

23 October 2020



Ooi Bee Hong
Partner



Annabel Kok
Senior Associate



Shera Chuah
Pupil-in-chambers

Conditional MCO:

Permitted and Prohibited Activities – 10 Key Questions (as of 22 October 2020)

As the third wave of COVID-19 infection spreads across Malaysia approximately four months after the implementation of the Recovery Movement Control Order (**RMCO**), the Government has decided to impose the Conditional Movement Control Order (**CMCO**) in the Federal Territory of Kuala Lumpur, Selangor and the Federal Territory of Putrajaya commencing from 14 October 2020 up to 27 October 2020, barring any extension.¹

This alert sets out the activities which are currently permitted and prohibited in areas placed under the CMCO.

Q1. Can you travel across district/state borders?

Any inter-district or inter-state travel is banned, except for emergencies – such as death and medical reasons.² Datuk Seri Ismail Sabri Yaakob has clarified that the whole Federal Territory of Kuala Lumpur is considered as one district and Putrajaya as another. As an illustration, residents from Cheras may travel freely to Bukit Bintang, as both locations are within the district of Kuala Lumpur.³

As for residents in states not covered under the CMCO who are seeking to pass through Selangor, Kuala Lumpur and

¹ Buletin TV3, '[PENUH] Sidang Media Menteri Kanan Pertahanan Mengenai PKPP' (12 October 2020)

<https://www.youtube.com/watch?list=PLCZxa7dHZZMIwDI3NnlLpDpcCnkvQdo3b&v=sz9zHA5wnKg&feature=emb_logo>.

² National Security Council, 'SOP Perintah Kawalan Pergerakan Bersyarat (PKPB) – W.P Kuala Lumpur, W.P Putrajaya Dan Selangor' (Updated 19 October 2020) at p.3 <<https://asset.mkn.gov.my/web/wp-content/uploads/sites/3/2020/10/SOP-PKPB-KLPUTRAJAYA-DAN-SELANGOR-19-OKT-2020.pdf>>.

³ New Straits Times, 'CMCO: KL is a single district, residents free to travel within' (15 October 2020) <<https://www.nst.com.my/news/nation/2020/10/632584/cmco-kl-single-district-residents-free-travel-within>>.

Putrajaya to travel to other states, prior permission⁴ from the Royal Malaysian Police (**RMP**) must be obtained from the nearest police stations.⁵

Q2. Can you travel to work?

Employers must comply with the standard operating procedures (**SOP**) issued by the National Security Council (**NSC**) and are encouraged to allow their employees to perform duties which can be carried out remotely from home.⁶

The Ministry Of International Trade And Industry (**MITI**) had announced that commencing 22 October 2020, for industries in areas placed under CMCO, it is mandatory for managerial and supervisory-level employees who carry out tasks relating to accounting, finance, administration, law, planning and ICT to work from home.⁷ However, a maximum of 10% of the total number of such managerial and supervisory-level employees are allowed to be in the office from 10:00 am to 2:00 pm for 3 days a week.⁸

It is to be noted that employees working in the informal sectors (such as the retail, food, plantation, agriculture,

⁴ The application form for such permission can be obtained at any police station or downloaded from the official website of RMP at https://www.miti.gov.my/miti/resources/Media%20Release/Siaran_Media_-_Sektor_Ekonomi_Disaran_Untuk_Mempertingkatkan_Amalan_Bekerja_Dari_Rumah_Bagi_Kakitangan_Pengurusan_Dan_Penyeliaan.pdf.

⁵ *Ibid* (n2, p.3).

⁶ *Ibid*.

⁷ MITI, 'Soalan Lazim (FAQ) Berkaitan Perintah Kawalan Pergerakan Bersyarat (Pkpb) Kementerian Perdagangan Antarabangsa Dan Industri Bilangan 1' (22 October 2020) <https://www.miti.gov.my/miti/resources/SOALAN_LAZIM_PKPB_MITI_22_OKTOBER_2020.pdf>; MITI, 'Siaran media: Sektor Ekonomi Disaran Untuk Mempertingkatkan Amalan Bekerja Dari Rumah Bagi Kakitangan Pengurusan Dan Penyeliaan' (21 October 2020) <https://www.miti.gov.my/miti/resources/Media%20Release/Siaran_Media_-_Sektor_Ekonomi_Disaran_Untuk_Mempertingkatkan_Amalan_Bekerja_Dari_Rumah_Bagi_Kakitangan_Pengurusan_Dan_Penyeliaan.pdf>

⁸ *Ibid*.

hawkers, food stalls, restaurants, food courts, grocery stores, and convenience stores) and the public transportation services are not subject to the work from home directive, and are allowed to operate as usual.

