



CHAPTER V

OMBUDSMAN

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The Ombudsman Bureau continued to carry out its various tasks in 2002 in accordance with its policy. Namely, as the government administration watchdog, it supervises the Macao SAR Government to make sure that everything is executed in accordance with the law and that citizens are treated legitimately, fairly and impartially in their contacts and dealings with the government departments. The Bureau helps to promote transparency and improve operation procedures in various government departments and public entities and provide suggestions and recommendations for revision, amendments or new regulations to improve existing laws.

Following is a presentation of the Ombudsman Bureau's work in the areas of investigations and of researches and examinations.

5.1 Investigations

5.1.1 Interventions

Handling cases of administrative illegality, faults or malpractice has always been an important task for the Ombudsman Bureau, whether they are complaints reported by the public or cases initiated by the CCAC. The principle that the CCAC sticks to is to observe stringent criteria in commencing investigations, make timely interventions, use resources appropriately, and to handle the cases with justice. In 2002, the CCAC started investigations into 192 cases (including the complaints lodged by citizens and those initiated by the CCAC). In addition to the backlog of 79 cases brought forward from 2001 (including 58 commenced cases and 21 cases not yet commenced by then), and after excluding the 22 cases re-processed or forwarded to the Inspection Department, the CCAC handled a total of 249 cases in the year, the number

being 53 more than that of 2001.

The number of administrative complains that the Ombudsman Bureau intervened in and the areas involved are given below.

Table 14
Classification of cases of administrative complaints in 2002

Relating to public servants (conduct, avoidance of conflicts of interests, rights & interests, recruitment and use of personnel)	63
Illegal construction & projects	28
Procedural flaws or irregularities	27
Illegal or unlicensed operations	9
Relating to the management of economic housing	9
Relating to procurement or acquisition procedures	8
Relating to the handling of complaints	7
Flawed or improper execution of the law	6
Medical incidents	6
Others	25
Matters outside of the competence or capacity of the CCAC (e.g., cases concerning the private sector or litigation matters)	4
Total	192

Of the 249 cases handled in 2002, 182 were filed, with results specified as follows:

- With the interventions of the CCAC, there were 56 cases in which mistakes were corrected and problems solved in accordance with the law, of which 34 were settled by way of unofficial interventions or communication with the related departments or by way of referrals and follow-ups. The remaining 22 cases were handled through intervention by issuing official recommendations/suggestions, of which 9 recommendations/suggestions were issued in 2001 and the handling process officially completed in 2002, 13 recommendations/suggestions were issued in 2002.

- 84 cases were filed due to no evidence of illegality was found.
- 9 cases were filed because they were not in the capacity of the CCAC.
- 15 cases were filed because there was no need for the CCAC to continue to intervene.
- 18 cases were filed due to insufficient information for follow up.

Table 15
Progress analysis of administrative complaints in 2002

Cases filed	CCAC interventions	Un-official intervention / referral	34
		Official recommendations / suggestions	22
	No evidence of illegality found		84
	Not in the capacity of the CCAC		9
	Unnecessary for the CCAC to continue to intervene		15
	Insufficient information for follow up		18
	Total		182
Cases to be followed up in 2003	Officially commenced for handling		20
	Not yet necessary to commence officially		47
	Total		67
	Total number of cases handled for the whole year		249

The 34 settled cases in which the CCAC intervened but found it unnecessary to issue official recommendations or suggestions involved departments/offices of the following:

Secretary for Administration and Justice	9
Secretary for Economy and Finance	5
Secretary for Security	7
Secretary for Social Affairs and Culture	6
Secretary for Transport and Public Works	7

A backlog of 67 cases is yet to be followed up in 2003. 20 of them have officially been commenced for investigation and the remaining 47 of them have not been commenced according to the stringent criteria for commencing investigations.

