

# 立法會 *Legislative Council*

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## **Panel on Food Safety and Environmental Hygiene**

### **Background brief prepared by the Legislative Council Secretariat for the meeting on 14 April 2015**

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

#### **Purpose**

This paper provides background information on the proposed legislation for the election of members from the veterinary profession to the Veterinary Surgeons Board of Hong Kong ("VSB"), and summarizes the main views and concerns of Legislative Council ("LegCo") Members on the subject.

#### **Background**

2. VSB is established under section 3 of the Veterinary Surgeons Registration Ordinance (Cap. 529) ("VSRO"). Enacted in 1997, VSRO 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 ("RVs") and for matters related to such registration and disciplinary control. The mission of VSB 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 RVs.

#### The Veterinary Surgeons Registration (Amendment) Bill 2014

3. In the light of changes in circumstances since the enactment of VSRO<sup>1</sup>,

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<sup>1</sup> According to the Administration, the number of RVs had since 1997 increased from around 150 to nearly 720. There had also been growing public awareness of animal welfare and higher community expectation of veterinary services. As a result, the number of complaints received by

the Administration and VSB jointly conducted in 2012 a review of VSB's structure and modus operandi. A public consultation was launched in October 2012 on the Administration's proposals to amend VSRO to, among other things, expand the membership of VSB and streamline its complaint-handling procedures. The Panel on Food Safety and Environmental Hygiene ("the Panel") was briefed on the proposed amendments to VSRO at its meetings on 13 November 2012 and 8 April 2014. The Veterinary Surgeons Registration (Amendment) Bill 2014 ("the Bill") was introduced into LegCo on 9 July 2014. At its meeting on 10 October 2014, the House Committee formed a Bills Committee to study the Bill.

4. The Bill sought to amend, among other things<sup>2</sup>, to change the membership of VSB as follows -

- (a) expanding the membership of VSB from 10 to 19 by increasing (i) the number of RVSs from six to 12, of which six were to be appointed by the Secretary for Food and Health ("SFH"), and (ii) the number of lay persons (who were non-RVSs) from two to five; and maintaining the ratio of RVS to non-RVS on VSB at 2:1; and
- (b) electing the six newly added VSB members who were RVSs by members of the veterinary profession.

The Bill was passed with amendments at the Council meeting of 18 March 2015.

5. According to the Administration, upon the passage of the Bill, the proposed new section 28(1A) of VSRO would be brought into operation to empower SFH to make regulations for matters concerning the election of six RVSs to VSB ("the VSB Election Regulation"). The proposed VSB Election Regulation would be submitted in the form of subsidiary legislation to LegCo for scrutiny under the negative vetting procedure. The VSB election would be proceeded with upon the enactment of the VSB Election Regulation.

## **Members' concerns**

6. Members' main views and concerns expressed at the Panel meetings and

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VSB had risen from eight in 1998 to 50 on average annually in recent years.

<sup>2</sup> The other proposed amendments included - (a) increasing the number of persons sitting on a Preliminary Investigation Committee ("PIC") from two to three, with one of whom being a non-RVS; (b) streamlining the complaint-handling process so that a PIC might refer a complaint directly to an Inquiry Committee ("IC") for inquiry; and (c) empowering VSB to establish a panel of assessors which comprised not more than 18 persons (12 RVSs and six non-RVSs) who were not VSB members, and were to be appointed to PICs and ICs.

those of the Bills Committee on Veterinary Surgeons Registration (Amendment) Bill 2014 ("the Bills Committee") on issues relating to the election of RVSs to VSB are summarized in the ensuing paragraphs.

### Composition of VSB

7. Members had 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. There was a view 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. There was also a view that RVSs on VSB should be elected from different specialties in the profession. However, there was another view that VSB comprising members who were all appointed by SFH had been operating smoothly since its establishment. Expressing concerns about the charging of exorbitant service fees by RVSs and the undersupply of RVSs, some members were worried that the elected RVSs might put the interest of the profession before public interest.

8. The Administration considered 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 would 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 might be reviewed in the light of the overall development of the profession. The Administration stressed that there was no evidence from overseas jurisdictions that the presence of elected members in the regulatory bodies of the veterinary profession had driven up the veterinary service fees.

9. The Administration also considered it necessary to retain the six appointed RVSs so as to 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. The Administration advised that it had appointed RVSs in different fields to VSB and would continue with this practice after the enactment of the Bill. Such fields included veterinary public health and veterinary care for small pet animals, competition horses, aquatic animals and zoo animals.

### Electoral method and arrangements

10. During the deliberation of the Bills Committee, members expressed grave concern about the Administration's intention to allow, in the VSB Election Regulation, each elector to nominate a maximum of six RVSs and vote for a

maximum of six candidates in a VSB election. They were worried that the election might be dominated by bloc voting under the influence of certain sizeable groups or organizations. To instil competition and encourage candidates of diverse background to participate in the VSB election, members had suggested that each elector should nominate and/or vote for one candidate only in the election, regardless of the number of elected seats available.

11. The Administration advised that it had no objection to members' suggestion and had undertaken to state at the resumption of the Second Reading debate on the Bill that the suggestion could be incorporated into the concrete proposal on the VSB election. As the VSB Election Regulation would be introduced in a separate legislative exercise, the Administration would take members' suggestion as the basis for further consultation with the veterinary profession and the relevant Panel on matters relating to the election.

12. Members expressed support for the Administration's proposal to require electors to cast votes in person and to disallow proxy voting in a VSB election. These members suggested 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 VSB Election Regulation. The Administration had undertaken to ensure that the election would be open, fair and cost-effective. It would 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 VSB Election Regulation

13. Having regard to the importance of the VSB Election Regulation, some Bills Committee members considered that the VSB Election Regulation should be subject to positive vetting instead of negative vetting by LegCo. The Administration advised that the Election Regulation would cover the specific electoral arrangements and procedures which were rather technical in nature. Making reference to the procedures of other subsidiary legislation of a similar nature, the Administration considered it appropriate to propose that the VSB Election Regulation be subject to negative vetting by LegCo.

#### **Latest developments**

14. The Administration will brief the Panel on the proposed legislation for the election of members from the veterinary profession to VSB at its meeting on 14 April 2015.

**Relevant papers**

15. A list of the relevant papers on LegCo website is in the **Appendix**.

Council Business Division 2  
Legislative Council Secretariat  
2 April 2015

## Appendix

### Relevant papers on Proposed legislation for the election of members from the veterinary profession to the Veterinary Surgeons Board of Hong Kong

Committee	Date of meeting	Paper
Panel on Food Safety and Environmental Hygiene	13.11.2012 (Item V)	<a href="#">Agenda</a> <a href="#">Minutes</a>
	8.4.2014 (Item VI)	<a href="#">Agenda</a> <a href="#">Minutes</a>
Bills Committee on Veterinary Surgeons Registration (Amendment) Bill 2014	--	<a href="#">Report</a>

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