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PORT AUTHORITIES ORDINANCE, 1961

TANJUNG MANIS PORT AUTHORITY
(DUES, RATES AND CHARGES) REGULATIONS, 2018

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PORT AUTHORITIES ORDINANCE, 1961
TANJUNG MANIS PORT AUTHORITY
(DUES, RATES AND CHARGES) REGULATIONS, 2018
(Made under section 64(1))

In exercise of the powers conferred upon the Tanjung Manis Port Authority by section 64(1) of the Port Authorities Ordinance, 1961 [*Ord. No. 1/61*], and with the approval of Majlis Mesyuarat Kerajaan Negeri, the following Regulations have been made:

Citation and commencement

1. These Regulations may be cited as the **Tanjung Manis Port Authority (Dues, Rates and Charges) Regulations, 2018**, and shall be deemed to have come into force on the 1st day of April, 2013 with the exception of regulation 20 which is deemed to come into force on the 1st day of January, 2018.

Interpretation

2. In these Regulations, unless the context otherwise requires—

“approved port operator” has the same meaning assigned to that expression under the Ordinance;

“authorised officer” means any officer appointed by the Authority or the approved port operator to be in charge of a port or a terminal and includes his assistants and any other officer acting under or with his authority;

“Authority” means the Tanjung Manis Port Authority established under section 3 (1) of the Ordinance;

“base” in respect of towage, fire-fighting service or any other services provided by the Authority or the approved port operator means an area normally occupied by the Authority’s or the approved port operator’s tugs, fire-fighting personnel, fire-fighting vessels and equipment when not attending any function or performing any service or activity;

“damaged goods” means all or any of those goods defined in Part V of the Tanjung Manis Port Authority By-laws, 2018;

“day” means one calendar day from 0000 hours to 2400 hours;

“daylight” means the period from 0600 hours on one day to 1759 hours on the same day;

“export goods” means goods taken out or caused to be taken out from the port, by sea, to any place outside the port water limit;

“general cargo” means any other cargo than dangerous goods or schedule wastes;

“import goods” means goods brought into or caused to be brought into the port, by sea, from any place outside the port water limit;

“lay-up” in relation to a vessel, means not actively employed provided that the master or owner of such vessel has given written notice to the Authority or the approved port operator that the vessel is in such condition and the Authority or the approved port operator has given their written approval;

“night” means the period from 1800 hours in one day to 0559 hours on the next day;

“Ordinance” means the Port Authorities Ordinance, 1961 [*Ord. No. 1/61*];

“port” means the Tanjung Manis Port within the limits declared under the Ordinance;

“port notice” means notices issued by the Authority to the attention and not limited to ship manager, master, officer, crew of vessel, ship owner, shipping agent, cargo owner, port operator and terminal operator;

“Port Pilot Boarding Ground A” means the point where a pilot embarks a vessel for the purpose of piloting a vessel at any point determined by the Authority;

“Port Pilot Boarding Ground B” means the point where a pilot embarks a vessel for the purpose of piloting a vessel at any point determined by the Authority;

“port premises” means all immovable properties belonging to, occupied by or vested in the Authority and includes wharf, dock, pier, landing places and water limit under the control of the Authority;

“port user” means the owners of vessels, goods or operators including their representatives, successors and permitted assigns of such persons, shippers or agents for the custody, shipping and landing of goods or any person transacting business or entered into a contractual obligation with the Authority or the approved port operator;

“promotional rate” means the rates and charges for all service lines provided by the port as per promotional rate and charges approved by the Authority;

“Ro-Ro (Roll-on Roll-off)” means a method of marine cargo service using a vessel with ramps which allows wheeled vehicles such as automobiles, trucks, semi-trailer trucks, trailer vehicles to be driven on or off the wharf or vice-versa on their own wheels, excluding cargo on the vehicle to be loaded and discharged without using cranes;

“scheduled wastes” means any waste falling within the categories of waste listed in the First Schedule of the Environment Quality (Scheduled Waste) Regulations 1989 [*P.U. (A) 139/89*];

“shift” means a working period of eight hours or twelve hours;

“ship to ship operation” means the transfer of cargo between seagoing vessels positioned alongside each other either while stationary or underway at the identified Authority’s anchorage as determined by the Authority;

“shut-out goods” means goods which are manifested for loading onto a vessel but are rejected by the vessel and are returned to the port for re-storage;

“tonne” means one metric ton of one thousand kilograms or one cubic metre ;

“wharf” includes all berth, quay, terminal, pier, jetty, docks, ramp, landing place and any wall and building adjoining the foreshore or sea-bed;

“working hours” means the working hours at the Authority’s wharf and godown from 0800 hours to 1200 hours and 1300 hours to 1700 hours.

Application

3.—(1) Dues, rates and charges shall be payable to the Authority in accordance with the provisions of the First, Second and Third Schedules.

(2) All dues, rates and charges other than dues, rates and charges to which sections 26 and 34 of the Ordinance apply, levied by, or due to the Authority shall be payable on demand.

(3) Where credit facilities are made available to customers of the Authority, such facilities shall be for the period of one month only, commencing from the date of receipts of goods, or the provisions of a service, by the Authority, and accounts in respect of such credit facilities shall be settled within a period of fourteen days from the date on which such accounts are despatched.

(4) Accounts which are not settled within the period specified in paragraph (3) shall be subject to a surcharge of 5%.

Dues, rates and charges to be prepaid or secured

4. All dues, rates and charges payable to the Authority upon all goods landed, shipped transshipped or stored shall be paid or sufficient security furnished for their payment, before orders for shipping, delivery or forwarding are acted upon and the Authority may refuse the removal of any goods from its premises while any dues, rates and charges payable by the consignee or shipper remain unpaid:

Provided that for the purpose of preventing delay, the Authority may ship cargo before the dues, rates and charges payable thereon are paid and, in that case, shall retain the vessel's receipt as security for the payment of such dues, rates and charges.

Assessment of charges

5. All stevedoring and handling charges for the account of vessel, consignee or shipper, whether or not a manifest has been submitted to the Authority in accordance with the Tanjung Manis Port Authority (Conditions of Business) By-laws, 2018 [*Swk. L.N. 31/2018*], shall be based on metric or measures of the goods handled whichever is greater. The weight shall be calculated at the rate of 1000 kilograms per metric tonne and the measurement at the rate of one cubic metre per metric tonne:

Provided that where the customs of a trade involves the use of special standards in assessing weights and measures such standards may be recognized by the Authority.

