

A BILL

i n t i t u l e d

An Act to amend the Street, Drainage and Building Act 1974.

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WHEREAS it is expedient for the purpose only of ensuring uniformity of law and policy to make a law with regard to local government matters relating to street, drainage and building:

NOW, THEREFORE, pursuant to Clause (4) of Article 76 of the Federal Constitution, **IT IS ENACTED** by the Parliament of Malaysia as follows:

Short title, application and commencement

1. (1) This Act may be cited as the Street, Drainage and Building (Amendment) Act 2025.

(2) This Act shall apply to Peninsular Malaysia and the Federal Territory of Labuan.

(3) This Act comes into operation on a date as the Minister may, after consultation with the State Authority, appoint in relation to that State by notification in the *Gazette* and the Minister may, after consultation with the State Authority, appoint different dates for the coming into operation of this Act in different local authority areas or parts of local authority areas.

(4) This Act comes into operation in the Federal Territory of Kuala Lumpur, the Federal Territory of Putrajaya and the Federal Territory of Labuan on a date to be appointed by the Minister responsible for the Federal Territory of Kuala Lumpur, the Federal Territory of Putrajaya and the Federal Territory of Labuan by notification in the *Gazette*.

(5) Notwithstanding subsection (3), the State Authority may, by notification in the *Gazette*—

- (a) exempt any part of any local authority area from any of the provisions of this Act; and
- (b) extend any or all of the provisions of this Act to apply to the whole or any area or part of any area within the State which is not under any local authority.

Amendment of section 47

2. The Street, Drainage and Building Act 1974 [*Act 133*], which is referred to as the “principal Act” in this Act, is amended in section 47—

- (a) in subsection (1)—
 - (i) by substituting for the words “five hundred ringgit” the words “two thousand ringgit”; and
 - (ii) by substituting for the words “one thousand ringgit” the words “three thousand ringgit”; and
- (b) by inserting after subsection (1) the following subsections:

“Community service order

(1A) Where a person is convicted of an offence under subsection (1), the court before which such person is convicted may, in addition to such fine that it may impose under subsection (1), make a community service order requiring the convicted person to perform community service not exceeding twelve hours in aggregate within the period not exceeding six months and for such number of hours each day not exceeding four as may be specified in such order.

(1B) Before making a community service order under subsection (1A), the court shall—

(a) consider the physical and mental condition of the convicted person, if it is expedient for him to perform community service; and

(b) explain to the convicted person in ordinary language—

(i) the effect of the community service order; and

(ii) the consequence of failure to comply with the community service order.

(1C) Any officer or employee of the local authority authorized in writing in that behalf by the local authority shall, after a community service order is made under subsection (1A), determine the time and place for the performance of the community service and type of community service to be performed by the convicted person, and take reasonable steps to inform the convicted person ordered to perform the community service of such time and place, and the type of community service to be performed.

(1D) During the period of the community service order, the performance of the community service by the convicted person shall be supervised by an officer or employee of the local authority authorized in writing in that behalf by the local authority.

(1E) The supervision by the officer or employee of the local authority authorized in writing in that behalf by the local authority of the performance of the community service by the convicted person under subsection (1D) shall be in such manner as may be prescribed in any by-laws made under this Act.

(1F) A local authority may make by-laws—

(a) to prescribe the type of community service to be performed under a community service order;

- (b) to prescribe the manner of supervision of the performance of the community service under a community service order.

(1G) Any person who fails to comply with the community service order made under subsection (1A) shall be guilty of an offence and shall be liable on conviction to a fine not less than two thousand ringgit and not exceeding ten thousand ringgit.

(1H) Where a community service order under subsection (1A) is made against a child found guilty of an offence under subsection (1), the provisions relating to community service order under the Child Act 2001 [Act 611] shall apply.”.

Amendment of section 48

3. Section 48 of the principal Act is amended by inserting before the definition of “garden refuse” the following definitions:

“ “child” means a person who is under the age of eighteen years;

“community service” means an unpaid work, service or course of instructions performed or undertaken for the purpose of maintaining or improving cleanliness of a public place;”.

New section 125A

4. The principal Act is amended by inserting after section 125 the following section:

“Power of supervision of community service

125A. An officer or employee of the local authority authorized in writing in that behalf by the local authority shall have the power to supervise the performance of any community service under a community service order made under subsection 47(1A).”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Street, Drainage and Building Act 1974 (“Act 133”) to empower the court to make a community service order requiring a person convicted of an offence under subsection 47(1) of Act 133 to perform community service in addition to the fine imposed for the offence under that subsection. This amendment seeks to instill a greater sense of civic responsibility, promote public awareness and foster a culture of cleanliness, contributing to a cleaner and more sustainable Malaysia.

2. *Clause 1* contains the short title and the provisions on the application and commencement of the proposed Act.

3. *Clause 2* seeks to amend section 47 of Act 133.

Subclause 2(a) seeks to increase the amount of fine imposed for offences under subsection 47(1) of Act 133.

Subclause 2(b) seeks to introduce new subsections 47(1A), (1B), (1C), (1D), (1E), (1F), (1G) and (1H) into Act 133.

The new subsection 47(1A) empowers the court to make a community service order requiring a person convicted of an offence under subsection 47(1) of Act 133 to perform community service in addition to the fine that the court may impose under subsection 47(1) of Act 133.

The new subsection 47(1B) seeks to require the court, before making the community service order, to consider the physical and mental condition of the convicted person and to explain to the convicted person the effect of the community service order and the consequence of the failure to comply with the community service order.

The new subsection 47(1C) seeks to provide for the duty of an officer or employee of the local authority authorized in writing in that behalf by the local authority, after the court has made a community service order, to determine the time and place for the performance of the community service and type of the community service to be performed by the convicted person, and take reasonable steps to inform the convicted person ordered to perform the community service of such time and place, and the type of community service to be performed.

The new subsections 47(1D) and (1E) seek to provide that the community service performed by a convicted person under a community service order shall be supervised by an officer or employee of the local authority authorized in writing in that behalf by the local authority in the manner as prescribed in the by-laws made under Act 133.

The new subsection 47(1F) seeks to provide for the power of the local authority to make by-laws relating to the community service order.

The new subsection 47(1G) seeks to provide that any person who fails to comply with a community service order commits an offence.

The new subsection 47(1H) seeks to provide that where a community service order is made against a child found guilty of an offence under subsection 47(1) of Act 133, the provisions relating to community service order under the Child Act 2001 [Act 611] shall apply. This is due to the fact the Child Act 2001 already contains comprehensive provisions governing the community service order for a child who commits an offence under any written law.

4. *Clause 3* seeks to amend section 48 of Act 133 to introduce new definitions of “child” and “community service” into Act 133. “Child” is defined as a person who is under the age of eighteen years whilst “community service” is defined as an unpaid work, service or course of instructions performed or undertaken for the purpose of maintaining or improving cleanliness of a public place.

5. *Clause 4* seeks to introduce a new section 125A into Act 133 to provide for the power of an officer or employee of the local authority authorized in writing in that behalf by the local authority to supervise the performance of any community service by a convicted person under a community service order.

FINANCIAL IMPLICATIONS

This Bill will involve the Government in extra financial expenditure the amount of which cannot at present be ascertained.

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