



LAWS OF MALAYSIA

Act A1710

**HIGHWAY AUTHORITY MALAYSIA (INCORPORATION)
(AMENDMENT) ACT 2024**

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LAWS OF MALAYSIA

Act A1710

HIGHWAY AUTHORITY MALAYSIA (INCORPORATION) (AMENDMENT) ACT 2024

An Act to amend the Highway Authority Malaysia (Incorporation) Act 1980.

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ENACTED by the Parliament of Malaysia as follows:

Short title and commencement

1. (1) This Act may be cited as the Highway Authority Malaysia (Incorporation) (Amendment) Act 2024.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette*.

Amendment of long title

2. The Highway Authority Malaysia (Incorporation) Act 1980 [*Act 231*], which is referred to as the “principal Act” in this Act, is amended in the long title by deleting the word “inter-urban”.

Amendment of section 2**3.** Section 2 of the principal Act is amended—

(a) by inserting after the definition of “Chairman” the following definition:

‘ “Director General” means the Director General of the Highway Authority Malaysia as appointed under section 8;’;

(b) in the definition of “highway”—

(i) by inserting after the words “median strips,” the words “climbing lanes, overtaking lanes, tunnels, vehicular box culverts, gantries, lay-bys, ancillary facilities, amenities;” and

(ii) in the English language text, by substituting for the word “signs” the word “signages”; and

(c) by inserting after the definition of “highway” the following definition:

‘ “Minister” means the Minister charged with the responsibility for works;’.

Amendment of section 4

4. Paragraph 4(1)(f) of the principal Act is amended by deleting the words “of the Authority”.

New section 7A

5. The principal Act is amended by inserting after section 7 the following section:

“Disclosure of interest

7A. (1) A member of the Authority or committee who has or acquires a direct or indirect interest by himself, through a member of his family or his associate in relation to any matter under discussion by the Authority or committee shall disclose to the Authority or committee, the fact of his interest and nature of that interest.

(2) A disclosure under subsection (1) shall be recorded in the minutes of the meeting of the Authority or committee, as the case may be, in which the matter is discussed and, after the disclosure, the member—

(a) shall not be present or take part in any discussion or decision of the Authority or committee, as the case may be, about the matter; and

(b) shall be disregarded for the purpose of constituting a quorum of the Authority or committee, as the case may be,

when the matter is discussed or decided upon.

(3) The member of the Authority or committee who fails to disclose his interest as required under subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding five hundred thousand ringgit or to imprisonment for a term not exceeding five years or to both.

(4) No act or proceedings of the Authority or committee shall be invalidated on the ground that any member of the Authority or committee has contravened this section.

(5) For the purposes of this section—

“a member of his family”, in relation to a member of the Authority or committee, includes—

(a) his spouse;

(b) his parent including a parent of his spouse;

(c) his child including an adopted child or stepchild;

(d) his brother or sister including a brother or sister of his spouse; and

(e) a spouse of his child, brother or sister; and

“associate”, in relation to a member of the Authority or the committee, means—

- (a) a person who is a nominee or an employee of the member;
- (b) a firm of which the member or any nominee of his is a partner;
- (c) a partner of the member;
- (d) a trustee of a trust under which the member or a member of his family is a beneficiary; or
- (e) any corporation within the meaning of the Companies Act 2016 [Act 777], of which the member or any nominee of his or a member of the member’s family is a director or has a substantial shareholding in the corporation.”.

Amendment of section 9

6. Section 9 of the principal Act is amended—

- (a) by renumbering the existing section as subsection (1);
and
- (b) by inserting after subsection (1) as renumbered the following subsections:

“(2) In discharging his duties, the Director General shall act under the general authority and directions of the Authority.

(3) The Authority may appoint temporarily any officer of the Authority to act as the Director General for the period—

- (a) when the office of the Director General is vacant;

- (b) when the Director General is absent from duty or absent from Malaysia; or
- (c) when the Director General is, for any other reason, unable to perform the duties of his office.”.

Amendment of section 11

7. Section 11 of the principal Act is amended—

(a) in subsection (1)—

- (i) by inserting after paragraph (b) the following paragraphs:

“(ba) to advise the Federal Government on any matters relating to highways;

(bb) to formulate, implement and monitor the standard for highways;

(bc) to undertake the planning, design, construction, operation, management and maintenance of highways;

(bd) to improve the information management system relating to traffic on highways;

(be) to improve the infrastructure and facilities for highways;”;

- (ii) by inserting after paragraph (c) the following paragraph:

“(ca) to impose fees or any other charges for services rendered by the Authority as determined by the Minister;”;

- (iii) in paragraph (d), by inserting after the word “research” the words “and studies on any matter relating to highways”; and

(iv) by substituting for paragraph (e) the following paragraph:

“(e) to do anything incidental to any of its functions under this Act.”; and

(b) in subsection (2)—

(i) in paragraph (c), by deleting the word “and” at the end of the paragraph; and

(ii) by inserting after paragraph (c) the following paragraphs:

“(ca) prescribe the system and technology for the collection of tolls;

(cb) prescribe the standard for—

(i) the design, construction, management, operation and maintenance of highways;

(ii) management of accident and emergency on highways;

(iii) traffic surveillance and control system;

(iv) toll collection system; and

(v) other highway-related services;

(cc) provide for the fees or any other charges in relation to services rendered by the Authority; and”.

