Household Solid Waste Management in Malaysia: A Legal Perspective

By APCEL Visiting Researcher
Ms Intan Nadia Ghulam Khan, Lecturer
Faculty of Syariah and Law, Universiti Sains Islam Malaysia (USIM) & Ph.D Candidate, Faculty of Law, National University of Malaysia

Chairperson: Associate Professor Lye Lin Heng,
Director, Asia-Pacific Centre for Environmental Law (APCEL)

Monday, 26 October 2015
4.00pm – 5.30pm

Organised by
HOUSEHOLD SOLID WASTE MANAGEMENT IN MALAYSIA: A LEGAL PERSPECTIVE

Intan Nadia Ghulam Khan
Ph.D Candidate, Faculty of Law, Universiti Kebangsaan Malaysia (UKM)
Lecturer, Faculty of Syariah and Law, Universiti Sains Islam Malaysia (USIM)
Outline

• Introduction

• International convention & other international environmental instruments

• Current institutional framework in several States and Federal Territories in Malaysia

• Current legal framework in several States and Federal Territories in Malaysia

• Solid waste related laws in other countries

• Summary
Introduction:
Waste Generation, Composition and Recycling Rate in Malaysia

<table>
<thead>
<tr>
<th></th>
<th>2005</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population</td>
<td>26,600,000</td>
<td>28,300,300</td>
</tr>
<tr>
<td>Waste Generation (tonne/day)</td>
<td>19,000+</td>
<td>33,000</td>
</tr>
<tr>
<td>Generation rate</td>
<td>0.8kg/day/person</td>
<td>1.1kg/day/person</td>
</tr>
<tr>
<td>Waste composition</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Food waste</td>
<td>45</td>
<td>44.5</td>
</tr>
<tr>
<td>Plastic</td>
<td>24</td>
<td>13.2</td>
</tr>
<tr>
<td>Diapers</td>
<td>-</td>
<td>12.1</td>
</tr>
<tr>
<td>Paper</td>
<td>7</td>
<td>8.5</td>
</tr>
<tr>
<td>Garden waste</td>
<td>-</td>
<td>5.8</td>
</tr>
<tr>
<td>Glass</td>
<td></td>
<td>3.3</td>
</tr>
<tr>
<td>Textile</td>
<td></td>
<td>3.1</td>
</tr>
<tr>
<td>Others</td>
<td>24</td>
<td>9.5</td>
</tr>
<tr>
<td>Recycling Rate (100%)</td>
<td>5</td>
<td>10.5</td>
</tr>
</tbody>
</table>

## Landfills in Malaysia

<table>
<thead>
<tr>
<th>State</th>
<th>Number of Operating Landfills</th>
<th>Number of Non-operating Landfills</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Johor</td>
<td>14</td>
<td>23</td>
<td>37</td>
</tr>
<tr>
<td>Kedah</td>
<td>8</td>
<td>7</td>
<td>15</td>
</tr>
<tr>
<td>Kelantan</td>
<td>13</td>
<td>6</td>
<td>19</td>
</tr>
<tr>
<td>Melaka</td>
<td>2</td>
<td>5</td>
<td>7</td>
</tr>
<tr>
<td>Negeri Sembilan</td>
<td>7</td>
<td>11</td>
<td>18</td>
</tr>
<tr>
<td>Pahang</td>
<td>16</td>
<td>16</td>
<td>32</td>
</tr>
<tr>
<td>Perak</td>
<td>17</td>
<td>12</td>
<td>29</td>
</tr>
<tr>
<td>Perlis</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Pulau Pinang</td>
<td>2</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Sabah</td>
<td>19</td>
<td>2</td>
<td>21</td>
</tr>
<tr>
<td>Sarawak</td>
<td>49</td>
<td>14</td>
<td>63</td>
</tr>
<tr>
<td>Selangor</td>
<td>8</td>
<td>14</td>
<td>22</td>
</tr>
<tr>
<td>Terengganu</td>
<td>8</td>
<td>12</td>
<td>20</td>
</tr>
<tr>
<td>WP Kuala Lumpur</td>
<td>0</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td>WP Labuan</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>165</strong></td>
<td><strong>131</strong></td>
<td><strong>296</strong></td>
</tr>
</tbody>
</table>

