

**DECISION TO CLOSE AN INVESTIGATION IN RELATION TO AN
ALLEGED INFRINGEMENT OF THE COMPETITION ACT 2010 BY
CONTAINER DEPOT OPERATORS PURSUANT TO SECTION 16(3)(b) OF
THE COMPETITION ACT 2010**

EXECUTIVE SUMMARY

INTRODUCTION

1. On 3 January 2019, the Malaysia Competition Commission (“Commission”) commenced an investigation pursuant to an investigation initiated by the Commission’s own initiative in accordance with section 14(1) of the Competition Act 2010 (“Act 712”). The Commission is investigating against several container depot operators (“**CDOs**”) in Port Kelang for allegedly entered into a price-fixing agreement, which resulted in price revision notices for depot gate charges (“**DGC**”) being circulated to their respective customers, i.e. port users.
2. The alleged CDOs involved in the price fixing arrangement are as follows:-
 - (i) New Eng Kong Container Logistic Services (M) Sdn. Bhd. (“**NEK CLS**”);
 - (ii) NEK GPC Containers Services (M) Sdn. Bhd. (“**NEK GPC**”);
 - (iii) North West Depoh Sdn. Bhd. (“**NWD**”);
 - (iv) Golden Logistics & Storage Sdn. Bhd. (“**GLS**”);
 - (v) Asia Global Connection Sdn. Bhd. (“**AGC**”);
 - (vi) Medlog Malaysia Sdn Bhd. (“**MM**”); and
 - (vii) Westport Malaysia Sdn Bhd. (“**WM**”)

(The CDOs above will be collectively referred to as “**Parties**”)

3. The investigation focused on determining whether the Parties colluded to fix the rates or prices of DGC, which took effect in early January 2019, amounting to an infringement under section 4(1) read with section 4(2)(a) of Act 712.

INVESTIGATION

4. During the course of the investigation, the Commission had issued notices pursuant to sections 18(1)(a) and (b) of Act 712 to require the provision of information and documents in relation to any queries made by the Commission.
5. On 29 April 2019, the Commission obtained three (3) search and seizure warrants from the Magistrate Court of Klang in line with section 25 of Act 712. On 30 April 2019, the search and seizure warrants were executed against three (3) premises occupied by New Eng Kong Container Logistics Services (M) Sdn. Bhd., NEK GPC Container Services (M) Sdn Bhd. and North West Depoh Sdn. Bhd. respectively.
6. It is pertinent to note that, based on the information and witness statements obtained throughout the investigation, the Commission found that *Lembaga Port Kelang* (“**LPK**”) issued a warning letter to all on-dock CDOs, which includes three (3) Parties, i.e. NEK CLS, NEK GPC and NWD, on 27 December 2018. The warning letter stipulated that all on-dock CDOs should refrain from increasing their DGC rates without prior approval from LPK. It was also stipulated that failure to comply with the warning would result in the suspension or termination of their respective licenses.

INITIATIVE BY THE COMMISSION TO LAUNCH A MARKET REVIEW UNDER THE COMPETITION ACT 2010 FOR SELECTED TRANSPORTATION SECTORS IN MALAYSIA (PORT LOGISTICS ECOSYSTEM AND MOTOR VEHICLES WARRANTY)

7. On 5 October 2021, the Market Review under the Competition Act 2010 for Selected Transportation Sectors in Malaysia (“**Transportation Market Review**”) was published. The focal area for the Transportation Market Review is on the port logistics ecosystem where container depot operations were assessed as well. The full report of the Transportation Market Review can be accessed on the Commission’s website.
8. Based on the Transportation Market Review, the Commission found that there were instances of possible price following or concerted practices in the implementation and collection of DGC. This finding prompted several engagements between the Commission and the relevant ministries and authorities in addressing concerns of rising DGC rates in Port Kelang.

THE DEVELOPMENT OF THE INDUSTRY

9. On 31 July 2024, on-dock DGC rates were gazetted under the Port Kelang (Scale of Rates, Dues and Charges) (Amendment) By-Laws 2024 (hereinafter referred to as “**PKA(SRDC)(A)By-Laws 2024**”) under the powers conferred by sections 16 and 29 of the Port Authorities Act 1963 [Act 488] (please see **Attachment 1**).
10. On the other hand, off-dock DGC rates were gazetted under the Land Public Transport (Terminal Licensing) (Container Depot) Regulations

2024 (hereinafter referred to as “**LPR(TL)(CD)R 2024**”) on 18 September 2024 under the powers conferred by paragraph 252(1)(a), (b), (i), (r), (s), (ti), (tl), (tm), (tn), (ty), (tak) and subparagraph (tb)(i) of the Land Public Transport Act 2010 [Act 715] (please see **Attachment 2**).

