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Paper for the House Committee meeting on 27 February 2015

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

Purpose

This paper reports on the deliberations of the Bills Committee on Veterinary Surgeons Registration (Amendment) Bill 2014 ("the Bills Committee").

Background

2. Enacted in 1997, the Veterinary Surgeons Registration Ordinance (Cap. 529) ("the Ordinance") provides 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 ("RVSs") and matters related to such registration and disciplinary control.

Veterinary Surgeons Board ("VSB")

3. Section 3 of the Ordinance provides for the establishment of VSB, which consists of 10 members appointed by the Secretary for Food and Health ("SFH"), namely a chairperson, a medical practitioner or pharmacist who is entitled to practise his/her profession in Hong Kong ("medical practitioner/pharmacist"), two persons representing the interests of persons who utilize veterinary services ("lay persons"), and six RVSs.

4. Under section 5 of the Ordinance, the functions of VSB include:

- (a) establishing and maintaining a register of RVSs;

- (b) setting and reviewing the qualification standards for registration as a RVS and related registration matters;
- (c) advising the Government on registration matters;
- (d) examining and verifying the qualifications of persons who apply for registration as RVSs;
- (e) receiving, examining, accepting or rejecting applications for registration and renewal of registration as a RVS; and
- (f) dealing with disciplinary offences.

5. Under section 7 of the Ordinance, there shall be a secretary and a legal adviser to VSB, who shall be appointed by SFH.

Preliminary Investigation Committee ("PIC") and Inquiry Committee ("IC")

6. According to the disciplinary proceedings under sections 17 to 20 of the Ordinance for handling complaints against RVSs alleging a disciplinary offence, the secretary to VSB forwards a complaint alleging a disciplinary offence ("a complaint") received to two VSB members, one of whom must be a non-RVS (i.e. a medical practitioner/pharmacist or a lay person). These two members constitute a PIC (the name of which is not mentioned in the Ordinance) to determine whether the complaint should be dismissed or referred to VSB, which may refer the complaint to an IC established by VSB for inquiry. An IC consists of not less than three VSB members, one of whom must be a non-RVS. An IC has power to hear and examine evidence, summon witnesses and determine whether the RVS against whom the complaint is made has committed a disciplinary offence.

7. According to the Administration, with three non-RVSs (i.e. a medical practitioner/pharmacist and two lay persons) on VSB at present, the maximum number of PICs which may be concurrently formed by VSB is restricted to three in practice. In addition, as the non-RVS who has served on a PIC cannot sit on the IC of the same case, only two non-RVSs are available for appointment to an IC.

8. Since the enactment of the Ordinance, there have been significant changes in circumstances. The number of RVSs has increased from around 150 to 720. There has been growing public awareness of animal welfare and higher community expectation of veterinary services. The

number of complaints received by VSB has risen from eight in 1998 to 50 on average annually in recent years. In 2012, the Administration and VSB jointly conducted a review of VSB's structure and modus operandi. A public consultation was launched in October 2012 on the Administration's proposals to amend the Ordinance to, among other things, expand the membership of VSB and streamline its modus operandi. At its meeting on 8 April 2014, the Panel on Food Safety and Environmental Hygiene was consulted on, and in general supported, the proposed amendments to the Ordinance.

The Bill

9. The Bill was introduced into LegCo on 9 July 2014. It seeks to amend the Ordinance to broaden the membership of VSB; provide for the constitution of and other matters relating to ICs, and the establishment of a panel of assessors and PICs; streamline the procedure for handling complaints; and provide for incidental and related matters.

10. Specifically, the proposed amendments under the Bill include –
- (a) expanding the membership of VSB from 10 to 19 by increasing (i) the number of RVSs from six to 12, of which six are to be appointed by SFH, and (ii) the number of lay persons (who are non-RVSs) from two to five; and maintaining the ratio of RVS to non-RVS on VSB at 2:1 ("the 2:1 ratio");
 - (b) electing the six newly-added VSB members who are RVSs by members of the veterinary profession;
 - (c) increasing the number of persons sitting on a PIC from two to three, with one of whom being a non-RVS;
 - (d) streamlining the complaint-handling process so that a PIC may refer a complaint directly to an IC for inquiry; and
 - (e) empowering VSB to establish a panel of assessors which comprise not more than 18 persons (12 RVSs and six non-RVSs) who are not VSB members, and are to be appointed to PICs and ICs.

