



PEKELILING PERKHIDMATAN LEMBAGA PELABUHAN JOHOR

SERVICE CIRCULAR JOHOR PORT AUTHORITY

MARINE & VTMS UNIT

DASAR PENGURUSAN

LESEN LAY UP

MANAGEMENT POLICY

LAY UP LICENSE

PINDAAN KEDUA

SECOND AMENDMENT

ISI KANDUNGAN

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1. TUJUAN

PURPOSE

- 1.1 Pekeliling ini bertujuan untuk memaklumkan dasar pengurusan lesen *lay up* yang dijalankan di dalam had Pelabuhan Pasir Gudang.

This circular aims to inform the management policy of *lay up* licenses carried out within the limits of Pasir Gudang Port.

2. TAFSIRAN

INTERPRETATION

- 2.1 Melainkan sesuatu itu jelas maksudnya di dalam Pekeliling ini, tafsiran di bawah hendaklah diikuti:

Unless it is clearly define in this Circular, this interpretation shall be followed:

“**Lay up**” ialah aktiviti kapal berlabuh bagi tempoh panjang (cold lay up / warm lay up) yang dihentikan/ menangguhkan sementara daripada beroperasi.

“**Lay up**” is anchored ship activity for long term (cord lay up / warm lay up) which was temporarily stopped / suspended from operation.

“**MMS**” ialah Marine Management System yang digunakan sebagai kaedah atas talian bagi permohonan lesen.

”**MMS**” is Marine Management System which is used as online method for license application.

3. LATAR BELAKANG

BACKGROUND

- 3.1 Aktiviti *lay up* telah dilaksanakan di bawah Akta Lembaga Pelabuhan 1963 di bawah Seksyen 3 (2)(y) kepada semua pemilik atau wakil agen perkapalan tempatan yang ingin berurusan di Pelabuhan Pasir Gudang. Manakala permit *lay up* adalah dibawah Akta Lembaga Pelabuhan 1963 di bawah Seksyen 3(2)(v).

Lay up activity was performed under the Port Authority Act 1963 under Section 3 (2)(y) to all owners or local shipping agent representative who intend to deal at Port of Pasir Gudang. While permit of lay up under Port Authority Act 1963 under the Section 3(2)(v).

- 3.2 Permit *lay up* yang dikeluarkan untuk pemohon hendaklah melalui prosedur yang telah ditetapkan oleh LPJ dengan sokongan pihak operator Pelabuhan terutama daripada segi operasi dan perkhidmatan marin.

Lay up permit issued to applicant should go through procedure set by LPJ under the support of port operator especially on operation and marine service.

- 3.3 Kuala Sungai Johor merupakan kawasan yang sesuai untuk berlabuh dalam jangka masa yang lama (*warm and cold lay up*) kerana faktor geografinya yang terlindung dan di luar kawasan laluan utama kapal dagang. Aktiviti *lay up* ini boleh juga terpakai di luar kawasan Kuala Sungai Johor selagi di dalam had Pelabuhan Pasir Gudang dengan kelulusan daripada Pengurus Besar.

Kuala Sungai Johor is a suitable area to anchor for long term (warm and cold lay up) because of its protected geographically and outside of main route of commerce ship. Lay up activity can be used outside of Kuala Sungai Johor as long as it is in the border of Port of Pasir Gudang with approval from General Manager.

- 3.4 Fungsi utama perlesenan adalah untuk memastikan segala aktiviti *lay up* dalam had Pelabuhan Pasir Gudang sah dijalankan dan mengikut Peraturan yang digariskan oleh LPJ dan lain-lain agensi berkaitan.

The main function of licensing is to ensure all lay up activities in the boundary of Port of Pasir Gudang which is valid to be performed and following the Rules lined up by LPJ and other related agencies.

