PUBLIC CONSULTATION PAPER ISSUED BY THE MINISTRY OF COMMUNICATIONS AND INFORMATION

REVIEW OF THE TELECOMMUNICATIONS ACT (Cap. 323) AND RELATED AMENDMENTS TO THE MEDIA DEVELOPMENT AUTHORITY OF SINGAPORE ACT (Cap. 172)

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PART I: INTRODUCTION

1. The Telecommunications Act (Cap. 323) ("**TA**") is the legislative framework that governs the regulation of Singapore's telecommunications sector. The TA provides the Info-communications Development Authority of Singapore ("**IDA**") the powers to grant licences, issue directions, codes of practice and standards of performance in connection with the operation of telecommunication systems, provision of telecommunication services, and conduct of telecommunication licensees, amongst others.

2. The TA was last revised in 2012. It is timely for the Ministry of Communications and Information ("**MCI**"), together with IDA, to review the TA to ensure that existing policy and legislation frameworks stay relevant and effective amidst a fast changing telecommunication landscape.

3. In this review, MCI has made a few observations. Firstly, MCI recognises that consumers and businesses' reliance on telecommunication services has increased significantly over the past few years. As a result, demands and expectations for reliable and better quality telecommunications services have gone up. Secondly, both IDA and MDA have put in place a suite of consumer protection measures to safeguard consumer interests. However increasingly, consumers tend to face issues that are more individualised or contractual in nature. Such consumer types could be better served through a dedicated platform. Lastly, end-users and businesses may not be able to have the freedom to access telecommunication services from operators of their choice. It will be important for any obstacles here to be removed so that consumers and businesses can fully reap the benefits of competition.

4. Bearing these observations in mind, MCI is proposing to amend the TA and make some related amendments to the Media Development Authority of Singapore Act ("**MDAA**"). This Consultation Paper summarises and outlines the key areas that MCI has identified and proposed for these legislative amendments, the rationale for the proposed amendments, and the procedures and timeframe for members of the industry and the public to submit their views and comments. The proposed Telecommunications (Amendment) Bill is attached as **Annex A**.

PART II: ENHANCEMENTS TO FACILITATE THE DEPLOYMENT OF TELECOMMUNICATION SYSTEMS TO ENSURE CONTINUED ACCESSIBILITY AND GOOD QUALITY OF TELECOMMUNICATION SERVICES

Revisions to Provide IDA with the Powers to Include the Use of Rooftop Space for Mobile Deployments under its Current Regulatory Framework

5. To ensure accessibility to telecommunication services such as mobile telephony and broadband, IDA has put in place several regulatory frameworks to facilitate the deployment of telecommunication systems. One of them is the Code of Practice for Info-communications Facilities in Buildings 2013 ("**COPIF 2013**"), which requires building owners to provide space and facilities, and access to such space and facilities, for telecommunication deployments.

6. Mobile operators need to consider the optimal use of land resources when deploying their networks as they are required to provide nationwide coverage and achieve reasonable Quality of Service ("**QoS**") standards for their services. For example, mobile deployments need to be sited at suitably high locations, such as building rooftops, monopoles and towers, to optimise the radio coverage of each mobile antenna. Instead of installing mobile infrastructure to serve each individual building, it is more efficient for mobile operators to complement mobile coverage by using building rooftops[1]. In our dense urban city, this is the most optimal way for deploying mobile infrastructure.

7. COPIF 2013 currently requires building owners to provide a specified amount of rent-free space[2] at their choice of location, known as Mobile Deployment Space ("**MDS**"), at the request of mobile operators. Such MDS is primarily used by the mobile operators to serve the building or development itself. At present, it is not mandatory for MDS to be sited at building rooftops.

8. In past instances, MCI and IDA have observed that some building owners have rejected mobile deployment on their building rooftops, especially if such deployment does not primarily serve the building itself. Even when the mobile operators have existing mobile deployments on a rooftop, they may face challenges in retaining the space due to various reasons[3].

