

2014
Annual Report
of
the Commission Against Corruption of Macao

**Commission Against Corruption,
Macao Special Administrative Region**

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The Commissioner Against Corruption, Cheong Weng Chon, submitting the *2014 Annual Report of the CCAC of Macao* to the Chief Executive, Chui Sai On

FOREWORD

According to Law no. 10/2000 - *Organic Law of the Commission Against Corruption*, the CCAC is dedicated to the fight against corruption in the public and private sectors and performing ombudsman functions. The CCAC personnel have constantly been fulfilling their responsibilities according to law, showing great resolution in graft fighting and striving for lawful administration. With the collaboration and support of the Macao SAR Government and the general public, they have also made untiring efforts to build a team of public servants upholding probity, law-abidingness and high efficiency and to strengthen integrity building of the Macao SAR.

To combat corruption acts committed by officials of public international organisations and public officials from outside of the jurisdiction of the Macao SAR, and to comply with the requirements set forth in the United Nations Convention Against Corruption, in 2014, the CCAC submitted a bill entitled “Prevention and Suppression of Bribery in External Trade”. The bill was passed by the Legislative Assembly in the same year and took effect on 1st January this year. The entry into force of the law has not only made the SAR’s legislation against corruption more complete and inclusive, but has also contributed to an anti-corruption system more geared to international standards.

The year of 2014 recorded a slight year-on-year decrease in the number of complaints and reports received and handled by the CCAC. The CCAC will attach great importance to the difference and will carefully find out the reasons, so that corresponding strategies can be formulated in the year’s business plan. Among all the complaints and reports handled by the CCAC in 2014, 96% came from the citizens - this means that the CCAC’s success in carrying out its anti-corruption and ombudsman work according to law largely depends on their trust, support and participation.

With the continuous economic development of the Macao SAR, various interests are inevitably becoming more complex. To practically meet residents' expectation of enhancing integrity building, firstly, the CCAC must adhere to the principle that "all are equal before the law" when carrying out anti-corruption work. It must also ensure that each case of corruption is investigated, prosecuted and penalised. Secondly, it must further enhance the requirements on discipline and professionalism of the CCAC's personnel so they are always impartial, self-disciplined, professional and efficient.

The CCAC has always been employing the two-pronged approach highlighting both combating and prevention – along with investigating and handling corruption cases, it proactively carries out promotion and education work to prevent corruption. To strengthen its corruption prevention work, the CCAC will conduct in-depth analyses into model cases selected from among those ever investigated. In addition to the personal character and conduct of the culprits, the CCAC will attempt to identify other factors triggering corruption in some specific cases, particularly loopholes or inadequacies in the administrative procedures, operating systems and legislation. By doing so, it hopes that useful opinions and recommendations for improvement may be rendered and the previous corruption phenomena will less likely recur in the future.

In recent years, due to social development, the services provided by the public departments of the SAR have continuously increased, leading to a rise in the number of complaints relating to public services. As an administrative watchdog, the CCAC aims not only at safeguarding the rights, freedom, legitimate interests of the citizens but also at supervising, according to law, the legality in the exercise of public powers by the government departments and the fairness and efficiency of public administration. Therefore, the full resolution of administrative complaints should not be confined to "returning justice to citizens". More importantly, it should strive to efficiently promote the public services focusing on the general operation of the departments and applicable legal regimes.

The CCAC will conduct systematic analysis of the ombudsman cases handled in the past, evaluate and categorise the most complained about departments and incidents, and carry out targeted investigation into them. It will seek to, together with the departments involved, identify the underlying causes and resolutions for the problems, with special regard to those arising from obsolete laws, inflexible administrative procedures and lack of uniformity, thus avoiding the vicious circle where “citizens lodge complaints, the CCAC makes recommendations, departments respond, yet problems remain unchanged” - all in a bid to improve the governance, implementation capacity and confidence of the citizens in the SAR government.

March 2015

The Commissioner Against Corruption
Cheong Weng Chon

PART I
CASE PROCESSING SUMMARY



PART I

CASE PROCESSING SUMMARY

I. Number of reports

In 2014, the Commission Against Corruption (CCAC) received and followed up a total of 865 complaints and reports, of which 298 were of criminal nature and 567 were about administrative impropriety. It was a slight decrease compared with the 896 cases recorded in 2013.

Statistics on caseload (2010-2014)



Number of cases recorded from 2010 to 2014 (classified by type)



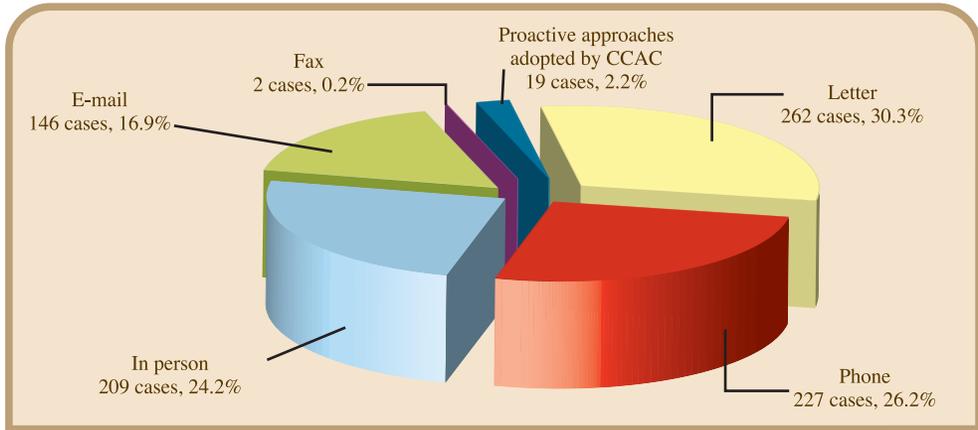
Among the 865 cases received and followed up in 2014, 19 were uncovered by the CCAC through proactive approaches, 6 were investigated at the request of overseas authorities, 8 were referred by other public bodies and the remaining came from citizens' complaints and reports, of which 453 cases were lodged by identified complainants or those willing to provide personal data and 379 complaints were anonymous or requested anonymity, representing a similar proportion recorded in 2013.

**Statistics on cases recorded from 2012 to 2014
(classified by source of cases)**

Sources of cases		2012		2013		2014	
		Number	Percentage	Number	Percentage	Number	Percentage
Complaints or reports received from citizens	Complaints lodged by identified complainants or those willing to provide personal data	498	58.5%	484	54%	453	52.4%
	Anonymous complaints or those requesting anonymity	329	38.6%	372	41.5%	379	43.8%
Cases uncovered by CCAC through proactive approaches		6	0.7%	22	2.5%	19	2.2%
Cases investigated at the request of overseas authorities		6	0.7%	6	0.7%	6	0.7%
Cases referred by other public bodies		13	1.5%	12	1.3%	8	0.9%
Total number of cases		852	100%	896	100%	865	100%

In 2014, mail and telephone were still the main channels for residents to lodge complaints and reports to the CCAC, through which 262 and 227 cases were lodged respectively, both together representing 56.5% of the total number of cases received in the whole year; the complaints lodged by residents in person reached 209, representing 24.2% of all the cases received in the year.

**Statistics on cases recorded in 2014
(classified by reporting method)**



**Statistics on cases recorded from 2012 to 2014
(classified by reporting method)**

Reporting method	2012		2013		2014	
	Number	Percentage	Number	Percentage	Number	Percentage
Letter	273	32%	268	29.9%	262	30.3%
Phone	229	26.9%	335	37.4%	227	26.2%
In person	187	21.9%	154	17.2%	209	24.2%
E-mail	149	17.5%	112	12.5%	146	16.9%
Fax	8	1%	5	0.5%	2	0.2%
Proactive approaches adopted by CCAC	6	0.7%	22	2.5%	19	2.2%
Total number of cases	852	100%	896	100%	865	100%

II. Case processing

Among the 865 cases received in 2014, some cases were not pursuable due to the fact that they fell outside the jurisdiction of the CCAC or the information was not sufficient.

Together with the cases brought forward from 2013, the CCAC handled a total of 1,675 cases in 2014. Regarding criminal cases, investigations of 492 cases were completed in the year, which were then referred to the Public Prosecutions Office or archived. On the ombudsman front, 563 cases were handled and archived.

In addition, the CCAC received 1,021 counts of enquiries of different natures throughout 2014, of which 449 counts were about criminal matters and 572 were related to the administrative matters.

PART II
ANTI-CORRUPTION



PART II

ANTI-CORRUPTION

I. Introduction

The graft-fighting works in 2014 developed in a stable and orderly way. In this year, the Macao SAR experienced the election of Chief Executive and changes of key personnel of the government. The CCAC did not receive any complaints about election in 2014, unlike 2013 in which the Legislative Assembly Election took place.

In 2014, the total number of cases recorded slightly dropped compared with 2013. However, there was a larger decrease in criminal reports compared with the past few years, reflecting an increase in administrative complaints.

Of the criminal cases investigated throughout the year, most involved crimes committed by public servants, mainly forgery of documents, of which a large proportion were attendance records. Other crimes included power abuse, fraud and embezzlement. Meanwhile, there was a drop in cases of passive corruption committed by public servants. Moreover, the CCAC completed two cases of submission of incorrect data for declaration of assets and interests and a case of unexplained wealth.

Compared with 2013, the number of bribery cases in the private sector in 2014 slightly decreased. In fact, there are various industries and professions in the private sector, the definition of crime differs from industry to industry due to different practices and rules. Moreover, according to the law *Prevention and Suppression of Bribery in the Private Sector*, penal procedures shall only be instituted when there is a complaint. Some of the private companies choose not to file a complaint in order to minimise negative effect after criminal facts are discovered. As a result, the CCAC cannot initiate criminal investigation procedure under the law.

II. Reports and cases filed for investigation

In 2014, the CCAC received a total of 865 complaints and reports, including 266 criminal cases qualified for handling, of which 33 cases were filed for formal investigation. Moreover, the CCAC processed 17 cases carried over from the previous year.

Throughout the year, the CCAC completed the investigations of a total of 492 cases (including cases carried over from 2013), a larger increase compared with the past few years.

Cases received from 2010 to 2014

Data	2010	2011	2012	2013	2014
All cases received	681	804	852	896	865
Criminal cases qualified for handling	133	182	297	264	266
Cases completed	39	64	185	236	492 ¹

III. Summaries of some of the cases investigated by the CCAC

Case 1

In January 2014, the CCAC’s investigation staff found a post on a social network which indicated that someone saw two police officers of the Public Security Police Force (PSP) issuing parking tickets to all cars illegally parked at the streets at Ilha Verde except a car owned by a staff member of the Traffic Department of the PSP. Subsequently, the CCAC took the initiative to intervene into the case.

¹ Including cases carried over from 2013.

It was revealed in the investigation that, on an afternoon in January 2014, the two police officers of the Traffic Department of the PSP, surnamed Sio and Ngan, were carrying out the duty in the area and found that one of the illegally parked cars, a white Honda Jazz with vehicle registration plate no. MK-XX-93, belonged to a colleague of the department. In order to help the colleague escape from punishment, the duo did not issue the ticket. However, there was a passer-by who witnessed the incident and requested Sio to do it. Subsequently, Sio deliberately issued a ticket filled in with incorrect data. The registration plate number, the color and the brand of the car were changed to no. MK-XX-92, black and Mitsubishi, in an attempt to help the colleague evade the charge for illegal parking.

Following investigation and evidence gathering, the CCAC found strong signs that Sio and Ngan's acts had allegedly constituted offences of "forgery committed by public servant" and "malfeasance" under the *Penal Code*. The case was referred to the Public Prosecutions Office upon completion of the investigation.

Case 2

The CCAC discovered that a cultural association conspired with a local advertising company to deceive the government over subsidies with false receipts when organising an exhibition.

It was revealed in the investigation that the cultural association, established in 2011, organised an exhibition once every year in a large convention centre in Macao. Every time the person-in-charge of the association applied for subsidies from some government departments. However, in an attempt to receive higher amounts of subsidies, he/she conspired with the advertising company that was contracted to decorate the venue to defraud over undue subsidies by overstating the production expense with false receipts.

