

REPORT

OF THE

REVIEW COMMITTEE ON CENSORSHIP

c/o S Jayakumar
Minister of State
(Law & Home Affairs)
Ministry of Home Affairs
Phoenix Park Tanglin
Singapore 1024

19th Dec 81

Mr S Dhanabalan
Minister for Culture
Ministry of Culture
3rd Floor, City Hall
Singapore

Dear Minister

REPORT OF THE COMMITTEE TO REVIEW CENSORSHIP

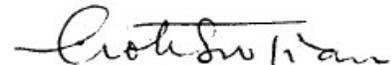
We have completed our work and have the honour to submit our Report to you. The Annexes to the Report are compiled separately in Volume II which is also attached.

2 We have also prepared a Summary of the Report which highlights the important aspects of our Report.

Yours faithfully



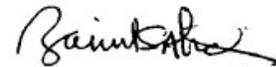
S Jayakumar (Chairman)



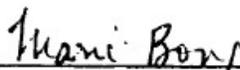
Goh Soo Tian



Ang Kok Peng



Zainul Abidin Rasheed



Marie Bong (Mrs)



Mdm Li Lien Fung

SUMMARY OF THE REPORT OF THE COMMITTEE TO REVIEW CENSORSHIP

The Committee established in Mar 81 to review censorship, of films and publications, has-submitted its Report. The following is a summary of the major recommendations and conclusions of the Report.

Major Recommendations

2 The major recommendations are as follows:-

General

- (a) The Committee makes a distinction between films (whether shown in cinemas or on TV) and printed publications and feels that there is greater scope for relaxation of censorship in publications (Recommendation 13).

General

- (b) The Committee finds that greater attention should be given to the theme and overall context in the censorship of films or publications.

Films

- (c) The Committee feels that any changes to censorship of films should be made gradually within the existing system. It is not necessary to make major changes to the existing criteria and policies regarding censorship. However, the Board of Film Censors can move towards less strict censorship policy in certain aspects of films screened in cinema provided this is done gradually and with caution. (Recommendations 2 and 3).

Classification

- (d) The Committee feels that there should not be classification of films for the general public but a limited form of film classification in effect should be exercised when applications are made by bona fide organisations. (Recommendation 4)

Advisory Committee for Film Censorship

- (e) An Advisory Committee should be established which would have an advisory and consultative role in relation to the Board of Film Censors and SBC. (Recommendation 6)

TV

- (f) Censorship of films and programmes telecast by SBC should be subject to the same, if not more stringent, criterion as that which is applicable to films screened in cinemas. (Recommendation 7)

Single Censorship Authority

- (g) Censorship authority over films and TV should be vested in a single body, i.e. Board of Film Censors with power delegated to the SBC for censorship of TV films and programmes. (Recommendation 9)

Video Tapes

- (h) The same guidelines for the censorship of films should be strictly applicable also for video tapes and video discs. (Recommendation 10)

Publications

- (i) A distinction should be made between printed publications and films or television programmes and a move should be made towards less strict censorship of certain types of publications. This is because reading a book is an individual and private activity requiring more mental effort on the part of the individual.

Publications

- (j) An Advisory Panel should be established to assist the Ministry of Culture in the censorship of publications. (Recommendation 14)

In the course of its work, the Committee -

- (a) interviewed the Chairman and members of the Board of Film Censors, members of the Films Appeals Committee, SBC officials, the officials responsible for censorship of publications, and representatives from the Police and Ministry of Social Affairs;
- (b) viewed a total of 20 full-length films and many excerpts of films to understand the approach taken by the Board of Film Censors;
- (c) read a total of 60 publications to understand the approach taken by the Ministry of Culture in banning, detaining or releasing publications. These included twenty Chinese language publications which were read by Committee members who were conversant with the language;
- (d) sought and obtained relevant information and data from the book and the film industry, government departments, educational and social organisations, and private bodies;
- (e) read books, reports and articles dealing with general and/or specific issues of censorship in other countries.

5 The Report of the Committee also sets out certain "considerations which the Committee considered to be fundamental". Some of these considerations are:-

- (a) Any realistic censorship policy must be founded on national interest. Any system and policy of censorship must be related to our national interest and the overall societal objectives we want to promote, preserve and protect in Singapore. It follows that any decisions to change such policy cannot be taken without considering their possible effects on our society. Therefore a rational censorship policy calls for an awareness of societal objectives and" a delicate balance of:
 - factors which may warrant a cautious and strict policy, and

- factors which may warrant liberalisation in some areas.

This is the crux of the problem. A perfect balance is not easy to attain but a reasonable balance can be achieved.

Subjective nature of censorship. Decisions on censorship are inherently subjective in nature. That is to say, no person entrusted with censorship responsibility can empirically establish that his decisions have resulted in more good or bad influence on the public at large. The subjectivity cannot be eliminated. At best what can be done is to ensure that subjectivity does not result in arbitrariness but is moderated by a workable set of guidelines.

Decision-making process. The inherent subjective nature of censorship decisions also means that great care must be given to the selection of persons who will enforce censorship and to ensure that the decision-making process is fair. The decision-making process must be such that censorship officials are attuned to changing attitudes and public opinion so that their decisions are not out of touch with reality. This sensitivity on the part of the officials may be even more important than any set of guidelines or codes, however impressive these are, because the effectiveness of censorship policy ultimately, depends on the persons implementing them and the way in which they approach their work.

Context and theme. We consider it essential that the overall context and theme should be given due attention in arriving at decisions regarding the banning of a film or cutting out parts of it and the banning or detaining of a book. Parts of a film or a publication, when viewed in isolation, may seem objectionable or offensive but when viewed in context of the work as a whole may not be offensive and therefore not warranting censorship. Conversely, parts of a film or a book may not be objectionable in themselves, yet when viewed as a whole in context and in the light of the central theme, may be objectionable.

- (e) Codes and guidelines. In so far as codes, guidelines or criteria are necessary for censorship, officials, these must be framed in general terms. They need not have the literal exactitude and precision of Acts of Parliament. The objective must only be to highlight the areas of concern, the values to be promoted, the persons to be protected and the overall societal goals to be furthered. Guidelines should be so framed that they enable censorship officials to exercise flexibility. This is important if there is to be gradual evolution of policy over a period of time to reflect changing public attitudes.

- (f) Excessive violence. It is often thought that the main focus of film censorship is on sex. While that is an important area of concern, there is also cause for close attention to be paid to the trend towards excessive violence and the exploitation of sadism as well as horror.

- (g) Changing nature of society. Censorship guidelines and codes, while considering prevailing circumstances and conditions, must also anticipate the changing nature of our society. This is another reason why censorship codes should be framed in clear and yet sufficiently broad terms in anticipation of change.

1 Summary of recommendations. The Committee's recommendations, which are elaborated elsewhere in this Report, can be summarised as follows:-

Recommendation 1. (Films and publications):

Special attention should be given to the theme and overall context of a film or publication. (paras. 23-35)

Recommendation 2. (Films):

It is not necessary to make major changes to the existing criteria and policy regarding film censorship. (paras. 36-40)

Recommendation 3. Films screened in cinemas):

The Board of Film Censors can move towards a less strict censorship policy in certain aspects in respect of films screened in cinemas, provided this is done gradually and with caution. (paras. 41-45)

Recommendation 4. (Films):

There should be no classification of films for the general public but a limited form of film classification should be exercised when applications are made by bona fide organizations. (paras. 46-59)

Recommendation 5. (Films screened in cinemas):

Where a film is intended for an audience mainly of children, trailers showing scenes unsuitable for children should not be screened before such audiences. (paras. 60-63)

Recommendation 6. (Films and TV):

There should be an Advisory Committee which will have an advisory and consultative role in relation to the Board of Film Censors as well as the SBC. (paras. 64-72)

Recommendation 7. (TV):

Censorship of films and programmes telecast by SBC should be subject to the same, if not more stringent, criterion as that applicable to films' screened in cinemas. (paras. 73-80)

Recommendation 8. (SBC):

SBC should pay special attention to the telecasting times of certain programmes which may be unsuitable for children. (paras. 81-84)

Recommendation 9. (TV and films):

Censorship authority for films and television should be vested in a single body, ie the Board of Film Censors, with power being delegated to the SBC with regard to censorship of TV programmes and films. (paras. 85-94)

Recommendation 10. (Videotapes and video discs):

The same guidelines for censorship of films should be strictly applied for videotapes and video discs. (paras. 95-97)

Recommendation 11. (Videotapes and video discs):

Adequate manpower and equipment should be provided to ensure efficient censorship, especially of videotapes. (paras. 98-105)

Recommendation 12. (Films):

Certain amendments should be made to the Films Act, 1981. (paras. 106-113)

Recommendation 13. (Publications):

