

PORT (SUNGAI UDANG) RULES 2004

PU(A) 81/2004

IN exercise of the powers conferred by subsection 445(1) and section 306K of the Merchant Shipping Ordinance 1952 [Ordinance 70/1952], the Minister makes the following rules:

PART I

PRELIMINARY

1. Citation and application.

(1) These rules may be cited as the Port (Sungai Udang) Rules 2004 and shall be in addition to and not in substitution of the Federation Port Rules 1953 [L.N. 92/1953].

(2) In the event of any inconsistency between these Rules and the Federation Port Rules 1953, these Rules shall apply.

2. Interpretation.

In these Rules—

"harmful substances" has the same meaning as in section 306C of the Ordinance;

"dangerous goods" has the same meaning as in subsection 289(3) of the Ordinance;

"authorized" means authorized by the Port Officer under section 488 of the Ordinance;

"maritime casualties" has the same meaning as in subsection 306I(3) of the Ordinance;

"terminal operator" means the person or body in charge of the main terminal;

"Port" means the port of Sungai Udang gazetted in P.U. (B) 71/1994;

"Port Circular" means as circular issued by the Port Officer;

"Port Control" means the communication centre manned by persons authorized by the Port Officer to give directions as to anchorage or berthage under section 446 of the Ordinance;

"Safety Convention" has the same meaning as in section 2 of the Ordinance;

"main terminal" means the terminal located at Latitude 02° 15.22' North and Longitude 102° 08.08' East and includes the SPM.

PART II

RULES FOR NAVIGATION

3. Collision regulations.

(1) The collision regulations under the Merchant Shipping (Collision Regulations) Order 1984 [P.U. (A) 438/1984] and the amendments thereof are to be observed within the Port limits in accordance with such modification as may be provided under these Rules.

(2) Other vessels shall not interfere with any vessel mooring at the main terminal, the SPM or at any of the specified anchorages.

(3) No vessel, unless authorized, shall approach closer or be found within one hundred metres from any loading and discharging location at the main terminal or within five hundred metres from the SPM or within any anchorages.

(4) Vessels other than those berthing or unberthing at the main terminal are prohibited from using the dredged channel prescribed in the First Schedule unless permitted to do so by the Port Officer.

(5) In this rule, "SPM" means a single mooring point located at Latitude 02° 11.73' North and Longitude 102° 06.77' East.

PART III

ARRIVAL AND DEPARTURE

4. Notification of arrival.

(1) The master, owner or agent of every vessel intending to call at the Port shall, not later than forty-eight hours prior to the estimated time of arrival, notify the Port Officer of such arrival and shall provide to the Port Officer such information as he may require.

(2) The estimated time of arrival of any vessel shall be updated every twenty-four hours and the master shall confirm as soon as possible, the time of arrival to the Port Control.

5. Engines to have sufficient power.

(1) The master of every vessel entering or leaving the Port or proceeding alongside or departing from any berth or mooring shall ensure that the vessel is capable of providing full power for any manoeuvre within the Port and shall notify the Port Control as soon as possible if the vessel is incapable of providing full power.

(2) The Port Officer may require any vessel incapable of providing full power to be suitably assisted by other vessels when berthing, mooring or anchoring at any location within the Port.

(3) The Port Officer may refuse entry into the Port to any vessel not capable of providing full power.

6. Departure from berthing or mooring point.

(1) The master of any vessel that has been granted port clearance or directed by the Port Officer to clear his vessel from any location within the Port shall take immediate action to leave the Port or clear his vessel as directed by the Port Officer.

(2) The Port Control shall take such action necessary to remove any vessel from the berthing or mooring point to another berthing or mooring point when directed by the Port Officer.

7. Communication.

(1) The master of every vessel intending to call at the Port shall maintain communication in the VHF working channel as may be prescribed in a Port Circular.

(2) The master of every vessel shall maintain communication at all times during the vessel's stay in the Port unless notified otherwise by the Port Control.

8. Anchorages.

(1) The anchorages for the vessels calling at the Port are as prescribed in Part I of the Second Schedule.

