



SABAHPORTS
YOUR PORTS OF PREFERENCE



Approval Certificate No. KLR 0500329

Our Ref.: SPSB/ADMIN/HQ/13902/2/CIRCULAR(EXTERNAL)

8th July 2016 /

All Port Users

Dear Sirs,

**PORT OPERATIONS AND PORT CHARGES AT APPROVED
SUFFERANCE WHARVES OTHER THAN PORT (PRIVATE JETTIES
AND MIDSTREAM OPERATION)**

Reference is made to the Port Circular No. 01/2015 issued by Sabah Ports Authority dated 8th July 2015 as attached.

Further to the abovementioned circular, please be reminded that the payment of General Port Charge as stated below shall be paid to the Sabah Ports Authority through Sabah Ports Sdn Bhd in accordance with the applicable procedure. The current tariffs are as follows:-

Sabah Ports Authority (Scale of Dues and Charges) Regulations 1977

Tariff item No. 6 – Account vessel:

- RM0.70 per tonne or part thereof;
- To be paid by the Ship Owner / Agent.

Tariff item No. 32 – Account Shipper and Consignee:

- RM0.60 per tonne or part thereof;
- To be paid by the exporter or importer.

Thank you.

Yours sincerely,

SABAH PORTS SDN BHD,

[MOHD SAHID HJ NAWAB KHAN]
Chief Operating Officer

This Letter / document has
been faxed / emailed to you on 11/7/16
and it is now sent for record
purposes only to All Port.

SABAH PORTS SDN. BHD. (583073 - H)
(a wholly - owned subsidiary of Suria Capital Holding Bhd. (96895-W))

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LEMBAGA PELABUHAN-PELABUHAN SABAH

BANGUNAN IBU PEJABAT LPPS, JALAN TUN FUAD, TANJUNG LIPAT, BEG BERKUNCI NO: 2005.
88617 KOTA KINABALU, SABAH, MALAYSIA.
TEL: 088-538400 FAX: 088-223036



Fail / File : LPPS 100-4/4
Tarikh / Date : 08/07/2015

Kepada : SEMUA PENGGUNA PELABUHAN

To : ALL PORT USERS

PEKELILING PELABUHAN BIL. 01/2015 PORT CIRCULAR NO. 01/2015

**OPERASI DAN CAJ PELABUHAN KE ATAS TEMPAT PENDARATAN YANG DIBENARKAN
SELAIN DARIPADA PELABUHAN
(JETI PERSENDIRIAN DAN OPERASI DI PERAIRAN)**

**PORT OPERATIONS AND PORT CHARGES AT APPROVED SUFFERANCE WHARVES
OTHER THAN PORT
(PRIVATE JETTIES AND MID-STREAM OPERATION)**

1. LATAR BELAKANG

Selaras dengan Enakmen Lembaga Pelabuhan-Pelabuhan Sabah 1967, dlmansuhkan dan digubal semula oleh Enakmen Lembaga Pelabuhan-Pelabuhan Sabah 1981 dibaca bersama dengan Warta Kerajaan Negeri Sabah G.N. No. 16 Tahun 1977, semua *Sufferance Wharves* yang didefinisikan di bawah Seksyen 2 Akta Kastam 1967 di seluruh Sabah adalah dengan itu disytlharkan oleh Menteri Komunikasi dan Kerja raya di bawah Warta tersebut sebagai menjadi pelabuhan untuk kegunaan Enakmen LPPS, Seksyen 3 yang berkuat kuasa daripada 1hb Januari 1977. Ini termasuklah kesemua tempat pendaratan lain (jeti persendirian dan operasi di perairan) yang dibenarkan oleh Jabatan Kastam selain daripada pelabuhan-pelabuhan yang dimiliki oleh Lembaga Pelabuhan-Pelabuhan Sabah.

1. BACKGROUND

In accordance to the Sabah Ports Authority Enactment 1967, repeal and re-enact by Sabah Ports Authority Enactment 1981 read together with the Sabah State Gazette G.N. No. 16 of 1977, all *Sufferance Wharves* defined under Section 2 of the Customs Act 1967 throughout Sabah are hereby declared by the Minister of Communications and Works under the said Gazette to be ports for the purposes of the SPA Enactment, Section 3 with effect from 1st January, 1977. This includes all other landing place (private jetties and mid-stream operation) approved by Customs Department other than proper ports belongs to the Sabah Ports Authority.

