



2019

**Annual Report
of
the Commission Against Corruption of Macao**

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

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The Commissioner Against Corruption, Chan Tsz King, submitting the *2019 Annual Report of the CCAC of Macao* to the Chief Executive, Ho Iat Seng

FOREWORD

In adherence with the principle of legality, in 2019, the Commission Against Corruption (CCAC) remained focused on the policy stressing both suppression and prevention of corruption and fulfilled this mission effectively. On the front of corruption fighting, it combated corrupt practices in public and private sectors with determination, pragmatism and perseverance. On the front of ombudsman, it earnestly oversaw the operation of public departments, kept a close eye on the issues that caught society's attention in particular, promptly addressed the illegal or irregular acts it had found and rendered remedial suggestions. At the same time, the CCAC actively participated in the review of implementation of the United Nations Convention against Corruption, had its staff's professional skills upgraded by sending them to attend international and regional conferences and training activities, kept on carrying out various kinds of activities to promote integrity and expanded its network of community relations in order to gain public support for integrity building.

As to corruption fighting, following the crackdown on some cases of fraud over residence permit in Macao under "major investment immigration" and "technical immigration" through false documents in 2018, in 2019, the CCAC solved a corruption case where some main leaders and chiefs of the Macao Trade and Investment Promotion Institute allegedly abused their powers for illicit gain and received bribes to perform illicit acts in the process of vetting and approving the applications for "major investment immigration" and "technical immigration".

Moreover, many complaints and reports concerning fraud over subsidies from the Government and public funds have been received in recent years. The CCAC also fully exerts its duties by putting in much effort to combat such

crimes of infringement of public interests involving public assets and abuse of public functions.

Apart from carrying out investigations into corruption cases in the public sector, the CCAC also attaches importance to anti-corruption works targeting the private sector. It has noticed that among the complaints involving private companies in recent years, there has been a growing trend in the complaints and reports about the management of gaming companies and large hotels, which mainly involved irregular acts in the processes of construction project tendering, procurement of goods and recruitment and promotion of personnel. The CCAC will continue to keep a close eye on the risk of bribery in the private sector which possibly arises from such problems, strive to enhance the integrity management and healthy development of private companies and safeguard the integrity and fairness of society.

Nevertheless, from another perspective, regarding the fact that some citizens wish to resolve civil disputes by reporting them to the CCAC as crimes, such as disputes involving expenditure of administration fees by the management company and the management committee of a building, it is necessary to instil correct knowledge of dispute resolution into citizens through publicity and education in the future in order to ensure that the whole social system operate in the right way.

On the front of ombudsman, the cases investigated involved various issues, among which the high-profile ones included the conditions, requirements and procedures of recruitment of public departments as well as whether they satisfied citizens' real needs and expectations. In a majority of the cases, following the investigations, the CCAC found that the relevant issues were not so serious as violation of law. In fact, it was more common to see that problems occurred when public departments executed abstract provisions and that there was still

room for improvement of the efficiency of solving citizens' problems in an empathic way. All of the public departments involved in these cases accepted the CCAC's opinions and suggestions and promised to actively carry out reviews and make improvements. In the future, the CCAC may carry out retrospective reviews concerning these departments in order to enhance the transparency and efficiency of public administration and prevent corruption.

Moreover, the CCAC found that over 50% of the complaints and reports were lodged anonymously, of which over 66% were groundless, did not jibe with the facts or could not be followed up further. This is undoubtedly a kind of abuse of public resources. The CCAC hopes that citizens take responsibility for their own actions. They should lodge a complaint or report with basis when they exercise their rights and fulfil their obligations in order to jointly contribute to the building of a cleaner and fairer society.

Finally, it is worth mentioning that the CCAC completed the self-assessment on its implementation of Chapter II (Preventive Measures) and Chapter V (Asset Recovery) of the United Nations Convention against Corruption in 2019. It will continue to actively cooperate with the review undertaken by experts of the United Nations in order to inspect the inadequacies of the regime of prevention and suppression of corruption. Moreover, the CCAC will continue to fight corruption in the public and private sectors with determination, enhance public servants' and citizens' awareness of integrity and strengthen citizens' capacity of supervision in order to meet society's demand for reinforcement of integrity building.

March 2020

The Commissioner Against Corruption
Chan Tsz King

PART I

CASE PROCESSING SUMMARY

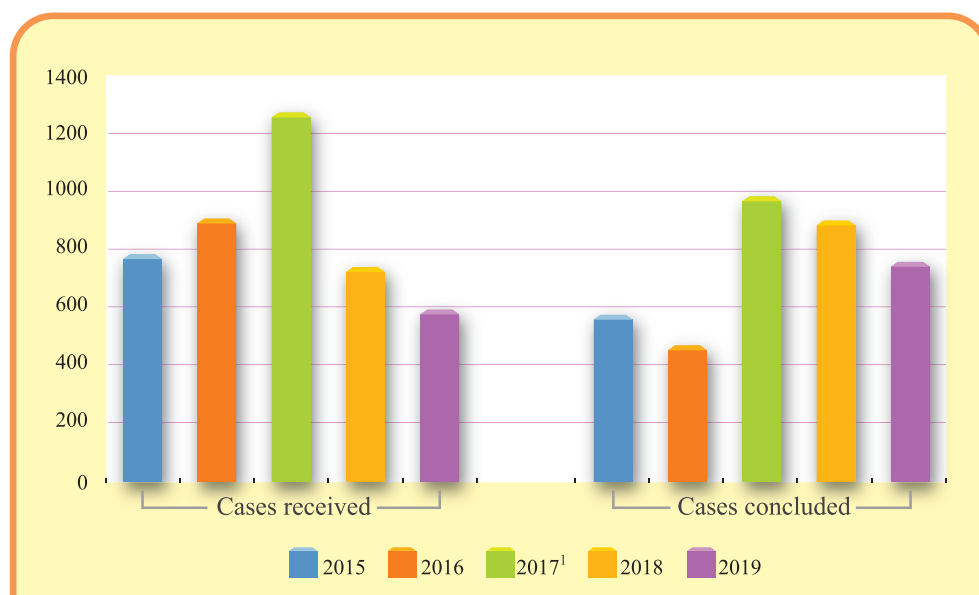


PART I

CASE PROCESSING SUMMARY

In 2019, the Commission Against Corruption (CCAC) received a total of 584 complaints and reports. It also received 1,089 requests or enquiries, of which 696 were about criminal matters and 393 were about administrative matters.

Statistics on cases received and concluded (2015-2019)

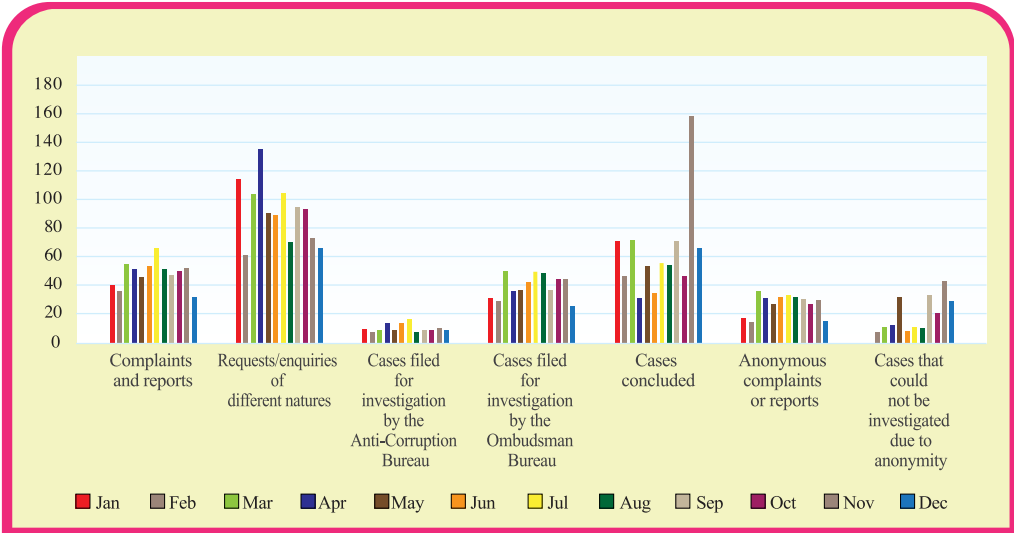


By the end of the year, 111 and 473 cases were filed for investigation by the Anti-Corruption Bureau and the Ombudsman Bureau respectively. Along with the cases carried forward from the previous year, the CCAC handled a total of 752 cases in 2019. For the cases handled by the Anti-Corruption Bureau, 15 were referred to the Public Prosecutions Office, two were referred to other departments and the remaining 170 were archived. For the cases handled by the Ombudsman Bureau, 76 cases needed follow-up by the concerned departments as requested by the CCAC and the remaining 489 were archived.

¹ 2017 marked the 6th Legislative Assembly Elections.

In 2019, among the complaints and reports lodged through different channels, 319 cases were anonymous. The anonymity of the complainants caused the CCAC to be unable to obtain information necessary for further investigations and 213 cases had to be archived.

Statistics on case handling for 2019



Statistics on cases recorded in 2018 and 2019 (classified by source of case)

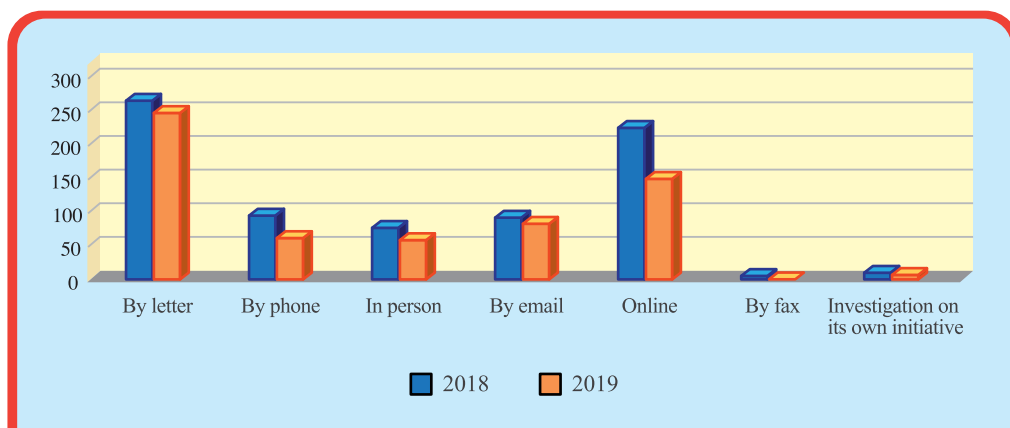
Source of case		2018		2019	
		Number	Percentage	Number	Percentage
Complaints or reports lodged by citizens	Lodged by identifiable complainants or those willing to provide personal data	304	41.4%	238	40.8%
	Anonymous or requesting anonymity	406	55.4%	319	54.6%
Cases investigated on the initiative of the CCAC		5	0.7%	3	0.5%
Mutual assistance cases		2	0.3%	14	2.4%
Cases referred by other public bodies		16	2.2%	10	1.7%
Total		733	100%	584	100%

Judging from the above statistics, complaints or reports lodged by identifiable complainants or those willing to provide personal data take up a smaller percentage than the anonymous ones. Despite that the number of anonymous complaints or reports, which takes up 54.6%, is slightly lower than the 55.4% recorded in 2018, the cases where the CCAC could not make in-depth investigations and achieve positive results due to their anonymity account for as much as 66.8%.

