

## PART II

### ANTI-CORRUPTION

#### I. Numbers of reports and cases filed for investigation

In 2012, the CCAC received a total of 477 criminal reports<sup>3</sup>, including 297 cases eligible for preliminary handling. Together with the 79 cases brought forward from the previous year<sup>4</sup>, the CCAC had to handle a total of 376 criminal reports in 2012.

The CCAC filed a total of 183 criminal cases for investigation in 2012, an increase when compared to 112 in 2011. The growth could be attributed to the increase of bribery reports received in the private sector, where 102 cases were filed for investigation.

Investigation of a total of 185 criminal cases was completed by December 2012, and the cases were referred to the Public Prosecutions Office or archived accordingly.

#### NUMBER OF CRIMINAL CASES (2010-2012)

Data	2010	2011	2012
All cases received	681	804	852
Criminal reports	389	398	477
Pursuable cases	133	182	297
Cases filed for investigation	88	112	183

<sup>3</sup> As some complaints contained allegations of both criminal acts and administrative appropriation, they could be placed on different files for criminal investigation and ombudsman investigation respectively.

<sup>4</sup> These cases were not recorded as those received and handled in 2012 due to the fact that the former involved special investigation measures and the outcomes of handling were quite different. Some of these cases were referred to the ombudsman department after relevant criminal investigation was completed.

## II. Summaries of part of the cases investigated by CCAC

### Case 1:

The CCAC received a report in December 2010, claiming that a chief of an adult education centre under a local civil association cheated the Education and Youth Affairs Bureau (DSEJ) out of education subsidies under the “Continuing Education Subsidy Scheme” starting from 2010. The illicit acts included making false reports on the numbers of students enrolled in relevant courses and forging their signatures.

Following investigation and evidence search, the CCAC’s investigators arrested the chief of the education centre surnamed Lai on 20<sup>th</sup> February 2012. Plenty of information and documents, along with approximately MOP100,000 in cash, were seized in the operation.

DSEJ usually evaluates if a course is eligible for the application of subsidies before deciding the subsidised quota and the subsidy amount. In order to make the numbers of their “students” look consistent with the subsidised quotas approved by DSEJ, the suspect would overstate the numbers of enrolled students by means of manipulating the personal data of members and staff of the civil association and other people. Allegedly, after DSEJ approved the subsidies, the suspect got the subsidies of those who did not actually enrol by forging their signatures upon receipt. It was discovered that, between 2010 and the first half of 2011, a total of 140 courses launched by the centre were subsidised by DSEJ, and the subsidised students were over 3,000. About 180 people were found to be falsely enrolled in the courses, involving a total subsidy amount of MOP68,000 or so.

The suspect allegedly committed acts of fraud (under Paragraphs 1 and 3 of Article 211 of the *Penal Code*). The case was referred to the Public Prosecutions Office.

Since the case involved education subsidy fraud against the government and the personal data of many residents, the CCAC sent letters to relevant departments to urge them to enhance supervision on granting of subsidy and personal data protection.

**Case 2:**

The CCAC received a report in December 2011, claiming that a Chinese citizen, when applying for the right of abode in Macao in 2005, submitted a forged certificate of no criminal conviction for his/her father so that the latter, who was once convicted for accepting bribes, could also be granted residency in the city. According to the informer, some public servant(s) might have helped to cover up relevant illicit act on the assessment and approval process.

After investigation, it was found that the suspect submitted a “Certificate of No Criminal Sanction” of his/her father to the Macao Trade and Investment Promotion Institute (IPIM) when making the investment residency applications in 2005. However, after communicating with the relevant department in mainland China, the CCAC verified that the suspect’s father was handed down a sentence of 3 years in jail (suspended for 4 years) by the Supreme People’s Court in 1998 for the conviction of bribery acceptance in commercial activities. The suspect was therefore believed to have submitted a forged certificate.

