Guide to COVID-19 Related Laws & Developments

(APAC Construction)
Introduction

This guide contains a summary of the latest legal updates affecting the construction industry and which were introduced as a result of COVID-19 in selected APAC jurisdictions. In particular, this guide provides a quick summary of the key recent laws, regulations and other directives introduced relating to:

- Construction project/site-related issues;
- Construction supply-related issues;
- Operations in the local courts, arbitration centres and other dispute resolution institutions; and
- Any other key changes in the local legislation or COVID-19 related measures that may affect construction operations.

The sources used to prepare this guide are numerous and varied, and are identified for reference purposes. We understand the contents of this update to be accurate at the date of issuance of this guide.

The publication of this guide is in collaboration with Shaikh David & Co (on the section relating to Malaysia) and with Anggraeni and Partners (on the section relating to Indonesia).
APAC Region

- Australia
- Hong Kong
- Indonesia
- Malaysia
- Singapore
Australia

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## Australia

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<th>Date</th>
<th>Legislation and Notable Developments</th>
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<tr>
<td><strong>2 April 2020</strong></td>
<td><strong>NSW Ministerial Order relating to COVID-19 was released relating to the construction and development industry in NSW.</strong> Construction sites in NSW are now permitted to operate on weekends and public holidays, irrespective of what their consent may otherwise allow, subject to conditions relating to the types of works and hours worked on those days. This is intended to keep construction projects progressing by allowing building work to be spread across more days of the week while abiding by social distancing rules. We understand informally from some clients working on high profile construction sites that authorities are undertaking random inspections for compliance with social distancing rules. As such, clients should take full advantage of the new rules to sequence works in a way which balances both the health and safety of employees, with commercial deadlines.</td>
<td><a href="https://shared-drupal-s3fs.s3-ap-southeast-2.amazonaws.com/master-test/fapub_pdf/Digital+documents/Environmental+Planning+and+Assessment+Amendment+(COVID-19+-+Infrastructure+Construction+Work+Days)+Order+2020.pdf">https://shared-drupal-s3fs.s3-ap-southeast-2.amazonaws.com/master-test/fapub_pdf/Digital+documents/Environmental+Planning+and+Assessment+Amendment+(COVID-19+-+Infrastructure+Construction+Work+Days)+Order+2020.pdf</a></td>
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<td><strong>5 April 2020</strong></td>
<td><strong>The Western Australia Minister directed a closing of the Western Australia border in response to COVID-19.</strong> A person cannot enter into Western Australia unless they apply for entry and are deemed an &quot;exempt traveler&quot;. Relevant to the construction industry, exempt travelers may include: - Any person who in the course of the person's duties is responsible for critical maintenance or repair of infrastructure critical to a region of, or to, Western Australia - A FIFO worker, provided that the person will, at the expense of the person's employer, be subject to strict quarantine provisions and complete a mandatory 14 day period of isolation</td>
<td><a href="https://www.wa.gov.au/government/publications/quarantine-closing-the-border-directions">https://www.wa.gov.au/government/publications/quarantine-closing-the-border-directions</a></td>
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### Australia

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| 15 April 2020 | The NSW government announced that it is waiving a range of licence and permit fees for 12 months, including:  
- Home building contractor licence  
- Trade or specialist contractor licence  
- Asbestos removal licences and asbestos assessor licence  
- Demolition licence  
- High risk work licence                                                                 | https://www.fairtrading.nsw.gov.au/resource-library/publications/coronavirus-covid-19/fee-relief-for-businesses?fbclid=IwAR0k2dKxv7RWVFyhasFnectKD4vOLKhU5y-OweEBx/-9E3qa4lf4iV810 |
| 23 April 2020 | The Western Australia Premier announced a $24.5 million support package for construction workforce, including:  
- $10 million immediate support with a $2,000 payment to employers to maintain existing apprentices and trainees  
- $9.5 million in new monthly payment program to employers of apprentices and trainees  
- $5 million to support more than 5,000 building and construction apprentices and trainees to complete short training courses. | https://ctf.wa.gov.au/covid-19-notice/                                                      |
| 14 May 2020  | The Western Australian government has announced a staged four-phase roadmap to restarting its economy. From 18 May 2020, Western Australian’s are encouraged to return to work unless they are unwell or vulnerable. | https://www.wa.gov.au/organisation/department-of-the-premier-and-cabinet/covid-19-coronavirus-wa-roadmap |
# Australia

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<td>18 March 2020</td>
<td>The WA Supreme Court announced that unless otherwise ordered, all appearances in person at appeal and direction hearings are suspended. Both criminal appeal and civil appeal hearings will be conducted by telephone unless all parties are represented by counsel and all counsel have access to video conferencing facilities, which may then be used. Civil trials before judges will continue as listed and will only occur in courtrooms that can ensure appropriate social distancing. If a civil trial cannot be conducted in this way it will be vacated.</td>
<td><a href="https://www.supremecourt.wa.gov.au/_files/Speeches/2019/COVID-19UpdatedNotice(including%20Court%20of%20Appeal)18March2020.pdf">https://www.supremecourt.wa.gov.au/_files/Speeches/2019/COVID-19UpdatedNotice(including%20Court%20of%20Appeal)18March2020.pdf</a></td>
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<td>20 March 2020</td>
<td>The NSW Land and Environment Court issued a Practice note regarding its arrangements, which directed parties to predominantly move online, with the Online Court and Online Registry operating 24 hours a day. Where the Online Court is not practicable, the Court is accessible via telephone, for judgements, submissions etc.</td>
<td><a href="http://www.lec.justice.nsw.gov.au/Documents/Policies/COVID-19%20Pandemic%20Arrangements%20Policy%20March%202020.pdf">http://www.lec.justice.nsw.gov.au/Documents/Policies/COVID-19%20Pandemic%20Arrangements%20Policy%20March%202020.pdf</a></td>
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<tr>
<td>23 March 2020</td>
<td>The NSW Supreme Court announced that there shall be no personal appearances in any matters save in exceptional circumstances with the leave of the Chief Justice or head of jurisdiction. This also applies to unrepresented litigants. The Court will contact parties in relation to future listings to advise of the video and teleconference facilities available for their specific matter. Listings may alter at short notice and practitioners should refer to the Court’s website for updates and review the daily listing notices.</td>
<td><a href="http://www.supremecourt.justice.nsw.gov.au/Pages/Oar_Mace_Admiralty.aspx">http://www.supremecourt.justice.nsw.gov.au/Pages/Oar_Mace_Admiralty.aspx</a></td>
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### Australia

#### 25 March 2020
The NSW Supreme Court announced that the Commercial List, Technology and Construction List and Commercial Arbitration List will not be conducted in open Court.

The duty judge will determine directions on the papers unless a hearing is necessary and appropriate. If a party considers a hearing to be necessary and appropriate, it should state this and give reasons why. If a hearing is to be held it is likely to be by audio link or video link. The parties will be notified and arrangements made.


