

# PART IV

# OTHERS





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#### I. Declaration of incomes and properties

In accordance with the stipulation of Law no. 11/2003 of 28<sup>th</sup> July, the CCAC is responsible for the handling of most of the public servants' declaration of incomes and properties.

Since 1998, the *Law of Declaration of Incomes and Properties* has already entered into force for 13 years. Since both the declarants and those who are only obliged to fulfil the obligation of providing information have strictly observed the law, so far no case was found for any legal responsibilities due to arrears of declaration form or improper submission of declaration. In fact, the active communication and coordination between government departments, the in-depth promotion and explanation to the personnel who bears the obligation to declare their incomes and properties, the establishment of various enquiry channels, etc., have brought great benefits to both the implementation as well as the observance of the law.

In 2011, the CCAC collected declaration forms from a total of 11,800 public servants. Details are listed below:

#### STATISTICS OF DECLARATION OF INCOMES AND PROPERTIES IN 2011

Appointment	2,822
Renewal	4,444
Termination of position	1,914
5-year renewal	978
Voluntary renewal with that of spouse	594
Pursuit of data-provision duty	977
Voluntary renewal	71
<b>Total</b>	<b>11,800</b>

Meanwhile, the CCAC continued to hold “briefing sessions on declaration of incomes and properties” for a number of public departments, so that the new recruits can understand the significance and importance of the obligation to declare their incomes and properties and the relevant legislation.

## II. Training and exchange programmes

### (1) Professional training for personnel

In order to enhance the staffs’ ability to coordinate media and public relations, the CCAC co-organized a course on Media Coordination and Public Relations with the Communication University of China (CUC) in late February. A number of experienced professors, including Professor Duan Peng (Vice Dean of the Graduate School), Professor Chen Zuo-ping (Vice Dean of School of Television and Journalism), Professor Liu Xiao-ying (Doctoral Supervisor of the Institute of Communication Studies), Professor Zhang Shu-ting (Vice Dean of School of Advertising) and Professor Wang Qing, came to give lectures.

The Commissioner, Fong Man Chong, addressed to the staffs that due to social development, it is necessary for the CCAC to broaden its knowledge and strengthen its capacity and skills of information dissemination and communication with the media so as to carry out its duties more effectively. He hoped that the staffs could benefit from and be inspired by the course as well as apply what they have learnt to their work.

The lectures given by the professors were comprehensive and substantial that staff members who had attended the lectures believed that the course had facilitated and inspired their work.



Staff members of CCAC attending the lectures given by the professors of the Communication University of China



The Commissioner with the professors of the Communication University of China

## (2) Recruitment of investigators for Anti-Corruption Bureau

Since the law *Prevention and Suppression of Bribery in the Private Sector* entered into force, the CCAC's jurisdiction has extended to the private sector. In order to ensure adequate human resources and further enhance investigative power, the CCAC launched an open recruitment of investigators in the area of anti-corruption in March, attracting over 2,000 applicants.



New recruited investigators going through professional training in Mainland China



Investigators attending the completion ceremony of the training course

The candidates went through a strict assessment process comprising written exam, fitness test, teamwork test, home visit and interview. After the strict screening process, 17 candidates were selected to enter the 8<sup>th</sup> training session for investigators held by the CCAC. The arduous training programme covered knowledge of legislation and administrative procedure, investigation techniques, complaint handling skills, firearms training and team work. During this period the investigator trainees also went through professional training overseas.

After six months' learning and training, the trainees passed all the examinations and successfully completed the programme. The completion ceremony held on 23<sup>rd</sup> December 2011 signified that they officially became investigators of the Anti-Corruption Bureau and members of the CCAC.

The Commissioner, Fong Man Chong, who officiated at the completion ceremony, encouraged the new investigators to devote themselves to corruption-fighting with a great sense of responsibility and never stop upgrading their knowledge and skills related to their work to push forward integrity building and uphold justice in Macao.

### (3) The Regional Conference on Civil Service Integrity

The Commission Against Corruption of Macao, the Ministry of Supervision (MOS) of China and the Independent Commission Against Corruption of Hong Kong (ICAC) co-hosted the Regional Conference on Civil Service Integrity between 10<sup>th</sup> and 11<sup>th</sup> November 2011 at the Theatre of the ICAC Building, Hong Kong. The Commissioner, Fong Man Chong, led a delegation and attended the Conference.

