

# **THE LAIKIPIA COUNTY TOURISM BILL, 2015**

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### *Clause*

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# THE LAIKIPIA COUNTY TOURISM BILL, 2015

## A Bill for

**AN ACT** of County of Assembly of Laikipia to provide for the promotion and development of tourism in the county and for connected purposes –

**ENACTED** by the County Assembly of Laikipia as follows –

### PART I- PRELIMINARY

Short title.

1. This Act may cited as the Laikipia County Tourism Act, 2015.

Interpretation.

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

**“Board” means the Laikipia tourism board as established under section 10;**

“Department” means the county department responsible for tourism as established by the County Executive Committee;

“Executive Member” means the County Executive Committee Member responsible for tourism;

“Inter-departmental committee” means the Interdepartmental Tourism Development Coordinating Committee established under section 9;

“tourism circuit” means a route on which major tourism destinations are located, with well-defined entry and exit points;

“member of the public” means a person in Kenya as is defined by the constitution; and

“Local tourism” means any form of tourism activity that takes place in Laikipia County, notwithstanding the provisions of existing national laws and policies.

Purpose of the Act.

**3.** The purpose of this Act is to provide for the implementation of section 7 (d) of Part 2 of the Fourth Schedule to the Constitution and to provide for –

- (a) promotion and facilitation of growth and development of tourism sector and tourism related businesses;
- (b) promotion of the county as a sustainable tourism destination;
- (c) promotion of sustainable local tourism;
- (d) promotion and facilitation of development of a conducive investment **and business operating climate in the sustainable tourism** sector; and
- (e) Promotion of sustainable **local tourism led** economic development.
- (f) **To safeguard against negative impacts associated with tourism in Laikipia County as identified in relevant tourism laws and policies in Kenya.**

## **PART II- ADMINISTRATION**

Functions of the Department.

**4.** The Department shall be responsible

for–

- (a) promoting the growth and development of the sustainable tourism sector;
- (b) facilitating and promoting local and external investment in tourism sector;
- (c) promoting sustainable local tourism;
- (d) acting as the liaison with the national government on promotion and development of sustainable tourism;
- (e) facilitating community and private sector participation in tourism development;
- (f) in collaboration with other stakeholders, facilitating the development of policies, strategies and plans for tourism promotion and development;
- (g) carrying out research and maintaining such data and statistics related to tourism;
- (h) facilitating public-private engagement;
- (i) initiating and facilitating projects for providing linkages between tourism sector and local communities;
- (j) monitoring and evaluating the implementation of this Act; and
- (k) Carrying out any other

functions as may be assigned by the Executive Member.

Officers.

5. The County Public Service Board shall, in consultation with the Executive Member, establish offices and appoint such officers under the Department, in accordance with the County Governments Act.

Tourism status report.

6. (1) The Department shall, within three months after the end of each financial year, prepare and submit to the Executive Member a tourism status report for the immediate preceding year which shall consist of-

- (a) the status of the implementation of the Act;
- (b) the growth in the tourism sector characterized by number of visitors visiting the county for tourism purposes whether from within or outside the county;
- (c) the number of new facilities, programs or activities set up or initiated to promote sustainable tourism;
- (d) measures taken to promote tourism in regard to various forms of tourism specified under this Act;
- (e) challenges faced in implementing the Act;
- (f) the level of participation of the private sector in promoting sustainable tourism; and
- (g) any other matter as the

Executive Member may require.

(2) The Executive Member shall, within fourteen days of receiving the report, submit it to the County Executive Committee and thereafter within twenty one days transmit it to the Clerk of the County Assembly for tabling before the County Assembly for consideration.

(3) The Department shall –

- (a) publish the report prepared under subsection (1);
- (b) publicize the report to the private sector and **stakeholders** in the county; and
- (c) facilitate the collation of views and feedback from county **stakeholders** in relation to the report.

