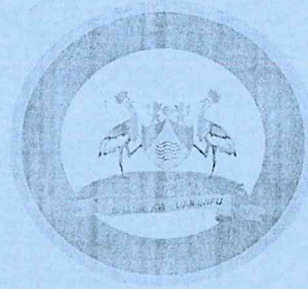


GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

THIRD ASSEMBLY

(SECOND SESSION)

NCCA/TJ/PL/2023(90)

30<sup>TH</sup> NOVEMBER 2023

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PAPER LAID

**SUBJECT: REPORT OF COMMITTEE**

Pursuant to Standing Order 196, I beg to lay the following Paper on the Table of this Assembly, today Thursday 7<sup>th</sup> December 2023:

- **THE REPORT OF THE SECTORAL COMMITTEE ON HEALTH SERVICES ON SITE INSPECTION VISITS TO VARIOUS HOTELS, RESTAURANTS AND CLINICS TO UNDERTAKE SURVEY AND VERIFICATION OF FOOD HANDLERS' MEDICAL EXAMINATION CERTIFICATES.**

*(Chairperson, Sectoral Committee on Health Services)*

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





COUNTY GOVERNMENT OF NAIROBI CITY



NAIROBI CITY COUNTY ASSEMBLY  
THIRD ASSEMBLY–SECOND SESSION

EIGHTH REPORT  
OF THE SECTORAL COMMITTEE ON  
HEALTH SERVICES  
ON

AN INQUIRY ON SITE INSPECTION VISITS WITHIN VARIOUS HOTEL/RESTAURANT AND  
CLINIC PREMISES TO UNDERTAKE A SURVEY ON VERIFICATION OF FOOD HANDLERS'  
MEDICAL EXAMINATION CERTIFICATES.

Clerk's Chambers  
City Hall Buildings  
NAIROBI

NOVEMBER, 2023

## Contents

<b>1.0. PREFACE.....</b>	<b>4</b>
1.1. Establishment and Mandate.....	4
1.2. Committee Membership.....	5
1.3. Committee secretariat .....	5
<b>2.0. EXECUTIVE SUMMARY .....</b>	<b>6</b>
2.1. Background .....	6
2.2 Statement by Hon.Peter Imwatok and Committee's oversight role.....	6
2.3 Acknowledgement.....	7
<b>3.0. SITE VISIT TO VARIOUS HOTELS/RESTAURANTS WITHIN THE COUNTY .....</b>	<b>8</b>
3.1. Submissions by the Hotel/Restaurant Management.....	8
<b>4.0 SUBMISSIONS FROM THE COUNTY EXECUTIVE.....</b>	<b>9</b>
4.1. Pictures of the site inspection visit.....	10
<b>5.0 MEETING WITH THE CBD FOOD AND SNACK VENDORS.....</b>	<b>20</b>
<b>6.0 SITE INSPECTION VISITS</b>	
6.1 Site inspection visit to STC Casino Clinic.....	21-23
6.2 Site Inspection visit to Lady Norhey Dispensary.....	24
6.3 Site inspection visit to Ngaira Rhodes Dipsensary.....	23
<b>6.0. COMMITTEE FINDINGS.....</b>	<b>27-28</b>
<b>7.0. COMMITTEE RECOMMENDATIONS.....</b>	<b>29</b>



## APPENDICES

- i) Minutes;
- ii) Statement by Hon. Peter Imwatok;
- iii) Response to statement from the County Executive on food handlers certificates and the list of 5 firms contracted to provide laboratory tests for food handlers;
- iv) Submissions by Chief Officer, Public Health regarding compliance to food safety standards;
- v) Samples of illegitimate food handlers medical examination certificates of Sarova Panafric hotel;
- vi) Copies of termination of contracts of the five(5) private firms contracted to provide laboratory tests for food handlers;
- vii) Letters by Committee to the County Executive;
- viii) Letter written to CEC, HWN by Chief Officer, Public Health regarding Lady Northey Dispensary being operational;
- ix) Samples of the illegitimate certificate from Sarova Panafric Hotel; and
- x) Certificate & Receipt of payment made by Nide Services amounting to ksh. 302,000.

## ABBREVIATIONS

CECM-County Executive Committee Member (CECM)  
KEMRI-Kenya Medical Research Institute  
KEMSA-Kenya Medical Supplies Agency  
MOU- Memorandum of Understanding  
DCI- Director of Criminal Investigation  
EACC- Ethics Anti-Corruption Commission  
ODPP- Office of the Director of Public Prosecution  
NMS- Nairobi Metropolitan Services  
CBD- Central Business District  
STC-Special Treatment Centre

## 1.0. PREFACE

### 1.1. Establishment and Mandate

Hon. Speaker,

The Sectoral Committee on Health Services was established pursuant to the Standing Order 209. The Committee's mandate amongst others, as outlined under Standing Orders 209 (6) is to:

- a. investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- b. study the programme and policy objectives of departments and the effectiveness of the implementation;
- c. study and review all county legislation referred to it;
- d. study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- e. investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them 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 196 (Committee on Appointments); and
- g. make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

Hon Speaker,

The Sectoral Committee on Health Services is further mandated in the Third Schedule of the Standing Orders to deal with matters related to “*Health services, including, in particular County health facilities and pharmacies, ambulance services, promotion of primary health care, licensing and control of undertakings that sell food to the public, veterinary services (excluding regulation of the profession), cemeteries, funeral parlours and crematoria.*”



## 1.2. Committee Membership

The Committee Membership comprises of the following members:

1. Hon. Maurice Ochieng, MCA - Chairperson
2. Hon. Lily Akoth Kidenda, MCA – Deputy Chairperson
3. Hon. Evans Nyangicha, MCA
4. Hon. Patrick Karani, MCA
5. Hon. Benter Obiero, MCA
6. Hon. Ami Perez, MCA
7. Hon. Dabar Ahmedqadar, MCA
8. Hon. Emily Oduor, MCA
9. Hon. Cyrus Mugo, MCA
10. Hon. Hellen Awuor, MCA
11. Hon. Antony Maragu, MCA
12. Hon. Fatuma Abdiwahid Abey, MCA
13. Hon. Naomi Kerubo Bosire, MCA
14. Hon. Grace Kaheti, MCA
15. Hon. Chege Mwaura, MCA
16. Hon. Stephen Mugo Kimani, MCA
17. Hon. Chris Mtumishi, MCA
18. Hon. Patrick Macharia, MCA
19. Hon. Martin Mbugua, MCA
20. Hon. Lidya Akoth, MCA
21. Hon. Doreen Mugambi, MCA
22. Hon. Davidson Mugambi, MCA
23. Hon. Kame Adano, MCA

## 1.3 Committee Secretariat

The following Clerk Assistants currently serve in the Committee:

1. Ms. Cammelyne Anguche-Senior Clerk Assistant
2. Ms. Judy Aron- First Clerk Assistant

## 2.0 EXECUTIVE SUMMARY

### 2.1 Background

Hon. Speaker,

Paragraph 2 of part two of the 4<sup>th</sup> schedule of the Constitution of Kenya, 2010 provides for the functions of the County Government on County Health Services, including, in particular licensing and control of undertakings that sell food to the public.