2. KEPERLUAN LESEN "SUFFERANCE WHARVES"

Semua pengendali tempat pendaratan selain daripada Pelabuhan dalam Negeri Sabah seperti yang diisytiharkan oleh Jabatan Kastam DiRaja Malaysia adalah perlu mendapatkan kelulusan lesen serta surat kebenaran terlebih dahulu daripada Lembaga Pelabuhan-Pelabuhan Sabah untuk mengendalikan Jeti Persendirian atau Operasi di Perairan Negeri Sabah.

3. TANGGUNGJAWAB PEMEGANG LESEN "SUFFERANCE WHARVES"

Semua pemegang Lesen Jeti Persendirian dan Lesen Operasi di Perairan yang diluluskan oleh Lembaga Pelabuhan-Pelabuhan Sabah hendaklah mematuhi kesemua syarat-syarat lesen seperti yang termaktub dalam Surat Kelulusan Lesen yang dikeluarkan setiap tahun tanpa gagal.

4. KEGAGALAN MEMATUHI TERMA DAN SYARAT LESEN "SUFFERANCE WHARVES"

Kegagalan mematuhi syarat-syarat lesen akan mengakibatkan lesen tersebut ditarik balik dan dibatalkan seterusnya jeti persendirian atau operasi di perairan yang berkenaan akan ditutup sepenuhnya dengan kerjasama pihak Jabatan Kastam DiRaja Malaysia.

5. PEMATUHAN UNDANG-UNDANG

Semua pemegang Lesen Jeti Persendirian dan Lesen Operasi di Perairan hendaklah memastikan bahawa kesemua aktiviti serta kargo yang dibawa masuk dan keluar daripada tempat pendaratan yang dilesenkan mematuhi undang-undang yang berkuat kuasa di bawah Enakmen Lembaga Pelabuhan-Pelabuhan Sabah 1981, Peraturan-Peraturan (Skala Dius dan Caj) Lembaga Pelabuhan-Pelabuhan Sabah 1977, Warta Kerajaan Negeri Sabah (G.N. No. 16/1977) dan undang-undang lain yang berkuat kuasa ke atasnya dari semasa ke semasa. (Sila rujuk **LAMPIRAN** yang disertakan).

2. SUFFERANCE WHARVES LICENCE REQUIREMENT

All owners of approved landing place other than Port in the state of Sabah as declared by the Royal Customs Department Malaysia must first obtain a licence and approval letter from Sabah Ports Authority to operate a Private Jetty or Mid-Stream operation in Sabah Waters.

3. SUFFERANCE WHARVES LICENCE HOLDER DUTY

All holders of Private Jetty Licence and Mid-stream Licence as approved by Sabah Ports Authority must comply with all terms and conditions as stated in the Licence Approval Letter issued every year without fails.

4. FAILURE TO COMPLY WITH TERMS AND CONDITIONS OF SUFFERANCE WHARVES LICENCE

Failure to comply with terms and conditions of the licence may cause the licence to be withdrawn and revoke and thereafter the applicable private jetty or mid-stream operation will be fully closed with the cooperation from Royal Customs Department Malaysia.

5. COMPLIANCE OF LAWS

*All holders of Private Jetty Licence and Mid-stream Operation Licence shall ensure that all activity and cargo in and out from the licenced sufferance wharves must comply with the applicable laws under the Sabah Ports Authority Enactment 1981, Sabah Ports Authority (Scale of Dues and Charges) Regulations 1977, Sabah State Government Gazette (G.N. No. 16/1977) and other applicable laws imposed on it from time to time.
(Refer to **APPENDIX** annexed herewith).*

6. CAJ PELABUHAN

Berdasarkan undang-undang di atas, semua kapal yang beroperasi (memuat naik dan/atau memuat turun kargo) di Sufferance Wharves dalam Negeri Sabah adalah diperlukan untuk membayar dius dan caj pelabuhan yang dikuatkuasakan oleh Lembaga Pelabuhan-Pelabuhan Sabah.

Pembayaran **Caj Am Pelabuhan** seperti di bawah hendaklah dibuat kepada Lembaga Pelabuhan-Pelabuhan Sabah melalui **Sabah Ports Sdn Bhd** menurut prosedur yang berkuat kuasa. Tarif semasa adalah seperti berikut :

Peraturan-Peraturan (Skala Dius dan Caj) Lembaga Pelabuhan-Pelabuhan Sabah 1977

Tarif Bil. 6 – Akaun Kapal :

- **RM0.70** per tan atau sebahagiannya.
- Untuk dibayar oleh pemilik kapal/agen.

Tarif Bil. 32 – Akaun Pengirim dan Penerima :

- **RM0.60** per tan atau sebahagiannya.
- Untuk dibayar oleh pengeksport atau pengimport.