(2) A vessel requiring quarantine clearance shall moor at the appropriate anchorage as directed by the Port Control.

(3) No vessel shall use the prohibited anchorages prescribed in Part II of the Second Schedule unless special permission have been granted by the Port Officer.

(4) No vessel shall anchor outside the prescribed anchorages area unless directed otherwise by the Port Control.

9. Port dues.

(1) The dues for entry of vessels into the Port are as prescribed in the Third Schedule.

(2) The vessels prescribed in the Fourth Schedule are exempted from Port dues.

10. Lying up.

(1) Vessels entering the Port which do not intent to load or discharge cargo or to embark or disembark passengers or carry out repairs shall be considered lying up if the period of stay exceeds seven days.

(2) For the first seven days, the vessels referred to in subrule (1) shall be charged port dues as set out in rule 9 and thereafter lying up dues shall be levied as set out in the Fifth Schedule.

PART IV

SAFETY AND EMERGENCY REGULATIONS

11. Contingency plan and port emergency response plan.

(1) Every vessel lying within the Port shall have in place contingency plans and procedures to attend to emergencies involving oil spill, explosion, fire grounding, abandonment and other maritime casualties.

(2) The contingency plans required under subrule (1) shall take into account guidelines which may be promulgated by the Port Officer from time to time.

(3) In the event of any emergency under subrule (1), the master shall immediately report to the Port Control and shall comply with any direction which may be instructed by the Port Control.

(4) The report of the incident under subrule (3) shall be submitted by the master within twenty-four hours after happening of the incident or as soon as possible thereafter.

(5) Where in respect of any emergency that affects the safety or the pollution preventing capability of the vessel, the master shall surrender the document of the port clearance which has been granted.

(6) In any emergency which has or likely to cause discharge of oil or harmful substances from the vessel, the master shall report such emergency to the Port Control and take immediate action to stop or minimize the discharge and submit a report of his action to the Port Officer as soon as possible.

(7) The master of every vessel shall, in so far as is practicable, comply with the port emergency response plan which shall be made available at the Port Control.

(8) Mooring arrangement for vessels with dangerous goods or hazardous bulk cargo on board, including vessels engage in STS, shall be provided to the Port Officer.

(9) The Port Officer may specify mooring arrangement for the purpose of subrule (8) in accordance with notifications in the Port Circular.

(10) In the rule, "STS" means ship to ship transfer or cargo, bunkers, fresh water, stores, provisions and spares.

12. Grounding.

(1) The master of any vessel which is aground shall use such pilotage services and tug services as may be directed by the Port Officer.

(2) The master of the vessel under subrule (1) shall comply with the direction of the Port Officer to facilitate refloating including lightening of the vessel

13. Shipboard pollution emergency plan.

(1) Every oil tanker of 150 gross tonnage and above, and any other vessel of 400 gross tonnage and above, when calling at the Port shall carry on board a shipboard pollution emergency plan.

(2) The master of every vessel subrule (1) shall maintain a record of any operation involving loading, discharging or transfer of oil and oily water and such records shall be made available to the Port Officer when required to do so.

(3) Entries in the record required in subrule (2) shall be in accordance with the requirement of Annex I of the International Convention for the Prevention of Pollution from Ships dated 2 November 1973, as modified by the Protocol relating thereto dated 17 February 1978, which comes into force on 1 May 1997 in Malaysia (MARPOL), and the record, whether as a part of ship's official logbook or otherwise shall be in the form specified by the Port Officer in the Port Circular, or in accordance with such requirements as specified by the flag state administration.

14. Use of vessels of Marine Department.

(1) Vessels of the Marine Department of Peninsular Malaysia may be deployed for any incident of emergencies or for such purposes as may be approved by the Port Officer.

(2) Charges for the use of such vessels under subrule (1) shall be as prescribed in the Sixth Schedule or any other approved tariffs.