[1] Building rooftops are one of the few suitable sites for mobile antenna deployments, given their height and the availability of power sources to run the systems. Given land scarcity in Singapore, monopoles and towers are suitable solutions only in areas where there is minimal build-up, such as at parks and water reservoirs, and IDA mandates the sharing of such infrastructure, where feasible, to minimise land use.

[2] The exact amount of space depends on the size of the building/compound.

[3] For example, the need to re-site or remove their radio-communication installations due to aesthetic concerns from building owners.

9. Not all the existing rooftop sites can be used by all mobile operators due to site limitations and differences in network topology. As the mobile networks evolve from 2G to 3G, and now, 4G networks moving into 5G in the future, mobile operators would need to obtain access to new/additional rooftop sites in their mobile deployment.

10. It is hence important to ensure that mobile operators can secure the necessary spaces required for the timely deployment of mobile networks, in order for them to ensure nationwide coverage and good QoS standards. In this regard, MCI is proposing legislative amendments to provide IDA the powers to establish a framework to regulate and facilitate the use of/access to rooftop space for mobile deployments. The proposed regulatory framework aims to cover the following key aspects:

    a. Developers and building owners must provide rooftop space as MDS, upon request by mobile operators who are required to provide nationwide mobile coverage[4]: The amount of rooftop space prescribed by IDA to be set aside[5], the principles for the allocation and the distribution of this space amongst the mobile operators, will be consistent with the current MDS provisions. This means that while the total amount of MDS will remain unchanged for a start, such space will now encompass both rooftop and non-rooftop areas;

    b. In line with current requirements, developers and building owners are to provide the abovementioned IDA-prescribed rooftop space as MDS on a rent-free basis: Mobile coverage in a building or development may be served by mobile rooftop deployments from adjacent buildings. This means that every mobile user, building and development can enjoy the benefits of enhanced mobile coverage and quality from interdependent rooftop deployments. As such, it would be reasonable to require the IDA-prescribed rooftop space to be provided on a rent-free basis to improve nationwide mobile coverage, i.e. to serve the identified building and/or the surrounding areas. This is no different from the current approach under the COPIF 2013 whereby the IDA-prescribed MDS is also rent-free. Any additional space over and above the IDA-prescribed amount will have to be commercially negotiated between the mobile operators and the developers/building owners, and rental rates can be charged. MCI believes that this approach incentivises discipline and efficiency in the use

[4] Building owners cannot reject such requests for the use of rooftop space for mobile deployments, unless approved by IDA under exceptional circumstances, e.g., where there is insufficient space on the rooftop; or where such deployments may breach safety standards.
[5] Please refer to table 2.2.1 in the COPIF 2013: http://www.ida.gov.sg/~/media/Files/PCDG/Licensees/Interconnect%20Access/URA/COPIF/COPIF%202013.pdf

of such space, and also strikes the appropriate balance between the need to facilitate mobile deployment by mobile operators for better mobile coverage and the interests of developers/building owners; and

c. Mobile operators to pay building owners for costs in providing access to rooftops and other associated costs: Mobile operators will be required to pay building owners for costs reasonably incurred in providing access to the rooftops, in line with existing compensation principles under the COPIF 2013. Such costs will include any associated costs of deployment where appropriate (e.g. secured access to the rooftop space, increasing the roof's load bearing capability, improving the aesthetics of the equipment, or utility costs of running the equipment).

11. The proposed framework aims to achieve a balance between facilitating mobile operators' deployment for nationwide mobile coverage and building owners' property rights. If the proposed legislative amendments are passed, MCI intends existing agreements or contracts for the use of rooftop spaces between building owners and mobile operators to generally continue to run their course, and the above framework will apply to those rooftop spaces after the expiry or termination of the agreements or contracts. However, MCI recognises that there may be agreements or contracts with unique considerations. For such cases, IDA may allow flexibility to cater to these considerations where appropriate, and will advise the relevant parties directly.

