

URBAN SYSTEMS STUDIES

LAND FRAMEWORK
OF SINGAPORE:
BUILDING A SOUND LAND
ADMINISTRATION AND
MANAGEMENT SYSTEM



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LAND FRAMEWORK OF SINGAPORE: BUILDING A SOUND LAND ADMINISTRATION AND MANAGEMENT SYSTEM

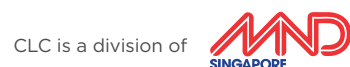
CENTRE for
LiveableCities
SINGAPORE

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Set up in 2008 by the Ministry of National Development and the Ministry of the Environment and Water Resources, the Centre for Liveable Cities (CLC) has as its mission “to distil, create and share knowledge on liveable and sustainable cities”. CLC’s work spans four main areas— Research, Capability Development, Knowledge Platforms, and Advisory. Through these activities, CLC hopes to provide urban leaders and practitioners with the knowledge and support needed to make our cities better. For more information, please visit www.clc.gov.sg.

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FOREWORD

“Buy land—they’re not making it anymore,” American author Mark Twain famously said. In land scarce Singapore, the importance of this resource cannot be understated, even while technology has enabled us to mitigate this scarcity in a limited way through land reclamation. An effective system of land administration is thus essential to ensure that Singapore has enough land for present and future needs.

Our current system of land administration can be traced back to the days when Singapore was still a British Crown Colony. The British introduced, amongst other things, an effective system of land registration which provided certainty and confidence in land dealings. However, when Singapore gained independence in 1965, we needed to make urgent and extensive reforms to the British colonial system of laws and institutions, so that land could be effectively allocated to support economic growth and the needs of the population.

The earliest, and one of the most important, of these reforms was the introduction of the 1966 Land Acquisition Act, which made it possible for the government of the day to secure land quickly and affordably for the development of essential infrastructure such as a new airport, industrial estates, public housing and schools.

Over the years, other components of our land administration framework have also evolved to better serve the needs of our small and growing nation. Key pieces of legislation such as the Land Titles Act, Land Titles (Strata) Act, State Lands Act, the Foreshores Act and Residential Property Act were introduced or adapted to better support our national objectives. Reforms and consolidation of important land administration functions such as land planning, sales and management have enabled us to facilitate development.

In 2001, the various land departments under the Ministry of Law were consolidated to enhance land administration and improve coordination amongst the various land agencies, and a new statutory board—the Singapore Land Authority—was established. Today, the Singapore Land Authority works closely with partner agencies to manage a sizeable stock of State properties. Many of them are disused properties which have been repurposed to serve the needs of businesses and the community. One such example is the transformation of former army barracks at Dempsey Hill into one of Singapore’s leading lifestyle destinations.

Land Framework of Singapore: Building a Sound Land Administration and Management System gives readers an introduction to the various components of our land administration framework and how it has evolved since the founding of modern Singapore. Through this USS, I hope readers will gain a better appreciation of the challenges faced by administrators and policy makers, past and present, to ensure that our limited land resources can adequately meet the needs of current and future generations of Singaporeans.

Ng How Yue
Permanent Secretary
Ministry of Law

PREFACE

The Centre for Liveable Cities’ (CLC) research in urban systems attempts to examine the systematic components that make up the city of Singapore, capturing knowledge not only within each of these systems, but also the threads that link these systems and how they make sense as a whole. The studies are scoped to venture deep into the key domain areas that the CLC has identified under the Singapore Liveability Framework, and attempt to answer two key questions: how Singapore has transformed itself into a highly liveable city within the last five decades; and how Singapore can utilise its experience in urban development to create knowledge and urban solutions for current and future challenges relevant to Singapore and other cities through applied research. *Land Framework of Singapore: Building a Sound Land Administration and Management System* is the latest publication in the Urban Systems Studies (USS) series.

The research process involves close and rigorous engagement of the CLC with its stakeholder agencies and oral history interviews with Singapore’s urban pioneers and leaders, to gain insights into development processes and to distil tacit knowledge which has been gleaned from planning and implementation, as well as information on the governance of Singapore. As a body of knowledge, the USS series, which covers aspects such as water, transport, housing, industrial infrastructure, and a sustainable environment, reveal not only the visible outcomes of Singapore’s development, but the complex support structures of our urban achievements as well.

The CLC would like to thank all who have contributed their knowledge, expertise and time to make this publication possible. I wish you an enjoyable read.

Khoo Teng Chye
Executive Director
Centre for Liveable Cities

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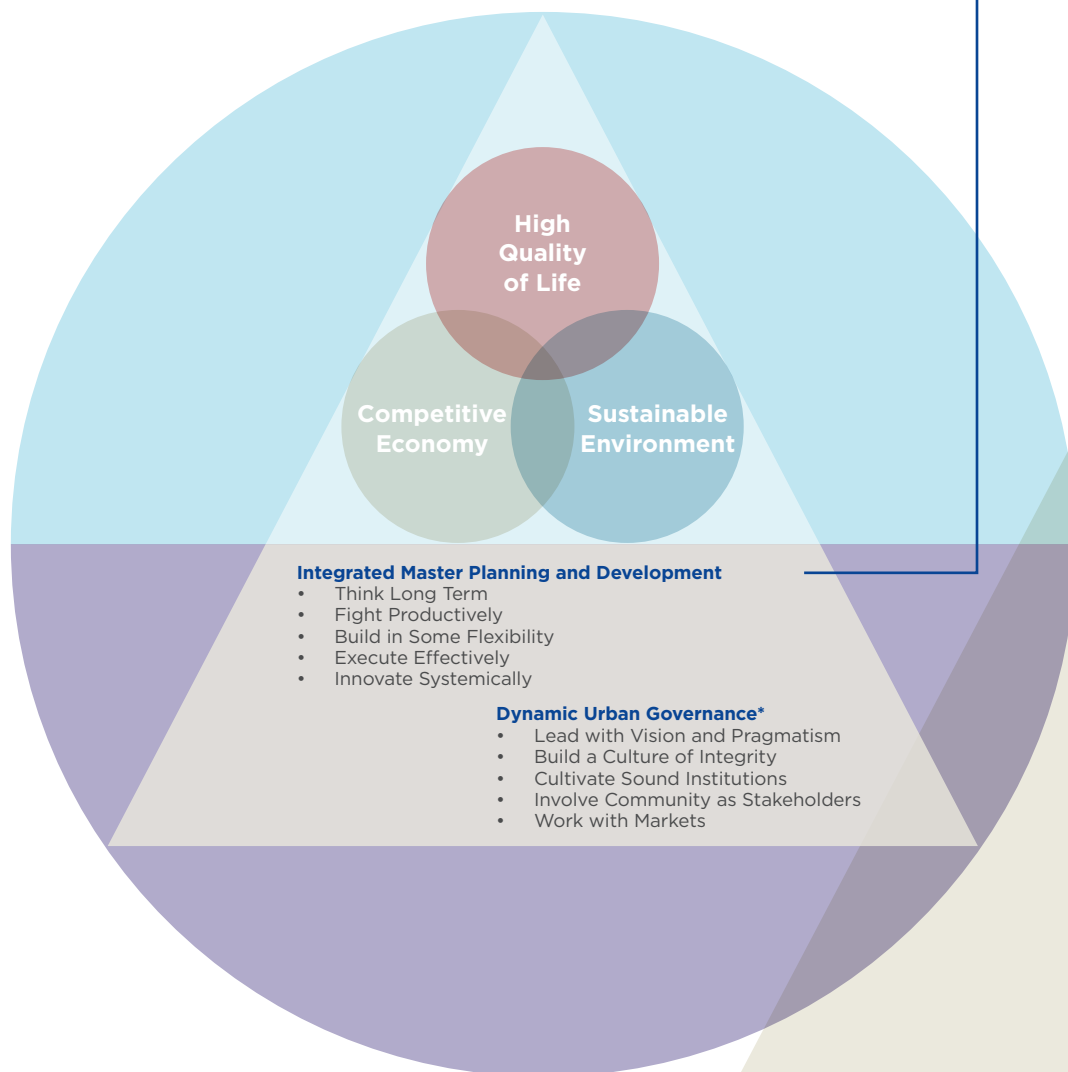
This USS aims to provide readers with a broad framework of how land is integral to, and an essential platform for Singapore's social and economic activities. It presents a broader landscape from the earlier, related *Land Acquisition and Resettlement: Securing Resources for Development*, which is a subset of the land framework of Singapore.

The writing was greatly enriched by Mayers' prior experiences at the Singapore Land Authority. We are especially grateful to the late Mr Chang Kwang Seh, Mr Foo Chee See, Mr Kwek Sian Choo, Mr Leung Yew Kwong, and Mr Teo Jing Kok for their time and generous feedback on an earlier draft of this publication. We would also like to thank Valarie Yap—for her creative work on the infographics and in helping to revamp the associated Land Game used to teach this USS—as well as Chai Ning—for her research assistance and contributions to the Residential Property Act section.

We would also like to extend our heartfelt appreciation to the following interviewees, Mr Vincent Hoong, Mr Gaw Seng Suan, Mr Lee Ket Ting, Mr Leong Foke Meng, Mr Leung Yew Kwong, Mr Liew Heng San, Mr Ng Ooi Hooi, Mr Tan Boon Khai, for their time and generous sharing of experiences and knowledge. Finally, we would like to express our thanks to Mrs Teh Sook Lan, the Ministry of Law—particularly Mr Kevin Wong, Ms Ann Tang and Ms Ong Eng Hui, and the Singapore Land Authority—Mr Tan Boon Khai, Mr Simon Ong, Mr Bryan Chew, Ms Thong Wai Lin, Mr Soh Kheng Peng, Ms Yeo Gek Ngoh, Ms Carrie Wong, Mr Ng Chun Tian and Ms Chua Hwee Ling, for their help and invaluable support in the refinement of this USS.

THE SINGAPORE LIVEABILITY FRAMEWORK

The Singapore Liveability Framework is derived from Singapore's urban development experience and is a useful guide for developing sustainable and liveable cities. The general principles under **Integrated Master Planning and Development** and **Dynamic Urban Governance** are reflected in the themes found in *Land Framework of Singapore: Building a Sound Land Administration and Management System*.



Integrated Master Planning and Development

Think Long Term

The system of land administration and management complements the long term integrated land use planning system in ensuring that adequate land is available for current and future needs. Through forward-looking and effective land acquisition policies and legislation, adequate land was made available at affordable cost to the state for longer term development plans that benefit the public. State land forms part of the reserves protection framework instituted by the government, which guards against the possibility of a profligate government potentially drawing on the nation's past reserves to fund current expenditure. The establishment of the system of land registration and survey and its subsequent improvements conferred clarity and certainty of ownership, which allowed the land market to function effectively and efficiently, facilitating development in modern Singapore. The government also continued with the colonial era's policy of issuing 99-year leases for state lands to ensure that land could be returned to the state and reallocated to other uses over time.

(see Origin of Issuing 99-year Leasehold Titles in Singapore, p. 16; The 1966 Landmark Land Acquisition Act, p. 25; Improving Land Regulations to Facilitate Development, p. 34; Protecting Land Assets under the Reserves Protection Framework, p. 51)

Build in Some Flexibility

Some flexibility has been built into the compulsory land acquisition policy and its processes to alleviate financial hardships encountered by the landowners. The amendments to the Land Titles (Strata) Act strived to achieve a better balance between greater flexibility for en bloc redevelopment and the interests of minority owners. The current framework for Development Charge and Differential Premium also allow for adjustments depending on market conditions in order to encourage the private sector to initiate appropriate redevelopment projects.

(see En bloc Redevelopment, p. 35; Reforming the Development Charge, p. 46; Synchronising the Development Charge and Differential Premium Systems, p. 47; Benchmarking Compensation to Market Value, p. 52)

Innovating Systemically

Singapore adapted existing colonial-era land laws to suit its local context, and reviewed the policies, processes and legislation regularly to keep up with changing needs. The Singapore Land Authority (SLA) improved on the existing land registration system to create an electronic registry that provided an accurate, comprehensive and transparent land information system. Singapore adopted new technologies to improve survey methods, becoming the first in the

world to implement a country-wide coordinated cadastre. To better optimise the use of state land and properties not needed for immediate redevelopment, the SLA expanded their interim uses and adopted a more proactive approach to marketing them.

(see Legislation Uniquely Adapted to the Local Context, p. 27; Fresh Perspective in Managing State Properties—Limited Land, Unlimited Space, p. 58; Greater Accessibility to Land Information, p. 62; Promoting Innovative Use of State Properties, p. 71; Embracing Technology in Land Registration and Survey System, p. 74)

* DYNAMIC URBAN GOVERNANCE

Build a Culture of Integrity

Land acquisition powers were centralised in the Land Office—later the SLA—to improve the system of checks-and-balances on the powerful land acquisition legislation, while the functions of state land administration and land use planning functions were housed under separate ministries and agencies. This helped to ensure that the key powers were separated, thus serving as a check on the potential abuse of power.

(see Sound Institutional Set Up with Checks-and-Balances, p. 32; Centralisation of Acquisition Powers and Improving Records of State Properties, p. 48)

Cultivate Sound Institutions

To ensure that land is put to good use, government agencies and statutory boards were required to return excess landholdings and properties to the state. All state land would then be centrally managed by the SLA and put to interim uses where possible. The restructuring of the four land-related departments into one agency—the SLA—streamlined land processes and systems, enabling land policies to be carried out consistently and effectively, while allowing state land and properties to be managed more efficiently.

(see Strengthening the Institutional Framework: Formation of the Singapore Land Authority, p. 54)

THE IMPORTANCE OF A SOUND LAND ADMINISTRATION AND MANAGEMENT SYSTEM

“ One must reserve land for future development. The government is not looking five years or ten years ahead. Being a responsible government, we must look 30 years or 40 years ahead, and when the time comes, we must have land available for the requirements for that age.”¹

E. W. Barker, Minister for Law (1964-1988)

Land is a critical and strategic resource for a country's physical development and economic growth. This is especially the case for Singapore, with its limited land area of 720 km².² As the second smallest country in Asia,³ Singapore is often described as a city-state with no hinterland. Its post-independence history of not having capital or skilled labour could explain the nation's determination to make optimum use of its land. Optimising the use of land in Singapore can be described as a balancing act between competing national considerations such as land use demands for housing, industry and commerce, recreation and nature areas, transport and utility infrastructure, and defence requirements.

In land scarce Singapore, the government plays an important role in ensuring that the use and development of the land is well managed and optimised, and that sufficient land is available for development in the present and for many years into the future, through sound planning and strategic land banking.

A long-term and integrated approach to land use planning has been adopted to optimise the use of Singapore's limited land and meet its

current and future needs. This falls under the responsibility of the Ministry of National Development (MND) and one of its agencies, the Urban Redevelopment Authority (URA), which works with relevant government agencies to achieve optimal land use. The process includes the preparation and regular review of the Concept Plan, which is the strategic land use and transportation plan that will guide Singapore's development over the next 40 to 50 years, and the preparation and regular review of the Master Plan, which translates the broad and long-term strategies of the Concept Plan into detailed plans for implementation over 10 to 15 years. Many of the plans are implemented through the release of state land for private sector development through Government Land Sales. Development control is the process of evaluating and approving development plans to ensure that they are aligned with planning strategies and guidelines.

Long-term, integrated planning alone is insufficient to ensure Singapore's success in optimising land use and strategic land banking. It must be complemented and supported by a sound land administration and management system, which is primarily under the purview of the Ministry of Law and its statutory board, the Singapore Land Authority (SLA). Singapore's land administration framework has several key features, the most fundamental being the safeguarding of property rights via a robust and efficient land surveying and registration system, which ensures clarity of ownership and allows property transactions to be carried out effectively and efficiently. The efficient management of state land and properties through allocation for either interim or long term uses ensures optimal use of state assets through effective lease administration. Fair and efficient laws and policies regulate collective sales of strata titled developments to facilitate the optimal use of private land. A distinct feature of the framework is a fair and efficient land acquisition framework which allows private land to be assembled in a timely manner to facilitate the development of various public schemes that support national development. Other important features of Singapore's sound land system include the availability of transparent and comprehensive land information, and an equitable land taxation and pricing regime to facilitate the (re-)development of land. Good, integrated, long-term planning that is complemented and supported by a transparent, accurate, responsive, and efficient land administration and management system, has been a critical factor in Singapore's transformation from a colonial port city to a global, highly liveable city and endearing home with a high quality of life, sustainable environment, and competitive economy.

Singapore has come a long way in the transformation of its land system since the early years of its history. It was then a state of laissez faire without proper land laws or proper enforcement of the few laws that existed. Attempts at land surveys and registration were fraught with inaccuracies, and there was a confusing proliferation of many different types of land titles. The period was described as a time of “utter confusion and chaos”.⁴ Since then, the Singapore government, including the British administration until 1955, has painstakingly built up the land administration and management system, culminating with the formation of the Singapore Land Authority, which has further sharpened and modernised the land administration. The objective of this Urban Systems Study is to document the evolution of the country’s land system from its early beginnings to the present system.