The County Assembly Committees are extensions of the Assembly established under the County Assembly Standing Orders and in accordance with Section 14 of the County Governments Act, 2012. The Committees are required to perform functions that the Assembly is not well fitted to consider in plenary.

The Sectoral Committee on Health Services exercises its oversight role on the work and administration of the County Health, Nutrition and Wellness Sector.

Pursuant to the provisions of Standing Order 209 (6) (b), (d) and (e), the Sectoral Committee on Health Services is mandated to study the programme and policy objectives of the County Health, Nutrition and Wellness Sector and the effectiveness of the implementation; study, assess, and analyze the success of the Sector as measured by the results obtained; and inquire into all matters relating to the Sector

### 2.2 Statement by Hon. Peter Imwatok and Committee's oversight role

Hon. Speaker,

On 8<sup>th</sup> March, 2023 Hon. Peter Imwatok, MCA for Makongeni Ward requested for a statement from the Chairperson, Sectoral Committee on Health Services regarding the procedure for issuance of food handler's certificates in the County. In the Statement, the Hon. Member requested that the Chairperson inquires into and reports on:

- a) List of Companies contracted by the County Executive to issue food handlers' certificate and their ownership;
- b) Whether the contracts were advertised and when;
- c) Terms and conditions of the contracts; and
- d) Whether the companies submit monthly/weekly reports to the County Government; and
- e) Whether there is a policy with criteria on issuance of food handlers' certificate by private companies on behalf of the County Government.

6 | *Report of the Health services Committee on the site inspection visits within various outlets in order to undertake a survey on verification of Food Handlers' Medical Examination Certificates within the county.*



In the exercise of its mandate, the Committee wrote to the Sector to report on the aforementioned concerns raised by the Member vide a letter Ref: NCCA/SC-HSC/CORR/2023/01 dated 16<sup>th</sup> March, 2023. The Sector responded vide a letter Ref: NCCG/PH/VOL.2/23/2023 dated 27<sup>th</sup> March, 2023.

The Committee considered the sector's submissions and further resolved to undertake site inspection visits within various hotel/restaurants and County clinic premises in order to undertake a survey on verification of food handlers' medical examination certificates with the sole intention of allowing Members to ascertain the alleged cases of non-compliance to food safety on issuance of food handler's medical examination. The Committee also met with one hundred (100) CBD Food and Snacks Vendors on Monday, 2<sup>nd</sup> October, 2023 led by their Secretary General, Mr. Francis Gachanga regarding non-compliance to food safety on issuance of food handler's medical examination certificates also a health hazard to the public contrary to the Cap 254, section 67 of the Public Health Act and the Food Safety Act no. 7 of 2019;

The Committee also wrote to the County Executive Committee Member (CECM) for Health, Wellness and Nutrition to assign relevant public health officers from the sector to accompany the Committee during the said site inspection visits.

The Committee formed three(3) sub-committees to conduct the site inspection visits to different hotels/ restaurants and three (3) County clinics on diverse dates.

The Committee also met with the CBD Food and Snack Vendors to ascertain the alleged cases of non-compliance to food safety on issuance of food handler's medical examination in order to conclude its report.

## 2.3 Acknowledgement

The Sectoral Committee on Health Services wishes to thank the offices of the Speaker and the Clerk of the Nairobi City County Assembly for the support extended to it in the conduct of these site inspection visits.

Further, the Committee is thankful to the Secretariat for their contribution during and after the visit and in compilation of this report.

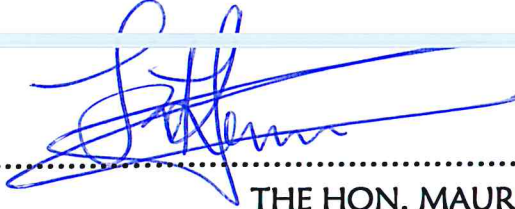
Finally, I wish to convey my gratitude to the Members of the Committee for their commitment during the investigation process that led to the conclusive compilation of this report.

7 | *Report of the Health services Committee on the site inspection visits within various outlets in order to undertake a survey on verification of Food Handlers' Medical Examination Certificates within the county.*

Hon. Members,

On behalf of the Members of Sectoral committee on Health Services, it is my pleasant duty and privilege, to present the Committee's Report on an inquiry on the site inspection visits within various hotel/restaurant premises to undertake a survey on verification of food handlers' medical examination certificates.

SIGN.....



THE HON. MAURICE OCHIENG', MCA  
THE CHAIRPERSON.

DATE.....

30-11-2023.



### **3.0 SITE INSPECTION VISITS WITHIN VARIOUS HOTEL/RESTAURANT PREMISES**

#### **3.1 First Site Inspection Visit**

The Committee conducted the first site inspection visits within various hotel/restaurant premises in order to undertake a survey on verification of food handlers' medical examination certificates on **Wednesday, 30<sup>th</sup> August, 2023, Thursday 31<sup>st</sup> August, 2023 and Monday 4<sup>th</sup> September, 2023** starting at 10am respectively in order to ascertain the allegations as raised in the statement by Hon. Peter Imwatok, MCA for Makongeni Ward.

The Committee also wrote to the County Executive Committee Member (CECM) for Health, Wellness and Nutrition to assign relevant public health officers from the sector to accompany the Committee during the said site inspection visits whereby the said CECM agreed on the same.

