

FOREWORD

1. REFLECTION ON “SOLE EFFORT”

“(...) Corruption cannot be curbed with the sole effort of the Commission Against Corruption.”¹ Today, the Macao city is rife with different conceptions, voices and appeals. The drastic increase of conflicts and contention stemming from rapid economic development has posed obstacles to various aspects of social development, which would take an even greater toll if not addressed promptly. The dawn of a new age sees torrents of new demands and expectations. The economy, living quality of residents, system construction and the fight of corruption should therefore be put at the top of our government's agenda.

Cracking down of cases, convicting and sentencing of suspects and handling of complaints are only palliatives - they have little influence on the improvement of the overall situation. Defective systems and outdated management practices appear to be the deep-rooted problems. Failing to realize the importance of system construction only foreshadows an avalanche of cases, repetition of mistakes and more complaints, while loopholes in the systems continue to serve as excuses for faults. All these have weighed down on the supervisory bodies but what can be solved remains so little and trivial. This will be anything but constructive to the society, the government and the public.

2. CORE OF PROBLEMS

The intensifying social conflicts can be attributed to some critical problems pertaining to corruption fighting of Macao, which include defective systems, the lack of awareness of system construction and innovative ideas as well as the failure to identify the core of problems among departments and personnel. Therefore, the foremost priorities should be ensuring the fairness and openness of land grant and public works concession systems, proper application of social security funds and supervision, the housing policy, the public procurement system and the establishment of criteria for the procedures of administrative examination and approval. Without a doubt, as a government watchdog the CCAC should always be committed to the promotion

of system construction. Nevertheless, administrative departments are the “leading roles” who shoulder the responsibilities to put the policies into practice through various measures.

3. BALANCED DISTRIBUTION AND PROPER EXERCISE OF POWERS

Centralization of power, the lack of “checks and balances”, low transparency in the exercise of power and the lack of control measures are the main reasons contributing to power abuse and corruption. The very first step to solve the problem is to establish checks and balances systems, which ensure that certain procedures and rules are followed in the administration, and that authorities always cooperate with, depend on and restrict one another.

It has become an irresistible trend to develop an anti-graft system underlying both prevention and punishment through utilizing technology. Electronic and information technology is expected to help with the realization of various goals, such as optimizing administrative functions, perfecting administrative procedures and methods, boosting transparent and systematic administration, breaking communication barriers between the government and the public, reducing redundant administrative procedures and minimizing corruption risks. System construction coupled with application of technology will be beneficial to the development of a clean government, highlighting the goal of modern management: efficiency and transparency.

A man or an official of no moral or virtue cannot have real attainment in life. Living in a time of changes officials must always be able to distinguish right from wrong, the public interests from the personal interests, the true from the false. “Power is bestowed by the people; public interest is paramount” – this should be the motto for every policy maker.

**The Commissioner Against Corruption, Macao
Fong Man Chong**

¹ See the editorial “不華之論” on *Jornal Va Kio* dated 8th June 2012.





Legislative Assembly Passed Details of Amendment to Law no. 10/2000 - Commission Against Corruption of Macao SAR

In order to enhance the capability of the CCAC to meet social demands and strengthen its power, especially in the aspect of ombudsman, and given the implementation of Law no. 19/2009, *Prevention and Suppression of Bribery in the Private Sector*, the Macao SAR Government proposed amendment to the law. The bill was generally passed by the Legislative Assembly (AL) on 19th July 2011. Following deliberation by the First Standing Committee of the AL, the details of the bill was unanimously passed on 29th February 2012.



The amended *Organic Law of the Commission Against Corruption of Macao SAR* (hereinafter abbreviated as *Organic Law*), mainly stipulates that the CCAC's jurisdiction covers both public and private sectors and clarifies its duties as the Ombudsman, as the law empowers the CCAC to render recommendation against "omission" by administrative departments, that shall specify the reason for non-acceptance when they do not accept or partly accept the recommendation. The time limit for them to respond to the recommendation has shortened from 90 days to 15 working days.

Moreover, the *Organic Law* strengthens the CCAC's initiatives in the aspects of law-enforcement and legislation, specifying the period of case investigation as well as expanding the scope of supervision conducted by the Monitoring Committee on Discipline of the CCAC Personnel, which used to deal with only disciplinary complaints but now also supervises "problems related to complaints of non-criminal nature". The law also has stricter regulation on the staff's duties, as the special responsibilities of the assisting staff of the Commissioner Against Corruption are clarified. When performing their duties, they shall absolutely respect human dignity and personal reputation, observe the principle of non-discrimination and declare themselves as staff of the CCAC. The law also provides that when carrying out their duties, only the staff who bear the "special identity card" issued by the Chief Executive or the Commissioner Against Corruption can circulate freely and have free access to all places of work of the Administration of Macao SAR.

Kwan Tsui Hang, President of the First Standing Committee of the AL responsible for the deliberation of the details of the bill, stated that the newly revised *Organic Law* facilitated the CCAC's works on ombudsmanship and protection for basic rights. The time limit for investigation provided by the law not only satisfied the urgent demands of society over recent years but also protected the basic rights of the parties being investigated, boosting the CCAC's investigative ability and standard. She praised the legal techniques employed in the bill, which clearly provided the fundamental principles which structured the system of rights enjoyed in Macao SAR, especially the most important principles of equality and non-discrimination. The statement of reason in the bill, which specifies the legislative purpose and principles and lists the amendments in detail, was sincere and served as a good reference for other government departments.

Summary of the 2011 Annual Report of the CCAC of Macao



The Commissioner Against Corruption, Fong Man Chong, submitted the Annual Report of 2011 to the Chief Executive, Dr. Chui Sai On

Under Article 15 of Law no. 10/2000 of 14th August, the Commissioner Against Corruption submitted the Annual Report of 2011 to the Chief Executive, Dr. Chui Sai On, on 26th March 2012.

The report summarizes the progress of various tasks within its scope of functions in 2011. In the same year, the CCAC submitted to the Chief Executive a number of commentary reports, one of them (Legal Analysis on the Eligibility of a Certain Type of Retirees to Obtain Housing Subsidy under Law no. 2/2011 of 28th March) being included in the Appendix of the report. Moreover, the annual report also contains the three investigation reports published to the public.

Below is the summary of the annual report:

Case Processing Summary

In 2011, the CCAC has handled a total of 916 cases (804 reports received in total throughout the year and 112 carried over from 2010). The CCAC commenced a total of 575 cases for investigation, of which 112 were criminal cases and 463 were administrative complaints.

Among the 804 cases received throughout the year, 482 cases were lodged by complainants willing to provide personal data, amounting to 60% of the total number of cases received. This shows that the citizens' willingness to lodge a complaint and the awareness of safeguarding

their rights were enhanced significantly and their tolerance towards corruption was greatly lowered.

Investigations of 64 criminal cases have been completed and the cases were subsequently transferred to the Public Prosecutions Office or archived. Among the 548 administrative complaints that needed to be handled in 2011, 453 were completed or archived. Moreover, 1,391 consultations of different natures were received throughout the year.



Anti-Corruption

In 2011, the CCAC received a total of 398 reports of criminal nature, of which 262 were qualified for handling. In addition to the 49 cases carried over from the previous year, the CCAC had to process a total of 311 criminal cases in 2011. The CCAC commenced 112 criminal cases for investigation, including 45 cases of corruption in the private sector.



News excerpt



It is worth noting that the law *Prevention and Suppression of Bribery in the Private Sector* has entered into force for almost two years, and there was a significant increase in the number of complaints and requests for help and consultation. This proved that the legal knowledge of both the industries and the general public has been increasing and more emphasis was placed on the importance of a fair business environment.

Ombudsman

In 2011, the CCAC had to handle a total of 548 cases of administrative complaints, of which 453 cases were completed or archived. Moreover, the CCAC received 433 requests for help and consultations throughout the year. The complaints were mainly about the legal system governing public services, traffic offences, illegal constructions, municipal affairs and labour disputes.

