

FOREWORD

Time flies and in a blink of an eye, toward the 15th year of the establishment of the Macao SAR is the forthcoming fourth term of the Macao SAR government. Personnel change amid year change is a path of human history.

Election platform put forward by the fourth Chief Executive Chui Sai On when running for re-election:

As time progresses, strengthening the functions of integrity building, audit and supervision have become a demand; a basic protection of sound operation of the government. In the next five years, we will, as we always do, attach great importance to integrity building and strive to establish a service-oriented government in a clean, just, open and fair way. We will exercise the supervisory functions of the CCAC and the Commission of Audit in compliance with the supervision of the legislative bodies and in face of public and media supervision of policy implementation openly. By accelerating legality building, we will uphold the fairness and probity of the Macao SAR government.

The root of corruption is the lack of supervision and balance of powers. It is believed that strong determination and strict measures of corruption fighting, reinforcement of disciplines and enhancement of system building of the government of Mainland China for the purpose of ensuring long term social stability will inspire the Macao SAR government in perfecting the legal regime and administration.

“For a tree to grow tall and strong, one must strengthen its roots; for a river to flow far and wide, one must dredge its source”. In order to ensure that the administrative authority to exercise its power according to law, the prerequisite lies in the constitution construction and assisted by a clean and efficient civil service to form a healthy, active public administration culture to be carried out from the leadership down to all levels of public servants.

As the sayings in *Shang Shu* goes: “If we are not careful with our small acts, our righteousness will be eroded eventually”. In order to nip vice in the bud, no matters should be ignored because it is insignificant in practical work. For instance, if a public servant is suspected of functional crimes, preventive measures

such as preventive suspension or transfer of post in accordance with the law should be adopted, so as to effectively protect the public interest and to safeguard the government's reputation, rather than turning a blind eye; corresponding disciplinary sanctions shall be imposed in accordance with the legal provisions towards violations of public servants, rather than harbouring them blindly; after knowing the misapplication of law-enforcement by staff of department, it should have the courage to admit the mistake and take proactive measures to rectify the unfairness or damage caused to the public as soon as possible, rather than whitewashing.

The supervisory entity carries out its duties without favour and renders suggestions or recommendations based on in-depth investigation and analysis. The ultimate purpose is to ensure government departments' legal administration and uphold fairness and justice in society.

A clean culture builds up social fairness and justice which unites everyone and only unity leads to goal achievement. To enhance social development and pursue public interests is government's mission. The supervisory body strives to expedite system building in every aspect because only an effective system and a clean and efficient public service can lay the cornerstone of long term of social stability. However, “system building” shall not be merely a slogan and even a formality. “Clear positioning, flexibility for possible changes, legality and rationality” are the basic principles of system reform.

Ancient philosopher Xunzi says, “A good farmer will not stop farming because of flood or drought. A good businessman will not stop doing business because of suffering loss. A gentleman of good virtue will not give up principles and morale because of living in poverty.” Modern thinker Liang Qichao says, “One cannot enjoy the pleasure in responsibility unless he/she understands the hardship brought by it.”

September 2014

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



Summary on Annual Report of the CCAC 2013



The Commissioner Against Corruption, Fong Man Chong, submitting the 2013 Annual Report of the CCAC of Macao to the Chief Executive, Dr. Chui Sai On

According to Article 15 of the *Organic Law of the Commission Against Corruption of the Macao Special Administrative Region*, in March 2014, the Commissioner Against Corruption, Fong Man Chong, submitted to the Chief Executive the 2013 Annual Report of the CCAC of Macao.

In the annual report, the CCAC summarises all the activities and initiatives carried out in 2013, which are introduced in its case processing summary and the parts regarding the work in the areas of corruption fighting, ombudsman, integrity education, community relations and declaration on assets and interests. In addition, it also summarises the works related to the 5th Legislative Assembly Election in 2013, including investigation on electoral corruption and promotion and education on a clean election, as well as features analysis and review on the election.

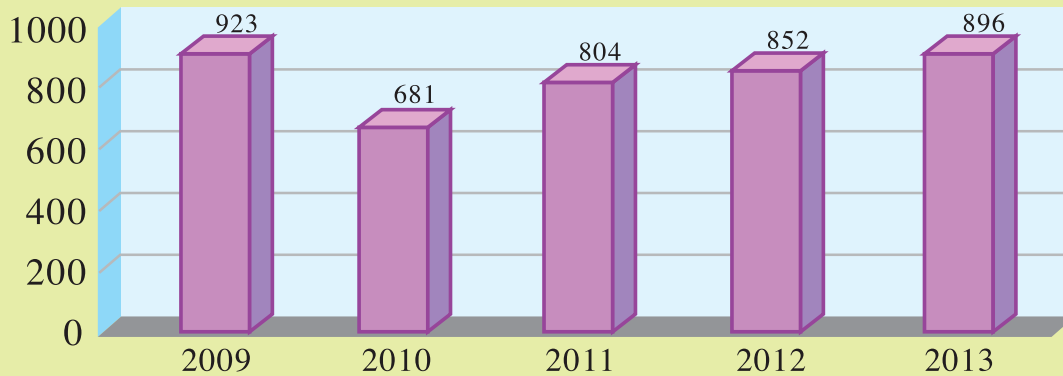
Moreover, some investigation reports and recommendations rendered in 2013 are included in the annual report, including *Investigation Report and Suggestions Concerning the “Macao Cable Television Company Limited” and the “Public Antenna Service Suppliers” Signing the “Cooperation Agreement” and the Execution of the Judgment of the Court of Second Instance*; *Second Report on Analysis of “Complaint on Government’s omission” and Measures of Supervision on Public Subsidy Granting for Associations/ Individuals*; *Investigation and Analysis Report on the Awarding of Concession Contract of Collective Passenger Road Transport Service*; *Investigation Report on the Basis for Termination of Fixed-term Appointment of Deputy Commissioner of the Fire Services Bureau and the Relevant Complaints*; and *Analysis and Conclusion on the Responses of the Secretary for Security in Relation to the “Investigation Report on the Basis for Termination of Fixed-term Appointment of Deputy Commissioner of the Fire Services Bureau and the Relevant Complaints”*.

The annual report consists of the following parts:

Case Processing Summary:

In 2013, the CCAC recorded and followed-up 896 complaints/reports (a total of 1,523 cases were handled throughout the year with 627 cases that were brought forward from 2012 or temporarily archived before). Among the 782 cases filed for investigation, 292 were of criminal nature and 604 were administrative complaints.

STATISTICS ON CASELOAD (2009-2013)



Regarding criminal cases, investigations of 236 cases were completed and referred to the Public Prosecutions Office or archived accordingly. On the ombudsman front, the CCAC had to handle 959 cases in 2013 (together with the 355 cases that were brought forward from 2012 or temporarily archived before), 510 of which were completed and archived.

Among the 896 cases recorded in 2013, 484 were lodged by identified complainants or those willing to provide personal data, accounting for more than a half of the total. Besides, the CCAC received 1,304 counts of requests for help and consultation of different natures throughout the year.

Anti-Corruption:

In 2013, the CCAC received a total of 481 criminal reports, including 264 cases eligible for preliminary investigation. Together with 92 cases brought forward from the previous year, the CCAC had to handle a total of 356 criminal reports in 2013. Investigation of a total of 236 criminal cases was completed and the cases were referred to the Public Prosecutions Office or archived accordingly. The CCAC filed a total of 194 criminal cases for investigation in 2013, similar to the total in 2012. There were 98 cases of bribery reports in the private sector commenced for preliminary investigation. Moreover, on the day the 5th Legislative Assembly Election took place, the CCAC received a total of 434 complaints and reports through the hotline, of which 213 were in relation to the election. Right before the election, the CCAC arrested a staff of an association and a citizen who allegedly attempted to influence voters by promising to offer them advantages and referred the case to the Public Prosecutions Office.