12. MCI intends to have the proposed framework operationalised through IDA amending the existing COPIF 2013 or issuing a new COPIF[6]. This will be done after the legislative amendments are passed, and the relevant stakeholders will be consulted on the revision prior to implementation.

Question 1: MCI invites views and comments on the proposal to revise Sections 19 and 21 of the TA to provide IDA with the powers to establish a framework to regulate and facilitate the use of/access to rooftop space for mobile deployments

Notification and Objection Process for Telecommunication Licensees' Entry to Land and Buildings

13. Today, the TA provides telecommunication licensees with certain rights to facilitate their installation, maintenance and protection of telecommunication systems. These include the right to use space in a land or building to deploy

[6] Operational details of the framework including but not limited to the sufficiency of the amount of current MDS, and effective date of the framework in relation to existing agreements or contracts for the use of rooftop space between building owners and mobile operators, would be made available during the subsequent COPIF consultation.

their telecommunication equipment and systems to serve that land or building, as provided for in Section 14[7] of the TA; or in some circumstances, to serve other land or building (referred to as "**Springboard**"), as provided for in Section 21[8] of the TA.

14. Under Sections 14 and 21 of the TA, there are differences in the processes for land or building owners to raise objections to a telecommunication licensee's notice to enter the land or building[9]. This has at times led to confusion amongst the land and building owners.

15. As such, MCI proposes to clarify and align the process for notification and dispute resolution under Sections 14 and 21 of the TA, to provide that the land/building developer, owner or occupier (as the case may be) must raise any objections to IDA within 14 days of the telecommunication licensees' notifications under the respective sections. IDA will thereafter notify the relevant telecommunication licensees to allow them an opportunity to resolve the matter, before stepping in if the matter remains unresolved after a reasonable timeframe (subject to circumstances of each case). In addition, MCI proposes to make it clear in Section 21 of the TA that if no objections are lodged by the land/building developer or owner within the 14-day timeframe, telecommunication licensees may proceed to enter the land/building to carry out the acts as may be specified in their notices.

16. Separately, it has been observed that disagreements between telecommunication licensees and building owners have arisen with the building owners claiming that the telecommunication licensees did not make clear their intention to Springboard. Therefore, MCI proposes to clarify Section 21 of the TA to make it explicit that as part of the notification, a telecommunication licensee will have to make clear its intention to use the space in the land/building to serve any other land or building as well as stating clearly the nature and extent of its actions and deployment of the telecommunication systems that it intends to install and operate in the space used.

Question 2: MCI invites views and comments on the proposal to amend Sections 14 and 21 of the TA to clarify the notification and objection process for telecommunication licensees' entry to land/buildings.

[7] Section 14 applies to Public Telecommunication Licensees ("**PTL**") only.
[8] Section 21 applies to all telecommunication licensees.
[9] Section 14(7) provides that if no objection is lodged to IDA, within 14 days of the receipt of the PTL's notice, the PTL may enter on the land or enter the building, and do all or any of the acts specified in the notice. Section 21(3) provides that the developer or owner may object to the use of the space or facility for a purpose as notified by the telecommunication licensee, without any specified timeframe.

Prohibiting Exclusive Arrangements that Deny End-users' Choice of, or Access to, Telecommunication Services

17. In recent years, MCI and IDA have observed instances where arrangements are made between property owners and selected telecommunication licensees for the deployment of telecommunication systems, or to provide special tie-ups or promotions for that building's occupants/tenants that include telecommunication services (e.g. Internet broadband or mobile). While such exclusive arrangements bring about some economies of scale or efficiencies for the individual end-users in the affected building/s, they may restrict end-users' choice of preferred telecommunication services[10].