All the backlog of cases commenced before Macao's return to China has been concluded and filed with the exception of 14 cases involving illegal construction projects. The 11 cases that were accepted for investigation in 2001 but handling process had not been completed by the end of 2002 were also cases involving illegal construction projects. This situation, echoing the ranking of complaints in this category (second item in Table 14), shows the public were most dissatisfied with the sluggish and laggard style of work of the administrative authorities in dealing with the issue of illegal construction projects. However, the authorities concerned do not have the required provisions to meet public demands, thus resulting in many of the cases remaining unsolved for many years. Therefore, since its establishment, the CCAC has been contacting and communicating with the departments concerned, knowing the complex nature of the problem and

the imperfection of the existing laws, and given them recommendations and suggestions. In addition to taking initiatives in carrying out studies for the improvement of the existing legal system, there should be more publicity activities and cooperation with associations and organizations to boost the law-abiding awareness of the citizens, and to monitor construction management companies to carry out their supervision duty. In this way, new cases of construction illegality can be minimized through preventive measures. Meanwhile, efforts should be made to increase the transparency of the processing of complaints against construction illegality, clear explanations must be made to the public on how the problems can best be settled in accordance with the criteria of priority, or whether the construction is in progress or whether they are legitimate. Furthermore, to avoid misunderstanding, the public must also be informed of the classification of the construction projects in dispute. On the whole, the above suggestions and recommendations have been accepted by the authorities concerned, and are being implemented gradually.

Regarding the 13 cases of official intervention in 2002, all the 11 recommendations and 8 suggestions issued were accepted with only one exception, where the recommendation was only partially accepted. As to the 8 suggestions concerning the improvement of operation and the revision of regulations, most involved the medium-term or long-term plans and objectives of several departments or institutions, and these suggestions were aimed at providing constructive ideas to improve the relevant mechanism or regulations. Therefore, the CCAC has never received any negative response and will continue to pay attention to their implementations.

In carrying out its ombudsman functions, the CCAC is committed to ensuring that the administration abides by law, protecting the legitimate rights and interests of citizens in their dealings with administrative authorities, promoting the improvement of the legal system and of departmental operations, as well as plugging loopholes that may cause corruption by way of cooperation and partnership.

The CCAC exercises its duties of handling administrative complaints on the basis of facts and does its best to solve problems quickly on the basis of common consensus. Only when tackling cases involving problems of great complexity does the CCAC issue official recommendations or suggestions so that the departments or authorities concerned find it easier to understand the causes of administrative illegality or malpractice or make corresponding rules and regulations. For this reason, the number of the recommendations and suggestions issued, big or small, does not reflect the whole picture of the work done by the Ombudsman Bureau, which should be viewed in the total number of cases handled in connection with an analysis of the ways in which they are handled.

5.1.2 Help and consultation

Past experiences in tackling cases of complaints showed that many citizens or public servants had a limited understanding of their own legitimate rights and interests, and of administrative operations and procedures. As a result they could not judge correctly whether their rights had been encroached upon or how they could address their problems through legal means. Actually, many such cases could have been avoided and misunderstanding cleared up with proper explanations or clarification. There are also complaints that could be addressed with easier and more effective means, such as instructions give to the citizens on how to obtain or protect their own rights and interests directly from the competent organs. Therefore, the CCAC, sticking to the principle of helping the public in a down-to-earth way, does its best to strengthen its consultation services, making the best use of direct communication opportunities like face-to-face interviews or phone conversation, to explain the situation objectively and clear up misunderstandings stemming from inadequate knowledge so that complainants can make correct decisions as to whether to proceed with their complaints; or the CCAC helps them explore whether there are other easier and more convenient

alternatives available. In the past year, the CCAC handled a total of 314 appeals for help and/or consultation, which means 173 cases more than the number in 2001, amounting to an increase of 122.7%.

Following is a classification of the matters involved in the 314 appeals for help and/or consultation:

Civil service regime	78
Legislation & regulations	67
Public works	29
Civic & municipal affairs	26
Traffic & transport	19
Labour affairs	10
Licences	9
Social welfare	7
Public security	7
Medical service	6
Economic & social housing	6
Education	4
Others	19
The CCAC's work	6
Outside of the CCAC's competence (Private sector or lawsuits)	21

5.1.3 Internal Working Guidelines

The CCAC has formulated a set of internal working guidelines for its staff so that they have certain criteria to abide by when handling appeals of helps and/or consultation, reports of complaints, in carrying out preliminary investigations, in analyzing and summarizing cases, and in drafting reports. These guidelines, giving instructions on the processing of complaints, the use of investigation measures, on the commencement and conclusion of cases, and on the time limits of some working procedures, help the CCAC staff work systematically and in accordance with standardized criteria.

