



SAFETY COMPLIANCE (SC)

REGULATORY AND ENFORCEMENT UNIT



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What is Safety Compliance (SC)?

Administrative action taken against any **individual (Staff / Contractor / Port User / Visitor)** for non-compliance with Occupational Safety and Health Act 1994 (Amendment 2022), The Port Authorities Ordinance 1961 (Control of Entry and Security) Regulations, 1961 and Kuching Port Authority (KPA) office memorandum dated 10th June 2003 on compounding offences guideline on compounding amount.

The implementation of Safety Compliance (SC) has been agreed to be effective from 1st May 2024.

Scope

It involves all activities within the port perimeter and applies to **all staff, port users, contractors and visitors.**

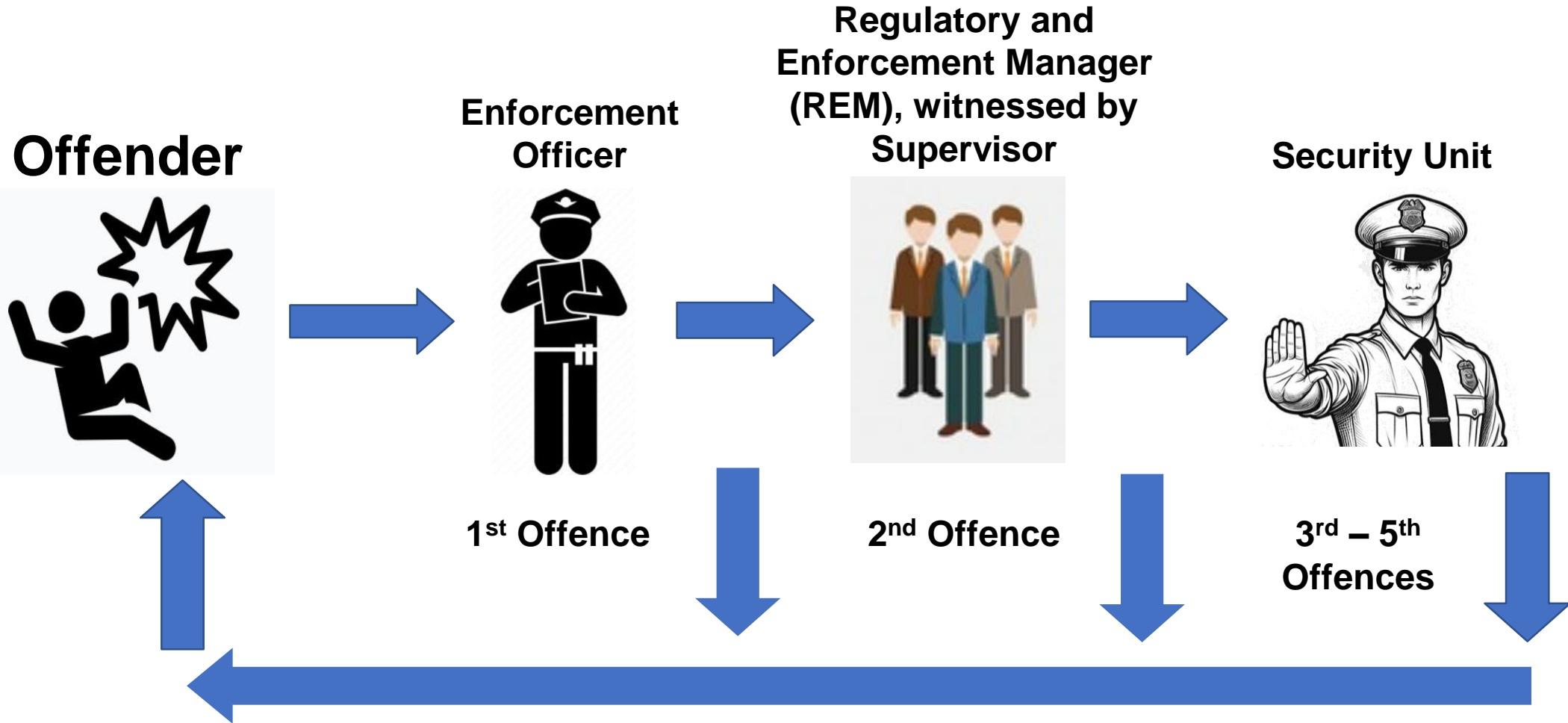


SC Objective

1. To provide platform to take administrative action against staff / contractor / port user / visitor for non-compliance with Occupational Safety and Health Act 1994 (Amendment 2022), The Port Authorities Ordinance 1961 (Control of Entry and Security) Regulations, 1961 and Kuching Port Authority (KPA) office memorandum dated 10th June 2003 on compounding offences guideline on compounding amount.
2. To create awareness towards staff / contractor / port user / visitor to comply with rules and regulations.