CHAPTER 2

PAVING THE WAY TOWARDS CERTAINTY IN LAND OWNERSHIP

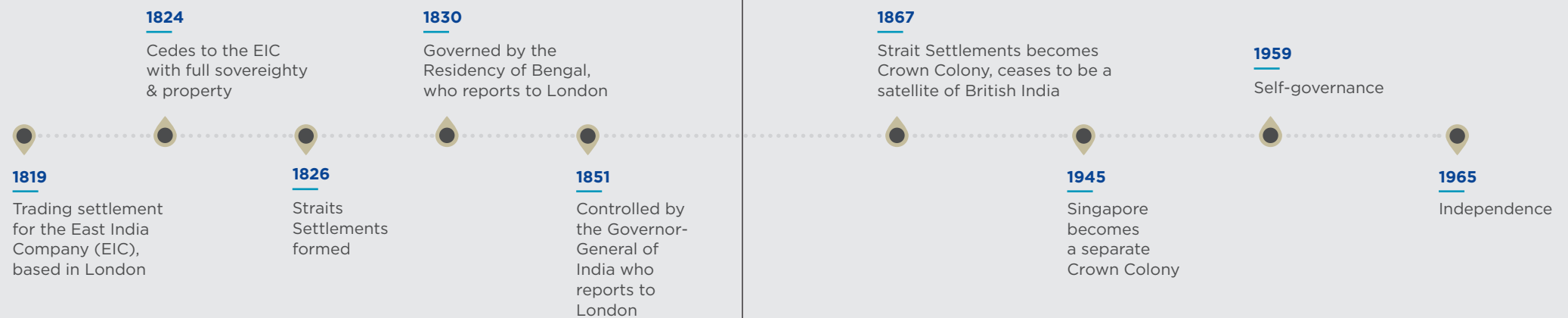
In modern Singapore, where law and order are clearly established, the certainty of ownership of land and property is taken for granted. The certainty of land ownership refers to the clear legal title of the land comprising the unmistakable identity of the owner or owners, clarity of land boundaries and clear tenure of the title. Such certainty of ownership is important in instilling confidence between parties undertaking land transactions and is thus crucial for a well-functioning property market. It also provides the basis for property tax and other land-based financing mechanisms, and facilitates the planning and development of land. When any aspect of the ownership of land is unclear, it can result in protracted disputes, which delay the development of the land.

However, in the early days of Singapore's history, the ownership of each piece of land was not as clear as it should have been. The English law generally applies in Singapore, which was a former British Crown Colony, though subjected to local customs.⁵ This chapter traces the introduction of various laws and processes over the years, in particular the changes that enabled the accurate survey and proper registration of land and ensured certainty in land ownership.

EARLY ATTEMPTS TO CREATE A PROPER REGISTER OF LAND

Singapore's early days as a British colony—with no proper surveys, and titles issued without covenants⁶—have been described as a time of “utter confusion and chaos”.⁷ The lack of covenants, such as allowable use and maximum development intensity, meant that the use and development of land tended to be haphazard and uncoordinated. In 1819, following the founding of a British trading post in Singapore, a registry for land registration—later named the Land Office (presently part of the Singapore Land Authority)—was set up under the Resident,⁸ who governed the colony on behalf of the British East India Company. It was believed to be one of the earliest government departments besides the security unit and the unit in charge of the port.⁹

Exhibit 1: Evolution of Singapore's sovereignty



The founder of modern Singapore, Sir Stamford Raffles, wanted to put in place proper measures to ensure that each person had the “[sic] indisputive possession of the spot he was allowed to occupy”.¹⁰ He asked that a proper register be kept, issuing each occupant of the land a certificate demarcating a clear boundary of the land occupied. Raffles allocated land in preference of merchants and artisans before farmers—separating them by nationality or ethnicity—and reserved the seafront land for the government. This was reflected in the Raffles Town Plan, also known as the Jackson Plan, which was first formulated in 1822 and later drawn up by Lieutenant Philip Jackson in 1828. The administration of Singapore saw several changes over the approximate 150 years of British rule.

By the early 1820s, Singapore was a small trading settlement of a few hundred people. Rent-free location tickets—issued initially for occupation, entitling their holders to permanent grants or fixed-term leases after a proper survey—were freely issued in great numbers, such that by 1826, only 10% of the island remained unoccupied.¹¹ During the time, since rent was payable upon issuance of the grant, many people delayed having the land surveyed. This was until the colonial government introduced a regulation in 1826 that punished those who deliberately delayed the survey of the land with forfeiture of occupation rights. The earliest titles in Singapore—the first 999-year leases—were issued that year to location ticket holders who complied with the land survey requirement.¹²

INACCURATE SURVEYS HINDERED PROPER LAND REGISTRATION AND ADMINISTRATION

However, earlier attempts at survey and registration reforms were fraught with inaccuracies and enforcement issues, and did little to rectify the situation of chaos and poor land records.¹³ This was aggravated by the fact that the colonial administrators were unable to handle the huge influx of settlers, as by 1823, the population had swelled from 200 to

approximately 10,000.¹⁴ Changes in land ownership then were executed between individuals through deeds,¹⁵ without any system of public record. By the 1880s, there were some 18 different forms of Crown titles issued.¹⁶ These land titles did not render security of tenure since there was no proper survey and registration of land.¹⁷ This led to extensive encroachment of Crown lands¹⁸ as well as uncertainty and frequent disputes over boundaries between landowners. Up until 1887, there was also no overall physical plan for the development of Singapore in place to guide the municipality. The land use policy then was only effective to the extent of controlling the erection, size and class of buildings, and the private ownership of land and land subdivisions.¹⁹



Coffee Plantation in Singapore (left), and Singapore Town in the Vicinity of St Andrew's Cathedral in the 1890s (right).

Images courtesy of the National Archives of Singapore.

REASONS FOR THE CONFUSION AND CHAOS IN THE 1820S–80S

No Proper Land Laws

Believed to be the first set of local land laws, the Singapore Land Regulations was introduced in 1830. The Regulations provided for the provision of Superintendent of Lands, Registrar of Titles, and prescribed conditions for the issuance of grants and leases. However, by 1837, the Regulations was repealed on the basis that the Governor-in-Council of the Straits Settlements had no jurisdiction to pass the regulations.²⁰

No Proper System of Registration of Land

As parties could freely and privately exchange ownerships and subdivide land by executing deeds without any public record, the government was unable to identify the persons that it had to collect rent and other dues from, resulting in forfeited revenues. To ascertain legitimacy of land ownership, deeds had to be traced back through previous transactions to determine the chains of land ownership, which was a time-consuming and onerous process. Survey accuracy was also limited by the precision of the instruments and technologies of the time. Until 1856, there was practically no legal control over the development of land.²¹

Poor Land Survey Records

The Survey Department commenced operations in 1826. Early attempts at survey and registration failed due to inaccuracies and enforcement issues.²² The Straits Land Act No. XVI (1839) drafted by W. R. Young—a special commissioner appointed by the Indian government to investigate the land matters in Singapore—emphasised the importance and urgency of undertaking a systematic survey of all lands.

Taking reference from the repealed Singapore Land Regulations, Young proposed a method of land registration that comprised three separate sets of land registers, which covered town lands, agricultural land and mortgaged town or agricultural lands. However, while there were some attempts at registration and records, these were not compulsory procedures and the registration of deeds was not accorded priority. These attempts therefore failed to establish much order.²³

In 1841, following Young's recommendation, the Straits Settlements' appointed Surveyor John Turnbull Thomson, who made the first real effort to introduce order to Singapore's land records by commencing a systematic survey of the Crown's holdings. However, being fraught with inaccuracies, the survey did not add much value.²⁴ By 1879, adopting the recommendations of an 1870 Commission to separate the Land Office from the Survey Department, the Land Office reported to the Colonial Secretary's Office, and the Survey Department was incorporated into the Public Works Department, reporting to the Colonial Engineer.²⁵ During this time, more focus was placed on supporting engineering works rather than getting the surveying works in order.²⁶



REASONS FOR THE CONFUSION AND CHAOS IN THE 1820S–80S

Continued...

Non-uniformity of Titles Issued

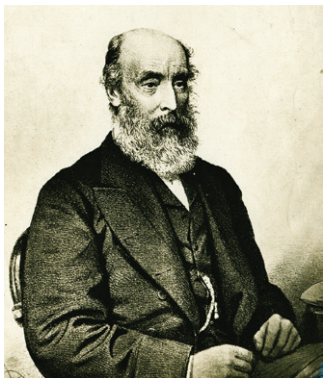
Various types of titles were issued for similar categories of land during this period, ranging from temporary licences to 99-year and 999-year leases and fee simple grants.²⁷ Building lots within the town and suburban areas were sold for 999 years, while lands intended for agricultural purposes were sold for 10 years. Other forms of tenure prevalent were leases for a variety of terms ranging from 30, 60, 99 and 999 years to perpetual leases, subjected only to quit rent. The various forms of alienation—licences, permits, leases and grants—were often made without conditions of tenure and without right of resumption by the Crown.²⁸ This added to the confusion and posed difficulties for the Crown to repossess land for development, infrastructure and other purposes.

MAJOR LEGISLATIVE REFORMS TO ACHIEVE CERTAINTY IN LAND DEALINGS

By 1878, the increasing restiveness of the public escalated the need for a reliable land survey system and registration regime.²⁹ Riding on the recommendations from earlier colonial engineers (J. F. A. McNair in 1875; Henry E. McCallum in 1880), Sir William Edward Maxwell (1846–97) was appointed the first Commissioner of Land Titles in 1882 to review the issue of land tenure and administration in the Straits Settlements and study the applicability of Australia's Torrens system in Singapore, in light of the latter's successful land reforms (see The Torrens System of Title Registration).³⁰ However, while the government in the 1880s was already aware of the deficiencies in the existing deeds system and the merits of adopting the Torrens system in Singapore, the Torrens system could not be implemented until an accurate and up-to-date land survey was conducted.

The Registration of Deed Ordinance was put in place in 1886 as an interim measure to reduce fraud. The Registration of Deeds system depended on a physical document known as the "title deed" that had to be updated each time a transaction occurred, thereby creating a "chain of title" that was passed from owner to owner. Often, deeds were filled with gaps in the chain of title ownership, and the tracing of ownership was a time-consuming process. Those who registered their deeds were given priority in the admission to courts. However, this was not helpful as the registering of land ownership was not compulsory. By 1895, a plan had to be surveyed to the satisfaction of the Surveyor General, before the final registration of a deed.³¹ This ensured that the boundary was adequately determined and verified before a deed was issued, thereby overcoming vagueness in land ownership.

THE TORRENS SYSTEM OF TITLE REGISTRATION



Sir Robert Richard Torrens
(1814–1884).

Image courtesy of the State Library of
South Australia - B 8411.

The Torrens system was introduced in 1857 by Sir Robert Torrens, a Collector of Customs at Port Adelaide in South Australia. As a former customs officer, he was familiar with the system of registration of ships. Torrens felt that land should be regarded in the same way as ships—that all rights in land and transactions in land should be recorded in a public register, and if they did not appear on the register, they should not be considered in any way and should be treated as if they did not exist.³²

The Torrens system offered several advantages over the deed system of land registration. Unlike the deed system, it conferred indefeasible titles guaranteed by the state on their proprietors, and the validity of a proprietor's title was not dependent on the validity of the predecessor's title. Titles to the land were not brought into effect by an instrument in writing executed by an owner, but by registration of that instrument with the state. Provided that the proprietors had acquired the land in good faith and value, an indefeasible title could not be challenged, and was subject only to other interests as registered in the land register, and exceptions as provided in the regulations. Since transfers of title were only brought into effect by entries into the land registry, persons were indemnified against losses from fraud or errors by the registry. The Torrens system was also administratively simpler, as a certificate of title could be issued upon completion of statutorily prescribed forms.

Sir William Maxwell, known for his tenacity and drive, recommended a series of legislative reforms.³³ The Crown Lands Ordinance³⁴ was legislated in 1882 for the resumption of Crown land and to rationalise the 18 forms of Crown titles. It also made encroachments on Crown land criminal offences punishable by fines and imprisonment.³⁵ By 1884, the provisions of the Crown Land Ordinance were strictly enforced. In instances where owners of plantations refused to apply for titles, their crops were destroyed.³⁶ The Crown Lands Encroachments Act (1883) was further enacted to prevent encroachments upon state lands.³⁷

To avoid impediments to town improvements as a result of expensive land acquisitions of freehold lands and to rationalise the various Crown titles in existence, the Crown Lands Rules was later passed in 1947 and it made clear that 99-year leases—instead of freehold titles—were to be issued for all instances, except for land improvements of a less permanent nature, for which the lease could be shorter³⁸ (see Origin of Issuing 99-year Leasehold Titles in Singapore).

The Boundaries and Survey Maps Ordinance (1884) was introduced to prepare the ground for rationalisation of titles and occupation, and to pave the way for the implementation of the Torrens system of land registration in Singapore. The Boundaries and Survey Maps Ordinance provided the machinery for a complete resurvey of the colony. The boundaries of occupations were to be displayed publicly based on the resurvey, and after a statutory period during which they were open for objection, would be deemed as final.⁴³ Recognising that it was not possible to establish the registration of titles until there was a proper survey of the island, Maxwell initiated a Resurvey of Singapore in 1897. The first survey map of Singapore was completed around 1902, giving rise to Mukims and Town Subdivisions, labels that are still used to name land lots today.⁴⁴

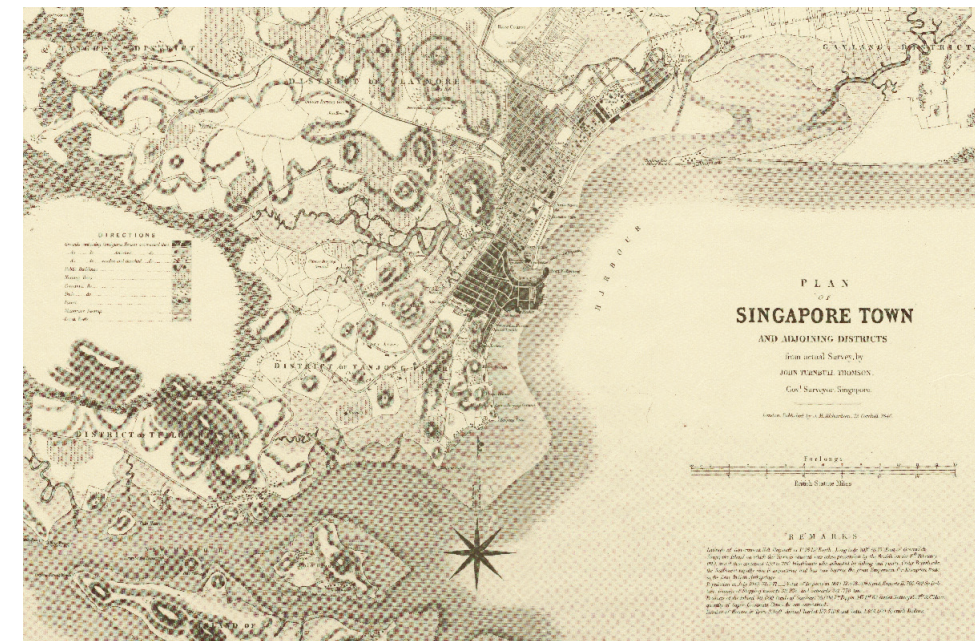
ORIGIN OF ISSUING 99-YEAR LEASEHOLD TITLES IN SINGAPORE

It is believed that the Commissioner of Lands for the Straits Settlements, Sir William Maxwell, expressed his concern for the perpetuation of the permanence of freehold titles such as the Statutory Land Grants (SLGs). If the land needed for town improvements could be obtained by terminating leases, such improvements could be carried out more easily and cheaply. However this would be impossible if the land were SLGs that had to be purchased at exorbitant rates.³⁹ Hence, a ruling was passed, enshrined in Rule 16 of the Crown Lands Rules (1947),⁴⁰ to officially proclaim that 99-year leases should be issued in all instances instead of SLGs.

Other forms of leases were also granted, but only in exceptional cases. For instance, in cases of Crown Reserves for roads, or where small strips of Crown Land were adjacent to land held under a Grant in fee simple, leases such as Grants in fee simple, SLGs and 999-year leases could be issued instead, in accordance with Section 18 of the Crown Lands Ordinance.⁴¹ This allowed the owner to hold a uniform type of title over all of his or her land, facilitating development.

Riding on the legacy left by the British, modern Singapore continued with the practice of issuing leasehold leases of up to 99 years. Presently, this tenure policy is preserved in Rule 10 of the State Lands Rules of the State Lands Act (Cap. 314, Section 3), which states that “the title ordinarily to be issued shall be a lease for a term not exceeding 99 years, except that where the land is not capable of independent development and is required for development with the applicant’s land, the title may be the same as that of the applicant’s land”.⁴²

In 1902, the Licensed Surveyors Ordinance was passed to prohibit the registration of any deed that was not accompanied by a plan that was signed by a Licensed Surveyor or prepared by the Survey Department. This was intended to address concerns pertaining to the ill-preparation of plans done by persons without adequate technical knowledge.⁴⁵ In view of the deficiencies in the earlier Resurvey, a Revision Survey commenced around 1930, producing lithographs and involving greater checks by staff who were beginning to appreciate the complications and complexities of the Singapore land administration and survey work.⁴⁶



Plan of Singapore Town and Adjoining Districts.
From Actual Survey by John Turnbull Thomson, Government Surveyor (1846).
Image courtesy of the National Archives of Singapore.

ADVENT OF THE TORRENS SYSTEM OF REGISTRATION IN SINGAPORE

By the late 1930s, there was a greater need for expediency and certainty in land transactions. An updated land registry and legal infrastructure were not only crucial for a well-functioning property market, but also for the establishment of property tax and other land-based financing mechanisms. The implementation of the Torrens system was considered necessary even though the government was not entirely ready with an accurate and up-to-date land survey system. It was only after the Second World War that the introduction of the Land Titles Ordinance in 1956 provided the legal backing for Singapore to adopt the Torrens system of land registration in December 1960. It is now known as the Land Titles Act (Cap. 157).