7. ISYTIHAR KAPAL DAN KARGO

Mana-mana pemilik kapal atau pemilik barang-barang sama ada yang di bawa masuk atau keluar daripada tempat pendaratan yang dilesenkan mesti mengisytiharkan aktiviti dan kargo masing-masing dengan teratur serta bertanggungjawab untuk memastikan bayaran dius dan caj pelabuhan dibayar sepenuhnya.

Semua kapal yang menjalankan operasi (memuat naik dan/atau memuat turun kargo) di mana-mana pelabuhan yang ditetapkan atau *Sufferance Wharves* dalam Negeri Sabah hendaklah mengisytiharkan dan menyerahkan dokumen-dokumen yang berkaitan, seperti Borang A (Notis Ketibaan Kapal) dan Perisytiharan Masuk/Keluar kepada **Sabah Ports Sdn Bhd (SPSB)** menurut prosedur yang ditetapkan bagi membolehkan SPSB membuat pengiraan tentang dius dan caj pelabuhan yang perlu dibayar.

6. PORTS CHARGES

In accordance to the above laws, all vessels operating (loading and/or discharging cargo) at any Sufferance Wharves shall be required to pay any dues and charges imposed by the Sabah Ports Authority.

*The payment of **General Port Charge** as stated below shall be paid to the Sabah Ports Authority through **Sabah Ports Sdn Bhd** in accordance to the applicable procedure. Current tariff are as follows:*

Sabah Ports Authority (Scale of Dues and Charges) Regulations 1977

Tariff Item No. 6 – Account Vessel :

- **RM0.70** per tonne or part thereof.
- To be paid by the Ship owner/agent.

Tariff Item No. 32 – Account Shipper and Consignee :

- **RM0.60** per tonne or part thereof.
- To be paid by the exporter or importer.

7. DECLARATION OF VESSEL AND CARGO

Any owner of the ship/vessel or owner of the goods/cargo either in or out from the licenced sufferance wharves must declare their activity and cargo in proper manner and shall be responsible to ensure the payment of port dues and charges made in full.

*All vessels operating (loading and/or discharging cargo) at any designated ports or Sufferance Wharves in Sabah shall submit the relevant documents, in particular Form A (Notice of Ship's Arrival) and Inward/Outward Manifest to the **Sabah Ports Sdn Bhd (SPSB)** in accordance to the procedure imposed in order for SPSB to determine the amount of port dues and charges to be paid.*

8. SABAH PORTS SDN BHD SELAKU OPERATOR PELABUHAN BERLESEN

Sila maklum bahawa di bawah Perjanjian Penswastan tahun 2004 dan berlandaskan Enakmen Pelabuhan-Pelabuhan Sabah (Penswastan) 1998, Lembaga Pelabuhan-Pelabuhan Sabah telah menyerahkan tugas aku janji pelabuhan menurut undang-undang kepada **Sabah Ports Sdn Bhd** selaku Operator Pelabuhan Berlesen, yang mana termasuk kuasa untuk meminta dan mengumpul sebarang dius dan caj pelabuhan yang dikuatkuasakan di bawah Peraturan-peraturan (Skala Dius dan Caj) Lembaga Pelabuhan-Pelabuhan Sabah 1977.

9. HUKUMAN BAGI KEGAGALAN MEMBAYAR DIUS DAN CAJ PELABUHAN

Mana-mana orang sama ada pemunya kapal atau pemunya barang-barang yang gagal membayar dius dan caj pelabuhan yang dikenakan adalah bersalah atas suatu kesalahan dan boleh dikenakan tindakan undang-undang menurut **Seksyen 59(1)** Enakmen Lembaga Pelabuhan-Pelabuhan Sabah 1981 seperti berikut :

- a) Denda RM1,000.00; dan
- b) Penjara selama enam (6) bulan; dan
- c) Penalti lanjut sebanyak dua kali ganda daripada jumlah dius dan caj pelabuhan yang dielakkan atau cuba dielakkan.

10. HUKUMAN BAGI PERISYTIHARAN PALSU

Mana-mana orang yang membuat dengan sengaja atau dengan cuai apa-apa pernyataan palsu atau perisytiharan palsu di dalam mana-mana dokumen berkaitan kapal atau kargo adalah juga bersalah atas suatu kesalahan menurut **Seksyen 60** Enakmen Lembaga-Lembaga Pelabuhan Sabah 1981 dan boleh dikenakan penalti di bawah **Seksyen 65** seperti berikut :

- a) Denda RM1,000.00; dan
- b) Penjara selama enam (6) bulan; dan
- c) Bagi kesalahan berterusan, denda tidak melebihi RM50.00 bagi tiap-tiap hari atau sebahagian hari kesalahan itu diteruskan selepas tarikh sabitannya.

