



中華人民共和國香港特別行政區政府總部食物及衛生局
Food and Health Bureau, Government Secretariat
The Government of the Hong Kong Special Administrative Region
The People's Republic of China

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25 November 2020

Clerk to Panel
(Attn: Miss Josephine SO)
Panel on Food Safety and Environmental Hygiene
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Miss SO,

**Public consultation on proposal to amend
Schedule 2 to Veterinary Surgeons Registration Ordinance (Cap. 529)**

The Food and Health Bureau and the Agriculture, Fisheries and Conservation Department launched a public consultation on the proposal to amend Schedule 2 to the Veterinary Surgeons Registration Ordinance (Cap. 529) on 23 November 2020. The proposed amendments aim to permit veterinary students to perform acts of veterinary surgery under direct and continuous supervision of a registered veterinary surgeon, so as to allow proper training of veterinary students. The consultation exercise will last for two months until 22 January 2021.

Please find attached for Members' perusal a bilingual copy of the consultation document, which is also available at FHB website (www.fhb.gov.hk/en/press_and_publications/consultation/index.html) and AFCD website (www.afcd.gov.hk/english/quarantine/qua_vf/2020pc529s2.html). We also target to consult Members at the Panel meeting on 12 January 2021.

Yours sincerely,

(Mr Amor WONG)
for Secretary for Food and Health

Consultation Document

Proposals to Amend Schedule 2 to the Veterinary Surgeons Registration Ordinance (Cap. 529) to Facilitate Clinical Training of Veterinary Students

November 2020



食物及衛生局
Food and Health Bureau



漁農自然護理署
Agriculture, Fisheries and
Conservation Department

CONSULTATION DOCUMENT

**PROPOSALS TO AMEND SCHEDULE 2 TO
THE VETERINARY SURGEONS
REGISTRATION ORDINANCE (CAP. 529)
TO FACILITATE CLINICAL TRAINING OF
VETERINARY STUDENTS**

**Food and Health Bureau
Agriculture, Fisheries and Conservation Department
November 2020**

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CHAPTER 1 INTRODUCTION

Purpose

- 1.1 The purpose of this consultation document is to facilitate an informed discussion by the veterinary profession, animal welfare groups, animal owners and other stakeholders, as well as members of the public, concerning the Government's proposals to amend Schedule 2 to the Veterinary Surgeons Registration Ordinance (Cap. 529) ("VSRO"). The proposals are made with a view to permitting veterinary students to perform acts of veterinary surgery, in addition to those currently allowed in sections 3A-3C of Schedule 2 to the VSRO, under direct and continuous supervision of a registered veterinary surgeon so as to facilitate the training of veterinary students. We would like to seek your views on the proposals contained in this consultation document. Please let us have your views **on or before 22 January 2021**.

Background

- 1.2 The VSRO was 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 for matters related to such registration and disciplinary control. The VSRO also provides for the establishment of an independent Veterinary Surgeons Board of Hong Kong ("VSB"), which is responsible for discharging the functions stipulated in the VSRO, including but not limited to establishing and maintaining a register of registered veterinary surgeons, setting and reviewing the qualification standards for registration as a registered veterinary surgeon and related registration matters, as well as advising the Government on registration matters.
- 1.3 The VSB and the Government attach great importance to maintaining the high standard of veterinary services in Hong Kong. Over the years, the veterinary sector is shored by veterinary surgeons graduated from other places. With the establishment of a local veterinary

school at the City University of Hong Kong (“CityU”), it is expected that more practising veterinary surgeons in Hong Kong will be locally trained in the coming years. Since some of the clinical training of veterinary students is not permissible under the VSRO, the Government has conducted a review of the current regulatory regime in Hong Kong and the relevant legislative provisions, with a view to facilitating the required clinical training provided for veterinary students locally.

- 1.4 In order that veterinary students may locally receive veterinary training comparable with international standards, reference has been made to the legislation and practices of other jurisdictions where appropriate, to ensure that changes are made to make the regulatory system on veterinary practice in Hong Kong in line with international standards.

Schedule 2 to the VSRO

- 1.5 Under section 16(1) of the VSRO, no person shall practise veterinary surgery¹ or provide a veterinary service² in Hong Kong unless he or she is a veterinary surgeon registered with the VSB and the holder of a practising certificate which is currently in force. Any person who contravenes this provision commits an offence and is liable on conviction to a fine at level 6 and imprisonment for one year as stipulated under section 25(1)(h) of the VSRO.
- 1.6 Notwithstanding the above, section 29 of the VSRO provides that the persons listed in its Schedule 2 are exempted from the provisions of the VSRO in the circumstances specified in that Schedule. This

¹ “Veterinary surgery” means “the art and science of veterinary surgery and medicine and, without limiting the foregoing, includes –

- (a) the diagnosis of disease in, and injuries to, animals including tests performed for diagnostic purposes;
- (b) the giving of advice based on such diagnosis;
- (c) the medical or surgical treatment of animals including the performance of surgical operations thereon.”

² “Veterinary service” means “doing or performing any act or attending to any matter the doing or performing of which or the attending to which forms part of the generally accepted practice of veterinary surgery”.

means that, in the specified circumstances, the persons listed in Schedule 2 are not subject to the prohibition in section 16(1) when they are performing acts which fall within the meaning of “veterinary surgery” or providing services which fall within the meaning of “veterinary service” under the VSRO.

- 1.7 By virtue of section 29(2) of the VSRO, the Secretary for Food and Health may, by order, amend Schedule 2. Schedule 2 to the VSRO was last amended in 2012 to, amongst other things, permit individuals such as veterinary students undertaking programmes offered by other jurisdictions to perform certain acts of veterinary surgery under the direction and/or supervision of a registered veterinary surgeon for training purposes. The relevant provisions on the exemptions in Schedule 2 are in **Annex 1**.
- 1.8 In formulating the exemption proposals back in 2012, a main consideration then was the need of veterinary students from other jurisdictions (many of whom are Hong Kong residents) to gain work or clinical experience with a view to practising in Hong Kong after graduation. These students may receive training of the more complicated components of their clinical trainings (such as surgical and anaesthetic) at their places of study. Coupled with the fact that there was no local veterinary school or college, there was no need for the provision of an exemption regarding these veterinary surgery acts in Hong Kong at the time.
- 1.9 With the offering of local veterinary programme in recent years, and that its curriculum design requires students to undergo clinical training in senior years of studies, there is now a need to further expand the scope of the exemption for veterinary students in performing veterinary acts (under the direction and/or supervision of a registered veterinary surgeon) for training purposes.
- 1.10 We have therefore conducted a review of the current provisions and have identified several areas where Schedule 2 to the VSRO would need to be amended in order to permit local veterinary students to lawfully undertake the necessary veterinary acts as part of the clinical training of their programme. In devising the amendment proposals,

in addition to taking reference from overseas practices, we have taken into account local conditions and ensure that the proposals are suitable for Hong Kong's circumstances.