Ombudsman:

In 2013, the CCAC handled a total of 959 administrative complaints (of which 604 were received in 2013). Meanwhile, 525 requests for help and consultation were received. The requests mainly involved legal system governing public service, traffic offences, illegal constructions, municipal affairs and labour disputes. In particular, there was a slight increase of enquiries on traffic offences, illegal constructions and the competence of the Civic and Municipal Affairs Bureau.

Integrity Promotions and Community Relations:

In 2013, the CCAC continued to carry out integrity promotion activities and strived for the support and participation of society in integrity building. This year, a total of 410 seminars and symposia were organised, with 25,942 participants which covered different sectors including public servants, employees of commercial institutions, citizens, teenagers, secondary and primary students.

For the 5th Legislative Assembly Election, the CCAC carried out a series of promotional and educational activities for the purpose of upholding the probity and fairness of the election. The activities included 44 seminars on clean election and drama activities, with a total of 5,566 participants; slogan competition, large-scale outdoor event and community and school touring exhibition had also been organised. Moreover, the CCAC also disseminated the message to every corner of society through mobile application (App) and multiple channels.



Legislative Assembly Generally Passed Bill *Regime of Prevention and Suppression of Bribery in International Business*

Due to constant increase and enhancement of external communication and cooperation between Macao and other territories and a trend of growing popularity of cross-boundary and cross-governmental activities, it is the Macao SAR's responsibility to comply with Article 16 of the *United Nations Convention Against Corruption* as soon as possible and to ensure smooth running of external trade and prevent and combat various kinds of corrupt practices. It is also the opportunity to establish a general regime against bribery in external trade, to fill in the legal blank.

Therefore, the government submitted the bill *Regime of Prevention and Suppression of Bribery in International Business* to the Legislative Assembly to legislate against bribing officials of foreign governments and public international organisations as well as those from Mainland China, Hong Kong and Taiwan, so that the criminal system of Macao will be more sound. If the law is implemented, Macao SAR will have the power to prosecute the bribing side. Alike the enforcement of other anti-corruption laws in Macao, the CCAC will have the investigative power.

Moreover, the bill clearly defines the concept of "official of public international organisation" and "staff of government outside the territory of Macao SAR" as well as the elements of the crime based on the current theory of bribery crimes adopted by Macao SAR, so that the criminal regime of Macao will be in line with international regulations. The bill was generally passed by the Legislative Assembly on 30th June.



The Commissioner Against Corruption, Fong Man Chong, introducing the bill to the Legislative Assembly



CCAC Published Three Investigation Reports to Urge Improvement or Remedy of Administrative Acts by Public Departments

According to the *Organic Law of the Commission Against Corruption of Macao SAR*, the CCAC keeps on supervising the legality and rationality of administrative procedures carried out by public departments. In the later half of 2013, the CCAC completed and made public the *Investigation and Analysis Report on the Awarding of Concession Contract of Collective Passenger Road Transport Service*, *Complaint on Government's "Omission" and Measures of Supervision on Public Subsidy Granting for Associations/Individuals* and *Investigation Report on the Basis for Termination of Fixed-Term Appointment of Deputy Commissioner of Fire Services Bureau and Relevant Complaints*. The full texts of the reports have been uploaded to the CCAC's website.

The summary of the reports is as follows:

Investigation and Analysis Report on the Awarding of Concession Contract of Collective Passenger Road Transport Service

The CCAC received a complaint in May 2013 claiming that there were many irregularities existing in the current public bus service. Hence, the CCAC conducted the investigation. However, since the Reolian Public Transport Co., LTD. filed its application for bankruptcy to the Court of First Instance unexpectedly, the CCAC published the analysis report on the issues of current mode of operation of public bus service, the granting of service, the content of the contract signed, etc., without affecting the other ongoing measures.

After the investigation and analysis of the CCAC, it is found that there are certain evident violations of the law by the Transport Bureau (hereafter the "DSAT") in dealing with matters of public bus service. The main problem is that the DSAT has applied the legal regime incorrectly, resulting in the entire contract carrying the flaws of not complying with the public interest and even obvious violation of the law. It means that the three existing bus companies are under "illegal operation" since they have neither obtained the "concession right" nor entered into any concession contract. Other problems include illegal regulation of tax exemption, absence of terms about the ownership of property of concessionaires, illegal adjustment of bus fare during contract performance, disclaimer in violation of applicable law and absence of the complete content of the contract in the *Official Gazette of Macao SAR*.





The CCAC considers that the government shall adopt proper measures to redress the illegal situations and solve the problems in the following ways: To rescind the contract based on public interest and the applicable terms in the contract; or, according to the mechanism provided by the *Civil Code*, to transform the “service provision contract” into a “concession contract”, maintain appropriate terms and add the missing ones that are deemed necessary to the new contract according to the *Foundations of Regime of Public Works and Public Services Concessions*; or to commence new negotiation with the concessionaires and enter into new contracts in full compliance with applicable law.

Subsequently, the Chief Executive instructed the Secretary for Administration and Justice and the Secretary for Transport and Public Works to follow up the case in order to solve the problems as soon as possible.

Complaint on Government’s “Omission” and Measures of Supervision on Public Subsidy Granting for Associations/Individuals

The CCAC received a complaint indicating that the Macao SAR Government failed to set and announce a value on granted subsidy to associations in accordance with Article 19 of Law no. 2/99/M of 9th August so that associations with subsidy granted beyond that value have to disclose their annual balance on local press within one month of approval.

The CCAC considers that the issue is not whether Article 19 of Law no. 2/99/M has been implemented, rather a comprehensive examination and review of the entire system of public institutions subsidising civil association / individual should be conducted.

The report pointed out that the amount of government subsidies granted to civil associations increased substantially in recent years, in particular the Macao Foundation, where the situation is more obvious. According to the information obtained through the complaints received, the citizens had raised a number of queries on public departments, especially the Macao Foundation, about subsidising civil association / individual. The queries include: Are the public funds being effectively managed and used? How can society be benefited? Will it create an unfair situation?

The CCAC believed it is time to conduct a comprehensive review and analysis on the role and positioning of the Macao Foundation to ensure that it keeps up with the development of government policies on subsidy granting for associations/ individuals. The government also commented that they have been keeping a close eye on the existing problems and their potential repercussions on the society. The Chief Executive revealed that it was necessary to conduct an in-depth, holistic and objective analysis on the current subsidy granting systems, in addition to reviewing and making amendments to any outdated legislations and systems. He showed his support to the establishment of new regulations pertaining to public disclosure of accounts of the subsidised associations according to Article 19 of Law no. 2/99/M and instructed the CCAC to submit a feasibility report.

The CCAC has already drafted a preliminary proposal that will be presented to the Chief Executive shortly. The CCAC will also carry out a comprehensive review on the procedures, approaches, criteria and supervision mechanisms of current subsidy granting systems, in hopes of preventing abuse of public resources and unfairness in society.

Investigation Report on the Basis for Termination of Fixed-Term Appointment of Deputy Commissioner of Fire Services Bureau and Relevant Complaints

In 2012, the CCAC completed the *Investigation Report on the Basis for Termination of Fixed-Term Appointment of Deputy Commissioner of Fire Services Bureau and Relevant Complaints*. However, the Office of the Secretary for Security made a reply to the report, stating that “it is inadvisable to initiate disciplinary proceedings against the concerned Commissioner for irregularities or any personal wrongdoing”. Therefore, the CCAC conducted an analysis on the reply of the Office according to Subparagraph 13) of Article 4 of the *Organic Law of the Commission Against Corruption of the Macao SAR*.

The CCAC considered the reply of the Office of the Secretary for Security to be “lack of rationales”. Since it received a few more complaints regarding the internal management and operation of the CB in the last few months, the CCAC believed that the concerned problems have remained unresolved, which would further undermine the usual operation of CB and impede the exercise of its legal duties.

