

**PART II**  
**ANTI-CORRUPTION**





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### I. Introduction

Since the year 2015 is the first year of the fourth term of the Government of the Macao Special Administrative Region, the graft-fighting works of the CCAC continued to progress in a steady and orderly manner. The CCAC continued to uphold the policy of carrying out its anti-corruption work in accordance with the law and adhere to the principles of paying equal attention to the suppression and prevention and ensuring each case of corruption is investigated, prosecuted and penalised. The CCAC also strengthened its communication and contact with the judicial institutions and committed all its efforts in the prevention and suppression of acts of corruption in the public and private sectors.

Meanwhile, in scrupulous respect of its *Organic Law*, the CCAC made adjustments to the internal personnel management and the workflow to make it more scientific, reasonable and appropriate, especially in strengthening the discipline management and internal supervision of the CCAC's personnel in the regulation of personal discipline, coordination of case investigation, confidentiality of data of investigation, and optimisation of investigation techniques, with a view to establish a professional graft-fighting team that is cohesive and competent and with deterrence and credibility, so as to promote the value of integrity and to implement the principle of fairness, high efficiency and impartiality in combating corruption and to consolidate and enhance the confidence of society in the CCAC.

In 2015, even though there was a slight decrease in the number of complaints and reports received by the CCAC compared to the past few years, in order to implement the policy of zero tolerance of any crimes of corruption, the staff of the CCAC invested more efforts and resources in each case, so as to enable the investigation to be more in-depth and detailed. The CCAC personnel made important

efforts in constituting a healthy socio-economic environment and transparent public administration in Macao and in safeguarding the core values of fairness and justice of the Macao society.

Of the criminal cases investigated throughout the year, most involved crimes committed by public servants. Compared with the situation in 2014 where the majority of cases involved the crime of forgery of documents, a wide range of crimes were involved in the cases investigated in 2015, namely active and passive corruption, forgery of documents, power abuse, breach of secrecy and unexplained wealth, etc. Some cases in which a number of holders of leadership and senior positions were involved, coercive measures of suspension of performance of public functions and even detention were applied on certain suspects by the judicial institutions. Among the public servants involved in the cases investigated, a considerable number of them belongs to the disciplinary bodies with militarised functions and administrative departments with inspection functions, including public security officers, prison guards, as well as personnel of Macao Customs Service, Marine and Water Bureau and Transport Bureau. Regardless of the identity and position of the persons involved, the CCAC will treat all persons equally and impartially in its law enforcement.

In addition, the bribery cases in the private sector showed a decreasing trend. In 2015, despite the fact that the CCAC has strengthened the investigation work of corruption in the private sector, no private bribery cases could be successfully referred to the judicial institutions throughout the year. To sum up the experience of investigation, the main reason is that the related crimes are semi-public offences. The private sector would choose to smooth things over and not to exercise the right to file the complaint, resulting in the CCAC not being able to follow-up such cases under the law. Therefore, on one hand, it is necessary to improve the law *Prevention and Suppression of Bribery in the Private Sector* and on the other hand, to continue to enhance the integrity awareness of the citizens. Judging from the bribery cases in the private sector investigated in 2015 and the corruption case where an examinee of

driving licence attempted to bribe the examiner, it is essential to put great effort in promoting anti-corruption legislation to the general public.

Law no. 10/2014 *Prevention and Suppression of Bribery in External Trade* entered into force on 1<sup>st</sup> January 2015 and the crime “active corruption in foreign trade” is introduced in this law. It criminalises the act of offering bribes to public servants or officials of a public international organisation in a foreign jurisdiction outside the Macao SAR, which further improved the criminal legal system of fighting corruption in Macao. In 2015, the CCAC did not receive any complaints relating to that crime.

## II. Criminal reports and cases filed for investigation

In 2015, the CCAC received a total of 793 complaints and reports, including 262 criminal cases qualified for handling. Until the end of the year, the CCAC completed the investigations of a total of 256 criminal cases and the cases were archived or referred to the Public Prosecutions Office respectively. The CCAC received a total of 1,104 counts of enquiries, of which 431 counts were related to criminal matters.

Cases received from 2011 to 2015

Item	2011	2012	2013	2014	2015
All cases received	804	852	896	865	793
Criminal cases qualified for handling	182	297	264	266	262
Cases completed	64	185	236	492	256

### III. Summaries of some of the cases concluded

#### Case 1

In September 2015, during the investigation of a suspected case of fraud of public money, the CCAC found that the owners of a food company allegedly committed the crime of forgery of document.

