

***1310 Mr Chen Show Mao:**

To ask the Minister for Communications and Information whether the broad definition of websites that require individual licensing under the new licensing framework by the MDA will introduce uncertainty that may adversely affect (i) the development of healthy and vibrant online discourse about matters of public interest; (ii) the promotion of a more active and engaged citizenry; (iii) the promotion of local content; and (iv) the provision of on-line news reports and commentary on which the business and investor communities in a financial centre depend; and, if so, how does the Ministry plan to counter such effects.

***1309 Mr Pritam Singh:**

To ask the Minister for Communications and Information with regard to MDA's new regulations requiring certain news websites to be individually licensed in addition to posting a S\$50,000 performance bond (a) whether MDA has deliberated on the efficacy of implementing guidelines originally established for the mainstream media to online news sources and, if so, what is the nature of these deliberations; (b) whether MDA has considered seeking feedback from stakeholders given the potentially widespread application of the new regulations and, if not, what are the reasons; (c) whether MDA will consider seeking feedback and consultation from the public before the future introduction of new laws or regulations that affect the local online community; and (d) whether there will be a public consultation exercise on the proposed amendments to the Broadcasting Act.

***1299 Mr Chen Show Mao:**

To ask the Minister for Communications and Information (a) what is MDA's rationale for excluding the 10 news websites from the Internet Class Licence Scheme and requiring them to be individually licensed and to post a \$50,000 performance bond; (b) how have existing laws and regulations proven inadequate in regulating these 10 news websites; and (c) whether MDA has plans to require other websites that provide Singapore news programmes to be individually licensed.

***1296 Mr Pritam Singh:**

To ask the Minister for Communications and Information (a) how will the new licensing regulations for online news websites affect blog sites that persistently report on Singapore news and exceed the readership threshold set by these regulations; and (b) how will these regulations be applied against the owners/administrators of stand-alone Facebook

pages that persistently report on Singapore news and exceed the readership threshold of the regulations.

***1294 Mr Gerald Giam Yean Song:**

To ask the Minister for Communications and Information (a) how many times in the past has MDA directed Internet Content Providers to remove content from, or prohibit access to, websites because of objectionable material in violation of the Internet Code of Practice; (b) what are the content of these materials; and (c) whether the Internet Content Providers have complied with MDA's directive and, if not, what action has MDA taken against them for non-compliance.

***1281 Mr Baey Yam Keng:**

To ask the Minister for Communications and Information in respect of the new regulation on licensing of online news websites (a) whether it is an automatic inclusion for news sites once they reach the thresholds of reporting frequency and, if not, how will the selection be made; (b) what are the reasons why sites which report on niche sectors (eg property, education, parenting) and having significant online reach are not required to be licensed; and (c) whether there are organisations that are not able to afford the required performance bonds and, if so, what are the alternatives offered and accepted.

***1242 Mr Zaqy Mohamad:**

To ask the Minister for Communications and Information (a) what are the urgent concerns in implementing the online news licensing scheme without public consultation or advance notice; (b) whether owners of the 10 news sites are consulted before the change and what are their concerns; (c) whether the licensing criteria will be refined to exclude non-commercial news sites and, if so, what are the plans to engage the online community; (d) whether an independent board will be set up to determine the future sites to be included, content to be taken down and appeals from licensees; and (e) whether media accreditation is a potential end-result in bringing about consistency across the mainstream and online media through this licensing scheme.

***1227 Mr Ang Wei Neng:**

To ask the Minister for Communications and Information (a) what is the rationale of giving short notice to place online news sites on the new licensing framework; (b) whether the Ministry has the intention of extending the same licensing framework to overseas-based online news sites; and (c) how is the Ministry going to allay fear that the new licensing framework will stifle Internet freedom.

Answer:

Members have raised questions about various facets of MDA's new licensing framework for online news sites. I will answer them in terms of its rationale, what MDA actually introduced, its expected impact, and the notice period given for the change.

Rationale

2 A "healthy" public discourse, in Mr Chen Show Mao's words, must be grounded in accurate facts. This is true whether the discourse takes place online, or in the physical world. Entities that publish the news have a duty to ensure that the news is accurately and fairly reported because they provide the basic elements of information upon which individuals make decisions or form judgements and opinions on any matter. Hence, traditional news providers (in broadcast and print) have always operated under individual licensing.

