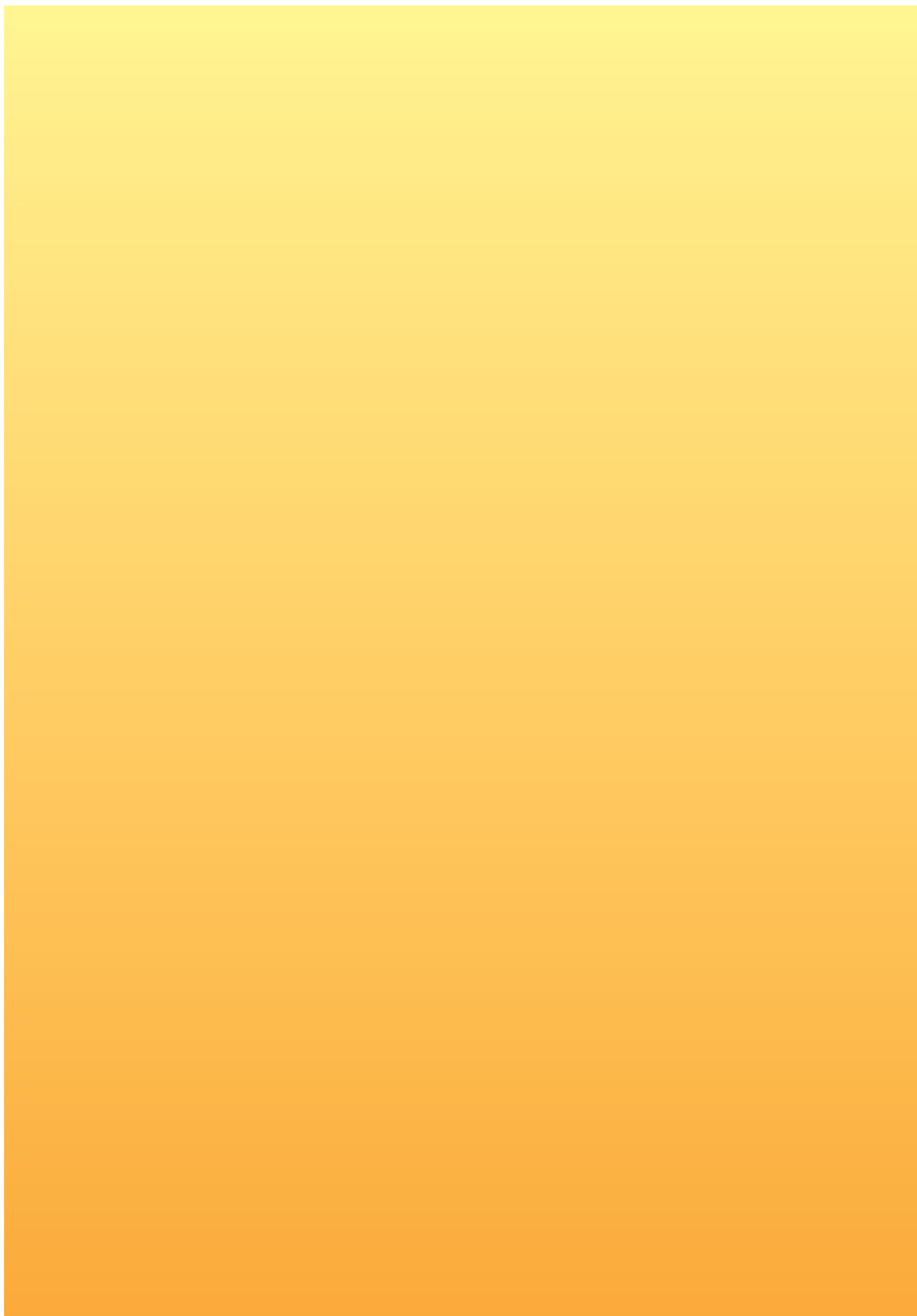


PART III

OMBUDSMAN





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I. Foreword

In 2010, the CCAC continued to play its important role as the ombudsman by overseeing the **legality** and **rationality** of administrative procedures carried out by public departments; and enhancing their **administrative efficiency and legality**.