Work Process SC Simplified Flowchart





Responsibilities

Enforcement Officer	Regulatory and Enforcement Manager (REM)	Enforcement and Security Unit
<ol style="list-style-type: none">1. Identify offences2. Consult with Safety and Health Officer (SHO) for case required3. Issue SC Form4. A copy of SC Form to be sent to Supervisor	<ol style="list-style-type: none">1. Carry out advisory sessions with offenders regarding offences2. As a reference to ensure the offenders do not repeat the same offences3. Witnessed by Supervisor	<ol style="list-style-type: none">1. Obtain SC Form2. Implement Compounding Procedure



LIST OF OFFENCES AT KUCHING PORT AUTHORITY

No	Offences	Explanation
1	Not wearing proper Personal Protective Equipment (PPE) according to Safe Work Procedure (SWP)	Incomplete, defective or unsuitable PPE
2	Carry out work without complying Safe Work Procedure (SWP)	Negligence or failure to comply with provided Safe Work Procedure (SWP)
3	Failure to do housekeeping that can contribute to unsafe work place	Leaving behind belongings, equipment or stuff that are potential hazards at the work place (Unsafe condition)
4	Using defective or unsafe equipment	Using damaged equipment can cause danger and has a potential to cause accident
5	Failure to warn or remind staff / contractors / port users / visitors regarding potential danger due to work process	Failure to advise, remind or give safety briefing or lack of supporting evidences / documents
5	Carry out work or activity that can cause danger and harmful to others	Failure to carry out risk assessment on work. Failure to inform activity risks directly to staff or supervisor
6	Horseplay at work place that can cause accident	Activities that involve unsafe act
7	Smoking	Smoking at non designated smoking zones



Working at height guidelines

Contractors carrying out **working at height for more than 3 metres inside KPA's premise** must have a **VALID working safely at height card** from authorised training provider e.g. *National Institute of Occupational Safety and Health (NIOSH)* before they are allowed to commence work. Contractors also must prepare any fall prevention equipment such as lifeline rope, step platform and wear safety harness at all times when working at height. This is to promote good work practices and set out standards for the prevention of injuries to persons at work due to falls. These guidelines include relevant sections of the Act and Regulations namely **Occupational Safety and Health Act 1994**.

- **Section 15:** General duties of employers and self-employed persons to their employees.
- **Section 15 (2) (c)** The provision of such information, instruction, training and supervision as is necessary to ensure so far as is practicable, the safety and health at work his employees.



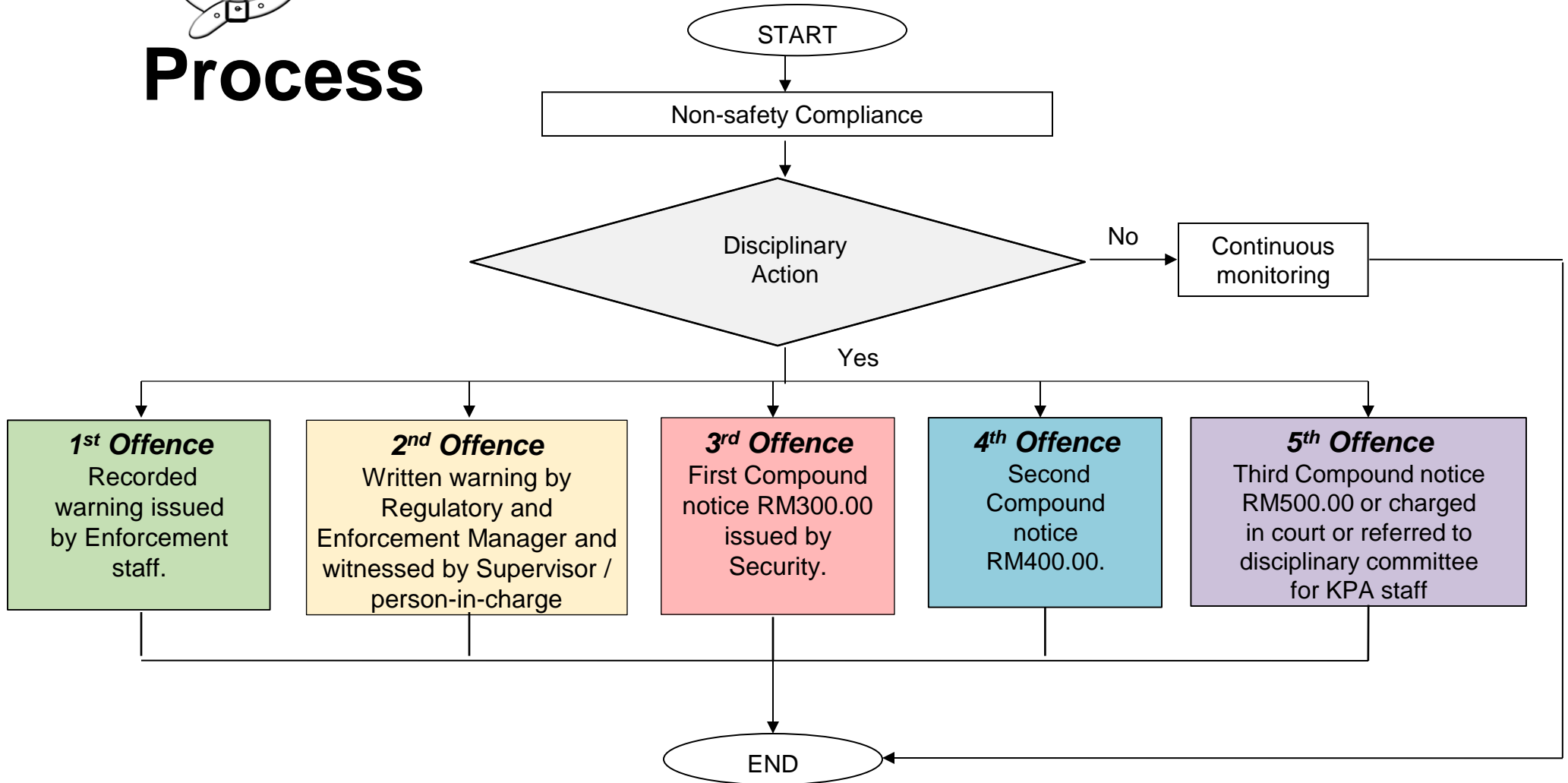
Working at height guidelines (cont.)

