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DIRECTORATE OF DEPARTMENTAL COMMITTEES  
DEPARTMENTAL COMMITTEE ON TRADE, INDUSTRY AND COOPERATIVES

PARLIAMENT  
OF KENYA  
LIBRARY

REPORT ON:

THE STREET VENDORS (PROTECTION OF LIVELIHOOD) BILL  
(SENATE BILL NO. 41 OF 2023)

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| THE NATIONAL ASSEMBLY<br>PAPERS LAID                                                  |                                      |
| DATE: 01 JUL 2026                                                                     | DAY: Wed                             |
| TABLED BY:                                                                            | Hon. Bernard Shikali<br>Chair, Trade |
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PARLIAMENT BUILDINGS  
NAIROBI

JULY 2026



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## LIST OF ABBREVIATIONS AND ACRONYMS

|          |   |                                                                                         |
|----------|---|-----------------------------------------------------------------------------------------|
| ADA      | - | Americans with Disabilities Act                                                         |
| AGPO     | - | Access to Government Procurement Opportunities                                          |
| Cap.     | - | Chapter                                                                                 |
| CBS      | - | Chief of the Burning Spear                                                              |
| CECMs    | - | County Executive Committee Members                                                      |
| CoG      | - | Council of Governors                                                                    |
| CS       | - | Cabinet Secretary                                                                       |
| DDC      | - | Directorate of Departmental Committees                                                  |
| EAC      | - | East Africa Community                                                                   |
| ILO      | - | International Labour Organisation                                                       |
| KANU     | - | Kenya African Union                                                                     |
| KENASVIT | - | Kenya National Alliance of Street Vendors and Informal Traders                          |
| KUDHEIHA | - | Kenya Union of Domestic, Hostels, Educational Institutions, Hospital and Allied Workers |
| MSEA     | - | Micro and Small Enterprises Authority                                                   |
| MSMEs    | - | Micro, Small and Medium Enterprises                                                     |
| NGEC     | - | National Gender and Equality Commission                                                 |
| NSSF     | - | National Social Security Fund                                                           |
| NYC      | - | New York City                                                                           |
| ODM      | - | Orange Democratic Movement                                                              |
| OSH      | - | Occupational Safety and Health                                                          |
| PWDs     | - | Persons with Disabilities                                                               |
| SB       | - | Senate Bill                                                                             |
| SHA      | - | Social Health Authority                                                                 |
| SMEs     | - | Small and Medium Enterprises                                                            |
| TIC      | - | Trade, Industry and Cooperatives                                                        |
| UDA      | - | United Democratic Alliance                                                              |
| USA      | - | United States of America                                                                |
| WDM-K    | - | Wiper Democratic Movement Kenya                                                         |



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## CHAIRPERSON'S FOREWORD

This report presents the proceedings of the Departmental Committee on Trade, Industry and Cooperatives on its consideration of the Street Vendors (Protection of Livelihood) Bill (Senate Bill No. 41 of 2023). The Bill was passed by the Senate on 7<sup>th</sup> August 2025 and underwent First Reading on 23<sup>rd</sup> September 2025 and was subsequently committed to the Departmental Committee on Trade, Industry and Cooperatives for consideration and reporting to the House, pursuant to the provisions of Standing Order 127.

Comprising thirty-two (32) clauses divided into six (6) parts and one (1) schedule, the Bill seeks to provide a legal framework for the recognition, protection and regulation of vending as a legitimate economic activity in Kenya including the establishment of minimum standards for street vending.

In considering the Bill, the Committee observed that the Bill's greatest strength lies in its rights-based foundation. It explicitly recognises street vending as a legitimate economic activity and anchors it within Kenya's constitutional guarantees of social and economic rights under Article 43. By doing so, it departs from the traditional punitive approach embedded in outdated municipal by-laws that often-criminalised informal trade. The Bill therefore aligns with global best practices in inclusive urban economies, viewing street vendors not as a public nuisance but as contributors to employment, service delivery, and local commerce.

Members also observed that while the Bill establishes strong protections against harassment and arbitrary eviction, its enforcement provisions rely heavily on the integrity and accountability of county enforcement officers. Although penalties are outlined for harassment or unauthorised confiscation of goods, the Bill does not specify independent oversight or complaints mechanisms for affected vendors. This omission risks perpetuating the very abuses the Bill seeks to eliminate, particularly in urban areas where enforcement corruption and brutality are recurrent challenges. A more robust grievance redress system possibly through county trade tribunals or vendor associations would enhance accountability and trust.

In its deliberations, the Committee went through all the amendments and views submitted by stakeholders and adopted some, which form part of the amendments proposed by the Committee.

In accordance with Article 118 (1) (b) of the Constitution and Standing Order 127(3), the Committee placed advertisements in the print media on 27<sup>th</sup> September 2025 requesting for comments on the Bill from the public and relevant stakeholders. Further, through letters Ref: NA/DDC/TIC/2026/044 dated 4<sup>th</sup> June 2026; and Ref: NA/DDC/TIC/2026/038 dated 7<sup>th</sup> May 2026, the Committee invited stakeholders to a public engagement session on Tuesday, 16<sup>th</sup> June 2026. During this meeting, seven (7) stakeholders made oral submissions before the Committee. The Committee also conducted public participation meetings in the following nine (9) counties: Nakuru, Nyeri, Meru, Kisumu, Kakamega, Uasin Gishu, Machakos, Mombasa and Kwale.

The Committee wishes to extend its sincere appreciation to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support extended throughout its sessions. We also acknowledge the valuable input from all the stakeholders that attended the public participation meetings,

submitted their memoranda and attended the stakeholder engagement meeting. Lastly, I express my deep gratitude to the Honourable Members of the Committee and the Committee Secretariat for their dedication and contributions to the development and production of this report.

On behalf of the Departmental Committee on Trade, Industry and Cooperatives, and pursuant to Standing Order 199(6), it is my privilege and honour to present to this House the Committee's Report on the Street Vendors (Protection of Livelihood) Bill (*Senate Bill No. 41 of 2023*).

Having considered the Street Vendors (Protection of Livelihood) Bill (*Senate Bill No. 41 of 2023*), the Committee recommends that the House approves the Bill with amendments as outlined in the Schedule under Chapter Eight of this Report.

**Hon. Benard Masaka Shinali, CBS, MP**  
**Chairperson,**  
**Departmental Committee on Trade, Industry and Cooperatives**



## CHAPTER ONE

### 1.0 PREFACE

#### 1.1 Establishment of the Committee

- I. The Departmental Committee on Trade, Industry and Cooperatives is one of the twenty Departmental Committees of the National Assembly established under **Standing Order 216** whose mandate pursuant to **Standing Order 216 (5)** is as follows:
  - i. *To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;*
  - ii. *To study the programme and policy objectives of Ministries and departments and the effectiveness of their implementation;*
  - iii. *On a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;*
  - iv. **To study and review all the legislation referred to it;**
  - v. *To study, assess and analyse the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;*
  - vi. *To investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;*
  - vii. *To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on appointments);*
  - viii. *To examine treaties, agreements and conventions;*
  - ix. *To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
  - x. *To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
  - xi. *To examine any questions raised by Members on a matter within its mandate.*

#### 1.2 Mandate of the Committee

2. In accordance with the Second Schedule to the Standing Orders, the Committee is mandated to consider trade, including securities exchange, consumer protection, pricing policies, commerce, industrialisation including special economic zones, enterprise promotion & development including micro, small & medium enterprises (MSMEs), and small and medium enterprises (SMEs), intellectual property, industrial standards, anti-counterfeit policies and cooperatives development.
3. In executing its mandate, the Committee oversees the Ministry of Investment, Trade and Industry; and the Ministry of Cooperatives and MSMEs Development.

### 1.3 Committee Membership

4. The Departmental Committee on Trade, Industry and Cooperatives was reconstituted by the House on 5<sup>th</sup> March 2025 and comprises the following Members:

#### **Chairperson**

Hon. Benard Masaka Shinali, CBS, MP  
Ikolomani Constituency

#### **ODM Party**

#### **Vice-Chairperson**

Hon. Marianne Jebet Kitany, MP  
Aldai Constituency

#### **UDA Party**

Hon. Adhe Wario Guyo, MP  
North Horr Constituency  
**KANU**

Hon. Adams Korir Kipsanai, MP  
Keiyo North Constituency  
**UDA Party**

Hon. Anthony Tom Oluoch, MP  
Mathare Constituency  
**ODM Party**

Hon. Alfred Kiprono Mutai, MP  
Kuresoi North Constituency  
**UDA Party**

Hon. (Dr.) Beatrice Kahai Adagala, MP  
Vihiga County  
**ANC Party**

Hon. Amos Maina Mwago, MP  
Starehe Constituency  
**Jubilee Party**

Hon. Joshua Mbithi Mutua Mwalyo, MP  
Masinga Constituency  
**Independent Member**

Hon. John Okano Bwire, MP  
Taveta Constituency  
**WDM-K Party**

Hon. Joyce Kamene, MP  
Machakos County  
**WDM-K Party**

Hon. Samuel Parashina Sakimba, MP  
Kajiado South Constituency  
**ODM Party**

Hon. Robert Githinji Gichimu, MP  
Gichugu Constituency  
**UDA Party**

Hon. Michael Wainaina Wambugu, MP  
Othaya Constituency  
**UDA Party**

Hon. (Dr.) Wilberforce Ojiambo Oundo, MP  
Funyula Constituency  
**ODM Party**

#### **1.4 Committee Secretariat**

5. The Committee is facilitated by the following Secretariat:

Ms. Laureen Omusa Wesonga  
**Clerk Assistant I/Head of Secretariat**

Ms. Carolyn Musyoka  
**Hansard Reporter II (Clerk Assistant)**

Ms. Doreen Karani  
**Principal Legal Counsel II**

Mr. Peter Barasa  
**Legal Counsel II**

Ms. Priscilla Wangu  
**Fiscal Analyst II**

Ms. Pauline Sifuma  
**Hansard Officer II**

Ms. Priscilla Saidi  
**Research Officer III**

Mr. Ambrose Nguti  
**Media Officer III**

Ms. Margaret Wainaina  
**Protocol Officer III**

Ms. Peris Kaburi  
**Assistant Serjeant-at-Arms II**



## CHAPTER TWO

### 2.0 BACKGROUND OF STREET VENDING IN KENYA

#### 2.1 Introduction

6. In Kenya, street vendors are popularly referred to as hawkers. The origin of hawking in Kenya can be traced to colonial urban development, where informal traders clustered around railway stations, markets and public transport hubs. Scholarly commentary observes that street hawking was shaped by policy decisions during the colonial period.

#### 2.2 Situational Analysis

7. Street vending is a large and resilient part of Kenya's urban economy the informal sector supplies the vast majority of new jobs and constitutes a substantial share of non-agricultural employment; therefore, millions rely on vending for daily income and survival.
8. Street vendors operate in two dominant modalities: stationary vendors who work repeatedly from a fixed spot (a stall, a demarcated sidewalk space, or a market edge) and mobile vendors who move through streets, bus stops and traffic (selling to pedestrians and motorists).
9. They sell a very wide range of goods and services ready-to-eat food, produce and groceries, clothing and phone accessories, household goods, small services (shoe-repair, phone charging), and ad-hoc seasonal goods and their hours and locations are tightly linked to pedestrian flows, commuter peaks and informal markets. Academic fieldwork and local reporting consistently describe these patterns in towns.
10. Women are highly represented among street vendors, particularly in food and market trading, and vending is an important entry point into income generation for low-capital entrepreneurs. The work is flexible and low-barrier to entry which explains why so many workers enter vending during economic slowdowns but this informality also means vendors frequently lack social protection, formal business addresses, or access to credit and sanitation infrastructure.
11. While there are ongoing policy efforts to formalise and protect vending through registration, designated vending zones, licensing and dispute mechanisms, enforcement on the streets is inconsistent, some counties issue notices and curfews for vending on major streets, others conduct crackdowns and evictions, and there are recurring reports of confiscation of goods and harassment sometimes violent by enforcement teams. This creates an unstable operating environment. Vendors may be licensed on paper yet still face sudden relocation, or they may avoid registration because of unpredictable levies and fines.