- 3.5 Kelulusan pelaksanaan lesen Lay Up telah diluluskan pada 12 Julai 2015 – Notis Pelabuhan Bil. 08/2015. Pelaksanaan pengurusan lesen telah dijalankan melalui sistem ‘Marine Management System’ (www.lpjpcs.gov.my) pada Julai 2016 yang menguruskan lesen Lay Up. Approval of lay up implementation was approved on 12 July 2015 – Port Notice Bil. 08/2015. Implementation of managing license was performed through ‘Marine Management System’ (www.lpjpcs.gov.my) on July 2016 which managing Lay Up License.
- 3.6 “Tambahan kategori” telah dibuat untuk lesen ini sepertimana yang dinyatakan di dalam Notis Pelabuhan Bil 48/2017 dan berkuatkuasa pada 01 Jun 2017.
“Additional category” was made for this license as stated in Port Notice Bil 48/2017 and which take effect on 01 June 2017.
- 3.7 Memastikan lesen Lay Up telah mematuhi semua syarat-syarat pelesenan dapat dikeluarkan sepertimana Piagam Pelanggan selepas dokumen lengkap.
To ensure Lay Up license has obeyed all license’s regulation to be issued as Customer Charter after the documents are completed.

4. TERMA DAN SYARAT

TERMS AND CONDITIONS

- 4.1 Terma dan syarat yang digunakan ialah RUJUKAN: LPJ/M-TSLS/14 (AMENDMENT 01/2016) namun dikemaskini melalui Pekeliling terbaru ini seperti berikut:

Terms and conditions used is REFERENCE: LPJ/M-TSLS/14 (AMENDMENT 01/2016) but was updated through this latest Circular as the following:

4.1.1 Lesen Operasi Operation License

- 4.1.1.1 Mematuhi syarat-syarat yang terkandung dalam *Terms and Conditions of Laying Up Vessel at Pasir Gudang Port Limit* –Ref No: LPJ/LP/01/15 Rev1.

Obey requirements included in Terms and Conditions of Laying Up Vessel at Pasir Gudang Port Limit – Ref No: LPJ/LP/01/15 Rev1.

- 4.1.1.2 Pemohon hendaklah mematuhi segala undang-undang Kerajaan dan lain-lain peraturan atau perintah yang dikuatkuasakan di bawah atau pindaan-pindaan Undang-Undang dan Akta Lembaga Pelabuhan Johor dari semasa ke semasa.

The applicant shall obey all Government law and other regulations or instruction which was enforced under amendment of Law and Act of Johor Port Authority from time to time.

- 4.1.1.3 Pemohon hendaklah memastikan bahawa bagi mana-mana keperluan permohonan yang memerlukan dokumen kelulusan agensi lain, dokumen/ lesen tersebut perlu dikeluarkan terlebih dahulu oleh Agensi Kerajaan tersebut sebelum permohonan dibuat yang masih sah lakunya.

The applicant shall ensure for any needs of application which requires other document approval, prior document / license needs to be issued by Government Agency before the application made is still valid.

- 4.1.1.4 Premis operasi pemohon hendaklah beralamat dan beroperasi di Negeri Johor.

The applicant operation premise shall be at the addressed and operated in State of Johor.

- 4.1.1.5 Pemohon hendaklah menjalankan operasi dan lesen hanya sah di dalam batas had Pelabuhan Pasir Gudang sahaja. The applicant shall perform the operation and license which is only valid in a limit of Port of Pasir Gudang.

4.1.1.6 Lembaga Pelabuhan Johor tidak akan bertanggungjawab di atas segala aktiviti yang dilakukan oleh pemegang lesen atau pekerja-pekerja pemegang lesen yang mengakibatkan apa-apa tuntutan kerugian daripada mana-mana pihak yang terlibat.

Johor Port Authority will not be responsible on all activities performed by the license holder or workers of license holder which resulting to any demand from any parties involved.

4.1.1.7 Lesen tidak dibenarkan dipindah milik atau dipinjamkan kepada syarikat lain. The license is not allowed to be transferred or lent to other company.

