

Client Alert

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Conditional Movement Control Order - Prevention and Control of Infectious Diseases (Measures within Infected Local Areas) (No. 5) Regulations 2020

On 3 May 2020, the Malaysian Government issued the Prevention and Control of Infectious Diseases (Measures within Infected Local Areas) (No. 5) Regulations 2020 ("**Regulations (No. 5)**"). It allows all economic sectors to commence full operations save for certain restricted activities and subject to compliance with standard operating procedures issued for each industry. The previous regulations for the Movement Control Order had been superseded and revoked. The Regulations (No. 5) is effective from 4 May 2020 to 12 May 2020.

1. Prohibited Activity

Unlike its predecessors which set out a list of essential services that can be carried out, the Regulations (No. 5) sets out a list of activities that are prohibited, namely:

- (a) entertainment, leisure and recreational activities which may cause a crowd to gather;
- (b) activities relating to religious, cultural and art festivities which may cause a crowd to gather;
- (c) business activities which may cause a crowd to gather;
- (d) activities at a centralized labour quarters, employees' hostel and dormitory which may cause a crowd to gather;
- (e) fitting of clothes, using fitting rooms in clothes stores, trying on fashion accessories in stores and providing cosmetic testers in stores;
- (f) services in barbershops and beauty salons;
- (g) filming movies, dramas, documentaries and advertisements;
- (h) cruise ship activities, tourism services, and services at accommodation premises under the Tourism Industry Act 1992;
- (i) installation and maintenance of machinery activities (lift, escalator, boiler and others) and tower crane at construction sites in groups which may cause a gathering;
- (j) theory and practical examinations for shot-firer (blasting) for mining and quarrying industry;
- (k) certification for agriculture commodities;

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- (l) activities of financial services industry and banking, involving sales and marketing, not within the premises of financial institutions and banks, or in public places; and
 - (m) commercial activities involving sales and marketing not within business premises, or in public places, not including food business at food courts, hawker centres, food stalls, food trucks, and similar activities.

2. Movement Within and Between States and Federal Territory

A person may move within any State or Federal Territory, except to places that are under the enhanced movement control order (places under more stringent MCO measures). The 10 km travel restriction in the previous regime is no longer in force.

Inter-state travel is still prohibited under the Regulations (No. 5), save for:

- (a) travels to and from work; and
- (b) persons who have been stranded due to MCO, to return home.

Travel between States or Federal Territories is permitted only for “special and particular” reasons and subject to the prior written permission of the police officer in charge of the police station closest to the applicant.

3. Control of Gathering

Any gathering or procession for economic, religious, educational and learning, sports, recreational, social or cultural purposes are prohibited. However, gathering for a funeral is allowed provided that the attendance does not exceed twenty (20) individuals.

4. Private Vehicle

Private vehicles are allowed to carry a maximum of three (3) passengers provided that the driver and the passengers live under the same roof.

5. Public Transport, Taxi and E-Hailing Services

Public Transport service providers are only allowed to carry passengers of not more than half of the maximum capacity for each journey. A driver of a hire car, taxi cab, airport taxi cab, limousine taxi cab or *e-hailing* vehicle cannot carry more than two (2) passengers for each journey.

Conclusion

The implementation of the Regulations (No. 5) is intended to restart the Malaysian economy that has been put on hold since the MCO was first implemented on 18 March 2020.

Notwithstanding the issuance of the Regulations (No. 5) by the Federal Government, some State governments in Malaysia (such as the states of Penang, Pahang and Sabah, amongst others) had announced that they will not implement the Conditional Movement Control Order pending further review and consideration. State governments are in charge of local authorities which, similar to the Federal Government, have authority to safeguard and promote public health, and take all



necessary, reasonable and practicable measures to prevent another spike of new COVID-19 infections. Businesses are also advised to keep a close tab on further announcements from different State governments.

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