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Hon. Speaker
Please consider
referring for
talking in the
Assembly

COUNTY ASSEMBLY OF EMBU



SECOND ASSEMBLY

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SCA
5/12/18

FIRST SESSION

REPORT OF THE SECTORAL COMMITTEE ON
TRADE, TOURISM, INVESTMENT AND INDUSTRIALIZATION ON THE
CONSIDERATION OF THE EMBU COUNTY TOURISM BILL, 2018

SUBMITTED FOR ADOPTION BY THE COUNTY ASSEMBLY

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DLPCS
T.N.A.
[Signature]
05/12/2018

Clerk's Chambers
County Assembly of Embu
P.O. Box 140-60100
Embu

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DLCS
Forwarded
[Signature]
DLCS
4/12/18

DATED: DECEMBER, 2018

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CCA
For further directions
[Signature]
DLCS
4/12/2018

③
Hon. Speaker
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Assembly

COUNTY ASSEMBLY OF EMBU



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07/12/2018

SECOND ASSEMBLY : FIRST SESSION

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201811-12**

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EXECUTIVE SUMMARY

The Embu County Tourism Bill, 2018 has been made pursuant to provisions of Article 185 (2) part 2 (4) of the Constitution of Kenya, 2010 which confers powers to the County Government to make legislation through county assemblies.

The Bill was tabled in the house for the first time on 27th February 2018 and consequently committed to the committee on Trade, Tourism, Investment and Industrialization for examination and scrutiny. Thereafter the committee embarked on planning for public participation forums as enshrined in the law of the land. This report therefore arises from the obligation imposed on the County Assemblies in Article 196 (1) (b) of the Constitution of Kenya, 2010, Section 6 (6) of the County Government Act, 2012 and the Embu County Assembly Standing Order No. 134(4). The constitution provides for public participation and involvement of the public in legislation at the county levels.

The Bill was subjected to public hearing forums in the four sub-counties to hear and receive opinions of the members of the public on the proposed Embu County Tourism Bill, 2018. Public hearings were held on 12th and 13th March, 2018 at Mbeere North and Runyenjes Sub-counties and Mbeere South and Manyatta sub-counties respectively.

Although the public participation forums did not elicit a lot of public interest, members who turned up gave opinions and made their views known to the committee.

The proposed Bill provides for a legislative framework for purposes of promoting development of local tourism in Embu County.

The committee therefore wishes to present this report emanating from the observations with key recommendations before the County Assembly for adoption and subsequent implementation.

1.0 BACKGROUND.

This report is made on behalf of the members of the Trade, Tourism, Investment and Industrialization committee compiled to address issues raised by the committee after consideration of the opinions raised during the public participation forums held in the sub-counties in regard to the proposed Embu County Tourism Bill, 2018. The Embu County Tourism Bill 2018 provides for a legislative framework for purposes of Tourism promotion and development in Embu County.

The Embu County Tourism Bill, 2018 was drafted by the County Executive committee member for Trade, Tourism, Investment and Industrialization and forwarded to the County Assembly. The Bill went through the prerequisite steps of publication in the County Gazette as outlined in Standing Order No.134 (4) of the County Assembly of Embu. The first reading of the Bill was done in the Assembly on 27th February, 2018 pursuant to Standing Order 134 and subsequently committed to the committee on Trade, Tourism, Investment and Industrialization pursuant to Standing Order No. 134(1).

The committee subjected the Bill to public hearing forums in the four sub-counties to hear and receive opinions from the members of the public on the proposed legislation. Public hearings were held on 12th and 13th March 2018. The public forums did not elicit a lot of public interest but the opinions and issues raised were noted and considered by the committee.

The committee forwarded its report on the bill in the committee of the Whole house on 21st March, 2018 but recalled it. Subsequently the committee retreated on 18th to 23rd November, 2018 and successfully examined the Bill and made observations and came up with recommendations contained in this report.