11. The Commission took note of the powers now accorded to LPK for on-dock DGC regulation and the Agensi Pengangkutan Awam Darat (“APAD”) for off-dock DGC regulation. Therefore, the Commission is of the view that the introduction and enforcement of the PKA(SRDC)(A)By-Laws 2024 and the LPR(TL)(CD)R 2024 have greatly changed the dynamics of the relevant market.

CONCLUSION

12. Having reviewed the facts and circumstances of the case, the Commission is of the view that pursuant to section 16(3)(b) of Act 712, the continuation of the investigation to determine whether an infringement had occurred would not constitute of making the best use of the Commission’s resources.
13. In addition to the series of engagements held between the Ministry of Transport, LPK and the Commission, the gazettment of the PKA(SRDC)(A)By-Laws 2024 and the LPR(TL)(CD)R 2024 has resolved the issues stemming from the increasing rates of DGC. Therefore, further investigation on this matter by the Commission will unlikely give any significant impact to the market.

14. Notwithstanding the above, this decision should not be taken to imply that the Commission would cease to monitor market practices in the container depot operations market.

DATE: 30 JUNE 2025



Jun 2024
June 2024
P.U. (A)

WARTAKERAJAANPERSEKUTUAN

*FEDERAL GOVERNMENT
GAZETTE*

UNDANG-UNDANG KECIL
LEMBAGA PELABUHAN KELANG
(SKALA KADAR, DIUS DAN CAJ) (PINDAAN) 2024

*PORT KELANG AUTHORITY
(SCALES OF RATES, DUES AND CHARGES)
(AMENDMENT) BY-LAWS 2024*

DISIARKAN OLEH/
PUBLISHED BY
JABATAN PEGUAM NEGARA
ATTORNEY GENERAL'S CHAMBERS

AKTA LEMBAGA PELABUHAN 1963

UNDANG-UNDANG KECIL LEMBAGA PELABUHAN KELANG (SKALA KADAR, DIUS
DAN CAJ) (PINDAAN) 2024

PADA menjalankan kuasa yang diberikan oleh seksyen 16 dan 29 Akta Lembaga Pelabuhan 1963 [*Akta 488*], Lembaga Pelabuhan Kelang, dengan kelulusan Menteri, membuat undang-undang kecil yang berikut:

Nama dan permulaan kuat kuasa

1. (1) Undang-undang kecil ini bolehlah dinamakan **Undang-Undang Kecil Lembaga Pelabuhan Kelang (Skala Kadar, Dius dan Caj) (Pindaan) 2024**.

(2) Undang-Undang Kecil ini mula berkuat kuasa pada 2 Ogos 2024.

Pindaan undang-undang kecil 2

2. Undang-Undang Kecil Lembaga Pelabuhan Kelang (Skala Kadar, Dius dan Caj) (Pindaan) 2012 [*P.U. (A) 125/2012*] yang disebut “Undang-Undang Kecil ibu” dalam Undang-Undang Kecil ini, dipinda dalam undang-undang kecil 2 dengan memasukkan selepas takrif “daerah permaliman” takrif yang berikut:

“Depoh Kontena Kosong” ertinya suatu kawasan di dalam kawasan Pelabuhan yang suatu kontena kosong diterima daripada pengimport, pengeksport, pemilik kontena, pengendali pengangkutan atau ejen masing-masing untuk disimpan dan dibaiki sebelum dipulangkan kembali kepada pengimport, pengeksport, pemilik kontena, pengendali pengangkutan atau ejen masing-masing;’

Pindaan undang-undang kecil 27

3. Undang-Undang Kecil ibu dipinda dalam undang-undang kecil 27—

(a) dalam subperenggan (*h*), dengan memotong perkataan “dan” di hujung subperenggan itu; dan

(b) dalam subperenggan (*i*)—

- (i) dengan menggantikan noktah di hujung subperenggan itu dengan noktah bertindih; dan
- (ii) dengan memasukkan selepas subperenggan (i) subperenggan yang berikut:
 - “(j) caj penyimpanan bagi kontena DLU; dan
 - (k) caj pintu depoh.”.

Undang-undang kecil baharu 37B

4. Undang-Undang Kecil ibu dipinda dengan memasukkan selepas undang-undang kecil 37A undang-undang kecil yang berikut:

“Caj pintu depoh

37B. (1) Seseorang pengguna pelabuhan hendaklah membayar caj pintu depoh kepada Lembaga bagi pengendalian kontena kosong berdasarkan kategori sebagaimana yang ditentukan oleh Lembaga pada kadar sebagaimana yang dinyatakan dalam Bahagian 10 Jadual Ketiga.

(2) Dalam menentukan kategori Depoh Kontena Kosong, Lembaga akan menjalankan audit pematuhan ke atas operasi keselamatan, kesejahteraan, kemudahan, prestasi dan perkara lain yang berhubungan dengannya.”.