Over last year, the administrative complaints against public departments saw a significant increase. In particular, there were over 200 complaints over law-enforcement approaches or administrative acts and over 50 about dissatisfaction of construction projects and the relevant competent departments. These data reflect that the “dissatisfaction-prone” areas include:

- (1) Administrative departments’ acts and law-enforcement standard;
- (2) Administrative departments’ management approaches;
- (3) Public servants’ law-enforcement standard;
- (4) Effectiveness of public works department in carrying out their duties.

How to deal with and solve the problems in these “dissatisfaction-prone” areas is an issue worth attention. The CCAC may conduct special research and analysis on the problems and, when necessary conditions are met, cooperate with the relevant departments to seek the direction and plan for solving the problems and boosting efficiency in order to fully implement the principle of “legal administration”.

The report mainly analyses and summarizes the works in the area of ombudsmanship that the CCAC conducted in 2010 in the following aspects:

- (1) Number and nature of requests for help and consultation;
- (2) Cooperation with other public departments, especially in supervision of operation.

II. Number and Nature of Requests for Help and Consultation

In 2010, the CCAC handled:

- Enquiries: 438
- Complaints: 527

In 2010, the CCAC received 438 requests for help and consultation, a slight decrease compared to 566 requests in 2009. The requests mainly involved legal system governing public services, traffic offences, illegal constructions, municipal affairs and labour disputes. Moreover, there is a slight increase of enquiries on illegal constructions.

In 2010, the issues which the requests for help were related to include:

Issue		number
Legal system governing public service	■ Discipline	41
	■ Personnel rights and interests	28
	■ Recruitment	17
	■ Internal management	14
	■ Public servant's obligations	3
		103
Code of conduct		16
Public procurement		20
Traffic offences		28
Labour affairs/ Human Resources Office	■ Labour dispute	21
	■ Illegal labour	8
	■ Non-resident labour	4
	■ Labour rights and interests (work injury)	2
		35
Public works	■ Illegal constructions	30
	■ Supervision on usage of property	6
		36

Municipal affairs		
■ Environmental hygiene	6	
■ Administrative licenses	6	15
■ Venders	1	
■ Occupation of public land	2	
Tax affairs		8
Traffic affairs		
■ Transportation/vehicles/driving licenses	8	14
■ Supervision on taxi sector	6	
Economic housing/social housing		12
Personal privacy		8
Identification		7
Social assistance		6
Sports affairs		5
Social Security Fund		3
Health care		3
Subsidy of property maintenance		3
Education		2
Property administration		2
Noise		2
Competence and function of the CCAC		18
Irregularities in other administrative procedures		14
Beyond the competence of the CCAC		
■ Criminal cases	28	
■ Judicial affairs	17	78
■ Civil law issues	33	
Total		438

The administrative complaints handled by the CCAC in 2010 were related to the following issues:

Issue	Caseload
Dissatisfaction of law-enforcement approaches or administrative acts of public departments	191
Traffic offences	11
Labour dispute	18
Illegal constructions	52
Municipal affairs	25
Tax affairs	6
Competence and function of the CCAC	4
Traffic affairs	8
Health care	7
Economic and social housing	9
Social Security Fund	4
Public procurement	9
Illegal labour	18
Social assistance	6
Supervision on property usage	4
Right of abode	5
Noise	3
Education	3
Personal privacy	4
Irregularities in other administrative procedures	34
Others	19
Beyond the competence of the CCAC (private sector or others)	87
Total	527

When handling the complaints, the CCAC basically adopts various prompt and effective approaches. The most common one is to examine related documents and render improvement measures directly in order to solve the problems as soon as possible.