In 2019, the complaints and reports were mainly lodged by mail, online and e-mail. The numbers of cases lodged by these three channels were 247, 146 and 73 cases respectively, which account for 42.3%, 25% and 12.5% respectively of the total number of cases received in the year. The numbers of complaints or reports lodged by phone and in person were 59 and 56 respectively, representing 10.1% and 9.6% of all cases received in the year respectively.

Compared to the previous year, citizens still tended to lodge complaints or reports by mail and online.

**Statistics on cases recorded in 2018 and 2019
(classified by reporting method)**



PART II

ANTI-CORRUPTION



PART II

ANTI-CORRUPTION

I. Introduction

2019 marked the 20th anniversary of both Macao's handover to China and the establishment of the Commission Against Corruption. With the efforts and continuous improvement over the years, the anti-corruption work of the CCAC has become increasingly stable and systematic. The CCAC has all along been showing its unwavering dedication and handling the cases impartially regardless of their severity according to the law. In order to build a probity culture in public administration and a fair business environment, the CCAC makes all-out efforts to advocate fair elections and uphold integrity in the society.

The cases investigated in 2019 had the following characteristics:

First, the continuity of anti-corruption policies was maintained. In 2019, the CCAC continued to show its unwavering determination by strictly following up or delving into cases with far-reaching impact on Macao's society. After investigating and handling a few cases of application for residency through provision of false information, the CCAC detected three other similar cases. In July 2019, it completed the investigation of a criminal case involving the former President of the Board of Directors of the Macao Trade and Investment Promotion Institute, a former member of the Executive Committee and a former chief of the Residency Application and Legal Affairs Division, who allegedly committed crimes such as passive corruption to perform illicit acts, document forgery, breach of secrecy and power abuse in the process of vetting and approving the applications for "major investment immigration" and "technical immigration". The investigation was completed and the case was referred to the relevant judicial body. It also investigated some fraud cases involving various subsidies granted by the government, including the subsidies from

the Environmental Protection and Energy Conservation Fund and the Continuing Education Development Plan.

Second, there was a decrease in the types of crime recorded. In 2019, in addition to two cases of power abuse committed by directors and chiefs, document forgery cases took up a large portion of the investigated cases, while there was a decrease in the number of cases involving active and passive bribery.

However, with regard to disciplinary offences and illegal acts committed by civil servants, there was a slight increase in the number of cases committed by police. In 2019, the CCAC handled a few cases of disciplinary offences committed by police, mainly including their unauthorised entry into casinos and frauds, while the offences were more related to duty-related crimes such as bribery in the past.

Third, there were mainly two types of cases recorded in the private sector. One was fraud cases committed by civil associations in their applications for government subsidies. Two such cases were referred to the Public Prosecutions Office in 2019. The other was cases related to building management companies and management committees mainly concerning management fees and building maintenance. Although most of these cases only involved civil disputes on building management between new/old management companies and management committees, the parties involved still resorted to the CCAC for intervention by reporting them as criminal matters. Such cases had to be archived in the end. It is noteworthy that such reporting practice was not advisable.

II. Criminal reports and cases filed for investigation

In 2019, the CCAC received a total of 584 complaints and reports, of which 111 were handled by the Anti-Corruption Bureau. The total number of cases received by the CCAC in the year was 149 less than the 733 cases received in 2018, representing a drop of 20.3%. As the Legislative Assembly Elections were held in 2017, there

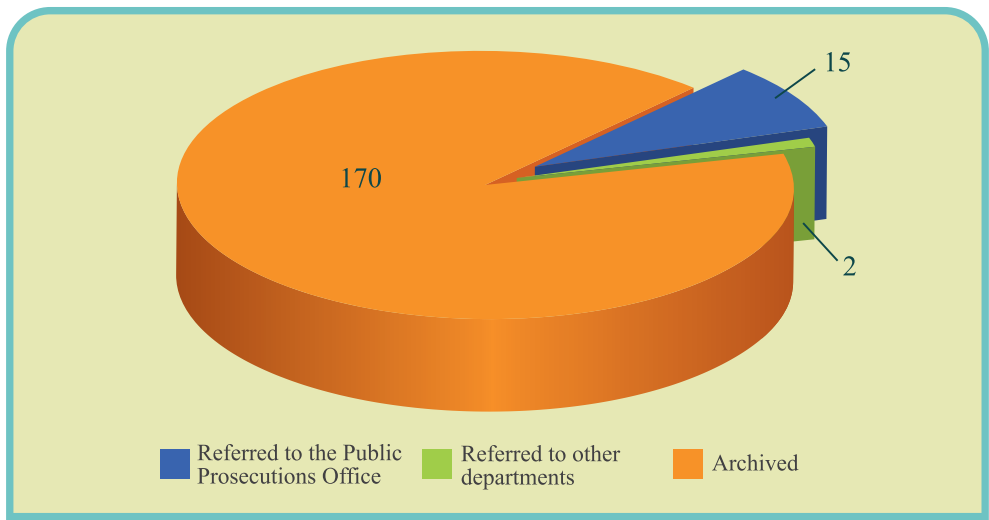
were more complaints and requests/enquires related to the elections recorded in the year. Apart from that, there have been year-on-year decreases in the numbers of complaints and reports as well as corruption cases in recent years.

Statistics on caseloads (2015-2019)

Item	2015	2016	2017	2018	2019
Total number of cases received	793	910	1,264	733	584
Number of cases handled by the Anti-Corruption Bureau	262	252	545	141	111
Number of cases with investigation completed	256	182	537	180	187

Among the cases investigated by the Anti-Corruption Bureau in 2019, 15 were referred to the Public Prosecutions Office for criminal investigation, two were referred to other departments and the remaining 170 cases were archived.

Cases concluded in 2019 (handled by the Anti-Corruption Bureau)



III. Case summaries

(I)

In April 2019, the CCAC detected a case of document forgery allegedly committed by a police commissioner of the Public Security Police Force (CPSP).

After investigation it was found that the aforesaid police commissioner, during his application to the CPSP for taking up a part-time job as a physiotherapist, allegedly submitted certificates with forged signatures to the competent departments. The police commissioner, along with three other persons, submitted documents with untrue information to the Health Bureau for licence renewal for a medical centre, including letters of appointment, a staff list and a consultation schedule.

The aforesaid police commissioner and persons involved allegedly committed document forgery under the *Penal Code*. The case was referred to the Public Prosecutions Office for follow-up action.

(II)

The Anti-Corruption Bureau of the CCAC carried out an investigation of a case handed over by the Ombudsman Bureau where a restaurant owner allegedly involved in a scam during his application for subsidies from the Environmental Protection and Energy Conservation Fund.

After investigation it was found that, between 2012 and 2016, an eco-friendly kitchenware supplier involved handled the application procedures for at least seven merchants in order to help them obtain subsidies from the Energy-Saving Products and Equipment Subsidy Scheme of the Environmental Protection and Energy Conservation Fund. In order to attract merchants who would entrust it to handle the application, the supplier claimed that it could help merchants to make

applications and install energy-saving products for free. To obtain subsidies from the Environmental Protection and Energy Conservation Fund by deception, the supplier submitted false documents for the merchants to the Environmental Protection and Energy Conservation Fund, provided them with products at odds with those stated in the applications and overstated the transaction amounts.

The supplier involved allegedly committed fraud and document forgery under the *Penal Code* and the total amount involved in the scams reached over MOP2 million. Upon completion of the investigation in June 2019, the case was referred to the Public Prosecutions Office for follow-up action.

(III)

In the course of looking into a few cases concerning residency application, the CCAC found that some applicant allegedly submitted documents with untrue information when applying for temporary residency. Suspecting that the applicant involved obtained residency in Macao through false documents, the CCAC opened an independent file for the case and carried out an investigation.

After in-depth investigation, it came to light that the former President of the Board of Directors of the Macao Trade and Investment Promotion Institute (IPIM) allegedly colluded with a criminal syndicate composed of a business couple and three other persons. The former president, through his wife, daughter and his mistress in the Chinese mainland, received illicit advantages from the syndicate head for a long time and provided illicit assistance to the syndicate when approving the immigration applications submitted by its members. It was found that the former president had intended to approve the residency applications and some of the applications were successfully approved. The former president allegedly committed passive corruption to perform illicit acts, document forgery and breach of secrecy and violated the provision of inaccurate data set forth in the *Legal Regime of Declaration of Assets and Interests*.

The CCAC also found in the investigation that a former chief of the IPIM's Residency Application and Legal Affairs Division was directly involved in the criminal activities relating to the fraudulent immigration applications made by the aforesaid syndicate. Also, a former member of the Executive Committee of the IPIM allegedly capitalised on his powers and functions by providing illicit assistance and disclosing internal confidential information to two "technical immigration" applicants so their applications were approved smoothly. His acts allegedly constituted power abuse and breach of secrecy.

The CCAC made allegations of active corruption against the aforesaid business person for his act of offering bribes to the public servants of Macao. Also, the business person and the other syndicate members provided agency services in Macao and applied for residency through "technical immigration" and "major investment immigration" for clients. It was found that the syndicate, through fake transfer of shares of the "shell companies" it held or controlled to the applicants, fabricated the investment projects or investment amounts of the companies so that the applications would appear to meet the requirements for "major investment immigration". It also fabricated employment of applicants in specialised technical positions by the companies so that they appeared to have met the requirements for technical immigration. It even falsely stated their working experience and fabricated payroll records. Through the aforesaid means, the syndicate helped those applicants who actually did not meet the requirements for immigration to obtain temporary residency in Macao and asked for huge amounts of money as "agency fees" from them, which involved a sum of over MOP10 million. The members of the syndicate allegedly committed the crimes of criminal association, document forgery and use of false documents. The CCAC also made allegations of document forgery and use of false documents against the involved applicants of temporary residency.

The relevant investigation was completed and the case was referred to the Public Prosecutions Office in July 2019. After hearing the recommendation of the Public

Prosecutions Office, the judge of the Criminal Investigation Court decided that the former President of the IPIM be subject to coercive measures and held in custody.

(IV)

In July 2019, the CCAC completed investigation into a case where a division head of the Municipal Affairs Bureau (IAM) and a personnel of the Public Administration and Civil Service Bureau (SAFP) allegedly obtained economic advantage in legal acts, committed power abuse and made false declarations of their assets and interests.

It was found in the investigation that the division head of the IAM allegedly committed power abuse in the course of handling the greyhound incident by seeking advantage for an animal clinic in which he secretly had a stake. As a result, the clinic won a contract to provide medical care for and perform neutering surgery on over 500 greyhounds. Furthermore, without the approval from the IAM, the division head asked his subordinates to lend the clinic the medical equipment belonging to the IAM.

The CCAC also discovered in the investigation that the division head had abused his power by asking his subordinates to include a company in which he secretly had a stake in the list of suppliers in the course of goods and services procurement. As a result, the company won procurement contracts for over 140 times, which involved an amount of over MOP10 million, and the two public servants as well as the involved business person allegedly gained over MOP2.6 million from it. It was also discovered that the aforesaid personnel of the SAFP and his spouse (a public servant from another department) deliberately made false declarations of their assets and interests.