The Committee formed three(3) sub-committees to conduct the said site inspection visits in fifteen (15) different hotels as follows:

<b>DATE OF SITE INSPECTION VISIT</b>	<b>NAME OF HOTEL</b>	<b>NUMBER OF MEMBERS</b>
<b>Wednesday, 30<sup>th</sup> August, 2023</b>	1. Big Knife Restaurant- Hurlingham 2. Nairobi Safari Club-Koinange Street 3. Sarova Hotels -Community 4. Chicken Exotica Restaurant 5. Hill Park Hotel-Upper Hill	8
<b>Thursday, 31<sup>st</sup> August, 2023</b>	1. Kingson Restaurant –CBD, Jivanjee 2. Café Deli Restaurant - CBD 3. Marrwa Restaurant –CBD, City Market 4. Bream House Restaurant- CBD, Kaunda Street 5. Saape Limited- Koinange Street	8
<b>Monday, 4<sup>th</sup> September, 2023</b>	1. City Star Restaurant –CBD, Kimathi Street 2. Swahili Plate- CBD, Muindi Mbingu Street 3. CJ'S Restaurant –CBD, Jevanjee 4. Garlix restaurant - CBD, Monrovia Street 5. KK Restaurant – CBD, Standard Street	7

The Committee was accompanied by three (3) public health officers on the first (1<sup>st</sup>) and second (2<sup>nd</sup>) day respectively. On the third day, only one (1) public health officer accompanied the Committee but did not carry her verification tool alleging that she could

not trace it. However, she verified the said certificates by contacting the Government Casino on phone.

On Wednesday, 30th August, 2023, eight(8) Members of the first Sub-Committee began their survey on the five (5) hotels. The Committee was accompanied by three(3) Public Health Officers led by the County Deputy Director in charge of Health and Safety who is also head of food handlers' medical examination Ms. Ann Sakwa. In addition the Committee met with the hotel managers.

The Committee was informed by Ms. Ann Sakwa that in 2021, the County Government had prequalified five (5) private firms and Kenya Medical Research Institute (KEMRI) to deal with testing and issuance food handlers' medical examination certificates to hoteliers and eateries within the County.

Additionally, she reported that in June, 2023 the County Government had cancelled the said contract with KEMRI and the five (5) private firms and had consequently tasked the STC Casino Clinic which is a County Government entity responsible for testing and issuance of certificates. The Committee was further informed that each food handler within the County was required to pay a requisite fee amounting to one thousand Kenya shillings (1000/-) to the said County Government Clinic.

That every genuine certificate from the clinic was computer generated and contained a certificate number, name of food handler, date of application, where the person worked and the amount paid. That each food handler was to take his/her specimen (blood, urine and stool) to the Government Casino for testing and issuance of the certificate.

Ms. Ann Sakwa verified the food handlers certificates from the five hotels and certified whether they were genuine from the Special Treatment Centre (STC) Casino Clinic and Ngaira Rhodes Dispensary or illegitimate from private entities.

Out of the five hotels, she confirmed that only one hotel namely Hill Park Hotel had genuine food handlers medical examination certificates of their staffs issued from Special Treatment Centre (STC) Casino Clinic.

On, Thursday, 31<sup>st</sup> August, 2023, eight(8) Members of the second Sub-Committee began their survey on the next five (5) hotels in the schedule. The Committee was accompanied by three(3) Public Health Officers led by the County Deputy Director in charge of Health and Safety who is also head of food handlers' medical examination Ms. Ann Sakwa.

Ms. Ann Sakwa verified the food handlers certificates from the five hotels and confirmed that only two hotels namely Bream House Restaurant and Saape Limited had genuine food handlers certificates of their staffs issued from the STC Casino Clinic.



On Monday, 4<sup>th</sup> September, 2023, eight(8) Members of the second Sub-Committee began their survey on the five (5) hotels. The Committee was accompanied by only one (1) public health officer, Ms. Ann Sakwa who failed to carry her food handlers' certificate verification tool alleging that she could not trace it. She verified the said certificates from the five (5) hotels by contacting the Casino clinic on phone.

She verified all the certificates of the staff of the five hotels in the schedule by confirming on phone whether they were genuine from the STC Casino Clinic and Ngaira Rhodes Dispensary or illegitimate from private entities. The said Laboratory Officers at the said clinics checked in their system and confirmed to her that all the certificates of the said five (5)hotels were not in their system.

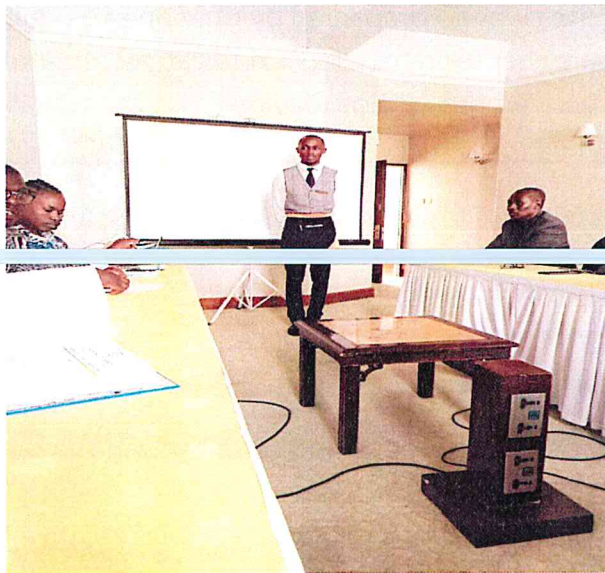
Ms. Ann Sakwa therefore confirmed to the Committee that all the certificates in the said five hotels were illegitimate.

### **Committee Observations**

The Committee having conducted a survey on the said hotels/restaurants made the following observations;

- Out of the fifteen hotels, only three hotels namely Hill Park Hotel, Bream House Restaurant and Saape Limited had genuine food handlers certificates of their staffs issued from the STC Casino Clinic;
- Twelve (12) of the said hotels possess illegitimate certificates issued by illegitimate private companies; and
- The Committee took two hundred (200) Samples of allegedly illegitimate food handlers certificates from Sarova Panafric Hotel in Kilimani Ward. The said certificates of the Hotel had been issued by a company named 'National Microbiology Reference Laboratory' which the County Public Health Officers confirmed not to be prequalified by the County Government(*Attached official list of those prequalified in annexes and allegedly illegitimate certificates*).

