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THE DECEPTIVE ALLURE OF SINGAPORE'S URBAN PLANNING TO URBAN PLANNERS IN AMERICA

Professor Denis Binder*

Singapore, as a settlement, is 200 years old this year. Initial visitors to Singapore see a veritable Disneyland:¹ perfection, cleanliness,² everything perfectly in its place. Urban planners marvel at Singapore; it is virtually a planning utopia.

Singapore is a vibrant city-state with roughly 5.6 million people on the 278.6 square mile island. 82% of the population reside in public housing—mostly high-rise complexes—and work in high-rise office buildings. Twenty-three self-contained new towns ring Singapore's coastal core. The city is considered one of the most livable in the world; its Changi Airport,³ Singapore Airlines,⁴ and port rank among the top in the world.⁵

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¹ Singapore does not have a Disneyland, but it does host a Universal Studios theme park. *Universal Studios Singapore*, RESORTS WORLD SENTOSA, <https://www.rwsentosa.com/en/attractions/universal-studios-singapore> (last visited Feb. 25, 2019).

² Neither Disneyland nor Singapore sell gum. Hugo Martin, *Cleanest Place on Earth*, L.A. TIMES, May 2, 2010, at B1; Sale of Food (Prohibition of Chewing Gum) Regulations, Ch. 283, § 56(1) (2004) (Sing.).

³ Skytrax for the sixth year in a row ranked Changi as the world's best airport. *The World's Best Airports Are Announced for 2018*, SKYTRAX WORLD AIRPORT AWARDS (Mar. 21, 2018), <https://www.worldairportawards.com/the-worlds-best-airports-are-announced-for-2018/>.

⁴ TripAdvisor rated Singapore Airlines the world's best in 2018. Kate Schneider, *Singapore Airlines Named the World's Best*, NEWS.COM.AU (Apr. 10, 2018, 2:09 PM), <https://www.news.com.au/travel/travel-advice/flights/singapore-airlines-named-the-worlds-best/news-story/e209fb9c7da22bf67eb19d41aa0c8269>.

⁵ Menon Economics ranked Singapore as the leading maritime capital of the world even though Shanghai now handles more cargo. Aarthi Swaminathan & Blanche Lim, *Singapore Ranked World's Top Maritime Capital, But Another City Is Quickly on the Ascent*, CNBC (Apr. 26, 2017, 4:19 AM), <https://www.cnbc.com/2017/04/26/singapore-ranked-worlds-top-maritime-capital-but-another-city-is-quickly-on-the-ascent.html>; Permanent Mission of the Republic of Sing. Geneva,

The island is covered by an efficient public transit system of subways and buses that 50% of workers use to commute to work. Rush hour traffic congestion is relatively rare. Automobile ownership and usage is tightly restricted, greenery is ubiquitous, and historic structures are preserved. Crime is low, streets are clean,⁶ homelessness is virtually non-existent,⁷ and industrial factories are located away from residential communities, all leading to a clean environment, which is not common among many other Asian nations.⁸ Urban sprawl is absent. Public corruption is not a major issue. Per capita income in Singapore is close to that of the United States.⁹

A quick description of Singapore's uniqueness shows a city bereft of barrios, ghettos, slums, and tenements with clean streets, no gum, cigarette butts, graffiti, roaming dogs, squatters, billboards, and little crime; mostly smooth flowing traffic as well. Smoking is limited to specific areas. Singapore has a highly educated, technologically astute population.

Visitors to Singapore usually see only the built, mostly high-rise Singapore. Viewers of the movie *Crazy Rich Asians* also see the modern Singapore. Neither visitors nor movie goers see the Singapore of five decades ago and the measures

Singapore Clinches Top Spot as Leading Maritime Capital of the World for Third Consecutive Time, MINISTRY FOREIGN AFF.,
https://www.mfa.gov.sg/content/mfa/overseasmission/geneva/press_statements_speeches/2017/201704/press_20170426.html (last visited Feb. 25, 2019).

⁶ Fines are imposed for littering, spitting, and smoking. Pamela Lee, *50 Years of Urban Planning & Tourism*, in *50 YEARS OF URBAN PLANNING IN SINGAPORE 197, 200* (Heng Chye Kiang ed., 2017) [hereinafter Heng].

⁷ A small homeless population exists in Singapore. A 2017 survey found 180 homeless sleeping in public spaces. See Gabrielle See, *Going Public: Homelessness in a Nation of Homeowners – Social Space, Food for Thought*, Online Exclusives 10, socialspacemag.org, <https://socialspacemag.org/going-public-homelessness-in-a-nation-of-homeowners/>, Homelessness in Singapore, the world's richest city, is not what it seems, *New Straits Times*, October 15, 2017, <https://www.nst.com.my/world/2017/10/291213/homelessness-singapore-worlds-richest-city-not-what-it-seems>.

⁸ A recent study of air quality has six Asian countries (Bangladesh (1), Pakistan (2), India, (3) Afghanistan (4), Mongolia (6), and Nepal (8)) in the ten worst countries in air pollution. Singapore ranks 47th on the list. IQAir, AirVisual, 2018 World Air Quality Report: Region & City PM2.5 Ranking 7 (2019).

⁹ It was \$52,867 in Singapore in 2015 and \$58,079 in the United States. DEP'T OF STATISTICS SING., *SINGAPORE IN FIGURES 2018*, at 3 (2018), <https://www.singstat.gov.sg/-/media/files/publications/reference/sif2018.pdf>.

that transformed a backwater port into a glamorous, modernized metropolis. Nor do they see the rising inequality in Singapore.¹⁰

The Singapore of today is not the Singapore at independence.

HISTORY

Singapore was a sparsely settled island on January 29, 1819, when Sir Thomas Stamford Raffles landed.¹¹ On February 6, 1819 he entered into a treaty on behalf of the British East India Company with Sultan Hussein of Johore and the Temenggong¹² for a British trading post on the island. The March 1824 Anglo-Dutch Treaty of London recognized the respective spheres of influence, leaving Indonesia to the Dutch, and Malaysia and Singapore to the British. In August 1824, the final treaty between the Sultan and the Temenggong formally converted Singapore into a British colony by granting the island and adjacent territory to the British.

Singapore soon became a booming port and trading post through its location, its sheltered port, and Sir Raffles' decision to make Singapore a free port. The opening of the Suez Canal in 1869 and the advent of the steamship raised Singapore into one of the world's largest ports. Ships between the Suez Canal and the South China Sea must pass Singapore.

Singapore fell to the Japanese on February 15, 1942 and remained in Japanese possession until the war's end. On September 5, 1945 England regained possession. Much of Singapore was devastated. England reigned victorious but suffered economically from the war. The British returned to Singapore, but the British Empire was in its dying days.¹³ England lacked the resources to sustain,

¹⁰ As Singapore has prospered, it has increasingly become dependent on low-wage, low-skilled foreign workers. Kenneth Paul Tan, S'Pore's income inequality is made worse by elitist values & systematic elitism: soft talk to keep Singapore from stalling, MOTHERHOOD, October 14, 2018 <https://mothership.sg/2018/10/kenneth-paul-tan-income-inequality-sg-elitism/>, Anna Maria Romero, Not Everyone in Singapore is a Crazy Rich Asian; unmasking the class divide in order to find solutions, The Independent, October 28, 2018, <http://theindependent.sg/not-everyone-in-singapore-is-a-crazy-rich-asian-unmasking-the-class-divide-in-order-to-find-solutions/>.

¹¹ Singapore had about 1,000 residents when Sir Raffles arrived. MARK R. FROST & YU-MEI BALASINGAMCHOW, SINGAPORE: A BIOGRAPHY 40 (2009).

¹² Temenggong Abdul Rahman was the local chieftain of Johore.

¹³ The fall of Singapore doomed the British Empire, at least in Asia. The defeat of the British "undermined the old assumption of racial superiority and the belief that a colonial power could or should defend its subject people without calling on their cooperation," C. M. Turnbull, A History of Modern Singapore: 1819-2005 192 (NUS Press 2009).

much less invest in, the Empire. India was granted independence in 1947 and the British Empire began to unravel.

England granted sovereignty to Singapore in 1959. Singapore joined the Federation of Malaysia in 1963 and left Malaysia in 1965, becoming fully independent on August 9, 1965. Incompatibility in values and ethnicity doomed the merger.

Housing was a problem in Singapore before the city-state gained independence. In 1947, the British Housing Commission reported that 72% of Singapore's population lived within 80 square kilometers of the central city area,¹⁴ which was a slum.¹⁵ In 1959, only 9% were living in public housing.¹⁶ The central city area was overcrowded with 1.15 million of the 1.6 million population living in squatter settlements.¹⁷

Upon gaining independence, Singapore had major economic issues, and could be described as a poverty stricken third world country with extensive pollution problems. As Professor Lim points out, however, Singapore had the second highest per capita income in Asia after Japan.¹⁸ Yet, the per capita income was only \$515.¹⁹

¹⁴ Abhas Jha, "But What About Singapore?" *Lessons from the Best Public Housing Program in the World*, WORLD BANK: SUSTAINABLE CITIES (Jan. 31, 2018), <http://blogs.worldbank.org/sustainablecities/what-about-singapore-lessons-best-public-housing-program-world>.

¹⁵ SEEK NGEE HUAT, SING TIEN FOO & YU SHI MING, SINGAPORE'S REAL ESTATE: 50 YEARS OF TRANSFORMATION 21 (2016). The occupancy rate was about 18 people per building. OLE JOHAN DALE, URBAN PLANNING IN SINGAPORE: THE TRANSFORMATION OF A CITY 22 (1999).

¹⁶ Jha, *supra* note 15.

¹⁷ Liu Thai Ker, *Planning & Urbanization in Singapore: A 50-Year Journey*, in Heng, *supra* note 8, at 23, 25. Another statistic was that 60% of the population lived on 16% of the land. Tan Puay Yok, *Greening Singapore: Past Achievements, Emerging Challenges*, in Heng, *supra* note 8, at 177, 180.