Employees are permitted to travel across district borders for work with a valid work pass or letter of approval from their employers.⁹ In any event, Malaysians must bear in mind that prior permission from the police must be obtained if more than 2 persons are travelling in a vehicle.¹⁰

Q3. Can you dine-in at restaurants, hawker centres and eateries?

Although dining-in at restaurants, hawker centres and eateries are permitted, all persons governed by the CMCO are encouraged to purchase their meals via drive-through, delivery or take-away instead. Persons who opt to dine-in must adhere to the SOP¹¹ imposed, namely – ensuring that dining tables at least 2 metres apart, a maximum of up to 4 persons are seated per table (each to be seated at least 1 metre apart), screened for body temperature before entering the premises and recording the time of visit, along with their names, contact numbers and body temperature.¹²

Restaurants, hawker centres, food truck, and eateries are allowed to operate from 6:00 a.m. to 10:00 p.m., whereas food delivery services can operate from 6:00 a.m. to 12:00 a.m. during the period for which the CMCO is in place.¹³

⁹ *Ibid* (n2, p.3).

¹⁰ The Rakyat Post, 'Klang Valley CMCO Rules Updated (AGAIN!): Public Parks In KL Can Reopen' (18 October 2020) <<https://www.therakyatpost.com/2020/10/18/klang-valley-cmco-rules-updated-ep-2-gyms-football-people-in-a-car/>>.

¹¹ The SOP for restaurants and eateries as of 30 July 2020 can be found here, at page 15 <https://asset.mkn.gov.my/web/wp-content/uploads/sites/3/2020/08/SOP-Kebersihan-Keselamatan-Perumahan-Strata-Makanan-Kewangan-KPKT_-Dikemaskini-pada-30-Julai-2020.pdf>.

¹² *Ibid* (n2, p.2)

¹³ *Ibid*.

Q4. Can you participate in sporting activities?

Generally, members of the public can participate in any sporting or recreational activities which do not involve physical touching and which are done in small groups not exceeding 10 persons, such as jogging, cycling, hiking, fishing, and any other sports which can be carried out in open spaces.¹⁴

With effect from 19 October 2020, commercial football fields, gymnasiums, futsal courts and badminton courts are allowed to operate between 6:00 a.m. and 10:00 p.m., provided that users of the futsal and football courts are limited to not more than 10 persons at any given time.¹⁵ However, sporting events and tournaments with spectators in attendance and indoor sporting activities including swimming and combat sports are prohibited.¹⁶

Q5. Can you leave home to purchase food, basic necessities and essentials?

A maximum of 2 persons per household are permitted to leave home for the purposes of purchasing food, basic necessities, medication, and other essentials. Individuals who are at a higher risk of contracting the coronavirus and children are advised not to go out to public and congested places.¹⁷

Q6. Can public transport providers stay in operation?

Public transportation services such as buses, LRT, MRT, ERL, Monorail, taxi, and e-hailing services are allowed to operate as usual.¹⁸

¹⁴ *Ibid* (n2, p.5)

¹⁵ Malay Mail, 'Govt allows gyms in KL, Selangor, Putrajaya and other CMCO areas to reopen from Oct 19' (17 October 2020) <<https://www.malaymail.com/news/malaysia/2020/10/17/govt-allows-gyms-in-kl-selangor-putrajaya-and-other-cmco-areas-to-reopen/1913635>>.

¹⁶ *Ibid* (n2, p.5)

¹⁷ *Ibid* (n2, p.1).

¹⁸ *Ibid*.

Q7. Can taxi or grab drivers carry passengers?

Drivers of taxis or other e-hailing services are permitted to carry not more than 2 passengers in each of their vehicles for each trip.¹⁹

Q8. Can you gather for the purpose of performing prayers at places of worship?

All religious activities in mosques, surau and other non-Islamic houses of worship are not permitted.²⁰

Nevertheless, for the purpose of *imarah* (to enliven the mosques), the *azan* (call to prayer) for each prayer time will be allowed, provided that it is limited to 6 members of the congregation, including the *imam* and the *muazzin*.²¹ Similarly, for places of worship for non- Muslims, only a maximum of 6 persons are allowed to be on duty at any given time.²²

Q9. What are the other activities that are prohibited during the CMCO?

Based on directive issued by the NSC, the following activities are prohibited or not recommended throughout the period for which the CMCO is in force:-

- (a) Activities in entertainment centres such as pubs, night clubs, theme parks, indoor playgrounds and cinemas are prohibited;²³
- (b) All seminars, workshops, courses, trainings, conferences, lectures, exhibitions, and activities related to Meetings, Incentives, Conventions and

¹⁹ *Ibid.*

²⁰ *Ibid* (n2, p.5).

