



立法會秘書處 法律事務部
LEGAL SERVICE DIVISION
LEGISLATIVE COUNCIL SECRETARIAT

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By Email (rickywu@fhb.gov.hk)

14 August 2020

Mr. WU Cheuk Wang, Ricky
AS for Food & Health (Health)3A
19/F., East Wing
Central Government Offices
2 Tim Mei Avenue, Tamar
Hong Kong

Dear Mr. WU,

**Medical Laboratory Technologists (Special Exemptions) Regulation
(L.N. 153 of 2020)**

We are scrutinizing the legal and drafting aspects of the captioned Regulation and would be grateful if you could clarify the following matters.

The captioned Regulation is made by the Secretary for Food and Health to exempt:

- (a) a specified person (i.e. a member of the National accredited laboratory testing personnel arranged by the National Health Commission of the People's Republic of China) conducting nucleic acid tests for detecting the coronavirus disease 2019 (COVID-19) ("specified tests") in Hong Kong for the Government from section 21(1) of the Supplementary Medical Professions Ordinance (Cap. 359) in respect of the profession of medical laboratory technologist ("specified profession"); and
- (b) a specified company (i.e. a company registered under the Companies Ordinance (Cap. 622) or under the Companies Ordinance (Cap. 32) as

in force at the time of the registration and carries on the business of practising the specified profession) from section 20 of Cap. 359 in respect of the specified profession for employing a specified person to conduct specified tests for the Government.

- (1) Please clarify the justifications for granting the exemptions to the specified persons and the specified company from the application of sections 21(1) and section 20 of Cap. 359 respectively and let us know whether consultation has been conducted with the relevant professional bodies in relation to the exemptions and if the answer is in affirmative, please also provide details of the consultation conducted.
- (2) Please let us know the qualifications, experience or training required for qualifying as a member of the National accredited laboratory testing personnel and as a specified person for conducting the specified tests in Hong Kong for the Government.
- (3) Since the specified persons are not required to register as medical laboratory technologists in Hong Kong, please clarify whether there would be any complaints and/or disciplinary mechanisms in place to deal with complaints against the specified persons in relation to their misconduct or neglect in any professional respect.

We should be grateful for your reply in both English and Chinese by 21 August 2020.

Yours sincerely,



(Vanessa CHENG)
Assistant Legal Adviser

c.c. DoJ (Attn.: Ms. Rayne CHAI (SALD)) (By Fax: 3918 4613)
Legal Adviser
Senior Assistant Legal Adviser 2 (Atg.)