

Interaction between Planning Law and Land Use in Singapore

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Abstract

This paper examines the interplay between planning law and land use in Singapore, a city-state with high population density and limited land area. It explores how Singapore's planning system, governed by stringent planning laws, regulates land use and built environment development. The research focuses on understanding how legislation regulates planning, and the impact of the legal framework on land use, sustainability, and property ownership. Through a review of relevant literature and a case study, the paper reveals the role of the Master Plan and various Acts in controlling land use, facilitating public housing development, and promoting urban redevelopment. It also discusses the balancing of property rights in strata developments to encourage high-density development and address the tragedy of the anticommons. The findings highlight Singapore's successful integration of land use planning, social cohesion, and natural conservation, contributing to sustainable development.

Keywords

Singapore; Planning Law; Land Use; Master Plan; Property Rights; Strata Development; Sustainable Development; Tragedy of the Anticommons.

1. Introduction

Singapore is a state of about 648 square kilometers and has 3.9 million residents. Accordingly, the density is above 6000 persons per square kilometer [7]. As a result, planning system in Singapore considers more controlling development. To guide developers and optimize land use, the development of its land use and built environment is strictly regulated via planning law and relevant legal machinery [3]. Aim at exploring interplay between the legal machinery and land use development, the research questions are proposed in Singapore context:

- 1) How does legislation regulate planning?
- 2) How does the legal framework of planning impact its land use and sustainability in terms of regulation and property ownership?

2. Methods

This research explores interplay between planning law in Singapore via reviewing various literature in the thematic method. Firstly, it investigates planning in Singapore's legal system [2], and then the impacts of legislation with their involvement [4],[5],[8]. Besides, literatures on property ownership are reviewed and relates to a real case, benefiting releasing potential for urban redevelopment [1],[6],[7].

3. Planning in Legal System of Singapore

Due to the scale of Singapore, it is essential to plan and control its built environment rationally. Currently, producing a regular master plan is widely used to ensure orderly development. Since 1960, when started imposing Planning Act 1959, the Master Plan has been reviewed by the Urban Redevelopment Authority (URA), which is responsible for implementing the Act.

This Master Plan includes land uses and written summary of matter proposals, such as zoning and plot ratios. Land conservation also integrates with this plan, which considers areas of historical interest to preserve ^[4]. Also, property owners must accommodate the Master Plan if they want to change the land use. As a result, the Master Plan is the product of strictly controlled land use development by emphasizing physical planning and specific control. In this case, the Planning Ordinance (supplemented with the Housing and Development Ordinance) provides legal support to develop a planning system following the Master Plan. This regulation also demonstrates those controls ^[2].

Firstly, it indicates that no development could propose without permission.

These developments include building and engineering operations on land and material changes to the land. For the former, the Ordinance excludes particular development for which renovation of an interior building does not require permission. For a change of land use, it also excludes land for permission, such as land within a house's courtyard, to promote its enjoyment and use for any agricultural purposes. However, a change on material use still needs to be permitted, such as transforming a private dwelling house to a shop, while a change of use within the same class do not require permission, such as changing a hotel to a hostel ^[2]. It is evident that although changes in land use are limited, the Ordinance still leaves space for development without permission by stating exclusive situations.

Regarding planning applications, the Development Rules prescribe the process of making development applications. It is the Competent Authority to make applications, which asks to act in obedience to the Master Plan and discuss it with authorities over the application. To control development from the private sectors, the Development Control Division to examine the process of private development. However, if its decision-making process is considered judicial by the Minister, the court will not be deprived of the power to declare an invalid decision. Therefore, it is out of worth for petitioners as the courts could not grant them to obtain a planning permit ^[2].

There are also rules related to planning standards when controlling development. Regarding residential development, various types of houses (terrace, semi-detached, and detached houses) have each restriction. For example, the Development Control Division has permitted terrace houses to develop in residential areas with more exclusionary. Thus, they require higher standards in both design and accommodation. In terms of commercial development, it has to calculate plot ratio in circulation and service areas. For example, in places where shopping malls are more refined, they should provide more circulation space ^[2]. It could be seen that planning standards are more flexible when interpreted in practice.

4. Legal Framework of Planning Law and Land Use in Singapore

4.1. Planning Regulation on Land Use

For acquiring compulsory land, the legislation indicates that it can obtain private lands for developing public goods without charging too much from the public (such as building transportation infrastructure and public housing). Until 2007, as stated in the Land Acquisition Act, the government compensates with only the land value, while it has revised to compensate with the market value in recent years ^[4]. This legislation limits the challenges of acquiring compulsory land for public good. With compensation of land at market value, unfairness brought by relocation would cover.

The Concept Plan introduced in the 1970s legitimized that the public sector could reobtain control and land for the development of public housing and new town. It also facilitates comprehensive planning of selecting sites for housing and new towns. After that, all private land development had to reduce its scale and alter its direction to comply with public housing and new towns. According to Wang ^[8], less than 30% of residents lived in private housing in

1990s and 14 new satellite towns were under construction in 1980s. Industrial land are more intensive use in land use pattern since its development has transformed from labor-oriented to high-technology activities. With precise development of manufacture, it is necessary to understand whether flatted factories could encounter such needs. To relieve labor shortage, enterprises started considering flatted factories in new towns. Nowadays, the latest concept plan- Concept Plan 2001- emphasizes integrating live, work, and play environments by providing more homes, more flexible choices for recreation and business, more connections of rail network, and strengthening community identity [5]. This provides an opportunity for developing clusters of economic activities.