After the investigation, it was discovered that during the period between 2010 and 2014, two owners of a food company were suspected of exaggerating the number of local employees of that company and falsely included the identification information of some Macao residents, who had never worked in that company, in the information of contribution of the Social Security Fund, the professional tax information for the Financial Services Bureau and information for applications for import of non-resident workers provided to the Human Resources Office. The two suspects benefited from their false statements of the above-mentioned information and the number of local workers, and the application to the Human Resources Office for quotas of non-resident workers was successfully approved.

The acts of the two owners had allegedly violated the stipulation of “forgery of document” under the *Penal Code*, and the case was referred to the Public Prosecutions Office.

#### Case 2

In March and June 2015, the CCAC detected two cases of passive corruption that involved a chief officer and a prison guard of the Macao Prison who allegedly received bribes from an inmate respectively.

After the investigation, it was found that a chief officer of the Macao Prison, who was responsible for the management of the daily operation of prison cells, had long received advantages from an inmate and returned the favour by using his/her

powers in the prison to shelter that inmate and turned a blind eye to the illegal acts of that inmate in the prison and enabling the inmate to receive a “special treatment” in the prison. For a quite long period of time, the inmate had repeatedly offered advantages to the chief officer through a visitor. Such advantages included luxurious food, raw materials such as abalone and ginseng, prestigious wine, branded cosmetics, travelling and hospitality, luxurious catering and accommodation etc. It was the first time that the CCAC had unveiled a case involving a public servant with the rank of chief officer of the Macao Prison.

With the collaboration of the Macao Prison, the CCAC detected during the investigation that another prison guard was also involved in the case. For a long time, the same inmate had also been offering the prison guard advantages that were similar to those given to the chief officer and an additional promise of providing a well-paid job abroad. In return, the prison guard involved repeatedly smuggled prohibited items such as food, seasoning, tea leaves, medicines, religious ornaments, sports shoes of prestigious brands and luxurious watches into the prison in opportune time for the inmate’s enjoyment.

Besides, it was found during the investigation that another person tried to deter investigation of the case carried out by the CCAC, with the purpose of allowing those who committed such crimes to escape the punishment.

The persons involved in these cases were suspected of violation of the crimes of “active corruption”, “passive corruption to perform an illicit act” and “favouritism” under the *Penal Code*. The cases were referred to the Public Prosecutions Office and coercive measures including suspension from public duties and prohibition from departure were imposed on the suspects involved by the judicial institutions.

### Case 3

In November 2015, the CCAC uncovered a case of police officers of the Public Security Police Force (CPSP) who had allegedly violated the provisions of “forgery

committed by public servant” and “prohibited weapons and explosive substances”.

It was discovered in the investigation that when handling some exhibits in April 2015, a police officer of the CPSP, by mistake, sent an electroshock gun, which was one of the exhibits, to another department of the CPSP to be destroyed. After that, in order to conceal the mistake, he/she purchased a similar electroshock gun from the Chinese mainland with the assistance of another police officer and brought it to Macao illegally so as to pass it off as the exhibit to be presented at the court. Subsequently, it was handed to the judicial entity enclosed with an official letter with untrue content faked by the police officer in an attempt to conceal the fact that the real exhibit had been destroyed by mistake.

Their acts allegedly constituted the offence of “forgery committed by public servant” and violated the provision of “prohibited weapons and explosive substances” under the *Penal Code*. The case was then referred to the Public Prosecutions Office.

#### Case 4

In December 2015, the CCAC unveiled a case of passive corruption involving a customs inspector.

It was found in the investigation that, as his/her client, when entering Macao via the Lotus Flower Bridge Checkpoint, was detained by the customs personnel due to the carrying of cash exceeding the statutory amount, a person engaging in gaming-related activities got in touch with a customs inspector through another person also engaging in gaming-related activities and a chief officer of the Macao Prison. The customs inspector was tempted to facilitate the release of the detained passenger by the promise that “tea money” would be offered in return for the help. Subsequently, the customs inspector used his powers to release the detained passenger. During the investigation, it was confessed that an illicit advantage was offered to a public servant through third persons so the detained incoming passenger with excessive cash could be released.



The chief officer of the Macao Prison involved in this case was already subject to suspension from public duties and other coercive measures due to bribes taking uncovered by the CCAC early this year. He and the two persons engaging in gaming-related activities were declared as suspects in this case.

The persons involved allegedly committed “passive corruption to perform an illicit act” and “active corruption” under the *Penal Code*. The case was referred to the Public Prosecutions Office. The judicial agency took coercive measures against the suspects in accordance with the law, including suspension from public duties and reporting to the competent authorities regularly.