The Bills Committee

11. At its meeting on 10 October 2014, the House Committee agreed to form a Bills Committee to study the Bill. The membership list of the Bills Committee is in **Appendix I**.

12. Under the chairmanship of Hon Tommy CHEUNG, the Bills Committee held a total of six meetings with the Administration. At two of these meetings, the Bills Committee received oral presentations of views from a total of 22 deputations/individuals in **Appendix II**. The Bills Committee also received a total of 288 written submissions on the Bill.

Deliberations of the Bills Committee

13. The Bills Committee generally supports the legislative amendments proposed under the Bill. Nevertheless, members express concerns about the Bill in the following aspects:

- (a) composition of VSB;
- (b) election of RVSs to VSB;
- (c) composition and operation of PICs;
- (d) VSB's complaint-handling capacity; and
- (e) regulation of the veterinary profession.

14. The deliberations of the Bills Committee on these aspects are set out below.

Composition of VSB

Ratio of RVS to non-RVS on VSB

15. Members note that under the proposed new section 3A of the Ordinance, VSB will comprise a chairperson, 12 RVSs (six elected RVSs and six appointed RVSs) and six non-RVSs (one medical and health professional and five lay persons as mentioned in paragraph 19), with the ratio of RVS to non-RVS being set at 2:1 as is currently the case.

16. On the rationale for setting the ratio at 2:1, the Administration has explained to members that the 2:1 ratio is appropriate, taking into account

VSB's pivotal role and past experience in regulating the veterinary profession, including registration of veterinary surgeons and disciplinary control of their professional activities. The 2:1 ratio helps ensure that VSB will have sufficient representation of the profession and sufficient professional knowledge for handling complaints relating to veterinary surgical practice, which often requires expert advice from experienced veterinary surgeons. The 2:1 ratio has largely struck a reasonable balance between promoting the standards and probity of the profession and safeguarding public interest. The Administration sees no reasons for departing from the 2:1 ratio.

17. While most depositions support the 2:1 ratio, members have diverse views on whether the ratio should be adjusted. Some members including Hon Steven HO and Dr Hon CHIANG Lai-wan consider that the RVS-dominated VSB has been concerned about the development of the veterinary profession rather than the promotion of animal welfare and the interests of pet owners. They have quoted the charging of exorbitant service fees by RVSs, the undersupply of RVSs and the limited availability of complaint channels for the public as examples. They suggest that the 2:1 ratio be adjusted to 1:1 by including more lay persons in the composition of VSB, which is in line with the arrangements of many professional bodies in Hong Kong and the current international trend. They consider that by adjusting the 2:1 ratio to 1:1, VSB and the veterinary profession will be subject to more public monitoring. Dr Hon CHIANG Lai-wan has suggested amending new section 3A(2) of the Ordinance by reducing the proposed number of RVSs appointed by SFH on VSB from six to three, and increasing the proposed number of non-RVSs (excluding the member who is a medical and health professional) on VSB from five to eight, so as to adjust the ratio of RVS to non-RVS from 2:1 to 1:1.

18. On the other hand, the Chairman and some members including Hon Cyd HO, Hon Paul TSE, Hon CHAN Chi-chuen and Dr Hon Kenneth CHAN have reservation about the adjustment of the 2:1 ratio to 1:1. They acknowledge the need for VSB to maintain its professionalism while increasing the representation of lay persons in its composition, as the veterinary profession is highly specialized involving different fields, and the handling of complaints alleging misconduct of RVSs requires heavy professional input. They are of the view that adjusting the 2:1 ratio to 1:1 is not a solution to the concerns of certain members and pet owners. VSB should instead explore ways to 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, and strengthening its communication with stakeholders.

