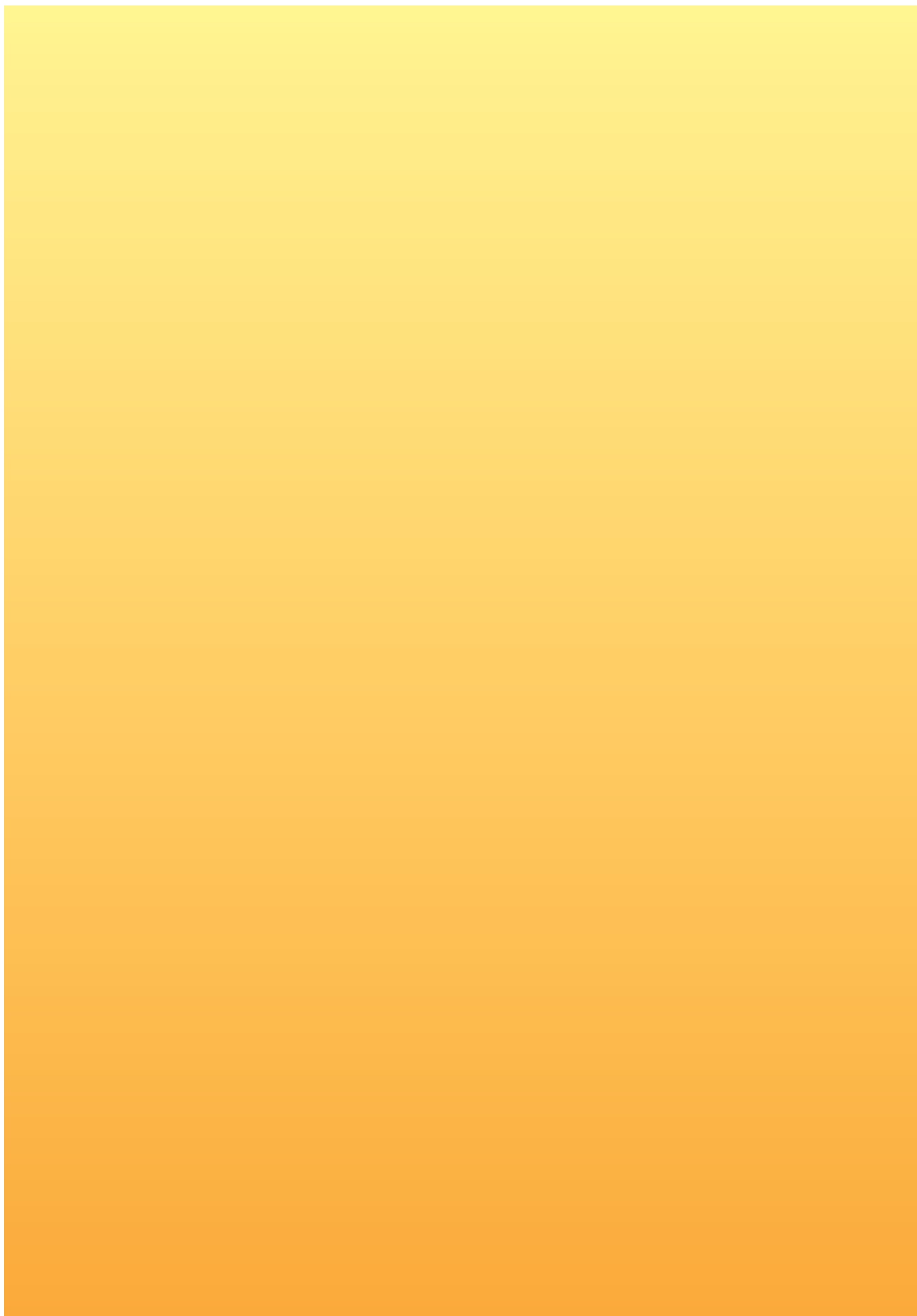


PART IV

OTHERS





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I. Declaration of Incomes and Properties

As stipulated by Paragraph 5, Article 4 of Law No. 10/2000, the CCAC has the authority to “examine the legality and the administrative correctness of acts which involve property entitlements”.