- 1.11 The key issues of concern and the proposed way forward are set out in Chapter 2. To facilitate understanding of the subject, a brief background of the issue is provided and followed by a discussion of the issue in greater detail, as well as our proposals. Where appropriate, reference is made to the legislation and practices of other jurisdictions, such as Australia, Canada, New Zealand, the United Kingdom and the United States.

CHAPTER 2 THE PROPOSALS

Background

- 2.1 Currently there are about 1 000 registered veterinary surgeons in Hong Kong, and all of them hold veterinary qualifications of other jurisdictions that are recognised by the VSB for registration purposes. At the moment, the supply of local veterinary surgeons solely relies on graduates of veterinary schools or colleges from other places.
- 2.2 In 2014, the CityU established the then School of Veterinary Medicine (now named Jockey Club College of Veterinary Medicine and Life Sciences) in collaboration with the Cornell University College of Veterinary Medicine, and the first cohort of its six-year Bachelor of Veterinary Medicine (“**BVM**”) programme commenced in the academic year 2017-18 with an annual intake of around 10-20 veterinary students.
- 2.3 Similar to the curricular structure of veterinary programmes in academic institutions of other jurisdictions, veterinary students of the CityU are required to undertake clinical training from their fifth year of study and a year of clinical rotation in their final year at various places like CityU’s veterinary clinic, livestock farms, aquaculture farms and private veterinary clinics, etc. Clinical rotation of a veterinary programme is a transitional and crucial stage where veterinary students shall, under guidance and supervision of tutors who are registered veterinary surgeons, practically apply clinical knowledge and take part in diagnosis, medical treatment, surgical operations and many other veterinary procedures and techniques on animals of real clinical cases. The veterinary school or college, at the same time, will assess whether the students have acquired all necessary competencies to graduate and practise as a veterinarian.

Issues of Concern

- 2.4 While the current exemptions under Schedule 2 to the VSRO permit

the performing of certain veterinary surgery acts by persons other than registered veterinary surgeons under the direction and/or supervision of registered veterinary surgeons, the scope is not wide enough to cover all acts on which local veterinary students need to be trained as part of the BVM programme. If the scope is not expanded, local veterinary students will not be able to receive training on all of the veterinary acts in their curriculum in Hong Kong.

- 2.5 Under the current provisions of the VSRO, the tasks that a veterinary student may legitimately perform under appropriate direction and/or supervision are covered under sections 3A-3C of Schedule 2, and they include giving injection, blood sampling from peripheral vein, administering medication and simple wound management, etc. However, **the veterinary acts stipulated must not include diagnosing, prescribing medication or performing a surgical operation; and only injection or medication other than anaesthetic drugs can be administered.**
- 2.6 The exclusion of performing surgical operation and administering anaesthetic drugs from the exemptions of the VSRO means veterinary students shall not perform surgery or perform sedation or anaesthesia on animals in Hong Kong. While veterinary students from other jurisdictions who try to gain work experience in Hong Kong may complete the surgical and anaesthetic components of their clinical trainings at their places of study, local veterinary students such as veterinary students of the CityU's BVM programme must finish their clinical trainings, including performing surgical operations and anaesthesia on live animals in Hong Kong. Therefore, **with the current provisions, local veterinary students would not have the opportunity to acquire some of the essential training in Hong Kong, thereby affecting the assessment on their competencies.**
- 2.7 Moreover, the veterinary acts permitted under the exemption of the current VSRO are limited and do not cover all diagnostic or therapeutic procedures of veterinary science, and **it prohibits local veterinary students from practising many other common veterinary procedures that are not explicitly exempted under the VSRO**, for instance blood sampling from the jugular vein (a central

vein), cystocentesis (i.e. urine sampling from the bladder), placing urinary catheter, etc. With the rapid advancement of veterinary medicine, there are new diagnostic and therapeutic procedures developed from time to time, and the current defined exemptions under the VSRO applicable to veterinary students will hinder them from learning and practising any new veterinary procedures and techniques during the training of their veterinary programme.

Situation in Other Jurisdictions

- 2.8 In other places where veterinary colleges or schools are recognised by the VSB for registration, veterinary students are generally exempted from restriction of the relevant legislations and allowed to practice veterinary surgery and medicine under the direct supervision of a licenced or registered veterinary surgeon as part of their academic path to obtain the veterinary qualifications. For details of the regulation of veterinary students to perform acts of veterinary surgery in other jurisdictions, please refer to **Annex 2**.

Issues for Consideration

- 2.9 In formulating our proposals, we need to strike a balance between the legitimate needs of local veterinary students to perform veterinary acts for training purposes on one hand, and the welfare of animals, interests of veterinary services users as well as public health and safety concern on the other. We have taken into account the circumstances of local veterinary medicine programme and made reference to relevant legislations from other jurisdictions. It is important that any change made to the VSRO should not undermine the standards of veterinary services in Hong Kong. There are four major considerations when we formulate our proposals and they are further discussed in the following paragraphs.
- 2.10 The first consideration is who would be exempted from performing the veterinary surgery acts in question. The purpose of the proposal to amend the VSRO is to facilitate the clinical training of local

veterinary programme. It is proposed that the exemption applies to persons who are in full time study of a local veterinary programme. This criterion of exemption will make sure that only persons who are currently enrolled in a local veterinary programme will be exempted and bar other persons who do not receive similar training to practise veterinary surgery in Hong Kong. It is also proposed that the same may apply to veterinary students who are in full time study of VSB recognised veterinary programmes in other jurisdictions and choose to receive the same level of clinical training as local veterinary students under the supervision of a registered veterinary surgeon in Hong Kong.