In pursuit of the public interest, the CCAC has decided to unveil the report about the *Commissioner* and the internal management and operation of CB, the Secretary for Security’s response to the report, as well as the CCAC’s stance on the relevant issues, hoping that the supervisory body will strictly and determinedly solve the various problems existing in the CB.

Activities to Promote Clean Election

For the 5th Legislative Assembly Election of Macao SAR held on 15th September 2013, the CCAC had worked on a full deployment of corruption prevention and fighting since the beginning of this year in anticipation of the daunting task based on the strategy of "Prevention as Priority, Stern Curb Against Corruption". At the same time, the CCAC also worked closely with the Legislative Assembly Electoral Affairs Commission (CAEAL) to suppress corrupt acts and ensure the probity of the election.

The CCAC adopted a holistic strategy to supervise election campaigns and combat illegal acts by mobilising all staff members in order to ensure the integrity, fairness and justice of the election. Based on comprehensive research and analysis of information from the internet, the CCAC promptly made adjustment of the measures and took quick actions according to actual situations.

Due to the increase of both direct and indirect elective seats, the election has become more competitive. Despite of the CCAC's prevention and supervision measures, there were still some people who attempted to challenge the rule of law and spoil the election. On 11th September, the CCAC carried out an operation and arrested a staff of an association and a citizen who allegedly committed the offence of "electoral bribery", as they attempted to influence voters by promising to offer them advantage.

The CCAC strengthened its monitoring efforts on the polling day (15th September); investigators were dispatched to different districts and polling stations for operations. 49 individuals were checked for and suspected of unlawful assembly and publicity, or performing acts of obstructing voters to vote. The CCAC handled those situations immediately. In addition, it was found that certain group intended to arrange non-residents to canvass in areas near the polling stations, the CCAC promptly intervened to curb the occurrence of such irregular acts.

On the same day, the CCAC received 46 complaints and reports, of which 44 were received through the anti-electoral hotline, most of them were in relation to the situations of the polling day, including transportation to pick up voters, reservation of food outlets to provide meals and canvassing through telephone messages and so on.

Meanwhile, the CCAC monitored closely the various related information on the internet, once there was trace of suspected electoral bribery, staff would be sent to the scene to investigate.



CCAC calls for citizen's attention of the safeguard of clean election through diversified channels



The CCAC has played an important role of prevention in the election this year and intervened before the candidate groups performing irregular acts, so as to bring correction and prevent the situation from worsening. Among the total of 434 complaints and reports received by the CCAC, 213 cases are in relation to the election. Looking at the overall election campaign, there were more "edge ball" situations than before, however, electoral irregularities or malpractices decreased significantly compared to the previous election.

Apart from combating electoral corruption, the CCAC also actively carried out promotional and educational activities in order to enhance citizens' awareness of clean election and spread the message to every corner of the society through multiple channels, including leaflets and



posters, seminars, exhibitions, publications, advertisements and a special homepage. Moreover, in order to match up with the change of citizens' habit of accessing information, the CCAC developed a mobile application (App) named "Clean Election Information Station" which enabled them to grasp and master the most updated information related to clean election.



Seminars on clean election



TV advertisement for spreading the message of clean election

Large-scale Outdoor Event Join Together for a Clean Election



Active participation of citizens in the event to support clean election

In order to disseminate the message of upholding the probity of the 5th Legislative Assembly Election, the CCAC held the large-scale outdoor event "Join Together for a Clean Election" at Lok leong Garden at Fai Chi Kei, Flower City Garden in Taipa and the park of Lao Hon Market respectively in August 2013. The event aimed to call for citizen's attention of the importance of a clean election through variety shows, booth games and exhibition panels. Many citizens were attracted to the event and the atmosphere was enthusiastic.

The Commissioner Against Corruption, Fong Man Chong, the Deputy Commissioner, Kuan Kun Hong, and the Chief of Cabinet of the Commissioner, Sam Vai Keong, attended to the events respectively in order to call for citizens' support.

would harm the basis of the rule of law of the Macao SAR and the interests of society. The CCAC would spare no efforts in curbing crimes of electoral bribery by strictly enforcing the law and conducting investigation in every case without favour. Whether an election was corruption-free or not depended on civic awareness and the sense of law-abidingness. Apart from the CCAC's efforts, citizens' support and participation were also crucial. He expected that all voters would reject all threats or inducements that affect voting decision and by casting their sacred vote to elect the one who sought the welfare of the citizens. He also called on the candidates to strictly abide by the law and regulations and respect the integrity, fairness, impartiality and transparency of the election system when participating in election activities in order to jointly safeguard the core values of society.

At the event, the launching ceremony of the book *Win by the Fair Line* was held as well. The Commissioner, Fong Man Chong, presented the book to Chan Im Wa, famous local writer, who assisted in coordinating the compilation of the book. The book, which is a collection of featured articles on the theme of "fair competition" written by 22 writers and outstanding people in the education or cultural community of Macao, is specially compiled and published in line with the



The Commissioner,
Fong Man Chong,
delivering a speech

5th Legislative Assembly Election. It aims to explore the importance of justice and fairness in different aspects like competitive environment, election system, everyday life and awareness of law-abidingness, thus, through the process of reading, the younger generation of Macao will be inspired to reflect upon the importance of fair competition, integrity and law-abidingness in promoting the healthy development of society and take practical actions to support clean elections.

In addition, throughout this year's clean election campaign, a number of enterprises and units offered great assistance to the CCAC, including CEM, CTM, Bank of China Macau Branch, the Industrial and Commercial Bank of China (Macao) Limited, Tai Fung Bank Limited and Wing Hang Bank Limited, as well as the integrity volunteer team. During the event, the CCAC made special arrangement and presented them with commemorative souvenirs in recognition of their collaboration to fulfil social responsibility and promote the clean election culture of Macao.



The Commissioner Fong Man Chong presenting the new book *Win by the Fair Line* to its coordinator, Chan Im Wa



Citizens eager to have a copy of the book

“Safeguarding Electoral Integrity”

slogan competition

In order to disseminate the importance of clean election among the citizens, the CCAC organised a slogan competition entitled “Safeguarding Electoral Integrity”, which caused a sensation. Over 1,700 entries were received from 886 participants. The prize awarding ceremony was held at the event “Join Together for a Clean Election” at Lok leong Garden in August 2013.

The judge panel comprised President of Association of Writers of Macao, Dr. Lei Kun Teng, renowned writer, Tong Mui Siu, experienced producer of TV programmes, Kong Wai Fan, Assistant Professor of Department of Chinese of University of Macao, Dr. Tam Mei Leng, and representative of CCAC, Ao Man Wa. They thought that the entries were of good quality and many of them were creative and effectively conveyed the message. The CCAC hoped that the participants made a more in-depth thought in the creative process.



Jury panel and the representatives of the CCAC



Deputy Commissioner, Kuan Kun Hong, presenting the prizes to the winners



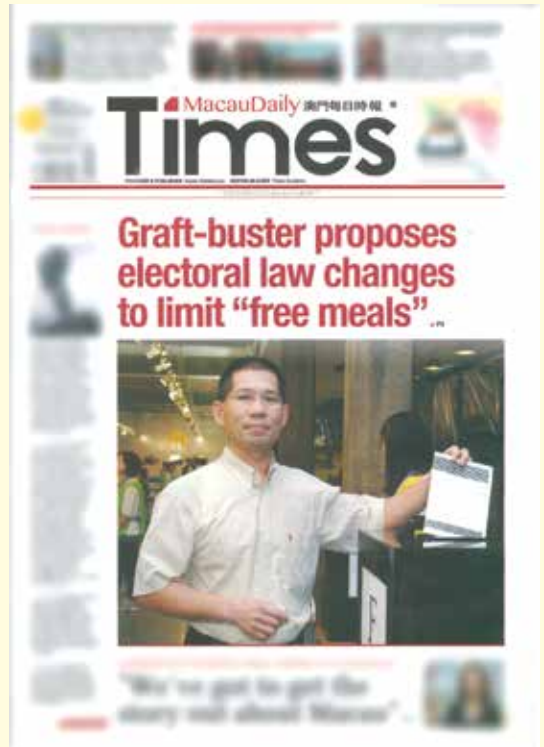
To Revise the Law to Prevent Electoral Bribery

To sum up the experiences in supervising the 5th Legislative Assembly Election, the CCAC, by deploying all the resources it had, has done the best as possible to combat the corrupt acts in relation to the election, such as promptly intervening into and redress many illegal acts committed by some candidate groups. However, due to constant social development, the current *Election Law* can do better in regulating the relationships between the candidates and various civil associations, the campaigning and blackout periods and the use of electronic information platforms, etc. Therefore, there are more difficulties for the supervisory entities to enforce the law.