Between 2012 and 2013, the two suspects allegedly attempted to defraud over subsidies amounting to a total of more than MOP200,000 by document forgery. Eventually, they managed to obtain around MOP80,000. The association received government subsidies amounting to over MOP1 million in total through organising exhibitions in the two years. During the investigation, the duo confessed to the relevant facts.

The defraud of government subsidies by submitting false receipts to public departments committed by the two suspects caused a loss of public assets. Their acts had allegedly constituted offences of “document forgery” and “fraud” under the *Penal Code*. The case was finally referred to the Public Prosecutions Office.

Case 3

In September 2014, the CCAC unveiled a case of “document forgery” and “fraud involving considerably high value” allegedly committed by a board member of an association of Macao.

After investigation, it came to light that the Health Bureau, the Macao Foundation and the Office of the Secretary for Social Affairs and Culture grant subsidies to civil associations on condition that the applicants shall not apply for subsidies to other institutions for the same or the same kind of project.

Between July and October 2011, the said association made an application to the Health Bureau, the Macao Foundation and the Office of the Secretary for Social Affairs and Culture respectively for subsidy of its 2012’s operation cost. The suspect concealed the income and surplus of the association by forging documents for the applications in order to receive larger amounts of subsidies and even have the unqualified applications approved. Meanwhile, when the suspect applied for a subsidy item entitled “subsidy for professionals” from the Health Bureau and the Macao Foundation respectively in 2012, he/she declared in the application documents that the association had not sought any sponsorship from any other institutions

under the same category. Finally, the association received subsidies from the two government institutions, with the duplicated portion totalling to an approximate amount of MOP350,000.

Moreover, the suspect, when reporting to the subsidising institutions over the use of the subsidies, intentionally concealed the fact that the said association had recorded a surplus of more than MOP1 million in 2012. By means of making false statement, overstating expenditure, understating and omitting revenue, he/she made relevant government institutions believe that the subsidies had been consumed with even a deficit recorded in the operation of the association. Such acts were carried out in an attempt to avoid returning the subsidies to the government institutions.

It was initially estimated that the illicit advantages gained by the association through submitting false documents amounted to over MOP1 million. Therefore, there were strong signs showing that the suspect had allegedly committed offences of “document forgery” and “fraud involving considerably high value” under the *Penal Code*. The case was referred to the Public Prosecutions Office upon completion of the investigation.

Case 4

In the course of investigation into a bribery case, the CCAC found that an inspector of the Judiciary Police allegedly committed offences of “submission of incorrect data” for declaration of assets and interests and “unexplained wealth”.

The investigation revealed that between 2012 and 2014, there were over 100 transactions of cash deposit to the inspector’s bank account through ATM machines. Over MOP3 million was deposited in total.

Since saving money through ATM machines does not record the depositor’s identification data, taking advantage of this loophole, each time the inspector successfully deposited a sum amounting to tens of thousands to over one hundred

thousands patacas from unjustified sources into his/her account, totalling over MOP3 million, which exceeded four times of his/her due income.

It also came to the light that the inspector purposefully omitted the bank account with over MOP1 million in his/her declaration document when fulfilling the obligation to declare his/her assets and interests under the law.

The inspector violated the *Legal Regime of Declaration of Assets and Interests* as his/her acts have allegedly constituted offences of “submission of incorrect data” for declaration of assets and interests and “unexplained wealth”. The case was referred to the Public Prosecutions Office.

Case 5

The CCAC detected a case of “bribery in the private sector” and “fraud involving considerably high value” allegedly committed by two doctors of a private medical institution which involved an amount exceeding MOP1.4 million.

It was revealed in the investigation that the suspects Lau, who was also a supervisory staff of the institution, and Leong, a team leader, were responsible for the medical laboratory services provided by the institution. Starting from 2012, the two suspects falsely represented the institution and approached a number of private laboratories, claiming that the medical institution they were serving encouraged their doctors to refer patients to have medical examinations in private laboratories. Suspect Leong would collect once a month the “consultation fees”.

The two suspects, without their employer’s prior consent and knowing that it would breach their professional duties and that the medical institution they worked for had its own medical laboratory services, still enticed or forced the subordinate doctors to refer their patients to private laboratories for medical examinations so as to solicit undue advantage. In addition to the long-term loss of the employer, the behaviour of the two suspects also caused some patients to conduct unnecessary

medical examinations in private laboratories, ignoring the rights and interests of the patients.

Moreover, the CCAC also found that Leong did not return the “consultation fee” he/she collected monthly from the private laboratories to the institution nor had he/she distributed it proportionally to the subordinate doctors according to the list provided by the private laboratories. Instead, by deceiving his/her superiors and subordinates, Leong only distributed less than half of the total amount of the “consultation fee” to the doctors and conspired with Lau to appropriate the rest of the amount. Until the beginning of October 2014, it was estimated that a cumulative amount of more than MOP1.4 million was involved in this case.

The behaviour of the two suspects allegedly violated the provisions of “fraud involving considerably high value” under the *Penal Code* and “passive bribery” under the law *Prevention and Suppression of Bribery in the Private Sector*. The case was finally referred to the Public Prosecutions Office.

Case 6

In the course of investigation into a case of bribery, the CCAC found that a department chief of the Cultural Affairs Bureau had allegedly violated the law and therefore an investigation was commenced.

It was found that in 2007, the supervisory staff, making use of his/her power, suggested exemption of ordinary consulting procedure in the process of adjudicating a designing job for the reason that it was urgent. Eventually, the job was directly granted to a company of which one of the shareholders was his/her spouse. The staff concealed the fact that his/her spouse was one of the shareholders of the company and suggested granting the designing job to the company. As a result, the company was also given the jobs of support service in later stage and design revision, receiving service fees amounting to a total of MOP2 million approximately. Later, there were

deficiencies in the design and it took over one year for the company to revise it, resulting in delay of the bidding for the relevant projects and extra project costs amounting to over MOP10 million paid by the government.

The staff and his/her spouse allegedly constituted offences of “unlawful economic advantage in a legal act” under the *Penal Code*. The case was referred to the Public Prosecutions Office.

Case 7

The CCAC detected a corruption case in the private sector, where the president of the property owners’ committee of a residential building had allegedly received advantage from an equipment supplier to assist, by means of document forgery, the latter in securing the renewal of its service contract, causing loss suffered by the property owners.

It was discovered in the investigation that in early 2009, a local construction and equipment company entered into a two-year term contract with the property owners’ committee. According to the contract, the company shall replace the existing lights of the building with energy saving ones and shall be entitled to a monthly service fee equivalent to 60% of the energy savings.

However, when the contract expired in 2011, the person-in-charge of the company, in order to obtain the contract renewal to continue receiving the service fee, conspired with the property owners’ committee president and changed the contract period from two years to three years, as well as added the terms of automatic renewal, resulting in the property owners of the building paying a service fee of several tens of thousands more in total. Besides, the property owners’ committee president, who was a public servant, eventually obtained the right to operate business from the person-in-charge of that company, with an intention to circumvent the legal provisions of not allowing public servant to engage in outside practices and run his/her own private business.

The two suspects allegedly committed offences of “active bribery” and “passive bribery” provided by the law *Prevention and Suppression of Bribery in the Private Sector* and “document forgery” under the *Penal Code*. The case was referred to the Public Prosecutions Office.

Moreover, since one of the suspects also allegedly violated the provisions governing public administration staff, the relevant department commenced disciplinary proceedings after the CCAC reported the case.

Case 8

The CCAC detected a case of fraud over government subsidy for purchase of energy-saving products.

The case disclosed that the four suspects in the case managed to get the subsidies from Environmental Protection and Energy Conservation Funds by fraud several times. Three of the suspects were suppliers of energy-saving products, during the process of applying for the Government-funded “Subsidy Scheme for Acquisition of Products and Equipment for Environmental Protection and Energy Conservation” on behalf of the clients, they allegedly quoted an exaggerated price of energy-saving products to the relevant environmental protection department and submitted false quotations and invoices in order to get subsidies of larger amounts.

Under the subsidy scheme, the maximum amount of subsidy is up to 80% of the price of the energy-saving products, the remaining 20% and the installation costs are the responsibilities of the clients themselves. The suspects involved ultimately caused the funding institution to subsidise the full amount. As a result, the clients had no need to pay for the remaining 20% and the installation cost. The other suspect, who was the proprietor of a subsidised shop, also participated in the fraud in the application processes.

It was also found in the investigation that the case involved a total of 22 applications from different applicants and over MOP200,000.

The acts of the four suspects allegedly constituted offences of “document forgery” and “fraud” according to the *Penal Code*. The case was finally referred to the Public Prosecutions Office.

Case 9

The CCAC detected a case of law and discipline violation allegedly committed by a nurse of a public hospital who had stolen drugs from the hospital and assisted a patient in using the drugs without any prescription.

As a nurse of a public hospital, the suspect had access to the hospital pharmacy and had the right to take the drugs away from the pharmacy. It was discovered in the investigation that in 2013, the nurse took a kind of injection which shall only be used by prescription away from the pharmacy without approval at least once and secretly gave it to an elderly patient in his/her residential unit in Macao. Previously the patient had been admitted to the public hospital. After being discharged from the hospital, the suspect voluntarily took care of the patient and even stole injections for pain relief from the hospital and gave them to him/her at his/her home. Later, the suspect managed to gain the patient’s trust and the latter voluntarily sold his/her home to one of the suspect’s relatives at a price lower than the market price. As a result, the suspect indirectly took ownership of the property.

The suspect, who took the injections away from the public hospital without permission, allegedly constituted offences of “embezzlement” under the *Penal Code*. The case was referred to the Public Prosecutions Office.

Moreover, the CCAC already reported the case to the Health Bureau and the latter commenced the follow-up work.

Case 10

In December 2014, the CCAC completed the investigation into a case of power abuse involving an instructor of the School of Music of the Macao Conservatory.

It was found in the investigation that in an attempt to have his/her son won the annual prize of the school, the instructor, as a supervisor, allegedly called up some meetings to discuss the matters about his/her son and secretly modified the suggestions rendered by his/her son's class teacher. Moreover, the instructor even removed the name of a student who was supposed to be awarded the prize from the list in order to achieve the purpose.

The instructor did not treat every student equally and abused his/her power to gain advantage for his/her son, infringing upon other people's interests. His/her acts allegedly violated his/her professional duties and constituted offences of "power abuse" under the *Penal Code*. The case was referred to the Public Prosecutions Office.

IV. Mutual case assistance in cross-border investigation**(1) Requests for case assistance to CCAC from law enforcement agencies outside the territory**

In 2014, the CCAC was requested for assistance in six cases from law enforcement agencies outside the territory, including three cases from the Independent Commission Against Corruption of Hong Kong and the Hong Kong Police Force; as well as three cases from the anti-graft agencies of the Chinese mainland. Two of the cases have been completed while the remaining four are still being processed.

(2) CCAC's requests for case assistance to law enforcement agencies outside the territory

In 2014, the CCAC requested law enforcement agencies outside the territory for

assistance in a total of six cases. The anti-graft agencies involved were chiefly from the Chinese mainland. Five of the cases have been completed while the remaining one is still being processed.

(3) The 10th Seminar on Mutual Case Assistance of Guangdong, Hong Kong and Macao

In December 2014, the “10th Seminar on Mutual Case Assistance of Guangdong, Hong Kong and Macao” was held in Shenzhen, Guangdong. Representatives of the CCAC participated in the event. In the seminar, representatives of the three places summarised and shared their experience of mutual assistance for the past year. Upon discussion, they reached a consensus on strengthening and ruling the mutual assistance mechanism, including the improvement of the efficiency of mutual assistance among the three places; confidentiality of identity of staffs concerning mutual assistance; feasibility and restrictions of cross-border investigation and evidence search; and building of the mechanism of exchange of intelligence etc. They also exchanged ideas on the issues of meeting witnesses, cases filed for investigation and dispatch, access of case information, delivery of confidential document and new trends of money laundering, etc.

Under the principles of mutual respect, active communication, equality and mutual help, the three places also agreed to enhance exchanges and collaboration in order to extend the legal framework for cooperation of the three places and improve mutual assistance procedure. This meeting, which furthered the good relationship among CCAC staffs, staffs of Chinese mainland and Hong Kong concerning mutual assistance, is favourable for the future work of mutual assistance among the three places.