Official receipt

6. Every official receipt of the Authority for nay payment shall bear the signature of the Authority's Accountant or such other officers of the Authority as may be authorized by the General Manager.

Palletised and unitised goods

7.—(1) Palletised or unitised goods rates shall apply to goods in respect of which the following conditions are fulfilled—

(a) the cargo is in packages or units which are wrapped or strapped together onto a pallet;

(b) the weight or volume per unit shall not be more than two thousand five hundred kilograms or four cubic metres;

(c) the goods are manifested and the manifest is duly endorsed at the port of loading that the goods are palletised or unitised and the bill of lading, delivery order or shipping order is similarly endorsed; and

(d) the palletised or unitised goods are discharged or loaded as single units.

(2) For the purposes of this regulation, a “pallet” is a device on the deck on which a quantity of goods can be assembled to form a unit load for the purpose of transporting or handling or stacking with the assistance of mechanical appliances, and is made up of two decks separated by barriers or of a single deck supported by feet, in which its overall height is reduced to the minimum compatible with handling by forklift trucks and pallets trucks and it may or may not have a superstructure.

Trans-shipment cargo

8. “Trans-shipment cargo” means cargo which fulfils the following conditions—

(a) the cargo is trans-shipped on a through bill of lading dated at the port of loading and showing that the destination is via the port;

(b) the cargo is discharged by the first carrier or lighter onto the wharves and remain in the custody of the Authority or the approved port operator until it is trans-shipped; and

(c) the goods shall be reshipped through the Authority’s wharves by the same or by another vessel.

Restriction in trans-shipment cargo rate

9. Trans-shipment cargo rate does not apply to dangerous goods falling under Classes 1, 2 and 3 as specified in the First Schedule to the Tanjung Manis Port Authority By-laws, 2018 [*Swk. L.N. 29/2018*].

Chargeable tonnage

10.—(1) Whether or not a ship’s manifest or shipping note is lodged with the Authority or the approved port operator, the Authority or the approved port operator may elect to calculate all tonnage of goods according to the cubic measurement or gross weight, whichever is the greater.

(2) The Authority or the approved port operator may levy charges on the measurement tonnage if the weight tonnage cannot be ascertained or vice-versa.

(3) In the case of a vessel with dual tonnage or a vessel with an open or closed shelter deck, the higher tonnage shall be deemed to be the gross registered tonnage of the vessel.

Payment of charges

11.—(1) Except in the case of a person holding a ledger or other credit account, all charges shall be payable in cash.

(2) Cheques shall not be accepted in any payment to the Authority or the approved port operator except by special arrangement with the Authority or the approved port operator.

(3) Where credit facilities are made available to the port users, accounts in respect of such credit facilities shall be settled within a period of thirty days from the date on which such accounts were dispatched.

(4) Accounts which are not settled within the period specified in sub-regulation (3) shall be subject to a surcharge of ten per cent thereof and any account which is not settled within a subsequent period of fourteen days shall be subject to a further surcharge of ten per cent.

(5) As security for payment for rendering the services, the port users will provide appropriate bank guarantees from the approved financial institutions at such amount as shall be agreed from time to time between the Authority or the approved port operator and the port users.

Responsibility for charges

12. Unless otherwise specifically provided for or previously agreed upon, responsibility for all charges shall be as stated in the Schedule hereto.

Undercharge

13.—(1) The Authority or the approved port operator shall be entitled to collect any amount which may be ascertained to have been undercharged or that which may otherwise be found to be due and shall demand in writing the payment of any such amount within three years from the date the transaction is completed.

(2) For the purpose of this regulation, “transaction” shall include all services rendered, supplies provided or contracts to which the Authority or the approved port operator is a party.

Overcharge

14.—(1) A person shall not be entitled to a refund of any overcharge unless such person refers in writing to the Authority or the approved port operator within three years from the date the delivery bill or the shipment bill or any other bill is issued to him, giving full information and supported by such other documentary evidence as may be required.

(2) Where any goods have been measured or weighed by the Authority or the approved port operator, no claim for a refund shall be accepted by the Authority

or the approved port operator unless the person claiming the refund had disputed the measurement or weight of such goods at the time such goods were measured or weighed.

Store rent

15.—(1) Import goods shall be allowed a free storage period of seven working days commencing from the end of the shift which the vessel completed discharge, and the charges, if incurred, shall be calculated per day commencing from the expiry of the free storage period of seven working days.

(2) Export goods shall be allowed a free storage period of seven working days calculated from the end of the shift during which storing commences, and the charges, if incurred, shall be calculated per day commencing from the expiry of the free storage period of seven working days.

(3) Storage charge for damaged and shut-out goods shall be twice the normal rate of such cargo and no free storage period shall be given for such cargo.

(4) Removal to warehouse shall be at the discretion of the authorized officer and may be done either on acceptance of an application to transfer to warehouse storage or, in respect of goods not removed from transit sheds, whenever necessary for the convenience of the port.

(5) Dangerous goods in Classes 1 and 2 including those in containers, as specified in the First Schedule of the Tanjung Manis Port Authority By-laws, 2018 [*Swk. L.N. 29/2018*], or any amendment to the Schedule as issued in the port notices shall not be received into storage by the Authority or the approved port operator, whereas dangerous goods in Classes 3 and 4 may be received into storage at the discretion of the authorised officer.

(6) Any goods left in the port premises without approval shall incur store rent of twenty ringgit per square metre or part thereof, per day or part thereof or any other rates as may be approved by the Authority from time to time, and may, at any time be removed by the authorised officer, at the owner's expense.

Labour requisition

16.—(1) An application for labour to work the vessel shall be made not less than four hours before any following shifts.

(2) An application for labour made in contravention of sub-regulation (1), shall be charged at the rate of additional fifty percent of the published rate per gang.

Condition of hire of mechanical equipment, gears and appliances

17.—(1) The Authority or the approved port operator, while taking all reasonable precautions to ensure that the mechanical equipment, gears and

appliances are in sound and usable condition, shall not be responsible for any consequences which may arise as a result of breakage or other unforeseen circumstances occurring during the period of hire.

