

**For discussion  
on 8 April 2014**

**Legislative Council  
Panel on Food Safety and Environmental Hygiene**

**Proposed Amendments to the Veterinary Surgeons Registration  
Ordinance (Cap. 529)**

**PURPOSE**

This paper briefs Members on the proposed amendments to the Veterinary Surgeons Registration Ordinance (Cap. 529) (VSRO).

**BACKGROUND**

2. VSRO 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.

3. The Veterinary Surgeons Board of Hong Kong (VSB) is established under section 3 of VSRO. The mission of VSB 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.

**Review of VSRO**

4. Since VSRO was enacted in 1997, there have been significant changes in circumstances. The number of registered veterinary surgeons has grown from around 150 to around 720. With the passage of time, there has been growing awareness of the importance of animal welfare and higher community expectations about the standard of veterinary service in Hong Kong.

5. The number and complexity of complaints received by VSB in recent years have also grown markedly in tandem with the wider availability and utilisation of veterinary services in Hong Kong. In recent years, VSB on average received around 50 complaints annually as compared with eight complaints received in 1998. The complaints have also become more complex with the advancement of new clinical diagnostic and treatment options over the past decade. Rising to the challenges, VSB members have spent substantial time to handle the complaints. To cope with the increased caseload, VSB has introduced administrative measures to expedite the complaint handling process. However, under the current structure and modus operandi of VSB, it is not well placed to cope with the demand.

6. In 2012, the Administration and VSB have jointly undertaken a review of the current situation to identify improvement measures. Having regard to the special circumstances of the local veterinary profession and with reference to the experience of local and overseas regulatory bodies, we have proposed measures in the following two major areas –

- (a) expanding and strengthening the membership of VSB; and
- (b) streamlining the complaint-handling procedures of VSB.

#### Public consultation

7. 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 out to the 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. Constructive views from different quarters were received through various channels.

8. The comments received indicated that the vast majority of respondents were in support of the proposals as set out in the consultation document. In gist, the stakeholders, especially the veterinary community,

expressed strong support for the proposal to expand the membership of VSB and the introduction of elected members from the constituency of registered veterinary surgeons. There was also wide support for the proposed measures to simplify and speed up the complaint-handling process, including the establishment of a panel of assessors and direct referral of complaints from a Preliminary Investigation Committee (PIC) to an Inquiry Committee (IC). All written submissions from individuals and organisations, and a summary of comments (at **Annex**) have been uploaded onto AFCD's website<sup>1</sup>.

9. The Panel on Food Safety and Environmental Hygiene was briefed on the proposals on 13 November 2012 (LC Paper No. CB(2)173/12-13(05)), at which deputations were invited to attend and give their views. Panel Members were generally in support of the proposals.

## **PROPOSED AMENDMENTS TO VSRO**

10. Taking into account the views collected during the consultation exercise, the Administration, in consultation with VSB, has finalised the proposals. Our proposed amendments to VSRO are set out in the ensuing paragraphs.

### Expanding and strengthening the membership of VSB

#### *Composition of the Board*

11. Section 3 of VSRO stipulates the composition of VSB. At present, the Board comprises a Chairman and nine members appointed by the Secretary for Food and Health (SFH). We propose to expand and modify the membership of VSB with a view to broadening its representativeness and better equipping it to cope with the increased workload as follows –

<b>Board of VSB</b>	<b>Existing</b>	<b>Proposed</b>
Chairman	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	1 appointed by SFH, who is a medical

<sup>1</sup> AFCD's website: [http://www.afcd.gov.hk/english/whatsnew/what\\_qua/public\\_consult\\_529.html](http://www.afcd.gov.hk/english/whatsnew/what_qua/public_consult_529.html)

	practitioner / pharmacist entitled to practise in Hong Kong	practitioner / pharmacist / dentist entitled to practise in Hong Kong
Persons who represent the interests of persons who utilise veterinary services	2 appointed by SFH	5 appointed by SFH
<b>Total</b>	<b>10</b>	<b>19</b>

12. With the proposed changes, the size of the Board will be expanded to 19 persons including the Chairman. The ratio of members who are veterinary surgeons to non-veterinary surgeons will remain at 2:1. As with the current case, appointed members (including the Chairman) are to be appointed for a term not exceeding three years, and can be re-appointed for further terms not exceeding three years each. Likewise, elected members will be elected for a term of three years, and may be re-elected for further terms of three years each. We also propose to specify that VSB members should be ordinarily resident of Hong Kong.

