

# CHAPTER V

## THE OMBUDSMAN

## Chapter V – The Ombudsman

In 2007, the CCAC recorded 236 administrative complaints, a 7.1% decrease compared to the previous year. In summary, the complaints primarily related to the public services system, municipal affairs and governmental operations. The CCAC conducted 6 formal investigations and made recommendations subsequently. In addition, the CCAC recorded 647 requests for help and consultation.

The CCAC completed 2 projects of research and examination on system in 2007, namely *the Analysis on Land Disposal and its Supervisory System* and *the Procurement System of Public Constructions*. The relevant reports were submitted to the Chief Executive. In terms of researches on operation, the Identification Bureau became a new collaborative partner of the CCAC in reviewing the issuance and management procedures of travel documentation. In addition, the CCAC continued to follow up on the implementation of measures designed to improve the operations of the Civic and Municipal Affairs Bureau and the Health Bureau.

In order that government departments and institutions attach more importance and priority to “Integrity management”, the CCAC and the 5 government secretary offices jointly hosted 5 sessions of “Integrity Management Symposium” in July 2007, addressing the directors and department heads of respective departments and institutions. At the end of August, the CCAC launched the Integrity Management Plan to continuously promote integrity management in those departments and institutions. By the end of 2007, 56 government departments and institutions had participated in the programme (59 by the time of publishing this annual report) and promised to implement solidly the contents of the scheme while maintaining close collaboration with the CCAC.

The CCAC continued to host several seminars on “Noble Character, Righteous Conduct” in 2007 at the request of various government departments, institutions and private organisations and hosted various forums and workshops on procurement, ombudsmanship and functionary crimes in addition to other themes.

In terms of international exchanges, with the support of the Ministry of Supervision of the People’s Republic of China, the CCAC organised the “Ombudsman and Legality in

Administration by law – International Exchanges between China and Portuguese-speaking Countries” conference in October 2007 to accelerate experience-sharing regarding administrative supervision between China (including Hong Kong SAR and Macao SAR) and Portuguese-speaking countries. The CCAC also continued to attend meetings held by the International Ombudsman Institute and Asian Ombudsman Association as well as seminars and conferences on corruption prevention hosted by other international organisations.

In terms of personnel training, the Ombudsman Bureau of the CCAC continued sending staff to investigation courses held jointly by the CCAC and the Chinese People’s Public Security University. Local judge Mário José de Oliveira Chaves - once the Chief Judge of the Collegiate Bench of the Court of First Instance - was also invited to conduct internal staff training. Moreover, the CCAC organised delegations to study the operations of Mainland Chinese supervising entities. The Ministry of Supervision of the People’s Republic of China also sent experts to Macao to explain to the CCAC personnel the tasks and shared their experiences in promoting systematic prevention.

## 5.1 Investigation

### 5.1.1 Case Intervention

#### 5.1.1.1 Cases Recorded and Processed

In 2007, the CCAC handled 236 cases of administrative complaint - a 7% decrease compared to the 254 cases logged in 2006. While the number of complaints regarding the legal system governing public services registered a slight fall it still accounted for 31% of all administrative complaints. Fewer complaints about illegal construction may have occurred because of the release of the report of research and examination on *the Power of Intervention of the Public Administration Concerning the Misuse and Poor Management of Private Premises*.

Meanwhile, the CCAC had co-operated with the Inspection Division under the Urbanization Department of the Lands, Public Works and Transport Bureau to conduct research on operation on the procedures handling illegal construction and had designed relevant remedial measures. As a consequence, citizens can understand the CCAC’s stance on illegal construction issues and tasks that could be carried out within the limits

of its authorized function through responses to enquiries and Annual Report of the CCAC. Citizens have realised that making complaints to the CCAC merely may not speed up the demolition of individual illegal constructional works. Likewise, the number of administrative complaints on municipal affairs accounted for a smaller percentage as a result of the ongoing improvements made by the Civic and Municipal Affairs Bureau (IACM) on the handling and following up of complaints. If all government departments and institutions continue to improve their operational flows, increase transparency and improve the complaints handling system, residents would not need to seek the intervention of a third party, which is the long term objective that the CCAC has set, and one of the important goals in promoting the Integrity Management Plan. In addition, a significant number of complaints about occupying public places were received as a result of the authorities' deficiencies in the handling procedures and relevant legal system; the analyses on the related problems are available in *the Analysis on Land Disposal and its Supervisory System*. The number of complaints related to individuals' livelihood - such as imported labour, illegal businesses, tax affairs, and medical and healthcare, etc. - experienced an obvious increase compared to last year.

