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Enclosed Myanmar Laws

- (1) Conservation of Water Resources & River Law, 2006
- (2) Underground Water Act, 1930
- (3) Rangoon Water Works Act, 1885
- (4) Burma Municipal Act, Water Power Act, 1898, Port Act, 1908, Rangoon Port Act, 1905
- (5) Existing Port Regulation of Myanmar
- (6) The Petroleum Act, 1934, The Law Amending the Petroleum Act (1934), 2010
- (7) The Oilfield Act, 1918, The Law Amending the Oilfield Act (1918), 2010
- (8) The Myanmar SEZ Law, 2011

(1) Conservation of Water Resources & River Law, 2006

THE CONSERVATION OF WATER RESOURCES AND RIVER LAW, 12 OCTOBER 2006 **THE UNION OF MYANMAR, THE STATE PEACE AND DEVELOPMENT COUNCIL**

Chapter I:

Title and Definition

1. This Law shall be called the Conservation of Water Resources and Rivers Law.
2. The following expressions contained in this Law shall have the meanings given hereunder:
 - (a) Water Resources mean all water sources above and underground within boundaries of rivers and creeks, banks and water fronts. This expression also includes water resources that flow into rivers and creeks. However, the inland water is excluded;
 - (b) River means the navigable river for commercial and communication purposes. This expression also includes rivers along border areas within the territory of the Union of Myanmar;
 - (c) Creek means the navigable small rivers for commercial and communication purposes;
 - (d) Waterway means the channel along which vessels can ply safely. This expression also includes navigation channel which can only be used with the aids of navigational safety signals;
 - (e) Vessel means powered vessel, non-powered vessel, non-powered vessel and any other kind of vessel that can navigate from one place to another with passengers and cargoes. This expression also timber and bamboo rafts;
 - (f) River-creek boundary: This expression also includes shoals, sand bars and islands. However, islands adjoining with land are excluded;
 - (g) Bank boundary means steep or slope banks between the lowest water level and highest water level;
 - (h) Waterfront boundary means the land area adjoining with bank boundary prescribed in accordance with this Law to carry out the works of bank protection, waterway training and river-creek improvement;

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- (i) Jetty means the bridge constructed in the river for vessels to berth, and to enable passengers to embark and disembark and cargoes to be loaded and unloaded:
- (j) Pier means the pontoon bridge anchored in the river and adjoining with bank for vessels to berth, and to enable passengers to embark and disembark and cargoes to be loaded and unloaded:
- (k) Landing stage means the small bridge on the water for boats to berth and to enable people to bathe and draw water:
- (l) Waterway training structure means revetment, diversion groynes, securing groynes, branch closing groynes, silt spurs and wave protection, constructed for river training:
- (m) Environmental impact means polluting the environment or damaging ecosystem caused by vessels plying in the rivers and creeks or factories, mills, workshops and dwellers near rivers and creeks:
- (n) Directorate means Directorate of Water Resources and Improvement of River Systems:

Chapter II

Aims

- 3. The aims of this Law are as follows:
 - (a) To conserve and protect the water resources and rivers system for beneficial utilization by the public:
 - (b) To smooth and safety waterways navigation along rivers and creeks:
 - (c) To contribute to the development of State economy through improving water resources and river system:
 - (d) To protect environmental impact.

Chapter III

Duties and Powers of the Ministry of Transport

- 4. The duties and powers of the Ministry of Transport are as follows:
 - (a) Directing to carry out waterways conservation works based on the suggestions of the Department, for long-term durability of bridges spanning rivers; if necessary, coordinating with the relevant ministry:
 - (b) Notifying the land boundary as waterfront boundary adjoining with bank boundary required to carry out the works of bank protection, waterway training and river-creek improvement:
 - (c) Giving guidance to the directorate for prescribing the necessary terms and conditions relating to navigation of vessels in the rivers and creeks for conservation of water resources, rivers and creeks:
 - (d) Scrutinizing and issuing permit on application to salvage the sunken ship at river creek boundary, bank boundary and water front boundary for economic purpose:

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- (e) Determining navigation pilot charge, harboring charge and other charges relating to conservation of rivers and creeks:
- (f) Communicating with local and foreign government departments and organizations for conservation of water resources, rivers-creeks and carrying out thereof:
- (g) Carrying out in accordance with the relevant international conventions, regional agreements and bilateral agreements for environmental conservation implemented by the Union of Myanmar for conservation of water resources, rivers and creeks.

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Chapter IV

Duties and Powers of the Directorate

5. The duties of the Directorate are as follows:
- (a) Carrying out so as not to cause moving of urban ports and to keep the waterways are good and for perpetual use.
 - (b) Making arrangements and carrying out to prevent erosion of towns and villages due to changes of river and creek course:
 - (c) Making arrangements and carrying out so as not to adversely affect the environment in and around river and creek:
 - (d) Determining dangerous water levels for towns; in so determining, cooperating with relevant government departments and organizations:
 - (e) Giving necessary assistance to the relevant government departments and organizations when coordinating to utilize river water as drinking water, for domestic use and for agricultural use the whole year round:
 - (f) Protecting and maintaining the waterways of border rivers so as not to lose State-owned land, and making arrangements thereof:
 - (g) Submitting reports to the Ministry of Transport with recommendations after surveying and inspecting the waterways of river and creek for long term durability of bridges spanning rivers:\
 - (h) Prescribing terms and conditions to prevent water pollution, and supervising thereof:
 - (i) Carrying out works of technology related to hydro-technology, dredging and disposal of waste, required in the rivers to prevent silting up of rivers and creeks:
 - (j) Removing and clearing objects obstructing water course of rivers and creeks:
 - (k) Removing and clearing objects obstructing watercourse of rivers and creeks:
 - (l) Removing vessels berthed, anchored, grounded or sunken causing obstruction or danger to plying vessels at urban and rural ports and narrow rivers-creeks and waterways:
 - (m) Prohibiting anchorage of vessels at sites where there are underwater electric cable connection, telecom cable connection, gas pipeline, water pipeline or underwater tunnel and removing vessels anchored within the distance prohibited:
 - (n) Collecting navigation pilot charge, harboring charge and other charges and fees relating to conservation of rivers and creeks:
 - (o) Carrying out other functions and duties assigned by the Ministry:
 - (p) Submitting a report on performance of its duties to the Ministry:
6. The powers of the Directorate are as follows:
- (a) Granting permission after examining the application for permission to carry out the construction of switchback, dockyard, wet dockyard and water-tight dockyard building of jetty and landing stage and vessel landing by drainage in the river-creek boundary, bank boundary and waterfront boundary:
 - (b) Permitting, after scrutiny, to pile sand, shingle and other heavy substances within the bank boundary and waterfront boundary:

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- (c) Issuing recommendation to the relevant government department and organization in respect of application for construction of buildings and bridges in the river-creek boundary, bank boundary and waterfront boundary:
 - (d) Determining of waterway grade, issuing information on opening and closing of waterway and warning on the use of waterway from time to time:
 - (e) Determining the size of vessel and number of barges to ply along each waterway, and determining of draught:
 - (f) Choosing site in the river for the inland vessels to dock, demarcating of port boundary, and opening and closing thereof:
 - (g) Issuing recommendation to relevant government department and organization after scrutiny as to whether or not the waterways of the rivers-creeks can be affected adversely, on the application to grant permit for business of sand suction, sand dredging, sand excavating, rivers shingle suction, panning for gold, gold mineral dredging or extracting resources in river-creek boundary, bank boundary and waterfront boundary:
 - (h) Issuing notifications prescribing terms and conditions in accordance with the guidance of the Ministry in respect of the navigation of vessels in rivers and creeks for conservation of water resources, rivers and creeks.
7. The Directorate may, if necessary, delegate its functions and duties to the State or Divisional Offices, Sub-State or Sub-Divisional Offices and Sub-Regional Offices subordinate to it.

Chapter V

Prohibitions

8. No person shall:
- (a) Carry out any act or channel shifting with the aim to ruin the water resources and rivers and creeks.
 - (b) Cause the wastage of water resources willfully.
9. No person shall destroy, cause damage or cause collision of vessel with the river training structure either wholly or partly.
10. No person shall anchor the vessels where vessels are prohibited from anchoring in the rivers and creeks.
11. No person shall:
- (a) Dispose of engine oil, chemical, poisonous material and other materials which may cause environmental damage, or dispose of explosives from the bank or from a vessel which is plying, vessel which has berthed, anchored, stranded or sunk.
 - (b) Catch aquatic creatures within river-creek boundary, bank boundary or waterfront boundary with poisonous materials or explosives.
 - (c) Dispose of disposal soil and other materials from panning for gold, gold mineral dredging or resources production in the river and creek, into the river and creek or into the water outlet gully which can flow into the river and creek.

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12. No person shall carry out growing of garden, digging, filling, silt trapping, closing pond, dyke building or erecting upon in the river creek boundary, bank boundary and waterfront boundary without the permission of the relevant government department and organization.
13. No person shall carry out sand suction, sand dredging, sand excavating, river shingle suction, panning for gold, gold mineral dredging or resource production for commercial purpose in the river-creek boundary, bank boundary and waterfront boundary without the recommendation of the Directorate.
14. No person shall carry out sand suction, sand dredging, sand excavating, river shingle suction, panning for gold, gold mineral dredging or resource production from the sandbank maintained for prescribed river training work, prohibited place in the river and creek or the watercourse.
15. No person shall carry out the construction of switchback, dockyard, wet dockyard, water-tight dockyard, building of jetty, pier, landing stage or vessel landing or vessel landing by drainage in the river-creek boundary, bank boundary and waterfront boundary without the permission of the Directorate.
16. No one shall:
 - (a) Ply a vessel which is not in conformity with stipulations regarding the size, horse power and number of flat in the river-creek.
 - (b) Ply a vessel which is not in conformity with the prescribed draught in the river-creek.
17. No one shall, without abiding by the signal for the vessels to halt and wait by the responsible person as river training work, surveying work, dredging work, navigation work or obstruction clearance work is being carried, out, ply the vessel passing through.
18. No one shall drive loading goods above the loaded draught or ply outside the demarcation channel.
19. No one shall dispose of any substance into the river-creek that may cause damage to waterway or change of watercourse from the bank or vessel which is plying, vessel which has berthed, anchored, stranded or sunk.
20. No one shall:
 - (a) Cast the fishing-net, lay net, drift net, set up net which may cause silting or blocking of the watercourse in the river-creek.
 - (b) Cause collision of the vessel with piles of bridges spanning the river.
21. No one shall:
 - (a) Build lavatories unsuitable to the urban and rural community lifestyle in the bank area and waterfront area.
 - (b) Drill well or pond or dig earth without the permission of the Directorate.
22. No one shall, without the permission of the directorate, pile sand, shingle and other heavy materials for business purposes in the bank area and waterfront area.
23. No one shall:
 - (a) Without the permission of the ministry of Transport, salvage the sunken vessel for business purposes.
 - (b) Without the permission of Directorate, build structures and bridges in river-creek boundary, bank boundary and waterfront boundary.

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- (c) Destroy or cause to destroy or remove the navigation symbols, mile posts or navigation marks without the permission of the Directorate.
- 24. No one shall:
 - (a) Violate the conditions relating to navigation of vessels in rivers and creeks prescribed by the Directorate for conservation of water resources, rivers and creeks.
 - (b) Violate the conditions prescribed by the Directorate so as not to cause water pollution and change of watercourse in rivers and creeks.

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Chapter VI

Penalties

25. Whoever violates any of the prohibitions contained in sections 8,9,15 or section 23 may, on conviction, be punished with imprisonment for a term not exceeding 3 years or with fine not exceeding Kyats 50,000 or with both.
26. Whoever violates any of the provisions contained in sections, 10, 11, 12, 13 or section 14 may, on conviction, be punished with imprisonment for a term not exceeding 2 years or with fine not exceeding Kyats 30,000 or with both.
27. Whoever violates any of the prohibitions contained in sections 16, 17, 18, 19, 20, 21, 22 or section 24 may, on conviction, be punished with imprisonment for term not exceeding 1 year or with fine not exceeding Kyats 10,000 or with both.
28. Whoever has, on conviction, been punished under sections 25, 26 or section 27 and if there is any loss and damage by his act, he shall be punished with fine for the relevant offence and shall also be ordered to pay the value of the loss and damage as compensation. If the said compensation is not paid, it shall be recovered as fine under section 386 of the Code of Criminal Procedure.
29. Whoever attempts or conspires or abets in the commission of an offence under this Law shall be punished with the punishment provided for such offence in this Law.

Chapter VII

Miscellaneous

30. Any government department and organization or any person desirous of constructing drainage, utilizing river water intake, constructing bridges spanning rivers, connecting underground pipe, connecting underground electric power cable, connecting underground telecom cable or digging in rivers and creeks, bank boundary and waterfront boundary, under the requirement of work, shall in order not to adversely affect the water resources and rivers and creeks, carry out only after obtaining the approval of the Ministry of Transport.
31. The relevant Ministry, government department and organization shall, in respect of works contained in sub-sections (e) and (g) of section 6, grant permission on works that may be permitted under their authority only when the recommendation of the Directorate has been obtained, in order not to adversely affect the water resources, rivers-creeks and watercourses.
32. Notwithstanding anything contained in any of the existing laws, action shall only be taken under this Law on matters relating to the maintenance and protection of water resources and rivers and creeks.
33. The obstruction in Fairways Act, 1881, the Defile Traffic Act, 1907, the Inland Steam Vessels Act, 1917, the Out-ports Act, the Ports Act and the Yangon Ports, Act and rules, procedures, orders and directives issued under the said Laws may continue to be applicable in so far as they are not inconsistent with the provisions of this Law.

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34. No suit or prosecution shall lie against any public servant for anything which is done in good faith under this Law.
35. Offences under this Law are determined as cognizable offences by the Myanmar Police Force.
36. For the purpose of carrying out the provisions of this Law:
- (a) The Ministry of transport may, with the approval of the Government, issue such rules and procedures as may be necessary.
 - (b) The Ministry of Transport may issue such notifications, orders and directives or the Directorate may issue such orders and directives as may be necessary.

