

THE RULE OF LAW AND URBAN DEVELOPMENT

The transformation of Singapore from a struggling, poor country into one of the most affluent nations in the world—within a single generation—has often been touted as an “economic miracle”. The vision and pragmatism shown by its leaders has been key, as has its notable political stability. What has been less celebrated, however, while being no less critical to Singapore’s urban development, is the country’s application of the rule of law. The rule of law has been fundamental to Singapore’s success.

The Rule of Law and Urban Development gives an overview of the role played by the rule of law in Singapore’s urban development over the past 54 years since independence. It covers the key principles that characterise Singapore’s application of the rule of law, and reveals deep insights from several of the country’s eminent urban pioneers, leaders and experts. It also looks at what ongoing and future developments may mean for the rule of law in Singapore.

“Singapore is a nation which is based wholly on the Rule of Law. It is clear and practical laws and the effective observance and enforcement of these laws which provide the foundation for our economic and social development. It is the certainty which an environment based on the Rule of Law generates which gives our people, as well as many MNCs and other foreign investors, the confidence to invest in our physical, industrial as well as social infrastructure. These are the fundamental bases of our economic growth and our social development.”

Former Chief Justice Yong Pung How



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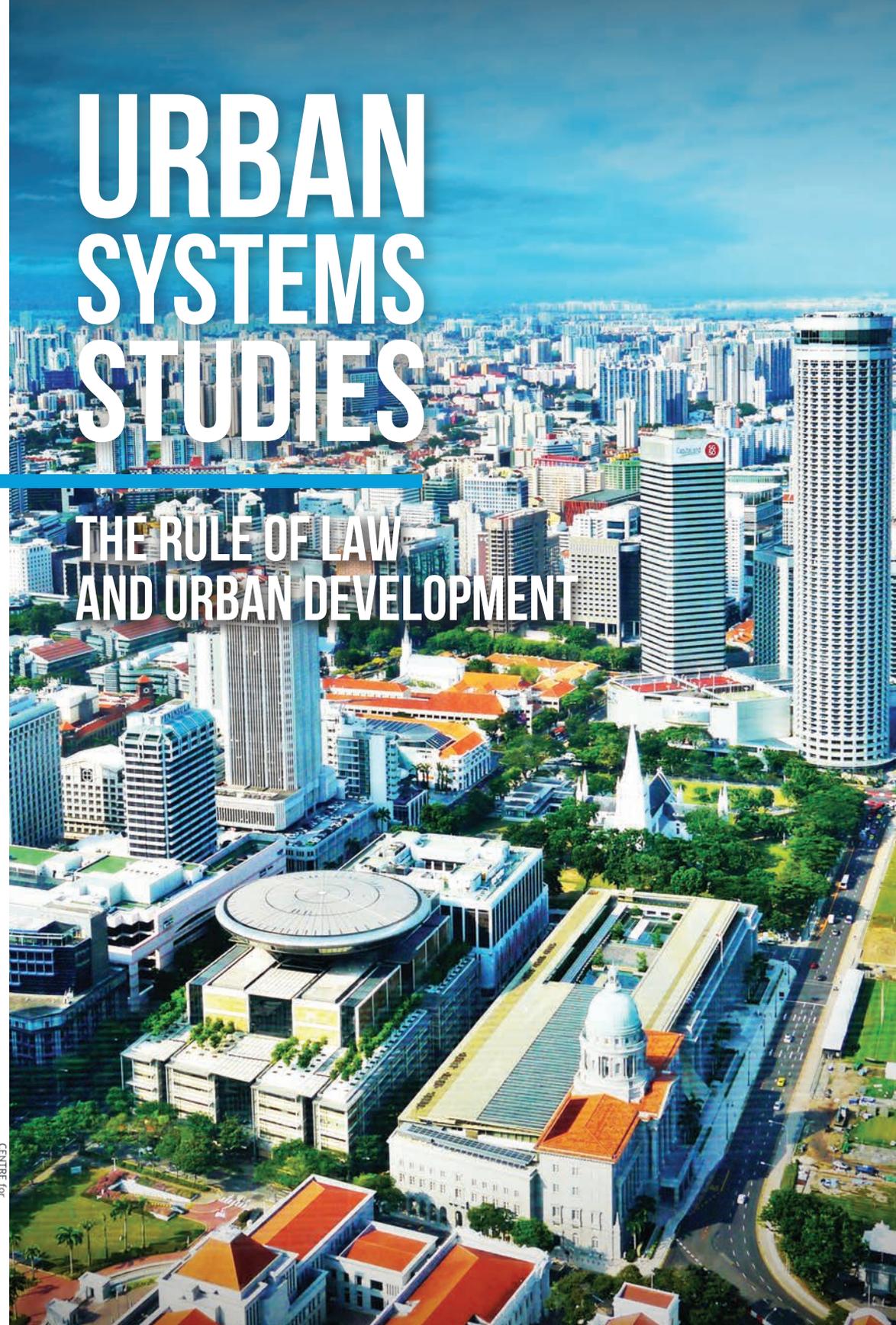
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Set up in 2008 by the Ministry of National Development and the Ministry of the Environment and Water Resources, the Centre for Liveable Cities (CLC) has as its mission “to distil, create and share knowledge on liveable and sustainable cities”. The CLC’s work spans four main areas—Research, Capability Development, Knowledge Platforms, and Advisory. Through these activities, the 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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Cover photo:

The current and former Supreme Court buildings (foreground), against the backdrop of the City Hall precinct and the Bras Basah/Bugis arts and heritage district.
Photo courtesy of Wikimedia Commons.

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FOREWORD

I have often been asked for the secrets of Singapore's success. I would reply that they are not secrets but are enshrined in our public policy.

I believe that one of the reasons for our success is the strong rule of law in Singapore. What is the rule of law? It is the belief that no one is above the law and everyone is subject to the law. It is the belief in an independent judiciary, which will administer justice without fear or favour. It is the belief that the law in the book is the law on the ground. It is the belief that a citizen, no matter how poor and powerless, will be treated fairly by the law.

The rule of law is very weak in Asia. In many Asian countries, the rule of man trumps the rule of law. In some Asian countries, the rule of law is undermined by a culture of impunity. In those societies, the rich and powerful are above the law. In other Asian societies, the rule of law is subverted by corruption. In those jurisdictions, the policeman, the prosecutor and even the judge are for sale.

The rule of law applies to all aspects of our public endeavours, including urban development. This book tells the important story of how Singapore's successful urban development has been undertaken within the framework of the rule of law.

Tommy Koh
Professor of Law
National University of Singapore,
Ambassador-at-Large
Ministry of Foreign Affairs, Singapore

PREFACE

The Centre for Liveable Cities' (CLC) research in urban systems unpacks the systemic 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 the Centre has identified under the Singapore Liveability Framework, attempting to answer two key questions: how Singapore has transformed itself into a highly liveable city over the last five decades, and how Singapore can build on our urban development experience to create knowledge and urban solutions for current and future challenges relevant to Singapore and other cities through applied research. *The Rule of Law and Urban Development* is the latest publication from the Urban Systems Studies (USS) series.

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

The Centre would like to thank Professor Tommy Koh, Dr Liu Thai Ker, Mr Liew Heng San, Mr Niam Chiang Meng, Ms Loretta Fung, Professor Lye Lin Heng, Professor Eugene Tan, and all those 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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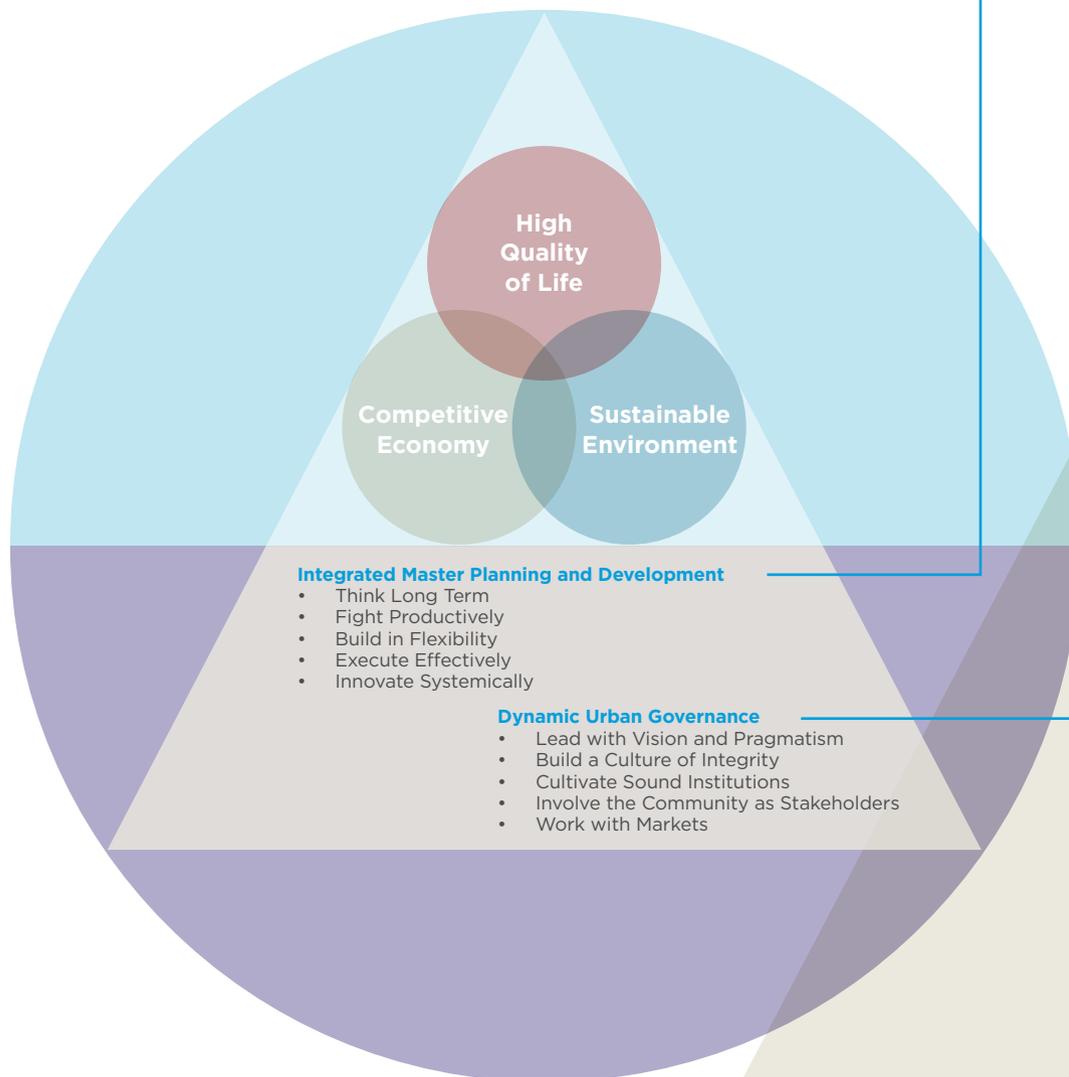
The Centre for Liveable Cities is grateful to the following interviewees (in alphabetical order) for sharing their insights on the rule of law and urban development in Singapore: Ms Loretta Fung, Professor Tommy Koh, Mr Liew Heng San, Dr Liu Thai Ker, Professor Lye Lin Heng, Mr Niam Chiang Meng and Professor Eugene Tan.

The researchers, Elgin Toh and David Ee, would like to thank the following for their time, guidance and support: Mr Khoo Teng Chye, Dr Limin Hee, Ms Joanna Tan, Mr Gregory Lee, Ms Eunice Rachel Low and Ms Chia Jia-En.

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 *The Rule of Law and Urban Development*.



Integrated Master Planning and Development

Build in Some Flexibility

In applying the rule of law, Singapore has been careful to find the right balance between stringency and flexibility. Legislation cannot be applied too mechanistically without room for flexibility under certain circumstances, nor can it be too pliable lest it be seen as inconsistent or a poor deterrent. Without allowing for some flexibility, the law risks being viewed as draconian, or even inhuman. Singapore demonstrates this flexibility in at least three ways. First, flexibility can be granted before a law or decision comes into full effect. Second, flexibility can be granted during enforcement. Finally, flexibility can be granted to allow pilot trials for emerging innovations and disruptions.

(See Principle 5: Flexibility, page 53)

Execute Effectively

Singapore's laws are effective as they mean what they say. They are put into action: implemented and enforced by the relevant branches and agencies of the government. This has been a key factor behind Singapore's rapid progress in its urban development. All stakeholders understand that laws must be taken seriously for the entire system to function well. Legislation is carefully drafted, institutions established to implement it, and authorities are given the powers to diligently and systematically enforce these laws. Singapore's Statutory Boards play a critical role here. Public education and deterrence are other key factors behind having an effective rule of law.

(See Principle 2: Effectiveness, page 27)

Dynamic Urban Governance

Build a Culture of Integrity

Building and strengthening a culture of integrity is crucial to Singapore's urban governance. In applying the rule of law, fairness is an important principle. Singapore's laws must ensure that everyone is treated equally, regardless of race, religion, class or position. In legal scholarship, however, equality does not always mean that everyone is treated exactly the same way. Rather, people in similar situations are treated the same way, while there are instances where people are treated differently, but in a way that is considered fair (for example, with regard to Housing & Development Board (HDB) subsidies). In many areas, though, such as the right to legal defence at a fair hearing, and the right to appeal judicial decisions, individuals are treated the same way.

(See Principle 1: Fairness, page 18)

Cultivate Sound Institutions

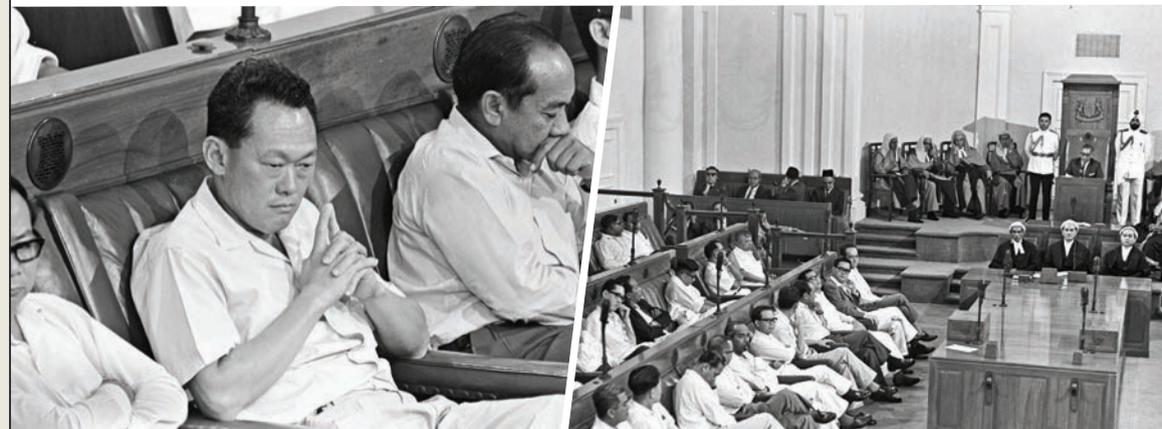
Singapore's Statutory Boards are key to the country's urban development and rule of law. They are given the autonomy to act decisively and react nimbly to evolving situations. They are also given clear and focused missions, and are sufficiently resourced to act on them. The powers and responsibilities entrusted to Statutory Boards allow them to implement and enforce laws effectively. They are legally empowered by Acts of Parliament to write and amend subsidiary legislation, and they function as empowered custodians of those laws.

(See The Role of Statutory Boards in the Rule of Law, page 28)

OVERVIEW

INTRODUCTION

On the afternoon of 14 December 1965, Mr Lee Kuan Yew was in the Chamber of Parliament to deliver his first speech to the House as Prime Minister of an independent and sovereign Singapore.



Former Prime Minister Lee Kuan Yew at the opening of the first Singapore Parliament held in Parliament House on 14 December 1965. Photos from Ministry of Information and the Arts Collection, courtesy of National Archives of Singapore.

He pointed to the great challenges and difficulties the new nation faced. But he also gave a sense of a fresh start and of a historic opportunity. For once, it was not the British, the Japanese or the Malaysians who would decide what kind of country and society the people of Singapore would live in and be a part of. For once, Singapore could forge its own path. It was a message of hope, mixed with caution and hard-headed realism. Let us do something special with this country, he said.

What were his exact words? Speaking in the elegant English prose that the Cambridge-educated lawyer was known for, he said: "But whilst we have no control over events there, independence has given us a unique opportunity to order our way of life, and I would like to believe that the two years we spent in Malaysia are years which will not be easily forgotten, years in which the people of migrant stock here who

are a majority learned of the terrors and the follies and the bitterness which is generated when one group tries to assert its dominance over the other on the basis of one race, one language, one religion. It is because of this that my colleagues and I were determined, as from the moment of separation, that this lesson will never be forgotten. So it is that into the Constitution of the Republic of Singapore will be built safeguards, insofar as the human mind can devise means whereby the conglomeration of numbers, of likeness, as a result of affinities of race or language or culture, shall never work to the detriment of those who, by accident of history, find themselves in minority groups in Singapore.”¹

In his first parliamentary speech as Prime Minister (PM), Mr Lee painted a vision of a Singapore being multiracial and meritocratic—a vision that unfolded into reality over the next 50 years, into the Singapore of today.

But there was also a second vision painted in that speech that became reality. For it was not insignificant that Mr Lee said: “So it is that into the Constitution of the Republic of Singapore will be built safeguards...”² In other words, the law was his chosen vehicle, or at least one of his most important vehicles, for achieving his vision of equality for citizens, regardless of ethnicity or background.

This mention of the Constitution was not by coincidence, nor was it inadvertent. Mr Lee had earlier in his speech pointed out what was wrong with the Malaysian system, as experienced by Singapore in the two years of merger, from 1963 to 1965. He said: “Two years in which we came face to face very rapidly with the stark realities of conflict—conflict over race, over language, over religion. Very quickly all the clichés of inter-communal cooperation were shorn off as we found ourselves confronted with a somewhat crude and blatant attempt to subdue us as a submissive member of a federation, the inner workings of which we were not so conversant with before Malaysia. Whilst we laid the emphasis on the constitutional framework and good faith, intending to bring the territories and the peoples closer together as they operated within one national unit, sharing one economic system, irrevocably wedded together by ties of common experience and the fact that their destinies had been so closely interwoven in the past, we found that there were certain inarticulate major premises upon which others

had based their calculations. And the constitution, which was written, and the inarticulate major premises of race, language and religion, which were unwritten, were irreconcilable. All that is over for us for the time being.”³

Over the next 50 years, Mr Lee Kuan Yew built a system of rule of law, before it passed to PM Goh Chok Tong and then PM Lee Hsien Loong; they both bore the same suspicion of any system in which what was written and what was unwritten were “irreconcilable”.

In 2016, Singapore was ranked ninth in the world and first in Asia in the Rule of Law Index, by the US-based non-profit organisation World Justice Project (WJP). WJP defines the rule of law as comprising four principles: (i) Accountability, (ii) Just Laws, (iii) Open Government and (iv) Accessible and Impartial Dispute Resolution.

This latest addition to the Urban Systems Studies (USS) series is about the rule of law and urban development in Singapore. How was the rule of law established in Singapore and has it enabled her to succeed as a city? What principles are behind Singapore’s rule of law? How can it be maintained, so as to continue to bring Singapore forward?



View of the Marina Bay skyline (left), and colourful public housing in Rochor (right). Establishing the rule of law in Singapore has allowed the city to transform quickly into the vibrant place it is today.

Photos courtesy of Rodney Topor and Bernard Spragg.

Building Singapore up into a city has involved constructing physical infrastructure—roads and railway, parks and water pipelines—and buildings. But perhaps even more important has been the non-physical, non-tangible infrastructure, such as institutions and systems of governance, and of course, the rule of law. Associate Professor of Law at the Singapore Management University (SMU) Eugene Tan gave an analogy: the rule of law is to the city what the OS, or operating system, is to the computer. He said, “It operates in the background and people don’t notice it and often take it for granted until it malfunctions or is not fit for purpose.”⁴

Yet, it brings together, undergirds and enables everything else in the city, including “hardware and software”. It is nowhere but everywhere. It is what makes the entire system work.

CHAPTER 1

THE RULE OF LAW: CRITICAL TO SINGAPORE’S SUCCESS FROM THE BEGINNING

“The rule of law in Singapore is fundamental...we have chosen [it] to be part of the framework on how we govern Singapore and the people.”⁵

Niam Chiang Meng, Permanent Secretary, Ministry of Law (March to December 2000)

HOW THE RULE OF LAW WAS ESTABLISHED IN SINGAPORE

In a speech in Hong Kong in 1992, then Senior Minister Lee Kuan Yew observed that Singaporeans and Hong Kongers had similar colonial experiences and common terms of references. “The British...left a legacy of education in the English language and the rule of law,” he said.⁶

Professor Tommy Koh, a legal scholar and Ambassador-at-Large at the Ministry of Foreign Affairs, agreed that the British laid the foundation for the rule of law in Singapore. During colonial times, the court system in Singapore, though made up entirely of British judges, was seen as impartial. “There was a certain perception that they were there to render justice and were not necessarily an appendage of the colonial government,” he said. At the same time, however, the colonial courts worked more for the English-educated and for businesses, and there remained a disconnect between the colonial courts and the man on the street, he said.

Singapore was a migrant society where many of these migrants had grown up in countries that did not have a strong tradition of the rule of law. When these migrants came to Singapore to make a living, they brought with them different interpretations on what the law meant and how it worked. The British system in Singapore took some getting used to.

“People tended to be afraid of the police,” said Prof Koh. “If they had disputes, they tried to settle it at the community level, through mediators. In every kampong, there was sort of an elder, somebody that everybody

looked up to. So if the neighbours had a quarrel, they would go and see this elder, and he would try to settle it. In some ways, mediation and conciliation are deeply rooted in Asian culture.”

This lack of belief in the legal system also meant doing business without signing contracts, as Prof Koh recalls his father doing. “People like my father never resorted to the law. I kept telling him, ‘This may work in the old days, but today, when you enter into a partnership with somebody, you better have it all done in legal papers.’ But he never listened to me. He said, ‘Oh no, it’s all based on trust.’ And so he got cheated again and again. But he could never break away from this mindset that among the Chinese, our word is our bond, and that if I took you to my lawyer to put all this in writing, it meant I didn’t trust you.”⁷

And so when Singapore became independent, there was an existing system of laws and institutions that provided it with a very useful foundation. But there was still a lot of work to be done. Many of its citizens had to be persuaded that this was a better way to do business and to go about their everyday lives.



Law Minister Mr Eddie Barker (centre) having a discussion with his staff during a visit to his departments and offices.

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

The fact that Mr Lee Kuan Yew was a lawyer probably made a big difference. But he was not the only lawyer, noted Prof Koh. Other lawyers among Singapore's first generation leaders included Mr Kenneth Byrne and Mr Eddie Barker. Mr Byrne had been the first labour and law minister of self-governing Singapore in 1959, while Mr Barker served as Singapore's first law minister after its independence. The latter drew up the Singapore-Malaya separation documents in 1965 and oversaw all the major legislative initiatives of the early years of Singapore's development; he served as law minister from 1964 to 1988.

