



CHAPTER VI
DECLARATION OF INCOMES
AND PROPERTIES

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Since the promulgation and implementation in 1988 of Law no. 3/98/M of 29 June, i.e. “Declaration and Public Monitor of Incomes and Properties”, generally known as the “Sunshine Law”, a number of problems in its execution had been reported by the depository entities. Therefore, an internal working group in CCAC was formed in 2002 to proceed a preliminary study on its revision, to be used in the declaration update being due five years after the promulgation of the existing law, and for blocking loopholes detected in these years of practice. In early September, this internal working group, together with representatives appointed by the President of the Court of Final Appeal and the Secretary for Administration and Justice, formed a joint working group to work on the revisions. On 10 July 2003, the Legislative Assembly approved the revisions of the law of “Declaration of Incomes and Properties”, Law no.11/2003.

To facilitate the use of the revisions in handling declaration update due in five years from its last presentation as to reduce inconvenience that might cause to the declarant and the corresponding department, the CCAC has established a campaign group to be responsible for producing exemplification as completion models, training staff, providing clarification sessions, as well as making preparation for the collection. From 6 September to 27 October, a total of 41 clarification sessions was completed, with an accumulated audience of 6,800, including the sessions in Portuguese and English for non-Chinese speakers. In a clarification session, the differences between the new law and the existing one, as well as those issues particular to the completion of the new declaration form would be specified. The questions raised by the audience in these sessions were compiled into 126 “Frequently Asked Questions in the Completion of the Declaration of Incomes and Properties” published by the CCAC for references of the frontline workers.

On the other hand, the specification in the old law which said that charges be made against a declarant if his/her properties significantly exceeded the declared amount but he/she failed to justify them or identify their legitimate source was questioned by the legal fraternity. Besides there is only a modification in the Chinese expression of the crime with its basic content remaining unchanged in the revised version. Therefore, it is necessary to make a further technical study and analysis regarding its legality (i.e., conforming to the Basic Law, the international conventions on human rights and the basic principle of the Penal Code) and intention of the enactment so as to dispel doubts and worries. Accordingly, right after the revisions were approved, the CCAC invited the Deputy General Procurator of Portugal, Dr. Julio Pereira, a very experienced expert in the theory of Penal Code and practice, to present his views on the issue, first in an article in the quarterly bulletin of the CCAC, and then in a seminar entitling “Criminal Parameters of the Law of Declaration of Incomes and Properties”, aiming at an audience of magistrates, lawyers, scholars in law studies, legal advisers in different government departments and other jurists.



Opening ceremony of the promotional campaign for the new law

To receive the sheer volume of “Declarations of Incomes and Properties” and avoid disrupting the routine of the related departments, the CCAC has obtained permission in utilizing the basement floor of the Public Administration Building to install a temporary workspace equipped with an electronic waiting system and a waiting area as to facilitate the reception work and provide convenience to the declarants. Similarly, for those departments having a large declarant number, the CCAC would send staff to the departments to collect the declarations, as to avoid disrupting the routine operation of the departments due to the absences caused by the update. In the three months from October to December 2003, the CCAC received 7,880 declarations from individual public servants, accumulating a yearly total of more than 10,000.



“Criminal Parameters of the Law of Declaration of Incomes and Properties” seminar by the Deputy General Procurator of Portugal, Dr. Julio Pereira



The temporary workspace for declaration reception