V. Court verdicts

Twelve cases investigated by the CCAC were adjudicated by court in 2014. Since penal procedure took time, some were accumulated cases which occurred many years ago, including the verdicts of the drawn-out election cases of 2005. These adjudicated cases mainly involved passive bribery, active bribery, fraud and retention of voter cards, etc. Moreover, there were five cases which were given verdicts in the first instance but have entered the procedure of second instance. Thus, they were not counted in the figure of 2014. Details of relevant verdicts are as follows:

No.	Court	Name of suspect	Charge	Sentence
1	Court of First Instance	Chan XX	4 counts of “passive bribery for performing illicit acts” (Paragraph 1 of Article 337 of <i>Penal Code</i>)	Imprisonment of 1 year and 3 months with 2-year suspension
		Cheong XX	4 counts of “active bribery” (Paragraph 1 of Article 339 of <i>Penal Code</i>)	Imprisonment of 7 months with 2-year suspension
2	Court of First Instance	Lam XX	1 count of “active bribery” (Paragraph 1 of Article 339 of <i>Penal Code</i>)	Imprisonment of 7 months with 2-year suspension (a fine of MOP5,000)
3	Court of First Instance	Cheong XX	1 count of “fraud” (Paragraph 1 of Article 211 of <i>Penal Code</i>)	A 120-day fine at MOP150 per day

4	Court of First Instance Court of Second Instance	Pao XX	1 count of “retention of voter cards” (Paragraph 1 of Article 49 of <i>Voters Registration Law</i>)	Verdict by Court of First Instance: Imprisonment of 2 years with 3-year suspension Verdict by Court of Second Instance: Acquitted
		Fong XX	1 count of “retention of voter cards” (Paragraph 1 of Article 49 of <i>Voters Registration Law</i>)	Verdict by Court of First Instance: Deprivation of political rights for 2 years. Imprisonment of 1.5 years with 2-year suspension Verdict by Court of Second Instance: Acquitted
		Cheong XX	1 count of “retention of voter cards” (Paragraph 1 of Article 49 of <i>Voters Registration Law</i>)	Verdict by Court of First Instance: Deprivation of political rights for 2 years. Imprisonment of 1.5 years with 2-year suspension Verdict by Court of Second Instance: Acquitted

	Court of First Instance	Chan XX	1 count of “retention of voter cards” (Paragraph 1 of Article 49 of <i>Voters Registration Law</i>) 1 count of “provision of voter cards” (Paragraph 2 of Article 49 of <i>Voters Registration Law</i>)	Verdict by Court of First Instance: Deprivation of political rights for 2 years. Imprisonment of 1 year and 9 months with 2-year suspension Verdict by Court of Second Instance: Acquitted
		Tam XX	1 count of “retention of voter cards” (Paragraph 1 of Article 49 of <i>Voters Registration Law</i>) 1 count of “provision of voter cards” (Paragraph 2 of Article 49 of <i>Voters Registration Law</i>)	Verdict by Court of First Instance: Deprivation of political rights for 2 years. Imprisonment of 1 year and 9 months with 2-year suspension Verdict by Court of Second Instance: Acquitted
	Court of Second Instance	Ng XX	1 count of “retention of voter cards” (Paragraph 1 of Article 49 of <i>Voters Registration Law</i>)	Verdict by Court of First Instance: Deprivation of political rights for 2 years. Imprisonment of 1.5 years with 2-year suspension Verdict by Court of Second Instance: Acquitted
		Ip XX	1 count of “retention of voter cards” (Paragraph 1 of Article 49 of <i>Voters Registration Law</i>)	Verdict by Court of First Instance: Deprivation of political rights for 2 years. Imprisonment of 1.5 years with 2-year suspension Verdict by Court of Second Instance: Acquitted
5	Court of First Instance	Leong XX	1 count of “active bribery” (Paragraph 1 of Article 339 of <i>Penal Code</i>)	Imprisonment of 7 months with 1.5-year suspension

6	Court of First Instance	Leong XX	1 count of “document forgery” (Subparagraph b of Paragraph 1 of Article 244 of <i>Penal Code</i>)	Imprisonment of 1 year with 1.5-year suspension
		Fong XX	1 count of “document forgery” (Subparagraph b of Paragraph 1 of Article 244 of <i>Penal Code</i>)	Imprisonment of 1 year with 1.5-year suspension
		Lai XX	1 count of “document forgery” (Subparagraph b of Paragraph 1 of Article 244 of <i>Penal Code</i>)	Imprisonment of 1 year with 1.5-year suspension
		Man XX	1 count of “document forgery” (Subparagraph b of Paragraph 1 of Article 244 of <i>Penal Code</i>)	Imprisonment of 1 year with 1.5-year suspension
		Wong XX	1 count of “document forgery” (Subparagraph b of Paragraph 1 of Article 244 of <i>Penal Code</i>)	Imprisonment of 1 year with 1.5-year suspension
		Lam XX	1 count of “document forgery” (Subparagraph b of Paragraph 1 of Article 244 of <i>Penal Code</i>)	Imprisonment of 1 year with 1.5-year suspension
		Ng XX	1 count of “document forgery” (Subparagraph b of Paragraph 1 of Article 244 of <i>Penal Code</i>)	Imprisonment of 1 year with 1.5-year suspension
		Wong XX	1 count of “document forgery” (Subparagraph b of Paragraph 1 of Article 244 of <i>Penal Code</i>)	Imprisonment of 1 year with 1.5-year suspension
		Tai XX	1 count of “document forgery” (Subparagraph b of Paragraph 1 of Article 244 of <i>Penal Code</i>)	Imprisonment of 1 year with 1.5-year suspension
		Wu XX	1 count of “document forgery” (Subparagraph b of Paragraph 1 of Article 244 of <i>Penal Code</i>)	Imprisonment of 1 year with 1.5-year suspension

	Court of First Instance	Hong XX	1 count of “document forgery” (Subparagraph b of Paragraph 1 of Article 244 of <i>Penal Code</i>)	Imprisonment of 9 months with 1.5-year suspension
		Ng XX	1 count of “document forgery” (Subparagraph b of Paragraph 1 of Article 244 of <i>Penal Code</i>)	Imprisonment of 9 months with 1.5-year suspension
		Lei XX	1 count of “document forgery” (Subparagraph b of Paragraph 1 of Article 244 of <i>Penal Code</i>)	Imprisonment of 9 months with 1.5-year suspension
		Ieong XX	1 count of “document forgery” (Subparagraph b of Paragraph 1 of Article 244 of <i>Penal Code</i>)	Imprisonment of 9 months with 1.5-year suspension
		Lio XX	1 count of “document forgery” (Subparagraph b of Paragraph 1 of Article 244 of <i>Penal Code</i>)	Imprisonment of 9 months with 1.5-year suspension
		Lei XX	1 count of “document forgery” (Subparagraph b of Paragraph 1 of Article 244 of <i>Penal Code</i>)	Imprisonment of 9 months with 1.5-year suspension
7	Court of First Instance Court of Second Instance	Lei XX	1 count of “resistance and duress” (Article 311 of <i>Penal Code</i>)	Verdict by Court of First Instance: Imprisonment of 1 year
8	Court of First Instance	Ian XX	1 count of “passive bribery for performing illicit acts” (Paragraph 1 of Article 337 of <i>Penal Code</i>)	Acquitted, judgment modified to “passive bribery for performing licit acts”, but the prescription for prosecution has already been extinct, the litigation process has to be filed.

	Court of First Instance	Cheong XX	1 count of “passive bribery for performing illicit acts” (Paragraph 1 of Article 337 of <i>Penal Code</i>)	Acquitted, judgment modified to “passive bribery for performing licit acts”, but the prescription for prosecution has already been extinct, the litigation process has to be filed.
		Chan XX	1 count of “passive bribery for performing illicit acts” (Paragraph 1 of Article 337 of <i>Penal Code</i>)	Acquitted, judgment modified to “passive bribery for performing licit acts”, but the prescription for prosecution has already been extinct, the litigation process has to be filed.
9	Court of First Instance	Kuok XX	1 count of “fraud” (Paragraph 1 of Article 211 of <i>Penal Code</i>)	A payment of MOP13,452 to the Civic and Municipal Affairs Bureau. Imprisonment of 7 months with 2-year suspension
10	Court of First Instance	Lam XX	5 counts of “money laundering” (Article 3 of <i>Prevention and Suppression of Crime of Money Laundering</i>)	Verdict by Court of First Instance: Acquitted
11	Court of First Instance Court of Second Instance	Ng XX	2 counts of “power abuse” (Article 347 of <i>Penal Code</i>)	Verdict by Court of First Instance: Acquitted (Public Prosecutions Office then filed an appeal)

	Court of First Instance	Mou XX	1 count of “power abuse” (Article 347 of <i>Penal Code</i>) 1 count of “making false statement or declaration by interest party” (Article 323 of <i>Penal Code</i>)	Verdict by Court of First Instance: Acquitted regarding “power abuse” (Public Prosecutions Office then filed an appeal); guilty of “making false statement or declaration by interest party”. Imprisonment of 1 year with 2-year suspension. A repayment of MOP30,000 to the Macao SAR government within 1 month.
	Court of Second Instance			Verdict by Court of Second Instance: acquitted regarding “power abuse”
		Leong XX	1 count of “power abuse” (Article 347 of <i>Penal Code</i>)	Verdict by Court of First Instance: Acquitted (Public Prosecutions Office then filed an appeal) Verdict by Court of Second Instance: Acquitted
12	Court of First Instance	Leong XX	1 count of “passive bribery for performing illicit acts” (Paragraph 2 of Article 337 of <i>Penal Code</i>)	Verdict by Court of First Instance: Imprisonment of 5.5 years
	Court of Second Instance		4 counts of “passive bribery for performing illicit acts” (Paragraph 1 of Article 337 of <i>Penal Code</i>)	Verdict by Court of Second Instance: Original judgment affirmed
		Ng XX	1 count of “passive bribery for performing illicit acts” (Paragraph 1 of Article 337 of <i>Penal Code</i>)	Verdict by Court of First Instance: Acquitted

		Leong XX	5 counts of “active bribery” (Paragraph 1 of Article 339 of <i>Penal Code</i>)	Verdict by Court of First Instance: Acquitted regarding 2 counts of “active bribery”, guilty of 3 counts of “active bribery”. Imprisonment of 1 year and 9 months Verdict by Court of Second Instance: Acquitted, on the grounds for appeal established
		Chan XX	5 counts of “passive bribery for performing illicit acts” (Paragraph 1 of Article 337 of <i>Penal Code</i>)	Verdict by Court of First Instance: Acquitted regarding 2 counts of “passive bribery for performing illicit acts”, guilty of 3 counts of “passive bribery for performing illicit acts”. Imprisonment of 2 years and 3 months Verdict by Court of Second Instance: Judgment modified to guilty of “aiding and abetting another person”. The case was passed to the Court of First Instance to determine penalties.

VI. Declaration of assets and interests

The year of 2014 marked the 16th year of the implementation of the regime of declaration of assets and interests and the first year after the revised *Legal Regime of Declaration of Assets and Interests* has entered into force. The highlight of the revised legal regime is the disclosure of assets and interests of holders of specific public and political positions. The new legal regime marked an important step in fostering the “sunshine government” policy promoted by the Macao SAR government.

Along with the new *Legal Regime of Declaration of Assets and Interests* taking into effect, over the past year, the CCAC overcame a series of changes and difficulties at work. Thanks to active communication and coordination with all departments, the work of declaration of assets and interests were conducted smoothly. The declarants and the persons who should fulfil the obligation to provide 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. The work has achieved expected results.

In 2014, the CCAC collected the declaration forms from a total of 14,257 public servants. Details are listed below:

Statistics of declaration of assets and interests in 2014

Reasons for submitting declaration	Total
Appointment	2,850
Alternation of position	4,672
Termination of position	1,753
5-year renewal	2,994
Renewal with that of spouse	602
Pursuit of data-provision duty	1,196
Voluntary renewal	190
Total	14,257

Due to the trend of e-governance, the CCAC developed the “notification system of declaration of assets and interests” in 2012, a breakthrough of the traditional written correspondence which has been being used. The system, which allows delivery and receipt of notification by electronic means, tremendously improves administrative efficiency and reduces administrative costs. Since the implementation of the above system in early 2013, until 31st December 2014, there were a total of 52 departments

using the system. Such figure exceeded half of the departments which used to have correspondence with the Declaration of Assets and Interests Division of the CCAC. The work has achieved a good result.