The Commissioner Against Corruption, Fong Man Chong, suggests revising the *Election Law* in order to suppress electoral bribery and relevant illicit acts due to increasingly cunning methods of bribery and relatively out-dated regime. As a result, the confusing points will be made clear and the CAEAL, the CCAC and the police will enforce the law more easily. The following five directions are suggested:

1. Once electoral bribery is found, the related candidate group shall bear certain legal liabilities, including being disqualified for the election.
2. Cancellation of criminal immunity enjoyed by candidates;
3. To shorten the time between the confirmation of nomination committee and the campaigning period;
4. To refer to the measure of “warm-up period” adopted by advanced countries; After the nomination committee is confirmed, it should be allowed to give the information related to the election to the associations under it on certain conditions instead of disclosing it to the entire society;
5. To review the stipulation that campaigning is prohibited on the election day; to slightly loosen the restriction by allowing electioneering activities outside a certain area around a polling station.

The CCAC understands that in order to ensure positive development of election culture in Macao, apart from updating the regime in accordance with the reality, the general public's support is also very important. If voters say “no” to electoral corruption, the atmosphere of the society will be very different.



Short Story Collecting Activity about Integrity for Primary Students

Cultivating positive moral values at an early age facilitates the building of a corruption-free and harmonious society in a long run. For this reason, the CCAC remains active in organising various kinds of educational activities to promote integrity so as to guide teenagers to positive thinking. Recently the CCAC and the General Association of Chinese Students of Macao (AECM) co-organised “Short Story Collecting Activity about Integrity for Primary Students” for primary 4-6 students to write stories based on the topics such as “honesty”, “probity”, “sense of justice”, “law-observance”, “responsibility” and “fairness”, aiming to encourage them to reflect the topics by writing stories based on either their own experiences or those of others surrounding them.

The activity attracted positive response that a total of 300 entries were received from 28 schools. The judge panel, comprising famous local writer, Chan Im Wa, children’s arts artist, Li Chitwan, novel writer and children’s play writer, Joe Tang, and two representatives of the organisers selected 30 entries of Excellence and 60 entries of Commendation and awarded them accordingly. In order to commend the winners and share their stories, the award ceremony of the “Short Story Collecting Activity about Integrity for Primary Students” was held on 14th June 2014. Later, a collection of some of these stories will be published so as to promote the importance of integrity.



Jury Li Chitwan sharing her comments on the entries

One of the juries, Li Chitwan, also shared her comments on the entries of the activity. She thought that the stories created by the students are sincere and meaningful. She added that integrity and honesty are code of conducts that everyone should strive to preserve and could not be compared by means of contest. Therefore, she complimented the organisers on conducting this activity through the way of stories collecting. Moreover, she agreed that the fostering of the awareness of integrity and honesty should start at a young age.

Over 200 people including representatives from the education sector, teachers, students and parents attended the ceremony, where exhibition panels with the winning entries were exhibited for demonstration. In addition to the awarding of winning entries, the CCAC has also invited the winning school of inter-school drama competition – Choi Nong Chi Tai School to perform a themed drama on integrity and honesty: “An incident in the Library”. William, the Integrity Bear, also shared with the attendants at the award ceremony about his experiences on honesty and integrity to further encourage the students to reflect on the topic.



The Chief of the Cabinet of the Commissioner Against Corruption, Sam Vai Keong, delivering a speech

Speaking at the ceremony, the Chief of the Cabinet of the Commissioner Against Corruption, Sam Vai Keong, highly complimented the students. He said that through their stories, he could see that they were able to discern what was right and wrong despite their young age and adhered to the correct orientation when facing a moral dilemma. He said that it was even more appreciated when they could be enlightened through reflections to grasp the importance of honesty and integrity.

One of the juries, Li Chitwan, also shared her comments on the entries



The organisers delivering souvenirs to representatives of participating schools



The guests and the awarded students



Students' Sharing: *Short Story Collecting Activity about Integrity for Primary Students*

"Honesty" is much easier said than done. It requires personal faith to adopt the virtue of honesty into practical life. A number of primary students who have previously participated in the *Short Story Collecting Activity about Integrity* have different thoughts about upholding integrity.

See Ian, an Honest Girl **Li Hong Ian** Sacred Heart Canossian College (English Section) Primary Five (Award of Excellence)

Synopsis: See Ian, who was on her way home, decided to return the mistakenly taken umbrella to the original place, despite that it was raining cats and dogs out there that she got soaked when she reached home.

To be an honest person, one should uphold one's faith and integrity, even though it was never easy in face of temptations. Therefore, when facing dilemma, I will ponder whether it is the good or bad value I'm insisting and then make the correct decision. If I were See Ian, I would definitely return the umbrella. I would rather try other methods instead of sacrificing integrity.



A Clean Official **Cai Yu Jia** Ilha Verde School Primary Six (Award of Excellence)

Synopsis: In the *Election Campaign of a Clean Official* where adults and children were entitled to give a vote, the adults who received bribes hesitated but the children, without hesitation, voted the official who was always mocked at being clean. In the end, the official who obtained all the votes of the children gained the title of "a clean official".

Most adults are unable to resist temptations but children are always innocent and make decision according to their will. I'm worry that if the bribers become officials, their selfish behaviour will impair the development of the society.



Autumn Street **Kuan Nei Nei** The Workers' Children High School Primary Six (Award of Excellence)

Synopsis: A boy insisted in trusting a youth who claimed that he had to make an urgent call to his family. Such act made the youth feel ashamed to cry.

I had once encountered the situation in the story, I was warned by my mum to beware of fraudster. Even so, I believe that there are indeed many needies in the society and that only a few of them seek help in an improper way. If there is a loss of integrity in the society, people won't have trust among themselves and will deceive each other. The world will then turn isolated.



My Cousin and I **Cheong Chon Him** Instituto Salesiano (Primary Section) Primary Five (Award of Commendation)

Synopsis: The cousin, who accidentally found a huge sum of money by the side of the road, reported to the police without hesitation. Such act made the main character understand that honesty is valuable.

I had the experience of losing my classmate's belonging carelessly. At that time, I was too timid that I tried to avoid meeting him. However, I was blamed by my conscience and determined to apologise to him and give him compensation. He forgave me and I was so relieved. If there is a loss in integrity, people won't have trust among themselves and will distant each other, resulting in chaos in the society.



A Promise is Worth One Thousand Ounces of Gold **Huang Zi Sin** Hoi Fai School Primary Six (Award of Excellence)

Synopsis: The author was touched by a social worker who kept her promise to do home visit despite the heavy rain.

I was touched by the social worker who kept her promise. Her act made me understand the importance of integrity. I have once promised to help my mum but I broke my promise. Afterwards, I was so ashamed that I made up my mind to put every effort to do what I have promised others.



Integrity is Gold **Lio Teng Him** Keang Peng School (Primary Section) Primary Four (Award of Excellence)

Synopsis: When the main character bought a watermelon, he paid the shopkeeper some coins together with a token. Even though the shopkeeper didn't notice it, the main character felt ashamed and told the shopkeeper the truth next day. Afterwards, she felt relieved.

A lack of integrity results in hurting friends and making them unhappy. Once I found my friend breaking his promise, I immediately reminded him the importance of honesty, hoping that he would rectify his fault.