Wang Wei, Vice Minister of Supervision of China, Fong Man Chong, the Commissioner Against Corruption of Macao, Timothy Tong Hin-ming, the Commissioner of Hong Kong ICAC and Denise Yu Chung-ye, Secretary for Civil Service of Hong Kong addressed at the opening ceremony of the Conference.

The Vice Minister of Supervision, Wang Wei expressed that honesty and trustworthiness are the fundamental requirements in constructing a society of social services and establishing a society of accountability and the rule of law. The integrity of the government will play a guiding role in the building of business integrity and social integrity. In recent years, a number of provinces and cities in Mainland China uphold the concept of “honesty is credibility” and adopt the principle of “law abidingness and honesty, openness and transparency” in initiating works such as government procurement. He stressed that honesty and trustworthiness are most crucial to the overall ethical management in the civil service, and that it is paramount for public servants to uphold these core values.

The Commissioner, Fong Man Chong, pointed out in his speech that the establishment of integrity management system and culture is the common objective of the three governments and the wishes of the people. He noted that government officials should not abuse their power for personal gain. Instead, they ought to improve the management system and culture of civil servants, instilling the integrity culture in public administration so as to promote the probity atmosphere of society. Regarding the management system of public servants, responsibility, duty and discipline should be of prior importance, their attitude towards power and professional ethics are also critical.

The Commissioner of Hong Kong ICAC, Timothy Tong Hin-ming, stated that it has been a worldwide recognition that a clean and efficient civil service is of the utmost importance to government administration, policy implementation and social harmony and stability, adding that civil servants should always keep pace with the rapid development of society. The social and economic development leads

to changes and gives rise to new risks and challenges. Therefore, integrity building still has a long way to go.



The Commissioner, Fong Man Chong, addressing the Conference



Leadership of the three anti-corruption institutions attending the Conference

At the Conference, representatives from the three places delivered speeches during the two plenary sessions entitled “Strategies for Strengthening Corruption Prevention Mechanisms” and “Challenges and Developments in Building a Probity Culture”. Guest speakers from Macao included Professor Xu Chang of the One Country Two Systems Research Center of the Macao Polytechnic Institute and Chow Seak Keong, Senior Investigation Officer of the Ombudsman Bureau of the CCAC. Representing the CCAC, the Deputy Commissioner, Kuan Kun Hong, delivered a keynote address entitled “System Building and Corruption Fighting” during the conference.

Kuan Kun Hong pointed out in his speech that the system of checks and balances, sound system building, high administrative efficiency and good governance are all key elements in corruption prevention. Acts of bribery will become more and more concealed in the future. As corruption practices are complex and variable, a sound and innovated system is of utmost importance.

The speech of Professor Xu Chang was entitled “Steady Development of Macao’s Public Administration in the Process of Integrity Building”. He believed that Macao has made considerable progress in integrity building after the handover. He also pointed out that the integrity building in Macao is facing two main challenges, including the elimination of negative, long-rooted practices and habits as well as the enhancement of the authoritative and the binding power of the correction mechanism of administrative illegalities of the CCAC.

Chow Seak Keong introduced to the participants the “System of Prevention of Conflict of Interests” within the Macao civil services system, including the principle of exclusiveness, recusal system, mechanism for handling advantages received, system of incomes and properties declaration, as well as monitoring mechanism of the engagement in private business or practices after leaving the civil service, etc.

Over 200 guests, including staff of anti-corruption agencies, government department officials, experts and scholars from the Mainland, Hong Kong and Macao attended the conference.

#### **(4) “Integrity and Professionalism – Key to Business Success” Conference for Small and Medium Enterprises in Guangdong, Hong Kong and Macao**

In order to equip cross-border small and medium enterprises (SMEs) with latest information about the business environment in the Pearl River Delta and the anti-corruption policies in Guangdong, Hong Kong and Macao, the CCAC of Macao, the Guangdong Provincial People’s Procuratorate and the Independent Commission Against Corruption of Hong Kong had jointly organized the “Integrity and Professionalism – Key to Business Success” Conference for Small and Medium Enterprises in Guangdong, Hong Kong and Macao on 22<sup>nd</sup> September 2011 at the Theatre of the ICAC Building. The Commissioner, Fong Man Chong, led a delegation to attend the conference and delivered a speech. Mak Soi Kun, legislator and President of the Macau Construction Association and some members of the association, Bi Chi Kin, President of the Youth Committee of the Macao Chamber of Commerce, also attended the conference as members of the Macao delegation. Besides, the legislator Mak Soi Kun delivered a speech at the conference.



