

立法會
Legislative Council

LC Paper No. CB(3)247/14-15
(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 second meeting
held on Monday, 17 November 2014, at 10:45 am
in Conference Room 1 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 CHAN Chi-chuen
Dr Hon Kenneth CHAN Ka-lok
Dr Hon CHIANG Lai-wan, JP

Members absent : Hon Paul TSE Wai-chun, JP
Hon Steven HO Chun-yin
Hon Alice MAK Mei-kuen, JP

Public Officers attending : Item II

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

Ms Hinny 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

**Attendance by : Item II
invitation**

Liberal Party Pet's Right Concern Unit

Mr Anson LAM
Deputy Convenor

The Hong Kong Veterinary Association

Dr Florence CHAN
Secretary

Wanchai Animal Clinic

Dr Paul ESSEY

The Society for the Prevention of Cruelty to Animals (HK)

Dr Jane GRAY
Chief Veterinary Surgeon

China (Hong Kong) Veterinary Association

Dr Cornwell SHIU
President

Dr Patrick CHONG Pak-kin

School of Veterinary Medicine, City University of Hong
Kong

Dr Richard BROWN
Associate Director, Professional Veterinary Education and
Development

Veterinary Surgeons Board of Hong Kong

Dr Olivia CHAN
Member

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. Confirmation of minutes

(LC Paper No. CB(3)155/14-15)

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

2. The minutes of the meeting held on 28 October 2014 were confirmed.

II. Meeting with deputations and the Administration

(LC Paper Nos. CB(3)797/13-14, LS77/13-14, CB(3) 87/14-15(02)-(05), File Ref: FHB/F/6/12/12, CB(3) 133/14-15(01)-(10) and CB(3) 134/14-15(001)-(156))

3. The Bills Committee received views from eight deputations/individuals attending the meeting and noted 156 submissions from groups/individuals not attending the meeting.

(Post-meeting note: Three submissions from groups/individuals on the Bill received after the meeting (LC Paper Nos. CB(3) 174/14-15(01)-(03)) were issued to members vide LC Paper No. CB(3) 174/14-15 on 20 November 2014.)

Action

Follow-up actions arising from the discussion

- Admin 4. The Administration was requested to provide the following information –
- (a) the ratios of registered veterinary surgeons ("RVs") to animals in Hong Kong and overseas jurisdictions;
 - (b) the reason(s) for not proposing the election of all the 12 RVs by the veterinary profession to the Veterinary Surgeons Board ("VSB") in the Bill;
 - (c) the merits of the proposed election of six RVs by the profession to VSB;
 - (d) the background (including the specialties) of the six RVs appointed by the Secretary for Food and Health ("SFH") to VSB since its establishment in 1997;
 - (e) in connection with clause 13 of the Bill under which the proposed new section 28(1A) of the Veterinary Surgeons Registration Ordinance (Cap. 529) ("the Ordinance") provides that SFH may by regulation provide for matters concerning an election of members to VSB, (i) the proposal on the election; and (ii) the reason(s) for the proposed regulation being subject to "negative vetting" instead of "positive vetting" by the Legislative Council;
 - (f) the longest and shortest times taken by VSB to conclude its investigation of a complaint received from 2002 to 2006 and from 2007 to 2011 respectively; and
 - (g) in connection with section 7 of the Ordinance under which a Legal Adviser to VSB is appointed by SFH, whether more legal advisers to VSB may be appointed to cope with the rising caseload as and when necessary.

III. Any other business

Subsequent meetings

5. The Chairman reminded members that the next meeting would be held on Tuesday, 2 December 2014, at 8:30 am.
6. The Chairman said that the Bills Committee would commence clause-by-clause examination of the Bill after the completion of its discussion on the policy aspects of the Bill at the next meeting.

Action

7. Members agreed that the fourth meeting of the Bills Committee be held on Friday, 19 December 2014 from 10:45 am to 12:45 pm to continue the discussion on the Bill.