Pindaan Jadual Ketiga

5. Undang-Undang Kecil ibu dipinda dalam Jadual Ketiga dengan memasukkan selepas BAHAGIAN 9 bahagian yang berikut:

"BAHAGIAN 10
CAJ PINTU DEPOH
[undang-undang kecil 37B]

Butiran	Kategori Depoh Kontena Kosong	Markah tahap perkhidmatan	Kadar caj pintu depoh (bagi setiap unit kontena yang dikendalikan) (RM)
1.	A	85% atau lebih	40.00
2.	B	80% atau lebih tetapi kurang daripada 85%	35.00
3.	C	Kurang daripada 80%	30.00

Dibuat 30/07/2014
[LPK.600-2/8/4; PN(PU2)175/Jld.7]



EAN YONG HIAN WAH
Pengerusi
Lembaga Pelabuhan Kelang

Diluluskan 31/7/24
[MOT.(S).600-1/2/4(10); PN(PU2)175/7]



LOKE SIEW FOOK
Menteri Pengangkutan

PORT AUTHORITIES ACT 1963

PORT KELANG AUTHORITY (SCALE OF RATES, DUES AND CHARGES)
(AMENDMENT) BY-LAWS 2024

IN exercise of the powers conferred by sections 16 and 29 of the Port Authorities Act 1963 [Act 488], the Port Kelang Authority, with the approval of the Minister, makes the following by-laws:

Citation and commencement

1. (1) These by-laws may be cited as the **Port Kelang Authority (Scale of Rates, Dues and Charges) (Amendment) By-Laws 2024**.

(2) These By-laws come into operation on 2 August 2024.

Amendment of by-law 2

2. The Port Kelang Authority (Scale of Rates, Dues and Charges) By-laws 2012 [P.U. (A) 125/2012] which are referred to as the “principal By-laws” in these By-laws, are amended in by-law 2 by inserting after the definition of “domestic trade ship” the following definition:

‘ “Empty Container Depot” means a premise within the Port where an empty containers are received from importers, exporters, container owners, haulage operators or their agents to be stored and repaired before being released back to importers, exporters, box owners, haulage operators or their agents respectively; ’.

Amendment of by-law 27

3. The principal By-laws are amended in by-law 27—

(a) in subparagraph (h), by deleting the word “and” at the end of the subparagraph; and

(b) in subparagraph (i)—

(i) by substituting for the full stop at the end of the subparagraph a semi-colon; and

(ii) by inserting after subparagraph (i) the following subparagraphs:

“(j) storage charge for OOG containers; and

(k) depot gate charge.”.

New by-law 37B

4. The principal By-laws are amended by inserting after by-law 37A the following by-law:

“Depot gate charge

37B. (1) A port user shall pay depot gate charge to the Authority for the handling of empty containers based on the category as may be determined by the Authority at the rate as specified in Part 10 of the Third Schedule.

(2) In determining the category of Empty Container Depot, the Authority will carry out a compliance audit on the operational, safety, security, facility, performance and other matters relating to it.”.

Amendment of Third Schedule

5. The principal By-laws are amended in the Third Schedule by inserting after PART 9 the following part:

"PART 10
DEPOT GATE CHARGE
[by-law 37B]

Item	Category of Empty Container Depot	Service level scoring	Depot gate charge (for each container unit handled) (RM)
1.	A	85% or more	40.00
2.	B	80% or more but less than 85%	35.00
3.	C	Less than 80%	30.00

Made 30/07/2024
[LPK.600-2/8/4; PN(PU2)175/Jld.7]



EAN YONG HIAN WAH
Chairman
Port Kelang Authority

Approved 31/7/24
[MOT.(S).600-1/2/4(10); PN(PU2)175/7]



LOKE SIEW FOOK
Minister of Transport

P.U. (A) 251.**AKTA PENGANGKUTAN AWAM DARAT 2010****PERATURAN-PERATURAN PENGANGKUTAN AWAM DARAT
(PELESENAN TERMINAL) (DEPOH KONTENA) 2024**

SUSUNAN PERATURAN

BAHAGIAN I**PERMULAAN****Peraturan**

1. Nama dan permulaan kuat kuasa
2. Pemakaian
3. Tafsiran

BAHAGIAN II**PELESENAN DAN FI**

4. Permohonan lesen
5. Bentuk lesen
6. Permohonan bagi pembaharuan lesen
7. Permohonan bagi pengubahan lesen
8. Salinan pendua lesen
9. Fi terminal depoh kontena

BAHAGIAN III**PEMATUHAN**

10. Penggunaan selamat dan penyenggaraan
11. Pemeriksaan terminal depoh kontena
12. Jagaan lesen
13. Penyimpanan rekod

JADUAL PERTAMA**JADUAL KEDUA**

AKTA PENGANGKUTAN AWAM DARAT 2010

PERATURAN-PERATURAN PENGANGKUTAN AWAM DARAT
(PELESENAN TERMINAL) (DEPOH KONTENA) 2024

PADA menjalankan kuasa yang diberikan oleh perenggan 252(1)(a), (b), (i), (r), (s), (ti), (tl), (tm), (tn), (ty), (tak) dan subperenggan (tb)(i) Akta Pengangkutan Awam Darat 2010 [Akta 715], Menteri membuat peraturan-peraturan yang berikut:

BAHAGIAN I

PERMULAAN

Nama dan permulaan kuat kuasa

1. (1) Peraturan-peraturan ini bolehlah dinamakan **Peraturan-Peraturan Pengangkutan Awam Darat (Pelesenan Terminal) (Depoh Kontena) 2024**.

