



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

來函檔號 YOUR REF :
本函檔號 OUR REF :
電話 TELEPHONE : 3919 3508
圖文傳真 FACSIMILE : 2877 5029
電郵 EMAIL : vkfcheng@legco.gov.hk

By Email (rickywu@fhb.gov.hk)

20 August 2020

Mr. WU Cheuk Wang, Ricky
AS for Food & Health (Health)3A
Food and Health Bureau
Health Branch
Team SD
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 write further to our letter of 14 August 2020.

Under section 2(2) of L.N. 153, a specified company is exempt from section 20 of the Supplementary Medical Professions Ordinance (Cap. 359) in respect of the profession of medical laboratory technologist ("MLT") in relation to the employment of a specified person (i.e. a member of the National accredited laboratory testing member arranged by the National Health Commission of the People's Republic of China to conduct specified tests in Hong Kong for the Government) by the specified company to conduct specified tests for the Government. Section 20(2) of Cap. 359 provides that a company may carry on the business of practising the profession of MLT if, among others, all persons practising the profession of MLT who are employed by the company are registered in respect of that profession. A corporation which carries on the business of practising the

profession of MLT other than in compliance with section 20(2) commits an offence under section 20(4) of Cap. 359.

It is noted that under section 21(2) of Cap. 359 any person who employs any other person to practise a profession to which Cap. 359 relates when the second-mentioned person is not registered in respect of that profession commits an offence. It appears that a specified company which employs specified persons (who are not registered MLTs) to conduct specified tests for the Government (i.e. practising a profession of MLT) would commit an offence under section 21(2) of Cap. 359 notwithstanding the exemption from the application of section 20 of Cap. 359 under section 2(2) of L.N. 153.

In light of the above, please clarify whether a specified company would be exempt from the application of section 21(2) of Cap. 359 in respect of the employment of specified persons to practise the profession of MLT in relation to the conduct of specified tests for the Government and if so, whether amendments would be made to L.N. 153 to reflect the legislative intent.

We should be grateful for your reply in both English and Chinese by 24 August 2020.

Yours sincerely,



(Vanessa CHENG)
Assistant Legal Adviser

c.c. DoJ (Attn.: Ms. Rayne CHAI (SALD)
Mr. Wallace NG (GC)) (By email: ldd@doj.gov.hk)
Legal Adviser
Senior Assistant Legal Adviser 2 (Atg.)