(2) The articles are hired on condition that the entire liability rests with the hirer, who shall be required to indemnify the Authority or the approved port operator accordingly.

(3) Any expenses for repairs or renewal of mechanical equipment, gears and appliances hired from the Authority or the approved port operator, over and above that was caused by ordinary wear and tear, shall be charged in addition to the normal charges for the hire of such mechanical equipment, gears and appliances.

(4) When cranes or heavy lifting gears of the capacity required are not available from the Authority or the approved port operator, the authorised officer may, on request, allow a crane of a suitable type to be brought in from outside the port subject to an approval from the Authority or the approved port operator before cranes with an approved permit from the relevant authorities or heavy lifting gears are allowed to enter the port.

General conditions

18.—(1) The Authority or the approved port operator shall not provide any service or accommodation to any person unless such person makes a request in writing for the same, and where such request is made, the Authority or the approved port operator may, where it deems fit to do so in the interests of the Authority or the approved port operator, refuse the request without assigning any reason therefor.

(2) A delivery order for delivery of imported goods shall not be acted upon until such order in writing has been received from the ship owners or agents.

(3) A shipment order for shipment of goods shall not be acted upon unless it is endorsed by the ship owners or agent.

(4) In all cases, Customs requirements shall be complied with before delivery or shipment is carried out, and where cargo is stored for longer period than would otherwise be of up to thirty days due to Customs formalities, the authorised officer may waive the storage charge for the period of the said delay, after which the normal rental rate shall apply.

(5) The Authority or the approved port operator shall be entitled to sell goods which have not been claimed for more than ninety days provided that a written notice has been given to the cargo owner of the intention to sell and the cargo owner still fails to collect the cargo after fourteen days of issuing the notice, and proceeds from the sale shall be returned to the cargo owner after deductions for payment of all port charges and Customs duties have been made:

Provided where the goods are perishable in nature, the Authority or approved port operator may direct their removal within such shorter period (not being less than twenty-four hours after the landing) as the authority may think fit, and the said power of sale may be exercised at the expiration of such period.

Promotional rates, scales of rates, dues and charges and off-tariff items

19. Notwithstanding the Schedule, the Authority may approve a special rate for promotional purposes in circumstances and on terms and conditions the Authority deems fit.

Channel maintenance fee

20.—(1) Every vessel when entering and leaving the port for the purpose of—

(a) loading or discharging cargo may, whether or not such cargo is worked at a wharf belonging to the Authority, be charged channel maintenance fee at the rate to be determined by the Authority from time to time; and

(b) embarking or disembarking passengers may, whether or not such passengers embarked or disembarked at a wharf belonging to the Authority, be charged channel maintenance fee at the rate to be determined by the Authority from time to time.

(2) All channel maintenance fee so received by the Authority under sub-regulation (1) shall be accounted for the Government and form part of the State Consolidated Fund.

(3) This regulation does not apply to vessels carrying passengers or cargoes originating within Sarawak and plying between Sarawak ports.

FIRST SCHEDULE

CHARGES FOR ACCOUNT OF VESSEL

(Regulation 3(1))

1.—(1) Wharfage charges as specified below shall be payable on all cargo loaded or discharged at the Authority's wharves—

	<i>Cargo to and from wharf</i>	<i>Per tonne or part thereof</i>
(i)	General Cargo	RM 2.80
(ii)	Dangerous Goods	
	TMPA Group 1	RM 10.00
	TMPA Group 2	RM 9.00
	TMPA Group 3	RM 8.00
(iii)	Schedule Wastes	RM 100.00
	 <i>Cargo to and from overside at wharf</i>	 <i>Per tonne or part thereof</i>
(i)	General Cargo	RM 1.40
(ii)	Dangerous Goods	
	Group 1	RM 10.00
	Group 2	RM 9.00
	Group 3	RM 8.00
(iii)	Schedule Wastes	RM 100.00

(2) The above charges include berthing and unberthing services and the provision of gangways, telephones (local calls only, pallets or pallet slings required for working cargo).

(3) A vessel which secures alongside another vessel already occupying one of the Authority's wharf berths to work cargo shall pay the charges specified in sub-paragraph (1).

Wharfage Exemption

2. A vessel which secures alongside another vessel already occupying one of the Authority's wharf berths to load cargo for final discharge at another of the Authority's wharf berths shall pay a charge of RM3.00 per tonne of part thereof, but shall pay no further wharfage charge in respect of this cargo if finally discharge at a wharf berth of the Authority.

Port Dues

3.—(1) Every vessel which enters the Tanjung Manis Port Authority for the purpose of—

(a) loading or discharging cargo shall, if such cargo is not worked at a wharf belonging to the Authority, be charged port dues at the rate of RM2.00 per tonne or part thereof on all cargo loaded or discharged.

(b) embarking or disembarking passengers shall, if such passengers are not embarked or disembarked at a wharf belonging to the Authority, be charged port dues at the rate of RM2.00 per head on all passengers embarked or disembarked.

(2) This paragraph shall not apply to vessels plying between Sarawak ports, except those vessel with cargoes that are subject to the provisions as stipulated in the Tanjung Manis Port Authority (Places for Discharging and Loading of Cargo) Order, 2018 [*Swk. L.N. 33/2018*].

Stevedorage

4.—(1) Except where special commodity or itemized charges are levied, a handling charges shall be made at the rate of RM3.15 per tonne or part thereof on any cargo of rice, sugar and salt, and at the rate of RM6.00 per tonne or part thereof on all other cargo, whether manifested or not, landed to or loaded from the Authority's wharves at any time. This charge includes the provision by the Authority of stevedoring labour for the vessel during normal working hours. The Authority shall supply labour which it considers adequate on receiving prior advice of a vessel's requirements.