(2) Peraturan-Peraturan ini mula berkuat kuasa pada 1 Januari 2025.

Pemakaian

2. Peraturan-Peraturan ini hendaklah terpakai bagi pemilik terminal depoh kontena, pemegang lesen terminal depoh kontena, pengendali berlesen perkhidmatan kenderaan barangan dan pengguna terminal depoh kontena yang berhubungan dengan suatu depoh kontena untuk penyimpanan kontena yang digunakan bagi tujuan import atau eksport.

Tafsiran

3. Dalam Peraturan-Peraturan ini, melainkan jika konteksnya menghendaki makna yang lain—

“depoh kontena” ertinya suatu kawasan bagi penyimpanan kontena yang digunakan bagi import atau eksport barangan di mana-mana kawasan selain kawasan yang diwartakan di bawah Akta Pihak Berkuasa Pelabuhan 1963 [Akta 488] atau Akta Suruhanjaya Pelabuhan Pulau Pinang 1955 [Akta 140];

“fi lesen” ertinya fi yang dikenakan kepada pemegang lesen terminal depoh kontena sebagaimana yang ditetapkan dalam Jadual Pertama;

“operasi terminal depoh kontena” ertinya apa-apa perkhidmatan atau aktiviti berkaitan dengan pengambilan, penghantaran, penyimpanan dan pembaikan kontena kosong atau lain-lain aktiviti yang berkaitan di dalam terminal depoh kontena termasuklah—

(a) kutipan fi terminal depoh kontena;

(b) pengurusan dan pengawalseliaan operasi terminal depoh kontena;

(c) pembersihan dan penyenggaraan; dan

(d) sistem keselamatan dan sekuriti;

“pemegang lesen terminal depoh kontena” ertinya pemegang suatu lesen yang dikeluarkan di bawah Bab 2 Bahagian II Akta bagi aktiviti yang berhubungan dengan operasi terminal depoh kontena;

“pengguna terminal depoh kontena” ertinya mana-mana orang yang menggunakan apa-apa perkhidmatan yang disediakan di dalam suatu depoh kontena.

BAHAGIAN II

PELESENAN DAN FI

Permohonan lesen

4. Suatu permohonan bagi suatu lesen terminal depoh kontena oleh mana-mana orang untuk menjalankan operasi terminal depoh kontena hendaklah dalam bentuk dan mengikut cara yang ditentukan oleh Ketua Pengarah Pengangkutan Awam Darat dan hendaklah disertakan dengan fi sebagaimana yang ditetapkan dalam Jadual Pertama.

Bentuk lesen

5. (1) Suatu lesen terminal depoh kontena yang dikeluarkan oleh Ketua Pengarah Pengangkutan Awam Darat hendaklah mengandungi—

(a) sijil lesen terminal depoh kontena; dan

(b) syarat lesen terminal depoh kontena.

(2) Suatu sijil lesen terminal depoh kontena hendaklah mengandungi maklumat yang berikut:

(a) jenis terminal;

(b) nombor lesen;

(c) nama pemegang lesen terminal depoh kontena;

(d) alamat terminal depoh kontena;

(e) butir-butir perkhidmatan; dan

(f) tarikh mula berkuat kuasa dan sah laku lesen.

Permohonan bagi pembaharuan lesen

6. (1) Suatu permohonan bagi pembaharuan lesen terminal depoh kontena hendaklah dalam bentuk dan mengikut cara yang ditentukan oleh Ketua Pengarah Pengangkutan Awam Darat dan hendaklah disertakan dengan fi sebagaimana yang ditetapkan dalam Jadual Pertama.

(2) Sekiranya permohonan untuk membaharui lesen terminal depoh kontena diluluskan, Ketua Pengarah Pengangkutan Awam Darat hendaklah mengeluarkan lesen terminal depoh kontena yang baharu kepada pemohon dan boleh mengenakan apa-apa syarat yang difikirkannya patut.

