

客户快讯

2020年3月25日

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Restriction of Movement Order - Guidelines as at 25 March 2020

行动管制令——2020年3月25日指南

This alert follows our earlier client alerts on (i) the [Restriction of Movement Order dated 17 March 2020](#) and on (ii) the [Prevention and Control of Infectious Diseases Act \(Measures within the Infected Local Areas\) Regulation 2020 \(the "Regulations"\) dated 19 March 2020](#). The Malaysian Prime Minister and several ministries have provided further clarification on the impact of the Restriction of Movement Order ("**Order**"), including:

此客户快讯是继本所早前发布的下述客户快讯的最新进展：

- 1) [行动管制令](#)（2020年3月18日发布）；和
- 2) [预防和控制传染病法（感染地区内的措施）条例 2020](#)（“条例”）（2020年3月19日发布）

马来西亚首相与多位部长就行动管制令（以下简称“管制令”）的影响做了进一步澄清，这包括：

- (a) Ministry of Home Affairs ("**MOHA**") on matters relating to inter-state movement and immigration related clarifications;
- (b) Ministry of Agriculture and Food Industry ("**MAFI**") relating to export and import permits;
- (c) Ministry of International Trade and Industry ("**MITI**") relating to applications by manufacturing companies for approval to operate during the period of the Order ("**Control Period**"); and
- (d) Ministry of Domestic Trade and Consumer Affairs ("**MDTCA**") in respect of the lack of restrictions on supply chain, food sale and e-commerce activities during the Control Period.

- 1) 内政部（MOHA）针对跨州往来和移民相关事项的澄清；
- 2) 农业和食品工业部（MAFI）针对进出口许可证问题的解释；
- 3) 国际贸易及工业部（MITI）针对制造业企业申请在管制令期间（“管制期”）继续经营的批准；和
- 4) 国内贸易及消费者事务部（MDTCA）关于在管制期内对供应链、食品销售和电子商务活动缺少限制的澄清。



1. Prime Minister's statement

首相声明

The Malaysian Government ("**Government**") announced the following initiatives on 23 March 2020, which will form part of the comprehensive economic stimulus package expected to be announced on 27 March 2020 (instead of 30 March as previously expected):

马来西亚政府（“政府”）于 2020 年 3 月 23 日宣布了如下举措，并会随之将其纳入即将在 2020 年 3 月 27 日（而非此前预计的 3 月 30 日）宣布的综合经济振兴计划/配套中：

- (a) **Withdrawal from Account 2 of Employees' Provident Fund ("EPF") for those below 55 years old:** Account 2 of EPF represents 30% of employees' EPF savings and can only be withdrawn pre-retirement for limited purposes such as housing loan payments, education and medical reasons. The Government will now allow EPF members below the age of 55 years old to withdraw up to MYR 500 a month from their Account 2 for a period of 12 months starting 1 April 2020. This is part of the measures to help the public cope with their daily needs amidst the economic downturn.

55 岁以下的雇员公积金（“EPF”）会员可以从 EPF 第二账户支取存款： EPF 第二账户金额占整个账户的 30% 而且可以在退休前支取，用于诸如住房贷款、教育和医疗等特定用途。政府将允许 55 岁以下的 EPF 会员从 2020 年 4 月 1 日起 12 个月内从他们的第二账户中支取存款但每月支取最多 500 马币。这是政府帮助市民在经济不景气的情况下应对他们日常需求措施的一部分。

- (b) **MYR 500 million to be channeled to the Ministry of Health ("MOH"):** The Government will channel MYR 500 million to MOH to support hospitals nationwide to purchase medical devices such as ventilators, intensive care equipment and personal protective equipment. An additional MYR 100 million will be used to hire 2,000 new contractual healthcare workers, especially nurses, who will be employed on a 2-year contract to alleviate the burden of existing medical personnel.

划拨 5 亿马币至卫生部： 政府将划拨 5 亿马币至卫生部以支持全国的医院购买诸如呼吸机、重症监护和个人防护等医疗设备。另外还将用 1 亿马币新聘请 2,000 位临时医护人员（合同期 2 年），特别是护士，以减轻现有医务人员的负担。

- (c) **MYR 130 million to be channeled to every state:** The Government will also channel MYR 130 million to each State government. The State governments must use these funds to provide financial assistance to:
- (i) hawkers and small traders affected by the virus outbreak;
 - (ii) COVID-19 patients and their family members; and
 - (iii) State government personnel involved in the management of the virus outbreak.



为每个州划拨 1.3 亿马币：政府还将为每个州划拨 1.3 亿资金。州政府必须将这些资金用于以下方面的财政支援：

- 1) 受疫情影响的小商贩；
- 2) 新冠肺炎患者和他们的家庭成员；和
- 3) 参与疫情防控的州政府人员。

2. MITI - Application by companies to continue manufacturing operations

MITI - 企业继续制造运营的申请

Subject to the receipt of MITI approval, companies manufacturing essential items (for example, food and medical supplies) may continue their manufacturing operations during the Control Period. MITI had indicated that a response (in the form of an approval or rejection of the application) would be provided within 2-3 days of the application being submitted.

