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“TAKINGS” AND “GIVINGS” IN SINGAPORE: LAND LAW AND POLICY IN THE SEARCH FOR JUSTICE

*Rachel Phang**

In the United States and globally, cities are increasingly plagued by deepening housing crisis and widening economic inequality. In the face of these crises, this Article focuses on the potentially powerful role for land law and policy in the search for justice. Specifically, it does so by reference to two unusual yet illuminating choices of theory and application: the case study of Singapore, and the school of thought of Georgism, both of which accord inordinate and paramount importance to land. Singapore’s land law and policy have been characterized by extensive takings and givings of land. In consequence, the State owns approximately 90% of Singapore’s land, and the home ownership rate for residential households stands at an exceptionally high 88.9%. I explicate three principal aspects of Singapore’s land law and policy, structured around the themes of takings, givings, and taxation of land. I then apply the analytical lens of Georgism, which originated with the 19th-century American political economist, Henry George. George placed land at the very heart of his theory. He identified land monopoly as the principal cause of inequality, and land policy as a fundamental “question of justice.” This Article applies a Georgist lens to the interpretation, criticism, and justification of Singapore’s land law and policy. It argues that Singapore’s approach demonstrates how land law and policy can be powerfully employed to achieve the Georgist ideals of impeding private monopoly and mitigating economic equality — demonstrating the role of land law and policy in the search for justice. At the same time, Singapore’s experience also speaks to the need for strong government accountability and other supplementary redistributive

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mechanisms, pointing toward the need for justice beyond land law and policy.

The ownership of land is the great fundamental fact which ultimately determines the social, the political, and consequently the intellectual and moral condition of a people . . . For land is the habitation of man, the storehouse upon which he must draw for all his needs, the material to which his labor must be applied for the supply of all his desires¹

Henry George, 19th century American political economist

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1. HENRY GEORGE, *PROGRESS AND POVERTY: AN INQUIRY INTO THE CAUSE OF INDUSTRIAL DEPRESSIONS AND OF INCREASE OF WANT WITH INCREASE OF WEALTH* 266 (Cambridge University Press 2009) (1881). George’s original book was first published in 1879. This Article references a 21st century reproduction of the 1881 edition.

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INTRODUCTION

In the United States and globally, cities are increasingly plagued by deepening housing crisis and widening economic inequality.² In the face of these crises, this Article explores the potentially powerful role for land law and policy in the search for justice, focusing on distributive justice — that is, “balancing . . . the competing claims [that] persons make on the benefits that are up for distribution.”³ Specifically, this Article does so by reference to two unusual yet illuminating choices of theory and application: the case study of the city-state Singapore, and the school of thought of Georgism, both of which accord inordinate and paramount importance to land. In particular, this approach and case study might be of potential interest and relevance to metropolises grappling with rising property prices, looming housing crisis, and questions about the ameliorating role that land law and policy can play.

Land is the physical foundation on which practically all of human life and endeavor takes place. Correspondingly, land law and policy are fundamental to the life of any nation. In few places is this more evident than in Singapore,

2. See, e.g., DEBORAH POTTS, *BROKEN CITIES: INSIDE THE GLOBAL HOUSING CRISIS* (2020); Emily Badger & Eve Washington, *The Housing Shortage Isn’t Just a Coastal Crisis Anymore*, N.Y. TIMES (Jul. 14, 2022), <https://www.nytimes.com/2022/07/14/upshot/housing-shortage-us.html> [<https://perma.cc/SXH3-JZY5>].

3. THE OXFORD HANDBOOK OF DISTRIBUTIVE JUSTICE 2 (Serena Olsaretti ed., 2018); see also *infra* Section I.D. It is outside the scope of this Article to develop a substantive definition of this extensively theorized concept, but for present purposes, this Article employs the foregoing broad conception of distributive justice.

which is among the smallest,⁴ most urbanized,⁵ and most densely populated⁶ countries on the earth. Through land law and policy, Singapore's government and its statutory boards have acquired, added to, and now own an estimated 90% of the country's land.⁷ The government also captures land rent and increases in land value through taxation.⁸ Of the uses to which such land and revenue have been put, one prominent use is housing. Singapore's housing policy has facilitated an exceptionally high home ownership rate of 88.9% among resident households.⁹ In this sense, Singapore's government acts as "virtually the monopolistic provider of housing for the nation."¹⁰

This Article argues that Singapore's approach demonstrates the powerful role that land law and policy can play in the search for justice. To this end, this Article has two aims. First, it explicates three principal aspects of Singapore's land law and policy, namely, takings, givings, and taxation of land. Second, it examines Singapore's land law and policy through the analytical lens of Georgism, the school of thought inaugurated by the 19th-century American political economist, Henry George. George saw land monopoly as the great cause of inequality, allowing landowners the unjust accumulation of land rent and unearned increases in land value. He placed land and land policy at the very crux of his theory, seeing land policy as a fundamental question of justice. Singapore, likewise, places central and paramount emphasis on land and housing law and policy. Enormous public resources have been both derived from and devoted to the taking, giving, and taxing of land. Notably, Singapore's principal divergence from George's approach is its focus not exclusively on taxation, but rather on outright physical takings and givings of land. This Article argues that this divergence notwithstanding, Singapore's approach should be regarded in some key

4. See *Land Area (Sq. Km)*, THE WORLD BANK, https://data.worldbank.org/indicator/AG.LND.TOTL.K2?most_recent_value_desc=false [<https://perma.cc/HVX9-XJ62>] (last visited Nov. 22, 2022).

5. *World Urbanization Prospects 2018 – Country Profiles: Singapore*, U.N. DEP'T OF ECON. AND SOC. AFFS. (2018), <https://population.un.org/wup/Country-Profiles/> [<https://perma.cc/62WA-9LQL>]. The country's entire population is classified as residing in an urban area.

6. See *Population Density (People per Sq. Km of Land Area)*, THE WORLD BANK, https://data.worldbank.org/indicator/EN.POP.DNST?most_recent_value_desc=true [<https://perma.cc/H2SE-ETZJ>] (last visited Nov. 22, 2022).

7. 74 *Singapore Parliamentary Debates*, 18 May 2002, 1624 (Amy Khor Lean Suan, Member of Parliament).

8. For example, through residential property tax and the land betterment charge. See *infra* Section II.C.

9. *Households*, DEP'T OF STATS. SING. (2022), <https://www.singstat.gov.sg/find-data/search-by-theme/households/households/latest-data> [<https://perma.cc/5KTM-Y5TJ>].

10. CHUA BENG HUAT, *POLITICAL LEGITIMACY AND HOUSING: STAKEHOLDING IN SINGAPORE* 21 (1997).

respects as Georgist in its diagnosis and in its remedies, making Georgism a distinctively appropriate and fruitful lens through which to analyze the city-state's land law and policy. Indeed, Georgism (or at least its underlying spirit) can also furnish a powerful theoretical underpinning or justification for the Singapore government's approach to land and housing.

This Article is inspired by and builds on the work of economics and urban studies scholars, who have notably examined Singapore's land and housing policy through the lens of Georgism.¹¹ It therefore seeks, on the one hand, to supplement the existing discourse in the fields of economics and urban studies by providing a legal historical perspective, and on the other hand, to enrich the discussion of Singapore's land law and policy with a Georgist perspective. In this regard, this Article weaves in a multidisciplinary element insofar as it attempts to view the Singapore position on land and housing through the lens of an American economist. Though described by some as "America's greatest early economist" and widely popular among the general public in his time, George fell into something of an intellectual twilight, from which his ideas have since been recovered, rehabilitated, and further developed.¹² Both his thought and Singapore's approach give paramount importance to land and land policy, which, as this Article argues, makes Georgism an unusual but distinctively appropriate analytical lens through which to interpret and even justify Singapore's land law and policy. Moreover, his thinking and Singapore's approach may potentially have relevance even beyond the island nation's shores, particularly in metropolises facing rising property prices and housing crisis, or in cities that share a similar legal system and high proportions of State-owned land. Indeed, in Hawaii, where a significant portion of land is state-owned, legislators recently attempted to introduce legislation creating a housing program expressly modeled after Singapore's¹³ (and that, though not

11. See generally Sock-Yong Phang, *Economic Development and the Distribution of Land Rents in Singapore: A Georgist Implementation*, 55 AM. J. ECON. & SOC. 489 (1996). See also SOCK-YONG PHANG, *POLICY INNOVATIONS FOR AFFORDABLE HOUSING IN SINGAPORE: FROM COLONY TO GLOBAL CITY* 23, 188 (2018); ANNE HAILA, *URBAN LAND RENT: SINGAPORE AS A PROPERTY STATE* 76–80 (2015).

12. See PHILLIP J. BRYSON, *THE ECONOMICS OF HENRY GEORGE: HISTORY'S REHABILITATION OF AMERICA'S GREATEST EARLY ECONOMIST* (2011).

13. See *In Consideration of S.B. 3261 SD2 Relating to Housing, Hearing on S.B. 3261 SD2 Before the H. Comm. on Housing and the H. Comm. on Water and Land*, 31st Leg. 1 (Haw. 2022) (Statement of Denise Iseri-Matsubara, Executive Director, Hawaii Housing Finance and Development Corporation). The Hawaii Housing Finance and Development Corporation, however, did not back the measure in its entirety, although it did identify beneficial elements of the proposal.

explicitly Georgist, interestingly did have some resonance and intersection with Georgism¹⁴).

I. OVERVIEW AND BACKGROUND

By way of background, Part I presents an overview of Singapore's land and housing system. It also introduces the legal foundations that underlie this system, as well as the theoretical foundation of Georgism that serves as an analytical lens for this Article.

A. The Land System: The State as “Landowner”

This Section provides an overview of Singapore's land system, focusing primarily on land “ownership,” the aspect most central to this Article's analysis.¹⁵ At present, the State is the nation's largest landowner.¹⁶ However, the proportion of public ownership of Singapore's land has fluctuated wildly over the past two centuries.¹⁷ This Section delves into the broad historical trends in changes of ownership of this key resource, uncovering along the way some historical peculiarities (e.g., regarding the basis for freehold grants before 1886) that had previously posed a point of curiosity in recent modern scholarship.¹⁸

As a starting point, under Singapore's land law, all land is “held of” the State.¹⁹ All title to land therefore derives from the State, which may grant interests in land to other persons.²⁰ Yet, certain grants of land, especially those dating from Singapore's early history, approximate absolute ownership

14. See, e.g., *The Henry George Program – Aloha Homes: Importing Singapore-Style Public Housing*, MARK MOLLINEAUX (2020), <http://seethecat.org/ep/2020-12-17> [<https://perma.cc/V6YX-D4RF>] (discussing the housing proposal with Hawaii State Senator Stanley Chang on “The Henry George Program”).

15. For a comprehensive discussion of Singapore's land system, see HANG WU TANG & KELVIN F.K. LOW, *TAN SOOK YEE'S PRINCIPLES OF SINGAPORE LAND LAW* (4th ed. 2019); HONG BENG TAY, YEW KWONG LEUNG & WEI HWA SEE, *REAL ESTATE AND TAXATION IN SINGAPORE* (2022).

16. *74 Singapore Parliamentary Debates*, *supra* note 7, at 1624.

17. See *infra* Section I.A.

18. See Kelvin F.K. Low et al., *Private Takings of Land for Urban Redevelopment: A Tale of Two Cities*, 69 AM. J. COMPAR. L. 295, 301 n.42 (2021) (raising the point that the basis for freehold grants prior to 1886 was not entirely clear).

19. The somewhat dated construction, “held of,” harkens back to the English feudal doctrine of tenure, under which persons were granted landholdings in exchange for their services. Though feudalism has since receded into history, the concept that land is “held of” the State persists today. See TANG & LOW, *supra* note 15, § 1.21 at 10; ALVIN SEE, MAN YIP & YIHAN GOH, *PROPERTY AND TRUST LAW IN SINGAPORE* 94 (2018). See *infra* Section I.B. for further discussion of the State's relationship to land.

20. See *95 Singapore Parliamentary Debates*, 7 Nov. 2022, 6 (Indranee Rajah, Minister, Prime Minister's Office and Second Minister for Financial and National Development).

(such as an estate in fee simple or a statutory grant in perpetuity).²¹ Hence, notwithstanding the theoretical construct asserting all land is held of the State, the practical situation was that at various stages of Singapore's history, vast tracts of land were privately rather than publicly "owned," in the layman sense of the term.²²

These fluctuations in land ownership can be traced back to 1819, which is typically regarded as marking the founding of modern Singapore.²³ At a juncture during that initial period, the colonial authorities owned all of Singapore's land, with sovereignty and property in the entire island ceded to the British East India Company under the Treaty of Friendship and Alliance in 1824.²⁴ However, in the century that followed, the East India Company and various colonial authorities sold and allocated much of this ceded land. Confusion, if not outright chaos, surrounded early land sales under the East India Company,²⁵ but what is clear is that the authorities made a great number of grants of estates in land that effectively approximated full ownership by the landholder. Perpetual leases and 999-year leases appear to have been granted as early as 1823 (even prior to the signing of the Treaty of Friendship and Alliance, despite the uncertain legal basis) and 1826, respectively; moreover, in the early 1840s, the authorities proposed grants in fee simple with the intention that these should encourage agriculture.²⁶ The period thereafter coincided with an agricultural decline; yet, the original intention of these freehold grants was ignored as many grants in fee simple were made from 1845 to 1867 under the Indian Act IX of 1842.²⁷ Such fee simple grants were rare after the transfer of Singapore to the Colonial Office in 1867, and the passing of the Crown Lands Ordinance, No. 2, of 1886; however, 999-year leases continued to be granted.²⁸ The result was that by

21. TANG & LOW, *supra* note 15, 69–70 §§ 4.11–4.14.

22. For example, the proportion of privately-owned land was around 69% in 1949. See Gavin Shatkin, *Reinterpreting the Meaning of the 'Singapore Model': State Capitalism and Urban Planning*, 38 INT'L J. URB. & REG'L RSCH. 116, 120 (2014).

23. CONSTANCE MARY TURNBULL, *A HISTORY OF MODERN SINGAPORE, 1819-2005* 19 (2009).

24. Treaty of Friendship and Alliance, 2 Aug. 1824, E. India Co.-the Sultan and Tumungong of Johore, art. 2, Consol. T.S. 380. See *infra* Section I.C.

25. See Low et al., *supra* note 18, at 300. For details, see also 1 ONE HUNDRED YEARS OF SINGAPORE: BEING SOME ACCOUNT OF THE CAPITAL OF THE STRAITS SETTLEMENTS FROM ITS FOUNDATION BY SIR STAMFORD RAFFLES ON THE 6TH FEBRUARY 1819 TO THE 6TH FEBRUARY 1919 301–14 (Walter Makepeace et al. eds., 1921).

26. See ONE HUNDRED YEARS OF SINGAPORE, *supra* note 25, at 302, 304, 310–11.

27. See *id.* at 310–11; Act No. IX of 1842 (India), in JAMES C. MELVILL, ACTS PASSED BY THE RIGHT HONOURABLE THE GOVERNOR-GENERAL OF INDIA IN COUNCIL, FOR 1841 AND 1842; WITH INDEXES 80–81 (1844). Although the former 1921 text refers to "Indian Act X of 1842," it appears the correct reference should be to Indian Act IX of 1842.

28. See ONE HUNDRED YEARS OF SINGAPORE, *supra* note 25, at 310; PHILIP MOTH & BELINDA K. P. YUEN, SINGAPORE REAL PROPERTY GUIDE 19 (4th ed. 1999).

the 1920s, the colonial government faced pressing land scarcity challenges that impelled the enactment of the Land Acquisition Ordinance,²⁹ which empowered the government to acquire private land for public purposes.³⁰

From that period onwards, the proportion of publicly “owned” land began to increase, from 31% in 1949,³¹ to 44% in 1959,³² to 65% in 1975.³³ By the 2000s, an overwhelming approximately 90% of Singapore’s land was “owned” by the Singapore government and its statutory boards³⁴ (i.e., bodies established and incorporated by statute to carry out specified functions, albeit with greater autonomy than government departments³⁵). A portion of this land was Crown land inherited from the colonial authorities.³⁶ Many acres of new state land, moreover, were added to the nation’s original land area through coastal land reclamation.³⁷ However, a significant part of this increase is attributable to compulsory government acquisition of land. From 1959 to 1984, the government acquired approximately 43,713 acres of land, roughly a third of Singapore’s land area.³⁸ Though private “ownership” of land once predominated, land ownership in Singapore has therefore since evolved so that the government, together with its statutory boards, is now established as, by far, the single largest landowner.

29. Land Acquisition Ordinance, 1920 (Ordinance No. 28/1920) (Sing.).

30. See Lim Chin Joo, *Compulsory Land Acquisition in Singapore*, 10 MALAYA L. REV. 1, 1 (1968); CTR. FOR LIVEABLE CITIES, URBAN REDEVELOPMENT: FROM URBAN SQUALOR TO GLOBAL CITY 7, 11 (Alvin Pang ed., 2016).