In terms of promotion and communication, the CCAC continued to hold “briefing sessions on declaration of assets and interests” for departments which had greater number of new recruits. Such arrangement not only assisted the declarants to correctly fill out the declaration forms, but, more importantly, also enabled more civil servants to better understand the relevant legislation.

PART III
OMBUDSMAN



PART III

OMBUDSMAN

I. Introduction

On the ombudsman front, the CCAC received a total of 567 cases of complaints and reports in 2014, of which a majority was about legal systems governing public services, management and law-enforcement of public security force and municipal affairs. Moreover, there were 572 requests for help and consultation, a slight increase compared with 2013.

With regard to complaints and reports, the CCAC mainly reviewed the legality and rationality of administrative work conducted by public departments. When they are found involving administrative illegality or irregularity, the CCAC will urge them to ratify. Moreover, depending on the characteristics of each case, the CCAC will analyse, follow-up the case and conduct a thorough and in-depth review of the external services and internal operation of the department concerned. If necessary, the CCAC will render improvement suggestions to the department, with the aims to enhance its service quality and work efficiency, ensuring that it observes the law when carrying out its duties and enhancing its awareness of probity, thus protecting the legal rights and interests of the citizens.

In addition, for the purpose to continuously boosting the capacity of staff to handle administrative complaints, the CCAC kept giving them a variety of training courses in 2014, which included sending staff to attend the supervision training courses at China Academy of Discipline Inspection and Supervision to learn about the discipline inspection and administrative supervision system of the Chinese mainland, its latest development and work experience etc.

II. Cases of administrative complaints and requests for help and consultation

The CCAC received 567 administrative complaints in 2014. See the following for the issues and number of cases involved:

Issues	Caseload	
Legal systems governing public services		
▪ Internal management	52	167
▪ Personnel rights and interests	46	
▪ Discipline	38	
▪ Recruitment	31	
Labour affairs		
▪ Labour dispute	12	19
▪ Illegal labour	6	
▪ Non-resident labour	1	
Land and public works		
▪ Illegal constructions	25	37
▪ Regulation on usage of property	3	
▪ Construction license and check	7	
▪ Others	2	
Municipal affairs		
▪ Environmental hygiene	15	43
▪ Occupation of public land	13	
▪ Municipal licenses	6	
▪ Vendors	4	
▪ Public facilities	4	
▪ Others	1	
Traffic affairs		
▪ Traffic planning	17	36
▪ Vehicles / driving licenses	13	
▪ Public transportation	6	

Public procurement		9
Management and law-enforcement of public security force		54
Education		8
Health care		31
Government subsidies		15
Supervision on public utilities		9
Birth / property registration		5
Sports		6
Social housing / economic housing		13
Noise		8
Tax affairs		4
Financial regulation		5
Import / export licenses		3
Postal services		4
Personal privacy		11
Social aids / protection		16
Leakage on premises		4
Identification		5
Consumer rights and interests		2
Irregularities in other administrative procedures		30
Beyond the competence of the CCAC		
▪ Criminal cases	4	
▪ Judicial affairs	5	23
▪ Private law issues / personal disputes	14	
Total		567

Regarding requests for help and consultation, of the 572 cases received by the CCAC in 2014, a majority was about legal system governing public services, management and law-enforcement of public security force, health care, public procurement and municipal affairs, etc. There was a slight increase in the cases involving legal systems governing public services, land and public works and public procurement. See the following for the issues and number of cases involved:

Issues	Caseload	
Legal systems governing public services <ul style="list-style-type: none"> ▪ Personnel rights and interests ▪ Public servant’s obligations ▪ Discipline ▪ Internal management ▪ Recruitment 	<p style="text-align: center;">49</p> <p style="text-align: center;">39</p> <p style="text-align: center;">21</p> <p style="text-align: center;">18</p> <p style="text-align: center;">14</p>	141
Land and public works <ul style="list-style-type: none"> ▪ Illegal constructions ▪ Supervision on use of properties 	<p style="text-align: center;">15</p> <p style="text-align: center;">3</p>	18
Labour affairs <ul style="list-style-type: none"> ▪ Labour dispute ▪ Illegal labour ▪ Non-resident labour 	<p style="text-align: center;">21</p> <p style="text-align: center;">2</p> <p style="text-align: center;">1</p>	24
Traffic affairs <ul style="list-style-type: none"> ▪ Public transportation ▪ Vehicles / driving licenses 	<p style="text-align: center;">9</p> <p style="text-align: center;">5</p>	14
Municipal affairs <ul style="list-style-type: none"> ▪ Environmental hygiene ▪ Occupation of public land ▪ Municipal licenses ▪ Vendors ▪ Others 	<p style="text-align: center;">12</p> <p style="text-align: center;">7</p> <p style="text-align: center;">4</p> <p style="text-align: center;">2</p> <p style="text-align: center;">1</p>	26

Management and law-enforcement of public security forces		35
Tax affairs		11
Code of conduct		37
Public procurement		19
Social housing / economic housing		14
Health care		11
Supervision on public utilities		7
Social aids / protection		5
Personal privacy		8
Financial regulation		6
Government subsidies		8
Education		11
Property management		6
Subsidy grant to associations / supervision		5
Wealth Partaking Scheme		4
Illegal accommodation		3
Gaming supervision		2
Postal services		2
Noise		2
Competence and function of the CCAC / consultation of law		40
Irregularities in other administrative procedures		18
Beyond the competence of the CCAC		
▪ Criminal cases	42	95
▪ Judicial affairs	21	
▪ Private law issues / personal disputes	32	
Total		572

III. Summaries of some ombudsman cases

In order to enable the public to know how the complaints in the area of ombudsmanship were handled in 2014, a number of cases which are closely related to citizen's daily life have been chosen for analysis in this part. The aims are to enhance the sensitivity of the departments in handling similar cases and to improve their awareness of probity and law-abidingness, thus urging the departments to observe the law and enabling the public to learn about the stipulation of the law through relevant cases to protect their own legal rights and interests.

Case 1 – Malpractices in open recruitment

The CCAC received a complaint in January 2014 claiming that the Macao Monetary Authority (hereafter the AMCM) failed to indicate the assessment criteria and grading ratio in the notices of a number of recruitments in 2013 and was suspected of violating the law.

Regarding the relevant recruitments, after analysing the information provided by the AMCM, the CCAC found certain administrative illegalities and malpractices.

First, the provisions contained in Subparagraphs d), f) and h) of Paragraph 2 of Article 4 of the *Recruitment Regulations* of the AMCM were not included in the recruitment notices of the cases involved, that is, “the weighted value adopted if there is any” (i.e., the rating scale), “the scope of exam”, “the reference materials that candidates could use”, “the composition of jury” and “the location to consult the provisional and final lists of candidates”. With the lack of the elements defined in the above provisions of the *Recruitment Regulations* in the recruitment notices, there was violation of law which constituted flaws that could result in the revocability of the relevant recruitment procedure.

In addition, the rule stating “only those who pass the resume evaluation may proceed to the written exam and interview” was set out in the notices of the open

recruitments concerned. In this regard, the CCAC considered that according to the stipulations in Paragraph 2 of Article 13 and Paragraph 3 of Article 17 of the *Recruitment Regulations*, the recruitments that adopt the method of assessment should mainly use knowledge examination as the selection method; the evaluation of curriculum vitae could only serve as a complementary selection method. Even if the AMCM uses the curriculum vitae as a complementary selection method, its share of scoring proportion cannot be higher than the proportion of the knowledge examination. More so, the AMCM should not use a complementary selection method (such as curriculum vitae evaluation) to exclude candidates from taking part in the knowledge examination, otherwise, it is to put the cart in front of the horse.

Therefore, it is obvious that the above rule of “only those who pass the resume evaluation may proceed to the written exam and interview” defined in the recruitment notices is in contradiction with the provisions of Paragraph 2 of Article 13 and Paragraph 3 of Article 17 of the *Recruitment Regulations*.

On the other hand, whether it is legal opinion or jurisprudence, it is believed that the jury should pre-determine and announce the rating ratio and the specific scoring criteria of the various selection methods throughout the recruitment procedures before they have knowledge of the identity and curriculum vitae of the candidates.

However, in the recruitments involved, the information indicates that the jury only modified and announced the rating ratio and the specific scoring criteria of the various selection methods throughout the recruitment procedures after knowing the identity and curriculum vitae of the candidates. Objectively, such act is reasonable enough for the jury to be suspected of “tailor-making” rating ratio and criteria for certain candidates, damaging the impartial and fair image of the Administration.

In this sense, the above acts of the jury already violated the “principle of fairness” stipulated in Article 7 of the *Code of Administrative Procedure*, resulting in the revocability of the relevant recruitment procedures due to the existence of the flaw of violating the law.

Given the several administrative illegalities and irregularities in a number of recruitment cases involved, the CCAC recommended the AMCM to immediately terminate such recruitments. The AMCM accepted the recommendations of the CCAC and abolished the relevant recruitments in accordance with the law, as well as carried out new recruitment procedures for the respective posts.

Therefore, the CCAC archived the case.

Case 2 – Problems concerning the programmes arrangement of the parade during the Macau Grand Prix

In March 2014, the CCAC received a complaint involving a member of the Macau Grand Prix Committee (CGPM) who was the proprietor of a car shop and was also responsible for the event of classic motorcycle parade during the 60th Macau Grand Prix. According to the complaint, the said committee member originally intended to only dispatch motorcycles of a certain brand franchised to his/her car shop to participate in the parade. He/she contacted seven other motorcycle associations to participate in the parade only after the respective event was made known. The complainant did not know whether those associations had received any payment for participating in the motorcycle parade, but questioned the CGPM's arrangement for only contacting some specific associations.

After making an inquiry to the CGPM, the CCAC found that when organising the event of the Macau Grand Prix, an association took the initiative and submitted a written proposal of conducting a classic motorcycle parade during the event. The CGPM accepted the proposal and announced the said activity through a press conference. Later on, seven other associations also made the application to take part in the parade. After coordination with other relevant public departments, the CGPM approved the application of a total of 168 motorcycles to participate in the parade. Besides, the CGPM also pointed out that the classic motorcycle parade was an event specially included in the programme of activities of the Macau Grand Prix and the organisation of activities during the Grand Prix shall be coordinated with other

relevant public services such as the Transport Bureau and the Public Security Police Force and the parade could be cancelled at any time during the period of the Grand Prix, therefore, the CGPM was unable to contact all local motorcycle associations to participate in the said event.

Based on the information provided by the CGPM and the analysis made by the CCAC, the complainant's allegations against the CGPM could not be verified, especially the accusation that the CGPM contacted individual associations on its own initiative to participate in the motorcycle parade and neglected other associations.

Furthermore, it is necessary to note that the classic motorcycle parade was held at the will of the relevant associations and individuals, so the Administration did not need to pay any remuneration or allowance. Nevertheless, since the Grand Prix is not only an international sports event but also a signature event in promoting the tourism industry in Macao over the years, the associations participated in the motorcycle parade would gain great local and international exposure, which is equivalent to free advertising by which they would be benefited. In this regard, the CGPM, as a public entity, should abide by legality, impartiality and transparency in the exercise of duties, especially in the selection of associations to participate in the motorcycle parade, and to act in accordance with the general principles of administrative activity under the *Code of Administrative Procedure*.

Despite the reasons claimed by the CGPM of failing to timely set the criteria for the selection of the associations participating in the parade (let it be that it was the eight associations who proposed their participation in the said parade), considering the benefits potentially brought by the relevant activity, the CGPM should not unilaterally allow the eight associations to participate in the parade without offering the same opportunity to the other local motorcycle associations.

In view of the lack of time claimed by the CGPM, the CCAC considered that the Committee should adopt a more transparent and fair way, such as drawing lots for the selection, and should make announcement appropriately in advance.

