



**CHAPTER IV**  
**ANTI-CORRUPTION**



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### 4.1 Number of Cases Recorded and Commenced

In 2003, out of the 1,077 complaints the CCAC recorded, about half of them were criminal offences cases. After going through analysis or preliminary screening process, 85 cases found meeting the criteria were commenced for investigation, a dramatic fall of 26% over the previous year when 115 cases were commenced. The number of cases commenced has been on the decrease for two consecutive years.

According to a questionnaire survey conducted by an academic institution, the residents believing that the problem of corruption is serious in Macao has dropped dramatically from 64% three years ago to less than 10% in 2003. This result happens to match the declining numbers of cases commenced in recent years, reflecting a positive trend in creating a cleaner social environment and continuing restraints on corruption. What is particularly worth noting is that since the establishment of Macao SAR, the streamlining of government services, the increasing transparency of administration, the continuous improvement of the legal system and the strengthened supervision of the public have all played important roles in preventing corruption.

The fact that there was a big decrease in the number of cases commenced but only a slight decrease in the number of cases recorded in 2003 shows that more and more residents have come to know the role of the CCAC as an anti-corruption organ. They are more willing to make complaint than before. However, a careful analysis of the contents of the complaints reveals that quite a lot of the residents have misunderstood the specific functions and duties of the CCAC. For example, they made complaints against private bodies that would require actions not supposed to be taken by the CCAC, or even though they were within the competence of the CCAC, they were not complaints about corruption. Besides, it was found from past experiences that some complaints that had been recorded and commenced were proved to be not corruption cases

after preliminary investigations, as claimed by the complainants, who had made the reports on the basis of some signs mistaken for facts of corruption. To treat such complaints with caution, the CCAC set up a mechanism of preliminary investigations in 2003. The purpose of this preliminary screening mechanism is to find out by simpler and quicker means of investigation whether a complaint meets the criteria for commencement of investigation and whether it is substantiated by sufficient facts to be followed up so as to avoid wasting resources. In 2003 alone, 34 complaints that would have been treated as cases for commencement of investigation in previous years were changed into preliminary cases. What is more important is that there has been substantial decrease in the number of corruption acts and frauds in recent years, which explains why there was a big fall in the number of cases commenced but only a slight drop in the number of cases recorded in 2003.

### **4.2 Cases Referred to the Public Prosecutions Office and Matters Involved**

Of the 85 cases involving criminal offences, 61 cases accounting for 71% of them were either reported by residents or supported by information they provided. The CCAC handled and followed up a total of 149 cases, including the 64 cases brought forward from 2002. Of the 73 cases concluded in 2003, 8 were cases referred to the Public Prosecutions Office. Judging by the nature of cases, no organized crimes or deep-rooted syndicates were found involved in the cases investigated in 2003, while forgeries of documents and frauds still constituted a high percentage, with some public servants found using fake certificates of education.

Following are excerpts of some selected cases referred to the Public Prosecutions Office in 2003:

January: the CCAC tracked down a government doctor suspected of violating hospital regulations and of abuse of power. She was suspected of carrying out a prenatal examination and pocketing RMB5,000 for fee by mobilizing the medical

personnel and using the facilities of the government hospital, Hospital Centre S. Januario, without going through the proper procedures. Later the patient felt unwell and was given another medical check up by other obstetricians of the hospital, which certified the fetus dead. In accordance with the regulations of the Hospital Centre S. Januario, the doctor doing the medical checks must possess the professional qualifications specified, and must rigorously observe medical procedures. The doctor involved was suspected of practicing without relevant qualifications.

RAEM |

CCAC acusa médica de Xangai de abuso de poder

## FAZER DINHEIRO NO S. JANUÁRIO

**UMA MÉDICA** do Hospital Conde S. Januário é suspeita de violação de normas deontológicas e funcionais e de abuso de poder. De acordo com informações divulgadas pelo Comissariado contra a Corrupção, a médica terá feito um exame pré-natal a uma mulher grávida, proveniente do interior da China, e cobrado cinco mil renminbi, sem que para isso tivesse autorização.

Detalhando o caso, diz o comissariado que em Março do ano passado uma mulher grávida, proveniente do interior da

China, conheceu, através de um amigo, uma ginecologista e obstetra do Centro Hospitalar Conde S. Januário, também ela chinesa e licenciada em Xangai. Esta terá mobilizado o pessoal médico e enfermeiro e equipamentos do hospital para fazer o exame pré-natal à grávida, tendo cobrado cinco mil renminbi. E tudo isto, sublinha o comissariado, terá decorrido à margem dos procedimentos normais de assistência médica, incluindo a marcação da consulta, o registo da doente, a comunicação ao chefe de serviço e a

aprovação do grupo médico especialista.

