

DC

SPECIAL ISSUE

Kenya Gazette Supplement No. 4 (Kajiado County Bills No. 3)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

KAJIADO COUNTY BILLS, 2020

NAIROBI, 20th March, 2020

CONTENT

Bill for Introduction into the County Assembly of Kajiado—

PAGE

The Kajiado County Environment Protection Bill, 2020..... 1

**THE KAJIADO COUNTY ENVIRONMENT PROTECTION BILL,
2020**

A Bill for

**AN ACT of the County Assembly of Kajiado to provide for the
Protection and Conservation of the Environment and other
connected purposes**

ENACTED by the County Assembly of Kajiado as follows—

PART I—PRELIMINARY

Short title

1. This Act may be cited as the Kajiado County Environment Protection Act, 2020.

Interpretation

2. In this Act, unless the context otherwise requires—

“Chief officer” means the county chief officer responsible for environment and natural resources;

“County” means the County Government of Kajiado;

“County Public Service Board” means the Kajiado County Public Service Board established in accordance to section 57 of the County Governments Act (No. 17 of 2012);

“Committee” means the Committee referred to under section 5 of this Act;

“County Executive Committee Member” means the County Executive Committee Member responsible for Environment and Natural Resources;

“Directorate” means the County Directorate of Environment and Natural Resources;

“Director” means the Director of the Directorate of Environment and Natural Resources, and any person acting from time to time in the position of the Director;

“environment” includes all natural, physical and social resources and ecosystems or parts thereof, people and culture and the relationship that exists between these elements;

“Gazette” means the Kenya gazette;

“pollutant” means any solid, liquid or gaseous substances or energy present in such concentration as may be, or tend to be, injurious to the environment or human health;

“pollution” means the introduction by man directly or indirectly of substances or energy into the environment which may result or likely to result in such deleterious effects or harm to living resources and ecosystems and hazards to human health including—

- (a) the detriment or degradation of the environment; or
- (b) the detriment of any beneficial use, and includes pollution as prescribed by regulations; and

“waste” for purposes of this Act, includes matter—

- (a) in liquid, solid, gaseous or radioactive form, whether toxic or not, and which is discharged into the environment;
- (b) which is the by product of any process activity or development with no apparent value or beneficial function; or
- (c) human or animal excrement or faeces; or
- (d) any other matter or thing which is prescribed by regulations made under this Act to be waste.

Objects

3. The object of this Act is to—

- (a) promote a clean and healthy environment;
- (b) reduce the production of wastes, and to promote the environmentally sound management and disposal of wastes in the county;
- (c) prevent, control, monitor and respond to pollution within the county;
- (d) promote the conservation and, where appropriate, sustainable use of biological diversity and the protection and conservation of natural resources in the county; and
- (e) facilitate compliance and implementation of obligations under any national environmental or natural resource agreements or conventions to which the national Government has ratified or acceded to.

Guiding principles

4. The guiding principle under which this Bill is anchored is to promote the right to a clean and healthy environment to ensure an equitable, efficient, productive and sustainable management of the environment.

PART II—COORDINATION AND ENFORCEMENT

Role of the County Executive Committee Member

5. (1) The Executive Committee Member shall in collaboration with the County Environment Committee appointed under section 29 of the Environmental Management Coordination Act, be responsible for the overall administration of this Act.

(2) The Chief Officer shall have power to do all things necessary or convenient to be done to attain or further the objects of this Act, and any environment related law which the Department is responsible for administering, including power to—

- (a) be responsible for the proper management of the environment within the county;
- (b) give approvals or grant any licence or authority as provided under this Act;
- (c) develop a county strategic environmental action plan every five years;
- (d) approve any report required to be prepared by the Department on behalf of the county government;
- (e) appoint advisory or technical committees to advise on matters environment;
- (f) set fees and charges in accordance with any power under this Act; and
- (g) perform such other function as may be assigned by the County Executive Committee Member.

