

## Client Alert

15 May 2020

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## Conditional Movement Control Order - Prevention and Control of Infectious Diseases (Measures within Infected Local Areas) (No. 6) Regulations 2020


The Prevention and Control of Infectious Diseases (Measures within Infected Local Areas) (No. 6) Regulations 2020 ("**Regulations (No. 6)**") came into force on 13 May 2020 and will be in force until 9 June 2020 ("**Fourth Extension Period**").

All directions issued by the Director General of Health ("**Director General**") under the Prevention and Control of Infectious Diseases (Measures within Infected Local Areas) (No. 5) Regulations 2020 ("**Regulations (No. 5)**") remain in force unless revoked. As such, the Standard Operating Procedures ("**SOPs**") and guidelines issued by the Director General under Regulations (No. 5) are still applicable.

### 1. Prohibited Activities

Regulations (No. 6) sets out the following list of prohibited activities:

- (a) entertainment, leisure, sports and recreational activities which may cause a crowd to gather;
- (b) *activities in pubs and night clubs, including restaurant business in pubs and night clubs\**;
- (c) activities relating to religious, cultural and art festivities which may cause a crowd to gather;
- (d) business activities which may cause a crowd to gather;
- (e) *betting, sweepstake, lottery, gaming machine or games of chance activities such as gambling, number forecast, slot machine and horse racing gambling or betting, and activities in casino\**;
- (f) activities at a centralized labour quarters, employees' hostel and dormitory which may cause a crowd to gather;
- (g) fitting of clothes, using fitting rooms in clothes stores, trying on fashion accessories in stores and providing cosmetic testers in stores;
- (h) services in barbershops and beauty salons;
- (i) filming movies, dramas, documentaries and advertisements;

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- (j) cruise ship activities, tourism services, and services at accommodation premises under the Tourism Industry Act 1992;
  - (k) installation and maintenance of machinery activities (lift, escalator, boiler and others) and tower crane at construction sites in groups which may cause a gathering;
  - (l) theory and practical examinations for shot-firer (blasting) for mining and quarrying industry;
  - (m) certification for agriculture commodities;
  - (n) 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
  - (o) 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.

*\*New prohibited activities that were not included in Regulations (No. 5)*

## **2. Movement Within and Between Infected Local Areas**


Regulations (No. 6) recognises the State of Selangor, Federal Territories of Kuala Lumpur and Putrajaya as one infected local area for the purposes of control of movement and control of gathering and procession.

In other words, any movement between Selangor, Kuala Lumpur and Putrajaya is regarded as movement within one infected local area and permitted. Inter-state travel remains prohibited, save for:

- (a) travels to and from work;
- (b) where spouses are residing in different infected local areas, one spouse may move, with prior written permission of the police officer in charge of the police station nearest to his or her residence, to the residence of his or her spouse in another infected local area; and
- (c) persons with "special and particular" reason, who shall obtain prior written permission of the police officer in charge of the police station nearest to his residence.

## **3. Control of Movement Within the State of Sarawak**

Regulations (No. 6) prohibits inter-district travels within the State of Sarawak, save where there is a "special and particular" reason, and a person shall obtain prior



written permission of the police officer in charge of the police station nearest to his or her residence.

#### **4. Control of Gathering and Procession**

Any gathering or procession, whether for economic, religious, educational and learning, sports, recreational, social or cultural purposes are prohibited. However, a gathering may be allowed if such gathering is:

- (a) for Hari Raya Puasa, Pesta Kaamatan and Gawai Dayak Day (collectively, "Festivals"), subject to the Director General's directions;
- (b) for a funeral, on the condition that the attendance at such funeral does not exceed twenty.

The National Security Council has also announced that the festival related visits:

- (i) can only be done on the first day of the Festival;
- (ii) can only be carried out by direct family members; and
- (iii) must not result in there being more than 20 individuals a day in the premise (depending on the size of the residence) to ensure that there is safe social distancing between the individuals.

#### **5. Air Public Transport to the State of Sabah or Sarawak from Peninsular Malaysia and vice versa**

Regulations (No. 6) provides that Air Public Transport Providers:

- (a) may only carry a maximum of 66.6% of the maximum load factor for each journey of a scheduled flight from the State of Sabah or Sarawak to Peninsular Malaysia; and
- (b) may carry the maximum capacity of passengers for any scheduled flights from Peninsular Malaysia to the State of Sabah or Sarawak.

Where it relates to non-scheduled flights from Peninsular Malaysia to the State of Sabah or Sarawak and all the passengers are students from Peninsular Malaysia returning to their home state of Sabah or Sarawak, the flight may carry the maximum capacity of passengers.

#### **6. Parliament or State Assembly Sitting**

Regulation (No. 6) also expressly allows a Member of Parliament or Member of a State Assembly to attend Parliamentary or State Assembly sittings, respectively. This will facilitate the parliament sitting on 18 May.



## **Conclusion**

Regulations (No. 6) demonstrates the Government's effort to refine the restrictions under the "new normal" to balance health and economic concerns. To this end, we expect the government to continue refining the restrictions to cater to and address novel circumstances arising during the conditional movement control order period. Businesses should continue to keep abreast of the relevant developments.

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