

PORTS AUTHORITIES ACT 1963

Johore Port Authority (Tanjung Pelepas)

(Scale of Rates, Dues AND Chargers) By Laws 2000

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PORTS AUTHORITIES ACT 1963
Johore Port Authority (Tanjung Pelepas)
(Scale of Rates, Dues and Chargers) By Laws 2000

In exercise of the powers conferred by section 16, 17A and 29 of the Port Authorities Act 1963 [Act 488], the Johore port Authority (Tanjung Pelepas), with the approval of the Minister, makes the following by-laws:

Citation and commencement

1. (1) These by-laws may be cited as the **Johore Port Authority (Tanjung Pelepas) (Scale of Rates, Dues and Chargers) By-Laws 2000.**

(2) These By-Laws come into operation on 18 December 2000

Interpretation

2. In these By-Laws, unless the context otherwise requires-

“goods” shall be used interchangeably with “cargo” and shall include livestock, minerals, wares and merchandise of every description whether containerized or otherwise, and includes also any passenger luggage and effects:

“dangerous goods” means dangerous cargoes in packaged form and includes the goods classified by the Authority into groups specified by the Authority into groups specified in part V of the Johore Port Authority (Tanjung Pelepas) By-Laws 2000 [P.U(A) 465/2000]:

“G.T” means the gross tonnage of a vessel measured in accordance with the International Convention of Tonnage Measurement of Ships 1969;

“package” includes any box, basket, barrel, case, receptacle, sack, bag, wrapper, envelope, or other covering or thing in which goods are placed for the purpose of carriage, consignment, freight, importation or exportation;

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

“Authority’s wharf” means any wharf owned by the Authority and operated by the licensed operator;

“day” means the period from 0700 hours on one day to 0700 hours on the next day;

“dangerous cargoes” shall have the meaning assigned to it under Part V of the Johore Port Authority (Tanjung Pelepas) By-Laws 2000 2000 [P.U(A) 465/2000]:

“vehicle” means a structure capable of moving or being moved or used for the conveyance of any person or thing and which maintain contact with the ground when in motion;

“container” means a freight container complying with all relevant prevailing standards set by the International Organisation for Standardization (ISO) and which can be conveyed by one or more modes without intermediate reloading and fitted with devices permitting ready handling and with unique identification numbers and markings;

“Authority” means the Johore Port Authority (Tanjung Pelepas) and includes its employees and agents;

“LOA” means the length of a vessel measured from the extreme point forward of the vessel to the extreme point aft of the vessel;

“Port” means Port of Tanjung Pelepas within the limits declared under section 6 of the Merchant Shipping Ordinance, 1952 [Ord. 70/52] as published in the Gazette in P.U. (B) 388/99 on 7 October 1999;

“licensed operator” means a port operator licensed by the Authority under Part III of the Ports (Privatisation) Act 1990 [Act 422] to manage and operate the port undertakings of the Authority at the port and includes its servants and agents;

“port premises” means all places owned or occupied by the Authority and shall include the Authority’s premises demised or rented to the licensed operator and includes all places administrated, leased, rented, built, owned, managed or occupied by the licensed operator at the Port and appropriated by it including but not limited to landing and shipping of cargo and all land at any time vested in, belonging to or managed or administered by the licensed operator and any portion of the bank of the river so administered, leased, owned, manage or occupied which has been improved to facilitate such landing and shipping and any foreshore so manage or occupied and used for such purposed;

“tonne” means one metric tonne or kilograms or one cubic metre;

“laid-up” in relation to any vessel, means a vessel which is not under repair or actively employed; provided that the master or owner of such vessel has given written notice to the Authority or the licensed operator that the vessel that the vessel is in such a condition;

“vessel” includes any ship, boat and any other description of vessel used in navigation.

Transshipment goods

3. Transshipment rates shall apply to goods in respect of which the following conditions are fulfilled;
 - a) The goods shall be declared for transshipment at the Port within 24 hours of the arrival of the importing vessel;

- b) The goods shall be discharge by the importing vessel onto the wharves and remain in the custody of the Authority or the licensed operator until it is transshipped; and
- c) The goods shall be transshipped by the Authority or the licensed operator on-board another vessel at the Authority's wharves.

