

**立法會**  
**Legislative Council**

LC Paper No. CB(3) 367/14-15  
(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 fourth meeting  
held on Monday, 5 January 2015, at 10:45 am  
in Conference Room 2A of the Legislative Council Complex**

**Members present** : Hon Tommy CHEUNG Yu-yan, SBS, JP (Chairman)  
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  
Dr Hon CHIANG Lai-wan, JP

**Member absent** : Hon Cyd HO Sau-lan, 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

**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

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Action

**I. Confirmation of minutes**

(LC Paper No. CB(3)303/14-15)

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

**II. Meeting with the Administration**

(LC Paper Nos. CB(3)305/14-15(01)-(02), CB(3)309/14-15(01), CB(3)797/13-14, CB(3)87/14-15(02), File Ref: FHB/F/6/12/12, LS77/13-14, and CB(3)87/14-15(03)-(05))

2. The Bills Committee deliberated and continued to examine the Bill clause by clause (index of proceedings at **Annex**).

Follow-up actions arising from the discussion

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3. The Administration was requested to provide a written response to the following concerns/views of members –

(a) in connection with the proposed new sections 17C and 18(1C) of the Veterinary Surgeons Registration Ordinance (Cap. 529) ("the

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Ordinance") under which the proposed ratios of registered veterinary surgeon ("RVS") to non-RVS on a preliminary investigation committee ("PIC") and an inquiry committee ("IC") would be set at 2:1 ("the 2:1 ratio"),

- (i) how to ensure that under the 2:1 ratio, the RVSs on PIC/IC would maintain impartiality in handling complaints in which the persons being complained of were RVSs; and
  - (ii) whether the Administration would propose Committee stage amendments ("CSAs") to the Bill to the effect that more non-RVSs would be included in a PIC/IC so as to adjust the 2:1 ratio to 1:1 or 1:2, or a PIC would be constituted by non-RVSs only;
- (b) whether the Administration would propose CSAs to the effect that –
- (i) in case no consensus could be reached on a PIC on whether a complaint alleging a disciplinary offence should be referred to an IC, the complaint should be referred to the Veterinary Surgeons Board ("VSB") for consideration;
  - (ii) the proposed ratios of RVS to non-RVS on VSB and on the panel of assessors would be adjusted from 2:1 to 1:1, so as to better safeguard the interests of persons utilizing veterinary services; and
  - (iii) the regulation to be made by the Secretary for Food and Health for matters concerning an election of RVSs to VSB under the proposed new section 28(1A) of the Ordinance would be subject to positive vetting, instead of negative vetting, by the Legislative Council; and
- (c) in connection with the proposed arrangements for the election of six RVSs to VSB under which each elector might, in the capacity of a proposer or seconder, nominate a maximum of six RVSs who were qualified as electors to be candidates, and might vote for a maximum of six candidates in an ordinary election (as set out respectively in paragraphs 15 and 19 of the "Salient features of the proposed election of elected members to VSB" [LC Paper No. CB(3) 309/14-15(01)]), whether the Administration would review the proposed nomination and voting arrangements, including restricting each elector to nominate and vote for one candidate only in the election.

4. The Bills Committee completed the clause-by-clause examination of the Bill.

*(Post-meeting note: The Administration's response to issues raised at the meeting on 5 January 2015 was issued to members vide LC Paper No. CB(3) 332/14-15(02) on 9 January 2015.)*

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

#### Next meeting

5. Members agreed that the fifth meeting of the Bills Committee be held on Monday, 12 January 2015 from 10:45 am to 12:45 pm to consider the Administration's written response to issues arising from this meeting and draft CSAs.

6. The Chairman reminded members to send their draft CSAs, if any, to the Clerk before the fifth meeting for consideration by the Bills Committee.