When handling the complaints, the CCAC basically adopts various prompt and effective approaches. The most common one is to examine related documents and render improvement measures directly in order to solve the problems as soon as possible. However, some public departments did not give adequate concern to the complaints and even gave an ambiguous response to the CCAC or avoided addressing the core problems. These have hindered problem solving and enhancement of efficiency. The CCAC attaches importance to these situations and conducts research to map out more specific measures in order not to avoid aggregation of the problems.

Community Relations and Promotion

In 2011, the CCAC has actively carried out its promotion and publicity works of corruption prevention to promote honesty and integrity and to gain citizens' support and participation in the building of a clean society. A total of 391 seminars and symposia were carried out throughout the year, with 25,487 participants. The CCAC continued to promote the law *Prevention and Suppression of Bribery in the Private Sector* to civil associations of various industries and private companies to deepen the awareness of business ethics and fair competition. In addition, the CCAC has actively strengthened the connection with various sectors as well. Throughout the year, the CCAC has liaised with 17 associations in order to collect their opinions, explore areas of cooperation and

encourage different professional sectors to compile their own guidelines of corruption prevention. The CCAC hopes to join hands with different industries to build a clean and fair business environment.



Political and Economic Risk Consultancy Releases 2012 Annual Report

On 21st March, the Political and Economic Risk Consultancy released the annual report for 2012, which compares the perceptions of corruption of foreign expatriates towards the places where they conduct business. Among the 16 countries and regions surveyed, the three cleanest countries are Singapore (0.67), Australia (1.28) and Japan (1.90). Macao remains the 6th rank with a grade of 2.85, a marked improvement from the 4.68 points it scored last year. The assessment sees 10 points as the most corrupted and a lower grade reflects a better integrity situation.

Between November 2011 and mid-March 2012, through mails and interviews, the Political and Economic Risk Consultancy obtained responses from 1,763 foreign businessmen and senior expatriates in the surveyed countries/regions. Grades were given based on their perception of integrity in the places where they conducted business, with which the analysis was conducted.

The report states that in Macao, there is a strong determination to fight corruption in the government, awarding of government contracts, property sector and infrastructure projects. Since the mega corruption case of Ao Man Long was broken, the CCAC has achieved a remarkable progress in graft-fighting in the public sector.

Therefore, the public's perceptions of political figures, public servants and some important authorities including the police, the Customs, tax institutions, etc., has improved.

According to the report, with regard to the comments that some of the overseas casinos (e.g. those in Macao) have been commonly used as a channel of money laundering, a majority of the respondents do not agree with it. They have been favorably impressed with how the local anti-corruption fight has contained the problem. From the perspectives of public sector governance and how the local population perceives corruption as a problem, Macao has made a clear progress compared to the years before.

Local anti-corruption works improving

Macao's anti-corruption efforts have improved significantly. The report also mentions that it is important for every government to regard the Macao market as a model for transparency. Macao's score in the Asia Pacific region is generally considered high.

The Political and Economic Risk Consultancy (PERC) released its annual report on the level of corruption in 16 Asia Pacific countries and regions, and the overall degree of corruption in the business environment. The new Macao kept its ranking as the sixth cleanest out of the 16 destinations evaluated. Last year, Macao's score was 4.68, but it has improved to 2.85 this year. The report also mentions that the government, including the judiciary, has made progress in containing the corruption of public sector. The report says the administration's anti-graft efforts are widely approved by the public, especially those in real estate developments and infrastructure construction, which always involve large sums of public money.

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Political & Economic Risk Ranking

Country/Region	2012 Grade	2011 Grade
Singapore	0.67	0.67
Australia	1.28	1.28
Japan	1.90	1.90
USA	2.85	4.68
UK	3.00	3.00
France	3.20	3.20
Germany	3.50	3.50
Canada	3.80	3.80
India	4.50	4.50
China	4.68	4.68
South Korea	4.80	4.80
Italy	5.00	5.00
Spain	5.50	5.50
Brazil	6.00	6.00
Macao	2.85	4.68

CCAC Promotes Electronic Copy of Notification of Property Declaration

Under Law no. 11/2003, *Declaration of Incomes and Properties*, government departments and entities shall notify their personnel of their obligation to declare their incomes and properties and send the copies of the notifications to the two depository entities – the CCAC and the Office of the Court of Final Appeal.

Given the implementation of electronic government, the CCAC considers it necessary to make a change in the original way of passing the copies by manpower, in order to reduce administration cost, enhance efficiency as well as prevent delay or loss of documents.

Therefore, the CCAC has developed a programme for transference of electronic copies between government departments and the two depository entities. The electronic copies can be encrypted in order to ensure secrecy. On 15th June 2012, the CCAC held the “Briefing Session on the Procedure of Transference of Electronic Copies of Notifications of Declaration of Incomes and Properties” for representatives of over 60 departments and entities, during which the procedure of the transference and the platform for receiving electronic information were introduced. Attendees were interested in this service and actively raised questions about the details.

The CCAC plans to launch this programme for all government departments and thus will send letters to them for promotion. The system is expected to be launched in late 2012.



Representatives from different departments at the briefing session



CCAC Publicizes Report on Handling the Complaint that Local Mobile Phone Users Can Only Use 3G Service from 9th July 2012

At an earlier time the Bureau of Telecommunications Regulation (DSRT) publicly announced that local mobile phone users can only use the 3G service while the 2G service will still be available for non-local users starting on 9th July 2012. Ever since then numerous complaints have been filed to the Commission Against Corruption (CCAC) about the new measure. Some believe it is unfair to local users as they are forced to get new handsets due to the transition.

Following investigation and analysis, the CCAC submitted a report entitled "A Report (Excerpt) on Handling of Complaint that Local Mobile Phone Users Can Only Use 3G Service from 9th July 2012 and Suggested Measures" to the Chief Executive on 11th May 2012, where it points out the problems and recommends the government to review the arrangement for the termination of 2G service starting on 9th July 2012.

The CCAC points out in the report that defects of the relevant decisions made by the DSRT, that the Chief Executive has never officially allowed the three service suppliers to provide 2G telecommunication service for roaming service users. In fact, the power to issue the licenses is possessed by the Chief Executive, so relevant decisions shall only be announced through an order issued by the Chief Executive. The "announcement" that local users can only use 3G service from 9th July has breached the *Code of Administrative Procedure*, especially the principles of moderation and good will.

Banning local users from using 2G services has deprived local consumers of their right to choose and violated the right of equal treatment, breaching the principle of equality under the *Code of Administrative Procedure*. Moreover, it has infringed upon public interest and the basic interests of local mobile phone users.

The CCAC does not oppose to the plan of promotion and full utilization of 3G service, but it stresses that the government should extend the time of coexistence of 2G and 3G services provided that there is no extra burdens, both 2G and 3G services are operated systematically since it still takes time to observe the current technical conditions. As far as long-term planning is concerned, the next objective of the government may be "to unify the three network suppliers". However, the information obtained by the CCAC shows that the government has not yet had a concrete plan and timeline. When and how to implement the plan has not been confirmed. Under such circumstances, it is not suitable to terminate 2G service in haste.

The CCAC adds that if there is only 3G system for local users, once technical breakdown or other problems concerning network occur, there will be a huge impact on telecommunication service. In this case, it is possible that full or partial suspension of mobile service will occur again. If the suppliers are allowed to keep on providing 2G service when 3G system is affected temporarily, the risk of having the telecom network subject to huge effect will be prevented, and the operation of the suppliers will be facilitated. However, there are no official documents which allow them to adopt this compromising method.

In order to prevent problems concerning telecommunication service and infringement upon local mobile users' rights and interests, the CCAC suggests the government adopting two compromising measures, including prolonging the time of coexistence of 2G and 3G services for one or two years notwithstanding the government urges the operators to quicken the improvement of 3G system within this period. Moreover, under certain conditions, the government should allow them to replace 3G service with 2G service temporarily for the reasons such as maintenance of base station, breakdown of 3G system which cannot be repaired immediately, or other special cases, but they have to notify the DSRT beforehand or afterwards and promptly update the citizens.

The report was approved by the Chief Executive, who subsequently urged the competent department to carefully study it. Following thorough study of the contents of the report, the Chief Executive has allowed the three service providers to extend 2G service until 31st December 2012, in order to ensure the legality of continuation of 2G service from 9th July 2012, the normal and stable operation of telecoms service as well as guarantee the protection of legitimate rights and interests of local users.

