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## INFORMATION NOTE

### Regulation of Cyber Cafés in The Mainland, Taiwan, Japan, Singapore and Hong Kong

#### 1. Introduction and Background

1.1 In response to the recent discussions in Hong Kong on whether Internet computer services centres (cyber cafés) should be regulated, the Administration is considering various forms of regulation to govern the operation of cyber cafés. This information note provides information on the regulation of cyber cafés in the Mainland, Taiwan, Japan and Singapore for the consideration of the Panel on Home Affairs.

#### 2. Definition of Cyber Cafés

2.1 In this information note, cyber cafés refer to establishments where the main business is the provision of on-line Internet services and/or computer games. They do not include those establishments where the main business is concerned with catering with a relatively small number of computers capable of accessing Internet for their customers' use.<sup>1</sup>

#### 3. Characteristics of Cyber Cafés

3.1 Regulation of cyber cafés has been of great concern to the local community because these establishments possess the following characteristics which may pose potential fire hazards:

- (a) Round the clock operation — a high concentration of computer equipment running 24 hours may create a combustible environment;
- (b) High demand on power loading — the simultaneous running of computer equipment may lead to overheating if the power supply is not designed to support such usage;
- (c) Accumulation of easily ignitable contents, such as comic books, magazines and tatamis — the usually congested setting of cyber cafés implies these combustible materials are very close to running computer equipment which is generating a substantial amount of heat. If smoking is allowed within these cyber cafés, the hazardous level escalates; and

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<sup>1</sup> Information on Japan covers only the operation of comic cafés, but not other cyber cafés.

- (d) Sleep-in arrangements for patrons and staff — both the partition into small cubicles and the lower sense of precaution for sleeping patrons greatly increase the severity of danger in case a fire breaks out.

#### **4. Regulation of Cyber Cafés**

4.1 In both the Mainland and Taiwan, there are specific legislations regulating the establishment, operation and the use of cyber cafés. In the Mainland, the relevant legislation is the *Administrative Measures on Business Establishments That Provide Internet Service*, while in Taiwan, it is the *Management Provisions for the Information Recreation Industry*. In Singapore, operation of cyber cafés is regulated by the *Public Entertainments and Meetings Act*. This Act also regulates the operation of nightclubs, discotheques, lounges, karaoke lounges, amusement centres and billiard saloons. In both Japan and Hong Kong, there is no law regulating the operation of cyber cafés. Please refer to the attached Table for details.

#### **5. Responsible Authority**

5.1 In both the Mainland and Singapore, several authorities are involved in licensing or approving the establishment and operation of cyber cafés. Nevertheless, the application for most of the licences in Singapore can be obtained in a one-stop shop. In Taiwan, both the central and local governments are responsible for monitoring the administration of cyber cafés. In Japan and Hong Kong, there are no authorities regulating cyber cafés.

#### **6. Establishment of Cyber Cafés**

6.1 Cyber cafés in all of the selected jurisdictions must register with the relevant authority and obtain a business licence. In addition to a business licence, the establishment of a cyber café in the Mainland and Singapore requires an operation permit as well.

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## 7. Safety Requirements

7.1 The legislations on cyber cafés in both the Mainland and Singapore explicitly spell out the safety requirements for their operation. Operators in other selected jurisdictions only need to observe the relevant laws relating to building safety, fire safety, safety of electrical installation and the use of premises.

## 8. Contents of Software and Network Information

8.1 In the Mainland, Taiwan and Singapore, network information is scrutinized by the relevant authorities to ensure that the contents are not against the public interest, public morality, public order, public security and national harmony. Contents of computer games are also monitored, since unhealthy contents such as obscenity, gambling and violence are not allowed. Cyber café operators in these three places are required to provide recorded Internet surfing activities for inspection by relevant authorities.

## 9. Use of Cyber Cafés by Minors

9.1 In both the Mainland and Taiwan, although the business hours of cyber cafés are decided by operators, the time opening to business for minors is restricted. In Japan, if the operation is regulated under the *Entertainment Establishments Control Law*, juveniles under the age of 18 are not allowed to enter.

## 10. Monitoring System

10.1 In both Taiwan and Singapore, inspection of cyber cafés will be conducted regularly by the relevant authorities to ensure compliance, whereas in both the Mainland and Hong Kong, inspections will be conducted only in response to public complaints.