### 3.3 Pictures taken during the site visit



*Visit at Nairobi Safari Club whereby the Public Health Officers were interrogating the hotel manager & waiter and verifying the staff's food handlers' certificate*

ORIGINAL

REPUBLIC OF KENYA

5696806

FORM D

THE FOOD DRUGS AND CHEMICAL SUBSTANCES ACT  
(Cap. 254)

CERTIFICATE OF MEDICAL EXAMINATION.

Serial No. ....

I hereby certify that I have this day examined  
Mr./Mrs./Miss. PHILIP OKELO OTIENO and that  
In my opinion he/she is fit under the food, drug and chemical substances (food  
Hygiene) Regulation to work at SAROVA HOTEL  
(Name of Food plant). Plot No. PARAFRIC  
Town / Market NAIROBI, KENYA  
This certificate is valid for six months with effect from 17th May 2022 to 17th November 2023

(Signature and Name of Medical officer)

Ksh. 1,000/-

Receipt

Date 17th May 2023

GPIC (LP) 5151-5m-5/2019

(Official Stamp of Medical Institution)

*One of the samples of the illegitimate certificate from Sarova Panafric Hotel*



### 3.4 Second Site Inspection Visit.

After the first site inspection visit, the Committee resolved to conduct a second site inspection visits within various hotel/restaurant premises in order to undertake a second survey on verification of food handlers' medical examination certificates on **Wednesday, 20<sup>th</sup> September, 2023, Thursday 21<sup>st</sup> September, 2023 and Friday 22<sup>nd</sup> September, 2023** starting **10am** respectively in order to conclude its survey.

The Committee wrote a letter to the County Executive Committee Member (CECM) for Health, Wellness and Nutrition dated 13<sup>th</sup> September, 2023 to assign relevant public health officers from the sector to accompany it during the said second site inspection visits. The various outlets were also informed in writing.

The Committee also formed three(3) sub-committees to conduct the said site inspection visits in fifteen (15) different hotels as follows:

DATE OF SITE INSPECTION VISIT	NAME OF HOTEL	NUMBER OF MEMBERS
Wednesday, 20 <sup>th</sup> September, 2023	1) Sufi Suja Restaurant- Eastleigh 2) 2020 Restaurant- Eastleigh 3) Al-Hidaya Restaurant - Eastleigh 4) Golden Coffee Restaurant - Eastleigh 5) Savannah Restaurant - Eastleigh 6) Space Jam Restaurant – Eastleigh	8
Thursday, 21 <sup>st</sup> September, 2023	1) Dubai Restaurant - Eastleigh 2) Kulan Café Restaurant - Eastleigh 3) Al- Furqan Restaurant - Eastleigh 4) Kapital Coffee Restaurant - Eastleigh 5) Coyote Haven Bridge Restaurant – Eastleigh 6) Gulf Palace Restaurant - Eastleigh	8
Friday 22 <sup>nd</sup> September, 2023	1) 4 You Restaurant –CBD, Kilimani 2) Park Inn Restaurant – Westlands 3) Panda Chinese Restaurant - Kilimani 4) Yongli Casino/Restaurant – Kilimani 5) Tupelo African Restaurant – Kilimani 6) Abbysinia Ethiopian Restaurant– Kilimani	7



However, the County Executive Committee Member for Health, Wellness and Nutrition failed to assign the requisite technical officers and instead on the material day insisted on further consultations.

The Committee took great exception to the actions taken by the County Executive Committee Member for Health, Wellness and Nutrition and regarded it as an attempt to stifle the Committee from undertaking its Constitutional roles and mandate on behalf of the Assembly.

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In addition, the Committee resolved that the County Executive Committee Member for Health, Wellness and Nutrition be invited to its meeting scheduled on **Wednesday, 27<sup>th</sup> September, 2018** at 12.00 noon.

#### **4.0 MEETING WITH THE COUNTY EXECUTIVE COMMITTEE MEMBER FOR HEALTH, WELLNESS AND NUTRITION.**

The Committee met with the County Executive Committee Member for Health, Wellness and Nutrition, the Chief Officer for Public Health and the Ag. Director in charge of Environmental Health on **Wednesday, 27<sup>th</sup> September, 2018 at 12.00 noon** in order to deliberate on the issuance of food handlers medical examination certificates to food eateries and restaurants within the county.

##### **4.1 Submissions by the County Executive Committee Member for Health, Wellness and Nutrition,**

The County Executive Committee Member for Health, Wellness and Nutrition Ms. Susan Silantoi began by apologizing to the Committee for failing to assign relevant technical officers to accompany the Members during the second round of site inspection visits citing consultation with her team of Public Health Officers and that she had also received written submissions from some of the hotels on disruption of their restaurants during the said visits causing customer apathy.

##### **4.2 Submissions by the Chief Officer for Public Health**

The Chief Officer for Public Health, Mr. Tom Nyakaba stated as follows;

01. That food safety is a multi-sectoral process cutting across different Ministries, State and County Departments in both National and devolved governments;
02. That schedule IV of the Constitution of Kenya, 2010 mandates the County department of Health with the function of control of food undertakings. That Food safety requirements are contained in various laws and the national standards;
03. He further stated that in order to ensure compliance, the Department has an established Food Safety and Medical Certification Unit and Sub Counties where Public Health Officers are usually deployed to carry out the following activities to ensure that food consumed in Hotels and restaurants within the County meet the set safety and quality requirements;
04. That the County has huge backlog of food handlers who have paid for test awaiting examination stretching up to six (6) months due to the prolonged stockout of laboratory commodities;
05. That on 14<sup>th</sup> February, 2023, H.E. the Governor flagged off medical and laboratory supplies from Kenya Medical Supplies Agency (KEMSA) which would serve medical examination services to approximately 10,000 food handlers. However the laboratory commodities were not enough , and the Public Health Sub-Sector had submitted requests to procure additional commodities too ensure uninterrupted



services. That through a Public Notice by the Director General of the defunct Nairobi Metropolitan Services notified members of the Public of the five(5) private medical Laboratories contracted to offer food handlers medical examination(*(attached on annexes)*;) in the year 2021 as follows:

- i) Quality Plus Laboratory & Consultation Services;
- ii) Mayfair Health Services Limited;
- iii) Meditest Diagnostic Services Limited;
- iv) Corner House Laboratory Limited; and
- v) Jamhuri Medical and Laboratory Services Limited.