The result of handling administrative complaints in 2010 is as follows:

Approach/Result	Caseload
Archived upon the CCAC's investigation and analysis	307
Archived after the relevant departments solved the problems on their own	45
Archived since the complaints were beyond the competence of the CCAC	87

III. Investigation Files, Analyses and Recommendations

The complaints that the CCAC has received are basically handled and analysed with simple and direct methods – to handle the complaints in ombudsman's way or commence investigation under criminal law.

For the ombudsman cases, the CCAC always observes the principle of defence: to ensure that both the complainants and the departments they complain about have the chance of pleading and explaining; and to request related parties to give explanation or clarification or submit supplementary materials to the CCAC according to the specialty of the case and the needs. Subsequently, the CCAC will conduct a comprehensive factual and legal analysis on the complaint. Finally, a conclusion will be made: if illegality exists, the CCAC will point them out clearly and request the relevant department to handle them. Suggestions on improvement will also be made if needed.

Another possibility is that there is no sufficient basis and signs showing illegality and irregularity of administrative departments; therefore the CCAC archives these complaints.

Another situation is that in the complaint handling process, the relevant departments have handled the problems on their own and the complainants have agreed on and accepted the results. In this case, the CCAC will archive the complaints.

These are the most common approaches that the Commission adopts to handle administrative complaints and the commonly seen results. Only in some special cases, the CCAC will adopt other ways according to needs.

In the process of handling administrative complaints, the most important is to present clear and specific facts, relevant arguments with sufficient basis, clear and convincing legal viewpoints and accurate application of law. The ultimate purpose is to ensure legal administration and protect citizens' legitimate rights and interests.

IV. Summary of Some Ombudsman Cases

In order to enable the public to know how the complaints in the area of ombudsmanship were handled last year, several cases which are closely related to citizens' daily life and have aroused public attention were chosen to be analysed in this part, with the aim to enhance the public departments' sensitivity and law-enforcement standard as well as enable the public to know the public departments' defects in handling these cases and thus strengthen citizens' awareness of protecting their own rights and interests.

Case I – Procedure and Rules of Bidding Assessment

It is reported that the Macao Sport Development Board did not eliminate the bidders who had provided the materials which did not meet the requirements under the bidding rules in the process of the open bidding for the "Project of design and construction of the multi-floor parking lot and the indoor badminton court of the Macao Olympic Complex". Also, the authority had interviews with each of the bidders without keeping any minutes. The complainant requested the CCAC to intervene in the case due to suspicion of administrative illegalities.

The CCAC discovered in the investigation that the current law and the rules of this bidding did not stipulate that candidates who provide the materials which do not

meet the requirements shall be eliminated. Therefore, not eliminating them did not constitute illegality. Under the bidding rules, bidders have the obligation to make clarification. Therefore, the authority could request them to clarify the unclear points in their tender documents. Nevertheless, it was inappropriate for the authority not to keep minutes of the “interviews”.

After examining the information requested from the authority, the CCAC discovered that the following problems also existed in this bidding process: The bid opening committee did not eliminate the bidders who had not completely submitted the necessary bidding documents. The information did not clearly show whether the grading “requirements basically met” given by the bid assessment committee to some items for evaluation was temporary or determined. There was no proper explanation of the difference of the approaches to handle the cases in which the bidders did not show the location of lighting switches and control system and the cases in which they did not show the location of air conditioning switches and control system in the file of the bidding process. The bid assessment committee neither defined the detailed grading scale until they received the bid proposals nor analysed and explained one of the grading items.

Since the constructions have already been completed when the CCAC was enquiring about the matters from the authority and it was impossible to remove the facilities and open up another tender, the CCAC has notified the authority of the abovementioned problem through a meeting and request for their attention. The leadership of the authority recognized the defects and promised to adopt measures for improvement in order to guarantee fairness, transparency and legality of bidding processes in the future. Therefore, the CCAC archived the case but will continue to pay attention to the authority’s implementation of the improvement measures.