Signed,

Than Shwe
Senior General
Chairman
The State Peace and Development Council

(2) Underground Water Act, 1930

The Underground water Act (Page 332) [Burma Act IV, 1930] (21st June, 1930)

1. **Extent:** This Act extends to such areas as the President of the Union may, by notification, direct and shall apply only to tubes exceeding a depth to be prescribed by the President of the Union: Provided that the President of the Union may prescribe different depths. Of different local areas.
2. **Definitions:** In this Act, unless there is anything repugnant in the subject or context, - (a) “underground water” means water obtained from below the surface of the ground by the sinking of tubes; and (b) “water officer” means such officer as the President of the Union may, by notification, prescribe in this behalf.
3. **License necessary for sinking of tubes:** No person shall sink a tube for the purpose of obtaining underground water except under and in accordance with the terms of a license granted by the water officer. Every person owning a tube which was in existence before the extension of this Act to the local area concerned shall apply to the water officer for a license for the said tube, and such license shall be granted free of charge.
4. **Power to close unlicensed tubes:** (1) Any Magistrate taking cognizance of an offense under section 3 may at any time order the tube in respect of which the offense has been or is alleged to have been committed to be forthwith closed until such time as a license for the same has been taken out in accordance with the provisions of the said section. (2) If the order for the closure of a tube under sub-section (1) is not complied with, the Deputy Commissioner, Sub-divisional Officer or Township tube to be closed, and the expense of such closure shall be recoverable from the owner of the tube as if it were an arrear of land-revenue.

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5. **Supply of information:** Every person obtaining or attempting to obtain underground water shall supply the water officer with such information as the President of the Union may by rule prescribe.
6. **Power to make rules:** The President of the Union may make rules – (a) prescribing the conditions subject to which licenses may be granted by the water officer under section 3. (b) Prescribing the form of an the procedure for granting such licenses and the fees payable for the issue thereof: (c) prescribing the information to be supplied to the water officer under section 5.
7. **Penalty:** Whoever contravenes the provisions of section 3 or of section 5 shall be punishable with fine which may extend to one thousand rupees.

(3) Rangoon Water Works Act, 1885

The Rangoon Water Works Act (Page 321)

Chapter I: Preliminary, Definitions

Chapter II: Vesting of Property

- Vesting of Royal Lake and cisterns, etc., in committee

Chapter III: Construction and Maintenance of Water works

- Duty of committee to construct works for supply of water
- Duty of committee to erect stand-pipes
- Power for committee to execute works
- Power for committee to break up streets

Chapter IV: Supply of Water:

A: Supply of Water for Domestic Purposes to Occupies of Houses or Lands

- Right of occupier to certain supply of water for domestic purposes
- Right of occupier paying water-tax to have water brought into his house or land
- Construction of communication pipes
- Inspection of works, pipes and fittings before connection with service-pipes
- Connection with service-pipes to be executed only by an officer to the committee.
- Power for officer of committee to enter premises
- Power for committee to turn off water or effect repairs, when pipes, etc., are out of repair

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B. Supply for gratuitous use in Stand-pipes

- Duty of committee to supply water for gratuitous use in standpipes
- Duty of committee to fix fire-plugs in mains
- Duty of committee to supply water for cleansing sewers and drains

C: Supply of water for extinguishing Fires and cleansing Sewers and Streets

- Supply for other than domestic purposes

E: Pressure of Water supplied

- Pressure at which water must be kept

Chapter V: Reciprocal Rights of Owners and Occupiers to Supply of Water to Houses

- Power for occupier of house to require owner to provide works for water supply
- Power for occupier to make works in default of owner
- What works are sufficient for supply of water to house
- Estimate and specification of works to be sent
- Power to refer to committee
- Fee on reference
- Duty of owner to keep works in repair
- Power for owner to recover sums payable by occupier
- Saving of contracts between owners and occupiers

Chapter VI: Rules

- Power for President to make rules
- Power for committee to make rules
- Procedure for making rules
- Publication of rules

Chapter VII: Arrears and offences

- Arrears of water-rents
- Power for committee to turn off water on neglect to pay water-tax or water-rent
- Penalty for obstructing, diverting or wasting water
- Penalty for unauthorized application of water
- Penalties for causing to be fouled, etc.
- Prosecutions

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(4) Burma Municipal Act, 1898

THE BURMA CODE, VOLUME VI

D. Municipalities (Page 115)

THE MUNICIPAL ACT

Chapter I: Preliminary, Definitions

Chapter II: Constitution of Municipalities

Chapter III: Organization of Municipal Committees

Chapter IV: Taxation

Chapter V: Funds and Property

Chapter VI: Powers for Sanitary and other purposes

Chapter VII: Offences affecting the Public Health, Safety or Convenience

Chapter VIII: Control

Chapter IX: Supplemental

Chapter X: Small Towns

THE BURMA CODE, Volume V

Power

The Electricity Act (Page 102)

Contents: Part I: Preliminary, Part II: Supply of Energy, licenses, Works, Supply. Part III: Supply, Transmission and Use of Energy by non-licensees. Part IV: General: Protective Clauses, Administration and Rules, Criminal Offences and Procedure, Supplementary, The Schedule: Security and accounts, compulsory works and supply, supply by bulk-licensees, Charges, testing and inspection, plans, Additional notice of certain works.

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THE BURMA CODE, Volume V

The Water Power Act(Page 143) Burma Act XI, 1927 (29th October, 1927)

- **2. Definition of public water:** In this Act, unless there is something repugnant in the context, the term “public water” shall mean a collection of water, whether running or still, which is not the subject of private property exclusively, situate on, or flowing over or to, any land to which the State has any title in possession or in future, or in respect of which the Government has a right to use water for obtaining energy or for mining purposes.
- **3. When license is necessary for use of public waters:** When rules made under this Act prescribe licenses for the use of any public water for obtaining energy or for mining operations, no person shall use, or attempt to use, any such water for any such purpose, or pollute or obstruct the flow of any such water, or discharge therein any mining refuse, except under and in accordance with the terms of such license or any grant, lease, or license from the President of the Union of, or in respect of, any land.
- **4. Rules:** The President of the Union may, by notification, make rules –
 - (a) Prescribing licenses for the use of any public water or of public waters in any local area for obtaining energy or for mining operations;
 - (b) Authorizing officers to make exemptions from the operation of such rules;
 - (c) Prescribing the officers by whom, the circumstances in which, and the conditions subject to which, licenses under this Act shall or may be granted, including provision for the payment of royalty or rent;
 - (d) Prescribing the procedure for granting such licenses, and the fees payable for the issue thereof;
 - (e) Providing for appeals from orders of officers authorized to grant such licenses; and
 - (f) Generally for carrying out the purposes of this Act.
- **5. Removal of things contravening the Act:** The Deputy Commissioner may, by written notice to any person by whom or on whose authority anything has been constructed or is maintained in contravention of this Act, order the removal of such thing and, if such person fails to comply with such order, the Deputy Commissioner may cause the thing to be removed or demolished, and the expense of such removal or demolition to be recovered from such person as if it were an arrear of land-revenue.
- **6. Penalties:** Every person who contravenes any of the provisions of section 3, or who fails to comply with an order under section 5, shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or both.

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3.2.2. Existing Port Regulation of Myanmar

THE BURMA CODE, Volume VII

- I. Ports, Pilots, Lighthouse
 1. The Ports Act (Page 376):

Chapter IV: Rules for the Safety of Shipping and the Conservation of Ports.

General Rules:

- **Injuring buoys, beacons and moorings:** No person shall, without lawful excuse, lift, injure, loosen or set adrift any buoy, beacon or mooring fixed or lay down by, or by the authority of the President of the Union in any port subject to this Act. If any person offends against the provisions of this section, he shall for every such offence be liable, in addition to the payment of the amount of damage done, to fine which may extend to two thousand rupees, or to imprisonment for a term which may extend to two years.
- **Willfully loosening vessel from moorings:** If any person willfully and without lawful excuse loosens or removes from her moorings any vessel within any such port without leave or authority from the owner or master of the vessel, he shall, for every such offence, be punishable with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to six months.
- **Improperly discharging ballast:** No ballast or rubbish, and no other thing likely to form a bank or shoal or to be detrimental to navigation, shall, without lawful excuse, be cast or thrown into any such port or into or upon any place on shore from which the same is liable to be washed into any such port, either by ordinary or high tides, or by storms or land-floods, and no oil or water mixed with oil shall be discharged in or into any such port, to which any rules made under clause(e) of sub-section (1) of section 6 apply, otherwise than in accordance with such rules. Any person who by himself or another so casts or throws any ballast or rubbish or any such other thing or so discharges any oil or water mixed with oil, and the master of any vessel from which the same is so cast, thrown or discharged, shall be punishable with fine which may extend to five hundred rupees, and shall pay any reasonable expenses which may be incurred in removing the same. If, after receiving notice from the conservator of the port to desist from so casting or throwing any ballast or rubbish or such other thing or from so discharging any oil or water mixed with oil, any master continues so to cast, throw or discharge the same, he shall also liable to simple imprisonment for a term which may extend to two months. Nothing in this section applies to any case in which the ballast or rubbish or such other thing is cast or thrown into or the oil or water mixed with oil is discharged in or into any such port with the consent in writing of the conservator, or within any limits within which such act may be authorized by the President of the Union.
- **Graving vessel within prohibited limits:** If any person graves, breams or smokes any vessel in any such port contrary to the directions of the conservator, or at any time or within any limits at or within which such act is prohibited by the President of the Union, he and the master of the vessel shall for every such offence be punishable with fine which may extend to five hundred rupees each.

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- **Boiling pitch on board vessel within prohibited limits:** If any person boils or heats any pitch, tar, resin, dammar, turpentine, oil, or other such combustible matter on board any vessel within any such port, or at any place within its limits where such act is prohibited by the President of the Union, or contrary to the directions of the conservator, he and the master of the vessel shall for every such offence be punishable with fine which may extend to two hundred rupees each.
- **Drawing spirits by unprotected artificial light:** If any person, by an unprotected artificial light, draws off spirits on board any vessel within any port subject to this Act, he and the master of the vessel shall for every such offence be punishable with fine which may extend to two hundred rupees each.
- **Warping:** Every master of a vessel in any port subject to this Act shall, when required so to do by the conservator, permit warps or hawsers to be made fast to the vessel for the purpose of warping any other vessel in the port, and shall not allow any such warp or hawser to be let go until required so to do.
- **Leaving out warp or hawser after sunset:** A master of a vessel shall not cause or suffer any warp or hawser attached to his vessel to be left out in any port subject to this Act after sunset in such a manner as to endanger the safety of any other vessel navigating in the port. A master offending against sub-section (1) shall be punishable for every such offence with fine which may extend to two hundred rupees.
- **Discharge of fire-arms in port:** If any person, without lawful excuse, discharges any firearm in any port subject to this Act, or on or from any pier, landing-place, wharf or quay thereof, except a gun loaded only with gunpowder for the purpose of making a signal of distress, or for such other purpose as may be allowed by the President of the Union, he shall for every such offence be punishable with fine which may extend to fifty rupees.
- **Penalty on master omitting to take order to extinguish fire:** If the master of any vessel in which fire takes place while lying in any such port willfully omits to take order to extinguish the fire or obstructs the conservator or the port-officer, or any person acting under the authority of the conservator or port-officer, in extinguishing the fire, he shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.
- **Unauthorized person not to search for lost stores:** (1) No person, without the permission of the conservator, shall, in any port subject to this Act, creep or sweep for anchors, cables or other stores lost or supposed to be lost therein. (2) If any person offends against the provisions of sub-section (1), he shall be punishable with fine which may extend to hundred rupees.
- **Removing stones or injuring shores of port prohibited:** (1) No person without the permission of the conservator shall in any port subject to this Act remove or carry away any rock, stones, shingle, gravel, sand or soil or any artificial protection from any part of the bank or shore of the port; and no person shall sink or bury in any part of such bank or shore, whether the same is public or private property, any mooring-post, anchor or any other thing, or do any other thing which is likely to injure or to be used so as to injure such bank or shore, except with the permission of the conservator, and with the aid or under the inspection of such person,

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if any, as the conservator may appoint to take part in or overlook the performance of such work. (2) If any person offends against sub-section (1), he shall for every such offence is punishable with fine which may extend to one hundred rupees and shall pay any reasonable expenses which may be incurred in repairing any injury done by him to the bank or shore.

Special Rules:

- **Moving of vessels without pilot or permission of harbor-master:** (1) No vessel of the measurement of two hundred tons or upwards shall enter, leave or be moved in any port to which this section has been specially extended without having a pilot, harbor-master or assistant of the port-officer or harbor-master on board; and no vessel of any measurement less than two hundred tons and exceeding one hundred tons shall enter, leave or be moved in any such port without having a pilot, harbor-master or assistant of the port-officer or harbor-master on board, unless authority in writing so to do has been obtained from the conservator or some officer empowered by him to give such authority; Provided that the President of the Union may, by notification in the Gazette, direct that in any port specified in such notification the provisions of this sub-section shall not apply to sailing vessels of any measurement not exceeding a measurement so specified.(2) Notwithstanding anything in sub-section (1), the owner or master of a vessel which is by that sub-section required to have a pilot, harbor-master or assistant of the port-officer or harbor-master on board, shall be answerable for any loss or damage caused by the vessel or by any fault of the navigation of the vessel, in the same manner as he would have been if he had not been so required by that sub-section.(3) If any vessel, except in case of urgent necessity, enters, leaves or is moved in the port contrary to the provisions of sub-section (1) the master of the vessel shall for every such offence be punishable with fine which may extend to two hundred rupees, unless upon application to the proper officer the master was unable to procure a pilot, harbor-master or assistant of the port-officer or harbor-master to go on board the vessel.
- **Provision of certain vessels with fire-extinguishing apparatus:** (1) Every vessel exceeding the measurement of two hundred tons, ad lying in any port to which this section has been specially extended, shall be provided with a proper force-pump and hose and appurtenances for the purpose of extinguishing any fire which may occur on board. (2) The master of such a vessel who, having been required by the conservator to comply with the provisions of sub-section (1), neglects or refuses, without lawful excuse, so to do for the space of seven days after such requisition, shall be punishable with fine which may extend to five hundred rupees.

Chapter V: Port-Dues, Fees and other Charges:

- **Levy of port-dues:** (1) Subject to the provisions of sub-section (2), in each of the ports, mentioned in the First Schedule such port-due, not exceeding the amount specified for the port in the third column of the Schedule, as the President of the Union directs shall be levied on vessels entering the port and described in the second column of the Schedule, but not oftener than the time fixed for the port in the fourth column of the Schedule. (2) The President of the Union may, by notification in the Gazette, alter or add to any entry in the First Schedule

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relating to ports in the Union of Burma, and this power shall include the power to regroup any such ports. (3) Whenever the President of the Union declares any other port to be subject to this Act, he may, by the same or any subsequent declaration, further declare, - (a) in the terms of any of the entries in the second column of the First Schedule, the vessels which are to be chargeable with port-dues on entering the port, (b) the highest rates at which such dues may be levied in respect of vessels chargeable therewith, and (c) the times at which such vessels are to be so chargeable. (4) All port-dues now leviable in any port shall continue to be so leviable until it is otherwise declared in exercise of the powers conferred by this section. (5) An order increasing or imposing port-dues under this section shall not take effect till the expiration of sixty days from the day on which the order was published in the Gazette.