PART V

SAFETY IN PORT

15. Safety of workers.

The requirement of the Port (Safety of Workers) Rules 1985 [P.U. (A) 72/1985] shall be observed by the master of any vessel in the Port.

16. Immobilization.

(1) No vessel shall undertake repair and any work that may cause such vessel to be immobilized unless permitted by the Port Officer.

(2) The master shall have his vessel ready for immediate movement when required by the Port Control and for this purpose the engines, equipments and appliances of the vessel shall be in the appropriate state of readiness.

(3) The master of a vessel, which is to have his engine on trial, shall notify the Port Control the date and time of the trial and shall not try his engine when prohibited to do so.

17. Pilot transfer arrangement.

(1) The master of every vessel calling at the Port shall provide pilot transfer arrangement as required under the relevant provision of the Safety Convention.

(2) Every vessel providing pilot transfer arrangement and facilities shall comply with the requirements specified in the Port Circular.

18. Cargo handling.

(1) The handling of cargo listed under the International Maritime Dangerous Goods Codes, Bulk Cargo Codes and International Bulk Chemical Codes of the Safety Convention shall be in compliance with the provision of the Safety Convention and any other directive from the Port Officer.

(2) The cargo referred to in subrule (1) shall be loaded or unloaded under the supervision of a competent officer of the vessel, who should be familiar with the risks and precautions to be taken.

(3) The competent officer referred to in subrule (2) shall maintain communication with the Port Control throughout the loading and unloading period.

(4) Before the commencement of loading and unloading, the master and the terminal operator or the representative of the cargo receiver shall agree and ensure compliance to the ship and shore check list which shall be made available to the Port Control.

(5) The ship and shore check list referred to under subrule (4) shall be in accordance with the format specified in the Port Circular.

19. Crude Oil Washing.

(1) Crude Oil Washing shall only be permitted with the approval of the Port Officer.

(2) Crude Oil Washing referred to in subrule (1) shall only be carried out with the agreement of the master and the terminal operator or representative of the cargo receiver.

PART VI

GENERAL

20. Conservation.

- (1) The master of any vessel which intend to clean their tanks and other spaces of the vessel shall obtain the permission of the Port Officer who may specify such conditions as he may deem necessary.
- (2) Every vessel may use the garbage collection service when provided by the Port.
- (3) The master shall ensure that the disposal of garbage complies with the safety and health requirements of the Port.
- (4) The storage, collection and disposal of garbage shall be in accordance with any requirements of the Port Officer in addition to that of the Port Health Port Officer and any other written law of Malaysia.

21. Use of reception facilities.

The Port Officer may require any vessel with garbage, oil residues, oily water mixture, noxious liquid substances or mixture of the harmful substances that are to be discharged, to use reception facilities available in the Port.

PU(A) 81/2004

FIRST SCHEDULE

[Subrule 3(4)]

DREDGED CHANNEL

Within the area bounded by the following imaginary lines:

The intersection of the parallel of Latitude 2° 14.86' North and the meridian of Longitude 102° 06.36' East; thence to a position Latitude 02° 14.73' North, Longitude 102° 06.96' East; thence to a position Latitude 02° 14.67' North, Longitude 102° 07.08' East; thence to a position Latitude 02° 14.26' North, Longitude 102° 07.43' East; thence to a position Latitude 02° 14.13' North, Longitude 102° 07.47' East; thence to a position Latitude 02° 13.64' North, Longitude 102° 07.47' East; thence to a position Latitude 02° 13.64' North, Longitude 102° 07.64' East; thence to a position Latitude 02° 14.45' North, Longitude 102° 07.64' East; thence to a position Latitude 02° 14.86' North,

Longitude 102° 07.28' East; thence to a position Latitude 02° 14.98' North,
Longitude 102° 06.43' East; thence to a starting, position.

SECOND SCHEDULE

[Rule 8]

ANCHORAGES

Part I

Ocean Petroleum Anchorage

Within the area bounded by the following imaginary lines:

The intersection of the parallel of Latitude 02° 11.57' North and the meridian of
Longitude 102° 05.90' East; thence to a position Latitude 02° 12.32' North,
Longitude 102° 06.27' East; thence to a position Latitude 02° 12.86' North,
Longitude 102° 05.30' East; thence to a position Latitude 02° 12.30' North,
Longitude 102° 04.50' East; thence to the starting position.