According to the requirements set forth by IPIM, criminal record certificate is a must for investment residency application. Applicants or their family members who are with a criminal record will not be granted residency in Macao.

The act of the suspect was believed to constitute forgery of documents of special value (under Subparagraph c) of Paragraph 1 of Article 244 and Article 245 of the *Penal Code*). The case was referred to the Public Prosecutions Office.

**Case 3:**

The CCAC received a report in September 2010, claiming that a person in charge of a construction company offered bribes to an engineer of the Land, Public Works and Transport Bureau (DSSOPT) in exchange for confidential information relating to a few tenders for construction works. The alleged public servant was suspected to have assisted the company in preparing tender documents and acquiring public works tenders in the process of tender evaluation.

After investigation, it came to light that a DSSOPT staff, who was an engineer cum president/member of the tender evaluation committee in the public works area,

started to receive bribes as rewards for assisting a company in preparing tender documents and acquiring public works contracts in 2008. The public servant even abused his/her authority by concealing relevant construction, quality and delay problems and even exerting pressure on the consultancies to let the problems pass or revise the construction plans.

At least three public projects were found to be involved in the case, totalling an amount of more than MOP100 million. Allegedly, 1-3% of the value of each project went to the said public servant as bribes. Of the more than MOP1.8 million bribes involved, some MOP1.2 million was already handed to the public servant, part of which was then converted into RMB and deposited in mainland China or used to buy luxury watches, furniture and the like.

The said public servant was charged with “accepting bribes to perform illicit acts” (under Paragraph 1 of Article 337 of the *Penal Code*), and his/her spouse was charged with “money laundering” (Paragraphs 2 and 3 of Article 3 of Law no. 2/2006 on *Prevention and Suppression of Crime of Money Laundering*). The case was referred to the Public Prosecutions Office in October 2012. The Court also imposed compulsory measures on the suspect, including prohibition to leave the territory, suspension from duties and provision of bail.

#### **Case 4:**

The CCAC received a report in March 2012, claiming that an assistant of a health centre under the Health Bureau drove a motorcycle to some legal translation company during working hours for a few times, and thus believing him/her to be taking part-time work without authorisation.

After investigation, it was found that the said public servant started to provide Portuguese translation and proofreading services for a funeral company in 2004. He/She received two job requests per month on average. Of MOP5,500 paid by the

funeral company to the translation company for each job, MOP1,900 would go to the public servant as a service fee.

The alleged act of the public servant, namely providing translation and proofreading services to the funeral company without approval of relevant department, had violated the principle of “exclusivity of duty” of Article 17 of the *Statute of Personnel of the Public Administration of Macao*. The CCAC already notified the Health Bureau of the situation so that relevant disciplinary action could be taken.

### **Case 5:**

The CCAC received a report in April 2011, claiming that a deputy sheriff, who was responsible for immigration clearance at the Cotai border checkpoint, was engaged in outside employment activities.

After investigation, it came to light that the deputy sheriff registered a new limited company in July 2010 in Macao. Located at the Zhuhai Park of the Zhuhai-Macao Cross-border Industrial Zone according to the registration, the company operated businesses of import, export, manufacture and retail of audio communications equipment. The deputy sheriff was a shareholder who owned 50% of the company and also one of the administrators.

According to relevant travel records, the deputy sheriff travelled through the checkpoint at the cross-border industrial zone at least twice a month, which could prove that he frequently went to the Zhuhai Park to manage the businesses of the company. Furthermore, he was found to have directly participated in the meetings and operation of the company.

The alleged act of the deputy sheriff, namely engaging in administration of a company without approval of relevant department, had violated the principle of “exclusivity of duty” of Article 17 of the *Statute of Personnel of the Public Administration of Macao*. The CCAC already notified the Public Security Policy Force of the situation so that relevant disciplinary action could be taken.