²¹ New Straits Times, 'No Friday prayers in Selangor mosques, surau until Oct 27' (16 October 2020) <
<https://www.nst.com.my/news/nation/2020/10/632864/no-friday-prayers-selangor-mosques-sarau-until-oct-27>>.

²² *Ibid* (n2, p.5).

²³ *Ibid.*

Exhibitions (**MICE**) are not allowed. Internal training for businesses can only be conducted within the compounds of such training institutions;²⁴

- (c) Face-to-face meetings are not recommended and it is advised for meeting to be held by way of video conference;²⁵
- (d) Official and unofficial government and private ceremonies, such as wedding and engagement ceremonies, *aqiqah* ceremony, anniversary celebration, birthday celebration, and any other social events are not allowed;²⁶
- (e) Tourism activities in and out of the CMCO areas are banned, so are outbound tour activities by local citizen and inbound tour activities involving foreign tourist entering Malaysia except for foreign tourists for countries specified by the Minister;²⁷
- (f) Educational institutions such as public universities (**IPTA**) and private institutions of higher learning (**IPTS**), Skills Training Institutions, schools, kindergartens, nurseries, *tahfiz* centres and childcare centres shall be temporarily closed. Despite students from schools, IPTA, and IPTS who are sitting for tests or examinations with overseas institutions are permitted to attend the examination, they are not allowed to attend physical classes in preparation for the examinations;²⁸ and
- (g) Any other activities with can cause a crowd to gather thereby making it difficult to carry out social distancing

²⁴ *Ibid* (n2, p.6).

²⁵ *Ibid*.

²⁶ *Ibid*.

²⁷ *Ibid*.

²⁸ *Ibid*.

and to comply with the directions of the Director General are not allowed.

Q10. What are the consequences in the event an offence is committed?

Any person who contravenes any of the abovementioned directives commits an offence and shall, on conviction, be liable to a fine not exceeding RM1,000 or to imprisonment for a term not exceeding 6 months or to both.²⁹

Conclusion

Due to the spike in COVID-19 cases, the NSC is currently reviewing a proposal to place Selangor under a total lockdown or enhanced movement control order (**EMCO**).³⁰ As the Government is striving to maintain a balance between reviving the country's economy and protecting the citizens from the coronavirus infection, the Rakyat is advised to continue abiding by the rules and directives imposed pursuant to the CMCO to mitigate the risk of COVID-19 transmission within the community.

Authored by Ooi Bee Hong, Annabel Kok and Shera Chuah.³¹

²⁹ Regulation 11 of the Prevention and Control of Infectious Diseases (Measures within Infected Local Areas) (No. 8) Regulations 2020 [P.U. (A) 254/2020] <http://www.federalgazette.agc.gov.my/output/pua_20200901_PUA254.pdf> .

³⁰ FMT, 'Govt considering whether to put Selangor in lockdown, says Ismail' (19 October 2020) <<https://www.freemalaysiatoday.com/category/nation/2020/10/19/mkn-reviewing-need-to-change-cmco-in-selangor-to-emco-says-ismail/>> .

³¹ Annabel Kok read law at the University of Reading and is a Senior Associate with the firm's Corporate & Real Estate Transactions practice. Shera Chuah is a pupil with the firm's Corporate & Real Estate Transactions practice. She holds a First Class Law Degree from the University of Liverpool, UK.

Contact Persons:

Ooi Bee Hong

Partner

*Head of Corporate &
Real Estate Transactions*

+6012 382 1628

beehong@rdslawpartners.com

How can we help you?

Clients may pose any matter and queries including those in relation to this alert via e-mail or telephone to:

- **Ms Ooi Bee Hong**
**Partner &
Head of Corporate & Real Estate Transactions**
- **Ms Annabel Kok**
**Senior Associate
Specializes in Corporate & Real Estate
Transactions**

About RDS

We are a full-service commercial firm with focus on the following areas:

- Capital Markets
- Civil & Commercial Disputes
- Corporate & Commercial
- Merger & Acquisitions
- Real Estate Transactions
- Tax, SST & Customs

For litigation & tax queries, please contact:

Datuk D P Naban

Senior Partner

naban@rdslawpartners.com

Rosli Dahlan

Partner

Head of Dispute Resolution

rosli@rdslawpartners.com

S Saravana Kumar

Partner

Head of Tax, SST & Customs

sara@rdslawpartners.com

**REIMAGINING
LEGAL
SOLUTIONS**