5.2 Researches and Examinations

The work of researches and examinations is of twofold: research on the systems and research on the operations of the public service, as detailed below.

5.2.1 Research on the systems

The CCAC completed two specific researches and studies on the legal system, namely the “Recruitment System for Non-Permanent and Temporary Staff for the Public Service” and the “Legal System Applicable to Directors and Senior Officers of Management of Public Institutions”. Meanwhile, the CCAC carried out complementary researches on the improvement of the regulations governing the obligations for the staff working in the public administration to serve impartially and selflessly. Revisions were made on the draft of the administrative regulation governing the criteria of offering and receiving of benefits, making it more congruous with the provisions of the existing “Legal System of the Public Service”, “Code of Administrative Procedure” and “Penal Code”, and complementing the over-generalization and abstraction of the existing system. The revised draft of

the administrative regulation has already been submitted to the relevant authorities for approval.

Here are the abstracts of the two research and study projects:

I. Research and study on the “Recruitment System for Non-Permanent and Temporary Staff for the Public Service”

The existing law provides regulations for the recruitment of various staff in the public administration, including those hired by means of “contract for staff (non-technical) not included in the personnel allocation of government departments”, “project-based contract”, and the occasionally adopted “individual work contract” and “contract for provision of services”. Nevertheless, the mentioned recruitment or service acquisition methods and their corresponding systems have deficiencies when there is an emergent, non-permanent, temporary or seasonal need for workers. This leads to irregularities in the recruitment of non-permanent or temporary staff in some public organs, and this practice is becoming a trend in some cases. For this reason, the CCAC decided to initiate a specific research and examination project, carrying out a comprehensive study on the “Recruitment System for Non-Permanent and Temporary Staff for the Public Service”.

In order to collect information for analysis, the CCAC carried out a questionnaire survey in 50 departments/public institutions, and held meetings with many departments/public institutions and their respective supervisory entities. References were also taken from the opinions of the relevant departments of the Hong Kong government, and from information like local regulations and international conventions of different regions and countries, such as Hong Kong, Taiwan, Singapore, Portugal, and some international organizations (e.g. the European Union, the Organisation for Economic Co-operation and Development, and the World Bank).

Having analyzed the existing legal system, the information provided by several departments, and a number of contract specimens supplied by some departments/public institutions, the CCAC identified, on a whole, the following problems in the prevailing recruitment of non-permanent or temporary staff:

1. In the aspect of the “organization of departments”

- Irregular recruitment: Due to the limitations of the organizational law or budget, some departments/public institutions may hire staff by informal means like work contract, project-based contract or contract for provision of services;
- Lack of monitoring mechanisms for advance inspection or advance approval.

2. In the aspect of the “recruitment of staff”

- Lack of uniform standards for the recruitment and selection of non-public-service-staff;
- Absence of restrictions to the number of staff hired through irregular recruitment.

3. In the aspect of the “human resources management”

- Lack of system or a set of standards regulating the content of the contracts, such as the salary-scale, welfare and obligations;
- Lack of flexibility in the provisions governing the setting up of contracts as stated in the “General Regulations Governing the Staff of the Public Administration (Hereafter “General Regulations”), which failed to cope with the need of different recruitment methods, such as non-full-time or seasonal recruitment.

4. In the aspect of the “rights and obligations”

- Project-based contract and contract for provision of services, by their natures, are not aimed at recruiting staff who are subjected to the relationship of subordination. Therefore, when these contracts were used “irregularly” to hire staff, there would be a lack of regulations concerning the relevant disciplinary actions, and some principles of the public law are not adopted, like the regulations restricting staff not to “work concurrently for another entity or engaged in activities incompatible with their positions” etc;

- Lack of protection for those hired by irregular recruitment but at the same time bound by the relationship of subordination. For example, there were no arrangements for them to get registered with the Social Security Fund and make monthly contributions, nor were they insured against accidents in the work place.

