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CHAPTER I

INTRODUCTION

INTRODUCTION

The year 2000 was my first whole one as the Commissioner Against Corruption of the Macao Special Administrative Region. I am grateful for the trust of the Central People's Government and the Chief Executive, enabling me to contribute to Macao in this significant and difficult area.

Looking back over the year, I regard it as a pioneering, foundation-laying and steadily progressive one for the Commission Against Corruption (CCAC).

At the beginning, the CCAC operated with the existing laws and personnel. Then, through analyses and studies on the actual social conditions and the requests of the citizens for a clean administration, a proposal was submitted to the Chief Executive for the enactment of new law; adjustment and perfection of its organization structure, increasing its financial budgets and human resources to strengthen its powers in fighting corruption and handling administrative redresses.

With the support of the Chief Executive and the Legislative Assembly, the Organizational Law and Administrative Regulation of the CCAC were promulgated in August, vesting the CCAC with the basic powers required to accomplish its mission. We then started our recruitment of investigators. With strict examinations and many screening tests, we enlisted several investigators into a systematic training course of five months. On completion of the course, these investigators joined the Commission and alleviated our serious shortage of human resources.

In 2000, a total of 978 reports were filed with the Commission, more than a double of the 393 received in 1999, reflecting the requests and increasing confidence of the citizens in the CCAC, as well as their high expectations of this newly established Commission.

On the discreet principles of case commencement, there were 135 cases commenced, 783 reports not legible for carrying forward an investigation, and the remaining 60 were referred to the related departments for handling. Of all the 135 commenced cases, many of the complainants revealed their identities or provided their personal data; 83 involved criminal offences, and 52 administrative illegalities. These show that a report in person is very helpful to the success of investigation and cleaning up of cases.

By the end of 2000, there were 337 cases concluded, a notable rise compared to the 272 of the same period in the previous year. This directly relates to the morale and fighting spirit of our CCAC staff. I would like to take this opportunity to thank all my colleagues, and I am also grateful to the strong support of the media. Their coverage on the investigation success, as well as other publicity for integrity awareness, has produced good educational effect.

Regarding the work of ombudsman, the CCAC issued 44 recommendations and suggestions in 2000, almost three times of that in the previous year. The acceptance rate by the relevant departments was more than 90%, which means that the administration authority has been practical in reviewing the operation processes and rectifying the errors.

Prevention is most important in fighting corruption. The CCAC proceeded with extensive promotion in 2000 to arouse anti-corruption awareness through newspaper articles “Clean Administration Forum”, radio broadcast “Voice of Clean Administration”, as well as television program “Inquiry and Reply” so as to provide against possible problem. 53 seminars were held in 2000 with a participant number of 3639 person-time. In the future, there will be more in-depth discussions, symposiums and seminars to further the levels of prevention and education policies of the CCAC. In the year under review, there was good co-operation between each concerned government department and the CCAC. I look forward to continuing this sort of partnership development and incessantly enhancing our communication and contacts to reinforce precaution and education, and to facilitate a cleaner and more efficient public administration.

In 2000, the CCAC participated in many international conferences. Macao was elected as a director in the "VIIIth International Ombudsman Institute Conference". Moreover, its term of office as a director was also renewed in the "5th Asian Ombudsman Association Conference". At work, the Commission established good communication channels through exchanges and cooperation with related institutions in the neighbourhood, especially the Independent Commission Against Corruption of Hong Kong, the Office of the Ombudsman, Hong Kong and the People's Procuratorate of Guangdong Province. These channels are helpful to the work and training of the CCAC, even to information exchange.

The top level of the CCAC took initiative to visit some representative associations to collect their opinions and suggestions on fighting corruption and carrying out ombudsman works for careful analyses and studies. In September 2001, the Macao Legislative Assembly will proceed with a new election; the CCAC established a specific “Research Committee Against Corruption in Election”. The close communication between the CCAC and local associations will be favourable to the work of the Committee.

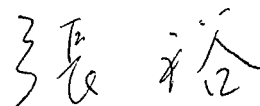
The support of the citizens is important. Continuous analysis of public opinions is a significant means to improve our work. Thus, we conducted surveys in May 2000 and February 2001 to collect the opinions of the citizens on our work. In the second survey, more than 80% of the interviewees knew clearly the responsibilities of the CCAC, indicating a significant increase over the first one. The confidence grade of citizens on the CCAC in May 2000 was 45 points. The overall performance of the CCAC scored 60.8 in the second survey, just reached the passing grade. 46.3% of people considered corruption in Macao

severe or very severe, dropped by 18.3% from the first survey. These show that although the overall situation has improved, it is still a long way from the expectations of the citizens. The road ahead of us is still long and winding. However, we deeply believe that with the strong support of the citizens, each step will be steady and forceful.

Looking to the year 2001, the CCAC will keep on following the general principles of "anti-corruption, prevention, law enforcement and education". With the improved conditions in various aspects such as human resources, equipment and technology etc, it will proceed with the fight against corruption and the works of ombudsman more forcefully. The staff of the CCAC will spare no effort to concentrate on both attacks and precaution; to improve administration system; to increase external contacts, in response to the anticipation of the citizens of an incorrupt, fair and just social culture.

March 2001

Commissioner



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By 31st March every year, the Commissioner Against Corruption submits to the Chief Executive an annual report of the previous year.

CHAPTER II

**CONSTITUTION AND
ORGANIZATION STRUCTURE**

CHAPTER II CONSTITUTION AND ORGANIZATION STRUCTURE

2.1 Constitution

According to Article no 59 of the Basic Law, the CCAC was formally established on 20th December 1999 with the return of Macao to the motherland. The CCAC functions independently; the commissioner is nominated by the Chief Executive and appointed by the Central People's Government, and is accountable to the Chief Executive.

The CCAC is not a constituent part of the administrative system, but a separate public institute responsible for the prevention of and action against corruption, and managing ombudsman in accordance with the Law.

2.2 Functions and Organization Structure

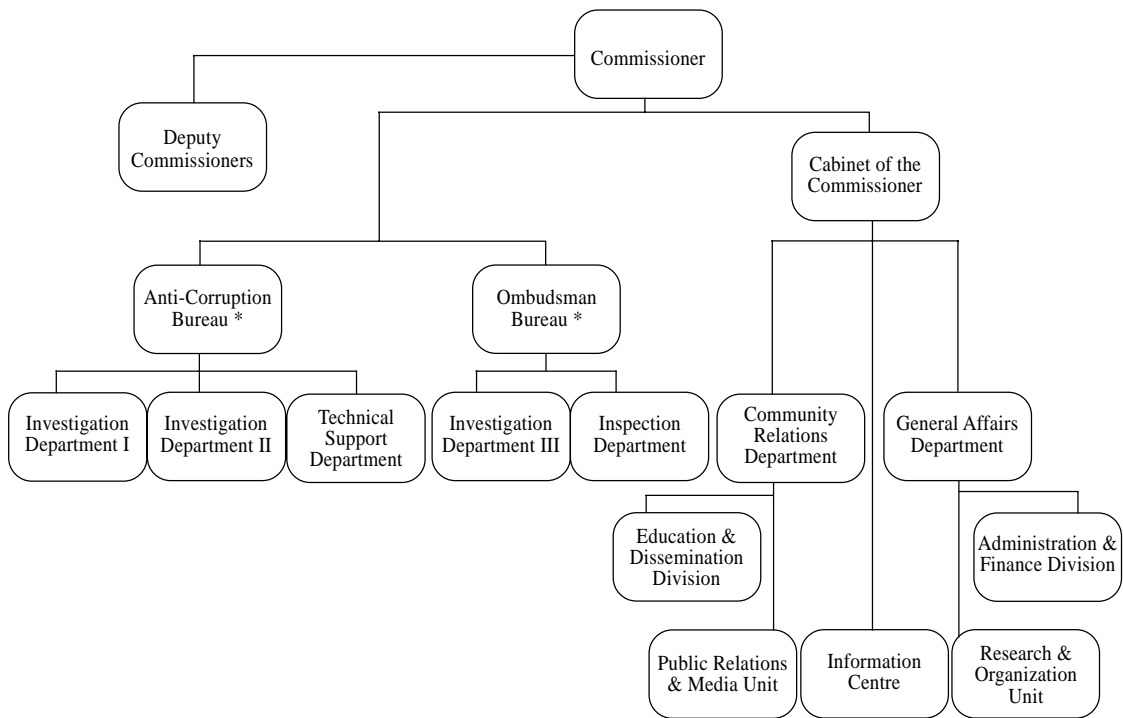
The Organizational Law and Administrative Regulation of the CCAC promulgated in August 2000 vest the Commission with more powers, perfect its organization structure, and enhance its human resources. According to the Organizational Law of the CCAC, its main functions include:

- taking actions to prevent acts of corruption or fraud;
- carrying out investigation and inquiry with regard to acts of corruption or fraud practised by public servants;
- carrying out acts of investigation and inquiry with regard to acts of corruption and fraud practised in relation to electoral registration and to the elections of members of the institutions of the Macao Special Administrative Region;
- promoting the protection of rights, freedoms, safeguards and legitimate interests of the individuals, and ensuring that the exercise of public powers abides by criteria of justice, legality and efficiency.

According to the Administrative Regulation “The Organization and Operation of the CCAC”, the CCAC comprises the Cabinet of the Commissioner, the Anti-Corruption Bureau and the Ombudsman Bureau, with autonomy in functions, administration, finance and property. The two investigation departments of the Anti-Corruption Bureau are responsible for the investigation of corruption within the powers of the CCAC as well as corruption and frauds related to the registration of voters and elections; and the protection of witness etc. The Technical Support Department provides support to the corruption fight and accepts complaints and reports. The Ombudsman Bureau, consists of the Investigation Department III and the Inspection Department, and is responsible for accepting complaints, rectifying illegal or unfair administrative acts, and conducting studies on improvement of administrative processes and operation of public departments. The Commissioner's Cabinet consists of the General Affairs Department, Community

Relations Department and the Information Centre, that are responsible for finance and personnel management, promotion and education, and the use of communication facility to improve the operation of the CCAC respectively.

The Organization Structure of the CCAC



* The deputy commissioner is inherently designated as the director of the bureau.

CHAPTER III

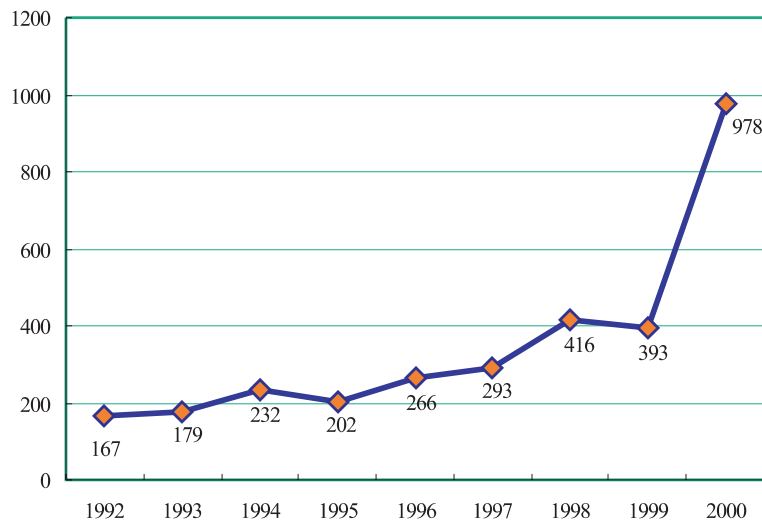
ANTI-CORRUPTION AND OMBUDSMAN

CHAPTER III ANTI-CORRUPTION AND OMBUDSMAN

3.1 General Situation

The CCAC received a total of 978 complaints in the year 2000, more than a double of the figure (393) registered in 1999. This all-time record indicates the high expectations of the Macao citizens as well as their increasing confidence in the CCAC.

FIGURE I
NUMBER OF COMPLAINTS RECORDED BETWEEN 1992 – 2000



3.1.1 Handling of Complaints

Complaints may be lodged with the CCAC via telephone hotline, mail, e-mail or by the complainants in person. The CCAC strongly recommends the last-named approach on the grounds that it enables both the CCAC to fully comprehend details of individual cases, and the citizens concerned to get a better picture of the operation of the complaint handling system, including the extend of powers of the CCAC and the complainant’s rights and obligations, in particular the obligation of confidentiality.

It is not unusual for some complainants to get carried away while airing their grievances. The CCAC, however, will go into great lengths to elicit necessary information and evidence from the concerned party in a manner as patient and caring as possible. The CCAC will urge the complainants to furnish detailed personal particulars as well as all relevant evidence known to them. The CCAC staff will then proceed with a preliminary analysis of individual complaints, and draw the complainants’ attention

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to essential information such as relevant legal basis, time frame, and the various complaint handling mechanisms of the departments implicated.

In the event that a specific complaint falls outside the purview of the CCAC, the complainant will be immediately notified and the CCAC staff will suggest alternative courses of action. Should ‘referral’ be deemed a more appropriate way of handling a certain complaint, consent must first be obtained from the complainant, and with the provision of an explanation. If the CCAC decides to commence an inquiry, the complainant will be informed of the case file number and the contact method of the CCAC officer in charge of the inquiry.

3.1.2 Statistics of Complaints

As shown in Figure II, 934 out of the 978 complaints were reported by citizens, ie more than 95.5% of the total. Among the latter, 542 complaints involved either anonymous parties or parties requesting anonymity, which is understandable given the complex characteristic of interpersonal relationships in a densely populated city like Macao. In such circumstances, it would be difficult for any person not to consider all the possible consequences before lodging a complaint with the CCAC. Nevertheless, complainants are encouraged to provide the CCAC with some means of contact so that any subsequent inquiries may be carried out in an effective and efficient manner. One particular item merits a brief mention is that complaints originating from public entities increased from a mere 11 in the year 1999 to 39 in the year 2000, which speaks volumes for the high esteem of a clean government held by the public entities as well as their active co-operation in assisting the CCAC to carry out its duties.