## 2.3 Challenges Experienced by Street Vendors in Kenya

12. Street vendors experience many challenges. They include:

- a) Many hawkers operate without formal spaces and face constant threats of eviction or relocation. Such relocation is often without compensation or with little public participation;
- b) Hawkers often face pushback by formal businesses and urban planners who cite issues of congestion, obstruction of sidewalks, unfair competition, public health concerns and aesthetic concerns;
- c) Enforcement actions such as crackdowns, evictions, harassment, confiscation of goods, arrest and extortion;
- d) Inadequate infrastructure and services including lack of access to clean water, sanitation, lighting, shelter, waste disposal e.t.c. which affects their working conditions, health and productivity; and
- e) Street vendors typically earn low income, lack social protection, have little bargaining power and long working hours. The nature of this business means a low capacity to scale and limited business training as well as vulnerability to external shocks.

## 2.4 Current Legal and Policy Framework in Street Vending

Some of the legal provisions that touch on the street vending in Kenya include:

13. **The Constitution** provides a foundation for the protection of livelihoods and informal traders under the following Articles: Article 43 (1)(c) guarantees the right to social and economic rights, including the right to gain a livelihood; Article 40 protects the right to property, which extends to goods and assets used in vending; Article 56(c) calls for affirmative action programs to ensure minorities and marginalised groups have access to economic activities; and Part 2(7) of the Fourth Schedule assigns trade development and regulation to county governments, giving them authority to manage markets, hawking, and local commerce.
14. **The Micro and Small Enterprises Act, 2012** establishes the Micro and Small Enterprises Authority (MSEA) to promote the development and formalisation of small and informal businesses. Although not vendor-specific, it provides a policy umbrella for street vendors as part of the microenterprise ecosystem. Encourages registration, capacity building, and the creation of market infrastructure for informal traders.
15. **The Public Health Act, Cap. 242 and the Food, Drugs and Chemical Substances Act, Cap. 254** regulate the sale and handling of food critical for food vendors. The Acts require adherence to hygiene standards and give counties authority to inspect and license food vending operations.



16. **The Physical and Land Use Planning Act, 2019** mandates counties to integrate vending and informal trade spaces within urban plans. It encourages designation of vending zones consistent with urban development and public order.
17. **The Urban Areas and Cities Act, 2011** guides urban governance and planning. Section 36 mandates city and municipal boards to promote inclusivity and integration of informal economic activities such as hawking within city management frameworks
18. **County-Level Legal and Policy Frameworks:** Trade is a devolved function, therefore, county governments have enacted or applied various by-laws and county trade acts that regulate hawking and vending:
  - a) **The Nairobi City County Trade Licensing Act, 2019** governs licensing of informal traders and hawkers. Nairobi has also piloted “*designated vending areas*.”
  - b) **The Mombasa County Hawkers and Street Vendors Policy (draft, 2021)** aims to regulate vending zones, promote hygiene, and reduce harassment of street vendors.
  - c) **The Kisumu County Trade Policy (2020)** and the **Nakuru County Markets Act** provide local rules for allocating spaces and managing hawking in central business districts. However, enforcement remains uneven, and most counties rely on outdated Municipal By-Laws inherited from pre-devolution local authorities, often used to evict or penalise vendors rather than support them.

## 2.5 Comparative Analysis

19. In the **USA**, the primary goal is decriminalisation by establishing non-criminal health and safety rules. The law prohibits “*no-vending zones*” unless based on objective health or safety concerns. In NYC, permits are strictly capped and vendors only pay administrative fines.
20. There are no criminal charges/imprisonment, violations result in administrative tickets based on ability to pay. Facilities are accessible to street vendors (ADA compliance) and food safety standards (SB 972).
21. In **South Africa**, the sector is regulated by the Business Act, 1991 whose primary goal was repealing restrictive licensing to promote free trade as an economic activity. In terms of zoning, municipalities can declare restricted areas, but must follow strict “*Business Act*” processes.
22. The law generally allows trading without licenses unless in specific “*licensing authority*” areas. Confiscation of goods is allowed but must be procedurally fair, many “*clean-ups*” have been ruled unconstitutional. By-laws require vendors to keep sites clean and focus on preventing public nuisances.



## **CHAPTER THREE**

### **3.0 OVERVIEW OF THE STREET VENDORS (PROTECTION OF LIVELIHOOD) BILL (SENATE BILL NO. 41 OF 2023)**

#### **3.1 Introduction**

23. The Street Vendors (Protection of Livelihoods) Bill (Senate Bill No. 41 of 2023) is a Bill originating from the Senate and is co-sponsored by Sen. Esther Okenyuri, MP and the Hon. Owen Baya, CBS, MP. The Bill was passed by the Senate on 7<sup>th</sup> August 2025 and underwent First Reading on 23<sup>rd</sup> September, 2025 and thereafter committed to the Departmental Committee on Trade, Industry and Cooperatives for consideration and to facilitate public participation pursuant to Standing Order 127.
24. The Bill seeks to provide a legal framework for the recognition, protection and regulation of vending as a legitimate economic activity in Kenya including the establishment of minimum standards for street vending.

#### **3.2 Objective of the Bill**

25. The primary objective of the Street Vendors (Protection of Livelihood) Bill, 2025 is to:
- i. promote decent livelihoods for vendors by entrenching the right to informal trade;
  - ii. provide for uniform regulation of informal trading including designation of trading areas and licensing by counties;
  - iii. designate and manage public spaces for informal trade;
  - iv. ensure public participation in designation of vending zones and formulation of regulations; and
  - v. strengthening coordination between national and county governments.

#### **3.3 Potential Impact of the Bill**

26. The Street Vendors (Protection of Livelihood) Bill, 2023 will have the following impact on the street vending sector in the country:
- i. Economically, it will enhance the livelihoods of thousands of informal traders by securing their right to trade, reducing arbitrary evictions, and promoting fair access to vending spaces. It will also support local economic development and urban inclusivity by recognising the contribution of street vendors to employment and service delivery;
  - ii. Socially, the Bill seeks to reduce conflicts between vendors, enforcement officers, and formal businesses by setting clear rules on vending zones, hygiene, and safety standards;
  - iii. Institutionally, it will strengthen coordination between national and county governments in managing the informal trade sector while enhancing revenue generation through predictable licensing and registration systems; and

- iv. The Bill also protects vendors from harassment, guarantees access to essential facilities such as water, sanitation, lighting, and security, and upholds the right to association and public participation in vending plan formulation.

### 3.4 Regulatory Authority Proposed in the Bill

27. The Regulatory framework proposed under the Bill establishes the following collaborative governance model between the National and county governments:
- i. At the National level, the Cabinet Secretary for Trade is mandated to issue national guidelines and standards for street vending and may establish a Street Vending Unit within the Ministry to oversee implementation and coordination.
  - ii. At the County level, the County Executive Committee Member (CECM) for Trade is responsible for designating vending zones categorised as restriction-free, restricted, or no-vending zones conducting periodic surveys, maintaining registers of vendors, approving vending zone plans, and overseeing registration and licensing.
  - iii. County Assemblies are tasked with enacting enabling county legislation to give effect to the Act, including the management of licensing processes and enforcement of vending standards.
  - iv. The Bill mandates the creation of county vending plans developed through public participation and aligned with national and county physical planning laws, ensuring orderly vending and equitable use of urban space.

### 3.5 Clause by Clause Provisions of the Bill

The Bill contains thirty-two (32) clauses divided into six (6) parts and one (I) schedule. The clauses provide as follows:

28. **Part I (clauses 1 to 3)** of the Bill provides for preliminary matters including the short title of the Bill. It provides for the interpretation of terms used in the Bill such as 'vendor', 'mobile vendor', and 'vending zone'.
29. Clause 3 sets out the objects of the proposed law as to entrench the right to informal trading, regulate public space for vending, and ensure effective organisation and governance of the sector.
30. **Part II (clause 4)** of the Bill provides for the Regulation of Street Vendors. It empowers the Cabinet Secretary for Trade to establish national guidelines, develop planning standards, and designate a Street Vending Unit within the Ministry to ensure policy coordination and whose functions shall be formulation of national policies on street vending.
31. **Part III (clauses 5 to 14)** of the Bill provides for the demarcation of vending zones. It proposes a modality of various designated zones for trade i.e. restriction-free zones, restricted zones and no vending zones.



32. It also provides for the development of vending zone plans, and protection from arbitrary eviction. Counties must conduct surveys, establish vending centres, and uphold public participation in zoning plans.
33. **Part IV (clauses 15 to 22)** of the Bill provides for registration and licensing. It provides for the mandatory registration and licensing of all vendors, establishment of digital registers, and procedural fairness in licence issuance, renewal, and revocation. It also provides for the manner of food handling as per the Public Health Act and the Food, Drugs and Chemical Substances Act as well as empowering county executive members responsible for public health to prescribe regulations on food handling by hawkers and street vendors.
34. **Part V (clauses 23 to 29)** of the Bill provides for the rights and obligations of street vendors. This includes right to trade, access to essential facilities, protection from harassment, and the right to association. It also obliges vendors to maintain public hygiene and avoid obstructing public utilities.
35. **Part VI (clauses 30 to 32)** of the Bill contains the miscellaneous provisions. Counties are authorised to enact specific legislation for vending, provided it conforms to the Act. The general penalty for unspecified offences is a fine of up to Kshs. 50,000 or imprisonment of up to one year. Clause 32 also provides for delegation of legislative powers. It empowers the Cabinet Secretary for trade to make regulations for the better carrying out of the provisions of the Act and give them life.
36. **The Schedule** outlines the criteria for formulation of the county vending plan. This includes maintenance of public access, integrating vending into spatial plans, and ensuring fair coexistence between formal and informal sectors. It also restricts arbitrary no-vending declarations.
37. The Bill concerns county governments within the meaning of Article 110(1)(a) of the Constitution, in that it contains matters that affect the functions of county governments as prescribed in the Fourth Schedule to the Constitution. In that regard, the Fourth Schedule to the Constitution designates trade licensing and development as one of the functions of county governments.



