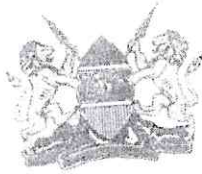


BCA/REPORT OF GENDER, CULTURE AND SOCIAL SERVICES COMMITTEE ON THE BOMET COUNTY
EMBLEMS, PROTOCOL AND SALUTATION BILL, 2014.

REPUBLIC OF KENYA



BOMET COUNTY ASSEMBLY

**REPORT FOR THE COMMITTEE ON GENDER,
CULTURE AND SOCIAL SERVICES FOR THE
BOMET COUNTY EMBLEMS, PROTOCOL
AND SALUTATIONS BILL, 2014.**

25TH JUNE, 2014.



REPORT OF GENDER, CULTURE AND SOCIAL SERVICES COMMITTEE ON THE BOMET COUNTY
EMBLEMS, PROTOCOL AND SALUTATIONS BILL, 2014.

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REPORT OF GENDER, CULTURE AND SOCIAL SERVICES COMMITTEE ON THE BOMET COUNTY
EMBLEMS, PROTOCOL AND SALUTATIONS BILL, 2014.

PREFACE

Mr. Speaker Sir,

On behalf of the Committee on Gender, Culture and Social Services and pursuant to the provisions of the Standing Orders 181 (3), it is my pleasant privilege and pleasure to present to this Honourable House the report of the Gender, Culture and Social Services Committee the findings after public participation on the Bomet County Emblems, Protocol and Salutation Bill, 2014

REPORT OF GENDER, CULTURE AND SOCIAL SERVICES COMMITTEE ON THE BOMET COUNTY
EMBLEMS, PROTOCOL AND SALUTATIONS BILL, 2014.

EXECUTIVE SUMMARY

The object of the Bill is to provide for the County flag and emblems, protocol and salutations; and to prevent improper use of the emblems, names, words, and likeness for commercial or professional purpose and for matters incidental thereto.

This Bill was prepared in accordance with section 4(1) of the County Government Act which provides that:

Every County shall enact legislation prescribing the following symbols-

1. The county Flag
2. County coat of Arms; and
3. The County public seal.

Emblem in the Bill, means the flag, seal, insignia, ensign and coat of arms of a kind specified in the first schedule. The meanings of the symbols embedded in the Flag, Coat of Arms and the Seal signifies quite a lot as described in the annex. The Bill describes the circumstances, regulations and prohibitions under which the flag and emblems shall be used and offences resulting thereto as stipulated in section 2B of the National Flag, Emblems and Names Act.

The Bill also provides the salutations and where and whom it applies within the County. The Bill also provides the languages under by which the National Anthem shall be played during all opening and closing of the assembly sessions and during official functions of the County. Furthermore the Bill describes the officials who shall be permitted to hoist the County flag on their vehicles by the Act

The Bill seeks to provide for the order of protocol within the County which shall be followed during any gathering attended by all or some of the persons listed on the second schedule of the Bill, 2014 for example during holiday celebrations, public events.

REPORT OF GENDER, CULTURE AND SOCIAL SERVICES COMMITTEE ON THE BOMET COUNTY
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MANDATE OF THE COMMITTEE

The committee on Gender Culture and Social Services is mandated as per the standing order number 190 to deal with child care facilities, all matters related to cultural activities, public entertainment and public amenities, including betting, casinos and other forms of gambling, racing liquor licensing, cinemas, video shows and hiring, libraries, museums and cultural activities as well as facilities and county parks, beaches and recreation facilities. They are also mandated in controlling drugs and pornography.

It is from this guidance of the mandates of the committees that our committees have deliberated much on this and has come up with these recommendations.

COMMITTEE MEMBERSHIP

The Committee on Gender, Culture and Social Services as currently constituted comprises of the following Honourable Members:

- | | | |
|-----|-----------------------|------------------|
| 1. | Hon. William Mosonik | Chairperson |
| 2. | Hon. Rose Boiyon | Vice Chairperson |
| 3. | Hon. Samwel Bor | Member |
| 4. | Hon. Julius Korir | Member |
| 5. | Hon. Hellen Chepkirui | Member |
| 6. | Hon. David Rotich | Member |
| 7. | Hon. Reuben Langat | Member |
| 8. | Hon. Helen Taplelei | Member |
| 9.* | Hon. Sammy Chelule | Member |

Mr, Speaker Sir,

Allow me to thank the entire membership of this committee for its hard work and commitment which made the public participation exercise a success.

The committee carried out public participation in the five Sub Counties namely; Chepalungu, Sotik, Konoin, Bomet Central and Bomet East whereby members of the public gave their insights.

