

立法會
Legislative Council

LC Paper No. CB(2)941/20-21

(These minutes have been
seen by the Administration)

Ref : CB2/SS/4/20

**Subcommittee on Medical Laboratory Technologists
(Special Exemptions) Regulation**

**Minutes of the first meeting
held on Friday, 6 November 2020, at 8:30 am
in Conference Room 1 of the Legislative Council Complex**

- Members present** : Prof Hon Joseph LEE Kok-long, SBS, JP (Chairman)
Hon James TO Kun-sun
Hon CHAN Han-pan, BBS, JP
Dr Hon KWOK Ka-ki
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Helena WONG Pik-wan
Hon IP Kin-yuen
Hon Alvin YEUNG
Hon SHIU Ka-chun
Dr Hon Pierre CHAN
Hon KWONG Chun-yu
Hon Jeremy TAM Man-ho
Hon Vincent CHENG Wing-shun, MH, JP
- Member attending** : Hon WU Chi-wai, MH
- Members absent** : Hon WONG Ting-kwong, GBS, JP
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon Dennis KWOK Wing-hang
Hon Elizabeth QUAT, BBS, JP
Hon CHEUNG Kwok-kwan, JP

[According to the announcement made by the Hong Kong Special Administrative Region Government on 11 November 2020 pursuant to the Decision of the Standing Committee of the National People's Congress on Issues Relating to the Qualification of the Members of the

Legislative Council of the Hong Kong Special Administrative Region, Kenneth LEUNG, KWOK Ka-ki, Dennis KWOK Wing-hang and Alvin YEUNG were disqualified from being a member of the Legislative Council on 30 July 2020.]

- Public Officers attending** :
- Dr CHUI Tak-yi, JP
Under Secretary for Food and Health

 - Mr FONG Ngai, JP
Deputy Secretary for Food and Health (Health)3
Food and Health Bureau

 - Mr Chris FUNG Pan-chung
Principal Assistant Secretary for Food and Health (Health)3
Food and Health Bureau

 - Mr Edwin CHAU Kwan-yat
Assistant Secretary for Food and Health (Health)4B
Food and Health Bureau

 - Ms Angel CHAN Wing-shan
Secretary to the Medical Laboratory Technologists Board
Department of Health

 - Ms Rayne CHAI Chih-hui
Senior Assistant Law Draftsman
Department of Justice

 - Mr Wallance NG Long-ting
Government Counsel
Department of Justice
- Clerk in attendance** :
- Ms Maisie LAM
Chief Council Secretary (2) 5
- Staff in attendance** :
- Ms Vanessa CHENG
Assistant Legal Adviser 5

 - Miss Kay CHU
Senior Council Secretary (2) 5

 - Mr Ronald LAU
Council Secretary (2) 5

Miss Maggie CHIU
Legislative Assistant (2) 5

Mr Kent CHAN
Clerical Assistant (2) 5

Action

I. Election of Chairman

[File Ref.: L.N. 153 of 2020, FHB/H/16/123/18 Pt. 1, LC Paper Nos. LS117/19-20, LS126/19-20 and CB(2)131/20-21(02) to (04)]

Prof Joseph LEE was elected Chairman of the Subcommittee.

2. Members agreed that there was no need to elect a Deputy Chairman.

II. Meeting with the Administration

3. The Subcommittee deliberated (index of proceedings attached at **Annex**).

Follow-up actions required of the Administration

4. The Subcommittee requested the Administration to advise:
- (a) the respective daily coronavirus disease 2019 ("COVID-19") testing capacities of (i) the Public Health Laboratory Services Branch under the Department of Health; (ii) the Hospital Authority; (iii) the medical schools of The University of Hong Kong and The Chinese University of Hong Kong; and (iv) local COVID-19 nucleic acid testing institutions recognized by the Government in early August 2020 to justify the need for granting the exemptions under the Medical Laboratory Technologists (Special Exemptions) Regulation ("the Regulation");
 - (b) the respective qualifications, experience and training required for qualifying as (i) a "specified person" under the Regulation (i.e. a member of the National accredited laboratory testing personnel arranged by the National Health Commission of the People's Republic of China to conduct specified tests in Hong Kong for the Government) and (ii) a registered medical laboratory technologist under the Medical Laboratory Technologists Board for conducting COVID-19 nucleic acid tests;