## CHAPTER FOUR

### 4.0 PUBLIC HEARINGS ON THE STREET VENDORS (PROTECTION OF LIVELIHOOD) BILL (SENATE BILL NO. 41 OF 2023)

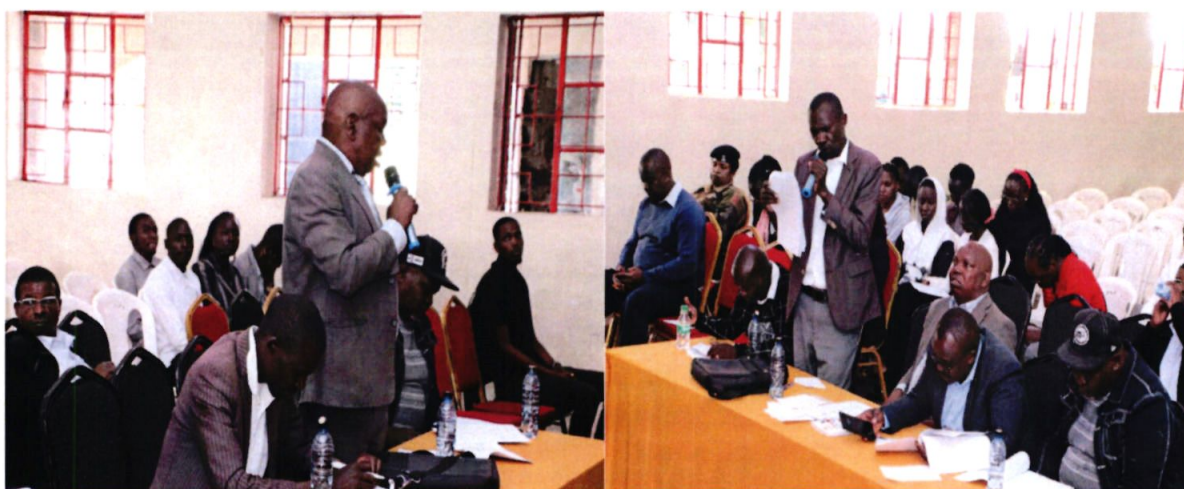
The Departmental Committee on Trade, Industry and Cooperatives undertook public hearings on the Street Vendors (Protection of Livelihood) Bill (*Senate Bill No. 41 of 2023*) in nine (9) counties on 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> May 2026. The purpose of the public participation was to get views of street vendors on the proposals in the Bill. The Committee got the following views from the Counties:

#### 4.1 Nakuru County

The street vendors in Nakuru County were in support of the Bill because it will protect legal businesses and deal with illegal businesses. The Bill will also make it possible to Gazette trading zones and allows counties to close some streets to allow street vendors to do their businesses. They proposed the following amendments to the Bill:

38. They observed that the Micro and Small Enterprises Act, 2012 provides for regulation of vendors but the Micro and Small Enterprises Authority has no capacity to regulate the sector. They proposed that the Bill should be amended to give county governments powers to regulate the sector including follow-ups and registration.
39. The Bill gives the Cabinet Secretary too much powers. The Cabinet Secretary should come up with policies on street vending while implementation of the Act be left to county governments since it is a devolved function.
40. Sub-clause 10(3) be amended by deleting the words, “*within twelve months of the*” and substituting with the words, “*immediately after*”. This will ensure that the survey is conducted immediately the Act comes to commencement.
41. Insert new paragraph 11(2)(e) to provide that street vendors will not be located in non-business areas.
42. Clause 16 on Registration of Vendors should be amended to accommodate rural-urban migration to address the critical need and challenges facing the public.
43. Amend clause 17 to provide that youths and persons with disabilities will be provided with free licenses for the first six (6) months of starting their business. The clause can also be amended to provide for permanent waiver of license fees to PWDs.
44. Amend clause 19 to prescribe a penalty of Kshs. 50,000 and jail term of one (year) for persons that sell their vending spaces.
45. Amend clause 21 by deleting the words “*county government*” and substituting with the words “*county executive committee member*” to give the responsibility of revocation of a license to a specific officer.

46. There should be street vending and protection of livelihood policy identifying the challenges facing the sector to guide the development of the Bill.
47. The Bill should provide timelines within which Regulations will be enacted to operationalise the Bill.
48. Provide for a National Street Vending Board comprising eleven (11) members with two representatives of the street vending community.
49. CECMs of Trade should provide a report of the vending sector every five (5) years to appraise the public on how the vending business was being conducted in the specific county.
50. Amend the Bill to provide for a Street Vendors' Fund that will support the sector.
51. Amend clause 31 by deleting the word "fifty" and substituting with the word "twenty" and deleting the words "one year" and substituting with "six months".
52. Amend clause 32 by deleting the word "may" and substituting with the word "shall" to make it mandatory for the CS to make Regulations.
53. Amend the Bill to provide for a criterion of identifying licensed street vendors e.g. through wearing badges.
54. The Bill should address conflict of interest in cases where street vendors are selling goods that are similar to those sold in shops close to vending spaces.
55. Remove the fines and jail terms because they are too punitive to street vendors. Probations can be introduced instead. Introducing fines and jail terms will reintroduce municipal courts.
56. Provide for regulation of street vendors from other counties through registration.





## 4.2 Nyeri County

Street vendors in Nyeri County proposed that the Bill be deleted in its entirety for the following reasons:

57. It introduces licenses which will increase the cost of doing business. Most street vendors begin their businesses with very little capital, introducing license fees will make it difficult for them to begin the business.
58. The fines and jail terms are too punitive to the street vendors. Their introduction will bring corruption in the business.
59. County governments may assign places with no human traffic for street vending and deny street vendors business.
60. Individual county governments should come up with legislations on street vending because they understand the specific needs of their counties.
61. Views given by members of the public are rarely taken into consideration by Members of Parliament.
62. The Bill should have been initiated by street vendors since they understand the challenges that they face in doing their business. Alternatively, street vendors should have been consulted during preparation of the Bill.
63. They were concerned that setting standards for street vendors will render vendors jobless as there working spaces will be limited and that the Bill does not provide protection for street vendors.



### 4.3 Meru County

64. Some members of the public in Meru supported the proposals in the Bill because they will regulate street vending, street vendors sometimes sell their wares on the road or in front of shops making it difficult for vehicles to move on the road and preventing clients from accessing the shops. The proposal for county governments to issue receipts for confiscated goods is welcome as it will prevent losses to street vendors. The Bill also protects street vendors from harassment.
65. Those who were not in support of the Bill observed that:
- a) The Bill needed to have originated from county governments because street vendors are under county governments.
  - b) The requirement for street vendors to be registered and licensed isn't proper because most people starting the vending business may not be able to pay the required fees. The country's economy is not doing well hence unfair to add costs to traders in the name of licenses.
  - c) Vendors are already selling their wares in places where they are used to, their businesses will be affected negatively if these areas are not designated as vending zones by county governments.
  - d) County governments may set license fees that are unaffordable to street vendors. The National Government needs to regulate licensing of street vendors.
  - e) It will be difficult for female street vendors to afford the cost of licenses.
  - f) It may be difficult for some county governments to provide vending zones.
  - g) The fines introduced in the Bill are exorbitant and should therefore be reviewed.
  - h) The Bill should provide for provision of washrooms and other facilities to street vendors in the vending zones.
  - i) The Bill should provide a radius within which street vendors can sell their wares.





#### 4.4 Kisumu County

66. The street vendors in Kisumu County supported the Bill because it will protect street vending businesses and further protect the street vendors against harassment by the local authorities. Previously, lack of a legal framework for street vending has exposed them to harassment and confiscation of their goods, causing them loss and damage. Despite their support for the Bill, they proposed the following amendments:
67. Amend clause 2 by deleting the word “*lame*” and substituting with the word “*lane*” to correct a typographical error.
68. Clause 4(2) be amended to establish a unit for three leaders from the counties on a rotational basis to form part of the committee that will be tasked with the mandate of designation of vending zones and managing the vending zones. That the committee to comprise at least three (3) street vendors who shall be members for a term not exceeding three years.
69. Clause 12 be amended by changing the marginal note from “*Periodic Markets*” to “*Pop-up Markets*”, noting that the term “*Pop-up Markets*” is internationally recognised and more appropriately captures the nature of the markets contemplated under the clause.
70. Clause 13(6) be amended to reduce the fine to Kshs. 5,000 because street vending is a small-scale business and as such a fine of Kshs. 10,000 is extremely high. Alternatively, the clause should be deleted because it is too punitive.
71. The Bill should be amended to make provision on the designation of vending zones that will ensure that the process of designation is not misused to the disadvantage of the street vendors.
72. The Bill should be amended to provide for the establishment of a vending committee.
73. Clause 15(4) provides for the categories of business that may be undertaken by foreigners. To safeguard and promote local enterprises, the Bill should expressly provide for the specific businesses or sectors that may be reserved for foreign participation or investment. This would enhance legal clarity, protect local businesses from unfair competition, and ensure a balanced framework for foreign involvement in the domestic economy.
74. Sub-clause 17(5) should be amended to remove the licensing of liquor and other beverages.
75. That clause 20 of the Bill should be amended to provide for 3 months grace period for renewal of a licence after the expiry as provided for under sub-clause 20(1) of the Bill.
76. The relocation notice issued to the street vendor by the County Executive Committee should be subjected to public participation before relocating street vendors.
77. There is need to make provision for policy review for MSEA, which is a major player in the street vendor business.

78. Clause 21 of the Bill should be amended to make provision for the establishment of a committee for handling appeals.



#### **4.5 Kakamega County**

79. The street vendors and members of the public in Kakamega supported the Bill as proposed. However, they proposed the following amendments to the Bill:
80. There is need to propose a penalty on county governments that fail to comply with the provisions of the Act, especially for failing to provide facilities to enable efficiency in doing street vendors' business.
81. They observed that the Bill failed to make provision for persons living with disability. That some of the street vendors are person living with disability and as such it is prudent to consider of the challenges they face will doing business. Failure to make provision for persons living with disabilities is in itself discriminatory.
82. Subclause 13(6) should be amended to review the fine of Kshs. 10,000 to Kshs. 5,000 with regards to persons living with disability.
83. There is need for the Bill to make provision that once a license is issued, the same should last for twelve (12) months and not at the end of the year, regardless of the time of issuance.
84. Public interest needs to be defined in the Bill.





#### 4.6 Uasin Gishu County

85. Street vendors and members of the public in Uasin Gishu County supported the Bill as proposed. They stated that although they support the Bill and its objectives, county governments should develop legislation to ensure the Bill is implemented in the interest of street vendors and their businesses. Despite their support, they proposed the following amendments to the Bill:
86. The penalty provisions be reviewed downwards by half, noting that the amounts prescribed in the Bill are punitive and unfair to street vendors, most of whom are small-scale traders with limited financial capacity to comply with such penalties when imposed.
87. Where the Bill mandates county governments to enact legislation for the implementation of its provisions, such county legislation should be guided by the principles, objectives, and framework established under the Bill. This would ensure uniformity, coherence, and effective implementation across all counties, while safeguarding the objectives of the Bill once enacted.
88. The penalties for non-compliance should not exceed Kenya Shillings one thousand (Kshs. 1,000). Additionally, where the Bill provides for imprisonment, such imprisonment should not exceed one month and should, where possible, be non-custodial in nature.
89. The Bill should include provisions requiring enforcement officers to properly identify themselves while carrying out enforcement duties and further provide for the issuance of summons before any arrest is effected.
90. The Bill should make provision for mobile street vendors who operate from one location to another. They observed that such vendors are frequently subjected to harassment by local authorities and, therefore, there is need for safeguards within the Bill to protect their businesses and operations.
91. Perishable goods should be exempted from confiscation under clause 25(2) of the Bill. Instead, the authorised officer should take photographic evidence of the goods for purposes of enforcement and compliance



92. The Bill should make specific provisions addressing the needs of PWDs, including ensuring that designated vending zones are disability-friendly and accessible for ease of doing business.
93. Persons living with disabilities should be liable to pay fines that are five per cent (5%) lower than the prescribed penalties under the Bill.
94. The Bill should include provisions on the training and capacity building of enforcement officers to promote professionalism, fairness, and effective implementation of the law.
95. The Bill be amended to provide that the licensing fee payable by a street vendor should not exceed Kenya Shillings ten thousand (Kshs. 10,000).



#### 4.7 Machakos County

96. The street vendors in Machakos County were in support of the Bill because it will protect their businesses. The Bill will also make it possible for them to sell more especially with the trading zones or periodic zoning which might allow county governments to designate use of some streets by street vendors.
97. The County Government expressed general support for the Bill's objectives, noting that street vending regulation aligns with existing county efforts to structure informal trade. Machakos County had already taken steps to regulate street vending ahead of the Bill. The following issues were raised on the Bill in Machakos County:
98. Vendors raised concern that those operating on roadsides, particularly in the evenings, face safety risks from traffic and accidents. The Bill should ensure that the designation of vending times and zones takes vendor safety into account and is not driven solely by commercial or urban planning considerations.
99. Vendors challenged the imposition of an annual licence fee as unaffordable. They proposed a daily fee structure or, alternatively, a monthly payment arrangement. The County Government of Machakos had already established a committee to facilitate monthly payments, which vendors found more structured, organised and affordable than a lump sum annual fee.



