

**For discussion
on 14 February 2012**

LegCo Panel on Food Safety and Environmental Hygiene
Proposals to Amend Schedule 2 to
the Veterinary Surgeons Registration Ordinance (Cap. 529)

Purpose

This paper briefs Members on the proposed Veterinary Surgeons Registration Ordinance (Amendment of Schedule 2) Order 2012 (the proposed Order).

Background

2. On 8 September 2011, the Food and Health Bureau and the Agriculture, Fisheries and Conservation Department (AFCD) published a public consultation document on the proposals to amend Schedule 2 to the Veterinary Surgeons Registration Ordinance (Cap. 529) (VSRO) and launched a two-month public consultation. The consultation document sets out proposals to amend Schedule 2 to VSRO with a view to –

- (a) permitting veterinary assistants, veterinary students, and other individuals to perform certain acts of veterinary surgery¹ and provide certain veterinary services² under the direction or supervision of a registered veterinary surgeon;
- (b) limiting the veterinary acts which may be performed by animal owners to certain minor acts;
- (c) permitting licensed livestock farmers to perform certain animal

¹ “Veterinary surgery” means, according to section 2 of VSRO, “the art and science of veterinary surgery and medicine and, without limiting the foregoing, includes –

- (a) the diagnosis of disease in, and injuries to, animals including tests performed for diagnostic purposes;
- (b) the giving of advice based on such diagnosis;
- (c) the medical or surgical treatment of animals including the performance of surgical operations thereon.”

² “Veterinary service” means, according to section 2 of VSRO, “doing or performing any act or attending to any matter the doing or performing of which or the attending to which forms part of the generally accepted practice of veterinary surgery”.

husbandry procedures; and

- (d) permitting public officers to perform certain acts of veterinary surgery under the direction of a Government Veterinary Officer (who is also required to be a registered veterinary surgeon).

The current provision of Schedule 2 to the VSRO is at **Annex A**.

Outcome of the public consultation

3. During the consultation period, the Government received 58 written submissions from individuals and organisations. Besides, three public consultation forums and three consultation meetings with farmers were held. About 1,100 letters / emails together with links to the consultation documents were sent out to the relevant stakeholders including all registered veterinary surgeons in Hong Kong, the Hong Kong Veterinary Association, the China (Hong Kong) Veterinary Association, universities running animal related courses, licensed livestock farmers, animal welfare organisations, kennel clubs, licensed animal traders, government departments with dog units, and other related organisations such as the Consumer Council. This Panel was also briefed on 8 November 2011. A lot of constructive views were received through various channels.

4. The respondents were generally in support of the proposals set out in the consultation document. Specifically, we have received overwhelming support, especially from the veterinary community, on the proposal to permit individuals (such as veterinary assistants and veterinary students) working under the direction / supervision / direct and continuous supervision of a registered veterinary surgeon to perform certain veterinary acts. Some respondents from the veterinary community considered that some acts proposed to be performed by individuals could be equally well performed under a reduced level of supervision, or that additional acts be exempted. In contrast, others considered certain acts were only suitable to be performed by registered veterinary surgeons. Some pig farmers suggested that they be allowed to personally perform castration of piglets at 14 days of age or less, instead of the seven days initially proposed. Husbandry procedures incidental to fish farms were also raised. Animal welfare concerns were expressed regarding various farm husbandry procedures which may also be considered acts of veterinary surgery. The mainstream opinions are summarised at **Annex B**.

The proposals

5. Taking into account the outcome of public consultation, the Administration, in consultation with the Veterinary Surgeons Board of Hong Kong (VSB), has finalised the legislative proposals. Some of the procedures under the direction / supervision / direct and continuous supervision of a registered veterinary surgeon have been critically studied and the level of supervision required was adjusted where appropriate. For example, under the proposed Order, individuals can now only monitor and maintain anaesthesia whereas they were also allowed to administer anaesthetics in the original proposal. Acknowledging comments from the veterinary sector, the level of supervision for administering fluids intravenously through a preplaced catheter and for venous blood sampling from jugular veins was suitably lowered considering such acts are of relative low risk and are routine veterinary procedures for animals. Besides, the exemption of pig castration was extended from 7 days to 14 days to address practical issues of the pig farmers while taking into account animal welfare concerns. An additional exemption has been added to allow fish owners to conduct certain husbandry procedures while raising their fish.