*(Post-meeting note: Notice of the fifth meeting and the agenda of the meeting were issued vide LC Paper No. CB(3) 317/14-15 on 5 January 2015.)*

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

Council Business Division 3  
Legislative Council Secretariat  
23 January 2015

**Proceedings of the fourth meeting of the Bills Committee on  
Veterinary Surgeons Registration (Amendment) Bill 2014  
on Monday, 5 January 2015, at 10:45 am  
in Conference Room 2A of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
<i>Agenda Item I - Confirmation of minutes</i>			
000227 – 000259	Chairman	Confirmation of the minutes of the meeting held on 2 December 2014 [LC Paper No. CB(3)303/14-15].	
<i>Agenda Item II - Meeting with the Administration</i>			
000300 – 001810	Chairman Administration Dr CHIANG Lai-wan	<p>Opening remarks</p> <p>The Administration's briefing on its written response to issues raised at the meeting on 2 December 2014 in relation to the Veterinary Surgeons Registration (Amendment) Bill 2014 ("the Bill") [LC Paper Nos. CB(3) 305/14-15(01) and (02)].</p> <p>Dr CHIANG Lai-wan's request for the Administration to –</p> <p>(a) adapt relevant regulations made by the Electoral Affairs Commission and the Independent Commission Against Corruption on electoral procedure and prevention of bribery to the regulation to be made by the Secretary for Food and Health for matters concerning an election of registered veterinary surgeons ("RVSs") by the veterinary profession to the Veterinary Surgeons Board ("VSB") under the proposed new section 28(1A) of the Veterinary Surgeons Registration Ordinance (Cap. 529) ("the Ordinance") ("election regulation"), so as to ensure the integrity of the election;</p> <p>(b) endeavour to minimize the cost of the election which would be borne by public money, e.g. it might suffice to set up polling stations in a few districts easily accessible to electors; and</p> <p>(c) propose Committee stage amendments ("CSAs") to the Bill to the effect that the proposed ratio of RVS to non-RVS on the panel of assessors under the Bill be adjusted from 2:1 to 1:1 by increasing the number of non-RVSs from six to 12, so that a larger pool of talents would be available for sharing VSB's workload.</p> <p>The Administration's undertaking to –</p> <p>(a) endeavour to ensure that the election of RVSs to VSB would be open, fair and cost-effective; and</p> <p>(b) consider increasing the number of non-RVSs on the panel of assessors.</p>	The Administration to take action as required in paragraph 3(b)(ii) of the minutes.
<i>Continuation of clause-by-clause examination of the Bill</i>			
001811 – 010412	Chairman Admin Dr CHIANG Lai-wan Mr Steven HO Mr CHAN Chi-chuen	<p><i>Clause 11 – Sections 17A to 17D added</i></p> <p><u>New section 17B – Term of office of assessors</u></p> <p>Members raised no query.</p>	The Administration to take actions as required in paragraphs 3(a)(i) and (ii), and 3(b)(i) of