(Post-meeting note: Notice of and the agenda for the fourth meeting were issued vide LC Paper No. CB(3)175/14-15 on 20 November 2014. At the Bills Committee meeting on 2 December 2014, members agreed that the fourth meeting was re-scheduled to Monday, 5 January 2015, at 10:45 am.)

8. There being no other business, the meeting ended at 12:46 pm.

Council Business Division 3
Legislative Council Secretariat
5 December 2014

**Proceedings of the second meeting of the Bills Committee on
Veterinary Surgeons Registration (Amendment) Bill 2014
on Monday, 17 November 2014, at 10:45 am
in Conference Room 1 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
<i>Agenda Item I - Confirmation of minutes</i>			
000154 – 000220	Chairman	Confirmation of the minutes of the meeting held on 28 October 2014 [LC Paper No. CB(3)155/14-15].	
<i>Agenda Item II - Meeting with deputations and the Administration</i>			
000221 – 000645	Chairman	Opening remarks	
000646 – 000953	Chairman Mr Anson LAM, Liberal Party Pet's Right Concern Unit	Presentation of views on the Veterinary Surgeons Registration (Amendment) Bill 2014 ("the Bill") [LC Paper No. CB(3)174/14-15(01)]	
000954 – 001304	Chairman Dr Florence CHAN, The Hong Kong Veterinary Association ("HKVA")	Presentation of views [LC Paper No. CB(3)133/14-15(03)]	
001305 – 001624	Chairman Dr Paul ESSEY, Wanchai Animal Clinic ("WCAC")	Presentation of views [LC Paper No. CB(3)133/14-15(04)]	
001625 – 001952	Chairman Dr Jane GRAY, The Society for the Prevention of Cruelty to Animals (HK) ("SPCA")	Presentation of views [LC Paper No. CB(3)133/14-15(06)]	
001953 – 002304	Chairman Dr Cornwell SHIU, China (Hong Kong) Veterinary Association	Presentation of views [LC Paper No. CB(3)133/14-15(07)]	
002305 – 002625	Chairman Dr Patrick CHONG Pak-kin	Presentation of views [LC Paper No. CB(3)133/14-15(08)]	
002626 – 002926	Chairman Dr Richard BROWN, School of Veterinary Medicine, City University of Hong Kong ("SVM, CityU")	Presentation of views [LC Paper No. CB(3)133/14-15(09)]	
002927 – 003221	Chairman Dr Olivia CHAN, Veterinary Surgeons Board of Hong Kong ("VSB") Admin	Presentation of views [LC Paper No. CB(3)133/14-15(10)]	

Time marker	Speaker	Subject(s)	Action required
003222 – 003807	Chairman Ms Cyd HO Dr Paul ESSEY, WCAC Dr Jane GRAY, SPCA Dr Olivia CHAN, VSB	<p>Members' understanding that the deputations generally supported the ratios of registered veterinary surgeons ("RVSS") to non-RVSSs on VSB, the preliminary investigation committee ("PIC") and the inquiry committee ("IC") to be maintained at 2:1 as proposed under the Bill.</p> <p>Ms Cyd HO's concern about why, under the proposed expansion of VSB's membership, only six of the 12 RVSSs would be elected by the veterinary profession. Her invitation for the deputations' views on whether appointed RVSSs on VSB should be retained and all the 12 RVSSs on VSB should be elected by the profession to facilitate VSB's professional autonomy.</p> <p>Dr Paul ESSEY (WCAC)'s view that the profession generally supported the election of all the 12 RVSSs to VSB in the long run; and the proposed retention of appointed RVSSs on VSB was accepted out of expediency, as the discussions on the proposed measures under the Bill had taken 18 months.</p> <p>Dr Jane GRAY (SPCA)'s view that the profession had waited long for the improvement to VSB's operation. VSB should move towards having more and ideally all the 12 RVSSs elected by the profession.</p> <p>Dr Olivia CHAN (VSB)'s concern about the feasibility of having all the RVSSs on VSB selected from one source, i.e. by election. The inclusion of appointed RVSSs in PIC and IC should facilitate a balanced consideration of complaints against RVSSs.</p>	
003808 – 004413	Chairman Dr Kenneth CHAN Dr Jane GRAY, SPCA Dr Paul ESSEY, WCAC	<p>In connection with clause 13 of the Bill under which the proposed new section 28(1A) of the Veterinary Surgeons Registration Ordinance (Cap. 529) ("the Ordinance") provides that the Secretary for Food and Health ("SFH") may by regulation provide for matters concerning an election of six RVSSs to VSB, Dr Kenneth CHAN's enquiries to the deputations on –</p> <ul style="list-style-type: none"> (a) whether they considered it acceptable for the Government to decide on all matters relating to the election; and (b) how to ensure electoral fairness, such as whether one voter might select only one RVS or up to six RVSSs. <p>Dr Jane GRAY (SPCA)'s view that every RVS should be entitled to vote at the election and the Government had the responsibility to ensure the fairness and transparency of the election.</p> <p>Dr Paul ESSEY (WCAC)'s view that –</p> <ul style="list-style-type: none"> (a) the Government might make reference to the election procedures for veterinary regulatory bodies in other jurisdictions such as the United Kingdom ("UK") where veterinarians chose from a list of candidates and voted by paper ballot at the election; (b) every RVS should be entitled to vote at the election; and 	