8. SABAH PORTS SDN BHD AS THE LICENCED PORT OPERATOR

Please be inform that under the Privatisation Agreement year 2004 and as accorded under the Sabah Port (Privatisation) Enactment 1998, the Sabah Ports Authority has legally transferred its port undertaking to **Sabah Ports Sdn Bhd** as the Licenced Ports Operator, in which to include the authority to demand and collect any port dues or charges imposed under the Sabah Ports Authority (Scale of Dues and Charges) Regulations 1977.

9. PENALTY FOR FAILURE TO PAY PORT DUES AND CHARGES

Any person either the owner of vessel or the owner of cargo who fails to pay the port dues and charges imposed shall be guilty of an offence and shall be penalize under **Section 59(1)** of the Sabah Ports Authority Enactment 1981 as follows :

- a) Fine of RM1,000.00; and
- b) Imprisonment for six (6) months; and
- c) Further penalty double the amount of the port dues or charges evaded or attempted to evade.

10. PENALTY FOR FALSE DECLARATION

Any person who makes false statement or false declaration in any ships manifest or cargo manifest either knowingly or recklessly shall be guilty of an offence under **Section 60** of the Sabah Ports Authority Enactment 1981 and shall be penalize under **Section 65** as follows :

- a) Fine of RM1,000.00; and
- b) Imprisonment for six (6) months; and
- c) In case of a continuing offence, to a fine not exceeding RM50.00 for every day or part of a day during which the offence is continued after the date of a conviction.

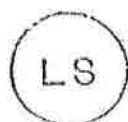
LAMPIRAN /

APPENDIX



STATE OF SABAH

I assent,



TUN DATUK HAJI MOHAMMAD ADNAN ROBERT,
Yang di-Pertua Negeri.

27TH AUGUST, 1981.

No. 17 of 1981

An Enactment to repeal and re-enact the law relating to the establishment of a Sabah Ports Authority and provide for matters incidental thereto and connected therewith so as to make better provisions respecting the constitution, administration, procedure, functions and finance of the Sabah Ports Authority.

ENACTED by the Legislature of the State of Sabah as follows:—

PART I

PRELIMINARY

Short
title
and
commence-
ment.

1. (1) This Enactment may be cited as the Sabah Ports Authority Enactment, 1981, and shall come into operation on such date as the Minister may, by notice in the *Gazette*, appoint.

(2) The Minister may appoint different dates for the coming into operation of different parts or provisions of the Enactment.

Inter-
pretation.

2. In this Enactment, unless the context otherwise requires—

“approaches to a port” means any area so declared under section 3 of this Enactment;

“Authority” means the Sabah Ports Authority constituted under section 4;

“Chairman” means Chairman of the Authority;

“charges” means any charges, toll or rent levied or leviable by the Authority under this Enactment but does not include port dues;

“Deputy Chairman” means Deputy Chairman of the Authority;

“dock” includes a dry dock and the entrances thereto, graving dock, gridiron, slip, keel block, inclined planes, and all machinery, works, fixtures and things whatsoever attached or pertaining thereto;

“functions” includes powers and duties;

“General Manager” means the General Manager appointed under section 21 of the Enactment and includes any person for the time being so appointed to perform the duties of the General Manager;

“goods” includes animals, carcasses, baggage and any movable property of any kind whatsoever;

“harbour craft” means any vessel which plies within a port for any purpose of trade or business;

“master” includes every person, other than a pilot, having command or charge of any vessel;

“member” means a member of the Authority including the Chairman and Deputy Chairman;

"Minister" means the Minister for the time being charged with responsibility for matters relating to communications and works;

"owner" when used in relation to goods, includes any consignor, consignee, shipper or agent of the owner for sale, custody, loading, handling, discharge or delivery of such goods; and when used in relation to any vessel, includes any port-owner, charterer, operator, consignee or mortgage in possession thereof or any duly authorised agent of any such person;

"port" means any place declared to be a port under section 3 of this Enactment;

"Port dues" means any port dues levied under the provisions of section 40 or 41 of this Enactment;

"vessel" includes any ship or boat or other vessel used in navigation;

"wharf" includes a quay, pier, jetty or other landing place.

3. (1) The Minister may, after consultation with the Authority, by notice in the *Gazette*—

Declaration
of ports,
etc.