The first Certificate of Title was issued under the Torrens system in 1961, and the system continued to enable the conferring of indefeasible titles guaranteed by the state. It replaced the antiquated Registration of Deeds system that had to be updated whenever a transaction occurred. With the Land Registry as the central registry under the Torrens system, there was no need to investigate the whole chain of titles in order to ascertain the validity of ownership.⁴⁸ While it was intended for all lands in Singapore to ultimately be brought under the Torrens system, both the deeds and Torrens system had to operate in parallel for some time until all existing deeds could be converted to the Torrens system.⁴⁹

However, despite the establishment of the legislative foundation and systems for land management in Singapore, the government struggled with the issues of burgeoning squatters and lack of proper housing, aggravated by the huge influx of immigrants during the late 1950s and 1960s. By 1959, Singapore had attained self-government, and the newly elected government—formed by the People's Action Party (PAP)—was in charge. The party leader of the PAP, Lee Kuan Yew, became the first Prime Minister of Singapore.



Early map showing the Mukims and Town Subdivisions (1932).
Image courtesy of the Singapore Land Authority.

To a certain extent, these laws introduced at the turn of the 19th century provided for permanent titles, proper resurvey, and the publication and public display of maps. The deeds registered under the Registration of Deeds Ordinance indicated ownership of the land, which was recognised by the courts on the condition that the survey plan was signed by a licensed surveyor or the Survey Department based on the Licensed Surveyors Ordinance. This ensured that the survey plan was prepared by a technically qualified person with accuracy as required by the Boundaries and Survey Maps Ordinance. The three ordinances were introduced to facilitate the registration of the deeds and to attain a certain degree of accuracy of land survey and boundary. Titles were simplified and encroachments were tackled. These facilitated dealings in land, although the registration system was still not guaranteed by the state.⁴⁷

CHAPTER 3

FOUNDATION-BUILDING: POLICIES GEARED TOWARDS RAPID DEVELOPMENT

“ ... At the low point [in the property market], people gave up on Singapore and said, ‘this place is going down the drain’ and property prices went down. So I pushed this legislation [Land Acquisition Act] through. It’s probably because of my legal background that I wanted to get the legality of what we were doing properly entrenched, so that it cannot be varied and changed for fickle reasons ... ”⁵⁰

Lee Kuan Yew, first Prime Minister of Singapore

Following self-government, Singapore had a short-lived merger with the Federation of Malaya between 1963 and 1965. With Singapore’s subsequent separation from the Federation of Malaya in 1965, the elected People’s Action Party (PAP), led by then Prime Minister Lee Kuan Yew, was fully in charge of governing Singapore. The young nation faced various issues such as rapid population growth, a serious shortage of housing with proper sanitation, inadequate health and education services and, given its small domestic market, uncertainty over its economic future.

The Housing and Development Board (HDB), set up in 1960 and led by pioneers such as Lim Kim San and Howe Yoon Chong, rolled out five-year housing programmes to “break the back” of Singapore’s housing problems. The Economic Development Board (EDB) was formed in 1961 as the leading agency for economic development. It was given the authority to administer land to deal with industrial needs expeditiously until the Jurong Town Corporation (JTC) took over the industrial infrastructure planning and development in 1968. Infrastructure-building, critical to spur industrial development, also came under the purview of government agencies such as the Port of Singapore Authority (PSA), Public Utilities Board (PUB), Public Works Department (PWD) and Singapore Telecoms.

The government also established the Urban Renewal Unit within HDB in 1964—later renamed the Urban Renewal Department (URD) in 1966—to rejuvenate Singapore’s Central Area. Central to the URD’s city renewal efforts was its Sale of Sites programme initiated in 1967 for various commercial, residential and ancillary purposes⁵¹ deemed essential to support the growth of the revenue-generating financial and tourism sectors.⁵² It was later known as the Government Land Sales (GLS) programme.



Toa Payoh Village in 1963 (left) was redeveloped into Toa Payoh New Town in 1966 (right).

Image from the National Archives of Singapore and Ministry of Information and the Arts Collection, courtesy of the National Archives of Singapore.



Jurong Industrial Estate in 1962 (left) and 1967 (right).

Image from the National Archives of Singapore and Ministry of Information and the Arts Collection, courtesy of the National Archives of Singapore.

With assistance from the United Nations Development Programme (UNDP), the government embarked on the State and City Planning (SCP) project in 1967. Comprising UNDP experts and local professionals within the civil service, the SCP developed Singapore's first Concept Plan in 1971. The first Concept Plan guided the long-term land use and physical development of Singapore, with the assumption that the population would reach 3.4 million by 1992. The Concept Plan has evolved into a strategic land use and transportation plan that guides Singapore's development over the next 40 to 50 years. The Concept Plan is translated into the statutory Master Plan, a detailed land use plan showing the permissible land uses and densities for developments in Singapore in the medium term over the next 10 to 15 years. The Concept Plan and Master Plan, which are reviewed and updated periodically, form the backbone for Singapore's development and land optimisation efforts.

THE 1966 LANDMARK LAND ACQUISITION ACT: ENABLER OF SINGAPORE'S EARLY DEVELOPMENT

To meet the pressing needs of the time, such as economic development, housing, health and education, adequate land was urgently needed for the building of public infrastructure and development. Besides housing, industrial use and urban redevelopment, land was also required for the construction of roads, schools, and community and recreational facilities.⁵³ However, substantial tracts of land in Singapore were then held by a relatively small group of private enterprises and individuals.

Although the British colonial government enacted the Land Acquisition Ordinance in 1920 to acquire private land for public purposes, landowners could raise the prices of their lands in an area earmarked for such projects. The legislation also allowed for the right to appeal in each and every case to the High Court. This unduly increased the cost and time taken for land acquisition and made public projects exorbitant, difficult or nearly impossible. Moreover, most of these acquisitions at that time were for military or industrial purposes, with little land allocated to housing for the general population.

To facilitate land acquisition for public purposes and prevent landowners from making windfall gains from the acquisition as a result of land-value enhancing public projects, the Land Acquisition Bill⁵⁴ was introduced on 26 October 1966 and came into effect on 17 June 1967.⁵⁵ Unlike the Land Acquisition Ordinance, the Land Acquisition Act allowed the state broad powers to secure private land for a very wide variety of purposes namely, for any public purpose, for public benefit and/or public utility, and for any residential, commercial or industrial purposes,⁵⁶ without excessive financial cost. Once gazetted, under Section 5(3) of the Land Acquisition Act, the declaration was conclusive evidence that the land was needed for a public purpose. The government's decision to compulsorily acquire land was final, and the Act did not provide any avenue for landowners to object to the decision. Compensation paid to landowners was generally below existing market rates, and landowners could make an appeal to the Appeals Board—rather than the High Court—to adjudicate on the amount of compensation paid.

Section 5(1) of the Land Acquisition Act states that:

Whenever any particular land is needed—

- (a) For any public purpose;*
- (b) By any person, corporation or statutory board, for any work or an undertaking which, in the opinion of the Minister, is of public benefit or of public utility or in the public interest; or*
- (c) For any residential, commercial or industrial purposes, the President may, by notification published in the Gazette, declare the land to be required for the purpose specified in the notification.⁵⁷*

Section 5(3) of the Land Acquisition Act states that:

The declaration shall be conclusive evidence that the land is needed for the purpose specified therein as provided in subsection (1) of this section.

The landowner may also apply to the Court of Appeal on points of law. The Court of Appeal will then hear and determine any question of law arising from the stated case, but there would be no further right of appeal following the Court of Appeal's decision. Hence, the landowners cannot dispute the compensation indefinitely and there is finality to the award quantum. The visionary political leaders in the early days had envisaged that in a land-scarce city-state like Singapore, it was imperative to make provisions to acquire land when required for nation building. According to Lee, the Land Acquisition Act had been right from the outset:

"... At the low point [in the property market], people gave up on Singapore and said, 'this place is going down the drain' and property prices went down. So I pushed this legislation [Land Acquisition Act] through. It's probably because of my legal background that I wanted to get the legality of what we were doing properly entrenched, so that it cannot be varied and changed for fickle reasons ..."⁵⁸

Legislation Uniquely Adapted to the Local Context

The Land Acquisition Act encompassed a two-year rule which disregarded the value of improvements made by the owner to his property two years prior to the acquisition, if these were made in anticipation of the acquisition, and a seven-year rule which disregarded any increase in value that was attributable to infrastructural works in the surrounding estate done by the government seven years prior to the acquisition.⁵⁹ The compensation under the Act was also subject to various conditions and exclusions. From 1973 onwards, compensation was pegged to the lower of either the market rate at a specified statutory date which was revised periodically, or the current market value.⁶⁰ These provisions helped to keep land acquisition affordable for the government.

Compensation to landowners for their loss of sea frontage also came to an end in 1964 with amendments to the Foreshores Act. At the time, much of the land along the eastern coast of Singapore was privately owned. The changes to the Foreshores Act paved the way for the acquisition of seafront land for land reclamation, without the government having to compensate landowners excessively for their loss of the seafront. This allowed for the construction of large-scale public housing, such as Marine Parade, on prime reclaimed seafront land. It also laid the foundation for the future expansion of the central business district through the reclamation of Marina Bay, which started in the mid-1970s.⁶¹ Lee explained:

"The key obstacles were a lack of land and the high cost of compensation for coastal land. So, we passed a law which said that when the government acquires coastal land, we compensate without taking into account that it's by the seasideWe just acquired as many large pieces of land as possible and claimed the right to reclaim coastal areas ..."⁶²



View of land reclamation along the sea off Nicoll Highway to Beach Road (1976).

Image from the Ministry of Information and the Arts Collection, courtesy of the National Archives of Singapore.

Together with the amendments to the Foreshores Act, the Land Acquisition Act helped to overcome the existing problems that would have otherwise hindered large scale rehousing and land development. By compulsorily acquiring large parcels of land and redeveloping them comprehensively, the government also effectively kept housing and industrial infrastructure affordable, especially at a time when Singapore was still a young and developing nation.⁶³ The Land Acquisition Act was undeniably the cornerstone for the vast low-cost housing programmes in Singapore, and helped to address the nation's urban needs and social plans, transforming Singapore from a Third World country to a First World country within a generation. The success of Singapore's housing programmes is also attributed to uniquely worded legislation adapted to the local context, and a sound institutional set up with checks and balances.

The other unique provisions in the Land Acquisition Act were the Fire Site Provisions, which were introduced following a devastating fire at Bukit Ho Swee in 1961. The disaster wiped out a large squatter settlement and rendered thousands homeless. To allow for quick resettlement of the households affected by the fire, these provisions were implemented under a certificate of urgency (i.e. with immediate effect, without having to go through the usual three parliamentary readings to pass new legislative provisions). These provisions were also made with the intention to curb possible abuse by absentee landowners.⁶⁴ In particular, the clauses were written to issue adequate compensation to the landlord without undue windfall, and more importantly, to allow for efficient financial settlement and rehousing of the tenants (see The Fire Site Provisions).



Bukit Ho Swee fire in 1961 (left). Some of the fire victims were rehoused in HDB flats built on land acquired for public housing at the fire site, such as the Bukit Ho Swee housing estate (right).

Image from the Ministry of Information and the Arts Collection, courtesy of the National Archives of Singapore.

THE FIRE SITE PROVISIONS

Some special rules were laid down as a result of the Fire Site Provisions.⁶⁵ These provisions were to be appreciated in the context of the Control of Rent Act in force at the time, which prevented owners from raising rents or repossessing the property.⁶⁶ A fire could potentially allow a landlord to repossess the property, clear the encumbrances and sell it at a higher price. Hence, the fire site provisions would prevent property owners with “encumbered” land from gaining undue benefit from a calamity.

The Fire Site Provisions could be found in Section 33 of the Land Acquisition Act, prior to its 2007 abolishment (see Appendix A). In principle, the Fire Site Provisions stated that in the case of acquisition of any land devastated or affected directly or indirectly by fire or any act of God, or any land immediately adjoining such land as required for a public purpose acquired within six months of the fire, the compensation for the acquired land would be made with consideration for the market value of the land immediately before the fire “[with] due regard [for] the fact that at the material time the land could not have been conveyed with vacant possession as it was subject

to encumbrances, tenancies, or occupation by squatters, but without taking into account the value of any buildings or structure, permanent or otherwise, on the land at the material time”. The amount of compensation for such land should not exceed one-third of the value had it been vacant (i.e. no encumbrances, tenancies or squatters).

Hence, by effectively limiting the amount of compensation due to devastation by fire, the fire site provisions would prevent landlords from enjoying the benefit of an increased land value caused by the fire that cleared their land of squatters and tenants, especially those protected by the Control of Rent Act.⁶⁷ These provisions would do away with the need for negotiations with the landlords and tenants over cumbersome compensation of structures, and allow efforts to be focused on land clearance and the rehousing of affected tenants quickly.

Following Singapore’s rapid urban renewal of the 1970s and 1980s, and the abolition of rent control, the initial justification for the provisions was no longer valid.⁶⁸ Therefore, on 12 February 2007, the Fire Site Provisions were abolished. Compensation for land devastated by fire or any other calamities is now assessed no differently from any other acquired land.⁶⁹

The legislation for land acquisition was thus uniquely adapted to the local context in Singapore and expedited the process of land possession by the government for public purposes. Unlike other countries such as India, where there could be endless compensation appeals and challenges from landowners that held up developments for years,⁷⁰ Singapore was able to proceed swiftly with housing and other developments soon after the land was acquired. This was because the Land Acquisition Act allowed the Land Office to take possession of the acquired land even if the owner wanted to appeal against the statutory compensation provided.

Compensation at market values pegged to historical statutory dates kept acquisition cost affordable for the government and greatly facilitated the industrialisation and housing programmes. By 1965, about 54,000 HDB flats were built, and by 1970, HDB had largely resolved the housing shortage.⁷¹ Land acquisition supported urban renewal efforts, such as the growth of the commercial and business districts in downtown Singapore. The acquisition of land also facilitated the relocation of the airport from Paya Lebar to Changi in 1981. By 1985, land acquisition had enabled the development of 20 industrial estates by the JTC, including the Jurong Industrial Estate. This contributed to the employment of 217,000 workers—over 70% of Singapore’s manufacturing workforce—in some 3,070 factories.⁷² From the 1980s, land was acquired for major infrastructure developments such as the East-West and North-South Lines of the Mass Rapid Transit (MRT) and road expansions.

SOUND INSTITUTIONAL SET UP WITH CHECKS-AND-BALANCES

With regard to institutional set up, it seemed clear to the political leaders from the outset that planning functions and land administration functions had to be distinct and separate, unlike in some other countries which typically housed the two functions under one ministry. Land use planning is the responsibility of the Ministry of National Development (MND) and its agency, the Urban Redevelopment Authority (URA). In the drafting of the Concept Plan and Master Plan, the URA also seeks input from the relevant statutory boards and public sector agencies, such as the Land Transport Authority (LTA), HDB and the SLA. The MND and the URA are also responsible for the planning and coordination of the GLS programme, a key instrument towards the implementation of Singapore’s development plans in a timely manner. On the other hand, land administration—including

land registration, survey and management of state lands—falls under the purview of the Ministry of Law, and its agencies, the Land Office and the Land Registry, which were reorganised into the SLA in 2001.

This separation of functions came early in Singapore’s history. The Land Office and Land Registry had existed since the early days of the British colonial administration. During the tenure of E. W. Barker, who became Minister for Law in 1964 and subsequently took on the additional position of Minister for National Development in 1965, the Planning Department—which was first under the colonial-era Singapore Improvement Trust, before briefly coming under the jurisdiction of the Prime Minister’s Office—was moved to the MND.⁷³ Despite a recommendation by the Ministry of Finance (MOF)—as part of a 1981 review of the civil service—that the Land Office and other related functions be transferred to the MND,⁷⁴ this move did not materialise. The separation of powers and functions between the two ministries and agencies was deemed necessary to safeguard the integrity of the land administration and management process, including preventing potential abuse of the state’s broad land acquisition powers. Ng Ooi Hooi, former Commissioner of Lands concurred:

“Even from ... the ‘60s and ‘70s ... in our Land Office and Ministry of Law files, it was very clear that conceptually [the functions] were separate: the land planning, the land ownership, and the land pricing ... from Land Office.”⁷⁵



Minister for Law and National Development, E. W. Barker, drawing lots at the balloting of Toa Payoh flats (1966).

Image from the Ministry of Information and the Arts Collection, courtesy of the National Archives of Singapore.

Prior to 1987, some statutory boards in charge of major infrastructure developments, such as the HDB, URA, JTC and PSA, were also empowered to acquire lands directly. Such agencies had, among their staff, those who were appointed Collectors of Land Revenue, and thus were empowered to undertake proceedings under the Land Acquisition Act.⁷⁶ Ten statutory boards—HDB, URA, PSA, Mass Rapid Transit Corporation (MRTC), JTC, Public Utilities Board (PUB), Civil Aviation Authority of Singapore (CAAS), EDB, National University of Singapore (NUS) and the Preservation of Monuments Board (PMB)—also had explicit power in their statutes to request permission from the President to compulsorily acquire private land required for their development.⁷⁷ Lee Ket Ting, a former Collector who headed the Land Acquisition Department in the 1970s and 1980s, clarified that a system of checks and counter-checks by the statutory boards and the Chief Valuer generally prevented potential abuse of such acquisition powers:

“There were a lot of counter checks because ... for instance, ... if any Collector [of Land Revenue] gives an award out of line ... the public will come to know about that ... Then in any appeal case, this will be quoted against ... the Collector for other cases. When you issue the [award of] X dollars, which is above the line of generally X minus something, this will act against you. Normally the statutory boards’ valuation is counter checked by the Chief Valuer, so we will go to ... ask the Chief Valuer whether the value is out of line ... ”⁷⁸

However, some statutory boards were perceived to be holding land in excess of their short-term needs; and not all acquired sites were put to their intended uses immediately. There was also some unease over agencies like the URA that had roles in both land acquisition and land sales. These eventually led to a reform of the institutional structure for land acquisitions in the late 1980s (see Chapter 4).

