

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

**Supplementary information requested by Members  
at the meeting on 12 January 2015**

At the meeting held on 12 January 2015, 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.

<b>Supplementary information sought</b>	<b>The Administration's response</b>
<p>(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 will 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</p>	<p>The Administration suggested in LC Paper No. CB(3) 309/14-15(01) (i.e. "Salient features of the proposed election of elected members to the Veterinary Surgeons Board") that in the proposed election of the VSB:</p> <p>(i) Each elector (i.e. a registered veterinary surgeon who is qualified as an elector) may, in the capacity of a proposer or seconder, nominate more than one registered veterinary surgeon who is qualified as an elector to be a candidate. 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, and</p> <p>(ii) The number of candidates for whom each elector may vote 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).</p> <p>Some Members of the Bills Committee raised</p>

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<p>in the election when drawing up the regulation.</p>	<p>concern that the above proposal may lead to monopoly in the elected membership of the VSB by individual persons or groups. Hence they suggested that each elector in each VSB election might only nominate one registered veterinary surgeon who is qualified as an elector to be candidate, and each elector might only vote for one candidate, regardless of the number of vacancies available in that election.</p> <p>We would take the views of the Bills Committee fully into account when finalising the Election Regulation. We have noted Members' concern and have no objection to their suggestion. Our preliminary view is that this suggestion can be incorporated into the concrete proposal on the VSB election. The Administration would articulate this view in the resumption of the Second Reading debate on the Bill. As the enactment of the Election Regulation is subject to another legislative process, we would take this as the basis for further consultation on matters relating to the VSB elections for the purpose of seeking the views of the veterinary profession and the relevant Legislative Council Panel.</p>
<p>(b) The Administration's response to Dr Hon CHIANG Lai-wan's proposed amendments to the Bill [LC Paper No. CB(3)344/14-15 (01)], including whether her amendments to adjust the proposed ratio of registered veterinary surgeon to non-registered</p>	<p>In response to the concerns expressed by some Members of the Bills Committee about the ratio of veterinary surgeons to non-veterinary surgeons in the composition of the VSB, the Administration has submitted two papers (i.e. LC Paper No. CB(3)133/14-15(02) and LC Paper No. CB(3)332/14-15(02)) to the Bills Committee to elaborate the legislative intent of the Administration on these matters, and the relevant considerations and justifications. Members may wish to refer to the relevant papers for details.</p> <p>We wish to reiterate that as the regulatory body</p>

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<p>veterinary surgeon on VSB under the Bill, which is 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.</p>	<p>the VSB has played a pivotal role in setting the professional standards for the veterinary surgery profession, dealing with registration matters, devising measures to encourage the continued professional development of registered veterinary surgeons, as well as dealing with disciplinary matters of veterinary surgeons. It is therefore of utmost importance that the VSB has sufficient representation from the veterinary profession in its composition and sufficient professional knowledge for the purpose of regulating the profession. In addition to members with veterinary professional background, lay members representing the interest of persons utilising veterinary services have been appointed to the VSB. In deciding to strengthen and expand the composition of the VSB, the Administration has taken into account its actual functions and operational needs, as well as the views collected during the consultation with the veterinary profession and the public. In the light of how VSB has conducted its business in the past 17 years, we believe the current composition of the VSB (with the ratio of veterinary to non-veterinary members pitched at 2:1) has by and large served the purpose of striking a reasonable balance among the views of various parties, thus ensuring that the Board is discharging its function of upholding the professional competence, standards and probity of the profession in a manner consistent with the overall public interest. Therefore, the intention of the Government policy is to maintain the ratio of veterinary to non-veterinary members on the Board (excluding the Chairperson) at 2:1 as is currently the case.</p> <p>As professionals, registered veterinary surgeons are permitted to practise by virtue of their specialised knowledge and training. To reciprocate and maintain the public trust placed in</p>

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	veterinary surgeons, we believe that members of the VSB and assessors from the veterinary profession who may participate in complaint handling in the future would carry out their duty with due diligence in the regulation of the discipline and conduct of the profession as well as supervision of the veterinary professional activities, with a view to maintaining and promoting public confidence in the veterinary profession.
(c) The Administration's proposed Committee stage amendments (CSAs) to the Bill.	The draft CSAs to the Bill to be proposed by the Administration are set out in <b><u>Annex</u></b> .

**Food and Health Bureau  
Agriculture, Fisheries and Conservation Department  
January 2015**

Veterinary Surgeons Registration (Amendment) Bill 2014

**Committee Stage**

Amendments to be moved by the Secretary for Food and Health

<u>Clause</u>	<u>Amendment Proposed</u>
3(3)	In the proposed definition of <i>assessor</i> , by adding “or 17B(2)” after “17A(2)”.
9(2)	By deleting “17D(3)” and substituting “18(1A)”.
11	In the heading, by deleting “ <b>17D</b> ” and substituting “ <b>17E</b> ”.
11	By deleting the proposed section 17D(3).
11	In the proposed section 17D, by adding— “(3A) The committee may decide whether or not to refer the complaint to an inquiry committee. (3B) However, a decision under subsection (3A) must be unanimous. (3C) If the committee fails to make a unanimous decision under subsection (3A), it must refer the complaint to the Board.”.
11	By adding— “ <b>17E. Complaints referred to the Board under section 17D(3C)</b> (1) If a complaint is referred to the Board under section 17D(3C), it may decide whether or not to refer the complaint to an inquiry committee.

- (2) If the Board refers the complaint to an inquiry committee, the Secretary must, as soon as practicable, send to the registered veterinary surgeon being complained of (*subject person*)—
  - (a) a notice of the referral; and
  - (b) a statement of the substance of the complaint.
- (3) The notice and statement must be sent by prepaid registered post to the last known address of the subject person.
- (4) If the Board decides not to refer the complaint to an inquiry committee, the Secretary must, as soon as practicable, notify the complainant of the decision by prepaid registered post.”.

12(2) In the proposed section 18(1A), by deleting “17D(3)” and substituting “17D(3A) or 17E(1)”.

12(6) By adding “or 17E(2)” after “section 17D(4)”.

16 By adding before subclause (1)—  
 “(1A) Schedule 1, heading—  
**Repeal**  
**“and its Members”**  
**Substitute**  
**“, its Members and Assessors”.**”.

16(3) In the proposed section 2C(1)(d), by adding “or 3D(2)” after “3A(1)(b)”.

16(3) By deleting the proposed section 2E(1)(d) and substituting—  
 “(d) (if the assessor is appointed under section 17A(2) or 17B(2) being a registered veterinary surgeon or

a person of a category under section 17A(3)) the assessor ceases to be a registered veterinary surgeon or a person of that category;”.

19 By deleting “17D(3)” and substituting “17D(3A)”.