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### Regulation of Cyber Cafés in The Mainland, Taiwan, Japan, Singapore and Hong Kong

	The Mainland	Taiwan	Singapore	Japan	Hong Kong
Legislation on the regulation of cyber cafés	<ul style="list-style-type: none"> <li>Administrative Measures on Business Establishments That Provide Internet Service.</li> </ul>	<ul style="list-style-type: none"> <li>Management Provisions for the Information Recreation Industry.</li> </ul>	<ul style="list-style-type: none"> <li>Public Entertainments and Meetings Act.</li> </ul>	<ul style="list-style-type: none"> <li>Nil.</li> </ul>	<ul style="list-style-type: none"> <li>Nil.</li> </ul>
Regulatory authorities	<ul style="list-style-type: none"> <li>Ministry of Information Industry — responsible for the organization, co-ordination, supervision and examination of relevant departments which are involved in the monitoring and supervision of the operation of cyber cafés;</li> <li>Administrations of telecommunications of all provinces, autonomous regions and municipalities directly under the Central Government — responsible for the examination and approval of operation permits as well as the monitoring of service quality;</li> <li>Ministry of Public Security — responsible for the examination of the safety of cyber cafés as well as the investigation and punishment of cyber cafés which have violated the administrative rules on network security;</li> <li>Ministry of Culture — responsible for the investigation and punishment of cyber cafés which have installed unhealthy computer games; and</li> <li>State Administration of Industry and Commerce — responsible for the issue of business licence as well as the investigation and punishment of cyber cafés which operate without a licence or operate beyond their business scope.</li> </ul>	<ul style="list-style-type: none"> <li>For Central Government, the Ministry of Economic Affairs; and</li> <li>For counties (municipalities), the county (municipal) governments.</li> </ul>	<ul style="list-style-type: none"> <li>Public Entertainment Licensing Unit, Singapore Police Force — responsible for the issue of public entertainment licence;</li> <li>Fire Safety and Shelter Bureau — responsible for the issue of fire safety certificate;</li> <li>Ministry of Environment — responsible for the issue of food shop licence;</li> <li>Liquor Licensing Board — responsible for the issue of liquor licence;</li> <li>Urban Redevelopment Authority — responsible for the approval of the change of use of the premises;</li> <li>Housing Development Board (HDB) — responsible for the approval of establishing a cyber café within a HDB building; and</li> <li>Singapore Broadcasting Authority (SBA) — responsible for the issue of internet licence.</li> </ul>	<ul style="list-style-type: none"> <li>Nil.</li> </ul>	<ul style="list-style-type: none"> <li>Nil.</li> </ul>
Registration and declaration	<ul style="list-style-type: none"> <li>The establishment of a cyber café requires the examination and approval from the relevant authorities. Operators are also required to obtain an operation permit and register their business.</li> <li>Operators who have their approval documents, operation permits or business licences revoked are not allowed to apply for resumption of business.</li> </ul>	<ul style="list-style-type: none"> <li>Registration in accordance with Companies Act or Business Registration Law are required; and</li> <li>Cessation or resumption of business is required to be reported to relevant authorities.</li> </ul>	<ul style="list-style-type: none"> <li>Except for the Internet Licence which is to be obtained at SBA, the following licences and approvals are required and can be obtained at the One-Stop Public Entertainment Licensing Centre :               <ol style="list-style-type: none"> <li>Public Entertainment Licence;</li> <li>Fire Safety Clearance;</li> <li>Foodshop Licence;</li> <li>Approval for the change of use of premises;</li> <li>Approval from HDB if the proposed premises is within a HDB building; and</li> <li>the Internet Licence.</li> </ol> </li> </ul>	<ul style="list-style-type: none"> <li>Obtain a business licence from the Bureau of Public Health.</li> </ul>	<ul style="list-style-type: none"> <li>Obtain a business licence at the Companies Registry.</li> </ul>
Restrictions on business locations	<ul style="list-style-type: none"> <li>Nil.</li> </ul>	<ul style="list-style-type: none"> <li>Establishment is prohibited within the distance of 50 meters from any school.</li> </ul>	<ul style="list-style-type: none"> <li>If a cyber café is to be built within the "Commercial/ Residential" zone, it is only allowed in areas which is sufficiently separated from residential units with sufficient parking facilities; and</li> <li>If a cyber café is to be built within the "Residential with Commercial at 1st storey only" zone, it is unlikely to be allowed.</li> </ul>	<ul style="list-style-type: none"> <li>Nil.</li> </ul>	<ul style="list-style-type: none"> <li>Nil.</li> </ul>
Other requirements for the establishment of a cyber café	<ul style="list-style-type: none"> <li>Premises should be safe;</li> <li>Safety facilities should be adequate;</li> <li>Computers and accessory equipment should be compatible;</li> <li>Network security management system should be comprehensive;</li> <li>Network security measures should be adequate; and</li> <li>Network security technicians should station on-site.</li> </ul>	<ul style="list-style-type: none"> <li>Nil.</li> </ul>	<ul style="list-style-type: none"> <li>Size of the premises must be at least 40 square metres;</li> <li>At least half of the space must be set aside for non-gaming use such as cafés or Internet surfing;</li> <li>The gaming area must be separated from the non-gaming area; and</li> <li>The operator must exercise control over the admission of persons into the premises.</li> </ul>	<ul style="list-style-type: none"> <li>Nil.</li> </ul>	<ul style="list-style-type: none"> <li>Nil.</li> </ul>