18. To ensure that IDA has the powers to prevent such restrictions, MCI proposes to insert a new provision into the TA, to empower IDA to regulate/prohibit arrangements related to the use or provision of telecommunication systems and services that may be entered into between (i) developers/owners and end-users/occupants of the buildings; and (ii) developers/owners and telecommunication licensees. This is to prevent such developers/owners from entering into any agreements or arrangements which have the effect of denying end-users/occupants of the buildings their choice of or access to telecommunication service providers. If such agreements or arrangements arise, IDA may direct the developer/owner to allow the relevant telecommunication licensee to enter into the land/building to provide telecommunication service, and/or to allow the relevant end-user or occupant to select the telecommunication service provider of his choice. Where appropriate or necessary, the direction issued by IDA may take effect despite any agreement or arrangement to the contrary.

19. For the avoidance of doubt, the proposed amendments will not prevent developers/owners from having arrangements with telecommunication licensees to provide preferential rates or promotions (including tie-ups) for selected telecommunication services to the residents or occupants[11]. However, if an end-user/occupant chooses to procure his telecommunication service from another telecommunication licensee, thereby foregoing the discount or promotion, the property owner must allow for this.

Question 3: MCI invites views and comments on the proposed inclusion of the new Section 21A of the TA to provide IDA the powers to prohibit exclusive

[10] For example, a building owner enters into an exclusive arrangement with a telecommunication operator to offer its telecommunication services to that building's occupants or tenants, and disallows the occupants or tenants from obtaining services from their choice of telecommunication operators.

[11] For example, building/property owners can still have arrangements with specific telecommunication licensees to offer discounted telecommunication services to their tenants/residents.

arrangements that deny end-users' choice of, or access to, telecommunication services.

<u>Definition of Land or Building 'Owner'</u>

20. Today, the requirements for land/building developers and owners to provide space and facilities for telecommunication installations are operationalised via the COPIF 2013. Non-owners of buildings/developments, such as the Management Corporations ("**MCSTs**") or managing agents appointed by the MCSTs, control the day-to-day operations of the buildings or developments and thus are the appropriate parties to implement the COPIF 2013 requirements. To ensure that IDA's regulatory frameworks (including the COPIF 2013) can be implemented in a practical and effective manner, MCI proposes to amend the TA to <u>incorporate the definition of "*owner*" in Section 2 of the TA and make it clear that such "owner" also includes person(s) having the day-to-day charge, management or control of the premises, land or building</u> in cases where the legal owners do not have such effective control over the management or day-to-day operations of the premises, land or building.

Question 4: MCI invites views and comments on the proposal to revise Section 2 of the TA to incorporate the definition of "owner" and to make it clear that such "owner" includes person(s) having the day-to-day charge, management or control of the premise, land or building.

PART III: POWERS TO ESTABLISH AN ALTERNATIVE DISPUTE RESOLUTION ("ADR") SCHEME FOR TELECOMMUNICATION AND MEDIA SECTORS

21. IDA has put in place a suite of consumer protection measures to safeguard consumer interest in the telecommunication sector. These include minimum QoS standards, requirements to provide services at just and reasonable prices, terms and conditions to consumers, and targeted frameworks to address specific consumer issues such as the Premium Rate Services Code[12]. Likewise for the media sector, MDA has in place consumer protection provisions set out in the Media Market Conduct Code and QoS requirements defined in the Code of Practice for Television Broadcast Standards. These existing measures have been effective in addressing service-related issues that are of a systemic nature or impact a large segment of consumers.

22. Consumers who have issues or complaints that are more individualised or contractual in nature (e.g., customer-specific contractual and billing issues, or dissatisfaction over customer care or service levels) have been encouraged to first approach their service provider to resolve the matter. If this fails, they may approach third-party mediation or ADR channels[13] to resolve their disputes, or seek IDA/MDA's help in resolving their disputes with the service provider. Today, IDA and MDA facilitate the resolution of consumers' individual disputes with their service providers but they do not mandate the form of remedies (e.g. refund or service improvement) or corrective actions that the service providers must offer to the consumers.

23. While existing regulatory measures and the various voluntary mediation channels generally helped to address consumer complaints, there is merit in setting up an independent, dedicated dispute resolution framework for the telecommunication and media sectors, to better serve consumers and resolve their disputes with the service providers more fairly and effectively. The policy intention here is to give consumers access to an alternative platform to resolve their disputes. Such practices are also common overseas such as in the UK, Hong Kong, and Australia, amongst others.