(2)(a) The following special commodity and itemized charges shall be made in respect of the goods specified below which are loaded or discharged during normal working hours at the Authority's wharves:

(i) ITEMISED CHARGES

Wheeled Vehicles:

1.	Under 1000 kg unladen weight	per vehicle	RM 15.00
2.	Of 1000 kg and under 1500 kg	per vehicle	RM 20.00
3.	Of 1500 kg and over	per vehicle	RM 25.00

And an additional charge of RM 3.00 per tonne or part thereof shall be made under item 3. Tracked vehicles and the like heavy equipment, whether mobile or immobile, shall be charged on a tonnage basis of one cubic metre at the rate of RM 2.50 per tonne in addition to the surcharge set out in paragraph 6.

(ii) SPECIAL COMMODITY CHARGES

Horses, cattle and the like, per head	... ..	RM 2.00
Pigs, sheep, goats and the like, per head	... ..	RM 0.50
Chicken, fowl and the like in baskets:		
1. Not exceeding 1 metre in diameter, per basket	... ..	RM 0.75
2. Exceeding 1 metre in diameter, per basket	... ..	RM 1.00
Empty livestock baskets, per basket	... ..	RM 0.05
Empty drums, per drum	... ..	RM 0.10

(iii) CURRENCY, BULLION AND SPECIE

Currency, whether in notes or coin, bullion or specie, ad valorem per RM 100,000	RM 0.04
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(ii) DRY OR LIQUID BULK

A charge shall be made at RM 2.50 per tonne or part thereof on dry or liquid bulk loaded or discharged through pipeline at the Authority's wharf at any time (labour nor provided).

(iii) UNITISED CARGO

1.	(a) Container up to 20 feet in length (FCL, LCL or Empty)	RM 60.00 per container
	(b) Over 20 feet but not more than 40 feet in length	RM 120.00 per container
2.	Palletised Cargo	RM 5.00 per tonne or part thereof

Palletised cargo refer to cargo which are wrapped or strapped together into single units amenable to handling by forklift trucks on board vessels and on shore (wharves and transit sheds.) This preferential rate applies only on palletized service approved by the Authority.

(b) When any of the goods specified under items (i), (ii) and (iii) are loaded or discharged during overtime working hours, the following additional charges shall be made:

7.00 p.m. to 11.00 p.m.	... ..	50% of the tariff rate
1.00 a.m. to 6.00 a.m.; meal periods; Sundays and public holidays	... ..	100% of the tariff rate

(3) A minimum charge of RM 500.00 inclusive of wharfage but excluding supply of fresh water shall be levied on any vessel (excluding lighters and local craft used as lighters) loading or discharging cargo and working in excess of the normal half working day period on ordinary weekdays.

(4) A minimum charge of RM 250.00 inclusive of wharfage but excluding supply of fresh water shall be levied on any vessel (excluding lighters and local craft used as lighters) loading or discharging at Authority's wharves and working for a period not in excess of a normal half working day period on ordinary weekdays.

(5) The charges specified in sub-paragraphs (3) and (4) shall be increased by 50% on Sundays and public holidays.

(6) Subject to sub-paragraph (8), when a vessel or its agent requires a check by weight or measurement of any package, or a consignment, or the restacking, or sorting, or breaking down, of a stack for any purpose, an additional charge of RM 2.50 per tonne or part thereof shall be made.

(7) When re-checking of weight or measurement is required for goods in dispute, this charge shall be made only if the weight or measurement stated on the ship's manifest or the Delivery Order or Shipping Order proves incorrect or is omitted from the relevant document.

Overside delivery and loading charges

5. When a vessel is berthed at any of the Authority's berths in Tanjung Manis and works cargo directly to or from another vessel or lighter berthed alongside her, she shall subject paragraph 4, pay the charges in respect of all cargo so worked.

Port Dues

6.—(1) A surcharge shall be made on all heavy, bulky or extra long packages but excluding containers discharged to or loaded from the Authority's wharves at the following rates—

- (a) *Heavy Packages*
Over 2500 kg. but not over 5000 kg. per tonne or part thereof RM 2.00
Over 5000 kg. per tonne or part thereof RM 4.00
- (b) *Bulky Packages*
Over 3 cu. metres but not over 6 cu. metres, per cu. metre or part thereof RM 2.00
Over 6 cu. metres, per cu. metre or part thereof RM 4.00
- (c) *Long Packages*
Over 9 metres in length, per tonne or part thereof (if exceeding 2500 kg or 3 cu. metres the charge under item (a) or (b) shall apply) RM 2.00

(2) This paragraph shall not apply to containers classified by the Authority as approved containers.

Port labour overtime

7.—(1) A vessel requiring to work overtime at the Authority's wharves whether loading or discharging, shall pay in addition to the charges referred to in paragraph 4 the following charges—

<i>Weekdays Period</i>	<i>Stevedore</i>	<i>Per Gang Wharf or Lighter</i>
First half night or any part thereof	RM 50.00	RM 45.00
Second half night or part thereof	RM 60.00	RM 55.00
Midday or evening meal period or any part thereof	RM 20.00	RM 15.00
Midnight or morning meal period or any part thereof	RM 25.00	RM 20.00
<i>Sunday and Public Holidays</i>		
8.00 a.m. to 12.00 noon, 1.00 p.m. to 5.00 p.m. or any part thereof	RM 90.00	RM 80.00
First half night or any part thereof	RM 115.00	RM 90.00
Second half night or any part thereof	RM 125.00	RM 100.00
Midday or evening meal period or any part thereof	RM 40.00	RM 35.00
Midnight or morning meal period or any part thereof	RM 45.00	RM 40.00
Late advice fee for labour requisition submitted or altered after 3.30 p.m.		RM 20.00

(2) In addition to the overtime, charges set out in sub-paragraph (1), for the midnight meal or any part thereof, there shall be a flat charge of RM 2.00 payable for every signalman, winchman and labourer engaged in that period. The number of men engaged for the work may be agreed between the Authority and the ship's representative and entered in the labour voucher which shall be signed by both parties.

Port Authority staff overtime

8. The following charges shall be made for the Authority's staff required to work overtime to accommodate the working of a vessel:

Supervisory grade	RM 7.00 per man per hour or part thereof
Other staff	RM 5.00 per man per hour or part thereof

Passenger fee

9. A charge of RM 3.00 per head to cover the cost of baggage handling by the Authority's labour and the use of port facilities shall be made for all passengers disembarked or embarked.

