

LCQ22: Regulation of veterinary surgeons

Following is a question by the Hon Luk Chung-hung and a written reply by the Secretary for Environment and Ecology, Mr Tse Chin-wan, in the Legislative Council today (March 26):

Question:

Some organisations have reportedly found that the current disciplinary inquiry system of the Veterinary Surgeons Board of Hong Kong (VSB) is not well-established, lacks sufficient transparency in information disclosure, and has unclear regulatory oversight of general sales and services within veterinary clinics. In this connection, will the Government inform this Council:

(1) whether, with reference to the Medical Council of Hong Kong's practice of posting on its website the judgments of its disciplinary inquiries held since July 2, 2008 and the Dental Council of Hong Kong's practice of posting on its website the judgments of its disciplinary inquiries handed down since September 17, 2009, it has considered extending the enquiry period for the judgments of the disciplinary inquiries conducted by the VSB's Inquiry Committee and the orders made by it, as well as including the names of the veterinary surgeons involved in the relevant case summaries; if so, of the implementation timetable; if not, the reasons for that;

(2) given that in reply to a question raised by a Member of this Council on the Estimates of Expenditure 2024-2025, the Secretary for Environment and Ecology stated that the VSB's Inquiry Committee had completed 36 inquiry cases between 2021 and 2023, of which 29 were found to be substantiated, involving 30 veterinary surgeons, but that only two of these veterinary surgeons had been sanctioned with "removal of names of relevant veterinary surgeons from the register for three and six months respectively, along with a reprimand and compulsory participation in continuing professional development programmes or professional seminars", and it is learnt that many pet owners consider such sanctions to be dissuasive, whether the Government will review the VSB's existing arrangements for handing down judgments in disciplinary inquiries and consider imposing heavier penalties; if so, of the details; if not, the reasons for that;

(3) given that item 22 of Schedule 3 to the Trade Descriptions Ordinance (Cap. 362) (the Ordinance) provides that a registered veterinary surgeon, as defined by section 2 of the Veterinary Surgeons Registration Ordinance (Cap. 529), is an exempt person under the Ordinance, and yet it is learnt that some pet owners have pointed out that veterinary assistants often promote nutrition supplements, pet food, over-the-counter drugs (such as deworming drugs), and medicinal fur cleaners, etc. to them while their pets are undergoing treatment at veterinary clinics, and that some veterinary clinics

even promote pet accessories on online social media platforms, coupled with the view that the general conduct of sales within veterinary clinics should be regulated under the Ordinance, whether the Government has considered regulating the general conduct of sales and services within veterinary clinics; if so, of the details; if not, the reasons for that; and

(4) whether the Government has considered collaborating with relevant Mainland departments to enable local veterinary surgeons to acquire Mainland professional qualifications through agreements for mutual recognition of professional qualifications or professional qualification examinations under the framework of the Mainland and Hong Kong Closer Economic Partnership Arrangement?

Reply:

President,

The Veterinary Surgeons Board of Hong Kong (VSB) is a statutory body established under the Veterinary Surgeons Registration Ordinance (Cap. 529) (the Ordinance), and is responsible for the regulation, registration and disciplinary control of veterinary surgeons, to ensure a high standard of veterinary services in Hong Kong. All veterinary surgeons must comply with the Ordinance and Code of Practice for the Guidance of Registered Veterinary Surgeons (the Code) promulgated by the VSB. The Code provides veterinary surgeons with guidelines on various aspects of conduct, including professional ethics, clinic premises and equipment, advertising and other operational details, etc. If a veterinary surgeon breaches the Code, the VSB may take disciplinary actions against the surgeon.

Having consulted the Commerce and Economic Development Bureau, the reply to the question from the Hon Luk Chung-hung is as follows:

(1) The VSB currently publishes on its website Orders made by Inquiry Committee within one year with names, and the Findings of Disciplinary Inquiries within three years on an anonymous basis. Moreover, all Orders are published in the Gazette and in one English and one Chinese newspaper circulating in Hong Kong as required by law. In response to the Government's earlier suggestion on reviewing the existing arrangements with reference to the practices of other professional regulatory bodies, the VSB is considering extending the time for publishing Orders and Findings on its website.

(2) The VSB handles the complaints received in accordance with the complaint mechanism and disciplinary procedures provided under the Ordinance and the Rules of the Veterinary Surgeons Board (Disciplinary Proceedings). To ensure fairness and transparency of the disciplinary procedures, lay persons who represents the interests of persons utilizing veterinary services (e.g. members of animal welfare organisations or tertiary institutions) or medical and health professionals are involved in the handling of complaints by the VSB's Preliminary Investigation Committee and Inquiry Committee, and the public can also observe the disciplinary hearings. The Inquiry Committee takes into account a number of factors in determining the judgment and penalty, including the seriousness of the case, the character, antecedents

and disciplinary record of the veterinary surgeon involved (if any), and the reasons for mitigation (if any), etc., to make an appropriate disciplinary order. To further enhance the disciplinary mechanism, the VSB is considering the feasibility of drawing up guidelines on disciplinary sanctions.

(3) According to Schedule 3 to the Trade Descriptions Ordinance (Cap. 362), a registered veterinary surgeon is an exempt person, which refers that the acts in the capacity of his or her profession are exempted from being regulated by the "fair trading sections" of the Trade Descriptions Ordinance. However, sections 4 and 5 of such Ordinance about the requirement of the provision of information in relation to goods, and section 7 about trade descriptions of goods applied in the course of any trade or business remain applicable.

For persons who are not registered veterinary surgeons (including veterinary assistants), if they are suspected of engaging in unfair trade practices in the course of selling pet nutritional supplements, food and other supplies at veterinary clinics or through online platforms, the Customs and Excise Department may take enforcement actions pursuant to the Trade Descriptions Ordinance. Offenders may be prosecuted, and are liable to a maximum penalty of imprisonment for five years and a fine of \$500,000.

Moreover, the Code stipulates that veterinary surgeons have the responsibility to supervise and ensure persons who are not registered veterinary surgeons engaged in merchandising are adequately trained to advise clients on directions for use of the products sold and to judge when the client should receive the personal attention of the veterinary surgeon; and the display and sale of goods are such as not to diminish the public's confidence in the scientific integrity and impartiality of the profession, or damage relationships between the profession and the public. If persons who are not registered veterinary surgeons fail to meet the standards expected of the profession, the registered veterinary surgeon responsible for supervision may be regarded as committing professional misconduct or neglect, and members of the public may lodge a complaint with the VSB in respect of such professional misconduct or neglect.

(4) Under the Mainland and Hong Kong Closer Economic Partnership Arrangement Agreement on Trade in Services (Agreement), eligible Hong Kong residents may apply in the Guangdong Province to take the qualification examination for veterinary practitioners in the whole Mainland, and a corresponding qualification certificate will be issued to those passing the examination. The Agreement also allows Hong Kong residents who have obtained the qualification as national practising Licensed Veterinarians to practise on the Mainland. The Government will continue to liaise with the trade to understand their demand for practising on the Mainland.