Re-export goods

- 4. Re-export goods rates shall apply to goods in respect of which the following conditions are fulfilled:
 - a) The goods shall be declared for re-export within 72 hours of completion of discharge of goods from the importing vessel; and
 - b) The goods shall be discharged by the importing vessel onto the Authority's wharves and remain in the port premises until it is re-exported on board another vessel at the Authority's wharves.

Palletised or unitised goods

- 5. (1) palletised or unitised goods rates shall apply to goods in respect of which the following conditions are fulfilled:
 - a) The goods shall be in small packages or units which are—
 - (i) Wrapped;
 - (ii) Strapped; or
 - (iii) Wrapped and strapped,together on a pallet;
 - b) The weight or volume per palletised unit shall not be more than 2,500 kilograms or 4 cubic metres in measurement;
 - c) The goods shall be manifested and the manifest shall be duly endorsed at the port of loading as being palletised or unitized and the bill of lading, delivery order or shipping order shall be similarly endorsed; and
 - d) The palletised or unitised goods shall be discharge or loaded as single units with the aid of forklift trucks on board and on the wharf.
- (2) In this by-laws, "pallet" means a device on the deck on which a quantity of goods can be assembled to form a unit load for the purpose of transporting it, or of handling and stacking it with the assistance of mechanical appliances and is made up of two decks separated by bearers, or of a single deck supported by feet; its overall height is reduced to the minimum compatible with handling by forklift trucks and pallet trucks.

Chargeable tonnage

6. (1) Whether or not a ship's manifest or shipping note is lodged with the Authority or the licensed operator, the Authority or the licensed operator, as the case may be, may elect to calculate all tonnage of goods according to the cubic measurement or gross weight, notwithstanding whichever is the greater.
- (2) The Authority or the licensed operator, as the case may be, may levy charges on the measurement tonnage if the weight tonnage cannot be ascertained or *visé versa*.
- (3) In the case of a vessel with dual tonnage or a vessel with an opened or close shelter deck, the higher tonnage shall be deemed to be registered gross tonnage of the vessel.

Payment of charges

7. (1) Except in the case of persons holding a ledger or other credit account, all charges shall be payable in cash.
- (2) Cheques shall not be accepted for any payment to the Authority or the licensed operator, as the case may be, except by special arrangement.
- (3) Where credit facilities are made available to the ports users, account in respect of such credits facilities shall be settled within a period of 30 days from the date in which such accounts are dispatched.
- (4) Accounts which are not settled within period specified in paragraph (3) shall be subject to a surcharge of 2% thereof and any account which is not settled within subsequent period of 30days shall be subject to a further surcharge of 2% thereof.

Responsibility for charges

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

Undercharge

9. (1) The Authority or the licensed operator, as the may be shall be entitled to collect any amount which may be ascertained to have been undercharge or which may otherwise be found to be due and shall demand in writing the payment of any such amount within six years from the date the transaction is completed.
- (10) In this paragraph "transaction" includes all services rendered supplies provided and contracts to which the Authority or the licensed operator, as the case may be, is a party.

Overcharge

10. (1) A person shall not be entitled to a refund of any overcharge unless he refers in writing to the Authority or the licensed operator, as the case may be, within six years from the date the delivery bill, shipment bill or any other bill is issued to him, and he gives full information supported by such other documentary evidence as may be required.
- (2) Where any goods have been measured or weighed by the Authority or the licensed operator, no claim for a refund shall be accepted by the Authority or the licensed operator, as the case may be, unless the person or the licensed operator claiming the refund has disputed the measurement or weight of the goods at the time they were measured or weighed.