#### Case 5

In April 2015, the CCAC unveiled a case of corruption involving a construction engineering company and staff of the Civil Engineering Laboratory of Macao.

It was revealed in the investigation that a former employee and a present employee of the Civil Engineering Laboratory of Macao had accepted a bribe of MOP40,000 from a particular construction engineering company during May and June in 2014, who then returned the favour by assisting the said company to produce 10 bogus soil density test reports. Subsequently, the company submitted the forged test reports to the general contractor as proof of quality for the section of road concerned.

The relevant suspects allegedly violated the stipulations of “active corruption”, “forgery committed by public servant” and “passive corruption to perform an illicit act” under the *Penal Code*. The case was referred to the Public Prosecutions Office.

## Case 6

In April of 2015, the CCAC revealed a case of several offences allegedly committed by a chief and a staff member of the Transport Bureau (DSAT).

It was revealed in the investigation that the chief and the staff member concerned, in order to obtain a huge sum of illicit advantage, intentionally gave advance notice to three management companies to amend their tender price to manipulate the granting of short-term service contracts of public car park management by means of bid rigging and assisted the three companies to get the management service of public car park through illegal ways. The case involved a sum totalling nearly MOP68 million and the two public servants allegedly received bribes amounting to more than MOP10 million. Moreover, the persons involved allegedly gave prior notice of the time and location of the inspection of car parks so that the companies involved could arrange personnel beforehand, making an illusion that the stipulated number of staff were working in the car parks pursuant to the contracts agreements. As a result, the companies could reduce the actual number of staff recruited and obtain the maximum profit.

It was also revealed in the investigation that one of the above-mentioned management companies was owned by the two public servants involved through means of holding secret shares and two other businessmen. Between 2013 and April 2015, the persons involved received a huge sum of profit totalling more than MOP6 million from that company.

The chief, the staff member and the businessmen involved in the case allegedly violated the stipulations of “active corruption”, “passive corruption to perform an illicit act”, “illicit financial participation in legal acts” and “breach of secrecy” under the *Penal Code*.

It was also discovered in the investigation that the chief involved in the case resorted to a series of unusual, tortuous and circuitous ways to transfer the huge

illicit profits obtained through corruption and sharing acts to the Chinese mainland. Subsequently, the undue advantages were used for the acquisition of real estate with nominal holding through his good friend in an attempt to cover up the undue advantages obtained. The chief refused to provide the true source of funds in the acquisition of a residential unit and the purchasing of several gold articles. In addition, the chief also took advantage of his powers and asked illegally and privately the management company to give him extra “security card” for private car parking.

The chief involved in the case was also suspected of committing the crime of “unexplained wealth”, the crime of “money laundering” under the law *Prevention and Suppression of the Crime of Money Laundering* and the crime of “power abuse” under the *Penal Code*.

The investigation had been completed and the case was referred to the Public Prosecutions Office. Coercive measures were imposed on the suspects including the two public servants and one of the businessmen by the judicial institution while prohibition of departure and other coercive measures were imposed on the other three suspects. All suspects of the case were charged criminally.

### Case 7

In March and August 2015, the CCAC detected two cases of driving test examinees who allegedly bribed the examiners.

It was revealed in the investigation that an examinee of light vehicle allegedly offered MOP1,000 to bribe the examiner of the Transport Bureau during the driving test while another examinee of heavy vehicle allegedly offered MOP500 to bribe the examiner of the Transport Bureau during the driving test. In both cases, the examiner turned down the offer and reported the cases. It was confirmed after investigation that the two examinees had prepared the amount beforehand with the intention to offer the benefits to the respective examiners, with the hope that they could pass the driving test.

The two examinees were suspected of violating the stipulation of “active corruption” under the *Penal Code* and the cases were referred to the Public Prosecutions Office.

### Case 8

In November 2015, the CCAC uncovered a case involving a chief of the Marine and Water Bureau who allegedly committed passive corruption.

The CCAC discovered that, between 2012 and 2015, the chief repeatedly abused his powers by soliciting and receiving illicit advantages from a person in charge of a ferry services company, including free ferry tickets, hotel accommodation and food and beverage. The chief even asked the company to secure jobs for his relatives and friends and reserve some shops at the Outer Harbour Ferry Terminal for them to operate businesses.

It was discovered that the chief had also used his powers to help cover up the irregular practices of the ferry services company on many occasions, so the latter could be free from penalties even though its operations did not comply with the instructions and regulations set out by the Marine and Water Bureau.

