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*Paper laid
by Chair
Agriculture on
15/10/14
JCC*

NAIROBI CITY COUNTY ASSEMBLY
FIRST ASSEMBLY - SECOND SESSION

**TENTH REPORT OF THE
COMMITTEE ON AGRICULTURE, ENVIRONMENT AND
NATURAL RESOURCES**

ON

**STUDY VISIT TO THE REPUBLIC OF SOUTH AFRICA, WESTERN
CAPE PROVINCE.**

OCTOBER, 2014

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PREFACE

Mr. Speaker Sir,

The Sectoral Committee on Agriculture, Environment and Natural Resources is established under Standing Order No. 191. Its mandate pursuant to Standing Order 191(5) is to:-

- a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;*
- b) study the programme and policy objectives of departments and the effectiveness of the implementation;*
- c) study and review all county legislation referred to it;*
- d) study, assess and analyse the relative success of the departments as measured by the results obtained as compared with its stated objectives;*
- e) investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;*
- f) vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 185(Committee on Appointments); and*
- g) make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.*

The Committee comprises the following Members:-

- | | | |
|--|---|------------------|
| 1. Hon. Benson L Amutavi, MCA | - | Chairperson |
| 2. Hon. Alhad Ahmed Adam, MCA | - | Vice Chairperson |
| 3. Hon. Michael Wainaina Wanjiku, MCA | | |
| 4. Hon. Hellen Katangie, MCA | | |
| 5. Hon. Alexander Mutisya Mulatya, MCA | | |
| 6. Hon. Dorcas Njoroge, MCA | | |
| 7. Hon. Peter Wahinya Njau, MCA | | |
| 8. Hon. Catherine Okoth, MCA | | |

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9. Hon. Samuel Kagiri Mwangi, MCA
 10. Hon. Daniel Oria Odhiambo, MCA
 11. Hon. Rosemary Macharia, MCA
 12. Hon. Samwel Ndung'u Njoroge, MCA
 13. Hon. Zulfa Hakim, MCA
 14. Hon. Janet Wala Ayako, MCA
 15. Hon. Peter Anyule Imwatok, MCA
 16. Hon. Mike O Guoro, MCA
 17. Hon. Margaret Sewe, MCA

Mr. Speaker Sir,

The Committee resolved that a benchmarking visit to a City that has successfully managed its waste be organized so that the Committee can borrow best practices that can be implemented in the County to solve the waste menace that faces the County. The Committee emphasized that the City identified should be in a developing Country which shares similar challenges like Kenya. After an extensive research of Cities across the world, the Committee identified the city of Cape Town as the ideal City with proper mechanisms of waste management.

In order to conduct the visit, correspondences to the authorities of the City were made leading to official invitation by the Provincial Government of Western Cape, South Africa. The Western Cape Government through the Department of Foreign Relations and the Department of Environmental Affairs and Development Planning (EADP), accepted to host the delegation. Five members of the Committee and two staff were identified to represent the Committee during the visit; the delegation comprised of the following;

- i.) **Hon. Benson Amutavi, MCA** - **Leader of the delegation**
- ii.) Hon. Hellen Katangie, MCA
- iii.) Hon. Peter Wahinya Njau, MCA
- iv.) Hon. Janet Wala, MCA
- v.) Hon. Daniel Oria, MCA

- vi.) Mrs. Monica Muthami - Principal Clerk Assistant
vii.) Mr. Shadrack Makokha - Clerk Assistant(Secretary to the delegation)

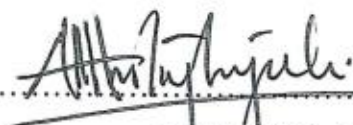
Mr. Speaker Sir,

The Committee wishes to sincerely thank the Offices of the Speaker and the Clerk of the County Assembly for the support and services extended to enable Members of the delegation conduct the visit. I also appreciate the assistance extended to the delegation by officials of Western Cape Government prior to and during the visit especially M/s Sanette Diener of the Department of Foreign Relations and staff of the Department of Environmental Affairs and Development Planning.