3 As the media landscape converges, news is published not only in print and broadcast, but also on the Internet. As online sites have become a more significant source of news, our regulatory framework has to evolve to keep pace with the changing landscape. The new licensing framework seeks to place online news sites and traditional news sites on a more consistent regulatory basis, while recognising that they are not identical.

4 Mr Pritam Singh asked whether MDA considered the efficacy of introducing rules that apply to traditional media, into the online space. I would like to stress that we have never taken the approach that the Internet space is to be unregulated. If online conduct leads to offences under the Penal Code or other laws of the land, the persons responsible are held accountable. As far as other content is concerned, we have regulated with a light-touch through the Class Licence Scheme, introduced in 1996. This has not changed. The new licensing framework affects only ten sites, and they are subject to a few more specific obligations under their licence, commensurate with their role as news providers.

Key Elements of New Licensing Framework

5 In the new licensing framework, online news sites will be individually licensed if they (i) report an average of at least one article per week on Singapore's news and current affairs over a continuous period of 2 months; and (ii) are visited by a monthly average of at least 50,000 unique IP addresses from Singapore over the same two months. Requiring these news sites to take up individual licences also places a stronger onus on the licensees operating these websites to be aware of their legal obligations, and to report incidents and occurrences responsibly.

6 The online news site licence will require licensees to adhere to a set of content standards which are no different from existing standards under the Internet Code of Practice and Class Licence. These content standards are meant to safeguard racial and religious harmony, public order, as well as good taste and decency. I wish to stress that nothing in the content standards prevents licensees from commenting on Government policies. Since the content standards have not changed, licensees will enjoy the same freedom of expression they have hitherto enjoyed under the Class Licence scheme. Fears that the new licensing framework will stifle Internet freedom are unfounded. The vibrant online environment that critics purport to cherish emerged under the same set of content standards in the Class Licence scheme.

7 There are only two additional requirements which will be imposed on licensees. Firstly, when directed by MDA, they have 24 hours to take down content which is in breach of the content standards. This is important, as news on these high-reach sites can go viral very quickly and have a detrimental impact on society if they undermine racial harmony or raise public order concerns.

8 Secondly, licensees have to provide a \$50,000 performance bond. A similar requirement is imposed on other individual licensees, such as niche TV licences. This is to ensure that licensees exercise their best efforts to keep their websites free of prohibited content and when there is such content, to remove it expeditiously within the timeframe of 24 hours when directed by MDA. The performance bond need not be provided in cash to MDA, but can be in the form of a banker's guarantee, or insurance. None of the licensees of the 10 sites have raised any issues with posting the performance bond.

Impact

9 We do not expect the new licensing framework to affect in any way the operations of the ten online sites identified for individual licensing.

10 Several members have asked about the scope of the licensing framework and the types of sites that will be covered.

11 In general, bloggers, Internet commentators and niche sites provide their personal perspective of issues, and do not regularly report on the news and current affairs of the day. As a result, they have not been determined to be reporting on Singapore news and current affairs, and so these websites do not fall within the scope of the licensing framework. However, should these websites morph into online sites reporting on Singapore news, MDA will have to separately assess if they meet the two criteria for licensing. For now, MDA is working with the organisations that own the 10 sites. MDA is not considering individually licensing any other sites at this point in time.

12 Some sites claim that if subject to individual licensing, they will not be able to furnish \$50,000 performance bond, or even a guarantee. I would like to make three points. Firstly, the \$50,000 performance bond was set in view of the financial means of the ten identified online sites. Secondly, the MDA has already stated that if the performance bond is beyond the financial means of a future licensee, it is willing to consider the specific circumstances of that licensee and adjust the performance bond accordingly. The key is that the performance bond must provide a meaningful incentive to the licensee to make the best effort to comply with the licence conditions. Thirdly, and in response to Mr Zaqq's question, it would not be a sound regulatory approach to exempt entities on the basis that they intend to operate non-commercially. Our rationale for this new licensing framework is based on the special responsibility that news providers hold. This responsibility is not diminished simply because the operators choose to operate on a non-profit or non-commercial basis, if they indeed set themselves out as providers of news content.

