



Essential Readings in Environmental Law
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ENVIRONMENTAL LAW IN SINGAPORE

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OVERVIEW OF KEY SCHOLARSHIPS

Main Readings

1. Lye Lin-Heng, "Singapore" - *International Encyclopaedia of Law*, (Wolters Kluwer, 2013) pp. 1-156
2. Lye Lin-Heng, "Environmental Law of Singapore" (Chapter 46), *Comparative Environmental Law and Regulation*, N.A. Robinson, Lye Lin Heng & E. Burleson, editors, Vol. 1, 2013, pp 1-79

Law, Policy, Governance & Management

3. Lee Kuan Yew, "Greening Singapore", chapter 13 in *From Third World to First 1965-2000*, (Harper Collins Publishers, 2000),
4. Lye Lin-Heng, "A Fine City in a Garden – Environmental Law and Governance in Singapore", (2008) *Singapore Journal of Legal Studies* 68-117.
5. Joseph Chun, "Reclaiming the Public Trust in Singapore" (2005) 17 *Singapore Academy of Law Journal*, 717 -746
6. Lye Lin-Heng, "The Judiciary and Environmental Governance in Singapore", (2010) 3:1 *Journal of Court Innovation* 133-156
7. Lye Lin-Heng "Land Use Planning, Environmental Management and the Garden City as an Urban Development Approach in Singapore" in N. Chalifour, , J. H. Nolon, Lye Lin-Heng, and P. K. Mbote, (eds.), *Land Use for Sustainable Development* (Cambridge University Press, 2006) pp 374-396
8. Lye Lin-Heng, "Environmental Taxation in the Management of Road Traffic in Singapore", in Lye Lin-Heng, J. E. Milne, H. Ashiabor, L. Kreiser and K. Deketelaere (eds.), *Critical Issues in Environmental Taxation - International and Comparative Perspectives*, (Vol. VII), (Oxford University Press, 2009), 205-225

Nature Conservation - Laws and Policies

9. Joseph Chun, "Wildlife Law in Singapore – Protecting Wildlife in the ‘Garden City’", (chapter 5) in R. Panjwani, *Wildlife Law – a Global Perspective*, (American Bar Association, 2008)

10. Melissa B. N. Tan & Hugh T. W. Tan, *The Laws Relating to Biodiversity in Singapore*, (Raffles Museum of Biodiversity Research, 2013)
11. Lye Lin Heng, "Nature Conservation Laws – The Legal Protection of Flora and Fauna in Singapore", *Chapter 2, The Singapore Red Data Book – Threatened Plants and Animals of Singapore*, 2008, Nature Society Singapore, 5-13.
12. Koh Kheng Lian, "*Singapore*", Chapter 9 in *Biodiversity Planning in Asia : A Review of National Biodiversity Strategies and Action Plans (NBSAPs)*, Jeremy Carew-Reid, ed; IUCN Regional Biodiversity Programme-Asia, 2002.

Background

This paper provides a list of essential readings on the environmental laws that apply in Singapore, a tiny (715 sq km) city-state in Southeast Asia, at the tip of the Malay Peninsula. In some 40 years, it has moved from a squalid Crown colony to a developed state with the highest GDP per capita in 2012 of US\$56,532, according to one study (Wealth Report 2012, Knight Frank and Citi Private Bank). In the process, it has cleaned up its environment and restored its polluted rivers. It is an icon of urban greenery and brands itself as "Clean and Green", moving from a "Garden City" to a "City in a Garden". Singapore initiated the Cities Biodiversity Index at the Convention on Biodiversity's COP in Nagoya in 2010. Its sound economic policies, 'clean' government and low crime rate has enabled Singapore to attract investors from across the globe. The World Bank has ranked Singapore as the best place worldwide for the ease of doing business for seven consecutive years. Singapore has one of the world's busiest ports and airport, is a leading centre for oil refining as well as one of the world's Most Liveable Cities. It also has one of the best public housing systems in the world, housing 82 percent of its population in high rise apartments built by the Housing and Development Board (HDB).

Much of this success stems from good governance and management. In the context of the environment, Singapore has a comprehensive system of land use planning and effective laws to control pollution. Its air and water quality more than meets WHO and US EPA standards, except when forest fires from Indonesia pollutes the air. This is still being resolved at the regional level, through the Association of Southeast Asian Nations (ASEAN). Singapore has also invested in its environmental infrastructure, becoming self-sufficient in water through investments in technology, including the re-use of waste water (NEWater) and desalination. It has initiated innovative measures to control vehicular traffic while building a laudable public transport system comprising a network of mass rapid transit (MRT) trains, complemented by buses and taxicabs. However, inadequacies remain, particularly the lack of laws mandating environmental impact assessments, and laws on recycling. There is also the constant dilemma between development and conservation. As an island state, the challenges of climate change loom large and call for careful reassessment of its coastal zone management as it plans for mitigation and adaptation. In addition, the warming of the seas has compelled Singapore to take a keen interest in the Arctic: it has articulated an intention to play a role in Arctic governance and has applied for Observer Status at the Arctic Council.