The chief and the person-in-charge allegedly committed the offences of “passive corruption to perform an illicit act”, “power abuse” and “active corruption” under the *Penal Code*. The investigation had been completed and 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 Region

In 2015, the CCAC was requested for assistance in four cases from law enforcement agencies outside the Region, including two cases from the Independent

Commission Against Corruption (ICAC) of Hong Kong, one case from an anti-graft agency of the Chinese mainland and another one from a counterpart of another region. Three of the cases were completed while the remaining one is still being processed.

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

In 2015, the CCAC requested law enforcement agencies outside the Region for assistance in a total of seven cases, including five cases to anti-corruption agencies of the Chinese mainland and two cases to the ICAC of Hong Kong. Four of the cases were completed while the remaining three are still being processed.

**(3) The 11<sup>th</sup> Seminar on Mutual Case Assistance of Guangdong, Hong Kong and Macao**

In December 2015, the 11<sup>th</sup> Seminar on Mutual Case Assistance of Guangdong, Hong Kong and Macao was held in Macao with the presence of representatives of the Hong Kong and Macao Affairs Office of the State Council, the People's Procuratorate of Guangdong Province, the ICAC of Hong Kong and the CCAC. During the seminar, they summarised the experiences of mutual assistance over the last year and had a thorough view exchange and discussion on around 20 topics about the problems they encountered, including transference of evidence of cases investigated in another jurisdiction, difference between the bank systems of the three regions, and investigation of different electronic communication softwares in the high-tech era, etc. The representatives of the three regions agreed to strengthen cross-border cooperation and exchange under the principles of mutual respect, communication enhancement and equality in mutual assistance and improve the current mutual assistance procedures. The meeting also enhanced the relationship between the graft-fighters of the Chinese mainland, Hong Kong and Macao, facilitating the mutual assistance and exchange in the future.

As the legal framework of mutual judicial assistance between Guangdong, Hong Kong and Macao has not yet been established, the operation of the mutual assistance mechanism and the discussion during the seminar have built a good foundation of the legal framework to be established in a practical and theoretical sense.

The CCAC will continue to actively enhance the exchange and regional judicial assistance with the graft-fighters of other regions and maintain close communication with them in order to ensure prompt handling of cross-border corruption cases.

## V. Court verdicts

In 2015, the court adjudicated a total of 11 cases investigated by the CCAC, among which the most influential ones included the corruption cases related to the 2013 Legislative Assembly Election and the final judgments of the cases related to Ao Man Long, which grabbed the attention of the media in Macao and Hong Kong. Moreover, a few of them are still under the process of appeal.

The summaries of relevant verdicts are as follows:

No.	Court	Name of the accused	Charge	Sentence
1	Court of Second Instance	Chan XX	Passive corruption for performing an illicit act Favoritism	The Court of Second Instance ruled that 3 counts of “passive corruption for performing an illicit act” were dismissed and replaced by “favoritism”.
2	Court of First Instance	Ng XX	Document forgery	7-month imprisonment with 1-year suspension and a payment of MOP10,000 to Macao SAR
3	Court of First Instance	Leong XX	Favoritism	9-month imprisonment with 3-year suspension

4	Court of First Instance  Court of Second Instance	Hoi XX	Fraud	9-month imprisonment with 1.5-year suspension and a payment of over MOP200,000 to Macao SAR plus interest  The Court of Second Instance upheld the original judgment.
5	Court of First Instance	Ho XX Wong XX	Electoral corruption	Ho XX sentenced to 1.5-year imprisonment and Wong XX sentenced to 1-year and 3-month imprisonment, both deprived of political rights for 2 years.  The case is to be heard by the Court of Second Instance on appeal.
6	Court of First Instance	Chio XX Ng XX Chan XX Chan XX	Passive corruption for performing an illicit act Money laundering Destruction of objects subject to public power	It has not been proven that the four individuals have committed the criminal acts indicated in the indictment, so they were acquitted on all charges.
7	Court of First Instance	Ngan XX Sio XX	Power abuse Forgery committed by public servant	The facts have not been proven and they were acquitted on the charges.
8	Court of First Instance	Tou XX	Power abuse Breach of confidentiality	A combined sentence of 1-year and 3-month imprisonment
9	Court of First Instance  Court of Second Instance	Luc XX	3 counts of active corruption for performing an illicit act	A combined sentence of 4.5-year imprisonment  The Court of Second Instance upheld the original judgment.