### **PART III- SUSTAINABLE TOURISM PROMOTION AND DEVELOPMENT**

Tourism promotion and development. 7. The Department shall promote and facilitate sustainable tourism development through-

- (a) providing technical support and advisory services to tourism service providers in accordance with existing county Government policies and plans on tourism promotion and sustainable tourism.
- (b) carrying out regular assessments on investment

climate in the tourism sector and proposing to the Executive Member the necessary policy and legislative measures for development of favourable sustainable tourism investment and operational climate;

- (c) reviewing policies and practices that affect investment climate in tourism and advising the County Executive Committee on appropriate measures to be adopted for promoting tourism development;
- (d) in collaboration with tourism stakeholders, initiating programs for developing a sustainable tourism sector and marketing the county as a tourist destination;
- (e) providing sectoral and inter sectoral linkages among private sector within and outside the county;
- (f) promoting and facilitating linkages and partnerships between operators or stakeholders in the tourism sector in the county with external;
- (g) facilitating training and capacity building of players in the sustainable tourism sector;
- (h) mobilizing local communities and residents to



participate in the tourism industry with an emphasis on sustainable tourism;

(i) **in collaboration with other relevant private and public stakeholders, facilitate the development and promotion of specific tourism products;**

(j) promotion and ensuring environmental conservation and sustainable development in the tourism sector; and

(k) carrying out any other function as may be assigned by the Executive Member.

Tourism master plan.

**8.** (1) The Department shall, in collaboration with county public and private sector **stakeholders**, prepare a ten-year sustainable tourism master plan which shall be a sectoral plan for the purposes of the County Governments Act.

(2) The tourism master plan shall provide among others for-

(a) matters related to the implementation of this Act;

(b) investment strategy for promotion of development of a sustainable tourism sector;

(c) development of infrastructure necessary for the growth and development of the tourism sector;

(d) specific strategies for facilitating growth and sustainability of each tourism sub sector;

(e) specific strategies for

implementing section 17 and 18;

- (f) estimated financial costs for implementing the plan; and
- (g) any other matter as the Executive Member may require.

(3) The sustainable tourism master plan shall be the basis of service delivery planning and budgeting for the tourism sector in the department.

(4) In accordance with the County Governments Act, the tourism master plan **may be reviewed every five years but updated annually** in order to address emerging trends and policies in the tourism sector.

Inter-departmental Tourism Development Coordinating Committee.

**9.** (1) There is established the Inter-departmental Tourism Development Committee.

(2) The Inter-departmental Committee shall consist of –

- (a) all chief officers responsible for administering policy matters affecting tourism as designated by the County Executive Committee; and
- (b) any officer responsible for a department of national government in the county that is responsible for policy matters affecting tourism in the county.

(3) The Chief Officer responsible for tourism shall be the chairperson of the Interdepartmental Committee and the county officer in charge of tourism in the department shall be the Secretary.

(4) The Inter-departmental Committee shall be

responsible for-

- (a) coordinating development and implementation of inter sectoral policies, plans and programs related to tourism;
- (b) developing of common strategy for tourism promotion and development;
- (c) advising the County Executive Committee on appropriate policies and programs for promoting and facilitating tourism promotion and development including promotion of investment and business climate in the tourism industry;
- (d) coordinating implementation of inter sectoral policies and programs related to tourism;
- (e) facilitating collaboration with national government on tourism development; and
- (f) carrying any other function as may be assigned by the County Executive Committee.

(5) The Department shall provide the secretariat services to the Inter-departmental Committee.

(6) The Inter-departmental Committee shall submit progress reports of its operations to the County Executive Committee.

Laikipia Tourism Board.

**10.** (1) There is established the Laikipia Tourism Board.

(2) The Laikipia Tourism Board (the ‘Board’) shall consist of –

- (a) **a non-executive chairperson appointed by the Governor from amongst the members of the Board;**
- (b) **the county executive member responsible for tourism;**
- (c) the Chief Officer responsible for tourism who shall be an *ex-officio* member and the secretary to the Board;
- (d) three persons nominated from the various tourism sectors existing and operational in the county in accordance with the prescribed procedure and appointed by the Executive Member in consultation with the Governor: Provided that at least one person shall be nominated by the hotel industry;
- (e) two professionals who are qualified and experienced in matters related to tourism appointed by the Executive Member in consultation with the Governor: provided that one person shall be of either gender;
- (f) one person representing persons with disabilities appointed by the Executive Member in consultation with the Governor by virtue of the person's experience and involvement of the tourism sector;
- (g) the Executive Members responsible for wildlife,

environment, security, land, culture and agriculture who shall be *ex officio* members of the Board; and

- (h) Representatives of all national government agencies involved in matters related to tourism in the county.

