



**CONSULTATION DOCUMENT ISSUED BY
INFOCOMM MEDIA DEVELOPMENT AUTHORITY**

**INDUSTRY CONSULTATION ON NEW BROADCASTING CLASS LICENCE FOR
OPERATORS OF DISTRIBUTION NETWORK DIGITAL DISPLAY PANELS**

8 NOVEMBER 2019

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PART 1: INTRODUCTION

1. Digital Display Panels (“**DDPs**”) are becoming prevalent in Singapore, and can be seen in public places such as shopping malls, commercial buildings, residential estates and public transport vehicles such as MRT trains. The audio-visual content on these DDPs is currently regulated under the Films Act (“**FA**”), to ensure that the public, including young children are not shown inappropriate content.
2. Increasingly the DDPs operate on a distribution network (“**Distribution Network DDPs**”) similar to broadcasting. This allows content (both static images and videos) to be distributed efficiently to a large number of DDPs in different locations. Given the wide public reach of these Distribution Network DDPs, IMDA proposes to create a new Class Licence under the Broadcasting Act (“**BA**”) to regulate such DDPs in public places.
3. Under the new BA Class Licence, the Distribution Network DDPs will be subject to a new content code. The code will continue to apply similar standards as existing regulation to ensure that the public, including young children are not shown inappropriate content when they come across such DDPs. In addition, Distribution Network DDPs installed in the lifts and/or at lift lobbies of HDB residential blocks will be required to display a specified amount (in terms of proportion) of public service messages. Examples include messages that are of national concerns such as jobs and economy, healthcare, national security; messages that address public concerns of longer term impact like water, housing, public health; messages that are Whole-of-Government in nature, such as Merdeka Generation, National Day Rally, Budget. This is to improve the communication of important public messages to residents and to maintain the residential nature of HDB estates.
4. DDPs that do not operate on a distribution network will continue to be regulated under the FA.
5. This consultation paper is structured as follows:
 - a. Part 2 sets out the proposed scope and key conditions of the new BA Class Licence.
 - b. Part 3 describes how interested parties may provide their comments on the scope and proposed new BA Class Licence conditions to IMDA.
6. Interested parties from the industry are invited to provide their comments to the consultation by no later than 22 November 2019, 5pm, in the manner specified in Part 3 of this paper.

PART 2: SCOPE AND KEY CONDITIONS OF THE NEW BA CLASS LICENCE

Scope of the new BA Class Licence

7. IMDA proposes creating a new BA Class Licence to regulate operators of Distribution Network DDPs, where the DDPs are installed in public places. Public places will cover places generally accessible to members of public, typically without restrictions, and will include public transport vehicles.
8. The new BA Class Licence will not cover DDPs where content is uploaded manually via storage devices such as thumb-drives. It also does not include standalone DDPs where a person selects and pulls content from the open Internet for public exhibition such as outdoor film screenings. These will continue to be regulated as public exhibition under the FA.
9. The new BA Class Licence intends to only cover Distribution Network DDPs which broadcast content that is being “pushed” to viewers, and not those that content is specifically and deliberately accessed by viewers. An example of Distributed Network DDPs that the proposed new BA Class Licence will cover are the screens located at HDB residential estates where content is “pushed” to residents. The proposed new BA Class Licence will however exclude digital multi-screen cinemas where viewers visit the venue with the primary intent to view an exhibited film. For the avoidance of doubt, an interactive user interface that allows users to switch on/off the screen or select content does not in and of itself mean that the content is not “pushed” to viewers. For example, Distribution Network DDPs located in shopping malls may have interactive interfaces, but the content is considered “pushed” to the shoppers.
10. The new BA Class Licence will exclude the following services which are already licensed under other regulatory regimes:
 - a. Licensed TV services, including Over-the-top (“OTT”) TV services regulated under the BA; and
 - b. Video game demonstrations regulated under the Films (Class Licence for Video Games Distribution) Order 2019 under the Films Act.
11. For illustration purposes, a non-exhaustive list of activities that are not captured under the new BA Class Licence and will continue to be regulated under the FA is set out below:
 - a. Cinema film screening;
 - b. Ad-hoc outdoor film screening;
 - c. Coffee shops, pubs with TV screens showing programmes from free-to-air or pay TV channels;

- d. Restaurants with TV screens showing content streamed from the Internet;
- e. Retailers playing videos from media storage; and
- f. Video game distributors demonstrating game play pulled from the Internet or media storage.