4.1.1.8 Lesen hendaklah dipamerkan di atas vesel / kapal. The license shall be displayed on the vessel / ship.

4.1.1.9 Tindakan saman (Mahkamah) atau tindakan Undang-Undang akan dilakukan terhadap sebarang perkhidmatan atau kerja-kerja yang dilakukan oleh pemohon, sekiranya sengaja melakukan kecuaiian atau ingkar untuk melaksanakan apa-apa juga peraturan-peraturan atau arahan-arahan dan terus-terusan menjalankan perkhidmatan atau kerja-kerja di mana-mana premis; Summon (court) or any Legal action will be done for any service or works performed by applicant, if it is on purpose of negligence or disobey to perform any regulations or instructions and continuously keep on servicing or works at any premises;

4.1.1.10 Pemohon hendaklah sentiasa melaksanakan dengan sempurna segala peraturan-peraturan serta arahan-arahan daripada pegawai-pegawai Lembaga Pelabuhan Johor. The applicant shall always perform perfectly all regulations and instructions from officers of Johor Port Authority.

4.1.1.11 Pemohon dikehendaki membuat pembaharuan lesen jeti persendirian dalam tempoh satu (1) bulan sebelum tarikh tamat tempoh lesen. Notis pemberitahuan akan dikeluarkan LPJ dalam tempoh tersebut.

The applicant shall apply for renewal of private jetty license in a period of one (1) month before the expiry date of the license. The notice will be issued by LPJ within the said period.

4.1.1.12 Syarikat hendaklah memastikan semua permit/lesen daripada lain-lain Agensi Kerajaan adalah sah dan belum tamat tempoh semasa membuat permohonan memperbaharui lesen. Lesen adalah terbatal serta merta sekiranya permit/lesen daripada agensi pelulus yang lain terbatal atau ditarik balik.

Company shall ensure all permits / licenses from other Government Agencies are valid and has yet to expire while applying for license renewal. The license is cancelled immediately if the permit / license from other approval agency is cancelled or revoked.

4.1.1.13 Lesen yang diberikan bukanlah satu bentuk perjanjian untuk mendapatkan perniagaan di premis Pelabuhan/ Terminal. The license given is not a form of agreement to obtain business at the premise of the Port / Terminal.

4.1.2 Pembatalan , Penggantungan dan Pembaharuan Lesen Cancellation, Suspension and Renewal of License

4.1.2.1 LPJ boleh pada bila-bila masa menurut budi bicaranya dalam mana-mana hal keadaan yang berikut membatalkan, atau menggantung selama tempoh yang difikirkannya patut,

mana-mana lesen yang,dikeluarkan olehnya di bawah Akta ini

LPJ can at any time according to discretion in any of the following situations cancel, or suspend for a period of is necessary, any license, which was issued under this Act -

i. Jika pemegang lesen telah melakukan suatu kesalahan di bawah Akta ini;

If the license holder performed mistake under this Act;

ii. Jika pemegang lesen telah melanggar mana-mana syarat lesen.

If the license holder has violated any license conditions.

4.1.2.2 Jika sesuatu lesen telah dibatalkan atau digantung, LPJ boleh pada masa pembatalan atau penggantungan itu memberi apa-apa arahan dari semasa ke semasa kepada pemegang lesen sebagaimana difikirkan perlu untuk kepentingan awam dan pemegang lesen hendaklah mematuhi semua arahan itu.

If any licenses was cancelled or suspended, LPJ may at any cancellation or suspension give any instructions from time to time to license holder as necessary for the importance of public and license holder shall obey all instructions.

4.1.2.3 Pemegang lesen tidak boleh membuat apa-apa tuntutan atau berhak mendapat pampasan kerana apa-apa kerugian terhadap dirinya disebabkan oleh pembatalan atau penggantungan lesen yang dikeluarkan di bawah Akta ini atau yang disebabkan oleh keengganan membaharui lesen itu.

License holder may not make any demand or has right to gain compensation because of any loss to himself is due to

cancellation or suspension of license issued under this Act or due to refusal to renew the license.

