

LEGISLATIVE COUNCIL BRIEF

Veterinary Surgeons Registration Ordinance
(Chapter 529)

Veterinary Surgeons Registration (Amendment) Bill 2014

INTRODUCTION

A At the meeting of the Executive Council on 24 June 2014, the Council ADVISED and the Chief Executive ORDERED that the Veterinary Surgeons Registration (Amendment) Bill 2014 (the Bill), at Annex A, should be introduced into the Legislative Council (LegCo) on 9 July 2014.

JUSTIFICATIONS

The Veterinary Surgeons Registration Ordinance (Cap. 529) (the Ordinance) and the Veterinary Surgeons Board (VSB)

2. The Ordinance was enacted in 1997 to provide 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 so as to ensure a high standard of veterinary care in Hong Kong. VSB is established under section 3 of the Ordinance. Its mission is to safeguard the health and welfare of animals and interests of animal owners through the development and improvement of professional standards, regulation of ethical standards, registration of veterinary surgeons, and diligent exercise of disciplinary control of the professional activities of registered veterinary surgeons.

Changes in circumstances

3. Since enactment of the Ordinance in 1997, there have been significant changes in circumstances. The number of registered veterinary surgeons has increased from around 150 to 720. There has been growing awareness of the importance of animal welfare and higher community expectations about the standard of veterinary service in Hong

Kong. In tandem with the wider availability and utilisation of veterinary services in the territory, the number of complaints received by VSB has also risen markedly in recent years (on average 50 complaints annually, relative to eight complaints in 1998). The complaints have also become more complex with advances in clinical diagnostic and treatment options over time. To cope with the increasing caseload, VSB has introduced administrative measures to expedite the complaint handling process. However, under the current structure and *modus operandi*, VSB is not well placed to cope with the demand.

4. As stipulated in Section 3 of the Ordinance, VSB comprises a Chairperson and nine members (including six registered veterinary surgeons, a medical practitioner or pharmacist, who is entitled to practise his/her profession in Hong Kong, and two lay persons (i.e. persons who are not registered veterinary surgeons)) appointed by the Secretary for Food and Health (SFH). Under the procedures laid down in the Ordinance for handling complaints against registered veterinary surgeons alleging a disciplinary offence, upon receipt of a complaint, the Secretary to VSB would forward it to two members of the Board with at least one being a non-veterinary member. These two members constitute a Preliminary Investigation Committee (PIC) to determine whether to make a recommendation to the Board for referring the complaint to an Inquiry Committee (IC) or whether the case should be dismissed. The IC is empowered under the Ordinance to hear the case and make disciplinary orders. Section 18 of the Ordinance stipulates that the IC should consist of not less than three VSB members with at least one being a non-veterinary member.

5. With three non-veterinary members at present, the maximum number of PICs which may be formed concurrently by VSB is restricted to three in practice. Besides, as the non-veterinary member who has been involved in the PIC cannot sit on the IC of the same case, only two non-veterinary VSB members are available for appointment to an IC.

6. In 2012, the Administration and VSB jointly conducted a review of the Board's structure and *modus operandi*. Having regard to the circumstances of the local veterinary profession and with reference to the experience of local and overseas professional regulatory bodies in particular in the medical and health sectors, we saw a case for expanding and strengthening the membership of VSB, and streamlining the complaint-handling procedures. A public consultation was held in 2012 on the package of proposals.

The proposals

7. Taking into account the views collected during the public consultation and in consultation with VSB, we propose to amend the Ordinance along the lines described in paragraphs 8 to 19 below.

Expanding and strengthening the membership of VSB

Composition of the Board

8. We propose expanding and modifying the membership of VSB with a view to broadening its representativeness and better equipping it to cope with the increasing workload as follows –

Board of VSB	Existing	Proposed
Chairperson	1 appointed by SFH	1 appointed by SFH
Registered veterinary surgeons	6 appointed by SFH	6 appointed by SFH 6 elected by registered veterinary surgeons
Member from the related professions	1 appointed by SFH, who is a medical practitioner / pharmacist, who is entitled to practise in Hong Kong	1 appointed by SFH, who is a medical practitioner / pharmacist / dentist, who is entitled to practise in Hong Kong
Lay members representing the interests of persons who utilise veterinary services	2 appointed by SFH	5 appointed by SFH
Total	10	19

The ratio of members who are veterinary surgeons to non-veterinary surgeons will remain at 2:1. We consider this appropriate after making reference to the composition of veterinary surgeons regulatory bodies in other jurisdictions.

Election of members to VSB

9. To enhance the representativeness of the Board and to encourage greater involvement of the veterinary profession in managing its own affairs, we propose that the six newly added members who are registered veterinary surgeons be elected by members of the profession. Relevant procedures will be specified in a set of election regulation to be prescribed by SFH. The election regulation is subsidiary legislation subject to the scrutiny by LegCo pursuant to section 34 of the Interpretation and General Clauses Ordinance (Cap. 1).

Tenure of office and circumstances under which an office may be declared vacant

10. As at present, appointed members (including the Chairperson) are to be appointed for a term not exceeding three years, and may be re-appointed for further terms not exceeding three years each. Elected members will be elected for a term of three years, and may be re-elected for further terms of three years each.

11. Section 2 of Schedule 1 to the Ordinance sets out the scenarios in which SFH may declare the office of a member of the Board (including the Chairperson) to be vacant. These include the scenarios in which the member has become bankrupt or entered into a voluntary arrangement with his/her creditors, is incapacitated by physical or mental illness, or is otherwise unable or unfit to discharge the functions of a member. For the members appointed by SFH (including the chairperson), we propose modifying the provisions such that SFH may declare the office vacant if satisfied that the member is unable or unfit to perform the duties and exercise the powers of a member because of physical or mental illness or any other reason. We also propose to extend the scope to cover the scenarios where –

- (a) the Chairperson/member dies;
- (b) he/she resigns;
- (c) (if he/she is a registered veterinary surgeon) he/she is currently subject to a disciplinary order made under the Ordinance;
- (d) (if he/she is a member who is appointed in the capacity as a medical practitioner/pharmacist/dentist, who is entitled to practise in Hong Kong, or is a lay person representing the interests of persons who utilise the veterinary services) he/she ceases to be a person of that category; and
- (e) he/she is sentenced to imprisonment in Hong Kong or elsewhere for a term exceeding three months, regardless of whether or not the sentence is suspended.

These changes should be in line with the expectations that the public places on the high professional standards of VSB members and their availability to discharge their duties and the functions of VSB.