Charges for shifting cargo for restowage or sorting

10.—(1) Cargo shifted at vessel's request to facilities restowage or sorting shall be charged for at the following rates—

	<i>In hatch or via Wharf</i>	<i>Via Shed</i>
Per tonne or part thereof	RM 6.00	RM 12.00

(Provided that vehicles shall be charged at the rate of RM 25.00 per vehicle).

(2) If additional work is required to carry out the requirement of paragraph 31(2) of Part IV of the Schedule to the Tanjung Manis Port Authority (Conditions of Business) by-laws, 2018 [Swk. L.N. 31/2018], a charge of RM 2.50 per tonne or part thereof sorted shall be levied in addition to the charges set out in paragraph 4.

Supply of fresh water

11.—(1) Vessels may be supplied with fresh water from stand pipes on the Authority's wharves at the rate of RM 2.00 per 1000 litres or part thereof during the hours of 7.30 a.m. to 5.00 p.m. during weekdays.

(2) Water supplied outside these hours and during Sundays and public holidays shall in addition incur an overtime charge at the rate of RM 2.00 for each hour worked or part thereof.

Charges for labour stand-by, waiting, etc.

12.—(1) When labour has been ordered by a vessel but does not work, a stand-by charge of RM 31.50 shall be levied per gang per hour or part thereof during which the gage is idle. Where overtime charges apply, these shall be levied in addition to the stand-by charges.

(2) Where a particular hatch has completed all discharging and loading during a specified work period for which labour has been ordered, stand-by charges shall not be levied for the remaining period during which the labour does not work at that hatch.

Labour cancellation fees

13.—(1) Cancellation of labour gangs ordered for a weekday may be effected without charge only if the Authority is specifically informed of the cancellation before 7.15 a.m. of the day which the gang is ordered.

(2) Cancellation of labour gangs ordered for a Sunday or a public holiday may be effected without charge only if the Authority is informed before 10.15 a.m. on the last working day previous to the Sunday or public holiday for which the labour is ordered.

(3) If a gang is cancelled during the work period for which it was ordered, the stand-by charges set out in paragraph 12 shall be applicable in addition to any overtime charges which may be applicable.

(4) In all other cases, cancellation fees for gangs shall be charged in accordance with the following schedule:

<i>Gangs ordered for Weekday -</i>	<i>Per Gang</i>
Half day	RM 165.00
Full day	RM 205.00
7.00 p.m. to 11.00 p.m. period	RM 210.00
<i>Gangs ordered for Sunday or Public Holiday -</i>	
Half day	RM 210.00
Full day	RM 400.00
7.00 p.m. to 11.00 p.m. period	RM 210.00

(5) In cases where it is not definitely known that labour will be required on a Sunday or public holiday, and provided that the ship's agent concerned agrees to state specifically before 7.30 a.m. on the day for which the labour was tentatively required how many gangs he actually requires, arrangements will be made separately with the ship's agent concerned to call for attendance as many gangs as he deems to be required and a call fee of RM 60.00 per gang shall be levied against that ship's agent for gangs called but not given worked. If a ship's agent fails to notify the Authority of his requirements before 7.30 a.m., it shall be assumed that the called gangs are required for work and, if not worked, cancellation fees shall be charged against the ship's agent concerned in accordance with the schedule in sub-paragraph (4).

Labour cancellation fees

14.—(1) All vessels using the Authority's labour when working cargo into or from lighters at anchorages within the limits of the Port of Tanjung Manis shall pay the following charges:

(a) Stevedorage Charges

A flat rate of RM 4.50 per tonne or part thereof for all cargo discharged into or loaded from a lighter:

Minimum charge – RM 100.00

In addition to the above, the overtime charges per gang (ship and lighter) set out in subparagraph (2) shall be charged if incurred.

Transport for the Authority's labourers working at ships shall be provided by and at the expense of the vessel.

(b) Labour at Wharf

A flat rate of RM 3.00 per tonne or part thereof loaded into or landed from lighter at the Authority's wharves at Tanjung Manis, which shall include the use of crane and equipment:

Minimum charge – RM 75.00.

(2) In addition to the above, overtime worked at the request of the ship, shipper or consignee shall be charged to the party requiring the overtime to be worked as under:

<i>Weekday Period</i>	<i>Per Gang Ship to Lighter or vice versa</i>	<i>Per Gang Wharf to Lighter or vice versa</i>
First half night or any part thereof	RM 40.00	RM 35.00
Second half night or part thereof	RM 50.00	RM 45.00
Midday or evening meal period or any part thereof	RM 15.00	RM 10.00
Midnight or morning meal period or any part thereof	RM 20.00	RM 15.00
<i>Sunday/Public Holiday Periods</i>		
7.30 a.m. to 11.30 a.m., 1.00 p.m. to 5.00 p.m. or any part thereof	RM 70.00	RM 65.00
First half night or any part thereof	RM 95.00	RM 70.00
Second half night or any part thereof	RM 115.00	RM 90.00
Midday or evening meal period or any part thereof	RM 30.00	RM 25.00
Midnight or morning meal period or any part thereof	RM 35.00	RM 30.00

(3) Charges shall be made for the Authority's staff required to work overtime in connection with lighter traffic at the same rates as those specified in paragraph 8.

(4) *Stand-by Charges* – where labour has been ordered but does not work, labour stand-by charges shall be levied at the following rates:

	<i>Ship at anchor (including labour in Lighter)</i>	<i>Lighter Gangs at wharf</i>
During normal working hours, per gang per hour or part thereof	RM 20.00	RM 15.00
Between 7.00 p.m. and 11.00 p.m., per gang per hour or part thereof	RM 40.00	RM 30.00
During second half night and meal periods and on Sundays and public holidays, per gang per hour or part thereof	RM 50.00	RM 40.00

15. For all the charges under this Schedule, the implementation of a volume rebate or discounted rates may be applied subject to mechanism being approved by the Authority.