After a comprehensive analysis and in consideration of the realities of the Macao SAR, the CCAC came up with two workable proposals:

Proposal 1: Extending the scope of application of the provisions governing the recruitment system for non-public-service-staff in the “General Regulations”. These include revising the relevant provisions, extending the scope of application of the contract for staff (non-technical) not included in the personnel allocation of government departments and the contract for staff (technical) not included in the personnel allocation of government department, and increasing the flexibility of the use of these contracts. For instance, when there is a need to recruit non-full-time staff or those with high-tech expertise, these contracts obviously fail to serve the best interests of the authority concerned. Therefore it becomes necessary for the authority to have some freedom in defining the terms of the

contracts, and in the meantime, establishing mechanisms for supervision. For example, approval should be obtained in advance, or reports should be submitted to the relevant organs for record if the salary-scale or welfare of the employee extends a certain range.

Proposal 2: Establishing a specific regulation to govern the work contracts in the public administration. There should be a separate regulation, different from that for the public servants, for the contract-staff subjected to the relationship of subordination. The purpose is to ensure that the authority has the essential freedom to choose or determine the terms of the contracts. At the same time, necessary mechanisms for supervision and of accountability must be established to maintain appropriate control over the exercise of this freedom. Moreover, it is necessary to formulate, in the mentioned specific regulation, provisions that stipulate the obligations as well as the rights of the staff recruited under such contracts.

Whichever plan is to be adopted, the CCAC believes that the following measures are prerequisites for successful implementation:

1. Correct and accurate assessment of the available human resources of the Macao SAR;
2. Careful feasibility study of the privatization of services that are not core, or competitive or concurrent with those provided by the private sector;
3. Establishment of effective and flexible mechanisms for the allocation and deployment of personnel (both public servants and contract-staff);
4. Restructure of the organization structure or allocation of personnel if necessary;

5. Appropriate evaluation of the remuneration of the personnel hired on contract basis;

6. Regulations clearly stipulating the process of recruitment and standards for the selection of contract-staff;

7. Formulation of mechanisms for contract approval where remuneration and welfare exceeds those of the determined levels;

8. Addition of specified terms regarding obligations in the contracts (particularly the obligation of impartiality, dedication and confidentiality) and the terms requiring the personnel not to engage themselves in activities incompatible with their duties and not to work concurrently for another entity;

9. Refinement of the mechanisms of job-appraisal;

10. Introduction of mechanisms for the promotion of personnel according to their performance and the establishment of specific system of incentives;

11. Provision of proper training opportunities for personnel and of arrangement allowing them flexible working hours;

12. Establishment of adequate internal communication mechanism to promote harmony throughout the hierarchy.

II. Research and examination on the “Legal System Applicable to Directors and Senior Officers of Management of Public Institutions”

As public institutions are autonomous authorities, the decisions made by the directors and senior officers of management (including the supervisory committee and board of directors of the public institutions) are more comprehensive than the normal departments, and have direct influence on the interests of the public

institutions themselves and of the citizens. Therefore which legal system the directors and senior officers of management are subjected to becomes a question deserving great attention. The existing regulations governing this area, especially those defining rights and obligations, are rather loose and vague, and the complaints and reports received by the CCAC proved that it is necessary to clearly define the regulations applicable to the above described personnel. Therefore the CCAC decided to carry out a research and examination project in this regard.

After analyzing the information provided by about 50 departments/public institutions, the CCAC found that a significant number of public institutions, including those of higher education, civic and municipal affairs, trade and investment, finance and aviation management, etc., had recruited personnel by way of individual work contract. In other words, these public institutions had adopted a “personnel system of a mixed nature”, which means they recruited personnel by following either the “Legal System of the Public Service” or the “Legal System of Labour Relations”. The former is applicable to personnel already related to the public service before serving the public institutions, and the latter to personnel not related to the public service but recruited in accordance with Article 99 of the Basic Law, and those willing to serve on individual work contract.

The problems arising from the “personnel system of a mixed nature” are:

1. Not all the public institutions clearly stipulate, in their organizational laws or personnel regulations, the forms of appointment of their supervisory committee and board of directors, for example, appointment by regular fixed-term appointment or by contract.

2. There is no uniform system of appointment of the supervisory committee, board of directors, directors and senior officers of management in the public institutions. Some are recruited by means of “regular fixed-term appointment”, while others by “temporary fixed-term appointment”, or “contract of a fixed period”.

On the other hand, in the statutes of the various public institutions, there is no uniform system regulating the redeployment of personnel, either in objects or in forms:

1. Objects of redeployment: Some are restricted to public servants only, while others are applicable to both public servants and those personnel serving the public service.