¹⁸ Linda C.Y. Lim, *Singapore's Success: After the Miracle* 203, 205 in Robert E. Looney, *Handbook of Emerging Economies* (Routledge 2014).

¹⁹ How Wealthy Was Singapore at its Independence (1965)? Economic History of Singapore: Facts and Details, http://factsanddetails.com/southeast-asia/Singapore/sub5_7c/entry-3782.html.

In 1957, the population reached 1,445,929.²⁰ Singapore was said to have the largest slums in Asia.²¹ Much of the population lived in shophouses,²² slums, shanty towns, and kampong villages (which were squalid, overcrowded, poor farming villages). The owners raised vegetables, pigs and chickens, and were fishermen. The rivers were fouled with pig-farm effluent, food wastes, and sewage. The homes lacked electricity, running water, and modern sanitation.²³ Public health and sanitation were disasters.²⁴ Swamplands were common. Public transit consisted of limited, irregular bus service.²⁵ Roads had primarily been designed for the needs of the British military.²⁶ Fires and floods were a constant threat.

In addition, much of the land was owned in tiny parcels, making it difficult for private developers to amass tracts suitable for development.²⁷ The onus, therefore, was on the government to acquire suitable tracts of land.

SINGAPORE TODAY

Today, Singapore's population is densely contained in a high rise, urban core that is well served by an extensive mass transit system with greenery everywhere – on roofs, balconies, climbing walls, and greenbelts with major restrictions on automobiles. It may not have started out as a detailed-planned community with the master plan of Irvine, California, but its development is almost completely controlled by the government, which owns 90% of Singapore's land.

²⁰ DALE, *supra* note 16, at 22.

²¹ Tan, *supra* note 18, at 177, 180.

²² The shophouses were built for single families, but were increasingly subdivided into smaller and smaller living units. Alan F. C. Choe, *The Early Years of Nation-Building: Reflections on Singapore's Urban History in Heng*, *supra* note 6, at 3, 6.

²³ One prominent Singapore planner described growing up in the old Singapore. He said sewage collectors would go house to house collecting sewage in buckets to bring to sewage trucks. Bharati Jagdish, *On the Record: Liu Thai Ker, Architect and Former Master Planner of Singapore*, CHANNEL NEWSASIA (Oct. 7, 2017, 7:00 AM), <https://www.channelnewsasia.com/news/singapore/on-the-record-liu-thai-ker-architect-and-former-master-planner-9285942>. A discussion of the pail toilet system is found at Loh Kak Seng, *The 1962 Kampong Burkit Ho Fire and the Making of Modern Singapore* 91-93 (Dissertation, Murdoch University 2008).

²⁴ Choe, *supra* note 23, at 3.

²⁵ Mohinder Singh, *Transportation: Mobility, Accessibility, and Connectivity*, in Heng, *supra* note 6, at 127, 128.

²⁶ *Id.* at 127.

²⁷ Choe, *supra* note 23, at 13-14.

Singapore's success is seemingly miraculous for an island-state small in size and lacking in natural resources. However, it had several advantages and resources, not always appreciated at the time of their independence. The first is the most critical factor in real estate: location, location, and location. Singapore lies at the foot of the Malay Peninsula beside the Straits of Malacca, which is the main shipping route connecting the Suez Canal and the Indian Ocean to the South China Sea. It became a major shipping and refitting port. Its sheltered, deep harbor is well protected from monsoons.

The second under appreciated asset was its people—especially the inspired leadership by its founding Prime Minister, Lee Kuan Yew. The Prime Minister and his allies had a vision of a Singapore built on economic success for the benefit of the people. He eschewed socialism, unlike many newly independent ex-colonies:

Did I ever contemplate nationalism, socialist planning for industrialization and economic transformation? Frankly, No. For there was precious little to nationalize, apart from office furniture and equipment, bank offices, shops, hotels, and some factories.²⁸

His People's Action Party (PAP) won the election in 1959, and every election since. PAP has guided the miracle of Singapore.

A third advantage was not necessarily realized at independence. Singapore has a unified government. Singapore is one government, one political system, and an economy of stability. The island is the city. The city is the state. The state is the nation. One party and one government decides for all, as it has since 1959. It is a top down government open to capitalism.

Another advantage of its small size is especially significant in comparison to post-World War II land development. The island's small size precludes urban sprawl and the devouring of farmland. No flight out of the "city" is possible. If citizens do not like the system, the alternative is to emigrate.

The government has unique planning powers both because it owns 90% of the country's land and because it is a unitary government. The one-party, unitary government speaks in one public voice.

Singapore is constrained by its small land size. It has to maximize the use of seemingly every square inch. The fledging government recognized the need for economic development with control of the land as the key. The independent Singapore succeeded to 49% of the country's land as crown lands. It increased the

²⁸ Lee Kuan Yew, *The Wit & Wisdom of Lee Kuan Yew: 1923-2015* 114 (2013).

government owned land to 90% through aggressive powers of eminent domain.²⁹ Singapore has also expanded its size by 25% by filling in land, both on the main island, known as Singapore, and on smaller off-shore islands as well as creating some artificial islands.

For example, seven offshore islands were joined as Jurong Island, a single island of 3,000 acres.³⁰ Three refineries are located on the island all with a capacity of 1,500,000 biomass-based diesel, assorted petrochemical facilities, and an underground crude oil storage facility.

Industry is often removed from the populated areas. Singapore is an industrial powerhouse with a large petrochemical and pharmaceutical industry.

THE PLANNING PROCESS

Sir Raffles in a sense created the first Singapore master plan when he laid out the first town plan for the island in 1822. The British Plan featured a grid pattern, functional specialization, and ethnic enclaves.³¹ The Singapore Investment Trust introduced a master plan which was adopted in 1958.³² The master plan aimed to resettle two-thirds of the kampong residents over 20 years. Some kampongs, including Bukit Ho Swee, which was consumed by fire a few years later, were marked for clearance.³³ Master plans are updated every 5 years, and complement the Concept Plan. Singapore, as a unitary government, has one concept plan and one master plan.³⁴

²⁹ Jha, *supra* note 15.

³⁰ Philip Yeo, *Economic Planning for Productivity, Growth, and Prosperity*, in Heng, *supra* note 8, at 45, 50. The islands of Pulau Ayer Chawan, Pulau Ayer Merbau, Pulau Merlimau, and Pulau Seraya were fishing communities. The other islands were Pulau Pesak, Pulau Pesak Kechil, and Pulau Sakra. Tang Hsiao Ling, *Industrial Planning in Singapore*, in Heng, *supra* note 8, at 153, 161-64.

³¹ Choe, *supra* note 23, at 4-5.

³² *Id.* at 7.

³³ Loh Kah Seng, *Fires and the Social Politics of Nation-Building in Singapore* 6 (Asia Research Ctr., Murdock Univ., Working Paper No. 149, 2008).

³⁴ Liu, *supra* note 18, at 26. It has one master plan and one planning agency, The Urban Redevelopment Authority (URA). Singapore has though a number of agencies involved with improvement of the city: the Housing and Development Board (HDB), the Public Utilities Board (PUB), the Port of Singapore Authority (PSA), Jurong Town Corporation (JTC), Singapore Tourist Promotion Board (STPB), Regional Development Board (RDB), and Public Works Department (PWD).

The Concept Plan, reviewed every ten years, is the strategic plan, setting out guidelines for developments over the future 40-50 years.³⁵ It sets out policy goals and objectives. It addresses broad perspectives. Since circumstances change,³⁶ the Concept Plan, first adopted in 1971, is revised every ten years.³⁷

FIRES AND REDEVELOPMENT

Singapore's kampongs had a history of catching on fire because their structures were usually tightly packed wooden buildings.³⁸ A disastrous fire on May 25, 1961 in the Bukit Ho Swee Kampong³⁹ played a critical role in ensuring the success of the PAP's housing program.⁴⁰

The fire consumed 100 acres, destroyed 2,200 homes, and left approximately 16,000 residents homeless.⁴¹ The government knew it had to provide housing for the displaced. Temporary housing was provided while the Housing and Development Board (HDB) built permanent housing in the form of flats. 2,600 units were built within one and a half years. The project was completed by 1965 with 11,400 flats with schools, playgrounds, shops, and markets.⁴² The success of the project convinced the people of Singapore of the desirability of moving from their kampongs, shophouses, and squatting accommodations into the new housing developments.⁴³

³⁵ Tan Yong Soon, *Environmental Planning for Sustainable Development*, in Heng, *supra* note 8, at 59.

³⁶ For example, the British Plan of 1958 was premised on a population of 2 million in 1972. Khoo Teng Chye & Remy Guo, *Making Singapore a Livable and Sustainable City: Our Urban Systems Approach*, in Heng, *supra* note 8, at 81, 85.

³⁷ Ng Lang, *Planning to Overcome the Constraints of Scarcity*, in Heng, *supra* note 8, at 71, 72-73.

³⁸ For a history of kampong fires, see Loh, *supra* note 34.

³⁹ An earlier fire in Bukit Ho Swee occurred on August 8, 1934. Another fire left 12,000 homeless on the neighboring Tiong Bahru Kampong on February 13, 1949. *Bukit Ho Swee Fire*, SING. INFOPEDIA, http://eresources.nlb.gov.sg/infopedia/articles/SIP_825_2004-12-30.html.

⁴⁰ The former Mayor of Chicago, Rahm Emanuel, is often quoted as saying, "You never want a serious crisis to go to waste." *Rahm Emanuel on the Opportunities of Crisis*, WSJ: VIDEO (Nov. 18, 2008), <https://www.wsj.com/video/rahm-emanuel-on-the-opportunities-of-crisis/3F6B9880-D1FD-492B-9A3D-70DBE8EB9E97.html>.

⁴¹ LOH KAH SENG, *SQUATTERS INTO CITIZENS: THE BUKIT HO SWEE FIRE AND THE MAKING OF MODERN SINGAPORE* (2013). The kampongs were occupied by low-income Chinese.

⁴² DALE, *supra* note 16, at 126. The HDB acquired the burnt area to build permanent housing.

⁴³ Not all were satisfied though because of the great difference in lifestyle. For example, the pigs, once prevalent in the kampongs, were not allowed in the new public housing.