IMPROVING LAND REGULATIONS TO FACILITATE DEVELOPMENT

The Land Titles Act was also amended to support the modernisation of land registration to the Torrens system, which provided a sound basis for land administration. The Land Titles Act came into operation in 1959 and paved the way for Singapore to switch over to the Torrens system of land registration. However, the conversion of deeds to titles under

the Torrens system proved to be a protracted process. To speed up the conversion, several amendments were made in 2001, including allowing the state to convert the deeds to title by giving notice—through advertising in the newspapers and sending a copy of the notice to the owner—that the conversion would take place after a stipulated period of time.⁷⁹ Bryan Chew, the current Registrar of Titles and Deeds, and Assistant Chief Executive of the SLA, reflected: “We have come a long way from the old days when land documents came in the form of common law deeds with lengthy recitals. The Torrens system allowed the creation of a comprehensive and authoritative register of land ownership information. Land transactions can be entered into with certainty and confidence.”⁸⁰

With the rapid development of Singapore in the 1960s, the volume of cadastral surveys soon became unmanageable. To inject competition into the industry and increase efficiency, private surveyors were later engaged to conduct cadastral surveys through the 1970 Land Surveyors Act.⁸¹ The Land Surveyors Act was amended in 1991 to establish the Land Surveyors Board, and provide for the registration of land surveyors and regulation of the industry. The new Boundaries and Survey Maps Act was introduced in 1998⁸² to improve the accuracy of surveys by allowing for the adoption of modern surveying technology and legalisation of the survey maps in electronic form.

En bloc Redevelopment

Other laws were introduced to set out clear responsibilities and ownership for the maintenance and improvement of common property, and better facilitate redevelopment of older developments. Before the 1960s, there were a large number of private residential developments in which the developers retained ownership of the common property. In such cases, however, the developer often had little incentive to maintain or improve the common property and areas within the residential estates. As the residential property owners who lived in the estate did not own the common property, they found it difficult to step in. This created maintenance problems and ambiguity in tenure security during conveyancing. In 1967, these problems were overcome by the passing of the Land Titles (Strata) Act (LTSA).⁸³ This facilitated the subdivision of land into the stratum of air space or subterranean space, the collective sale of such strata developments, and the disposition of titles with a joint ownership in common property. It also outlined the rights and responsibilities of subsidiary proprietors and the conduct of a management corporation.⁸⁴

In 1999, a radical amendment was made to the LTSA to facilitate private sector-led redevelopment in Singapore: it allowed for majority consensus, rather than unanimity, for collective sales (popularly referred to as en bloc sales) of strata developments.⁸⁵ Before the amendment, such a sale could only occur with the unanimous consent of all unit owners in a strata development. This resulted in the what was coined the “tyranny of the minority” as a single owner could hold up the sale of the development and frustrate the will of the majority of the owners, leading to strained and acrimonious relationships.

As a result, many buildings on land zoned for higher plot ratios could not be redeveloped to realise their full development potential and be rejuvenated through the en bloc sale process. This meant that land usage was sub-optimised. The facilitation of en bloc redevelopment meant that more housing units could be added to house Singaporeans, especially in prime 999-year leasehold or freehold areas.⁸⁶ For developments that are ten years or older, an 80% majority consent is now required, while properties younger than 10 years require 90% consent.⁸⁷ The new en bloc regime therefore provides a balance between allowing the substantial majority of the owners in a strata titled development to carry out an en bloc sale while ensuring that the rights of non-consenting owners are protected. Non-consenting owners can file an objection to an en bloc sale to the Strata Titles Board (STB) on grounds of financial loss, or if they believe that the collective sale has not been carried out in good faith. The STB is empowered to mediate disputes between consenting and non-consenting owners, and may refer cases to the High Court for further adjudication where necessary.

Singapore's en bloc sale frenzy between 2006 and 2007, was unparalleled anywhere in the world. In that year, collective sales hit \$8.2 billion,⁸⁸ leaping to \$12.2 billion in the following year.⁸⁹ The LTSA has been amended several times to fine-tune and provide more safeguards for all unit owners, as well as to ensure greater clarity and equity. In 1999, majority consent was based solely on share value, but amendments were introduced in 2007 to base majority consent on both share value and strata area in order to balance the equity among strata-title owners.⁹⁰ Although the government recognised that each owner had the right to decide whether to sell his flat, it has to balance this with the larger public interest of land

optimisation and rejuvenation given the scarcity of land in Singapore. According to Vincent Hoong, former Chief Executive of SLA, this was what set Singapore apart from other countries:

“We look at the larger objective. The infrastructure improvements in the surrounding could support a higher density development. Hence, more people can enjoy that piece of land if the strata development is redeveloped. Furthermore, there could be existing landowners who are happy to monetise their investments.”⁹¹

The Residential Property Act: Preventing Land Hoarding and Speculation by Foreigners

The government also took steps to prevent land hoarding and unhealthy speculation that impeded national development or compromised social equity. Faced with escalating prices of real estate in the 1970s, the Singapore government decided to focus on “keeping down the cost of residential property, leaving the market value of commercial and industrial properties to find their levels by the interaction of factors governing supply and demand”.⁹² There were fears that non-citizens who were able to buy private residential properties, which at that time largely comprised landed properties, were putting quality private housing out of the reach of middle-income Singapore citizens who did not qualify for HDB flats and could not afford more expensive options. As Hoong shared:

“At one time, foreigners flocked to Singapore. They started buying landed properties. Back in those days, private housing options were limited and landed properties were the aspirations of the middle class and that's when Mr Lee [Kuan Yew] felt that, if we carried on like this, they [the middle class] would be crowded out, and they didn't really have many housing options. It was between HDB and buying landed [property] ... ”⁹³

A government press statement issued on 10 September 1973 made it known that, as from the day immediately following the announcement, only Singapore citizens would be permitted to purchase any type of residential property without any restrictions.⁹⁴ The situation was pressing, and Prime Minister Lee Kuan Yew decided that he could not afford to wait

for the formal legislation to be set in place. The Residential Property Act was hence passed retrospectively in 1976. Along with the restriction placed on the foreign ownership of private residential property, the Residential Property Act, in its inception, aimed to keep private housing prices low and stable, and allowed those in the middle-income range to afford their own homes.⁹⁵ E. W. Barker, Minister for Law, during the second reading of the Residential Property Bill almost two years after the restriction was imposed, said:

“We, therefore, need not only to husband land more carefully but also to ensure that, insofar as residential properties are concerned, citizens of Singapore are able to purchase their own houses. While those eligible for Housing and Development Board flats are catered for, and the well-off can afford the more choice residential property, it is for the middle income groups who find housing of reasonable standards beyond their means—our teachers, administrators, lawyers, engineers, executives, civil servants, etc ...—for whom every endeavour should be made to enable them to enjoy home ownership.”⁹⁶



Four-storey private apartment in Kim Yan Road.
Image courtesy of the National Archives of Singapore.

Under the Residential Property Act, foreigners could no longer buy landed residential property, without the government's approval. They were only allowed to purchase apartments in buildings with six or more storeys or at approved condominium developments. It was only in 2005 that this was relaxed to allow foreigners to buy units in buildings with less than six storeys, without having to obtain prior approval. Foreigners are still not allowed to purchase vacant land and landed properties, including those in non-condominium strata developments. Foreigners who wish to purchase landed residential properties have to make an application to the government for approval to do so.⁹⁷

Similarly, foreign developers⁹⁸ were also required to apply for Qualifying Certificates (QCs) when they bought private residential land for development. The QC scheme aims to prevent foreign developers from hoarding land or speculating in residential land in Singapore,⁹⁹ which would contribute to a volatile market and inefficient allocation of a scarce resource. Developers who were unable to complete the development or sell all units within the stipulated time frame would potentially have their banker's guarantee forfeited. These restrictions continue to apply today – developers are given up to five years to complete a project and two years to sell all units upon completion, and have to furnish a banker's guarantee typically pegged at 10% of the land purchase price. In 2010, to instil stricter discipline and encourage developers to complete the developments and sell the units in a timely manner, amendments were made to the Residential Property Act to empower the Controller of Residential Property to impose an extension charge for any extension of time required by the developer to complete the development or to sell all the units.¹⁰⁰

Today, the Singapore government continues to strike a balance between ensuring that the limited supply of landed residential properties in Singapore remains the primary preserve of Singapore citizens, and allowing selected foreigners who have demonstrated social commitment and made significant economic contributions to Singapore to also own landed homes.

PERIOD OF REFORMS AND CONSOLIDATION

“Whatever the position may be in other countries, land in Singapore is a special case, because of the scarcity of land.”¹⁰¹

Prof. S Jayakumar, former Minister for Law

The 1960s and 1970s saw important enhancements to the land framework in Singapore. Major reforms were made to the land registration system to achieve certainty in land ownership and dealings. Changes were made to the land acquisition regime and dedicated institutions were set up to enable rapid development to take place. A robust institutional set-up, with the land use planning and land administration functions separated, was also in place to support the land framework.

In the early years, when there was an urgent need to deliver infrastructure and redevelop the city centre, the system of urban planning and development had the tendency to be more ad hoc and less systematic. In the 1980s, it became clear that there were significant inadequacies in the planning, development and land administration system.

In the area of planning, although the government had introduced a forward-looking Concept Plan in 1971, it was out of sync with the statutory Master Plan, adopted since 1958 during the British colonial administration. The Master Plan at that time did not clearly communicate the allowable land use and development intensity to the public. The basis for many of the government’s development-related decisions appeared vague to the private sector, which the government depended on to help realise the Concept Plan. By the 1980s, the process as well as the rules and regulations for urban planning and development—described as a “forest of rules” by then Permanent Secretary of National Development, Ngiam Tong Dow¹⁰²—had become convoluted and opaque, and threatened to undermine development in Singapore.

The Government Land Sales (GLS) programme was another example. Launched in 1967, it is the main channel through which state land is released for development by the private sector. At the time, however,

the methodology for the planning of the GLS programme was not very sophisticated. Choy Chan Pong, former Group Director of Land Sales in the Urban Redevelopment Authority (URA), said:

“In the 1980’s, the methodology for planning lands sales was very simple. It was based on the demand trend of the preceding three years, adjusted based on the judgement of the planners. The supply in the pipeline was not factored into the methodology.”¹⁰³

Another example was the system of computing the Development Charge (DC)—a tax levied when planning permission was granted for development projects that increased the value of the land—and the Differential Premium (DP), which was paid for the lifting of title restrictions in state leases. Based on broad fixed rates, the DC rates became grossly unrealistic after some time. While the DP was computed individually for each case, they differed substantially from the DC for similar situations. This caused unhappiness among developers and property owners and deterred development of land.

In the area of land administration and management, up to ten government agencies were authorised to acquire land as and when required for their own use towards the fulfilment of their mandates.¹⁰⁴ There was no clear central agent to monitor and supervise the management of state properties. This sometimes led to the inefficient use of state properties. The issue of protecting and conserving Singapore’s past reserves, which included physical assets such as state land and properties, also came to the fore in the 1980s. Much reform and consolidation were needed to enhance the systems of planning and development, as well as land administration and management.

REFORMS AND CONSOLIDATION IN PLANNING, LAND SALES AND DEVELOPMENT CHARGE

Forward-Looking Master Plans

Many changes have been made to Singapore’s land use planning system since the 1980s. One significant change was the introduction of Development Guide Plans (DGPs) in the early 1990s. DGPs—55 in total—were forward-looking master plans that showed the allowable usage and development intensities for every plot of land. They provided clear information for landowners and developers on the possible developments

on their land. Other planning reforms included regular revisions of the Concept Plan and the Master Plan every ten and five years respectively to remain updated with the latest as well as future economic and social trends that affect Singapore, and incorporate feedback obtained from the intensive and comprehensive public engagement in the preparation of these plans.¹⁰⁵

Improving the Government Land Sales System

For the GLS programme, one of the most important enhancements was the improvement in the methodology for planning the GLS. The URA, which is responsible for the planning of the GLS programme and serves as the government's predominant land sales agent, developed econometric and other quantitative demand projection methods for each type of property to plan each GLS programme. The methodology involved establishing accurate projections of the supply of properties in the pipeline, which were also necessary for the determination of the amount of supply that should come from the GLS. While every effort was taken to ensure that the URA's demand and supply forecasts were accurate, actual demand and supply could deviate from the forecasts due to the dynamic nature of the economy and the market. Hence, the government introduced the Confirmed List and Reserve List systems in 2001 so that the supply of properties from the GLS programme could respond more flexibly to changes in demand.

Unlike Confirmed List sites, which were launched for tender at pre-determined dates, sites on the Reserve List needed to be "triggered" before they were put up for sale. Developers who were interested in tendering for a Reserve List site needed to first submit an application and indicate the minimum price that they were prepared to bid for the site. If this price satisfied the government's reserve price, the site would be released for sale through an open tender. Even if developers did not submit a satisfactory price, the site could still be released for tender if there was sufficient indication of interest for the site. The Reserve List therefore provided the government with flexibility to generate more supply, if demand turned out to be greater than projected.

Planning for the GLS from the 1990s onwards also involved the input of other government agencies and the engagement of stakeholders like developers, industry professionals and residents in the vicinity of sale sites. The URA, as the main land sales agent, also constantly innovated to respond to changing trends and achieve strategic objectives. One

innovation was the introduction of the two-envelope Concept and Price (C&P) tender system in 1997, which allowed non-price factors to be taken into consideration for strategic sites, such as those at prominent locations in the city area. While the open tender system, where price was the sole criterion for the award of GLS sites, remained the predominant mode of sale for most sites, the C&P tender allowed other qualitative factors like architectural and urban design and business concept, to be taken into account in the award of certain sites.

Under the C&P tender system, tenderers were required to submit two envelopes at the same time—one containing the business concept, design and other qualitative information, and another containing the bid price for the site. Concept proposals were first evaluated by a Concept Evaluation Committee (CEC) comprising private and public sector professionals with expertise in architecture, planning or business concepts relevant to the sales site. Proposals deemed acceptable by the CEC were then allowed to proceed to the next stage, where a separate Tender Evaluation Committee (TEC) evaluated the bid prices of the acceptable concept proposals and decided on the award of the site to the highest bidder. Since 2005, sites that have been sold through the C&P tender system include those for the development of Bugis+, Fullerton Heritage, South Beach, and the Capitol Theatre and Piazza.



South Beach (left), a mixed-use development awarded under a Concept and Price tender.

Image courtesy of cegoh/Pixabay, Creative Commons CCO.

Reforming the Development Charge

The DC system has also undergone substantial reforms since the 1980s. Modelled after Britain's betterment tax, the DC, which was introduced in 1965,¹⁰⁶ is a form of taxation under the Planning Act levied when planning permission is granted to carry out development projects that increase the value of the land. It operates on the rationale that when the government increases the allowable intensity or allows a change in zoning in the Master Plan at the "stroke of the pen", the landowner gets to enjoy an enhanced land value. Therefore, part of the gains ought to be "creamed off" by the state to be redistributed.¹⁰⁷ Often, it is also argued that the justification for such creaming off is that the government has to provide more infrastructure to support the higher intensity.

Prior to 1979, the DC was calculated by multiplying the gross floor area of a development by fixed rates tied to permitted land use and broad geographical locations without consideration for the original zoning and finer locality differentiation of the development sites. These rates thus, became grossly unrealistic over time.¹⁰⁸ In 1980, a spot valuation by the Chief Valuer was introduced to be used alongside the fixed rates. The DC was initially set at 70% of the assessed increase in land value, and reduced to 50% in 1985 due to a weak economy, before it reverted to 70% in 2007. Since the 1980s, the URA, which is responsible for calculating and collecting the DC, has strived to reduce the complexity of the system and make it more transparent and predictable. This culminated in 1989 when URA published a DC table containing rates based on finer geographical differentiation and intended land use. The rates are reviewed by the Chief Valuer every six months to ensure that they are relevant to the prevailing market conditions.

Exhibit 2: Part of the URA's Development Charge Table as at September 2017

GEOGRAPHICAL SECTORS	USE GROUPS								
	A	B1	B2	C	D	E	F	G	H
1	\$11,200	\$3,990	\$9,800	\$9,660	\$840	\$910	\$10	-	\$1
2	\$11,200	\$3,990	\$9,100	\$9,660	\$840	\$910	\$10	-	\$1
3	\$11,200	\$3,990	\$9,100	\$10,500	\$840	\$910	\$10	-	\$1
4	\$11,200	\$3,990	\$8,400	\$9,660	\$840	\$910	\$10	-	\$1
5	\$11,200	\$3,990	\$9,800	\$10,500	\$840	\$910	\$10	-	\$1

Note: Geographical Sectors 1-5 refer to various areas in the Central Business District, City Hall, Bugis and Suntec City. Use Groups refer to various categories of purposes for which development is permitted or to be authorised.

Source: URA website, "Development Charge Rates Table."

REFORMS AND CONSOLIDATION IN LAND ADMINISTRATION AND MANAGEMENT

Synchronising the Development Charge and Differential Premium Systems

The Differential Premium (DP) system is another tool which the Government adopts to cream off the enhancement in land value arising from the redevelopment of land to a higher use or an increase in plot ratio. Unlike the DC, the DP is not a tax, and is levied on a contractual basis by the SLA based on the terms in the state lease. If enhancements are permitted beyond the stipulated use/intensity in the lease, the DP will be charged for the lifting of title restrictions. If there is no contractual basis to levy the DP, the enhancements will come under the DC system which is administered by the URA.

