APCEL Workshop on "Planning Law in Asian Cities"

16 April 2019
NUS Law (Bukit Timah Campus)

(Left to Right) Professor Ainul Jaria Mydin (International Islamic University Malaysia), Dr Jack Lee (Singapore Academy of Law), Assistant Professor Swati Jhaveri (NUS Law), Associate Professor Jolene Lin (NUS Law, APCEL & Convenor of this Workshop) & Professor Andrew Harding (NUS Law & Convenor of this Workshop), Mr. Mark Richard Evidente (U.P. Resilience Institute) & Mr. Mathew Idiculla (Centre for Law and Policy Research)

This workshop was held on Tuesday, 16 April 2019, at NUS Law and it is a first to look at planning law regimes in Asia, convened by Professor Andrew Harding and Associate Professor Jolene Lin, NUS Law. It focuses on several Asian cities including Kuala Lumpur, Singapore, Bangkok and Manila.

Planning law regimes are of enormous importance, dealing with decisions that deeply affect urban residents in a rapidly changing Asian urban environment. Asia has historic urban spaces as well as sprawling modern cities such as those selected for discussion in this project. Some of these are, or will soon be, megacities that pose special difficulties. Good planning practices aim to provide for orderly development, environmental protection, preservation of heritage, balancing of conflicting spatial/ economic/ social interests, and efficient communications, and ideally a balancing of conflicting interests. They are about making good decisions about development, but also about preventing conflict in matters that affect individuals and communities very directly.

Our comparative knowledge of this area of law, and therefore our ability to analyse it in a broad scope, is extremely thin. Insufficient attention has been paid to the law generally in the context of the organisation of urban spaces in Asia. This workshop is part of a project that aims to fill this large epistemological gap by providing a collective body of rich and detailed analysis of the decision-making processes and institutional practices that govern planning in the cities under study.

Convenor: Associate Professor Jolene Lin (NUS Law, APCEL) giving her comments to the topic in discussion.

Convenor: Professor Andrew Harding (NUS Law) giving his comments to the topic in discussion.

(Left to Right) Assistant Professor Swati Jhaveri (NUS Law) & Professor Ainul Jaria Mydin (International Islamic University Malaysia) amused by the discussion.

Mr. Mathew Idiculla (Centre for Law and Policy Research) presenting his paper.

Mr. Mark Richard Evidente (U.P. Resilience Institute) listening attentively.

Dr Jack Lee (Singapore Academy of Law)

All speakers and participants: (Left to Right) Associate Professor Lye Lin Heng, Professor Ainul Jaria Mydin (International Islamic University Malaysia), Dr Jack Lee (Singapore Academy of Law), Assistant Professor Swati Jhaveri (NUS Law), Associate Professor Jolene Lin (NUS Law, APCEL & Convenor of this Workshop) & Professor Andrew Harding (NUS Law & Convenor of this Workshop), Mr. Mark Richard Evidente (U.P. Resilience Institute) & Mr. Mathew Idiculla (Centre for Law and Policy Research), Mr. Muhammad Nurshazny Bin Ramlan & (Research Assistant, NUS Law Centre for Asian Legal Studies) & Ms Chong Siew Men (Research Associate, NUS Law Centre for Asian Legal Studies)

NUS National University of Singapore

APCEL Asia-Pacific Centre for Environmental Law

PLANNING LAW IN ASIAN CITIES

16 April 2019
NUS Law (Bukit Timah Campus)
469G Bukit Timah Road Singapore 259776
Block B Level 2 Staff Lounge

About The Workshop

This seminar is a first, as far as we know, to look at planning law regimes in Asia. It focuses on several Asian cities.

Planning law regimes are of enormous importance, dealing with decisions that deeply affect urban residents in a rapidly changing Asian urban environment. Asia has historic urban spaces as well as sprawling modern cities such as those selected for discussion in this project (i.e., Hong Kong, Singapore, Manila, Bangkok, Kuala Lumpur, and Bangalore). Some of these are, or will soon be, megacities that pose special difficulties.

Good planning practices aim to provide for orderly development, environmental protection, preservation of heritage, balancing of conflicting spatial/ economic/ social interests, and efficient communications, and ideally a balancing of conflicting interests. They are about making good decisions about development, but also about preventing conflict in matters that affect individuals and communities very directly.

Our comparative knowledge of this area of law, and therefore our ability to analyse it in a broad scope, is extremely thin. Insufficient attention has been paid to the law generally in the context of the organisation of urban spaces in Asia. This project aims to fill this large epistemological gap. The principal issues that are identified for investigation, and to which participants were directed in preparing their papers, are as follows:

i) How do the planning regimes in these cities function in practice? Which institutions are involved in their operation and what is the structure of their authority? How does national and local policy-making relate to law in this context? Where do central-local relations fit in?

ii) Are there opportunities under prevailing legal and political processes for urbanites to participate in the decisions that affect them and voice discontents? Where does political power lie regarding these decisions? Does corruption distort the decision-making process? Is there increasing activism around these issues and how is it organised?

iii) Do the planning law regimes succeed in practice to any extent in fulfilling the objects of good planning set out above (i.e., to provide for orderly development, environmental protection, preservation of heritage, and efficient communications)?