2. Forms of redeployment: Some are in the form of regular fixed-term appointment, requisition or posting, while others are in the form of transfer or posting, or by means of posting, requisition or temporary fixed-term appointment.

Base on the differences listed above, it is necessary to clearly regulate the mechanisms of staff redeployment and define the appointment system of the supervisory committee and board of directors of the public institutions, particularly the appointment system of personnel of the public administration/management organs.

Moreover, having studied and analyzed the legal system of recruitment of a number of public institutions, the CCAC found that there is a lack of essential standards when these public institutions define the rights, remuneration, welfare and obligations of personnel (especially the obligation of not engaging themselves in activities incompatible with their duties); disciplinary responsibilities, the exercise of the power of disciplinary penalties, compensation system in case of

termination of duties, social security and retirement scheme, and the approval or confirmation procedures of the general regulations for personnel and internal regulations.

Aiming at the above problems concerning the existing “Legal System Governing the Personnel of Public Institutions”, the CCAC came up with suggestions in 3 aspects:

1. The overall aspect

- i. Formulate a specific set of regulations for personnel of the public administration/management organs;
- ii. Approve, by way of a law, the “Legal System Governing the Directors or Delegates Representing the Government, and the Personnel of Public Institutions”;
- iii. Or approve, by independent but coordinated mechanisms, the “Legal System Governing the Directors or Delegates Representing the Government” and the “Legal System Governing the Personnel of Public Institutions”.

2. The specific aspect

The following points concerning the “Legal System Governing the Personnel of Public Institutions” should be specified:

- i. The formation processes of the statutes, organizational operations, personnel regulations, and other internal regulations of the public institutions can be standardised, but they should be subjected to the supervision by the Chief Executive of the Macao SAR or by his authorized representative(s) in the form of approval or confirmation, and these should be published in the Official Gazette of the Macao SAR;

ii. The “Legal System Governing the Personnel of Public Institutions” should state clearly regulations concerning the supervisory committee and board of directors, directors, senior officers of management and other personnel, as well as other general regulations;

iii. The appointment of supervisory committee and board of directors of the public institutions should be distinguished from that of the directors and senior officers of management. The former should be appointed by the Chief Executive or his authorized representative(s), and published, in the form of an order, in the Official Gazette of the Macao SAR, while the latter should be appointed by the relevant administrative or management committee by means of resolutions;

iv. Study the necessity of the continuous application of the system of public law to the supervisory committee and board of directors of the public institutions, (no matter they are related to the public service or not), directors and senior officers of management (those who are included in the personnel allocation of the public organs). This is because it involves the calculation of the number of years in service and the continuation of contribution to the Pension Fund in accordance with the law;

v. Study the feasibility of transferring the personnel of the public organs to the public institutions, as well as the possibility for public servants working in the public institutions, whether in the form of posting or requisition, to choose the system of individual work contract;

vi. Regarding the revision of the “General Regulations Governing the Staff of the Public Administration” and the “General Regulations Governing the Directors and Senior Officers of Management of the Public Administration”, it is necessary to examine the system of regular fixed-term appointment in the broad sense. These include regular fixed-term appointment in the real sense and temporary

fixed-term appointment, so that the regulations are applicable to appointees not related to the public service;

vii. Continue to apply the legal system applicable to labour relations in the private sector to personnel who are not the objects of redeployment mechanisms of the public administration (transfer, posting and requisition) and other personnel of the public institutions recruited in accordance with the Basic Law;

viii. Base on the principle of impartiality and justice, it is necessary to define a series of basic rights, remuneration, welfare, obligations and disciplinary procedures applicable to personnel of various public institutions. The series will either be included in the “General Regulations Governing the Staff of the Public Administration” or in another regulation;

ix. The Chief Executive makes decisions on special cases if the salary and welfare of personnel exceed those of the basic levels, or more directly, it can be specified in the “Legal System Governing the Personnel of Public Institutions” the conditions in which the salary and welfare are allowed to exceed those of the basic levels;

x. The supervisory committee and board of directors, directors and senior officers of management of the public institutions should be compensated in accordance with the corresponding regulations that govern the public organs, if their appointments are not renewed;

xi. In case personnel of public institutions terminate the contract, in addition to the mechanism of notice in advance, there should be compensation like that in the legal system governing the labour relations;

xii. A separate welfare fund, which can play the role of the Social Security Fund, should be established for those personnel not included in the Pension

Fund. However, there should still be provisions regarding the transfer of contribution, the uniform calculation or distribution of pensions;

xiii. Consider the establishment of the “System of Allowing or Not Allowing Concurrent Duties” for all public institutions of similar nature.