Medical and health professional and lay persons

19. Currently, under section 3(2)(b) of the Ordinance, one of the members of VSB is a person who is a medical practitioner or pharmacist who is entitled to practise his or her profession in Hong Kong. Members note that under clause 3 of the Bill, a new definition of "medical and health professional" is proposed to be added to the Ordinance to expand that category of VSB member by including a dentist who is entitled to practise his or her profession in Hong Kong. Under the proposed new section 3A of the Ordinance, a medical and health professional is to be appointed by SFH to VSB. To ensure the representativeness of non-RVSs on VSB, Dr Hon CHIANG Lai-wan suggests the Administration to clearly stipulate in the Bill that the medical and health professional must be a non-RVS and must not have any connections with the interests of the veterinary profession. The Administration is also urged to state clearly at the resumption of the Second Reading debate on the Bill that the five lay persons on VSB under the proposed new section 3A(2)(c) of the Ordinance should represent the interests of persons utilizing veterinary services.

20. According to the Administration, the medical and health professional must be a person registered under the relevant legislation to provide medical services for humans and must not be a RVS. On the criteria for appointing the five lay persons to VSB, the Administration advises members that they will not be medical and health professionals and, in the opinion of SFH, must represent the interests of persons utilizing veterinary services.

Election of RVSs to VSB

21. Members also have diverse views on whether all the 12 RVSs instead of the proposed six newly-added RVSs on VSB should be elected by members of the veterinary profession.

22. Some members including Hon Cyd HO consider that all the 12 RVSs should be elected by the veterinary profession to facilitate the operation of VSB under the principle of professional autonomy instead of

government control. Members draw the Administration's attention to the practice of various professions (such as accounting and social work) in Hong Kong in which their representatives on the board of the regulatory bodies are mainly elected from the respective professions. There is also a view that RVSs on VSB should be elected from different specialties in the profession.

23. On the other hand, Dr Hon CHIANG Lai-wan considers that VSB comprising members who are all appointed by the Government has been operating smoothly since its establishment. She has serious reservation about having all the RVSs on VSB elected by members of the veterinary profession on the grounds that elected RVSs may put the interest of the profession before public interest, such as keeping RVSs undersupplied and their fees unaffordable to pet owners at the grassroots level.

24. The Administration considers it appropriate to expand VSB's membership by including six elected RVSs in VSB, after taking into account the need to ensure further healthy development of the veterinary profession in the face of rising expectation of the standards of veterinary services in Hong Kong. The proposed election of six RVSs to VSB will enhance the balanced representation on VSB and encourage greater involvement of the profession in managing its own affairs. In the long run, the number of elected RVSs on VSB may be reviewed in the light of the overall development of the profession. The Administration stresses that there is no evidence from overseas jurisdictions that the presence of elected members in the regulatory bodies of the veterinary profession has driven up the veterinary service fees.

25. On the other hand, the Administration considers it necessary to retain the six appointed RVSs from different fields and with different experience and expertise. This will help minimize the possibility of the veterinary members of VSB being constituted of RVSs mainly from certain individual veterinary areas, and maintain diversified and balanced professional views and knowledge in VSB. According to the Administration, the regulatory bodies of the veterinary profession in overseas jurisdictions comprise appointed and elected members, with appointed members making up a higher proportion in the board composition. For example, the ratios of non-elected to elected members in some relevant regulatory bodies in Australia and New Zealand are at about 3:2 and 4:3 respectively.

26. Members note that SFH has appointed RVSs in different fields to VSB. Such fields include veterinary public health and veterinary care for small pet animals, competition horses, aquatic animals and zoo animals. The Administration advises members that it will continue with the practice of appointing RVSs of different backgrounds and specializations to VSB after the enactment of the Bill.

27. Members also raise concern about the Administration's practice to appoint a government veterinary officer from the Agriculture, Fisheries and Conservation Department ("AFCD") as one of the six appointed RVSs. The Administration advises members that as RVSs specializing in veterinary public health in Hong Kong mainly work in public bodies, it has been the practice to appoint a government veterinary officer to VSB to provide expertise relating to the public veterinary services. The Administration has clarified that the member so appointed is not a representative of the Government or AFCD on VSB.