6. Since the subject was last discussed at this Panel in November 2011, AFCD has further consulted VSB and the Livestock Subcommittee of the Advisory Committee on Agriculture and Fisheries (ACAF) on the proposed Order in December 2011 and January 2012 respectively. Members of VSB and ACAF, which comprise representatives of the veterinary and farming trade, were generally supportive of the proposed Order. The details of the proposals to amend Schedule 2 to the VSRO are elaborated in paragraphs 7 to 13 below. The background and justifications for the relevant proposed amendments were set out in LC Paper No. CB(2)206/11-12(05) submitted to this Panel in November 2011.

Permitting veterinary assistants, veterinary students, or other individuals to perform certain acts of veterinary surgery and provide certain veterinary services under the direction or supervision of a registered veterinary surgeon

7. To address the concern over the severely limited work that lay persons may legitimately perform under the current provisions of the VSRO as well as the Code of Practice for the Guidance of Registered Veterinary Surgeons (CoP) issued by VSB, we propose to add to Schedule 2 to the VSRO a new provision to permit any individual (such as a veterinary assistant or veterinary student) working under the direction / supervision / direct and continuous supervision of a registered veterinary surgeon to perform certain acts of veterinary surgery. The details of the proposal are set out below –

- (a) Under the “direction” of a registered veterinary surgeon, an individual should be permitted to perform any of the following acts –
- (i) applying medication or treatment (other than anaesthetic drugs) topically or administering medication or treatment (other than anaesthetic drugs) orally, per-rectally or by inhalation;
 - (ii) positioning for, and the taking of, medical images;
 - (iii) giving subcutaneous or intramuscular injections (other than anaesthetic drugs);
 - (iv) non-invasive parameter monitoring, including taking vital signs of an animal (such as body temperature);
 - (v) administering fluids intravenously through a preplaced catheter.

For the purpose of the above proposal, “direction” means that the registered veterinary surgeon instructs the individual to perform certain act (which may include instruction on how such acts should be performed) while the veterinary surgeon is not necessarily present on the premises of the practice.

- (b) Under the “supervision” of a registered veterinary surgeon, an individual should be permitted to perform any of the following acts –
- (i) blood sampling from peripheral veins;
 - (ii) applying simple dressings and bandages and simple wound management;
 - (iii) placing intravenous catheters into the cephalic, saphenous or ear veins;
 - (iv) administering medication (other than anaesthetic drugs) intravenously through a preplaced catheter.

For the purpose of the above proposal, “supervision” means that the registered veterinary surgeon gives specific instruction to the individual on how such acts should be performed and is present on the premises of the practice to provide assistance to

the individual when appropriate.

- (c) Under the “direct and continuous supervision” of a registered veterinary surgeon, an individual should be permitted to perform any of the following acts –
- (i) teeth scaling or polishing but not associated processes (such as anaesthesia) or other dental procedures;
 - (ii) endotracheal intubation / extubation;
 - (iii) giving intravenous injections (other than anaesthetic drugs);
 - (iv) monitoring and maintaining anaesthesia;
 - (v) assisting the registered veterinary surgeon who is performing and in charge of a medical or surgical procedure, but not making any decision on the procedure;
 - (vi) applying complex dressings and bandages and complex wound management.

For the purpose of the above proposal, “direct and continuous supervision” means that the veterinary surgeon is present on the premises of the practice to provide the individual his / her personal attention throughout the process.

8. It is further proposed that an individual should only be permitted to perform the acts set out in paragraph 7 above on the condition that –

- (a) the individual does not diagnose or prescribe medication or perform surgical operations; and
- (b) the acts are performed on the premises of the registered veterinary surgeon’s practice.

9. Furthermore, we will recommend VSB to stipulate in CoP that any registered veterinary surgeon supervising / directing an individual to perform a certain veterinary act should ensure that the individual concerned has been trained to a level of competence in the veterinary act to be undertaken to the registered veterinary surgeon’s satisfaction, and that the registered veterinary surgeon shall be fully responsible for the acts performed by the individual under his or her direction or supervision.