13. Paragraph 2 of Schedule 1 to VSRO sets out the scenarios whereby SFH may declare the office of a member of the Board (including the Chairman) to be vacant. These include the scenarios where the member has become bankrupt, is incapacitated by physical or mental illness, or unable or unfit to discharge the functions of a member. We propose to extend the scope to cover also the scenarios where the member is subject to a disciplinary order currently against him/her, and if he/she is sentenced to a term of imprisonment for any offence. These should be in line with the public expectation on the high professional standards of the members of the Board.

#### *Election of members to VSB*

14. 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 the registered veterinary surgeons. Relevant details and procedures of the election will be specified in a set of election regulation to be prescribed by SFH, which is subsidiary legislation subject to the scrutiny by the Legislative Council pursuant to section 34 of the Interpretation and General Clauses Ordinance (Cap. 1).

15. As in the case for appointed members, we propose to set out in Schedule 1 to VSRO the scenarios whereby the Board may declare the office of an elected member of the Board to be vacant. These should include the scenarios where the member has become bankrupt, is incapacitated by physical or mental illness, if the member is subject to a disciplinary order currently against him/her, and if he/she is sentenced to a term of imprisonment for any offence.

#### *Establishment of a panel of assessors*

16. To further enhance the complaint-handling capacity of VSB, we propose that, on the nomination of the Director of Agriculture, Fisheries and Conservation, VSB shall appoint a panel of assessors, who are not VSB members, to be appointed to PICs and ICs. This will help facilitate the appointment of more PICs and ICs by the Board if necessary to cope with the caseload.

17. We propose that the Board may appoint as assessors up to 12 registered veterinary surgeons and up to six persons who are not veterinary surgeons. At least one of the latter must be a medical practitioner, pharmacist or dentist who is entitled to practise their profession in Hong Kong, while the rest are persons who represent the interests of persons who utilise veterinary services. The assessors will be appointed for a term of up to three years and may be re-appointed for further terms of up to three years each.

18. Similarly, we propose to specify in Schedule 1 the scenarios whereby the Board may declare the office of an assessor to be vacant which will be the same as the scenarios whereby SFH may declare the office of an appointed member of the Board to be vacant.

#### Streamlining the complaint-handling procedures of VSB

##### *Streamlining the complaint-handling process*

19. Under the existing arrangements, when VSB receives a complaint alleging a disciplinary offence, according to sections 17 and 18 of VSRO, the complaint should be submitted to two members of the Board (i.e. the PIC) to determine whether or not it should be referred to the Board. If the two members determine that the complaint alleging a disciplinary

offence should be referred to the Board, the Board may then refer the complaint to an inquiry committee for decision. To streamline the complaint-handling process, we propose that the PIC, if satisfied that there is a prima facie case of a disciplinary offence, may refer the complaint directly to an IC to conduct an inquiry. This will facilitate better use of resources of the Board and reduce the time required for processing the complaint cases.

#### *Operation of PIC*

20. At present, under the Rules of the Veterinary Surgeons Board (Disciplinary Proceedings) made by VSB in accordance with section 6 of VSRO, the Board may establish one or more PICs, with each consisting of two members of the Board, to conduct preliminary investigation for deciding whether to refer the case to the Board. One of the PIC members should be a registered veterinary surgeons and the other one to be a non-veterinary member.

21. We propose to stipulate in VSRO the establishment and functions of the PIC, including the right to seek information and clarifications from the complainants and the registered veterinary surgeons who are the subjects of the complaints to facilitate the PIC's performance of function. We also propose to increase the number of persons sitting on each PIC from two to three. The PIC may be made up of three members of the Board or two members of the Board plus one assessor. In either case, one of the members of the PIC has to be a non-veterinary member. With the introduction of more members to sit on the Board and the panel of assessors, VSB will have the flexibility to appoint more PICs as necessary to cope with the increased caseload.

#### *Composition of IC*

22. At present, section 18 of VSRO stipulates that the Board may establish an IC of not less than three of its members, one being a non-veterinary member. Similar to the composition of PIC, we propose that in future, an IC may comprise three members of the Board, or two members of the Board plus one assessor. In either case, one of the members of the IC has to be a non-veterinary member.

## **ADVICE SOUGHT**

23. Members are invited to comment on the proposed amendments to VSRO at paragraphs 11 to 22 above. Subject to the Panel's views, the Administration would finalise the legislative proposals and aim to introduce the Veterinary Surgeons Registration (Amendment) Bill into the Legislative Council within the 2013-14 legislative year.