Permohonan bagi pengubahan lesen

7. (1) Mana-mana pemegang lesen terminal depoh kontena hendaklah mengemukakan permohonan bagi pengubahan lesen terminal sekiranya terdapat apa-apa perubahan dalam perkara yang berikut:

- (a) pegangan ekuiti syarikat pemegang lesen terminal depoh kontena;
- (b) keanggotaan ahli lembaga pengarah syarikat pemegang lesen terminal depoh kontena;
- (c) nama dan alamat syarikat pemegang lesen terminal depoh kontena;
- (d) alamat operasi terminal depoh kontena; atau
- (e) perubahan kepada pelan lantai terminal depoh kontena.

(2) Permohonan bagi pengubahan suatu lesen terminal depoh kontena oleh seseorang pemegang lesen terminal depoh kontena hendaklah—

- (a) dibuat dalam bentuk sebagaimana yang ditentukan oleh Ketua Pengarah Pengangkutan Awam Darat;
- (b) disertakan dengan fi sebagaimana yang ditetapkan dalam Jadual Pertama; dan
- (c) disertakan dengan apa-apa maklumat dan dokumen seperti yang berikut:
 - (i) justifikasi pengubahan; dan
 - (ii) data dan maklumat lain yang menyokong permohonan pengubahan itu.

(3) Sekiranya permohonan bagi pengubahan suatu lesen terminal depoh kontena diluluskan, Ketua Pengarah Pengangkutan Awam Darat hendaklah mengeluarkan lesen terminal depoh kontena yang baharu kepada pemohon dan boleh mengenakan apa-apa syarat yang difikirkannya patut.

Salinan pendua lesen

8. (1) Sekiranya lesen terminal depoh kontena yang dikeluarkan oleh Ketua Pengarah Pengangkutan Awam Darat di bawah Peraturan-Peraturan ini hilang, cacat, rosak atau musnah atas sebab munasabah yang lain, pemegang lesen terminal depoh kontena boleh mengemukakan suatu permohonan untuk mendapatkan salinan pendua lesen yang hendaklah—

- (a) dibuat dalam bentuk sebagaimana yang ditentukan oleh Ketua Pengarah Pengangkutan Awam Darat;
- (b) disertakan dengan fi sebagaimana yang ditetapkan dalam Jadual Pertama; dan
- (c) disertakan dengan apa-apa maklumat dan dokumen sebagaimana yang ditentukan oleh Ketua Pengarah Pengangkutan Awam Darat.

(2) Selepas menimbangkan permohonan di bawah subperaturan (1), Ketua Pengarah Pengangkutan Awam Darat boleh—

- (a) meluluskan permohonan itu dan mengeluarkan salinan pendua lesen dengan perkataan “PENDUA” diendorskan pada salinan lesen itu; atau
- (b) menolak permohonan itu dengan menyatakan alasan bagi penolakan itu.

Fi terminal depoh kontena

9. (1) Seseorang pemegang lesen terminal depoh kontena boleh mengenakan fi terminal depoh kontena kepada pengendali berlesen perkhidmatan kenderaan barangan dan pengguna terminal depoh kontena sebagaimana yang ditetapkan dalam Jadual Kedua.

(2) Ketua Pengarah Pengangkutan Awam Darat boleh, atas sebab kepentingan awam, melalui notis bertulis, mengarahkan pemegang lesen terminal depoh kontena itu untuk mengubah kadar fi terminal depoh kontena yang dinyatakan dalam syarat lesen terminal depoh kontena dalam masa tujuh hari dari tarikh notis bertulis itu.

BAHAGIAN III**PEMATUHAN****Penggunaan selamat dan penyenggaraan**

10. Seseorang pemegang lesen terminal depoh kontena hendaklah memastikan bahawa—

- (a) terminal depoh kontena sentiasa dalam keadaan selamat dan semua kemudahan dan peralatan yang disediakan berfungsi dengan baik dan selamat untuk digunakan dan memastikan kerja-kerja pembersihan dan penyenggaraan dijalankan mengikut jadual;

- (b) operasi terminal depoh kontena berjalan lancar dan selamat;
- (c) peralatan di dalam terminal depoh kontena tidak disalah guna dan digunakan mengikut kapasiti yang bersesuaian dengan kemampuan operasi terminal depoh kontena supaya tidak menimbulkan bahaya kepada pekerja dan pengguna terminal depoh kontena yang lain;
- (d) operasi di terminal depoh kontena mengikut prosedur yang telah diwujudkan dengan penggunaan sistem pengendalian terminal depoh kontena yang sistematik;
- (e) semua dokumen, rekod dan laporan berkaitan dengan kemudahan, peralatan, penyenggaraan, dan operasi terminal depoh kontena disimpan dengan baik dan dikemukakan kepada Ketua Pengarah Pengangkutan Awam Darat dalam apa-apa tempoh dan mengikut apa-apa cara sebagaimana yang ditentukan oleh Ketua Pengarah Pengangkutan Awam Darat; dan
- (f) apa-apa syarat lain yang ditentukan oleh Ketua Pengarah Pengangkutan Awam Darat dipatuhi.