A grávida, que se sentiu fisicamente mal depois do exame, foi procurar outros obstetras, alguns no mesmo hospital, para re-exame. Foi então constatada a morte do feto.

De acordo com o regulamento do S. Januário, os médicos, para a realização do "exame de amniocentese," devem possuir qualificações específicas e observar rigorosamente os procedimentos prescritos. A médica envolvida detinha essas qualificações específicas. No hos-

pital está em curso um processo de averiguações para eventual procedimento disciplinar, ao passo que a investigação do Comissariado contra a Corrupção foi já encaminhada para o Ministério Público.

O CCAC entende que a médica cometeu abuso de poder e violou uma série de normas funcionais e deontológicas. Segundo os registos da investigação sobre o incidente, conclui o comissariado, a suspeita terá já confessado a prática de alguns actos desadequados.

PontoFinal

13 de Janeiro de 2003

7

April: The CCAC exposed a case in which nursing and pharmacy staff was suspected of fraudulent acts using prescriptions for patients and of falsification of certificates. A nurse and three employees of the pharmacy of the Hospital Centre S. Janeiro were involved. It was found that the healthcare card from one of the nurse's family members had recorded over a hundred "prescriptions", with the prescribed items collected from the same pharmacy located in the Outer Harbour district. It was suspected that someone had asked the doctor for prescriptions under



Handwritten note: 202-9-25

Code No	Items	Packing	Qty	Unit Price	Amount
✓	Medicine (Handwritten)	20 (20/1)	✓		
✓	MERIKA	20 (20/1)	✓		
✓	Becozyme forte	20 (20/1)	✓		
✓	Handwritten note: 其定没有要换走一盒				
	Handwritten note: 第 24853				
	TOTAL				8190

Handwritten note: 2006/3

someone else's name. Later one suspect confessed that the prescriptions had been used in exchange for items and articles of everyday use and the others admitted having violated dispensary regulations.

April: The CCAC detected a case in which a senior officer from the Traffic Department of the Public Security Police was suspected of power abuse. He was suspected of instructing, many times and without any justification, the traffic policemen on duty to unlock the car that had been locked for violation of the "Road Code". And the car owner involved had failed to pay the relevant fees and fines on/before the dates as set by the general regulations.

April: The CCAC tracked down two employees of the Cultural Institute of Macao, suspecting them of using counterfeited certificates. The two public servants were suspected of obtaining recognition from local education authorities by using counterfeited secondary education certificates, and with recognition certificates, they were both successfully recruited by the Cultural Institute of Macao. One of them had even got a promotion in the previous year due to the certificate of recognition.

April: The CCAC exposed a case of absenteeism and forgery of documents. Two employees of the Finance Services Bureau were suspected of frequently helping each other to register false check-in and check-out reports, and of unjustified absenteeism during the 2000-2003 period. One of the suspects was not only absent from the workplace without justification during office hours, but also often stayed outside Macao. Within the year from March 2002 to March 2003, this suspect submitted many medical certificates (known as doctor's certificate), asking for sick leave totalling more than 50 days. Though in the certificates the doctor



instructed him to rest at home, the CCAC discovered that he had spent more than half of his sick-leave days away from Macao, either in the mainland or in Hong Kong. The other suspect was also found to be absent from office, even from Macao, during the days his report for work was falsely registered with the help of his friend.

May: Two police officers were suspected of sexually coercing some mainland Chinese women staying in a certain hotel along the route of their patrolling by making use of their positions and hence of power abuse. The suspects, knowing these women were not allowed to overstay in Macao and were therefore afraid of policemen, took advantage of these women's circumstances and coerced them into sex.



Mainland women being taken to the CCAC to assist in investigation

August: A policeman from the Public Security Police was suspected of forging documents and swindling family subsidies out of the government. It was suspected that this policeman had applied for family subsidies and renewed the application for 4 consecutive years, using forged documents to show that his wife had no paid job. However, actually his wife had been working all these years and her income exceeded the amount as stipulated in relevant regulations.

October: A case involving HK\$63 million in a fraudulent land purchase was detected. In this case, a public servant was suspected of gaining by fraud nearly HK\$4 million, and another two public servants were suspected of deliberately lowering the price of the land by over MOP10 million. The fraudulent deal also resulted in a loss of MOP700,000 in tax payment and the two suspects gained benefits from it.