Table 14  
Content classification of administrative complaints in 2007

Problems involved	Number
Legal system governing public services (staff rights and interests, recruitment, internal management, discipline and abuse of power)	72
Municipal affairs	18
Illegal construction	22
Imported labour	9
Traffic offences	9
Supervision of property use and construction / occupying public places	8
Economic / social housing	7
Illegal businesses	7
Public procurement	6
Tax affairs	6
Medical and healthcare	6
Disputes between employers and employees	5
Transportation	5
Education	4
Irregularities in other administrative procedure	47
Beyond the competence of the CCAC	5
<b>Total</b>	<b>236</b>

236 cases of administrative complaint recorded in 2007 were added to the 57 cases forwarded from 2006, with 27 overlapping cases excluded. As a result, a total of 266 complaints were to be processed during the year, of which 211 were completed or archived, accounting for over 79% of the total.

Some of the cases were archived because of the lack of evidence of administrative illegality or malpractice, others because they were handled by the departments concerned through formal or informal intervention by the CCAC. Some cases were close-filed be-

cause they were beyond the competence of the CCAC, inadequate information, etc. Of the 211 finished cases, 7 were handled by formal investigation while the remaining 204 were handled by the departments or institutions concerned via flexible approaches like referral, documents exchanges, consultation and meetings, of which approximately 74% were resolved within 3 months. Evidently, they were handled more efficiently in comparison with the cases in which formal investigation proceedings were initiated, as, in the case of the latter, it would take at least 3 months even in the final stage alone between the issuance of CCAC's recommendation and the departmental response. Of those, some 50 cases - or 24% of the total - were properly handled by the departments concerned following the CCAC's formal or informal intervention, which recorded an increase over the past few years. This suggests that if suitable ombudsman processing approaches are adopted in accordance with the nature of the cases and complexity of issues involved, the incidences of administrative illegality and malpractice can be solved more efficiently. Consequently, the ombudsman can be a more effective tool in defending the legal rights and interests of residents.

Table 15  
Administrative complaints in 2007

Reasons for case filed	Number
No sign of administrative illegality or malpractice	123
Handled by respective departments (by formal or informal intervention of the CCAC)	50
Lack of information	28
Beyond the competence of the CCAC	4
Others	6
<b>Total</b>	<b>211</b>

#### 5.1.1.2 Formal Investigation

In 2007, the CCAC initiated formal investigations in 6 cases of administrative complaint, in which recommendations and suggestions were made. These cases involved re-

cruitment of personnel, prosecution procedures against administrative offences, certificate of sick leave, etc. A summary of the cases can be seen in the appendix.

In the case of “The rights of the absence of pregnant public servants resulting from prenatal care/checkups” (see case summary in appendix of 2006 Annual Report of the CCAC) the relevant authorised department issued unified guidelines to all government departments and institutions in 2007 in that “public servants shall be exempted from duties during the period of prenatal care/checkups during pregnancy”.

### *5.1.2 Request for Help and Consultation*

The CCAC recorded a total of 647 requests for help and consultation in 2007, a 14% decrease compared to 2006. This marked a small decline after a nearly 25% sharp increase recorded in 2006, which may be the result of the enhanced consultation channels and clarified guidance given in consultation contents by the departments concerned, in addition to the CCAC’s promotion of better government operation and increased transparency.

To sum up, most of the requests for help and consultation registered last year still addressed public service, municipal affairs, traffic offences and illegal construction. At the same time, citizens also paid more attention to government supervision regarding the use of real properties and construction supervision, traffic planning and contracting of public construction works. On the other hand, 83 requests for help and consultation went beyond the competence of the CCAC - a slight fall over the previous year, suggesting an enhanced awareness by citizens of CCAC’s functions, even though many believe that the CCAC should be empowered to cope with corruption in the private sector.

Table 16  
Classification of requests for help and consultation in ombudsman areas in 2007

Issues	Number
Legal system governing public services (staff rights and interests, recruitment, discipline and declaration of income and property)	146
Municipal affairs	69
Traffic offences	58
Illegal constructions	48
Guidelines on the Professional Ethics and Conduct of Public Servants	33
Use of properties and construction supervision / traffic planning / public construction works	25
Employment Disputes	23
Economic and social housing	20
Medical and healthcare	20
Public procurement	19
Illegal labour	10
Tax affairs	9
Social Security	6
Illegal businesses	5
Others	73
Beyond the competence of the CCAC (private sector and lawsuits)	83
<b>Total</b>	<b>647</b>

## 5.2 Researches and Examinations

### 5.2.1 Researches and Examinations on System

In 2007, the CCAC completed 2 projects of researches and examinations on system, namely *the Analysis on Land Disposal and its Supervisory System* and *Procurement System of Public Constructions*. The relevant reports were submitted to the administrative authorities, in which the following improvements were recommended:



### 5.2.1.1 Analysis on Land Disposal and its Supervisory System

Addressing the problems found in the process of the review, recommendations given by the CCAC sought to improve the system of land use and its supervision; in particular, by increasing the transparency and fairness of land disposal procedures in defence of the public interest:

1) Improvements to be made by legislation, revision of law or other regulations:

- a) Formulation of urban planning may emanate from district planning, and seek to lay down the blueprint for land use and development of Macao SAR from “a rule of law” perspective. During the process, it is necessary to widely consult various sectors of society and recruit the participation of citizens.
- b) Amend the provisions of the *Land Law* concerning the penalising of unauthorised occupants of land in the Macao SAR by increasing the amount of fine, or criminalising the offence to intensify the strength of intimidation.
- c) By introducing the new enforcement regulations in the *Land Law*, the administrative authority should strengthen the regulations on land granting requirements or restrictions of the qualifications of applicants, transfer of entitlement of lands granted, change of usage, etc. to establish a more sophisticated land disposal system.
- d) Amend the regulations of Decree Law no. 60/99/M concerning the constitution of the land committee and make changes in the current absurd circumstances in which “the majority of committee members are from the same department with subordinating relationship”. It is recommended that non-public servants should be included as committee members, reasonably increase the number of members, and recruit distinct scholars and professionals or delegation from the spheres of urban development, transportation, history and culture, and environmental protection, etc.

2) Improvements to be made by issuing regulatory directives and taking other administrative measures by the administrative authorities:



It is true that it takes longer to navigate the process of legislation, revision of law and formulation of other administrative regulations. Therefore, prior to the legislation and amendment of the existing legal system, it is necessary to take certain measures to eliminate the loopholes of the system currently in practice.

- a) Duly increase the proportion of non-agreement land disposals and consider introducing the “open invitation for land disposal” for the proper use of land similar to those held on the Mainland. In other words, the administrative authority should publicise in advance through appropriate channels its intention of land disposal, and provide relevant information. For example, the premium payable following the grant of land or relevant calculation method, special requirements for land development, qualifications of bidders and assessment criteria (such as the percentage of each assessment criterion or the minimum score for qualified contractors), etc. should be publicized. In addition, qualified interested parties should only submit development proposals for assessment within a given period.
- b) Apart from the legislative means of regulating land use for the entire city or parts of it, the authorities may also use various available channels (such as dedicated websites) to inform the public of the latest information concerning land use in Macao and those regarding the above “open invitation for land disposal” - for example, the location, area, lease term, usage, requirements and restrictions for land development, qualifications and requirements for bidders, etc. The Macao SAR may select the most appropriate bidder for the grant amongst all land development proposals through a fair competition system. On the other hand the authorities may refer to opinions and recommendations made by the public prior to making a decision on land disposal if the public is aware of the status of land use in certain locations or areas in advance, in order to strengthen transparency.
- c) A set of objective and fair assessment criteria should be laid down regarding lands disposal via agreement; for example, introducing assessment criteria of the economic and technical competency and credibility of the applicant in the initial application for land use and the transference granted rights. Where the land is granted for a specific purpose, more stringent restrictions must be set to prevent the successful bidder from increasing the profit return on the land at will after winning

the bid at a low price (premium). With regard to the assessment of application for change of land usage, the principle of “serving the public interest” shall be strictly observed, which equally applies to all activities and behaviour conducted by the administrative authorities and under no circumstance shall the authority exercise its discretion solely for the sake of a contractor.

- d) As for land disposal applicants with questionable “credibility”, such as those who have illegally occupied land in the Macao SAR (“unauthorized occupation of land”) or failed to develop land granted or made use of their overdue land grant without justified reason, or failed to develop the land in accordance with the specifications in the land construction licence or corruption, their qualification for land grant will be restricted. Under the system of land grant by agreement, the authorities may exercise their discretion - especially when such grant may compromise the public interest - by rejecting applicants who fail to meet the requirements or qualifications.
- e) The current regulations and the terms and conditions specified in the land disposal agreement shall be strictly observed in case of land disposal agreement fail to develop or development overdue by, for example, imposing a penalty or even rescinding the land grant.
- f) Devise convenient and effective prosecution procedures to address the illegal occupation of land in the Macao SAR in order that the administrative authorities can deal with offences more efficiently and accordingly.
- g) Since the authorities have established the Consultation Committee for Land Development – comprising 3 public servants and 4 non-public servants – then undoubtedly the members who concurrently serve as public servants shall be subject to “the recusal system”. Failure to declare the circumstances that require “mandatory” or “self-recusal” will constitute a breach of discipline. Nevertheless, it is necessary to lay down an interest declaration system for non-public service members specifying their obligations and respective consequences on violation in order to prevent the conflict of interest and ensure that all members of the Committee shall voice their opinions objectively and justly on land development issues. It is recommended that the opinions of the Committee be made known

to the public accordingly, or at the very least establish an inquiry system to enable relevant persons' access to the relevant information according to the relevant stipulations of the current *Code of Administrative Procedures*.