2.11 The second consideration is whether a positive list or negative list for the exempted acts should be adopted. As mentioned in paragraph 2.7, the approach of setting out all the exempted veterinary acts in the legislation is adopted currently. The exempted acts are not exhaustive and do not cover all, including some common, diagnostic and therapeutic procedures of veterinary science. Newly developed techniques in the future would also not be covered. In order not to deprive veterinary students the opportunity to learn, practise and keep abreast of the ever developing veterinary sector, it is proposed that a negative list approach should be adopted to exempt veterinary students to practise acts of veterinary surgery.

2.12 The third consideration is that there must be an appropriate level of oversight from a registered veterinary surgeon in relation to the proposed exemption for veterinary students, similar to the current requirement under exemptions provided in sections 3A-3C of Schedule 2. Should a veterinary student needs to perform any veterinary act that is not covered by the current provisions of Schedule 2, for instance the performance of surgical operations aseptically, sedation or anaesthesia, the nature of such veterinary act is most likely to be more invasive than the currently permitted ones. Therefore, it is proposed that the highest level of oversight should be required and that the registered veterinary surgeon shall be responsible for the veterinary acts performed by the persons under his or her direct and

continuous supervision³.

2.13 The final consideration is the necessity of veterinary students to perform the required veterinary acts. While it is crucial for veterinary students to practise veterinary procedures so as to gain hands-on experience and for the veterinary institution to assess their competencies, it is proposed that the exemption should permit them to only perform veterinary acts or procedures that are necessary as part of the learning and assessment of their veterinary programme, taking into account the level of knowledge and skills of veterinary students.

The Proposals

2.14 Bearing in mind the considerations set out in paragraphs 2.9-2.13 above, it is proposed to add to Schedule 2 to the VSRO **a new provision to permit any person who is in full time study of a veterinary programme at a local or VSB recognised veterinary school, college or institution, to practise acts of veterinary surgery under the direct and continuous supervision of a registered veterinary surgeon as part of the training requirement under that veterinary programme.**

2.15 To provide adequate protection, we propose that **it should be stipulated by the VSB in the Code of Practice for the Guidance of Registered Veterinary Surgeons** the following –

- (a) **owner's consent must be sought** before a veterinary student may perform any exempted veterinary acts on an animal; and
- (b) **the registered veterinary surgeon shall be fully responsible for the veterinary acts** performed by the persons under his or her direct and continuous supervision.

³ As stipulated in Schedule 2 to the VSRO, direct and continuous supervision means specific instruction given by a person on how a certain act is to be performed, with the person being present on the premises on which the act is performed to monitor the whole process and to provide assistance when appropriate.

CHAPTER 3 INVITATION FOR COMMENTS

3.1 We would like to have your views on the proposals as set out in paragraphs 2.14 and 2.15 in Chapter 2.

3.2 Please send us your comments by post, facsimile or email **on or before 22 January 2021**:

Address: Technical Services Division
 Inspection and Quarantine Branch
 Agriculture, Fisheries and Conservation
 Department
 5/F, Cheung Sha Wan Government Offices
 303 Cheung Sha Wan Road
 Kowloon, Hong Kong

Fax number: (852) 2156 0215

Email address: tsdiq@afcd.gov.hk

3.3 It is voluntary for any member of the public to supply his / her personal data upon providing views on the consultation document. Any personal data provided with a submission will only be used for purpose of this consultation exercise.

3.4 The submissions and personal data collected may be transferred to the relevant Government bureaux, departments or agencies for purposes directly related to this consultation exercise. The relevant parties receiving the data are bound by such purposes in their subsequent use of such data.

3.5 The names and views of individuals and organisations which put forth submissions in response to the consultation document (“**senders**”) may be published for public viewing after conclusion of the consultation exercise. The Agriculture, Fisheries and Conservation Department (“**AFCD**”) may, either in discussion with others or in any subsequent report, whether privately or publicly, attribute comments

submitted in response to the consultation document. We will respect the wish of senders to remain anonymous and / or keep the views confidential in relation to all or part of a submission; but **if no such wish is indicated, it will be assumed that the sender can be named and his / her views be published for public information.**

- 3.6 Any sender providing personal data to AFCD in the submission will have the right of access and correction with respect to such personal data. Any request for data access or correction of personal data should be made in writing to the contact specified in paragraph 3.2 above.

PROVISIONS OF SCHEDULE 2 TO VETERINARY SURGEONS REGISTRATION ORDINANCE

Veterinary Surgeons Registration Ordinance

Schedule 2

S2-2

Cap. 529

Schedule 2

[s. 29]

Exemptions from Ordinance

In this Schedule—

direct and continuous supervision (直接持續監督) means specific instruction given by a person on how a certain act is to be performed, with the person being present on the premises on which the act is performed to monitor the whole process and to provide assistance when appropriate;

direction (指示) means instruction given by a person to perform a certain act (which may include instruction on how the act is to be performed) without it being necessary for the person to be present on the premises on which the act is performed;

supervision (監督) means specific instruction given by a person on how a certain act is to be performed, with the person being present on the premises on which the act is performed to provide assistance when appropriate.

(Added L.N. 40 of 2012)

1. A medical practitioner or a dentist carrying out any treatment, test or surgery on an animal provided it is done at the request of a registered veterinary surgeon.
2. A medical practitioner who performs surgery on an animal for the purpose of removing an organ or tissue for use in the treatment of human beings.

Veterinary Surgeons Registration Ordinance

Schedule 2

S2-4

Cap. 529

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3. A person who treats an animal by physiotherapy provided the treatment is carried out under the direction of a registered veterinary surgeon.
- 3A. A person who performs any of the following on an animal under the direction, and on the premises of the practice, of a registered veterinary surgeon—
- (a) applying medication or treatment (other than anaesthetic drugs) topically or administering medication or treatment (other than anaesthetic drugs) orally, per-rectally or by inhalation;
 - (b) positioning for, or the taking of, medical images;
 - (c) giving subcutaneous or intramuscular injections (other than anaesthetic drugs);
 - (d) non-invasive parameter monitoring, including taking vital signs of an animal;
 - (e) administering fluids intravenously through a preplaced catheter,

but it must not include diagnosing, prescribing medication or performing a surgical operation.

