

GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

SECOND ASSEMBLY-THIRD SESSION

NBI CA. PLC. 2019 / (052)

27<sup>th</sup> June, 2019

PAPER LAID

Pursuant to Standing Order 191 (6) I beg to lay the following Paper on the Table of the Assembly, today Thursday 27<sup>th</sup> June, 2019.

THE REPORT OF THE SECTORAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES ON COMMITTEE RETREAT HELD AT WINDSOR GOLF HOTEL, KIAMBU COUNTY FROM THURSDAY 28<sup>TH</sup> – SUNDAY 31<sup>ST</sup> MARCH, 2019.

(Chairperson, Sectoral Committee on Environment and Natural Resources)

Copies to:  
The Speaker  
The Clerk  
Hansard Editor  
Hansard Reporters  
The Press

*Approved for tabling -*  
*[Signature]*  
27/June/2019

Snr C/A LAC

Table in ABC for

Consideration

*AAO 11 27/6/19*

*Paper laid by Hon. Okey  
on Thurs. 27/6/2019  
at 10:30 am  
AAO 11*



# MEMO

FROM : Deputy Clerk  
TO : Senior Clerk Assistant  
DATE : 26<sup>th</sup> June, 2019

## RE: TABLING OF REPORT

The above matter refers.

Herewith please find the 3<sup>rd</sup> Quarter (FY 2018/2019) workshop report of the Sectoral Committee on Environment and Natural Resources ready to be tabled in the Assembly.



Adah Onyang

*Incl  
Pls process to  
to GCS  
Amg  
Sen clera SSS  
26/6/19*



**NAIROBI CITY COUNTY ASSEMBLY**



**SECOND ASSEMBLY – THIRD SESSION**

**REPORT OF THE SECTORAL  
COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES**

**ON**

**COMMITTEE RETREAT HELD AT WINDSOR GOLF HOTEL, KIAMBU COUNTY**

**FROM THURSDAY 28<sup>TH</sup> – SUNDAY 31<sup>ST</sup> MARCH, 2019**

Clerks Chambers  
Nairobi City County Assembly  
City Hall Buildings  
Nairobi

JUNE, 2019

*Paper laid by  
Hon. Okeyo on  
Thu. 27/6/2019  
at 10:30 am.  
Atong  
D/C  
27/6/19*

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## 1.0 Preface

The Sectoral Committee on Environment and Natural Resources for the Second Assembly was established on 5<sup>th</sup> October 2017 on the floor of the House pursuant to provisions of Standing Order 203.

The Committee's mandate pursuant to the provisions of Standing Order 203 –Third Schedule is, amongst others, to investigate, inquire into and report on all matters relating to; ***“Implementation of specific national government policies on natural resources, environmental conservation, including soil and water conservation and forestry and control of air population, noise population, other public nuisances and refuse removal, refuse dumps and solid waste disposal.”***

## 1.1 Committee Membership

The Committee comprises of the following Members:-

1. Hon. John Kamau, MCA – Chairperson
2. Hon. Fredrick Onyango Okeyo – Vice-Chairperson
3. Hon. Jeremiah Themendu, MCA
4. Hon. James Mwangi Wambui, MCA
5. Hon. Peter Wahinya Njau, MCA
6. Hon. Laura Mwendu, MCA
7. Hon. John Kamangu, MCA
8. Hon. Joyce Muthoni, MCA
9. Hon. Mwaura Samora, MCA
10. Hon. Muchene Kabiru, MCA
11. Hon. Susan Makungu, MCA
12. Hon. Silas Ongwae, MCA
13. Hon. Peter Anyule Imwatok, MCA
14. Hon. Emily Wanjiku Waithaka, MCA
15. Hon. Rose Masitsa Shitote, MCA
16. Hon. Jared Ondieki Akama, MCA
17. Hon. Francis Otieno Ngesa, MCA
18. Hon. Solomon Magembe, MCA
19. Hon. Jairus Amukhoye Omayo, MCA

Article 185 of the Constitution vests the legislative authority of a County Government in the County Assembly. The Constitution further bestows County Assemblies with the powers of approving County plans and policies. Once policies and proposed legislations are tabled in the Assembly, they stand committed to the relevant Committee for scrutiny and report to the Assembly. Committees perform functions for which the Assembly in its corporate form is not well fitted i.e. finding out facts of the case, examining witnesses, sifting information and drawing up reasonable conclusions

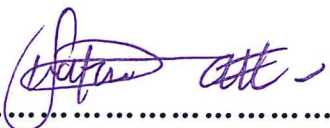


and recommendations. In this regard, for the Committee to be able to scrutinize the policies, members need to have the requisite capacity. As such, the Committee resolved to undertake a training on policy scrutiny to equip members with policy scrutiny skills. The Committee resolved that the retreat be held at Windsor Golf Hotel from Thursday 28<sup>th</sup> to Sunday 31<sup>st</sup> March, 2019.

