

立法會
Legislative Council

LC Paper No. CB(3) 456/14-15
(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 sixth meeting
held on Monday, 26 January 2015, at 10:45 am
in Conference Room 2 of the Legislative Council Complex**

Members present : Hon Tommy CHEUNG Yu-yan, SBS, JP (Chairman)
Hon Cyd HO Sau-lan, JP
Hon Paul TSE Wai-chun, 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 CHAN Hak-kan, JP
Hon Alice MAK Mei-kuen, 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

**Attendance by : Item II
invitation**

China (Hong Kong) Veterinary Association

Dr Cornwell SHIU
President

Hong Kong Kennel Club

Mr Nelson LAM
Chairman

Individual

Dr Lawrence CHAN Wai-him

Veterinary Surgeons Board of Hong Kong

Prof CHING Pak-chung, BBS
Chairman

Individual

Dr Kenneth LAM

Society for Abandoned Animals Limited

Miss El CHAN Suk-kuen
Executive Committee Member

Individual

Dr Patricia SHUEN Yi-man

Individual

Dr Olivia CHAN

Individual

Dr Alane CAHALANE

Hong Kong Vet Services Limited

Dr Paul ESSEY
Managing Director

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

Dr Jane GRAY
Chief Veterinary Surgeon

The Hong Kong Veterinary Association

Dr Frank LOW
Executive Committee Member

Individual

Dr Diane LU Dah-an

Cat Homing

Miss Christine HO Wing-kam

愛狗聯盟

Miss Scarlett NG Ka-kee

油尖旺寵物關注社

Mr LAM Tak-shing

Pet Lover

Mr SIU Tin-hung

Democratic Alliance for the Betterment and Progress of
Hong Kong

Mr NGAN Man-yu

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 Nos. CB(3) 367/14-15 and CB(3) 368/14-15)

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

2. The minutes of the meetings held on 5 and 12 January 2015 were confirmed.

II. Meeting with deputations and the Administration

(LC Paper Nos. CB(3) 370/14-15(01)-(02), CB(3) 797/13-14, File Ref: FHB/F/6/12/12, LS77/13-14, CB(3) 87/14-15(02)-(05), CB(3) 370/14-15(03)-(10), CB(3) 384/14-15(01)-(02), CB(3) 391/14-15(01) and CB(3) 371/14-15(001)-(106))

3. The Bills Committee received an oral presentation of views from 18 deputations/individuals attending the meeting and noted 106 submissions from groups/individuals not attending the meeting.

(Post-meeting note: Three written submissions from groups/individuals on the Bill received after the meeting (LC Paper Nos. CB(3) 410/14-15(01)-(02) and CB(3) 371/14-15(107)) were issued to members vide LC Paper No. CB(3) 410/14-15 on 29 January 2015.)

Follow-up actions arising from the discussion

Admin

4. The Administration was requested to relay members' enquiry to the Veterinary Surgeons Board ("VSB") on measures, if any, to be introduced by VSB to enhance public confidence in the transparency and impartiality of its investigation and inquiry into complaints, and the transparency on service fees of the veterinary profession.

III. Any other business

Resumption of the Second Reading debate on the Bill

5. Members noted the Administration's intention of resuming the Second Reading debate on the Bill at the Council meeting of 18 March 2015.

Committee stage amendments ("CSAs") to the Bill

6. Members raised no query on the Administration's proposed CSAs.

(Post-meeting note: A full set of the Administration's proposed CSAs was circulated to members vide LC Paper No. CB(3) 413/14-15 on 29 January 2015.)

Legislative timetable

7. The Chairman concluded that the Bills Committee had completed scrutiny of the Bill. Members noted that the Chairman would report the Bills Committee's deliberations to the House Committee on 27 February 2015. The Chairman reminded members that if the Second Reading debate on the Bill was to be resumed on 18 March 2015, the deadline for giving notice of moving CSAs to the Bill would be 9 March 2015.