3) The authorities should thoroughly investigate suspected offences involving the exchange of land by creating new private ownership and made land disposal decisions without legally renewing urban planning, in order to take suitable remedial measures to meet the requirements of "administration of law".

#### 5.2.1.2 Procurement System of Public Constructions

The procurement for public construction works of the Macao SAR is regulated by Decree Law no. 122/84/M, 63/85/M and 74/99/M and bound by the general principles regulating administrative activities as specified in the *Code of Administrative Procedures*. The first 2 sets of law are outdated and as such are disconnected from reality and the provisions stipulated therein are too general, containing principles without giving specifications and technical issues for enforcement. However, the administrative authority failed to specify the issues mentioned above through administrative rules or other regulatory means in accordance to the law, leading to various breaches of the principles of serving the public interest, fairness, appropriateness and impartiality stipulated in the *Code of Administrative Procedures* are evident in the procurement process.

In fact, procurement of public construction works involves huge financial outlays by the public treasury; some large-scale projects even cost tens or hundreds of millions of patacas, and are generally recognised as being at high risk concerning corruption and abuse of power. The mega-corruption case concerning the former Secretary for Transport and Public Works who was found guilty of abusing public power for personal interest in the process of public construction procurement, for example, was processed by the CCAC last year.

In practice, the CCAC has gathered some facts indicating the various vices in the current fundamental principles governing administrative procedures. The stipulations of the *United Nations Convention Against Corruption* applicable in Macao SAR requires that public procurement shall promote transparency, competition and operate with objective



criteria<sup>1</sup>, thus the CCAC decided to undertake a comprehensive analysis of the current contracting system of public construction works and offer remedial advice in order that the authority could take appropriate measures to plug existing loopholes.

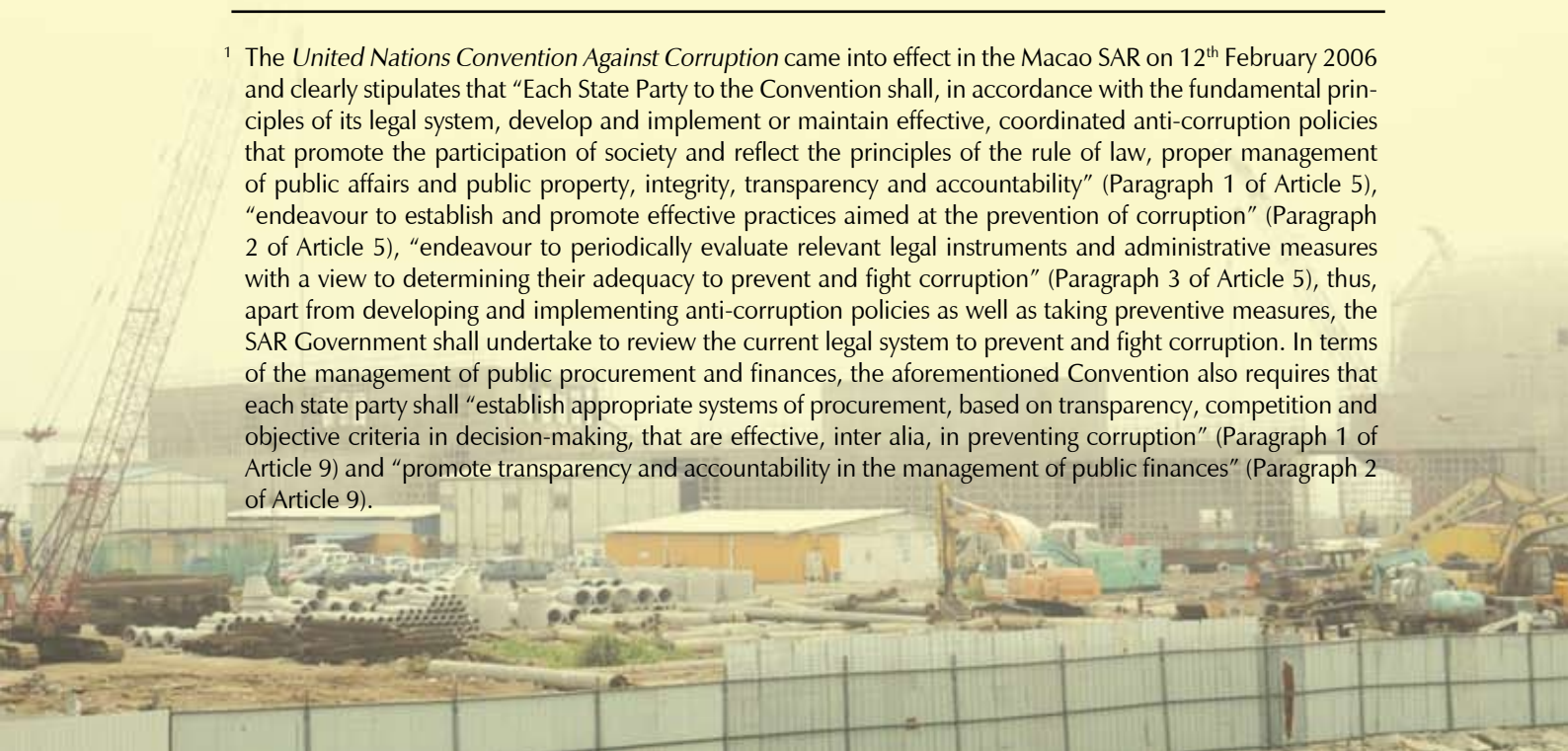
Regarding the various problems identified in research and examination, improvements can be made via legislation and amendment of the law. The recommendations are summarised as follows:

1) Administrative authorities shall implement as soon as possible the obligation of “regulating” as specified in Decree Law no. 74/99/M to lay down complementary and technical regulations governing the contracting system of public construction works through administrative regulations or other normative acts, in which the following contents shall be included:

- a) As normative requirements, the general principles of administrative activities stipulated in the *Code of Administrative Procedures* should be embedded into specific regulations governing the procurement procedures of public construction designs and supervisory services. In particular, issues such as decisions on exemption from open tender, the number and entities invited for quotation (restricted tender) should be specified. Corresponding explanations, for example, consideration of expenditure involved or the number of qualified suppliers available in the market should be given. Public procurement project that involves massive public expenditure reaching the minimum requirement for public or great public inter-

---

<sup>1</sup> The *United Nations Convention Against Corruption* came into effect in the Macao SAR on 12<sup>th</sup> February 2006 and clearly stipulates that “Each State Party to the Convention shall, in accordance with the fundamental principles of its legal system, develop and implement or maintain effective, coordinated anti-corruption policies that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability” (Paragraph 1 of Article 5), “endeavour to establish and promote effective practices aimed at the prevention of corruption” (Paragraph 2 of Article 5), “endeavour to periodically evaluate relevant legal instruments and administrative measures with a view to determining their adequacy to prevent and fight corruption” (Paragraph 3 of Article 5), thus, apart from developing and implementing anti-corruption policies as well as taking preventive measures, the SAR Government shall undertake to review the current legal system to prevent and fight corruption. In terms of the management of public procurement and finances, the aforementioned Convention also requires that each state party shall “establish appropriate systems of procurement, based on transparency, competition and objective criteria in decision-making, that are effective, inter alia, in preventing corruption” (Paragraph 1 of Article 9) and “promote transparency and accountability in the management of public finances” (Paragraph 2 of Article 9).



est should be literally required to make known to the public the reasons for the exemption from open tender/only requesting quotations from a limited number of suppliers.

- b) Supplementary service or construction work shall be strictly regulated, e.g., where the amount involved exceeds a specific percentage of the original contract amount it shall be deemed a “new construction project”. The procurement method shall be determined according to law (e.g. by open tender or written quotation, etc.) In addition, in order to promote the transparency of procurement procedures, the authority should proactively disclose the reasons for the supplementary service or construction work, specific scope and proposed procurement method when the expenditure of the supplementary service or construction work exceeds the specific percentage of the original construction; in particular, exceeding the minimum amount of, for example, the MOP2.5 million requirement for open tender.
- c) It is advisable to establish a standard database<sup>2</sup> for qualified professional entities based on the professional categories involved in the public construction works, which details providers of design services, supervision, consultation and construction services. The database should create its own criteria of entry, grading, upgrading and downgrading, for example, determining which grade of providers are invited to quote based on the estimated cost of the procurement project; grading can be adjusted according to performance in implementing the contract as well as dismissal terms such as seriously breaching the terms of the contract or lack of credibility<sup>3</sup>. The database should, of course, be updated from time to time, especially in terms of the experience and qualifications of the contractor entering upon the agreement with the authority.
- d) Each scoring item and its respective percentage amongst the whole score - as well as the constitution and percentage of each sub-scoring item (if any) - should be clearly specified and made known to bidders prior to the tender. Should the percentage

---

<sup>2</sup> Should a company be qualified for the 3 professional categories, it may be ‘listed’ in the relevant 3 categories in the database.