Case II – Unclear Criteria for Recruitment

The case is about a recruitment of researchers opened up by the “One Country Two Systems Research Center” (CEUPDS) of the Macao Polytechnic Institute (IPM). In the process, “Ph.D./master degree holders from prominent universities” was listed as one of the requirements. Since administrative illegality and irregularity might exist in this case, the CCAC took the initiative to follow it up.

After discussion with the IPM, the institution agreed on the CCAC’s stance and stated that this criterion would be revised as “degree holders from universities recognized by local governments” in the future, so that the criteria will be more objective and the frontline staff would be able to explain to enquirers. Moreover, the IPM added that in this recruitment process, no candidates were eliminated for the reason that they were not Ph.D./master degree holders from “prominent universities”.

As the IPM has already accepted the CCAC’s suggestions and promised to adopt measures for improvement and there is no information showing that there were candidates who were eliminated or missed the chance of application due to the requirement mentioned above, the CCAC archived the case.

Case III – Defects in Procedure of Recruitment of Teachers

It is reported that the School of Business of the IPM carried out interviews with candidates on phone. However, it graded all the items listed on the “Assessment Form for Recruitment of Academic Staff” under the “Rules of Grading for Recruitment of Full-time Teaching Staff and the Guidelines of Interview Arrangement” without teaching simulation. Moreover, the members of the jury panel were under pressure from the chairman, who stressed during evaluation that one of the candidates was a friend of the Secretary-General. At the same time, although the candidate did not submit the original copy of the certificates of his/her academic background, the President requested the members of the jury panel to recognize his/her academic background by signature.

After investigation and analysis, the CCAC found that the chairman of the jury panel only explained to the members that the Secretary-General, in fact, was not able to attend the “on-phone interview” due to recusal. This was not sufficient to reflect

that he had given pressure to the members or any indirect instruction about how to grade the candidate.

There was no stipulation which required applicants to submit the original copies of the certificates of their academic background indicated in the recruitment notice and application form. According to the IPM's internal working guidelines, the grading team under the jury panel shall grade the curriculum vitae, making it reasonable to believe that the confirmation made by the jury panel was only for the grades for curriculum vitae instead of academic recognition.

It is found in the investigation that the IPM conducted "on-phone interview" with two candidates. However, many members of the jury panel thought that it was not possible to grade "simulated teaching skills" and "content of simulated teaching" based on only the interview on phone.

The CCAC considered that the grades of these two items, which constituted 50% of the overall grade for interview, would lead to suspicion of how the jury panel selected the best choice without the two grades. For this issue, the IPM promised to make appropriate revision of relevant examination guidelines based on practical experiences and make relevant adjustments on necessary phone interviews.

As to the accused, the IPM eventually had an in-person interview with the accused, who was subsequently employed on part-time basis. After assessing the information about the two applicants for the post of part-time teaching staff, it is discovered that the accused's qualification was better than the other candidates. Therefore, the employment did not constitute unfair situation. Nevertheless, relevant information was not sufficient to show that the IPM had done any comparison, so the CCAC noted that the IPM should keep relevant record. The IPM showed their understanding. It is believed that the IPM will take measures to improve relevant recruitment process in the future.

Moreover, the IPM asserted the reason that it did not actually execute the rules for recruitment of teaching staff under the *Bylaws for Academic Staff* by publicizing the time for examination and opening for observance was the worry about possible difficulties in practice. The CCAC declared its stance that "the IPM has the responsibility to execute the rules under the law. If the IPM thinks that there are difficulties in practice, it should suggest revising the rules under the relevant bylaws

in order to solve the problems.”

As no administrative illegality is found in the employment of the accused, the CCAC has archived the case. For the issues not reported but merely related to whether the IPM had “actually executed” its *Bylaws for Academic Staff* and the matters about revision of relevant guidelines will be further followed up in the second phase of the Integrity Management Plan.