12. As in the case of appointed members, we propose to set out in Schedule 1 to the Ordinance the scenarios in which the Board may declare the office of an elected member of VSB vacant. These should include the following scenarios –

- (a) the member dies;
- (b) he/she resigns;
- (c) he/she is currently subject to a disciplinary order made under the Ordinance;
- (d) he/she ceases to be a registered veterinary surgeon;
- (e) he/she has become bankrupt or entered into a voluntary arrangement with his/her creditors;
- (f) he/she is sentenced to imprisonment in Hong Kong or elsewhere for a term exceeding three months, regardless of whether or not the sentence is suspended; and
- (g) the Board is satisfied that the member is unable or unfit to perform the duties and exercise the powers of a member because of physical or mental illness (but not any other reason).

13. Under section 3(2)(b) of the Ordinance, one member of VSB should be a medical practitioner or pharmacist who is entitled to practise his profession in Hong Kong. We propose that section 3(2)(b) be replaced by the new section 3A(2)(b) which includes a member who is a “medical and health professional”¹. This will help VSB tap wider expertise in related disciplines.

Establishment of a panel of assessors

14. To further enhance the complaint-handling capacity of VSB, we propose enabling VSB to establish a panel of assessors, who are not VSB members, to be appointed to PICs and ICs so as to facilitate the appointment of more PICs and ICs by the Board if necessary to cope with the caseload. The assessors will be appointed by the Board on the nomination of the Director of Agriculture, Fisheries and Conservation for a term of up to three years and may be re-appointed for further terms of up to three years each.

15. We propose that the Board may appoint as assessors not more than 12 registered veterinary surgeons, and not more than six persons who are not registered veterinary surgeons. If the Board decides to appoint 1 or more persons who are not a registered veterinary surgeon as assessors, at least 1 of them must be a medical and health professional. The rest may either be lay persons who, in the opinion of the Board, represent the interests of persons who utilise veterinary services, or

¹ Defined in clause 3 of the Bill, meaning “a medical practitioner, pharmacist or dentist, who is entitled to practise his or her profession in Hong Kong”.

medical and health professionals. Similarly, we propose to specify in Schedule 1 the scenarios in which the Board may declare the office of an assessor vacant².

Streamlining the complaint-handling procedures of VSB

Streamlining the complaint-handling process

16. At present, each and every complaint alleging a disciplinary offence, after being examined by 2 VSB members who constitute the PIC (please see paragraph 4 above), would be referred to VSB if the PIC recommends that the complaint be referred to an IC. To streamline the process, we propose that the PIC will decide whether or not to refer the complaint directly to an IC to conduct an inquiry, rather than having to route the case through VSB first. This will facilitate better use of VSB resources and reduce the time required for processing complaints.

Operation of PIC

17. At present, complaints received by the Secretary to the Board must be referred to a PIC³, which will conduct preliminary investigation for deciding whether or not to refer the complaints to VSB. In practice, the PIC, in discharging its role, may request the complainant to make clarifications about the complaint or information submitted, invite the veterinary surgeon being complained of to submit any explanation of his/her conduct or of any matter alleged in the complaints which he/she may have to offer, obtain additional advice from relevant experts, before determining whether or not the complaint should be referred to the Board.

18. To institutionalise the present arrangements, we propose to stipulate in the Ordinance the establishment and functions of PIC, including the right to request the complainant, the registered veterinary surgeon being complained of or any other person whom PIC considers appropriate to provide information to facilitate the PIC's performance of its functions. We also propose to increase the number of persons sitting on each PIC from 2 to 3. A PIC may be made up of 3 members of the Board, or 2 members of the Board plus 1 assessor. In either case, one of the members of the PIC has to be a person who is not a registered veterinary surgeon. With the increase in the membership of the Board and the establishment of a panel of assessors, VSB will have the flexibility to appoint more PICs as necessary to cope with the increased caseload.

² Please see the proposed new section 2E of Schedule 1 to the Ordinance.

³ The Board may establish one or more PICs under the Rules of the Veterinary Surgeons Board (Disciplinary Proceedings) made by VSB in accordance with section 6 of the Ordinance.

Composition of IC

19. At present, section 18 of the Ordinance stipulates that the Board may establish an IC consisting of not less than 3 of its members, one being a person who is not a registered veterinary surgeon. Similar to the composition of the PIC, we propose that in future, an IC may comprise 3 members of the Board, or 2 members of the Board plus 1 assessor. In either case, one of the members of the IC has to be a person who is not a registered veterinary surgeon.

THE BILL

20. The main provisions are –

- (a) Clause 3 adds new definitions to the Ordinance.
- (b) Clause 4 substitutes a new section 3 for the existing section 3 of the Ordinance to enhance the drafting of the provision, and to move the provisions concerning membership of the Board to a new section.
- (c) Clause 5 adds new sections 3A to 3E to the Ordinance. New section 3A increases the number of members to the Board, and broadens the membership of the Board by including the representatives of registered veterinary surgeons (elected members) who are elected by persons from their profession. New section 3B provides that the Secretary to the Board is to arrange to be notified in the Gazette matters concerning the appointment of the Chairperson or members of the Board, and also to arrange to be notified in the Gazette the result of the election of elected members. New sections 3C, 3D and 3E provide for the term of office of the Chairperson, the term of office of members who are appointed by SFH (appointed members), and the term of office of elected members.
- (d) Clause 11 adds new sections 17A to 17D to the Ordinance. New section 17A provides for the establishment and membership of the panel of assessors and new section 17B provides for the term of office of the assessors. New section 17C broadens the membership of PICs by including assessors, and the PICs are to consider whether complaints against registered veterinary surgeons should be referred to ICs for determination. New section 17D provides for the referral of complains by PICs to the ICs.

- (e) Clause 12(2) adds new section 18(1A), (1B) and (1C) to the Ordinance to broaden the membership of the ICs by including assessors, and to provide that the ICs may determine whether the registered veterinary surgeons being complained of have committed disciplinary offences.
- (f) Clause 13 adds new section 28(1A) to the Ordinance to empower SFH to make a regulation for the election of elected members to the Board.
- (g) Clause 16 adds new sections 2A to 2E to Schedule 1 to the Ordinance. New section 2A provides for the manner of resigning from the office of the Chairperson, an appointed member, an elected member and an assessor. New sections 2B and 2C provide for the declaration of vacancy of the offices of the Chairperson and an appointed member respectively. New sections 2D and 2E provide for the declaration of vacancy of the offices of an elected member and an assessor respectively.
- (h) Part 3 (clauses 17 to 21) provides for the transitional arrangements in consequence of the enactment of this Bill.

B The existing provisions being amended are at Annex B.

LEGISLATIVE TIMETABLE

21. The legislative timetable will be –

Publication in the Gazette	4 July 2014
First Reading and commencement of Second Reading debate	9 July 2014
Resumption of Second Reading debate, committee stage and Third Reading	To be notified

IMPLICATIONS OF THE PROPOSAL

22. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. It will not affect the binding effect of the existing provisions of the Ordinance and its subsidiary legislation. It has no civil service, economic, productivity, environmental, sustainability or family implications. Additional resources may be required for conducting and supporting the elections/by-elections. The

Food and Health Bureau and the Agriculture, Fisheries and Conservation Department (AFCD) will endeavour to absorb additional workload, if any, within existing resources. Where necessary, we will justify and seek additional resources in accordance with the established mechanism.