Action

- (c) in respect of the local manpower supply of medical laboratory technologists,
 - (i) the annual intake places of the relevant University Grants Committee-funded programmes for each triennium in the past decade; and
 - (ii) the manpower planning for the profession in the longer term in order to meet the anticipated increase in local demand for medical testing services; and
- (d) the respective eligibility requirements for being (i) an accredited medical testing laboratory under the Hong Kong Laboratory Accreditation Scheme and (ii) a local COVID-19 nucleic acid testing institution recognized by the Government.

Invitation of public views

5. Members agreed that the Subcommittee would receive public views on the Regulation at its second meeting to be scheduled.

(Post-meeting note: With the concurrence of the Chairman, the second meeting of the Bills Committee has been scheduled for 16 November 2020 at 10:45 am.)

Legislative timetable

6. Members agreed that the Chairman would give notice to move a proposed resolution at the Council meeting of 11 November 2020 to extend the scrutiny period of the Regulation to the Council meeting of 2 December 2020, so as to allow more time for the Subcommittee to study the Regulation. Members noted that if the proposed resolution was passed at the relevant Council meeting, the period for amending the Regulation would be extended to the Council meeting of 25 November 2020.

III. Any other business

7. There being no other business, the meeting ended at 9:55 am.

**Proceedings of the first meeting of the
Subcommittee on Medical Laboratory Technologists
(Special Exemptions) Regulation
on Friday, 6 November 2020, at 8:30 am
in Conference Room 1 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)/Discussion	Action required
<i>Agenda item I: Election of Chairman</i>			
000357 - 000530	Mr James TO Mr SHIU Ka-chun Mr KWONG Chun-yu Prof Joseph LEE	Election of Chairman	
<i>Agenda item II: Meeting with the Administration</i>			
000531 - 000910	Chairman Admin	Briefing by the Administration on the Medical Laboratory Technologists (Special Exemptions) Regulation ("the Regulation"), which came into operation on 8 August 2020 and expired at midnight on 7 October 2020.	
000911 - 001424	Chairman Dr Helena WONG Admin	<p>Dr Helena WONG enquired about the justifications for exempting a member of the National accredited laboratory testing personnel arranged by the National Health Commission ("NHC") of the People's Republic of China ("specified person") from the registration requirement for conducting nucleic acid tests for detecting coronavirus disease 2019 ("COVID-19") ("specified tests") in Hong Kong for the Government, and a registered company which carried on the business of practising the profession of medical laboratory technologist from the requirement of employing a specified person to conduct specified tests for the Government. She was concerned that there would be other rounds of exemptions in the face of possible rebound of the local COVID-19 epidemic situation.</p> <p>The Administration elaborated the justification for the exemptions with a view to meeting the urgent need to implement the large-scale 14-day Universal Community Testing Programme ("UCTP") as set out in paragraphs 2 and 3 of the Legislative Council Brief [File Ref: FHB/H/16/123/18 Pt. 1].</p> <p>In response to Dr Helena WONG's query about the mechanism to deal with complaints, if any, against the specified persons in relation to their misconduct or neglect in any professional aspect, the Administration advised that any complaints received would be reported to NHC.</p>	
001425 - 002223	Chairman Mr SHIU Ka-chun Admin	Mr SHIU Ka-chun asked whether the Administration had received any complaints against or any feedback from the specified persons, and whether it was the Government of the Hong Kong Special Administrative Region ("HKSAR") or NHC which decided the implementation of UCTP.	