100. Vendors raised concern that zoning decisions should take into account the gender composition of the vending community. The majority of small-scale food vendors commonly referred to as *mama mboga* are women, and designated zones should be accessible, safe and appropriate for women vendors, including consideration of proximity to their homes and customers.
101. Vendors expressed concern that while the Bill imposes obligations and fees on vendors, it does not adequately hold county governments accountable for delivering essential services in vending zones. Vendors called for the county to maintain cleanliness and facilities in designated zones, and proposed that the Bill provide for consequences where the county fails to provide essential services such as garbage collection, lighting and sanitation. The principle articulated was that licensing fees should translate into tangible services and vendors must get value for what they pay.
102. Vendors proposed that verification of applicants be carried out prior to registration to confirm the legitimacy of persons seeking to be registered as street vendors, and to prevent registration of persons who are not genuine street vendors.
103. Vendors proposed that vendor committees be recognised and empowered in the Bill as a structured and organised mechanism for vendors to communicate with county governments, air grievances and participate in decision-making affecting their businesses. Vendors further proposed that while the right to join an association should be recognised and protected, membership should not be mandatory. Where associations are formed, they should be organised along sectoral lines for example, food vendors, clothing vendors etc. to allow for more focused representation. Compulsory membership in a general association was seen as an imposition that could be used to exclude or disadvantage certain vendors.
104. Vendors expressed concern about being displaced from their trading spaces due to changes in county political leadership. They proposed the introduction of Temporary Occupation Licences to guarantee continuity of a vendor's trading space irrespective of political transitions.
105. Vendors raised concerns about displacement arising from destruction of market infrastructure, whether through fire, floods or other natural disasters. Concerns were also raised that government agencies have on occasion used unorthodox means, including arson, to displace vendors without following due process. Vendors proposed that the Bill provide for resettlement and compensation in such circumstances, including where the State is implicated in the destruction.





#### 4.8 Mombasa County

106. Street vendors in Mombasa County supported the Bill. The proposal for county governments to issue receipts for confiscated goods is welcome as it will prevent losses to street vendors. The County Government of Mombasa indicated that it had a law on street vending in place. The following issues were raised during the hearing:
107. Stakeholders raised concern about the lack of clarity in the Bill on the respective roles of the national and county governments in regulating street vending. Given that trade licensing is a devolved function under the Fourth Schedule of the Constitution, stakeholders proposed that the Bill more clearly delineate what falls under national government policy and what falls under county government implementation, to avoid duplication and conflict.
108. Stakeholders proposed that membership of street vendors' associations should not be mandatory. The right to associate should be protected but vendors should not be compelled to join an association as a condition of trading or licensing.
109. Stakeholders proposed that the Bill provide for emergency preparedness plans for vending zones, covering scenarios such as fires, floods and other disasters. Vending zones, particularly those in densely populated areas, are vulnerable to emergencies and vendors should not be left without a structured response framework.
110. Stakeholders proposed that public health officers be designated to monitor and enforce food cleanliness standards in vending zones. Food vendors should be required to hold valid public health licences in addition to vending licences, and compliance should be actively enforced rather than left to self-regulation.
111. Stakeholders raised concern about the proliferation of illegal power connections in vending zones, which pose serious safety risks. The Bill or its regulations should provide for monitoring and enforcement against illegal connections, in coordination with Kenya Power and the police.



112. Stakeholders raised concern about how pop-up and periodic markets established under clause 12 of the Bill will be regulated, particularly regarding the standards to be met, the duration of designation, and how vendors are selected to participate. Clear regulatory guidance was proposed to prevent abuse of the periodic market designation.
113. Vendors were advised and acknowledged that blocking roads and public thoroughfares is not permitted under the Bill and that vending activities must be conducted in a manner that does not impede the public's right of way.
114. Stakeholders raised concern about the presence of foreign nationals engaging in street vending in Mombasa, particularly those who are not genuinely from the region or who have no established connection to the local vending community. It was proposed that the Bill provide a clear framework for distinguishing between *bona fide* local vendors and foreign nationals seeking to participate in the sector, with appropriate restrictions to protect local livelihoods.
115. Stakeholders raised concern that clause 32 does not impose a mandatory obligation or timeline on the Cabinet Secretary to make regulations. Without a timeline, the Act risks remaining inoperative in practice, deferring the benefits of the Bill indefinitely.



#### 4.9 Kwale County

116. Some members of the public in Kwale supported the proposals in the Bill because they will regulate street vending. Street vendors sometimes sell their wares on roads or in front of shops, making it difficult for vehicles to move and preventing customers from accessing shops and the Bill's zoning provisions would address this. The Bill's provisions protecting vendors from harassment were also welcomed. The proposal for county governments to issue receipts for confiscated goods was welcomed as it will prevent losses to street vendors. The following issues were raised during the hearing:
117. Stakeholders raised concern that while the Bill penalises officials who harass vendors or unlawfully confiscate goods, it does not provide remedies for the affected vendor. Vendors proposed that compensation and other remedies be made available directly to vendors where their rights have been violated.



118. Stakeholders proposed that the sale of traditionally brewed liquor, popularly known as *mnazi*, be permitted within vending zones subject to prescribed regulations. Vendors engaged in this trade should not be excluded from the Bill's protections provided they comply with applicable licensing requirements.
119. Stakeholders raised concern about extortion of vendors by enforcement officers and proposed that the Bill provide explicit protection against extortion, with clear consequences for officers who demand payments from vendors as a condition of allowing them to trade.
120. Stakeholders proposed that any changes to licence fees, rules or regulations affecting vendors be communicated to vendors in advance and in a manner accessible to them. Vendors should not be penalised for non-compliance with requirements they were not adequately informed of.
121. Vendors proposed that a grace period be provided for new vendors before they are required to pay licence fees, to allow them time to establish their businesses before incurring regulatory costs.
122. Vendors expressed concern that licence fees should translate into tangible services. The county government must deliver on its obligations including maintenance of facilities, cleanliness and security in vending zones in exchange for the fees collected from vendors.
123. Stakeholders raised concern that the penalties prescribed for vending in restricted zones are excessively high, particularly given that no zoning has yet been carried out in Kwale County. Imposing penalties for offences tied to a regulatory framework that does not yet exist in practice is premature and unjust.
124. Stakeholders raised concern that the Bill does not adequately address safety standards in vending zones. Vendors operating in areas without proper infrastructure face risks to their physical safety and that of their customers, and the Bill should impose minimum safety standards applicable to all designated vending zones.





#### **4.10 Consolidated Proposed Amendments from the Public Participation**

125. Amend clause 5 of the Bill to require counties to consult vendors before designating vending zones.

##### **Committee Observation/Recommendation**

**The committee Observed that this proposal is necessary to give effect to Articles 10 and 118 of the Constitution. Given that the decision to designate vending zones directly affects street vendors, it is necessary to consult and involve them in this decision.**

126. Amend the Bill to impose an obligation on both National and county governments to maintain high quality infrastructure and ensure the safety of vendors in designated vending zones.

##### **Committee Observation/Recommendation**

**Committee observed that this proposal is necessary, the same has been provided for under clause 24 of the Bill which provides and obligates the county government to provide adequate essential facilities within vending zones and adjacent areas.**

127. Amend the Bill to make provision for PWD-friendly vending zones and to provide for free licences for persons with disabilities.

##### **Committee Observation/Recommendation**

**The committee observed that this proposal is necessary and proposed the inclusion of persons living with disabilities in the composition of the street vendors committee at the national and county levels for the purpose of participation in policy development and the further demarcation and designation of vending zones.**

128. Amend the Bill to provide for a mechanism for identifying licensed street vendors, such as the wearing of identification badges or vests.

##### **Committee Observation/Recommendation**

**The Committee observed that this provision is necessary, however it took note of the provisions of clause 30 where the county is obligated to enact legislation as this provision will be proper if enacted in county legislation.**

129. Amend the Bill to provide for regulation and registration of vendors operating across county boundaries.

##### **Committee Observation/Recommendation**

**The Committee observed that this proposal is likely to create challenges in implementing the Act, as implementation shall be based on various county legislation**

**that counties have been obligated to enact under clause 30. As such, the Committee rejected this proposal.**

130. Amend clause 15(3) to distinguish between EAC nationals and non-EAC foreign nationals, and to provide for restrictions on non-EAC foreign nationals engaging in street vending to protect local vendors.

**Committee Observation/Recommendation**

**The Committee recommends that clause 15(3) be amended to clearly distinguish between EAC and non-EAC foreign nationals, with appropriate restrictions to protect local livelihoods.**

131. Amend the Bill to provide for security of tenure of a vending licence, including through the introduction of Temporary Occupation Licences, to guarantee continuity of a vendor's trading space irrespective of changes in county leadership.

**Committee Observation/Recommendation**

**The Committee observed that it was necessary to review the provision on the expiry of the issued license and proposed that the same should expire within twelve months from the date of issue. This was necessary as the same shall give the street vendor ample time to do business within a specified period.**

132. Amend clause 19(2) of the Bill to require that licence fees be determined through consultation and consensus between the county government and vendors, rather than being unilaterally imposed, and to provide for a flexible fee structure, including daily or monthly payment options, that is affordable to low-income vendors. A grace period shall be provided for new vendors before licence fees become payable, and free licences shall be provided to youth vendors for the first six months of operation.

**Committee Observation/Recommendation**

**The Committee observed that consultation with street vendors is necessary to give effect to articles 10 and 118 of the Constitution, which gives the street vendors, just like any other Kenyan, the right to participate in matters that affect them.**

133. Amend clause 26 of the Bill to provide for compensation to vendors who are harassed or whose goods are unlawfully confiscated by county officials, and to provide explicit protection against extortion of vendors by enforcement officers.

**Committee Observation/Recommendation**

**The Committee observed that this proposal is necessary to protect street vendors from losses and damages. However, the Committee noted that clause 26 of the Bill provides**



**for the protection of street vendors against harassment. As such, the Committee proposed an amendment to clause 26(2) to enhance the penalty for a person who contravenes this provision.**

134. Amend clause 31 to reduce the general penalty, and consider replacing fines and imprisonment with alternative measures such as warnings, probation or community service where the offender is a street vendor.

**Committee Observation/Recommendation**

**The Committee observed that the provision was punitive considering that street vendors are small scale traders and as such, the review of the provision was necessary.**

135. Amend the Bill to address conflict of interest arising where street vendors sell goods similar to those sold in formal shops in close proximity to vending spaces.

**Committee Observation/Recommendation**

**The Committee observed that the proposed Bill provides for vending zones where streets vendors shall be free to do business and as protecting the street vendors' right to carry on business in the vending street in accordance with the terms and conditions set out in the license. As such the element of conflict of interest may not arise.**

136. Amend the Bill to address the question of whether vendors may obtain a legal interest such as a lease or Temporary Occupation Licence over their allocated vending space.

**Committee Observation/Recommendation**

**The Committee observed that this proposal is likely to pose a challenge in the implementation of the Bill as the vending space shall be created or designated for purposes of doing business and upon issuance of a license to the street vendor. Further, upon issuance of the license, the street vendor has the right to do business as per the provisions of clause 24.**

137. Amend the Bill to provide for the protection of vendors against displacement arising from destruction of markets whether by fire, floods or other natural disasters and to provide for resettlement and compensation in such circumstances, including where the State is implicated in the destruction.