**(3) The Board shall be responsible for-**

- (a) facilitating collaboration and partnership between the county government and the private sector in the county on sustainable tourism promotion and development matters;
- (b) collating issues affecting the private sector in the county on sustainable tourism development that require to be addressed by the county government;
- (c) advising the County Executive Committee on appropriate measures to be adopted in promoting sustainable tourism sector development;
- (d) facilitating the formation of representative organizations of tourism sub sectors;
- (e) participating in promotion and development of the sustainable tourism sector;
- (f) facilitating implementation of county policies and programs related to sustainable tourism sector development;
- (g) facilitating the planning of

county public-private tourism sector consultative forums;

- (h) advising the Executive Member on policies and matters related to the specific sub sectors;
- (i) facilitating mobilization, development and capacity building for the operators in the various sectors;
- (j) facilitating implementation of county policies, plans and programs related to tourism matters;
- (k) carrying out any other function as may be assigned by the Executive Member;
- (l) the Board shall sit on a quarterly basis or as may be prescribed by the county Executive Member as required from time to time.**
- (m) the department at the time responsible for tourism promotion shall provide secretariat services to the board;**

**The board shall formulate committees to execute specific functions as may be necessary from time to time.**

(4) A member of the **Board** may-

- (a) at any time resign from office by issuing notice in writing to the chairperson of the Board for a period of not less than three months;

(b) be removed from office by the Executive Member, for-

- (i) serious violation of the Constitution or any other written law;
- (ii) gross misconduct, whether in the performance of the functions of the office or otherwise;
- (iii) **incapacity to perform the functions of the office;**
- (iv) incompetence; or
- (v) bankruptcy.

**All members appointed under clause 10 (2), other than *ex officio* members, shall serve for a term of three years and shall be eligible for reappointment once only.**

Training and skills development.

**11. (1) The Department shall in collaboration with relevant stakeholders initiate, promote or facilitate the establishment and provision of training programs on the various fields of practice and operation in the tourism sector.**

(2) The training described under subsection (1) may be accredited or non-accredited.

Inter-agency collaboration.

**12.** The Department shall collaborate or facilitate collaboration with national government and other county governments in promotion and development of tourism.

Economic participation.

**13. (1) The Department shall, in collaboration with other stakeholders, develop and implement programs, plans and strategies so as to integrate and facilitate the participation of local communities in economic activities related to tourism.**

(2) The economic activities shall include –

- (a) community based enterprises targeting the tourism sector;
- (b) supply of good and services related to tourism sector with an emphasis on sustainable tourism; and
- (c) market linkages within the tourism sector.

(3) The Department shall promote and facilitate capacity development of local communities and residents in order to participate in the implementation of this section.

#### **PART IV- PROVISION OF TOURISM SERVICES**

Registration of service providers.

**14.** The Department shall register all service providers in the tourism industry for the purposes of effectiveness and efficiency in service delivery.

Tourist information.

**15. (1) The Department, in collaboration with the private sector and other relevant stakeholders, shall establish tourist information dissemination mechanisms.**



**(2) A tourist information dissemination mechanism shall facilitate access to information and communication related to tourism in any prescribed manner and shall –**

**(a) be a repository of all information related to tourism in the sub county, the county; and**

**(b) utilize all available means including websites, electronic mail, telephone, physical offices, or any other mechanism as the Department may deem fit from time to time.**

Tourism mapping and branding.

**16.** (1) The Department, in collaboration with other public and private agencies, shall map and identify all tourism attraction sites, features or activities and shall maintain an inventory of all the sites, features or activities identified under this section.

(2) The Department shall, in collaboration with other private and public sector agencies, facilitate branding of the tourism sites, features or activities identified under section (1) for marketing purposes ;

(3) The County Executive Committee shall, in collaboration with other public and private sector entities ensure that there is adequate and appropriate physical infrastructure for facilitating implementation of this section.

Forms of tourism.

**17.** (1) Notwithstanding section 17, the Department shall in collaboration with other national and county government agencies or departments develop, promote or facilitate the development of tourism focusing on–

(a) conference and business;

- (b) cultural activities;
- (c) wildlife;
- (d) ecological features;
- (e) sports;
- (f) natural sceneries;
- (g) medical tourism;
- (h) research tourism**
- (i) agricultural tourism**
- (j) homestays**
- (k) holiday homes**
- (l) urban tourism; and
- (m) any other form as may be prescribed by the Board .

(2) The County Executive Committee shall within three months adopt measures and plans for facilitating the branding and promotion of the forms of tourism described under sub section (1) as appropriate and which shall include the development of tourism products related to each form of tourism.

(3) The Executive Member shall within nine months upon the coming into force of this Act, submit to the County Executive Committee, a status report outlining the progress taken in implementing this section and section 17.

Tourism circuits.

**18.** (1) The Department shall in collaboration with the national government, county governments, the private sector and other relevant stakeholders develop and promote tourism circuits and such tourism routes as shall be appropriate with reference to the provisions of

section 17.