PUBLIC CONSULTATION

23. A two-month public consultation was launched in October 2012 on the proposals. During the consultation period, about 700 letters/emails together with links to the consultation documents were sent to relevant stakeholders, including all registered veterinary surgeons in Hong Kong, Hong Kong Veterinary Association, the China (Hong Kong) Veterinary Association, Hong Kong Veterinary Nurse Association, universities running animal-related courses, animal welfare organisations and related boards, kennel clubs and pet associations, and other related organisations such as the Consumer Council. In addition, three public consultation forums were held. The Administration received 76 written submissions from individuals and organisations.

24. Constructive views from different quarters were received through various channels. The comments received indicated that the vast majority of respondents were in support of the proposals as set out in the consultation document. Some members of the veterinary community suggested bringing in more veterinary members to serve on VSB, increasing the proportion of elected to non-elected members, and empowering VSB members to select the Chairperson from among themselves. In finalising the proposed amendments to the Ordinance, we have considered all the comments received and believe that the current package has struck a reasonable balance. All written submissions from individuals and organisations, and a summary of comments have been uploaded onto AFCD's website⁴.

25. The Panel on Food Safety and Environmental Hygiene (FSEH Panel) was briefed on the proposals set out in the consultation document on 13 November 2012. Deputations were invited to attend the Panel meeting and give their views. We had taken their views into account when finalising the proposals. The FSEH Panel was consulted on the package of proposed amendments to the Ordinance on 8 April 2014. Panel Members were generally in support.

⁴ AFCD's website:
www.afcd.gov.hk/english/whatsnew/what_qua/public_consult_529.html

PUBLICITY

26. A press release will be issued on 4 July 2014 when the Bill is gazetted. A spokesperson will be available to answer media enquiries.

ENQUIRIES

27. Enquiries on this brief can be addressed to Ms Hinny Lam, Principal Assistant Secretary for Food and Health (Food), at 3509 7927.

**Food and Health Bureau
Agriculture, Fisheries and Conservation Department
2 July 2014**

Veterinary Surgeons Registration (Amendment) Bill 2014

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A BILL

To

Amend the Veterinary Surgeons Registration Ordinance to broaden the membership of the Veterinary Surgeons Board; to provide for the constitution of, and other matters relating to, the inquiry committees established for disciplinary offences, and for the establishment of a panel of assessors and preliminary investigation committees for those offences; to streamline the procedure for handling complaints; and to provide for incidental and related matters.

Enacted by the Legislative Council.

Part 1

Preliminary

1. Short title and commencement

- (1) This Ordinance may be cited as the Veterinary Surgeons Registration (Amendment) Ordinance 2014.
- (2) This Ordinance comes into operation on a day to be appointed by the Secretary for Food and Health by notice published in the Gazette.

2. Veterinary Surgeons Registration Ordinance amended

The Veterinary Surgeons Registration Ordinance (Cap. 529) is amended as set out in Part 2.

Part 2**Amendments to Veterinary Surgeons Registration Ordinance****3. Section 2 amended (interpretation)**

- (1) Section 2, definition of
- inquiry committee*
-

Repeal

“section 18(1)”

Substitute

“section 18(1A)”.

- (2) Section 2—

Repeal the definition of *Chairman*.

- (3) Section 2—

Add in alphabetical order*“appoint* (委任) includes reappoint;*appointed member* (委任成員) means a member of the Board appointed under section 3A(1)(b) or 3D(2);*assessor* (評審員) means a person appointed under section 17A(2) to the panel of assessors established under section 17A(1);*Chairperson* (主席) means the chairperson of the Board appointed under section 3A(1)(a) or 3C(2);*elected member* (選任成員) means a member of the Board referred to in section 3A(1)(c);*election* (選舉) means an ordinary election or a by-election held under the Election Regulation;*Election Regulation* (《選舉規例》) means a regulation made by the Secretary for Food and Health under section 28(1A);*lay person* (業外人士) means a person who is neither—

- (a) a registered veterinary surgeon; nor
-
- (b) a medical and health professional;

medical and health professional (醫療專業人員) means a medical practitioner, pharmacist or dentist, who is entitled to practise his or her profession in Hong Kong;*member* (成員), in relation to the Board, means the Chairperson, an appointed member or an elected member;*preliminary investigation committee* (初步調查委員會) means a preliminary investigation committee established under section 17C(1);*qualified candidate* (合資格候選人) means a registered veterinary surgeon who is qualified under the Election Regulation to stand for an election to elect an elected member;”.**4. Section 3 substituted**

Section 3—

Repeal the section**Substitute****“3. Establishment of the Board**

- (1) A board is established with the name “Veterinary Surgeons Board” in English and “獸醫管理局” in Chinese.

- (2) The Board has the purposes and powers that are conferred on it by or under this Ordinance.”.

5. Sections 3A to 3E added

After section 3—

Add

“3A. Membership of the Board

- (1) The Board is to consist of the following persons—
- (a) a Chairperson to be appointed by the Secretary for Food and Health;
 - (b) 12 members to be appointed by the Secretary for Food and Health;
 - (c) 6 members, who are registered veterinary surgeons, to be elected in an election.
- (2) Of the 12 members referred to in subsection (1)(b)—
- (a) 6 members must be registered veterinary surgeons;
 - (b) 1 member must be a medical and health professional; and
 - (c) 5 members must be lay persons who, in the opinion of the Secretary for Food and Health, represent the interests of persons utilizing veterinary services.

3B. Notification of appointments and declaration of election results

- (1) As soon as practicable after the appointment of the Chairperson or an appointed member, the Secretary is to arrange to be notified in the Gazette—
- (a) the appointment;

- (b) the term of office of the Chairperson or appointed member; and

- (c) the commencement date of the term.

- (2) As soon as practicable after a qualified candidate is declared under the Election Regulation to be elected as an elected member in an election, the Secretary is to arrange the declaration to be notified in the Gazette.

3C. Term of office of Chairperson

- (1) The Chairperson may be appointed for a term not exceeding 3 years.
- (2) If the office of the Chairperson becomes vacant under section 2B(3) of Schedule 1 before the term of office expires, the Secretary for Food and Health may appoint a person to hold that office for the unexpired term.

3D. Term of office of appointed members

- (1) An appointed member may be appointed for a term not exceeding 3 years.
- (2) If the office of an appointed member becomes vacant under section 2C(3) of Schedule 1 before the term of office expires, the Secretary for Food and Health may appoint a person who is of the same category under section 3A(2) as that member to hold that office for the unexpired term.