Case IV – Procedure of Recruitment of Interns

It is reported that the Health Bureau (SS) carried out a “General Physician Internship Entry Exam” in July 2009 and the result was publicized in April 2010. However, the SS launched another exam again less than one year later in August 2010. The complainant suspected that launching the same recruitment exam within a short time constituted a waste of public funds. Also, the “Specialized Physician Entry Training” was launched repetitiously within a short time. The complainant said that the SS should admit the qualified candidates of the previous exam who had not been admitted, just like the recruitments for nurses of level 1, pharmacists and medical technical officers in radiology. Moreover, the complainant considered that the fact that the notice of General Physician Internship Recruitment Exam published by the SS in August 2010 had only indicated the order issued by the Secretary for Social Affairs and Culture but not the order by the Chief Executive might constitute administrative illegality.

According to analysis, the law stipulates that the purpose of General Physician Internship Entry Exam and Specialized Physician Entry Training is to enhance the trainees’ professional quality, which does not guarantee the trainees who have finished the programmes any public positions. Therefore, they are different from ordinary recruitment exams which aim to recruit individuals qualified for public positions. The law also stipulates that the notice of recruitment exam shall be published in the *Official Gazette of the Macao SAR* with “number of vacancies”. Filling of the vacancies depends on the rankings of the candidates who have passed the paper exam and the final grades of the exams of the subjects they have selected. Therefore, the SS could not and should not admit candidates of which the number was more than the number publicized in the notices. On the other hand, to investigate

whether the acts have constituted a waste of public funds is beyond the competence of the CCAC. The CCAC cannot intervene into this matter unless there are signs of obvious irregularity or waste.

As to the lack of the order issued by the Chief Executive, although the law stipulates that the launching of recruitment exam shall be approved by the Chief Executive through an order, this power can be delegated. Since the Chief Executive has already delegated the administrative power in the relevant area to the Secretary for Social Affairs and Culture, the allegation of possible administrative illegalities constituted by the acts was groundless.

Since no administrative illegality or irregularity committed by the SS was found, the CCAC archived the case.

Case V – General Physician Internship Entry Examination

The complainant suspected that one of the requirements for the General Physician Internship Entry Exam opened by the SS, which was “holders of bachelor degree in clinical medicine” published in the notice dated 11th August 2010, might constitute administrative illegality.

The law stipulates that the applicants for the General Physician Internship Entry Exam shall have a bachelor degree in medicine (*licenciatura em Medicina*). As known by the CCAC, the SS had interpreted “holders of bachelor degree in medicine” (*licenciatura em Medicina*) according to the legislative intent, which are the holders of bachelor degree in medicine who have “completed the course on main subjects including internal medicine, pediatrics, gynecology and surgery, etc.”

After analyzing the legislative background of the relevant laws, the CCAC considers that since no undergraduate course on medicine has been set up in Macao and Macao was governed by Portugal when the relevant laws were established, it is reasonable for the SS to make the aforementioned interpretation based on the undergraduate course on medicine in Portugal.

However, the SS adopted the expression “bachelor degree in clinical medicine” without any regular explanation of “*licenciatura em Medicina*/ bachelor degree in Medicine” created doubts about not only the legality of the requirement but also whether the expression was sufficient to reflect the SS’s interpretation of “bachelor degree in medicine”. Therefore, the expression used in this notice by the SS was, in fact, inappropriate.

After notifying the SS of the CCAC’s stance, the SS replied that the expression “bachelor degree in clinical medicine” had been amended as “bachelor degree in medicine” by publishing a notice on the *Official Gazette of Macao SAR* and the application period lasted for 20 days. Moreover, the amendment was also advertised in local Chinese and Portuguese newspapers.

Since the SS has adopted measures to redress the improper acts, the CCAC archived the case.

