesses. There are very few success stories, if any. We must always create an environment in which business and entrepreneurship grow. That growth then catapults the economy. It is also important to talk about bottlenecks that lead to decelerated economic growth based on the private sector. I want to give a scenario to illustrate this point. I will use the example of a country such as Nigeria

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because the point I want to drive home is about patronage and how we mix so much politics with private-sector business. In Nigeria, many indigenous Nigerians are doing very well for the economy and I will cite two examples.

One of them is Aliko Dangote. Out of growth of the private sector, he started doing business by importing commodities and he spent the money he got as profit in making it as capital to build a manufacturing base and a manufacturing capacity in the products he was importing, namely sugar and cement. It is the same profit that he used as capital to build a refinery. This shows that the growth of the economy is totally influenced by one thing called entrepreneurship. Entrepreneurship is not just about Dangote. It is about many other Africans and global citizens who have done very well in changing their economy using the profits they get out of their private sector businesses.

The point is when we detach business and politics, we are able to have the right economic incentives where the people in business are entrepreneurs so, when they get profits, this profit is not usually a possession. It becomes capital for the next venture, therefore, perpetuating a virtuous cycle where this profit becomes capital, this capital generates more profit and on and on. This opens up the economy for growth, employment opportunities, innovation and ingenuity. I repeat because what I have seen is one of the most dangerous bottlenecks we have in Kenya. When patronage thrives so much, and, therefore, those in leadership are still the ones doing business of course by making very good policies for themselves and also by outright corruption, we end up distorting economic incentives. The loser generally is the economy and also the people of Kenya singularly in whichever areas we live.

Competition is important because it is not just about business. Even competition of ideas ends up giving the best idea to work. Also in business, when you let businesses compete fairly, you are able to open up a scenario where businesses can think, innovate, get new ideas and all these new ideas act as part of the economic growth.

The other thing I want to cite is that even as we talk about regulation in terms of businesses, it is also important for us to also give a breathing space to the businesses so that even as we regulate, we make sure that regulation only works to spur business and also works to protect the customers. When you start overregulation, it hurts both the businesses and the customers. It is always important to find the right balance when it comes to regulation because it is through regulation that we also streamline competition.

In conclusion, as we talk about businesses because competition is also about business, it is important we know that economies majorly grow out of industrialisation. If we look at the segmentation of our economy, we realise we do a lot in terms of primary production, especially in agriculture. Many people are employed there. Then you shift and jump in industrialisation and manufacturing, and the 65 per cent of our economic activity in terms of what actually happens in the service industry. It means in between there, which accounts for around 18 per cent of our Gross Domestic Product (GDP), there lies manufacturing and there lies industrialisation with all their value chains, including logistics, transportation, storage and the rest. The fact of the matter is that that is the most productive area that you can have in an economy and it is the one that creates a synergetic environment. It is important as we grow the segment of the primary production and the service industry, we know that there are no many economies we can cite that have leapfrogged or jumped industrialisation and manufacturing and ended up creating quality jobs for the citizenry. Therefore, it is important for us to zero in there and lower the cost of energy, which is a major input. Most manufacturing is dominant in terms of consumption of energy and also upscale the skills that are needed and robustly create an environment that spurs industrialisation.

With those many remarks, I submit.

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon. Ndindi Nyoro.

ADJOURNMENT

The Temporary Speaker (Hon. Peter Kaluma): Hon. Members, let us be upstanding. The time being 7.01 p.m., this House stands adjourned until Wednesday, 1st July 2026 at 9.30 a.m.

(The House rose at 7.01 p.m.)

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