

**SOLID WASTE AND PUBLIC CLEANSING MANAGEMENT (LICENSING)
(UNDERTAKING OR PROVISION OF COLLECTION SERVICES FOR HOUSEHOLD
SOLID WASTE, PUBLIC SOLID WASTE, PUBLIC INSTITUTIONAL SOLID WASTE AND
SOLID WASTE SIMILAR TO HOUSEHOLD SOLID WASTE) REGULATIONS 2011**

PU(A) 303/2011

26 August 2011

Jil 55; No 17; 26 August 2011; Tambahan No 118; Perundangan (A)

IN exercise of the powers conferred by section 108 of the **Solid Waste and Public Cleansing Management Act 2007**[Act 672], the Minister makes the following regulations:

1. Citation and commencement

(1) These regulations may be cited as the **Solid Waste and Public Cleansing Management (Licensing) (Undertaking or Provision of Collection Services for Household Solid Waste, Public Solid Waste, Public Institutional Solid Waste and Solid Waste Similar to Household Solid Waste) Regulations 2011**.

(2) These Regulations come into operation on 1 September 2011.

2. Interpretation

(1) In these Regulations, unless the context otherwise requires-

"receptacle" means an individual waste receptacle or communal waste receptacle provided for residual waste;

"collection schedule" means a schedule for collection services consisting of particulars including the days and time of collection of household solid waste,

public solid waste, public institutional solid waste or solid waste similar to household solid waste for any service area;

"service area" means an area within the scheme area where collection services are provided;

"scheme area" means the geographical area for a relevant scheme within which service areas are located;

"government healthcare facility" means any facility used or intended to be used for the provision of healthcare services established, maintained, operated or provided by the Government, but excludes privatized or corporatized Government healthcare facilities;

"prescribed solid waste management facility" means any solid waste management facility prescribed under the **Solid Waste and Public Cleansing Management (Prescribed Solid Waste Management Facilities and Approval for the Construction, Alteration and Closure of Facilities) Regulations 2011**[P.U. (A) 302/2011];

"kerbside collection" means door-to-door collection of household solid waste, public solid waste, public institutional solid waste or solid waste similar to household solid waste from premises in accordance with the collection schedule;

"collection services" means the services where the household solid waste, public solid waste, public institutional solid waste or solid waste similar to household solid waste is collected from collection points and delivered to a prescribed solid waste management facility, and includes kerbside collection;

"residual waste" means any household solid waste, public solid waste, public institutional solid waste or solid waste similar to household solid waste which is not reused, recycled or composted and can be placed in a receptacle;

"solid waste similar to household solid waste" means-

(a) any part of commercial solid waste which is generated within any service area; or

(b) any part of institutional solid waste which is generated within any service area, and which is similar in nature and amount to household solid waste;

"bulky waste" means oversized household solid waste, public solid waste, public institutional solid waste or solid waste similar to household solid waste which cannot be placed in a receptacle, and includes appliances, furniture, tree trunks, branches and stumps;

"garden waste" means plants, leaves, creepers, grass or roots with attached soil and any other similar waste from the garden or compound of any premises;

"recyclable waste" means any household solid waste, public solid waste, public institutional solid waste or solid waste similar to household solid waste which is separated for recycling, and includes paper, cardboard, glass, plastic, metal and food waste;

"scheme" means the system for solid waste management services which specifies the duties and obligations of licensees and solid waste generators, the geographical area of the scheme, the types of household solid waste, public solid waste, public institutional solid waste or solid waste similar to household solid waste generated within the scheme area, and the solid waste management services to be provided;

"collection point" means-

(a) a position at any premises, whether located inside or outside the premises; or

(b) a communal position for a number of premises, as may be determined by the Corporation for household solid waste, public solid waste, public institutional solid waste or solid waste similar to household solid waste to be stored before collection, whether in receptacles or not, and such position has direct and unhindered access for collection by waste collection vehicles and is located so as not to cause obstruction or nuisance to any person.

(2) For the purposes of these Regulations, "public institutional solid waste" means any solid waste generated by-

(a) any premises approved under any written law or by the State Authority for use wholly or mainly for religious worship or for charitable purposes;

(b) any premises occupied by any Federal or State Government department, any local authority or any statutory body;

(c) any government school, government educational institution, government-aided school or government-aided educational institution established under the **Education Act 1996**[Act 550], any educational institution registered or established and maintained by the State Government, any higher educational institution established, authorized to be established or deemed to be established under the **Universities and University Colleges Act 1971**[Act 30], and the Universiti Teknologi MARA established under the **Universiti Teknologi MARA Act 1976**[Act 173];

(d) any government healthcare facility and any other healthcare facility as determined by the Minister; or

(e) any premises used as public zoos, public museums, public libraries and orphanages.