#### 27 March 2020
The WA Supreme Court announced that civil proceedings, to the extent that they involve witnesses giving oral evidence, will only proceed with the express authorisation of the Chief Justice, based on the urgency of the matter in light of available resources. This does not prevent civil proceedings, including trials, from otherwise proceeding by way of telephone or video-link, in relation to legal argument etc.


#### 7 April 2020
The Australian Federal Court announced that all matters before the Full Court shall be conducted as electronic appeals. All hearings will proceed with the use of video conferencing technology (such as Microsoft Teams), or by telephone conferencing.

Some matters may be considered appropriate to be determined on the papers, with the possibility of the Full Court giving leave to the parties to provide short oral addresses by video-conference, at a later date to be fixed.

Australia

The High Court of Australia announced it will not be sitting in Canberra or on circuit in the months of April, May and June. The question of future sittings will be reviewed in June. The Court will continue to deliver judgments and deal with special leave applications including hearings as necessary at individual registries and will hear any urgent matters that may arise using video conferencing technologies.

The Australian Centre for International Commercial Arbitration (ACICA) announced it is working remotely. ACICA requests that all new filings from 19 March 2020 until staff return to the office, be made through the ACICA E Filing system or by email to the ACICA Secretariat (secretariat@acica.org.au). ACICA notes that hard copies will be required to be provided to ACICA once the office re-opens. ACICA encourages parties to take steps to agree in writing with their counter-parties that notification and delivery by electronic means is authorised in order to avoid any potential delay to the commencement of an arbitration. Such authorisation should be provided to ACICA in accordance with Article 4 of the ACICA Rules.

Date | Any other key changes | Link
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23 March 2020 | The NSW Treasurer wrote a letter to the construction industry, which reassures the industry that the government remains committed to delivery of its infrastructure program, and their intention to work flexibly with contractors. | https://www.planning.org.au/documents/item/10568
Hong Kong

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<td>27 January 2020</td>
<td><strong>Measures affecting supply of labour: Restrictions on Entering Hong Kong</strong>&lt;br&gt; The Hong Kong SAR Government restricts any Hubei residents, and non-Hong Kong residents who have visited the Hubei Province in the past 14 days upon arrival from entering Hong Kong.</td>
<td><a href="https://www.info.gov.hk/gia/general/202001/26/P2020012600751.htm">https://www.info.gov.hk/gia/general/202001/26/P2020012600751.htm</a></td>
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<td>6 March 2020</td>
<td>All inbound travellers are required to submit health declaration form.</td>
<td><a href="https://www.info.gov.hk/gia/general/202003/06/P2020030600821.htm">https://www.info.gov.hk/gia/general/202003/06/P2020030600821.htm</a></td>
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<td>25 March 2020</td>
<td>Further restrictions have been implemented until further notice:&lt;br&gt; 1. All non-Hong Kong residents coming from overseas countries and regions by plane will be denied entry to Hong Kong; and&lt;br&gt; 2. Non-Hong Kong residents coming from the Mainland, Macao and Taiwan will be denied entry to Hong Kong if they have been to any overseas countries and regions in the past 14 days.</td>
<td><a href="https://www.info.gov.hk/gia/general/202004/06/P2020040600671.htm">https://www.info.gov.hk/gia/general/202004/06/P2020040600671.htm</a>&lt;br&gt;<a href="https://www.news.gov.hk/eng/2020/04/20200406/20200406_204326_222.html">https://www.news.gov.hk/eng/2020/04/20200406/20200406_204326_222.html</a>&lt;br&gt;<a href="https://www.chp.gov.hk/en/index.html">https://www.chp.gov.hk/en/index.html</a>&lt;br&gt;<a href="https://www.coronavirus.gov.hk/eng/inbound-travel.html">https://www.coronavirus.gov.hk/eng/inbound-travel.html</a></td>
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Inbound travellers from overseas:

1. Hong Kong residents arriving in Hong Kong who have been to Daegu and Gyeongsangbuk-do in Korea, Iran, or Emilia-Romagna, Lombardy and Veneto regions in Italy in the past 14 days have to stay in a quarantine centre for quarantine.

2. Hong Kong residents arriving in Hong Kong who have been to any other overseas countries or areas in the past 14 days are subject to compulsory quarantine at designated places (home or other accommodation).

25 March 2020 Inbound travellers from the Mainland, Macao or Taiwan (including Hong Kong and non-Hong Kong residents) have to stay at designated places (home or other accommodation) for 14-day quarantine.

All inbound travellers who are subject to the compulsory quarantine specified above should not have any symptoms and should have passed temperature checks upon entry. Those with symptoms will be referred to the Department of Health for further handling. Arrivals holding a visa with validity of less than 14 days will be denied entry.

Contravention of a quarantine order is a criminal offence and offenders are subject to a maximum imprisonment for 6 months and fine of HK$25,000.

28 April 2020 The Compulsory Quarantine of Certain Persons Arriving at Hong Kong (Amendment) (No.2) Regulation 2020 (the Amendment Regulation) commences at 0.00am 29 April 2020. The major amendments under the Amendment Regulation are:

1. Extending the expiry date for the Compulsory Quarantine of Certain Persons Arriving at Hong Kong Regulation (Cap. 599C) to 7 June 2020.
2. Broadening the exemption of person or category of persons from compulsory quarantine arrangement to include (a) persons who need to enter Hong Kong in receiving or providing nursery, kindergarten, primary or secondary education at any school registered under the Education Ordinance (Cap. 279) in Hong Kong or for the safe travelling of these persons for the abovementioned purpose, including cross-boundary students and related personnel and service providers; and (b) persons whose travelling is necessary for purposes relating to manufacturing operations, business activities or the provision of professional services in the interest of Hong Kong’s economic development.

3. Empowering the Director of Health to cancel quarantine order.

4 May 2020 The Government announced the mechanism for Hong Kong enterprises with manufacturing operations in the Mainland to apply for exemption from the compulsory quarantine arrangement. The Trade and Industry Department started processing applications.
**Other Measures which may affect labour – Restrictions on catering businesses and scheduled premises, prohibition on group gathering and social distancing**

The Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation (Cap. 599F) commenced and stipulates measures to regulate catering business premises and scheduled premises. In particular:

1. It directs the suspension of various businesses (extended up to 7 May 2020) including clubs/nightclubs, karaoke establishments, mahjong-tin kau premises, beauty parlour (later added), etc.
2. It also imposes various requirements on all catering businesses, e.g. body temperature screening on a person must be conducted before entry; hand sanitisers must be provided, etc.

Some of the social distancing measures in relation to catering business and scheduled premises were relaxed since 8 May 2020 for 14 days till 21 May 2020. For instances, fitness center, club house, beauty parlour, mahjong-tin kau premises, etc are allowed to reopen subject to various restrictions. However, bathhouse, party room, club/nightclub and karaoke establishment should remain closed.

Contravention of the requirements would be a criminal offence. Offenders are subject to a maximum fine of HK$50,000 and imprisonment for six months.