Case VI – Rules of Recruitment Examination Procedure

A complainant pointed out that the Civic and Municipal Affairs Bureau (IACM) carried out the psychology test, which was a part of a recruitment process, without giving the reason for rejection of appeal in written form. Only response on phone was given.

According to analysis, the notice of that recruitment publicized only indicated that the eliminated applicants could “file an appeal”, but it did not clearly point out the type of appeal or its legal effect. Under the “New Rules for Personnel of Civic and Municipal Affairs Bureau”, if the IACM does not establish a set of internal rules applicable to all recruitment procedures, and if there is no supplementary norms regarding the procedures of handling objection and appeal in recruitment procedure issued by the Management Committee with an order, the regulations about objection and appeal under the *Code of Administrative Procedure* will be complementarily applicable according to the code. Therefore, the CCAC considered that the fact that the IACM did not complete the procedure of rejection of objection might violate the regulation that declaration of objection has the effect of suspension and therefore has notified the IACM.

Due to another complaint over the same recruitment, the CCAC also found that there were other administrative illegalities. Meanwhile, when response from the IACM was still pending, the recruitment procedure was almost completed (the day when the Name List of Final Assessment was publicized was the same as the day when the CCAC sent a letter to notify the IACM). Therefore, in order not to affect more people in case some procedures should be carried out once again due to some defects caused by illegality, the CCAC had a meeting with the IACM. The IACM admitted that it had not established a set of ordinary rules applicable to all kinds of recruitment and stated that it is now working on this progressively. Meanwhile, the CCAC noted that if it has not yet set up the norm in this aspect, it should clearly indicate the rules of the respective recruitment procedures and the mechanism of objection and appeal in the notices in order to ensure the applicants' right to appeal. Moreover, the CCAC also pointed out that the IACM had violated the regulation that declaration of objection has the effect of suspension in the case.

Later, the IACM replied that "this recruitment has been cancelled" and promised to make improvement especially in the aspects of mechanism of appeal and publicity and announcement of the channels for appeal in order to ensure fairness, justice and effectiveness of recruitment procedure. Therefore, it is reasonable to believe that the IACM has paid attention to these matters to prevent similar cases from recurring.

Therefore the CCAC has archived the case.

Case VII – Annual Leave Compensation Partly Deducted for Payment of Employment Tax

The complainant, who was a former permanent staff of the Maritime Administration (CP), received a pecuniary compensation in December 2009 for the unused days of annual leave due to retirement. However, the CP deducted part of the compensation for the payment of employment tax. The complainant knew from his friend that the sum which was deducted for the purpose of employment tax payment would not be returned by the Financial Services Bureau (DSF) until two years later.

In July 2010, the complainant went to the DSF for consultation, but the frontline staff told him that there were specific reception hours for complaints over

tax affairs and suggested the complainant to schedule an appointment. Moreover, the complainant made several phone calls to the DSF, but the staff members were not able to point out the legal basis for why the tax refund would take two years.

Therefore, the complainant was dissatisfied with the following points:

1. The DSF considered the compensation for the unused days of annual leave to be taxable income;
2. The time for tax refund is two years, which is too long and the staff could not point out the relevant legal basis;
3. The DSF did not immediately arrange staff members to answer ordinary enquiries on tax affairs within its scope of competence. Moreover, the complainant suggested the DSF improving the mechanism of in-person reception.

According to analysis, as for the first point, Item n) of Article 4 of the current *Rules for Employment Tax* and Article 87 of the *General Rules for Personnel of Public Administration of Macao* state that enjoying annual leave is public servants' right. Therefore, the pecuniary compensation for the days of annual leave not enjoyed due to resignation or retirement is not an income taxable for employment tax. The DSF replied that its "personnel and remuneration management system" listed such compensation as non-taxable income and it did not request any department to deduct part of the compensation for the tax payment. In the case, the facts and basis of the deduction by the CP might be illegal. However, since the complainant requested anonymity, the CCAC could not carry out any further follow-up.

