



CHAPTER V
OMBUDSMAN

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Observing the working principle of focusing on facts and high efficiency, the Ombudsman Bureau continued to carry out its various activities in 2003. The CCAC went on to strengthen its role of Ombudsman, giving advice and helping the public with specific case analysis and interpretation of relevant laws and regulations and clarifying any doubts arising from inadequate understanding of the regulations and operation of government departments. At the same time, efforts were made to further strengthen communications and contacts among various departments so that well-founded complaints, cases of administrative illegality or malpractice detected by the CCAC, or situations calling for improvement, can be solved quickly. Sometimes such problems could be handled more effectively without going through a series of unnecessary paper work or hearing, followed by advice and recommendation and then a waiting of 90 days before corrections or improvement could be made. Therefore the number of cases of administrative complaints commenced for investigation decreased, while the number of cases of administrative complaints handled with advice and recommendations increased in 2003.

In the areas of researches and examinations, both operational and institutional, the Ombudsman Bureau had two new partners of cooperation while continuing to carry out the projects and improve cooperation with the existing ones. In response to the strong appeal of the public for improvement of the legal system concerning the public service and of the supervision of the ethics of the public servants, the Bureau completed two projects on conflicts of interests and the process of disciplinary measures concerning public servants. In addition, the CCAC, incorporating the experiences of the research project on public procurements conducted previously, insights from handling specific cases and data collected from the explanation sessions held by various departments, compiled "Guidelines for the Procurement and Acquisition of Public Goods and Services". It serves as a constant reminder for public servants so that they will pay special attention to avoid any damage to their individual integrity or to the reputation of the government.

5.1 Investigations

5.1.1 Interventions

The CCAC takes the initiative, rather than passive intervention, and follows up cases of complaints reported by the public or simply problems or facts delivered through various channels, or cases of administrative illegality, faults or malpractice known to it from different sources, as long as they meet the criteria. In 2003, the CCAC recorded a total of 232 cases of administrative illegality, faults or malpractice (hereafter “administrative complaints” refer to all cases of suspected administrative illegality, faults or malpractice). And a total of 256 cases were handled, including the 67 cases brought forward from 2002 and excluding the 43 cases re-processed or forwarded to the Inspection Department, with a slight increase of 2.8% as compared with 2002, when 249 cases were handled.

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

Table 11
Classification of cases of administrative complaints in 2003

Relating to the system of the public service (conduct of personnel, recruitment and appointments of personnel, rights & interests, avoidance of conflicts of interests)	78
Procedural flaws or irregularities	37
Illegal construction & projects	24
Relating to the handling of complaints	20
Flawed or improper execution of the law	13
Tax matters	6
Investment residency	6
Illegal or unlicensed operations	5
Relating to procurement or acquisition procedures	5
Others	27
Matters outside the competence of the CCAC (private sector or lawsuits)	11
Total	232

Of the 256 cases of administrative complaints handled in 2003, due to factual or legal complexity, 4 cases were commenced and treated in the form of recommendation/suggestion after legal analysis and collection of evidence, and 2 cases involved the improvement of the legal system.

Of the cases not meeting the criteria for formal commencement, 33 cases involving administrative complaints were handled through communications and discussions by phone, referrals, briefings, and meetings. Suggestions for improvement were given for 13 cases, all being accepted by the departments concerned. Besides, the CCAC made suggestions and recommendations on 14 cases where, though no traces of illegality or violation had been found, improvement on operation was deemed necessary to minimize misunderstanding, and these suggestions and recommendations were accepted by the departments concerned. Suggestions for amendments were also made for the 4 cases revealing the flaws in the legal system, mainly in the regulations governing the public service and the "Road Code".

In other words, there were a total of 55 CCAC interventions, accounting for 21.5% of the cases handled, in the improvement of administration in accordance with the law, administrative operation, and in the promotion of streamlining the legal system. Of these, 51 cases, constituting 92.7% of the total, were handled effectively by way of cooperation and two-way communication between the CCAC and the departments or institutions so that there were both understanding of and respect for objective facts, both cooperation and the Ombudsman independence in performing its unique functions. This practice is basically in line with the general trend of ombudsman roles and functions in the world today.