3E. Term of office of elected members

- (1) The term of office of an elected member is 3 years from the first day of the month immediately following the date of the notification under section 3B(2).
- (2) If —

- (a) the office of an elected member becomes vacant under section 2D(3) of Schedule 1; and
 - (b) the unexpired term of office at the time the vacancy arises is not less than 9 months,
- the Board must, as soon as practicable, hold a by-election under the Election Regulation to elect a qualified candidate to hold that office for the unexpired term.”.

6. Section 4 amended (provisions as respects the Board and its members)

- (1) Section 4, heading—

Repeal

“Provisions as respects the Board and its members”

Substitute

“Schedule 1 applies to the Board, its members and assessors”.

- (2) Section 4—

Repeal subsection (1)

Substitute

- “(1) Schedule 1 has effect as respects the Board, its members and assessors.”.

- (3) Section 4(2), Chinese text—

Repeal

“食物及衛生局”.

- (4) Section 4(3), English text—

Repeal

“shall apply”

Substitute

“applies”.

7. Section 5 amended (functions of the Board)

Section 5(h), Chinese text—

Repeal

“食物及衛生局”.

8. Section 7 amended (appointment of Secretary and Legal Adviser)

Section 7(1), Chinese text—

Repeal

“食物及衛生局”.

9. Section 9 amended (qualifications for registration)

- (1) Section 9(3), English text—

Repeal

“shall”

Substitute

“must”.

- (2) Section 9(3)—

Repeal

“section 18(1)”

Substitute

“section 17D(3)”.

10. Section 17 amended (disciplinary offences)

Section 17—

Repeal subsections (3) and (4).**11. Sections 17A to 17D added**

After section 17—

Add**“17A. Establishment and membership of panel of assessors**

- (1) The Board is to establish a panel of assessors from whom members of a preliminary investigation committee or inquiry committee may be appointed.
- (2) The panel is to consist of the following persons to be appointed by the Board to the panel on the nomination of the Director of Agriculture, Fisheries and Conservation—
 - (a) not more than 12 registered veterinary surgeons;
 - (b) not more than 6 other persons.
- (3) If one or more than one person is appointed under subsection (2)(b)—
 - (a) the person or at least one of the persons must be a medical and health professional; and
 - (b) the other person or each of the other persons (if any) must either be a lay person who, in the opinion of the Board, represents the interests of persons utilizing veterinary services or a medical and health professional.
- (4) A member of the Board is not eligible to be appointed to the panel.
- (5) As soon as practicable after the appointment of an assessor, the Secretary is to arrange to be notified in the Gazette—

- (a) the appointment;
- (b) the term of office of the assessor; and
- (c) the commencement date of the term.

17B. Term of office of assessors

- (1) A person may be appointed to the panel of assessors for a term not exceeding 3 years.
- (2) If the office of an assessor becomes vacant under section 2E(3) of Schedule 1 before the term of office expires, the Board may appoint, on the nomination of the Director of Agriculture, Fisheries and Conservation, a person who is of the same category under section 17A(2) or (3) as that assessor to hold that office for the unexpired term.

17C. Establishment of preliminary investigation committee

- (1) The Board may establish a preliminary investigation committee to consider whether a complaint alleging a disciplinary offence should be referred to an inquiry committee.
- (2) A preliminary investigation committee is to consist of the following persons appointed by the Board—
 - (a) 3 members of the Board, of whom—
 - (i) 2 members must be registered veterinary surgeons; and
 - (ii) 1 member must either be a lay person who, in the opinion of the Board, represents the interests of persons utilizing veterinary services or a medical and health professional; or
 - (b) 2 members of the Board and 1 assessor, of whom—

- (i) 2 persons must be registered veterinary surgeons; and
- (ii) 1 person must either be a lay person who, in the opinion of the Board, represents the interests of persons utilizing veterinary services or a medical and health professional.

17D. Referral of complaints by preliminary investigation committees

- (1) On receipt of a complaint alleging a disciplinary offence, the Secretary must submit the complaint to a preliminary investigation committee.
- (2) The committee may request one or more of the following persons to provide information to facilitate the committee's consideration of the complaint—
 - (a) the complainant;
 - (b) the registered veterinary surgeon being complained of (*subject person*);
 - (c) any other person whom the committee considers appropriate.
- (3) The committee may refer the complaint to an inquiry committee.
- (4) If the committee refers the complaint to an inquiry committee, the Secretary must, as soon as practicable, send to the subject person—
 - (a) a notice of the referral; and
 - (b) a statement of the substance of the complaint.
- (5) The notice and statement must be sent by prepaid registered post to the last known address of the subject person.

- (6) If the committee decides not to refer the complaint to an inquiry committee, the Secretary must, as soon as practicable, notify the complainant of the decision by prepaid registered post.”.

12. Section 18 amended (inquiry committee and rules of conduct)

- (1) Section 18—

Repeal subsection (1).

- (2) Section 18—

Add

- “(1A) The Board may establish an inquiry committee to consider a complaint referred to the committee under section 17D(3).
- (1B) The committee is to determine whether a registered veterinary surgeon who is the subject of the complaint has committed a disciplinary offence.
- (1C) The committee is to consist of the following persons appointed by the Board—
 - (a) 3 members of the Board, of whom—
 - (i) 2 members must be registered veterinary surgeons; and
 - (ii) 1 member must either be a lay person who, in the opinion of the Board, represents the interests of persons utilizing veterinary services or a medical and health professional; or
 - (b) 2 members of the Board and 1 assessor, of whom—
 - (i) 2 persons must be registered veterinary surgeons; and

- (ii) 1 person must either be a lay person who, in the opinion of the Board, represents the interests of persons utilizing veterinary services or a medical and health professional.”.
- (3) Section 18—
Repeal subsection (2).
- (4) Section 18(4), English text—
Repeal
“shall”
Substitute
“must”.
- (5) Section 18(5), English text—
Repeal
“shall”
Substitute
“must”.
- (6) Section 18(5)—
Repeal
“subsection (2)”
Substitute
“section 17D(4)”.
- (7) Section 18(6), English text—
Repeal
“shall be entitled”
Substitute
“is entitled”.

- (8) Section 18(6), English text—
Repeal
“shall be provided”
Substitute
“must be provided”.
- (9) Section 18(8)(a), English text—
Repeal
“shall not be required to inquire whether he”
Substitute
“must not be required to inquire whether the registered veterinary surgeon”.
- (10) Section 18(10), English text—
Repeal
“shall” (wherever appearing)
Substitute
“must”.
- 13. Section 28 amended (regulations)**
- (1) Section 28(1), Chinese text—
Repeal
“食物及衛生局”.
- (2) After section 28(1)—
Add
“(1A) Without limiting subsection (1), the Secretary for Food and Health may by regulation provide for matters concerning an election of members to the Board, including—

- (a) the date, time and place and the procedure, of the election;
- (b) matters concerning the qualification or disqualification of the electors of the election;
- (c) matters concerning the qualification, disqualification or nomination of the candidates of the election;
- (d) the appointment of persons to assist in the holding of the election;
- (e) the particulars of the voting or vote counting system of the election;
- (f) the determination, notification or questioning of election results; and
- (g) other matters concerning the election.”.

