

CHAPTER II
CONSTITUTIONAL & ORGANIZATIONAL
STRUCTURE

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2.1 Constitution

Upon the founding of the Macao Special Administrative Region (Macao SAR) on 20th December 1999, and in accordance with Article 59 of the Basic Law of the Macao SAR, the CCAC was formally and officially established. The CCAC functions independently under the instructions of a Commissioner, who is accountable only to the Chief Executive.

The Commissioner of the CCAC is nominated by the Chief Executive and appointed by the Central People's Government of the People's Republic of China (PRC).

The CCAC is not a constituent part of the administrative system. It is an independent public institution responsible for the prevention and fighting of corruption, and for the handling of administrative complaints in accordance with the law.

2.2 Functions and Organizational Structure

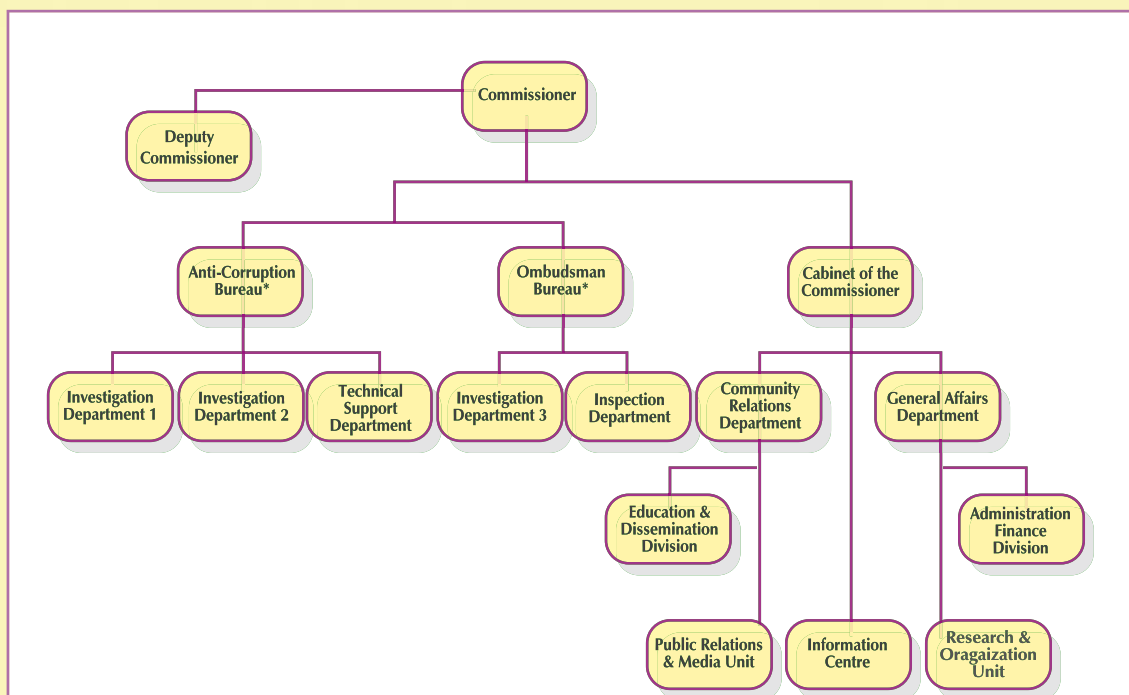
In August 2000, the Legislative Assembly of the Macao SAR approved the Organizational Law of the CCAC (Law no.10/2000), thereby vesting the CCAC with more powers, including detention, search, seizure and use of weapons. Investigators are also granted the status of criminal investigation police officers, reflecting the determination of the Macao SAR Government to eradicate corruption and ensure a clean administration.

The Organizational Law specifies that the main functions of the CCAC are to:

- Prevent acts of corruption or fraud;
- Instigate investigations and enquiries into acts of corruption and fraud committed by public servants;
- Instigate investigations and enquiries into acts of corruption and fraud relating to electoral registration and elections;
- Protect the rights, freedom and legitimate interests of individuals and safeguard the justice, legality and efficiency of the public administration.

The Administrative Regulation of the CCAC – “Organization and Operation of the CCAC” (no.31/2000) promulgated on 21st August 2000 - provides the CCAC with an improved organizational structure and increased manpower. The CCAC consists of the Cabinet of the Commissioner, the Anti-Corruption Bureau, and the Ombudsman’s Bureau, with functional, administrative and financial autonomy. The two investigation departments of the Anti-Corruption Bureau are responsible for the investigation of acts of corruption and fraud within the remit of the CCAC while the Technical Support Department provides support for combating corruption and accepting complaints and reports of corruption. The Ombudsman Bureau, consisting of Investigation Department III and the Inspection Department, is responsible for recording complaints, rectifying illegal or unfair administrative acts and conducting studies on the improvement of administrative processes and operation of public departments. The Cabinet of the Commissioner consists of the General Affairs Department, Community Relations Department and the Information Centre. These are responsible, respectively, for the management of finance and personnel, promotion and education, and for the use of information and communication facilities to improve the overall operations of the CCAC.

The Organization Structure of the CCAC



*The deputy commissioner is inherently designated as the director of the bureau.

2.3 Monitoring Committee on Discipline of the CCAC Personnel

On 31st July 2001, the Chief Executive established the “Monitoring Committee on Discipline of the CCAC Personnel” through order no. 164/2001. Its main functions are to analyse and monitor the non-criminal complaints on the CCAC personnel and make suggestions to the Chief Executive. The Committee comprises of five members with a 3-year-term. They are being appointed by the Chief Executive from among the prominent people in the Macao SAR. Members of the present Committee are Leong Heng Teng (President), Paula Ling, Kwan Tsui Hang, Lei Pui Lam and Philip Xavier.