"We had good lawyers in the Cabinet, and they responded to the challenges of the time. If our first generation leaders had no lawyers, we may well have had a different worldview," said Prof Koh.⁸

VITAL TO SINGAPORE'S SUCCESS AS A CITY

The rule of law was vital to Singapore's success as a city. Prime Minister Lee Hsien Loong said that Singapore's strong emphasis on upholding all aspects of the rule of law was how it "distinguished itself from other developing countries, and made it from Third World to First".⁹

The rule of law was also highlighted as an important ingredient for Singapore's past and future success, no less than by Mr Lee Kuan Yew, the man credited with building the Singapore system. He wrote in 2013 that Singapore stands itself in good stead over the next 20 to 30 years "if we fortify the advantages that we have built up over the years: a well-educated workforce...the rule of law and respect for intellectual property rights, an eagerness to embrace the latest technology in every field, transparency and non-corruption in the government as well as general ease of doing business".¹⁰

But how exactly has the rule of law been important to Singapore? In what ways has it contributed to Singapore's success? Four points are highlighted below about the role that the rule of law has played. First, it has provided a stable and predictable framework for all stakeholders of urban development. Second, it has created a safe and secure environment for individuals to go about their daily lives in the city. Third, it has provided business certainty, thereby encouraging local and foreign investments. Finally, for a small island city-state with very little margin for error, the rule of law enables development to take place in an orderly manner.

Stable and Predictable Framework

All stakeholders in the Singapore story—the public, private and people sectors—have benefited from the stable and predictable framework for urban development. The rule of law means policy and legal decisions are made rationally, in accordance with due process, and are publicly defensible. They are not arbitrary or subject to the whims and fancies of individuals in positions of power. The flip side of the coin is that once these decisions are made, there is a very strong legitimacy to them that compels all parties to comply with these decisions. This stability and predictability is welcome to all.

For the public sector, the rule of law has enabled urban policies to be implemented and the vision for the city to be realised through the introduction and subsequent enforcement of legislation. It also makes clear what powers government agencies have to regulate urban development, and the limits of those powers.

Important reforms dating from 1986 were key to improving the transparency and clarity of urban development in Singapore, and strengthening the rule of law. Prior to this, the urban planning and development system was largely opaque to the private sector. Many development-related decisions, such as the imposition of development charges, were assessed on a case-by-case basis. Allowed land uses and development intensities were not clearly communicated in the statutory master plan.

In response to the above, for example, the government made development charges transparent by using a standardised table detailing rates, the intended land use and the geographic sector. This table was made public and reviewed every six months. Development Guide Plans (DGPs) were also introduced, which translated the intentions of the Concept Plan into detailed local plans showing future land use, and development control and road network information. This systematic process strengthened the rule of law. It ended the practice of case-by-case development assessments and made planning and development rules clearer and more transparent.

The rule of law has also given businesses greater certainty and individuals, greater personal safety and security—points that are covered below.

Safe and Secure Environment

Each individual can go about his or her everyday life in Singapore with a general assurance of safety. This safety is liberating, freeing each person to pursue his goals and dreams. It is made possible by the firm and sustained application of the rule of law, which has been effective in reducing crime to relatively low levels.

This feeling of personal safety is a basic element in a liveable city and is vital to individual well-being, as underscored by former Prime Minister Lee Kuan Yew, who has said: "Create a sense of safety, a sense of feeling comfortable in this place. It is no use having good surroundings, if you are afraid all the time."¹¹



Children playing at the Central Catchment Nature Reserve. Providing a safe and secure environment is crucial in bringing up the next generation.

Photo courtesy of Chan Kam Meng.



A couple jogging along the Punggol Park Connector. Low crime rates have allowed citizens to carry out their daily activities safely and comfortably.

Photo courtesy of tee_eric.

It is even more remarkable that such safety has been achieved with a leaner police force than in many cities in the West, as Minister for Law K. Shanmugam pointed out in a speech to the New York State Bar Association meeting in Singapore in 2009: "What is the result of our approach? If you asked any Singaporean lady in this room: she will have not too much concern about taking the metro or taxi or bus at any time, to any location. You can walk downtown, to any area, at any time, without fear or concern. Many parents will let their children under 10 take public transport on their own. Children move about freely—as children should. There are no slums, no 'no go' areas, no deprived inner city areas. More than 90 per cent of the population own their homes.

"Our crime rate is low. Last year [2008], we had a crime rate of 684 per 100,000 population. New York, which has made significant steps to becoming one of the safest large cities in the US, had 2,400 per 100,000. If you look at violent crimes, we have 111 per 100,000 population. New York has 580 per 100,000 population. We have tough gun control laws and we make no apology for it.

"And this low crime rate is achieved with a leaner Police Force. We employ 247 police officers per 100,000 people. New York employs about 420 per 100,000 people. You will not see much police presence in the streets. In saying this and comparing, my point is that we do not do too badly on some objective criteria."¹²

Encouraging Business and Foreign Investments

By upholding the rule of law, Singapore has benefited as a city in another very concrete way. The rule of law has forged a business-friendly environment, both for local investors and vitally for foreign investors, laying the foundations for economic growth and prosperity. The rule of law quickly became an important competitive advantage for Singapore, compared to other cities and countries in the region. The investments that came in as a result provided much needed jobs for Singapore's young and growing population, as well as tax revenues that helped the government develop the city's infrastructure.



Skyline of Singapore's Central Business District. The presence of law and order was one of the driving factors behind the city's success as a financial hub.

Photo courtesy of AndyLeo@Photography.

As then Chief Justice Yong Pung How said in a speech in 2001: "Singapore is a nation which is based wholly on the rule of law. It is clear and practical laws and the effective observance and enforcement of these laws, which provide the foundation for our economic and social development. It is the certainty which an environment based on the rule of law guarantees which gives our people as well as many MNCs and other foreign investors the confidence to invest in our physical, industrial as well as social infrastructure."¹³

But how exactly did the rule of law translate into increased investments? What were the mechanisms that led from one to the other? First, the rule of law meant certainty in property rights, which gave businesses the confidence that when they made an investment, the investment would continue to belong to them and accrue interest and profits according to the rules of the game that had been made clear at the point of investment. There would be no sudden, arbitrary loss in their investment, except under the ordinary workings of the free market.

Former Permanent Secretary of the Ministry of Law Liew Heng San said: "In one sentence, the rule of law is necessary because it gives certainty. So for example, if the rule of law says, 'this land is yours', it's yours. You cannot have a king or a governor or a president who says, 'No, I like it and I seize it.'"¹⁴

Mr Niam Chiang Meng, also former Permanent Secretary of the Ministry of Law, added: "In some countries, there is the risk that after you invest in property or physical assets, if the government changes the rules, you are in trouble. And so, for a small country like Singapore, where you don't have natural resources, it is a real competitive advantage for us to be able to enforce the rule of law properly and judiciously."¹⁵

Second, the rule of law means certainty in business costs and prospects. Any company that wants to set up a business in a new country needs to have the confidence (after it has done its sums) that it is likely to turn a profit when it is fully underway. There are of course many imponderables at the outset and any calculation would be an estimate. In many countries, corruption and potential changes to the policy or legal framework make it much more difficult to do these sums accurately. Singapore, however, prides itself in having a stable set of rules, without having to resort to bribery to oil the wheels of bureaucracy—what you see is what you get.

Said former CEO of the Housing & Development Board (HDB) and the Urban Redevelopment Authority (URA) Liu Thai Ker: “Investors find it safe to invest in Singapore. With a transparent Master Plan, if you want to invest in a site, you know who your neighbours are. If you are a condominium developer and you don’t know who your neighbours are, the next day, if there is a pollutive industry near your house, then you can’t sell. And also, because of the corrupt-free administration, investors know what their costs would be, because there aren’t hidden costs. Hidden costs come partly from corruption and partly from poorly drafted laws, which are open to interpretation.”¹⁶

Added Mr Niam: “If you have nothing except people and some land, and you want to get investments into the country, you need the rule of law to give investors that consistency that their monies will not be lost by changes in policies or other changes.”¹⁷

This certainty extends to regulatory compliance costs as well, which can be quite significant and opaque in some jurisdictions. In Singapore, agencies are well-known for being open about compliance costs. Said Mr Joseph Hui, Deputy CEO of the National Environment Agency (NEA), which regulates pollution from factories: “What companies want is that you tell them upfront exactly what you want them to do, then at least they know how much they have to spend, and are prepared to do so. What they don’t want is for you to go to them with hidden costs after they’ve built the factory, and tell them they need to build this or that. In Singapore we try our best to make clear everything at the planning stage because we know it’s not fair to start imposing costs on them by having additional requirements later on.”¹⁸

Finally, the rule of law means that when business disputes arise, as they often do, there is sufficient assurance that contracts will be respected and that the court system would act fairly and independently, and pass judgment according to the law and the merits of the case instead of some other invisible criteria.

Minister for Law K. Shanmugam has cited judicial independence as being important to businesses: “In 1965, our GDP was US\$500 per capita. We had a weak economy. There was a large dependence on trade and the British bases, which I think contributed about 20 per cent of GDP or so. We decided to move into manufacturing. But capital and

technology were needed. That had to come from foreign investment. Foreign investment would only come if we had laws which men of commerce could trust, their investments were safe and they could make money, and our courts were independent. We had no natural resources. The investors did not need to come here. Our value proposition, compared to other places, had to be a better business environment and the rule of law. Over the years, with both these factors, we have been very successful in attracting FDI.”¹⁹

Mr Liew Heng San added that the world-class arbitration system available to businesses in Singapore adds to the attractiveness of the city as an investment destination, since businesses often prefer to work out disputes with one another away from the public’s view. Mr Liew said: “Singapore’s arbitration centre has developed a reputation over time as being fair in its rulings. The two sides are also allowed to mutually agree on a judge—even a judge outside Singapore. Furthermore, Singapore is known to be fair in its charges. In some arbitration centres, the process of arbitration can end up costing more than the real dispute. So in Singapore, arbitration is not just fair, it’s also fairly priced.”²⁰

In a speech in June 2017, Senior Minister of State for Law Indranee Rajah also noted Singapore’s role as being one of the most respected arbitration venues internationally, and the importance of this for businesses. She said: “Singapore has a trusted legal system that delivers high quality jurisprudence and is neutral and stable. Today, Singapore is one of the top five seats of arbitration in the world, alongside London, Paris, Geneva and Hong Kong. We are the ICC’s²¹ No. 1 seat of arbitration in Asia. In 2016, there were 26 ICC cases seated in Singapore. Of these 26 cases, 24 did not involve any Singaporean party. Businesses who plan long-term choose Singapore as the seat of arbitration in their contracts, even though they have no connection whatsoever with Singapore. They know that if and when disputes arise, be it 5, 10 or 15 years later, Singapore will be Singapore: trusted, consistent and reliable in its approach, delivering the same high-quality jurisprudence as it does now, if not better. And more businesses will come to appreciate the trust, neutrality and stability that Singapore offers, as they command an even higher premium in an increasingly uncertain world. What we offer is intrinsically linked to our system of governance. It cannot be created overnight and is not easily replicated.”²²

Enables Orderly Development Given the Small Margin for Error

Finally, the rule of law has been especially important in Singapore, because its small size gives the government a very limited margin for error. In many cities around the world, governments have space to experiment—there is always more open land the further one moves away from the city centre. Or if something goes wrong in any city, individuals have the option of moving to other cities in the country. In Singapore, this island is all we have. Even though it may have grown over the years, from 580 km² to 720 km², via sea reclamation, there is still a physical limit as to how much more land can be reclaimed.

Hence, the need to ensure orderly development is absolutely vital. The rule of law is an important guarantor of that orderliness. Pollution is one area where the link between small size and orderly development is very clear. Former Prime Minister Lee Kuan Yew said: “We are a small island. Unless we protect ourselves by placing the right industries in the right places—taking into consideration prevailing winds—we will despoil the city. This could easily have become an unliveable city.”²³

Mr Lee was referring to the policy of zoning that ensures industries dealing with hazardous chemicals and producing pollution are sited away from residential areas. As pollution control technologies improved, anti-pollution regulations were introduced to compel industries to comply with stricter standards—not only were they zoned further away from population centres, they were also required to process and internalise pollutive output, to avoid polluting the atmosphere.

Other important urban rules and regulations that took into account the small size of the island include the banning of noisy construction piling near schools, residences and hospitals, as well as making it mandatory that vehicles transporting hazardous chemicals take particular routes that do not go near population centres or reservoirs, even if additional roads have to be laid to make this possible. The rule of law means that such rules have to be enforced and not just drawn up. In this way, people know the government means business, and when it says that something is not allowed, there will be consequences for individuals and businesses that disregard it.

RULE OF LAW PRINCIPLES

“The rule of law is necessary because it gives certainty...it says this is how the law of the land describes the boundaries—regardless of race, language, religion or station in life. And it applies without fear or favour.”²⁴

Liew Heng San, Permanent Secretary, Ministry of Law (2001-2005)

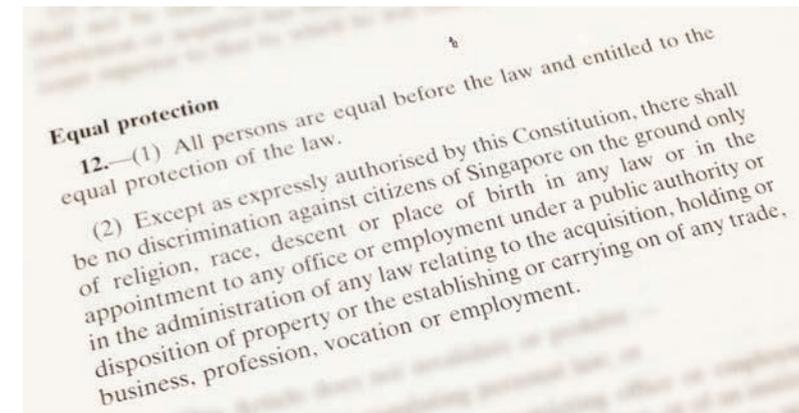
What are some underlying principles that characterise the rule of law in Singapore? In this section, six distinct principles are identified and elaborated on. They are: Fairness, Effectiveness, Efficiency, Transparency, Flexibility and Communitarianism.

PRINCIPLE 1: FAIRNESS

This principle seeks to ensure that everyone is treated equally under the law, regardless of attributes such as race, religion, class or position.

It is important to note that in legal scholarship, equality does not mean everyone is treated the same way. It means that “like persons”—or persons in similar situations—are treated the same way. Hence, there are instances of people being treated differently, but in a way that is considered fair. For example, Singaporeans benefiting from the HDB subsidy must fall under the monthly household income ceiling of S\$12,000. This means that those earning household incomes above S\$12,000 are not eligible for the subsidy, but most people would not consider that to violate the “equal treatment” principle, because income is thought of as a fair criterion for making a distinction in this situation. But if there are two people with household incomes below S\$12,000, and one is eligible while the other is not, because of, say, race or religion or language, then that would be unfair.

That said: there are many areas where every single individual is indeed treated the same way—even those with different incomes. For example, any person charged with committing a crime would have the same right to defend him or herself at a fair hearing, as well as the right to appeal the decision of the first court.



Article 12 of the Constitution of the Republic of Singapore (1985 Revised Edition, 1999 Reprint).

Photo courtesy of AndyLeo@Photography.

The right to equal protection is a fundamental liberty enshrined in Article 12 of the Constitution, which reads: “All persons are equal before the law and entitled to the equal protection of the law. Except as expressly authorised by this Constitution, there shall be no discrimination against citizens of Singapore on the ground only of religion, race, descent or place of birth in any law or in the appointment to any office or employment under a public authority or in the administration of any law relating to the acquisition, holding or disposition of property or the establishing or carrying on of any trade, business, profession, vocation or employment.”

Another important objective of the fairness principle is that laws and their application must be seen as reasonable in a commonsensical way. This will be fleshed out in more detail later on, but broadly speaking, this means that people should understand the rationale for having such laws, accept that they are not arbitrary, and that they contribute to the common good.

Furthermore, the fairness principle must apply in at least two different ways. First, they must apply procedurally—the process by which laws are observed and implemented should treat all individuals fairly. Second, fairness must also apply in substance or content.

Procedural Fairness

The procedural sense of fairness relates to how each person interacts with and is treated by various institutions in the legal system, for example, the Civil Service (including the police) and Statutory Boards, the Attorney-General's Chambers, the Judiciary, as well as other Organs of State.

Procedural fairness is important because even before substantive justice is dispensed, it strengthens the belief and perception that the eventual outcome will be substantively fair.

As former Permanent Secretary of the Ministry of Law Liew Heng San puts it: "The simple rule in law is that the law must not only be fair, it must be seen to be fair. And why must it be seen to be fair? Because perception is reality."²⁵

In any city, one direct influence on the perception of fairness can be the police force, because of its ground visibility in law and order situations. Also, policemen are often the first line of defence that common citizens in vulnerable situations can turn to for assistance. Because of this, scholars have written about the importance of a police force that is racially or culturally representative of all groups in society. Such a police force is more likely to be "seen to be fair". In the past, this was indeed a problem in Singapore, said Prof Tommy Koh, a legal scholar and Ambassador-at-Large at the Ministry of Foreign Affairs. "In the colonial times, the police force consisted of British superiors, and rank-and-file policemen who were nearly all Malays. No other races. So it didn't represent the people," he said.²⁶

Under procedural fairness, every person has access to justice, a chance to be heard impartially and according to the facts, and a reasonable expectation that the law would not be selectively applied to him. The principle of an independent review should also hold, which means that when one appeals a decision, whether be it a court appeal or an administrative appeal, the person deciding on the appeal should not be the same person making the initial decision.

Procedural fairness is especially visible in cases involving the rich and the powerful. The law must not show any fear or favour when dealing with them.

In a 1999 parliamentary speech that set out what the rule of law entailed in Singapore, Minister of State for Home Affairs Associate Professor Ho Peng Kee reiterated this point: "Everyone, from the

President to the humblest citizen is subject to the same laws. There are no double standards or favouritism, and no one is exempt. This is an important point because the integrity and credibility of our institutions, including the government and Civil Service and their players, are the key foundations of Singapore's success. Also for this reason, Ministers and MPs suspected of wrongdoing have been investigated and indeed some have been prosecuted."

In the same speech, he referred to an incident in 1996 when market talk arose regarding discounts that had been applied to property purchases by then Senior Minister Lee Kuan Yew and Deputy Prime Minister Lee Hsien Loong. Then Prime Minister Goh Chok Tong, together with his Minister for Finance Richard Hu and the Monetary Authority of Singapore (MAS), investigated this and found no impropriety in the purchases. The matter then received a full airing in Parliament.

Said Prof Ho of this incident: "To me, this is a very clear example that the government upholds the rule of law and ensures that it is fully observed by all. It shows that the honesty and integrity of Ministers and public servants is zealously safeguarded, not only in words but also in deed."²⁷

Mr Lee Kuan Yew himself later recounted the same incident in his memoirs, writing: "I asked the Prime Minister to take the matter to Parliament for a thorough airing of the issue. In the debate, opposition MPs, including two lawyers, one of them the leader of the opposition, said that in their experience, the giving of such discounts was standard marketing practice and there was nothing improper in our purchases. This open and complete disclosure of a perceived unfair advantage made it a non-issue in the general elections a year later. As I told the House, the fact that the system I had set in place could investigate and report upon my conduct proved that it was impersonal and effective, and that no one was above the law."²⁸

Procedural fairness also includes ensuring that everyone, regardless of income background, is able to obtain justice, also known as "access to justice", a critical part of the rule of law. Chief Justice Sundaresh Menon has highlighted the importance of such access, saying: "We must...remain committed to seeking ways to ensure that no segment of society is excluded from the means by which they may vindicate their legitimate rights or grievances through the court system, whether such exclusion is threatened by a lack of financial means or legal knowledge or access to legal assistance or anything else."²⁹

To improve access of justice, the Legal Aid Bureau was set up by the government to provide legal aid and advice to low-income Singaporeans on both criminal and civil matters. Community Legal Clinics operated by the Law Society and other legal clinics run by various organisations (e.g., community centres and NGOs) are also effective in ensuring that limited financial resources will not be a decisive factor in whether (or not) one is able to navigate the court system to seek recourse or get a fair hearing.

Substantive Fairness

Fairness in the substance or content of laws means careful attention is paid to whether all individuals are treated fairly in all areas of urban life. Laws and regulations are formulated in order to ensure this outcome. Laws are often made, for instance, to even the playing field for the ordinary citizen who is vulnerable against powerful individuals or entities.

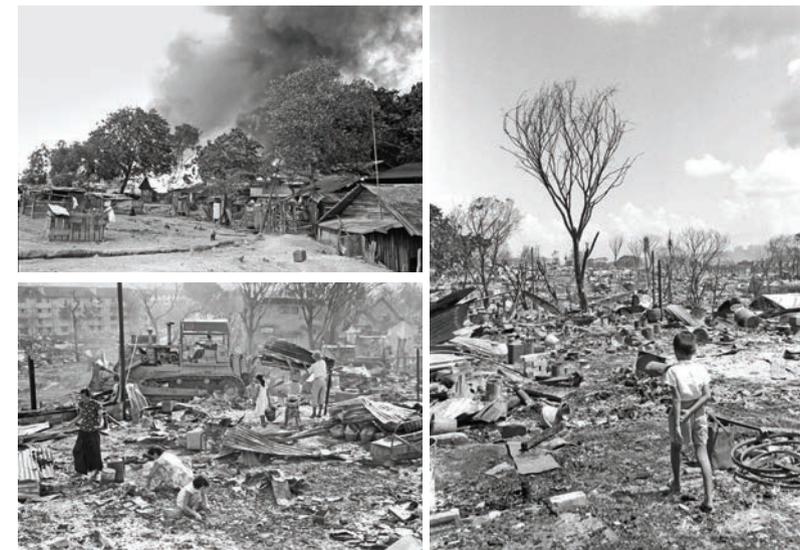
The Housing Developers (Control and Licensing) Act of 1964 was one such example. Then Minister for National Development Lim Kim San tabled the bill to correct the lopsided balance of power between private housing developers and their customers. Developers were taking advantage of the hitherto lack of regulation, by crafting one-sided contracts with clauses that allowed, for instance, unilateral price increases, the cancellation of orders and returning of deposits for no special reason, no time limit for completion of homes, additional payments for basic items like cables and sanitation, and a free hand in varying the materials used and amending detailed plans.

Mr Lim said: “As a result of such unscrupulous practices by certain developers, many house purchasers have been properly swindled. In the eyes of the law, there is little they can do about it because the agreement they have entered into is perfectly legal.”³⁰

Then Minister for Labour Jek Yeun Thong, who felt strongly about the issue, rose in support of the bill and later listed actual examples of home buyers who had been swindled. He said: “In the absence of legislation to curb and control housing developers and to protect home buyers, a fertile field will exist for avaricious developers. Like vicious man-eating sharks, they always hunt for their prey. The government has, therefore, a duty to protect society from them.”³¹

The new law required developers to be licensed and to have a minimum amount of paid up capital. The law empowered the Minister for National Development to regulate the industry. He could revoke licenses and declare one-sided contracts void. In the case of companies in serious violation, the Minister could even order another company or a board to assume control of the offending company. The law restored parity and defended the little man’s ability to enter deals on a fair basis.

Another instance of substantial fairness being restored was the Land Acquisition Amendment Bill of 1961, which took place after the Bukit Ho Swee Fire. This Bill was aimed at protecting squatters. At that time, landowners knew the government tended to acquire privately owned land after a disaster, to develop urgently needed housing and industrial facilities. They also knew that lands without squatters were valued more highly than those with squatters, because one could do more with the former. This gave a perverse incentive to these landowners to commit acts of arson to clear their lands of squatters and thus profit from a potential government land acquisition. These potential acts of mischief therefore placed squatters in a very dangerous position.



