

LEGISLATIVE COUNCIL BRIEF

Veterinary Surgeons Registration Ordinance (Cap. 529)

VETERINARY SURGEONS REGISTRATION ORDINANCE (AMENDMENT OF SCHEDULE 2) ORDER 2012

INTRODUCTION

On 13 March 2012, the Secretary for Food and Health, in exercise of the power under section 29(2) of the Veterinary Surgeons Registration Ordinance (Cap. 529) (“VSRO”), made the Veterinary Surgeons Registration Ordinance (Amendment of Schedule 2) Order 2012 (“the Order”) at **Annex**.

Annex

JUSTIFICATIONS

(A) Background

2. The 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 related matters. Under section 16(1) of VSRO, no person shall practise veterinary surgery¹ or provide a veterinary service² in Hong Kong unless the person is a veterinary surgeon registered with the

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”.

Veterinary Surgeons Board of Hong Kong (“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 to a fine at level six and to imprisonment for one year as stipulated under section 25(1) of VSRO. Notwithstanding the above, section 29 of VSRO provides that the persons listed in Schedule 2 to VSRO are exempted from the provisions of VSRO in the circumstances specified in that Schedule. The exemptions in Schedule 2 are –

- (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; and
- (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.

3. The Government and VSB are keenly aware that the existing system of regulatory control of veterinary practices needs to be kept up to date with modern developments, in view of the rapid advancement of veterinary knowledge, evolving veterinary practices, and growing public awareness of animal welfare issues. We have thus reviewed the existing regulatory regime in Hong Kong as well as the relevant legislative provisions. We have also drawn reference to the legislation and practices of other jurisdictions, where appropriate, to ensure that any improvements made are in line with international standards and conventions. As a result of the review, we have identified

several areas where Schedule 2 to VSRO could be improved and launched a two-month public consultation from 8 September to 31 October 2011 on proposals to amend Schedule 2 to VSRO. Taking into account the views and comments received, we have finalised the Order. The key features of the Order are set out in paragraphs 4 to 7.

(B) Key Features of the Order

Permitting a person to perform certain veterinary acts under the direction or supervision of a registered veterinary surgeon

4. According to the current provisions of VSRO as well as the “Code of Practice for the Guidance of Registered Veterinary Surgeons” issued by VSB, the work that lay persons, which include veterinary assistants and veterinary students, may legitimately perform is severely limited. To address this concern, we propose to add to Schedule 2 to 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 veterinary acts.

Limiting the veterinary acts that an owner of an animal may perform to the animal

5. 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 section 4 of Schedule 2 to the VSRO to exempt an owner of an animal (or the owner’s employee or a member of the owner’s household) from the provisions of the VSRO to perform certain minor acts when and only when the owner is treating the animal for remedy or prevention of injury or illness.

Permitting a licensed livestock farmer or an owner of a fish to perform certain husbandry procedures

6. Limiting the veterinary acts which may be performed by animal owners to certain minor acts as proposed in paragraph 5 above, which is aimed primarily at pet owners, will inadvertently prevent farmers from carrying out important husbandry procedures. We thus propose to add new exemptions to Schedule 2 to the VSRO to allow a licensed livestock farmer to continue to carry out on animals kept by them in that capacity, or an owner of a fish on the fish, necessary husbandry procedures for the prevention of injury or disease and better management and care of such animals.

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

7. 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 as provided in respect of veterinary acts which may be performed by a person employed or retained by the Government under the existing section 6 of Schedule 2 to the VSRO.

THE ORDER

8. The Order at **Annex** amends Schedule 2 to VSRO -
- (a) to permit a person to perform certain veterinary acts under the direction or supervision of a registered veterinary surgeon;
 - (b) to limit the veterinary acts that an owner of an animal may perform to the animal;
 - (c) to permit an owner of a fish to perform certain fish husbandry procedures;
 - (d) to permit a licensed livestock farmer to perform certain animal husbandry procedures; and
 - (e) to permit certain public officers and authorised persons to perform certain veterinary acts.

The Order will come into operation on 14 May 2012.

LEGISLATIVE TIMETABLE

9. The legislative timetable is as follows -
- | | |
|------------------------------------|---------------|
| Publication in the Gazette | 16 March 2012 |
| Tabling at the Legislative Council | 21 March 2012 |

IMPLICATIONS OF THE PROPOSAL

10. The Order is in conformity with the Basic Law, including the provisions concerning human rights. It will not affect the binding effect of VSRO. Staffing and financial implications, if any, arising from the implementation of the proposal will be absorbed within the existing resources of the relevant Government departments. It has no economic, productivity, environmental and sustainability implications.

PUBLIC CONSULTATION

11. On 8 September 2011, the Food and Health Bureau and the Agriculture, Fisheries and Conservation Department (“AFCD”) launched a two-month public consultation on the proposals to amend Schedule 2 to VSRO, till 31 October 2011. 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 respondents were generally in support of the proposals set out in the consultation document. We have taken into account all views and comments received when finalising the legislative proposals.

12. AFCD has further consulted VSB and the Livestock Subcommittee of the Advisory Committee on Agriculture and Fisheries (ACAF) on the draft 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 draft Order.

13. We also consulted the Legislative Council Panel on Food Safety and Environmental Hygiene on 8 November 2011 and 14 February 2012. The Panel supported the relevant legislative proposals.

PUBLICITY

14. A press release will be issued on 14 March 2012. A spokesman will be available to handle enquiries.

ENQUIRIES

15. Any enquiries on this brief can be addressed to Ms Jerry JI, Assistant Secretary for Food and Health (Food)3, on 3509 8702.