The 55 settled cases in which the CCAC intervened concerning the improvement of administration in accordance with the law, administrative operation and in the promotion of streamlining the legal system involved departments or offices of the following:

Secretary for Administration and Justice	19
Secretary for Economy and Finance	13
Secretary for Security	5
Secretary for Social Affairs and Culture	10
Secretary for Transports and Public Works	8

And the nature and content of the 55 cases of administrative complaints is briefly presented as follows:

Staff recruitment and management	19
Rectification and improvement of procedures	15
Streamlining the legal system	6
Transport and public works	6
Handling labour disputes	3
Tax matters	3
Students recruitment and collection of tuition fees	3

And of the 256 cases handled in 2003, 162 were concluded and filed, with results specified as follows:

- 35 cases were settled properly by way of unofficial interventions in the form of telephone contacts, referrals, briefings, meetings or discussions;
- There were 6 cases in which mistakes or flaws were corrected through recommendations and problems were settled in accordance with the law;

- There were 14 cases in which, though involving no administrative illegality, the departments concerned were prompted to accept suggestions to improve their administrative operations and management;
- There were 4 cases in which the root-cause of the problem lies in the flaws of the existing legal system, thus prompting suggestions for amendments;
- There were 73 cases in which no signs or traces of administrative illegality or malpractice were found;
- There were 21 cases which could not be followed up due to insufficient information provided;
- There were 7 cases found to be outside of the competence of the CCAC after closer examination; and
- There were 2 cases in which it was found unnecessary for the CCAC to continue to intervene due to the specific circumstances of their subsequent development.

It is worth mentioning that in the process of handling complaints, the CCAC found that many of the complaints were related to matters concerning driving licenses, traffic management, and the exercise of relevant regulations, which could not be commenced as individual cases and could only be solved until they were tackled through the revision of the "Road Code" and its regulations. As a result, they are excluded from the above statistics. Towards this end, the CCAC has met with representatives of the departments concerned, offered several suggestions for consideration when amendments were made and exchanged views with them, which would mean substantial assistance in improving the legal system.

Of the 94 cases that were not concluded in 2003 to be followed up in 2004, 17 cases were officially commenced for investigation, and the rest, numbering 77, were being followed up in unofficial ways.

Of the 94 cases that were not concluded and filed, 59 cases accounting for about 62.8% involved illegal construction and projects, many of them being problems that had failed to be solved for quite some years, for a variety of reasons:

1. The existing laws and regulations governing the procedures of urban constructions, as well as the power of the supervisory bodies and the penalties for violations, are so out of date and inconsistent with the realities, which hinders the authority concerned to play an efficient and effective supervisory role over legalization process of the construction projects to demolish the illegal constructions as soon as possible.

2. The departments concerned had not done enough work to educate residents by constantly reminding them that it is forbidden to add structures or made alterations without permission.

3. There was not adequate transparency in the way the concerned authorities handled illegal constructions. In addition to manpower constraints, actually it was not always possible to settle all the cases at one go as expected by and to the satisfaction of the public. What the authorities could do was to classify and prioritize the cases by seeing whether the projects were under construction or not, or whether the projects met the criteria to be legalized. Nevertheless, it was necessary to enhance communication with the public and explain to residents the situations to minimize misunderstanding.

To help solving the problem, the CCAC exchanged views with the authorities concerned on how to improve the relevant legislation and enhance communication with the public, and made several suggestions, all of which had received very positive response from them. The CCAC will continue to play an active part in the year to come.

5.1.2 Help and consultation

With the experience learned through practice in 2002, the CCAC continued to provide the public with help and consultation so that citizens would not lodge unnecessary complaints out of ignorance or misunderstanding of the administrative operations and procedures and of the relevant laws. And with help and consultation, the citizens would not, due to their lack of knowledge on this issue, miss the opportunity to adopt proper measures to defend their own legitimate rights and interests. On discovering any cases arising from a lack of knowledge or misunderstanding on the part of the citizens, the CCAC would explain to them in proper and objective ways to make sure whether their rights and interests had really been violated. If so, the CCAC would help them to make correct judgement and find the most timely and effective methods within the law to protect their legitimate rights and interests. In 2003, the CCAC has handled a total of 347 appeals for help and consultation, which means 33 cases more than the number of 2002, an increase of 10.5%.

Table 12
Classification of matters appealing for help and consultation in administrative complaints in 2003

Civil service system (recruitment, promotion, transfer, staff rights and interests, management and ethics)	84
Legislation & regulations	65
Civic & municipal affairs	39
Public works	27
Traffic & transport	25
Labour affairs	17
Public security	17
Education, medical service & social welfare	16
Others	27
Outside the competence of the CCAC (private sector or lawsuits)	30
Total	347

5.1.3 Internal Working Guidelines

The CCAC has renewed and brought the Internal Working Guidelines up to date so that its staff have a clearer set of criteria to abide by when handling appeals for help and consultation, and reports of complaints, when carrying out preliminary investigations, analyzing and summarizing cases, and drafting reports.

5.2 Researches and Examinations

5.2.1 Researches and examination on the systems

In 2003, the CCAC completed two focused researches on the legal system of the public service, one on “The Conflicts of Interests that Public Servants of Macao Need to Avoid in their Performance of Public Functions and Duties”, and the other on “Some Questions Concerning the System of Disciplinary Process”. In addition, basing itself on the research findings of public procurement and acquisition of previous years, and ideas from exchanges and seminars with some departments, the CCAC formulated “Guidelines for the Procurement and Acquisition of Public Goods and Services”.

