

SINGAPORE PLANNING LAW – COMMENTARY ON THE PLANNING ACT 1998 by  
MALCOLM GRANT [Butterworths 1999, xvi + 218 pp (including index)] S\$70

THE Planning Act 1998 made significant reforms to planning law in Singapore. The central idea that emerges from this book is that while maintaining the best features of the inherited legislation (the Planning Act 1960), the new Act updates it to meet the needs of the next phase of Singapore's development. The Act is indicative of the Government's realisation of the underlying need to balance the needs of Singapore's future economic growth and the desire to protect the country's cultural heritage and identity. Thus, it is explained, the new Act embodies amendments which

reflect changes in practice, makes changes which reflect prevailing international practice and yet remains distinctively Singaporean in character. Significant amendments include a strengthening of the provisions relating to conservation of historic buildings and areas, a new package of enforcement powers and a clarification of the development charge provisions.

There are many useful features in the book: the full text of the new Planning Act is included together with a text of the Written Statement to the Master Plan: these make for easy reference. Also included are references to Singapore cases as well as cases from other jurisdictions.

The book commences with a brief history of Singapore and traces the development of the town planning process in Singapore with specific reference to local materials and elucidating snippets therefrom. To the uninitiated, this information is vital to a sound understanding of the closely enmeshed and critical sociological, political and legal factors existing at the time when the regulatory framework for planning was introduced in Singapore. It also provides the context for an appreciation of the gradual evolution of the role and importance of planning law in the physical development of Singapore to what it is today.

In the Introduction, the author charts the process, which commenced with the Municipal Ordinance, passed in 1887, progressed to the Master Plan which was approved by the Government in 1958 and culminated in the enactment of the Planning Ordinance in 1960. The latter became the Planning Act Cap 279 1970 Revised Edition and quite expectedly, used the Planning Act 1947 (UK) as its model. The Introduction also traces the nature of the major amendments made to this Act since the enactment of the 1960 Planning Act: among others, these include provisions relating to the lapse of planning permission if development was not completed within two years and transitional power to cancel existing unimplemented permissions, the introduction of the Development Charge Planning (Amendment) Ordinance 1964 (5/1964) and the conferment of power on the competent authority in consequence of amendments to the Land Titles (Strata) Act, allowing conditions to be imposed on a grant of permission requiring the commencement or completion of development by a specified time and the further extension of the competent authority's power to impose conditions on the grant of permissions, allowing it to require 30% of the floor area to be under the ownership of one person for ten years from the date of the temporary occupation licence Planning (Amendment) Act 1982 (9/1982). Other important amendments mentioned are those relating to conservation, including the designation of conservation areas, control over works in conservation areas, power for the conservation authority to issue conservation guidelines and extension of various planning powers to conservation. All these are highlighted to reflect the reaction of the Government to problems of the time and the need to fine-tune legislation to meet the significant shifts in the trend of the physical development of Singapore.

In discussing the amendments made in 1989 to the Act, the author focuses on the establishment of the new Urban Redevelopment Authority and how the marrying of the roles of the former Urban Renewal Authority with those of the Planning Department and Research and Statistics Unit of the Ministry of National Development. The author cites these and the recognition and inclusion of urban conservation as a planning function as critical in the resulting less fragmented approach to planning functions.

It is also useful that the writer has provided a list of the statutory bodies which have planning and conservation responsibilities in Singapore, and summarised the important changes brought about by the Planning Act 1998. These include new provisions for the enforcement of planning control, the introduction of a greater element of discretion in handling planning applications, new measures for the

conservation of historic buildings and the recasting of the provisions relating to the development charge.<sup>1</sup> All these make for ease of reference and prime the reader for the analysis in the commentary that follows.

While it is clear that key provisions in the UK Town and Country Planning Act (1947) underpin the planning system in Singapore (for example, the broad definition of the type of development requiring planning permission) the author points to a fundamental difference between the role of planning authorities in UK and Singapore in terms of political ideology (dictated by need) translated into administrative function. This is in the light of the powerful role of the State in Singapore as the dominant landowner<sup>2</sup> in the face of land scarcity and the role it plays in allocating this scarce resource among the many competing land uses.

The usefulness of the commentary to the Act lies in the author's simple but effective style, and practical and systematic approach; for example, where the section in the Act is a new one, this is highlighted at the start of the commentary. The origin, or the reasons for the section are then explained; in other sections, the general purpose of the section is explained with references to local and other cases, as well as in relation to other relevant legislation.

In addition, the commentary elaborates on various matters relating to practice; for example, it outlines and explains the steps involved in seeking planning permission and the procedure for appeals where an application for written permission has been refused or granted subject to conditions. Such an approach ensures that the commentary is far more than an academic exercise and translates the provisions of the new Act into reality. Thus, parties who have to apply for or take into account the need for any kind of planning approval will find this book useful. These include (and are certainly not restricted to) developers, architects, engineers and lawyers. It is clear that the author's position as a consultant with the Urban Redevelopment Authority and his role and involvement in the course of the URA's consideration of proposals for changes to the existing Planning Act have provided him with useful insight to write this commentary.

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<sup>1</sup> But these are now undergoing major changes: *Straits Times Report* 1 March 2000.

<sup>2</sup> *State Lands Act* Cap 314 1985 Revised Edition.