A distinction should be made between printed publications and film-TV media and that a move should be made towards less strict censorship of certain types of publications. (paras. 114-118)

Recommendation 14. (Publications):

An Advisory Panel should be established to assist the Ministry of Culture in the censorship of publications. (paras. 119-125)

Recommendation 15. (Publications):

Amendments should be made to the Undesirable Publications Act, Cap 107, to rectify discrepancies relating to (a) requiring book importers and distributors to submit samples of imported publications, and (b) exempting from examination articles in transit through Singapore. (paras. 126-137)

Recommendation 16. (Publications):

Administrative criteria/guidelines used by the Ministry of Culture in censorship of publications should be made known to the book importers and libraries. (paras. 138-140)

Recommendation 17. (Publications):

Additional readers should be recruited in* the Publications Section of the Ministry of Culture. (paras. 141-143)

REPORT

OF THE

REVIEW COMMITTEE ON CENSORSHIP

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and papers on censorship issues in other
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1 The Committee was appointed in March 1981 with the following

Terms of Reference:

- "(i) To consider the likely effects of advances in electronic communication and audio-visual technology, and mass travel on the sexual morality of Singaporeans.
- (ii) To review the laws on censorship of publications and films, and to recommend changes, where necessary.
- (iii) To review censorship policies on publications and films and to recommend changes that will minimize the adverse effects on traditional morality without holding up such policies to ridicule because they are out of touch with reality.
- (iv) To review present administration procedures and enforcement facilities in the Ministry of Culture and recommend improvements to carry out the policy effectively."

2 It was subsequently clarified that, apart from sexual morality, the Committee should also take into account matters such as drug consumption and violence as these may also be related to moral and sexual behaviour.

3 At a very early stage of our discussions, it became clear that we would also have to look at certain aspects of telecasting by SBC, since films are telecast over TV. Insofar as issues of censorship are concerned, there is no reason why films telecast over TV should not be treated like films screened in cinemas since both have an impact on the public.

4 On 15 Jun 81, the Minister for Culture informed Parliament (in reply to a question for oral answer) of the composition of the Committee, its terms of reference and its progress of work. The Minister made it clear that the Committee did not have any preconception as to whether there should be more or less censorship. Parliament was also informed that the Committee expected to complete its work by the end of 1981.

5 The Committee met regularly. It held a total of 30 sessions for discussions and interviews and 18 sessions to view films. In the course of its work:-

- 5.1 the Committee interviewed the Chairman and members of the Board of Film Censors, members of the Films Appeals Committee, SBC officials, the officials responsible for censorship of publications, and representatives from the Police and Ministry of Social Affairs. (See Annex L for full list of persons interviewed);
- 5.2 the Committee viewed a total of 20 full length films and many excerpts of films to understand the approach taken by the Board of Film Censors. (See Annex M for list of films viewed);
- 5.3 the Committee read a total of 60 publications to understand the approach taken by the Ministry of Culture in banning, detaining or releasing publications. These included twenty Chinese language publications which were read by Committee members who knew the language. (See Annex N for titles of publications);
- 5.4 the Committee sought and obtained various memoranda and statistics from the book and film industry, government officials, social workers, police, SBC, etc. (See Annex O for the list of such statistics and memoranda. Some of the memoranda and statistics are reproduced in separate Annexes) ;
- 5.5 the Committee also read books, reports and articles dealing with general and/or specific issues of censorship in other countries. (The full list is set out in Annex P).

6 The Committee finds that all possible shades of opinion on the question of censorship were reflected in the views of persons who were interviewed and in the written representations and papers which were read by the Committee.

7 At the very outset two points need to be stressed.

First, censorship decisions are inherently subjective. It is impossible to eliminate the element of subjectivity. In view of this, we should expect that there will always be disagreement on certain specific decisions to

prohibit, release or excise parts of a film, and to prohibit, detain or release a publication. This, therefore, requires us to look at the censorship system in its overall context and to inquire whether, so viewed, the system has any serious defects. This is the approach the Committee has taken. Likewise, the Committee acknowledges that its review and appraisal of the censorship policies is also subjective. Our conclusions and recommendations reflect the collective perceptions of the Committee

members based on the films we viewed, books we read and the interviews we had with various persons. Second, it is difficult, if not impossible, to gauge what is the prevailing sexual morality or public opinion on any question of censorship. Short of a comprehensive empirical survey or referendum, one can only make educated guesses. In this regard, the Committee has taken into account our country and our people as a whole, bearing in mind the dynamic nature of our society.

8 Summary of recommendations. The Committee's recommendations, which are elaborated elsewhere in this Report, can be summarised as follows:-

Recommendation 1. (F ilms and publications):

Special attention should be given to the theme and overall context of a film or publication. (paras. 23-35)

Recommendation 2. (F ilms):

It is not necessary to make major changes to the existing criteria and policy regarding film censorship, (paras. 36-40)

Recommendation 3. (Films screened in cinemas):

The Board of Film Censors can move towards a less strict censorship policy in certain aspects in respect of films screened in cinemas, provided this is done gradually and with caution. (paras. 41-45)

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Recommendation 17. (Publications):

Additional readers should be recruited in the Publications Section of the Ministry of Culture. (paras. 141-143)

9 Acknowledgement. We wish to record our gratitude to all those who have assisted the Committee. We thank the Chairman of the Board of Film Censors, Mr Chiou Chee Pern, for arranging numerous viewing sessions and for allowing the Committee to meet at the premises of the Board. We are deeply grateful for the valuable assistance rendered throughout by the Committee's Secretary, Mr Lai Choon Seng.

PART II. BASIC APPROACH AND OBSERVATIONS

Our Basic Approach

10 In making our review and in framing our recommendations, we were guided by the set of considerations, set out below, which we consider to be fundamental.

H Any realistic censorship policy must be founded on national interest. Any system and policy of censorship must be related to our national interest and the overall societal objectives we want to promote, preserve and protect in Singapore. It follows that any decisions to change such policy cannot be taken without considering their effects on our society. Therefore a rational censorship policy calls for an awareness of societal objectives and a delicate balance of:

- factors which may warrant a cautious and strict policy, and
- factors which may warrant liberalisation in some areas.

This is the crux of the problem. The perfect balance is not easy to attain but a reasonable balance can be achieved. We set out in paras 12 and 13 what we consider to be the overriding factors of both sides of the balance.

12 The factors which may warrant a cautious and strict censorship policy can be summed up as follows:-

- 12.1 Singapore's most important resource is its people. The discipline and moral fibre of its people is vital. Any erosion of discipline and standards of morality is detrimental to the national interest. We thus cannot afford the permissiveness associated with certain aspects of life in some other countries.
- 12.2 Singapore, like most other societies, recognises that children and young persons are the most important group in need of protection. Thus our censorship policies must pay special attention to children and young persons and must not undermine what we are seeking to achieve in schools through moral education.
- 12.3 Singapore is a multi-racial society, with different racial, religious and linguistic groups. Films and publications must not impair our efforts to promote racial harmony and religious tolerance.

- 12.4 Singapore is an Asian society. Our population represents three Asian cultures - Chinese, Malay and Indian. However modernised we become, and whatever levels of education and technology we attain, it is of paramount importance that we preserve the best in our traditional Asian values, such as the sanctity of marriage, the importance of the family, respect for elders, filial piety and moral integrity in interpersonal relationships.
- 12.5 Many studies have been conducted in the West to ascertain whether films and publications depicting pornography and violence lead to an increase in deviant or immoral behaviour or greater incidence of crime. Most of these studies have been inconclusive and have not been able to categorically establish a direct cause and effect link. However absolute proof may not be necessary. The key question is: is there a risk that without censorship harm will result? It is suggested that there is indeed a serious risk.
- 12.6 It is important to bear in mind the consequences of any decisions to "relax" or "liberalise" censorship. Any undesirable consequential effects on society will be difficult to rectify. This point in itself is not an argument against liberalisation but is a point which dictates that any change should be brought about gradually and cautiously.

13 Factors which may warrant liberalisation in some areas can be summed up thus:-

- 13.1 Due to various factors, some of which are mentioned below, our society is becoming increasingly knowledgeable on trends in films, publications and other cultural forms in other countries.
- 13.2 The number of Singaporeans who are educated is increasing and will continue to increase, leading to greater demand for less censorship.
- 13.3 More Singaporeans are travelling, studying and working abroad, enabling them to view the original versions of films, read publications banned in Singapore and, generally, to observe the cultural trends in other countries and to make comparisons with Singapore. (See Annex D: Tables of Statistics on Travel by Singaporeans).