Following are the abstracts of the two research projects and the highlights of the respective guidelines:

On the Question of “The Conflicts of Interests that Public Servants of Macao Need to Avoid in their Performance of Public Functions and Duties”

The existing laws and regulations governing the public service have been in practice for over ten years, obviously lagging far behind the development of the Macao society and the demand of the public. The CCAC found from handling cases of complaints that public servants had a weak awareness of their position as public servants and of the concept of avoiding conflicts of interests in their execution of public functions and duties. On top of this, there are indeed many flaws in the existing legal system governing public services, which hinders the

establishment of a corruption-free and clean force of public servants. Therefore, as the Macao SAR government was keen on reviewing and amending the legal system governing the public service, the CCAC carried out research on how best the public servants avoid conflicts of interests in their capacity and execution of public functions and duties. The CCAC also studied the relevant regulations of some advanced countries and of other regions, further analyzed existing problems and made substantial suggestions for legal amendments to be accompanied and supported by training and education. Here is the conclusion of the report on this issue:

I-Introduce into the legal system regulations requiring honesty and integrity of public servants

The revision of the legal system should focus on improving relevant regulations or filling up the loopholes in the existing laws in the following six areas. Specific regulations can be formulated in the form of law, administrative rules, instructions by the Chief Executive or principal officials in conformity with corresponding principles specified.

1. Professional principles specified

1)Set specific criteria for the approval of “part-time” cases, especially those criteria or restrictions related to the prevention of “conflicts of interests”, and make provisions for the handling of “part-time cases not arising from one’s own will”;

2)When applying for “part-time” post, the public servants have the obligation to self-evaluate whether it will give rise to “conflicts of interests” and declare to the authorities that it will not involve “conflicts of interests”;

3)Those who have already obtained approval must submit new applications for “part-time” post and self-evaluate when a change occurs to their full-time post or “part-time” post;

4)The maximum duration for the “part-time” post should be specified, together with the supervisory mechanisms, including the timely review of those approved “part-time” cases;

5)There should be written regulations clearly stipulating that the superior official in charge is held responsible for disciplinary consequences if he/she is aware of his/her staff violating the regulations and has not taken actions in accordance with the law;

6)On condition that public servants’ right to associations is respected, it is suggested that the introduction of relevant regulations on the prevention of “conflicts of interests” should be considered and applied to those public servants concurrently holding leading posts of associations.

2. Mechanisms for handling “advantage gifts”

1)Define the term “advantage gifts” and scope of application;

2)Indicate the conditions under which “advantage gifts” can or cannot be accepted;

3)Specify the handling process after the “advantage gifts” are accepted, such as requiring the public servant concerned to make timely report to his/her superior.

3. Mechanisms for monitoring the official information control

1)Define and specify the concept and scope of “confidential” or “information not open to the public”;

2)Classify the above information into grades according to the degree of confidentiality, and set corresponding decoding processes;

3)Specify the rules that the public servants should observe and the acts subjected to restrictions.

4. Mechanisms for declaring conflicts of interests

In order to prevent “conflicts of interests” effectively, it is necessary to set up “mechanisms for declaration” that are complementary to the “system of avoiding conflicts of interests”, including particularly the following:

1)Public servants must declare to their respective departments or superior organs any cases involving “conflicts of interests”, and update the information within the specified period when changes occur;

2)While the public servants’ privacy is guaranteed, every effort should be made to ensure that the above mentioned authorities receiving the declarations have the full power to examine the contents of the declarations. Moreover, the authorities concerned have the right to require the public servants concerned to take proper measures, or adjust or change their functions, if these public servants are found engaged in activities or investments that may involve “conflicts of interests”;

3)It could also be considered that in “high-risk” zones in which the public servants have the power or assist in decision-making, or in law enforcement, the information in the declaration involving “conflicts of interests” could be made public for effective supervision.

5. Mechanisms for monitoring of private practice or activities of public servants preceding their cessation of public service

1)For monitoring purpose, pre-departure mechanisms should be set, such as requiring the personnel concerned to declare any outside appointments or invited engagements that may involve “conflicts of interests”;

2) There should be rules stipulating that public servant, for a specific period of time following the cessation of service, are forbidden to take up any post offered by institutions or enterprises having direct or close ties with the departments they had been serving. They are forbidden, for a specific period of time, to have

any official contacts with their former departments on behalf of any entities which, within a specific period preceding the cessation of service, had direct or close official ties with those departments. They are not allowed to represent any entities to engage themselves or participate in projects or activities identical to those in which they had been involved as representatives or consultants of the Government before they quit the public service. Nor are they allowed to seek personal interests by improper use of the unpublished information that they had obtained before they quit the public service;

3) It is stipulated that the personnel currently serving the public functions, in their contacts with former public servants, have the obligation to pay attention to and report any violations of the above rules and regulations by former public servants.