Integrity Promotion in Community

In the first half of 2012, the CCAC visited a number of civil associations that represent various sectors to introduce the recent efforts of the CCAC. The CCAC obtained their opinions and suggestions about corruption fighting and integrity promotion, so as to enhance the communication and partnership with the community and further improve the anti-corruption plans.

The civil associations showed recognition and support to the CCAC's efforts and complimented its works on integrity promotion, especially the integrity education programmes for teenagers. Meanwhile, they hoped that the CCAC will strengthen its capability to fight corruption, encourage citizens to report corrupt practices and further exert its ombudsman function to supervise the legality of administration and protect citizens' legitimate rights and interests. They are willing to work with the CCAC to promote integrity building in Macao.

The CCAC also introduced the law *Prevention and Suppression of Bribery in the Private Sector* to professional associations and private entities in order to promote a culture that embraces integrity management and fair competition. The guilds and associations thought that promotion of the law enabled different industries to have an in-depth understanding of the new law and acknowledge under what circumstances that some specific customs and practices in the sectors might be illegal and how to avoid legal pitfalls. It could raise their awareness on law observance and inspire them to ensure fairness and cleanness of business environment.

The CCAC will continue to communicate and exchange views with different sectors in order to better understand public opinion and join hands with them to build a clean society.



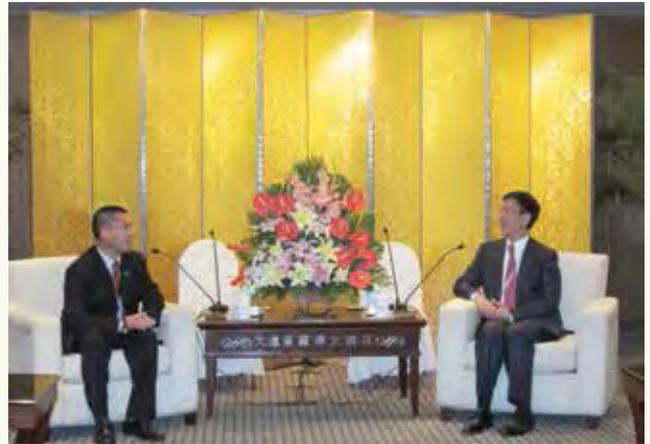


The 4th Seminar of International Association of Anti-Corruption Authorities

The delegation of the CCAC attended the 4th Seminar of International Association of Anti-Corruption Authorities (IAACA) in Dalian, China in late June. Entitled UNCAC Chapter V: "Asset Recovery", the seminar gathered over 400 representatives from over 80 countries and regions. Zhou Yongkang, a member of the Politburo Standing Committee of the Central Committee of the Communist Party of China and Secretary of the Central Politics and Law Commission of the Communist Party of China, addressed the opening ceremony.

The Commissioner Against Corruption, Fong Man Chong, delivered a speech about recovery of illicit gains. He first pointed out the key issues about asset recovery, the trend and methods of solution and then introduced the relevant laws of Macao. Dr. Fong noted that the right to recover illicit assets is the embodiment of the power of judicial judgment of a country or region. In fact, it is not possible to exercise the power unilaterally across borders. Therefore, to establish bilateral or multi-lateral agreements is the only effective way to prevent conflict, and also one of the main tools to implement Articles 53 and 54 of the *United Nations Convention Against Corruption*, enabling effective suppression of cross-border transition of illicit gains, enhancing regional and international cooperation and facilitating the construction of a clean and fair society. He suggested drawing on the experience of the Interpol and establishing a regular system of coordination and liaison.

During the seminar, President of the IAACA and Procurator General of the Supreme People's Procuratorate of the People's Republic of China, Cao Jianming, had met with the Commissioner, Fong Man Chong.



Procurator General of the Supreme People's Procuratorate of the People's Republic of China, Cao Jianming, meeting with the Commissioner, Fong Man Chong

Board of Directors Meeting of Asian Ombudsman Association in Azerbaijan

Being a board member of the Asian Ombudsman Association (AOA), the Commissioner Against Corruption, Fong Man Chong, attended the Annual Meeting of Board of Directors of AOA in Baku, Azerbaijan from 18th to 20th June.

During the meeting, the board members discussed about the operation of the AOA, including arrangements for election of the AOA President, revision of its Bylaw and the plan to establish the Asian Ombudsman Academy, etc.



The Commissioner, Fong Man Chong, giving opinions about the operation of the AOA

The delegation of the CCAC also attended the 10th Baku International Conference of Ombudsmen organized by the Commission for Human Rights (Ombudsman), which was entitled "The protection of human rights in emergency situations: problems and opportunities". The conference discussed how ombudsmen, human rights commissioners and international organizations coordinate in order to ensure protection of human rights when catastrophe occurs. In celebration of the Human Rights Day of Azerbaijan, 18th June, and the 10th anniversary of the Commission for Human Rights (Ombudsman), the conference gathered delegates and guests from 60 countries and regions.

IOI Regional Training Programme in Macao

In order to enhance the level of expertise of the members of the International Ombudsman Institute (IOI), the CCAC of Macao and the Office of the Ombudsman of Hong Kong co-organized the IOI Regional Training Programme in the two cities in late May. As the first joint event ever held between the two agencies, the programme gathered 50 representatives from 11 countries and regions in the Asia and Australasia & Pacific Region.

Tailored for the frontline and middle-level complaint handling staff of the ombudsman agencies within the region, the programme aimed to explore techniques of complaint handling, mainly in the aspects of managing the clients and the workers, use of information, communications and technology as well as reception skills, especially for the handling of irrational complaints.



50 representatives attending training on complaint handling skills

The Commissioner Against Corruption, Fong Man Chong, stated that the programme was a part of the professional training plan of the IOI, that has been striving to provide platforms to bring together Ombudsman staff from different jurisdictions and to enhance the exchange among them. He believed that the problems faced by many countries and regions in handling complaints are similar, which justifies the need to build and develop a common pool of resources, of which training is one of the effective ways. With experts and scholars sharing their expertise and experience, he believed that the programme would be beneficial and helpful to the participants.

The experts who conducted the training include: Bruce Barbour and Chris Wheeler, Ombudsman and Deputy Ombudsman of New South Wales, Australia, Naehee Lee, Deputy Director General of Anti-Corruption & Civil Rights Commission, Korea, and Cecilia Chan, Professor at the University of Hong Kong. The participants included representatives from China, Iran, Malaysia, New Zealand, Japan, Pakistan, Indonesia, Korea and Thailand, and staff members of the CCAC of Macao and the Office of the Ombudsman of Hong Kong.

Established in 1978, the IOI is an international non-governmental organization that aims to promote the concept and institution of ombudsman and encourage its development throughout the world and establishment of effective and transparent governance. Currently, there are around 150 members in the IOI.

The Commissioner Against Corruption of Macao is a member of the IOI's Board of Directors. The CCAC of Macao, in addition to being the graft-fighter, plays the role as the ombudsman by ensuring the legality and rationality of administrative procedure and enhancing administrative efficiency and legality.

I.O.I. REGIONAL TRAINING PROGRAMME ASIA AND AUSTRALASIA & PACIFIC REGIONS

24.5.2012
MACAO



The Commissioner, Fong Man Chong, and participants of the training programme



The Commissioner Led a Delegation to Shanghai

Upon the invitation of the Shanghai Municipal Supervisory Bureau and the Commission for Disciplinary Inspection of Shanghai, the Commissioner, Fong Man Chong, led a delegation to Shanghai in early May to meet with Dong Junshu, a member of the Shanghai Municipal Committee of the CPC and the Secretary of the Commission for Disciplinary Inspection of Shanghai.

At the meeting, Mr. Dong Junshu introduced the efforts of anti-corruption promotion in Shanghai through the approach of “system plus technology”. He expressed that the “system plus technology” approach is to take power of supervision as the key; system construction as the foundation and information technology as support. It aimed to increase the proportion of science and technology in the construction of the anti-corruption system, to increase the execution power of the anti-corruption system as well as to improve the anti-corruption competence. The “Shanghai Land Transaction Centre” was one of the successful examples, through which government’s supervision over the field of public resources market was strengthened.