3. Application

These Regulations shall apply to an applicant for a licence to undertake or provide the collection services for any of the following:

(a) household solid waste;

(b) public solid waste;

(c) public institutional solid waste;

(d) solid waste similar to household solid waste.

4. Application for licence

(1) Any person who intends to undertake or provide collection services shall apply to the Director General by submitting a written application for a licence to the Corporation in the form as provided by the Director General which shall contain the information specified in the First Schedule, and shall be accompanied by the processing fee specified in regulation 7.

(2) The application under subregulation (1) may be made for-

(a) any scheme area; and

(b) any of the following types of household solid waste, public solid waste, public institutional solid waste or solid waste similar to household solid waste:

(i) residual waste;

(ii) recyclable waste;

(iii) garden waste;

(iv) bulky waste.

(3) An application made under this regulation may be withdrawn at any time before it is granted or refused by the Director General.

5. Grant or refusal of licence

(1) The Director General may, after considering the application for a licence under regulation 4, and any additional information or document provided in pursuance of section 17 of the Act and having due regard to the recommendation of the Corporation made in pursuance of section 18 of the Act, grant the licence or refuse to grant the licence.

(2) If the Director General decides to grant a licence under subregulation (1), he shall-

(a) require the licensee to pay the licence fee specified in regulation 8; and

(b) impose the conditions of licence as set out in the Second Schedule and any other conditions as he thinks fit.

(3) The decision of the Director General to grant a licence or refuse to grant a licence shall be communicated to the applicant by written notice as soon as practicable.

(4) The written notice by the Director General under subregulation (3) shall specify-

(a) in the case where the licence is granted, the fact of such grant and the requirements and conditions imposed under subregulation (2); and

(b) in the case of a refusal to grant a licence, the fact of such refusal and the reason for the refusal.

6. Duration of licence

The duration of a licence shall be for a period of not less than two years but shall not exceed five years.

7. Processing fee

(1) The processing fee for an application for a licence or renewal of a licence under these Regulations shall be one hundred ringgit and shall not be refundable.

(2) The payment of the processing fee shall be made to the Corporation in cash, cheque, bank draft or any other form as determined by the Corporation, and the Corporation shall issue an official receipt for such payment.

8. Licence fee

(1) The annual licence fee for a licence granted under these Regulations shall be one hundred ringgit.

(2) The licence fee shall be paid for the whole duration of the licence upon issuance of the licence and shall not be refundable.

(3) The payment of the licence fee shall be made to the Director General in cash, cheque, bank draft or any other form as determined by the Director General, and the Director General shall issue an official receipt for such payment.

9. Renewal of licence

(1) A licensee may apply for a renewal of the licence to the Director General in accordance with section 26 of the Act.

(2) The Director General shall, on the recommendation of the Corporation, and upon payment of the licence fee specified in regulation 8, renew an existing licence for the duration specified in regulation 6.

(3) If the Director General decides not to renew the licence, he shall notify the licensee as soon as practicable of the said decision and the reason for his decision.

10. Fee for copy of or extract from entry in register of licence

An application to the Director General under section 28 of the Act for a copy of or an extract from an entry in the register of licence shall be accompanied by a fee of ten ringgit per entry.

11. Record of delivery of household solid waste, public solid waste, etc.

(1) Every licensee shall keep records of delivery to the prescribed solid waste management facility of the household solid waste, public solid waste, public institutional solid waste or solid waste similar to household solid waste that has been collected by the licensee, and such records shall contain information which includes-

(a) the type of household solid waste, public solid waste, public institutional solid waste or solid waste similar to household solid waste collected, namely residual waste, recyclable waste, garden waste or bulky waste;

(b) the quantity of residual waste, recyclable waste, garden waste or bulky waste of the household solid waste, public solid waste, public institutional solid waste or solid waste similar to household solid waste collected;

(c) the scheme area and source of the household solid waste, public solid waste, public institutional solid waste or solid waste similar to household solid waste; and

(d) the prescribed solid waste management facility to which the residual waste, recyclable waste, garden waste or bulky waste is delivered.