6. Clear stipulations of penalties that all public servants are liable to once they violate the rules and regulations on ethics, in order to alert them and deter them from “defying the law”.

II-Formulate a code of ethics applicable to all public servants

As all the public servants work for the government, each and every one of them is responsible for protecting the reputation of the government, taking care not to commit any acts that will damage its integrity, in whatever way they are appointed or recruited. Therefore, they must abide by a code of ethics while working for the government and the public. For this purpose, the authorities should, on the basis of the legal system for public functions, formulate a “code of ethics” setting basic ethic criteria for public servants to observe, thus “upholding honesty and promoting integrity”.

The “Code” should cover a series of rules and regulations relating to the prevention of “conflicts of interests”, which could be divided into two parts. Part one sets the general regulations that all the public servants must abide by; Part two, in view of different posts and functions and resulting “conflicts of interests” involved, sets specific regulations accordingly. For example, there should be

different requirements and methods of treatment, corresponding to the degree of potential or possible risk of “conflicts of interests”.

1. More stringent standards should be set for personnel holding senior positions, law-enforcement staff, officials with influence on the decision-making of the administration, or others holding sensitive positions.

2. In consideration of the fact that different departments have their particular characteristics, both technically and operationally, it is necessary to allow each department to set supplementary rules and regulations according to their specific circumstances so as to prevent “conflicts of interests” more thoroughly and effectively.

III-Strengthen education and training

“It is no use depending on the law to work on its own.” If the public servants responsible for the implementation of the law are not aware of the moral standards required of them, the legal system will not work of its own accord, no matter how perfect it is. The authorities should step up educating the public servants, both serving and newly recruited, on “honesty and integrity”, as well as updating them regularly with new knowledge, by way of training classes, workshops, seminars and conferences, so as to enhance their awareness, cultivate self restraints and eliminate “conflicts of interests”.

Some Questions Concerning the System of Disciplinary Process

While following up various cases in which public servants were suspected of violating disciplines, the CCAC discovered that quite a lot of the departments had failed to execute relevant regulations due to misunderstanding or wrong interpretation. This is mainly reflected by delaying again and again the commencement of the disciplinary process, deciding to close file without justification, appointing non-public servants to be preliminary examiners, and failing to perform their duties to declare. Also, owing to the fact that too much attention is focused on the departments to which the suspects belong to and not enough on overall

control mechanisms under the existing system, it is difficult for the administrative authorities to manage their staff effectively. For this reason, the CCAC deems it necessary to face up to the loopholes in the existing system disciplinary process, and other problems arising from vague or ambiguous regulations. Having done some detailed analysis and taken reference from relevant models developed in some neighbouring regions or advanced countries, the CCAC made suggestions for improving the system, and for consideration when the legal system governing the public service is revised or amended in the future. Following are the concluding remarks of the report concerned:

1. To reduce the public's worries about the lack of external supervision for the existing legal process (the "one coordinated sequence" model), and to guarantee stringency in the disciplinary process, it is necessary to introduce a mechanism in the form of an independent collective organ (such as the disciplinary council). It is vested with competence in the following three areas:

1.1 Supervision and inspection: Competence of a general nature. This is to check whether the disciplinary process is commenced or monitored within the specified period of time after the department concerned has received reports/complaints against disciplinary violations (see item 2 below). The Council also makes suggestion on the preliminary work done by the department concerned, such as the initial instructions, decisions made by preliminary investigators (such as the decision not to proceed with prosecution). Or, they review the suggestions/decisions (whether to mete out punishment or close the file) made after the defense period, and request that the pre-investigators adopt supplementary measures to obtain evidence if necessary.

1.2 Preliminary investigation: Competence of a specific nature. The Council will start preliminary investigation if the fact of disciplinary violation falls into one of the following:

a. When the person suspected of violating disciplines is in the category of director/chief or equivalent, or holds special positions (to be specified by the Chief Executive by way of instruction);

b. When the violation is so serious that it reaches a specified degree (with corresponding severity of penalty);

c. When it is initiated by the department concerned (owing to the complexity of the case or to a lack of suitable personnel for the preliminary examination).

1.3 Competence of general orientation: Recommendation/guidelines can be made to amend/interpret the existing regulations, to fill up loopholes and to clarify any ambiguity in the legal system.

2. There are provisions in the existing regulations governing “instant” measures for investigation and the commencement of the disciplinary process. However, to avoid misinterpretation of relevant regulations, it is necessary to stipulate that the department should decide whether to commence the disciplinary process within a specified period after receiving information of disciplinary violations (criminal or non-criminal).

3. In order to facilitate posterior investigation, it is necessary to stipulate that the department concerned has the obligation to explain/justify the approval of preliminary filing and archiving.