- **24. General duties of employers at work (1)** It shall be the duty of every employee while at work.
 - a) To take reasonable care for the safety and health of himself and of other persons who may be affected by his acts or omissions at work
 - b) To co-operate with his employer or any other person in the discharge of any duty or requirement imposed on the employer or that other person by this Act or any regulation made thereunder
 - c) To wear or use at all times any protective equipment or clothing provided by the employer for the purpose of preventing risks to his safety and health; and
 - d) To comply with any instruction or measure on occupational safety and health instituted by his employer or any other person by or under this Act or any regulation made thereunder.

If contractors fail to follow the guidelines, then they can be ordered to stop work immediately.



Process





Actions Taken to Those Who Violate *Safety Compliance (SC)*

Offences	Matter	Staff	Contractor	Port Users and Visitors
Procedure for every offence	SC Form	✓	✓	
	Verbal Warning	✓	✓	✓
	SHO copy of SC Form – Secretary SC	✓	✓	
1 st Offence	Secretary SC	Update SC Form	Update SC Form	Verbal warning
2 nd Offence	Administrative Action	Written warning by REM and witnessed by Supervisor	Written warning by REM and witnessed by person-in-charge	Written warning by REM and witnessed by person-in-charge
3 rd Offence	Administrative Action	*Compound RM 300.00	*Compound RM 300.00	*Compound RM 300.00
4 th Offence	Administrative Action	*Compound RM 400.00	*Compound RM 400.00	*Compound RM 400.00
5 th Offence	Administrative Action	*Compound RM 500.00 or referred to disciplinary committee	*Compound RM 500.00 or charged in court	*Compound RM 500.00 or charged in court

* Kuching Port Authority office memorandum dated 10th June 2003 on compounding offences guideline on compounding amount.



Actions Taken to Those Who Smoke at Non-Designated Smoking Zones

Offences	Matter	Staff	Contractor	Port Users and Visitors
Procedure for every offence	SC Form	✓	✓	
	Verbal Warning	✓	✓	✓
	SHO copy of SC Form – Secretary SC	✓	✓	
1 st Offence	Secretary SC	*First recorded warning issued by Enforcement staff	*First recorded warning issued by Enforcement staff	*First recorded warning issued by Enforcement staff
2 nd Offence	Administrative Action	*Second recorded warning	*Second recorded warning	*Second recorded warning
3 rd Offence	Administrative Action	*Remove from port area	*Remove from port area	*Remove from port area

* Section 16, The Kuching Port Authority By-Laws, 1961.



Additional Information

1. Enforcement officer needs to show relevant evidences such as photos, videos, documents, witnesses etc.
2. Offences are decided through advisory sessions and discussions with Regulatory and Enforcement Manager (REM) and Safety and Health Officer (SHO).
3. Signatures / verifications from offenders are required and remain valid with evidences such photos, videos, documents or witnesses etc. (if proven guilty).
4. First / second / third offences involving various cases at one time are counted as **one offence only** – in 1 same SC form.
5. SC form can be given directly or later (backdate issued)



Frequently Asked Question (FAQ)

1. Can an Enforcement officer carry out SC outside KPA perimeter?

Answer: No, Enforcement officer can only monitor or carry out SC within the port perimeter.

