

CHAPTER 1

INTRODUCTION

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The year 2005 was a challenging one for the Commission Against Corruption of Macao (CCAC) whose main tasks were to ensure the cleanness and fairness of the 3rd Legislative Assembly Election of the Macao Special Administrative Region (Macao SAR), enhance the management of public administration in terms of honesty and incorruptibility, promote awareness of administrative complaints, and further carry out moral education for teenagers.

In 2005, the CCAC recorded a total of 1,109 complaints, a decrease of 9.6% over 1,227 cases recorded in the previous year, which might be related to the promulgation of the Guidelines on the Professional Ethics and Conduct of Public Servants and other integrity regulations of competent government departments, especially in the area of ombudsman. Out of these 1,109 cases, however, there were only 395 cases meeting the criteria for follow-up, together with a backlog of the previous year and reopened cases totalling 580 cases. Among those complaints, there were 142 cases commenced for investigation, including 70 cases registered in 2005, 71 cases transferred from the previous year, one case reopened in the same year and 438 non-commenced cases handled either by transference or preliminary procedure. After a year's effort, 395 non-commenced cases and 85 commenced cases have been concluded, of which 21 cases were referred to the Public Prosecutions Office. As there were only 111 cases left for 2006 (including 57 registered cases), accumulated cases have further declined.

In 2005, there were 889 cases involving criminal offences (82 cases concerning electoral corruption) accounting for 80.2% of the total recorded complaints that were still dominated by cases of corruption, abuse of power and fraud of public servants.

During the criminal investigations, the CCAC paid close attention to the possible corruption derived from the economic development, especially in relation to gaming activities and the operation of credit institutions. While strengthening preventive measures, the CCAC also exposed several cases involving public servants' bribery, abuse of power, forgeries and fraud, including a serious fraud of several hundred million patacas committed by an employee of a credit institution. In the meantime, it was a great challenge for the CCAC in 2005 to monitor the 3rd Legislative Assembly Election. Given the circumstances where the competition was severe and updated laws were lacking, cases of irregularity and the number of risk-takers were on the rise compared with the previous elections, despite the intensified publicity of fighting against electoral corruption and efficient preventive measures which had been formulated.

As fighting against electoral corruption entered into a crucial stage in 2005, the CCAC set up routine channels as well as a hotline for the public. By the end of the year, the CCAC received 423 complaints in total; most of them were similar and mutually related. By the end of 2005, after careful analyses and preliminary examination, 12 cases were commenced for investigation, 6 cases involving over 700 suspects were scrutinized and transferred to the Public Prosecutions Office, including candidates who were leaders of civic associations and managers of enterprises. Besides, some cases require further investigation in 2006.

Concerning the 3rd Legislative Assembly Election, given the obvious increase of complaints, commencement for investigation and suspects compared with the last election, it shows a general rise in the awareness of integrity, but there is still room for improvement and correction in both legal and moral aspects. It is also necessary to point out that the huge increase of complaints about this legislative assembly election did not indicate a general occurrence of corruption during the election, since most of the complaints merely involved briberies of certain candidates in a particular group and the cases were mutually related; in fact, there were only a small number of immoral individuals willing to breach the law which might also need to be perfected. On the contrary, the large number of complaints is in fact the reflection of the public renouncement of electoral corruption.

According to a survey conducted in September prior to the election, interviewees considering it would be clean, normal or corrupt were 24%, 58% and 18% respectively. After the election, the CCAC promptly reviewed and systematically analyzed the supervision of the previous elections, and will propose suggestions for law-amendment so as to further complement relevant laws and regulations.

Considering corrupt crimes are not confined to national borders, the CCAC has established a partnership cooperation mechanism with law enforcement agencies of various regions in recent years. In 2005, the CCAC assisted other regions' law enforcement agencies in investigating 25 cases, and 15 cases are yet to be followed up. Meanwhile, some cases of the CCAC also required cooperation of other regions' law enforcement agencies; in both ways, the results have been satisfactory. Additionally, in strengthening the anti-corruption force, the CCAC recruited new investigators in October 2005. With 1,067 people enrolled for examination, 8 distinguished candidates were chosen for the training course after going through the five stages of qualification assessment, written examination, physical fitness test,



home visit and interview. They are expected to join the workforce in 2006, which will relieve the shorthanded pressure.

Concerning the area of ombudsman, in 2005, there were 220 recorded cases mainly in relation to legal systems governing public services, municipal affairs and illegal constructions. Considering the cases being transferred from the previous year and the duplications, there were 272 cases of ombudsman in total to be handled, of which 238 cases have been concluded. Among concluded cases, 172 cases were disqualified as administrative illegality or administrative malpractice, accounting for 70%. The CCAC issued recommendations to two cases and provided suggestions for the amendment for the Road Code and Road Regulations. In addition, as the system was established and disciplinary approaches put in place, requirements for consultancy the CCAC received declined to 608 cases from 645 cases in the previous year, dominated by enquiries about “the legal system governing public services”, “Guidelines on the Professional Ethics and Conduct of Public Servants”, with 16% of cases outside the competence of the CCAC, and an obvious decline on issues of public procurement.

