

LCQ22: Regulation of veterinary surgeons and veterinary clinics

Following is a question by the Hon Chan Hak-kan and a written reply by the Secretary for Environment and Ecology, Mr Tse Chin-wan, in the Legislative Council today (October 18):

Question:

It is learnt that cases of complaints against veterinary surgeons and veterinary clinics are very common, but about 90 per cent of the complaint cases are unsubstantiated in the end. In this connection, will the Government inform this Council:

(1) given that the Consumer Council has pointed out that there are many disputes over the fees charged for veterinary services, including insufficient transparency of such fees, of the Government's new measures in place to address the relevant issues;

(2) as it is learnt that being veterinary assistants are not required to hold any qualifications at present, whether the Government will step up the regulation of veterinary assistants, including establishing a voluntary or mandatory registration system;

(3) whether it has compiled statistics on the current number of veterinary assistants and, among them, the number of those who have received formal training in veterinary nursing or veterinary technology; if so, of the details; if it has not compiled such statistics, whether it will do so;

(4) whether it has compiled statistics on the current number of veterinary assistant programmes available locally; if so, of the details, and set out the programme information by the names of such programmes; if it has not compiled such statistics, whether it will do so;

(5) given that at present, complainants are required to provide proof to the Veterinary Surgeons Board of Hong Kong (VSB) in respect of complaints about veterinary surgeons being alleged to have fallen below standards in their performance and caused the death of animals, as well as arrange necropsies for the animals and obtain the reports, of the number of reports received by VSB in respect of the relevant complaints in each of the past five years;

(6) given that at present, the Agriculture, Fisheries and Conservation Department (AFCD) provides animal necropsy services, but such services require referrals from the veterinary surgeons against whom complaints have been made, (i) of the number of animals involved in complaint cases on which the AFCD conducted necropsies in each of the past five years, as well as the fee for each necropsy, and (ii) whether the AFCD will consider cancelling the referral requirement to allow complainants to arrange necropsies on their own;

(7) whether it will, by drawing reference from the practice of the Electronic Health Record Sharing System, allow pet owners to request veterinary surgeons to upload the medical records of their pets to the relevant system, so as to facilitate proper management of the records and avoid improper alteration of the records;

(8) as it is learnt that for quite a number of complaint cases involving veterinary surgeons, investigations cannot commence due to insufficient evidence, whether the Government will recommend the installation of closed-circuit televisions in veterinary clinics;

(9) whether it will require veterinary surgeons to state their full names in conspicuous places in their clinics; and

(10) as the Government indicated in reply to a question raised by a Member of this Council on June 7 this year that among the cases which VSB received and in respect of which inquiries were completed in the past five years, the average processing time was about 10 months and the longest was about 37 months, of the Government's new measures in place to expedite the processing of complaints?

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.

On the questions raised by Hon Chan Hak-kan, the Environment and Ecology Bureau would like to reply as follows:

(1) The Code stipulates that registered veterinary surgeons must always fully discuss anticipated outcomes of the various options available as well as cost estimates with clients before treatment, and should not charge exorbitant, discriminatory, inconsistent, etc, regardless of the purpose. Furthermore, the VSB issues letters to registered veterinary surgeons from time to time (the latest one issued in September this year), reminding them to pay attention to regulations regarding fees and related aspects.

(2) The Ordinance stipulates that persons who are not registered veterinary surgeons (such as veterinary assistants) are allowed to perform certain veterinary acts on the premises of the practice, and under the

direction/supervision/direct and continuous supervision, but these acts do not include diagnosing, prescribing medication or performing a surgical operation. The Code also stipulates that veterinary surgeons should assess the capabilities of the person under their instruction or supervision, and ensure that the person performs the duties in an appropriate manner. Whilst the Ordinance currently does not require veterinary assistants to conduct registration or enrolment, the Government and the VSB will explore the feasibility of setting up such regime (e.g. considering the setting up of a voluntary enrolment register before statutory requirements are in place).