FIGURE II
COMPLAINTS RECORDED IN 2000
(By Source of Origin)

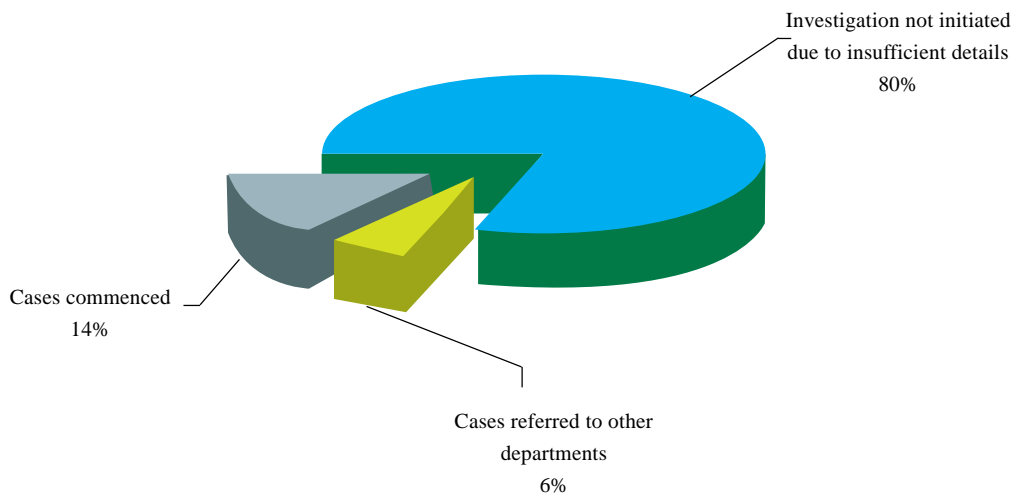
Referred/reported by media	2	0.20%
Initiated by the CCAC	3	0.31%
Referred/reported/requested by public entities	39	3.99%
Anonymous or anonymous by request	542	55.42%
Signed or willing to provide personal data	392	40.08%
Total	978	100.00%

In 2000, as shown in Figure III, the CCAC commenced 135 inquiries, while 783 complaints were considered inadequate to warrant further investigation on grounds of insufficient information. The remaining 60 complaints were referred to other

departments. The number of inquiries (135) may seem relatively low compared with the total number of complaints (978) entertained. This apparently low figure, however, can be explained by the fact that the CCAC has been following much more stringent guidelines than its predecessor in determining the nature of the complaints. Detailed analysis of each and every complaint has to be carried out to determine the appropriateness of commencing an inquiry. At the same time, the CCAC must also ensure that the entire process will not be abused. Moreover, judging from past experience and feedback from various departments, it may be said that commencing an inquiry ‘on the spot’ may not necessarily be the best way of handling a complaint. Consequently, alternative courses of action have been adopted since 1999 to optimally deal with the grievances of the complainants. The main reasons for not commencing an inquiry are: a) insufficient information and evidence; b) time and/or conditions not ripe for a full investigation; and c) complaint referred to a directly competent department with complainant’s consent.

FIGURE III
COMPLAINTS RECORDED IN 2000
(By Handling Method)

Cases commenced	135	14%
Investigation not initiated due to insufficient details	783	80%
Cases referred to other departments	60	6%
Total	978	100%



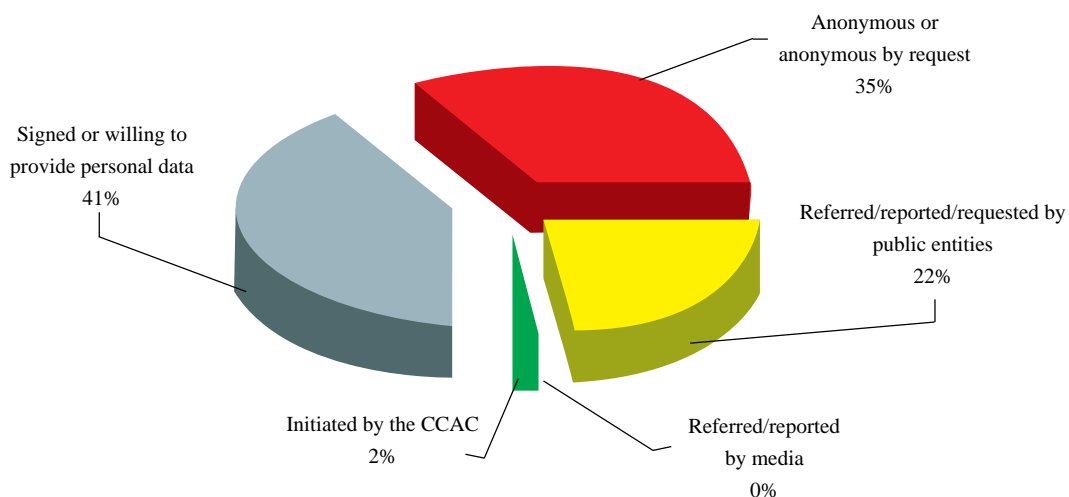
3.1.3 Statistics of Inquiries

Most of the 135 inquiries commenced were supplied with complainants' names and personal data, which indicated the importance of personal information in the decision of commencing an inquiry. However, 35% of the inquiries commenced were still anonymous (or anonymous by request). These anonymous complaints posed more problems for the CCAC because it was more difficult to obtain necessary data and evidence.

The CCAC has not commenced many inquiries on its own initiative. It must not be construed, however, that the Commission does not take an active role in dealing with corruption and related issues that put public interests in jeopardy. As a matter of fact, all issues brought to the attention of the CCAC, whether via proper channels or otherwise, will be followed up as long as it is considered feasible. However, as mentioned earlier, commencing an inquiry is not the only way of handling a complaint, alternatives such as 'referral' and 'unofficial intervention' could sometimes be effective and practical.

FIGURE IV
CASES COMMENCED IN 2000
(By Source of Origin)

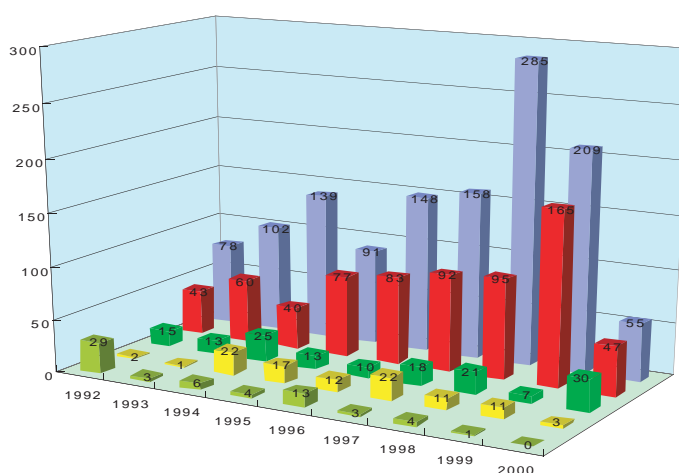
Referred/reported by media	0	0%
Initiated by the CCAC	3	2%
Referred/reported/requested by public entities	30	22%
Anonymous or anonymous by request	47	35%
Signed or willing to provide personal data	55	41%
Total	135	100%



The numbers of cases commenced from 1992 to 2000 are shown in Figure V. The year 2000 saw an all-time low in the number of cases commenced. In addition to the reasons mentioned above (stricter approach to commencing an inquiry and recourse to alternative solutions), this drop was due to the fact that the predecessor of the CCAC, the High Commission Against Corruption and Administrative Illegality, would commence an inquiry for every single complaint. That means the number of complaints was equal to the number of inquiries commenced. That is why it can be said that last year's drop was mainly due to the different criteria for commencing inquiries.

FIGURE V
COMPARISON OF CASES COMMENCED BETWEEN 1992 – 2000
(By Source of Origin)

	1992	1993	1994	1995	1996	1997	1998	1999	2000
Referred/reported by media	29	3	6	4	13	3	4	1	0
Initiated by the CCAC	15	13	25	13	10	18	21	7	3
Referred/reported/requested by public entities	2	1	22	17	12	22	11	11	30
Anonymous or anonymous by request	43	60	40	77	83	92	95	165	47
Signed or willing to provide personal data	78	102	139	91	148	158	285	209	55
Total	167	179	232	202	266	293	416	393	135



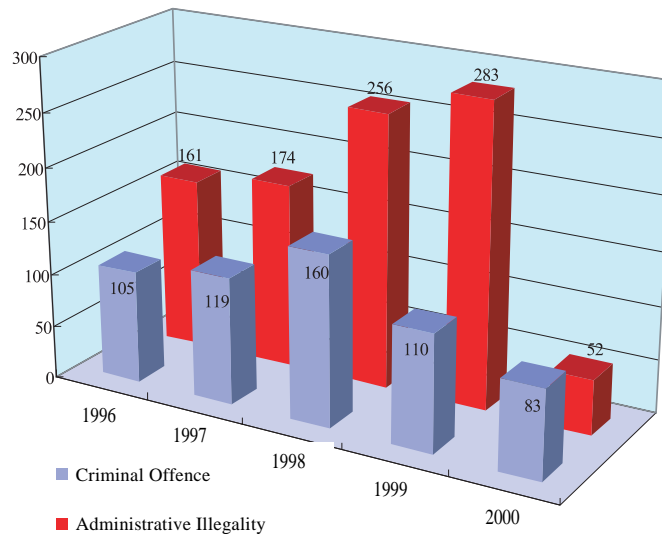
- Referred/reported by media
- Initiated by the CCAC
- Referred/reported/requested by public entities
- Anonymous or anonymous by request
- Signed or willing to provide personal data

3.1.4 Classification of Inquiries

Of the 135 cases registered last year, 83 had to do with criminal offences, and the remaining 52 with administrative illegalities. This distribution is rather uncommon with reference to past statistics.

FIGURE VI
COMPARISON OF THE NATURES OF THE CASES COMMENCED
BETWEEN 1996 – 2000

	996		1997		1998		1999		2000	
Criminal Offence	105	39.5%	119	40.6%	160	38.5%	110	28.0%	83	61.5%
Administrative Illegality	161	60.5%	174	59.4%	256	61.5%	283	72.0%	52	38.5%
Total	266		293		416		393		135	



According to the data shown in Figure VI, which represents the distribution of criminal offence and administrative illegality recorded in the past five years, the two categories did not fluctuate much from 1996 to 1998, with roughly 40% for the former and 60% for the latter. However, a significant change was spotted in 1999: the criminal offence category dropped to 28%, while the administrative illegality category rose to 72%. This difference can be accounted for by the more stringent criteria and follow-up conditions established that year regarding criminal inquiries. A more marked change was registered in the past year: criminal cases grossed 61.5%, while administrative illegality dropped to 38.5%. The sharp fall in the latter was due to the application of more demanding criteria for commencing inquiries, as well as to the recourse to alternative solutions, especially effective in dealing with complaints about administrative

illegality. As regards the increase in percentage of criminal cases, one must not jump to the conclusion that corruption has become more rampant in Macao, given that the absolute number of corruption cases commenced have actually decreased. Likewise, the drop in the number of inquiries does not mean that complaints have not been handled with due care; it is only that they have been dealt with and resolved in some alternative ways.

3.1.5 Progress Analysis of Cases

As can be seen in Figures VII and VIII, large quantities of inquiries have for a long time been carried over to the next year for follow-up, and the situation has been worsening every year. There was already a huge backlog of cases in 1999, which could be attributed to the long-standing understaffing problem experienced by the Commission. In the year 2000, the CCAC inherited 390 carried-over cases; together with 135 new cases and 28 re-opened ones, a total of 553 cases had to be handled.

Since its establishment on 20th December 1999, despite severe shortage of human resources and crippling limitation of powers, the CCAC has been making every possible effort to clear the formidable backlog of cases. The all-out co-operation of the Commission's staff has yielded impressive results: 305 cases filed, 8 incorporated into other files, and 24 referred to the Public Prosecution; i.e. 337 cases have been effectively concluded. That is equivalent to about 61% of the total (553), a substantial increase compared with the 41.1% registered in 1999.

FIGURE VII

PROGRESS ANALYSIS OF CASES IN 2000

Cases brought forward from 1999	390
Cases commenced in 2000	135
Cases re-opened in 2000	28
Total number of cases to be handled	553
Cases filed	305
Cases incorporated with other files/cases	8
Cases referred to the Public Prosecution	24
Total number of cases concluded	337
Outstanding cases as at 31st December 2000	216

FIGURE VIII**COMPARISON OF PROGRESS ANALYSES BETWEEN 1992 – 2000**

	FILED	BROUGHT DOWN TO THE FOLLOWING YEAR	INCORPORATED WITH OTHER FILES/CASES	REFERRED TO PUBLIC PROSECUTION	TOTAL NUMBER OF CASES TO BE HANDLED
1992	51	94	7	17	169
1993	109	132	9	23	273
1994	220	107	8	29	364
1995	144	134	8	23	309
1996	176	174	16	34	400
1997	224	218	10	15	467
1998	307	275	12	40	634
1999	216	390	38	18	662
2000	305	216	8	24	553

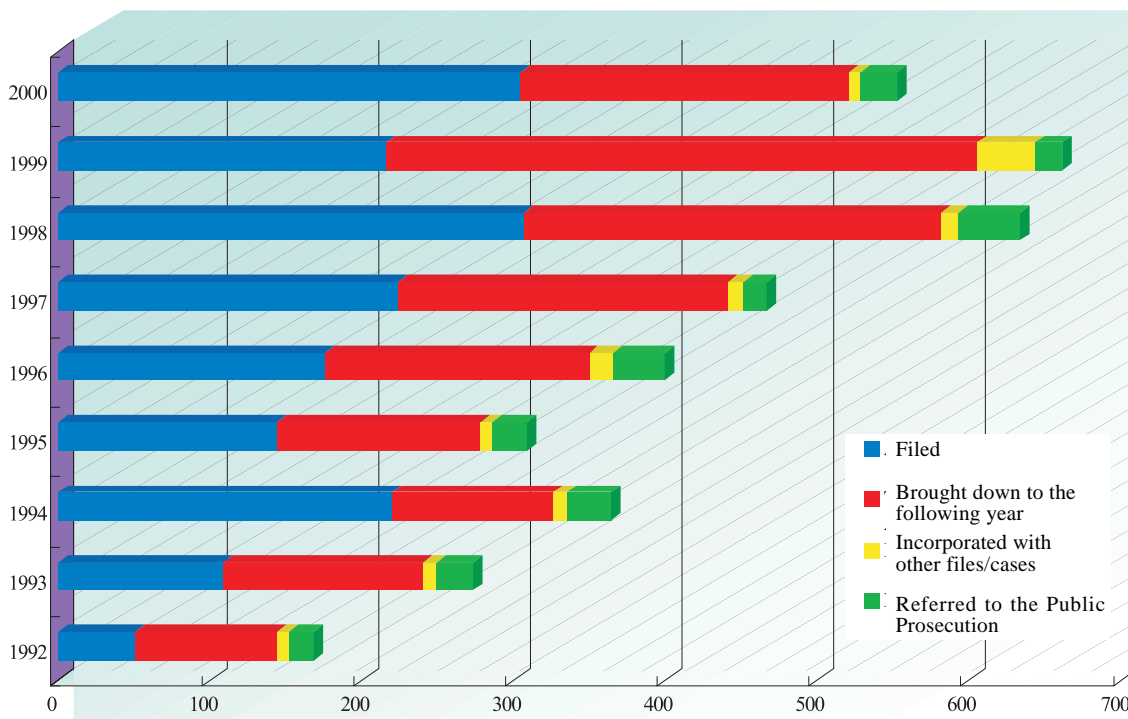
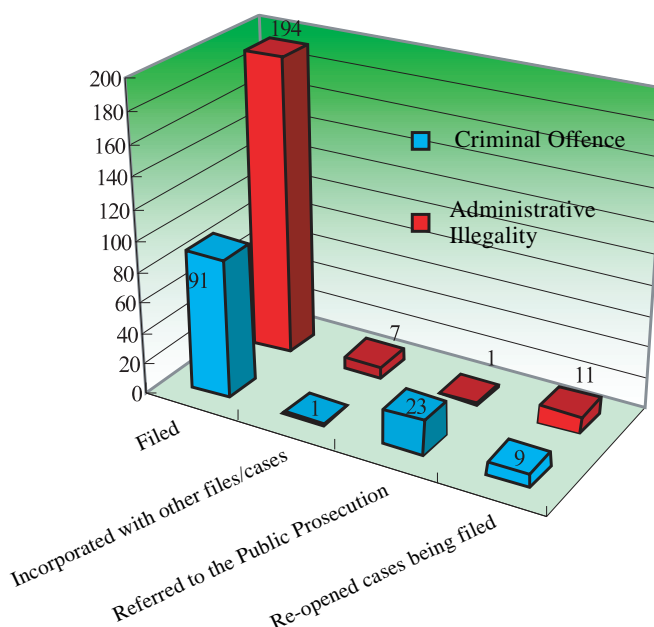
**3.1.6 Classification of Concluded Cases**

Figure IX summarizes the situation of the cases concluded in 2000. Of the 337 cases concluded, 124 were in the category of criminal offence and 213 administrative illegality. Most of the 24 cases referred to the Public Prosecution belonged to the first category.