(2) The tourism circuits established under this section shall be integrated with the tourism circuits established by the national government for the region.

Hotel standardization and classification.

**19. The Department shall, in collaboration with the national government and the operators in hotel industry, ensure that there is a proper system for standardization and classification of hotels in accordance with the standards established by the national government.**

Funding.

**20. (1) The County Assembly shall in each Financial year appropriate such monies as are necessary for the implementation of this Act.**

**(2) The County Executive committee member shall establish a Tourism Fund (the ‘Fund’) for purposes of implementation of this Act.**

**The fund shall consist of;**

- a. such monies as may be appropriated by the County Assembly;
- b. monies collected from the public tourist attractions managed by the county government;
- c. sums received as contributions, gifts or grants from any lawful source;
- d. monies earned or arising from any investment of the Fund;
- e. any money that may be payable or vested in the Fund.

(3) There shall be retained in the Fund such earnings as are provided by section 20(2).

(4) The earnings retained under subsection (3) shall be utilized for the purposes of development and management of tourism in the county.

## PART V- GENERAL PROVISIONS

Regulations.

**21.** (1) The Executive Member may make Regulations generally for the better carrying out of the objects of this Act.

(2) Without prejudice to the generality of subsection (1), the Regulations may-

- (a) prescribe the classification of tourism sectors under this Act;
- (b) prescribe the procedure for establishing tourism sector committees in liaison with the Board;
- (c) procedure for nominating private sector members to the Board; and
- (d) prescribe the amount of earnings to be retained from each county managed tourism attraction.

## MEMORANDUM OF OBJECTS AND REASONS

Firstly, this Bill seeks to implement section 7 (d) of Part 2 of the Fourth Schedule to the Constitution on promotion of local tourism.

Secondly, this Bill seeks to provide for a legal framework for promoting development of tourism in the local development.

Thirdly, this Bill seeks to emphasize sustainable tourism as both the goal of Laikipia County tourism development and the guidance by which we develop tourism products. The criteria for sustainable tourism development in Laikipia are drawn from the Global Sustainable Tourism Criteria ([www.gstcouncil.org/gstc-criteria/sustainable-tourism-gstc-criteria.html](http://www.gstcouncil.org/gstc-criteria/sustainable-tourism-gstc-criteria.html)).

**PART I** of the Bill provides for preliminary matters such as interpretation and the purpose of the Bill.

**PART II** of the Bill provides for administration matters. The Part assigns functions to the Department responsible for tourism, which include promoting development and growth of tourism development in the sector, facilitating and promoting local and external investment in tourism sector, promoting local tourism and promoting community and private sector participation in tourism development.

The Part provides for the preparation of annual tourism status report, which will cover matters related extent of implementation of this Act and tourism development and growth during the year.

**PART III** of the Bill provides for tourism promotion and development. The Part obligates the Department responsible for tourism to provide technical support and advisory services to tourism service providers, carrying out regular investment climate in tourism sector and providing sectoral linkages among private sector players within and outside the county.

The Part provides for the development of tourism master plan, which would provide for investment strategy in for promoting development of tourism sector and specific strategies for facilitating investment in the tourism sector.

The Part provides for establishment of the Inter-Departmental Tourism Development Coordinating Committee, which consists of all Chief Officers who are responsible for administering policy matters affecting tourism and any officer of national government responsible matters related to tourism in the county. The Committee is obligated to coordinate implementation of

inter sectoral policies related to tourism as well as coordinating program implementation and advising the County Executive Committee on appropriate tourism sector policies.

The Part provides for establishment of the Laikipia Tourism Board, which consists of members drawn from public and private sector. The Board is responsible for coordination collaboration between county government and the private sector and facilitating implementation of tourism policies and programs and advising the private sector on appropriate measures to be adopted in development of tourism sector.

The Part also provides for establishment of tourism sectoral committees in liaison with the Board. It also provides for setting up training and skills development programs and economic participation by local communities in economic activities related to tourism.

**PART IV** of the Bill provides for provision of tourism services. It provides for registration of tourism service providers, establishment of tourism information dissemination mechanisms, tourism mapping and branding, establishment of tourism circuits and linking them with the regional tourism circuit and promotion of standardization and classification of hotels operating within the county.

**PART VII** of the Bill provides for general provisions. It provides for the powers of the Executive Member to make Regulations for better implementation of the Act.

Dated the [ ] 2015.

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Chairman, XXXXXX Committee.