The DP was initially determined by the Chief Valuer on a case-by-case basis, at 100% enhancement in land value. (i.e. the full difference between the land value based on the proposed use or intensity and that stipulated in the title). The inconsistency in the charging of the DP and the DC led to confusion and unhappiness amongst landowners.

Following a comprehensive review by the Land Office, the DP system was aligned with the DC system in 2000. The DP was no longer determined on a case-by-case basis by the Chief Valuer, but computed using the URA's DC table of rates. This provided greater transparency and certainty to developers who were then able to estimate the DP payable for the purpose of feasibility studies.

Centralisation of Acquisition Powers and Improving Records of State Properties

Many government departments held on to state lands and buildings for various purposes during the 1970s and 1980s.¹⁰⁹ These assets, consisting of some tens of thousands of land parcels, were either directly allocated by the Land Office to ministries and statutory boards, or directly acquired by public agencies for public development purposes. Up to ten government agencies, such as the Housing and Development Board (HDB), the Jurong Town Corporation (JTC), the URA, and the Public Utilities Board (PUB), were authorised to acquire land for their own use towards fulfilling their mandates.¹¹⁰ This occurred without a clear central agent to monitor and supervise the land acquisitions and management of state properties.

By the early 1980s, some of the statutory boards appeared to be holding on to more land than what was required in the short-term. Some of the development plans intended for the land allocations or acquisitions did not materialise as planned. In certain instances, land assets were unaccounted for in the public agencies' land banks, were not properly surveyed, or erroneously recorded in the ministries' land listings. In some cases, the state land allocated to ministries and statutory boards also lacked proper titles, which would make it difficult for the government to later lease or sell such state lands to the private sector.¹¹¹ This sometimes led to inefficient utilisation of state properties as they were left idle. There was also some public perception that some agencies like the URA were unfairly profiting from their land acquisition and land sales activities.¹¹²

In March 1987, a high-level committee was set up to review the government land tendering and acquisition procedures. The committee consisted of the permanent secretaries of the Ministries of Defence, National Development, Law, Trade and Industry, the heads of seven major statutory boards,¹¹³ the Auditor-General and four other government bodies.¹¹⁴ The committee concluded that there were no major problems with the existing procedures, but improvements could be made to add clarity and transparency to the processes, and tighten up procedures to prevent abuse and malpractice.¹¹⁵ The committee also felt that there was an overconcentration of powers within the Ministry of National Development (MND) and its statutory boards, and this was a potential conflict of interest given that the MND and its agencies were also major land users.¹¹⁶ In terms of land acquisition procedures, Lee Ket Ting, former Assistant Commissioner of Land (Acquisition) in the Land Office, recalled: "Attorney-General's findings suggested the acquisitions were processed properly. I think the finding was, there was nothing wrong with the proceedings."¹¹⁷

Following the report of the high-level committee, the government decided to centralise acquisition powers under the Land Office. With effect from 26 October 1987, under the Land Acquisition Act, no compulsory acquisition of land could be undertaken by any other authority other than the Land Office, unless there were exceptions granted on the recommendation of the Ministry of Law. As such, the powers of the Collectors of Land Revenue in other agencies were removed and centralised within the Land Office. All valuations for the acquisition of land were undertaken by the Chief Valuer, housed under the Ministry of Finance. Agencies with enabling provisions to acquire land under their Acts were asked to immediately review the provisions to determine if the provisions should be expunged.¹¹⁸ In the mid-1990s, the Auditor-General recommended for land and properties held by statutory boards that were not pertinent to their areas of function to be returned to the state. The Land Office would also be the custodian of all state land, whether vacant or allocated, and be in charge of managing state assets like schools on state land that had no titles.¹¹⁹

The land acquisition process has also been made more rigorous, with several steps in the process today. Firstly, public sector agencies proposing a land acquisition have to seek planning approval for the related project from the Master Plan Committee (MPC). The MPC is typically chaired by the Chief Planner of the URA and includes the Singapore Land Authority (SLA), which is the successor to the Land Office, as a member. The MPC's decision also has to be endorsed by the Minister for National Development. Secondly, funds for the acquisition must also be available from the Ministry of Finance. Thirdly, the Land Office, now the SLA, has to seek the agreement of the Minister for Law to request for the Cabinet's final approval as well as the President's consent, before carrying out the acquisition. Finally, the land acquisition is gazetted and the land is formally acquired by the SLA.¹²⁰ As explained by Chang Kwang Seh, former Commissioner of Lands from 1978 to 1992 and editor of the 1983 "Manual for Land Officers", there has to be a very clear intention behind the purpose of the acquisition, as well as at least two levels of checks before a land acquisition proposal could be approved by the Cabinet—one by the Minister for National Development for the usage of land, and another by the Minister for Law—before the land is acquired.

The lack of complete, accurate and up-to-date records of the government's stock of physical assets of land and buildings also proved to be one of a number of contentious issues under the Elected Presidency and Reserves Protection Framework (see section on Protecting Land Assets under the Reserves Protection Framework). Without complete and accurate records of the state's physical assets, the reserves could not be effectively monitored and protected. At a press conference in July 1999, towards the end of his presidential term, the first elected President Ong Teng Cheong stated that, "the data (for state land and building) has not been systematically collected in the past to present the whole picture. And the value of these assets is also very difficult to determine at any one time. So I said, 'Never mind. Let's have the inventory of these physical assets that we have.'" ¹²¹ The land was in some 50,000 parcels, including miscellaneous parcels like roads, drains and reservoirs, some of which required verification through actual surveys.¹²²

With persistent lapses in accurate records of land and buildings identified by the Auditor-General in the 1990s,¹²³ the Public Accounts Committee—a standing select committee in Parliament which examines the various accounts of the government—recommended in November 1998 that the

permanent secretaries of the ministries be made jointly responsible with the Commissioner of Lands for the maintenance of accurate records. The permanent secretaries would be required to check and certify, on an annual basis, that the records under their charge were complete and accurate so as to enhance accountability.¹²⁴ Eventually, with more stocktaking exercises and field-teams deployed to investigate and rectify inaccuracies as well as obtain missing information, a computerised register of state properties became operational around April 1999, and permitted higher data accuracy and transparency in terms of land inventories.¹²⁵ Such accuracy and transparency enabled the government to better plan for the development of the land, manage vacant land and properties more effectively and put them to productive use, where possible.

Protecting Land Assets under the Reserves Protection Framework

As the economy grew rapidly over the previous few decades, the government judiciously built up the nation's reserves. In the 1970s, as capital flowed into Singapore and the private sector registered a high savings rate, the government was accumulating annual fiscal surpluses of three to four percent of the GDP.¹²⁶ The state's land holdings also grew through the return of former British military bases, compulsory land acquisitions and land reclamation. From 581 km² in 1960, the total land area of Singapore expanded to 633 km² three decades later.¹²⁷

In 1984, then Prime Minister Lee Kuan Yew mooted the idea of giving a publicly elected president more power to protect the country's assets.¹²⁸ Being a small nation that was lacking in natural resources and heavily reliant on external trade, Singapore needed ample reserves as its security net to ensure a stable currency, provide a cushion in times of economic crisis, and safeguard a continual stream of income for current and future generations. The Government of Singapore Investment Corporation (GIC) and the Temasek Holdings were established to manage the country's burgeoning reserves, as well as the government's stake in several companies. To protect this nest egg from potential misuse by a profligate government, Lee proposed to give the Elected President veto power before the government could draw on past reserves.¹²⁹ Six years later, the then First Deputy Prime Minister Goh Chok Tong introduced the Constitution of the Republic of Singapore (Amendment No. 3) Bill in Parliament, which proposed the creation of an Elected President with veto

power to safeguard the national reserves and the integrity of the public service. The amendment conferred certain executive functions upon the President to block attempts by the ruling government to draw on past reserves that it did not accumulate, thus giving rise to the “two-key system of safeguarding the reserves”.¹³⁰

One of the major reforms to the governance of land in Singapore was its inclusion under the past reserves, which changed how land ought to be safeguarded and treated by the government. Referred to as the “Reserves Protection Framework”, the amendments stated that the government would only be able to tap on past reserves, which included land sales proceeds, if the President allowed it to,¹³¹ and that financial and physical assets such as state land and buildings should be locked away as past reserves when a new government term started. Past reserves were defined as the total financial and physical assets, including land and buildings, of the government and other specified entities,¹³² minus their liabilities. Monetary proceeds from the government sales of land and/or buildings would be deemed as past reserves if they were sold within the current term of the government. The key principle that was established from this process was that the sale of state land and buildings has to be carried out at fair market value, failing which will result in a draw on past reserves, and the current government would be accountable for the difference. The Constitutional amendment was passed on 3 January 1991 and took effect on 30 November 1991, transforming the office of the President, who was previously appointed by Parliament, into an office that was directly elected by the people.

Benchmarking Compensation to Market Value

For many years following the enactment of the Land Acquisition Act in 1966, no major amendments were made except for the periodic updating of the statutory dates. Compensation under the Land Acquisition Act was then based on the market value of the land at the date of gazette,¹³³ or the historical statutory date, whichever was lower. This compensation regime, together with other limiting provisions such as benchmarking to the lower of, the existing use, or the development baseline—the value of the approved development based on approved use and intensity—of the site, helped to keep compensation affordable for the government, especially in the earlier years.

The next major milestone in the evolution of the Land Acquisition Act was the amendment in 2007 for compensation to be based on the market value at the date of gazette. The use of a statutory date was abolished for compulsory acquisitions made on or after 12 February 2007. With the amendments, the statutory compensation would now be based on the market value which a bona fide purchaser would reasonably be willing to pay for the land, taking into account the permitted use and potential value realisable under the Master Plan. The justifications behind the amendment was explained by then Deputy Prime Minister and Minister for Law, Prof S. Jayakumar:

“Singapore today has become more developed and urbanised. Land acquisitions now affect far more people than those carried out in the 1970s and 1980s. Today, many more Singaporeans owned private properties. It is often that Singaporeans sink a major portion of their life savings and future earnings into their property ... this ‘whichever is lower’ provision in the present LAA [Land Acquisition Act] to cap the statutory compensation has been a source of contention. Over the years, we have sought to cushion the impact of this approach by periodically updating the statutory date and also through ex-gratia payments. However, after reviewing the Act, we have decided that these provisions are no longer appropriate in the current context. We are therefore amending the Act to provide for compensation at the prevailing market value.”¹³⁴

Several provisions that had become obsolete due to changed circumstances were also removed. These included the “fire site” provisions, which were no longer needed as rent controls were lifted, the “burial ground” provisions, which limited compensation for private burial grounds and became irrelevant as such private burial grounds were phased out, as well as the “two-year rule” and “seven-year rule” which disregarded any increase in land value due respectively to improvements made by the landowner within two years prior to the acquisition and infrastructural works done by the government within seven years prior to the acquisition.

Remnant Land Policy

The Remnant Land Policy also illustrates the importance of being responsive to changing market conditions. Remnant lands are parcels of state land that are unsuitable for independent development due to their small size and/or irregular shapes.¹³⁵ Prior to this policy, whenever a landowner redeveloped his land/property and there was an adjoining remnant land, the URA would impose a planning condition that made the purchase of the remnant land mandatory. The owner thus had to buy the remnant land at 100% of the market value. To encourage developers of adjoining lands to purchase and amalgamate remnant land into their projects, the Ministry of Law and the Land Office revised the premium payable for the sale of such remnant land to be at 50% of the full market value with effect from 31 July 2000.¹³⁶

Strengthening the Institutional Framework: Formation of the Singapore Land Authority

*"It is more than 15 years since the formation of the SLA. Prior to this, many of SLA's functions resided in four key departments: Land Office, Singapore Land Registry, Survey Department and Land Systems Support Unit, within the Ministry of Law. The formation of the SLA and the consolidation of the various land administration functions into one statutory body have allowed us to synergise the expertise of these departments and improve efficiencies and work processes. In the process, we were able to build a more customer-centric approach with a one-stop service centre, improve our systems and introduce new services. Many land administration processes have since been streamlined."*¹³⁷

Tan Boon Khai, Chief Executive, SLA

Prior to the formation of the Singapore Land Authority (SLA), land-related functions and matters were handled by four separate departments under the Ministry of Law. They were the Singapore Land Registry (including the Land Dealings (Approval) Unit), the Land Office, the Survey Department, and the Land Systems Support Unit. The Land Office maintained, managed, leased and alienated state land, as well as acquired land for the state. Land transactions, along with land titles and tenures, were registered by the Land Registry, which also provided land ownership information, while the Survey Department maintained and updated cadastral maps—showing property boundaries, land lot numbers

and associated survey information—and provided geospatial information. Lastly, the Land Systems Support Unit maintained a national land data hub and managed the infrastructure for sharing and distributing digitised land data among public agencies.

To address the needs of its growing population and increasing demand for scarce land resources, there emerged—alongside movements such as PS21¹³⁸—a need to better manage state land and put in place mechanisms to intensify and optimise the use of such land. In 2001, the four departments under the Ministry of Law—the Singapore Land Registry, the Land Office, the Survey Department and the Land Systems Support Unit—were merged to form the SLA.¹³⁹ The SLA would serve as the land management agent for the state. The reorganisation streamlined land transactions by bringing processes that were previously managed by four separate departments under one roof. Better land information and management systems would in turn improve the government's ability to optimise the use and allocation of scarce land, reap appropriate returns and become more responsive to the space requirements of the private sector.¹⁴⁰ Ng Ooi Hooi, former Commissioner of Land and later Deputy Chief Executive of the SLA, who was also regarded as instrumental to the formation of the authority, shared:

*"When I was brought to the Land Office, my mandate was to basically shape it up and modernise state land administration in Singapore. So one of the things that we wanted to do was to increase the efficiency and effectiveness of the Land Office in managing state land, whether it's for leasing, alienation, allocation, or temporary occupational licence or the custodian of properties that were returned to us. So I started revamping a lot of the policies, including ... covering things like Differential Premium versus Development Charge, remnant land uses, alienation processes, [and] better use of state properties. At that time, we had a few thousands, probably around 5,000 state properties ... My mandate was to actually move them to the 'next century type of thing'. That was just after the PS21 period. So we were all thinking on how to be more proactive, forward-looking, more [of a] modern public service ... Public Service 21 was started in ... around '95 ... [A]cross the civil service, we had this wanting to be proactive, more customer-oriented, [offering] better service ... So this was the period when I went into the Land Office and we revamped it. So before [the mid-90s], they were a bit more laidback, a bit more reactive, and their sense of, and pace of dealing with things was quite different from a lot of other ministries. A bit out of sync."*¹⁴¹

Exhibit 3: The four land departments previously under the Ministry of Law



The Land Registry registers transactions affecting land, issues and guarantees land titles and their tenure, and provides land ownership and related information.



The Land Office leases and alienates state land and acquires land for the state. It also maintains and manages the state land stock.



The Survey Department provides cadastral survey plans of land and buildings, maintains and updates the cadastral maps of Singapore and provides geospatial information.



The Land Systems support unit maintains a national land data hub and manages the infrastructure for sharing and distributing digitised land data among public agencies.

Various issues arose under the previous institutional structure where land-related functions were decentralised. One example was the issuance of titles. After the successful tender of a residential sale site, the developer would initiate the sale of individual units of the development and would require a title for eventual transactions. The issuance of titles was also needed to facilitate the release of the developer's bank loan by the bank. At the Land Registry, the Registrar of Titles (RT) would only proceed to issue the title when the survey plan showed that the Survey Department's Chief Surveyor had certified the surveyed land boundary. However, the Chief Surveyor would only approve the plans after all the final survey plans had been submitted. This slowed down the process for the issuance of titles.

To speed up the process, the RT later decided to issue a "Registrar of Titles Plan" (i.e. a provisional plan that estimated the land boundary), which would be subject to a final survey. This meant that the developer, having obtained his title and loan, could proceed to sell the individual units, and had little impetus to complete the final survey speedily. On the other hand, the Chief Surveyor also had no lever to require the developer to do so. With the consolidation of the Land Office and Survey Department into the SLA, the workflow was redesigned such that developers could only issue the individual certificates of title to the end-purchasers after a certified survey plan had been submitted and approved.¹⁴²

Encroachment issues, where building structures sat on neighbouring land or protruded into their airspace, can arise during the construction of a development. Prior to the establishment of the SLA, the developer, having completed and sold the development despite encroachment issues, could walk away and leave the Management Corporation Strata Title—the managing body of the strata title development—to deal with the problem. This resulted in some strata-title property owners getting entangled in encroachment disputes with the owners of neighbouring lands, and had to seek assistance from the Land Office's Commissioner of Lands who had issued the land lease.