3. The follow-up committee

In case the “Legal System Governing the Personnel of Public Institutions” is to be formulated, the setup of a follow-up committee is to be considered. This is because the formulation of this Legal System will necessitate the revision of the law governing the public institutions or the revision of only some statutes and regulations, so that they will be consistent with the said “Legal System”. It should also be considered whether the committee should cease to exist when the works of revision are completed. This follow-up committee may serve as an external organ of supervision outside of the public institutions on condition that it will not conflict with the power of the supervisory entities and of the Commission of Audit.

5.2.2 Research on the operations of the public service

After two years of work, the CCAC has accumulated some experiences in carrying out researches on the operations of the public service. In the process, the trust and support given by the departments cooperating with the CCAC are prerequisites for a smooth implementation of the research, and the understanding and cooperation of the various staff of the departments concerned are key to an effective research. Indeed, only with the support of the directors and senior

officers of management, who lead their staff to work actively and conscientiously, can measures of improvements be implemented, and objectives of the researches attained.

I. Cooperation with the Legal Affairs Bureau and the Health Bureau

This included continuation of the unfinished researches brought forward from last year, follow-ups with the researches completed in 2002, as well as identification and commencement of new research and examination projects. In carrying out its follow-up works, the CCAC contacted the departments concerning for information relating to the implementation and progress of the measures of improvement. For instance, it tried to find out whether there were improvement measures that had not been implemented, or whether better methods were discovered in the process of implementation, or whether new issues had arisen, or whether corresponding adjustments or revisions should be made due to new work development etc. Both parties worked together by seeking truth from facts so as to achieve the objectives of law-abiding administration, increased transparency and enhanced efficiency.

Cooperation with the Legal Affairs Bureau

1. Conclusion of the part of the 2000 research and examination project that was related to the Public Notaries

The CCAC carried out research and examination project on the operational procedures of the Registries and Public Notaries of the Legal Affairs Bureau in 2000. The research and examination for the Registries were completed in the same year, with consensus reached on their improvement measures. The research and

examination for the three Public Notaries was completed at the end of the same year, with consensus reached at the beginning of 2001 on the following measures of improvements:

1.1 The installation and/or provision of facilities and equipment for the reception of the general public, mechanisms for waiting and priority handling, signalling system and information;

1.2 Continuous training of personnel;

1.3 Uniform procedures and standards of the various works of the three Public Notaries (especially the adoption of official language, documents of authentication, duplication of agreements, the language of authentication, the application procedures, production and fees of notarization etc.);

1.4 The arrangement of dates for Public Notary actions;

1.5 Interpretations of the functions of written reports (note of property status check);



The Macao Public Administration Building

1.6 The record and safekeeping of the receipts of cash charged, the settlement of accounts for the fees charged for the various Public Notary actions and their totals, the procedures for internal cashing payment transfers;

1.7 Feasibility study for the establishment of regulations that govern advance payments;

1.8 Simplification of operational procedures through application of computer programmes.

2. Follow-ups and adjustments made to the above research and examination project

The improvement plans implemented by the Registries and Public Notaries with the general coordination by the Legal Affairs Bureau, and the follow-ups by the CCAC are detailed as follows:

2.1 Reception of the general public: facilities, equipment and signalling system (including public suggestion/opinion boxes, drinking water dispensers, staff's working ID cards, instruction and information for the services provided) were improved, and a quota system was adopted;

2.2 Office hours: all the Registries and Public Notaries provide services throughout lunch time and office hours were extended in the afternoon (i.e., lunch breaks and the practice of stop receiving the general public half an hour earlier were cancelled);

2.3 Continuous training of personnel: this included training on the skills of public reception and specific legal training;

2.4 Various promotions of law and popularization of legal knowledge were carried out, so as to cope with the “one-stop” service;