<p>Court of First Instance</p> <p>Court of Second Instance</p>	<p>Chan XX</p>	<p>3 counts of active corruption for performing an illicit act</p>	<p>A combined sentence of 2.5-year imprisonment; 3-year suspension given on condition that MOP200,000 to Macao SAR is paid.</p> <p>The Court of Second Instance upheld the original judgment.</p>
	<p>Hoi XX</p>	<p>3 counts of active corruption for performing an illicit act</p>	<p>A combined sentence of 2.5-year imprisonment; 3-year suspension given on condition that MOP200,000 to Macao SAR is paid.</p> <p>The Court of Second Instance upheld the original judgment.</p>
	<p>Fong XX</p>	<p>3 counts of active corruption for performing an illicit act</p>	<p>A combined sentence of 2.5-year imprisonment; 3-year suspension given on condition that MOP200,000 to Macao SAR is paid.</p> <p>The Court of Second Instance upheld the original judgment.</p>
	<p>Lam XX</p>	<p>4 counts of active corruption for performing an illicit act</p>	<p>A combined sentence of 3-year and 3-month imprisonment</p> <p>The Court of Second Instance upheld the original judgment.</p>
	<p>Lao XX</p>	<p>1 count of active corruption for performing an illicit act 1 count of money laundering</p>	<p>5-year and 3-month imprisonment</p> <p>The Court of Second Instance upheld the original judgment.</p>
	<p>Lo XX</p>	<p>1 count of active corruption for performing an illicit act 1 count of money laundering</p>	<p>5-year and 3-month imprisonment</p> <p>The Court of Second Instance upheld the original judgment.</p>



	Court of First Instance	Chan XX	Money laundering	3-year imprisonment The Court of Second Instance upheld the original judgment.
	Court of Second Instance			
10	Court of First Instance	Lio XX	2 counts of forgery 1 count of power abuse	A combined sentence of 2-year imprisonment
11	Court of First Instance	Lao XX	1 count of breach of confidentiality 1 count of passive corruption for performing an illicit act	A combined sentence of 2.5-year imprisonment The case is to be heard by the Court of Second Instance on appeal.
		Choi XX	Active corruption	1-year imprisonment with 2-year suspension
		Leong XX	Active corruption	1-year imprisonment with 2-year suspension
		Lao XX	Active corruption	1-year imprisonment with 2-year suspension

## VI. Declaration of assets and interests

Since its implementation in 1998, the *Legal Regime of Declaration of Assets and Interests* has been effective for 17 years. Especially since it was revised two years ago, more public attention has been caught. The mechanism of disclosure of assets and interests of holders of specific public and political positions not only protects citizens' right to know and right of supervision but also serves as one of the essentials of the transparent policy promoted and implemented by the Macao SAR Government. Therefore, the work of declaration of assets and interests is significant to the fulfilment of the Government's goals.

Over recent years, the CCAC has detected some crimes related to declaration of assets and interests, especially unexplained wealth and incorrect data. The combat of these crimes facilitates the growth of credibility of the legal regime as well as enhances the probity of the public service.

To ensure the smoothness of the work, the CCAC frequently communicates and coordinates with various public departments and entities in order to review and perfect the process. In fact, throughout the year of 2015, all declarants and their spouses or cohabiting partners submitted the declarations in accordance with law and there was no case for any legal responsibilities due to arrears of declaration form or improper submission of declaration. The work has achieved the expected goals and results.

In 2015, the CCAC collected the declaration forms from a total of 14,826 public servants. Details are listed below:

**Statistics of declaration of assets and interests in 2015**

<b>Reasons for submitting declaration</b>	<b>Total</b>
Appointment	3,454
Alternation of position	4,419
Termination of position	2,004
5-year renewal	2,786
Renewal with that of spouse	627
Pursuit of data-provision duty	1,278
Voluntary renewal	258
<b>Total</b>	<b>14,826</b>

Due to increasing popularity of e-governance, in early 2013, the CCAC launched the “notification processing system of declaration of assets and interest” to deliver the notifications by electronic means. The use of the system for over three years has decreased the workload compared with the time when the notifications were still delivered and received manually and thus has boosted the administrative efficiency of public departments. At the same time, the CCAC’s work has become more effective. Up to 31<sup>st</sup> December 2015, there were a total of 55 public departments and entities applying the system, accounting for more than a half of the public departments and

entities which have regular correspondence with the CCAC in this area, reflecting the effectiveness and good results it has achieved.

Moreover, in order to enable more public servants to understand the legal regime and how to fill in the declaration form correctly and thus ensure the smoothness of the procedure of the submission, the CCAC continued to hold briefing sessions on declaration of assets and interests for the departments which had greater number of new recruits. Henceforth the CCAC will continue to work on the promotion so that the legal regime of declaration of assets and interests and its significance will be understood by more public servants and the spirit of integrity will be strengthened in the public service.