

Penang to challenge Kedah's plan to 'throttle' river, explore contingencies

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Penang Chief Minister Chow Kon Yeow said the state will challenge Kedah's plan to "throttle" Sungai Muda if it adversely affects the water supply to Penang.

This was after Kedah Menteri Besar Muhammad Sanusi Md Nor yesterday announced water catchment projects that will throttle water in the Sungai Muda river that could affect its flow downstream.

Sanusi had previously hinted about the project when he claimed Penang may have to use "muddy water" if it does not pay raw water charges to Kedah.

Chow had largely ignored Sanusi's threats but the revelation of the Takungan Air Pinggiran Sungai (Taps) project has prompted the chief minister to respond.

"If the Kedah menteri besar thinks that he may arbitrarily implement a project in Kedah that directly threatens water supply in Penang, he is mistaken.

"If his project affects Penang in an adverse manner, we will act promptly to stop it immediately," he said.

He said among Penang's options are to submit a formal objection to the federal government, raising the issue in Parliament or obtaining an injunction against the project.

"If his project causes suffering to the people of Penang and losses for the businesses that operate in Penang, we may sue him for costs and damages," he said.

Chow (*above*) previously said riparian rights meant Penang did not need to pay Kedah raw water charges.

In common law, riparian rights allow owners whose land adjoin a body of water to make reasonable use of them.

Likewise, it also disallows water to be transferred out without considering people downstream.

The concept is recognised in the Ninth Schedule of the Federal Constitution as an item under state jurisdiction.



Sungai Muda begins in Kedah but as it flows towards the Straits of Malacca, the river sits on the border of Kedah and Penang. Penang has been drawing water from its side of the border.

Chow said any new project involving Sungai Muda in Kedah, upstream of Penang Lahar Tiang Intake, must comply with all relevant laws.

"Such a project must not adversely affect or compromise water supply services for 1.776 million people in Penang.

"All of the Kedah menteri besar's schemes are also subject to approval by the federal government.

"It is likely that Kedah will also need federal funding, in the form of loans or grants, to undertake its water-related projects.

"As such, the Kedah menteri besar may propose, but the federal government and/or the laws of our land may dispose," he said.

Chow reiterated that the Penang government is confident that Kedah has no legal standing to demand payment. However, he said the state government will review the Penang Water Supply Initiative 2050 (PWSI 2050) to factor in contingencies, considering Kedah's position.

"Originally, the PWSI 2050 projects were conceptualised to ensure water supply security for Penang over the next 30 years, with the continuing availability of a certain volume of raw water from Sungai Muda and the potential of the Sungai Perak Raw Water Transfer Project.

"We will now look into implementing more strategic projects under the PWSI 2050 to mitigate the risks of potential 'mishaps' involving Sungai Muda that may affect water supply services in Penang in the future," he said.

Chow said the measures may involve alternative water technologies. He said they may incur higher water supply costs and tariff in future but the Penang government must secure its water supply.

"The smart thing for us to do now is to formulate contingency plans to guarantee water security for the next generations of Penangites at all costs, regardless of developments in Kedah," he said.

Meanwhile, Sanusi denied that he was threatening Penang with the Taps projects that will comprise 14 facilities.

Sanusi said he was only giving Penang a heads-up. "Who bathes in a river would know that when there is a lot of water, it's clean and flows fast but when there is little water left and is slow, it becomes muddy.

"So, Penang needs to be ready with the situation unless they work with us," he was quoted as saying by *Berita Harian*.