## Regulation of Cyber Cafés in The Mainland, Taiwan Japan, Singapore and Hong Kong (cont'd)

	The Mainland	Taiwan	Singapore	Japan	Hong Kong
Restrictions on the person-in-charge and management staff	<ul style="list-style-type: none"> <li>Operational and management staff are required to receive training organized by the relevant authorities.</li> </ul>	<ul style="list-style-type: none"> <li>Persons previously convicted of offences under the Prevention and Control of Organized Crimes Act, the Control of Ammunition and Weapons Act, the Elimination of Gangsters Act, the Prevention and Control of Public Morals Corruption, Gambling and Drug Hazard Act are not allowed to serve as the person-in-charge or the management staff of a cyber café.</li> </ul>	<ul style="list-style-type: none"> <li>The Licensing Officer has discretion to suspend or cancel a licence, if he finds that the licensee is not a fit and proper person to hold such licence.</li> </ul>	<ul style="list-style-type: none"> <li>Nil.</li> </ul>	<ul style="list-style-type: none"> <li>Nil.</li> </ul>
Requirements for the installation of computer/information network equipment	<ul style="list-style-type: none"> <li>Quantity of computers is to be determined by all relevant authorities.</li> </ul>	<ul style="list-style-type: none"> <li>Installation of Internet filter software, video recording monitors and equipment for recording Internet surfing activities are required.</li> </ul>	<ul style="list-style-type: none"> <li>Nil.</li> </ul>	<ul style="list-style-type: none"> <li>Nil.</li> </ul>	<ul style="list-style-type: none"> <li>Nil.</li> </ul>
Requirements for the partition of exclusive cubicles	<ul style="list-style-type: none"> <li>Nil.</li> </ul>	<ul style="list-style-type: none"> <li>Exclusive cubicle is restricted.</li> </ul>	<ul style="list-style-type: none"> <li>Nil.</li> </ul>	<ul style="list-style-type: none"> <li>Nil.</li> </ul>	<ul style="list-style-type: none"> <li>Nil.</li> </ul>
Restriction on smoking	<ul style="list-style-type: none"> <li>Nil.</li> </ul>	<ul style="list-style-type: none"> <li>Smoking is prohibited.</li> </ul>	<ul style="list-style-type: none"> <li>Smoking is prohibited.</li> </ul>	<ul style="list-style-type: none"> <li>Nil.</li> </ul>	<ul style="list-style-type: none"> <li>Nil.</li> </ul>
Restrictions on the use of cyber cafés by juveniles	<ul style="list-style-type: none"> <li>Minors under the age of 18 could only visit cyber cafés from 8 am to 9 pm during statutory holidays; and</li> <li>Minors under the age of 14 not accompanied by their guardians are not allowed to enter cyber cafés.</li> </ul>	<ul style="list-style-type: none"> <li>Minors under the age of 15 are not allowed to enter cyber cafés during school hours and the period from 9 pm to 9 am on the following day; and</li> <li>Minors aged beyond 15 but under 18 are not allowed to enter cyber cafés during school hours and the period from 10 pm to 9 am on the following day.</li> </ul>	<ul style="list-style-type: none"> <li>Nil.</li> </ul>	<ul style="list-style-type: none"> <li>If the operation of a comic café (a type of cyber cafés) is regulated under the Entertainment Establishments Control Law, juveniles under the age of 18 are not allowed to enter.</li> </ul>	<ul style="list-style-type: none"> <li>Nil.</li> </ul>
Inspection of computer games / network information	<ul style="list-style-type: none"> <li>Records of Internet surfing activities are required for inspection by relevant authorities.</li> </ul>	<ul style="list-style-type: none"> <li>All computer games are required to be examined by the Game Software Council, a non-official organization, established under the Ministry of Economics.</li> </ul>	<ul style="list-style-type: none"> <li>Cyber cafés are required to keep and furnish to SBA all information, records, documents, data or other materials concerning or relating to the provision of its service.</li> </ul>	<ul style="list-style-type: none"> <li>The operator must obtain police permission if the cyber café offers any services involving pornographic contents.</li> </ul>	<ul style="list-style-type: none"> <li>Contents of computer games fall within the jurisdiction of the Control of Obscene and Indecent Articles Ordinance.</li> <li>The Television and Entertainment Licensing Authority will deal with public complaints against the indecent or violent nature of these contents.</li> </ul>