- 13 4 Singapore's economic and social development in recent years and its establishment as a trade, financial and tourist centre have also resulted in exposing Singaporeans to values and practices in respect of sexual morality of some other countries.
- 13.5 With better standards of living and increased affluence, more Singaporeans are able to afford TV sets and video recorders. (See Annex E: Statistics on Radio and TV Licences).
- 13.6 The inevitable consequence of the combination of all the abovementioned factors is that Singaporeans are aware of the latest trends in films and publications abroad, especially in United States and Europe. This in turn will lead to rapidly changing attitudes and expectations on the part of Singaporeans.
- 13.7 Any policy which has excessive or unrealistic censorship of films or publications and which does not take into account such changing attitudes will be out of touch with reality and justifiably subject to criticism.

14 Subjective nature of censorship. Decisions on censorship are inherently subjective in nature. That is to say, no person entrusted with censorship responsibility can empirically establish that his decisions have resulted in more good or bad influence on the public at large. The subjectivity cannot be eliminated. At best what can be done is to ensure that subjectivity does not result in arbitrariness but is moderated by a workable set of guidelines.

15 Decision-making process. The inherent subjective nature of censorship decisions also means that great care must be given to the selection of persons who will enforce censorship and to ensure that the decision-making process is fair. The decision-making process must be such that censorship officials are attuned to changing attitudes and public opinion so that their decisions are not out of touch with reality. This may be even more important than any guidelines or codes for, whatever impressive codes are drawn up, censorship policy ultimately depends on the persons implementing them and the way in which they approach their work.

16 Context and theme. We consider it important that the overall context and theme should be given special attention when deciding questions of banning films or excising parts thereof, or banning or detaining books. Parts of a film or publication, when viewed in isolation, may seem objectionable or offensive but when viewed in context may not be offensive and therefore not warranting censorship.

On the other hand, where no isolated parts of a film or book are objectionable, yet when viewed as a whole in context and considering the theme, it may be objectionable.

17 Codes and guidelines. In so far as codes, guidelines or criteria are necessary for censorship officials, they must be framed in general terms. They need not have the literal exactitude and precision of Acts of Parliament. The objective must only be to highlight the areas of concern, the values to be promoted, the persons to be protected and the overall societal goals to be furthered. Guidelines should be so framed that they enable flexibility on the part of censorship officials. This is important if there is to be gradual evolution of policy over a period of time to reflect changing public attitudes.

18 Excessive violence. It is often thought that the main focus of censorship is on sex exploitation. While that is an important concern, there is also cause for serious concern over films which show excessive violence, gory scenes, sadism as well as horror. The frequency of such matters being depicted in films is objectionable.

19 Changing nature of society. Censorship guidelines and decisions, while considering the contemporary circumstances and conditions, must also anticipate the changing nature of our society. This is another reason why censorship codes should be framed in broad terms.

20 Films & TV compared with publications. Generally, there should be a distinction made between films, TV telecasting and videotapes on the one hand, and books and other publications on the other. A case can be made for less stringent standards for books and publications, apart from the obviously pornographic books and sex-exploitative magazines and books glorifying violence in respect of which we must be very strict. The distinction is founded on the very nature of the medium of communication. A book, unlike films, cannot be enjoyed en masse. Reading a book is an individual and private activity requiring more mental effort on the part of the individual than viewing films and TV. Films and TV thus have greater potential and impact on society (especially children) than books.

21 Programmes telecast on television. Television has greater impact than any other media. We note that Singaporeans may view films:-

- in cinemas;

- in their homes either by films projected onto a screen, or by videotapes played on a video-recorder; or

- in programmes telecast over television by SBC (or by RTM).

Of these three categories, programmes telecast by TV are the most important, because of the generally recognised impact which TV has upon people, both young and old. Consequently, the criteria for censorship of films telecast by TV become particularly important.

The Committee's Assessment

22 Cur general impressions may be summed up as follows:-

22.1 There is greater scope for relaxing censorship of publications than with films. We have come to this conclusion after our overall review of the censorship of publications compared with censorship of films, videotapes and SBC's internal censorship. In each category, we asked whether, so viewed, the approach taken by the officials coincided with what we would have regarded as the preferable approach. Of the films we viewed and books we read, there was a greater degree of coincidence with films than with publications. We believe (for reasons which we set out later) that we can safely move towards some relaxation of censorship of publications.

22.2 As regards films, we have formed the view that there is no urgent need for making any major changes in the policy of film censorship which in our view is, in the main, satisfactory. We have come to this conclusion after taking into account the factors enumerated earlier and particularly the interests of young persons.

22.3 We, however, feel that there is a case for a gradual move towards less strict censorship of films shown in cinemas in certain areas such as nudity and love scenes. This, however, must be done gradually and with caution, particularly in respect of full frontal nudity. The overall context, intention and theme of the film must not be offensive and not sex-exploitative.

22.4 In view of the subjective nature of censorship, specific censorship decisions will continue to be criticised as being artificial, unrealistic, etc. We think that such criticisms may be reduced if:

 censorship officials pay special attention to the overall theme and context; and

 advisory bodies (comprising persons who are not civil servants) can be established to assist in the decision-making process in a consultative and advisory capacity.

- 22.5 We note that much of the concern expressed about censorship has been with films screened in cinemas and with videotapes. Because of the present and future impact of television, it is equally necessary to be concerned with the content of TV programmes and with censorship thereof.
- 22.6 On the question of film classification, the Committee does not recommend film classification for the general public. Hence all our recommendations are in the context of the present system. It is not generally realised, however, that the legislation does allow the Board of Film Censors to classify. While there may not be any general film classification, the Board of Film Censors should exercise its powers of classifying in a limited way with regard to specific applications made by organisations and societies.

RECOMMENDATION 1. (FILMS AND PUBLICATIONS)

WE RECOMMEND THAT SPECIAL ATTENTION BE GIVEN TO THE THEME AND OVERALL CONTEXT OF A FILM OR PUBLICATION.

23 Our first recommendation concerns both films and publications and, therefore, should be stated now. Except for a few films or publications where the work in its entirety is at issue, difficult censorship decisions almost invariably concern specific scenes or pages in the work which are, or may be, objectionable under existing criteria. Where blatantly offensive materials are concerned, the existing criteria for film censorship (see Annex A) and for censorship of publications (see Annex J) can in the main, be retained. In our view, these existing criteria effectively exclude materials which rightly should be excluded - the obscene, pornographic and materials which glorify violence.

24 The controversy is often related to the "gray" areas - such as nude scenes which are not vulgar, passionate love scenes or sexually suggestive scenes (which stop short of portraying explicit sex), use of four-letter words, references to drugs, scenes of violence, to list only a few.

25 We are of the opinion that existing criteria, when literally and strictly applied, can result and have sometimes resulted in debatable decisions to ban or excise parts of a film or ban/detain publications.

26 For example, current film censorship criteria are very strict on nudity (which we refer to again later, paragraphs 42-43). Since the existing guideline on nudity makes no reference whatsoever to context or theme the result is that the censors tend to consider the scenes somewhat out of context.

27 With regard to publications, we find that the relevant guideline states that -

"Publications with vivid and detailed sexual descriptions are not allowed. However, where the publications are well-written, the main theme and purpose are not objectionable and the sexual descriptions are not crude, they are released.

28 It is true that there is a reference to context but we find that in some publications, books were detained where the descriptions of sex constituted a small part of the book and should not be objectionable when the work is viewed in context.

29 How should these problems be solved? We do not think that the answer rests in framing even more detailed and complicated guidelines. We should not straightjacket the censors with rigid and precise instructions. In any case, we doubt if such detailed guidelines can work.

30 We are of the opinion that many of these problem areas can be overcome if the censors (of films as well as of publications) are encouraged to pay more attention to the overall theme of the work and the context in which the scenes in the film or passages of the book appear. They should view the work in its entirety. For example, a short scene depicting persons talking about drugs or smoking marijuana, does not in itself make the scene or the film objectionable. We must consider whether that scene in the overall context of the film is objectionable to our society. Does that scene transform the film into one glorifying drug taking and would the average viewer interpret the film in that way?

31 Similarly, if a book has pages describing in detail sexual acts, this per se should not render the book undesirable. The overall context must be considered and if the descriptions of sex are treated without vulgarity and indecency and if they are an integral part of an overall theme which is not objectionable, then the book should be released.

32 To cite another example, contextual approach is also helpful in dealing with four-letter words, especially in films (where it may be difficult if not impossible to excise only the words). We agree with the guideline which makes a distinction between instances where such words are used as expletives and where they are used to refer to the sex act in a vulgar manner. The latter warrants a more strict treatment than the former.

PART III. CENSORSHIP OF FILMS (INCLUDING VIDEOTAPES,
--- VIDEO DISCS AND PROGRAMMES TELECAST BY SBC)

33 In this Part we will deal with censorship by the Board of Film Censors of films screened by cinemas and of videotapes and videodiscs. We will also comment on programmes and movies telecast by SBC in view of our strongly felt view that equal attention should be given to TV programmes and movies.