Time marker	Speaker	Subject(s)	Action required
		<p>(c) the number of elected RVSs on VSB should be increased in the long run to promote self-regulation by the profession.</p> <p>The Chairman's concern about whether the candidates who lost in the election might be appointed by the Government to VSB.</p> <p>Members' view that the Administration should submit its proposal on the election of RVSs to VSB to the Bills Committee for consideration.</p>	
004414 – 005130	<p>Chairman Mr CHAN Chi-chuen Dr Florence CHAN, HKVA Dr Olivia CHAN, VSB</p>	<p>Mr CHAN Chi-chuen's worry about PIC/IC's investigation into complaints against RVSs would amount to an investigation by peers which fell short of impartiality. His enquiries on –</p> <p>(a) whether the Administration had conducted any survey on the veterinary profession's views on the Bill, including whether the proposed 12 RVSs on VSB should all be elected by the profession; and</p> <p>(b) whether renowned and respectable RVSs preferred to be appointed to VSB rather than stand for election.</p> <p>Dr Florence CHAN (HKVA)'s view that –</p> <p>(a) RVSs were generally not working for money but promoted animal welfare out of conscience;</p> <p>(b) HKVA was committed to maintaining a high standard of veterinary services, which were conducive to the development of the profession;</p> <p>(c) established procedures were in place for declaration of interest by RVSs on VSB and their withdrawal from PIC/IC in case of a conflict of interest arising from the handling of complaints against RVSs; and</p> <p>(d) as most practising RVSs provided services for small pet animals, and some worked for relevant government departments, the Hong Kong Jockey Club or local universities, RVSs in different specialties should be proportionally represented by the elected RVSs on VSB.</p> <p>Dr Olivia CHAN (VSB)'s view that –</p> <p>(a) the appointment of RVSs to VSB would expand the pool of suitable persons to serve on PIC and IC; and</p> <p>(b) a review might be conducted on the need for increasing the number of elected RVSs on VSB when the profession became more mature.</p>	
005131 – 010018	<p>Chairman Dr CHIANG Lai-wan Dr Olivia CHAN, VSB Dr Richard BROWN, SVM, CityU Dr Jane GRAY, SPCA Dr Paul ESSEY, WCAC</p>	<p>Dr CHIANG Lai-wan's reservation about the proposed election of all the 12 RVSs to VSB, as elected RVSs might put the interest of the profession before public interest, such as charging excessive service fees. Her concern about the availability of the complaint channels for the public and how the Administration could allay pet owners' worries about their rights and interests being compromised in VSB's handling of complaints against RVSs.</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>Dr Olivia CHAN (VSB)'s view that –</p> <ul style="list-style-type: none"> (a) VSB was responsible for examining and verifying the qualifications of persons applying for registration as RVSs to ensure high professional standards. RVSs possessed the required professional qualifications and had been impartial and objective in handling complaints; (b) the complaint channels are clearly available to the public and relevant parties; and (c) VSB attached high importance to the involvement of non-RVSs, with a PIC/IC including a non-RVS representing the interests other than those of RVSs. <p>Dr Richard BROWN (SVM, CityU)'s view that he was proud of the high standards of the profession in Hong Kong, and RVSs who failed to meet the standards would be subject to disciplinary actions including deregistration.</p> <p>Dr Jane GRAY (SPCA)'s view that a non-RVS should always be on PIC/IC working with RVSs; and the proposed appointment of assessors, who would not be VSB members, to PIC/IC could help allay concerns about any possible conflict of interest arising from the handling of complaints against RVSs.</p> <p>Dr Paul ESSEY (WCAC)'s view that the veterinary service fees in Hong Kong were one of the cheapest in the world when compared to other places such as South Africa and the United States ("US"), and in Hong Kong, there was an oversupply instead of undersupply of RVSs, which had driven down the service fees.</p>	
010019 – 010401	<p>Chairman Ms Cyd HO Dr Olivia CHAN, VSB Dr Jane GRAY, SPCA</p>	<p>Ms Cyd HO's enquiries on –</p> <ul style="list-style-type: none"> (a) whether, under the existing membership of VSB, the six RVSs appointed to VSB were all from government department(s), such as the Agriculture, Fisheries and Conservation Department ("AFCD"); and (b) the reason(s) for not proposing an election of all the 12 RVSs to VSB. <p>Dr Olivia CHAN (VSB)'s response that –</p> <ul style="list-style-type: none"> (a) the existing six appointed RVSs on VSB were not all from the Government or specialized in public health. Some of them provided services for small pet animals or worked for the Hong Kong Jockey Club; and (b) the number of elected RVSs might be increased when the profession became more mature. 	
010402 – 011043	<p>Chairman Dr Olivia CHAN, VSB Dr Richard BROWN, SVM, CityU</p>	<p>The Chairman's suggestions that the authority should –</p> <ul style="list-style-type: none"> (a) consider making a performance pledge to expedite the handling of complaints by VSB; (b) review whether the proposed expansion of VSB's membership from 10 to 19 would be sufficient to facilitate the formation of more PICs and ICs to expedite the handling of complaints; and 	