The division head, the public servant and the business person involved allegedly violated the provisions of unlawful economic advantage and power

abuse under the *Penal Code* and the provision of inaccurate data set forth in the *Legal Regime of Declaration of Assets and Interests*. (See the verdict of the criminal case no. CR2-19-0320-PCC of the Collegiate Bench of the Court of First Instance)

(V)

In September 2019, the CCAC detected a case where a local education centre allegedly involved in defrauding subsidies from the Continuing Education Development Plan of the Education and Youth Affairs Bureau. An investigator of the Judiciary Police (PJ) was also found to be involved in the scam.

It was found after investigation that in 2016 a person in charge of a local education centre allegedly conspired with an investigator of the PJ and other persons to dupe and lure residents who had yet to use part or all the subsidy from the Continuing Education Development Plan to the aforesaid education centre to complete the course application procedures. They guaranteed the applicants that, upon receipt of the subsidies from the government, about 30% would be paid to them as cash kickbacks. The person in charge of the education centre was suspected to have inputted false application information in the computer system. The courses in the applications were selected by the education centre and the applicants did not attend the courses at all.

According to the investigation, the person in charge of the education centre, together with the aforesaid investigator of the PJ, launched some fictitious courses. The latter, posing as a course instructor, stood by at the classroom in case the Education and Youth Affairs Bureau (DSEJ) would conduct an on-site inspection, during which no students would show up – only the “instructor” would be present. The person in charge submitted the attendance sheets with fabricated student sign-in records verified and signed by the “instructor” to the

DSEJ for inspection. Furthermore, the centre also submitted the fabricated course completion records to the DSEJ through its computer system. The suspects defrauded subsidies worth over MOP540,000 from the Continuing Education Development Plan of the DSEJ.

In 2018, the person in charge of the education centre conspired with others to lure some elderly people to complete the course application procedures at his another education centre. He changed the names and other information of the courses enrolled by the students through the computer system and successfully defrauded subsidies worth over MOP140,000 from the DSEJ.

The aforesaid persons allegedly committed fraud, document forgery and use of false documents under the *Penal Code* and computer forgery provided for in Law no. 11/2009 (*Law on Combating Computer Crime*). The case was referred to the Public Prosecutions Office for follow-up action.

(VI)

The CCAC received a report from a gaming company in Macao, claiming that some of its employees bought sick leave certificates and submitted them to the company for application for sick leave without seeking any medical advice, and that all the certificates were issued by a doctor of a local clinic.

After the investigation it was found that a few employees of a department of the company submitted sick leave certificates issued by a doctor in Macao between January and October 2017 in order to apply for sick leave from the company. However, the employees concerned did not seek any medical advice. Some of them were even found to be out of Macao on the days they claimed to have sought medical advice. Afterwards, the doctor concerned confirmed that his signatures on the sick leave certificates were forged and all the certificates were false. After investigation it was found that the aforesaid employees, in order to apply for sick leave from the

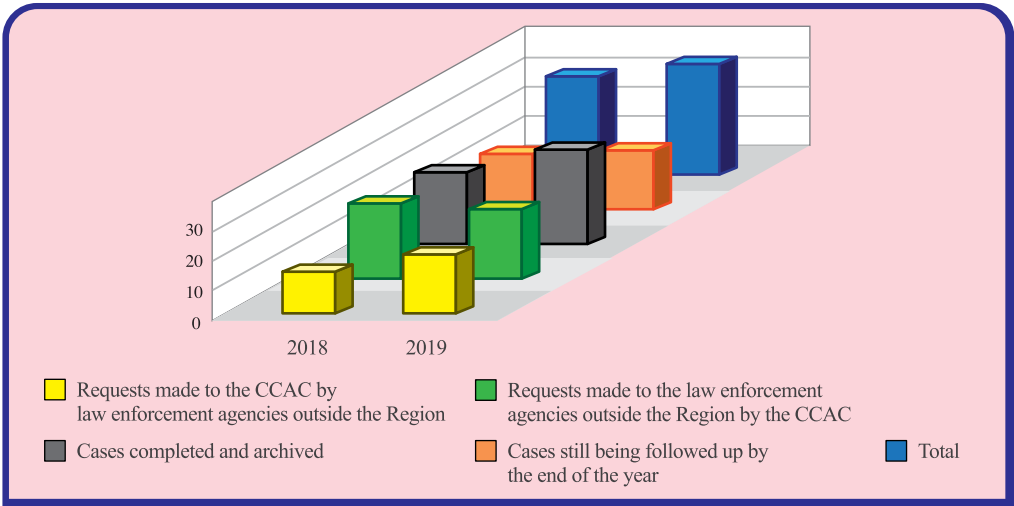
company, allegedly purchased false sick leave certificates from others, with each of them costing MOP50. Most of the false sick leave certificates were purchased from a local Chinese medicine practitioners.

The aforesaid persons allegedly committed use of false documents provided for in the *Penal Code*. The case was referred to the Public Prosecutions Office for follow-up action in December 2019.

IV. Mutual case assistance in cross-border investigation

For mutual case assistance in cross-border investigation, in 2019, the CCAC handled a total of 29 cases, of which 16 were requests made to the CCAC by law enforcement agencies outside the Region and 13 were requests for assistance made by the CCAC to law enforcement agencies outside the Region. 18 of them have been completed and archived while the remaining 11 cases are still being followed up.

Statistics on mutual assistance cases in 2018 and 2019



According to the statistics, there was an increase in the number of requests for assistance from the Chinese mainland in 2019. The main reason was that the reform of supervisory systems of the Chinese mainland basically came to an end and the cooperation between the CCAC and the National Supervisory Commission has gradually got back on track. There was a slight decrease in the number of requests for assistance made by the CCAC compared with the previous year. The second half of 2019 also saw an improvement in multilateral collaboration.

1. Requests for case assistance to the CCAC from law enforcement agencies outside the Region

In 2019, the CCAC maintained close cooperation with the National Supervisory Commission and the Independent Commission Against Corruption (ICAC) of Hong Kong. There was an increase in the number of requests for case assistance made to the CCAC by law enforcement agencies outside the Region. Of the 16 requests received in 2019, nine were made by the National Supervisory Commission and the other seven were made by the ICAC of Hong Kong. 11 have been completed while the remaining five are still being followed up.

2. The CCAC's requests for case assistance to law enforcement agencies outside the Region

There was a slight decrease in the number of requests for assistance to law enforcement agencies outside the Region in 2019. Among the 13 requests of the CCAC, six and seven were made to law enforcement agencies of the Chinese mainland and the ICAC of Hong Kong respectively. Seven have been completed while the remaining six are still being followed up.

3. Cooperation and exchanges on mutual case assistance among Guangdong, Hong Kong and Macao

The Seminar on Mutual Cases Assistance of Guangdong, Hong Kong and Macao has been held for 13 times by Guangdong, Hong Kong and Macao on a rotating basis. The CCAC has all along been playing an active role in it. Driven by the positive communication among the three places, the mutual case assistance mechanism has been running smoothly. In 2019, the CCAC received representatives from the National Supervisory Commission and supervisory commissions of Beijing, Inner Mongolia, Gansu, Liaoning, Fujian, Shandong and Anhui, where the work concerning case assistance was continuously discussed. The CCAC also maintained close cooperation and communication with the ICAC of Hong Kong on the relevant work.

IV. Court verdicts

According to the statistics published by the Court of First Instance, a total of 21 criminal cases processed by the CCAC were tried in 2019, where 33 suspects were involved. Final judgements have been rendered on 13 cases while some cases are still at the appeal stage.

After analysis of the 13 cases with final judgement, the CCAC made allegations of document forgery, fraud involving a considerably high value, embezzlement, active bribery, fraud and power abuse against the suspects involved. Among the 13 criminal cases, nine were handed down the sentences by the Court of First Instance for the same offences.

Regarding the other four cases, after they were appealed to the Court of Second Instance, one was handed down the sentence by the Court of First Instance for the same offence charged by the CCAC and the Court of Second Instance upheld the decision; one was also handed down the sentence by the Court of First Instance

for the same offence charged by the CCAC and the Court of Second Instance only changed the penalty; for the criminal case where the CCAC made allegations of passive bribery to perform illicit acts and active bribery, the Court of First Instance handed down a judgement of acquittal on the charge of passive bribery to perform illicit acts, while the Court of Second Instance changed the judgement and decided the offenders concerned convicted; for the criminal case where the CCAC made allegations of document forgery and fraud, the Court of First Instance handed down a judgement of acquittal on the charge of fraud. However, an appeal was filed with the Court of Second Instance, which was supported by the Public Prosecutions Office and the case was remanded for retrial and was handed down a joint punishment for two cases.

VI. Declaration of assets and interests

The regime of asset declaration has been implemented for 21 years since 1998. It has been subject to two major revisions and the relevant provisions have been improved. The current legal regime of declaration of assets and interests keeps abreast with the times and increasingly caters to the needs of the society, which is in line with and upholds the government philosophy of “sunshine governance”.

To carry out the work of declaration of assets and interests more smoothly, the CCAC maintains good communication with all the departments and agencies so as to optimise the procedures of the relevant work. It is noteworthy that, since the implementation of the regime, applicants and their spouses/co-habiting partners have been supporting the relevant work of the CCAC and fulfilling their obligation as declarants according to the law. As a matter of fact, there has been no case of punishment due to unjustified failure to submit the declaration so far.

In the past year the CCAC detected two cases of suspected violation of the provision of inaccurate data set forth in the *Legal Regime of Declaration of Assets and Interests*. They were referred to the Public Prosecutions Office. A verdict of

guilty was handed down by the Court of First Instance on one of the cases.

In 2019, the work of the declaration of assets and interests was carried out smoothly. The CCAC collected the declaration forms from a total of 14,175 persons. The details are listed below:

Statistics of declaration of assets and interests in 2019

Reasons for submitting declaration	Total
Appointment	2,301
Alternation of position	4,416
Termination of position	1,785
5-year renewal	3,453
Renewal with that of spouse	511
Pursuit of data-provision duty	1,462
Voluntary renewal	247
Total	14,175

To facilitate the development of e-governance of the SAR Government, the CCAC continuously optimises and upgrades its work procedures and equipment. The “notification processing system of declaration of assets and interests” developed by the CCAC has been operated for over five years. At the beginning, some 40 departments that frequently communicated with the CCAC by official letters adopted this system. Currently, the number has significantly increased to almost 60.

In addition to a great amount of work related to the reception of declaration forms, the CCAC has been continuously promoting the *Legal Regime of Declaration of Assets and Interests*, such as providing both printed and electronic

guidelines and samples for filling in the forms as well as shooting and producing video clips. Also, in 2019, at the invitation of the Public Security Forces of Macao, the CCAC held three seminars on declaration of assets and interests, which recorded more than 400 participants. These seminars allowed recruits to the public services to have correct and more profound understanding of the aforesaid regime and, more importantly, to know how to fill in the declaration forms correctly and their legal responsibility, which contributes to effective implementation of the law.

