

LEMBAGA KEMAJUAN IKAN MALAYSIA ACT 1971

LEMBAGA KEMAJUAN IKAN MALAYSIA (FISHERIES COMPLEXES,
FISHERIES HARBOURS AND FISHERIES LANDING JETTIES)
RULES 2010

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LEMBAGA KEMAJUAN IKAN MALAYSIA ACT 1971

LEMBAGA KEMAJUAN IKAN MALAYSIA (FISHERIES COMPLEXES, FISHERIES
HARBOURS AND FISHERIES LANDING JETTIES) RULES 2010

In exercise of the powers conferred by subsection 4(2) and section 23 of the Lembaga Kemajuan Ikan Malaysia Act 1971 [Act 49], the Lembaga, with the approval of the Minister, makes the following rules:

PART I

PRELIMINARY

Citation and commencement

1. (1) These rules may be cited as the **Lembaga Kemajuan Ikan Malaysia (Fisheries Complexes, Fisheries Harbours and Fisheries Landing Jetties) Rules 2010**.

(2) These Rules come into operation on 9 April 2010.

Interpretation

2. In these Rules—

“deal or dealing” means to purchase, to sell by wholesale or by auction or by retail, to offer or to expose or to keep for sale, to pack or cause to be packed for consignment or keeping for sale, to consign;

“fisheries landing jetty” means any private fisheries landing jetty as declared by the Lembaga in accordance with rule 8 and includes any jetty, landing place and other areas adjoining to it, on which may be erected a wholesale fish market, a retail fish market, an auction hall, a repair yard or a fuel or ice supply installation;

“fisheries complex” means the fisheries complex as declared by the Lembaga in accordance with rule 3 and includes any jetty, landing place, fisheries inspection centre and other areas adjoining to it on which may be erected a wholesale fish market, a retail fish market, an auction hall, a repair yard or a fuel or ice supply installation;

“fisheries harbour” means the fisheries harbour as declared by the Lembaga in accordance with rule 3 and includes any wharf, pier, dock, jetty, landing place and other areas adjoining to it on which may be erected a wholesale fish market, a retail fish market, an auction hall, a fish processing area, a repair yard or a fuel or ice supply installation.

PART II

FISHERIES COMPLEX AND FISHERIES HARBOUR

Fisheries complex and fisheries harbour

3. The Lembaga may, by notification in the *Gazette* declare any place or area as fisheries complex or fisheries harbour for the purpose of these Rules.

Restriction on entry into fisheries complex or fisheries harbour

4. No person shall enter any fisheries complex or fisheries harbour for the purpose of loading, unloading, keeping, collecting, processing or to deal with any fish or any other types of dealing unless he is the holder of a permit issued under rule 5.

Application for permit

5. (1) Every application for a permit to enter any fisheries complex or fisheries harbour for the purpose of loading, unloading, keeping, collecting, processing or to deal with any fish or any other types of dealing shall be made in writing to the Director General which contains the following particulars:

- (a) name, identity card number or passport number of the applicant or any other valid identification document;
- (b) address of the applicant;
- (c) the applicant's business name and address, if any;
- (d) purpose for which the permit is required; and
- (e) any other information as the Director General may require,

Provided that, the Director General may, as he deems fit and necessary, issue to any person other than the permit holder, an entry pass to be displayed upon entering any fisheries complex or fisheries harbour for any other purposes.

(2) The permit issued under this rule shall be in such form as may be determined, and subject to such terms and conditions as may be imposed by the Director General and shall be valid for the period stated therein.

(3) The fee payable in respect of the permit issued under this rule shall be as prescribed in the First Schedule.

Prohibition of erecting structure, etc.

6. No person shall make any alteration, erect any structure or place any obstruction to any part of a fisheries complex or fisheries harbour without written permission from the Director General.

Prohibition on loitering, fishing, etc.

7. No person shall—

- (a) loiter, swim or fish within any fisheries complex or fisheries harbour;
- (b) repair or construct any fishing net or fishing gear on the jetty or at any other places in any fisheries complex or fisheries harbour; or
- (c) supply fuel, ice, provisions, services, or conduct any business in any fisheries complex or fisheries harbour,

without written permission from the Director General.

PART III

FISHERIES LANDING JETTY

Fisheries landing jetty

8. (1) Any person operating any private fisheries landing jetty shall obtain consent of the Lembaga and the Lembaga may, by notification in the *Gazette* declare such private fisheries landing jetty as a fisheries landing jetty under these Rules.