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		<p>(c) in view of the proposed addition of "dentist" to the related professions (which currently comprised "medical practitioner" and "pharmacist") under the Bill, consider increasing the number of VSB members from the related professions from one to three by appointing one member from each of the three related professions, as proposed by the Liberal Party Pet's Right Concern Unit.</p> <p>The Chairman's concern about whether VSB had set an excessively high threshold to restrict overseas-trained veterinary surgeons to practise, and limit the supply of RVSs, in Hong Kong.</p> <p>Dr Olivia CHAN (VSB)'s response that –</p> <p>(a) VSB had not set any threshold to restrict overseas veterinary surgeons to practise in Hong Kong; and</p> <p>(b) it had adopted a set of schedules of qualifications internationally recognized for registration as a veterinary surgeon, including those accepted by the American Veterinary Medical Association Council of Education and Royal College of Veterinary Surgeons. It also had supplementary rules to assess the qualifications of veterinary surgeons on an individual basis.</p> <p>Dr Richard BROWN's view that the provision of local veterinary programmes would satisfy the aspirations of local students who were interested in veterinary studies but could not afford to study abroad.</p>	
011044 – 011521	Chairman Dr CHIANG Lai-wan Dr Florence CHAN, HKVA Dr Paul ESSEY, WCAC Dr Olivia CHAN, VSB Admin	<p>Dr Paul ESSEY (WCAC)'s response to Dr CHIANG Lai-wan's enquiry that the ratio of RVSs to animals in Hong Kong was at 1 RVS to 1 200-1 400 animals.</p> <p>Dr Olivia CHAN (VSB)'s response that according to HKVA's study, the ratio of RVSs to animals in Hong Kong was high, compared to overseas jurisdictions, and the supply of RVSs in Hong Kong was sufficient.</p> <p>The Administration's undertaking to provide information on –</p> <p>(a) the latest ratios of RVSs to animals in Hong Kong and overseas jurisdictions; and</p> <p>(b) the background of the six RVSs appointed by SFH to VSB since its establishment in 1997.</p> <p>The Administration's response to Dr CHIANG Lai-wan's enquiry that VSB had issued a code of practice for the professional conduct and discipline of RVSs ("CoP"), which was available on VSB's website. A RVS in breach of the CoP would be subject to disciplinary proceedings that could, where the severity of the case so warranted, lead to removal of the name of the RVS concerned from the register of RVSs.</p>	The Administration to take actions as required in paragraph 4(a) and (d) of the minutes.
011522 – 011922	Chairman Dr Kenneth CHAN	Dr Jane GRAY (SPCA)'s response to Dr Kenneth CHAN's enquiry on the proposed method of election of the six RVSs	