Aftermath of the Bukit Ho Swee Fire on 25 May 1961.

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

The government thus amended the law to allow land acquisition at pre-disaster valuation, for example, the landowner would be compensated with the lower rate if his land happened to be occupied by squatters before the disaster. Then Prime Minister Lee Kuan Yew introduced the bill himself and explained why the change was necessary in order for the law to be fair to squatters: “The fire has already taken place; residence has already been changed; the squatters and tenants have already been removed; and it falls upon the government and the public at large to expend a considerable amount of money and effort to rehouse and rehabilitate the fire victims. I think the least this House can expect of landowners is that they should not benefit from this fire. We are not asking them to incur a loss. We are not expropriating the land. But we say quite clearly that it would be unconscionable to allow any private landowner to benefit as a result of this fire.”³²

He said in the same speech: “I think Members will agree that it is heinous in the extreme to allow any profit to be made out of this fire. In fact, if any profit is allowed to be made, then it will only be an inducement, a temptation to arson by those who possess land with squatters on it.”

However, in order for everyone to be equal before the law, the law must treat not just the little guy fairly, but the big guy as well, be it a corporation or the government itself. “What does the rule of law mean? It means everyone must obey the law, and everyone will be treated equally under the law, whether he is an individual or the government,” said Prime Minister Lee Hsien Loong in a speech in 2017.³³

Big corporations certainly do not expect any favours from officials when it comes to the enforcement of anti-pollution laws, for example, but neither do they expect to be treated unfairly.

Former Director of the Waste and Resource Management Department in the National Environment Agency (NEA) Ong Seng Eng described the lengths to which enforcement officials went to conduct spot inspections because they understood the rigorous threshold of proof they had to meet if the case were to go to court, bearing in mind that high-tech equipment was not available in the early years of industrial development. He said: “We carried out air emission tests...We were equipped with our own helmets, safety boots, boiler suits and test equipment, and climbed up chimneys to extract samples of flue gas following a strict procedure so that the results...are admissible as court evidence should prosecution action be taken.”³⁴

These days, NEA can install equipment, for example, in the chimneys of factories to collect data remotely at all times of the day. Data collection as a form of enforcement comes on top of numerous other checks during the life cycle of the factory. Even at the proposal stage, prospective factories have to submit a list of control equipment they will install to treat pollutants for approval. After this, they have to seek separate approval for their building plan, to ensure that the design of the factory facilitates pollution control, before they begin construction.

Fairness is not simply about treating different individuals with parity, although that is a very important aspect of fairness. Another meaning to the word “fairness” emphasises that laws have to be reasonable, cogent, with merit and logically defensible. In this sense of fairness, laws cannot be arbitrary. There must be a rational basis for lawmakers and policymakers to decide that the laws will be a certain way, and this reasoning, when put forth in public, must hold persuasive power (although it would naturally be impossible to convince each and every person).

Member of Parliament (MP) Dr Chin Tet Yung, who is also a law professor, made this point during a parliamentary debate on the rule of law in 1999. He said: “[The rule of law] refers to the doctrine that guides authorities into making decisions that are reasonable and in the public interest. Decisions of public officers are open, rational and justified on the basis of our shared values.”³⁵



Sungei Buloh Wetland Reserve (left) and Labrador Park (right).

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

One example of a law that is fair in the sense of being rational is the approach taken towards gazettement nature reserves for protection. Here, a balance has to be struck between the need to make land available for development and the need to preserve naturally occurring ecosystems—Singapore’s “natural capital”—for both the present generation and future generations. Ultimately, the Ministry of National Development and the National Parks Board (NParks) decided that a rational (and fair) way of gazettement nature reserves for protection was to ensure each ecosystem in Singapore had to have at least one site that was legally gazetted and protected. The decision in 2001 to gazette Sungei Buloh and Labrador Park for protection was based on this scientific rationale.

The Straits Times’ report of the gazettement cited this argument: “Sungei Buloh was gazetted because it is a mangrove swamp with migratory birds and coastal swamp vegetation, while Labrador was selected for its rocky coastal shores and coastal vegetation. Together with Bukit Timah Nature Reserve, which features lowland forest and freshwater swamps, the three areas display the complete range of ecosystems in Singapore, said Mr Wong Tuan Wah (Director of Parks Management, NParks).”³⁶

Another example of rationality at work is in the acceptance within the Singapore judiciary of established common law tests on rationality, including the *Wednesbury test*,³⁷ which states that a decision by a government official is irrational if it is “so outrageous in its defiance of logical or accepted moral standards that no sensible person who had applied his mind to the question to be decided could have arrived at it”. When a government official makes an irrational decision, it constitutes grounds for a judicial review application to overturn that decision.

In the legal case *Kang Ngah Wei v Commander of Traffic Police* (2002), the applicant, Ms Kang, was involved in an accident. In her report to the traffic police, she claimed she had suffered an asthma attack in the lead-up to the accident, which resulted in her losing control of her vehicle. She backed up her report with a doctor’s letter certifying that she had been suffering from asthma since young. The Commander of Traffic Police, mindful that her declared condition might jeopardise the safety of other road users and pedestrians, subsequently decided to revoke her driving licence, which led her to apply to the courts for a judicial review to quash the decision. In dismissing her application, the High Court ruling noted, among other points, that the Commander’s decision passed the *Wednesbury test*; it was not an irrational decision.

In some cases, however, there are factors other than rationality to be considered in the interest of fairness. For example, where legislation allows for non-compliance with “reasonable excuse”. In *Lim Ghee v Public Prosecutor* (1994), a homeowner was convicted for not complying with the Building Control Division’s (BCD) order to undertake rectification works at her property to stabilise a slope, which had recently suffered an earth slip and was considered unsafe. The homeowner had, as directed by the BCD, engaged the services of a professional engineer, who recommended safety measures that necessitated the building of a drainage connection on her adjoining neighbour’s property. However, the neighbour refused to allow this, resulting in a stalemate. This culminated in the BCD taking the homeowner to court for non-compliance with their order, for which she was convicted. The homeowner appealed against her conviction, arguing that conducting rectification works without building a drainage connection next door meant disregarding the advice of her professional engineer. The High Court upheld her appeal, noting that she “had reasonable excuse” for non-compliance. In his ruling, then Chief Justice Yong Pung How went on to state that it would have been unfair for the law to demand that the homeowner take measures that went against the advice of the engineer, given that the BCD had directed her to consult one in the first place.

PRINCIPLE 2: EFFECTIVENESS

Laws that are not taken seriously are merely words printed on pieces of paper. They may sound very good in theory but bear little resemblance to reality. Laws that are taken seriously, on the other hand, are “effective” in that they mean what they say. They are put into action by being implemented and enforced by the relevant branches and agencies of the government.

In Singapore, a key factor behind the rapid progress made in urban development is that all players and stakeholders understand that laws must be taken seriously for the whole system to function in a smooth and healthy way.

In contrast, many developing cities have laws, but government officials have not implemented them, sometimes due to corruption. Ms Loretta Fung, Principal Legal Counsel of the Urban Redevelopment Authority (URA), recounted what she saw when she visited a Southeast Asian city in recent years. “The road was very wide, but it was clogged up because there were many cars parked illegally along the sides of the road,” she said. Her host subsequently explained to her that the laws were not being enforced because the officers entrusted with enforcing them were taking bribes from the drivers of the cars. “They have the laws, but the question is whether the laws are being implemented,” she said.³⁸

There is a three-phased process from the time a law is enacted to the time it is observed and enforced in everyday urban life. In this process, laws become effective only if vital work is done in each phase. In the first phase, the law must be drafted—and subsequently amended, if necessary—with a good understanding of how ground reality works, and must sufficiently empower public officials who will be tasked with implementing the law. This point is taken up in detail in Chapter 3, which examines what constitutes well-drafted legislation.

In the second phase, the right institutions—the administrative and organisational set-up—have to be established and nurtured to implement each piece of legislation. In the third phase, these institutions must diligently and systematically enforce the laws with the powers and responsibilities that have been entrusted to them by legislation.

The Role of Statutory Boards in the Rule of Law

In the second phase, also called “institutional building”, Statutory Boards play a critical role, especially in the field of urban development. As their name implies, these agencies are formed through statutes that define their role, powers and make-up.

The government created Statutory Boards instead of simply performing those functions through Ministries because the former were more effective and fit-for-purpose.

First, Statutory Boards are given the autonomy to act boldly and decisively, and to react quickly and nimbly to evolving situations. This makes them better suited to tackling fast changing urban problems. They have fewer institutional encumbrances and have more of a start-up culture, which is to approach the problem at hand pragmatically and in an action-oriented way. For example, many Statutory Boards have some degree of flexibility in deciding personnel matters (for example, terms of service, salaries and promotions) and in managing funds and assets. Some Statutory Boards can also borrow money and incorporate companies. Dr Liu Thai Ker, former CEO of the Housing & Development Board (HDB) and the Urban Redevelopment Authority (URA), said: “The advantage of Statutory Boards was that we did not need to report to the government on every single action. As long as we delivered the results at the end of the year, how we did it was our business. I welcomed this freedom because it meant that we could devise our own methods and do things in the most effective way possible. It put the responsibility squarely on the shoulders of the Statutory Board.”³⁹

An important example of Statutory Boards acting boldly and decisively is that of the HDB. The Singapore Improvement Trust (SIT), which had been HDB’s predecessor, functioned as a government committee, not as an action-oriented agency—it built only 23,000 flats between 1927 and 1960. The HDB, on the other hand, which had been formed in 1960, built 54,000 flats alone in its first 5 years and was able to resolve the housing crisis in Singapore within 10 years of its formation.

Second, while Ministries have oversight of a wide range of matters in their respective areas, Statutory Boards are better able to concentrate their energies on fulfilling clear and focused missions, and are sufficiently resourced to do so. They can develop the expertise and the efficiencies necessary to deliver on the missions. For example, the HDB had, from inception, one task: build enough public housing of good quality to meet the severe shortage the country found itself in after self-government in 1959. Other Statutory Boards formed in the early years also had clear goals and targets, for example, the Economic Development Board (EDB) had to attract economic investments, the Jurong Town Corporation (JTC), spun off from the EDB, had to develop industrial infrastructure for would-be industrialists, the Public Utilities Board (PUB) had to provide utilities, and the URA had to renew the city centre, then do master planning for the whole country.

Third, Statutory Boards are better legally insulated from political pressure, which in turn increases the likelihood of cost recovery and sustainable service delivery. In the hypothetical event that a government that comes into power turns to populist or partisan policies, Statutory Boards will continue to have independence and some legally guaranteed sources of funding to carry out their functions professionally and to provide public goods in a sustainable way.

The PUB, for example, was set up to ensure such political insulation, which had been a condition that the World Bank attached to a loan to the Singapore government to expand Singapore’s power network and waterworks. Then Prime Minister Lee Kuan Yew, when he tabled the Public Utilities Bill in 1963, said the World Bank required the PUB to be imbued with an “independent statutory nature” and to be “sufficiently divested from government...to ensure them certain guarantees as to the economic running of the corporation, which will take into consideration the repayment of the loan.”⁴⁰

Finally, Statutory Boards are guardian agencies for upholding and enforcing relevant laws within their domain. They are legally empowered by Acts of Parliament to write and amend subsidiary legislation and

to enforce the laws. They function as empowered custodians of those laws. Some of these Acts also carry the same or similar names to the Statutory Boards (e.g., the Jurong Town Corporation Act), so it is clear to all stakeholders which agency is vested with responsibility. Given the practical knowledge and expertise they have as implementation and execution agencies, they are also best placed to know whether the law is being observed on the ground, and what amendments (to the law) may be needed to improve the roll out of public policies. Empowering Statutory Boards is useful and constructive because of the symbiotic relationship between enforcing laws and implementing policy: when laws are well enforced, policy implementation is more likely to be successful, and vice versa.

The PUB, for example, has through effective legislation and enforcement succeeded in reducing unaccounted for potable water (UFW) to around 5%. UFW is the difference between potable water produced and water accounted for in metres. In some countries, this figure can be as high as 30%. Singapore's UFW is among the lowest in the world. The PUB was able to achieve this by reducing leaks through better detection and higher quality pipes, by installing more accurate meters and by cracking down on illegal water siphoning. This successful enforcement has, in turn, contributed to the PUB's success in ensuring water sufficiency for Singapore.

The URA, through its CEO and Chief Planner, is one of the competent authorities in the enforcement of the Planning Act. It can enforce the statutory Master Plan and exercise control over all development projects in Singapore, which have to be approved by the URA. For example, a landed property owner at Toh Crescent was fined S\$12,000 in April 2017 for authorising a contractor to build a wall around his property without first obtaining permission from the URA.⁴¹ In carrying out its duties, the URA has the legal power to enter and inspect any building or piece of land.

But Statutory Boards are only one part of the overall government machinery. For laws to be effective, the full machinery, including Ministries, the Judiciary and other agencies, has to have an unwavering commitment to and belief in taking laws seriously. They must be willing to uphold and enforce them even when it is inconvenient or politically difficult to do so.

This effectiveness in the rule of law is achieved by doing a number of things. First, public education campaigns are conducted to help people understand why a particular law or rule is necessary and good for society. Second, there is deterrence created by an appropriate penalty and the high probability of being caught. Third, there is political backing for public servants.

Educating the Public

Public education is important to ensure people follow rules and regulations, as it generates general awareness (i.e., information campaigns) on what the rules are, and especially if there is a new rule that is about to come into effect. Such information campaigns (see below for an example) usually explain why certain rules are necessary—people are more likely to follow rules if they understand the need for them and of the possible harm to others if these rules are flouted.

Before a new fine of up to S\$150 was introduced in 1989 as a deterrence to those who failed to flush after using public toilets, the Environment Ministry worked hard to educate the public in the lead-up to the change. Press releases were issued explaining the maximum penalties for first-time and repeat offenders. School children were also strongly encouraged to flush toilets after use. The new rule was also seen as a culmination of the Clean Public Toilets campaign, started five years earlier in 1984, which emphasised how not flushing adversely affected other users.

During the grace period, that is, after the new rule was announced but before its implementation, enforcement officers brought reporters to the Plaza Singapura shopping centre to witness an enforcement exercise. In the hour-long exercise, three members of the public were caught and given warnings by officers positioned in the common areas of the toilet. This exercise was duly covered in the newspapers the next day. Associate Professor of Environmental Law at the National University of Singapore (NUS) Lye Lin Heng, who mentions that public education is very critical in enhancing the effectiveness of laws, said: "If you pass a law but people are ignorant about it, it doesn't work."⁴²

Building the Two Pillars of Deterrence

After public education, the second important factor behind having an effective rule of law is deterrence. For example, during the Severe Acute Respiratory Syndrome (SARS) Crisis, one of the biggest public health crises that Singapore faced since independence, effective deterrence and well-implemented laws were key factors in overcoming the spread of the disease and it being ultimately declared SARS-free by the World Health Organisation (see Box Story, page 32).

THE BATTLE TO ERADICATE SARS

Globally, the SARS—or Severe Acute Respiratory Syndrome—epidemic began in Guangdong, China, in November 2002. Early reports said people were catching a flu-like respiratory illness with symptoms such as fever, cough and difficulties in breathing. The key difference between SARS and a normal flu was an unusually high mortality rate for the former.

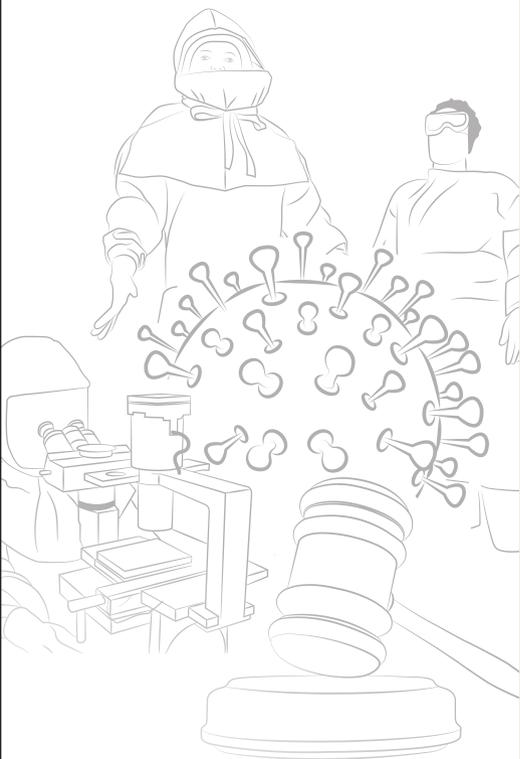
The first cases of SARS in Singapore arose from three Singaporeans who had travelled to Hong Kong—just across the border from Guangdong. They had unwittingly stayed on the same floor of the Hotel Metropole in Kowloon as a doctor from China who had SARS. The Singaporeans became infected and were ill after they returned to Singapore. The first case was detected in March 2003. In the ensuing public health crisis, 238 cases of SARS were detected in Singapore, and 33 died from the disease.

The outbreak in Singapore was contained by May 2003 and the World Health Organisation (WHO) removed Singapore from the list of SARS-affected areas. The global outbreak was contained by July 2003. In total, 775 people had died globally from the disease.

SARS had a number of characteristics that made it a very difficult disease to deal with. First, as mentioned earlier, there is a high mortality rate. Second, early symptoms are virtually indistinguishable from a normal flu, unless detailed tests are carried out. Third, the disease spreads by ordinary person-to-person contact, via droplets from coughs and sneezes. Fourth, a person who has caught the virus may be asymptomatic for up to 10 days. This is also known as the incubation period. These characteristics of SARS, when combined together, caused considerable alarm among the public and posed very serious challenges to the authorities as they tried to stop the spread of the disease.

Among the actions taken by the government that led to the containment of the disease were (1) updating the Infectious Diseases Act and (2) effectively executing and enforcing it. The revised Act was passed in April 2003 after the outbreak had begun and was tabled as a bill with a Certificate of Urgency signed by the President, which allowed the Second Reading to take place just one day after the First Reading.

The new law allowed home quarantine orders to be issued to those who had been in contact with an infectious disease. Previously, only persons suffering from an infectious disease could be home quarantined. The amendments also made it illegal to (1) refuse cooperation with, and (2) provide false information to Ministry officials carrying out disease control work. Previously, the maximum penalty for any offence under the Act was a fine of S\$5,000 for first time offenders. Under the new law, the penalty was increased to S\$10,000 and/or 6 months in prison. Shortly after the law was passed, a 50-year-old man who violated a home quarantine order by leaving his house for drinks at a coffee shop was given the maximum sentence of 6 months imprisonment.



THE BATTLE TO ERADICATE SARS

Continued...

Ultimately, the decisive measures taken by the government to combat the spread of SARS worked, and this earned them the accolades of international organisations and experts—WHO cited Singapore as having a very effective system of contact tracing and isolation, or quarantine, that ensured the spread came under control. Dr David Heymann, Executive Director for Communicable Diseases at WHO, in a press statement in May 2003, said: “From the start, Singapore’s handling of its SARS outbreak has been exemplary. This is an inspiring victory that should make all of us optimistic that SARS can be contained everywhere.”⁴³

The American Chamber of Commerce (AmCham) in Singapore issued a press statement acknowledging the “robust, highly coordinated strategy to the SARS outbreak that has involved preventative measures such as the closure of schools, home quarantine restrictions and the prompt tracking of SARS transmissions”. Chairman of the Board of AmCham Kristin Paulson added that actions taken by the Singapore government were “difficult, yet effective”.

Then Senior Minister Lee Kuan Yew said in July 2003: “Investor confidence in the capabilities of Singapore ministers in managing unexpected difficulties has increased after they watched how we handled the SARS crisis.”⁴⁴

In classical law and order theory, deterrence is built on two pillars. First, the punishment for breaking the law must be serious enough, reflecting proportionately the harm and danger to society brought on by the offence. Second, prospective law-breakers must be deterred by a high probability of getting caught. To have one without the other significantly decreases deterrence, scholars have argued. In Singapore, the government has been careful to ensure that both these pillars are constructed.

The penalties for various offences have increased from time to time, either in response to worrying trends in the level of incidents or to other changes in society, such as economic development. For example, in 1988, the maximum fine for damaging electricity cables was increased from S\$5,000 to S\$200,000, which reflected both the seriousness of the offence and the economic changes in Singapore by 1988. In introducing the amendment, the government noted that cable damage by contractors accounted for 60% of the total number of power failures between 1984 and 1987, which caused a great deal of inconvenience.

“During a blackout, factories have to stop production, offices cannot function, shops lose business, homes suffer inconvenience, and the smooth operation of our economy is affected,” said then Minister for Education Tony Tan in Parliament, who tabled the bill on behalf of the Minister for Trade and Industry. He added: “What is regrettable is that this loss of millions of dollars in production and business is entirely avoidable. Damage to cables can be prevented if only contractors follow the proper procedures, verify the locations of underground cables and take basic precautions before doing excavation works.”⁴⁵

The amendment bill that increased fines also introduced a requirement for contractors digging near cables to hire a qualified cable detection worker who would help the contractor avoid damaging cables.

The overall outcome of these legislative changes was very stark. By early 1991, less than 3 years later, the number of cases of cable damage per quarter had fallen by 80%.

There are also many forms of penalties, other than fines, available to the city. These include arrests and possible jail time, and also licence suspension and non-renewal of leases. It is important to explore a range of possible punishments because a different kind of punishment might be more effective or more appropriate, depending on the context.



View of North Bridge Road as pedestrians cross the road in front of a fleet of taxis.

Photo from George W. Porter Collection, courtesy of National Archives of Singapore.

For example, in some situations, a fine would have to be extremely high because of how lucrative the business is. Thus, only a licence suspension would pose a real economic threat.

In the 1960s, there were over 10,000 pirate (or unlicensed) taxis. These were eliminated over time, partially through tough measures. Laws were changed in 1971 so that pirate taxi drivers could be arrested on the spot and subsequently have their driving licences suspended for a year.

In July 2017, the Agri-Food and Veterinary Authority (AVA) and the Singapore Land Authority (SLA) revealed that they had taken enforcement action against at least eight farms in the past four years for unauthorised activities, including converting or subletting space for non-farm uses without permission. An AVA spokesperson said: "Enforcement actions such as warning letters and composition fines were taken against these farms...Farms must rectify any non-compliances. If the farms are recalcitrant offenders and the non-compliances are severe, the AVA may suspend their (farming) licences. The leases of such farms may also not be renewed."⁴⁶

The second key pillar of deterrence is the high probability of getting caught. This is maintained when public servants work hard to enforce the law, often walking the extra mile and/or looking out for less-than-conventional ways to beat law-breakers, who can be very creative.

Mr Lee Ek Tieng was Head of the Anti-Pollution Unit in the 1960s, and went on to serve as Permanent Secretary of the Ministry of Environment and later Head of Civil Service. He recalled that in the early days of the Anti-Pollution Unit, before they could enact their own legislation (i.e., the Air Pollution Act), they made use of existing labour laws, such as the Factories Act, to put a stop to harmful emissions from factories. They also had to conduct joint enforcement with the Ministry of Labour.

Another enforcement measure that Mr Lee recalls being used to heighten the public's awareness that those who broke laws would be caught and dealt with, was by bringing people to court for littering. This took place when he was working at the Ministry of Environment.