I am grateful for the Members of the Committee and the delegation whose efforts and commitment enabled the Committee to accomplish this task. Special thanks to the secretariat for their support at all times. On behalf of the Committee and the delegation, I now have the honour and pleasure to present this report on the study visit to the republic of South Africa, Western Cape Province.

Thank You.

SIGNED

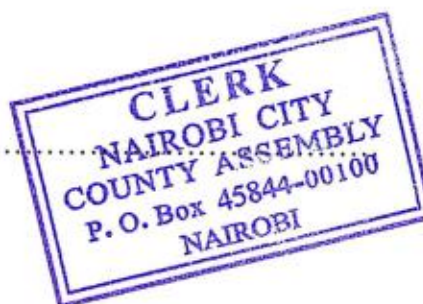


BENSON L AMUTAVI, MCA

(CHAIRMAN AND THE LEADER OF THE DELEGATION)

DATE.....

23/9/2014



1.0 INTRODUCTION

The delegation left Nairobi, Kenya on Friday 23rd May, 2014 and arrived in Cape Town on Saturday, 24th May, 2014. While in Cape Town, the delegation held meetings with the Civic Leaders of the City Council of Cape Town, officials of the Department of Environmental Affairs and Development Planning (EADP), and officials of the City Council of Cape Town. The delegation also had an opportunity to visit Kraaifontein waste management facility which is the best waste management facility in Africa. In addition, the delegation had an opportunity of touring the city environs which included; the Green park, Cape Town Table Mountain, the FIFA Cape Town Stadium and the Seafront. The environs did prove that Cape Town is one of the cleanest cities in Africa with the best waste management measures worthy to be emulated. The delegation after completing the worthy mission returned on Friday 30th May, 2014.

2.0 THE CITY OF CAPE TOWN

The City of Cape Town is located within Western Cape Province which is one of the nine (9) provinces of the Republic of South Africa. The Province covers a size of 129 370 km² and a home to a multiracial population of 5.4 million people. The province boasts of a natural beauty, cultural diversity, excellent wine and colourful cuisine, making it one of the world's greatest tourist attractions. The City serves as the seat of the Provincial Government and comprises of a large urban area with a high population density, an intense movement of people, goods and services, extensive development and multiple business districts and industrial areas. It represents centres of economic activity with complex and diverse economies, a single area for which integrated development planning and strong interdependent social and economic linkages between its constituent units is desirable. The City of Cape Town includes the Cape Metropolitan Council, Blaauwberg, Cape Town CBD, Heidelberg, Oostenberg, South Peninsula and Tygerberg.

In terms of administration, the Constitution of the Republic of South Africa provides for three spheres of Government i.e. the National, Provincial and the local

Government. Further, the National Constitution permits each provincial legislature to adopt a constitution for its province. The Provincial Constitution must correspond with the National Constitution. The City of Cape Town is served by all spheres of the Government; however, the Provincial Government which comprises of the Executive and a Legislature has greater responsibilities in as far as service delivery is concerned. The Executive is headed by an elected Premier who also heads the Provincial Cabinet with different Departments. The Legislature is the law making arm of the provincial Government. It makes laws pertaining to the following areas which are functions of the Provincial Government;

- Environment.
- Health services.
- Housing.
- Language policy.
- Nature conservation.
- Police services.
- Provincial public media.
- Public transport.
- Regional planning and development.
- Agriculture.
- Road traffic regulation.
- Tourism.
- Trade and industrial promotion.
- Traditional authorities.
- Urban and rural development.
- Vehicle licensing.
- Welfare services.
- Abattoirs.
- Ambulance services.
- Liquor licences.

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- Museums other than national museums.
 - Provincial planning.
 - Provincial cultural matters.
 - Provincial recreation and activities.
 - Provincial roads and traffic.

The Local government's role includes local service delivery, promoting a safe and healthy environment, and promoting development. The City of Cape Town has a Council as the Local Government and plays vital roles which are essential for the welfare of residents. The Council comprises of elected civic leaders and Council officials who carries out day to day management of the city.

3.0 DELEGATION FINDINGS

3.01 Meeting with Councillor Van Der Merwe, Cape Town City Council and member of the Mayoral Committee for Economic, Environmental and Spatial Planning.