### Case 6:

The CCAC received a report in June 2011, claiming that a Macao resident A and his/her spouse B assisted their relatives in applying for investment residency in Macao through false property transactions several years ago. Some public servant(s), according to the report, attempted to cover up relevant illicit acts.

After investigation, it was discovered that families C and D, who are relatives of A living in mainland China, wished to settle in Macao but neither of them were able to invest in an immovable property worth MOP1 million or more as required for the investment residency application in the territory. In order to help C and D obtain the right of abode, A and B falsely sold their two adjoining flats to C and D, who promised that upon the completion of property ownership transfer, the ownership of the concerned flats would be returned to A and B through the signing of authorisation letters. At last, C and D successfully obtained the right of abode from the Macao Trade and Investment Promotion Institute (IPIM) through the said false transactions. In fact, the two families never lived in the aforementioned properties. The couple A and B used one of the two flats and rented the other to tenants. A and B were the recipients of the rent.

In the course of investigation, some confessed having conducted the said false transactions. The acts of the four people involved were believed to constitute forgery of documents of special value (under Article 245 of the *Penal Code*) and fraud (under Subparagraph a) of Paragraph 4 of Article 211). The case was referred to the Public Prosecutions Office.

There was no evidence showing any IPIM staff or other public servants were involved in the above offences.

**Case 7:**

The CCAC received a report in February 2011, claiming that A, a staff of the Cultural Affairs Bureau, started to apply for family subsidies in 2005 for his/her parents, who actually had stable jobs. A was therefore believed to cheat the government out of family subsidies and free health care service for his/her parents.

After investigation it was discovered that, when applying for family subsidies for his/her parents between 1998 and 2012, A falsely declared to the Cultural Affairs Bureau that they were jobless. But in fact, A's father worked for some construction companies and hotels starting from 1996 and the mother also had a job in some hotel. Both of them received a monthly salary equal to the value of over 50 points of the salary index of the public service, which exceeds the statutory upper limit for family subsidy application provided in Article 208 of the *Statute of Personnel of the Public Administration of Macao*.

During the investigation, A confessed defrauding the government of family subsidies and free health care service for his/her parents by falsely claiming that they were jobless on the statements. A total of some MOP80,000 and free health service were involved in the fraud. The alleged acts constituted document forgery and fraud (under Subparagraph b) of Paragraph 1 of Article 244 and Paragraph 3 of Article 211 of the *Penal Code* respectively). The case was referred to the Public Prosecutions Office.

**Case 8:**

The CCAC received a report in April 2012, claiming that the person in charge and a doctor of a clinic under a local association forged medical consultation records of patients in an attempt to cheat the government out of medical subsidies.

According to the medical service cooperation agreement entered into between the Health Bureau and the association in April 2010, patients who are over 65 years old or under the age of 10 and all primary and secondary school students are eligible for a subsidy of MOP80 for each medical consultation made at the clinic.

After investigation, it came to light that Leong, the said person in charge, in order to help Ng, a doctor of the clinic to whom he/she is related to earn more incomes and increase the revenue of the clinic, conspired with the latter to commit relevant subsidy scams starting from July 2011. The fraudulent acts involved adding eligible subsidy recipients who did not make medical consultation at the clinic and the elderly who went to the clinic just for checking blood pressure (i.e. without medication) to the list of subsidised patients in the computer system, submitting those false information to the Health Bureau, and including the said “patients” in the list of the treated patients of Ng. During the investigation Leong and Ng confessed conducting the aforementioned illicit acts, including forging medical consultation records for more than 300 times. Both of them were believed to commit fraud (under Article 211 of the *Penal Code*). The case was referred to the Public Prosecutions Office.

The CCAC already reported the case to the Health Bureau and requested the latter to take necessary measures to prevent similar incidents from reoccurring, such as improving the management on the relevant subsidy schemes and plugging possible loopholes for fraud.

### **Case 9:**

The CCAC received a report in October 2011, claiming that some public servant(s) attempted to sell the worker badges to be used during the Grand Prix on the internet and therefore suspecting they were involved in power abuse.