He said: "After a campaign, we carried out a blitz, for people throwing cigarette butts, empty cigarette boxes and so on, and we brought them to court. We deliberately adopted a policy of not compounding the offence although our law allows for compounding. We purposely bring them to the courts, and there are hundreds of cases literally, they got to appear in court, they got to queue. They all pleaded guilty and they got fined \$35 or \$30 in those days, which was quite a large sum. But the inconvenience of queuing up the whole morning just to plead guilty was a deterrent, Now, it was so much so that the Magistrate Court threatened to say that if we didn't cut down the number of cases and didn't compound it, they were going to discharge all of them."⁴⁷

In another discussion, this time on the cleaning up of the Singapore River, one of the keys to effective enforcement, according to Mr Lee, was the political will to back the civil servants. The river cleanup was controversial because the government needed to resettle residents whose activities were polluting the river. These residents would often try to exert pressure on civil servants, for example, through their elected representatives.

Mr Lee said: "Once the Cabinet decided on it, in other words, they took the political decision that we needed to do all these things, then the rest—actually, the implementation became very easy. I had little or no political problems because I had very good ministers. In the early days it was Ong

Pang Boon. Earlier to him was Eddie Barker, Lim Kim San, later on Ahmad Mattar. But the most important thing: the hawker centre was under the Parliamentary Secretary Chor Yeok Eng. He was a very good man. He was there to take care of the political side of things, any complaints about re-siting, he deals with the MPs, in other words, leave the officials to do all the engineering, the enforcement, the planning. So like all these major type of projects, if there is political will and political backing, then your work becomes very easy.”⁴⁸

Sometimes, catching the culprits requires difficult and relentless detective work on the part of civil servants. Mr Joseph Hui, Deputy CEO of the National Environment Agency (NEA), also worked in the Anti-Pollution Unit and the Ministry of Environment before joining the NEA. He recalled how his team would spend a whole month trying to figure out which factory was dumping toxic industrial waste illegally into the sewers in the middle of the night.

He said: “If they had just done it once, they may have gotten away with it. Because the factory was doing it repeatedly, the PUB reported to us that the industrial waste was upsetting the sewer works. We had a hard time trying to figure out which factory was doing it, and it took us more than a month, but we finally managed to catch the culprit. We first identified what the substance was, then we looked at factories that dealt with this kind of substance. So you have to do detective work, slowly narrow down the list, and from tracing the complaints, where they first started and how the problem spread, you eventually identify the culprit. So we went in and took samples, and prosecuted the firm in court. This was a major offence. Their license was suspended, they were penalised in court, and they had to put in a lot of measures before their license was resumed. They also had a change of management.”⁴⁹

In June 2017, a 28-year-old woman living in a high-rise HDB flat in Toa Payoh was fined S\$1,600 and given a Corrective Work Order of 3 hours.⁵⁰ The NEA had identified her as the culprit who had repeatedly thrown used sanitary pads out of her window. In 2016, the NEA received at least 10 complaints from members of the public about high-rise littering at that particular HDB block. When educational outreach to the residents of that block and stakeouts by NEA officers did not work, the NEA decided to deploy a surveillance camera at the block in efforts to identify the culprit, which succeeded.

This case is merely an example of successful convictions underlining the relentless enforcement work that the government does. This enforcement work is a key reason why Singapore is able to keep up the deterrence effect and maintain the rule of law.

The deployment of cameras to counter killer litter from high-rise housing was piloted in 2011 and rolled out nationwide as an enforcement measure in September 2012. From then to November 2014, the NEA deployed cameras at about 1,500 sites, based on complaints from the public, and successfully apprehended 273 litterbugs.⁵¹

On top of camera deployment, the government also amended the Environmental Public Health Act in 2014 to compel occupiers of residential flats to provide information that could lead to the identification of alleged high-rise litterbugs. This amendment was necessary because while surveillance cameras can capture the unit from which the high-rise littering was done, it is not always able to capture a clear enough image to identify the individual who did the littering. With the amendment, legal responsibility for identifying the culprit now falls upon the owner. In addition, the Act was also amended to increase maximum penalties for littering-related offences from S\$1,000 to S\$2,000 for first-time offenders, S\$2,000 to S\$4,000 for second-time offenders, and S\$5,000 to S\$10,000 for the third and subsequent convictions.⁵²

But there are also times when chance plays a part in enforcement. Principal Legal Counsel of the Urban Redevelopment Authority (URA) Loretta Fung recalls a case regarding a block of private apartments off Grange Road that had been torn down for redevelopment. Before it was torn down, an entrepreneur rented multiple units in the block and converted them into smaller units—some with multiple living quarters within—before subletting them. This was a breach of the Planning Act and the URA’s planning permission had not been sought to convert the units. How did the URA find out about it? It just so happened that a URA planner had a friend who rented one such living quarter, said Ms Fung, and that this friend told the planner about the affordable rent he was paying for his accommodation, which prompted the planner to pay him a visit, thus uncovering the violation.

PRINCIPLE 3: EFFICIENCY

The third principle is that of efficiency. Like the principle of fairness, efficiency can apply in two contexts—in the procedural sense and in the substantive sense. Procedurally, efficiency means that the upholding of the rule of law in any single instance cannot take too long or be too laborious for any party. As the saying goes, “Justice delayed is justice denied”. Of course, it is important for the authorities to remain mindful that such efficiency has to be maintained without sacrificing fairness. This is a fine and difficult balance to strike.

In the substantive sense, the focus is on ensuring that urban development can happen in an efficient way, without too many unnecessary roadblocks. One strategy to attain greater substantive efficiency is to ensure urban development plans are more integrated upstream, so that there is less retrofitting or unnecessarily complex coordination downstream. A second way to achieve this type of efficiency is by having urban laws that reverse the presumption or shift the burden of proof.

Procedural Efficiency

The most notable advancement in procedural efficiency took place under then Chief Justice Yong Pung How, when a court system that previously took a longer time to clear cases was reformed and streamlined to work through cases more quickly, thus ensuring that justice was not delayed. Justice Yong served as Chief Justice from 1990 to 2006.



Chief Justice Yong Pung How speaking at the opening of legal year 2005.

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

Speaking to the legal fraternity shortly after taking over as Chief Justice, Justice Yong described the case backlog as being “large and embarrassing”. He noted that the backlog of Supreme Court cases had grown steadily, reaching 2,000 cases at the time he spoke. If the judiciary continued business as usual, it would take at least 5 years for a civil case to be heard, and an additional 2 years for its appeal. Criminal cases would take 4 years to be concluded, and 2 more on appeal. “This is clearly not a state of affairs which we can allow to continue,” he said.⁵³

He proposed in his speech a number of remedies that would cut waiting time to under a year—remedies he implemented successfully during his tenure as Chief Justice. First, he reduced the number of cases heard by judges, by transferring the more straightforward cases to be heard by a Registrar. Second, he made it harder to adjourn a case once a hearing date had been fixed, which had been one of the factors causing the backlog. Third, he increased the number of judges and judicial commissioners, the latter were Supreme Court judges who were appointed for shorter tenures of 1 to 2 years, in many cases. They could help clear some cases and reduce the backlog. Finally, he created a system of Justice’s Clerks to help judges and judicial commissioners with research, thus reducing their workload and enabling them to hear more cases.

A measure implemented in the lower courts not mentioned in Justice Yong’s speech was the greater use of Night Courts by the Subordinate Courts, later renamed the State Courts. The State Courts website says: “The concept of Night Courts was established in April 1992 to deal with the high volume of regulatory and traffic offences that are heard at State Courts. These Courts function for the convenience of the working public who would otherwise have to take time off from work in order to attend court. The operating hours are from 6 p.m. onwards on Mondays to Thursdays.”⁵⁴

By January 1993, Justice Yong was ready to declare victory in the war on the case backlog. Speaking to lawyers at the opening of the legal year,⁵⁵ he said that the High Court case backlog, excluding divorce cases, had been reduced from 2,059 to just 175 since he took over in 1990, and the waiting period, reduced from 5 years to 6 months. Meanwhile, in the Court of Appeal, the backlog had come down from 275 to 71. The waiting time for these appeals was also down from 2 years to 4 months.

Justice Yong has been widely recognised for the role he played in improving procedural efficiency. In 1995, then Senior Minister Lee Kuan Yew said the reforms introduced by Justice Yong were important for Singapore's financial hub status, noting: "The large backlog of cases when we used to wait 4, 5, 6 years for trial whilst they were on the court's list, has been cleared. The courts can now keep pace with the work volume of a financial centre like Singapore."⁵⁶

Before Justice Yong retired in 2006, Deputy Prime Minister and Minister for Law S. Jayakumar also said about him: "He has made a lasting and outstanding contribution. He initiated wide-ranging reforms to build up the legal infrastructure and develop local jurisprudence relevant to Singapore's context. He took a series of measures to clear the backlog of cases, streamlined the rules of court, and improved efficiency through extensive use of IT. He created specialist courts and Night Courts and also leveraged on alternative dispute resolution...As a result of his leadership, we have today a judiciary that has a high standing internationally. Many judges and judicial officers from other countries, who are involved in reforms or reviews of their own systems, including England, have made study visits to our Courts. This is a tribute to Chief Justice Yong's sterling contributions in enhancing the standing and reputation of our judiciary."⁵⁷

With problems of efficiency and the case backlog resolved under Justice Yong, it set the stage for more attention to be paid to the balance between efficiency and fairness. The two are not mutually exclusive, nor are they values locked in a zero-sum competition. But there is a balance that needs to be constantly tended to and calibrated, to ensure both remain prominent features of our legal system. And so, Justice Yong's successor Chief Justice Chan Sek Keong spoke about the co-existence of the two values. Legal scholar Prof Tommy Koh recalled: "CJ Chan, in one of his first speeches as CJ, spoke about the importance of not rushing the process and that fairness is just as important as efficiency. And I thought that was a good point to make. You want to be efficient, but you don't want to rush the process at the expense of fairness."⁵⁸

Substantive Efficiency

In substantive efficiency, the focus in the case of urban outcomes is not on ensuring that legal processes can produce rulings quickly. The focus is instead on ensuring that urban outcomes are reached efficiently.

One way to do this is by having good upstream planning. This means public and private stakeholders overseeing a different aspect of the urban system coming together early in the development process—indeed, preferably before actual development begins—to exchange notes, share plans and discuss how development can happen in an integrated way. Doing this ensures efficiency because if one party goes ahead and builds, and a second party comes in later and has to work with what has been built, there may have to be deconstruction and retrofitting, which invariably means a waste of time, effort and resources.

One good example of this: beginning as early as the 1970s, before any development was done and at the stage when the planning authorities were reviewing the development proposal, there were provisions for the Drainage Department to be consulted so that they had an opportunity to impose drain-related requirements on the plan. Mr Yap Kheng Guan, a former Senior Director at the PUB, said: "The Drainage Department would look at the plan to see if the development alters the land form or water patterns in any way that will be detrimental to the carrying capacity of the drains. And if so, mitigation measures could be incorporated into the development plans. It is important that this was before the contractors came in to do any construction work—you had to come to us at the planning intention stage."⁵⁹

Another important way that substantive efficiency is achieved through the crafting of urban laws in Singapore is by shifting the burden of proof, or reversing the presumption of the law. A number of examples will be fleshed out below. Amending the law in this way does a few things. First, it reduces the need for long deliberations in court. Second, it reduces the need, upstream, for lengthy investigations that might require a great deal of resources with no guarantee of success, since there are some breaches in urban law, such as pollution, that are technically very difficult to prove. Third, it forces individuals and businesses to change their behaviour and take additional precautions to ensure that a negative outcome that the law is working against does not come about. All these make it more likely that we achieve the urban outcome we are aiming for in an efficient way.

Such presumption reversals are not done lightly, and are hence not very common. In the instances that they are done, the arguments in favour of them are either that the violation in question is very complicated (making convictions virtually impossible unless the presumption is reversed), or that the violation has very serious consequences for society (as is the

case for anti-corruption and anti-pollution laws), and there is hence a strong case for clamping down on them with very strict and robust laws.

One of the most common ways that urban outcomes are thwarted in many cities is through corruption in the public service. In this regard, the Prevention of Corruption Act has been very important, because it has effectively reduced corruption, enabling urban policies to be implemented with fewer unexpected road bumps. The Prevention of Corruption Act contains two changes to the traditional burden of proof, which are discussed in a separate section (see the Box Story, page 46).

In the Land Acquisition Amendment Bill of 1961, described earlier on in this chapter, the law was amended so that the government only had to pay pre-disaster land prices if it acquired land after a disaster such as the Bukit Ho Swee Fire. That amendment introduced a shift in the burden of proof, so that a landowner who wanted to claim that he had cleared the squatters just before the disaster (which would result in a corresponding increase in his land value under the acquisition, since land occupied by squatters is worth less) would have to prove that this had been the case, as opposed to the government having to prove that the squatters had not been cleared.

Said then Prime Minister Lee Kuan Yew, when introducing the bill in 1961: “It is quite possible that the owner of a red acre can say, ‘I never had squatters on my land. All the squatters were on my neighbour’s land—a blue acre.’ And so interminable arguments can go on. We are not saying that there are, in fact, no plots of land without squatters. There may well be, but we are putting the onus upon the owner. The burden of proof is on the owner.”

He added: “This is a matter of practical tactics. Do we involve ourselves in endless inquiries as to which squatter was on which land? Or do we try to spread equitably the load over everyone? Which, in fact, is probably the real and true position, that there was no plot of land there which was not encumbered by tenants or squatters, and leave it to the odd individual who happened to be in actual physical possession of his own land to seek discretion under the proviso?”⁶⁰

When the Public Utilities Act was being amended in 1991, the government decided to remove the need to prove that a contractor knew that the actions of a subcontractor or agent would cause cable damage. Said then

Minister for Trade and Industry Lee Hsien Loong, who introduced the bill: “Under the existing provisions, it is very difficult to prosecute successfully a contractor for damaging a PUB electricity cable when his subcontractor or his agent or employee damages the cable, because of the legal requirement to impute knowledge of damage to the contractor. The new section 76(2A) will close this loophole and ensure that contractors bear the responsibility for any damage caused to PUB electricity cables.”⁶¹

Singapore’s environmental laws reverse the onus of proof in the case of water pollution. The Environmental Protection and Management Act of 1999 provides that so long as there is evidence of any discharge of trade effluent, oil, chemical, sewage or other polluting matters into a drain or land without a licence, it is presumed that it is the occupier of the premises who had done so and he will have committed the offence of water pollution. The onus then falls on the occupier to prove that he is not liable. This provision was also in the 1975 Water Pollution Control and Drainage Act. Associate Professor of Environmental Law at the NUS Lye Lin Heng notes that such a reversal of presumption in pollution laws is not common in other countries, but has been a very effective deterrent among factories in Singapore.

In 2017, the Parks and Trees Act was amended to deal with the release of animals into a nature reserve. Releasing animals is a religious custom, considered by some religious groups to be a meritorious act. But it risks the introduction of “invasive species which may threaten the survival of our native animals in the reserves”, said Senior Minister of State for National Development Desmond Lee when he introduced the bill.⁶² The pre-amended law stated that no person shall “bring or release or cause any animal to be brought or released into a nature reserve”. However, because of how the law was worded, it was difficult to prove one’s culpability, and potential offenders have available to them the defence, when confronted, that there was no intention to release the animal and that the animal had slipped away. The new wording prohibits bringing, releasing, as well as abandoning animals. The word “abandon” does not have the same suggestion of intentionality as the words “bring” and “release”, and the authorities believe this places the burden of proof on the individual with the animal, to show that he did not abandon it. The bill was passed in Parliament in February 2017.

THE PREVENTION OF CORRUPTION ACT

The Prevention of Corruption Act (PCA) is the main piece of anti-corruption legislation in Singapore. It was enacted in June 1960, shortly after self-government in 1959.

There are three clauses in the PCA that distinguish it from other laws.

First, section 8 of the law reverses the presumption on the issue of gratification. The section says that if it is proved that any gratification has been given to a public servant by someone seeking to have any dealing with the government, “that gratification shall be deemed to have been paid or given and received corruptly as an inducement or reward as hereinbefore mentioned unless the contrary is proved”. In other words, when such a gratification is uncovered, the burden of proof shifts to the defendant, who will then have to show the court that that payment was innocent, if he wants the court to acquit him. The prosecution merely has to show that the payment was made, and try to rebut the case by the defence to show the payment was made innocently. The prosecution is not obliged to produce evidence showing that the payment was in exchange for a favour or some other corrupt quid pro quo.

Second, the PCA talks about unexplained wealth. Section 24 of the Act says that if an accused person has money or property “disproportionate to his known sources of income” and which “he cannot satisfactorily account” for, then the court may take this as corroborating the testimony of any witness who says that the accused person received a gratification corruptly “as an inducement or reward”. Like in section 8, the presumption here has been reversed, since the law requires the accused to account for his wealth if he wants to avoid incrimination by a witness.

Speaking to a gathering of lawyers in 1967, then Prime Minister Lee Kuan Yew revealed that he was thinking about amending corruption laws to deal with unexplained wealth—and this ultimately resulted in section 24 coming into existence, as described above. He explained his reasons for wanting this particular clause: “We live in an area where to be corrupt is a way of life. And there are scales starting from 20 cents for this to 40 cents for that, to two dollars for this. There are rates for the job. You know it, I know it. What is most important really for us is that because it is a way of life for others around us, it has to be understood...Singapore’s progress, its verve, its vitality is assured because the administrative machine works. There is no grit. You don’t have to grease somebody to crank up the machine. We must keep it that way. To ensure this, I am thinking of an amendment to the law...”⁶³

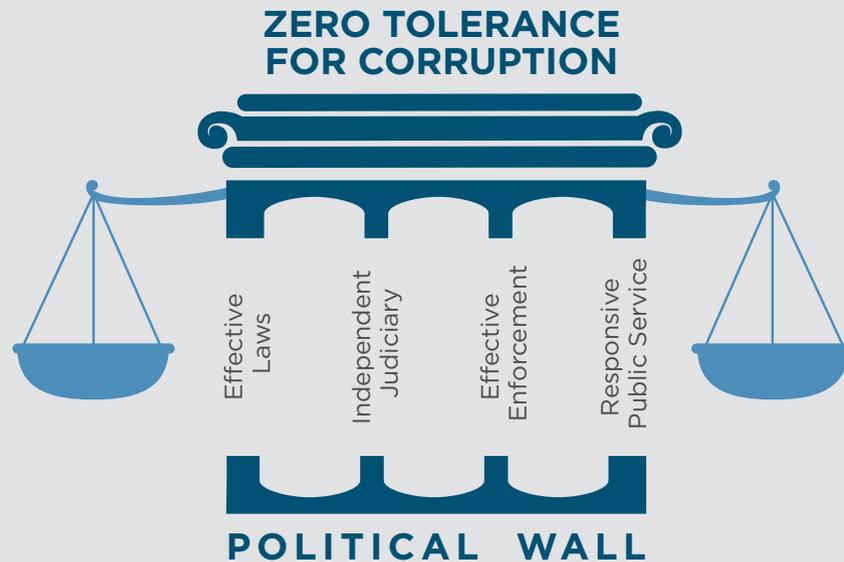
The third unusual part of the PCA is section 37, which is the extra-territorial clause. This section says that a Singapore citizen who engages in a corrupt act outside Singapore can be held to account in Singapore courts. Remarkably, a non-Singaporean Citizen, say, a Singapore Permanent Resident, who gives or receives a bribe in another country is not similarly vulnerable. The constitutionality of this clause has been tested in the courts. In a case involving Singapore Citizen Taw Cheng Kong, who engaged in corrupt practices in Hong Kong while working for the government of Singapore Investment Corporation (now known as GIC Private

THE PREVENTION OF CORRUPTION ACT

Continued...

Limited), the defence counsel argued that section 37 was unconstitutional for two reasons. First, Parliament had no power to legislate extraterritorially. Second, the law discriminated against Singapore Citizens, which violates the equal protection clause in the Constitution. The High Court agreed with the defence counsel and struck down section 37 of the PCA. But the Court of Appeal subsequently reversed the High Court's decision, affirming the constitutionality of section 37.

Exhibit 1 Singapore's Corruption Control Framework



Courtesy of Corrupt Practices Investigation Bureau.

Constitutional arguments aside, former Permanent Secretary of the Ministry of Law Niam Chiang Meng said there were strong reasons for having section 37 of the PCA. "If you are corrupt overseas, it is difficult to see how you will not turn corrupt in Singapore at some point of time, because it is an attitude, a mindset and a way of life. And this attitude permeates over time," he said.⁶⁴

Mr Lee Kuan Yew once noted that when he became Prime Minister in 1959, the system he inherited was not a clean one. He wrote in 2013: "In the end, my greatest satisfaction in life comes from the fact that I have spent years gathering support, mustering the will to make this place meritocratic, corruption-free and equal for all races—and that it will endure beyond me, as it has. It was not like that when I took office. The Lim Yew Hock government was already going corrupt. Younger Singaporeans may not be familiar with a man by the name of Mak Pak Shee, a member of that government. He was an Indian Cantonese with a moustache, and he was what you would call a fixer—somebody who facilitated the fulfilment of favours for a fee. Singapore, as it stands, is one corruption-free spot in a region where corruption is endemic. The institutions have been created to keep it that way, with the anti-corruption bureau. People are promoted on the basis of merit, not of race, language or religion. If we uphold these institutions, we will continue to make progress. That is my greatest hope."⁶⁵

In this context, the achievements of the PCA and the Corrupt Practices Investigation Bureau (CPIB)—the agency that investigates crime under the PCA and which reports directly to the Prime Minister—have been remarkable. Singapore today is a society with very low levels of corruption, either in the public or private sector. In 2016, the Transparency International's Corruption Perceptions Index ranked Singapore the least corrupt country in Asia and the seventh-least corrupt country in the world.

PRINCIPLE 4: TRANSPARENCY

The principle of transparency requires that everyone knows or has reasonable ease of access to what the law says. There should be no ambiguity. Furthermore, if they want to understand the purpose for a law, it is not too difficult for them to find out.

All codified laws in Singapore are put up on a website called Singapore Statutes Online (<https://sso.agc.gov.sg>), which is operated by the Attorney-General's Chambers (AGC). On this site, one can look up the text of all Acts of Parliament, including the current subsidiary legislation under each Act. The site's content is updated within three working days.⁶⁶

Whenever legislation (including subsidiary legislation) is amended, a public notice is published via the government's *Gazette*, an official e-publication authorised for legal or public notices. Current notices in the *Gazette* are available online (www.egazette.com.sg), while past notices can be accessed through a subscription. The transcript of parliamentary debates at each reading of a bill, as well as transcripts for all other parliamentary debates, are also freely available on the Singapore Parliament's website (www.parliament.gov.sg). Commenting on this initiative, legal scholar Prof Thio Li-Ann wrote: "By increasing accessibility to legal information, this consolidates those aspects of the rule of law requiring that laws be transparent and ascertainable."⁶⁷

Since 2014, the Ministry of Law has implemented a new policy of requiring all new proposed bills coming out of ministries and agencies to include in the text of the statute an "express purpose clause", which makes it clearer to all what the bill is intended to do, so as to avoid any possible misunderstanding. For example, the Third-Party Taxi Booking Service Providers Bill, introduced in April 2015 and passed later that year, had the following express purpose clause: "The purpose of this Act is to regulate the provision of third-party taxi booking services for journeys within, or partly within, Singapore with the object of facilitating the provision of third-party taxi booking services that are safe, reliable and efficient, and that are responsive to the demand for taxi services in Singapore."