At present, under the purview of the SLA, the Chief Surveyor can withhold approval for the survey plan, and prevent the title and lease from being issued to the developer. The SLA can instruct the developer to either rectify the encroachment by setting back the land, or buy over the encroached strip of land from the owner of the adjoining land.¹⁴³ Hence, encroachment issues can be addressed at the outset. Following the successful set up of the SLA, Western Australia modelled its administration of survey plan endorsement and registration of titles along largely similar lines.¹⁴⁴

The SLA also complements the land use planning system by implementing more efficient land administration functions in the following areas: leasing, acquisition, management of tenancies and vacant lands, and land information infrastructure. Working hand-in-hand with the URA, the SLA makes land available for various purposes according to the Concept Plan. It does so by collaborating closely with the Master Planning Committee, other relevant agencies and the private sector to identify new uses, develop rights concerning state land, optimise efficiencies of every land transaction, and allocate more land based on sound economic principles. It also seeks to have a more flexible framework for land policies and plans to optimise land use.¹⁴⁵ Ng Ooi Hooi elaborated on the role of the SLA:

“The [master planning] committee drives all the ... Concept Plans, the detailed plan for each (planning) area, and ... the release of land for different ministries’ use ... [The Land Office is] actually a custodian. So we actually also have to tie in with the [government] programmes, because for example, if you want to build the ... North-East Line, Circle Line, and the Paya Lebar Expressway ... all the land needed for the programme would need to be planned for acquisitions, planned for release to the relevant agencies. Because it involved many agencies ... it will affect roads ... parks ... land, state land ... [and] the acquisition and also the actual implementation. And then if it were industrial land, or economic development required land [too].”¹⁴⁶

Streamlining land-related functions and powers under the SLA has resulted in better synergy and alignment of interests,¹⁴⁷ and paved the way, among other things, for improved efficiency, such as the enablement of convenient online land transactions.

Fresh Perspective in Managing State Properties: Limited Land, Unlimited Space

“One of the key deliverables since the formation of the SLA is to better optimise the state land bank before it is earmarked for long term development. SLA has ensured an accurate and complete listing on state land and properties information so that the government could make available the state land for good interim use that benefits the public.”¹⁴⁸

Simon Ong, Commissioner of Land and Deputy Chief Executive, SLA

While the URA decided on long-term future development plans, the Land Office took care of state land and buildings pending their development in the long-term. State properties were managed and maintained either by the Land Office, or the ministries and/or their agencies to which they were allocated. Although the Land Office would consult the relevant ministries on the allocation of government buildings, or failing which, call for tenders to let out the buildings, there were some government buildings that remained unused for more than six months.¹⁴⁹ The Land Office carried out minimal maintenance such as vector control, grass cutting, landslide mitigation, etc. Its custodian role did not extend beyond passively maintaining the assets and leasing out the properties to another ministry or statutory board. There was little impetus for doing more—such as renting to the private sector—to add value to the management of these state properties. However, properties that were left vacant and unused deteriorated quickly.

With the formation of the SLA, there was a greater emphasis on management of state properties, and the SLA started to market and put vacant state properties out for adaptive reuse. State properties largely comprise historical buildings inherited from Singapore’s colonial era, buildings returned upon lease expiry, and disused properties (such as schools, military camps, etc.) from the ministries. According to the Reserves Protection Framework, such properties can only be demolished if they are deemed unsafe, obsolete, or if their location is slated for comprehensive redevelopment. The SLA’s role, therefore, is to evaluate and weigh the opportunity costs, such as revenues foregone, holding and obsolescence costs, and advantages and disadvantages of: (i) reserving a site for a public agency; (ii) tendering it for adaptive reuse; (iii) earmarking it for long-term redevelopment plans/land sales; and/or (iv) demolishing it.¹⁵⁰ Vacant state lands and buildings not immediately required for redevelopment could now be identified promptly and put to better use. This ensures that the state derives an optimal economic value from, or meaningful use of all state assets.¹⁵¹

One early example was the return of the Parliament House to the state. Former Commissioner of Lands, Ng Ooi Hooi, instructed his staff to find a user for the property before the Parliament shifted out in 1999. This set the tone for the “back-to-back” policy later adopted by the SLA that whenever a state property was taken back by the state, there would be a back-to-back lease of that property to the next user. Ng explained:

“When I was Commissioner of Lands, my instruction to my staff was, you take the key from the Clerk of the old Parliament and you hand over to the new user. Okay? That is my KPI [key performance indicator]. Don’t bring the key back to the office ... you bring the key back to the Land Office, you will answer to me ... That was the kind of speed and pace I wanted to push them to do ...”¹⁵²

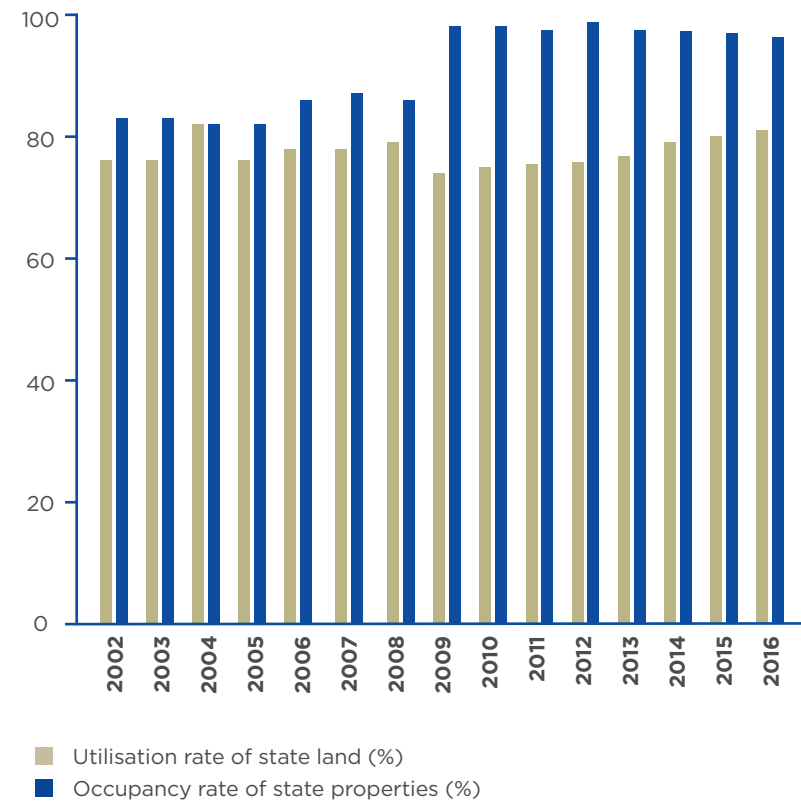
During the 2000s, the SLA focused heavily on marketing state buildings for adaptive reuse. Such adaptive reuse not only gave old buildings a new lease of life, but also helped to generate better revenues for the state. A good example of this is Tanglin Village. Nestled opposite the Singapore Botanic Gardens, the former British army camp was transformed into a trendy dining and lifestyle destination, and became home to a wide range of businesses promoting diverse lifestyle concepts. Other successful cases include black-and-white colonial bungalows, Chip Bee Gardens opposite Holland Village which operates under a master tenancy model, and the award-winning nightclub, Zouk, which was housed in the restored historical riverside warehouses at Jiak Kim Street before it moved to its new premises in Clarke Quay.¹⁵³



Dempsey Cluster, Tanglin Village.
Image courtesy of the Singapore Land Authority.

In line with the SLA’s mission to optimise the use of state land and assets, steps were taken to refine its management of the different categories of state properties and better manage the occupancy rate over time. The tenancy management process was also tightened to minimise incidences of rental arrears. Given these efforts, rental revenue increased from under \$500 million in 2005 to \$1 billion in 2015.

Exhibit 4:
Utilisation rate of state land and occupancy rate of state properties, FY2002-FY2016



Source: Singapore Land Authority.
Note: Occupancy rate of state properties excludes non-marketable stocks from FY2009 onwards.

The SLA also had its share of difficulties with the marketing of state properties, due to its roles as both regulator and “industry developer”. Vincent Hoong, former Chief Executive of the SLA, recollected:

“With the returned properties, in the meantime, we try to extend their economic life by offering them for interim use, pending the redevelopment of the underlying land. However, agencies did not allow us to rent out if they had longer term plans to use the buildings. This has been a constant challenge.”¹⁵⁴

The reservation framework was thus conceptualised in 2006 to raise the effectiveness and accountability of public sector agencies in their reservation of state land and/or properties for future use. Launched in 2008 by the SLA and the Ministry of Finance, the goal of this framework was to prevent unnecessary reservation of state properties by other agencies. It also aimed to encourage reservations to be held for an optimal period of time through the imposition of a charge on the reserving agency, allowing the SLA to optimise the uses of state properties during the interim period.¹⁵⁶ Over time, the process of marketing state properties improved and became more transparent.¹⁵⁷ For instance, state properties that are available for rental and use are now published on the SLA’s website.

Greater Accessibility to Land Information

As part of the land reforms, the Singapore government also began to consider streamlining different land information, such as through the use of a more effective electronic land data system (which involved a common database that was cadastre-based, where all the litho-sheets were transferred into digital forms). Such a system could be overlaid with the URA’s various planning and land ownership details to aid in conveyancing and to help the general public gain access to online data on land use, environmental information and road information. To this end, the Ministry of Law set up the Integrated Land Information Service (INLIS)¹⁵⁸ in 1998, which sourced information from the Land Registry, the Survey Department and the Land Office, while the URA introduced its Integrated Land Use System (ILUS) in 1995.

By tightening the surveying and issuance of titles, policing the use of state land by agencies, optimising the use of state properties and providing more land information to the public, the SLA enforced greater discipline and accountability in land use and set the tone for further land use policy innovations.

TOWARDS A PROACTIVE LAND ADMINISTRATION AND MANAGEMENT SYSTEM

“As SLA embarks on the next lap of the journey, it must never forget its key role as the custodian of state assets. And it must continue to respond to the needs of Singapore, while embracing technology and be engaged with the public. SLA will continue to play a key role in the development of Singapore’s land use and our work will also continue to evolve to overcome the various challenges.”¹⁵⁹

Tan Boon Khai, Chief Executive, Singapore Land Authority

A ROBUST LAND SYSTEM TODAY

Singapore’s land system today has evolved beyond what its colonial predecessors had expected to accomplish with their earlier efforts to improve it. Presently, more than 80% of the land belongs to the state and statutory boards, partly owing to the land acquisitions during Singapore’s nation-building days.¹⁶⁰ Land comes to the state through various channels such as compulsory acquisitions, lease expiry, return of land by ministries and private treaty purchase. State land may be allocated to ministries, or alienated to public sector agencies or the private sector through

land sales. This predominant ownership of land by the state allows the government to use land supply as a tool to influence and stabilise land pricing and fulfil the economy’s national development, economic and social objectives. As Singapore becomes more built-up and our population increases, demand for land will inevitably increase. Hence, the challenge is to constantly plan ahead so that the government can continue to meet the needs of competing uses for land.

The nation’s land policies and legislation reflected the integrity and foresight of Singapore’s first generation of urban pioneers and political leaders like the late first Prime Minister Lee Kuan Yew and the former Minister for Law and National Development, E. W. Barker. With the powerful Land Acquisition Act, the potential for abuse and exploitation was largely kept in check by the culture of integrity and system of checks-and-balances fostered by ministers and civil servants like Barker and the Collectors of Land Revenues. This culture of integrity has continued to guide the government and bureaucracy.

In carrying out its land administration and management functions, the SLA focuses on four key thrusts—(i) upholding a sound land acquisition framework; (ii) promoting innovative use of state properties; (iii) embracing technology in the land registration and survey system; and (iv) driving geospatial development in Singapore. To achieve the mandate of a newly formed SLA, changing its staff’s mindsets was necessary, as explained by former Commissioner of Land, Ng Ooi Hooi:

“... we had a very clear system, the land database was there, then the management and the use of it for policy to drive Singapore’s development ... And for [the SLA] it’s then a matter of effectiveness and efficiency. We should make good use of state land to support national policy, national development, and strategic intentions like seawater desalination and other infrastructure. And also be able to deliver [these objectives] more efficiently over time. So [at] SLA, changing the people’s mindsets, was one of the key things I thought was necessary to transform ... from being just a passive custodian of state land to ... [active management of] assets for the greater good of development in Singapore ... ”¹⁶¹

UPHOLDING A SOUND LAND ACQUISITION AND MANAGEMENT FRAMEWORK

The land acquisition policy remains a critical pillar that continues to support Singapore's infrastructure building and land use development according to the Concept Plan. As former Minister for Law, Prof. S. Jayakumar described, "it is not a position of us never having projects in the future in the public interest where we may need to acquire land".¹⁶² The Land Acquisition Act was updated in 2007 to benchmark compensation to current market rates and to take into account permitted use and potential value that could be realised under the Master Plan. Several obsolete provisions, such as the fire site provisions, were also removed.

In order to minimise inconvenience to landowners and sufficient notice to make alternative plans following the acquisition announcement¹⁶³, the SLA started to become involved in the upstream process of compulsory acquisitions from 2011.¹⁶⁴ The SLA refined its acquisition procedures to improve the efficiency of the process, and adopted a more empathetic approach in dealing with affected landowners. Various assistance packages were also introduced to mitigate the impact of the acquisition. In short, there was a cultural and mindset change within the SLA towards the land acquisition proceedings. Thong Wai Lin, the SLA's director for land acquisitions and purchase, explained that "today, SLA plays a more active, upstream role in advising public agencies on land acquisition proposals. Given that Singapore is so densely built-up, acquisition of land for public purposes is unavoidable. However, what we try to do is to work very closely with the public agencies to keep acquisition to a minimum and to continue to walk the journey with the affected landowners and support them throughout the entire acquisition process."¹⁶⁵

For instance, in 2014, the Land Acquisition Act was amended to remove the need for an acquisition notice to be posted on the door of the acquired property. Thong elaborated, "we have also changed the way we communicate and interact with the landowners. Previously when an acquisition notice was served, there was little communication. We have since moved away from that. Instead of minimising contact, we maximise the touchpoints we have." Recognising that affected landowners need to receive compensation monies early so that they could pay for their replacement property, the SLA also introduced an advance payment of part of the statutory compensation and concessionary rental scheme. Under the latter, affected landowners could surrender the acquired

property ahead of the site possession deadline, and then rent it back from the government at concessionary rental rates until the site possession deadline, and subsequently receive the full compensation payment.

One example was the acquisition of Pearls Centre at Outram in 2012 for the construction of the Thomson Mass Rapid Transit (MRT) Line. The SLA engaged the landowners throughout the process, from the time that the compulsory acquisition was gazetted, until the final compensation payment and/or relocation of the affected owners. The acquisition of the Good Shepherd Convent at Marymount Centre was another example of this more proactive approach by the SLA to ease the impact of acquisition on affected owners, and the expedition of the development application process by working closely with other government agencies (see Acquisition of the Good Shepherd Convent).



Pearls Centre, acquired in 2012 for the construction of Thomson MRT Line.
Image courtesy of Terence Ong/Wikimedia Commons, CC BY-SA 3.0, https://commons.wikimedia.org/wiki/File:Pearl%27s_Centre.JPG

ACQUISITION OF GOOD SHEPHERD CONVENT¹⁶⁷

Announcement of Compulsory Acquisition

On 19 January 2011, the government announced that the property at Marymount Centre would be compulsorily acquired for the construction of the North-South Expressway. The Centre housed the Good Shepherd Chapel, a residential home for children, a convent, and a retreat centre owned by the Good Shepherd Mission. Parts of the adjoining Marymount Kindergarten and Marymount Convent School were also affected. The occupants were given two years to relocate and hand over the property to facilitate construction works.

The Marymount Centre was run by Roman Catholic nuns, the Good Shepherd Sisters, who were mostly in their sixties and seventies. For more than 60 years, they have been living and providing care and services for the vulnerable communities at the centre. Many were in shock when the SLA officers visited them at the Centre to deliver the acquisition notice. The Sisters were very worried about what would happen to them and the less fortunate under their care at the Centre. The mere thought of having to leave their spiritual home of many decades was nothing short of devastating.

Walking the Journey Together

Following the acquisition announcement, officials from the SLA and Ministry of Law reassured the Good Shepherd Sisters that the government would help them through the entire acquisition and relocation process. As a first step, the government worked closely with the Sisters to ensure that they would receive the compensation proceeds in a timely manner so that they could plan for their relocation. The SLA's efforts provided much relief to the Sisters. To ease the transition of relocating to their new Centre, the SLA also allowed the Sisters to continue occupying their existing property rent-free under the concessionary rent-back scheme.

One-Stop Contact

Throughout this process, the SLA acted as the one-stop contact between the Sisters and various government agencies, including the Urban Redevelopment Authority (URA), the Land Transport Authority (LTA) and the National Parks Board (NParks), on issues relating to the acquired land and development of the replacement site. For example, the SLA helped the Sisters to expedite the process of gaining the planning approval for the replacement site, resolved traffic issues, and sought approval for the felling of trees to facilitate construction works at the new site. The SLA, the LTA and the Ministry of Education (MOE) worked together on the reconfiguration and reinstatement of the unaffected developments at Thomson Road to ensure that they could continue to function as usual. To ensure that the Sisters were able to relocate on time, the SLA worked with the Building and Construction Authority (BCA) to expedite the granting of the Temporary Occupation Permit for the new development in Toa Payoh, and with the URA to secure the name for the new development. The LTA worked with the SLA to further grant an extension period for the Sisters to move out of the acquired premises.

Three years after the official announcement of acquisition, the relocation was completed in June 2014. The Sisters' new home—now known as the Good Shepherd Place—features a chapel, a multi-purpose hall, a home for the Sisters, a children's home and a kindergarten. Now comfortably settled

ACQUISITION OF GOOD SHEPHERD CONVENT¹⁶⁷

Continued...

in their new premises at Toa Payoh, the Sisters have expressed gratitude to the SLA and the Ministry of Law for their assistance.¹⁶⁸ As one of the Good Shepherd Sisters, Sister Cecilia Liew, said, “[The SLA’s] three-year journey with us, from 790 Thomson Road to 9 Toa Payoh Lorong 8, was an experience ... so much so that we were never ‘left alone’ to rebuild our home and place of service ... [The SLA has] a great team of civil servants who live [its] commitment and promise of serving with a heart.”



Good Shepherd Chapel at
Marymount Convent.