Time marker	Speaker	Subject(s)	Action required
	<p>Dr Jane GRAY, SPCA Dr Richard BROWN, SVM, CityU Dr Paul ESSEY, WCAC</p>	<p>to VSB that –</p> <ul style="list-style-type: none"> (a) each RVS should have a vote for each elected seat (i.e. six votes for six elected RVSSs) and the voters could select from among a list of candidates standing for election; (b) candidates should make available their manifestos to all eligible voters; and (c) the options of paper and electronic ballots should be provided. <p>Dr Richard BROWN (SVM, CityU)'s support for Dr Jane GRAY's above suggestions, and his view that the electoral method should be reasonable, fair and efficient.</p> <p>Dr Paul ESSEY (WCAC)'s support for providing the options of paper and electronic ballots at the election.</p>	
<p>011923 – 012731</p>	<p>Chairman Admin</p>	<p>The Administration's response to the views of members and the deputations –</p> <ul style="list-style-type: none"> (a) clause 13 of the Bill empowers SFH to prescribe a set of regulation on an election of members to VSB. The proposed regulation to be made following the passage of the Bill would be in the form of subsidiary legislation subject to scrutiny by the Legislative Council ("LegCo"); (b) the Administration considered the ratio of RVSSs to non-RVSSs on VSB, which would be maintained at 2:1, appropriate having regard to the outcome of its consultation with the profession and stakeholders in 2012, and the latest development of the profession. In the long run, the number of elected RVSSs on VSB might be reviewed in the light of the overall development of the profession in future; (c) VSB had been handling complaints in a fair and proper manner. The proposed enhancement of VSB's complaint-handling capacity would expedite and improve the complaint-handling process. As each complaint might be unique in its own right and the complaints received had been getting more complicated in recent years, it might not be appropriate to make a service pledge on the processing time of a complaint received and handled by VSB. The Administration would keep in view the complaint-handling capacity of VSB after the enactment of the Bill; and (d) in Hong Kong, the ratio of RVSSs to small pet animals was at around 1:1 200 in 2012 according to information available to the Administration, compared to Japan and the US where the ratios of veterinarians to animals were at about 1:2 000 and 1:3 300 respectively. 	
<p>012732 – 013025</p>	<p>Chairman Ms Cyd HO Admin</p>	<p>Ms Cyd HO's suggestion that RVSSs on VSB should be elected from different specialties in the profession.</p> <p>The Administration's response that, of the existing six appointed RVSSs on VSB in the current term, one was a veterinary surgeon who worked in AFCD. Although a</p>	<p>The Administration to take action as required in paragraph 4(b)</p>