In carrying out its mandate, the committee was guided by the existing procedures and modalities of operations of the County Assembly derived from the Constitution of Kenya 2010, Acts of Parliament, County Assembly Standing Orders, conventions, common practices and rulings and directives of the chair.

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APPRECIATION

The Committee would like to thank the members of the public for their valuable insights, critique and recommendations.

Finally Mr. Speaker Sir, the Committee wishes to record its appreciation for the exemplary services rendered by officers from Office of the Clerk of the County Assembly and The Legal Department. Indeed, their commitment and devotion to duty have made the work of the Committee and production of this report timely and successful.

Mr. Speaker Sir,

On behalf of the Committee, I now wish to table the report and urge the House to adopt it and the recommendations therein.

HON. WILLIAM MOSONIK

SIGNED

CHAIR GENDER, CULTURE AND SOCIAL SERVICES.

DATE

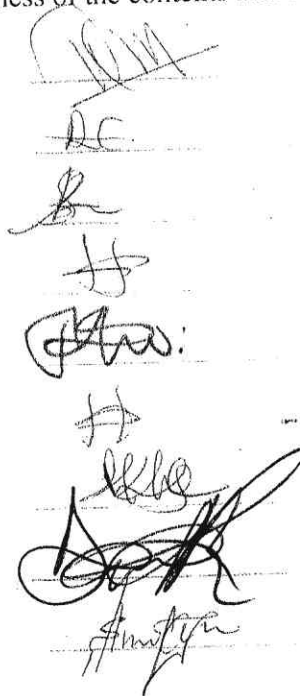
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REPORT OF GFNDR, CULTURE AND SOCIAL SERVICES COMMITTEE ON THE BOMET COUNTY
EMBLEMS, PROTOCOL AND SALUTATIONS BILL, 2014.

COMMITTEE MEMBERSHIP

We Members of the Committee on Gender, Culture and Social Services hereby affix our signatures to this report to affirm the correctness of the contents and support for the report:-

1. The Hon. William Mosonik
2. The Hon. Rose Boiyon
3. The Hon. Samwel Bor
4. The Hon. Hellen Chepkirui
5. The Hon. Julius Korir
6. The Hon. Helen Taplelei
7. The Hon. Reuben Langat
8. The Hon. David Rotich
9. The Hon. Sammy Chelule

A column of handwritten signatures corresponding to the list of committee members. The signatures are written in black ink on a white background. The first signature is for William Mosonik, followed by Rose Boiyon, Samwel Bor, Hellen Chepkirui, Julius Korir, Helen Taplelei, Reuben Langat, David Rotich, and Sammy Chelule. The signatures are of varying lengths and styles, some being more cursive and others more formal.

OBSERVATIONS FROM MEMBERS OF THE PUBLIC

The Committee held public participations in each of the five sub-counties, collecting views and comments which the Committee intends to factor into the amendments thereafter.

Comments on the Proposed Flag

1. The participants wanted to know if the residents/public was invited to participate in the process of designing the flag, the Coat of Arms and the Seal. However; the members of the public were informed that the process was participatory, with the public submitting their own preferred designs. A Committee sat and examined those that the public had come up with. A final emblem was chosen as is now in the public domain to give further input.
2. The first three contestants should have their proposed designs reviewed in the presence of the public. This is for fairness in selection process.
3. A symbol of education was not captured in the flag. Should insert a graduation head gown or even a book.
4. The use of red coloured circle is NOT appropriate. Terming it as a sign of bad things or danger as well as a sign of dictatorial Government. The participants proposed another colour be used like black or golden. Others proposed tea leaf sign be used instead of red colour.
5. The white section representing peace be replaced by a picture of a dove. Others commented that too much of white colour was used in the flag.
6. Others recommended that the flag captures fully their imaginations and aspirations and reflects how the County looks like hence should be maintained as it is.
7. It was proposed by the public that the flag should capture the unique customary practices in the County.
8. There was a proposal that a picture of an athlete running be inserted on the white section. Another could be a sign of music/songs
9. Another respondent proposed that the word "Government" was omitted and should be placed down so as to read Bomet County Government.

Comments on the County Seal and Coat of Arms

1. They have a motto be 'for the welfare and justice for all'.
2. Most respondents were in favour of the County Seal and Coat of Arms hence preferred to have it remained as it is.

Comments on the second schedule on the order of protocol within the County.

Most participants felt that the order of protocol given as per the Bill was fine except that the Member of County Assembly should come before the CEC, meaning the County Executive Committee Member should be number 11 as given below.