At the regional level, the Association of Southeast Asian nations (ASEAN) has sought to collaborate on enhancing protection for the environment, viewing the region as one eco-system. ASEAN Heritage Parks have been established, and several hard law instruments have been signed and ratified by most states. However, transboundary environmental tensions remain particularly stemming from air pollution coming from forest fires in Indonesia. The *ASEAN Agreement on Transboundary Haze Pollution* was signed in 2002 and ratified by all states except Indonesia. It would appear that this has to be resolved through the “ASEAN” way of consultation and collaboration, and not via international law as it is unlikely that Indonesia will submit to the jurisdiction of the International Court of Justice. The architect for Singapore's success as a clean and green city state is its first prime minister, Lee Kuan Yew.

1. and 2. Lye Lin-Heng's two monographs: *Singapore Environmental Law - Kluwer International Encyclopaedia of Law*; and *Environmental Law of Singapore, Chapter 46, Comparative Environmental Law & Regulation* contain a detailed assessment of Singapore's environmental laws, including pollution laws, conservation laws (man-made and nature). They examine the inadequacies, and the challenges ahead.

Law, Policy, Governance & Management

3. Lee Kuan Yew's book titled, *From Third World To First – 1960 to 2000*, is an insightful account of how his government raised Singapore to what it is today. In particular, chapter 13 (Greening Singapore) merits reading, as it relates to the policies to green Singapore, and reveals that it was a strategy to woo investors.

4. Lye Lin-Heng's *A Fine City in a Garden – Environmental Law and Governance in Singapore* provides a good overview of Singapore's environmental laws, policies and management. It discusses innovative measures such as its efforts at environmental taxation via electronic road pricing and a certificate of entitlement (COE) for motor vehicles, both designed to reduce traffic congestion and pollution by making the ownership and use of motor vehicles extremely prohibitive. It also discusses the inadequacies in existing laws, particularly the lack of recycling laws and the lack of laws mandating environmental impact assessments.

5. Joseph Chun's paper, titled *Reclaiming the Public Trust in Singapore*, discusses the tensions that arise from inadequacies in Singapore's laws, particularly the lack of a mandatory environmental impact assessment (EIA) law and the lack of institutionalised avenues for public participation, which have enabled the government to acquire sensitive nature and heritage sites for development. Citing many examples where conservation had to give way to development, it makes a strong case for the application of the public trust doctrine in Singapore.

6. In *The Judiciary and Environmental Governance in Singapore*, **Lye Lin-Heng** examines the environmental cases that have come before the courts in Singapore, highlighting cases where judges, particularly the former chief justice Yong, had criticised the light penalties for offences, resulting in quick amendments to the laws.

7. **Lye Lin-Heng's** *Land Use Planning, Environmental Management and the Garden City as an Urban Development Approach in Singapore* explains that planning is an important tool in the management of Singapore's environment. This paper discusses in some detail, the history and implementation of Singapore's land use planning laws, which have facilitated the building of its environmental infrastructure and contributed to its orderly transition from a polluted Colony to a modern city state with excellent transport and communication facilities and a highly acclaimed public housing system.

8. In the paper titled, *Environmental Taxation in the Management of Road Traffic in Singapore*, **Lye Lin-Heng** examines Singapore's innovative methods of taxation to control the number of cars and other motorised vehicles as well as their use, through prohibitive import taxes, the certificate of entitlement (COE), and electronic road pricing.

Nature Conservation - Laws and Policies

9. The chapter *Wildlife Law in Singapore – Protecting Wildlife in the ‘Garden City’* by **Joseph Chun** is an excellent paper on Singapore's wildlife laws and its inadequacies. It critically examines the laws relating to wildlife, including marine conservation and fisheries laws, and points out inconsistencies. It is highly critical of the lack of EIA laws and the largely unfettered capacity of the government to acquire lands, including ecologically sensitive lands, for purposes of development. It provides many examples where development trumped conservation, and decisions were made without public consultation.

10. **Melissa B. N. Tan & Hugh T. W. Tan - *The Laws Relating to Biodiversity in Singapore, Raffles Museum of Biodiversity Research***, examines the laws relating to all animals and plants, wild as well as domestic, including farmed animals and birds. It is not published in hard copy and only available via the internet, at http://rmbr.nus.edu.sg/raffles_museum_pub/biodlawsgp.pdf

11. **Lye Lin Heng, “Nature Conservation Laws – The Legal Protection of Flora and Fauna in Singapore”** provides a good overview of Singapore's nature conservation laws.

12. **Koh Kheng-Lian, “Singapore”**, Chapter 9 in *Biodiversity Planning in Asia : A Review of National Biodiversity Strategies and Action Plans (NBSAPs)* examines Singapore's strategies, laws and policies for the protection of its biodiversity, and its implementation of the Convention on Biological Diversity.