(3) The conduct of business and affairs of the Committee shall be as prescribed in the First Schedule to this Act.

Director of Environment

6. (1) There shall be a Director appointed by the County Executive Committee Member in consultation with the County Public Service Board through a competitive process.

(2) The Director shall be—

- (a) responsible to the Chief officer, for the efficient and proper administration and management of the Directorate in accordance to this Act;
- (b) responsible for the day-to-day administration of the Directorate;

- (c) the technical advisor on matters relating to environment and natural resources within the County
- (d) responsible for ensuring compliance with this Act, by arranging for the investigation or monitoring of any activity that relates to a function of the Directorate.

(3) In performing functions under this Act, the Director shall, be assisted by environment officers appointed by the County Public Service Board on recommendation of the Chief Officer.

Delegation.

7. (1) The Director may by notice in writing, delegate to any officer of the Department, all or any of the Director's powers and functions under this Act.

(2) Nothing shall prevent the exercise of any function or power by the Director during the period of any delegation of that power under this section.

Remuneration

8. The Chairperson and Members of the Committee, may be paid such allowances as the County Public Service Board in consultation with the Salaries and Remuneration Commission, may determine.

Identification of environmental officers

9. Each environment officer shall be furnished with an identification card which shall be produced—

- (a) if practicable, on each occasion before the officer proceeds to act pursuant to this Act; and
- (b) if demanded by any person who is subjected to any exercise of a power by an environment officer in accordance with this Act.

Powers of environmental officer

10. (1) An environmental protection officer shall have the power to enter—

- (a) a building, dwelling house at a reasonable time; and
- (b) a vessel, vehicle or other form of conveyance at anytime for the purposes of—
 - (i) monitoring the impact of any activity or matter relating to the environment;

- (ii) investigating the commission of any offence or the breach of any lawful obligation under a law relating to the protection or management of the environment; or
- (iii) enforcing this Act or any other law relating to the protection or management of the environment.

(2) The powers referred to under sub section (1), shall not be exercised unless —

- (a) reasonable notice has been issued to the owner or occupier of the building, dwelling house, vessel; or
- (b) a search warrant has been obtained from a magistrate.

Precautionary Notice

11. (1) Where an environment officer suspects that an activity or matter may be impacting upon the environment, the officer may issue a notice requiring that any person apparently in control of or associated with the activity, do any of the following—

- (a) provide information in relation to the activity or matter to satisfy the Director that the environment is not thereby being adversely impacted upon;
- (b) alternative activities or operating techniques be considered and employed to avoid or decrease the impact upon the environment;
- (c) improvements or alterations be made in relation to the activity or matter to the satisfaction of the Director, to avoid or decrease the impact upon the environment; and
- (d) any other requirement, as determined by the Director, to ensure that the activity or matter does not adversely affect the environment.

(2) A person served with a notice under sub-section (1), shall ensure that the requirements stated in the notice are complied with within the time stipulated, and shall satisfy the Director, prior to the expiration of that time, that the activity or matter is not adversely affecting the environment.

(3) A person who, having been served with a notice issued under sub section (1)—

- (a) fails to comply with a requirement stated in the notice; or
- (b) fails to satisfy the Director that an activity or matter is not or is no longer adversely impacting upon the environment within the time stipulated,

commits an offence.

Ceaseure Notice

12. (1) A notice to cease an activity may be issued under this section whether or not a Precautionary Notice has been served under section 11.

(2) Where, after receiving advice from the Director is of the opinion that there is occurring, or may occur, an act or activity which involves an immediate threat or risk to the environment, the Director may issue a notice under this section.

(3) A notice issued under this section shall—

- (a) be directed to any person, organisation or body whom the Director believes is carrying out the act or activity, or apparently has some control over it;
- (b) specify the act or activity and the nature of its effect upon the environment; and
- (c) require that the act or activity cease, or not be done, until the Director is satisfied that the threat or risk no longer exists.