1. The President
2. The Deputy President
3. The Governor
4. The Deputy Governor
5. The Speaker of Senate
6. The Speaker of the National Assembly
7. The Cabinet Secretary
8. The Senator
9. Speaker of County Assembly
10. Member of County Assembly/County Attorney/Member of Parliament/Women Representative/County Secretary
11. County Executive Member

Comments on the County officials who may hoist the County Flag on their vehicles.

1. Most respondents wanted to have the Governor and the Assembly speaker to be the only ones to hoist the County flag in their vehicles. The reasons being since hoisting a flag is a sign of authority. Authority cannot be given to several personnel. On top of that the Governor is the head the County Executive while the County Speaker heads the County Assembly.
2. The public also recommended that number 6 be deleted.

Comments on the Use of National Anthem

Clause 10(1) proposes that the National Language shall be played in English, Kiswahili and Kipsigis during all opening and closing of the assembly sessions and during official functions of the County.

Comments from the public were uniformed in all the five sub-counties visited and all rejected the use of Kipsigis language to play the National Anthem. Hence only English and Kiswahili are used. Reason being this would promote tribalism.

**PROPOSED AMENDMENTS IN THE BOMET COUNTY EMBLEMS, PROTOCOL
AND SALUTATION BILL, 2014**

1. **THAT** clause 4 be amended by deleting the words “**punishment specified in section 2B of the National Flag, Emblems and Names Act as if the offence, was committed in respect of the flag, emblems and other insignia declared in that act**” and substituting thereof with the words “**a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment**”.
2. **THAT** Clause 5(1) be amended by inserting the words “**with the approval of the County Assembly**” immediately after the word “**governor**”
3. **THAT** clause 5(4) be amended by deleting the words “**a fine prescribed in the national flag, emblems and names act for the contravention of section 3 of that act**” and substituting thereof with the words “**a fine not exceeding six thousand shilling or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment**”
4. **THAT** Clauses 9(v) and (VI) be deleted.
5. **THAT** Clause 10(1) be amended by Deleting the word “**and Kipsigis**”. And that the word “**and**” be inserted between the words “**english kiswahili**”
6. **THAT** Clause 10(2) be amended by deleting the words “**and the wordings of the National Anthem in Kipsigis are as shall be prescribed**”
7. **THAT** Clause 11 be renumbered as clause 11(1)
8. **THAT** a new clause 11(2) be inserted with the words “**A Governor and a Speaker who is on a visit to the county or on transit may hoist their county flag on their official vehicles when they are in the jurisdiction of Bomet county**”
8. **THAT** Clause 12 be amended by deleting the words “**The officials set out in the Third Schedule may hoist the county flag on their vehicles**” and substituting thereof with the words “**The Governor and the Speaker of the County Assembly may hoist the County flag on their vehicles**”
9. **THAT** Clause 13 be amended by inserting the words “**with the approval of the County Assembly**” immediately after the word “**regulations**”
10. **THAT** the third schedule be deleted.
11. That part (ii) of the first schedule the words “**THE GREATEST GOOD FOR THE GREATEST NUMBER**” be deleted and substituted by “**FOR THE WELFARE AND JUSTICE FOR ALL**”.
12. **THAT** the second schedule of the Bill be amended to reflect the following order of protocol within the County.

1. The President

REPORT OF GENDER, CULTURE AND SOCIAL SERVICES COMMITTEE ON THE BOMET COUNTY
EMBLEMS, PROTOCOL AND SALUTATIONS BILL, 2014.

2. The Deputy President
3. Governor
4. The Deputy Governor
5. Speaker of the National Assembly
6. The Speaker of the Senate
7. Cabinet Secretary
8. Senator
9. Speaker of County Assembly
10. Women Representative/Member of Parliament
11. Leader of Majority/Leader of Minority/Member of County Assembly/
12. County Secretary/County Executive Member/County Attorney.
13. **THAT**, the flag be amended by removing the red colour in the middle of the flag and be replaced by a white colour.
14. **THAT**, there must be an explanation, clear and easily understandable signs used in description of the dimensions of the Flag in the first schedule.
15. **THAT**, clear colours must be used in describing the Flag, Coat of Arms and the County Seal.

Mr. Speaker Sir,

Allow me conclude by urging this Honourable House to adopt the committee's report and its recommendations thereof.