- 4.1.2.4 Permohonan untuk membaharui lesen hendaklah dibuat kepada LPJ berkenaan mengikut apa-apa cara yang ditetapkan. Bagi pemegang lesen yang telah tamat tempoh melebihi 2 tahun, permohonan akan dipertimbangkan sebagai permohonan baru.

Application to license renewal shall be made related to LPJ according to any ways designated. For license holder with more than 2 years expired, application will be considered as new application.

- 4.1.2.5 Pemegang lesen (pemohon) hendaklah terlebih dahulu mendapatkan kelulusan daripada pihak berkuasa berkenaan mengenai apa-apa pertukaran maklumat dinyatakan dalam lesen.

License holder (applicant) shall in prior obtain approval from related authority about any changes of information stated in license.

- 4.1.2.6 Lesen akan dibatalkan serta-merta sekiranya pemohon gagal membuat bayaran dalam tempoh empat belas (14) hari. Syarikat perlu memohon semula lesen sekiranya gagal membuat bayaran.

License will be cancelled immediately if the applicant fails to make payment in the period of fourteen (14) days. The company needs to reapply for the license if it fails to make payment.

- 4.1.2.7 Lembaga Pelabuhan Johor berhak membatalkan atau menggantung lesen tanpa apa-apa notis dengan serta-merta, jika di dapati maklumat yang diberikan oleh syarikat tidak benar dan palsu.

Johor Port Authority has the right to cancel or suspend license without any notice immediately, if the information given by company is not true and false.

- 4.1.2.8 Sebarang kelulusan pembatalan, penggantungan, permohonan dan pembaharuan hendaklah diputuskan oleh Pelulus sahaja.

Any approval of cancellation, suspension, application and renewal shall be decided by the Approver only.

5. PINDAAN

AMENDMENT

- 5.1 Dasar ini adalah tertakluk kepada pindaan dan perubahan dari masa ke semasa.

This policy is subject to amendment and changes from time to time.

- 5.2 LPJ berhak mengubahsuai, menyemak dan meminda syarat dan / atau pada bila-bila masa tanpa notis.

LPJ has the right to modify, check and amend regulations and / or at any time without notice

- 5.3 Terma dan syarat boleh diasingkan jika mana-mana peruntukan diputuskan sebagai tidak sah atau tidak boleh dikuatkuasa oleh itu peruntukan tersebut hendaklah dianggap telah dipotong tanpa menjejaskan peruntukan lain yang masih dalam terma dan syarat ini.

Terms and conditions may be separated if any provisions decided as not valid or shall not be enforced, so the provision shall be assumed was cut off without impacting other provision which is still in the terms and conditions.

6. GARIS PANDUAN

GUIDELINE

- 6.1 Kadar bayaran lesen *lay up* (Lampiran A)
[Payment rate *lay up* license \(Appendix A\)](#)
- 6.2 Syarat dokumen lesen perkhidmatan sokongan (Lampiran B)
[Document requirement of Support Service License \(Appendix B\)](#)
- 6.3 Carta alir pengurusan lesen perkhidmatan sokongan oleh LPJ (Lampiran C)
[Flow chart of support service license management by LPJ \(Appendix C\)](#)
- 6.4 Carta alir pengurusan lesen perkhidmatan sokongan oleh pemohon (Lampiran D)
[Flow chart of support service license management by applicant \(Appendix D\)](#)

7. TARIKH KUATKUASA

EFFECTIVE DATE

- 7.1 Dasar pengurusan lesen lay up (Pindaan Kedua) ini berkuatkuasa pada
[Lay up license management policy \(Second Amendment\) is effective on](#)

“PROFESIONALISME MEMANTAPKAN PERKHIDMATAN “PROFESSIONALISM ENHANCE SERVICES”

Pengurus Besar
Lembaga Pelabuhan

Sebarang pertanyaan boleh hubungi di:

[For any enquiry, please contact](#)