06. He also stated that the above Private Laboratories had been offering the food handlers' medical examination services to corporate entities within the County since the defunct NMS after which the County had cancelled the said contract in June, 2023 after Mr. Nyakaba had sought legal advice regarding the validity and status of the said private laboratories(*(attached on annexes)*;

07. Mr. Nyakaba also informed the Committee that under the lapsed Service Level Agreement(SLA) between the Kenya Medical Research Institute(KEMRI) and Nairobi City County, KEMRI was only mandated to conduct testing while the certification was conducted by the County clinics. That medical certifications issued by KEMRI to hoteliers and related industries were not valid in the County as per the Food, Drugs and Chemical Substances Cap 254;

08. That since June, 2023 the County Government had tasked STC Casino Clinic, Ngaira Rhodes dispensary and Lady Northey Dispensary to test and issue food handlers' certificate to all food handlers working in food establishments within the County. This was after discontinuing the contract agreement with the five(5) private medical laboratories. The Certificates were valid for six (6) months

09. That although the public health sub-sector had made great strides in shaping the direction of achieving food safety, there were a myriad of challenges that posed a hindrance on the same as follows:

- Lack of a reliable county laboratory facility for testing of food handlers';
- The National Public Health Laboratory who were undertaking analysis had been facing reagents stock outs hence had not been carrying timely analysis for the County Government; and
- That procurement of food samples was a challenge in food eateries and restaurants operators who demanded that county officers procure samples which did not happen because officers had not been facilitated with funds to procure the samples.



010. That on 23<sup>rd</sup> June, 2023, he wrote to the Director in charge of Investigations and Information Analysis regarding the report on illegitimate food handlers medical examination certificates vide a memo dated NCCG/PH/VOL.6/67/2023(*attached on annexes*);
011. He further informed the Committee that the County Food Handling and Medical Certification Unit thereafter visited various premises and found five hundred and eighty (580) illegitimate food handlers medical examination certificates from different premises.
012. Among them were from Westlands, Makadara, Dagoretti North, Roysambu and Lang'ata Subcounties. That the said Unit ensured immediate payments to those hotel premises holding illegitimate certificates and advised them to visit the STC Casino Clinic for testing of their food handlers'. That the said Unit also issued demand notices to those who did not comply with the Public Health Standards Cap 254 of the Public Health Act.

#### 4.3 Submissions by the Ag. Director in charge of Environmental Health

The Ag. Director in charge of Environmental Health Ms. Margaret Sunguti began by stating as follows;

01. That the food handlers' medical examination certificates were digitally issued by Nairobi City County through the Casino Clinic. That medical certification was usually conducted by a team of clinical officers who made sure the samples of food handlers were effectively tested and certificates issued to the respective food handlers;
02. That since June, 2023 the Public Health Sub-sector realized there was rampant issuance of the said illegitimate certificates to food handlers to different hotels and related industries;
03. That the County Food Handling and Medical Certification Unit thereafter in June, 2023 visited various hotel premises and found five hundred and eighty (580) illegitimate food handlers medical examination certificates from different premises through use of receipt numbers to determine the perpetrators who issued the illegitimate certificates some of whom were County staff;
04. That on 23<sup>rd</sup> June, 2023 she informed the Chief Officer for Public Health to write to the Director in charge of Investigations and Information Analysis regarding the report on illegitimate food handlers medical examination certificates;
05. That on 29<sup>th</sup> August, 2023 the Public Health Sub-sector wrote back to Director in charge of Investigation and Information Analysis with a letter containing a list of five hundred and eighty(580) premises with illegitimate medical certificates(*attached on annexes*);;

06. That the Directorate on Investigation and Information Analysis was still conducting an investigation on the same matter;
07. That as the Director in charge of the said food handlers' docket, she had ensured that hoteliers and related industries within the County provided safe food to Nairobi residents by conducting continuous surveillance on those hotels and restaurants with illegitimate food handlers certificates; and
08. That from January to June, 2023 the Sub-Sector of Public Health had collected approximately Ksh. 30million from the food handlers' medical examination certificate which had been remitted to the County.



## **5.0 MEETING WITH THE CBD FOOD AND SNACKS VENDORS**

The Committee met with approximately one hundred (100) CBD Food and Snacks Vendors on Monday, 2<sup>nd</sup> October, 2023 led by their Secretary General, Mr. Francis Gachanga regarding non-compliance to food safety on issuance of food handler's medical examination certificates also a health hazard to the public contrary to the Cap 254, section 67 of the Public Health Act and the Food Safety Act no. 7 of 2019;

01. The food vendors informed the Committee on how informal kiosk traders in Bus Station, Muthurwa and Machakos Country Bus were charged two hundred shillings (200) cash per day by County Public Health Officers to allow them continue operating and were not given any receipt as proof of payment;
02. The street food vendors who sold food on the streets informed the Committee that they were charged one hundred shillings (100/-) in cash per day by the County for them to continue operating their businesses operating and were not given any receipt as proof of payment;
03. They further informed the Committee that foreigners had encroached the food vending business and they were allowed by the County officers because they were charged four hundred shillings (400/-) per day in cash to allow them operate their business and were not given any receipt as proof of payment;
04. They complained of corruption by County public Health officers and County enforcement officers who arrested hotel workers for failing to give them bribes and were consequently arrested hence being overburdened with heavy fines;
05. The officials of sausage/egg Association informed the Committee that there were a total of 500 egg/sausage sellers within the CBD. They complained of the County enforcement officers who jointly worked with Public Health Officials to harass the said traders by confiscating their trolleys for failing to give out a bribe of eight hundred shillings (800/-) per day on weekdays and a total of 1400/- on weekends in cash and were not given any receipt as proof of payment. In addition, they were also arrested due to allegations of dumping. Any arrest amounted to ksh. 20,000 as fine in Court;
06. The tea traders complained of failure of County to allocate adequate dustbins along the streets in the CBD. They faced harassment from County enforcement officers who jointly worked with Public Health Officials for failing to give bribes amounting to ksh 1000 per day to County Officers. They also informed the Committee that each trader who operated without kiosks were giving a total of ksh 50/- per day to County Officers as bribe.