The CCAC delegation with the leadership of the Commission for Disciplinary Inspection of Shanghai (6th from left: Mr. Dong Junshu)

Gu Guolin, the Vice Secretary of the Commission for Disciplinary Inspection of Shanghai and the Director of the Shanghai Municipal Supervisor Bureau, introduced the public procurement system in Shanghai. The system also adopted the approach of “system plus technology” and changed the mode of operation from centralized procurement by the government procurement centre in the past to the utilization of internet to carry out integrated e-procurement of the whole city. The network platform became an “online hypermarket” and gathered the orders of all municipal departments. This not only could encourage effective use of the public funds and reduction of the procurement price, but could also facilitate supervision and greatly improve the old procurement system to reduce corruption.

The Commissioner, Fong Man Chong, introduced the efforts of the CCAC in corruption fighting and integrity building over recent years. He pointed out that the SAR Government placed great emphasis on integrity building. System construction and perfection are the keys to integrity building. As an international city, there would be more and more foreign investments pouring into Macao. He hoped to learn from the successful experience of Shanghai in land management and public procurement and integrate with the actual situation of Macao. By tackling the root causes of problems, the openness and transparency of public administration in Macao could be further enhanced.

The delegation also visited the “Shanghai Land Transaction Centre” to learn more about the system, relevant regulations and process of the transaction of state-owned land in Shanghai.

The Vice Secretary of the Zhuhai Municipal CPC Committee and Zhuhai Municipal Committee for Disciplinary Inspection, Wang Yanshi, led a delegation and visited the CCAC in early July. The delegation was warmly received by the Commissioner, Fong Man Chong.

The Commissioner, Fong Man Chong, introduced briefly the CCAC’s efforts in corruption fighting, ombudsman, integrity promotion and some concrete measures of the system of declaration of incomes and properties of public servants. Both parties agreed to strengthen ties to further enhance the exchange of information in curbing and preventing corruption as well as system building.



The Commissioner, Fong Man Chong, presenting a souvenir to Mr. Wang Yanshi

Visiting Local Secondary Schools to Gather Opinions on Integrity Education

In order to enhance the effectiveness of integrity education for teenagers, the CCAC visited 13 local secondary schools to gather opinions from the principals, moral education teachers and social workers on the integrity education programmes launched by the CCAC, so as to review and improve the relevant works.

The schools recognized the CCAC's efforts on integrity education for teenagers, as the activities tailor-made for different schools to promote integrity in multiple approaches and channels were effective. Take "Education Programmes on Honesty for Teenagers" as an example, the CCAC organizes seminars on different topics targeting different age groups, including junior and senior secondary students and graduating seniors, backed by real cases as examples for discussion.

Moreover, "Act on Integrity", an activity that explores the hazardous effect of corruption with secondary student through drama, and the "Integrity Week", a series of activities tailor-made for different schools, were complimented by the schools, as they inspire students' reflection on integrity and honesty.

As to the teaching material kit entitled *Learn and Think*, which is jointly compiled by the CCAC and local secondary schools, has been adopted by these schools as supplementary materials of moral education. They believed that the case analysis was useful and the video clips, comic and worksheets also enhanced the effectiveness of teaching. They hoped that the CCAC would share the resources of integrity education that suit Macao through internet with teachers.

The CCAC attaches much importance to professional opinions given by the education sector, hoping to enhance integrity education for teenagers and foster their morale by mutual cooperation.

Schools visited by CCAC	
1	Colégio Mateus Ricci
2	Macau Baptist College
3	Escola Católica Estrela do Mar
4	Pui Va Middle School
5	Kao Yip Middle School
6	Xin Hua School
7	Yuet Wah College
8	Escola Do S.S. Rosario
9	Saint Paul School
10	Colégio Diocesano de Sao José
11	Kwong Tai Middle School
12	The Affiliated School of the University of Macau
13	Lingnan Middle School



The CCAC's representatives visiting local schools to exchange views on integrity education for teenagers



CCAC Joins Hands with Four Schools to Launch “Integrity Week” and Organizes Students to Visit ICAC

The CCAC co-organized the Integrity Week for the academic year 2011/2012 with Tong Sin Tong School, Yuet Wah College, Santa Rosa de Lima Secondary School and Choi Nong Chi Tai School. During the Integrity Week, activities, such as picture book design, drama contests, video clip competitions and campus broadcasting were carried out at the said schools. Through active participation and manifestation of talents, students expressed their willingness and expectation for upholding personal integrity and the building of a clean society.

The CCAC also sent staff to hold seminars at these schools, where they had discussions with students on topics such as values on money and the importance of integrity. In addition, display boards were set up in the campuses to allow students to better understand the development of integrity building in Macao.

In order to extend and deepen the students' understanding of integrity, the CCAC organized a visit to the Hong Kong ICAC with representatives of the students of the four schools on 6th July.

The 32 representatives were warmly received by Principle Liaison Officer, Helen Lee, and Assistant Liaison Officer, Harriet Fung Ho-yan, who introduced the functions and anti-corruption efforts of the ICAC. The students also visited the ICAC Exhibition Hall in order to further understand the development and achievements of graft-fighting in Hong Kong.

The students said they were much benefited from this visit which had deepened their understanding of the importance of integrity and honesty to society.

The CCAC will continue to cooperate with local education sector to carry out the programmes of integrity education for teenagers with a hope to guide them to posture moral values in multiple ways.



Drama contest at Tong Sin Tong School



Students visiting ICAC Exhibition Hall

Students' Viewpoints



Lei Yat Seng (Yuet Wah College)

To prevent corruption effectively, it is necessary to improve the system and plug legal loopholes.



Cho Wai (Tong Sin Tong School)

Education on integrity awareness is very important. When corruption occurs, it will be too late.



Tang Si Chong (Santa Rosa de Lima's College)

It is important to observe the law, yet self-control is even more valuable.



Kong Yeng Yu (Choi Nong Chi Tai School)

Even daily trifles reflect one's integrity. We must practice what we preach.

The "6th Sports Games of the Anti-Corruption Law Enforcement Staff in Guangdong, Hong Kong and Macao"



The Commissioner, Fong Man Chong, addressing at the opening ceremony

The CCAC hosted the "6th Sports Games of the Anti-Corruption Law Enforcement Staff in Guangdong, Hong Kong and Macao" at the Macao Federation of Trade Unions Workers Stadium and the Bowling Centre from 6th to 7th January. Athletes from the three anti-corruption agencies participated in four different sports events, including football, table tennis, badminton and bowling.

Organized by the three places in rotation, the Sports Games of the Anti-Corruption Law Enforcement Staff in Guangdong, Hong Kong and Macao aims to enhance the cooperation and friendship between them.

The Commissioner of Macao CCAC, Fong Man Chong,

addressed the opening ceremony. The Director of Political Department of the People's Procuratorate of Guangdong Province, Li Xiaodong and the Director of Operations of the Operations Department of Hong Kong ICAC, Wong Sai-chiu led a delegation and attended the ceremony. Among the four sports games, the CCAC earned one gold medal, two silver medals and one bronze medal. Upon completion of competitions, the CCAC hosted a dinner for the Guangdong and Hong Kong delegations, during which the prize awarding ceremony was held.



Bowling game



The CCAC earned the gold medal at the football game

Internal Training: Seminar on Functions of National Bureau of Corruption Prevention of China

In order to enhance CCAC staff's understanding of corruption fighting and prevention in Mainland China, the CCAC organized the seminar entitled "Functions of National Bureau of Corruption Prevention of China" as a part of internal training. The Chief of Office of Supervision of the Liaison Office of the Central People's Government in Macao SAR, Yu Kechao, was invited to conduct the seminar.

Mr. Yu, who has engaged in graft-fighting works for many years, introduced the background of the establishment of the National Bureau of Corruption Prevention, its functions and the main tasks designed based on internal and external situations of the country. He also compared the supervisory mechanisms of Mainland China with that of Macao and even western countries, analysed them and explored the challenges brought by the enhancement of corruption prevention and the directions of improvement in this aspect.