Limiting the veterinary acts which may be performed by animal owners to certain minor acts

10. To move with the times and to better protect animal welfare, there is a need to limit the veterinary acts which may be performed by animal owners when treating their own animals to certain minor acts which pertain to the basic care of the animal by the owner. We thus propose to amend the existing paragraph 4 of Schedule 2 to the VSRO to exempt an owner of an animal (or his / her employee or a member of his / her household) from the provisions of the VSRO when and only when he or she is treating his / her animal for remedy or prevention of injury or illness. Such treatment being –

- (a) applying medication topically or administering medication orally;
- (b) administering medication specific to the animal per-rectally, parenterally or by inhalation under the direction of a registered veterinary surgeon; or
- (c) any other non-invasive acts of veterinary surgery or veterinary service under the direction of a registered veterinary surgeon,

provided it does not include making a surgical incision into any part of the animal.

Permitting licensed livestock farmers and fish owners to perform certain animal husbandry procedures

11. Limiting the veterinary acts which may be performed by animal owners to certain minor acts as proposed in paragraph 10 above, which is aimed primarily at pet owners, will inadvertently prevent farmers from carrying out many important husbandry procedures. To allow livestock farmers and fish owners to continue to carry out necessary husbandry procedures on animals kept by them in that capacity for the prevention of injury and / or disease and better management and care of such animals, we propose to add new exemptions to Schedule 2 to the VSRO to allow –

- (a) a licensee under the Public Health (Animals and Birds) (Keeping of Cattle, Sheep and Goats) Regulations (Cap. 139C), the Dairies Regulations (Cap. 139D) or the Public Health (Animals and Birds) (Licensing of Livestock keeping) Regulation (Cap. 139L) (or the licensee's employee or a member of the licensee's household) to perform on an animal kept by the licensee in that capacity any of the following acts –

- (i) castrating a pig (other than a cryptorchid pig) at 14 days of age or less;
 - (ii) docking the tail of a pig at 7 days of age or less;
 - (iii) clipping the teeth of a pig at 7 days of age or less;
 - (iv) trimming the beak of poultry at 10 days of age or less;
 - (v) administering vaccine or medication.
- (b) an owner (or his / her employee or a member of his / her household) of a fish when performing on the fish any of the following acts–
- (i) taking samples for diagnosing or treating infection;
 - (ii) administering vaccine or medication.

Permitting certain public officers and authorised persons to perform certain veterinary acts

12. To facilitate the Government in fulfilling its public responsibilities relating to public health, public safety, animal welfare and more importantly disease monitoring and control, we propose to expand the scope of exemption as provided in respect of veterinary acts which may be performed by a suitably trained person employed or retained by the Government under the existing paragraph 6 of Schedule 2. It is proposed that paragraph 6 of Schedule 2 is to be amended to exempt a person who is employed or retained by the Government for performing one or more of the following acts on an animal, when acting in that capacity –

- (a) examining the animal;
- (b) collecting samples;
- (c) administering vaccine or medication;
- (d) implanting identification devices;
- (e) any other procedures as instructed by a veterinary officer.

13. It should be noted that all exempted individuals under Schedule 2 of the VSRO must still comply with the requirements of other relevant Ordinances including but not limited to the Dangerous Drugs Ordinance

(Cap. 134), Antibiotics Ordinance (Cap. 137), Pharmacy and Poisons Ordinance (Cap. 138), and the Radiation Ordinance (Cap. 303).

Legislative Timetable

14. We plan to table the proposed Order at the Legislative Council by the second quarter of 2012. We also propose that the proposed Order should commence after completion of the negative vetting by the Legislative Council.

Advice Sought

15. Members are invited to advise on the above proposals.

**Food and Health Bureau
Agriculture, Fisheries and Conservation Department
February 2012**

Annex A

Chapter: 529 Title: VETERINARY SURGEONS Gazette Number: L.N. 391 of
REGISTRATION 1997
ORDINANCE
Schedule: 2 Heading: **EXEMPTIONS FROM** Version Date: 14/07/1997
ORDINANCE

[section 29]

1. A medical practitioner or a dentist carrying out any treatment, test or surgery on an animal provided it is done at the request of a registered veterinary surgeon.
2. A medical practitioner who performs surgery on an animal for the purpose of removing an organ or tissue for use in the treatment of human beings.
3. A person who treats an animal by physiotherapy provided the treatment is carried out under the direction of a registered veterinary surgeon.
4. The owner (or his employee or a member of his household) when treating his own animal, provided such treatment does not include making a surgical incision into the abdominal or thoracic cavity.
5. A licensee under the Animals (Control of Experiments) Ordinance (Cap 340) when performing an experiment in accordance with the provisions of that Ordinance.
6. A person who is employed or retained by the Government for performing vaccinations on animals, while performing such vaccinations.
7. A person who administers first aid to an animal for the purpose of saving its life or relieving pain, provided such treatment does not include making a surgical incision into the abdominal or thoracic cavity.