(2) The licensee shall keep the records under subregulation (1) for a period of seven years from the date of issuance of the receipts by the licensee for prescribed solid waste management facility under the **Solid Waste and Public Cleansing Management (Licensing) (Management or Operation of Prescribed Solid Waste Management Facilities) Regulations 2011**[P.U. (A) 304/2011], and have them ready for inspection upon request by the Corporation.

(3) The Director General may require any record under subregulation (1) to be submitted to the Corporation by the licensee in such form and at such frequency as the Director General may determine.

(4) A licensee who contravenes subregulation (2) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit.

FIRST SCHEDULE

[Subregulation 4(1)]

INFORMATION FOR APPLICATION FOR A LICENCE TO UNDERTAKE OR PROVIDE COLLECTION SERVICES

PART A: DETAILS OF APPLICANT

1. Particulars of applicant:

- (a) name
- (b) address
- (c) NRIC number (if applicable)
- (d) company/business registration number (if applicable)
- (e) registered address (if applicable)
- (f) telephone number
- (g) fax number
- (h) e-mail address
- (i) contact person
- (j) address of operating office (if different from registered address)

2. Financial capability of applicant:

- (a) authorized paid-up capital
- (b) name of bankers of the applicant

Note: Provide supporting documents for the above information and attach documentation to prove that the applicant's financial capacity is adequate to discharge the obligations arising from the licence

PART B: DETAILS OF COLLECTION SERVICES TO BE UNDERTAKEN OR PROVIDED

1. Scheme area or service area to be served

2. Household solid waste, public solid waste, public institutional solid waste or solid waste similar to household solid waste to be collected:

- (a) category of controlled solid waste to be collected, namely household solid waste, public solid waste, public institutional solid waste or solid waste similar to household solid waste
- (b) type of controlled solid waste to be collected, namely residual waste, recyclable waste, garden waste or bulky waste
- (c) quantity of household solid waste, public solid waste, public institutional solid waste or solid waste similar to household solid waste to be collected (daily average and annual maximum)

3. Quantity, type and capacity of vehicles:

- (a) quantity, age and capacity of compactor vehicles with and without bin lifts for 120L - 1100L mobile garbage bins
- (b) quantity, age and unladen weight of ro-ro vehicles and quantity and capacity of containers for ro-ro vehicles
- (c) quantity, age and capacity of open tippers
- (d) quantity of pick-ups, minivans and other service vehicles
- (e) quantity and type of special waste vehicles and other vehicles

4. Depots and parking sites:

- (a) quantity and location of depots and parking sites with and without office facilities
- (b) description of adjacent properties (residential, industrial, etc.)
- (c) workshop facilities and areas for maintenance of vehicles with and without oil and water retention and treatment capacity
- (d) description of areas or facilities for handling, storage or reloading of waste
- (e) description of other activities or facilities at the depots and parking sites

5. Description of any equipment acquired for providing the collection services

6. Details of a service work plan, including performance monitoring, complaint management and contingency planning

PART C: DETAILS OF EXPERIENCE

Applicant's experience and previous performance in collection services (within or outside the relevant scheme area to be served)

PART D: OTHER DETAILS AND DECLARATION

1. Any other information relevant for the consideration of the application
2. Declaration to be a fit and proper person in which the applicant with his signature shall declare if there has been proven against him, or he has been convicted of, a charge in respect of-
 - (a) any offence under any law relating to solid waste management and public cleansing;
 - (b) any offence under any law relating to corruption; or
 - (c) any other offence punishable with imprisonment (in itself only or in addition to or in lieu of a fine) for more than two years
3. Declaration in accordance with the **Statutory Declarations Act 1960**[Act 13] that all information given in the application and in the attached appendices is true and accurate.

SECOND SCHEDULE

[Paragraph 5(2)(b)]

CONDITIONS OF LICENSE TO UNDERTAKE OR PROVIDE COLLECTION SERVICES

1. Category of controlled solid waste to be collected, namely household solid waste, public solid waste, public institutional solid waste or solid waste similar to household solid waste
2. Type of controlled solid waste to be collected, namely residual waste, recyclable waste, garden waste or bulky waste
3. Operational procedures in respect of the collection services
4. Qualification for personnel
5. Requirement for data submission
6. Requirement for vehicles, equipment, machinery, data system or any facility for management and maintenance of vehicles used for collection services
7. Notification of vehicles and equipment to be used and labelling of such vehicles and equipment.