(4) A notice may be served under this section notwithstanding that any approval, licence or permit has been granted in relation to the activity.

(5) Any person who—

- (a) having been served with a notice issued under this section, fails to comply with any of its terms;
- (b) having been served with a notice issued under this section, causes or permits any other person to act in breach of its requirements; or
- (c) knowingly acts in breach of the requirements of a notice given under this section, whether or not that person has been served with the notice,

commits an offence and shall on conviction, be liable a fine not exceeding Shillings 1,000,000 or to a term of imprisonment not exceeding 3 years.

**PART III—POLLUTION CONTROL AND WASTE
MANAGEMENT****Pollution and waste control**

13. (1) The Directorate shall ensure proper regulation and control of pollution, littering, wastes, including hazardous wastes, and shall take appropriate measures to minimise the impacts of pollution, litter and wastes on the environment.

(2) Without prejudice to the generality of sub section (1), the functions of the Directorate in relation to pollution, litter and waste management shall include—

- (a) monitoring pollution and its effect on the environment;
- (b) regulating polluters and controlling the activities of persons causing pollution;
- (c) implementing systems of licensing for persons causing pollution or discharging pollutants and wastes into the environment;
- (d) the maintenance of air and water quality;
- (e) regulating hazardous wastes, including the disposal, storage and trans boundary movement of such wastes in accordance with the relevant national legislation;
- (f) regulating waste collection and disposal systems, including landfills and waste storage facilities;
- (g) setting operational standards and applying guidelines for waste management operations within the county; and
- (h) providing administrative and technical support to the Committee referred to under section 5 of this Act, in relation to waste management and pollution control.

Noise pollution

14. (1) Except as otherwise provided for in this Act, a person shall not make any loud, unreasonable, unnecessary or unusual noise which annoys, disturbs, injures or endangers the comfort, repose or safety of another person and the environment.

(2) In determining whether noise is loud, unreasonable, unnecessary or unusual, the following factors may be considered—

- (a) the time of the day;
 - (b) proximity to residential area, schools and hospitals;
 - (c) whether the noise is recurrent, intermittent or constant;
 - (d) level and intensity of the noise;
 - (e) whether the noise has been enhanced in level or range by a type of electronic or mechanical means; or
 - (f) whether the noise may be controlled without much effort or expense to the person making the noise.
- (3) A person who contravenes the provisions of this section commits

an offence and shall be liable on conviction, to a fine not exceeding Shillings 100, 000 or imprisonment for a term not exceeding three months or to both.

Air pollution

15. A person shall not operate or cause to be operated, any motor-vehicle, train, ship, aircraft or other similar conveyance—

- (a) in such a manner as to cause air pollution in contravention of the established emission standards; or
- (b) that is likely to cause emissions into the ambient air in contravention of prescribed emission standards.

Burning of wastes

16. (1) A person shall not burn any waste unless—

- (a) prior written authorization of the Director and upon payment of an such prescribed fees; and
- (b) that person has notified in writing the owners and occupiers of all adjacent properties of the details of the proposed area to be burned including—
 - (i) the date and approximate time of the waste burning;
 - (ii) in the event of rainy weather conditions, an alternative date on which the waste burning may occur;
 - (iii) the right of owners and occupiers of adjacent properties to lodge written objections to the proposed waste burning with the Directorate, within 7 days of being notified.

(2) The Director shall not authorize waste burning under this Act, unless it is satisfied that the requirements set out in subsection (1) have been adequately complied with.

(3) A person who contravenes the provisions of this section commits an offence and shall on conviction, be liable to a fine not exceeding Shillings 100, 000 or imprisonment for a term not exceeding three months or to both.

Waste Management Standards

17. (1) The Directorate, shall exercise and perform its duty in relation to waste services, including waste collection, waste storage, waste transportation and waste disposal services, by—

- (a) adhering to national and county standards;

- (b) integrating its waste management plans with its integrated development plans;
- (c) ensuring access for all to such services;
- (d) providing such services at an affordable price, in line with its tariff policy; and
- (e) ensuring sustainable services through effective and efficient management.