- **Variation of port-dues by President:** The President of the Union may, after consulting the authority appointed under section 36, exempt, subject to such conditions, it any, as he thinks fit to impose, any vessels or class of vessels entering a port subject to this Act from payment of port-dues are to be levied in the port, in such manner as, having regard to the receipts and charges on account of the port, he thinks expedient, by reducing or raising the dues or any of them, or may extend the periods for which any vessel or class of vessels entering a port shall be exempt from liability to pay port-dues: Provided that the rates shall not in any case exceed the amount authorized to be taken by or under this Act.
- **Fees for pilotage and certain other services:** (1) Within any port subject to this Act, fees may be charged for pilotage, hauling, mooring, re-mooring, hooking, measuring and other services rendered to vessels, at such rates as the President of the Union may direct. (2) The fees now chargeable for such services shall continue to be chargeable unless and until they are altered in exercise of the power conferred by sub-section (1).
- **Receipt, expenditure and account of port-charges:** (1) The President of the Union shall appoint some officer or body of persons at every port at which any dues, fees or other charges are authorized to be taken by or under this Act to receive the same and, subject to the control of the President of the Union, to expend the receipts on any of the objects authorized by this Act.(2) Such officer or body shall keep for the port a distinct account, to be called the port fund account, showing, in such detail as the President of the Union prescribes, the receipts and expenditure of the port, and shall publish annually as soon after the first day of April as may be practicable an abstract, in such form as the President of the Union prescribes, of the account for the past financial year.(4) All money received under this Act at or on account of any port subject to this Act, excluding receipts on account of pilotage but including – (a) fines, (b) proceeds of waifs, and (c) any balance of the proceeds of a sale under section 14 where no right to the balance has been established in a claim made within three years from the date of the sale, shall be credited in the port fund account of the port. (5) All money received under this Act at or on account of any port subject to this Act, excluding receipts on account of pilotage but including – (a) fines, (b) proceeds of waifs, and (c) any balance of the proceeds of a sale shall be credited in the port fund account of the port. (5) All expenses incurred for the sake of any such port, excluding expenses on account of pilotage but including – (a) the pay and allowances of all persons upon the establishment of the port, (b) the cost of buoys,

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beacons, lights and all other works maintained chiefly for the benefit of vessels being in or entering or leaving the port or passing through the rivers or channels leading thereto, (c) pensions, allowances and gratuities of persons who have been employed in the port under this or any other enactment relating to ports and port-dues, or such portion of those pensions, allowances and gratuities as the President of the Union may by rule determine, (d) with the previous sanction of the President of the Union, contributions towards the support of public hospitals or dispensaries suitable for the reception or relief of seamen or otherwise towards the provision of sanitary superintendence and medical aid for the shipping in the port and for seamen whether ashore or afloat belonging to vessels in the port, and (e) with the like sanction, contributions towards sailors' homes, institutes, rest-houses and coffee-houses and for other purposes connected with the health, recreation and temporal well-being of sailors, shall be charged to the port fund account of the port. (6) Subject to the provisions of any local law as to the disposal of any balance from time to time standing to the credit of a port fund account, any such balance may be temporarily invested in such manner as the President of the Union may direct.

- **Grouping of ports:** (1) The President of the Union may direct that for the purposes of the last foregoing section any number of ports (other than Rangoon) shall be regarded as constituting a single port, and thereupon all moneys to be credited to the port fund account under sub-section 4 of that section shall form a common port fund account which shall be available for the payment of all expenses incurred for the sake of any of the ports. (2) Where ports are grouped by or under this Act, the following consequences ensue, namely: - (a) the President of the Union, in the exercise of his control over expenditure debit-able to the common port fund account of the group, may make rules with respect to the expenditure of the fund for the sake of the several ports of the group on the objects authorized by this Act, and (b) the President of the Union may exercise his authority under section 34 as regards all the ports in the group collectively or as regards any of them separately.
- **Receipts for port-charges:** The person to whom any dues, fees or other charges authorized to be taken by or under this Act are paid shall grant to the person paying the same a proper voucher in writing under his hand, describing the name of his office, the port or place at which the dues, fees or other charges are paid, and the name, tonnage and other proper description of the vessel in respect of which the payment is made.
- **Master to report arrival:** (1) Within twenty-four hours after the arrival within the limits of any port subject to this Act of any vessel liable to the payment of port-dues under this Act the master of the vessel shall report her arrival to the conservator of the port. (2) A master failing without lawful excuse to make such report within the time aforesaid shall for every such offence be punishable with fine which may extend to one hundred rupees. (3) Noting in this section applies to tug-steamers, ferry-steamers or river steamers plying to and from any of the ports subject to this Act.
- **Conservator may in certain cases ascertain draught and charge expense to master:** If any vessel liable to the payment of port-dues is in any such port without proper marks on the stem and stern posts thereof for denoting her draught, the conservator may cause the same to be

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ascertained by means of the operation of hooking, and the master of the vessel shall be liable to pay the expenses of the operation.

- **Ascertainment of tonnage of vessel liable to port-dues:** In order to ascertain the tonnage of any vessel liable to pay port-dues the following rules shall be observed, namely: - (1) (a) [If the vessel is registered under any] law for the time being in force for the registration of vessels in the Union of Burma, the conservator may require the owner or master of the vessel or any person having possession of her register to produce the register for inspection.(b) If the owner or master or such person neglects or refuses to produce the register or otherwise to satisfy the conservator as to what is the true tonnage of the vessel in respect of which the port-dues are payable, he shall be punishable with fine which may extend to one hundred rupees, and the conservator may cause the vessel to be measured, and the tonnage thereof to be ascertained, according to the mode of measurement prescribed by the rules for the time being in force for regulating the measurement of British vessels and in such case the owner or master of the vessel shall also be liable to pay the expenses of the measurement.(2) [If the vessel is not vessel registered under any law] for the time being in force for the registration of vessels in the Union of Burma, and the owner or master thereof fails to satisfy the conservator as to what is her true tonnage according to the mode of measurement prescribed by the rules for the time being in force for regulating the measurement of vessels, the conservator shall cause the vessel to be measured and the tonnage thereof to be ascertained, according to the mode aforesaid, and in such case the owner or master of the vessel shall be liable to pay the expenses of the measurement. (3) If the vessel is a vessel of which the tonnage cannot be ascertained according to the mode of measurement mentioned in clauses (1) and (2), the tonnage of the vessel shall be determined by the conservator on such an estimate as may seem to him to be just.
- **Distraint and sale on refusal to pay port-charges:** If the master of any vessel in respect of which any port-dues, fees or other charges are payable under this Act refuses or neglects to pay the same on demand, the authority appointed to receive such port-dues, fees or other charges may detain or arrest the vessel, and the tackle, apparel and furniture belonging thereto or any part thereof, and detain the same until the amount due is paid; and in case any part of the port-dues, fees or other charges, or of the costs of the distress or arrest or of the keeping of the vessel or other thing distrained, or arrest, may cause the vessel or other thing distrained or arrested to be sold, and with the proceeds of such sale may satisfy the port-dues, fees or other charges and the costs including the costs of sale remaining unpaid, and shall under the surplus, if any, to the master of the vessel upon demand.
- **No port clearance to be granted until port-charges are paid:** The officer of Government whose duty it is to grant a port-clearance for any vessel shall not grant such clearance – (a) until her owner or master, or some other person, has paid or secured to the satisfaction of such officer the amount of all port-dues, fees and other charges, and of all fines, penalties and expenses to which the vessel or her owner or master is liable under this Act; (b) until all expenses, which are to be borne by her owner, incurred since her arrival in the port from which he seeks clearance, have been paid.

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- **Port-charges payable in one port recoverable at any other port:** (1) If the master of any vessel in respect of which any such sum as is mentioned in the last foregoing section is payable causes her to leave any port without having paid the sum, the authority appointed to receive port-dues, fees and other charges at the port under this Act may require in writing the authority appointed to receive port-dues, fees and other charges under this Act at any other port in the Union of Burma to which she may proceed, or in which she may be, to levy the sum. (2) The authority to who the requisition is directed shall proceed to levy such sum in the manner prescribed in section 42, and a certificate purporting to be made by the authority appointed to receive port-dues, fees and other charges at the port where such sum as is mentioned in the last foregoing charges at the port where such sum as is mentioned in the last foregoing section became payable, stating the amount payable, shall be sufficient *primâ facie* proof of such amount in any proceeding under section 42 and also (in case the amount payable is disputed) in any subsequent proceeding under section 59.
- **Penalty for evading payment of port-charges:** (1) If the master of a vessel evades the payment of any such sum as is mentioned in section 43; he shall be punishable with fine which may extend to five times the amount of the sum. (2) In any proceeding before a Magistrate on a prosecution under sub-section (1), any such certificate as is mentioned in section 44, sub-section (2), stating that the master has evaded such payment, shall be sufficient *primâ facie* proof of the evasion, unless the master shows to the satisfaction of the Magistrate that the departure of the vessel without payment of the sum was caused by stress of weather, or that there was lawful or reasonable ground for such departure. (3) Any Magistrate having jurisdiction under this Act in any port to which the vessel may proceed, or in which she may be found, shall be deemed to have jurisdiction in any proceeding under this section.
- **Port-due on vessel not discharging or taking in cargo:** When a vessel enters a port subject to this Act, but does not discharge or take in any cargo or passengers therein (with the exception of such un-shipment and re-shipment as may be necessary for purposes of repair), she shall be charged with a port-due at a rate to be determined by the President of the Union and not exceeding half the rate with which she would otherwise be chargeable.
- **Port-due not to be chargeable in certain cases:** No port-due shall be chargeable in respect of – (a) any pleasure-yacht, or (b) any vessel which, having left any port is compelled to re-enter it by stress of weather or in consequence of having sustained any damage.
- **Power to impose hospital port-dues:** (1) The President of the Union may, by notification in the Gazette, order that there shall be paid in respect of every vessel entering any port subject to this Act, within a reasonable distance of which there is a public hospital or dispensary suitable for the reception or relief of seamen requiring medical aid, such further port-dues not exceeding one anna per ton as the President of the Union thinks fit. (2) Such port-dues shall be called hospital port-dues, and the President of the Union shall, in making any order under sub-section (1), have regard to any contributions made under section 36, sub-section (5), and clause (d). (3) An order imposing or increasing hospital port-dues shall not take effect till the expiration of sixty days from the day on which the order was published in the Gazette. (4) Whenever the President of the Union is satisfied that proper provision has been made by the

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owners or agents of any class of vessels, or that such provision is unnecessary in the case of any class of vessels, he may, by notification in the Gazette, exempt such class of vessels from any payment under this section.

- **Application and account of hospital port-dues:** Hospital port-dues shall be applied, as the President of the Union may direct, to the support of any such hospital or dispensary as aforesaid, or otherwise for providing sanitary superintendence and medical aid for the shipping in the port in which they are levied and for the seamen belonging to the vessels therein, whether such seamen are ashore or afloat. (2) The President of the Union shall publish annually in the Gazette, as soon after the first day of April as may be, an account, for the past financial year, of the sums received as hospital port-dues at each port where such dues are payable, and of the expenditure charged against those receipts. (3) Such account shall be published as a supplement to the abstract published under section 36, sub-section (2).

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Chapter VI: Hoisting Signals:

- **Master to hoist number of vessel:** (1) The master of every inward or outward bound vessel, on arriving within signal distance of any signal-station established within the limits of any port of a river or channel leading to a port subject to this Act, shall, on the requisition of the pilot in charge of the vessel, signify the name of the vessel by hoisting the number by which she is known, or by adopting such other means to this end as may be practicable and usual, and shall keep the signal flying until it is answered from the signal-station. (2) If the master of a vessel arriving as aforesaid offends against sub-section (1), he shall be punishable for every such offence with fine which may extend to one thousand rupees.
- **Pilot to require master to hoist number:** (1) Every pilot in charge of a vessel shall require the number of the vessel to be duly signaled as provided by the last foregoing section. (2) When, on such requisition from the pilot, the master refuses to hoist the number of a vessel, or to adopt such other means of making her name known as may be practicable and usual, the pilot may, on arrival at the first place of safe anchorage, anchor the vessel and refuse to proceed on his course until the requisition has been complied with.
- **Penalty on pilot disobeying provisions of this Chapter:** Any pilot in charge of a vessel who disobeys, or abets disobedience to, any of the provisions of this Chapter, shall be punishable with fine which may extend to five hundred rupees for each instance of such disobedience or abetment, and, in addition, shall be liable to have his authority to act as a pilot withdrawn.

Chapter VII: Provision with Respect to Penalties:

- **Penalty for disobedience to rules and orders of the President:** If any person disobeys any rule or order which the President of the Union has made in pursuance of this Act and for the punishment of disobedience to which express provision has not been made elsewhere in this Act, he shall be punishable for every such offence with fine which may extend to one hundred rupees.
- **Offences how triable, and penalties how recovered:** All offences against this Act shall be triable by a Magistrate, and any Magistrate may, by warrant under his hand, cause the amount of any fine imposed upon the owner or master of any vessel, for any offence committed on board of the vessel or in the management thereof or otherwise in relation thereto, whereof the owner or master is convicted, to be levied by distress and sale of the vessel, and the tackle, apparel and furniture thereof, or so much thereof as is necessary.
- **Costs of conviction:** (1) In case of any conviction under this Act, the convicting Magistrate may order the offender to pay the costs of the conviction in addition to any fine or expenses to which he may be liable. (2) Such costs may be assessed by the Magistrate and may be recovered in the same manner as any fine under this Act.
- **Ascertainment and recovery of expenses and damages payable under this Act:** (1) If any dispute arises as to the sum to be paid in any case as expenses or damages under this Act, it shall be determined by a Magistrate upon application made to him for that purpose by either of the disputing parties. (2) Whenever any person is liable to pay any sum, not exceeding one

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thousand rupees, as expenses or damages under this Act, any Magistrate, upon application made to him by the authority to whom the sum is payable, may, in addition to or instead of any other means for enforcing payment, recover the sum as if it were a fine.