FIGURE IX
CLASSIFICATION OF CASES CONCLUDED
(By Nature of Cases)

Result	Criminal Offence	Administrative Illegality	Total
Filed	91	194	285
Incorporated with other files/cases	1	7	8
Referred to the Public Prosecution	23	1	24
Re-opened cases being filed	9	11	20
Total number of cases concluded	124	213	337



Furthermore, of the 194 filed inquiries under the category of administrative illegality, 29 were commenced in 2000, representing 56% of the total inquiries commenced that year; the remaining 165 inquiries were commenced before the year 2000. These statistics evidence the fact that the CCAC staff have been exerting themselves to clear the inherited backlog of cases. Among the ‘old cases’ cleared, all (except 38 cases for which recommendations or suggestions were issued) had to be consigned to the files on the grounds that a) the whereabouts of the parties concerned were unknown; or b) the parties concerned had repatriated to Portugal, causing the illegalities committed to be deemed legally rectified and therefore unable to be overruled. Some cases were also filed for lack of evidence, which made it difficult to determine the liability of the parties concerned.

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There were a total of 229 cases in the criminal (corruption) category to be handled in 2000: 132 cases brought forward from 1999, 83 commenced and 13 re-opened in 2000, plus one case transferred from the administrative illegality category. In spite of the dire shortage of human resources, the CCAC managed to conclude 124 cases by the end of 2000, i.e. over 54% of the total number of cases to be handled.

3.1.7 Cases Tried and Decided by the Court

DATE OF ADJUDICATION	NUMBER OF PLAINTIFF/VICTIM	DEFENDANT/ SUSPECT (WORKING PLACE)	CRIMES INVOLVED	PENALTY
03/02/2000	3	J X Júnior (Macao Prison) Lei x Lam Wong x Sim	Illicit act caused by taking bribes Giving bribes Giving bribes	11 months imprisonment (suspended for 3 years) and indemnification to victims Not guilty and discharged Not guilty and discharged
29/03/2000	Initiated by the CCAC	Ieong x Seng (Public Security Police)	Dereliction of duty, Forgery and vandalism of document	1 year and 9 months imprisonment (suspended for 2 years)
08/11/2000	4	Chu x Tak (Cultural Institute)	Fraud and forgery of document	5 years and 6 months imprisonment and indemnification to victims

3.2 Anti-Corruption

3.2.1 General Situation

In tackling corruption, the CCAC had to brave a host of problems inherited from its predecessor, such problems included: limited legal powers, huge backlog of cases, lack of human resources and other investigation resources, inadequate professional training for investigators.



Hong Kong ICAC helped in our staff training

Nonetheless, the year 2000 witnessed significant improvement in all those respects, which has laid a solid foundation for future full-frontal anti-corruption operations.

The new laws put into force in August 2000 are of paramount importance regarding anti-corruption exercises in that they have effectively empowered the CCAC to arrest and detain suspects, from whom information can be elicited without involving a third party.

The staff's professionalism, as is evident, has a direct bearing on the performance of the CCAC. That is why the Commission considered staff recruitment and training a key task in 2000. Two recruitment exercises were launched, and a total of around 30 applicants, all of them degree holders, passed the severe examination and selection process. A short intensive training program covering investigation techniques and relevant legal knowledge was designed for the first batch of recruits, who later also went to Hong Kong and some other Southeast Asian cities for further training. The five-month training program for the second batch of recruits was more comprehensive, covering the Basic Law, history of the CCAC and the laws governing its operation, code of conduct, Macao's public administration and political system, legal system of the civil service, structure of the judiciary, court trials, case filing procedure, investigation techniques, and applications of information technology. An important item of the training program was the employee's code of conduct and the 'confidentiality principle'. It is because the personal conduct of the Commission's frontline investigators is a key factor in winning trust and support from the general public, without which anti-corruption fight would be all but impossible.

The CCAC had achieved some advances in the domain of anti-corruption in 2000: long-standing illegal practices in some government departments were exposed; several cases of graft-related smuggling were effectively dealt with; a bribery case operated under the pretext of internal inquiry was solved; and organized crime was successfully tackled in conjunction with authorities outside of Macao.

A record number of suspects were referred to the Judiciary after investigation by the CCAC, another proof of the Commission's determination to fight corruption. The brilliant result was largely due to the support of the general public and the information it supplied. Some of the cases solved in 2000 are summarized as follows:

June – A police officer staged a traffic accident with some triad members with intent to make a compensation claim of more than MOP200,000 from an insurance company. Five people involved in the scam. The case was referred to the Public Prosecution by the CCAC.

June – The CCAC received several complaints about the swindling practise of

certain individuals who claimed to be able to help people for a fee to get jobs in the public sector. After an investigation made by the Commission, a former civil servant of a judicial department was referred to the Public Prosecution for further action. Another suspect involved in a similar case had fled Macao before the investigation took place. The total amount of money involved in the two cases was in excess of MOP100,000.

June – In a joint operation of the Hong Kong ICAC, the Macao Judicial Police and the CCAC, an illegal Hong Kong horse-racing bookmaking syndicate based in Macao was tracked down; 16 people were arrested in Hong Kong and 12 in Macao.

July – A person in charge of a factory had reportedly been making illegal profits via quotas of imported labour and providing inaccurate information in order to reduce contributory payments to the Social Security Fund. The two suspects were referred to the Public Prosecution for further action.

July – Two Marine and Customs Police officers posted at the Macao International Airport and several men were taken to the CCAC for questioning. The two police officers were suspected to have received bribes so that large quantities of imported up-market wines and spirits could get into the territory without customs duty being properly levied. These goods were to be sold to local and mainland markets to yield high profits. Thirty crates of imported wines and spirits estimated at MOP400,000 were seized by the CCAC during the operation. The case was referred to the Public Prosecution for further action.

July – An employee of the Cultural Institute had reportedly taken advantage of his position to illegally sell at a high price copyrights of original musical compositions belonging to the Macao Government. The case was referred to the Public Prosecution for further action.

September – A woman was arrested for blackmailing a prisoner who was serving his sentence. The case was referred to the Public Prosecution for further action.

September – The CCAC officers caught a Gambling Inspection and Coordination Bureau employee red-handed while he, in the capacity of examining magistrate of an internal inquiry, was extorting a sum of MOP70,000 from two inspectors under investigation. The money was retrieved from his desk. The case was referred to the Public Prosecution for further action.

October – Two cases of document falsification, in which two police officers were involved, were referred to the Public Prosecution for further action. In one case, a traffic policeman was accused of dereliction of duty in handling a traffic accident in an unfair way as well as submitting an inaccurate report. In the other case, a policeman had allegedly been producing false declarations to obtain 18 months' family subsidy and transport allowance for special leave.

November – Another case of falsifying and using falsified documents was referred to the Public Prosecution for further action. Two officers of the Port Authority obtained false medical certificates from a doctor of the Health Bureau and used them to claim sick leave, during which they went on pleasure trips abroad. All three parties had admitted their offence. The medical officer in question further admitted that he had issued similar certificates in the past on numerous occasions.

November – Three suspects, one of them a prison officer, were arrested by the CCAC for illegal gambling and extortion within the prison precincts. The case was referred to the Public Prosecution for further action.

November – An employee of the Education and Youth Affairs Bureau was discovered to have taken advantage of his position to illegally obtain an overtime allowance of MOP20,000 from the Finance Services Bureau via the computer network. The case was referred to the Public Prosecution by the CCAC for further action.

December – A head of a subunit of the Health Bureau was found to have embezzled more than MOP210,000. The party involved in the case was referred to the Public Prosecution for further action.

December – A former employee of the Port Authority had allegedly pocketed MOP100,000 in fines while he was a cashier in the department. The case was referred to the Public Prosecution for further action.

3.2.2 Nature of Cases

Figure X summarizes the nature of the criminal offences dealt with by the CCAC in 2000. A total of 123 offences were involved in the 83 cases (some cases comprising more than one offence). The top five offences are: giving and taking bribes (21), abuse of authority (17), corruption (assistance in investigation) (14), counterfeiting document (13), and deception (11).

FIGURE X

MATTERS INVOLVED IN CRIMINAL OFFENCES

Giving and taking bribe	21
Abuse of authority	17
Corruption (assistance in investigation)	14
Counterfeiting document	13
Deception	11
Peculation	9
Use of unreal testimonial	6
Extortion	5
Malpractice	4
Threatening	4
Organized crime	3
Use of others' identification document	2
Organized crime (assistance in investigation)	1
Illegal holding of passports (assistance in investigation)	1
Abuse of creditability	1
Making false witness	1
Deprivation of others' movement liberty	1
Forging testimonial	1
Serious theft	1
Coercion	1
Share of economic interests in administrative proceeding	1
Partiality	1
Smuggling	1
Physical offence	1
Usury	1
Personnel favouritism	1
Total	123

3.3 Ombudsman

Most of the complaints in this category were related to frontline government units involved in healthcare, municipal affairs, public works, public security, education and tax treatment. These areas are prone to arguments on account of their close contact with the public. As society develops, its citizens will become more aware of their civil rights, which will be jealously guarded whenever they deal with the authorities. As a

result, more people will turn to the CCAC for assistance when they sense encroachments on their rights through improper handling of their matters in some government departments.

3.3.1 Handling of Complaints

It has been mentioned earlier that since 2000, complaints about administrative illegalities have been dealt with in more than one way. Different approaches were adopted according to the nature and circumstances of the complaints. Apart from commencing inquiries, complaints may also be handled through referral or unofficial intervention.

3.3.1.1 Referral of Complaints

Feedback from various government departments and past experiences have shown that commencing inquiries for all complaints is not necessarily the best approach to settling grievances. Complaints referral can be far more effective in some circumstances, especially when the department under fire is dealing with the complaints itself, or when the department in question is in a better position to directly tackle the problem (this is the case when the CCAC gets insufficient information from the complainant, while the department being complained about is in possession of more data). The Commission will follow up the progress of the complaint after referring it to the department concerned.

Complaints will also be referred, after obtaining the complainant's consent, to those departments that have complaint handling mechanisms themselves. The obvious advantages for a department to take an active part in dealing with complaints are a) to improve the department's operation by following up and solving problems; and b) to prevent the recurrence of problems of a similar nature; and c) to reduce waste of government resources by obviating the need to involve several departments.

The CCAC's practice of referring complaints to relevant authorities has met with great success. Several departments in the public sector have made positive responses to cases referred to them by the Commission. It has been learned through investigations and replies from various departments that quite a few complaints are in fact products of some citizens' inadequate knowledge of legal matters and of the working procedure of certain departments. When this happens, the CCAC will try to clarify the situation in order to do justice to the departments concerned.

On receiving replies and relevant information furnished by the departments concerned, the CCAC will undertake an analysis to determine the existence of any

administrative illegalities and improprieties. The complainants will be duly notified if none is detected. On the other hand, if the findings prove positive, the CCAC will follow up on the matter or commence an inquiry.

3.3.1.2 Unofficial Intervention

If a complaint proves factually and legally justified while a final decision on the issue is still pending in the department concerned, or when the situation causing grievances still admits rectification, the CCAC will directly contact the head of the department and state its position on the matter. The Commission will also try to persuade the department concerned to take the initiative of implementing corrective measures. This approach not only enables a problem to be solved in a straightforward manner, but also heightens the department's alert for future relapses.

Quite a few complaints relating to contract clauses, disciplinary procedures, licenses and employee's entitlements have been successfully dealt with by using this method in the past year.

3.3.1.3 Commencing Inquiries

For those complaints requiring follow-up but not amenable to approaches such as referral and unofficial intervention, the CCAC will commence inquiries and the complainants will be notified of the case file number and the method to contact the CCAC staff responsible for the case.

3.3.2 Nature of Cases

Figure XI summaries the 52 inquiries commenced in 2000. More than one-third of the cases had to do with inadequate knowledge or inappropriate enforcement of the legal system of the civil service. The CCAC therefore deems it necessary to boost civil servants' and department heads' acquaintance with that legal system of civil service and the relevant criminal legislation.

FIGURE XI

CLASSIFICATION OF CASES IN THE OMBUDSMAN AREA

MATTERS INVOLVED		TOTAL NUMBER OF CASES
Civil servants-related	Recruitment, promotion, retirement ... etc of personnel	12
	Rights and interests of personnel	7
	Part-time jobs	2
	Contributory payments in the Social Security Fund	1
Constructions-related	Payment, undertaking and tendering procedures of public work	6
	Illegal construction	3
Business operations-related	Unlicensed operation	3
	Illegal operation	1
	Flawed inspection	1
Drugs-related	Drug advertisement	1
	Medical responsibility	1
Fines-related		2
Administrative procedures		3
Others	Private institution does not make contributory payment in the Social Security Fund for its employee	1
	Illegal transactions involving ship, passport and/or flat	1
	Renewal of license and mailing	1
	Proper regulations and personnel regime	1
	Counterfeit	1
	Problems of fine procedures	1
	Concession of property and service	1
	Improper tax treatment	1
Improper law enforcement	1	
Total:		52

The low incidence of illegal constructions (3) shown in Figure XI should not be construed as meaning that all related problems have been solved. As a matter of fact, in order to arrive at a thorough and comprehensive solution, the CCAC has been exploring new avenues to monitor the corrective measures taken by the Lands, Public Works and Transport Bureau (see 3.3.3.2 Specialized Studies).