After investigation, it was discovered that A, a staff of the Civil Engineering Laboratory of Macau (LECM), once put some worker badges used at the Grand Prix for sale online, but he/she stopped doing so at a later time. It was found that the worker badges were issued by the racing track construction contractor and were not for sale. In order to go near the raceway to watch the races for free, A and his/her colleague B asked the staff of the contractor they knew for six worker badges. As A and B’s work had nothing to do with the raceway examination and they did not make any agreement or guarantee that might have conflict with their duties with the staff of the contractor, their acts were not considered illegal.

Nevertheless, since LECM is a public institution established by the government, the said behaviours carried out by A and B without the authorisation of their superiors already violated the code of conduct of the institution. This could have adverse



impact on the image of LECM, in particular their credibility. The CCAC already notified LECM of the situation and requested that it takes necessary disciplinary action and enhance the code of conduct and work ethics for staff.

#### **Case 10:**

The CCAC received a report in June 2011, claiming that A, a principal of a local private school, helped his/her younger brother B to obtain residency under skilled worker class in Macao by illegal means. It also claimed that A conspired with a school coordinator C to get a 10% commission on the projects from some construction company.

After investigation, it was verified that B did meet the qualifications required for skilled workers and obtain the residency granted by the Macao Trade and Investment Promotion Institute by legal means. There was no illegality as claimed by the report and there was no public servant involved either.

Regarding the second allegation, investigation showed that the private school started to have the said construction company provide maintenance work in as early as 1997. Two previous principals of the school, D and E, used to received 10% and 5% of the construction fee of some projects from that company and put them in the teacher initiative funds. However, this practice no longer continued after A took over the position in 2005. Although the alleged acts were verified after investigation, since they took place before the entry into effect of Law no. 19/2009 (*Prevention and Suppression of Bribery in the Private Sector*) (i.e. before 1<sup>st</sup> March 2010), the CCAC archived the case.

### Case 11:

In December 2011, a shareholder representative of some management company limited made a report to the CCAC, claiming that a driver of the company secretly asked for excess fare from passengers and kept the money for him/herself, which impaired the interest of the company and violated the law.

After investigation, it was discovered that the suspect intentionally violated the regulations of the company by carrying out the alleged acts, which constituted the offence of “abuse of trust” (under Article 199 of the *Penal Code*). The case was referred to the Public Prosecutions Office.

### Case 12:

More than 10 mainland Chinese workers made a report to the CCAC in June 2011, claiming that A and B, the site supervisors of the construction company that they worked for, coerced them into giving up MOP100 of their wages per day, which would be collected at end of each month. According to the workers, A and B even took away their monthly accommodation allowance of MOP500. They were intimidated into paying the said MOP100/day by the threat of not receiving any work or even losing their jobs.

After investigation, it was discovered that, when applying for the quota for non-resident workers through a gaming company, the construction company promised that their Mainland Chinese workers would receive a daily wage of MOP450. However, a manager of the construction company, who oversaw the operation in Macao, asked A and B to have the workers pay MOP100 of their wages per day back at the end of each month. They even took away the monthly accommodation allowance of MOP500 for each of the workers. Knowing that the said gaming company had to declare the incomes of their workers to the Financial Services Bureau each year, the manager told his/her subordinates to file forged tax returns and provided them to the gaming company. The alleged acts of the suspects, including causing loss to others or this region intentionally (or obtaining illegitimate interests for themselves or others intentionally) and forging payroll documents and tax returns, constituted the offence of “document forgery” (under Article 244 of the *Penal Code*). The case was referred to the Public Prosecutions Office.

**Case 13:**

The CCAC received a complaint in April 2011, claiming that a staff of the Housing Bureau set up a construction company to provide maintenance service funded by the “Subsidy Scheme for Public Facilities of Low-Rise Residential Buildings”. Allegedly, the staff was also involved in the daily operation and affairs of the company.