Image courtesy of A14085/Wikimedia Commons, CC BY 3.0,
https://commons.wikimedia.org/wiki/File:Good_Shepherd_Chapel_Marymount_Convent_Singapore.jpg

The Land Acquisition Act is reviewed regularly to keep up with the times. To facilitate the government’s long-term planning for the development of underground space in future, the Act was amended in 2015 to allow the government to acquire only the specific stratum of space required for public projects, without affecting the surface land. The State Lands Act was also updated in 2015 to clarify the ownership of underground space, whereby the landowner of the surface land is also granted ownership of up to 30 metres of the underground space under the Singapore Height Datum.¹⁶⁹ With greater clarity in the legislation, the government would be able to plan and develop underground space with greater accuracy and efficiency, thereby freeing up more surface land that can be used for other purposes such as parks and greenery, homes and offices. Senior Minister of State for Law, Indranee Rajah, explained the need for clarity on the ownership of underground space:

“Singapore is a small country with scarce land resources. There is, therefore, an important need to optimise all of our land resources, including the use of underground space, for the benefit of Singaporeans. To this end, it is necessary to clarify the issue of underground ownership. Introducing these amendments will enable our planners to plan for the long-term use of underground space.”¹⁷⁰

PROMOTING INNOVATIVE USE OF STATE PROPERTIES

As the primary agency responsible for safeguarding and optimising the use of state land and assets, the SLA manages and maintains over 5,000 state properties and about 11,000 hectares of land, including finding interim uses for those not immediately needed by other agencies or due for redevelopment. In this regard, the SLA plays a critical role in ensuring that there is sufficient land, as and when needed, to support the future economic and social development of Singapore in accordance with the Concept Plan. To allow for rejuvenation of land, state land is sold for a fixed tenure and reverts to the state upon lease expiry without any compensation to the lessee. In general, the government’s policy has been to allow leases to expire without extension, with lease renewals considered only on a case-by-case basis where they are in line with the planning intent and help to further specific economic and social objectives. As the stock of land approaching lease expiry increases, there may be a need to have a clearer strategy on managing such state properties.

Where possible, state land and properties that do not have immediate or medium-term plans for use or redevelopment, are put to interim use for residential, commercial, industrial or institutional purposes. While the Land Office accumulated experience in managing interim use tenancies for state properties, it was in 2015 that the SLA formally assumed the role of interim use master planner for state properties to optimise the public benefits from their use. This accorded the agency greater autonomy and flexibility in decisions regarding the appropriate interim uses for state properties, after taking into account actual market needs and potential ground issues on site. It also enhanced the SLA's effectiveness and responsiveness in addressing the needs of all the stakeholders. These efforts to find suitable and sustainable uses for state properties supported broader national economic or social objectives, such as the conservation of heritage sites and sustaining the relevance and character of such distinctive precincts in Singapore, in line with the master plans for such areas. The Chief Executive of the SLA, Tan Boon Khai, explained the agency's approach: "The SLA will spare no effort in optimising the use of state land and properties to support economic and social needs, and continuously seek innovative ways to enhance the values of land and keep ourselves relevant to the changing world."¹⁷¹

In its new role, the SLA actively sourced for new and innovative concepts as a test-bed for the use of its state properties. For example, a Price and Quality tender was launched in 2015 by the SLA and the Singapore Tourism Board (STB) to inject fresh ideas into the historical Dempsey cluster of Tanglin Village. Bids were assessed based on a 60% component for the quality of the concept—which related to the differentiation of concept, track record of brand(s), development of local talents in retail and food and beverage sectors, and sustainability of the business model—and a 40% component for the bid price.¹⁷² New concepts such as COMO Dempsey, which houses a world-renowned retail concept store and culinary institutions, were brought in to create more buzz and attract more people to the area. The winning bid by COMO Lifestyle was reportedly an offer to pay a monthly rent of \$106,300 for an initial lease term of three years, less than a third of that offered by a competing bid.¹⁷³ Another state property that underwent such creative rejuvenation was the former Command House at Kheam Hock Road. Gazetted as a national monument in 2009, the former official residence of British military officials has been restored and is now home to the UBS Business University.

Not forgetting the social aspect of its mission, the SLA also worked with relevant public sector agencies to facilitate the use of state properties for social purposes, such as nursing homes, childcare centres, voluntary welfare organisations and non-governmental organisations. At present, close to 170 state properties are put to such uses, and the SLA will continue to identify suitable sites to meet future needs.

In land scarce Singapore, the government taps on every opportunity to put unutilised spaces, such as the land under viaducts, to good use. Since a public consultation conducted by the SLA in 2015 on the possible uses of land under viaducts, efforts were made to maximise the value of such spaces. In 2016, the SLA collaborated with the People's Association and the grassroots community to successfully transform the viaduct land at Bukit Merah Flyover into usable space for community use through the provision of basic infrastructure such as utilities and a hard court. In addition, the SLA also explored new ideas and introduced modular containers at West Coast Highway Flyover for sports and recreational use.



Land under Jalan Bukit Merah viaduct transformed into a new recreational space.

Image courtesy of the Singapore Land Authority.

Where possible, the SLA also opened up state land and properties for the public to use and enjoy. For example, the SLA opened the former Tanjong Pagar Railway Station—which ended operations as a passenger rail station in 2011 and was gazetted as a national monument—on every public holiday since 2015 in response to the keen public interest to visit the state property. During each open house, a wide range of activities were lined up for the visitors to participate in, while they enjoyed the history and charm of the historic railway station. The final open house was held during Christmas in 2016, before the station was closed for future development until 2025. Almost 200,000 visitors attended the open house events during that period.



Tanjong Pagar Railway Station at Keppel Road (left), and open house at the railway station in 2015 (right).

Images courtesy of the National Archives of Singapore and the Singapore Land Authority.

EMBRACING TECHNOLOGY IN LAND REGISTRATION AND SURVEY SYSTEM

The administrators of independent Singapore were, in part, fortunate enough to inherit the colonial legacy of a good land registration and survey system. This provided the government with the platform to tackle the urgent issues at hand, pertaining to housing and infrastructure development, during the decades of nation building. In the 1990s and 2000s, the Land Office and subsequently, the SLA, embarked on numerous initiatives in land registration and surveying in response to the period's changing demands.

Towards the end of 2001—with the successful streamlining of the Deeds system to the Torrens system—the SLA embarked on creating a unified system of land registration. Under the Torrens system, which greatly increased the integrity, transparency and accuracy of land registration and certainty of land ownership, the SLA could uphold a trustworthy and efficient land registration process, the cornerstone for the creation and free movement of interests in land. In recent years, as part of the national drive towards a digital government, the SLA has also been moving towards an electronic land registry system. The Paperless Titles Scheme, where titles of properties mortgaged to participating financial institutions would not be printed, was piloted in 2014. This allowed banks to save on storage costs and avoid the associated costs of retrieval or loss of title documents. As elaborated by former Commissioner of Lands and Deputy Chief Executive of the SLA, Ng Ooi Hooi:

"I think in any place, any country, the land issues are one of the most difficult issues to tackle. Partly because of historical legacies, ownership issues, government and also land transfer over time ... one of the things that we did ... for land management right upfront ... was the Torrens system for land titles, which made things a lot easier than in many places where the deed system still exists. And I know for a fact that the deed system is still predominant in many countries. So that removes a lot of doubts on the landownership, with clear title, clear registry ... [When] supported by ... modern technology ... [it's] even more efficient. You can go online and check the title, everything ... And that's linked to transaction and use of the land subsequently."¹⁷⁴

In early 2016, the SLA embarked on the digitisation of all paper records of HDB leases. Scheduled for completion in 2019, this massive exercise will bring about a fully digitalised platform through which online transactions could be performed with greater ease in the future. As a first step towards establishing a digital platform, the MyProperty portal was also launched in 2016. It provided property owners with the convenience of accessing information on their property online. Additional features in the pipeline included the ability to update personal data as well as online alerts to notify property owners of any lodgement against their property title. Assistant Chief Executive of the SLA, Bryan Chew, explained: "Going paperless allows us to achieve greater efficiency and cost-savings while reducing potential risks for the parties involved in the conveyancing process."¹⁷⁵

In terms of surveying and mapping, Singapore made history in 2004 by being the first in the world to implement a country-wide coordinated cadastre (SVY21)¹⁷⁶ and surpassed many other countries in land registration systems.¹⁷⁷ Working with the JTC, the HDB and a team of consultants, the SLA tapped on the matured Global Navigation Satellite System (GNSS)¹⁷⁸ technology to break away from the traditional and more error-prone survey method based on “bearings and distances” which had been in use since the 1930s. At the same time, it also embraced electronic submission for the survey plans, thereby going paperless. This enabled the expeditious approval of survey plans, which facilitated the issuance of titles.

In 2016, the SLA created the 3D Maps of Singapore following the completion of the aerial imaging and 3D modelling of all buildings in Singapore. This paved the way for the SLA to embark on building a 3D Cadastre. The 3D mapping dataset was also shared with other government agencies like the PUB, the national water agency, and the Civil Aviation Authority of Singapore (CAAS), for their application in critical areas of operation, planning and risk management. Apart from the 3D topographic map, the SLA also completed the 3D modelling of subterranean lots from existing certified plans of underground parcels, an essential dataset towards supporting the development of the national underground master plan.

Driving Geospatial Development in Singapore

Given its land administrative functions as well as its role as the national authority for land ownership, the SLA owns and manages the definitive land data repository in Singapore. Armed with this rich source of land data, the SLA has been playing a leading role in the development of national geospatial capability as well as in driving the adoption of geospatial technologies. This spurred the development of location-based systems such as OneMap, which is a public-facing portal where government agencies are able to share their geospatial data with the public. In 2015, the SLA also partnered with the National Heritage Board (NHB) to develop the One Historical Map app, which allows users to compare modern Singapore streetscapes to those of yesteryears. Users can also contribute to the geographical history of Singapore by geo-tagging and sharing their photographs with the public.

As the leading agency for geospatial information systems in Singapore, the SLA has also been instrumental in Singapore’s push to become a Smart Nation through its involvement in Virtual Singapore. Championed by the National Research Foundation (NRF), the SLA and the government’s Technology Agency of Singapore (GovTech), Virtual Singapore is a dynamic three-dimensional (3D) city model and collaborative data platform for users from different sectors, and forms part of the programmes lined up under the Smart Nation initiative. The first pilot, Virtual Yuhua, was showcased at the 2016 World Cities Summit, a Singapore-hosted international event focused on sustainable cities, and exhibited at the National Day Rally venue that same year. Ng Siau Yong, director of the SLA’s geospatial and data division, elaborated:

“As the geospatial authority, SLA has taken a major step in the evolution of geospatial data from 2-dimensional to 3-dimensional. We have also developed a common platform for digitised data for public sector sharing. Today, not only does our land database contain a rich repository of geospatial data, it also comes with valuable tools for public and government agencies to use this data meaningfully to derive insights for the purpose of enhancing their work processes such as policy planning and service delivery.”¹⁷⁹

CONCLUSION

“ There must be a sense of equity, that everybody owns a part of the city.”¹⁸⁰

Lee Kuan Yew, first Prime Minister of Singapore

Land, in Singapore's experience, has been an especially critical and precious resource for the country's successful physical and economic development from a colonial trading port into a world-class city. To ensure that the use of land for current and future development needs is optimised, Singapore has put in place a robust long-term integrated land use planning framework—the strategic Concept Plan and the more detailed Master Plan—to balance different land use needs. The sound governance of land is a necessary condition which ensures that developments are implemented effectively and efficiently according to the plan. A good land framework must thus be calibrated such that it enables the industry and land users to conduct their land dealings, conveyancing, and other land-related transactions confidently and efficiently. Supporting land policies, while striving for efficiency and effectiveness, must also be equitable, compatible and sustainable. The scarcity of land in Singapore makes any weakness or failure in land management especially acute.

Long term integrated planning is in turn complemented by a sound land administration and management system. To-date, under the purview of the Ministry of Law and the Singapore Land Authority (SLA), the land system encompasses effective policies, processes and legislation to regulate the land market, assemble land for national development, facilitate (re-) development, as well as manage the inventory of state-owned land and allocate such land for productive interim use. The land system also includes an accurate land surveying and registration system, along with transparent and comprehensive land information to ensure clarity of land ownership so that land dealings, conveyancing, and other land-related transactions can be executed confidently and efficiently.

The Land Acquisition Act was, and remains, an instrumental piece of legislation for securing land to carry out urban renewal, housing construction, industrialisation and public infrastructure development. Many development plans are implemented through the release of state land for private sector development through the Government Land Sales programme. Many land-related legislations and policies, including compulsory acquisition, that were adapted to suit the local context in earlier years, were revised as conditions changed over the years. With the merger of four land-related departments to form the SLA, the agency was reorganised to better serve the needs of changing circumstances and improve the management of state land and properties. Underpinning Singapore's successful land framework is an efficient and non-corrupt administration that fostered a culture of integrity with sound institutions and policies.

The journey ahead is, however, not without challenges. At approximately 720 km², land remains a scarce resource for Singapore. As Singapore becomes more developed and its population increases, the demand for land—and competition among different land uses—will inevitably rise. The SLA, which is responsible for managing all state land and properties in Singapore, must continue to work together with relevant agencies to strike a balance between the maximisation of economic returns from state assets and the optimisation of the land and properties for social and community uses. Given the strong foundation that has been built up over the years, Singapore is in a good position to tackle these issues.

GOVERNANCE TOOLS AND TIMELINE OF LAND ADMINISTRATION AND MANAGEMENT

- Legislation
- Executive Policies and Initiatives
- Key Institutions

1820s

- ▶ Land Office established as a registry for land registration; followed by Survey Department.

1826

- ▶ First 999-year leases issued.

1882

- ▶ Crown Lands Ordinance legislated to rationalise titles issuance and penalise encroachment on Crown lands.

1897-1902

- ▶ Resurvey of Singapore

1884

- ▶ Boundaries and Surveys Maps Ordinance introduced.

1886

- ▶ Crown Lands Ordinance introduced the Statutory Land Grant; registration of Deed Ordinance in place.

1886

- ▶ First Commissioner of Land Titles, Sir William Maxwell, appointed.

1901

- ▶ Foreshores Act provided for leases of foreshores and reclaimed land.

1902

- ▶ Licensed Surveyors Ordinance passed to prohibit registration of deeds without the certification of plan by the survey department.

1927

- ▶ Singapore Improvement Trust (SIT) set up, and tasked to draft the first Master Plan.

1947

- ▶ Crown Land Rules introduced; 99-year leases would be issued in almost all instances.

1956

- ▶ Land Titles Ordinance paved the way for later implementation of the Torrens system of land registration.

Before 1959

1960

- ▶ Economic Development Board (EDB) and Housing and Development Board (HDB) set up; SIT was dissolved.
- ▶ Establishment of Registry of Titles & Deeds

1960

- ▶ Planning Ordinance enacted.
- ▶ Land Titles Act amended to expedite conversion of deeds to titles.

1961

- ▶ First certificate of title is issued.

1964

- ▶ Foreshores Act amended to remove compensation to landowners for loss of sea frontage.

1965

- ▶ Introduction of Development Charge and Differential Premium systems.

1966

- ▶ Land Acquisition Act (LAA) enacted.

1967

- ▶ Land Titles (Strata) Act facilitated greater tenure security.

1970

- ▶ Land Surveyors Act allowed private surveyors to conduct cadastral surveys.
- ▶ Land Titles Act amended to expedite conversion of deeds to titles, particularly for land approved for development

1973

- ▶ Residential Property Act enacted to restrict the types of residential properties that foreigners could purchase.

1975

- ▶ Land Use Survey conducted following the 1967 State and City Planning Project.

1987

- ▶ Boundaries and Survey Maps Act enacted to replace colonial-era legislation.

1989

- ▶ Urban Redevelopment Authority (URA) reorganised, so as to centralise planning, urban design and development control functions.

1989

- ▶ Singapore Land Data Hub (LDH) is established to serve as a central repository of digitised land data.

1989-90

- ▶ New Development Charge table is launched.

1960s

1970s

1980s

1991

- ▶ Elected Presidency legislation enacted, which included safeguarding of accumulated past reserves.

1995–2000

- ▶ Computerisation of land registration is initiated with the Singapore Titles Automated Registration System (STARS).

Late 1990s

- ▶ Document Imaging Processing System (DIPS) implemented.

1998

- ▶ Introduction of Integrated Land Information Service (INLIS).

1998

- ▶ New Boundaries and Survey Maps Act introduced.

1999

- ▶ Land Titles (Strata) Act amended to facilitate collective sale of strata developments by majority (rather than unanimous) consent.

2000

- ▶ Differential Premium system is aligned with Development Charge.

2001

- ▶ Dual system of land registration ceased with full conversion to Torrens system.
- ▶ SLA embarks on marketing of state buildings for adaptive reuse.

2001

- ▶ Land Titles Act amended to facilitate titles conversion of remaining deeds land and broaden the definition of land.

2001

- ▶ Formation of Singapore Land Authority (SLA) under the Ministry of Law.

2003

- ▶ State Property Information Online made state property publicly available for rent.

2004

- ▶ A cadastral survey, SVY21, is conducted with applied Global Positioning System technology.

2005

- ▶ SLA introduces pro-enterprise initiatives such as RentDirect Scheme and Ideas Tender Scheme.

1990s

2000s



2005

- Restrictions on property purchases by foreigners relaxed in Residential Property Act.

2006

- Singapore Satellite Positioning Reference Network (SiReNT) is launched.

2007

- LAA amended to compensate owners based on market value as at date of gazette.
- Land Titles (Strata) Act amended to provide more safeguards in a collective sale process.

2008

- SLA introduces a reservation framework for any agency's reservation of state assets.