PART III

OMBUDSMANSHIP



PART III

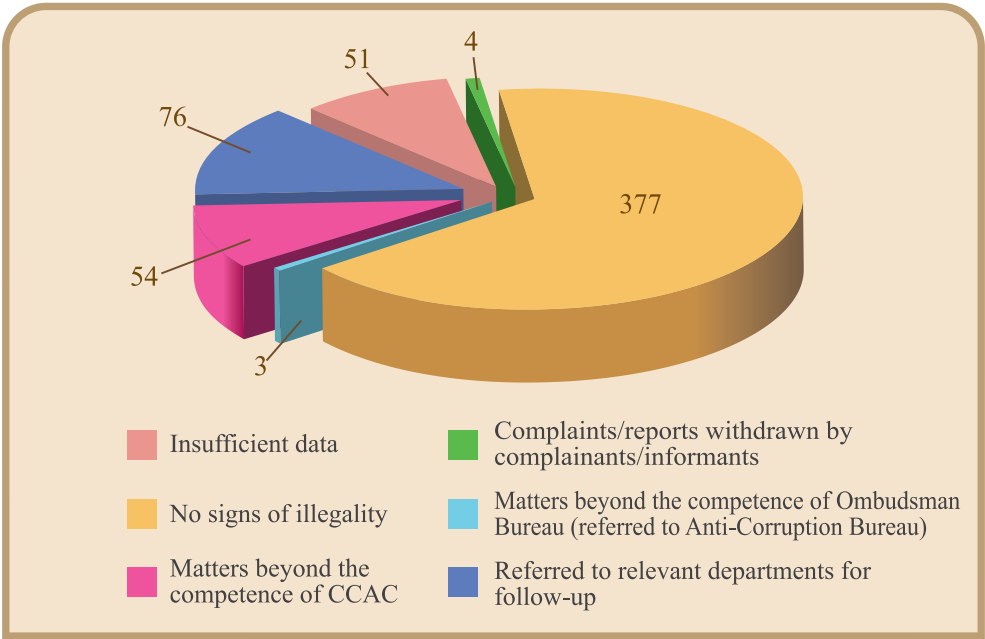
OMBUDSMANSHIP

I. Introduction

In 2019, the CCAC consistently and strictly exerted its function as the ombudsman. It supervised the legality and rationality of the functioning of public departments and entities, reviewed the administrative procedures of the relevant departments, explained to them the problems it had found in the investigations and rendered suggestions for improvement in order to safeguard citizens' legitimate rights and interests and urge public departments to perform duties in accordance with law and boost their efficiency and transparency.

Up to the end of 2019, the CCAC filed a total of 473 ombudsman cases for investigation. Along with the cases carried over from the previous year, 565 cases were concluded, including 76 cases that the Ombudsman Bureau requested the relevant departments to follow up. Of the 489 archived cases, 51 were archived due to insufficient data, four were archived because the complainants/informants withdrew the complaint/reports, 377 were archived as no signs of illegality were found in the investigation, three were referred to the Anti-Corruption Bureau for follow-up and 54 involved matters beyond the competence of the CCAC.

Cases concluded in 2019 (Ombudsman)



In 2019, the CCAC released the findings of a few inquiries in the area of ombudsmanship, including “Investigation of officials recommending employment of relatives by Office of the Prosecutor General”, “Investigation of the parcel at Colina da Ilha Verde”, “Investigation of employment of translators/ interpreters from the Chinese Mainland by the Supporting Office to the Forum for Economic and Trade Co-operation between China and Portuguese-speaking Countries”, and “Investigation of report against Director of Policy Research and Regional Development Bureau”. In the said cases, although the matters being investigated and the analysis and conclusions differed from each other, they all revealed various kinds of failure of the public departments to fully comply with the law and have a satisfactory solution when dealing with the issues, which shall be made an example of all government departments.

In addition, to sum up the cases investigated in 2019 and earlier, the

CCAC finds that there is a growing trend in groundless reports which are filed anonymously. Whether the complaints are filed anonymously or not, the CCAC follows them up with the same attitude and never neglects any of them due to anonymity. Nevertheless, following in-depth investigation, the CCAC has found that some of the anonymous reports were not truthful and even there were signs showing that some people attempted to smear others by filing these reports. In this case, the CCAC will deploy a specific approach in order to prevent abuse of the reporting mechanism. Meanwhile, it will strengthen the relevant promotion through various channels in order to guide citizens to use the reporting mechanism correctly.

II. Inquiries

(1) Investigation of Officials Recommending Employment of Relatives by Office of the Prosecutor General

In December 2016, the CCAC received complaint letters from some associations and therefore carried out an investigation into the matter pursuant to Law no. 10/2000, *Organic Law of the Commission Against Corruption of the Macao Special Administrative Region*.

It was found in the investigation that in 1999, before the handover of Macao, the then Prosecutor General, on an official's recommendation by phone, employed the latter's younger brother to work with the Preparation Office of the Prosecutor General under labour contract on 19th November 1999. On 12th January 2000, he was employed as a 3rd grade assistant technical specialist under the contract for personnel outside the establishment with 380 salary points.

On 15th July 2008, on another official's recommendation by phone, the then Prosecutor General employed the latter's elder sister as a 1st grade assistant officer of 2nd rank under the contract for personnel outside the establishment with 320 salary points.

In accordance with Article 19 of Administrative Regulation no. 13/1999, *Organisation and Operation of the Office of the Prosecutor General*, the Prosecutor General may freely appoint workers as prescribed in the Regulation. In particular, since the legal regime of central recruitment had not yet been established by the time in 1999 and 2008, the relevant employment by the Office of the Prosecutor General did not go against the law.

Nevertheless, the CCAC considered that principal officials shall prevent conflict of interests all the time and shall not make use of their official status directly or indirectly to seek personal interests. Meanwhile, individuals in the leadership positions shall behave ethically so that their personal behaviours will not adversely affect the image of the Macao SAR Government or the services or entities they serve. Such administrative concepts and professional ethics were later regulated concretely by Article 5 of Administrative Regulation no. 24/2010, *Statute of Principal Officials of the Macao SAR*, and Article 11 of Law no. 15/2009, *General Provisions of the Statute of Directors and Chiefs*.

Therefore, the CCAC believed that although the said legislations did not exist at that time when they made the recommendations and employed the relevant individuals, as the then Prosecutor General, the Secretary for Administration and Justice designate and the Chief of the Office for Personal Data Protection designate, they were not impeded from paying attention to and complying with public servant's duty of impartiality in execution of their public functions provided by the *Statute of Personnel of the Public Administration of Macao*.

Since the acts of recommending employment by public services fell short of residents' expectations of recruiting public servants in a fair and open manner, these types of incidents will definitely have negative impacts on the image of the Macao SAR Government. Therefore, the CCAC suggested the Macao SAR

Government strictly supervise the law-abidingness by officials at every level. In particular, they shall prevent conflict of interests in execution of public duties and shall not make use of their official status directly or indirectly to seek personal interests in order to avoid negative impacts on the image of the Macao SAR or the government services caused by their personal behaviours. Especially, stricter disciplinary requirements for official's conduct and recruitment methods of the public service shall be formulated.

(2) Investigation of the parcel at Colina da Ilha Verde

In 2018, the CCAC received complaints from some civic associations, where the latter expressed their doubts about the process of title obtaining, delineation and area calculation concerning the land parcel at Colina da Ilha Verde (with a land description number 2506) and failure at the conservation and planning. They therefore requested an investigation by the CCAC.

The Commissioner Against Corruption, according to Law no. 10/2000 (*Organic Law of the Commission Against Corruption*), mandated an investigation into the matter through an order. After the investigation, the CCAC believed that there were not adequate signs or evidence to challenge the title established by the relevant property registration as well as the delineation and area of the parcel determined on the relevant cadastral map. When it comes to conservation and planning of the parcel at Colina da Ilha Verde, the government departments responsible failed to strictly adhere to relevant provisions of the *Urban Planning Law* and the *Cultural Heritage Protection Law*.

1) Doubts about the title of the parcel at Colina da Ilha Verde

The complainants believed that, according to the relevant historical records, the former Portuguese government of Macao did not occupy and govern Ilha Verde until 1890, and thus they queried the authenticity and validity of the transaction of the parcel at Colina da Ilha Verde in 1828 and the property registration in 1886.

Based on the CCAC's investigation, the definitive registration constitutes a presumption that the right defined in the registration belongs to the registered owner or entity as stipulated in Article 7 of the *Property Registration Code*. According to the property registration records, the parcel was first registered in May 1886 – the bishop of the Catholic Diocese of Macau, in the name of property manager of the St. Joseph's Seminary, applied for the registration to the Real Estate Registry based on a deed documenting the purchase of the parcel by the seminary in March 1828. In May 1886, the St. Joseph's Seminary leased part of the parcel at Colina da Ilha Verde to Ilha Verde Cement Company Limited for building and operating a cement plant with a term of 25 years. In September 1991, the Diocese of Macau signed a deed with Kong Cheong (Macao) Development and Investment Company Limited and sold the parcel with a description no. 2506 to the latter at 95,000,000 patacas. In January 2007, the company resold it to the current owner, Wui San Development Company Limited.

Based on the analysis on all related registration documents, there have been no adequate signs or evidence proving that the deed documenting the purchase of the parcel by the St. Joseph's Seminary and the property registration afterwards was fake or fabricated.

The complainants had doubts about why there were military barracks, blockhouses and warehouses at Colina da Ilha Verde. According to the CCAC's investigation, in November 1923, the former Portuguese government of Macao wrote to the Diocese of Macau requesting the latter to allow it to build military facilities at Colina da Ilha Verde and send garrisons there. In March 1927, the Portuguese military department wrote to the Diocese of Macau, requesting that part of the parcel and buildings at Colina da Ilha Verde be leased to them. In May 1975, the Portuguese military department handed the leased parcel and buildings over to the former Portuguese government of Macao for administration. In May

1981, the former Portuguese government of Macao terminated the lease contract officially and returned the said parcel and buildings for military purposes to the Diocese of Macau.

After the registration of the parcel at Colina da Ilha Verde in 1886, there was no document or record showing that someone ever brought a lawsuit to the court requesting cancellation of the relevant land transaction or querying the title of the St. Joseph's Seminary. There were also documents showing that the former Portuguese government of Macao once had discussions and entered into a lease contract with the Diocese of Macau about building military facilities at Colina da Ilha Verde, where the eligibility of the St. Joseph's Seminary as the owner of the parcel at Colina da Ilha Verde was recognised.

Therefore, in accordance with the principle of legality, the CCAC considered that there is no sign or evidence challenging the ownership recognised by the property registration.

2) Doubts about the area of the parcel at Colina da Ilha Verde

Since the accuracy in the area calculation was doubted by the complainants, the CCAC investigated the matter through reviewing the property registration and cadastral records.

Information shows that the area was not clearly recorded in the original property registration, which only indicated that its circumference was around 1,000 m. In March 1988, the then Department for Cartography and Cadastre carried out an analysis on the area of the parcel. Following the analysis, the department estimated that the parcel should be on the hill in the shape of a circle and calculated the area as 79,580 m².

According to the analysis conducted by the department, the parcel with a

description no. 2506 had been divided three times and its area remained at 56,948 m². In June 1988, the former Portuguese government of Macao notified the Diocese of Macau of the result of the analysis and requested for opinions from the latter. In July 1988, the latter sent a letter to the former pointing out that there were mistakes in the calculation and measurement of the area and that the parcel with a description no. 2506 should also cover some parcels next to it.

On 27th April 1991, the former Portuguese government of Macao, the Diocese of Macau and the St. Joseph's Seminary signed an agreement confirming that the parcel with a description no. 2506 was composed of nine plots of land, covering a total area of 70,228 m², of which the then Department for Cartography and Cadastre made a cadastral map on January 1991. On 11th May 1991, the St. Joseph's Seminary submitted to the Real Estate Registry the agreement and other documents and applied for separate property registrations of the other eight parcels. Ever since then, the area of the parcel with a description no. 2506 has remained as 56,166 m². In accordance with Article 14 of Decree Law no. 3/94/M, cadastral map is sufficient for identification of the location, area and boundary of a property.