<sup>3</sup> For example, with a criminal record for corruption.

of certain scoring items in the procurement project be higher than the stipulated range, the department concerned shall provide explanation and obtain exclusive approval from the bid awarding authority and publish such details in the official gazette. Furthermore, price assessment should follow the statutory principle of “higher scores to lower price”. Unless otherwise conforming to the provisions of law may the low price be eliminated. Should the administrative authorities choose not to observe the assessment criteria mentioned above to accommodate special cases, they should establish general rules through external regulations and specify applicable time limits in accordance with the law.

- e) A guideline on tender assessment should be laid down for the assessment committee and include the following: require all members of the selection committee to grade the tenders individually; if abnormal scores emerge, the relevant assessor should explain his/her decision to the other members. Members should have the right to adjust their scores for legitimate reasons, and the entire assessment process should be recorded in writing.
- f) Establish a system for prevention of conflict of interest for contractors responsible for construction designs, supervisory and consultation services. For example, the contractor and its staff members should be restrained from lending direct and indirect assistance to the construction bidder. The administrative authority should be informed whenever a conflict of interest arises.
- g) Should the original procurement project be divided into certain parts for separate procurement - which exclude the project from the requiring open tender due to the decrease in its estimate cost - the authority concerned should inform the public of the reasons for division and the proposed procurement dates of the divided projects, among other things.
- h) With regard to the negotiation between the authority and the highest scorer in the bid after tender assessment and prior to awarding of contract, it is advisable to specify a set of clear and concrete working procedures prior to negotiation (including descriptions of the issues, scope and reasons for negotiation) and present them to the auditing authority for approval. Where the awarder fore-

sees a necessity for negotiation with the highest scorer in the bid, the issues to be negotiated can/should be instructed together with the approval of the procurement. The scope and “bottom line” of negotiation should be stipulated in advance. The negotiation process should be unambiguously recorded in writing. Where negotiation is to be entrusted to project consultant and supervisory contractor, the authority should appoint technical personnel to monitor the negotiation.

- i) Define the service scope and requirements of supervisory services for public construction works related to matters such as the number and qualification of supervisors assigned to the construction site, supervisory daily log and construction progress report, etc, in addition to other supervisory-related issues and requirements that may be added or reduced by the departments concerned.

2) In the long run, especially when the remedial and improvement measures mentioned above are implemented for a certain period, the administrative authority should, in hindsight, be in a position to redress the inadequacies of the existing procurement laws and regulations by updating them as necessary. The following issues should be taken into account:

- a) In order to ensure that the selection committee is not influenced by the price offered by the bidder in the process of analysing technical qualifications, the current stipulations of Decree Law no. 74/99/M, where information regarding the bidding price and technical qualifications are placed in the same envelope, and the announcement of the bidding price on revealing of the tender prices (i.e.) prior to the completion of the tender assessment process, should be reviewed.
- b) Review the system that allocates responsibility between the principal and the contractor, including an “insurance mechanism” to ensure that the authority is able to trace and enforce legal liability against the contractor concerned if defects are found after the project contractor is accepted. Where large-scale or special technical construction is concerned, the authority should require the contractor to be insured against future compensation for the loss sustained



by the authority or a third party should construction defects caused by the contractor emerge after a certain period of time when its “security deposit” was returned to the contractor .

### 5.2.2 Researches on Operation

In 2007, the CCAC followed up on the implementation of improvement measures by the Health Bureau and the Inspection Division of the Urbanization Department under the Land, Public Works and Transport Bureau. In addition, the CCAC also reviewed the operations of the Department of Travel Documents under the Identification Bureau.

#### Health Bureau

Following up on the research on operations of the Health Bureau, some improvement measures were recently implemented as follows:

The “Task Group on Personal Data Protection” was established to lay down the operational guidelines and supervise regularly the implementation of the departments concerned. The drafts of “Consent for Operation” and “Informed Consent” have been completed, while the regulations concerning hospitals and their departments are being amended. Telephone numbers related to various enquiries are indicated on the prescriptions notes of private pharmacies. The clinic appointment system for orthoptic and perimetry tests has been computerised based on time slots. A ticketing system has been introduced on the triage mechanism in the emergency department. The “ticket” clearly indicates the triaged group, the time registered and time of appointment, etc, while the waiting time status is clearly displayed on the monitor in the waiting area.