Prime Minister Lee thought it inappropriate for private parties to profit from the disaster:

"It is heinous in the extreme to allow 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."⁴⁴

PROPERTY RIGHTS

Property rights, as defined in the United States, do not exist in Singapore. No constitutional right to property exists in Singapore. No equivalent to the 5th Amendment Property right exists in Singapore. Singapore was poor upon independence. It needed to acquire property. Thus, "the philosophy underlying the Land Acquisition Act has been to secure private land for public good without undue financial burden to the State."⁴⁵

Article 13 of the Federation of Malaysia Constitution provided a constitutional right to property. Singapore dropped that provision upon independence: "The following provisions of the Constitution of Malaysia shall cease to have effect in Singapore: Part I; Article 13"⁴⁶

Section V of the Land Acquisition Act of 1966,⁴⁷ effective 1967, provided the state could acquire land, "(a) for any public purpose, b) by any person, corporation or statutory board, for any work or an undertaking which, in the opinion of the Minister, is of public benefit or of public utility or in the public interest; or (c) for any residential commercial, or industrial purposes."⁴⁸

The price was set at the lesser of the value on the date it was gazette for acquisition or a date specified in the Land Acquisition Act. The British 1955 Land Acquisition (Temporary Provisions) Ordinance specified April 22, 1955 as the date

⁴⁴ LEE KUAN YEW, *FROM THIRD WORLD TO FIRST: THE SINGAPORE STORY: 1965-2000*, at 97 (2000).

⁴⁵ Bryan Chew et al., *Compulsory Acquisition of Land in Singapore*, 22 *SING. ACAD. L.J.* 166, 167 (2010).

⁴⁶ Republic of Singapore Independence Act 1965 § 6(3) (No. 9 of 1965, rev. ed. 1985).

⁴⁷ The 1966 Act replaced the British 1955 Act.

⁴⁸ Land Acquisition Act (Ch. 152) §5(1) (Act No. 41 of 1966, rev. ed. 1985). The statute also detailed the procedures for condemnation.

for valuation.⁴⁹ The government periodically changed the date, but the reality was that the “lesser” test meant the government almost always paid less than market value for the property until 2007.⁵⁰ The revisions occurred at irregular intervals. For example, the 1973 date remained in effect until 1986.⁵¹

Prime Minister Lee in 1964 explained that two principles should govern the acquisition of land. First, a private landowner should not benefit from development undertaken at public expense, and 2) the price paid on acquisitions for a public purpose should not exceed the land’s value had the government not contemplated development in the area.⁵² He believed public development should “benefit the community at large,” and not individual landowners.⁵³

The Prime Minister said:

"I pushed the Land Acquisition Act through at a low point in the property market. It was important to get the legality of what we were doing properly entrenched, so that it cannot be changed for fickle reasons."⁵⁴

The Foreshores Act was amended in 1964 to exclude from valuation the loss of sea frontage.⁵⁵

The Singaporean government reserved the right to condemn private lands “for a public purpose,” which is certainly a power held by United States’ governments.⁵⁶ The critical difference is that until 2007 Singapore did not pay fair market value for the property.⁵⁷ It first restricted compensation to the lesser of either a fixed date or the date of gazette notification. In other words, landowners could

⁴⁹ DALE, *supra* note 16, at 76.

⁵⁰ Chew, *supra* note 46, at 170, 173.

⁵¹ *Id.* at 172. Singapore in 1982 gave some ex gratia payments to some landowners who had received low compensation under the 1973 valuations at the time of the government takings. *Id.* at 176.

⁵² LEE, *supra* note 45, at 97.

⁵³ LOH, *supra* note 34, at 169-70.

⁵⁴ Peter Ho, *The Planning of a City-State 2* (Lew Kuan Yew Ctr. for Innovative Cities, Working Paper No. 2, 2013).

⁵⁵ Lee Kuan Yew: *The Chance of a Lifetime*, URB. SOLUTIONS, Feb. 2013, at 9. <https://smartnet.niua.org/sites/default/files/resources/UrbanSolutionsIssue2.pdf>.

⁵⁶ See e.g., *Berman v. Parker*, 348 U.S. 26 (1954); *Kelo v. City of New London*, 545 U.S. 469 (2005).

⁵⁷ Chew, *supra* note 46, at 170, 173.

not benefit by speculating in real estate, if they choose to do so. An unappreciated gain in asset values would not benefit the landowner if the Singapore government decided to “take the land,” looking at an earlier valuation.

The government periodically advanced the date for determining compensation, but it consistently trailed the market value of the property. The date remained constant from 1973-1986 as Singapore was booming. Singapore acquired 43,713 acres from 1959-1984, one-third of the country’s land.⁵⁸ The government only agreed in 2007 to pay market value for land.⁵⁹

The United States gives the government the power of eminent domain to condemn private property for public uses. A critical difference is that a landowner dissatisfied with the offered price can litigate the value. Juries are often more generous than the state’s offer.

The decisions and valuation of condemnation receive minimal judicial review. The power to condemn is not reviewable while the valuation is fixed by statute.⁶⁰

The state started its land acquisition program by condemning the poor lands. It later extended it to acquire the land necessary for rapid transit stations and other infrastructure needs. The planners identified areas to be developed.

An advantage to urban planners in Singapore is they did not have to deal with urban sprawl in a balkanized urban planning scenario. There is no conflict between the city and the suburbs. It is not a central city combating suburban flight.

Planning is top down by a centralized government. The island city-state has a unified government which makes the decisions at the state and local level. There is no fight between local government and the national government, between states and cities and counties, fights common in the United States.

The urban redevelopment of the United States is somewhat analogous to that of Singapore. Government possesses the power to condemn land for urban renewal. The projects in the United States did not result in the elimination of slums and tenements. They simply resulted in moving the residents elsewhere in the city.

⁵⁸ *Land Acquisition Act Is Enforced 17 Jun 1967*, HISTORYSG, NAT’L LIBR. BOARD, <http://eresources.nlb.gov.sg/history/events/1f669eff-bc82-49d1-a27c-2624e4cab8c6> (last visited Mar. 1, 2019).

⁵⁹ Chew, *supra* note 46, at 170, 173.

⁶⁰ DALE, *supra* note 16, at 90.

Singapore eliminated its kampongs, shophouses, and squatters. The United States still has ghettos, barrios, and homeless. The Singapore urban renewal was successful. The United States' has been a costly failure.

Singapore had to accomplish three goals in its initial development upon independence: land acquisition, land clearance, and resettlement.⁶¹ Singapore made sure to resettle the displaced in better accommodations. Resettlement succeeded in Singapore. It failed in the United States, as exemplified by the continuing slums in America. Public housing is problematic in United States cities. Several became bastions of crime. Others are run down.

HOUSING

Public housing is dramatically different in Singapore than the United States. It works in Singapore, but not so well in the United States.⁶² Roughly 82% of the Singapore population live in high-rise government built housing.⁶³ Public housing in the United States is mostly for the economically disadvantaged.⁶⁴ Singapore emphasizes home ownership rather than rental. Prime Minister Lee recognized the importance of home ownership for residents to have a stake in the country:

“I had seen the contrast between the blocks of low-cost rental apartments, badly misused and poorly maintained, and those of house-proud owners, and was convinced that if every family owned its home, the country would be more stable.”⁶⁵

⁶¹ Gop Hup Chor & Heng Chye Kiang, *Shaping Singapore's Cityscape Through Urban Design*, in Heng, *supra* note 8, at 211, 212.

⁶² See e.g., Ben Austen, *The Towers Came Down, and with Them the Promise of Public Housing*, N.Y. TIMES MAG. (Feb. 6, 2018), <https://www.nytimes.com/2018/02/06/magazine/the-towers-came-down-and-with-them-the-promise-of-public-housing.html>.

⁶³ Tan Ern Ser, *Public Housing and Community Development: Planning for Urban Diversity in a City-State*, in Heng, *supra* note 8, at 257.

⁶⁴ For example, public housing in Chicago was built only in the African-American neighborhoods, with the exception of a small amount reserved for the elderly. *Hills v. Gautreaux*, 425 U.S. 284 (1976). The 3,607 unit Cabrini-Green apartments were torn down after 20 years. The high rise apartment complex had descended into gangs and drug dealers with the hallways lined with garbage. Drew Reed, *The 29 Year Battle To Demolish Chicago's Cabrini-Green Housing Project*, CITYMETRIC (Nov. 17, 2015), <https://www.citymetric.com/skylines/20-year-battle-demolish-chicago-s-notorious-cabrini-green-housing-project-1575>.

⁶⁵ LEE, *supra* note 445, at 95-96; Sock-Yong Phang, *The Singapore Model of Housing and the Welfare State*, in HOUSING AND THE NEW WELFARE STATE: PERSPECTIVES FROM EAST ASIA AND EUROPE 15, 21 (Richard Groves et al. eds., 2007).

The HDB residents thereby “own” their residences. However, the land “ownership” Singapore touts is not land ownership as we understand it in terms of fee simple absolute. The government owns the underlying land, similar to the Bishop Trust in Hawaii,⁶⁶ and leases the individual units on 99-year leases. The government retains ownership of the underlying land and common areas. No presumption of renewability exists for the leases. The unit “owners” have no right to compensation for any changes, modifications, or improvement to the leasehold. Leases are transferable, and hence can be sold, but the term remains that of the original 99 years. Thus, over 80% of the land is not owned in fee simple absolute as we know it.

Singapore citizens can borrow from their retirement account to purchase the HDB unit. The value of the flat will depreciate as the 99-year term approaches, depriving the “owners” of both their flat and a substantial part of their retirement fund.