(Added L.N. 40 of 2012)

- 3B. A person who performs any of the following on an animal under the supervision, and on the premises of the practice, of a registered veterinary surgeon—
- (a) blood sampling from peripheral veins;
 - (b) applying simple dressings and bandages and simple wound management;
 - (c) placing intravenous catheters into the cephalic, saphenous or ear veins;

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Last updated date
2.8.2012

Veterinary Surgeons Registration Ordinance

Schedule 2

S2-6
Cap. 529

- (d) administering medication (other than anaesthetic drugs) intravenously through a preplaced catheter,

but it must not include diagnosing, prescribing medication or performing a surgical operation.

(Added L.N. 40 of 2012)

3C. A person who performs any of the following on an animal under the direct and continuous supervision, and on the premises of the practice, of a registered veterinary surgeon—

- (a) teeth scaling or polishing, but not associated processes or other dental procedures;
- (b) endotracheal intubation or extubation;
- (c) giving intravenous injections (other than anaesthetic drugs);
- (d) monitoring and maintaining anaesthesia;
- (e) aiding the registered veterinary surgeon who is performing and is in charge of a medical or surgical procedure, but not making any decision on the procedure;
- (f) applying complex dressings and bandages and complex wound management,

but it must not include diagnosing, prescribing medication or performing a surgical operation.

(Added L.N. 40 of 2012)

4. An owner of an animal (or the owner's employee or a member of the owner's household) when performing any of the following on the animal for remedy or prevention of injury or illness—

- (a) applying medication topically or administering medication orally;

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Last updated date
2.8.2012

Veterinary Surgeons Registration Ordinance

Schedule 2

S2-8

Cap. 529

- (b) administering medication specific to the animal per-rectally, parenterally or by inhalation under the direction of a registered veterinary surgeon;
- (c) any other non-invasive act of veterinary surgery or veterinary service under the direction of a registered veterinary surgeon,

but it must not include making a surgical incision into any part of the animal.

(Replaced L.N. 40 of 2012)

4A. An owner of a fish (or the owner's employee or a member of the owner's household) when performing on the fish any of the following—

- (a) taking samples for diagnosing or treating infection;
- (b) administering vaccine or medication.

(Added L.N. 40 of 2012)

4B. A licensee under the Public Health (Animals and Birds) (Keeping of Cattle, Sheep and Goats) Regulations (Cap. 139 sub. leg. C), the Dairies Regulations (Cap. 139 sub. leg. D) or the Public Health (Animals and Birds) (Licensing of Livestock Keeping) Regulation (Cap. 139 sub. leg. L) (or the licensee's employee or a member of the licensee's household) when performing on an animal kept by the licensee in that capacity any of the following—

- (a) castrating a pig (other than a cryptorchid pig) at 14 days of age or less;
- (b) docking the tail of a pig at 7 days of age or less;
- (c) clipping the teeth of a pig at 7 days of age or less;
- (d) trimming the beak of poultry at 10 days of age or less;
- (e) administering vaccine or medication.

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Last updated date
2.8.2012

Veterinary Surgeons Registration Ordinance

Schedule 2

S2-10
Cap. 529

(Added L.N. 40 of 2012)

5. A licensee under the Animals (Control of Experiments) Ordinance (Cap. 340) when performing an experiment in accordance with the provisions of that Ordinance.
6. A person who is employed or retained by the Government for performing one or more of the following on an animal, when acting in that capacity—
 - (a) examining the animal;
 - (b) collecting samples;
 - (c) administering vaccine or medication;
 - (d) implanting identification devices;
 - (e) any other procedure as instructed by a veterinary officer.

(Replaced L.N. 40 of 2012)
7. A person who administers first aid to an animal for the purpose of saving its life or relieving pain, provided such treatment does not include making a surgical incision into the abdominal or thoracic cavity.

Verified Copy

Last updated date
2.8.2012

Please visit <https://www.elegislation.gov.hk/hk/cap529> for complete provisions of the Ordinance.

REGULATION OF VETERINARY STUDENTS TO PERFORM ACTS OF VETERINARY SURGERY IN OTHER JURISDICTIONS

Australia

1. In Queensland, under Part 4B of the **Veterinary Surgeons Act 1936**, subsection (1) of section 25M stated that “*A person who is not a veterinary surgeon must not practise veterinary science.*”; and subsection (2)(b) further stated that “*However, a person does not commit an offence against subsection (1) if the person is undertaking a course of study, or a qualifying examination, in veterinary science approved by the board; and practises veterinary science under the supervision of a veterinary surgeon.*”

Canada

2. In Ontario, section 11(1) of the **Veterinarian Acts** stated that “*No person shall engage in the practice of veterinary medicine or hold himself, herself or itself out as engaging in the practice of veterinary medicine unless the person is the holder of a licence.*”; section 11(3) further stated that “*Subsection (1) does not apply to a student of veterinary medicine to the extent that the student is engaging in the undergraduate curriculum of studies at the Ontario Veterinary College of the University of Guelph.*”

New Zealand

3. Section 15 of the **Animal Welfare Act 1999** stipulated that “*Except as provided in section 18(1), no person may perform any significant surgical procedure on an animal unless that person is (a) a veterinarian; or (b) a person who is acting under the direct supervision of a veterinarian and who is a student undergoing his or her training to become a veterinarian.*”

South Africa

4. Under Section 23(1) of the **Veterinary and Para-veterinary Professions Act** stated that “(a) *No person shall in any manner whatsoever practise a veterinary profession or a para-veterinary profession unless he or she is registered or deemed to be registered in terms of this Act to practise the profession concerned.* (b) *A student who is registered in terms of this Act and undergoes practical training may render a particular service deemed in terms of the rules to pertain specially to a veterinary profession or a para-veterinary profession, if it is so rendered under the supervision and by direction of a person who is registered or deemed to be registered in terms of this Act to practise the profession concerned.*”

United Kingdom

5. Under section 19 of the **Veterinary Surgeons Act 1966**, subsection (1) stipulated that “*Subject to the following provisions of this section, no individual shall practise, or hold himself out as practising or as being prepared to practise, veterinary surgery unless he is registered in the register of veterinary surgeons or the supplementary veterinary register...*”; subsection (3) further stated that “*The Council may make regulations exempting from subsection (1) of this section the carrying out or performance of any veterinary treatment, test or operation prescribed by the regulations, subject to compliance with prescribed conditions, by students of veterinary surgery of any prescribed class.*”
6. Under section 2(1) of Schedule of **The Veterinary Surgeons (Practice By Students) (Amendment) Regulations Order of Council 1995**, “*The classes of students of veterinary surgery prescribed for the purpose of these regulations shall comprise: (a) students who have attained the age of 18 years, are attending full-time courses at a university or a veterinary school in the United Kingdom or elsewhere, leading to a veterinary qualification, and*”

have entered upon that part of the curriculum which deals with clinical studies;”

7. Section 4 of **The Veterinary Surgeons (Practice By Students) Regulations Order of Council 1981** stated that “A student who falls within the class prescribed by Regulation 3 of these Regulation may (a) examine animals; (b) carry out tests upon animals under the direction of a registered veterinary surgeon; (c) administer treatment (other than by way of surgical operations) to animals under the supervision of a registered veterinary surgeons; and (d) perform surgical operations upon animals in accordance with the directions and under the direct and continuous personal supervision of a registered veterinary surgeon.”