24. MCI therefore proposes to provide IDA and MDA with the respective powers under the TA and MDAA to <u>establish an ADR scheme, to appoint independent ADR organisation(s) to manage the ADR scheme, and to mandate specific telecommunication or media service providers to participate in the ADR</u>

[12] The PRS Code imposes certain obligations on PRS providers such as the requirement for PRS providers not to charge consumers for unsolicited services, to provide clear and complete information to consumers, and to allow consumers to unsubscribe from PRS.

[13] For example, Singapore Mediation Centre or the Consumer Association of Singapore. It is to be noted that the use of third-party mediation or ADR scheme is currently voluntary for service providers, and some service providers may choose not to resolve their customer disputes via these channels.

scheme. To be clear, consumers of telecommunication and media services will have the flexibility to choose to resolve their disputes through the ADR scheme, or other avenues such as the Courts or Small Claims Tribunal.

25. The proposed amendments to the TA and corresponding changes to the MDAA would also provide IDA and MDA with the powers to establish the framework, the rules and procedures, and the operational mechanics of the ADR scheme, which may cover the following:

a. Customer eligibility: This refers to telecommunication and pay TV end-users who are eligible to seek mediation or dispute resolution via the ADR scheme. MCI plans to allow for residential/individual retail customers to be covered under the ADR scheme for a start[14];

b. Scope of issues: MCI plans for the ADR scheme to cover disputes between consumers and service providers over individualised issues relating to billing (including billing for third-party services such as premium rate services), contractual terms, request for compensation, and customer care and support services. While IDA and MDA may also be approached for such issues today, they face limitations in resolving the disputes since they do not mandate the form of remedies or correction actions by the service providers. The proposed ADR scheme will help provide more satisfactory remedial actions for consumers, and allow IDA and MDA to focus on systemic non-compliance of the respective regulatory frameworks; and

c. Dispute resolution process: This refers to the procedures by which a consumer can lodge a dispute, and the process to carry out the dispute resolution. At the outset, it is envisioned that the appointed ADR organisation will provide mediation services, with adjudication[15] to be considered at a later stage. Further, it is proposed that consumers must always first approach the relevant service provider to resolve the dispute, before bringing the case to the ADR organisation. If consumers fail to resolve the dispute with their service provider and approach IDA or MDA for assistance, they may refer the cases to the ADR organisation for resolution. In the event the mediation is successful, it leads to a binding and enforceable agreement between the consumer and the service

[14] Business end-users generally have greater bargaining power and hence most disputes would usually be resolved amicably between the affected business end-users and the relevant service provider. IDA/MDA may consider expanding the scope of coverage subsequently to include more customer segments should the need arise.

[15] This is because adjudication, which requires skilled personnel in deliberating and assessing both parties' representations before making a decision, would be more complex to implement.

provider. However, if the mediation is unsuccessful, the consumer can decide to bring the case to the Courts or to the Small Claims Tribunal.

26. Should the proposal proceed, IDA and MDA will consult the relevant stakeholders on the details of the ADR scheme after the legislative framework is in place.

Question 5: MCI invites views and comments on the proposed inclusion of the new Part VC of the TA and corresponding changes to the MDAA to provide IDA and MDA with the powers to establish an ADR scheme for the telecommunication and media sectors.

PART IV: ENHANCEMENTS TO STRENGTHEN OVERSIGHT OF THE TELECOMMUNICATION INDUSTRY

27. The following proposals are intended to provide administrative amendments to the TA to strengthen regulatory oversight of the telecommunication industry.