Convenors: Professor Andrew Harding and Associate Professor Jolene Lin, NUS Law

WORKSHOP PROGRAMME

TUESDAY, 16TH APRIL 2019

TIME	PROGRAMME
11.00am – 11.15am	**Registration** *Venue: NUS Law (Bukit Timah Campus)* *Block B Level 2, Staff Lounge*
11.15am – 11.30am	**Welcome Addresses** Jolene Lin & Andrew Harding (NUS Law, APCEL)
MORNING SESSION	
11.30am – 12.20pm	**Planning Law Regimes in Asian Cities: An Introduction** Andrew Harding, NUS Law
12.20pm – 1.10pm	**Planning Law Regime in Hong Kong** Swati Jhaveri, NUS Law
1.10pm – 2.10pm	**Lunch Break**
AFTERNOON SESSION	
2.10pm – 3.50pm	**Planning Law Regime in Bangalore** Mathew Idiculla, Centre for Law and Policy Research
	Planning Law Regime in Kuala Lumpur Ainul Jaria Mydin, International Islamic University Malaysia
3.50pm – 4.10pm	**Group Photograph** **Afternoon Tea Break**
4.10pm – 5.50pm	**Planning Law Regime in Manila** Mark Richard Evidente, Legal Practitioner, Lecturer, U.P. Resilience Institute
	Planning Law Regime in Singapore Jack Lee, Singapore Academy of Law
5.50pm – 6.10pm	**Conclusion** Jolene Lin & Andrew Harding (NUS Law, APCEL)
6.30pm	**End of Workshop**

SPEAKERS' PROFILES

Co-Convenor – Andrew Harding
Professor, NUS Law

Professor Andrew Harding is a leading scholar in the fields of Asian legal studies and comparative constitutional law. He commenced his academic career at NUS before moving to SOAS, University of London, where he became Head of the School of Law. He joined NUS from the University of Victoria, BC Canada, where he was Professor of Asia-Pacific Legal Relations and Director of the Centre for Asia-Pacific Initiatives. At NUS he has been Director of the Centre for Asian Legal Studies, Director of the Asian Law Institute, and a Chief Editor of the Asian Journal of Comparative Law. Professor Harding has worked extensively on constitutional law in Malaysia and Thailand, and has made extensive contributions to scholarship in comparative law, and law and development, having published 20 books as author or editor. He is co-founding-editor of Hart Publishing's book series 'Constitutional Systems of the World', a major resource for contextual analysis of constitutional systems, and has authored the books on Malaysia and Thailand in that series (2011, 2012). His most recent book is Constitutionalism and Legal Change in Myanmar (2017).

Co-Convenor – Jolene Lin
Director, APCEL
Associate Professor, NUS Law

Jolene's main areas of expertise are climate change law and transnational environmental law. Jolene is Director of the Asia-Pacific Centre for Environmental Law and a member of the advisory board for the University of Strathclyde's LLM in Climate Change Law and Policy. She is a member of the editorial boards of: *Journal of Environmental Law, Chinese Journal of Environmental Law, and Climate Law*. Before joining NUS, Jolene was associate professor of law at the University of Hong Kong. Jolene has served as consultant to the Hong Kong Department of Justice, international NGOs, the United Nations Environment Programme, and global law firms. She has also served on the Hong Kong Appeal Tribunal Panel (Buildings Ordinance) and the Hong Kong Appeal Board Panel (Town Planning). Her recent publications include *Governing Climate Change: Global Cities and Transnational Lawmaking* (Cambridge University Press, 2018) and *Transnational Climate Change Litigation: A View from the Global South* (American Journal of International Law, Forthcoming, co-authored with Jacqueline Peel). Her current projects include "Asia and the Global Reach of European Union Law", a research initiative co-convened with Joanne Scott of the European Union Institute (EUI, Florence).

Mark Richard Evidente
Legal Practitioner, Lecturer, U.P. Resilience Institute

Mark is both a lawyer and an environmental (urban and regional) planner licensed to practice both professions in the Philippines. He organized and leads Two Eco Inc., a tourism development consulting firm, drawing on his research and experience in drafting of the Philippine Tourism Act of 2009 (Republic Act No. 9593), as well as his training in environmental studies and in public policy. He has worked on projects ranging from tourism zone planning, tourism market studies, environmental compliance, among others. He was recently elected as the President of the Heritage Conservation Society of the Philippines, a non-profit organization advocating the conservation of built heritage, including cultural and historical sites and settings. Mark also researches on climate change policy and teaches courses on tourism development planning, sustainable development and international relations. With training in law, politics, and environmental policy, he has worked in academic, governmental, and private sector environments over the last twelve years, and currently is consulting for the Philippine government, corporations, and academic research institutions.