For these reasons, the CCAC issued recommendation to the CGPM, so that the Committee could comply with the provisions and general principles of the *Code of Administrative Procedure* in organising events in the future.

Finally, the CGPM accepted the recommendation and the CCAC archived the case.

Case 3 – Lack of legal basis for charging and fining traffic violation

In March 2014, the CCAC received a complaint in which the complainant claimed that he/she had parked his/her vehicle in a metered parking space and paid the meter fees. However, a police officer of the Public Security Police Force (PSP) issued a ticket for parking at “no parking” sign area. The complainant had expressed his/her dissatisfaction to the police officer at the scene but the latter replied that there was no sign nearby indicating that parking was allowed. Thus, the complainant raised his/her dissatisfaction to the Traffic Department of the PSP, where the police officer handling the complaint answered that there was indeed no sign allowing parking at the location and considered that nothing was wrong with the law enforcement carried out by the police officer. In this regard, the complainant believed that since there are metered parking spaces set at the location, it is understandable that vehicles are allowed to park there after paying the meter fees. However, the police issued a ticket based on the absence of parking sign, therefore, the complainant doubted over the rationale for punishment.

The CCAC made an inquiry to the PSP and obtained a reply stating that there is a “no parking” sign and two parking meter posts at the location concerned, but because the law does not stipulate the effect of the parking meter post, it could not be deemed as equivalent to a parking sign or symbol. As a result, the complainant was ticketed for “parking at no parking sign area” in accordance to the provisions of the *Road Traffic Act* and other relevant laws and regulations.

The CCAC personnel conducted a site inspection and found that there was indeed a “no parking” sign near the parking meter posts at the location concerned with yellow line painted on the street below the sign, but the yellow line was extended and ended at the left side of the metered parking space. In this regard, it seemed to the CCAC that when setting up the “no parking” sign at that location, the authority did not intend to include the two metered parking spaces in the range of effectiveness of the “no parking” sign. After verifying with the Transport Bureau, it was confirmed that the range of effectiveness of the above-mentioned “no parking” sign did not include the two metered parking spaces.

After analysis, the CCAC considered that since the authority, when setting up the “no parking” sign and the yellow line, had not included the area of the metered parking spaces concerned, when the complainant paid the meter fees and parked at the said parking space, it could not be deemed as parking inside the “no parking” area and thus violated the stipulations of the *Road Traffic Act*. It lacked legal basis for the PSP to charge the complainant for “parking at no parking sign area”. For this reason, the CCAC informed the PSP about the above-mentioned situation and the latter replied that it had already carried out the procedures to refund the complainant.

Lastly, since the department concerned had accepted the relevant stance and suggestions, the CCAC archived the case.

Case 4 – User of realtor services should be considered “consumer”

A complainant made a complaint to the CCAC in July 2014, claiming that the Consumer Council did not regard the user of realtor services as a “consumer” under Article 2 of Law no. 12/88/M of 13th June (*Consumer Protection*).

The complainant had appointed a real estate agency to handle the leasing of his/her parking space. Later, as a disagreement arose between them, he/she lodged a complaint to the Consumer Council.

However, as the Consumer Council did not regard the complainant as a “consumer” as defined in Article 2 of Law no. 12/88/M of 13th June, the case was considered not pursuable.

In a reply to the CCAC, the Consumer Council pointed out that Law no. 12/88/M of 13th June aims to protect a consumer’s fundamental rights (Article 3), adding that the provision stating “*services for his/her private use*” in Article 2 is to protect the rights and interests of a consumer who spends in order to sustain his/her daily life.

The Consumer Council also pointed out that, according to some scholars from the Chinese mainland, one of the criteria to judge if someone spends to sustain his/her daily life is to see if the act aims for “profit gaining”. Obviously, one who spends with the intention to gain profits cannot be considered a “consumer”.

According to the Consumer Council, the ultimate goal of the complainant to acquire the realtor services was to make a profit from the leasing of his/her parking space, which means the act should not be associated with “spending in order to sustain the daily life”. Holding that the complainant was not a “consumer” defined in the said law, the Consumer Council considered the case not pursuable.

After analysing the case, the CCAC found that the definition of “consumer” under Article 2 of Law no. 12/88/M of 13th June is quite different from that of Article 2 of *Law of the People’s Republic of China on Protection of Consumer Rights and Interests*, particularly because Law no. 12/88/M only stresses that the goods and services are intended “for private use”.

In fact, before the entry into effect of Law no. 12/88/M of 13th June in Macao, Portugal’s Law no. 29/81 of 22nd August (*Consumer Protection*) was already in force. The definition of consumer in Article 2 of Law no. 29/81 is exactly the same as that of Law no. 12/88/M.

It is evident that something “for private use” should not be for commercial or professional purposes. In this case, the complainant did not have the status of a commercial entrepreneur and thus his/her paying for a real estate agent to handle the leasing of the parking space should not be considered an act done in the exercise of a commercial activity.

It is noteworthy that Law no. 24/96 of 31st July that has revoked Law no. 29/81 of 22nd August (*Consumer Protection*) in Portugal expressly defines “consumer” as a person who is provided with goods or services for “non-professional purposes”.

It is undeniable that the complainant aimed to, through acquiring the realtor services, obtain certain monthly income (rents) by leasing his/her parking space. Nevertheless, it is also true that citizens usually buy goods or services because they have the needs or they can “benefit” from them. In other countries or regions, such as in Hong Kong, it has never happened that service buyers are not considered “consumers” on the grounds that they benefit from what they buy.

Besides, if we judge whether or not someone is a consumer based on whether or not he/she gains pecuniary interests from buying realtor services, there will only be more problems and questions. Suppose a citizen sells a condominium unit through a real estate agency and receives a certain amount of money (from the sale of the unit). In this case, does the Consumer Council have to, before determining whether or not the citizen falls within the definition of “consumer”, verify that the current selling price of the unit is lower than the price when it was purchased?

Finally, the legislator of Law no. 16/2012 (*Activity of Real Estate Law*), in the explanatory memorandum, has stated clearly that the legislative intent is to protect the “rights and interests of consumers”. This means that the legislator considers, in the context of this law, those who acquire the realtor services as “consumers”.

After the CCAC presented its analysis and the position, the Consumer Council accepted the opinion of the CCAC and pledged to take necessary follow-up action.

The CCAC archived the case after corrective measures were taken.

Case 5 – The concerned department should initiate disciplinary procedures according to law

In September 2013, the CCAC received a complaint against A, a doctor of the Hospital Conde S. Januário, who prescribed wrong antibiotics to the daughter of the complainant, and B, a pharmacist, who was unaware of the prescribing fault and dispensed the said wrong medication, which resulted in medical malpractice.

After the intervention of the CCAC, the Health Bureau (SSM) reported having started the inquiry procedure following the medical incident and concluded that the doctor A did make the fault prescription and the pharmacist B did dispense the wrongly prescribed drugs. Nevertheless, as no evidence of commission of any disciplinary offence was found, the Director of the SSM decided to file the inquiry procedure in November 2013.

After analysis, the CCAC believed that, according to Paragraph 2 of Article 357 of the *Statute of Personnel of the Public Administration of Macao* (hereinafter the *Statute*), “*The inquiry procedure is a summary investigation process to detect any faults or irregularities in services in order to facilitate the carrying out of a necessary disciplinary proceeding or investigation.*” Also, Article 281 of the *Statute* provides that “*A disciplinary offence is a wrongful fact committed by a public servant or a staff in violation of any of the general or special obligations with which his/her position is associated.*”

According to Article 11 of Law no. 10/2010 (*Medical Career Regime*), doctors are obliged to, among others, “*practice their profession with respect for the right to health protection of patients and the community*” and “*perform their duties with zeal and diligence*”.

In addition, Paragraph 4 of Article 279 of the *Statute* provides that “*The duty of zeal is to perform their duties with efficiency and commitment and, in particular, know the laws and regulations and the instructions of their superiors; it also necessitates the possessing and improving of their technical knowledge and working methods.*”

In this case, the fact that the doctor A prescribed wrong medication allegedly violated the obligations prescribed in the *Medical Career Regime* and the *Statute*.

Regarding the pharmacist B, he/she is also subject to the “duty of zeal” under Paragraph 4 of Article 279 of the *Statute*. In addition, according to Article 3 of Law no. 6/2010 (*Career Regime of Pharmacists and Senior Health Workers*), pharmacists are obliged to “*practice their profession with respect for the right to health protection of patients and the community*”, and to “*perform their duties with zeal and diligence and carry out teamwork to ensure the continuity and quality of health care services as well as the effective coordination of all stakeholders*”.

The fact that the pharmacist B dispensed the wrongly prescribed medication allegedly violated the obligations set forth in the *Career Regime of Pharmacists and Senior Health Workers* and the *Statute*.

Considering the SSM filed the inquiry procedure without carrying out any disciplinary action against the doctor A and the pharmacist B, there was administrative illegality. Therefore the CCAC sent a statement to the SSM about its position on the case.

The SSM later accepted the opinion of the CCAC and initiated the necessary disciplinary action against the doctor A and the pharmacist B. Respective penalties were also imposed on them.

Since the SSM had taken necessary measures on the incident, the CCAC archived the case.

Case 6 – Assessment process for application for purchase of economical housing flat

In April 2014, a complainant, who had been living in an economical housing flat located at Alameda da Tranquilidade with her family for two years, told the CCAC that the pre-contract agreement of the purchase of the flat was cancelled by the Housing Bureau and therefore was dissatisfied with the assessment of application for purchase of economical housing flat.

In 2002, the complainant’s daughter, as the applicant, submitted the application on behalf of the family to the Housing Bureau. In October 2011, they were informed by the Bureau that they could select and purchase an economical housing flat. In December of the same year, the pre-contract agreement was signed. In January 2014, the Bureau informed them that the agreement was cancelled for the reason that one of the family members (the complainant’s husband) took possession of a residential flat in Macao in 1979.

Following the CCAC’s intervention, the Housing Bureau replied that after the application was received, the Bureau examined the details of the family’s assets based on the data provided by the network of the Financial Services Bureau (DSF) and the Real Estate Registry. However, since the data did not indicate the Macao SAR Resident Identity Card numbers of the people involved in the relevant case in response to its enquiry, the Bureau could not timely prove that there was a member of the family who possessed a separate residential flat in Macao SAR. As a result, the Bureau arranged the family to select an economical housing flat and sign a pre-contract agreement. Subsequently, before the Housing Bureau arranged the family to enter into the purchase contract, another examination was conducted. At that time, the network of the DSF was able to show the relevant Macao SAR Resident Identity Card numbers and hence it was proved that there was a member of the family who possessed a separate residential flat in Macao SAR. Eventually, the pre-contract agreement was cancelled by the Bureau under Paragraph 4 of Article 34 of the *Law of Economical Housing*.

For the abovementioned situation, the CCAC wrote to the Housing Bureau to ask what remedial measures would be adopted to prevent the same cases from happening again. Later, the Bureau replied that starting from September 2013, the information about the applicants and their family members will be sent to the DSF in order to verify whether any of them have acquired any real properties by checking the records of payment of stamp tax. For suspicious cases, the Bureau will even request the DSF to provide the copies of declaration of transfer of assets and existing documents related to transfer so as to verify whether the relevant families are qualified.

To conclude, since the Housing Bureau had already adopted measures to improve the process of assessment of application for purchase of economical housing flat, the CCAC archived the case.

Case 7 – Consultation on civil engineering should be thorough

In February 2014, a complainant told the CCAC that the Land, Public Works and Transport Bureau (DSSOPT) and the Transport Bureau (DSAT) did not consult the residents nearby on the plan of building a footbridge over Avenida dos Jardins do Oceano to connect the Health Centre in Taipa and the residential buildings nearby. In fact, all of them opposed to the plan because they thought the existing zebra crossings were enough to meet the demand.

The CCAC found in the investigation that between October 2009 and December 2012, the DSSOPT and the DSAT held a joint press conference on transportation and introduced the footbridge construction plan to the Transport Advisory Committee and the representatives from several civil associations of residents on off-shore islands respectively, but no opposite opinions were raised at that time.