Enforcement Powers over Conditions of Approval for Mergers and Acquisitions

28. MCI is proposing that the TA be amended to incorporate a new Section 32DA within Part VA of the TA to cover scenarios where the specified person (as referred to in that new section) (i) holds 12% or more but less than 30%, or 30% or more voting shares, or is in a position to control 12% or more but less than 30%, or 30% or more voting power, (ii) owns any business, or (iii) has effective control, in the designated telecommunication licensee/designated business trust/designated trust ("**DTL/DBT/DT**") in relation to a merger/acquisition conducted by such specified person together with his associates. This proposed inclusion is to make clear IDA's powers to issue directions to enforce conditions imposed by IDA when granting its written approval to the merger/acquisition, on the specified person.

Approval Conditions for CEO and Board Appointments of DTLs

29. Currently, Section 32F of the TA requires a DTL to obtain IDA's approval for appointment of the chief executive officer, director or chairman of the board of directors (herein referred to as "**CEO and Board Appointments**"). To ensure that there is sufficient regulatory oversight, IDA may, in some situations, approve the CEO and Board Appointments subject to certain conditions. Hence, MCI proposes that the TA be amended to expressly provide for IDA's powers to impose conditions for approval of CEO and Board Appointments.

Increasing Maximum Compoundable Amount

30. Section 64(1) of the TA currently provides that the maximum compoundable amount for offences under the TA is $5,000. MCI and IDA consider it timely to review this maximum amount as it was last revised in 2004. In particular, MCI and IDA have in recent years observed a spike in the number of cable cut offences as a result of road works and construction projects across Singapore. This is often due to contractors' failures in following the prescribed procedures of finding and isolating telecommunication cables before commencing earthworks. MCI and IDA take a serious view of such cable cut incidents, and various measures have been put in place to minimise future occurrences[16]. To

[16] For example, IDA has conducted regular dialogue sessions with contractors on cable damage preventive measures, and required Facilities-Based Operator ("**FBO**") licensees to indicate GPS

complement these measures, MCI and IDA propose to increase the maximum compoundable amount to more effectively deter future occurrences of cable cut incidents, as well as other compoundable offences under the TA.

31. In determining the appropriate maximum compoundable amount, MCI and IDA referred to other Acts, as well as the fines meted out by the Courts for the same offences in the case of prosecution. For example, other Acts such as the Strategic Goods (Control) Act and the Environmental Protection and Management Act provide for compoundable amounts of $10,000 and $15,000 respectively. MCI and IDA also noted that the Courts had meted out fines of at least $20,000 for offences under Sections 29(1), 32 and 49(2) of the TA. Therefore, to increase deterrence without being disproportionate, MCI proposes to amend Section 64(1) of the TA to increase the maximum compoundable amount to one half of the amount of the maximum fine that is prescribed for the offence or $10,000, whichever is lower.

Appeals Process

32. Pursuant to Section 69 of the TA, aggrieved telecommunication licensees have the right to make a request of reconsideration to IDA, or appeal to the Minister, regarding any decision of IDA in the exercise of any discretion vested in it by or under the TA, or in regard to requirements contained within particular codes of practice or standards of performance or directions issued by IDA as set out in Section 69(1)(b) of the TA. Similarly, aggrieved persons (other than telecommunication licensees) may make a request of reconsideration to IDA, or appeal to the Minister, in respect of any decision of IDA that is referred to in Section 69(2)(a), or requirements contained in particular codes of practice or directions as cited in Section 69(2)(b) of the TA. Section 69 of the TA also stipulates the process for lodging an appeal with the Minister, including the timeframe; circumstances under which the appeal arose; and issues and grounds for appeal.

33. Section 69 of the TA is however silent on whether aggrieved telecommunication licensees or persons are required to inform IDA when an appeal is submitted to the Minister. To ensure a more transparent, fair, efficient and streamlined appeal process, IDA should be kept fully apprised of any appeals in a timely manner. Therefore, MCI proposes that the TA be amended, to specifically require any person, when making an appeal against IDA to the Minister, to copy IDA in the lodgement of the appeal as well as in all related materials sent to the Minister for the appeal.

geographical coordinates of newly deployed pipelines and manholes on their services plans and installing metallic tracer wires along new underground optical fibre cables to enhance accuracy of cable maps and traceability in locating the cables in the vicinity of intended earthworks.

