



PARLIMEN MALAYSIA



RANG UNDANG-UNDANG

Suruhanjaya Pelabuhan Pulau Pinang (Pindaan) 1987

DR.6/1987

RANG UNDANG-UNDANG

bernama

Suatu Akta untuk meminda Akta Suruhanjaya
Pelabuhan Pulau Pinang 1955.

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MAKA INILAH DIPERBUAT UNDANG-UNDANG oleh Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong dengan nasihat dan persetujuan Dewan Negara dan Dewan Rakyat yang bersidang dalam Parlimen, dan dengan kuasa daripadanya, seperti berikut:

1. Akta ini bolehlah dinamakan Akta Suruhanjaya Pelabuhan Pulau Pinang (Pindaan) 1987. Tajuk ringkas.
2. Akta Suruhanjaya Pelabuhan Pulau Pinang 1955, yang disebut “Akta ibu” dalam Akta ini, adalah dipinda dengan memasukkan selepas seksyen 25, seksyen baru 25A yang berikut: Seksyen baru 25A.
Akta 140.

“Disposal
of land.

25A. For the avoidance of doubt, where any interest in land is vested in the Federation for purposes of the port, it shall be lawful for the Federation pursuant to Article 86 of the Constitution, to dispose of such interest in land to any person or body of persons for use by such person or body of persons for any federal purposes.”.

Seksyen
baru 33A.

3. Akta ibu adalah dipinda dengan memasukkan selepas seksyen 33, seksyen baru 33A yang berikut:

“Submission of memorandum for any change in existing scale of rates.

33A. (1) Any person or body of persons licensed under this Act shall prepare and submit to the Commission a memorandum for any change in the existing scale of rates prescribed under sections 32 and 33 for the approval of the Minister.

(2) Where no reply is received from the Commission as regards the memorandum submitted under subsection (1) within six months of its submission, the change in the existing scale of rates as contained in the memorandum shall take effect on the expiration of such period.

(3) The person or body of persons licensed under this Act shall as soon as practicable publish the change in the existing scale of rates in the local newspaper, at least one in the Malay language and one in the English or Chinese language.

(4) The Commission shall as soon as practicable make the necessary amendment to the *Gazette* in respect of the change in the existing scale of rates.”.

Seksyen
baru 59A
dan 59B.

4. Akta ibu adalah dipinda dengan memasukkan selepas seksyen 59 seksyen baru 59A dan 59B yang berikut:

“Power of the Commission to grant a licence to any company, etc. to undertake activities in the port.

59A. The Commission may with the approval of the Minister grant a licence on such conditions as the Commission may think fit to any company, firm, person or persons to undertake any activities in the port as may appear to the Commission to be necessary.

Powers of
the Commis-
sion to
enter any
arrangement
for sharing
of profit,
etc.

59B. The Commission with the approval of the Minister and the concurrence of the Minister of Finance, may—

- (a) enter into any arrangement for sharing of profits, union of interests, cooperation or joint venture with any person or body of persons; or
- (b) establish or promote the establishment and expansion of companies under the Companies Act 1965.”.

Act 125.

5. Akta ibu adalah dipinda dengan memasukkan selepas BAHAGIAN VA BAHAGIAN baru VB yang berikut:

Bahagian
baru VB.

“
PART VB

SPECIAL POWERS

Special
powers in
emergency.

70P. (1) On the occurrence of any public emergency or in the interest of public safety, the Prime Minister or any officer specially authorised by him in that behalf may—

- (a) take temporary possession of any port service or facility established, maintained or worked by any person licensed under this Act; or
- (b) withdraw either partially or totally the use of any port service or facility from any person or class of persons or from the public at large.

(2) If any doubt arises as to the existence of a public emergency or whether any act done under subsection (1) was in the interest of public safety, a certificate signed by the Prime Minister and exhibited at such place as the Minister deems fit shall be conclusive proof of the point.

(3) Where the Government takes possession of any port service or facility under subsection (1) (a), adequate compensation shall be paid.”.

HURAIAN

Rang Undang-undang ini bertujuan meminda Akta Suruhanjaya Pelabuhan Pulau Pinang 1955.

2. *Fasal 2* bertujuan memasukkan seksyen baru 25A yang memperuntukkan bahawa adalah sah bagi Persekutuan untuk melupuskan apa-apa kepentingan mengenai tanah yang terletak padanya bagi maksud-maksud persekutuan.

3. *Fasal 3* bertujuan memasukkan seksyen baru 33A yang menghendaki mana-mana orang yang diberi lesen di bawah Akta mengemukakan suatu memorandum kepada Suruhanjaya bagi apa-apa pengubahan skala kadar yang sedia ada.

4. *Fasal 4* bertujuan memasukkan seksyen baru 59A dan 59B. Seksyen baru 59A bertujuan memberi kuasa kepada Suruhanjaya, dengan kelulusan Menteri, melesenkan aktiviti-aktiviti di dalam pelabuhan yang perlu bagi atau berkaitan dengan penjalanan tugasnya. Seksyen baru 59B bertujuan memberi kuasa kepada Suruhanjaya, dengan kelulusan Menteri dan persetujuan Menteri Kewangan untuk menceburi dalam apa-apa perkiraan bagi berkongsi keuntungan, dll., dengan mana-mana orang atau untuk menubuhkan atau menggalakkan penubuhan dan pengembangan mana-mana syarikat.

5. *Fasal 5* bertujuan memasukkan Bahagian baru VB untuk memberi kuasa-kuasa khas kepada Perdana Menteri atau mana-mana pegawai yang diberi kuasa dengan khasnya oleh Perdana Menteri dalam hal berlakunya darurat awam atau bagi kepentingan menjaga keselamatan orang awam.

IMPLIKASI KEWANGAN

Rang Undang-Undang ini tidak akan melibatkan Kerajaan dalam apa-apa perbelanjaan wang tambahan. [PN. (U²) 1366.]