After investigation, it came to light that, in order to obtain illegitimate interests for him/herself and the private company, the suspect intentionally acted against the obligations of his/her position by photocopying and appropriating the internal documents of the Housing Bureau to facilitate the operation and business promotion of the company. The alleged acts constituted the offences of “power abuse” and “breach of confidentiality” (under Articles 347 and 348 of the *Penal Code*). The case was referred to the Public Prosecutions Office.

**Case 14:**

The CCAC received a report in October 2011, claiming that the owners’ committee of some residential building applied for maintenance subsidies to the Housing Bureau for three times but some parts of the subsidised projects failed to be completed in accordance with the quotation documents. The complainant went further to claim that the president and the vice president of the committee accepted bribes from Company A to which they contracted the works.

After investigation, the CCAC found no evidence of the said two people taking bribes from the contractor. Nonetheless, between 2009 and 2011, the duo and another three construction company owners/shareholders plotted together to overstate the quoted costs so that they could get more subsidies from the Housing Bureau. The subsidy scam involved an amount of over MOP350,000. The five suspects were believed to have committed the offences of “fraud” and “document forgery” (under Articles 211 and 244 of the *Penal Code*).

**Case 15:**

The CCAC received a complaint from the director of Company A in July 2012, claiming that a former employee, who quitted his/her job for Company B, accepted “advantages” offered by Company B and helped it to steal the sales information of a product from Company A that had the distribution rights. As a result, Company B acquired the exclusive distribution rights for the product in Macao.

After investigation, it was discovered that the former employee of Company A did not work for Company B but for the manufacturer of the product directly. The staff did not provide Company B with any sales information of Company A to facilitate the acquisition of relevant distribution rights. In fact, the reason why Company A lost the distribution rights was that Company A, despite its continuous sales growth, disregarded the manufacturer’s request to adjust the profit distribution between them. As a result, Company B, who was willing to receive a far smaller portion of the profits than Company A did, became the new distributor of the product in the territory.

There was no evidence showing that the former employer of Company A handed its internal information to Company B to facilitate the acquisition of relevant distribution rights. Therefore, the case was archived.

**Case 16:**

The CCAC received a complaint in May 2011, claiming that some Chinese restaurant in Macao was granted 16 quotas for the employment of non-resident workers even though there was no business licence or any local workers working there. So the complainant suspected that the Human Resources Office (GRH) might have received advantages to approve the quota or the recruitment agency might have special relations with GRH.

Below are the findings of the investigation:

1. The restaurant did not obtain a food licence and was therefore believed to have engaged in illegal business operation;

2. According to the Declaration Form for Employer Registration submitted to the Social Security Fund in 2011, the restaurant had hired 10 local workers. However, it turned out that, among the 10 people, some had already retired and some were employees of other institutions, which means that most of them were not workers of the restaurant;

3. Although the restaurant had only 10 local workers and even refused to consider hiring any of the 82 local workers recommended by the Labour Affairs Bureau, the chief of the GRH still granted the restaurant 16 quotas for non-resident workers (while an GRH officer suggested not granting any at all). Therefore, there might have been administrative impropriety.

After investigation, there was no evidence showing the commission of illicit acts by any personnel of GRH. Therefore, the complaint regarding duty-related offences committed by the GRH personnel was archived.

At the same time, it was found that GRH could have been more careful when handling the approval of foreign worker employment applications and verifying the information submitted by applicants. Take this case as an example, despite the GRH officer's stated disapproval of relevant application on a report, the application was approved in the end.

Therefore, the case was referred to the Ombudsman Bureau for a follow-up investigation.

Regarding the alleged commission of document forgery (provision of wrong employee data) to cheat the GRH out of quotas on non-resident workers, since the suspected acts were not conducted by public servants, they did not fall under the jurisdiction of the CCAC. Therefore, the related matters have been referred to GRH.

