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Panel on Food Safety and Environmental Hygiene

**Background brief prepared by the Legislative Council Secretariat
for the meeting on 8 April 2014**

Proposed amendments to the Veterinary Surgeons Registration Ordinance

Purpose

This paper provides background information and summarizes the concerns of the members of the Panel on Food Safety and Environmental Hygiene ("the Panel") 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. As stipulated in VSRO, VSB should consist of a Chairman, six registered veterinary surgeons, a medical practitioner or pharmacist who is entitled to practise his profession in Hong Kong, and two lay persons who represent the interest of people who utilize veterinary services.

4. According to the Administration, since the enactment of VSRO in 1997,

there have been significant changes in circumstances. The number of registered veterinary surgeons has grown from around 150 to nearly 650. There has also been growing awareness of the importance of animal welfare and higher community expectations about the standard of veterinary service in Hong Kong. As a result, there has been a marked growth in the number and complexity of complaints received by VSB in recent years. VSB on average received over 50 complaints annually in 2010 to 2012, 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. VSB members have spent substantial time to handle the complaints. Between 2007 and 2011, excluding cases which were being processed, it took on average about 16 months to conclude a case after a complaint was received by VSB. Although VSB has put in place a number of administrative measures to expedite the processing of complaints, VSB is not well placed to cope with the increasing demand under the current structure and modus operandi.

5. The Administration launched between 8 October and 30 November 2012 a public consultation exercise on proposed amendments to VSRO ("the Amendment Proposals"). The purpose of the proposed amendments was to strengthen the membership of VSB and streamline its modus operandi, thereby enhancing its capacity in performing its statutory functions, including the efficient handling of complaints. The proposed amendments included (a) expanding the membership of VSB and safeguarding the quality of its members; (b) election of registered veterinary surgeons to VSB; (c) establishing a panel of assessors; (d) reconstituting the Preliminary Investigation Committees ("PICs"); and (e) direct referral of complaints from PIC to an Inquiry Committees ("IC").

Deliberations of the Panel

6. The Panel discussed and received views of depositions on the Amendment Proposals at its meeting held on 13 November 2012.

7. Members noted that depositions were generally supportive of most of the Amendment Proposals. However, regarding the proposal to expand membership of VSB to include three lay persons and six veterinary surgeons, there were views that its representation should be broadened by appointing more representatives of the trade and animal breeders instead of lay persons as proposed by the Administration.

8. The Administration advised that the proposal of appointing lay persons to VSB was to represent the interests of the consumers of veterinary service. As society became more open, more lay persons were expected to be

appointed to a self-regulating professional board to represent the interest of the general public. Increasing the number of lay members on VSB was considered conducive to the healthy development of the profession.

9. Some members pointed out that all members of the panel of assessors, be they registered veterinary surgeons or non-veterinary surgeons, would be nominated by the Secretary for Food and Health and appointed by VSB, whereas the six newly added professional members to VSB would be elected by members of the profession. They queried about the reason for the different arrangement of appointing members to the panel of assessors and VSB. The Administration explained that VSB was tasked with the role of furthering the healthy development of the profession and upholding high standards of veterinary service for the public. The panel of assessors was set up to help enhance VSB's complaint-handling capacity and widen VSB's exposure to external expertise and advice from users' perspectives. As VSB and the panel of assessors were tasked with different roles and performed different functions, the considerations underpinning the appointment of members to these bodies were therefore different.

Relevant Council question

10. Mr CHAN Hak-kan raised a written question on the effectiveness of the handling of complaints involving veterinary surgeons by VSB at the Council meeting of 27 June 2012. The question and the Administration's reply are in **Appendix I**.

Latest development

11. The Administration will brief the Panel on the outcome of the public consultation and the legislative proposals to amend VSRO on 8 April 2014.

Relevant papers

12. A list of the relevant papers on the Legislative Council website is in **Appendix II**.

Press Releases

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LCQ10: Complaints about veterinary services

Following is a question by the Hon Chan Hak-kan and a written reply by the Secretary for Food and Health, Dr York Chow, in the Legislative Council today (June 27):

Question:

Some pet owners have continuously relayed to me that veterinary surgeons practising in Hong Kong vary in standard, and there have been cases of malpractice resulting in death of animals. They have also indicated that even though the Veterinary Surgeons Board of Hong Kong (the Board) handles complaints involving veterinary surgeons, the relevant process is time-consuming and the number of prosecutions instituted has been on the low side, and they request for improvement in this respect. In this connection, will the Government inform this Council:

(a) whether it knows the number of veterinary surgeons practising in Hong Kong at present, together with the distribution of the places where they obtained their professional qualifications; the number of veterinary surgeons under complaint in the past five years;

(b) whether it knows the total number of complaints involving veterinary surgeons received by the Board in the past five years, together with the number of such cases involving death of animals;

(c) whether it knows among the complaint cases in (b), of the respective numbers of cases referred to the Preliminary Investigation Committee and the Inquiry Committee for further follow-up actions; the number of such complaint cases substantiated and the penalties imposed on the veterinary surgeons involved;

(d) whether it knows the average time required to handle a complaint case in the past five years; whether new measures will be put in place or additional manpower will be provided to shorten the handling time; and

(e) whether it will consider increasing the number of members of the Board, particularly members of the public who are not engaged in veterinary practices and representatives of animal welfare groups, with a view to enhancing the representativeness and diversity of the Board's composition; if so, of the details; if not, the reasons for that?