Store rent

11. (1) Import goods other than containerised cargo shall be allowed a free storage period of 72 hours commencing from the end of the shift during which the vessel completes discharge and the charges, if incurred, shall be calculated per day of 24 hours commencing from the expiry of the free storage period of 120 hours.
- (2) Import containerised cargo shall be allowed a free storage period of 120 hours commencing from when the last box of container is discharged from the vessel until the first box of container is loaded on to a vessel. The charges, if incurred, shall be calculated per day of 24 hours commencing from the expiry of the storage period of 120 hours.
- (3) Import goods other than containerised cargo shall be allowed a free storage period of 120 hours, calculated from the end of the shift in which storing commenced to the end of the shift in which the vessel is berthed, and the charges. If incurred, shall be calculated per day of 24 hours commencing from the expiry of the storage period of 120 hours.
- (4) Export containerised cargo shall be allowed a free period of 120 hours commencing from when the first box of container is loaded on to a vessel. The charges, if incurred, shall be calculated per day of 24 hours commencing from the expiry of the free storage period of 120 hours.
- (5) Shut-out goods shall be allowed a free storage period of 144 hours, calculated from the end of the shift in which the vessel is unberthed, and the charges, if incurred, shall be calculated from the free storage period of 144 hours.
- (6) In calculating the free storage period allowed, Sundays and all gazetted public holidays shall not be included.
- (7) Berth time is calculated based on the duration from the first line ashore for berthing until the last line being cast off.

(8) Removal to warehouse storage shall be at the discretion of the Authority or the licensed operator, as the case may be, 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 at the convenience of the Port.

Conditions of hire of mechanical equipment, gears and appliances

12.(1) The Authority of the licensed operator, as the case may be, while taking all reasonable precautions to ensure that the mechanical equipment, gears and appliances it issue are in sounds and usable condition, shall accept no responsibility for any consequences which may arise as a result of breakage or other unforeseen circumstances occurring during the period of hire.

(2) The mechanical equipment, gears and appliances are hired on condition that the entire liability rests with the hirer, who shall be required to indemnify the Authority or the licensed operator, as the case may be, accordingly.

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

General conditions

13. (1) The Authority and the licensed operator shall not provide any service or accommodation to any person unless such persons make a request in writing for the same, and where such request is made to the Authority or the licensed operator, the Authority or the licensed operator, as the case may be, where it deems fit to do so in the interest of the Authority or the licensed operator, as the case may be, may refuse the request without assigning any reason therefore.

(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 the shipment of goods shall not be acted upon unless it is endorsed by the ship owners or agents.

(4) In all cases, Customs and Free Commercial Zone Authority requirements shall be complied with before delivery or shipments is carried out.

(5) The Authority or the licensed operator may remove goods at any time it considers necessary and the appropriate removal charges shall apply.

Scale of rates, dues and charges

14. The sale of rates, dues and charges shall be as prescribed in the Schedule.

SCHEDULE

(By-Law 14)

Part A**CHARGES FOR ACCOUNT OF VESSEL****Item****1. MARINE CHARGES****1.1 Consolidated Marine Charges**

The marine charges are consolidated to include port dues, pilotage and dockage into a single charge

- i. Consolidated marine charges are based on the first 6 hours or part thereof and beyond that period only dockage is charged per hour or part thereof. Dockage is calculated from the time the vessel berths alongside until it leaves the berth; or from the time the vessel is anchored until it leaves the anchorage.
- ii. These rates shall apply for vessel loading and discharging goods at the wharf or anchorage for the purpose of taking bunker, ship's supply, repairs, change of crew, ship to ship transfer or any other services required.
- iii. Marine charges are based on per call basis and the LOA of each vessel at the following rates:

LOA \ Interval	First 6 hours or part thereof RM	Next hour or part thereof RM
a. 100 metres and below	3,000.00	100.00
b. Exceeding 100 metres but not exceeding 150 metres	4,500.00	150.00
c. Exceeding 150 metres but not exceeding 200 metres	9,000.00	400.00
d. Exceeding 200 metres but not exceeding 250 metres	16,000.00	800.00
e. Exceeding 250 metres but not exceeding 300 metres	18,000.00	1,400.00
f. Exceeding 300 metres	22,500.00	1,800.00

1.2 Other Marine Charges

1.2.1 Pilotage dues

If vessel only requires pilotage for transit between the port limits, the following charges are applicable:

LOA	Per metres per hour or part thereof
a. 15 metres and below	Free
b. Exceeding 15 metres	4.00

1.2.2 All vessels

- i. If a vessel only requires towage for transit between the port limits, the following charges are applicable. The charges under this item shall commence from the time the tug leaves its base to the time it returns to its base.