31. Shatkin, *supra* note 22, at 120.

32. TURNBULL, *supra* note 23, at 369.

33. 34 *Singapore Parliamentary Debates*, 19 Aug. 1975, 1201 (Edmund W. Barker, Minister for Law and the Environment).

34. 74 *Singapore Parliamentary Debates*, *supra* note 7, at 1624; *Singapore Land Authority – What We Do – Land Sales*, SING. LAND AUTH. (2009), http://www.sla.gov.sg/what_we_do/what_we_do_land_sales.html [<https://perma.cc/R4N6-6GEY>].

35. 19 JON S. T. QUAH, PUBLIC ADMINISTRATION SINGAPORE-STYLE 42 (Lawrence R. Jones ed., 2010). Singapore currently has over forty statutory boards, including: (1) the Singapore Land Authority (responsible for optimizing land resources), (2) the Housing and Development Board (the public housing authority), and (3) the Urban Redevelopment Authority (the urban planning authority). *Singapore Government Directory*, GOV’T OF SINGAPORE, <https://www.sgdi.gov.sg/statutory-boards> [<https://perma.cc/X9GT-PKXX>] (last visited Aug 4., 2023); see also TANG & LOW, *supra* note 15, §§ 23.57–23.67, at 822–26.

36. TURNBULL, *supra* note 23, at 369.

37. *Statistics – Total Land Area of Singapore (as at 31 Dec)*, SING. LAND AUTH. (last visited Jan. 10, 2023), <https://www.sla.gov.sg/newsroom/statistics> [<https://perma.cc/D6UG-FMBX>] (to access this information, open the Excel sheet under “Dataset Format” for “Total Land Area of Singapore (as at 31 Dec)”).

38. CENTRE FOR LIVEABLE CITIES ET AL., AFFORDABLE HOUSING: PROFILES OF FIVE METROPOLITAN CITIES 46 (2019), <https://www.clc.gov.sg/docs/default-source/books/affordable-housing.pdf> [<https://perma.cc/6XGE-TNDF>].

B. The Housing System: The State as Landlord

Corresponding with state ascendancy in land ownership, the Housing & Development Board (HDB) — Singapore’s public housing authority and historically the first statutory board to be established³⁹ — has also become, over time, the largest provider of housing in the nation. Presently, 77% of the Singapore resident population live in HDB flats.⁴⁰ While a minority of residents rent these flats from the HDB, the vast majority at 74% of the resident population live in “HDB sold flats.”⁴¹ Such HDB flats are sold to individual homeowners, but typically with leasehold tenures of up to 99 years; in principle, upon expiration of the lease, the property will return to the State.⁴²

Although public housing therefore is the most common dwelling type for resident households, private housing is also available in Singapore. In 2022, 17% of resident households lived in private condominiums or other apartments, and 4.9% lived in private landed properties.⁴³ The tenure of the land on which such private housing is built, or to which it is attached, varies. A proportion of the land is, for all practical purposes, essentially “owned” by private persons (such as the aforementioned estates in fee simple or grants in perpetuity, or leasehold estates of 999 years); other land is State-owned but released for private development through the Government Land Sales program, on a leasehold tenure typically of 99 years.⁴⁴ As home ownership rates rose, and public housing met basic housing needs, the Government Land Sales program hence was one tool by which the government sought to meet private housing aspirations.⁴⁵

It bears noting that the Singapore government’s use of the term “resident population” generally includes only Singapore citizens and foreign citizens who hold Permanent Resident status; it excludes all others, including other

39. See *QUAH*, *supra* note 35, at 41.

40. HOUS. & DEV. BD., KEY STATISTICS – HDB ANNUAL REPORT 2021/2022 8 (2022), <https://assets.hdb.gov.sg/about-us/news-and-publications/annual-report/2022/ebooks/Key%20Statistics%20FY21.pdf> [<https://perma.cc/K9RG-MHR2>].

41. *Id.*

42. See 95 *Singapore Parliamentary Debates*, *supra* note 20, at 6 (Indranee Rajah, Minister, Prime Minister’s Office and Second Minister for Finance and National Development); see, e.g., Press Release, Singapore Land Authority, Leases at Lorong 3 Geylang to Expire in 2020 and Land to Be Redeveloped (2017), <https://www.sla.gov.sg/articles/press-releases/2017/leases-at-lorong-3-geylang-to-expire-in-2020-and-land-to-be-redeveloped> [<https://perma.cc/8JAS-AUDX>].

43. DEP’T OF STATS. SINGAPORE, *supra* note 9.

44. CENTRE FOR LIVEABLE CITIES, WORKING WITH MARKETS: HARNESSING MARKET FORCES AND PRIVATE SECTOR FOR DEVELOPMENT 6–7 (2017); 95 *Singapore Parliamentary Debates*, 10 May 2021, 94 (Chua Kheng Wee Louis, Member of Parliament).

45. See CENTRE FOR LIVEABLE CITIES, *supra* note 44, at 48–49.

foreign citizens who have been residents on a long-term basis in Singapore.⁴⁶ The housing options available to such foreign citizens generally include private residential premises (such as condominiums or landed properties), HDB flats (where foreign citizens rent from or live with Singapore citizen/Permanent Resident homeowners), dormitories, or quarters on or near work sites.⁴⁷ Thus, the definition of “resident population,” which differs from that of certain other governments and international organizations,⁴⁸ is significant given the size of the country’s non-resident population, as will be discussed in Part III below.

As for the resident population, after accounting for both public and private housing, the home ownership rate for residential households was 88.9% in 2021.⁴⁹ The provision of housing, both public and private, is inextricable from state ownership of land: of the land acquired by the government over two and a half decades from 1959, around half was allocated to HDB for public housing,⁵⁰ and state land released through the Government Land Sales program comprises 38% of private housing in Singapore.⁵¹ In the years since Singapore’s independence, the State, hence, has become not only the largest landowner, but also the largest landlord.

C. Legal Foundations: Colonial Legal Legacies

What, however, were the legal foundations underlying Singapore’s land and housing system? Before delving into the specific initiatives of takings, givings, and taxation of land,⁵² this Section provides a broader historical view. It examines the original foundations of colonial-era treaties and transfers involving the land that now constitutes the modern republic, as well as the theoretical foundations provided by received English land law.

1. Colonial-era Treaties and Transfers

At the most fundamental level, the modern state’s property and sovereignty interest in Singapore’s land is traced — through constitutions,

46. See HOUS. & DEV. BD., *supra* note 40, at 13.

47. See generally *Various Types of Housing and Their Specific Requirements*, MINISTRY OF MANPOWER (2022), <https://www.mom.gov.sg/passes-and-permits/work-permit-for-foreign-worker/housing/variou-types-of-housing> [<https://perma.cc/5QBP-Y2JL>].

48. See generally *Why Are Singapore’s Official Population Statistics Different from Those Released by International Organisations?*, GOV.SG (2019), <https://www.gov.sg/article/why-are-sporean-pop-stats-different-from-those-released-by-intl-orgs> [<https://perma.cc/46C8-BEEN>].

49. DEP’T OF STATS. SINGAPORE, *supra* note 9. This includes homes with leasehold tenures of 99 years or less.

50. CENTRE FOR LIVEABLE CITIES ET AL., *supra* note 38, at 46.

51. CENTRE FOR LIVEABLE CITIES, *supra* note 44, at 17.

52. See *infra* Part II.

statutes, and treaties — to local leaders' cession of the island to the British East India Company in the early nineteenth century.

This initial cession stems from treaties concluded in 1819 and 1824. In February 1819, local chiefs Temenggong Abdur Rahman and the purported Sultan of Johor Hussein Shah entered into a treaty allowing the East India Company to set up a trading post in Singapore.⁵³ However, both the purported Sultan and the British had to contend with controversy as well as Dutch opposition as to whether they could legitimately enter into the treaty at all.⁵⁴ The East India Company's position under the treaty was also tenuous from a legal perspective, in that it was regarded as granting the British little more than a form of tenancy,⁵⁵ though a subsequent 1823 memorandum improved that position by placing Singapore's land at the British government's disposal.⁵⁶ This erstwhile ambiguous legal position, however, essentially crystallized in 1824. In Singapore, a Treaty of Friendship and Alliance was concluded in August of that year, under which the local chiefs ceded sovereignty and property in the island to the East India Company and its successors.⁵⁷ Independently, in London, the British and Dutch governments signed the Treaty Respecting Territory and Commerce in the East Indies in March, demarcating their regional territorial interests and putting an end to questions between both governments as to British title to Singapore;⁵⁸ and a British Act of Parliament⁵⁹ accordingly placed Singapore formally under the control of the East India Company.⁶⁰

During the rule of the East India Company, Singapore was first placed under the Presidency of Bengal; then united with Malacca and Penang (then known as the Presidency of the Prince of Wales' Island) to form the Straits Settlements; administered together with the other Straits Settlements as a residency subordinate to the Presidency of Bengal from 1830; and finally placed directly under the government of India in 1851.⁶¹ The East India

53. TURNBULL, *supra* note 23, at 28–29.

54. *Id.* at 46–47.

55. *Id.* at 46.

56. TANG & LOW, *supra* note 15, at 1.

57. Treaty of Friendship and Alliance, *supra* note 24, at 95.

58. Treaty Respecting Territory and Commerce in the East Indies, Neth.-U.K., Mar. 17, 1824, 74 Consol. T.S. 88, 97.

59. An Act for Transferring to the East India Company Certain Possessions Newly Acquired in the East Indies and for Authorizing the Removal of Convicts from Sumatra 1824, 5 Geo. 4, c. 108 (Eng.).

60. TURNBULL, *supra* note 23, at 48.

61. TANG & LOW, *supra* note 15, at 1; G. W. Bartholomew, *The Singapore Statute Book*, 26 MALAYA L. REV. 1, 2–3, 5 (1984); 2 ONE HUNDRED YEARS OF SINGAPORE: BEING SOME ACCOUNT OF THE CAPITAL OF THE STRAITS SETTLEMENTS FROM ITS FOUNDATION BY SIR STAMFORD RAFFLES ON THE 6TH FEBRUARY 1819 TO THE 6TH FEBRUARY 1919 590 (Walter Makepeace et al. eds., 1921); *Formation of the Straits Settlements*, SING. NAT'L LIB. BD.,

Company was abolished in 1858, with India transferred to the direct rule of the Crown, but little practically changed in Singapore, as it continued to be administered by Calcutta.⁶² By 1866, however, Singapore's land came to vest directly in the British Crown, as the Straits Settlements of Penang, Singapore, and Malacca were established as a separate colony under the Straits Settlements Government Act 1866.⁶³

With the advent of independence from colonial rule, when Singapore became a state of the Federation of Malaysia in 1963, the Constitution of the State of Singapore provided that land that had vested in the Crown would now vest in the State of Singapore.⁶⁴ Singapore separated from Malaysia soon after, in 1965, with the new Constitution of the Republic of Singapore providing that all property that had vested in the State of Singapore would now vest in the new republic.⁶⁵ Therefore, the modern state's property interests trace their history, through constitutions and statutes, to colonial era treaties and transfers. These provided the original foundations for state ownership of the island's land.

2. *Reception of English Land Law*

The theoretical foundations for State land ownership are yet another matter of colonial legal legacy. Singapore's land law has its origins in English land law, which is feudal in origin, and therefore provides an essential theoretical foundation for state ownership of land.

The reception and application of English land law in Singapore dates from 1826, when the Crown established the Court of Judicature of Prince of Wales' Island, Singapore and Malacca, by letters patent known as the Second Charter of Justice.⁶⁶ The Charter empowered the court to "give and pass Judgment and Sentence according to Justice and Right."⁶⁷ Although the meaning of this "Justice and Right" clause has been disputed in more recent decades, historically, the prevailing interpretation was that under the Charter, English law as of 1826 — including English land law — was introduced into

<https://www.nlb.gov.sg/main/article-detail?cmsuuiid=57f1cda6-b5e7-4646-bd4f-14cb08181bfe> [<https://perma.cc/DK6S-YGUZ>] (last visited Nov. 5, 2023).

62. TURNBULL, *supra* note 23, at 88.

63. An Act to Provide for the Government of the "Straits Settlements" 1866, 29 & 30 Vict., c. 115 (Eng.); TANG & LOW, *supra* note 15, at 1.

64. The Sabah, Sarawak and Singapore (State Constitutions) Order in Council 1963 (No. 1493/1963), sch. III, art. 103(2), *reprinted in* STATUTORY INSTRUMENTS 1963, Pt. II, 2744 (1963).

65. CONSTITUTION OF THE REPUBLIC OF SINGAPORE, Aug. 9, 1965, § 160.

66. PULAU PINANG (STATE), LETTERS PATENT ESTABLISHING THE COURT OF JUDICATURE AT PRINCE OF WALES' ISLAND, SINGAPORE, AND MALACCA IN THE EAST-INDIES (1827), at 9.

67. *Id.* at 31.

and became part of Singapore's law.⁶⁸ The 1993 Application of English Law Act has since clarified many ambiguities surrounding the extent to which English law still applies in Singapore, confirming that the continued application of English common law in Singapore is subject to modifications required by local circumstances.⁶⁹ Still, Singapore land law historically traced its origins to English land law as it stood in 1826.

In particular, Singapore's land law is founded on the English feudal system of landholding,⁷⁰ and incorporates the English doctrines of tenure and estates. To this point, this Article has used the word "ownership" in a relatively loose, everyday sense (consistent with how the Singapore Land Authority, the statutory board responsible for optimizing the country's land resources,⁷¹ itself distinguishes between "state or privately-owned" land⁷²). However, *landholding* is, strictly speaking, the more accurate term. Under Singapore's system of land law, all land is held of the State.⁷³ Although the doctrine of tenure has lost much of its relevance over time, it still theoretically stands for the proposition that in a strict legal sense, land is not owned, but only temporarily held of another.⁷⁴ Additionally, under the doctrine of estates, outside of the prerogative ownership of the State, a person cannot own land, but only a segment of time in land.⁷⁵ As an English court famously wrote in *Walsingham's Case*, "an estate is a time in the land, or land for a time, and there are diversities of estates, which are no more than diversities of time."⁷⁶ Even the freehold estate of an estate in fee simple, despite appearing to most closely approximate full ownership, nevertheless is defined by a duration of time (albeit a potentially unlimited duration);⁷⁷ it does not dispense with the theoretical principle that denies the landholder full outright ownership. Rather, all land is held of the State, and technically, no person's ownership of land is absolute.

68. ANDREW PHANG BOON LEONG, FROM FOUNDATION TO LEGACY: THE SECOND CHARTER OF JUSTICE 7–8 (2006); TANG & LOW, *supra* note 15, at 2.

69. Application of English Law Act, 1993 (Act No. 35/1993) § 3 (Sing.).

70. TANG & LOW, *supra* note 15, at 10.

71. Singapore Land Authority Act, 2001 (Act No. 17/2001) § 6(1)(a) (Sing.); *About SLA*, SING. LAND AUTH., <https://www.sla.gov.sg/about-sla> [<https://perma.cc/DZ8F-TWT4>] (last visited Oct. 30, 2023).

72. *State-Owned Land Information Online*, SING. LAND. AUTH. (2006), <https://www.sla.gov.sg/articles/press-releases/2006/state-owned-land-information-online> [<https://perma.cc/TJ34-HUHH>].

73. TANG & LOW, *supra* note 15, at 10. For discussion of the usage of "held of," see *supra* note 19 and accompanying text.

74. TANG & LOW, *supra* note 15, at 41; KEVIN GRAY & SUSAN FRANCIS GRAY, *LAND LAW* 1-057 (7th ed. 2011).

75. GRAY & GRAY, *supra* note 74, at 1-043.

76. *Walsingham's Case*, [1573] 2 Plowden 574 (KB).

77. See GRAY & GRAY, *supra* note 74, at 1-046.

This legal and doctrinal foundation therefore borrows legitimacy from English land law's long history. In the now-independent Republic of Singapore, this history provides key context for the State's prerogative ownership of land in Singapore, and for a person's "ownership" of land to be limited to the *holding* of such land for a determined period of time. In theory, Singapore could well have chosen to depart from this colonial legacy.⁷⁸ However, the post-independence government has taken full advantage of these foundations to establish a system of landholding that closely tracks its colonial predecessor — one where the State is the largest landowner, selling leases of typically 20 to 30 years (for industrial sites) or 99 years (for residential, commercial, hospitality and white sites⁷⁹).⁸⁰

D. Theoretical Foundations: A Brief Overview of Georgism

Having provided the background to the case study of Singapore, this Section now closes Part I with a brief overview of the school of thought that provides a theoretical foundation for the Article. It highlights key principles of Georgism that pertain to land and land policy, particularly in relation to urban land. In addition to George's original ideas, it also addresses more recent principles and policies developed in a Georgist spirit. Nevertheless, this remains but a very brief exposition of selected key propositions that are particularly pertinent to the present analysis, and by no means represents a thorough account of Georgist reasoning.⁸¹

Faced with a crisis of inequality during America's Gilded Age,⁸² George's diagnosis of the cause of the unjust distribution of wealth he saw around himself centered on land.⁸³ To George, land was distinct among other kinds

78. For example, Singapore bases its land registration system on the Australian model, rather than on the English model. See Alvin W. L. See, *The Torrens System in Singapore: 75 Years from Conception to Commencement*, 62 AM. J. LEGAL HIST. 66, 68 (2022).