34 In respect of films screened by cinemas, the starting point for the Committee's discussions was whether we should have a single system (where all persons, regardless of age, can see any film) which is the present system or whether we should have separate systems as a result of film classification. Obviously with a single system, censorship must of necessity be more intensive. Where there is a system of classification, films classified only for adult viewing would be subject to less rigorous censorship.

35 As we will point out later, the Committee, is not recommending film classification. Thus, our approach is to inquire what we can do within the framework of the existing system.

RECOMMENDATION 2. (FILMS)

WE RECOMMEND THAT IT IS NOT NECESSARY TO MAKE MAJOR CHANGES TO THE EXISTING CRITERIA AND POLICY REGARDING FILM CENSORSHIP

36 We have examined carefully the guidelines according to which the Board of Film Censors makes decisions. We have had extensive discussions with the Chairman of the Board and his censors and also with members of the Committee of Appeal. Further, we have viewed films and excerpts of films in order to comprehend the manner in which the Board of Film Censors has interpreted and implemented these guidelines and criteria.

37 The existing guidelines are as follows:-

"(a) Controversial themes

Films glorifying/glamourising crime, violence, gangsterism, secret society activities, racketeering, unbridled contempt for law and order, hooliganism, vandalism, rowdism, hippism, drug addiction, anti-religion, sadism, prostitution, sexual perversion, free love, promiscuity, permissiveness, lesbianism, homosexuality, incest and other demoralising themes are not allowed for exhibition if the themes/stories cannot be improved or the objectionable scenes/sequences cannot be reduced/cut.

(b) Sex and nudity

Portrayal of love-making, close and medium shots of nude women, bare breasts and bare buttocks as well as genitals of the two sexes are not allowed in low-budget sex exploitative films. However, nudity presented in a tasteful manner is allowed in high class productions like "Barry Lyndon" and those of Peter Sellers. We also allow long shots of men and women in the nude that cannot be seen clearly in English, Chinese and Indian films, but not the frontal view of their private parts. For documentary films, scenes of bare breasted women of primitive tribes are not considered objectionable.

(c) Kissing

Kissing is allowed in all films except Malay productions. Suggestive prolonged kissings showing the tongues playing with each other are deleted.

(d) 4-letter words

Pour-letter words and other words, phrases and expressions which convey obscene, lewd or vulgar meanings are not allowed. However, certain expressions such as swear words which denote one's anger, impatience or frustration are allowed, but we always try to minimise them.

(e) Violence

Excessive violence is reduced. All close and clear shots highlighting stabbing, killing, strangling, lethal punching, vomiting of blood by men/women being beaten up, facial expression of agony, spurting of blood, gory scenes of killing, etc are taken out.

39 We have reservations over the wording of some of the guidelines. However, the consensus in the Committee is that we are in general agreement with the censorship policy within the existing system(i.e. where there is no film classification). It is necessary to point out that:-

- 39.1 First, we took the approach of viewing the censorship system and policy as a whole. In our view, it would be wrong to judge the whole policy on the basis of particular decisions with which we disagree. As censorship is subjective, it is inevitable that not all will agree with every decision of the censors. After discussions and after viewing the films to understand the censors' decisions, we find that on the whole their approach cannot be seriously faulted. Three qualifications we make are for greater attention to be paid to context, for gradual liberalisation in certain areas and for an advisory body to be established.
- 39.2 Second, we took into account that over the years, there has actually been some liberalisation on the part of the censors although, admittedly, such liberalisation is not fast enough for certain critics. This is to the credit of the censors for they have tried, within the system, to make gradual changes.
- 39.3 Third, we have been influenced by the basic approach we have recommended (Part II). Most importantly, Committee members noted that not everyone in Singapore is prepared for sudden liberalisation and that the interests of the young and impressionable should be protected.
- 39.4 Fourth, we noted that importers of films and managements of cinemas by now are quite familiar with Singapore's censorship policy. Consequently they, on their own accord, do not import films which they know will be unlikely to be approved. In our view, any significant changes to existing criteria will only encourage the importation of undesirable films in the expectation that these films will be passed.

40 To summarise: in the context of the existing system, the Committee is of the view that there is nothing fundamentally wrong with the current censorship policy and decisions of the Board of Film Censors viewed as a whole, as to warrant any major changes to the existing criteria. However, there are three qualifications, dealt with in other Recommendations, which we make to this conclusion:

first, there should be greater focus on the context (see Recommendation 1);

second, there can be gradual liberalisation in certain areas (see Recommendation 3); and

third, the decision-making process can be aided by the establishment of an advisory body (see Recommendation 5).

RECOMMENDATION 3. (FILMS SCREENED IN CINEMAS)

WE RECOMMEND THAT THE BOARD OF FILM CENSORS CAN MOVE TOWARDS A LESS STRICT CENSORSHIP POLICY IN CERTAIN ASPECTS IN RESPECT OF FILMS SCREENED IN CINEMAS, PROVIDED THIS IS DONE GRADUALLY AND WITH CAUTION.

41 We have earlier stated that we are not in favour of making any major changes to existing censorship criteria and policy. This does not mean, however, that censorship policy should remain static. It is our view that the Board of Film Censors can move towards a less strict censorship in certain aspects.

42 Nudity. The majority of the Committee is of the view that one area where some flexibility can be introduced is that of nude scenes. The present strict interpretation of guidelines which results in not allowing any nude scenes is too rigid and may be rightly criticised as being unrealistic. Some nude scenes could be permitted gradually. However, the censors should exercise caution with regard to full frontal nudity since younger persons and certain sections of our population may not be prepared for such scenes.

43 Certain nude scenes could be allowed on condition that:

- (a) The overall context, intention and theme of the film as well as of the nude scene must not be offensive.
- (b) The nude scenes are not portrayed to exploit sex.

With regard to the guideline which refers to "low-budget" and "high class" productions, we wish to state that the financial cost of the production does not determine its artistic merit or its sex-exploitative theme.

44 Similarly, with attention being paid to the context, there can be less strict censorship of such matters as love scenes, four-letter words or references to drug-taking where the scenes, in context, do not condone, promote or glorify such matters.

45 We should make it clear that with regard to the pornographic and obscene films and films depicting excessive violence, horror and gory scenes, the existing strict policy should be maintained.

RECOMMENDATION 4. (FILMS)

WE RECOMMEND THAT THERE SHOULD BE NO CLASSIFICATION OF FILMS FOR THE GENERAL PUBLIC BUT THAT A LIMITED FORM OF FILM CLASSIFICATION BE EXERCISED WHEN APPLICATIONS ARE MADE BY BONA FIDE ORGANISATIONS

46 The major feature of the present system is that persons of all ages may see any film. This point, therefore, has to be always borne in mind by the censors. Certain films (or scenes therein) which may be unobjectionable when viewed exclusively by adults are either banned or the scenes excised, as the case may be, because the cinema audiences consist of both adults and children.

47 Suggestions have been made from time to time for classification of films to cater for audiences of different age groups. We discussed film classification in depth. The experiences of other countries were also taken into consideration. Some countries adopt a simple two-fold classification, films for general viewing and films for adults only. Other countries have more complicated classifications for several age groups.

48 The concept of film classification which we discussed was not one where there will be no censorship of films classified for adult viewing. There would still be censorship but since the audience would all be adults, the censorship would tend to be less stringent.

49 The case for film classification was argued as follows. First, without classification, censorship means applying the lowest common denominator which is unsatisfactory since considerable and even unjustified excisions may result in some films. Second, with classification the younger persons will be protected while adults can view films which otherwise would be banned or have scenes excised. Third, it was argued that classification will be more realistic since more Singaporeans are educated and travelling or working abroad and are being exposed to more liberal attitudes. Fourth, problems of enforcement could be overcome and likewise the fears that classification will open the door to pornography could be met by retaining censorship for the adult category. Fifth, similarly, the fear that classification will lead to high expectations was dismissed since, over a period of time, people will get used to the system.

50 The case against film classification was argued as follows. First, enforcement problems would be difficult to overcome. If we cannot ensure strict enforcement, then young persons will be seeing films meant strictly for adults. The Committee understands that for various reasons, such as manpower problems and other priorities, it would be difficult for the Police to be involved in enforcement. Second, the ability of the cinemas to enforce film classification is doubtful in view of the manpower shortage. Without such enforcement, classification is unlikely to work. Third, in Singapore, film-going is often a

family affair and classification would change this. Fourth, with classification, public expectations would be high in respect of adult movies. However, if censors still did much censorship for the

adult category, then there would be an outcry and a demand that there should be no, or very little, censorship for adults. The pressures on the Board of Film Censors would then be greater than now. Fifth, without classification, the present censorship system instituted to protect the children and public at large has been acceptable to the public. However, with classification, the adults will query the justification for censorship in the adult category.