Per tug per movement, Per hour or part thereof	RM 7.00 per meter of LOA
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- ii. Oil rigs, pontoon or any unusual structures

Additional charges for escort, towage of oil rigs, towage of pontoon or any unusual structures are as follows:

1.2.3 Laid-up dues

Additional laid-up dues per vessel at approval anchorage are as follows:

	Per 30 day hour or part thereof RM
a. 1,000 G.T and below	4,000.00
b. Above 1,000 G.T to 2000 G.T	6,000.00
c. Above 2,000 G.T to 15,000.00 G.T	8,000.00
d. Above 15,000 G.T	14,000.00 and additional RM6.00 for every increase of 100 G.T above 15,000 G.T

1.3 Late Request, Amendments or Cancellation Charges

Application for pilotage and towage must be made at least 3 hours before a service is required. Where a request is made less than 2 hours from time of the service, the charges shall apply:

Per amendment or cancellation	RM
a. Pilotage per movement	1,000.00
b. Towage per tug	1,000.00

2. CONTAINERS CHARGES

The rates chargeable for container handling shall be as follows:

2.1 Container Handling Charges (vessel)

Status of container	Per container		
	Up to 20 feet in length	Exceeding 20 feet but not exceeding 40 feet in length	Exceeding 40 feet in length
	RM	RM	RM
a. Laden Container	230.00	345.00	390.00
b. Empty container	180.00	270.00	300.00
c. Transshipment	200.00	300.00	335.00
d. Dangerous Goods Container	345.00	520.00	580.00
e. Dangerous Goods Container-Transshipment	325.00	490.00	535.00

2.2 Other Container Handling Charges

i. Lifting or shifting of over width or over height container

The following rates shall apply for the handling of the container where special equipment due to over width or over height is required:

Status of container	Per container		
	Up to 20 feet in length RM	Exceeding 20 feet but not exceeding 40 feet in length RM	Exceeding 40 feet in length RM
a. Laden Container	350.00	525.00	585.00
b. Transshipment	330.00	500.00	555.00
c. Dangerous Goods Container	525.00	785.00	875.00
d. Dangerous Goods Container- Transshipment	500.00	750.00	830.00

ii. Change of nomination of vessel

The following rates shall apply for the change in the nomination of vessel:

Per container		
Up to 20 feet in length RM	Exceeding 20 feet but not exceeding 40 feet in length RM	Exceeding 40 feet in length RM
50.00	75.00	85.00

2.3 Extra Movement Charges/ Container Shifting Charges In The Container Yard

The following rates shall be applicable to any movement in the container yard:

Per container		
Up to 20 feet in length RM	Exceeding 20 feet but not exceeding 40 feet in length RM	Exceeding 40 feet in length RM
70.00	105.00	115.00

2.4 Container Shifting Charges Within The Vessel

Description of services	Per container		
	Up to 20 feet in length RM	Exceeding 20 feet but not exceeding 40 feet in length RM	Exceeding 40 feet in length RM
a. Shifting of container within same bay or hatch	140.00	210.00	235.00
b. Shifting of container from bay to bay or hatch to hatch	180.00	270.00	390.00
c. Land and reship of container	180.00	270.00	300.00

2.5 Shut-Out Containers

Where a container is stacked at an export section and is shut-out by the vessel and subsequently delivered to a railway station or a vehicle, the rates chargeable shall be as follows:

Per container		
Up to 20 feet in length RM	Exceeding 20 feet but not exceeding 40 feet in length RM	Exceeding 40 feet in length RM
230.00	345.00	390.00

2.6 Reefer Containers Charges

Reefer container services such as supply of electricity, pre-trip inspection, connecting or disconnecting electricity supply onboard vessel and at reefer yard, shall be charged as follows:

Description of services	Per container		
	Up to 20 feet in length RM	Exceeding 20 feet but not exceeding 40 feet in length RM	Exceeding 40 feet in length RM
a. Pre-trip inspection	70.00	105.00	115.00
b. Connecting or disconnecting electricity supply on board vessel	30.00	30.00	30.00
c. Connecting or disconnecting electricity supply at the reefer yard, per shift or part thereof	35.00	50.00	60.00