CCAC stresses on personnel training and keeps on enhancing investigators' skills of criminal investigation and complaint handling

Due to constant changing of society, it is very important to keep on enhancing personnel's quality in order to meet the demands brought by social development. Therefore, the CCAC pays much attention to training of investigators and thus provides variable chances for them. For example, it has dispatched investigators to Mainland China to receive training on skills of evidence gathering, preliminary hearing and learn the supervisory system of Mainland China so as to facilitate the works of the CCAC by upgrading their skills of criminal investigation and complaint handling.

In late 2013, the CCAC dispatched 17 investigators to Beijing to take the 13th training course co-organised with the People's Public Security University of China, which focused on strengthening their understanding of the supervisory mechanism, criminal investigation and policing in Mainland China. In order to enhance their skills and professional level in criminal investigation, the CCAC and the National Police University of China (CCPU) co-organise the first training programme in April 2014, which covered the subjects including skills of electronic evidence search and gathering, organisation of preliminary hearing, examination on electronic evidence, and skills of inspection on videos, aiming to enable them to fully understand the situations and professional skills of criminal investigation in Mainland China and thus facilitating their works.

As to the training for investigators in the ombudsman area, in late June 2014, the CCAC and the China Academy of Discipline Inspection and Supervision co-organised a training programme in order to upgrade their skills of handling administrative complaints and deepen their understanding of the operation of supervisory bodies of Mainland China.

The Commissioner Against Corruption, Fong Man Chong, encouraged the trainees to cherish the chance of learning and try to fully understand the supervisory system and disciplinary inspection works in the Mainland China. Also, he hoped that they would take the opportunity to know more about the country and enhance their knowledge in the aspect of supervision in order to expedite the development of the culture of supervision in Macao.



Deputy Secretary of CPC Central Committee for Discipline Inspection and President of China Academy of Discipline Inspection and Supervision, Chen Wenqing, meeting with the Commissioner, Fong Man Chong



The Commissioner, Fong Man Chong, and President of CCPU, Wang Shiquan (centre), officiating at the closing ceremony



The Commissioner Against Corruption, Fong Man Chong, and President of People's Public Security University of China, Cheng Lin, officiating at the closing ceremony



CCAC Attends International Meeting in exchange for Anti-Corruption and Ombudsman Experience



The Commissioner Against Corruption, Fong Man Chong, delivering a speech in the "Global Ombudsman Conference"

The Commissioner Against Corruption, Fong Man Chong, led a delegation to attend the 7th Annual Conference & General Meeting of the International Association of Anti-Corruption Authorities (IAACA); as well as the 16th Board of Directors' Meeting of the Asian Ombudsman Association (AOA) and the Asian Region General Meeting of the International Ombudsman Institute (IOI) held simultaneously last November and this July respectively.

The 7th Annual Conference & General Meeting of the IAACA, which was held in Panama in late November last year, brought together state representatives to exchange ideas and share experiences under the theme titled "The Rule of Law and Anti-corruption: Challenges and Opportunities". Moreover, at the "5th Session of the Conference of the States Parties to the UNCAC", the CCAC's representatives sat in as an individual representative of IAACA to learn about the deployment adopted by relevant agency of the United Nations in this regard and the measures taken by State Parties in implementing the UNCAC.

The 16th Board of Directors' Meeting of the AOA, which was held in Seoul, Korea this July, was hosted by the Anti-Corruption and Civil Rights Commission of Korea (ACRC).

During the meeting, the revision proposal of the association's by-law was put forward for a thorough discussion and Commissioner Fong gave opinions and suggestions as the Director of the association. In the next meeting, finalisation of the revised by-law would be put on the agenda. In the Asian Region General Meeting of the IOI, which was held simultaneously, a review and discussion regarding the current rules applied to the Asian Region of the IOI were conducted. The issue of regional training programmes was also brought up for discussion and study.

Delivering a speech in the "Global Ombudsman Conference", the Commissioner Against Corruption, Fong Man Chong, introduced the development of the Macao's ombudsman system and discussed challenges and problems faced.



The Commissioner Against Corruption, Fong Man Chong, and President of AOA, Mrs. Panit Nitithanprapas



The Commissioner Against Corruption, Fong Man Chong, and President of IAACA, Cao Jianming

CCAC Produces Brand-New Seminar Video Clips to Raise Public Servants' Awareness on Integrity

The carrying out of any of the government policies cannot succeed without a team of upright public servants. Keeping this in mind, the CCAC has been, in line with the government's administration philosophy, organising various seminars to heighten public servants' law-abiding awareness. At an earlier time, the CCAC produced brand-new video clips featuring the subjects of duty-related crime, upright behaviour and administrative complaint, hoping that they would lead participants to reflection and discussion, thus increasing the effectiveness in integrity promotion.

In the latter half of 2013, the CCAC held a total of 54 seminars targeting public servants, recording nearly 3,500 attendants. Some of the seminars were organised by the Public Administration and Civil Service Bureau (SAPB) for newly appointed or newly promoted public servants from different public departments.

Based on the theme of "integrity and law-abidingness", the CCAC gave the newly appointed a comprehensive introduction to the regulations on their obligations, ethics and some duty-related misdeeds. The attendants ranged from workers to senior officers. Video clips characterised by stories adapted from real cases were presented to the attendants to facilitate their understanding of the legislation pertaining to the ethics of public servants. Based on the theme of "maintaining and upholding integrity and honesty", the seminars for the newly promoted focused on the problems commonly encountered in the exercise of duties and the legislation on work-related crime. There were also discussions on some related cases.

Aside from providing its support for the general training for public servants, the CCAC also holds seminars at the request of different public departments. Take the latter half of last year for example – a seminar on the subject of "public procurement" was held for the Fire Services Bureau to introduce the legal regime of public procurement currently in force and issues necessitating attention in every step of the procurement procedure, so the personnel will make sure that the relevant activities are conducted in a lawful and just way.



Seminar on public procurement co-organised with Fire Services Bureau



Seminar on integrity and law-abidingness targeting newly appointed public servants in all ranks



Training held for newly promoted public servants of IACM



Integrity Week Co-organised by CCAC and Two Schools

“Integrity Week” is an educational programme organised by the CCAC in partnership with local secondary schools in order to promote integrity. Based on the respective teaching plans of the schools, the CCAC works with them to design diversified activities to guide the students to more thorough thoughts of the concept of “personal integrity” and “clean society”, so that they will develop a positive moral value. The programme has been welcomed and recognised by both teachers and students since its commencement some years ago.

In this academic year, the CCAC co-organised “Integrity Week” with the Affiliated School of the University of Macau and the Colegio de Santa Rosa de Lima (English Secondary Section). The CCAC’s dispatched representatives to the schools to share examples and real cases with the students of different grades in order to encourage them to think about the importance of integrity and honesty. At the same time, the programme also featured panel exhibition in the campuses and quiz game, aiming to boost students’ motivation to understand the integrity building of Macao in an interesting way.

Moreover, the Affiliated School of the University of Macau held a 4-panel comic competition entitled “Integrity and Good Personality” to encourage the students to express their viewpoints on the topic in a free way and discuss the topic. Moreover, a playwriting and performance contest entitled “Friendship and Justice” was also held. The participants demonstrated their creativity by presenting the struggle between friendship and justice in a vivid way. The contest not only gave them the chance to exert their potential and learn about team spirit but also motivated them to think about the issues about integrity and clean society. The CCAC awarded prizes to the outstanding contestants.



CCAC’s representative sharing views with the students



CCAC’s representatives, leadership of the Affiliated School of the University of Macau and the winners



Winning entries of the comics competition



Students viewing the panel exhibition

William the Integrity Bear Walks into Campus to share with Primary Students on topics of Integrity

The CCAC has introduced new features to its annual special event “Celebrate Children’s Day with William the Integrity Bear” targeting primary 1 to 3 students. Besides the visit to the “Paradise of Integrity” at the Branch Office at Areia Preta, William, the Integrity Bear, made his first visit to the schools, bringing with him his big book of story and games to explore topics including honesty, fair competition and law observance with students.