2010

- Land Titles (Strata) Act amended to fine-tune the role of the Strata Titles Boards in collective sale applications.

2011

- Landowners allowed to pay Differential Premium in lieu of Development Charge for land with residual tenure of 99 years or less.

2012

- LAA was amended to remove the need to paste acquisition notices on acquired properties.

2012-13

- Start of initiative to create a survey-accurate 3-dimensional national map.

2013

- Developers required to pay Differential Premium before Written Permission is issued by URA.

2014

- Implementation of SLA's Paperless Title Scheme.

2015

- LAA was amended to allow for stratum acquisition.

2016

- SLA launched MyProperty, which allows owners to view information and survey plans regarding their own properties

2010 onward



ENDNOTES

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- ³ One World Nations Online. (2016, December 13). Countries of the World by Area. Retrieved from http://www.nationsonline.org/oneworld/countries_by_area.htm
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- ⁶ In property law, a covenant refers to an agreement created in a land title or deed for one party to do, or not do, some action.
- ⁷ Motha & Yuen (1999).
- ⁸ Between 1819 and 1826, the Residents of Singapore were William Farquhar (1819–1823) and Dr. John Crawfurd (1823–1826). The settlements of Singapore, Penang and Malacca were united in 1826 to form the Presidency of the Straits Settlements under the administration of the East India Company in India. The Straits Settlements later became a Crown colony under direct British control in 1867.
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- ¹¹ Motha & Yuen (1999), p. 17.
- ¹² Barrie, J. K. (1954, September 7). *Notes by J. K. Barrie, Ag. Deputy Chief Surveyor*. Singapore Land and Survey Records.
- ¹³ Lo & Lim (2005).
- ¹⁴ *Ibid*, p. 220.
- ¹⁵ Under common law, an interest in land is passed when a deed (legal contract) is signed, sealed and delivered between the parties.
- ¹⁶ Leases took different forms since the East India Company days (the 1820s): from location tickets issued after lands were cleared, to 15-year agricultural leases that were convertible to 999-year grants as proposed in the Singapore Land Regulation (the first set of local land law which was however later repealed in 1837), to 999-year town leases, and the first 99-year leases in 1838. Grants in fee simple of Crown lands, and later Statutory Land Grants (a grant of land in perpetuity in payment of an annual rent) were issued till 1919. There were attempts to clean up 99-year titles (Land Office, 1966).
- ¹⁷ Lo & Lim (2005).
- ¹⁸ Singapore inherited the English common law, which followed from a feudal system of landholding that vested all land, initially in the East India Company, and later, in the British Crown when Singapore was a Crown Colony. These vested lands were known as “Crown lands”. As such, the earliest land titles were issued by the East India Company or the Crown.
- ¹⁹ Lim, C. (1988). Land Utilisation Policy. In C. Y. Lim et al. (Eds.), *Policy Options for the Singapore Economy*. Singapore: McGraw-Hill.
- ²⁰ Lo & Lim (2005), p. 222.
- ²¹ Lim (1988), p. 77.
- ²² Barrie (1954).
- ²³ Lo & Lim (2005), p. 224.
- ²⁴ *Ibid*.
- ²⁵ Barrie (1954).
- ²⁶ Barrie (1954), p. 7.
- ²⁷ Lo & Lim (2005), p. 217.
- ²⁸ In the General Order no. CLXXI on the Rules for the Sale of Crown Lands in the Colony of the Straits Settlements, lands were classified into various classes. Building lots within the town and suburban areas were sold for 999 years, while lands intended for agricultural purposes were sold for 10 years. After the transfer of control, the other forms of tenure prevalent were leases for a variety of terms ranging from 30, 60, 99 and 999 years to perpetual leases, subject only to quit rent. Hitherto, the various forms of alienation—licences, permits, leases and grants—were often made without conditions of tenure and without a right of resumption by the Crown (Lo & Lim, 2005; Barrie, 1954).
- ²⁹ Lo & Lim (2005); Barrie (1954).
- ³⁰ Lo & Lim (2005), p. 226.
- ³¹ Lo & Lim (2005); Barrie (1954), p. 15.
- ³² Lo & Lim (2005), p. 232.
- ³³ *Ibid*.
- ³⁴ Lo & Lim, (2005), p. 228. The later Crown Lands Ordinance (1886), now reproduced as the State Lands Act, Rev. ed. Cap 314. s. 3. (1994), introduced a statutory form of title, Statutory Land Grant (SLG) (freehold title), ceasing the issuance of earlier title, Grant in Fee Simple.
- ³⁵ Lo & Lim (2005), p. 227.
- ³⁶ Barrie (1954), p. 13.
- ³⁷ Singapore Land Authority Act, Rev. ed. Cap 301. (2002); Barrie (1954).
- ³⁸ This was later reiterated in the State Land Rules (Barrie, 1954).
- ³⁹ Based on the author’s knowledge during her stint in the SLA.
- ⁴⁰ It states that “[the] title ordinarily to be issued shall be a lease for a term which in general shall not exceed 99 years”.
- ⁴¹ Crown Lands Ordinance (1886).
- ⁴² State Lands Act, Rev. ed. Cap 314. s. 3. (1994).
- ⁴³ Lo & Lim (2005), p. 13.
- ⁴⁴ According to the Singapore Land Authority, Singapore, including its smaller islands, is divided into 64 survey districts. They comprise of 34 ‘Mukim’ survey districts in the rural area, and 30 ‘Town Subdivision’ survey districts in the city area. A Mukim and Town Subdivision is designated as ‘MK’ or ‘TS’ respectively, and each survey district is further subdivided into smaller land parcels known as ‘Lots’ with a number assigned by the Chief Surveyor. The Land Registry’s records are based on the survey district (MK or TS) and lot number (Lo & Lim, 2005).
- ⁴⁵ Barrie (1954).
- ⁴⁶ *Ibid*.
- ⁴⁷ Lo & Lim (2005); Barrie (1954).
- ⁴⁸ Lo & Lim (2005), p. 232; Barrie (1954), p. 29.
- ⁴⁹ Lo & Lim (2005), p. 234.
- ⁵⁰ Centre for Liveable Cities & Lee Kuan Yew Centre for Innovative Cities. (2016). *A Chance of a Lifetime: Lee Kuan Yew and the Physical Transformation of Singapore*. Singapore: Editions Didier Millet.
- ⁵¹ Sites include hotels with shopping complexes, flats and apartments, a floating restaurant, an amusement park, an office building and a multi-storeyed car park with shopping and restaurants. Housing Development Board. (1967). *HDB Annual Report 1967*. Singapore: Housing Development Board.

- ⁵² Housing & Development Board (1967).
- ⁵³ Land Acquisition Act. Cap 152. (1966).
- ⁵⁴ In 1959, the Land Acquisition (Temporary Provisions) Ordinance was enacted to prevent speculation following the publication and submission of the Master Plan for approval. It was only effective until 1960 (Lim, 1988, p. 77).
- ⁵⁵ Land Acquisition Act. Cap 152. (1966).
- ⁵⁶ Section 5 of the Land Acquisition Act gave the state broad powers to acquire land, namely for any public purpose; by any person, corporation or statutory board, for any work or an undertaking which, in the opinion of the Minister, is of public benefit or of public utility or in the public interest; for any residential, commercial or industrial purposes.
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- ⁵⁸ Centre for Liveable Cities & Lee Kuan Yew Centre for Innovative Cities (2016).
- ⁵⁹ Land Acquisition Act, Section 33(2)(a): If the market value has been increased as a result of any improvement within two years before the declaration under the provisions of Section 5 of this Act was published, such increase shall be disregarded unless it be proved that the improvement was made by the owner of the land or his predecessors in interest and was made bona fide and not in contemplation of proceedings for the acquisition of the land being taken under this Act. Section 33(2)(c): When the value of the land has been increased by reason of development in the neighbourhood by the provision of roads, drains, electricity, water, gas or sewerage or social, educational or recreational facilities by any public or statutory authority within seven years preceding the date.
- ⁶⁰ From 2007 onwards, the current market value has been used as the primary basis for compensation.
- ⁶¹ Centre for Liveable Cities & Lee Kuan Yew Centre for Innovative Cities (2016), p. 31.
- ⁶² Ibid., p. 17.
- ⁶³ National Library Board. (2015). Land Acquisition Act Is Enforced. Retrieved from <http://eresources.nlb.gov.sg/history/events/1f669eff-bc82-49d1-a27c-2624e4cab8c6#6> (accessed 6 June 2016).
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- ⁶⁵ Ibid.
- ⁶⁶ The Act was imposed in 1947 to protect tenants from rising rents due to a housing shortage in the aftermath of World War II, preventing rent on any kind of premises from rising beyond the 1939 level. However, rent control had two detrimental effects on the urban condition. First, artificially suppressed rents made it uneconomical for property owners to conduct proper building maintenance. Second, redevelopment of properties was severely restricted, as property owners could only repossess properties under certain limited conditions. Furthermore, the 1961 amendment prevented the owner from repossessing the house for new developments (Centre for Liveable Cities, 2016, p. 25; Chua, 1989).
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- ⁷⁷ Ibid.
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- ¹⁷³ Dempsey to get new lifestyle quarter. (2015, December 16). *The Straits Times*. Retrieved from <http://www.straitstimes.com/singapore/dempsey-to-get-new-lifestyle-quarter>
- ¹⁷⁴ Ng, Ooi Hooi (2015, September 23).
- ¹⁷⁵ Chew, Bryan (2017, July 15).

- ¹⁷⁶ Before 2004, cadastral surveying was conducted based on 'bearings and distances'—a method in use since the 1930s. Errors, confusion and inefficiencies arose from locational positioning using boundary marks, and these affected the integrity of the survey (many government agencies relied on the cadastral data to build their land information). To address this, the SLA worked with JTC and a team of consultants to conduct a feasibility study on the Global Positioning System. After multiple pilots with HDB and JTC in 1996, the coordinated cadastre was finally launched in August 2004. (Singapore Land Authority & Centre for Liveable Cities. (2012). *Development of a Modern Cadastral Survey System in Singapore*. Singapore: URA Documentation Committee).
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- ¹⁷⁸ The GNSS includes the USA-operated Global Positioning System (GPS), as well as, GLONASS (Russia), QZSS (Japan), Beidou (China) and Galileo (Europe) satellite navigation systems. (Singapore Land Authority. (n.d.). Singapore Satellite Positioning Reference Network (SiReNT). Frequently Asked Questions–SiReNT Usage. Retrieved from <https://sirent.inlis.gov.sg/Faq.aspx#1>)
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APPENDIX A

Fire Site Provisions

Matters To Be Considered In Determining Compensation

33.—(1) In determining the amount of compensation to be awarded for land acquired under this Act, the Board shall take into consideration the following matters and no others, namely:—

- (a) the market value at the date of the publication of the notification under subsection (1) of section 3 of this Act, if such notification shall within twelve months from the date thereof be followed by a declaration under section 5 of this Act in respect of the same land or part thereof, or in other cases the market value at the date of the publication of the declaration made under section 5 of this Act;
- (b) any increase in the value of the other land of the person interested likely to accrue from the use to which the land acquired will be put;
- (c) the damage, if any, sustained by the person interested at the time of the Collector's taking possession of the land by reason of severing such land from his other land;
- (d) the damage, if any, sustained by the person interested at the time of the Collector's taking possession of the land by reason of the acquisition injuriously affecting his other property, whether movable or immovable, in any other manner or his actual earnings; and
- (e) if, in consequence of the acquisition, he is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change:

Provided that in the case of an acquisition for any purpose specified in subsection (1) of section 5 of this Act of any land devastated or affected directly or indirectly by fire, explosion, thunderbolt, earthquake, storm, tempest, flood or any Act of God, or of any land immediately adjoining such devastated or affected land as shall be required for any such purpose, the Board shall not take into consideration the matters set out in paragraphs (a) and (e) of this subsection, but shall instead consider the market value of such land immediately prior to such devastation having due regard to the fact that at the material time the land could not have been conveyed with vacant possession as it was subject to encumbrances, tenancies or occupation by squatters, but without taking into account the value of any buildings or structures, permanent or otherwise, on such land at the material time:

And provided that such acquisition shall not affect the rights or liabilities of any owner, lessee, tenant or occupier of such buildings or structures in respect of any contract of insurance entered into by such owner, lessee, tenant or occupier:

And provided further that the market value of such land shall not exceed one third of the value of such land had it been vacant land not subject to any such encumbrances, tenancies or occupation by squatters unless the Minister shall in his discretion, by notification in the Gazette, specify otherwise.

(2) For the purposes of paragraph (a) of subsection (1) of this section—

- (a) if the market value has been increased as a result of any improvement within two years before the declaration under the provisions of section 5 of this Act was published, such increase shall be disregarded unless it be proved that the improvement was made by the owner of the land or his predecessors in interest and was made bona fide and not in contemplation of proceedings for the acquisition of the land being taken under this Act;
- (b) when the value of the land is increased by reason of the use thereof or of any premises thereon in a manner which could be restrained by any court or is contrary to law or is detrimental to the health of the inmates of the premises or to public health, the amount of such increase shall not be taken into account;
- (c) when the value of the land has been increased by reason of development in the neighbourhood by the provision of roads, drains, electricity, water, gas or sewerage or social, educational or recreational facilities by any public or statutory authority within seven years preceding the date—
 - (i) in a case where the notice, under the provisions of section 3 of this Act, is followed within twelve months by a declaration under the provisions of section 5 of this Act, of such notice; and
 - (ii) in any other case, of the declaration under the provisions of section 5 of this Act, the amount of such increase shall not be taken into account;
- (d) when the land could not have been conveyed with vacant possession at the time of acquisition, being subject to encumbrances, tenancies or occupation by squatters, the decrease in value by reason of the said encumbrances shall be taken into account;
- (e) any restriction imposed under the provisions of the Planning Ordinance, 1959 (Ord. 12 of 1959), shall be taken into account;

Provided that the market value of such acquired land shall be deemed not to exceed—

- (i) the most recent value in respect of such land stated in any affidavit, return or other document required to be made or delivered to any public officer under the provisions of any written law and accepted by him at such value for the purposes of assessing the tax or duty payable thereon, where such statement has been made within two years of the date of the declaration under subsection (1) of section 5 of this Act in respect of the land;
- (ii) where no such statement as is specified in paragraph (i) of this proviso has been made between the dates specified therein, the consideration or purchase price of any such land on its last sale or transfer if such sale or transfer took place within two years of the date of the declaration under subsection (1) of section 5 of this Act.

Source: Land Acquisition Act, Cap 152. (1966). *Singapore Statutes Online*.

APPENDIX B

Differential Premium vs. Development Charge (2013)

The DP sometimes gets confused with the DC because the two appear similar; both enable the state to reap the enhancement in land value arising from a higher value land use or increase in intensity. The table below summarises the key similarities and differences between the DP and DC:

	Differential Premium	Development Charge
Definition	The additional premium payable for enhancing the value of land by developing it to a higher intensity and/or different use from the lease condition	A statutory tax on the enhancement in land value when a planning permission is granted which allows the land to be put to a higher value use and/or intensity
Administered by	SLA	URA
Generally applicable to	Land alienated from the state with title restrictions	Private land not alienated from the state and land alienated from the state without title restrictions*
Basis	Contravene existing title restrictions	Exceed development baseline
Amount payable	70% of enhancement Value	70% of enhancement Value
Leasehold adjustment	Yes	No
Appeal mechanism	Yes	Yes
Stamp duty# payable	Yes	No
Material date of valuation	Date of Provisional Permission (PP) or Written Permission (If PP is not issued)	Date of Provisional Permission

* Owners of land alienated from the state without title restrictions can now apply to pay DP instead.

Stamp duty is a tax on legal document used on the transfer of property and/or documents that create rights for the parties involved. As DP involves the lifting of title restriction, where Supplemental State Titles will be issued, stamp duty is payable.

Source: Singapore Land Authority. The Differential Premium System. *SLA Circular*. (Singapore: Singapore Land Authority, 2013).

APPENDIX C

Breakdown by Use of SLA-Managed Properties in FY2016/17

Estimated Gross Floor Area (m²)

Social / Civil Institution
2,602,247.41



Vacant Properties
479,428.76



Residential
656,773.78



Commercial
735,737.53



Industrial
247,674.09



Source: Singapore Land Authority. *SLA Annual Report 2016/17*. (Singapore: Singapore Land Authority, 2017).



LAND FRAMEWORK OF SINGAPORE: BUILDING A SOUND LAND ADMINISTRATION AND MANAGEMENT SYSTEM

This Urban Systems Study traces how the land management and administration systems in Singapore have evolved from the days when Singapore was a colonial trading port, to today, when it has become a world-class city. The scarcity of land in the city-state of Singapore would have made any failures in land management particularly disastrous. Starting from a laissez faire land system that lacked accurate land records and enforcement in the colonial years, early legislative reforms were introduced to provide certainty in land registration and land dealings. The limited land resources spurred the Singapore government to introduce land-related policy innovations. Land-related legislation, such as those relating to land acquisition and en bloc redevelopment, were adapted to the local context to enable development that was essential when Singapore became independent. In later decades, reforms to land management and land use planning policies—such as in land acquisition, government land sales, development charge and differential premium systems, and reserves protection—were put in place to meet the needs of changing circumstances. More accurate and transparent land information systems were also made more accessible to the public and industry. The institutional framework for land management has evolved to improve the government’s responsiveness to the needs of the market and the public.

“One must reserve land for future development. The government is not looking five years or ten years ahead. Being a responsible government, we must look 30 years or 40 years ahead, and when the time comes, we must have land available for the requirements for that age.”

E.W. Barker, Minister for Law (1964-1988)