Time marker	Speaker	Subject(s)	Action required
		<p><u>New section 17C – Establishment of preliminary investigation committee</u></p> <p>Regarding the proposed preliminary investigation committee ("PIC") which would comprise two RVSs and one non-RVS and might refer, by a majority vote of its members, a complaint alleging a disciplinary offence to an inquiry committee ("IC"), the Chairman's and Dr CHIANG Lai-wan's grave concern about the imbalanced ratio of RVS to non-RVS on PIC, which could give rise to a perception that PIC might handle complaints in favour of the members of the veterinary profession who were the subjects of the complaints concerned. Their worry that most complaints from pet owners about members of the veterinary profession would likely be dismissed by PICs which were dominated by RVSs and would not be referred to ICs. Their request for the Administration to consider proposing CSAs to the effect that –</p> <ul style="list-style-type: none"> <li>(a) the number of non-RVSs on a PIC would be increased so that the ratio of RVS to non-RVS thereon would be adjusted to 1:1 or 1:2, or a PIC would be constituted by non-RVSs only, so as to better safeguard the interests of pet owners; and</li> <li>(b) the proposed PIC might not decide whether a complaint should be referred to an IC unless all of its members came to a consensus. In case such a consensus could not be reached, the complaint should be referred to VSB for consideration on whether to refer the complaint to the IC.</li> </ul> <p>At Mr Steven HO's request, the Administration's undertaking to explain in writing how it would ensure that RVSs on PICs could maintain impartiality in handling complaints about members of the veterinary profession.</p> <p>The Administration's response that –</p> <ul style="list-style-type: none"> <li>(a) under the existing arrangement, a PIC comprising a RVS and a non-RVS would determine whether to recommend to VSB that a complaint alleging a disciplinary offence should be referred to an IC. VSB would subsequently decide whether to refer the complaint to an IC, and VSB's decision would be made by a majority vote of its members. The ratio of RVS to non-RVS on VSB is set at 2:1. If a PIC concluded that a complaint should not be referred to VSB, the Secretary to VSB would notify the complainant in writing;</li> <li>(b) under the Bill, the proposed three-member PIC would determine whether to refer a complaint to an IC. The ratio of RVS to non-RVS on a PIC would be set at 2:1 as on VSB. The proposed PIC would have an odd number of members (i.e. three), so that a majority vote might be obtained on whether to refer complaints to ICs;</li> <li>(c) the possible perception of pet owners against the proposed PIC was noted. The inclusion of a non-RVS would help allay the concerns of complainants who utilized veterinary services. The RVSs who would hold the majority on PIC should not be assumed to be biased towards members of the veterinary profession in handling complaints alleging a disciplinary offence. Their professional knowhow and understanding of the veterinary profession would facilitate</li> </ul>	<p>the minutes.</p>

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		<p>the handling of complaints; and</p> <p>(d) about 90% of some 600 complaints received by VSB in the past were dismissed, as the PICs concerned considered there being no breach of VSB's code of practice for the professional conduct and discipline of RVSs ("CoP") or other disciplinary offences committed, while about 10% of the cases were referred to ICs for further inquiry. There were complaints substantiated and the RVSs in breach of CoP or conduct rules were subject to disciplinary actions, including removal of their names from the register of RVSs for a fixed period of time.</p> <p>The Administration's undertaking to consider members' suggestion that if the proposed PIC could not reach a consensus to refer a complaint to an IC, the complaint should be referred to VSB for consideration.</p> <p><u>New section 17D – Referral of complaints by preliminary investigation committees</u></p> <p>Dr CHIANG Lai-wan's enquiry on whether "the RVS being complained of" under the proposed new section 17D(2)(b) of the Ordinance would include the veterinary clinic owned by the RVS concerned or other persons working in the clinic, such as veterinary assistants and nurses; and if not, whether its scope could be expanded to include investors or operators of such clinics. Her view that the whole veterinary profession should be subject to comprehensive regulation.</p> <p>The Administration's response that –</p> <p>(a) the Ordinance provides for the regulation of the practice of veterinary surgery, the registration of veterinary surgeons, and the disciplinary control of the professional activities of RVSs. The regulatory regime does not cover the operation of veterinary clinics or medical groups running such clinics. However, VSB's CoP provides that "veterinary surgeons must not allow their professional judgment, integrity, discretion or conduct to be influenced by a lay person in any matter requiring the application of professional knowledge or skill". RVSs acting in a manner unbecoming the profession under the influence of their employers might have contravened CoP; and</p> <p>(b) persons aggrieved by improper practices of such clinics or medical groups might file civil lawsuits.</p> <p>Dr CHIANG Lai-wan's remarks that she would follow up the matters on regulation of the veterinary profession at meetings of the Panel on Food Safety and Environmental Hygiene of the Legislative Council ("LegCo").</p>	
010413 – 011048	Chairman Admin Dr CHIANG Lai-wan	<i>Clause 12 – Section 18 amended (inquiry committee and rules of conduct)</i>	The Administration to take action as