(a) declare any area in Sabah to be a port for the purposes of this Enactment;

(b) declare any area in Sabah adjacent to a port to be the approaches to such port.

(2) Every declaration under this section shall define the limits of the port or of the approaches to the port as the case may be.

PART II

ESTABLISHMENT AND CONSTITUTION OF AUTHORITY

4. (1) As from the commencement of this Enactment there shall be constituted "the Sabah Ports Authority" which shall be a body corporate with perpetual succession, capable of suing and being sued in its corporate name and with power to purchase or otherwise acquire, hold, and exchange or alienate or otherwise deal with in any lawful manner whatsoever, any property movable and immovable, and to enter into contracts and generally to do such acts and things as a body corporate may do by law and as are necessary for, or incidental to, the carrying out of its objects and the exercise of its powers as set out in this Enactment.

Establish-
ment of
Authority.

PART VII

DUES AND CHARGES

Dues
payable
in respect
of vessels

40. (1) Subject to the provisions of this Enactment, the master or owner of every vessel, other than a vessel exempted under the provisions of subsection (2) of this section, which enters a port or the approaches to a port shall pay to the Authority port dues according to such scale as may be prescribed.

(2) There shall be exempted from port dues under this section—

- (a) any harbour craft required to pay port dues under the provisions of section 41 of this Enactment;
- (b) any vessel discharging cargo or disembarking passengers solely for the purpose of effecting repairs or of determining whether such repairs are necessary, whether or not such cargo is loaded or such passengers are re-embarked; and
- (c) any vessel or harbour craft belonging to the Government of Malaysia or to the Government of any of the States of Malaysia or to any Commonwealth or foreign government, other than such vessel loading or discharging cargo or embarking or disembarking passengers carried for freight or fares.

Dues
payable
in respect
of harbour
craft

41. The master or owner of every harbour craft shall pay to the Authority annual port dues according to such scale as may be prescribed.

Remission
of dues.

42. The Authority may, if it thinks fit, remit the whole of any part of any port dues.

Levy of
charges

43. (1) Subject to the provisions of this Enactment, the Authority may levy such charges at such rates as may be prescribed for the use of premises, works or appliances belonging to, and for services or facilities provided by the Authority, and without prejudice to the generality of the foregoing for any of the following purposes—

- (a) the landing, shipping, wharfage, lighterage, craning, storage or carriage of goods;
- (b) the carriage of passengers;

- (c) the use by any vessel or person of any premises, wharf, pier or dock under the control of the Authority;
- (d) the use of any gear, tackle, instruments, tools, utensils, staging or materials supplied by the Authority for the purpose of any vessel using or any person working in any premises, wharf, pier or dock under the control of the Authority;
- (e) the use of any vessel or engine belonging to or maintained by the Authority for the extinction of fire;
- (f) the towing of, and rendering assistance to any vessel being within or without a port under the control of the Authority;
- (g) the supplying of water, fuel, electricity and other forms of energy by the Authority.

(2) The Authority may, instead of levying the charges prescribed, enter into a special agreement with any person in respect of any of the matters specified in subsection (1) of this section.

(3) The Authority may levy such charges as may be prescribed in respect of any cargo shipped or discharged within a port or the approaches to a port otherwise than over any wharf belonging to the Authority.

(4) The Authority may, if it thinks fit, remit the whole or any part of any charges leviable under this Enactment.

44. Any duly authorised representative of the Authority may enter into any vessel within the limits of any port or the approaches to any port in order to ascertain the amount of port dues and charges payable in respect of the vessel.

Power of
entry
into
vessel.

45. (1) Charges in respect of goods to be landed shall become payable immediately on the landing of goods.

Payment
of
charges.

(2) Charges in respect of goods to be shipped shall be payable before such goods are shipped.

(3) Charges in respect of goods to be removed from the premises of the Authority shall be payable before such goods are removed.

59. (1) Any master or owner of any vessel, or any owner, consignee or consignor of any goods who, by any means whatsoever, evades or attempts to evade payment of any port dues or charges shall be guilty of an offence and to a fine of one thousand ringgit and to imprisonment for six months and shall in addition be liable to pay to the Authority as further penalty double the amount of the port dues or charges he evaded or attempted to evade.

Evasion
of dues
and
rates

(2) The tender to or acceptance by the Authority or any of its officers of any port dues or charges, the payment of which has been previously evaded or left unpaid, shall not release or discharge any person from any liability for any damages or penalty consequent upon such evasion or non-payment.

60. Any person who makes, either knowingly or recklessly, any statement which is false in any material particular in any return, claim or other document which is requested or authorized to be made by or under the provisions of this Enactment, shall be guilty of an offence.