Pemeriksaan terminal depoh kontena

11. (1) Mana-mana pegawai pengangkutan awam darat yang dilantik dan diberi kuasa oleh Ketua Pengarah Pengangkutan Awam Darat boleh, pada bila-bila masa, menjalankan pemeriksaan di terminal depoh kontena bagi memastikan pematuhan terhadap syarat lesen terminal depoh kontena.

(2) Seseorang pemegang lesen terminal depoh kontena hendaklah memberikan akses penuh kepada mana-mana pegawai pengangkutan awam darat pada bila-bila masa untuk menjalankan pemeriksaan.

(3) Jika Ketua Pengarah Pengangkutan Awam Darat mendapati bahawa mana-mana syarat yang dinyatakan dalam lesen terminal depoh kontena tidak dipatuhi, Ketua Pengarah Pengangkutan Awam Darat hendaklah memberikan notis bertulis kepada pemegang lesen terminal depoh kontena mengarahkan pemegang lesen terminal depoh kontena itu mematuhi syarat lesen itu.

Jagaan lesen

12. Seseorang pemegang lesen terminal depoh kontena hendaklah bertanggungjawab atas jagaan lesen dan hendaklah memastikan bahawa lesen itu tidak diberikan kepada pihak lain, diubah atau dipalsukan.

Penyimpanan rekod

13. (1) Seseorang pemegang lesen terminal depoh kontena hendaklah menyimpan rekod dan dokumen yang berikut:

- (a) lesen terminal depoh kontena yang sah;
- (b) pelan lantai terminal depoh kontena dan lukisan siap bina yang disahkan oleh arkitek profesional;
- (c) rekod penyenggaraan terminal depoh kontena;
- (d) rekod operasi terminal depoh kontena termasuk data dan maklumat pengendali berlesen yang menggunakan depoh kontena, rekod kenderaan, rekod tempahan kontena dan apa-apa rekod operasi yang ditentukan oleh Ketua Pengarah Pengangkutan Awam Darat;
- (e) rekod sistem pengurusan terminal depoh kontena; dan
- (f) apa-apa rekod lain sebagaimana yang ditentukan oleh Ketua Pengarah Pengangkutan Awam Darat.

(2) Seseorang pemegang lesen terminal depoh kontena hendaklah mengemukakan dokumen yang disebut dalam subperaturan (1) dalam tempoh tujuh hari dari tarikh permintaan itu apabila diminta oleh Ketua Pengarah Pengangkutan Awam Darat.

JADUAL PERTAMA

[Peraturan 4, 6, 7 dan 8]

Fi

Bil.	Hal Perkara		Fi
1.	Fi permohonan		RM50.00 setiap lesen
2.	Fi pembaharuan lesen		RM50.00 setiap lesen
3.	Fi perubahan lesen		RM50.00 setiap lesen
4.	Fi lesen tahunan	Keluasan depoh 0.1 - 1.0 ekar	RM1,575.00 setahun
		Keluasan depoh 1.1 - 3.0 ekar	RM5,985.00 setahun
		Keluasan depoh 3.1 - 5.0 ekar	RM12,075.00 setahun
		Keluasan depoh 5.1 - 10.0 ekar	RM22,575.00 setahun
		Keluasan depoh 10.1 - 15.0 ekar	RM37,800.00 setahun
		Keluasan depoh 15.1 ekar dan ke atas	RM52,500.00 setahun

Bil.	Hal Perkara		Fi
5.	Fi pengeluaran	Sijil lesen terminal depoh kontena	RM30.00 setiap lesen
		Syarat-syarat lesen	Percuma
6.	Fi salinan pendua lesen	Sijil lesen terminal depoh kontena	RM100.00
		Syarat-syarat lesen	RM50.00

JADUAL KEDUA

[Peraturan 9]

FI TERMINAL DEPOH KONTENA

Bil.	Tempoh Masa bagi Mengambil atau Menghantar Kontena Kosong daripada Masa Kenderaan Barangan Memasuki Pintu Depoh Hingga Masa Kenderaan Barangan Keluar Pintu Depoh	Fi Pintu Depoh
1.	Kurang daripada 45 minit	Tidak melebihi RM55.00
2.	45 minit hingga 60 minit	Tidak melebihi RM40.00
3.	60 minit hingga 75 minit	Tidak melebihi RM30.00
4.	75 minit hingga 90 minit	Tidak melebihi RM20.00
5.	Melebihi 90 minit	RM0.00

Dibuat 18 September 2024

[MOT.PUU(S).600-1/15/2 Jld. 9(16); PN(PU2)692/IV]

LOKE SIEW FOOK
Menteri Pengangkutan

LAND PUBLIC TRANSPORT ACT 2010

LAND PUBLIC TRANSPORT (TERMINAL LICENSING)
(CONTAINER DEPOT) REGULATIONS 2024

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LAND PUBLIC TRANSPORT ACT 2010

LAND PUBLIC TRANSPORT (TERMINAL LICENSING) (CONTAINER DEPOT)
REGULATIONS 2024

IN exercise of the powers conferred by paragraphs 252(1)(a), (b), (i), (r), (s), (ti), (tl), (tm), (tn), (ty), (tak) and subparagraph (tb)(i) of the Land Public Transport Act 2010 [Act 715], the Minister makes the following regulations:

PART I

PRELIMINARY

Citation and commencement

1. (1) These regulations may be cited as the **Land Public Transport (Terminal Licensing) (Container Depot) Regulations 2024**.