The departments involved in the cases listed above include:

- Provisional Municipal Councils (9 cases -- Macao 7, Islands 2);
- Disciplined Services (6 cases -- Public Security Police 4, Fire-brigade 1, Public Security Forces Bureau 1);
 - Health Bureau (6 cases);
 - Lands, Public Works and Transport Bureau (6 cases);
 - Finance Services Bureau (4 cases);
 - Public Institutions of Education (6 cases -- University of Macao 4, Macao Polytechnic Institute 1, Institute For Tourism Studies 1).

As evidenced once again by the above breakdown, most of the complaints made by citizens were directed at frontline departments whose operations involve close contact with the public.

3.3.3 Recommendations and Suggestions

In the year 2000, a total of 35 recommendations and 9 suggestions were issued to the departments implicated in 38 cases. The CCAC obtained positive responses to 34 of those recommendations and suggestions; only 3 of them were rejected, which represents an acceptance rate of over 90%. This high rate indicates that the CCAC has successfully located the crux of the problems and offered workable solutions recognized and accepted by the departments concerned.

The areas covered by the recommendations and suggestions were similar to those dealt with in the past, e.g. civil service jobs, administrative procedures, formalities for levying fines, and tendering procedure of government projects.

3.3.3.1 Nature of Cases and Departments Involved

Matters and departments involved in recommendations and suggestions are listed in Figure XII.

FIGURE XII

MATTERS AND DEPARTMENTS INVOLVED
IN RECOMMENDATIONS AND SUGGESTIONS

RECOMMENDATIONS/ SUGGESTIONS	MATTERS INVOLVED	DEPARTMENTS CONCERNED	ACCEPTED/NOT ACCEPTED
UNDER THE SUPERVISION OF THE SECRETARY FOR ADMINISTRATION AND JUSTICE			
Recommendation	Impediment in the recruitment of personnel in the Identification Bureau	Secretary for Administration and Justice	Accepted
Recommendation	Entry handling by the immigration officer for resident who lost his/her identification document outside of Macao	Identification Bureau	Accepted
Recommendation	Appraisal of personnel in recruitment	Government Printing Bureau	Accepted
Suggestion	Preservation of driving license	Provisional Municipal Council of Macao	Accepted
Suggestion	Rigid application of the Regulation for the Utilization of Vehicles	Provisional Municipal Council of Macao	Accepted
Recommendation	Receipt of compensation in the name of holiday allowance by employee left and returned to Portugal	Provisional Municipal Council of Macao	Accepted
Suggestion	Cancellation of provisional driving license	Provisional Municipal Council of Macao	Accepted
Recommendation	Handling of the fine procedure for the violation of Municipal Regulations	Provisional Municipal Council of Macao	Accepted
Recommendation	Concession of the construction/maintenance of the Guia Cable Cars	Provisional Municipal Council of Macao	Accepted
Recommendation	Part-time job	Provisional Municipal Council of Macao	Accepted
Suggestion/ Guideline	Use of the Public Security Forces' vehicle in the driving apprenticeship examination	Provisional Municipal Council of Macao	Accepted
Recommendation	Receipt of compensation in the name of holiday allowance by employee left and returned to Portugal	Provisional Municipal Council of the Islands	Accepted
UNDER THE SUPERVISION OF THE SECRETARY FOR ECONOMY AND FINANCE			
Recommendation	Impediment in the recruitment of personnel in the Economic Services Bureau	Secretary for Economy and Finance	Accepted
Recommendation	Sale of reserved government apartment to civil servant	Secretary for Economy and Finance	Response being awaited
Recommendation	Shortening of the time limit for the conditional recruitment examination	Secretary for Economy and Finance	Basically accepted
Recommendation	Proper regulations and personnel regime of the Macao Trade and Investment Promotion Institute	Secretary for Economy and Finance	Basically accepted
Recommendation	Remuneration for governmental representative serving the post of management/supervision	Secretary for Economy and Finance	Response being awaited
Recommendation	Notification (registered post or registered post with postal form acknowledging receipt)	Economic Services Bureau	Accepted
Recommendation	Receipt of compensation in the name of holiday allowance by employee left and returned to Portugal	Finance Services Bureau	Accepted
Recommendation	Sale of reserved government apartment to civil servant	Finance Services Bureau	Could not accept due to completion of procedure
Recommendation	Lack of Chinese version of the questions set out in the written recruitment examination	Gambling Inspection and Coordination Bureau	Accepted
Recommendation	Contributory payment (during the service period as a contract-based employee and nominated employee)	Macao Pension Fund	Partially accepted

RECOMMENDATIONS/ SUGGESTIONS	MATTERS INVOLVED	DEPARTMENTS CONCERNED	ACCEPTED/NOT ACCEPTED
UNDER THE SUPERVISION OF THE SECRETARY FOR SECURITY			
Recommendation	Disciplinary punishment	Secretary for Security	Not accepted
Recommendation	Travel agency staff disturbing tourists in the airport	Public Security Police	Accepted
Recommendation	Entry handling by the immigration officer for resident who lost his/her identification document outside of Macao	Public Security Police	Accepted
Recommendation	Intervention in a private school	Public Security Police	Accepted
Recommendation	Payment of fine for traffic offence	Public Security Police	Accepted
UNDER THE SUPERVISION OF THE SECRETARY FOR SOCIAL AFFAIRS AND CULTURE			
Suggestion	On call system of doctors	Secretary for Social Affairs and Culture	Response being awaited
Suggestion	Increase of tuition fees	Secretary for Social Affairs and Culture	Accepted
Recommendation	Drug advertisement	Health Bureau	Accepted
Recommendation	Ground for employee job appraisal	Health Bureau	Accepted
Recommendation	Intervention in a private school	Education and Youth Affairs Bureau	Partially accepted
Suggestion/ Guideline	Construction of the Sino-Portuguese Vocational and Technical Secondary School	Education and Youth Affairs Bureau	Response being awaited
Recommendation	Standardization of employee contract	Cultural Institute	Accepted
Recommendation	Confidentiality of job appraisal and selection of evaluator	Government Tourist Office	Accepted
Recommendation	Concession of the restaurant in the Tourism Activities Centre	Government Tourist Office	Partially accepted
Recommendation	Regulations for the giving of individual or family subsidies/publication	Social Welfare Institute	Accepted
Recommendation	Composition of jury	Macao Sports Development Board	Accepted
Recommendation	Promotion of assistant professor	University of Macao	Partially accepted
Recommendation	Examination result of student	Macao Polytechnic Institute	Accepted
Recommendation	Content of recruitment proposal different from that presented to the supervisory entity for approval	Macao Polytechnic Institute	Accepted
Recommendation	Increase of tuition fees	Macao Polytechnic Institute	Accepted
Recommendation	Part-time job and overtime	Institute For Tourism Studies	Not accepted
UNDER THE SUPERVISION OF THE SECRETARY FOR TRANSPORT AND PUBLIC WORKS			
Suggestion	Right of residential telephone subscriber to keep his/her telephone number confidential without additional payment of fees.	Office For Development of Telecommunications and Information Technology	Accepted

Following is a digest of some of the recommendations issued by the CCAC:

1. Case file no 138/1994 (recommendation accepted)

Subject: Confidentiality of residential telephone subscriber's identity

While handling a separate case, it was brought to the CCAC's attention that a special request had to be made if a residential telephone subscriber did not want his/her personal data printed in the telephone directory. An annual fee of MOP48 would also be charged. Granted that the fee was not excessive, the practise still violates the right to privacy with respect to the processing of personal data.

The right to privacy comprises two aspects: a) every citizen has the right to keep his/her private and family life from being known by a third party; and b) the unauthorized access, use, modification or disclosure of someone's private and family life should be prevented. All citizens are therefore entitled to be protected against unauthorized disclosure of their personal data, which should not be regarded as a special (let alone a chargeable) service offered to gratify personal wishes.

Moreover, a lawsuit was once started in Portugal because of the violation of the Constitution of the Portuguese Republic by a stipulation contained in the Regulations Governing Public Telephone Service (approved by Decree Law 199/87), which stated that a fee was to be charged for "subscriber confidentiality" requests. In the course of time, while pending a court decision on the matter, the Portuguese government took the initiative of amending the relevant regulations, which was taken to mean that one is only exercising one's right, and not requesting a service, when demanding personal information to be withheld from the public.

Based on the foregoing, the CCAC recommended that the Office For Development of Telecommunications and Information Technology take into account the above-mentioned right and waive related charges when endorsing telecommunications tariffs in the coming years. The recommendation was accepted. As from 9th February 2001, residential telephone subscribers who do not want their personal data to be shown in the directory may make a request without being charged.

2. Case file no 107/1997 (recommendations accepted)

Subject: Procedure for levying fines

A seafood-stall holder made a complaint to the former High Commission Against Corruption and Administrative Illegality about the way she was fined by the former Macao Municipal Council. She also alleged that the Council had unreasonably refused to receive the stall rent that a member of her family tried to pay on her behalf.

After a thorough investigation and analysis, the CCAC decided that the former Macao Municipal Council's policy of requiring market-stall holders to submit rents in person was not unreasonable in the sense that it was adopted to discourage possible subletting.

As to the stall-holder being fined for contravening municipal regulations, the CCAC considered two aspects of the incident. On one hand, owing to the lack of a common understanding regarding the difference between criminal offences and administrative illegalities, the complainant's contravention was defined by the former Macao Municipal Council as an administrative illegality, while it was taken by the Court as a minor criminal offence. Different legal qualification of the offence led to the irregularity of the contravention notification, both in form and in substance, issued by the Council to the complainant, especially when it came to the question of which entity was competent to handle appeals arising from the matter. As a matter of fact, when the complainant lodged an appeal through the lawyer designated by the Court, the lawyer submitted the appeal to an incompetent judicial organ (the Administrative Court) based on the nature of the case defined by the former Macao Municipal Council, and did not take advantage of the grace period established in the law to lodge an appeal with another judicial organ (the former General Jurisdiction Court) that had jurisdiction over the case. As a result, the complainant's penalty became a legal fait accompli (accomplished fact), to the great disappointment of the CCAC.

On the other hand, the CCAC had also detected inadequacies in the inquiry procedures of the former Macao Municipal Council. All administrative bodies must abide by the legal obligations and principles of investigation to find out the whole truth while carrying out inquiries. But in the present case, a damning decision was made by the former Macao Municipal Council with the sole evidence given by the two parties directly involved (the one who issued the ticket and the one who received it), which was lacking in objectivity. The Council did not adopt necessary measures to find out the truth, such as hearing the evidence given by other seafood-stall holders, or making an investigation at the scene of the incident in order to collect and verify data that could determine the situation (as stipulated in the Code of Administrative Procedure Article 59 Clause 1 and Article 86). In the light of this incident, the CCAC has recommended the Provisional Municipal Council of Macao: a) that operating procedures be improved, in form and in substance, when carrying out criminal or administrative disciplinary actions; b) that

when administrative illegalities stipulated in Decree Law 52/99/M are involved, future offenders' right to be heard and defended be guaranteed and evidence be collected in accordance with the Code of Criminal Procedure; and c) that minor criminal offences be handled also in accordance with relevant procedure stated in the Code of Criminal Procedure.

The above recommendations were accepted by the Provisional Municipal Council of Macao.

3. Case file no 215/1999 (recommendations accepted)

Subject: Increase of tuition fees

A Macao Polytechnic Institute student enrolled in the Bachelor Degree Programme “*Physical Education and Sports*” lodged a complaint with the former High Commission Against Corruption and Administrative Illegality about the Institute’s non-implementation of the tuition fee reduction scheme stipulated before his enrolment.

The new table of tuition fees for the academic year 1999/2000 had been endorsed by the Macao Polytechnic Institute’s Management Board. However, matters relating to tuition fees were actually outside the Management Board’s competence as stipulated in the Statute of the Institute (this has since been amended), rendering therefore the Management Board’s endorsement void or revocable. Nevertheless, because the legal period for lodging an appeal had lapsed, the new table of tuition fees became enforceable (Code of Administrative Procedure Article 122 Clause 1).

As to the complaint itself, the CCAC learned that the changes in the tuition fees reduction scheme for local residents were introduced after the enrolment period and before the formal registration. This means that the table of tuition fees handed to students during the enrolment period had not been conformed to, in contravention with the obligation to provide accurate information during all processes of negotiation of a contract, which could render the Macao Polytechnic Institute liable in accordance with Article 227 of Portugal’s Civil Code (Article 219 of the present Macao Civil Code). The size of tuition fees can affect a prospective student’s decision in choosing a school, and he/she can be seriously disadvantaged if fees are increased after he/she has enrolled in a certain school (e.g. it may be too late for him/her to enrol in another).

The Macao Polytechnic Institute has therefore been recommended by the CCAC to endorse any future changes in tuition fees before the enrolment period, and to provide all prospective students with an updated table of tuition fees.

While handling the case, the CCAC also discovered some loopholes in the statutes of Macao’s public institutions of tertiary education as well as a lack of precision in the use of legal terms, especially regarding the definition of the power to enact rules and regulations and the intervention of the control organs. The CCAC has duly brought the above to the attention of the relevant Secretary so that a systematic study and co-ordination can be made on the statutes of Macao’s public institutions of tertiary education.

The above recommendations were accepted by the Macao Polytechnic Institute and the Secretary for Social Affairs and Culture.

4. Case file no 371/1999 (recommendations accepted)

Subject: Travel agents touting for business at the airport

In November 1999, two complaints of a similar nature were lodged with the CCAC. It was reported that representatives of several travel agencies at the Macao International Airport were in the habit of buttonholding tourists to tout their services and ripping tourists off by taking them to dubious Chinese pharmacies, allegedly with the connivance of the police officers stationed at the airport, who were accused of dereliction of duty and taking bribes.

Because of a lack of detailed information, the swindling and bribery mentioned in the complaints were unable to be followed up.

The Macao International Airport is a major immigration control point for tourists, and Macao's image would suffer if the airport were in a state of constant disorder with a high rate of criminal occurrences. The police are responsible for the preservation of law and order in public areas. Pestering people in public facilities may not be a criminal offence, but it is nevertheless in contravention with municipal regulations, and as such should call for police intervention.

On the grounds stated above, the CCAC recommended that the Public Security Police order their officers stationed at the airport and other border checkpoints to strictly enforce the law; touting and other improper behaviour must be stopped there and then, and those who refuse to obey orders are to be charged; effective measures should also be adopted to ward off criminal infiltration.

According to the police, their airport officers did not connive at the travel agents' touting and had handled the incidents in an appropriate way. Moreover, they were not in a position to deal with complaints arising from the fierce competition among the travel agencies, which should be directed to the Airport Management that has leased out the counters to the agencies. Likewise, they considered that they had nothing to do with tourists being ripped off by certain shops. Those tourists should lodge their complaints with the licensing authority, and the police could provide assistance if necessary.