(2) In exercising its duty contemplated in subsection (1), the Department, may set standards for—

- (a) the separation, storage, transportation and compacting of solid waste that is collected and disposed of at a county waste disposal facility;
- (b) the management of solid waste that is disposed of by the county or at a waste disposal facility owned by the county, including requirements in respect of the avoidance and minimization of the generation of waste and the re-use, recycling and recovery of solid waste;
- (c) directing of solid waste that is collected as part of the county service or that is disposed of by the sub-county or at a county waste disposal facility to specific waste treatment and disposal facilities; and
- (d) in respect for the control of litter.

Priority Waste

18. The county Executive Committee Member may, by notice in the *Gazette*, declare a waste to be a priority waste if the county Executive Committee Member on reasonable grounds believes that—

- (a) the waste poses a threat to health, well-being or the environment;
- (b) specific waste management measures are required to address the threat; or
- (c) the imposition of specific waste management measures in respect of the waste may improve reduction, re-use, recycling and recovery rates or reduce health and environmental impacts.

Storage of Waste

19. Any person who stores waste must take steps, unless otherwise provided by this Act, to ensure that—

- (a) the containers in which any waste is stored, are intact and not corroded or in any other way rendered unfit for the safe storage of waste;
- (b) adequate measures are taken to prevent accidental spillage or leaking;
- (c) the waste cannot be blown away by wind;
- (d) nuisances such as odour, visual impacts and breeding of vectors do not arise;
- (e) pollution of the environment and harm to health are prevented;
- (f) maintain general cleanliness of the containers and areas surrounding; and
- (g) ensure waste is contained in the container and not overflowing to the area surrounding.

Collection of Waste

20. A person may not collect waste from premises unless such person is—

- (a) a county service provider;
- (b) licensed or authorized by the Directorate to collect that waste; or
- (c) not prohibited from collecting that waste.

Transportation of waste

21. (1) The Directorate may, by notice, require any person or category of persons who transports waste for gain to—

- (a) register with the Director appointed under section 6 of this Act;
- (b) furnish such information as is specified in that notice or as the environment officer may reasonably require; and
- (c) provide logs or registers, on demand, showing transportation to the designated landfill.

(2) Any person who is engaged in the transportation of waste must take all reasonable steps to prevent any spillage of waste or littering from a vehicle used to transport waste.

(3) Where waste is transported for the purposes of disposal, a person transporting the waste shall, before offloading the waste from the vehicle, ensure that the facility or place to which the waste is transported, is authorized to accept such waste or at a designated waste disposal site.

(4) Where hazardous waste is transported for purposes other than disposal, the person transporting the waste shall, before offloading the waste from the vehicle, ensure that the facility or place to which the waste is transported, is authorized to accept such waste and must obtain written confirmation that the waste has been accepted.

Unauthorized disposal

22. A person may not—

- (a) dispose of waste, knowingly or negligently cause or permit waste to be disposed of, in or on any land, water body or at any facility unless the disposal of that waste is at a designated site; or
- (b) dispose of waste in a manner that is likely to cause pollution, damage, degradation of the environment or harm to health or restrict access use of land.

Littering

23. (1) An owner of privately owned land to which the general public has access, shall ensure—

- (a) that sufficient containers are provided to contain litter that is discarded by the public; and
- (b) that the litter is disposed of before it becomes a nuisance, a ground for a complaint or causes a negative impact on the environment.

(2) A person shall not, throw, drop, deposit, spill or in any other way discard any litter into or onto any public place, land, stream, watercourse, street or road, vehicle or on any place to which the general public has access, except in a container or a place specifically provided for that purpose.

(3) A person who contravenes the provision of this section commits an offence and is liable upon conviction to a fine not exceeding Shillings 100, 000 or imprisonment to a term not exceeding six months, or to both.