Amendment of section 12

8. Section 12 of the principal Act is amended by inserting after subsection (2) the following subsection:

“(3) Where there is an excess of moneys in the Fund under paragraph (2)(a) in relation to the performance of functions of the Authority under this Act, such excess of moneys shall be paid by the Authority into the Federal Consolidated Fund.”.

Amendment of section 16

9. The principal Act is amended by substituting for section 16 the following section:

“Power to borrow

16. The Authority may borrow in such form and on such terms as may be approved by the Minister and the Minister of Finance, any money required by the Authority for meeting any of its obligations, discharging any of its functions or exercising its powers under this Act.”.

New section 17A

10. The principal Act is amended by inserting after section 17 the following section:

“Power to establish companies

17A. The Authority may, with the approval of the Minister and the Minister of Finance, establish companies under the Companies Act 2016 to carry out or engage in any activity which has been planned or undertaken by the Authority in the performance of its functions or the exercise of its powers under this Act.”.

Amendment of section 25

11. Section 25 of the principal Act is amended—

(a) in subsection (1), by substituting for the words “shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five hundred ringgit” the words “commits an offence”; and

(b) in subsection (2), by substituting for the words “shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding one year or to both” the words “commits an offence”.

Amendment of section 26

12. Section 26 of the principal Act is amended by substituting for the words “five thousand ringgit” the words “twenty thousand ringgit”.

New sections 26A and 26B

13. The principal Act is amended by inserting after section 26 the following sections:

“Prosecution

26A. No prosecution shall be instituted for any offence under this Act or any regulations made under this Act except by or with the written consent of the Public Prosecutor.

Compounding offences

26B. (1) The Minister may, with the approval of the Public Prosecutor, make regulations prescribing—

(a) any offence under this Act or any regulations made under this Act as an offence which may be compounded; and

(b) the method and procedure for compounding such offence.

(2) The Director General or any officer of the Authority authorized in writing by the Director General may, with the consent in writing of the Public Prosecutor, at any time before a prosecution is instituted, compound any offence which may be compounded by making a written offer to the person reasonably suspected of having committed the offence upon payment to the Director General, a sum of money not exceeding fifty per centum of the amount of the maximum fine to which the person would have been liable to if he had been convicted of the offence, within such time as may be specified in the written offer.

(3) The written offer under subsection (2) may be made at any time after the offence has been committed but before any prosecution for it has been instituted, and where the amount specified in the written offer is not paid within the time specified in the written offer, or such extended time as the Director General may grant, the prosecution for the offence may be instituted at any time after that against the person to whom the written offer was made.

(4) Where an offence has been compounded under subsection (2), no prosecution shall be instituted in respect of the offence against the person to whom the offer to compound was made, and the Director General, may return any book, account, record or other documents including electronic record seized in connection with the offence, subject to such terms as the Director General thinks fit.

(5) All sums of moneys received by the Director General under this section shall be paid into and form part of the Fund.”.

Substitution of section 27

14. The principal Act is amended by substituting for section 27 the following section:

“Obligation of secrecy

27. (1) Except for any of the purposes of this Act or for the purposes of any civil or criminal proceedings under any written law or where otherwise authorized by the Authority—

- (a) no member of the Authority or any of its committees or any officer or servant or agent of the Authority or any person attending any meeting of the Authority or any of its committees, whether during or after his tenure of office or employment, shall disclose any information which has been obtained by him in the course of his duties; and

(b) no other person who has by any means access to any information or document relating to the affairs of the Authority shall disclose such information or document.

(2) Any person who contravenes subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding three years or to both.”.

New sections 33, 34 and 35

15. The principal Act is amended by inserting after section 32 the following sections:

“Protection against suits and legal proceedings

33. No action, suit, prosecution or other proceedings shall lie or be brought, instituted or maintained in any court against the Authority or any member of the Authority, member of the committee, officer or servant of the Authority, or agent of the Authority, in respect of any act, neglect or default done or omitted by it or him in good faith, in such capacity.

Public Authorities Protection Act 1948

34. The Public Authorities Protection Act 1948 [*Act 198*] shall apply to any action, suit, prosecution or proceedings against the Authority or any member of the Authority, member of the committee, officer or servant of the Authority, or agent of the Authority, in respect of any act, neglect or default done or committed by it or him in good faith or any omission by it or him in good faith, in such capacity.

Power to amend Schedule

35. The Minister may, by order published in the *Gazette*, amend the Schedule to this Act.”.

Amendment of Schedule

16. The Schedule to the principal Act is amended in the national language text, in subparagraph 1(1), by substituting for the word “ahli” the word “anggota”.