Key conditions of the new BA Class Licence

No Registration Requirement, Licence Fee and Performance Bond

12. To minimise regulatory burden on operators of Distribution Network DDPs, the new BA Class Licence is automatic and there will be no registration requirement. Licensees also need not pay licence fees or put up a performance bond.

Compliance with Content Code

13. All licensees of the new BA Class Licence will be required to comply with a new Content Code for Distribution Network DDPs (the “**Code**”). As the regulated Distribution Network DDPs are in public places, the intent is for content standards to be suitable for general audience. Please refer to **Annex** for the proposed key obligations in the Code.

Provision of Information

14. Licensees of the new BA Class Licence are to provide information concerning or relating to its service upon notification by IMDA.

Public Service Broadcasting Requirements

15. To improve the communication of public messages to HDB residents and in view of the residential nature of HDB estates, operators with Distribution Network DDP installed in the lifts and/or at lift lobbies of HDB residential flats will be required to broadcast public service broadcast (“**PSB**”) programmes provided by the Government. This will exclude Distribution Network DDPs in community centres, shop houses or retail/commercial spaces in HDB heartlands, heartland shopping malls and Executive Condominiums.
16. The PSB programmes shall comprise 50% of the duration of each loop of content displayed on each Distribution Network DDP, and there will be no payment or subsidy required of the Government. PSB programmes are also broadcast by Mediacorp, Singapore’s free-to-air broadcaster regulated under the BA.
17. The above requirements are in recognition that today, standalone, non-electronic and manual-based notice boards at HDB estates carry public

messages such as health and safety messages (e.g., preventive measures against Dengue and against crime) to enhance public awareness. Given the pervasive nature of Distribution Network DDPs in HDB residential estates and considering that 80% of Singaporeans reside in HDB flats, these DDPs should carry public messages as an effective outreach means to residents.

18. IMDA will continue to monitor developments and may review if the requirement to broadcast PSB messages should be extended to other DDPs beyond those located in lifts and/or at lift lobbies of HDB residential blocks. If there is a need to do so, IMDA will consult industry stakeholders in advance prior to changes.

Enforcement measures

19. Under Section 12 of the BA, IMDA may impose financial penalties, cancel or suspend the application of the BA Class Licence on a licensee that contravenes any licence condition or provision of the Content Code.

PART 3: INVITATION TO COMMENT

20. The IMDA would like to seek comments from the industry on the proposed scope and key conditions of the new BA Class Licence in Part 2, and the key requirements of the Code in **Annex**. Respondents should clearly identify the requirements and clauses they are commenting in their submissions to IMDA. Respondents may also propose changes to the proposed scope, conditions or the content requirements. The proposals should be accompanied by reasons for these changes.
21. Submissions must be in softcopy (in Microsoft Word format), and should contain the following details:
- a. Name of Organisation / Individual
 - b. Correspondence address, contact number and email address
 - c. Description of current service provided by organisation (if applicable).
 - d. Comments or suggestions, and reasons where applicable.
22. The consultation closes on **22 November 2019** and comments should be submitted to IMDA on or before **5pm** of that date. Please email your comments, with the subject header “Industry Consultation on DDPs” to:
- Ms Lee Ee Jia
Director (Media Policy)
Infocomm Media Development Authority
(Attention: Ms Esther Quek)
Email: consultation@imda.gov.sg
23. IMDA reserves the right to make public all or parts of any written comment and to disclose the identity of the source. Commenting organisations may request confidential treatment for any part of the comment that the commenting organisation believes to be proprietary, confidential or commercially sensitive. Any such information should be clearly marked and placed in a separate annex. If IMDA grants the request for confidential treatment, it will consider, but will not publicly disclose, the information. If IMDA rejects the request for confidential treatment, it will return the information to the commenting party and will not consider the information as part of its review. As far as possible, commenting organisations should limit any request for confidential treatment of information submitted. IMDA will not accept any comment that requests for confidential treatment of all or a substantial part of the comment.