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

Veterinary Surgeons Registration Ordinance (Amendment of Schedule 2) Order 2012

(Made by the Secretary for Food and Health under section 29(2) of the
Veterinary Surgeons Registration Ordinance (Cap. 529))

1. Commencement

This Order comes into operation on 14 May 2012.

2. Veterinary Surgeons Registration Ordinance amended

The Veterinary Surgeons Registration Ordinance (Cap. 529) is amended as set out in section 3.

3. Schedule 2 amended (exemptions from Ordinance)

(1) Schedule 2, before section 1—

Add

“In this Schedule—

direct and continuous supervision (直接持續監督) means specific instruction given by a person on how a certain act is to be performed, with the person being present on the premises on which the act is performed to monitor the whole process and to provide assistance when appropriate;

direction (指示) means instruction given by a person to perform a certain act (which may include instruction on how the act is to be performed) without it being necessary for the person to be present on the premises on which the act is performed;

supervision (監督) means specific instruction given by a person on how a certain act is to be performed, with the

person being present on the premises on which the act is performed to provide assistance when appropriate.”

(2) Schedule 2, after section 3—

Add

“3A. A person who performs any of the following on an animal under the direction, and on the premises of the practice, of a registered veterinary surgeon—

- (a) applying medication or treatment (other than anaesthetic drugs) topically or administering medication or treatment (other than anaesthetic drugs) orally, per-rectally or by inhalation;
- (b) positioning for, or the taking of, medical images;
- (c) giving subcutaneous or intramuscular injections (other than anaesthetic drugs);
- (d) non-invasive parameter monitoring, including taking vital signs of an animal;
- (e) administering fluids intravenously through a preplaced catheter,

but it must not include diagnosing, prescribing medication or performing a surgical operation.

3B. A person who performs any of the following on an animal under the supervision, and on the premises of the practice, of a registered veterinary surgeon—

- (a) blood sampling from peripheral veins;
- (b) applying simple dressings and bandages and simple wound management;
- (c) placing intravenous catheters into the cephalic, saphenous or ear veins;
- (d) administering medication (other than anaesthetic drugs) intravenously through a preplaced catheter,

but it must not include diagnosing, prescribing medication or performing a surgical operation.

- 3C. A person who performs any of the following on an animal under the direct and continuous supervision, and on the premises of the practice, of a registered veterinary surgeon—
- (a) teeth scaling or polishing, but not associated processes or other dental procedures;
 - (b) endotracheal intubation or extubation;
 - (c) giving intravenous injections (other than anaesthetic drugs);
 - (d) monitoring and maintaining anaesthesia;
 - (e) aiding the registered veterinary surgeon who is performing and is in charge of a medical or surgical procedure, but not making any decision on the procedure;
 - (f) applying complex dressings and bandages and complex wound management,

but it must not include diagnosing, prescribing medication or performing a surgical operation.”.

- (3) Schedule 2—

Repeal section 4

Substitute

- “4. An owner of an animal (or the owner’s employee or a member of the owner’s household) when performing any of the following on the animal for remedy or prevention of injury or illness—
- (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;
- (c) any other non-invasive act of veterinary surgery or veterinary service under the direction of a registered veterinary surgeon,

but it must not include making a surgical incision into any part of the animal.

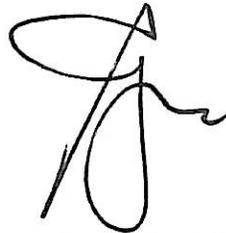
- 4A. An owner of a fish (or the owner’s employee or a member of the owner’s household) when performing on the fish any of the following—
- (a) taking samples for diagnosing or treating infection;
 - (b) administering vaccine or medication.
- 4B. A licensee under the Public Health (Animals and Birds) (Keeping of Cattle, Sheep and Goats) Regulations (Cap. 139 sub. leg. C), the Dairies Regulations (Cap. 139 sub. leg. D) or the Public Health (Animals and Birds) (Licensing of Livestock Keeping) Regulation (Cap. 139 sub. leg. L) (or the licensee’s employee or a member of the licensee’s household) when performing on an animal kept by the licensee in that capacity any of the following—
- (a) castrating a pig (other than a cryptorchid pig) at 14 days of age or less;
 - (b) docking the tail of a pig at 7 days of age or less;
 - (c) clipping the teeth of a pig at 7 days of age or less;
 - (d) trimming the beak of poultry at 10 days of age or less;
 - (e) administering vaccine or medication.”.

- (4) Schedule 2—

Repeal section 6

Substitute

- “6. A person who is employed or retained by the Government for performing one or more of the following 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 procedure as instructed by a veterinary officer.”.



Secretary for Food and Health

13 March 2012

Explanatory Note

The Veterinary Surgeons Registration Ordinance (Cap. 529) (*Ordinance*) prohibits a person from practising veterinary surgery or providing a veterinary service in Hong Kong unless the person is registered and holds a valid practising certificate. Persons listed in Schedule 2 to the Ordinance are exempted from the provisions of the Ordinance in the circumstances specified in the Schedule.

2. This Order amends Schedule 2 to the Ordinance—
- (a) to permit a person to perform certain veterinary acts under the direction or supervision of a registered veterinary surgeon;
 - (b) to limit the veterinary acts that an owner of an animal may perform to the animal;
 - (c) to permit an owner of a fish to perform certain fish husbandry procedures;
 - (d) to permit a licensed livestock farmer to perform certain animal husbandry procedures; and
 - (e) to permit certain public officers and authorized persons to perform certain veterinary acts.