Electoral method

28. Under the proposed new section 28(1A) of the Ordinance, SFH may by regulation provide for matters concerning an election of six RVSs to VSB ("the Election Regulation"). Members express grave concern about the Administration's intention to allow, in the Election Regulation, each elector to nominate a maximum of six RVSs and vote for a maximum of six candidates in a VSB election. They are worried that the election may be dominated by bloc voting under the influence of certain sizeable groups or organizations. To facilitate competition and encourage candidates of different backgrounds to participate in the VSB election, members have suggested that each elector should nominate and/or vote for one candidate only in the election, regardless of the number of elected seats available.

29. The Administration raises no objection to members' suggestion, and has undertaken to state at the resumption of the Second Reading debate on the Bill that the suggestion can be incorporated into the concrete proposal on the VSB election. The Administration points out that as the enactment of the Election Regulation is subject to another legislative process, it will take members' suggestion as the basis for further consultation with the veterinary profession and the relevant LegCo Panel on matters relating to the election.

Electoral arrangements

30. Members express support for the Administration's proposal to require electors to cast votes in person and to disallow proxy voting in a VSB election. They suggest that the relevant regulations made by the Electoral Affairs Commission and the Independent Commission Against Corruption on electoral procedure and prevention of bribery be adapted to the Election Regulation. The Administration has undertaken to endeavour to ensure that the election will be open, fair and cost-effective. It will also take into account the experience of the first VSB election when considering the feasibility of other simpler and more convenient voting arrangements in future.

Scrutiny of the Election Regulation

31. According to the Administration, the Election Regulation will be prepared upon the passage of the Bill and submitted in the form of subsidiary legislation to LegCo for scrutiny under the negative vetting procedure. Having regard to the importance of the Election Regulation, some members are of the view that the Election Regulation should be subject to positive vetting instead of negative vetting by LegCo.

32. The Administration takes the view that the Election Regulation will cover the specific electoral arrangements and procedures which are rather technical in nature. Making reference to the procedures of other subsidiary legislation of a similar nature, the Administration considers it appropriate to propose that the Election Regulation be subject to negative vetting by LegCo. Members note that subject to the passage of the Bill, the Administration intends to first bring into operation the proposed new section 28(1A) of the Ordinance to empower SFH to make the Election Regulation. The Administration aims at consulting the veterinary profession and the relevant LegCo Panel on the proposed Election Regulation in the first quarter of 2015 upon the enactment of the Bill, with a view to making the Election Regulation in the second quarter. The VSB election will be proceeded with upon the enactment of the Election Regulation. It is hoped that the newly constituted VSB may commence operation within 2015.

Composition and operation of PICs

Ratio of RVS to non-RVS on a PIC

33. Grave concerns are raised by members about the 2:1 ratio of RVS to non-RVS on the proposed PIC under the proposed new section 17C(2) of the Ordinance. They consider that the 2:1 ratio may give rise to a negative public perception that the PIC may handle complaints in favour of the members of the veterinary profession who are the subjects of the complaints concerned. They are worried that most complaints from pet owners about RVSs will likely be dismissed by PICs and will not be referred to ICs for inquiry. Members note from the Administration that about 90% of some 600 complaints received by VSB in the past were dismissed, while only about 10% of the complaints were referred to ICs for inquiry. To facilitate more objective examination of complaints and better safeguard the interests of pet owners, some members including Dr Hon CHIANG Lai-wan and Hon Alice MAK suggest that the number of non-RVSs on a PIC be increased, so as to adjust the ratio of RVS to non-RVS to 1:1 or 1:2, or that a PIC be constituted by non-RVSs only.

34. The Administration notes pet owners' possible perception against the proposed PIC but considers the proposed ratio of RVS to non-RVS on a PIC to be appropriate. In the Administration's view, the RVSs who will hold the majority on a PIC should not be assumed to be biased towards members of the veterinary profession. Their professional knowhow and understanding of the profession will facilitate the handling of complaints. The inclusion of a non-RVS in a PIC will also help allay the concerns of complainants who utilize veterinary services. The Administration draws members' attention to the fact that there were complaints found to be substantiated and the RVSs in breach of VSB's code of practice for the professional conduct and discipline of RVSs ("CoP") or conduct rules were subject to disciplinary actions, including removal of their names from the register of RVSs for a fixed period of time.