**Committee Observation/Recommendation**

**The Committee observed that clause 13 of the Bill provides for the relocation or eviction of a street vendor. Under this provision, a county executive committee member is prohibited from evicting or relocating a street vendor unless a notice has been issued and the vendor has been heard on the proposed relocation or eviction. The**

**Committee has proposed an amendment to the aforementioned provision on the right to a fair hearing before relocation or eviction.**

138. Amend clause 32 to impose a mandatory obligation on the Cabinet Secretary to enact Regulations within a specified timeline after commencement of the Act.

**Committee Observation/Recommendation**

**The Committee observed that there is a need to provide a timeline for enactment of county legislation and proposed that it be enacted within twelve months from the commencement of the Act.**

139. Amend the Bill to more clearly delineate the respective roles of the national and county governments in regulating street vending.

**Committee Observation/Recommendation**

**The Committee observed that this was necessary and proposed establishing the Street Vendors Committee at the national level and the Street Vendors Taskforce at the county level, with defined functions.**

140. Amend the Bill to provide for emergency preparedness plans for vending zones, covering fires, floods and other disasters.

**Committee Observation/Recommendation**

**The Committee observed that this proposal is good but can be better provided for in county legislations and regulations.**

141. Amend the Bill to provide for the designation of public health officers to monitor and enforce food safety standards in vending zones, and to require food vendors to hold valid public health licences in addition to vending licences.

**Committee Observation/Recommendation**

**The Committee observed that the Bill, under clause 22(2), proposes that the county executive committee member responsible for public health may, from time to time, prescribe regulations relating to the proper handling of food by hawkers and street vendors.**

142. Amend the Bill or its regulations to provide for monitoring and enforcement against illegal electricity connections in vending zones, in coordination with the relevant energy regulator.



### **Committee Observation/Recommendation**

**The Committee observed that this proposal is necessary, the same has been provided for under clause 24 of the Bill which provides and obligates the county government to provide adequate essential facilities within vending zones and adjacent areas.**

143. Amend clause 12 of the Bill to provide for clear standards, criteria and procedures for the designation, regulation and management of popup and periodic markets, including the manner of selecting participating vendors.

### **Committee Observation/Recommendation**

**The Committee observed that this proposal is necessary and made proposal to distinguish between pop-up markets and periodic markets.**

144. Amend the Bill to permit the sale of authorised traditional liquor, including *mnazi*, within designated vending zones subject to compliance with applicable licensing requirements.

### **Committee Observation/Recommendation**

**The Committee observed that this needs to be considered in accordance with other laws that provide for the sale of alcohol in the country.**

145. Amend the Bill to require that any changes to licence fees, rules or regulations affecting vendors be communicated to vendors in advance and in a manner accessible to them, and to provide that vendors shall not be penalised for non-compliance with requirements they were not adequately notified of.

### **Committee Observation/Recommendation**

**The Committee observed that this provision is necessary to grant street vendors the right to participate in decision-making on matters concerning them. However, it was recommended that the review of licensing fees, rules, and regulations are normally conducted in accordance with Articles 10 and 118 of the Constitution, thereby affording street vendors the right to public participation whenever such cases arise.**

146. Amend the Bill to require county executive committee members responsible for trade to submit periodic reports to the county assembly on the state of the street vending sector in their respective counties.

### **Committee Observation/Recommendation**

**The Committee observed that this proposal is necessary as the same shall assist county assemblies in the exercise of their oversight role to track the process of implementation of the Act and subsequent county legislation enacted in accordance**

**with clause 31. The Committee proposed amendment to clause 31 to incorporate the proposal.**

147. Amend the Bill to provide for verification of applicants prior to registration to confirm the legitimacy of persons seeking to be registered as street vendors.

**Committee Observation/Recommendation**

**The Committee observed that this can be provided for in county legislation and regulations.**

148. Amend the Bill to provide for gender-responsive zoning, taking into account the predominance of women particularly *mama mboga* in the street vending sector, and to ensure that designated zones are accessible, safe and appropriate for women vendors.

**Committee Observation/Recommendation**

**The Committee observed that this can be provided for in county legislation and regulations.**

149. Amend the Bill to recognise and empower vendor committees and associations as structured mechanisms for vendor participation in decision-making, while providing that membership of such associations shall not be mandatory and that associations may be organised along sectoral lines.

**Committee Observation/Recommendation**

**The Committee observed that the right to association is a constitutional right and, as such, it would be unconstitutional to force street vendors to join an association. The Committee recommended that the right to form an association should be by choice, and thus rejected this provision.**

150. Amend the Bill to require county governments to register vendors operating across county boundaries and to provide for the mutual recognition of vending registrations across counties.

**Committee Observation/Recommendation**

**The Committee observed that this proposal is likely to create challenges in implementing the Act, as implementation shall be based on various county legislation that counties have been obligated to enact under clause 30. As such, the committee rejected this proposal.**



## CHAPTER FIVE

### 5.0 STAKEHOLDER ENGAGEMENT ON THE STREET VENDORS (PROTECTION OF LIVELIHOOD) BILL (SENATE BILL NO. 41 OF 2023)

151. Following the call for memoranda from the public through placement of an advertisement in the print media on 27<sup>th</sup> September 2025 and vide letters Ref: NA/DDC/TIC/2026/044 dated 4<sup>th</sup> June 2026 and Ref: NA/DDC/TIC/2026/038 dated 7<sup>th</sup> May 2026, inviting stakeholders for a meeting, the Committee received memoranda from the following stakeholders on the Street Vendors (Protection of Livelihood) Bill (Senate Bill No. 41 of 2023):

- i. The State Department for MSMEs Development;
- ii. The State Department for Trade;
- iii. The National Gender and Equality Commission (NGEC);
- iv. P. Kamau and Kamau Advocates LLP;
- v. Kenya Union of Domestic, Hotels, Educational Institutions, Hospital & Allied Workers/Kenya National Alliance of Street Vendors and Informal Traders; and
- vi. Council of Governors
- vii. Women Traders of Githurai Market

152. The stakeholders submitted as follows:

#### 5.1 The State Department for MSMEs Development

In a meeting with the Committee held on Tuesday, 16<sup>th</sup> June 2026, Mr. Doyo Mohamed, Secretary MSME proposed the following amendments to the Bill:

##### Clause 2

153. Amend definition of “vendor” to “mean a micro or small enterprise as defined under Cap. 499C engaged in vending”.

##### Committee Observation/Recommendation

**The definition provided in the Bill is sufficient. The intent of the Bill is not to convert street vendors into MSMEs.**

154. Amend clauses 15 to 17 by integrating the register with single portal; deeming provision that registration as a street vendor satisfies MSME registration requirements without additional fees.

##### Committee’s Observation/Recommendation

**The above amendment is anchored on the proposed Micro and Small Enterprises (Amendment) Bill. A law cannot be anchored on non-existent legal frameworks. The proposal was therefore rejected by the Committee.**

155. Amend clauses 4, 15, 16, 17 and 26 of the Bill by mandating collaboration with MSEA, ensure entry into single portal, and submit annual reports to CS MSMEs.

**Committee Observation/Recommendation**

**The Bill seeks to coordinate the street vending sector which has never been regulated. It aims at formalising the vending sector and is not a replacement of the Micro and Small Enterprises Act.**

156. Amend clauses 5 to 14 by integrating with single portal.

**Committee's Observation/Recommendation**

**The above amendments are anchored on the MSME Policy and is yet to be enacted and the proposed Micro and Small Enterprises (Amendment) Bill. A law cannot be anchored on non-existent legal frameworks. Their proposals were therefore rejected by the Committee.**

157. Amend the Bill by inserting a new clause 26A granting street vendors right to appeal to a Tribunal on license decisions, evictions/relocation, confiscation; concurrent jurisdiction with county appeals committee.

**Committee's Observation/Recommendation**

**This proposal was adopted by the Committee as the same is necessary for purposes of fair administration of justice.**

158. Amend clauses 11 and 24 by linking to MSEA infrastructure mandate.

**Committee's Observation/Recommendation**

**The Committee rejected this provision as this proposal shall bind the street vendors with the regulatory requirement for MSEA which is likely to conflict with the county's obligation on street vendors.**

159. Amend clause 15 to require quarterly submission of disaggregated data to Registrar of MSMEs for integration into a single portal.

**Committee's Observation/Recommendation**

**The above amendment is anchored on the proposed Micro and Small Enterprises (Amendment) Bill. A law cannot be anchored on non-existent legal frameworks. The proposal was therefore rejected by the Committee.**



160. Amend clause 25 to require Tribunal for review of confiscation; provide for perishable goods handling procedures; remove imprisonment for first offence.

**Committee's Observation/Recommendation**

**The Committee adopted this proposal.**

161. Amend clause 27 to require registration under Cap. 499C, recognise such registered associations as primary representatives; confer body corporate status.

**Committee's Observation/Recommendation**

**The Committee observed that the right to association is a Constitutional right.**

162. Amend the Bill by inserting new clause 29A granting registered vendors access to MSME Development Fund, credit guarantee schemes and linkages to affordable credit, savings, and micro-insurance.

**Committee's Observation/Recommendation**

**Members observed that street vendors are not prohibited from accessing the above services and therefore rejected their proposal.**

163. Amend the Bill by inserting new clause 29B making registered street vendors eligible to participate in AGPO and county government procurement programmes.

**Committee's Observation/Recommendation**

**The Committee observed that street vendors are not prohibited from accessing the above services and therefore rejected their proposal.**

164. Amend clause 31 by removing imprisonment for first offence, substitute community service, reduce maximum fine to Kshs. 20,000.

**Committee Observation/Recommendation**

**The committee reviewed this provision by substituting the same with new penalties.**

## **5.2 The State Department for Trade**

In a meeting with the Committee held on Tuesday, 16<sup>th</sup> June 2026, Mr. Robert Okoth, Deputy Director in the State Department, proposed the following amendments to the Bill:

### **Clause 3**

165. Amend the clause by providing for proper capacity assessment during planning to guarantee security, safety, and orderly business operations.

### **Committee's Observation/Recommendation**

**The Committee observed this proposal is necessary and proposed to have the same provided for under county legislation with specified timelines.**

### **Clause 5**

166. Amend the clause to provide that the criteria for vending zone planning takes into account the commercial viability and ensure balance between informal vendors and formal retail, consistent with the National Trade Policy principles of inclusive trade and market integration.

### **Committee's Observation/Recommendation**

**The Committee observed that this proposal is necessary in protecting possible conflict between street vendors and formal retail traders.**

### **Clause 6**

167. Amend the clause by strengthening mechanisms for county-national coordination to ensure policy harmonisation and effective enforcement.

### **Committee's Observation/Recommendation**

**The Committee has proposed the formation of a Street Vending Committee which will have representation of both the National and county governments. Additionally, there are express provisions for conflict resolution between the National and county governments.**

### **Clause 15**

168. Amend the clause in paragraph 15 (2) (a) to provide for integration with the National Trade Portal to enhance data management and market information access.

### **Committee's Observation/Recommendation**

**The Committee observed that this provision is not necessary as the obligation has been placed on the county government who are required to enact legislations to promote street vending business.**

### **Clause 16 and 17**

169. Amend the clauses by providing for simplified, harmonised and technology-enabled systems including online registration and uniform licensing guidelines to improve ease of doing business and reduce compliance burdens.



#### **Committee's Observation/Recommendation**

**The Committee reviewed the provisions of clause 17 by deleting the same.**

#### **Clause 26**

170. Amend subclause 26(1) by making it compulsory for each vendor to be a member of an association of their choice to support coordination and for effective self-regulation.

#### **Committee's Observation/Recommendation**

**This proposal was rejected because a person cannot be forced to be a member of an association.**

171. Amend subclause 26(5) by reducing the fine from Kshs. 100,000 to Kshs. 50,000 because the income of street vendors is relatively low and therefore the fine and imprisonment are relatively harsh.