Because Singapore follows the common law tradition, case law and judicial precedents are an important part of the body of law. Today, some court rulings are freely available to the public on some law websites. For example, all Supreme Court judgments can be found on SingaporeLaw.sg,

a website by the Singapore Academy of Law (SAL). More comprehensive access to court rulings, including lower court rulings and keyword searches, while available to the public, would require a paid subscription to *LawNet*, a portal by the SAL. From time to time, the government may choose to codify some laws that are based on judicial precedent, in an attempt to make these laws clearer and more transparent and accessible to the public. One example of this was the Administration of Justice (Protection) Act, passed in 2016, which codified the laws on the contempt of court without changing them, since it had already been established over time through court rulings.

In the urban arena, it is noteworthy that Singapore's statutory Master Plan is publicly available on the URA's website. Anyone intending to purchase property or develop land can thus find out the zoning and plot ratio of not just his or her own plot, but of neighbouring plots as well.

This was not the case before the 1990s. Even though there had been a statutory Master Plan passed in 1958 under the colonial government, it was widely considered inadequate for the needs of a growing city. But instead of updating this plan, the government prepared separate plans for the various sectors and regions of Singapore, but did not disclose them to the public. This lack of transparency not only inconvenienced the public and businesses (for example, a developer or landowner now needed to make a new development or redevelopment application to find out if what he had in mind was in fact aligned with the government's internal plan), it also created additional work for the government. Said former Minister for National Development Lim Hng Kiang: "Every development application submitted by the private sector required an individual decision...there were piles and piles of development applications overwhelming the Permanent Secretary and all the officials...Every decision had to go up and be decided by the Minister...so we had to see how we could streamline the process."⁶⁸

In the 1990s, the government decided to move towards transparency. It carved the island up into 55 planning areas and drew up a Development Guide Plan (DGP) for each planning area. By 1998, all 55 DGPs were completed and gazetted. Together, they formed the new Master Plan, which had statutory force. Since then, all proposed changes to the Master Plan have been made public for a period of consultation and all final changes have been gazetted and published on the URA's website. "The idea was that planning information should not be for the privileged few.

Therefore, we wanted anybody to have [equal access to] the Master Plan, anytime they wanted it. This cuts down on [the need for] speculation,” said former CEO of the Urban Redevelopment Authority (URA) Liu Thai Ker.⁶⁹

Public consultation and engagement, like what is being done for the Master Plan, have become an increasingly important feature in the amendment of laws and regulations in recent years—another sign of the government’s shift towards transparency. For example, proposed amendments to the Parks and Trees Act went through a period of public consultation in July and August 2016. Public feedback was accepted on Reach (www.reach.gov.sg), the government’s outreach website, as well as via email to the National Parks Board (NParks) and mailed hard copy submissions to the NParks headquarters. After the feedback from this exercise was incorporated into the amendment bill, the bill was tabled in Parliament in January 2017 for the First Reading. It was then debated in February 2017 at the Second Reading and passed on the same day after the Third Reading.

Open Tender System as Another Key Plank of Transparency

The open tender method is another way that the government has maintained transparency in its dealings. This method is used for the government to buy or sell services and products.

Government procurement in Singapore is regulated under the government Procurement Act. There is a requirement in the subsidiary legislation of this Act that when the government makes a purchase, it should only use open tendering (where any company can submit a bid) or selective tendering (where a group of pre-qualified companies are invited to submit a bid), unless there are exceptional circumstances. Bids are considered on price, quality and other factors. Under these rules, government purchases that cross a certain value threshold are made public on the GeBIZ portal, where specifications and deadlines are clear to all prospective vendors.

Government sales is another area where the open tender method is used. A key example would be the Government Land Sales programme. Under this programme, the government releases land for development by private developers, in order to meet Singapore’s urban needs, such as the need for residential units and commercial space. Generally, developers offering

the highest price are awarded the tender. In some cases, the two-envelope method is used, where in the first stage, the tender board looks at the designs and/or concepts submitted. Only designs that pass the first stage make it into the second stage, where the highest price wins.

The open tender method has been an important tool in preventing corruption in the public service and in ensuring the best value for money for the taxpayer. It has enhanced the rule of law.

That said: the open tender system is not without its disadvantages. Former Permanent Secretary of the Ministry of Law Niam Chiang Meng noted how entrepreneurs with good ideas who approach the government to explore the possible partnerships, discover that the government would oftentimes still be obliged to put the procurement through an open tender, even if his or her idea was a good one. “That’s the reason why people don’t want to come to the government with their great ideas. This is a limitation that many governments elsewhere do not have,” he said.⁷⁰

PRINCIPLE 5: FLEXIBILITY

In applying and upholding the rule of law, there is always a need to find the right balance between strictness and stringency, and flexibility. If the law veers too much towards showing latitude, it loses its deterrent effect or its consistency, which are attributes people want to see. But if it is applied too mechanistically without any room for manoeuvre or for considering specific circumstances, it also risks being rejected as draconian, unthinking and even inhuman.

Former Permanent Secretary of the Ministry of Law Niam Chiang Meng said about this issue: “Every time you have rules, you constrain many, many people. So you need some flexibility in application to maximise the utility curve. The question is, how do you do it without it becoming too loose—which would also be a problem, because then people [will] start to say, ‘How come it’s not fair anymore?’”⁷¹

In striking this balance, public officers are, at each stage of the law taking its course, looking at the facts of the case before making decisions fairly and exercising discretion within certain limits. This quality of showing flexibility is a key attribute of the rule of law in Singapore.

There are at least three ways that the rule of law in Singapore demonstrates flexibility. First, flexibility can be granted before a law or decision comes into full effect. Second, flexibility can be granted during enforcement, when a law or decision is already in full effect. And finally, flexibility can be granted to allow pilot trials for emerging innovations and disruptions.

Before a law or decision comes into full effect, the government often tries its best to allow affected parties some breathing space, so as to reduce the negative impact on them. This, of course, is not always possible. Some laws have to be put into effect immediately, because not doing so might result in behaviour distortion. To give a hypothetical example, a new tax on petrol has to take effect at the point of announcement, or it would likely result in very long queues at petrol stations, as motorists attempt to buy up as much petrol as possible under pre-hike prices, which could cause traffic disruptions. But there are many cases where some advance notice or grace period is possible and reasonable, which would also make it less onerous for those affected.

In April 2001, the Agri-Food & Veterinary Authority (AVA) released the findings from a study it commissioned to identify the causes of a bad smell emitting from four poultry farms in the Sungei Tengah area. This smell had been the subject of numerous complaints over the previous two years. The study found that the major cause of the smell was “the improper handling and improper composting of poultry waste” by the poultry farms.⁷² The government hence decided that such farms would have to either: (a) upgrade farm operations to fully enclose the farm and internalise the smell within a year, or (b) accept a goodwill ex gratia payment to end operations, also within a year, which was ahead of the end of their leases. Eventually, three of the four farms chose to accept the ex gratia payments. The last farm, Seng Choon Farm, still stands today, but in a different location. At the time, Seng Choon chose the first option, but they were not able to get rid of the smell to the satisfaction of the AVA. Eventually, they negotiated for an alternative site at Lim Chu Kang Agrotechnology Park, where it was able to continue its trade. In this example, flexibility was shown to the farms—so as not to lay too heavy a burden on them—in the form of the one-year grace period, the ex gratia payments and the willingness, in the case of Seng Choon, to help find an alternative site.

In another example, the Singapore Land Authority (SLA), when invoking the Land Acquisition Act, gives affected property owners time to move out of the acquired property. In 2017, for example, local media reported

that the occupants of three freehold landed properties at Merpati Road had not moved out despite multiple deadline extensions, ultimately prompting the SLA to arbitrary take possession of the properties.⁷³ The acquisition of the Merpati properties had originally been announced in 2010, for the purpose of building the Mattar MRT station and surrounding developments along Downtown Line 3.

On the deadline to move out, an SLA spokesman said: “The owners were originally given until end August 2015 to hand over the properties. However, to accommodate the owners’ requests, SLA had extended the deadline four times by a total of one year and eight months till 25 April 2017. The deadline cannot be extended further as agencies will need to commence road realignment and infrastructure works to prepare the area for development.”

The SLA pays compensation that includes not just the market value of the acquired property, but valuation fees, removal fees, stamp fees and legal fees for the purchase of a replacement property. For deserving and justifiable cases, the SLA also makes ex gratia payments to help temper the financial impact on affected homeowners. In addition, these homeowners were provided assistance in getting a new home. They were given priority balloting for a new HDB flat and had their housing loan restrictions waived. They also had the option of staying in rental public housing while they looked for another home.

Associate Professor of Law at the Singapore Management University (SMU) Eugene Tan noted that when laws, including those on land acquisition, are applied with such mitigation measures to soften their harsh effects, it helps the laws acquire legitimacy.⁷⁴

In another example involving land, former Permanent Secretary of the Ministry of Law Liew Heng San, who was also Chairman of the SLA, said that in some cases, occupants of state land are given some leeway to stay on after their leases have expired, especially if there is no urgent use for the land. He said: “For example, you could have a recreational club that has reached the end of its lease and is essentially squatting on state land. If we don’t have any immediate use for the land, there is no need to be so rigid. If we take it back and it’s empty again, people will say it’s quite foolish. And so if it’s for an activity that Singaporeans use, need and can benefit from, we sometimes do a deal with them so they can continue to use the land.”⁷⁵

Another example of giving affected parties time to adapt before laws or decisions come into effect is the practice of introducing changes in phases, starting with areas where change is easier to adapt to, before introducing change throughout the system. It also gives the authorities a chance to identify and better understand the problems that may arise. These problems can be addressed when the change is pushed out fully in the later phases, which ensures more effective implementation.

For example, water-saving devices in toilets were made mandatory for non-domestic premises in the 1980s before similar regulations were introduced for domestic premises—that is, new housing projects—in the 1990s. In regulating smoking in public places, the government has, again, taken this phased approach. In May 2017, the government said that its “long term goal is to prohibit smoking in all public places except at designated smoking areas”.⁷⁶ Doing this would “protect non-smokers from the harmful health effects of second-hand tobacco smoke”, it said. As an intermediate step, smoking prohibitions were introduced in sheltered walkways and linkways, as well as in common areas in residential buildings, in 2013. These were extended to neighbourhood parks in 2016.

When laws or decisions come into full effect, the government can still show flexibility when there are worthy considerations. Some of these cases involve an exemption from a rule, due to the special circumstances of the case, or a warning, which is akin to a one-time exemption. In other cases, no exemption is allowed, but other concessions or accommodations are given, to make the change less onerous for the affected party.

In 1992, when the ban on the sale of chewing gum was imposed, chewing gum sellers with existing stock were compensated for their losses before the ban took immediate effect.

Another example was the anti-pollution measures that kicked in in 1972. Industrialists were allowed to accelerate the depreciation of their capital investments in anti-pollution devices over a period of three years, to make the requirement of the devices less expensive. The government estimated that the concession would cost it about S\$3.5 million in total loss of revenue, but it added that the move “would bring compensatory benefits to Singapore”.⁷⁷

As part of the redevelopment of the Golden Shoe district of the central business district, the government carried out a series of land acquisitions in an attempt to amalgamate smaller parcels of land into bigger parcels, which could then be redeveloped through the Government Land Sales programme. During one exercise in 1975, some landowners appealed to the government not to acquire their land, but to allow them to redevelop their sites on their own. Three of these appeals were eventually approved.⁷⁸



The Cathay at Handy Road today.

Photo courtesy of OZinOH.

When the owners of The Cathay at Handy Road wanted to tear down the whole building and redevelop the site, redevelopment works could not proceed because the government was intending to gazette and preserve the building as a national monument, given its historical significance.⁷⁹ However, the developers appealed the decision, and the authorities subsequently agreed to gazette just the façade, which Singaporeans have many fond memories of, thus allowing the owners the leeway to redevelop the rest of the site.

Sometimes, the government itself can receive partial exemptions, in the case where one government agency is the regulator of a particular domain, and another agency is being regulated.

Former Permanent Secretary of the Ministry of Law Niam Chiang Meng, who was also Permanent Secretary of the National Climate Change Secretariat (NCCS), recounts the bureaucratic negotiations that went on between NCCS and the Singapore Civil Defence Force (SCDF), which regulates fire safety in buildings.

He said: “At NCCS, we wanted to push for solar panels on the rooftops of HDB blocks. SCDF replied that under fire safety regulations, we have to create proper concrete stairwells at every block with solar panels. So HDB did the sums and concluded it would cost hundreds of millions to do this. It would not be cost efficient. SCDF argued that if there was a fire on the panels, or if someone maintaining the panels requires emergency assistance, SCDF would need the stairwell for access. We provided them the numbers from overseas to show that solar panels don’t catch fire—there had only been one known case. The batteries may catch fire, but the batteries are below, not on the rooftop. Finally, we came to a compromise. They would accept some of the existing cat ladders. And when the blocks are due to undergo interim upgrading, where there’s an opportunity to install a stairwell, HDB would install it.”⁸⁰

Individuals in their everyday interactions with the government can benefit from such flexibility too. They may receive warnings for first-time offences, especially if the law or rule is relatively new, such as when mandatory flushing in public toilets came into effect. And for those in genuine financial difficulties, their utility bills, for example, can be paid in instalments upon request.⁸¹

Some laws include an explicit provision allowing citizens to appeal to the Minister for an exemption or review of his or her particular case. In making such a provision, the law acknowledges that many real-life situations are very complex, and even though the civil servants overseeing the case may have already decided on a specific approach, there are benefits to allowing the citizen to escalate the case to the Minister, who might not have been fully aware of all the details and could therefore re-examine the case with a fresh pair of eyes. Giving citizens such an avenue for a separate airing of the case could add to the legitimacy of the decision.

For example, the Planning Act requires landowners and developers to apply to the URA for permission before carrying out any development. If permission is, for one reason or another, not granted (or granted with conditions), the Planning Act states that “the applicant who is aggrieved by that decision may appeal to the Minister against that decision”. According to Principal Legal Counsel of the Urban Redevelopment Authority (URA) Loretta Fung, such appeals can sometimes succeed.

In one instance in 2005, an application was received to redevelop an existing residential development located in a Good Class Bungalow area (GCBA) into a 16-storey residential development. This application was initially rejected by the URA, because a five-storey cap for every development was enacted to preserve the living environment of residents in the safeguarded GCBA. However, a subsequent appeal to the Minister for National Development was successful, and the site was redeveloped up to its existing building height and intensity.

Experimenting with New Ideas Through “Regulatory Sandboxes”

The third and final type of flexibility is needed when a new technology or innovation is emerging that might be disruptive to the existing urban order, but could also potentially be a positive game changer that significantly improves urban life.

In a speech in July 2017, Deputy Prime Minister Teo Chee Hean described this form of flexibility as “regulatory sandboxes”, a government term referring to experimental tweaks to the legal framework. The word “sandbox” comes from the software development sector and refers to an isolated environment created to try out new and untested codes, so that the larger environment currently in operation can continue to run in status quo without being affected by unforeseen effects from the experiment.

He said: “We did not get here by simply following what others did. We were daring. We were bold. We were prepared to experiment, and we were prepared to adapt what others had done elsewhere to our own environment in creative and innovative ways. In our constantly evolving operating environment, we must update our policy assumptions, and challenge the status quo. Our officers must also help spot ‘pattern-breaks’ early so that we can adjust our policies, act fast and put in place the necessary measures to test new ideas, and scale up good solutions for the benefit of Singapore and Singaporeans.

“We are committed to making the Public Service a conducive place for innovation. We are looking into streamlining processes such as procurement. We are also encouraging pilot projects, and creating new spaces for experimentation. The introduction of ‘regulatory sandboxes’ in our government agencies will allow officers to experiment with new regulatory methods before making changes to existing regulations or laws on a wider scale.”⁸²

One example of a regulatory sandbox involves the testing of autonomous vehicles (AVs). In making space for AV trials, the authorities were careful not to move to either extreme, that is, either doing nothing to existing laws and regulations, or by making sweeping changes. Instead, they chose to amend the Road Traffic Act slightly but sufficiently, with the view to making more permanent changes when AVs are ready to be fully integrated into the wider public road system.



BlueSG cars at a charging station. Launched in December 2017, this is the first electric car sharing service in Singapore.
Photo courtesy of Wikimedia Commons.

The changes to the Act relating to AVs allowed the Minister for Transport to create new rules to more effectively regulate AV trials or the use of AVs on public roads. These rules can place time and space limits on these trials, set standards for the design of AV equipment and impose requirements to share data from the trials.

In introducing the amendments in February 2017, Second Minister for Transport Ng Chee Meng said that AVs were “fast on its way to becoming a reality on our roads”, although “widespread deployment of AV technology is still some 10, maybe 15 years away”. He said it was important that the government did not impede the growth of this technology, “as some cities have done”. But neither should Singapore “take a completely laissez-faire approach”, he said, because due regard must be given to the safety of passengers and other road users.

“We are therefore adopting a balanced, light-touch regulatory stance that protects the safety of passengers and other road users, and yet ensures that these technologies can flourish,” he said. “As this is emerging technology, the provisions will provide the flexibility needed to assess the appropriate regulatory response more quickly. We have limited this regulatory sandbox to five years. At the end of five years, the Ministry will consider enacting more permanent legislation, or return to Parliament to further extend the period of the sandbox.”⁸³

Discretion for Frontline Officers—to Give or Not to Give

On the issue of empowering frontline officers to make discretionary calls, former Permanent Secretary of the Ministry of Environment Lee Ek Tieng said the government was very cautious about doing so in the earlier years, due to fears that there might be abuse. He said: “There was very little discretion given to our enforcement officers in those days because the moment you give discretion, then it will lead to a lot of malpractice, corruption and so on.”⁸⁴

But over the years, the government has worked out processes to allow for discretion while avoiding possible pitfalls. For example, after a ticket for a fine is issued, the person who is fined may appeal to another office, that is, the appeal cannot be decided on the ground by the officer giving out the fine, which reduces opportunities for abuse.

Going forward, some feel the government should give frontline officers more discretion, due to changes taking place in society. Said former Permanent Secretary of the Ministry of Law Niam Chiang Meng: “I would argue that in the case of corruption, we have other tools to tackle it. I think in fact going forward in the future, you need to empower the ground people a lot more, because of the complexity of society. We are becoming more complex as people become more educated. So if you want the rule

of law to remain palatable in future, you do need to empower officers. Because many times, it's situational. If you are down on the ground, you know that everybody who comes has a certain case and you just have to make an assessment. So I think we can allow officers to decide within bounds. They can solve problems more effectively if we train and prepare them for this kind of work.”⁸⁵

PRINCIPLE 6: COMMUNITARIANISM

The sixth and final principle in Singapore's rule of law framework is communitarianism. In many western legal and political traditions, the historical context has evolved in a way that gears the system towards protecting individuals from either the tyranny of the majority, or the authoritarian, even despotic, tendencies of a king. These traditions have made choices based on real events and experiences in their own histories.

As Singapore's historical experience differs from these countries, it is natural that the choices we have made with regard to our legal and political tradition are also different. The communitarian tendency in Singapore's rule of law stems from at least two sources. First, the Asian instinct to place greater emphasis on what the community and society can achieve as a collective when individuals cooperate, sometimes with individuals having to make certain sacrifices. Second, Singapore's own experience since independence has validated this Asian instinct by demonstrating that communitarianism can ultimately do a great deal to uplift the lives of millions of individuals.

For example, Chief Justice Sundaresh Menon has said: “Our fidelity to the rule of law has co-existed comfortably with a prominent feature of our cultural substratum, which is an emphasis on communitarian over individualist values. These include notions such as dialogue, tolerance, compromise and placing the community above self. These values have modulated the court's approach in ensuring that the rule of law rules.”⁸⁶

Perhaps a law that has seen the communitarian principle being applied to a greater extent than other laws has been the Land Acquisition Act. Passed in 1966 and brought into force in 1967, the Act made two major changes to the law it was replacing, namely, the Land Acquisition Ordinance, which had been inherited from the colonial era. First, the new Act changed the way compensations were assessed, effectively reducing

the amount of compensation that the government had to pay when it made compulsory acquisitions. Second, appeals on land acquisition cases could no longer be heard in the courts and had to be heard by an Appeals Board instead. This had the effect of expediting the land acquisition process.

Making the case for reduced compensation, then Minister for Law Eddie Barker said in Parliament in 1966: “Firstly, that no landowner should benefit from development which has taken place at public expense and, secondly, that the price paid on acquisition of land for public purposes should not be higher than what the land would have been worth had the government not carried out development generally in the area.”⁸⁷

He gave a concrete example of this, saying: “Development by government and public authorities in areas like Jurong, Kallang Basin and Kranji has resulted in phenomenal increases in land values in these neighbourhoods. It was ironical that under the existing legislation, when additional lands in these areas had to be acquired for public purposes, government had to pay compensation at values which government itself had helped to enhance. The element of enhancement attributable in these cases to public participation (as opposed to participation by the private sector), is the element which under the new Bill will be creamed off when land is acquired for public purposes.”⁸⁸

Building on this point, then Prime Minister Lee Kuan Yew later wrote in his memoirs: “I saw no reason why private landowners should profit from an increase in land value brought about by economic development and the infrastructure paid for with public funds.”⁸⁹

The law was subsequently amended to fix the compensation that the government had to pay for acquired properties at its market value on 30 November 1973 or current market value, whichever was lower. This was known as the statutory date for determining historical market value. This statutory date was later updated—that is, brought to a later date—three more times: to 1986, then 1992, and then 1995. Finally, in 2007, the law was amended to do away with the concept of a historical statutory date, mandating market value compensations for all acquisitions from that time. (The government has argued that it has been paying market rates on its acquisitions since 1995. This is because there was a downturn in property prices after 1995 that caused market prices to stay below the prices of the historical statutory dates for over a decade.)

Associate Professor of Law at the SMU Eugene Tan said the land acquisition story clearly indicates a communitarian bent: “The underlying idea in the land acquisition law is that the larger interest must prevail over individual interest. Over time, Singaporeans have also come to internalise this norm or belief that the larger good, from time to time, may have to take precedence. It is notable that the right to property was not enacted as a fundamental constitutional right when we became independent. Had such a provision been enacted, the government would probably not have been able to apply land acquisition laws with the same vigour as they were able to.”⁹⁰

In 2015, Prime Minister Lee Hsien Loong paid tribute to the pioneer generation for the sacrifices some had made for the country on the issue of land acquisition. He said: “It was like this with our Pioneer Generation, for example on the issue of land acquisition. The government needed land to build HDB new towns around the island to house our people. To build industrial estates like Jurong to create jobs for our people. Later on to build the MRT network to move people around. So the government passed laws to acquire land not at the market price, without paying market prices. It was tough for the landowners who suffered financial losses, sometimes more than once. It was tough for the households who had to be resettled, lives were disrupted, thousands, maybe tens of thousands had to change their livelihoods. But if the government had not done this, we could not have housed our population and we could not have transformed Singapore, so there were sacrifices but in the end, it was for the common good and everybody benefitted and I thank all those who sacrificed for this common good.”⁹¹

Many lean towards the view expressed by PM Lee in 2015, even as views continue to be mixed on whether the Land Acquisition Act needed to be so communitarian from the 1960s to the 1980s.

