

L.N. 21 of 2022

**Medical Laboratory Technologists (Special Exemptions)
Regulation 2022**

(Made by the Secretary for Food and Health under section 29(1A) of the Supplementary Medical Professions Ordinance (Cap. 359))

1. Commencement

This Regulation comes into operation on 22 February 2022.

2. Exemptions

- (1) A specified person is exempt from section 21(1) of the Ordinance in respect of the specified profession while the person is conducting specified tests for the Government.
- (2) A specified company is exempt from section 20 of the Ordinance in respect of the specified profession in relation to the employment of a specified person by the company to conduct specified tests for the Government.
- (3) In this section—

specified company (指明公司) means a company that—

- (a) is registered under the Companies Ordinance (Cap. 622) or under the Companies Ordinance (Cap. 32) as in force at the time of the registration; and
- (b) carries on the business of practising the specified profession;

specified person (指明人士) means a person who possesses the requisite qualification recognized by a national, provincial or municipal health authority of the People's Republic of China to engage in laboratory testing work that is (or

includes) the work carried out by a person who practises the specified profession;

specified profession (指明專業) means the profession of medical laboratory technologist, which is set out in item 1 of the Schedule to the Ordinance;

specified test (指明檢測) means a nucleic acid test for detecting the coronavirus disease 2019 (COVID-19), which is specified in item 8A of Schedule 1 to the Prevention and Control of Disease Ordinance (Cap. 599).

3. **Expiry**

This Regulation expires at midnight on 21 August 2022.

Professor Sophia CHAN Siu-chee
Secretary for Food and Health

21 February 2022

Explanatory Note

This Regulation exempts a specified person conducting COVID-19 nucleic acid tests for the Government from section 21(1) of the Supplementary Medical Professions Ordinance (Cap. 359) (*Ordinance*) in respect of the profession of medical laboratory technologist (*specified profession*). Under that section, a person who practises the specified profession without being registered in respect of that profession commits an offence.

2. The Regulation also exempts a specified company from section 20 of the Ordinance in respect of the specified profession for employing a specified person to conduct COVID-19 nucleic acid tests for the Government. Under section 20(4) of the Ordinance, if a company employs a person who has not been registered in respect of the specified profession to practise that profession, the company, its director and its manager each commits an offence.