

**Bills Committee on
Veterinary Surgeons Registration (Amendment) Bill 2014**

**Supplementary information requested by Members
at the meeting on 2 December 2014**

At the meeting held on 2 December 2014, the Bills Committee requested the Administration to provide supplementary information on a number of issues to facilitate further consideration by the Bills Committee. Our response is set out below.

Supplementary information sought	The Administration's response
(a) The terms of office of the chairpersons and members, including elected and/or appointed members, of statutory bodies in Hong Kong.	<u>Annex A</u> provides the terms of office of the chairpersons and members (including elected and/or appointed members) of some statutory bodies in Hong Kong which are similar in nature to the Veterinary Surgeons Board (VSB).
(b) The grounds for proposing the Chairperson and an appointed member of VSB to hold office for a term not exceeding three years and an elected member of VSB to hold office for a term of three years under the Bill; and the actual terms of office of VSB's Chairperson and members appointed since its establishment in 1997.	<u>Annex B</u> provides the actual terms of office of all Chairpersons and members since the establishment of the VSB. Section 3(2) of the Veterinary Surgeons Registration Ordinance (Cap. 529) provides that the Chairperson and members of the VSB shall be appointed for a term not exceeding three years and may be re-appointed for further terms not exceeding three years in each case. Since the establishment of the VSB, the terms of office of its Chairperson and members have been three years in general except for individual cases in which the terms of office were less than three years. This arrangement allows ample time for the Chairpersons and members to understand and familiarise themselves with the operation of the Board, and provides good room for maximising their contributions to the work of the VSB.

Supplementary information sought	The Administration's response
	<p>Therefore, we propose in the Bill that the term of office of the Chairperson and appointed members should remain as not exceeding three years, and that the appointing authority may appoint members for a shorter term of office when necessary.</p> <p>For elected members, we consider that their term of office should be stipulated clearly in the legislation in the interest of transparency. The Bill proposes that the term of office of an elected member be set at three years. If an office has become vacant and a by-election is to be held, the member elected in the by-election would hold that office for the remaining term.</p>
<p>(c) The respective timeframes within which a by-election must be held to fill a vacancy in the membership of the Legislative Council (LegCo) and District Councils, and the timeframe within which a by-election must be held to elect a member to VSB.</p>	<p>Under section 36(1) of the LegCo Ordinance (Cap. 542) (LCO), the Electoral Affairs Commission (EAC) must arrange for a by-election to be held in certain circumstances specified in LCO (including the existence of a vacancy in the membership of the LegCo). As set out in section 8 of the EAC (Electoral Procedure) (LegCo) Regulation (Cap. 541D), the Chief Electoral Officer must as soon as practicable publish in the Gazette a notice to hold a by-election, and the notice must state the date on which the by-election is to be held. Although section 36(2) of Cap. 542 provides that a by-election to fill a vacancy occurring in the membership of the LegCo is not to be held within the four months preceding the end of that Council's current term of office, the relevant legislation does not specify any timeframe within which a by-election must be held when there is a vacancy occurring in the membership of the LegCo.</p> <p>Under section 33(1) of the District Councils Ordinance (Cap. 547) (DCO), EAC must arrange for a by-election to be held in certain circumstances specified in DCO (including the existence of a</p>

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	<p>vacancy in the membership of a District Council). As set out in section 10 of the EAC (Electoral Procedure) (District Councils) Regulation (Cap. 541F), the Chief Electoral Officer must as soon as practicable publish in the Gazette a notice to hold a by-election, and the notice must state the date on which the by-election is to be held. Although section 33(2) of Cap. 547 provides that a by-election to fill a vacancy occurring in the membership of a District Council is not to be held within the four months preceding the end of the current term of office of the elected members, the relevant legislation does not specify any timeframe within which a by-election must be held when there is a vacancy occurring in the membership of a District Council.</p> <p>The proposed new section 3E of the Bill suggests that if the office of an elected member of VSB becomes vacant, and the unexpired term of office at the time the vacancy arises is not less than nine months, the Board must, as soon as practicable, hold a by-election under the Election Regulation to elect a qualified candidate to hold that office for the unexpired term. This arrangement has taken into account the time required for holding a by-election, so as to ensure that the office of an elected member returned at the by-election would not be too short.</p>
(d) The estimated cost of holding an election of members to VSB.	The cost for holding an election by the VSB may vary depending on the mode, scale and requirements of the election. As the arrangements for the election of the VSB have yet to be finalised, we are unable to provide an estimated cost for the election of the VSB at this stage.