4. There is in the existing system a regulation stipulating that “nominations be made of personnel who have no connection with the public service to serve as preliminary investigators”. However, the fact is that nominating non-public servants as preliminary investigators for disciplinary process is of exceptional or transitional nature, and there are sufficient qualified personnel within the public service, in addition to the Council with competence in supervision and preliminary investigation (See 1.1 and 1.2 above). Therefore, in consideration of the reality and to save public money, it is necessary to delete this part of the regulation.

5. To carry out the department’s duties of special communication, it is necessary to add to the disciplinary system articles on “duties of communication”, specifying the period of time within which it communicates with specified organs, such as the CCAC and others. (For example, it should inform the organs concerned

within a certain number of working days following the preliminary approval of commencement of disciplinary process or after the conclusion of the relevant disciplinary process.)

5.2.2 Researches and examinations on operations

Last year the CCAC, while continuing to follow up the projects of research and examinations with the Legal Affairs Bureau and the Health Bureau, joined hands with the Macao Trade and Investment Promotion Institute and the Civic and Municipal Affairs Bureau and developed new research projects.

Cooperation with the Legal Affairs Bureau

Together with the Legal Affairs Bureau, the CCAC followed up the projects on improving the operations of the Public Registry and Public Notary offices and all the measures suggested have been implemented with the exception of those long-term measures involving revision of regulations or gradual implementation. Besides, both parties reached consensus on some new emerging issues:

1. Issues relating to the various Public Registry and Public Notary offices: These include regulating the methods cancelling documents, improving the electronic signaling system of waiting, enhancing the computerized monitoring system, reviewing the delivery system of documents and relevant records and providing technical support to insure normal operation during lunchtime.

2. Issues relating to property registration: Improving the content of “Registration rejected” notification.

3. Issues relating to commercial and movable property registration: This is to guarantee instant record of the payment made by individual persons or entrepreneurs, which will facilitate the introduction of pre-payment mechanism in the future when revisions are made to existing regulations. So is cooperation with the Civic and Municipal Affairs Bureau in order to revise the existing regulation stating that the cancelling of vehicle registration can only be initiated by the

interested person to one according to which cancellation is made by way of functional competence.

4. Issues relating to Public Notary including one-stop services:

4.1 All the measures for improvement were put into practice last year. They mainly included improvement on facilities for receiving the public, mechanisms for waiting and the provision of signals and information. Also implemented was the unification and standardization of working procedures of the three Public Notary offices (such as the adoption of official language, certification of documents, copies of agreement, the language of certification, application procedures for certificates, production and fees of notarization, etc.). The measures implemented last year also included the arrangement of dates for public notary acts; interpretations of the functions of written reports; the records and disposition of receipts of cash charged; the fees for various charges and the total; the internal procedure of making and receiving cash payment, etc.

4.2 The problem that residents could not present the identification documents as regulated by the law while renewing them for the “smart card” ones was also settled with satisfaction.

Cooperation with the Health Bureau

The CCAC continued to work on the research projects with the Department of Pharmaceutical Affairs of the Health Bureau in 2003. All the projects, carried out in 2002 on staff attendance records, schedule of duties, overtime and shift subsidies, internal regulations and personnel rules, and mechanisms and procedures for receiving the public, had been completed by February 2003. As the Health Bureau had to focus all its resources on combating SARS, two of the projects planned had to be carried out in the second half of the year.

(1) Department of Pharmaceutical Affairs

The measures for improvement already carried out in 2002 were followed up in 2003:

1. Licensing the pharmaceutical profession and activities:

1.1 Legal and technical support to this department was strengthened, and the rules and regulations relating to the operations of relevant technical committees would include detailed stipulations of the system of "avoidance" (in case conflicts of interests arise).

1.2 Valid dates were clearly stated in the registration forms for those with import/export and wholesale licenses and with "sale permits of controlled pharmaceuticals".

2. Inspecting the pharmaceutical profession and activities:

2.1 The computerized archives system was already programmed to be set up for monitoring and inspecting the venues of the pharmaceutical profession and activities, and so was the database for inspection.

2.2 Three approaches were adopted for the work of inspection, which was carried out as routine inspections, surprise actions and focused key-point actions. The internal guidelines for inspection were formulated and copies of inspection reports were distributed to the commercial establishments concerned.

2.3 Recall of pharmaceuticals was exercised within the time period and by the grades set according to international standards, and was made public via newspapers and radio broadcasts, or made known to private practitioners through their professional associations or mass media.

2.4 Issues concerning the holding of concurrent posts by and the substitution of the pharmacy technical chiefs: All the pharmacies already had pharmacists stationed permanently. However, when the existing regulation is revised, it is necessary to consider including an article stipulating that every pharmacy must

be equipped with a pharmacist during business hours. It is also necessary to study the possibility of requiring the pharmacy to hire a second pharmacist or technical assistant so as to guarantee there is sufficient expertise available in the pharmacy.