Yu Kechao exchanging views with CCAC staff

The seminar has deepened the staff's understanding of integrity building efforts in Mainland China and they were much benefited from it.



Leadership of General Union of Neighbourhood Associations of Macao visiting CCAC



The new Commissioner of the Foreign Ministry of the People's Republic of China in Macao, Feng Tie (second from right), and his predecessor, Song Yanbin (second from left), visiting CCAC



The Commissioner, Fong Man Chong, presenting a souvenir to the Vice-Chairman of Anti-Corruption Bureau of the Anti-Corruption and Civil Rights Commission of Korea, Kwak Hyung Sok, who visited the CCAC



CCAC representatives discussing with students during the seminar "Morality and Integrity" at the University of Macau



Professor Susyan Jou of Graduate Institute of Criminology of the National Taipei University and her students, who visited the CCAC for research, and the Chief of Cabinet of the Commissioner Against Corruption, Sam Vai Keong (fourth from left on the first row).



The Integrity Volunteer Team visiting the Macao Prison



Around 300 primary students participating in the activity "Celebrate Children's Day with William"



Students of Belilios Public School of Hong Kong visiting the Branch Office of CCAC at Areia Preta

“Shanghai Land Transaction Market” –

A successful for reference

I. Foreword

Upon invitation of the Shanghai Municipal Supervisory Bureau and the Secretary of the Commission for Disciplinary Inspection of Shanghai, the delegation of the CCAC paid a visit to the Shanghai Municipal Supervisory Bureau and the related departments from 2nd to 4th May 2012 to exchange views on cooperation and issues of mutual concern. The delegation visited the “Shanghai Land Transaction Centre” and the “Shanghai Land Transaction Market” in particular in order to understand the current situation of state-owned land transaction in Shanghai. As the saying goes: An ass in Germany is a professor in Rome, this article was put together specially as an introduction since the delegation was highly inspired and greatly benefited by its open and fair trading system, clear business processes and efficient operation mode.

In view of the several cases of corruption in Shanghai in recent years, the Shanghai Municipal Supervisory Bureau and the leadership of the Commission for Disciplinary Inspection have actively carried out the work and deployment on corruption prevention and adopted a number of measures to actively curb and prevent corruption targeting the various drawbacks of the existing system. They are committed to establish a system of prevention as well as remedy by punishment and have achieved remarkable results in the area of the construction of corruption prevention.

It is worth mentioning that the concept of “clean and honest Expo” had accomplished remarkable results and won the appreciation of the world, during which a working procedure with wide coverage, clear accountability and full supervision was established to conduct all-round, full-process and complete coverage of supervision on construction, funds and materials as well as performance activities in order to ensure the safety and quality of construction projects, normality of usage of funds and materials, thrifty and efficiency of operation.

Another achievement was made on the issue of real estate. The leadership of the Commission for Disciplinary Inspection and the Supervisory Bureau of Shanghai, with in-depth studies as well as expounding and proofing, highly promote the establishment of clean, transparent and efficient transaction mechanism in all business units so as to avoid the recurrence of corruption and unfair situation. After efforts over a year, the “Shanghai Land Transaction Market” was finally established; its composition and operation model is a quotable experience for Macao. In order to enjoy long-term stability and eradicate acts of corruption, it is necessary for Macao to establish a sound and effective system.

With regards to the construction of anti-corruption system, the leadership of the Commission for Disciplinary Inspection of Shanghai raised the concept of “system plus technology”. After years of practice, it achieved outstanding performance and won critical acclaim. It is one of the measures that is worthy to learn from.

Thus, we will introduce briefly the composition and model of operation of the Shanghai Land Transaction Market.

II. The Functions and Duties of the “Shanghai Land Transaction Centre”

The “Shanghai Land Transaction Centre”, being renamed in May 2010, was formerly known as the “Shanghai Land Charges Management Centre”. It is a direct subordinate unit of the “Shanghai Municipal Planning, Land and Resources Administration” and is mainly engaged in businesses including land transaction, pre-transference, contract regulatory and collection of charges.

The main functions and duties of the Centre include:

- (1) Compilation of the annual plan of commercial land supply; to guide and coordinate the compilation and implementation of the annual plan of commercial land of the subsidiaries in district (county) level;
- (2) Daily management of the Office of bid invitation, auction and quotation for land transfer and lease of the city. The pre-transference affairs of commercial land transactions, coordination of land planning parameters and consultation prior the transfer of city land supply as well as the collection of opinions of consultation and compile proposals;
- (3) Daily management of the land transaction market. Organize and carry out the pre-application for commercial land project; organize and carry out the transaction of transfer, lease of land use right through bid invitation, auction or quotation; organize and carry out the compensation of the occupying of arable land and the index transaction of changing of usage of arable land;
- (4) Collecting, combining, analyzing, reporting and publishing of land transaction information of the whole city and provide related services such as the consultation of relevant laws and information as well as the place for transaction;



- (5) Management of affairs regarding the payment of the transfer fee (rent) of transfer or lease contract and the handover of land;
- (6) Management of affairs regarding the collection of land use fees.

III. The Functions and Duties of the “Shanghai Land Transaction Market”

The “Shanghai Land Transaction Market”, being administered by the Shanghai Municipal Planning, Land and Resources Administration and undertaken by the “Shanghai Land Transaction Centre”, officially entered into operation on 1st March 2008. It is the designated site established upon approval of the Shanghai Municipal Government for collecting and releasing the land transaction information, publicly conducting land transactions and handling the affairs regarding land transactions.



The reception counter at the “Shanghai Land Transaction Market”

According to Article 8 of the *Administrative Measures for the Shanghai Land Transaction Market*, the following transactions of state-owned land use rights shall be conducted in the Land Transaction Market:

1. Transfer and lease of state-owned land use rights;
2. Segmental transfer of land use rights for tract development in an economic development zone;
3. Transfer of land use rights together with house construction projects;
4. Transfer of house properties (excluding houses for residency) whose land use right are allocated.

Thus, in accordance with the above stipulations, all the transactions of state-owned land of 19 districts and counties in Shanghai have to be done through the “Shanghai Land Transaction Market”. In addition, the market is also responsible for gathering and announcing information that is related to land

transactions. Moreover, transaction business of bid invitation, auction and quotation were also completed in the market, which has realized the principles of unified programme management, information release, transaction rules and operation supervision so as to prevent irregular transaction behaviour such as non-unified operations and unbalanced information, etc.

In summary, the functions of the land transaction market includes: providing a site for transaction, handling of transaction affairs, providing transaction information and serving as the agency of land transaction.

IV. Illustration of the Procedure of Land Transaction in Shanghai

Since all transactions of state-owned land in Shanghai shall be conducted in the “Shanghai Land Transaction Market”, in order to prevent corruption, the market has formulated a rigorous set of business procedures and stipulated that all relevant information had to be unified and announced at the website¹ of the “Shanghai Land Transaction Market” and the “Shanghai Municipal Planning, Land and Resources Administration”, so as to achieve the purpose of public disclosure of information and transparency of procedure, etc.

The procedure to conduct land transaction at the “Shanghai Land Transaction Market” can be described as below:

- (1) Application of land for transfer and receive materials of transfer;
- (2) Compile transfer documents and transfer announcement;
- (3) Unified publication of transfer announcement, documents of transfer and the number of the application form subscribers;
- (4) Organize site surveys;
- (5) Organize and hold Q&A session, unified publication of summary of Q&A;
- (6) Accept applications of tendering/bidding, unified publication of number of applicants;
- (7) Seal the information of tenders/bids or blacken the name of tenders/bidders;
- (8) Acquire the status of the receipt of deposit;
- (9) Confirm tenders/bidders qualification;

¹ The website is: <http://www.shgtj.gov.cn>

- (10) Conduct the operation of transaction of bid invitation/auction/quotation; unified announcement of information of quotation price;
- (11) Publicize result of transfer;
- (12) Refund of the deposit.

