

**立法會**  
**Legislative Council**

LC Paper No. CB(3)155/14-15  
(These minutes have been seen  
by the Administration)

Ref : CB(3)/BC/1/14

**Bills Committee on  
Veterinary Surgeons Registration (Amendment) Bill 2014**

**Minutes of the first meeting  
held on Tuesday, 28 October 2014, at 8:30 am  
in Conference Room 2A of the Legislative Council Complex**

**Members present** : Hon Tommy CHEUNG Yu-yan, SBS, JP (Chairman)  
Hon Cyd HO Sau-lan, JP  
Hon CHAN Hak-kan, JP  
Hon Paul TSE Wai-chun, JP  
Hon Steven HO Chun-yin  
Hon CHAN Chi-chuen  
Dr Hon Kenneth CHAN Ka-lok  
Hon Alice MAK Mei-kuen, JP

**Member absent** : Dr Hon CHIANG Lai-wan, JP

**Public Officers attending** : Item II

Mr Christopher WONG, JP  
Deputy Secretary for Food and Health (Food) 1

Ms Hanny LAM  
Principal Assistant Secretary for Food and Health (Food) 3

Ms Jeanne CHENG  
Assistant Secretary for Food and Health (Food) 1

Dr Thomas SIT  
Assistant Director (Inspection & Quarantine)  
Agriculture, Fisheries and Conservation Department

Dr Michelle YEUNG  
Senior Veterinary Officer (Technical Services)  
Agriculture, Fisheries and Conservation Department

Mr Allen LAI  
Senior Government Counsel  
Department of Justice

**Clerk in attendance** : Mr Thomas WONG  
Chief Council Secretary (3) 1

**Staff in attendance** : Ms Wendy KAN  
Assistant Legal Adviser 6

Ms Doris LO  
Senior Council Secretary (3) 2

Miss Meisy KWOK  
Legislative Assistant (2) 6

---

Action

**I. Election of Chairman**

Mr Tommy CHEUNG, the member who had the highest precedence, presided at the election of the Chairman of the Bills Committee and invited nominations for the chairmanship. Miss Alice MAK nominated Mr Tommy CHEUNG and the nomination was seconded by Mr Steven HO. Mr Tommy CHEUNG accepted the nomination. There being no other nomination, Mr Tommy CHEUNG was elected Chairman of the Bills Committee. Members agreed that there was no need to elect a Deputy Chairman.

**II. Meeting with the Administration**

(LC Paper Nos. CB(3)797/13-14, LS77/13-14, CB(3) 87/14-15(02)-(05) and File Ref: FHB/F/6/12/12)

2. The Bills Committee deliberated (index of proceedings at **Annex**).

*(Post-meeting note:* The notes of the Administration's powerpoint presentation on the Bill (LC Paper No. CB(3) 101/14-15(01)) were issued to members vide Lotus Notes e-mail on 28 October 2014.)

Follow-up actions arising from the discussion

3. Members requested the Administration to provide the following information –

Admin

- (a) the composition of (i) overseas regulatory bodies comparable to the Veterinary Surgeons Board (“VSB”) and (ii) local and overseas regulatory bodies in professions/industries other than the veterinary profession (such as the legal and accounting professions), including the ratio of appointed to elected members and the ratio of members of the profession to non-members of the profession;
- (b) given that from 2007 to 2011, VSB took on average 16 months to conclude a complaint received, (i) the average length of time taken by VSB to conclude a complaint from 2002 to 2006; (ii) the number of outstanding complaints up to the end of October 2014; and (iii) an assessment of how the handling of complaints could be expedited (including the length of time to be shortened, if any, for concluding a complaint) after implementation of the relevant measures under the Bill;
- (c) the background of lay members appointed to VSB since its establishment;
- (d) the existing staffing strength of the VSB Secretariat and an assessment of the need for additional staffing support (including legal advisers) to cope with the anticipated increasing workload following the implementation of the relevant measures under the Bill;
- (e) a comparison between the workflows in connection with the handling of complaints and conduct of disciplinary proceedings under the relevant provisions (such as section 18) of the Veterinary Surgeons Registration Ordinance (Cap. 529) before and after implementation of the relevant measures under the Bill; and
- (f) in connection with VSB’s disciplinary proceedings, the practices adopted by other local and overseas professional regulatory bodies for conducting such proceedings, including whether the registered veterinary surgeons being complained of may opt for an open or closed hearing and their right to legal representation.

