

立法會
Legislative Council

LC Paper No. CB(3) 368/14-15
(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 fifth meeting
held on Monday, 12 January 2015, at 10:45 am
in Conference Room 2B 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 Steven HO Chun-yin
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 Alice MAK Mei-kuen, JP

Public Officers attending : Item I

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

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I. Meeting with the Administration

(LC Paper Nos. CB(3)332/14-15(01)-(02), 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))

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

Follow-up actions arising from the discussion

- Admin 2. The Administration was requested to provide a written response to the following issues in relation to the Veterinary Surgeons Registration (Amendment) Bill 2014 ("the Bill") –
- (a) in connection with the regulation to be made by the Secretary for Food and Health ("SFH") for matters concerning an election of members to the Veterinary Surgeons Board ("VSB") under the proposed new section 28(1A) of the Veterinary Surgeons Registration Ordinance (Cap. 529), whether SFH would state clearly in his speech at the resumption of the Second Reading debate on the Bill the Administration's undertaking to adopt members' suggestion to restrict an elector to nominate and/or vote for one candidate only in the election when drawing up the regulation;
 - (b) the Administration's response to Dr CHIANG Lai-wan's proposed amendments to the Bill [LC Paper No. CB(3)344/14-15(01)], including

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whether her amendments to adjust the proposed ratio of registered veterinary surgeon ("RVS") to non-RVS on VSB under the Bill, which was set at 2:1, to 1:1 would be contrary to the legislative intent of the Bill or fall outside the scope of the Bill; and

- (c) the Administration's proposed Committee stage amendments ("CSAs") to the Bill.

(Post-meeting notes:

- Dr CHIANG Lai-wan's proposed amendments to the Bill [LC Paper No. CB(3)344/14-15(01)], which was tabled at the meeting, were issued to members on 13 January 2015; and
- the Administration's response to issues raised at the meeting on 12 January 2015 was issued to members vide LC Paper No. CB(3) 370/14-15(02) on 22 January 2015.)

II. Any other business

Invitation for public views and date of next meeting

3. Members agreed that the sixth meeting of the Bills Committee be held on Monday, 26 January 2015 from 10:45 am to 12:45 pm to receive deputations' views on the proposed membership of VSB under the Bill, particularly the proposed ratio of RVS to non-RVS on VSB.

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

(Post-meeting notes:

- notice of and the agenda for the sixth meeting were issued vide LC Paper No. CB(3) 345/14-15 on 13 January 2015; and
- a notice to invite public views on the proposed membership of VSB under the Bill was posted on the Legislative Council Website on 13 January 2015, and letters were sent to the 18 District Councils on the same date to invite their views. Individual/deputations who attended the Bills Committee's second meeting were also invited to give their views.)

5. There being no other business, the meeting ended at 11:54 am.

**Proceedings of the fifth meeting of the Bills Committee on
Veterinary Surgeons Registration (Amendment) Bill 2014
on Monday, 12 January 2015, at 10:45 am
in Conference Room 2B of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
<i>Agenda Item I - Meeting with the Administration</i>			
000212 – 002004	Chairman Admin	<p>Opening remarks</p> <p>The Administration's briefing on its written response to issues raised at the meeting on 5 January 2015 in relation to the Veterinary Surgeons Registration (Amendment) Bill 2014 ("the Bill") [LC Paper Nos. CB(3) 332/14-15(01) and (02)] and its proposed amendments to the Bill, including –</p> <p>(a) amendments to the effect that in case no consensus was reached among the three members on a preliminary investigation committee ("PIC") on whether a complaint alleging a disciplinary offence should be referred to an inquiry committee ("IC"), the complaint had to be referred to the Veterinary Surgeons Board ("VSB") for determination [Annex A to LC Paper No. CB(3) 332/14-15(02)]; and</p> <p>(b) other technical amendments [paragraphs 2 and 3 of and Annex B to LC Paper No. CB(3) 332/14-15(02)].</p> <p>The Chairman's suggestion that the Secretary for Food and Health ("SFH") should state clearly in his speech at the resumption of the Second Reading debate on the Bill the Administration's undertaking to adopt members' suggestion to restrict an elector to nominate and/or vote for one candidate only in the proposed election of registered veterinary surgeons ("RVSS") to VSB when drawing up the election regulation under the proposed new section 28(1A) of the Veterinary Surgeons Registration Ordinance (Cap. 529) ("the Ordinance"). The Administration's undertaking to convey the Chairman's suggestion to SFH and indication of its inclination to support the suggestion.</p>	The Administration to take action as required in paragraph 2(a) of the minutes.
002005 – 004019	Chairman Admin Dr CHIANG Lai-wan Mr CHAN Chi-chuen Ms Cyd HO	<p>Dr CHIANG Lai-wan's briefing on her proposed amendments to clauses 5 and 11 of the Bill, which were tabled at the meeting –</p> <p>(a) the amendments to the proposed new section 3A(2) of the Ordinance aimed, in respect of the 12 members to be appointed by SFH, to reduce the proposed number of RVSSs on VSB from six to three, and increase the proposed number of non-RVSSs on VSB from five to eight (excluding the member being a medical and health professional), so as to adjust the ratio of RVS to non-RVS from 2:1 to 1:1; and</p> <p>(b) the amendments to the proposed new section 17A(2) of the Ordinance aimed to increase the maximum numbers of RVSSs and non-RVSSs on the panel of assessors ("the panel") from 12 to 15 and from six to 15 respectively, so as to adjust the ratio of RVS to non-RVS on the panel from 2:1 to 1:1.</p> <p>Dr CHIANG's grave concern about whether the Administration's proposed amendment on referral of complaints by PIC to VSB in the absence of consensus on PIC could ensure complaints from</p>	The Administration to take action as required in paragraph 2(b) of the minutes.