PART III—LICENSING

Waste management license

24. (1) A person who wishes to be a collector of a waste shall in the prescribed manner, apply to the Directorate for a waste management license.

(2) An application under sub section (1), shall be accompanied by such—

- (a) prescribed fee; and

- (b) documentation and information as may be reasonably required by the Directorate.
- (3) Despite subsection (2), an application for a waste management license for an activity which involves the treatment of waste by incineration, shall submit, together with any documentation or information contemplated in subsection (2), information on—
- (a) the types of waste that is to be incinerated;
 - (b) the existence of any incinerators in the jurisdiction of the Department which are authorized to incinerate waste which is substantially similar to that waste; and
 - (c) an alternative environmentally sound methods, if any, that could be used to treat that waste.

Contents of a waste management license

25. A waste management license shall specify—

- (a) the waste management activity in respect of which the license is issued;
- (b) the premises or area of operation where the waste management activity may take place;
- (c) the person to whom it is issued;
- (d) the period from which the waste management activity may commence;
- (e) the period for which the license is issued and period within which any renewal of the license must be applied for;
- (f) the periods at which the license may be reviewed, if applicable;
- (g) the amount and type of waste that may be generated, handled, processed, stored, reduced, re-used, recycled, recovered or disposed of;
- (h) if applicable, the conditions in terms of which salvaging of waste may be undertaken;
- (i) any other operating requirements relating to the management of the waste; and
- (j) monitoring, auditing and reporting requirements.

Review and Cancellation of a Waste Management License

26. (1) The Directorate may at any time and upon giving the licensee an opportunity to be heard, review and cancel a license issued under this Act.

(2) The Directorate shall inform the licensee, in writing, of any proposed review and the reason for such review if the review is undertaken at another interval than is provided for in a waste management license.

Considerations before grant of a License

27. When considering an application for a waste management license, the Directorate, shall take into account the following relevant factors—

- (a) the need for, and desirability of, the waste management activity and alternatives considered, including similar waste management activities, if any, that have already been licensed;
- (b) the pollution caused or likely to be caused by the activity that is the subject of the application, whether alone or together with existing operations or pollution and the effect or likely effect of that pollution on the environment, including health, social conditions, economic conditions and cultural heritage;
- (c) the best practicable environmental options available and alternatives that could be taken—
 - (i) to prevent, control, abate or mitigate pollution; and
 - (ii) to protect the environment, including health, social conditions, economic conditions and cultural heritage from harm as a result of the undertaking of the waste management activity.
- (d) any increased health and environmental risks that may arise as a result of the location where the waste management activity is to be undertaken;
- (e) any reasons for a decision made in terms of regulations issued under the Environmental Management and Co-ordination Act; and
- (f) any guidelines the Committee may wish to issue relevant to the application.

**PART IV—COUNTY WASTE MANAGEMENT
INFORMATION****Establishment of County Waste information system**

28. (1) The Department may, establish a county waste information system for the recording, collection, management and analysis of data and information on waste management.

(2) The county waste management information system referred to under sub section (1) may contain—

- (a) data on the quantity and type or classification of waste generated, stored, transported, treated, transformed, reduced, re-used, recycled, recovered and disposed of; and
- (b) a register of—
 - (i) waste management activities that have been licensed;
 - (ii) the duration of the license;
 - (iii) where the licensed waste management activities are to be conducted;
 - (iv) the levels and extent of waste management services provided by the county; and
 - (v) information on compliance with this Act.

Purpose of the county information system

29. The purpose of the county waste information system is to—

- (a) store, verify, analyze, evaluate and provide data and information for the protection of the environment and management of waste;
- (b) provide information for the development and implementation of any integrated waste management plan required in terms of this Act; and
- (c) provide information to the county and the public—
 - (i) to educate, awareness raising, research and development purposes;
 - (ii) to plan, including the prioritization of regulatory, waste minimization and other initiatives;
 - (iii) for obligations to report in terms of any legislation;

- (iv) for public safety management;
- (v) on the status of the generation, collection, reduction, re-use, recycling and recovery, transportation, treatment and disposal of waste; and
- (vi) the impact of waste on health and the environment.

