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Bills Committee on Veterinary Surgeons Registration (Amendment) Bill 2014

Background brief prepared by the Legislative Council Secretariat

Purpose

This paper provides background information on the Veterinary Surgeons Registration (Amendment) Bill 2014 ("the Amendment Bill") and gives a brief account of the discussion by the Panel on Food Safety and Environmental Hygiene ("the Panel") on the legislative proposals.

Background

2. Veterinary Surgeons Registration Ordinance (Cap. 529) ("VSRO") was enacted in 1997 to provide for the regulation of the practice of veterinary surgery, the registration of veterinary surgeons, the disciplinary control of the professional activities of registered veterinary surgeons and for matters related to such registration and disciplinary control so as to ensure a high standard of veterinary care in Hong Kong.

3. The Veterinary Surgeons Board ("VSB") is established under section 3 of VSRO. The mission of VSB is to safeguard the health and welfare of animals and interests of animal owners through the development and improvement of professional standards, regulation of ethical standards, registration of veterinary surgeons, and diligent exercise of disciplinary control of the professional activities of registered veterinary surgeons. As stipulated in section 3 of VSRO, VSB should consist of a chairperson, six registered veterinary surgeons, a medical practitioner or pharmacist who is entitled to practise his/her profession in Hong Kong, and two lay persons who, in the opinion of the Secretary for Food and Health ("SFH") represent the interests of persons who utilize veterinary services.

4. According to the Administration, since the enactment of VSRO in 1997, there have been significant changes in circumstances. The number of registered veterinary surgeons has grown from around 150 to nearly 720. There has also been growing awareness of the importance of animal welfare and higher community expectations about the standard of veterinary service in Hong Kong. As a result, there has been a marked growth in the number and complexity of complaints received by VSB in recent years. VSB on average received over 50 complaints annually in 2010 to 2012, as compared with eight complaints received in 1998. The complaints have also become more complex with the advancement of new clinical diagnostic and treatment options over the past decade. VSB members have spent substantial time to handle the complaints. Between 2007 and 2011, excluding cases which were being processed, it took on average about 16 months to conclude a case after a complaint was received by VSB. Although VSB has put in place a number of administrative measures to expedite the complaint handling process, VSB is not well placed to cope with the increasing demand under the current structure and modus operandi.

5. In 2012, the Administration and VSB jointly conducted a review of VSB's structure and modus operandi. The Administration launched between 8 October and 30 November 2012 a public consultation exercise on the proposed amendments to VSRO. According to the Legislative Council ("LegCo") Brief, the comments received indicated that the vast majority of respondents were in support of the proposals to expand and strengthen the membership of VSB and streamline the complaint-handling procedures of VSB, as set out in the consultation document.

The Amendment Bill

6. The Administration introduced the Amendment Bill into LegCo on 9 July 2014 to amend VSRO to increase the complaint-handling capacity of VSB against registered veterinary surgeons and expedite the complaint-handling process by broadening the membership of VSB, refining the complaint-handling framework, and providing for other amendments and transitional arrangements. The legislative proposals included, among others, (a) increasing the number of members of VSB from 10 persons to 19 persons; amongst the nine new members, six new members are registered veterinary surgeons to be elected by persons from their profession and three new members are lay persons representing the interests of persons who utilize veterinary services; (b) enabling VSB to establish a panel of assessors to be appointed to the Preliminary Investigation Committees ("PICs") and Inquiry Committees ("ICs"); (c) increasing the number of persons sitting on each PIC from two to three and a PIC may be made up of three VSB members, or two VSB members plus one assessor; and (d) streamlining the complaint-handling

process through direct referral of complaints from PIC to an IC. The key features of the Bill are set out in paragraphs 7 to 19 of the LegCo Brief (File Ref: FHB/F/6/12/12).

Deliberations of the Panel

7. The Panel discussed the proposed amendments to VSRO at its meetings on 13 November 2012 and 8 April 2014. It received the views of deputations at one of the meetings. The views and concerns expressed by members are summarized below.