#### Land, Public Works and Transport Bureau

The CCAC followed up on the review on operations of proceedings regarding the procedures in handling of illegal construction works undertaken by the Inspection Division of the Urbanization Department under the Land, Public Works and Transport Bureau in 2006, with the following improvement measures implemented:

Upon receipt of complaint, the bureau initiates enquiries such as whether the related building has an established owners' assembly or names of property management office. The methods of contacting and responding to the complainants have been improved and suitable measures made to ensure the security of personal information.

The bureau obtains the registered data of the property concerned before making the on-site illegal construction inspection. The inspections are conducted by 2 random partners at random districts. The number of automobiles available for field checks has been increased. The bureau has also discussed with relevant departments the entry of illegal-construction data into the Real Estate Registry for reference by individuals intending to purchase real estate, and studied the possibility of introducing measures like "non-transferable registration". (The CCAC proposed in its Annual Report 2006 concerning *the Power of Intervention of the Public Authority Concerning the Misuse and Poor Management of Private Premises* that the authority consider introducing the abovementioned measure against illegal construction into the amendment of the *General Regulations of Urban Construction*. In early 2008, the relevant authority launched a consultation for the reform of the registration and notary system, which proposed the implementation of a register of administrative offences related to real estate. In other words, the transfer of ownership of the real estate involved would be banned from transaction before cancellation of the registered offence against administrative regulations - also known as "nailing the deed" - in order to increase the impact on illegal constructions. The notice of both fine and construction legalisation or voluntary removal are combined in order to save time and administrative costs. The bureau has set up a co-operation system with the estate management industry to prevent and monitor illegal constructions co-operatively.

Preparation for appropriate training to enrich practical legal knowledge of staff members has been initiated.

## Identification Bureau

The CCAC co-operated with the Identification Bureau in the review of the issuance and management procedures of travel documents in the third quarter of 2007. The CCAC has completed the initial phase of on-site observation while the studies and analyses are continuously under progress.

### 5.3 Integrity Management in Government Departments / Agencies

#### 5.3.1. *"Integrity Management Plan"*

The CCAC introduced its "Integrity Management Plan" in August 2007. By the end of that year, 56 of the 60 government departments/institutions had joined the plan (59 as at the time of writing). The term of this voluntary scheme extends to 2 years, and is renewable. Specific tasks are undertaken by the participating departments, while the CCAC provide technical assistance, and both parties appoint personnel on follow-up and periodical review of the programme. The plan essentially embraces the following:

1) Follow-up on the implementation of internal guidelines for departmental integrity and make step-by-step improvements of:

- a) Declaration procedures and relevant handling criteria upon receiving advantages by public servants.
- b) Enforcement mechanism of recusal system.
- c) Strives to make illustrations specified in guidelines easier to understand by department personnel with regard to the range of responsibilities and job nature of the departments.

2) Conducting corruption risk assessment in correspondence to their range of responsibilities and job nature of the departments and progressively formulating specific anti-corruption measures based on assessment results; in particular, stipulating practical guidelines for specific job range.

3) Implementing progressively the principles for opening in public affairs in respect to the range of responsibilities of departments and promoting transparency concerning procedures and criteria of examination and approval.

4) Providing training to new and current staff members by holding seminars and workshops, etc. in order to ensure that all departmental personnel are well versed in their job procedures, guidelines and duly update relevant contents.

5) Strictly implementing the legal obligations to report to the CCAC of suspected functionary crimes or disciplinary offences, and inform the relevant results of disciplinary punishment.

6) Working promptly with the CCAC to review and formulate remedial measures should a departmental staff member be suspected of corruption; in particular, related to the operation of the department.

Furthermore, departments may add the following issues based on their respective responsibilities and internal operation:

Adding the following to Clause 1):

- Establishing a database regarding personnel's outside employment, and relevant basis of approval.

- Formulating corresponding procedures and conditions for reference and handling/ use of data and information with regard to scope of responsibilities of relevant department.

Adding the following to Clause 2):

- Conducting researches on operation for specific job range to improve operational flows and relevant monitoring system.



The CCAC signed “Integrity Management Plan – Protocol of Collaboration” with public departments/institutions

### 5.3.2 “Integrity Management” Symposium

In July 2007, the CCAC and 5 secretary offices of Macao SAR successively co-organised 5 sessions of “Integrity Management Symposium”. In addition to the CCAC personnel, several specialists from Hong Kong ICAC and relevant bodies were invited to address and introduce internal anti-corruption initiatives essential for the management of departments and institutions. This was achieved via case analyses and interactive discussion.