Former CEO of the Housing & Development Board (HDB) Liu Thai Ker said: “There was once I asked some landowner friends of mine, ‘The government has just acquired your land. How do you feel about it?’ And they said, ‘Of course we are not happy, but we are not going to protest, because the people are on the government’s side.’ That I thought was a very telling comment.”⁹²

Associate Professor of Environmental Law at the NUS Lye Lin Heng, who has also served as a board member of HDB, said: “There was a need to build housing. There were many squatters. There was a need for urban renewal. There are people I know who had their land acquired by the government and who are bitter still about it today, it’s just that their bitterness is not made public. What was unique about Singapore’s public housing is that we thought out of the box. Instead of short-term tenancies following public housing in many developed countries, the HDB instead sold 99 year leaseholds to the people. This was critical in nation-building, giving Singaporeans a stake in their home, and a place to fight for and to defend. It also ensured that homeowners would take better care of their neighbourhoods and precincts, as there was a sense of pride in ownership. It is quite clear that looking at Singapore today, our way of doing things has worked. It is not an exaggeration to say that we have the best public housing system in the world.”⁹³



A HDB estate in Eunos. The provision of public housing has been a vital part of Singapore’s urban development, and was made possible in part because of the Land Acquisition Act of 1966.

Photo courtesy of Wikimedia Commons.

Former Permanent Secretary of the Ministry of Law and former CEO of the Housing & Development Board (HDB) Niam Chiang Meng said the way land acquisition was done was justifiable at that phase in Singapore's development, but increasingly became untenable, ultimately leading to it being amended to provide for full market rate payments. He said: "We could justify it in the past because of the need to redevelop Singapore. We had slums, we had squatters, we had low-lying attap houses and so on. And hence HDB came and built thousands and thousands of flats for people. To do this, they needed to acquire that land at that point in time. But over time, as people become more affluent, more educated, and we have a bigger middle class, the government also realised it had to start to compensate closer and closer to market."

But he added that even with the government compensating at market rates today, the law would have to be used more carefully in the future. He said: "The powers of land acquisition are wide, and as policymakers, we need to be very clear in our minds that what we do can affect people a lot. In the past, when land was acquired to build a road or MRT, a fairly large buffer was also acquired to provide additional space for construction work. But when construction is over, the buffer is returned to the state's land bank, not the original owners. What I'm saying is that we have to be careful that what we do is seen as fair."⁹⁴

Former Permanent Secretary of the Ministry of Law Liew Heng San disagrees that landowners in the early years should have been made to bear such a heavy price for the sake of national development. He said that even if the government could not find the money at the time to make market rate compensations, it could have committed itself to paying those compensations later on. He added: "The principle of paying fairly might require you to pay fairly at a time when you have the money, even though at the time of acquisition you did not have it."⁹⁵

Mr Liew is also in favour of other changes to the way land acquisition is done in Singapore. First, he said the government should try to take strictly only the land it needs for the original purpose of the acquisition, instead of acquiring more land than needed and forming bigger plots for redevelopment. Second, for less essential needs, the government should think of itself as an ordinary buyer, and should consider negotiating directly with the owner as any other prospective buyer would, he suggested. Third, he argues that the government should impose a cost on agencies that acquire land for a purpose but subsequently leave that land unused for many years.

CHAPTER 3

RELATIONSHIPS: POLICY AND LEGISLATION, PEOPLE AND GOVERNMENT

“The reputation here is that the law in the books is reflected in the behaviour of officials, and that there is no gap between the law in the books and official behaviour.”⁹⁶

Tommy Koh, Professor of Law, National University of Singapore, and Ambassador-at-Large, Ministry of Foreign Affairs, Singapore

Two important relationships in Singapore’s rule of law story are fleshed out in this chapter. The first is the relationship between policy and legislation. Which is the chicken and which is the egg? How do the two elements interact with one another and evolve in a dynamic relationship? The second is between the people and the government. The discussion explores how fundamentals like the level of trust the people have in the government are critical in maintaining the rule of law in any country.

RELATIONSHIP 1: THE POLICY AND THE LEGISLATION

The first relationship affecting the rule of law is that between legislation and the underlying government policy. Laws are ultimately just an expression of what the policy is in a particular area of urban life. For laws to work well, the government must first have thought clarity on what the policy is and the problem it seeks to solve. It must also have the political will to devote resources and political capital to see through the policy, and to deliver it.

This policy must, furthermore, be explained well to the people, who have to accept that the policy is taking the country in the right direction. If they do not accept this, it will be difficult for them to see the corresponding legislation as legitimate—and the law might then have to be forced on them. It is in this regard that Minister for Law K. Shanmugam has said: “If you cannot deliver, then the rule of law will not survive in a developing country—it is as simple as that.”⁹⁷

Associate Professor of Environmental Law at the National University of Singapore (NUS) Lye Lin Heng also notes that without effective policy, governance and management, the law does not work. She said: “In the environmental domain, you can have the best laws, but it’s not going to work unless you build the infrastructure. And you must find the money to do that. You can have very strict water pollution control laws, for example, but if you have no modern sewage system, everybody is still going to defecate into the rivers and streams.”⁹⁸

Associate Professor of Law at the Singapore Management University (SMU) Eugene Tan adds: “In Singapore, the rule of law is not an end in itself, it is also a means to an end. It must serve a particular purpose, such as enabling the governance system and public policies to ultimately improve the lives of Singaporeans. Our rule of law is premised more on performance legitimacy, whereas in the West, there is more of an ideological commitment to rule of law in and of itself.”⁹⁹

Crafting Good Legislation

Once the policy question is settled, there are ways to craft the legislation to increase the chances of policy success. Legal scholar Professor Tommy Koh said: “In drafting legislation, you don’t want to be so general and vague that it becomes hard to implement the law. Nor do you want to be so micro, so detailed that you give the future generation no flexibility. So to get that golden mean—that’s the skill of the draftsman. And not everybody can do it.”¹⁰⁰

In other words, legislative text has to be crafted in sufficiently broad terms, because the ground situation can be very dynamic and policymakers need some discretionary leeway. But they cannot be so broad as to become all-encompassing, or even arbitrary, since that would violate the principle of laws (of having to be transparent and clear). Ironically, this would be harder to execute because bureaucrats will then have trouble figuring out where the boundaries are.

The actual crafting on legislation is a deep skill. Professor Koh calls it a “highly skilled sub-specialisation” within law. “Not every good lawyer can draft,” he said. Prime Minister Lee Hsien Loong once spoke about how the expert draftsmen at the Attorney-General’s Chambers (AGC) had impressed him as a young Cabinet Minister. He said: “As the legislative drafter, AGC advises the government when the laws need to be updated, or new laws need to be introduced. In doing so, AGC has to work very

closely again with the government departments, the ministries and sometimes even directly with the Cabinet. I remember one occasion, when I was a young Cabinet Minister, we were working on one particular legislation and the Attorney-General then, Mr Tan Boon Teik, came with his legal draftsman to the Cabinet room to meet the ministers and take instructions. We briefed the AG on our policy intent. Mr Tan went into the next room, sat down, and dictated straight off the clauses to his officer, with no hesitation or pauses, off the reel, and soon came back into the Cabinet Room with a typed-up draft. We discussed it further, he did the same again. After a few iterations, we had settled the draft legislation. I looked on in awe and the episode left a deep impression on me."¹⁰¹

There are some principles on legislation drafting that legal scholars have, over time, agreed on. The statute book as a whole has to be coherent, and this includes the Constitution, other Acts of Parliament as well as subsidiary legislation. It also has to follow established linguistic rules of the legal world, especially keeping in mind the principles of interpretation found in case law. For example, the principle of *Ejusdem Generis*, or “of the same genus”, says that if one has some general words following two or more specific words, then the general words are assumed to fall in the same genus or category as the specific words. And so, if the law says “bicycles, motorcycles, cars, buses and other modes of transport”, the phrase “other modes of transport” is assumed to refer specifically to land transport, since that is the genus of the preceding words, and would not include, say, ships and aeroplanes. Other such rules include “to express one is to exclude others”, where the listing of a specific item or items implies that non-listed items were intentionally excluded; and “render each to each”, where “infants and pets must be kept in strollers or on leashes” is assumed to mean “infants must be kept in strollers and pets on leashes”.

Not all laws have to be written from scratch. When Singapore enacted the Clean Air Act, for example, similar Acts from Australia and New Zealand were used as benchmarks and points of reference. Prime Minister Lee Hsien Loong noted the importance of studying the laws and experience of other countries, especially when venturing into a new area. He said: “One key principle in drafting laws is that we try our best not to re-invent the wheel. Wherever possible, we study what other countries have done to tackle similar problems, and base our legislation on these existing models. When Mr Lee Kuan Yew was in Cabinet, every time a Cabinet Paper proposed a new legislation, his first question would be: ‘Which country have we copied this legislation from?’ Because when he knew we had found a good precedent, he was reassured that we were benefitting from

the experience and mistakes of others. But when we have to make laws on our own that have no precedent elsewhere, we have to be very deliberate, think creatively and feel our way forward; and recognise that we will have to amend the laws later as we gain experience with them, to deal with unexpected issues or to react to changing circumstances. That is what we have done with the institution of the Elected Presidency.”¹⁰²

And while it is important to craft legislation broadly, it is just as important not to over-legislate, because legislation brings with it costs of compliance. Over-legislation increases these costs. Often, alternatives to legislation are available to the policymaker and may be just as effective in helping achieve the policy objectives. Some alternatives include: sticking to existing laws but increasing enforcement, embarking on a public education campaign, and encouraging industries and sectors to do self-regulation or to agree on codes of practice.

Former Permanent Secretary of the Ministry of Law Niam Chiang Meng offered two examples of how over-regulation can be detrimental to urban life. He noted that when the requirement to apply for camping permits to pitch a tent at East Coast Park was removed some years ago, many more people started pitching tents. But later on, when the permit requirement was re-introduced, numbers fell significantly. “I stay near East Coast Park. And so now I see very few tents being pitched, which is a pity,” he said.¹⁰³

The second example that Mr Niam cites is of street food. “If you go to Myeongdong, in Seoul, in one of their tourist areas, you will find street food everywhere. And it’s so popular, it’s amazing. And that’s what you want to do in a city. You want to create a certain vibrancy,” he said. “In contrast, when we experimented with food trucks in Singapore, the government imposed so many rules on them that it was difficult for the entrepreneurs to succeed.”

He concluded: “The lesson, to me, is not to over-regulate. As a government, we have to understand that a good policy and a good set of laws or regulations are able to serve the majority of people whilst affecting them in the least possible way. To be less intrusive is important. If you can do everything in the background, without imposing rules by guiding them to a certain behaviour, so people don’t even know—even better.”

Prime Minister Lee Hsien Loong also warned against too much regulatory burden when he said: “Up to date, effective but not onerous regulation has become a new source of economic competitiveness.”¹⁰⁴

RELATIONSHIP 2: THE PEOPLE AND THE GOVERNMENT

The second relationship with some bearing on the rule of law is the relationship between the people and the government. Fundamentally, if the rule of law is going to work, the people must trust the government. Why is this so? Wouldn't deterrence and the threat of punishment be enough to compel everyone to follow the law, whether they like it or trust the system? The short answer is no. If people do not trust the system and do not follow the law willingly, one would have to put a policeman in every street corner and hire an army of tax auditors to look in every other bank account to achieve the level of deterrence required. The truth is, no state has the resources to rule purely by threat of force or punishment. States require the majority of people to follow the law. They then use the threat of force or punishment to bring the minority in line. When this willingness to follow the law breaks down among the majority of citizens, for instance, if a mass civil disobedience movement spreads, law and order quickly degenerates and the state can descend into complete chaos.

In a working system, why would the majority of people believe in following the law? It is because they trust that the government is maintaining a system that treats them fairly. However, if they start to believe that the laws are treating them unfairly, or that the people enforcing the laws are selectively letting some people (e.g., powerful people) get a free pass, then trust is eroded over time, and more and more people may start to try to find ways around the laws.

At the end of the day, there is a price to pay for following the law. For an individual, it costs money to pay taxes, for example. Also, the law restricts this individual's autonomy and constrains the set of choices available to him or her. One is willing to pay this cost only if he or she thinks that almost everyone else who should be paying, is paying.

When the government debt crisis in Greece began in 2009, one of the reasons for the government's inability to service its debt was its inability to collect taxes. Lots of people were finding all kinds of ways to avoid paying taxes because they knew that many others around them were also not paying. People believed that the system was rigged and that those who paid were fools, because so many others were evading taxes with no consequences.



A Singapore flag being waved at a National Day Celebration. Citizens' trust in a country is built through upholding the rule of law and making sure that everyone is treated fairly.

Photo courtesy of Benjamin Ho.

Here, there is both a vicious and a virtuous circle. In the vicious circle, the first stage (Stage One) is when people and businesses start to lose trust in the government and its system of laws. In the second stage (Stage Two), some of the above try to get away with not following the law. This makes it harder for the government to enforce the law, because they would need more resources. In the last stage (Stage Three), trust is eroded further because even more people can see that laws are not being followed. Then it reiterates back to Stage One, in a downward spiral. The virtuous circle is the exact opposite—people trust the laws and the government; they follow the laws; the government finds it easier to enforce the laws; people can increasingly see that laws are being followed, and thus they trust the system more, and so on.

In Singapore, trust in the government is high because the government has been consistently building on its track records, through its policies and its respect for the rule of law, said former CEO of the Housing & Development Board (HDB) and the Urban Redevelopment Authority (URA) Liu Thai Ker. "This meant the government sometimes had the political capital to introduce laws ahead of time, in anticipation of problems that were likely to become serious later," he said.

"I remember listening, as a young civil servant, to one particular parliamentary session, and I could not understand why the government was introducing a particular legislation. The next day, I asked some fellow civil servants about it. As it turned out, some of them also did not understand it either, but they said that as long as Mr Lee Kuan Yew was introducing it, it had to be right. From this, I learned two lessons. First, when the government has a good track record, people trust it. Second, there are matters that even intelligent people may not fully understand because you are not in that domain—that's why trust is important," said Dr Liu.

After the basic trust between the people and the government is established, it has to be maintained over time. The government itself must follow the law and be seen by the people to follow the law.

Dr Liu said that in his experience, the government was always scrupulous about following the law. He recalled: "When I was Chief Planner at URA, I got a call one day from a government agency asking if a building they owned could be redeveloped from a two-storey building into a four-storey building. I told my staff, 'Study it carefully, and whatever you recommend, don't backtrack. Be sure of your argument.' So my staff came back and recommended that they approved three storeys but not four storeys. I asked them to explain the rationale, and they were able to do so convincingly, and with evidence. So I told the government agency, 'Only three storeys allowed.' And the other side accepted the decision without further questioning. So under the rule of law, there can be no exceptions. It applied not only to citizens but the government as well."¹⁰⁵

Also important for maintaining the rule of law: the government must be subject to checks and balances—the key to this being the right of the people to apply for judicial review of government actions.

A judicial review happens when the judicial branch of the government reviews the actions of one of the other two branches in it. For example, the judiciary can review administrative actions (by the executive branch) or laws (by the legislative branch). This system of separation of powers finds its legal basis in the Constitution, with Parts V to VIII of the Constitution setting out how each of the branches is to be formed, and their relative powers. Article 93, in Part VIII, states that "the judicial power of Singapore shall be vested in a Supreme Court and in such subordinate courts as may be provided by any written law for the time being in force". The Constitution also states that "the government may sue and be sued" (Article 37). However, judicial power has its limits. For example, it may not review government policies, pronouncing on their merits or lack thereof.

The independence of the judiciary is an important hallmark of Singapore's rule of law, as is generally true in democratic systems. The judiciary's independence is protected by the Constitution in two ways. First, a Judge of the Supreme Court, once appointed, has security of tenure up to the age of 65. Second, the salary of a Judge of the Supreme Court may not be reduced during his tenure. Currently, the annual pensionable salaries of Supreme Court judges are as follows: S\$347,400 for the Chief Justice, S\$253,200 for a Judge of Appeal and S\$234,600 for every other Judge of the Supreme Court.¹⁰⁶

"These are important safeguards," said Associate Professor of Law at the Singapore Management University (SMU) Eugene Tan. "But at the end of the day the judges themselves have to genuinely believe in and be steadfastly committed to the imperative of judicial independence."¹⁰⁷

In 2014, *The Straits Times* reported on an increase in the number of judicial review applications brought before the court as well as in the number of cases that the court heard.¹⁰⁸ Judicial review cases heard in the Supreme Court, for example, rose from 14 in the 1990s to 16 in the 2000s. And between 2010 and 2014, at the time this article was published, there had already been 21 known judicial review decisions by the Supreme Court. The article quoted Prof Tan as saying this probably meant Singaporeans were showing a greater understanding of their rights and a greater willingness to assert those rights.

It is important to note that the courts have ruled against the government before, which shows that the process is robust and independent. Referring to a number of such instances, Nominated Member of Parliament (NMP) Simon Tay said in 1999, during a parliamentary debate over a motion on the rule of law in Singapore: "[Mr Chiam See Tong] says he trusts the courts. He himself pointed out that our courts are one of the most respected. Yet, he complained about certain systems of unfairness. The answer must be, if the courts are fair, but there are instances of difficulty in his view, he must go to the courts. I would like to point out that in recent years, there have been a number of cases in which people have done exactly that. They have taken hard cases to the courts and they have won against the government. There was the Eddie Tan case on the constitutionality of the Prevention of Corruption Act. There was the Christopher Bridges case on the Official Secrets Act. There was a recent decision against the Ministry of Manpower on certain actions they took in arbitrating between employer and employee, in which the courts felt that they had over-exceeded their powers. Looking further back, the courts have also struck down decisions by the Housing & Development

Board, which Mr [J.B.] Jeyaretnam mentioned, as well as the Registry of Companies and Businesses. My point is, if our system is endemically weak, the whole system is bad, then we really have to call for this motion. But if there are only limited instances, the very courts which Mr Chiam mentioned are the upholder of the rule of law.”¹⁰⁹

But the judiciary’s role of being a check on the executive branch does not mean this relationship has to be a hostile one. Chief Justice Sundaresh Menon has said that Singapore’s brand of communitarianism had implications for how these two branches of government interacted with each other. He cited his predecessor, Chief Justice Chan Sek Keong, who made the point that the communitarian instinct distinguishes Singapore from “a society where the court is in an adversarial relationship with the executive”. Instead, the court in Singapore “plays a supporting role to good governance by articulating clear rules and principles by which the government should abide, and serving as the last line of defence if and when those principles are breached”, said Justice Menon. He added: “On the latter view, good government can be encouraged through a variety of means, only one of which is the adversarial process of pitting the government across the bar table before a judge.”¹¹⁰

In addition, the judicial branch also has to think about its own relationship with the people and with public opinion. Even as the judiciary’s rulings are based on facts and legal arguments, these rulings do not exist in a vacuum. They are nestled within the context of what is happening in the society at large, including what people think about various issues. It is in this regard that former Permanent Secretary of the Ministry of Law Niam Chiang Meng says, for example, that courts have to think about whether rulings in different cases are seen to be fair by the people, when those cases are compared with one another, for example, whether someone who has committed what the public sees as a more serious crime has received a lower sentence than another person who has committed a seemingly less serious crime. From time to time, the courts create sentencing guidelines, to ensure greater consistency across cases. But consistency across different types of offences can sometimes be harder to ensure, since judges are bound by maximum sentences prescribed in the legislation, and it may be that the legislature is the right branch to act to amend a law—if the public response to the inconsistency is indeed justified.

The executive and legislative branches also respond to feedback from the people, amending laws and introducing new laws when changes on

the ground warrant it. Former CEO of the Housing & Development Board (HDB) and the Urban Redevelopment Authority (URA) Liu Thai Ker explained that feedback from the people collected through the grassroots network and Meet-the-People sessions by MPs, and through government agencies were a rich and invaluable source of information that the government could draw on. At the HDB and the URA, for example, “We received a lot of feedback and complaints, which we took very seriously,” he said. “Because of this, we understood the problems on the ground and were able to amend our plans or the rules. At the same time, we don’t hide behind public opinion. If we don’t agree with public opinion, we take the trouble to explain to them respectfully.”¹¹¹

In April 2017, Minister for Law K. Shanmugam gave an elaboration on how he felt the law ought to respond to public opinion, arguing that public opinion was important and relevant, even if it should not be the dominating factor. He wrote: “[G]overnment should consider what is right, what is fair, and it should also take into account the weight of public opinion. For example, if an overwhelming majority of the public will not consider some conduct to be criminal, or will consider some conduct to be acceptable, then that is relevant, when deciding whether to put forward a law which criminalises such conduct. Public opinion alone cannot be the deciding factor—government has to do what it considers to be right and fair, in the public interest. Public opinion can sometimes be inaccurate, because of a lack of understanding of the facts—and it would be wrong for the government to simply follow public opinion in all situations. There is a need to assess it, and in the end government has to decide what, in its view, is right and fair. And explain to the people why such an approach is the right one, in public interest. Thus, public opinion cannot be the sole or decisive factor. But public opinion is nevertheless relevant. If some law completely lacks public support, and the government is not able to persuade the public on that law, then that particular law, over time, could become difficult to enforce.”¹¹²

Examples of this philosophy in action are peppered throughout Singapore’s history. One of them is the Housing Developers (Control and Licensing) Act of 1964. This law to protect individual home buyers against the unscrupulous practices of private housing developers was enacted in response to strong feedback to the government from home buyers who had fallen victim. “In drafting this legislation, careful consideration has been given to all the complaints that have been received in the Ministry as well as those made in the Press,” said then Minister for National Development Lim Kim San.¹¹³

INTERNATIONAL LAW AND DISPUTES WITH NEIGHBOURS

As a small state, Singapore strongly holds to the principle that a rules-based international order should be supported by all countries. Hence, Singapore makes it a point to uphold this principle in all its dealings with other countries.

Said Prof Tommy Koh, Ambassador-at-Large at the Ministry of Foreign Affairs: “Mr Lee Kuan Yew understood as the leader of a very small country that for Singapore to survive, we needed the rule of law at the international level—in the absence of which big countries can just trample all over you.”¹¹⁴ Prime Minister Lee Hsien Loong has also said: “Internationally, the rule of law among nations is also a vital national interest of a small state like Singapore. We say what we mean, and we mean what we say. We honour agreements we enter into and we expect others to honour agreements they enter with us. Sometimes we are faulted for being rigid and inflexible—too straight. But it is absolutely critical for our words to count and for us to hold others to what they have undertaken to us. Having a reputation for insisting on these key points is perhaps not a bad thing.”¹¹⁵

Subscribing to the international rule of law has helped Singapore resolve disputes with its neighbours in a number of instances. Three of them—land reclamation at Pulau Tekong, the case of organic material shipped to Batam and the Pedra Branca dispute—are briefly described below.

In 2002, Malaysia protested over land reclamation works by Singapore at Pulau Tekong and Tuas View Extension, arguing that the works encroached on Malaysian territorial waters and caused pollution. The two countries

appeared before the International Tribunal for the Law of the Sea (ITLOS). The tribunal turned down Malaysia’s request for provisional measures against Singapore, which was a decision in Singapore’s favour, and asked the two sides to jointly form a group of experts that would study the effects and possible mitigation measures of the land reclamation. The group subsequently submitted a report with recommendations to the two countries, which formed the basis for an amicable settlement agreement eventually signed in 2005.

In 2004, Indonesia complained to the Secretariat of the Basel Convention (SBC) about a shipment of organic material that arrived in Batam from Singapore, arguing that the shipment contained hazardous material. Singapore rejected the claim. Foreign ministers from the two countries agreed to seek a resolution to the dispute under the Basel Convention. An independent expert recommended by the SBC was appointed to study the material and issued a report to the SBC, supporting the view that the material was not hazardous. Eventually, representatives from the two countries met in Switzerland, where SBC was located, and reached an agreement. A statement by SBC adopted by Singapore and Indonesia said that Singapore had acted in accordance with domestic laws and the Basel Convention. But as a goodwill gesture, Singapore allowed the return of the shipment.