False
returns.

61. Any master of a vessel entering or leaving or intending to enter or leave any dock, or come alongside or depart from any wharf, pier or jetty, in a port who gives false information of the draught, length or beam of such vessel to any employee of the Authority whose duty it is to ascertain the same, shall be guilty of an offence to a fine of one thousand ringgit.

Penalty for
giving false
information
as to
draught
of vessels.

62. (1) If the master of any vessel in a port, without permission of the Authority--

Penalty for
disobeying
orders of
officers
in charge
of wharves.

- (a) brings in his vessel, or causes it to be placed alongside any wharf or dock entrance;
- (b) acts contrary to the directions, or fails to comply with the order, of the competent Authority's officer in relation to the time and manner--
 - (i) of coming into or going out of any dock; or
 - (ii) of coming alongside any wharf or pier; or
 - (iii) as to the berth allotted for his vessel to occupy; or
- (c) disobeys any order to remove his vessel from any berth; such master shall be guilty of an offence.

(2) Where the master of any vessel in a port which has finished loading or discharging or is waiting for cargo or ballast fails to comply with a notice given to him or to the officer in charge of such vessel by an officer or servant of the Authority directing such vessel to leave the wharf, pier or dock, such master or the owner of such vessel shall, without prejudice to any prosecution in respect of such failure and in addition to any penalty imposed upon any conviction therefor, pay a sum assessed at the rate of one-quarter cent per gross registered ton for every hour that such vessel remains at the wharf after the time for departure required by such notice has expired, and such sum may be recovered by the Authority as a civil debt.

Vessel to
be kept
ready to
move

63. Every vessel lying alongside a wharf, pier or dock entrance, or within any dock, in a port shall be kept so equipped, provided and loaded or ballasted as to enable her to be removed with safety whenever it is required by the Authority, and the master of any vessel who fails to comply with the provisions of this section shall be guilty of an offence.

Penalty for
throwing
ballast,
etc.,
overboard
in port
area.

64. Any person who throws or empties any oil, ballast, rubbish, dust, ashes, stores or any other refuse or things overboard within the limits of a port or does any act to the prejudice of any of the works of the Authority shall be guilty of an offence.

General
penalty

65. Any person guilty of an offence under this Enactment for which no other penalty is provided shall be liable to a fine of one thousand ringgit and to imprisonment for six months and, in the case of a continuing offence, to a fine not exceeding fifty ringgit for every day or part of a day during which the offence is continued after the date of a conviction therefor.

PART IX

GENERAL

Auxiliary
Police force
P.M. No.
41 of 1967.

66. The Authority may, subject to the provisions of the Police Act, 1967, employ port police within the limits of any port.

Bonded
ware-
houses

67. (1) If any warehouse of the Authority is approved and appointed as a bonded warehouse under any written law for the time being in force, the Authority may give

THE SABAH PORTS AUTHORITY ENACTMENT, 1967
SABAH PORTS AUTHORITY
(SCALE OF DUES AND CHARGES) REGULATIONS, 1977

In exercise of the powers conferred by section 40, 41 and 43 of the Sabah Ports Authority Enactment 1981, the Sabah Ports Authority hereby makes the following regulations:-

1. These Regulations may be cited as the Sabah Ports Authority (Scale of Dues and Charges) Regulations, 1977.
2. In these Regulations,
 - (a) "GRT" means the Gross Registered Tonnage;
 - (aa) "Normal Working Hours" means working hours of the 1st and 2nd shifts on a normal working day, excluding the meal breaks;
 - (b) "Port" means any place declared to be a port under section 3 of the Sabah Ports Authority Enactment, 1981;
 - (c) "Prescribed Holidays" means the Prescribed Holidays for Workers as prescribed under the Labour Ordinance, (Cap.67);
 - (d) "Public Holidays" means the Public Holidays as prescribed under the Holidays Ordinance, (Cap. 56);
 - (dd) "Shift" means eight (8) working hours which is divided by a meal break into two (2) work period;
 - (e) "Tonne" means one metric tonne or 1,000 kilograms or one cubic metre;
 - (f) "The Authority" means the Sabah Ports Authority established under section 4 of the Sabah Ports Authority Enactment, 1981.
3. The master or owner of every vessel, other than a vessel exempt under the provisions of sub-section (2) of section 40 of the Enactment, which enters a port or the approaches to a port and the master or owner of a harbour craft shall pay to the Authority port dues according to the scale specified in Part 1 of the Schedule.
4. There shall be paid such charges as specified under Part II of the Schedule in respect of a vessel for loading or discharging cargoes or using any of the Authority's wharves.

