4th ASEAN CJs’ Roundtable on the Environment

The Judiciary, the Executive and Environmental Protection

14 December 2014
Singapore’s Constitutional Framework

• Sovereign power of the state is distributed among the three organs of state – the Legislature, the Executive and the Judiciary
• Part of the basic structure of the Singapore Constitution
• Principle of separation of powers requires that each constitutional organ should act within the limits of its own powers
Separation of Powers

• The Court will be particularly circumspect in areas that are uniquely within the sphere of the Legislature.

• Similarly, the Court will accord great deference to the Executive especially in matters of “high policy” e.g. the conduct of foreign affairs and the making of treaties
Judicial Role

• The judicial function is “essentially that of making a finding on facts and applying the law to the relevant facts to reach a decision in accordance with law.”

• As noted, Singapore courts are reluctant to review matters outside their area of expertise.

• At the same time, the Legislature and Executive may not interfere with the exercise of the judicial power by the Judiciary.
Brief overview of state agencies responsible for environmental protection
Ministry of Environment and Water Resources (MEWR)

Overview
• Formerly the Ministry of Environment, renamed in September 2004
• Tasked with ensuring a clean, sustainable environment and water supply for Singapore

Statutory Boards
• National Environmental Agency (NEA)
• PUB, the national water agency
National Environmental Agency (NEA)

Overview

• Responsible for improving and sustaining a clean and green environment in Singapore

• Key programmes:
  - Pollution control
  - Solid waste management
  - Public hygiene and cleanliness
  - Environmental training

Some laws it administers

• Energy Conservation Act 2012
• Environmental Protection and Management Act
• Environmental Public Health Act
• Hazardous Waste (Control of Export, Import and Transit) Act
PUB, the national water agency

Overview

• PUB manages Singapore’s water supply, water catchment and used water

• Responsible for the collection, production, distribution and reclamation of water in Singapore

• Manages more than 7,000 km of canals and drains in Singapore

Water management

• Limited water resources

• Diversified water supply via local catchments, imported water, NEWater (reclaimed water) and desalinated water

• Works with community to change consumption habits (including via water pricing)
Ministry of National Development (MND)

Overview

• Responsible for national land use planning and development
• Developing Singapore while also taking care to maintain the quality of the environment

Statutory Boards

• Agri-Food & Veterinary Authority (AVA)
• Building and Construction Authority (BCA)
• Council for Estate Agencies (CEA)
• Housing & Development Board (HDB)
• National Parks Board (NParks)
• Urban Redevelopment Authority (URA)
Overview

• Key role in protecting Singapore’s environment and safeguarding health of animals, fish and plants
• Monitors imports of animal and plants products
• Takes enforcement actions against cases of illegal wildlife import and export, and the possession of illegally imported wildlife

Some laws it administers

• Animals and Birds Act
• The Control of Plants Act
• Endangered Species (Import and Export) Act
• Fisheries Act
• Wild Animals and Birds Act
National Parks Board (NParks)

Overview

• Responsible for providing and enhancing Singapore’s greenery
• Manages more than 300 parks and four nature reserves, as well as roadside greenery
• Aims to converse biodiversity in land-scarce Singapore

Some laws it administers

• The National Parks Board Act
• The Parks and Trees Act
Other agencies

Maritime and Port Authority
- Administers (amongst others) the Prevention of Pollution of the Sea Act, and the Merchant Shipping (Civil Liability And Compensation For Oil Pollution) Act

Energy Market Authority
- Energy industry regulator, as well as power systems operator and industry developer
- Vision of “Smart Energy, Sustainable Future”
Environmental Litigation in Singapore

- The role of the Courts is to apply the relevant law as and when cases are brought to court, and in so doing advance the environmental and social objectives of such regulatory controls.

- Environmental litigation is uncommon in Singapore. One scholar has noted that there is a “paucity of cases relating to the environment” (Lye Lin Heng, “The Judiciary and Environmental Governance in Singapore” (2010) 3 J. Ct. Innovation 133).

  - She attributed it to Singapore’s sound environmental management system.
  - She also observed that in certain situations where environmental issues have stirred controversy (such as the reclamation of ecological sensitive areas for purposes of development), they have been resolved amicably without litigation.
End