



中華人民共和國香港特別行政區政府總部食物及衛生局
Food and Health Bureau, Government Secretariat
The Government of the Hong Kong Special Administrative Region
The People's Republic of China

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16 September 2020

Ms Vanessa CHENG,
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Legal Service Division
Legislative Council Complex
1 Legislative Council Road
Central
Hong Kong

Dear Vanessa,

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

I refer to your captioned letters dated 14 and 20 August 2020. Our consolidated reply is as follows –

Re. your letter dated 14 August 2020

(1)

Given the urgent need to carry out large-scale COVID-19 testing as early as possible in the shortest possible time to protect public health amidst the third wave epidemic, a large number of experienced testing personnel is required. The representatives of the Food and Health Bureau met with the Chairman of

Supplementary Medical Professions Council and members of the Medical Laboratory Technologists (MLT) Board on 31 July 2020. Having regard to the scale of the testing involved, it was noted that Hong Kong did not have sufficient laboratory testing personnel with adequate training and experience to perform COVID-19 testing to meet the urgent need to implement the Universal Community Testing Programme (UCTP). The Government considers it necessary to allow laboratory testing personnel who possess relevant testing experience from the Mainland to come to Hong Kong to assist in performing COVID-19 tests for a limited period of time so as to carry out the UCTP.

(2)

The specified personnel who possess adequate training and experience on testing COVID-19 are accredited by the National Health Commission of the Central People's Government for conducting the specified tests.

(3)

As these specified persons are exempted from the local registration, they are not subject to the disciplinary mechanism under the Medical Laboratory Technologists (Registration and Disciplinary Procedure) Regulations (Cap. 359A). Should there be any complaint against the specified persons in relation to their misconduct or neglect in any professional respect, the Government will report such cases to the National Health Commission.

Re. your letter dated 20 August 2020

The question is whether a specified company should also be exempted from the application of section 21(2) of Cap. 359 which provides that 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 is noted that the offence of a corporation, including a company employing an unregistered person to practise the profession of MLT has already been covered in section 20(4). It is unlikely in such circumstances that the offence of employing an unregistered person to practise the profession of MLT under section 21(2) will again cover a corporation/company. It is also noted that in the exemptions under Schedule 4 to the Medical Laboratory Technologists (Registration and Disciplinary Procedure) Regulations (Cap. 359A), an institution carried on by a corporation is only exempted from section 20 but not from section 21(2) and the only entity who is exempted from section 21(2) is a natural person, namely a veterinary surgeon. This further affirms that a corporation/company is not covered in section 21(2). We therefore consider

that it is not necessary to exempt a specified company from the application of section 21(2) of Cap. 359.

Should you have any enquiries, please contact the undersigned.

Yours sincerely,



(Ricky WU)
for Secretary for Food and Health

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