Unit Marin dan VTMS

Lembaga Pelabuhan Johor Johor Port Authority

Jalan Mawar Merah 2,

Pusat Perdagangan Pasir Gudang 2,

81700 Pasir Gudang

Johor

Tel: 07- 253 4000

Faks: 07- 253 3730

KADAR BAYARAN LESEN LAY UP
LAY UP LICENSE PAYMENT RATE

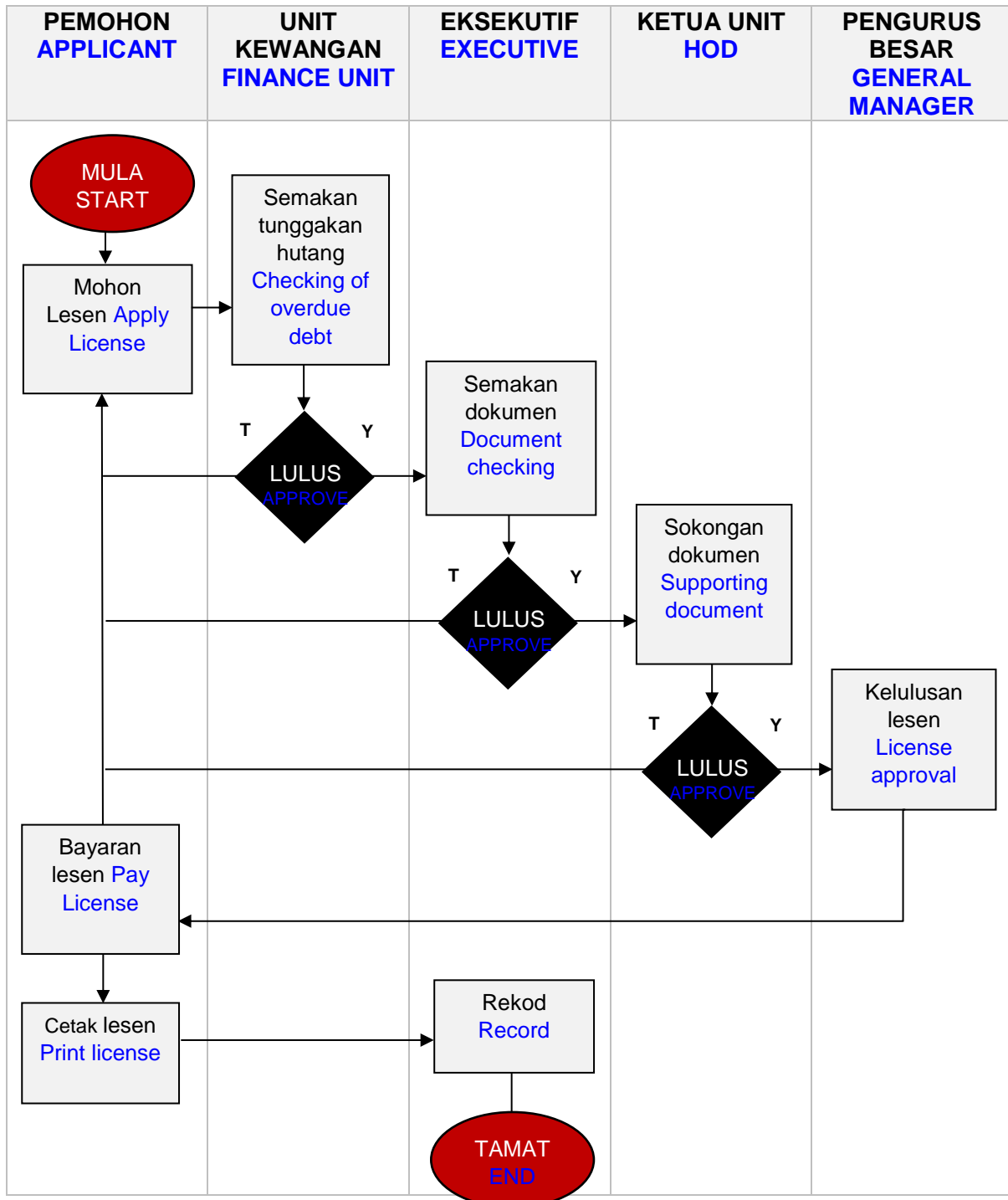
KOD CODE	KATEGORI LESEN <i>LAY UP LAY UP LICENSE CATEGORY</i>	KADAR BAYARAN LESEN LICENSE PAYMENT RATE	
		3 BULAN 3 MONTHS	6 BULAN 6 MONTHS
		RM	RM
1	Semua Jenis Kapal/ Barge <i>All types of ship / Barge</i>	2,500.00	5,000.00
2	Pelantar Minyak / MODU / MOPU/ Jack Up dan seumpama <i>Oil Rig / MODU / MOPU / Jack Up and likewise</i>	5,000.00	10,000.00