#### **Committee's Observation/Recommendation**

**The Committee reviewed provisions on penalties to the enforcing or authorised officer.**

#### **Clause 28**

172. Amend the clause by emphasising public health safety in designated vending zones. Green practices should be promoted among vendors and collaboration with county governments on environmental compliance.

#### **Committee's Observation/Recommendation**

**This provision has already been provided for under clause 22 of the Bill.**

### **5.3 The National Gender and Equality Commission**

In a meeting with the Committee held on Tuesday, 16<sup>th</sup> June 2026, Mr. Paul Kuria, Director of Programmes and Research and Ms. Zaphida Chege, Senior Legal Counsel, proposed the following amendments to the Bill:

#### **Clause 5**

173. Amend the clause by inserting the following new paragraph 5 (1) (d) immediately after paragraph (c), "(d) *Reserved vending zones for persons with special needs*". This is because vendors and customers with special needs require accessible zones due to limited mobility.

### **Committee's Observation/Recommendation**

**The law already provides for accessibility and facilities for PWDs. This proposal amounts to segregation of PWDs which is unconstitutional.**

#### **Clause 9**

174. Amend the clause by deleting the words, *"penalty of six months and or a fine of not less than ten thousand shillings"* and substituting with the words, *"with a fine of one thousand five hundred as a first offender and suspension of the license on the subsequent offence"*. The sanctions imposed contradict the spirit of the Bill.

### **Committee's Observation/Recommendation**

**The Committee proposed that the fine for a first offender be set at a maximum of Kshs. 5,000 or a one-week non-custodial sentence while the fine for a repeat offender be set at a maximum of Kshs. 10,000 or a three-months non-custodial sentence.**

#### **Clause 11**

175. Amend the clause by inserting the following new paragraph (3), *"the planning of the centres shall take into consideration the universal accessibility of the roads, amenities and build environment"*.

### **Committee's Observation/Recommendation**

**This is already provided for in law hence no need for duplication.**

#### **Clause 13**

176. Amend clause by substituting the fine of ten thousand shillings with one thousand shillings because the fine is high for the target group.

### **Committee's Observation/Recommendation**

**The Committee observed that this was necessary as the amount proposed in the Bill is punitive against the street vendors who are small scale traders. The amount as proposed defeats the objects of the Bill.**

#### **Clause 21**

177. Amend subclause 21(5) by establishing an appeals committee since it has not been established in the Bill.



### **Committee's Observation/Recommendation**

**The Committee observed that there is need to put in place a review and appeals mechanism for purposes of fair administration of justice.**

178.Amend subclause 21(6) so that further appeal can be made to court and not the tribunal.

### **Committee's Observation/Recommendation**

**The Committee observed that there is need to put in place a review and appeals mechanism for purposes of fair administration of justice.**

### **Clause 24**

179.Amend subclause 24(1) by inserting the words "*accessible infrastructure, build environment*" immediately before the words "*and parking*".

### **Committee's Observation/Recommendation**

**The Committee observed that this amendment is not necessary as the same has been provided for as an obligation to the county executive committee member to provide essential services including parking.**

### **Clause 25**

180.Amend the clause by deleting subclause 25(2) in its entirety because confiscation of goods of the vendor will further impoverish the vendor.

### **Committee's Observation/Recommendation**

**The Committee observed that this amendment was necessary and reviewed the proposal by prohibiting confiscation of perishable goods which is likely to expose street vendors to loss and damages.**

181.Amend subclause 25(3) by deleting the words, "*may confiscate goods where*" and substituting with the words, "*may take an inventory of the goods for purposes of taking legal action*".

### **Committee's Observation/Recommendation**

**The Committee observed that this amendment was necessary and reviewed the proposal by prohibiting confiscation of perishable goods which is likely to expose street vendors to loss and damages.**

182. Amend subclause 25(3) by substituting the penalty of the fine of two hundred thousand with two thousand and the conviction term from one year to one month.

**Committee's Observation/Recommendation**

**The Committee observed that this proposal is necessary as the penalties proposed in the Bill are punitive and likely to discourage street vending business which is usually small scale.**

183. Amend the clause by substituting the fine of "*one hundred thousand*" with "*five thousand*" and deleting the term "*one year*" and substituting with the word "*one month*".

**Committee's Observation/Recommendation**

**The Committee observed that this proposal is necessary as the penalties proposed in the Bill are punitive and likely to discourage street vending business which is usually small scale.**

**5.4 P. Kamau & Kamau Advocates LLP**

In a meeting with the Committee held on Tuesday, 12<sup>th</sup> June 2026, Ms. Phyllis Kamau proposed the following amendments to the Bill:

**Clause 5**

184. Amend the clause by deleting the words "*County Executive Committee Member*" and provide for the creation of a County Vending Committee comprising at least 30 to 40% elected vendor representatives (including women, youth, and persons with disabilities). The Committee should have powers to demarcate and designate areas for gazettement including the obligations in subclause 5, 6 and 7.

**Committee's Observation/Recommendation**

**This proposal was adopted and reviewed by the Committee to establish the county vending taskforce for purposes of designating and demarcating vending zones.**

**Clause 10**

185. Amend subclause 2 by deleting and substituting as follows, "*the County Executive Committee Member shall upon recommendation of the County Vending Committee*". To strengthen public participation.

**Committee's Observation/Recommendation**



**The Committee adopted this proposal upon reviewing the provisions of clause 5 to establish the County Vending Taskforce.**

**Clause 13**

186. Amend the clause by deleting subclause 13(b) and substituting as follows, "(b) *relocate with consultation from the County Vending Committee*".

**Committee's Observation/Recommendation**

**This proposal was reviewed by the Committee in clause 5 of the Bill to establish the County Vending Taskforce which is responsible for designating and demarcating vending zones and as such it is necessary to review the proposal to read "relocation in consultation with the County Vending Taskforce".**

187. Amend the clause by including the following clauses, "*before a relocation order is given, the CEC or National Government body shall ensure that: (i) the proposed plan is submitted to the County Vending Committee. The County Vending Committee considers the plan and makes recommendation to the CEC or National Government officer responsible for the relocation. In reviewing this request, the County Vending Committee will take into consideration that the relocation plan clearly outlines a notice period, that there is another designated location where the traders can move, that traders are not evicted at night and relocations happen within business hours of 8.00 am to 5.00 pm. That there shall not be destruction of property during such evictions; and (ii) compensation of street vendors should a government authority evict traders in violation of this section*".

**Committee's Observation/Recommendation**

**The Committee adopted this provision.**

**Clause 14**

188. Amend subclause 14(e) by giving power to the County Vending Committee.

**Committee's Observation/Recommendation**

**The Committee observed that this has been reviewed and powers given to the County Vending Taskforce.**

**Clause 17**

189. Amend subclause 17(2) to include recommendations of the County Vending Committee on a licensing regime which should reflect the poverty index, perennial loss and mobile nature of street vendors.

**Committee's Observation/Recommendation**

**The committee observed that this provision should be reviewed under the provisions on the role of the County Vending Taskforce.**

#### **Clause 25**

190. Amend the clause by including compensation for damaged goods confiscated contrary to provisions of the Bill.

#### **Committee's Observation/Recommendation**

**The Committee observed that the clause should be reviewed to prohibit confiscation of perishable goods and to provide a fine against an officer who acts contrary to the provision.**

#### **Clause 26 and 31**

191. Amend subclause 26(2) and clause 31 by reducing the fine to Kshs. 2,000 and either delete imprisonment or reduce it to three months.

#### **Committee's Observation/Recommendation**

**The Committee observed that there is need to review the provisions on penalties as the same were punitive.**

### **5.5 Kenya Union of Domestic, Hostels, Educational Institutions, Hospital & Allied Workers (KUDHEIHA) and the Kenya National Alliance of Street Vendors and Informal Traders (KENASVIT)**

In a meeting with the Committee held on Tuesday, 16<sup>th</sup> June 2026, Mr. Endro Otieno, Legal Officer, KUDHEIHA and Ms. Jaqueline Wamai, Regional Coordinator, iLaw Network, proposed the following amendments to the Bill:

#### **Clause 2**

192. Define "livelihood" as follows, "*Livelihood means the capabilities, assets, and activities required for a means of living, encompassing human, natural, social, financial, and physical capital to include a vendor's means of securing the necessities of life, including their right to work, income, food, and shelter*". This is to anchor the Bill in sustainable livelihood principles and to prevent administrative interpretation that neglects social protection aspects.

#### **Committee's Observation/Recommendation**

**Members observed that the term "livelihood" had been used in the Bill and it was therefore important to define it. Their proposal was adopted by the Committee.**



193. Amend definition of “vendors” to recognise them as workers. This will make them eligible for labour protection including OSH, freedom from harassment, and social protection entitlement.

#### **Committee’s Observation/Recommendation**

**Members observed that defining vendors as workers will be going out of the scope of the Bill. This proposal was therefore rejected by the Committee.**

194. Amend definition of a “vending zone” to recognise it as a workplace. This is for protection of vendors under the OSH Act, 2007.

#### **Committee’s Observation/Recommendation**

**This proposal was rejected because it is out of the scope of the Bill.**

#### **Clause 3**

195. Amend to read as follows, “*the objects of this Act are to provide a standard framework for Street Vending Unit*”. This is to entrench the right of street vendors to work and to provide institutional safeguards for vendors as workers.

#### **Committee’s Observation/Recommendation**

**This proposal was rejected by the Committee because vendors are not workers in the context of this Bill.**

#### **Clause 4**

196. Amend the clause to include a gender representation of elected vendor representatives to engage in social dialogue.

#### **Committee’s Observation/Recommendation**

**The Committee has proposed the formation of a Street Vending Committee including representatives of street vendors taking into account representation of both genders, youth and PWDs.**

#### **Clause 9**

197. Amend the clause by deleting custodial penalties and substituting with administrative fine not exceeding Kshs. 2,000 or restorative measures such as administrative fines, restorative remedies, and mandatory alternatives (temporary relocation measures) before enforcement. This is because criminalisation contradicts the Bills intent and violates proportionality under Article 24 of the Constitution.

### **Committee's Observation/Recommendation**

**The Committee proposed that the fine for a first offender be set at a maximum of Kshs. 5,000 or a one-week non-custodial sentence while the fine for a repeat offender be set at a maximum of Kshs. 10,000 or a three-months non-custodial sentence.**

### **Clause 13**

198. Amend the clause by inserting the following new paragraphs, *"(a) written notice served at least fourteen (14) days in advance; (b) hearing and participation of vendor associations; (c) provision of an alternative vending location or transitional assistance, except where the presence poses an immediate threat to life or public safety; and (d) issuance of an itemised receipt for any goods seized with storage and return procedures. Goods damaged or lost shall be compensated"*.

### **Committee's Observation/Recommendation**

**The Committee observed that it is important to issue a notice with timelines before eviction or relocation and provide for public participation.**

### **Clause 15**

199. Amend the clause by providing that the onus for ensuring registration accessibility is unequivocally placed on the government to facilitate, not impede formalisation.

### **Committee's Observation/Recommendation**

**The Committee observed that the obligation has been provided for under clause 15(1) which requires the county executive committee member to ensure registration of the street vendors.**

200. Amend the clause by capping registration/licensing fees at Kshs. 3,000; provide fee waiver for women, PWDs and the elderly; and mandate offline registration options. This will promote equity and inclusion in formalisation.

### **Committee's Observation/Recommendation**

**The registration/licensing fees to be paid by vendors shall be determined by county governments through their legislations. The Bill provides for both physical and online registration in paragraph 15 (2) (a).**

### **Clause 18**

201. Amend the clause by requiring written reasons, providing for the right to appeal, and publication of decisions. This is to prevent abuse of discretion and promote transparency.



### **Committee's Observation/Recommendation**

**Members observed that the provisions in the clause are better provided for in regulations and proposed deletion of the clause.**

#### **Clause 21**

202. Amend the clause by defining revocation grounds narrowly and requiring notice and hearing before cancellation to ensure security of tenure and due process.