## 5.4 Formulation of Guidelines and Organization of Seminars/Workshops

### 5.4.1 Promotion Campaign of Guidelines on Professional Ethics and Conduct of Public Servants

In 2007, the CCAC continuously ran its promotion campaign for *Guidelines on the Professional Ethics and Conduct of Public Servants*, followed by seminars entitled “Noble Character, Righteous Conduct” for some 2,000 public department and institution personnel in Portuguese, Mandarin and English.

In addition, the CCAC followed up on the formulation progress of the internal codes of conduct of all departments. By the end of December 2007, some 57 of the 60 public departments and institutions had formulated internal codes of conduct; of which 40 departments formulated their codes by themselves while the rest fully adopted *Guidelines on the Professional Ethics and Conduct of Public Servants* by the CCAC or partly adopted the *Guidelines* supplemented by complementary regulations.

### 5.4.2 Organizing Seminars/Workshops

In order to cater to the needs of government departments and institutions and private enterprises the CCAC continuously organises seminars and workshops on specialized topics, such as “public procurement” or “ombudsmanship”, etc. with the aim of enhancing the individual’s comprehension of the points related to procurement and ombudsman complain procedures. In addition, several workshops were held on the topic of functional crimes, based on the needs of specific departments and institutions.





Seminar on "public procurement"

## 5.5 Seminars and Academic Research

### 5.5.1. *"Ombudsman and Legality in Administration – International Exchanges between China and Portuguese-speaking Countries" Conference*

In commemoration of the 15<sup>th</sup> anniversary of implementing anti-corruption mission in Macao, the CCAC organised the "Ombudsman and Legality in Administration – International Exchanges between China and Portuguese-speaking Countries" conference in October 2007. The activity was strongly supported by the Ministry of Supervision of China, with the aim to facilitate exchanges between China (including Hong Kong SAR and Macao SAR) and Portuguese-speaking countries on the issue of promoting legality in administration by the supervisory organisations. The activity includes the abovementioned conference and a visit to Beijing.

Delegations from 9 countries and regions were invited to attend the seminars and deliver talks. Speakers included Chen Changzhi, Vice Minister of Supervision of the PRC, Jorge Correia de Noronha Silveira, Deputy Ombudsman of Portugal, Antônia Eliana Pinto, Chief Ombudsman of Brazil, Paulo Tjipilica, Ombudsman of Angola, Carmelita Barbosa Rodrigues Pires, Minister of Justice of Guinea Bissau, Sebastião Dias Ximenes, Ombudsman of East Timor, Ângelo Sitole, Permanent Secretary to the Minister of Justice of Mozambique, Alice Tai, Ombudsman of Hong Kong, and Endy Tou, Deputy Commissioner Against Corruption of Macao. All delegates were received by Chief Executive Edmund Ho.



The Secretary for Administration and Justice Florinda Chan delivered speech at the conference and posed for photos with delegates



The CCAC Commissioner Cheong U delivered opening speech at the conference



Chief Executive Edmund Ho greeted delegation heads



Delegations paid visit to Beijing and met with leaders of Ministry of Supervision on working progress



### 5.5.2 Research Awards on “Comparative Studies of Ombudsman Systems in Asia”

Jointly organised by the CCAC and Macao Foundation on 16<sup>th</sup> October 2006, the deadline for application for research awards regarding “Comparative Studies of Ombudsman Systems in Asia” closed on 29<sup>th</sup> December of that year. A total of 9 research proposals were received. The panel finally selected 3 proposals in January 2007 after assessment. In addition to the ombudsman system of Macao, the research scope included countries and regions such as Korea, India, Japan, Taiwan, and Hong Kong. Based on the criteria set in the relevant rules and regulations, the award winning research report will be delivered in early 2008.



Deputy Commissioner of the CCAC Endy Tou (middle) introduced the work of ombudsmanship in Macao to members of the 3 selected research groups

## 5.6. Institutional Exchange and Staff Training

The CCAC continued to attend seminars organised by the International Ombudsman Institute and Asian Ombudsman Association, etc. and sent staff members to attend the “10<sup>th</sup> Steering Group Meeting of the ADB/OECD Anti-corruption Initiative for Asia and the Pacific” and “Regional Seminar on Claim of Property and Judicial Co-operation”. In

addition, the Ombudsman Bureau of the CCAC organised a delegation to study the operations of Mainland Chinese supervisory entities and invited experts from the Ministry of Supervision of the PRC to explain to the CCAC personnel the operations of the monitoring system and preventive mechanism undertaken by the Ministry.



Representative of Ministry of Supervision of the PRC and Deputy Director of Research Centre Wang Conghai (right) and Division Head of Foreign Affairs Office Zhang Aimin host seminar for the CCAC personnel