### **Acknowledgement**

The Committee wishes to appreciate the Office of the Speaker and the office of the Clerk for all the support extended to members which enabled the retreat successful.



On behalf of the Committee, it is my pleasant duty to table the Report of the Sectoral Committee on Environment and Natural Resources Committee retreat held at Windsor Golf Hotel from Thursday 28<sup>th</sup> to Sunday 31<sup>st</sup> March, 2019.

Signed .....

**Hon. John Kamau, MCA**

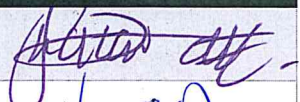
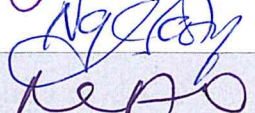
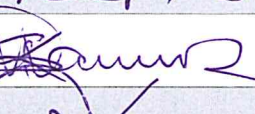
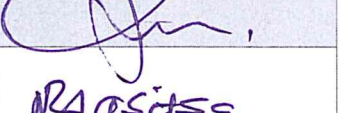
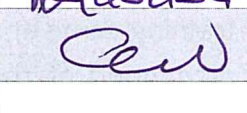
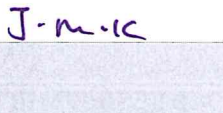
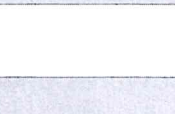
**(Chairperson)**

**Sectoral Committee on Environment & Natural resources**

Dated this  day of  2019



# COMMITTEE ADOPTION SHEET

No.	Name	Signature
1.	Staph M. Dugwale	
2.	Francis Orenu Ngesa	
3.	Milliecat A. Okeke	
4.	Muche ne Kabiru	
5.	M. Wamra Samora	
6.	Rosemary Masib, Shidote	
7.	Emily Wairaka	
8.	Joyce MUTHANI KAMAU	J.M.K
9.		
10.		
11.		
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## **2.0 SESSION I: OFFICIAL OPENING**

### **i) Introduction and objectives of the workshop**

Hon. Silas Matara, MCA opened the session with a word of prayer and welcomed members to the workshop. He then invited Members, the facilitator and the Secretariat to introduce themselves. In his introductory remarks, Hon. Matara stated the following as the objectives of the retreat;

- a) To introduce members to the policy making process;
- b) To understand the role of the County Assembly in the policy making process particularly scrutiny of policy;
- c) To understand how the Committee can help improve the quality of legislation in the Assembly and propose probable areas for legislation;

In his opening remarks, the facilitator Mr. Chris Mbiti informed the Committee that the training came at an appropriate time when various policies and legislations were being developed at the County level. The training would therefore equip members with requisite skills necessary to scrutinize the policies and proposed laws.

## **3.0 SESSION II: THE POLICY MAKING PROCESS AND SCRUTINY**

The session Chair Hon. Emily Waithaka informed that the session would be dedicated towards understanding the policy making process in Kenya particularly at the County level. She stated that since the Committee mandate includes consideration of all matters related to environmental management, control of air pollution, noise pollution and other public nuisances, there were several policies and legislations that would be presented before the Committee for consideration prior to their adoption by the County Assembly.

As such, it was important for members to be attentive and gain the requisite skills necessary for them to effectively scrutinize all policies and proposed legislations.

### **2.01 Introduction to policy making and the policy making environment**

The facilitator defined public policy as the official government policy i.e. legislation or guidelines that govern how laws should be put into operation). He added that each phase of policy making involves diverse players, procedures, and institutional structures, which include;

- i. The legislature
- ii. The Executive
- iii. Bureaucracy
- iv. Politicians
- v. Citizen's organizations



He stated that policy making environment entails all the key stakeholders in a given area. These include:

- *Executive* – the governor, CECM and the county staff
- *Legislature* – county assembly, through committees
- *Bureaucrats* – They are the technocrats who understand the technicalities of the relevant sector and therefore their input is vital.
- *Courts* – They determine any disputes arising from the policies.
- *Affected interest groups* – These are the lobby groups in a given area of interest which a given policy directly affects. Their input is crucial since they are directly affected by any policy affecting their area.
- *The public* – they are the ultimate beneficiaries/victims of a given policy. They also hold ultimate sovereign power

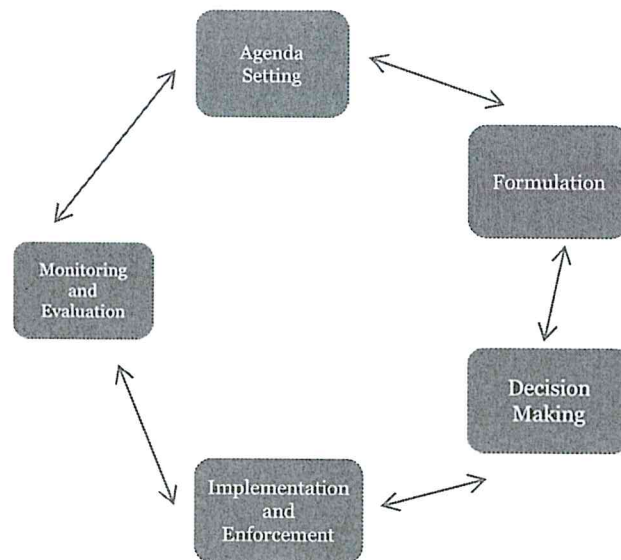
The facilitator reminded the participants that successful public policies are the ones that have been crafted by one or most of these players. He also emphasized that since policies emanate from the Executive, the County Assembly Members have limited role to play during formulation, however, best practice informs that they ought to be consulted prior to the tabling of policies to the Assembly.