Reply:

President,

The Veterinary Surgeons Board of Hong Kong (the Board) is a statutory body established under the Veterinary Surgeons Registration Ordinance (Cap. 529) (VSR0). The Board consists of:

- a. a Chairman;
- b. a person who is a medical practitioner or pharmacist entitled to practise his profession in Hong Kong;
- c. two persons who represent the interests of users of veterinary services; and
- d. six persons who are registered veterinary surgeons, each of whom is appointed by the Secretary for Food and Health.

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The Board regulates the practice of veterinary surgeons in Hong Kong. Its functions include:

- a. establishing and maintaining a register of registered veterinary surgeons;
- b. setting and reviewing the qualification standards for registration and related registration matters;
- c. advising the Government on registration matters;
- d. verifying the qualifications of persons who apply for registration;
- e. accepting or rejecting applications for registration and renewal of registration; and
- f. dealing with disciplinary offences.

According to the Rules of the Veterinary Surgeons Board (Disciplinary Proceedings),

- a. all complaints received should be referred to a Preliminary Investigation Committee (PIC) (paragraph 4); and
- b. on receipt of a referral from the PIC following preliminary investigation, the Board shall consider whether or not the complaint should be referred to a disciplinary inquiry committee (IC) (paragraph 9).

The Board reviews its operation from time to time. In response to the overall increase in the number of complaints over the past few years, the Board has proposed setting up a panel consisting of non-Board members to participate in handling complaints. This will expand the pool of manpower available to take part, by rotation, in the work of PICs and ICs formed by Board members and panel members, thus enabling more meetings to be convened. The Board has also proposed streamlining the procedures to enhance the efficiency in handling complaints. We will conduct consultations on the proposals later on.

My reply to the five parts of the question raised by the Member is as follows:

(a) As at May 31, 2012, there were 643 registered veterinary surgeons in Hong Kong. The places where they obtained their professional qualifications include Australia (266 persons), Taiwan (148 persons), United Kingdom (97 persons), South Africa (40 persons), New Zealand (20 persons), United States of America (20 persons) and other territories (52 persons). A total of 197 veterinary surgeons were the subject of complaint between 2007 and 2011.

(b) and (c) Between 2007 and 2011, the Board received 59, 49, 53, 52 and 66 complaints respectively. After receiving a complaint, the PIC will decide on further actions in the light of the information provided by the complainant, the explanations and information submitted by the veterinary surgeon being complained against and relevant evidence collected during investigation. The PIC may decide that:

- a. the complaint should be referred to the Board for inquiry; or
- b. the complaint should not be referred to the Board for inquiry; or
- c. the complaint should not be referred to the Board for inquiry but a letter of advice (Remark 1) should be issued to the veterinary surgeon being complained against.

Remark 1: Generally speaking, if the veterinary surgeon being complained against does not deny having made a mistake and the Committee considers the mistake to be trivial though there is room for improvement, the Committee would issue a letter of advice to the veterinary surgeon concerned.

Of the 279 complaints received by the Board between 2007 and 2011, PICs have completed their work on 233 cases. Of the cases

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considered, there are 165 cases where the relevant PIC has decided that the complaints should not be referred to the Board for inquiry, and 28 cases where the PIC has decided that the complaints should not be referred to the Board for inquiry but a letter of advice should be issued to the veterinary surgeons being complained against. The number of cases referred by the Board to ICs is 40.

Among these 40 cases, the ICs have concluded action on 23 cases. The veterinary surgeons in 16 cases were found guilty of misconduct or neglect in a professional respect. Of these 16 cases, six involved deaths of animals. The penalties imposed for the 16 cases are as follows:

Penalties	Number
Temporary removal of name from the register of registered veterinary surgeons	2
Reprimand in writing	13
Warning in writing	1
Compulsory participation in continuing development programme	11
Total	27 (Remark 2)

Remark 2: As more than one type of penalty may be imposed for each case, the total number of penalties imposed (27) is more than the number of cases substantiated (16).

(d) Between 2007 and 2011, excluding cases which are still being processed, it takes, on average, about 16 months to conclude a case after a complaint was received by the Board. As has been mentioned above, in response to the overall increase in the number of complaints over the past few years, the Board has proposed setting up a panel consisting of non-Board members to participate in handling complaints. This will expand the pool of manpower available to take part, by rotation, in the work of PICs and ICs formed by Board members and panel members, thus enabling more meetings to be convened. The Board has also proposed streamlining the procedures to enhance the efficiency in handling complaints.


(e) The overall increase in the number of complaints received in recent years is such that the Board has encountered certain difficulties in arranging PIC and IC hearings. If the proposals of the Board for setting up a panel to handle complaints and streamlining the procedures are taken forward, it would help improve the above situation.

The existing VSRO already stipulates that the Board's membership should include a medical practitioner or pharmacist and two persons who represent the interests of users of veterinary services. Besides, every veterinary surgeon has received proper training in the subject of animal welfare in their professional education programme and made an oath in this respect to ensure that high standards of animal welfare are maintained in their practice.

Members of the public are welcome to express their views on the Board's complaint handling work during the consultation exercise to be conducted later on.

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**Relevant papers on
the Veterinary Surgeons Registration Ordinance (Cap. 529)**

Committee	Date of meeting	Paper
Council meeting	27.6.2012	Question raised by Hon CHAN Hak-kan (Pages 16491 - 16496)
Panel on Food Safety and Environmental Hygiene	13.11.2012 (Item V)	Agenda Minutes

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