For the purpose of corruption prevention, to ensure the fairness of transaction and openness of information is of first importance. From the above mentioned procedure, it is easy to realize that the "Shanghai Land Transaction Market" has put great emphasis on these two aspects. Below is the outline of the main procedures:

Announcement of Transfer: Announcement of transfer shall be unified and publicized by the transaction market. The announcement will contain detailed information of the transaction, including the way of transaction (for example, bid invitation/auction/quotation), the location, nature, size, basic price of the land. In the end, even the number of people who took the application forms will also be made public. By doing so it can let the public know about the details of the proposed land for transfer. Since the information is highly open and transparent, the purpose of prior supervision of the public can be achieved.

地块名称	地块坐落	出让方式	土地用途	出让年限	出让面积	最高限价	公告日期
浦东新区川沙新镇川沙二村	浦东新区川沙新镇川沙二村	挂牌	住宅用地	70年	1.2	1000	2018.04.28
浦东新区川沙新镇川沙二村	浦东新区川沙新镇川沙二村	挂牌	住宅用地	70年	1.2	1000	2018.04.28
浦东新区川沙新镇川沙二村	浦东新区川沙新镇川沙二村	挂牌	住宅用地	70年	1.2	1000	2018.04.28

Information and status of transfer or lease of land are available on the website, click the plot of land and details can be downloaded

Q&A session and its summary: Since the bidders tend to have queries concerning various conditions of the plot, for example, the actual area, the calculation of floor area, coverage rate and the boundaries, etc, the transaction market will hold a Q&A session when necessary. In the past, questions were answered individually under normal circumstances which resulted in unbalance or confusion of information and cause unfairness to other participants. Thus, the transaction market adopted the method of "gathering the questions and answering all together" to collect and sum up the questions raised by the bidders, ultimately the questions would be answered openly at the Q&A session. Afterwards the summary of the Q&A will be unified and published on the website to ensure that bidders could obtain the same information as much as possible.



The related contents and summary of the Q&A session is available on the website

* * *

Bid Invitation/Auction/Quotation: The actual operation of transaction needs to be handled by the transaction market, the details are as below:

- a. **There are two methods of bid evaluation in bid invitation/bidding:**
 - i. Bid evaluation based on a combination of factors: in this way both the price offered by the bidders and other technical factors are taken into consideration, thus the bid evaluation process is relatively complex. Before the transaction, the Notary will draw and select bidding evaluation experts from the databank of bidding evaluation experts. When opening the bids, the system will pre-score business bids automatically. The moderator will send the DVDs of information of bids that are not lower than the minimum price to the bid-evaluation room. Bidding evaluation experts will be waiting in the bid-evaluation room that is fully covered and blinded. Upon receipt of the DVDs with bid information, the bidding evaluation experts will first conduct bid evaluation on technical bids and then the bid evaluation on business bids. The bidding evaluation experts can raise questions to bidders through the moderator, but the questions raised and the explanations should be posted on the big screen at the scene. When deciding the bid, the standard of bid evaluation, the opinions of the experts and the score should be announced. If two or more applicants obtain the same highest score and offer the same price, on-site auction will be performed.
 - ii. Bid evaluation based on Best-Price Rule: in this way the only consideration is the price offered by the bidders, thus the bid evaluation process is relatively simple, only the above mentioned meetings for tendering, bid opening and bid evaluation are required. If two or more applicants offer the same quotation, it



can conduct the quotation again within a limited time or proceed to on-site auction.



Evaluation room

地块编号	地块名称	当前交易地块	当前挂牌价格 (万元)	挂牌时间
201117110	松坪21-144号地		1425.0	2011-12-01
201117120	松坪20-32-002号地		1275.0	2011-12-01
201117130	松坪21-147号地		1070.0	2011-12-01
201117100	松坪21-141号地		2370.0	2011-12-01
201100294	福田区科技园北区3号地		9021.0	2011-07-20
201100045	皇岗填土-114号地		4025.0	2011-03-04
201100014	皇岗填土-113号地		774.0	2011-03-04
201100013	皇岗填土-112号地		1638.0	2011-03-04
201110029	龙岗区坪地镇南坑村-123号地		150.0	2011-01-13
201100005	伊美路21-004号地		307.0	2010-10-18
201010001	上海路深圳中心区一期建设区21F-001号地		9420.0	2010-02-24
20090720	松坪21-139-011号		190.0	2009-07-02

The quoted price of corresponding plot is available online

- b. **Auction:** It is performed In accordance with the norms of the Ministry of Land and Resources. Under normal circumstances, the auction host announces the auction rules, the bidders should respond by raising the paddle or quoting the price and eventually the highest-price-offer wins.
- c. **Quotation.** There are two ways of quotation:
 - i. The bidders fill in the amount at the machine which is exclusive for quotation by using the transaction card and the password; the information will be automatically announced after confirmation is submitted. Confirmation receipt of quoted price can be printed out at the spot;
 - ii. The bidders fill in the paper quotation sheet; quotation will be listed and announced after the confirmation of the moderator and the notary. The quoted price should be announced immediately.

Upon the cutoff time of quotation, if there is other bidder wanting to continue to bid, the transaction will be changed to on-site price competition. Price competition can be done by one-off quotation or multiple quotations according to different purposes set up.

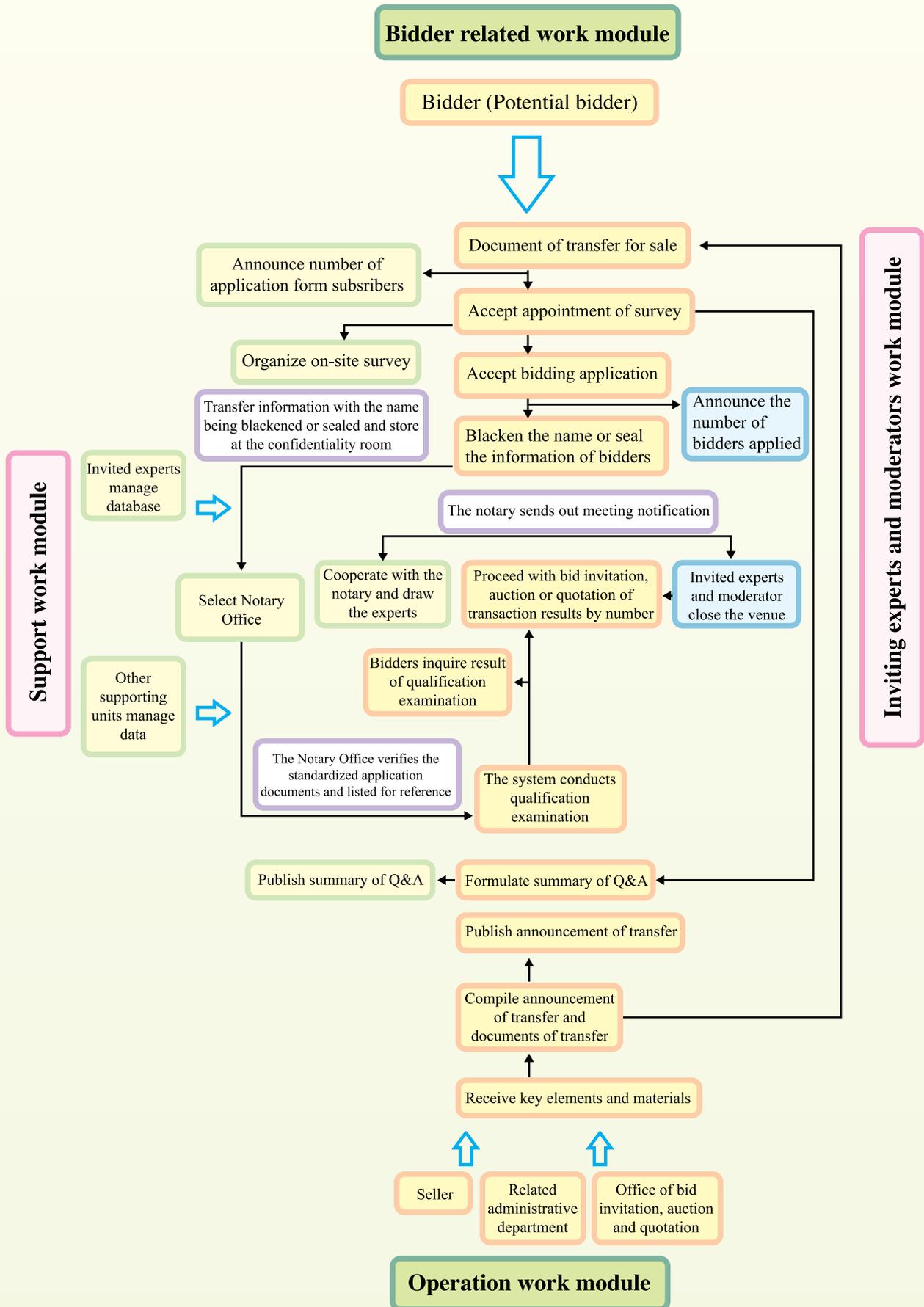
Publication of transaction results: Upon the completion of bid invitation/auction/quotation, the system will decrypt automatically and reveal the name of bid-winner (auction successor) after the moderator announce certain number has won the bid (or has succeeded) and the respective bid-winning price. Based on the transaction result, the bid-winning notice (or transaction confirmation) will be printed out at the spot. Detailed information