8. There being no other business, the meeting ended at 12:44 pm.

Council Business Division 3
Legislative Council Secretariat
12 February 2015

**Proceedings of the sixth meeting of the Bills Committee on
Veterinary Surgeons Registration (Amendment) Bill 2014
on Monday, 26 January 2015, at 10:45 am
in Conference Room 2 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
<i>Agenda Item I - Confirmation of minutes</i>			
000452 – 000553	Chairman	Confirmation of the minutes of the meetings held on 5 and 12 January 2015 [LC Paper Nos. CB(3) 367/14-15 and CB(3) 368/14-15].	
<i>Agenda Item II - Meeting with deputations and the Administration</i>			
000554 – 001010	Chairman	The Chairman's opening remarks and presentation of views by deputations on the proposed membership of the Veterinary Surgeons Board ("VSB") under the Veterinary Surgeons Registration (Amendment) Bill 2014 ("the Bill"), particularly the proposed ratio of registered veterinary surgeon ("RVS") to non-RVS on VSB, which was to be set at 2:1 ("the 2:1 ratio").	
001011 – 001319	Chairman Dr Cornwell SHIU, China (Hong Kong) Veterinary Association ("CHKVA")	Dr Cornwell SHIU (CHKVA)'s support for the 2:1 ratio [LC Paper No. CB(3) 370/14-15(03)].	
001320 – 001620	Chairman Mr Nelson LAM, Hong Kong Kennel Club ("HKKC")	Mr Nelson LAM (HKKC)'s support for the 2:1 ratio.	
001621 – 001914	Chairman Dr Lawrence CHAN Wai-him	Dr Lawrence CHAN's support for the 2:1 ratio [LC Paper No. CB(3) 384/14-15(01)].	
001915 – 002157	Chairman Prof CHING Pak-chung, BBS, VSB	Prof CHING Pak-chung (VSB)'s support for the 2:1 ratio [LC Paper No. CB(3) 370/14-15(04)].	
002158 – 002413	Chairman Dr Kenneth LAM	Dr Kenneth LAM's support for the 2:1 ratio [LC Paper No. CB(3) 370/14-15(05)].	
002414 – 002747	Chairman Miss El CHAN Suk-kuen, Society for Abandoned Animals Limited ("SAA")	Miss El CHAN (SAA)'s support for the 2:1 ratio [LC Paper Nos. CB(3) 384/14-15(02) and CB(3) 410/14-15(01)].	

Time marker	Speaker	Subject(s)	Action required
002748 – 002945	Chairman Dr Patricia SHUEN Yi-man	Dr Patricia SHUEN's support for the 2:1 ratio [LC Paper No. CB(3) 370/14-15(06)].	
002946 – 003321	Chairman Dr Olivia CHAN	Dr Olivia CHAN's support for the 2:1 ratio [LC Paper No. CB(3) 370/14-15(07)].	
003322 – 003625	Chairman Dr Alane CAHALANE	Dr Alane CAHALANE's support for the 2:1 ratio [LC Paper No. CB(3) 370/14-15(08)].	
003626 – 003932	Chairman Dr Paul ESSEY, Hong Kong Vet Services Limited ("HKVS")	Dr Paul ESSEY (HKVS)'s support for the 2:1 ratio [LC Paper No. CB(3) 391/14-15(01)].	
003933 – 004257	Chairman Dr Jane GRAY, The Society for the Prevention of Cruelty to Animals (HK) ("SPCA")	Dr Jane GRAY (SPCA)'s support for the 2:1 ratio [LC Paper No. CB(3) 370/14-15(09)].	
004258 – 004445	Chairman Dr Frank LOW, The Hong Kong Veterinary Association ("HKVA")	Dr Frank LOW (HKVA)'s support for the 2:1 ratio [LC Paper No. CB(3) 370/14-15(10)].	
004446 – 004754	Chairman Dr Diane LU Dah-an	Dr Diane LU's support for the 2:1 ratio [LC Paper No. CB(3) 410/14-15(02)].	
004755 – 004954	Chairman Miss Christine HO Wing-kam, Cat Homing	Miss Christine HO (Cat Homing)'s support for adjusting the 2:1 ratio to 1:1.	
004955 – 005139	Chairman Miss Scarlett NG Ka-kee, 愛狗聯盟	Miss Scarlett NG (愛狗聯盟)'s support for adjusting the 2:1 ratio to 1:1.	
005140 – 005417	Chairman Mr LAM Tak-shing, 油尖旺寵物關注社	Mr LAM Tak-shing (油尖旺寵物關注社)'s support for adjusting the 2:1 ratio to 1:1.	
005418 – 005727	Chairman Mr SIU Tin-hung, Pet Lover	Mr SIU Tin-hung (Pet Lover)'s support for adjusting the 2:1 ratio to 1:1.	