4. At members’ request, the Administration undertook to report the progress of VSB’s handling of complaints to the relevant Panel of the Legislative Council at regular intervals after the implementation of the measures under the Bill.

### **III. Any other business**

#### Invitation for public views and dates of subsequent meetings

5. Members agreed that the second meeting of the Bills Committee be held on Monday, 17 November 2014 from 10:45 am to 12:45 pm to receive views from deputations. Depending on the progress of meeting with deputations, the Bills Committee would continue the discussion on the Bill thereafter.

*(Post-meeting note: A notice to invite public views on the Bill was posted on the Legislative Council Website on 29 October 2014, and letters were also sent to the 18 District Councils on 29 October 2014 to invite their views.)*

6. Members also agreed that the third meeting of the Bills Committee be held on Tuesday, 2 December 2014 from 8:30 am to 10:30 am to continue the discussion on the Bill.

*(Post-meeting note: Notice of and the agendas for the second and third meetings were issued vide LC Paper No. CB(3)102/14-15 on 29 October 2014.)*

7. There being no other business, the meeting ended at 9:53 am.

Council Business Division 3  
Legislative Council Secretariat  
14 November 2014

**Proceedings of the first meeting of the Bills Committee on  
Veterinary Surgeons Registration (Amendment) Bill 2014  
on Tuesday, 28 October 2014, at 8:30 am  
in Conference Room 2A of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
<i>Agenda Item I - Election of Chairman</i>			
000131 – 000246	Mr Tommy CHEUNG Miss Alice Mak Mr Steven HO Ms Cyd HO	Election of Chairman	
<i>Agenda Item II - Meeting with the Administration</i>			
000247 – 001520	Chairman Admin	<p>The Administration's powerpoint presentation on the Veterinary Surgeons Registration (Amendment) Bill 2014 ("the Bill" ) (LC Paper No. CB(3) 101/14-15(01)), with the following highlights –</p> <ul style="list-style-type: none"> <li>(a) expanding the membership of the Veterinary Surgeons Board ("VSB") from 10 to 19 by (i) including an additional six registered veterinary surgeons ("RVSS") who would be elected by members of the veterinary profession and (ii) increasing the number of lay members representing the interests of persons utilizing veterinary services from 2 to 5;</li> <li>(b) maintaining the ratio of members who are RVSSs to non-RVSSs on VSB at 2:1 ("the 2:1 ratio");</li> <li>(c) extending the scope of the relevant provisions of the Veterinary Surgeons Registration Ordinance (Cap. 529) ("the Ordinance") to cover scenarios under which the Secretary for Food and Health ("SFH") might declare the office of the Chairperson/an appointed member to be vacant;</li> <li>(d) streamlining the complaint-handling process so that the preliminary investigation committee ("PIC") formed by VSB could refer complaints directly to an inquiry committee ("IC"), also formed by VSB, to conduct an inquiry;</li> <li>(e) increasing the number of persons sitting on a PIC from 2 to 3, one of whom being a non-RVSS, and stipulating that one of the three persons sitting on an IC had to be a non-RVSS; and</li> <li>(f) empowering VSB to establish a panel of assessors, who would not be VSB members and include not more than 12 RVSSs and not more than six non-RVSSs, to be appointed to PICs and ICs so as to facilitate the appointment of more PICs or ICs to cope with the caseload.</li> </ul>	
001521 – 002328	Chairman Miss Alice MAK Admin	<p>Miss Alice MAK's concern about –</p> <ul style="list-style-type: none"> <li>(a) whether the Administration would strengthen the secretariat support for VSB to expedite its complaint-handling process; and</li> <li>(b) in the light of the proposed expansion of VSB's membership, why the 2:1 ratio could not be adjusted to 1:1.</li> </ul>	

