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Panel on Food Safety and Environmental Hygiene

Background brief prepared by the Legislative Council Secretariat for the meeting on 9 March 2021

Administration's proposals to amend Schedule 2 to the Veterinary Surgeons Registration Ordinance

Purpose

This paper provides background information on the Administration's proposals to amend Schedule 2 to the Veterinary Surgeons Registration Ordinance (Cap. 529) ("VSRO"), and summarizes major views and concerns of members of the Panel on Food Safety and Environmental Hygiene ("the Panel") on the proposals.

Background

Existing regulatory framework

2. 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. The Veterinary Surgeons Board of Hong Kong ("VSB") is an independent statutory authority established under VSRO. VSB's 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.

3. Under section 16(1) of VSRO, no person shall practise veterinary surgery¹ or provide a veterinary service² in Hong Kong unless he or she is a veterinary

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; and (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".

surgeon registered with VSB and the holder of a practicing 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 six and imprisonment for one year as stipulated under section 25(1)(h) of VSRO. Notwithstanding the above, section 29 of VSRO provides that the persons listed in Schedule 2 to VSRO are exempted from the provisions of VSRO in the circumstances specified in that Schedule.

Current exemptions under VSRO

4. In accordance with the current exemptions under sections 3A to 3C of Schedule 2 to VSRO,³ the performing of certain veterinary surgery acts and the provision of veterinary service 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.

5. According to information provided by the Administration to the Panel in January 2021, with the establishment of a veterinary school at the City University of Hong Kong ("CityU"), it is expected that in addition to the veterinary surgeons who practise in Hong Kong after graduation 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 exemptions under 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 which are not specified in Schedule 2 to VSRO), local veterinary students will not be able to receive training on all of the veterinary surgery acts required by the curriculum in Hong Kong if the scope is not expanded.

6. Furthermore, the current exemptions under VSRO, as mentioned in paragraph 4 above, only permit the performing of specified veterinary surgery acts, not covering all diagnostic or therapeutic procedures of veterinary science. Hence, local veterinary students are prohibited from practising many other common procedures that are not explicitly exempted under VSRO. With the rapid advancement of veterinary medicine, there are new diagnostic and therapeutic procedures developed from time to time. According to the Administration, the current exemptions under 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.

³ The relevant provisions of the current exemptions are set out in the Administration's paper provided for the Panel meeting held on 25 January 2021 (see Annex to LC Paper No. CB(2)599/20-21(02)).

Proposals to amend Schedule 2 to VSRO

7. In view of the inadequacy of the exemptions currently available under VSRO, the Administration proposes to amend Schedule 2 to VSRO to expand the current scope of exemptions. According to the Administration's proposal presented to the Panel in January 2021, a new provision is to be added to Schedule 2 to permit any person who is in full time study of a veterinary programme at a veterinary school, college or institution established locally or recognized by VSB to practice 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.

8. The Administration further proposes that VSB should stipulate in its 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 responsible for the veterinary acts performed by the persons under his or her direct and continuous supervision.

Members' concerns

9. The Administration briefed members on the proposals to amend Schedule 2 to VSRO at the Panel meeting on 25 January 2021. Members' major views and concerns on the proposals are summarized below.

Issues of concern associated with the proposals to amend Schedule 2 to VSRO

The proposed new requirement of seeking owner's consent

10. Members generally supported the Administration's proposals to amend Schedule 2 to VSRO so as to facilitate clinical training of veterinary students. Noting that the owner's consent must be sought before a veterinary student might perform any exempted veterinary surgery acts on an animal, some members enquired whether a veterinary student could perform veterinary surgery acts on a stray animal which was not kept specifically by any individual (i.e. without owner) and for which the owner's consent could not be obtained.

11. According to the Administration, veterinary students were normally required to take care of pet animals, such as cats and dogs, during the clinical training. In general, the owner's consent could be obtained on site for a veterinary student to perform veterinary surgery acts on an animal under the supervision of a registered veterinary surgeon if the veterinary surgery acts were carried out in private veterinary clinics. As for those veterinary students undertaking clinic training in CityU's veterinary clinic, the animals used for

clinical training purposes were acquired and owned by CityU, thereby abating the need to seek the owner's consent in such cases.

Level of oversight required in supervising a veterinary student

12. Information was sought on the level of oversight that would be required from a registered veterinary surgeon as a condition to the proposed exemptions for veterinary students. The Administration advised that as veterinary students might need to perform veterinary acts (e.g. surgical and anaesthetic) the nature of which was more invasive than the currently permitted ones, it was proposed that the highest level of oversight should be required and that the registered veterinary surgeon should be responsible for the veterinary surgery acts performed by the persons under his or her "direct and continuous supervision". As stipulated in Schedule 2 to VSRO, "direct and continuous supervision" meant "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".

13. There was concern about possible abuse of the proposed exemptions for veterinary students. For instance, there might be cases in which veterinary students were asked to perform veterinary surgery acts in private veterinary clinics on behalf of registered veterinary surgeons due to commercial considerations. In response, the Administration stressed that as one's reputation was very important in the veterinary profession and registered veterinary surgeons practising in Hong Kong were of high professional standards, it was unlikely that registered veterinary surgeons would request a veterinary student to perform veterinary surgery acts on their behalf out of commercial considerations. So far, the Agriculture, Fisheries and Conservation Department was not aware of any complaints or cases of such nature.

Veterinary training and estimated supply of locally trained veterinary surgeons

14. Enquiry was raised as to whether the Administration would set any target numbers of student intake and graduates for receiving veterinary training at veterinary schools, colleges or institutions established locally, after the scope of exemptions for veterinary students was expanded.

15. The Administration advised that the veterinary school established by CityU in 2014 had an annual intake of around 20 veterinary students for its six-year Bachelor of Veterinary Medicine programme. Similar to the curricular structure of veterinary programmes in academic institutions of other jurisdictions, veterinary students of CityU were required to undertake clinical training from their fifth year of study and a year of clinical rotation in their final year at various places such as CityU's veterinary clinic, livestock farms, aquaculture farms and private veterinary clinics. It was expected that around 100 students would have acquired all necessary competencies to graduate and

practise as a veterinarian in about five or six years' time. Currently, there were about 1 000 registered veterinary surgeons in Hong Kong. Upon CityU's veterinary students' graduation, the number of locally trained veterinary surgeons would account for about one-tenth of the total number of registered veterinary surgeons in the territory. Hong Kong's number of qualified veterinary surgeons as a percentage of the population compared well with overseas places.

Recent developments

16. The Administration conducted a public consultation exercise on the proposals to amend Schedule 2 to VSRO between 23 November 2020 and 22 January 2021. The Administration will report on the results of the public consultation exercise at the Panel meeting on 9 March 2021.

Relevant papers

17. A list of the relevant papers on the Legislative Council website is in the **Appendix**.

Council Business Division 2
Legislative Council Secretariat
3 March 2021

**Relevant papers on the
Administration's proposals to amend Schedule 2 to the Veterinary
Surgeons Registration Ordinance**

Committee	Date of meeting	Paper
Panel on Food Safety and Environmental Hygiene	25.1.2021 (Item VI)	<u>Agenda</u>

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