SYARAT DOKUMEN LESEN *LAY UP**LAY UP* LICENSE DOCUMENT REQUIREMENT

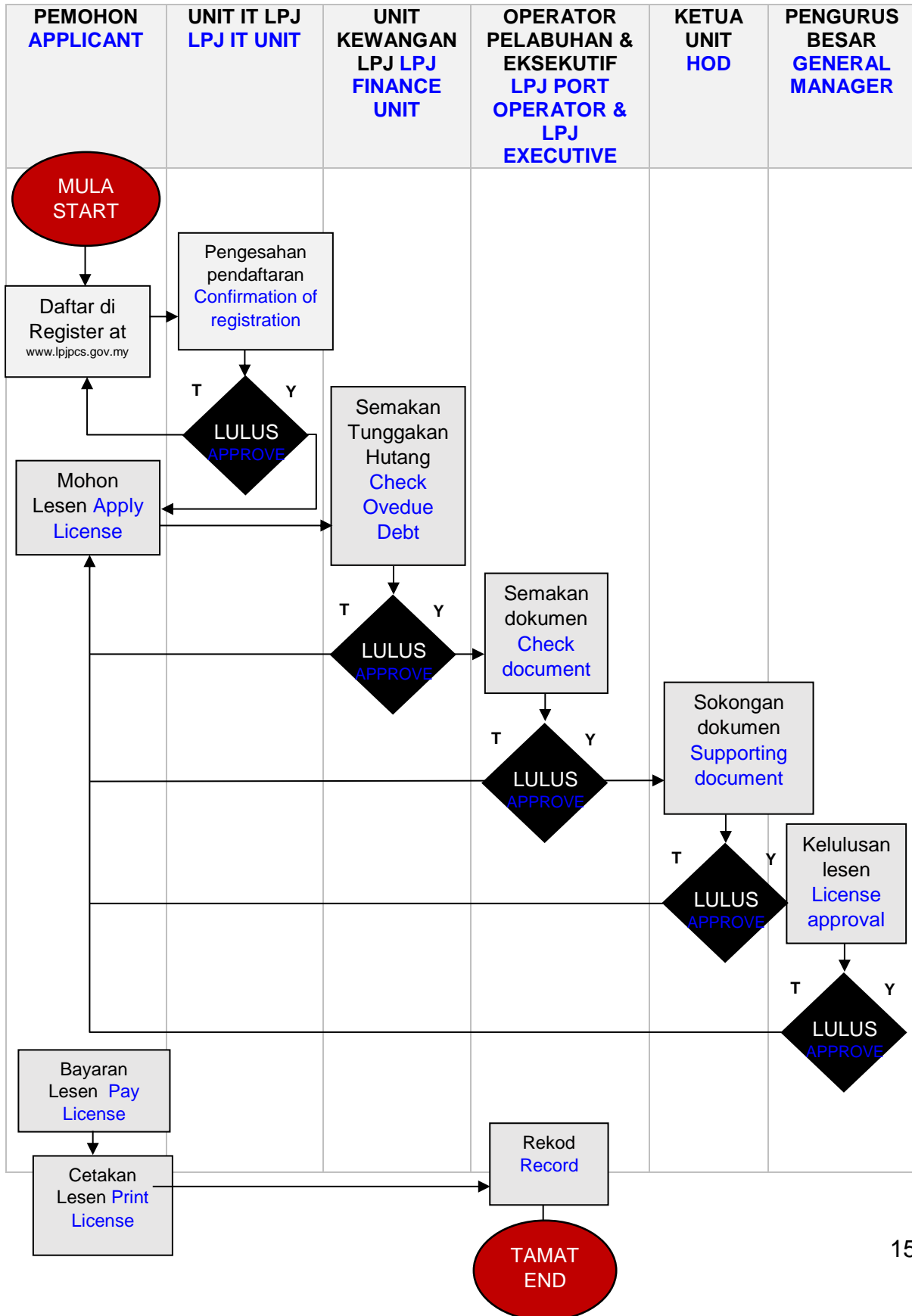
BIL NO.	KATEGORI LESEN LICENSE CATEGORY	DOKUMEN YANG DIPERLUKAN DOCUMENT REQUIRED	
		BARU NEW	PERBAHARUI RENEWAL
1.	Surat permohonan <i>Letter of application</i>	✓	✓
2.	Surat lantikan agen dari pemilik kapal masih sah laku <i>Agent appointment letter from valid ship owner</i>	✓	✓
3.	Insuran kapal masih sah laku <i>Ship Insurance validation</i>	✓	✓
4.	Emergency Response Plan (ERP) Pelan <i>Tindakan Kecemasan</i>	✓	✓
5.	Ship Particular <i>Butiran kapal</i>	✓	✓
6.	<i>GA Plan</i>	✓	✓
7.	<i>Class survey report certification</i>	✓	✓