of the transaction result and the bid-winner (auction successor) will be published on the related websites so as to publicize the whole transaction and the final result.

* * *

From the flow chart below, we can understand that each step of the bidding process undergoes rigorous application and screening to ensure every section can be carried out in a fair and impartial manner. For example, during a transaction in form of quotation, when the transaction centre accepts the bidders' bidding application, the information submitted by the bidders will be stored in the confidentiality room in the transaction centre after blackening the name and sealing. The bidders will be issued a transaction card; its main function is for the processing of quotation activities. The bidders can proceed with quotation and inquire the result of screening within the inquiry system of the land transaction market. The quotation will last for ten days. All information will be kept strictly confidential and the system will publish the result of transaction on the website of the transaction centre after the end of the period.

Furthermore, if the transaction is carried out in way of tendering, there should be corresponding regime and regulations so as to make sure that the entire land transaction process is carried out with open and legal procedures. In addition, the evaluation process is highly rigorous as well, each time the market information system will draw different notaries or experts to host and proceed with the evaluation. Since the whole process is strictly ordered, open and transparent, it could largely prevent corruption from happening. Thus, it can act as a model for Macao in its revision of land law and the perfection of the system of land transactions.





V. Conclusion and Recommendation

After this visit and meeting, the CCAC delegation has gained an in-depth knowledge of the operation of the “Shanghai Land Transaction Market” and was impressed by the openness, systematization and informatization of its operational procedure. The entire transaction process is very clear, although there are many rules and procedures, the actual operation does not appear to be complicated or slow and on the contrary, it is smooth and orderly operated. Its purpose is to reduce the possibility of human interference to prevent corruption in the procedure as much as possible.

Three main characteristics can be summed up for the “Shanghai Land Transaction Market”:

1. **More open and transparent:** the transaction market made public the whole transaction process, including the flow of process, rules of business, transaction information and inquiries and answers, etc., so as to realize sunshine operation and fair market competition. All information that are supposed to make public are disclosed accordingly to enable the public to gain access to the relevant information at anytime, ensuring that the persons involved know and master every section of the transaction as well as allowing the public to perform effective supervision on the entire land transaction.
2. **More formulated and regulated:**
 - (1) Through the Administrative Measures for the Shanghai Land Transaction Market, a clear set of administrative measures was established regarding the scope and rules of land transactions. Strict regulations were stipulated for the publication, announcement and releasing of information of land transfer.
 - (2) The formulation of “Business Process and Operation Specification for Allocation and Transfer of State-owned Construction Land Use Rights in Shanghai” for trial implementation enables modular operation to be adopted throughout the entire process. Each module can only get access to part of transaction information. Transaction results can be only be acquired through data integration by the land transaction system so that no party can unilaterally control the transaction results.
 - (3) Through “Administrative Measures on Supervision of the Shanghai Land Transaction Market (for Trial Implementation)” full supervision over each section of the process of land transaction is conducted, with the notary office taking part to carry out on-site supervision

throughout the whole process. Meanwhile member of NPC and CPPCC, municipal committee and law experts will be timely invited to the market to oversee land transaction as well.

3. **Simpler and more efficient:** the information system of the transaction market integrates different systems such as land granting, land and property resources as well as developers, etc., it can also provide immediate information concerning status of land transactions in the 19 districts and counties of the city, information of bid invitation, auction and quotation. The bidders are provided with unified, standardized and easy-to-access transaction information. Through the system, the bidders can also submit queries, quotation as well as participate in the bidding, etc.

It is true that there are still a lot of inadequacies in the current laws and regulations that regulate land transactions in Macao. Also what is undeniable is that the human factors still contribute to a significant portion of it. When compared with the “Shanghai Land Transaction Market”, it is without doubt that the regulations and systems in various sections are better than those in Macao and most of them are notable for our reference. Thus, the “Shanghai Land Transaction Centre” and the “Shanghai Land Transaction Market” are for profound value of exploration and learning.

The existing land granting system in Macao basically fails to meet the needs of the development. While revisions and amendments in bits and pieces cannot solve the various problems completely, the mode of operation and principle of the “Shanghai Land Transaction Market” are indeed worthy of learning. Certainly, adjustments need to be made in accordance with the actual environment of Macao in some of the procedure. To establish a land granting regime with an “immune system of corruption prevention” is an imminent project that would affect the overall situation and the future. “Why is the water so clear in the dike? For there is fresh water coming from the springhead.”

Rights and interests of applicants for public posts: How much do you know ?

1. Foreword

Generally speaking, public administration authorities recruit personnel according to their need under applicable legal systems. However, in the course of recruitment, it is not uncommon that candidates are eliminated due to procedural reasons and assessment results, which may lead to their dissatisfaction. Some of the eliminated candidates might, either anonymously or named, file complaints with the Commission Against Corruption (CCAC). For example, among the complaints received over the last year, a considerable number of them were lodged against departments that they believed had “predetermined results” in the recruitment process. Some also addressed allegations of unfair grading by the recruitment committees or improper measures taken by responsible departments during examinations. Most of these complaints, however, did not provide the CCAC with substantial evidence to analyze and follow up.

The rising amount of such complaints does mean an increasing awareness among citizens of protecting their own rights and interests, while it also reflects complainants’ lack of knowledge of the public service recruitment system, especially those who participate in the public office examination. They are under the delusion that problems can always be solved if they file complaints with the CCAC.

In order to help candidates better understand their rights and obligations, the CCAC would hereby take the opportunity to give a brief introduction on the public service recruitment system. This also aims to allow candidates to know what actions to take and how their complaints can be lodged properly and effectively when they really find inappropriate or illegal practices during the recruitment. In this way, the legitimate rights and interests of candidates can be protected.

* * *

2. Characteristics of the Public Servant Recruitment System

With the entry into force of Law no. 14/2009 of 3rd August and Administrative Regulation no. 23/2011 of 8th August, a majority of public administration departments in Macao are now recruiting staff in accordance with the central recruitment mechanism, which is coordinated and administered by the Public Administration and Civil Service Bureau (SAFP). There are still some departments that are not subject to the new recruitment mechanism though, such as the military personnel of the Macao Security Forces, Customs staff and personnel of the University of Macau, the Macao Polytechnic Institute, the Civic and Municipal Affairs Bureau, the Commission of Audit and the Commission Against Corruption. The said institutes are subject to the special

provisions of their own organic laws. However, no matter whether they have to follow the central recruitment mechanism or not, they basically observe the same legal principles when it comes to recruitment.

Below is Article 10 of Law no. 14/2009 of 3rd August, which regulates matters relating to recruitment:

“Article 10

Recruitment Examination

1. Except as provided in the following paragraph, recruitment examination is deemed as a normal and compulsory step in the procedure of recruiting and selecting contractual workers and personnel of the statutory staffing framework.

2. When there is an urgency of recruitment with justification, recruitment examination for contractual workers may be waived, subject to the approval of the Chief Executive.