(3) and (4) The VSB does not maintain comprehensive information regarding the local veterinary assistants and veterinary assistant training courses. We understand that some local veterinary organisations offer training courses related to animal care, recognised under the Government's Qualifications Framework, to veterinary assistants, etc. When we explore with the VSB on the setting up of the veterinary assistant enrolment regime, we will also suggest that the VSB collect relevant information.

(5) At present, when lodging a complaint to the VSB (including cases involving dead animals), it is not compulsory for complainants to provide post-mortem examination reports as supporting document. The complainant is only required to provide some basic information, including details of the complainant and animal, sequence of events, grounds for the complaint and details of the registered veterinary surgeon being complained about. In general, if expert opinion on the case is needed, the VSB would directly approach relevant experts. The VSB already lists the standard complaint form and other information regarding lodging complaints on the VSB website. The VSB does not keep figures on post-mortem reports received.

(6) The Agriculture, Fisheries and Conservation Department (AFCD) provides animal post-mortem examination services for a fee, and there is no requirement that the application must be made by the veterinary surgeon being complained about. Members of the public may choose a registered veterinary surgeon to make such application without stating a reason. When a post-mortem examination of an animal carcass is completed, the report concerned will be provided to the registered veterinary surgeon who made the application. Fees charged for the AFCD's animal post-mortem examination services depend on the species of animals concerned, with a basic fee of about \$550 to \$1,400 charged per animal carcass, with additional charges for extra ancillary tests if needed. From 2021 to 2023 (as at September), the AFCD conducted post-mortem examinations on 138, 108 and 114 carcasses respectively. The AFCD does not keep figures of post-mortem examinations conducted in relation to veterinary surgeon complaints.

(7) The Code already stipulates that all veterinary surgeons have the responsibility to maintain systematic, true, adequate, clear and contemporaneous medical records. Material alterations to a medical record can only be made with justifiable reasons, and must be clearly documented. For electronic records, the veterinary surgeons should adopt software which allows subsequent amendments to records to be tracked (i.e. why and when the amendments are made, etc). The Government will urge the VSB to review and

update the Code as necessary.

(8) The majority of complaints received by the VSB are related to the disregard of professional responsibility to animals, with medical records being crucial supporting information. If the Preliminary Investigation Committee (PIC) of the VSB considers there is a prima facie case concerning misconduct or neglect in any professional respect, cross examination of witnesses will be conducted during the inquiry hearing by the Inquiry Committee (IC), to obtain comprehensive information for determination of the case. CCTV footage is not essential evidence.

(9) The Code already stipulates that if asked, a veterinary surgeon shall inform a client or prospective client of the name by which he is registered with the VSB, and shall instruct lay staff and other persons under his professional supervision who are not registered veterinary surgeons to do likewise. The Government will propose to the VSB to consider stipulating in the Code, the requirement for veterinary surgeons to prominently display their full names in clinics.

(10) If a complaint is received, the VSB must conduct investigation and follow up on the case, in accordance with the procedures laid down in the Ordinance and Rules of the Veterinary Surgeons Board (Disciplinary Proceedings). Every case should first be investigated by a PIC of the VSB, to decide if it should be referred to an IC established under the Ordinance for disciplinary inquiries.

In the past five years, apart from the impact of coronavirus disease 2019 pandemic, due to inadequate IC members and the suspension of disciplinary inquiry hearings to complement the holding of the first election of VSB members in 2020, etc, there was a delay in disciplinary inquiry hearings. Upon the reconstitution of the VSB in 2020, the membership increased from 10 to 19 and a panel of 18 assessors was set up. These members and assessors can join PICs and ICs, thus helping expedite the processing of complaints. The VSB's processing of inquiry cases resumed normal arrangements since last year, and members of the reconstituted VSB are now promptly dealing with inquiry hearings. In 2022 and 2023 (as at August), the VSB received 89 complaint cases. During the same period, investigations and inquiry hearings were completed for 78 cases, of which 17 cases were found to be substantiated. We will continue to keep in view the progress and consider further increasing membership if deemed necessary.