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**The Prevention and Control of Disease (Prohibition on Group Gathering) Regulation (Cap. 599G)** commenced and takes effect for 3 months. It prohibits group gathering of more than 4 persons in any public place during a specified period (extended up to 7 May 2020) to curb local transmission.

On 8 May 2020, some of the social distancing measures in relation to group gathering in public places were relaxed for 14 days till 21 May 2020. For instance, the number of persons allowed in group gatherings in public places will be relaxed from 4 to 8.

There are 12 legal exemptions including group gatherings for the purposes of or related to transportation; and at a place of work for the purposes of work, etc.
Hong Kong

Contravention of the requirements would be a criminal offence. Offenders are liable to a maximum fine of HK$25,000 and imprisonment for six months. Persons who participate in a prohibited group gathering may discharge liability for the offence by paying a fixed penalty of HK$2,000.

30 March 2020

**Measures affecting Workplace: Use of Personal Data**

The Privacy Commissioner for Personal Data issued a media statement “Fight COVID-19 Pandemic Guidelines for Employers and Employees”, which provides, amongst others,

1. Employers have legal and corporate responsibilities to protect the health of their employees and visitors. In times of COVID-19, it is generally justifiable for employers to collect temperature measurements of employees and visitors and travel history data of employees.

2. Collection and processing of employees’ personal data should be specifically related to and used for the purposes in relation to public health and should be limited in both duration and scope as required in the particular situation.

3. All practicable steps shall be taken to protect employees’ medical or health data collected against unauthorized or accidental access, processing, erasure, loss or use.

7 January 2020

(Measured updated on 30 March 2020)

**Measures affecting Workplace: Occupational safety and health**

The Centre for Heath Protection (CHP) published the “Health Advice on Prevention of Coronavirus disease (COVID-19) in Workplace (Interim)”. Although it contains advice more related to office setting, it provides guidance on how the staff and management may take preventive measures including checking body temperature regularly and environment hygiene.

The Occupational Safety and Health Council (OSHC) also published a “COVID-19 OSH Information Pack” on its website.
Limited Operation of the Buildings Department ("BD")

1. The BD provides emergency, essential and limited public services, which mainly include handling public reports on building safety and unauthorized building works in progress, critical statutory submissions for new developments, registration of building professionals and contractors, advisory services for licensing authorities and implementation of Operation Building Bright 2.0.

2. The Building Information Centre and all receipt counters, dispatch counters, general enquiry counters and meeting rooms of the BD were not open to the public until further notice.

3. Submission of certain applications and documents could be made but the handling time would be longer than usual.

4. Except for meetings essential to meet statutory requirements, all appointments, meetings and inspections scheduled for the affected period were rescheduled to later dates.

The Receipt and Dispatch Counter at the BD’s New Buildings Divisions has been reopened and continued to maintain counter services (the opening hours were adjusted to 8.30am to 5:30pm on Monday, Wednesday and Friday (except public holidays) since 20 April).

The BD continues to provide emergency, essential and limited public services. Meetings are generally rescheduled. Although submission of certain applications and documents in person can be made but the handling time may be longer than usual.
## Hong Kong

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<tr>
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<th>Updates on Local Courts &amp; Dispute Resolution Institutions</th>
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<tr>
<td><strong>Courts/Tribunals</strong></td>
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<tr>
<td>28 Jan to 21 Feb 2020</td>
<td>All hearings of the courts/tribunals originally scheduled from 29 January to 1 March 2020 were generally adjourned.</td>
<td><a href="https://www.info.gov.hk/gia/general/202002/21/P20200222100405.htm">https://www.info.gov.hk/gia/general/202002/21/P20200222100405.htm</a></td>
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<td>During the general adjournment period (“GAP”), only urgent and essential hearings/matters would be dealt with in accordance with the established mechanisms including the Duty Judge system, such as fresh remand cases, bail-related and sentencing hearings and urgent applications.</td>
<td><a href="https://www.info.gov.hk/gia/general/202002/13/P20200213000674.htm">https://www.info.gov.hk/gia/general/202002/13/P20200213000674.htm</a></td>
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<td><a href="https://www.info.gov.hk/gia/general/202002/08/P2020020800177.htm">https://www.info.gov.hk/gia/general/202002/08/P2020020800177.htm</a></td>
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<td><a href="https://www.info.gov.hk/gia/general/202002/01/P2020020100602.htm">https://www.info.gov.hk/gia/general/202002/01/P2020020100602.htm</a></td>
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<td>27 Feb 2020</td>
<td>The Judiciary announced that it would adopt a progressive and staggered approach for the resumption of proceedings and re-opening of court registries from 2 March 2020.</td>
<td><a href="https://www.info.gov.hk/gia/general/202002/27/P20200222700465.htm">https://www.info.gov.hk/gia/general/202002/27/P20200222700465.htm</a></td>
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22 Mar 2020
In view of the surge in COVID-19 confirmed cases, the GAP was extended for two weeks from 23 March until 5 April 2020.
https://www.info.gov.hk/gia/general/202003/22/P2020032200348.htm

25 Mar 2020
The Chief Justice stated in his public statement that alternative modes by hearing submissions, such as by telephone and video-conferencing, were being considered by the Judiciary.

28 Mar 2020
The GAP would continue from 30 March to 13 April 2020.
https://www.info.gov.hk/gia/general/202003/28/P2020032800353.htm

6 and 7 April 2020
Two cases were heard by way of video conferencing facilities at the Court of Appeal and the Court of First Instance of the High Court.
https://www.info.gov.hk/gia/general/202004/08/P2020040800665.htm

8 April 2020
The Judiciary announced that the GAP would continue from 14 April to 3 May 2020.
https://www.info.gov.hk/gia/general/202004/08/P2020040800665.htm

22 April 2020
The Judiciary announced that the GAP will end on 3 May 2020. All court proceedings will generally resume from 4 May 2020.
https://www.info.gov.hk/gia/general/202004/22/P2020042200413.htm

8 May 2020
The registries, accounts office of the Court of Final Appeal, High Court, District Court and the Competition Tribunal resumed normal from 8 May 2020.
The Judiciary announced that the registries and accounts offices of the Family Court and the Lands Tribunal will reopen on 13 May and 15 May 2020 respectively.
https://www.info.gov.hk/gia/general/202005/06/P2020050600522.htm
https://www.info.gov.hk/gia/general/202005/08/P2020050800276.htm

14 May 2020
The registries and accounts offices of the Magistrates’ Courts, the Coroner’s Court and the Obscene Articles Tribunal will re-open on 19 May 2020 while those of the Small Claims Tribunal and the Labour Tribunal will re-open on 21 May 2020.
https://www.info.gov.hk/gia/general/202005/14/P2020051400457.htm
Hong Kong

Hong Kong International Arbitration Center ("HKIAC")

27 March 2020
HKIAC’s premises remain operational and accessible for hearings and meetings.
Parties are also advised to consider using virtual hearing services.