79. A white site refers to land that is permitted to be put to various uses, thereby facilitating the construction of mixed-use developments. The planning authority would typically also impose minimum requirements regarding a specific use type. See ROBERT C. BREARS, *THE PALGRAVE ENCYCLOPEDIA OF URBAN AND REGIONAL FUTURES 1677* (2023).

80. See *Singapore Parliamentary Debates*, *supra* note 44, at 94–98.

81. For an account of George's theory of distribution and his thoughts on free trade, see BRYSON, *supra* note 12, at 47–122.

82. See generally EDWARD T. O'DONNELL, *HENRY GEORGE AND THE CRISIS OF INEQUALITY: PROGRESS AND POVERTY IN THE GILDED AGE* (Kenneth T. Jackson et al. eds., 2015). The Gilded Age spanned roughly from 1865 to 1900. *Id.* at xviii.

83. GEORGE, *supra* note 1, at 33; see also BRYSON, *supra* note 12, at 126 (noting that land, in George's use of the term, encompassed all-natural physical resources). His use of the term therefore does not align perfectly with certain legal uses, such as where the common law regards fixtures as being a part of land. These differences are largely immaterial to the present discussion, but will be highlighted if they should become relevant.

of property, and among the other factors of production.⁸⁴ This proposition was not original to George, but what is notable is how George made land and land policy the very crux of his theory.⁸⁵ From a Georgist perspective, the benefits derived from land — land rent, increases in land value — should not accrue to private individuals, but are created by, belong to, and therefore should accrue to the community.⁸⁶ In the first instance, George was of the view, as were many of his intellectual forbears and contemporaries, that land itself is not a product of human effort, but a gift of nature.⁸⁷ George therefore distinguished between land, and improvements made to land.⁸⁸ To George, land rent that is derived from the land itself, not being the product of the landowner's efforts, could not justly accrue to the landowner.⁸⁹ By contrast, improvements to land (for example, the construction of buildings) are attributable to the landowner's efforts, being "brought into being by human exertion," and therefore benefits deriving from such improvements may justly belong to the landowner.⁹⁰

In the modern cityscape, George's later adherents find similar reasoning to be holding even more true. Mason Gaffney, for example, saw the population density and multivariate interactions of cities as resulting in "synergistic surplus[es]," which lodge in urban land rents.⁹¹ Moreover, development, including publicly-funded development, of entire areas increases the values of individual parcels of land therein.⁹² From a Georgist perspective, because such surpluses and land value increases are generated by the community as a whole, they should belong to the community rather than private landowners. However, George instead perceived a strong tendency toward monopoly and speculation, such that these returns to land are instead concentrated in the hands of private landowners, despite not being attributable to their efforts. In George's view, such land monopoly and land speculation were the "great cause" of inequality in the distribution of wealth in society at large.⁹³

84. See GEORGE, *supra* note 1, at 146–47.

85. See BRYSON, *supra* note 12, at 197–98 (pointing out that many thinkers and leaders have commented on the distinctiveness of land, such as John Locke, William Blackstone, Thomas Paine, Thomas Jefferson, John Stuart Mill, and Abraham Lincoln).

86. See GEORGE, *supra* note 1, at 328.

87. See GEORGE, *supra* note 1, at 303.

88. See GEORGE, *supra* note 1, at 303.

89. See GEORGE, *supra* note 1, at 303.

90. See GEORGE, *supra* note 1, at 303; see also BRYSON, *supra* note 12, at 196–97.

91. MASON GAFFNEY, THE ROLE OF GROUND RENT IN URBAN DECAY AND REVIVAL: HOW TO REVITALIZE A FAILING CITY, 60 AM. J. ECON. & SOC. 55, 64 (2001); BRYSON, *supra* note 12, at 181–82.

92. See GAFFNEY, *supra* note 91, at 63–64 (“[T]he composite city is generally in a stage of increasing returns . . .”); BRYSON, *supra* note 12, at 181–82.

93. GEORGE, *supra* note 1, at 266.

George's proposed approach, in a nutshell, has been summarized as "socializ[ing] ownership while privatizing development"⁹⁴ — capturing, for the benefit of the community, the "unearned increment" of land value increases,⁹⁵ but not returns earned from productive efforts of labor or entrepreneurship.⁹⁶ The strict Georgist remedy is a proposed "single tax" on land values, a policy panacea that George envisioned as so effective that all other forms of taxation would be rendered unnecessary.⁹⁷ In the many decades since George's 1879 proposal,⁹⁸ thinkers and policymakers have developed additional and alternative policy initiatives that depart from George's rigid and exclusive "single tax" approach, but that are nonetheless formulated and executed in very much a Georgist spirit.⁹⁹ One notable example is the concept of land value capture, which involves the recovery and reinvestment of land value increases resulting from publicly-funded development; examples of land value capture policy tools include betterment charges, leasing of public land, inclusionary housing, and certain forms of property tax.¹⁰⁰ George's influence is notable in Donald Hagman's and Dean Misczynski's conception of "windfalls for wipeouts,"¹⁰¹ which in turn influenced subsequent scholars' conception of takings and givings.¹⁰²

Ultimately, George's concern was that of justice.¹⁰³ This concern recurs in his seminal work, *Progress and Poverty*, where the words "justice" and "injustice" appear over a hundred times.¹⁰⁴ For him, land policy was not simply a matter of economics, but a "question of justice."¹⁰⁵ This conviction stands in stark contrast to the neoclassical concern with efficiency, which

94. JOHN C. MÉDAILLE, JUSTICE AND MR GEORGE: WHAT HENRY GEORGE KNEW, WHAT THE NEOCLASSICISTS FORGOT, AND WHY IT MATTERS, 36 INT'L J. SOC. ECON. 447, 458 (2009).

95. Joseph A. Giacalone & Clifford W. Cobb, *The Path to Justice: Following in the Footsteps of Henry George*, 60 AM. J. ECON. & SOC. i, ix (Supp. 2001).

96. See MÉDAILLE, *supra* note 94, at 458.

97. See GEORGE, *supra* note 1, at 389.

98. See GEORGE, *supra* note 1, at xi, 365.

99. See, e.g., Donald G. Hagman, *Wipeouts and Their Mitigation*, in WINDFALLS FOR WIPEOUTS: LAND VALUE CAPTURE AND COMPENSATION 14 (Donald G. Hagman & Dean J. Misczynski eds., 1978); BRYSON, *supra* note 12, at 178–90; Robert V. Andelson, *Neo-Georgism*, 63.2 AM. J. ECON. & SOC. 545, 555–61 (2004); GAFFNEY, *supra* note 91, at 73–80, 82. See generally Fred E. Foldvary, *Comments on "Echoes of Henry George in Modern Analysis,"* 63 AM. J. ECON. & SOC. 1139 (2004).

100. See, e.g., *Value Capture and the Property Tax*, LINCOLN INST. OF LAND POL'Y, <https://www.lincolninst.edu/key-issues/value-capture-property-tax> [https://perma.cc/2L98-84MV] (last visited Nov. 15, 2023).

101. See generally Hagman, *supra* note 99.

102. See Abraham Bell & Gideon Parchomovsky, *Givings*, 111 YALE L.J. 547, 549 n.3 (2001) [hereinafter Bell & Parchomovsky, *Givings*].

103. See generally GEORGE, *supra* note 1, at 38, 41.

104. See generally GEORGE, *supra* note 1; MÉDAILLE, *supra* note 94, at 447.

105. GEORGE, *supra* note 1, at ix.

tended to marginalize the classical concern with justice.¹⁰⁶ Though it was a key theme of *Progress and Poverty*, George did not proffer a substantive definition of “justice” in that text, seemingly assuming its meaning was universally understood (given his references to justice, for example, as “the great moral law”¹⁰⁷ or a “sentiment . . . fundamental to the human mind”¹⁰⁸). However, George’s conception appears to center, implicitly, on distributive justice.¹⁰⁹ He writes of a “just distribution” of wealth,¹¹⁰ where “no one can get more than he fairly earns,”¹¹¹ such that there is thereby “no oppression, no injury to any class.”¹¹² This coheres with broad concepts shared by theorists of justice as inhering in giving each person their due, and of distributive justice as “balancing . . . the competing claims that persons make on the benefits that are up for distribution.”¹¹³ It is outside the scope of this Article to develop a substantive definition of this extensively theorized concept, and it therefore employs the foregoing conception of justice as inferred from George’s writing. This sets the context, as well as lays the legal and theoretical foundations for the rest of this Article.

II. THREE ASPECTS OF SINGAPORE’S LAND LAW AND POLICY

The contours and evolution of Singapore’s land and housing system, as traced in Part I, give rise to the question: What were the legal underpinnings of this transformation? Part II addresses this question by examining three key aspects of Singapore’s land law and policy, structured around the themes “takings,” “givings,” and taxation. The first theme, “takings,” examines the constitutional and legal bases for the land acquisition and reclamation that contributed significantly to the high rate of State land ownership. The second theme, the complementary but less-used term, “givings,” is concerned with government distributions (as opposed to government seizures) of land,¹¹⁴ particularly through housing policy. These two titular themes draw on Abraham Bell and Gideon Parchomovsky’s conception of takings and givings, which traces a strand of its intellectual lineage to

106. See, e.g., MÉDAILLE, *supra* note 94, at 447–48; BRYSON, *supra* note 12, at 41.

107. GEORGE, *supra* note 1, at x.

108. *Id.* at 299.

109. See MÉDAILLE, *supra* note 94, at 458–59.

110. GEORGE, *supra* note 1, at 418.

111. *Id.* at 407.

112. *Id.* at 330.

113. THE OXFORD HANDBOOK OF DISTRIBUTIVE JUSTICE, *supra* note 3, at 2.

114. See Bell & Parchomovsky, *Givings*, *supra* note 102, at 549.

George's thought,¹¹⁵ and which has been applied in the Singapore context.¹¹⁶ The third theme looks at land taxation, including not only of land rent but also increases in land values.

A. "Takings"

This Section focuses on takings of property, which contributed in large part to the high proportion of State ownership of land in Singapore today. While the language of "takings" accords more with American (rather than British) usage of the term, particularly in the context of the Takings Clause of the Fifth Amendment to the United States Constitution,¹¹⁷ Singapore's own Constitution lacks a similar requirement for the compensation of takings.¹¹⁸ Nevertheless, some scholars have identified that takings and givings provide an effective conceptual frame for better understanding the initiatives that have transformed Singapore's land and housing system.¹¹⁹ Specifically, Bell and Parchomovsky posit a taxonomy of takings: "physical taking," referring to government seizure of property interest for public use (such as compulsory land acquisition in Singapore); "regulatory taking," where the regulation of the use of a property diminishes its value; and "derivative taking," where a taking lowers the value of surrounding property without physically appropriating it (such as the effect of coastal land reclamation on previously sea-facing land).¹²⁰

Singapore's existing property laws and policies permit and involve many different takings, only a limited selection of which are addressed in this Section. This Section excludes takings that affect, even if significantly, a relative minority of the population (such as HDB's Selective En bloc Redevelopment Scheme¹²¹). It also does not address "private takings" (such as en bloc or collective sales of private property) that other scholars have

115. See generally Abraham Bell & Gideon Parchomovsky, *Takings Reassessed*, 87 VA. L. REV. 277 (2001) [hereinafter Bell & Parchomovsky, *Takings Reassessed*]. See generally Bell & Parchomovsky, *Givings*, *supra* note 102.

116. TAY ET AL., *supra* note 15, at 1.

117. U.S. CONST. amend. V.

118. See *infra* Section II.A.1.

119. See TAY ET AL., *supra* note 15, at 1.

120. See Bell & Parchomovsky, *Takings Reassessed*, *supra* note 115, at 280.

121. Under this scheme, older HDB flats are compulsorily acquired. Owners of these flats are compensated and offered a new flat at a designated replacement site. The purpose of the scheme is to intensify land use and facilitate urban renewal through the redevelopment of older and typically lower-density public housing. See TAY ET AL., *supra* note 15, at 2; 95 *Singapore Parliamentary Debates*, 6 Feb. 2023 (Cheng Hsing Yao, Nominated Member of Parliament); *Your SERS Journey*, HOUS. & DEV. BD., <https://www.hdb.gov.sg/residential/living-in-an-hdb-flat/sers-and-upgrading-programmes/sers/your-sers-journey> [<https://perma.cc/Z3PN-DP97>] (last visited Aug. 5, 2023).

recently and insightfully addressed.¹²² Rather, this Section focuses on government seizures of property that have had the most widespread impact in Singapore. In particular, it focuses on the legal bases for takings that have contributed to the high proportion of State ownership of land today and provide much of the pool from which givings may be made. These include Singapore's exclusion of a constitutional right to property, provisions for compulsory acquisition of land under the Land Acquisition Act,¹²³ and provisions facilitating coastal reclamation under the Foreshores Act.¹²⁴

1. *Exclusion of Constitutional Right to Property*

First and most fundamentally, Singapore's Constitution omits a right to land or protection for property,¹²⁵ an omission that removed what would otherwise have been a significant legal obstacle to many takings of land.¹²⁶ This contrasts sharply with the constitutional position just prior to independence. As a constituent state of the Federation of Malaysia, Singapore was bound by Article 13 of the Malaysian Constitution, which, in line with a prior Constitutional Commission recommendation,¹²⁷ protected the right to property, and prohibited the acquisition or requisition of land by the State without the payment of adequate compensation. With the establishment of Singapore as an independent republic and the creation of its brand-new Constitution in 1965, such rights, however, were conspicuously excluded.¹²⁸

122. See, e.g., Low et al., *supra* note 18.

123. See generally Land Acquisition Act, 1966 (Act No. 41/1966) (Sing.).

124. See generally Foreshores Act, 1920 (2020 Rev. Ed.) (Sing.).

125. See TANG & LOW, *supra* note 15, at 847; Ahmad Kasim bin Adam v. Moona Esmail Tamby Merican, [2019] 1 SLR 1185, 1216, para. 80 (SGCA).

126. For example, in the United States, private property rights are protected under the various provisions of the U.S. Constitution, including: (i) the Takings Clause of the Fifth Amendment, which prohibits the taking of private property for public use without just compensation; as well as (ii) the Due Process Clauses of the Fifth and Fourteenth Amendments, which respectively provide that "[n]o person shall . . . be deprived of . . . property, without due process of law," "nor shall any State deprive any person of . . . property, without due process of law." See U.S. CONST., amend. V; U.S. CONST., amend. XIV, § 1; N. KHUBLALL, COMPULSORY LAND ACQUISITION – SINGAPORE AND MALAYSIA 16–17 (2d ed. 1994). Moreover, the Framers of the Constitution held strong convictions about the importance of property rights, seeing the protection of private property as essential to just governance. See James Madison, *For the National Property Gazette* (Mar. 27, 1792), in 14 PAPERS OF JAMES MADISON 266, 267 (Robert A. Rutland et al. eds., 1983).

127. REPORT OF THE FEDERATION OF MALAYA CONSTITUTIONAL COMMISSION, 1957, ¶ 162 (UK).

128. Compare CONSTITUTION OF THE REPUBLIC OF SINGAPORE, Aug. 9, 1965, with CONSTITUTION OF MALAYSIA, Aug. 31, 1957, art. 13(2).

2. *Compulsory Acquisition under the Land Acquisition Act*

Second, soon after independence, the government enacted the Land Acquisition Act 1966,¹²⁹ which provided for “the acquisition of private property for public purposes.”¹³⁰ Though compulsory acquisition legislation dated back as far as the Indian Act VI of 1857,¹³¹ the new Land Acquisition Act, which repealed the previous Land Acquisition Ordinance, departed from earlier legislation notably in its assessment of compensation provisions.¹³² The Legislative Assembly had in fact debated amendments to the ordinance in the months prior to Singapore’s merger with Malaysia in 1963; however, the bill in question lapsed, and the changes required reconsideration post-merger to account for the applicability of Malaysia’s constitutional provisions, including its rights respecting property.¹³³ Yet, with separation from Malaysia in 1965, and with the absence of any similar constitutional provision in the freshly independent state, the new Land Acquisition Act was swiftly passed.¹³⁴

The Land Acquisition Act represented a break from — and, paradoxically, an entrenchment of — legal norms. On one hand, Lee Kuan Yew, Singapore’s founding Prime Minister, who held the post for over three decades, described the breach with constitutional norms in the following terms:

When we were confronted with an enormous problem of bad housing, no development, overcrowding, we decided that unless drastic measures were taken to break the law, break the rules, we would never solve it. We therefore took overriding powers to acquire land at low cost, which was in breach of one of the fundamentals of British constitutional law — the sanctity of property. But that had to be overcome, because the sanctity of the society seeking to preserve itself was greater.¹³⁵

On the other hand, he also emphasized the importance of entrenching the legality of compulsory acquisition, commenting that it was “probably because of my legal background that I wanted to get the legality of what we

129. See Land Acquisition Act, 1966 (Act No. 41/1966) (Sing.).

130. See 25 *Singapore Parliamentary Debates*, 22 June 1966, 133 (E.W. Barker, Minister for Law and National Development).