Following an analysis of relevant documents and information, the CCAC considered that there is no sign showing mistakes or fake parts existing in the cadastral map made by the then Department for Cartography and Cadastre. Therefore, the area of the parcel at Colina da Ilha Verde should be 56,166 m² as recorded in the real estate registration.

3) Doubts about conservation and planning of the parcel at Colina da Ilha Verde

The complainants also suspected that the government departments failed at the conservation and planning of Colina da Ilha Verde, thus resulting in damage to the hill and landscape. The CCAC found in the investigation that the relevant departments did not strictly comply with the provisions under the *Urban*

Planning Law and the *Cultural Heritage Protection Law* when dealing with the conservation and planning of Colina da Ilha Verde.

Regarding planning, the information obtained by the CCAC showed that in October 1996, the former Portuguese government of Macao formulated the Research Plan of Urban Regeneration of Ilha Verde, according to which the Ilha Verde district was divided into 26 areas. The plan laid down detailed provisions of the purpose, the permitted building height and other building requirements of each area. In response to social development of Macao, the Land, Public Works and Transport Bureau (DSSOPT) commenced a study on formulating a new planning in 2008 and completed the Ilha Verde Urbanisation Plan in October 2010. In February 2011, the bureau publicised the urbanisation plan and gathered public opinions.

Under the Ilha Verde Urbanisation Plan, the Ilha Verde district is divided into 53 areas for different purposes of development, such as green conservation, public housing, social facilities and commercial and residential zone, etc., while the parcel with a description no. 2506 is divided into eight areas for different purposes. According to the urbanisation plan, part of the hill and the remains of the convent are designated for the purposes of green conservation and public facilities, while part of the hill below the hillside and the areas surrounding the hill are designated for commercial and residential purposes.

Due to entry into force of the *Cultural Heritage Protection Law* and the fact that Colina da Ilha Verde has been classified as a site with value of cultural heritage, the Ilha Verde Urbanisation Plan no longer accorded with the reality. In August 2014, the DSSOPT commenced the procedure of revising the urbanisation plan. In December 2017, based on the opinions given by the Cultural Affairs Bureau (IC), the bureau made revisions to part of the contents of the urbanisation plan, which expanded the green conservation zone to the entire

hill, shrank the areas in which building is permitted and lowered the permitted maximum building height in some of the areas.

However, the DSSOPT has never conducted public consultation on and publicised the aforesaid revisions of the Ilha Verde Urbanisation Plan.

The CCAC considered that the urbanisation plan and the “detailed planning” as provided for in the *Urban Planning Law* are of similar nature and have the same effect. Therefore, the bureau should obtain opinions from the Urban Planning Committee, the general public and the parties concerned in accordance with the “principle of transparency and promotion of public participation” provided by Article 4 of the *Urban Planning Law* when revising the urbanisation plan and publicise the revisions in an official manner in accordance with the “principle of openness” stipulated by law.

In accordance with Paragraph 2 of Article 64 of the *Urban Planning Law*, before the overall planning and the detailed planning are implemented, the DSSOPT and other public departments shall continue to follow the guidelines and principles laid down in existing urban planning and studies on urban planning. The CCAC considered that since Ilha Verde district is actually not a “white zone”, the Ilha Verde Urbanisation Plan still has binding effect in the aspect of planning. In this sense, when assessing the building projects in Ilha Verde district, the public works department should ensure that the building requirements provided for in the urbanisation plan are complied with.

When the Urban Planning Committee was discussing the urban condition plan of the area at the bottom of Colina da Ilha Verde adjacent to Estrada Marginal Da Ilha Verde, the representative of the DSSOPT pointed out that the draft of the urban condition plan was made based on the Ilha Verde Urbanisation Plan in 2010. The DSSOPT should clearly know that since part of the content of the Ilha Verde Urbanisation Plan in 2010 was obsolete and did not accord with

the provisions under the *Cultural Heritage Protection Law*, it was necessary to revise the urbanisation plan, while the relevant works were in progress.

In the CCAC's opinion, the DSSOPT's granting of urban condition plans to construction projects before completion of the revision work on the Ilha Verde Urbanisation Plan has contravened the provision under Paragraph 2 of Article 64 of the *Urban Planning Law*. The practice of approving projects before reviewing the urbanisation plan is simply "putting the cart before the horse" and will inevitably raise doubts about whether or not some acts are "intentionally hasty". It will also seriously undermine the effectiveness of the urbanisation plan. Such situations contravene the "principle of legality" provided for in Article 4 of the *Urban Planning Law*. Regarding this matter, the CCAC has requested the DSSOPT for explanation.

Regarding the conservation of Colina da Ilha Verde, which has been a subject of concern of various sectors of society, according to the information available to the CCAC, the IC once wrote to the parcel owner Wui San Development Company Limited in October 2017, where it pointed out that the convent there fell into disrepair and it therefore requested the company to carry out repair and maintenance works as soon as possible. Later, the IC provided the parcel owner with information such as designs and building materials of the convent at the latter's request. However, the repair works of the convent have yet to begin. Even an application for a works licence has not been submitted yet.

According to Article 39 of the *Cultural Heritage Protection Law*, the owner of the classified immovable property must carry out the works that the IC deems necessary after its inspection to ensure the protection of the property. In the event that the works have not been commenced or completed within the scheduled period, the IC may urge mandatory execution under the terms established in the legislation in force, and the respective costs shall be borne by the owner of the property.

In the CCAC's opinion, as the IC is vested with the authority to take adequate and effective means by the law, it should proactively motivate and even carry out the relevant repair works and faithfully shoulder the statutory responsibility for safeguarding the cultural heritage. It should not allow Colina da Ilha Verde, the convent and the other structures there to remain haphazard and in such disrepair. Therefore, the CCAC has urged the IC to pay attention to this issue, which may soon become one of the issues subject to the CCAC's retrospective review.

(3) Investigation of employment of translators/interpreters from the Chinese Mainland by the Supporting Office to the Forum for Economic and Trade Co-operation between China and Portuguese-speaking Countries

In June 2019, the Association of Synergy of Macao filed a report to the CCAC indicating that the Supporting Office to the Permanent Secretariat of the Forum for Economic and Trade Co-operation between China and Portuguese-speaking Countries (GASPF) had hired five people from the Chinese mainland as translators/interpreters under labour contract, raising doubts on violation of the provisions that require priority to be given to local candidates. The association requested the CCAC to investigate the legality of the employment.

It was found in the investigation that since the GASPF consists of representatives from the Chinese mainland and Portuguese-speaking countries, its main working languages are Mandarin and Portuguese and thus the workload of Chinese/Portuguese translation and interpretation is very heavy. However, The Supporting Office tried to expand the translation and interpretation team through blanket recruitment processes and secondment from other public services but failed. In order to build its own professional team of Chinese/Portuguese translation and interpretation which was especially intended for the preparation of the 6th Ministerial Conference of the GASPF, the Supporting Office proposed employing five Chinese/Portuguese translators/interpreters whose mother tongue

was Mandarin under labour contract. Eventually, the proposal was approved by the Secretary for Economy and Finance in May 2018.

Subsequently, the Supporting Office formed a jury panel and contacted the Beijing Foreign Studies University and the Shanghai International Studies University. The jury panel was then sent to the two universities to conduct a selection process among 16 graduates recommended by them. Following written exam, oral exam, interview and analysis of resumes, the five candidates with the highest scores were employed.

Information shows that apart from graduating from the said universities, those candidates had certain work experience in Chinese-Portuguese translation/interpretation and Portuguese language teaching.

Information also shows that for following up the later stages of the recruitment process, the Supporting Office consulted the Public Administration and Civil Service Bureau (SAFP) in accordance with law. The SAFP agreed that since there was a lack of Chinese/Portuguese translators/interpreters whose native tongue was Mandarin, the recruitment accorded with the relevant provisions under Law no. 12/2015, *Regime on Labour Contract in Public Services*. In September 2018, the Supporting Office gained approval of the Secretary for Economy and Finance and employed the five successful candidates from the Chinese mainland as Chinese-Portuguese translators/interpreters.

In accordance with Law no. 12/2015, *Regime of Labour Contract in Public Services*, when there is a shortage of professional staff, public services may fill the professional and technical positions with non-locals under labour contract. The SAFP, as the public service responsible for coordination and management of affairs of public servants and translation and interpretation, considered that there

was a lack of Chinese/Portuguese translators/interpreters whose native tongue was Mandarin. Such opinion verified that the employment accorded with the situation of shortage of professional as prescribed in the law.

The recruitment process consisted of several screening stages including recommendation by professional education institutions, written exam, oral exam, interview and analysis of CV and finally the successful candidates were selected based on the scores. There were no illegal or irregular circumstances found in the process.

The complainants believed that employment of Chinese/Portuguese translators/interpreters with Mandarin as the native tongue by the Supporting Office might involve language discrimination and be considered as edging out local talents. It cannot be denied that the working languages of the GASPF are Mandarin and Portuguese. Moreover, according to the submission of the SAFP, in order to meet the special service needs of the GASPF, the department has the need to hire translators/interpreters with Mandarin as their native tongue. Therefore, the CCAC considered that the practice of hiring translation/interpreters from the Chinese mainland with Mandarin as their native tongue did not involve language discrimination or edging out local talents. Nevertheless, if the Supporting Office has stressed the point that it would be difficult for translators with Cantonese as the native tongue to cope with the “Mandarin/Portuguese” interpretation work apart from pointing out that “in addition to good translation and interpretation skills, translators/interpreters should be familiar with the affairs of the Chinese mainland”, the doubts about the reasonableness of its recruitment might have been alleviated. The CCAC has notified the Supporting Office of the problem and requested the latter to critically review it and make improvements accordingly.

(4) Investigation of report against Director of Policy Research and Regional Development Bureau

In June 2019, the CCAC received a report from “workers of the Policy Research and Regional Development Bureau”, who mentioned a number of irregular acts carried out by the Director of the Policy Research and Regional Development Bureau (DSEPDR) and former Chief of the former Policy Research Office and requested for the CCAC’s investigation.

Following the investigation, the CCAC considered that most of the allegations mentioned in the report were unable to be substantiated or did not constitute a violation of law. However, the DSEPDR has hired workers without going through open recruitment processes. Such practices did not accord with the principles of fairness and openness set up in the legal regime of recruitment of public servants of the Macao SAR.

Regarding the director’s acts mentioned in the report, including his attitude towards other people, asking others to address himself as “professor” all the time, splitting the contracts in order to circumvent the regulations on public tendering, concocting various pretexts for study tours abroad, redoing the signboard of the bureau, placing a table tennis table in the office and smoking in the office, etc., the CCAC investigated these allegations one by one and subsequently found that some of the complaints were groundless and therefore did not involve illegality or irregularity, while some were beyond the scope of the CCAC’s jurisdiction and therefore was unable to carry out further investigation and follow them up.

The report alleged that the director rent an upscale apartment with public money. The CCAC found in the investigation that the housing subsidy he received was higher than the amount provided for in Law no. 2/2011 (*Regime of Seniority Premium, Housing Subsidy and Family Subsidy*) when he was a principal adviser of the former Policy Research Office under a labour contract. However, according to

the law, employees hired under a labour contract may enjoy benefits different from those for general public servants, so the practice in question did not contravene the law.