1.1 Mandate of the Committee

The mandate of the committee is clearly stipulated out by the Provisions of Standing Order No. 204 (5) which defines among the functions of the committee as being;

- (a) *To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the department;*
- (b) *To study the program and policy objectives the department and the effectiveness of the implementation.*
- (c) *To study and review all County legislation referred to it*
- (d) *To study, assess and analyze the relative success of the department as measured by the results obtained as compared with their stated objectives*
- (e) *To investigate and inquire into all matters relating to the department as it may deem necessary, and as may be referred to it by the County Assembly*
- (f) *To vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 198 (Committee on Appointments); and*
- (g) *To make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation*

1.2 Committee Membership

The Committee on Trade, Tourism, Investment and Industrialization is composed of the following members;

- | | | |
|---|---|-------------------|
| 1. Hon. Masters Leonard Mwaniki Muriuki | - | Chairperson |
| 2. Hon. Paul Muchangi Njiru | - | Vice- Chairperson |
| 3. Hon. Morris Muchiri Nyaga | - | Member |
| 4. Hon. Rose Ruguru Kinyua | - | Member |
| 5. Hon. Jane Ann Muthoni Muriithi | - | Member |
| 6. Hon. Philip Kinyutu Nzangi | - | Member |
| 7. Hon. Margaret Lorna Kariuki | - | Member |

1.3 PROBLEM STATEMENT

This report therefore arises from the obligation imposed on the County Assemblies in Article 196 (1) (b) of the Constitution of Kenya, 2010, Section 6 (6) of the County Government Act, 2012 and the Embu County Assembly Standing Order No. 13(4). This Standing Order provides, *“The sectoral Committee to which a bill is committed shall facilitate public participation and shall take into account the views and recommendations of the public when the committee makes its report to the County Assembly”*.

The Embu County Tourism Bill, 2018 was read a first time in the assembly on 27th February 2018 pursuant to Standing Order No. 134(1). The committee therefore planned for Public participation forums in all sub-counties on 12th and 13th March, 2018 to gather views and opinions of the public in respect to the proposed law.

1.4 OBJECTIVES/TERMS OF REFERENCE

The committee set out to achieve the following:-

1. To consider proposals from the public participation forums and other stakeholders
2. To make recommendations on the proposals from the public participation forums
3. To ensure that the proposed Bill does not contravene the Constitution or any statute.
4. To consider and present to the House the proposed amendments on the Embu County Tourism Bill, 2018

1.5 METHODOLOGY

In making its report the committee used the following methods.

1. Committee meetings.
2. Public hearings.
3. Written memoranda from the interest groups.
4. Summary of proposals and recommendation from public and other stakeholders.

1.6 TOOLS OF REFERENCE

The committee made reference to the following documents and relevant laws to come up with its observations, findings and recommendations;

1. The Constitution of Kenya, 2010
2. The County Government Act, 2012.
3. The County Assembly of Embu Standing Orders.
4. Proposed Embu County Tourism Bill, 2018.
5. The Embu County Public Participation Act, 2015.

1.7 ACKNOWLEDGEMENT

The committee wishes to sincerely thank the offices of the Speaker and the Clerk of the County Assembly for the support which enabled them complete the exercise smoothly.

I am also grateful to the Members of the Committee whose support enabled the Committee to accomplish this task. Special thanks to the secretariat for the support at all times.

On behalf of the Committee, I now have the honor and pleasure to present this report on the consideration of the Embu County Tourism Bill, 2018 for adoption.

SIGNED:  DATE: 26/11/18

HON. LENNY MASTERS MWANIKI MURIUKI, MCA
CHAIRPERSON
COMMITTEE ON TRADE, TOURISM, INVESTMENT AND
INDUSTRIALIZATION

2.0 PUBLIC PARTICIPATION

The committee sought views from the public from the forums held in the Mbeere North Sub-County at Siakago Social Hall and in Runyenjes Sub-County on 12th March 2018. On 13th March, 2018 views were collected from the Public in Mbeere South Sub-County at Kiritiri Constituency Development Fund Hall and Manyatta Sub-County in Embu Social Hall. The committee received the views of the public pursuant to provisions of the Article 196 (1) (b) which provides for facilitation of public participation and involvement in the legislative and other business of the Assembly and its committees.