The activity has received full support from many schools and around 700 students from Hou Kong Middle School (Primary Section), Sacred Heart Canossian College (Chinese Section), Escola Católica Estrela do Mar (Primary Section), Fukien School and Escola Dom João Paulino. According to different grades, the CCAC prepared three different stories entitled “Space Walk”, “Birthday Party” and “Queen Contest” in order to guide the student to have a deeper thought by putting themselves in the characters’ shoes and better instil positive moral values into their mind.

The students interacted with William and the CCAC’s representatives actively and enthusiastically while the teachers were also impressed by the happy atmosphere. The schools highly praised the activity of its combination of games and education, which was creative and effective. They believed the activity had provided another platform for the students to reflect on the issues other than the “Paradise of Integrity”. The schools are willing to continue their partnership with the CCAC to further promote integrity and honesty among the students.



Discussion on integrity with a big story book



CCAC’s first in-campus activity of integrity education of primary schools



Students participating in the special event “Celebrate Children’s Day with William the Integrity Bear 2014”



William the Integrity Bear playing games with students



Malaysian Anti-Corruption Commission Delegates Visit CCAC



Macc delegates sharing work experience in corruption fighting with CCAC's personnel

The delegation of the Malaysian Anti-Corruption Commission (Macc), led by their Deputy Commissioner, Norazlan Mohd Razali, paid a visit to the CCAC in early December 2013. During their visit, the delegates held a seminar to introduce their anti-graft work and corruption prevention initiatives to the CCAC's personnel.

The Chief Senior Assistant Commissioner, Madam Junipah Wandu, gave a presentation on the functions, operation and legislation direction of Macc. She also talked about their work and experience in corruption prevention in both public and private sectors. According to Wandu, Macc has developed task forces and databases for best practices in five major areas, namely procurement, land matters, enforcement, construction and licensing, which greatly facilitated their preventive

measures in corruption-prone areas.

All the CCAC's attendants believed the seminar provided them with a good opportunity to better understand the status of integrity building of their overseas counterpart.

CCAC Recruits More Investigators to Strengthen Ombudsman Role

To better play its role as a government watchdog, the CCAC has been striving to boost its investigation effectiveness. In May 2013 it launched a recruitment drive to hire 12 investigators to work for the Ombudsman Bureau. It was the first time for the CCAC to conduct large-scaled recruitment merely for investigators in the said field. All the candidates were required to have fundamental legal knowledge.

After the strict screening process, 10 out of hundred of candidates with law degree and legal work experience have been selected to be the trainees of the 10th investigation training programme. They immediately started to receive the 12-weeks intensive training on such areas as legal knowledge, complaint handling techniques, investigation techniques, practical training and team spirit. Nine passed both the training programme and the examinations and were officially enlisted into the investigation team of the CCAC in March this year.

The new recruits said that the professional training courses enabled them to interpret the law from the perspective of investigator and conduct analysis from different viewpoints. They swear to spare no efforts to fulfil their duties in order to contribute to the integrity building of Macao.

The Commissioner Against Corruption, Fong Man Chong, stated that as a supervisory body the CCAC must demonstrate great steadiness and effectiveness in its supervisory functions in order to gain prestige from society and better play its role. Fong went on saying that the CCAC needs personnel of high calibre and great sense of responsibility to handle various administrative complaints. He encouraged the trainees to keep up with the team spirit to contribute to overhaul the supervisory system of the territory by cultivating of culture of supervision, especially over the lawful administration of public departments. He voiced his wish that the CCAC could keep up with the supervisory system in other parts of the world, and prompted the efficiency and operational transparency of administrative bodies for the betterment of citizens.



The leadership of CCAC officiated at the opening ceremony of the training course

The Ombudsman: What is it? What does it do? How does it work?

“Where there are Men, there will be Society; where there is Society there will be Law”

One might add that where there is Society there will be Power; and that where there is Power there will be Abuse of Power. By this we mean that between Law and Power a relation of mutual dependency exists, but also an endless struggle for priority over one another.

In Societies where life is more or less stabilized, a great deal of attention is paid to those devices that might ensure some degree of balance between those two basic elements of collective life.

History of civilizations records different attempts at solving this problem and it is indeed possible to learn something from each one of them. Nowadays, however, the most widely used tool for achieving that goal is what is known as the Ombudsman.

1. Recent origins

While we may find forerunners of the Ombudsman in China during the Qin Dynasty, or in the plebeian tribune of the Roman Republic, there is no real connection between those ancient institutions and the present day Ombudsman.

The recent origin of what we know as “Ombudsman” was the establishment in 1809, by the Swedish Parliament, of the “Parliamentary Ombudsman”, whose mission was to safeguard the citizens’ rights by means of a supervisory agency, independent from the Executive¹.

By 1960 only two other countries (Finland and Denmark) had created similar positions. But from then on a world wide movement was started, setting up agencies or officials, under various names², picking up such a significant momentum and acceptance that it is no longer possible to compile a complete and up-to-date list of all the Ombudsman of the world.

The most representative Association, the International Ombudsman Institute (IOI) has presently 165 members, in 103 countries and territories³.

Given these data one may conclude that despite its ancient historical origins, the Ombudsman as we know it today, is a recent phenomenon, addressing contemporary needs and well adapted to the societies where it is established.

2. Nature – What is an Ombudsman?

Coming up with a definition of the Ombudsman is a difficult task. As an example, notwithstanding the fundamental idea being shared by all the members of the IOI, it was not possible, during the latest revision of its By-Laws, to reach a consensus over any objective formulation⁴, deciding instead to list a set of principles that should be recognized by all the members:

1. It should be provided⁵ for by the Constitution and/or an Act of a Legislature⁶;
2. Its role should be to protect any person or body of persons against maladministration, violation of rights, unfairness, abuse, corruption, or any injustice caused by a public authority, or official acting or appearing to act in a public capacity, or officials of a body providing devolved, partially or fully privatized public services or services outsourced from a government entity, and which could also function as an alternative dispute resolution mechanism;
3. It should operate in a climate of confidentiality and impartiality to the extent its governing legislation mandates, but should otherwise encourage free and frank exchanges designed to promote open government;
4. It should not receive any direction from any public authority which would compromise its independence and should perform its functions independently of

¹ Almost 100 years earlier King Charles XII, living in exile in Turkey, had appointed a “Supreme Ombudsman”, with inspection and enforcement powers, should the King’s orders be disobeyed. The position was soon afterwards changed into the Cancellor of Justice (the position is still in existence) and is accountable towards the executive branch, lacking the essential trait of independency.

² The most common name is “Ombudsman”. In French it is usually named “Mediateur” or “Defenseur”, in Spanish “Defensor” and in Portuguese “Provedor”. Designations such as “Commission for the Protection of Rights”, “Investigator” or “General Inspector” are also used.

³ 21 in Africa, 19 in Asia, 17 in Australasia and Pacific, 14 in the Caribbean and Latin America, 79 in Europe and 15 in North America. Additionally, 12 Asian Ombudsman are members of the Asian Ombudsman Association (AOA) but not of IOI.

⁴ During the World Conference held in Wellington, New Zealand, in 2012.

⁵ At the Country, State, Regional or Local level.

⁶ Or by an International Treaty, in the case of an Ombudsman of an International Organization.



any public authority over which jurisdiction is held;

5. It should have the necessary powers and means to investigate complaints by any person or body of persons who considers that an act done or omitted, or any decision, advice or recommendation made by any public authority within its jurisdiction has resulted in the kind of action specified in 2 above;
6. It should have the power to make recommendations in order to remedy or prevent any of the conduct described in 2 above and, where appropriate, to propose administrative or legislative reforms for better governance;
7. It should be held accountable by reporting publicly to a Legislature, or other elected body, and by the publication of an annual or other periodic report;
8. Its incumbent or incumbents should be elected or appointed by a Legislature or other elected body, or with its approval for a defined period of time in accordance with the relevant legislation or Constitution;
9. Its incumbent or incumbents should only be dismissed by a Legislature or other elected body or with its approval for cause as provided by the relevant legislation or Constitution; and
10. It should have adequate funding to fulfil its functions.