After taking up the positions as Chief of the former Policy Research Office and Director of the DSEPDR, he has been hired under fixed-term appointment in lieu of the labour contract, which means the salaries and benefits to be received shall follow the general regulations of the civil service laws. Therefore, the housing subsidy received by him has changed to an amount equal to 40 salary points.

According to the report, the director allegedly practiced cronyism by hiring his PhD students to work in the service without having them go through open recruitment processes. The CCAC found in the investigation that six individuals who already knew the director or had connection with him before they joined the office as mentioned in the report were hired by the former Policy Research Office as researchers under labour contracts without going through open recruitment process. Among the six individuals, some were his PhD students, some were candidates recommended by his former colleagues, and some were people he met in the academic seminars.

During the investigation, the directors and chiefs of the DSEPDR disclosed to the CCAC that, due to the special nature of the work of the Bureau, they have very demanding requirements on the quality of researchers. The candidates must hold a doctoral degree and have the relevant work experience. In addition, given that it already consulted the Public Administration and Civil Service Bureau (SAFP) beforehand, the bureau has all along hired its researchers under labour contracts and without being subject to open recruitment processes. During the recruitment of researchers, duties were delineated according to the types of work to be performed. The complainee (when working as the principal advisor of the office) was responsible for identifying researchers in the fields of politics and law. Since he had tried to look for qualified policy and law researchers in Macao but did not succeed, after

discussion with the SAFP and approval of the superior, the former Policy Research Office started to look for suitable candidates not limited to Macao residents.

For this purpose, the former Policy Research Office formed a jury panel comprising the former Chief, the Deputy Chief and the principal adviser, who evaluated the candidates mainly by interview or written exam.

Following the analysis, the CCAC considered that although the former Policy Research Office's employment of the researchers under labour contracts without going through open recruitment processes was not illegal, there were defects in the method of the search for the candidates through interpersonal connection and it did not comply with the principles of fairness and openness provided for in the legal regime of recruitment of public servants. In addition, among those workers, not all of them were researchers. In fact, some of them were merely administration and finance workers. Such practice goes against the original intention of the exemption of open recruitment and thus inevitably giving rise to doubts about cronyism.

Therefore, the CCAC requested the DSEPDR to thoroughly reflect on its recruitment processes, strictly abide by the regulations on open recruitment provided by the legal regime of the public service and put an end to the abuse of the mechanism of exemption of open recruitment.

III. Summaries of other cases in the area of ombudsmanship

(I)

The CCAC received a complaint from a citizen who intended to sell his residence. According to the complaint, the property registration data showed that the parcel where his residence was located was one leased out by the Government with concession, but the lease term had already expired. Therefore,

the complainant went to the Land, Public Works and Transport Bureau (DSSOPT) for details about the procedure of concession renewal. However, in response to his enquiry, the DSSOPT told him that the parcel was privately owned. The complainant criticised about the chaotic transmission of information among public departments and requested the CCAC to investigate the matter.

It was discovered in the investigation that the parcel where the residence owned by the complainant was located was privately owned. In as early as 1985, the former Portuguese government of Macao purchased the parcel from an individual and then leased it to the complainant's father for residential purpose. In 1991, his father signed a sale and purchase deed with the former Financial Services Department to buy the relevant residence in accordance with Decree Law no. 56/83/M.

In accordance with Article 9 of Decree Law no. 56/83/M, the sale and purchase deed between the Government and the lessee shall be made based on the sample provided by the appendix of the Decree Law, which indicates a clause that the transaction will result in the relevant part of the parcel where the sold unit is situated being leased to the buyer on concession on a 25-year term. Since such clause was also indicated in the buy and purchase deed signed between the complainant's father and the then Financial Services Department, the information about the lease on concession and the relevant term was introduced to the property registration of the unit, despite that the parcel on which the unit is located is privately owned. The CCAC discovered that apart from the complainant's residence, there are 389 units in the same or similar situation.

The CCAC considered that although the relevant sale and purchase deed was made based on the sample provided by the appendix of Decree Law no. 56/83/M, under the prerequisite that the parcel on which the unit is located was originally privately owned, in a legal sense, the sale and purchase deed signed between the

Government and the buyer cannot change the status of the parcel from privately owned into State owned nor have it granted by lease. Such situation has not only constituted infringement upon the rights and interests of the owner of the relevant unit but also caused confusion over the status of the unit and the parcel on which the building is located. Therefore, the CCAC suggested the Financial Services Bureau taking measures to correct the property registration data of the relevant unit. Subsequently, the bureau wrote to the Real Estate Registry, where it requested the latter to rectify the property registration of all units in the said problematic situation.

(II)

The CCAC received a report involving a worker of the Labour Affairs Bureau (DSAL), which indicated that the worker left his work frequently during office hours without permission. He left his workplace without the superior's permission, which allegedly constituted violation of the duty of assiduity provided by the law. Therefore, the CCAC was requested to investigate into the matter.

Following the initial investigation, it was proved that between November and December 2018, there were 22 days on which the worker left the workplace for private reasons without asking the superior for approval. Such acts have constituted unjustified absence and violation of the duty of assiduity.

Since the worker's acts have gone against the duties of public servants provided by the law on public service, the DSAL has commenced a disciplinary proceeding and pursued disciplinary liabilities against the complainee.

Although the disciplinary proceeding has already been commenced, the CCAC considered that in order to prevent similar cases from happening

again, it is still necessary for the competent authority to review and perfect the mechanisms of attendance recording and supervision of staff. The authority agreed on the CCAC's suggestion and replied that proper measures had been taken to perfect the mechanisms.

(III)

The CCAC received a report alleging that in a recruitment notice published by the Macao Trade and Development Promotion Institute (IPIM), there was a requirement that candidates should have a master's degree. However, according to the complainant's knowledge, there were candidates admitted to the recruitment exam although they only had a bachelor's degree. Therefore, the complainant considered the practice of the IPIM unfair and requested for the CCAC's intervention.

Following an investigation, it came to light that the IPIM opened up two vacancies of senior officer in marketing research and listed a few requirements in the recruitment notice, one of which being that the candidates should have a master's degree in economics or management or higher. However, among the 68 candidates admitted to the recruitment exam, only 28 of them had a master's degree, while the remaining 40 only had a bachelor's degree in relevant majors.

Although the IPIM explained that the aforesaid requirement for master's degree was only a factor in prioritising candidates for admission, and was not intended to eliminate the candidates who only had a bachelor's degree, in fact they would only get a lower grade in the stage of CV analysis. However, the CCAC considered that such expression of the application requirement was obviously misleading and it would possibly discourage some people who had a bachelor's degree in the relevant major. As a result, they might give up applying for the recruitment and thus miss the opportunity.

In addition, recruitment processes of the IPIM are run in accordance with the regime provided for in the *Statute of Personnel of the Macao Trade and Development Promotion Institute* instead of the general regime of recruitment of public servants. Nevertheless, the CCAC discovered in the investigation that there were many discrepancies between the arrangements of the said recruitment process and that of a procedure as required by the *Statute*. For example, the contents of the recruitment notice failed to meet the requirements under the *Statute*. Moreover, no mechanism was set up for appeal against the provisional and confirmed lists of candidates admitted to the recruitment exam and the final ranking list.

Moreover, the aforesaid *Statute* is only applicable to the staff within the establishment of the IPIM and there is actually no concrete regulation on the staff outside the establishment. Regarding this issue, the CCAC considered that such arrangement was undesirable and failed to meet the demand of society for legal administration. Therefore, the CCAC has urged the IPIM to adopt measures to redress the problem and perfect the *Statute* and the relevant recruitment regime as soon as possible so as to regulate the recruitment regimes for personnel within and outside the establishment in a standardised way.

Subsequently, the IPIM replied that it agreed on the CCAC's opinions and suggestions and promised to clearly state the requirement for educational background and other requirements in recruitment notices in the future. Also, the IPIM has formulated internal regulations on the recruitment processes of personnel outside the establishment and has planned to amend the *Statute of Personnel of the Macao Trade and Development Promotion Institute* by introducing the relevant internal regulations in the *Statute*.

(IV)

The CCAC received an anonymous complaint claiming that there have been quite some cases of jury panel members failing to declare recusal in the open recruitments carried out by the Health Bureau in recent years despite that they were related to some candidates. The complainant also clearly pointed out the identity information and relations of the persons concerned and requested an investigation by the CCAC.

After a preliminary investigation, there was no evidence that the jury panel member of an open recruitment was related to the candidate as claimed by the complainant; for another open recruitment, despite that the CCAC found the candidate concerned was a younger female cousin of the spouse of the jury panel member, which means they were collaterally related in the fourth degree of affinity, according to the *Administrative Procedure Code* and the relevant legal provisions, it did not fall into any of the situations where recusal must be made or requested. Nevertheless, the jury panel member concerned still applied for self-recusal to his superior and it was approved.

Despite that his relation with the candidate concerned did not fall into the situations where recusal must be made or requested provided for by the law, the jury panel member still made an application for self-recusal to his superior, which was approved by the Health Bureau. In the CCAC's opinion, such practice deserves recognition.

Given the anonymous report lodged by the complainant did not reflect the actual situation and even did an injustice to the complained against, it wasted significant amounts of resources and time of the CCAC and the Public Administration. Such practice should be censured. It is noteworthy that residents should exercise their right to lodge complaints and reports in a prudent manner by lodging them under their real names and taking responsibility for their own acts.

(V)

The CCAC received a complaint claiming that the Social Welfare Bureau (SWB) failed to notify the complainant to renew his disability assessment registration card in time due to its negligence. As a result, the disability pensions were not granted due to the invalidity of his card. Claiming the mishandling of his renewal by the SWB, the complainant requested the CCAC to follow up the incident.

It was found after the investigation that, in May 2017, due to the expiring disability assessment registration card of the complainant, the SWB notified him to renew it via a letter sent to the mailing address provided in his application form and by phone. However, as the complainant was serving a sentence in prison, he was not able to receive the notification of the SWB. As it had not received any renewal application from the complainant and that the aforesaid card had already expired, the SWB did not grant the disability pensions for the year 2018 to the complainant. Upon completing his sentence and being released in 2019, the complainant found that he did not receive the relevant pensions, and therefore he made a complaint to the SWB and applied for a renewal subsequently.

In the CCAC's opinion, as the disability assessment for the complainant had all along been handled with the assistance of the social worker in the prison and his proof of life had been submitted to the SWB through the prison every year, the SWB should have known well that the complainant was serving his sentence in the prison. While the practice of the SWB of not making notification to the complainant directly through the prison or the social worker in the prison did not violate the law, there is room for improvement for the relevant procedures.

Therefore, the CCAC immediately notified the SWB about the situation and gave its advice. The SWB, in a later reply, mentioned that their notification

mechanism for disability assessment registration card renewal failed to cope with such special cases as applicants serving sentences in jail. After making its assessment on the complainant, the SWB confirmed his disability status and decided to grant him the disability pensions for 2018. The SWB also stated that they would review and improve the aforesaid notification system to prevent similar incidents from happening again.

(VI)

The CCAC received a complaint, claiming that the Macao Polytechnic Institute (IPM), after conducting an open recruitment to hire a physical education lecturer, cancelled the entire procedure upon completion of the selection process and publication of the list of final results. Believing that the practice of the IPM was lack of transparency and wasted a considerable amount of administrative and financial resources, the complainant requested an investigation by the CCAC.