6 May 2020
In April and May 2020, approximately 85% of all hearings had required or would require virtual hearing services either in full or part. For example:
1. Combination of a physical hearing at HKIAC and virtual hearing services in different locations and time zones;
2. Urgent hearings on short notice in different locations in Hong Kong; and
3. Fully virtual hearings in multiple locations and time zones handled by HKIAC remotely.

Online Dispute Resolution ("ODR") Scheme

13 April 2020
The ODR scheme intends to provide speedy and cost-effective means to resolve COVID-19 related disputes, especially for those involving micro, small and medium-sized enterprises. The claim amount for each case is capped at HK$500,000.

Either one of the parties (claimant or respondent) must be a Hong Kong resident or company and they will only be required to each pay HK$200 registration fees. The parties will be required to enter into a dispute resolution agreement to record their consent.

The scheme will engage eBRAM (electronic Business Related Arbitration & Mediation system) to provide the ODR services.


A multi-tiered dispute resolution mechanism will be adopted:

1. The parties will first attempt to negotiate;
2. If negotiation fails, there will be mediation; and
3. If mediation fails, the parties will enter arbitration for a final and binding award.

The Government would launch the scheme in June if funding is provided in April. Parties are also advised to consider using virtual hearing services.

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<td>Beneficiaries / Subsidized amounts:</td>
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<tr>
<td></td>
<td>1. Eligible Consultants, Contractors and Subcontractors: HK$50,000 each;</td>
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<td>2. Eligible Registered Construction Workers: HK$1,500 each.</td>
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<td>1 Apr 2020</td>
<td>Support measures extended to workers engaged in small-scale works outside construction sites, e.g. those involved in renovation, repair and maintenance, as well as small and medium enterprise consultants which are company members of professional institutions and associations.</td>
<td><a href="https://www.info.gov.hk/gia/general/202004/01/P2020040100688.htm">https://www.info.gov.hk/gia/general/202004/01/P2020040100688.htm</a></td>
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<td>Beneficiaries / Subsidized amounts:</td>
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<td>1. Eligible worker: HK$1,000 each;</td>
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<td></td>
<td>2. Eligible consultant: HK$20,000 each.</td>
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The Hong Kong government announced a second round of HK$137.5 billion package of relief measures to help businesses stay afloat, keep workers in employment, relieve financial burdens of individuals and businesses and assist the economy to recover once the epidemic is contained.

In relation to the construction industry, the government has proposed the following subsidies:

1. Providing a subsidy of HK$7,500 to each eligible Registered Construction Worker;
2. Offering a subsidy of HK$20,000 to each eligible contractor, specialist contractor and supplier, and company member of major construction-related trade associations;
3. Offering a subsidy of HK$10,000 to each eligible Registered Minor Works Contractor, Registered Electrical Contractor, Registered Gas Contractor, Registered Lift / Escalator Contractor, Registered Contractor under Builders’ Lifts and Tower Working Platforms (Safety) Ordinance, Registered Fire Service Installation Contractor and each eligible supplier of construction-related machineries and equipment rental;
4. Providing training subsidies to some 600 consulting firms through the Construction Industry Council. The subsidy for each company will be HK$50,000.
In addition, the government has proposed a flexible handling of government works and non-works contracts and other development projects, measures include the following:

1. Extension of deadline for project completion in accordance with contract mechanism and/or relax the payment schedules of Government works and non-works contracts, as well as extend the building covenant period for development projects by up to six months in land leases;

2. For non-works contracts, the Government will encourage procuring departments to provide more frequent payments to contractors, break up milestones in payment schedules into more deliverables to enable more frequent payments, and provide larger sums for upfront/milestone payments. Procuring departments have also been urged to do their best to compress their normal payment cycle from 30 days to around one to two weeks.
Hong Kong

12 May 2020

The Government will launch an Employment Support Scheme (ESS) of HK$81 billion to provide time-limited financial support to employers to retain their employees (whose Mandatory Provident Fund (MPF) accounts were set up on or before 31 March 2020).

The first tranche of the ESS will provide wage subsidies for 3 months from June to August 2020. The application period will commence on 25 May and last for 3 weeks. Employers participating in the ESS must provide an undertaking not to make redundancies during the subsidy period, and to spend all the wage subsidies on paying wages to the employees.

The Government has also announced 4 improvement measures in respect of the ESS, including:

1. Extending the coverage of the ESS to employees aged 65 or above under the MPF schemes;
2. Extending the coverage of the ESS to 2 MPF Industry Schemes (tailor-made for the construction industry and catering industry) which were previously excluded;
3. Relaxing the eligibility of self-employed persons (SEPs) that they should have made MPF contributions between 1 January 2019 and 31 March 2020; and
4. The amount of wage subsidies will be calculated based on 50% of the actual wages paid to each employee in the “specified month” (any one month between December 2019 and March 2020) at the choice of the employers based on the situation of the enterprises, with a wage cap at HK$18,000 per month.

https://www.info.gov.hk/gia/general/202005/12/P2020051200764.htm
Indonesia

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In an effort to mitigate risks arising out of the COVID-19 pandemic, the Indonesian government and judicial body have issued several regulations which may, directly or indirectly, affect construction service businesses, namely:


2. Circular Letter of the Supreme Court Number 1 of 2020 on Adjustment of the Working System for Judges and Court Apparatus as an Effort to Prevent the Spread of COVID-19 at the Supreme Court and Subordinate Courts ("Supreme Court Circular Letter").

3. Regulation of the Ministry of Health Number 9 of 2020 on Guidelines on the Implementation of Large-Scale Social Restriction ("MH Regulation").

4. Instruction of the Minister of Public Works and Public Housing No. 02/IN/M/2020 of 2020 on Corona Virus Disease 2019 (COVID-19) Prevention Protocol in Organization of Construction Services ("MPW Instruction").

5. Letter from Minister of Manpower Number M/6/HI.00.01/V/2020 on Implementation on Religious Festive Allowance of 2020 in a Company during the Covid-19 Pandemic of 2020 ("MOM Circular V").