### **Committee's Observation/Recommendation**

**The Committee observed that it is necessary to relook at the grounds for revocation of a licence and further make provision for the need to issue notice before revocation. However, the Committee noted that this would be well placed in the county legislation as proposed under clause 30 of the Bill.**

#### **Clause 26**

203. Amend the clause by deleting the words "*without a legitimate purpose*" and substituting with the words "*violence, intimidation, or harassment of vendors by any officer is absolutely prohibited. Offending officers shall be personally liable for restitution*". This ensures compliance with ILO Convention No. 190 and protects dignity of vendors.

### **Committee's Observation/Recommendation**

**The Committee observed that the right against harassment has been provided and an officer who contravenes the said provision is liable on conviction to a fine or imprisonment. The penalty clause has been reviewed.**

#### **Clause 27**

204. Amend the clause to fully reflect the constitutional protection of Article 41 by explicitly confirming the right to join or form a trade union for collective bargaining and advocacy.

### **Committee's Observation/Recommendation**

**This is already provided in the Constitution hence no need to restate it in the Bill.**

#### **Clause 31**

205. Amend the clause by reducing the penalty since the penalty provided is excessive and outrageous for low-income street vendors and may lead to financial ruin or incarceration for minor, non-vending related contraventions of the Act.

### **Committee's Observation/Recommendation**

**The Committee observed that this proposal is necessary as the penalties proposed in the Bill are punitive and likely to discourage street vending business which is usually small scale.**

**New Clauses**

206. Insert a new clause providing for at least one-third vendor representation (with gender parity) in all county vending committees and the Street Vending Unit. This will promote participatory governance, gender balance, and social dialogue.

**Committee's Observation/Recommendation**

**The Committee has proposed the formation of a Street Vending Committee including representatives of street vendors taking into account representation of both genders, youth and PWDs.**

207. Insert the following new clause, "*County executives shall facilitate registered vendors' access to social protection schemes including SHA and NSSF through subsidised outreach and registration*". To align with Article 43 of the Constitution and ILO Regulation 204 on formalisation.

**Committee's Observation/Recommendation**

**NSSF is paid by persons that are employed which is not the case for vendors. SHA is someone's personal responsibility and not for CECMs.**

208. Insert a clause clearly outlining the measures taken to protect vendors' rights under the Data Protection Act during the collection and processing of their data, and protect the rights of migrant workers who may face extra scrutiny during registration. This is to ensure confidentiality and lawful use of vendor data.

**Committee's Observation/Recommendation**

**This is already addressed in the Data Protection Act, 2019 and therefore no need to restate it in this Bill.**

209. Amend the Bill by creating a Vendor Appeals Board at the county level, including vendor representatives, to hear complaints with guaranteed timelines and legal aid support. To provide vendors with accessible, low-cost grievance channels.

**Committee's Observation/Recommendation**

**This proposal was adopted by the Committee.**



210. Insert the following clause, *"For the purposes of labour and social protection laws, a street vendor shall be deemed a worker entitled to occupational safety, social security, and collective representation"*. To align with the OSH Act, 2007 and Labour Relations Act, 2007.

#### **Committee's Observation/Recommendation**

**A street vendor is not a worker in the context of this Bill. This proposal was therefore rejected by the Committee.**

#### **5.6 The Council of Governors (CoG)**

In a letter, Ref: COG/6/50/1A Vol.23 (7) dated 12<sup>th</sup> May 2026, the CEO, Ms. Mary Mwiti proposed the following amendments to the Bill:

##### **Clause 2**

211. Amend the clause by including definition of *"informal trading"*, *"informal trading means the buying, selling, or exchange of goods and services by a person or vendor operating in a public or designated space, whether temporarily or permanently, and which may not be fully regulated, licensed, or registered under any written law"*. The definition conforms to definitions by the UN and World Bank.

#### **Committee's Observation/Recommendation**

**The Committee observed that this proposal has been provided for under the definition a street vendor and the definition as proposed is not necessary.**

212. Amend clause by including definition of *"harassment"*, *"harassment means conduct, or action, which is usually repeated or persistent, that being directed at a street vendor, alarms, causes substantial emotional stress in that person, damages goods or property and serves no legitimate purpose"*. This is to provide clarity on the kind of protection against harassment.

#### **Committee's Observation/Recommendation**

**The Committee observed that this definition is necessary to provide for protection of the street vendors. However, Members noted that the right against harassment has been provided for under clause 26(1) of the Bill.**

213. Amend the definition of *"essential facilities"* to read as follows, *"essential facilities include clean water, lighting, water disposal, shades, warehousing and storage, awnings, paved roads and vehicle parking spaces where necessary"*. Security is not a function of county governments.

#### **Committee's Observation/Recommendation**

**The Committee observed that this provision has already been adequately provided for under the definition and clause 24 of the Bill.**

#### **Clause 4**

214. Amend the clause by deleting subclause 4(2) because trade is a devolved function in accordance with the Fourth Schedule to the Constitution.

#### **Committee's Observation/Recommendation**

**The Committee has proposed establishment of the County Vending Committee which has representation of county governments. The interests of county governments will therefore be catered for through the representative.**

#### **Clause 6**

215. Amend subclause 6(1) to read as follows "*The respective County Executive Committee Member may impose restrictions on the nature of vending business that may be carried out in a restriction free vending zone*". Trade development and regulation is a function of county governments.

#### **Committee's Observation/Recommendation**

**The Committee observed that this proposal is likely to be in conflict with the provisions on restricted vending zone as such, it was rejected.**

#### **Clause 8**

216. Amend the clause by inserting the following new subclause (3), "*The County Executive Committee Member shall not designate a vending zone next to a formal trading space*". To address conflicts arising between traders operating brick and mortar businesses and street vendors.

#### **Committee's Observation/Recommendation**

**The Committee observed that this amendment is necessary as the same shall address or address possibility of conflict likely to arise from circumstances where vending zones are established next to the formal trading space.**

217. Amend subclause 10(5) to read as follows, "*in considering the vending zones under subsection (5), the county assembly shall conduct public participation*". County assemblies should approve the designated vending zones proposed by the CECM.

#### **Committee's Observation/Recommendation**



**The Committee observed that this provision is necessary as the same gives effect to the provisions of Article 10 and 118 of the Constitution as public participation is necessary to ensure that street vendors and relevant stakeholders are involved in the decisions affecting them.**

#### **Clause 14**

218. Amend the clause by deleting paragraph (a) because county assemblies are responsible for enactment of county legislations and not CECMs.

#### **Committee's Observation/Recommendation**

**The Committee observed that this proposal has been provided for under clause 30(1) of the Bill and as such, the provision is not necessary.**

#### **Clause 15**

219. Amend the Bill by deleting the clause because the CECM should ensure data protection in line with Kenya's Data Protection Act, 2019.

#### **Committee's Observation/Recommendation**

**The Committee rejected this proposal as deleting this proposal shall defeat the requirement for registration.**

#### **Clause 30**

220. Amend subclause 30(2) to read as follows, "*the legislation enacted by a county assembly under subsection (1) may set out-*". The Bill cannot purport to prescribe in mandatory terms for county assemblies to enact the envisaged legislation as implied by the word shall.

#### **Committee's Observation/Recommendation**

**The Committee observed that this provision is necessary as county legislations will give effect to the Act in the interest of the street vending business.**

### **5.7 Women Traders of Githurai Market**

The Women Traders of Githurai Market submitted a written memorandum to the Committee proposing that the Bill should explicitly provide for:

221. Adequate representation of women traders in all vending and market management committees.
222. Protection against sexual harassment, gender-based violence, and exploitation in market and vending spaces.

- 223. Safe, clean and accessible sanitation facilities for women traders. Proper lighting and security measures in and around market areas. Fair consultation and participation of women traders before any relocation, redevelopment or reorganization of trading spaces.
- 224. Affordable licensing and registration processes that do not create barriers for low-income women traders. Access to financial services, government empowerment programs, business development support and social protection initiatives.
- 225. Support consideration for vulnerable groups, including single mothers, widows, young women and women in disabilities.
- 226. The minimum infrastructure standards for vending zones shall incorporate care responsive infrastructure that supports the needs of women, caregivers, children, older persons and persons with disabilities, ensuring safe, inclusive and dignified working conditions for all vendors.

#### **Committee's Observation/Recommendation**

**Some of their proposals were adopted by the Committee. The Committee observed that most of their proposals are better provided for in county legislations.**



## CHAPTER SIX

### 6.0 COMMITTEE OBSERVATIONS

Having considered the Bill, the Committee made the following observations on the Street Vendors (Protection of Livelihood) Bill (*Senate Bill No. 41 of 2023*):

1. The Bill represents a landmark attempt to formalise, protect, and regulate Kenya's vast informal vending sector.
2. The Bill's greatest strength lies in its rights-based foundation. It explicitly recognises street vending as a legitimate economic activity and anchors it within Kenya's constitutional guarantees of social and economic rights under Article 43. By doing so, it departs from the traditional punitive approach embedded in outdated municipal by-laws that often-criminalised informal trade. The Bill therefore aligns with global best practices in inclusive urban economies, viewing street vendors not as a public nuisance but as contributors to employment, service delivery, and local commerce.
3. The Bill's institutional architecture distributes functions between National and county governments. The Cabinet Secretary for Trade is mandated to issue national guidelines and coordinate policy, while CECMs for Trade are responsible for designating vending zones, registering vendors, and implementing vending plans. This devolution-based structure promotes local ownership, flexibility, and responsiveness to diverse urban realities across counties.
4. The Bill introduces an important innovation through the requirement for County Vending Plans developed via public participation. These plans ensure that vending zones are designated based on empirical data, spatial planning norms, and civic input.
5. While the Bill establishes strong protections against harassment and arbitrary eviction, its enforcement provisions rely heavily on the integrity and accountability of county enforcement officers. Although penalties are outlined for harassment or unauthorised confiscation of goods, the Bill does not specify independent oversight or complaints mechanisms for affected vendors. This omission risks perpetuating the very abuses the Bill seeks to eliminate, particularly in urban areas where enforcement corruption and brutality are recurrent challenges. A more robust grievance redress system possibly through county trade tribunals or vendor associations would enhance accountability and trust.

## CHAPTER SEVEN

### 7.0 COMMITTEE RECOMMENDATION

The Committee having reviewed the Street Vendors (Protection of Livelihood) Bill (Senate Bill No. 41 of 2023) recommends that the House approves the Bill with amendments as proposed in the Schedule in Chapter Eight of this Report.

|                                                                                                                                             |                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| <br><b>THE NATIONAL ASSEMBLY</b><br>PARLIAMENTARY BUILDING |                                     |
| DATE: <b>01 JUN 2026</b>                                                                                                                    |                                     |
| DAY: <b>WED.</b>                                                                                                                            |                                     |
| TABLED BY:                                                                                                                                  | HON. BENABY SHIMALI<br>CHIEF, TRADE |
| CLERK-AT THE-TABLE:                                                                                                                         | MODO                                |



## CHAPTER EIGHT

### 8.0 SCHEDULE OF PROPOSED AMENDMENTS

The Committee proposed the following amendments to be considered by the House in the Committee Stage:

#### Clause 2

I. **THAT**, clause 2 of the Bill be amended as follows—

- (a) in the proposed definition of the “vendor” by deleting word “lame” appearing immediately after the words “in a street,” and substituting therefor the word “lane”.

#### Justification

**The amendment is correcting a typographical error.**

- (b) “Livelihood refers to means and capabilities required to make a living and secure basic necessities such as food, water, shelter and clothing. It encompasses the combination of jobs, assets, and activities that individuals or households use to generate income and sustain their daily lives”.