Coastal Anchorage

Within the area bounded by the following imaginary lines:

The intersection of the parallel of Latitude 02° 12.30' North and the meridian of
Longitude 102° 04.50' East; thence to a position Latitude 02° 12.86' North,
Longitude 102° 05.30' East; thence to a position Latitude 02° 13.93' North,
Longitude 102° 05.30' East; thence to a position Latitude 02° 13.45' North,
Longitude 102° 04.50' East; thence to the starting position.

LPG Anchorage

Within the area bounded by the following imaginary lines:

The intersection of the parallel of Latitude 02° 14.30' North and the meridian of
Longitude 102° 04.50' East; thence to a position Latitude 02° 14.60' North,
Longitude 102° 05.00' East; thence to a position Latitude 02° 15.01' North,
Longitude 102° 05.00' East; thence to a position Latitude 02° 15.38' North,

Longitude 102° 04.50' East; thence to the starting position.

General Anchorage

Within the area bounded by the following imaginary lines:

The intersection of the parallel of Latitude 02° 15.80' North and the meridian of

Longitude 102° 05.50' East; thence to a position Latitude 02° 15.55' North,

Longitude 102° 05.20' East; thence to a position Latitude 02° 15.10' North,

Longitude 102° 05.60' East; thence to a position Latitude 02° 15.30' North,

Longitude 102° 05.95' East; thence to the starting position.

Part II

Prohibited Anchorage

Within the area bounded by the following imaginary lines:

The intersection of the parallel of Latitude 02° 16.30' North and the meridian of

Longitude 102° 06.20' East; thence to a position Latitude 02° 15.80' North,

Longitude 102° 05.50' East; thence to a position Latitude 02° 13.85' North,

Longitude 102° 07.30' East; thence to a position Latitude 02° 11.50' North,

Longitude 102° 06.05' East; thence to a position Latitude 02° 11.00' North,

Longitude 102° 07.00' East; thence to a position Latitude 02° 14.30' North,

Longitude 102° 08.70' East.

PU(A) 81/2004

THIRD SCHEDULE

[Rule 9]

PORT DUES

Per 100 gross tonnage or part thereof
per call

Vessel entering port
limits to load or
discharge cargo or to
RM15.00

embark or disembark
passengers or for any
other purpose other
than lying up

Provided that dues shall not be payable more than three times in any one calendar month in respect of the same vessel.

FOURTH SCHEDULE

[Subrule 9(2)]

PORT DUES EXEMPTION

The following vessels shall be exempted from port dues:

- (a) vessel belonging to the Government of Malaysia
- (b) naval vessel
- (c) vessel calling at the Port solely for the purpose of seeking medical aid, disembarking sick or injured persons or vessel forced to seek refuge due to damage or force majeure
- (d) vessel licensed as below 20 gross tonnage under section 475 of the Merchant Shipping Ordinance 1952
- (e) fishing vessel licensed under the Fisheries Act 1985
- (f) vessel calling at the Port solely for receiving the supply of bunkers, water, stores and provisions or for the engagement and discharge of crew

FIFTH SCHEDULE

[Subrule 10(2)]

LYING UP DUES

Per 100 gross tonnage or part thereof per calendar month

- (a) Vessels of 10,000 gross tonnage RM2.00 and below
- (b) Vessels above 10,000 gross RM4.00 tonnage

SIXTH SCHEDULE

[Rule 14]

CHARGES FOR USE OF VESSELS OF THE MARINE DEPARTMENT OF PENINSULAR
MALAYSIA

	Per day or part thereof
(1) Tug boat	RM4,000.00
(2) Pollution work boat	RM5,000.00
(3) Launch	RM2,000.00

Made 12 February 2004

DATO' SRI CHAN KONG CHOY

Minister of Transport