United States

8. In Texas, under sec. 801.251 of the **Veterinary Licensing Act**, “Except as provided by Section 801.004, a person may not practice, or offer or attempt to practice, veterinary medicine unless the person holds a license to practice veterinary medicine issued under this chapter.”; section 801.004 further stated that “This chapter does not apply to: ...(5) the performance of an act by a person who is a full-time student of an accredited college of veterinary medicine if the act is performed under the direct supervision of a veterinarian.”

諮詢文件

《獸醫註冊條例》(第 529 章) 附表 2

有關容許獸醫學生進行臨床實習的修訂建議

2020 年 11 月



食物及衛生局
Food and Health Bureau



漁農自然護理署
Agriculture, Fisheries and
Conservation Department

諮詢文件

《獸醫註冊條例》(第 529 章) 附表 2 有關容許獸醫學生進行臨床實習的修訂建議

食物及衛生局

漁農自然護理署

2020 年 11 月

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第一章 引言

目的

- 1.1 本諮詢文件概述政府對《獸醫註冊條例》(第 529 章)(“《條例》”)附表 2 的修訂建議，讓獸醫業界、動物福利組織、動物擁有人、其他持份者及市民能掌握充分資料，以便進行討論。建議的目的是除了在現行《條例》附表 2 第 3A 至 3C 條規定的豁免外，另容許獸醫學生在本港註冊獸醫的直接持續監督下進行獸醫外科學作為，以助獸醫學生接受培訓。請在 **2021 年 1 月 22 日或之前**，就本諮詢文件提出的建議發表意見。

背景

- 1.2 《條例》於 1997 年制訂，旨在就規管獸醫外科學的執業、獸醫的註冊、註冊獸醫專業事務的紀律管制和就與該等註冊及紀律管制有關的事宜訂定條文。《條例》亦規定設立一個獨立的香港獸醫管理局(“管理局”)，負責履行《條例》訂明的職責，包括但不限於設置和保存一份註冊獸醫名冊，制訂和檢討註冊為註冊獸醫的資格標準及有關的註冊事宜，以及就註冊事宜向政府提供意見。
- 1.3 管理局和政府十分重視將本港的獸醫服務維持在高水平。多年來，獸醫業界都是由畢業於其他司法管轄區的獸醫所組成。隨着香港城市大學(“城大”)成立一所本地獸醫學院，預計未來本港會有更多由本地培訓的執業獸

醫。由於現行《條例》無法容許獸醫學生進行某些臨床培訓，政府檢討了本港現行的規管架構及相關法例條文，以期協助本港獸醫學生在本港接受所需的臨床培訓。

- 1.4 為確保獸醫學生可在本港接受達國際標準的獸醫培訓，我們在適當的情況下參考了其他司法管轄區的法例和做法，以確保本港獸醫執業的規管制度方面的改動，能符合國際標準。

《條例》附表 2

- 1.5 根據《條例》第 16(1)條，任何人除非是已向管理局註冊的獸醫並持有現時有效的執業證明書，否則不得在香港作獸醫外科學¹ 執業或提供獸醫服務²。《條例》第 25(1)(h)條訂明，任何人違反第 16(1)條，即屬犯罪，一經定罪，可處第 6 級罰款及監禁 1 年。
- 1.6 儘管有上述規定，根據《條例》第 29 條，列於附表 2 的人士，在該附表所指的情況下，獲豁免而不受《條例》的條文管限。換言之，列於附表 2 的人士在附表所指的情況下進行《條例》界定的“獸醫外科學”的作為或提供《條例》界定的“獸醫服務”時，將不受第 16(1)條的

¹ “獸醫外科學”指“獸醫外科和內科的技術與科學，並在不局限前述條文的原則下，包括 —

- (a) 對動物的疾病及損傷的診斷，包括為診斷目的而進行的測試；
- (b) 基於上述診斷而提供意見；
- (c) 對動物進行的內科或外科治療，包括對動物進行外科手術。”

² “獸醫服務”指“作出或執行任何作為或料理任何事務，而作出或執行該等作為、或料理該等事務是屬於普遍接受的獸醫外科學業務的一部分。”

禁制所規限。

- 1.7 根據《條例》第 29(2)條，食物及衛生局局長可藉命令修訂附表 2。《條例》附表 2 對上一次是在 2012 年作出修訂，當中包括容許於其他司法管轄區就讀的獸醫學生在註冊獸醫的指示及／或監督下，為培訓目的而進行若干獸醫外科學作為。附表 2 所列載的相關豁免條文，載於本諮詢文件的**附件 1**。
- 1.8 在 2012 年制訂修訂建議時，主要考量是讓來自其他司法管轄區的獸醫學生(他們大多為香港居民)取得工作或臨床經驗，以期他們畢業後回港執業。這些獸醫學生能於其就讀獸醫課程的地方接受比較複雜的臨床培訓(例如外科手術及麻醉)。此外，當年本港並未設有獸醫學校或學院，因此沒有需要就獸醫學生在香港進行這些獸醫外科學作為提供豁免。
- 1.9 考慮到近年本地開辦了獸醫課程，並要求學生於高年級接受臨床培訓，因此現時有需要進一步擴大獸醫學生(在註冊獸醫的指示或監督下)為培訓目的而進行獸醫作為的豁免範圍。
- 1.10 我們為此對現行條文作出檢討，並發現《條例》附表 2 中有數個範疇須予以修訂，以容許本港獸醫學生在課程的臨床培訓中合法進行所需的獸醫作為。在制訂修訂建議時，除了參考海外常規，我們亦考慮了本地的條件，