The delegation was privileged to meet with Councillor Van Der Merwe, a Councillor of the Cape Town City Council, on Monday 26th May, 2014. The Councillor who is also a member of the Mayoral Committee for Economic, Environmental and Spatial Planning, briefed the delegation on the general structure of governance of the city, the role of the City Council, achievements the Council has brought to the residents and challenges faced. He also mentioned on how the City has been able to manage its waste effectively and efficient service delivery. While briefing the Committee, he informed as follows;

- i) The City of Cape Town is served by the City Council of Cape Town as the Local Government and comprises of both the political and administrative arms. The political arm comprises of elected Councilors who develops policies and laws while the administrative arm comprises of an elected Mayor who heads departments that are involved in service delivery to the locals.

- ii) The departments comprise of qualified technocrats employed by the local government. The officers have a responsibility of ensuring effective service delivery without compromising on quality, timeliness, transparency and respect for the rule of law.
- iii) The roles of local government are defined in the Constitution; however, they touch on local service delivery such as environmental management (Waste collection and disposal, public health control, city planning, and water and sewerage services.)
- iv) The Councilors perform varied roles key among them is the passage of the local government budget and monitoring its implementation. Further, to perform well, the Councilors have Committees which are aligned to the structure of the Executive arm.
- v) That the City has achieved a lot in terms of service delivery especially waste management and housing due to stringent laws passed by the Provincial Legislature and Council by-laws. Further, the Council encourages public participation in decision making and the people can petition the Council through the elected councilors.
- vi) That with respect to environmental management, the Council plays a vital role in conservation of the environment through offering of equipment and the human resource for waste collection and disposal. The Council owns waste drop-off points and recycling plants. Majorly, the Council depends on recycling as a way of managing waste. In addition, the council conducts public awareness on proper waste disposal and environmental conservation, hence inculcating into the culture of the residents. The burden of waste collection and disposal is shared between the Council and the waste producer through the fees the Council charges on every household and institution producing waste



Hon. Benson Amutavi the leader of the delegation with Councillor Van Der Merwe

3.02 Meeting with officials of the Department of Environmental Affairs and Development Planning (EADP), Western Cape Government.

The delegation had an opportunity to meet with the officials of the Department of Environmental Affairs and Development Planning who made various presentations which informed the delegation on various useful topics as follows;

a.) Management of the Department

The department is headed by the Provincial Minister appointed by the Premier. Below the Minister are the Chief Directors in charge of various sub-departments which include; environmental governance, policy coordination and planning; environmental sustainability; environmental quality; and environment land management. The sub-departments have directors who compliment the work of the Chief Directors. Further, the department has technocrats across the sub-departments. The work of different dockets is interrelated and therefore the officers work as a team. This was evident during the presentation since they complimented each other seamlessly and with precision.

b.) Functions of the Department

- i) Enforcing environmental conservation laws and rules.
- ii) Supporting Local Government(City Council) in environmental conservation especially waste management
- iii) Issuing waste licences
- iv) Approving submitted development plans
- v) Monitoring Coastal management
- vi) Environmental and Land Management
- vii) Developing environmental management policies and legislations.

c.) Legislations and policies governing environmental management

The Western Cape Province has a raft of legislations that promote the protection and conservation of environment. Most of the legislations are national while a few are municipal such that they are applicable to the province. The legislations in place include;

i) The Constitution

The Constitution of the Republic of South Africa which is the supreme Law lays emphasis on the protection of the Environment. Chapter two (2) on the Bill of rights provides that everyone has a right to environment that is not harmful to his/her health or well-being. The Constitution further recognizes the need to protect the environment for both the present and the future generations. The Constitution also under Schedule (4) and five (5) prescribes the competence of the three spheres of government (national, provincial, municipal) to administer laws on various environmental matters.

ii) National Environmental Management Act, 107 of 1998 (NEMA)

The Act gives effect to constitutional mandate contained in Section 24 of the Constitution requiring "reasonable legislative measures" to give effect to environmental right. It provides for the environmental principles which must be

taken into account by all organs of state in the exercise of their functions, for example:

- Development must be socially, environmentally and economically sustainable.
- Decisions must be taken in an open and transparent manner, and access to information must be provided in accordance with the law.
- There must be intergovernmental co-ordination and harmonization of policies, legislation and actions relating to the environment.

