

Government enacts Emergency (Exemption from Statutory Requirements) (COVID-19) Regulation

The Government announced today (February 24) the gazettal of the Emergency (Exemption from Statutory Requirements) (COVID-19) Regulation (the Regulation) made pursuant to the Emergency Regulations Ordinance (Chapter 241), with a view to providing the legal basis for the Government to implement the anti-epidemic measures supported by the Central People's Government (CPG), including the construction of hospitals and isolation facilities, etc. The Regulation has come into operation today.

Hong Kong is now facing a very dire epidemic situation which continues to deteriorate rapidly. It is foreseeable that the number of newly confirmed cases of COVID-19 will continue to escalate exponentially and go beyond the epidemic control capacity of the Government of the Hong Kong Special Administrative Region (HKSAR Government). Hong Kong's healthcare system, manpower, anti-epidemic facilities and resources, etc. will soon be insufficient to handle the huge number of newly confirmed cases detected every day. Such situation has constituted an occasion of emergency and public danger as defined under the Emergency Regulations Ordinance.

In response to the current public health emergency situation, the Chief Executive in Council approved yesterday (February 23) that the Regulation is to be made with a view to allowing the Government to exempt certain persons or projects from all relevant statutory requirements in respect of licensing, registration and application, etc., such that the HKSAR Government may draw on Mainland's support and resources in a flexible and prompt manner to undertake key anti-epidemic projects at full speed when necessary, so as to increase Hong Kong's epidemic control capacity for containing the fifth wave within a short period of time.

The Regulation empowers the Chief Secretary for Administration to, for preventing, protecting against, delaying or otherwise controlling the incidence or transmission of the specified disease or treating patients with the specified disease, having regard to the factors set out in the Regulation, grant an exemption in writing to persons or projects such that they do not have to comply with certain requirements under enactments (including a requirement for licence, authority, approval, exemption, permit, registration, standard or specification).

The Regulation will provide a legal framework for the CPG to render the necessary emergent support to Hong Kong in a more effective and expeditious manner. The HKSAR Government will leverage support of the CPG and assume the main responsibility to curb the epidemic. With the staunch support by the CPG, Hong Kong will surely overcome the epidemic as long as the public in general acts in concert.