The CCAC, however, did not agree with the above response from the police. First of all, how could the police, while not in possession of all the details of the complaints, arrive at the conclusion that those complaints were the fallout from the agencies' fierce competition? Secondly, even if that had been the case, the police should still intervene because it is their duty to maintain public order and social stability, to fight and prevent crime, and to ensure that all citizens are able to exercise their fundamental rights. Consequently, the police have the duty, both outside and inside the airport, to prevent tourists from being pestered and taken to disreputable Chinese pharmacies. Granted that the Airport Management is responsible for maintaining order at the airport, it does not follow that the Airport Management has exclusive power and

that the police are therefore powerless to enforce the law.

After further elucidation by the CCAC, the Public Security Police finally accepted the above recommendations.

5. Case file no 11/2000 (recommendations partially accepted)

Subject: Advertisements for medicinal products

A trading company, which was the sole agent of xx-Tea, had been fined on two occasions by the Health Bureau (HB) for placing newspaper advertisements for the product that was said to possess therapeutic effects on diabetes. The person in charge of the company approached the CCAC, making inquiry into the legality of the acts of the HB.

According to the complainant, three letters had been sent to the HB in view of obtaining permission to advertise the product on newspapers. In reply, the HB said that the advertisement concerned did not need their approval because the product in question was not a drug; however, the advertisement could not carry the underlined words “Frequent absorption of xx-Tea will help your body function properly and keep your blood sugar at a normal level”. As a result, the words were deleted by the complainant, and some other information was added before the advertisement was put on a Portuguese newspaper. However, the complainant was later fined MOP20,000 by the Pharmaceutical Affairs Division of the HB for contravening drug advertisement regulations. The newspaper agency also received a fine notice, which was identical to the one sent to the complainant. The complainant immediately raised an objection with the Director of the HB. At the same time his lawyer appealed to the former Under-Secretary for Social Affairs and Budget in view of obtaining an annulment of the above administrative act. The appeal was rejected. Later, an advertisement for the product on a Chinese newspaper met with a similar fate. This time, the complainant was fined MOP40,000 because it was considered a repeated offence. The newspaper agency also received a notice saying that the HB’s permission had to be obtained before publishing any advertisements for drugs, and that the advertisement for xx-Tea was in contravention with drug advertisement regulations.

Investigations made by the CCAC showed that the complainant should be considered a law-abiding citizen on the grounds that he had sought three times the HB’s approval for the advertisement.

As to the HB’s written reply to the complainant, the CCAC deemed it too vague as well as oversimplified. Having said that xx-Tea was not a drug, why then should the advertisement be subject to drug advertisement regulations? Why couldn’t the advertisement carry the underlined words mentioned above, while the more serious claim “Preventing excessive sugar getting into your body, which could lead to many illnesses and even put your life in peril by upsetting your bodily functions!” passed unscathed? Moreover, the HB’s reply was liable to make the recipient think that he could add something more to the advertisement as long as the addition was not similar to the words required to be deleted.

According to the Code of Administrative Procedure (enacted in 1994), “the public

administration must be held responsible for the information it provides, even if it is under no obligation to provide such information". That is to say, if citizens are misled by the information provided by staff of the public administration, the public administration must be held responsible for any eventualities resulting from such information. In the case under discussion, the complainant was bound to take the information provided by the HB as correct, especially when this had to do with the law, with which most people are unfamiliar. That was why the information provided had to be meticulous and accurate.

In addition, the CCAC believed that the advertisement in question should be subject to drug advertisement regulations. Although the xx-Tea, strictly speaking, is not a drug, the fact that it claimed to have therapeutic effects on diabetes implied it possessed certain medicinal properties. Therefore, it should be restricted by the drug advertisement regulations.

On the other hand, the complainant was fined in October 1999 and in January 2000 without being given any chance to defend, contrary to the regulations provided by the Code of Administrative Procedure (the 1994 edition and the one currently in effect). According to the Code, an administrative procedure will be considered void if it infringes upon the essence of a fundamental right (e.g. the right to be heard). Consequently, the CCAC was of the opinion that the HB's fining procedure should be nullified because the complainant's basic rights to be heard and to defend had not been respected.

On grounds of the foregoing, the CCAC issued a recommendation to the HB, suggesting it stating clearly the nature of the obligation when it notifies the media of the responsibility they have to shoulder for publishing or publicizing unauthorized drug advertisements. In addition, the notification sent to the media should differ in substance from the one sent to the offending party who provided the source of the advertisement, so that no unnecessary misunderstanding might arise. Moreover, personal data of the offending party should be withheld by the HB when an advertisement was cited to remind the media not to violate drug advertisement regulations, so that no personal reputation might be unnecessarily compromised. Furthermore, the HB should reassess whether the advertisement of the xx-Tea had contravened the drug advertisement regulations, so as to prevent the complainant from being wronged and fined again. Last but not least, the HB should declare the two administrative acts of fining the complainant void. The party concerned should be given a fair hearing before fines were levied, as well as an opportunity to defend prior to any administrative acts that might be prejudicial to the party concerned.

The HB agreed to the recommendations in principle. However, in its opinion, it should be the party concerned who was to cite the right to be heard; and since the complainant did not ask to be heard on both occasions, the administrative acts in question should be considered valid. Besides, as the case was being processed in the judicial

court, the HB would like to await the court decision before proceeding further.

The CCAC was not totally satisfied with the HB's reply. How was the party concerned supposed to know that a prejudicial administrative action was forthcoming without a prior warning from the public administration? In the absence of the necessary information, how was one to exercise one's right to be heard and to defend? Consequently, it is deemed indispensable that a fair hearing and a chance to defend is given to the party concerned, otherwise all administrative acts have to be regarded as void.

In December 2000, the Administrative Court ruled that the acts of imposing fines were null and void on the grounds that no hearings had taken place during the two administrative procedures mentioned above.

6. Case file no 82/2000 (recommendations accepted)

Subject: Payment of fines for driving offences

A complainant reported to the CCAC that she got a ticket from a police officer for a driving offence on 10/**/2000 at 8:40 am, which had to be settled within 15 days (i.e. before 8:40 am on the 25th). Although the complainant paid the fine one day before the deadline (the 24th), she was still summoned to appear in court.

The CCAC discovered two facts after investigation: a) the complainant paid the fine before the deadline and got a receipt, but the police officer that handled the payment did not close the file properly; and b) another police officer, without verifying the payment procedure, submitted the case to the court as a minor criminal offence, hence violating the complainant's interests.

In accordance with the Road Traffic Code (Article 80 Clause 1), it was stated on the ticket that a fine must be settled within a period of 15 days, reckoned by the police as starting from the day and time when an incident took place. Accordingly, the deadline for paying the fine in this case should be the 25th at 8:40 am. However, on the 25th, owing to the negligence on the part of a police officer, the case was submitted to the court in the belief that the fine had not been settled before the deadline. However, according to the Civil Code (Article 272 Item b), "when reckoning a period of time, the day (or the hour, if the period is a matter of hours) in the course of which an incident occurs is not to be counted, and the period of time ends at midnight of the last day (or at 60 minutes of the last hour if the period is a matter of hours)". Consequently, the CCAC came to the conclusion that, with reference to the case in point, the police had miscalculated the period in advancing the deadline by one day. As a result, the case could only be submitted to the court if the fine had not been settled on the 26th (but actually the complainant had already paid the fine on the 24th). Although the court eventually quashed the case, the complainant had been much inconvenienced.

The CCAC therefore recommended the Public Security Police the following: a) to recognize the mishandling of the procedure and inform the complainant accordingly, and warn their staff about the possible disciplinary actions they may face for dereliction of duty; b) to stick to the relevant regulations laid down in the Civil Code when setting deadlines for payment of fines stated in Article 80 Clause 1 of the Road Traffic Code.

The above recommendations were accepted by the Public Security Police.

7. Case file no 225/1999 (recommendations accepted)

Subject: Immigration procedures for Macao residents who have lost their identification documents outside of Macao.

A Macao resident lodged a complaint with the former High Commission Against Corruption and Administrative Illegality. He had reportedly lost his Macao ID card and home-returning permit in Zhuhai. Although the Zhuhai Public Security Bureau had issued him a temporary permit, he was refused entry into Macao by the Macao immigration officers.

On 19/**/1999, the complainant's Macao ID card and home-returning permit were stolen in Zhuhai. He reported the loss to the local Public Security Bureau on the following day, and was issued a one-off permit. He arrived at the Macao immigration control at about 4:30 pm, but was refused entry. Officers of the former Immigration Bureau told him to return to Zhuhai and come back the next day, because they were unable to verify there and then his personal data with the Macao Identification Bureau. Thereupon the complainant contacted his family members in Macao to have them bring photocopies of his Macao ID card and home-returning permit as well as the title deeds bearing his name, but the immigration officers did not accept them as proof of the complainant's identity. The complainant then asked to be allowed to put up for the night at the Macao immigration control because it was already late, but again the officers refused. Eventually the complainant, accompanied by his family members, returned to the Gongbei border checkpoint. After explaining his situation, he was allowed to stay there until 9:00 am of the following day. The complainant went back to the Macao immigration control the next morning, where his fingerprints were taken for verification with the Identification Bureau. He was finally allowed entry into Macao at 12:00 noon.

In the course of investigation, the CCAC learnt that there was indeed no way for the Immigration Bureau to directly access the database of the former Identification Bureau. But this incident took place in the afternoon during office hours, so the immigration officers should have taken pains to get in touch with the Identification Bureau in order to make a quick check of the complainant's personal particulars. Besides, even if there had really been insurmountable technical or administrative difficulties, the complainant should at least have been allowed to stay in the immigration facilities for the night, and not be left in the lurch in the dead of night, as was the case, deprived of the rights to rest and shelter.

It has to be noted that administrative acts should particularly respect the civil rights protected by the law. The incident occurred before Macao's handover, and according to Article 44 Clause 2 of the Constitution of the Portuguese Republic (applicable to Macao on account of its Organic Statute), "all citizens have the right to leave or emigrate from their country and the right to return thereto." After the handover, the same principle has also been provided in Chapter 3 of the Basic Law. Consequently,

by refusing entry to the complainant, the officers of the former Immigration Bureau had unduly restricted his rights to travel and to emigrate, thereby contravening the principles that the public administration must abide by: a) protecting citizens' rights and interests; and b) acting proportionally, efficiently, and nonbureaucratically. Moreover, as the act performed by the immigration officers remained unexplained, it was annulable. However, since the act's effect was immediate, it had become irrevocable. So, when dealing with the above situation, the immigration officer should have contacted the relevant department as soon as possible in order to carry out the identification procedure, thereby protecting the citizen's legal rights.

Based on the foregoing, the CCAC issued recommendation to the Public Security Police (entity that controls the Immigration Bureau) to the effect that they should acknowledge the mistakes committed in handling the case and informing the complainant accordingly; the Immigration staff should also be warned about the possible disciplinary actions they may face for dereliction of duty. Recommendation was also sent to the Identification Bureau that it should consider establishing a mechanism that is operative even when its information system breaks down, to facilitate identification checking outside office hours.

The recommendations were accepted. A network linking the two departments has been installed to provide a round-the-clock identification checking service.

8. Case file no 62/2000 (recommendations accepted)

Subject: Concurrent jobs

It was brought to the CCAC's attention that an auxiliary who worked under contract for the Provisional Municipal Council of Macao was concurrently employed by a private company, for which he worked six hours per night as a cleaner, without the knowledge and permission of his Council superior.

In the course of investigation, the CCAC learned that the party concerned got a one-year contract to work for the former Macao Municipal Council from August 1992 to August 1993, and signed a new contract in 1996. He had been working for a private company as a cleaner since July 1993. He later terminated his four-year service with the private company after the CCAC had undertaken the investigation, and cited negligence and ignorance of the law for not having asked for his superior's permission.

As a matter of fact, the worker in question had violated the principle of full-time employment stipulated in the civil service regulations. According to Article 17 of the Statute of Public Administration Workers in Macao, all employees working in the public administration must conform to that principle. Only in exceptional circumstances not in conflict with the following three conditions, and with the superior's permission, can private activities be conducted:

- a) time does not overlap totally or partially with one's working hours in the public sector;
- b) impartiality as required of all civil servants not compromised; and
- c) activity not prohibited by special law.

On the other hand, the party involved in this case was not recruited by examination, and was therefore likely to be unfamiliar with civil service regulations. Moreover, manual workers have seldom recourse to legal systems in the workplace, which makes them all the more prone to neglect the principle of full-time employment.

The CCAC therefore recommended that the Provisional Municipal Council of Macao instruct its staff, especially those with a lower educational level, in the legal system of civil service so that they may get a clearer picture of their rights and duties. The CCAC also suggested the use of internal circulars and notices to remind the staff of the related duties they are supposed to fulfil.

The above recommendations were accepted by the Provisional Municipal Council of Macao.

9. Case file no 266/1999 (recommendations accepted)

Subject: Preservation of driving licence

A citizen lodged a complaint with the CCAC, saying that when he followed the instruction of a traffic policeman and went to the former Macao Municipal Council to have his motorcycle driving licence replaced, he was charged a fee of MOP200 because some printed characters on his licence had faded away.

After preliminary investigation and analysis, the CCAC discovered that motorcycle licences are actually computer printouts. Given the nature of the ink and paper used in the process, and the fact that the Municipal Council does not allow documents to be laminated, it is not surprising that, even when utmost care have been exercised, the ink eventually gets transferred to another plane surface owing to prolonged use. Also, according to the Municipal Council's Fees, Tariff and Licences Table (Article 18 Clause 6 Item e), a fee will only be charged for the replacement of a driving licence if it is found in poor condition. Since, in the case under discussion, the peeling-off of the printed characters was purely a technical problem and had nothing to do with the condition the licence was in, the above regulation had in fact been inappropriately applied and the ensuing responsibility should be shouldered by the licence issuing office.

Moreover, according to an internal memo of the former Macao Municipal Council issued in another case, no creases were detected in a motorcycle driving licence, and its four corners also remained intact, the blots found on it should therefore be due to the printer ink. It was further pointed out that the printed data of the driving-card belonging to the same person also became blurred because of wear, and a free replacement was suggested. Now that the complainant's driving-card and motorcycle driving licence had both suffered similar effects of wear with only a difference in degree, why was it considered an information update in the former case and its replacement therefore free of charge, while the latter was taken as a case of poor preservation and its replacement cost MOP200.

For reasons stated above, the CCAC recommended a) that the Provisional Municipal Council of Macao issue an internal directive about the free replacement of driving licences defaced by printer ink; b) that new printing materials be considered to make sure the characters printed are fast; and c) that the unduly charged fee be returned to the complainant who initiated this case.