131. See Bryan Chew et al., *Compulsory Acquisition of Land in Singapore: A Fair Regime?*, 22 SING. ACAD. L.J. 166, 168 (2010). In general, the numbering for these statutes began afresh at roman numeral “I” each calendar year.

132. See 25 *Singapore Parliamentary Debates*, *supra* note 130, at 133.

133. See 23 *Legislative Assembly Debates, State of Singapore*, 16 June 1965, 812 (E.W. Barker, Minister for Law and National Development); 22 *Legislative Assembly Debates, State of Singapore*, 16 Dec. 1963, 653 (Lee Kuan Yew, Prime Minister).

134. See 25 *Singapore Parliamentary Debates*, 26 Oct. 1966, 416 (E.W. Barker, Minister for Law and National Development).

135. CENTRE FOR LIVEABLE CITIES, *supra* note 30, at 10.

were doing properly entrenched, so that it cannot be varied and changed for fickle reasons."¹³⁶

The Land Acquisition Act introduced several elements targeted at facilitating redevelopment. It empowers the State to compulsorily acquire any land required for any public, residential, commercial, or industrial purposes; or for any purpose that is of public benefit, of public utility, or in the public interest.¹³⁷ This considerably broadened the scope of purposes for which land could be compulsorily acquired, as compared with the predecessor ordinance that limited acquisition mostly to infrastructural purposes.¹³⁸ Additionally, for many years, the statutory compensation regime favored the acquisition of land at low cost, at the expense of landowners. Before legislative amendments in 2007 removed the reference to a statutory date of compensation,¹³⁹ the Act pegged compensation to the value of the land on either (i) the date that it was notified as required (or likely to be required) for compulsory acquisition, or (ii) the statutorily prescribed historical date — whichever was lower.¹⁴⁰ In practice, this meant that in years where property prices far exceeded the prices as of the prescribed historical date (as was the case when property prices were on a cyclical upward trend), landholders whose land was compulsorily acquired suffered significant financial losses.¹⁴¹ As Bryan Chew et al. demonstrate, the compensation regime favoring low-cost acquisition persisted while its impact was concentrated among a relatively small section of individual landowners; however, reforms to the compensation regime were instituted as compulsory acquisition laws affected a wider section of the population.¹⁴² By that time, however, major lower-cost land acquisitions had already been made, especially in the earlier years of the nation's independence.¹⁴³

Moreover, challenges to compulsory land acquisitions are subject to obstacles and restrictions.¹⁴⁴ For instance, the Land Acquisition Act includes an ouster clause:¹⁴⁵ if the President, by notification, declares that land is required for a specific purpose, section 5(3) provides that such notification is "conclusive evidence" that the land is required for that stated

136. TAY, LEUNG & SEE, *supra* note 15, at 10.

137. See Land Acquisition Act, 1966 (Act No. 41/1966) § 5(1) (Sing.).

138. See CTR. FOR LIVEABLE CITIES, *supra* note 30, at 10.

139. See Land Acquisition (Amendment) Act, 2007 (No. 19/2007) § 10(b)(a)(i) (Sing.).

140. See Land Acquisition Act, 1966 (Act No. 41/1966) § 33(1)(a) (Sing.).

141. See Chew et al., *supra* note 131, at 171.

142. See *id.*

143. See *id.*

144. See KHUBLALL, *supra* note 126, at 22.

145. See *Per Ah Seng Robin v. Hous. & Dev. Bd.*, [2015] 1 SLR 1020, 1047, para. 63 (SGCA).

purpose.¹⁴⁶ The Land Acquisition Act also contains no provision allowing affected landowners to challenge the need for an acquisition,¹⁴⁷ but only a right of appeal to the Appeals Board regarding the compensation awarded for acquired land.¹⁴⁸ Such decisions of the Appeals Board are final, and may only be appealed to the court (specifically, the Court of Appeal) on a question of law.¹⁴⁹ Additionally the Land Acquisition Act bars suits for setting aside awards or apportionments under the statute.¹⁵⁰ As such, even certain controversial or highly-publicized cases (e.g., compulsory acquisitions of land for the nominal sum of S\$1 in 2003) never made it to the courts.¹⁵¹

Nevertheless, over the years, some plaintiffs have sought to challenge compulsory acquisitions on various grounds, albeit typically unsuccessfully. Administrative law arguments have been raised in several cases. For example, in the 1980 case *Galstaun v. Att’y Gen.*,¹⁵² although the plaintiffs’ land had been compulsorily acquired for the declared public purpose of extending a public road, a portion of the acquired land was subsequently left as an open space.¹⁵³ The plaintiffs argued that the acquisition of land in excess of that required for the road was *ultra vires*, beyond the powers conferred by the legislation, and illegal.¹⁵⁴ The court, however, upheld the legality of the acquisition.¹⁵⁵ Citing section 5(3) of the Land Acquisition Act,¹⁵⁶ the court stated that the government is the “proper authority” for determining a public purpose, and when it declares such a public purpose, it must be presumed to have facts that induce its declaration.¹⁵⁷ To give another example, in the 1989 case, *Basco Enterprises Pte. Ltd. v. Soh Siong*

146. See Land Acquisition Act, 1966 (Act No. 41/1966) § 5(3) (Sing.); see also *Galstaun v. Att’y Gen.*, [1980] SLR(R) 589, 591, para. 7 (SGHC); *Teng Fuh Holdings Pte. Ltd. v. Collector of Land Revenue*, [2006] 3 SLR(R) 507, 521, para. 30 (SGHC); *Teng Fuh Holdings Pte. Ltd. v. Collector of Land Revenue*, [2007] 2 SLR(R) 568, 578, para. 37 (SGCA); *Eng Foong Ho v. Att’y Gen.*, [2009] 2 SLR(R) 542, 555, para. 39 (SGCA) (acknowledging that, § 5(3) notwithstanding, “an acquisition can be challenged for bad faith”); KHUBLALL, *supra* note 126, at 26.

147. See TANG & LOW, *supra* note 15, at 813.

148. See Land Acquisition Act, 1966 (Act No. 41/1966) § 23(2) (Sing.).

149. *Id.* at § 29; see also, e.g., *Tiessen Trading Pte. Ltd. v. Collector of Land Revenue*, [2000] 2 SLR(R) 71, 78, para. 24 (SGCA); *YCH Distripark Pte. Ltd. v. Collector of Land Revenue*, [2019] 2 SLR 695, 708 para. 44 (SGCA).

150. See Land Acquisition Act, 1966 (Act No. 41/1966) § 53 (Sing.); see also *Ahmad Kasim bin Adam v. Moona Esmail Tamby Merican*, [2019] 1 SLR 1185, 1219, para. 89 (SGCA).

151. See Chew et al., *supra* note 131, at 180–81.

152. See *Galstaun v. Att’y Gen.*, [1980] SLR(R) 589, 590, para. 7 (SGHC).

153. See *id.* The road in question was Orchard Boulevard.

154. *Id.*

155. *Id.* at 593, para. 19.

156. Land Acquisition Act, 1966 (Act No. 41/1966) (Sing.).

157. *Galstaun v. Att’y Gen.*, [1980] SLR(R) 589, 591, para. 9 (SGHC).

Wah, property was compulsorily acquired, purportedly for conservation and renovation as part of a central civic and cultural district.¹⁵⁸ The appellants, the original property owners, argued that in acquiring the property, the authorities had acted *ultra vires* and with improper purposes.¹⁵⁹ The appellants observed that though the acquisition was apparently for the purpose of “urban redevelopment,” the property was in fact acquired for the purpose of preservation; it was argued that the former purpose does not encompass the latter purpose — particularly since separate statutes dealt with each purpose, and the Urban Redevelopment Authority was not authorized to deal with conservation at the time of the acquisition.¹⁶⁰ The court nevertheless dismissed the appeal, finding that the acquisition should be viewed in the context of the intended urban redevelopment of the entire area, which could involve both preservation of the acquired building and rebuilding of other buildings.¹⁶¹ However, notable developments also took place outside the courtroom. After this case had been decided in the court below¹⁶² but before the appeal was heard,¹⁶³ Parliament introduced legislative amendments that had the effect of designating the Urban Redevelopment Authority as the conservation authority,¹⁶⁴ further shoring up the regime against any future arguments along similar lines.¹⁶⁵ As the appellants attempted to argue, and as a commentator later observed, the introduction of these amendments might beg the question of whether there was more merit to the appellants’ argument.¹⁶⁶ Practically, the case law and legislative changes have relegated this question to the realm of historical curiosity. Still, it remains a notable instance of the speed and agility with which the legislature is able to move to tighten the legislative scheme.

Nevertheless, the door is not completely closed on legal challenges of compulsory acquisitions. The court has observed that notwithstanding the ouster clause at section 5(3) of the Land Acquisition Act, an acquisition

158. [1989] 2 SLR(R) 526, 531, para. 7 (SGCA).

159. *Id.* at 531, para. 6.

160. *Id.* at 531, para. 6, 10–11. This is but one strand of the arguments raised; please see the cited paragraphs for further details.

161. *Id.* at 537, para. 22–23.

162. *Basco Enterprises Pte. Ltd. v. Soh Siong Wai*, [1989] 1 SLR(R) 115 (SGHC).

163. *Basco Enterprises Pte. Ltd. v. Soh Siong Wai*, [1989] 2 SLR(R) 526 (SGCA); *see also* KHUBLALL, *supra* note 126, at 25.

164. *See* 52 *Singapore Parliamentary Debates*, 17 Feb. 1989, 785–86 (S. Dhanabalan, Minister for National Development); Planning (Amendment) Act 1989 (Act No. 12/1989) (Sing.).

165. *See* KHUBLALL, *supra* note 126, at 31–32.

166. *Basco Enterprises Pte. Ltd. v. Soh Siong Wai*, [1989] 2 SLR(R) 526, 533, para. 10 (SGCA); KHUBLALL, *supra* note 126, at 32 n.95.

nevertheless may be challenged for bad faith.¹⁶⁷ In one case, the former landholder's land went untouched after its compulsory acquisition 22 years before, and he therefore sought leave to apply for orders of *certiorari* and *mandamus*.¹⁶⁸ The nation's highest court considered that unexplained prolonged inaction could give rise to reasonable suspicion that the land was not in fact required for redevelopment at the time of acquisition.¹⁶⁹ Though the application in that case failed as it was made out of time, the court observed that leave could reasonably have been granted had the application been made in time.¹⁷⁰ Another more recent case concerned land that had mostly been used as a Muslim cemetery.¹⁷¹ The plaintiff, whose family resided in a house situated on part of the land, allegedly discovered only in 2009 that the land had been compulsorily acquired in 1988.¹⁷² One of the plaintiff's arguments was that he and his father, as occupants who acquired title to the land by adverse possession, had not received notice of the acquisition or the compensation award, and the award therefore was made in breach of natural justice.¹⁷³ The court did not need to resolve this issue as it found that on the facts of the case, even if such breach were proved, the plaintiff had no remedy before the court.¹⁷⁴ Still, the court observed that in the "unusual case" where an acquisition or award is challenged based on lack of notice or a breach of natural justice, the applicant should have "at least an arguable case" for a time extension to make the application, and should not typically be left without a remedy.¹⁷⁵ Though the plaintiffs in these cases did not succeed, in principle, remedies should be available to those who have their property compulsorily acquired in bad faith or in breach of the principles of natural justice.

167. See *Eng Foong Ho v. Att'y Gen.*, [2009] SLR(R) 542, 555, para. 39 (SGCA); *Teng Fuh Holdings Pte. Ltd. v. Collector of Land Revenue*, [2006] 3 SLR(R) 507, 523, para. 36 (SGHC); *Teng Fuh Holdings Pte. Ltd. v. Collector of Land Revenue*, [2007] 2 SLR(R) 568, 578, para. 38 (SGCA).

168. *Teng Fuh Holdings Pte. Ltd. v. Collector of Land Revenue*, [2007] 2 SLR(R) 568, 570, para. 1 (SGCA).

169. *Id.* at 578, para. 38.

170. *Id.* at 578, para. 42. *But see* *Teng Fuh Holdings Pte. Ltd. v. Collector of Land Revenue*, [2006] 3 SLR(R) 507, 533, para. 55 (SGHC) (finding no bad faith). The former Court of Appeal decision has precedence over the latter High Court decision, however.

171. See *Ahmad Kasim bin Adam v. Moona Esmail Tamby Merican*, [2019] 1 SLR 1185 (SGCA).

172. *Id.* at 1186, paras. 2–3, 10.

173. *Id.* at 1196, para. 27.

174. See *id.* at 1215–20, para. 76–91 (finding the court had no legal basis to set aside the original award or make a fresh award of compensation); see also *Land Acquisition Act, 1966* (Act No. 41/1966) §§ 29, 53 (Sing.).

175. *Ahmad Kasim bin Adam v. Moona Esmail Tamby Merican*, [2019] 1 SLR 1185, 1220, para. 90 (SGCA).

In addition to these administrative law arguments, plaintiffs have also resorted to constitutional law arguments, notwithstanding the absence of any constitutional protection of property. For example, one suit attempted to challenge a compulsory acquisition on alternative constitutional grounds, arguing that the acquisition was discriminatory and violated the Constitution's equal protection clause¹⁷⁶ because it targeted a Buddhist temple, but not the nearby Hindu mission or Christian church.¹⁷⁷ However, the argument did not succeed,¹⁷⁸ with the court finding that the acquisition decision had been based only on planning considerations.¹⁷⁹

The courts, hence, have in several instances upheld the legality of compulsory acquisitions under the Land Acquisition Act.¹⁸⁰ The courts have not had very much latitude in this area, due to the exclusion of a constitutional right to property on the one hand, and the entrenching of statutory land acquisition provisions on the other. The Land Acquisition Act, therefore, was from the outset a very potent legislative tool for State takings of land.

3. *Coastal Reclamation Facilitated by the Foreshores Act*

Third, in addition to the acquisition of existing land by means of the Land Acquisition Act, coastal reclamation, as facilitated by the Foreshores Act, has been another notable source of state land. Since Singapore's independence in 1965, its total land area has increased by over 25%, from 581.5 square kilometers to 728.3 square kilometers in 2020,¹⁸¹ with the Foreshores Act providing the legal basis for the transformation of foreshore and seabed into state land. The statute provides that the government may, with Parliament's approval, reclaim any part of Singapore's foreshore or seabed, and such reclaimed land may then be declared state land.¹⁸² Reclamation under the Foreshores Act involves various takings. The statute provides that reclaimed land, upon being declared state land under the statute, immediately vests in the State free of any rights that may previously

176. CONSTITUTION OF THE REPUBLIC OF SINGAPORE, Aug. 9, 1965, art. 12.

177. *Eng Foong Ho v. Att'y Gen.*, [2009] 2 SLR(R) 542, 545, para. 1, 6–8, 31 (SGCA).

178. *Id.* at 550, paras. 27–38.

179. *Id.* at 555, para. 35.

180. *See, e.g.*, *Galstaun v. Att'y Gen.*, [1980] SLR(R) 589, 593, para. 19 (SGHC); *Basco Enterprises Pte. Ltd. v. Soh Siong Wai*, [1989] 2 SLR(R) 526, 537, para. 23 (SGCA); *Ky. Fried Chicken Mgmt. Pte. Ltd. v. Att'y Gen.*, [1992] 224 (SGHC); *Teng Fuh Holdings Pte. Ltd. v. Collector of Land Revenue*, [2007] 2 SLR(R) 568, 578, para. 42 (SGCA); *Ahmad Kasim bin Adam v. Moona Esmail Tamby Merican*, [2019] 1 SLR 1185, 1216, para. 80 (SGCA).

181. SING. LAND AUTH., *supra* note 37.

182. Foreshores Act, 1920 (2020 Rev. Ed.) §§ 4(2), 5(1) (Sing.).

have existed over the foreshore or seabed¹⁸³ — a provision that can be regarded as a form of physical taking.¹⁸⁴ Additionally, the statute expressly precludes any right of compensation where loss of sea frontage injuriously affects any land or interest therein¹⁸⁵ — a provision that can be construed as a type of derivative taking, insofar as coastal reclamation reduces the value of previously sea-facing land without compensation.¹⁸⁶

B. “Givings”

However, the Singaporean government does not simply take land without a plan to redistribute it. This Section considers the government’s priorities for such redistribution, or “givings.” It draws on Bell and Parchomovsky’s conception of “givings,” which they characterize as distinguished by four features: (i) the reversibility of the act, in that the government’s act of conferring a benefit, if reversed, would be characterized as a taking; (ii) the identifiability of the recipients; (iii) the proximity to or clear association of the act with a taking; and (iv) the refusability of the benefit by the recipient.¹⁸⁷ Their taxonomy of givings mirrors that of takings, identifying three varieties: “physical givings,” where the State grants a property interest to a private person; “regulatory givings,” where the State, through regulation, enhances the value of a property; and “derivative giving[s],” where the State, by a taking or giving, indirectly increases the value of a property.¹⁸⁸

Specifically, this Section focuses on one of Singapore’s most significant physical givings: the use of State-owned land for housing, particularly public housing, in which 77% of the resident population reside.¹⁸⁹ Singapore’s founding leaders possessed deep policy convictions with respect to housing, seeing “a home-owning society” as one which “[gave] every citizen a stake in the country and its future.”¹⁹⁰ To this end, the government has utilized State-owned land to provide public housing, and has released State-owned land for private housing development. Around half of all land acquired by the government from 1959 to 1984 was allocated to HDB for

183. *Id.* § 5(1).