2.5 Working procedures and guidelines were made for the various works/services;

2.6 Procedures for the internal transfers of cash were unified;

2.7 A study was carried out on the handling method of payments in small amount of foreign currencies;

2.8 Civic affairs registration: the procedures for issuing certificates were streamlined, a study was carried out on the amendment of laws in order to simplify the administrative procedures, measures were taken to guarantee confidentiality of the registration information;

2.9 Property and commercial registration: the regulation stipulating the provision, by oral means, of information concerning the registrations and documents archived was implemented; betterment of the search and supervision mechanisms by computer programmes was done; a feasibility study would be carried out on the provision of more information to the citizens concerning property and vehicles registration (by strengthening liaison with the department, e.g. through computer networks), so that rights of the citizens would be further protected;

2.10 Public Notary: the problem of the public rushing about amidst various departments for the payment of stamp tax was solved, a uniform set of working procedures and standards was established, and a computerized quota system for the signing of agreements was adopted.

Cooperation with the Health Bureau

1. Follow-up of the improvement measures implemented by the Department of Pharmaceuticals Affairs and the Division of Pharmacy of the Health Bureau

Major measures are summarized as follows:

1.1 The Department of Pharmaceuticals Affairs

1.1.1 Regarding the exercise of control over the pharmaceutical practices and activities: more stringent control was exercised over the approval of applications; and detailed stipulations of the system of “avoidance (in case conflicts of interests arise)” were stated in the rules and regulations relating to the operations of relevant technical committees;

1.1.2 Works on the registration and renewal of licences for the pharmaceutical practices and activities were improved; and it was being considered that results of inspection should be important prerequisites for the renewal of licences;

1.1.3 Concerning the inspection of pharmaceutical business establishments and of the import and export of pharmaceuticals: a computerized archive was set up; random sampling of objects of inspection by computer was made; regulative procedures, standards and rules of inspection were formulated; the procedural and follow-up mechanisms for the recall of pharmaceuticals was established through the standardization of working processes; penalties and fines were imposed in accordance with the law;

1.1.4 Regarding the approval of pharmacist licences: the internal regulations governing the approval of pharmacist licenses were drafted; and the regulation of obtaining opinions from the respective technical committees was strictly observed;

1.1.5 Data concerning the holding of concurrent posts by and the substitution of the pharmacy technical chiefs was collected for the study of a thorough solution; professional training courses would soon be provided to the staff of the pharmacies;

1.1.6 A comprehensive review of the management mechanisms of the pharmacies staff would be carried out when the relevant regulations were revised;

1.1.7 The “List of Pharmaceutical Products of the Macao SAR” was published and regularly updated on the homepage of the Health Bureau;

1.1.8 Concerning the business establishments of traditional Chinese medicine and the import of proprietary Chinese medicines: it was being considered that when the relevant regulations were revised, the regulations concerning the changes in the running of the business establishments should be included; the approval procedures



Hospital Centre S. Januario

and technical guidelines for advance permit of the proprietary Chinese medicines were improved;

1.1.9 Regarding the commercials of pharmaceuticals: punishments stipulated by laws were strictly observed; it was being considered that further improvement to the relevant rules of punishments should be made when the relevant regulations were revised;

1.1.10 Concerning the control over narcotic drugs and psychotropic drugs: suggestion was made to control private practitioners in using these controlled substances; rules were set to stipulate that all pharmacies participating in the agreement on the supply of drugs have to provide all the pharmaceuticals on the pharmacopoeia, including narcotic drugs and psychotropic drugs;

1.1.11 Regulations concerning the “Content of Notifications” and “Submission of Applications to Incompetent Organs” stipulated in the “Code of Administrative Procedure” were executed rigorously;

1.1.12 Signalling systems for facilities and services were improved; leaflets introducing the services provided and procedure guidelines were published; measures were adopted to secure the confidentiality of information; professional and legal knowledge of the staff were enhanced (especially the knowledge about “Code of Administrative Procedure”);

1.1.13 The management system of the Operation Fund was established;

1.1.14 It was ensured that complete and accurate information concerning the activities of the pharmaceutical profession was shown on the homepage of the Health Bureau.