14. Section 29 amended (exemptions)

Section 29(2), Chinese text—

Repeal

“食物及衛生局”.

15. Section 30 repealed (transitional)

Section 30—

Repeal the section.

16. Schedule 1 amended (provisions as respects the Board and its members)

- (1) Schedule 1—

Repeal

“[ss. 4 & 28]”

Substitute

“[ss. 3C, 3D, 3E, 4, 17B & 28]”.

- (2) Schedule 1—

Repeal sections 1 and 2.

- (3) Schedule 1, before section 3—

Add

“2A. Resignation

- (1) A person holding the office of the Chairperson or an appointed member may, by notice in writing to the Secretary for Food and Health, resign from the office.
- (2) A person holding the office of an elected member or an assessor may, by notice in writing to the Chairperson, resign from the office.
- (3) A resignation under this section takes effect on the date specified in the notice given to the Secretary for Food and Health or the Chairperson or, if a date is not so specified, on the date on which the Secretary for Food and Health or the Chairperson receives the notice.

2B. Office of Chairperson declared to be vacant by Secretary for Food and Health

- (1) The Secretary for Food and Health must declare, by notice published in the Gazette, that the office of the Chairperson becomes vacant if—
 - (a) the Chairperson dies;
 - (b) the Chairperson resigns under section 2A(1) of this Schedule;
 - (c) (if the Chairperson is a registered veterinary surgeon) an order under section 19 is in force in respect of the Chairperson;

- (d) the Chairperson—
 - (i) is an undischarged bankrupt; or
 - (ii) has entered into a voluntary arrangement within the meaning of the Bankruptcy Ordinance (Cap. 6) with his or her creditors which is still in force;
 - (e) the Chairperson is sentenced to imprisonment for a term exceeding 3 months; or
 - (f) the Secretary for Food and Health is satisfied that the Chairperson is unable or unfit to perform the duties and exercise the powers of a Chairperson because of physical or mental illness or any other reason.
- (2) For subsection (1)(e), it does not matter—
- (a) whether the Chairperson is sentenced in Hong Kong or in any other place;
 - (b) whether the sentence is suspended or not; and
 - (c) what name the imprisonment is called.
- (3) The office of the Chairperson becomes vacant on the date on which the notice is published in the Gazette under subsection (1).

2C. Office of appointed member declared to be vacant by Secretary for Food and Health

- (1) The Secretary for Food and Health must declare, by notice published in the Gazette, that the office of an appointed member becomes vacant if—
- (a) the appointed member dies;
 - (b) the appointed member resigns under section 2A(1) of this Schedule;

- (c) (if the appointed member is a registered veterinary surgeon) an order under section 19 is in force in respect of the appointed member;
 - (d) (if the appointed member is appointed under section 3A(1)(b) being a person of a category under section 3A(2)) the appointed member ceases to be of that category;
 - (e) the appointed member—
 - (i) is an undischarged bankrupt; or
 - (ii) has entered into a voluntary arrangement within the meaning of the Bankruptcy Ordinance (Cap. 6) with his or her creditors which is still in force;
 - (f) the appointed member is sentenced to imprisonment for a term exceeding 3 months; or
 - (g) the Secretary for Food and Health is satisfied that the appointed member is unable or unfit to perform the duties and exercise the powers of a member because of physical or mental illness or any other reason.
- (2) For subsection (1)(f), it does not matter—
- (a) whether the appointed member is sentenced in Hong Kong or in any other place;
 - (b) whether the sentence is suspended or not; and
 - (c) what name the imprisonment is called.
- (3) The office of an appointed member becomes vacant on the date on which the notice is published in the Gazette under subsection (1).

2D. Office of elected member declared to be vacant by the Board

- (1) The Board must declare, by notice published in the Gazette, that the office of an elected member becomes vacant if, after the elected member was declared under the Election Regulation as being elected in an election—
 - (a) the elected member dies;
 - (b) the elected member resigns under section 2A(2) of this Schedule;
 - (c) an order under section 19 is in force in respect of the elected member;
 - (d) the elected member ceases to be a registered veterinary surgeon;
 - (e) the elected member—
 - (i) is an undischarged bankrupt; or
 - (ii) has entered into a voluntary arrangement within the meaning of the Bankruptcy Ordinance (Cap. 6) with his or her creditors which is still in force;
 - (f) the elected member is sentenced to imprisonment for a term exceeding 3 months; or
 - (g) the Board is satisfied that the elected member is unable or unfit to perform the duties and exercise the powers of a member because of physical or mental illness.
- (2) For subsection (1)(f), it does not matter—
 - (a) whether the elected member is sentenced in Hong Kong or in any other place;
 - (b) whether the sentence is suspended or not; and
 - (c) what name the imprisonment is called.

- (3) The office of an elected member becomes vacant on the date on which the notice is published in the Gazette under subsection (1).

2E. Office of assessor declared to be vacant by the Board

- (1) The Board must declare, by notice published in the Gazette, that the office of an assessor becomes vacant if—
 - (a) the assessor dies;
 - (b) the assessor resigns under section 2A(2) of this Schedule;
 - (c) (if the assessor is a registered veterinary surgeon) an order under section 19 is in force in respect of the assessor;
 - (d) (if the assessor is appointed under section 17A(2)(b) being a person of a category under section 17A(3)) the assessor ceases to be of that category;
 - (e) the assessor—
 - (i) is an undischarged bankrupt; or
 - (ii) has entered into a voluntary arrangement within the meaning of the Bankruptcy Ordinance (Cap. 6) with his or her creditors which is still in force;
 - (f) the assessor is sentenced to imprisonment for a term exceeding 3 months; or
 - (g) the Board is satisfied that the assessor is unable or unfit to perform the duties and exercise the powers of an assessor because of physical or mental illness or any other reason.
- (2) For subsection (1)(f), it does not matter—

- (a) whether the assessor is sentenced in Hong Kong or in any other place;
- (b) whether the sentence is suspended or not; and
- (c) what name the imprisonment is called.
- (3) The office of an assessor becomes vacant on the date on which the notice is published in the Gazette under subsection (1)."
- (4) Schedule 1, section 3—
Repeal everything before subsection (2)
Substitute
- "3. Procedures of meetings**
 - (1) The Chairperson may appoint the time and place for the Board to meet."
- (5) Schedule 1, English text, section 3(2)—
Repeal
"shall"
Substitute
"must".
- (6) Schedule 1, English text, section 3(3)—
Repeal
"shall"
Substitute
"is to".
- (7) Schedule 1, English text, section 3(4)—
Repeal
"shall"
Substitute

- "must".
- (8) Schedule 1, English text, section 3(6)—
Repeal
"shall"
Substitute
"must".
- (9) Schedule 1, Chinese text, section 3(6)—
Repeal
"食物及衛生局".
- (10) Schedule 1, section 4—
Repeal
everything before "The Board"
Substitute
- "4. Transaction of business by circulation of papers".**
- (11) Schedule 1, English text, section 4—
Repeal
"shall be"
Substitute
"is".
- (12) Schedule 1, section 5—
Repeal
everything before "A certificate"
Substitute
- "5. Certificates signed by Secretary".**
- (13) Schedule 1, English text, section 5—

Repeal

“shall be”

Substitute

“is”.