Time marker	Speaker	Subject(s)	Action required
		<p>pet owners being handled by VSB fairly, as the proposed ratio of RVS to non-RVS on VSB would be the same as on PIC under the Bill.</p> <p>The Administration's response that –</p> <p>(a) it maintained its position that the proposed ratio of RVS to non-RVS on VSB under the Bill was considered appropriate, after taking into account various factors including the main roles and functions of VSB, and the ratios of members of the profession to non-members of the profession on the boards of local and overseas professional regulatory bodies. The Administration took on board members' suggestion to propose amendments on referral of complaints by PIC to VSB in the absence of consensus on PIC, which would demonstrate that the views of different parties on PIC, including those of the lay members representing the interest of persons utilising veterinary services, would be given full weight. It could also enhance procedural fairness and public confidence in the handling of complaints by VSB; and</p> <p>(b) it had no adverse views in principle if there was a need to increase the maximum number of assessors to be appointed by VSB to the panel, provided that the ratio of RVS to non-RVS on PIC and IC would remain unchanged at 2:1. While the appointment of more assessors to the panel would enlarge the pool of talents available for VSB, whether an assessor would be appointed to a PIC or an IC would depend on the workload of VSB. Under the proposed new sections 17C(2)(b) and 18(1C)(b) of the Ordinance, only one assessor would be appointed to PIC and IC respectively.</p> <p>Mr CHAN Chi-chuen's view that even though the numbers of RVSs and non-RVSs on the panel could be nominally increased to not more than 15 respectively as proposed by Dr CHIANG Lai-wan in her amendments, the respective actual number of RVSs and non-RVSs to be appointed by VSB to the panel might be different and less than 15, and therefore the ratio of RVS to non-RVS on the panel might be maintained at 2:1. His suggestion that the ratio of RVS to non-RVS on the panel being set at 1:1 should be clearly stipulated in her amendments if Dr CHIANG considered it necessary.</p> <p>Ms Cyd HO's view that altering the ratio of RVS to non-RVS on VSB might involve amendments more complicated than what Dr CHIANG had proposed.</p>	
004020 – 004505	Chairman Dr CHIANG Lai-wan Mr Steven HO Ms Cyd HO Mr CHAN Chi-chuen Dr Kenneth CHAN	<p>On whether the ratio of RVS to non-RVS on VSB should be set at 2:1 or 1:1 –</p> <p>(a) Dr CHIANG Lai-wan's and Mr Steven HO's support for adjusting the ratio to 1:1;</p> <p>(b) Ms Cyd HO's response that she had to consult other members of the Labour Party and members of the veterinary profession before forming her view;</p> <p>(c) Mr CHAN Chi-chuen's response that he had not taken a stance on whether to support the Bill if the amendments to</p>	The Administration to take action as required in paragraph 2(b) of the minutes.

Time marker	Speaker	Subject(s)	Action required
		<p>adjust the ratio to 1:1 were negated; and</p> <p>(d) Dr Kenneth CHAN's view that he was still considering whether to support adjusting the ratio to 1:1, as VSB not just handled complaints but was also concerned about the development of the veterinary profession. His view that the Administration's amendments on referral of complaints by PIC to VSB had balanced the interests of RVSs and pet owners. His request for the Administration's view on whether amendments to adjust the ratio to 1:1 would be contrary to the legislative intent or fall outside the scope of the Bill.</p>	
004506 – 010305	Chairman Dr CHIANG Lai-wan Admin	<p>Dr CHIANG Lai-wan's appeal for the Administration to support her amendments, which would alleviate the grievances of pet owners, many of whom had complained to her about the excessive veterinary service fees, lack of complaint channels and long processing time taken by VSB to conclude complaints. Her view that VSB should safeguard the welfare of pets the number of which was estimated at 400,000 in Hong Kong, and the veterinary profession should be subject to regulation and should not be just concerned about its development.</p> <p>The Administration's reiteration of its stance that setting the ratio of RVS to non-RVS on VSB at 2:1 was appropriate and had taken into account the functions and practical needs of VSB. The views of different parties, including the lay members representing the interest of persons utilising veterinary services would also be given full weight.</p>	
<i>Agenda Item II – Any other business</i>			
010306 – 010923	Chairman Dr Kenneth CHAN	<p>Members' support for the Chairman's suggestion for inviting deputations' views on the proposed membership of VSB under the Bill, particularly the proposed ratio of RVS to non-RVS on VSB, at the next meeting scheduled for 26 January 2015.</p> <p>The Chairman's advice that -</p> <p>(a) members should consult their political parties/groups and relevant stakeholders including members of the veterinary profession and pet owners on the above matter; and</p> <p>(b) members who intended to propose Committee stage amendments ("CSAs") to the Bill should send their draft CSAs to the Clerk for members' consideration at the next meeting.</p>	