Section 6 (6) of the County Government Act, 2012 envisages that in exercising its powers or performing any of its functions, a County Government shall ensure efficiency, effectiveness, inclusivity and participation of the people.

The Standing Order No.134 (4) of the County Assembly of Embu provides that the Sectoral Committee to which a bill is committed shall facilitate public participation and shall take into account the views and recommendations of the public when the committee makes its report to the County Assembly.

The committee received public views in the following manner;

1. Views submitted during the public forums
2. Written views from public on a tool designed by the committee.

2.1 SUMMARY OF THE VIEWS AND OPINIONS AS RECEIVED FROM THE PUBLIC

1. The process of dissemination of the bill to public was not effective and therefore the County assembly to provide for alternative way.
2. Under clause 9(3), on qualification for appointment as a Chairperson of the Embu Tourism Board there was concern that the qualifications were high.
3. Under clause 9(3)(c), on the issue of knowledge and experience either in the public or private sector of at least ten years, there was concern that experience sought would be an uphill task for young people.
4. There was concern where any tourism attraction site is situated private land.

2.2 COMMITTEE RESPONSES ON MATTERS RAISED BY MEMBERS OF THE PUBLIC

The committee responded on the above concerns/opinion as follows:

1. That copies of the bills and any other information from the county assembly could be accessed from the Communications Office, MCAs ward offices or can be downloaded from the Assembly's website; www.assembly.embu.go.ke.
2. That, running or managing such a corporation like Embu Tourism board requires a person of high qualification and hence the stated qualification should not be lowered.
3. That, the concern of required experience for other board members was genuine.
4. That, the concern on an attraction site being on private land would be addressed when such a situation is reported or raised

3.0 COMMITTEE CONSIDERATION OF THE EMBU COUNTY TOURISM BILL 2018

The committee deliberated on the Bill as follows:

Long title	:	agreed to
Clause 1	:	agreed to
Clause 2	:	agreed to
Clause 3	:	agreed to
Clause 4	:	agreed to
Clause 5	:	Proposed amendment
Clause 6	:	agreed to
Clause 7	:	proposed amendment
Clause 8	:	proposed amendment
Clause 9	:	proposed amendment
Clause 10	:	agreed to
Clause 11	:	agreed to
Clause 12	:	agreed to
Clause 13	:	agreed to
Clause 14	:	agreed to
Clause 15	:	agreed to
Clause 16	:	agreed to
Clause 17	:	agreed to

Clause 18 : agreed to

Clause 19 : agreed to

Clause 20 : agreed to

Proposed new PART

Clause 21 : proposed amendment

Clause 22 : proposed amendment

4.0 COMMITTEE STAGE AMMENDMENTS.

The Committee on Trade, Tourism, Investment and Industrialization, recommends the following amendments to The Embu County Tourism Bill, 2018.

1. CLAUSE 2

THAT Clause 2 be amended:-

- (i) in the definition of Executive Committee Member by deleting it and substituting it therefor the following new definition;
“County executive committee” means Embu county executive committee established in accordance with Article 176 of the Constitution;”
- (ii) Deleting the definition of **“Inter- Departmental Committee”**

2. CLAUSE 7

THAT Clause 7 Be amended:-

- (i) In sub-clause (2) (e) by adding the words **“of this Act”** immediately after the figure **“18”**
- (ii) In sub-clause (4) deleting the word **“may”** and substituting therefor the word **“shall”**

3. CLAUSE 8

THAT Clause 8 be deleted in its entirety;

4. CLAUSE 9

THAT Clause 9 be amended:-

- (i) by deleting the word **“Board”** wherever it appears and substituting therefor the word **“Committee”** ;
- (ii) Under Sub- Clause (2) By deleting the entire paragraph (a)
- (iii) Under sub- Clause 2(d) by deleting the word **“three”** and substituting therefor the word **“four”**
- (iv) Under sub- Clause 2(d) by deleting the words **“in consultation with the governor”**
- (v) Under sub- Clause 2 (d) by deleting the **proviso** to the sub-clause