**Food and Health Bureau  
Agriculture, Fisheries and Conservation Department  
March 2014**

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

**Summary of Opinions**

On 8 October 2012, the Food and Health Bureau and the Agriculture, Fisheries and Conservation Department published a consultation document on the proposed amendments to the Veterinary Surgeons Registration Ordinance (Cap. 529) and launched a public consultation for about two months until 30 November 2012.

**Background**

Over the years, the veterinary sector has undergone significant changes as a result of the rapid advancement of veterinary knowledge, growing awareness of the importance of animal welfare and higher community expectations about the standard of veterinary services in Hong Kong. These developments underline the important role that the Veterinary Surgeons Board of Hong Kong (VSB) is fulfilling as a regulator of service standard, in the interest of promoting the further healthy development of the veterinary profession.

The number and complexity of complaints received by the VSB in recent years have grown markedly in tandem with the wider availability and utilisation of veterinary services. However, under the current structure and modus operandi, the VSB is not well placed to cope with the increasing caseload. In this regard, the VSB and the Government jointly undertook a review of the existing regulatory regime in Hong Kong and the relevant legislative provisions to identify improvement measures.

**Proposals**

The consultation document sets out five major proposals to amend Cap. 529 with a view to strengthening the membership of the VSB and streamlining its modus operandi so as to enhance the VSB's capacity and efficiency in dealing with complaints and performing its statutory functions.



1. Expanding the membership of the VSB and safeguarding the quality of its members
2. Election of registered veterinary surgeons to the VSB
3. Establishing a panel of assessors
4. Reconstituting the Preliminary Investigation Committee (PIC)
5. Direct referral of complaints from the PIC to an Inquiry Committee (IC)

In addition to the release of the public consultation document, three public consultation forums were held. About 700 letters / emails together with links to the consultation document 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, the Hong Kong Veterinary Nurse Association, universities running animal related courses, animal welfare organisations and related boards, kennel clubs and Hong Kong Pet Trade Association, and other related organisations such as the Consumer Council. The Legislative Council Panel on Food Safety and Environmental Hygiene was briefed on 13 November 2012. A good deal of constructive views was received through various channels. During the consultation period, the Government received 76 written submissions from individuals and organisations.

The vast majority of respondents were in support of the proposals set out in the consultation document. The mainstream opinions are summarised in the ensuing paragraphs:

**Expanding the membership of the VSB and safeguarding the quality of its members**

The public and various stakeholders, especially the veterinary community, expressed strong support for the proposal to increase the membership of the VSB. Many respondents considered that this would speed up the disciplinary process and that the VSB would become more representative of the veterinary profession and be able to tap wider expertise. Some respondents from the veterinary community considered

that the number of persons on the VSB who were not registered veterinary surgeons was excessive and that registered veterinary surgeons should be the majority of members.

### **Election of registered veterinary surgeons to the VSB**

The election of registered veterinary surgeons was strongly supported. The common view, coming mostly from the veterinary profession, was that elected veterinary members could be more responsive to the actual needs and preferences of the veterinary profession. A few submissions suggested increasing the proportion of elected to non-elected members.

### **Establishing a panel of assessors**

There was wide support for the establishment of a panel of assessors with the belief that the assessors would provide an expanded pool of manpower available to facilitate the formation of more PICs and ICs and improve the quality of deliberation of these committees.

### **Reconstituting the PIC**

The proposed amendment to the composition of the PIC received widespread support on the premise that it would simplify the decision-making process and that additional expertise could be tapped more easily. While some respondents agreed that two of the three members of a PIC should be registered veterinary surgeons, they suggested that at least one of whom should be in clinical practice.

### **Direct referral of complaints from the PIC to the IC**

The proposed direct referral of complaints from a PIC to an IC also received a good measure of support. The mainstream view expressed was that it would expedite the complaint-handling process without derogating from the VSB's role in overseeing the complaint-handling process.

### **Other Comments**

Apart from views expressed on the five major proposals, opinions on other related topics were received. A number of respondents, mostly from the veterinary profession, opined that instead of filling the position

by appointment as is the current practice, the Chairman of the VSB should be selected by a method to be agreed by the VSB. Separately, with the addition of a third member to the PIC, it was suggested that we should expressly provide that a decision by a PIC on whether to refer or dismiss a complaint case should be based on majority view rather than by consensus as is the current practice.

### **Conclusion**

Based on the consultation outcome, the Government, in consultation with the 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  
May 2013**