### 5.1 Pictures taken at Charterhall with the CBD Food and Snack Vendors



*Meeting with food vendors at Charter Hall*



## **6.0 SITE VISIT TO THE THREE(3) COUNTY CLINIC FACILITIES**

The Committee resolved to conduct the third site inspection visits to Special Treatment Casino (STC) Casino Clinic, Lady Northey Dispensary and Ngaira Rhodes Dispensary in order to undertake a survey on testing, issuance and verification of food handlers' medical examination Certificates on Tuesday, 7<sup>th</sup> November, 2023, Wednesday, 8<sup>th</sup> November, 2023 and Thursday 9<sup>th</sup> November, 2023.

The Committee also wrote a letter to the County Executive Committee Member (CECM) for Health, Wellness and Nutrition dated 2<sup>nd</sup> November, 2023 to assign relevant public health officers from the sector to accompany it during the site inspection visits. The various outlets were also informed in writing.

### **6.1 Site Inspection Visit to STC Casino Clinic**

The Committee conducted the site visit to STC Casino Clinic on 7<sup>th</sup> November, 2023, in order to undertake a survey on testing, issuance and verification of food handlers' medical examination Certificates. The Committee was accompanied by one Public Health officer Ms. Ann Mungolia.

The Committee Members arrived at the said facility at 10.30am and were met with the facility incharge Ms. Rosemary Muraya, the Clinical Officer Incharge of food handlers Mr. Josephat Kariuki and the Laboratory incharge, Mr. Joseph Onyango who took the Members through.

Mr. Onyango informed the Committee that the laboratory had three(3) staff currently who conducted the following tests; Typhoid, H-pylori, Blood group, arthritis, stool analysis and rapid diagnostic tests for malaria amongst others.

He further stated that the laboratory conducts the following tests for food handlers;

- i. Salmonella Antigen test where stool is used;
- ii. Ova, cyst and amoeba test where stool is used; and
- iii. Biochemical and microscopic urinalysis test where urine and blood are used.

He stated that each food handler was required to pay one thousand shillings (ksh 1.000) for the above tests which is paid through MPesa Paybill Number to the County after which the client is given a receipt. The results of the food handler are keyed in the system by the Clinical Officer. Thereafter, a certificate is automatically generated in the system. The client can access the certificate through a Short Message Service (SMS) whereby the Client can print it afterwards. The certificate is valid for only six (6) months from the date of testing.

Mr. Onyango further explained that testing of food handlers samples was done both in the facility and outside in other Organizations. It was usually done outside whereby the Laboratory



Technologists carried bottles to collect samples from other organizations, corporates' and individuals. That the receipt issued entails name of client, Company Code and date of testing, receipt number, customer identity card, quantity of clients and total amount paid.

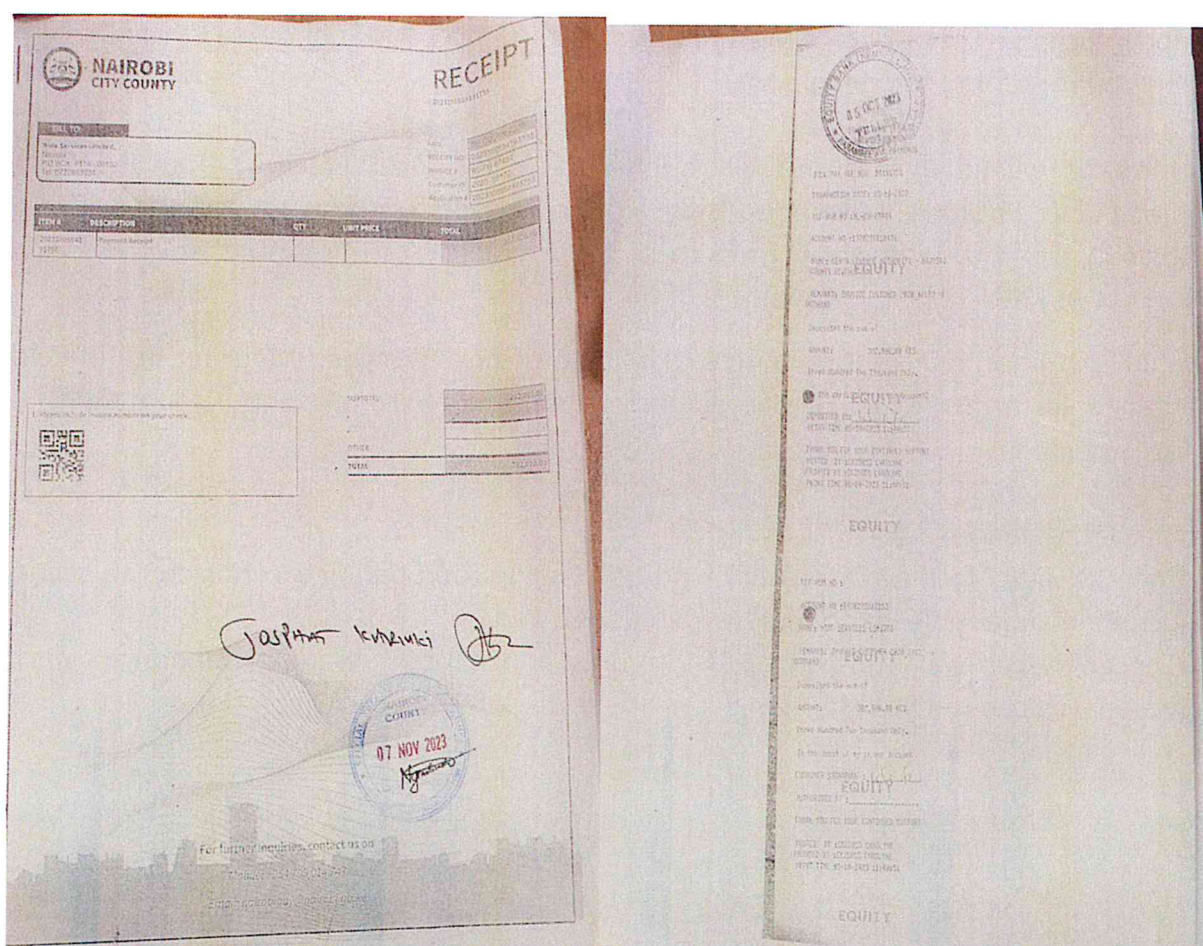
The Committee led by Ms. Ann Mungolia observed some few anomalies in their system where they verified samples of food handler's receipts issued to Nide Services Limited on 5<sup>th</sup> October, 2023 amounting to ksh. 302,000 for 302 food handlers who were tested by the said Laboratory and issued with certificates. The Clinical Officer, Mr. Kariuki keved in the details of the said Company and the payments made. The Committee noted some irregularities regarding payment of ksh. 302,000 which did not reflect in the said system (receipt attached on annex).