以確保有關建議切合香港的情況。

- 1.11 主要的關注事項及建議的未來路向載於下文第二章。為方便了解有關議題，第二章會先簡介有關事宜的背景，然後就相關問題作深入討論和提出建議。我們亦在適當情況下，參考了澳洲、加拿大、新西蘭、英國和美國等其他司法管轄區的法例和做法。

第二章 建議方案

背景

- 2.1 現時香港約有 1 000 名註冊獸醫，他們全部持有管理局承認可作註冊的其他司法管轄區的獸醫資格。目前，本港獸醫的人手純粹依靠來自其他地區的獸醫學校或學院的畢業生。
- 2.2 城大於 2014 年與美國康奈爾大學動物醫學院合作，成立了一所城大動物醫學院(現已易名為「賽馬會動物醫學及生命科學院」)，並在 2017 至 18 學年開始招收 6 年制獸醫學學士課程的首批學生，每年錄取約 10 至 20 名獸醫學生。
- 2.3 與其他司法管轄區學術機構主辦的獸醫學課程架構相若，城大的獸醫學生須由課程的第五年開始接受臨床培訓，在修讀課程最後一年亦須在多個地點(例如城大的動物診所、禽畜飼養場、水產養殖場，以及私人獸醫診所等)進行臨床實習。臨床實習是獸醫課程的過渡和關鍵階段，獸醫學生在註冊獸醫導師的指引和監督下，把臨床知識應用於真實的臨床病例，並參與對動物的診斷、施行治療、外科手術及更多其他的獸醫程序和技術。同時，獸醫學校或學院將評估學生是否完全達到畢業及以獸醫身分執業所需的能力水平。

關注事項

- 2.4 雖然現行《條例》附表 2 的豁免條款容許非註冊獸醫的人士在註冊獸醫的指示及／或監督下進行一些獸醫外科學作為，但其涵蓋範圍不足以覆蓋本地獸醫學士課程中所需學習的所有獸醫外科學作為。若豁免的涵蓋範圍不予擴大，本地獸醫學士課程將無法在香港接受課程提供的所有獸醫作為的培訓。
- 2.5 根據《條例》的現行規定，獸醫學士在適當的指示及／或監督下可以合法進行的作為載於附表 2 第 3A 至 3C 條，包括進行注射、從外周靜脈抽取血液樣本、施用藥物，以及作簡單的傷口處理等。不過，訂明的獸醫作為，不得包括診斷、開出藥物處方或進行外科手術；亦僅可施用麻醉藥物以外的注射品或藥物。
- 2.6 根據《條例》獲得豁免的範疇並不包括進行外科手術和施用麻醉藥物，換言之，獸醫學士不得在香港對動物進行外科手術、注射鎮靜劑或施行麻醉。擬在香港獲取工作經驗的其他司法管轄區獸醫學士，可在修讀獸醫學的地方完成臨床訓練中有關外科手術和麻醉科的部分；但本港獸醫學士(如在城大修讀獸醫學士課程的獸醫學士)則須在香港完成臨床訓練的課程，包括對活生動物進行外科手術或麻醉。因此，在現行法例下，本港獸醫學士無法在香港接受一些必要的訓練，因而影響其獲得相關的能力水平評估。

2.7 再者，獲現行《條例》豁免而容許進行的獸醫作為有限，當中並未包括所有獸醫科學的診斷或治療程序。不少常見的獸醫學程序未獲《條例》明文豁免，本港獸醫學生因而不可進行實習，例如從頸靜脈(中心靜脈)抽取血液樣本、膀胱穿刺術(即從膀胱抽取尿液樣本)、放置導尿管等。由於獸醫科學發展迅速，診斷和治療程序不斷推陳出新，現行《條例》下適用於獸醫學生的有限豁免，令他們接受獸醫學課程訓練時無法學習和應用任何新的獸醫學程序和技術。

其他司法管轄區的情況

2.8 在獲管理局認可註冊資格的獸醫學校或學院所在的其他司法管轄區，獸醫學生一般可獲豁免不受有關法例的限制，並可在持牌或註冊獸醫的直接監督下作獸醫外科和內科程序，作為學習途徑的一部分，以獲取獸醫資格。有關其他司法管轄區規管獸醫學生進行獸醫外科學作為的詳情，請參考附件 2。

考慮事項

2.9 一方面，本港的獸醫學生有合理需要為培訓目的而進行獸醫作為；另一方面，我們也要顧及動物福利、獸醫服務使用者的利益，以及對公眾健康和安全的關注。我們在制訂建議時，必須在這兩方面取得平衡。我們已考慮本港獸醫學士課程的情況，並參考了其他司法管轄區的

有關法例。最重要的是，任何就《條例》作出的修改，都不應令香港的獸醫服務水平下降。我們在制訂建議時所考慮的四大因素，現於下述各段詳細討論。

- 2.10 首個考慮因素是誰進行有關獸醫外科作為時可獲豁免。是次建議修訂《條例》的目的，就是為了容許本港獸醫課程的臨床培訓。因此，現建議豁免適用於修讀本港全日製獸醫課程的人士。訂立此豁免準則可確保只有正就讀本港獸醫課程的人士才會獲得豁免，以及禁止其他未接受相關培訓的人士在本港進行獸醫外科工作。另外亦建議同一豁免適用於修讀獲管理局認可的其他司法管轄區全日製獸醫課程並選擇在本港註冊獸醫的監督下接受與本地獸醫學生同等的臨床培訓的獸醫學生。
- 2.11 第二個考慮因素是，我們應否以清單形式詳細列出各項獲豁免的獸醫作為。正如上文第 2.7 段指出，現行的做法是在法例中列出所有獲豁免的獸醫作為，但有關作為並非詳盡無遺，未有涵蓋獸醫科學的所有診斷或治療程序，包括一些常見的診斷或治療程序，亦無法涵蓋日後新開發的技術。為免剝奪獸醫學生學習、實習及掌握獸醫界最新發展的機會，現建議不以清單形式列出獸醫學生獲豁免進行的獸醫外科學作為。
- 2.12 第三個考慮因素是與附表 2 第 3A 至 3C 條的現行要求相似，建議獸醫學生必須得到註冊獸醫適當程度的監督，作為獲豁免的條件。如獸醫學生需要進行目前附表 2 未