The British recognized the poor housing conditions in Singapore. They created the Singapore Investment Trust (SIT) to create public housing for the population, but were unsuccessful in solving the housing problem.⁶⁷ England also imposed rent control in 1947 as an attempt to moderate the rental pressures with the shortages of housing after World War II. The effort was a failure since the owners stopped maintaining and upgrading their properties.⁶⁸

Prime Minister Lee recognized housing as the most serious problem facing the new nation.⁶⁹ The Housing and Development Board (HDB) was created in 1960 to replace the British SIT. The HDB built 26,168 units in its first three years, almost

⁶⁶ Princess Berniece Pauahi Bishop, the great granddaughter of King Kamehameha, died in 1884, establishing the Kamehameha Schools/Bishop Estate to fund two schools in Hawaii. The trust owned about 10% of the land in Hawaii, including all of Waikiki. The Trust did not sell its land with a lease only policy. The United States Supreme Court in *Hawaii Housing Authority v. Midkiff*, 467 U.S. 229 (1984) upheld the Hawaii Land Reform Act of 1967, which gave the state the power to take by eminent domain title in real property and transfer it to leases to reduce the high concentration in land ownership. Fair market value must be paid for the properties.

⁶⁷ One reason was that the rental prices set by the SIT were too high for the residents.

⁶⁸ Choe, *supra* note 23, at 6; Chor & Heng, *supra* note 62, at 211, 220. The result is that about 5,000 structures in the Central Business District have been preserved. *Id.* at 220.

⁶⁹ The recognition was that housing “Could Kickstand the Entire Process of Social and Political Change.” LOH, *supra* note 24, at 346.

as many as the British SIT in its previous 32 years.⁷⁰ The HDB controls housing development in most of Singapore.

Singapore had to clear the slums, but they also had to house the displaced; hence, the urgency for the HDB to build habitable shelter for the people.⁷¹ An early goal of the HDB was also to move people out of the overcrowded central city. The original residents came from the shanty towns and kampongs. Any displeasure on being moved was assuaged to many by their new shelter with hot and cold running water and electricity.

The HDB developments have evolved over time.⁷² The early housing designs were essentially Spartan 1-2-3-room flats for low income residents. They did, however, contain running water and electricity,⁷³ which was a decided improvement for the residents over their previous squalid housing conditions. More recent HDBs include premium housing and accommodations for the elderly.⁷⁴

The emphasis shifted over the years to new towns. The 1955 Master Plan proposed moving the population out from the central city into outlying areas. Twenty-three of the towns and three “estates”⁷⁵ have been built to date. These mini-cities are self-contained, mixed-use developments which include a commons and a town center, shops, medical facilities, fitness centers, recreational and sports facilities, playgrounds, open space, community centers, medical facilities, schools, and greenery.⁷⁶ Several of the facilities, such as community centers and schools, are low rise. They are linked by a robust rapid transit system.

The HDB properties are attractive because the new units are sold below market prices.⁷⁷ The government provides financing and grants for purchasers at favorable terms.⁷⁸ The HDB can sell below market price because its units are built

⁷⁰ FROST & BALASINGAMCHOW, *supra* note 12, at 387. The SIT had built 20,907 units from 1947-1059. Phang, *supra* note 62, at 9. The HDB built 44,345 flats in its first 5 years. Cheong Koon Hean, *The Evolution of HDB Towns*, in Heng, *supra* note 8, at 101.

⁷¹ DALE, *supra* note 114, at 36.

⁷² See generally Cheong, *supra* note 71, at 101-25.

⁷³ Yap Chin Beng, *Homes for a Nation – Public Housing in Singapore*, ETHOS, Apr. 2007, at 22, https://www.csc.gov.sg/docs/default-source/ethos/ethos_is02.pdf.

⁷⁴ *Id.*; FROST & BALASINGAMCHOW, *supra* note 12, at 387.

⁷⁵ “Estates” are redeveloped older areas. Phang, *supra* note 71, at 26.

⁷⁶ Liu, *supra* note 18, at 37.

⁷⁷ Phang, *supra* note 71 at 21. The land was often acquired below market prices from the owners pursuant to the Land Acquisition Act.

⁷⁸ *Id.* at 22.

on government owned land acquired at low prices under the Land Acquisition Act.⁷⁹

One restraint is that the HDB imposes ethnic restrictions on occupancy in the developments.⁸⁰ The British in their land use planning segregated the ethnicities in designated residential enclaves.⁸¹ Singapore's intent is to preclude ethnic clusters and communities by specifying the percent of each by ethnicity, Chinese, Malay and Indian, in HDB developments. For example, an ethnic Chinese seller must sell to another Chinese. Race riots had occurred in 1950, 1964, and 1969.⁸² The Singapore government is trying to prevent future race riots arising out of ethnic enclaves.

Singapore eliminated rent control in 2001. Private property is thereby rentable at market value. The renters will often be expatriates barred from acquiring HDB units.⁸³ Foreigners comprise about 30% of Singapore's population,⁸⁴ which drives prices up on the private rentals.

The HDB also attempts to restrict "flipping." The purchasers must hold onto their flat for five years before reselling it.

LAND

The key to Singapore's success is its ability to maximize the use of seemingly every square inch of land, but not necessarily for development.⁸⁵ The island has seven times as many people as San Francisco on six times the size.⁸⁶

⁷⁹ *Id.* at 21.

⁸⁰ The Ethnic Integration Policy was established in 1989. *Id.* at 34.

⁸¹ Choe, *supra* note 23, at 7.

⁸² See Averylynn Lim, *The 5 Worst Riots that rocked Singapore*, TheSmartLocal, December 8, 2013, <https://thesmartlocal.com/read/5-riots-that-rocked-singapore>

⁸³ Phang, *supra* note 71, at 31.

⁸⁴ Heng, *supra* note 8, at ix.

⁸⁵ For example, nine percent of Singapore's land has been set aside as parks and green spaces. Ng, *supra* note 37, at 74.

⁸⁶ Singapore has 5.6 million people on 278.6 square miles of land compared to 871,000 residents in San Francisco on 46.87 square miles. By way of comparison the population of New York City is 8.623 million on 302.6 square miles. San Francisco, like every American city, is the center of a large metropolitan area. Singapore sits alone on an island.

Singapore owned 44% of the land when the PAP assumed power, and 85% by the beginning of the New Millennium.⁸⁷ Ownership controls development.

Singapore increased its land size by 25% through landfills. A prime example of land expansion is Marina Bay on which sits the Marina Bay Sands Casino and Marina Bay Sands Hotel. The damming of the mouth has created a water catchment of fresh water with the sea water kept out. The Marina Downtown was developed on 360 hectares of reclaimed land. The three story pumphouse next to the reservoir adjoins a recently opened sustainability museum and a green lawn along the roof. Both the lawn and reservoir provide recreational opportunities for the residents.

Singapore maximizes the use of the surface land for development by placing rail transport, pipes, and utility wires underground. Even a few highways now run underground. A large underground crude oil storage on Jurong Island⁸⁸ “frees up land above ground,” which reflects a prime factor in Singapore land use planning of maximizing the use of surface land.⁸⁹

Every square inch is precious on the island. That does not mean, though, that every inch is to be developed. Singapore has dedicated large areas for parks and recreation.⁹⁰ Singapore recognizes that its residents cannot escape outside the city for greenery, so it incorporates greenery in the city and its buildings.⁹¹

Singapore is deceptive for visitors. They perceive Singapore as a city of high rises, but they only see half of the island. The island’s center is preserved as a nature reserve and water catchment area.

⁸⁷ Turnbull, *supra* n. 14, at 369.

⁸⁸ Tan, *supra* note 35, at 170. 126 million gallons of crude oil are stored in this underground cavern. Samanth Subramanian, *How Singapore is Creating More Land for Itself*, N.Y. TIMES MAG. (Apr. 20, 2017), <https://www.nytimes.com/2017/04/20/magazine/how-singapore-is-creating-more-land-for-itself.html#commentsContainer>.

⁸⁹ See generally Ng Jun Sen, *Masterplan of Singapore’s Underground Spaces Ready by 2019*, STRAITS TIMES (Feb. 5, 2018), <https://www.straitstimes.com/politics/masterplan-of-spores-underground-spaces-ready-by-next-year>

⁹⁰ Liu, *supra* note 18, at 36. Nine percent of the land has been set aside for parks and green spaces, including four nature preserves. Ng, *supra* note 37, at 74.

⁹¹ *Id.* at 76.

STABILITY AND ECONOMIC GROWTH⁹²

The economy diversified from maritime to low value manufacturing, high value manufacturing, petrochemicals, pharmaceuticals, finances, and tourism. It built a world class airport and airline.

Foreign investors, such as the global financial companies and petrochemical plants, invest in Singapore because of the political stability of the government and its land use planning.⁹³ Singapore as a one-party governing state providing continuity in planning and regulation.⁹⁴ Potential investors do not have to worry about elections putting radicals in power. Nor is there a risk of a violent revolution. The underlying emphasis on economic growth with minimization of pollution is a constant. The five-year plans may vary in the details, but not the essence.

Singapore adopted a policy of inviting multinational companies into the country. The country was too small in size and population to build an economy on the domestic market. Thus, the need for imported capital. Maritime already existed. Then came industry, electronics, high tech, petrochemicals, pharmaceuticals, biomedical, financial services, tourism, and casinos.⁹⁵ Singapore has become the financial center of Southeast Asia.

The economic success fostered a population increase, but increasingly of non-citizen residents.⁹⁶ The birth rate in Singapore was down to 1.14 in 2018.⁹⁷

The government does not resort to the tactics of brutal dictatorships.⁹⁸ It is not a police state in the traditional sense, but liberties are restricted. It allows free

⁹² For a discussion of Singapore's economy, see Linda Y. C. Lim, *Singapore's Success: After the Miracle*, 203, in Robert E. Looney: *Handbook of Emerging Economies* (Routledge 2014).

⁹³ It is not a part of this paper, but it should be noted that Singapore also curbed the "destructive" acts of the labor unions. Turnbull, *supra* n. 14, at 310, 324-5.

⁹⁴ Heng, *supra* note 8, at viii.

⁹⁵ Singapore was concerned about gambling by its citizens. Therefore, Singapore citizens pay S\$100 to enter a casino (for 24 hours) while non-citizens with their passports enter free. *Singapore Casino Entry Levy*, SANDS CASINO, <https://www.sandscasino.com/singapore/casino-entry.html> (last visited Mar. 1, 2019).