3. RO-RO DUES (Roll-on-Roll-Off)

Any vehicle or ro-ro cargo on vehicles, which are landed or loaded or unloaded using the vessels' ramp, shall be charged based on the following rates:

Type of cargo	Per tonne RM
Ro-ro cargo	2.00

Type of vehicle	Per unit RM
a. Passenger cars	40.00
b. Station wagon/ vans	80.00
c. Buses/ trucks/ heavy machinery/ <i>etc.</i>	120.00

4. CHANGE OF STATUS

Change of status from full container load (FCL) to less than container load (LCL) or vice versa shall be charged as follows:

Per container	RM 100.00
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No charges shall be levied where the Authority or the licensed operator, as the case may be, is informed of the change at least 24 hours before the arrival of vessel.

Part B

CHARGES FOR ACCOUNT OF SHIPPER OR CONSIGNEE

1. STORAGE

1.1 Storage Charges

All containers lying in the port premises after the prescribed free period shall incur the following charges:

i. Laden containers

Storage period	Per container		
	Up to 20 feet in length RM	Exceeding 20 feet but not exceeding 40 feet in length RM	Exceeding 40 feet in length RM
For the first 5 days	Free	Free	Free
For the 6 th day of part thereof	75.00	150.00	170.00
For the period after the 6 th day to the 14 th day, per day or part thereof	15.00	30.00	35.00
Exceeding the 14 th day, per day or part thereof	30.00	60.00	70.00

ii. Empty containers

Storage period	Per container		
	Up to 20 feet in length RM	Exceeding 20 feet but not exceeding 40 feet in length RM	Exceeding 40 feet in length RM
For the first 5 days	Free	Free	Free
For the 4 th day of part thereof	15.00	30.00	40.00
For the period after the 4 th day to the 14 th day, per day or part thereof	5.00	10.00	12.00
Exceeding the 14 th day, per day or part thereof	10.00	20.00	24.00

iii. Transshipment

Storage period	Per container		
	Up to 20 feet in length RM	Exceeding 20 feet but not exceeding 40 feet in length RM	Exceeding 40 feet in length RM
For the first 14 days	Free	Free	Free
For the 15 th day of part thereof	15.00	30.00	35.00
Exceeding the 14 th day, per day or part thereof	30.00	60.00	70.00

iv. Dangerous goods containers – laden

Storage period	Per container		
	Up to 20 feet in length RM	Exceeding 20 feet but not exceeding 40 feet in length RM	Exceeding 40 feet in length RM
For the first 3 days	Free	Free	Free
For the 4 th day of part thereof	90.00	180.00	210.00
For the period after the 4 th day to the 14 th day, per day or part thereof	30.00	60.00	70.00
Exceeding the 14 th day, per day or part thereof	60.00	120.00	140.00

v. Dangerous goods containers – transshipment

Storage period	Per container		
	Up to 20 feet in length RM	Exceeding 20 feet but not exceeding 40 feet in length RM	Exceeding 40 feet in length RM
For the first 3 days	Free	Free	Free
For the 4 th day of part thereof	90.00	180.00	210.00
For the period after the 4 th day to the 14 th day, per day or part thereof	30.00	60.00	70.00
Exceeding the 14 th day, per day or part thereof	60.00	120.00	140.00

vi. Uncontainerised cargo

Status of cargo	Open yard	shed
	Per tonne or part thereof RM	Per tonne or part thereof RM
Export		
For the first 5 days	Free	Free
For the 6 th day or part thereof	12.50	25.00
For the period after the 6 th day to the 14 th day, per day or per part thereof	2.50	5.00
Exceeding the 14 th day, per day or part thereof	5.00	10.00
Import		
For the first 3 days	Free	Free
For the 4 th day or part thereof	7.50	15.00
For the period after the 4 th day to the 14 th day, per day or per part thereof	2.50	5.00
Exceeding the 14 th day, per day or part thereof	5.00	10.00