CCAC meets all these requirements and the pertaining mission and powers are vested in the Ombudsman Bureau.

Experience has shown that the facts of being provided and having its functional independence stipulated by the *Basic Law*, and having a clear definition of its mission and powers in a Law of the Legislative Assembly, as well as the availability of adequate financial resources are fundamental pillars of the capacity of the Ombudsman to be set up and operate in a credible and efficient manner.

3. Operations – What does the Ombudsman do?

Firstly, with no room for doubt, the Ombudsman accepts and investigates complaints from private citizens against administrative malpractices committed by public authorities and other entities acting under administrative law.

This means that the Ombudsman has no jurisdiction over judicial or legislative practices, lacking the power to appreciate the decisions made by the Courts or by the Legislative Assembly. Its jurisdiction extends only over the Public Administration.

Traditionally, the Ombudsman would process complaints against acts concerning individuals in specific situations and test their legality.

The 1992 original name of the Ombudsman in Macao mirrored precisely this approach, as the High Commission was named “Against Corruption and Administrative Illegality”. This origin is still to this day mirrored in the Chinese designation of the concerned Bureau, in the statutory law of CCAC.

The evolution brought about by the pressure of real life⁷ has been, in Macao and elsewhere in the world, towards investigating also the following kinds of situation:

- Routine repetition of the same inadequate type of acts (of failures to act) by the Administration, pointing at systemic problems in the very way the concerned body conceives its role and demanding, beyond the correction of the results in each one of the individual and specific cases, a redesign of methods and approaches to its function;
- Formal abidance by the Administration to the pertaining legal rules, but in such a defective way as not to weigh the negative impact of the decisions on the legitimate interests of the citizens; in this sense, the problem is not so much the conformity with the rules of procedure, but rather the disregard for those rules setting up the general principles governing the public administrative activity;
- Procedures strictly pursuant to outdated or otherwise inadequate legal stipulations that, in themselves are not fit to solve the problems.

Next we present three real life cases dealt with by Ombudsman agencies outside Macao, which are good examples of these three types of issues:

Systemic Investigation – screening of newborns in Ontario, Canada

In 2005, following a different investigation, the Ombudsman of Ontario, Canada, found out that there had been 5 deaths of children in the recent past all of them due to inherited metabolic condition; these deaths might have been prevented by an early diagnosis immediately after birth.

This early diagnosis may be carried out by means of a biochemical screening of the newborns’ blood. Apparently however, this screening was not being conducted by the local Health Services.

The Ombudsman set up a team of 6 investigators which as a first step, interviewed the families of 17 children who had died of developed a serious disability as a result of that biochemical deficiency; from there, the

7 As otherwise is clear in the *Organic Law of CCAC*.

team widened the contacts to several different officials and medical experts, collecting more than 5,000 pages of documentation overall.

It was found that the screening had at first been adopted for one single metabolic deficiency in 1965 and gradually extended during the next few years to other inherited diseases. Notwithstanding, the technology for screening a number of other metabolic conditions had become available and inexpensive, but the screening programme had remained unchanged at least since 1991, leading to a situation where newborns were left deprived of systematic screening of those conditions, included the one that caused the 5 deaths that triggered the investigation.

Another finding of the investigation was that the only cause for this state of affairs was the bureaucratic inertia of the Health Services, compounded by a lack of clear definition of the responsibilities and powers of the different departments that would have been able to cooperate in finding a solution.

The Recommendation by the Ombudsman started an appropriate reaction from the Government, that was able in a short period of time to revitalize again the metabolic screening programme for newborns, which as a result included 29 different inherited conditions instead of the previous 2.

Estimates are that this new screening programme has been saving some 50 children's lives every year⁸.

Violation of general principles – Road traffic organization in Bangkok, Thailand

One of the fundamental principles of public administrative activity demands the protection of citizens' rights and legitimate interests⁹. This means that the Public Bodies, besides being bound to strictly abiding by the Laws and Regulations, are also under a duty of good governance, and shall seek in every instance to find those solutions that do not cause any unnecessary inconvenience to the private persons.

A citizen lodged a complaint to the Ombudsman Office of Thailand that a concrete wall had been built between lanes in 2003 as part of the works of the new intersection along Rama 9 Avenue, making preventing drivers from doing a U-turn.

The inconvenience for road traffic caused by this situation might be avoided by means of building a U-turn under the intersection. The Ombudsman found that such a work would require the cooperation of two different

agencies, involving the jurisdiction of both the Bangkok Metropolitan Administration and the Department of Highways.

The Ombudsman proceeded to raise the awareness of the concerned agencies and place the whole Project under the Department of Highways, thus breaking the previous deadlock.

During a follow-up meeting in 2007 it was found that all the decisions had been taken, in principle, but the lengthy budgeting procedures were causing further delays in the actual construction. Following a new Recommendation by the Ombudsman, the problem was eventually solved.

Inadequacy of the applicable legal stipulations – Awarding of Special Scholarships in Gangwon, Korea

A number of cities in the Gangwon Province, Korea, were adversely affected by the closure of mining operations that were until then the basis for their economy.

The Provincial Government enacted a provision for financially supporting the families, awarding a special scholarship of 2 million Won¹⁰ for students of underprivileged families.

To prevent undue benefit, the regulations stipulated that in cases of accumulation with another scholarship the awarded amount would be reduced in such a way that the total amount would never exceed 2 million Won.

The petition filed with the Provincial Ombudsman alleged that in the case of a student that had also been awarded the national scholarship, of 950.000 Won, the combined amount of both scholarships grants, that is 2 million, was still insufficient to cover the tuition fees, which were 3.5 million.

In the course of the investigation the Provincial Government explained that each university sets the amount of its own tuition fees and that it was not practical for the public servant in charge to check the situation of all the 200 beneficiaries. Hence the need to set a limitation on overlapping scholarships to prevent a beneficiary from receiving more than the amount of the tuition.

The Provincial Ombudsman did a survey and concluded that universities were collecting, as a rule, some 4 million Won as tuition fee and that the original purpose of adopting the special scholarship could not be reached with that restriction in place. On the other hand, comparison with other Provinces unveiled that in these

⁸ In a population of 13.6 million people.

⁹ In Macao this is enshrined in Article 4 of the *Administrative Procedure Code*.

¹⁰ Approximately MOP15,500.



the overlapping scholarships were allowed, as long as the accumulated total did not exceed the amount of the actual tuition paid.

The Recommendation considered that the rule, as stipulated by the Provincial Government was unfair and inadequate to pursuing the social policy objective that had been the reason for creating the special scholarships and suggested that it might be amended in order to allow the accumulation of overlapping scholarships, as long as this does not exceed the amount of the actual tuition. The Provincial Government accepted the Recommendation and amended the stipulation.

4. The corrective measures available to the Ombudsman

In Macao, as is widely known, the function of the Ombudsman is performed by the Commissioner Against Corruption, through the Ombudsman Bureau¹¹.

Once the investigation and analysis of the cases is completed one of two conclusions may be reached: either the complaint is groundless or rather something should be corrected in the act of the concerned administrative authority.

In this latter case the Ombudsman unleashes the corrective measures available to him or her.

As a rule, this is done by issuing Recommendations, but other resources are made available to the Ombudsman, such as reporting the facts for the purpose of disciplinary action, publicizing the conclusions in specific cases, promoting joint actions with the administrative authorities for the purpose of finding or improving on adequate solutions and also holding public awareness and education events targeting the citizens at large or the public servants.

Examining first the Recommendations, we find that their most obvious trait is that they are not binding, which makes them completely different from the Courts' decisions, the latter being compulsory to their addressees.