包括在內的任何獸醫作為，例如進行無菌外科手術、施用鎮靜劑或進行麻醉等，此等獸醫作為的性質很有可能比現行容許進行的作為更具侵入性，因此現建議獸醫學生必須接受最高程度的監察，而註冊獸醫亦須就接受其直接持續監督³的人士所進行的獸醫作為負責。

- 2.13 最後一個考慮因素是獸醫學生進行所需獸醫作為的必要性。為了讓獸醫學生可取得實際經驗，以及讓獸醫培訓機構評估他們的能力水平，獸醫學生有必要進行獸醫程序。然而，考慮到他們的知識和技術水平，現建議有關豁免應只限於容許獸醫學生進行其獸醫課程中與學習或評核相關的必要獸醫作為或程序。

建議

- 2.14 基於上述 2.9 至 2.13 段的考慮因素，現建議在《條例》附表 2 增訂一項新條文，容許在本港或管理局認可的獸醫學校、學院或機構修讀全日制獸醫課程的任何人士，在註冊獸醫的直接持續監督下進行獸醫外科學作為，以符合該獸醫課程中的部分培訓要求。
- 2.15 為提供足夠的保障，我們建議管理局應在《註冊獸醫實務守則》中訂明－

³ 《條例》附表 2 訂明，直接持續監督是指由某人就如何執行某作為而給予的特定指令，而該人身在執行該作為所在的處所內，以監察整個過程及在適當時提供協助。

- (a) 在獸醫學生為動物作出任何獲豁免的獸醫作為之前，必須徵求動物主人的同意；以及
- (b) 註冊獸醫須就接受其直接持續監督的人士所進行的獸醫作為負全責。

第三章 徵詢意見

3.1 我們現希望你能就第二章 2.14 及 2.15 段所列的建議提供意見。

3.2 請在 **2021 年 1 月 22 日或之前**，以郵寄、傳真或電郵方式提出意見：

地址： 香港
九龍
長沙灣道 303 號
長沙灣政府合署 5 樓
漁農自然護理署
檢驗及檢疫分署
技術事務科

傳真號碼： (852) 2156 0215

電郵地址： tsdiq@afcd.gov.hk

3.3 市民就本諮詢文件提出意見時，是否提供其個人資料，純屬自願性質。任何連同意見書提供的個人資料，只會作是次諮詢工作之用。

3.4 收集所得的意見書及個人資料或會轉交有關的政府決策局、部門或機構，作直接與是次諮詢工作有關的用途。獲取資料的各方其後亦只可把資料用於這些用途。

3.5 諮詢工作結束後，曾就本諮詢文件提交意見書的個別人士及機構(“提交意見者”)的姓名／名稱及意見或會公

開供市民查閱。漁農自然護理署(“漁護署”)與其他人士討論時，或在任何其後發表的報告內，不論私下或公開，或會指名引述就本諮詢文件提出的意見。我們尊重提交意見者把姓名／名稱及／或其全部或部分意見保密的意願，不過，如無事先說明，我們將假定可以公開其姓名／名稱，以及把其意見發表，供公眾參閱。

- 3.6 任何曾在意見書中向漁護署提供個人資料的提交意見者，都有權查閱和更正這些個人資料。如擬查閱或更正個人資料，請以書面向上文第 3.2 段指定的聯絡單位提出。

《獸醫註冊條例》附表 2 的條文

《獸醫註冊條例》

S2-1
第 529 章

附表 2

附表 2

[第 29 條]

豁免受本條例的管限

在本附表中 ——

直接持續監督 (direct and continuous supervision) 指由某人就如何執行某作為而給予的特定指令，而該人身在執行該作為所在的處所內，以監察整個過程及在適當時提供協助；

指示 (direction) 指由某人就執行某作為而給予的指令 (該指令可包括如何執行該作為)，但在該作為於某處所執行時，該人無需身在該處所內；

監督 (supervision) 指由某人就如何執行某作為而給予的特定指令，而該人身在執行該作為所在的處所內，以在適當時提供協助。

(由 2012 年第 40 號法律公告增補)

1. 在註冊獸醫的要求下對動物進行任何治療、測試或外科手術的醫生或牙醫。
2. 為割取動物的器官或組織以用作治療人類而對動物進行外科手術的醫生。
3. 在註冊獸醫的指示下對動物進行物理治療的人。
- 3A. 在註冊獸醫執業處所於註冊獸醫的指示下對動物執行以下任何作為的人 ——
 - (a) 局部塗上藥物或進行治療 (使用麻醉藥物除外)，或以口服方式、經直腸或以吸入方式，施用藥物或進行治療 (使用麻醉藥物除外)；

最後更新日期
2.8.2012

經核證文本

- (b) 為錄取醫療影像而為動物設定姿勢，或錄取醫療影像；
 - (c) 進行皮下或肌肉注射（使用麻醉藥物除外）；
 - (d) 進行非侵入性的參數監測，包括量度動物的生命體徵；
 - (e) 用預置導管經靜脈輸入液體，
- 但該作為不得包括診斷、開出藥物處方或進行外科手術。
(由 2012 年第 40 號法律公告增補)
- 3B. 在註冊獸醫執業處所於註冊獸醫的監督下對動物執行以下任何作為的人 ——
- (a) 從外周靜脈抽取血液樣本；
 - (b) 以敷料及繃帶作簡單的傷口包紮，及作簡單的傷口處理；
 - (c) 於頭靜脈、隱靜脈或耳靜脈插入靜脈導管；
 - (d) 用預置導管經靜脈輸入藥物（使用麻醉藥物除外），
- 但該作為不得包括診斷、開出藥物處方或進行外科手術。
(由 2012 年第 40 號法律公告增補)
- 3C. 在註冊獸醫執業處所於註冊獸醫的直接持續監督下對動物執行以下任何作為的人 ——
- (a) 洗牙（但不包括相關程序或其他牙科程序）；
 - (b) 氣管插喉或拔喉；
 - (c) 進行靜脈注射（使用麻醉藥物除外）；
 - (d) 監察及維持麻醉情況；
 - (e) 協助正進行及負責一項內科或外科程序的註冊獸醫（但該人不得就該項程序作任何決定）；