In 2003, Singapore and Malaysia agreed to refer a decades-old territorial dispute over the island of Pedra Branca to the International Court of Justice (ICJ). The hearing before the ICJ took place in 2007. In May 2008, the court issued a ruling that awarded Pedra Branca to Singapore and the Middle Rocks—a nearby outcrop—to Malaysia. In 2017, Malaysia applied to the ICJ to revise the judgment on Pedra Branca, citing “new facts”. Singapore filed a rebuttal, arguing that the Malaysian case was “without merit”. In May 2018, Malaysia decided to drop its case and discontinue these proceedings at the ICJ.

These three settled disputes demonstrate that Singapore’s interests are well defended when it strongly adheres to the rule of law. This approach has enabled Singapore to settle disputes with neighbours peacefully and in accordance to international law, in processes seen as fair and legitimate by both governments, as well as by the people of both countries. Said Prof Koh: “The moral of the story is that international law is, for Singapore, both a shield and a sword. A shield to protect us against unwarranted attacks, but it is also a sword we can use to pursue our offensive interests.”



Horsburgh Lighthouse on Pedra Branca.
Photo from Port of Singapore Authority Collection, courtesy of National Archives of Singapore.

When asked what he thought of the argument that big countries might ignore international court rulings that did not suit them, Prof Koh's reply was that these countries would eventually change their minds. He cited a famous ruling that Nicaragua won at the ICJ against the United States (US) during the Reagan Administration. The Reagan Administration had initially refused to abide by that ruling, but eventually, his successor, George Bush Senior, quietly complied because "it is not in the US's national interest to behave like an outlaw", said Prof Koh. He added: "Most countries will comply most of the time, because if you don't, then when you win a case, the other side might not comply. So it's in your enlightened self-interest, even if you lose, to comply."¹¹⁶

FOREIGN CITIZENS WHO BREAK THE LAW IN SINGAPORE

Another rule of law issue that Singapore faces has an international dimension—the application of domestic laws on foreign citizens. This has implications for Singapore's diplomatic relations.

One famous case involved an 18-year-old American Michael Fay, who was arrested and charged in 1993 for damaging 18 cars. He was subsequently tried and convicted in the Singapore courts for theft and vandalism. He was sentenced to 4 months in jail and 6 strokes of the cane. Then President of the United States Bill Clinton appealed to Singapore to reconsider the caning portion of the sentence—and Singapore responded by reducing the number of strokes from 6 to 4. However, the US was not satisfied with this modest reduction. Professor Tommy Koh recalled the repercussions for Singapore in the aftermath of the case: "For four years, we were put in the dog house. No access to the White House. We paid the price for it. And Clinton loyalists tried to make life difficult for us in other areas. They tried to block a WTO ministerial conference due to take place in Singapore in 1996. This was put to an open vote in Geneva, and fortunately, the Americans were not able to get enough countries to vote against the meeting," he said.¹¹⁷

Singapore stood firm on the principle that the rule of law had to prevail, even when big and powerful countries are involved. The Singapore government was not prepared to allow its diplomatic relations with the US, important as they were, take precedence over the principle of upholding the rule of law. The latter was seen, in the long run and in the final analysis, as being much more of a core interest for Singapore.

CONCLUSION

FUTURE DEVELOPMENTS

Even as legal scholars recognise that urban laws in Singapore are, relatively speaking, well-developed, mature and comprehensive, there are still issues some experts hope that future legislative work can address.

For example, a debate has been ongoing over whether Singapore should enact an Environmental Impact Assessment (EIA) law. Associate Professor of Environmental Law at the National University of Singapore (NUS) Lye Lin Heng is a strong advocate for such a law, which she notes already exists in many countries. An EIA law would require an environmental impact assessment to be carried out for each new development, and for the report to be made public. “The principle behind an EIA law is: Look before you leap. That’s all we ask. The government should be regarded as holding all lands on trust for the people. Thus, decisions on major development projects which may have an adverse impact on the environment as well as on society, should involve seeking the views of the public. NGOs in particular, may have useful information to share. The final decision still lies with the government. The EIA process enables the government to obtain the fullest information to enable it to make a fully considered decision. If it decides to proceed, it can then take the measures to mitigate possible adverse impacts. The EIA is thus a process that facilitates good environmental governance and management and should be viewed in this light,” said Prof Lye.¹¹⁸

At the moment, EIAs are commissioned by the government for major developments, such as the upcoming Cross Island MRT Line and the Mandai eco-tourism hub. And while there is no legal requirement for EIA reports to be published, the government has, especially for high profile cases, released a number of such reports to the public. Second Minister for National Development Desmond Lee told *The Straits Times* in June 2017 that the government was reviewing how EIAs are done and will provide more details at a later date. “We are seeing how we can strengthen the EIA process, taking on board all the lessons that we picked up in the last few EIAs,” he said.¹¹⁹

Another law that Prof Lye is calling for is one that makes domestic rubbish sorting and recycling mandatory. She said that with the installation of two separate rubbish chutes—one for waste and the other for recyclables—outside of residential units for new HDB blocks, the time is ripe for a law that will compel the correct use of these two chutes. Such laws are already in place in many countries. With CCTV cameras and the use of

transparent plastic bags, such a law would also be enforceable, she said. Professor Lye also hopes that additional laws will prohibit the building of garbage chutes in the privacy of homes. This does not facilitate recycling and should no longer be allowed, she said.

To back up her belief, she cites the effectiveness of the laws against non-flushing at public toilets, which were introduced amid a public education campaign. These laws proved to be very effective in changing behaviour. “If we can do it for flushing, why can’t we do it for recycling? We have to start somewhere,” she said.¹²⁰



Airbnb is the world’s biggest accommodation-sharing site and has played a big role in disrupting the hospitality scene.

Photo courtesy of Open Grid Scheduler/Grid Engine.

Other changes that might be needed in the legal landscape involve disruptive technologies that policymakers are currently monitoring closely. These include autonomous vehicles and sharing economy companies such as Uber, Grab and Airbnb. As discussed earlier, autonomous vehicles are currently part of a regulatory sandbox that the government is waiting to see how the technology develops before making more permanent legislative changes. For ride sharing companies Uber and Grab, the government has yet to decide on all issues and the situation continues to evolve. For example, the government might review whether Uber and Grab drivers, in addition to their usual role, can accept courier jobs as well.

Airbnb is arguably the disruption that the government has responded most cautiously towards. In June 2017, the government announced the lowering of the minimum rental period for residential units from 6 to 3 months. But this still means most Airbnb stays remain illegal in Singapore. The company said that in 2016, the average Airbnb host in Singapore received short-term guests for about 45 nights a year and earned around S\$5,000. It added that there were 7,000 Airbnb listings for Singapore as of November 2016. Globally, Airbnb stays have an average length of 3.9 nights.

In October 2016, Minister for National Development Lawrence Wong said that the government was studying this situation closely and that it was mindful that some Singaporeans might regard having short-term rental AirBnbs in their neighbourhoods as an intolerable intrusion to their private space. But he added that he was “not saying no forever”.¹²¹ In August 2017, Mr Wong reported that the number of reported cases of illegal short-term rentals in private homes had risen from 377 to 608, from 2015 to 2016. In the months of January to July in 2017 alone, there were already 415 reported cases. He added that residents who suspected their neighbours of short-term rentals could provide feedback to the authorities: “Once

the URA establishes a case of short-term rental activity in violation of the Planning Act, it will serve an enforcement notice on the party responsible for the offence. In most cases, offenders have complied and ceased the unauthorised use. In the case of recalcitrant offenders, and in egregious cases of parties operating multiple short-term rental units in a single development, the URA will take court action against them for a breach of the Planning Act.”¹²²

However, what is most needed is system maintenance, because although some urban domains may still require legal reform, the rule of law is largely working in the current phase that Singapore is in. Maintaining the system may take more work than one might imagine.

When asked what might cause the people to lose trust in the rule of law in Singapore, Prof Koh said: “If the judges become corrupt. If the government pretends to follow the rule of law but acts contrary to the law, which happens in many jurisdictions. If this congruence between the law in the books and official behaviour is broken, then people will say, ‘You’re just paying lip service to the law’.”¹²³

He added: “I think it’s good from time to time for the court—of course it should be on merit and not by contrivance—to rule against the government in favour of the citizen. And this has happened. It is good because it reinforces the people’s impression that the court is fair, and that if the government is wrong, the court is willing to rule against it. If there are no such cases, then people will say, ‘You say, one thing, but look at the record—100% on the side of the government’.”¹²⁴

POST-SCRIPT

In a 2015 survey by the Ministry of Law, over 90 per cent of respondents agreed that Singapore is governed by the rule of law, and that they trusted and had confidence in our legal system. A strong rule of law and high levels of trust and confidence in Singapore's legal system have empowered our government to implement tough but necessary laws.

Upholding the rule of law and maintaining trust in the legal system is a continuing effort. We do so by ensuring that our laws are fair and fairly applied, and that they serve Singapore's interests. Good laws are those that make lives better for Singaporeans.

Let me explain with some land-related examples.

First, the government acts within the law. Singapore has limited land, but many demands for its use, especially to develop essential infrastructure such as public housing, industrial parks and the airport. We hence enacted the Land Acquisition Act in 1966 to allow the government to acquire private land for development in a timely manner. We have made regular legislative reviews over the years, to ensure that the provisions of the Act are fair to landowners. We have also ensured that the government always operates within the legal parameters of the Act.

Second, even while we act within the law, we do so in a fair, transparent and compassionate manner. We consider land acquisition only when there are no other options available. Under the law, landowners can appeal against the compensation amount, but cannot dispute the acquisition of their land or the time frame set by the government for the acquisition and development. Nevertheless, we go out of our way to mitigate the impact on landowners, provide needed assistance and accommodate requests for a later handover where possible.

Third, the government maintains robust systems to support its laws. Strong rule of law is not only about setting out requirements in legislation. Legislation must be supported by systems that enforce the law and enable people to meet its requirements. For example, Singapore has a sound land survey and registration system that ensures clarity of ownership of property, safeguards landowners' rights and prevents fraudulent transactions. For decades, the system has been continually tweaked and improved to optimise its effectiveness and efficiency. More recently, we are progressively digitalising our records and processes, to strengthen the system and facilitate its use.

Fourth, we continue to update our laws to keep them relevant. In 2015, we amended the Land Acquisition Act to enable the government to acquire a specific stratum of underground space or airspace to develop public projects, instead of having to acquire the entire column of land. This makes it less disruptive for landowners when only underground space or airspace is needed for development. We also made amendments to the State Lands Act to clarify the ownership of underground space. The change will enable government planners to make more extensive use of underground space in future, which will benefit Singaporeans by freeing up more land for other purposes, such as parks, homes and offices.

Singapore's commitment to the rule of law is widely acknowledged. However, we must not be complacent and take for granted that laws and systems that have worked well in the past will continue to do so in future. We must continue to actively uphold the rule of law and ensure our laws and legal system remain coherent, relevant and effective. Only then can we maintain the people's trust and facilitate Singapore's economic and urban development.

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Permanent Secretary
Ministry of Law, Singapore

MILESTONES OF THE RULE OF LAW AND URBAN DEVELOPMENT IN SINGAPORE

1960

- ▶ The Housing & Development Board (HDB) is formed as a Statutory Board on 1 February. Today, Singapore has 64 Statutory Boards.

1961

- ▶ The Land Acquisition Amendment Bill is enacted to protect squatters from deliberate arson by landowners seeking to clear their lands for development.

1964

- ▶ The Housing Developers (Control and Licensing) Act is enacted to protect home buyers from, for example, housing developers unilaterally increasing prices, or cancelling orders for no special reason.

1964-1988

- ▶ Mr Eddie Barker, Singapore's first Law Minister from 1964 to 1988, oversaw all major legislative initiatives during the early years of Singapore's urban development.

1965

- ▶ Mr Lee Kuan Yew, in his first parliamentary address as Prime Minister, outlines the use of safeguards in the Constitution to ensure equality for all citizens, regardless of ethnicity or background.

1998

- ▶ Development Guide Plans (DGPs) are incorporated in the new Master Plan of 1998, in a move towards greater transparency in land-use planning.

2012

- ▶ Singapore's crime rate reaches a 29-year low of 581 per 100,000 people.

2016

- ▶ Singapore is ranked 9th in the world and 1st in Asia in the Rule of Law Index, by the World Justice Project (WJP).

2017

- ▶ Singapore is ranked fifth most trusted nation in the Edelman Trust Barometer Index.

Before 2000

After 2000

World Justice
Project
RULE OF LAW INDEX
1ST IN ASIA
9TH IN THE WORLD

ENDNOTES

- ¹ Parliament of Singapore, "Yang di-Pertuan Negara's Speech", Singapore Parliamentary Reports Vol. 24, Cols. 91-144, 14 December 1965, https://sprs.parl.gov.sg/search/topic?reportid=003_19651214_S0004_T0004
- ² Ibid.
- ³ Ibid.
- ⁴ Eugene Tan, "Interview by CLC", Centre for Liveable Cities, Ministry of National Development, 6 July 2017, transcript, accession no CLC/026/2017/007.
- ⁵ Niam Chiang Meng, "Interview by CLC", Centre for Liveable Cities, Ministry of National Development, 11 April 2017, transcript, accession no CLC/026/2017/002.
- ⁶ Ministry of Information and the Arts, "Li Ka Shing Lecture by Mr Lee Kuan Yew, Senior Minister of Singapore at the University of Hong Kong on 14 December 1992, 5.30 PM", National Archives of Singapore, <http://www.nas.gov.sg/archivesonline/speeches/record-details/7408e50c-115d-11e3-83d5-0050568939ad>
- ⁷ Tommy Koh, "Interview by CLC", Centre for Liveable Cities, Ministry of National Development, 27 April 2017, transcript, accession no CLC/026/2017/004.
- ⁸ Ibid.
- ⁹ Prime Minister's Office, "PM Lee Hsien Loong at the 150th Anniversary of the Attorney-General's Chambers on 31 March 2017", <https://www.pmo.gov.sg/newsroom/pm-lee-hsien-loong-150th-anniversary-attorney-generals-chambers>
- ¹⁰ Lee Kuan Yew, *One Man's View of the World* (Singapore: Straits Time Press, 2013), 230.
- ¹¹ Centre for Liveable Cities, "Lee Kuan Yew: The Chance of a Lifetime", *Urban Solutions* Issue 2 (February 2013): 6-13, <https://www.clc.gov.sg/docs/default-source/urban-solutions/urb-sol-iss-2-pdfs/interview-lee-kuan-yew.pdf>
- ¹² Ministry of Law, "Speech by Minister for Law K. Shanmugam at the New York State Bar Association Rule of Law Plenary Session", 28 October 2009, <https://www.mlaw.gov.sg/news/speeches/speech-by-minister-for-law-k-shanmugam-at-the-new-york-state-bar-association-rule-of-law-plenary.html>
- ¹³ Supreme Court of Singapore, "Speech by the President, Legal Service Commission, Chief Justice Yong Pung How, 1st Singapore Legal Service Annual Dinner", 6 April 2001, <https://www.supremecourt.gov.sg/news/speeches/1st-singapore-legal-service-annual-dinner---chief-justice-s-speech>
- ¹⁴ Liew Heng San, "Interview by CLC", Centre for Liveable Cities, Ministry of National Development, 5 April 2017, transcript, accession no CLC/026/2017/001.
- ¹⁵ Niam Chiang Meng, CLC Interview.
- ¹⁶ Liu Thai Ker, "Interview by CLC", Centre for Liveable Cities, Ministry of National Development, 28 June 2017, transcript, accession no CLC/026/2017/006.
- ¹⁷ Niam Chiang Meng, CLC interview.
- ¹⁸ Joseph Hui, "Interview by CLC", Centre for Liveable Cities, Ministry of National Development, 30 December 2011, transcript, accession no CLC/005/2011/003.
- ¹⁹ Ministry of Law, "Speech by Minister for Law K. Shanmugam", 28 October 2009.
- ²⁰ Liew Heng San, CLC interview.
- ²¹ ICC stands for the International Chamber of Commerce.
- ²² Ministry of Law, "Keynote Address by Ms Indraneel Rajah S.C., Senior Minister of State, Ministry of Law and Ministry of Finance, at the Ground-breaking of 28 Maxwell Road, on 22 June 2017 at Maxwell Chambers", National Archives of Singapore, <http://www.nas.gov.sg/archivesonline/data/pdfdoc/20170622007/Keynote%20Address%20by%20SMS%20Indraneel%20Rajah.pdf>
- ²³ CLC, "Lee Kuan Yew: The Chance of a Lifetime".
- ²⁴ Liew Heng San, CLC interview.
- ²⁵ Ibid.
- ²⁶ Tommy Koh, CLC interview.
- ²⁷ Parliament of Singapore, "Rule of Law", Singapore Parliamentary Reports Vol. 71, Cols. 569-634, 24 November 1999, https://sprs.parl.gov.sg/search/topic?reportid=010_19991124_S0003_T0009
- ²⁸ Lee Kuan Yew, *From Third World to First: The Singapore Story, 1965-2000* (Singapore: Times Editions, 2000).
- ²⁹ State Courts, "State Courts Workplan 2017: Advancing Justice: Expanding The Possibilities, Keynote Address by the Honourable the Chief Justice Sundaresh Menon", 17 March 2017, [https://www.statecourts.gov.sg/cws/Resources/Documents/State%20Courts%20Workplan%202017%20Keynote%20Address%20by%20Chief%20Justice\(FINAL\).pdf](https://www.statecourts.gov.sg/cws/Resources/Documents/State%20Courts%20Workplan%202017%20Keynote%20Address%20by%20Chief%20Justice(FINAL).pdf)
- ³⁰ Ministry of Culture, "Speech by the Minister for National Development, Mr. Lim Kim San, on the Second Reading of the Housing Developers (Control and Licensing) Bill in the Legislative Assembly", National Archives of Singapore, 19 November 1964, <http://www.nas.gov.sg/archivesonline/data/pdfdoc/PressR19641119e.pdf>
- ³¹ Ministry of Culture, "Speech by the Minister for Labour, Mr. Jek Yeun Thong, at the Second Reading of the Housing and Development (Control & Licensing) Bill in the Legislative Assembly", National Archives of Singapore, 19 November 1964, <http://www.nas.gov.sg/archivesonline/data/pdfdoc/PressR19641119d.pdf>
- ³² Parliament of Singapore, "Land Acquisition (Amendment) Bill", Singapore Parliamentary Reports Vol. 14, Cols. 1615-1626, 31 May 1961, https://sprs.parl.gov.sg/search/topic?reportid=004_19610531_S0002_T0002
- ³³ Prime Minister's Office, "PM Lee Hsien Loong at the 150th Anniversary of the Attorney-General's Chambers".
- ³⁴ Lau Ying Shan and Jazmine Lau, *Cleaning a Nation: Cultivating a Healthy Living Environment, Urban Systems Studies* (Singapore: Centre for Liveable Cities, 2016), 27.
- ³⁵ Parliament of Singapore, "Rule of Law".
- ³⁶ "Two New Nature Reserves", *The Straits Times*, 12 November 2001.
- ³⁷ Ayesha Riaz, "Grounds for Debate", *New Law Journal*, 19 September 2018, <https://www.newlawjournal.co.uk/content/grounds-debate>
- ³⁸ Loretta Fung, "Interview by CLC", Centre for Liveable Cities, Ministry of National Development, 12 May 2017, transcript, accession no CLC/026/2017/005.
- ³⁹ Liu Thai Ker, CLC interview.
- ⁴⁰ Parliament of Singapore, "Public Utilities Bill", Singapore Parliamentary Reports Vol. 19, Cols. 11-16, 9 July 1962, https://sprs.parl.gov.sg/search/topic?reportid=007_19620709_S0002_T0007
- ⁴¹ Shaffiq Idris Alkhatib, "Tycoon Koh Wee Meng Fined for Putting Up Wall at Home", *The Straits Times*, 26 April 2017.
- ⁴² Lye Lin Heng, "Interview by CLC", Centre for Liveable Cities, Ministry of National Development, 18 April 2017, transcript, accession no CLC/026/2017/003.
- ⁴³ Ministry of Foreign Affairs, "World Health Organisation (30 May 2003)—Singapore Removed from List of Areas with Local SARS Transmission", https://www.mfa.gov.sg/content/mfa/media_centre/press_room/if/2003/200305/infocus_20030531_02.printable.html?status=1
- ⁴⁴ Chee Yam Cheng, "SARS and MOH (Part 6)", Singapore Medical Association, 5 August 2003, https://www.sma.org.sg/sma_news/3508/personally_cyc_6.pdf
- ⁴⁵ Parliament of Singapore, "Public Utilities (Amendment) Bill", Singapore Parliamentary Reports Vol. 51, Cols. 487-490, 29 July 1988, https://sprs.parl.gov.sg/search/topic?reportid=022_19880729_S0003_T0009
- ⁴⁶ Audrey Tan, "Eight Singapore Farms Taken to Task for Repeatedly Misusing Land", *The Straits Times*, 5 July 2017.
- ⁴⁷ Lee Ek Tieng, Oral History Interview, National Archives of Singapore, 2004.
- ⁴⁸ Ibid.
- ⁴⁹ Joseph Hui, CLC interview.
- ⁵⁰ "Woman Who Threw Used Sanitary Pads Out of the Window Fined S\$1,600", *Channel NewsAsia*, 30 June 2017.
- ⁵¹ Parliament of Singapore, "Incidence of High-Rise Littering", Singapore Parliamentary Reports Vol. 92, Col. 36, 3 November 2014, <https://sprs.parl.gov.sg/search/sprs3topic?reportid=written-answer-na-2227>
- ⁵² For a full explanation of the amendment bill, see: Parliament of Singapore, "Environmental Public Health (Amendment) Bill", Singapore Parliamentary Reports Vol. 91, 17 February 2014, <https://sprs.parl.gov.sg/search/sprs3topic?reportid=bill-89>
- ⁵³ "CJ Aims to Make Legal Service More Attractive", *The Straits Times*, 9 October 1990.
- ⁵⁴ State Courts, "Night Courts", <https://www.statecourts.gov.sg/cws/CriminalCase/Pages/Night-Courts.aspx>