Since 1998, the *Law of Declaration of Incomes and Properties* has already entered into force for 12 years. With enhanced communication and co-ordination with the public departments and cooperation of all public servants and their spouses or de facto spouses over the 12 years, no declarant or person who should fulfil the obligation to provide information has been liable for any legal responsibilities due to arrears of declaration form or improper submission of declaration. The work has achieved expected results.

In 2010, the CCAC collected declaration forms from a total of 13,015 public servants. Details are listed below:

STATISTICS OF DECLARATION OF INCOMES AND PROPERTIES IN 2010

Appointment	2,939
Renewal	5,328
Termination of position	1,723
5-year renewal	1,198
Voluntary renewal with that of spouse	643
Pursuit of data-provision duty	1,115
Voluntary renewal	69
Total	13,015

Regarding promotion and liaison, the CCAC continued to hold “briefing sessions on declaration of incomes and properties” for public departments that had recruited new staff in order to deepen public servants’ understanding of the significance and importance of the obligation and the relevant legislation. In a more practical sense, the briefing sessions help them fill in the declaration forms correctly. Enhancing promotion and carrying out the work of declaration of incomes and properties are long-term missions, which enriches public servants’ and citizens’ knowledge of its meaning, and heightens people’s awareness of the importance of the system. It is significant to the building of a clean and open administration.

II. Training and Exchange Programmes

In order to strengthen the anti-corruption investigation team, also taking into account that four of the investigators who has completed the 7th Training Programme for Investigators were not yet included in the investigators team, the CCAC enlisted them into the investigators team in April 2010, so as to foster the capability in fight-against-corruption as well as to better prepared itself for the investigation of bribery cases in the private sector.

1. Professional Training for Personnel

The CCAC always attaches great importance to the professional training of its personnel. In 2010, the CCAC has organized various internal training courses, including the followings:

- (1) Inviting Dr. Alberto Manuel Gonçalves Mendes, former judge of the Court of Appeal of Portugal, to conduct a seminar on ombudsmanship to strengthen the professional expertise of investigation personnel in this field.
- (2) Organizing the training course on “the procurement and acquisition of public goods and services (public procurement)” so as to enhance the CCAC personnel’s knowledge on the work of public procurement.
- (3) Co-organizing the “Improvement of Investigative Techniques Course” with the University of People’s Public Security of China. 10 investigators were sent to Beijing to attend the course to sharpen their investigative skills.

Moreover, the CCAC dispatched staffs to different specialized training programmes, such as the “30th Chief Investigators Command Course” and “Witness Protection and Firearms Training Course” organized by the Independent Commission Against Corruption (ICAC) of Hong Kong, as well as “Financial Investigation Course” and “Use of Force Instructor Training” organized by the Hong Kong Police Force, etc, so as to enhance the professional techniques and capabilities of investigators.



Dr. Alberto Mendes, former Judge of the Court of Appeal of Portugal, lecturing for CCAC investigators



Fong Man Chong, the Commissioner, and Cheng Lin (middle), the Principal of the University of People's Public Security of China, officiating the graduation ceremony for the “Improvement of Investigative Techniques Course”

2. “Seminar on Transparency of Public Finance and Corruption Prevention”



Minister of Supervision, Ma Wen, addressing the opening ceremony

In August 2010, the “Seminar on Transparency of Public Finance and Corruption Prevention”, jointly organized by the Ministry of Supervision (MOS) of the People’s Republic of China, the CCAC of Macao and the ICAC of Hong Kong, was held in Harbin, Heilongjiang Province. The representatives of graft-fighting agencies and experts in the three places gathered at the seminar to discuss the measures for enhancing transparency

of public finance to seek the best ways to fully exert their functions of supervision and corruption prevention. Minister of Supervision and Director of National Bureau of Corruption Prevention (NBCP) Ms. Ma Wen, MOS Vice-Minister and NBCP Deputy Director Mr. Qu Wanxiang, Heilongjiang Province Deputy Governor Mr. Du Jiahao, NBCP Deputy Director Mr. Cui Hairong, the Commissioner of the CCAC Mr. Fong Man Chong and the Commissioner of Hong Kong ICAC Dr. Timothy Tong Hin-ming attended the seminar and officiated the opening ceremony.