## **2.02 Policy Cycle**

The facilitator defined policy cycle as a tool used for the analyzing development of a policy item. It could also be referred to as a "stagist approach", or "stages approach". He highlighted the following 5 stages of the policy cycle;

- i. *Agenda setting (Problem identification)* – This involves recognition of certain subject as a problem demanding further government attention.
- ii. *Policy Formulation* –This involves exploring a variation of options or alternative courses of action available for addressing the problem (appraisal, dialogue, formulation, and consolidation).
- iii. *Decision-making* – This involves deciding on an ultimate course of action, whether to perpetuate the policy status quo or alter it. (Decision could be 'positive', 'negative', or 'no-action')
- iv. *Implementation* - The ultimate decision made earlier will be put into practice.
- v. *Evaluation* – It involves assessing the effectiveness of a public policy in terms of its perceived intentions and results. Policy actors attempt to determine whether the course of action is a success or failure by examining its impact and outcomes.

### Illustration of policy cycle



#### 2.03 Key Components of a Policy Document

The facilitator highlighted the following as the key components of a policy document;

- i. **Purpose statement:** It outlines why the organization is issuing the policy, and what its desired effect or outcome of the policy should be.
- ii. **Applicability and scope statement:** This describes who the policy affects and which actions are impacted by the policy. The applicability and scope may expressly exclude certain people, organizations, or actions from the policy requirements.
- iii. **An effective date:** This indicates when the policy comes into force.
- iv. **A responsibilities section:** Indicates which parties and organizations are responsible for carrying out individual policy statements. Many policies may require the establishment of some ongoing function or action.
- v. **Policy statements:** Indicates the specific regulations, requirements, or modifications to organizational behavior that the policy is creating. Policy statements are extremely diverse depending on the organization and intent, and may take almost any form.
- vi. **Background:** It indicates any reasons, history, and intent that led to the creation of the policy.
- vii. **Definitions:** This provides clear and unambiguous definitions for terms and concepts found in the policy document.

#### 2.04 Challenges to the policy making process

The following are the challenges to the policy making process were noted;

- i.) Political party interests – when overdone, they impede the successful formulation and Implementation of policy;



- ii.) Competing interests among different players – different groups or individuals having their own selfish interests may seek to influence policy to go in different opposing directions. Such groups may include:
- a) Elected leaders – as they seek to fulfill campaign promises, meet people expectations and demands
  - b) Interest groups – e.g. civil society pushing interests that may not necessarily be in line with those of the executive
  - c) Citizens – with demands based on their local needs

## **2.05 Scrutiny of policy**

The facilitator informed participants that the following should be considered when scrutinizing a policy:

- i.) Whether the policy is necessary and seeks to fill a policy gap on a particular subject matter;
- ii.) Whether the policy is in line with the Constitution and any existing national legislation or policy;
- iii.) Whether adequate public participation was done by the Executive during the formulation of the policy and if not, the Committee should invite key stakeholders to give their input and consider their views when approving the final policy. The stakeholders may also provide technical assistance to the Committee while reviewing policies.

## **2.06 Probable areas for policy formulation and legislation under the Committee**

The facilitator informed the Committee that pursuant to the Part (II) of the Fourth Schedule to the Constitution and Standing Order 203, the following are the areas that fall under the mandate of the Committee;

- control of air pollution, noise pollution, other public nuisances; and
- Refuse removal, refuse dumps and solid waste disposal

The facilitator advised members that there exists a lot of policy and legislative gaps on the aforementioned policy areas that required to be addressed.

## **2.07 Plenary Discussions**

During the plenary session members raised the following concern:

- i.) The Executive had delayed to provide policies on many of the matters that fall under the Committee's mandate.
- ii.) The Executive had taken too long to transform existing by-laws by the former City Council of Nairobi into County legislations.

### **3.0 CONCLUSION AND WAY FORWARD**

The Committee resolved as follows;

1. That the Committee should push for development of policies by the Environment and Natural Resources sub-sector on matters under its mandate and thereafter generate Bills from the policies.
2. The Committee should ensure that all existing environmental by-laws are transformed into Acts of the City County of Nairobi.
3. The Committee should seek for partnership with stakeholders and development partners to support its legislative and oversight work.