51 We are aware that in 1971, the Minister for Culture appointed a Committee to look into this subject. We studied the Report of the 1971 Committee. It proposed a two-fold (general and adults) classification with 18 years as the cut-off age. Trailers would also be classified. Enforcement would be by the cinema management with police cooperation in the early stages. A permanent Advisory Committee on Film Classification had also been proposed. The recommendations, however, were not implemented.

52 We should also point out that existing legislation (The Films Act, even as it stood before the 1981 amendment) empowers the Board of Film Censors "to classify the film in such manner as it may think fit and the Minister may approve the classifications under which films may be classified".

53 The question, therefore, is not one of changing the law to allow for film classification but whether the powers granted by law should be exercised and, if so, how.

54 Members of the Committee had divergent views on this issue. Some were in favour of film classification and others were against. Nevertheless, the Committee was of the view that, at this point of time, it was better to effect gradual changes within the existing system and not to introduce general film classification.

55 However the Committee felt that a limited form of film classification should be implemented when applications are made by certain bona fide organisations such as film societies, literary and cultural societies and institutions of higher learning. This should be done in a limited manner so as not to result in widespread and rampant proliferation of clubs and societies screening such films.

56 What we envisage is for the Board to make exceptions, on a case by case basis, when applications are made by literary, educational, cultural and other bona fide groups for a 1-time or 1-day screening of a film with or without cuts (which for general viewing had been banned or passed with a greater number of cuts). The application will have to be made by the body concerned and the Board can impose conditions such as

date and place of viewing;

- the minimum age of persons who may be admitted;
- that viewing is open only to members and that membership cannot be obtained on the spot;
- that public advertising would not be allowed.

Our reasons are set out in paras 57-59.

57 First, there are certain films which cannot be screened publicly under the existing system. However, some of these films may have intrinsic merit to justify their being screened to limited audiences under conditions where the Board of Film Censors can be reasonably satisfied that enforcement of the age-limit will not be problematic. We have in mind films which have artistic and literary value and which are examples of film as an art form as well as films dealing with important and serious themes.

58 Second, this limited classification can be subject to closer supervision and control in view of the conditions which we suggest to be imposed (see para 56).

59 Third, this will give the Board of Film Censors a valuable experience in classifying films which may be helpful if and when it is decided to introduce general film classification for films screened publicly.

RECOMMENDATION 5. (FILMS SCREENED IN CINEMAS)

WHERE A FILM IS INTENDED FOR AN AUDIENCE MAINLY OF CHILDREN, TRAILERS SHOWING SCENES UNSUITABLE FOR CHILDREN SHOULD NOT BE SCREENED BEFORE SUCH AUDIENCES

60 The Committee notes that preceding the screening of the main feature film, cinemas also screen trailers of forthcoming films. We are concerned over the fact that trailers of films which contain scenes of excessive violence, horror, suggestive love scenes or adult themes are screened just prior to films which are almost exclusively meant for children.

61 We are of the opinion that this is undesirable and the Board of Film Censors should look into this and take appropriate measures to prevent the screening of such trailers before an audience comprising mainly children.

62 we anticipate that some may wish to rebut our recommendation by pointing out that so long as there is no film classification, it is possible for children to see the films being advertised by the trailer in their entirety.

63 There is, however, a fundamental difference. There are many films which attract mainly school-children (especially during school holidays). Parents permit their children to see these films (or may accompany them) on the assumption that the feature film is unobjectionable. To then screen trailers of films which parents will certainly not allow their children to view is both undesirable, in terms of impact on the children, and misleading.

RECOMMENDATION 6. (FILMS AND TV)

MF RECOMMEND THE ESTABLISHMENT OF AN ADVISORY COMMITTEE WHICH WILL HAVE AN ADVISORY AND CONSULTATIVE ROLE IN RELATION TO THE BOARD OF FILM CENSORS AS WELL AS THE SBCT

64 We examined the decision-making process with regard to censorship of films by the Board of Film Censors and by SBC. We consider this to be more important than guidelines and criteria.

65 The censors in the Board of Film Censors are civil servants. There is an Appeals Committee which includes persons who are not civil servants. However, the Appeals Committee is convened only when film distributors lodge an appeal against the decision of the Board.

66 In SBC, the censoring is carried out by seven officials of SBC's Programme Acquisition and Scheduling Unit (PASU). There is also a Programmes Advisory Committee, composed of persons of different backgrounds to advise the management on programme selection.

67 We are of the opinion that the Ministry of Culture should establish an Advisory Committee which will have an advisory and consultative role with regard to censorship by the Board of Film Censors as well as by SBC. The Advisory Committee will not make decisions but only recommendations.

68 Our reasons for making this proposal are as follows:-

68.1 Since censorship is inherently subjective and such subjectivity cannot be entirely eliminated, any actual or apparent arbitrariness can be reduced if the censors have advice and comments from persons who represent a fair cross section of public opinion.

68.2 We believe that civil servants involved in censorship, due to a variety of factors, may tend to be conservative on certain issues for fear that their decisions would be highly controversial. The proposed Advisory Committee, we feel, would enable the censors to arrive at decisions with greater objectivity.

68.3 Elsewhere we have recommended that changes in some areas may be made gradually. This requires that censors be sensitive to contemporary tastes, views and standards of our society. These are not matters which can be established accurately. We believe the proposed Advisory Committee will enable the censors to be more attuned to contemporary values and would be in a better position to judge whether any gradual policy changes are warranted.

69 Our proposal merely builds on a practice which apparently has been in operation informally. The Chairman of the Board of Film Censors informed the Committee that, from time to time, he does consult various officials and organisations.

70 Specific aspects of the Advisory Committee. We now set out our views on the basic features of this Committee:

70.1 Appointment & Composition. The Committee should consist of a maximum of 15 persons to be appointed by the Minister. The Chairman shall also be appointed by the Minister from among the 15 persons. These 15 persons should be selected from diverse backgrounds, such as public figures, teaching staff of schools and institutions of higher learning, members of professional and cultural bodies, including journalists and writers, or civic groups such as CCCs, RCs.

70.2 Disqualification. A person who is a member of the Films Appeals Committee should not be eligible for membership of the proposed Advisory Committee.

70.3 Staggered membership. Members should have a three-year term. To enable continuity, initial appointments should be staggered, one-third having a three-year term and one-third having a two-year term and one-third having a one-year term.

70.4 Ex-Officio members. The Chairman of the Board of Film Censors and the Chairman of SBC's Programme Acquisition and Scheduling Unit (PASU) should be ex-officio members.

70.5 Functions. The Committee will be convened whenever SBC or the Board of Film Censors require the views of the panel on any film or programme. The Committee will not be involved in every decision of SBC or BFC. The Committee will be consulted by BFC and SBC only when there is some doubt as to the decision to be taken. In this way, the workload of the Committee will not be

72 Amendments to legislation. If necessary, the law should be amended "to provide for such an Advisory Committee. If the legislation to be amended, we would recommend a simple provision enabling the Minister to establish such Committee or Committees as he considers necessary to advise and assist the Board of Film Censors and officials in the SBC with regard to censorship questions and to enable him to make Rules for this purpose. This will permit flexibility.

RECOMMENDATION 7. (TV)

WE RECOMMEND THAT CENSORSHIP OF FILMS AND PROGRAMMES TELECAST BY SBC BE SUBJECT TO THE SAME, IF NOT MORE STRINGENT, CRITERION AS THAT APPLICABLE TO FILMS SCREENED IN CINEMAS

73 Much of the public debate on film censorship has focussed on films screened in cinemas and on videotapes. Relatively less concern has been expressed over censorship of television programmes. SBC does not submit its TV programmes for censorship by the Board of Film Censors but SBC has its own internal censorship procedures.

74 The preoccupation with cinemas up to now is understandable because the advent of TV has been comparatively recent. We are of the view that it is time to be concerned with the content of TV programmes. Furthermore, we believe that censorship of TV programmes should be subject to the same, if not more stringent, criterion as that applicable to films screened in cinemas.

75 First, as we are not recommending any major changes on film censorship, we do not foresee major problems ahead as regards films screened in cinemas.

76 Secondly, we envisage the problems of censorship in future years will be more related to television and videotapes. As can be seen from the statistics, there was a drop in cinema attendance in 1980 when compared to the 3 preceding years. This corresponds with an increasing sale of video cassette recorders, and also corresponds with the increasing percentage of persons obtaining Radio and TV licences (See Annexes C, E and F). We are of the view that TV, especially with increased transmission hours and with more varied and contemporary programmes from abroad will attract more viewership. This fact, combined with the known pervasive impact of TV, requires us to show greater concern. The problems will be even greater if we have additional TV stations in the future.