6. Indonesia Arbitration Centre (BANI) has announced on its official website that all arbitration hearings are temporarily suspended until the next announcement. However, for administrative and secretarial purposes, it can be served every Monday and Thursday, with office hours from 10:00 a.m. to 03:00 p.m.
We set out below a summary of the key provisions of the aforesaid regulations:

<table>
<thead>
<tr>
<th>Date</th>
<th>Regulation</th>
<th>Excerpt</th>
</tr>
</thead>
<tbody>
<tr>
<td>17 March 2020</td>
<td>Employment</td>
<td>MOM Circular III principally requests from the Minister of Manpower to each governor in Indonesia to: 1) endeavor prevention of COVID-19 transmission in the working environment, and 2) implementing wages protection for the workers. Terms and conditions for wages protection are as follows: 1. For workers with person under monitoring (ODP) status related to COVID-19 as evidenced by statement letter from the relevant physician, causing the relevant worker unable to work for maximum 14 days or in accordance with standard provided by the Ministry of Health, his salary are paid in full; 2. For workers categorized as suspected cases of COVID-19 and are quarantined/isolated according to statement letter form the relevant physician, the wages will be paid in full during the quarantine/isolation period; 3. For workers who are unable to work due to COVID-19 illness, as evidenced by statement letter from the relevant physician, his wages are paid according to applicable laws; 4. For companies applied business activity restrictions due to government policy in their respective regions for the prevention of COVID-19, causing some or all of their workers become unable to work, by taking into account business continuity, the changes of the amount and payment method of on the wages to the relevant workers is conducted in accordance with mutual consent between the company and its workers.</td>
</tr>
<tr>
<td>23 March 2020</td>
<td>Supreme Court Circular Letter</td>
<td>The Circular Letter grants discretion to the judges to work from home, postpone a court hearing, or restrict the number of attendants in the hearing. In addition, the Circular Letter encourages the parties to use the e-litigation system for civil lawsuit filing.</td>
</tr>
</tbody>
</table>
### Indonesia

<table>
<thead>
<tr>
<th>Date</th>
<th>Topic</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>27 March 2020</td>
<td>Prevention Protocols</td>
<td>The MPW Instruction applies to the organization of construction service conducted by both central or regional government at the Ministry of Public Work and Public Housing. The instruction requires each Commitment-Making Officer (Pejabat Pembuat Komitmen – PPK) at the Ministry of Public Work and Public Housing to implement: 1. Protocols for the prevention of COVID-19 in the organization of construction services. 2. Follow-up to the contract of construction service organization; and 3. Protocols for the Prevention of COVID-19 in the implementation of goods procurement in construction service. The instruction provides that PPK and construction service provider (contractor) shall jointly ensure the implementation of the protocols in the organization or construction service. Technicalities of the protocols are attached in the attachment of the instruction.</td>
</tr>
</tbody>
</table>
| 3 April 2020    | MH Regulation               | **Large-Scale Social Restrictions**  

Pursuant to MH Regulation, the Minister of Health is authorized to implement the status of Large-Scale Social Restriction ("LSRR") to certain region based on application submitted by the governor, regent, mayor, or task force of the relevant region. The implementation of LSSR covers the following matters:  

a. Closure of educational facilities and workplaces (mandatory study and working from home), except for offices or agencies that provide essential services related to defense and security, public order, food supplies, fuel and gas supplies, health services, economics, finance, communications, industry, exports and imports, distribution, logistics and basic needs.  
b. Closure on religious activities.  
c. Restrictions on activities in public places and facilities.  
d. Restrictions on social and cultural activities.  

Indonesia

6 May 2020  Employment  MOM Circular V principally requests from the Minister of Manpower to each governor in Indonesia to ensure companies to pay Religious Festive Allowance to workers in accordance with applicable laws.

In case the company is unable to pay the Religious Festive Allowance at the time specified in accordance with applicable laws, then a dialogue can be held between the company and workers. The results of a dialogue as follows:

a. If the company is unable to pay Religious Festive Allowance in full at the time specified in accordance with applicable laws, then the Religious Festive Allowance payment can be made in instalment;

b. If the company is unable to pay the Religious Festive Allowance at all at the time specified in accordance with applicable laws, the Religious Festive Allowance payment can be delayed until the agreed time; and

c. The time and method of imposing fines for late payment of Religious Festive Allowance.

e. Restrictions on transportations.

f. Restrictions on other activities relation to defense and security.

Regions that have been declared as LSSR among other Special Region of Jakarta, City of Surabaya, Greater Bandung, City of Bogor, Regency of Bogor, City of Bekasi, Regency of Bekasi, and City of Pekanbaru.
Malaysia

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### Malaysia

<table>
<thead>
<tr>
<th>Date</th>
<th>Legislation and Notable Developments</th>
<th>Link</th>
</tr>
</thead>
<tbody>
<tr>
<td>16 April 2020</td>
<td>The first phase of the Movement Control Order [&quot;MCO&quot;] for Malaysia started on 18.3.2020 to 31.3.2020 with only “essential services” allowed to operate. This did not include construction. The MCO was extended further to 14.4.2020. This was further extended to 28.4.2020.</td>
<td><a href="https://www.miti.gov.my/miti/resources/Media%20Release/Press_Conference_-_Allowing_Additional_Economic_Sectors_to_Operate.pdf">https://www.miti.gov.my/miti/resources/Media%20Release/Press_Conference_-_Allowing_Additional_Economic_Sectors_to_Operate.pdf</a></td>
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<td></td>
<td>On 16.4.2020 the Ministry of International Trade &amp; Industry of Malaysia [&quot;MITI&quot;] issued guidelines to allow additional economic sector to operate including, “Construction projects and services related to construction works”.</td>
<td></td>
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<td></td>
<td>This is subject to application being made at the MITI Portal. The application will be by way of self-declaration and must be accompanied by an undertaking from the applicant to comply with all the regulations and Standard Operating Procedure [&quot;SOP&quot;] prescribed by the relevant governmental bodies.</td>
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<td>The type of projects that is allowable are as follows:</td>
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<td>– Projects where Gred 1 and Gred 2 rated construction companies are the main contractor;</td>
<td></td>
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<td></td>
<td>– Project certified to be 90% complete;</td>
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<td></td>
<td>– Tunneling works;</td>
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<td>– Maintenance and operation works;</td>
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<td>– Slope works;</td>
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<td>– Bridge and viaduct works;</td>
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<td>– Soil investigation works;</td>
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</tbody>
</table>
Malaysia

- Works on buildings with 70 and above IBS score;
- Construction projects with Centralised Labour Quarters ["CLQ"] facilities;
- Emergency works incorporated into contractual agreements;
- Maintenance, cleaning and drying of stagnant water, pesticide spraying at construction site to prevent mosquitoes;
- Works which may lead of endangerment if not continued with;

All other professional services involved in construction including design, engineering, planning, land survey, QS, project management, facility management and others.

Applications need to not be accompanied by supporting documents but an undertaking must be given that the supporting documents will be ready for inspection by the authorities on site.