PART II ACCOUNT VESSEL

WHARFAGE

Tariff Item No.		Per Tonne or Part Thereof
3.	(1) Wharfage charges on cargo loaded or discharged at the Authority's wharves	RM 2.30
	(2) Deleted	
	(3) Full wharfage shall be levied on each vessel on all cargo passing from one vessel to another where one vessel is alongside an Authority's wharf.	

MINIMUM WHARFAGE CHARGE

4. Whenever the wharfage charges on tonnage of cargo shipped or discharged by a vessel alongside the Authority's wharves (or by a vessel moored to any other vessel alongside such wharves) amounts to less than the minimum charge specified hereunder, the said minimum charge will be made.

Per one metre length overall of the vessel per hour or part thereof, calculated from the time of berthing to the time of unberthing.

RM 0.15

CHARGES FOR OVERSTAYING ALONGSIDE WHARF

5. Where any vessel having been allocated a berth remains thereat for a period longer than is permitted and has failed to comply with a notice in writing given to the master, officer-in-charge of the vessel or its agent to leave that berth, a charge shall be made against such vessel at the rate of RM15.00 per 100 GRT or part thereof per hour or part thereof.

GENERAL PORT CHARGE

6. (1) For cargo shipped or discharged by a vessel at anchor the general port charge shall be

RM 0.70

(2) Deleted

(3) For cargo shipped or discharged by a vessel at a private jetty the general port charge shall be

RM 0.70

When a vessel whilst at anchor discharges any cargo into another vessel, the appropriate charge will be levied on both vessels.

CHARGES FOR PASSENGERS

7. The following charges shall be raised:-

Adults

Children Under
12 Years of Age

(1) Vessels berthed at wharves

Per passenger embarking or disembarking

RM 3.00

RM 1.50

(2) Vessels anchored in port

Per passenger embarking or disembarking at the
passenger jetty into or from private craft

RM 2.00

RM 1.00

BERTHING OR UNBERTHING

8. The charges for shore labour utilized for berthing or unberthing at the Authority's wharves shall be:-

(1) On an ordinary week-day:-

Per Operation

(a) Between the hours of 7.30 a.m. and 5.00 p.m.

(i) Vessels not exceeding 60 metres overall in length

RM 35.00

(ii) Vessels exceeding 60 metres overall in length

RM 70.00

(b) Between the hours of 5.00 p.m. and 7.30 a.m.

(i) Vessels not exceeding 60 metres overall in length

RM 70.00

(ii) Vessels exceeding 60 metres overall in length

RM 140.00

PART III ACCOUNT SHIPPER AND CONSIGNEE

HANDLING CHARGES

Tariff
Item No.

23. The following charges shall be made for the services specified below in respect of cargo other than that specified in Item 24.

Per Tonne or
Part Thereof

(1) Import Cargo

- | | |
|--|---------|
| (a) Receiving at wharves and loading into railway wagons or private road vehicles for direct delivery | RM 4.50 |
| (b) Receiving at wharves, removal into transit sheds or other transit storage areas and loading into railway wagons or private road vehicles. | RM 9.00 |
| (c) All goods discharged from vessel lying alongside any Authority's wharf into craft authorized in writing by the Port Manager or Officer-in-Charge of the port concerned | RM 2.25 |

(2) Export Cargo

- | | |
|--|---------|
| (a) Shipment of cargo received direct by rail or road | RM 4.50 |
| (b) Receiving of cargo at transit sheds or other transit storage areas, removal to wharves and shipment | RM 9.00 |
| (c) All goods shipped ex craft on vessel lying alongside any Authority's wharf into craft authorized by the Port Manager or Officer-in-Charge of the port concerned. | RM 2.25 |

(3) Cargo Left Unattended

Direct delivery and direct shipment cargo shall be charged at the rate of RM9.00 per tonne, if such cargo is left unattended within the Authority's premises.

(4) Deleted

29. Free Storage Period

(1) The Authority allows a free storage period of 72 hours as follows :

- (a) For inward cargo the 72-hour free storage period starts from midnight on the day of completion of discharge of the ship and finishes 72 hours thereafter. Cargo remaining in the Authority's custody after the aforesaid free period incurs storage charges.
- (b) For outward cargo the 72-hour free storage period starts from the time the cargo or any part of a particular consignment is received by the Authority and finishes 72 hours thereafter. Cargo remaining in the Authority's custody after the aforesaid free period incurs storage charges.