3. Recruitment examination shall comply with the principles of freedom of application, equal conditions and equal opportunities for all candidates, and shall ensure the following:

- (1) The announcement of recruitment issues, together with general requirements and special requirements;**
- (2) A neutral recruitment committee for evaluating candidates;**
- (3) The advanced announcement of the selection methods and criteria;**
- (4) The adoption of objective examination methods and criteria;**
- (5) The right to complaint and appeal.**

4. The recruitment examination, which can be either external or internal, is open to all the interested parties or only public servants.

5. The recruitment examination system referred to in this article is established by the supplementary law.”

The article above presents explicitly three fundamental principles in the recruitment of public servants, which are:

- The principle of freedom of application;
- The principle of equal conditions;
- The principle of equal opportunities for all candidates.

To fulfill the above principles, the recruitment procedure of public servants shall comply with a series of fundamental requirements as follows:

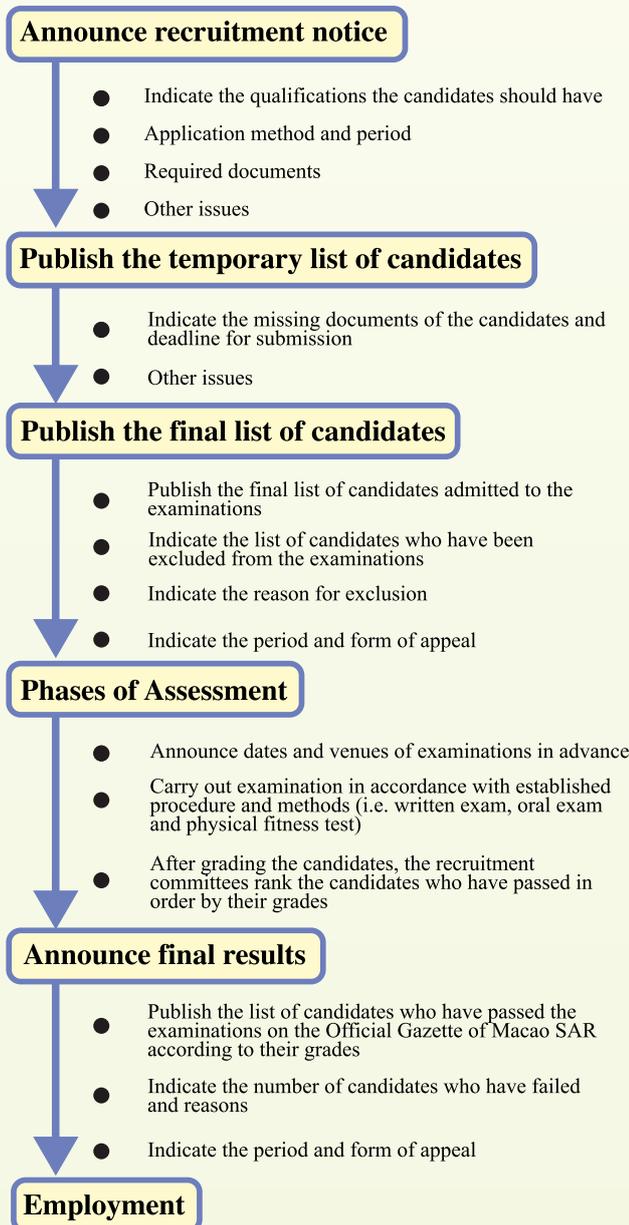


- Indicating a series of fundamental requirements – general requirements and special requirements;
- A neutral recruitment committee for evaluating candidates;
- The advanced announcement of the selection methods and criteria;
- The adoption of objective examination methods and criteria;
- The right to complaint and appeal by the candidate.

The Administrative Regulation no. 23/2011 of 8th August serves to implement the content of the recruitment system.

* * *

The recruitment and selection procedure usually consists of the following steps:



In the course of recruitment and selection of public servants, the recruitment committee enjoys the discretion to handle and decide all the matters relating to the recruitment process. Nobody else can intervene in matters within its jurisdiction, even the hierarchical superior.

Provided that there is no candidate filing appeals in the statutory period, the recruitment departments will prepare for the admission of the successful candidates according to their grades, during which the successful candidates shall go through the procedure as follows:

- Declaration of the acceptance of the admission;
- Go through body check and provide other documents;
- Signing documents for the admission.

* * *

3. Measures taken by candidates to safeguard their rights and interests

In any of the afore-mentioned steps, it is possible that recruitment committees might perform some behaviour that do not conform to law or constitute an offence, which may affect a particular candidate or some candidates. Given these circumstances, candidates must learn how to protect their legitimate rights and interests.

The most common offences are as follows:

- Recruitment committee members are lineal relatives by blood or affinity (up to the third degree) with any of the candidates while they have not announced recusal according to law yet have carried on with relevant work of the recruitment committee;
- Recruitment committees hold meetings and set out criteria related to grading without the presence of a majority of members;
- Recruitment committees do not prepare for and sign meeting minutes;
- Recruitment committees do not act in accordance with statutory methods;
- Recruitment committees do not meet the deadlines established by law;
- The recruitment committees make mistakes in

evaluation or eliminate certain (or some) candidate(s) by means deemed unfair.

At any stage of the recruitment, namely the announcement of the temporary list of candidates, the final list of candidates or the announcement of final result, candidates may appeal against the elimination within 10 working days upon the announcement of relevant lists or final results¹.

When a candidate wishes to make a complaint or file an appeal, the first question he should think about should be: What is the motivation? What is the ground for the appeal? Normally speaking, a candidate has no access to know which method the recruitment committee is based on to conduct the assessment and how his answer sheets are evaluated. If the candidate wishes to know, he must apply for the production of meeting minutes² from the recruitment committee, which specifies the assessment criteria and reasons. If the assessment has been conducted and the result has been announced, the meeting minutes should also indicate the reasons and results of the assessment of all candidates.

Once the candidate files such application, the recruitment committee must issue a certificate of meeting minutes. However, it must be borne in mind that the candidate can only apply for his personal records but not those of others (e.g. assessment records).

Only with this information can the candidate come to know the reason why he has been eliminated or failed by the recruitment committee.

Therefore, if the candidate just lodges a complaint to the CCAC stating that the assessment has been unfair or there have been irregular practices conducted by the recruitment committee without his prior application for a certificate of the meeting minutes, there is not much room for the CCAC to intervene in the situation because it is hardly possible for it to draw a conclusion that the criteria, procedure and basis of relevant assessment have gone wrong.

Nevertheless, there is possibility that irregular behaviours are conducted in the procedure by the recruitment committee. Despite that these behaviours might not go against the law, they might contravene the fundamental principles of law. For example, the recruitment committee arranges the examination

to be held at an inappropriate venue or time, or even establishes unreasonable rules (e.g. only pens of particular colours can be used to write on the answer sheets, otherwise the examination would be given no marks), or requests the candidates to arrive at the venue of examination two hours prior to the examination. However, all of these are irrelevant to the assessment but most of them are only procedural problems. When candidates complain about such problems, in principle the CCAC has the right to intervene in or investigate them, which are usually easy to be solved.

However it should be noted that the above-mentioned procedural problems usually do not have direct impact on the result of the assessment unless extreme circumstances occur, as follows: the examination is scheduled to be held at 00:00. Apparently the arrangement is inappropriate and may affect the result. In this case the CCAC can intervene in the matter.

* * *

4. Conclusion

With the popularization of legal knowledge and the increase of opportunities for citizens to apply for public posts, the awareness in protecting personal rights and interests of public post applicants has gradually increased. This phenomenon in fact serves a purpose of monitoring and alerting the public departments in the handling of recruitment of personnel. In this sense, authorities are expected to act in accordance with the law and in a reasonable manner in the recruitment procedure, and handle complaints or appeals of candidates in a lawful and appropriate way. This is also an effective way to raise the level of administration and fulfill the spirit of administration according to law.

¹ See Article 20 of Administrative Regulation no. 23/2011 of 8th August.

² See Article 27 of Administrative Regulation no. 23/2011 of 8th August and Article 63 of the *Code of Administrative Procedure*.