2.5 Inspection of pharmaceutical business establishments was reinforced. Data would be collected from various venues to facilitate the overall consideration of the inspection system when revisions were deemed necessary.

3. Pharmacists' licenses: Criteria for approval were yet to be formulated.

4. The management mechanisms of the personnel of pharmacies: Rules and regulations were formulated to regulate the pharmacies that had already joined the agreement for dispensing pharmaceutical products, including the stipulation that the pharmacies must provide their staff with training and establish relevant portfolios.

5. Private practitioners: Private doctors were forbidden to store vaccines or human serum and further consultation should be made at the time of revision. Also inspection on private doctors using controlled pharmaceutical products was already exercised.

6. Commercials of pharmaceuticals: Punishments were meted out rigidly to those violating the regulations governing the commercials of pharmaceutical products in accordance with the law, and the circumstances for mitigation were added to the revised regulations.

7. Personnel rules and regulations: Efforts had yet to be made to enhance their legal knowledge, and the internal regulations were being formulated.

(2) Regarding staff attendance and records, schedule of duties, overtime and shift subsidies, internal regulations and personnel rules, and mechanisms and procedures for receiving the public, the improvement measures agreed upon and their implementations in general are given below:

1. An electronic attendance management system was established and gradually promoted throughout the Health Bureau, with corresponding management mechanisms and personnel regulations, which were first implemented in the Blood Transfusion Centre. The centre would soon introduce the “electronic system of staff-card reader” (in progress).

2. The handling mechanisms and procedures for payment in foreign currencies and the application for patients’ medical records were being formulated (in progress).

3. Staff training at all levels was strengthened, especially in enhancing the awareness of the legal system of public functions and professional ethics. Professional regulations for healthcare workers would be formulated, including obligations of the public service, conditions of avoidance as ruled by law, prevention of conflicts of interests and the handling of business promotions of pharmaceutical and healthcare products launched by suppliers (being followed up).

4. A new plan for the remuneration of medical staff was being studied and formulated (in progress as a long-term objective).

5. Important information, such as medical charges and fees, was provided in brochures in English in “Healthcare Guidelines”.

(3) Department of Human Resources

1. Short-term measures:

1.1 Ensuring that the “doctor’s certificate” be issued in accordance with the principle of “verification in person”, with accompanying regulations and rules to observe (in progress). Staff of the Bureau must submit medical certificates as regulated by the law when absent from work on sick leave (already applied), and the management of personnel leave-system was reinforced (principal regulations already drafted, in progress).

1.2 Improving guidelines for application of subsidies and reminding the staff concerned of their legal responsibility for the declarations they have made (already applied).

1.3 Using the “receiver machine” to record precisely the timing of the proposal (already applied).

2. Mid-term measures:

2.1 Perfecting the computer programme calculating the allowance for work on shift (yet to be applied).

2.2 Publishing on the homepage of the Health Bureau information relating to the issuing of “doctor’s certificates” (to be applied soon).

3. Long-term measures: Statistics on the issuing of “doctor’s certificates” (yet to be applied).

4. Others: A rotation system was to be established for personnel working on the verification of “Prescriptions” (in progress).

(4)Emergency and specialist consultations of the Hospital Centre S. Januario

1.Short-term measures:

1.1 Strictly guarding the entry/exit of the emergency wards (already applied); improving the signaling systems (in progress) and identification (markers) of the medical staff (already applied); providing the public with more information on the basis of the existing “Healthcare Guidelines” and educating the patients on their obligations.

1.2 Using computer programming for patients to make appointments with ophthalmologists (yet to be applied).

1.3 Reviewing the grading system of healthcare service for public servants in

the existing regulations and reporting to relevant authorities on the problems found (yet to be applied).

1.4 Streamlining the communication mechanisms for coordinating work and mobilizing staff in various emergency wards and developing computerized re-scheduling system; confirming emergency calls within a specified period of time (in progress); reinforcing control over the completion of emergency call forms (already applied); regularly checking and reporting to the public the situation of the nursing staff on duty in the emergency wards; applying in writing for rescheduling duties with proper records (already applied); formulating guidelines for handling overtime work in the emergency wards and outpatient departments and including the guidelines in the relevant internal regulations (to be applied).

1.5 Strengthening coordination and communication among various departments and offices (already applied).

2. Mid-term measures:

2.1 Unifying the procedures for issuing supplementary prescriptions (already applied); making more comprehensive the items of the computer-registered forms in the emergency wards (already applied).

2.2 Regularly examining and updating the internal rules and regulations of various departments and offices, including those governing the quotas of first visits and return visits, and setting clear-cut guidelines and requirements relating to the items examined and reviewed (in progress).

2.3 Conducting an overall review and study of the duty arrangements of doctors in outpatient departments, emergency departments and wards to avoid overlapping of work and searching for ways to solve the problems permanently and appropriately (yet to be applied).

