

## **Salient features of the proposed election of elected members to the Veterinary Surgeons Board**

### **(1) Background**

To enhance the representativeness of the Veterinary Surgeons Board (VSB) and encourage greater involvement of the veterinary profession in managing its own affairs, the Veterinary Surgeons Registration (Amendment) Bill 2014 (the Bill) proposes the addition of six members who are registered veterinary surgeons to the VSB, and that these six members should be elected by members of the veterinary profession (elected members).

2. In the Bill, we have proposed that without limiting subsection 28(1), the Secretary for Food and Health may by regulation provide for matters concerning an election of members to the VSB, including:

- (a) the date, time and place and the procedure, of the election;
- (b) matters concerning the qualification or disqualification of the electors of the election;
- (c) matters concerning the qualification, disqualification or nomination of the candidates of the election;
- (d) the appointment of persons to assist in the holding of election;
- (e) the particulars of the voting or vote counting system of the election;
- (f) the determination, notification or questioning of election results; and
- (g) other matters concerning the election.

3. The salient features of the proposed election of elected members to the VSB are listed below.

### **(2) Overview**

4. Our preliminary suggestion is that, for a particular election, the incumbent Board is to be charged with the responsibility of supervising the conduct of the election. Meanwhile, the incumbent Chairperson and all members of the VSB (but excluding those members who have become qualified candidates in that election, who are identified as being ineligible

for becoming qualified candidates after submission of nomination, or who are qualified candidates but have subsequently been disqualified from being nominated as candidates) are to form a “Board of Review”, which will be responsible for handling any petitions related to that election. The Board of Review will be presided as the chairperson by the incumbent Chairperson of the VSB.

5. The Board is to appoint a person to serve as the Returning Officer.

6. The Returning Officer is to issue a notice of election (the election notice) at least 60 days before the election is held.

### **(3) Term of office of elected members**

7. The term of office of an elected member is three years, and the member may be re-elected for further terms of three years each.

8. If the office of an elected member becomes vacant under the newly added section 2D(3) of Schedule 1 as proposed in the Bill, 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. The term of office of the member elected through the by-election is the unexpired term of the vacant office.

9. The term of office of an elected member starts from the first day of the month immediately following the date on which the election result is published in the Gazette.

### **(4) Qualifications of electors**

10. All veterinary surgeons who are registered under the Veterinary Surgeons Registration Ordinance (Cap. 529) (the Ordinance) and whose names are entered in the register of registered veterinary surgeons on the date of the issue of the election notice will become electors and are qualified to vote in the election which is the subject of that election notice.

11. All electors are qualified to subscribe to the nomination of a candidate in the election which is the subject of that election notice as a proposer or seconder.

12. An elector will be disqualified from voting in the election which is the subject of that election notice if he/she has ceased to be a registered veterinary surgeon on the date of election (i.e. his/her name is no longer entered in the register of registered veterinary surgeons), irrespective of whether his/her name has been entered in the register of registered veterinary surgeons on the date of the issue of the election notice.

#### **(5) Qualifications of candidates**

13. All registered veterinary surgeons who are registered under the Ordinance and whose names are entered in the register of registered veterinary surgeons on the date of the issue of the election notice are eligible to be nominated as candidates, except for any registered veterinary surgeon who:

- (a) is the subject of an order made under section 19<sup>1</sup> of the Ordinance and the order is still in force;
- (b) is an undischarged bankrupt;
- (c) has entered into a voluntary arrangement within the meaning of the Bankruptcy Ordinance (Cap. 6) with his/her creditors which is still in force;
- (d) is serving a sentence of imprisonment (it does not matter whether he/she is or has been convicted in Hong Kong or any other place) on the date of nomination, or of the election; or
- (e) is or has been convicted in Hong Kong or any other place, of an offence for which he/she has been sentenced to imprisonment, whether suspended or not, for a term exceeding three months, where the election is to be held or is held within five years after the date of their conviction.

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<sup>1</sup> Section 19 of the Ordinance provides that where an inquiry committee finds that a registered veterinary surgeon committed a disciplinary offence, the inquiry committee may make any one or more of the following orders:

- (a) order the Secretary to remove the name of the registered veterinary surgeon from the register;
- (b) order the Secretary to remove the name of the registered veterinary surgeon from the register for such period, not exceeding two years as the inquiry committee may think fit;
- (c) reprimand the registered veterinary surgeon in writing and order the Secretary to record the reprimand on the register;
- (d) make any other order as it thinks fit.

14. Each elector may become a candidate only if he/she is nominated by at least one proposer and one seconder.

15. Each elector may, in the capacity of a proposer or seconder, nominate more than one registered veterinary surgeons who are qualified as electors to be candidates. However, the number of candidates whom each elector may nominate, whether in the capacity of a proposer or seconder, must not exceed the number of elected members to be returned at the election.

#### **(6) Disqualifications of qualified candidates**

16. A registered veterinary surgeon who has become a qualified candidate will be disqualified from being a candidate at the election, and from being an elected member, if:

- (a) he/she dies;
- (b) he/she ceases to be a registered veterinary surgeon (i.e. his/her name is no longer entered in the register of registered veterinary surgeons), irrespective of whether his/her name has been entered in the register of registered veterinary surgeons and whether he/she has become a qualified candidate on the date of the issue of the election notice;
- (c) an order under section 19 of the Ordinance is in force in respect of him/her;
- (d) he/she has become an undischarged bankrupt;
- (e) he/she has entered into a voluntary arrangement within the meaning of the Bankruptcy Ordinance (Cap. 6) with his/her creditors, which is still in force; or
- (f) he/she is serving a sentence of imprisonment on the date of election; or
- (g) he/she is or has been convicted in Hong Kong or any other place, of an offence for which he/she has been sentenced to imprisonment, whether suspended or not, for a term exceeding three months.

## **(7) Conduct of election**

17. An ordinary election is conducted triennially on a date to be determined by the VSB.

18. If the office of an elected member becomes vacant under the newly added section 2D of Schedule 1 as proposed in the Bill and the unexpired term of office at the time the vacancy arises is not less than nine months, the VSB should hold a by-election to elect a qualified candidate to hold that office for the unexpired term.

## **(8) Voting and counting arrangements**

19. Each elector may vote for more than one candidate, but the number of candidates voted for must not exceed the number of elected members to be returned at the election concerned (i.e. each elector may vote for a maximum of six candidates in an ordinary election).

20. The votes shall be given and counted in accordance with the “first past the post” system.

21. Our preliminary suggestion is that all electors are required to cast votes in person at designated polling station(s) within the specified polling hours on the election day.

## **(9) Election petition**

22. There will be provision(s) in the proposed Election Regulation providing for election petition. Electors who are entitled to vote at the election, qualified candidates of the election or nominees who are determined as being ineligible for becoming qualified candidates after submission of nomination may lodge a petition questioning the election results. An election petition should be lodged with the Board of Review within 30 days after the date on which the election result is published in the Gazette. The Board of Review will handle that election petition.

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