ANNEX 1

**MINUTES OF GENDER, CULTURE AND SOCIAL SERVICES COMMITTEE FOR
A PUBLIC PARTICIPATION ON 20TH JUNE, 2014.**

Present

1. Hon. William Mosonik.....Chairperson
2. Hon. Rose Boiyon.....Vice Chairperson
3. Hon.Samwel Bor.....Member
4. Hon.Hellen Chepkirui.....Member
5. Hon.Sammy Chelule.....Member.
6. Hon. David Rotich.....Member
7. Hon. Reuben Langat.....Member
8. Hon. Helen Taplelei.....Member
9. Hon. Julius Korir.....Member

Agenda

1. Preliminaries
2. Chairperson opening remarks and introduction of the Committee members
3. Taking the Participants through the County Emblems, Protocol and Salutation Bill,2014
4. Public Comments, Views and Critique over the Bill.

Min99/6/2014 Preliminaries

Opening prayers was said by Pastor Rotich, the area pastor.

Min 100/6/2014 Chairperson opening remarks and introduction of the Committee members

The Chairperson introduced the Committee members to the public who in turns spelled out their names and the Wards they represent.

Min 101/6/2014 Taking the Participants through the County Emblems, Protocol and Salutation Bill, 2014.

The committee took theparticipants through the Bomet County Emblems, Protocol and Salutation Bill, 2014 Clause by Clause thereafter given time to give their views.

Min102/6/2014 Comments from the Public

**REPORT OF GENDER, CULTURE AND SOCIAL SERVICES COMMITTEE ON THE BOMET COUNTY
EMBLEMS, PROTOCOL AND SALUTATIONS BILL, 2014.**

The Committee held public participations in each of the five sub-counties, collecting views and comments which the Committee intends to factor into the amendments thereafter.

Comments on the Proposed Flag

1. The participants wanted to know if the residents/public was invited to participate in the process of designing the flag, the Coat of Arms and the Seal. However; the members of the public were informed that the process was participatory, with the public submitting their own preferred designs. A Committee sat and examined those that the public had come up with. A final emblem was chosen as is now in the public domain to give further input.
2. The first three contestants should have their proposed designs reviewed in the presence of the public. This is for fairness in selection process.
3. A symbol of education was not captured in the flag. Should insert a graduation head gown or even a book.
4. The use of red coloured circle is NOT appropriate. Terming it as a sign of bad things or danger as well as a sign of dictatorial Government. The participants proposed another colour be used like black or golden. Others proposed tea leaf sign be used instead of red colour.
5. The white section representing peace be replaced by a picture of a dove. Others commented that too much of white colour was used in the flag.
6. Others recommended that the flag captures fully their imaginations and aspirations and reflects how the County looks like hence should be maintained as it is.
7. It was proposed by the public that the flag should capture the unique customary practices in the County.
8. There was a proposal that a picture of an athlete running be inserted on the white section. Another could be a sign of music/songs
9. Another respondent proposed that the word "Government" was omitted and should be placed down so as to read Bomet County Government.

Comments on the County Seal and Coat of Arms

1. To have a motto be 'for the welfare and justice for all'.
2. Most respondents were in favour of the County Seal and Coat of Arms hence preferred to have it remained as it is.

Comments on the second schedule on the order of protocol within the County.

REPORT OF GENDER, CULTURE AND SOCIAL SERVICES COMMITTEE ON THE BOMET COUNTY
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Most participants felt that the order of protocol given as per the Bill was fine except that the Member of County Assembly should come before the CEC, meaning the County Executive Committee Member should be number 11 as given below.

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11. County Executive Member

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1. Most respondents wanted to have the Governor and the Assembly speaker to be the only ones to hoist the County flag in their vehicles. The reasons being since hoisting a flag is a sign of authority. Authority cannot be given to several personnel. On top of that the Governor is the head the County Executive while the County Speaker heads the County Assembly.
2. The public also recommended that number 6 be deleted.

Comments on the Use of National Anthem

Clause 10(1) proposes that the National Language shall be played in English, Kiswahili and Kipsigis during all opening and closing of the assembly sessions and during official functions of the County.

Comments from the public were uniformed in all the five sub-counties visited and all rejected the use of Kipsigis language to play the National Anthem. Hence only English and Kiswahili are used. Reason being this would promote tribalism

Min103/6/2014 A.O.B

There being no other business the public participation came to an end, with the area pastor praying.

CONFIRMATION

REPORT OF GENDER, CULTURE AND SOCIAL SERVICES COMMITTEE ON THE BOMET COUNTY
EMBLEMS, PROTOCOL AND SALUTATIONS BILL, 2014.

Committee Chairperson

Signature.....Date.....

Committee clerk/Secretary

Signature.....Date.....