The above recommendations were accepted by the Provisional Municipal Council of Macao. The complainant was also refunded.

3.3.3.2 Specialized Studies

A large number of complaints relating to illegal constructions have been dealt with in the past, and many recommendations issued in this connection. However, cases of a similar nature still take up significant space in our complaint files, e.g. there was a backlog of 30 such files out of 264, the total number of cases in the backlog, at the inception of the CCAC.

It has been found that a case-by-case approach is not an effective way of solving such problems, so the CCAC has decided to tackle them as a specific category. To achieve this objective, a global analysis has been undertaken to find out the general characteristics of these cases. Initiatives have also been taken to contact the Lands, Public Works and Transport Bureau in order to get a complete picture of the difficulties they are facing, so that views can be shared regarding existing issues and inadequacies of the present legal system.

As a result of the above, the Lands, Public Works and Transport Bureau has agreed to adopt the following measures to implement and update present regulations as well as to promote a law-abiding mentality among the citizens:

- to organize promotional activities to combat illegal constructions by explaining to the public the definition of illegal constructions, the consequences of erecting such constructions and subsequent punishments, and the Bureau's procedure for removing them;
- to expedite feasibility studies on the decriminalisation of certain illegal constructions, so that a more realistic and practical approach can be adopted in handling certain widely existing but potentially acceptable illegal constructions;
- to stick to deadlines and procedures provided by present laws when handling confirmed cases of illegal constructions to avoid unnecessary delays (e.g. to instruct offenders to remove illegal constructions, to submit applications for legalization of constructions, and to inform them of the Bureau's removal exercise and its outsourcing procedures);
- to speed up the revision of Decree Law 78/85/M of 21st August "General Regulations of Municipal Constructions", so as to bring it up to date. A simplification of the related procedures can make the Bureau's supervision more effective.

As a matter of fact, improvement has been made in the Bureau's handling of illegal constructions: out of the 38 cases followed up by the CCAC, 10 have been resolved. However, illegal constructions are still a serious problem in Macao, and reports and complaints arising therefore are quite numerous. The CCAC will keep monitoring the situation closely, especially as regards the perfection and implementation of the relevant laws.

3.3.4 Guidelines for a Clean Administration

Apart from receiving and appropriately handling citizens' complaints so as to protect their legal rights and interests, the CCAC has also endeavoured to promote and foster a 'clean' ethos among the civil service with a view to 'eliminate factors conducive to corruption and legally or morally reprehensible practices' and to 'maintain the fairness, lawfulness and effectiveness of the public administration.'

Ever since its inception, the CCAC has been aware of the long-standing practice of many companies and organizations to send gifts to government departments on traditional festivals, which could exert a pernicious influence on some civil servants' performance as well as create opportunities for corruption and favouritism. In view of this, the CCAC issued some simple guidelines before the Chinese New Year in February 2000 to appeal to government departments and public entities not to indiscriminately accept 'lai-sees' and gifts, which won acclaim from many citizens.

Seeing the inadequacy of the above simple guideline, the CCAC undertook an in-depth analysis and drew up a new set of guidelines issued in early December 2000 to the Office of the Chief Executive, the Secretaries, the Commissioner of Audit, the President of the Court of Final Appeal, the Chief Public Prosecutor, the auxiliary office of the Legislative Assembly, and their respective subsidiary departments. The new text provides more details to civil servants working in the various sectors as to how to handle gifts, 'lai-sees', hospitable treats and other benefits.

At the same time, the CCAC has realized the necessity of working out a clearer and more normative code of conduct for civil servants regarding the acceptance of propertied and non-propertied benefits, so that civil servants of all grades including department heads may have something concrete to abide by, and that the general public may have a better understanding of the entire mechanism. To this end, the CCAC has carried out feasibility studies and completed preliminary drafts of the relevant administrative regulations and other preparatory work.

CHAPTER IV

COMMUNITY RELATIONS

CHAPTER IV COMMUNITY RELATIONS

4.1 Public Opinion Survey

Ascertaining public opinions and fighting for the trust, support and co-operation of the citizens enable our job to be completed with minimum effort and double results. Thus, the Community Relations Department of the CCAC consigned successively in May 2000 and February 2001 a professional association in Macao and the Faculty of Social Sciences and Humanities of the University of Macao to proceed with two questionnaire surveys respectively. These surveys were to collect opinions of the citizens on our work in 1999 and 2000. It is hoped that through scientific surveys, valid data can be acquired to make the future work of the CCAC more focused and successful.

The two questionnaire surveys were conducted through street interviews. The first survey successfully interviewed more than 700 citizens, and the second almost a thousand. Comparing the two surveys, it was obvious that the Macao citizens' knowledge about the CCAC was continuously increasing. Results from the first survey revealed that only one third of the interviewees knew the CCAC, 36% of the citizens did not know at all the existence of a department dedicated to fighting corruption in Macao. However, the second survey showed a considerable improvement. 83.4% of the interviewees clearly knew that the CCAC was the department responsible for anti-corruption in Macao. In addition, it was understood through the surveys that the citizens considered corruption in Macao had already been improved. 64.6% of the citizens interviewed in the first survey considered the situation severe and aggravating. However, in the second survey, the percentage dropped to 46.3%, indicating that citizens were affirmative of the CCAC's work. The overall evaluation of the citizens on our job of the previous year was 60.8 points. Looking back at the first survey result, citizens' confidence grade on the CCAC was only 45.

Proceeding with scientific surveys is one effective channel to listen to public opinion. Meanwhile, it helps us to improve our inadequacies at work and to proceed more effectively in fighting against corruption and administrative illegality.

4.2 Promotion and Education

Deterring and punishing corruption is just one of the many means to safeguard integrity. A long-run policy should be to establish and consolidate an undying probity ethos in the society. Therefore, reinforcing promotion and education, strengthening community relations as well as striving for the citizens' support and co-operation are the long-term targets of the CCAC. In 2000, the CCAC launched a number of extensive promotional activities and intensive educational works, hoping that by using the various

means, message of anti-corruption and cleanliness can be conveyed effectively to people from different strata of the society.

Besides, dispatching news about the CCAC updates and detected cases not only allows citizens to acquire the most recent and accurate messages, but also produces positive promotional and educational effects.

4.2.1 Promotional Activities

To increase the promotional impact, the CCAC proceeded in 2000 with many activities:

* At the beginning of March, persons-in-charge of the mass media were invited for the first time to take part in a symposium, “Afternoon Tea Meeting

on Clean Administration” in the CCAC. In the symposium, not only the development and growth directions of the CCAC were introduced, it was also hoped that the media could be comprehensively supportive and co-operative in publicizing news and other strategic promotional materials of the CCAC to establish joint effort in contributing to an incorrupt society.

* The CCAC home page was set up in May last year to facilitate extensive promotions through electronic media. It includes a brief introduction of the CCAC, its policies and measures, annual reports, recommendations, statistics, CCAC news, relevant laws and regulations, adapted real-life cases, frequently asked questions etc.



Prize presentation of the hard-pen calligraphy competition



“Play a fair game, you can make a difference”

Browsers can also obtain information of anti-corruption activities in other countries/regions by clicking the “links” button.

* With the strong support of the press, the “Clean Administration Forum” column was published bi-weekly in various Chinese newspapers starting from May. The main purposes of the said column are to help citizens distinguish rights from wrongs through simple facts and adapted real-life cases. It also includes explanations of the respective works and laws, allowing citizens to easily understand the responsibilities of the CCAC, and to co-operate accordingly.

* The “Voice of Clean Administration” is a joint production of the CCAC and the Radio Macao. Starting from June, it was broadcast every Monday, using a casual style to introduce anti-corruption and integrity information to the general public. In addition, informative programmes on television, such as “Inquiry and Reply”, “Good Morning Macao”, “New Image of Macao” etc were also used to boost probity ethos within the society.

* Besides making use of the electronic media to carry out extensive promotion, the CCAC held and participated in community activities to directly communicate with the citizens, enhance mutual understanding, and further develop the co-operation with various local associations to build an incorrupt society. In 2000, activities held in this area included street fairs, visits and seminars for people from different strata on the occasion of: International Children’s Day (exclusive for children), the “Macao International Trade and Investment Fair”, the “Caritas Bazaar”, the “Daily Life and Clean Administration”, the “Clean Breeze in Iao Hon” and the “Let’s Create an Incorrupt Culture” hard-pen calligraphy competition (catered for youngsters) etc.

* The CCAC also continued to publicize articles about its activities, powers and adapted real-life cases in the monthly publication “Adult Education Periodical” of the Macao Adult Education Association, to introduce to the general public awareness of a clean administration.

* In 2000, numerous promotional advertisements and items were produced, including advertisements on radio and buses, flyers, posters, different types of stationery, calendars, caps, magnetic stickers, mouse pads etc, striving to deliver the awareness of anti-corruption and clean administration to every corner and stratum of the society.



Anti-corruption campaign via public transportation

4.2.2 Educational Seminars of the CCAC

Figure XIII listed the audience categories, number of times, total number of hours and participants in seminars organized by the CCAC in the year 2000. In total, there were 53 seminars with a total of 98 hours and 3639 participants. The participants were from the four categories of civil servants, credit institution employees, schools students and local association members. More than 55% of the total hours were dedicated to seminars for civil servants. On average, every session was about two and a half hours, longer than the duration of other seminars.

FIGURE XIII

SEMINARS ORGANIZED IN 2000

AUDIENCE CATEGORIES	NUMBER OF TIMES	NUMBER OF PARTICIPANTS (APPROX)	HOURS
Civil Servants	23	855	54
Credit Institution Employees	6	220	12
School Students	10	886	12
Local Association Members	14	1678	20
Total	53	3639	98

Concentrating on promotion for civil servants of the notion of integrity and correct values is one of the key targets of the CCAC. From the Figure below, it was noted that seminars conducted in the last year were mainly for the disciplined services, the number of participants contributed to 67% of the total, reflecting the determination of the public security authority to establish an incorrupt police force.



Clean administration seminar organized for civil servants

FIGURE XIV**SEMINARS ORGANIZED FOR CIVIL SERVANTS IN 2000**

CIVIL SERVANTS	NUMBER OF TIMES	NUMBER OF PARTICIPANTS (APPROX)	HOURS
Public Security Forces Bureau	4	119	8
Marine and Customs Police	11	421	30
Gambling Inspection and Coordination Bureau	3	105	6
Hospital Centre S Januario	1	55	2
Provisional Municipal Council of Macao	3	120	6
Public Security Police	1	35	2
Sub-total	23	855	54

Figure XIV listed out the 10 seminars held by the CCAC last year at the tertiary educational institutes, middle and primary schools to cultivate the new generation of the society to have the correct and incorrupt ethos; participating students totalled 886. In addition, considering that the cultivation of an honest and incorrupt spirit should start in childhood, it was added to the primary school curriculum some components relating to the CCAC. Moreover, the CCAC also planned to compile some teaching materials for primary schools to nurture the spirit of integrity from an early stage.



Seminar organized for school students

FIGURE XV

SEMINARS ORGANIZED FOR SCHOOL STUDENTS IN 2000

SCHOOLS	NUMBER OF TIMES	NUMBER OF PARTICIPANTS (APPROX)	HOURS
Sheung Kung Hui Choi Ko School	3	144	4
“Bairro do Hipódromo” Sino-Portuguese Primary School	2	74	2.5
Sun Yat Sen Memorial School	1	32	1
Patane Neighbourhood School	1	36	1
Hou Kong Middle School	1	370	1
Macao Pui Ching Middle School	1	170	1
Macao Polytechnic Institute	1	60	1.5
Sub-total	10	886	12

In the previous year, 14 seminars were held exclusively for local association members. The number of participants totalled 1678. In the past, such kind of promotional and educational activities organized through local associations were less. Therefore, the CCAC reinforced works in this area so as to make the general public understand that their support and co-ordination were pivotal to the success of the CCAC.

FIGURE XVI

SEMINARS ORGANIZED THROUGH LOCAL ASSOCIATIONS' ACTIVITIES IN 2000

LOCAL ASSOCIATIONS/ACTIVITIES	NUMBER OF TIMES	NUMBER OF PARTICIPANTS (APPROX)	HOURS
Pan-Mac Junior Chamber/Adults Commitment Day	1	750	0.5
Neighbourhood Association Iao Hon Community Center/Integrity in Iao Hon	2	105	2.5
Neighbourhood Association/Daily Life and Integrity	1	150	1
Chong Wa Students Association of Macao	1	38	2
Police Association/Eagle Project	4	200	8.5
Seminar on Adult Education and Social Development	1	100	0.5
Juvenile Delinquency Research Center/Breakthrough of Cocoon 2000	1	30	1
Adult Education Association/Seminar on Civil Education	1	35	2
Rotary Club of Macao Central	1	20	0.5
Neighbourhood Association	1	250	1.5
Sub-total	14	1678	20

Credit institution employees were also targets to which the CCAC launched promotional and educational activities. In the past year, a total of 6 seminars on integrity were organized for staff of 2 banks, with an audience number of around 220.

FIGURE XVII

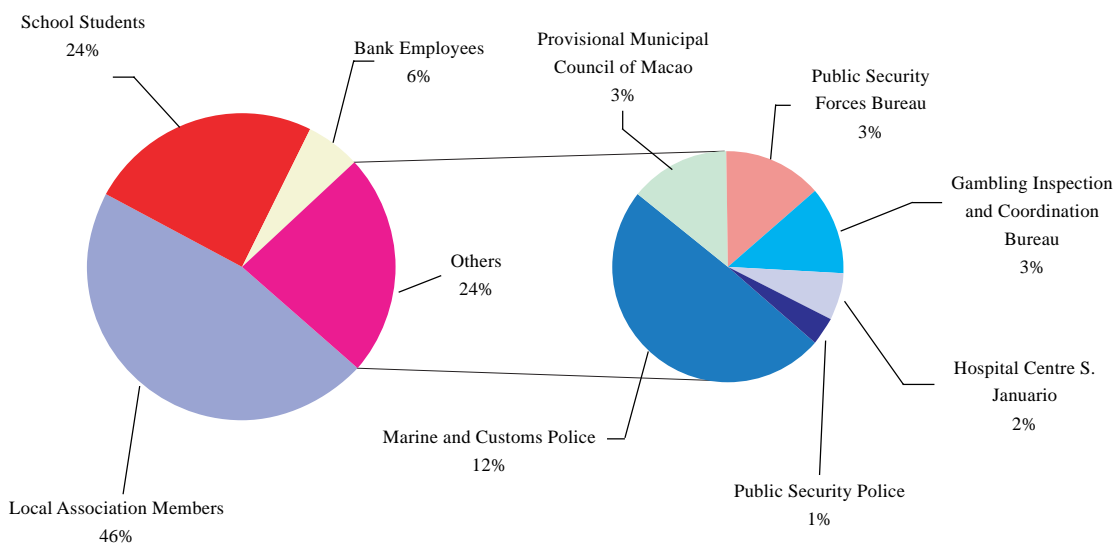
SEMINARS ORGANIZED FOR CREDIT INSTITUTION EMPLOYEES IN 2000

BANKS	NUMBER OF TIMES	NUMBER OF PARTICIPANTS (APPROX)	HOURS
Tai Fung Bank Ltd	4	160	8
Weng Hang Bank	2	60	4
Sub-total	6	220	12

To conclude, the Commission’s promotional work covered targets ranging from the general public, civil servants, monitors to future masters of the society, striving hard to make everyone of the society to recognize the bad consequences of corruption and maladministration, as well as the significance of safeguarding integrity.