Question 6: MCI invites views and comments on the proposed amendments in relation to the new Section 32DA and Sections 32F, 64(1), and 69 of the TA as described above.

PART V: AMENDMENTS TO PROVIDE GREATER CLARITY TO SELECTED PROVISIONS OF THE TELECOMMUNICATIONS ACT

34. The following amendments are intended to provide greater clarity to the TA.

Clarification to the Definition of Telecommunication Service

35. At present, leases of telecommunication cable are already considered a form of provisioning of telecommunication services and are licensed as such. Hence, for clarity, MCI proposes to amend the definition of "telecommunication service" under Section 2 of the TA to make it clear that it includes the lease of telecommunication cable.

Powers over Non-Refund of Licence Fees

36. The current TA does not explicitly provide for the position with regard to the refund of licence fees following the cancellation or suspension of the licence by IDA, reduction of the licence period by IDA, or the termination of the licence at the telecommunication licensee's own request. In contrast, the position is clear in IDA's regulations[17], where a licensee will not be entitled to compensation or refund of licence fees by IDA in respect of the unexpired period of its licence if the licence has been cancelled or suspended by IDA, or where the licence has been terminated at the request of the telecommunication licensee.

37. Hence, MCI proposes to make clear the above position in the TA, by way of an amendment to Section 8 of the TA. This clarification would apply in respect of all licences issued by IDA under Section 5 or 5B or any regulations made under the TA.

Sharing of Radio Frequencies

38. Sharing of radio frequencies has been in place since 1994 and demand for sharing has grown over time. The principles and parameters governing radio frequency sharing are clearly set out in IDA's Telecommunications (Radio-communication) Regulations. These Regulations provide that, *inter alia*, IDA is not liable for any interference arising from the use of shared-use radio frequencies and operators operating shared radio frequencies shall accept any

[17] For example, the Telecommunications (Internal Wiring) Regulations 2005 and the Telecommunications (Cable Detection Workers) Regulations state that a licensee whose licence has been cancelled or suspended by IDA, or terminated at his own request, shall not be entitled to any compensation or refund of fees by IDA in respect of the unexpired period of the licence.

interference from legitimate operations. MCI proposes to make this clear in the TA, by way of a new Section 11A[18].

Powers to Authorise Collection/Use/Disclosure of Personal Data

39. The Personal Data Protection Act ("**PDPA**"), enacted in 2012, provides for exceptions to obtain end-users' consent in the collection, use or disclosure of personal data if such collection, use or disclosure is authorised by or under other sector-specific laws and regulations[19]. To minimise the regulatory overlaps with the End User Service Information ("**EUSI**") provisions in the Code of Practice for Competition in the Provision of Telecommunication Service ("**TCC**"), the TCC was amended in 2014 to address the unique circumstances in the provisioning of telecommunication systems and services where a telecommunication licensee would need to collect, use or disclose personal data in a practical manner without obtaining end-users' consent[20].

40. MCI proposes to amend Section 26 of the TA to make clear IDA's powers to authorise the collection, use or disclosure of personal data by telecommunication licensees without end-users' consent, for the operations of telecommunication systems and the provision of telecommunication services, in accordance with the exception under the PDPA.

Directions Relating to Control of DTLs/DBTs/DTs

41. Today, Section 32D of the TA provides for IDA's directions to take effect notwithstanding other legislation or constitutive instruments of the DTL/DBT/DT. To enhance the clarity and effectiveness of IDA's directions under Section 32D, the TA will be amended to clarify that IDA's said directions can specifically override the provisions in the Business Trusts Act (Cap. 31A), Companies Act (Cap. 50) and Limited Liability Partnerships Act (Cap. 163A) and Trustees Act (Cap. 337), and any listing rule as defined in Section 2(1) of the Securities and Futures Act (Cap. 289).