- (14) Schedule 1, section 6—

Repeal

everything before “Every”

Substitute

“6. Instruments made or issued by or on behalf of the Board”.

- (15) Schedule 1, English text, section 6—

Repeal

“shall”

Substitute

“must”.

Part 3**Savings and Transitional Provisions****17. Interpretation**

In this Part—

amended Ordinance (《經修訂條例》) means the Veterinary Surgeons Registration Ordinance (Cap. 529) as amended by this Ordinance;

Board (管理局) has the meaning given by section 3 of the pre-amended Ordinance;

commencement date (生效日期) means the commencement date of this Part;

new inquiry committee (新研訊委員會) means an inquiry committee established under section 18(1A) of the amended Ordinance;

old inquiry committee (舊研訊委員會) means an inquiry committee established under section 18(1) of the pre-amended Ordinance;

pre-amended Ordinance (《原有條例》) means the Veterinary Surgeons Registration Ordinance (Cap. 529) as in force immediately before the commencement date;

preliminary investigation committee (初步調查委員會) means a preliminary investigation committee established under section 17C(1) of the amended Ordinance.

18. Complaints not yet referred to the Board under section 17(3) of pre-amended Ordinance

A complaint alleging a disciplinary offence is to be dealt with by a preliminary investigation committee under section 17D of the

amended Ordinance as if it were a complaint submitted to the committee under section 17D(1) of that Ordinance if, before the commencement date—

- (a) the complaint was submitted to 2 members of the Board under section 17(3) of the pre-amended Ordinance; and
- (b) those members had not yet made a determination for the complaint under that section.

19. Complaints referred to the Board under section 17(3) of pre-amended Ordinance

A complaint alleging a disciplinary offence is to be dealt with by a new inquiry committee as if it were a complaint referred to the committee under section 17D(3) of the amended Ordinance if, before the commencement date—

- (a) the complaint was referred to the Board under section 17(3) of the pre-amended Ordinance; and
- (b) the Board had not yet referred the complaint to an old inquiry committee.

20. Complaints referred to old inquiry committee under section 18(1) of pre-amended Ordinance

A complaint alleging a disciplinary offence is to be dealt with by a new inquiry committee under section 18 of the amended Ordinance if, before the commencement date, the complaint—

- (a) was referred to an old inquiry committee under section 18(1) of the pre-amended Ordinance; and
- (b) remained pending on that date.

21. New inquiry committee to make disciplinary order for old inquiry committee's finding

If, before the commencement date, an old inquiry committee—

- (a) found that a registered veterinary surgeon had committed a disciplinary offence; and
- (b) had not made an order under section 19 of the pre-amended Ordinance for the finding,

a new inquiry committee may make one or more orders under section 19 of the amended Ordinance for that finding as if it were the new inquiry committee's finding.

Explanatory Memorandum

The main objects of this Bill are to amend the Veterinary Surgeons Registration Ordinance (Cap. 529) (*Ordinance*) to broaden the membership of the Veterinary Surgeons Board (*Board*), to establish the preliminary investigation committees, to provide for matters concerning the inquiry committees and the establishment of a panel of assessors, and to streamline the procedure for handling complaints against registered veterinary surgeons. The Bill also provides for the grounds for declaring vacant the office of the Chairperson or members of the Board, or persons who are appointed to the panel of assessors.

Part 1—Preliminary

2. Clause 1 sets out the short title and provides for commencement.

Part 2—Amendments to the Ordinance

3. Part 2 (clauses 3 to 16) sets out the amendments made to the Ordinance.
4. Clause 3 amends section 2 of the Ordinance by adding new definitions to the Ordinance.
5. Clause 4 substitutes new section 3 for the existing section 3 of the Ordinance to enhance the drafting of the provision, and to move the provisions concerning membership of the Board to a new section.
6. Clause 5 adds new sections 3A to 3E to the Ordinance. New section 3A increases the number of members of the Board (including the Chairperson) from 10 persons to 19 persons, and broadens the membership of the Board by including the representatives of registered veterinary surgeons (*elected members*) who are elected by persons from their profession. New section 3B provides that the Secretary to the Board is to arrange to be notified in the Gazette

matters concerning the appointment of the Chairperson or members of the Board, and also to arrange to be notified in the Gazette the result of the election of elected members. New section 3C provides for the term of office of the Chairperson. New section 3D provides for the term of office of members who are appointed by the Secretary for Food and Health (*appointed members*), and new section 3E provides for the term of office of elected members.

7. Clause 11 adds new sections 17A to 17D to the Ordinance. New section 17A provides for the establishment and membership of the panel of assessors and new section 17B provides for the term of office of the assessors. New section 17C broadens the membership of the preliminary investigation committees by including assessors, and the committees are to consider whether complaints against registered veterinary surgeons should be referred to inquiry committees for determination. New section 17D provides for the referral of complaints by the preliminary investigation committees to the inquiry committees.
8. Clause 12(2) adds new section 18(1C) to the Ordinance to broaden the membership of the inquiry committees by including assessors, which determine whether the registered veterinary surgeons being complained of have committed disciplinary offences.
9. Clause 13 adds new section 28(1A) to the Ordinance to empower the Secretary for Food and Health to make an election regulation for the election of elected members to the Board.
10. Clause 16 adds new sections 2A to 2E to Schedule 1 to the Ordinance. New section 2A provides for the manner of resigning from the office of the Chairperson, an appointed member, an elected member and an assessor. New sections 2B, 2C, 2D and 2E provide for, respectively, the declaration of vacancy of the offices of the Chairperson, an appointed member, an elected member and an assessor.

Part 3—Savings and transitional provisions

11. Part 3 (clauses 17 to 21) provides for the transitional arrangements in consequence of the enactment of the Bill.

Annex B

Chapter:	529	Title:	Veterinary Surgeons Registration Ordinance	Gazette Number:	E.R. 2 of 2012
Section:	2	Heading:	Interpretation	Version Date:	02/08/2012

In this Ordinance, unless the context otherwise requires-

animal (動物) includes any mammal, bird, reptile, amphibian, fish or any other vertebrate or invertebrate, whether wild or tame;

Board (管理局) means the Veterinary Surgeons Board established by section 3;

Chairman (主席) means the Chairman of the Board appointed under section 3;

disciplinary offence (違紀行為) means an act or omission set out in section 17(1);

inquiry committee (研訊委員會) means an inquiry committee established under section 18(1);

Legal Adviser (法律顧問) means the Legal Adviser to the Board appointed under section 7(1);

register (名冊) means the register of registered veterinary surgeons established and maintained under section 5(a);

registered veterinary surgeon (註冊獸醫) means a person whose name is currently entered in the register;

registration committee (註冊事務委員會) means a registration committee appointed under section 13(1);

Secretary (秘書) means the Secretary to the Board appointed under section 7(1);

veterinary service (獸醫服務) 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;

veterinary surgery (獸醫外科學) 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.