Once approved, MITI will provide a Letter of Authorization to Operate which will have to be displayed at the construction site.
## Malaysia

<table>
<thead>
<tr>
<th>Date</th>
<th>Updates on Local Courts &amp; Dispute Resolution Institutions</th>
<th>Link</th>
</tr>
</thead>
</table>
| 26 March 2020 | Notification from the Office of the Chief Registrar of Malaysia on operations during the MCO:  
- Civil and criminal cases fixed for hearing during the MCO are adjourned;  
- The E-filing system will operate as usual;  
- Certificate of Urgency applications will be dealt on a case to case basis;  
- Case managements will be conducted as usual via eReview and  
- Upon agreement of parties and subject to the discretion of the court, hearings can be held via video;                                                                                     | http://www.kehakiman.gov.my/sites/default/files/2020-03/KENYATAAN%20MEDIA%20PKPMP%2026.3.2020%20-%20PEMAKLUMAN%20PENDENGARAN%20KES%20SECARA%20DALAM%20ITALIAN%20SEMASA%20TEMPOH%20PERINTAH%20KAWALAN%20PERGERAKAN.pdf |
| 24 April 2020 | Notification from the Office of Chief Registrar provides what hearings can be conducted via online hearings and the guidelines for handling video hearings. Online hearings can commence on 4 May 2020.  
- Interlocutory Appeals  
- Uncontested interlocutory hearings  
- Appeals  
- Court mediations  

<table>
<thead>
<tr>
<th>Date</th>
<th>Any Other Key Changes</th>
<th>Link</th>
</tr>
</thead>
<tbody>
<tr>
<td>7 April 2020</td>
<td>Certain areas in Kuala Lumpur was declared to be under Enhanced MCO [“EMCO”] whereby movement to that particular area will be totally restricted. No one can leave the area or enter the area and no business activity at all the area declared.</td>
<td><a href="https://www.pmo.gov.my/2020/04/enhanced-movement-control-order-emco-at-selangor-mansion-and-malayan-mansion-kuala-lumpur/">https://www.pmo.gov.my/2020/04/enhanced-movement-control-order-emco-at-selangor-mansion-and-malayan-mansion-kuala-lumpur/</a></td>
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</table>
Singapore

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### Singapore

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<tr>
<td>Date</td>
<td>Description</td>
<td>Link</td>
</tr>
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<td>------------</td>
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<td>--------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>30 April 2020</td>
<td>MOM issued an advisory to employers on the setting up of medical facilities and implementing measures to ensure a safe living environment.</td>
<td><a href="https://www.mom.gov.sg/covid-19/advisory-to-employers-on-medical-facilities-and-safety-measures">https://www.mom.gov.sg/covid-19/advisory-to-employers-on-medical-facilities-and-safety-measures</a></td>
</tr>
<tr>
<td>30 April 2020</td>
<td>MOM issued an advisory to dormitory operators on the setting up of medical facilities and implementing measures to ensure a safe living environment.</td>
<td><a href="https://www.mom.gov.sg/covid-19/advisory-to-dorm-operators-on-medical-facilities-and-safety-measures">https://www.mom.gov.sg/covid-19/advisory-to-dorm-operators-on-medical-facilities-and-safety-measures</a></td>
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## Singapore

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<tr>
<th>Date</th>
<th>Event</th>
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</table>
20 April 2020

The Singapore government passed the COVID-19 (Temporary Measures) (Temporary Relief for Inability to Perform Contracts) Regulations 2020 (the “Regulations”), in relation to the Covid-19 (Temporary Measures) Act 2020 (i.e. the Act)

**Employees**

Generally, employees to a construction or supply related contract are not covered by the reliefs afforded by the Act.

**Notices**

The Regulations prescribes the form of the notice for relief, and the mode by which notice may be served on a party. Parties are to serve notices:

(a) Using an electronic system to a party’s last email address. The electronic system can be accessed at https://www.mlaw.gov.sg/covid19-relief/notification-for-relief

(b) Where a party is unable to serve its notice by way of the electronic system, the notice may be served to the opposing party’s last email address using any other means.

(c) In the event a party is unable to serve the notice by way of the electronic system or email, the notice may be served by way of an online messaging platform where:

   i. The opposing party either has an account for the use of an internet based messaging service, or is the owner or operator of an internet website, a blog or a page on any social media or social networking internet website which provides a mechanism for the opposing party to receive electronic communication; and

   ii. The said mechanism is the means, or one of the means, by which the parties correspond on matters concerning the scheduled contract in question.

(d) In the event the notice cannot be served using the methods set out above, a party may serve the notice to the opposing party’s last postal address by way of prepaid registered post.

Singapore

The Assessor's Determination

Any party or parties to the contract who wish to apply for an Assessor's Determination ("the Applicant") must submit to the Registrar an application after serving or being served a notification for relief.

Unlike other contracts, a party to a construction or supply contract may apply for their dispute to be determined by an assessor for an additional 2 months after the end of the prescribed period (i.e. within 8 months commencing on 20 April 2020). A summary of the procedure for making an application to the assessor is summarized below:

Step 1: Applicant applies for an Assessor's Determination
Step 2: Registrar reviews application for an Assessor's Determination
Step 3: Applicant serves documents on the Respondent
Step 4: Applicant submits a declaration of service
Step 5: Respondent submits a response
Step 6: Registrar sets an appointment for hearing
Step 7: Assessor conducts hearing and makes a determination
Step 8: Registrar informs Applicant and Respondent of Assessor's Determination.

Note that the Assessor's may not make any further determinations for cases involving:

(a) A performance bond or equivalent that is granted pursuant to a construction contract or supply contract;
(b) A construction contract or supply contract.
Singapore

Given the spread of COVID-19 among Singapore’s foreign workers, the following foreign worker dormitories have been declared as isolation areas under the Infectious Diseases Act:

On 16 April:
(a) Shaw Lodge Dormitory;
(b) North Coast Lodge; and
(c) Tuas View Dormitory.

On 17 April:
(a) Kranji Lodge 1.

On 18 April:
(a) Westlite Mandai Dormitory;
(b) PPT Lodge 1A; and
(c) Jurong Penjuru Dormitory 1.

On 19 April:
(a) Avery Lodge; and
(b) Cassia @ Penjuru.

On 20 April:
(a) 31 Sungei Kadut Avenue.

On 22 April:
(a) Changi Lodge 2;
(b) Homestay Lodge.

## Singapore

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
<th>URL</th>
</tr>
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<tbody>
<tr>
<td>16 April 2020</td>
<td><strong>MOM advisory on employer-assisted remittance for foreign works residing in dormitories</strong>&lt;br&gt;Employers strongly advised to check with their foreign workers on whether they need help to remit their salaries, either in part or in full, to an overseas bank account of their choice, and if so, to offer them the option of assisting to do the remittance on their behalf.</td>
<td><a href="https://www.mom.gov.sg/covid-19/advisory-to-employer-assisted-remittance-for-foreign-workers-residing-in-dormitories">https://www.mom.gov.sg/covid-19/advisory-to-employer-assisted-remittance-for-foreign-workers-residing-in-dormitories</a></td>
</tr>
<tr>
<td>14 April 2020</td>
<td><strong>MOM announced key actions to Manage Transmission of COVID-19 in All Dormitories</strong>&lt;br&gt;Workers transferred to alternative living areas from the dormitories, particularly foreign workers in essential services. Other than workers in essential services, workers residing at all the dormitories will not be allowed to work during the circuit breaker period.&lt;br&gt;More stringent measures on safe distancing have been implemented at all dormitories, including factory-converted dormitories.</td>
<td><a href="https://www.mom.gov.sg/newsroom/press-releases/2020/0414-key-actions-to-manage-transmission-of-covid-19-in-all-dormitories">https://www.mom.gov.sg/newsroom/press-releases/2020/0414-key-actions-to-manage-transmission-of-covid-19-in-all-dormitories</a></td>
</tr>
</tbody>
</table>
Singapore

13 April 2020

**MOM advisory for employers of workers staying in Factory Converted Dormitories, Construction Temporary Quarters or Temporary Occupation Licence quarters**

Among other things, Work Pass Holders are to observe the following safe distancing measures:

(a) No inter-mixing of workers while staying at the dormitory / quarters.
(b) Minimise time spent in public areas.
(c) Mandatory to register time in/out when leaving the dormitory / quarters.
(d) Maintain safe distance.