### 4.3 Assistance in Investigations of Cross-Regional Cases of Corruption

Regarding investigative work, there was a continuing increase in the number of cross-regional cases of corruption in 2003, side by side with the growing number of cases requiring the assistance of law enforcement departments outside the territory. Crimes of corruption are no longer confined to Macao or a particular region and cross-regional and international cooperation has become an important focus of attention of all anti-corruption bodies in the world today. In 2003 the total number of such cases increased to 38, as compared with 28 in 2002 and 25 in 2001. Of the 38 cross-regional cases of corruption requiring assistance in investigation, 19 were concluded, with the other 19 still under investigation.

## 4.4 Cases Adjudicated by the Court

Table 10  
Highlights of cases adjudicated by the Court in 2003

Date of adjudication	Name of defendant/suspect	Status of defendant/suspect	Sentence
20/06/2003	O x Kam	Officer of the Public Security Police	Illegal employment of imported labour: 1 year imprisonment, suspended for 2 years on condition that payment of MOP60,000 be made to Macao SAR government.
06/10/2003	Leong x Man	Former principal assistant technician of Macao Prison Coloane	Forgery of education qualification certificates: 1 year and 3 months imprisonment, suspended for 1 year and 6 months.
27/10/2003	Ma x Wa	Former principal inspector of the Civic and Municipal Affairs Bureau	Abuse of power: fined MOP175 per day for 200 days totalling MOP35,000, or 133-day imprisonment.

# Condenada por falsificação de habilitações literárias

O Tribunal Judicial de Base condenou ontem à tarde uma trabalhadora da função pública pelo crime de falsificação de documento de especial valor, caso que foi descoberto pelo Comissariado contra a Corrupção

Segundo o processo, Leong Cheng Man, então técnica auxiliar principal no Estabelecimento Prisional de Coloane, foi acusada de ter apresentado, à instituição competente para efeitos de reconhecimento e ao serviço onde trabalhava, documentos falsos de habilitações literárias que tinha adquirido, através de interposta pessoa. Após a audiência, foi condenada pelo tribunal com pena de prisão de um ano e três meses, com suspensão da execução da pena por 18 meses. Em 1997, a ré adquiriu, através de interposta pessoa na China Continental, uma certidão de ensino secundário e uma certidão de classificação falsa, documentos que depois apresentou à Direcção dos Serviços de Educação e Juventude para reconhecimento. Reconhecidas as habilitações, entregou esses documentos falsos ao serviço onde trabalhava. Em resultado das diligências de averiguações e recolha

de provas, o CCAC remeteu o caso ao Ministério Público.

Na audiência, a ré confessou nunca ter frequentado a escola secundária em causa e que as certidões, de ensino secundário e de classificação, eram falsas. Como destacou o delegado do procurador, a ré, embora soubesse que os documentos eram falsos, apresentou-os às instituições competentes com o objectivo de obter vantagem particular.

Ao proferir a decisão, o juiz alertou a ré para a lição a tirar deste caso e para não se arriscar, sob pena de ser punida pela lei. Atendendo a que a ré confessou o crime de que foi acusada e que, depois da ocorrência do caso, se demitiu voluntariamente das funções que exercia, foi condenada com pena de prisão de um ano e três meses, com suspensão da execução da pena por 18 meses.

#### 4.5 Stronger Investigating Team through Recruitment and Training

Over the past year, in order to build up a stronger investigating force, the CCAC organized many internal and external training programmes. In the middle of 2003, the CCAC invited instructors such as the former Deputy High Commissioner of the Commission against Corruption and Administrative Illegality of Macao, Mr. Julio Pereira, and Mr. Tony Kwok, who had not long before served Hong Kong's Independent Commission against Corruption (ICAC) as its deputy commissioner. For this purpose, some law enforcement organs, such as the Hong Kong ICAC, were also invited to run short courses. In addition, about ten batches of the CCAC personnel were sent to law enforcement organs for further professional and technical training in Hong Kong, Europe and other regions overseas.

In accordance with the CCAC regulations amended last year, the number of investigators was to be increased and the fourth recruitment campaign was launched in August 2003, attracting more than two thousand applicants with secondary and tertiary education qualifications. After the selection process of portfolio assessment (education qualifications and curriculum vitae), written examinations, foreign language tests, physical fitness tests, home visits and oral interviews, finally eight candidates were admitted to the training course of investigators. They had professional qualifications in various fields such as finance, computer science and applications, civil engineering, etc. It was a 17-week professional programme helping the trainees to master legal knowledge and investigation techniques, to develop team spirit and the ability to act independently and make flexible use of their talent, to enhance their integrity, honesty and dedication to their work. These trainees, after passing all the examinations and tests, were ready for work in February 2004.



Physical fitness test - A 2.4 km-run



Physical fitness test - Sit-up



A training session for investigators - Shooting



A training session for investigators - Marching



A training class for course on the theories of firearms