Time marker	Speaker	Subject(s)	Action required
005728 – 005950	Chairman Mr NGAN Man-yu, Democratic Alliance for the Betterment and Progress of Hong Kong ("DAB")	Mr NGAN Man-yu (DAB)'s inclination to support to adjust the 2:1 ratio to 1:1.	
005951 – 010330	Chairman Admin	The Administration's adherence to its position that the 2:1 ratio was considered appropriate, after taking into account VSB's pivotal role and past experience in regulating the veterinary profession, including handling matters relating to registration of veterinary surgeons, for which sufficient representation from the profession in VSB's composition and sufficient professional knowledge of its members were crucial. The proposed membership of VSB had largely struck a reasonable balance between promoting the standards and probity of the profession and safeguarding public interest. To enhance public confidence in the profession, VSB would continue to discharge its regulatory duties impartially and prudently.	
010331 – 011104	Chairman Dr CHIANG Lai-wan Dr Olivia CHAN Dr Kenneth LAM	<p>Dr CHIANG Lai-wan's view that the proposed measures under the Bill could not address the many complaints she received from pet owners about unaffordable veterinary service fees, the long processing time taken by VSB to conclude complaints, and VSB's partial treatment for RVSs who were the subjects of complaints. Her support for adjusting the 2:1 ratio to 1:1 by including more lay persons free of conflict of interest in the composition of VSB, which was in line with the arrangements of many professional bodies in Hong Kong and the current international trend.</p> <p>Dr Olivia CHAN's and Dr Kenneth LAM's responses that –</p> <ul style="list-style-type: none"> (a) the proposed expansion of VSB's membership aimed to expedite the handling of complaints by VSB; (b) the ratio of RVS to non-RVS on the board of many regulatory bodies of the veterinary profession in overseas jurisdictions was set at 3:1 or 4:1; (c) allegations against VSB's partial treatment for RVSs were based on hearsay and disrespectful to RVSs who had served on VSB out of conscience; and (d) RVSs' service fees were commensurate with their operating costs. 	
011105 – 011602	Chairman Mr CHAN Chi-chuen Prof CHING Pak-chung, BBS, VSB Dr Olivia CHAN	<p>Mr CHAN Chi-chuen's observation that most deputations supported the 2:1 ratio. His concerns about whether adjusting the 2:1 ratio to 1:1 could address the issue of exorbitant veterinary service fees, and whether the complaints about RVSs received by VSB mostly involved professional misconduct or neglect or service fee disputes.</p> <p>Prof CHING Pak-chung (VSB)'s and Dr Olivia CHAN's</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>responses that –</p> <p>(a) sections 17.4 and 17.5 of the code of practice for the professional conduct and discipline of RVSs provided for RVSs making available the costs of their treatments and the schedule of their fees and charges to clients; and</p> <p>(b) the complaints received by VSB were mainly concerned about professional standards rather than service fees. From 2010 to 2014, there were no or only a few complaints each year involving service fees of RVSs.</p> <p>In response to Mr CHAN Chi-chuen's enquiry, 13 out of the 18 deputations indicated that if the 2:1 ratio was adjusted to 1:1, they would prefer withdrawal of the Bill by the Administration.</p>	
011603 – 012103	Chairman Mr Paul TSE	Mr Paul TSE's view that the 2:1 ratio was appropriate. VSB needed to maintain its professionalism while increasing the representation of lay persons in its composition, as the veterinary profession was highly specialized involving different fields, and the handling of complaints alleging misconduct of RVSs required heavy professional input. Adjusting the 2:1 ratio might not enhance public monitoring on the profession or address the issue of exorbitant veterinary service fees. VSB should instead enhance the transparency of its handling of complaints and on service fees of the profession, such as considering relaxing the restrictions on advertising by RVSs to make available more information on their fees and services to pet owners.	
012104 – 012942	Chairman Ms Cyd HO Miss Christine HO Wing-kam, Cat Homing Prof CHING Pak-chung, BBS, VSB Dr Kenneth LAM	<p>On Ms Cyd HO's concern about whether the adjustment of the 2:1 ratio to 1:1 would reduce veterinary service fees, Ms Christine HO (Cat Homing)'s reply that increasing the number of lay persons on VSB could enhance the transparency of and public confidence in its handling of complaints. Her support for requiring RVSs to make available a schedule of their fees and charges to clients.</p> <p>On hearings conducted by an inquiry committee under VSB to obtain evidence of complaints concerning disciplinary offences, Ms Cyd HO's appreciation that the hearings admitted members of the public. Her support for exploring ways to enhance the transparency of hearings the fairness of which could be seen by the public. Prof CHING Pak-chung's advice that members of the public might observe a session of every VSB meeting.</p> <p>At the Chairman's and Ms Cyd HO's requests, Prof CHING Pak-chung (VSB)'s undertaking to provide VSB's written response on measures, if any, to be introduced by VSB to enhance public confidence in the transparency and impartiality of its investigation and inquiry into complaints, and the transparency on service fees of the veterinary profession.</p> <p>Dr Kenneth LAM's view that the inquiries into complaints were evidence-based and the whole inquiry process was fair and open.</p>	The Administration to take action as required in paragraph 4 of the minutes.