CARTA ALIR PROSES PENGURUSAN LESEN LAY UP OLEH LPJ

FLOW CHART OF LAY UP LICENSE MANAGEMENT



CARTA ALIR PROSES PENGURUSAN LESEN LAY UP OLEH PEMOHON
FLOW CHART OF LAY UP LICENSE MANAGING PROCESS





JOHOR PORT AUTHORITY

TERMS AND CONDITIONS

LAY UP ACTIVITIES

Port Authority Act 1963; Section (3)(2)(y)

Ref No: LPJ/LP/01/15 REV1

1 December 2020

TERMS AND CONDITIONS

LAYING UP VESSEL AT PASIR GUDANG PORT LIMIT

(No 1 – 38; 4 pages)

1. Johor Port Authority pilot, or any pilot licensed by Johor Port Authority, shall conduct all movements of the vessel either proceeding to, or lay-up area, or while in the lay-up area.
2. The vessel proceeding to lay-up shall be fully manned and the main engine shall be in good working order at all times.
3. The number of tugs required to assist the movement or to standby will be informed accordingly.
4. All movements shall be conducted based on Standard Operating Procedure (SOP) conducted port operator.
5. A sufficient amount of cable shall be veered in order to avoid the dragging of an anchor.
6. A marker buoy shall be placed to indicate the position of each anchor.
7. The vessel's position shall be checked and maintained at all times.
8. Water depths at the allocated anchoring area shall be recorded in the Deck Log Book.
9. The vessel navigating to the lay-up area shall proceed at a safe speed consistent with the safety of navigation and shall pass through the shallow waters.
10. The Master shall be responsible for the safety and navigation of the vessel at all times.
11. Vessels anchoring in lay-up position in "rafting" conditions must follow the requirements from the port operator with regards to safety purposes.
12. All round red light visible for the distance of at least two (2) nautical miles, shall be exhibited at the highest point (mast) of the vessel, at all times from dusk to dawn (1800hrs. to 0800hrs).
13. The vessel shall be moored so as to be clear of all other vessels at all times during all conditions of wind and tide.
14. The Owner, its Agent, or Servant shall be liable for, in a meet in full, all liabilities in

relation to the vessel whether statutory, tortuous, or contractual.