The Committee also noted that STC Clinic had made some improvement in the way it conducted the food handling testing of clients as most of their details were in the system.



*Site Inspection visit to STC Clinic*





***Certificate & Receipt of payment made by Nide Services amounting to ksh. 302,000***

## **6.2 Site Visit to Lady Northey Dispensary**

The Committee conducted the site visit to Lady Northey Dispensary in Kilimani Ward on Wednesday 8<sup>th</sup> November, 2023, in order to undertake a survey on testing, issuance and verification of food handlers' medical examination Certificates. The Committee was accompanied by one Public Health officer Ms. Ann Mungolia.

The Committee Members arrived at the said facility at 10.00am and were met with a Laboratory Technologist, Mr. Josphat Muturi.

Mr. Muturi informed the Committee that the laboratory had stopped its operation in January, 2023 as the Nairobi County revenue system rights had been withdrawn and that nothing was ongoing in the said Laboratory. He mentioned that the Laboratory was still waiting for instructions from custodians of the said revenue system to restore their rights. He also said that



the Hospital Incharge was still in liaison with the Chief Officer for Public Health on the said matter but so far nothing had been done.

The Committee was further informed that a letter dated 18<sup>th</sup> October, 2023 from the Chief Officer for Public Health entailed that Lady Northey Laboratory was fully functional and operational in terms of testing and issuance of food handlers certificates (*Letter attached in annex*).

Mr. Muturi also informed the Committee that some of his colleagues were out in the field collecting samples from clients. He alleged that the samples were taken to Ngaira and STC Clinic for testing.

#### Committee Observations

- Staffs at Lady Northey Dispensary were still issuing food handlers certificates to clients despite their laboratory not being operational; and
- The laboratory was in a bad condition, dirty and still had testing commodities which were laying on the floor.



*Site visit to Lady Northey Dispensary*



### 6.3 Site Inspection Visits to Ngaira Rhodes Dispensary

The Committee conducted the site visit to Ngaira Rhodes Dispensary on Thursday 9<sup>th</sup> November, 2023, in order to undertake a survey on testing, issuance and verification of food handlers' medical examination Certificates. The Committee was accompanied by one Public Health officer Ms. Ann Mungolia.

The Committee Members arrived at the said facility at 10.45am and were met with the Facility Deputy Incharge Ms. Mary Thuo. The laboratory Facility had three lab technicians and one lab technologist.

Mr. Edwin Nyangaresi the laboratory technologist informed the Committee through verifying in the system that in the month of October they had a total of 1575 tests for food handlers. That averagely in a day they conducted tests approximately for 50-60 clients. He further confirmed to the Committee that they only conducted tests on walk in clients. That they had few testing commodities and reagents hence could not conduct sample tests from other County clinics.

#### **Committee observations**

- That Ngaira Revenue system was organized and all information in the system was accurate;
- Understaffing in the said Laboartory as the clients were so many yet the staff were inadequate; and
- Facility Improvement Fund (FIF) to be disbursed at the source so that it can cater for laboratory commodities, reagents and internet.



*Pictures taken at Ngaira Rhodes Dispensary*



## 7.0 FINDINGS BY THE COMMITTEE

Following the Site Inspection visits, the Committee concluded as follows;

01. The Ag. Director in charge of Environmental Health Ms. Margaret Sunguti committed Abuse of office through;

- Loss of public funds for example at STC Casino Clinic, Nide Services Limited on 5<sup>th</sup> October, 2023 made payment amounting to ksh. 302,000 which did not reflect in the system; The Committee observed that this amounted to loss of public funds which benefited the said perpetrators and not the County contrary to the Public Officers Ethics Act NO. 3 of 2003;
- The samples of approximately 200 certificates confiscated by the Committee during their visit at Sarova Panafric Hotel had been issued by National Microbiology Reference Laboratory an agency which has been not been delegated to perform such function by the County Government. The said sample Certificates were verified and confirmed to be illegitimate by the Deputy Director in charge of food and safety, Ms. Ann Sakwa during the said visit;
- Allowing the Hoteliers and restaurants to operate with illegitimate certificates yet the said hotel businesses paid a requisite sum of ksh 1000 for each food handler for the said certificate. For example The Nairobi Safari Club manager alleged that they paid their dues to the County Public Health Officers to issue them food handlers' medical certificates yet the County Public Health Officers allegedly claimed they were illegitimate certificates;
- Corruption whereby staff were accused by different hotel managements of visiting the hotels each month and receiving bribes so as not to issue notice of closure to the said hotels due to non-compliance to food safety standards; and
- Demonstration of incompetence by the said Ag. Director who failed to ensure the sub-sector plans and execute its function effectively hence the County's incapacity to test and issue food handlers' medical examination certificates. For example Lady Northey laboratory was not operational yet they were still issuing illegitimate certificates to clients.
- Misappropriation of County revenue by the County Officers at Lady Northey dispensary as they collected samples from Organizations and issued them with illegitimate certificates yet they collected the money for food handlers yet their systems were not functional;

## **8.0 COMMITTEE RECOMMENDATIONS**

Following the findings together with the submissions obtained from the site inspection visits to various hotels/ restaurants, clinics and meeting with the CBD Food and Snack Vendors, the Committee recommends;