2.4 Entrusting clerks with all the clerical work done by nursing staff in outpatient department (already applied).

2.5 Reviewing the use of observation rooms of emergency wards with statistics, so as to manage and supervise them better (already applied).

2.6 Applying researched statistics to management and planning of the outpatient departments and making them readily available for staff to refer to (to be applied soon).

3. Long-term measures:

3.1 Developing computer programme scheduling and rescheduling the duties of the nursing staff of the emergency wards (in progress); installing electronic security system in the emergency wards (under study).

3.2 Exploring the possibility of setting up special consultation rooms exclusively for specified public servants (yet to be applied).

3.3 Conducting studies on the professionalization of the medical team in the emergency wards so as to reduce the number of “on-call doctors” and enhancing the training of specialized doctors (in progress).

3.4 Improving and unifying the regulations governing emergency calls and guaranteeing the consistency of the content of the “Regulations Governing the Emergency Department (draft)” with that of regulations governing the emergency calls (yet to be applied).

(5) Healthcare Centres and other affiliated units (Blood Transfusion Centre and Diseases Prevention and Control Centre)

1. Short-term measures:

1.1 Improving the signaling system of Healthcare Centres and the Centre for the Prevention and Cure of Tuberculosis; insuring the updating of healthcare information; making sure that the personnel of the Healthcare Centres, Blood Transfusion Centre and the Diseases Control and Inspection Unit show their identification when attending the public.

1.2 Making sure to provide pre-natal examinations for pregnant women on their first visits to the Healthcare Centre in Taipa (in progress); unifying the recording methods for doctors working overtime in the Healthcare Centre in Taipa (already applied).

1.3 Unifying the application procedures in the Blood Transfusion Centre: All applications for rescheduling duties be made in writing in advance; unifying the criteria, methods and deadlines for recording, confirming, remunerating overtime work (already applied); improving the stocktaking system in the form of “inventory of goods in stock” (already applied), and the contents of blood donation certificates and blood donation declarations (already applied).

1.4 Improving the delivery and deposit of patient archives of Healthcare Centres (already applied); stopping the posting of a list of private doctors with permission to issue “eye-examination certificates” (already applied); stopping the practice of Healthcare Centres in Areia Preta and Fai Chi Kei assigning private pharmacies to provide medicine on urgent demand (already applied); regulating the methods of calculation of constant data of “Timetable for Waiting for Outpatients of Healthcare Centres” (in progress); formulating guidelines for the quotas of first visits (yet to be implemented); improving communication with schools regarding student healthcare matters (already applied); qualifying doctors in the Healthcare Centres to issue “eye-examination certificates” to drivers wearing contact lens with accompanying written guidelines (in progress).

1.5 Formulating written working procedures and guidelines for the Health Unit and the Diseases Control and Inspection Unit (already implemented); suspending the practice of “Reduction of Fees for the Treatment of Tuberculosis” and considering the establishment of a comprehensive approval system (already implemented).

2. Mid-term measures:

2.1 Improving the measures for keeping confidential the personal data of blood donors (already implemented).

2.2 Installing gradually in all Healthcare Centres electronic screen indicating the order of consultation (in progress); examining and updating the temporary regulations regulating the “Handling Procedures of Opinions on Primary Healthcare” and improving operations by taking advantage of relevant opinions (in progress); establishing criteria for recording complaints/opinions handled or settled immediately (yet to be implemented); formulating regulations governing the operation of dispensaries of Healthcare Centres and their staff; arranging personnel not routinely responsible for medicines to participate in working on the system of the annual inventory and stocktaking of medicines, including the Diseases Control and Inspection Unit and the Centre for the Prevention and Cure of Tuberculosis in the work (yet to be applied); establishing control and inspection system for use of medicines in departments of gynecology, obstetrics and pediatrics (already implemented); formulating uniform regulations for operation and working guidelines for all Healthcare Centres (yet to be applied).

2.3 Compiling a handbook with relevant data for exterminating mosquitoes, which should include street maps, routes and locations for the application of insecticides (yet to be implemented).

3. Long-term measures: Thoroughly evaluating the work models of doctors working in the emergency wards of the Healthcare Centres (under study); reviewing the methods of calculating the hourage (beginning and end) of doctors working overtime in Healthcare Centre of Taipa and formulating uniform standards (plan already submitted, in progress).

Cooperation with the Macao Trade and Investment Promotion Institute

The CCAC worked together with the Macao Trade and Investment Promotion Institute in processing and approving “Applications for Investment Residency” and reached agreement on measures in the following areas:

(1) Short-term improvement measures:

1. Facilities and mechanisms for receiving the public; channels of information

for the public, content and mechanisms for updating information; recording system for inquiries and complaints.

2. Computer monitoring system for record and inspection purpose, especially on those applicants who have provided false information.