The Commissioner, Fong Man Chong, and representatives from business sector attending the Conference



The Commissioner presenting a souvenir to the guest speaker, Legislator Mak Soi Kun



Deputy Director General of the Department of Taiwan, Hong Kong and Macao Affairs of the Ministry of Commerce, Sun Tong, delivered a speech entitled “The 12<sup>th</sup> Five-Year Plan for the National Economic and Social Development of China and the New Chapter, Opportunities and Challenges of the Development of SMEs in Pearl River Delta”.

The Commissioner, Fong Man Chong, briefly introduced in his speech the legislative background and the implementation of the law *Prevention and Suppression of Bribery in the Private Sector*, which entered into force on 1<sup>st</sup> March 2010, and summarized the efforts on investigation of corruption cases and promotion of corruption prevention in the private sector. He pointed out that the cases of bribery in the private sector were different from that in the public sector. Therefore, special measures had to be taken to ensure effective performance of duties as well as prevent other kinds of damage led by investigation to enterprises. He added that with the frequent exchanges of business activities among the three places, the cooperation and the exchange of intelligence among the anti-corruption agencies appeared to be more and more important. In the future, the CCAC would continue to focus on combating corruption as well as promotion and education, to waken the senses of honesty, law-abidingness and fair competition of the industries.

The speech of Mak Soi Kun was entitled “Integrity Management and Business: some opinions on enhancement of business management standard in Macao to face opportunities”. He pointed out that the strength of the enterprise lied on its own culture of corporate governance. The true principle of business running was for the industry to place integrity management as priority in both doing business and internal management.

The conference has gathered around 200 representatives of SMEs from Guangdong, Hong Kong and Macao, who exchanged their experience in and opinions on how to develop business and make wealth by upholding integrity, professionalism and a sense of law-observance.

### III. Legislative Assembly gives general approval for the bills to revise Law *The Commission Against Corruption of Macao SAR* and Law *Declaration of Incomes and Properties*

#### (1) Legislation Assembly gives general approval for the bill to revise the Law *The Commission Against Corruption of Macao SAR*

In order to enhance the CCAC's capacity to respond to social demands and strengthen its competence, especially the supervisory power in the area of ombudsman, and in view of the entry into force of Law no. 19/2009, *Prevention and Suppression of Bribery in the Private Sector*, the Macao SAR Government has proposed revision of the Law no. 10/2000, *The Commission Against Corruption of Macao SAR*, to clearly define the CCAC's scope of duties in the aspects of corruption-fighting and ombudsman, strengthen its initiative in law-enforcement and legislation as well as clearly stipulate the time limit for case investigation, etc. The bill was generally passed by the Legislative Assembly on 19<sup>th</sup> July 2011.

The revision includes the following eight points:

1. **Revision of the name of the law.** The bill suggests renaming the Law no. 10/2000, *The Commission Against Corruption of Macao SAR*, as the *Organic Law of the Commission Against Corruption of Macao SAR*.
2. **To tie in with the law *Prevention and Suppression of Bribery in the Private Sector*.** Since the CCAC's jurisdiction has been extended to the private sector, the bill indicates clearer stipulations about the CCAC's missions and duties as well as scope of functions in the aspects of corruption fighting and ombudsman.
3. **To match up other legal regimes.** The bill suggests revising the term "according to penal litigation law" as "according to penal and penal litigation laws."
4. **To strengthen the CCAC's function of ombudsman.** The bill suggests clearly defining the CCAC's function of ombudsman and empowering the CCAC to render recommendation against "omissions" by administrative authorities. When they do not accept or accept only a part of the recommendation, they shall state the reason. The bill also suggests shortening the time limit for making response to recommendation from 90

days to 15 working days. In case the problems targeted by recommendation may be more complex, the time limit is suggested to be extended by 15 working days.