12 April 2020

The BCA issued an advisory to say that all work, including all building works as defined in the Building Control Act are required to cease with effect from 7 April 2020, 0000 hours to 4 May 2020, 2359 hours (both dates inclusive).

When the work suspension is in force, all building works shall cease, except for works that are deemed essential, including:

(a) Maintenance of the structural safety and integrity of building works;
(b) Maintenance of security of the project site;
(c) Environmental protection of the project site (e.g. Vector control).

[Link to BCA advisory](https://www1.bca.gov.sg/docs/default-source/docs-corp-news-and-publications/circulars/advisory-for-construction-industry.pdf?sfvrsn=c6302880_8)
Singapore

11 April 2020

**MOM Advisory - Foreign workers must remain in their place of residence during Circuit Breaker period**

Except for those who are performing essential services and allowed to commute for work, foreign workers should remain in their place of residence, including on their rest day. For those who reside in dormitories, they should also comply with any additional instructions from their operators. If it is possible and necessary for them to go out to buy meals or run essential errands, they can do so but should return to their place of residence immediately thereafter. They should not loiter or gather in any public spaces. Foreign workers should wear a mask when making essential trips.

Employers have the responsibility to inform workers on the above advisory. MOM will continue to conduct inspections on the ground. Workers who do not cooperate could risk having their work passes revoked.


11 April 2020

**MOM advisory - Dormitories gazetted as isolation areas to contain the spread of COVID-19**

Workers who are quarantined are considered to be on hospitalisation leave. This means that employers will be required to pay their salaries for the period that the dormitories are gazetted as isolation areas.

Employers remain responsible for the workers’ accommodation. Dormitory operators are to be paid on time. MOM will take action if employers do not fulfil their responsibilities.

The government is waiving levies due in April, and providing an additional $750 levy rebate for every S Pass and Work Permit holder. Given the waiver of FW levy payable in April, there will not be a further levy waiver for the month of April. In view of this support, employers of S Pass and Work Permit holders will not be eligible for a daily quarantine allowance.

Singapore

11 April 2020

**MOM Advisory on salary payment to foreign workers residing in dormitories**

Employers must continue to pay foreign workers in dormitories their salaries during this period.

Under the Employment Act, employers must pay salaries within 7 days after the end of the salary period. Failure to do so would constitute an offence under the Employment Act for which employer can be prosecuted. Their work pass privileges will also be suspended immediately.

As many foreign workers remit money home, employers are strongly encouraged to pay salaries earlier than the due dates if their workers need to access physical remittance services provided at the dormitories at scheduled dates.

To ensure that foreign workers receive their salaries during the Circuit Breaker, all employers with workers residing in dormitories are now required to pay salaries electronically, i.e. through General Interbank Recurring Order (GIRO) or direct bank transfer.

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10 April 2020

The Ministry of Manpower and the Land Transport Authority require employers and lorry owners to adopt safe distancing measures when ferrying workers involved in providing essential services on lorries. The measures include:

(a) Review the maximum seating capacity for each lorry to ensure that workers are able to maintain a safe distance of 1m from each other while seated at the back of the lorry.

(b) Mark out with labels or other demarcation for workers to identify an appropriate location to sit.

(c) Communicate to workers and lorry drivers to ensure effective implementation of these safe distancing measures.

https://www.mom.gov.sg/covid-19/advisory-for-safe-distancing-measures-for-lorries
7 April 2020

The Singapore government passed the COVID-19 (Temporary Measures) Act (the "Act") into law.

Temporary Relief from Inability to Perform Contracts

The nature of this relief is to put a freeze on taking legal action for breach of certain contracts for the next 6 and possibly up to 12 months. The relief also provides for a binding dispute resolution mechanism to ensure that contracting parties are not abusing this system. It is important to note that these measures are only intended to be temporary and will only freeze legal rights and obligations in place while the Act is in force, allowing proceedings to be commenced, if necessary, after the COVID-19 situation is under control.

Relief is only applied to certain scheduled contracts entered into before 24 March 2020, including:

(a) A construction contract or supply contract, defined by reference to section 2 of the Building and Construction Industry Security of Payment Act.

(b) A performance bond or equivalent for construction and supply contracts.

A party to a construction or supply contract is entitled to relief if it satisfies the following criteria:

(a) The party is unable to perform a contractual obligation due to be performed on or after 1 February 2020;

(b) The inability must be materially caused by either the COVID-19 pandemic or any law made because of COVID-19. The law made because of COVID-19 is not limited to the Singapore Government and can be by any national government.

(c) The party must then proceed to serve a notice for relief on all counterparties as well as any surety or guarantor.

Once the above criteria have been satisfied, either party may then apply to have the claim assessed by an assessor. No lawyers are allowed to attend at the assessor’s hearing, and the assessor’s determination cannot be appealed. It is also worth noting that assessors are required to take into account “the ability and financial capacity” of a party to perform the obligation in question. It is therefore likely that applicants will be treated differently according to their financial standing, even if they are within the same supply chain.

Court of arbitration proceedings may generally not be commenced until after the earliest of the following:
(a) The expiry of the prescribed period. The Act provides that the minister may prescribe a period not exceeding 6 months.
(b) The withdrawal by a party of its notification for relief;
(c) If the assessor makes a determination that the case in question is not one to which the Act applies.

Force Majeure
Force majeure clauses and the Frustrated Contracts Acts will prevail over the Act. For this reason, it will be important for businesses to scrutinise their contracts for such clauses and also take an objective look at the available evidence to determine whether (amongst other things) the non-performance is materially due to a COVID-19 event or otherwise.

Performance Bonds
The Act imposes a bar on calls on performance bonds arising as a result of a COVID-19 event until 7 days before the date of expiry of the relevant bond. A contractor who is concerned that this 7 day period is approaching can make an application to the issuer of the bond for an extension, in which case the Act intervenes to automatically extend the bond to a date 7 days after the period of temporary relief.
Liquidated Damages & Delay
The Act provides that liquidated or other delay damages are not payable during the period of temporary relief. In addition, if a party’s inability to perform its contractual obligations occurs on or after 1 February 2020, but before the expiry of the prescribed period of the Act, any period for which the inability subsists and falling within that period is to be disregarded in determining the period of delay in performance by that party.

Defence
Further, regardless of the contractual allocation of responsibility, where a party becomes unable to perform a contractual obligation and such inability was caused “to a material extent” by a COVID-19 event, the Act provides a defence to any claim for breach of contract.