Fong Man Chong, the Commissioner,
addressing the seminar

There were three sub-themes in the seminar, including the “legal premise and practical significance of open public finance”, “content and forms of open public finance”, and the “protection and foresight of supervision of open public finance”. The seminar was attended by some 80 participants, including representatives from relevant departments of the State Council, some provinces and municipalities, experts and scholars from various places, as well as delegations from Hong Kong and Macao. The representatives from the three institutions had made in-depth discussions and shared experiences on areas such as the current situation and problems encountered by open public finance and how to achieve the function of supervision, etc. Representatives from the CCAC, the Legal Affairs Bureau and the Financial Services Bureau delivered speeches during the seminar.

3. Attending Overseas Seminars

In 2010, the CCAC sent delegations to participate in seminars organized by anti-corruption institutions abroad so as to strengthen ties and contacts with the counterparts inside or outside the country, to learn from each other and to further promote the development of integrity and clean government. This included the dispatch of representatives to attend the “Collaborative Governance and Integrity Management Conference” organized by the Hong Kong ICAC, where the issues of integrity and honest management were discussed by experts and scholars from the Mainland, Hong Kong, UK and USA, etc. The representative of the CCAC delivered a keynote speech at the Conference to introduce the work of the Macao SAR government to strengthen integrity management.



Fong Man Chong, the Commissioner, introducing to the attendants of the Symposium the integrity system of Macao

Moreover, the CCAC delegation also attended the “Power Restriction and Supervision Theory Symposium of the 3rd West Lake Forum on Integrity” co-organized by the Research Centre of Central Committee for Discipline Inspection of the Central People’s Government (CPC) and the Research Centre of Integrity Theory of the Ministry of Supervision, Central Committee for Discipline Inspection of the CPC. The Commissioner, Fong Man Chong, delivered a speech at the forum, introducing to the participants the overview of integrity building in Macao and a series of work in promoting integrity building of the Macao SAR Government.

4. The “5th Sports Games of the Anti-Corruption Law Enforcement Staff in Guangdong, Hong Kong and Macao”

The “5th Sports Games of the Anti-Corruption Law Enforcement Staff in Guangdong, Hong Kong and Macao” was held on 15th and 16th October, 2010 in Jiangmen City, Guangdong Province. The CCAC dispatched 46 staff members to participate in various sports, including basketball, badminton, table tennis, bowling and running.



The CCAC's team joining the “5th Sports Games of the Anti-Corruption Law Enforcement Staff in Guangdong, Hong Kong and Macao”

The opening ceremony was officiated by the Deputy Prosecutor General of the People's Procuratorate of Guangdong Province, Ou Mingyu, the Director of Operations (Government Sector) of the Operations Department of Hong Kong ICAC, Wong Sai-chiu, and the Chief of the Cabinet of the Commissioner of the CCAC, Sam Vai Keong. After a series of competitions in the two days, the CCAC was the champion by earning two gold medals, two silver medals and one bronze medal. This was the achievement of the CCAC's athletes' devotion and team spirit.

At the closing ceremony was held on 16th October in Jiangmen City, the leadership of the three institutions awarded prizes and delivered speeches. The Chief of Cabinet of the Commissioner, Sam Vai Keong, stressed that the event had achieved the objectives of strengthening the communication and cooperation among the three anti-corruption law enforcement authorities, and looked forward eagerly to the visiting of the leaders and athletes of Guangdong and Hong Kong in Macao in the coming year to participate in the “6th Sports Games of the Anti-Corruption Law Enforcement Staff in Guangdong, Hong Kong and Macao”.

III. Revision on the *Organizational Law of the Commission Against Corruption of Macao SAR* and the *Law of Declaration of Incomes and Properties of Public Servants*

1. Revision on the *Organizational Law of the Commission Against Corruption of Macao SAR*

Taking into account that Law no. 10/2000 of 14th August (*Organizational Law of the Commission Against Corruption of Macao SAR*) came into effect for nearly 10 years, it is considered appropriate and timely to review the content and conduct revision accordingly. There are two main objectives in this revision, namely:

- (1) To enhance the CCAC's ability in order to better respond to the demands of society;
- (2) To strengthen the functional capacity of the CCAC, especially in area of ombudsmanship, that is, to strengthen the power of administrative supervision of the CCAC.