77 Thirdly, SBC is a statutory body and in its efforts to be in a financially sound position, it may inevitably have to screen programmes and films which attract maximum commercial advertising but which may be undesirable under existing censorship policy. For example, some films and programmes telecast by SBC, such as "Dallas", are not suitable for

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77 Thirdly, SBC is a statutory body and in its efforts to be in a financially sound position, it may inevitably have to screen programmes and films which attract maximum commercial advertising but which may be undesirable under existing censorship policy. For example, some films and programmes telecast by SBC, such as "Dallas", are not suitable for

general viewing especially at prime-time. Although explicit sex scenes are not depicted, some of these programmes contain themes and situations involving sexual promiscuity and adultery treated in a way as if these were part of the norms of accepted social behaviour.

78 Our recommendation is not an indictment of SBC or its officials at present involved in censorship. Indeed, the officials of SBC whom we interviewed seemed fully aware of the impact of TV.

79 The seven-man auditioning panel, which is responsible for Censorship in the SBC, work on the basis of the guidelines contained in the Radio and TV Singapore Code. This Code is set out at Annex G. It is a lengthy and detailed code. We are in general agreement with most of the provisions contained in it.

80 When we inquired how often the Code was reviewed, we were told that the TV censorship code was drawn up in 1963 taking into account the censorship code for Radio and that adopted by the Board of Film Censors. Except for an occasion around 1972 when the censorship code was "tidied up" and a few more things added, the Code has not been reviewed as a whole in recent times. We recommend that SBC undertakes a review of this Code, some aspects of which are out of date. In its review, the SBC should bear in mind the recommendations in this Report and the guidelines of the Board of Film Censors.

RECOMMENDATION 8. (SBC)

WE RECOMMEND THAT SBC SHOULD PAY SPECIAL ATTENTION TO THE TELECASTING TIMES OF CERTAIN PROGRAMMES WHICH MAY BE UNSUITABLE FOR CHILDREN

81 Certain programmes are not suitable for viewing by children. We are of the view that such programmes should be telecast later at night when children are not likely to be viewing TV.

82 We are aware that SBC's financial considerations may require it to schedule the most popular adult shows in the "prime-time" slots so that more revenue can be generated by commercials.

83 However, the fact remains that TV has a profound effect on the public. Even if there is some financial disadvantage, the same interests which call for censorship of films in cinemas require programmes which cater more for adult tastes to be telecast later in the evenings, after 10 pm.

84 Our recommendation, we anticipate, might be questioned on the ground that SBC is in effect asked to classify its films when there is no classification of films shown in cinemas. We do not agree because the very young persons (e.g. 12 years and below) are unlikely to visit cinemas unless accompanied by adults. In the home, however, these programmes are easily accessible to children unless there is very strict parental control. Our recommendation, further, is consistent with Recommendation 5 on trailers.

RECOMMENDATION 9. (TELEVISION AND FILMS)

WE RECOMMEND THAT CENSORSHIP AUTHORITY FOR FILMS AND TELEVISION SHOULD "BE VESTED IN A SINGLE BODY, IE THE BOARD OF FILM CENSORS, WITH POWER BEING DELEGATED TO THE SBC WITH REGARD TO CENSORSHIP OF TV PROGRAMMES AND FILMS

85 The existing situation is that films and programmes telecast in Singapore are not submitted to the Board of Film Censors for censorship. SBC has its own censorship machinery and policies.

86 This gives rise to two questions. First, whether the present arrangements are an anomaly in view of the legal provisions and, secondly, whether it is desirable for SBC to have a censorship policy independent of the Board of Film Censors.

87 As to the legal question, we were initially concerned with what appeared to be an anomaly. The Films Act does authorise the Minister to exempt any person or class of persons from the provisions of the Act. We asked SBC, through the Chairman of the Board of Film Censors, for the background to the present practice and whether it had ever been exempted. SBC replied that the Cinematograph Films Act, Cap 239, did not apparently exempt films telecast by SBC from the purview of the Board of Film Censors. Films telecast by RTS and now SBC has all along been censored by itself. SBC had no record as to how this administrative arrangement came about except that it had been acknowledged by all parties concerned from as early as 1963 when RTS began telecast transmission. We understand that SBC was subsequently granted exemption under the Act.

88 Turning to the second question, it is our view that programmes and films telecast over TV should also come under the purview of the Board of Film Censors. This is because the issues of censorship are ultimately similar for both films screened in cinemas and films telecast over TV. We have also earlier expressed our view that censorship of TV Programmes should be given more attention.

89 We, therefore, feel that the Board of Film Censors should also have the responsibility of formulating censorship policies and guidelines for television.

We are not unaware that television programming and scheduling operates on very tight deadlines. Because of this, it would be difficult for the Board of Film Censors to attend to day-to-day censorship of television programmes. To meet this point, we would, therefore, recommend that the powers be delegated to the SBC for the actual censorship of films.

91 The difference between our proposal and the alternative of complete exemption is that in our suggestion, the Board would have overall authority and, if occasion requires, could indicate to SBC whenever there are serious discrepancies between standards and approaches of SBC and those of the Board. Our proposal would also ensure coordination between censorship over TV and that over films screened in cinemas. If necessary, the Films Act should be amended to enable such delegation.

92 In this regard, we feel that such coordination between censorship officials in SBC and in the Board of Film Censors actually involved in censorship decisions should be further promoted. This is to ensure that there is a measure of consistency in the implementation of censorship policies by both bodies.

93 There is, in fact, at present a satisfactory degree of cooperation. For instance, the Chairman of the Board of Film Censors is a Member of SBC's Programme Advisory Committee. The Chairman of the SBC's Programme Advisory Committee is also a Member of the Appeals Committee. These however are ad hoc arrangements.

94 Any arrangements on coordination should be formalised. Arrangements should also be made for the censorship officials in the Board of Film Censors to meet with censorship officials in SBC for periodic discussions.

RECOMMENDATION 10. (VIDEOTAPES AND VIDEO DISCS)

WE RECOMMEND THAT THE SAME GUIDELINES FOR CENSORSHIP OF FILMS SHOULD BE STRICTLY APPLIED FOR VIDEOTAPES AND VIDEO DISCS

95 There is no doubt that the major problem for the Board of Film Censors at present are caused by videotapes. The magnitude of the problem will increase because, first, the number of persons purchasing videotape recorders is increasing and, secondly, there is a rapid increase in the number of videotape lending libraries. (For figures, see Annex C). We feel strongly that there must be censorship of videotapes (whether brought in privately by individuals or commercially by firms or libraries for sale or for loan) and that the guidelines for censorship of videotapes should be as strict as, if not stricter than those for films.

We hold this view because the same factors (such as protection of the young) which warrant censorship of films are equally applicable. We cannot assume parental control will solve the matter because it is

well-known that even children can easily operate video recorders. It has also been pointed out that videotapes of seemingly objectionable titles have pornographic segments inserted into the tape. Furthermore, we understand that different versions of the same cinema film are produced by the manufacturers and a videotape may be the undesirable version of that film.

97 We considered other alternatives, but these did not seem feasible. One alternative was that of self-censorship whereby the onus is placed on the individual to ensure that the videotape in his possession complies with existing law and censorship guidelines. This however places a high premium on the individual's honesty and such a system may be abused by those who thrive on the sale or loan of pornographic videotapes. Furthermore, this will require that every individual be fully aware of censorship guidelines and all decisions on specific films. Cinemas would also insist that they should be permitted self-censorship for films that they import. Another alternative we considered was that of limiting the import of videotapes to only the master tape and to require subsequent copies to be made in Singapore. However, this would not solve the problem of clearing the backlog because most of the duplicates are made in Singapore. The Ministry of Culture, however, should seriously consider whether this alternative would in the long run be a feasible solution.

RECOMMENDATION 11. (VIDEOTAPES AND VIDEO DISCS)

WE RECOMMEND THAT ADEQUATE MANPOWER AND EQUIPMENT BE PROVIDED TO ENSURE EFFICIENT CENSORSHIP, ESPECIALLY OF VIDEOTAPES

98 When there is censorship of videotapes according to the same guidelines as that for films, then the Board of Film Censors will be confronted with a logistical problem. The number of tapes which the Board has to view even at present is overwhelming. We have been told that there is a backlog of about 5,000 videotapes with a total running time of nearly 8,000 viewing hours. With current manpower and facilities, the total input of the 7 film censors is 1,137 hours per month. This compares unfavourably with nearly 2,000 viewing hours of videotapes, films and videodiscs submitted per month. This figure is only for first copies. The workload is actually greater because all duplicate copies will also have to be viewed.

99 The problem is so intractable that at the present rate of processing there is sometimes a 6-month delay before a tape submitted for censorship is released. Those dealing in videotapes for bona fide purposes will justifiably be aggrieved.