ANNEX II

**MINUTES OF GENDER, CULTURE AND SOCIAL SERVICES COMMITTEE FOR
A REPORT WRITING RETREAT HELD KISUMU HOTEL ON 21ST JUNE, 2014.**

Present

1. Hon. William Mosonik.....Chairperson
2. Hon. Rose Boiyon.....Vice Chairperson
3. Hon. Samwel Bor.....Member
4. Hon. Hellen Chepkirui.....Member
5. Hon. Sammy Chelule.....Member.
6. Hon. David Rotich.....Member
7. Hon. Reuben Langat.....Member
8. Hon. Helen Taplelei.....Member
9. Hon. Julius Korir.....Member

Agenda

1. Preliminaries
2. Deliberation on the Emblems, Protocol and Salutation Bill, 2014.
3. Discussion of comments and views of the public over the Bill.
4. A.O.B

Min104/6/2014 Preliminaries

Opening prayers was said by Honourable Helen Taplelei.

Min 105/6/2014 Chairperson opening remarks and introduction of the Committee members

The Chairperson introduced the second day's agenda as discussion and taking into consideration the public comments into the Bill.

Min106/6/2014 Committee's discussion and consideration of the public comments into the Bill.

The Committee went through the comments collected from the public during the public participation process which were as follows;

1. OBSERVATIONS FROM MEMBERS OF THE PUBLIC

The Committee held public participations in each of the five sub-counties, collecting views and comments which the Committee intends to factor into the amendments thereafter.

Comments on the Proposed Flag

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2. The first three contestants should have their proposed designs reviewed in the presence of the public. This is for fairness in selection process.
3. A symbol of education was not captured in the flag. Should insert a graduation head gown or even a book.
4. The use of red coloured circle is NOT appropriate. Terming it as a sign of bad things or danger as well as a sign of dictatorial Government. The participants proposed another colour be used like black or golden. Others proposed tea leaf sign be used instead of red colour.
5. The white section representing peace be replaced by a picture of a dove. Others commented that too much of white colour was used in the flag.
6. Others recommended that the flag captures fully their imaginations and aspirations and reflects how the County looks like hence should be maintained as it is.
7. It was proposed by the public that the flag should capture the unique customary practices in the County.
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REPORT OF GENDER, CULTURE AND SOCIAL SERVICES COMMITTEE ON THE BOMET COUNTY
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9. Another respondent proposed that the word "Government" was omitted and should be placed down so as to read Bomet County Government.

Comments on the County Seal and Coat of Arms

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2. Most respondents were in favour of the County Seal and Coat of Arms hence preferred to have it remained as it is.

Comments on the second schedule on the order of protocol within the County.

Most participants felt that the order of protocol given as per the Bill was fine except that the Member of County Assembly should come before the CEC, meaning the County Executive Committee Member should be number 11 as given below.

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Comments on the County officials who may hoist the County Flag on their vehicles.

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2. The public also recommended that number 6 be deleted.

Comments on the Use of National Anthem

Clause 10(1) proposes that the National Language shall be played in English, Kiswahili and Kipsigis during all opening and closing of the assembly sessions and during official functions of the County.

Min107/6/2014Committee's comments on the public views

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The Committee will incorporate these views to be considered in arriving at the amendments
in the Bill.

Min108/6/2014 A.O.B

There being no other business the meeting ended with a word of prayer from Honourable
Taplelei.

CONFIRMATION

Committee chairperson

Hon. William Mosonik

Signature.....Date.....

Committee clerk

Dickson Cheruiyot

Signature.....Date.....

INTERPRETATIONS ON THE FLAG

1. Blue colour represents water in Bomet County
2. Green colour represents agribusiness
3. The thin blue and green colour shows a correlation between water and environment which
are essential for agriculture to flourish.
4. The white colour is a symbol of peace in the County
5. The red colour enclosing the map of Bomet County symbolizes energy and blood relation
among the citizens of Bomet County.
6. The five stars represent the five (5) sub-counties in Bomet County and the golden colour
signifies wealth in those Sub-counties

THE SEAL

1. The seal borrows the same idea as the flag and the county coat of Arms
2. The buffalo head signifies strength and seriousness of the citizens of Bomet County in
development issues.

THE COUNTY COAT OF ARMS

REPORT OF GENDER, CULTURE AND SOCIAL SERVICES COMMITTEE ON THE BOMET COUNTY
EMBLEMS, PROTOCOL AND SALUTATIONS BILL, 2014.

1. The motto of Bomet County "THE GREATEST GOOD FOR THE GEATEST NUMBER"
meaning equality
2. The two animals are cheetahs. The one on the left is blue in colour signifying the speed of
development of water for hydro energy. The other cheetah on the left is green in colour
meaning the county is poised to develop agriculture at a fast pace.
3. The buffalo signifies protection whereby the Bomet County plans to introduce Buffaloes
into Chepalungu Forest so that the Forest is protected and conserved.





