

Sungai Muda: Kedah must comply with existing laws or risk action

Audrey Dermawan - March 25, 2021



Penang Chief Minister Chow Kon Yeow (right) says all of the Kedah Menteri Besar Muhammad Sanusi Md Nor's schemes are also subject to approval by the federal government. - NSTP/File pic

GEORGE TOWN: Penang will submit an objection to the federal government and/or initiate legal action if Kedah implements a project that threatens water supply in the state, Chief Minister Chow Kon Yeow said.

He stressed that any project undertaken by Kedah, involving the Sungai Dua upstream of the Lahar Tiang Intake in Penang, must comply with laws and regulations.

"As far as we are concerned, we will continue to follow the law in abstracting raw water from Sungai Muda, without payment to Kedah.

"On its part, Kedah must also comply with state and national laws in implementing projects involving Sungai Muda," he said today.

Since 1973, Penang has been legally abstracting raw water from Sungai Muda without paying Kedah as no payment was applicable because Penang has never signed any agreement, memorandum of understanding (MoU) or contract which would require it to make payments to its neighbouring state.

"If the Kedah Menteri Besar (MB) 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," he added.

Chow said Penang's options to stop an adverse project included submitting an official objection to the federal government; raising objections for debate in Parliament; and/or initiating legal action to obtain a court injunction to stop that project.

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

In Malaysia, Chow pointed out, there were state and federal laws.

He added that any "new" Sungai Muda project in Kedah, upstream of Penang's 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.

"In short, Kedah may not implement any project involving Sungai Muda that is illegal by law or unapproved by the federal government," he said.

Backed by laws, Chow said, the Penang government would continue to protect the interests of Penang, with regard to water supply security.

Therefore, he added, as far as Sungai Muda is concerned, the state government would continue to assert Penang's riparian rights to abstract raw water, without charges, from a river that flows through the state territory.

"We are confident that Kedah has no legal standing to demand for any payment. This is why we are ready to see them in court," he stressed.

In terms of contingency plans, Chow said the state government would be reviewing the "Penang Water Supply Initiative 2050" (PWSI 2050) projects proposed by the Penang Water Supply Corporation (PBAPP) soon.

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 (SPRWTS).

"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.

"These measures may involve alternative water technologies and incur higher water supply costs and tariffs in the future.

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

Yesterday, the Kedah government announced that it would implement a riverside water catchment project that would be able to stabilise Sungai Muda's water level in times of drought.

Menteri Besar Muhammad Sanusi Md Nor said the project, known as Takungan Air Pinggiran Sungai (TAPS), would ensure Kedah has enough water supply to see through the dry season.

He said new barrages would also be built to stabilise the river water level to ensure water concessionaire Syarikat Air Darul Aman Sdn Bhd's pumps would not be rendered inoperable when water levels drop.

TAPS would kick off sometime this year.

As such, Muhammad Sanusi cautioned that Penang has to be ready for this.