15. Johor Port Authority and port operator were not liable for any damage, loss, or injury caused to the vessel, its owner, agent, master, or crew, during the vessel's stay in the Port regardless of whether such damage, loss, or injury was caused by the official of Port Authority, the port operator, its agents or any third parties.
16. The Owner and its Agent shall indemnify the Port Authority, and the port operator in respect of any loss, damage, injury, or death caused by their vessel, their servants or agent to third parties, or any property vested in the third parties, or the Authority and the port operator. The Owner and its Agent shall submit true copies of certificates of insurance (Tanker insurance, P & I, etc.) to the JPA or his authorized representative together with this application for a license.
17. The Owner of its Agent shall notify the JPA or his authorized representative of any transfer of ownership or agency, and the JPA upon receiving such notice shall immediately effect cancel the license and it shall be the duty of the owner and or its agent.
18. The classification of the vessel is to be fully maintained, and all statutory certificates are valid through the lay-up period.
19. Minimum manning of the crew on board subject to Marine Department approval.
20. A VHF set with must be provided to contact shore (Johor Port Control – at least Channels 11, and 16) in case of medical emergencies or other incidents.
21. The vessel must ensure the Automatic Identification System (AIS) transponder is working properly and “switch on” at all times.
22. A serviceable portable aid (Day-light Signalling) Lamp powered by a battery must be provided at all times for visual communication.
23. All vessels must have their cargo tanks cleaned and certified gas-free by the Government Chemist. Only clean ballast should be used if the ballast is put into cargo tanks. The gas-free state of all tanks must be maintained & subsequently renewed every calendar month.
24. Any repair works shall be carried out only by contractors licensed by JPA.
25. No dutiable items or goods shall be taken on board unless approved by the Customs Department. All dutiable stores shall be kept under lock and sealed by

the Customs. The Customs seal shall not be broken while the vessel is within the territorial waters.

26. No arms, ammunition, or explosives shall be on board while the vessel is in lay-up.
27. A complete list of personnel engaged on board with full particulars of name, nationality, and identity card/passport number shall be submitted to the Immigration Department.
28. Owner's representative / Agent shall be in Johor Bahru so that a liaison between Marine Department / Government Department and the ship can be maintained at all times and especially in case of emergencies.
29. It is the responsibility of the ship owners to engage a local agency to look after all matters relating to security, fire-fighting, and periodical of the moorings of the vessel.
30. No craft is permitted to go alongside and no person is allowed on board the vessel unless authorized by the relevant Authorities.
31. All movements of the vessel shall be undertaken by the Authorised pilots, or any person licensed to pilot the vessel pursuant to Section 29 (A) of the Port Authorities Act 1963, and tugs belonging to or authorized by Johor Port Berhad. The schedule for the movements and the number of tugs used shall be at the discretion of the port operator.
32. In addition to all other conditions, the vessel shall comply with all laws, rules, and regulations currently in force in Malaysia, and amended from time to time, unless otherwise exempted.
33. The General Manager, or his delegated or authorized officers or representatives, may give directions either verbally or in writing, from time to time, to the Owner / Master / Agent / Servant of the vessel pertaining to all port safety and shipping matters.
34. The Owner / Master / Agent shall pay promptly and in full all charges, rates, and dues being levied on the vessel.
35. The General Manager, or his authorized representative, reserves the right to withdraw the license to lay up without assigning any reason whatsoever. The

Owner / Agent has no right to claim for any damages, or loss that may arise as a consequence of the withdrawal.

36. The local Agent shall be responsible for all garbage collection, and no garbage, rubbish, waste, or other matter shall be dumped into the sea.
37. The Owner/Agent/Master shall comply with all the Port Notices established by JPA or other relevant agencies from time to time.
38. The Owner/Master Agent shall undertake of vessel/ rig is wrecked, stranded or in distress, plunder, create disorder or obstruct the preservation of the ship/rig to be recovered or salvage by other authority or agency shall be payable to the salver by the owner such ship or wreck has been save when service is rendered in saving life from any danger.



General Manager
Johor Port Authority