- **Cost of distress:** Whenever any fine, expenses or damages is or are levied under this act by distress and sale, the cost of the distress and sale may be levied in addition to such fine, expenses or damages, and in the same manner.
- **Magistrate to determine the amount to be levied in case of dispute:** If any dispute arises concerning the amount leviable by any distress or arrest under this Act or the costs payable under the last foregoing section, the person making the distress or using the arrest may detain the goods distrained or arrested, or the proceeds of the sale thereof, until the amount to be levied has been determined by a Magistrate, who, upon application made to him for that purpose, may determine the amount, and award such costs to be paid by either of the parties to the other of them as he thinks reasonable, and payment of such costs, if not paid on demand, shall be enforced as if they were a fine.
- **Jurisdiction over offences beyond local limits of jurisdiction:** (1) Any person offending against the provisions of this Act in any port subject to this act shall be punishable by any Magistrate having jurisdiction over any district or place adjoin the port. (2) Such Magistrate may exercise all the powers of a Magistrate under this Act, in the same manner and to the same extent as if the offence had been committed locally within the limits of his jurisdiction, notwithstanding that the offence may not have been committed locally within such limits, and, in case any such Magistrate exercises the jurisdiction hereby vested in him, the offence shall be deemed, for all purposes, to have been committed locally within the limits of his jurisdiction.
- **Conviction to be quashed on merits only:** (1) No conviction, order or judgment of any Magistrate under this Act shall be quashed for error of form or procedure, but only on the merits, and it shall not be necessary to state, on the face of the conviction, order or judgment, the evidence on which it proceeds. (2) If no jurisdiction appears on the face of the conviction, order or judgment, but the depositions taken supply that defect, the conviction, order or judgment shall be aided by what so appears in the depositions.

Chapter VIII: Supplemental Provisions:

- **Hoisting unlawful colors in port:** (1) If any vessel belonging to any citizen of Burma, or sailing under the colors of the Union of Burma, hoists, carries or wears within the limits of any port subject to this Act, any flag, jack, pennant or colors, the use whereof is prohibited by rules made under this Act, the master of the vessel shall for every offence be punishable with fine which may extend to fifty rupees. (2) Such fine shall be in addition to any other penalty recoverable in respect of such an offence. (3) The conservator of the port, or any officer of the Union of Burma Navy, may enter on board any such vessel and seize and take away any flag, jack, pennant; or colors so unlawfully hoisted, carried or worn on board the same.
- **Foreign deserters:** Any Magistrate, upon an application being made to him by the Consul of any foreign Power, may issue his warrant for apprehension of any such deserter, and, upon due proof of the desertion, may order him to be conveyed on board the vessel to which he

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belongs, or, at the instance of the Consul, to be detained in custody until the vessel is ready to sail, or, if the vessel has sailed, for a reasonable time not exceeding one month; Provided that a deposit be first made of such sum as the Magistrate deems necessary for the subsistence of the deserter during the detention and that the detention of the deserter shall not be continued beyond twelve weeks.

- **Application of sections 10 and 21 (removal of obstruction within limits of port, improperly discharging ballast):** The provisions of sections 10 and 21 shall be applicable to all ports heretofore or hereafter declared by the President of the Union to be ports for the shipment and landing of goods but not otherwise subject to this Act, and may be enforced by any Magistrate to whose ordinary jurisdiction any such port is subject. (2) Any penalties imposed by him, and any expenses incurred by his order, under the said provisions shall be recoverable respectively in the manner provided in sections 55 and 57. (3) In any of the said ports for the shipment and landing of goods the consent referred to in section 21, sub-section (4), may be given by the principal officer of customs at such port or by any other officer appointed in that behalf by the President of the Union.
- **Grant of sites for sailors' institutes:** Any local authority in which any immoveable property in or near a port is vested may, with the previous sanction of the President of the Union, appropriate and either retain and apply, or transfer by way of gift or otherwise, the whole or any part of the property as a site for, or for use as, a sailors' home or other institution for the health, recreation and temporal well-being of sailors.
- **Exercise of powers of conservator by his assistants:** (1) All acts, orders or directions by this Act authorized to be done or given by any conservator may, subject to his control, be done or given by any harbor-master or any deputy or assistant of such conservator or harbor-master. (2) Any person authorized by this Act to do any act may call to his aid such assistance as may be necessary.
- **Service of written notices of directions:** Any written notice of a direction given under this Act, left for the master of any vessel with any person employed on board thereof, or affixed on a conspicuous place on board of the vessel, shall, for the purposes of this Act, be deemed to have been given to the master thereof.
- **Publication of orders of President:** Every declaration, order and rule of the President of the Union made in pursuance of this Act shall be published in the Gazette, and a copy thereof shall be kept in the office of the conservator and at the customhouse, if any, of every port to which the declaration, order or rule relates, and shall there be open at all reasonable times to the inspection of any person without payment of any fee.
- **Authorities exercising jurisdiction in ports to co-operate in maneuvers for defense of port:** Every authority exercising any powers or jurisdiction in, or relating to, any port to which this Act for the time being applies shall, if so required by an officer authorized by general or special order of the President of the Union in this behalf, co-operate, in such manner as such officer may direct, in carrying out any maneuvers in connection with any scheme or preparations for the defense of the said port in time of war, and for this purpose shall, if so required, temporarily place at the disposal of such officer the services of any of its staff and the

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use of any of its vessels, property, equipment or other material: Provided, firstly, that if any vessels are placed at the disposal of such officer in accordance with this section, the Government shall, in respect of the period during which they are so at his disposal, bear the running expenses of such vessels, and be responsible for any damage thereto.

Explanation – The expression “running expenses” in this provision includes all outlay incurred in connection with the use of the vessels other than any charges for their hire, or for the wages of the officers and crews of such vessels: Provided, secondly, that any officer making a requisition under this section shall exercise his powers in such a way as to cause as little disturbance to the ordinary business of the port as is compatible with the exigencies of the efficient carrying out of the maneuvers: Provided, thirdly, that no suit or other legal proceeding shall lie against any authority for any default occurring by reason only of compliance with a requisition under this section.

- **Duties of the said authorities in an emergency:** Whenever the President of the Union is of opinion that an emergency has arisen which renders it necessary that the duties imposed for the purposes specified in section 68A on the authorities therein mentioned, or other duties of a like nature, should be imposed on such authorities continuously during the existence of the emergency, he may, by general or special order, authorize any officer to require the said authorities to perform such duties until the President of the Union is of opinion that the emergency has passed, and the said authority shall comply accordingly, and the provisions of the said section shall apply subject to the following modification, namely: - The Government shall pay any authority, on whom a requisition has been made, such compensation for any loss or damage attributable to such requisition, and for any services rendered or expenditure incurred in complying therewith, as, in default of agreement, shall be decided to be just and reasonable, having regard to the circumstances of the case, by the arbitration of a person to be nominated in this behalf by the President of the Union, and the decision of such person shall be final.

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2. The Rangoon Port Act (Page 408), 1934

Chapter I: Preliminary, **Chapter II:** Constitution of the Board, **Chapter III:** Conduct and Business by the Board, **Chapter IV:** Officers and Servants, **Chapter V:** Property of the Board, **Chapter VI:** Borrowing Powers, **Chapter VII:** Disposal of Funds, **Chapter VIII:** Annual Estimates and Accounts, **Chapter IX:** Control of President of the Union.

Chapter X: General Powers of the Board:

- Works to be constructed
- Port Bye-laws: Power to make port bye-laws, Power to attach penalty to breach of bye-laws, Procedure for making bye-laws.
- Public Landing Places: Free public landing places, Removal of bathing and landing places.
- Use of Wharves, and Landing and Shipping of Goods: Appliances for shipping, etc., for sea-going vessels, Declaration that wharves, etc., are ready, Power to compel seagoing vessel to use wharves, etc. If accommodation sufficient, all sea-going vessels compelled to use wharves, etc., Inland vessels compelled to use wharves, etc. Previous publication of intended notification under section 69, 70 or 71. Power to order removal of vessels from wharves, etc. Power to exempt from obligation to use wharves, etc. Discharge of liability on goods landed. Accommodation for Customs officers on wharves, etc.
- Private Wharves, etc. Private wharves, etc., prohibited. Power to permit erection of private wharves, etc., within the port subject to conditions. Wharves, etc., beyond port limits. Scale of tolls and charges to be framed. Power to impose river-due and to vary the rates thereof. Board's lien for tolls and charges. Detention of goods on account of owner's lien for freight. Discharge of ship-owner's lien for freight. Power to remove goods to warehouses. Notice of removal, etc. Charges for warehousing such goods. Receipt of dues. Bar to claims for refund of dues. Recovery of dues by distress and sale of goods. Penalties.

3.2.3. Existing rules and regulation for Control and distribution of POL and Petrol Chemicals in Myanmar.

THE BURMA CODE, Volume V

Power

The Electricity Act (Page 102)

Contents: Part I: Preliminary, Part II: Supply of Energy, licenses, Works, Supply. Part III: Supply, Transmission and Use of Energy by non-licensees. Part IV: General: Protective Clauses, Administration and Rules, Criminal Offences and Procedure, Supplementary, The Schedule: Security and accounts, compulsory works and supply, supply by bulk-licensees, Charges, testing and inspection, plans, Additional notice of certain works.

The Water Power Act (Page 143) Burma Act XI, 1927 (29th October, 1927)

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- **2. Definition of public water:** In this Act, unless there is something repugnant in the context, the term “public water” shall mean a collection of water, whether running or still, which is not the subject of private property exclusively, situate on, or flowing over or to, any land to which the State has any title in possession or in future, or in respect of which the Government has a right to use water for obtaining energy or for mining purposes.
- **3. When license is necessary for use of public waters:** When rules made under this Act prescribe licenses for the use of any public water for obtaining energy or for mining operations, no person shall use, or attempt to use, any such water for any such purpose, or pollute or obstruct the flow of any such water, or discharge therein any mining refuse, except under and in accordance with the terms of such license or any grant, lease, or license from the President of the Union of, or in respect of, any land.
- **4. Rules:** The President of the Union may, by notification, make rules –
 - (a) Prescribing licenses for the use of any public water or of public waters in any local area for obtaining energy or for mining operations;
 - (b) Authorizing officers to make exemptions from the operation of such rules;
 - (c) Prescribing the officers by whom, the circumstances in which, and the conditions subject to which, licenses under this Act shall or may be granted, including provision for the payment of royalty or rent;
 - (d) Prescribing the procedure for granting such licenses, and the fees payable for the issue thereof;
 - (e) Providing for appeals from orders of officers authorized to grant such licenses; and
 - (f) Generally for carrying out the purposes of this Act.
- **5. Removal of things contravening the Act:** The Deputy Commissioner may, by written notice to any person by whom or on whose authority anything has been constructed or is maintained in contravention of this Act, order the removal of such thing and, if such person fails to comply with such order, the Deputy Commissioner may cause the thing to be removed or demolished, and the expense of such removal or demolition to be recovered from such person as if it were an arrear of land-revenue.
- **6. Penalties:** Every person who contravenes any of the provisions of section 3, or who fails to comply with an order under section 5, shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or both.

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ANNEX C-2

THE BURMA CODE, Volume V

The Petroleum Act(Page 144), 1937

Chapter I: Control over Petroleum

- **Import, transport and storage of petroleum:** (1) No one shall import, transport or store any petroleum save in accordance with the rules made under section 4. (2) Save in accordance with the conditions of any license for the purpose which he may be required to obtain by rules made under section 4, no one shall import any dangerous petroleum, and no one shall transport or store any petroleum.
- **Rules of the import, transport and storage of petroleum:** The President of the Union may make rules – (a) prescribing places where petroleum may be imported and prohibiting its import elsewhere; (b) regulating the import of petroleum; (c) prescribing the periods within which licenses for the import of dangerous petroleum shall be applied for, and providing for the disposal, by confiscation or otherwise, of any dangerous petroleum in respect of which a license has not been applied for within the prescribed period or has been refused and which has not been exported; (d) regulating the transport of petroleum, (e) specifying the nature and condition of all receptacles and pipe, lines in which petroleum may be transported; (f) regulating the places at which and prescribing the conditions subject to which petroleum may be stored; (g) specifying the nature, situation and condition of all receptacles in which petroleum may be stored; (h) prescribing the form and conditions of licenses for the import of dangerous petroleum and for the transport or storage of any petroleum, the manner in which applications for such licenses shall be made, the authorities which may grant such licenses and the fees which may be charged for such licenses; (i) determining in any class of cases whether a license for the transport of petroleum shall be obtained by the consignor, consignee or carrier; (j) providing for the granting of combined licenses for the import, transport and storage of petroleum, or for any two of such purposes; (k) prescribing the proportion in which any specified poisonous substance may be added to petroleum, and prohibiting the import, transport or storage of petroleum in which the proportion of any specified poisonous substance exceeds the prescribed proportion; and (l) generally, providing for any matter which in his opinion is expedient for proper control over the import, transport and storage of petroleum.
- **Production, refining and blending of petroleum:** (1) No one shall produce, refine or blend petroleum save in accordance with the rules made under sub-section (2). (2) The President of the Union may make rules – (a) prescribing the conditions subject to which petroleum may be produced, refined or blended; and (b) regulating the removal of petroleum from places where it is produced, refined or blended and preventing the storage therein and removal therefrom, except as dangerous petroleum, of any petroleum which has not satisfied the prescribed tests.
- **Receptacles of dangerous petroleum to show a warning:** All receptacles containing dangerous petroleum shall have a stamped, embossed, painted or printed warning, either on the receptacle itself or, where that is impracticable, displayed near the receptacle, exhibiting in conspicuous characters the words “Petrol” or “Motor Spirit”, or an equivalent warning of the dangerous

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nature of the petroleum: Provide that this section shall not apply to – (a) any securely stoppered glass, stoneware or metal receptacle of less than two gallons capacity containing dangerous petroleum which is not for sale, or (b) a tank incorporated in a motor conveyance, or attached to an internal combustion engine, and containing petroleum intended to be used to generate motive power for the motor conveyance or engine, or (c) pipe-line for the transport of petroleum, or (d) any tank which is wholly underground, or (e) any class of receptacles which the President of the Union may, by notification in the Gazette, exempt from the operation of this section.