The saying that "tax rebate should be pending for two years" is not from the staff of the DSF, therefore, they were not able to tell the relevant legal basis.

As for the third point, whether the DSF can arrange staff to answer citizens' in-person enquiries depends on whether its human resources are sufficient to respond to citizens' demand. The CCAC referred the complainant's suggestion to the DSF without revealing his identity.

To conclude, the CCAC has verified the DSF's stance and referred the complainant's suggestion to the DSF according to the complainant's wishes. As the

CCAC was not able to intervene in other related matters, this case has been archived.

Later, the complainant phoned the CCAC, asserting that all retired public servants had the experience of “deduction for tax payment” and request for a comprehensive follow-up.

Further investigation showed that there was no information suggesting the situation to be a common phenomenon and hence the CCAC responded to the complainant. The complainant subsequently made another phone call to the Commission to express his dissatisfaction with the CCAC’s response. Nevertheless, according to what the complainants said on phone, after the complainant went to the DSF to show the CCAC’s reply letter to its staff, he was told that the DSF had received a letter about the relevant case from the CCAC. However, since the DSF did not have the complainant’s personal data, it was not able to follow up the case. The DSF’s staff admitted that the complainant was not the only victim being mistakenly deducted of compensation for annual leave and they had reported the cases to their superior in order to make up for the mistakes. The refunds will be made within one year in principle.

Case VIII – Problems Caused by Ambiguous Content in Letters of Notice to Applicants for Vacancies in Public Service

An applicant intended to attend the written exam of the recruitment of senior legal officers of the Public Service and Information Center under the Public Administration and Civil Service Bureau (SAFP) complained to the CCAC that he was rejected to enter the exam room when he arrived there at 2:05pm on the day of the written exam. However, what the letter of notice from the SAFP indicated — “... *Please check in at the aforementioned place by 2pm. Please show this letter and your identification document to our staff members. The door of the exam room will be closed at 2:15pm and applicants who do not arrive on time will not be allowed entering the exam room.*” — makes no ground for the result that “applicants who do not arrive at the exam site by 2pm will be disqualified”. Therefore, the applicant complained that the SAFP did not clearly state the requirements for examinees in the letter of notice.

According to the letter of notice, the word “please” used by the SAFP, in fact, was not sufficient to show that it required that applicants “shall” or “must” arrive at the exam site by 2 pm. The sentence “*Please show this letter and your identification document to our staff member.*” is ended with a full-stop while there was another complete sentence telling the time when the door of the exam room would be closed and the rule “*applicants who do not arrive on time will not be allowed entering the exam room*”. Therefore, it was possible to mislead applicants that only who arrived after the door was closed were not allowed to enter the exam room.

Nevertheless, according to the “Notes to Examinees” enclosed in the letter, the examinees should arrive at the exam site by 2pm and enter the exam room by 2:15pm, otherwise they would be disqualified. Therefore, if the applicant abided by the requirement indicated in the Notes to Examinees, the misunderstanding that “it is acceptable to enter the exam room before the door of the exam site is closed” would be prevented. In addition, apart from reminding applicants to read the notes to examinees thoroughly, the SAFP also indicated in the letter that if they had any queries, they could phone to the authority. Therefore, even if the complainant had doubts on whether the requirement about “prohibition of entrance to the exam room” should be based on the letter of notice or the “Notes to Examinees”, there was a channel for confirmation. Therefore, rejecting the complainant to enter the exam room was not inappropriate.

In view of the discrepancies between the content of the letter of notice and the “Notes to Examinees”, the CCAC sent a letter to the SAFP to call for its attention. The SAFP replies that it would standardize the expressions in the letter of notice and the “Notes to Examinees” in the future so as to prevent the similar doubts.

Therefore, the CCAC archived the case.