1.2 The Division of Pharmacy (The Pharmacy of the Hospital Centre S. Januario)

1.2.1 Staff-card reader and electronic security system were installed; refinement of the signalling system for facilities would be soon completed;

1.2.2 Regarding the procurement of pharmaceuticals for use in the hospital: composition of the tender board and of the selection committee were re-organized; minutes were prepared to record details of the selection meetings; a working group was formed to make final decision concerning the amount to be procured; mechanisms were established to update regularly the pharmacopoeia of the hospital; the actual operation of opinion collection was improved; operational regulations were formulated for the pharmacotherapy committee; the practice of including vaccines on the annual tender plan for procurement was brought back; the criteria for direct procurement were formulated and computer programmes for the recording of the related procurement processes were set up; a stipulation would be made in the next annual tender plan for procurement that there would be a flexibility of at least 20%, of either increase or decrease, in the amount to be procured; the operational regulations of the pharmaceuticals selection committee were drafted; a study would be made on the revision of the standards for entry into the drugs suppliers list;

1.2.3 Concerning the payment formalities: two levels of approval mechanisms for the delivery of pharmaceutical products were established; the terms in the letter of notification of fines were clearly stated (such as channels of complaints, date limits and the possibility of judicial appeals);

1.2.4 Collection/reception procedures of pharmaceutical products were improved: mechanisms were established for reporting changes of drugs to the Department of Pharmaceuticals Affairs; working guidelines were formulated on "changing/correcting" the records of the number of pharmaceutical products and inventory; control over the supply and reimbursement of pharmaceutical products

was reinforced; study would be made on the enforcement of inspection at the time of collection/reception of pharmaceutical products;

1.2.5 It was regulated that an annual stock-taking would be carried out;

1.2.6 Approval procedures were refined for the “guideline on the dispensation of pharmaceutical products in the hospital pharmacy and the outpatient departments” and “the application for the exemption of 30-day quantity restriction for the dispensation of pharmaceutical products”; and the relevant charges and application procedures were announced;

1.2.7 Concerning the agreement on the supply of pharmaceutical products: qualified pharmacies could sign agreements directly with the Health Bureau; obligations were stipulated for the agents signing contracts on behalf of the pharmacies; studies would be carried out on the establishment of mechanisms for the dispensation process of pharmaceuticals, service evaluation, supervision, punishment and complaints; a preliminary plan for revision was prepared for the formulation of the list of pharmaceuticals and their prices; an inter-departmental group was formed to study the selection mechanism and grading system introduced for the selection of pharmaceutical products;

1.2.8 Regulative instructions on the handling of prescriptions were issued to the pharmacies participating in the agreement on the supply of pharmaceuticals; inspection on the prescriptions was reinforced (e.g. samples of labels of the pharmaceuticals were required for recognition) and payment procedures were refined; rotation system for the relevant staff was adopted; regulative procedures for the inspection of prescriptions would be formulated;

1.2.9 The processes and guidelines regarding the various aspects of work would be reviewed.

2. New research and examination projects were initiated in cooperation with the Health Bureau

The CCAC, upon the request of the Health Bureau, carried out research and examination on the staff attendance and records, work arrangement, subsidies for over-time work or work in shifts, internal rules for work and personnel regulations, and mechanisms and procedures for public reception of the Health Bureau. The objective was to ensure law-abiding administration, increase transparency and enhance service quality. On-site visits, which was carried out in four stages, started in the middle of 2002 with the aim at understanding the relevant situation. Visits were made to the Department of Human Resources, Department of Emergency Service and ten specialist out-patient departments of the Hospital Centre S. Januario, four health centres and other affiliated units of the Health Bureau (including the Blood Transfusion Centre, the Centre for Disease Control and Prevention, the Centre for the Prevention and Treatment of Tuberculosis, and the Department of Pharmaceuticals Affairs). Preliminary analysis was completed.

II. Formulation of the “Regulations Governing the Works of Research on the Operations of the Public Service”

In order to establish uniform procedures and standards, the CCAC formulated the “Regulations Governing the Works of Research on the Operations of the Public Service”, setting detailed code of conduct for its staff to observe in their work. The “Regulations” cover mainly the principles of research and examination, its processes, execution of on-the-spot research and examination, personnel regulations, the writing of reports, and follow-up works etc. With the experiences accumulated from work, the “Regulations Governing the Works of Research on the Operations of the Public Service” will be reviewed and amended regularly to meet new demands.