Supplementary information sought	The Administration's response
<p>(e) In connection with clause 11 of the Bill under which the proposed new section 17A provides that VSB is to establish a panel of assessors consisting of not more than 12 registered veterinary surgeons and not more than 6 other persons, whether there is a minimum number of registered veterinary surgeons and other persons to be appointed to the panel.</p>	<p>Under the proposed new section 17A of the Bill, the VSB is to establish a panel of assessors consisting of non-VSB members, and may appoint the assessors from the panel to serve as members of a preliminary investigation committee (PIC) or inquiry committee (IC). The proposed new section 17C stipulates that a PIC is to consist of three VSB members or two VSB members and one assessor. The composition of an IC is the same as that of the PIC (please refer to the proposed new section 18(1C)). The purpose of establishing a panel of assessors is to provide a pool of talents whereby as and when required, the VSB could appoint assessors to be members of a PIC or an IC, with a view to sharing out the workload of the VSB and strengthening the manpower arrangement of the Board in handling complaints.</p> <p>As stated in the proposed new section 17A, the panel of assessors is to consist of not more than 12 registered veterinary surgeons and not more than six other persons. This section does not specify a minimum number of assessors appointed from these categories in order to give the VSB greater flexibility to make appointments as necessary to suit prevailing needs.</p>

**Food and Health Bureau
Agriculture, Fisheries and Conservation Department
December 2014**

Annex A

Terms of office of Chairpersons and members of some statutory bodies in Hong Kong

Statutory Body	Terms of office of Chairpersons and members
1. Veterinary Surgeons Board of Hong Kong	The terms of office of the Chairperson and members shall not be exceeding 3 years. <i>[c.f. Section 3, Veterinary Surgeons Registration Ordinance (Cap. 529)]</i>
2. Medical Council of Hong Kong	The terms of office of the Chairperson and members shall be 3 years. <i>[c.f. Sections 3 & 3(3A), Medical Registration Ordinance (Cap. 161)]</i>
3. Pharmacy and Poisons Board	The Director of Health shall be the Chairperson. The terms of office of the members shall be 3 years. <i>[c.f. Sections 3 & 4, Pharmacy and Poisons Ordinance (Cap. 138)]</i>
4. Dental Council of Hong Kong	The terms of office of the Chairperson and members shall be 3 years. <i>[c.f. Section 4, Dentists Registration Ordinance (Cap. 156)]</i>
5. Chiropractors Council	The terms of office of the members shall not be exceeding 3 years (the Chairperson is one of the members). <i>[c.f. Section 3 and the Schedule, Chiropractors Registration Ordinance (Cap. 428)]</i>
6. Architects Registration Board	The terms of office of members appointed by the Council shall be 4 years, while the term of office of the member appointed by the Chief Executive (CE) shall be at the discretion of CE (the Chairperson is one of the members). <i>[c.f. Sections 5 & 6, Architects Registration Ordinance (Cap. 408)]</i>

Statutory Body	Terms of office of Chairpersons and members
7. Engineers Registration Board	<p>The terms of office of members appointed by the Council shall be 4 years, while the term of office of the member appointed by CE shall be at the discretion of CE (the Chairperson is one of the members).</p> <p><i>[c.f. Sections 4 & 5, Engineers Registration Ordinance (Cap. 409)]</i></p>
8. Social Workers Registration Board	<p>The terms of office of elected members and appointed members shall be 3 years. In the case of an appointed member, such lesser period as may be specified in the terms of appointment (the Chairperson is one of the members).</p> <p><i>[c.f. Sections 4 & 5, Social Workers Registration Ordinance (Cap. 505)]</i></p>

Annex B

Actual terms of office of the Chairpersons and members of the Veterinary Surgeons Board of Hong Kong since its establishment in 1997

	Names of the Chairpersons	Actual terms of office
1.	Prof CHEN Kwan-yiu, Edward	15.09.1997 – 14.09.2000 (3 years)
2.	Prof POON Chung-kwong	15.09.2000 – 14.09.2003 (3 years) 15.09.2003 – 14.09.2004 (1 year)
3.	Prof LEE Chack-fan	15.09.2004 – 14.09.2006 (2 years) 15.09.2006 – 14.09.2009 (3 years) 15.09.2009 – 14.09.2010 (1 year)
4.	Prof WONG Yuk-shan	15.09.2010 – 14.09.2013 (3 years)
5.	Prof CHING Pak-chung	15.09.2013 – 14.09.2016 (3 years)

	Names of the members	Actual terms of office
1.	Dr LEONG Yin-ming, Veronica	15.09.1997 – 14.09.2000 (3 years) 15.09.2000 – 14.09.2003 (3 years)
2.	Dr Keith Lyndhurst WATKINS	15.09.1997 – 14.09.2000 (3 years) 15.09.2000 – 14.09.2003 (3 years)
3.	Mr WU Ting-yuk, Anthony	15.09.1997 – 14.09.2000 (3 years) 15.09.2000 – 14.09.2003 (3 years)
4.	Mr WONG Chun-kow, Peter	15.09.1997 – 14.09.2000 (3 years) 15.09.2000 – 14.09.2003 (3 years)
5.	Prof TANG Wai-king, Grace	15.09.1997 – 14.09.2000 (3 years) 15.09.2000 – 14.09.2003 (3 years)
6.	Dr TSE Yeuk-hon, John	15.09.1997 – 14.09.2000 (3 years) 15.09.2000 – 31.10.2001 ¹ (around 1 year & 1 month)
7.	Dr Cynthia SMILLIE	15.09.1997-14.02.2000 ² (2 years & 5 months)
8.	Dr HO Tai-shing, Johnson	15.09.1997 – 31.01.1999 ³ (around 1 year & 4 months)
9.	Dr Richard Ernest DIERKS	15.09.1997 – 14.09.1998 ⁴ (1 year)

¹ Dr TSE Yeuk-hon, John resigned from the Veterinary Surgeons Board (VSB) as a member due to personal reasons.

