

For discussion  
on 14 April 2015

**Legislative Council**  
**Panel on Food Safety and Environmental Hygiene**

**Proposed legislation for the election of members from the  
veterinary profession to the Veterinary Surgeons Board of Hong Kong**

**Purpose**

This paper seeks Members' views on the salient features of the rules governing election of members from the veterinary profession to the Veterinary Surgeons Board of Hong Kong (VSB). These rules are to be provided for in a regulation to be made by the Secretary for Food and Health (SFH) under section 28(1A) of the Veterinary Surgeons Registration Ordinance (Cap. 529) (the Ordinance) as amended by the Veterinary Surgeons Registration (Amendment) Ordinance 2015.

**Background**

2. The Ordinance was first 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 matters related to such registration and disciplinary control so as to ensure a high standard of veterinary care in Hong Kong. The Ordinance has been amended by the Veterinary Surgeons Registration (Amendment) Ordinance 2015, which was passed by the Legislative Council (LegCo) on 18 March 2015 and will commence on a date to be appointed by SFH by notice published in the Gazette.

3. VSB is established under section 3 of the Ordinance. Its mission 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. Pursuant to section 3A of the amended Ordinance, the Board will comprise a Chairperson and 12

members to be appointed by SFH, as well as six members, who are registered veterinary surgeons, to be elected in an election.

### **Election Regulation**

4. Section 28(1A) of the amended Ordinance provides that SFH may by regulation provide for matters concerning an election of members to 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.

5. It is proposed that an Election Regulation be made by SFH under section 28(1A) to provide for matters concerning the election of members of the veterinary profession to VSB, the salient features of which are set out at Annex.

6. At the request of the Bills Committee set up by LegCo to scrutinize the Veterinary Surgeons Registration (Amendment) Bill 2014 (the Bills Committee), the Government had earlier briefed the Bills Committee on its preliminary thinking about the shape of the proposed electoral rules (as set out in LC Paper No. CB(3) 309/14-15(01)). While members of the Bills Committee were generally in support of the proposed arrangements, they suggested that each elector in an election should be permitted to (a) nominate only one registered veterinary surgeon to be a candidate, and (b) cast only one vote, regardless of the number of elected members to be returned at that election. The suggestion of the Bills Committee has been incorporated and reflected in the proposal set out at Annex.

## **Way Forward**

7. Members are invited to comment on the proposed arrangements for the election of members from the veterinary profession to VSB.

8. We are also consulting VSB and members of the veterinary profession on the proposal. Taking into account the views received, the Government will finalise the proposal and proceed to prepare the Election Regulation. We aim to table the Regulation at LegCo for negative vetting within 2015.

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

**Salient features of the rules governing the election  
of members from the veterinary profession  
to the Veterinary Surgeons Board of Hong Kong**

**(A) Background**

Section 3A of the Veterinary Surgeons Registration Ordinance (the Ordinance), as amended by the Veterinary Surgeons Registration (Amendment) Ordinance 2015, provides that the Veterinary Surgeons Board of Hong Kong (the Board) will comprise, among others, six members who are registered veterinary surgeons to be elected in an election (the elected members).

2. The salient features of the rules governing the election of members from the veterinary profession to the Board are listed below.

**(B) Overview**

3. For a particular election, the incumbent Board is to be charged with the responsibility of supervising the conduct of the election.

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

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

6. Other than those as set out in paragraph 7 below, the incumbent Chairperson and all members of the Board<sup>1</sup> are to form a “Board of Review” which will be responsible for handling any petitions related to that election. The incumbent Chairperson of the Board will preside as the convenor of the Board of Review.

7. The following would be excluded from the Board of Review:

- (a) members of the incumbent Board who have become qualified candidates in that election;

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<sup>1</sup> Under the envisaged arrangements, the term of office of this Board will lapse on the day immediately before the newly elected members assume office.

- (b) members of the incumbent Board who have submitted nominations but are identified as being ineligible for becoming qualified candidates in that election; or
- (c) members of the incumbent Board who have submitted nomination and become qualified candidates in that election but have subsequently been disqualified from being nominated as candidates.

**(C) Term of office of elected members**

8. 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.

9. If the office of an elected member becomes vacant under section 2D(3) of Schedule 1 to the amended Ordinance, 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.

10. 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.

**(D) Qualifications of electors**

11. All 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 will become electors and are qualified to vote in the election which is the subject of that election notice.

12. 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.

13. 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), even though his/her name has been entered in the register of registered veterinary surgeons on the date of the issue of the election notice.

**(E) Qualifications of candidates**

14. 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>2</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 conviction.

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<sup>2</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.

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

16. Each elector in each election may, in the capacity of a proposer or seconder, nominate only one registered veterinary surgeon who is qualified as an elector to be a candidate, regardless of the number of elected members to be returned at that election.

**(F) Disqualification of qualified candidates**

17. 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), even though his/her name has been entered in the register of registered veterinary surgeons 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;
- (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.

**(G) Conduct of election**

18. An ordinary election is conducted triennially on a date to be determined by the Board.

19. Where a by-election is called for, the arrangements set out in paragraph 9 above will apply.

**(H) Voting and counting arrangements**

20. Each elector may vote for only one candidate in each election, regardless of the number of elected members to be returned at the election concerned.

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

22. All electors are required to cast votes in person at designated polling station(s) within the specified polling hours on the election day.

**(I) Election petition**

23. 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. It will remain in being until all election petitions lodged have been disposed of.