Broadening of membership of VSB

8. Members were, in general, supportive of the proposed amendments to VSRO. Regarding the proposal to expand membership of VSB to include an additional six veterinary surgeons and three more lay persons, some members considered that more lay persons should be appointed to represent the interests of users of veterinary services. There was also a view that the Administration should consider appointing persons from academic sector and animal welfare organizations ("AWOs") as VSB members.

9. According to the Administration, it had made reference to the experience of local and overseas regulatory bodies in formulating the proposed amendments and most of the respondents in public consultation were in support of the proposed membership composition to maintain the ratio of registered veterinary surgeons to non-veterinary surgeons at 2:1. The Administration also advised that there were already lay members appointed to VSB. When appointing lay members to VSB, the Administration would consider persons, including members from AWOs, who represented the interests of persons using veterinary services.

10. Some members were concerned about the term of service of VSB members and hoped that the Administration would spell out clearly that the appointment of VSB members would strictly follow the "six-six principle". The Administration advised that similar to the appointment of non-official members to the advisory committees and statutory bodies in the public sector, the appointment of VSB members (including the chairperson of VSB) would adhere to the so-called "six-six principle", whereby the Government would avoid appointing members who had served on VSB for more than six years or who were serving on more than six advisory committees as Government appointees. VSB members were to be appointed for a term not exceeding three years and could be re-appointed for a further term not exceeding three years, i.e. the maximum number of years of appointment would not exceed six years.

Election of registered veterinary surgeons to VSB

11. Noting that the six newly added registered veterinary surgeons were to be elected by the registered veterinary surgeons, members were concerned about how the election would be conducted. The Administration was urged to ensure that the election would be conducted in a fair and open manner.

12. The Administration advised that the relevant details and procedures of the election of the six newly added VSB members of registered veterinary surgeons would be specified in a set of election regulation to be prescribed by SFH, which would be in the form of subsidiary legislation subject to scrutiny by LegCo. When developing the election procedures, the Administration would make reference to the practices of other places such as the US, the United Kingdom and Australia where appropriate.

Appointment of members to VSB and the panel of assessors

13. Some members pointed out that all members of the panel of assessors, be they registered veterinary surgeons or non-veterinary surgeons, would be nominated by SFH and appointed by VSB, whereas the six newly added veterinary surgeons to VSB would be elected by members of the profession. These members queried why there were different arrangement of appointing members to VSB and the panel of assessors.

14. The Administration explained that VSB was tasked with the role of furthering the healthy development of the profession and upholding high standards of veterinary service for the public. The panel of assessors was set up to help enhance VSB's complaint-handling capacity and widen VSB's exposure to external expertise and advice from users' perspectives. As VSB and the panel of assessors were tasked with different roles and performed different functions, the considerations underpinning the appointment of members to these bodies were therefore different.

15. According to the legislative proposal, each PIC and an IC might compose three members of VSB or two members of the Board and one assessor. Only one of the PIC or IC members had to be a non-veterinary member. There was a view that more lay persons should be appointed to PIC and IC so as to represent the interests of users of veterinary service.

Supply of veterinary surgeons

16. There was a concern that the high levels of veterinary service charges were caused by inadequate supply of veterinary surgeons in Hong Kong. The Administration advised that having regard to the market situation and the information provided by relevant professional bodies, it was estimated that

there would be around 40 new registration of veterinary surgeons in Hong Kong annually in the short- and medium-term. The Administration believed that the supply of veterinary surgeons would be adequate to meet the demand for veterinary services in Hong Kong.

Relevant papers

17. A list of the relevant papers on LegCo website is in the **Appendix**.

Council Business Division 3
Legislative Council Secretariat
27 October 2014

**Relevant papers on
the Veterinary Surgeons Registration (Amendment) Bill 2014**

Committee	Date of meeting	Paper
Panel on Food Safety and Environmental Hygiene	13.11.2012 (Item V)	Agenda Minutes
	8.4.2014 (Item VI)	Agenda Minutes

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