⁹⁶ 38.1% of Singapore's workforce by 2014 were non-residents. Linda Y. C. Lim, *Economy* 1, www.europaworld.com, 73% of them were low-skilled. *Id.* at 2.

⁹⁷ Department of Statistics Singapore: Birth and Fertility, <https://www.singstat.gov.sg/find-data/search-by-theme/population/births-and-fertility/latest-data>.

⁹⁸ Prime Minister Lee did, however, become "increasingly authoritarian and intolerant of opposition" in his later years. Turnbull, *supra* n. 14 at 336, 347.

elections every five years.⁹⁹ The PAP party can be voted out of office and opposition members elected to parliament.¹⁰⁰

The stability of a single government for the islands, city and country has planning advantages, but it forestalls the political interplay of various levels of government. Decisions are top-down.

Most Singapore citizens are satisfied because of the economic prosperity and rise in the quality of life brought to the people. They can emigrate out of Singapore if greatly unsatisfied.¹⁰¹ Roughly 6% of Singapore's citizens lived outside the country in 2017.¹⁰²

FLOODS

Singapore is a tropical island 85 miles from the equator. It therefore receives large amounts of precipitation. Flooding is a recurring problem, often with flash floods. For example, severe flooding occurred in Singapore in the last two weeks of 1954 as a combination of high rains, high tides, and inadequate flood control. Five deaths resulted and 5,000 were left homeless. Kampongs were struck the

⁹⁹ The PAP though does not accept the British concept of a "loyal opposition." *Id.* at 372.

¹⁰⁰ In some respects this is similar to the one-party blue or red states in the United States, but here the United States Constitution and the federal government can affect the powers of the individual states.

¹⁰¹ One exception is Kevin Kwan, author of *Crazy Rich Asians*. He was living outside Singapore and thereby failed to serve the required two years military service. He is concerned about being arrested if he returns. See Austin Ramzy, *Singapore Says 'Crazy Rich Asians' Author Skipped Military Service*, N.Y. TIMES (Aug. 22, 2018), <https://www.nytimes.com/2018/08/22/world/asia/kevin-kwan-crazy-rich-asians-singapore-military.html>.

¹⁰² The number of Singapore expatriates was 213,400. Leong Chan-Hoong, *Commentary: More Singaporeans going abroad, but are no less Singaporeans for it*, channelnewsasia, Sept. 2, 2017 <https://www.channelnewsasia.com/news/singapore/commentary-more-singaporeans-going-abroad-but-are-no-less-9134122>.

worse.¹⁰³ One study found 262 flood events from December 1892 to December 2015.¹⁰⁴

Singapore adopted a comprehensive Drainage Master Plan.¹⁰⁵ Implementation of the plan has reduced flood prone areas to 36 hectares in 2013 from 3,200 in the 1970's.¹⁰⁶ The Public Utility Board (PUB) completed improvements on 327 locations from 2012 through 2007. For example, the Masagos Canal was widened to 44m from 38m.¹⁰⁷ Singapore has deepened and widened drains and canals.¹⁰⁸

For example, Orchard Street, the affluent shopping area, was subject to severe flooding in both 2010 and 2012 because the existing 500 km Singapore Canal was lacked the capacity to handle the high precipitation levels. Two 1000 km drainage channels, paralleling the Singapore Canal, were completed in 2017 to alleviate the flooding threat.¹⁰⁹ It also completed construction of The Stamford Detention Tank, which can temporarily store up to 38,000 m³ of stormwater from drains on Holland Road.¹¹⁰

¹⁰³ Fiona Williamson, *A Milestone on the Road to Independence? Singapore's Catastrophic 1954 Floods*, ARCADIA, Autumn 2016, No. 13, <http://www.environmentandsociety.org/arcadia/milestone-road-independence-singapores-catastrophic-1954-floods>.

¹⁰⁴ Winston T. L. Chow et al., *A Multimethod Approach Towards Assessing Urban Flood Patterns and Its Associated Vulnerabilities in Singapore*, 2016 ADVANCES IN METEOROLOGY, <https://www.hindawi.com/journals/amete/2016/7159132/>.

¹⁰⁵ Tan, *supra* note 35, at 60. The plan consists of widening existing storm water drains and canals and building new ones. And detention facilities.

¹⁰⁶ *Id.*

¹⁰⁷ Hannah Teoh, *Flash Floods in Singapore Can't Be Completely Eliminated*, YAHOO NEWS SING. (Feb. 4, 2018), <https://sg.news.yahoo.com/flash-floods-singapore-cant-completely-eliminated-masagos-053042769.html>.

¹⁰⁸ Cecelia Tortajada & Asit K. Biswas, *Commentary: What Singapore Can Do for the Next Flood*, CHANNEL NEWSASIA (Jan. 8, 2019), <https://www.channelnewsasia.com/news/commentary/what-singapore-can-do-to-prepare-for-the-next-flood-11093978>.

¹⁰⁹ *Tunneling for Flood Protection in Singapore*, TUNNEL BUS. MAG. (Oct. 18, 2018), <https://tunnelingonline.com/tunneling-for-flood-protection-in-singapore/>.

¹¹⁰ Other steps were to build the Stamford Diversion Canal, which will relieve some of the discharges into the Stamford Canal, by draining directly to the Singapore River. Low Youjin, *Improved Flood Prevention Measures Around Orchard Road from this Month*, TODAY SING. (Sept. 27, 2018), <https://www.todayonline.com/singapore/improved-flood-prevention-measures-around-orchard-road-month>.

One purpose of the Marina Barrage is to prevent tidal flooding, thereby protecting low-lying areas, such as Chinatown, Boat Quay, Jalan Besar, and Geylang, from flooding.¹¹¹

AESTHETICS AND THE GREEN CITY¹¹²

The development of Singapore into the Garden City is a story that applies to most of Singapore's success:

Singapore's development as a Garden City and its subsequent re-invention into a City in the Garden was possible because of a strong political will, visionary leadership, clear policy direction, whole-of-government collaboration among multiple agencies, partnership with stakeholders, institutional capabilities and the passion of like-minded professionals¹¹³

Prime Minister Lee quickly recognized that Singapore had to distinguish itself from other nations. He settled on a "clean and green" Singapore.¹¹⁴

Present-day Singapore is the "Garden City," a city of greenery, in attitude and reality, with a pervasive presence of greenery.¹¹⁵ The development of Singapore easily could have, but did not, result in a city of sterile, monolithic skyscrapers so common in the post-World War II period.¹¹⁶ Prime Minister Lee believed "[A] blighted urban jungle of concrete destroys the urban spirit. We need the greenery of nature to lift up our spirits."¹¹⁷ He felt "without the greening effort,

¹¹¹ Siau Ming En, *The Big Read: A Decade On, Marina Barrage Is Now Key in S'pore's Water Management*, TODAY SING. (Mar. 17, 2018), <https://www.todayonline.com/singapore/big-read-mere-idea-icon-marina-barrage-10-years>.

¹¹² For a history of green Singapore, see Neo Boon Siong, June Gwee & Candy Mak, *Case Study 1: Growing a City in a Garden*, in CASE STUDIES IN PUBLIC GOVERNANCE: BUILDING INSTITUTIONS IN SINGAPORE 11 (June Gwee ed., 2012).

¹¹³ *Id.* at 12.

¹¹⁴ LEE, *supra* note 45, at 173.

¹¹⁵ *Id.* at 177.

¹¹⁶ One exception is the current debate over the future of the Golden Mile Tower, a brutalist style building from the 1970's. See Mike Ives, *Too Ugly to Be Saved? Singapore Weighs Fate of Its Brutalist Buildings*, N.Y. TIMES (Jan. 27, 2019), <https://www.nytimes.com/2019/01/27/world/asia/singapore-brutalist-buildings.html>.

¹¹⁷ Lee Kuan Yew, Senior Minister of Singapore, Speech at the Launch of the National Orchid Garden, Singapore Botanic Gardens (Oct. 20, 1995), <http://www.nas.gov.sg/archivesonline/data/pdfdoc/lky19951020.pdf>.

Singapore would have been a barren, ugly city.”¹¹⁸ Placing trees between flats also reduced dust and softened the concrete.¹¹⁹

He also believed:

One arm of my strategy was to make Singapore into an oasis in Southeast Asia, for if we had First World standards, then businessmen and tourists would make us a base for their business and tours of the region. The infrastructure was easier to improve than the rough and ready ways of the people.¹²⁰

Greening the city had to start with cleaning up the city. The 5,000 street peddlers were relocated to centers. 900,000 pigs on 8,000 farms were phased out. The waterways were cleaned of pollution.¹²¹ Gum and cigarettes were banned from public streets. Spitting on the sidewalk became a criminal offense. Environmental pollution controls are incorporated in design developments.

Greenery became a national priority in 1977. It begins with the planning process for new buildings. Rooftop gardens are common. Plantings appear on balconies while foliage grows up the side of buildings. Vegetation climbs the sides of buildings. Conversely green architecture and greenery buildings are rare in the United States.¹²²

Open space is covered. 90% of roads have roadside vegetation. The result is that about half the island has green cover. A large percent of the island contains parks, conservation zones, green belts, and green space. The first tree planting campaign was initiated in 1963¹²³ with Prime Minister Lee planting the first tree.¹²⁴

¹¹⁸ Lee, *supra* note 29 at 36..

¹¹⁹ Siong, *supra* note 114, at 16.

¹²⁰ LEE, *supra* note 45, at 174-5.

¹²¹ Tan, *supra* note 18, at 179.

¹²² See generally Andrea McArdle, *Local Green Initiatives: What Local Governance Can Contribute to Environmental Defenses Against the Onslaughts of Climate Change*, 28 FORDHAM ENVTL. L. REV. 102 (2016). Cf. Jane Margolies, *The Next Frontier in Office Space? The Outdoors*, N.Y. TIMES (Jan. 15, 2019), <https://www.nytimes.com/2019/01/15/business/office-buildings-nature-biophilia.html>.