With the entry into force of Law no. 19/2009 of 17th August (*Prevention and Suppression of Bribery in the Private Sector*) on 1st March, 2010, the CCAC considered it necessary to make adjustments in various aspects, including:

- (1) The organizational structure;
- (2) The personnel allocation and management;
- (3) The current procedures and measures;
- (4) The existing facilities and equipment.

In order to facilitate the above, it is necessary to make revision on Law no. 10/2000 of 14th August.

The issue on whether a time constraint should be set for completion or filing of cases investigated by the CCAC has long been a subject of discussion and focus of concern in society. In view of this, after a thorough consideration of the current criminal procedure system and the basic principles of law, and taking into account

the advanced criminal investigation mechanisms and principles of the modern world, the CCAC considers it necessary to set a definite period of investigation to better defend the fundamental rights of the person under investigation and to ensure that the investigation is carried out in accordance with the law so that the ability and quality of case detection can be promoted.

As stipulated in Law no. 10/2000, the work of ombudsman is included in the scope of duties of the CCAC. It is stated that the CCAC can conduct pre- or post-monitoring on administrative acts. Summing up experiences in the past, the CCAC considers it necessary to define more clearly the mechanism and models of this kind of monitoring, in order to strengthen the role and importance of the CCAC in enhancing the modernization of the administrative system and in increasing the administrative efficiency.

The Executive Assembly has already completed the discussion of the revised content of the law, which will be presented to the Legislative Assembly for discussion after the necessary technical adjustments.

2. Revision on the *Law of Declaration of Incomes and Properties*

In the process of revising the legal regime of the declaration of incomes and properties of staff of public administration and holders of public positions of the Macao SAR, it is essential to take similar legislations of other advanced countries as references, especially the system implemented in Hong Kong SAR, Portugal, Canada, USA, UK, Singapore and Australia, etc. Despite the different characteristics in their systems, they have one thing in common: to combine the characteristics of their own legal system and culture so as to establish a monitoring system on incomes and properties that evolves with the times.

After about 10 months of information collection and analysis, the CCAC has gained a certain extent of knowledge on the regime of declaration of incomes and properties of public servants as well as holders of public positions implemented in other more advanced countries or regions around the world, which is a great benefit in perfecting the current regime in Macao.

After analysis, our conclusion is that the current regime in Macao does not fall behind of the systems of others countries or regions because:

- (1) Since 1998, the law in Macao has already stipulated that public servants of any rank have to declare their incomes and properties, but there is no corresponding provision in the advanced countries and regions.
- (2) The legislation of advanced countries and regions do not make public disclosure of all information compulsory. For example, in Singapore the content of declaration is not open to public while other countries or regions, such as Hong Kong, US, UK and Canada, only make public the summary of the content of declaration.
- (3) The regime of declaration of incomes and properties is not the only way to establish a clean and fair system. It is just one of the many measures. The current global trend of legislation is to put the focus on obtaining advanced knowledge of situations that may probably lead to conflicts of interest. Therefore the related personnel will be required to declare the proportion of shareholdings in a company and their role or standing in social associations.
- (4) The building of a clean system of any places depends on various measures, including the efficiency of the operation of administrative system, the transparency and legitimacy of decision-making process, the strict observance of the recusal systems etc. All are the key elements.

The original purpose of the declaration of incomes and properties was to monitor (static monitoring) the status of incomes and properties of public servants, especially officials with decision-making power. However, with the development of society and the advancement of information technology, the traditional “static monitoring” has become outdated and is replaced by “active monitoring”. It is because administration officials are constantly making decisions, when conflicts of interest occur, they may affect the officials in performing their duties impartially. For this reason, the focus now is on the declaration of different situations that may cause conflicts of interest. This mechanism is proved in practice to be both effective and play an important role of pre-monitoring.

The CCAC has consulted all government departments in Macao (including autonomous institutions and judiciary entities) as well as institutions established abroad their opinions concerning the current system of declaration of incomes and properties. The final text of revision was released for a two-month public consultation on 1st January 2011. The CCAC will organize and analyze the comments received so as to finalize the content of revision and submit it to the Chief Executive.