After investigation, it was found that the IPM conducted an open recruitment for recruiting a lecturer for the School of Physical Education and Sports. However, after the examination, it was found that the candidate who ranked first was not a Macao resident. Therefore, the IPM contacted the Labour Affairs Bureau to find out the feasibility of applying for an employment permit for hiring the aforesaid candidate as a non-resident worker. The DSAL replied that as the case did not adhere to the principle of ensuring the priority of local workers in employment, it was hardly possible that they would approve the application.

Given that the candidate concerned did not withdraw from the recruitment procedure and the IPM also knew that their employment permit application for hiring a non-resident worker would not be approved, the IPM decided to cancel the entire recruitment procedure.

In the CCAC's opinion, if the IPM had the intention of hiring a non-resident lecturer, it should have approached the DSAL to find out the conditions and restrictions of applying for the aforesaid employment permit before carrying out the recruitment process. It should not have done it after the relevant examination had come to an end and the results had been announced. Also, for the purpose of providing more concrete justifications, the IPM could still have made an application for the aforesaid employment permit to the DSAL. Once the DSAL rejected the application in a formal reply, the IPM could use it as a justification for hiring a lower-ranked candidate who scored above the pass mark. It should not have simply rejected hiring a lower-ranked candidate with the justification that "the results of other candidates are too close to the pass mark".

Beyond doubt, the aforesaid practice of the IPM inevitably led people to cast doubt on whether administrative and financial resources had been wasted or not. In response, the CCAC already notified the IPM of its opinion and suggestions. The latter accepted them and stated they would take appropriate measures to improve their recruitment procedures.

PART IV

PROMOTION & EDUCATION



PART IV

PROMOTION & EDUCATION

In 2019, the CCAC continued to spread the message of integrity and law-observance to public servants and the commercial industry through various channels. At the same time, it flexibly adjusted the promotional strategies targeting at the public, especially teenagers, and took the initiative to approach the community in order to gain citizens' support and join hands together with them to build a clean society.

I. Education on corruption prevention for public and private sectors

In 2019, the CCAC held a total of 458 seminars and symposia on different topics, which recorded 27,272 participants who were mainly public servants, employees of private companies, ordinary citizens, teenagers and secondary and primary students. The statistics are shown in the following table:

Statistics of seminars and symposia in 2019

Topic	Target	No. of sessions	No. of participants
Integrity and Observance, Noble Character and Righteous Conduct, Public Procurement, Declaration of Assets and Interests	Public servants	113	5,041
Seminar on the law <i>Prevention and Suppression of Bribery in the Private Sector</i>	Private entities, public departments, educational institutions	80	3,513
Integrity Awareness	Associations, educational institutions, government departments	6	229
Education on Integrity	Teenage students	259	18,489
Total		458	27,272

(1) Seminars on integrity for public servants

In order to consolidate the culture of probity of public departments and public servants' awareness of integrity, the CCAC continues to hold seminars on integrity with different topics including "Integrity and Observance", "Noble Character and Righteous Conduct", "Public Procurement" and "Declaration of Assets and Interests". A total of 113 seminars were held for 5,041 public servants from 23 departments/entities in the year.

(2) Integrity awareness seminars for the private sector

The CCAC continuously organises seminars for civic associations, private entities and educational institutions on the law *Prevention and Suppression of Bribery in the Private Sector*, where the legal provisions are introduced and explained with cases and examples which were selected and tailor-made for the people and organisations in different circles. A total of 80 seminars were held for 3,513 participants who were employees of banks, hotels, small and medium-sized enterprises and subsidised associations.

II. Integrity education for teenagers

The CCAC has been proactively carrying out education on integrity targeting at teenagers. With the support of the educational sector for many years, the works have been done smoothly. In 2019, the CCAC organised different types of promotional and educational activities through diversified approaches in order to promote correct moral values to 18,489 students of higher education institutions and secondary and primary schools.

Statistics of seminars and activities for teenagers in 2019

Project	No. of sessions	No. of participants
Integrity and Honesty Seminar for Higher Education Students	6	216
Education Programme on Integrity for Teenagers	90	6,010
A Talk on Integrity for Secondary School Graduates	25	1,127
New Generation of Integrity	73	2,260
“Detective William in the School Series 2019: Mini-William” - integrity education theatre	50	5,826
“Love Integrity” - “Integrity Week” series in primary schools	15	3,050
Total	259	18,489

(1) Integrity and Honesty Seminar for Higher Education Students

The CCAC continues to organise the Integrity and Honesty Seminar for Higher Education Students basing on the law *Prevention and Suppression of Bribery in the Private Sector*, where a video clip is presented and the elements of active corruption and passive corruption are introduced. The seminar aims to encourage students to reflect on the harmful effects of corruption on society and individuals and help them develop a zero-tolerance attitude towards corruption. In 2019, a total of 216 students from four higher education institutions participated in the aforesaid seminar.

(2) Seminars for secondary students

1. Education Programme on Integrity for Teenagers

The Education Programme on Integrity for Teenagers has been supported by different schools for many years. The CCAC sends staff to schools that have joined the education programme. According to different age groups, they give talks on

topics related to integrity and guide students to discuss and think through short films, daily life examples and current issues with an aim to inspire teenagers to develop righteous character. In 2019, there were 12 schools which had joined the programme and a total of 90 seminars were held for 6,010 students.

2. A Talk on Integrity for Secondary School Graduatess

Through the seminar entitled “A talk on Integrity for Secondary School Graduates”, the CCAC introduces practical guidelines on integrity so that the students have an initial understanding of the anti-corruption laws in force in Macao and corruption prevention knowledge before they graduate from high school. In 2019, the CCAC held 25 sessions of the seminar for eight schools, which recorded a total of 1,127 students.

(3) “Integrity Week” in secondary schools

In 2019, the CCAC co-organised the “Integrity Week” respectively with Sheng Kung Hui Choi Kou School (Macao), Salesian College and Santa Rosa de Lima College (Chinese Section). During the “Integrity Week”, the CCAC sent staff to the schools to conduct themed seminars and had interaction and discussion with students. They also set up display panels and arranged quiz games in the campuses to allow students to understand that integrity is an essential part of good moral character through different topics.

(4) Senior high school version of teaching material kit for secondary schools entitled *Think before You Act*

In 2016, the CCAC launched the teaching material kit about integrity targeting at junior high school students entitled *Think before You Act* and received positive feedback from schools. In 2019, the CCAC launched a senior high school version of *Think before Your Act*, which featured four units, namely “Take your responsibility”, “Love and justice”, “Say no to corruption” and “Clean election”.

Published in December 2019, the senior high school version of *Think before You Act* is available for schools in academic year 2019/2020. In addition, it has been uploaded to the website “resources database of integrity education” so that it may be searched and used by educators.

(5) “New Generation of integrity – Education Programme on Honesty for Primary Students”

“New Generation of integrity – Education Programme on Honesty for Primary Students” has been run for over 15 years. It invites schools to arrange visits by their Primary 3 to Primary 6 students to the “Integrity Land” in the Branch Office in Areia Preta, where they also took a one-hour lesson on integrity, during which the messages of honesty and law-abidingness are conveyed to the students through puppet plays, computer animation and short films. Due to the renovation of the Branch Office in Areia Preta, the programme has been suspended since September. Between January and August, a total of 73 sessions were held, recording 2,260 participating students from 22 schools.

(6) “Detective William in the School Series 2019: Mini-William” - integrity education theatre

Between June and July 2019, the CCAC held an integrity education theatre, where the message of integrity and honesty were disseminated to kindergarten and Primary 1 to Primary 3 pupils through drama appreciation and interactive games. 28 schools have joined the theatrical event and a total of 50 sessions have been held, recording 5,826 participating students. Apart from staging plays, the CCAC also adapted the stories to teaching plans and uploaded them to the “resources database of integrity education”, so that parents and teachers may instil correct moral values in children through the stories.

(7) “Love Integrity” - “Integrity Week” series in primary schools

In 2019, the CCAC organised “Love Integrity”, which was a series of the event “Integrity Week”. During the week, activities were held during lunch breaks or in class in accordance with the arrangements of the school. In October 2019, the “Love Integrity” series was held in Colégio Dom Bosco and Pui Ching Middle School respectively. It featured activities including booth games, showing of short films about integrity, sharing of stories of integrity, VR games and quiz game panels, aiming to promote integrity among primary school pupils.

(8) “A Creative and Honest New Generation” – Parent-Child Collage/Colouring Contests

In 2018, the CCAC launched its first-of-a-kind parent-child activity - parent-child collage/colouring contests entitled “Creative and Honest New Generation”, which attracted 1,593 entries. In 2019, following the selection stage, the awards ceremony was held in the hall of Escola Luso-Chinesa Técnico-Profissional to award the winning students and parents. Over 180 representatives of the education sector and civic associations, parents and award-winners attended the ceremony. Between May and July 2019, a touring exhibition of the winning entries was held in nine primary schools and kindergartens.

III. Promotion in the community

(1) Complaints, reports and requests for consultation received by the Branch Offices

The Branch Office in Areia Preta and the Branch Office in Taipa continue to exert their function by providing convenient channels for residents to lodge complaints, report cases and seek consultation. In 2019, the two Branch Offices received a total of 537 complaints/reports, requests for consultation and simple enquiries, 403 counts less than that of 2018 (940 counts) mainly because the CCAC organised two parent-child activities in the year, about which more

citizens had enquiries. The statistics of reports and requests in 2019 is presented in the table below:

Statistics of reports or requests from residents in 2019

No. of complaints / reports		No. of requests for consultation	No. of simple enquiries	
Lodged in person	Lodged in writing		Made in person	Made by phone
11	23	114	275	114
Subtotal: 34		Subtotal: 503		
Total: 537				

(2) Developing community relations

1. Participating in community activities

In 2019, the CCAC, as it always did, participated in the “International Children’s Day 2019” bazaar and the “50th Caritas Macao Charity Bazaar” where it infused fun with education. Through booth games, the awareness of integrity was promoted to residents, especially children. It also organised personnel and volunteers to participate in the “Walk for a Million 2019”, so that they would spread positive messages of integrity and law-abidingness in the community through the charitable activities and gain citizens’ support for integrity building.

2. Integrity education in the community

In 2019, the CCAC invited 33 residents from two civic associations to visit the Branch Office in Areia Preta. Through attending the seminars and visiting the facilities in the Branch Office, the residents had deeper understanding of the functions of the CCAC.

3. Visiting civic associations

In order to strengthen liaison with local civic associations, the CCAC visited six groups of different natures in 2019, including Chu Kwong Centre of the Association of Family Members of the Disabled, Young Men's Christian Association of Macau, Sheng Kung Hui Youth Leadership Development Centre and Sheng Kung Hui North District Youth Service Team, Ngai Chon Centre of the General Union of Neighbourhood Associations of Macau, Pou Tai Youth and Family Service Complex and the Salvation Army (Macao) Education Centre. During the visits, the CCAC's functions were introduced to the associations and ideas were exchanged on the ways and feasibility of cooperation in community promotion.

4. Media publicity

The CCAC continues to promote its reporting channels and other information related to integrity in various ways including different types of advertisement, news release, internet and new media so as to encourage citizens to report and prevent corruption and enhance their integrity awareness.