The Act gives powers to the Minister responsible for environmental matters powers to identify listed or specified activities that may not commence without an environmental authorization from relevant competent authority. The competent authority may be either national or provincial. The Act also provides that persons whose activities cause significant pollution or degradation of the environment must take reasonable steps to prevent the pollution or degradation from happening/continuing. The Act also sets out procedure to follow in the control of incidents (e.g. release of hazardous substance) as well as in an emergency situation (e.g. flood defense actions in response to weather conditions)

In terms of compliance monitoring and enforcement, the Act gives powers and duties to Environmental Management Inspectors. It also describes offences and penalties for non-compliance.

iii) National Environmental Management Waste Act, 59 of 2008

The Act deals with the management of waste in South Africa. The Waste Act adopts an internationally recognized waste management hierarchy as follows;

- Waste must be avoided, where it can't be avoided
- Waste must be reduced, where it can't be reduced
- Waste should be re-used
- Waste must be recycled
- Waste should be disposed, only if it has nothing to do any more

The Act designates and gives powers to waste management enforcement officers. It also calls for the development of integrated waste management plans by all spheres/levels of Government. It outlines the storage, collection, transportation, treatment, processing and disposal of waste. The Act also provides for the procedure of licensing of waste management activities. Finally, the Act requires the Minister for Environment both at the National and Provincial level with powers to establish waste information systems for the recording, collection, management and analysis of waste information. The Western Cape Government has an Integrated Pollutant and Waste Information System. The system caters for pollutant transfer and release and waste management information.

iv) National Waste Management Strategy, norms and standards

The National Waste Environmental Management Waste Act provides the Minister with powers to develop waste management strategy, norms and standards. The norms and standards outline the priorities for the country in waste management. They set the targets for waste reduction and recycling. In setting the norms and standards, the Minister must consult all stakeholders. All state departments, provinces, municipalities, private sector and the public are bound to the norms and standards set. The provincial governments must ensure implementation of the national waste management strategy and may set provincial norms and standards which are not in conflict with national norms and standards. Current national norms set include;

- National Norms and Standards for the storage of waste
- National Norms and Standards for the recovery of motor vehicles

v) National Environmental Management Air Quality Act

The Air Quality Act represents a distinct shift from exclusively source-based air pollution control to holistic and integrated effects based air quality management. It focuses on the adverse impacts of air pollution on the ambient environment and sets standards to control ambient air quality levels. At the same time it sets emission standards to minimize the amount of pollution that enters the environment.

vi) Other Laws promoting environmental management include;

- National Environmental Management Biodiversity Act, 10 of 2004
- Provincial Conservation Acts and Ordinances
- National Environmental Management Integrated Coastal Management Act, 24 of 2008
- National Environmental Management Protected Areas Act, 57 of 2003

d.) Programmes and initiatives of the Department

- i) Berg River improvement Plan which aims at protecting the river from pollution and restoring its natural environment
- ii) Climate Change Response Strategy. This is informed by the challenges posed by the global climate change
- iii) Regional Socio-Economic Project (RSEP) & Violence Prevention Through Urban Upgrade (VPUU) Programme
- iv) Land use Planning.
- v) Community outreach and awareness on environmental conservation
- vi) Development of a renewable energy economy.



Members of the delegation and staff of the Department of EADP

3.03 Meeting with officials of Cape Town City Council, Environmental Resource Management Department

The delegation held a meeting with Council officials who briefed members on their mandate and how they carry out their duties. The officials informed that the department plays a greater role in environmental management particularly waste management. Being the service delivery level of Government, the department is in charge of providing waste management infrastructure such as; drop off points, garbage collection equipment including trucks and waste management facilities. The department performs the following roles;

- i) Environmental compliance
- ii) Biodiversity management
- iii) Environmental and heritage management
- iv) Resource conservation
- v) Environmental capacity building, sustainable livelihoods and communication.
- vi) Environmental strategy and partnerships

3.04 Visit to Kraaifontein Integrated Waste Management Facility.

The delegation visited Kraaifontein waste management facility and was hosted by the management of the facility who briefed members on how waste recycling is done. Members were also taken around the facility where they had an opportunity to observe the actual processes of waste recycling.