Chapter:	529	Title:	Veterinary Surgeons Registration Ordinance	Gazette Number:	E.R. 2 of 2012
Section:	3	Heading:	Establishment of the Board	Version Date:	02/08/2012

Remarks:

For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.

(1) There shall be a Veterinary Surgeons Board which shall have such purposes and powers as are conferred on it by, or by virtue of, this Ordinance.

(2) The Board shall consist of-

- (a) a chairman;
- (b) a person who is a medical practitioner or pharmacist who is entitled to practise his

profession in Hong Kong;

(c) 2 persons who, in the opinion of the Secretary for Food and Health, represent the interests of persons who utilize veterinary services; and

(d) 6 persons who are registered veterinary surgeons, each of whom shall be appointed by the Secretary for Food and Health for a term not exceeding 3 years, but any person may be appointed for further terms not exceeding 3 years in each case. (Amended 78 of 1999 s. 7; L.N. 106 of 2002; L.N. 130 of 2007)

(3) Notice of every appointment made under this section shall be published in the Gazette.

Chapter:	529	Title:	Veterinary Surgeons Registration Ordinance	Gazette Number:	E.R. 2 of 2012
Section:	4	Heading:	Provisions as respects the Board and its members	Version Date:	02/08/2012

Remarks:

For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.

(1) Schedule 1 shall have effect as respects the Board and its members.

(2) The Secretary for Food and Health may by order amend Schedule 1. (Amended 78 of 1999 s. 7; L.N. 106 of 2002; L.N. 130 of 2007)

(3) It is declared that save insofar as is inconsistent with the provisions of this Ordinance, Part VII of the Interpretation and General Clauses Ordinance (Cap 1) shall apply as respects the Board and appointments to the Board.

Chapter:	529	Title:	Veterinary Surgeons Registration Ordinance	Gazette Number:	E.R. 2 of 2012
Section:	5	Heading:	Functions of the Board	Version Date:	02/08/2012

Remarks:

For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.

The Board shall-

(a) establish and maintain a register of registered veterinary surgeons;

(b) set and review the qualification standards for registration as a registered veterinary surgeon and related registration matters;

(c) advise the Government on registration matters;

(d) examine and verify the qualifications of persons who apply for registration as registered veterinary surgeons;

- (e) receive, examine, accept or reject applications for registration and renewal of registration as a registered veterinary surgeon;
- (f) deal with disciplinary offences;
- (g) keep proper records of its proceedings;
- (h) lodge with the Secretary for Food and Health, qualification standards established from time to time under paragraph (b); and (Amended 78 of 1999 s. 7; L.N. 106 of 2002; L.N. 130 of 2007)
- (i) carry out such other functions as this Ordinance may prescribe.

Chapter:	529	Title:	Veterinary Surgeons Registration Ordinance	Gazette Number:	E.R. 2 of 2012
Section:	7	Heading:	Appointment of Secretary and Legal Adviser	Version Date:	02/08/2012

Remarks:

For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.

(1) There shall be-

- (a) a Secretary; and
- (b) a Legal Adviser,

to the Board who shall be appointed by the Secretary for Food and Health. (Amended 78 of 1999 s. 7; L.N. 106 of 2002; L.N. 130 of 2007)

(2) The Secretary shall be responsible for the custody of the register and shall serve as secretary to the registration committee and any inquiry committee as well as the Board.

(3) The Legal Adviser shall advise an inquiry committee on any points of law and procedure that arise before, during or after the inquiry.

Chapter:	529	Title:	Veterinary Surgeons Registration Ordinance	Gazette Number:	E.R. 2 of 2012
Section:	9	Heading:	Qualifications for registration	Version Date:	02/08/2012

(1) The Board shall not register a person as a registered veterinary surgeon unless-

- (a) he has passed such examinations in veterinary surgery and other related subjects and has received such training and experience as the Board may accept, either generally or in a particular case;
- (b) he is not the subject of a disciplinary order under Part 4 which precludes him from being registered under this Ordinance;
- (c) he satisfies the Board that he is competent to practise as a veterinary surgeon; and
- (d) he is a fit and proper person to be registered.

(2) Without affecting the generality of subsection (1)(d), the Board may refuse to register a person as a registered veterinary surgeon who-

- (a) has been convicted in Hong Kong or elsewhere of any offence which may bring the profession into disrepute; or
- (b) has committed misconduct or neglect in a professional respect.

(3) Where the Board registers a person as a registered veterinary surgeon and the Board later has reasonable grounds to believe that the person is not competent to practise veterinary surgery, it may refer the matter to an inquiry committee which shall deal with it as if it were a complaint under section 18(1).

(Amended E.R. 2 of 2012)

Chapter:	529	Title:	Veterinary Surgeons Registration Ordinance	Gazette Number:	E.R. 2 of 2012
Section:	17	Heading:	Disciplinary offences	Version Date:	02/08/2012

(1) A registered veterinary surgeon commits a disciplinary offence if he-

- (a) is guilty of misconduct or neglect in any professional respect;
- (b) has been convicted of an offence under this Ordinance;
- (c) has obtained registration under this Ordinance by fraud or misrepresentation;
- (d) was not at the time of his registration under this Ordinance entitled to be registered;
- (e) without reasonable excuse, fails to attend before an inquiry committee when summoned either as a witness or as a person in respect of whom the inquiry committee is meeting; or
- (f) has been convicted in Hong Kong or elsewhere of an offence which may bring the profession into disrepute.

(2) If a person who has been guilty of misconduct or neglect in a professional respect or has been convicted of an offence under this Ordinance or has been convicted in Hong Kong or elsewhere of an offence which may bring the profession into disrepute, informs the Board of such misconduct, neglect or conviction when he applies for registration or renewal of registration and the Board subsequently accepts the person for registration or renewal of registration, that person shall not, for the purposes of registration or renewal of registration, be considered as having committed a disciplinary offence in respect of the disclosed misconduct, neglect or conviction.

(3) Where the Secretary receives a complaint alleging a disciplinary offence, the Secretary shall submit the complaint to 2 members of the Board appointed for the purpose, one of whom shall be a person appointed under section 3(2)(b) or (c), and the members shall determine whether or not the complaint should be referred to the Board.

(4) Where the members conclude under subsection (3) that the complaint should not be referred to the Board, they shall advise the Secretary who shall notify the complainant.