184. *See* Bell & Parchomovsky, *Takings Reassessed*, *supra* note 115, at 280.

185. Foreshores Act, 1920 (2020 Rev. Ed.) §§ 7(1)–(2) (Sing.).

186. *See* Bell & Parchomovsky, *Takings Reassessed*, *supra* note 115, at 284.

187. Bell & Parchomovsky, *Givings*, *supra* note 102, at 555–57.

188. *Id.* at 551.

189. HOUS. & DEV. BD., *supra* note 40, at 8.

190. KUAN YEW LEE, FROM THIRD WORLD TO FIRST: THE SINGAPORE STORY, 1965–2000 95 (2000).

public housing.¹⁹¹ State land released through the Government Land Sales program also comprises 38% of private housing in Singapore.¹⁹²

Where public housing is concerned, newly-constructed Built-to-Order (BTO) HDB flats are not offered at full market price. Rather, as a matter of policy, BTO flats are priced with the intention of ensuring housing affordability and thereby facilitating home ownership.¹⁹³ In addition to the pricing of BTO flats, other elements of Singapore's broader housing policy are geared toward facilitating increased home ownership. There are currently several grants and subsidies for the purchase of HDB flats, whether these are purchased directly from HDB (e.g., BTO flats) or from private individuals on the secondary market (i.e., resale flats). For example, the Enhanced Central Provident Fund Housing Grant may provide eligible first-time applicants with a grant amount of up to a maximum of S\$80,000 (approximately US\$60,000 in January 2023), with the precise amount in each case varying according to household income.¹⁹⁴ Additionally, the Proximity Housing Grant program is targeted at encouraging families and extended families to live in proximity to each other. Married couples living with their parents may be eligible for a grant amount of up to S\$30,000 (approximately US\$22,500), while married couples living within four kilometers (2.5 miles) of their parents may be eligible for a grant amount of up to S\$20,000 (approximately US\$15,000).¹⁹⁵ HDB also offers housing loans to eligible buyers of public housing,¹⁹⁶ and purchases of both public and private housing can be partially financed from money previously set aside under the Central Provident Fund's compulsory savings scheme.¹⁹⁷

191. CTR. FOR LIVEABLE CITIES ET AL., *supra* note 38, at 46.

192. CTR. FOR LIVEABLE CITIES, *supra* note 44, at 17.

193. *Media Statement on HDB's Pricing Approach and Development Costs for BTO Flats*, MINISTRY OF NAT'L DEV. (Dec. 7, 2022), <https://www.mnd.gov.sg/newsroom/press-releases/view/media-statement-on-hdb's-pricing-approach-and-development-costs-for-bto-flats> [<https://perma.cc/L5XM-H4PS>].

194. *Enhanced CPF Housing Grant (Families)*, HOUS. & DEV. BD., <https://www.hdb.gov.sg/residential/buying-a-flat/understanding-your-eligibility-and-housing-loan-options/flat-and-grant-eligibility/couples-and-families/enhanced-cpf-housing-grant-families> [<https://perma.cc/BVR5-WFDE>] (last visited Jan. 11, 2023).

195. *Proximity Housing Grant (Families)*, HOUS. & DEV. BD., <https://www.hdb.gov.sg/residential/buying-a-flat/understanding-your-eligibility-and-housing-loan-options/flat-and-grant-eligibility/couples-and-families/proximity-housing-grant-families> [<https://perma.cc/C5N6-JLUD>] (last visited Jan. 11, 2023).

196. *Housing Loan from HDB*, HOUS. & DEV. BD., <https://www.hdb.gov.sg/residential/buying-a-flat/financing-a-flat-purchase/housing-loan-options/housing-loan-from-hdb> [<https://perma.cc/ED6Q-GW2G>] (last visited Jan. 11, 2023).

197. *Terms and Conditions for Use of CPF under the CPF Housing Scheme*, CENT. PROVIDENT FUND BD., <https://www.cpf.gov.sg/member/tnc/t-c-for-use-of-cpf-under-cpf-housing-scheme> [<https://perma.cc/ZKX6-KJ4K>] (last visited Jan. 11, 2023).

At the same time, public housing ownership is also subject to conditions and restrictions, given that public housing is, as the Singapore court has observed, “property with a rather unique character.”¹⁹⁸ These include, among others, purchase restrictions; the prohibition of sales within a prescribed minimum occupation period; and the requirement of HDB’s consent for any sale, lease, mortgage or disposal.¹⁹⁹ Notably, after purchasing a new or resale HDB flat, homeowners are required to dispose of any interest in any existing HDB flat or private residential property.²⁰⁰ The effect is that each homeowner generally may only own one HDB flat, and cannot simultaneously hold any other residential property (one exception being if the homeowner acquires a second private residential property after fulfilling the minimum occupation period applicable to their HDB flat)²⁰¹ — curbing the potential for monopoly in property ownership. Moreover, additional conditions and restrictions apply to certain types of property. Recent years have seen the introduction of the Prime Location Housing Scheme, which attaches additional conditions to new public housing constructed in certain “prime” central locations, in order that those homes might remain affordable and accessible.²⁰² For instance, when HDB first sells these flats, it provides additional subsidies in excess of the subsidies already provided for typical flats; if a homeowner who benefited from these subsidies then resells the flat on the open market, they are required to return a percentage of the resale price to HDB, commensurate with the additional subsidies HDB initially provided.²⁰³

The large proportion of State ownership of land in Singapore, therefore, corresponds with an outsized role for the State in the provision of housing. Physical givings of land and public housing, as supplemented by grants, subsidies, and other instruments of housing policy, form a key pillar of Singapore’s overall approach to property law and policy.

198. *Ong Chai Soon v. Ong Chai Koon*, [2022] 2 SLR 457, 463 (SGCA).

199. Housing and Development Act, 1959 (2020 Rev. Ed.) §§ 50, 55, 56 (Sing.).

200. *Conditions After Buying*, HOUS. & DEV. BD., <https://www.hdb.gov.sg/residential/buying-a-flat/conditions-after-buying> [<https://perma.cc/K5GH-MCM3>] (last visited Aug. 7, 2023).

201. The minimum occupation period is typically five years for flats purchased from HDB or resale flat purchases funded in part by the Central Provident Fund Housing Grant. *See Acquiring Private Property*, HOUS. & DEV. BD., <https://www.hdb.gov.sg/residential/living-in-an-hdb-flat/acquiring-private-property> [<https://perma.cc/DT67-XXAQ>] (last visited Aug. 7, 2023).

202. *Prime Location Public Housing*, HOUS. & DEV. BD., <https://www.hdb.gov.sg/residential/buying-a-flat/finding-a-flat/plh> [<https://perma.cc/3NRK-M7NJ>] (last visited Aug. 7, 2023).

203. *Id.*

C. Taxation

Finally, the last key aspect for consideration is land taxation. Land, as held or once given, is subject to tax by the government. This Section focuses on three forms of taxes: (1) residential property tax, Singapore's primary means of taxing wealth; (2) the land betterment charge, which secures to the State increases in land value that result from development; and (3) stamp duties payable upon the acquisition and disposition of property.

1. Residential Property Tax

Property tax is currently Singapore's "principal means of taxing wealth," as the Minister of Finance put it in his 2022 announcement of the most recent rounds of residential property tax increases, effective in 2023 and 2024.²⁰⁴ This Section focuses on residential property taxes, because the system instated by the Singaporean government has undergone notable evolution in the last two decades.²⁰⁵ In contrast, property tax on non-residential premises has remained at a constant rate during this same period.²⁰⁶ Moreover, this Section focuses on developments in the last 12 years, as the move toward a more progressive residential property tax system is notably a recent phenomenon.²⁰⁷ Historically, although Singapore's maximum residential property tax rates were at their highest at the time of the nation's independence in 1965,²⁰⁸ there was an overall decrease in residential property tax rates over the decades, culminating in a flat tax rate system in 1990 with rates plateauing at new lows.²⁰⁹ Only since 2011 has there been movement towards progressive residential property taxation once again.²¹⁰

As recently as 2010, residential property was taxed at relatively low rates of a concessionary 4% and 10% on the annual value of owner-occupied²¹¹

204. 95 *Singapore Parliamentary Debates*, 18 Feb. 2022.

205. For details and further discussion of Singapore's property tax system, see generally YEW KWONG LEUNG & WEI HWA SEE, *PROPERTY TAX IN SINGAPORE* (3d ed. 2015). See generally TAY, LEUNG, AND SEE, *supra* note 15.

206. Since 2001, property tax on non-residential premises has remained at a rate of 10% of the annual value thereof — where "annual value" generally refers to the gross rent, that is, the amount at which the premises can reasonably be expected to be let. See, e.g., Property Tax (Rates) Order, 2001 (S.L. No. S 205/2001), para. 2 (Sing.) (revoked); Property Tax (Rates for Non-Residential Premises) Order, 2013 (S.L. S 692/2013), para. 4; Property Tax Act, 1960 (2020 Rev. Ed.) § 2(1) (Sing.).

207. See 86 *Singapore Parliamentary Debates*, 22 Feb. 2010, 2254–58.

208. The maximum residential property tax rate at that time was 36%. LEUNG & SEE, *supra* note 205, at 28.

209. See LEUNG & SEE, *supra* note 205, at 28–33.

210. See 86 *Singapore Parliamentary Debates*, *supra* note 207, at 2257–58.

211. Property Tax (Rate for Owner-Occupied Residential Premises) Order, 1990 (1990 Rev. Ed.) paras. 3(1), 7 (Sing.) (revoked). Residential premises are "owner-occupied" if "they are or are to be principally used or occupied as such by the owner of the residential premises"

and non-owner-occupied²¹² residential premises, respectively where “annual value” generally refers to the gross rent, that is, the amount at which the premises “can reasonably be expected to be let.”²¹³ In 2011, instead of this system of flat property tax rates, progressive property tax rates were implemented in respect of owner-occupied residential properties.²¹⁴ Since then, the maximum marginal property tax rates for residential premises have drastically increased, in various increments, from 6% to a planned 32% in 2024 for owner-occupied residential premises,²¹⁵ and from 10% to a planned 36% in 2024 for non-owner-occupied residential premises.²¹⁶ (Please refer to Table 1 below for a summary of changes in the maximum marginal property tax rates for residential premises from 2001 to 2024.) To give an example of tax payable at the upper end of the spectrum, a large, well-located non-owner-occupied house with an annual value of S\$150,000 would attract S\$43,200 in annual property taxes in 2024.²¹⁷ Given the progressive nature of the tax rates, property tax on HDB flats, in which the vast majority of the resident population reside, contributed only an average of 1.3% to 1.4% of the total property tax on residential and non-residential properties assessed each year from 2018 to 2022 (before taking into account any rebates or exemptions).²¹⁸

There hence has been a very notable shift over the last two decades to progressively and more heavily taxing residential property — a shift that is particularly notable from a Geogist perspective.²¹⁹

(albeit subject to other considerations specified in the subsidiary legislation, e.g., relating to an owner’s marriage or demise). Property Tax (Rates for Residential Premises) Order, 2013 (S.L. S 691/2013) para. 4 (Sing.).

212. Property Tax (Rates) Order, (2003 Rev. Ed.) paras. 2–3 (Sing.) (revoked). Residential premises are non-owner-occupied if they do not satisfy the criteria for determining owner occupation as set out in Property Tax (Rates for Residential Premises) Order, 2013 (S.L. S 691/2013) para. 4 (Sing.).

213. Property Tax Act, 1960 (2020 Rev. Ed.) § 2(1) (Sing.); *see also* TAY ET AL., *supra* note 15, at 314–25; SOCK TIANG ANG, *PROPERTY TAX IN SINGAPORE: A PRACTICAL GUIDE* 67–87 (2020).

214. Property Tax (Progressive Tax Rates for Owner-Occupied Residential Premises) Order, 2010 (S.L. S. 512/2010), para. 3(1) (Sing.).

215. *Id.* Property Tax (Rates for Residential Premises) Order, 2013 (S.L. S 691/2013) sch. pt. 1, para. 8 (Sing.).

216. Property Tax (Rates) Order, 2001 (S.L. No. S 205/2001) paras. 2–3 (Sing.) (revoked); Property Tax (Rates for Residential Premises) Order, 2013 (S.L. S 691/2013) sch. pt. 2, para. 4.

217. 95 *Singapore Parliamentary Debates*, *supra* note 204 (Lawrence Wong, Deputy Prime Minister and Minister for Finance); Property Tax (Rates for Residential Premises) Order, 2013 (S.L. S 691/2013) sch. pt. 2, para. 4 (Sing.).

218. 95 *Singapore Parliamentary Debates*, *supra* note 204 (Lawrence Wong, Deputy Prime Minister and Minister for Finance).

219. *See infra* Part III.

TABLE 1. MAXIMUM PROPERTY TAX RATES FOR RESIDENTIAL PREMISES

	2001	2011	2014	2015	2023	2024
Owner-occupied Residential Premises	4% ²²⁰	6% (for every dollar in excess of S\$65k in annual value) ²²¹	15% (for every dollar in excess of S\$130k in annual value) ²²²	16% (for every dollar in excess of S\$130k in annual value) ²²³	23% (for every dollar in excess of S\$100k in annual value) ²²⁴	32% (for every dollar in excess of S\$100k in annual value) ²²⁵
Non-Owner-occupied Residential Premises	10% ²²⁶	10% ²²⁷	19% (for every dollar in excess of S\$90k in annual value) ²²⁸	20% (for every dollar in excess of S\$90k in annual value) ²²⁹	27% (for every dollar in excess of S\$60k in annual value) ²³⁰	36% (for every dollar in excess of S\$60k in annual value) ²³¹

220. Property Tax (Rate for Owner-Occupied Residential Premises) Order, (1990 Rev. Ed.) paras. 3(1), 7 (Sing.) (revoked).

221. Property Tax (Progressive Tax Rates for Owner-Occupied Residential Premises) Order, 2010 (S.L. S 512/2010) paras. 2–3(1), sch. (Sing.) (revoked).

222. Property Tax (Rates for Residential Premises) Order, 2013 (S.L. No. S 691/2013) (version in force from 1 Jan. 2014 to 31 Dec. 2021) sch. pt. 1, para. 9 (Sing.).

223. *Id.*

224. Property Tax (Rates for Residential Premises) Order, 2013 (S.L. S 691/2013) sch. pt. 1, para. 8 (Sing.).

225. *Id.*

226. Property Tax (Rates) Order, 2001 (S.L. No. S 205/2001) paras. 2–3 (Sing.) (revoked) (in force from January 2003 to January 2014).

227. *Id.*

228. Property Tax (Rates for Residential Premises) Order, 2013 (S.L. S 691/2013) (version in force from 1 Jan. 2014 to 31 Dec. 2021) sch. pt. 2, para. 6 (Sing.).

229. *Id.*

230. Property Tax (Rates for Residential Premises) Order, 2013 (S.L. S 691/2013) sch. pt. 2, para. 4 (Sing.).

231. *Id.*

2. Land Betterment Charge

In addition to property taxes, another form of taxation is the land betterment charge. Since 1964, Singapore has imposed charges that secure to the State the increases in land value that result from community development, as opposed to the efforts of the landowner.²³² Presently, this takes the form of a single Land Betterment Charge, administered by the SLA under the Land Betterment Charge Act 2021.²³³ Previously, however, there was more than one such charge: (1) Development Charges and Temporary Development Levies, administered by the Urban Redevelopment Authority under the Planning Act 1998;²³⁴ and (2) Differential Premiums, collected by the SLA.²³⁵

Under the previous framework, a Development Charge would generally be payable if the government granted a planning or conservation permission that authorized the development of land,²³⁶ and that permission resulted in an increase in the land value. Similarly, a Temporary Development Levy would typically be payable if the government granted a temporary permission resulting in a temporary enhancement in land value; this levy was lower than the full Development Charge, and was introduced to lower barriers to entry for new businesses.²³⁷ By contrast, Differential Premiums were imposed in relation to State titles (that is, grants in fee simple, grants of estates in perpetuity, or State leases²³⁸).²³⁹ This premium was payable if the government waived or varied a restrictive covenant in a State title, thereby resulting in an increase in the land value.²⁴⁰ Typically, these charges allowed the State to capture 70% of the enhancement in the land value, while the landowner retained the remaining 30% as an incentive to develop the land.²⁴¹ The charges shared a common purpose, in that all “cream[ed]-off in

232. 23 *Legislative Assembly Debates, State of Singapore*, 2 Nov. 1964, 146 (Lim Kim San, Minister for National Development).