FIGURE XVIII

PROPORTION OF THE ORGANIZATIONS AND PARTICIPANTS ATTENDING SEMINARS IN 2000



The following figures indicate the numbers of exchange meetings and seminars, total numbers of hours and participants numbers of the past years. The figures of 1998 is the highest among these years. This is due to the 120 briefing sessions held by the CCAC’s predecessor over the promulgation of Law no 3/98/M, the “Declaration and Public Monitor of Incomes and Properties”. The total number of hours dedicated to seminars in 2000 (98 hours) is similar to that in 1999 (94 hours), but the participant number leaps from 1475 to 3639 persons, showing an increase of almost 1.5 times.

FIGURE XIX

COMPARISON OF THE NUMBERS OF EXCHANGE MEETINGS AND SEMINARS BETWEEN 1993-2000

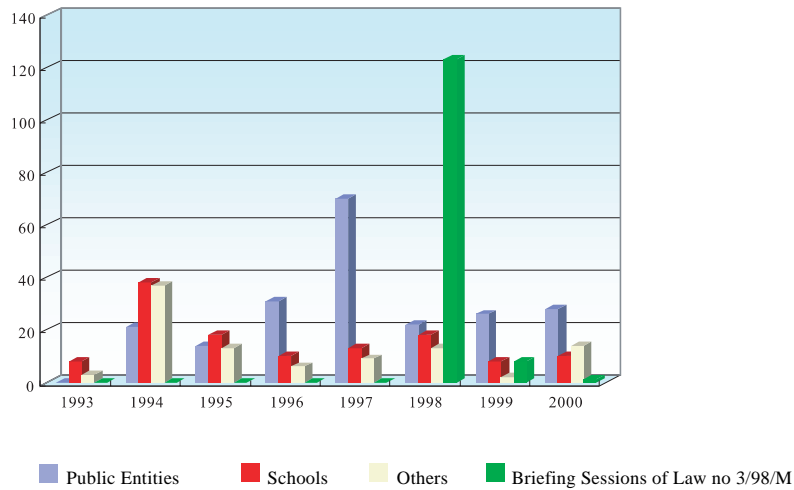


FIGURE XX

COMPARISON OF THE NUMBERS OF PARTICIPANTS ATTENDING EXCHANGE MEETINGS AND SEMINARS BETWEEN 1993-2000

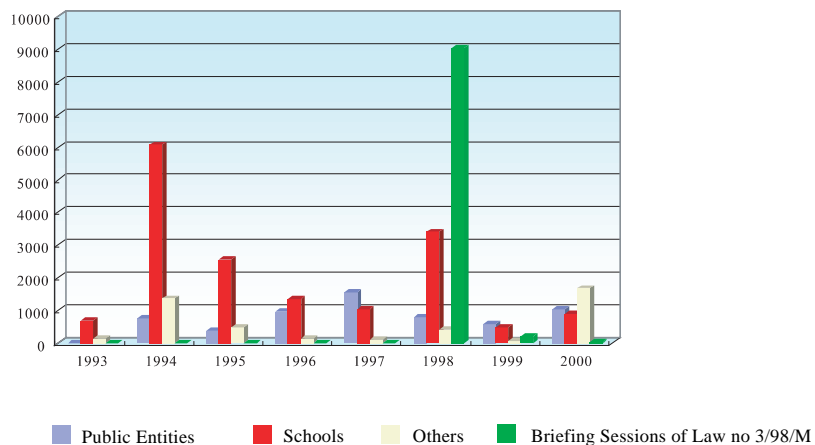
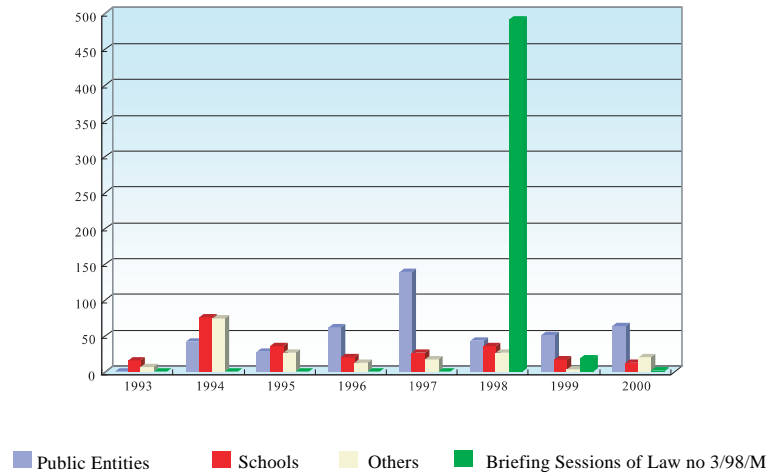


FIGURE XXI

COMPARISON OF THE TOTAL NUMBERS OF HOURS DEDICATED TO EXCHANGE MEETINGS AND SEMINARS BETWEEN 1993-2000



4.3 Outbound Visits and Participation in International Conferences

Attendance at the Board of Directors' Meeting of the "Asian Ombudsman Association" in Pakistan

From 22nd to 24th February, the Chief of Cabinet of the Commissioner, Ho Ioc San and Adviser, Teresa Veloso represented the CCAC to attend the Board of Directors' Meeting of the Asian Ombudsman Association (AOA) in Islamabad, Pakistan. The Association comprises 21 states and regions of Asia. Macao is one of the 9 board members. Other director states such as Japan, South Korea, Iran, Sri Lanka and the Philippines etc also appointed representatives to the meeting.

The meeting was mainly to discuss the implementation of the resolutions of the "4th Asian Ombudsman Association Conference", including the establishment of an Asian training centre, the organization of a data bank, the reinforcement of international connections and the exchanges of opinions regarding the complaint mechanism. It was resolved that the 5th AOA Conference would be held in July of the same year in the Philippines. Japan and China will host the conferences in years 2001 and 2002 respectively.

The CCAC delegation received attention from the Pakistan government. It was received by the Justices, the President and the Chief Executive, General Musharraf of the country. Macao representatives indicated at the meetings that Macao had been steadily transferred, and the establishment of an incorrupt

government was the key target of the government of the Special Administrative Region (SAR). For this, the CCAC would increase its international contacts.

Visit to the People's Procuratorate of Guangdong Province

From 25th to 27th May, the Commissioner, Cheong U, on invitation of the People's Procuratorate of Guangdong Province, led a delegation to officially visit Guangzhou for a period of three days, reinforcing the communication and c o - o p e r a t i o n between the two



Visit to the People's Procuratorate of Guangdong Province

places in anti-corruption and cleanliness advocacy. The delegation members included Deputy Commissioner, Chan Seak Hou, Chief of Cabinet of the Commissioner, Ho Ioc San, Adviser, Vu Ka Vai, Adviser, Chao Son U, and Chan Hin Chi. Upon arrival, the delegation met with the Anti-Corruption Bureau of the People's Procuratorate of Guangdong Province, exchanged experience on various aspects related to anti-corruption work. On the next day, the delegation met with the Monitoring Bureau of Guangdong Province, and visited the training centre of the People's Procuratorate of Guangdong Province. The delegation also formally visited the People's Procuratorate of Zhuhai on invitation.

Visit to Singapore

To increase the exchanges and communication with related institutions in other places, the Commissioner, Cheong U, leading the Chief of his Cabinet, Ho Ioc San, Adviser, Vu Ka Vai and Adviser, Chao Son U, visited the related departments in Singapore from 27th to 30th June.

During the several days' visit, the group met with the Director, Chua Cher Yak and two Deputy Directors of the Corrupt Practices Investigation



Visit to the Corrupt Practices Investigation Bureau, Singapore



The CCAC has been elected as a director in the new Board of Directors in the Asian Ombudsman Association Conference

Bureau. Both parties embraced a positive attitude for the feasibility of future co-operation. The group was then received by Lawrence Ang Boon Kong, Head of Criminal Justice Division of the Attorney General's Chambers, and Deputy Head, Francis Tseng. Both sides exchanged working experiences. During its visit to the Subordinate Courts, the group was received by Senior District Judge, Richard Magnus and two District Judges. They exchanged opinions on

evidence taking and training. The group also visited the electronic court which can facilitate court appearances via satellite and was equipped with integrated electronic hearing systems.

Besides the formal visits listed above, the group also made use of the spare time to visit two local public departments – the Society Security Funds and the Land Development Bureau, finding these departments equipped with modernized administration measures such as a fully equipped reception, publicity of data, high-level computerization ... etc which were good references for the CCAC.

Attendance at the Asian Ombudsman Association Conference

From 17th to 20th July, the Commissioner, Cheong U, Deputy Commissioner, Tou Wai Fong and Adviser, Teresa Veloso attended the “5th Asian Ombudsman Association Conference” at Manila, the Philippines upon invitation. They proceeded with beneficial and constructive exchanges on jobs and shared experiences with the commissioners and persons-in-charge of the complaint institutes of 19 countries and regions. Macao was elected as a member of the new Board of Directors.

The theme of this conference was “New Millennium, New Frontier, New Challenge”. The Commissioner, Cheong U, presented a country paper entitled “A Macao Perspective of the Ombudsman Work”, and briefly introduced some situations and the work of the CCAC in Macao after the return to China. He pointed out that the rights and freedoms of the Macao residents remained unchanged after the handover. Besides, the Macao SAR government emphasized the importance of a clean and fair society.

In the four-day conference, the CCAC personnel attended separately the workshops on special subjects such as ombudsman and economy, ombudsman and judicial system, ombudsman and politics, ombudsman and society etc, and each representative proceeded multilateral exchanges on the role and job of the ombudsman.

In addition, the general assembly of the Asian Ombudsman Association had also been held to elect new Board of Directors. Once again, Macao was elected to serve for another term. The new Board of Directors included: President – Pakistan, Vice-President – Iran, Treasurer – South Korea, Secretary – Hong Kong, other members – China, Macao, Japan, the Philippines and Malaysia.

Attendance at the International Ombudsman Institute Conference in South Africa

From 30th October to 2nd November, the Commissioner, Cheong U and Deputy Commissioner, Tou Wai Fong, together with two CCAC staff, attended the “VIIth International Ombudsman Institute Conference” in Durban, South Africa. 300 ombudsmen and representatives from 80 countries and regions of five continents participated in this grand occasion. Macao was elected as a Director in the new Board of Directors, with a term of office of 4 years.

The theme of the conference was “Balancing the exercise of Governmental power and its accountability – The role of the Ombudsman”, and most of the participants were ministers. In the different plenary sessions, workshops and

discussions, the participants not only probed into the related topics, but also reiterated the long-standing policy of the International Ombudsman Institute (IOI), ie, to continue striving for the introduction of the notion of ombudsman services to those countries or regions without ombudsman organizations, to endeavour for the protection of human rights, and to emphasize the importance of independent operation of the ombudsman organizations in performing their monitoring roles.

During the conferece, the Commissioner briefed the participatants that after the handover of Macao, the “one country, two systems” policy was implemented, that social development was progressing steadily, and that the citizens’ rights were protected continually by laws. He also pointed out that with the strong support from the SAR government, the CCAC has been vested with greater power and given more financial budget and human resources.

Attendance at the First ICAC Symposium in Hong Kong

From 13th to 15th November, Deputy Commissioner, Chan Seak Hou, Chief of Cabinet of the Commissioner, Ho Ioc San and 11 CCAC staff attended the First ICAC Symposium held in Hong Kong – “New Era New Challenge”. Participants all agreed that facing the increasingly sophisticated and internationalised crime of corruption facilitated by rapid techological advances, it was crucial to strengthen international co-operation, enhance the close exchange of experiences and seek together new strategies and policies in order to deter crimes of corruption. Topics for discussion included “New Corruption Trends and New Initiatives – The Public Sector”, “New Corruption Trends and New Initiatives – The Business Sector”, “Information Technology as a Threat to Law Enforcement”, and “Information Technology as a Tool to Law Enforcement”.

Others

In addition, the leaders and staff of the CCAC visited many times the Hong Kong ICAC and the Office of the Ombudsman, Hong Kong last year to search for more extensive and closer exchanges and co-operation at work.

4.4 Incoming Visits and Local Exchanges

In 2000, the CCAC received many visiting organizations, explaining to them that since the establishment of the CCAC (especially after the enactment of the new Organizational Law), the organization structure, power, human

resources and other resources of the CCAC have been increased and perfected. This showed the SAR government's emphasis on and support to the work of fighting corruption and building up a clean society.

The CCAC received many delegations from different countries and

regions. Exchanges of experiences and opinions have been made through these opportunities. Visitors included: Consul General of the Republic of Portugal in Macao, delegation from the People's Procuratorate of Guangdong Province, Australian Consul General in Hong Kong, Consul of Canada in Hong Kong and staff, Consul-General of the Netherlands in Hong Kong, delegation from the People's Procuratorate of Zhuhai, Guangdong Province, British Consul-General for Macao SAR and British Consul (Economic), US



Attendance at the First ICAC Symposium in Hong Kong – New Era New Challenge



Work meeting with the Office of the Ombudsman, Hong Kong

Deputy Consul General in Hong Kong, US Consul in Hong Kong, National University of Singapore, Commissioner of the Ministry of Foreign Affairs in the Macao SAR, China, Deputy Commissioner of the Independent Commission Against Corruption (ICAC), Hong Kong, representatives from the Egyptian Administrative Control Authority ... etc.

In addition, local associations that visited the CCAC included: Macao Chamber of Commerce, Macao Insurers' Association, Macao Adult Education Association, Association of Taxi Practitioners, Association of Legal Studies,

Charity Fund of the Macao Daily News Readers, Association of Mutual Assistance of Workers' Benefits of Macao ... etc.

