

**For discussion on
12 January 2021**

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

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

Purpose

This paper briefs Members on the public consultation on the proposals to amend Schedule 2 to the Veterinary Surgeons Registration Ordinance (Cap. 529) (“VSRO”).

Current Situation

2. In accordance with the current exemptions under sections 3A to 3C of Schedule 2 to the VSRO, the performing of certain veterinary surgery¹ acts and the provision of veterinary service² by persons other than registered veterinary surgeons are permitted under the direction and/or supervision of registered veterinary surgeons, but these acts must not include diagnosing, prescribing medication or performing a surgical operation; and only injection or medication other than anaesthetic drugs can be administered. The relevant provisions of the current exemptions in Schedule 2 are at **Annex**.

¹ “Veterinary surgery” means “the art and science of veterinary surgery and medicine, including –
(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”.

3. With the establishment of a veterinary school at the City University of Hong Kong, it is expected that in addition to the veterinary surgeons who practise in Hong Kong after graduating from veterinary schools or colleges in other jurisdictions, more locally trained veterinary surgeons will join the profession in the coming years. Since the current scope of exemption under the VSRO is not wide enough to cover all veterinary surgery acts on which local veterinary students need to be trained as part of the Bachelor of Veterinary Medicine programme, such as surgical operation, anaesthesia or other veterinary surgery acts not specified in Schedule 2, local veterinary students will not be able to receive training on all of the veterinary surgery acts required by their curriculum in Hong Kong if the scope is not expanded.

4. Moreover, the current exemptions under the VSRO mentioned above only permit the performing of specified veterinary surgery acts, which do not cover all diagnostic or therapeutic procedures of veterinary science, and hence local veterinary students are prohibited from practising many other common procedures that are not explicitly exempted under the VSRO. With the rapid advancement of veterinary medicine, there are new diagnostic and therapeutic procedures developed from time to time. The current exemptions under the VSRO are inadequate and will hinder veterinary students from learning and practising any new veterinary procedures and techniques during the training of their veterinary programme.

The Proposals

5. We consider it necessary to amend the VSRO to expand the scope of exemption for veterinary students. We propose to add to Schedule 2 a new provision to permit any person who is in full time study of a veterinary programme at a veterinary school, college or institution established locally or recognised by the Veterinary Surgeons Board of Hong Kong (“VSB”) 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.

6. In formulating our proposals, we need to strike a balance between the legitimate needs of veterinary students to perform veterinary surgery acts for training purposes on the one hand, and the welfare of animals, interests of

veterinary service users as well as public health and safety concern on the other. Similar to the current requirement under exemptions provided in sections 3A to 3C of Schedule 2, we propose that the highest level of oversight from a registered veterinary surgeon must be required as a condition to the proposed exemption for veterinary students. Should a student need to perform any veterinary surgery 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 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 surgery acts performed by the persons under his or her direct and continuous supervision³.

7. 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 that the owner's consent must be sought before a veterinary student may perform any exempted veterinary surgery acts on an animal, and the registered veterinary surgeon shall be fully responsible for the veterinary acts performed by the persons under his or her direct and continuous supervision.

Public Consultation

8. We are conducting a two-month public consultation starting from 23 November 2020. Letters with the consultation document or emails with links to the consultation document were sent out to the relevant stakeholders including all registered veterinary surgeons in Hong Kong, the Hong Kong Veterinary Association, the China (Hong Kong) Veterinary Association, licensed livestock farmers, animal welfare organisations, Hong Kong Kennel Club, pet trade associations, and other related organisations such as the Consumer Council. The consultation document is also available on the government website⁴, and the proposal can be found in Chapter 2 of the

³ As stipulated in Schedule 2 to the Ordinance, 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.

⁴ The consultation document has been uploaded to the Food and Health Bureau website (www.fhb.gov.hk) and the Agriculture, Fisheries and Conservation Department website (www.afcd.gov.hk).

consultation document. So far, the feedbacks received have been positive.

Background

9. The VSRO provides for the regulation of the practice of veterinary surgery, the registration of veterinary surgeons and the disciplinary control of the professional activities of registered veterinary surgeons and related matters. VSB is an independent statutory authority established under the VSRO. Its remit is to set and review the qualification standards for registration as a registered veterinary surgeon, examine and verify the qualifications of persons who apply for registration as registered veterinary surgeons and deal with disciplinary offences etc.

10. Under section 16(1) of the VSRO, no person shall practise veterinary surgery or provide a veterinary service 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.

11. 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.

12. By virtue of section 29(2) of the VSRO, the Secretary for Food and Health may, by order, amend Schedule 2. The last amendment to Schedule 2 to the VSRO was conducted in 2012 to, amongst other things, permit 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 amendment to Schedule 2 in 2012 did not cover the more complicated veterinary surgery acts, and at that time there was no local veterinary school in Hong Kong. The proposed amendment set out in this paper can provide veterinary students with an exemption to the more complicated veterinary surgery acts.

Advice sought

13. Members are invited to comment on the proposals set out in the consultation paper.

Food and Health Bureau

Agriculture, Fisheries and Conservation Department

January 2021

Sections 3A-3C of Schedule 2 to Cap. 529 Veterinary Surgeons Registration Ordinance

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)

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;
- (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)

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