Case IX – Discrepancies between Data for Prosecution and Archive

In 2009, the complainant’s restaurant was charged by the Civic and Municipal Affairs Bureau (IACM) for several illegal acts, including change of position of exhaust pipe. However, the former stressed that before buying the restaurant with its license in 2001, he made an enquiry to the former Temporary Municipal Bureau of Macao and was then given a floor plan of the facility, which showed that the position

of the exhaust pipe was the same, proving that no change has been made.

According to the information provided by the IACM, the date on the floor plan that served as the basis for the charge on illegal alternation against the complainant was the same as the date on the floor plan given to the complainant. However, the positions of the exhaust pipe were different. As there was the seal of the predecessor of the IACM, the Temporary Municipal Bureau, on the floor plan given to the complainant, thus making it reasonable to believe that it was issued by the IACM. If the former Temporary Municipal Bureau really issued the floor plan of the facility to the complainant in response to his application, the complainant would believe that the location showed in the floor plan was “approved” and it would prove that “no change has been made”. However, the IACM charged the complainant for unauthorized modification of the location of exhaust pipe. It was a violation of the principles of goodwill and cooperation between the administrative authority and the private individual. Moreover, the charge might lack legal basis.

After notifying the IACM of the CCAC’s stance, the IACM agreed to revoke the charge for unauthorized modification of the position of exhaust pipe against the complainant. Therefore, the CCAC archived the case.

Case X – Difference between Upper Limits of Overtime Working and Overtime Pay

The complainant stated that the staff of the Medical Imaging Department of the Hospital Conde de S. Januário (CHCSJ) were requested to work overtime to conduct body scan for pupils affected by the melamine contamination case. However, the hospital did not pay for their overtime work in October and November 2008 for the reason that there was an annual upper limit for overtime. Therefore, the complainant requested for the CCAC’s intervention.

According the CCAC’s analysis, there is not any apparent stipulation regarding the outcome of excess of the upper limit for public servant’s overtime in response to public department’s request. However, according to the legal opinion provided to some citizens by the SAEP in the past, the purpose of setting up the upper limit for the overtime hours by the law is to prohibit public departments from demanding public servants to work overtime in excess of the upper limit of the overtime hours.

However, it is not the upper limit for overtime pay.

The SAFP considers that if the hours of overtime work provided by a public servant in response to a public department has exceeded the statutory upper limit, the public servant has the right to receive compensation, such as extra remuneration or deduction of normal working hours. The CCAC also agreed on this viewpoint.

Meanwhile, the SAFP also considers that if public servants who have worked overtime choose to deduct their normal working hours as compensation, the deducted working hours shall be within the same calendar year. Moreover, according to the SAFP, deduction of normal working hours only involves internal coordination, while extra remuneration involves more complicated financial formalities. In this sense, this stance actually limits the flexibility of the ways of offering compensation. However, this interpretation is not for this case, therefore, the CCAC will follow up the related issues promptly in a comprehensive way in the future.

As the case in which the staff of the Medical Imaging Department of the Health Bureau still have not received overtime pay, after notifying the case to the Health Bureau, the latter stated that it had conducted analysis and research and decided to offer compensation to the affected staff of the department. Since the Health Bureau has already promised to offer compensation to the related staff, the CCAC archived the case.

V. Second Phrase of “Integrity Management Plan”

To implement the policy rationale of the 3rd SAR government on strengthening integrity building and transparent government, the CCAC has launched the second phrase of “Integrity Management Plan” since May 2010 and signed with all public departments/institutions the “Integrity Management Plan — Protocol of co-operation”. The objectives of the Plan is to elevate the level of integrity, fairness, transparency and efficiency of the management and operation of public departments. Through stepping up the co-operation between the CCAC and public departments, the principle of administrative transparency can be gradually implemented; while promoting fairness in assessment procedures and standards can improve the integrity management of the public departments. The aim is to advance the level of

administration of the SAR government. The second phrase of “Integrity Management Plan” will last for two years. The CCAC will gradually work on with the public departments to implement the initiatives of the Plan.