- **No license needed for small stocks of non-dangerous petroleum not in bulk:** Notwithstanding anything contained in this Chapter, a person need not obtain a license for the transport or storage of non-dangerous petroleum if the total quantity in his possession at any one place does not exceed five hundred gallons and none of it is contained in a receptacle exceeding two hundred gallons in capacity.
- **No license needed for small quantities of dangerous petroleum:** (1) Notwithstanding anything contained in this Chapter, a person need not obtain a license for the import, transport or storage of dangerous petroleum not intended for sale if the total quantity in his possession does not exceed six gallons. (2) Dangerous petroleum possessed without a license under this section shall be kept in securely stopped receptacles of glass, or stoneware exceed one quart in capacity or in the case of receptacles of metal five gallons in capacity.
- **Exemptions for motor conveyances and stationary engines:** (1) The owner of a motor conveyance, who complies with the requirements of the law for the time being in force relating to the registration and licensing of such conveyance and its driver or pilot, and the owner of any stationary internal combustion engine, shall not be required to obtain a license – (a) for the import, transport or storage of any petroleum contained in any fuel tank incorporated in the conveyance or attached to the internal combustion engine, or (b) for the transport or storage of dangerous petroleum, not exceeding twenty gallons in quantity, in addition to any quantity possessed under clause (a), provided the petroleum is intended to be used to generate motive power for the motor conveyance or engine. (2) The dangerous petroleum transported or stored without a license under clause (b) shall be kept as provided in sub-section (2) of section 8, and, if it exceeds six gallons in quantity, shall be stored in an isolated place which does not communicate with any room where any person resides or works or in any room where persons assemble.
- **No license needed by railway administration acting as carrier:** Notwithstanding anything contained in this Chapter, a railway administration, as defined in section 3 of the Railways, Act, need not obtain any license for the import; or transport of any petroleum in its possession; in its capacity as carrier.
- **Exemption of heavy oils:** Nothing in this Chapter shall apply to any petroleum which has its flashing-point not below two hundred degrees Fahrenheit.
- **General power of exemption:** The President of the Union may, by notification in the Gazette, exempt any petroleum specified in the notification from all or any of the provisions of this Chapter.

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- **Inspection of places:** (1) The President of the Union may authorize any officer by name or by virtue of office to enter any place where petroleum is being imported, stored, produced, refined or blended, or is under transport, and inspect all receptacles, plant and appliances used in connection with petroleum in order to ascertain if they are in accordance with the provisions of this Chapter and the rules made thereunder. (2) The President of the Union may make rules regulating the procedure of officers authorized under this section.

Chapter II: The Testing of Petroleum

- **14. Inspection and sampling of petroleum:** (1) The President of the Union may, by notification in the Gazette, authorize any officer by name or by virtue of office to enter any place where petroleum is being imported, transported, stored, produced, refined or blended and to inspect and take samples for testing of any petroleum found therein. (2) The President of the Union may make rules – (a) regulating the taking of samples of petroleum for testing, (b) determining the cases in which payment shall be made for the value of samples taken, and the mode of payment, and (c) generally, regulating the procedure of officers exercising powers under this section.
- **15. Standard test apparatus:** (1) A standard apparatus for determining the flashing-point petroleum shall be deposited with an officer to be appointed in this behalf by the President of the Union, by notification in the Gazette. (2) Such apparatus shall be engraved with the words “Standard Test Apparatus”, and shall be verified and corrected from time to time and replaced when necessary, in accordance with rules made under section 21. (3) The standard test apparatus shall, on payment of the prescribed fee, be open to inspection at all reasonable times by any person wishing to inspect it.
- **16. Certification of other test apparatus:** (1) The officer appointed under section 15 shall, on payment of the prescribed fee, if any, compare with the standard test apparatus any apparatus for determining the flashing-point of petroleum which may be submitted to him for this purpose. (2) If any apparatus is found by him to agree with the standard test apparatus within prescribed limits, the officer shall engrave such apparatus with a special number and with the date of the comparison, and shall give a certificate in respect of it in the prescribed form, certifying that on the said date the apparatus was compared with the standard test apparatus and was found to agree with it within the prescribed limits, and specifying any corrections to be made in the results of tests carried out with the apparatus. (3) A certificate granted under this section shall be valid for such period as may be prescribed. (4) A certificate granted under this section shall, during the period for which it is valid, be proof, until the contrary is proved, of any matter stated therein. (5) The officer shall keep a register in the prescribed form of all certificates granted by him under this section.
- **17. Testing officers:** The President of the Union may authorize any officer by name or by virtue of office to test petroleum of which samples have been taken under this Act, or which may have been submitted to him for test by any person, and to grant certificates of the results of such tests.

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- 18. **Manner of test:** All tests of petroleum made under this Act shall be made with a test apparatus in respect of which there is a valid certificate under section 16, shall have due regard to any correction specified in that certificate, and shall be carried out in accordance with rules made under section 21.
- 19. **Certificate of testing:** (1) The testing officer after testing samples of petroleum shall make out a certificate in the prescribed form, stating whether the petroleum is dangerous or non-dangerous, and, if the petroleum is non-dangerous, the flashing-point of the petroleum. (2) The testing officer shall furnish the person concerned, at his request, with a certified copy of the certificate, on payment of the prescribed fee, and such certified copy may be produced in any Court in proof of the contents of the original certificate. (3) A certificate given under this section shall be admitted as evidence in any proceedings which may be taken under this Act in respect of the petroleum from which the samples were taken, and shall, until the contrary is proved, be conclusive proof that the petroleum is dangerous or non-dangerous, as the case may be, and, if the petroleum is non-dangerous, of its flashing-point.
- 20. **Right to require re-test:** (1) The owner of any petroleum, or his agent, who is dissatisfied with the result of the test of the petroleum may, within seven days from the date on which he received intimation of the results of the test, apply to the officer empowered under section 14 to have fresh samples of the petroleum taken and tested. (2) On such application and on payment of the prescribed fee, fresh samples of the petroleum shall be taken in the presence of such owner or agent or person deputed by him. (3) If, on such re-test, it appears that the original test was erroneous, the testing officer shall cancel the original certificate granted under section 19, shall make out a fresh certificate, and shall furnish the owner of the petroleum, or his agent, with a certified copy thereof, free of charge.
- 21 **Power to make rules regarding tests:** The President of the Union may make rules – (a) for the specification, verification, correction and replacement of the standard test apparatus; (b) prescribing fees for the inspection of the standard test apparatus; (c) regulating the procedure in comparing a test apparatus with the standard test apparatus; (d) prescribing the form of certificate to be given in respect of a test apparatus so compared, and the period for which such certificates shall be valid; (e) prescribing the form of the register of such certificates; (f) prescribing fees for comparing a test apparatus with the standard test apparatus; (g) regulating the procedure of testing officers in carrying out tests of petroleum, providing for the averaging of results where several samples of the same petroleum are tested, and prescribing the variations from standard temperatures which may be allowed; (h) prescribing the form of certificates of tests of petroleum and the fees which may be charged therefor; (i) Providing, where the results of the testing of samples raise a doubt as to the uniformity of the quality of the petroleum in any lot under test, for the division of the lot into sub-lots, and for the selection and testing of samples of each sub-lot and for the averaging of results in accordance with the results of tests of those samples; (j) prescribing fees for re-tests under section 20 and providing for their refund where the original test was erroneous; and (k) generally, regulating the procedure of all officers performing duties connected with the testing of petroleum, and providing for any matter incidental to such testing.

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- **22. Special rules for testing viscous or solid forms of petroleum:** The President of the Union may also make rules providing specially for the testing of any form of petroleum which is viscous or solid or contains sediment or thickening ingredients, and such rules may modify or supplement any of the provisions of this Chapter or of the rules made under section 21 in order to adapt them to the special needs of such tests.

Chapter III: Penalties and Procedure:

- **23. General penalty for offences under this Act:**
- (1) Whoever – (a) in contravention of any of the provisions of Chapter 1 or of any of the rules made thereunder, imports, transports, stores, produces, refines or blends any petroleum, or (b) contravenes any rule made under section 4 or section 5, or (c) breaks the condition of any license held by him, issued under section 4, or (d) being for the time being in control or in charge of any place where petroleum is being imported, stored, produced, refined or blended or is under transport, refuses or neglects to show to any officer authorized under section 13 any receptacle, plant or appliance used in such place in connection with petroleum, or in any way obstructs or fails to render reasonable assistance to such officer during an inspection, or (e) being for the time being in control or in charge of any place where petroleum is being imported, transported, stored, produced, refined or blended, refuses or neglects to show to any officer authorized under section 14 any petroleum in such place, or to give him such assistance as he may require for the inspection of such petroleum, or refuses to allow him to take samples of the petroleum, or (f) being required, under section 27, to give information of an accident fails to give such information as so required by that section, shall be punishable with fine which may extend to **five hundred rupees**. (Note: Pl. refer Amendment Law 2010: minimum five hundred thousand kyats to a maximum of five million kyats)
- (2) If any person, having been convicted of an offence punishable under sub-section (1), is again guilty of any offence punishable under that sub-section, he shall be punishable for every such subsequent offence with fine which may extend to **two thousand rupees** (Note: Pl. refer Amendment Law 2010: he shall be punishable for every such subsequent offence with fine which may extend from a minimum of one million kyats to a maximum of ten million kyats).
- 24. Confiscation of petroleum and receptacles:** (1) In any case in which an offence under clause (a) or clause (b) or clause (c) of sub-section (1) of section 23 has been committed, the convicting Magistrate may direct that – (a) the petroleum in respect of which the offence has been committed, or (b) where the offender is convicted of importing, transporting or storing petroleum exceeding the quantity he is permitted to import, transport or store, as the case may be, the whole of the petroleum in respect of which the offence was committed, shall, together with the receptacles in which it is contained be confiscated. (2) This power may also be exercised by the High Court in the exercise of its appellate or revisional powers.

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- 25. **Jurisdiction:** Offenses punishable under this Act shall be trial-able by a Magistrate of the first class, or by a Magistrate of the second class who has been specially empowered by the President of the Union in this behalf.
- 26. **Power of entry and search:** (1) The President of the Union may, by notification in the Gazette, authorize any officer by name or by virtue of office to enter and search any place where he has reason to believe that nay petroleum is being imported, transported, stored, produced, refined or blended otherwise than in accordance with the provisions of this Act and the rules made thereunder, and to seize, detain or remove any or all of the petroleum in respect of which in his opinion an offense under this Act has been committed. (2) The provisions of the Code of Criminal Procedure relating to searches shall, so far as they are applicable, apply to searches by officers authorized under this section. (3) The President of the Union may make rules regulating the procedure of authorized officers in the exercise of their powers under this section subject however, to the provisions of sub-section (2).
- 27. **Reports of accidents with petroleum:** Where any accident by explosive or fire, which is attended with loss of human life or serious injury to person or property, occurs as the result of the ignition of petroleum or petroleum vapor, or occurs in or near any place where petroleum is kept and under circumstances making it likely that is was the result of such ignition, the person for the time being in charge of the petroleum shall forthwith give information to the nearest Magistrate or to the officer in charge of the nearest police-station.
- 28. **Inquiries into serious accidents with petroleum:** (1) The inquiry mentioned in section 176 of the Code of Criminal Procedure shall be held in all cases where any person has been killed by an accident which the Magistrate has reason to believe was the result of the ignition of petroleum or petroleum vapor. (2) Any Magistrate empowered to hold an inquest may also hold an inquiry under the said section into the cause of any accident which he has reason to believe was the result of the ignition of petroleum or petroleum vapor, if such accident was attended by serious injury to person or property notwithstanding that no person was killed thereby. (3) For the purposes of this section the Commissioner of Police in Rangoon shall be deemed to be a Magistrate empowered to hold an inquest. (4) The result of all inquiries held in pursuance of this section shall be submitted as soon as may be to the President of the Union.

Chapter IV: Supplemental:

- 29. **Provisions relating to rules:** (1) In making any rules under this Act, the president of the Union may – (a) provide for any matter ancillary to such rules for which in his opinion provision is necessary to protect the public from danger arising from the import, transport, storage, production, refining or blending of petroleum, and (b) make special provision for the special circumstances of any place. (2) Every power to make rules conferred by this Act is subject to the condition of previous publication. (3) All rules made under this Act shall be published in the Gazette.
- 30. **Power to apply Act to other substance:** The President of the Union may, by notification in the Gazette, apply any or all of the provisions of this Act, and of the rules made thereunder, with such modifications as he may specify, to any dangerously inflammable substance, other

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than an explosive, and thereupon the provisions so applied shall have effect as if such substance had been included in the definition of petroleum. (2) The President of the Union may make rules providing specially for the testing of any substance to which any of the provisions of this Act have been applied by notification under sub-section (1), and such rules may supplement any of the provisions of Chapter II in order to adapt them to the special needs of such tests.

- 31. **Power to limit powers of local authorities over petroleum:** Where any enactment confers powers upon any local authority in respect of the transport or storage of petroleum, the President of the Union may, by notification in the Gazette, - (a) limit the operation of such enactment, or (b) restrict the exercise of such powers in any manner he deems fit.

The Explosive Act (Page 154)

- Definitions
- Power to make licensing of the manufacture, possession, use, sale, transport and importation of explosives
- Power for President to prohibit the manufacturer, possession or importation of specially dangerous explosives,
- Power to make rule conferring powers of inspection, search, seizure, detention and removal
- Notice of accidents
- Inquiry into accidents
- Forfeiture of explosives
- Distress of vessel
- Abetment and attempts
- Power to arrest without warrant persons committing dangerous offences
- Saving for manufacture, possession, use, sale, transport or importation by Government
- Saving of Arms Act
- Saving as to liability under other law
- Extension of definition of “explosive” to other explosive substances
- Procedure for making rules.

I. Labor (Page 180): The Apprentices Act (India Act XIX, 1850) {11th April 1850}

- Preamble
- Apprenticing of child between ten and eighteen years
- Evidence of age in questions as to right to service
- Powers of Magistrate acting for orphans, etc.
- Apprenticing of child brought up by public charity
- Form and contents of contract of apprenticeship
- Signatures to contract
- Contract not valid unless executed as prescribed and deposited. Copies to be given to parties. Alteration of terms of service and termination of contract
- Assignment of apprentice to new master

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- Powers of Magistrate in case of complaint by apprentice against master
- Powers of master or his agent to chastise apprentice. Liability of master or agent for assault, etc.
- Power of Magistrate in case of complaint by master against apprentice
- Cancel-ment of contract for misconduct of apprentice
- Appropriation of sum recovered for apprentice on cancel-ment of contract
- Limitation of complaint of master against apprentice; of apprentice against masters.
- Effect of death of master during apprenticeship. Offer by representatives of deceased master to continue to keep apprentice.
- Offer to be certified on original contract and copies.
- Maintenance of apprentice whose master dies. Apprentice to continue to serve.
- Effect of insolvency of master during apprenticeship
- Appeal from orders of Magistrates
- Interpretation of terms.