² Dr Cynthia SMILLIE resigned from VSB as a member due to personal reasons.

³ Dr HO Tai-shing, Johnson resigned from VSB as a member due to personal reasons.

⁴ The actual term of office of Dr Richard Ernest DIERKS expired.

	Names of the members	Actual terms of office
10.	Dr LO King-shun	15.09.1998 – 14.09.2000 (filled the remaining term of office of an ex-member) 15.09.2000 – 14.09.2003 (3 years) 15.09.2003 – 14.09.2006 (3 years)
11.	Dr MAK Chi-kin, Philip	01.02.1999 – 14.09.2000 (filled the remaining term of office of an ex-member) 15.09.2000 – 14.09.2003 (3 years) 15.09.2003 – 14.09.2006 (3 years)
12.	Dr Gail Margaret COCHRANE	15.09.2000 – 14.09.2003 (3 years) 15.09.2003 – 14.09.2006 (3 years)
13.	Dr NG Chung-ying, Davy	04.01.2002-14.09.2003 (filled the remaining term of office of an ex-member) 15.09.2003 – 14.09.2006 (3 years) 15.09.2006 – 14.09.2009 (3 years)
14.	Dr CHOW Pak-chin	15.09.2003 – 14.09.2006 (3 years) 15.09.2006 – 14.09.2009 (3 years)
15.	Mr LAM Hon-wan, Nelson	15.09.2003 – 14.09.2006 (3 years) 15.09.2006 – 14.09.2009 (3 years)
16.	Dr Reimi Elizabeth KINOSHITA	15.09.2003 – 14.09.2006 (3 years) 15.09.2006 – 29.01.2008 ⁵ (around 1 year & 4 months)
17.	Ms HU Lan-yin, Stella	15.09.2003 – 14.09.2006 (3 years) 15.09.2006 – 31.07.2008 ⁶ (around 1 year & 10 months)
18.	Dr WONG Chun-wai, William	15.09.2003 – 14.09.2006 (3 years)
19.	Dr Katriona C. F. BRADLEY	15.09.2006 – 14.09.2009 (3 years) 15.09.2009 – 14.09.2012 (3 years)
20.	Dr CHAN Wai-him, Lawrence	15.09.2006 – 14.09.2009 (3 years) 15.09.2009 – 14.09.2012 (3 years)
21.	Dr LAM Ka-ho, Kenneth	15.09.2006 – 14.09.2009 (3 years) 15.09.2009 – 14.09.2012 (3 years)
22.	Dr CHEUNG Siu-ming, Henry	15.09.2006 – 29.01.2008 ⁷ (around 1 year & 4 months)

⁵ Dr Reimi Elizabeth KINOSHITA resigned from VSB as a member due to personal reasons.

⁶ Ms Stella HU Lan-yin resigned from VSB as a member due to personal reasons.

⁷ Dr CHEUNG Siu-ming, Henry resigned from VSB as a member due to personal reasons.

	Names of the members	Actual terms of office
23.	Dr CHAN Sinn-kay, Olivia	30.01.2008 – 14.09.2009 (filled the remaining term of office of an ex-member) 15.09.2009 – 14.09.2012 (3 years) 15.09.2012 – 14.09.2015 (3 years)
24.	Dr YEUNG Lee, Michelle	30.01.2008 – 14.09.2009 (filled the remaining term of office of an ex-member) 15.09.2009 – 14.09.2012 (3 years) 15.09.2012 – 14.09.2015 (3 years)
25.	Dr AU Wai-ting, Doris	10.09.2008-14.09.2009 (filled the remaining term of office of an ex-member) 15.09.2009 – 14.09.2012 (3 years) 15.09.2012 – 14.09.2015 (3 years)
26.	Dr TANG Mei-kuen, Florence	15.09.2009 – 14.09.2012 (3 years) 15.09.2012 – 14.09.2015 (3 years)
27.	Mr AU Pak-ching, Romeo	15.09.2009 – 14.09.2012 (3 years) 15.09.2012 – 14.09.2015 (3 years)
28.	Dr CHOI Kin, Gabriel	15.09.2009 – 14.09.2012 (3 years) 15.09.2012 – 14.09.2015 (3 years)
29.	Dr LU Dah-an, Diane	15.09.2012 – 14.09.2015 (3 years)
30.	Dr NAING Tint	15.09.2012 – 14.09.2015 (3 years)
31.	Dr URQUHART Ian James	15.09.2012 – 14.09.2015 (3 years)