SECOND SCHEDULE

CHARGES FOR ACCOUNT OF CONSIGNEE OR SHIPPER

(Regulation 3(1))

Receiving sorting and delivery (handling) charges

1.—(1) Except where special commodity or itemised charges are levied, a handling charges shall be made on all cargo handled across the Authority's wharves and through its transit sheds at the rate of RM 4.50 per tonne or part thereof of rice, sugar and salt, and at the rate of RM 7.00 per tonne or part thereof of all other cargo. Such charge shall include provision by the Authority of labour on the wharf and in a transit shed, and—

(a) In respect of import cargo, use of the Authority's equipment for handling goods from the vessel's hook to a transit shed at the time of discharge, sorting by marks in a transit shed (including measuring and weighing), stacking and delivery to the consignee at a transit shed door; or

(b) In respect of export cargo, receipt of goods at a transit shed door, tallying, and weighing and measuring in a transit shed, stacking and delivery to the vessel's hook at the time of loading and use of Authority's equipment for this purpose.

(2) Except as otherwise provided in this paragraph, all goods, where the value of each package exceeds RM 1,000.00 shall be charged at an ad valorem rate of RM 4.50 per mile or part thereof and the goods shall be stored in the Authority's valuable cargo lock-ups in transit sheds.

(3) The following charges shall be made in respect of the goods specified below:

(i) ITEMISED CHARGES

Wheeled Vehicles:

1.	Under 1000 kg unladen weight	per vehicle	RM 12.00
2.	Of 1000 kg and under 1500 kg	per vehicle	RM 15.00
3.	Of 1500 kg and over	per vehicle	RM 20.00

And an additional charge of RM 3.00 per tonne or part thereof shall be made under item 3. Tracked vehicles and the like heavy equipment, whether mobile or immobile, shall be charged on a tonnage basis of one cubic metre at the rate of RM 2.25 per tonne or part thereof in addition to the surcharge set out in paragraph 5 below.

Heavy tractors and the like equipment when discharged direct to or loaded direct from carrier vehicle (i.e. low loader) shall be charged, in addition to the surcharge set out in paragraph 5, at the following rates:

(a) Per tone or part thereof	.....	RM 1.50
(b) An additional charge for the carrier vehicle, per trip	.....	RM 5.00

(ii) SPECIAL COMMODITY CHARGES

Horses, cattle and the like, per head	... ..	RM 3.00
Pigs, sheep, goats and the like, per head	... ..	RM 0.75

Chicken, fowl and the like in baskets:		
1. Not exceeding 1 metre in diameter	... ..	RM 1.00
2. Exceeding 1 metre in diameter	... ..	RM 1.20
Empty livestock baskets, per basket	... ..	RM 0.05
Empty drums, per drum	... ..	RM 0.10

(iii) CHARGES OF DRY OR LIQUID BULK

Dry or liquid bulk loaded or discharged through pipeline at the Authority's wharf, per tonne or part thereof (labour not provided) RM 2.50

Petroleum products in drums, tins, cylinders or other containers loaded or discharged at the Authority's wharf (labour not provided), per tonne or part thereof RM 1.00

(4) The minimum charge for receiving, sorting and delivery of all goods shall be RM 2.50.

(5) Currency, whether in notes or coin, bullion or specie, shall be charged at an ad valorem of 4 sen per RM 100.00 irrespective of the method of the delivery to the consignee.

(6) The normal receiving and delivery charges shall be subject to a surcharge of 50 per cents for goods received or delivered through the Authority's premises between the hours of 7.30 a.m. and 1.00 p.m. to 5.00 p.m. on Sundays and public holidays. This sub-paragraph shall not apply where the receiving and delivery of the cargo is effected at the request of the Authority.

Cargo overtime charges and shifting charges

2.—(1) Cargo remaining undelivered at the expiry of the free storage period referred to in by-law 29 of Part V of the Tanjung Manis Port Authority (Conditions of Business) By-laws, 2018 [*Swk. L.N. 31/2018*], shall be charged the following overtime rates:

	Per tonne or part thereof
(a) For the first week or part thereof	RM 1.00
(b) For the second week or part thereof	RM 2.50
(c) For the third week or part thereof	RM 5.00
(d) For each subsequent week or part thereof	RM 10.00

(2) (a) On the expiry of the free storage period, goods remaining undelivered may be shifted to clear the transit shed floor and the cost of such shifting shall be borne by the consignee at the rate of RM 2.00 per tonne or part thereof.

(b) If the delay in the delivery of goods is due to the agent of the vessel concerned, shifting charges shall be for account of the vessel.

(c) If the delay in the delivery of goods is due to Customs formalities not being completed, or distraint for reasons not attributable to the consignee, other than wrongful declaration or other action in respect of the goods, no charge for shifting shall be made.

(3) The minimum charge for overtime cargo shall be RM 2.00.

Additional sorting by marks and checking

3.—(1) Subject to sub-paragraph (2), when a consignee or shipper requires a further check by weight or volume and re-stacking or sorting or breakdown of a stack for delivery by numbers, an additional charge of RM 2.50 per tonne or part thereof shall be made.

(2) Where re-checking of weight or volume is required for goods in dispute, this charge shall be made only if the Authority's original tally proves correct.

Shut out cargo rates and rental

4.—(1) When cargo has been delivered to a transit shed for loading to a specific vessel, or an order to load on a specific vessel is given to the Authority, and such cargo is subsequently shut out, a charge at the rate of RM 2.00 per tonne per week or part thereof shall be made while the cargo remains in a transit shed.

(2) If re-delivered to the shipper within 24 hours of being shut out, a charge of RM 2.50 per tonne shall be made.

Surcharge on heavy, bulky or extra long packages

5. A surcharge shall be made on all heavy, bulky and extra long packages other than containers discharged at or loaded from the Authority's wharves at the following rates—

- (a) *Heavy Packages*
Over 2500 kg. but not over 5000 kg. per tonne or part thereof RM 3.00
Over 5000 kg. per tonne or part thereof RM 5.00
- (b) *Bulky Packages*
Over 3 cu. metres but not over 6 cu. metres, per tonne or
part thereof RM 3.00
Over 6 cu. metres, per tonne or part thereof RM 5.00
- (c) *Long Packages*
Over 9 metres in length, per tonne or part thereof (if exceeding 2500 kg
or 3 cu. metres the charge under item (a) or (b) shall apply) RM 2.00

Shut out cargo rates and rental

6.—(1) Cargo placed on storage terms and conditions at the time of discharge by prior arrangement with the Authority shall be charged the normal handling charges set out in paragraph 1 and storage rates of RM 1.00 per tonne or part thereof per week or part thereof.