### Case 17:

The CCAC received a report in August 2012, claiming that a staff of the Macau Sport Development Board (MSDB) worked part-time for a frozen meat shop on holidays and after work.

Below are the findings of the investigation:

1. The said public servant started to work for MSDB in 2009.
2. According to the person in charge of the frozen meat shop, the public servant was once a full-time worker of the shop but he/she quitted the job after beginning the service at MSDB. Later on, due to a lack of hands in the shop, the person in charge contacted the public servant for help and the latter promised to provide delivery service on a part-time basis.
3. After investigation, it was verified that the public servant worked as a part-time delivery truck driver for the frozen meat shop.
4. The public servant admitted having worked for the shop four hours a day for about 25 days per month on a daily wage of MOP260. The monthly salary received from the part-time work was between MOP5,000 and MOP7,000.
5. The public servant also admitted that he/she did not make necessary declaration to MSDB or get the approval of his/her superior before engaging in outside employment activities.

The alleged acts of the public servant involved had violated the principles of “exclusivity of duty” and “no concurrent duty” defined in the *Statute of Personnel of the Public Administration of Macao* (Articles 17 and 19). The CCAC already notified MSDB of the situation and the latter gave a written reprimand to the concerned staff.

### Case 18:

According to a complaint received by the CCAC, a public servant (with a rank equivalent to an inspector of police) of the Gaming Inspection and Coordination Bureau (DICJ) pretended to be sick so that he/she could be exempted from shift

work. However, the public servant was still receiving shift work subsidies. The public servant was suspected to have committed fraud.

After investigation, it was discovered that the public servant had a chronic respiratory disease and was certified unfit for carrying out shift work by the doctor. Therefore, he/she was exempted from shift work by his/her superior starting from 2009. However, due to negligence of relevant administrative department, the public servant still received the stated subsidy equal to the value of 17.5% of his/her salary index points between 2009 and May 2010.

In view of the fact that the public servant did not participate in shift work, he/she was not entitled to the subsidy described in Subparagraph a) of Paragraph 1 of Article 202 of the *Statute of Personnel of the Public Administration of Macao*. The CCAC already notified DICJ of the situation so that the latter could take necessary measures.

DICJ verified that the shift work subsidies were given to the public servant by mistake. It solved the problem and recovered relevant subsidies from the public servant already.

### **Case 19:**

The CCAC received a report in November 2011, claiming that a staff of the Financial Services Bureau went back home to deal with personal affairs during working hours over a long period of time, and that the alleged acts might have been harboured by his/her superior.

After investigation, it was discovered that the said staff used “having outdoor tasks” as an excuse many times for leaving the office during working hours. He/She was found to deal with personal business (e.g. buying ingredients for meals or housewares) and even return home without the authorisation of his/her superior. The alleged acts contravened the obligations of “being conscientious and diligent” and “being punctual” described in Subparagraphs g) and h) of Paragraph 2 of Article 279 of the *Statute of Personnel of the Public Administration of Macao*.

Finding no corrupt acts involved in the case, the CCAC archived it and notified the Financial Services Bureau of the situation so that relevant disciplinary action could be taken.

### Case 20:

The CCAC detected a bribery and fraud case in the private sector involving three suspects, including two chefs and a supplier. Allegedly, between 2011 and 2012, two chefs of a local Japanese restaurant breached the code of practice for food procurement by repeatedly taking bribes from a supplier, causing the restaurant to suffer a pecuniary loss amounting to over MOP2 million.

After the investigation of the CCAC, it came to light that the two chefs did not keep the copies of the invoices as required by relevant procedure upon receipt of goods. Instead, they allowed the supplier to take the carbonless invoices away, so the latter could put down what he/she wanted the quantities and prices of the supplies to look like. The two chefs were offered bribes by the supplier to facilitate the swindles. They have violated the provision of passive bribery defined by the law *Prevention and Suppression of Bribery in the Private Sector*.