100 This is clearly unsatisfactory for, in our view, any censorship system in its operation must be efficient. Overcoming the logistical system has very much to do with manpower and equipment. We wish to stress that the censorship system, to be effective, must be backed by adequate manpower and equipment.

101 At our request, the Chairman of the Board of Film Censors submitted a paper on the problems posed by videotapes. (See Annex Q). The Paper deals with matters such as shortage of film censors, equipment, licensing of video dealers etc.

102 We wish to make the following observations on matters raised in this paper.

103 First, we support his proposal of the appointment of 20 temporary film censors to censor videotapes. This appears to be a workable solution to clearing the backlog and to reducing the time taken to clear videotapes submitted for censorship. With 20 temporary film censors, the Chairman of the Board of Film Censors is confident that 90-100 tapes could be cleared per day.

104 Second, we consider the proposal for the creation of a new post of Assistant Director, Board of Film Censors to be reasonable and recommend it accordingly. The present situation where there is no Deputy is unsatisfactory. With amendments to the Films Act in 1981, the Board of Film Censors will have additional work in licensing video libraries and dealers. Further, some of our recommendations (e.g. establishment of an Advisory Committee) will lead to increased responsibilities for the Board and its Chairman. It will become necessary for him to be assisted by a Deputy.

105 Third, as regards equipment, the Committee was surprised to note that a good number of video machines were "borrowed" from commercial firms. Some of those firms in fact submit videotapes for censorship and are charged a fee. It is obviously an invidious situation which should be stopped. This clearly underscores the need to make funds available for the Board of Film Censors to purchase the necessary equipment.

RECOMMENDATION 12. (FILMS)

WE RECOMMEND CERTAIN AMENDMENTS TO BE MADE TO THE FILMS ACT, 1981

106 During the course of the work of the Committee, Parliament enacted the Films Act, 1981, which consolidated and amended the law (Films Act, Cap 239) relating to the possession, distribution and exhibition of films.

107 Prior to the enactment of this new legislation, the Committee had considered making recommendations relating to increased penalties and for licensing of video libraries. We note, however, that the new legislation has introduced provisions pertaining to these matters.

108 We also note that S.15 of the Act (which authorises the Board of Film Censors to prohibit or approve films with or without alterations) does not set out any criteria according to which the Board makes its decisions. We considered whether the law should be amended to incorporate such criteria.

109 However, we decided that this is not necessary in view of the requirement that where the Board prohibits the film or approves it subject to alteration or excision, it is obliged to state its reasons.

110 In view of the preceding paragraphs, the Committee does not find it necessary to recommend any major amendments to the Films Act.

111 However, we wish to draw attention to the following areas where minor amendments are required:-

111.1 Videotape recording of television programmes
received in Singapore

Section 35(1)(c) states that the Act shall not apply to:

"any film reproduced from local television programmes and is not intended for distribution or public exhibition". The word "local" is ambiguous. It is not clear whether this refers to TV programmes telecast by SBC or all TV programmes receivable in Singapore. Malaysian TV programmes are also receivable in Singapore and if there is no law making it unlawful to view these programmes, then, logically, there should be no reason to require a videotape of such programme to be submitted to censorship. Suitable amendments are necessary to make it clear that any programme received over TV in Singapore is excluded from the operation of the Act.

111.2 Power to appoint an Advisory Committee. Consequent to our Recommendation 6 for the establishment of an Advisory Committee, it may be necessary to amend the Films Act, to empower the Minister to establish such Committee or Committees as he considers necessary for the purposes of the Act and to enable him to make rules in this regard.

Delegation of powers. S. 5 on delegation of powers is at present framed in narrow terms. The Board may delegate any or all of its functions but only to a Censor, Deputy or Assistant Censor of Films. Furthermore, the power to prohibit films or approve films subject to alterations or excisions (unless the written consent of the owner has been obtained) cannot be delegated

Here, reference must be made to our Recommendation 8, namely, that there should be only one overall censorship authority but censorship powers could be delegated to the SBC in respect of programmes telecast by it. Our recommendation will require suitable amendments to be made to S.5 to enable such delegation of powers.

PART IV. CENSORSHIP OF PUBLICATIONS

112 The present system of censorship of publications is fully described in a paper prepared by the Secretary of the Committee entitled, "Censorship of Publications by the Ministry of Culture" (set out in Annex J).

113 In formulating our views on censorship of publications, the Committee read a total of 60 publications (including 20 Chinese language publications) to understand the approach of the Ministry in banning, detaining or releasing publications.

RECOMMENDATION 13. (PUBLICATIONS)

WE RECOMMEND THAT A DISTINCTION BE MADE BETWEEN PRINTED PUBLICATIONS AND FILM-TV MEDIA AND THAT A MOVE BE MADE TOWARDS LESS STRICT CENSORSHIP OF CERTAIN TYPES OF PUBLICATIONS

114 In an earlier part of our Report, (para 20) we have already given our reasons for stating that a distinction should be made between films, TV, videotapes on the one hand and books and publications on the other hand. We have also stated (in Part II) that, in our view, there is greater scope for relaxing censorship of certain types of publications than with films or TV.

115 We take the view that, because of the inherent difference of the medium of communication and with an increasingly literate population, we can move towards a somewhat less strict censorship policy for books and publications. However, a strict policy must still be maintained for pornographic, sex-exploitative publications and books dealing with horror and violence.

116 There are two important qualifications to our recommendation. First, certain types of publications must still be detained or banned on the basis of their content, such as books, which under the guise of serious themes, have nothing but sex portrayed in a vulgar or in an objectionable way throughout the book. We should be strict with such publications. In this regard, the overall theme and context must be considered. The basic approach we recommended for films would also be relevant. In addition it must be borne in mind that the impact that publications must have on the general public will be different from films/TV. If the overall theme and context are thus considered, then books and novels can be permitted even though there are detailed descriptions of love-making episodes so long as these are treated in a manner which is not vulgar, obscene or sexually exploitative.

117 Second, censorship of publications must take into account the type of the publication. In this regard, publications can be categorised as follows:-

First, publications which consist exclusively of printed words.

Second, publications which include illustrations and photographs.

Third, publications which consist exclusively of illustrations, photographs, graphics (these include comics).

Fourth, publications (such as posters and songs) which differ from the first 3 categories in that they are mainly intended for public display, viewing or hearing.

118 Of these categories, we recommend that the last category should come in for the closest scrutiny and may have to be treated in the same way as films and TV for they have the same visual or aural impact on the public. The second and third categories, i.e. wholly or partly illustrative publications, should also be carefully scrutinised for these are publications where pages can be flicked through quickly and there is a tendency for objectionable material to be published in such items. We do not suggest that all such publications are objectionable; some photography magazines, for instance, are not objectionable, even though they contain some photographs of nudes. On the other hand, there are certain imported comics which are objectionable because of their portrayal of violence and of exploitation of women. The first category (publications which do not have illustrations) can be treated more liberally, provided that the pith and substance of the book is not obscene, vulgar or exploitative of sex.

RECOMMENDATION 14. (PUBLICATIONS.)

WE RECOMMEND THE ESTABLISHMENT OF AN ADVISORY PANEL WHICH CAN ASSIST THE MINISTRY OF CULTURE IN THE CENSORSHIP OF PUBLICATIONS

119 The Secretary of the Committee briefed us on the guidelines as well as the procedure on censorship of publications by the Ministry of Culture. The guidelines are as follows:-

- "(a) Publications depicting undesirable themes, e.g. sexual permissiveness, sexual perversions, incest, indecency, drug abuse and excessive violence, etc, are considered objectionable.
- (b) Publications with vivid and detailed sexual descriptions are not allowed. However, where the publications are well-written, the main theme and purpose are not objectionable and the sexual descriptions are not crude, they are released.
- (c) Nude pictures and photos are allowed in educational and scientific books. They are also allowed in photography books and magazines if they are not obscene.

- (d) Books with illustrations of sexual positions are not allowed, eg Joy of Sex, Sex and Life.
- (e) Calendars portraying nudes are not allowed because, unlike magazines, they are displayed openly in offices and public places.
- (f) Songs that have lyrics with drug or obscene connotations are disallowed."

120 In implementing the above guidelines, other factors, such as the price at which the publications is retailed, whether the distribution is restricted or not, the likely people who would be interested in the publication, etc, are also taken into consideration.

121 Subject to what we have said in Recommendation 13 about moving towards less strict censorship of publications, we think the above guidelines are workable.

122 As regards the decision-making procedure, we noted with interest that there are nine readers who are engaged in full-time sieving of publications. Publications which they feel should be detained or banned and those over which they have doubts are referred to the two co-ordinators of publications (one English and one Chinese) for a decision. The co-ordinators, when in doubt, will refer the publications to the Administrative Officer in charge, who will, where necessary, submit the publications to the Permanent Secretary, the Minister of State or the Minister for a decision. Publications are banned only with the approval of the Minister and gazetted.