5. **To clearly stipulate the time limit for case investigation.** Based on thorough consideration of the current penal litigation system and the basic principles, as well as advanced penal investigation systems and principles in the world, the bill clearly stipulates that the time limit for investigation under Article 258 of the *Code of Penal Litigation* is applicable to the investigation commenced by the CCAC with appropriate measures.
6. **To perfect the ways to publicize the Annual Report of the CCAC.** In view of procedural efficiency and financial factors, the bill suggests publicizing the Annual Report via electronic media when technical requirements are met, but a notice indicating the ways of access shall be published in the *Official Gazette*.
7. **To strictly regulate the CCAC staff's powers and responsibilities.** The bill suggests clearly regulating the special obligations that the Commissioner's auxiliary staffs shall fulfil. In execution of duties, the relevant staffs shall absolutely respect other people's reputation and dignity, observe the principle of non-discrimination as well as clearly state their identities as CCAC personnel. Moreover, the bill also suggests that "in execution of duties", only staffs carrying the special working I.D. card issued by the Chief Executive or the Commissioner are allowed to freely pass through or enter the offices of all administrative authorities of Macao SAR.
8. **To expand the scope of supervision carried out by the Monitoring Committee on Discipline of the CCAC Personnel.** The bill suggests expanding the scope from "complaints over discipline" to "problems involving non-criminal complaints".

Executive Council spokesman Leong Heng Teng expressed that the bill to revise the Law *The Commission Against Corruption of Macao SAR* has already enhanced the processing of administrative complaints and anti-corruption. It is hoped that through actual working practices in the future, the CCAC's organizational establishment can better match up with the development of society.

**(2) Legislative Assembly gives general approval for the bill to revise Law  
*Declaration of Incomes and Properties***

To act in accordance with the directive of the Chief Executive Dr. Chui Sai On, the Commissioner Against Corruption Fong Man Chong attended the plenary meeting of the Legislative Assembly on behalf of the Macao SAR Government in the afternoon on 16<sup>th</sup> December 2011, where Fong introduced the bill to revise Law no. 11/2003 *Declaration of Incomes and Properties*. Upon voting, the bill received general approval of all legislative members.

Major revisions put forward in the bill are listed below:

**1. Disclosure of assets and outside positions of some officials:**

To enhance supervision and avoid conflicts of interest, part of the assets of public office holders and their outside positions held concurrently should be disclosed.

**2. Improving the declaration procedure:**

The asset declaration procedure can be improved when various difficulties in practice are solved and problems that have caused confusion and ambiguity are eliminated.

**3. Cutting back administrative costs:**

Designated forms for asset declaration have been in use. To save the time of the declarants and cut back administrative costs, these forms should be downloadable from relevant website(s).

**4. Eliminating ambiguous concepts:**

In the existing law there are some legal terms and concepts that may lead to misunderstanding and confusion, hence they should be simplified, clarified and consistent.

**5. Introducing computer technologies in the declaration procedure:**

For saving paper and printing costs and simplifying the procedure, electronic methods should be adopted in the declaration procedure, especially for the part to be disclosed to the public.

**6. Stipulating the document destruction policy:**

Since the property declaration law took effect, relevant documents have

never been destroyed, including those of declarants who have deceased for many years. This has caused various problems to the administrative entity, such as inadequate storage capacity and growing burdens on archive management, hence the relevant policy for document destruction should be clarified and perfected.

While introducing the bill, the Commissioner Fong Man Chong said that the amendments were intended to increase transparency and probity in public administration, which would facilitate the implementation of the government's "Sunshine Policy" and enhance relevant regulation mechanisms. The Commissioner pointed out that with the tremendous economic development taking place in Macao and its obligation to comply with the *United Nations Convention against Corruption*, the society was calling for more openness and probity in public administration. To be more specific, more transparency was needed in the operation and decision making process and social monitoring over the decision makers also had to be enhanced. Given that the property declaration law for public servants had been put into practice for more than eight years, some of its provisions necessitated changes. After all, disclosure of property of public office holders played an important role in increasing public servants' devotion to their duty and building the principal officials' accountability system. It served not only to promote the efficiency, level of integrity and transparency of the administration, but also to prevent corruption and increase the public's confidence in the government.