在获得 MITI 批准后，制造基本保障用品（例如食物和医疗用品）的企业可在管制期内继续开展制造业务。MITI 表示（将在申请提交后的 2-3 天内（以批准或拒绝申请的形式）给予答复。

On 24 March, MITI announced that the deadline for making such applications was 11.59pm of the same day ("**Deadline**"). The online portal set up for parties to submit the application was deactivated after the Deadline and MITI is no longer accepting any applications. MITI had explained that the Deadline was set to enable MITI to review and process the thousands of applications received to date.

MITI 在 3 月 24 日宣布申请截止时间为当天晚上 11 点 59 分（“**截止时间**”）。让企业提交申请的网上窗口已在截止时间后停用且 MITI 不再接受申请。MITI 解释说，设置截止时间是为了使 MITI 能够审查和处理至今已经收到的成千上万的申请。

MITI also announced the setting up of a Special Committee headed by the Minister of International Trade and Industry, which also includes the Minister of Domestic Trade and Consumer Affairs ("**MDTCA Minister**") and the Minister of Agriculture and Food Industries as members. The Special Committee was set up to ensure the continued supply of essential items to Malaysians during the Control Period. Companies manufacturing essential items but not submitted the application to MITI prior to the Deadline will have to engage the Special Committee for the necessary approval moving forward. Given the lack of a prescribed application process, the issuance of the approval may also be delayed.

MITI 还宣布成立由国际贸易和工业部长领导的特别委员会，该委员会还有国内贸易和消费者事务部长（“**MDTCA 部长**”）和农业和食品工业部长作为成员。特别委员会的成立是为了确保在管制期内市场会持续供应基本保障用品。未能在截止时间前向 MITI 递交申请的基本保障用品制造商，之后需要从特别委员会取得必要的审批。鉴于缺少申请流程的规定，相关批准也可能被延迟。



3. MDTCA - Confirmation of operations

MDTCA- 运营确认

Companies that are not in the manufacturing sector but providing essential services (such as food supply, e-commerce, healthcare and medical) may also operate during the Control Period. Such companies can apply to the MDTCA for confirmation of the same. The MDTCA confirmation can be used as a supporting document to facilitate the transport of goods or movement of its employees in Malaysia. However, the MDTCA online portal had stopped accepting applications after the Deadline to enable the MDTCA to process all the applications received to date.

不属于制造行业但提供基本保障服务（如粮食供应、电子商务、医疗保健和医疗）的企业，也可能可以在管制期内继续运营。这些企业可以向 MDTCA 申请确认。MDTCA 的确认可以用作证明文件，以方便在马来西亚境内货物的运输或员工往返。但是，MDTCA 的网上窗口现已在截止时间后停止受理申请，以便 MDTCA 处理至今收到的所有申请。

It is uncertain whether the MDTCA will (i) re-open the online portal to receive more applications after it has completed the review of the existing applications received to date, or (ii) set up a special committee just like MITI to carry out such function (amongst others) moving forward.

至今尚不确定 MDTCA 是否会（1）在处理完已收到的申请的之后，重新打开网上窗口以受理更多申请，或者（2）像 MITI 一样在之后成立专门委员会来执行 MDTCA 众多职能中的此项职能。


To provide clarity, the MDTCA Minister had announced on 25 March 2020 that businesses involved in the following activities can continue to operate during the Control Period:

- (a) all food supply and e-commerce activities (which includes the manufacture of raw materials and food products, retail, packaging, distribution, wholesale and distribution centre activities); and
- (b) logistics and transportation services supporting supply chain and e-commerce activities for the supply of food and essential items.

为求清晰，MDTCA 部长于 2020 年 3 月 25 日宣布，参与以下活动的企业可继续在管制期内运营：

- 1) 所有的食物供应和电子商务活动（包括制造原料和食品、零售、包装、分销、批发和配送中心的活动）；和
- 2) 支持食品和必需品供应的供应链和电子商务相关的物流和运输服务。

Companies supporting the food supply chain and form part of the downstream industries are also permitted to operate, with minimal workforce whilst complying with the relevant Covid-19 control measures determined by the Ministry of Health. In addition, these companies are required to cease all non-essential operations during this period. These companies should also provide letters of



authorisation to their on-duty employees which is discussed further in Paragraph 4(b).

处于食品供应链下游的那些支持食品供应的企业也允许在使用最低数量的劳动力并遵守卫生部 COVID-19 相关管制措施的前提下继续运营。此外，这些企业需要在此期间停止所有非基本保障运营。这些企业还应为当班的雇员提供授权书（将在下述第 4（b）章节做进一步解释）。

This announcement can be broadly interpreted and may open the floodgates as many businesses can be argued to form part of the supply chain or downstream industries. It is likely that further clarifications will be issued in the coming days, and we should look out for the relevant developments on this matter.

