



ASSOCIATION OF MALAYSIAN HAULIERS
ROS NO 1383

Your Ref. :
Our Ref. : NOT/CIR/AMH/AZU211220
Date : 20th December 2021

TO : AMH MEMBERS
FROM : The Secretariat Office AMH

Dear AMH Members,

SUBJECT : DEMURRAGE/DETENTION/SSR AND OTHER CHARGES INCURRED BETWEEN 17th DECEMBER 2021 TILL 31st DECEMBER 2021 AS A RESULT FROM THE RECENT DISASTER OF FLASH FLOOD IN SELANGOR MOSTLY IN PORT KLANG AREAS

Above subject matter refers.

As you are aware, hauliers have gone through a very tough period delivering containers to and from the Malaysia port terminals since the disaster hit.

The flash flood is expected to cause severe delays which in the end results in effect hauliers operation. Among the predicted predicament which is expected to happen during the said period is the shortage of manpower and limited operation hours by depots and customer premises alike. Not to mention the delays that will be accumulated due to backlog which will be increased on daily basis.

We wish to inform all AMH members that based on the current developments, we have expected the congestion at Ports, Depots, Warehouse and also the heavy traffic congestion during and after the flood has receded. Therefore, the Association wishes to inform all AMH members that the hauliers will not be responsible for any claim charge for demurrage, storage, removal, detention, SSR and any other charges incurred between 17th December 2021 up to 31st December 2021.

Our association stand on this matter is as follow;

- *Subject to AMH Standard Trading Conditions 2019-page 7 Clause 7.0 Impossibility of Performance - The Carrier shall be relieved from its obligation to perform the Contract to the extent that the performance of the same is prevented by failure of the Customer, events of Force Majeure, weather conditions or cause beyond the reasonable control of the Carrier. The Carrier is not liable for the performance of the contract if it is unable to perform its obligation or effect Termination of the Contract due to an event of Force Majeure. In the event of the same, the Customer shall endeavour to help the Carrier in whatever ways to mitigate any effect that the same might have on the Performance of the Contract of both parties. In the event of Force Majeure, any total or partial loss or damage to the Goods or Containers is the liability of the Customer and the Carrier shall not be responsible for any claims either from the Customer or any other third party for the loss or damage therein.*

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AMH will continue to monitor the situation closely to ensure the haulage industry is not hindered and disrupted.

As such we are sure all members can operate and maintain the current SOPs, AMH members are strongly reminded to strictly comply with all the required SOPs including using hand sanitisers, wearing the proper face mask, maintaining physical distancing and checking in with MySejahtera QR codes where required.

Thank you

“TOGETHER WE ARE STRONGER”
“HAULAGE PROGRESSED, NATION DEVELOPED”

Yours faithfully


Mohamad Azuan Masud
Executive Secretary
Association of Malaysian Hauliers

C.C.

MR. SOO CHEE YEONG
President
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DATO' TONY CHIA HAN TEUN
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