(2) Deleted

30. Store Rent on Valuable Cargo

An ad valorem charge at the rate of one percent per day or part thereof for store rent shall be made for any package exceeding in value RM2,000 stored in the Authority's valuable cargo lock-up upon the express application of the consignee or shipper.

31. Reception/Delivery Outside Normal Working Hours

A consignee or shipper requiring delivery or reception of cargo from or to a transit or warehouse area outside the normal delivery or reception hours will be required to pay per hour or part thereof.

RM 30.00

On Prescribed Holidays this rate shall be increased by 100%.

32. General Port Charge

(1) For cargo shipped or discharged by a vessel at anchor the general port charge shall be:-

- (a) for all cargo other than bulk liquid cargo per tonne or part thereof
- (b) for all bulk liquid cargo per liquid tonne or part thereof

RM 0.60

RM 0.60

(2) Deleted

(3) For cargo shipped or discharged by a vessel at a private jetty the general port charge per tonne or part thereof shall be:

RM 0.60

No. 14

[No. MNR. 116/73]

THE LOCAL GOVERNMENT ORDINANCE, 1961
(Ordinance No. 11 of 1961)

SURRENDER OF PART OF STATE LAND VESTED IN THE LABUAN TOWN BOARD

It is hereby notified for public information that in pursuance of section 70 of the Local Government Ordinance, 1961, the Labuan Town Board on being called upon by the Yang di-Pertua Negeri to surrender an area of 3.76 acres as described in the Schedule hereto and which is more particularly shown on Plan No. 20123708 from Survey Lot No. 20200000 forming part of the site of Kamaludin Garden which has been vested in it vide Gazette Notification No. 14 of 1973 has surrendered the same to the Yang di-Pertua Negeri.

2. Gazette Notification No. 14 of 1973 is accordingly amended by deleting the area of 52.95 acres appearing against Survey Lot No. 20200000 in the Schedule thereto and substituting therefor the area 48.75 acres.

SCHEDULE

Locality	District	Description	Plan No.	Area
Labuan	Labuan	Survey Lot No. 20200000	20123708	3.76 acres approximately

Dated at Kota Kinabalu, this 21st day of December, 1976.

By His Excellency's Command.

DATUK HARRIS BIN MOHD. SALEH,
Chief Minister.

No. 15

[No. MNR. 103/14/3]

THE NATIONAL PARKS ORDINANCE
(Ordinance No. 5 of 1962)

APPOINTMENT OF TRUSTEES OF THE SABAH
NATIONAL PARKS BOARD OF TRUSTEES

It is hereby notified for public information that in exercise of the powers conferred upon the Yang di-Pertua Negeri by sub-section (2) of section 17 of the National Parks Ordinance, 1962, the Yang di-Pertua Negeri has appointed the Secretary of Natural Resources as a trustee of the Sabah National Parks Board of Trustees with effect from the 1st October, 1976.

Dated this 25th day of November, 1976.

By Command.

DATUK HARRIS BIN MOHD. SALEH,
Chief Minister.

This Gazette Notification shall be supplementary to and not in replacement of all previous Gazette Notifications declaring the following to be ports for the purposes of the Enactment:—

- (a) Port of Kota Kinabalu ... (G.N. No. 864/68)
- (b) Port of Sandakan ... (G.N. No. 524/71)
- (c) Port of Tawau ... (G.N. No. 703/69)
- (d) Port of Lahad Datu ... (G.N. No. 685/71)
- (e) Port of Semporna ... (G.N. No. 525/71)
- (f) Port of Kudat ... (G.N. No. 686/71)
- (g) Port of Kunak ... (G.N. No. 162/72)

Dated at Kota Kinabalu, this 30th day of December, 1976.

LIM GUAN SING,
Minister of Communications and Works.

No. 16

[No. JKM. 1002/5/IV/120]

THE SABAH PORTS AUTHORITY
ENACTMENT, 1967

In exercise of the powers conferred upon me by section 3 of the Sabah Ports Authority Enactment, 1967, I hereby declare all sufferance wharves in Sabah as defined under section 2 of the Customs Act, 1967 to be ports for the purposes of the Enactment with effect from 1st January, 1977.

TENDER NOTICES

No. 17

[No. JKM. 1002/10/VI/230]

KENYATAAN TAWARAN

Tawaran adalah dipelawa daripada Pemborong-pemborong yang berdaftar dengan Jabatan Kerja Raya Kelas 'BX' dan ke atas untuk "THE ERECTION AND COMPLETION OF POLICE CLASS 'G' QUARTERS AT LABUAN".