《獸醫註冊條例》

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- (f) 以敷料及繃帶作複雜的傷口包紮，及作複雜的傷口處理，
但該作為不得包括診斷、開出藥物處方或進行外科手術。
(由 2012 年第 40 號法律公告增補)
4. 為醫治或預防受傷或疾病而正對其動物執行以下任何作為的動物擁有人，或其僱員或其家庭成員——
- (a) 局部塗上藥物或以口服方式施用藥物；
 - (b) 在註冊獸醫的指示下，經直腸或以非腸道引入的投藥方式或以吸入方式，向動物施用專為其而設的藥物；
 - (c) 在註冊獸醫的指示下，進行任何其他非侵入性的獸醫外科學工作或獸醫服務，
- 但該作為不得包括對動物的任何部位進行外科切開手術。
(由 2012 年第 40 號法律公告代替)
- 4A. 正對其魚類執行以下任何作為的魚類擁有人，或其僱員或其家庭成員——
- (a) 抽取樣本以作診斷或治療感染；
 - (b) 注射疫苗或施用藥物。
- (由 2012 年第 40 號法律公告增補)
- 4B. 正對其以持牌人身分飼養的動物執行以下任何作為的持牌人(該持牌人屬《公眾衛生(動物及禽鳥)(牛隻、綿羊及山羊的飼養)規例》(第 139 章，附屬法例 C)、《奶場規例》(第 139 章，附屬法例 D) 或《公眾衛生(動物及禽鳥)(禽畜飼養的發牌)規例》(第 139 章，附屬法例 L)所指者)，或其僱員或其家庭成員——
- (a) 閹割出生不超過 14 天的豬隻(隱睪豬隻除外)；
 - (b) 為出生不超過 7 天的豬隻剪尾；

最後更新日期
2.8.2012

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- (c) 為出生不超過 7 天的豬隻剪牙；
- (d) 為出生不超過 10 天的禽鳥修剪鳥喙；
- (e) 注射疫苗或施用藥物。

(由 2012 年第 40 號法律公告增補)

5. 正按照《動物(實驗管制)條例》(第 340 章)的條文進行實驗的該條例所指的持牌人。
6. 受僱或受聘於政府以對動物執行以下一項或多於一項作為、並正以該身分行事的人——
 - (a) 檢驗有關動物；
 - (b) 收集樣本；
 - (c) 注射疫苗或施用藥物；
 - (d) 植入識別器物；
 - (e) 獸醫官指令的任何其他程序。

(由 2012 年第 40 號法律公告代替)

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2.8.2012

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《獸醫註冊條例》

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7. 對動物施行急救以拯救其生命或解除其痛苦的人，但該等治療並不包括對腹腔或胸腔進行外科切開手術。

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經核證文本

有關《獸醫註冊條例》的完整條文，請瀏覽相關網頁：
<https://www.elegislation.gov.hk/hk/cap529>。

其他司法管轄區對獸醫學生進行獸醫外科學作為的規管

澳洲

1. 在澳洲昆士蘭州，《1936年獸醫法》第4B部第25M條第(1)款述明，“任何人如不是獸醫，則不得從事獸醫學科工作。”；而第(2)(b)款進一步述明，“不過，如該人正修讀已獲委員會批准的獸醫學課程，或參加已獲委員會批准的獸醫學資格檢定考試；以及在獸醫的監督下，從事獸醫學科作為，則該人不屬犯有第(1)款所訂的罪行。”

加拿大

2. 在加拿大安大略省，《獸醫法》第11(1)條述明，“任何人除非是持牌獸醫，否則不得從事獸醫學執業工作，或顯示自己是從事獸醫學執業工作。”；《獸醫法》第11(3)條進一步述明，“第(1)款並不適用於修讀獸醫科的學生，但僅以正於圭爾夫大學安大略獸醫學院修讀學士學位課程的學生為限。”

新西蘭

3. 新西蘭的《1999年動物福利法》第15條訂明，“除第18(1)條另有規定外，任何人不得對動物進行任何重大的外科手術，除非該人士是 (a) 獸醫；或 (b) 該人是在獸醫的直接監督下進行有關程序，以及是正受訓成為獸醫的學生。”

南非

4. 南非《獸醫及輔助獸醫專業法》第23(1)條訂明，“(a)任何人都不得以任何方式從事獸醫或輔助獸醫專業，除非該人已註冊或就本法例而言視為已註冊從事有關專業，則作別論。(b)已按照本法例註冊並進行實習培訓的獸醫學生，可按其從屬的獸醫專業或輔助獸醫專業的特定守則提供特定服務，但所提供的服務須在已註冊或就本法例而言視為已註冊從事有關專業的人的監督和指示下進行。”

英國

5. 英國《1966年獸醫法》第19條第(1)款訂明，“在符合本條下述各條文的規定下，任何人除非是獸醫名冊或增補獸醫名冊上的註冊獸醫，否則不得從事獸醫外科學執業工作，或顯示自己為從事獸醫外科學執業工作或顯示自己準備從事獸醫外科學執業工作……”；該條第(3)款進一步述明，“議會可訂立規例來豁免本條第(1)款，讓任何訂明類別的獸醫學生，在符合訂明條件的規定下，進行或執行該等規例所訂明的任何獸醫治療、測試或手術。”

6. 根據《〈1995年獸醫(學生實習)(修正)規例〉樞密院令》附表第2(1)條，“為此等規例而訂明的獸醫學生的類別將包括：(a)年齡已達18歲，並在英國或其他地方的大學或獸醫學校修讀全日制課程，以期獲得獸醫資格的學生，而他們已正報讀與臨床科目有關的課程；”

7. 《〈1981年獸醫(學生實習)規例〉樞密院令》第4條述明，“如屬此等規例中規例3所訂明類別的學生，該學生可 (a)檢驗動物； (b)在註冊獸醫的指示下，對動物進行測試； (c)在註冊獸醫的監督下，對動物施行治療(外科手術方式除外)；以及 (d)按照註冊獸醫的指示，並在其親自直接持續監督下，對動物進行外科手術。”

美國

8. 在德薩斯州，根據《獸醫牌照簽發法》第801.251條的內容，“除屬第801.004條規定的情況外，任何人除非持有根據本章條文所發出的獸醫科執業牌照，否則不得從事獸醫學執業工作，或建議或企圖從事獸醫學執業工作。”；第801.004條進一步述明，“本章的條文不適用於…… (5)由認可的獸醫學院的全日制學生進行的獸醫作為，而該作為是在註冊獸醫的直接監督下進行的；”

[以上內容非正式翻譯文本，如有任何差異，應以英文文本為準。]