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		<p>The Administration replied in the negative to the first question. It advised that NHC and the Government of HKSAR had maintained close communication on measures to prevent and control the epidemic. It was agreed that there was an urgent need to carry out large-scale COVID-19 testing as early as possible in the shortest period of time amidst the third wave epidemic in Hong Kong.</p> <p>On Mr SHIU Ka-chun's call for the Administration to increase expeditiously the number of training places in medical laboratory science to meet the future manpower demand for testing services in view of the pandemic, the Administration advised that it currently had no plan to implement another round of large-scale COVID-19 testing. In terms of future manpower planning, it would consider the need to increase the training places in the field in the next University Grant Committee ("UGC") triennium subject to the findings of the manpower projection for healthcare professionals, which would be updated once every three years in step with the UGC triennium, and the result of the new round exercise was expected to be available by end 2020 or early 2021. It should be noted that in the 2009-2010 academic year, the number of UGC-funded degree programme in the field of medical laboratory science was 32. In the 2019-2020 academic year, the overall number of UGC-funded and government-subsidized training places in the field had increased to 99.</p> <p>The Chairman requested the Administration to advise in writing the annual intake places of the relevant UGC-funded programmes for each triennium in the past decade.</p>	Admin
002224 - 003210	Chairman Mr CHAN Han-pan Admin Mr Vincent CHENG	<p>While expressing gratitude to the assistance provided by the Mainland authorities and the Mainland nucleic acid test support team in implementing UCTP, Mr CHAN Han-pan and Mr Vincent CHENG said that the Administration had not done much to promptly clarify those exaggerated and false comments about UCTP including the way specimens would be collected and the qualifications of the specified persons which had in turn deterred some members of the public to take part in UCTP.</p> <p>The Administration advised that efforts had been made to rebut fallacious comments on UCTP through various channels. It should be noted that the implementation of UCTP had helped cut the community transmission chain with the identification of 32 new confirmed cases, among which 13 were asymptomatic and 20 were local cases with unknown sources of infection.</p> <p>In response to Mr Vincent CHENG's enquiry about how the experience of UCTP had shed light on the carrying out of large-scale COVID-19 testing as and when necessary, the Administration advised that experience was gained in conducting testing for over 1.7 million of people in around 140 community testing centres in a short period of time.</p>	

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		<p>The implementation of UCTP involved enormous planning and coordination work with the participation of approximately 6 000 healthcare personnel to form medical teams for specimen collection as well as some 4 000 civil servants to provide administrative support.</p>	
003211 - 004056	<p>Chairman Mr WU Chi-wai Admin</p>	<p>Expressing concern about the volatile epidemic situation with persistent presence of cases with unknown source of infection in the community and making reference to the anti-epidemic measures adopted by Taiwan, Mr WU Chi-wai called on the Administration to enhance the virus testing capacity, encourage members of the public to get tested promptly when feeling unwell, take more stringent border control measures to guard against imported cases and prepare for possible mutation of the virus strain.</p> <p>The Administration advised that the testing capacity in Hong Kong, in particular that of the private laboratories, had been enhanced significantly in the past few months. The deep throat saliva specimen collection hours of the public general outpatient clinics had been extended recently to provide individuals who experienced mild discomfort with greater convenience in testing. Efforts had been and would continuously be made to remind members of the public and private doctors to stay vigilant and get tested when there was any suspicion, and review and adjust the various anti-epidemic measures (including border control measures) in place having regard to the development of the global and local situation.</p>	
004057 - 004838	<p>Chairman Dr Pierre CHAN Admin</p>	<p>Given that medical testing laboratories were not subject to regulation under the Private Healthcare Facilities Ordinance (Cap. 633), Dr Pierre CHAN was concerned about the service quality of local private COVID-19 nucleic acid testing institutions for the protection of public interest.</p> <p>The Administration advised that the registration and professional conduct of medical laboratory technologists were subject to regulation under the Medical Laboratory Technologists (Registration and Disciplinary Procedure) Regulations (Cap. 359A), and medical testing laboratories could seek accreditation under the Hong Kong Laboratory Accreditation Scheme on a voluntary basis. Separately, all private COVID-19 nucleic acid testing institutions being recognized by the Government had met the requirements under the External Quality Assessment Programme of the Department of Health ("DH").</p> <p>Dr Pierre CHAN requested the Administration to advise in writing the respective eligibility requirements for being (a) an accredited medical testing laboratory under the Hong Kong Laboratory Accreditation Scheme; and (b) a local COVID-19 nucleic acid testing institution recognized by the Government.</p>	<p>Admin</p>