Referral of complaints by PICs

35. At present, after VSB has received a complaint, the secretary to VSB will submit the complaint to a PIC. The PIC will determine whether to dismiss the complaint or refer it to VSB for consideration. VSB will decide, by a majority vote of its members, whether to refer the complaint to

an IC for inquiry. If a PIC concludes that a complaint shall not be referred to VSB, the secretary to VSB will notify the complainant in writing. Under the proposed new section 17D(3) of the Ordinance, the proposed three-member PIC may refer a complaint to an IC for inquiry. According to the Administration, as the proposed PIC will have an odd number of members (i.e. three), a majority vote may be obtained on whether to refer a complaint to an IC.

36. To enhance the impartiality of PICs in handling complaints, members generally suggest that the Administration should consider whether, when a decision is to be made by a PIC on whether the complaint should be referred to an IC or dismissed, such a decision must be unanimous. Otherwise, the PIC must refer to the complaint to VSB, which will decide whether the complaint should be referred to an IC or dismissed.

37. In the Administration's view, although members' suggestion is not fully consistent with the intention of streamlining the complaint-handling procedure, it will demonstrate that the views of different parties on a PIC will be given full weight, thus enhancing procedural fairness and public confidence in the handling of complaints by VSB. The Administration has undertaken to propose Committee stage amendments ("CSAs") to clauses 11, 12(2) and (6) and 19 of the Bill to the effect that in case no unanimous decision is reached by the three members on a PIC on whether a complaint should be referred to an IC, the complaint must be referred to VSB, which may decide whether to refer the complaint to an IC.

Conflict of interest in handling of complaints

38. The Administration and VSB are urged by members to ensure that proper procedures are in place to guard against any possible conflict of interest of RVSs on a PIC or an IC in handling complaints against members of the veterinary profession. The Administration advises members that VSB has an established mechanism for declaration of interests by RVSs on VSB. When VSB is to appoint members to a PIC or an IC, each member so appointed must declare his/her interests. In addition, no members of a PIC which has referred a complaint to VSB may participate in the VSB meeting at which the complaint is to be considered, and no members of a PIC may be appointed as a member of an IC established for the same complaint. At members' request, the Administration has relayed members'

suggestions to VSB, inviting it to consider measures that will enhance public confidence in the transparency and impartiality of its investigation and inquiry into complaints. VSB will decide how best to take forward members' suggestions before the Administration reports back to LegCo in due course.

VSB's complaint-handling capacity

Panel of assessors

39. Under the proposed new sections 17A(1) and (2) of the Ordinance, VSB is to establish a panel of assessors from whom members of a PIC or an IC may be appointed, and the panel will comprise not more than 12 RVSs and six non-RVSs. Members note the Administration's intention that the panel will serve as a pool of talents for appointment to a PIC or an IC to share the rising workload of VSB members as and when VSB considers it necessary. Nevertheless, the Chairman is of the view that the assessors should play an important role in the investigation of complaints about RVSs and the panel should not be established for a backup purpose only. Members are worried that VSB may be unwilling to appoint assessors to PICs or ICs, thus defeating the purpose of enhancing its complaint-handling capacity.

40. To enlarge the pool of talents available for sharing VSB's workload, Dr Hon CHIANG Lai-wan has indicated that she may consider proposing amendments to the proposed new section 17A(2) of the Ordinance to the effect that the ratio of RVS to non-RVS on the panel of assessors be adjusted from 2:1 to 1:1 by increasing the maximum number of RVSs from 12 to 15 and that of non-RVSs from six to 15.

41. The Administration has no adverse views in principle on the need to increase the maximum number of assessors to be appointed by VSB to the panel, provided that the ratio of RVS to non-RVS on a PIC and an IC will remain unchanged at 2:1. The Administration stresses that while the appointment of more assessors to the panel will enlarge the pool of talents available for VSB, whether an assessor will be appointed to a PIC or an IC will depend on VSB's workload.

Processing time of complaints

42. Members note that from 2002 to 2006, VSB took on average 11 months to conclude a complaint, and the longest and shortest times taken to conclude a complaint were about 56 months and less than one month respectively. From 2007 to 2011, the average time taken by VSB to conclude a complaint increased to 16 months, with the longest and shortest times taken to conclude a complaint being about 51 months and about one month respectively. Since its establishment, VSB has received a total of 679 complaints. As at the end of October 2014, 73 complaints were outstanding.