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		The hearings were attended by legal representatives from the Department of Justice, and any parties including the complainants and the subjects of the complaints might be represented by legal representatives. The findings of all inquiries were published for public scrutiny, and an appeal mechanism was available for any person who was aggrieved by any order made in respect of him/her.	
012943 – 013418	Chairman Dr Kenneth CHAN	Dr Kenneth CHAN's view that adjusting the 2:1 ratio to 1:1 was not a solution to the concerns of certain members and pet owners. VSB should explore ways to improve the public's negative perception of its handling of complaints and the service fees of the veterinary profession, including strengthening its communication with stakeholders and the resources (including legal support) for the VSB Secretariat.	
013419 – 014017	Chairman Dr CHIANG Lai-wan	Dr CHIANG Lai-wan's view that if the Administration declined to adjust the 2:1 ratio, she would support withdrawal of the Bill.	
014018 – 014624	Chairman Admin	The Administration's briefing on its written response to issues raised at the meeting on 12 January 2015 and its proposed Committee stage amendments ("CSAs") to the Bill [LC Paper No. CB(3) 370/14-15(01) and (02)].	
014625 – 014936	Chairman Ms Cyd HO Admin	At the Chairman's and Ms Cyd HO's requests, the Administration's undertaking to state in the Secretary for Food and Health's speech at the resumption of the Second Reading debate on the Bill that it would suggest VSB to – (a) review the general condition of the current level of fees charged by RVSS and introduce measures to enhance transparency on veterinary service fees, such as making available an indicative schedule of their fees and charges on general aspects for reference by the public; and (b) speed up referral of a complaint alleging a disciplinary offence to a preliminary investigation committee, and consider the feasibility of setting a performance pledge on this front.	
014937 – 015116	Chairman Assistant Legal Advisor Admin	In response to the legal adviser to the Bills Committee's enquiry, the Administration's advice that the proposed CSA to clause 9(2) of the Bill was consequential and technical in nature. The Administration's undertaking to follow up the format of the Chinese text of its CSAs. No query from members on the Administration's proposed CSAs.	

Time marker	Speaker	Subject(s)	Action required
015117 – 015759	Chairman Ms Cyd HO Dr CHIANG Lai-wan	<p>The Chairman's remarks that the Clerk to the Bills Committee had not received any proposed CSAs from members.</p> <p>In connection with her proposal on amendments to the Bill tabled at the Bills Committee's last meeting [LC paper No. CB(3) 344/14-15(01)], Dr CHIANG Lai-wan's advice that she had not formally submitted her CSAs to the Bills Committee, as she was lobbying stakeholders and other members to support her proposal on amendments.</p> <p>The Chairman's indication of the Liberal Party's support for maintaining the 2:1 ratio. Ms Cyd HO's inclination of not supporting the adjustment of the 2:1 ratio to 1:1.</p> <p>Completion of scrutiny of the Bill</p>	
<i>Agenda Item III – Any other business</i>			
015800 – 015940	Chairman	<p>The Administration's indication of its intention of resuming the Second Reading debate on the Bill at the Council meeting of 18 March 2015.</p> <p>Closing remarks</p>	