(3) Integrity Volunteer Teams

In 2019, the Integrity Volunteer Team continued to provide the CCAC with assistance in various integrity promotion and education activities, including hosting and technical support in the parent-child collage/colouring contests entitled "Creative and Honest New Generation" and shooting of the short films on the website "resources database of integrity education". In addition, the CCAC organised the volunteers to visit Chu Kwong Centre of the Association of Family Members of the Disabled, where they played games and sang songs with the disabled children and understand their needs. The CCAC encourages the volunteers to participate in voluntary and societal services, care about the disadvantaged and take action to give off positive vibes in the community.

PART V

EXCHANGE & TRAINING



PART V

EXCHANGE & TRAINING

In 2019, the CCAC continued to strengthen liaison with anti-corruption and supervisory institutions of different countries and regions. Through attending various international and regional conferences and relevant training activities, the staff's professional skills were enhanced and the communication and cooperation with its counterparts were deepened.

I. Receiving visitors

In 2019, the CCAC received delegations from the Independent Commission Against Corruption (ICAC) of Hong Kong, the Office of the Ombudsman of Hong Kong, the Casino Regulatory Authority of Singapore, the National Parliament of the Democratic Republic of Timor-Leste and the Anti-Corruption Commission of Bangladesh. During the meetings, both sides actively exchanged experience and explored the direction of development of mutual cooperation.

II. Visits and regional and international meetings

In 2019, the CCAC sent delegates to pay visits and attend regional and international meetings outside Macao, including:

- Meeting with the Guangdong Provincial Supervisory Committee and the ICAC of Hong Kong in Guangzhou, where the parties discussed the anti-graft cooperation in the Guangdong-Hong Kong-Macao Greater Bay Area with the aim to effectively implement the “Outline Development Plan for the Guangdong-Hong Kong-Macao Greater Bay Area” and jointly safeguard a corruption-free Greater Bay Area.
- Visit to with the Guangdong Provincial Supervisory Committee, the Chongqing Municipal Supervisory Committee and the Zhongshan

Municipal Supervisory Committee, where practical views and experiences were exchanged and shared.

- Visit to the Zhejiang Provincial Public Security Department and the Zhejiang Police College in Hangzhou in order to deepen mutual exchange and implement the cooperation plans.
- The 10th Annual Conference and General Meeting of the International Association of Anti-Corruption Authorities in Vienna, Austria.
- The 7th ICAC Symposium in Hong Kong, where they thoroughly explored the concepts of law enforcement and the rule of law, the corruption prevention measures and community participation advocated by the United Nations Convention against Corruption (UNCAC) and exchanged views about work with the representatives of the law-enforcement agencies in order to deepen international cooperation.
- The 2nd Istanbul International Ombudsman Conference in Istanbul, Turkey, where they exchanged ideas and advanced experiences with the representatives of ombudsman institutions of other countries, and the 16th Meeting of the General Assembly of Asian Ombudsman Association in Istanbul, where the members had discussion about the works carried out by the association as listed on the agenda and voted on various matters.
- Meetings related to the United Nations Convention against Corruption in Vienna, Austria, where they had discussion and exchanged experience with the representatives from other state parties about the issues arose from implementation of the UNCAC.

- The 5th Singapore Symposium on Gambling Regulation and Crime in Singapore.
- The 22nd Annual Meeting of the Asia-Pacific Group on Money Laundering in Canberra, Australia

III. Meetings on the review of implementation of the United Nations Convention against Corruption

In May 2019, the CCAC was invited to send its delegates to the meetings on the review of implementation of the United Nations Convention against Corruption (UNCAC) together with the delegation of China in Vienna, Austria. In addition, thanks to the support and assistance provided by various departments of China and the SAR Government, the CCAC completed the self-assessment on its implementation of Chapter II (Preventive Measures) and Chapter V (Asset Recovery) of the UNCAC. Currently, the CCAC is making technical adjustments to the contents of the self-assessment and will subsequently submit it to the Secretariat of the UNCAC so that it will undergo the review by the experts dispatched by the countries undertaking the review.

Moreover, in view of the opinions raised by the expert group of the United Nations concerning the implementation of the UNCAC, based on the analysis on the cases it had concluded in recent years and comparison with the legal regimes against corruption of the neighbouring regions, the CCAC conducted a review on the relevant criminal regime and the disciplinary regime governing public servants in 2019.

IV. Personnel training

In late May 2019, the CCAC was invited to send a representative to participate in the training course on the UNCAC implementation review held by

the United Nations Office on Drugs and Crime (UNODC) in Vienna as reviewing expert. In early September, the CCAC dispatched personnel to Hangzhou to attend the training course co-organised by the CCAC and the Zhejiang Police College, which allowed them to learn the latest policing knowledge and have a deeper understanding of the current situation of the development of China. In addition, the CCAC also dispatched personnel to participate in the training programme held by the National Supervisory Commission in Beijing.

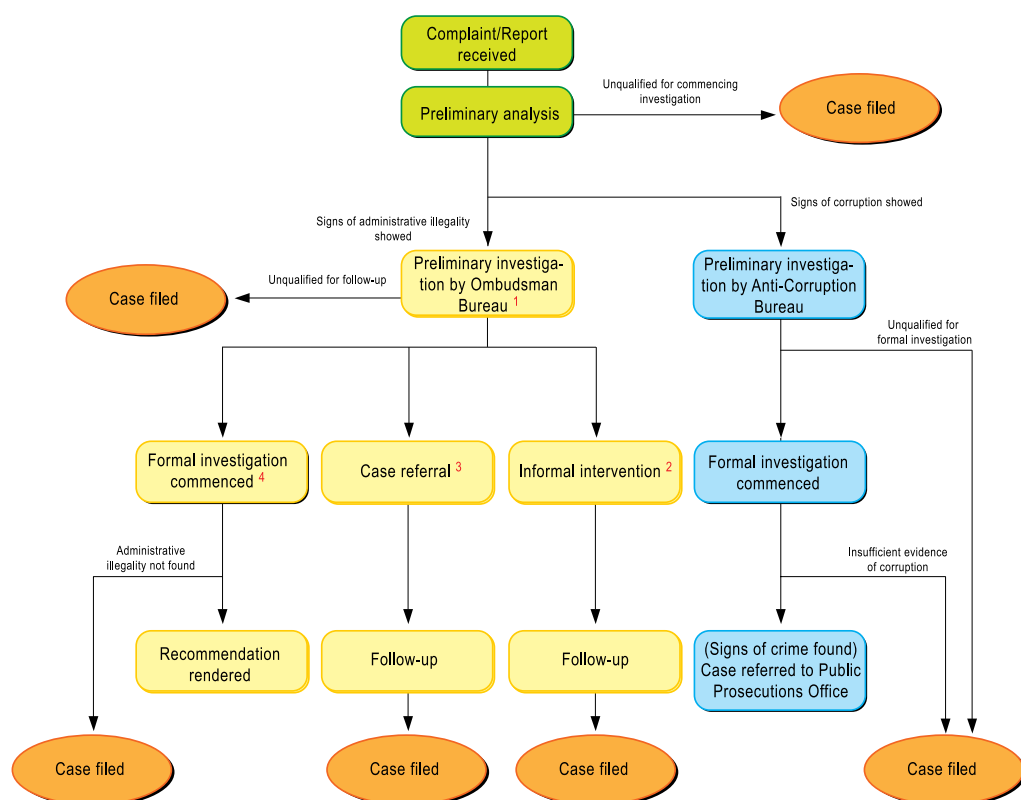
PART VI

APPENDIX



Appendix I

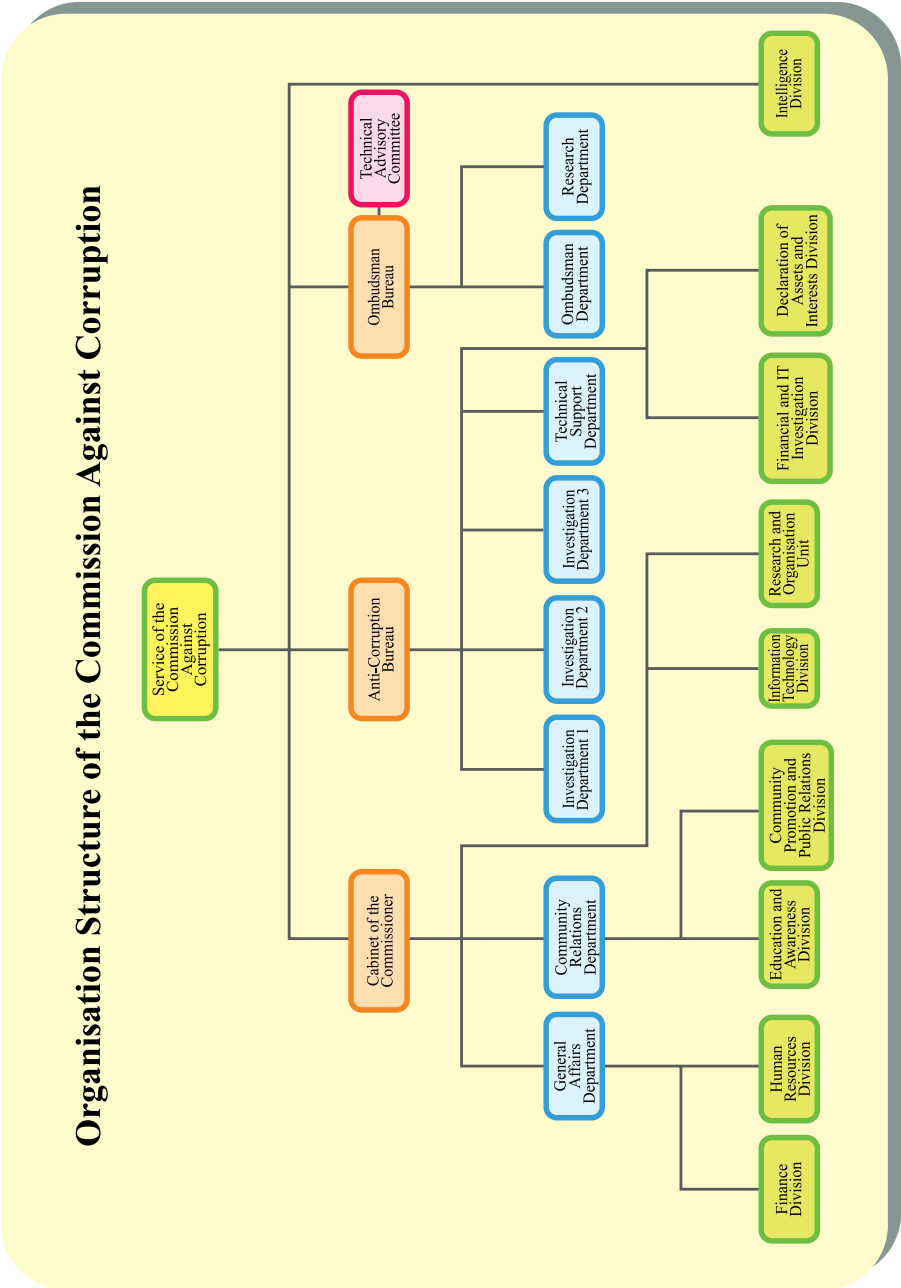
THE CCAC'S COMPLAINT HANDLING PROCEDURE



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 15 working 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



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