Strengthening contacts and communications with the community is the



US Consul in Hong Kong, Ms Virginia Palmer visited the CCAC



An official from the Egyptian Administrative Control Authority visited the CCAC

best way to collect public opinions and draw on the wisdom of the public. Therefore, the CCAC took the initiative to visit various local associations, including the General Workers' Union of Macao, Macao Consigners Association, Macao Food & Beverages Businesses Association, Association of Mutual Assistance of Hawkers of Macao, Macao Chinese Education Association, Overseas Chinese Association of Macao, Neighbourhood Association of Macao, Catholic Schools Association of Macao, Women Association of Macao, Association of Clerical Staff of Macao, Association of Textiles Industry of Macao, Macao Civil Servants' Association, Macao Import & Export Association, Association

of Chinese Civil Servants of Macao, Industrial Association of Macao, Association of Professional Civil Servants of Macao ... etc.

CHAPTER V
BUDGET AND PERSONNEL

CHAPTER V BUDGET AND PERSONNEL

5.1 Legal Framework

The CCAC is a public entity with functional, administrative and financial autonomy. Its organizational and operational regimes (legal system) are stipulated in Law no10/2000 of 14th August and in Administrative Regulation no 31/2000 of 21st August. Meanwhile, the general financial system of autonomous entities stipulated in Decree Law no 53/93/M of 27th September is complementarily applicable to the Commission.

By the Executive Order of the Chief Executive no 72/2000 published in the Official Gazette of the Macao SAR – Series I no 21 of 22nd May 2000, the budgeted income of the CCAC at the amount of MOP50,754,000.00 (fifty million, seven hundred and fifty-four thousand patacas) was approved.

After closing the account of 1999 and settling the related surplus, the CCAC, in accordance with the legislation, prepared the supplementary budget destined to integrate the excessive balance of MOP6,781,754.60 (six million, seven hundred and eighty-one thousand, seven hundred and fifty-four patacas, and sixty avos). This was approved by the Executive Order of the Chief Executive no 166/2000 and published in the Official Gazette of Macao SAR – Series I no 36 of 4th September 2000.

Thus, the budget for the CCAC to carry out various works and activities in 2000 totalled MOP57,535,754.60 (fifty seven million, five hundred and thirty-five thousand, seven hundred and fifty-four patacas, and sixty avos).

5.2 Budgeted Income

The amended budgeted income for 2000 was MOP57,535,754.60 (fifty-seven million, five hundred and thirty-five thousand, seven hundred and fifty-four patacas, and sixty avos). However, the actual income was MOP53,273,674.84 (fifty-three million, two hundred and seventy-three thousand, six hundred and seventy-four patacas, and eighty-four avos), resulting in a difference of MOP4,262,079.76 (four million, two hundred and sixty-two thousand, seventy-nine patacas, seventy-six avos) compared to the budgeted income. Therefore, the execution rate was 92.59%.

In the actual income of MOP53,273,674.84 (fifty three million, two hundred and seventy-three thousand, six hundred and seventy-four patacas, and eight-four avos), the major income came from the item “Transfer of the General Budget of the Macao SAR” which was MOP43,272,864.60 (forty-three million, two hundred and seventy-two thousand, eight hundred and sixty-four pataca,s and sixty avos), occupying 81.23% of the actual income. Another major income, MOP9,781,754.60 (nine million, seven hundred and eight-one thousand, seven hundred and fifty-four patacas, and sixty

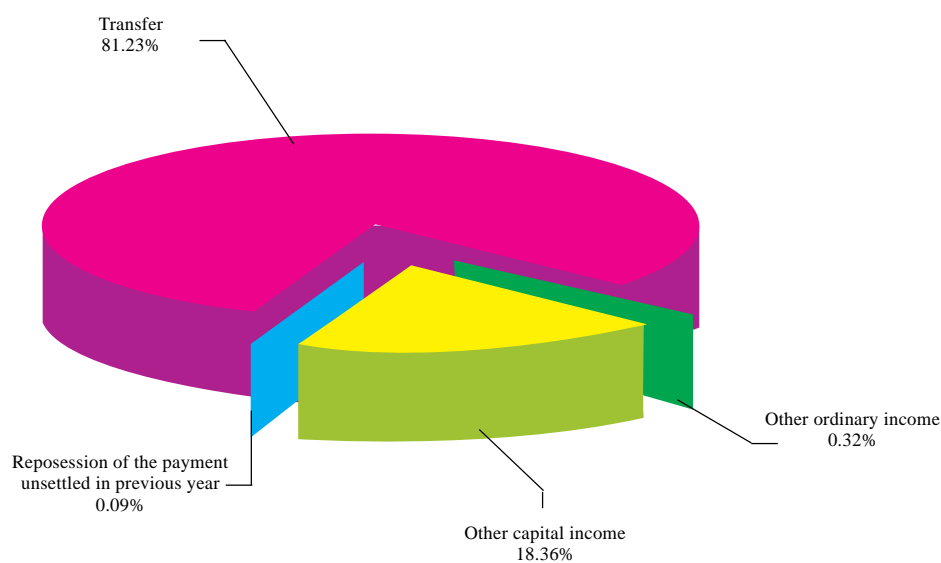
avos), came from “Other Capital Income”, presenting 18.36% of the actual income. It was the management surplus of the previous year.

FIGURE XXII

FINANCIAL INCOMES IN 2000

CODE	DESIGNATION	BUDGETED INCOME	SUPPLEMENTARY BUDGET	TOTAL BUDGETED INCOME	ACTUAL INCOME		DIFFERENCE	EXECUTION RATE
					AMOUNT	PERCENTAGE		
	ORDINARY INCOME	47,752,000.00	0.00	47,752,000.00	43,445,588.06	81.55%	(4,306,411.94)	90.98%
04-00-00	Property income	1,000.00	0.00	1,000.00	0.00	0.00%	1,000.00	0.00%
05-00-00	Transfer	47,749,000.00	0.00	47,749,000.00	43,272,864.60	81.23%	(4,476,135.40)	90.63%
06-00-00	Sales of durable asset	1,000.00	0.00	1,000.00	0.00	0.00%	(1,000.00)	0.00%
08-00-00	Other ordinary income	1,000.00	0.00	1,000.00	172,723.46	0.32%	171,723.46	17,272.35%
	CAPITAL INCOME	3,002,000.00	6,781,754.60	9,783,754.60	9,828,086.78	18.45%	44,332.18	100.45%
09-00-00	Sales of asset of investment	1,000.00	0.00	1,000.00	0.00	0.00%	(1,000.00)	0.00%
13-00-00	Other capital income	3,000,000.00	6,781,754.60	9,781,754.60	9,781,754.60	18.36%	0.00	100.00%
14-00-00	Repossession of the payment unsettled in previous year	1,000.00	0.00	1,000.00	46,332.18	0.09%	45,332.18	4,633.22%
	TOTAL	50,754,000.00	6,781,754.60	57,535,754.60	53,273,674.84	100.00%	4,262,079.76	92.59%

STRUCTURE OF INCOME IN 2000



5.3 Budgeted Expenditure

In the budgeted expenditure of MOP57,535,754.60 (fifty seven million, five hundred and thirty-five thousand, seven hundred and fifty-four patacas, and sixty avos), the actual amount of expenditure was MOP31,171,466.26 (thirty one million, one hundred and seventy-one thousand, four hundred and sixty-six patacas, and twenty-six avos). This corresponded to an execution rate of 54.18%. The three main reasons that caused the above execution rate were:

1. The number of personnel could only be increased after the approval of the new Organizational Law of the CCAC by the Legislative Assembly and the publication of the new Administrative Regulation in August 2000. Since the recruitment took time, the majority of the staff originally planned to take their post at the beginning of 2000 were only able to start working from the second half of the year.
2. Since the interior decoration of the new office on 13 Floor, “Dynasty Plaza”, NAPE could not be finished in the year 2000, as planned, the purchase of furniture could not be made within the year 2000. Moreover, since the originally planned interior decoration of the 14 Floor office had to be coherent with that of the 13 Floor office, it could neither be finished duly.
3. The purchase of investigation equipment was not completed in the year 2000 as scheduled. Besides, part of the information technology facilities purchased could not be delivered in 2000, so the residual payment could only be made in the following year.

The management surplus of 2000 reached MOP22,102,208.58 (twenty-two million, one hundred and two thousand, two hundred and eight patacas, fifty-eight avos).

In the actual expenditure of MOP31,171,466.26 (thirty-one million, one hundred and seventy-one thousand, four hundred and sixty-six patacas, and twenty-six avos), remuneration for personnel occupied the largest portion which valued at MOP20,185,464.47 (twenty million, one hundred and eight-five thousand, four hundred and sixty-four patacas, forty-seven avos), occupying 64.76% of the total. The second largest expenditure was “Acquisition of Asset and Service” which valued at MOP4,774,724.22 (four million, seven hundred and seventy-four thousand, seven hundred and twenty-four patacas, and twenty-two avos), representing 15.32% of the total.

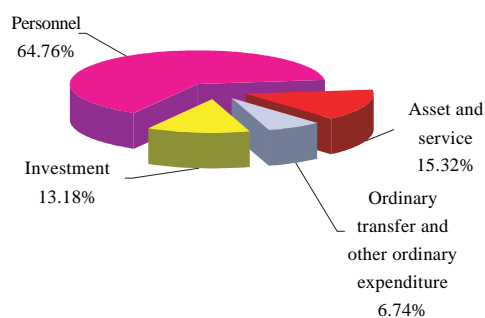
In addition, the amount of investment was MOP4,109,500.20 (four million, one hundred and nine thousand, five hundred patacas, and twenty avos) which occupied 13.18% of the total actual expenditure. The CCAC has been perfecting its facilities by purchasing a series of information technology and investigation equipment. Some vehicles have been purchased for the purpose of investigation.

FIGURE XXIII

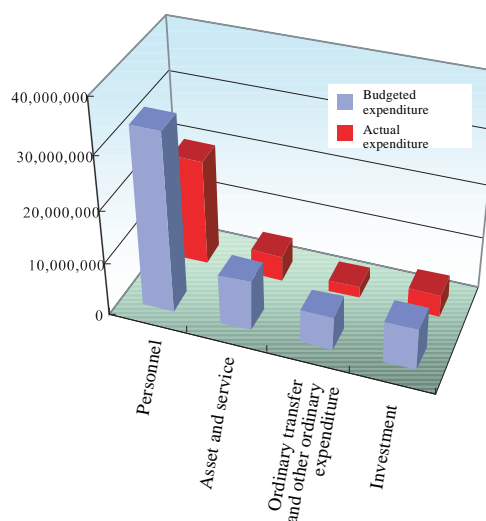
FINANCIAL EXPENDITURE IN 2000

CODE	DESIGNATION	A	B	C	D	E		F	G
		INITIAL APPROPRIATION	SUPPLEMENTARY BUDGET	AMENDED BUDGET	AMENDED APPROPRIATION (A+B+C)	ACTUAL EXPENDITURE		SURPLUS (D-E)	EXECUTION RATE (E/Dx100)
						AMOUNT	PERCENTAGE		
	ORDINARY EXPENDITURE	49,854,000.00	6,781,754.60	(7,000,000.00)	49,635,754.60	27,061,966.06	86.82%	22,573,788.54	54.52%
01-00-00-00	Personnel	33,704,000.00			33,704,000.00	20,185,464.47	64.76%	13,518,535.53	59.89%
01-01-00-00	Fixed and long-term remuneration	31,743,000.00			31,743,000.00	19,243,190.00	61.73%	12,499,810.00	60.62%
01-02-00-00	Extra remuneration	886,000.00			886,000.00	499,290.00	1.60%	386,710.00	56.35%
01-03-00-00	Bonus in kind	80,000.00			80,000.00	25,732.63	0.08%	54,267.37	32.17%
01-05-00-00	Welfare providence	360,000.00			360,000.00	136,410.00	0.44%	223,590.00	37.89%
01-06-00-00	Compensation of expense share	635,000.00			635,000.00	280,841.84	0.90%	354,158.16	44.23%
02-00-00-00	Asset and service	8,940,000.00			9,540,000.00	4,774,724.22	15.32%	4,765,275.78	50.05%
02-01-00-00	Durable asset	1,610,000.00		(210,000.00)	1,400,000.00	366,684.40	1.18%	1,033,315.60	26.19%
02-02-00-00	Non-durable asset	480,000.00		210,000.00	690,000.00	534,581.09	1.71%	155,418.91	77.48%
02-03-00-00	Acquisition of service	6,850,000.00		600,000.00	7,450,000.00	3,873,458.73	12.43%	3,576,541.27	51.99%
04-00-00-00	Ordinary transfer	3,670,000.00			3,670,000.00	1,693,548.00	5.43%	1,976,452.00	46.15%
04-01-00-00	Public sector	3,670,000.00			3,670,000.00	1,693,548.00	5.43%	1,976,452.00	46.15%
05-00-00-00	Other ordinary expenditure	3,540,000.00	6,781,754.60	(7,600,000.00)	2,721,754.60	408,229.37	1.31%	2,313,525.23	15.00%
	CAPITAL EXPENDITURE	900,000.00		7,000,000.00	7,900,000.00	4,109,500.20	13.18%	3,790,499.80	52.02%
07-00-00-00	Investment	900,000.00		7,000,000.00	7,900,000.00	4,109,500.20	13.18%	3,790,499.80	52.02%
07-09-00-00	Transportation facility	400,000.00		500,000.00	900,000.00	740,561.00	2.38%	159,439.00	82.28%
07-10-00-00	Machine and equipment	500,000.00		6,500,000.00	7,000,000.00	3,368,939.20	10.81%	3,631,060.80	48.13%
	TOTAL	50,754,000.00	6,781,754.60		57,535,754.60	31,171,466.26	100.00%	26,364,288.34	54.18%

STRUCTURE OF EXPENDITURE IN 2000



COMPARISON OF BUDGETED EXPENDITURE AND ACTUAL EXPENDITURE



5.4 Personnel

After the approval of the new Administrative Regulation “The Organization and Operation of the CCAC” by the Chief Executive on 17th August 2000, the CCAC’s allocation of personnel increased from 30 to 96 persons. Since the Commission adopted a prudent and strict approach in selecting staff, and since the recruitment procedure took time, the number of personnel was 62 as at 31st December 2000, meaning that the vacancies have not been filled completely.

FIGURE XXIV

COMPARISON OF THE NUMBERS OF PERSONNEL FROM 1998 TO 2000

POST	31-12-1998	31-12-1999	31-12-2000
Commissioner	1	1	1
Deputy Commissioner	2	2	2
Chief of Cabinet of the Commissioner	1	1	1
Co-ordinator	1	—	0
Adviser or Expert	3	2	5
Department Chief	2	1	1
Assistant to Department Chief	2	—	—
Senior Officer	4	6	5
Interpreter	2	3	1
Personal Secretary	2	2	1
Officer	—	1	1
Investigator	—	—	19
Assistant Officer	7	5	7
Public Relations Assistant	1	2	2
Information Technology Assistant	—	—	1
Administrative Official	1	3	3
Worker and Auxiliary Staff	11	12	12
TOTAL	40	41	62



廉政公署
C C A C

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