Time marker	Speaker	Subject(s)	Action required
		<p>Her suggestion that at least the ratios of RVSs to non-RVSs on PIC and IC, which were set at 2:1 respectively, should be adjusted to 1:1 to facilitate more objective examination of complaints which had been mostly lodged by non-members of the profession.</p> <p>The Administration's response that –</p> <p>(a) given the rise in the number of complaints received by VSB and its increasing workload in recent years, additional resources were provided to enhance the secretariat support for VSB in 2012. The manpower position of the VSB Secretariat would be subject to review after implementation of the measures under the Bill and, if necessary and justified, additional resources would be sought in accordance with the established resources allocation mechanism within the Government; and</p> <p>(b) under the current 2:1 ratio, VSB had been operating well over the years in serving the public interests. The Administration saw no reasons for departing from this ratio in the current revision exercise. It was noted that in the case of veterinary surgeons regulatory bodies in overseas jurisdictions, such as Australia, New Zealand ("NZ") and the United Kingdom ("UK"), the ratio of board members who were members of the profession to non-members of the profession ranged from 2:1 to 3:1. Upholding the 2:1 ratio was considered appropriate given the principal tasks entrusted to VSB, namely registration of veterinary surgeons and disciplinary control of their professional activities. The 2:1 ratio helped ensure that VSB had sufficient representation of the veterinary profession and sufficient professional knowledge for regulating the profession and handling complaints relating to veterinary surgical practice, which often required expert advice from experienced veterinary surgeons.</p>	
002329 – 003159	Chairman Ms Cyd HO Admin	<p>The Chairman's observation that under the proposed expansion of VSB's membership, one of the six non-RVSs would be a medical and health professional from professions related to the veterinary profession and only five non-RVSs would be lay members.</p> <p>Ms Cyd HO's support for including more lay members in and setting an appropriate ratio of RVSs to non-RVSs on VSB.</p> <p>Ms Cyd HO's observation that under the proposed expansion of VSB's membership, of the 19 members, 13 (including the Chairperson and six RVSs) would be appointed by SFH and only six other RVSs would be elected by members of the profession. Her view that all RVSs on VSB should be elected by members of the</p>	The Administration to take action as required in paragraph 3(a) of the minutes.

Time marker	Speaker	Subject(s)	Action required
		<p>profession and VSB should operate under the principle of professional autonomy instead of being subject to government control. Her concern about whether the Administration had any target for promoting the self-regulation of the veterinary profession.</p> <p>The Chairman's support for Ms Cyd HO's view that apart from lay members who might not be chosen by election, all RVSs on VSB should be elected by members of the profession.</p> <p>The Administration's response that –</p> <ul style="list-style-type: none"> <li>(a) the election of six RVSs by members of the veterinary profession to VSB was proposed to enhance the balanced representation on VSB and encourage greater involvement of the profession in managing its own affairs. This was considered appropriate having regard to such factors as the growth of the profession over the years, and the need to ensure further healthy development of the profession in the face of rising expectations of the standards of veterinary services in Hong Kong; and</li> <li>(b) other regulatory bodies of the veterinary profession in overseas jurisdictions also comprised appointed and elected members, with appointed members making up a higher proportion in the board composition. For example, the ratios of non-elected to elected members in some veterinary regulatory bodies in Australia and NZ were at about 3:2 and 4:3 respectively.</li> </ul> <p>The Administration's undertaking to provide information requested by members on the composition of (a) overseas regulatory bodies comparable to VSB and (b) local and overseas regulatory bodies in professions/industries other than the veterinary profession, including the ratio of appointed to elected members and the ratio of members of the profession to non-members of the profession.</p>	
003200 – 004132	Chairman Mr CHAN Chi-chuen Admin	<p>The Administration's undertaking to provide information requested by Mr CHAN Chi-chuen on –</p> <ul style="list-style-type: none"> <li>(a) the average length of time taken by VSB to conclude a complaint from 2002 to 2006;</li> <li>(b) the number of outstanding complaints up to the end of October 2014; and</li> <li>(c) an assessment of how the handling of complaints could be expedited (including the length of time to be shortened, if any, for concluding a complaint) after implementation of the relevant measures under the Bill.</li> </ul> <p>The Chairman's view that it might be unnecessary for the Administration to make a performance pledge on the processing time of complaints, as the complexity of each complaint varied, but the Administration should assess how far the processing of complaints could be expedited and the</p>	The Administration to take action as required in paragraph 3(b) of the minutes.