**Public Consultation on the Proposals to Amend Schedule 2 to the
Veterinary Surgeons Registration Ordinance (Cap. 529)**

Summary of Opinions

On 8 September 2011, the Food and Health Bureau and the Agriculture, Fisheries and Conservation Department published a consultation document on proposed amendments to Schedule 2 to the Veterinary Surgeons Registration Ordinance (Cap. 529) and launched a public consultation for about two months until 31 October 2011.

2. Over the years, the veterinary sector has undergone significant changes as a result of the rapid advancement of veterinary knowledge and the growing awareness among members of the public of animal welfare issues. We are keenly aware that the current system of regulatory control of veterinary practices needs to be kept up to date with modern development. In this regard, with advice from the Veterinary Surgeons Board of Hong Kong (VSB), the Government conducted a review of the existing regulatory regime in Hong Kong and the relevant legislative provisions, with a view to identifying areas for improvement.

3. The consultation document set out the initial proposals to amend Schedule 2 to Cap. 529 with a view to –

- (a) permitting veterinary assistants, veterinary students, and other individuals to perform certain acts of veterinary surgery and provide certain veterinary services under the direction and / or supervision of a registered veterinary surgeon; and
- (b) limiting the veterinary acts which may be performed by animal owners to certain minor acts.

4. During the consultation period, the Government received 58 written submissions from individuals and organisations. Besides, three public consultation forums and three consultation meetings with farmers were held. About 1,100 letters / emails together with links to the consultation documents were sent out to the relevant stakeholders including all registered veterinary surgeons in Hong Kong, the Hong Kong Veterinary Association, the China (Hong Kong) Veterinary Association, universities running animal related courses, licensed livestock farmers, animal welfare organisations, kennel clubs, licensed animal traders, government departments with dog units, and other related organisations such as the Consumer Council. The Legislative Council Panel on Food Safety and Environmental Hygiene was briefed on 8 November

2011. Many constructive views were received through various channels.

5. By and large, the respondents were in support of the proposals set out in the consultation document. The mainstream opinions are summarised in the ensuing paragraphs:

Permitting veterinary assistants, veterinary students and other individuals to perform certain veterinary acts

6. The public and various stakeholders, especially the veterinary community, expressed overwhelming support for the proposal to permit individuals (such as veterinary assistants or veterinary students) working under the direction / supervision / direct and continuous supervision of a registered veterinary surgeon to perform certain acts of veterinary surgery. Many respondents accepted that veterinary surgeons must carry the ultimate responsibility for veterinary acts carried out under their direction or supervision and that they must ensure that their supporting staff are adequately trained for and competent in the veterinary acts to be performed on animals. Some respondents from the veterinary community considered that some acts proposed to be performed by individuals could be equally well performed under a reduced level of supervision, or that additional acts should be exempted. In contrast, certain acts were only considered suitable to be performed by registered veterinary surgeons. A small number of respondents suggested that there should be distinction between certain individuals such as veterinary students and veterinary nurses.

Restricting invasive acts by animal owners on their own animals

7. The vast majority of respondents supported the proposal to limit the veterinary acts which may be performed by animal owners to certain minor acts. However, views were divided as to the exemption arrangements for livestock owners. Some pig farmers considered, in particular, the proposed exemption for castration of a pig at seven days of age or less was excessively restrictive and not practical, and suggested that they be allowed to personally perform castration of piglets at 14 days of age or less instead. Countering this, animal welfare concerns were expressed by other parties, regarding various farm husbandry procedures which may also be considered acts of veterinary surgery. Husbandry procedures necessary to be conducted on fish farms were also raised. Besides, some respondents expressed concerns regarding permitting certain public officers and authorised persons to perform certain veterinary acts as well as the wide scope of acts they could potentially perform to facilitate the Government in fulfilling its public responsibilities relating to public health, public safety, animal welfare and most of all disease monitoring and control. They opined that the relevant public officers and authorised persons would need to be adequately trained.

Conclusion

8. Based on the consultation outcome briefly summarised above, the Government, in consultation with VSB, will decide on the way forward. In doing so, we will exercise prudence in balancing the views of various stakeholders in order to ensure that the proposals will meet the interests of the community as a whole.

**Food and Health Bureau
Agriculture, Fisheries and Conservation Department
December 2011**