233. See Land Betterment Charge Act, 2021 (Act No. 11/2021) (Sing.).

234. Planning Act, 1998 (Act No. 3/1998) pt. 5 (Sing.) (version in force prior to 1 Aug., 2022); *Singapore Parliamentary Debates*, *supra* note 44 (Edwin Tong Chun Fai, Second Minister for Law).

235. For a detailed discussion of these charges from a tax perspective, see TAY ET AL., *supra* note 15, at 99–100, 126–82.

236. See LEUNG YEW KWONG, DEVELOPMENT LAND AND DEVELOPMENT CHARGE IN SINGAPORE 123–98 (1987); TANG & LOW, *supra* note 15, at 809.

237. See 76 *Singapore Parliamentary Debates*, 11 Nov. 2003, 3483–84.

238. See TANG & LOW, *supra* note 15, at 69.

239. See 95 *Singapore Parliamentary Debates*, *supra* note 44.

240. See 95 *Singapore Parliamentary Debates*, *supra* note 44.

241. 45 *Singapore Parliamentary Debates*, 6 Mar. 1985, 296; 87 *Singapore Parliamentary Debates*, 19 July 2010, 815.

different ways the increase in value of land resulting from chargeable consents."²⁴²

The present framework streamlines the approach, replacing these three charges with a single Land Betterment Charge.²⁴³ This tax is generally levied for every "chargeable consent" given in relation to any land, and is imposed on the land value increase resulting from the chargeable consent.²⁴⁴ Under this system, chargeable consents include: (1) a grant of a planning permission or conservation permission authorizing the development of land, and (2) a variation of development control restrictive covenants in State titles so as to allow for the development of land.²⁴⁵ The reasoning behind this policy is that when the government permits the development of land, land values tend to increase.²⁴⁶ Ultimately, these State-created increases in land value should be captured through the Land Betterment Charge and shared with the public via channeling the collected funds to purposes such as infrastructure development and public programs.²⁴⁷ Thus, the dynamic of takings and givings is evident not only with respect to the land itself, but also the *value* of that land. Chargeable consents should be regarded as a form of regulatory giving — a government determination that enhances the value of land. The land betterment charge therefore accounts for this regulatory giving by charging the majority share of what would otherwise have been a windfall gain for the landholder. In this sense, land taxation is one important way in which the Singapore government takes a proportion of rent and land value from landowners in order to give it back to the community.

Separately but relatedly, this focus on taxing land, but not improvements thereto, is also reflected in the government's policy of waiving the collection of a building premium when granting lease extensions. Under common law, the expiry of a lease granted by the State results in the land and the buildings thereon reverting to the State.²⁴⁸ The State therefore is entitled, in the event that the lease is extended, to charge the lessee both a land premium and a building premium. The government's policy, however, has generally been to waive the latter building premium upon renewal or extension of State leases. Since 1997, this waiver applied to extensions of short-term industrial and institutional leases; and in 2008, the waiver was applied to extensions of

242. 95 *Singapore Parliamentary Debates*, *supra* note 44.

243. *See* 95 *Singapore Parliamentary Debates*, 1 Mar. 2022.

244. *See* Land Betterment Charge Act, 2021 (Act No. 11/2021) paras. 6–7 (Sing.).

245. *Id.* at paras. 2(1), 3(1).

246. *See* 95 *Singapore Parliamentary Debates*, *supra* note 44.

247. *See* 95 *Singapore Parliamentary Debates*, *supra* note 44.

248. The lessee may still be charged a building premium upon lease renewal or extension, if the land was originally leased to the lessee with existing buildings. *See* 95 *Singapore Parliamentary Debates*, 4 July 2022.

all types of State leases.²⁴⁹ Therefore, while the land betterment charge reflects the policy of taxing land, the building premium waiver reflects the corollary policy of not taxing *improvements* to land.

3. Stamp Duties

Finally, this Section also briefly discusses selected stamp duties that are targeted at curbing property speculation.²⁵⁰ One such measure is the Seller's Stamp Duty, which is payable if property is disposed of within less than three years from the date that it was acquired. For instance, if residential property is disposed of within one year, Seller's Stamp Duty is payable at 12% of the property's actual price or market value, whichever is higher.²⁵¹ This is targeted at curbing short-term property speculation.²⁵² Another such measure is Additional Buyer's Stamp Duty, which imposes progressively higher stamp duties on buyers purchasing second, third, and subsequent residential properties.²⁵³ Higher rates are also payable if buyers are Singapore Permanent Residents, foreigners, or entities, as summarized in Table 2 below. The Additional Buyer's Stamp Duty was introduced to calm investment demand for private residential property, as well as facilitate a more sustainable property market.²⁵⁴ In addition to the taxes directed at capturing rent and land value, these stamp duties are examples of notable and extremely interventionist measures directed at curbing monopoly and speculation, which are central concerns of Georgism.

249. See Press Release, Singapore Land Authority, Press Release Issued by Ministry of Law on Waiver of Building Premium (2008), <https://www.sla.gov.sg/articles/press-releases/2008/press-release-issued-by-ministry-of-law-on-waiver-of-building-premium> [<https://perma.cc/E5JT-6RTU>]; Press Release, Singapore Land Authority, *Lease Policy* (2020), <https://www.sla.gov.sg/properties/land-sales-and-lease-management/lease-management/lease-policy> [<https://perma.cc/U4VZ-RBV3>] (last visited Aug. 7, 2023).

250. See 87 *Singapore Parliamentary Debates*, 15 Sept. 2010, 1046.

251. Stamp Duties Act, 1929 (2021 Rev. Ed.), sch. 1, art. 3(bg) (Sing.).

252. 87 *Singapore Parliamentary Debates*, *supra* note 250, at 1046–47.

253. See *infra* Table 2.

254. 89 *Singapore Parliamentary Debates*, 9 July 2012, 318.

TABLE 2. ADDITIONAL BUYER'S STAMP DUTY RATES²⁵⁵

	Singapore Citizens	Singapore Permanent Residents	Foreigners	Entities (other than housing developers)
First Residential Property	N.A.	5% ²⁵⁶	60% ²⁵⁷ (for any residential property)	65% ²⁵⁸ (for any residential property)
Second Residential Property	20% ²⁵⁹	30% ²⁶⁰		
Third and Subsequent	30% ²⁶¹	35% ²⁶²		

III. SINGAPORE'S APPROACH THROUGH A GEORGIST LENS

Part III assesses Singapore's approach through a Georgist lens. It begins by explaining the motivations for applying this perspective in Singapore's context, then delves into evaluating Singapore's approach from a Georgist perspective.

A. Motivations and Basis for Applying a Georgist Perspective

This Part assesses Singapore's land law and policy through a Georgist lens. Preliminarily though, there are a few reasons why it might seem a curious choice to employ a Georgist perspective as the analytical lens through which to assess Singapore's land law and policy. One such reason is that Singapore's leaders do not appear to have explicitly professed any unusual admiration for Henry George or any particular adherence to Georgism, especially during the pivotal pre- and early post-independence years when key legal and policy foundations were conceived and put in place. This is unlike, for example, George-inspired reformers like Britain's

255. These are the rates applicable on or after 27 April 2023. The rates below are on the property's actual price or market value, whichever is higher.

256. Stamp Duties Act, 1929 (2021 Rev. Ed.) sch. 1, art. 3(bi)(i) (Sing.).

257. *Id.* sch. 1, art. 3(bi)(xviii).

258. *Id.* sch. 1, art. 3(bi)(xix).

259. *Id.* sch. 1, art. 3(bi)(iii).

260. *Id.* sch. 1, art. 3(bi)(v).

261. *Id.* sch. 1, art. 3(bi)(x).

262. *Id.* sch. 1, art. 3(bi)(xvi).

Fabian socialists or China's Sun Yat-Sen.²⁶³ Previous scholarship has noted the connections of two of Singapore's most influential founding leaders to a prominent Fabian socialist, through whom Georgist influence may have entered Singapore's policy thinking.²⁶⁴ However, no adherence to Georgism was expressly avowed. Still, this can be accounted for by bearing in mind that to Singapore's early leaders — who at the time saw Singapore's survival as tied to merger with Malaysia rather than existence as a tiny independent city-state — the express overriding concerns were those of efficiency, pragmatism, and simple survival,²⁶⁵ rather than with explicit emphasis on any particular theoretical or ideological commitments, whether to Georgism or otherwise. Apart from the absence of express adherence to Georgism, another reason why the use of such a lens might seem strange is that, from a practical perspective, Singapore has neither faithfully nor completely implemented the single tax policy proposal so closely associated with George. Nevertheless, many of Singapore's policies nonetheless have a distinctive Georgist cast. Indeed, as other scholars have maintained, Georgism does not require wholesale and uncritical acceptance of all of George's ideas, especially those which are now commonly regarded as inaccurate or outdated.²⁶⁶

This Section posits that there are compelling reasons why Georgism is a distinctively appropriate and fruitful analytical lens through which to consider Singapore's land law and policy. Specifically, it illustrates why Singapore's approach to fundamental problems arising from the distribution of land may convincingly be regarded as Georgist — first, in its diagnosis of an important source of social and economic inequality and second, in its remedies.

1. *Singapore's Approach as Georgist in its Diagnosis*

Despite the absence of explicit reference to George's ideas in early lawmaking and policymaking, foundational principles articulated at pivotal junctures of Singapore's history by parliamentarians, such as then-Prime Minister Lee Kuan Yew and then-Minister for Law and National Development E. W. Barker, include statements that come across as quintessentially Georgist in nature.

263. See HAILA, *supra* note 11, at xxiii.

264. See HAILA, *supra* note 11, at 77–78.

265. See LEE, *supra* note 190, at 58 (As the founding Prime Minister put it, “[w]e had one simple guiding principle for survival: that Singapore had to be more rugged, better organized, and more efficient . . .”).

266. See BRYSON, *supra* note 12, at 148–49.

In a 1964 Legislative Assembly debate on proposed amendments to the Land Acquisition Ordinance (the predecessor statute to the Land Acquisition Act), just prior to independence, then-Prime Minister Lee (expanding on earlier remarks²⁶⁷) said:

I stated two broad principles which would guide the Government in amending legislation on the acquisition of land, namely, first, that *no private landowner should benefit from development which had taken place at public expense*: and, secondly, that the price paid on the acquisition for public purposes should not be higher than what the land would have been worth had the Government not contemplated development generally in the area . . . I would introduce legislation which would help to ensure that *increases in land values, because of public development, should not benefit the landowner, but should benefit the community at large*. Land is a fixed commodity, and with mounting pressure on land as a result of population expansion and development, land values tend inevitably to rise. But for public purposes of acquisition, we attempt in this Bill to *exclude the landowner from windfall gains in increases of land values as a result, first, of either public expenditure already incurred in the area, or speculative increases in the price of land in an area which has been earmarked for development*.²⁶⁸

These principles were reiterated in 1965²⁶⁹ and in 1966 upon the second²⁷⁰ and third readings²⁷¹ of the bill (incorporating the earlier proposed amendments to the Land Acquisition Ordinance) that was thereafter passed into law as the Land Acquisition Act. Members of parliament have articulated similar reasoning in subsequent parliamentary debates. In 1984, for instance, the then-Minister for National Development argued that if a high premium could be demanded for the use of a piece of land — which, in his example, referred to the use of land for the development of a petrol station — this was attributable to HDB's resource expenditure to develop the new

267. See 22 *Legislative Assembly Debates, State of Singapore*, *supra* note 133, at 652–53.

268. 23 *Legislative Assembly Debates, State of Singapore*, 10 Jun. 1964, 25 (emphasis added).

269. See 23 *Legislative Assembly Debates, State of Singapore*, 16 Jun. 1965, *supra* note 133, at 811.

270. 25 *Singapore Parliamentary Debates, supra* note 130, at 133

271. 25 *Singapore Parliamentary Debates, supra* note 134, at 410 (As then-Minister for Law and National Development E. W. Barker put it, “the principle underlining this provision is that no landowner should benefit at the public’s expense, from any windfall gains resulting from enhancement of land values either through Acts of God or because of public expenditure in the neighbourhood . . . It was ironical that under the existing legislation, when additional lands in these areas had to be acquired for public purposes, Government had to pay compensation at values which Government itself had helped to enhance. The element of enhancement attributable in these cases to public participation (as opposed to participation by the private sector), is the element which under the new Bill will be creamed off when land is acquired for public purposes.”).

town, build its roads, and bring the population into the area: “it is not because of the land itself that [it] has any significance . . . it is because of the HDB’s development.”²⁷² Moreover, the specific principles articulated in 1964 have been repeatedly cited and continue to guide parliamentary lawmaking and judicial decisions²⁷³ in the decades since, including as recently as 2022 about the introduction of the land betterment charge.²⁷⁴

The essential policy reasoning echoes George in a surprising number of ways. Like George, one of the Singapore government’s key considerations is that land values increase due to factors other than the landholder’s efforts. Those factors include: (1) land’s nature as a limited and fixed commodity, which, when coupled with population expansion, results in land values invariably increasing as the population increases;²⁷⁵ (2) public development (such as “the building of roads, the laying of services, water, gas, electricity, railroads”²⁷⁶) undertaken at public expense; and (3) land speculation.²⁷⁷ For the Singaporean government, these increases in land values, which are derived from the community, belong to and should benefit the community; landholders should not receive a windfall of these gains. Indeed, as George put it, “rent, the creation of the whole community, necessarily belongs to the whole community.”²⁷⁸ The legislative pronouncements discussed above hence demonstrate a remarkable similarity between the way that Singapore’s early leaders and George diagnosed the fundamental problem of injustice in the distribution of value derived from land.

2. *Singapore’s Approach as Georgist in its Remedies*

Additionally, this Section argues that Singapore’s approach should also be construed as Georgist in its key remedies to this problem, notwithstanding that it is not predicated upon a single tax on the land value. Specifically, it examines how: (1) the dynamic of takings and givings, particularly in the government’s compulsory acquisition and leasing of land; (2) measures directed at curbing monopoly and speculation; and (3) the property tax and land betterment charge frameworks are all inherently Georgist in nature.

272. 44 *Singapore Parliamentary Debates*, 24 Aug. 1984, 2032.

273. *See, e.g.*, *Teng Fuh Holdings Pte Ltd v. Collector of Land Revenue*, [2006] 3 SLR(R) 507, 535 (SGHC).

274. *See Singapore Parliamentary Debates*, *supra* note 44.

275. *See 23 Legislative Assembly Debates*, *supra* note 268, at 25; *22 Legislative Assembly Debates*, *supra* note 133, at 652–53 (In 1963, the then-Prime Minister spoke of “the general increase in the price of land, because land is limited and population increases. The amount of currency increases with the population increase and the increase in wealth; but land does not.”).

276. *22 Legislative Assembly Debates*, *supra* note 133, at 652.

277. *See 23 Legislative Assembly Debates*, *supra* note 268, at 25.

278. GEORGE, *supra* note 1, at 328.

First, because of George's emphasis on the single tax as his policy panacea,²⁷⁹ it is easy to overlook that George, in his seminal work *Progress and Poverty*, had raised the alternative possibility of "formally confiscating all the land and formally letting it out,"²⁸⁰ and even considered this to be a theoretically satisfactory solution. Singapore's approach approximates this proposal, with the State compulsorily acquiring the vast majority of the country's land and then leasing it out. In some respects, George's writing closely parallels the reasoning Singapore's politicians would engage in more than half a century later:

We should satisfy the law of justice, we should meet all economic requirements, by at one stroke abolishing all private titles, declaring all land public property, and letting it out to the highest bidders in lots to suit, under such conditions as would sacredly guard the private right to improvements . . . giving the use of the land to whoever could procure the most from it . . .²⁸¹

George's principal reservations about actually implementing this approach were that it presented a "needless shock to present customs and habits of thought," and necessitated a "needless extension of governmental machinery."²⁸² Yet, to a newly independent nation free to construct its own methods and customs, strong and effective government machinery was something to aspire to rather than something to abstain from. With this aspiration in mind, Singapore's early leaders acted to secure great power over the land to the State. Singapore's approach entails that nearly all of its land is State-owned, a great deal of it by way of compulsory acquisition, and such land is indeed typically let out, in the sense of being sold on a leasehold basis, to successful bidders (in the case of state land released for private development under the Government Land Sales program²⁸³) or at market price (to HDB for the construction of public housing). Rather than being inherently antithetical to Georgism, such an approach of the State acquiring and leasing land was, in George's own view, potentially capable of achieving substantial justice and was one of the first methods he considered.