The Dock Laborers Act (Page 187)

- Preamble
- Commencement and application
- Definitions
- Inspectors
- Powers of Inspectors
- Power of President to make regulations
- Power to make rules
- General provisions to regulations and rules
- Abstracts of Act and regulations to be conspicuously posted
- Penalties
- Provisions relating to jurisdiction
- Power to exempt
- Protection to persons acting under this Act

The State Peace and Development Council

The Law Amending the Petroleum Act, 1934

(The State Peace and Development Council Law No. 33 / 2010)

The 10th Waning Day of Nadaw, 1373, M.E. (31st December, 2010)

The State Peace and Development Council hereby enact the following Law:

1. This Law shall be called the Law Amending the Petroleum Act, 1934.
2. Sub-section (a) of section 2 of the Petroleum Act, 1934 shall be substituted as follows:

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(a) “petroleum” means any liquid hydrocarbon or mixture of hydrocarbons, and any inflammable mixture (liquid, viscous or solid) containing any liquid hydrocarbons including but not limited to Compressed Natural Gas (CNG), Liquefied Natural Gas (LNG), Liquefied Petroleum Gas (LPG), and so forth;”

3. Sub-section (b) of section 2 of the Petroleum Act, 1934 shall be substituted as follows:

(b) “dangerous petroleum” means petroleum having its flashing-point below seventy-six degrees Fahrenheit and other hazardous petroleum such as benzene;”

4. Sub-section (d) of section 2 of the Petroleum Act, 1934 shall be substituted as follows:

(c) “to transport” petroleum means to move petroleum from one place to another in the Union of Myanmar, and include moving from one place to another in the Union of Myanmar or across territory in the Union of Myanmar by land, water or pipelines, or any other means.”

5. The expression “shall be punishable with fine which may extend to five hundred rupees” contained in sub-section (1) of section 23 of the Petroleum Act, 1934 shall be substituted by the expression “shall be punishable with fine which may extend from a minimum of five hundred thousand kyats to a maximum of five million kyats.”

6. Sub-section (2) of section 23 of the Petroleum Act, 1934 shall be substituted as follows:

(2) “If any person, having been convicted of an offence punishable under sub-section (1), is again guilty of any offence punishable under that sub-section, he shall be punishable for every such subsequent offence with fine which may extend from a minimum of one million kyats to a maximum of ten million kyats.”

7. Sub-section 93) of section 28 of the Petroleum Act, 1934 shall be deleted.

(Sd.) Than Shwe

Senior General

Chairman

The State Peace and Development Council

The Oil Fields Act

(Page 215, The Burma Code Vol: V), 1918

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2. Definitions

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3. Power to define and alter limits of notified oil fields
4. Appointment of officers to carry out the purposes of the Act
5. Tax on steam boilers consuming oil-fuel: (Note: deleted in Amended Law 2010)
6. Enquiry into accidents
7. Inapplicability of section 556 of Code of Criminal Procedure to trials of offences against this Act
8. Indemnity for acts done in good faith
9. Government not liable for loss or damage
10. Persons empowered by rules under section 13 (2) (bb) to be deemed public servants
11. Appeals and revisions
12. Punishment for possession or conveyance of property believed to be stolen: In any notified oil-field to which the President of the Union may by notification apply this section, whoever has in his possession or conveys in any manner anything which may reasonably be suspected to be stolen property, as defined under section 410 of the Penal Code, shall, if he fails to account satisfactorily for his possession of the same, be punished with imprisonment which may extend to three months, or with fine, or with both.
- 12 A. Power to give prohibition for prevention of disorder

Penalty for contravention of a prohibition
13. Power to make rules: (1) The President of the Union may make rules for regulating all matters connected with or subsidiary to any operations for the winning of oil or gas or both. (2) In particular, and without prejudice to the generality of the foregoing power, such rules may – (a) define the powers and duties of a Warden;

(b) direct that any of the powers or duties assigned by this Act or any rule thereunder to the President of the Union shall be exercised or performed, subject to such conditions as may be imposed, by the Financial Commissioner or the Warden;

(c) provide for the appointment by operators of responsible local representatives and officers;
(d) provide for the maintenance by operators of records of all matters relating to the drilling, re-drilling, deepening, shutting down, plugging or abandoning of all wells and for the inspection of such records, and for the supply of copies or abstracts of such records to the Warden; (e) prescribe the maintenance by operators of records relating to the production of oil, gas or water from all wells and for the inspection of such records or the supply of copies or abstracts of such records to the Warden; (f) prescribe the submission by operators of records,

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reports and statistics relating to any other technical matter connected with or subsidiary to any operations for the winning of oil or gas or both, or the provision of facilities for the inspection of such records by the Warden or his representative at the offices of operators; (g) provide for the prevention of waste of oil or gas; (h) provide for the detection of the presence of water in wells and for the prevention of the influx of water into oil and gas sands; (i) for the purpose of preventing waste of oil or gas or damage to oil or gas sands by water or other causes, provide for the regulation of the drilling, re-drilling, deepening, shutting down, plugging and abandoning of wells and for the limitation or prohibition of such operations and for the taking of remedial measures; (j) for the purposes of preventing waste of oil or gas or damage to oil and gas sands by water or other causes, provide for the regulation of the methods of producing oil or gas and for the limitation or prohibition of such methods and for the taking of remedial measures; (k) provide for measurement of oil and gas for the assessment of royalty or of any tax; (l) provide for the conveyance of oil and gas to the place of measurement; (m) provide for the prevention of the removal of oil or gas without measurement; (m) provide for the prevention of the removal of oil or gas without measurement; (n) provide for the recovery of any royalty or tax; (o) regulate the rights of ingress or egress to and from any well-sites, and the right to transport materials, tools or machinery or to lay pipes or wires above or below ground across any well-sites; (p) regulate or prohibit all access to any area in which operations for the winning or subsidiary to the winning of oil or gas or both are carried on; (q) provide that no article or no specified class of article shall be removed from any area in which operations for the winning of oil or gas or both or subsidiary thereto are carried on without a pass in the prescribed form; (r) provide for the issue, production and surrender of such passes; (s) prescribe the manner in which persons owning wells or well-sites shall demarcate such wells or well-sites and provide for the preservation of the demarcation arks prescribed; (t) prescribe the manner in which hand-dug wells shall be protected; (u) provide for the reporting of fires, accidents and other occurrences; (v) prescribe the precautions which operators and their employees shall take so as not to interfere with neighboring operators or their employees or with lines of communication; (w) regulate or prohibit the use of naked lights and of lamps other than those of a prescribed description or pattern; (x) regulate or prohibit smoking and the use or possession of matches; (y) regulate or prohibit the use of forges and open fires; (z) regulate or prohibit all or any kind of work by night; (aa) regulate or prohibit the use of steam-boilers; (bb) provide for the institution and regulation of fire-brigades, voluntary or otherwise; (cc) prescribe and regulate the use of lightning conductors; (dd) prescribe the use of fire-extinguishing apparatus; (ee) prescribe the procedure to be adopted when a fire breaks out; (ff) provide for the compulsory cessation or limitation of operations of any kind in order to prevent or limit the spread of fires; (gg) provide for the construction of gate-valves or stop-cocks on flowing wells and their closure on an alarm of fire being given; (hh) provide for the maintenance of fire-lines; (ii) regulate the collection and disposal of oil and gas; (jj) regulate or prohibit the use of oil-tanks; (kk) regulate the position of pipes for the conveyance of oil and provide for the laying of such pipes underground where necessary; (ll) prescribe the method of dealing with flowing wells; (mm) provide for the prohibition within or removal from any area

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of any construction which might in the opinion of the Warden cause danger or inconvenience; (nn) regulate the construction of any rig, derrick, engine-house or similar construction; (oo) regulate the use of engines and machinery; (pp) prescribe the use of guards on machinery; (qq) prescribe the provision and use of safety belts or appliances; (rr) prescribe the provision and use of safety appliances in connection with the descent of persons in hand-dug wells; (ss) prescribe the cases in which, the authorities to whom, and the limitations as to time and other conditions subject to which, an appeal shall lie from an order passed by the Warden or by an Assistant Warden under this Act:

Provided that rules made under clause (p) shall not interfere with the rights of access to land belonging on the 1st August 1933, to the site and curtilage of any monastery, pagoda or other sacred building, and continuing to be used for the purpose of such monastery, pagoda or other sacred building.

(3) The President of the Union may, by rule, attach to the breach of any rule under this section any punishment not exceeding a fine of five hundred rupees, and, if fraudulent intention is proved or actual injury or damage to person or property ensues, any punishment not exceeding imprisonment of a term of six months, or a fine of one thousand rupees, or both.

(4) The President of the Union may also, by rule, attach to the breach of any rule under clauses (g), (h), (i), (j), (k), (l), (m), (w), (x), (y), (dd), (ee), (ff), (ii), (jj) and (ll) of sub-section (2) the penalty of forfeiture of any grant, lease or license for the winning of oil or gas or both held by the offender or his employer from Government and of forfeiture of any grant, lease or license of the area in or on which the offence has been committed.

(5) The Warden may define the limits within which all or any of the rules made under clause (u) and clauses (w) to (rr) of sub-section (2) of this section shall apply.

14. Previous publication, etc., of rules

15. Exclusion of jurisdiction of Revenue-officers in certain cases: (Note: substituted in Amended Law 2010)

The Payment of Wages Act (Page 221), The Burma Code Volume V

1. Application
2. Definitions
3. Responsibility for payment of wages
4. Fixation of wage-periods
5. Time of payment of wages
6. Wages to be paid in current coin or currency notes
7. Deductions which may be made from wages: (2) Deductions from the wages of an employed person shall be made only in accordance with the provisions of this Act, and may be of the following kinds only, namely:- (a) fines; (b) deductions from absence from duty; (c) deductions from damage to or loss of goods expressly entrusted to the employed person for

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custody, or for loss of money for which he is required to account, where such damage or loss is directly attributable to his neglect or default; (d) deductions for house-accommodation supplied by the employer (or Government or Local Authority or any Housing Corporation approved by the Government);(e) deductions for such amenities and services supplied by the employer as the President of the Union may, by general or special order, authorize; Explanation – the word “services” in this sub-clause does not include the supply of tools and raw materials required for the purposes of employment; (f) deductions for recovery of advances or for adjustment of overpayments of wages; (g) deductions of income-tax payable by the employed person; (h) deductions required to be made by order of a Court or other authority competent to make such order; (i) deductions for subscriptions to, and for repayment of advances from, any provident fund to which the Provident Funds Act applies, or any recognized provident fund as defined in section 58A of the Burma Income-tax Act, or any provident fund approved in this behalf by the President of the Union during the continuance of such approval; (j) deductions for payments to co-operative societies approved by the President of the Union or to a scheme of insurance maintained by the Indian Post Office; (k) deductions, mad with the written authorization of the employed person, in furtherance of any Saving Scheme, approved by the Government; and (l) deductions of subscriptions to any Trade Union registered under the Trade Unions Act made with the written authorization of the employed person, and by agreement between the employer and the Trade Union concerned.

8. Fines
9. Deductions for absence from duty
10. Deductions from damage or loss
11. Deductions for services rendered
12. Deductions for recovery of advances: Deductions under clause (f) of sub-section (2) of section 7 shall be subject to the following conditions namely:- (a) recovery of an advance of money given before employment began shall be made from the first payment of wages in respect of a complete wage-period, but no recovery shall be made of such advances given for travelling-expenses;
(b)Recovery of advances of wages not already earned shall be subject to any rules made by the President of the Union regulating the extent to which such advances may be given and the installments by which they may be recovered.
13. Deductions for payments to co-operative societies, insurance and saving schemes
14. Cost of Living Allowance not liable to attachment
15. Inspectors
16. Claims arising out of deductions from wages or delay in payment of wages and penalty for malicious or vexatious claims
17. Single application in respect of claims from unpaid group
18. Appeal
19. Powers of authorities appointed under section 15
20. Power to recover from employer in certain cases
21. Penalty for offense under the Act

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- 22. Procedure in trail of offences
- 23. Bar of suits
- 24. Contracting out
- 25. Display by notice of abstracts of the Act
- 26. Rule-making power.

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The Workmen's Compensation Act (Page 232)

- Definitions
- Employer's liability for compensation
- Method of calculating wages
- Review
- Commutation of half monthly payments
- Distribution of compensation
- Compensation not to be assigned, attached or charged
- Notice and claim
- Power to require from employers statements
- Regarding fatal accidents
- Reports of fatal accidents
- Medical examination
- Contracting
- Remedies of employer against stranger
- Insolvency of employer
- Special provisions relating to masters and seamen
- Returns as to compensation
- Contracting out
- Proof of age
- Penalties

20. Lumuphu lone ye act upeday (Social Act) {Page 431} in Burmese Language

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The Union of Myanmar

The State Peace and Development Council

The Law Amending the Oilfields Act, 1918

(The State Peace and Development Council Law No. 34/2010)

The 10th Waning Day of Nadaw 1372 M.E.

(31st, December, 2010)

The State Peace and Development Council hereby enact the following Law:

1. This Law shall be called the Law Amending the Oilfields Act, 1918.
2. The expression, contained in the Oilfields Act, 1918, “Chairman of the State Peace and Development Council” shall be substituted by the expression “The Minister, the Ministry of Energy”, the expression “Warden” shall be substituted by the expression “Managing Director of the Myanma Oil and Gas Enterprise”, the expression “Assistant Warden” shall be substituted by the expression “the Minister, the Ministry of Energy” respectively.
3. Sub-section (e) of section 2 of the Oilfields Act, 1918 shall be substituted as follows:
 - 13 “Operator” means and includes any company incorporated by or under the laws of the Union of Myanmar holding a permit to conduct the petroleum operations or was assigned to conduct the petroleum operations on behalf of the contractor or parties under a contract;”
4. Sub-section (1) section 4 of the Oilfields Act, 1918 shall be substituted as follows:
 - 4.1 The Minister of the Ministry of Energy may, by notification, define the jurisdiction of the Managing Director of the Myanma Oil and Gas Enterprise.”
5. Sub-section (3) of section 4 of the Oilfields Act, 1918 shall be substituted as follows:
 - 4.3 The Minister for the Ministry of Energy may, by notification, appoint General Manager assigned for the relevant notified oilfield to assist the Managing Director of the Myanma Oil and Gas Enterprise in performing his duties and exercising his power within his jurisdiction.”
6. The expression “shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.” Contained in sub-section (2) of section 12 of the Oilfields Act, 1918 shall be substituted by the expression “shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to ten thousand kyats or with both” and the expression “five hundred rupees” shall be substituted by the expression “fifty thousand kyats” and the expression “one thousand rupees” contained in sub-section (3) of section 13 shall be substituted by the expression “one hundred thousand kyats” respectively.