- (vi) Under Sub-Clause 2(e) by deleting the words “**in consultation**” and by deleting the **proviso** to the sub-clause
- (vii) by inserting the following new sub-clauses immediately after sub-clause (2);
 - (3) *The Chairperson shall be elected from amongst the members appointed under sub-section (2) (d) and (e)*
 - (4) *The appointment of the members mentioned in (2) (d) and (e) above, shall reflect the diversity of the residents in the County, Gender, Youth, Persons with disability and regional balance.*
- (viii) Under sub-Clause (3) By deleting the word “Chairperson” and substituting thereof with the words “a member under subsection 2(d) and (e) “
- (ix) Under sub-clause 3(c)
 - (a) by deleting the word “ten” and substituting thereof with the word “five”
 - (b) by deleting the words “any of the following fields” and deleting sub-clauses (i) to (viii) and substituting thereof with the word “tourism ”
- (x) By deleting the entire sub- clause 3 (e)
- (xi) By adding a new sub-clause as follows;
 - (4) *The members of the Committee shall be paid such remuneration as the Executive Member may determine upon advice of the Salaries and Remuneration Commission*

5. **CLAUSE 21**

- (i) **THAT Clause 21** be deleted in its entirety;
- (ii) **THAT** the Bill be amended by inserting the following new Part immediately after PART III
 - PART IV-FINANCIAL PROVISIONS;**
 - 22. Finds of the Department*
 - (1)The funds and assets of the Department shall consist of-*
 - (a) such monies as may be appropriated by the County Assembly;*
 - (b) any grants, gifts, donations, loans or other endowments*

(c) *such funds as may vest in or accrue to the Department in the course of the Department's exercise or performance of its functions under this Act; and*

(d) *monies from any other lawful sources accruing to the Department.*

23. County executive member for finance may establish a Tourism Fund

The Executive Member may request the County Executive committee member for finance, pursuant to provisions of Public Finance Management Act, 2012 and the Regulations thereunder to establish a Tourism Fund to further actualize objects of this Act.

6. **CLAUSE 22**

THAT Clause 22 be amended in sub-clause (2):-

(i) by deleting the word "Board" wherever it appears and substituting therefor the word "Committee"



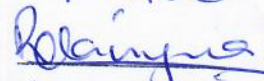



(ii) by inserting the following new paragraphs immediately after paragraph (d):-

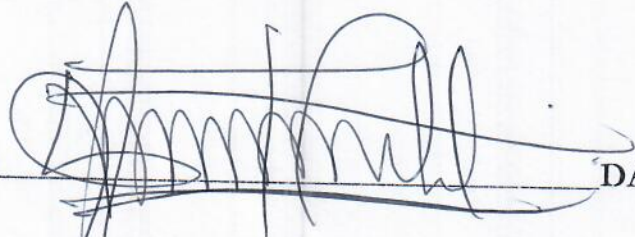
(e) *prescribe the procedure for conduct of business for the Committee;*

(f) *prescribe anything required to be prescribed under this Act*

5.0 CONCLUSION

The committee urges the Honorable house to adopt this report with the recommendations contained therein.

NAME	POSITION	SIGNATURE
1. Hon. Paul Muchangi Njiru	Vice- Chairperson	
2. Hon. Morris Muchiri Nyaga	Member	
3. Hon. Rose Ruguru Kinyua	Member	
4. Hon. Jane Ann Muthoni Muriithi	Member	
5. Hon. Philip Kinyutu Nzangi	Member	
6. Hon. Margaret Lorna Kariuki	Member	

SIGNED  DATE: 26/11/18

HON. MASTERS LEONARD MWANIKI MURIUKI
CHAIRPERSON

TRADE, TOURISM, INVESTMENT AND INDUSTRIALIZATION COMMITTEE