43. The long time taken by VSB to conclude a complaint received is of concern to members. Members consider that while it may not be necessary to make a performance pledge on the processing time of complaints, as the complexity of each complaint varies, the Administration should assess how far the processing of complaints may be expedited and whether the staffing strength of VSB is able to cope with the anticipated rising caseload after the implementation of the relevant legislative amendments under the Bill.

44. The Bills Committee has examined whether the proposed expansion of VSB's membership may facilitate the formation of more PICs and ICs to expedite the handling of complaints. The Chairman suggests that the number of VSB members under the category of "medical and health professional" may be increased from one to three by appointing one member from each of the three related professions (i.e. medical practitioner, pharmacist and dentist), so as to facilitate the formation of more PICs and ICs.

45. The Administration submits that VSB has processed the complaints received as soon as possible, but the time required for concluding a complaint will depend on its complexity, including whether external expert advice has to be sought. To uphold procedural justice, the non-RVS who has served on a PIC cannot sit on the IC of the same case. The limited availability of non-RVSs on VSB has therefore restricted the number of PICs or ICs that may be formed concurrently. The Administration advises members that with the expansion of VSB's membership and the establishment of the panel of assessors, the pool of candidates who may sit on PICs or ICs will expand. For example, up to six PICs can be formed

concurrently to process the complaints received assuming each VSB member serving on one PIC at any one time.

46. In addition, while the Administration has currently no plan to request VSB to set a specific target on the processing time of a complaint, it has undertaken to state at the resumption of the Second Reading debate on the Bill that it will suggest VSB to speed up referral of complaints to a PIC and consider the feasibility of setting a performance pledge on this front. The Administration has also undertaken to report the progress of VSB's handling of complaints to the relevant LegCo Panel at regular intervals after the implementation of the relevant legislative amendments under the Bill.

Secretariat support for VSB

47. Members are of the view that the effectiveness of the proposed measures under the Bill will hinge on the provision of sufficient support for VSB. Noting section 7 of the Ordinance which provides for the appointment of a secretary and a legal adviser to VSB, members suggest the Administration to review the establishment and functions of the VSB Secretariat to ensure sufficient support for VSB including the complaint-handling process.

48. According to the Administration, the VSB Secretariat is established within AFCD, which has been monitoring the Secretariat's manpower position. Given the rise in the number of complaints received by VSB and its increasing workload in recent years, an additional Senior Executive Officer and an additional Executive Officer II were provided in 2012 to strengthen the Secretariat support. At present, the VSB Secretariat has a total of 10 staff, including a Senior Executive Officer, Executive Officers/executive assistants and clerical staff. The Administration has undertaken to keep the manpower position of the Secretariat under review. If necessary and justified, additional resources will be sought to strengthen the Secretariat and legal support for VSB in accordance with the established resources allocation mechanism within the Government.

Regulation of the veterinary profession

49. Members note that the existing regulatory regime does not cover the regulation of veterinary clinics or medical groups running such clinics.

Nor does "the RVS being complained of" under the proposed new section 17D(2)(b) of the Ordinance include the veterinary clinic owned by the RVS concerned or other persons working in the clinic, such as veterinary assistants and nurses. Some members including Dr Hon CHIANG Lai-wan and Hon Alice MAK consider that the Bill may not fully address pet owners' concerns about the veterinary services in Hong Kong. To better safeguard public interest and the welfare of pets, which are estimated at 400,000 in number in Hong Kong, the whole veterinary profession should be subject to comprehensive regulation and should not be merely concerned about its own development.

50. According to the Administration, the ratio of RVS to small pet animal in Hong Kong is relatively high (at around 1:1 200 in 2012), compared to the United States and Japan where the ratios of veterinarians to animals are at about 1:3 700 and 1:1 600 respectively. Generally speaking, RVSs' fees in Hong Kong are commensurate with the operating costs in the city and the quality of veterinary services offered. To address members' concern about veterinary service fees, the Administration has undertaken to state at the resumption of the Second Reading debate on the Bill that it will suggest VSB to take stock the general condition of the current level of fees and charges by RVSs and introduce measures to enhance the 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.