Based on the problems revealed from the recorded complaints and operational investigation, the CCAC has completed the reviews on “The Issues on the Prosecution Procedure and Sanction Procedure against Administrative Offences” and “The system of Serving Exclusively the Public Interest and Not Engaging in Incompatible Activities for Public Servants.” Meanwhile it provided suggestions to the amendment for the General Regime of the Administrative Infringement and its Procedure, General Regulations Governing the Staff of the Public Administration of Macao and the General Regulations Governing the Directors and Chiefs. In addition, the CCAC has launched two appraisal schemes on the accessorial units of the Transportation Department of Vehicles and Transportation of the Civil and Municipal Affairs Bureau. In cooperation with the Health Bureau and Macao Trade and Investment Promotion Institute, the CCAC will continuously follow up the improvement measures carried out by these two institutions.

By the end of 2004, the CCAC promulgated the Guidelines on the Professional Ethics and Conduct of Public Servants and Recommendations on the Formulation of Code of Conduct for Public Services and Institutions, aiming at promoting honesty and integrity of public servants. Consequently, concerning the issue the CCAC organized a series of promotions and 122 seminars with 18,410 public servants participating in 2005. In the meantime, the CCAC also

provided technical assistance to formulating internal guidelines for honesty and integrity while establishing a long-term connecting mechanism with the competent governmental authorities through appointed liaisons. By December 2005, 36 of 55 public services and institutions had formulated internal guidelines on honesty and integrity with the rest being in the process.

In 2005, according to the social development, the CCAC continuously carried out systematic and specific educational promotions in which 371 seminars were held for public servants, students and staff members in supervised institutions and associations with 33,823 person-times, a record year for participants. In the meantime, the CCAC fully utilized the routine publicity channels to promote citizenship and integrity for the public, such as the “Clean Administration Forum” in the newspaper and the publication of the CCAC Bulletin, making television and radio programmes and posters, organizing variety shows and endorsing honesty into the Legislative Assembly Election and so on. During the period of election, the CCAC issued the Guidelines for Clean Election for Voters and Guidelines for Clean Election for Candidates, and held symposiums to explain the meanings of “clean election” for candidates, as well as invited some people as “Clean Election Ambassadors”. Four hundred people were recruited as “Clean Election Volunteers” to assist the relevant promotions, carrying the message all the way to the grass roots of the community.

In 2003, the CCAC compiled the primary school textbook “Honesty and Integrity”, which was adopted by nearly 90% of all primary schools in Macao. In August 2005, the second edition of the textbook was published together with interactive teaching components including audio-visual materials, role-play costumes and self-mailer. More than 40 primary schools adopted the textbook by the end of 2005.

In 2005, in order to expand the social network and achieve better educational results, administrative staff in the branch office of the CCAC continued visiting associations, implementing “New Generation of Integrity; an Education Programme on Honesty for Primary Students” and receiving complaints and enquiries from the public. In total, 41 complaints and 364 enquiries from the citizens were received during the year. An international organization, “Transparency International” visited the branch office, and praised the CCAC’s educational programme for youth, which was also introduced in Teaching Integrity to Youth, a special edition of the moral education publication compiled by Transparency International.

A survey conducted by an academic institution revealed that in 2005 it was the first time that over 90% of the interviewees indicated they would lodge their complaints if corruption were discovered, and 85% were positive about the prospect of Macao becoming a “clean city”. The recent decline of the received complaints and cases commenced is a preliminary sign of Macao’s progress moving towards honesty and integrity. However, the CCAC is fully aware of the possibility that the nature and ways of committing corruption may also be evolving. Besides, the problems relating to the legal system and citizenship exposed during the Legislative Assembly Election, and some new opportunities for corruption correlating with the economic development are all requiring public attention.

In March 2006, an independent international evaluation organization “Political and Economic Evaluation” published the Asia Corruption Trend Investigation Report, in which Macao SAR was taken as a subject for the first time, reflecting the attention it received from the international community. As a result, Macao SAR gained 4.78 points, ranking 4th out of 13 countries/regions, after Singapore, Japan and Hong Kong. Macao being on the top list in Asia is a result of collective efforts of the general public, business circle, media, government, public servants and the CCAC, which has also been recognized internationally. While the CCAC is encouraged by the result, we will not be self-content; rather, we will take precautionary measures to meet the future challenges, as well as to expect the continuing support and cooperation of the public.

Looking towards the coming year, the CCAC will continuously implement the policy of “anti-corruption, prevention, enactment of normative acts and education”, spare no effort, pay close attention to the social development, improve working capacities, strengthen anti-corruption forces, always take initiatives, uphold social justice, and join hands with the people of Macao so as to fearlessly build a corruption-free society.