¹²³ Heng Chye Kiang & Yeo Su-Jan, *Towards Greater Sustainability and Livability in an Urban Age*, in Heng, *supra* note 8, at 287, 291.

¹²⁴ Ho, *supra* note 55.

The United States beginning with President George H.W. Bush adopted a policy of “No Net Loss of Wetlands.” Singapore has a policy of “No Net Loss of Green Areas” in that all green areas lost from a site have to be replaced.¹²⁵ The plan also requires terraces or “intermediate terraces within the building or on the roof.”

THE AUTOMOBILE IN SINGAPORE

Mass transit is facilitated through a combination of high density in a relatively small area and the discouragement of automobile ownership. Mass transit is most feasible in compact areas, such as New York City, San Francisco, Seattle, and now Singapore. The number of automobiles are limited through a quota system and surcharges. Auto usage is constrained through tolls in congested areas. No “right” to own a car exists in Singapore. A potential car owner must first acquire a certificate of entitlement (COE) to purchase a car. The government decides how many to issue in a year, and then puts them up for bid.¹²⁶ The winners only then can negotiate with a dealer to purchase a car, at a very high price because of government surcharges and taxes. The first is a S\$140 registration fee, followed by a separate Additional Registration Fee (ARF) equal to 175% of the Open Market Value (OMV) of the vehicle,¹²⁷ an excise tax of 20% of the original market value of the vehicle, and a 7% goods and services tax. An annual road tax is imposed based on the engine’s capacity.¹²⁸ The COE lasts ten years. The car must then either be scrapped or exported at the end of the ten years. Not many older vehicles exist in Singapore.¹²⁹ The ten-year license allows the government to annually determine how many cars should be on the road.

There are also areas in Singapore where tolls are imposed on vehicles through electronic road pricing (ERP). Singapore imposed in 1975 a fee on vehicles entering the central business district. The system was upgraded in 1998 to an ERP, which automatically monitors the cars entering and leaving designated areas, and then subtracting the toll from the owner’s account.¹³⁰

¹²⁵ Tan, *supra* note 18, at 186.

¹²⁶ Singh, *supra* note 26, at 142.

¹²⁷ *Id.* at 134.

¹²⁸ *Id.*

¹²⁹ There probably will not be many vintage car shows in Singapore.

¹³⁰ Singh, *supra* note 26, at 135-7. These systems are now appearing in United States cities, such as Dallas.

Street parking is discouraged. New developments must plan for parking. Small common garages were built for the parking needs of the older buildings. The overall effect is to minimize roadside parking.¹³¹

JUDICIAL REVIEW

Singapore's judiciary is relatively inactive in land use planning and environmental cases. Singapore lacks an Administrative Procedure Act,¹³² as well as an Endangered Species Act and National Environmental Protection Act, the three of which form the backbone of litigation in environmental and land use cases in the United States. Standing, which has been broadly expanded in the United States through decisions such as *Sierra Club v. Morton*¹³³ and *Massachusetts v. Environmental Protection Agency*,¹³⁴ has been conservatively construed by the Singapore courts.¹³⁵ Singapore also lacks a Freedom of Information Act. Chief Justice Chan Sek Keong referred to "the lack of a judicial review culture in Singapore" and "the dormant stage of judicial review in Singapore."¹³⁶

The courts generally defer to the government's judgment in development cases, similarly to the American courts prior to cases, such as *Citizens to Preserve Overton Park v. Volpe*.¹³⁷ The Singapore High Court held in *Galstaun v. Attorney-General* that:

The Government is the proper authority for deciding what a public purpose is. When the Government decides that a certain purpose is a public purpose, it must be presumed that the Government is in

¹³¹ Liu, *supra* note 18, at 25.

¹³² Thio Li-ann, *The Theory and Practice of Judicial Review of Administrative Action in Singapore: Trends and Perspectives*, in SAL CONFERENCE 2011: DEVELOPMENTS IN SINGAPORE LAW BETWEEN 2006 AND 2010: TRENDS AND PERSPECTIVES 714, 721 (Yeo Tiong Min et al., eds. 2011).

¹³³ 405 U.S. 727 (1972).

¹³⁴ 549 U.S. 497 (2007).

¹³⁵ See e.g., *Jeyaretnam Kenneth Andrew v. Attorney General*, [2014] 1 S.L.R. 345 (Sing. C.A.).

¹³⁶ Chan Sek Keong, *Judicial Review - From Angst to Empathy*, 22 SING. ACAD. L.J. 469, 474 (2010).

¹³⁷ 401 U.S. 402 (1971).

possession of facts which conclude the Government to declare that the purpose is a public purpose.¹³⁸

An appeal of a land decision can be made through a claim of bad faith.¹³⁹

HISTORIC PRESERVATION¹⁴⁰

Singapore was developing fast. Land was rapidly being developed. Much of the existing buildings could be lost in the rapid development. The Preservation of Monuments board was established in 1971 to identify and protect significant buildings in Singapore's history.¹⁴¹ The 1991 Concept Plan recognized the need to identify historic structures and natural areas for preservation.¹⁴² The original port of Singapore on the Singapore River is now home to restaurants and shops as are a few historic shophouses.

*Bukit Brown Cemetery*¹⁴³

Singapore's unitary government has the power to act unilaterally when it wishes. Accountability and oversight can be minimal, as shown by the long-term plan to remove Bukit Brown Cemetery.¹⁴⁴ Bukit Brown and the adjoining She Ong are historic Chinese cemeteries. The government announced in 2012 that it would start by removing 5,000 tombs to make way for a four-lane highway through Bukit Brown, with the ultimate goal of removing all 200,000 graves.¹⁴⁵

¹³⁸ Galstaun v. Attorney General [1979-80] S.L.R.(R) 589, 591 (Sing. High Ct.). See also *Basco Enterprises Pte Ltd v. Soh Siang Wai*, [1990] 1 M.L.J. 193 (Sing.), which upheld the government when it was alleged to have acquired property at the 1973 prices, and then resold it on the open market.

¹³⁹ Eng Foong Ho v. Attorney General, [2009] SGCA 1. The burden of proof on bad faith is on the party asserting it. A "mere suspicion" is insufficient to establish bad faith. *Teng Fuh Holdings, Pte, Ltd. v. Collector of Land Revenue*, [2007] SGCA 14.

¹⁴⁰ For a comprehensive study of historic preservation in Singapore, see Jack Tsen-Ta Lee, *Commandments and Conversations: Regulating Singapore's Historical Built Environment* (unpublished manuscript) (on file with the author).

¹⁴¹ LEE, *supra* note 45, at 182.

¹⁴² Liu, *supra* note 18, at 34. About 7,000 structures were gazette for conservation. *Id.*

¹⁴³ See generally Tsen-Ta Lee, *supra* note 142, at 1-4, 10-13.

¹⁴⁴ For a discussion of Bukit Brown, see Jack Tsen-Ta Lee, *We Built This City: Public Participation in Land Use Decisions*, 10 ASIAN J. COMP. L. 213, 218-20 (2016).

¹⁴⁵ Removing cemeteries for development is not unknown. The University of San Francisco, my undergraduate and J.D. alma mater, is built on the site of the old Catholic cemetery in San Francisco. The city's cemeteries were moved to Colma, down the Peninsula.

SUSTAINABILITY

Singapore has a goal of sustainability: sustainability in food, water, and energy.

ENERGY

Singapore's limited land mass precludes energy sustainability. Low winds preclude substantial wind power and other demands on land use limit solar energy.

FOOD

Singapore may have a goal of sustainability, but it cannot become self-sufficient in food because of its limited land base. 93% of its foodstock is imported. Much of Singapore's farm land upon independence was among the lands acquired by eminent domain by the government after independence to build housing and clean the environment. Singapore is promoting a program of vertical farming, one example is a series of food towers, which are stacked layers of vegetable gardens open to sunlight and precipitation.¹⁴⁶

WATER

Precipitation is not a problem per se for Singapore, except that excessive precipitation often causes flooding. The problem is capturing the precipitation. Singapore lacked independence in water at the time of independence. The ruler of Malaysia at one point threatened Singapore with its lack of a military, poor economy, and dependence on Malaysia for water.¹⁴⁷

Singapore has a goal of 100% sustainability in water. It lacks the land and resources to become self-sufficient in energy and food, but it is working towards self-sufficiency in water. The nation historically relied upon a pipeline from Malaysia. It has since built catch basins, and desalinization plants. Singapore's water supply is a combination of "four taps": imports, catchment reservoirs,

¹⁴⁶ See Owen Wee, *The Food Tower: Looking Up to Solve the Global Food Crisis*, ECO-BUS. (Oct. 5, 2017), <https://www.eco-business.com/opinion/the-food-tower-looking-up-to-solve-the-global-food-crisis/>.

¹⁴⁷ LEE, *supra* note 45, at 254.

reclaiming, and desalinization. Singapore had three reservoirs in 1965. It now has 17.

Up to 30% of Singapore's water is NEWater, which we call reclaimed water or recycled water. NEWater in seven locations produces 170 million imperial gallons daily out of a daily Singapore demand of 430 million imperial gallons.¹⁴⁸ Singapore has opened its third desalinization plant.

Marina Bay with the casino and iconic hotel, sits on filled in land. A dam, the Marina Barrage, was built across the entrance of the Singapore River on Marina Bay. The purpose was initially two-fold: flood control and potable water. The barrage keeps salty sea water out, thereby serving as a cache for fresh water. It also provides a reservoir for water recreation with the water level kept steady.¹⁴⁹ The Marina Barrage was not feasible until the River was cleaned up. The upstream polluted Kampongs had to go.

The catchment area for the Marina Barrage covers 10,000 hectares, one-sixth of Singapore's land.¹⁵⁰ The Island's catchment areas with the creation of the Marina, Punggol and Serangoon reservoirs, now cover 2/3 of its land surface.¹⁵¹ Modern technology allows the water to be treated and purified.¹⁵²

Water is precious in the island country. The nation tries to capture as much water as possible. The offset is that it is illegal for private parties to collect rainwater. Runoff belongs to the state as part of the nation's water supply.

