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The COVID-19 Restriction of Movement Order



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On 16 March 2020, to prevent the further spread of COVID-19 within the population in Malaysia, the Prime Minister announced that the government will implement a nationwide “Restriction of Movement Order” beginning 18 March until 31 March 2020. The announcement provides for (among other things) the closure of all government and private premises, except those involved in essential services.



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This announcement was made in line with s 11 of the Prevention and Control of Infectious Diseases Act 1988 (**PCIDA**), which provides that if the Minister of Health is satisfied that there is an outbreak of an infectious disease in any area in Malaysia, or that any area is threatened with an epidemic of any infectious disease, he may, by order in the *Gazette*, declare such area to be an infected local area (s 11(1) of the PCIDA). Further, the Minister may by regulations made under the PCIDA prescribe the measures to be taken to control or prevent the spread of any infectious disease within or from an infected local area (s 11(2) of the PCIDA).

Following from this, the Minister of Health issued the [Prevention and Control of Infectious Diseases \(Declaration of Infected Local Areas\) Order 2020](#) to declare the whole of Malaysia as an infected local area, and the [Prevention and Control of Infectious Diseases \(Measures Within the Infected Local Areas\) Regulations 2020 \(PCIDA Regulations\)](#) to provide for measures to be taken to control or prevent the spread of any infectious disease within an infected local area.

Among the key provisions in the PCIDA Regulations are:

1. “Essential services” are set out in the Schedule, and include banking and finance, electricity and energy, healthcare and medical, radio communication including broadcasting and television, telecommunication, e-commerce, hotel and accommodations.
2. Premises providing essential services may be kept open, but

personnel and patrons must be kept to a minimum.

3. Premises providing non-essential services may be kept open, only with the prior written permission of the Director General of Health.
4. Failure to comply with the PCIDA Regulations is an offence. Upon conviction, a fine of RM1,000 or imprisonment of six months, or both, may be imposed. The Regulations also provide that if a body corporate is liable for non-compliance, its director, manager, secretary or other similar officer can be charged.

The National Security Council has also issued FAQs dated 17 March 2020 on the “Restriction of Movement Order” in general (click [here](#)). Further, on 18 March 2020, the National Security Council issued an official statement, setting out the components of each essential service that would be allowed to continue to operate. The official statement also provides that certain non-essential services are allowed to operate, subject to the requirement to maintain minimum operations. This includes car repair services/towing services (click [here](#)).

Additionally, various regulators and agencies have also issued announcements providing clarification on compliance with the PCIDA Regulations for different sectors. These include the following sectors:

1. For banking and finance, Bank Negara Malaysia issued an announcement which states that essential financial services provided by banking institutions, development financial institutions, insurance companies and takaful operators will remain accessible. Further, selected non-bank money changers and remittance service providers will be allowed to open at least three days in a week to ensure availability of money changing and remittance services. (Click [here](#))
2. For food supply and retail, the Ministry of Domestic Trade and Consumer Affairs issued FAQs, providing clarification on the operation of distributors, e-commerce operators, restaurants, bakeries, food courts, tenants in hypermarkets, grocers, convenient stores, departmental stores, self-service dhobis, etc. For example, customer call centres in this sector are allowed to operate. (Click [here](#))

Companies should assess their businesses to identify if they are providing essential or non-essential services in order to take the necessary actions to comply with the PCIDA Regulations, and related directions.

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