For land use in inner city, the Urban Redevelopment Authority provides a statutory basis for rebuilding the inner city, including clearing slums, acquiring land, land sales, and relocation. By doing this, developers would bid for potential development. Moreover, it also involved constructing high-quality apartments to achieve a balanced mixed land use, reacting to increasing demand in the city [8]. In this case, Development Guide Plans provides a more detailed planning at the local level, including guidelines on land use with plot ratios, building height, and road networks. These aim to optimize land use to release development with higher density [5],[7]. The land use tends to be in a mixed pattern.

In terms of nature conservation, green parks take into consideration. In 1996, a new National Parks Act provided property and rights transformations between the Parks and Recreation Department and the National Parks Board. They administrate nature reserves and protect plants and animals. It also constructed four nature reserves and two national parks [5].

4.2. Property Rights of Strata Development in Singapore: Balancing Rights for Urban Redevelopment

As a result of Development Guide Plans (which provide higher density in residential areas), many property owners started to combine with others to profit from the en bloc site value with more bonuses than individual sales. In contrast, some minority owners refuse the sale. However, this might cause severe economic results leading to a tragedy of anticommons: scarce land is over or underused by a property regime where various owners have effective exclusion rights [7].

In this case, the Land Titles (Strata) Act, governs the ownership of private residential properties. It is imposed to promote these en bloc sales because they will deliver top-notch land for high-density development and more high quality private housing in Singapore with scarce land. This sale of private strata development in en bloc sales could encourage urban redevelopment, and this Act aims at protecting the minority [6]. Although majority votes involve decision-making in an en bloc sale, even one disapproval from the minority would stall the sales and leave the land unused. Therefore, the Land Titles (Strata) (Amendment) Act was imposed in 1999 and indicated the majority vote could make the deal to avoid tragedy of anticommons. In dealing with objections, the Strata Title Board is set to make decisions aligned with the Amendment Act based on Section 84 A (7): objections are available when sales cannot proceed objector's subsisting mortgage financial loss. Section 84A (9) also states that the Board could not agree to the sale of common property in strata. This Act has promoted en bloc sales and increased supply of prime land and housing stock as it releases repressive demand from objected owners.

During the three years, the average absorption rate on private land is less than 2000 units per annum; releasing en bloc sites could lead to a 4-year supply to private housing sector [7]. By setting out specific requirements in the Act, a balance could be kept between majority and minority groups, which also releases potential development in the land-scarce area.

4.3. Case of Kim Lin Mansion: Practice in the Land Titles (Strata) (Amendment) Act

Kim Lin Mansion is an apartment building in a residential district of Singapore. According to the Development Guide Plans, the plot ratio of low where Kim Lin Mansion locates increased from 1.49 to 2.1 in 1994, with about 149 flat units that could be built on this site. The value rose to s\$248 million in 1995. However, three objectors paused the sale, and 70 out of 101 owners decided to take legal action to these three defendants with the Land Titles (Starata) Act. They did not sue other property owners since they thought they would agree to joint sale sooner. However, the two defendants still object to new projects or joint sales as they wanted new project units to exchange for their existing units, where they have been living for 19 years with children. As a result, the legal action failed, mainly because it is difficult for the court to make decisions affecting the other 51 owners (neither plaintiffs nor defendants). The sale was paused at this time. When the Amendment was passed in 1999, the majority owners could sell en bloc site finally, as only 80% of majority vote is required for development proceeds for thirty years. Compared to value of an individual sale (\$163 million), Kim Lin Mansion was successfully sold in the same year with the value of en bloc sale (\$251 million) [7]. This case demonstrates again that this Act makes urban redevelopment successful via private sector optimizing land use and result in a relatively fair outcome by balancing rights between the majority and minority [1].

4.4. Sustainable Development in Singapore

Based on the previous analysis, with various Acts and Plans, Singapore's built environment is increasing its land use diversity. Such integrated land use planning encourages to optimizing land use, social cohesion, and natural conservation in Singapore, which is an opportunity to integrate life, work, and recreation with natural resources. In this case, economy could also be developed via the agglomeration of economic activities in clusters such as industrial parks [9]. Natural conservation could also be promoted with Acts emphasizing green park connections and increasing quality of public goods (such as traffic infrastructure). Public participation during planning process would facilitate social inclusion.

5. Conclusion

In conclusion, Singapore's planning legislation imposes strict regulations on various types of land use to ensure development control while promoting public use and natural resource conservation. The legal framework, including the Master Plan and related Acts, plays a pivotal role in rationalizing land use and built environment development. By facilitating public housing and new towns, and encouraging urban redevelopment through strata title amendments, Singapore has optimized land use in its land-scarce environment. Additionally, the balancing of property rights between majority and minority owners in strata developments has contributed to the successful implementation of high-density projects. Overall, Singapore's integrated approach to land use planning has fostered social cohesion, natural conservation, and sustainable development, presenting an exemplary model for other urban areas facing similar challenges.

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