Issues

• Low recycling rate

• Poor management of landfills

• Increase generation of solid waste
International Convention & Other International Environmental Instruments

• UN Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (1989 Basel Convention)

• Rio Declaration on Environment and Development

• Agenda 21
Malaysia Plan & National Policy

• Eleventh Malaysia Plan (2016-2020)

➢ Revision on the Solid Waste & Public Cleansing Management Act 2007 (Act 672)
➢ Strengthening the institutional framework
➢ Reinforcing coordination among relevant ministries and agencies

• National Solid Waste Management Policy
Current Institutional Framework in several States and Federal Territories in Malaysia

Ministry of Urban Well Being, Housing & Local Government
- The Federal Government has the executive authority (section 3 of Act 672)

National Solid Waste Management Department Malaysia
- Established in order to integrate the solid waste management system at the national level

The Solid Waste and Public Cleansing Management Corporation
- One of its functions is to implement and enforce the solid waste and public cleansing management laws
Privatization

• A concession agreement between the Solid Waste and Public Cleansing Management Corporation and the concession companies was signed for the privatization of the solid waste and public cleansing management for the period of 22 years.
Current Legal Framework in Several States and Federal Territories in Malaysia

<table>
<thead>
<tr>
<th>Federal Constitution</th>
<th>Main Statutes</th>
<th>Subsidiary Legislations</th>
<th>Others</th>
</tr>
</thead>
</table>
| - Act 672 was passed in accordance with Article 74 (1) and Article 80 (2) of the Federal Constitution. | - The Solid Waste & Public Cleansing Management Act 2007 (Act 672)  
- Amendment to the Street, Drainage and Building Act 1974 (Act 133) and the Local Government Act 1976 (Act 171) |
The Solid Waste & Public Cleansing Management Act 2007 (Act 672)

• Different dates may be assigned:

- for the coming into operation of the SWPCM Act 2007 (Act 672) in different parts of Peninsular Malaysia;
- for the coming into operation of different provisions of the SWPCM Act 2007 (Act 672); or
- for the coming into operation of different provisions of the SWPCM Act 2007 (Act 672) in different parts of Peninsular Malaysia and the Federal Territories of Putrajaya and Labuan (section 1 (3) of Act 672)
The Solid Waste & Public Cleansing Management Act 2007 (Act 672)

- Separation of controlled solid waste (e.g. section 74 (1) of Act 672)
- Collection of controlled solid waste (e.g. section 73 (2) of Act 672)
- Transportation of controlled solid waste (e.g. section 71 (1) of Act 672)
- Sanitary landfill (e.g. section 71 (2) of Act 672)
- Recycle, Reduce and Reuse (e.g. section 101 of Act 672)
- Take Back and Deposit System (section 102 of Act 672)
Other States in Malaysia

• Still apply the same laws as applicable for the whole States in Peninsular Malaysia before the coming into force Act 672

• The laws are:
  ➢ The Town and Country Planning Act 1976 (Act 172)
  ➢ The Street, Drainage and Building Act 1974 (Act 133)
  ➢ The Local Government Act 1976 (Act 171)

• The local authorities are in charge of solid waste management

• Sabah and Sarawak have different set of laws governing the solid waste management since the new statutes are passed with the scope to cover only the Peninsular Malaysia and the Federal Territories.
Laws in other countries

• Singapore

- The Environmental Public Health Act, Chapter 95 (Act 14 of 1987) (EPHA).

- EPHA’s subsidiary laws including the Environmental Public Health (General Waste Collection) Regulations
Laws in other countries

• Japan

- Waste and recycling laws in Japan include:
  - Waste Management and Public Cleansing Law
  - The Basic Act for Establishing a Sound Material-Cycle Society
  - Law for the Promotion of Sorted Collection and Recycling Containers and Packaging
Summary

• Currently the laws are not enforceable in some States in Malaysia

• Enforcement of the provisions are in stages in the States and Federal Territories in Malaysia which apply the Act 672

• Enforcement of the laws in Malaysia needs to be enhanced

• There is a need for more subsidiary legislations in Malaysia, e.g. subsidiary legislation on waste reduction