Time marker	Speaker	Subject(s)	Action required
		<p>staffing strength could cope with the rising caseload after implementation of the relevant measures under the Bill.</p> <p>The Administration's response that –</p> <ul style="list-style-type: none"> <li>(a) it had currently no plan to set a specific target on the processing time of a complaint but would consider how best to come up with an indicator of the improvement envisaged after implementation of the relevant measures under the Bill;</li> <li>(b) any complaints received had been processed as soon as possible, although the length of time required for concluding a complaint would depend on its complexity, including whether external expert advice had to be sought; and</li> <li>(c) at present, under the Ordinance, a complaint received by the Secretary to VSB was referred to a PIC, which would decide whether to recommend VSB to refer the complaint to an IC. To uphold procedural justice, the non-RVS who had been involved in a PIC could not sit on the IC of the same case. The limited availability of non-RVSs on VSB had restricted the number of PICs or ICs that might be formed concurrently. The proposed expansion of VSB's membership and establishment of a panel of assessors would expand the pool of candidates who might sit on PICs or ICs and enhance VSB's complaint-handling capacity.</li> </ul>	
004133 – 004708	Chairman Mr CHAN Hak-kan Admin	<p>Mr CHAN Hak-kan's enquiries on –</p> <ul style="list-style-type: none"> <li>(a) why the number of complaints received by VSB in recent years (i.e. on average 50 complaints annually) was rather low, and whether this had been attributed to the lack of complaint channels or public awareness of such channels; and</li> <li>(b) whether, in the Administration's assessment, the number of complaints received would rise following the implementation of the measures under the Bill; and if so, whether the staffing support for VSB would be strengthened correspondingly.</li> </ul> <p>Mr CHAN Hak-kan's suggestion that the Administration should shorten the long processing time taken by VSB to conclude a complaint from the existing 16 months on average to, for example, 12 months.</p> <p>The Administration's reiteration that –</p> <ul style="list-style-type: none"> <li>(a) the complaint-handling process would be expedited with the improvement to manpower deployment following the expansion of VSB's membership; and</li> <li>(b) the time taken to investigate a complaint would depend on its complexity. The Administration had reservation about setting a target on the time required for investigation of a complaint but would review the processing time of complaints after implementation of the measures under the Bill.</li> </ul>	The Administration to take actions as required in paragraphs 3(c) and 4 of the minutes.



Time marker	Speaker	Subject(s)	Action required
		<p>At Mr CHAN Hak-kan's request, the Administration's undertaking to report the progress of VSB's handling of complaints to the relevant Panel of the Legislative Council at regular intervals after implementation of the measures under the Bill.</p> <p>On Mr CHAN Hak-kan's enquiry on the criteria that SFH would consider when appointing lay members to VSB, the Administration's response that the lay members appointed should represent the interests of persons utilizing veterinary services, with a view to facilitating the balanced representation on VSB. The Administration's undertaking to provide the background of lay members appointed to VSB since its establishment.</p>	
004709 – 005355	Chairman Dr Kenneth CHAN Admin	<p>Dr Kenneth CHAN's view that the effectiveness of the measures under the Bill would hinge on whether VSB would be provided with sufficient support.</p> <p>In connection with section 7 of the Ordinance which provides for the appointment of a secretary and a legal adviser to VSB, Dr Kenneth CHAN's enquiry on whether the Administration would review the establishment and functions of the VSB Secretariat, with a view to meeting the public expectation of the measures for VSB under the Bill.</p> <p>The Administration's response that the VSB Secretariat, established within the Agriculture, Fisheries and Conservation Department, currently had a total of 10 staff. They included a senior executive officer, executive officers/assistants and clerical staff, some of whom were non-civil service contract staff. A legal adviser was also appointed. While the staffing support for the Secretariat was strengthened in 2012, the Administration would monitor the situation and consider enhancing the manpower as and when necessary.</p> <p>At the requests of Dr Kenneth CHAN and the Chairman, the Administration's undertaking to provide a comparison between the workflows in connection with the handling of complaints and conduct of disciplinary proceedings under the relevant provisions (such as section 18) of the Ordinance before and after implementation of the relevant measures under the Bill.</p>	The Administration to take actions as required in paragraphs 3(d) and (e) of the minutes.
005356 – 010921	Chairman Mr Paul TSE Admin	<p>Mr Paul TSE's concern about whether VSB should be subject to more public monitoring or self-regulation by the veterinary profession, and his enquiry on the background of the two incumbent lay members on VSB.</p> <p>The Administration's response that –</p>	The Administration to take action as required in paragraph 3(f) of the minutes.