(2) Cargo placed on storage terms and conditions on advice received after the time of discharge shall pay the normal receiving, sorting and delivery charges plus an additional handling charge of RM 2.00 per tonne or part thereof and a storage rate of RM 1.00 per tonne or part thereof per week or part thereof.

(3) Storage rates for special cargoes shall be such as may be agreed between the person requiring the storage and the Authority.

Godown warrants

7. A charge of RM 2.00 shall be made on each Godown Warrant issued in respect of cargo in storage.

Port labour overtime rates

8.—(1) A consignee, shipper or owner of goods, requiring the performance of overtime at the Authority's wharves at Sibul, whether for loading or discharging, shall pay, in addition to the charges set out in paragraph 1, the following charges—

<i>Weekdays Period</i>	<i>Stevedore</i>	<i>Per Gang</i>
		<i>Wharf or Lighter</i>
First half night or any part thereof	RM 50.00	RM 45.00
Second half night or part thereof	RM 60.00	RM 55.00
Midday or evening meal period or any part thereof	RM 20.00	RM 15.00
Midnight or morning meal period or any part thereof	RM 25.00	RM 20.00
<i>Sunday and Public Holidays</i>		
8.00 a.m. to 12.00 noon, 1.00 p.m. to 5.00 p.m. or any part thereof	RM 90.00	RM 80.00
First half night or any part thereof	RM 115.00	RM 90.00
Second half night or any part thereof	RM 125.00	RM 100.00
Midday or evening meal period or any part thereof	RM 40.00	RM 35.00
Midnight or morning meal period or any part thereof	RM 45.00	RM 40.00
Late advice fee for labour requisition submitted or altered after 3.30 p.m.		RM 20.00

(2) In addition to the overtime charges set out in sub-paragraph (1), if the midnight meal period or any part thereof is worked, there shall be an additional flat charge of RM 2.00 payable for every signalman, winchman and labourer engaged for the period. The number of men engaged for the work shall be agreed between the Authority and the consignee, shipper or owner of the goods and entered in the labour voucher which shall be signed by both parties.

Provided always that if this period or any part thereof is worked on the orders of the Authority, the additional flat charge shall not be levied.

Port Authority staff overtime

9. The following charges shall be made for the Authority's staff required to work overtime to accommodate a consignee, shipper or owner of goods:

Supervisory grade	RM 7.00 per man per hour or part thereof
Other staff	RM 5.00 per man per hour or part thereof

Shipping delivery direct to or from ship's hook

10.—(1) The Authority may under certain conditions grant permission for shippers or consignees to deliver or take delivery of cargo direct to or from ship's hooks. In such cases an inclusive charge shall be made as follow:

	<i>Per tonne or part thereof</i>
(a) Rice, Sugar and Salt	RM 2.50
(b) Other cargo	RM 5.00

(2) For mail bags delivered to or ex hook, a special inclusive charge of RM 2.50 per tonne or part thereof shall be made.

(3) Mail bags handled through transit sheds shall be charged at a special rate of RM 4.50 per tonne or part thereof.

11. For all the charges under this Schedule, the implementation of a volume rebate or discounted rates may be applied subject to mechanism being approved by the Authority.

THIRD SCHEDULE**GENERAL CHARGES**

(Regulation 3(1))

Hire of equipment

1. The Authority's equipment may, if such equipment is not required by the Authority for its normal working purposes, be hired by a vessel, consignee or shipper, for use within the Authority's premises for the purpose of handling goods in circumstances not covered by normal charges, or not directly connected with the receipt, delivery or stacking of goods, at the time of discharge, or of loading or delivery to, or receipt from, a consignee or shipper at a shed door. The Authority's staff shall operate the equipment, and it shall be charged for at the following rates—

	<i>For each item of equipment for each hour or part thereof</i>	
	<i>Ordinary rate</i>	<i>Overtime rate</i>
(a) Forklift truck/5 tonne mobile crane	RM 9.00	RM 12.00
(b) Towing Tractor	RM 5.00	RM 8.00
(c) Trailer (over 2 tonnes)	RM 5.00	RM 5.00
(d) Mobile Harbour Crane	RM 50.00 per TEU	

Hire of gear

2. The following charges shall be payable for gear supplied—

Gear – Hire charges, per eight-hour or part thereof:

Rope Slings	each	RM 4.00
Net Slings	each	RM 4.00
Wire sling (2 tonnes)	each	RM 4.00
Wire sling (5-9 tonnes)	each	RM 12.00
Wire sling (10-30 tonnes)	each	RM 20.00
Motor Car Sling	each	RM 20.00
Lorry Slings	each	RM 12.00
Pallet Slings	each	RM 4.00
Flour and Cement Slings	each	RM 4.00
Drum Hooks, per set	each	RM 4.00

Use of Authority's fire appliances

3. A charge of RM 50.00 per hour shall be made for the use of the Authority's fire appliances, whether ordered by a vessel, consignee or shipper in the case of fire which might endanger other vessels lying at the Authority's wharves, or endanger the Authority's premises or goods stored therein.

Special cargo survey fees

4. If the Authority is called upon to undertake any special survey on behalf of a vessel, consignee, shipper or other interested party, a fee of RM 20.00 per survey for a period not exceeding two hour shall be payable by the person requesting the survey. Every additional hour over two shall be charged at the rate of RM 10.00 per hour.

