

Kedah must comply with the law on water issue, says Penang CM

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GEORGE TOWN: Penang will submit an objection to the Federal Government or initiate legal action if Kedah Menteri Besar Muhammad Sanusi Md Nor implements a project that threatens the water supply in Penang.

Chief Minister Chow Kon Yeow (pic) said Penang will continue to follow the law in abstracting raw water from Sungai Muda without payment to Kedah.

"On its part, Kedah must comply with state and national laws in implementing projects involving Sungai Muda," said Chow in a statement in response to Sanusi's plan to build water tanks along Sungai Muda to ensure there was enough water for Kedahans and padi farmers along the river.

About 80% of Penang's water is extracted from the part of the river that flows in Penang territory.

Chow said any projects undertaken by Kedah involving Sungai Muda, upstream of the Lahar Tiang Intake in Penang, must comply with the laws and regulations.

"Since 1973, Penang has been legally abstracting raw water from Sungai Muda without paying Kedah as no payment is applicable because there is no legal or valid reason to pay," he said.

Penang, said Chow, had never signed any agreement, memorandum of understanding or contract to pay Kedah.

"If this Kedah MB (Menteri Besar) thinks that he may arbitrarily implement a project in Kedah that directly threatens the water supply in Penang, he is mistaken.

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

"Our options to stop an adverse project include submitting an official objection to the federal government, raising objections for debate in Parliament or initiating legal action to obtain a court injunction to stop the project.

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

"Any 'new' Sungai Muda project in Kedah, upstream of Penang's Lahar Tiang Intake, must not adversely affect or compromise water supply services for 1.776 million people in Penang," he said.

Chow added that all of the Kedah Menteri Besar's plans 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 the laws of our land may dispose.

"As far as Sungai Muda is concerned, we will continue to assert Penang's riparian rights to abstract raw water, without charges, from a river that flows through our state territory.

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

In terms of contingency plans, Chow added that the state government will be reviewing the "Penang Water Supply Initiative 2050" (PWSI 2050) projects proposed by Perbadanan Bekalan Air Pulau Pinang Sdn Bhd (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).

Chow said the state will 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 generations of Penangites at all costs, regardless of development in Kedah," added Chow.