2. Can SC action be taken against both contractors and KPA staff?

Answer: Yes depending on the situation. For example, SC action can be taken to KPA staff for failing to warn or remind contractors regarding potential danger due to work process (Offence No. 5). SC action can also be taken to contractors for carrying out work without complying Safe Work Procedure (SWP) (Offence No. 2).

3. Can SC action be taken against smokers who smoke at non-designated smoking zones?

Answer: Yes. However, smoking is allowed at designated smoking areas.



Frequently Asked Question (FAQ)

4. How to issue SC to offenders?

Answer: An enforcement officer needs to show relevant evidences such as photos, videos, documents, witnesses etc. together with signatures / verifications from offenders. SC form can be issued directly by Enforcement officer or later (backdate issued) by Safety and Health Officer after advisory sessions with Regulatory and Enforcement Manager. Offenders that failed to sign SC form are still considered as a SC offence.



Kuching Port Authority office memorandum dated 10th June 2003 on compounding offences guideline on compounding amount

KUCHING PORT AUTHORITY
Office Memorandum

To: Chief Security Officer Date: 10 June 2003

COMPOUNDING OF OFFENCES
GUIDELINE ON COMPOUNDING AMOUNT
CONTROL OF ENTRY AND SECURITY REGULATIONS

Further to the Office Memorandum dated 11 March 2003, compound rate for the third offence under sections 15 to 19 of Control of Entry and Security Regulations should read as RM500 or Charge in Court instead of RM200.

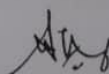
With the above amendment, the compound rates are as follows:

Control of Entry and Security Regulations (Illegal Parking - Sec. 9, Sec. 8 - without valid Pass)
Section 3 to Section 14

1. First Offence	RM 50
2. Second Offence	RM100
3. Third Offence	RM150
4. Fourth Offence onwards	RM200 or Charge in Court

Control of Entry and Security Regulations (Littering, Spillage - Sec. 17 & Sec. 18)
Section 15 to Section 19

1. First Offence	RM300
2. Second Offence	RM400
3. Third Offence onwards	RM500 or Charge in Court


[Liu Moi Fong]
General Manager

cc AGM(O)
AGM(F&A)
AGM(B&D)

C/KPA/0136



Safety Compliance (SC) Form

1st and 2nd offences

Borang Pemantauan Salah Laku

No.	Nama	No. Staf	Tarikh	Masa	Lokasi	Kesalahan Kali Pertama	Kesalahan Kali Kedua	Kesalahan Kali Ketiga

Direkod oleh		Tandatangan pelaku		Tanda tangan Ketua Kumpulan / WTO / Wharf foreman / SIC	
Nama		Nama		Nama	
No. Staf		No. Staf		No. Staf	

No.	Nama	No. Staf	Tarikh	Masa	Lokasi	Kesalahan Kali Pertama	Kesalahan Kali Kedua	Kesalahan Kali Ketiga

Direkod oleh		Tandatangan pelaku		Tanda tangan Ketua Kumpulan / WTO / Wharf foreman / SIC	
Nama		Nama		Nama	
No. Staf		No. Staf		No. Staf	


No.	Nama	No. Staf	Tarikh	Masa	Lokasi	Kesalahan Kali Pertama	Kesalahan Kali Kedua	Kesalahan Kali Ketiga

Direkod oleh		Tandatangan pelaku		Tanda tangan Ketua Kumpulan / WTO / Wharf foreman / SIC	
Nama		Nama		Nama	
No. Staf		No. Staf		No. Staf	



Safety Compliance (SC) Form

3rd – 5th offences


KUCHING PORT AUTHORITY
FAILURE TO COMPLY WITH PPE (SECTION 19)
(SECURITY SECTION)

(A) To be filled by Security Personnel:

TO:

TAKE NOTICE: That you have breached Section 19, Kuching Port Authority
(Control of Entry and Security)– (Amendment) Regulations, 2003 (Failure To
Comply With Personal Protective Equipment) on:

DATE: TIME:

PLACE:

Issued by:

.....
Name and Rank

(B) To be filled by Offender:

I, I/C No:

Hereby admitted that I have committed the above offence and liable for the following
compound fee payable within **14** days of the offence committed.

1 st Offence	RM 300.00
2 nd Offence	RM 400.00
3 rd Offence	RM 500.00 or charge in court

Signature: Contact No:

Address:

NOTE: This notice will remain in force for **(14)** days from the date of the issue of this
notice. If payment is not received within that period, you would be **"BANNED
ENTRY"** into the port area until further notice

CC. Offender-
Main gate PP/PSN
Investigation Unit



Thank You