

立法會
Legislative Council

LC Paper No. CB(2)942/20-21

(These minutes have been
seen by the Administration)

Ref : CB2/SS/4/20

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

**Minutes of the second meeting
held on Monday, 16 November 2020, at 10:45 am
in Conference Room 1 of the Legislative Council Complex**

- Members present** : Hon WONG Ting-kwong, GBS, JP (Chairman)
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon Elizabeth QUAT, BBS, JP
Dr Hon Pierre CHAN
Hon CHEUNG Kwok-kwan, JP
Hon Vincent CHENG Wing-shun, MH, JP
- Members absent** : Hon CHAN Han-pan, BBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
- Public Officers attending** : 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

- Attendance by invitation** : Hong Kong Biomedical Scientists Association
Ms SHUM Ka-yan
Vice-chairman
Hong Kong Institute of Medical Laboratory Sciences Ltd.
Miss YUNG Wai-ling
President
- 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
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Action

I. Election of Chairman

Members noted that Prof Joseph LEE, who was elected Chairman of the Subcommittee at the meeting on 6 November 2020, had withdrawn

Action

from membership of the Subcommittee with effect from 11 November 2020.

2. Mr WONG Ting-kwong was elected Chairman of the Subcommittee.

II. Meeting with deputations and the Administration

[File Ref.: L.N. 153 of 2020, FHB/H/16/123/18 Pt. 1, LC Paper Nos. LS117/19-20, LS126/19-20, LC Paper nos. CB(2)131/20-21(02) to (04), and CB(2)270/20-21(01) to (02)]

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

Presentation of views by deputations

4. The Subcommittee received oral representation from two deputations on the Medical Laboratory Technologists (Special Exemptions) Regulation ("the Regulation").

Examination of the Regulation

5. The Subcommittee completed examination of the Regulation.

Legislative timetable

6. Members noted that Prof Joseph LEE, former Chairman of the Subcommittee, had given 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. However, the proposed motion was not dealt with at the Council meeting of 11 November 2020 before the adjournment of the meeting. As such, the period for amending the Regulation expired at the said Council meeting. Members further noted that the Chairman would report the deliberations of the Subcommittee to the House Committee on 27 November 2020.

III. Any other business

7. There being no other business, the meeting ended at 11:28 am.

**Proceedings of the second meeting of the
Subcommittee on Medical Laboratory Technologists
(Special Exemptions) Regulation
on Monday, 16 November 2020, at 10:45 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>			
000735 - 000906	Mr WONG Ting-kwong Ms Elizabeth QUAT Mr CHEUNG Kwok-kwan	Election of Chairman	
<i>Agenda item II: Meeting with deputations and the Administration</i>			
000907 - 001320	Chairman	Opening remarks	
001321 - 001701	Hong Kong Biomedical Scientists Association	Presentation of views	
001702 - 001919	Hong Kong Institute of Medical Laboratory Sciences Ltd.	Presentation of views	
001920 - 002307	Chairman Admin	<p>Responding to the views expressed by the deputations, the Administration made the following points:</p> <p>(a) in consultation with the medical laboratory sector, the Administration considered that the manpower and workload of medical laboratory technologists in Hong Kong as of early August 2020 might not be able to support the implementation of the Universal Community Testing Programme given the scale of the testing within a very short period of time involved;</p> <p>(b) the annual number of training places in the field of medical laboratory science had been increased substantially in the last decade as detailed under item (c) of the Administration's response to issues raised at the last meeting [Annex to LC Paper No. CB(2)270/20-21(02)]. The Administration would consider the need to further increase the training places in the field in the next University Grants Committee ("UGC") triennium subject to the findings of the current round of manpower projection exercise for healthcare professionals which was expected to be completed by end 2020 or early 2021; and</p> <p>(c) for members of the National accredited laboratory testing personnel arranged by the National Health Commission ("NHC") ("specified persons") to conduct nucleic acid tests for detecting coronavirus disease 2019 ("COVID-19") ("specified tests") in Hong Kong for the Government, the Administration</p>	