PART V—FINANCIAL PROVISIONS

Funds of the Directorate

30. (1) The Directorate shall be adequately resourced to effectively discharge its functions under this Act.

(2) The funds of the Directorate shall consist of—

- (a) such monies as maybe appropriated by the county Assembly for the purposes of the Directorate;
- (b) such monies as may be payable to the Directorate pursuant to this Act or any other written law;
- (c) grants, gifts, donations or other endowments given to the Directorate; and
- (d) monies from any other source provided or donated or lent to the Directorate.

Accounts and Audit

31. (1) The Directorate shall cause to be kept proper books and records of account of the income, expenditure, assets and liabilities.

(2) Within a period of three months after the end of each financial year, the Directorate shall submit to the County Assembly, its accounts in respect of that year together with—

- (a) a statement of the income and expenditure of the fund during that year, and
- (b) a statement of the assets and liabilities of the fund on last day of that financial year.

Annual report

32. (1) The Directorate shall, at the end of each financial year, submit an annual report to the County Assembly.

- (2) The annual report referred to under subsection (1), shall contain—
- (a) a description of the activities of the Directorate;
 - (b) the impact of the exercise of any of its mandate or functions;

- (c) any impediments to the achievements of the objects and functions of the Directorate; and
- (d) any other information relating to its functions that the Directorate considers necessary.

(3) The annual report shall be published and publicized in a manner that the county Executive Committee Member may determine.

PART VI—MISCELLANEOUS PROVISIONS

Regulations on Pollution

33. (1) The County Executive Committee Member may make Regulations necessary for controlling pollution in the County.

(2) Without limiting the generality of subsection (1), the county Executive Committee Member may make Regulations to—

- (a) prescribe the duties and obligations of owners and occupiers of premises, buildings, lands, works, vessels and vehicles in relation to avoiding or minimising pollution;
- (b) provide for the licensing of premises, buildings, structures or works to discharge wastes and pollutants, and all matters incidental to such licensing systems;
- (c) provide for the issue and enforcement of pollution abatement notices, or notices requiring that polluting activities cease;
- (d) prescribe powers of environment officers in relation to pollution control;
- (e) require the installation and maintenance of anti-pollution devices;
- (f) control noise pollution; and
- (g) prescribe offences relating to pollution.

Regulations relating to waste management

34. (1) The county Executive Committee Member may make Regulations necessary on waste management in the County.

(2) Without limiting the generality of subsection (1), the county Executive Committee Member may make Regulations to—

- (a) provide for the effective management of wastes;
- (b) prescribe litter and waste control measures;
- (c) prohibit the importation, use or sale of any items which generate wastes, or restrict such items so that the generation of wastes is minimised;

- (d) prescribe procedures for the collection of waste related information and for its dissemination so as to raise awareness of waste related matters and permit informed decision making to be made by all sections of the community in relation to the minimisation of the generation of wastes and the adverse effects of wastes on human health and the environment;
- (e) provide for systems of registration and licensing of businesses dealing with waste management and disposal;
- (f) promote or regulate the recycling of wastes;
- (g) specify toxic and hazardous wastes and regulate the manner in which such wastes may be stored, transported and disposed of; and
- (h) require the observance of approved standards, rules, operating procedures and codes of practices applying to agencies or businesses that operate waste management or disposal services.

General penalty

35. A person who contravenes any of the provisions of this Act, for which no penalty is prescribed, shall on conviction, be liable to a fine of Shillings 500, 000 or to imprisonment to a term of two years, or to both.

FIRST SCHEDULE**CONDUCT OF BUSINESS AND AFFAIRS OF THE COMMITTEE****Meetings**

1. (1) The Committee shall meet at least four times in every financial year and not more than four months shall lapse between the date of one meeting and the date of the next meeting.