Time marker	Speaker	Subject(s)/Discussion	Action required
004839 - 005644	Chairman Dr Helena WONG Admin	<p>Dr Helena WONG requested the Administration to advise the following in writing:</p> <p>(a) the respective qualifications, experience and training required for qualifying as a "specified person" under the Regulation; and a registered medical laboratory technologist under the Medical Laboratory Technologists Board for conducting COVID-19 nucleic acid tests;</p> <p>(b) the respective daily COVID-19 testing capacities of (i) the Public Health Laboratory Services Branch under DH; (ii) the Hospital Authority ("HA"); (iii) the medical schools of The University of Hong Kong and The Chinese University of Hong Kong; and (iv) local COVID-19 nucleic acid testing institutions recognized by the Government in early August 2020 to justify the need for granting the exemptions under the Regulation; and</p> <p>(c) the manpower planning for the medical laboratory technologist profession in the longer term in order to meet the anticipated increase in local demand for medical testing services.</p>	Admin
005645 - 010128	Chairman Mr WU Chi-wai Admin	<p>On Mr WU Chi-wai's view that individuals undergoing free testing provided by the Administration should be provided with test reports to meet their work or travelling purposes, the Administration took note of the view and explained that the testing service of the public sector was for public health but not private purpose.</p>	
010129- 010604	Chairman Mr SHIU Ka-chun Admin	<p>Mr SHIU Ka-chun was concerned about whether there would be other rounds of exemption for the purpose of meeting the anticipated increase in the demand for COVID-19 testing service arising from the COVID-19 Targeted Group Testing Scheme ("TGTS").</p> <p>The Administration advised that with significant increase in the overall daily COVID-19 testing capacity of private laboratories in recent months to close to 100 000 at present, coupled with the nature of TGTS which was of a smaller scale and on a regular basis covering a longer time span, it was expected that the service need of TGTS could be met by the existing testing capacity.</p>	
010605 - 011304	Chairman Mr IP Kin-yuen Admin	<p>To ensure effective utilization of resources, Mr IP Kin-yuen sought explanation as to the reason why teachers and staff in kindergartens and primary, secondary and special schools were regarded as having a high risk of infection and were covered under TGTS.</p> <p>The Administration advised that different Government bureaux would determine the targeted groups for testing under TGTS based on the latest epidemic risk assessment. These targeted groups included high-risk groups, staff of critical infrastructure and services, and high-exposure</p>	

Time marker	Speaker	Subject(s)/Discussion	Action required
		groups. Taking into consideration that schools were places where people gather, teachers and school staff were regarded as high-exposure groups.	
011305 - 012000	Chairman Dr Helena WONG Clerk	Invitation of public views Legislative timetable	
012001 - 012849	Chairman Dr Helena WONG Admin	<p>On Dr Helena WONG's enquiry about whether the present testing capacity of Hong Kong could meet the testing need when there were sudden community outbreaks that there would be no need to invite testing institutions outside Hong Kong to provide service, the Administration replied in the affirmative.</p> <p>Noting that specimens were collected through combined nasal and throat swabs by trained medical or healthcare personnel under UCTP, Dr Helena WONG asked about the reason why the specimen collection method of deep throat saliva, which had been employed by the Public Health Laboratory Services Branch of DH and HA, for the reverse transcription polymerase chain reaction nucleic acid test was not employed under UCTP.</p> <p>The Administration advised that while the above two specimen collection methods were generally similar in accuracy and sensitivity, on-spot collection of specimens through combined nasal and throat swabs by trained personnel could ensure the genuineness and quality of the specimens. It would continue to review the suitability of different testing techniques and specimen collection methods.</p> <p>In response to Dr Helena WONG's follow-up enquiry, the Administration advised that among the about 1 783 000 specimens collected under UCTP for COVID-19 nucleic acid tests, 46 were tested preliminary positive. DH had completed confirmatory tests for 45 specimens which were confirmed to be positive, with the remaining specimen having insufficient quantity for the carrying out of the confirmatory test.</p>	
<i>Agenda item III: Any other business</i>			
012850 - 012906	Chairman	Closing remarks	