Time marker	Speaker	Subject(s)	Action required
		<p>considerable number of RVSs were providing service for small pet animals in local market, the Administration considered it necessary to appoint RVSs in various veterinary expertise (e.g. in the fields of veterinary public health and veterinary care for competition horses) to VSB, so as to maintain a broad and balanced mix of knowledge and expertise on VSB. After enactment of the Bill, the same principle would apply to the appointment of the six RVSs to VSB. The Administration's undertaking to provide a written response on the reason(s) for not proposing an election of all the 12 RVSs to VSB.</p>	<p>of the minutes.</p>
<p>013026 – 013252</p>	<p>Chairman Dr CHIANG Lai-wan Dr Paul ESSEY, WCAC Admin</p>	<p>The Administration's undertaking to provide the latest ratios of RVSs to animals in Hong Kong and overseas jurisdictions.</p>	<p>The Administration to take action as required in paragraph 4(a) of the minutes.</p>
<p>013253 – 014249</p>	<p>Chairman Admin</p>	<p>The Administration's briefing on its response to members' requests arising from the discussion at the meeting of 28 October 2014 [LC Paper Nos. CB(3) 133/14-15(01) and CB(3) 133/14-15(02)].</p> <p>On the background of the six RVSs appointed to VSB, the Administration's response that it had appointed RVSs in different fields (such as veterinary public health and veterinary care for small pet animals in veterinary clinics, competition horses in Hong Kong Jockey Club, and animals in the Ocean Park and zoos under the Leisure and Cultural Services Department) to VSB. As RVSs specializing in veterinary public health were mainly working in public bodies, it had been the practice to appoint a government veterinary officer to VSB to provide expertise relating to the public veterinary services. The member so appointed was not a representative of the Government or AFCD on VSB.</p>	
<p>014250 – 015336</p>	<p>Chairman Dr CHIANG Lai-wan Admin</p>	<p>Dr CHIANG Lai-wan's appreciation of the smooth operation of VSB, the members of which had not been elected by the profession but appointed by the Government. Her reservation about the proposed election of six of the 12 RVSs on VSB and worry about the profession charging excessive service fees.</p> <p>The Administration's response that –</p> <p>(a) it was considered appropriate to expand VSB's membership by including six elected RVSs in VSB, after taking into account the growth of the profession over the years, 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, as well as overseas experience in the UK, Australia and New Zealand where elected members were included in the relevant regulatory bodies at a certain stage of the profession's development. The election of RVSs to</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>VSB would encourage greater involvement of the profession in managing its own affairs; and</p> <p>(b) CoP had terms to regulate against the charging of excessive service fees by RVSSs.</p>	
015337 – 015847	Chairman Admin	<p>The Administration's response to the Chairman's enquiry on when the proposed new composition of VSB would come into effect after the passage of the Bill –</p> <p>(a) upon the expected passage of the Bill in early 2015, SFH would proceed to make a regulation on the election of members to VSB ("the election regulation"). The proposal on the election regulation would be submitted to the relevant Panel of LegCo for consultation. The election regulation in the form of subsidiary legislation was expected to be gazetted in mid-2015 and scrutinized by LegCo under the "negative vetting" procedure; and</p> <p>(b) the proposed new composition of VSB would come into effect in late 2015.</p> <p>Members' query as to why the proposed election regulation was to be subject to "negative vetting" instead of "positive vetting" by LegCo.</p>	
015848 – 020253	Chairman Ms Cyd HO Dr Kenneth CHAN Dr CHIANG Lai-wan Admin	<p>The Administration's undertaking to provide members with the following information –</p> <p>(a) the proposal on the election of members to VSB; and the reason(s) for the proposed election regulation being subject to "negative vetting" instead of "positive vetting" by LegCo;</p> <p>(b) the longest and shortest times taken by VSB to conclude its investigation of a complaint received from 2002 to 2006 and from 2007 to 2011 respectively;</p> <p>(c) in connection with section 7 of the Ordinance under which a Legal Adviser to VSB is appointed by SFH, whether more legal advisers to VSB might be appointed to cope with the rising caseload as and when necessary; and</p> <p>(d) the merits of the proposed election of six RVSSs to VSB.</p> <p>Meeting arrangements.</p>	The Administration to take actions as required in paragraphs 4(c), (e), (f) and (g) of the minutes.