

Gazette Ulu Muda forest first, then talk payoff, Kedah told

Predeep Nambiar | May 24, 2016

Penang Water Supply Company (PBA) insists it has rights to draw water from the Penang side of Sungai Muda.



GEORGE TOWN: Kedah should only be compensated for its water catchments once the Ulu Muda forest is gazetted, the Penang Water Supply Corporation (PBA) said today.

Its chief executive officer Jaseni Maidinsa said PBA it would fully support Kedah's recent request to the Federal Government for compensation – but on one condition.

“Kedah should gazette the water catchments in Ulu Muda. Compensation is only relevant and due after Ulu Muda catchments are properly surveyed, mapped out, gazetted and protected by the law. “We, along with the Penang government will support any bid by Kedah, so long as the important water catchment area is gazetted, and not for any other reason,” he said.

Earlier, Kedah Menteri Besar Ahmad Bashah Md Hanipah asked the Federal Government to compensate his state as raw water supply from Sungai Muda was being “freely consumed” by Penang.

Bashah said the raw water drawn by Penang belonged to the Kedah government as it was let out from the Muda Dam in the east into Sungai Muda.



PBA is currently drawing water from Penang's side of Sungai Muda, the current Kedah-Penang boundary being demarcated by the "centre line" of the river.

Meanwhile, Jaseni gave reporters "Eight Reasons" why Penang should not pay Kedah for the water it was consuming. Chief among the reasons were riparian rights.

1. Sungai Muda is a river that defines the boundary between Penang and Kedah but we are not two countries. We are two states in one country that both contribute to Malaysia's GDP.
2. In 1973, the late Tun Abdul Razak Hussein, the second Prime Minister of Malaysia, officially opened the "Sungai Muda Water Scheme" for the benefit of Penangites. Since then, Penang has been abstracting water from the river at its own cost, using its own infrastructure, at no cost to Kedah.
3. In 1985, during a Parliamentary debate related to the realignment of the Kedah-Penang state borders to the middle of Sungai Muda, it was noted that Kedah had agreed that Penang may abstract raw water from Sungai Muda. There was no mention of charges. This "water guarantee" is, in fact, a pre-condition for a 1973 Asian Development Bank (ADB) loan arranged by the Federal Government for the Sungai Muda Water Scheme.
4. Sungai Muda is a naturally flowing river. Unlike Johor charging Malacca for the service of pumping raw water into their state, Kedah is not pumping raw water into Penang.
5. Kedah has built dams to release water into Sungai Muda. However, raw water released from the Beris Dam and Muda Dam is primarily intended for abstraction by Kedah, via 14 water treatment plants and irrigation intakes. We are only taking the balance of the water that is flowing to the sea, from our side of the river.
6. Penang has been abstracting water from Sungai Muda for 43 years, downstream of Kedah's treatment plants and irrigation intakes. Our abstraction activities have not, in any way, affected or compromised Kedah's capability to abstract water upstream.
7. Sungai Muda does not exclusively belong to Kedah. Under Article 11 of the Ninth Schedule of the Malaysian Constitution, it is stated that "Federal works and power, including water supplies, rivers and canals, except that wholly within one State or regulated by an agreement between all the States concerned" is subject to the Federal Legislative List. The interpretation is that Sungai Muda should be under federal legislation.
8. In 2011, Penang signed agreements with the Federal Government to migrate to the National Water Services Restructuring Initiative. The agreement is that the Federal Government is obligated to guarantee raw water supply for Penang. Today, more than 80% of Penang's raw water is sourced from Sungai Muda daily.