Restrictions on the use of Internet	<ul style="list-style-type: none"> <li>Restrict the production and the spread of computer virus and other destructive programmes;</li> <li>Restrict hacking into computer systems or causing damages to the functions, data and application programmes of information systems; and</li> <li>Restrict the production, duplication, consultation, publication and dissemination of information on illegal activities.</li> </ul>	<ul style="list-style-type: none"> <li>Nil.</li> </ul>	<ul style="list-style-type: none"> <li>Restrict access to some high-impact web sites, as identified by SBA; and</li> <li>Ensuring the Internet contents are not against the public interest, public morality, public order, public security and national harmony.</li> </ul>	<ul style="list-style-type: none"> <li>The operator must obtain police permission if the cyber café offers any services involving pornographic contents.</li> </ul>	<ul style="list-style-type: none"> <li>Nil.</li> </ul>
Monitoring system	<ul style="list-style-type: none"> <li>Citizens, judicial persons and other organizations have the right to carry out social surveillance on cyber cafés.</li> </ul>	<ul style="list-style-type: none"> <li>Inspection will be conducted by officers from relevant authorities.</li> </ul>	<ul style="list-style-type: none"> <li>Licensing officer or police may conduct inspection to ensure compliance.</li> </ul>	<ul style="list-style-type: none"> <li>Nil.</li> </ul>	<ul style="list-style-type: none"> <li>Nil.</li> </ul>
Mandatory accident insurance	<ul style="list-style-type: none"> <li>Nil.</li> </ul>	<ul style="list-style-type: none"> <li>Mandatory requirement to take out public liability insurance.</li> </ul>	<ul style="list-style-type: none"> <li>Nil.</li> </ul>	<ul style="list-style-type: none"> <li>Nil.</li> </ul>	<ul style="list-style-type: none"> <li>Nil.</li> </ul>
Other legislation relating to the operation of cyber cafés	<ul style="list-style-type: none"> <li>Administration Measures on Internet Information Service;</li> <li>Administration Measures on Safety Protection of Internally Online Computer Network; and</li> <li>Regulations of People's Republic of China on Punishments in Public Order and Security Administration.</li> </ul>	<ul style="list-style-type: none"> <li>Town Planning Act;</li> <li>Regulations on the Use of Town Land;</li> <li>Construction Act;</li> <li>Fire Safety Act; and</li> <li>Sanitation Act.</li> </ul>	<ul style="list-style-type: none"> <li>The Singapore Broadcasting Authority (Class Licence) (Amendment) Notification 2001;</li> <li>Singapore Broadcasting Authority Act;</li> <li>Internet Code of Practice;</li> <li>Code of Practice on Environmental Health; and</li> <li>Prohibition of Smoking (Prohibition in Certain Places) Act.</li> </ul>	<ul style="list-style-type: none"> <li>Food Sanitation Law.</li> </ul>	<ul style="list-style-type: none"> <li>Companies Ordinance;</li> <li>Building Ordinance;</li> <li>Electricity Ordinance;</li> <li>Fire Services Ordinance; and</li> <li>Control of Obscene and Indecent Articles Ordinance.</li> </ul>

## References

1. Web site of Ministry of Home Affairs of Singapore, [www.mha.gov.sg/](http://www.mha.gov.sg/)
2. Web site of Singapore Broadcasting Authority: [www.sba.gov.sg](http://www.sba.gov.sg).
3. Web site of Infocomm Development Authority of Singapore: [www.ida.gov.sg](http://www.ida.gov.sg).
4. Web site of The Executive Yuan of the Republic of China, [www.ey.gov.tw/web/index-ey2000.htm](http://www.ey.gov.tw/web/index-ey2000.htm).
5. Web site of the Home Affairs Department, Hong Kong Special Administrative Region: [www.info.gov.hk/had](http://www.info.gov.hk/had).
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