Time marker	Speaker	Subject(s)	Action required
		<p>(a) the 2:1 ratio on VSB was appropriate when compared to overseas regulatory bodies of the veterinary profession which had adopted similar ratios and some local regulatory bodies in other professions such as the Medical Council of Hong Kong. The election of RVSs to VSB would help VSB cope with the development of the veterinary profession and the higher public expectation of the standards of veterinary services in Hong Kong;</p> <p>(b) as the complaints received by VSB usually alleged professional misconduct relating to administration of anesthetic agents or medications and X-ray examination etc., members of the profession would have better understanding of such complaints. In some cases, advice from overseas experts might also be sought;</p> <p>(c) the Administration would continue to keep in view the participation of non-members of the veterinary profession in the complaint-handling process; and</p> <p>(d) of the two incumbent lay members on VSB, one was a university professor and the other was a school principal, both of whom were pet owners and should be able to represent the interests of persons utilizing veterinary services.</p> <p>On Mr Paul TSE's enquiry on whether, under VSB's disciplinary proceedings, the RVSs being complained of might opt for an open or closed hearing and their right to legal representation, the Administration's response that all hearings conducted by VSB were normally closed hearings and all parties involved had the right to legal representation. The Administration's undertaking to provide the relevant information on the practices adopted by other local and overseas professional regulatory bodies for disciplinary proceedings.</p>	
010922 – 011645	Chairman Ms Cyd HO Admin	<p>Ms Cyd HO's view that in the accounting, medical and social work professions in Hong Kong, their representatives on the boards of the relevant regulatory bodies were mainly elected from the respective professions. Her request for the Administration to –</p> <p>(a) revisit the ratio of appointed to elected members on VSB and enhance the public monitoring over VSB; and</p> <p>(b) support lay members outnumbering RVSs on PIC and IC where RVSs should contribute their expertise in support of lay members, as similar investigative committees did in overseas jurisdictions.</p> <p>On Ms Cyd HO's concern about the difficulty in looking for RVSs in Hong Kong who had no commercial interests to serve on VSB and whether any standing mechanism was in place for VSB to seek assistance from overseas experts, the Administration's response that in overseas jurisdictions</p>	

Time marker	Speaker	Subject(s)	Action required
		such as the UK, the United States, Australia and NZ, there was high specialization in the veterinary profession with a list of specialists available in various fields. With such lists provided by the relevant professional bodies, VSB might invite overseas experts to participate in the assessment of complaints.	
011646 – 012130	Chairman Mr Paul TSE Admin	<p>In connection with clause 16 of the Bill under which the proposed new sections 2B(1)(f) and 2C(1)(g) respectively provide that SFH must declare the office of the Chairperson/an appointed member of VSB to be vacant if SFH is satisfied that the Chairperson/appointed member is unable or unfit to perform the duties and exercise the powers of the Chairperson/a member because of physical or mental illness or any other reason, Mr Paul TSE's enquiries on the reason(s) for including "any other reason", in addition to "physical or mental illness", in the proposed new sections, and whether there was any precedent for SFH to declare the aforesaid office(s) to be vacant for reasons other than those specified in the proposed new sections 2B and 2C.</p> <p>The Administration's response that there was no such precedent but it intended to reserve the discretion to declare the office of the Chairperson/an appointed member to be vacant, if necessary, for any reasons/scenarios which were unexpected or not expressly specified by the Bill. To respect the choice of electors, it was not open to the authority to rely on such a discretion to declare the office of an elected VSB member vacant.</p>	
<i>Agenda Item III - Any other business</i>			
012131 – 012355	Chairman	<p>Invitation for public views on the Bill</p> <p>Dates of the second and third meetings</p>	