

## FOREWORD

In 2016, the Commission Against Corruption (CCAC) upheld the principle of acting in accordance with the law, spared no efforts in combating corruption in both public and private sectors and exerted its function as an ombudsman with determination.

On the front of anti-corruption, the CCAC cracked the corruption case involving the former leader of the Public Prosecutions Office and referred the suspects to judicial agencies, fulfilling the mission of zero tolerance to all kinds of corruption cases regardless of the suspects' positions and upholding the principle of "all equal before the law". In the criminal cases that the CCAC cracked last year, the suspects made use of the loopholes in the legal regimes or monitoring mechanisms and colluded with people outside the government in order to gain illicit advantages from the awarding of the contracts of public works and procurement of goods and services. Such situations deserved the attention of the Macao SAR Government and the public departments.

On the front of ombudsman, the CCAC carried out an investigation of the land exchange case involving the site of the Iec Long Firecracker Factory. Following an in-depth analysis, the CCAC came to the conclusion that the agreement of land exchange related to the Iec Long site was null and the Macao SAR Government did not owe any "land debts". Meanwhile, in the investigation of administrative complaints, the most prominent issue the CCAC found was that some public departments "split" a constant service into several contracts when acquiring the service in order to evade the statutory requirements for open tendering or signing of notarial contracts, or simply awarded the contract directly to a supplier with an ambiguous reason without going through the procedures of price consultation in accordance with the law.

The CCAC believes that although the purpose for most of the public departments' direct adjudication of the contracts of services acquisition is to save time, violation of the "principle of legality" shall not be the cost for boosting administrative efficiency. Weakening the openness and transparency of procurement procedures not only makes it difficult for the Public Administration to select the best service at a reasonable price but also brings about more risks of corruption and power abuse. The current regime of goods and services acquisition is seriously obsolete. Therefore, the Public Administration shall make adjustments to Decree Law no. 122/84/M and other related regulations according to the reality and social development as soon as possible in order to simplify public procurement procedures as well as strengthen the relevant monitoring and rectification systems.

The CCAC also found in the investigation of administrative complaints that in the open recruitment processes, the examination panels of some of the public departments neither had a clear understanding of the relevant laws nor strictly stuck to the requirements and standards, causing defects in the processes and affecting the fairness. Currently, the public departments recruit personnel through the standardised management of examinations. The CCAC hopes that the public departments that organise the professional skills examinations to select new recruits will abide by the law in order to carry out the recruitment in a transparent, fair and just manner.

In 2016, the CCAC attended the meetings of evaluation on the implementation of the United Nations Convention Against Corruption (UNCAC) together with the delegation of China in Vienna, Austria. The experts team of the United Nations gave positive comments on the implementation of the UNCAC in Macao. At the same time, they also pointed out that the Macao SAR has to adopt a series of measures in order to further enhance and consolidate the effectiveness of the operation of anti-corruption mechanism, for example, to adopt a data collection system which may allow lifting of bank secrecy in some cases and to establish a specific legal regime to

protect victims and witnesses. The CCAC will analyse the suggestions and take them as reference of perfecting the legal regime of anti-corruption of the Macao SAR.

In 2016, the CCAC proactively took part in the revision of the *Electoral Law of the Legislative Assembly* made by the Macao SAR Government. Based on the experience in combating electoral corruption, the CCAC raised some suggestions. On 16<sup>th</sup> December 2016, the bill of the revision of the *Electoral Law of the Legislative Assembly* was thoroughly examined and passed by the Legislative Assembly. It serves as a more effective legal basis and tool for the CCAC to fulfil its duties to prevent, suppress and combat electoral corruption and other illegal acts related to the elections.

According to the *Organic Law of the CCAC*, it is the CCAC's duty to carry out acts of investigation and inquiry with regard to crimes of corruption and related fraud crimes committed in relation to the Legislative Assembly Elections. For the Legislative Assembly Elections 2017, the CCAC will fully exert its powers conferred by the law to fight all electoral corruption crimes and related illicit acts without partiality and tolerance in order to safeguard the fairness, justice and integrity of the elections.

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The Commissioner Against Corruption  
Cheong Weng Chon