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7. Clause (g) of sub-section (2) of section 13 of the Oilfields Act, 1918 shall be substituted as follows:

“2(g) provide for the prevention of waste of oil or gas and also the prevention of environmental pollution by petroleum operations;”

8. Clause (s) of sub-section (2) of the Oilfields Act, 1918 shall be substituted as follows:

“(2) (s) prescribe the manner in which the operator operating the contract area shall demarcate such area and provide for the preservation of the demarcation marks prescribed;

9. Sub-section (4) of section 13 of the Oilfields Act, 1918 shall be substituted as follows:

“(4) The Minister for the Ministry of Energy may, also, by rule, attach to the breach of any rule under classes (g), (h), (i), (j), (k), (l), (m), (w), (x), (y) (dd) (ee), (ff), (ii), (jj) and (ll) of sub-section (2) which are to be in accordance with generally accepted international petroleum industry practice the penalty of forfeiture of any permit for the exploration and production of oil or gas or both held by the operator on which the offence has been committed.”

10. Section 5 prescribed in the Oilfields Act, 1918 shall be deleted.

11. Section 14 of the Oilfields Act, 1918 shall be substituted as follows:

“14. For the purpose of carrying out the provisions of this Act:

(a) The Ministry of Energy may, with the approval of the Government issue rules and procedures:

(b) The Ministry of Energy may issue regulations, bye-laws, orders and directives.”

12. Section 15 of the Oilfields Act, 1918 shall be substituted as follows:

“15. If there is a dispute between the operators on demarcation of contract area, the Ministry of Energy may intervene in such dispute in accordance with the prevailing rules and regulations.

(Sd.) Than Shwe

Senior General

Chairman

The State Peace and Development Council

The Union of Myanmar

The State Peace and Development Council

The Myanmar Special Economic Zone Law

(The State Peace and Development Council Law

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No. 8/2011)

8th Waning of Pyatho, 1372 M.E.

(27th January, 2011)

Chapter I	Title and Definition
Chapter II	Objectives
Chapter III	Special Economic Zone
Chapter IV	Formation of Central Body, Central Working Body and Management Committees relating to the Myanmar Special Economic Zone and Functions and Duties there of
Chapter V	Special Privileges of Investor
Chapter VI	Specific Duties of Developer or Investor
Chapter VII	Land Use
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Chapter I

Title and Definition

1. **This Law shall be called the Myanmar Special Economic Zone Law.**
2. The following expressions contained in this Law shall have the meanings given hereunder:
 - (a) **Special Economic Zone** means the zone notified and established by the Government under this Law as the Special Economic Zone by demarcating the land area, extent of territory and boundary in the suitable area in order to cause further development of the economic momentum of the State;
 - (b) **Export Processing Zone** means the zone that carries out securely from local or abroad export processing by importing machinery, raw materials and special services relating to export goods in accordance with the stipulations within the Special Economic Zone. The said Zone is demarcated by a boundary, securely fenced and supervised by the Customs Department;
 - (c) **Sub-trading Zone** means a specifically stipulated area which is situated close to the port, railway station, airport and that carried out loading unloading for transshipment storage or repacking and supervised by the Customs Department;
 - (d) **Developer** means the person or organization which has been given the responsibility of constructing the building, designing model, organizing, promoting, providing finance, for development the whole or a part of the infrastructure of Special Economic Zone and providing amenities in the Special Economic Zones;
 - (e) **Investor** means the local or foreign person or organization granted permission to do business by investing in the type of currency determined by the Central Body in the Special Economic Zone;
 - (f) The expressions "**citizen, resident foreigner, non-resident foreigner and capital gains**" shall have the same meaning as are defined in the Income Tax Law;
 - (g) "**Service**" means a service carried out for wages, fee or consideration. The said expressing includes trading business, entertainment business, hotel, guest house and restaurant business, tourism business and businesses determined by the Government from time to time, as service;
 - (h) **Government** means the Government of the Republic of the Union of Myanmar;
 - (i) **Central Body** means the Central Body relating to the Myanmar Special Economic Zone formed by the Government under this Law;

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- (j) **Responsible Ministry** means the Union Ministry prescribed and assigned duty by the Government to take responsibility in implementing the necessary functions and duties under this law;
- (k) **Central Working Body** means the working body formed under this Law by the Central Body of enabling to support the Central Body according to the work, in implementing the works relating to the Special Economic Zone;
- (l) **Myanmar Committee** means the Special Economic Zone Management Committee formed by the Central Body under this Law to carry out the administration and supervision works in the relevant Special Economic Zone.

Chapter II

Objectives

3. The Objectives of this Law are as follows:
- (a) to base on the framework of the maintenance, protection and safeguarding the sovereignty of the State in allowing to operate foreign investment businesses;
 - (b) to develop the momentum of the economy of the State by establishing and operating the Special Economic Zones;
 - (c) to develop the industry and high technologies in the State;
 - (d) to improve the goods processing, trading and service business;
 - (e) to enable the citizens to train, learn and transfer the high technologies;
 - (f) to create more employment opportunities for the citizens;
 - (g) to develop the infrastructure of the State.

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Chapter III

Special Economic Zone

4. The Government may, by notification establish as Special Economic Zone, by demarcating the land area, extent and boundary of the territory in the suitable area in order to further develop the economic momentum of the state.
5. The Special Economic Zone includes high tech industrial zones, information and telecommunications technology zones, export processing zones, port area zones, logistics and transportation zones, scientific and technological research development zones, service business zones, sub-trading zones and zones prescribed by the Government, from time to time.
6. The works and places where the investment may be made in the Special Economic Zone are as follows:
 - (a) production based businesses such as goods processing business, hi-tech production business, industries, agriculture, livestock breeding and fishery, mineral produce business and forestry produce business:
 - (b) services business such as trading, logistics and transportation, storage, hotel and tourism, education and health, residential quarters, infrastructure supply and support centers, green areas which conserves and protects the natural environment, recreation and resort centers:
 - (c) infrastructure construction businesses such as road, bridge, airport, port, electricity, communication and water supply environment conservation and protection and waste control:
 - (d) other businesses determined by the Central Body, with the approval of the Government.
7. The Special Economic Zone established under section 4 shall be:
 - (a) a zone implemented under this Law in accordance with the economic policies adopted by the State:
 - (b) a zone managed according to the nature of the work of Special Economic Zone in accordance with this Law:
 - (c) a zone invested and used in the currency determines by the Central Body with the approval of the Government:
 - (d) a zone which conforms to the international commercial market based on goods processing and export for the fulfillment of the objectives contained in section 3:

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- (e) a zone which practices speedy one-stop service system for the office works relating to the Special Economic Zone.
8. The State shall encourage the investors in the Special Economic Zone to operate the following works in priority:
- (a) Hi-tech industries:
 - (b) businesses which will further promote the economic development of the State:
 - (c) businesses which will further promote trade and service:
 - (d) businesses which will further promote the infrastructures:
 - (e) businesses which will create more employment opportunities for citizens:
 - (f) businesses which will include citizen's investment in foreign investment businesses:
 - (g) businesses for conservation and protection of natural environment:
 - (h) other businesses prescribed by the Central Body, from time to time, to carry out priority.

Chapter IV

**Formation of Central Body, Central Working Body and Management Committees relating to
the Myanmar Special Economic Zone and Functions and Duties thereof**

9. The Government:

(a) shall form the Central Body relating to the Myanmar Special Economic Zone comprising a suitable person from the relevant ministries. Government departments and organizations as members for enabling to carry out the functions and duties contained in this Law in respect of establishing and operation the Special Economic Zone.

(b) shall determine and assign duty to the Vice-Chariman, the Secretary and the Joint Secretary from among the members, in forming the Central Body.

10. The functions and duties of the Central Body are as follows:

(a) implementing, supervision and causing to abide by the provisions contained in this Law;

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- (b) submitting the proposal, suitable place, necessary area, extent of territory and boundary demarcation to the Government for establishing the Special Economic Zone, after obtaining and scrutinizing the opinion of the relevant Government departments and organizations;
- (c) forming the Central Working Bodies and Management Committees, with the approval of the Government, to enable implementation of the works relating to Special Economic Zone;
- (d) adopting projects and plans for the development and management of the Special Economic Zone;
- (e) scrutinizing the Special Economic Zone's development plan submitted by the Management Committee and granting approval;
- (f) assigning duty to the Management Committee for the implementation of the works contained in Section 6, supervising the functions of such Management Committee, inspecting from time to time and coordinating with the relevant Government departments and organizations;
- (g) scrutinizing the business proposal submitted by the developer or investor and approving, refusing or causing to amend and operate
- (h) scrutinizing the business proposal submitted by the developer or investor and approving, refusing or causing to amend and operate'
- (h) determining the categories of investment businesses which are entitled to be operated according to the Special Economic Zone and allowing the developer or investor to operate with the approval of the Government;
- (i) determining as the large, medium and small investment business basd upon the category of business, amount of initial investment, with the approval of the Government;
- (j) determining the category of currency to be used within the Special Economic Zone with the approval of the Government;
- (k) determining the taxes and revenues, rentals and Land-use permiums to be levied under this Law, with the approval of the government, giving exemption and relief;
- (l) arranging enable carrying out office work by the speedy one stop service within the Special Economic Zone;
- (m) forming the department and organizations, with the approval of the Government, for carrying out administrative, security, management and development matters in the Special Economic Zone and determining the functions and duties thereof, causing the management committee to directly supervise such organizations, causing such organizations to comply with and carry out the functions and duties according to the directive of the Management Committee;
- (n) submitting report on the situation of the implementation in respect of the Special Economic Zones to the Government;

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(o) carrying out other functions and duties assigned by the Government in relation to the Special Economic Zone.

11. The Central Body, with the approval of the Government:

(a) shall form the Central Working Bodies comprising persons from the stipulated Government departments and organizations for enabling to support in implementing the works relating to the Special Economic Zone;

(b) shall form a Management Committee each according to the Special Economic Zone with the persons from stipulated Government departments and organizations, to enable carrying out functions and duties contained in section 13;

(c) in forming under sub-sections (a) and (b), shall determine and assign duty to the Chairman, Vice-chairman, Secretary and Joint-secretary;

(d) may appoint, in substitution, the members of the Central Working Body and Management Committees formed under sub-section (a) and (b) and reform as may be necessary;

(e) may form and assign duty to other suitable working bodies.

12. The functions and duties of the Central Working Body are as follows:

(a) submitting the proposal for the contraction of the Special Economic Zone, proposal of investment business submitted by the Management Committee, developer or investor to the Central Body after scrutinizing;

(b) scrutinizing the Special Economic Zone plan submitted by the Management Committee for the implementation of the Special Economic Zone and submitting to the Central Body;

(c) submitting the Central Body after scrutinizing, for enabling to determine the category of Special Economic Zone, work in priority, category of work to be carried out according to zone, category of large, medium and small investment business;

(d) studying and submitting on the matters of international Special Economic Zone advising and submitting to the Central Body, other Special Economic Zones and areas which should be carried out in Myanmar.

(e) coordinating with relevant departments and organization for enabling to carry out investment businesses in the relevant Special Economic Zone, with the permission of the Central Body in accord with the stipulation;

(f) advising and submitting, after scrutinizing on the administrative, management and other legal matters in the Special Economic Zone;

(g) carrying out other functions and duties assigned by the Central Body.

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13. The functions and duties of the Management Committee are as follows:

- (a) submitting the Special Economic Zone development plan to the Central Body and Central Working bodies and obtaining approval for enabling to implement and operate the Special Economic Zone successfully;
- (b) arranging to enable operation of the investment businesses to be carried out in the relevant Special Economic Zone with the approval of the Central Body, in accordance with the stipulation;
- (c) supervising and inspecting the matters on implementation of investment and establishment plans, land-use, environmental conservation, wastes control, health, education, finance and taxation, development, transport, communication, security, electricity, energy and water supply etc., and coordinating with the relevant Government departments and organizations;
- (d) coordinating with the relevant Government departments and organizations as may be necessary for enabling to give protection to the property, profits and other rights of the investor in conformity with the existing Laws;
- (e) coordinating with the relevant Government departments and organizations as may be necessary for enabling to give protection to the property, profits and other rights of the investor in conformity with the existing Laws;
- (e) coordinating with the relevant Government departments and organizations as may be necessary for enabling to obtain entry visa and residency for foreign investors and their employees, technicians and staff working in the Special Economic Zone;
- (f) coordinating to facilitate the Central Bank of Myanmar as may be necessary, in implementing financial management, supervising foreign currency exchange and financial businesses for the investors in the Special Economic Zone and in communicating and carrying out with the banks permitted to do foreign banking business in Myanmar;
- (g) coordinating with the developers, investors or companies which will take responsibility to construct the infrastructures in any Special Economic Zone and giving permission to do so in accord with the stipulating and supervising their activities;
- (h) carrying out one-stop service relating to the works which may be allowed by the Management Committee according to the existing Law;
- (i) scrutinizing and approving the construction works, designs in accord with the main plan of the Special Economic Zone;
- (j) supervising for the natural environmental conservation and protection in the Special Economic Zone in accord with the existing Laws, scrutinizing the disposal system of industrial wastes and if it is not in conformity with the stipulating, causing the developer or investor to perform in line with them;

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(k) carrying out the functions and duties specifically assigned by the Government and the Central Body.

14. The Management Committee shall carry out that the developer or the investor employs the citizen businessman, company or organization in term of contract for the works in their businesses invested within the Special Economic Zone except the work which require specific expertise. If the investor asks advice it shall be coordinated to enable to obtain suitable citizen businessman, company or organization for his work.

Chapter V

Special Privileges of Investor

15. The investor is entitled to carry out the following businesses in accord with the stipulations:

- (a) manufacturing finished products from raw materials, process production by machinery, carrying out warehousing, transport, service providing;
- (b) transporting and importing raw materials, packaging materials, machinery and equipment, and fuel oils to be used in investment business from local or overseas to the Special Economic Zone;
- (c) commerce, import and export;
- (d) selling at local market, in accordance with the stipulation of the Management Committee, other goods produced by investment business, which are sub-standard but consumable except medicines and foodstuff;
- (e) establishing and operating offices for investment business and overseas service works in Special Economic Zone, with the permission of the Management Committee;
- (f) carrying out other businesses not prohibited under the existing Laws, with the permission of the Management Committee.

16. The investor:

- (a) shall sell the goods produced in the Special Economic Zone to the international market;
- (b) shall use the imported materials for own production only and not sell them in local market;

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(c) if it is desirous to sell the goods contained in subsections (a) and (b), locally shall obtain the permission of the Management Committee and pay stipulated taxes and revenues in accordance with the procedure under the existing Law.