Time marker	Speaker	Subject(s)/Discussion	Action required
		<p>would report, if any, complaints in relation to their misconduct or neglect in any professional respect to NHC. So far, no complaints in this regard had been received by the Administration.</p>	
002308 - 002552	<p>Chairman Mrs Regina IP Admin</p>	<p>Mrs Regina IP's enquiry about the annual number of intake places under the Government-subsidized self-financing degree programme in medical laboratory science and measures in place to ensure the quality of the programme.</p> <p>The Administration advised that Tung Wah College currently offered a self-financing degree programme in medical laboratory science with the number of training places for the 2019-2020 cohort being 45. The application for accreditation of the programme had been approved by the Medical Laboratory Technologists Board for the purpose of registration as Supplementary Medical Professions Practitioners.</p>	
002553 - 003422	<p>Mrs Regina IP Chairman Admin Hong Kong Institute of Medical Laboratory Sciences Ltd.</p>	<p>Mrs Regina IP was concerned that any tests for the purpose of medical diagnosis and treatment could only be carried out under the referral of a registered medical practitioner otherwise the medical laboratory technologist involved might be deemed to have contravened the Code of Practice for Registered Medical Laboratory Technologists, and the cost of such testing services varied among private laboratories. In her view, it would be more desirable if patients could have freedom to choose any accredited private laboratories for testing if they so wished.</p> <p>At the invitation of Mrs Regina IP, Hong Kong Institute of Medical Laboratory Sciences Ltd. elaborated on the existing referral arrangements.</p>	
003423 - 004021	<p>Chairman Ms Elizabeth QUAT Admin</p>	<p>Ms Elizabeth QUAT was concerned about whether the setting of the expiry date of the Regulation as 7 October 2020 had made Hong Kong unable to enhance the testing capacity within a short period of time in the face of the current volatile epidemic situation with persistent presence of cases with unknown source of infection in the community. In her view, the Administration should implement compulsory population-wide testing for COVID-19 with a view to breaking the virus transmission chain in the community and achieving "zero infection" so that cross-border travel without the need for compulsory quarantine could be resumed at an early date through mutual recognition of health codes.</p> <p>The Administration assured members that the COVID-19 testing capacity in Hong Kong had been enhanced significantly in the past months for meeting the service demand, with the daily testing volume of the public sector and the private sector increased to over 7 000 tests and close to 100 000 tests (without sample</p>	

Time marker	Speaker	Subject(s)/Discussion	Action required
		pooling) respectively. It should be noted that the introduction of the Prevention and Control of Disease (Compulsory Testing for Certain Persons) Regulation (Cap. 599J) had empowered the Secretary for Food and Health to require certain categories of persons to undergo COVID-19 testing if necessary. Such legal framework would allow testing resources be diverted to relatively more effective uses for the purpose of cutting transmission of the disease in the community.	
004022 - 004149	Chairman Admin	<u>Examination of the provisions of the Regulation</u> <i>Examination of section 1</i>	
004150 - 004355	Chairman Admin Mrs Regina IP	<i>Examination of section 2</i> In reply to Mrs Regina IP's enquiry, the Administration advised that Sunrise Diagnostic Centre Limited was the only specified company which had been exempted from section 20 of the Supplementary Medical Professions Ordinance (Cap. 359) ("the Ordinance") at the time.	
004356 - 004459	Chairman Admin Mrs Regina IP	<i>Examination of section 3</i> On Mrs Regina IP's enquiry about the handling of future rounds of exemptions if needed, the Administration advised that a new regulation would be introduced. However, it did not see such a need at this stage.	
004460 - 004607	Chairman ALA5	The Legal Adviser to the Subcommittee drew members' attention to the question raised in her letter dated 20 August 2020 [LC Paper No. CB(2)131/20-21(03)] to the Administration and the Administration's response dated 16 September 2020 [LC Paper No. CB(2)131/20-21(04)] concerning whether a specified company would be exempted from the application of section 21(2) of the Ordinance in respect of the employment of specified persons to practise the profession of medical laboratory technologist in relation to the conduct of specified tests for the Government.	
004608 - 004624	Chairman ALA5	The Legal Adviser to the Subcommittee's advice that no difficulties had been identified in the legal and drafting aspects of the Regulation.	
004625 - 004721	Chairman	Way forward and the legislative timetable	
<i>Agenda item III: Any other business</i>			
004722 - 004732	Chairman	Closing remarks	