Second, Singapore employs several measures directed at curbing monopoly and speculation in the property market, particularly the residential property market. One such anti-speculative measure is the imposition of Seller's Stamp Duty, where property is sold within three years after it is first

279. GEORGE, *supra* note 1, at 389.

280. GEORGE, *supra* note 1, at 363.

281. GEORGE, *supra* note 1, at 362–63.

282. GEORGE, *supra* note 1, at 363.

283. See *Land Sales, URB. REDEVELOPMENT AUTH.*, <https://www.ura.gov.sg/Corporate/Land-Sales> [<https://perma.cc/W7M8-RYHU>] (last visited Oct. 17, 2023).

acquired, which disincentivizes short-term property speculation.²⁸⁴ Other measures disincentivize the concentration of ownership of property, especially residential property. In the case of public housing, after purchasing a new or resale HDB flat, homeowners are required to dispose of any interest in any existing HDB flat or private residential property, thus limiting the circumstances in which a homeowner may own more than one residential property.²⁸⁵ In the case of private housing, the imposition of Additional Buyer's Stamp Duty disincentivizes the purchase of multiple private residential properties.²⁸⁶ Such measures are targeted at curbing monopoly and speculation in the property market — the same central ills that Georgism seeks to eliminate.²⁸⁷

Third, Singapore's various forms of land taxation are remedies that are less controversially Georgist in character. Notably, the land betterment charge closely resembles the tax on land values for which George so ardently advocated — albeit with the qualification that it is far from Singapore's only tax. It also captures only 70% (rather than the full amount) of increases in land value.²⁸⁸ Another notable development, from a Georgist perspective, is the government's waiver of the building premium.²⁸⁹ It aligns with George's proposal that tax should target land, and not improvements to it. The government's stated rationale for the waiver was to “remove the disincentive for lessees to upkeep or upgrade their buildings.”²⁹⁰ This is consistent with the Georgist conviction that tax should be imposed only on land (the value of which is not attributable to human effort) and not on improvements to land (which are derived from human enterprise), thereby incentivizing the latter. The impact of the building waiver is relatively insignificant, given that the government's general stance is to allow lease extensions only on an exceptional basis,²⁹¹ such that few developments had incurred the building premium in the year prior to its waiver for all leases.²⁹² Nevertheless, it is another instance that is indicative of policy thinking that echoed Georgist reasoning. Similarly, the Prime Location Housing scheme, although not a tax per se, has a Georgist spirit insofar as it seeks to prevent homeowners from reaping a windfall solely on account of the “prime” location of their

284. *See supra* Section II.C.3.

285. *See supra* Section II.B.

286. *See supra* Section II.C.3.

287. *See supra* Section I.D.

288. *See supra* Section II.C.2.

289. *See supra* Section II.C.2.

290. Press Release, Singapore Land Authority, Lease Policy, *supra* note 249.

291. Press Release, Singapore Land Authority, Lease Policy, *supra* note 249.

292. *See* Arthur Sim, *Govt Waives Building Premium on Lease Top-Ups*, BUS. TIMES, at 2 (Sept. 2, 2008).

homes.²⁹³ Finally, another striking but seemingly less remarked-upon development²⁹⁴ is the drastic (in the case of owner-occupied residential premises, eightfold) increase in the maximum marginal residential property tax rates over the last thirteen years, to the extent that property tax is expressly regarded as the principal means of taxing wealth.²⁹⁵ This appears to be yet another indication of an approach that is continuing — like George — to center land as a source of inequality, and therefore, continuing to prioritize remedies that target land as mitigative tools. These illustrate how Singapore's approach is not only Georgist in its diagnosis of the fundamental ill but also in its key remedies.

B. Evaluating Singapore's Approach from a Georgist Perspective

Having established the motivations and basis for applying a Georgist lens, this final Section now evaluates Singapore's approach from three standpoints. First, this Section considers its consistencies with Georgism. It argues that Singapore's approach is to a notable extent correspondingly practical in addressing the Georgist ideals of impeding private monopoly of land and mitigating economic inequality. The second consideration is that of inconsistencies with Georgism. Whether these reveal limitations of Singapore's approach — specifically, concerning tax rates, uncompensated takings, unaccounted-for givings, and the need for accountability for "governmental machinery."²⁹⁶ Third, this Section concludes by assessing Singapore's approach in terms of Georgism's limitations. The critical question is whether these the limitations of Georgism illuminate ways in which Singapore's approach, to the extent that it is Georgist in character, is itself likewise limited, thus necessitating consideration of justice beyond land law and policy.

1. *Evaluating Consistencies with Georgism: Impeding Private Monopoly and Mitigating Economic Inequality*

The government's extensive accumulation of land, buttressed by common law doctrines of estates and tenure, has severely impeded private monopoly of land by, perhaps ironically, establishing a near-monopoly of Singapore's land by the State. However, the State grants a portion of its interest in such land to other persons while retaining the balance of interests not so

293. HOUS. & DEV. BD., *supra* note 202.

294. The focus in the literature appears to be on property tax on non-residential (rather than residential) premises. *See, e.g.*, TAY ET AL., *supra* note 15.

295. *See supra* Section II.C.1.

296. *See infra* Section III.B.2.

granted.²⁹⁷ State-owned land has been sold to HDB and private developers (typically on leases of 20 to 99 years²⁹⁸), with housing constructed on such land being in turn sold to individual homeowners (typically on 99-year leases).²⁹⁹ The government regards such sales as the conversion of a physical asset into a financial asset.³⁰⁰ Notwithstanding the State's ultimate title to the land, property interests are thus widely dispersed across the population. This is achieved using residential property, with the home ownership rate for residential households standing at 88.9%.³⁰¹ Singapore's approach hence has been extremely effective in making home ownership widely accessible to the resident population, as opposed to property ownership being concentrated in the hands of a few. Moreover, the nature of the leasehold estate is such that upon the expiry of a lease on State-owned land, the property reverts to the State. This naturally extinguishes attempted private monopolizing of leasehold land upon the expiry of its tenure, and limits the potential for intergenerational transfer of land and housing wealth — at least with respect to property sold on leases of 99 or fewer years. The result of Singapore's approach, therefore, has been the severe reduction of private land monopoly, which George identified as a key cause of inequality.

Crucially, by some estimates, Singapore's housing policy and its resulting high home ownership rate, together with housing capital appreciation, has had the effect of reducing economic inequality. In 2014, Singapore's resident household Gini coefficient³⁰² was 0.411 (after taxes and transfers), much higher than many high-income developed countries, but comparable with or lower than other global cities;³⁰³ however, if housing wealth were included in the equation, it was estimated that the Gini coefficient would in

297. See 95 *Singapore Parliamentary Debates*, *supra* note 20.

298. See 95 *Singapore Parliamentary Debates*, *supra* note 44.

299. See 95 *Singapore Parliamentary Debates*, *supra* note 20.

300. See *id.* (explaining that the physical asset refers to land for the term of the lease, and the financial asset refers to money paid for the land).

301. DEP'T STATS. SING., *supra* note 9. Other policies also serve to further impede private monopoly in the housing market (such as eligibility and other restrictions on the purchase and sale of HDB flats, and Additional Buyer's Stamp Duty for purchases of multiple residential properties).

302. DEP'T STATS. SING., KEY HOUSEHOLD INCOME TRENDS, 2022, 6, 15 (Feb. 2023), <https://www.singstat.gov.sg/-/media/files/publications/households/pp-s29.ashx> [<https://perma.cc/T82N-PWTB>] (“The Gini coefficient is a summary measure of income inequality. It is equal to zero in the case of total income equality and to one in the case of total inequality.”).

303. For example, New York City's Gini coefficient was 0.5504 in 2017. See Katie Honan, *New York City's Income-Inequality Gap Hasn't Changed, Report Says*, WALL ST. J. (Sept. 11, 2019), <https://www.wsj.com/articles/new-york-citys-income-inequality-gap-hasnt-changed-report-says-11568174460> [<https://perma.cc/H9RB-NYY5>] (last visited Oct. 18, 2023).

that case fall to 0.36.³⁰⁴ Moreover, the mitigating effect of housing policy on inequality appears even more pronounced when considering housing wealth distribution, rather than income distribution. In his hugely influential book, *Capital in the Twenty-First Century*, Thomas Piketty notably drew attention to wealth inequality, highlighting that wealth inequality is often greater than income inequality.³⁰⁵ An economic analysis of Singapore's housing wealth distribution, motivated by Piketty's writing, estimated that the poorest 50% of households held an estimated 25% of Singapore's total housing wealth.³⁰⁶ This contrasted extremely sharply with the distribution in other nations; Piketty's data for the United States, for example, estimated that the poorest 50% of the population held only 2% of the country's wealth in the early 2010s.³⁰⁷ Remarkably, the economic analysis of Singapore's housing wealth distribution placed it close to Piketty's proposed ideal wealth distribution — albeit with the qualifier that this estimated distribution was achieved specifically for housing wealth, rather than total wealth.³⁰⁸

It hence appears that Singapore's high proportion of State-owned land, coupled with its high homeownership rate, has the effect of reducing economic inequality. Inequality — “the unjust distribution of wealth which is separating modern society into the very rich and the very poor” — was George's profound concern.³⁰⁹ In this regard, it continues to be the case that Singapore's economic inequality, particularly its income inequality, is relatively high by conventional measures, with its Gini coefficient standing at 0.437 in 2022, and at 0.378 after accounting for government transfers and taxes.³¹⁰ Yet, the incorporation and analysis of housing wealth distribution paints a more equitable picture.³¹¹ To the extent that the country's law and policy with respect to land and housing has the effect of reducing economic inequality, therefore, this aligns with (although it does not perfectly achieve) the Georgist ideal.

304. Sock Yong Phang, *Home Prices and Inequality: Singapore versus Other “Global Superstar Cities,”* STRAITS TIMES (Apr. 3, 2015), Chart 6, <https://core.ac.uk/download/pdf/155249271.pdf> [<https://perma.cc/PP2N-2Q2Y>].

305. See THOMAS PIKETTY, *CAPITAL IN THE TWENTY-FIRST CENTURY* 306–07 (2017).

306. Phang, *supra* note 11, at 145.

307. PIKETTY, *supra* note 305, at 308–09.

308. See Phang, *supra* note 11, at 145.

309. GEORGE, *supra* note 1, at 306.

310. DEP'T STATS. SING., *supra* note 302, at 6.

311. See Phang, *supra* note 11, at 145.

2. *Evaluating Inconsistencies with Georgism: Tax Rates, Uncompensated Takings, Unaccounted-for Givings, and the Accountability of Governmental Machinery*

However, Singapore's inconsistencies with Georgism, and with other thinking that has developed therefrom, also reveal some of the limitations of Singapore's approach. Singapore has taken a path that George briefly considered, but did not ultimately advocate: relying not exclusively on taxing land values, but additionally and extensively on takings and givings of land. George's own comments on the merits or drawbacks of this course of action hence are relatively brief.³¹² To enrich the analysis, this Section therefore draws on a conception of takings and givings that is more suited for evaluating Singapore's approach, though it traces only a strand of its intellectual lineage to George. To scholars like Bell and Parchomovsky, fairness and efficiency demand that takings be compensated, and givings be accounted for — lest their burdens and benefits, respectively, rest disproportionately on different subsets of the population.³¹³ While such principles are not clearly enshrined in Singapore's law, they nevertheless supplement George's ideas and provide a helpful framework for assessing the success of Singapore's land and housing law and policy.

First, even in the aspects in which Singapore's approach most closely resembles Georgism, there remain important inconsistencies. With respect to land taxation, even those taxes that cohere most closely with George's recommendations are inconsistent with Georgism in that they do not tax the entire amount of rent, nor the entire increase in land values. George advocated the imposition of taxes on the value of land until *all* rent was appropriated by the State for public use, which he envisaged would disincentivize speculation and speculation-fueled increases in land prices.³¹⁴ By contrast, Singapore's land betterment charge takes 70% of the increase in land value, while the planned maximum marginal property tax rate is at most 36%.³¹⁵ Moreover, when George contemplated (albeit briefly) the alternative possibility of “formally confiscating all the land and formally letting it out,”³¹⁶ the supposition was that *all* land would be so confiscated.

312. See GEORGE, *supra* note 1, at 402.

313. See Bell & Parchomovsky, *supra* note 102, at 553–54.

314. GEORGE, *supra* note 1, at 371, 392.

315. See Property Tax Act (Rates for Residential Premises) Order 2013, *supra* note 211, sched. 2, pt. 2, para. 4 (This is the rate that will be applicable to non-owner-occupied residential premises from 2024); see also Kevin Teoh & Yak Pek Ching, *Land Betterment Charge Arising from Planning Applications and/or Involving Lifting of Restrictive Covenants*, URB. REDEVELOPMENT AUTH. (July 5, 2022), <https://www.ur.gov.sg/Corporate/Guidelines/Circulars/dc22-08> [https://perma.cc/NP4U-TEJT].

316. GEORGE, *supra* note 1, at 363.

Although proportion of State land ownership is extremely high, there remains a proportion of land that is in effect privately “owned” in the sense that it is freehold or held on 999-year leases.³¹⁷ There are sound practical and policy reasons for these choices.³¹⁸ Still, the question remains as to whether these features, especially to the extent that they are inconsistent with Georgism, perpetuate or fail to mitigate potential injustice arising from the distribution of property.

Specifically, one question is whether the persistence of privately-owned land perpetuates distributive inequality. One scholar has recently argued that differences in land tenure (e.g., freehold versus 99-year leasehold) gives rise to disparity in wealth distribution.³¹⁹ He highlights that as HDB flats reach the middle of the terms of their leases, they begin to decline in value as their lease terms decay; freehold property, by contrast, continues to appreciate, allowing freehold property owners to become “a self-perpetuating oligarchy.”³²⁰ He argues therefore that over time, these differences in land tenures engender increasing inequality. Indeed, in the residential housing context, from the first quarter of 2009 to the fourth quarter of 2019, the HDB resale price index increased from 100 to 131.5, whereas the private residential property price index increased from 100 to 153.6 — with the index for landed residential property rising even higher to 171.8.³²¹ This data does not distinguish between freehold and leasehold private residential property. Nevertheless, based on this resale price index information, it would appear that on an overall basis, private residential property appreciated more than public residential property during this period. Private housing, however, is comparatively less affordable and less accessible than

317. 74 *Singapore Parliamentary Debates*, *supra* note 7, at 1624; TANG & LOW, *supra* note 15, at 69–70.

318. For instance, with respect to the land betterment charge, retention of the remaining 30% is intended to incentivize the landholder to develop the land. See 45 *Singapore Parliamentary Debates*, *supra* note 241, at 296; 87 *Singapore Parliamentary Debates*, *supra* note 241.

319. See Andrew Purves, *Singapore’s Imminent Expiration of Land Leases: From Growth and Equality to Discontent and Inequality?*, TIJDSCHRIFT VOOR ECONOMISCHE EN SOCIALE GEOGRAFIE (J. ECON. & SOC. GEOGRAPHY) 1, 9 (2023).

320. See *id.* at 9–10.

321. The resale price index tracks the overall price movement of the property market. Data from the fourth quarter of 2019 was chosen as a basis for comparison instead of data from more recent quarters, in case such data may have been affected by the COVID-19 pandemic. See *HDB Resale Price Index* (2022), <https://beta.data.gov.sg/collections/152/view> [<https://perma.cc/HU82-ZAXV>] (last visited Jan. 13, 2023); *Private Property Price Index by Type, Quarterly*, DATA.GOV.SG. (June 2023), https://beta.data.gov.sg/collections/1676/datasets/d_97f8a2e995022d311c6c68cfda6d034c/view [<https://perma.cc/T4ZG-RDQ4>].

public housing.³²² It would appear, therefore, that the benefits of private housing price appreciation will tend to be concentrated among those with the means to purchase private property in the first instance — thereby potentially exacerbating inequality by allowing the greater benefits of such private property price increases to accrue to those with greater initial means. As the Monetary Authority of Singapore’s Managing Director has previously remarked, though public housing policy and high homeownership rates have mitigated disparity in housing wealth distribution, “if price increases in private housing consistently outstrip that in public housing, wealth inequality will worsen over time, even if not to the same extent as in many other countries.”³²³ Within Singapore’s system of extremely high — but not, as George envisioned, total — State ownership of land, the persistence of privately-owned land therefore contributes to distributive inequality.

Within a system of private land ownership, George’s key policy recommendation was a tax on land values.³²⁴ In Singapore’s residential property context, a key policy is the progressive property tax rate regime, which does not go so far as George’s prescription, but should, in principle, cause the property tax burden to fall with greater weight on those with greater property wealth. Still, it is unclear whether the current and planned progressive property tax rates are indeed adequate to completely mitigate these potential inequalities. A definitive answer to this question is outside the scope of this Article. Nevertheless, this inconsistency with George’s prescription raises the question of whether these taxes might be employed to greater effect in the mitigation of inequality.