In December 2013 and January 2014, the DSSOPT and the DSAT received dissenting opinions from the administration committees of the buildings in the area that the footbridge would be built. Therefore, the two authorities held a meeting

with the committees and the property owners of the buildings to introduce the construction plan, the concept of the design, the purpose, the location, the access to the footbridge and the height and collect the dissenting opinions, so as to make proper adjustments to meet their needs. However, the attendants still opposed to the plan for the reason that the existing zebra crossings were enough for pedestrians and raised their concern about the influence on the view from the buildings.

The CCAC considered that the construction of the footbridge was directly related to the interests of the residents living at the buildings nearby. According to the principle of participation provided by Article 10 of the *Code of Administrative Procedure*, the authorities should have obtained opinions from the residents living in the relevant area by opening up consultation thoroughly before making the decision. However, they did not adopt the best method to do it.

Following the CCAC's intervention, the DSAT conducted another analysis on the construction plan and subsequently sent a letter to the DSSOPT pointing out that some of the services provided by the Health Centre in Taipa had already been taken over by the Island Emergency Station of Hospital Conde S. Januário and some would be run by the Health Centre of Nossa Senhora do Carmo to be opened in the future, causing change of pedestrians' needs as the conditions had become different from that when the plan was made. Moreover, the residents thought that the existing zebra crossings were able to effectively guarantee pedestrians' safety and there were still no solutions to the problem concerning the influence of the footbridge on the view from the surrounding buildings. Therefore, the DSAT suggested the DSSOPT waiving the plan and making the final decision based on the future development and the flow of pedestrians in the area after the completion of the Light Rapid Transit System. In fact, no signs of construction were found according to CCAC staff's site visit.

Therefore, the CCAC archived the case.

Case 8 – Level of punishment shall be justified

In September 2013, a complainant told the CCAC that he/she and his/her domestic helper was charged by the inspection staff of the Civic and Municipal Affairs Bureau (IACM) with an administrative offence because they abandoned a few wood planks next to a waste collection point in Taipa in July. However, the punishments imposed on them were different. The complainant was sentenced to a fine to be paid by instalment, while the punishment imposed on the domestic helper was suspended for six months. The complainant considered that the punishment imposed on him/her was unfair.

Under the *General Regulations Governing Public Places* and the *List of Illegal Acts*, discarding solid waste at any public place instead of designated locations or containers shall be liable for a fine of MOP600.

According to Paragraph 1 of Article 41 of the *General Regulations Governing Public Places*, the IACM has the discretion to suspend the punishment for six months to one year. Moreover, according to Paragraph 1 of Article 55 of the same law, the IACM may determine the payment of fine either in a lump sum or by instalments based on the offender's financial situation.

According to the CCAC's findings in the investigation, the IACM considered that the complainant, as the employer, was not only the actor of the discard but also instructed the domestic helper to carry out the act. The latter was only the one who followed the complainant's instruction. In this sense, the complainant's "intention" and fault were stronger and more serious than the domestic helper's. Therefore, the IACM decided to suspend the punishment imposed on the domestic helper for six months and allowed the complainant to pay the fine by instalment according to Paragraph 1 of Article 41 and Paragraph 1 of Article 55 of the *General Regulations Governing Public Places* respectively.

The CCAC believed that the spirit of the principle of equality under the *Code of Administrative Procedure* lies in the criterion of “the same treatment for the same situation while different treatments for different cases”. Therefore, since the complainant’s circumstances were different from his/her domestic helper’s, it was not illegal or unreasonable for the IACM to impose different punishments on them.

However, the CCAC found that the reason why the complainant thought the IACM treated him/her unfairly was that neither the relevant notification nor the reply sent from the IACM to the complainant had pointed out the core reason for determining the different punishments. In order to avoid unnecessary misunderstandings in the future and ensure due effectiveness of notification, the CCAC sent a letter to the IACM to call for their attention and to urge them to adopt necessary measures for improvement.

Finally, the IACM accepted the CCAC’s suggestion and therefore the case was archived.

Case 9 – Statement about the right for making objections shall be provided in notification

In September 2014, a complainant told the CCAC that his/her premise was suspected of providing illegal accommodation and that the Director of the Macau Government Tourist Office (MGTO) ordered to impound the premise and cut off the water and electricity supplies. The complainant was dissatisfied with the MGTO as it stated that it had not received the complainant’s objection within the statutory period, and that constituted one of the reasons for rejecting the complainant’s appeal of releasing the impounded premise. However, the authority had never mentioned in the written notification that the complainant could raise objection within the statutory period upon receipt of the notification.

After investigation, the CCAC found that the MGTO only stated in the written notification that “judicial appeal can be filed to the Administrative Court within 30

days”, but failed to provide the means to lodge an administrative complaint, such as the right to raise an objection to the Secretary.

According to Paragraph 1 of Article 20 of Law no. 3/2010, *Prohibition of Providing Illegal Accommodation*, regarding the decision of the Director of the MGTO to adopt provisional measure, the complainant can directly file a judicial appeal against the decision without raising an objection or lodging a complaint. In other words, raising an objection is actually an arbitrary means to lodge an appeal. Whether the objection is raised or not will not hinder the validity of the provisional measure.

In spite of this, the act of the authority of not mentioning the means to lodge an administrative complaint in the written notification needs to be improved. Firstly, the authority failed to observe Paragraph c) of Article 70 of *Code of Administrative Procedure* which clearly stipulates the content of notification involving administrative decision shall include “*the competent department of which complaint about the act can be lodged to*”. In addition, Article 146 of *Code of Administrative Procedure* states that a “complaint” shall include raising an objection and appeal. Therefore, despite judicial appeal about administrative act can be lodged directly, the relevant administrative complaint (such as objection) is arbitrary. The content about the complainant’s right to raise an objection should not be omitted in the written notification.

Secondly, from the practical perspective, the authority only stated the means to lodge judicial appeal in the written notification, but residents mostly prefer administrative complaints to judicial appeal due to higher costs of the latter. Moreover, some offenders involving in “provision of illegal accommodation” are non-local residents who may not be familiar with the current laws of Macao. Therefore, based on the above circumstances, it is necessary for the authority to mention about the right to raise an objection or the means to lodge an administrative complaint against the decision in the written notification of order to adopt provisional measures.

Therefore, the CCAC sent a letter to the MGTO to express the above stances and suggestions and urged it to follow them. The authority accepted CCAC's suggestions and promised to abide by the stipulations of *Code of Administrative Procedure* to mention about the means and period of lodging an administrative complaint in the written notification of provisional measures.

Since the MGTO adopted appropriate measures to follow-up the complainant's matter, the CCAC archived the case.

Case 10 – Application of human remains placed together

In December 2013, a complainant told the CCAC that his/her father, who applied to the Civic and Municipal Affairs Bureau (IACM) for disinterment of his/her grandmother, also applied to place his/her grandmother's remains to the bone box of his/her grandfather. However, the registered person of his/her grandfather's bone box was his/her aunt such that his/her father had to submit the consent letter signed by his/her aunt in order to complete the application procedure. Therefore, the complainant requested his/her aunt to submit the consent letter to the IACM.

Later on, having not received any reply from the IACM, the complainant made an enquiry and only by then he/she realised his/her father's application was rejected but his/her aunt's was accepted. The complainant was dissatisfied because it was his/her father who first made the application and it was also his/her father who undertook the disinterment of his/her grandmother. However, the IACM approved his/her aunt's application without giving his/her father any reply.

After enquiry to the IACM, the CCAC realised that for application of placing human remains together, if the applicant is not the registered person of the bone box where the human remains are intended to be placed together, the IACM will request the applicant to submit the consent letter signed by the registered person so as to protect the right of use of the registered person of the bone box. In this case, soon after the IACM received the application of the complainant's father, it received

the application of his/her aunt. Since both the complainant's aunt and his/her father were having the same application, the concerned staff presumed that his/her aunt's application was made due to notification and request to the complainant's father by the IACM and thus combined the two applications to one application for handling. The staff thus finally only accepted the application of the complainant's aunt and notified her of the result, giving no reply to the complainant's father.

Following analysis, the CCAC thought that despite the complainant's father and his/her aunt applied for the same issue, the relevant applications were significantly different and separate. Since the complainant's father submitted his application, he has never revoked his application to the IACM or passed the application to the complainant's aunt. As a matter of fact, the complainant's father kept waiting for the reply of the IACM. The IACM should make corresponding decision and reply to each application. In the lack of understanding the whole issue, the IACM should not hastily combine the applications of both the complainant's father and his/her aunt, and even failed to notify the complainant's father of the situation.

In fact, the CCAC understood the aim of the IACM to simplify and quickly complete the relevant procedure. However, when the IACM handled the applications, not only shall it be quick and convenient, it shall also consider the particular situation of the case and pay attention to whether the handling way is appropriate and proper in order to avoid unnecessary misunderstanding and dispute.

Therefore, the CCAC sent a letter to the IACM, suggesting that in the future, if the IACM receives two identical applications for placing human remains together, despite the applicants are within first degree of consanguinity (such as brothers and sisters), the IACM shall first understand the situations before deciding how to handle the issues. Moreover, if the applicant applies to place the human remains after exhumation which is handled by other party to the bone box registered by the applicant himself/herself, the IACM shall request the applicant to submit the written consent letter by the party who undertakes the disinterment of the deceased person

or use other appropriate methods to understand the will of the party before approving the application due to the concerned party is in control of the human remains. If the concerned party refuses to do so, even if the IACM has approved the application, the human remains still cannot be placed together.

Afterwards, the IACM replied the CCAC that it will take reference from the suggestions of the CCAC and take the initiative to improve the application work for placing human remains together in order to prevent similar case from happening again.

Then the CCAC archived the case.

PART IV
PROMOTION & EDUCATION



PART IV

PROMOTION & EDUCATION

I. Integrity education

In 2014, a total of 386 seminars and symposia were organised, with 22,142 participants which covered different sectors including public servants, civic association members, employers and employees of private entities, teenagers, secondary and primary students.

Statistics of seminars and symposia in 2014

Topic	Target	No. of Sessions	No. of Participants
“Noble Character, Righteous Conduct”, Integrity and Observance, Public Procurement, Declaration of Assets and Interests	Public servants	89	5,028
Seminars on the law <i>Prevention and Suppression of Bribery in the Private Sector</i>	Private entities, public sector, education institutions	42	1,885
Integrity Awareness	Associations, education institutions	9	324
Integrity Education	Teenaged students	246	14,905
Total		386	22,142

Number of participants of seminars from 2004 to 2014



(1) Integrity education of public servants

In 2014, the CCAC continued to organise seminars systematically for public servants, a total of 89 seminars were conducted with 5,028 participants, covering a variety of themes including professional ethics and code of conduct, public procurement, declaration of assets and interests, etc.

Statistics of seminars for public servants in 2014

Subject	Department	Target	No. of Sessions	No. of Participantss
Noble Character, Righteous Conduct	Land, Public Works and Transport Bureau	New recruits	1	110
	Fire Services Bureau	Staff	1	80
	Health Bureau	Staff	2	500
	Macao Customs Service	Superintendent	1	14
	Academy of Public Security Forces	Promoted to Sergeant / Divisional Officer	2	192
	Macao Prison	Promoted to Deputy Sergeant	1	20
	Marine and Water Bureau	Staff	1	60
Promotion Training Course	Civic and Municipal Affairs Bureau	Staff	5	175
	Public Administration and Civil Service Bureau	Staff	27	945
	Macao Customs Service	Assistant Superintendent	1	6
Integrity and Observance	Judiciary Police	New recruits	4	485
	Civic and Municipal Affairs Bureau	New recruits	5	190
	Transport Bureau	Staff	6	485
	Public Administration and Civil Service	Staff	18	900
	Education and Youth Affairs Bureau	Staff	1	80

	Academy of Public Security Forces	Promoted to Deputy Sergeant	1	77
	Macao Customs Service	Assistant Superintendent	1	6
	Macao Prison	Promoted to Sergeant	1	11
Integrity and Observance, Declaration of Assets and Interests	Macao Prison	Staff	1	60
	Public Security Police Force	New recruits	1	260
Advanced Course on Integrity Awareness	Macao Customs Service	New recruits	1	47
	Public Administration and Civil Service	Procurement staff	9	690
Public Procurement	Cultural Affairs Bureau	Staff	1	30
Total			89	5,028

(2) Corruption prevention education in the private sector

The CCAC continued to organise seminars on the law *Prevention and Suppression of Bribery in the Private Sector* in 2014 for civil associations, private entities and education institutions. The contents of seminars were designed to accommodate the needs of different industries and institutions to enhance interaction and exchanges with participants. Besides, the CCAC co-organised seminars on “Corruption Prevention in Private Sector” with public departments for the staff of public departments and related personnel, as well as the staff of those related organisations. In 2014, a total of 42 seminars of the relevant topic were held, registering 1,885 participants.