(2) Any application to obtain consent of the Lembaga as mentioned in subrule (1) shall be made in writing pursuant to the procedure which may be determined by the Lembaga.

Fish handling procedure at fisheries landing jetty

9. (1) Any fisheries landing jetty shall comply with any fish handling procedure as may be determined by the Lembaga.

(2) Any fisheries landing jetty, from which fish or fish product is supplied for export, shall comply with the importing country's requirements.

PART IV

CHARGE

Charges on vehicles upon entering fisheries complex or fisheries harbour

10. Any person or holder of a permit or an entry pass issued under rule 5 shall pay a vehicle charge upon entering any fisheries complex or fisheries harbour as prescribed in Part I of the Second Schedule.

Charges for use of facilities or spaces of fisheries complex or fisheries harbour

11. Any person using any facilities or spaces of any fisheries complex or fisheries harbour shall pay an amount of charges as prescribed in Part II of the Second Schedule.

Service charges on fish which are imported, exported and transferred

12. The Lembaga may impose service charges as prescribed in Part III of the Second Schedule on fishes which are—

- (a) imported or brought in transit from another country into any fisheries complex, fisheries harbour or fisheries landing jetty;
- (b) exported to another country through any fisheries complex, fisheries harbour or fisheries landing jetty; or
- (c) transferred from any fisheries complex, fisheries harbour or fisheries landing jetty unless by a procedure of auction prescribed by the Lembaga.

Service charges for fisheries landing jetty

13. Any person operating a fisheries landing jetty may provide any types of services and impose charges on such services with prior consent of the Director General.

PART V

GENERAL

Restriction on dealing of fish

14. No person shall be allowed to deal with any fish within any fisheries complex, fisheries harbour or fisheries landing jetty unless that person is the holder of a valid licence issued under the Fish Marketing Regulations 2010 [P.U. (A) 104].

Compliance with the directive of Director General

15. Any person operating or using any fisheries complex, fisheries harbour or fisheries landing jetty shall observe all directives by the Director General.

Exemption

16. The Lembaga may exempt any person from all or any of the provisions of these Rules.

General offences

17. Any person who fails to comply with any provisions of these Rules commits an offence under the Act.

Revocation, transitional and saving

18. (1) The Lembaga Kemajuan Ikan Malaysia (Fisheries Complexes and Harbours) Rules 1986 [*P.U. (A) 79/1986*] is revoked ("the revoked Rules").

(2) All licences, permits, rules, regulations, orders, notices, forms, directions, authorization letters, declarations and exemptions made, issued or given under the revoked Rules shall, in so far as the licences, permits, rules, regulations, orders, notices, forms, directions, authorization letters, declarations and exemptions are consistent with these Rules, continue in force until revoked or replaced by these Rules.

(3) Any private fisheries landing jetty other than those declared by the Lembaga in the Declaration of Fisheries Landing Jetty [*P.U. (B) 172*], which had started operating before the coming into operation of these Rules may continue to be in operation and is exempted from any of the provisions of these Rules until a date which shall be appointed by the Lembaga by notification in the *Gazette*.

FIRST SCHEDULE

(Rule 5)

FEE

<i>Description</i>	<i>Amount of fee</i>
Fee for the permit to enter any fisheries complex or fisheries harbour for any person who engages in loading, unloading, keeping, collecting, processing or to deal with any fish or any other types of dealing	RM5.00 per year

SECOND SCHEDULE

(Rules 10, 11 and 12)

CHARGE

PART I

CHARGES ON VEHICLES UPON ENTERING FISHERIES COMPLEX OR FISHERIES HARBOUR

(a) Charge on vehicle per entry for the use of space at the fisheries complex or fisheries harbour not more than eight hours:

<i>Types of vehicles</i>	<i>Charge</i>
(i) Car, van, station-wagon, motorcycle with side-carriage or pick-up (not exceeding unladen weight of 1,500 kg)	RM1.00

<i>Types of vehicles</i>	<i>Charge</i>
(ii) Lorry, bus or truck (exceeding unladen weight of 1,500 kg)	RM2.00
(iii) Motorcycle	RM0.50
(iv) Container tractor (with or without a trailer or mobile crane)	RM10.00

(b) Charge on vehicle for the use of space at the fisheries complex or fisheries harbour for overnight purposes:

<i>Types of vehicles</i>	<i>Charge</i>
(i) Car, van, <i>station-wagon</i> , motorcycle with side-carriage or pick-up (not exceeding unladen weight of 1,500 kg)	RM5.00 per night
(ii) Lorry, bus or truck (exceeding unladen weight of 1,500 kg)	RM10.00 per night
(iii) Motorcycle	RM1.50 per night

(c) Charge on vehicle per month for the use of space at the fisheries complex or fisheries harbour:

<i>Types of vehicles</i>	<i>Charge</i>
(i) Car, van, <i>station-wagon</i> , motorcycle with side-carriage or pick-up (not exceeding unladen weight of 1,500 kg)	RM15.00
(ii) Lorry, bus or truck (exceeding unladen weight of 1,500 kg)	RM30.00
(iii) Motorcycle	RM5.00

PART II

CHARGE FOR THE USAGE OF FACILITIES OR SPACES OF THE FISHERIES COMPLEX OR FISHERIES HARBOUR

<i>Facilities/spaces</i>	<i>Charge</i>
(a) Cold room	by tender or negotiation or fixed rent as determined by the Lembaga
(b) Marketing hall	RM54.00 for one square meter per month
(c) Dealers office:	
(i) concrete structure	RM22.00 for one square meter per month
(ii) wooden structure	flat rate of RM100.00 for one unit per month
(d) Shed:	
(i) processing	by tender or negotiation or fixed rent as determined by the Lembaga
(ii) net mending	<ul style="list-style-type: none"> - up to 3 days after permit has been issued, at the rate of RM1.00 for one square meter per day - from 4 to 15 days after permit has been issued, at the rate of RM3.00 for one square meter per day - from 16 to 30 days dari 16 after permit has been issued, at the rate of RM5.00 for one square meter per day

<i>Facilities/spaces</i>	<i>Charge</i>
(iii) net storing	RM2.00 for one square meter per day after permit has been issued
(e) Canteen	by tender or negotiation or fixed rent as determined by the Lembaga
(f) Retail store	by tender or negotiation or fixed rent as determined by the Lembaga
(g) Charge on berthing (including charge for the usage of trolley and slewing jib):	
(i) one trip	according to the gross tonnage of the vessel as follows:
	below 9.9 grt - free
	10 grt to 39.9 grt - RM3.00
	40 grt to 69.9 grt - RM10.00
	70 grt to 99.9 grt - RM30.00
	100 grt and above - RM100.00
(ii) one month	according to the gross tonnage of the vessel as follows:
	below 9.9 grt - RM10.00
	10 grt to 39.9 grt - RM60.00
	40 grt to 69.9 grt - RM100.00
	70 grt and above - RM150.00
(h) Fork lift	RM3.00 for a pallet
(i) Use of space of fisheries complex or fisheries harbour for any purpose other than those specified in this Schedule	by tender or negotiation or fixed rent as determined by the Lembaga
(j) Water supply	according to the rate issued by the Water Work Department
(k) Store	RM22.00 for one square meter per month

PART III

SERVICE CHARGES ON FISH WHICH ARE IMPORTED, EXPORTED AND TRANSFERRED

(a) Service charge on imported fish:

<i>Description</i>	<i>Service charge</i>
(i) A container or any other receptacle containing not more than 50 kg of fish	RM5.00 per container

<i>Description</i>	<i>Service charge</i>
(ii) A container or any other receptacle containing more than 50 kg but less than 100 kg of fish	RM10.00 per container
(iii) A container or any other receptacle containing more than 100 kg of fish	calculated at the rate of RM0.10 per kilogram of fish

(b) Service charge on exported fish:

<i>Description</i>	<i>Service charge</i>
(i) A container or any other receptacle containing not more than 50 kg of fish	RM5.00 per container
(ii) A container or any other receptacle containing more than 50 kg but less than 100 kg of fish	RM10.00 per container
(iii) A container or any other receptacle containing more than 100 kg of fish	calculated at the rate of RM0.10 per kilogram of fish

(c) Service charge on transferred fish, unless by a procedure of auction:

<i>Description</i>	<i>Service charge</i>
(i) A container or any other receptacle containing not more than 50 kg of fish	RM0.50 per container
(ii) A container or any other receptacle containing more than 50 kg but less than 100 kg of fish	RM1.00 per container
(iii) A container or any other receptacle containing more than 100 kg of fish	calculated at the rate of RM0.10 per kilogram of fish

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DATUK HAJI ABDUL RAHIM BIN HAJI ISMAIL
Chairman
Lembaga Kemajuan Ikan Malaysia

Approved 6 April 2010

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