Unlawful Operation of Telecommunication System or Service

[18] In spite of this, before allocating such radio frequencies, careful consideration and assessment are made by IDA on the potential interference and impact to incumbent users. Interference risks (if any) will also be minimised and managed including through conditions of use, such as power transmission limits, restriction on locations and duration of use).

[19] Section 4(6)(a) of the PDPA provides that the PDPA will not override sector-specific regimes.

[20] For example, for planning requirements in relation to network operations or network maintenance for any telecommunication service provided by the licensee, facilitating interconnection and inter-operability between licensees for the provision of telecommunication services and providing mobile roaming-related information to in-bound mobile roaming customers in Singapore.

42. MCI proposes amendments to Section 33(1) of the TA to make it clear that a telecommunication licensee, whose licence has been suspended, shall not establish, install, maintain, provide or operate a telecommunication system or service within Singapore. Otherwise, it shall be guilty of an offence.

Scope of the Telecommunications (Internal Wiring) Regulations

43. Today, the Telecommunications (Internal Wiring) Regulations regulate and license persons who carry out internal wiring of copper cables which support the wire-based public switched telephone network ("**PSTN**") belonging to public telecommunication licensees. With the deployment of new access networks, such as the optical fibre-based Nationwide Broadband Network ("**NBN**"), IDA conducted a review of the licensing framework in 2014, and is in the process of amending the Telecommunications (Internal Wiring) Regulations to include internal wiring of other types of telecommunication cables, such as the optical fibre cables, following a public consultation exercise.

44. MCI therefore proposes to amend Section 74 of the TA to make it clear that IDA can issue regulations on the wiring of telecommunication cables in access networks deployed by other telecommunication system licensees, and is not restricted to telecommunication cables in the PSTN networks belonging to public telecommunication licensees.

Question 7: MCI invites views and comments on the proposed amendments in relation to the new Section 11A, and Sections 2, 5, 5B, 8, 26, 32D, 33(1), and 74 of the TA as described above.

PART VI: PROCEDURES AND TIMEFRAME FOR SUBMITTING COMMENTS

45. MCI would like to seek views and comments from the industry and members of the public on the above issues and questions.

46. Respondents should organise their submissions as follows:

    a. Cover page (including their personal/company particulars and contact information);
    b. Table of contents;
    c. Summary of major points;
    d. Statement of interest;
    e. Comments; and
    f. Conclusion.

    Supporting materials may be placed as an annex to the submission.

47. All submissions should be clearly and concisely written, and should provide a reasoned explanation for any proposed revisions. Where feasible, respondents should identify the specific provision of the TA and/or MDAA on which they are commenting and explain the basis for their proposals.

48. All submissions should reach MCI no later than **24 August 2016, 12 noon**. Respondents are to adhere to this timeline, and late submissions will not be considered. Comments must be submitted in both hard and soft copy (in Microsoft Word format). All comments should be addressed to:

    Jason Bay
    Director, Economic Regulation Division
    Ministry of Communications and Information
    140 Hill Street
    Singapore 179369
    Fax: (65) 6837 9480

    AND

    Please submit your soft copies, with the email header "**Public Consultation of the Review of the Telecommunications Act and Related Amendments to the Media Development Authority of Singapore Act**", to: **TA_Public_Consult2016@mci.gov.sg**.

49. MCI reserves the right to make public all or parts of any written submission and to disclose the identity of the source. Respondents may request confidential treatment for any part of the submission that the respondent believes to be proprietary, confidential or commercially sensitive. Any such information should be clearly marked and placed in a separate annex. Respondents are also

required to substantiate with reasons any request for confidential treatment. If MCI grants confidential treatment, it will consider, but will not publicly disclose, the information. If MCI rejects the request for confidential treatment, it will return the information to the respondent that it submitted, and will not consider this information as part of its review. As far as possible, respondents should limit any request for confidential treatment of information submitted. MCI will not accept any submission that requests confidential treatment of all, or a substantial part, of the submission.