The CCAC also disseminated the message of corruption prevention through TV commercials, radio advertisement, outdoor advertisement, bus advertisement, TV programmes, special column in newspapers and publications.

Statistics of seminars on corruption prevention in the private sector in 2014

Category	Entity	Target	No. of Sessions	No. of Participants
Private entities	ADA Administration of Airports Ltd.	Staff	4	190
	L'Arc Hotel Macau	Staff	2	80
	Tai Fung Bank Ltd.	New recruits	1	70
	Shun Tak-China Travel Ship Management (Macao) Limited	Staff	2	80
	HN Group Limited	Staff	1	30
	Delta Asia Bank Limited	Staff	3	130
	Macao International Airport Company Limited	Staff	1	80
	CEM	New recruits	1	50
Public Departments	Education and Youth Affairs Bureau	Staff of subsidised institutions, Management of schools	3	190
	Transportation Infrastructure Office	Staff, Suppliers	2	65
	Supplementary Course for Estate Agent's License	Students	4	260
Education Institutions	Institute for Tourism Studies	Tour guides	18	660
Total			42	1,885

(3) Integrity education for teenaged students

In 2014, the CCAC organised a wide range of integrity education activities for secondary and primary students of Macao, with a total of 246 sessions and 14,905 counts of student participants.

1. Integrity education for secondary students

1.1 “Education Programme on Honesty for Teenagers”

The CCAC has been implementing the “Education Programme on Honesty for Teenagers” in secondary schools for many years which is greatly supported by the education sector. The CCAC designs different themes to suit teenaged students of different stages and representatives from the CCAC are sent to secondary school to explain topics concerning honesty and integrity, in order to guide the teenaged students to build a positive character. In 2014, there were a total of 13 schools participating in this programme, with 5,546 participants in 58 sessions of seminars.

Statistics of seminars of education programme on honesty for teenagers in 2014

School	No. of Sessions	No. of Participants
Fong Chong School in Taipa	1	190
Pui Ching Middle School	3	1,500
Pui Va Middle School	2	578
Pooi To Middle School	1	105
The Workers’ Children High School (Secondary Section)	2	525
Sheng Kung Hui Choi Kou School (Macau)	3	361
Diocesan College of Saint Joseph (2 nd and 3 rd School)	3	414
Santa Rosa de Lima’s College (Chinese Section)	18	583
Sacred Heart Cannossian College (English Section)	2	312
Kwong Tai Middle School	5	132
The Affiliated School of the University of Macau	14	419
Keang Peng School (Secondary Section)	2	398
Macao Conservatory-School of Dance	2	29
Total	58	5,546

1.2 “A Talk on Integrity for Secondary School Graduates”

The CCAC has organised a seminar entitled “A Talk on Integrity for Secondary School Graduates”. Through introducing the practical integrity guidelines, students can clearly understand the current anti-corruption and corruption prevention laws before they graduate and take their first step into society. In 2014, graduates of 6 secondary schools participated in this activity. A total of 8 sessions were held with a total of 1,781 counts of student participants.

Statistics of seminars of “A Talk on Integrity for Secondary School Graduates”

School	No. of Sessions	No. of Participants
Chan Sui Ki Perpetual Help College	1	84
Diocesan College of Saint Joseph (2 nd and 3 rd School)	2	344
The Workers’ Children High School (Secondary Section)	2	476
Pui Va Middle School	1	212
Pui Ching Middle School	1	500
Pooi To Middle School	1	165
Total	8	1,781

1.3 “Integrity Week”

The CCAC co-organised with secondary schools regularly the “Integrity Week” and a series of special events under the theme of “integrity and honesty” were held at the schools for secondary students.

In 2014, the CCAC co-organised “Integrity Week” with the Affiliated School of the University of Macau, Xin Hua School and the Diocesan College of Saint Joseph. During the period, the CCAC dispatched representatives to the school to conduct themed seminars. The programme also featured panel exhibition in the campuses and quiz games, in order to integrate the themes of integrity, law-abidingness and fair competition into the students’ school life.

Moreover, the Affiliated School of the University of Macau held a 4-panel comic competition and a drama competition under the title “Integrity and Good Personality”, the Diocesan College of Saint Joseph held a composition competition and a drama competition with the theme of “Integrity and Good Conduct” and the Xin Hua School held a 4-panel comic competition entitled “Integrity and Honesty”. During the period of the activity, the teachers of civil education had also made use of the short films and worksheets in the teaching kit for secondary students *Learn and Think* published by the CCAC, to explore topics such as the value of integrity and honesty with the students.

1.4 “Act on Integrity”

In 2014, the CCAC organised 12 sessions of “Act on Integrity” performances for Form 1 to Form 6 students of eight secondary schools, with a total of 2,083 counts of student participants. The performances took place in form of forum theatre to explore with the students the topic of “fairness”. Everyday scenarios of the teenagers were showcased in the drama so as to draw their attention to circumstances in their daily lives where corruption can be easily induced to prevent themselves from falling into legal pitfalls.

Statistics of activities of “Act on Integrity”

School	No. of Sessions	No. of Participants
Luso-Chinese Technical and Vocational School	1	140
Pooi To Middle School	3	392
The Workers’ Children High School (Secondary Section)	1	248
Yuet Wah College	1	250
Diocesan College of Saint Joseph (2 nd and 3 rd School)	1	90
Diocesan College of Saint Joseph (5 th School)	2	206
The Affiliated School of the University of Macau	2	740
Macao Conservatory-School of Dance	1	17
Total	12	2,083

2. Integrity education for primary students

2.1 Publication of new edition of teaching materials *Honesty and Integrity* for primary students

It has been years since the textbook and teaching kits entitled *Honesty and Integrity* was launched in 2005. Based on the current situation of Macao society, the CCAC carried out a comprehensive update of the teaching materials with interactive teaching aids and audio-visual teaching materials to facilitate the educators to conduct the relevant teaching activities, so that the effectiveness of integrity education of primary students could be further enhanced.

2.2 “New Generation of Integrity – Education Programme on Honesty for Primary Students”

The “New Generation of Integrity – Education Programme on Honesty for Primary Students”, targeting at Primary three to Primary six students, was continuously held. The value of honesty and law-abidingness was brought to the primary students through interactive approaches. In 2014, there were a total of 28 primary schools participating in the programme and a total of 143 sessions were held, with 4,855 students.

Statistics of “New Generation of Integrity” in 2014

School	No. of Sessions	No. of Participants
Luso-Chinese Primary School in Flora	3	32
Our Lady of Fatima Girl’s School	1	200
Luso-Chinese School in Taipa	6	83
Pooi To Primary School (Taipa Branch)	2	66
Sir Robert Ho Tung’s Luso-Chinese Primary School	5	87
Mateus Ricci College (Primary Section)	3	93
Shá Lei Tau Cham Son School	1	24
Escola Ilha Verde	1	9
Estrela do Mar School (Branch School)	3	97
Hoi Fai School	3	99
Pui Ching Middle School	18	810
Pooi To Middle School (Primary Section)	3	77
Pooi To Middle School (Praia Grande Branch)	3	95

Chan Sui Ki Perpetual Help College	9	405
The Workers' Children High School (Primary Section)	6	217
Salesian College (Primary Section)	4	133
Xin Hua School (Primary Section)	4	91
Sheng Kung Hui Choi Kou School (Macao) (Primary Section)	5	134
Sacred Heart Cannossian College (Chinese Section)	6	212
Sacred Heart Cannossian College (English Section)	14	633
Kwong Tai Middle School (Primary Section)	2	58
Escola Oficial Zheng Guanying	2	38
The Affiliated School of the University of Macau	4	122
Chong Tak School	9	221
Macao Baptist College (Primary Section)	8	194
Fukien School	4	105
Primary School Affiliated to Hou Kong Middle School	4	170
Keang Peng School (Primary Section)	10	350
Total	143	4,855

2.3 “Celebrate Children’s Day with William” special activity

During the period of Children’s Day of 1st June in 2014, the CCAC arranged for the first time the special activity “Celebrate Children’s Day with William” on campus for Primary one to Primary three students to explore the topic of integrity and honesty with them. The activity received satisfactory response and a total of 640 primary students participated.

**Statistics of special activity
“Celebrate Children’s Day with William” in 2014**

School	No. of Sessions	No. of Participants
Estrela do Mar School (Primary Section)	3	85
Dom João Paulino’s School	1	17
Sacred Heart Cannossian College (Chinese Section)	7	206
Fukien School	3	81
Primary School Affiliated to Hou Kong Middle School	11	251
Total	25	640

(4) Integrity education for general public

The CCAC continued to carry out its work of corruption prevention and integrity education to the general public to enhance the awareness of corruption prevention and anti-corruption and carry out the function of social supervision, as well as to encourage them to report any corruption or bribery acts in order to safeguard a clean society. In 2014, the CCAC held 9 sessions of integrity awareness seminars for civil associations, public departments and institutions, with a total of 324 participants.

Statistics of seminars for associations, public departments and private institutions in 2014

Associations / Public Departments / Private Institutions and related activities	No. of Sessions	No. of Participants
Macao New Chinese Youth Association – Elderly Health Ambassador	2	51
12 th and 28 th Group of the Scout Association of Macau	1	30
Belilios Public School (Hong Kong)	1	20
Lok Moon Family Service Centre of the Women’s General Association of Macau	1	30
Bosco Youth Service Network	1	60
Macao Polytechnic Institute – Certificate Programme of Baccarat Game	2	98
Civic and Municipal Affairs Bureau – Family of Good Citizens series of activity	1	35
Total	9	324

II. Promotion in the community

(1) Complaint, report and consultation received by the Branch Offices

The Branch Office in Areia Preta and the Branch Office in Taipa provide a convenient channel for complaint, report and consultation. In 2014, the two branch offices received a total of 679 complaints/reports, requests for help/consultation and simple enquiries.

**Number of complaints, reports and requests for help and consultation
received by the Branch Offices in 2014**

Complaints / Reports		Requests for Help / Consultation	Simple Enquiries	
In person	Written complaints		In person	By telephone
53	20	53	334	219
Subtotal: 73		Subtotal: 606		
Total: 679				

(2) Expanding community relations

While strengthening the anti-corruption and integrity promotion work in the community to enhance the awareness of the general public in combating and preventing corruption, the CCAC also attaches great importance to the collection of public opinions and suggestions concerning the work of the CCAC.

In 2014, the CCAC visited associations such as the Lok Moon Family Service Centre of the Women's General Association of Macao, Seak Pai Van Community Service Station of the General Union of Neighbourhood Associations of Macao, Lazarus Youth Centre, Mutual Help Association of the Neighbours of Tamagnini Barbosa, Fai Chi Kei Family and Community Service Centre of the Macao Federation of Trade Unions to exchange views on the work of the CCAC, and to explore the possibility of cooperation in organising integrity building activities, so as to work together to promote awareness of honesty and integrity.

(3) Short Story Collecting Activity about Integrity for Primary Students

The CCAC and the General Association of Chinese Students of Macao (AECM) co-organised "Short Story Collecting Activity about Integrity for Primary Students" to encourage primary students' creative writing by exploring stories of honesty and

integrity of their own or those of others surrounding them, so as to guide teenagers in their thinking and to establish correct moral values.

The response to the activity was so overwhelming that a total of 300 entries were received from 28 schools. The judge panel, comprising famous local writer, Chan Im Wa, children's arts artist, Li Chitwan, local novel writer and children's play writer, Joe Tang, and two representatives of the organisers selected 30 entries of distinction and 60 entries of merit.