There are good reasons why the Recommendations cannot be binding: to start with, it would make no sense that a citizen might file a complaint with the Ombudsman against an act, while the act's author could invoke that it was simply abiding by a Recommendation of... the Ombudsman!

This means that whether or not the Recommendations are binding is not a question of the Ombudsman being more or less empowered, but rather

a consequence of the definition of the Ombudsman functions: conceiving a system of public complaints of the public against the Ombudsman is not rational.

The basis for a successful Recommendation lies in its persuasive force: it should always include a clear presentation of the facts and a convincing reasoning, well grounded on the Law, and it should be reasonable, from those, to reach the same conclusion as the Ombudsman's.

More than a device for reproaching the concerned activity by the administration, the Recommendation is a document intended to support the administrative agent, pointing to the illegal or inadequate aspects raised by the complaint as well as what could be done (or how could it be achieved) to correct them.

In Macao, those Recommendations that wholly or in part are not accepted by the concerned administrative authority undergo a procedure of re-evaluation, that starts with a reasoned explanation for the non acceptance, to be submitted by the concerned authority within 15 days. The Ombudsman assesses this reply and, should its grounds be deemed acceptable, may amend or even withdraw the said Recommendation. Otherwise the Ombudsman reports the case to the superior of the concerned authority, up to the Chief Executive is necessary.

When the findings of the investigation include facts of a disciplinary nature, the Ombudsman may report them to the concerned Bureau, with a view to starting the corresponding disciplinary process. Besides, the Ombudsman is empowered to follow up the disciplinary process, should that be deemed advisable.

Beyond the Ombudsman intervention itself, whenever the specific cases are found to bear a general interest or are strongly relevant for Society, the Ombudsman may publish the pertaining Reports and Recommendation. It is customary to include in the Annual Activity Report an anthology of cases, or just their abstracts for that year. We think that publishing these may have an important role in spreading the awareness of principles and methods, assisting in preventing anomalies, abusive and illegal situations.

On the other hand, the Ombudsman has also been launching joint initiatives with the Public Bureaus, often at their request, towards adopting transparent, effective and efficient practices, most especially concerning procurement.

Last but not least, the Ombudsman cannot ignore that the main force for promoting a fair, honest and transparent Administration lies on the public. Spreading the knowledge on the residents' rights, educating children and youngsters, holding training targeting public servants, the private sector, professional and civil society associations are paramount to raising the collective awareness that only the active role of all concerned citizens will make way for building a better Society.

¹¹ In order to simplify the language in the following summary, we use the word Ombudsman to signify the Commissioner Against Corruption acting in the capacity and using the powers of the Ombudsman



Delegation of the Office of Ombudsman of Thailand visiting the CCAC



Delegation of Zhuhai Municipal Procuratorate visiting the CCAC



Association of Macau Small and Medium Enterprises of Catering visiting the CCAC



Delegation of the Office Against Corruption of Hengqin New Area of Zhuhai visiting the CCAC



CCAC's seminar on corruption prevention in the private sector arranged by Social Welfare Bureau for personnel of subsidised organisations



CCAC staff collecting opinions from teachers of Choi Nong Chi Tai School about *Learn and Think*, the teaching materials on integrity education for secondary students



Visit to Lok Moon Family Service Centre of the Women's General Association of Macau



Visit to Seak Pai Van Community Service Station of the General Union of Neighbourhood Associations of Macau

Press Coverage

17.10.2013 thu
Times

Stakeholder defrauds MOP110,000 in government subsidies

A stakeholder of two management companies claimed false incomes for 15 members of staff and defrauded MOP110,000 from a government subsidy from January 2012 to May this year.

Under the low-income resident temporary measure launched last year, local employees who receive more than MOP2,000 per month are eligible to apply for a subsidy application. The ceiling of the subsidy application was this year to MOP4,700 each and MOP110,000 per quarter. The Commission Against Corruption (CCAC) stated in an official statement that the suspect had also lied about the number of employees in 2012, and also involved document forgery. According to the criminal records of document forgery can lead to a jail term of up to five years.

The suspect had been sent to the Prosecutor, CCAC said. BY

NEWS / VIEWS

Graft busters nab 2 hotel executives for fabricating labour import documents

Staff Reporter

The Commission Against Corruption (CCAC) announced yesterday that two hotel executives were caught by investigators for fabricating documents to be able to hire more non-local workers.

The statement said that while investigating the hotel and an employ-

ment agency, the CCAC found that the two executives were suspected of having lied to the Financial Services Bureau (FSB) about the annual amount of non-local workers' salaries and having committed the crime of document forgery. It added that one of them refused to co-operate with CCAC staff during the investigation, committing the crime of disobedience. The two suspects have been referred to the Public Prosecution Office (MPO).

According to the Press Code, the maximum penalty for document forgery is a three-year prison sentence, while there is a one-year sentence for disobedience.

The CCAC statement added that the two executives were suspected of having lied to the Financial Services Bureau (FSB) about the annual amount of non-local workers' salaries and having committed the crime of document forgery. It added that one of them refused to co-operate with CCAC staff during the investigation, committing the crime of disobedience. The two suspects have been referred to the Public Prosecution Office (MPO).



Graft busters nab professor over gaming seminar fraud

Staff Reporter

The Commission Against Corruption (CCAC) announced yesterday that a professor was caught by investigators for fabricating documents to be able to hire more non-local workers.

The statement said that while investigating the professor and an employ-

ment agency, the CCAC found that the professor was suspected of having lied to the Financial Services Bureau (FSB) about the annual amount of non-local workers' salaries and having committed the crime of document forgery. It added that one of them refused to co-operate with CCAC staff during the investigation, committing the crime of disobedience. The two suspects have been referred to the Public Prosecution Office (MPO).

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17.10.2013

Times

Restaurant owners try to bribe IACM

A restaurant located in the central district was found trying to manipulate the test results of its exhaust plume by giving the inspection crew a "lai si" containing MOP4,500. The Civic and Municipal Affairs Bureau (IACM) reported the alleged bribery to the Commission Against Corruption (CCAC). IACM said they had received a complaint about the exhaust plume of the canteen and carried out a test onsite, during which the two suspects who are in charge of the store gave MOP4,500 in a red envelope to the inspection crew. CCAC has sent the case to the Prosecutions Office. The suspects confessed to the accusation. They may face a prison sentence of up to three years.

CCAC finds senior official forging document

Staff Reporter

The Commission Against Corruption (CCAC) announced yesterday that a senior official was caught by investigators for fabricating documents to be able to hire more non-local workers.

The statement said that while investigating the official and an employ-

ment agency, the CCAC found that the official was suspected of having lied to the Financial Services Bureau (FSB) about the annual amount of non-local workers' salaries and having committed the crime of document forgery. It added that one of them refused to co-operate with CCAC staff during the investigation, committing the crime of disobedience. The two suspects have been referred to the Public Prosecution Office (MPO).

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The CCAC statement added that the official was suspected of having lied to the Financial Services Bureau (FSB) about the annual amount of non-local workers' salaries and having committed the crime of document forgery. It added that one of them refused to co-operate with CCAC staff during the investigation, committing the crime of disobedience. The two suspects have been referred to the Public Prosecution Office (MPO).

According to the Press Code, the maximum penalty for document forgery is a three-year prison sentence, while there is a one-year sentence for disobedience.

NEWS / VIEWS

Graft busters bust Transport Bureau official

Suspect demanded lai sees, sweets

Staff Reporter

The Commission Against Corruption (CCAC) announced yesterday that a Transport Bureau official was caught by investigators for fabricating documents to be able to hire more non-local workers.

The statement said that while investigating the official and an employ-

ment agency, the CCAC found that the official was suspected of having lied to the Financial Services Bureau (FSB) about the annual amount of non-local workers' salaries and having committed the crime of document forgery. It added that one of them refused to co-operate with CCAC staff during the investigation, committing the crime of disobedience. The two suspects have been referred to the Public Prosecution Office (MPO).

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