

**SOLID WASTE AND PUBLIC CLEANSING MANAGEMENT (LICENSING)  
(UNDERTAKING OR PROVISION OF TRANSPORTATION SERVICES BY LONG  
HAULAGE) REGULATIONS 2011**

**PU(A) 305/2011**

*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 Transportation Services by Long Haulage) Regulations 2011**.

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

**2. Interpretation**

In these Regulations, unless the context otherwise requires-

"treatment and disposal facilities" has the meaning assigned to it in 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*];

"licensee for treatment and disposal facilities" means any person holding a licence 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*] to manage or operate treatment and disposal facilities;

"transportation services by long haulage" means services in which the controlled solid waste is loaded in large capacity long haul vehicles, barges or rail haulage for ground or waterway shipment from a transfer station to any of the treatment and disposal facilities as required in the licence;

"transfer station" has the meaning assigned to it in the **Solid Waste and Public Cleansing Management (Prescribed Solid Waste Management Facilities and Approval for the Construction, Alteration and Closure of Facilities) Regulations 2011**.

**3. Application for licence**

(1) Any person who intends to undertake or provide transportation services by long haulage 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(2) An application made under this regulation may be withdrawn at any time before it is granted or refused by the Director General.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 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.

#### **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 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.

#### **7. 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.

#### **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. Record of transportation of controlled solid waste**

(1) Every licensee shall keep records of the controlled solid waste that has been transported by the licensee to the treatment and disposal facilities, and such records shall contain information which includes-

(a) amount of controlled solid waste for each transportation service by long haulage; and

(b) date, source and destination of each transportation service by long haulage.

(2) The licensee shall keep the records under subregulation (1) for a period of seven years from the date of issuance of the receipt by the licensee for treatment and disposal facilities under the **Solid Waste and Public Cleansing Management (Licensing) (Management or Operation of Prescribed Solid Waste Management Facilities) Regulations 2011**, and have them ready for inspection upon request by the Corporation.

(3) The Director General may require for 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 3(1)]*

#### **INFORMATION FOR APPLICATION FOR A LICENCE TO UNDERTAKE OR PROVIDE TRANSPORTATION SERVICES BY LONG HAULAGE**

##### **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 TRANSPORTATION SERVICES BY LONG HAULAGE TO BE UNDERTAKEN OR PROVIDED**

1. Transfer station to be served

2. Extent of services for each transfer station:

- (a) containers to be provided by licensee or transfer station
- (b) capacity of containers whether provided by licensee or transfer station
- (c) expected number of daily transportation services by long haulage
- (d) total laden weight of vehicles

3. Quantity, types and capacity of vehicles and equipment:

- (a) quantity, age and capacity of compactor vehicles
- (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, age and unladen weight of prime mover vehicles

- (e) quantity of pick-ups, minivans and other service vehicles
  - (f) quantity and types of special waste vehicles and other vehicles
  - (g) quantity and capacity of walking floor compaction units
4. Quantity and types of containers used for transportation services by long haulage
  5. 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 other activities or facilities at the depots and parking sites
  6. Description of any equipment acquired for providing the transportation services by long haulage
  7. 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 transportation services by long haulage (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 4(2)(b)]*

#### **CONDITIONS OF LICENCE TO UNDERTAKE OR PROVIDE TRANSPORTATION SERVICES BY LONG HAULAGE**

1. Operational procedures in respect of the transportation services by long haulage
2. Qualification for personnel
3. Requirement for data submission
4. Requirement for vehicles, equipment, machinery, data system or any facility for management and maintenance of vehicles used for transportation services by long haulage
5. Notification of vehicles and equipment to be used and labelling of such vehicles and equipment
6. Requirements to undertake or provide transportation services by long haulage along approved route.