该公告可以被很宽泛的解释并可能出现“开大闸”的情况，因为许多企业都可争辩说其业务是供应链或下游产业的一部分。未来几天内很可能会有进一步澄清，所以请各位关注此事的进展。

4. Inter-state movement

跨州往来

MOHA has clarified that:

内政部已澄清：

- (c) there is no requirement to obtain permission from the Royal Malaysia Police for inter-state movement;

对于跨洲往来，无需从马来西亚皇家警察局获得许可；

- (d) employers providing essential services must issue a letter of authorisation to their on-duty employees during the Control Period. This letter can be used by employees as evidence that they are employed in essential services if they are stopped by the Authorities enforcing the Order; and

提供基本保障服务的雇主必须向其管制期当班的雇员出具授权信。该信件可以作为在被执法部门拦截时证明该雇员受雇提供基本保障服务的证据；以及

- (e) any trucks delivering non-essential items during the Control Period will be in breach of the Regulations. The Minister of International Trade and Industry also announced that logistics and transport services shall only transport essential items (such as household goods, food, medical supplies, gloves and face masks) manufactured by companies approved by the MITI during the Control Period. This has resulted in operational challenges for manufacturers that require the delivery of raw materials from ports or third party suppliers, and e-commerce companies that are looking to promptly deliver products during the Control Period.

在管制期运送非基本保障品的卡车将被视为违反规定。MITI 部长还宣布，物流和运输服务部门在管制期内只能运输被 MITI 批准的企业所生产的基本保障用品（如家庭用品、食品、医疗用品、手套和口罩）。这给需要从港口或第三



方供应商处获得原材料的制造商以及希望在控制期内迅速交付产品的电子商务公司带来了运营挑战。

5. Immigration

移民

MOHA has clarified that during the Control Period:

内政部已澄清:

- (a) all foreign visitors/tourists on social visit passes are allowed to leave Malaysia and should not return during the Control Period;

所有持有旅行准证的外国访客/游客允许在控制期内离开马来西亚并且不能在管制期内返回;

- (b) foreigners who are unable to return to their home country due to the closure of the borders of their home country may apply for a special pass issued by the Immigration Department of Malaysia, provided the application is made immediately after Order has been lifted, and the relevant individuals have valid travel documents); and

由于边境关闭而无法返回自己原籍国的外国人，可以向马来西亚移民局申请特别准证。前提是该申请是在管制令取消后立即提交的，且相关个人持有有效旅行证件；和

- (c) foreigners who are holding long-term passes (such as student visas, expatriate pass, temporary employment pass, Malaysia My Second Home pass, etc.) that expire during the Control Period, may (i) return to their home country without the need to renew their passes, or (ii) extend the duration of their passes within 14 days of the end of the Control Period.

持有长期准证（如学生签证、外籍签证、临时工作准证、马来西亚第二家园准证等等）且证件在管制期内到期的外国人，可以（1）无需更新他们的准证即可返回原籍国，或者（2）在管制期结束后 14 天内申请延长准证的有效期。

6. FAQ by MAFI

MAFI 问答

MAFI has announced that:

农业和食品工业部已宣布:



(a) all applications for import and export permits will be processed, and approval for permits will be issued as usual;

所有进出口许可证申请和审批将照常进行；

(b) import or export of agricultural goods are permitted; and

允许农产品进出口；和

(c) all complete applications for import and export permits in relation to fish and agricultural commodities will be automatically approved. Applications for other animal commodities (such as cattle, chicken, duck or other live animal) and applications for the import/export of fish and agricultural commodities for which further supporting documents are required, will be processed manually by the relevant officers of Malaysian Quarantine and Inspection Services (MAQIS).

所有与鱼类和农产品有关的完整的进出口许可证申请将自动获得批准。其他动物产品（如牛、鸡、鸭或其他活体动物）的申请以及需要进一步支持文件的鱼类和农产品进出口申请，将由马来西亚检疫局的有关官员手动处理。

This will help ensure that food supply during the Control Period is not impacted by the Order.

这将有助于确保管制期内的食品供应不受管制令的影响。

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7. Conclusion

结论

The Prime Minister, in his special address on 25 March 2020, has stated that further details in relation to the Economic Stimulus Package will be disclosed on 27 March 2020 (instead of 30 March as previously expected) and has declared that the Restriction of Movement Order be extended to 14 April 2020. Businesses should monitor this space for further developments and we will be issuing further alerts.

首相在 2020 年 3 月 25 日的特别讲话中指出，有关经济振兴计划/配套的细节将进一步于 2020 年 3 月 27 日（而非此前预计的 3 月 30 日）宣布。并且首相已宣布行动管制令会延长到 2020 年 4 月 14 日。企业应关注这方面的进展。我们也会就此发布更多快讯。