51. In addition, the Administration has advised members that the Ordinance provides for the regulation of the practice of veterinary surgery, the registration of veterinary surgeons, and the disciplinary control of the professional activities of RVSs. The existing regulatory regime and the Bill do not cover the operation of veterinary clinics or people running such clinics. In this regard, Dr Hon CHIANG Lai-wan indicates that she will follow up the matters on regulation of the veterinary profession at meetings of the Panel on Food Safety and Environmental Hygiene.

Commencement of the Bill

52. Members note that subject to the passage of the Bill, the Administration intends to first bring into operation the proposed new section 28(1A) of the Ordinance to empower SFH to make the Election Regulation, and then consult the relevant LegCo Panel and stakeholders on

the proposed Election Regulation. The Administration aims to submit the Election Regulation to LegCo for scrutiny under the negative vetting procedure in the second quarter of 2015. SFH will afterwards publish a commencement notice for bringing into operation the remaining provisions of the Bill in stages.

Committee stage amendments

53. In addition to the proposed CSAs to clauses 11, 12(2) and (6) and 19 of the Bill as mentioned in paragraph 37 above, the Administration will move CSAs to clauses 3(3), 9(2), 16 and 16(3) of the Bill for making a number of technical or consequential amendments. The Bills Committee supports these CSAs. A full set of the Administration's CSAs and their gists are in **Appendices III and IV** respectively.

54. The Bills Committee will not propose any CSAs to the Bill.

Resumption of the Second Reading debate

55. The Bills Committee raises no objection to the resumption of the Second Reading debate on the Bill at the Council meeting of 18 March 2015.

Advice sought

56. Members are invited to note the deliberations of the Bills Committee.

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

Membership list

Chairman Hon Tommy CHEUNG Yu-yan, SBS, JP

Members Hon Cyd HO Sau-lan, JP
Hon CHAN Hak-kan, JP
Hon Paul TSE Wai-chun, JP
Hon Steven HO Chun-yin
Hon CHAN Chi-chuen
Dr Hon Kenneth CHAN Ka-lok
Hon Alice MAK Mei-kuen, JP
Dr Hon CHIANG Lai-wan, JP

(Total: 9 members)

Clerk Mr Thomas WONG

Legal Adviser Ms Wendy KAN

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

Organizations/individuals which/who have given oral representation of views to the Bills Committee at the meetings on 17 November 2014 and 26 January 2015

1. Liberal Party Pet's Right Concern Unit
2. The Hong Kong Veterinary Association
3. Wanchai Animal Clinic
4. The Society for the Prevention of Cruelty to Animals (HK)
5. China (Hong Kong) Veterinary Association
6. Dr Patrick CHONG Pak-kin
7. School of Veterinary Medicine, City University of Hong Kong
8. Veterinary Surgeons Board of Hong Kong
9. Hong Kong Kennel Club
10. Dr Lawrence CHAN Wai-him
11. Dr Kenneth LAM
12. Society for Abandoned Animals Limited
13. Dr Patricia SHUEN Yi-man
14. Dr Olivia CHAN
15. Dr Alane CAHALANE
16. Hong Kong Vet Services Limited
17. Dr Diane LU Dah-an

18. Cat Homing
19. 愛狗聯盟
20. 油尖旺寵物關注社
21. Pet Lover
22. Democratic Alliance for the Betterment and Progress of Hong Kong

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 “17D” and substituting “17E”.
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— “17E. Complaints referred to the Board under section 17D(3C) (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)”.

Veterinary Surgeons Registration (Amendment) Bill 2014

Gists of the Administration's Committee stage amendments to the Bill

Clauses with amendments proposed by the Administration – Clauses 3, 9, 11, 12, 16 and 19

Clauses 11, 12(2) and (6), and 19

- to stipulate that when a decision is to be made by a preliminary investigation committee ("PIC") on whether a complaint should be referred to an inquiry committee ("IC"), such a decision must be unanimous, or if the PIC is unable to reach a unanimous decision, it must refer the complaint to the Veterinary Surgeons Board, which may decide whether to refer the complaint to an IC.

Clauses 3(3), 9(2), 16 and 16(3)

- to make technical and consequential amendments.