PROPOSED KEY OBLIGATIONS IN THE CONTENT CODE FOR DISTRIBUTION NETWORK DIGITAL DISPLAY PANELS (“DDPs”)

Definitions

1. In the proposed Code, IMDA will adopt definitions of specific terms that are aligned with the existing definitions in the FA. Some examples are provided below:

- a) “cause-related event” means an event (whether or not a gathering or meeting and whether or not consisting of any lecture, talk, address, debate or discussion) of individuals the purpose (or one of the purposes) of which is –
 - i. To demonstrate support for or opposition to the views or actions of any person, group of persons or any government;
 - ii. To publicise a cause; or
 - iii. To mark or commemorate an event that is not a community-based cultural event and not any National Day celebration or rally, State funeral or other public event of national significance.

- b) “health-related goods or services” means –
 - i. Any health product within the meaning given by the Health Products Act (Cap. 122D);
 - ii. Any service relating to the treatment of any ailment, disease, injury, infirmity or condition affecting the human body, the advertising of which is regulated under the Medicines (Advertisement and Sale) Act (Cap. 177) or any other written law; or
 - iii. Any tobacco product within the meaning given by the Tobacco (Control of Advertisements and Sale) Act (Cap. 309).

- c) “party political film” means a film –
 - i. Which is an advertisement made by or on behalf of any political party in Singapore or any body whose objects relate wholly or mainly to politics in Singapore, or any branch of such party or body; or
 - ii. Which is made by any person and directed towards any political end in Singapore.

Obligations under the Code

1.1 Licensees shall ensure that the programmes broadcast on DDPs are suitable for general audience (including young children) and do not contain any impermissible content as defined in Part 2: Impermissible Content, unless

otherwise approved by the IMDA in writing. The following are examples of programmes allowed to be broadcast on DDPs.

Advertising and Promotion

- 1.2 Any advertisement that promotes, or are designed to publicise
- a) any goods (including a film), any brand of product or services, but not any health-related goods or services; or
 - b) any event which is not a cause-related event.

Community or Cultural Programmes

- 1.3 Programmes comprising wholly a documentary record of any community-based cultural activity or event, or of any National Day celebration or rally, State funeral or other public event of national significance.

Television Programmes

- 1.4 Any local television programme that was broadcast in Singapore on a free-to-air broadcasting service.

Programmes Suitable for Young Children

- 1.5 Programmes consisting wholly of a magic show, a circus performance, or any other show or performance that a reasonable adult will regard as suitable for children below the age of 7 years.

Part 2: Impermissible Content

- 2.1 "Impermissible content" in paragraph 1.1 above refers to any of the following:

National and Public Interest

- 2.2 Any matter that undermines national interest, national security, public interest, public security or public order.
- 2.3 Any matter detrimental to Singapore's relationship with other countries.

Race and Religion

- 2.4 Any matter likely to cause offence to any race or religious group in Singapore.
- 2.5 Any reference to any religious event or religious teaching or instruction.

2.6 Any advertisement made by or on behalf of any religious organisations.

Crime and Anti-Social Behaviour

2.7 Any matter directly or indirectly counselling or urging the doing of any unlawful act of providing instruction on the doing of any unlawful act.

2.8 Any depiction or description of gambling, smoking, alcohol consumption, psychoactive substance abuse or any unlawful conduct.

Sex and Nudity

2.9 Any depiction or description of sex, sexual matters or nudity of any kind (including images of persons in revealing or titillating attire).

Coarse Language, Horror and Violence

2.10 Any coarse language, any frightening or disturbing sequences, or any depiction or description of acts of torture, cruelty or violence (whether or not sexual) or of abhorrent phenomena, whether natural or pertaining to the supernatural.

Chinese Dialect

2.11 Any dialogue or commentary (in whole or part) in a Chinese dialect other than Mandarin.

Political Matter

2.12 Any advertisement made by or on behalf of any political party in Singapore or any body whose objects relate wholly or mainly to politics in Singapore, or any branch of such party or body.

2.13 Any programme that is directed towards any political end in Singapore.

2.14 Any matter:

- a) To demonstrate support for or opposition to the views or actions of any person, group of persons or any government;
- b) To publicise a cause; or
- c) To mark or commemorates any event that is not a community based cultural event, and not any National Day celebration or rally, State funeral or other public event of national significance

Refused Classification Films

- 2.15 Refused classification films, such as the following, must not be broadcasted by service providers:
- a) Obscene film;
 - b) Party political film;
 - c) Prohibited film;
 - d) Film against national security to be classified;
 - e) Film contains any material prescribed under the Films Act.