Transshipment		
For the first 14 days	Free	Free
For the 15 th day or part thereof	35.00	70.00
Status of cargo	Open yard	shed
	Per tonne or part thereof RM	Per tonne or part thereof RM
Exceeding the 15 th day, per day or part thereof	5.00	10.00
Permitted dangerous Goods		
For the first 3 days	Free	Free
For the 4 th day or part thereof	15.00	30.00
For the period after the 4 th day to the 14 th day, per day or per part thereof	5.00	10.00
Exceeding the 14 th day, per day or part thereof	10.00	20.00

vii. Overwidth and overheight containers

Storage for overwidth and overheight containers shall be the same irrespective of the sizes of containers and the charges are as follows:

a) Laden containers

Storage period	Per container RM
For the first 5 days	Free
For the 6 th day or part thereof	170.00
For the period after the 6 th day to the 14 th day, per day or per part thereof	35.00
Exceeding the 14 th day, per day or part thereof	70.00

b) Transshipment

Storage period	Per container RM
For the first 14 days	Free
For the 15 th day or part thereof	35.00
Exceeding the 15 th day, per day or part thereof	70.00

c) Motor Vehicle

Storage period	Per unit per day RM
Export	
For the first 3 days	Free
For the 4 th day or part thereof	35.00
For the period after the 4 th day to the 14 th day, per day or per part thereof	70.00
Exceeding the 14 th day, per day or part thereof	10.00

Part C

GENERAL CHARGES TO ACCOUNT OF VESSEL, SHIPPER OR CONSIGNEE

1. GENERAL CHARGERS

Chargers to be levied upon request are as follows:

1.1 Security/ Fire/ Ambulance Personnel Services Chargers

The Following rates are for deployment of the fire and security personnel on standby or in service of extinguishing fire and preserving life and property in case of fire:

Type of service	Per person per hour or part thereof RM
a. Fire officer/ security officer	25.00
b. Fireman/ securities constable	15.00

1.2 Fire Services/ Anti Pollution/ salvage/ Rescue

The following rates are for tug services and for usage of special materials and ancillary equipment for fire fighting, anti pollution, salvage or rescue operation:

Type of service	Per unit per hour or part thereof RM
a. Tugs (inside port limit)	4,000.00
b. Tugs (outside port limit)	12,000.00
c. Fire engine	1,000.00
d. Special materials and ancillary equipment	At cost plus 20% administration charges

1.3 Ambulance services

The ambulance service charge is calculated from the time the ambulance leaves its base to the time it returns to its base	RM 30.00 per ambulance per hour or part thereof
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1.4 General labour Services

The following rates are for general labour services on all days including Sundays and holidays:

Type of service	Per unit per shift or part thereof RM
a. Labour, carpenter and mechanical equipment driver	80.00
b. clerk	100.00

1.5 Supply of Water

The following rates are for supply of fresh water and the charges includes the administrative charges for supply of water from the port to the vessel:

Supply of water	RM
a. Minimum charge imposed is based on a minimum quantity of 50,000 liters of water	500.00
b. Volume of water in excess of 50,000 liters (per thousand liters or part thereof)	100.00

1.6 Passenger Charges

Passenger charges will be charged on per passenger embarkation or disembarkation including passenger in transit.

Per Passenger	RM
a. Adult	8.00
b. Children	4.00

1.7 Use of Weighbridge

Charges for use of weighbridge shall be furnished on application.

Per container per weighing	RM 7.50
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1.8 Hire of telephone on Board Of A Vessel

Hire of telephone placed on board of a vessel is as follows:

- a. Per telephone @ RM 25.00 per shift or part thereof
- b. Call fees are charged by the Communications and Multimedia Commission or such other companies providing the telecommunication services plus 20% for administrative cost.

2. Charges On Privately Operated Wharves

Service charge on privately operated wharves and anchorage approved by the Authority is levied on all cargoes shipped or discharged including ship to ship transfer (STS) within the port.

All cargoes	RM 1.00 per tonne or part thereof
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Made 4 December 2000.

[KP/PL/22/10 Jd. 3; PN (PU²)175/57]

DATUK HAJI MOHD. ALI BIN HASAN
Chairman
Johore Port Authority (Tanjung Pelepas)

Approved 9 December 2000.

DATO' SERI DR. LING LIONG SIK
Minister of Transport