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Panel on Food Safety and Environmental Hygiene

**Background brief prepared by the Legislative Council Secretariat
for the meeting on 8 November 2011**

**Proposals to amend Schedule 2 to
the Veterinary Surgeons Registration Ordinance (Cap. 529)**

Purpose

This paper provides a brief background of the Administration's proposals to amend Schedule 2 to the Veterinary Surgeons Registration Ordinance (Cap. 529) ("VSRO").

Background

2. Enacted in 1997, VSRO provides for the regulation of the practice of veterinary surgery, the registration of veterinary surgeons, the disciplinary control of the professional activities of registered veterinary surgeons and for matters related to such registration and disciplinary control. VSRO also provides for the establishment of an independent Veterinary Surgeons Board of Hong Kong ("VSB"), which is responsible for discharging the functions stipulated in VSRO, including but not limited to establishing and maintaining a register of registered veterinary surgeons, setting and reviewing the qualification standards for registration as a registered veterinary surgeon and related registration matters, as well as advising the Government on registration matters.

Schedule 2 to VSRO

3. Under section 16(1) of VSRO, no person shall practise veterinary surgery¹ or provide a veterinary service² in Hong Kong unless he or she is a veterinary surgeon registered with VSB and the holder of a practising certificate which is currently in force. Any person who contravenes this provision commits an offence and is liable on conviction to a fine at level six and imprisonment for one year as stipulated under section 25(1)(h) of VSRO.

4. Notwithstanding the above, section 29 of VSRO provides that the persons listed in Schedule 2 to the Ordinance are exempted from the provisions of VSRO in the circumstances specified in that Schedule. This means that, in the specified circumstances, the persons listed in Schedule 2 are not subject to the prohibition in section 16(1) when they are performing acts which fall within the meaning of "veterinary surgery" or providing services which fall within the meaning of "veterinary service" under VSRO. The exemptions in Schedule 2 include the following -

- (a) 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;
- (b) 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;
- (c) a person who treats an animal by physiotherapy provided the treatment is carried out under the direction of a registered veterinary surgeon;
- (d) the owner (or his / her employee or a member of his / her household) when treating his / her own animal, provided such treatment does not include making a surgical incision into the abdominal or thoracic cavity;

¹ "Veterinary surgery" means "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 "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".

- (e) a licensee under the Animals (Control of Experiments) Ordinance (Cap. 340) when performing an experiment in accordance with the provisions of that Ordinance;
- (f) a person who is employed or retained by the Government for performing vaccinations on animals, while performing such vaccinations; and
- (g) 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.

5. No legislative amendments to Schedule 2 to VSRO have been introduced since its first enactment in 1997. By virtue of section 29(2) of VSRO, the Secretary for Food and Health may, by order, amend Schedule 2.

Public consultation on proposals to amend VSRO

6. According to the Administration, the veterinary sector has undergone significant changes over the years as a result of the rapid advancement of veterinary knowledge and the growing awareness among members of the public of animal welfare issues. The Administration and VSB are aware that the existing system of regulatory control of veterinary practices need to be kept up to date with modern developments. In this regard, with advice from VSB, the Administration has conducted a review of the existing regulatory regime in Hong Kong and the relevant legislative provisions, with a view to identifying areas for improvement.

7. In view of the complexity of the issues involved and the different interests of stakeholders, the Administration has made reference to the legislation and practices of other jurisdictions, where appropriate, to ensure that any improvements made to the regulatory control system in Hong Kong are in line with international standards.

8. The review conducted by the Administration covers the following areas -

- (a) veterinary assistants and their role in veterinary practices;
- (b) veterinary students undertaking clinical experience in veterinary practices; and

- (c) performance of veterinary acts by animal owners' on their own animals.

9. As a result of the review, the Administration has identified several areas where Schedule 2 to VSRO could be improved. In this connection, the Administration launched a public consultation on 8 September 2011 on the proposed amendments to Schedule 2 to VSRO. The proposals are made 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.

10. According to the Administration, the purpose of the consultation is to facilitate an informed discussion by the veterinary profession, animal welfare groups, animal owners and other stakeholders, as well as members of the public, concerning the proposals. The consultation exercise ended on 31 October 2011.