3. Security of the filing system and deposit of archives.

4. Appointments with applicants, meetings and minutes; procedures for submitting application documents; the issuing of “declarations”; reminding the applicants of their legal responsibilities; collection of applications and arrangement for analysis.

5. Requirements for accepting applications for investment residency and regulations governing the alterations of the categories of investments:

5.1 Measures of adjustment adopted for problems arising from an obscure understanding of the investment values relating to existing regulations, and a further study into the relevant laws.

5.2 Evaluate investment plans from the industrial, commercial and service sectors and their installations, and offer opinions.

5.3 Define “Important Investment Plans” and review the criteria; set policies and relevant conditions for priority cases.

6. Internal regulations for work and personnel.

7. Training of personnel.

(2)Mid-term and long-term measures under study:

1. Study measures of inspection and supervision on the investment plans already approved and on their installations, including the consideration of achieving this purpose by way of revision of legislation.

2. Consider the creation of a joint cross-department panel for the revision of relevant regulations so that a comprehensive and systematic revision can be made to the “Regulations Governing Applications for Investment Residency”.

Cooperation with the Civic and Municipal Affairs Bureau

In 2003 the CCAC cooperated with the Civic and Municipal Affairs Bureau and started work on inspecting “Food & Beverages Venues and Leakage from Air-conditioners”. It made respective visits to and met with staff in the inspection departments relating to environmental hygiene, licensing and administration and completed data collection and analysis.

Revision of “Regulations Governing the Inspection of Public Service”

With experience accumulated over the past, overall examination and revision was made to the “Regulations Governing the Inspection of Public Service” last year, with particular emphasis on the procedure, on-the-spot inspection, personnel regulations, the writing of reports, and follow-up work, so as to make the operations more effective.

5.2.3 Seminars/workshops held and guidelines formulated

In addition to inspection of systems and operations, the CCAC also organized seminars and workshops on topics relating to public administrative procedures and activities considered making the public servants more vulnerable to the occurrence of conflicts of interests. Over the past year, with the arrangement of the Public Administration and Civil Service Bureau, and at the invitation of various departments, the CCAC held a total of 14 seminars and workshops on procurement and acquisition of goods and services. The participants included chiefs in the administrative and financial area of various departments, as well as personnel with the possibility to be involved in the process of acquisition of

goods and services in public institutions. At the seminar or workshop, staff from the Ombudsman Bureau made presentations on the principles and relevant measures in the process of public procurement and acquisition, their obligations and execution of duties in accordance with the law and on the principle of honesty and integrity. Questions were raised and answered to clarify specific matters relating to their work, thus helping the public servants to sharpen their vigilance and carry out their public duties by sticking to the principle of honesty, justice and objectivity.



Seminars on the procurement and acquisition of public goods and services

On the other hand, the CCAC was also aware that, although seminars and workshops enabled public servants to interact with one another through direct dialogues thus enhancing their awareness of administration by law, honesty and selfless dedication, they had certain limitations. Therefore, to achieve general and permanent effects, it was necessary to prepare written guidelines to constantly remind and supervise public servants on relevant topics.

In fact, back in 2001, the CCAC conducted researches on the existing legal system regulating the procurement and acquisition of public goods and services, identified the flawed or outdated regulations and made suggestions. However,

these regulations were still being applied and revision could not be made within a short time owing to the process of legal reform. However, this does not mean that without the revision of legislation it is not possible to make improvements. It is still possible to improve the process of procurements and acquisitions of public goods and services and in the management of public servants participating in the work, especially in the area of fair and just treatment of suppliers, of confidentiality and avoidance of conflicts of interests. As a matter of fact, from the inspection projects concluded in 2002 and 2003, from the handling of cases of complaints and exchanges at seminars on this matter, the CCAC still found quite a lot of the public servants having a poor understanding of the “dos” and “don’ts” that they should pay attention to in the process of procurements and acquisitions. As a result, there were omissions in their exercise of public functions, which easily caused misunderstandings on the part of the residents or suppliers.

To improve this situation, the CCAC synthesized the problems found from the research projects on inspection and summarized the experiences learned, and compiled the “Guidelines for the Procurement and Acquisition of Public Goods and Services”. The guidelines provide brief instructions on “Principles to observe in the process of acquisition”, “Points to notice at various stages of the process”, “Obligations of personnel participating in the process”, “Handling of advantages”, “Principle of avoidance”, “Legal responsibilities”, “Reporting corruption and methods”, and “Information for inquiries”. Moreover, in the form of appendices, there are instructions on “Practical questions and answers concerning the acquisition of public goods and services”, “Mechanisms for avoidance”, and “Functional crimes more frequent in the process of acquisition”. All these aim at giving the public functionaries clearer guidelines so that they perform their duties and obligations thoroughly in the acquisition process they participate in, and the public participating in the process as suppliers also have a clearer picture of how they can compete fairly and justly without misunderstanding.