(2) These Regulations come into operation on 1 January 2025.

Application

2. These Regulations shall apply to container depot terminal owner, container depot terminal licensee, goods vehicle service licensed operator and container depot terminal user relating to a container depot for storage of containers used for the purposes of import or export.

Interpretation

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

“container depot” means a premise for storage of containers used for the import or export of the goods in any area other than the area gazetted under the Port Authority Act 1963 [Act 488] or the Penang Port Commission Act 1955 [Act 140];

“licence fee” means the fees charged to the container depot terminal licensee as prescribed in the First Schedule;

“container depot terminal operation” means any services or activities pertaining to the collection, delivery, storage and repairing of empty containers or any other related activities within the container depot terminal including—

(a) the collection of container depot terminal fees;

(b) the management and supervision of the container depot terminal operations;

(c) the cleaning and maintenance; and

(d) the safety and security system;

“container depot terminal licensee” means the holder of a licence issued under Chapter 2 of Part II of the Act for activities relating to the container depot terminal operation;

“user of container depot terminal” means any person who uses any services that are provided inside a container depot.

PART II

LICENSING AND FEES

Application of licence

4. An application for a container depot terminal licence by any person to carry out the container depot terminal operation shall be in the form and manner as determined by the Director General of Land Public Transport and shall be accompanied by a fee as prescribed in the First Schedule.

Form of licence

5. (1) A container depot terminal licence issued by the Director General of Land Public Transport shall consist of—

(a) container depot terminal licence certificate; and

(b) container depot terminal licence condition.

(2) A container depot licence certificate shall contain the following information:

(a) terminal type;

(b) the licence number;

(c) the name of the container depot terminal licence holder;

(d) the address of the container depot terminal;

(e) the particulars of services; and

(f) the commencement and validity date of the licence.

Application for renewal of licence

6. (1) An application for the renewal of a container depot terminal licence shall be in the form and manner as determined by the Director General of Land Public Transport and shall be accompanied by a fee as prescribed in the First Schedule.

(2) If an application for the renewal of a container depot terminal licence is approved, the Director General of Land Public Transport shall issue a new container depot terminal licence to the applicant and may impose any conditions as he thinks fit.

Application for variation of licence

7. (1) Any container depot terminal licensee shall submit an application for variation of the terminal licence if any change occurs in the following matters:

- (a) the equity holding of the container depot terminal licensee's company;
- (b) the membership of the board of directors of the container depot terminal licensee's company;
- (c) the name and address of the container depot terminal licensee's company;
- (d) the address of the container depot terminal operations; or
- (e) the changes to the container depot terminal floor plan.

(2) An application for the variation of a container depot terminal licence by a container depot terminal licensee shall be—

- (a) made in the form as may be determined by the Director General of Land Public Transport;
- (b) accompanied by a fee as prescribed in the First Schedule; and
- (c) accompanied by any information and document as follows:
 - (i) the justification of the variation; and
 - (ii) other data and information supporting the variation application.

(3) If an application for the variation of a container depot terminal licence is approved, the Director General of Land Public Transport shall issue a new container depot terminal licence to the applicant and may impose any condition as he thinks fit.

Duplicate copy of licence

8. (1) If the licence issued by the Director General of Land Public Transport under these Regulations is lost, mutilated, defaced or destroyed for other reasonable reasons, the container depot terminal licensee may submit an application to obtain the duplicate copy of a licence which shall be—

- (a) made in the form as may be determined by the Director General of Land Public Transport;
- (b) accompanied by a fee as prescribed in the First Schedule; and
- (c) accompanied by any information and document as may be determined by the Director General of Land Public Transport.

(2) After considering the application under subregulation (1), the Director General of Land Public Transport may—

- (a) approve the application and issue a duplicate copy of a licence with the word “DUPLICATE” endorsed on the copy of the licence; or
- (b) refuse the application by specifying the grounds for such refusal.

Container depot terminal fees

9. (1) A container depot terminal licensee may impose container depot terminal fees to goods vehicle service licensed operator and user of the container depot terminal as prescribed in the Second Schedule.