Specialties: Climate change, tourism development, cultural heritage, and sustainable development.

Mathew Idiculla
Research Consultant, Centre for Law and Policy Research

Mathew Idiculla is a Research Consultant at CLPR where he focuses on urban law and policy work. He graduated with a B.A., LL.B. from School of Law, Christ University and worked at the School of Policy and Governance at Azim Premji University from 2012 to 2016. He has also been a researcher in the project "Global Suburbanism" housed at York University, Toronto. Mathew's research interests are in the intersection of law, politics and policy, particularly in the following areas: Constitutional and Political History of India; Comparative Constitutional Design; Theories of State and Governance; Federalism and Decentralisation in India; Urban Governance and Policy; Local Government Law and Critical Urban Studies. Mathew has widely researched and engaged with Bangalore's urban governance issues for many years and helped in framing the proposed legal and governance architecture of the city government under the 2015 Report of the Expert Committee on BBMP Restructuring. Along with academic and policy research, he organises a discussion forum on urban issues and writes regularly on various public concerns in newspapers, magazines and online publications

Swati Jhaveri
Assistant Professor, NUS Law

Swati Jhaveri joined NUS Law in August 2012. She previously taught at the Chinese University of Hong Kong Faculty of Law. Her areas of research include public law theory and comparative constitutional and administrative law, with a focus on the latter. She has published in these areas in Public Law, the Singapore Journal of Legal Studies, Federal Law Review, the Tort Law Review and the International Journal of Constitutional Law. She was also awarded a competitive research grant from the General Research Fund of the Research Grants Council of Hong Kong to investigate the post-1997 impact of judicial review on legislative process and content. At NUS, she has organised a number of local and international conferences, and is currently working on two edited volumes coming out of these conferences (Judicial Review in The Common Law World: Origins and Adaptations (with Michael Ramsden) (Cambridge Univ. Press, 2020) and Constitutional Change in Singapore: Reforming the Elected Presidency (with Jaclyn Neo) (Routledge, 2019). She is currently a candidate for the Doctor of Philosophy in Law at the University of Oxford. Swati's thesis – titled "A Theory of the Executive in the Constitution" – looks at developing a positive theory of the role of the executive in the advancement of constitutionalism. At the Chinese University of Hong Kong she was a recipient of the Vice-Chancellor's Award for Exemplary Teaching. At NUS she has been awarded the Faculty and University's Annual Teaching Excellence Award for three consecutive years and was placed on the University Honour Roll for Sustained Excellence in Teaching in 2018.

Jack Lee
Dr, Deputy Research Director, Singapore Academy of Law

Dr Jack Tsen-Ta Lee is the Deputy Research Director of the Singapore Academy of Law, a promotion and development agency for Singapore's legal industry. He graduated from the National University of Singapore in 1995 and practised for about six years as a litigator. In 2003 he completed an LLM at University College London on a British Chevening Scholarship, and in 2012 was conferred a PhD by the University of Birmingham. He was an assistant professor of law at the School of Law, Singapore Management University (SMU), between 2008 and 2017, during which he was a 2009 Lee Foundation Fellow for Research Excellence, and won the School of Law's Most Promising Teacher Award for 2010–2011. He maintains research interests in constitutional and administrative law, heritage law, and media law. He is a member of the National Collection Advisory Panel of the National Heritage Board (since 2013); the International Council on Monuments and Sites (ICOMOS) Singapore and ICOMOS's International Scientific Committee on Legal, Administrative and Financial Issues (ICLAFI) (since 2016); and the Heritage and Identity Panel of the Urban Redevelopment Authority, and the Nomination Committee for Singapore Hawker Culture (since 2018). He has been the President of the Singapore Heritage Society since 2017.

Ainul Jaria Maidin **Professor, International Islamic University Malaysia**	
	Professor Dr. Ainul Jaria Maidin is at present the Director of the Office of Corporate Communication and Marketing to enhance the image of IIUM. Prior to this, she served as the Director of the Business Unit where she managed to achieve nearly 200% increase in the revenue generated. She was the Coordinator and Head of Research Management Unit for AIKOL. She has served the university's student development initiatives from the capacity as a Residential College Fellow and Principal. A senior consultant with the Bureau of Consultancy and Entrepreneurship, a business unit within the university and the secretariat for the Land Tenure and Environmental Management Unit (LATEM). Prior to joining IIUM as a lecturer, she gained valuable experiences in the legal practice area as a civil litigation, Syaria'ah, corporate conveyancing and Islamic Banking loan documentation. At the national Level, Prof Ainul is a member of the Advisory Panel for the GRP under the Malaysian Productivity Centre. She has also contributed to professional bodies such as the National Landscape Institute (ILAM), the Town Planners Association, a member of the Board of Advisors of the Institute for Land and Survey (INSTUN), a member of the Kuala Lumpur Redevelopment Policy Drafting Committee, 2011. She is a member of the disciplinary committee, Malaysian Bar Council.