

A BILL

i n t i t u l e d

An Act to amend the Solid Waste and Public Cleansing Management Act 2007.

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WHEREAS it is expedient for the purpose of ensuring uniformity of law and policy to make a law for the proper control and regulation of matters relating to the management of controlled solid waste and public cleansing throughout Peninsular Malaysia and the Federal Territory of Labuan:

NOW, THEREFORE, in accordance with Clause (1) of Article 74 and Clause (2) of Article 80 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 Solid Waste and Public Cleansing Management Act (Amendment) 2025.

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

(3) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette* and the Minister may appoint different dates for the coming into operation of this Act in different parts of Peninsular Malaysia and the Federal Territory of Labuan.

Amendment of section 2

2. The Solid Waste and Public Cleansing Management Act 2007 [Act 672], which is referred to as the “principal Act” in this Act, is amended in section 2, in the definition of “solid waste”, in paragraph (b), by deleting the words “as being broken, worn out, contaminated or otherwise spoiled”.

New Part VIIIA

3. The principal Act is amended by inserting after section 77 the following part:

“PART VIIIA

PROHIBITION AGAINST THROWING, *ETC.*, OF SOLID WASTE

Prohibition against throwing, *etc.*, of solid waste at public place or public road

77A. (1) No person shall throw, discard, place or leave behind or cause to be thrown, discarded, placed or left behind any solid waste in any public place or public road except in receptacles designated for such purposes.

(2) Any person who contravenes subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding two thousand ringgit.

(3) For the purposes of this section, “public road” includes any Federal road, State road, highway, bridge, tunnel or anything connected to that road, which is maintained and kept by any Federal or State authority or any private person or private bodies.

Community service order

77B. (1) Where a person is convicted of an offence under section 77A, the court before which such person is convicted may, in addition to such fine that it may impose under that section, 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.

(2) Before making a community service order under subsection (1), 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.

(3) Any authorized officer shall, after a community service order is made under subsection (1), 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.

(4) During the period of the community service order, the performance of the community service by the convicted person shall be supervised by an authorized officer.

(5) The supervision by the authorized officer of the performance of the community service by the convicted person under subsection (4) shall be in such manner as may be prescribed.

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

(7) Where a community service order under subsection (1) is made against a child found guilty of an offence under section 77A, the provisions relating to community service order under the Child Act 2001 [*Act 611*] shall apply.

(8) For the purposes of this section—

- (a) “child” means a person who is under the age of eighteen years;
- (b) “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.

Power of supervision of community service

77C. An authorized officer shall have the power to supervise the performance of any community service under a community service order made under subsection 77B(1).”.

Amendment of section 108

4. Subsection 108(2) of the principal Act is amended by inserting after paragraph (s) the following paragraphs:

- “(sa) prescribing the type of community service to be performed under a community service order;
- (sb) prescribing the manner of supervision of the performance of the community service under a community service order;”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Solid Waste and Public Cleansing Management Act 2007 (“Act 672”) to introduce a new Part VIIIA into Act 672 to provide for the offence of throwing, discarding, placing or leaving behind or causing to be thrown, discarded, placed or left behind any solid waste in any public place or public road and to empower the court to make a community service order requiring a person convicted of such offence to perform community service in addition to the fine imposed for the offence. 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.

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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 2 of Act 672 to broaden the definition of “solid waste”.
4. *Clause 3* seeks to introduce new Part VIIIA into Act 672 which contains new sections 77A, 77B and 77C.

The new section 77A seeks to provide for the prohibition against an act of throwing, discarding, placing or leaving behind or causing to be thrown, discarded, placed or left behind any solid waste in any public place or public road except in receptacles designated for such purposes. For the purposes of this section, “public roads” shall include any Federal road, State road, highway, bridge, tunnel or anything connected to that road, which is maintained and kept by any Federal or State authority or any private person or private bodies.

The new subsection 77B(1) empowers the court to make a community service order requiring a person convicted of an offence under the new section 77A to perform community service in addition to the fine that the court may impose under that section.

The new subsection 77B(2) 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 77B(3) seeks to provide for the duty of an authorized officer, 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 77B(4) and (5) provide that the performance of the community service by a convicted person under the community service order shall be supervised by an authorized officer in the manner as may be prescribed by regulations made under Act 672.

The new subsection 77B(6) seeks to provide that any person who fails to comply with a community service order commits an offence.

The new subsection 77B(7) seeks to provide that where a community service order is made against a child found guilty of an offence under the new section 77A, 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.

The new subsection 77B(8) seeks to provide for new definitions of “child” and “community service” for the purposes of the community service order. “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.

The new section 77C seeks to provide for the power of an authorized officer to supervise the performance of any community service by a convicted person under a community service order.

5. *Clause 4* seeks to amend subsection 108(2) of Act 672 to provide for the power of the Minister to make regulations relating to the community service order under Act 672.

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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