7 April 2020
The government introduced “circuit breaker” measures, which include the suspension of activities at workplaces, other than certain prescribed “essential services”. The following construction related businesses / projects are exempt from the suspension of activities, including:

(a) Development project that support essential services or national security
(b) Selected development projects assessed to be in critical stages of construction and are unable to stop due to potential safety risks
(c) Construction work in progress for (i) critical public infrastructure, (ii) maintenance and services to ensure public safety, and (iii) emergency repairs & maintenance
(d) Limited construction works are allowed to continue, for example safety critical works, projects that support essential services or are necessary for public safety;
(e) Provision of lift and escalator maintenance services, and facilities management services for buildings and infrastructure.
(f) Landscaping for public safety (e.g. tree pruning a.k.a. arboriculture services; shrub pruning, grass cutting a.k.a. horticulture services).

https://covid.gobusiness.gov.sg/essentialservices/construction/
## Singapore

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
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</tr>
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<tbody>
<tr>
<td>5 April 2020</td>
<td>The BCA announced that its front line offices, including the service centre at BCA Braddell Campus, will be closed from 7 April 2020. BCA's digital services will continue to be accessible during this period. Customers can continue to transact with BCA via their e-services through www1.bca.gov.sg/e-services.</td>
<td><a href="https://www1.bca.gov.sg/docs/default-source/docs-corp-news-and-publications/circulars/circular-changes-to-bca-services-in-view-of-covid-19.pdf">https://www1.bca.gov.sg/docs/default-source/docs-corp-news-and-publications/circulars/circular-changes-to-bca-services-in-view-of-covid-19.pdf</a></td>
</tr>
<tr>
<td>3 April 2020</td>
<td>The Building &amp; Construction Authority (&quot;BCA&quot;) issued an advisory to say that aggregate importers fall within the scope of essential services as set out by the Ministry of Trade and Industry, to ensure the continuous supply of key construction materials in Singapore.</td>
<td><a href="https://www1.bca.gov.sg/docs/default-source/docs-corp-news-and-publications/circulars/bca-advisory-for-aggregate-importers.pdf">https://www1.bca.gov.sg/docs/default-source/docs-corp-news-and-publications/circulars/bca-advisory-for-aggregate-importers.pdf</a></td>
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<tr>
<td>11 March 2020</td>
<td><strong>Employers must notify the Ministry of Manpower (&quot;MOM&quot;) of any cost-saving measures affecting employee's salaries</strong>&lt;br&gt;From 12 March 2020, Singapore-registered employers with 10 or more employees must notify the MOM of any cost-saving measures affecting employee’s salaries within seven (7) calendar days from implementation. This would not include adjustments to discretionary payments such as bonuses and increments.&lt;br&gt;Before implementing such cost-saving measures, employers should obtain consent from unions and affected employees. Employers should also communicate all cost-saving measures and their impacts clearly to unions and employees.&lt;br&gt;If the salaries of foreign employees on work passes are affected, employers would have to seek the MOM’s approval on the salary adjustments before implementation.&lt;br&gt;&lt;strong&gt;Flexible Work Schedule to allow employers to use unused working hours to offset overtime hours&lt;/strong&gt;&lt;br&gt;Eligible employers are encouraged to implement flexible work schedule arrangements, which allow them to be exempted from certain Singapore Employment Act requirements in relation to overtime, work done on rest days and public holidays.</td>
<td></td>
</tr>
</tbody>
</table>
Employers are also allowed to reduce weekly working hours and keep unused working hours to offset any subsequent overtime hours.

Employers who would like to implement a flexible work schedule would have to obtain consent from unions and affected employees as well as the MOM’s approval before doing so.

### Singapore

<table>
<thead>
<tr>
<th>Date</th>
<th>Updates on Local Courts &amp; Dispute Resolution Institutions</th>
<th>Link</th>
</tr>
</thead>
<tbody>
<tr>
<td>17 April 2020</td>
<td>Maxwell Chambers is offering virtual ADR hearings in place of physical hearings. All parties such as clients, arbitrators and staff need not be physically present at Maxwell Chambers for hearings to proceed.</td>
<td><a href="https://www.maxwellchambers.com/2020/04/07/update-on-virtual-adr-hearings-at-maxwell-chambers/">https://www.maxwellchambers.com/2020/04/07/update-on-virtual-adr-hearings-at-maxwell-chambers/</a></td>
</tr>
</tbody>
</table>
## Singapore

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
<th>URL</th>
</tr>
</thead>
<tbody>
<tr>
<td>7 April 2020</td>
<td>The Singapore Mediation Centre’s services in relation to adjudications under the Security of Payment Act remained unchanged. Parties may continue to file their applications at the SMC counter at 1 Supreme Court Lane, Level 4, Singapore 178879. The counter’s operating hours remain unchanged (9am to 4.30pm, Monday to Friday).</td>
<td><a href="https://us16.campaign-archive.com/?e=&amp;u=2e0974659d13be876badac7b6&amp;id=adc990b334">https://us16.campaign-archive.com/?e=&amp;u=2e0974659d13be876badac7b6&amp;id=adc990b334</a></td>
</tr>
<tr>
<td>7 April 2020</td>
<td>The COVID-19 (Temporary Measures) Act will allow for non-COVID related court proceedings, to continue by providing temporary measures for witnesses to appear remotely via video-link or other remote technology. The freeze on arbitral proceedings only applies to the local Arbitration Act. International commercial arbitrations, which are governed by the International Arbitration Act, do not appear to be covered by the Act and therefore can still be initiated or continued.</td>
<td><a href="https://sso.agc.gov.sg/Act/COVID19TMA2020">https://sso.agc.gov.sg/Act/COVID19TMA2020</a></td>
</tr>
<tr>
<td>7 April 2020</td>
<td>The offices of the Singapore International Arbitration Centre (“SIAC”) will be closed from 7 April 2020. However, the SIAC will remain fully operational with all staff telecommuting in accordance with the measures announced by the government.</td>
<td><a href="https://www.siac.org.sg/">https://www.siac.org.sg/</a></td>
</tr>
<tr>
<td>3 April 2020</td>
<td>The Singapore International Mediation Centre announced that its physical offices are closed, but that mediations and meetings will be continue to be held by video conferencing.</td>
<td><a href="http://simc.com.sg/blog/2020/04/03/update-advisory-note-on-covid-19-situation-for-visitors/">http://simc.com.sg/blog/2020/04/03/update-advisory-note-on-covid-19-situation-for-visitors/</a></td>
</tr>
</tbody>
</table>
Singapore

<table>
<thead>
<tr>
<th>Date</th>
<th>Any other key changes</th>
</tr>
</thead>
</table>
| Various | **Employment updates and implications:**  

**Insolvency updates and implications:**  
440 Partners

1,800 Lawyers

4,000 Total staff

50+ Offices worldwide*

www.clydeco.com

*includes associated offices

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