¹⁴⁸ Kenji Kawase, *Singapore Water Company's Tap Runs Dry Amid Debt Crisis*, NIKKEI ASIAN REV. (June 15, 2018), <https://asia.nikkei.com/Business/Company-in-focus/Singapore-water-company-s-tap-runs-dry-amid-debt-crisis2>. Orange County, California is a global leader in waste water recycling. It set a world record in February 2018 by recycling 100,008,000 gallons of wastewater into potable water. Greg Mellen, *From waste to taste; Orange County sets Guinness record for recycled water*, Orange County register, February 18, 2018, <https://www.oregister.com/2018/02/18/from-waste-to-taste-orange-county-sets-guinness-record-for-recycled-water/>.

¹⁴⁹ Grace Chua, *Is Singapore's Marina Barrage a Model for Flood Protection?*, EMERGENCY MGMT. (Sep. 25, 2014) <http://www.govtech.com/em/disaster/Singapore-Marina-Barrage-Model-Resilience.html>. Recreational use is facilitated by keeping the reservoir level steady.

¹⁵⁰ Ming En, *supra* note 114.

¹⁵¹ *Id.*

¹⁵² *Singapore Water Story*, PUB, <https://www.pub.gov.sg/watersupply/singaporewaterstory> (last visited Mar. 1, 2019).

Conservation plays a major role in meeting the Island's water needs. Water usage per household is also down to an average of 143 litres/day in 2017 from 165 in 2002.¹⁵³

POPULATION

Singapore's population is multi-racial unlike many Asian countries. Almost all residents are immigrants or the descendants of immigrants. It's about 74% Chinese, 13% Malay, and 9.0% Indian.¹⁵⁴ The occurrence of race riots in the recent past affected the government's policies, including maintaining ethnic diversity in HDB housing developments.

Much of the population growth in recent years has been by immigrants, mostly from Malaysia, China, and India. One planning document projects a population of 6.9 million by 2030.¹⁵⁵ Singapore's low birth rate necessitates the large immigration of foreign workers into the economy, both in highly skilled areas, such as finance, and in low-skilled industries, such as construction and domestic service.¹⁵⁶

TRASH

Waste is segregated; recycling encouraged, and much of the remaining waste is incinerated. The incineration ash and remaining trash are transported to an offshore island.¹⁵⁷

CORRUPTION

Singapore's success is facilitated by a lack of corruption.¹⁵⁸ Corruption is a plague in many countries, states, cities, and businesses. It is a hidden tax and drag

¹⁵³ *Id.*

¹⁵⁴ DEP'T OF STATISTICS SING., *supra* note 7, at 4.

¹⁵⁵ GOV'T OF SING., NAT'L POPULATION & TALENT DIV., A SUSTAINABLE POPULATION FOR A DYNAMIC POPULATION: POPULATION WHITE PAPER 48 (2013), <https://www.strategygroup.gov.sg/docs/default-source/Population/population-white-paper.pdf>.

¹⁵⁶ Lim, *supra* n. 19 at 208.

¹⁵⁷ Semakau is the only remaining Singapore landfill. Tan, *supra* note 33, at 60, 63.

¹⁵⁸ Singapore applies its anti-corruption laws on an extra-territorial basis, such that a Singapore citizen engaged in corruption overseas can be prosecuted in Singapore. Public Prosecutor v. Taw Cheng Long, [1998] 2 S.L.R. (R) 489 (Sing. C.A.).

on an economy. No record exists of widespread public corruption in the independent Singapore. It is currently ranked fourth best on the list of corruption in countries.¹⁵⁹ One way of discouraging corruption is to pay the public workers high salaries that correspond to market wages.¹⁶⁰

Prime Minister Lee and the PAP were concerned about the risk of corruption upon assuming office 1959.¹⁶¹ They acted quickly against incidents of corruption. Elections are “no-money” elections; thus, the system of campaign contributions corruption does not exist in China. The law was changed such that a presumption of corruption exists for those accused of living above their means.¹⁶² The Singapore anti-corruption statutes apply to Singapore citizens outside the country.¹⁶³

No evidence exists of widespread corruption in Singapore, unlike neighboring Malaysia. For example, Malaysia issued \$6.5 billion in bonds for the 1Malaysia Development Berhad (1MDB) development fund. The funds were diverted into private hands, including the then Prime Minister of Malaysia.¹⁶⁴

Government exists for the greater good of Singapore; i.e. the people of Singapore, as exemplified by the lack of corruption. It has raised the quality of their lives. Singapore works as a model because it has worked. However, the potential for corruption exists. Indeed, the amount of power and resources in the government makes corruption a ticking time bomb for Singapore.

¹⁵⁹ *Corruption Perceptions Index 2018*, TRANSPARENCY INT’L, <https://www.transparency.org/cpi2018>. A different study of Federal Public Corruption Convictions by Judicial System shows Chicago heading the list of cities with 1,731 convictions from 1976-2017 and Illinois third among states with 2,102 convictions. DICK SIMPSON ET AL., CORRUPTION IN CHICAGO AND ILLINOIS: ANTI-CORRUPTION REPORT #11, at 5-6 (2019). <http://pols.uic.edu/wp-content/uploads/sites/273/2019/02/Corruption-Rpt-11-final.docx>.

¹⁶⁰ The salaries of ministers and high government officials is pegged at 2/3 of the salaries of their private sector equivalents as shown by their income tax returns. LEE, *supra* note 45, at 169.

¹⁶¹ *Id.* at 157-71.

¹⁶² *Id.* at 159-60.

¹⁶³ Public Prosecutor v. Taw Cheng Kong, [1968] SGHC 10, 1 S.L.R.(R) 78 (Sing. H.C.).

¹⁶⁴ Shamim Adam et al., *The Story of Malaysia’s 1MDB, the Scandal That Shook the World of Finance*, BLOOMBERG (May 24, 2018, 12:05 AM), <https://www.bloomberg.com/news/articles/2018-05-24/how-malaysia-s-1mdb-scandal-shook-the-financial-world-quicktake> (last updated Dec. 17, 2018, 2:00 AM).

CRIMINAL ACTIVITY

Police presence on the streets of Singapore is rare. Instead, the highly technological country has Universal CCTV coverage. Capital punishment is imposed on drug traffickers.

FREEDOM OF SPEECH¹⁶⁵

Article 14(1) of the Singapore Constitution provides for freedom of speech, but then allows Parliament to enact any law which it considers “necessary or expedient.”¹⁶⁶ Article 14(2)(a) details eight grounds upon which speech can be restricted: security, friendly relations with other states, public order, public morality, protecting Parliamentary privilege, defamation, contempt of court, or incitement to any criminal offense.¹⁶⁷

Singapore is not big on freedom of speech, at least in public areas. The government on September 1, 2000 designated an area within Hong Lim Park as “Speakers Corner.”¹⁶⁸ Potential speakers would have to register with the Commissioner of Parks and Recreation within 30 days of the scheduled event. Speeches can be held around the clock, but sound amplification devices are only allowed between 9:00 AM and 10:30 PM. Speakers and organizers have to be citizens of Singapore.

Prime Minister Lee was known to resort to defamation lawsuits to muzzle critics if they strayed from the truth. Time Magazine, the International Herald Examiner, and the Asia Wall Street Journal lost lawsuits against the Prime Minister. The government also reduced the number of hard copies that could be distributed in Singapore.¹⁶⁹

Singapore limited press freedoms. Prime Minister Lee said:

¹⁶⁵ In general, see Li-ann Thio, Singapore: Regulating Political Speech and the Commitment to Build a Democratic Society, 1 *Int. J. Const. L.* 516 (2003).

¹⁶⁶ SING. CONST. art. 14(1). *Juan v. Public Prosecutor*, [2003] 2 S.L.R.(R) 445, 449-50; *Benjamin v. Public Prosecutor*, [1989], 2 S.L.R.(R) 419, 426 (not an absolute right).

¹⁶⁷ SING. CONST. art. 14(2)(a).

¹⁶⁸ The idea for Speakers’ Corner came from the Speakers’ Corner in Hyde Park, London.

¹⁶⁹ LEE, *supra* note 45, at 128-31, 191-92.

Freedom of the press, freedom of the news media, must be subordinated to the overriding needs of Singapore, and to the primacy of purpose of an elected government.¹⁷⁰

Significantly, Singapore does not regulate access to the internet.

POLLUTION¹⁷¹

Singapore cleaned up its waterways and requires pollution control as part of the planning of new factories.¹⁷² Singapore separated, as has the United States, the storm water drains from the sewerage drains – a critical step in public health and sanitation.¹⁷³ However, Singapore cannot be pollution free because of its location. For example, forest fires from neighboring countries blow over the island.¹⁷⁴

SINGAPORE AND THE UNITED STATES

Both Singapore and the “13 original colonies” which formed the United States, achieved their independence from England. Each is a country of immigrants and their sons and daughters. Both became economic juggernauts. The 1790 population of the United States in the first census was 3,929,214. Singapore’s population at independence in 1965 was 1.89 million. Both countries thereby started with a small population. Yet the ethos of each developed differently. The common denominator was land, which defined the course of each country. The United States had land; Singapore did not.

The American people could push the frontier 3,000 miles from the Atlantic to the Pacific. The “Ohio Territory,” the Northwest, opened up to the American people with the Treaty of Paris of 1783, ending the Revolutionary War. The American people were mostly rural with farming as the main industry, and thus had to be self-reliant. They moved the frontier west roughly 3,000 miles, up to Alaska

¹⁷⁰ Lee, *supra* note 29 at 69.

¹⁷¹ Several Asian countries, such as China and India, suffer from major pollution problems whereas Singapore is essentially pollution free.

¹⁷² Tan, *supra* note 35, at 60.

¹⁷³ Soon, *supra* note 35 at 62.

¹⁷⁴ For example, fires in Indonesia in 1977 contaminated the air in Malaysia, Singapore, and Thailand. DALE, *supra* note 16, at 52.

and to Hawaii out in the Pacific Ocean, often expanding in advance of the government. They had a spirit of individualism.