In addition to an alleged offence of active bribery in the private sector, the supplier was suspected to have committed fraud through document forgery. Between 2011 and 2012, the supplier cheated the restaurant out of money by altering the invoices in different ways, including juggling the quantities of the supplies. His/Her acts allegedly constituted the offences of “document forgery” and “fraud” defined by the *Penal Code*.

In the course of the investigation, the supplier and the two chefs admitted having offered and accepted pecuniary advantage respectively between 2011 and 2012. After investigation the case was referred to the Public Prosecutions Office.

### Case 21:

On 31<sup>st</sup> March 2011, the CCAC referred a case of power abuse involving a leader of the Cultural Affairs Bureau to the Public Prosecutions Office. During a follow-up investigation, the CCAC discovered that the suspect might have also committed power abuse in an outsourced electricity and monitoring system installation project and two leasing projects of the government. Moreover, the suspect allegedly violated Article 28 of the law *Declaration of Incomes and Properties* – “unexplained wealth”, and committed the offence of “false testimony” under Article 323 of the *Penal Code*.



During the investigation, the CCAC also discovered that a senior officer of the Cultural Affairs Bureau might have breached the obligation of secrecy of public servants and committed the offence of “breach of confidentiality” prescribed by Article 348 of the *Penal Code*. Allegedly, in spite of knowing a loss would be caused to a third party, the senior officer disclosed the quotation information of other bidders that came to his/her knowledge when performing his/her duties to a staff of a bidding company, so the company could give a more favourable quotation than other competitors.

The CCAC already notified the Cultural Affairs Bureau of the situation and requested the latter to take necessary disciplinary action against relevant wrongful acts.

#### **Case 22:**

The CCAC uncovered that 16 members of a team of the Auxiliary Medical Service hired by the Health Bureau to carry out duties at the Cotai Immigration Checkpoint (also known as Lotus Port) deceived remuneration over a long time by using the loophole of attendance tracking.

The main duties of the team at Lotus Port were to conduct temperature measurement and provide medical consultation services for people entering Macao.

After careful examination of a multitude of shift rosters, attendance sheets and payroll records, the CCAC discovered that between April 2007 when the Lotus Port was re-opened and June 2011 when the temperature screening measures at immigration checkpoints were discontinued, the said 16 suspects allegedly departed Macao without authorisation of their superior for many times when they should have been on duty, some of whom were even away for a whole month. In order to cover up their acts, pretend they had worked and obtain their salary, the suspects signed the attendance sheets beforehand or after they were back on duty, exploiting the loophole which allowed wages to be calculated by the Health Bureau based merely on their attendance records. It came to light that one suspect had even faked attendance records for as many as 181 times. The acts of the 16 suspects were believed to constitute the offences of “document forgery” and “fraud” defined under the *Penal Code*.

After investigation, it was verified that one of the suspects surnamed Ngan, who

was the team leader responsible for monitoring the members' attendance, neither reported the situation to the superior nor took any action despite knowing their forgery of attendance records over a long time. Therefore, he/she was suspected of harbouring the members' acts of obtaining salaries by deception, which contravened the obligations pertaining to his/her duties and constituted the offences of "power abuse", "document forgery" and "fraud" under the *Penal Code*.

In the course of investigation, some suspect(s) confessed committing the said fraudulent acts and deceiving the Macao SAR Government.

The illicit acts spanned four years and involved an amount of over MOP200,000. The CCAC notified the Health Bureau of the case and requested the latter to adopt proper measures to strengthen internal management and prevent similar cases from reoccurring.

### **Case 23:**

The CCAC detected a case of power abuse involving a prison guard surnamed Wong, who allegedly smuggled contraband into the prison for inmates.