While at the facility, the delegation was informed as follows;

- i) That the facility is owned by the City Council of Cape Town and has the capacity to hold 960 tons of waste at a go. It has a combined work force of about 3,000 workers some of them being seasonal workers. It operates on an annual budget of approximately 2.5 billion Rands which is equivalent to Kshs 25 billion. It has both technical and administrative staff.

- ii) That in terms of the waste cycle, the City Council provides residents with waste disposal bags/bins. Thereafter, the council's garbage collection trucks and contracted companies or private individuals drop the waste to the facility (or either at the drop-off points where it is collected from to the facility). Once received at the facility, recyclable waste is sorted, separated, baled and then sold.
- iii) All general waste is accepted, except hazardous or medical waste, sludge or large loads of builders' rubble. Individuals and institutions dispose their waste at the facility at a fee depending on the weight of the waste. The facility has computerized weighing machine such that the weight of all waste being dropped is determined for purposes of being charged.
- iv) That apart from the facility, the Council has landfills where biodegradable waste is disposed and once the landfills are full, they are closed. The landfill area after a certain period may be transformed into a recreational park with the authority of the Environment department.



The leader of the delegation outside the facility



The waste sorting area of the facility



A section of the delegation inside the facility

4.0 TOUR OF CAPE TOWN CITY ENVIRONS

During the study visit, members had the opportunity to visit the environs of the city as part of the fact-finding on its environmental conservation programmes. Members visited places such as the Green Park which is a demon station of biodiversity of the City. The delegation also visited sceneries such as the Table Mountain, Seafront area, the City centre and the FIFA Cape Town stadium. All along, the delegation noticed how well the environment is managed with waste collection bins (labeled according to the type of waste) situated around the city. Residents could be seen disposing their waste in designated bins leaving the City clean and green.

5.0 LESSONS LEARNED

The delegation having been briefed and observed the environmental and governance state of the City, members identified some of the best practices as follows;

- i) That environmental conservation and waste management is a function that is shared by all levels of Government in the Republic of South Africa although much of it is performed by the Local Government. All levels of Government give a lot of prominence to the protection of environment through mechanisms established by the Constitution and Legislation.
- ii) That the City of Cape Town has invested a lot in waste management making it one of the environmental friendly city in Africa and the world at large. Investments include human resource both skilled and non-skilled,

infrastructure, and community awareness on waste and environmental conservation.

- iii) That the residents of the City of Cape Town have inculcated a culture of environmental protection particularly responsible waste disposal making it easy for relevant authorities to collect and dispose waste. Further, the residents respect the rule of law which has enabled environmental conservation to succeed.
- iv) That authority emphasize on recycling rather than disposal/decomposition as a form of waste disposal. This has minimized the amount of waste in the City and also created employment for persons working in the recycle plants.
- v) That the Provincial Government has well organized departments, particularly the Department of Environmental Affairs and Development Planning. The department also has qualified experts which has enabled service delivery to be effective.

6.0 RECOMMENDATIONS

In view of the above lessons learned, the delegation recommends that the Assembly resolves as follows;

- i) That the Nairobi City County Government should fast-track the enactment of a Solid Waste Management Act providing for integrated solid waste management and responsibilities of waste generators.
- ii) That the Nairobi City County Government should increase its funding to waste management activities. This should include provision of adequate waste collection equipment, recruitment of qualified environmental management personnel; and environmental conservation awareness campaigns.
- iii) That the Nairobi City County Government should adopt modern methods of waste disposal such as recycling as practiced in the City of Cape Town. This will help in the reduction of amount of waste being dumped and creating employment for those working in recycling plants. In addition, the health and environmental risks posed by the dumping of waste at Dandora dumpsite shall be minimized.
- iv) That residents of Nairobi City County should inculcate a culture of environmental protection through proper waste disposal.

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