123 All the officials concerned (other than the Minister or the Minister of State) are civil servants. In applying some of the guidelines, a variety of specialist abilities and knowledge is sometimes required for instance, in having to decide whether a publication is "well-written", whether a publication is "objectionable", etc. In this regard, the reasons given for our Recommendation 6 for an Advisory Committee on films (para. 68) would also be relevant.

124 In view of this and also in view of the likely increase in the number of publications, we recommend that the Ministry of Culture establish an Advisory Panel to assist the officials involved in censorship of publications.

125 The specific aspects of such an Advisory Panel are set out below:

- 125.1 Appointment and composition. The Panel will consist of a maximum of 30 persons to be appointed by the Minister from amongst persons of

diverse backgrounds, such as public figures, teaching staff of schools and institutions of higher learning, writers, authors and journalists, members of cultural and literary organisations and members of civic groups, such as RCs and CCCs.

The Chairman shall be appointed by the Minister from among the 30 members.

125.2 Functions of the Panel. A publication can be referred by the Ministry of Culture to the Panel for their views as to whether it should be:

- released;
- detained; or
- banned.

Publications will be referred only if they are controversial (on grounds of sexual morality or other reasons) or where the Ministry of Culture feels it will benefit from the views of the panelists.

125.3 Procedure

When a publication is referred, at least 5 panelists should read the book and make their comments separately. (This is in order to save time. It will be cumbersome if every book had to be read by all panelists.) The comments of the panelists who have read the publication will then be transmitted to PS (Culture). The distribution and circulation of publications among panelists should be on an equitable basis so that the workload is evenly distributed.

125.4 Panel is consultative only. The role of the Panel is consultative. The Ministry of Culture must take the panelists' views into account before making a decision, but it is not bound by the panelists' views.

125.5 General function. Apart from giving its views on specific publications, the Panel should also have periodic discussions with the Ministry's censorship officials on matters concerning guidelines and policy.

WE RECOMMEND AMENDMENTS BE MADE TO THE UNDESIRABLE PUBLICATIONS ACT, CAP 107, TO RECTIFY DISCREPANCIES RELATING TO (A) REQUIRING BOOK IMPORTERS AND DISTRIBUTORS TO SUBMIT SAMPLES OF IMPORTED PUBLICATIONS, AND (B) EXEMPTING FROM EXAMINATION ARTICLES IN TRANSIT THROUGH SINGAPORE

126 The principal legislation for censorship of publications is the Undesirable Publications Act, Cap 107. Provisions relating to obscene materials are also to be found in other legislation. For instance:

- 126.1 The Indecent Advertisements Act, Chapter 158, Sections 5 and 6, deal with the exhibition or delivering of indecent or obscene pictures.
- 126.2 The Penal Code, Chapter 103, also has provisions (Sections 292, 293 and 294) relating to selling, exhibiting, distributing, etc, books, obscene objects and obscene, songs.

127 Censorship of publications by the Ministry of Culture has been within the context of the Undesirable Publications Act and confined only to printed publications and cassette recordings. Action under the Indecent Advertisements Act is taken by the Police (e.g. obscene T-shirts).

128 We considered whether these various provisions in different legislation relating to the same subject matter (obscene materials) should be amalgamated into one composite law. However, we decided not to make any recommendation to this effect because, first, under the Undesirable Publications Act, publications may be detained on grounds other than obscenity, and, secondly, this may upset well settled separate jurisdictions of the Police and Ministry of Culture.

129 Consequently, the Committee focussed its attention on the Undesirable Publications Act. The scheme under this Act is two-fold:

- 129.1 The Minister may prohibit the importation, sale, circulation of any publication if he considers it "contrary to the public interest". The prohibition is by an order which must be gazetted. This is commonly referred to as "banned" publications. Any commercial dealing of such prohibited publication is an offence. Any person "who without reasonable cause" is in possession of such a banned publication also commits an offence.
- 129.2 Publications may be "detained" (under S.10) or "seized (under S.11(2)) by a Controller or authorised officer on grounds that the publication is considered to be "prejudicial to public safety or public interest in Singapore".

The Act does not, however, make it an offence for anyone to be in possession of such detained or seized publications or for such a detained publication to be on sale.

130 Locally-published publications and imported publications; Examination of publications by the Ministry of Culture is focussed primarily on imported publications. Locally-published items also come within the purview of the Act and any undesirable publications-published locally can be detained or prohibited.

131 We, therefore, considered whether all locally-printed and published material should be submitted to the authorities for censorship. We have concluded that this is not necessary or desirable for several reasons. First, we understand that most of the problems stem from imported publications; second, such a requirement will impose great inconvenience and will impede scholarship, creativity and free flow of information; third, existing procedures for detaining or prohibiting publications will suffice to meet any problems caused by locally-published material, and fourth, the Ministry of Culture will not be able to cope with the increased workload.

132 Discrepancy between law and practice: With regard to imported publications, there is discrepancy between the law and actual practice which must be rectified. Over the years, the practice has arisen whereby the Ministry of Culture administratively requires book importers and distributors to submit publications for examination and censorship. The practice can be summed up as follows: Book importers must send samples of every imported publication to the Ministry of Culture. Upon their written undertaking to send samples, the Ministry of Culture permits their consignments to be taken to the warehouse. The publishers do not distribute or sell until clearance is obtained from the Ministry of Culture. We fully appreciate the reasons for this requirement for, otherwise, it will not be possible for the officials to evaluate the diverse types of publications coming into the country and to make decisions as to which publications should be prohibited or detained.

133 The fact remains, however, that the practice is not adequately supported by legal provisions. We, therefore, recommend that the matter be rectified by suitable amendments to the law, giving the authorities the power, when necessary, to call for samples to be submitted.

134 Inspection of packages and articles purportedly intended for re-consignment to a foreign country: Section 10 of the Act deals with the power to examine packages and articles coming into Singapore and to detain any publication which is prejudicial to public safety or public interest in Singapore. However there is an exemption for articles meant for transshipment (clause 3).

135 It has been pointed out to us that a package ostensibly meant for transshipment to another destination can be tampered with and its contents distributed locally.

136 The Committee feels that if a package containing obscene or otherwise undesirable material meant for a foreign destination, then it is up to that country to decide if it will take action. Standards and laws of countries may differ in this regard.

137 At the same time, we recognise that this provision ties the hands of the authorities. It could lead to the circumvention of the inspection and enforcement provisions. We recommend its deletion so that the authorities could have the power to inspect such consignments in circumstances where they have grounds to suspect the law is being contravened.

RECOMMENDATION 16. (PUBLICATIONS)

WE RECOMMEND THE ADMINISTRATIVE CRITERIA AND GUIDELINES
USED BY THE MINISTRY OF CULTURE IN CENSORSHIP OF PUBLICATIONS
BE MADE KNOWN TO THE BOOK IMPORTERS AND LIBRARIES

138 The Committee discussed at length whether terms such as "contrary to public interest" or "prejudicial to public safety or public interest" contained in the Undesirable Publications Act should be further elaborated by amendments to the Act. We noted that memoranda submitted by the Singapore Book Publishers Association proposed that the areas of immorality, political undesirability and religious extremism should be clearly defined so that the importers would be able to use their discretion in importing publications and avoid unnecessary costs. In like vein, the Director of the National Library called for more specific guidelines to be provided. The Librarian of the NUS proposed that the policies and guidelines used by the Ministry of Culture be made public.

139 We have doubts whether terms like "contrary to public interest" can be elaborated in legislation in a satisfactory manner. However, we accept as reasonable the request that existing administrative or working guidelines used by Ministry of Culture in prohibiting or detaining publications should be made available to book dealers, book importers and libraries. This would be of great assistance to those engaged in the business of importing publications.

140 We stress that our recommendation here is confined to general guidelines. Reasons for detention/prohibition of specific publications need not be disclosed.

RECOMMENDATION 17. (PUBLICATIONS)

WE RECOMMEND THAT ADDITIONAL READERS BE RECRUITED IN THE PUBLICATIONS SECTION OF THE MINISTRY OF CULTURE

141 It has been pointed out to us that the manpower available in the Ministry of Culture is not adequate to meet the workload. There are 9 Readers (5 for Chinese, 2 for English, for Malay and 1 for Tamil). The 2 Readers for English publications are also assisted by the Malay and the Tamil Readers.

142 For various reasons (set out fully in the paper at Annex J), the workload has been increasing over the years. It is indicated that additional Readers have to be appointed. We agree that more Readers have to be appointed. The precise number of additional staff should be left to the Ministry of Culture to recommend.

143 If additional staff are not recruited, there is a danger that under the pressure to process as many publications as possible, uninformed judgments may be made. Further, our Recommendation 1, that overall context to be considered, may not be implemented.