#### Justification

**The definition is necessary because the term has been used in the Bill but it has not been defined.**

- (c) “Periodic market is an organised public gathering of buyers and sellers that convenes at a specific location on designated days”

#### Justification

**The definition is necessary because the term has been used in the Bill but it has not been defined.**

- (d) “Pop-up market is a temporary, retail event where multiple independent vendors, artisans, or online brands gather in a certain space to sell their goods for a limited time”.

#### Justification

**The Committee has introduced the term “pop-up markets” in the Bill hence necessary to provide for a definition.**

#### Clause 4

2. **THAT**, the Bill be amended by deleting clause 4 and substituting therefor the following new clause—

- 4 (1) There is established the Street Vendors Committee.
- (2) The Street Vendors Committee shall consist of—
- (a) the Principal Secretary responsible for matters relating to trade, who shall be the chairperson;
  - (b) the Principal Secretary responsible for matters relating to internal security;
  - (c) the principal Secretary responsible for matters relating to urban planning;
  - (d) a representative of the Council of Governors;
  - (e) one (1) representative of persons living with disability nominated by the National Council of People Living with Disabilities;
  - (f) three (3) representatives of street vendors nominated by the largest and most representative association of street vendors and appointed by the Cabinet Secretary; and
  - (g) a representative of Kenya Private Sector Alliance.
- (3) A member of the Street Vendors Committee appointed under subsection 2(e), (f) and (g) shall hold office for a term of three years and shall be eligible for reappointment.
- (4) The appointing authority shall ensure, in so far as it is practical that not more than two thirds of the nominees are of the same gender, and that youth and persons with disabilities are represented in the composition of the Committee.
- (5) The Street Vendors Committee in carrying out its functions shall—
- (a) in consultation with county governments and relevant stakeholders, prescribe national guidelines for the conduct of street vending and regulation of street vendors in Kenya;
  - (b) in consultation with the relevant entities responsible for planning and infrastructure, prescribe standards and guidelines for the proper planning and design of street vending zones and taking into consideration universal design principles; and
  - (c) carry out any other activity incidental or conducive to the carrying out of its functions under the Act or regulations made under the Act.

#### Justification

**This is to put in place a Street Vending Committee. This will ensure that street vendors and other stakeholders give their views on street vending issues. It also provides the functions of the Committee.**

#### Clause 5

3. **THAT**, the Bill be amended by deleting clause 5 and substituting therefor the following new clause—



5. (1) Each county executive committee member shall establish a County Vendors Taskforce which shall, by notice in the *Gazette*, demarcate and design the county into—
- (a) restriction-free vending zones;
  - (b) restricted vending zones; or
  - (c) no-vending zones
- (2) The County Vendors Taskforce shall consist of—
- (a) County Executive Committee Member or their representative who shall be the chairperson of the taskforce;
  - (b) a representative of street vendors nominated by the largest and most representative association of street vendors and appointed by the county executive committee member;
  - (c) a representative of persons living with disabilities nominated by the National Council for Persons Living with Disabilities from within the respective county;
  - (d) a representative of the county public health department;
  - (e) a representative of the county physical planning department;
  - (f) a representative of the National Government Administration office; and
  - (g) a representative of Kenya Private Sector Alliance.
- (3) For purposes of subsection (1), the County Vendors Taskforce shall take into consideration the commercial viability of an area proposed to be designated as a street vending zone.

#### **Justification**

**This is to put in place a County Vendors Taskforce comprising street vendors and other stakeholders in the street vending sector to ensure that views of the stakeholders are taken into account when designating restriction-free vending zones, restricted vending zones and no-vending zones. The Taskforce will also be important in making decisions on all matters in the vending sector within counties.**

#### **Clause 7**

4. **THAT**, clause 7 of the Bill be amended in subclause (1) by inserting the words “in consultation with the County Vendors Taskforce” immediately after the words “county executive committee member may”

#### **Justification**

**The amendment provides for consultation with the County Vendors Taskforce when coming up with county legislation on the restriction of vending business that may be conducted in a restricted vending zone.**

#### **Clause 8**

5. **THAT**, the Bill be amended by deleting clause 8 and substituting therefor the following new clause—

- 8.(1) A no-vending zone shall be a zone in which vending activities are prohibited;
- (2) The County Vendors Taskforce shall—
- (a) not designate a market as a no-vending zone;
  - (b) in designating a no-vending zone, consider existing business in the zone; and
  - (c) county legislations shall provide for the no-vending zones.

#### **Justification**

**This is to redraft the clause and to provide for county legislations on no-vending zones.**

#### **Clause 9**

6. **THAT**, the Bill be amended by deleting clause 9 and substituting therefor the following new clause—

9. A person who conducts vending activities in a no-vending zone or a restricted vending zone without a special permit, commits an offence and is liable, on conviction, to a one-week non-custodial sentence or a fine not exceeding five thousand shillings for a first-time offender, and a three-months non-custodial sentence or a fine not exceeding ten thousand shillings for a repeat offender.

#### **Justification**

**The proposal is necessary to prohibit vending activities in a no vending zone and to further require a vendor to obtain a special permit to carry out vending activities in a restricted vending zone as demarcated by the County Executive Committee Member in consultation with the County Vending Taskforce.**

#### **Clause 10**

7. **THAT**, clause 10 of the Bill be amended in subclause (3) by deleting the word “twelve” appearing immediately after the word “within” and substituting therefor the word “six”.

#### **Justification**

**The period of twelve months for conduct of the survey will delay implementation of the Act hence the proposed reduction to six months.**

#### **Clause 12**

8. **THAT**, the Bill be amended by deleting clause 12 and substituting therefor the following new clause—

12.(1) A county executive committee member may, in consultation with the County Vendors Taskforce, designate a specific street, building or zone as a vending zone for a specified period not exceeding five days.



- (2) A county executive committee member may, in consultation with the County Vendors Taskforce, designate a specific street, building or zone as a pop-up market for a specified period;
- (3) A county executive committee member shall not designate an area as a vending zone under subsection (1) unless the county executive committee member has put in place essential facilities including but not limited to solid waste disposal, water, lighting and parking facilities where necessary.

### **Justification**

**This proposal is necessary to make provision for consultation between the county executive committee member and the County Vending Taskforce in the implementation of the Act.**

### **Clause 14**

9. **THAT**, clause 14 of the Bill be amended by—

- (a) deleting paragraph (e) and substituting therefor the following new paragraph—  
“(e) designate vending zones, pop-up and periodic markets within the county, subject to the provisions of this Act, the regulations hereunder and any applicable county legislation.”
- (b) inserting the following new paragraph immediately after paragraph (e)—  
“(f) submit an annual report on the progress of implementation of the Act for consideration by the county assemblies.”

### **Justifications**

- a) **The Committee has provided for pop-up markets under clause 8. The amendment is to make provisions for the markets.**
- b) **To provide an accountability and progress mechanism on the implementation of the Act by county governments.**

### **Clause 15**

10. **THAT**, clause 15 of the Bill be amended—

- (a) in subclause (2) by—
  - (i) deleting the words “including street vendors with disabilities” in paragraph (b);
  - (ii) deleting paragraph (c);
- (b) by deleting subclause 4.

### **Justification**

**The Treaty Making Act provides for the provisions under subclause 4 hence no need to restate in this Bill.**

### **Clause 17**

11. **THAT** the Bill be amended by deleting clause 17

### **Justification**

**This should be provided for under regulations.**

### **Clause 18**

12. **THAT** the Bill be amended by deleting clause 18

### **Justification**

**This should be provided for in regulations.**

### **Clause 19**

13. **THAT**, clause 19 of the Bill be amended—
- (a) in subclause (1), by inserting the words “except with the approval of the county executive committee member” immediately after the word “Act”;
  - (b) by deleting subclause (3) and substituting therefor the following new subclause—  
“(3) A vending licence issued under this Act shall be valid for a period of twelve months from the date of issuance of the licence”.
  - (c) in subclause (4) by deleting the words, “unless the vendor has applied for, and obtained the approval of the county executive committee member” appearing immediately after the word “Act”.

### **Justifications**

- a. **The provision prohibits sub-letting, transferring, assigning or otherwise alienating any vending space, stall or property allocated to them unless the same is approved by a County Executive Committee Member.**
- b. **The proposal is necessary to give time to the street vendor to conduct business within a sufficient time without fear of expiry of the license at the end of the year.**
- c. **The provision prohibits transfer or assigning of a right of a license granted to a vendor unless a vendor has applied for and obtained approval of the county executive committee member.**

### **Clause 21**

14. **THAT**, clause 21 of the Bill be amended in subclause (1) by deleting the words “county government” and substituting therefor the words “county executive committee member”.



### **Justification**

**This proposal grants county executive committee member power to renew the vending license as the licenses are granted by the county executive committee member as such it would be proper to be renewed by the same entity.**

### **Clause 22**

15. **THAT**, clause 22 of the Bill be amended in subclause (2) by deleting the words "hawker" and " appearing immediately after the words "food by".

### **Justification**

**The amendment is necessary to be consistent with the word "vendor" as defined under the Bill**

### **Clause 25**

16. **THAT**, clause 25 of the Bill be amended in subclause (5) by deleting the words "one year and a fine not exceeding two hundred thousand shillings" and substituting with the words "six months or a fine not exceeding ten thousand shillings or two times the value of the goods whichever is higher".

### **Justification**

**The proposal is necessary to review the penalty initially proposed in the Bill which was punitive for street vendors who are small scale traders.**

### **Clause 28**

17. **THAT**, clause 28 of the Bill be amended in subclause (5) by deleting the words "to such a fine as prescribed by county government" and substituting therefor the words "as prescribed under the Public Health Act".

### **Justification**

**Public hygiene is governed by the Public Health Act and as such, it would be proper for the same to be prescribed under the aforementioned Act.**

### **Clause 30**

18. **THAT**, clause 30 of the Bill be amended in subclause (1) by inserting the words "within one year from the date of commencement of this Act" immediately after the word "may".

### **Justification**

The proposed amendment is necessary to prescribe timelines within which the county legislations are required to be enacted for effective implementation of the Act.

#### Clause 31

19. **THAT**, the Bill be amended by deleting clause 31 and substituting therefor the following new clause—

“31. A person who contravenes the provisions of this Act for which no specific penalty is provided shall be liable, on conviction, to a fine not exceeding ten thousand shillings or to a term of imprisonment not exceeding six months or both.”

#### Justification

The proposal is necessary to review the penalty originally provided for in the Bill, as it is unduly punitive to street vendors, who are small-scale traders.

#### Clause 32

20. **THAT**, Bill be amended by deleting clause 32 and substituting therefor the following new clause—

“32. The Cabinet Secretary may, in consultation with county governments, make general regulations for the better carrying out of the provisions of this Act”

#### Justification

The amendment seeks to provide for consultation with county governments in the making of regulations, recognising that county governments are responsible for implementing the Act. As such, consultation between the two entities is necessary to facilitate effective implementation and ensure the Act is carried out efficiently.

SIGNED..... DATE 30<sup>th</sup> June 2026

HON. BENARD MASAKA SHINALI, CBS, MP  
CHAIRPERSON,

DEPARTMENTAL COMMITTEE ON TRADE, INDUSTRY AND COOPERATIVES

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| <br><b>THE NATIONAL ASSEMBLY</b><br><b>PAPERS LAID</b>                   |                     |
| DATE: <b>01 JUN 2026</b> DAY: <b>WED</b>                                                                                                                    |                     |
| Report of the Departmental Committee on Trade, Industry and Cooperatives on the Street Vendors (Protection of Livelihood) Bill (Senate Bill No. 41 of 2023) |                     |
| TABLED BY:                                                                                                                                                  | HON. BENARD SHINALI |
| CLERK-AT-THE-TABLE:                                                                                                                                         | CHANDI TRADE        |
|                                                                                                                                                             | MOSO                |



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