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		<p>Dr CHIANG Lai-wan's request for the Administration to propose CSAs to the effect that more non-RVSs would be included in an IC so as to adjust the ratio of RVS to non-RVS thereon to 1:1 or 1:2.</p> <p>In response to Dr CHIANG's enquiry, the Administration's explanation that the textual amendments under the Bill to replace "shall" with "must" in the English text of the Ordinance was in line with the current drafting practice.</p>	<p>required in paragraph 3(a)(ii) of the minutes.</p>
<p>011049 – 013532</p>	<p>Chairman Admin Dr CHIANG Lai-wan Mr CHAN Chi-chuen Dr Kenneth CHAN</p>	<p><i>Clause 13 – Section 28 amended (regulations)</i></p> <p>The Administration's briefing on the "Salient features of the proposed election of elected members to VSB" [LC Paper No. CB(3) 309/14-15(01)].</p> <p>The Administration's response to members' enquiries that at the first election of RVSs to VSB, electors would be required to cast votes in person and no proxy or electronic voting would be allowed. The Administration was open to exploring other voting arrangements in future, including electronic voting as suggested by some deputations from the veterinary profession to the Bills Committee. It would take into account the experience of the first election when considering the feasibility of other more simple and convenient voting arrangements.</p> <p>The Chairman's and members' support for electors casting their votes in person.</p> <p>Dr Kenneth CHAN's view that while electors residing in remote areas were allowed to vote by electronic means at elections of board members of regulatory bodies in some overseas jurisdictions like the United Kingdom, electronic voting should not be suitable for Hong Kong given its small geographical size.</p> <p>The Chairman's and members' strong reservation about the Administration's proposal to allow each elector to nominate a maximum of six RVSs and vote for a maximum of six candidates in an ordinary election. Their worries that the election would be dominated by bloc voting influenced by certain sizeable groups or organisations. Their request for the Administration to –</p> <ul style="list-style-type: none"> <li>(a) review the proposed nomination and voting arrangements, including restricting each elector to nominate and vote for one candidate only in the election, to facilitate competition and encourage candidates of different backgrounds to participate in the election; and</li> <li>(b) consider proposing CSAs to the effect that the election regulation would be subject to positive vetting, instead of negative vetting, by LegCo.</li> </ul>	<p>The Administration to take actions as required in paragraphs 3(b)(iii) and 3(c) of the minutes.</p>



<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
013533 – 014441	Admin	<p><i>Clause 14 – Section 29 amended (exemptions)</i>  <i>Clause 15 – Section 30 repealed (transitional)</i>  <i>Clause 16 – Schedule 1 amended (provisions as respects the Board and its members)</i></p> <p>Members raised no query.</p>	
014442 – 015013	Chairman Dr CHIANG Lai-wan Dr Kenneth CHAN	<p><i>Clauses 17-21 (savings and transitional provisions)</i></p> <p>Members raised no query.</p> <p>Completion of clause-by-clause examination of the Bill.</p> <p>The Chairman's and Dr CHIANG Lai-wan's request for the Administration to take on board Members' views to propose CSAs to the effect that the proposed ratios of RVS to non-RVS on VSB, PIC, IC and panel of assessors be adjusted to at least 1:1.</p> <p>Given the method of election of RVSs to VSB being provided in the election regulation instead of in the Bill, the Chairman's request for the Administration to undertake to address members' concerns about the election method at the resumption of the Second Reading debate on the Bill.</p> <p>Members' support for the Chairman's suggestion that the Bills Committee should hold a further meeting to consider the Administration's written response to issues arising from this meeting and its draft CSAs. The Chairman's advice that members who intended to propose CSAs should send their draft CSAs to the Clerk before the meeting.</p>	
<i>Agenda Item III – Any other business</i>			
015014 – 020149	Chairman	<p>Date of next meeting</p> <p>Legislative timetable</p> <p>Closing remarks</p>	