17. The investor who invests and operates business in the Special Economic Zone:

(a) may apply for income tax exemption on the proceeds of overseas sale for the first five years from the day of commencement of the production or service;

(b) may apply for fifty percent relief on the income tax rate stipulated under existing Law for the second five years on the overseas sale proceeds;

(c) for the third five years, if the profit obtained from export sale is re-invested, may apply for fifty percent relief on the income tax rate stipulated under existing Law on such invested profit;

(d) after the expiry of exemption and relief period contained in sub-sections (a) and (b), if exemption and relief is not allowed again under this Law, shall pay at the income tax rate stipulated under existing Law.

18. After the expiry of the tax exemption and relief period for goods processing businesses invested and operated in the Special Economic Zone, if the value of export items exceed 50 percent of the total value of products in the large-scale investment businesses; if it exceeds 60 percent in the medium-scale investment businesses; and if it exceeds 70 percent in the small-scale investment businesses, income tax relief for that year may be applied for.

19. The investor, within the Special Economic Zone, shall:

(a) if the capital asset is transferred by sale, exchange or otherwise as the promotion for long-term investment, pay to the State the amount of money stipulated by the central Body with is no more than 50 percent of the profit gained based upon the category of business, value of investment and sale proceeds;

(b) pay tax, according to existing Law, on the remaining profit after having paid under sub-section (a):

Proviso: In case of petroleum and natural gas sector and petrochemical businesses, income-tax shall be paid at the rate as prescribed by the Income-tax Law.

(d) may apply for exemption from income tax on the dividends of each share-holder distributed on the profit accrued locally and on which tax has already been paid.

20. Although a non-resident foreigner has no business incorporated in the Union of Myanmar, if he obtains the right to operate relating to the Special Economic Zone under any property and intellectual property right:

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(a) the person who makes the payment shall deduct the withholding tax from the source for the royalty, interests and payments for business activities and purchases in accord with income tax rate prescribed under the Income-tax law and pay it to the person concerned;

(b) the person who makes the payment shall deduct the withholding tax from the source on rental fee and other similar receipts in accordance with income tax rate prescribed under existing Law and pay it to the person concerned.

21. The relevant investor shall collect and pay the income tax of the local and foreign staff and workers employed in the Special Economic Zone on their salaries and income at the income tax rate prescribed under the existing Law in the currency determined by the Central Body⁷.

22. In the Special Economic Zone, the service enterprises:

(a) may enjoy tax relief of commercial tax up to the prescribed period commencing from the year of operation;

(b) on expiry of the relief period contained in sub-section (a), shall pay commercial tax in accord with the Commercial Tax Law.

23. In respect of the export items produced in the Special Economic Zone, the exemption from commercial tax and value-added tax (VAT) may be applied for.

24. The investor may be allowed to:

(a) import raw materials, machineries, equipment from foreign country which are imported for export-oriented processing enterprises established in Export Processing Zone, with exemption from customs duty and other revenues;

(b) import, with stipulations, machineries and motor vehicles from foreign countries which are to be used in investment enterprises with exemption from customs duty and other revenues, for five years commencing from the year of operation, and relief of fifty percent of customs duty and other revenues for the next five consecutive years;

(c) except Export Processing Zone, other zones in Special Economic Zone have the right of exemption and relief of tax and revenue in respect of the importation of materials related to investment business from local and foreign countries, in accord with the existing Law.

25. The Central Body may, for the purpose of development throughout the country, determine the extension of tax exemption and tax relief period more than those prescribed in this chapter, with the approval of the Government, for the investors in Special Economic Zones located in economically backward and difficult to communicate areas.

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Chapter VI

Specific Duties of Developer or Investor

26. The developer or investor, his employees, technicians, staff and their family members residing in the Special Economic Zone shall also abide by other existing Laws of the Union of Myanmar in addition to the provision of the Law.

27. The balance of statement relating to his business shall be in surplus for the developer or investor.

28. The investor shall, in respect of production enterprises in export processing zone:

(a) establish necessary management organization, officers and departments, industries and warehouses only in the Zone:

(b) keep unused raw materials, packaging materials and spare parts of machines only at the warehouse or store recognized by the Customs Department.

29. Except export processing zone, in respect of production enterprises from other zones, the investor shall pay taxes in advance in importing raw materials to be used and may apply to refund the exempted taxes under section 24 when exporting items abroad.

30. The investor responsible to pay tax and duty assemble under this Law shall:

(a) pay tax and duty within the prescribed period. If he is entitled to extend after the expiry of the prescribed period, 0.5 percent of the payable tax shall be paid as daily find for each day of such extended period;

(b) if he evades to payment of tax and duty, fails to pay tax and duty after extended period or refuses to pay he shall pay fine of amount not more than five times of tax and duty prescribed by the relevant Government department and organization, he shall have legal action taken against him under criminal proceedings.

(d) if a dispute arises in respect of matter on tax, he may apply to re-examine such matter to the relevant department after first payment the tax.

31. The investor shall:

(a) register the enterprise, company or organization to be operated in Special Economic Zone in accord with the stipulations

(b) report to the Management Committee, on the situation of implementation of his investment business in accord with the stipulations;

(c) carry out for preparing and keeping records for business statistic and accounts properly, auditing, submitting to audit of relevant department and reporting in accord with the stipulations;

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(d) destroy unusable perished and sub-standard medicines and food stuff from pharmaceutical and food stuff enterprises among the invested enterprises, with the approval of the Management Committee.

32. The investor shall:

(a) if desirous to terminate or liquidate his business, company or organization, perform the termination or liquidation with the prior permission of the Management Committee, in accord with the stipulations;

(b) settle any dispute arising in relation with investment enterprise, in accord with the dispute settlement procedures mentioned in relevant agreement;

(c) transfer or sell part or whole of the shares of his business, company or organization, with the approval of the Management committee;

(d) transfer and sell machineries and motor vehicles to be used in investment enterprise which are imported under sub-section (b) of section 24 when they are no longer needed to be used at the enterprise or the time of termination of enterprises, with the permission of the Management Committee in accord with the stipulations and the existing Law.

33. Except enterprises which need specific expertise in other enterprises among invested enterprises, the developer or investor shall entrust work to citizen entrepreneur, company or organization as contractor.

34. The developer or investor shall take responsibility for not causing environmental pollution and air pollution in respect of his enterprise.

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Chapter VII

Land Use

35. The Central Body:

(a) shall may, with the approval of the Government, permit the developer or investor land lease or land use after causing payment of fees to be made for land lease or land use, for at least 30 years.

(b) if desirous to continue to operate after the expiry of the permitted term under sub section (a), may extend consecutive term of 30 year for large-scale investment enterprise and further 15 years for medium-scale investment enterprise and further 15 years of extension after the expiry of the said term;

(e) shall scrutinize and permit the term of period for land lease or land use which the developer or investor actually needs depending on the type of investment business and the amount of investment.

36. The developer or investor shall bear the expenses of transferring and compensation of houses buildings, farms and gardens, orchards / fields, plantation on land permitted by the Central Body if these are required to be transferred. Moreover, he shall carry out to fulfill fundamental needs of persons who transfer so as not to lower their original standard. The relevant Management Committee shall coordinate as may be necessary for the convenience of such works.

37. The developer or investor:

(a) shall use the land which he is entitled to lease or use in accordance with the prescribed terms and conditions;

(b) may, in accordance with the existing Law, rent, mortgage or sell the land and building to another person for investment business within the term granted to operate in accord with the stipulations . If he sells, he shall comply with the stipulations under sub-section (a) of Section 19;

(c) shall not modify or alter, without permission, the topography or the contour of the land for which he obtained lease or land use;

(d) shall report immediately to the Management Committee if natural mineral resources or antiques not relating to the permitted enterprise and which are not included in the original agreement are found above or under the land which he is entitled to lease or use. If the Management Committee permits, he may continue to operate on such land. If not, he shall shift to the substituted area;

(e) intend to operate affectively the permitted enterprises on the land permitted to lease or use. As such the enterprise contained in the agreement shall be completed within the prescribed term in the original agreement or up to two years from the day of permission to operate. If not completed, the permission shall be revoked. The said land shall be returned back and the buildings on this Land shall be removed.

Chapter VIII

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Banks and Finance Management and Insurance Business

38. The businesses which are operated in foreign currency in the Special Economic Zone shall have the right to open foreign account with any bank and carry out the matters of receipt and payment in foreign currency in accord with the stipulations

39. The investor is entitled to:

(a) evaluate in the currency determined by the Central Body and pay in accord with the stipulations within the period or production of goods and operation of businesses'

(b) exchange and transmit their own foreign currency within the Special Economic Zone or abroad.

40. Foreign insurance companies and joint insurance companies have the right to operate their agency offices and insurance business within the special Economic Zone in accord with the stipulations.

Chapter IX

Management and Inspection of Commodities by Customs Department

41. The export processing zone and sub-trade zone within the Special Economic Zone in which zones of different nature of works are combined.

(a) enterprises concerned with the Customs Department shall operate under the supervision of the said department;

(b) shall, in respect of good, transport vehicles and machineries and personal utilities, entering into or taking out of the Special Economic Zone, comply with this Law and existing Custom Law and Rules.

(c) are entitled to commence the operation of business, with the approval of the Management Committee, in accord with the Stipulation if the responsible personnel of the Customs Department inspect and approve for security.

42. The Customs Department, in respect of investment enterprise in export processing zone and sub-trade zone:

(a) may allow the investor to carryout importing raw materials and instruments, production of goods and exporting to local and foreign countries in accord with the stipulations;

(b) shall not allow retail and wholesale sale, general and exhibition of goods not related to goods production enterprise in the export processing zone.

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43. The Customs Department shall supervise to cause the investors who operate business in export processing zone and sub-trade zone to abide by this Law and existing Customs Law and Rules in carrying out the following matters.

- (a) transport goods between foreign countries and the said zones;
- (b) transporting goods between the said zones and other special economic zones;
- (c) transporting goods within the said zones
- (d) entering into or leaving from such zones of transporting vehicles and moving and transporting personal utilities.

44. The investor within the export processing zone and sub-trade zone in accord with the stipulations:

- (a) may purchase directly from inside the country necessary raw materials, supplementary materials, parts and instruments, packaging materials and semi-finished products for production of export of items:
- (b) shall cause the goods purchased directly under sub-section (a) to be inspected by the Customs Department and approval obtained there from.

45. The investor shall, in buying goods directly from local market, buy from the seller who has completed in accord with the procedures and the export item provisions.

46. In importing raw materials and equipment into export processing zone and sub-trading zone to produce export item or in finally exporting export items abroad, if the investors comply with the stipulation, the customs Department shall carry out one-stop declaration, one-stop document inspection and on-stop goods inspection.

Chapter X

Quarantine Inspection and Confinement so as not to spread Contagious Disease

47. The responsible person from the Quarantine Prevention Department:

- (a) shall carry out Quarantine inspection and confinement so as not to spread contagious disease in transporting goods, vehicles, containers, animals and plants which are to be directly imported to a Special Economic Zone or transported from a Special Economic Zone to outside, between the ports, airports, railway stations and Special Economic Zones:
- (b) shall carry out Quarantine inspection and confinement so as not to spread contagious disease, as may be necessary, relating to export import items or investment businesses within the Special Economic Zone.

Chapter XI

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Matters relating to Labor

48. The Management Committee in the Special Economic Zone:

- (a) shall supervise the conclusion of employment agreement in accordance with the stipulations;
- (b) shall coordinate in determining the rights and duties of the employer and employee or terms and conditions relating to employment contained in the employment agreement, not to be less than the rights and duties contained in the existing labor Laws and Rules including minimum wages, bonus, leave, holiday, overtime fees, compensation for dismissal and workmen's compensation resignation from work, grant and rights.
- (c) shall negotiate and mediate in the disputes arising between the employer and employee, technician or staff;
- (d) shall inspect and supervise so as not to affect or lose the rights and protection of the employees, technicians and staff;
- (e) may determine the minimum wages of employee and staff.

49. If no settlement has been reached in the disputes arising between the employer and employee, technician or staff, in the Special Economic Zone although negotiation and mediation were made by the Management Committee, it shall accept the decision under the Trade Dispute Act of the Union of Myanmar.

50. The foreigners working in the Special Economic Zone shall have the work permit issued by the Union of Myanmar.

51. The investor:

- (a) in employing citizen skilled workers, technicians and staff for expertise works, shall employ at least 25 percent of citizens at the expiry of the first five years, 50 percent at the expiry of the second five years and 75 percent at the expiry of the third five years from the commencement year of the business;
- (b) shall arrange and provide necessary training for the improvement of the skill of the employees and staff in appointing under sub-section (a);
- (c) shall employ citizens only at the works where expertise is not required;
- (d) shall carry out labor recruitment through the Work and labor Recruitment Office, local labor recruitment agents or by won arrangement;
- (e) shall employ, in employing citizen skilled workers, technicians and staff, by signing the employment agreement mutually between the employer and employee in accord with the existing labor Laws and Rules.

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Chapter XII

Miscellaneous

52. The investment businesses in the Special Economic Zone are guaranteed not to be nationalized within the permitted period.

53. The Government may scrutinize and permit if the developer or investor submits proposal to carry out the construction of infrastructures such as motor roads, railroads, ports and bridges which are connected with the construction of the Special Economic Zone by BOT (Build, Operate and Transfer) system or any other system.

54. The relevant Union Ministries and Region or State Ministries shall implement the works relating to them contained in this Law.

55. The person assigned duty by the relevant Union Ministry or Region or State Ministry shall collect taxes and duties and fines recoverable under this Law from the defaulter in accord with the existing tax and revenue Laws.

56. Subject to the provision of the Constitution of the Republic of the Union of Myanmar, notwithstanding anything contained in any existing Law, the matters relating to any provision of this Law shall be carried out only in accord with this Law.

57. (a) The responsible Ministry shall undertake the responsibilities to carry out the office works of the Central Body and bear the expenses;

(b) The Government shall assign duty the responsible Ministry or any other Ministry of the responsibility to carry out office works of the Management Committee and bear the expenses.

58. The Government may, if it is necessary, form any special committee, with suitable persons for any Special Economic Zone to carry out the functions and duties of the Central Body and any Management Committee for carrying out management and supervisory works by notification and determine the functions and duties contained in this Law.

59. In implementing the provisions contained in this Law:

(a) the responsible Ministry may, with the approval of the Government make necessary rules;

(b) the responsible Ministry, relevant Ministry, Central Body and Management Committee may issue necessary procedures, notifications, orders and directives.

Sd / Than Shwe

Senior General

Chairman

The State Peace and Development Council