A second issue is the adequacy of compensation for takings of land through the government’s powers of compulsory acquisition. Though such is not constitutionally mandated in Singapore, this can still be considered as a general principle of fairness.³²⁵ In earlier decades, this issue was very

322. See URB. LAND INST., 2023 ULI ASIA PACIFIC HOME ATTAINABILITY INDEX 11, 15 (2023), https://asia.uli.org/wp-content/uploads/2023/05/ULI-Home-Attainability-Index-report_-28-May-Finalised.pdf [<https://perma.cc/HK6W-8XWK>] (finding that the average housing price for HDB resale flats — which would exclude BTO flats — was US\$409,095 while the median housing price for private property was US\$1,200,087); see also DEP’T OF STATS. SING., *supra* note 9 (reflecting the relative inaccessibility of private housing, in that in 2022, only 21.9% of resident households lived in private landed properties and private condominiums or other apartments).

323. Notably, there also appear to be echoes of Georgism in his remarks, particularly, his observation that “the widening wealth gap across the world has historically been driven most strongly by property investments.” Grace Ho, *MAS Chief Says Wealth Tax Could Tackle Wealth Inequality in Singapore*, THE STRAITS TIMES (July 22, 2021), <https://www.straitstimes.com/singapore/politics/mas-chief-says-wealth-tax-could-tackle-wealth-inequality-in-singapore> [<https://perma.cc/5MEJ-JJ32>].

324. See GEORGE, *supra* note 1, at 389.

325. See, e.g., Chew et al., *supra* note 131, at 169–70.

much more at the fore: historically, there were many years, especially prior to 2007, that compulsory acquisitions were regarded as compensated “totally inequitabl[y]”³²⁶ — with many of these takings constituting the basis for subsequent and current givings of land and public housing. Specifically, until the legislative and policy shift in 2007, the compensation payable for compulsorily acquired land was pegged either to the market value as of a statutorily fixed date, or as of the date of the relevant notification relating to the acquisition, whichever was lower.³²⁷ The practical result was often that landholders whose land was compulsorily acquired suffered significant financial losses.³²⁸ Such was partially ameliorated at various points, for example, through the practice of making *ex gratia* payments to landholders; and by legislative amendments, beginning in 1988, that revised the statutory date for the assessment of compensation.³²⁹ However, it was not until 2007 that reforms were made to compulsory land acquisition laws, providing for compensation to be based on the property’s prevailing market value.³³⁰ Moving forward, these reforms, together with the reality that such a large proportion of land is now State-owned, have diminished the immediacy and significance of this issue of the adequacy of compensation for takings. Nevertheless, it bears noting that the current landscape is owed in large part to historically inadequately compensated takings.

Third, and especially topical in 2022, is the issue of accounting for givings. In Bell and Parchomovsky’s conception, there is a risk that unaccounted-for givings may give rise to distributive injustice, because they allow their chosen recipients to benefit disproportionately from public resources.³³¹ Their analysis, therefore, considers when a giving should be susceptible to the imposition of a charge on the recipient for the benefit received.³³² In Singapore, this has been a politically charged matter,³³³ particularly with respect to the supply, allocation, and pricing of newly-constructed BTO flats. In the public housing context, BTO flats are allocated by ballot to eligible applicants,³³⁴ and sold not at market price but at HDB-determined prices that are formulated with the intention of ensuring housing

326. *Id.* at 171.

327. See Land Acquisition Act 1966 (Act No. 41/1966) (1985 Rev. Ed.), § 33(1)(a) (Sing.); see *supra* Section II.A.2.

328. See Chew et al., *supra* note 131, at 171.

329. See TANG & LOW, *supra* note 15, at 816.

330. See Land Acquisition Act, 1966 (Act No. 41/1966) § 33(1)(a) (Sing.).

331. See Bell & Parchomovsky, *supra* note 102, at 578.

332. Bell & Parchomovsky, *supra* note 102, at 557.

333. See, e.g., 95 *Singapore Parliamentary Debates*, *supra* note 20.

334. See HOUS. & DEV. BD., *Application*, <https://www.hdb.gov.sg/residential/buying-a-flat/buying-procedure-for-new-flats/application> [<https://perma.cc/JT4W-JK3E>] (last visited Jan. 13, 2023).

affordability.³³⁵ This contrasts with George's conception of market dynamics in the property context, where land is let to the highest bidder and prices are not artificially deflated to accomplish a social goal. It contrasts, too, with the conception that givings should be charged at full market price. The application of this theoretical perspective therefore suggests that especial care should be taken (e.g., with respect to supply, allocation, and eligibility criteria for ownership of BTO flats) so that these givings do not result in distributive injustice, even as they play a role in ameliorating housing wealth disparity.³³⁶ In this regard, the concept of accounting for givings is reflected in the Prime Location Housing scheme, which recovers a portion of the profits that the homeowner receives from selling their flat, at a percentage commensurate with the amount of initial subsidies the homeowner had received.³³⁷

In addition, grants and subsidies are also available, subject to eligibility requirements, for the purchase of BTO and resale flats. Accordingly, after taking into account construction costs and the cost of land purchased from the State at fair market value, HDB recorded average yearly deficits in its Home Ownership Program of S\$2.68 billion per year from the 2019/20 to 2020/21 financial years,³³⁸ with these deficits being funded out of the annual budget.³³⁹ Unsurprisingly, given the costs in terms of public resources, HDB correspondingly imposes several eligibility criteria for the ownership of HDB flats, whether BTO flats or flats resold on the open market. These include the prospective homeowner's citizenship status, family nucleus, and age.³⁴⁰ There are various intricacies to the eligibility criteria, but their

335. See MINISTRY OF NAT'L DEV., *supra* note 193.

336. See generally *supra* Section III.B.2 (discussing the effect of housing wealth on overall inequality). Conversely, Purves has argued that housing wealth disparity may arise in part due to HDB flat values declining in the final decades of their 99-year lease terms. See Purves, *supra* note 319, at 9–10. In this regard, givings to those affected by lease decays may in fact ameliorate such disparity. For example, HDB makes provision for “second-timers,” persons who have previously bought a HDB flat directly from HDB, or received a CPF housing grant or housing subsidy. In BTO flat distribution exercises, there is a specific quota for “second-timers,” and “second-timers” are also eligible for certain public housing grants. *Public Housing – A Singapore Icon*, HOUS. & DEV. BD. (2023), <https://www.hdb.gov.sg/about-us/our-role/public-housing-a-singapore-icon> [<https://perma.cc/E9SE0H8V6>]; *Selective En Bloc Redevelopment Scheme: My Guide to a New Beginning with SERS*, HOUS. & DEV. BD., at 18, <https://www.hdb.gov.sg/-/media/doc/EAPG/SERS-Guide-ENG.ashx> [<https://perma.cc/4GMH-XKDR>] (last visited Sept. 30, 2023).

337. See HOUS. & DEV. BD., *supra* note 202.

338. See 95 *Singapore Parliamentary Debates*, *supra* note 20 (Ms. Indranee Rajah, Minister).

339. See *Corrections Regarding HDB's Deficits and Singapore's Past Reserves* (Oct. 14, 2022), <https://www.gov.sg/article/factually141022-b> [<https://perma.cc/JWE2-7JFK>].

340. In general, listed applicant(s) typically must include at least one Singapore citizen or two Permanent Residents; applicants should be living with their spouse or immediate family;

essential effect is that non-eligible persons are excluded from housing grants and HDB flat ownership, and correspondingly, from the redistributive benefits that these bring.

It should be noted that persons not eligible for purchase of public housing include non-citizen families where only one (or no) family member is a Permanent Resident, and persons below the age of 35 who are not legally married. Moreover, notably, Singapore's resident population (including both citizens and Permanent Residents) numbers 4.07 million, only just over 70% of the total population 5.63 million.³⁴¹ Singapore relies extremely heavily on its foreign workforce, hosting over 1.4 million foreign workers in December 2022:³⁴² the majority, numbering 1,033,500, hold sector-specific fixed-term work permits and are employed in the domestic, construction, marine shipyard, and processing sectors;³⁴³ another 365,200 hold Employment Passes or "S passes" that mandate minimum salary floors, and that allow holders to work in professional, managerial, executive, and other skilled roles.³⁴⁴ While HDB flat ownership is largely unavailable to the non-resident population, the non-resident population comprises almost 30% of the country's total population, thus rendering a substantial proportion of the total population ineligible for public housing ownership and its attendant benefits. The overall effect, therefore, is that benefits of public housing ownership are concentrated only among those whom the government permits (through ownership eligibility restrictions) and encourages (through grants and subsidies) to become homeowners.

Finally, in rejecting an approach premised on confiscating land and letting it out, rather than collecting land rent, one of George's principal reservations was the extensive "governmental machinery" that this would require, and the "chances of . . . favoritism, collusion, and corruption" this might entail.³⁴⁵ Singapore's approach gives ultimate title and majority "ownership" of land to the State, and puts a great deal of power in the hands of the government

and if an applicant does not form the requisite family nucleus, they generally only become eligible to buy a flat at above 35 years old if unmarried or divorced, or at above 21 years old if widowed or orphaned. See HOUS. & DEV. BD., *Flat and Grant Eligibility*, <https://www.hdb.gov.sg/residential/buying-a-flat/understanding-your-eligibility-and-housing-loan-options/flat-and-grant-eligibility> [<https://perma.cc/8LW9-PYZ2>] (last visited Jan. 13, 2023).

341. DEP'T OF STATS. SING., *Population and Population Structure*, <https://www.singstat.gov.sg/find-data/search-by-theme/population/population-and-population-structure/latest-data> [<https://perma.cc/8LW9-PYZ2>] (last visited Jan. 13, 2023).

342. MINISTRY OF MANPOWER, *Foreign Workforce Numbers*, <https://www.mom.gov.sg/documents-and-publications/foreign-workforce-numbers> [<https://perma.cc/8RGQ-CB3R>] (last visited Aug. 8, 2023).

343. *Id.*

344. *Id.*

345. GEORGE, *supra* note 1, at 364.

and its statutory boards.³⁴⁶ It is an approach that is peculiarly vulnerable to mismanagement.³⁴⁷ There are indeed certain legal checks (such as a right of appeal regarding the quantum of compensation awarded for compulsory acquisition of land).³⁴⁸ Plaintiffs at various times have also attempted to check government action by reliance on constitutional law (arguing that a compulsory acquisition violated the equal protection clause³⁴⁹) and administrative law (arguing that a compulsory acquisition was *ultra vires*³⁵⁰), although such strategies face an uphill battle absent a constitutional right to property. However, what has perhaps been most effective is democratic deliberation and the perceived threat of the ballot box. Though the same political party has held power since Singapore's independence,³⁵¹ there has been a responsiveness to popular concern despite this political dominance. Compensation reforms were instituted as compulsory acquisition laws affected a wider section of the population;³⁵² and recent controversy about accounting for HDB's losses in constructing certain BTO flats, given the allegedly low cost of the compulsorily acquired land on which they were built,³⁵³ prompted a historically unprecedented provision of a breakdown of HDB's development costs and pricing approach for such flats.³⁵⁴ These developments, which may seem unremarkable from an external perspective, nevertheless mark notable shifts within the particular constitutional, legal, and political frameworks and culture of the nation. Regardless, George's trenchant warning against the confiscation of land (rather than land rent) speaks to the crucial need for government accountability in any approach that relies so heavily on governmental machinery.

346. See *supra* Section I.A.

347. See, e.g., GEORGE, *supra* note 1, at 364.

348. See *supra* Section II.A.

349. See *Eng Foong Ho v. Att'y-Gen.*, [2008] 3 SLR 437 (SGHC).

350. See, e.g., *Teng Fuh Holdings Pte Ltd v. Collector of Land Revenue*, [2007] 2 SLR 568, 570, para. 4 (SGCA).

351. See SHASHI JAYAKUMAR, *A HISTORY OF THE PEOPLE'S ACTION PARTY, 1985-2021* 1 (2022).

352. See Chew et al., *supra* note 131, at 172.

353. See *Corrections Regarding HDB's Deficits and Singapore's Past Reserves*, *supra* note 339.

354. See MINISTRY OF NAT'L DEV., *supra* note 193; Nur Hikmah Md Ali, *HDB Reveals for the First Time Breakdown of Development Costs of BTO Flats, Reiterates It "Doesn't Apply Profit Margin on Costs,"* TODAY (Dec. 7, 2022), <https://www.todayonline.com/singapore/hdb-bto-development-cost-breakdown-2065221> [https://perma.cc/HW48-7PUU].

3. *Evaluating Georgism's Limitations: Justice Beyond Land Law and Policy*

Finally, Georgism's own limitations also illuminate the limitations of Singapore's approach. George focused on land to the extent even of proposing the abolition of all forms of taxation other than the single land value tax.³⁵⁵ Singapore has not confined itself to so restrictive a remedy as a single land value tax. Yet, Singapore's approach, like George, places much emphasis on land and housing. Property tax is its main means of taxing wealth,³⁵⁶ and public housing policy effectively functions as a principal redistributive tool, with Singapore's housing grants and subsidies being in some ways the largest single "transfer payment" that most residents receive from the government.³⁵⁷ Public housing ownership even provides the basis for a retirement income scheme: the Lease Buyback Scheme allows retirees to sell part of their flat's lease to HDB and use the proceeds to fund the payment of a monthly income, thereby allowing retirees to tap into their home's equity to fund their retirement, while continuing to live in their homes.³⁵⁸

However, is this property-focused approach sufficient to achieve the ideal of justice that George so ardently sought? Even as housing wealth distribution, for example, appears to approximate a desirable allocation, other measures of economic inequality remain objectively relatively high.³⁵⁹ One question remaining, then, is whether an approach so centered on land and the redistribution of wealth through land and housing should be supplemented by other redistributive mechanisms.

CONCLUSION

Singapore's approach demonstrates the potentially potent role of property law and policy in the search for justice. Singapore's land law and policy

355. See GEORGE, *supra* note 1, at 365.

356. See *supra* Section II.C.1.

357. See *supra* Section II.B. While housing grants and subsidies serve as a significant type of "transfer payment," at the same time, Singapore does not utilize other types of conventional transfer payments. For example, it lacks a pure unemployment benefits scheme, preferring instead schemes like the Workfare Income Supplement Scheme, which supplements the wages of low-income workers. CENT. PROVIDENT FUND BD., *Boost Your Savings with Workfare Income Supplement*, <https://www.cpf.gov.sg/member/growing-your-savings/government-support/workfare-income-supplement> [https://perma.cc/E92L-3GP6] (last visited Oct. 22, 2023).

358. See HOUS. & DEV. BD., *Lease Buyback Scheme*, <https://www.hdb.gov.sg/residential/living-in-an-hdb-flat/for-our-seniors/monetising-your-flat-for-retirement/lease-buyback-scheme> [https://perma.cc/7CN9-LZN3] (last visited Sept. 19, 2023).

359. See *supra* Section III.B.1.

traces its origins to a theoretical foundation of English law and its feudal system of landholding. Building on this foundation, the country has developed a secure legal basis for extensive, and in many ways unprecedented, takings, givings, and taxation of land. As a consequence, the State now owns an estimated 90% of Singapore's land,³⁶⁰ and the home ownership rate for residential households is 88.9%.³⁶¹

Notably, Singapore's principal divergence from George's approach is in focusing not exclusively on taxation, but on outright physical takings and givings of land. This divergence notwithstanding, Singapore's approach can convincingly be regarded as Georgist in its diagnosis and in its remedies. George's assessment of the cause of unjust distribution of wealth centered on land. Likewise, in Singapore, enormous public resources have been both derived from and directed to the taking, giving, and taxing of land. Singapore's approach, especially when viewed through a Georgist lens, illustrates how land and housing law and policy can be powerfully employed to impede private monopoly and mitigate economic inequality — demonstrating the role of land law and policy in the search for justice. Indeed, Georgism (or at least its underlying spirit) might also furnish a powerful theoretical underpinning or justification for the Singapore government's approach to land and housing. Moreover, this approach may be relevant even beyond Singapore's shores, particularly in metropolises facing rising property prices and housing crisis, or in cities that share a similar legal system and high proportions of State-owned land.³⁶²

George warned that placing such enormous resources in the hands of the State gives rise to a strong need for government accountability. At the same time, Singapore's experience, and Georgism's own limitations, demonstrate the need for an approach centered on land to be supplemented by other redistributive mechanisms. Still, on the whole, Singapore's land law and policy significantly facilitates the country's progress toward achieving George's ideal of justice — particularly in a distributive sense — with those ends justifying departure from strict Georgist theory in favor of a system of land governance that reflects the city's unique circumstances and the realities of the modern world.

360. See 74 *Singapore Parliamentary Debates*, *supra* note 7, at 1624 (Dr. Amy Khor Lean Suan).

361. DEP'T OF STATS. SING., *supra* note 9. This includes homes with leasehold tenures of 99 years or less.

362. In Hawaii, for example, legislators recently attempted to introduced legislation creating a housing program expressly modeled after Singapore's. The Hawaii Housing Finance and Development Corporation, however, did not back the measure in its entirety, although it did identify beneficial elements of the proposal. See *Statement of Denise Iseri-Matsubara*, *supra* note 13, at 1–2.