Besides, the CCAC selected 39 articles from the awarded entries and compiled the book entitled *Stories of Honesty – Selection of Short Stories on Integrity and Honesty of Primary School Students* to share the stories of integrity and honesty created by primary school students with society, so as to guide teenagers to have in-depth reflection upon the theme and strengthen their awareness of honesty and law-abidingness.

(4) Other education and promotion work

In 2014, the CCAC continued to enhance the integrity awareness of the general public by publishing print and electronic advertisement, publishing articles in the column "Clean Administration Forum" in all local Chinese press regularly, sending staff to disseminate information concerning the work of the CCAC on the TV programme "Enquiry and Reply" of TDM, publishing the semi-annual *CCAC Bulletin* and other publications, so that more information about integrity could be widely spread.

III. Integrity Volunteer Team

The Integrity Volunteer Team provided great assistance in the promotional work of the CCAC in promoting a clean society in 2014, including the volunteer work in the booth games and outdoor promotion activities of the CCAC to disseminate the message of upholding probity and law-abidingness to the community and the general public.

In recognition of the selfless devotions of the members of the Integrity Volunteer Team, the CCAC made special arrangements for the outstanding volunteers to visit the Independent Commission Against Corruption of Hong Kong to deepen their understanding of anti-corruption work outside Macao. Moreover, the CCAC also organised events such as training sessions and gatherings to strengthen the team spirit and sense of belonging of the volunteers.

PART V

OTHERS



PART V

OTHERS

I. Training and exchange activities

(1) Training programme organised by three places about social situation of the Country and supervisory work

In late June 2014, the CCAC joined hands with the Ministry of Supervision of the People's Republic of China and the Office of The Ombudsman of Hong Kong to organise a training programme about social conditions of the Country and the supervisory work at the China Academy of Discipline Inspection and Supervision in Beijing. Some investigators of the Ombudsman Bureau of the CCAC participated in the training programme in order to upgrade their work skills and professional level.

The opening of the training programme was officiated by the Deputy Director of National Bureau of Corruption Prevention and Director of International Cooperation Bureau of the Central Commission for Discipline Inspection (CCDI), Fu Kui, the Commissioner Against Corruption of Macao, Fong Man Chong, and the Assistant Ombudsman of the Office of The Ombudsman of Hong Kong, Tong Kin-sang.

During the visit to Beijing, the Commissioner Fong Man Chong met with the Deputy Secretary of the CCDI and President of China Academy of Discipline Inspection and Supervision, Chen Wenqing. Fong highly praised the effectiveness of the measures adopted and the success achieved in the promotion of an upright party and the fight against corruption in the Chinese mainland. He also expressed the wish to strengthen communication and cooperation with the Academy.

(2) Professional training for personnel

In late October 2014, 13 chiefs and investigators of the CCAC travelled to Beijing to participate in the 14th Training Course jointly organised by the CCAC and the People's Public Security University of China. As the CCAC has co-organised this training course with the People's Public Security University for a long time, most of the CCAC's investigators already had the opportunity to take part in it. Therefore, this latest training course was intended for more experienced investigators, where not only the most up-to-date criminal investigation knowledge was taught, but the investigation management and command knowledge was also reinforced.

At the closing ceremony the Commissioner Against Corruption Fong Man Chong expressed the wish that the trainees would master and put into practice the knowledge acquired from the training course in order to improve their investigation knowledge and professional skills, thus making contribution to integrity building of the society.

II. Group meeting on the review of implementation of the United Nations Convention Against Corruption

In 2014, the CCAC continued to provide assistance and support for the evaluation work of the United Nations specialists regarding the fulfilment of obligations under the United Nations Convention Against Corruption by the People's Republic of China. The CCAC also actively participated in China's evaluation on the implementation of the Convention by Afghanistan.

III. Communication and exchanges

(1) Receiving visitors

In mid-April 2014, the CCAC received the delegates of the Office Against Corruption of Hengqin New Area of Zhuhai City. At the seminar with the delegation, the Commissioner Against Corruption Fong Man Chong mainly introduced the legal

regime on declaration of assets and interests of public servants of Macao and the general situation of CCAC's work.

In addition, the CCAC also received delegations from the People's Procuratorate of Guangdong Province, the People's Procuratorate of Zhuhai City, the Bureau of Corruption Prevention of Zhongshan, the Casino Regulatory Authority of Singapore, the Faculty of Law of University of Macau and the Graduate School of Criminology of Taipei University.

(2) Visits and meetings abroad

In 2014, the CCAC participated in the following events held abroad:

- The “Counter Terror Exhibition & Conference”, held in London, England, which provided, through conferences and site visits, information about IT software and equipment for protection, surveillance and security.
- The “16th Meeting of the Board of Directors of the Asian Ombudsman Association” and the “International Ombudsman Institute Asian Region General Meeting” held in the same period in Seoul, Korea.
- The “5th Annual Conference of the Global Focal Points Network”, held in Vienna, Austria, where representatives of the participating states had in-depth discussions and shared their experiences on the theme of “Asset Recovery – Chapter V of the United Nations Convention Against Corruption”.
- The “19th Steering Group Meeting of the ADB/OECD Anti-Corruption Initiative for Asia-Pacific and the 13th Regional Seminar”, held in Phnom Penh, Cambodia, where the representative of the CCAC gave a speech about the legislative work carried out by the Macao SAR Government on the fight against corruption in external trade.
- The “Intelligence Support Systems for Lawful Interception, Electronic Surveillance and Cyber Intelligence Gathering Exhibition & Conference”, held in Kuala Lumpur, Malaysia.

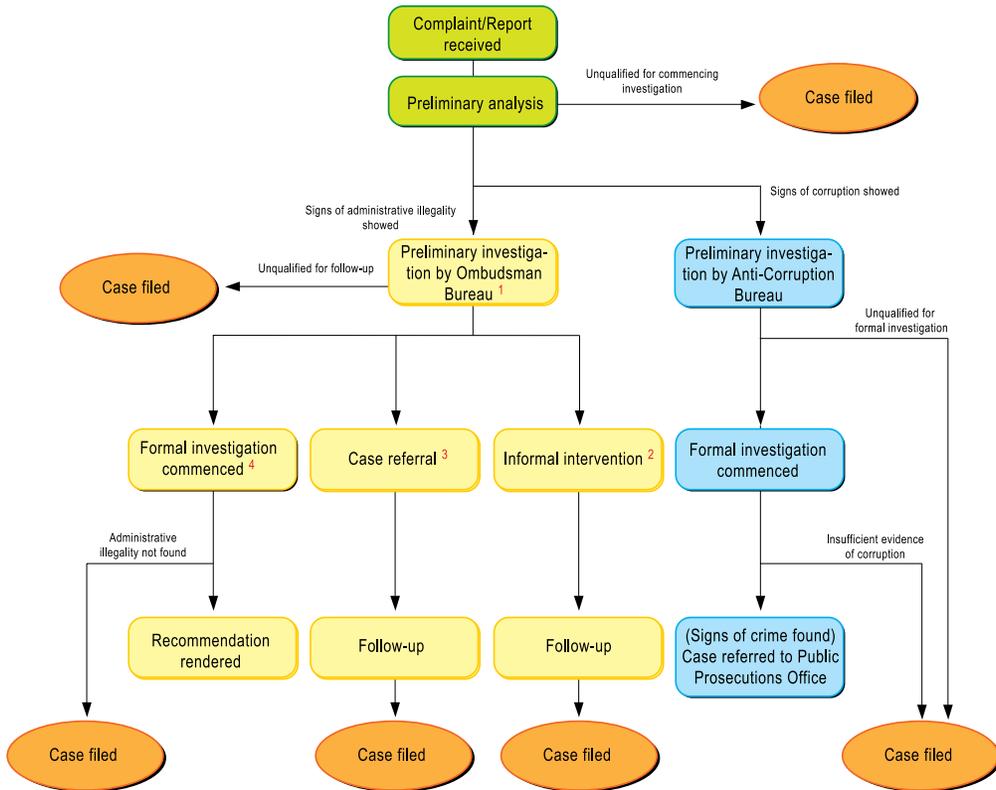
PART VI

APPENDIX



Appendix I

THE CCAC'S COMPLAINT HANDLING PROCEDURE

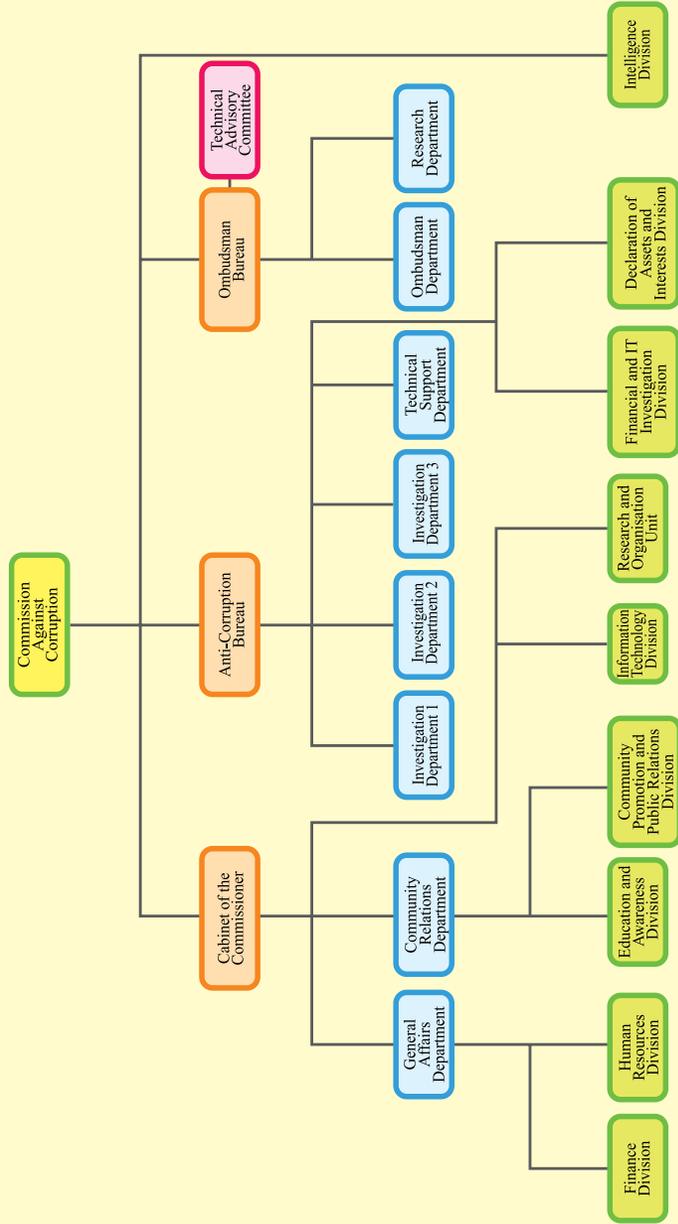


Notes:

1	Preliminary investigation by Ombudsman Bureau	It is conducted under the stipulation of the <i>Organic Law of the CCAC</i> and the <i>Code of Administrative Procedure</i> . In particular, the Principle of Defense shall be observed. That is, both the complainant and the complained side have the chance of pleading.
2	Informal intervention	If the procedure has not been completed or the relevant act has not yet entered into effect, the CCAC will guide the relevant departments or entities in this way so that they will make prompt correction.
3	Case referral	In some cases, since the relevant administrative departments are the competent departments that possess related information (the CCAC only has the information provided by the complainants, which may not be sufficient or detailed), it is appropriate for the relevant departments to handle the cases according to statutory procedures. With the complainant's consent, the CCAC will refer these cases to the competent departments or entities and will follow up their progress.
4	Formal investigation	Due to the severity of the case and the scope involved, the CCAC will commence a formal investigation. Under Paragraph 12 of Article 4 of the <i>Organic Law of the CCAC</i> , the CCAC directly renders recommendation to the competent administrative department for the purpose of rectifying illegal or unfair administrative acts or procedures. Under Article 12 of the <i>Organic Law of the CCAC</i> , in case of non-acceptance of any recommendation, the competent department or entity shall give its reasoned reply within 90 days. Meanwhile, the CCAC may report the case to the Chief Executive or reveal it to the public after reporting the case to the hierarchical superior or supervisory entity of the competent department or entity.

Appendix II

Organisational Structure of the Commission Against Corruption



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