- 1) The Ag. County Secretary to commence investigations on the ability of the Ag. Director in charge of Environmental Health, Ms. Margaret Sunguti to carry out the duties of the said office;
- 2) The Director of Criminal Investigation to conduct investigation on Ms. Margaret Sunguti, the Ag. Director in charge of Environmental Health, for prosecution in the Courts of law for authorizing issuance of illegitimate food handlers' medical certificates within the County;
- 3) The County Executive Committee Member for Health, Wellness and Nutrition to close down the Laboratory at Lady Northey Dispensary since it is not operational yet they were issuing illegitimate food handlers certificates;
- 4) The Chief Officer for Public Health to put in place adequate measures at STC Casino Clinic especially at records keeping department so that all revenue paid to the County are updated in the system;
- 5) The County Executive Committee Member for Health, Nutrition and Wellness Sector to ensure efficient institutional arrangements are done so that an independent body(ies) such as Kenya Medical Research Institute (KEMRI) and others carry out the said sample testing of food handlers and issuance of certificates be done by another independent body for transparency purposes. This can be enhanced through an Memorandum of Understanding(MOU) between the County and the Independent bodies;
- 6) The County to advertise the contract for testing and issuance of food handlers certificates so that this service can be broadened and bring in a minimum of 2 internal and external testing centres to assist Ngaira Rhodes Dispensary and STC Casino Clinic; and
- 7) All food and Snacks Vendors within the County be tested and issued with food handlers' medical certificates as non-compliance to food safety poses a health hazard to the public contrary to the Cap 254, section 67 of the Public Health Act and the Food Safety Act no. 7 of 2019.





MEMBERS' ADOPTION OF THE REPORT ON AN INQUIRY ON SITE INSPECTION VISITS  
WITHIN VARIOUS HOTEL/RESTAURANT AND CLINIC PREMISES TO UNDERTAKE A SURVEY  
ON VERIFICATION OF FOOD HANDLERS' MEDICAL EXAMINATION CERTIFICATES.

1. Hon. Maurice Ochieng, MCA



2. Hon. Evans Nyangicha, MCA



3. Hon. Lily Akoth Kidenda, MCA

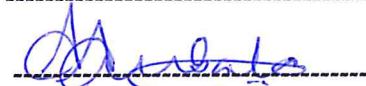
4. Hon. Patrick Karani MCA



5. Hon. Benter Obiero, MCA




6. Hon. Ami Perez, MCA



7. Hon. Dabar Ahmedqadar, MCA



8. Hon. Emily Oduor, MCA



9. Hon. Cyrus Mugo, MCA



10. Hon. Hellen Awuor, MCA



11. Hon. Antony Maragu, MCA



12. Hon. Fatuma Abdiwahid Abey, MCA



13. Hon. Naomi Kerubo Bosire, MCA



14. Hon. Grace Kaheti, MCA



15. Hon. Chege Mwaura, MCA



16. Hon. Stephen Mugo Kimani, MCA



17. Hon. Chris Mtumishi, MCA



18. Hon. Patrick Macharia, MCA



19. Hon. Martin Mbugua, MCA



20. Hon. Lidya Akoth, MCA



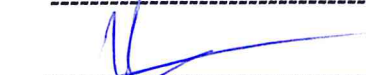
21. Hon. Doreen Mugambi, MCA



22. Hon. Davidson Mugambi, MCA



23. Hon. Kame Adano, MCA





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MINUTES OF THE 40<sup>TH</sup> SITTING OF THE SECTORAL COMMITTEE ON HEALTH SERVICES HELD ON THURSDAY 30<sup>TH</sup> NOVEMBER, 2023 AT THE CHAMBER BOARDROOM AT 12.00P.M.

MEMBERS PRESENT

1. Hon. Maurice Ochieng', MCA - Chairperson
2. Hon. Lily Kidenda, MCA - Vice Chairperson
3. Hon. Benter Obiero, MCA
4. Hon. Asli Mohammed, MCA
5. Hon. Fatuma Abey, MCA
6. Hon. Kame Adano, MCA
7. Hon. Grace Kaheti, MCA
8. Hon. Anthony maragu, MCA
9. Hon. Doreen Mugambi, MCA
10. Hon. Cyrus mugo, MCA
11. Hon. Martin Mbugua, MCA
12. Hon. Lydia Akoth, MCA
13. Hon. Stephen Mugo, MCA
14. Hon. Naomi Bosire, MCA
15. Hon. Davidson DNG, MCA
16. Hon. Hellen awuor, MCA
17. Hon. Chris Mtumishi, MCA
18. Hon. Evans Nyangicha, MCA
19. Hon. Emily Oduor, MCA
20. Hon. Ami Ambala, MCA
21. Hon. Patrick macharia, MCA

MEMBERS ABSENT

1. Hon. Dabar Ahmedqadar, MCA
2. Hon. Chege Mwaura, MCA

IN ATTENDANCE - COUNTY ASSEMBLY COMMITTEE SECRETARIAT.

1. Ms. Cammelyne Anguche - Senior Clerk Assistant
2. Ms. Judith Aron - Clerk Assistant

MIN.60/NCCA/CHS/NOV/2023- PRELIMINARIES

The Chairperson called the meeting to order at 12.00 pm and opened the meeting with a word of prayer. He then read the agenda of the day which was adopted for discussion as proposed by Hon. Emily Oduor and seconded by Hon. Benter Obiero as follows:

AGENDA

1. Prayers
2. Adoption of Agenda



3. Adoption of the report on an inquiry on the site inspection visits within various hotel/restaurant and clinic premises to undertake a survey on verification of food handlers' medical examination certificates.
4. Adjournment

MIN.61/NCCA/CHS/NOV/2023– ADOPTION OF THE REPORT ON AN INQUIRY ON THE SITE INSPECTION VISITS WITHIN VARIOUS HOTEL/RESTAURANT AND CLINIC PREMISES TO UNDERTAKE A SURVEY ON VERIFICATION OF FOOD HANDLERS' MEDICAL EXAMINATION CERTIFICATES

The Committee Members considered the report of the inquiry on the site inspection visits within various hotel/restaurant and clinic premises to undertake a survey on verification of food handlers' medical examination certificates. The report was adopted as proposed by Hon. Martin Mbugua and seconded by Hon. Patrick Macharia.

MIN.62/NCCA/CHS/MAR/2023 – A.O. B & ADJOURNMENT

There was no other business of the Committee to be considered. The Committee having dispensed the business of the day and the time being ten minutes past 1.30pm, the Chairperson adjourned the sitting.

CONFIRMED TO BE TRUE RECORD OF THE PROCEEDINGS

SIGNATURE.....  
(Chairperson)

DATE.....30-11-2023.....