

Khairy: People Without Face Masks Will Be Advised, Not Fined

KUALA LUMPUR, Dec 16 – Khairy Jamaluddin today said that people who do not wear face masks should be advised, not fined, under existing enforcement guidelines for the Prevention and Control of Infectious Diseases Act 1988 (Act 342).

The health minister said the guideline is clear and that instructions were given to make sure that face mask offenders are advised first, before a compound is given should they insist on or repeat the Covid-19 offence.

“For individuals, we have a guideline in place already. If you don’t wear a mask, you will be advised first – this is very clear, I have given instructions too that we shouldn’t punish.

“But when there are repeat offenders, especially among VIPs, we have to give something that will be a deterrent to them. But this is the last resort,” Khairy told reporters in Parliament today.

Despite Khairy’s assertions, the authorities previously gave an RM1,000 compound to a teenager in August 2020 for pulling down his face mask at a train platform but took no action against Communications and Multimedia Minister Annuar Musa who visited a food stall last August without wearing a face covering.

In another case in March this year, enforcers from an unnamed government agency issued a couple RM10,000 compounds each for taking off their face masks at a restaurant in Kuala Lumpur to eat and drink.

Also in March this year, then-Prime Minister Muhyiddin Yassin was shown in media photographs without a face mask as he walked through a hotel in Putrajaya to chair a Johor Bersatu and Perikatan Nasional meeting. No compounds against Muhyiddin were announced.

The Ministry of Health (MOH) is proposing to drastically enhance punishments for breaching Covid-19 rules — like not wearing face masks or not practising physical distancing — to compounds of up to RM10,000 for individuals and half a million ringgit for businesses. Compounds of offences under the existing Act 342 are limited to RM1,000 for all offenders.

Under the proposed amendments to Act 342, upon conviction in court, individuals face up to three years in prison, a fine of up to RM50,000, or both; corporate bodies can be fined up to RM2 million.

Khairy remains adamant on pushing the Act 342 amendment Bill through in Dewan Rakyat today despite it being universally opposed across all levels of Malaysian society. Sekretariat Solidariti Rakyat and Undi18 had earlier rallied youths to join a protest in Parliament this morning to urge Khairy to withdraw the Bill.

“I’ve personally met the group that had assembled outside of Parliament, received their memorandum. I’ve met all the MPs and I’ve received so much feedback, but this matter can be refined further at the special committee level for us to set the regulations.

“If I’m forced to withdraw the Bill then, of course, for the next two to three months until March, we don’t have all the measures that we need for us to face whatever it is that is going to come.

“We’ve been informed by other countries to please brace ourselves for Omicron. It’s coming, it’s here already. It was just a matter of time. At MOH, I’ve informed the Health director-general and all our frontliners, we have to be at our battle stations again.

“Although our frontliners are exhausted, I have to send them back to the battle stations because the wave is coming, and I need this amendment,” Khairy said.

“I hope with the threat arising from Omicron, I really appeal to all Members of Parliament to help the Health Ministry pass this amendment and next week, I will sit with the special select committee on health for us to refine the guidelines and regulations in detail.

“It’s impossible for me to insert the details in the Act – I can’t be including the punishment for a face mask (in the Act) because this is an Act on infectious diseases, all infectious diseases, not just the coronavirus where in the future, perhaps, the requirement will be different, the SOPs will be different. We don’t know what infectious disease will be around next, what disease Act is. So, we try to future-proof this Act and I hope this amendment can be supported,” Khairy added.

The Rembau MP said the amendment Bill is primarily targeted at repeat offenders and specific cases like the Teratai cluster in Selangor linked to rubber glove manufacturer Top Glove Corporation Berhad that was first reported on November 7, 2020, and declared to end on April 16 this year.

Although the Teratai cluster was the largest in Malaysia with 7,205 infections, only one death was reported in the Covid-19 outbreak. On the other hand, the Sri Petaling tabligh cluster – which was first detected on March 11 last year from a religious gathering at the Sri Petaling mosque and declared to end on July 8, 2020 – had infected 3,375 people, including 34 fatalities,

“The Teratai cluster involves a huge factory where the company’s annual income is in the billions. Before the Emergency Ordinances (EOs) were enacted, we were giving compounds of up to RM1,000. After the EOs were in place, they continued to create new clusters and we gave them RM10,000,” Khairy said.

“The working condition of their employees is really embarrassing, in terms of their welfare, their living space, etc. So these punishments are more targeted towards these cases.

“I hope with the threat arising from Omicron, I really appeal to all MPs to help the MOH pass this amendment and next week, I will sit with the special select committee on health for us to refine the guidelines and regulations in detail.”

In response to CodeBlue’s question on why MOH doesn’t opt to just charge CEOs of companies that repeatedly breach SOPs, instead of offering them compounds under the amendment, Khairy said: “With regards to Act 342, this is an amendment Bill that will be tabled today. My comment is bismillahi tawakkaltu ala Allah (In the name of Allah, I trust in Allah).”

The existing Act already imposes up to two years and five years of jail for the first and subsequent offence, respectively.

In a statement yesterday, the Federation of Malaysian Manufacturers (FMM) pointed out that the manufacturing sector was one of the main sectors permitted to operate throughout all phases of the National Recovery Plan.

Therefore, the manufacturing sector would be one of the main sectors with workplace infections that may have actually originated from the community.

“Please bear in mind that based on the previous statistics from the Ministry of Health (MOH), the sporadic cases took up almost 70 per cent of total positive cases which cannot be traced to any cluster whereas positive cases from cluster-based were about 30 per cent only. Thus, it most certainly cannot be equated to factories being among the most repeat offenders.

“Such a conclusion is most unfair and inaccurate, especially when there are 2.24 million employees from the community working in the manufacturing sector as of October 2021 according to the latest data from **DOSM (Department of Statistics Malaysia).**”

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