(2) Notwithstanding subparagraph (1), the Director in consultation with the chairperson, may, on requisition in writing by at least five members, convene a special meeting of the Committee at any time for the transaction of the business of the Committee.

(3) Unless three quarters of the total members of the Committee otherwise agree, at least fourteen days' written notice of every meeting of the Committee shall be given to every member of the Committee.

(4) The chairperson shall preside at every meeting of the Committee at which he or she is present but in his or her absence, a member duly elected for that purpose, shall preside and shall, with respect to that meeting and the business transacted thereat, have all the powers of the chairperson.

(5) Unless a unanimous decision is reached, a decision on any matter before the Committee shall be by a majority of the votes of the members present and voting and in the case of an equality of votes, the chairperson or a person presiding shall have a casting vote.

Quorum

2. The quorum at a meeting of the Committee shall be half of the members or a greater number determined by the Committee, in respect of an important matter.

Common Seal

3. (1) The affixing of the common seal of the Committee shall be authenticated by the signature of the chairperson and the Director.

(2) Despite sub paragraph (1), the chairperson or Director may in their absence, nominate one member to authenticate the seal of the Committee on behalf of either the chairperson or the Director.

Contracts and instruments

4. Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal, may be entered into or executed on behalf of the Committee by any person generally or specially authorized by the Committee for that purpose.

MEMORANDUM OF OBJECTS AND REASONS

The objects and purposes of this Bill are to-

- (a) promote a clean and healthy environment;
- (b) reduce the production of wastes, and to promote the environmentally sound management and disposal of wastes in the county;
- (c) prevent, control, monitor and respond to pollution within the county;
- (d) promote the conservation and, where appropriate, sustainable use of biological diversity and the protection and conservation of natural resources in the county; and
- (e) facilitate compliance and implementation of obligations under any national environmental or natural resource agreements or conventions to which the national Government has ratified or acceded to.

Every person in Kenya is entitled to a clean and healthy environment in accordance with the Constitution and relevant laws and the State has the duty to safeguard and enhance the environment. The entitlement to a clean and healthy environment includes the access by any person in Kenya to the various public elements or segments of the environment for recreational, educational, health, spiritual and cultural purposes. The Environmental Management and Coordination Act (EMCA), 1999, is the framework law on environmental management and conservation at national level.

The purpose of this Bill, therefore is to provide legislative framework to ensure a clean and healthy environment in the county and reduce the production of wastes while monitoring pollution within the county. The Bill requires that any person who transports waste be licensed in accordance to the Bill. It establishes the institutional framework and provides for the involvement of communities in environment protection.

PART I (Clauses 1-4) of the Bill contains preliminary provisions. These include the title of the Bill, interpretation of terms and a statement of objects of the Bill.

PART II (Clauses 5-12) of the Bill provides for co-ordination and enforcement which has been mandated to the CECM Environment and County Environment Committee as established under Section 29 of the EMCA Act. They shall be responsible for the overall administration of this Bill.

PART III (Clauses 13-23) of the Bill provides for pollution control and waste management which includes collection, transportation, disposal, littering of waste.

PART IV (Clauses 24-27) of the Bill sets out licensing requirements for any person who wishes to collect waste, manner of applying for the licence, licence fees, review and cancellation of waste management licence.

PART V (Clauses 30-32) of the Bill sets out financial provisions. These include funds of the directorate, accounts and audit and annual report.

PART VI (Clauses 33-35) sets out the miscellaneous provisions. These include power of the CECM to make regulations and general penalty.

The Bill is a money Bill for purposes of Article 114 of the Constitution as the enactment of this Bill shall occasion additional expenditure of public funds which shall be provided through budgetary estimates.

Dated the 16th March , 2020.

JAMES WAICHANGURU,
*Chairperson, Water, Irrigation,
Environment and Natural Resources Committee.*