- ⁵⁵ "Supreme Court Succeeds in Clearing Backlog of Cases", *The Straits Times*, 10 January 1993.
- ⁵⁶ Parliament of Singapore, "Independence and Integrity of Singapore's Judiciary", Singapore Parliamentary Reports Vol. 65, Cols. 223-244, 2 November 1995, https://sprs.parl.gov.sg/search/topic?reportid=012_19951102_S0003_TO008
- ⁵⁷ National Archives of Singapore, "Ministerial Statement By Prof Jayakumar, DPM & Minister For Law, in Parliament on 3 April 2006: Changes to the Legal Service Commission and Legal Service Personnel Management System", 3 April 2006, <http://www.nas.gov.sg/archivesonline/speeches/view.html?filename=20060403991.htm>
- ⁵⁸ Tommy Koh, CLC interview.
- ⁵⁹ Yap Kheng Guan, "Interview by CLC", Centre for Liveable Cities, Ministry of National Development, 5 January 2011, transcript, accession no CLC/002/2011/002.
- ⁶⁰ Parliament of Singapore, "Land Acquisition (Amendment) Bill".
- ⁶¹ Parliament of Singapore, "Public Utilities (Amendment) Bill", Singapore Parliamentary Reports Vol. 58, Cols. 283-290, 29 July 1991, https://sprs.parl.gov.sg/search/topic?reportid=029_19910729_S0003_TO011
- ⁶² Parliament of Singapore, "Parks and Trees (Amendment) Bill", Singapore Parliamentary Reports Vol. 94, 7 February 2017, <https://sprs.parl.gov.sg/search/sprs3topic?reportid=bill-286>
- ⁶³ National Archives of Singapore, "Speech by the Prime Minister, Mr. Lee Kuan Yew, at the 1st Annual Dinner of the Singapore Advocates and Solicitors Society Held on 18th March 1967, at Adelphi Hotel", <http://www.nas.gov.sg/archivesonline/data/pdfdoc/lky19670318.pdf>
- ⁶⁴ Niam Chiang Meng, CLC interview.
- ⁶⁵ Lee Kuan Yew, *One Man's View of the World*.
- ⁶⁶ Parliament of Singapore, "Keeping Singapore Statutes Online Current", Singapore Parliamentary Reports Vol. 90, 12 November 2013, <https://sprs.parl.gov.sg/search/sprs3topic?reportid=written-answer-1819>
- ⁶⁷ Thio Li-Ann, "Lex Rex or Rex Lex? Competing Conceptions of the Rule of Law in Singapore", *UCLA Pacific Basin Law Journal* 20, 1 (2002): 20.
- ⁶⁸ Lim Hng Kiang, "Interview by CLC", Centre for Liveable Cities, Ministry of National Development, 13 April 2012, transcript, accession no CLC/001/2012/003.
- ⁶⁹ Liu Thai Ker, CLC interview.
- ⁷⁰ Niam Chiang Meng, CLC interview.
- ⁷¹ Ibid.
- ⁷² Agri-Food and Veterinary Authority of Singapore, "Alleviating the Smell Nuisance from the Sungei Tengah Poultry Farms", Press release, 19 April 2001.
- ⁷³ Ng Jun Seng, "SLA Serves Notice of Possession to 3 Landed Properties After Owners Fail to Move Out After Deadline", *The Straits Times*, 25 April 2017.
- ⁷⁴ Lee Ek Tieng, oral history interview.
- ⁷⁵ Niam Chiang Meng, CLC interview.
- ⁷⁶ Ministry of the Environment and Water Resources, "Written Reply by Masagos Zulkifli, Minister for the Environment and Water Resources, to Parliament Question on Smoking Prohibition", 8 May 2017, <https://www.mewr.gov.sg/news/written-reply-by-masagos-zulkifli--minister-for-the-environment-and-water-resources--to-parliament-question-on-smoking-prohibition-on-8-may-2017>
- ⁷⁷ Parliament of Singapore, "Annual Budget Statement", Singapore Parliamentary Reports Vol. 31, Cols. 491-538, 7 March 1972, https://sprs.parl.gov.sg/search/topic?reportid=043_19720307_S0004_TO024
- ⁷⁸ Chua Beng Huat, *The Golden Shoe: Building Singapore's Financial District* (Singapore: Urban Redevelopment Authority, 1989), 58.
- ⁷⁹ Niam Chiang Meng, CLC interview.
- ⁸⁰ Ibid.
- ⁸¹ Parliament of Singapore, "Public Utilities (Amendment) Bill", 29 July 1991.
- ⁸² Prime Minister's Office, "Building a Future-Ready Public Service to Serve Singapore and Singaporeans", Speech by DPM Teo Chee Hean at 2017 PSC Scholarships Award Ceremony, 12 July 2017, <https://www.pmo.gov.sg/newsroom/dpm-teo-chee-hean-2017-psc-scholarships-award-ceremony>
- ⁸³ Ministry of Transport, "Opening Speech by Second Minister for Transport Ng Chee Meng for the Road Traffic (Amendment) Bill Second Reading", 7 February 2017, [https://www.mot.gov.sg/news-centre/news/Detail/Opening%20Speech%20by%20Second%20Minister%20for%20Transport%20Ng%20Chee%20Meng%20for%20the%20Road%20Traffic%20\(Amendment\)%20Bill%20Second%20Reading](https://www.mot.gov.sg/news-centre/news/Detail/Opening%20Speech%20by%20Second%20Minister%20for%20Transport%20Ng%20Chee%20Meng%20for%20the%20Road%20Traffic%20(Amendment)%20Bill%20Second%20Reading)
- ⁸⁴ Lee Ek Tieng, oral history interview.
- ⁸⁵ Niam Chiang Meng, CLC interview.
- ⁸⁶ Sundaresh Menon, "The Rule of Law: The Path to Exceptionalism", Speech by Chief Justice Sundaresh Menon at the American Law Institute's 93rd Annual Meeting in Washington DC, 16 May 2016.
- ⁸⁷ Parliament of Singapore, "Land Acquisition Bill", Singapore Parliamentary Reports Vol. 25, Cols. 133-134, 22 June 1966, https://sprs.parl.gov.sg/search/topic?reportid=030_19660622_S0003_TO008
- ⁸⁸ Parliament of Singapore, "Land Acquisition Bill (As reported from Select Committee)", Singapore Parliamentary Reports Vol. 25, Cols. 406-416, 26 October 1966, https://sprs.parl.gov.sg/search/topic?reportid=039_19661026_S0003_TO011
- ⁸⁹ Lee Kuan Yew, *From Third World to First*.
- ⁹⁰ Eugene Tan, CLC interview.
- ⁹¹ Prime Minister's Office, "National Day Rally 2015", Speech by Prime Minister Lee Hsien Loong at the National Day Rally 2015, Institute of Technical Education College Central, 23 August 2015, <https://www.pmo.gov.sg/national-day-rally-2015>
- ⁹² Liu Thai Ker, CLC interview.
- ⁹³ Lye Lin Heng, CLC interview.
- ⁹⁴ Niam Chiang Meng, CLC interview.
- ⁹⁵ Liew Heng San, CLC interview.
- ⁹⁶ Tommy Koh, CLC interview.
- ⁹⁷ Ministry of Law, "Speech by Minister for Law K. Shanmugam", 28 October 2009.
- ⁹⁸ Lye Lin Heng, CLC interview.
- ⁹⁹ Eugene Tan, CLC interview.
- ¹⁰⁰ Tommy Koh, CLC interview.
- ¹⁰¹ Prime Minister's Office, "Speech by PM Lee Hsien Loong at the 150th Anniversary of the AGC".
- ¹⁰² Ibid.
- ¹⁰³ Niam Chiang Meng, CLC interview.
- ¹⁰⁴ Prime Minister's Office, "PM Lee Hsien Loong at the Launch of the EW Barker Centre for Law and Business", Speech by PM Lee Hsien Loong, National University of Singapore Faculty of Law, 30 May 2017.
- ¹⁰⁵ Liu Thai Ker, CLC interview.
- ¹⁰⁶ Singapore Statutes Online, "Judges' Remuneration Act (Chapter 147)", 15 March 1995, <https://sso.agc.gov.sg/Act/JRA1994>
- ¹⁰⁷ Eugene Tan, CLC interview.
- ¹⁰⁸ Tham Yuen-C, "When Citizens Take the Government to Court", *The Straits Times*, 25 January 2014.
- ¹⁰⁹ Parliament of Singapore, "Rule of Law".
- ¹¹⁰ Sundaresh Menon, "The Rule of Law: The Path to Exceptionalism".
- ¹¹¹ Liu Thai Ker, CLC interview.
- ¹¹² K Shanmugam Sc, "Criminal Law and Public Opinion", Facebook, 27 April 2017, <https://www.facebook.com/k.shanmugam.page/posts/-criminal-law-and-public-opinion-earlier-this-week-today-published-an-interview-/1347579388621921>
- ¹¹³ Ministry of Culture, "Speech by Minister Lim Kim San".
- ¹¹⁴ Tommy Koh, CLC interview.
- ¹¹⁵ "Speech by PM Lee Hsien Loong at the 150th Anniversary of the AGC", 31 March 2017.
- ¹¹⁶ Tommy Koh, CLC interview.
- ¹¹⁷ Ibid.
- ¹¹⁸ Lye Lin Heng, CLC interview.
- ¹¹⁹ Audrey Tan, "Steps to Beef Up Process of Wildlife Impact Assessment", *The Straits Times*, 26 June 2017.
- ¹²⁰ Lye Lin Heng, CLC interview.
- ¹²¹ Yeo Sam Jo, "Short-Term Home Stays a 'Breach of Faith', But Singapore Will Not Close Door on It Permanently", *The Straits Times*, 10 October 2016.
- ¹²² Parliament of Singapore, "Actions against Short-term Rentals of Homes", Singapore Parliamentary Reports Vol. 94, Col. 59, 1 August 2017, <https://sprs.parl.gov.sg/search/sprs3topic?reportid=written-answer-na-3723>
- ¹²³ Tommy Koh, CLC interview.
- ¹²⁴ Ibid.

BIBLIOGRAPHY

Books, Journals and Conference Proceedings

- Lee, Kuan Yew. *From Third World to First: The Singapore Story, 1965–2000*. Singapore: Times Editions, 2000.
- . *One Man's View of the World*. Singapore: Straits Time Press, 2013.
- Riaz, Ayesha. "Grounds for Debate". *New Law Journal*, 19 September 2018. <https://www.newlawjournal.co.uk/content/grounds-debate>
- Thio, Li-Ann. "Lex Rex or Rex Lex? Competing Conceptions of the Rule of Law in Singapore". *UCLA Pacific Basin Law Journal* 20, 1 (2002): 20.

Government Publications, Reports, Documents and Media Releases

- Agri-Food and Veterinary Authority of Singapore. "Alleviating the Smell Nuisance from the Sungei Tengah Poultry Farms". Press release, 19 April 2001.
- Centre for Liveable Cities. "Lee Kuan Yew: The Chance of a Lifetime". *Urban Solutions* Issue 2 (February 2013): 6–13. <https://www.clc.gov.sg/docs/default-source/urban-solutions/urb-sol-iss-2-pdfs/interview-lee-kuan-yew.pdf>
- Chua, Beng Huat. *The Golden Shoe: Building Singapore's Financial District*. Singapore: Urban Redevelopment Authority, 1989.
- Lau, Ying Shan and Jazmine Lau. *Cleaning a Nation: Cultivating a Healthy Living Environment*. Urban Systems Studies. Singapore: Centre for Liveable Cities, 2016.

Interviews, Speeches, Lectures, Oral Histories

- Fung, Loretta. "Interview by CLC". Centre for Liveable Cities, Ministry of National Development, 12 May 2017. Transcript, accession no CLC/026/2017/005.
- Hui, Joseph. "Interview by CLC". Centre for Liveable Cities, Ministry of National Development, 30 December 2011. Transcript, accession no CLC/005/2011/003.
- Koh, Tommy. "Interview by CLC". Centre for Liveable Cities, Ministry of National Development, 27 April 2017. Transcript, accession no CLC/026/2017/004.
- Liew, Heng San. "Interview by CLC". Centre for Liveable Cities, Ministry of National Development, 5 April 2017. Transcript, accession no CLC/026/2017/001.
- Lee, Ek Tieng. Oral History Interview. National Archives of Singapore, 2004.
- Lim, Hng Kiang. "Interview by CLC". Centre for Liveable Cities, Ministry of National Development, 13 April 2012. Transcript, accession no CLC/001/2012/003.
- Liu, Thai Ker. "Interview by CLC". Centre for Liveable Cities, Ministry of National Development, 28 June 2017. Transcript, accession no CLC/026/2017/006.
- . "Interview by CLC". Centre for Liveable Cities, Ministry of National Development, 28 June 2017. Transcript, accession no CLC/026/2017/006.
- Lye, Lin Heng. "Interview by CLC". Centre for Liveable Cities, Ministry of National Development, 18 April 2017. Transcript, accession no CLC/026/2017/003.
- Menon, Sundaresh. "The Rule of Law: The Path to Exceptionalism". Speech by Chief Justice Sundaresh Menon at the American Law Institute's 93rd Annual Meeting in Washington DC, 16 May 2016.
- Ministry of the Environment and Water Resources. "Written Reply by Masagos Zulkifli, Minister for the Environment and Water Resources, to Parliament Question on Smoking Prohibition", 8 May 2017. <https://www.mewr.gov.sg/news/written-reply-by-masagos-zulkifli--minister-for-the-environment-and-water-resources--to-parliament-question-on-smoking-prohibition-on-8-may-2017>
- Ministry of Foreign Affairs. "World Health Organisation (30 May 2003)—Singapore Removed from List of Areas with Local SARS Transmission". https://www.mfa.gov.sg/content/mfa/media_centre/press_room/if/2003/200305/infocus_20030531_02.printable.html?status=1
- Ministry of Information and the Arts. "Li Ka Shing Lecture by Mr Lee Kuan Yew, Senior Minister of Singapore at the University of Hong Kong on 14 December 1992, 5.30 PM", National Archives of Singapore. <http://www.nas.gov.sg/archivesonline/speeches/record-details/7408e50c-115d-11e3-83d5-0050568939ad>

- Ministry of Culture. "Speech by the Minister for Labour, Mr. Jek Yeun Thong, at the Second Reading of the Housing and Development (Control & Licensing) Bill in the Legislative Assembly". National Archives of Singapore, 19 November 1964. <http://www.nas.gov.sg/archivesonline/data/pdfdoc/PressR19641119d.pdf>
- . "Speech by the Minister for National Development, Mr. Lim Kim San, on the Second Reading of the Housing Developers (Control and Licensing) Bill in the Legislative Assembly", National Archives of Singapore, 19 November 1964. <http://www.nas.gov.sg/archivesonline/data/pdfdoc/PressR19641119e.pdf>
- Ministry of Law. "Speech by Minister for Law K. Shanmugam at the New York State Bar Association Rule of Law Plenary Session", 28 October 2009. <https://www.mlaw.gov.sg/news/speeches/speech-by-minister-for-law-k-shanmugam-at-the-new-york-state-bar-association-rule-of-law-plenary.html>
- Ministry of Law. "Keynote Address by Ms Indraneel Rajah S.C., Senior Minister of State, Ministry of Law and Ministry of Finance, at the Ground-breaking of 28 Maxwell Road, on 22 June 2017 at Maxwell Chambers", National Archives of Singapore. <http://www.nas.gov.sg/archivesonline/data/pdfdoc/20170622007/Keynote%20Address%20by%20SMS%20Indraneel%20Rajah.pdf>
- Ministry of Transport. "Opening Speech by Second Minister for Transport Ng Chee Meng for the Road Traffic (Amendment) Bill Second Reading", 7 February 2017. [https://www.mot.gov.sg/news-centre/news/Detail/Opening%20Speech%20by%20Second%20Minister%20for%20Transport%20Ng%20Chee%20Meng%20for%20the%20Road%20Traffic%20\(Amendment\)%20Bill%20Second%20Reading](https://www.mot.gov.sg/news-centre/news/Detail/Opening%20Speech%20by%20Second%20Minister%20for%20Transport%20Ng%20Chee%20Meng%20for%20the%20Road%20Traffic%20(Amendment)%20Bill%20Second%20Reading)
- National Archives of Singapore. "Speech by the Prime Minister, Mr. Lee Kuan Yew, at the 1st Annual Dinner of the Singapore Advocates and Solicitors Society Held on 18th March 1967, at Adelphi Hotel". <http://www.nas.gov.sg/archivesonline/data/pdfdoc/lky19670318.pdf>
- . "Ministerial Statement By Prof Jayakumar, DPM & Minister For Law, in Parliament on 3 April 2006: Changes to the Legal Service Commission and Legal Service Personnel Management System", 3 April 2006. <http://www.nas.gov.sg/archivesonline/speeches/view.html?filename=20060403991.htm>
- Niam, Chiang Meng. "Interview by CLC". Centre for Liveable Cities, Ministry of National Development, 11 April 2017. Transcript, accession no CLC/026/2017/002.
- Parliament of Singapore. "Land Acquisition (Amendment) Bill". Singapore Parliamentary Reports Vol. 14, Cols. 1615–1626, 31 May 1961, https://sprs.parl.gov.sg/search/topic?reportid=004_19610531_S0002_T0002
- . "Public Utilities Bill". Singapore Parliamentary Reports Vol. 19, Cols. 11–16, 9 July 1962. https://sprs.parl.gov.sg/search/topic?reportid=007_19620709_S0002_T0007
- . "Yang di-Pertuan Negara's Speech". Singapore Parliamentary Reports Vol. 24, Cols. 91–144, 14 December 1965, https://sprs.parl.gov.sg/search/topic?reportid=003_19651214_S0004_T0004
- . "Land Acquisition Bill". Singapore Parliamentary Report Vol. 25, Cols. 133–134, 22 June 1966. https://sprs.parl.gov.sg/search/topic?reportid=030_19660622_S0003_T0008
- . "Land Acquisition Bill (As reported from Select Committee)". Singapore Parliamentary Reports Vol. 25, Cols. 406–416, 26 October 1966. https://sprs.parl.gov.sg/search/topic?reportid=039_19661026_S0003_T0011
- . "Annual Budget Statement". Singapore Parliamentary Reports Vol. 31, Cols. 491–538, 7 March 1972. https://sprs.parl.gov.sg/search/topic?reportid=043_19720307_S0004_T0024
- . "Public Utilities (Amendment) Bill". Singapore Parliamentary Reports Vol. 51, Cols. 487–490, 29 July 1988. https://sprs.parl.gov.sg/search/topic?reportid=022_19880729_S0003_T0009
- . "Public Utilities (Amendment) Bill". Singapore Parliamentary Reports Vol. 58, Cols. 283–290, 29 July 1991. https://sprs.parl.gov.sg/search/topic?reportid=029_19910729_S0003_T0011
- . "Independence and Integrity of Singapore's Judiciary". Singapore Parliamentary Reports Vol. 65, Cols. 223–244, 2 November 1995. https://sprs.parl.gov.sg/search/topic?reportid=012_19951102_S0003_T0008
- . "Rule of Law". Singapore Parliamentary Reports Vol. 71, Cols. 602–603, 24 November 1999. https://sprs.parl.gov.sg/search/topic?reportid=010_19991124_S0003_T0009
- . "Keeping Singapore Statutes Online Current". Singapore Parliamentary Reports Vol. 90, 12 November 2013. <https://sprs.parl.gov.sg/search/sprs3topic?reportid=written-answer-1819>
- . "Environmental Public Health (Amendment) Bill". Singapore Parliamentary Reports Vol. 91, 17 February 2014. <https://sprs.parl.gov.sg/search/sprs3topic?reportid=bill-89>
- . "Incidence of High-Rise Littering". Singapore Parliamentary Reports Vol. 92, Col. 36, 3 November 2014. <https://sprs.parl.gov.sg/search/sprs3topic?reportid=written-answer-na-2227>
- . "Parks and Trees (Amendment) Bill". Singapore Parliamentary Reports Vol. 94, 7 February 2017. <https://sprs.parl.gov.sg/search/sprs3topic?reportid=bill-286>

- . "Actions against Short-term Rentals of Homes". Singapore Parliamentary Reports Vol. 94, Col. 59, 1 August 2017. <https://sprs.parl.gov.sg/search/sprs3topic?reportid=written-answer-na-3723>
- Prime Minister's Office. "National Day Rally 2015". Speech by Prime Minister Lee Hsien Loong at the National Day Rally 2005, Institute of Technical Education College Central, 23 August 2015. <https://www.pmo.gov.sg/national-day-rally-2015>
- . "PM Lee Hsien Loong at the 150th Anniversary of the Attorney-General's Chambers on 31 March 2017". <https://www.pmo.gov.sg/newsroom/pm-lee-hsien-loong-150th-anniversary-attorney-generals-chambers>
- . "PM Lee Hsien Loong at the Launch of the EW Barker Centre for Law and Business". Speech by PM Lee Hsien Loong, National University of Singapore Faculty of Law, 30 May 2017.
- . "Building a Future-Ready Public Service to Serve Singapore and Singaporeans". Speech by DPM Teo Chee Hean at 2017 PSC Scholarships Award Ceremony, 12 July 2017. <https://www.pmo.gov.sg/newsroom/dpm-teo-chee-hean-2017-psc-scholarships-award-ceremony>
- State Courts. "State Courts Workplan 2017: Advancing Justice: Expanding The Possibilities, Keynote Address by the Honourable the Chief Justice Sundaresh Menon", 17 March 2017. [https://www.statecourts.gov.sg/cws/Resources/Documents/State%20Courts%20Workplan%202017%20Keynote%20Address%20by%20Chief%20Justice\(FINAL\).pdf](https://www.statecourts.gov.sg/cws/Resources/Documents/State%20Courts%20Workplan%202017%20Keynote%20Address%20by%20Chief%20Justice(FINAL).pdf)
- Supreme Court of Singapore. "Speech by the President, Legal Service Commission, Chief Justice Yong Pung How, 1st Singapore Legal Service Annual Dinner", 6 April 2001. <https://www.supremecourt.gov.sg/news/speeches/1st-singapore-legal-service-annual-dinner---chief-justice-s-speech>
- Tan, Eugene. "Interview by CLC". Centre for Liveable Cities, Ministry of National Development, 6 July 2017. Transcript, accession no CLC/026/2017/007.
- Yap, Kheng Guan., "Interview by CLC". Centre for Liveable Cities, Ministry of National Development, 5 January 2011. Transcript, accession no CLC/002/2011/002.

Newspapers and Magazines

- Channel NewsAsia*. "Woman Who Threw Used Sanitary Pads Out of the Window Fined S\$1,600". *Channel NewsAsia*, 30 June 2017.
- Ng, Jun Seng. "SLA Serves Notice of Possession to 3 Landed Properties After Owners Fail to Move Out After Deadline". *The Straits Times*, 25 April 2017.
- Shaffiq Idris Alkhatib. "Tycoon Koh Wee Meng Fined for Putting Up Wall at Home". *The Straits Times*, 26 April 2017.
- Tan, Audrey. "Steps to Beef Up Process of Wildlife Impact Assessment". *The Straits Times*, 26 June 2017.
- . "Eight Singapore Farms Taken to Task for Repeatedly Misusing Land". *The Straits Times*, 5 July 2017.
- Tham, Yuen-C. "When Citizens Take the Government to Court". *The Straits Times*, 25 January 2014.
- The Straits Times*. "CJ Aims to Make Legal Service More Attractive". *The Straits Times*, 9 October 1990.
- . "Supreme Court Succeeds in Clearing Backlog of Cases". *The Straits Times*, 10 January 1993.
- . "Two New Nature Reserves". *The Straits Times*, 12 November 2001.
- Yeo, Sam Jo. "Short-Term Home Stays a 'Breach of Faith', But Singapore Will Not Close Door on It Permanently". *The Straits Times*, 10 October 2016.

Websites

- Chee, Yam Cheng. "SARS and MOH (Part 6)". Singapore Medical Association, 5 August 2003. https://www.sma.org.sg/sma_news/3508/personally_cyc_6.pdf
- K Shanmugam Sc. "Criminal Law and Public Opinion". Facebook, 27 April 2017. <https://www.facebook.com/k.shanmugam.page/posts/-criminal-law-and-public-opinion-earlier-this-week-today-published-an-interview-/1347579388621921>
- Singapore Statutes Online. "Judges' Remuneration Act (Chapter 147)", 15 March 1995. <https://sso.agc.gov.sg/Act/JRA1994>
- State Courts. "Night Courts". <https://www.statecourts.gov.sg/cws/CriminalCase/Pages/Night-Courts.aspx>



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