

**SOLID WASTE AND PUBLIC CLEANSING MANAGEMENT (LICENSING)
(MANAGEMENT OR OPERATION OF PRESCRIBED SOLID WASTE MANAGEMENT
FACILITIES) REGULATIONS 2011**

PU(A) 304/2011

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) (Management or Operation of Prescribed Solid Waste Management Facilities) Regulations 2011**.

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

2. Interpretation

In these Regulations, unless the context otherwise requires-

"residue" means materials remaining after the treatment of controlled solid waste at any prescribed solid waste management facility;

"scheme area" means the geographical area for the relevant scheme;

"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*];

"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 controlled solid waste generated within the scheme area, and the solid waste management services to be provided;

3. Application for licence

(1) Any person who intends to manage or operate a prescribed solid waste management facility 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 6.

(2) An application made under this regulation may be withdrawn at any time before it is granted or refused by the Director General.

4. Grant or refusal of licence

(1) The Director General may, after considering the application for a licence under regulation 3, 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 7; and

(b) impose the conditions in regulations 10 to 12 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.

5. 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.

6. Processing fee

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

(2) The processing fee for an application for renewal of a licence under these Regulations shall be fifty ringgit and shall not be refundable.

(3) 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.

7. Licence fee

(1) The annual licence fee for a licence granted under these Regulations shall be as specified in the Second Schedule.

(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.

8. 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 7, renew an existing licence for the duration specified in regulation 5.

(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.

9. 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.

10. Receipt of delivery of controlled solid waste

(1) Where any controlled solid waste is delivered to a prescribed solid waste management facility, the licensee shall issue a receipt to the person delivering the controlled solid waste.

(2) The receipt shall contain information which includes-

(a) the person and vehicle delivering the controlled solid waste;

(b) the date and time of delivery;

(c) the category and scheme area of the controlled solid waste delivered; and

(d) subject to subregulation (3), the amount of the controlled solid waste delivered.

(3) The amount referred to in paragraph (2)(d) shall be the amount which has been ascertained by the licensee under subregulation 9(2) of the **Solid Waste and Public Cleansing Management (Prescribed Solid Waste Management Facilities and Approval for the Construction, Alteration and Closure of Facilities) Regulations 2011**.

(4) The licensee shall keep copies of the receipt for a period of seven years from the date of the issuance of the receipt and have them ready for inspection upon request by the Corporation.

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

11. Reporting

(1) Every licensee shall prepare a report in respect of-

(a) controlled solid waste delivered to the prescribed solid waste management facility and transported from that prescribed solid waste management facility to any other prescribed solid waste management facility;

(b) residue transported from that prescribed solid waste management facility to any other prescribed solid waste management facility; and

(c) residue transported from any other prescribed solid waste management facility to that prescribed solid waste management facility, for each quarter of the year, and such report shall be submitted to the Corporation within fifteen days after the end of that quarter of the year.

(2) The report under subregulation (1) shall contain information which includes-

(a) the person and vehicle delivering and transporting the controlled solid waste or residue;

(b) the date and time of delivery or transportation;

(c) the category, amount and scheme area of the controlled solid waste or residue delivered or transported;

(d) the number of the receipts issued under regulation 10.

12. Other conditions

The Director General may, in addition to conditions as stipulated in regulations 10 and 11, impose any other conditions as set out in the Third Schedule.

FIRST SCHEDULE

[Subregulation 3(1)]

INFORMATION FOR APPLICATION FOR A LICENCE TO MANAGE OR OPERATE A PRESCRIBED SOLID WASTE MANAGEMENT FACILITY

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 PRESCRIBED SOLID WASTE MANAGEMENT FACILITY TO BE MANAGED OR OPERATED

1. Particulars of prescribed solid waste management facility:

(a) type of prescribed solid waste management facility

(b) name of prescribed solid waste management facility

(c) address of prescribed solid waste management facility

(d) telephone number

(e) fax number

(f) registered proprietor of land (if the registered proprietor of the land is other than the applicant, submit the written authorization of the registered proprietor and his contact information)

(g) owner of prescribed solid waste management facility

(h) scheme area to be served

(i) area of prescribed solid waste management facility (hectares)

(j) capacity of prescribed solid waste management facility (tonne/year)

2. Controlled solid waste to be handled:

(a) category and scheme area of controlled solid waste to be handled

(b) quantity of controlled solid waste to be handled (daily average and annual maximum)

(c) estimated composition of controlled solid waste to be handled

(d) maximum amount of controlled solid waste to be stored at prescribed solid waste management facility (tonnes)

(e) types, amount and quality of product and residue to be generated by prescribed solid waste management facility

PART C: DETAILS OF EXPERIENCE

Applicant's experience and previous performance in the management or operation of a prescribed solid waste management facility (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 the management of solid waste 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

[Subregulation 7(1)]

LICENCE FEE

Type of prescribed solid waste management facility	Licence fee (per annum)
Refuse derived fuel facility	RM6,000.00
Biogas facility	RM1,200.00
Composting facility-	RM300.00
(a) Communal composting facility	RM2,000.00
(b) Commercial composting facility	
Material recovery facility	RM6,000.00
Thermal treatment plant	RM8,000.00
Transfer station	RM2,400.00
Sanitary landfill	RM6,000.00
Inert landfill	RM4,000.00
Disposal site	RM600.00

THIRD SCHEDULE

[Regulation 12]

OTHER CONDITIONS OF LICENCE

1. Type of prescribed solid waste management facility
2. Operational procedures in respect of the prescribed solid waste management facility
3. Qualification for personnel
4. Requirements for data submission
5. Mode, manner and methods of operation of the prescribed solid waste management facility
6. Requirements and specifications for vehicles, equipment and machinery to be used in the prescribed solid waste management facility
7. Amount and quality of products and residues generated by the prescribed solid waste management facility
8. Storage of the controlled solid waste and periodical removal
9. Location of the prescribed solid waste management facility
10. Source and amount of controlled solid waste handled by the prescribed solid waste management facility.