

Exercise of exemption power by CS under Emergency (Exemption from Statutory Requirements) (COVID-19) Regulation

Regarding a Member's question at the Chief Executive's Question and Answer Session held by the Legislative Council today (March 23) concerning the usage of the Emergency (Exemption from Statutory Requirements) (COVID-19) Regulation (Cap. 241N) (Emergency Regulation), a spokesman for the Chief Secretary for Administration's Office responded as follows:

Since the Emergency Regulation commenced operation on February 24, the Chief Secretary for Administration (CS) has exercised the power to exempt relevant persons or projects from complying with the relevant statutory requirements on three types of projects, and relevant announcements were made. The projects include:

- (1) granting of exemption for the construction of a hospital for emergency use located in the Lok Ma Chau Loop and the works projects for other community isolation and treatment facilities, all supported by the Central People's Government, including the temporary bridges for point-to-point transportation and conveyance between Shenzhen and the fenced-off construction site in the Lok Ma Chau Loop, with a view to completing these projects as soon as possible;
- (2) granting of exemption to allow operators of Residential Care Homes for the Elderly (RCHEs) to use suitable premises other than those approved under the relevant licence(s) to separate and take care of COVID-19 confirmed and non-confirmed elders, with a view to protecting their safety and health. The relevant RCHEs only need to obtain the Social Welfare Department's agreement; and
- (3) granting of exemption for the Mainland medical support personnel who have come to Hong Kong from the relevant legal requirements on registration, etc. This provides comprehensive legal protection for their participation in the treatment of patients in Hong Kong.

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The above exempted projects have been announced to the public after exemptions were granted through different channels such as the Government's press releases, press conferences on anti-epidemic measures, and the CS's speeches and blogs.

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The exemption power under the Emergency Regulation is applicable to the legal requirements in respect of licences, permits, registrations, etc. If the objective of preventing or controlling the transmission of COVID-19, treating patients or putting the epidemic under control is met, the CS will grant exemption on the basis of actual needs in accordance with the law.