The prevailing attitude was development coupled with *laissez faire*. As I wrote of the American people in an earlier article:

They conquered the eastern wilderness, crossed the Berkshires, Alleghenies, Rockies, Sierras, and Cascades, poured through the Cumberland Gap and South Pass, tamed the Great Plains, bridged, ferried and forged the Connecticut, Hudson, Delaware, Susquehanna, Ohio, Cumberland, Mississippi, Tennessee, Arkansas, Platte, Sabine, Red, Colorado, and Columbia Rivers, settled the frozen Northern Plains, and survived the burning deserts of the Southwest.¹⁷⁵

The American people upon independence could begin the Westward expansion. Singapore had to create a new society starting with the problems of housing and growing the economy. Urban renewal was a priority. The United States literally gave away hundreds of millions of acres to be settled. Singapore took land at depressed prices for development by the government.

The expanding frontier could absorb waves of immigrants from throughout the globe. The Census Bureau announced the end of the frontier in 1890. Even when the frontier closed, Americans remained a people of mobility. They could move to the suburbs and exurbs, and even the wilderness and “off the grid.” They can move from state to state. For example, roughly 5 million moved into California from other states, but 6 million left California from 2007 to 2016. An additional net migration out of California occurred in 2017.¹⁷⁶

America expanded with private entrepreneurship and private housing. Singapore took the opposite track focusing on the communal, deliberately stripping property rights out of its constitution. Prime Minister Lee recognized the difference:

With a few exceptions, democracy has not brought good government to new developing countries. What Asians value may not be what Americans or Europeans value. Westerners value the freedoms and liberties of the individual. As an Asian of Chinese cultural background, my values are for a government which is honest, effective and efficient in protecting its people and allowing opportunities for all to

¹⁷⁵ Denis Binder, *Looking Back to the Future: The Curmudgeon's Guide to the Future of Environmental Law*, 46 AKRON L. REV. 993, 999 (2013).

¹⁷⁶ Californians fed up with housing costs and taxes are fleeing state in big numbers. Brian Uhler & Justin Garosi, *California Losing Residents Via Domestic Migration*, LEGIS. ANALYST'S OFF. (Feb. 21, 2018), <https://lao.ca.gov/laoecontax/article/detail/265>.

advance themselves in a stable and orderly society where they can live a good life and raise their children to do better than themselves.¹⁷⁷

The American people upon independence took a different approach than Singapore. Having thrown off the yoke of King George III and the British in the Revolutionary War, they were not about to surrender their independence to a powerful federal government. They sought freedom not only for the American people, but more significantly for the individual American. The United States, going back to the Colonial Era, emphasized the rights of the individuals.

The first attempt at unity, the Articles of Confederation, failed; it was too weak. The response was the adoption of the Constitution, followed by the Bill of Rights. The Constitution and Bill of Rights define the rights of the people and limit the powers of government. The Constitution established a government of enumerated powers. The Bill of Rights protects the people against the government, granting freedom of speech, assembly, religion, the right to seek a redress of grievances, due process, property rights, and a jury trial. Not all these rights are fully recognized in Singapore.

A fundamental difference between the Singapore approach and that of America is the concept of fairness. Prime Minister Lee looked at “fairness” from the perspective of the state and the people as a whole. Thus, the few might have to sacrifice property values for the good of the many, especially early in the years of Singapore’s independence.

The Singapore ethos is to value community rights higher than individual rights. The people of Singapore lack those options unless they emigrate to another country. They had to work with the land they had. Singapore had to maximize its resource of limited land. The PAP could exercise, as a popularly exercised government, draconian powers to acquire land cheaply and move the people from slums to decent housing in record time, something the British were unable to do. Public housing is a necessity for most Singapore citizens because of the lack of land.

Singapore could integrate its public housing, reflecting the ethnicities in the country. It emphasized ownership (99 year leases) of the flats. Public housing in the United States is usually for low-income Americans. America’s record of public housing is sad.

¹⁷⁷ Lee Kuan Yew, Senior Minister of Singapore, Speech at the Create 21 Asahi Forum Tokyo 15 (Nov. 20, 1992), <http://www.nas.gov.sg/archivesonline/data/pdfdoc/lky19921120.pdf>

Prime Minister Lee understood the difference between Singapore and the United States.

One fundamental difference between American and Oriental culture is the individual's position in society. In American culture an individual's interest is primary. This makes American society more aggressively competitive, with a sharper edge and higher performance. In Singapore, the interests of the society take precedence over that of the individual. Nevertheless, Singapore has to be competitive in the market for jobs, goods and services. On the other hand the government helps lower income groups to meet their needs for housing, health services and education so that their children will have more of an equal chance to rise through education.¹⁷⁸

THE FUTURE OF SINGAPORE

I do not possess a crystal ball. Prophecy is always problematic. Singapore has problems. It's birth rate is dropping while the citizenry is aging. The country is increasingly relying upon an immigrant, often low-skilled, population in its workforce. Singapore's affluence masks a growing inequity in its population.

The younger generation did not experience the hardships and privations of the founders and their generation. They will expect more in terms of lifestyle.

Singapore's planners built a diversified economy, but, as with the three other Asian tigers of Hong Kong, South Korea, and Taiwan, prospered during the era of globalization. Political currents globally are rising against globalization. The effects on the nation's economy remain to be seen.

The PAP will someday be voted out of office as long as Singapore remains a democracy. Founding political parties, such as in India, Israel, and Mexico, lose their cachet and have to compete for votes.

CONCLUSION

Singapore grew from an economically poor colony to a vibrant economic success in the five decades since independence. It has soared to the top among former colonies in Asia and Africa. Singapore acts both as a city and nation. It is also a local city acting globally. Singapore reflects the vision of Lee Kuan Yew, the founder/leader of modern Singapore. Singapore works because it works.

¹⁷⁸ LEE, *supra* note 29 at 140 .

The country has prospered as the population grew from 2.07 million in 1970 to 5.47 million in 2014. Population density more than doubled in the same period from 3.538/square kilometer to 7.615.

The destinies of the United States and Singapore were molded by land. America had 3,000 miles to cross. Singapore existed on an island of 28 square miles with minimal prospects of lateral expansion. The United States could grow out. Singapore could only grow up.

Singapore appears to be a paradise on earth, with deceptively attractive land use planning, great affluence, and a diversified economy. Prime Minister Lee inherited a small island with a large poverty stricken, landlocked population. He had to prioritize. Not all problems could be addressed at once. He chose housing and commerce. They were intertwined. Success in one aided success in the other.

Singapore in the areas of land use planning, environmental protection, public housing, and greenery has been much more successful than the United States. Ethnic conflicts have been minimized.

The government is more extensively involved in planning than the United States, or indeed, any non-Communist country. It has been successful because of the unitary government with a clear vision on a small land base. Urban planning in the United States with a multitude of governments and planning agencies is a mixed bag.

Planning has worked better in Singapore than in the United States and other democracies. Political processes may impede making unpopular decisions, which may be best in the long run. Elected politicians may be reticent to vote for unpopular proposals. Singapore though has not experienced that problem. The one-party unitary government has advantages in these situations.¹⁷⁹

American cities have spread out into the suburbs or exurbs, chewing up farmland. Urban planners in the United States cannot control urban sprawl or confine the population in a central area. Singapore removed its farms, mostly kampongs, early in its metamorphosis from squalor to splendor.

Land use decisions are subject to little effective judicial review. The government owns 90% of the land which gives it almost preemptory power over land. It has no Administrative Review Act. Standing is limited, as it was in the United States prior to *Sierra Club v. Morton*.

¹⁷⁹ See DALE, *supra* note 16 at 105-08. See also, Lim, *supra* n. 17 at 206.

The United States, just as Singapore, gives the government the power of eminent domain. The difference is that the United States' government has to pay fair market value for the land. Land owners could contest the government's assessment.

Singapore acquired roughly 40% of the nation's land at artificially low prices, which did not reflect market value until the law was changed in 2007 – after the state had acquired most of the land.

The question is not whether the country needed to acquire the land, but did it have to be done at devalued assessments?

Singapore has a unitary government. The American political system is in a sense Balkanized with thousands of local, state and territorial governments as well as the federal government. Singapore can act quickly, decisively with one voice ignoring, as in the Bukit Brown Cemetery public opinion. Much of it defies the American spirit of individualism. It is state writ capitalism based on central planning.

Singapore was lacking in natural resources upon independence, but it possessed location, brain power, and a guiding vision by inspired leaders. Success upon success built upon itself as Singapore got going. It is a country free from the corruption that plagued many developing countries. It built upon its British heritage, but from a Chinese Asian Confucian perspective. English as a unifying language bridges the diverse ethnicities in Singapore.¹⁸⁰

Singapore emerged in independence as an entrepot characterized by pollution and poverty. The people arose out of widespread poverty and squalor. Five decades later it was a world class metropolis.

Singapore is a top down limited democracy. It has severe limits on what we consider fundamental rights under the First, Fourth, Fifth, Sixth, Seventh, and Eighth Amendments with severe limitations on fundamental freedoms such as speech, assembly, property rights, and the right to a jury trial.¹⁸¹ It has restrained labor to an extent unheard of in western democracies today.

That is the price Singapore citizens have paid for their success.

It was not ordained that Singapore would become an economic giant. The country could have remained another economically poor country decades after

¹⁸⁰ Singapore has four official languages: English, Mandarin, Malay, and Tamil. SING. CONST. art. 153A.

¹⁸¹ The right to a jury trial was ended for all but capital cases in 1969, and totally abolished in 1992.

independence. Singapore had to take desperate measures to climb out of poverty into the economic powerhouse it is today. Prime Minister Lee said:

"And I say without the slightest remorse, that we wouldn't be here, we would not have made economic progress, if we had not intervened on very personal matters – who your neighbor is, how you live, the noise you make, how you spit or what language you use. We decide what is right. Never mind what the people think. That's another problem."¹⁸²

The price of success in Singapore was a suspension of rights.

¹⁸² DALE, *supra* note 16, at 99 (citing Prime Minister Lee Kuan Yew at the National Day rally August 1986, *National Day Speech*, STRAITS TIMES, Aug. 10, 1986, at 1).