Charges for unscheduled work

5.—(1) Labourers, winchmen and signalmen may be hired from the Authority for any work which is not covered by a tonnage rate on a period basis at the following rates—

<i>Weekdays Period</i>	<i>Laborer</i>	<i>Winchman or Signalman</i>
7.30 a.m. to 11.30 a.m. or 1.00 p.m. to 5.00 p.m. or any part thereof	RM 8.00	RM 9.50
7.30 a.m. to 11.30 a.m. or 1.00 p.m. to 5.00 p.m.	RM 10.00	RM 12.00
7.00 p.m. to 11.00 p.m. or any part thereof	RM 10.00	RM 3.00
12.00 noon to 1.00 p.m. meal period or any part thereof	RM 2.50	RM 6.00
Other meal periods or any part thereof	RM 5.00	RM 6.00
<i>Sunday and Public Holidays</i>		
7.30 a.m. to 11.30 a.m. or 1.00 p.m. to 5.00 p.m. or any part thereof	RM 10.00	RM 12.00
7.30 a.m. to 11.30 a.m. and 1.00 p.m. to 5.00 p.m.	RM 18.00	RM 22.00
7.00 p.m. to 11.00 p.m. or any part thereof	RM 12.00	RM 14.00
12 noon to 1.00 p.m. meal period or any part thereof	RM 2.50	RM 3.00
Other meal periods or any part thereof	RM 5.00	RM 46.00
<i>Minimum Charges</i>		
Weekdays	RM 10.00	RM 12.00
Sundays and Public Holidays	RM 18.00	RM 22.00

(2) Staff required by a vessel, consignee, shipper or owner of goods to be on duty for work undertaken by the Authority, other than in the normal course of operation, shall be charged for at the following rates—

	<i>Ordinary Weekdays</i>	<i>Overtime (including Sundays and Public Holidays) Hourly Rate</i>
	<i>Hourly Rate Pr Man</i>	<i>Hourly Rate Per Man</i>
Supervisory staff	RM 5.50	RM 7.00
Other staff	RM 4.00	RM 5.00

Scale hire

6. The Authority's scales may be hired by a vessel, consignee, shipper or owner of goods at the following rates—

Per half day (7.30 a.m. to 11.30 a.m. or 1.00 p.m. to 5.00 p.m)	RM 3.00
Per day (8.00 a.m. to 5.00 p.m.)	RM 6.00
(5.00 p.m. to 8.00 a.m.)	RM 6.00

Measuring

7.—(1) Measuring at the request of a vessel, consignee, shipper or other person shall be undertaken at the rate of RM 1.00 per tonne or part thereof.

(2) The minimum charge for this work shall be RM 20.00.

Weighing

8.—(1) Any person requesting the weighing of goods by the Authority shall be charged at he rate of RM 2.00 per tonne or part thereof.

(2) The charge for issuing a weight certificate shall be RM 2.00 per copy.

(3) The minimum charge for this work shall be RM 4.00.

Repairs and rebagging

9. Sundry repairs to packages and other containers may be undertaken by the Authority at the following rates—

Resoldering of metal containers or drums:	
Large	RM 1.50 per drum
Small	RM 1.20 per drum
Resoldering of metal containers or tins ...	RM 1.00 per tin
Repairing wooden cases:	
Large (over 0.06 cu. m)	RM 1.20 per case
Small (0.06 cu. m or less)	RM 1.00 per case
Rebagging (cost of sack extra)	RM 1.00 per sack

Rent of space for sorting

10.—(1) Consignee and other interested persons may rent space, by the day or part thereof, on the floors of any transit shed, for checking or sorting their own goods.

(2) The charge for such space shall be at the rate of RM 1.00 per square metre per day or part thereof, subject to a minimum charge of RM 10.00.

Handling charges for dangerous goods

11. The handling charges for dangerous goods in Groups 1, 2 and 3 and scheduled wastes of the Authority's List of Dangerous Goods contained in First Schedule to the Tanjung Manis Port Authority By-laws, 2018 [*Swk. L.N. 29/2018*], whether ordered by a vessel, consignee or shipper shall be—

(a) in respect of scheduled waste, three times the charges and fee prescribed;

(b) in respect of Group 1 dangerous goods, two times the charges and fees prescribed;

(c) in respect of Group 2 dangerous goods, one and four fifth times of the charges and fees prescribed; and

(d) in respect of Group 3 dangerous goods, one and three fifth times of the charges and fees prescribed.

Transshipment charges

12.—(1) Cargo which satisfies all the following requirements and conditions shall be considered “Transshipment Cargo”—

- (a) The cargo shall be shown on the ship’s manifest as being for discharge at another port, and the Authority shall be advised prior to its discharge;
- (b) The cargo shall be reshipped on a through Bill of Lading, dated at the original port of loading, showing that the destination is via the Port of Tanjung Manis;
- (c) The cargo shall be discharged by the importing vessel directly, or by lighter, on the Authority’s wharf and remain in the Authority’s custody until it is transhipped;
- (d) The cargo shall be reshipped by the Authority to the on-carrying vessel at the Authority’s wharf, or by lighter, within a period of 28 days from the time of discharge from the first carrier;
- (e) The cargo shall not have originally been shipped on a direct delivery Bill of Lading to a given port and subsequently sold either on the high seas or after arrival at the designated port of discharge;
- (f) The cargo shall be certified in writing as transshipment cargo by the proper officer of Customs.

(2) *Bona fide* transshipment cargo shall be charged at the following rates—

(a) Landed at the port and reshipped within 28 days:

- (i) Packages other than containers RM 10.00 per tonne or part thereof
- (ii) Containers up to 20 feet in length RM 40.00 per container

(b) If cargo originally declared as transshipment cargo lies in the for a period in excess of 28 days penalty charges shall be levied at the following rates:

	<i>Per tonne as manifested or part thereof per week or part thereof</i>
Packages other than containers:	
(i) The next four weeks or part thereof	RM 2.00
(ii) Every subsequent week or part thereof ...	RM 4.00
Containers up to 20 feet in length	RM 2.00 per container per day or part thereof

(3) All charges in respect of transshipment cargo shall be for the account of the person or persons from whom the instructions in respect of this cargo are received.

(4) Overtime incurred in the handling of transshipment cargo shall be charged as specified in paragraph 7 of the First Schedule to these Regulations.

Electricity charges for refrigerated containers

13.—(1) Charges for the supply of electricity for refrigerated containers shall be levied at RM 25.00 per container per day or part thereof.

(2) For all the charges under this schedule, the implementation of a volume rebate or discounted rates may be applied subject to mechanism being approved by the Authority.

Made this 20th day of July, 2017.

ABDULLAH BIN HAJI SAIDOL,
Chairman
Tanjung Manis Port Authority

Approved this 20th day of July, 2017.

HAJAH SUTIN BINTI SAHMAT,
Clerk to Majlis Mesyuarat Kerajaan Negeri

[To be laid upon the table of the Dewan Undangan Negeri at its next meeting under section 64(2) of the Port Authorities Ordinance, 1961]