Based on the intelligence obtained, the CCAC carried out an operation in the evening of 28<sup>th</sup> July 2012 and caught the prison guard. During the frisk Wong was found to have a paper note from an inmate requesting him/her to bring forbidden items to the prison. Wong was therefore suspected to smuggle contraband into the prison for inmates by abusing his/her position. The alleged behaviour constituted power abuse.

With the assistance of the Macao Prison, the CCAC's investigators conducted a search in the prison cells and seized a variety of forbidden items, including blades, mobile phones, memory cards, SIM cards, batteries, guitar strings and paints.

Data showed the prison guard had large cash deposits in his/her bank account(s), and that he/she engaged in frequent and unusual betting activities, so he/she was also believed to be involved in illegal gambling.

During the investigation, the prison guard admitted having brought contraband into the prison according to the request of the inmate(s). The CCAC referred the case to the Public Prosecutions Office after the initial investigation was completed.

**Case 24:**

The CCAC discovered that a senior nurse at the Hospital Centre S. Januario allegedly cheated overtime pay by abusing the loopholes of the hospital's overtime work compensation system and the trust of doctors.

After investigation, it was found that between January 2011 to May 2012, the suspect surnamed Cheong exploited the hospital's overtime work compensation system (by which overtime pay was calculated according to the completion time of the last patient's consultation at the out-patient department recorded by the computer plus additional 20 minutes for clearing things up). Allegedly, after the doctors left the consulting rooms upon finishing the out-patient duties, Cheong deliberately kept the last patient's medical record open on the computer to make the consultation time look longer than it actually took. Cheong was found to have cheated overtime pay by such means for a long time. It also came to light that, on some of the days during the stated period, the medical records of some patients had even been left open for over four hours, close to the entire length of time of the doctors' daily service at the out-patient department. There were also computer records showing that some patients were still "under diagnosis or treatment" at the time when in fact they had already left Macao.

In the course of investigation, the suspect admitted having committed the said fraudulent acts and deceived the Macao SAR Government.

The CCAC already notified the Health Bureau of the situation and requested the latter to take necessary measures immediately so that factors that may cause illicit acts can be eliminated.

### **Case 25:**

The CCAC detected a case of long-term appropriation of government’s resources involving a senior public servant surnamed Chiang who worked for the Macao Foundation. The suspect, who did not have the legal right to use government vehicles for private matters, falsely claimed that he/she had to use them for work purposes while they were in fact for personal use. He/She even requested the government drivers to cover up the relevant records of vehicle use. The alleged acts constituted the offences of “document forgery” and “misappropriation of public property”.

The CCAC discovered that the public servant, who was not entitled to the use of any public vehicle or driver for private purposes, used certain vehicles of the Macao Foundation for personal activities almost every weekday from January 2012, with a few drivers taking turns to give him/her the rides.

In addition to taking public vehicles to hospitals for consultation for many times, the suspect was also found to have asked the drivers to take him/her to beauty salons for beauty treatment during working hours. However, the said places were not often frankly recorded as they should have been.

During the investigation, some admitted that phrases like “go home” and “back to the Foundation” were put down as per instructions given by the superior, while places involving personal activities were intentionally left out on the vehicle use records. The suspect also admitted having frequently visited the hospitals for consultation by public vehicles.

### **III. Joint investigation into cross-boundary cases and judicial assistance**

#### **(1) Requests for CCAC’s assistance from law enforcement agencies abroad**

In 2012, the CCAC received requests to provide assistance in the investigations of 6 cases from law enforcement agencies abroad, including 4 cases from the ICAC of Hong Kong and 2 cases from the People’s Procuratorate of Guangdong Province. The CCAC has completed the investigations of 3 of the cases, while the other 3 are still under investigation.

**(2) Requests for assistance of law enforcement agencies abroad from CCAC**

In 2012, the CCAC requested law enforcement agencies abroad for assistance in the investigations of a total of 7 cases. These agencies, including some procuratorates in Mainland China and the ICAC of Hong Kong, finished the investigations of 5 and 2 cases respectively.