(2) The Director General of Land Public Transport may, for the reason of public interest, by a written notice, instruct the container depot terminal licensee to vary the rate of the container depot terminal fees as specified in the condition of the container depot terminal licence within seven days from the date of the written notice.

PART III**COMPLIANCE****Safe use and maintenance**

10. A container depot terminal licensee shall ensure that—

- (a) the container depot terminal is always in a safe condition and all facilities and equipments provided are functional and safe to use and ensure cleaning and maintenance services are carried out according to the schedule;
- (b) the container depot terminal operation is carry out smoothly and safe;

- (c) the equipment inside a container depot terminal is not to be misused and used in accordance with the appropriate capacity of the operating capability of the container depot terminal so as not to pose a danger to employees and other user of a container depot terminal;
- (d) the operation of the container depot terminal is in accordance with established procedures with the use of a systematic container depot terminal operating system;
- (e) all documents, records and reports regarding the facilities, equipments, maintenance and operation of container depot terminal are kept well and submitted to the Director General of Land Public Transport within any period and in any manner as determined by the Director General of Land Public Transport; and
- (f) any other conditions as determined by the Director General of Land Public Transport has been complied.

Inspection of container depot terminal

11. (1) Any land public transport officer who is appointed and authorized by the Director General of Land Public Transport may, at any time, conduct inspections at the container depot terminal to ensure the compliance with the conditions of the container depot terminal licence.

(2) A container depot terminal licensee shall give full access to any land public transport officers at any time to conduct inspections.

(3) If the Director General of Land Public Transport finds that any of the conditions specified in the container depot terminal licence has not been complied with, the Director General of Land Public Transport shall give a written notice to the container depot terminal licensee instructing the container depot terminal licensee to comply with the conditions of the licence.

Custody of licence

12. A container depot terminal licensee shall be responsible for the custody of the licence and shall ensure that the licence is not given to other party, altered or forged.

Record keeping

13. (1) A container depot terminal licensee shall keep the following records and documents:

- (a) a valid container depot terminal licence;
- (b) container depot terminal floor plan and ready-to-build drawings certified by a professional architect;

- (c) maintenance record of the container depot terminal;
- (d) operation records of the container depot terminal including data and information of the licensed operators that are using the container depot, vehicles records, container reservation records, and any other operation records as determined by the Director General of Land Public Transport;
- (e) records of the container depot terminal management system; and
- (f) any other records as may be determined by the Director General of Land Public Transport.

(2) A container depot terminal licensee shall submit the documents referred to in subregulation (1) within seven days from the date of such request when requested by the Director General of Land Public Transport.

FIRST SCHEDULE

[Regulations 4, 6, 7 and 8]

FEES

No.	Subject Matter		Fee
1.	Application fee		RM50.00 per licence
2.	Renewal of licence fee		RM50.00 per licence
3.	Variation of the licence fee		RM50.00 per licence
4.	Annual licensing fee	Depot area 0.1 - 1.0 acres	RM1,575.00 per year
		Depot area 1.1 - 3.0 acres	RM5,985.00 per year
		Depot area 3.1 - 5.0 acres	RM12,075.00 per year
		Depot area 5.1 - 10.0 acres	RM22,575.00 per year
		Depot area 10.1-15.0 acres	RM37,800.00 per year
		Depot area 15.1 acres and above	RM52,500.00 per year
5.	Issuance fee	Container depot terminal licence certificate	RM30.00 for each licence
		Licence conditions	Free
6.	Duplicate copy of licence fee	Container depot terminal licence certificate	RM100.00
		Licence conditions	RM50.00

SECOND SCHEDULE

[Regulation 9]

CONTAINER DEPOT TERMINAL FEES

No.	Time Period for Picking Up or Sending Empty Containers from the Time the Goods Vehicle Enters the Depot Gate to the Time the Goods Vehicle Exits the Depot Gate	Depot Gate Fees
1.	Less than 45 minutes	Not more than RM55.00
2.	45 minutes to 60 minutes	Not more than RM40.00
3.	60 minutes to 75 minutes	Not more than RM30.00
4.	75 minutes to 90 minutes	Not more than RM20.00
5.	More than 90 minutes	RM0.00

Made 18 September 2024

[MOT.PUU(S).600-1/15/2 Jld. 9(16); PN(PU2)692/IV]

LOKE SIEW FOOK
Minister of Transport

Hakcipta Pencetak (H)

PERCETAKAN NASIONAL MALAYSIA BERHAD

Semua Hak Terpelihara. Tiada mana-mana bahagian jua daripada penerbitan ini boleh diterbitkan semula atau disimpan di dalam bentuk yang boleh diperolehi semula atau disiarkan dalam sebarang bentuk dengan apa jua cara elektronik, mekanikal, fotokopi, rakaman dan/atau sebaliknya tanpa mendapat izin daripada Percetakan Nasional Malaysia Berhad (Pencetak kepada Kerajaan Malaysia yang dilantik).



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