13 Another concern expressed by sites not identified for individual licensing is that it has a 'chilling effect' on their activities. I think this is far-fetched. In any case, I don't think they are so easily 'chilled'. I have already explained that the MDA will set a reasonable performance bond commensurate with the financial position of a future licensee. The intention is not to prevent the site from operating under a licence. On the

contrary, the intent is to allow a qualifying site to continue to operate, under an individual licence.

Notice Period for New Licensing Framework

14 Members have asked about the manner in which the licensing framework was implemented and whether the potential licensees were engaged. The licensing framework is a refinement of the existing Class Licence scheme which internet content providers are already familiar with, and is not a major shift. The ten potential licensees were informed of the new licensing framework before it was introduced, and MDA's engagement with them on the exact terms of the licence is on-going. The entire process of engagement, which started in May, is expected to take 4 to 5 months, after which the licence will actually take effect. This should provide sufficient time for the industry to give its feedback on the detailed licence conditions.

15 The Government is committed to wider consultation on issues that affect the public. Over the past few months, Singaporeans have given their views on various Government policies as part of "Our Singapore Conversation". However, in this instance, the licensing framework only applies to a small number of news sites and does not affect the overwhelming majority of Internet content providers. Besides, content standards have remained unchanged and the licence will not impact the public in general. Therefore, when implementing the framework, we did not feel there was a need for wider public consultation before the licensing framework was announced. Nevertheless, we will continue to engage stakeholder groups on this issue to allay any concerns they may have.

16 As to whether the framework would be extended to overseas-based websites, the issue will be studied further in tandem with planned amendments to the Broadcasting Act. The broad intent is to ensure that overseas broadcasters that are specifically targeting Singapore will be covered under our regulatory frameworks. This has become imperative with technological advances increasingly blurring the line between local and foreign broadcasters. However, we recognise that this is a complex issue and will therefore consult widely before tabling the amendments to the Broadcasting Act in Parliament sometime next year.

Other Issues

17 Let me now deal with the remaining issues raised by Members.

18 Mr Gerald Giam asked about past issuance of takedown notices by MDA. Since 1996, MDA has issued 24 take-down notices. One instance was for a religiously-offensive video, 21 were for pornographic content or advertisements soliciting sex or sex chats, and two were for inappropriate gambling-related content. MDA has not encountered any instance where a site-owner has refused to comply with a take-down notice. The track record has shown that, notwithstanding that the same contents standards have been in existence since 1996, MDA has not directed websites to take down content just because it is critical of the Government. There is therefore no cause for concern that the new online news licensing framework would reduce the vibrancy of online discourse or negatively impact the promotion of a more active and engaged citizenry.

19 Mr Zaqy Mohamad suggested setting up an independent body to review sites to be included in the licensing framework, content to be taken down, as well as hear appeals from licensees. MDA has convened panels drawn from members of the community, to help it provide input on community standards. However, it would be wrong in principle for MDA to abrogate its regulatory responsibility, and to pass decisions such as whether an entity should be licensed, to another body. There are already established processes for parties aggrieved by a regulatory decision under the Broadcasting Act to seek redress.

20 Mr Zaqy Mohamad also asked whether media accreditation is a potential end-result of the licensing framework. Accreditation is accorded to news organisations that cover government events and functions regularly to facilitate their work. Accreditation is not compulsory for news-related organisations to engage in news-gathering and many organisations do operate without seeing the need to apply for accreditation. The criteria considered before accreditation is conferred include the reach or distribution of the media organisation and its professional standing. Accrediting media organisations and licensing news sites are assessed and determined on very separate considerations.

Conclusion

21 In conclusion, I want to reiterate that the new licensing framework is designed to enable identified sites to move seamlessly from the existing class licence to hold an individual licence. The rationale for the change is based on the special responsibility that news providers have,

because the news they produce is used by the public, you and me, our children, to come to informed decisions and opinions on matters of public interest. The licensing framework places traditional news providers and online news providers on a more consistent regulatory framework. We do not expect the new framework to have any effect on the degree of expression that currently exists in the online space. Since the introduction of the Class Licence framework in 1996, the MDA has shown itself to be balanced and restrained in the exercise of its powers to regulate online content. It has never used them to order the removal of content that is critical of Government policy or Government ministers. Concerns that the Internet will be stifled are thus far-fetched and will prove to be unfounded in due course.