Chapter:	529	Title:	Veterinary Surgeons Registration Ordinance	Gazette Number:	E.R. 2 of 2012
Section:	18	Heading:	Inquiry committee and rules of conduct	Version Date:	02/08/2012

- (1) The Board may refer any complaint referred to it under section 17(3) alleging a disciplinary offence to an inquiry committee for decision, and for that purpose the Board may establish an inquiry committee of not less than 3 of its members, one of whom shall be a person appointed under section 3(2)(b) or (c), to determine whether or not the registered veterinary surgeon against whom the complaint is made has committed a disciplinary offence.
- (2) The Secretary shall send notice of a referral under subsection (1) and an adequate statement of the substance of the complaint by prepaid registered post to the last known address of the registered veterinary surgeon.
- (3) The Board may make rules providing for the conduct of its inquiries by an inquiry committee and for other matters relating to the investigation of an alleged disciplinary offence.
- (4) The Legal Adviser shall be present at every inquiry conducted by an inquiry committee.
- (5) The inquiry committee shall not proceed to hear evidence of a complaint concerning a disciplinary offence unless it is satisfied that the requirements of subsection (2) have been complied with and that the registered veterinary surgeon in respect of whom the complaint is made has been given 28 days' notice of the complaint and the date, time and place of the hearing.
- (6) The registered veterinary surgeon referred to in subsection (5) shall be entitled to attend and hear all evidence produced at the hearing and informed of any advice tendered by the Legal Adviser to the inquiry committee under section 7(3) and shall be provided with a copy of this Ordinance and any rules made under this section.
- (7) The Board may make rules for the rehearing of an inquiry by an inquiry committee.
- (8) Where a registered veterinary surgeon is alleged to have committed a disciplinary offence under section 17(1)(b) or (f), the inquiry committee-

(a) shall not be required to inquire whether he was properly convicted of the alleged offence; and

(b) may consider any record of the case in which a conviction was recorded and any other evidence which the inquiry committee may think is relevant as showing the nature and gravity of the offence.

(9) The inquiry committee may, in deciding whether a person has committed a disciplinary offence, have regard to any rules of professional conduct or Code of Practice made or issued by the Board.

(10) The Board shall notify the complainant of the action taken by it and, where it has referred the matter to an inquiry committee, shall notify the complainant of the results.

Chapter:	529	Title:	Veterinary Surgeons Registration Ordinance	Gazette Number:	E.R. 2 of 2012
Section:	28	Heading:	Regulations	Version Date:	02/08/2012

Remarks:

For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.

(1) Subject to subsection (2), the Secretary for Food and Health may by regulation provide for-
(Amended 78 of 1999 s. 7; L.N. 106 of 2002; L.N. 130 of 2007)

- (a) anything that is to be or may be prescribed;
- (b) generally carrying into effect the provisions of this Ordinance.

(2) The Financial Secretary may by regulation provide for the fees to be paid in connection with matters within the scope of this Ordinance.

(3) For the avoidance of doubt, rules made by the Board under section 6 or 18(3) or section 3(5) of Schedule 1 are not subsidiary legislation within the meaning of the Interpretation and General Clauses Ordinance (Cap 1).

Chapter:	529	Title:	Veterinary Surgeons Registration Ordinance	Gazette Number:	E.R. 2 of 2012
Section:	29	Heading:	Exemptions	Version Date:	02/08/2012

Remarks:

For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.

(1) The persons listed in Schedule 2 are exempted in the circumstances specified therein from the provisions of this Ordinance.

(2) The Secretary for Food and Health may, by order, amend Schedule 2. (Amended 78 of 1999 s. 7; L.N. 106 of 2002; L.N. 130 of 2007)

Chapter:	529	Title:	Veterinary Surgeons Registration Ordinance	Gazette Number:	E.R. 2 of 2012
Section:	30	Heading:	Transitional	Version Date:	02/08/2012

(1) Notwithstanding section 3(2)(d), the Secretary for the Environment and Food may appoint a veterinary surgeon who is not a registered veterinary surgeon to the Board when it is first established for such term or terms, not exceeding in the aggregate 18 months, as he determines but the appointment of such a veterinary surgeon to the Board shall not be further renewed unless by then he is registered. (Amended 78 of 1999 s. 7)

(2) Section 3(3) applies to an appointment made under this section.

Chapter:	529	Title:	Veterinary Surgeons Registration Ordinance	Gazette Number:	E.R. 2 of 2012
Schedule:	1	Heading:	Provisions as Respects the Board and its Members	Version Date:	02/08/2012

Remarks:

For the saving and transitional provisions relating to the amendments made by the

Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.

[sections 4 & 28]

1. (1) A member of the Board shall hold his office in accordance with the terms of his appointment.

(2) A member of the Board may at any time by notice in writing to the Secretary for Food and Health resign his office. (Amended 78 of 1999 s. 7; L.N. 106 of 2002; L.N. 130 of 2007)

2. If the Secretary for Food and Health is satisfied that a member of the Board-

- (a) has become bankrupt or made a voluntary arrangement with his creditors within the meaning of the Bankruptcy Ordinance (Cap 6);
- (b) is incapacitated by physical or mental illness; or
- (c) is otherwise unable or unfit to discharge the functions of a member,

the Secretary for Food and Health may declare his office as a member of the Board to be vacant, and shall notify the fact in such manner as the Secretary for Food and Health thinks fit; and upon such declaration the office shall become vacant. (Amended 78 of 1999 s. 7; L.N. 106 of 2002; L.N. 130 of 2007)

3. (1) The Chairman may appoint the time and place for the Board to meet.

(2) The Secretary shall, or a member of the Board may, on the written requisition of not less than 3 members, give notice of a meeting of the Board to be held not sooner than 7 days but within 28 days from receipt of the requisition and appoint the time and place for that purpose.

(3) The Board shall meet at least once every 12 months and as often as may be necessary to transact its business.

(4) The Board shall not transact business at a meeting other than to adjourn unless there is a quorum of 1/2 of the members present.

(5) The Board may make rules, not inconsistent with this section, setting out the procedures to be followed at meetings.

(6) The Board shall lodge a copy of any rules made under subsection (5) with the Secretary for Food and Health. (Amended 78 of 1999 s. 7; L.N. 106 of 2002; L.N. 130 of 2007)

4. The Board may transact any of its business by circulation of papers amongst members whether any such member is in or outside Hong Kong, and a resolution in writing which is approved in writing by a majority of the members shall be as valid and effectual as if it had been passed at a meeting of the Board.

5. A certificate signed by the Secretary that an instrument of the Board purporting to be made or issued by or on behalf of the Board was so made or issued shall be conclusive evidence of that fact.

6. Every document purporting to be an instrument made or issued by or on behalf of the Board and to be signed or executed by the Secretary or a person authorized by the Board to act in that behalf, shall be received in evidence and deemed, without further proof, to be so made or issued.